

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.)
Menard Inc. - Burleigh County, ND) Appeal Case Number:
Public Convenience & Necessity) 08-2014-CV-02349
PU-13-871)

PUBLIC HEARING

DATE: May 2, 2014

PLACE: Commission Hearing Room
State Capitol
Bismarck ND

APPEARANCES:

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PSC Commissioners: BRIAN P. KALK
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1 HEARING OFFICER MANN: All right, good morning.
2 I think we'll go ahead and get started. Let the record
3 show that it is 8:30 a.m. on May 2nd, 2014. We are
4 present in the commission hearing room in the State
5 Capitol in Bismarck, North Dakota, for the public
6 hearing scheduled in the matter of the application of
7 Montana-Dakota Utilities Company for an order and
8 certificate to extend service to Menards, Inc., near
9 McKenzie, North Dakota. This is PSC case number
10 PU-13-871.

11 My name is Wade Mann and I am the procedural
12 administrative law judge designated to preside over this
13 matter.

14 At this time, I will have each of the parties
15 note their appearances for the record, beginning with
16 counsel for the applicant.

17 MR. KUNTZ: Dan Kuntz appearing for
18 Montana-Dakota Utilities Co.

19 HEARING OFFICER MANN: And Mr. Kuntz, who do you
20 have with you?

21 MR. KUNTZ: I have Craig Lohstreter and Ken Paul
22 from Montana-Dakota, who will both be testifying this
23 morning.

24 HEARING OFFICER MANN: Okay. And counsel for
25 Capital Electric.

1 MR. OLSON: Matthew Olson, Your Honor. And
2 today with me is Lars Nygren, the general manager of
3 Capital Electric; I have Ron Lipp, he is with Capital
4 Electric as well, he's an engineer; and I have Paul
5 Fitterer, and he is the business manager of the co-op as
6 well. And it is possible that all three will testify
7 today.

8 HEARING OFFICER MANN: Okay, thank you.

9 And advisory staff?

10 MR. NORRELL: Thank you, Your Honor. Ryan
11 Norrell on behalf of the Public Service Commission
12 advisory staff, and with me is Jerry Lein.

13 HEARING OFFICER MANN: Okay. And members of the
14 Public Service Commission present today are Commissioner
15 Brian Kalk, Commissioner Randy Christmann, and
16 Commissioner Julie Fedorchak.

17 And I believe, Commissioner Fedorchak, is this
18 your portfolio?

19 COMMISSIONER FEDORCHAK: It is.

20 HEARING OFFICER MANN: And do you have any
21 initial opening comments?

22 COMMISSIONER FEDORCHAK: Sure, they'll be brief,
23 but this is the first time I've dealt with this issue.
24 I think it is one of the rare times that this has come
25 up since some of the legislative changes.

1 And typically the companies have been getting
2 together and working these out, so we had high hopes
3 that that would happen here, but it didn't, so we're
4 just going to work through the issues. There's ten of
5 ten, ten key questions that we'll be looking at and
6 considering in weighing the decision. And I've looked
7 through all the materials that's been provided so far,
8 and we'll have lots of questions as we move forward. So
9 that's all I have to say.

10 HEARING OFFICER MANN: Thank you.

11 Commissioner Kalk.

12 COMMISSIONER KALK: Thank you, Your Honor.

13 Thank you, everyone, for being here today. The only
14 comment I would have is just add to Commissioner
15 Fedorchak's thoughts that, at the end of the day,
16 everybody needs to work together, and that's the bottom
17 line.

18 We went through -- I went through one of these
19 with North Central and Otter Tail, and we go through and
20 make the decision, and there's always going to be hurt
21 feelings, and we need to base it on a good, solid
22 record, and at the end of the day, everybody needs to
23 work together to make sure we get electricity to
24 everybody that's reliable. So let's not lose sight of
25 that at the end of the day. So thank you.

1 HEARING OFFICER MANN: Commissioner Christmann.

2 COMMISSIONER CHRISTMANN: The only thing I would
3 say is it does seem like I've dealt with this before
4 many times, except for then it was in the legislature as
5 we were trying to write legislation that would deal with
6 every possibility every time and were unable to.

7 And one of the questions I'm going to have, but
8 I don't know for whom but certainly for both sides, so
9 maybe if the right person wants to address it before we
10 get to our questions, is just a recap -- like I say,
11 years ago, we were struggling in the legislature to try
12 and fix these problems in advance, and I think never
13 felt that there was a way to write into Century Code
14 something that met every odd possibility.

15 And then somewhere, and I've forgotten exactly
16 what all transpired, but between this Commission years
17 ago, and it seems to me there was maybe a court case or
18 something involved, things changed and, suddenly, these
19 things started to be negotiated out much more frequently
20 than what had been in the past. And for years, like I
21 say, that's how these have been resolved, and now this
22 one, it seems that that hasn't been the case, at least
23 until now, so it's back before us.

24 But I'm wanting a refresher course on what
25 happened back then that caused the ability for, in most

1 cases, the sides to get together and come to some kind
2 of a deal, and then why this is so different when
3 sometimes the same players that are in the room today
4 are able to reach a resolution and this one just seems
5 to be a stalemate. So hopefully, someone gets into
6 that. If not, I'll also, hopefully, ask the right
7 people to answer that. That's all I have.

8 HEARING OFFICER MANN: Thank you, Commissioner.

9 Again, this is a hearing on the application of
10 Montana-Dakota Utilities to extend service to Menards,
11 Inc., at a location in section 33, township 139 north,
12 range 77 west. Capital Electric filed a protest and
13 requested a hearing.

14 The notice of hearing filed in the case on
15 February 26, 2014, sets forth a list of the ten issues
16 that will be addressed at today's public hearing.

17 Before we get into the evidentiary portion of
18 the hearing, I'll briefly go over the hearing procedure
19 that will be followed in the matter today.

20 MDU is the applicant, will present its case
21 first. MDU's witnesses will be subject to
22 cross-examination by Mr. Olson and advisory staff, and
23 then members of the Commission may ask questions of each
24 of the witnesses. Following Commission questioning, I
25 will entertain any further questions that may be

1 necessary.

2 And following MDU's presentation of its case, I
3 will call on Capital Electric to present its case. And
4 following direct examination of Capital Electric's
5 witnesses, Mr. Kuntz will be allowed to cross-examine
6 the witnesses, followed by Commission advisory staff,
7 and then questions from the commissioners, and again any
8 follow-up questions that will be necessary will be
9 entertained at that time.

10 The rules of evidence will apply today.
11 Documentary evidence must be introduced and marked as an
12 exhibit and admitted into the record.

13 No decision will be reached on the matter today.
14 The proceedings are being recorded. And the Commission
15 will later issues findings of fact, conclusions of law,
16 and a final order with respect to the relief requested
17 in the application. Any party not agreeing with the
18 final decision of the Commission has the right to
19 request rehearing, re-opening, or to appeal a decision
20 to district court.

21 Any questions by any of the parties before we
22 move on to the hearing?

23 MR. KUNTZ: No, Your Honor.

24 MR. OLSON: No, Your Honor.

25 HEARING OFFICER MANN: Mr. Norrell? Okay.

1 Would you like to make an opening statement?

2 MR. KUNTZ: Thank you, Your Honor. I think
3 maybe in lieu of an opening statement, maybe I'll
4 address Commissioner Christmann's comments and provide
5 the background I can on the TIA from the top of my head.

6 Prior to the 1960s -- as you know, co-ops are
7 not regulated by this Commission and can basically serve
8 customers at the customer's request. Prior to the
9 1960s, public utilities could extend their services
10 without a certificate of public convenience and
11 necessity outside a city that they were already serving
12 if it was just an extension of their services.

13 In the 1960s, what was called -- what's come to
14 be known as the TIA was passed, and basically requires
15 that a public utility cannot extend its facilities
16 outside a city unless it gets a certificate of public
17 convenience and necessity. The court cases have said
18 that that statute did not establish a preference for one
19 provider or another, it just meant that, for a utility
20 to serve outside a city where it holds a franchise, it
21 has to get a certificate of public convenience and
22 necessity, and then if there's a contest, like we have
23 in this case, then the Commission will determine which
24 of the providers would serve.

25 And then since that time, there's been a series

1 of court cases which have looked at different issues in
2 terms of what the Commission should rely on in making
3 that decision, and as a result, we've come to kind of
4 the ten criteria that, you know, for the last 30 years
5 have been in kind of the standard notice of hearing on
6 these TIA cases.

7 UNIDENTIFIED SPEAKER: Dan?

8 MR. KUNTZ: Yes?

9 UNIDENTIFIED SPEAKER: Could you pull your
10 microphone up a little closer? I think it's hard to
11 hear on the --

12 MR. KUNTZ: Okay. How's that?

13 Probably in about the early '80s, the conflict
14 really got to be -- on these TIA cases, I think got to
15 be more prevalent because as the cities, particularly
16 larger cities, grew, the co-ops had services in those
17 areas where the cities were growing.

18 The cities -- the public utilities felt that
19 they ought to be able to continue to serve the cities
20 that they had historically served even if they grew, the
21 co-ops felt they ought to be able to serve those areas
22 where they historically were serving customers even
23 after they were annexed, and there were a number of
24 cases where that came up.

25 And that was the battles, I think, Commissioner

1 Christmann was referring to in the legislature over
2 trying to amend the TIA to deal with those situations
3 where the cities were annexing areas. There was a case
4 about eight, ten years ago between these two parties
5 called the Boulder Ridge case precisely on that type of
6 an issue, in terms of who should be able to serve a
7 newly annexed area.

8 Following the outcome of that case, about seven
9 years ago, there was a bill introduced in the
10 legislature that allowed for service area agreements.

11 Prior to that time, the utilities -- because of
12 antitrust considerations, the utilities and the co-ops,
13 there was questions whether they could have service area
14 agreements. There were -- some of the utilities and
15 some of the co-ops did have them, and then I think at
16 least Montana-Dakota, and perhaps others, were concerned
17 about antitrust considerations, canceled some of those
18 service area agreements.

19 At the urging of the leadership seven years ago,
20 a bill was developed to allow for service area
21 agreements between utilities and co-ops, and over that
22 period of time, we've been able to negotiate a number of
23 those service agreements, but they primarily are around
24 the major cities and it deals with -- you know, and each
25 one is a little different, but trying to figure out, as

1 the city grows and new areas are annexed, who would be
2 allowed to serve those annexed areas, and there's
3 usually re-openers in there to make sure there's kind of
4 a balance between the two.

5 And so most of the cities, I think, larger
6 cities now, probably have a service area agreement in
7 place, at least within our service territory.

8 What the service area agreements don't cover,
9 typically, are these smaller areas outside the major
10 cities. Typically, you don't see a lot of growth around
11 cities like McKenzie, so people don't spend a lot of
12 time trying to negotiate a service area agreement for
13 those rural areas where both the utility has customers
14 and the co-op has got customers, or otherwise we'd be --
15 unless you went to kind of like what the telephones have
16 where you draw large blocks around the whole state and
17 the service area for the entire state is kind of divided
18 up, we're still back in those situations, to the old
19 situation we have here where you got the TIA criteria,
20 where someone outside that area of a service area
21 agreement wants a service from a utility, the utility
22 still has to apply for a public convenience and
23 necessity certificate.

24 And you see those, you know, all the time. I
25 suspect, you know, just about every month we probably

1 have one or two or three of those coming in to you. A
2 lot of times they're not contested because it's clearcut
3 in terms of the utility wouldn't be applying if it
4 didn't think it could prove public convenience and
5 necessity, and likewise, the co-op doesn't protest
6 because it's pretty clearcut that the utility is going
7 to win.

8 Frankly, this is a case where it's a much closer
9 call and that's why we're here, and it's also a fairly
10 large load, which is important to both the utility, the
11 cooperative, and the customer in this case.

12 So that's kind of the difference as to what the
13 difference between a service area agreement -- they're
14 voluntary, nobody is required to enter into them, and
15 traditionally, they've been focused around the larger
16 cities.

17 We're kind of moving down, we're getting to some
18 of the smaller cities now. We just filed one, it will
19 be coming before the Commission, for Watford City, which
20 is no longer a small city anymore, but that's kind of
21 where the focus has been.

22 HEARING OFFICER MANN: Mr. Olson, Capital
23 Electric have an opening statement?

24 MR. OLSON: I think we're fine moving right into
25 testimony.

1 HEARING OFFICER MANN: Okay. Any comments from
2 advisory staff?

3 MR. NORRELL: No, Your Honor.

4 HEARING OFFICER MANN: Okay. Mr. Kuntz, you can
5 call your first witness.

6 MR. KUNTZ: We'll call Craig Lohstreter, please.

7 HEARING OFFICER MANN: Mr. Kuntz, I'm sorry, I
8 didn't catch the last name.

9 MR. KUNTZ: Lohstreter.

10 HEARING OFFICER MANN: Lohstreter.

11 Mr. Lohstreter, I'm required to advise you that
12 the maximum penalty for perjury is a class C felony
13 punishable by a maximum fine of \$5,000, maximum of five
14 years imprisonment, or both.

15 Being advised of the penalty for perjury, do you
16 promise to tell the truth in this matter?

17 MR. LOHSTRETER: I do.

18 HEARING OFFICER MANN: Okay. Go ahead, Mr.

19 Kuntz.

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CRAIG LOHSTRETER,

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

DIRECT EXAMINATION

BY MR. KUNTZ:

Q. Please state your name and spell your last name for the record.

A. It's Craig Lohstreter, L-O-H-S-T-R-E-T-E-R.

Q. What's your business address, Mr. Lohstreter?

A. 909 Airport Road, Bismarck, North Dakota.

Q. Whom are you employed by?

A. Montana-Dakota Utilities Company.

Q. And what's your position with Montana-Dakota?

A. Region electric superintendent.

Q. What are your responsibilities as the regional electric superintendent?

A. Supervise the engineering, construction, and maintenance of the electric activities within the region.

Q. How long have you held that position?

A. Since 2004.

Q. And can you summarize your prior work experience?

A. I started with MDU as a lineman, and have held positions of electric construction supervisor, the

1 assistant electric superintendent, and transmission
2 construction and maintenance supervisor, and now
3 currently the region electric superintendent.

4 Q. So how long have you worked for MDU?

5 A. Thirty-eight years.

6 Q. And are you familiar with MDU's application for
7 a certificate of public convenience and necessity to
8 provide electric service to the Menards site near
9 McKenzie, North Dakota?

10 A. I am.

11 Q. Does MDU provide electric distribution service
12 in the vicinity of the Menards site?

13 A. We do.

14 Q. I want to show you what's been marked as Exhibit
15 number 1, and I think you can -- we have a PowerPoint
16 copy of that exhibit, too, if you could bring that up,
17 Mr. Lohstreter. And can you identify what this exhibit
18 is, please?

19 A. This is showing Montana-Dakota's electric
20 facilities within a two-mile radius of the Menards site.

21 Q. And was this exhibit prepared by you or under
22 your direction?

23 A. It was.

24 MR. KUNTZ: We'd offer Exhibit number 1.

25 HEARING OFFICER MANN: Mr. Olson, any objection?

1 MR. OLSON: No objections.

2 HEARING OFFICER MANN: Mr. Norrell?

3 MR. NORRELL: No objections, Your Honor.

4 HEARING OFFICER MANN: MDU Exhibit number 1 is
5 admitted.

6 BY MR. KUNTZ:

7 Q. Mr. Lohstreter, using Exhibit number 1, I'm
8 going to ask you to point out some of the various
9 facilities that are shown on that exhibit.

10 First of all, is the location of the Menards --
11 the proposed Menards site shown on this exhibit?

12 A. It is. The Menards site is the -- I don't know
13 if it's going to show up very good, but it's the blue
14 polygon kind of in the center circle there.

15 Q. And then to the left of that area, to the
16 northwest, is a box with dark lines around it and
17 circles in the middle. What's that?

18 A. The box is the McKenzie town limits. And the
19 green dots within are our service points for customers.

20 Q. And does Montana-Dakota provide service within
21 the town site of McKenzie?

22 A. We do.

23 Q. And then does Montana-Dakota also have
24 transmission facilities within this two-mile radius
25 that's shown on Exhibit 1?

1 A. Yes, we do.

2 Q. And where are those shown?

3 A. That's the red line towards the top of this
4 exhibit that runs left and right on the map.

5 Q. And what's the size of this particular
6 transmission line?

7 A. It's a 46 kV line.

8 Q. And does this exhibit show when the line was
9 built?

10 A. It does. The labeling is on the red line on
11 each side of the substation. It was -- west of McKenzie
12 was rebuilt in 1972, and east of McKenzie was rebuilt
13 in 1975.

14 Q. So what do you mean when you say "rebuilt"?

15 A. I believe the original line was constructed
16 in 1945.

17 Q. So this line replaced a prior transmission line
18 in the area?

19 A. That is correct.

20 Q. And what's the termination points for this
21 transmission line?

22 A. This line begins at Bismarck, at a transmission
23 substation, and runs easterly along the interstate to
24 Dawson, where it ties in with a WAPA transmission
25 substation, and then continues south to Wishek, where it

1 ties in with an MDU substation.

2 Q. And does Exhibit number 1 also show the
3 substation that would be used to service the Menards
4 site?

5 A. It does.

6 Q. Where is that shown?

7 A. That is the blue square on that red line kind of
8 towards the top of the center circle.

9 Q. And what's the size of the substation?

10 A. It has two 100 kVA transformers, for a total of
11 200 kVA capacity.

12 Q. And can this substation be served from either
13 direction off of that transmission line?

14 A. Yes, it can.

15 Q. And what does that mean then?

16 A. It means that if there's a problem on one side
17 or the other on the transmission side, it has alternate
18 feed. So if there was a problem on one side, that can
19 be isolated and served from another direction, which
20 increases reliability of service.

21 Q. So if there were an outage, for example, between
22 Bismarck and the substation, the substation would still
23 be able to provide electricity to the city of McKenzie?

24 A. That's correct.

25 Q. And then can you identify the distribution lines

1 that are shown on Exhibit 1?

2 A. The distribution lines are the blue line that
3 runs south out of the substation and that black blocked
4 area, and then there's also lines running south and west
5 out of that area.

6 Q. Now, is this a three-phase or single-phase line?

7 A. The line from the substation to the town is
8 three-phase. The line that runs south and west is a
9 single-phase line.

10 Q. And what type of service will Menards require
11 for their site?

12 A. Three-phase.

13 Q. And so you're saying it's three-phase into the
14 town site of McKenzie currently?

15 A. That's correct.

16 Q. And what does it mean to have three-phase versus
17 two-phase versus one-phase service?

18 A. Single-phase service is -- it just serves small
19 load; typically, residential, small commercial, that
20 type of thing. Three-phase is for large commercial,
21 industrial applications.

22 Q. Now, I want you to turn to what's been marked as
23 Exhibit number 2, and bring that PowerPoint up, if you
24 will. Can you tell us what's shown on Exhibit number 2?

25 A. This shows the detail of that black squared area

1 that was on the previous exhibit.

2 Q. For the town site of McKenzie?

3 A. It is.

4 Q. And was this exhibit prepared by you or under
5 your direction?

6 A. Yes, it was.

7 Q. And when you say the detail, you mean the detail
8 of the distribution system and the customer locations?

9 A. That's correct.

10 MR. KUNTZ: We'd offer Exhibit number 2.

11 HEARING OFFICER MANN: Mr. Olson, any objection?

12 MR. OLSON: No objection.

13 HEARING OFFICER MANN: Mr. Norrell?

14 MR. NORRELL: No objection.

15 HEARING OFFICER MANN: MDU Exhibit 2 is
16 admitted.

17 BY MR. KUNTZ:

18 Q. Using Exhibit number 2, Mr. Lohstreter, can you
19 describe the distribution facilities shown on that
20 exhibit and when they were constructed, if it's shown on
21 here?

22 A. Yeah, the different colored lines, the blue
23 lines are showing our distribution primary, and then the
24 other colors are showing secondary lines, service lines,
25 and the green dots are meter points for the customers.

1 The --

2 Q. How many -- go ahead.

3 A. And the construction dates, I can't see them
4 from here, but they're shown as a '69, I think, and some
5 are 1960, '77, '79. The dates are on, where it also
6 shows the size of the conductor.

7 Q. And I forgot to ask you, with respect to Exhibit
8 number 1, Mr. Lohstreter, how many customers does
9 Montana-Dakota have located within that two-mile radius
10 that was shown on Exhibit number 1?

11 A. There are 29 customers within the two-mile
12 radius.

13 Q. And how many of those are within a one-mile
14 radius?

15 A. Twenty-eight of the twenty-nine are in the
16 one-mile radius.

17 Q. And looking at Exhibit number 2, does that
18 exhibit demonstrate which are three-phase and which are
19 two-phase and single-phase lines on here?

20 A. It does somewhat. Some of the stuff is cut off.
21 But the three-phase comes from -- again, from the
22 substation south to that last corner at the bottom of
23 that exhibit, and then runs easterly a short distance.

24 Q. And is that -- as it runs easterly there, is
25 that the location from which you would extend service to

1 serve the Menards site?

2 A. That's correct.

3 Q. I want you to turn now to Exhibit number 3. Can
4 you tell us what's shown on what's been marked as
5 Exhibit number 3?

6 A. This is kind of a high-level view, showing the
7 changes and additions needed to serve the Menards site.

8 Q. To a Montana-Dakota system?

9 A. That is correct.

10 Q. And was this exhibit also prepared by you or
11 under your direction?

12 A. It was.

13 MR. KUNTZ: We'd offer Exhibit number 3.

14 HEARING OFFICER MANN: Mr. Olson?

15 MR. OLSON: No objection.

16 HEARING OFFICER MANN: Mr. Norrell?

17 MR. NORRELL: No objection.

18 HEARING OFFICER MANN: Okay. MDU Exhibit 3 is
19 admitted.

20 MR. KUNTZ: Thank you, Your Honor.

21 BY MR. KUNTZ:

22 Q. Using Exhibit number 3, Mr. Lohstreter, would
23 you explain how Montana-Dakota would propose -- or what
24 it would need to extend service to the Menards site?

25 A. It's shown as part C, kind of the bottom there.

1 And it would be an underground extension from our
2 existing three-phase overhead line to the Menards site.

3 Q. So where those two arrows kind of come together
4 along that horizontal red line, there right below the
5 word "McKenzie," that was the area that was shown on
6 Exhibit number 2 where our existing three-phase line
7 ends; is that correct?

8 A. Correct.

9 Q. And then you would build, continue on to extend
10 that three-phase line to the east?

11 A. That is correct.

12 Q. And what would be that distance, approximately?

13 A. Approximately 1,800 feet.

14 Q. And then would it also be necessary that
15 facilities be constructed within the Menards location?

16 A. Yes.

17 Q. And are those shown on Exhibit MDU 3?

18 A. They are. They're shown as the red line within
19 the blue square.

20 Q. And what type of electric facilities would need
21 to be constructed there?

22 A. It would be a three-phase underground line and
23 three-phase pad-mount transformers to serve the Menards'
24 various buildings.

25 Q. Did you determine or ask to have determined the

1 cost to extend service to the Menards site as well as
2 the cost of the needed facilities within the Menards
3 site?

4 A. Yes.

5 Q. And who prepared those cost estimates?

6 A. Our senior engineer, Mr. Paul.

7 Q. And he'll be testifying as to those costs later?

8 A. That's correct.

9 Q. In addition to the extension of these new
10 facilities, will MDU be required to make changes or
11 upgrades to its existing service to serve the Menards
12 site?

13 A. We will.

14 Q. And why is that?

15 A. We need to make upgrades to our substation and
16 three-phase line into the town of McKenzie.

17 Q. And why do you need to make upgrades to the
18 substation?

19 A. Existing transformers are not adequate to serve
20 the additional load at the Menards location.

21 Q. So what will be required to upgrade that
22 substation?

23 A. We will need to replace the existing
24 transformers with a three-phase substation transformer.
25 We will need to add voltage regulators, reclosure, and

1 associated wiring and switches.

2 Q. And where will this equipment come from?

3 A. It will come from our spares. We have a spare
4 stock on hand, and that's where this equipment will come
5 from.

6 Q. Why do you have a spare stock on hand?

7 A. As we change -- for example, if a substation has
8 equipment in it and the load is increased and we buy
9 bigger equipment for that substation, the equipment
10 that's in service is taken out of service and put into
11 spare stock to be used somewhere else.

12 Q. And the transformer that you would propose to
13 use to replace the existing transformer at the McKenzie
14 substation, do you know where that transformer will come
15 from?

16 A. It will be coming from the town of Napoleon.

17 Q. Why are you replacing the transformer at
18 Napoleon?

19 A. The loading at Napoleon has increased, so the
20 existing transformer is no longer adequate.

21 Q. And will the use of that existing transformer
22 that's now at Napoleon be adequate to serve the load at
23 McKenzie, including the new Menards site?

24 A. It will.

25 Q. Can you explain whether there will be additional

1 capacity available, too?

2 A. Yes. There will be additional capacity for
3 future growth.

4 Q. What will be the size of this transformer that
5 you're proposing to use?

6 A. It will be a 2,500 kVA.

7 Q. And then in addition to the substation upgrades,
8 you mentioned that you'll have to upgrade
9 your three-phase system in the city of McKenzie. Can
10 you explain why that's necessary?

11 A. The existing three-phase line is electrically
12 configured as a delta line, and that is not adequate to
13 provide service to a large three-phase industrial
14 customer, so it will have to be changed to a wye
15 configured three-phase line.

16 Q. When you say "wye configured," that's spelled
17 W-Y-E?

18 A. That's correct.

19 Q. Can you explain for the Commission the
20 difference between a delta and a three-phase -- and a
21 wye three-phase system?

22 A. A delta and wye, they're electrically connected
23 different. And typically, the delta systems were used
24 for serving single-phase and small three-phase load,
25 whereas the wye system has the addition of a system

1 neutral and has the ability to serve at higher voltage
2 and greater power needs.

3 Q. Was the delta system at McKenzie, was it
4 adequate to serve the needs of the McKenzie town site up
5 to now?

6 A. It was, and is.

7 Q. And so why would it not be sufficient to serve
8 the Menards site?

9 A. Because the additional three-phase load that is
10 there. It will not be able to handle the power
11 requirements to serve that additional load.

12 Q. So what's required from an equipment standpoint
13 to convert from a delta three-phase to a wye
14 three-phase?

15 A. We will need to add a system neutral, which is
16 another conductor running that length of the three-phase
17 line. And when we replace the transformers at the
18 substation, it's just a matter of electrically
19 connecting them different.

20 Q. So you'll run another neutral wire, if you will,
21 from the substation along your existing three-phase path
22 through the city of McKenzie?

23 A. That is correct.

24 Q. And did you also have Mr. Paul calculate the
25 cost of both the upgrade to the substation and the

1 conversion of the delta to the wye system?

2 A. I did.

3 Q. And he'll testify to that?

4 A. That is correct.

5 Q. In addition to being able to provide service to
6 the Menards site, are there additional system benefits
7 from converting from a delta to a wye three-phase
8 system?

9 A. It will give us, MDU, the ability to add future
10 load that may come into the area.

11 Q. Would the conversion from a delta to a
12 three-phase wye system be necessary regardless of the
13 Menards addition?

14 A. Possibly, historically, McKenzie hasn't seen a
15 lot of load growth, but if that would change
16 significantly, depending on the type of load and size,
17 it may be required.

18 Q. What's the length of MDU's existing three-phase
19 line that will need to be upgraded as part of this
20 conversion?

21 A. Approximately 6,900 feet.

22 Q. So the total distance that -- 6,900, did you
23 say?

24 A. Correct.

25 Q. And you said the distance of the extension was

1 how long?

2 A. 1,800.

3 Q. So the total distance then from the substation
4 to the Menards site of this radial line running from the
5 substation will be approximately how long?

6 A. 8,700 feet.

7 Q. And what's the relevance of the distance between
8 a substation and the load to be served from a substation
9 on a radial line?

10 A. Exposure to potential outages and also potential
11 voltage drop, depending on load served.

12 Q. Can you explain, first of all, the potential
13 exposure to outages?

14 A. The longer distance of a line, the more exposure
15 there is to effects of weather, vehicle collisions,
16 dig-ins, that type of thing.

17 Q. And what about the potential voltage drop that
18 you mentioned, how is that affected by the distance?

19 A. The longer the line, the greater the resistance,
20 and then that correlates to a voltage drop at the end of
21 the line.

22 Q. You also mentioned that outages can occur,
23 depending upon -- on these lines. Does Montana-Dakota
24 have a history of its outage history -- or excuse me,
25 does Montana-Dakota have records of its outage history

1 for the McKenzie line?

2 A. We do.

3 Q. Showing you what's been marked as Exhibit number
4 9, can you identify that, please? Oh, it's not on
5 there. We used all the PowerPoints up, we're done with
6 those. We can give Daryl his clicker back.

7 (Laughter)

8 A. Exhibit 9 is just a small spreadsheet showing
9 the outages to the town of McKenzie since the year 2000.

10 Q. And then behind the front sheet, what are those?

11 A. Those are the details of the specific recorded
12 outages.

13 Q. And these are taken from Montana-Dakota's
14 records?

15 A. That is correct.

16 Q. And was prepared by you or under your direction?

17 A. That is correct.

18 MR. KUNTZ: We'd offer MDU Exhibit number 9.

19 MR. OLSON: No objection.

20 HEARING OFFICER MANN: Any objection,
21 Mr. Norrell?

22 MR. NORRELL: No.

23 HEARING OFFICER MANN: MDU Exhibit 9 is
24 admitted.

25 BY MR. KUNTZ:

1 Q. Can you explain, Mr. Lohstreter, what is shown
2 on Exhibit number 9?

3 A. Again, the front page is just the number of
4 outages. So in the year 2000, there was one; in 2002,
5 there were two; in 2008, there was one; and one in 2011.

6 Q. So these are all the outages along the McKenzie
7 line from the year 2000 to current; is that correct?

8 A. That's correct.

9 Q. For a total of five outages?

10 A. That's correct.

11 Q. On the right-hand column, there's notes there
12 that reference "Ryberg Farm". What about does that
13 mean?

14 A. Ryberg Farm was that line that ran south and
15 west out of McKenzie, and there's a farmer at the end,
16 his name is Mr. Ryberg, and so it's -- in our notes,
17 it's the Ryberg Farm.

18 Q. So what does that mean when it's shown there as
19 the Ryberg Farm?

20 A. It means that this outage affected only that
21 single-phase line that ran south and west.

22 Q. So of the five outages, how many actually
23 affected the town of McKenzie?

24 A. Actually, only one affected the town of
25 McKenzie.

1 Q. So that in the 13-plus years, the last 13-plus
2 years, there's only been one outage on that particular
3 line. Can that be taken from this?

4 A. That's correct.

5 Q. In extending service to the Menards site, will
6 it be necessary to cross any existing supply lines of
7 Capital Electric?

8 A. It will.

9 Q. Can you describe the type and location of the
10 Capital Electric line?

11 A. It is a single-phase line right at the Menards
12 site.

13 Q. I want to show you what's been marked as MDU
14 Exhibit 4. Can you identify that?

15 A. Yes.

16 Q. And somewhat is shown on MDU Exhibit 4?

17 A. The red line is that approximately 1,800-foot
18 extension that we used earlier. And the yellow line is
19 just showing a segment of the single-phase -- Capital
20 Electric single-phase line in that area that we would be
21 crossing.

22 Q. Was MDU Exhibit 4 prepared by you or under your
23 direction?

24 A. Yes, it was.

25 MR. KUNTZ: We'd offer MDU Exhibit 4.

1 HEARING OFFICER MANN: Mr. Olson?

2 MR. OLSON: No objection.

3 HEARING OFFICER MANN: Mr. Norrell?

4 MR. NORRELL: No objection.

5 HEARING OFFICER MANN: MDU Exhibit 4 is
6 admitted.

7 BY MR. KUNTZ:

8 Q. Would the Capital Electric line that's shown on
9 Exhibit number 4, could that be used to serve the
10 Menards site?

11 A. No.

12 Q. Why is that?

13 A. The Capital Electric line is a single-phase line
14 and the Menards site will require three-phase service.

15 Q. So would MDU's extension to serve the McKenzie
16 site duplicate the Capital Electric line?

17 A. No.

18 Q. How would MDU propose to cross the Capital
19 Electric line?

20 A. As indicated, it would be an underground
21 circuit, so we would be crossing underneath the
22 single-phase line under the ground.

23 Q. And would the MDU's line interfere in any manner
24 with the operation of the Capital Electric line that
25 would be crossed?

1 A. No.

2 MR. KUNTZ: I have no further questions of
3 Mr. Lohstreter.

4 HEARING OFFICER MANN: Okay. Mr. Olson.

5 CROSS EXAMINATION

6 BY MR. OLSON:

7 Q. Mr. Lohstreter, can you go back to number 1,
8 please, MDU Exhibit number 1? If you look at the black
9 box that is depicting -- I guess it's depicted as being
10 McKenzie limits, the east half of that box appears to
11 have streets and lots. Have those streets been
12 developed?

13 A. No, they have not.

14 Q. Okay. Can you go to slide number two? So this
15 is showing the -- in relation to your Exhibit number 1,
16 this is depicting approximately the west half of that
17 block box; is that correct?

18 A. That's correct.

19 Q. Okay. And you have one meter, the green dot in
20 the bottom right-hand corner, that is east of Avenue B.
21 That is your only meter that is east of that avenue; is
22 that correct?

23 A. That is correct.

24 Q. Okay. And then can you please go to the next
25 exhibit? So there it has -- on the right half, it has

1 Harold Street, it has McKenzie Street, and it also has
2 Avenue B that is right underneath the "K" in "McKenzie".
3 That whole area on this map appears to depict maybe
4 cities or streets or future development or things like
5 that, when actually the city cuts off at about the "K"
6 in "McKenzie"; is that correct?

7 A. That is correct. The existing is on the west
8 half of that.

9 Q. Do you know when the city was platted?

10 A. I do not.

11 Q. But you haven't seen any requests for extensions
12 east of Avenue B recently?

13 A. None that I'm aware of.

14 Q. Okay. Have you been out at the site and are you
15 able to testify as to the surroundings around the city?

16 A. Yes.

17 Q. Okay. So east of Avenue B, can you describe
18 what is in -- here it's a green box that you have hashed
19 around it. East of Avenue B, what would be the -- what
20 would we be looking at if we were standing out there
21 looking east of Avenue B?

22 A. It would be just open country, basically.

23 Q. Is it currently being farmed?

24 A. I'm not sure.

25 Q. Okay. If we look at your Exhibit number 4, that

1 gives us an aerial satellite view, and that appears to
2 be an accurate representation of what's east of Avenue
3 B; is that correct?

4 A. That's correct.

5 Q. And appears to be open country or agricultural?

6 A. That's correct.

7 Q. Okay. So in looking at this map, we shouldn't
8 take from this map that you're serving that whole green
9 box and that you have services up to the corner of where
10 the Menards site is located; is that correct?

11 A. Right. Our existing service was the one on that
12 previous exhibit that showed the area that had service.

13 Q. So right now, would you say that -- it's part C
14 and it shows approximately 1,800 feet. Would that be a
15 correct -- or a correct approximation of how far your
16 current services are from the corner of the Menards
17 site?

18 A. Yes.

19 Q. Okay. If you just did that 1,800-foot
20 extension -- if I understood your testimony, you're not
21 going to be speaking to the costs of these various
22 upgrades?

23 A. That's correct.

24 Q. That's going to be someone else? Okay. If you
25 just did that portion of the extension, would you be

1 able to serve the Menard load?

2 A. As far as adding new facilities, yes.

3 Q. No. Just part C, which is the extension of that
4 1,800 feet, if you just did that, would that be enough
5 to serve the load?

6 A. Not without the upgrades we discussed.

7 Q. Okay. So that's just one piece of the puzzle?

8 A. That's correct.

9 Q. Okay. And so then you're going to have to
10 upgrade the substation; is that correct?

11 A. That's correct.

12 Q. Okay. And that's depicted there on this picture
13 by the blue square on the top portion of the map?

14 A. That's correct.

15 Q. Okay. And then this conversion that you talked
16 about from delta to wye, that is going to affect, from
17 that blue box, down to where part C is started to be
18 depicted; is that correct?

19 A. That's correct.

20 Q. If you just did -- I'll just refer to it as part
21 -- I'll refer to part A as the substation upgrade which
22 is depicted there, and B is the other conversion of that
23 three-phase line that you discussed, and C is the
24 extension of the entirely new area. If you just did B
25 and C, which would upgrade the line and extend service,

1 would you be able to serve the load?

2 A. No.

3 Q. All three of them are necessary for you to serve
4 this load; is that correct?

5 A. That's correct.

6 Q. So all three of those are required for the
7 extension to this service, to the site, is that correct,
8 to serve the load?

9 A. To serve the load, that is correct.

10 Q. Were you involved in the application for
11 permanent authority that was filed with the Public
12 Service Commission?

13 A. To serve the Menards site?

14 Q. Yes.

15 A. Yes.

16 Q. Was that prepared at your direction?

17 A. It was prepared by input from myself and our
18 regulatory affairs department.

19 Q. Before this was done, did MDU look into what was
20 required to serve the Menards site?

21 A. I believe so.

22 Q. So did you, or at your direction have engineers,
23 look at what was needed for these three puzzles to be
24 put -- to be put together to serve the Menards site?

25 A. I believe -- I'm not exactly sure of the timing

1 on either one, but the application, I believe, would
2 have included that information.

3 Q. Okay. All three of those pieces are important
4 for the Public Service Commission to know about; is that
5 correct?

6 MR. KUNTZ: Objection, calls for an opinion,
7 speculation.

8 MR. OLSON: Okay, that's fine.

9 HEARING OFFICER MANN: Sustained.

10 MR. OLSON: May I approach the witness?

11 HEARING OFFICER MANN: Yes, you may.

12 BY MR. OLSON:

13 Q. I just handed you what's been marked Exhibit H.
14 And this is the application that MDU filed with the
15 Public Service Commission. If you look at paragraph
16 five, this is depicting or describing what needs to be
17 done to serve this site, and it's directing that word
18 picture to the picture in Exhibit A, which is showing
19 what needs to be done.

20 If you review that, and you can take your time
21 looking at it, it's talking about an extension of
22 2,700 feet.

23 COMMISSIONER FEDORCHAK: Excuse me, Counsel, did
24 you mean paragraph four?

25 MR. OLSON: Sorry, paragraph four.

1 COMMISSIONER FEDORCHAK: Okay.

2 BY MR. OLSON:

3 Q. Paragraph four, excuse me. That's describing an
4 extension of approximately 2,700 feet. Is that
5 accurate?

6 A. Yes.

7 Q. Do you see anything in this application that
8 speaks to the substation upgrade or the conversion from
9 delta to wye from a substation to the city?

10 A. I don't believe so.

11 Q. So then this application wouldn't depict what's
12 needed to serve the Menards site. Is that accurate from
13 what you already said?

14 MR. KUNTZ: Objection. The application doesn't
15 say all the upgrades will be necessary. It talks about
16 the extension of the system that will be necessary to
17 reach the Menards site. That's a mischaracterization of
18 the application.

19 HEARING OFFICER MANN: You can go ahead and
20 rephrase.

21 MR. OLSON: Okay.

22 BY MR. OLSON:

23 Q. Does the application say anything about a
24 substation upgrade?

25 A. No.

1 Q. Does it speak of a conversion?

2 A. No, it does not.

3 MR. OLSON: For purposes of the record, I guess
4 I'd like to introduce H into evidence, which has already
5 been filed with the Public Service Commission, but for
6 purposes of the hearing, I'll offer it into evidence.

7 HEARING OFFICER MANN: Mr. Kuntz, do you have
8 any objection to making the application an exhibit?

9 MR. KUNTZ: No, Your Honor.

10 HEARING OFFICER MANN: Mr. Norrell?

11 MR. NORRELL: No, Your Honor.

12 HEARING OFFICER MANN: Okay. Capital Electric's
13 Exhibit H is admitted.

14 BY MR. OLSON:

15 Q. This upgrade of the substation that is being
16 proposed, will this upgrade make that substation
17 automated?

18 A. What do you mean by "automated"?

19 Q. To where you can do SCADA, entry back from your
20 headquarters in -- I guess is your headquarters in
21 Bismarck?

22 A. Correct.

23 Q. Would you be able to -- would you get realtime
24 data coming back to your headquarters about things at
25 the substation?

1 A. No. That's not in the planned upgrades changes.

2 Q. Okay.

3 A. But it can be added. We have it at other
4 locations.

5 Q. But at what you're proposing with the costs that
6 will be testified later, that's not included?

7 A. That's correct.

8 Q. If I heard you correctly, you stated there's
9 8,700 feet from the substation to the Menards site. Is
10 that what I heard?

11 A. Yep, approximately 8,700 feet.

12 Q. And that whole 8,700 feet requires an upgrade or
13 a complete extension?

14 A. That is correct.

15 Q. You state in your testimony that there hasn't
16 been much growth in this area. Have you received any
17 other applications for further service around this
18 service area?

19 A. None that I'm aware of.

20 Q. Do you know when the last time you put in a new
21 meter was in the village of McKenzie?

22 A. I do not.

23 Q. Okay. Do you know if McKenzie is an
24 incorporated city?

25 A. I do not believe it is incorporated.

1 Q. Will you be testifying as to rates or revenue,
2 or is that going to be someone else?

3 A. That will be someone else.

4 MR. OLSON: Okay. I have nothing further for
5 this witness.

6 HEARING OFFICER MANN: Okay. Mr. Norrell.

7 MR. NORRELL: Thank you, Your Honor.

8 CROSS EXAMINATION

9 BY MR. NORRELL:

10 Q. Just a question, a point of clarification.
11 Exhibit 3 here shows the proposed extension from what's
12 been marked as Avenue B to the proposed site, and on the
13 application, which has been marked as Exhibit H that
14 Mr. Olson just put forward, the map shows a proposed
15 extension of 2,700 feet from what's been marked as
16 Roosevelt Avenue to the proposed site. Would you
17 describe that -- it appears to be a discrepancy, or just
18 clarification there?

19 A. Yeah. The difference is when adding the system
20 neutral will basically take that three-phase to where it
21 is showing on the exhibit that is up there, when --
22 without that system neutral, basically the three-phase
23 was at the corner, so that was why there -- the
24 difference was there.

25 Q. And then in Exhibit 9, the outages in McKenzie,

1 the middle column is entitled "Report numbers". What
2 does that mean? Is that --

3 A. That's our internal number on the different
4 reports that are included. If you look at -- to the
5 first one in my book at least, report ID is 157?

6 Q. Yep, that's correct.

7 A. And that correlates to the 2011 outage.

8 Q. Okay. On Exhibit 3, part B, do you know what
9 the line voltage would be on that? The red line, part
10 B.

11 A. Could you repeat that question?

12 Q. Do you know what the voltage will be on that
13 line?

14 A. On the --

15 Q. The red line.

16 A. After the upgrades, it will be a 12470 wye
17 system.

18 Q. What voltage will Menards take service at?

19 A. The transformers will be 7200/12470 wye on the
20 high side; and low side, depending on their service
21 requirements, would be either 208 or 480.

22 Q. Is the red line now at 12470?

23 A. No, it is not.

24 Q. What is it currently?

25 A. The red line shown as part B is a 2400 delta

1 line.

2 Q. And do you know which witness will be testifying
3 as far as cost?

4 A. Our senior engineer, Mr. Paul.

5 Q. And how about rates?

6 A. Ms. Aberle.

7 MR. NORRELL: No further questions. Thank you.

8 HEARING OFFICER MANN: Commissioner Fedorchak.

9 COMMISSIONER FEDORCHAK: Thank you, Craig. Were
10 you involved in this discussion from the beginning with
11 Menards, or at what point did you become involved in the
12 discussion with Menards?

13 THE WITNESS: From an engineering part of it,
14 I'm not positive, but I believe maybe our energy group,
15 our marketing development group, had probably had
16 conversations with Menards previous to us being
17 involved, but we were involved early on.

18 COMMISSIONER FEDORCHAK: And they reached out to
19 MDU seeking this service?

20 THE WITNESS: That is correct.

21 COMMISSIONER FEDORCHAK: On the three-phase
22 versus the single-phase, so I want to make sure I'm
23 understanding correctly. You have an existing
24 three-phase line, but it's not adequate?

25 THE WITNESS: That's correct. For the large

1 commercial load that Menards will have, the existing
2 three-phase line is not adequate.

3 COMMISSIONER FEDORCHAK: So do you have to
4 replace it or are you just adding to it? Is it the
5 addition of the neutral line?

6 THE WITNESS: With the addition of the neutral
7 and reconnecting the configuration at the substation, it
8 will change electrically how it's connected and then it
9 will be adequate. No larger conductors are required.

10 COMMISSIONER FEDORCHAK: And is that a -- is
11 that a less costly or less extensive change than what
12 would be required by Capital Electric to convert from a
13 single-phase to a three-phase?

14 THE WITNESS: I can't speak to their costs. I'm
15 not sure what their costs are.

16 COMMISSIONER FEDORCHAK: Well, you guys -- what
17 I'm trying to get at is you guys testified and showed
18 that the line that they have is not adequate to serve
19 this load, but it doesn't sound like your line is
20 adequate either, you have to make these upgrades.

21 THE WITNESS: We have to make the upgrades to
22 our line.

23 COMMISSIONER FEDORCHAK: So I'm trying to
24 understand how a three-phase line that has to be
25 upgraded is better than a single-phase line that has to

1 be upgraded.

2 THE WITNESS: I'm not sure that one is better
3 than the other. They both -- single-phase service
4 cannot serve Menards, nor can our delta three-phase line
5 serve Menards. They both, ours and Capital Electric's
6 facilities, would need upgrades to serve the Menards
7 site.

8 COMMISSIONER FEDORCHAK: Okay. I'm assuming
9 later we'll get information from Capital Electric about
10 all of your -- would have been, from my perspective,
11 easier to have that ahead of time because now I'm going
12 to have questions for these guys again after we hear
13 from you and it could extend this hearing quite a long
14 time. However, we'll proceed with what we have.

15 UNIDENTIFIED SPEAKER: We got till Monday.

16 COMMISSIONER FEDORCHAK: Okay. So let's see
17 here. When you put the three-phase line in in 1969, I'm
18 seeing, or in the '60s, you said that it's -- the
19 three-phase is mostly for industrial and commercial
20 customers and the single-phase is for residential, and
21 this is a residential area. Why did MDU install
22 three-phase back when you first made that investment?

23 THE WITNESS: Years ago, I would assume that the
24 three-phase was installed because there were some
25 three-phase customers, I believe, at the time. I think

1 there was an elevator there at one time and some other
2 facilities that required three-phase service.

3 COMMISSIONER FEDORCHAK: Okay. Do you have a
4 service area agreement for McKenzie?

5 THE WITNESS: We do not.

6 COMMISSIONER FEDORCHAK: So you just,
7 historically, have served there and so that's just --
8 does your service area go out that far, extend that far,
9 or is there a gap between Bismarck and then there's an
10 area of Capital Electric, and then McKenzie is just sort
11 of a little carve-out for MDU?

12 THE WITNESS: Well, after Bismarck, we serve
13 some load in the area of Menoken. And then also this
14 transmission line that we talked about earlier runs all
15 the way along interstate, and we have loads served off
16 of that at Sterling and Driscoll, Steele, Dawson,
17 Tappen. So we serve areas all the way along there.

18 COMMISSIONER FEDORCHAK: Off of that
19 transmission line?

20 THE WITNESS: Correct.

21 COMMISSIONER FEDORCHAK: And those are
22 agreements or just -- you don't have to have an
23 agreement with Capital Electric for that?

24 THE WITNESS: No, we do not.

25 COMMISSIONER FEDORCHAK: Okay. It would be

1 helpful if we could get added to the record a map of the
2 service area agreement that you guys do have.

3 MR. KUNTZ: Commissioner, Ms. Aberle will be
4 testifying regarding our franchise and certificate to
5 serve McKenzie.

6 COMMISSIONER FEDORCHAK: Okay. And then will
7 you also provide just a visual for me of the service
8 area that you've -- with Capital Electric and MDU?

9 MR. KUNTZ: The only service area agreement that
10 we have with Capital is just around the city of
11 Bismarck.

12 COMMISSIONER FEDORCHAK: Okay. So just cuts off
13 on the edge of Bismarck and then everything outside that
14 is just --

15 MR. KUNTZ: Yeah, it's with -- I think it
16 basically covers the city of Bismarck and the annexed
17 areas, and then it's got some kind of potential growth
18 areas that are, you know, envisioned in terms of who
19 would serve after that, but it only goes out probably to
20 the -- I'm thinking maybe the extraterritorial zoning.
21 Typically, they don't go beyond that.

22 COMMISSIONER FEDORCHAK: So how far from
23 McKenzie would that be? Because McKenzie is only four
24 miles? Is it ten?

25 UNIDENTIFIED SPEAKER: Yeah.

1 COMMISSIONER FEDORCHAK: Yeah.

2 MR. KUNTZ: At least ten or --

3 COMMISSIONER FEDORCHAK: I see.

4 MR. KUNTZ: Ten or fourteen probably.

5 COMMISSIONER FEDORCHAK: Okay. All right.

6 Never mind then.

7 Are you aware if, when you make an application
8 such as provided in Exhibit H and already filed with the
9 Public Service Commission, are you required to outline
10 all the costs and all of the upgrades needed to serve a
11 customer in the application to us?

12 THE WITNESS: I believe that, in this, that we
13 had just the extension only.

14 COMMISSIONER FEDORCHAK: Okay. If somebody can
15 answer that question later, or even our staff, that
16 would be helpful to know as well.

17 When you make these additional upgrades to the
18 system, including the substation, who's going to pay for
19 all of that? Is that charged to the customer as in
20 Menards, or will you be charging some of those upgrades
21 to the substation to MDU customers as a whole?

22 THE WITNESS: I believe Ms. Aberle will be able
23 to answer those better than I can.

24 COMMISSIONER FEDORCHAK: Okay. And then I had
25 some similar questions about distances. In the

1 application that you filed, you referenced 2,700 feet.
2 Can you explain on the maps where that number came from,
3 the 2,700, what that refers to, an extension? I know
4 you went through this already, but I didn't follow it so
5 I'll have to ask again.

6 THE WITNESS: The 2,700 feet is approximately
7 from that corner where we were running north and south
8 and then turning east and --

9 COMMISSIONER FEDORCHAK: Okay. So it includes
10 1,800 feet from Avenue B to -- and then all the way west
11 to the corner; is that correct?

12 THE WITNESS: Yeah, that is correct.

13 COMMISSIONER FEDORCHAK: That's 2,700 feet.

14 THE WITNESS: Yeah.

15 COMMISSIONER FEDORCHAK: And then I wrote down,
16 from your testimony, 6,900 feet from the substation to
17 the Menards facility. Was that just --

18 THE WITNESS: The total to the Menards site is
19 approximately 8,700 feet.

20 COMMISSIONER FEDORCHAK: Eighty-seven, okay. I
21 must have wrote that down wrong. Okay. All right.

22 And are you aware, Craig, why MDU prefers to
23 have -- why Menards prefers to have MDU serve their
24 load?

25 THE WITNESS: I believe that Menards will

1 probably be testifying to that.

2 COMMISSIONER FEDORCHAK: All right. I think
3 those are all my questions for now. Thank you.

4 HEARING OFFICER MANN: Commissioner Kalk.

5 COMMISSIONER KALK: Thank you, Your Honor, and
6 thank you, Craig. My gut would be that you'd rather be
7 anywhere else today than here, out there working, right,
8 doing your job, got a lot going on?

9 THE WITNESS: Let's go build something.

10 (Laughter)

11 COMMISSIONER KALK: Absolutely. No, I
12 appreciate your work for MDU and the State of North
13 Dakota for all those years.

14 How far west does your region go, that you
15 supervise?

16 THE WITNESS: On the west end, it goes
17 approximately to the Glen Ullin area and south into New
18 Leipzig and up into the Zap, Golden Valley area.

19 COMMISSIONER KALK: So you're starting to get --
20 in your northwest part of your area, you're starting to
21 see a lot of growth out there, so you're getting to see
22 directly a lot of the impacts of the oil stuff coming
23 your way, too.

24 I don't think I really have a lot of questions
25 for you, Craig. I might just have to set the stage for

1 another witness. I wanted to kind of extend upon what
2 Commissioner Fedorchak was talking about, about how we
3 got to this point, to where when -- and maybe you can
4 just fill in. If someone comes to MDU and they want you
5 to provide service, I'd just be curious as to how that
6 flows.

7 So I don't know if that's for this witness or
8 for Tammy, because -- you know, that's a question I'll
9 ask Mr. Kuntz, I guess.

10 MR. KUNTZ: Craig can answer to the extent he
11 can, and I guess Tammy can fill in to the extent she
12 can. Otherwise, we've got other people in the room that
13 maybe will fill in the holes.

14 COMMISSIONER KALK: What I'm trying to get to is
15 how far up the food chain does this go? We've got the
16 head of MDU Resources here. And I mean you just look at
17 this decision that MDU made to pursue the discussion
18 with Menards, you're crossing across existing Capital
19 facilities, you know there's going to be a fight. I
20 mean, that's the part I'd just be curious, how far up
21 did this decision -- was this decision made to pursue
22 this at MDU Resources, or at MDU.

23 THE WITNESS: I'm not sure how to answer that
24 one, how far the decision was made. I guess I can
25 answer a little bit. When a customer comes in and

1 starts talking to us about possible service, we do --
2 one of the things is, if it's outside of our franchise
3 area, of course we need the PC&N.

4 And as Dan had mentioned earlier, a lot of these
5 are cut and dried where we might be real close and would
6 be the obvious provider, or whatever REC we might be
7 working with might be the obvious provider. And we've
8 had several of these already this year where we filed
9 the PC&N and there was no protest from the REC just
10 because it was obvious.

11 So on these that are not quite so obvious, we go
12 through the process and get to where we are at today,
13 that someone has to make the decision.

14 COMMISSIONER KALK: I guess we'll just see where
15 that discussion goes. And this is maybe just a bias
16 maybe I bring to this, that if Mr. Ryberg -- it's Ryberg
17 Farm, right?

18 THE WITNESS: Correct.

19 COMMISSIONER KALK: If he wanted to put a
20 three-phase grain dryer in, would we be in here today
21 for this discussion?

22 THE WITNESS: We would have still had to -- I
23 don't believe so. I'll let Dan answer. We serve that
24 customer already, so I don't believe we would need a
25 PC&N to --

1 COMMISSIONER KALK: I misunderstood that. I
2 thought he was already served by Capital Electric.

3 THE WITNESS: No, he's served by MDU.

4 COMMISSIONER KALK: Okay, I misunderstood that
5 question then. Okay, that's key. I guess -- but that's
6 the setup of what is that tipping point of what is worth
7 all of this. So, fair enough. I think the rest of my
8 questions actually are all with the cost part of this,
9 so thank you.

10 THE WITNESS: You're welcome.

11 HEARING OFFICER MANN: Commissioner Christmann.

12 COMMISSIONER CHRISTMANN: Was Dawson the last
13 town going east that MDU serves or -- on this line
14 anyway?

15 THE WITNESS: Tappen.

16 COMMISSIONER CHRISTMANN: Tappen?

17 THE WITNESS: Right.

18 COMMISSIONER CHRISTMANN: So the various towns
19 between McKenzie and Tappen, do they have three-phase
20 going into all of them?

21 THE WITNESS: They do.

22 COMMISSIONER CHRISTMANN: And is it delta or
23 wye? Am I saying that right?

24 THE WITNESS: Yeah, delta or wye. I believe --
25 I can't say with certainty. I believe Sterling and

1 Menoken are delta, and I believe the rest of the towns
2 are wye systems.

3 COMMISSIONER CHRISTMANN: Were those recent
4 upgrades or long ago?

5 THE WITNESS: They've been for many years
6 already.

7 COMMISSIONER CHRISTMANN: Okay. On your
8 Exhibit 4, the Capital Electric line would appear, I
9 suppose, to end at that farm, but where is it started
10 from? On this map, it just looks like it comes out of
11 nowhere.

12 THE WITNESS: Yeah, we just -- on the map was
13 just showing the crossing, but I believe their line runs
14 south to the farm and south to a railroad signal, and
15 then it also turns east at that road, and I'm not sure
16 exactly where it goes after that.

17 COMMISSIONER CHRISTMANN: Okay. And then on
18 your Exhibit 1, I'm looking just south of -- well, right
19 by the intersection south of McKenzie by the railroad,
20 under the "E" of "northeast," it looks like there's a
21 green spot that there's a service there. Is that a
22 service?

23 THE WITNESS: Yes, it is.

24 COMMISSIONER CHRISTMANN: Is that the Ryberg
25 Farm?

1 THE WITNESS: No. The Ryberg Farm is not shown
2 on any of these exhibits, it's outside the two-mile
3 radius.

4 COMMISSIONER CHRISTMANN: Okay. Is that like a
5 railroad crossing there or is that a farm, or what's
6 there?

7 THE WITNESS: I'm not sure if it's the railroad
8 crossing or if there's some other customer there. I
9 can't answer that.

10 COMMISSIONER CHRISTMANN: Okay. So then that
11 becomes a single-phase line and it goes south a ways and
12 then it turns and starts going west and there's another
13 place that I assume is a farm. And then where does it
14 go after it exits this map? Do you have a bunch of farm
15 customers out there or --

16 THE WITNESS: No. I think the only -- after
17 what's showing on here for customers, the only other
18 customer on this line would be the Ryberg Farm, which is
19 at the end of it, which is probably another half mile or
20 so outside the two-mile radius.

21 COMMISSIONER CHRISTMANN: And that's the end of
22 that line?

23 THE WITNESS: That's correct.

24 COMMISSIONER CHRISTMANN: What's the history on
25 -- how did MDU end up out there?

1 THE WITNESS: I'm not sure. It predates me by
2 quite a bit. Our original franchise was 1928, and I'm
3 not sure, this line vintage is at least '60 or prior to
4 that, so I'm not familiar with that early history.

5 COMMISSIONER CHRISTMANN: The one that is on the
6 map after the line has turned and started going west, is
7 there a name associated with that that I could
8 reference? Or is it just the little dot between the one
9 and the four?

10 THE WITNESS: I don't know who the customer is
11 there.

12 COMMISSIONER CHRISTMANN: Okay. And then
13 lastly, but I can't remember what page this is on, give
14 me a moment. What was the map that was asked about that
15 showed kind of the east half of McKenzie and when we
16 were talking about whether that's basically empty or --

17 UNIDENTIFIED SPEAKER: MDU 4.

18 COMMISSIONER CHRISTMANN: There's another one.

19 MR. KUNTZ: Exhibit 3 is -- it's also shown on
20 Exhibit 3 and also Exhibit 1.

21 COMMISSIONER CHRISTMANN: Was there another
22 overhead, though, besides 4?

23 MR. KUNTZ: Well, the only overhead is Exhibit 4
24 and then the one that was introduced by Mr. Olson, which
25 was with the application, which is basically a duplicate

1 of Exhibit 4. Those are the only aerial photographs
2 that have been introduced.

3 COMMISSIONER CHRISTMANN: Okay. H, is that what
4 we called it?

5 THE WITNESS: Yes.

6 COMMISSIONER KALK: This is where I seen
7 something that I wanted to ask about. When you look at
8 that overhead map, I think you said there are no streets
9 out there beyond where we can see houses and stuff, but
10 there are kind of real light green intersecting lines.
11 What am I seeing there? Is that some type of something
12 that the city has laid out or -- I don't get what's
13 blocked out there.

14 THE WITNESS: I believe that's platting. That's
15 from our GIS information, and so that would show up from
16 the information that our GIS department's received from
17 various entities that -- for future expansion or if
18 there's existing platting that is out there.

19 COMMISSIONER CHRISTMANN: So the computer is
20 putting that on there, that's not really in the photo?

21 THE WITNESS: That's correct.

22 COMMISSIONER CHRISTMANN: Okay. I have no other
23 questions. Thank you.

24 COMMISSIONER FEDORCHAK: Judge, I have a
25 followup.

1 HEARING OFFICER MANN: Oh, go ahead,
2 Commissioner.

3 COMMISSIONER FEDORCHAK: Since we're looking at
4 that same map, if you were to -- say a customer wanted
5 to build a house on Avenue E or on the far west corner
6 of the McKenzie -- the community of McKenzie, or
7 whatever has been established as a boundary it appears,
8 would you be the service provider? Would MDU be the
9 service provider?

10 THE WITNESS: Yes.

11 COMMISSIONER FEDORCHAK: Without any question,
12 that wouldn't have to be determined. So if you had a
13 customer -- you could have a customer right kitty-corner
14 from this Menards facility?

15 THE WITNESS: That is correct.

16 COMMISSIONER FEDORCHAK: Okay. And you'd be
17 required to provide them service or that would be a --
18 you could provide them?

19 MR. KUNTZ: Commissioner, that would be part of
20 our obligation to provide service.

21 COMMISSIONER FEDORCHAK: Okay. All right.
22 Thank you.

23 HEARING OFFICER MANN: Commissioner Christmann.

24 COMMISSIONER CHRISTMANN: I do have one more.
25 Has there been any discussion, that you're aware of, of

1 McKenzie annexing these two quarters, or whatever it is
2 that Menards, I presume, has bought, into the community?

3 THE WITNESS: None that I'm aware of.

4 COMMISSIONER CHRISTMANN: Okay.

5 MR. KUNTZ: Commissioner, just for
6 clarification, I don't believe, as Mr. Lohstreter
7 testified, that McKenzie is actually incorporated, so
8 I'm not sure that they could annex it.

9 UNIDENTIFIED SPEAKER: It's unincorporated,
10 yeah.

11 MR. KUNTZ: It's controlled by the township
12 board.

13 HEARING OFFICER MANN: Commissioner Kalk.

14 COMMISSIONER KALK: All right, I'll try this
15 again. I called something the Ryberg Farm which was not
16 the Ryberg Farm, so I probably confused myself. But in
17 northwest 33, 139 north, 77 west, straight south of
18 town -- I'm looking at either your Exhibit 4 -- there's
19 some structures right there. I called that the Ryberg
20 Farm. What are those structures?

21 THE WITNESS: On which exhibit is that,
22 Commissioner?

23 COMMISSIONER KALK: On Exhibit 4, MDU 4, it's on
24 there, as well as the one Commissioner Christmann was
25 just talking about, right south of where you're showing

1 the line that -- where your line crosses potentially
2 under Capital's line, what are those buildings right
3 there?

4 THE WITNESS: You're talking in this area right
5 here?

6 COMMISSIONER KALK: Yeah, absolutely, right.

7 THE WITNESS: That's -- that is a little house
8 farm that is served by Capital Electric.

9 COMMISSIONER KALK: Okay. So that was my setup
10 question that I misspoke on. So that farm is currently
11 served by Capital Electric?

12 THE WITNESS: That is correct.

13 COMMISSIONER KALK: Absolutely no question about
14 it, their lines are there, they're paying the bills,
15 right?

16 THE WITNESS: That's correct.

17 COMMISSIONER KALK: Now, if they want to put in
18 a grain dryer, three-phase power, are you going to be in
19 here asking to serve that farm?

20 THE WITNESS: I believe it would be the same as
21 we talked about earlier about the Ryberg Farm, that
22 Capital Electric is already currently providing service
23 to that customer and --

24 COMMISSIONER KALK: So why wouldn't Capital
25 automatically get that because they're already serving

1 much closer to the area than you guys are, even though
2 it is -- I get the argument, but shoot, they're already
3 there.

4 THE WITNESS: Only with single-phase service and
5 this would be a new customer requesting service.

6 COMMISSIONER KALK: So you're hanging your hat
7 on the fact that new service is different than existing
8 service?

9 THE WITNESS: That's correct.

10 COMMISSIONER KALK: Because you both have to
11 make upgrades, right?

12 THE WITNESS: That's correct.

13 COMMISSIONER KALK: So if this guy's son wanted
14 to build a farm across -- he wanted to put in this new
15 area and he asked for new service, then you would then
16 try to get new service, you'd be making the same
17 argument to go after a new farm, a new house in this
18 area with a grain dryer over there?

19 THE WITNESS: Part of the process is the
20 customer request.

21 COMMISSIONER KALK: Okay. Back to my start-up
22 question of who makes the decision, so -- okay, thank
23 you.

24 THE WITNESS: You're welcome.

25 COMMISSIONER KALK: I'm sorry for calling that

1 the Ryberg Farm. That confused it the first time.

2 HEARING OFFICER MANN: Mr. Kuntz.

3 REDIRECT EXAMINATION

4 BY MR. KUNTZ:

5 Q. Mr. Lohstreter, there was a question about which
6 towns are served delta, which are wye. Is that a
7 conversion that Montana-Dakota makes as this particular
8 load changes within a community?

9 A. That would be correct. When those existing
10 delta towns saw some customer that would spring up and
11 require that kind of service, we would have to make
12 those changes.

13 Q. So those are types of upgrades -- for example,
14 you talked about that -- increasing the transformer size
15 at Napoleon, you've talked about changing from delta to
16 wye. Those are the sorts of upgrades that
17 Montana-Dakota has to make to its system on an ongoing
18 basis; is that correct?

19 A. That's correct.

20 Q. If, for example, a convenience store were to
21 locate in the city of McKenzie, would you need to make
22 this same upgrade that you're talking about here to
23 serve the Menards site?

24 A. We probably would. Any type of little bit
25 larger three-phase load and they'd want underground

1 service, we'd be required to make that change from delta
2 to wye.

3 Q. And that would be part of your obligation to
4 serve?

5 A. That's correct.

6 MR. KUNTZ: I have no other questions.

7 HEARING OFFICER MANN: Mr. Olson, any followup?

8 RE CROSS EXAMINATION

9 BY MR. OLSON:

10 Q. Just to confirm that you don't see -- you've
11 testified that there's hardly been any growth in this
12 unincorporated city; is that correct?

13 A. That's correct.

14 MR. OLSON: Nothing further.

15 HEARING OFFICER MANN: Mr. Norrell?

16 MR. NORRELL: Nothing further, Your Honor.

17 HEARING OFFICER MANN: Commissioner Fedorchak?

18 COMMISSIONER FEDORCHAK: Well, I'll ask one more
19 since you're the engineer. The fact that a convenience
20 store might require three-phase service changes my
21 understanding of what three-phase service might be, so
22 can you go through that again, please?

23 THE WITNESS: A delta configured three-phase, it
24 doesn't use a system neutral, so the technology is a
25 little different. Most pad-mount transformers are a

1 standard -- are served by a wye primary. So the delta
2 is kind of, again, an older system.

3 So if a customer wanted a three-phase pad-mount
4 transformer, or in this area, in McKenzie, where we
5 talked about its platted but there's no growth, if
6 someone wanted to come in and put in, like, a 20-home
7 subdivision and wanted underground service, we would
8 have to make that change from delta to wye, just because
9 the equipment associated with underground does not work
10 with a delta system.

11 COMMISSIONER FEDORCHAK: So it's the underground
12 that requires that conversion --

13 THE WITNESS: Part of it is --

14 COMMISSIONER FEDORCHAK: -- not the load or --

15 THE WITNESS: And part of it is the load also.

16 COMMISSIONER FEDORCHAK: Okay. How big of a
17 driver is the load? Or what types of things does a
18 customer that needs that kind of service, what are they
19 doing that might convert them to that kind of a need?

20 THE WITNESS: Well, not so much of a conversion,
21 but if a new customer came in and his load requirements
22 were such that the delta system was no longer adequate
23 or able to serve it, then we'd have to make that
24 upgrade.

25 COMMISSIONER FEDORCHAK: So what's the load

1 requirements, I guess, that drives that?

2 THE WITNESS: Again, if it was a service that
3 required a pad-mount transformer, we'd have to make
4 those regardless of the load requirement. And then if
5 it was not associated with underground, we'd have to
6 look at our system, we would do a study and look at
7 voltage drop and those types of things and see if the
8 system was adequate. If not, we'd make those upgrades.

9 COMMISSIONER FEDORCHAK: And a pad-mount
10 transformer is the underground?

11 THE WITNESS: That is correct.

12 COMMISSIONER FEDORCHAK: And why do customers
13 request underground? Is that just a safety issue? Or
14 what's the advantage of having it underground?

15 THE WITNESS: Part of it is the voltage
16 requirement. A lot of new commercial buildings, say a
17 convenience store, those type of things, they typically
18 want 120/208 or 277/480 volt service on the secondary
19 side, and overhead transformers are usually not used to
20 supply that type of voltage.

21 COMMISSIONER FEDORCHAK: Okay, all right. Thank
22 you.

23 HEARING OFFICER MANN: Commissioner Kalk.

24 COMMISSIONER KALK: No, Your Honor.

25 HEARING OFFICER MANN: Commissioner Christmann?

1 Okay. Mr. Kuntz, anything further?

2 MR. KUNTZ: Nothing further.

3 HEARING OFFICER MANN: Okay. Thank you,
4 Mr. Lohstreter. You can step down.

5 We've been going for a while. I think we're
6 going to try to get through at least one more witness
7 before we take a break, if that's all right.

8 MR. KUNTZ: That's fine, Your Honor. We'd call
9 Ken Paul.

10 HEARING OFFICER MANN: Mr. Paul, you heard the
11 previous witness be advised of the penalty for perjury.
12 Did you understand the penalty for perjury?

13 MR. PAUL: Would you repeat it, please?

14 HEARING OFFICER MANN: Yes. The maximum penalty
15 for perjury is a class C felony punishable by a maximum
16 fine of \$5,000, a maximum of five years imprisonment, or
17 both.

18 Being advised of the penalty for perjury, do you
19 promise to tell the truth in this matter?

20 MR. PAUL: I do.

21 HEARING OFFICER MANN: Okay. Go ahead.

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KEN PAUL,

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

DIRECT EXAMINATION

BY MR. KUNTZ:

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

A. My name is Ken Paul. Paul is the last name. My business address is 909 Airport Road.

Q. And whom are you employed by?

A. Montana-Dakota Utilities Company.

Q. What's your employment position?

A. I'm senior region electric system engineer.

Q. And what are your responsibilities as a senior electrical engineer?

A. I design distribution lines, distribution substations.

Q. As part of that, do you prepare cost estimates for those designs?

A. Yes, I do.

Q. And how long have you worked for MDU?

A. Thirty-four years.

Q. Could you summarize for the Commission your education and employment background?

A. Yes. I was educated at North Dakota State

1 University, I graduated from NDSU with a degree in
2 electrical engineering in 1979, and after which I came
3 to work for MDU immediately thereafter.

4 Q. And you've held positions with MDU; is that
5 correct?

6 A. That's correct.

7 Q. And what positions have those been?

8 A. District engineer and then senior engineer,
9 which is my current position. That was in 1986.

10 Q. And are you familiar with MDU's application for
11 a certificate of public convenience and necessity to
12 serve the Menards site?

13 A. Yes, I am.

14 Q. And did you prepare an estimate of the cost of
15 extending electric service from MDU's existing
16 three-phase system to the Menards site?

17 A. Yes, I did.

18 Q. Showing you what's been marked as Exhibit number
19 5, can you identify that exhibit?

20 A. Yes, I can. I also entitled it Part C. If you
21 look at the drawing behind you, you'll see that each of
22 the costs are broken down. It's the exhibit that's
23 right behind you, MDU 3.

24 Q. Right.

25 A. It's on the drawing there. But this particular

1 estimate shows the cost to extend from the city of
2 McKenzie out to the Menards industrial site.

3 Q. And this was prepared by you?

4 A. Yes, that is correct.

5 MR. KUNTZ: We'd offer Exhibit number 5.

6 HEARING OFFICER MANN: Any objection, Mr. Olson?

7 MR. OLSON: None, Your Honor.

8 HEARING OFFICER MANN: Mr. Norrell?

9 MR. NORRELL: No, Your Honor.

10 HEARING OFFICER MANN: Okay. MDU Exhibit 5 is
11 admitted.

12 BY MR. KUNTZ:

13 Q. So what's the distance of the extension that you
14 considered in preparing Exhibit number 5?

15 A. It would be that 1,800 feet.

16 Q. So this takes it from the existing three-phase
17 line out to the Menards site; is that correct?

18 A. Actually takes it from the end of the existing
19 overhead line out to the Menards site.

20 Q. And what's involved in that extension? Can you
21 go through Exhibit number 5 and just highlight, you
22 know, what you've included there in terms of costs that
23 will be incurred to make that extension?

24 A. Right. As far as part number one, you see
25 store's material, that's underground high voltage cable,

1 three-phase cable; four aught, if you're interested in
2 the size. It also includes miscellaneous materials such
3 as the materials needed to transition from overhead to
4 underground.

5 Q. And so what's the total cost then? Is that
6 shown on Exhibit number 5 of just that extension piece?

7 A. Yes. The total cost is on the bottom of the
8 sheet, and it's \$32,619. It also includes labor costs
9 and a cost to do trenching and boring out to the site.

10 Q. And did you also prepare a cost estimate for the
11 construction of the facilities within the Menards site
12 to reach the various facilities there?

13 A. Yes, I did.

14 Q. And showing you what's been marked as Exhibit
15 number 6, can you identify that exhibit, please?

16 A. Yes. It's also labeled as "Cost Estimate Part
17 D". That's the facilities that we need to install
18 within the Menards site.

19 Q. And those facilities would also be outlined on
20 Exhibit number 3 that's on the overhead?

21 A. That's correct, in the blue area.

22 Q. And can you -- and that was prepared by you or
23 under your direction?

24 A. That was prepared by me.

25 MR. KUNTZ: We'd offer MDU Exhibit 6. Did I

1 offer 5?

2 HEARING OFFICER MANN: You did.

3 MR. KUNTZ: Okay. Offer 6.

4 HEARING OFFICER MANN: Any objection?

5 MR. OLSON: No objections.

6 MR. NORRELL: No objection.

7 HEARING OFFICER MANN: Okay. MDU Exhibit 6 is
8 admitted.

9 BY MR. KUNTZ:

10 Q. Mr. Paul, can you again summarize the elements
11 that are shown in Exhibit 6 that comprise the various
12 cost pieces?

13 A. Yes. It includes, again, the store's material,
14 which would be the underground high voltage cable and
15 miscellaneous connectors that we need to terminate the
16 cable in each of the transformers, and it also includes
17 our line crew labor and also our contract trenching
18 charge, too.

19 Q. And what was the total cost then of the new
20 facilities within the Menards site?

21 A. That would be 66,000 and change, shown on the
22 bottom of the exhibit.

23 Q. Now, whether or not these costs are incurred by
24 Montana-Dakota or the customer, does that depend on the
25 type of service the customer eventually decides to take?

1 A. I'm sorry?

2 Q. Whether Menards would incur these costs or
3 Montana-Dakota, does that depend on the type of service
4 that the customer --

5 A. Yes, it does, it does.

6 Q. Can you explain that, please?

7 A. Yes. If they would take service at high
8 voltage, we would not need to provide the materials in
9 Part D. That would be called primary service.

10 Q. And if Montana-Dakota provides these facilities,
11 then what's that service called?

12 A. That's called secondary service, and they would
13 take those at a different rate.

14 Q. And that's a little higher rate than the primary
15 rate?

16 A. That is correct, uh-huh.

17 Q. Mr. Lohstreter testified that upgrades will be
18 necessary to the McKenzie substation and a conversion of
19 the McKenzie three-phase system from a delta system to a
20 wye system. Did you determine what would be required to
21 make those changes and prepare an estimate?

22 A. Yes, I did.

23 Q. Showing you what's been marked as Exhibit number
24 7, can you identify that exhibit, please?

25 A. Yes, I can. It's also entitled "Cost Estimate

1 Part A".

2 Q. And that's a two-page exhibit?

3 A. No, it's a single-page exhibit. The second page
4 is to extend the neutral from the substation.

5 Q. Okay. So the first page is the substation
6 upgrades?

7 A. That's correct.

8 Q. And the second page is the conversion from the
9 delta to the wye?

10 A. That is correct, and with the addition of the
11 neutral, uh-huh.

12 Q. And you prepared this exhibit?

13 A. Yes, I did.

14 MR. KUNTZ: We'd offer MDU 7.

15 HEARING OFFICER MANN: Any objection?

16 MR. OLSON: No, Your Honor.

17 MR. NORRELL: No, Your Honor.

18 HEARING OFFICER MANN: Okay. MDU Exhibit 7 is
19 admitted.

20 BY MR. KUNTZ:

21 Q. Looking at the first page of MDU Exhibit number
22 7, Mr. Paul, can you describe what's shown there to make
23 the substation upgrades at the McKenzie substation?

24 A. Yeah. The first part shows material that
25 includes switches, bus work and etcetera, as far as that

1 is concerned. And then it also shows our labor costs
2 for our line crew; number of man-hours and the cost per
3 hour.

4 And it also shows some contract charges where we
5 need to install so many concrete equipment pads. It
6 also shows some charges for some other contract work,
7 for cranes to lift the transformer in and out and
8 deliver it to the site.

9 And again, at the bottom, under section four,
10 under the construction, shows our cost to -- for our
11 equipment, our line trucks and other vehicles needed to
12 actually install.

13 Q. So what's the total cost of the substation
14 upgrades being proposed?

15 A. 61,451.

16 Q. Now, I don't see a cost on here for the
17 transformer. Is that correct?

18 A. That is correct.

19 Q. And why is that?

20 A. The transformers and other items that we're
21 using have been totally depreciated out. They're that
22 old that they've been depreciated, so the cost of those
23 to us is basically -- on the books is zero right now.

24 Q. And that would be the transformer that's
25 currently at Napoleon; is that correct?

1 A. That is correct.

2 Q. So if you didn't use this transformer here, what
3 would you do with it?

4 A. It would go into our spare stock.

5 Q. And it would be used there for the next project
6 that might come along?

7 A. Yes, that's correct.

8 Q. Would you turn to the second page of Exhibit MDU
9 7 and tell us what's shown there?

10 A. Yes. That's also titled "Part B," that is the
11 cost for us to extend the neutral for the wye conversion
12 of the line from the substation south to the end of the
13 existing overhead line. And it --

14 Q. Go ahead.

15 A. It includes -- in the material portion is
16 conductor pulls, cross arms, insulators needed to
17 convert the -- we need to re-insulate the line, and
18 then, of course, again it shows labor costs, and then it
19 also shows equipment costs.

20 Q. And what was the total cost estimate to convert
21 from a delta to a three-phase line?

22 A. \$32,562 is the estimated cost.

23 Q. And that's shown on the bottom of that second
24 page?

25 A. That is correct.

1 Q. Does Montana-Dakota have voltage service
2 standards for its electric system?

3 A. Yes, we do.

4 Q. Can you describe what that standard is and
5 explain what it means?

6 A. In our distribution standards, we need to
7 supply, at the point of where we interconnect with a
8 customer, our voltage needs to be on a steady-state
9 basis plus or minus five percent of nominal.

10 So, for example, if a customer was requiring
11 120 volts, we need to maintain on a steady-state basis
12 the voltage minus five percent, which would be
13 114 volts, to a high of 126 volts.

14 Q. So that your voltage needs to stay between those
15 ranges; is that correct?

16 A. That is correct.

17 Q. And is that an industry standard as well?

18 A. Yes, it is. It's an ANSI standard.

19 Q. And Montana-Dakota maintains that?

20 A. Yes, we do.

21 Q. What affects an electric provider's ability to
22 meet that particular standard?

23 A. The length of the line between the substation
24 and the load, the amount of load, the resistance, the
25 size of the conductor.

1 Q. And why is the voltage service standard
2 important to a customer?

3 A. So that their equipment operates properly. If
4 the voltage gets outside those ranges, they have
5 operational issues with their equipment.

6 Q. What type of operational issues might that be?

7 A. Damage to equipment.

8 Q. Have you investigated whether MDU will be able
9 to meet this voltage service standard in providing
10 service to the Menards site as proposed?

11 A. Yes, I have. I performed a study.

12 Q. I'm showing you what's been marked as MDU
13 Exhibit number 8. Can you identify that document?

14 A. Yes, I can. It's a computer simulation of what
15 exists or what will exist after our changes have been
16 made.

17 Q. And that was prepared by you?

18 A. Yes, I prepared it.

19 MR. KUNTZ: We'd offer MDU Exhibit number 8.

20 HEARING OFFICER MANN: Any objection?

21 MR. OLSON: No objection.

22 MR. NORRELL: No, Your Honor.

23 HEARING OFFICER MANN: Okay. MDU Exhibit number
24 8 is admitted.

25 BY MR. KUNTZ:

1 Q. Can you explain to the Commission what's shown
2 on MDU Exhibit number 8?

3 A. What we're looking at here is a simulation of
4 the substation after it's been rebuilt. And then, of
5 course, you can see in the upper left-hand side, it says
6 the McKenzie substation. And there's a box next to it;
7 it's called the load flow box.

8 With the regulation installed in the substation,
9 we regulate to approximately 123.6 volts. That's
10 pointed out by the arrow where it says "Voltage at
11 McKenzie substation". And then we show a vertical line
12 and then a -- where it says "Town load," that's the
13 existing load from the town of McKenzie.

14 And then the line extending that, it turns to a
15 -- transitions to a dash line, that would be the new
16 three-phase line extending out to the Menards site. And
17 you can see the buildings that would be listed there on
18 the Menards site, buildings 919, 914, and so on and so
19 forth. The triangles next to each one of those are the
20 loads on this.

21 And the very end, at the very end of this, we
22 have a load flow box. And what I'm trying to show here
23 in this drawing is that, for the loads with the Menards
24 load and the town load, that the voltage at the very end
25 point on our primary side of the system would be 121.3,

1 for a voltage drop of a little under two percent. So
2 we'd be able to maintain our voltage very easily between
3 the substation and keep our voltage within that ANSI or
4 our distribution standards requirements of plus or minus
5 five percent.

6 Q. And what is meant by upstream system protection
7 equipment and how does that work, Mr. Paul?

8 A. Any distribution feeder needs to have some sort
9 of protection, whether it be a fuse, a breaker, or, as
10 we call it, a recloser. A recloser is similar to a
11 breaker in that it automatically recloses.

12 Many of the faults that we experience on our
13 distribution system are temporary in nature; as high as
14 60 to 70 percent of those are temporary in nature. And
15 so we employ, at the substations, a recloser, and this
16 recloser is designed to clear temporary faults. The
17 type of reclosers that MDU utilizes are three-phase
18 reclosers, meaning that if there's a fault on just one
19 phase, it opens all three phases, not just one phase at
20 a time.

21 Q. So what's the effect of that? How does that
22 appear at the customer end of a one-phase versus a
23 three-phase recloser?

24 A. What the customer sees when there's a fault with
25 a three-phase recloser is the total interruption in

1 service. And of course the purpose of the interruption
2 in service is to clear the fault.

3 Many of the faults on the system I mentioned are
4 temporary in nature. We have wind-blown debris, we have
5 wildlife, things striking the power line such as that.
6 Those are temporary in nature. They clear so we can
7 actually open the circuit, clear the fault, wait a few
8 seconds, five, ten seconds, whatever the recloser is set
9 for, close back in and re-establish service. So we have
10 a momentary interruption in service but not a sustained
11 interruption in service.

12 Q. So basically, the electric service goes dead
13 under that three-phase type recloser?

14 A. That is correct, yes.

15 Q. And how is that different from a single-phase
16 recloser?

17 A. If single-phase reclosers are employed, only one
18 phase of the three-phase system is opened if it's a
19 single-phase fault. That has a negative impact on
20 customer equipment. During that time, only one phase is
21 open, the other two phases are left closed. Motors,
22 induction motors, three-phase induction motors such as
23 those that are going to be used by Menards, it could
24 possibly damage them.

25 Q. And MDU employs the three-phase reclosers?

1 A. Yes.

2 Q. Is that correct?

3 A. That's correct.

4 MR. KUNTZ: That's all the questions I have of
5 Mr. Paul.

6 HEARING OFFICER MANN: Okay. Mr. Olson.

7 CROSS EXAMINATION

8 BY MR. OLSON:

9 Q. You mentioned that this transformer was going to
10 have no cost because it's been depreciated out; is that
11 correct?

12 A. That is correct, yes.

13 Q. What is the age of that transformer that's going
14 to be used?

15 A. 1958 is the vintage of the transformer.

16 Q. Okay. What's the expected life of this specific
17 one moving forward?

18 A. I would anticipate we would see at least another
19 20 years of service of life out of that transformer.

20 Q. So it's safe to say that a new transformer would
21 have a longer life than a used, depreciated-out one from
22 the 1950s?

23 A. Oh, definitely yes, uh-huh.

24 Q. I just want to look at your costs really
25 quickly. On number 5, that's your extension, the

1 1,800-foot extension; is that correct?

2 A. That is correct, yes.

3 Q. Okay. And that total cost is \$32,619?

4 A. That is correct, yes.

5 Q. Okay. And then to number 7, page one is the
6 upgrade to the substation, correct?

7 A. That is correct.

8 Q. And that is with the 1950 transformer, so
9 there's no cost associated with that transformer?

10 A. With a 1958 transformer, yes.

11 Q. Okay. And so that total cost for that upgrade
12 is \$61,451; is that correct?

13 A. That is correct.

14 Q. And page two of Exhibit 7, this is basically the
15 conversion that we've been talking about from delta to
16 wye with a couple other conversions of -- I believe once
17 it takes a right, it starts heading east, this also
18 includes the conversion of that 1200 feet as well,
19 correct?

20 A. That is correct, yes.

21 Q. So that total upgrade that's required to serve
22 the Menards site is \$32,562?

23 A. That is correct.

24 Q. Is there transformers in that cost estimate of
25 32,000?

1 A. No, there's not.

2 Q. Where are they coming from, those ones?

3 A. Some are coming from spare stock. The existing
4 transformers are 2,400-volt transformers. Those would
5 be taken down and put into spare stock. We would need
6 to install 7,200-volt, primary volted rating,
7 transformers. They would come out of our existing stock
8 and installed. There's approximately a dozen
9 transformers of various ages; some are old, some are
10 only a couple years old at this time.

11 Q. So we don't know the cost associated with that?

12 A. I have not prepared any estimate as far as the
13 cost of those transformers.

14 Q. So that would be -- any cost of those
15 transformers would be in addition to this \$32,562?

16 A. That is correct. But some would be a
17 kind-for-kind exchange because of the age of the
18 transformers being so new.

19 Q. But we're not sure right now?

20 A. I have never prepared a cost on that.

21 Q. So if I add up those three costs that we just
22 talked about, this does not include any of the site
23 work. Does \$126,632 sound accurate?

24 A. Yes, it does, uh-huh.

25 Q. And all three of those upgrades are required to

1 serve the Menards site?

2 A. That is correct.

3 Q. And those do not include the transformers that
4 are going to be during the upgrade of the delta to wye
5 conversion?

6 A. The single-phase transformers in the town, it
7 does not include those transformers.

8 MR. OLSON: Okay. Nothing further for this
9 witness.

10 HEARING OFFICER MANN: Mr. Norrell.

11 MR. NORRELL: Thank you, Your Honor.

12 CROSS EXAMINATION

13 BY MR. NORRELL:

14 Q. Mr. Paul, on, I believe it would be, Exhibit 7
15 -- there's been talk about the 1958 transformer that's
16 going to be moving from Napoleon up here. And there's
17 no cost associated with that, but what's the value of
18 that transformer to MDU?

19 A. Obviously, it has value because we're -- it's
20 been depreciated out. I believe back in 1958 when that
21 transformer was purchased, it had a value at that time
22 of approximately \$34,000. I would have to defer that
23 question to Mr. Lohstreter. He has the exact numbers on
24 those transformer costs.

25 Q. Present day value, do you know?

1 A. It would be zero. It's fully depreciated.

2 Q. So would you give it away if I asked for it?

3 A. Absolutely not.

4 Q. What about would you charge for that, if I knew
5 you had an extra three-phase transformer?

6 A. I -- I would not know how to price it at this
7 time. I would have to refer to our substation manager
8 to determine what that value would be. I'm sure it has
9 some value, but I wouldn't know how to price it.

10 Q. And then there's -- will Menards own the
11 transformers on the site? Would that be Part D?

12 A. If they take service at secondary voltage,
13 Montana-Dakota will own the transformers. If they take
14 service at primary voltage, they would need to provide
15 the transformers and the underground high voltage
16 conductor on the site.

17 Q. How do they determine or when do they determine
18 what kind of service they're taking?

19 A. That would be between regulatory affairs and the
20 Menards people. The cost estimates have been developed
21 by, I believe, Tammy Aberle and our marketing staff to
22 determine, to give those numbers to Menards so they can
23 decide which way they would prefer to go.

24 Q. And then if the -- if they took it at secondary
25 service and MDU owned the transformers, the costs of

1 that would be passed on to the ratepayers; is that
2 correct?

3 A. I believe so, yep.

4 Q. Will there be any customer contribution to the
5 construction?

6 A. I don't believe so. Tammy Aberle could also
7 address that question.

8 MR. NORRELL: No further questions at this time.

9 HEARING OFFICER MANN: Commissioner Fedorchak.

10 COMMISSIONER FEDORCHAK: Yes. Since we're on
11 the subject of the service options, I need you to
12 explain those again.

13 THE WITNESS: Sure. A customer has a choice to
14 take service at either primary voltage or secondary
15 voltage. In this particular case, secondary voltage
16 would either be 120/208 or at 277/480. In that
17 particular case, Montana-Dakota would supply all of the
18 transformers on the site and we'd also supply the high
19 voltage underground conductor.

20 COMMISSIONER FEDORCHAK: Okay. In which
21 scenario?

22 THE WITNESS: That's the secondary service
23 scenario. There are two different rates established.
24 There's tariffs established for those.

25 COMMISSIONER FEDORCHAK: Okay. Tell me what

1 they will own under --

2 THE WITNESS: They would own everything from the
3 transformers into the buildings. They would own the
4 service lines from the transformers to the buildings.
5 We would own the pad-mount --

6 COMMISSIONER FEDORCHAK: (Indiscernible 1:40:53)
7 everything on their site, they would own that?

8 THE WITNESS: No. They would own the wiring
9 from these pad-mount transformers, which would be
10 positioned next to the buildings, and they would own the
11 wiring from there into the building. It would be the
12 low voltage secondary conductors they would own.

13 COMMISSIONER FEDORCHAK: So you would pay for
14 them -- or you would provide them and they would pay for
15 them?

16 THE WITNESS: We would provide the transformers
17 and the high voltage side. They provide the low voltage
18 conductors.

19 COMMISSIONER FEDORCHAK: Okay. And that's under
20 the secondary service?

21 THE WITNESS: That is correct, yes.

22 COMMISSIONER FEDORCHAK: And tell me about the
23 primary service again, please.

24 THE WITNESS: The primary service is where
25 Montana-Dakota would come to the site, we would install

1 a primary metering cabinet, and at which that point,
2 Menards would then run their own high voltage
3 underground cable to each of the buildings that are
4 pointed out in that one exhibit, the five buildings,
5 they would buy their own transformers and install them.

6 So they would be responsible for the cost of
7 purchasing the high voltage cable, the transformers, and
8 the secondary conductor going into each building. And
9 for doing so, they would receive a discount, and I
10 believe Tammy will address that.

11 COMMISSIONER FEDORCHAK: And tell me -- I know
12 you just mentioned this to Ryan, but it's still not
13 clear to me so you'll have to go through it again, how
14 the cost recovery affects your other MDU customers under
15 both of those scenarios.

16 THE WITNESS: I'm an engineer. I don't go
17 through that.

18 COMMISSIONER FEDORCHAK: Tammy is going to --

19 THE WITNESS: Tammy, I believe, will address
20 that, yes.

21 COMMISSIONER FEDORCHAK: And if the costs are
22 higher than what's anticipated, what happens then?

23 THE WITNESS: If my estimates are too low, is
24 that what you're saying?

25 COMMISSIONER FEDORCHAK: Right.

1 THE WITNESS: Well, MDU would absorb those costs
2 and they'd be passed on, I'm sure, to other customers
3 through our rates, so -- I'm fairly confident my
4 estimates are quite accurate, so -- I mean, I've been
5 doing this for 34 years, so I have a pretty good feel
6 for what needs to be done on the system.

7 COMMISSIONER FEDORCHAK: Fair enough. Do you
8 believe the service that you're proposing here would be
9 more reliable than what Capital Electric will provide?

10 THE WITNESS: I can't answer that. You'll have
11 to ask the engineer. I feel our service will be
12 reliable, we'll meet the service requirements that are
13 spelled forth in our distribution standards and will
14 meet the ANSI standards. So I cannot speak for what
15 Capital Electric service, the quality of service they
16 will provide.

17 COMMISSIONER FEDORCHAK: Since you've done this
18 for 30-some years, what -- and that's one of the
19 requirements that we need to look at. How do we
20 determine whose is more reliable? What are the gauges
21 that we should be using to determine who's got more --

22 THE WITNESS: Our company does produce
23 reliability into season. They are provided to the
24 Public Service Commissions. And I don't know if Capital
25 Electric is also required to provide those numbers.

1 It's on a company-wide basis and also on a per-region
2 basis, those numbers are provided to the Commission.

3 I do not have those available. I'm sure we
4 could get those numbers to you. They're numbers,
5 they're called -- maybe you've never heard of them
6 before, but SAIDI, CAIDI, and there MAIFI, and those are
7 some of the reliability indices that we have to produce
8 and provide to the Commission.

9 COMMISSIONER FEDORCHAK: Uh-huh, and that would
10 be historical, but in terms of just the construction of
11 this, the engineering of it, are there key things? I
12 mean, you've pointed out a couple of times the distance,
13 the distance from the substation as a piece of -- a
14 factor that affects reliability --

15 THE WITNESS: Oh, definitely, definitely. The
16 further from the substation the customer is, the more
17 exposure the feeder has to lightning strikes, wind-blown
18 debris, a car running into a pole, etcetera.

19 COMMISSIONER FEDORCHAK: Are there other things
20 besides distance then? Those are the kinds of things
21 I'm looking at from you, factors.

22 THE WITNESS: Not that I can think of. That
23 affect reliability? Distance? Well, obviously
24 maintenance of a system would affect reliability. If a
25 system isn't maintained and operated properly,

1 reliability would suffer.

2 COMMISSIONER FEDORCHAK: Is there anything about
3 the system upgrades that you've described that would
4 interfere in any way with Capital Electric's ability to
5 maintain their system, any of the upgrades or changes
6 you're making?

7 THE WITNESS: None that I can think of.

8 COMMISSIONER FEDORCHAK: Okay. That's it for
9 now. Thank you.

10 HEARING OFFICER MANN: Commissioner Kalk.

11 COMMISSIONER KALK: Thank you, Your Honor.

12 Thank you, Ken. It's always good when we got a
13 good bison in the crowd, that's always good, but in full
14 disclosure, Mr. Olson's a good UND grad, so we always
15 like that.

16 But you did refresh me as to why I'm a civil and
17 environmental engineer and not an electrical engineer,
18 because I talk to both you and Mr. Lein and I get a
19 headache, so -- but I do appreciate the work that you do
20 in the system reliability and all that, because as we
21 found out in other cases, reliability in North Dakota, I
22 think, is becoming questionable with not enough
23 transmission and generation and all those things.

24 Are you the senior system engineer for the whole
25 MDU grid?

1 THE WITNESS: No, just for the Dakota heartland
2 region.

3 COMMISSIONER KALK: And how far northwest does
4 that extend to?

5 THE WITNESS: Northwest, we go to Golden Valley.

6 COMMISSIONER KALK: Okay. So kind of the same
7 as your counterpart then.

8 THE WITNESS: Mr. Lohstreter is my immediate
9 supervisor.

10 COMMISSIONER KALK: Very well then, okay. Tell
11 me this, when you do your designs with a company coming
12 into your area, what do you require from them to be able
13 to provide for backup generation?

14 THE WITNESS: We don't provide backup
15 generation. If a customer desires backup generation,
16 they need to purchase it and install on their own.

17 COMMISSIONER KALK: There's no requirement that
18 you -- when you deal with customers of this size and
19 nature, you don't make recommendation to them, that,
20 "Hey, listen, no matter how good our service is, it's
21 going to be down at some point in time, so you should
22 have backup generation"?

23 THE WITNESS: We suggest it, but we don't
24 require it, of course. I don't know if our marketing
25 staff goes out and says, "Hey, please put in some backup

1 generation," but at no point in time do we come out to
2 the customer, that I know of, and we say, "You better
3 have backup generation." We try to keep our system as
4 reliable as we possibly can and respond to outages in a
5 timely fashion.

6 COMMISSIONER KALK: I think that's a discussion
7 we all need to always have, whether it's homeowners and
8 businesses that come on, because the grids become so
9 reliable that nobody has backup for anything and we lose
10 power -- and the ethanol plant was in here a while ago
11 and they were all screaming because they had a little
12 interruption of service. And a plant of that nature not
13 having backup generation, to me, is foolish.

14 And so I would be interested -- I might ask MDU
15 that question just for curiosity. So you don't have
16 that discussion at all with them?

17 THE WITNESS: I personally don't. I don't know
18 if our marketing staff does.

19 COMMISSIONER KALK: Okay. And then I'm sure
20 it's in here somewhere, but what's the load that's going
21 to come out of this thing? How would I define it in
22 megawatts?

23 THE WITNESS: This is 1.2 megawatts, the load on
24 this new facility.

25 COMMISSIONER KALK: Okay. And the -- we assume

1 this plant will be here for -- is there a minimum where
2 you talk with them before you -- they're guaranteeing
3 you before you even do this work, or is that more of a
4 Tammy question?

5 THE WITNESS: That's a Tammy question.

6 COMMISSIONER KALK: Okay. Thank you, Sir.

7 HEARING OFFICER MANN: Commissioner Christmann.

8 COMMISSIONER CHRISTMANN: Your Exhibit 6
9 numbers, what's the right terminology to explain the
10 option that Menards has? There's the difference between
11 primary service and secondary service?

12 THE WITNESS: That is the correct terminology,
13 yes, taking service at primary voltage versus taking
14 service at secondary voltage.

15 COMMISSIONER CHRISTMANN: Okay. And --

16 THE WITNESS: The tariffs are -- do describe
17 that.

18 COMMISSIONER CHRISTMANN: And what's kind of
19 customers -- or where's the line on when you start to
20 have options like that? I assume if someone just builds
21 a house in eastern McKenzie city there where there's
22 nothing, there would be no such option, but --

23 THE WITNESS: It's our -- I believe our rate 30,
24 and that's for large customers, and I believe there's a
25 certain demand minimum. I don't remember what the --

1 Tammy would probably remember what the demand minimum
2 would be. I don't remember what that is. I think it's
3 50 or 100 kW.

4 COMMISSIONER CHRISTMANN: So it's in the --

5 THE WITNESS: It's larger customers. To give
6 you an example, people that take primary service from
7 Montana-Dakota Utilities are Bismarck State College, the
8 North Dakota State Penitentiary, Bobcat. Those are some
9 of the customers that take service from us at primary
10 voltage. Large customers that have one to two or even
11 higher megawatts, you know, 1,000 kW or higher of loads.
12 They're very large customers.

13 COMMISSIONER CHRISTMANN: Are there any
14 individual farm loads that -- you know, like with pretty
15 significant grain dryer capacity that would have that
16 option, or don't those get that big?

17 THE WITNESS: I don't deal with any of that,
18 I've never dealt with any of that, so I don't know, I
19 can't answer that question.

20 COMMISSIONER CHRISTMANN: Okay. I have no other
21 questions.

22 HEARING OFFICER MANN: Mr. Kuntz?

23 MR. KUNTZ: Just one thing.

24 ///

25 ///

REDIRECT EXAMINATION

1
2 BY MR. KUNTZ:

3 Q. Mr. Paul, there was a discussion about the cost
4 of transformers at the customers' location if
5 Montana-Dakota were to provide secondary service. What
6 would you estimate the cost of a transformer per each of
7 these buildings would be?

8 A. The total cost, I have figured that, and it's a
9 little over \$38,000 for all five transformers. That's
10 an installed cost on the site, would be \$38,000.

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

12 HEARING OFFICER MANN: Okay. Mr. Olson,
13 anything?

RE CROSS EXAMINATION

14
15 BY MR. OLSON:

16 Q. Is Tammy going to be talking about the rates or
17 are you going to be talking about the rates?

18 A. Tammy will be talking about the rates, yes.

19 Q. Okay. If MDU was going to put a new transformer
20 at the substation, what does a new transformer cost now?

21 A. I believe Mr. Lohstreter has that information.
22 Can he address that at this point?

23 HEARING OFFICER MANN: We would have to recall
24 him back.

25 THE WITNESS: I'm going by memory. A new

1 transformer, \$115,000.

2 MR. OLSON: Nothing further.

3 HEARING OFFICER MANN: Okay. Mr. Norrell,
4 anything else?

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

6 HEARING OFFICER MANN: Commissioner Fedorchak?
7 Commissioner Kalk?

8 Commissioner Christmann?

9 Thank you, Mr. Paul. You can step down.

10 Mr. Kuntz, I think we'll take about a ten-minute
11 break before we call your next witness.

12 MR. KUNTZ: Thank you.

13 (Recess)

14 HEARING OFFICER MANN: What was the last name,
15 Dan?

16 MR. KUNTZ: Manor.

17 HEARING OFFICER MANN: Manor? Okay.

18 Mr. Manor, the penalty for perjury in North
19 Dakota is a class C felony punishable by a maximum fine
20 of \$5,000, a maximum of five years imprisonment, or
21 both.

22 Being advised of the penalty for perjury, do you
23 promise to tell the truth in this matter?

24 MR. MANOR: I do.

25 HEARING OFFICER MANN: Okay. Go ahead and

1 proceed, Mr. Kuntz.

2 STEVE MANOR,

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

5 DIRECT EXAMINATION

6 BY MR. KUNTZ:

7 Q. Please state your name and business address.

8 A. My name is Steve Manor. Last name, M-A-N-O-R.

9 Q. Okay.

10 A. Business address is 5101 Menard Drive, Eau
11 Claire, Wisconsin.

12 Q. Who are you employed by, Mr. Manor?

13 A. Menards Distribution Centers.

14 Q. What's your employment position?

15 A. I'm the general manager for all the distribution
16 center maintenance departments.

17 Q. And what does that position require in terms of
18 responsibilities?

19 A. I'm responsible for the upkeep of all the
20 equipment in the distribution centers. We currently
21 have four regional, which would be a very large
22 distribution center, and three mini, what we call more
23 of a mini site, with manufacturing and distribution on
24 those sites also.

25 Q. So seven total distribution centers that you're

1 charged with?

2 A. Yes.

3 Q. And how long have you worked for Menards?

4 A. A little over 30 years.

5 Q. And can you explain a little further in terms of
6 what your duties with regard to maintaining those
7 distribution centers involves?

8 A. It's -- with a new site, it's definitely setting
9 up preventative maintenance programs, maintaining the
10 equipment to not only meet certain standards and OSHA
11 requirements, but also to be reliable. Just pretty much
12 what you would do for your car to make sure you get to
13 work every day, so --

14 Q. And you're familiar with the proposed facility
15 that Menards intends to construct near McKenzie, North
16 Dakota?

17 A. Yes.

18 Q. And would that facility then become part of your
19 responsibilities as well?

20 A. Yes, it would.

21 Q. And has Menards requested MDU to provide
22 electric service to this site?

23 A. Yes.

24 Q. And can you describe exactly what Menards' plans
25 are for this site? I mean, what is this facility?

1 A. It's a manufacturing and distribution facility.
2 There will be -- there will be -- when it's all said and
3 done, there will be seven different manufacturing plants
4 on this site, plus a cross dock that will be used for
5 shipping to our various stores, servicing the stores
6 that would make sense within that, I guess, area of this
7 -- it would be like a hub for the Menard stores.

8 Q. So what things will be -- you said seven
9 manufacturing plants within this site?

10 A. Yeah. Being a building materials company, we
11 also have a lot of manufacturing plants that make
12 various different building materials. We have a steel
13 plant that rolls the steel that you would use for all of
14 your pole sheds, post-frame buildings.

15 Concrete plants, the concrete plants make not
16 only the block, but we also have plants -- this site,
17 something that we're branching off into is also bagging,
18 like a Quikrete type of instant cement, and this site
19 will also have a bagging plant put on it.

20 We have a treating plant that treats the lumber.
21 That will also be on this site.

22 There's a truss plant that builds the trusses.
23 That will be on this site.

24 And it won't be on the first phase, but it will
25 be added to the plant, is a pre-hung plant that makes

1 all the pre-hung doors and things that you see at the
2 Menards stores.

3 Q. Okay. What's the status of the project now and
4 when is its estimated completion date?

5 A. I'm not real involved with the actual
6 construction phases of it, as much as once it's there, I
7 will maintain it, but as far as I know, it's destined to
8 be -- come online in early 2015.

9 Q. And is this -- will it be similar to one of the
10 other sites that you currently have responsibilities
11 for?

12 A. Yes, very similar.

13 Q. And kind of what geographic area then would it
14 serve for a distribution center?

15 A. That's kind of figured out by the logistics,
16 transportation people. Sometimes it would be as simple
17 as drawing a line around it and say that's what makes
18 sense to service within that area. Sometimes due to the
19 various rates that -- for trucking companies and that,
20 it maybe wouldn't make sense for the normal person
21 looking at it, drawing a line around it, but that's up
22 to them.

23 It's a big advantage to have these different
24 regional sites, especially with product like block
25 that's very heavy and so you can't get as much on a

1 truck, so transporting it from, say, our home office in
2 Eau Claire is just not financially feasible.

3 Q. And approximately how many employees will be
4 full-time employees at this site?

5 A. There will be about 240 to 250 employees.

6 Q. And as in charge of the maintenance of these
7 sites, are you familiar with the electrical needs that
8 will be necessary at this location?

9 A. Yes.

10 Q. Could you describe what those electrical needs
11 are?

12 A. We will need three-phase 480 coming into the
13 plants for all of our different types of equipment.

14 Q. And have you calculated or estimated the
15 electric demand and annual consumption at this site?

16 A. Yeah, I've sat down and looked at what we have
17 for similar sites, also looking at existing plants of
18 the ones that I described here and saw what their annual
19 usage was, and actually came up with over 7 million kW
20 that would be required for the -- during the course of
21 the year.

22 Q. Annual consumption?

23 A. Annual consumption. I also base that off what I
24 felt was a very conservative number. We currently have
25 a site similar but not even the size that this one will

1 be in Iron Ridge, Wisconsin, and last year that one used
2 7 million annual.

3 Q. So you think that 7 million number is a
4 conservative number?

5 A. That's a conservative number.

6 Q. And what about from a demand standpoint?

7 A. Looking at the different, you know, demands from
8 the various different plants that we have, which can
9 range dramatically, but I kind of gave a number of about
10 1200 kW demand. That can change, you know, whether we
11 go with the primary or secondary service, which then, at
12 a primary, you would basically have one large demand
13 charge or you'd break it up if you ran it to each plant.

14 Q. In the course of the project development, did
15 Menards investigate the possible electric suppliers for
16 this site?

17 A. Yes. Besides myself, I believe a Jesse Kane
18 (phonetic throughout) that works for us looked into it,
19 but then a little bit of time had passed since he looked
20 into it, so I kind of picked it up from there and
21 started to kind of, I guess, refresh the numbers and
22 made calls to see what was all available for the
23 different rates and incentive programs.

24 Q. Did you receive proposals from both MDU and
25 Capital Electric?

1 A. I guess I received information, I wouldn't call
2 it necessarily -- at least I didn't receive official
3 proposals, but I received enough information to put
4 together a summary that I needed to put together the
5 information for my manager to, I guess, take to his boss
6 to kind of evaluate which company we should go with.

7 Q. And I assume, based upon your appearance here
8 today, Menards would prefer Montana-Dakota be the
9 electric provider for this site?

10 A. Yes, we would.

11 Q. And could you explain why that preference?

12 A. Putting together the numbers, it was very
13 apparent that there would be an annual savings going
14 with MDU, not only with just the regular energy charge,
15 but also the peak demand charge, which, you know, our
16 experience, that can add a significant cost to our
17 sites, and the peak demand charge was higher with
18 Capital Electric.

19 Q. And then also the annual cost, did you look at
20 that, your total annual cost?

21 A. Yes. The total annual cost was definitely a
22 savings no matter which program we went with.

23 Also, when I made the calls to investigate this,
24 you know, I asked about the different programs that were
25 available. You know, Capital basically said there

1 wasn't any incentive programs other than, you know, this
2 is what it is. You know, I guess I will say that just
3 the general feeling I got from the phone calls, when I
4 called Capital, it was, you know, I guess, "Here's your
5 numbers," kind of indifferent.

6 MDU was very helpful. They helped really
7 extensively explain all of their programs and what they
8 had to offer. You know, Menards being a service-based,
9 customer-based company, I guess I felt that they went
10 above and beyond helping me understand what they had to
11 offer so I could put together a summary to give to my
12 boss.

13 Q. When you refer to incentive programs, what do
14 you mean by that, Mr. Manor?

15 A. There was one that your company brought up, it
16 was called a demand response resource program, that if
17 we shed some load, then basically we would get a reduced
18 rate and actually credit during that time of the shed
19 load.

20 I know a question was brought up earlier about
21 whether there would be a generator or not. We always
22 put a generator onsite just to -- as a safety net for
23 our data center. The generator can vary in size, but we
24 have quite a bit of flexibility with that.

25 If we -- I guess if all the bean counters sit

1 down and decide that it's cost effective to put in a
2 whole-site generator that would pay out a reasonable
3 return on investment, we would do that, or it would be a
4 smaller generator that maybe we just shed part of the
5 load.

6 Q. So is the demand control incentive that you
7 mentioned, is that something that is of interest to you
8 and Menards?

9 A. Very much so. It's -- especially with -- we
10 will have a generator there, so it's a no-brainer. We
11 were going to have that expense anyway, and it sounds
12 like it will have a financial benefit to us.

13 Q. Does Montana-Dakota's status as a regulated
14 utility make any difference to Menards?

15 A. Yes, it does. I guess it gives kind of a --
16 more of a secure feeling that it's regulated by a
17 commission and someone that you can appeal to if you
18 have problems, and the rates can't be changed, at least
19 easily.

20 Q. And are service quality and reliability to this
21 site important considerations to you?

22 A. Extremely. Especially with manufacturing
23 facilities, our quality of power is very keen to what --
24 for our success. It can drive up our costs if we have
25 motor failures and various different things.

1 One of the plants that I didn't mention is we'll
2 also be putting in what's called a wood recycling plant.
3 This plant takes basically returned wood goods from the
4 stores and turns it into mulch, which we bag and sell
5 mulch. This grinding system is several stages and some
6 of the motors that are involved in this are
7 350-horsepower motors, so it's a large consumption of
8 power.

9 I know earlier it was mentioned about if your
10 power was interrupted, whether it would interrupt one of
11 the three phases or all three phases. I guess I'd like
12 to let you know that it's very important that the power
13 is interrupted completely, all three phases.

14 If our power is -- with, basically, facilities
15 filled with three-phase motors -- I mean, I'm not
16 talking one 350 phase -- or three-phase motor. There's
17 all kinds of various sizes down to one to
18 five horsepower, 75 horsepowers. All of this is part of
19 the manufacturing process.

20 If we lose one leg out of our three-phase power,
21 it disrupts the motor. If you lose one leg, the amps
22 that -- the amp increase on the other two legs, I think,
23 goes up like two and a half percent.

24 Anyone that deals with power knows that amps are
25 bad; amps create heat, heat destroys, heat wrecks the

1 motors, the windings, and potentially could destroy the
2 motors or shorten the life. Maybe it won't wreck it the
3 first time, but if continued interruptions like that
4 happen, it would wreck motors that are extremely costly.

5 Q. What about voltage drop? You heard Mr. Paul
6 testify about the calculations of the voltage drop to
7 facilities. Is voltage drop important to Menards?

8 A. Yes, it is. You don't get something for
9 nothing. So, I mean, voltage, consistent voltage is
10 key. If you drop voltage to maintain the same amount of
11 power, amps have to go up. Once again, talking about
12 amps, amps go up, it creates heat, it wrecks motors.

13 Q. And then finally, Mr. Manor, from your
14 experience in dealing with other similar facilities,
15 would you expect there to be some ancillary development
16 in the vicinity of this site once it's completed?

17 A. I guess if you could define that.

18 Q. I guess like additional stores or housing or
19 that sort of thing. Typically, what's grown up, if
20 anything, around your other sites?

21 A. Yeah. There's usually always development that
22 surrounds our sites. We bring a lot of jobs to the
23 area, so it also develops, you know, the need for --
24 service needs for the people that work at those
25 facilities.

1 MR. KUNTZ: Thank you, Mr. Manor. That's all
2 the questions I have. We appreciate your appearance
3 here.

4 THE WITNESS: Thank you.

5 HEARING OFFICER MANN: Mr. Olson.

6 CROSS EXAMINATION

7 BY MR. OLSON:

8 Q. Is there a gentleman named Jesse Kane that works
9 with you?

10 A. Yes.

11 Q. Okay.

12 A. Well, we work for the same company. We don't
13 work in the same department.

14 Q. Okay. Does he have some involvement with the
15 construction aspects of a site like this?

16 A. Yes, he does.

17 Q. Okay. How did you come to find out that there
18 was two electric suppliers in the area?

19 A. My manager came to me and -- and it's something
20 we don't necessarily see at all sites, and he said,
21 "There's a choice between two power companies, I'd like
22 you to look into it." I said, "Sure."

23 Over the course of my years with Menards, I wear
24 many hats and I'm resourceful, and so a lot of times I'm
25 asked to do things that aren't necessarily in my normal

1 realm, but I dig in and gather the information and take
2 it to those that need to know.

3 Q. Okay. Do you know when you started talking with
4 MDU about possible electric service at this location?

5 A. Without saying absolutely for sure, I would say
6 February, January, February.

7 Q. Of 2000 --

8 A. Of 2014.

9 Q. 2014. So any contact before that would have
10 been done by someone else?

11 A. Yes.

12 Q. Okay. Are you aware that Menards put in an
13 application for membership and service at Capital
14 Electric Cooperative?

15 A. I guess I wasn't aware at the time, but I guess
16 this proceeding has made me aware of that.

17 Q. Okay. At your other sites that you're
18 overseeing, are some of them served by cooperatives?

19 A. Yes.

20 Q. And are some served by investor-owned utilities?

21 A. Yes.

22 Q. Do you have the same concerns that those
23 cooperatives aren't served by public service commissions
24 as well?

25 A. Yes. We've got a few sites that the power isn't

1 necessarily as clean that we've had problems with. I
2 don't necessarily get involved with the billing part of
3 it, but my own personal experience with Eau Claire,
4 Wisconsin, we've got -- Xcel Energy is the supplier at
5 that; extremely good relationship with them, we like the
6 resources that they have to meet our needs. If we've
7 got concerns or -- you know, anything from looking to
8 improve our power with PFC units, which is a power
9 factor correction banks, and that stuff, they've been
10 extremely helpful, helping calculate what's needed for
11 that.

12 As a similar situation, we put in a power factor
13 correction bank in Holiday City, Ohio, which is a
14 cooperative that supplies us there, and unfortunately,
15 it was miscalculated, so we're going to have to make
16 some corrections to that for it to be as effective as it
17 needs to be for the plant that we're putting in.

18 MR. OLSON: Sure. Nothing further, Your Honor.

19 HEARING OFFICER MANN: Mr. Norrell.

20 MR. NORRELL: Thank you, Your Honor.

21 CROSS EXAMINATION

22 BY MR. NORRELL:

23 Q. Mr. Manor, there was some discussion about a
24 generator would be put on site; is that correct?

25 A. Yes.

1 Q. And what's going to provide the source of fuel
2 for that generator?

3 A. It will probably be a gas.

4 Q. Gas as in natural gas, diesel?

5 A. Natural gas. We've got sites with both natural
6 and diesel. If given the preference, I would go with
7 the natural gas.

8 Q. Will you then need a natural gas supplied to
9 this site as well?

10 A. Yes. And not only for that -- actually, this
11 site will be a large consumer of natural gas with the
12 cement, the block and the bagging plants. The sand that
13 comes in for manufacturing, that has to be dried, so --
14 I don't have the numbers, but it's big.

15 Q. Are you in discussions with gas suppliers in the
16 area then?

17 A. No. I guess it's my understanding MDU is the
18 only option for gas supplying.

19 Q. How far of an extension would that be for gas?

20 A. I couldn't answer that.

21 Q. Not necessarily on this issue, but --

22 A. I worry about when it gets on site. You'll get
23 it there.

24 Q. Do you know, what's the long term -- what are we
25 looking at, the long view for this plant? Are we

1 looking at -- is this a five-year investment, 20-year,
2 50-year? What's Menards' plans for that?

3 A. I guess just so I understand, you're wondering
4 how long we'd run it and then close the doors and walk
5 away?

6 Q. Correct.

7 A. It would be forever, I guess, in my opinion.
8 Menards was started in the 1950s in Eau Claire,
9 Wisconsin. We still have a lot of manufacturing and our
10 distribution centers at that location.

11 The way Menards grows, if you're not familiar
12 with Menards, it's similar to the Home Depots and
13 Lowe's. But the way Menards grows is more of a
14 controlled. We don't suddenly put up a store in
15 California because it looked good. We grow within
16 ourselves.

17 And a key part of our success for our stores, to
18 keep costs low, is our distribution centers. We have
19 very long -- we are, excuse the word, anal about an
20 empty shelf at the store. So our distribution centers
21 are high demand to maintain that level of service at the
22 Menards stores.

23 Q. Do you know approximately what the date would be
24 that you would need electric service at this site?

25 A. Not being part of the construction, no, I

1 couldn't give you an exact date.

2 Q. From your perspective, there's been some
3 testimony a little bit earlier about the primary versus
4 secondary service. The secondary service, as I
5 understand it, would be where MDU owns the transformers.
6 What incentive would there be for Menards to actually
7 own the transformers on the site, taking primary
8 service?

9 A. There's a reduced cost, your energy cost, for us
10 to own all of the equipment. Basically, they deliver
11 power to the door, to the entrance of our site, and we
12 would have to supply everything from there.

13 Q. So it's a reduced energy cost as far as what
14 you're paying MDU for per-kilowatt hour?

15 A. Yes.

16 Q. Now, you know what's before the Commission here
17 today is a certificate of public convenience and
18 necessity. You would be one of the customers at the end
19 of this line. From your perspective, how would the
20 Commission awarding that certificate benefit the public
21 in the area?

22 A. Well, with this site, it brings a lot of jobs to
23 the area. And like I said, it's not a short-term
24 project. We'll be supplying jobs for many, many, many
25 years to come, and then this site will just continue to

1 grow. So I would suspect if we bring good, clean,
2 reliable power to the area, it would benefit everybody
3 else with that, plus the growth of our company.

4 MR. NORRELL: I think that's all the questions I
5 have. Thank you.

6 HEARING OFFICER MANN: Commissioner Fedorchak.

7 COMMISSIONER FEDORCHAK: Thank you, Steve. A
8 couple questions just about the company and your growth
9 here in North Dakota. What's the next closest regional
10 distribution site to this one? Where do the Menards
11 stores in North Dakota currently get their regional
12 service from?

13 THE WITNESS: It's kind of a maze. Different
14 distribution centers have certain plants that might not
15 be at other distribution centers, so some of it might
16 have to come from one area and others could be supplied
17 from another area.

18 Like I explained before, for the logistics of
19 it, that's just not my area, that there's people smarter
20 than me about transportation costs that figure out what
21 would supply all of the different sites.

22 As far as distribution centers, like I said,
23 we've got a very large distribution center in Shelby,
24 Iowa, another very large one in Plano, Illinois, Holiday
25 City, Ohio. Then we've got some smaller ones in Iron

1 Ridge, Wisconsin. Valley, Nebraska, has got another,
2 what we'd call a mini site, but what we call mini site
3 is a pretty good sized site for most people.

4 COMMISSIONER FEDORCHAK: Is there one in
5 Minnesota or South Dakota?

6 THE WITNESS: No. We do have a manufacturing
7 plant in South Dakota for particleboard, but no
8 distribution center there.

9 COMMISSIONER FEDORCHAK: Okay. And is this --
10 in the Menards world, is this a large one, a min one,
11 the one that you have scheduled here? Describe that for
12 me.

13 THE WITNESS: It's kind of a large mini. We put
14 up -- you know, we look at what our needs are and we add
15 -- we size and put things in place accordingly, and then
16 we add as we see the growth and the potential and the
17 need for it.

18 COMMISSIONER FEDORCHAK: So did you prepare to
19 grow? Do you have additional land available on or near
20 this site that you are building out in McKenzie?

21 THE WITNESS: I guess I'm not aware of the exact
22 amount of land that's purchased, but I know that on our
23 other sites -- for example, right now I'm also working
24 with our Holiday City, Ohio, plant -- or distribution,
25 where it sits on 600 acres and we only developed

1 probably a third of that, now we're looking to develop
2 the other -- at least another third, if not two-thirds
3 of it.

4 Yeah, they usually buy as much as they can to
5 support that continued growth.

6 COMMISSIONER FEDORCHAK: Was that part of your
7 discussions with the electric providers to -- their
8 ability to serve growth and any expansions that might be
9 down the road? Did you get into that at all in your
10 discussions?

11 THE WITNESS: No, I didn't.

12 COMMISSIONER FEDORCHAK: Okay. Is that a
13 concern?

14 THE WITNESS: Yeah, that definitely would be --
15 we can't put up another plant if they couldn't supply
16 it, but --

17 COMMISSIONER FEDORCHAK: Okay.

18 THE WITNESS: -- my most concern at the time of
19 contacting them was what -- who would offer us the best
20 rate that -- keep our costs low.

21 COMMISSIONER FEDORCHAK: Okay. Is there -- do
22 you have rail service at this location? The rail line
23 goes right by there. Do you --

24 THE WITNESS: Yeah, it would require rail
25 service.

1 COMMISSIONER FEDORCHAK: And that's already
2 secured, too, so you have --

3 THE WITNESS: I'm -- once again, I'm not part of
4 that development part of it, but our sites require rail
5 service, so that we wouldn't be putting it up if we
6 wouldn't be able to get rail service.

7 COMMISSIONER FEDORCHAK: Do you, in your -- in
8 your evaluation of the two options, were both of them
9 able to meet your needs in the equal way? Set costs
10 aside. Tell me about your evaluation of the two
11 proposals. Or I don't know if you got two proposals,
12 but the two services offered and both their ability to
13 meet your power needs.

14 THE WITNESS: I guess if it was apples to apples
15 even in the cost of the energy given to us, I guess my
16 scale still tipped towards MDU. You know, doing some
17 online research and the ability of them to support, I
18 guess just reading about their company and the ability
19 to respond and support our power as a clean, reliable
20 power.

21 Also, we have a Bismarck, North Dakota store
22 that is supplied by MDU. And talking with that store
23 manager, very, very pleased and comfortable and happy
24 with the power supplied.

25 COMMISSIONER FEDORCHAK: Did Capital Electric

1 offer the three-phase interrupt?

2 THE WITNESS: I guess they will have to testify
3 whether they have that ability or not, but --

4 COMMISSIONER FEDORCHAK: You didn't explicitly
5 ask about that?

6 THE WITNESS: No, I didn't at that time.

7 COMMISSIONER FEDORCHAK: And can you -- could
8 you give us a percentage, a total percentage in terms of
9 the cost difference, estimated, ballpark, between the
10 two proposals?

11 THE WITNESS: Well, depending on the plan that
12 we were -- go with, and once again, that won't be my
13 final decision on that, but depending on the plan we
14 would go with, it was anywhere from, I think, 62,000 to
15 150,000 annual dollars in savings per year in energy
16 costs.

17 COMMISSIONER FEDORCHAK: 62,000 to 100,000?

18 THE WITNESS: One hundred fifty. And that
19 didn't include any of the incentive programs, which
20 Capital Electric told me that they didn't have any
21 incentive programs to offer.

22 COMMISSIONER FEDORCHAK: Okay. I think that's
23 all of my questions for now. Thanks.

24 HEARING OFFICER MANN: Commissioner Kalk.

25 COMMISSIONER KALK: Thank you, Your Honor.

1 Thank you, Steve, for coming out here and for
2 your work at Menards. I've been there many, many times.

3 Just a couple quick ones. You talked about the
4 savings that you feel you'll be able to have going
5 through MDU. In your discussion with MDU to this point,
6 and I'm sure we'll ask Ms. Aberle more questions, but
7 are you going to be asked to pay any of the costs of
8 upgrading their facilities to meet your needs?

9 THE WITNESS: I've not been in any discussion
10 with that, so --

11 COMMISSIONER KALK: But I mean --

12 THE WITNESS: You would have to ask, I guess,
13 her on that.

14 COMMISSIONER KALK: But no, if you're going to
15 tell me that you know how much you're going to save,
16 you've got to have a pretty good picture of what it's
17 going to cost you.

18 THE WITNESS: Yeah. Looking at just the energy
19 -- the amount of energy we would use and what we would
20 pay for the energy was what my decision was based on.

21 COMMISSIONER KALK: Okay. So the numbers that
22 you quoted, that range, is just what you'll save inside
23 the plant. So if you had to spend 60,000 to pay your
24 fair share of what was -- let's just say it laid out
25 what it cost MDU to upgrade their facilities, if they

1 asked you to pay half, that would be a cost that would
2 come right out of whatever you're going to save, a
3 one-time cost?

4 THE WITNESS: It would be a one-time cost. I
5 guess I don't know of any -- of that being asked, on my
6 part.

7 COMMISSIONER KALK: It's a question I'll ask
8 MDU, because we've got a lot of discussions in the
9 western part of the state where they're extending their
10 services and they're doing a cost-sharing with some of
11 the companies, and so just a question that I'll get to
12 Tammy, I want to know if they're getting better --
13 different treatment than the folks out west are getting,
14 because that's been a very big source of discussion.

15 So do you feel that if MDU didn't get this
16 opportunity to serve you, that your business could not
17 go forward if you were served by Capital Electric?

18 THE WITNESS: I guess that wouldn't be my
19 decision, but I would assume that everything is in
20 motion enough that we would be putting up the facility
21 and needing somebody to supply the power to us.

22 COMMISSIONER KALK: So the margins might change
23 depending who your service provider is, but you don't
24 feel that the project is in jeopardy?

25 THE WITNESS: No, I don't.

1 COMMISSIONER KALK: And thank you for doing
2 business out here. So I want to make sure that you
3 leave here with that message, too.

4 Interesting you brought up Home Depot. Home
5 Depot built a fancy store in Bismarck and they opened
6 the doors and they closed it the next week.

7 And so what guarantees do MDU customers have
8 that you're going to be here more than a year or two?
9 They put all this money into it, and you decided for a
10 month it doesn't look good because rail congestion for
11 ag and oil, no longer your rail service is available
12 that you had hoped for and we got congestion problems,
13 that you just close the door?

14 THE WITNESS: Our growth has been -- is one of
15 the reasons that I've been with the company for so long,
16 is it's a very stable company --

17 COMMISSIONER KALK: But is there any guarantees
18 that you give in writing that you will be there as a
19 customer for X amount of years?

20 THE WITNESS: I guess I can give it in writing
21 for me, but that wouldn't mean much.

22 (Laughter)

23 COMMISSIONER KALK: But you see the point --

24 THE WITNESS: Yeah.

25 COMMISSIONER KALK: -- if there's going to be a

1 huge cost --

2 THE WITNESS: We've never -- we've never closed
3 a distribution center facility, we've always grown them.
4 We've never closed a Menards store. And I guess I make
5 that statement with the fact that, if we closed a
6 Menards store, it was because we built a replacement
7 store on the same block or whatever. We're not a
8 lay-off company, we've never done any mass lay-offs.
9 There's just been nothing but continued growth with
10 Menards.

11 COMMISSIONER KALK: Do you have any questions, I
12 guess, for me about this whole proceedings? You're kind
13 of getting thrown in the middle of this discussion,
14 which you probably didn't expect to be in the middle of
15 when you came to do business in North Dakota.

16 THE WITNESS: Well, when I -- I got to admit,
17 when I first kind of make the phone calls to find out
18 about what was available, I guess I was told we had an
19 option, and you pick. It would be like me going to two
20 car dealerships and I decided which one will give me the
21 better deal, but now someone is deciding which one I
22 really will go with.

23 I really was surprised when I was called upon to
24 have to come and -- if we were choosing one type of --
25 one of the companies, why we would have to fight for it,

1 I guess.

2 COMMISSIONER KALK: And I just appreciate your
3 dialogue on that. It's just one of those things that
4 North Dakota law has continued to evolve and try to
5 minimize these situations as much as possible, but every
6 time there's always a possibility it happens.

7 So thank you for coming out here today and be
8 patient with us as we get through this. Thank you.

9 THE WITNESS: Thanks.

10 HEARING OFFICER MANN: Commissioner Christmann.

11 COMMISSIONER CHRISTMANN: I was taking notes,
12 but I got a little behind. Did you say 240 to 250
13 employees?

14 THE WITNESS: Yes.

15 COMMISSIONER CHRISTMANN: Did I get that right?
16 And a little bit earlier, Mr. Paul talked about the
17 switching or when there's a load interruption and it
18 being all three phases as opposed to one, and I didn't
19 really understand the significance of that to you, but
20 then you went into it also.

21 So can you elaborate a little bit more on that,
22 of how that works and what is the issue with it, if it's
23 not working the way you would like it to?

24 THE WITNESS: If you take a -- a three-phase
25 motor is designed to run on three phases and it can't

1 run on less than three phases.

2 You know, I guess putting it in layman's term,
3 and I won't pretend to know as much as the power
4 company, for your house, it's a single-phase; you have
5 two hot lines and a neutral that comes into your house.
6 If you lose one of those hot lines, you basically lose
7 about half the breakers in your house, half your house
8 goes dead, but can still continue to run on the other
9 half. Your light bulbs are all single-phase. It
10 doesn't really care, other than it's annoying that half
11 your house, I guess, is dead.

12 With three-phase power, it requires all three
13 phases for the rotation of this motor. If you lose one
14 phase, it gets off balance. If the motor is running, it
15 will continue to run, but it will vibrate, make noises,
16 it will kind of go crazy, it has no torque. If there's
17 any load on it, it will stall it out. If it's already
18 off and you try to start it during that, it would stall
19 out. And like I mentioned before, the remaining two
20 legs of this three-phase, the amps on it would skyrocket
21 two and a half times what they would normally see in
22 those legs.

23 And I can't express enough that increased amps
24 is just a killer for industrial equipment. We'll be
25 putting in, you know, not only large motors but robotic

1 systems that move product, and there's a -- it's very,
2 very, very based on three-phase power, and it can't run
3 on single-phase.

4 COMMISSIONER CHRISTMANN: And you would prefer
5 that the motors stop completely by completely --

6 THE WITNESS: Yes.

7 COMMISSIONER CHRISTMANN: -- cutting it out than
8 to have them continue to run on less than all three
9 phases?

10 THE WITNESS: I guess, in simple terms, it would
11 be annoying to have them stop, but at least I can start
12 them up again. I mean, you can imagine what the cost of
13 a 100 horsepower motor is, you know, we're talking 25-,
14 \$30,000 for some of these motors, and the maintenance of
15 them.

16 It also affects, you know -- the systems, you
17 know, run on PLC programs and variable frequency drives,
18 and a lot of equipment gets affected. It's the
19 equivalent of whether you're driving a four-, six-,
20 or eight-cylinder car and you lose one cylinder, your
21 car is not going to run as well; it's going to build up
22 heat and it's not going to be as efficient.

23 COMMISSIONER CHRISTMANN: So the fact that you
24 both brought this up -- you said you had reviewed the
25 proposals from both companies. The fact that you both

1 mention this as an important feature, should I read into
2 it that that is something that Capital Electric does not
3 offer?

4 THE WITNESS: I guess they would have to testify
5 to that, but if they don't offer that, that would be a
6 huge consideration.

7 COMMISSIONER CHRISTMANN: Okay. And the sixty
8 to \$150,000 per year, that was on energy costs, that has
9 nothing to do with the initial construction?

10 THE WITNESS: No, no, it doesn't.

11 COMMISSIONER CHRISTMANN: How do the two
12 proposals compare as far as initial -- really all -- if
13 you choose the option where MDU owns the equipment at
14 the plant, you're really not paying any --

15 THE WITNESS: No.

16 COMMISSIONER CHRISTMANN: -- upfront costs here?

17 THE WITNESS: Yeah.

18 COMMISSIONER CHRISTMANN: And are there upfront
19 costs with Capital Electric?

20 THE WITNESS: If we chose that option for them
21 to run all the power to each plant at the site, I would
22 assume no, for any additional cost. If we choose either
23 company, that they're going to supply power to our -- to
24 the edge of our site, then I guess that would be our
25 cost to run all the power within the site, and that

1 wouldn't change whether --

2 COMMISSIONER CHRISTMANN: The initial costs will
3 probably be the same regardless?

4 THE WITNESS: Yeah, I don't see any difference
5 there at all.

6 COMMISSIONER CHRISTMANN: Okay, thank you. No
7 other questions.

8 HEARING OFFICER MANN: Mr. Kuntz.

9 MR. KUNTZ: Thank you.

10 REDIRECT EXAMINATION

11 BY MR. KUNTZ:

12 Q. Mr. Manor, Mr. Norrell asked you some questions
13 about public benefit associated with this application.
14 If indeed there is a savings associated with electric
15 energy, does that affect the competitiveness of this
16 particular facility?

17 A. Yes. I've strongly felt that the prices that
18 Menards is able to offer at their stores is largely
19 based upon the cost savings of our distribution centers.

20 Q. And depending upon the competitiveness of a
21 particular distribution center, would that also affect
22 possible expansion plans in the future?

23 A. Oh, yes.

24 Q. And does it also affect the price that you have
25 to pass -- that Menards has to pass through on its

1 products that it sells to the public?

2 A. Yes. You know, businesses run on profit, so all
3 of that is calculated into the final cost of each
4 individual goods.

5 Q. So if the lower price of electricity means lower
6 product prices, that benefits the public, correct?

7 A. Yes, it does.

8 Q. Makes you more competitive, makes the Home
9 Depots have to be competitive with that?

10 A. Home Depot closes their door, we keep ours open,
11 so --

12 Q. And if that particular distribution site is
13 competitive, that means you're able to maintain that 250
14 employment base and even increase it; is that correct?

15 A. I would not see the employment base going down
16 at all, it would just go up.

17 MR. KUNTZ: Thank you.

18 HEARING OFFICER MANN: Mr. Olson.

19 RE CROSS EXAMINATION

20 BY MR. OLSON:

21 Q. Do you know when Menards purchased this site?

22 A. No, I don't.

23 Q. Has there been work done onsite?

24 A. I believe there's been some dirt moved, but I
25 don't think there's any construction on the site.

1 Q. Do you know when dirt work started?

2 A. No, I don't.

3 MR. OLSON: Okay. Nothing further.

4 HEARING OFFICER MANN: Mr. Norrell.

5 MR. NORRELL: Thank you, Your Honor.

6 RE CROSS EXAMINATION

7 BY MR. NORRELL:

8 Q. Mr. Manor, I happen to -- I was looking through
9 some notes, and there was a Supreme Court case in 1974
10 talking about customer preference and service in these
11 types of cases. And customer preference isn't
12 controlling, but it is a factor the PSC takes into
13 consideration. And in this particular case I was
14 looking at, there was a comment that had been made by
15 the customer in that situation, and I just wanted to get
16 your opinion on this.

17 And in that case, the customer preferred one
18 electric provider over another, as it seems you said a
19 couple times that you're leaning towards MDU. Would
20 that mean that Menards would not object to Capital
21 Electric service?

22 A. I guess that's not -- that wouldn't be within my
23 responsibilities to -- to be able to speak to that.

24 Q. Okay. And Commissioner Fedorchak had asked you
25 a couple of questions, kind of getting towards this, and

1 same question: With rail and road, if we're talking a
2 distribution system, I imagine there's going to be some
3 infrastructure improvements needed on rail lines and
4 road. Do you know, has Menards had any conversations
5 with the county, the township, with BNSF, or whoever
6 provides rail service, to make those improvements?

7 A. I could only speculate that they are, but once
8 again, it's not within my responsibilities for that, but
9 it's something that would have to be done, and is
10 normally done for any site that we develop, so --

11 MR. NORRELL: Thank you. No further questions.

12 HEARING OFFICER MANN: Commissioner Fedorchak,
13 anything else?

14 COMMISSIONER FEDORCHAK: I don't think so.

15 HEARING OFFICER MANN: Commissioner Kalk?

16 COMMISSIONER KALK: No, Your Honor.

17 HEARING OFFICER MANN: Commissioner Christmann?

18 COMMISSIONER CHRISTMANN: One more that I
19 forgot, Your Honor.

20 Do you have to build a rail facility there for
21 cars to pull over as you load or unload product?

22 THE WITNESS: The rail will have to be run into
23 the site, and depending on what it's bringing in -- it's
24 basically a spur. If it's lumber on flatbed cars, then
25 basically you'd have a pad on each side that you'd take

1 lumber off of. If it's a railcar, a box car, it usually
2 has something, a structure that it pulls up beside and a
3 bridge that goes across so that you can unload it. Or
4 if we truck in any other -- and I'm not sure if the sand
5 or that that's needed for the plants will also be
6 shipped in on rail or if that will be truck. I guess
7 I'm not a part of that.

8 COMMISSIONER CHRISTMANN: Do your facilities, is
9 that something that Menards usually builds and owns
10 then, or is that something that the railroad builds and
11 owns in your facility?

12 THE WITNESS: I guess I can't speak on whether
13 we own the railroad track or not, but anything -- any
14 structures we would be building.

15 COMMISSIONER CHRISTMANN: Would you be building
16 that north of the railroad?

17 THE WITNESS: I don't know. I guess without
18 reviewing the site plan, that's -- once again, that's
19 something that I -- in my responsibilities I wouldn't
20 have any decisions on.

21 COMMISSIONER CHRISTMANN: Your Honor, I don't
22 know if -- I just don't want to forget this later. I
23 don't know that it's really his thing to answer, how we
24 would know, but in trying to figure that out, I'm
25 looking at Exhibits 1 and 3, and Exhibit 1 appears like

1 the railroad is the southern boundary of the Menard
2 facility, and in Exhibit 3 it looks like the Menard
3 facility is perfectly square and also includes property
4 on the south side of the track, so at some point if we
5 could get that clarified.

6 MR. KUNTZ: Commissioner, that's probably my
7 fault, or at least my explanation. It's my
8 understanding that Exhibit 3, and although I haven't
9 seen the deeds, my understanding is Exhibit 3 depicts
10 the property that Menards actually owns. Exhibit 1
11 depicts our understanding of where these buildings that
12 we would serve are located. So that's kind of why they
13 look a little different between the two exhibits.

14 COMMISSIONER CHRISTMANN: Okay. Thank you.

15 HEARING OFFICER MANN: Commissioner Fedorchak?

16 COMMISSIONER FEDORCHAK: Yes, I do have one more
17 question. I'm trying to get a better sense for how --
18 for your discussions with both companies. Did you -- in
19 your discussions with Capital, did they understand what
20 you were looking for and did they get -- do you feel
21 that they understood what you were looking for and had a
22 chance, I guess, to give you a fair proposal for what
23 you needed?

24 THE WITNESS: Yes, I do. I guess my explanation
25 to them or discussion with either company was exactly

1 the same, as far as explaining what the needs were.

2 I do remember, and I let Capital know that we
3 were looking, and I even kind of asked them, I don't
4 know exactly what their abilities are, if they have any
5 wiggle room on energy pricing, that if our pricing was
6 lower from somebody else, would they, I guess, be able
7 or willing to lower the price to be competitive, and I
8 was told no.

9 COMMISSIONER FEDORCHAK: Okay. So the fact that
10 you didn't get into some of these other discussions on
11 reliability is probably, I can assume, because the price
12 wasn't competitive enough for you to ask them those
13 questions?

14 THE WITNESS: Yes, I guess. Initially, it was
15 kind of exploratory to find what the rates were on it.
16 A lot of this kind of just came along -- it's kind of
17 like there's a plus with the rates, and if the scale
18 keeps on tipping as you, I guess, learn that there's --
19 of the other benefits, if that's a fair explanation.

20 COMMISSIONER FEDORCHAK: Okay. Thank you very
21 much.

22 HEARING OFFICER MANN: Mr. Kuntz, anything
23 further for your witness?

24 MR. KUNTZ: Nothing.

25 HEARING OFFICER MANN: Mr. Manor, you can step

1 down. Thank you.

2 THE WITNESS: Thank you.

3 MR. KUNTZ: Thank you, Mr. Manor.

4 HEARING OFFICER MANN: You can call your next
5 witness.

6 MR. KUNTZ: Montana-Dakota would call Tammy
7 Aberle.

8 HEARING OFFICER MANN: Ms. Aberle, perjury is a
9 class C felony in North Dakota, punishable by a maximum
10 fine of \$5,000 or a maximum five years imprisonment, or
11 both.

12 Being advised of the penalty for perjury, do you
13 promise to tell the truth in this matter?

14 MS. ABERLE: I do.

15 HEARING OFFICER MANN: Okay. Go ahead, Mr.
16 Kuntz.

17 **TAMMY ABERLE,**

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

20 DIRECT EXAMINATION

21 BY MR. KUNTZ:

22 Q. Please state your name and business address,
23 Ms. Aberle.

24 A. My name is Tammy Aberle, A-B-E-R-L-E. My
25 business address is 400 North 4th Street, Bismarck,

1 North Dakota.

2 Q. Who are you employed by?

3 A. Montana-Dakota Utilities Company.

4 Q. What's your position with that company?

5 A. I'm the director of regulatory affairs.

6 Q. And those responsibilities in that position?

7 A. I'm responsible for the regulatory activities in
8 the states in which Montana-Dakota provides natural gas
9 and electric service.

10 Q. And could you summarize your educational and
11 work experience?

12 A. I graduated from Moorhead State University and I
13 have been at Montana-Dakota for my entire career.

14 Q. And are you familiar with MDU's application for
15 a certificate of public convenience and necessity to
16 provide electric service to the site of the planned
17 Menard facilities near McKenzie?

18 A. Yes, I am.

19 Q. Were you involved in putting that application
20 together?

21 A. Yes, I was.

22 Q. And did you conduct an analysis of whether
23 Montana-Dakota can earn an adequate return on its
24 investment to serve the Menards site?

25 A. Yes, I have.

1 Q. Before we start on that, Ms. Aberle, there's
2 been some questions that have come in in terms of
3 whether a customer contribution would be required for
4 this particular load versus other situations where
5 customer contributions are required. Could you explain
6 the company's tariffs on that?

7 A. Yes, I can. Montana-Dakota's electric extension
8 policy is set forth in what we call Rate 112, as
9 approved by this Commission. And under the electric
10 extension policy, the facilities we would need to add to
11 serve this location would be recovered by the revenues
12 that we would expect from the load.

13 So essentially, the extension policy looks at a
14 formula to indicate if there is sufficient revenue to
15 cover the cost of the extension. If there are, no
16 upfront contribution is required from a customer.

17 Q. And where the formula works out to where there's
18 not sufficient revenues based upon the formula, is that
19 when the customer contribution is required?

20 A. That is correct. At that point, we would
21 collect a contribution from the customer. In some
22 cases, that would be a refundable contribution where we
23 would look out over the next five years, if there were
24 additional loads added or if that particular customer
25 would add loads. In some cases, it's a non-refundable

1 contribution such that we see no future opportunities.

2 But again, in this case, even at a conservative
3 estimate, the revenue stream covered the costs that we
4 had to serve this customer.

5 Q. So no upfront contribution would be required
6 from the customer?

7 A. Correct.

8 Q. And that extension policy, that's set forth in
9 Montana-Dakota's tariffs?

10 A. Yes.

11 Q. And that tariff has been approved by the
12 Commission?

13 A. Yes.

14 Q. So you have to follow that particular policy on
15 each customer request for a service?

16 A. Yes, we do.

17 Q. Now, you said that you did conduct an analysis
18 of whether Montana-Dakota can recover a return on the
19 investment necessary to serve this load?

20 A. Yes, I did.

21 Q. I'm showing you what's been marked as Exhibit
22 number 10 in front of you. Can you identify that
23 document?

24 A. Yes. Exhibit MDU 10 is a comparison of costs to
25 Menards under both Montana-Dakota's and Capital

1 Electric's rates, and also a showing of the
2 contributions to costs under various scenarios:
3 Secondary service, primary service. And also, we've
4 looked at the total cost, as we heard about today,
5 including the upgrades to the substation and converting
6 that system to a wye system and -- and the costs then to
7 extend to Menard and the costs within the facility.

8 Q. And before we offer this exhibit, what was the
9 source of your information in terms of the demand and
10 kilowatt-hour consumption that you use in your
11 calculation?

12 A. I utilized information provided by Menard.

13 Q. And what was the source of your information in
14 terms of the rates that would be charged by Capital
15 under a particular service?

16 A. For this calculation, I used the rates that
17 Capital Electric provided in a response to a data
18 request that Montana-Dakota issued to Capital Electric.

19 Q. And what rates did you use for your
20 Montana-Dakota rates?

21 A. For Montana-Dakota would be our
22 Commission-authorized General Service Rate Schedule 30.
23 Under that Rate Schedule 30, there is an option for
24 service under a secondary service or a primary service,
25 as we've heard today.

1 MR. KUNTZ: We'd offer MDU Exhibit 10.

2 HEARING OFFICER MANN: Mr. Olson, any objection?

3 MR. OLSON: Exhibit 10 includes a lot of various
4 documents here that I don't think she testified to.
5 There's various numbers regarding various formulas that
6 I assume she's going to talk to. I guess I object to
7 that I haven't heard any testimony about it.

8 I suppose it will be -- I can deal with
9 relevance once it's entered, and that's fine, I can give
10 some leniency towards that, but there's a lot of numbers
11 here that haven't been testified to with regards to
12 various costs that I'm seeing that aren't matching
13 numbers that we've looked at, or that has been testified
14 to today.

15 MR. KUNTZ: Your Honor, the witness has
16 testified that she's prepared this. She's testified the
17 foundation for it. I think it's sufficient foundation
18 to be offered and received, and then we can go into
19 what's shown there in terms of what the numbers mean.

20 HEARING OFFICER MANN: Okay. Mr. Norrell.

21 MR. NORRELL: No objection, Your Honor.

22 HEARING OFFICER MANN: I'm going to allow or
23 admit Exhibit 10 into evidence in its entirety.

24 Mr. Olson, you'll have the ability to
25 cross-examine her on some of the figures and how she

1 came up with them.

2 MR. OLSON: That's fine, Your Honor. Thank you.

3 BY MR. KUNTZ:

4 Q. Okay. Stepping through Exhibit number 10,
5 Ms. Aberle, can you show us what's shown on page one of
6 six of that exhibit?

7 A. Yes. On page one is a side-by-side comparison
8 of Montana-Dakota's Rate 30 Secondary Service Schedule
9 and Capital Electric's rates. Again, those are the
10 rates that were provided in a response to a data
11 request.

12 I've done an apples-to-apples comparison using
13 the monthly kilowatt hours and the peak demand as
14 provided by Menard and as noted at the bottom of that
15 sheet. So under this comparison is showing an annual
16 cost difference of approximately \$62,000 or 11 percent
17 under Montana-Dakota's Rate 30 Secondary Service
18 Schedule.

19 Q. So just to be clear, this rate comparison on
20 page one of one is a secondary service rate comparison;
21 is that right?

22 A. Yes, it is.

23 Q. And Montana-Dakota's total cost of providing
24 service based upon the estimated demand and kilowatt
25 hours is what?

1 A. Our cost is \$513,669.84.

2 Q. And the cost under Capital Electric, as you
3 understand their rates?

4 A. Based on my calculation, the cost would be
5 \$575,883.84.

6 Q. And the annual difference is shown in the final
7 column there?

8 A. Yes, it is.

9 Q. And that's based upon a monthly kWh consumption
10 and the peak demand shown at the bottom?

11 A. Correct.

12 Q. And those are consistent with what Mr. Manor
13 testified to?

14 A. Yes, they are.

15 Q. Turn to page two and explain to us what's on
16 page two of ten?

17 A. On page two, the first line, the cost to extend
18 service in site facilities are those costs identified
19 and supported by Mr. Paul in MDU Exhibits 5 and 6. So
20 that is the cost to extend service. And because this is
21 a comparison under secondary service, it is the
22 investment required within the plant site.

23 What I've done is, in determining if this
24 revenue stream would provide an adequate return to
25 Montana-Dakota and its customers, I've calculated what

1 the required -- revenue requirement would be to -- for
2 that return.

3 I've also, in looking at the revenues, I have
4 excluded the cost of fuel and purchase power, which is a
5 pass-through to customers on Montana-Dakota's system, so
6 really isn't providing a contribution to that return on
7 that investment. So I've reduced the total revenues by
8 that amount, resulting in estimated net revenues from
9 the Menard facility under secondary service of 324,530.
10 So this provides a net contribution to costs or to other
11 customers of \$310,258.

12 Q. So based upon this analysis, Ms. Aberle, is this
13 load a benefit to other MDU customers or a detriment to
14 other MDU customers from a cost standpoint?

15 A. This load would benefit other MDU customers.

16 Q. And help maintain or keep rates where they're at
17 or lower to other customers; is that correct?

18 A. Yes.

19 Q. Turn to page three of six of Exhibit number 10
20 and tell us what's shown there.

21 A. On page three, I've performed a similar
22 calculation with the only difference here being the
23 total investment. On line one, that investment now, in
24 this line, of \$192,671 consists of all investment that
25 we've heard about today, so that would be the upgrade to

1 the substation, converting the line into McKenzie, the
2 extension over to the site, and the facilities within
3 the site.

4 Q. And so that entire investment to what was
5 Mr. Paul's breakdown of parts A, B, and C comes to
6 approximately \$192,000. What's the required return or
7 cost, if you will, to Montana-Dakota for deploying that
8 capital?

9 A. The revenue requirement for that would be
10 approximately \$28,000, for that investment.

11 Q. So is there then still a net contribution to the
12 general operation even with that additional expenditure?

13 A. Yes, there is, shown on the last line on that
14 page, the net contribution would be two hundred
15 ninety-six thousand dollars and six hundred fifty.

16 Q. So even with all the upgrades associated with
17 the substation and the converting from a delta to a wye
18 system, this load is still a net benefit to other MDU
19 customers. Is that --

20 A. Yes, it is.

21 Q. Based upon your analysis?

22 A. Yes, it is.

23 Q. Turn to page four of six, please.

24 A. On page one is a similar calculation as we saw
25 on page one. The difference is I've utilized

1 Montana-Dakota's authorized Rate 30 Primary Service Rate
2 Schedule, and that is shown on the left-hand column.
3 Based on, again, a data response from Capital Electric
4 indicating what their primary service rate would be,
5 I've provided a comparison based on my understanding of
6 their schedule.

7 As shown, Montana-Dakota's costs to Menard,
8 under the primary service schedule, would be
9 \$469,119.84, and under Capital Electric's primary, it
10 would be \$564,542.52, representing a benefit, under
11 Montana-Dakota's schedule, of approximately \$95,000
12 or 17 percent.

13 Q. Turn to page five of six and tell us what's
14 shown there.

15 A. Page five would be the cost for Montana-Dakota
16 to extend service under our primary service rate
17 schedule. So again, the top line is including only the
18 cost to extend service, the \$32,619, as Menard would be
19 responsible for everything behind the meter, everything
20 on their facility site.

21 I've also utilized then the revenue calculation
22 based on Primary Service Rate Schedule 30, the cost of
23 fuel and purchase power delivered under Primary Service
24 Rate Schedule 30, and calculated a net contribution to
25 cost of approximately \$283,000.

1 Q. And then finally page six of six of Exhibit 10?

2 A. Page six, again, the top line would be the
3 difference in that the total investment includes that
4 substation upgrade and the delta to wye conversion,
5 indicating a net contribution to cost of \$269,711.

6 Q. So even with all the upgrades, the extension,
7 and even if the customer would take service at the
8 primary rate, which is a little lower than the secondary
9 rate, there's still a net contribution to system costs?

10 A. Yes, there is.

11 Q. And that's a benefit to other MDU customers?

12 A. Yes, it is.

13 Q. Ms. Aberle, the witness from Menards testified
14 that it preferred the opportunity to utilize the demand
15 control pricing programs. Are those programs available
16 to MDU customers?

17 A. Yes. Montana-Dakota has two interruptible
18 programs available to its customers. One is under
19 Interruptible Service Schedule 38, as approved by this
20 Commission, and we also have a purchase power agreement
21 with Constellation New Energy, which provides a demand
22 response program to our customers.

23 Q. Have those programs been approved by this
24 Commission?

25 A. Yes, they have.

1 Q. And can you basically describe how those two
2 programs work?

3 A. Yes. Under Interruptible Power Service Rate 38,
4 that service schedule requires primary service metering,
5 so it would require Menard to take service under that
6 primary service schedule, and we would also require that
7 whole entire load to be interruptible at that point, and
8 it requires a minimum of 500 kW be interruptible.

9 Under that schedule, the customer is -- we have
10 100 hours to call upon that customer, if needed, to --
11 either in a contingency situation on the system or in a
12 time where we're reaching our system peak. So those
13 customers taking service under this rate schedule really
14 become a capacity resource for us.

15 The Constellation New Energy program is similar
16 in nature. In that program, it's really controls that
17 the customer would install within their system. It may
18 be a generator, it may be turning off certain loads, air
19 conditioning in a facility that wasn't necessary, but
20 the customer is required to nominate what they could
21 shed in a situation when called upon to do so.

22 So again, it's a capacity resource to us and
23 provides not only then a benefit to the customer in
24 terms of lower costs, but it provides a benefit to all
25 our customers as a resource.

1 Q. And ballpark, what type of savings might a
2 customer expect to realize under these programs?

3 A. Under Rate Schedule 38, I calculated a savings,
4 again under -- for rates that would be paid to -- that
5 Menard would pay of approximately \$150,000 in savings.

6 Under the commercial demand response, the
7 capacity payments are similar, but would expect that
8 they would probably have less load to interrupt, so the
9 savings, if half of their load was under a control
10 program, probably another nine to ten percent.

11 Q. So even under these programs, there's still a
12 sufficient contribution to the company?

13 A. Yes, there is.

14 Q. And are there other benefits to the company of
15 having these kind of demand control programs, as well as
16 its other customers of having these programs in place?

17 A. Yes, there is. It is a resource that
18 Montana-Dakota can call upon, just as it can call on a
19 turbine to run. It provides diversity in where those
20 resources are located, and so therefore, it is a net
21 benefit to all customers in reducing the amount of
22 investments that we would be required to make in
23 capacity resources to meet our -- not only our planning
24 reserve requirements, but just to meet our -- just to
25 provide additional reliability to the system.

1 Q. Ms. Aberle, are you familiar with the McKenzie
2 townsite?

3 A. Yes, I am.

4 Q. And how are you familiar with it?

5 A. I grew up in McKenzie, so very familiar with all
6 of the names we've talked about.

7 Q. Is McKenzie an incorporated city?

8 A. It is not.

9 Q. Does MDU, nonetheless, have a franchise to
10 provide service at the McKenzie townsite?

11 A. Yes, we do.

12 Q. And how does Montana-Dakota receive that
13 franchise?

14 A. Through the McKenzie township board.

15 Q. And Montana-Dakota records reflect how long MDU
16 or its predecessors have been authorized to provide
17 service to the McKenzie townsite?

18 A. Yes.

19 Q. Show you what's been marked as Exhibit number
20 11, can you tell us what those are?

21 A. Exhibit 11 provides the information that we
22 pulled from our records, indicating how long
23 Montana-Dakota or its predecessors have been serving
24 that area.

25 So the first item is the findings and order

1 issued by the Commission, and at that time referred to
2 as the Board of Railroad Commissioners, but nonetheless,
3 the similar commission, and the actual PC&N certificate
4 authorizing, at that time, Northern Power and Light to
5 provide service to the community of McKenzie. And that
6 was issued, as shown, in 1928, August of 1928.

7 Q. And Northern Power and Light company was a
8 predecessor to Montana-Dakota?

9 A. Yes.

10 Q. And behind those first two pages of the
11 certificate, are those franchises?

12 A. Yes, they are.

13 Q. And assignments?

14 A. Yes. As those franchises were assigned, the
15 first one is the 1928 franchise assigned to Northern
16 Power and Light. Following that, in 1934, that
17 franchise was further assigned. And in 1945, that
18 franchise was assigned to Montana-Dakota Utilities.

19 Q. And do the documents include the most current
20 franchise?

21 A. Yes. The last several pages of this document
22 include the current franchise issued by the township
23 board of McKenzie.

24 MR. KUNTZ: We'd offer MDU Exhibit number 11.

25 HEARING OFFICER MANN: Mr. Olson, any objection?

1 MR. OLSON: No objection.

2 HEARING OFFICER MANN: Mr. Norrell?

3 MR. NORRELL: No objection.

4 HEARING OFFICER MANN: Okay. MDU Exhibit number
5 11 is admitted.

6 BY MR. KUNTZ:

7 Q. Ms. Aberle, do you believe that MDU's extension
8 of the service to the Menards site will serve orderly
9 and economic development of electric service in the
10 area?

11 A. Yes, I do.

12 Q. Can you explain why you believe that?

13 A. I believe that is true for a number of reasons.
14 Montana-Dakota, or its predecessors, has been providing
15 electric service in this area since 1928.

16 Montana-Dakota provides, today, service to 29 customers
17 located within the two-mile radius, which I believe to
18 be more customers than Capital Electric would provide.

19 This extension and upgrade of service will
20 provide an opportunity for additional services to be
21 provided in McKenzie, and as we've heard, we would -- we
22 could fully expect to see some additions in that
23 community with the addition of the Menard facility. So
24 it will provide an economic means to serve Menard, and
25 as well as a benefit to all of our customers.

1 MR. KUNTZ: That's all the questions I have of
2 this witness.

3 HEARING OFFICER MANN: Okay. Mr. Olson.

4 CROSS EXAMINATION

5 BY MR. OLSON:

6 Q. Can you tell me when the last customer was added
7 in this two-mile radius to MDU's load?

8 A. I do not know the last time that a customer -- a
9 new customer addition was added, but I do know that
10 there are several locations within that village or
11 community that have had new homes established, and so
12 we've had services reestablished there.

13 Q. The franchise does not include the Menards site;
14 is that correct?

15 A. That is correct.

16 Q. Okay. You testified as to various documents. I
17 think they're all under Exhibit 10, pages one through
18 six. These monthly -- I'm looking at page one, the
19 bottom left-hand, that gives us monthly kilowatt hour
20 and peak demand. How are those numbers extrapolated?

21 A. Those were provided by Menard as their expected
22 load at that facility.

23 Q. Do you know if those numbers were provided to
24 Capital?

25 A. I do not.

1 Q. Page number one, it's got a dollar amount. The
2 first dollar amount that's closest to the top is
3 \$98,658. In looking at the footnote, so I'm kind of
4 repeating this but I just want confirmation from you,
5 that only includes the site work and the extension of
6 the 1800 feet; is that correct?

7 A. That is correct.

8 Q. We heard testimony today that there are three
9 pieces in this puzzle that need to happen at the same
10 time to serve this site. And that doesn't include the
11 other two pieces in the puzzle, does it?

12 A. Correct.

13 Q. This is going to be a repeat of what I just
14 said, but number five of that page, you have the cost to
15 extend service, and this is with your primary rate, so
16 this is where Menards is picking up some of the costs on
17 the site, but again, this is only including the
18 extension of the 1800 feet; is that correct?

19 A. That is correct.

20 Q. But it doesn't include the other -- we heard
21 testimony earlier that the three pieces of the puzzle
22 cost around \$126,000, and this is only showing
23 thirty-two, is that correct, 32,000?

24 A. That's correct. Those costs are shown on pages
25 four and six.

1 Q. Yes. So page three, and like you just said,
2 page six are including all three pieces that are
3 required? That's what you testified to?

4 A. Yes.

5 Q. Okay. But we heard testimony today that that
6 does not include the price for transformers that are
7 needed for the village of McKenzie; is that correct?

8 A. That is my understanding.

9 Q. Okay. And there was no cost associated with the
10 transformer at the substation as well. Is that your --
11 that's what you've been informed of?

12 A. That is correct, as that was fully depreciated,
13 yes.

14 Q. So those numbers are just based on the
15 information that's been passed on to you?

16 A. It's the information provided in the exhibits
17 here, yes.

18 MR. OLSON: Okay. I have nothing further.

19 HEARING OFFICER MANN: Mr. Norrell.

20 MR. NORRELL: Thank you, Your Honor.

21 CROSS EXAMINATION

22 BY MR. NORRELL:

23 Q. Good morning, Tammy. If customer preferences
24 (Indiscernible 1:11:37) -- this is kind of a spin on the
25 question I had asked Mr. Manor earlier -- how is this

1 investment in the interest of the public? How does this
2 further public convenience and necessity?

3 A. This investment will provide Montana-Dakota an
4 efficient way to better serve additional load growth
5 within the city of McKenzie or community of McKenzie,
6 which we are -- are required to serve under our PC&N.
7 So it provides a net benefit, again, to all customers
8 and it provides opportunities for the city of McKenzie.

9 Q. If Menards wasn't putting in this facility,
10 would MDU be looking at increasing its infrastructure to
11 the city of McKenzie?

12 A. As I've said, we've seen some growth, not growth
13 in terms of numbers from where we were in past years,
14 but we have seen growth in that community. I think it
15 becomes closer and closer to Bismarck as Bismarck
16 continues to grow further east.

17 So I can't say that, without Menards, would it
18 be relatively soon, I'm not sure, but there has been a
19 resurgence in activity in those areas.

20 Q. Do you know at all, has there been any
21 discussion within the community of McKenzie to petition
22 to organize that as an incorporated city separate from
23 the township?

24 A. I'm not aware of any.

25 Q. If Capital were to end up serving Menards, would

1 you still need to upgrade the transformer at that
2 substation north of McKenzie?

3 A. Based on testimony I've heard today, I believe
4 that we would. Montana-Dakota's certificate does go out
5 to that east end, as we've looked at on several of the
6 maps where the township has platted that land. However,
7 today, it is farmland or just storage buildings. But if
8 that plant were to bring in the kind of employees that
9 we've heard about today, I would fully expect those
10 employees would require, perhaps, a convenience store or
11 something of that nature, which would require us to
12 upgrade those facilities.

13 Q. You had mentioned you expect additions to the
14 area. Have you been in any conversations with any other
15 potential customers in the McKenzie area, whether that's
16 a large or residential or --

17 A. Not to my knowledge.

18 Q. Would you expect that any other additions would
19 seek service from MDU?

20 A. Well, I believe the property that we looked at
21 would be in our area and would be a likely area of
22 development.

23 MR. NORRELL: I believe that's all the questions
24 I have. Thank you.

25 HEARING OFFICER MANN: Commissioner Fedorchak.

1 COMMISSIONER FEDORCHAK: I believe all my
2 questions about the rate recovery or investment recovery
3 and how the rates work on this have finally been
4 answered, so thank you, Tammy. I don't have any
5 questions.

6 HEARING OFFICER MANN: Okay. Commissioner Kalk.

7 COMMISSIONER KALK: I wasn't quite ready for
8 that, Julie.

9 COMMISSIONER FEDORCHAK: I know. They covered
10 it.

11 COMMISSIONER KALK: No, that's great.

12 Tammy, this may take a while for me to get
13 through some of this thought. A fair assessment --
14 assumption that I know more about MDU than I do about
15 Capital, so I'll probably ask you more questions about
16 your system than I probably will Capital, but the one
17 thing that's in my mind is the -- I was just questioning
18 the Menards employee about how long they're committed to
19 staying in the region. Kind of back to you. How long
20 are you guaranteeing to Menards the rates that you put
21 in all these -- in this exhibit?

22 THE WITNESS: Montana-Dakota cannot guarantee
23 rates. We are upfront with our customers in their
24 regulated rates, knowing that they will need to -- any
25 change in those rates will need to come before this

1 Commission and they would have the opportunity to
2 participate in any of those proceedings, of course, but
3 we cannot guarantee a rate.

4 COMMISSIONER KALK: So that if Menards is making
5 their decision that the rates look better, a snapshot
6 today, where if MDU has got a bunch of things coming in
7 the queue to raise your rates over the next five years
8 and Capital doesn't, that these numbers might be wrong,
9 they might be completely flipped five years from now.
10 Have you -- I mean, is that a fair assessment?

11 THE WITNESS: They could. It would be, I guess
12 I think, unrealistic to think that our rates would grow
13 by that much more than Capital Electric's rates would
14 grow.

15 COMMISSIONER KALK: Based on what?

16 THE WITNESS: Just based on the development in
17 this area.

18 COMMISSIONER KALK: So I'm going to go through a
19 list of projects that I know about. The Heskett
20 expansion and the cost of tariff, that's coming in front
21 of this Commission right now.

22 THE WITNESS: Yes, it is.

23 COMMISSIONER KALK: So there will be, more than
24 likely, some type of cost increase for all members on
25 that, I would assume, unless we say zero. The

1 transmission tariff.

2 The Ellendale to Big Stone line, won't that be
3 coming through this Commission at some point in time?

4 THE WITNESS: The Ellendale to Big Stone line is
5 an MV -- Multi Value Project under MISO.

6 COMMISSIONER KALK: So the 17 percent --

7 THE WITNESS: So really, very, very little --

8 COMMISSIONER KALK: One percent that is.

9 THE WITNESS: Yeah, less than one percent would
10 be recovered -- called to be recovered from our
11 customers.

12 COMMISSIONER KALK: How about the movement of
13 Southwest Power Pool now potentially serving Basin
14 Electric, how that might affect your costs? Would that
15 be a cost that may be an increase?

16 THE WITNESS: Yes.

17 COMMISSIONER KALK: So how do we -- if we were
18 truly to look at the costs that we know are coming, is
19 that fair to look at those costs, or we just have to
20 look at what's available now?

21 THE WITNESS: You know, I looked at cost
22 proposals that are before you. There's still a
23 significant savings to Menard, just because those cost
24 proposals are before you. But what we're not talking
25 about is the additional loads that may come.

1 And so I mean, at some point you do need to take
2 a snapshot look, and because there will be additional
3 loads that we'll be serving, that will be offsetting
4 some of those costs as we -- you know, into the future.

5 COMMISSIONER KALK: Okay. So you believe that
6 even if -- even as we sort through these other cases,
7 there still will be a big benefit to Menards on overall
8 costs?

9 THE WITNESS: There is still a savings, yes.

10 COMMISSIONER KALK: There is. What part would
11 point me to that in the record, that you considered
12 those potential costs, or those pending costs?

13 THE WITNESS: I did not provide that exhibit as
14 the costs are not approved at this point in time.

15 COMMISSIONER KALK: So that's based on your
16 experience and understanding of these cases, that's
17 where you came to that conclusion?

18 THE WITNESS: I used what we propose in my
19 analysis.

20 COMMISSIONER KALK: Okay. Let me look through
21 here. A couple more.

22 Where will your increased generation come from?
23 Do you have enough generation to meet this need?

24 THE WITNESS: Yes, we do. Either -- you know,
25 today we're purchasing energy through MISO market.

1 Those -- that opportunity continues to exist. We have a
2 power purchase agreement that we expect to be in place
3 in 2015 for additional energy on the system to hedge, if
4 you will, that MISO energy price and provide a low-cost
5 alternative to our customers. So I believe that we're
6 in a position to meet those demands.

7 As we've talked about on the capacity side, we
8 are adding a capacity resource, but as those capacity
9 requirements increase, the benefit that -- Menard being
10 interested in an interruptible rate or the commercial
11 demand response program will, of course, provide
12 benefits in offsetting some of those needs.

13 COMMISSIONER KALK: Okay. Has there been any --
14 and I think Mr. Kuntz talked about this in his opening
15 remarks a little bit. Has there been any discussion
16 with Capital about a service area agreement?

17 THE WITNESS: Surrounding McKenzie, I do not
18 believe so.

19 COMMISSIONER KALK: Is that a discussion that
20 should be taking place right now?

21 THE WITNESS: If the little town explodes, we
22 might have to do that.

23 COMMISSIONER KALK: But we've been told that
24 they're going to build a plant out here, with
25 potentially 200 new homes, so it would seem reasonable

1 that you and Capital should sit in a room somewhere and
2 look at "Well, we're going to have this brick plant and
3 we're going to have 200 new homes and who could serve
4 what, when, and where."

5 Otherwise, we'll make a decision on this PC&N,
6 and then they'll be back in for another PC&N to serve
7 new homes over here, and then a new Cenex station and a
8 new -- I mean, wouldn't it make sense that now is the
9 time to sit down with Capital and say, "Okay, we both
10 acknowledge this town is going to grow, we both
11 acknowledge that there's going to be growth," perhaps in
12 that black box on Exhibit 1 that clearly is probably
13 MDU's, but there's growth outside it, so define that
14 whole area right now that could work through this case
15 as well as future cases.

16 THE WITNESS: I don't believe issuance of this
17 PC&N would preclude those future discussions as this
18 develops.

19 COMMISSIONER KALK: Wouldn't this set a strong
20 precedence no matter which way we go, defining that
21 service area agreement?

22 THE WITNESS: It may. I'm not involved in the
23 -- in negotiating service area --

24 COMMISSIONER KALK: So you don't do the service
25 area agreements for --

1 THE WITNESS: I do not.

2 COMMISSIONER KALK: Who usually does those?
3 Because MDU has done, to your credit, many service area
4 agreements. I don't remember who comes in for those.

5 THE WITNESS: Just as Mr. Kuntz explained, it's
6 really at that local level, so it really is each of
7 those -- as each of those communities are expanding, so
8 it would be the local operating folks.

9 COMMISSIONER KALK: So Ken Callahan was in here
10 for the Williston one.

11 THE WITNESS: Correct.

12 COMMISSIONER KALK: But who would be responsible
13 for this one in McKenzie, since I don't suspect you have
14 an MDU rep in McKenzie 24/7.

15 THE WITNESS: We do not. We would service that
16 out of our Bismarck area, so that would be
17 Mr. Lohstreter that you heard from this morning, we
18 would have our region director here, Mr. Darus (phonetic
19 throughout), and that is really what starts that
20 process.

21 COMMISSIONER KALK: But to your knowledge, no
22 one has ever -- from MDU has reached over to Capital and
23 said, "Let's sit down and hammer out a service area
24 agreement" when we knew this was coming?

25 THE WITNESS: I don't know if there was or not.

1 COMMISSIONER KALK: Okay. Thank you, Tammy.

2 HEARING OFFICER MANN: Commissioner Christmann.

3 COMMISSIONER CHRISTMANN: Do you know anything
4 about the history of that service that goes out south
5 and then west of McKenzie, how that came to be that MDU
6 is way out there in the country?

7 THE WITNESS: I believe it -- this is just what
8 I surmise, is because there were two elevators south of
9 that Highway 10 and there was actually, also, a train
10 depot in that location, so I -- and because this service
11 was established prior to the TIA, I believe we probably
12 just extended our service as we went out to that
13 elevator and continued on.

14 COMMISSIONER CHRISTMANN: Do you think those
15 predated the cooperative's being set up?

16 THE WITNESS: My understanding is the -- I don't
17 know about the cooperative establishment date, but prior
18 to the TIA law being established.

19 COMMISSIONER CHRISTMANN: Okay. Did I
20 understand you right, that it's your belief, based on
21 the projections for ancillary development in the area,
22 that you expect that there would be enough of it in what
23 is now -- in your franchise in McKenzie, that even if
24 you did not have this load, that you expect there would
25 be enough growth there that you would need to upgrade

1 the substation and the line into town that exists now to
2 the wye design?

3 THE WITNESS: Based on explanations provided by
4 Mr. Lohstreter and Mr. Paul, I believe that there is
5 that opportunity because of, if there were any type --
6 not necessarily the amount of load, but if it were a
7 convenience store or something of that nature, would
8 require, as I understood -- more likely require that
9 three-phase underground service, and that would require
10 us to upgrade that system.

11 COMMISSIONER CHRISTMANN: Both the substation
12 and the line into town?

13 THE WITNESS: That is my understanding.

14 COMMISSIONER CHRISTMANN: I have no other
15 questions.

16 HEARING OFFICER MANN: Okay. Commissioner
17 Fedorchak.

18 COMMISSIONER FEDORCHAK: Tammy, I want you to
19 pull out Exhibit H, which is the application for
20 permanent authority that you -- looking at Exhibit H,
21 the application for permanent authority, this is what
22 they've handed out, but you also submitted this to us
23 and you signed it, so I think you might be the one to
24 answer this question.

25 Capital Electric pointed out that what you

1 described -- what MDU described in paragraph four as
2 investments needed to facilitate this new customer
3 doesn't provide the full picture. Can you tell me
4 what's required of you when you're making these
5 applications? Are you supposed to tell us everything
6 that's needed to serve? Or what's your understanding of
7 your requirements there?

8 THE WITNESS: My understanding is if it were
9 that there were no other potential that we would ever
10 upgrade that system, we certainly would have more --
11 more than likely consider that cost here. So it really
12 is a balance of looking at is there a need for other
13 customers that isn't precipitated solely by this
14 extension to Menards, whether that would be considered
15 as the total cost to extend.

16 COMMISSIONER FEDORCHAK: So you felt that just
17 the 2,700 feet is what for sure would be required for
18 Menards?

19 THE WITNESS: That was a known, yes, that we
20 would need to extend our system to serve that load.

21 COMMISSIONER FEDORCHAK: Then is it -- let's see
22 here. Are those the only charges then that are going to
23 the company in your calculations for the investments
24 needed? How does that relate to all these figures that
25 we've been looking at?

1 THE WITNESS: As this proceeding developed and
2 we were looking -- looking at all of the costs, and to
3 ensure that we could meet the requirements that the
4 revenues associated would provide a cost benefit to all
5 customers, I did provide, in that Exhibit 10, all of
6 those costs, so that would be on that page, I believe.
7 Pages three and six is where we then took a look at all
8 of those costs to be certain that we met that
9 requirement on a standalone basis without bringing any
10 other loads into the equation.

11 COMMISSIONER FEDORCHAK: Okay. Thank you.

12 HEARING OFFICER MANN: Mr. Kuntz, followup?

13 MR. KUNTZ: Yes.

14 REDIRECT EXAMINATION

15 BY MR. KUNTZ:

16 Q. Ms. Aberle, I want you to turn to page three of
17 six of Exhibit number 10. Do you recall there were some
18 questions of you as to whether that investment number of
19 192,671 included, for example, the cost of changing out
20 the house transformers without the city of McKenzie; is
21 that correct?

22 A. Yes.

23 Q. Am I correct in understanding that, based upon
24 the calculations that you're showing here, just off the
25 top of my head, it seems like this investment could have

1 been ten times this amount and still provided
2 (Indiscernible 1:27:45) net contribution to the company;
3 is that correct?

4 A. Subject to check, yes.

5 Q. And also there you've shown -- there was
6 questions about other generation or purchase power
7 costs. That amount is shown at currently -- based upon
8 current rates of \$189,140; is that correct?

9 A. Yes.

10 Q. So you would have to see some substantial
11 increase in purchase power costs to erode that
12 contribution, would you not?

13 A. Yes.

14 MR. KUNTZ: That's all the questions I have.

15 HEARING OFFICER MANN: Mr. Olson.

16 RE CROSS EXAMINATION

17 BY MR. OLSON:

18 Q. Do you know what type of services are provided
19 in McKenzie? Is there water that's available there in
20 the village?

21 A. Through the rural water system.

22 Q. Okay. Is there a sewer system as well?

23 A. No, there is not.

24 Q. So that everyone there has septic or holding
25 tanks, is that --

1 A. At this time, yes.

2 Q. Okay. You talked a little bit about the public
3 benefit that, in your opinion, would occur if MDU is
4 allowed to serve. Isn't it true that most of those
5 public benefits are going to be there if Capital serves
6 it as well?

7 You listed off growth and things like that.
8 We've heard Menards is going to come there regardless.
9 Those benefits are there for both, whether or not it's
10 MDU or Capital; isn't that correct?

11 A. That is correct. I think a load of this
12 magnitude, as we would consider an anchor load, will
13 provide the opportunity to provide additional services
14 within that community.

15 And as we are -- as we've heard, there are many
16 investments Montana-Dakota is making to serve its
17 customers. And a load of that -- high load factor, a
18 load of that nature would offset some of those costs as
19 a benefit to other customers. So I think that public
20 benefit will only come through Montana-Dakota serving
21 that load.

22 Q. Those same benefits wouldn't come through
23 Capital?

24 A. I'm not sure if they would.

25 Q. Well, you said that they'd only come if it was

1 MDU?

2 A. They would only come to Montana-Dakota's
3 customers.

4 Q. If my memory serves me right, I think your
5 testimony differed a little bit from Mr. Lohstreter's.
6 He said that there had been little or no growth in
7 McKenzie, and then you were stating that there has been
8 growth, but then you explained that, that there were
9 some new -- not new customers, but that they maybe built
10 new homes in the same area that they had a meter? Is
11 that what you had said?

12 A. That was how I was trying to differentiate that.
13 I don't know that we've added a new meter in McKenzie,
14 but I do know that there have been several new
15 residences added.

16 Q. And are you aware of any convenience stores
17 coming to the area?

18 A. No. I'm just, again, based on the testimony
19 we've heard today with that number of employees in one
20 location, 18 miles from Bismarck, that I think that it
21 wouldn't be unlikely.

22 Q. Because of this load that we're talking about at
23 the Menards site, not just because of the growth?

24 A. I think the convenience store and those kinds of
25 things would certainly come sooner because of Menard.

1 Q. I just don't want the testimony to be skewed. I
2 think the thought about upgrading the delta to the wye
3 was talked about with the commissioners asking questions
4 about what if, and I don't think there's been any
5 testimony about growth, because Lohstreter said he
6 hasn't heard of any growth coming to the area.

7 I just don't want it to be -- you talked about
8 growth being homes being upgraded in the area, and I
9 think it was just a matter of the conversion process of
10 what if, and so I don't want that to be misconstrued.

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

12 HEARING OFFICER MANN: Mr. Norrell.

13 MR. NORRELL: Nothing further, Your Honor.

14 HEARING OFFICER MANN: Okay. Commissioner
15 Fedorchak.

16 COMMISSIONER FEDORCHAK: No more from me.

17 HEARING OFFICER MANN: Commissioner Kalk.

18 COMMISSIONER KALK: I want to ask Tammy when her
19 next rate increase request is coming for electricity,
20 but I don't think you'll probably answer that, will you?

21 THE WITNESS: I wouldn't have that information.

22 COMMISSIONER KALK: All right. Thank you.

23 HEARING OFFICER MANN: Commissioner Christmann.

24 COMMISSIONER CHRISTMANN: Mr. Olson's questions
25 about other facilities reminded me of something. Do the

1 people of McKenzie have natural gas service?

2 THE WITNESS: They do not today.

3 COMMISSIONER CHRISTMANN: What's the next place
4 east of there where MDU provides gas service?

5 THE WITNESS: We would --

6 COMMISSIONER CHRISTMANN: Or does your gas
7 service end at Bismarck and Lincoln?

8 THE WITNESS: The gas service, there's -- the
9 transmission line is directly north of McKenzie, is
10 running east and west. I'm thinking, "Where do we serve
11 next" -- Steele? -- "natural gas service?"

12 COMMISSIONER CHRISTMANN: How far is that
13 transmission line from here, from the Menard property?

14 THE WITNESS: I believe it's relatively close to
15 the substation, probably a little bit north of that
16 substation.

17 COMMISSIONER CHRISTMANN: But are tariffs and
18 stuff, I presume -- prohibit any mixing of your costs
19 and profits from your gas service to your electric
20 service. So that project will have nothing to do with
21 this project and can't be blended, correct?

22 THE WITNESS: Definitely. We've not -- have not
23 included anything in this analysis with regard to
24 natural gas.

25 COMMISSIONER CHRISTMANN: Thank you. No other

1 questions.

2 HEARING OFFICER MANN: Mr. Kuntz, anything else?

3 MR. KUNTZ: Nothing further.

4 HEARING OFFICER MANN: Okay. Ms. Aberle, you
5 can step down. Thank you.

6 MR. KUNTZ: That concludes our presentation,
7 Your Honor.

8 HEARING OFFICER MANN: Okay. And I think then
9 at this time we will take a break for lunch for about an
10 hour.

11 COMMISSIONER KALK: Your Honor, if I could just
12 ask a couple quick questions?

13 HEARING OFFICER MANN: Absolutely. Go ahead.

14 COMMISSIONER KALK: Does Capital have any feel
15 for what -- number of witnesses and how long you think
16 yours will take today, subject to all these commissioner
17 questions? I'm just throwing --

18 MR. OLSON: Yeah, I'm guessing -- I'm guessing
19 two witnesses, based on what I've heard today so far.

20 COMMISSIONER KALK: So you think we'll be able
21 to finish by five o'clock tonight?

22 MR. OLSON: I think we'll be done before five.

23 COMMISSIONER KALK: Okay.

24 MR. OLSON: I mean, I think so.

25 COMMISSIONER KALK: Fair enough. If we're not,

1 that's fine. Somewhere by two, three o'clock, if we're
2 not going to finish, I want us to at least have the idea
3 open that we continue this to something else.

4 MR. OLSON: I am fairly confident that we'll be
5 done before five.

6 COMMISSIONER KALK: Okay, thank you.

7 HEARING OFFICER MANN: So if we reconvene at
8 1:15, we'll still have sufficient time? Okay, we'll
9 break until 1:15.

10 (Recess)

11 HEARING OFFICER MANN: Okay, we are back on the
12 record. It is approximately 1:15. And prior to the
13 break, MDU had just completed the presentation of its
14 case, so we can go ahead and proceed with Capital
15 Electric.

16 Mr. Olson, you can call your first witness.

17 MR. OLSON: I'm going to call Mr. Ron Lipp.

18 HEARING OFFICER MANN: Mr. Lipp, perjury is a
19 class C felony in North Dakota, punishable by a maximum
20 fine of \$5,000, a maximum five years imprisonment, or
21 both.

22 Being advised of the penalty for perjury, do you
23 promise to tell the truth in this matter?

24 MR. LIPP: I do.

25 HEARING OFFICER MANN: Okay. Go ahead.

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RON LIPP,

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

DIRECT EXAMINATION

BY MR. OLSON:

Q. Can you state your name for the record?

A. Ron Lipp.

Q. And what is -- where are you currently employed?

A. Capital Electric.

Q. And what is your position there?

A. I'm the manager of engineering and operations.

Q. And how long have you served in that capacity?

A. Twenty-seven years.

Q. Okay. Can you tell me what your education background is?

A. I went to BJC, it's now BSC, and then I went to Fargo, NDSU.

Q. And what did you get your degree in?

A. I got my degree in electrical engineering.

Q. Okay. Did you have any other experiences in engineering that you brought to Capital Electric before --

A. Yeah. Right out of college, I went to work for Finley Engineering for seven years, and then I went to SS&R, they're a consultant, for eight years, and then

1 Lars hired me.

2 Q. Okay. Are you familiar with the area that is
3 southeast of the village of McKenzie where MDU has asked
4 to serve?

5 A. I am.

6 Q. Okay. Did Menards contact you regarding serving
7 electricity on this site?

8 A. Yes, they did.

9 Q. Can you look at Exhibit A that I have up there?
10 It is not in the binder. It is (Indiscernible 2:19).
11 Can you tell me what this document is?

12 A. This is our application for service if you're a
13 new member.

14 Q. Okay. And the company name there on the top
15 left is Menard, Inc., and the contact person was Jesse
16 Kane. Is that who you had contact with?

17 A. 10-4. He was in my office, yes.

18 Q. Okay. And so this was executed, in the bottom
19 right-hand corner, on what date?

20 A. 10/16/13.

21 Q. Okay. And so is this -- why did you receive
22 this?

23 A. Well, he requested service from Capital
24 Electric, and this is what we do. I mean, if you -- if
25 somebody wants service, they have to fill out an

1 application and then we'll go from there.

2 MR. OLSON: Okay. I guess I'd like to offer
3 Exhibit A, just to --

4 HEARING OFFICER MANN: Mr. Kuntz, any objection?

5 MR. KUNTZ: No objection.

6 HEARING OFFICER MANN: Mr. Norrell?

7 MR. NORRELL: No objection.

8 HEARING OFFICER MANN: Exhibit A is admitted.

9 BY MR. OLSON:

10 Q. If you can open up exhibit B there, Mr. Lipp,
11 was this map created by you or at your direction?

12 A. Yes, it was.

13 Q. Okay. Can you tell me what this depicts?

14 A. Well, this is Capital Electric's facilities in
15 the vicinity of this new Menards site.

16 Q. Okay. The purple or red circle that's in the
17 middle, is that -- what type of radius is that around
18 the site?

19 A. That's a one-mile radius around the site.

20 Q. Okay. And the blue or -- that looks like it's a
21 blue line --

22 A. Yeah.

23 Q. -- the larger circle, what does that depict?

24 A. That's a two-mile radius.

25 Q. Okay. And so this depicts your transmission --

1 your electric system in this area that surrounds the
2 Menards site; is that correct?

3 A. That's correct.

4 MR. OLSON: Before he testifies, I'd like to
5 offer this as exhibit B.

6 HEARING OFFICER MANN: Mr. Kuntz?

7 MR. KUNTZ: No objection.

8 HEARING OFFICER MANN: Mr. Norrell?

9 MR. NORRELL: No objection.

10 HEARING OFFICER MANN: Exhibit B is admitted.

11 MR. OLSON: And if Mr. Lipp's lapel mic is on, I
12 would ask him to -- allow to come over here and stand by
13 this sign. We don't have a PowerPoint, but he can then
14 point out stuff rather than pointing from there. Is
15 that okay?

16 HEARING OFFICER MANN: Yes, he may. Go ahead.

17 BY MR. OLSON:

18 Q. So Ron, first off, can you go ahead and kind of
19 show us where the interstate is on this map?

20 A. Okay. The interstate is this -- it's red and
21 white like a candy cane.

22 Q. Okay. And can you show -- can you describe in
23 some sort of detail your transmission lines that you
24 have in this area?

25 A. Okay. Our transmission line is on the bottom --

1 or south side of the interstate. It's a line with two
2 circles. That's a transmission symbol. So it goes --
3 you know, goes around and it goes --

4 Q. So it pretty much is parallel to the interstate;
5 is that correct?

6 A. On the south side, that's correct.

7 Q. Okay. And where is MDU's transmission --

8 A. They're on the north side. You can see theirs,
9 too.

10 Q. Okay. The large highlighted yellow portion,
11 what is that?

12 A. That's the quarter that Menards purchased.

13 Q. Okay. So that's the site that MDU has asked to
14 serve; is that correct?

15 A. That's correct.

16 Q. Okay. Let's just go just north of the site.
17 Can you tell us where your distribution lines come in to
18 serve the area that's right around the vicinity of the
19 site?

20 A. Okay. Well, we have an underground three-phase
21 line on the south side just underneath our transmission
22 line. Our transmission line is overhead. So we have a
23 three-phase line on the south side of the interstate.
24 And then we've got a single-phase underground line that
25 goes down to Old 10, and then it goes -- you know, it

1 goes overhead over to here, and it goes overhead
2 surrounding this new site. But that's single-phase.

3 Q. Okay. So the -- you're speaking of it being
4 underground along the interstate. Can you tell me how
5 that helps with the increased reliability of the
6 electric service?

7 A. Well, it's underground so you don't get the
8 exposure from ice or wind or tree branches or -- so, you
9 know, that's underground line. Mostly now we put in all
10 underground line.

11 Q. So in your opinion, is that more reliable than
12 the overhead?

13 A. Oh, yeah.

14 Q. Is MDU's -- do they have underground service in
15 this area or is it mainly overhead?

16 A. It's mainly overhead.

17 Q. Okay. Do you know if it's all overhead?

18 A. No, I don't. It looks like it's overhead, but,
19 you know --

20 Q. Okay. So that does increase the reliability
21 then based on the factors you just said?

22 A. That's correct.

23 Q. Okay. So coming south from the interstate,
24 there is a hashed line that says "2010"; is that
25 correct?

1 A. Yeah. That's our underground line.

2 Q. And is that when that was put in?

3 A. Yes.

4 Q. That's when the underground was put in?

5 A. Yes.

6 Q. Was there overhead before that?

7 A. Yes, there was overhead before that. And I'm
8 thinking it was a 1948 vintage, because there's a -- so
9 we had -- you know, and the guy's farming that, so he --
10 rather than upgrade the poles, we just buried it.

11 Q. Okay. Can you tell me what on the map would let
12 the Commission know that -- it signifies that it is
13 Capital customers?

14 A. All these -- these little circles.

15 Q. Okay.

16 A. You know, that's --

17 Q. Okay.

18 A. These triangles are enclosures for the
19 underground.

20 Q. So it's the black circles that are our
21 customers?

22 A. Right.

23 Q. How many total customers do you have in that
24 two-mile radius?

25 A. I'm thinking 11.

1 Q. Okay. Let's talk specifically about a couple of
2 the customers that you have that surround this site. So
3 it comes directly south underground. Number 40, I see a
4 customer number 40 there. Can you tell us what type of
5 service that is?

6 A. That's a farmhouse. He's got shelter belts and
7 stuff, so he's been there quite a long time.

8 Q. Okay. So you come -- and then if you go
9 directly west, so you have overhead single-phase that is
10 right adjacent to the Menards site; is that correct?

11 A. That's correct, on the north side of Highway 10.

12 Q. And then you drop south to customer 32?

13 A. Right.

14 Q. We heard testimony today, but that is -- do you
15 serve customer 32?

16 A. Yeah, that's correct.

17 Q. Okay. And then it appears that your system
18 wraps around the Menards site to go to 44. What is No.
19 44?

20 A. That is a signal light for the railroad.

21 Q. Okay. And do you know when that was -- when you
22 installed that --

23 A. I have on here 1983, so I'm assuming 1983.

24 Q. Okay. Basically, it appears to me that you wrap
25 around the northwest and the south side. Is it your

1 understanding that if MDU is going to serve this site,
2 they are going to have to cross your facilities?

3 A. Yeah.

4 Q. Do you know where that would be at,
5 approximately?

6 A. Well, it could -- yeah, it could be on the north
7 side of 10, or if they sneak on the south side, it could
8 be on the south side of 10, but they'd have to cross the
9 single-phase line to serve -- you know, you can see the
10 line. So they'd have to cross it either here or here.

11 Q. Okay. And can you point just quickly where the
12 infrastructure is right now for the village of McKenzie?
13 Generally, where would that be on the map?

14 A. On the north side of the interstate on --

15 Q. No, where the city is.

16 A. Oh, I'm sorry. Right here.

17 Q. Okay.

18 COMMISSIONER KALK: Your Honor, if I could, the
19 -- I think that if these cases ever get appealed, we
20 have to have something better than "Right here" on the
21 record, so maybe you might want to clean up some of
22 those answers.

23 THE WITNESS: Okay.

24 BY MR. OLSON:

25 Q. So basically, it would be -- the city of

1 McKenzie would be north of Highway 10 and east of 200 --

2 A. 236 Street, that's correct, right in this
3 corner.

4 Q. Okay. And so I'll ask a few more clarifying
5 questions to clean up the record.

6 So the customer 42 is just to the northeast of
7 the Menards site, is that correct, based on where you
8 were pointing? Customer 40.

9 A. Oh, that's correct.

10 Q. Okay. And customer 32 is directly to the west
11 of the service -- or the site, the Menards site?

12 A. Yes, that's correct.

13 Q. And 44 is directly south of the Menards site?

14 A. That's correct.

15 Q. Okay. But you have an overhead line that is
16 literally going across the north and then on the west
17 side and halfway going into the -- actually, on the
18 site?

19 A. Yes, that's correct.

20 Q. Okay. Can you tell me what substation that
21 Capital Electric would serve the Menards site if they
22 are going to serve it?

23 A. Our Menoken substation.

24 Q. Okay. Can you tell me where that would be
25 located at? It's not on the map, but where would it be?

1 A. Eight miles -- well, it's eight miles from the
2 -- you know, a mile north and then it -- the town of
3 Menoken, and it's right on Old 10, on the south side of
4 Old 10.

5 Q. So it would be just off the map on the west
6 side?

7 A. That's correct.

8 Q. Okay. Let's talk a little about this
9 substation. Is there anything particularly of
10 importance that's going to affect maybe the reliability
11 of this substation and the electricity to this site?

12 A. Well, we have -- our Menoken substation is
13 automated, and what that means is we have our breakers
14 automated and our transmission switches automated, so if
15 there is a breaker operation, it alarms our headquarters
16 building at Capital Electric. And then we can take a
17 light pen, and take the light pen and shove it on the
18 screen and it will close the breaker without going --
19 having to go out there. It will just show us that it's
20 open or closed, too.

21 Q. Okay.

22 A. It's kind of a nice feature.

23 Q. So it gives you some benefits to react real time
24 to things that you would not be able to do if it was not
25 automated?

1 A. That's correct.

2 Q. You might as well -- I think you can sit up
3 front for now, for the rest of this.

4 A. Okay.

5 Q. Does this Menoken substation that we just spoke
6 about, does it have sufficient capacity right now to
7 serve the Menards site?

8 A. Yes, it does.

9 Q. Okay. At your direction, did you do a voltage
10 study as to the load -- after you received the
11 information from Menards, did you have a voltage study
12 done?

13 A. Yeah, from our consultant engineer, HDR.

14 Q. And was there anything -- did you see anything
15 troubling about what you received in that report?

16 A. No.

17 Q. So your voltage and everything and capacity is
18 fine?

19 A. That's correct.

20 Q. No concerns whatsoever?

21 A. No.

22 Q. Does central power have -- does Capital have any
23 other substations that they can use to serve the area?

24 A. We have one to the east. We call it "Sterling
25 substation".

1 Q. Okay. And if my memory serves me right, that is
2 actually depicted by the X that is on the far side of
3 the map on the east; is that correct?

4 A. Yes, that's correct.

5 Q. So that would be the Sterling substation?

6 A. That's the Sterling substation.

7 Q. With the potential having two substations serve
8 this area, does that, in your opinion, speak to
9 reliability that Capital can have to serving this site?

10 A. Yes, it does. That way, you know, if our
11 Menoken substation, we have a problem with that, we can
12 back-feed it through our Sterling substation.

13 Q. Okay. If you would look to what's been marked
14 as exhibit C, you can look at that, please, right now
15 you spoke about how going from your line that's parallel
16 to the interstate and you have to drop south, that's a
17 single-phase underground; is that correct?

18 A. That's correct.

19 Q. So if you're going to serve this Menards site,
20 what are you going to have to do to bring it up to snuff
21 to serve this capacity?

22 A. I'm going to have to put in two more phases.

23 Q. Okay.

24 A. And what that involves, I'd have to go up to --
25 on the interstate, come out of that enclosure, and plow

1 in two cables parallel to that single-phase line going
2 south now along 249th Street.

3 Q. Okay.

4 A. We'd go south to Old 10, and then we'd have to
5 bore the road and then put an enclosure on their site
6 there.

7 Q. Okay. Exhibit C, it's captioned at the top
8 "One-Mile Line Extension," the prices. Was this created
9 by you or at your direction?

10 A. Yes, it was.

11 Q. And can you describe what this is telling us
12 with --

13 A. It tells you how much it's going to cost Capital
14 Electric to bring in two phases from the interstate down
15 to the site.

16 Q. Okay. So can you tell me what the grand total
17 is for you to upgrade that system to be able to get
18 three-phase on that site?

19 A. Uh-huh. Yeah, that's -- what was it? --
20 \$44,527.31.

21 Q. So that's the total -- that's what you -- that's
22 what Capital Electric would have to do to serve the
23 area, is spend that amount of money to get to the site?

24 A. The site, that's correct.

25 MR. OLSON: Okay. I guess I'd like to offer

1 Exhibit C into evidence.

2 MR. KUNTZ: No objection.

3 MR. NORRELL: No objection, Your Honor.

4 HEARING OFFICER MANN: Exhibit C is admitted.

5 BY MR. OLSON:

6 Q. If you can go to the binder now that Mr. Kuntz
7 has there for you. I just want to talk a little bit
8 about the cost that MDU is going to have to have if they
9 get this load.

10 Can you go to Exhibit 5? This is describing a
11 project total of extending the 1,800 feet that's going
12 to extend their service from south of the city east to
13 the location, and the cost is \$32,619 for that piece
14 that they have to do. Does that dollar amount seem
15 reasonable to you?

16 A. Yes.

17 Q. Nothing out of the ordinary?

18 A. No.

19 Q. Okay. If you would look at 6, this is MDU's
20 estimate to -- well, I'll come to that later.

21 Go to number 7, please. The first page of 7 is
22 the upgrades that MDU would be required to do to serve
23 this load, and that's \$61,451. We heard testimony that
24 that included a depreciated transformer. But with that
25 being said, with that taken into account, does that

1 \$61,000 seem reasonable to you? Anything to question?

2 A. No.

3 Q. Okay. And then the second page of MDU 7 is the
4 conversion from the delta to wye, also with some
5 conversion of 1,200 feet of single-phase to overhead
6 three-phase. That dollar amount they have at \$32,562.
7 Does that seem reasonable to you as well?

8 A. Yeah.

9 Q. So there's really no reason to dispute those
10 numbers?

11 A. No.

12 Q. So your cost to get to the site is, roughly,
13 \$44,000, correct?

14 A. That's correct.

15 Q. And their total to get there is approximately
16 \$126,000; is that correct?

17 A. That's correct.

18 Q. There was a lot of discussion when Steve
19 testified from Menards --

20 A. Manor.

21 Q. Manor. He had a lot of concern about the
22 three-phase breaker or the three-phase interrupter
23 because of the motors that they're going to be running
24 and how that can have effect on various things.

25 At the Menoken substation, do you already have

1 that -- is that already presently there?

2 A. That's correct, but --

3 Q. Is it hooked up currently in that capacity?

4 A. No.

5 Q. What would you have to do to convert -- I don't
6 know if it's conversion or -- what would you have to do
7 to make that change to what he's requesting?

8 A. Well, what we have now, we call it a NOVA
9 triple-single, and that's the name of a breaker. So the
10 triple-single, you have single-phase trip. That means
11 you can have it for A phase, B phase, C phase. Or you
12 can gang them all together and it will trip out all
13 three phases if there's a fault on one phase.

14 But with our consumers, we only have -- we use
15 it as a single so that, if a phase goes, if a squirrel
16 goes up a tree or something -- or up a pole and causes
17 an outage, just the A phase breaker will trip, and the B
18 and C will stay in service for the other consumers.

19 But for a three-phase load, we could switch a
20 switch and it will knock out -- so if that squirrel
21 knocks out that transformer, it will knock out all three
22 phases, so then everybody will be out until we go out
23 and, you know, clear the squirrel or hit the light pen
24 and try to energize it.

25 Q. So you would be able to do that with no added

1 cost?

2 A. That's correct.

3 Q. If you would go to Exhibit D, which is captioned
4 "Building site prices," was this created by you or at
5 your direction?

6 A. Yes, it was.

7 Q. And can you tell me what this is?

8 A. This is, once we get to the site, this is what
9 it's going to cost us to serve the buildings at the
10 site.

11 Q. Okay. And were these exact information given to
12 you, or were you extrapolating this based on some
13 information that they gave you?

14 A. I just -- yeah, we used their map and their --
15 and their information that they gave us and we came up
16 with the transformer size and the footages.

17 MR. OLSON: Okay. I'd like to offer Exhibit D
18 into evidence.

19 HEARING OFFICER MANN: Any objection, Mr. Kuntz?

20 MR. KUNTZ: No objection.

21 HEARING OFFICER MANN: Mr. Norrell?

22 MR. NORRELL: No, Your Honor.

23 HEARING OFFICER MANN: Exhibit D is admitted.

24 BY MR. OLSON:

25 Q. So the total amount that you would be spending

1 on location if you were to serve this load is what?

2 A. \$65,696.30.

3 Q. So if you would go quickly to MDU Exhibit 6,
4 this is their cost that they've given us, that MDU has
5 given us, to serve this site, and that was just over
6 \$66,000. So you would have no issues with his prices
7 then either?

8 A. No.

9 Q. You guys are within a very close range?

10 A. Yeah, it looks -- yeah.

11 Q. Okay. In your opinion, Ron, would MDU allowing
12 to serve this site result in some wasteful duplication?

13 A. Yes, it would.

14 Q. And how would -- in your judgment, how would
15 that be?

16 A. Well, we're right there, you know, and they have
17 to cross under our line and, you know, it's -- we
18 wouldn't be here if Ron Lipp wanted to build a house out
19 there, so they're just looking at the big load.

20 Q. And you already have adequate capacity to serve
21 the area without doing anything; is that correct?

22 A. Well, we have to put in that mile of --

23 Q. Yes. But the substation by itself, you don't
24 have to upgrade anything there?

25 A. No.

1 Q. So would MDU be duplicating your capacity that's
2 already there?

3 A. Yes.

4 MR. OLSON: I have nothing further for this
5 witness.

6 HEARING OFFICER MANN: Mr. Kuntz.

7 MR. KUNTZ: Thank you.

8 CROSS EXAMINATION

9 BY MR. KUNTZ:

10 Q. Mr. Lipp, I believe you testified that Capital
11 Electric's nearest three-phase line is approximately how
12 far from this Menards site?

13 A. A mile.

14 Q. So you don't have a line, a three-phase line,
15 within a mile; is that correct?

16 A. That's correct.

17 Q. And I believe you testified the line that runs
18 south from the interstate and then across, north of the
19 Menards property and then again south is a single-phase
20 line; is that right?

21 A. That's correct.

22 Q. And that single-phase line, is that all
23 underground or part overhead?

24 A. Just the dashed is underground and the solid is
25 overhead. So it's overhead along the whole north side

1 of Menards, it's overhead along the west side, and
2 overhead down to the signal light for the railroad
3 (Indiscernible 24:44).

4 Q. And for you to extend service to Menards, what
5 portion of that line are you going to rebuild or --

6 A. Just the mile from the interstate down to Old
7 10. That's it. We have an underground line in there
8 now, a single-phase, so we'll just -- we're going to put
9 in the plow and put in two more phases.

10 Q. So the line that you have that runs on the north
11 side of the Menards property, you're not going to be
12 using that to serve Menards? You have to answer out
13 loud.

14 A. No. I mean -- okay.

15 Q. And then the single-phase line that runs along
16 the western boundary of the Menards property on the
17 other side of the property, you're not going to be using
18 that to serve Menards, are you?

19 A. That's correct.

20 Q. So that line won't be involved at all?

21 A. That's correct. We --

22 Q. Go ahead.

23 A. Well, it still needs to be in place to serve
24 those consumers.

25 Q. Right. But not for purposes of serving Menards?

1 A. No.

2 Q. So crossing MDU's construction of its
3 three-phase line beneath that single-phase line is
4 really not duplicating that single-phase line, is it? I
5 mean, because that single-phase line is not going to be
6 used to serve Menards?

7 A. No.

8 Q. And you said there were what, 11 customers
9 within two miles of that Menards site?

10 A. Yes.

11 Q. And how many customers do you have within one
12 mile of the Menards site?

13 A. Four, the way I count it. One, two, three,
14 four.

15 Q. Let's talk about your Menoken substation. How
16 far away is that substation from the Menards site as it
17 follows the line?

18 A. Eight miles.

19 Q. And you said you had someone calculate the
20 voltage drop along that line?

21 A. Sure did.

22 Q. And who did that?

23 A. HDR Engineers. They're our consulting
24 engineers.

25 Q. And what did they calculate would be the voltage

1 drop from the substation to the Menards site?

2 A. To the Menards site, I guess I can't -- it's
3 within ANSI standards.

4 Q. Within five percent?

5 A. Yeah. Well, it's -- you know, because we -- at
6 the substation, we go 126, and out at the end of the
7 line, if it's 118, we're good, and if it's 117, we'll
8 add a bank of regulators halfway through or something,
9 but it -- it's within the 118 volts.

10 Q. So did you have to add some equipment along the
11 way in order to meet the voltage --

12 A. No.

13 Q. -- to keep the voltage standards?

14 A. No.

15 Q. I thought you talked --

16 A. We have regulators at the substation.

17 Q. Okay.

18 A. But according to HDR's study, we don't need any
19 voltage regulators with this one megawatt load, for this
20 -- for the existing line.

21 Q. You don't need to add any regulators?

22 A. That's correct.

23 Q. And so the length of the line, though, from the
24 Menoken substation to the Menards site is about eight
25 miles?

1 A. That's correct.

2 Q. Is that an underground line, you said?

3 A. It is.

4 Q. Is that a cross-linked polyethylene conductor
5 line?

6 A. 260 mil. It's a fourteen-four volt. We put
7 bigger insulation on it when we put it in.

8 Q. And that was built in 1976?

9 A. That's correct.

10 Q. Isn't it the case, Mr. Lipp, that that
11 cross-linked polyethylene conductor was notorious for
12 having problems with faults?

13 A. Yes. And prior to '74 -- this is '76 and we --
14 like I said, that was 175 mil. We jacked it up to 260
15 mil. So this is actually 25 kVA cable that we're
16 energizing it at 7,200.

17 Q. So have you had any fault history on this line?

18 A. No faults.

19 Q. No faults at all?

20 A. A couple of splices let loose, but no faults.

21 Q. And how far -- did you have any outage history
22 along this line that you provided?

23 A. Yeah, we did. They were asking me that at noon.
24 I think last year we had one, the prior year we had two.
25 I think five in the last six years.

1 Q. You also mentioned that you could serve this
2 load from your Sterling substation?

3 A. That's correct.

4 Q. What's your capacity at the Sterling substation?

5 A. 150.

6 Q. So 450 wouldn't be sufficient to serve this
7 load, would it?

8 A. Maybe one building.

9 Q. Okay. So to serve this --

10 A. (Indiscernible 29:00) upgrade the Sterling sub.

11 Q. Did you calculate what would be necessary for
12 you to upgrade the Sterling substation to serve this
13 load?

14 A. We'd have to put in a bigger tub.

15 Q. And tub, you mean transformer?

16 A. Transformer. I'm sorry.

17 Q. Did you perform any calculations to do that?

18 A. Probably would be similar to what you guys have
19 to pay.

20 Q. Do you have any used transformers available that
21 you'd be able to utilize?

22 A. Central Power has bought our transmission line
23 and our substation, so I'm sure they've got
24 transformers.

25 Q. And what's the distance from the Sterling sub?

1 A. Five miles.

2 Q. So unless you upgraded that Sterling sub,
3 basically you would only be able to serve that full load
4 from Menoken?

5 A. That's correct.

6 Q. And that would --

7 A. The whole load from Menoken. Otherwise, yeah,
8 we could maybe serve, right, a couple buildings.

9 Q. In extending service from the interstate down to
10 the Menards site where you'll be paralleling or adding
11 two phases to your existing line, do you consider that
12 you're duplicating your existing line doing that?

13 A. No, not -- no, because that's only a
14 single-phase line, we have to get three-phase to the
15 site, so no.

16 MR. KUNTZ: No further questions.

17 HEARING OFFICER MANN: Mr. Norrell.

18 MR. NORRELL: Thank you, Your Honor.

19 CROSS EXAMINATION

20 BY MR. NORRELL:

21 Q. Mr. Lipp, I'd like to ask a couple more
22 questions about the Sterling substation, realizing that
23 that sounds like that needs some upgrading.

24 You talked about the triple-single three-phase
25 breaker. Is that in place at Sterling, or would that

1 need to be put in?

2 A. That would need to be added.

3 Q. Do you have any projections as to voltage
4 difference between the Sterling substation and the load
5 here proposed that MDU -- should something happen at the
6 Menoken station, do you know what the difference would
7 be?

8 A. Okay. Try (Indiscernible 31:18).

9 Q. Sorry. You talked about the voltage studies or
10 load studies you had done from Menoken to Menards. Have
11 you done any from Sterling to --

12 A. It would be better because it's only halfway, I
13 mean half the distance, so it would be -- it should be
14 better, just -- you know.

15 Q. Okay. As far as the load study from Menoken to
16 Menards' proposed site, is there a way that we could get
17 a -- you know, MDU was able to provide a printout.

18 A. Yeah, I think so, yeah.

19 Q. Could we get a printout of that?

20 A. Yeah, I could do that. I just call my
21 consultant. Sure.

22 Q. Okay.

23 UNIDENTIFIED SPEAKER: Can you call that a late
24 exhibit, Ryan, or something?

25 MR. NORRELL: Could we get that as a late-filed

1 exhibit?

2 UNIDENTIFIED SPEAKER: If you want to, we have
3 to --

4 MR. NORRELL: Would there be any objection from
5 either parties?

6 MR. KUNTZ: No.

7 MR. NORRELL: Okay.

8 MR. OLSON: No, Your Honor.

9 MR. NORRELL: Probably call that late-filed
10 Exhibit A or 1.

11 MR. KUNTZ: What's the last Capital exhibit?

12 HEARING OFFICER MANN: Last one -- are you going
13 to introduce E still? It's a little confusing because
14 we moved a couple, but let's just call it G. We'll put
15 it before the -- it will be late-filed Exhibit G.
16 That's the voltage study?

17 THE WITNESS: Voltage drop study.

18 HEARING OFFICER MANN: Okay.

19 MR. NORRELL: G, you said, Your Honor?

20 HEARING OFFICER MANN: G.

21 BY MR. NORRELL:

22 Q. Do you know -- you talked about reliability and
23 customer outages. Do you have any reports generated
24 that could be turned in as well, any sort of readout so
25 we could see what the last few years look like?

1 A. Yeah.

2 MR. NORRELL: Could we get that as a late-filed
3 exhibit as well, possibly I?

4 HEARING OFFICER MANN: What was the requested
5 exhibit?

6 MR. NORRELL: Outage information, or a report
7 of --

8 HEARING OFFICER MANN: You'll be able to produce
9 that as a late-filed exhibit?

10 UNIDENTIFIED SPEAKER: Okay.

11 UNIDENTIFIED SPEAKER: No objection.

12 MR. KUNTZ: Just a clarification. Mr. Lipp,
13 will that be an outage record for the sub or for the
14 line?

15 THE WITNESS: Well, what do you want?

16 MR. KUNTZ: I didn't make the request. I just
17 want --

18 MR. NORRELL: Mr. Kuntz, if I could ask, what
19 was MDU's? Was that for the line, for the sub?

20 MR. KUNTZ: Out of the substation.

21 MR. NORRELL: Could we get from the Menoken sub
22 then?

23 THE WITNESS: Sure. The breaker that's going to
24 serve this line?

25 MR. NORRELL: Yes, that would be correct.

1 THE WITNESS: You're writing this down?

2 MR. OLSON: Yeah.

3 BY MR. NORRELL:

4 Q. All right. There was some talk with MDU about
5 potential customer contribution to construction. How
6 about Capital Electric, would there be any cost on
7 Menards going forward?

8 A. No cost to them.

9 Q. Are you aware of any new applications in the
10 area, any new customers or any other potential growth
11 in --

12 A. Not to my knowledge.

13 Q. What kind of impact would this have on your
14 members, Capital Electric?

15 A. Huge. Yeah, that's --

16 Q. In what ways?

17 A. Well, it's a big load. I mean, you know, we
18 serve, you know, pasture out of these -- 11 services, I
19 think two are pasture wells and one's a signal light, so
20 yeah, it's -- this is huge for Capital Electric.

21 Q. What kind of -- does it have any impact on rates
22 for your members at all?

23 A. I would think so. I'll have to -- when Lars
24 gets up here, he can answer that.

25 Q. Do you know, have there been -- has there been a

1 decline in customers to Capital in the area at all, or
2 from that Menoken sub at all?

3 A. I don't think so. I -- no, I would say no.

4 Q. So the length of an extension as proposed by
5 Capital would be one mile; is that correct? And so
6 that's -- I apologize, I became a lawyer so I didn't
7 have to do math, but that's what, 5,000 --

8 A. Yeah.

9 Q. -- 800-some odd feet. And so there's a -- the
10 difference proposed by -- there's a little over
11 6,000 feet, I think, of extension proposed by MDU. Why
12 is there such a big difference? We're looking at
13 \$80,000 in cost here. In your opinion, what's that
14 difference?

15 A. Between our price and their price?

16 Q. Yes.

17 A. Well, they have to upgrade their sub, and then
18 they have to upgrade their overhead line, and then they
19 have to put in a new line from their overhead to the
20 site, so it's like -- you know, there's three -- three
21 pieces of the puzzle here that they have to do to get to
22 the site.

23 Q. In your opinion, does Capital have to upgrade
24 the Sterling sub in order to provide service here?

25 A. Well, that's for a backup, for more reliability,

1 but we could serve it from our Menoken sub with just the
2 mile extension, and that's what we'd do.

3 Q. Is there any plan to upgrade that Sterling sub?

4 A. Well, if we get this load, maybe, but otherwise
5 -- I don't know. It's Central Power's now and it's --
6 not in the near future, I wouldn't say.

7 Q. Mr. Lein is wondering, on the existing
8 single-phase that goes south to the site right now that
9 you would be upgrading to a three-phase --

10 A. Okay.

11 Q. -- what's the current voltage on that?

12 A. 7200.

13 Q. Would you need any transformers along that line?

14 A. No. I won't even -- well, I won't even come out
15 of the ground, I'm just going to go straight down to the
16 site, because we already come out of the ground with
17 those triangles to serve the houses there, so I'll just
18 put in three -- two more phases and at the reel ends
19 I'll have to splice, but I won't put an enclosure there.

20 Q. So it would stay at 7200 volts?

21 A. That's correct.

22 MR. NORRELL: Thank you. No further questions.

23 HEARING OFFICER MANN: Commissioner Fedorchak.

24 COMMISSIONER FEDORCHAK: Again, Mr. Lipp, thanks
25 for being here. On the Sterling sub, you said that

1 there's no plans to upgrade that sub. In your opinion,
2 do you need to upgrade that sub to provide effective
3 reliable service?

4 THE WITNESS: No. Because I can -- to serve
5 this site, is that what we're talking?

6 COMMISSIONER FEDORCHAK: Correct.

7 THE WITNESS: No, because we can serve it out of
8 Menoken, so --

9 COMMISSIONER FEDORCHAK: And so I recall, for
10 MDU, on their substation, they could -- I don't know
11 what the technical term is, but they could pull in power
12 from the east or the west.

13 THE WITNESS: I can do that with Menoken, too.

14 COMMISSIONER FEDORCHAK: Okay. So that's the
15 same. What's the technical term for that?

16 THE WITNESS: Loop feed, or whatever.

17 COMMISSIONER FEDORCHAK: Okay.

18 THE WITNESS: I can back-feed it through, you
19 know, if -- this is transmission now. If the
20 transmission line goes down, we can back-feed it through
21 this way or coming out of Bismarck.

22 COMMISSIONER FEDORCHAK: Let's see here. Are
23 you the witness to ask about the difference in cost?

24 THE WITNESS: That would be Lars.

25 COMMISSIONER FEDORCHAK: Okay. Then I believe

1 you would be the correct one to speak to this. One of
2 the criteria -- and you spoke a little bit about this,
3 but I want to drill in a little more deeply. One of the
4 criteria is which supplier's extended electric service
5 would best serve orderly and economic development of
6 electric service in the general area.

7 So you're both going to have to make some new
8 investments to serve. MDU has to spend a little bit
9 more. Those investments will benefit some of the
10 customers that they have, a cluster of concentrated
11 customers in McKenzie.

12 And even though it's speculation how much this
13 is going to grow, clearly by some of the criteria here,
14 we're supposed to think about those things and think
15 about how the service is going to grow in that general
16 area.

17 Do you think with a new large business creating
18 200 to 240 jobs, it's likely that we're going to see
19 that area grow with housing developments and other
20 service providers?

21 THE WITNESS: Well, there's no school, there's
22 nothing there, so I -- I would think a few people will
23 live out there, but I would think most of them would
24 drive back and forth, but that's just my opinion.

25 COMMISSIONER FEDORCHAK: Okay. You said that

1 the Capital Electric customers would benefit in a huge
2 way, but can you be a little more specific about what
3 you mean in terms of the benefits they will realize? We
4 saw, in the calculation on MDU, how much money would be
5 returned to the company, which would help, you know,
6 stave off rate increases. We don't have the benefit of
7 that type of calculation yet, maybe we'll get that,
8 but --

9 THE WITNESS: Right. And that's Lars'
10 (Indiscernible 42:00) --

11 COMMISSIONER FEDORCHAK: He'll talk about that?

12 THE WITNESS: Yeah.

13 COMMISSIONER FEDORCHAK: And then are there
14 other benefits that your customers will realize from the
15 three-phase -- the addition of that three-phase line?

16 THE WITNESS: No, no, just to Menards, unless
17 there's another consumer that wants three-phase on this
18 mile, but --

19 COMMISSIONER FEDORCHAK: Okay.

20 THE WITNESS: -- it would just be for Menards.

21 COMMISSIONER FEDORCHAK: And then since Menards
22 is the only user of that three-phase, and you probably
23 -- would it be correct to assume you wouldn't be doing
24 this if -- adding the two phases if they weren't coming
25 in there? Then how come they don't have to share in the

1 cost of that?

2 THE WITNESS: Well, according to our guidelines,
3 we serve the new -- new county shop, and that was about
4 the same thing, so we -- you know, because the load is
5 so great, we'd just -- we thought we -- you know, they
6 put in all electric heat at the county shop, so we
7 figured this would be about the same, so we just said
8 we'll pay for that and we'll -- you know, you don't have
9 to pay for that.

10 COMMISSIONER FEDORCHAK: You'll make it up in
11 their --

12 THE WITNESS: Yeah, we'll make it up.

13 COMMISSIONER FEDORCHAK: Okay.

14 THE WITNESS: To be fair, so --

15 COMMISSIONER FEDORCHAK: Okay. I think that's
16 all my questions for you, Mr. Lipp. Thank you.

17 HEARING OFFICER MANN: Commissioner Kalk.

18 COMMISSIONER KALK: Thank you, Your Honor.

19 Thank you, Ron, for your testimony and for your
20 work for Capital for all those years. You got another
21 decade left in you, you figure?

22 THE WITNESS: Yeah, yeah.

23 COMMISSIONER KALK: Commissioner Fedorchak was
24 asking about the line extension policy. And not so much
25 for this case, but just curious. So I hear as much

1 about the co-op extension policy as I do for the
2 investor-owned in the west. So if I want to build a new
3 farm out there, would I have to pay for the line
4 extension?

5 THE WITNESS: If it's over a quarter mile, yes.

6 COMMISSIONER KALK: So what's the cutoff? Just
7 over a quarter mile? How much load do you have to get
8 before you don't have to pay?

9 THE WITNESS: We just -- I guess I don't -- we
10 don't know. I mean, I don't know that. It's been a
11 quarter of a mile and it doesn't matter what the load
12 is.

13 COMMISSIONER KALK: So if it's over a quarter of
14 a mile, you always -- I don't think I understood what
15 you're telling me.

16 THE WITNESS: Okay. If you're a -- if you want
17 to build a house, I'm sorry, you can go -- we'll go a
18 quarter of a mile. So anything over a quarter of a
19 mile, you have to give us a contribution to aid in
20 construction.

21 COMMISSIONER KALK: Okay. But this, they don't
22 have to do that and it's over a quarter mile, because
23 the amount of load that they're --

24 THE WITNESS: That's correct.

25 COMMISSIONER KALK: Okay. So what is that

1 amount of load? That's a --

2 THE WITNESS: I guess that's a (Indiscernible
3 44:32) --

4 COMMISSIONER KALK: -- discussion point that
5 Lars would have with the board?

6 THE WITNESS: Yeah.

7 COMMISSIONER KALK: Okay. And that kind of
8 leads into my next one, is that I'm, like I said, more
9 familiar with MDU's relationship with the transmission,
10 but with you and Central Power, you don't own those
11 lines anymore, Central Power owns them.

12 So if -- the upgrades and costs for Central
13 Power has, that would affect your costs just like
14 anybody else's?

15 THE WITNESS: (Indiscernible 44:54)

16 COMMISSIONER KALK: And so if you -- so Central
17 -- if approved -- well, I shouldn't say approved. If we
18 would reject MDU's and it ends up back in you guys, does
19 Central Power have to have a vote of something to build
20 that mile of transmission line?

21 THE WITNESS: No. This is distribution line.
22 That's --

23 COMMISSIONER KALK: Distribution, okay.

24 THE WITNESS: Transmission is fine. That's
25 along the (Indiscernible 45:14) --

1 COMMISSIONER KALK: Okay, make sure that's clear
2 then. So you'll call this -- this is a distribution
3 line even though it's a mile?

4 THE WITNESS: Right. Distribution, you have the
5 7200 line.

6 COMMISSIONER KALK: Based on the size of it.
7 Fair enough. Okay. Does Capital have to do any voting
8 inside your membership to approve this?

9 THE WITNESS: No.

10 COMMISSIONER KALK: So that's just your
11 decision, it's okay to do it?

12 THE WITNESS: Well, the board's.

13 COMMISSIONER KALK: Has the board approved this?

14 THE WITNESS: Yeah.

15 COMMISSIONER KALK: Okay. And that's in the
16 record somewhere?

17 THE WITNESS: I would think so, yeah.

18 COMMISSIONER KALK: Just a question. We can
19 sort through that, I guess.

20 Okay. I think -- oh, I know what it was, last
21 line of questions. Looking at your Exhibit B, it's --
22 starting on the left side coming across, it's Amoco
23 pipeline, I'm guessing that's probably the new star
24 line.

25 THE WITNESS: Yeah.

1 COMMISSIONER KALK: There's some numbers on
2 there. Is that you providing service to the pipeline?
3 Like coming across from the left, you see a one that
4 looks like on top of the pipeline.

5 THE WITNESS: No.

6 COMMISSIONER KALK: What are those things?

7 THE WITNESS: Those are breakers. That's a 254H
8 breaker.

9 COMMISSIONER KALK: Okay.

10 THE WITNESS: We call that an RO1 on our system.
11 So if that opens, we know -- you know, the linemen will
12 go out there and say, "Hey, the breaker is open."

13 COMMISSIONER KALK: Do you have any pump
14 stations on this pipeline that you serve?

15 THE WITNESS: No, but we cross under it.

16 COMMISSIONER KALK: So I wonder who provides
17 power for the pump stations on the pipeline. They don't
18 have too long of a run, I guess.

19 Okay, that was my only question. I was just
20 trying to -- so there's no three-phase anywhere in this
21 grid other than at the substations?

22 THE WITNESS: Along the south (Indiscernible
23 46:44) the interstate.

24 COMMISSIONER KALK: But what I mean, other
25 places a farmer might have three-phase power --

1 THE WITNESS: No.

2 COMMISSIONER KALK: -- for a grain dryer or --
3 nothing, huh? Have you had a lot of requests for
4 farmers and grain drying to get three-phase?

5 THE WITNESS: All single-phase, though.

6 COMMISSIONER KALK: No three-phase. Even with
7 the big dryers, huh? Okay, thank you.

8 HEARING OFFICER MANN: Commissioner Christmann.

9 COMMISSIONER CHRISTMANN: Is there a road that
10 comes from the interstate along 249th Street where your
11 distribution line travels?

12 THE WITNESS: There's a road that goes up to
13 account 16. Then it's field from that -- 16 going
14 north, that's --

15 COMMISSIONER CHRISTMANN: So account 16, is that
16 a residence?

17 THE WITNESS: That's correct.

18 COMMISSIONER CHRISTMANN: So that person, if
19 they're coming off the interstate, would come in off the
20 interstate and drive past the west side of McKenzie and
21 then along the south side of McKenzie for a mile and
22 then go north to --

23 THE WITNESS: That's correct.

24 COMMISSIONER CHRISTMANN: -- his or her
25 residence? Okay. You talked about your three-phase

1 interrupter. And if I understood you right, it's being
2 run as a single-phase?

3 THE WITNESS: Yeah, three -- right.
4 Triple-single, we call it.

5 COMMISSIONER CHRISTMANN: And do you run it now
6 as a single-phase because there is nobody out there
7 using three-phase? And this way, if one person gets
8 interrupted, the rest don't?

9 THE WITNESS: Well, one phase. You know, you
10 got A phase, B phase, C phase, and we try to balance the
11 load. So we got ten consumers on A, ten consumers on B,
12 ten consumers on C. So the breaker -- if a squirrel
13 goes in A, it will kick the breaker out, but these 20
14 will stay on.

15 COMMISSIONER CHRISTMANN: Okay.

16 THE WITNESS: But if I flip a switch for the
17 three-phase breaker, if that squirrel on A phase, well,
18 now they're all -- it's going to open up the whole
19 breaker so all 30 of the people will be out, until we go
20 out and clear the fault.

21 COMMISSIONER CHRISTMANN: So 20 of your
22 consumers probably wouldn't like this so well, is that
23 fair to say, because they would lose --

24 THE WITNESS: They will -- right --

25 COMMISSIONER CHRISTMANN: -- power every time

1 there's an interruption instead of a third of the time?

2 THE WITNESS: Right, right. Well, that would be
3 -- right, okay.

4 COMMISSIONER CHRISTMANN: If you get this load,
5 that will be the case?

6 THE WITNESS: No. We would -- we would probably
7 visit with Menards and -- you know, he was -- is it all
8 right if I talk here? He was -- this morning, the
9 Menards guy said he was afraid because, if they lose a
10 phase, it creates heat.

11 Well, you can get motor savers on the motors, so
12 if you do lose a phase, these motor savers will kick the
13 motor out, but I don't know, they must be expensive
14 because he didn't bring that up, so -- but here I
15 suspect, because, you know, the ten consumers on this
16 line, I would -- we'd probably do three-phase trip.

17 COMMISSIONER CHRISTMANN: Has there been any
18 discussion -- and Commissioner Fedorchak brought this
19 up, that this could happen, since we didn't have the
20 Capital Electric information in advance, so couldn't ask
21 this question of previous witnesses, but -- so you would
22 come into the Menard property on the northeast corner of
23 their property, MDU would be coming in on the northwest
24 corner of their property.

25 I've never been out there, I don't know what

1 their plans are, but does that make a difference to
2 them? Has anything been discussed about a benefit of,
3 one way or the other, which corner?

4 THE WITNESS: No. I -- no, no benefit.

5 COMMISSIONER CHRISTMANN: Okay. Let's say from
6 your perspective, worse case scenario and this load goes
7 to MDU, does it continue to make sense then for Capital
8 Electric to maintain that mile of single-phase going
9 east and then another mile going south and looping
10 around to the railroad light, just for those two
11 services, or should this be an all-or-nothing deal?

12 THE WITNESS: No. We'd continue to serve those
13 loads.

14 COMMISSIONER CHRISTMANN: Okay. And I think the
15 last thing that I have is you said your Menoken
16 substation has capacity enough to serve this load and
17 your Sterling substation would not, there would probably
18 be enough for part of it, but --

19 THE WITNESS: Right.

20 COMMISSIONER CHRISTMANN: Can you give me
21 numbers of what's needed and what they can provide to
22 show what the capacity of these substations are compared
23 to what this load would need?

24 THE WITNESS: Okay. I've got a 5,000 kVA
25 transformer at Menoken, and so this is a 1,000 kVA load,

1 or one megawatt load, and I got a 450 kVA transformer at
2 Sterling, so that -- it wouldn't serve this -- not all
3 of the load.

4 COMMISSIONER CHRISTMANN: Okay. But so your
5 Menoken one is not just barely big enough, it's --

6 THE WITNESS: Yeah. Well --

7 COMMISSIONER CHRISTMANN: -- big enough by
8 plenty?

9 THE WITNESS: -- the existing consumers, we got
10 a 5,000, I think our load there is 2,200, so we've got
11 -- yeah, we --

12 COMMISSIONER CHRISTMANN: So if you added
13 another thousand, you would still have quite a bit of
14 capacity for additional growth --

15 THE WITNESS: -- that's correct.

16 COMMISSIONER CHRISTMANN: -- around this area?

17 THE WITNESS: That's correct.

18 COMMISSIONER CHRISTMANN: Off of that
19 substation?

20 THE WITNESS: Off the Menoken substation.

21 COMMISSIONER CHRISTMANN: Okay. You said it's
22 currently about 2,200 being used?

23 THE WITNESS: No. 2,200 kW.

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

1 HEARING OFFICER MANN: Mr. Olson, do you have
2 some follow-up questions?

3 REDIRECT EXAMINATION

4 BY MR. OLSON:

5 Q. There was some -- I don't remember if it was
6 Mr. Kalk, Commissioner Kalk, it was one of the
7 commissioners that asked about the -- I'm going to
8 slaughter this -- the three-phase breaker or
9 interrupter, or whatever, and if it's tripped, it's
10 going to trip more consumers.

11 That same thing would happen for MDU if they had
12 the same type thing at their substation, because it's
13 going to trip everyone as well?

14 A. That's correct.

15 MR. OLSON: Okay. Nothing further.

16 HEARING OFFICER MANN: Mr. Kuntz?

17 RECROSS EXAMINATION

18 BY MR. KUNTZ:

19 Q. Mr. Lipp, I've got a couple of questions here,
20 bear with me. You mentioned that the Menoken sub is
21 automated; is that right?

22 A. That's correct.

23 Q. Is that on the transmission side only or both
24 transmission and distribution?

25 A. Distribution and transmission.

1 Q. And you also mentioned we wouldn't be here if
2 this was just a house to serve Ron Lipp out in the
3 country. Are you aware -- did you say that?

4 A. Would we?

5 Q. Didn't you say that?

6 A. Yes, I did.

7 Q. Are you aware of a situation where
8 Montana-Dakota has refused service to a residential
9 customer in a rural area?

10 A. Well, I'm -- you're baiting me here, but I'm
11 going to -- I'm sure you know, but I don't recall.

12 Q. And in fact, is it Montana-Dakota's policy,
13 explained by Ms. Aberle, similar to Capital Electric's,
14 that if a particular customer doesn't have sufficient
15 load to justify the investment, the customer has to make
16 a capital contribution? You heard her testify to that?

17 A. (No audible response)

18 Q. And you basically have the same type of policy,
19 where it's longer than a mile, you request a customer
20 contribution; is that right?

21 A. (No audible response)

22 Q. So the point of it, if it's an extension, so it
23 doesn't become an unreasonable burden on your other
24 customers, to make that investment, correct?

25 A. (No audible response)

1 Q. And as I understand this, the proposed two
2 phases that you're adding, you said, would -- you would
3 bury it along the existing one phase, you wouldn't come
4 out anywhere. So the only thing that three-phase line
5 would serve is the Menoken site; is that right?

6 A. That's correct.

7 Q. It wouldn't provide a benefit to any other
8 customers?

9 A. No.

10 MR. KUNTZ: That's all.

11 HEARING OFFICER MANN: Mr. Norrell.

12 MR. NORRELL: Thank you, Your Honor.

13 RECROSS EXAMINATION

14 BY MR. NORRELL:

15 Q. Mr. Lipp, we're wondering, at the interconnect
16 to the single-phase and the current three-phase, would
17 there be any additional need for a transformer or
18 anything there heading south?

19 A. No.

20 MR. NORRELL: Okay. Thank you. No further
21 questions.

22 HEARING OFFICER MANN: Commissioner Fedorchak.

23 COMMISSIONER FEDORCHAK: Mr. Lipp, I'm going to
24 ask you, because now that I've seen both plans, I need
25 an engineer to walk through this with me. I want to

1 better understand the duplication of services and
2 infrastructure.

3 So you have a substation that's adequate to
4 serve this load. MDU would have to upgrade theirs. So
5 in your opinion, is that a duplication?

6 THE WITNESS: Yes.

7 COMMISSIONER FEDORCHAK: Help me understand, in
8 the scheme of utility infrastructure investments, how
9 big is duplicating a substation? Is that a significant
10 duplication? Is it -- are these among the most costly
11 pieces of the delivery of service to the customers?

12 THE WITNESS: Yeah, it is. I mean, a substation
13 is -- yeah, that's -- you need the -- you know, to step
14 down the voltage, but the substation is huge for
15 investment-wise, yes.

16 COMMISSIONER FEDORCHAK: And since that
17 substation in Menoken is larger than what you currently
18 need, can you speak to why that is? Do you expect
19 growth to -- in that area to fill that demand and in
20 your future, so --

21 THE WITNESS: We hope so, but yeah, we -- we put
22 that -- you know, all our substations were -- have a
23 little bit bigger capacity rather than -- so for future
24 growth, so we don't have to -- because it is such a big
25 investment.

1 COMMISSIONER FEDORCHAK: And when was that
2 constructed? Sorry, I thought you might have said it
3 earlier.

4 THE WITNESS: It was during my 27 years, because
5 it was -- we had the -- see, we test the oil in them
6 every two years to see if there's gases involved. And
7 this Menoken substation had acetylene gas, so the tester
8 said you have to get it out of service immediately or
9 something is going to happen. So I think that was, I
10 want to say, 12 years ago.

11 COMMISSIONER FEDORCHAK: Upgraded?

12 THE WITNESS: Yeah, changed it to a five -- five
13 MVA.

14 COMMISSIONER FEDORCHAK: Okay. So that's the
15 substation. You have to -- you have to invest in a
16 three-phase line.

17 THE WITNESS: Two.

18 COMMISSIONER FEDORCHAK: Add two phases to a
19 single-phase line, okay, to serve the Menards location.
20 And my understanding is MDU has a three-phase line
21 there, but they have to upgrade to some extent. Do you
22 consider that -- yours a duplication of what they
23 already have?

24 THE WITNESS: No, no.

25 COMMISSIONER FEDORCHAK: Why not?

1 THE WITNESS: Because ours is -- ours is
2 underground, theirs is overhead. Theirs is a delta,
3 ours is a wye. And they'd have to add, you know,
4 insulators and more poles.

5 COMMISSIONER FEDORCHAK: Okay. And then the
6 other piece that they have to add is the line, the
7 1,800 feet to actually get to the property. Would you
8 grant that, because they're serving McKenzie, that line
9 might be needed down the road and serve customers in
10 that area?

11 THE WITNESS: No. They just need that to serve
12 this (Indiscernible 58:54).

13 COMMISSIONER FEDORCHAK: Okay. Is there
14 anything else you think I'm missing on the duplication
15 of services?

16 THE WITNESS: (No audible response)

17 COMMISSIONER FEDORCHAK: Okay. Thank you.

18 HEARING OFFICER MANN: Commissioner Kalk.

19 COMMISSIONER KALK: No, Sir.

20 HEARING OFFICER MANN: Commissioner Christmann.

21 COMMISSIONER CHRISTMANN: (No audible response)

22 HEARING OFFICER MANN: Mr. Olson, anything
23 further?

24 MR. OLSON: Nothing further.

25 HEARING OFFICER MANN: Mr. Kuntz, go ahead.

1 RE CROSS EXAMINATION

2 BY MR. KUNTZ:

3 Q. Mr. Lipp, let's talk about the substation for a
4 little bit. You heard Mr. Lohstreter testify that if a
5 customer located in McKenzie, for example, a convenience
6 store that needed wye service, and they would have to
7 make that same conversion from their delta system to a
8 wye three-phase, would they not? Do you disagree with
9 his testimony?

10 A. Well, yeah, I think -- I think you can serve
11 that with a delta. It depends on what the load is.

12 Q. Okay. So if the load was sufficient that it
13 needed a wye --

14 A. Then you need it, right. Then you'd have to
15 upgrade the substation.

16 Q. And would you consider that a duplication if
17 they had to upgrade at that point to serve that customer
18 in the city of McKenzie?

19 A. Probably.

20 Q. So they shouldn't serve that customer in
21 McKenzie if they wanted that service. Is that what
22 you're saying?

23 A. Well, they should --

24 Q. Should give it to Capital Electric?

25 A. There you go.

1 Q. And you said that they have to add some new
2 poles. Where would they have to add new poles to
3 upgrade their --

4 A. I'm thinking along the line, you know, because
5 they have to add a neutral and, you know, it's going to
6 add a little more weight to the poles. I know if I were
7 going to do it, I'd add a few more poles on that line,
8 but, you know, that's -- that's just my thinking.

9 Q. You saw Mr. Paul's calculation?

10 A. Yeah, that's true, he --

11 Q. And you said that you thought that was
12 reasonable?

13 A. Yeah.

14 Q. You mentioned the fact that, generally, overhead
15 line can be subject to more exposure for outages. If an
16 outage occurs on an underground line, isn't it harder,
17 typically harder, to repair than an overhead outage?

18 A. It sure is. You got to find it, yeah.

19 Q. And you've got eight miles of underground
20 between Menards and Menoken, correct?

21 A. That's correct.

22 Q. And there's about a little over a mile from the
23 McKenzie substation to the Menoken site?

24 A. Correct.

25 MR. KUNTZ: That's all I have.

1 HEARING OFFICER MANN: Mr. Norrell, do you have
2 additional questions?

3 MR. NORRELL: No, Your Honor.

4 HEARING OFFICER MANN: Okay. Any of the
5 commissioners?

6 COMMISSIONER FEDORCHAK: Unh-unh.

7 HEARING OFFICER MANN: Okay.

8 COMMISSIONER FEDORCHAK: Thank you.

9 HEARING OFFICER MANN: Nothing further?

10 MR. OLSON: Nothing further.

11 HEARING OFFICER MANN: Okay. Mr. Lipp, thank
12 you. You can step down.

13 You can call your next witness.

14 MR. OLSON: I call Lars Nygren to the stand.

15 HEARING OFFICER MANN: Mr. Nygren, perjury is a
16 class C felony in North Dakota, punishable by a maximum
17 fine of \$5,000, maximum of five years imprisonment, or
18 both.

19 Being advised of the penalty for perjury, do you
20 promise to tell the truth in this matter?

21 MR. NYGREN: I do.

22 HEARING OFFICER MANN: Okay. Go ahead.

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LARS NYGREN,

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

DIRECT EXAMINATION

BY MR. OLSON:

Q. Can you say your name for the record?

A. For the record, I'm Ordene Nygren with a nickname of "Lars".

Q. Okay. And can you tell me where you're currently employed?

A. I'm the general manager of Capital Electric Cooperative.

Q. And how long have you been in that role?

A. I'm in my thirty-first year.

Q. Okay. And can you tell me if you've had any other experiences with any other cooperatives before that time?

A. Prior to Capital Electric, I served as the office -- or the manager of the Minot office for Verendrye Electric in Minot.

Q. Okay. Are you familiar with the area that MDU has applied to serve southeast of the McKenzie area?

A. Yes.

Q. Okay. You've heard a bunch of testimony today. Can you tell us -- there was a lot of discussion about

1 the benefit to customers. Can you tell me the benefit
2 that would results to your customers if you were to
3 receive this load?

4 A. Well, I think we've heard the investment cost
5 that both parties would have to make to get to the site.
6 If I recall the testimony, we have about a \$45,000
7 investment to make and MDU has about a \$126,000
8 investment to make. And our revenue was reported by --
9 in the prior testimony to be higher.

10 So when we look and want to talk about a rate of
11 return, we heard the testimony from -- I think it's
12 obvious that the benefits that we would derive from a
13 higher rate with a lower cost are even greater than what
14 MDU would derive in their framework. The numbers that I
15 think we looked at were just on our rate of return with
16 the existing customers, and that was about five percent.
17 And if we look at with Menards' load, it doubles it to
18 about ten percent.

19 Q. So how does that -- how does that benefit your
20 customers, your other customers, besides just --

21 A. Well, from a standpoint that we already have a
22 higher rate than MDU, getting a large load such as this
23 would spread the cost out over more kilowatt hours and
24 would derive more benefits to the existing customers,
25 hopefully making us more rate competitive in the future.

1 Q. So based on what you said, you think that
2 Capital can serve this area more economically and still
3 earn an adequate return, based on what you just said?

4 A. Yes.

5 Q. Okay. Do you have an opinion of which supplier,
6 whether it's MDU or Capital, would best serve the
7 orderly and economic development of electric service in
8 this general area?

9 A. Yes. From our perspective, we're already
10 serving in the general area. We have three services
11 that are adjacent to the existing site, albeit
12 single-phase, but we don't have to cross MDU's
13 facilities in order to extend service to Menards. MDU
14 has to cross underneath our facilities in order to get
15 to the site. So from that perspective alone, we think
16 it's more orderly.

17 And having MDU move into that site, we're going
18 to ultimately end up in a checkerboard effect, whereby
19 they're going to have service here and -- what I should
20 say in the city of -- or in the village of McKenzie,
21 then cross over us, and then have service to the site
22 we're in between already. So now we start the
23 checkerboard effect. If there's additional loads out
24 there, that's yet to be determined where that is, but we
25 end up with a checkerboard effect on who's serving

1 where.

2 Q. Mr. Lipp already testified to some of this, and
3 maybe you can expound on it a little bit. Would
4 approval of MDU's application result in wasteful
5 duplication of investment or service in the area?

6 A. From my perspective, that's part of the reason
7 that we objected to the service here. We think we
8 already have adequate capacity and an existing
9 substation and have a lower cost investment to extend
10 service to the site of \$45,000.

11 So the capacity doesn't need to be -- as far as
12 I'm concerned, MDU doesn't need to upgrade their
13 substation. We already have existing capacity in the
14 area. And our extension of facilities is what, two
15 (Indiscernible 1:06:44) times less than their investment
16 cost just to get to the site.

17 I think the site investment costs are probably a
18 horse apiece. I think one was 65,000 and some change
19 and one was 66,000. So on an estimate basis, that's
20 pretty close estimating from two parties that -- we're
21 not part together in estimating, so I would -- I would
22 say the existing costs on the site are -- or the
23 anticipated costs on the site are the same.

24 Q. You've heard testimony today that McKenzie is
25 unincorporated. Is that your understanding as well?

1 A. That's correct.

2 Q. Do you know when the -- some of the property
3 there was platted?

4 A. My recollection is, when I went back to research
5 this, part of the main body of the town was platted
6 in 1902, and then the west part, I thought, was platted
7 in 1906. That's as much as I can recall of the
8 platting.

9 Q. So there hasn't been much going on there for
10 110 years?

11 A. No --

12 Q. At least currently.

13 A. No new plats, let's put it that way.

14 Q. Okay.

15 A. And nothing in my tenure at Capital Electric.

16 Q. Will service of either MDU or Capital in the
17 area unreasonably interfere with the service of the
18 other? Do you have an opinion as to that?

19 A. Well, again we go back to the fact that MDU has
20 to cross underneath our facilities. Well, that probably
21 would be not considered so egregious from a physical
22 standpoint, because I can recognize that we do cross
23 each other on occasion in a physical sense.

24 I would suggest, however, that this would
25 probably have more of an economic interference on

1 Capital Electric from the standpoint that we've
2 established single-phase service in the area. I don't
3 think we should just be relished as being this provider
4 of last resort to railroad signals and then denied the
5 privilege to serve a large load.

6 Q. So based on the investment and the rate of
7 return, you think your investment, you testified, is
8 less, and you also think, because of that and your rates
9 being slightly higher, that your rate of return is even
10 going to be larger; is that correct?

11 A. That would be correct.

12 Q. Which benefits all your members?

13 A. That would be correct.

14 MR. OLSON: Nothing further.

15 HEARING OFFICER MANN: Mr. Kuntz.

16 MR. KUNTZ: Thank you.

17 CROSS EXAMINATION

18 BY MR. KUNTZ:

19 Q. Mr. Nygren, you've been manager of Capital
20 Electric for how long?

21 A. Since September of 1983.

22 Q. And before that, you worked for the electric
23 co-op in Minot?

24 A. Verendrye Electric from September of '75.

25 Q. So Mr. Nygren, you would agree with me there's

1 more to providing electric service to an end-use
2 customer than the last mile of poles and wires, would
3 you not?

4 A. There's an entire infrastructure, yes.

5 Q. You need generation, correct?

6 A. Correct.

7 Q. You need transmission, correct?

8 A. Correct.

9 Q. And all those things go into making up what
10 becomes the rates to the customer in the end, correct?

11 A. That would be correct.

12 Q. And you heard the testimony today from
13 Ms. Aberle and Mr. Manor that Montana-Dakota's costs to
14 provide service to them is about \$60,000 a year less
15 than your proposed costs, correct?

16 A. I believe that would be correct, yes.

17 Q. Do you have any reason to disagree with that?

18 A. Not at this time, no.

19 Q. So then the cost to provide service, the total
20 cost to provide service, as reflected in the rates to
21 the customer by Montana-Dakota is significantly less
22 than that of Capital Electric. Is that not correct?

23 A. Well, it's less. The significance is a judgment
24 call.

25 Q. You talked about that there hasn't been much new

1 growth in McKenzie since the area was platted and that
2 Montana-Dakota shouldn't be allowed to serve this
3 particular load adjacent to its franchised area because
4 it doesn't have capacity on its existing substation,
5 whereas Capital Electric's got that capacity; is that
6 right?

7 A. That's one of the puzzles that was -- or pieces
8 of the puzzle you lack, yes.

9 Q. Are you suggesting that Montana-Dakota should
10 have gold-plated its substation at McKenzie to add
11 capacity it didn't need before it needed it?

12 A. No.

13 Q. Does Capital Electric offer any demand control
14 rates such as Mr. Manor testified as something that
15 Menards is very interested in?

16 A. Yes, we can. Currently, our only demand
17 controlling rates we offer in comparison would be on
18 three-phase loads is to irrigation, but we do have a
19 complete demand response control system called a
20 (Indiscernible 1:12:10).

21 Q. You didn't make a rate available to Menards for
22 that --

23 A. No. Menards, at the time, requested existing
24 rates available, and currently we do not have a rate on
25 the books to take advantage of offering. What we can

1 get, as you mentioned, from generation and power supply,
2 Basin Electric provides an interruptible rate. At this
3 juncture, Central Power provides that interruptible
4 rate. And we haven't -- don't have it on the books
5 since we just consolidated with Central Power.

6 Q. So when Mr. Manor testified that he was told
7 that these are the rates that are available and that's
8 it, was he telling the truth?

9 A. At the time.

10 Q. Has something changed since that time?

11 A. Well, I guess we'd be certainly willing to sit
12 down with Menards and work with them on an interruptible
13 rate if that's what they're interested in. We weren't
14 aware that they were looking for having complete
15 stand-by generation onsite.

16 Q. What about something less than complete
17 interruptible rates? What about the demand control rate
18 where they could -- where they would use something like
19 -- they could shed a particular piece of their load, do
20 you have a rate like that available?

21 A. We'd have to look so that your -- if I can
22 paraphrase, I think what you're saying is just partial
23 shedding of the load, shed two buildings instead of
24 three or four. Well, then the rates would have to be
25 separated.

1 Q. You don't have anything like that now?

2 A. Not at this particular time.

3 Q. And you said you thought your return would be
4 better, in part, because you're charging more; is that
5 right?

6 A. Yeah. It stands to reason to me that we have a
7 higher revenue stream coming in.

8 Q. But Capital Electric, part of its revenue stream
9 goes to pay to its generation provider, correct?

10 A. Correct. We have a higher cost, if that's where
11 you're going.

12 Q. Well, my point is, Mr. Nygren, you've got to pay
13 Basin and you've got to pay Central Power for
14 transmission; is that right?

15 A. We pay Central Power directly now, but -- fair
16 enough, fair enough.

17 Q. Okay. You've not presented any sort of study
18 here before the Commission to determine what your margin
19 is after you pay Central Power to determine what your
20 return is and what's available to your other customers
21 after you pay that margin, have you?

22 A. Not at this time, no.

23 Q. So your testimony about you think your return
24 would be better than Montana-Dakota's is based upon
25 speculation, you've not done the study?

1 A. It's judgment, yes, that's correct.

2 Q. How much is Capital Electric's load grown in the
3 last five years?

4 A. In the last five years?

5 Q. Right.

6 A. Peak load?

7 Q. Total consumption.

8 A. Kilowatt hours?

9 Q. Right.

10 A. I'm sorry, I can't -- can't recall in the last
11 five years. I just don't know at this time.

12 Q. What about peak consumption?

13 A. Well, in the last five years, in peak
14 consumption, I'm aware last winter we grew ten
15 megawatts, from 70 to 80 megawatts, but in the last five
16 years, I can't answer you there. Normally, we have
17 about, a rule of thumb, a three-megawatt load growth.

18 Q. And you grew ten megawatts last year?

19 A. Our peak, our winter peak, our winter peak, due
20 to the extreme cold in January. I remember that because
21 it was such an exception. We're generally a
22 summer-peaking system, and we moved, I want to say,
23 about three megawatts over our summer peak to winter
24 peak.

25 Q. And what's all that load growth done to your

1 customer rates?

2 A. We've raised rates in the last three years,
3 principally due to wholesale power cost increases from
4 Basin Electric Power Cooperative. Generally, that's
5 been part of the upgrades that have taken place at some
6 of the generating plants for environmental purposes.

7 Q. And who sets the rates for your customers?

8 A. Board of directors.

9 Q. Of Capital Electric?

10 A. Of Capital Electric.

11 Q. So if a customer has a complaint with a
12 particular rate, they can't go to this Commission and
13 complain about that rate and ask that it be re-studied,
14 can they?

15 A. No.

16 Q. Or if they have a service problem with a
17 particular aspect of your service, they can't go to this
18 Commission and ask that it be investigated, can they?

19 A. Not to my knowledge.

20 MR. KUNTZ: That's all I have. Thank you.

21 HEARING OFFICER MANN: Mr. Norrell.

22 MR. NORRELL: Thank you, Your Honor.

23 ///

24 ///

25 ///

CROSS EXAMINATION

1
2 BY MR. NORRELL:

3 Q. Mr. Nygren, how would this investment improve
4 the feasibility of the system, Capital's system,
5 overall?

6 A. Overall, I guess I wouldn't know specifically.
7 I can just say, generally, we don't serve many loads of
8 this magnitude. As you can see by our map up there,
9 they're all, generally, single-phase farm loads, so not
10 many of these come by in your tenure.

11 So I'm suggesting that, given the revenue stream
12 we've seen here and our investment, in other words, we
13 have a \$44,000 line extension investment, and a revenue
14 stream -- wasn't it over \$500,000? -- that was shown,
15 there's a significant rate of return.

16 Q. Where was --

17 A. So hopefully, it would benefit our entire
18 membership. We're only spreading it over 18,000
19 consumers, if I understood MDU to say they had 130,000
20 consumers and two-thirds of them were in the state of
21 North Dakota, so we've got a smaller base to spread an
22 equal-to or greater-than return over.

23 Q. There was some conversation earlier with, I
24 believe, Commissioner Kalk and one of MDU's witnesses
25 about possible long-term rates, and it was discussed how

1 MDU, being a regulated utility, would have to come to
2 the Commission for rate increases. Does Capital have
3 the capacity or the ability to offer Menards a long-term
4 fixed rate at all?

5 A. Long-term fixed rate, guaranteed rate?

6 Q. Yeah.

7 A. We could look at a -- we can enter into a
8 contract rate, but we do not have contract rates, if
9 that's what you're asking.

10 Q. You don't have any current contract rates?

11 A. No.

12 Q. Okay. Do other co-ops do that on occasion?

13 A. Well, let me phrase it this way. When we were
14 negotiating with Wal-Mart, we offered them, and made it
15 available to all others, a guaranteed rate relative to
16 an all-electric facility, but that's since expired.

17 Q. How long are we looking at on a term --

18 A. Those were five years.

19 Q. Five years? There was some conversation about
20 demand control rates or interruptible service rates that
21 you had with Mr. Kuntz. Do you know what rate you would
22 be available to -- you could offer Menards today?

23 A. We do not have a rate on our books. Keep in
24 mind, we just consolidated with Central Power on
25 January 31st, and we would have to develop a rate

1 pursuant to what Menards' requests are, keeping in mind
2 that it needs to be made available to all consumers in
3 that class.

4 Q. So there's no current tariff or any --

5 A. No. That's what he was referring to, I believe,
6 when he said, "And our request was, is to give us
7 existing rates," and that's what we did.

8 Q. Do you know, does MDU's line currently cross
9 Capital Electric's line? The MDU line that goes south
10 into McKenzie, does that currently cross Capital's line?

11 A. I would say no from this perspective, that we
12 have a transmission line on the south side of the road,
13 but MDU has underbuilt on that transmission line. So we
14 just share facilities and right-of-way.

15 So yeah, they -- they would cross the
16 distribution line underbuilt, underground, going to
17 serve the town of McKenzie, but I think they were there
18 first, so in all fairness, we crossed underneath MDU.
19 And that's our three-phase distribution line that Mr.
20 Lipp testified to. And that's just my speculation that
21 -- I think you said they were 1928, and MDU didn't come
22 into existence until '48, so --

23 UNIDENTIFIED SPEAKER: You mean Capital.

24 THE WITNESS: Or Capital, excuse me.

25 BY MR. NORRELL:

1 Q. Do you know -- that three-phase line, do you
2 know, is that at 7,200 volts?

3 A. Correct.

4 MR. NORRELL: Okay. No further questions.
5 Thank you.

6 HEARING OFFICER MANN: Commissioner Fedorchak.

7 COMMISSIONER FEDORCHAK: Thanks, Mr. Nygren, for
8 being here. I was just going to ask you when you
9 started serving in this area and why Capital hasn't been
10 serving McKenzie or wasn't selected to serve McKenzie
11 way back in the day. You maybe just answered that. You
12 came into existence in '48.

13 THE WITNESS: Yes. I believe there was service
14 already extended to McKenzie, and Capital hadn't been
15 born till 1948, so --

16 COMMISSIONER FEDORCHAK: Has there ever been
17 discussions between you and MDU for you taking over that
18 service area, McKenzie?

19 THE WITNESS: The only discussion I remember
20 with MDU was in regard to the farm site south of
21 McKenzie. What was the infamous name we were talking
22 about?

23 COMMISSIONER FEDORCHAK: The Rybergs?

24 THE WITNESS: Rybergs. I believe -- is that the
25 right farm site I'm thinking of? We had talked at one

1 time of trading some services, and that was one that MDU
2 was willing to give us. But other than that, we haven't
3 had any discussions.

4 COMMISSIONER FEDORCHAK: Would this Menards
5 facility be your largest load?

6 THE WITNESS: No, perhaps not. No, it wouldn't
7 be our largest load.

8 COMMISSIONER FEDORCHAK: What are some of the
9 other large loads that you have?

10 THE WITNESS: Well, our largest load is
11 Wal-Mart, because it's an all-electric facility.

12 COMMISSIONER FEDORCHAK: Okay.

13 THE WITNESS: And depending upon how you would
14 look at it, since these are multiple facilities, the
15 University of Mary is also one of our larger consumers,
16 along with the Basin Electric headquarters.

17 COMMISSIONER FEDORCHAK: So I can kind of
18 compare, what are their -- what's the demand at those
19 places?

20 THE WITNESS: Wow, trying to recall here. I
21 don't know what the collective demand at the University
22 of Mary is, because there's multiple meters out there.
23 I want to say the Wal-Mart is at least two and a half
24 megawatts with electric heat.

25 COMMISSIONER FEDORCHAK: Okay. When they

1 contacted your company, were you aware that they were
2 looking at comparing services?

3 THE WITNESS: We were aware that they had met
4 with MDU and we had sensed that they were looking for us
5 to get into a bidding war with MDU and their economic
6 development rate. At least that was my sense, that they
7 were looking to play one off against the other.

8 COMMISSIONER FEDORCHAK: And did you -- you
9 heard the Menard fellow's testimony this morning, that
10 he wasn't very impressed with your customer service and
11 your company's overall efforts to give them a
12 competitive bid. What's your response to that?

13 THE WITNESS: Well, I'm sorry that we didn't
14 come into his good graces. We thought we were at least
15 fulfilling all of their requests. They had requested
16 the application for service and what our rates were, and
17 we provided that. Also sensed that they did a same
18 request with MDU. And when they looked and perhaps saw
19 that our rates were above, that was their key directive
20 to, again, seek more out of MDU. We haven't, to my
21 knowledge, heard from Menards this year.

22 COMMISSIONER FEDORCHAK: You heard MDU say that
23 they didn't provide them a special deal, they're
24 providing them a published tariff that is approved by us
25 and there was no extra kind of --

1 THE WITNESS: And that's what we did.

2 COMMISSIONER FEDORCHAK: Okay. But if you had
3 -- it's curious to me that this would be one of your
4 largest loads, they came to you, you clearly want them,
5 and you didn't tell them that you had this potential for
6 a more-competitive rate that you could probably work
7 with them on. We might not be here today if that had
8 happened.

9 THE WITNESS: Well, I guess I don't want to
10 count my chickens until they're hatched, so from the
11 standpoint that we'd be willing to work with them, we
12 did not know, at least from my perspective, that they're
13 looking at an interruptible rate, nor did we know they
14 were going to put in stand-by generation. So perhaps we
15 dropped the ball by not pursuing that, but we'd
16 certainly be interested in pursuing it now that we know
17 that.

18 COMMISSIONER FEDORCHAK: Okay. One of the other
19 issues Menards talked about this morning was that in
20 other areas they have worked with both cooperatives and
21 independently-owned utilities and have a preference for
22 the IOUs, and he talked about clean power. What did you
23 take that to mean, that he prefers that -- he called it,
24 "They provide us with clean power," and that's of high
25 value to them? What does that mean to you?

1 THE WITNESS: I don't know what that means. I
2 can't interpret what his definition of clean power is.

3 COMMISSIONER FEDORCHAK: Okay. Do you --

4 THE WITNESS: Let me answer it in this fashion.
5 The source of power in the area, we have a joint
6 substation with MDU in east Bismarck that feeds their
7 transmission line and feeds our transmission line. So
8 I'm not sure how you get the electrons to get dirty on
9 one end and clean on the other, but I would think they
10 should be sufficiently the same.

11 COMMISSIONER FEDORCHAK: Okay. I think this is
12 my last question. The Menoken sub, which has extra
13 capacity now, are you anticipating growth in that area
14 and if that's one of the key factors of duplication?
15 Because there's capacity there now. If it continues to
16 grow as it is in Bismarck, you could be using up that
17 capacity and having to expand there in the near future.
18 Am I -- am I not right?

19 THE WITNESS: Well, the Menoken sub is more of a
20 rural sub. It depends on how fast and how -- how fast
21 and how much load growth moves out towards the east. In
22 part, that is part of the service area agreement that we
23 have with MDU in and around Bismarck.

24 And I'll stand corrected, but if I recall,
25 generally south of the interstate, except for the city

1 of Lincoln, the futuristic growth, at least near
2 Bismarck, is more towards MDU, in my recollection of the
3 service area agreement. And I'll stand corrected if I'm
4 missing something, but I'll let -- he can cross-examine
5 me and correct me if I'm wrong.

6 COMMISSIONER FEDORCHAK: If we could get a copy
7 of the service area agreement added to the record. It
8 may not be super relevant, but it can't hurt, so I'd
9 appreciate having that added, the map.

10 And that's all my questions for now. Thank you.

11 THE WITNESS: If I could, there was questions
12 relative to the Sterling sub and the ability to upgrade.
13 I could (Indiscernible 1:29:29) that I've had
14 conversations with Tom Meland, the general manager of
15 Central Power Electric Cooperative in Minot, asked them
16 to see what it would take to upgrade that substation.

17 What I recall of the conversation that he got
18 back to me was, is that they have three 833 kV
19 transformers in inventory at approximately book value of
20 \$10,000, they'd need to upgrade the reclosures -- or the
21 regulators out there at an approximate value of \$8,000,
22 and the high-side switches to -- for fusing for about
23 \$2,000, and just double that for labor, so they
24 estimated, roughly, about a \$40,000 cost to upgrade the
25 Sterling substation to a 2,500 kVA substation. Because

1 I think that's one of the questions you had asked.

2 COMMISSIONER FEDORCHAK: Thanks.

3 HEARING OFFICER MANN: Mr. Olson, are you going
4 to provide the service area agreement as a late-filed
5 exhibit?

6 COMMISSIONER KALK: We could take official
7 notice of that.

8 Isn't that a documented case, Ryan, with us?

9 MR. NORRELL: I believe so.

10 MR. KUNTZ: It was approved by the Commission.

11 COMMISSIONER FEDORCHAK: Okay. So we've got --

12 THE WITNESS: It should be here, but we can
13 certainly --

14 HEARING OFFICER MANN: Yeah, we can take
15 official notice of it. That's fine.

16 Commissioner Kalk.

17 COMMISSIONER KALK: Thank you, Your Honor.

18 Thank you, Lars, for being here today and
19 visiting, stopping by. You know, it's kind of one of
20 those things that I started out with, that you and MDU
21 have been sharing customers and discussion for many,
22 many years -- sharing customers, but debating about
23 customers and who's serving who for many, many years.

24 I'm sure you were front and center in the debate
25 here a few years ago with the -- that ended up in the

1 service agreement, no doubt. Do you remember that
2 pretty well?

3 THE WITNESS: Yes.

4 COMMISSIONER KALK: What other -- I mean,
5 outside of this discussion today, what other friction
6 points do you see between you and MDU around the
7 Bismarck area? Is there several places that you're
8 watching close, trying to figure out, or is this kind of
9 like the one area that is still kind of a gray area with
10 who might be serving things?

11 THE WITNESS: Well, from my perspective, I don't
12 know of any friction points around the Bismarck area.
13 We just made an agreement, pursuant to our service area
14 agreement, I believe, to let MDU extend service to an
15 existing customer on Divide Avenue.

16 With the expansion and all of that, it just
17 cleans up the area and -- so I suggest we're very
18 amiable, from our perspective, here in the Bismarck
19 area. And this is one of the just large loads that came
20 along and, obviously, both are interested in serving.

21 COMMISSIONER KALK: Sure. Do you think there's
22 any value of you -- have you tried to sit down with MDU
23 and work out a service area agreement on this area since
24 this kind of became an issue?

25 THE WITNESS: Not up till this time, no.

1 COMMISSIONER KALK: Do you think there's a value
2 in it to --

3 THE WITNESS: We're certainly open.

4 COMMISSIONER KALK: Because one of the things
5 that your witness -- your colleague testified about, and
6 it's a fair point, that it may be 200-and-some jobs, but
7 there's no school in the town and -- what additional
8 growth in the area, so it's -- it will remain to be
9 seen, I guess. But I'm trying to see if there's other
10 opportunities, that if there are other points between
11 you and MDU that maybe you could work out several
12 different things in this together, but that's, I guess,
13 a separate discussion you folks will have to have.

14 So from your perspective, this is kind of like
15 the big 10,000-pound gorilla in the room that we need to
16 get solved right now.

17 There's not other things that you're aware of
18 that are coming down the pike that may result in these
19 kind of proceedings?

20 THE WITNESS: No, I don't know of any at this
21 juncture.

22 COMMISSIONER KALK: You know, the -- and Julie
23 talked quite a bit about this, Commissioner Fedorchak,
24 but had MDU -- I'm sorry, Menards come to you and said,
25 "Hey, we want to build this," and you'd have given them

1 the rate they were looking for, they would have needed
2 nothing from us to just start building, correct?

3 THE WITNESS: Repeat.

4 COMMISSIONER KALK: If Menards came to you and
5 said, "Hey, we want to build this stuff," and you were
6 happy -- they were happy with the rate, there would have
7 been nothing this Commission would have had to do on
8 anything, correct?

9 THE WITNESS: If -- if I understand what you're
10 suggesting here, is if they had not requested service
11 from MDU and only requested service from Capital
12 Electric, Capital Electric could have extended service,
13 correct.

14 COMMISSIONER KALK: But there would --

15 THE WITNESS: MDU wouldn't have had an
16 opportunity to object.

17 COMMISSIONER KALK: That's what I was trying to
18 get out from your viewpoint, is that if they worked it
19 out with you, would MDU have any right to go in and
20 request that they serve this load, had Menards asked you
21 and worked on an agreement with you?

22 THE WITNESS: No, because I don't believe we
23 would have been interfering with their system.

24 COMMISSIONER KALK: Okay, fair enough. I think
25 -- you know, the discussion about go forward --

1 Commissioner Fedorchak has talked quite a bit about all
2 the different factors that we look at. It comes down,
3 to me, to a couple issues: You know, the three-phase,
4 where it's available at, and the cost.

5 And so do you feel that you've been given a fair
6 shake with Menards as to what is really available from
7 you to them?

8 THE WITNESS: What's --

9 COMMISSIONER KALK: I mean, do you feel that
10 you've presented your best deal to Menards and they've
11 had a chance to consider that?

12 THE WITNESS: Well, except from the standpoint
13 that now they want to look at an interruptible
14 framework. At least that's what we learned today.
15 Whether they're -- that's the ultimate thing they want
16 or not, we don't know. But at the time, what they asked
17 from us was our existing rates, and that's what we
18 presented them, and that's all that we had to present,
19 unfortunately.

20 COMMISSIONER KALK: Is Capital interested in,
21 after these proceedings, sending anything to Menards
22 saying -- clarifying what may or may not be available to
23 them?

24 THE WITNESS: Well, we'd be open if Menards
25 wants to pursue it, yes.

1 COMMISSIONER KALK: How big a factor do you
2 think it is for this Commission to consider the customer
3 preference?

4 THE WITNESS: I think I -- if I recall right,
5 the customer preference is one of them, but not a
6 main-bodied part of this process.

7 COMMISSIONER KALK: Is there any one that you
8 think we should consider more than the other of the
9 criteria?

10 THE WITNESS: The ones that I think probably
11 weigh in are -- that I've seen over the years generally
12 are: Are we -- is there duplication of facilities of
13 investment? And the other one was -- is: Are we
14 crossing any existing facilities of the power supplier?

15 COMMISSIONER KALK: Okay. Thank you, Sir.

16 HEARING OFFICER MANN: Commissioner Christmann.

17 COMMISSIONER CHRISTMANN: You were here when Mr.
18 Manor was testifying, right?

19 THE WITNESS: Yes.

20 COMMISSIONER CHRISTMANN: Did I misunderstand
21 anything or do you disagree with what I'm thinking that
22 he said, that he got involved in this conversation just
23 in February of this year, of 2014?

24 THE WITNESS: I don't recall, but I'll take your
25 word for it. Seemed to me he wasn't -- our contact

1 person was Jesse Kane.

2 COMMISSIONER CHRISTMANN: So did Mr. Manor never
3 contact you?

4 THE WITNESS: I have not spoken to Mr. Manor.

5 COMMISSIONER CHRISTMANN: Anybody else that
6 you're aware of at Capital Electric?

7 THE WITNESS: I'm not aware, let's put it that
8 way, but he could have, but I'm not aware. He has not
9 visited with me. And I don't recall of any
10 conversations with Menards, as I said, in 2014. So if
11 he started in February, it would seem that he hadn't.

12 COMMISSIONER CHRISTMANN: So do you feel that,
13 in retrospect now, Capital Electric should have been
14 doing more maybe in the last months to reach out to
15 Menards and say, you know, "We've reached this new deal
16 with Central Power. And you asked for our existing
17 rates and here they are, but you're an important
18 potential new customer to us and, you know, if you'd be
19 interested in maybe an interruptible rate, even though
20 we don't have that yet, we've just done this merger, and
21 we'll try and work something out with you," and try to
22 sell the co-op?

23 THE WITNESS: And I agree a hundred percent with
24 you, now that we know.

25 COMMISSIONER CHRISTMANN: Okay. Lastly, you

1 mentioned that approving this for MDU would cause kind
2 of a checkerboard situation down in that area, and
3 implying that that's a bad thing.

4 And I think one way of looking at that
5 checkerboard effect, sometimes it is a bad thing, but
6 when I think back of our service area agreements that
7 we've approved here around Dickinson and some other
8 communities, they are a little checkerboardy, but it
9 seems like agreements have been reached that worked
10 pretty well for both sides. So I guess I just point
11 that out. I don't want to say that necessarily the
12 checkerboard-looking effect is all necessarily bad, but
13 to the extent that it can be a bad thing.

14 Now I'll get to my question. Isn't the best way
15 to avoid that effect, to sit down between the two
16 companies before we have to sit and look at our
17 guidelines and pick one or the other as the winner, and
18 for the two companies to sit down and barter something,
19 because you both know that you might win and you both
20 know that you might not win, and maybe trade a little
21 something so that one wins this but someone else gets
22 something else? Isn't that the way to avoid a bad
23 checkerboard effect?

24 THE WITNESS: Well, bad would be everybody's
25 agreed so there wouldn't be anybody that would be

1 objecting, so obviously, it would be a mutually
2 agreed-upon checkerboard. So that becomes mutually
3 agreed, so it wouldn't be considered bad.

4 Conversely, if you haven't been able to come to
5 an accord, I'm not sure checkerboarding is desirable by
6 either utility.

7 COMMISSIONER CHRISTMANN: Right. So you do
8 agree then that the best way to avoid a bad checkerboard
9 effect is for the two sides to get together and iron
10 something out?

11 THE WITNESS: If you can, yes.

12 COMMISSIONER CHRISTMANN: Okay. No other
13 questions.

14 HEARING OFFICER MANN: Mr. Olson.

15 MR. OLSON: I have nothing further.

16 HEARING OFFICER MANN: Mr. Olson, I've got an
17 Exhibit E. Were you intending to --

18 MR. OLSON: No.

19 HEARING OFFICER MANN: Okay.

20 Mr. Kuntz.

21 RE CROSS EXAMINATION

22 BY MR. KUNTZ:

23 Q. Mr. Nygren, you mentioned you had a conversation
24 with Tom Meland at Central Power regarding upgrade of
25 the Sterling substation; is that correct?

1 A. That's correct.

2 Q. Right now, do you have a need for that upgrading
3 at the Sterling substation if you don't serve the
4 Menards load?

5 A. Not based on the existing load, correct.

6 Q. So if you upgraded that Sterling substation,
7 would that be an unreasonable duplication?

8 A. No. I think it would be a -- what we would call
9 a alternate feed source, so you'd increase -- you'd
10 increase the reliability into the area.

11 Q. So if you upgrade your Sterling substation,
12 that's not a duplication, but if MDU upgrades its
13 McKenzie substation to serve the Menoken load, that's a
14 duplication?

15 A. That would be correct, because we already have
16 the existing capacity to serve on a single basis.

17 Q. But you can go ahead and upgrade your Sterling
18 substation even though you've got existing capacity, but
19 that's not a duplication?

20 A. Not if we're going to provide redundancy on our
21 existing system.

22 Q. And you said that you thought, from your review
23 or your understanding, that customer preference was not
24 a main consideration in the Commission's determination;
25 is that right?

1 A. That's what I recall.

2 Q. But you also testified that if Menards had gone
3 to you in this situation, we wouldn't even be here; is
4 that correct?

5 A. My understanding is, is that the investor-owned
6 utilities need a request of service from a customer.

7 Q. So --

8 A. I think that came out clear in the case out at
9 Sterling.

10 Q. So in that scenario, the customer preference is
11 the only consideration in terms of whether Capital
12 Electric gets to serve that load, isn't it?

13 A. In a rural area.

14 Q. And then you talked about, well, you've offered
15 guaranteed rates in the past, maybe you could have
16 (Indiscernible 1:43:01) Menards in this case. Can you
17 guarantee the rates that you're charged by your
18 suppliers?

19 A. No.

20 Q. So do you have to have exceptions to those,
21 quote, guaranteed rates?

22 A. Well, you don't make them that long.

23 Q. So they're really not much of a guarantee, are
24 they?

25 A. They're short term, similar to your economic

1 development rate.

2 Q. And then you mentioned that "Well, now that we
3 know what they need, we could have probably -- should
4 have worked with them harder, in terms of what their
5 rate needs were," now that you know what they --

6 A. Only on an interruptible basis. Our existing
7 rates that you have are our existing rates.

8 Q. Okay. And you wouldn't change those for them?

9 A. No.

10 Q. And now that you know what they want and with
11 respect to possible interruptible or demand response
12 rates, you know that now because they've asked
13 Montana-Dakota to provide the service?

14 A. Correct.

15 Q. Before that, you --

16 A. When they testified today, that's when we heard.

17 Q. But didn't they also testify that they inquired
18 of someone at Capital as to whether you had a demand
19 response-type control rate available and they were told
20 that you did not?

21 A. Not to my knowledge.

22 Q. You heard them testify to that, did you not?

23 A. Yes, I did.

24 Q. Under oath?

25 A. Yes.

1 Q. You're not saying he's lying, are you?

2 A. No.

3 MR. KUNTZ: That's all I have.

4 HEARING OFFICER MANN: Mr. Norrell.

5 MR. NORRELL: I have no questions for this
6 witness, but at an appropriate time, I will have an
7 evidentiary matter to discuss briefly regarding
8 Commissioner Fedorchak's request.

9 HEARING OFFICER MANN: Okay. Commissioner
10 Fedorchak, any questions?

11 COMMISSIONER FEDORCHAK: On the whole issue of
12 customer preference, just one more question. I'm trying
13 to understand if there's a comparable scenario with a
14 role reverse. Say Menards was locating this facility on
15 the edge of MDU's territory and they preferred you,
16 could you come to us and request to serve them in a
17 similar way like this and would we be looking at the
18 same criteria? Is that feasible?

19 Jerry is shaking his head no. So this only
20 happens in the rural areas? Or can Ryan --

21 UNIDENTIFIED SPEAKER: I don't know if I can
22 answer since I'm not on the stand, but --

23 COMMISSIONER FEDORCHAK: All right. And we can
24 talk about that later.

25 It strikes me that the customer service is only

1 a -- is downplayed by the people who it doesn't serve
2 well and it's a big factor for who it does serve well,
3 so it makes it difficult to weigh. That's all.

4 HEARING OFFICER MANN: Commissioner Kalk.

5 COMMISSIONER KALK: I don't believe I have any
6 more questions for Mr. Nygren at this time, but I would
7 ask, if we're getting close to being done here, that we
8 take a break and then I'd like to talk to my guys here a
9 little bit and then come back, because once the hearing
10 is closed, it's closed, and I do want to have a couple
11 questions for Ryan and Jerry before we break the team up
12 here.

13 HEARING OFFICER MANN: Commissioner Christmann,
14 any further questions?

15 COMMISSIONER CHRISTMANN: I do. I -- no
16 questions, but I also have a question. I suppose we
17 have to do them separately.

18 HEARING OFFICER MANN: Sure. Mr. Olson,
19 anything else?

20 MR. OLSON: Nothing further.

21 HEARING OFFICER MANN: Okay. Thank you,
22 Mr. Nygren. You can step down at this time.

23 Any other witnesses?

24 MR. OLSON: No further witnesses, no.

25 HEARING OFFICER MANN: Okay. Mr. Norrell, would

1 you like to address your evidentiary issue after you and
2 Mr. Lein have had an opportunity to speak, or would you
3 like to take the break first?

4 MR. NORRELL: I think it's just a matter of
5 clarifying, and I don't know if Mr. Olson or Mr. Kuntz,
6 or even if Ms. Aberle, would be able to help us, but
7 we're just wanting to make sure that we take notice of
8 the correct service area agreement and what would be the
9 most recent one.

10 MR. KUNTZ: There is only one.

11 MR. NORRELL: There is only one, okay. And that
12 is being shown as Public Utilities 07-754. Does that
13 sound --

14 MR. KUNTZ: 07?

15 MR. NORRELL: 07 is the --

16 MR. KUNTZ: Yeah, about right. It's probably
17 about six, seven years -- is it about that? Right.

18 MR. NORRELL: Okay. Just wanted to make sure
19 we're all on the same page there. Thank you.

20 MR. KUNTZ: If it's this decade, that would be
21 it.

22 HEARING OFFICER MANN: Does that clarify then?

23 MR. NORRELL: Yes. Thank you.

24 HEARING OFFICER MANN: I think we can take our
25 break at this time then.

1 UNIDENTIFIED SPEAKER: How long, Your Honor?

2 HEARING OFFICER MANN: How long do you need? Is
3 15 minutes enough?

4 UNIDENTIFIED SPEAKER: Fine.

5 HEARING OFFICER MANN: All right, 15 minutes.

6 (Recess)

7 HEARING OFFICER MANN: Okay, we are back on the
8 record.

9 Mr. Olson, do you have anything further on your
10 case?

11 MR. OLSON: No, no.

12 HEARING OFFICER MANN: Okay.

13 MR. OLSON: Nothing further from my case, no.

14 HEARING OFFICER MANN: Okay. Mr. Kuntz?

15 MR. KUNTZ: We have no rebuttal.

16 HEARING OFFICER MANN: Okay. Before closing
17 statements, are there any other issues?

18 MR. NORRELL: Your Honor, if I may.

19 HEARING OFFICER MANN: Go ahead.

20 MR. NORRELL: On behalf of advisory staff, I
21 would like to call Mr. Lohstreter back to the stand just
22 for a couple of questions about MDU Exhibit 1.

23 HEARING OFFICER MANN: Okay. Mr. Lohstreter,
24 you're still under oath.

25 And Mr. Norrell, you can go ahead.

1 MR. NORRELL: Thank you.

2 **CRAIG LOHSTRETER,**

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

5 RE CROSS EXAMINATION

6 BY MR. NORRELL:

7 Q. Thank you, Mr. Lohstreter, for sticking around
8 all day just for one last round of questions from the
9 Commission.

10 A. Not a problem.

11 Q. I was wondering, do you have in front of you MDU
12 Exhibit 1?

13 A. Okay.

14 Q. And there's been a lot of questions about
15 economic future development in the area, load
16 development in the area. Just south of the red 46 kV
17 line there, and this would be the one-mile radius
18 circle, kind of intersects, there are four blocks along
19 up there. Do you know, are those parcels platted out
20 for future development?

21 A. I do not know.

22 Q. Do you know what those would be at all?

23 A. Again, this information came from our GIS, so
24 I'm assuming, you know, there was some definition of
25 property there, but I have no idea if it was a plat or

1 -- or what it might be.

2 Q. How about along the west side of the city limits
3 of Menoken, there's a light-gray line forming a square
4 along the west side, do you know if that's any future
5 development?

6 A. Not that I'm aware of.

7 Q. And again, just for the record, are you aware of
8 any discussion regarding any development in that
9 McKenzie area along Highway 10, anything in the media or
10 anything along those lines?

11 A. No, I'm not.

12 MR. NORRELL: Okay. No further questions, Your
13 Honor.

14 HEARING OFFICER MANN: Okay. Mr. Kuntz,
15 anything?

16 MR. KUNTZ: No.

17 HEARING OFFICER MANN: Mr. Olson?

18 MR. OLSON: Nothing, Your Honor.

19 HEARING OFFICER MANN: Commissioners, any
20 questions for the witness?

21 Okay, you can step down. Thank you.

22 Any other matters that we need to address before
23 closing statements? Mr. Kuntz, anything?

24 MR. KUNTZ: No, Your Honor.

25 HEARING OFFICER MANN: Mr. Olson?

1 MR. OLSON: (No audible response)

2 HEARING OFFICER MANN: Mr. Norrell?

3 MR. NORRELL: No, Your Honor.

4 HEARING OFFICER MANN: Okay. Commissioners?

5 Okay, Mr. Kuntz, go ahead.

6 MR. KUNTZ: Thank you, Your Honor. I'll be very
7 brief. I know it's been a long day for everyone.

8 I think the Commission has heard the evidence.
9 Understandably, this is an important load for both.
10 Both utilities would like to provide it. It's a
11 beneficial load, but most importantly, it's an important
12 issue for the customer. And I think you've heard that.

13 As was testified earlier, you know, typically
14 these cases, customer preference, when the customer
15 wants the utility, is it the main consideration? When
16 the customer want the co-op, it's the only
17 consideration. But in this particular case, I think
18 there's some additional thought that needs to be given
19 here to the customer's desire for service, what they're
20 looking for in a service provider.

21 If you listened to Mr. Manor today, everything
22 that they were looking for a service provider
23 Montana-Dakota offers: Reasonable rates; demand type
24 rates that they can take advantage of; a regulated
25 utility that they've got someone to complain to if they

1 don't like the way rates are setting or some assurance
2 that those rates are being set by an independent body or
3 being reviewed by any independent body, a body they can
4 go to to complain if they have service issues. So if
5 you listened to Mr. Manor, right down the line,
6 Montana-Dakota was able to meet their needs.

7 It's almost unheard of in one of these TIA cases
8 where you see a customer make the effort to actually
9 show up at a hearing. Usually, it's simply a statement
10 but no appearance by the customer saying, "This is who
11 we prefer," and that's it. Menards made an effort,
12 coming all the way here from Wisconsin this morning to
13 appear before this Commission and explain to you why
14 customer preference is important to them.

15 \$60,000, even for a year, even for a company
16 like Menards, is not insignificant, and that certainly
17 is something that affects the public interest, and also
18 in terms of who's able to provide the service most
19 economically.

20 Yes, you've heard that Capital Electric can
21 extend their three-phase line at a lesser cost than what
22 Montana-Dakota can upgrade its system in McKenzie, but
23 part of being an electrical provider is having to
24 upgrade your system periodically as new growth occurs.

25 If you look at the Commission's criteria, you're

1 talking about extending an existing system to serve this
2 particular load, who's having to extend their system
3 from what's there now. And we've got an existing
4 three-phase system within 1,800 feet. That's what we're
5 having to do. That's the extension piece of it. Then
6 we're talking about upgrades to the rest of the system.
7 And those upgrades are not only for the benefit of
8 Menards, those offer benefits to the community itself.

9 And admittedly, there's not been much growth
10 that's happened in McKenzie, but the same token, I don't
11 think there's any question that when you start a
12 facility of this size with 250-type employees, there's
13 going to be some additional growth in McKenzie. If even
14 ten percent, five percent of those employees decide to
15 locate in or around the city of McKenzie, there's going
16 to be some additional growth. Probably going to need a
17 gas station, those types of things, that are probably
18 going to dictate that these upgrades are going to be
19 necessary at one point or another.

20 I really don't think Montana-Dakota should be
21 penalized for the fact that it hasn't upgraded this
22 system sooner, because that's really kind of what's
23 being implied here, that because you didn't gold-plate
24 your system sooner, add capacity to your substation
25 sooner and we've got extra capacity that's twice what we

1 need, then you shouldn't be able to serve this load. I
2 think that's highly prejudicial.

3 I don't think the Commission would think very
4 fondly of us if we were including things in our rate
5 base for upgrades before they were needed. I think the
6 way we propose to meet these upgrades, by using existing
7 transformers, adding a neutral to our existing system,
8 are all indications that we've been pretty good stewards
9 of how we make our investment and how we serve our
10 customers.

11 One outage on this particular line in the last
12 13-plus years, I think that speaks pretty strongly with
13 respect to reliability.

14 Number of customers. We've got almost three
15 times the number of customers within the two-mile area,
16 most of those within one mile. Capital's got four.

17 You can go down the list, and virtually every
18 one of your ten criteria, if you check it off, who gets
19 it, Montana-Dakota will have the advantage on just about
20 every one of those criteria. So if those criteria mean
21 anything at all, then Montana-Dakota should be allowed
22 to serve this particular customer.

23 The public benefit is here. In terms of the
24 contribution it makes to its other customers, the
25 contribution is here. In terms of the upgrades it

1 allows Montana-Dakota to make to the community of
2 McKenzie, the potential (Indiscernible 8:10) growth.

3 The public benefit to Capital Electric, you
4 heard it testified, the only -- the only benefit of
5 their extension is to the Menards site, period. That's
6 it. It won't serve any other customers. And the only
7 benefit, arguably, is the fact that there will be a
8 higher -- there will be additional money to contribute
9 to their customers.

10 Well, part of that is coming out of the skin of
11 Menards, that 60,000. I'm not quite sure that's a
12 public benefit, that those additional dollars are being
13 paid to Capital Electric rather than Menards being able
14 to invest it in their particular facility and being
15 competitive in their product offerings and being
16 competitive in terms of meeting of their -- the
17 competitiveness of this facility in relation to other
18 facilities around the company.

19 We want economic development. We want our
20 companies to be as competitive as they possibly can.
21 Well, this is where it starts. 60,000, probably not a
22 huge number in the total cost of operating this, but
23 it's obviously not insignificant, or Menards wouldn't
24 have been here today.

25 So Commissioners, I know this is a difficult

1 call for you, commissioners never like these TIA cases,
2 but unfortunately, it's one of these one-off type
3 situations that I'm afraid that not even service area
4 agreements are probably in place to address it, so it's
5 in your lap. And I appreciate the time you spent here,
6 but I really believe if you take a look at the evidence
7 and go through those list of criteria, at the end of the
8 day, Montana-Dakota should receive this certificate.
9 Thank you.

10 HEARING OFFICER MANN: Thank you, Mr. Kuntz.

11 Mr. Olson.

12 MR. OLSON: Yes, thank you for your time today.

13 It was my first time here, and I'm glad to be here
14 working with very intelligent people.

15 There's been a lot of talking about customer
16 preference. A lot of the closing that we just heard
17 dealt with Mr. Manor's testimony. And I know one of the
18 commissioners, maybe even all three of you, throughout
19 the day talked about, if the reverse happened, so if
20 Menards just contacted Capital to serve, that we
21 wouldn't be here today. And from what I understand,
22 that is true.

23 But that's not based on any factors. That's
24 purely a mechanism of the law, the Territorial Integrity
25 Act, and the protections that have been afforded under

1 that Act to rural co-ops who have spent money spreading
2 infrastructure throughout rural North Dakota to serve
3 people so that they can have electricity. And so I
4 don't know if that is a factor. It's not a factor in
5 today's case.

6 Today the factor is that the alternate did
7 happen, and because of that, we are looking at these ten
8 factors that we've all talked about today.

9 It is true that both MDU and Capital has to make
10 some upgrades. It is true that MDU has existing
11 three-phase up to about 1,800 feet to the site. The
12 problem that we've heard today that the testimony is, is
13 that that three-phase, as is, is useless to serve the
14 site unless the other pieces of the puzzle are
15 connected. A neutral wire needs to be added, the
16 conversion needs to take place. So they're actually
17 upgrading and adding facilities of 6,900 feet, based on
18 the testimony, from the substation, and they're also
19 upgrading their substation, for total cost of everything
20 of, roughly, \$126,000.

21 We've heard today testimony that Capital has to
22 extend two phases along a single-phase for, roughly, a
23 mile, so a little over 5,000 feet.

24 And I don't think we are here today failing MDU
25 for -- or faulting them for not upgrading that

1 substation earlier, but we are here to look at the
2 factors. And I think if you look at the factors today,
3 customer preference, after today's testimony, is clear
4 that they want MDU to serve, and basically, I think it
5 comes down to rates.

6 The other thing that I suppose leans in MDU's
7 favor is that they serve 29 -- I believe the testimony
8 was 29 customers in this area versus 11 that Capital
9 serves. But I think the other eight, I think it's
10 fairly clear that the scales tip in the favor of Capital
11 Electric.

12 There's been testimony that's talked about
13 wasteful duplication because the load is already able to
14 be served from that substation.

15 The orderly development, we heard about the
16 checkerboarding effect. And it is true that a good
17 checkerboard, I suppose, would happen when it's mutually
18 agreeable, but usually when we're dealing with rural
19 areas, and here it's just -- it's clear here that it's
20 the load and that's why we're here today. But a
21 checkerboard effect, I think, in the rural areas is not
22 a good thing, which usually can involve interference or
23 wasteful duplication, or can result in unorderly
24 development.

25 And here, we think that eight of the ten factors

1 are fairly clear that they weigh in favor of Capital
2 Electric, so we would ask that you deny their
3 application. Thank you.

4 HEARING OFFICER MANN: Thank you, Mr. Olson.
5 Mr. Norrell, do you have any closing comments?

6 MR. NORRELL: No, Your Honor.

7 HEARING OFFICER MANN: Okay. Commissioner
8 Fedorchak.

9 COMMISSIONER FEDORCHAK: All right. Thank you.
10 I'm glad we're winding down, because my cough is getting
11 worse, and I don't know if you guys are sick of it, but
12 I am; my cough, that is.

13 Thank you for being here and for all your
14 thorough information. But most of all, thank you for
15 your professionalism today. And just, everyone, this is
16 a passionate issue for both parties, I realize that, but
17 I appreciate the politeness and the professionalism that
18 everybody has used today in this proceeding, because
19 we're a small community and we all have to get along and
20 we all have to work together with this decision and
21 moving forward.

22 So you've each noted how you think you finish in
23 the scale of the ten factors. For me, I'll be going
24 through them in a spreadsheet. I hope that my
25 colleagues will join me in working through them one by

1 one and going through all of the factors and really have
2 a scorecard and determining in a more finessed way how
3 you each rate and where they fall in the end, and I
4 think that's the only way you can do it and just see how
5 the chart plays out.

6 And ultimately, a couple of the factors we'll
7 probably have to weigh heavier than others, but I think
8 it will just be a real methodical, working through the
9 issues and coming up with the determination.

10 There will be a winner and there will be a
11 loser, and that's the unfortunate thing in this case. I
12 would sure prefer a situation like Commissioner
13 Christmann outlined earlier where you'd sit down and
14 work it out yourselves, because ultimately, you know the
15 investments much better than we do, you know the
16 long-term potential that your company has in these
17 areas, what the growth might be expected to be, and
18 really what this means to your companies and can weigh
19 that with other factors in your companies.

20 We're blind to a lot of that, and so we're left
21 with ten factors and a chart. I think it's far
22 preferable to work these things out. It's better for
23 your customers for sure.

24 But with that said, we'll do our very best with
25 what we have and come up with the best decision we can.

1 So thank you.

2 HEARING OFFICER MANN: Commissioner Kalk.

3 COMMISSIONER KALK: Thank you, Your Honor.

4 Thank you, everyone, again for being here today,
5 and kind of finish up where I started, that at the end
6 of the day, everybody needs to work together to meet the
7 load, and it's growing in North Dakota, and that's why
8 we're having this discussion, because North Dakota is
9 going the right direction. It's not like back in the
10 '70s and '80s where -- especially the '80s when we were
11 losing load.

12 There is a discussion that, I think, needs to
13 take place between the investor-owneds and the co-ops
14 about rate shopping. And I don't know the best format
15 to do that.

16 Because we had a case in front of the Commission
17 not too long ago where it was clearly a North
18 Central-Served area and Otter Tail went in there and
19 started serving because a casino wanted Otter Tail to
20 provide the services because it was cheaper than what
21 North Central provided. And the Commission in that
22 case, 3-0 vote, we ruled it was tribal grounds, so we
23 had no jurisdiction in there, but we made it, I hope,
24 clear to Otter Tail that we thought that wasn't a good
25 practice.

1 And so this is an area where I think that it's
2 different, but the same backdrop of I think what really
3 drives it is the case of the difference in rates, and
4 the difference in rates is there because the co-ops grew
5 up a different way, they were created for a different
6 reason, and investor-owned have a different matrix, so
7 their rates are always going to be a little bit
8 different.

9 And so as we go through, I'm very concerned
10 about the rate shopping that could take place in North
11 Dakota, and it could be in tribal lands, too, where we
12 have no jurisdiction as a commission, but all of a
13 sudden we find MDU wanting to serve in areas, or even
14 Xcel potentially, maybe not as much, that really kind of
15 falls apart the whole idea of working together,
16 developing a reliable system.

17 So the reason I asked for the break, I talked to
18 our counsel and experts and said we got a record that
19 supports no matter what we do, and I mean that with all
20 seriousness, because a lot of times you read through
21 these cases, you kind of have an inkling what you might
22 want to go to when you ask the questions and all that,
23 but this one, I think it's very important that we have a
24 very strong record that supports the decision that we
25 make.

1 And that's where the ten factors we keep talking
2 about, those aren't in the law. Those ten factors are
3 in a case, a case that was decided and walked the gamut,
4 but it's a guideline, in my opinion. If this case says
5 something different, then we put those two cases at
6 odds, and that could end up somewhere else too, but --
7 so it's kind of a little bit too much opining here, but
8 I think it's really important that we continue to
9 develop the reliable grid, that we continue to fight
10 through the C02 rules that are hurting all of our
11 generations and driving up all the costs.

12 And I'll tell you that I think that this is
13 going to be a very good discussion to have in this case
14 backdrop because, hopefully, we continue to have more
15 growth throughout North Dakota in our rural areas,
16 because at the end of the day, this town maybe has a
17 future where it didn't have a future five, ten,
18 fifteen years ago.

19 So on that, the last thought is, Your Honor, are
20 we going to have each side submit draft orders? We
21 hadn't talked about that.

22 Did you guys talk about that?

23 MR. KUNTZ: Commissioner, typically, we do that
24 after we go off the record, after --

25 COMMISSIONER KALK: Okay. I just want to make

1 sure that -- that would be something that would be
2 helpful for both sides to make their best case why they
3 think they're right, and then we'll apply the factors as
4 Commissioner Fedorchak talked about, but we -- to me
5 speaking for myself, we may consider some that maybe
6 have evolved since then.

7 So thank you all for your work today.

8 HEARING OFFICER MANN: Commissioner Christmann.

9 COMMISSIONER CHRISTMANN: Boy, Your Honor, now
10 I've sat through the type of case that I used to work so
11 hard in the legislature to try and make sure that the
12 Public Service Commissioners didn't have to sit through.

13 But we had a term for these things in the
14 Senate, these types of bills where they were important
15 and they needed a resolution, but you knew for sure
16 going in that the resolution was neither clear nor
17 popular, and we called them "wet bundles," and now the
18 wet bundle is here, I guess.

19 (Laughter)

20 COMMISSIONER CHRISTMANN: So anyway, I
21 appreciate both sides doing this today, providing a lot
22 of good information, doing it in an interesting way. I
23 have not been bored for a second today. Learned a lot.
24 And so I think both sides really did a nice job.

25 I disagree with the statement that was made

1 earlier that -- at least as I understood it, that a
2 service area agreement isn't a reasonable possibility in
3 this case. I think there's still hope for that. I hope
4 there's still hope for that.

5 But the last thing that I want to say is, and
6 again I'm going to reflect back a few years, I am so
7 thankful, even with the wet bundle in front of us, that
8 we have these kinds of opportunities in North Dakota.
9 It's only 15 years ago when the companies would have
10 been squabbling over a farm well probably. Now we're
11 talking about enormous loads that are going to be
12 provided to create 240 or 250 jobs. What a blessing it
13 is in this state that we have this kind of opportunity
14 to work on and try and handle in the best possible way.

15 So thanks again, everybody, for really providing
16 us some good information today.

17 HEARING OFFICER MANN: Thank you. Anything else
18 that needs to be brought to the attention of the
19 Commission before we go off the record?

20 UNIDENTIFIED SPEAKER: No, Your Honor.

21 HEARING OFFICER MANN: Okay. We'll close the
22 hearing. Thank you.

23 -----

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