

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Basin Electric Power Cooperative :
North Killdeer Loop Phase I 345 kV : Case No.
Transmission : PU-14-813
Siting Application :

TRANSCRIPT OF
PUBLIC HEARING

Taken At
Teddy's Residential Suites
113 Ninth Avenue Southeast
Watford City, North Dakota
March 17, 2015

BEFORE WADE C. MANN
-- ADMINISTRATIVE LAW JUDGE --

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COMMISSIONERS PRESENT:

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

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

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1 (The following proceedings were had and
2 made of record herein, commencing at 8:59 a.m.,
3 Tuesday, the 17th day of March, 2015:)

4 JUDGE MANN: Good morning, everybody. We
5 are now on the record. And let the record show
6 that it is 9 a.m. on March 17, 2015. We are
7 present at Teddy's Residential Suites in Watford
8 City, North Dakota, for the public hearing in the
9 matter of Basin Electric Power Cooperative for a
10 certificate of corridor compatibility and route
11 permit for the proposed North Killdeer Loop Phase
12 I, a 345 kV transmission line project, consisting
13 of approximately 28 miles of new 345 kV
14 transmission line, two new substations and
15 associated facilities in McKenzie County, North
16 Dakota.

17 This is Case Number PU-14-813. My name is
18 Wade Mann, and I am the procedural administrative
19 law judge designated to preside over this matter.

20 At this time I will have the parties note
21 their appearances for the record, beginning with
22 the applicant.

23 MS. JACOBSON: Casey Jacobson, Basin
24 Electric Power Cooperative.

25 MS. LAMBERT: Anine Lambert, Basin

1 Electric Power Cooperative.

2 JUDGE MANN: Okay. And PSC advisory
3 staff.

4 MR. ARMSTRONG: Mitch Armstrong, Special
5 Assistant Attorney General, on behalf of the Public
6 Service Commission. With me is Victor Schock, a
7 public utility analyst. I move Mr. Schock be
8 allowed to ask questions today.

9 JUDGE MANN: Okay. Any objection?

10 MS. JACOBSON: No, Your Honor.

11 JUDGE MANN: Okay. Mr. Schock, you'll be
12 allowed to ask questions directly of the witnesses.

13 Also present are the members of the Public
14 Service Commission, Commissioner Brian Kalk,
15 Commissioner Julie Fedorchak and Commissioner Randy
16 Christmann.

17 The issues to be addressed and -- for
18 today's hearing as set forth in the notice of
19 hearing are as follows: Number one, will the
20 location, construction and operation of the
21 proposed facility produce minimal adverse effects
22 on the environment and upon the welfare of the
23 citizens of North Dakota?

24 Number two, is the proposed facility
25 compatible with the environmental preservation and

1 efficient use of resources?

2 And, number three, will the proposed
3 facility location minimize adverse human and
4 environmental impact while ensuring continuing
5 system reliability and integrity and ensuring that
6 energy needs are met and fulfilled in an orderly
7 and timely fashion?

8 Before we get into the evidentiary portion
9 of the hearing, I'll just briefly address the
10 procedure to be followed for today's hearing.
11 Basin Electric will present its case first. It
12 will call its witnesses and present any exhibits it
13 wants admitted into the record. Once counsel for
14 Basin has finished examining its witnesses, then
15 Commission advisory staff will have the ability to
16 cross-examine the witnesses and the commissioners
17 will then have the ability to question the
18 witnesses as well. Once commissioners complete
19 questioning, I will allow follow-up questions as
20 necessary.

21 Upon completion of Basin's case, any
22 members of the public who wish to come forward and
23 offer information to the Commission can do so.
24 They'll need to come up to the table and be sworn
25 in like the other witnesses, and then they will be

1 subject to examination from counsel for Basin and
2 advisory staff and the commissioners as well.

3 I serve as a procedural administrative law
4 judge in this matter. That means that the
5 Commission is the entity that makes the final
6 decision on this case with respect to the
7 application for the certificate of corridor
8 compatibility and route permit.

9 No decision will be reached today. The
10 proceeding is being recorded and the transcript
11 will be available for later review.

12 Any questions with respect to procedure
13 before we begin? Ms. Jacobson?

14 MS. JACOBSON: No, Your Honor.

15 JUDGE MANN: Okay. Mr. Armstrong?

16 MR. ARMSTRONG: No, Your Honor.

17 JUDGE MANN: Okay. At this time I'll call
18 on the commissioners for any opening remarks,
19 beginning with Commissioner Kalk.

20 COMMISSIONER KALK: Thank you, Your Honor.
21 The -- the transmission siting is in my portfolio
22 so I guess I get the opening comments.

23 The -- appreciate Basin putting this all
24 together. You've got a very thorough package
25 today. I really appreciate the prefilled testimony

1 and the things that you've put together.

2 You know, the judge really kind of laid it
3 out well today that -- what we're here to do.
4 We're here to find that balance. Make sure we have
5 reliability. Make sure we look at all the issues
6 that may affect landowners.

7 The -- but really the main reason we're
8 out here today is to have public input, if there's
9 any concerns or issues that you feel the Commission
10 should know. So there is a time later in the day
11 when you'll have your chance to come up and say
12 your piece and we'll ask our questions. So I look
13 forward to that and I think we'll move along
14 expeditiously. And I'll turn it over to my
15 colleague, to Commission chair, Commissioner
16 Fedorchak.

17 COMMISSIONER FEDORCHAK: Good morning,
18 everyone. I'm Julie Fedorchak and glad to be here
19 today.

20 Flying in this morning we got a good view
21 of the -- the landscape here and it's a really
22 gorgeous part of North Dakota. This is -- all of
23 North Dakota is pretty, but it's particularly
24 dramatic in this corner of the state. And I think
25 that is just a reminder to all of us that in

1 projects like this that have a long-term impact, we
2 need to do our very best to minimize that and --
3 and restore the environment to the condition it was
4 prior to the project and to minimize any long-term
5 impacts of a project like this.

6 This area needs transmission service, it
7 needs power. It's required for the communities.
8 It's required for the industry that's growing in
9 this part of the state and offering opportunities
10 for lots of new people to be here. So it's a
11 balance, and that's what this type of a siting
12 process is all about, is finding that balance of
13 minimal impact and maximizing the potential
14 resources that exist here. So that's what we'll be
15 looking at in this application, that balance.

16 I hope that there's members of the
17 community here to offer their thoughts, ideas,
18 concerns, support or otherwise for this project,
19 because that's why we come out to the communities
20 most impacted is to hear from members of the
21 community about the project.

22 So I hope those -- some of you in the
23 audience are here to provide that kind of input and
24 also ask for your patience to listen through the
25 company's presentation, which will promise us to be

1 thorough and fairly time consuming, but that's --
2 that's their right and that's what's required by
3 the law for completing this process.

4 So far the application looks very thorough
5 and the material is good. The first time we were
6 here for the first part of this process we were
7 downtown for the phase -- the first phase of this
8 whole transmission project, and it was a 12- to
9 14-hour hearing downtown. And so everyone kept
10 their cool and calm and we took a lot of good input
11 in that process, too, and I -- I don't expect that
12 we'll be here for 12 to 14 hours today, but we'll
13 be here as long as it takes.

14 So thank you and look forward to getting
15 started.

16 JUDGE MANN: Commissioner Christmann.

17 COMMISSIONER CHRISTMANN: Good morning,
18 everyone. Randy Christmann.

19 And before joining the Commission I was a
20 rancher in my personal life, and actually some of
21 my interest in the Public Service Commission goes
22 back to when I was a youngster and the power line
23 came across our family property. And although it
24 ended up coming across there, which my father
25 didn't particularly like, he was very pleased with

1 the Commission process back in those days and the
2 fact that they did make some changes and make it a
3 better situation than what it would have been as
4 originally proposed and always felt that he got a
5 very fair hearing. And so, you know, we certainly
6 hope to provide that.

7 The other commissioners have both
8 mentioned, you know, looking forward to hearing
9 testimony from interested citizens. That's why we
10 come here. We could just as easily, in fact more
11 easily, hold this in Bismarck where we're all
12 located and a lot of the Basin people are located,
13 but we come here because we want to hear from
14 interested citizens and want to make it convenient
15 for you to provide that information because when
16 you do, it allows us to make the best decisions
17 possible and that's what we seek to do.

18 Just for way of explanation, I always feel
19 like it maybe seems awkward when we advertise a
20 public hearing and you take time out of your
21 personal lives and leave the cows at home that are
22 probably calving and come in here at the starting
23 time and then sit for hours and we hear the company
24 first and you have to sit and wait, but the reason
25 for that is because it does not -- does us not a

1 lot of good to have you come and testify and give
2 us your opinions on a project as you heard about it
3 uptown. The important -- it's important that we
4 hear from the company first and that you hear from
5 the company first so that any response that you
6 might have is to what is actually being proposed at
7 this moment. And so that's why the order of things
8 is as it is.

9 So please be patient, listen closely, and
10 if you have comments or ideas or suggestions,
11 that's why we're here. We look forward to hearing
12 them.

13 JUDGE MANN: Okay. Ms. Jacobson, do you
14 have an opening statement?

15 MS. JACOBSON: No, Your Honor.

16 JUDGE MANN: Are you ready to call your
17 first witness?

18 MS. JACOBSON: Yes, Your Honor, but before
19 I do so, would it be the appropriate time to enter
20 the exhibits into evidence?

21 JUDGE MANN: Yes, it would. Is it your
22 intent to offer Exhibits 1 through 12 upfront?

23 MS. JACOBSON: Yes, Your Honor.

24 JUDGE MANN: Mr. Armstrong, any objection
25 to admitting Exhibits 1 through 12 at this time?

1 MR. ARMSTRONG: No objection.

2 JUDGE MANN: Okay. Exhibits 1 through 12
3 are admitted. And you can call your first witness.

4 MS. JACOBSON: Thank you, Your Honor.
5 Ms. Amanda Wangler.

6 JUDGE MANN: Good morning, Ms. Wangler.

7 MS. WANGLER: Good morning.

8 JUDGE MANN: Before you testify, I'm
9 required to give you an oath and I'm also required
10 to advise you of the penalty for perjury in North
11 Dakota. It's a Class C felony, punishable by a
12 maximum fine of \$10,000, maximum five years'
13 imprisonment or both.

14 (Witness sworn.)

15 JUDGE MANN: Okay. Go ahead.

16 MS. JACOBSON: Thank you, Your Honor.

17 **AMANDA WANGLER,**

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

20 **DIRECT EXAMINATION**

21 **BY MS. JACOBSON:**

22 Q. What is your name, business address and
23 occupation?

24 A. My name is Amanda Wangler. I'm a project
25 manager for Basin Electric. The address is 1717

1 East Interstate Avenue in Bismarck.

2 Q. And what is your employment history?

3 A. I have worked for Basin Electric for ten
4 years.

5 Q. And what's your educational background?

6 A. I received my bachelor's degree in
7 electrical engineering from North Dakota State
8 University in 2003. I also hold a master of
9 business administration from the University of Mary
10 in 2011.

11 Q. And what have been your responsibilities
12 with the proposed project?

13 A. My responsibilities include all things
14 associated with the project, including budgeting,
15 scheduling, engineering, permitting, right-of-way
16 acquisition and construction.

17 Q. And can you please describe the proposed
18 project.

19 A. The project is a 28-mile 345 kV
20 transmission line and two associated substations,
21 Patent Gate and Roundup -- Patent Gate and Kummer
22 Ridge. Excuse me.

23 Q. And can you please tell the Commission the
24 general location of the proposed project?

25 A. The project starts with the Patent Gate

1 Substation, which is northeast of Alexander, North
2 Dakota, and heads east towards Watford City for 28
3 miles to the Kummer Ridge Substation. It includes
4 approximately one mile of double circuit at the
5 Patent Gate that is in the current AVS to Naset
6 right-of-way.

7 Q. Can you please discuss the two phases of
8 the project and why they're being separated.

9 A. We had originally planned to submit an
10 application for both phases of the project, which
11 would have been the Phase I from Patent Gate to
12 Kummer Ridge and also from Kummer Ridge south to
13 Roundup. We've had some difficulties with the
14 routing from Kummer Ridge to Roundup. And so in an
15 effort to maintain the schedule, we decided that it
16 would be best to separate the two phases. We do
17 plan on submitting an application later this year
18 for the second phase of the project.

19 Q. And are the completion dates the same for
20 both phases of the project?

21 A. Yes. We plan to have both phases of the
22 project done October of 2016.

23 Q. And can you please describe the proposed
24 schedule, when you would like to start
25 construction.

1 A. We would like to start construction of
2 this Phase I in May when the ground conditions
3 allow, May of 2015, and have the line and the
4 substations complete in October of 2016.

5 Q. And can you describe the proposed sequence
6 of construction for the transmission line.

7 A. We will start by staking the structure
8 locations and the associated edges of the
9 right-of-way. After those structures are staked,
10 we install gates.

11 Once the gates are done, we have a general
12 contractor come in and install foundations. When
13 the foundations are done, we start hauling
14 structures. The structures are hauled out to the
15 sites. They're framed together and then set on the
16 foundations or directly embedded in the ground.

17 After the structures are set, we start our
18 stringing activities, and so the conductor is
19 pulled in and clipped in place.

20 After the conductor is complete on the
21 transmission line, then our reclamation activities
22 start, and we hire a contractor to restore the land
23 to as good or better condition than we found it.

24 Q. And what is the cost of the proposed
25 project?

1 A. The estimated budget for the project is
2 \$104.5 million.

3 Q. And can you please describe the workforce
4 needed to construct the proposed project.

5 A. The workforce will be about 40 to 50
6 skilled labor employees, and that number will
7 change depending on the ground conditions, the
8 terrain that we're in, the time of year. Those 40
9 to 50 individuals will work in small crews with
10 their associated activities, come into an area, do
11 their work and leave and then the next crew will
12 come in and do their work in similar fashion.

13 Q. And what is Basin Electric doing to ensure
14 safety on the construction sites?

15 A. Basin has a safety program that is -- has
16 requirements laid out for the contractors and all
17 their employees. And in order for a potential
18 contractor to even bid on the project, they have to
19 meet those requirements.

20 Q. And why is it appropriate for the
21 Commission to waive procedures and time schedules
22 in this matter?

23 A. Based on the time frame and where we are
24 with right-of-way acquisition, which Mr. Murray
25 will talk about in a bit, it is appropriate to

1 waive the time frame and the schedule.

2 MS. JACOBSON: Thank you. No further
3 questions.

4 JUDGE MANN: Mr. Armstrong.

5 MR. ARMSTRONG: Thank you.

6 **CROSS-EXAMINATION**

7 **BY MR. ARMSTRONG:**

8 Q. Ms. Wangler, I just have one question on
9 your prefiled testimony or maybe a correction on
10 it. On page three of that prefiled testimony it
11 discusses that the company had greater difficulties
12 routing the segment from Kummer Ridge to Patent
13 Gate.

14 A. That is an error. It should be we had --
15 we had difficulties with the Kummer Ridge to
16 Roundup.

17 Q. Okay. And that would be -- Kummer Ridge
18 to Roundup would be Phase II of the project?

19 A. That is correct.

20 Q. Is -- is Phase I -- can it be a
21 stand-alone project independent of Phase II or --
22 or not?

23 A. Yes, it can.

24 Q. Okay.

25 A. We would like to -- to have a delivery

1 point at the Kummer Ridge Substation, which we can
2 do without the Phase II.

3 Q. So whatever -- I don't know if problems is
4 the right word, but whatever is slowing down Phase
5 II, if something comes up, Phase I could operate
6 independently of that project if that were to fall
7 through?

8 A. That is correct. There isn't the
9 reliability that we would like at the Kummer Ridge
10 delivery point without Phase II, but we can operate
11 with just Phase I.

12 Q. Okay. Are you involved with the -- I'd
13 call it the main line anyway, the AVS to Neset line
14 in any capacity?

15 A. Yes. I'm the project manager for that one
16 also.

17 Q. Where does that project stand right now?

18 A. We are in construction from AVS to Judson,
19 including the AVS, Charlie Creek and Judson
20 substations. The line is approximately 35 percent
21 complete. We are on schedule for all three of the
22 substations, and the transmission line is lagging a
23 little bit. We've brought in extra crews and
24 equipment to make up that time frame and still
25 anticipate being done at the end of this year.

1 Q. If this project is approved, would the
2 plan be to construct in those areas at one time for
3 that -- the AVS to Naset and then this line along
4 with that?

5 A. Yes. We would start Phase I -- we would
6 like to start Phase I of this North Killdeer Loop
7 project May of this year and don't anticipate
8 construction being complete on AVS to Judson until
9 October of this year.

10 Q. With the AVS to Naset have there been any
11 unexpected issues that have come up in that
12 project?

13 A. Aside from the typical construction issues
14 that you have on every project, there have not been
15 any -- any huge issues that have caused us major
16 problems that have stopped construction for any
17 length of time.

18 Q. Yeah. What I'm -- what I'm kind of
19 getting at is we went through a whole hearing
20 process on that line and we had the Class III
21 environmental studies, right-of-way, easements, all
22 of that, the same things we're evaluating today.
23 Did -- did you find that your process in coming up
24 with the application and the testimony we heard
25 from that addressed any issues that you've dealt

1 with in construction of that line so far?

2 A. There have been a lot of changes that
3 we've had to make, I guess, from some of the last
4 projects that we've done to this one to accommodate
5 some of those sensitive areas. I guess I'm not
6 exactly sure what the question is.

7 Q. Well, I'm wondering if, you know, like
8 your Class III studies and things like that that
9 you did for that project turned out to be what was
10 true in the field when you've been out there
11 building the project.

12 A. Oh, yes, it has been. Mr. Miller has been
13 intimately involved in the Class III surveys and
14 the construction of the project, so maybe he can
15 answer your questions a little bit better, the
16 cultural.

17 Q. Thank you. And I usually tell the first
18 witness this, but I forgot to with you. I may ask
19 you a lot of questions that are more appropriately
20 directed at a later witness. If that's the case,
21 just let me know. Okay?

22 A. I will do.

23 Q. Could you maybe give us a short summary of
24 why AVS to Neset itself isn't enough?

25 A. I -- I probably could, but that would be

1 better answered by Mr. Stoltz.

2 Q. How about as far as the status of the
3 easements from private landowners and other
4 entities?

5 A. For Phase I of this project we are at 80
6 percent, and Mr. Murray has the details on the
7 percentages and where we are.

8 Q. There's two substations on this Phase I
9 project. Could you tell me what the status of the
10 land ownership for those properties is?

11 A. Basin Electric has -- owns both of those
12 substations.

13 Q. What -- do you need to get approvals from
14 McKenzie County for any part of the construction of
15 this Phase I?

16 A. We are still working on the conditional
17 use permit from McKenzie County, and Mr. Miller can
18 provide additional details on that.

19 Q. In the application it talks about several
20 planned highway construction projects by the DOT
21 which I think are going to be during the time of
22 planned construction for this project. What is the
23 company doing to work with the DOT to make that
24 process go smoothly?

25 A. Our engineering staff has been working

1 with their staff and making sure that our
2 facilities can coexist, and Mr. Christenson can
3 speak more to that.

4 Q. What has the company done with respect to
5 impacts -- or mitigating any impacts with the
6 visual aspects of this line?

7 A. That would be one for Mr. Miller.

8 MR. ARMSTRONG: That's all the questions I
9 have for you.

10 JUDGE MANN: Mr. Schock, any questions?

11 **CROSS-EXAMINATION**

12 **BY MR. SCHOCK:**

13 Q. In the application it appeared that there
14 were three different route or potential routes that
15 were evaluated for this line. Can you tell me why
16 this one was chosen versus the other two?

17 A. That would be constructability and
18 landowner preferences. And so Mr. Murray can speak
19 to the actual route and why the different segments
20 were chosen.

21 MR. SCHOCK: Okay. I have no further
22 questions.

23 JUDGE MANN: Commissioner Kalk.

24 COMMISSIONER KALK: Thank you, Your Honor.
25 Thank you, Amanda, for your testimony.

EXAMINATION

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BY COMMISSIONER KALK:

Q. I really only have just one broad question for you. I've got probably a few more for the other witnesses.

But as Basin looks forward to the way the Bakken is changing now with different projections in oil prices, do you still need all these lines with the power projections potentially changing?

A. That's been the million-dollar question in our organization since the oil prices have changed and we're seeing that the loads move more into the central part of the Bakken. And so I believe that Mr. Stoltz can speak a little bit more in detail to that process. But to answer your question, yes, we still do believe that these facilities are needed.

Q. Let's go the other way. Let's say the Commission doesn't approve this line. Who would be the most affected for reliability challenges if this line wasn't built?

A. It would be our members in McKenzie, McKenzie Electric.

Q. So your projections now show that you need this line to make sure McKenzie County has the power they need for the next couple years?

1 spread that construction out among two construction
2 seasons, depending on the schedule of the
3 contractor that's chosen.

4 Q. So you'll be constructing this
5 simultaneously as the AVS to Neset line?

6 A. That's correct.

7 Q. So you'll be constructing the transmission
8 line and the substations simultaneously too? Which
9 will start first?

10 A. We would like to start them all generally
11 in the same time.

12 Q. Okay. And the substations take two
13 seasons. The line could be done in one, but you'll
14 stretch it out to two?

15 A. That's correct.

16 Q. Maybe this is for a future witness, but do
17 you anticipate having all of your easements
18 completed by May?

19 A. We do not. Mr. Murray can talk to that a
20 little bit more.

21 Q. Okay. All right. And then tell me along
22 this North Killdeer Loop, this first Phase I
23 section, what exists in terms of customers along
24 that line? Are you -- is this needed to serve
25 customers along that line primarily or is it the

1 whole loop and the redundancy that's really the
2 driver of this project?

3 A. Being a 345,000 volt line, we won't serve
4 actual landowners along the line. It will feed
5 into the Kummer Ridge Substation, which then the
6 voltage is stepped down to a level that we can
7 serve the customers out of. So we will come into
8 Kummer Ridge and there will be some -- some larger
9 loads around that substation that will be served
10 with this line, along with the customers in the
11 area.

12 Q. Okay. Can you describe to me what some of
13 the larger loads are that this will be serving?

14 A. I think that Mr. Murray may be able to
15 speak to that a little bit more. There are a
16 couple of gas plants that are planned for the area.
17 I -- I'm not aware of the specifics for those
18 plants.

19 Q. Okay. And so you had stated earlier that
20 this line could operate independently and that's
21 what it would -- that's the purpose that it would
22 serve would be to reach some of those large loads
23 out in that area as well as maybe some of the
24 smaller radial lines, smaller loads along that
25 line?

1 A. That's correct.

2 Q. What sort of existing transmission service
3 do you have serving that area now?

4 A. It would be lower-voltage lines that are
5 our member, McKenzie Electric's.

6 Q. Okay. And are you following any of the
7 similar paths of those lines or is this an entirely
8 new kind of path?

9 A. We cross several of McKenzie's lines, but
10 I do not believe we follow any of them.

11 Q. Okay. And then the line that's looped, is
12 it the first mile off of the Patent Gate? Is that
13 where the looping exists with the AVS to Neset
14 line?

15 A. The double-circuiting, yes --

16 Q. The double-circuiting.

17 A. -- is right out of Patent Gate.

18 COMMISSIONER FEDORCHAK: Okay. I think
19 that concludes my questions so far. Thanks.

20 JUDGE MANN: Commissioner Christmann.

21 **EXAMINATION**

22 **BY COMMISSIONER CHRISTMANN:**

23 Q. What's the geography between Kummer Ridge
24 and Johnson Corner?

25 A. That would be better talked to by

1 Mr. Murray. He'll go through the actual routes.

2 Q. Okay. You said this is 28 miles, and then
3 from Kummer Ridge to Roundup, if -- when Phase II
4 is turned in, that's 32; is that correct?

5 A. That's correct.

6 Q. And you said this is 104.5 million for --
7 that's just this phase?

8 A. That would be the two substations and the
9 28 miles of line.

10 Q. And in the original application on page
11 four it says 135 million.

12 A. And at that time we had the Roundup
13 Substation, which is on the south of the Kummer
14 Ridge to Roundup line, included in this
15 application. Since then we have amended the AVS to
16 Neset application to include the Roundup
17 Substation. So that's where the difference in the
18 dollars comes in.

19 COMMISSIONER CHRISTMANN: Okay. That's
20 all I have. Thank you.

21 JUDGE MANN: Ms. Jacobson?

22 MS. JACOBSON: Nothing, Your Honor.

23 JUDGE MANN: Mr. Armstrong, anything
24 further?

25 MR. ARMSTRONG: Nothing more.

1 JUDGE MANN: Mr. Schock?

2 MR. SCHOCK: Nothing more.

3 JUDGE MANN: Commissioner?

4 Okay. Thank you. You can step down.

5 THE WITNESS: Thank you.

6 JUDGE MANN: Ms. Jacobson, you can call
7 your next witness.

8 MS. JACOBSON: Thank you, Your Honor.

9 Mr. Matthew Stoltz.

10 JUDGE MANN: Mr. Stoltz, before you
11 testify, I need to give you the oath and advise you
12 of the penalty for perjury in North Dakota. It's a
13 Class C felony, punishable by a maximum fine
14 of \$10,000, maximum five years' imprisonment or
15 both.

16 (Witness sworn.)

17 JUDGE MANN: Okay. Go ahead,
18 Ms. Jacobson.

19 MS. JACOBSON: Thank you, Your Honor.

20 **MATTHEW STOLTZ,**

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

23 **EXAMINATION**

24 **BY MS. JACOBSON:**

25 Q. What is your name, business address and

1 occupation?

2 A. My name is Matthew Stoltz. My address is
3 1717 East Interstate Avenue, Bismarck, North
4 Dakota.

5 Q. And what is your employment history?

6 A. Oh, my occupation is manager of
7 transmission services. I'm trying to talk slow for
8 the record.

9 Q. Mr. Stoltz, what is your employment
10 history?

11 A. I've worked for Basin Electric since 1999,
12 and prior to that I worked for Western Area Power
13 Administration in Loveland, Colorado.

14 Q. And what is your educational background?

15 A. I have an associate degree from Bismarck
16 State College and a bachelor of science degree in
17 electrical engineering from North Dakota State
18 University.

19 Q. And what have been your responsibilities
20 with the proposed project?

21 A. My responsibilities are performing the
22 analysis and justification for the project.

23 Q. And can you explain what a regional
24 transmission organization is and will the proposed
25 project be a part of one?

1 A. Yes. The proposed project, our intention
2 is to submit to the Southwest Power Pool Regional
3 Transmission Organization for cost recovery.
4 What -- the Regional Transmission Organization,
5 also known as RTO, is a tariff -- a transmission
6 tariff that encompasses a wide area and several
7 utilities within that area. So Southwest Power
8 Pool, when we joined it in October of this year,
9 will be the RTO in our area and extends from North
10 Dakota all the way down to the Arkansas, Texas
11 area. So it encompasses a very wide regional
12 footprint.

13 Q. And why are the Patent Gate and Kummer
14 Ridge substations needed?

15 A. Well, let me describe the transmission
16 system in general. The backbone that we're
17 building in western North Dakota is at
18 345,000 volts, also known as 345 kV. Those
19 transmission lines are very, very high capacity.
20 And the analogy I like to use is the highway
21 system. So a 345 kV line would be very similar to
22 an interstate highway.

23 So we're trying to establish this energy
24 highway or corridor from our coal field generation
25 near Beulah-Hazen up into the Williston area. As

1 with a highway, you need to have these off-ramps.
2 So a substation could be considered an off-ramp
3 when it -- it transforms voltage from 345 kV to 115
4 kV, in our case, at Kummer Ridge and Patent Gate.
5 That 115 kV voltage is more of a lower-capacity
6 highway, more of a -- a state or county road
7 analogy, if you use the highway example, and that's
8 more useful for distributing power to local loads.

9 So the purpose of Patent Gate and Kummer
10 Ridge is primarily to establish these deliveries
11 off the transmission backbone, off the
12 high-capacity transmission line to the
13 lower-capacity distribution-type lines.

14 Q. Okay. You talked about why the
15 substations are needed. Why is -- the 28 miles of
16 the proposed project, why is that needed?

17 A. Let me talk a bit about the project as a
18 whole, both Phase I and Phase II. Back in 2010
19 or '11 when the Bakken load was initially ramping
20 up, we expected the majority of the load growth to
21 occur north of Lake Sakakawea in that
22 Williston-Tioga area and the Mountrail-Williams
23 area. And that was the justification that caused
24 us to propose and start to construct the AVS to
25 Charlie Creek to Judson to Tioga line. So we

1 wanted to establish that path into the northwestern
2 part of the state based on the initial round of
3 forecasts which showed that growth north of the
4 reservoir.

5 Subsequently in about 2011 or '12, we did
6 the forecast and it showed that activity was
7 jumping south of the river and it's going to impact
8 McKenzie Electric significantly. So we redid the
9 studies and we found that we needed to establish
10 additional 345 deliveries in the McKenzie territory
11 area, and that's where this concept came from, this
12 North Killdeer Loop. It came from the results of
13 the 2013 load forecast and our analyses of that.

14 The reason we need this line or both lines
15 for that matter is we have to establish these
16 additional delivery points, because if you look at
17 the diagrams of the AVS to Williston line, there
18 are no additional deliveries in that Watford City
19 area. The line goes straight from the Charlie
20 Creek and the Grassy Butte area up to Williston.

21 So we immediately needed to establish a
22 couple of extra delivery points. We found that
23 Patent Gate is about the midpoint between Charlie
24 Creek and Williston, so that was a good delivery
25 point to establish. We found that loss at Charlie

1 Creek Substation itself was a problem. We needed
2 to establish another delivery in that area and that
3 became Roundup Substation. And then also there was
4 weakness in McKenzie territory's system -- on the
5 eastern side of McKenzie's system, and that became
6 the justification for Kummer Ridge delivery.

7 So we had three additional deliveries we
8 needed to establish. Well, Roundup and Patent Gate
9 are on the main line we were building already.
10 Kummer Ridge was a brand-new substation that had to
11 be established. So we needed to extend 345 kV from
12 our main line to Kummer Ridge.

13 So the question will be, Well, do you need
14 one line or two lines? Two lines provides a backup
15 path to -- throughout the McKenzie area. So, for
16 example, once that complete path -- once the North
17 Killdeer Loop is in service, we have a line from
18 Roundup to Kummer Ridge to Patent Gate and back to
19 Charlie Creek. So we have a -- if you look at a
20 map, we have a complete circle, a complete loop
21 through McKenzie's territory. So if we lose any
22 segment of that line, we can back-feed power off
23 the high-voltage system to the remainder of that
24 system.

25 So absent that complete loop, say, for

1 example -- you know, say we do not build Kummer
2 Ridge to Roundup, that loop is not intact anymore,
3 we can serve Kummer Ridge from Patent Gate off the
4 single line. We don't have that redundancy to
5 Kummer Ridge or to the remainder of the 345
6 deliveries absent that segment from Kummer Ridge to
7 Roundup.

8 So the question you might ask is, well,
9 what would happen if we don't have the second
10 phase? What if we have just have Patent Gate to
11 Kummer Ridge? Our load forecasts show, and our
12 member manager, John Skurupey, can confirm this,
13 but we expect to serve about 100 megawatts of load
14 from Kummer Ridge during peak winter loads -- and
15 just for reference, 100 megawatts of load, that's
16 about the same as the Bismarck/Mandan area
17 altogether, so that's a pretty significant amount
18 of load. We cannot serve that load absent that 345
19 delivery at Kummer Ridge.

20 So with just a single line from Patent
21 Gate to Kummer Ridge, should that line be forced
22 out of service for -- during a storm or some
23 error -- mechanical error or even for maintenance,
24 we don't have the ability to serve that much load
25 off the existing 115 kV system, that lower-capacity

1 system that's being presently served out of the
2 Watford City. So we have put that load in jeopardy
3 for these trips of that major backbone line.

4 The trouble is that would -- of course,
5 that's not the acceptable load reliability for 100
6 megawatts load in our opinion, and plus it is a
7 severe economic impact to some of the customers if
8 they lose their load unexpectedly. Some of the gas
9 plants, for example, they have internal processes
10 that if they were to be blacked out with no notice,
11 that it causes them some issues with their chemical
12 processes that are difficult to mitigate. And
13 we've heard stories of millions of dollars of
14 impacts for them to accommodate those -- those
15 unforced -- or those forced outages -- unforeseen
16 outages.

17 Q. Has Basin Electric reviewed the need for
18 the project in light of decreasing oil prices?

19 A. We checked the need -- so 2013 was the
20 forecast that justified the need for the project,
21 the entire North Killdeer Loop. We got a new
22 forecast in '14. That forecast came in even higher
23 than the '13 forecast, which just reiterated for us
24 the need for the project. So we knew we were on
25 the right track.

1 Now, of course, last fall we saw the
2 decrease or possibly collapse of oil prices. So we
3 were very curious how is the '15 forecast going to
4 accommodate that decrease in load. And it turns
5 out the original '15 forecast, if you assumed the
6 status quo, was going to be even higher again than
7 the '14 forecast, which is somewhat alarming
8 because we've been trying to play catch-up for all
9 these years.

10 So the load forecasters took a step back
11 and asked themselves, Well, what if -- what is
12 going to be the effect of the lower oil prices?
13 And so they -- they have this complicated formula
14 that they use to derive the forecast, and one of
15 the inputs to that formula is the rig count. So
16 they simply took the rig count that they assumed
17 prior to the collapse of the prices and cut it in
18 half. So the original rig count was about 200 rigs
19 going out for the foreseeable future, and they just
20 chopped that back to 100 rigs in the entire Bakken
21 area. And that essentially reduced the '15
22 forecast back to the '14 forecast levels.

23 So the loads are still increasing.
24 They're increasing by the amount of the '14
25 forecast, essentially, with the assumed lower oil

1 prices. So we're still on track for growth in the
2 area, so there is no relief as far as the need to
3 build this line.

4 Q. And can you explain what would happen if
5 the project did not get built?

6 A. Well, if we did not build the segment from
7 Kummer Ridge to Patent Gate, we'd have to rely on
8 the McKenzie Electric 115 kV system, that
9 lower-capacity system, to serve the loads. Now,
10 remember, we have to abide by the NERC, National
11 Electric Reliability Corporation, reliability
12 requirements, so we cannot operate our system in an
13 unreliable manner. So our defense is to just
14 curtail the amount of load we can hook up.

15 So, for example, we would get to a point
16 where we'd max out the capacity of the 115 kV
17 system and that would be that. We'd have to tell
18 additional loads they would not be able to be
19 served by that system because we would be in
20 violation of our reliability criteria.

21 MS. JACOBSON: Thank you, Mr. Stoltz.

22 No further questions, Your Honor.

23 JUDGE MANN: Mr. Armstrong.

24 MR. ARMSTRONG: Thank you.

25

CROSS-EXAMINATION

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BY MR. ARMSTRONG:

Q. Mr. Stoltz, I think you answered probably a lot of the questions I had already, but -- so there's a 2014 forecast?

A. That's right. There's the -- April of 2014 we received a new forecast. Right. So we used that to confirm the need for the project.

Q. And then since then and with the decline in oil prices, the company has worked different numbers into the formula and concluded there's still a need for this project that we're here for today?

A. That's correct. Because the '15 forecast would have shown -- you know, if the prices would have held at a hundred or \$80 a barrel, the growth would have continued to grow above even the '14 forecast projections. But bringing that oil price down to the 40 or \$50 a barrel range, then we curtailed that '15 increment growth and we restored our load growth back to the '14 forecast, which was even higher than the original forecast in '13, which showed the initial justification for the project. So we've got a ways to go as far as pulling back forecasts to the point where we would

1 not need the project.

2 Q. And this project itself is supposed to
3 meet the forecasts going out till when?

4 A. This project is going to -- let me take a
5 step back. The forecast is for the entire Bakken
6 region. So we can fix a deficiency in one part of
7 the area but still have deficiencies in other parts
8 of the area. So the way things are looking today
9 is we build this project or the entire North
10 Killdeer Loop project and we fix the McKenzie
11 projects for the foreseeable future. The problems
12 now move elsewhere. They move to the region
13 between Tioga and Minot, because now once this
14 project is in service and once we build -- or we
15 complete the AVS to Tioga project, we have a strong
16 345 background -- backbone all the way from the
17 coal fields to the Williston-Tioga area. We have
18 no new construction between Tioga and Minot.
19 That's where the next weakness in the system is
20 forecasted. So our goal then is going to be to
21 address that area next.

22 Q. So you're kind of working south to north?

23 A. Exactly. Right. So when you say how will
24 this project behave in the future, how will this
25 accommodate future load growth, it's a bigger

1 answer -- or a bigger question than just the
2 McKenzie area. You have to look at the entire
3 footprint. So this project takes care of the
4 McKenzie system for the foreseeable future.

5 Q. So if I understand correctly, the AVS to
6 Naset is kind of the transmission getting the coal
7 power up to the Tioga-Williston area, including --
8 and then Watford City. And then this loop, Phase
9 I, takes care of a deficiency in McKenzie County?

10 A. That's correct. Not just coal power.
11 We're tied into the 345 system at AVS because
12 that's the most convenient strong 345 kV system,
13 but that system ties into the entire RTO further
14 south. So it would be a mixture of coal, gas and
15 wind, whatever is being dispatched at that time.

16 Q. And then the power deficiencies were
17 greater in the McKenzie area, is that why we're
18 dealing with this one first as opposed to the north
19 part or how does that work?

20 A. Yeah. Exactly. When the '13 forecast was
21 created and we saw this activity -- the oil
22 activity jump south of the -- of the reservoir, we
23 were taken a bit by surprise. So this project is
24 to address those issues in McKenzie County.

25 Now, the backbone gave us capacity to get

1 into the Mountrail-Williams service territory, but
2 now we're seeing the issues further east of
3 Mountrail-Williams.

4 Q. And then from these substations there is
5 going to be distribution lines needed from those or
6 what's -- how does -- well, are there going to be
7 additional distribution lines needed?

8 A. Yeah. Exactly. Because McKenzie Electric
9 has been very aggressive in building out their 115
10 kV system, that's their load distribution system.
11 So working with McKenzie Electric we're able to
12 site these delivery substations in a coordinated
13 fashion, so now they're building lines to these
14 future sites to accept the delivery off the 345
15 system at these three delivery substations.

16 Q. Does Basin have any role in the location
17 or siting or whatever of the distribution lines?

18 A. No. That's all a McKenzie Electric
19 project. And John Skurupey can address that in
20 more detail than I can.

21 Q. Were you involved at all in the Rural
22 Utilities Service's Department of Agriculture
23 process, the record of decision?

24 A. Yes. I provided the studies that were
25 used as justification for the project in a similar

1 fashion as we do with the Public Service
2 application. In that RUS application there would
3 be a section that addresses the transmission
4 studies required to -- or needed to justify the
5 project.

6 Q. Would you have been the main person to ask
7 any questions about that record of decision or --
8 I'm assuming from the previous hearings that that
9 would be Mr. Miller, but I could be incorrect.

10 A. Cris Miller could answer the questions for
11 the entire application. I could just answer
12 questions regarding the purpose and need for it.

13 MR. ARMSTRONG: Okay. I'll save my
14 question for him because I think it's better for
15 him. Thank you.

16 THE WITNESS: Okay.

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

18 JUDGE MANN: Mr. Schock.

19 **CROSS-EXAMINATION**

20 **BY MR. SCHOCK:**

21 Q. You said if this project wouldn't be
22 built, we'd have to rely on the existing 115
23 kilovolt line that McKenzie Electric owns, but at
24 some point that line would be overloaded or could
25 no longer handle additional load. From your

1 forecast when do you anticipate that would happen?

2 A. Well, it could happen as soon as -- I
3 think 2018 was kind of our drop-dead date, but
4 given the huge load growth, it could happen before
5 then. It's really hard to tell because the load
6 forecasts are so unpredictable. But I think our
7 feeling is about 2018 is the absolute drop-dead
8 date, but we'd like to get it in sooner. I think
9 McKenzie would prefer to see it in '16, but I'd say
10 sometime between 2016 and 2018 for sure.

11 MR. SCHOCK: Thank you. No further
12 questions.

13 JUDGE MANN: Commissioner Kalk.

14 COMMISSIONER KALK: Thank you, Your Honor.

15 **EXAMINATION**

16 **BY COMMISSIONER KALK:**

17 Q. Thank you, Matt, for your testimony.
18 The -- as I know, you're aware that the Commission
19 has a role of coming up on Southwest Power Pool's
20 regional state committee, and so I'll probably ask
21 some questions that might be more related to that
22 than this particular project since you've got such
23 good background with the integrated system.

24 Is there anything hanging out there from
25 FERC that you need approval on as you go into the

1 Southwest Power Pool and this particular line? Any
2 tariff disputes, anything like that that we should
3 be aware of?

4 A. Well, as you're aware, FERC gave
5 preliminary approval for the IS, integrated system,
6 joining SPP I think it was last summer, and there
7 is a few caveats to that, and I think mainly it was
8 the IS working out some issues with Otter Tail and
9 Montana-Dakota Utilities, and those conversations
10 are currently under way. They've been under way
11 for quite some time. And I think there is another
12 round of negotiations -- or meetings scheduled with
13 Otter Tail and MDU this month, and I think at the
14 end of this month is a final settlement conference
15 with FERC to hopefully resolve those issues.

16 And those issues we have with MDU and
17 Otter Tail are mainly regarding how we account for
18 transmission service on their facilities that would
19 be within the SPP footprint and then vice versa for
20 IS facilities that might be served off the MISO
21 footprint. So that coordination is quite complex
22 and has taken a while to resolve.

23 Q. But is there anything in those
24 negotiations that would negate having to build this
25 line?

1 A. Oh, no. No. There's nothing regarding
2 those -- those discussions that affect this line at
3 all.

4 Q. Okay. Thank you. The -- how does it work
5 when -- since this becomes an open-access
6 transmission line, how does that work if someone --
7 a wind farm developer or a natural gas developer
8 wanted to build some of their own generation in
9 this area? Would they be given access to
10 interconnect to this line?

11 A. Yeah. Absolutely. What happens is the
12 line gets placed in a regional tariff. It's going
13 to be a bulk electric system facility and it will
14 be submitted to SPP for cost allocation. So the
15 other side of that is because it's in the SPP
16 tariff, then it's an open-access facility. Any
17 developer who has a project -- a generation project
18 in the area can make a request to hook to that
19 facility. Then SPP would accommodate that request,
20 perform the required system impact studies to
21 determine the impact of that request.

22 So that is the -- the whole goal of the
23 RTO is to even-up the interconnection process, make
24 it consistent amongst not only the incumbent
25 utilities, but also any third-party developers.

1 Q. Is there any way to measure how much more
2 generation this line could support moving north and
3 south? We know it can support what you -- from AVS
4 what's going to move up, but could it support
5 another 300 megawatts of generation in the middle
6 or is that what this study would flesh out?

7 A. Well, it would provide a path back to the
8 backbone. Say, for example, this line was not
9 built and you wanted to -- say you wanted to build
10 a 300 megawatt gas unit or wind facility in eastern
11 McKenzie County. You would not be able to move
12 that power back to the backbone because you'd only
13 have a 115 system to move your power. So having
14 this 345 network through that area opens up that
15 region for additional interconnections if they were
16 ever to occur.

17 Q. So this project is not only good for your
18 need, it's good for other generation needs,
19 other -- other sources in the future?

20 A. Well, it spreads out the 345 kV highway
21 system, so to speak, so if -- it would -- if you
22 had a plant that was otherwise economically
23 advantageous to locate in a certain spot in eastern
24 McKenzie County, then you'd have the transmission
25 system there to accommodate it -- or potentially

1 accommodate it.

2 Q. Okay. And just a couple more, Matt.
3 The -- does Basin's reserve margin change at all as
4 you enter Southwest Power Pool from what your
5 current reserve margin is?

6 A. I believe it does, but I don't know those
7 details enough to give you a good answer.

8 Q. Okay. And then I guess the last thing I
9 would have is the -- is it a guarantee that this
10 line will go into Southwest Power Pool's system or
11 is there still some big hurdles that have to be
12 taken care of?

13 A. I wouldn't say it's a guarantee. We have
14 a process we have to go through to submit the
15 project to SPP for their cost allocation to get
16 their official notice -- what they call a notice to
17 construct, and that's not happened yet. So it's
18 just a process we have to go through. Our
19 intention is to make that happen.

20 Q. So if that wouldn't happen, is Basin
21 prepared to then pay for their -- I shouldn't say
22 their cost -- pay for the additional costs that
23 might not be covered?

24 A. What would happen then is the project
25 would default to the zonal rate. SPP has two

1 rates, what they call -- or what can be called
2 highway/byway. So you have a regional tariff that
3 accommodates all lines above 300 kV and then a
4 zonal tariff for all other facilities, and they're
5 just added together. The advantage of the regional
6 tariff is -- in our case is if you have a 345 kV
7 system, it's greater than 300 kV, so those costs
8 get spread amongst the entire SPP footprint. So
9 our SPP friends are going to share in this part of
10 the cost.

11 Q. But the default position is it drops back
12 to the zonal rate. I didn't under -- didn't know
13 that.

14 A. It drops back to zonal rate, so we'd
15 absorb those costs locally. One thing I should
16 have mentioned earlier was that's only if the
17 entire loop gets built. It has to be a network
18 facility to get any kind of tariff coverage. If we
19 fail to build the Roundup to Kummer Ridge line and
20 the Kummer Ridge to Patent Gate line remains
21 radial, that's not networked; right? That's just a
22 single-user line. We could not get any cost
23 recovery through any tariff mechanism for that
24 facility. We'd have to absorb those costs
25 ourselves in some fashion.

1 Q. Okay.

2 A. We were seeing growth say in Burke-Divide
3 or Sheridan or other areas, but I think that growth
4 is going to pull back to the center of the Bakken
5 because of the lower prices, at least for the next
6 few years.

7 Q. Okay. So this project provides a capacity
8 to serve that -- that load -- that load. What are
9 the longer-term load forecasts showing for Bakken
10 load beyond 2018?

11 A. It -- our forecasts show just a continual
12 steady growth beyond 2018. So, for example, we
13 mentioned 2100 megawatts in 2018. By 2021 we're
14 expecting 2500 megawatts. So roughly about a
15 hundred megawatts a year going out for the
16 foreseeable future of load growth.

17 Q. How long will this project serve your
18 transmission needs for that -- beyond 2018?

19 A. Right. This project will serve McKenzie
20 Electric territory, that area south of the river,
21 for way beyond 2018, and the problem is going to
22 move up to the Tioga-Minot area. So once we fix
23 those problems, we'll be, you know, trying to push
24 the next limit. I'm not even sure what that's
25 going to be yet.

1 Q. Okay. So then you'll make the
2 transmission investments north -- north of the
3 river, but McKenzie Electric with this project will
4 be served for the indefinite future --

5 A. That's correct.

6 Q. -- from a transmission standpoint?

7 A. Yep.

8 Q. Then tell me how this meshes with your
9 generation -- the additions of generation -- some
10 of your generation projects.

11 A. Yeah. Good question. We're trying to use
12 generation not only as a peaking resource but to
13 backstop the transmission system. So we have the
14 additional units at Lonesome Creek, and one thing I
15 neglected to mention before was the Patent Gate
16 substation is also a point of interconnection for
17 Lonesome Creek too. So we're going to hook up
18 Lonesome Creek Station and the additional units
19 that are being proposed there, it's going to be
20 connected to Patent Gate and also Watford City. So
21 the generation will be able to support or use
22 either of those system on-ramps.

23 As far as other uses of the generation,
24 they're just peaking resources in our fleet, so
25 they'll operate during the hours of peak load as

1 needed for that purpose. Then also if we have
2 transmission problems, we can operate those as
3 what's called must-run units because they provide
4 some capacity that is lost if transmission lines
5 are out of service.

6 Q. How does -- and this isn't related to this
7 application, but how does the Pioneer generation
8 connect to the AVS to Naset?

9 A. Pioneer is connected to
10 Mountrail-Williams' 115 kV system, which is then
11 connected back to Judson Substation via Williston.

12 Q. Okay.

13 A. So the Pioneer generation that's in excess
14 to the local amount of load that is served in the
15 Williston area would be injected into the 345
16 system via Williston and Judson substations.

17 Q. I think Commissioner Kalk asked a similar
18 question, but I'm just trying to get a big picture
19 so I can describe to folks who ask us about this.
20 How -- so you've got this pretty high-capacity
21 transmission system that can carry a lot of new
22 generation. Do you -- how many more new generation
23 units do you anticipate being able to add to this
24 system, assuming you make the improvements on the
25 north side of the river as well?

1 A. Well, once we get the entire 345 system
2 built, we have our generation plan under way for
3 Pioneer and Lonesome Creek. So the question would
4 be how much more generation could you add on top of
5 that?

6 Q. Mm-hmm.

7 A. I don't know the exact number, but it
8 should be significant for two reasons: Because you
9 have this backbone system available and plus you
10 have a lot of load in the area. So from a
11 generation injection perspective, it's -- you have
12 the best of both worlds. You can serve a lot of
13 local load, plus you could move the excess back to
14 a real high-capacity system. So I hate to give you
15 an exact number because I've not done the studies
16 for it, but it would be -- you know, it would be a
17 significant amount of power we can move back from
18 the Bakken area into the rest of the grid.

19 Q. Okay. Then I want to get a little bit
20 more granular on this particular line. You
21 mentioned additional network deliveries required on
22 this line in your prefiled testimony. Tell me,
23 what does that mean?

24 A. Network deliveries are these -- what I
25 referred to earlier as these off-ramps off the

1 high-voltage system. To Patent Gate, Kummer Ridge
2 and Roundup would be network deliveries. So we're
3 taking the high voltage -- or the high-capacity
4 system, the power on that system, transforming it
5 to lower voltage for delivery to our member,
6 McKenzie Electric. That would be the network
7 deliveries.

8 Q. Okay. So on this particular line, Phase I
9 of the North Killdeer Loop, tell me what sort of --
10 I think you were the person who could describe some
11 of the customers along that line and near it that
12 are going to be served, gas plants, et cetera. Can
13 you -- is that -- are you the correct person to
14 answer that?

15 A. I can take a run at it, but John Skurupey
16 is here and he could provide much better
17 information than I can, but I can try to answer the
18 question.

19 Q. Sure.

20 A. The question is what types of loads will
21 be served off these deliveries. What will happen
22 is once the deliveries are in service, the McKenzie
23 Electric system will be reconfigured so -- so, for
24 example, at Kummer Ridge, McKenzie has a rather
25 large 115 distribution system being built out of

1 that area. They would sectionalize their system,
2 so they would serve all of the load in eastern
3 McKenzie County from their 115 system from Kummer
4 Ridge. So it would be the local towns, ranches,
5 oil wells, gas-processing plants. All the load in
6 eastern McKenzie County and -- and John can confirm
7 this for me -- would be served out of the Kummer
8 Ridge sub. Then, likewise, around Patent Gate, all
9 of the 115 system from -- in that Patent Gate area
10 would be served. So you take a radius of maybe 20,
11 30 miles from each of those deliveries, all the
12 load would be served from those network deliveries.
13 So not just in one -- not one particular customer
14 or another; it would be everybody in that
15 geographical area.

16 Q. Okay. Then a few questions related to
17 more like on-site generation, some things that --
18 issues that came up a lot in our first hearing with
19 the AVS to Naset. Maybe -- would you be the
20 correct person to ask this?

21 A. Sure.

22 Q. Okay. So in that hearing, you know, a
23 fair number of folks wanted to know why we can't
24 place generation on the well sites and at the gas
25 plant sites, et cetera, to kind of self-generate

1 and why that can't be more of a solution to this --
2 this electricity need. Can you walk through the
3 reasons -- the shortcomings of that approach that
4 was described in our first hearings on these -- the
5 AVS to Naset?

6 A. Yeah, I can try to address it. I know
7 that wellhead generation has been experimented with
8 and there is a couple of sites in service up in the
9 Mountrail-Williams area, but for whatever reason
10 there must be some economic disadvantages. It
11 really hasn't taken off.

12 As far as larger generation sites, we're
13 doing that at Pioneer and Lonesome Creek. We're
14 installing these gas-fired units. I think the
15 issue is economics of several small units, you
16 know, say one or two megawatt units, spread across
17 the entire area versus consolidated 30, 40 megawatt
18 combustion turbines. You're much better off taking
19 advantages of the economies of scale versus the
20 distributed generation concept. So that's one
21 consideration, I believe.

22 The second consideration is if you try to
23 install a lot of generation off the 115 kV system,
24 you're eventually going to overwhelm its capacity
25 to absorb the generation. So from a regional

1 perspective you really can't do that beyond a
2 certain point because you need to be able to hook
3 that large amount of generation back to a stronger
4 transmission system just to keep it in synchronism,
5 for one thing, and then being able to move that
6 power onto the grid during times when the load is
7 not available or not being -- needed to -- needed
8 to be served.

9 Q. In your final paragraph of prefiled
10 testimony you said, "The scale of the required
11 transmission to support a generation-only solution
12 would be similar to the proposed project."

13 Can you explain that a little bit.

14 A. Right. So we have the 2100 megawatts of
15 load in the area. If we took the extreme example
16 and we're going to self-generate 2100 megawatts for
17 load, well, that's -- 2100 megawatts, that's the
18 capacity of all the units in the coal fields. So
19 obviously you would need to build some kind of
20 transmission system to tie that generation together
21 and move it to the loads, and suddenly you're kind
22 of back to the configuration you would have today
23 moving power from the coal fields to the loads. It
24 would just be in the reverse direction.

25 So the point of my comment there was when

1 you take an extreme self-generation option to
2 integrate that generation and move it to the loads
3 in an efficient manner, you're building a
4 large-scale transmission anyway, so it's a very
5 similar impact to what we're proposing today and in
6 previous projects.

7 COMMISSIONER FEDORCHAK: Okay. Okay. I
8 think that concludes my questions. Thanks.

9 JUDGE MANN: Commissioner Christmann.

10 **EXAMINATION**

11 **BY COMMISSIONER CHRISTMANN:**

12 Q. Mr. Stoltz, are you familiar with recent
13 ONEOK or any other gas-processing projects that
14 have either come online recently or are proposed?

15 A. Well, as far as being familiar, I work
16 with the member co-op managers quite a bit and they
17 apprise me as to the load forecasts, how they're
18 doing almost on a weekly basis. So I hear when the
19 new ones are coming online. So ONEOK is a very
20 active player in the gas-processing business. So
21 I'm aware that they have probably a dozen projects
22 active in McKenzie County, and seems like a new
23 processing plant comes online every two, three,
24 four months. In fact, I think one is due to be in
25 service by the end of this month.

1 Q. And how much power does one of those
2 processing plants typically require?

3 A. Typically they're about 10 to
4 15 megawatts. Although, there's one that's about
5 30 megawatts up by Judson Substation and I think
6 the processing plant by Tioga is upwards of
7 70 megawatts. But I think on average they're
8 typically about 10 to 15 megawatts. And
9 Mr. Skurupey can address that in more detail than I
10 can.

11 The concern is, you know, they're a major
12 electrical load. In fact, they probably are the
13 main driver for the load growth because as we
14 capture more of the gas, it has to be processed and
15 that processing is a very electrical-intensive
16 process, obviously, because those are large loads.

17 Q. And then that's what I was driving toward.
18 Would you -- do you feel it's fair to say that this
19 project is an important part of the state's overall
20 goal of lessening the amount of gas that's being
21 flared?

22 A. Yeah. Exactly. We'll provide the
23 capacity to serve these gas-processing facilities
24 to accommodate capturing that gas and making it
25 into a commercial product.

1 co-op. Do you have any thoughts on that?

2 A. I can't address the pricing issue
3 specifically, but when we join the SPP RTO, each
4 substation on the grid is going to have a -- what's
5 called a price, a locational marginal price. So in
6 the future if you have an entity that wants to
7 generate, all they have to do is make an
8 interconnection request to SPP, and if that
9 impact -- if that's not impactful and they're
10 allowed to interact and operate a generator to the
11 grid, they'll get paid that calculated price the
12 same as Basin will or any other utility generator
13 would. So I'm not really sure -- maybe they have
14 issues today in the old world, so to speak, but
15 going into the future in the SPP market they'll
16 have the same ability to generate as anybody else
17 would.

18 Q. So they would be able to go direct with
19 SPP? They wouldn't have kind of the intermediary
20 players involved --

21 A. If you're --

22 Q. -- if you're gen -- if you have excess and
23 they want to sell it back?

24 A. If they're hooking to the bulk electric
25 system.

1 Q. Okay.

2 A. So if they hook into the 345 line or a 230
3 line that's part of the SPP tariff, they'd have
4 that ability to do that.

5 Q. What if they're hooking through
6 McKenzie's, you know, 115 into then the bulk
7 delivery system?

8 A. Then they have to work with McKenzie to
9 get capacity and pay their tariff and then they'd
10 be able to get access to the SPP tariff then.
11 They'd just have to pay additional costs to get
12 across McKenzie's system, and John could probably
13 address that better than I could.

14 Q. Okay. We'll talk to him about that.

15 Can you tell me what sorts of challenges
16 you see. Just technical challenges or any others
17 from this whole, you know, potential future where
18 there is technology to generate using the flare
19 gas, et cetera, on site, generate electricity to
20 support those wells and then if there's excess
21 connecting to the grid, et cetera. What -- this is
22 a great solution for some folks, you know, looking
23 forward. They like this idea. Tell me what kind
24 of technical challenges does it present.

25 A. Well, as far as having, say, hundreds of

1 little generators scattered across the system -- is
2 that what you're referring to? Is that kind of the
3 concept?

4 Q. Right. Yep.

5 A. I think the biggest technical challenge
6 would be maintaining communications to each of
7 those sites, being able to dispatch those when
8 needed. I think technically there's not an issue
9 as far as that's concerned. We could accommodate a
10 large number of little units, I think just
11 coordinating their operation. Also there's issues
12 with -- say they're embedded on the lower
13 distribution system, then you have some maybe
14 safety issues where -- typically today with -- with
15 our distribution system, it's kind of a network
16 delivery going down stream to the customer. So if
17 you want to -- if you have some storm damage and
18 you want to repair something, there is no active
19 source at the customer end, and so you can -- you
20 can take grounding on the delivery, but now if you
21 have a generator down there at the remote end,
22 suddenly you maybe have some issues with
23 coordination of that, things of that nature. So
24 it's kind of the devil is in the details, but I
25 think overall the idea has got potential. So I

1 wouldn't dismiss it. I would just be worried about
2 some of the unintended consequences.

3 COMMISSIONER FEDORCHAK: Okay. Thank you.
4 I appreciate that.

5 JUDGE MANN: Ms. Jacobson, any follow-up
6 on that?

7 MS. JACOBSON: Nothing further, Your
8 Honor.

9 JUDGE MANN: Thank you, Mr. Stoltz. You
10 can step down.

11 I think we'll take about a ten-minute or
12 so break.

13 (Recessed at 10:13 a.m. and reconvened at
14 10:24 a.m.)

15 JUDGE MANN: All right. We are back on
16 the record.

17 And, Ms. Jacobson, you can call your next
18 witness.

19 MS. JACOBSON: Thank you, Your Honor.
20 Mr. Gary Christenson.

21 JUDGE MANN: Mr. Christenson, before you
22 testify, I'm required to give you an oath and
23 advise you of the penalty for perjury in North
24 Dakota. It's a Class C felony, punishable by a
25 maximum fine of \$10,000, a maximum five years'

1 imprisonment or both.

2 (Witness sworn.)

3 JUDGE MANN: Okay. Go ahead.

4 MS. JACOBSON: Thank you, Your Honor.

5 **GARY CHRISTENSON,**

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

8 **DIRECT EXAMINATION**

9 **BY MS. JACOBSON:**

10 Q. What is your name, business address and
11 occupation?

12 A. I'm Gary Christenson. I've been employed
13 as a civil engineer for Basin Electric at 1717 East
14 Interstate Avenue, Bismarck, North Dakota.

15 Q. And what is your employment history?

16 A. I've been employed with Basin for over
17 42 years, but recently retired as of February.

18 Q. And what have been your responsibilities
19 in connection with the proposed project?

20 A. Well, I've served as project engineer,
21 project manager. I've been heavily involved with
22 this project from the beginning. And as project
23 manager we were responsible for -- or I was
24 responsible for the design and the routing process,
25 the coordination of the efforts with the

1 right-of-way folks and environmental permitting,
2 and just the engineering efforts of coming up with
3 a design, coming up with bid packages for the
4 material and the construction.

5 Q. And can you please describe the design of
6 the structures that will be used for the project.

7 A. This project is going to utilize a
8 single-pole structure. It's about 120 -- 115, 120
9 foot tall. A delta configuration for the
10 conductors, meaning two conductors on one side and
11 one on the other side, and typical overhead ground
12 wire and optical ground wire on the top. It's a
13 nice-looking structure with neat lines. It's
14 pretty typical nowadays that a single-pole
15 structure is used.

16 Q. And approximately how many structures will
17 be needed for the proposed project?

18 A. I think there's around 155 because the
19 typical spans are going to be in the range of
20 950 feet.

21 Q. Did Basin Electric consider placing the
22 project underground?

23 A. Well, we always do because it's a question
24 that always comes up, but it just is not reasonable
25 or rational for this type of a project. So -- it's

1 very expensive. I can go into the details as to
2 why we're not doing that, but it relates to the
3 size of the dielectric or the conductor for a 345
4 kV. It's probably five and a half inches in
5 diameter, and you can imagine the kind of coil that
6 you would need or reel to get any kind of length on
7 one truck and it really comes down to the
8 logistics.

9 Certainly the technology is out there to
10 bury 345 and it is done on the East and West Coast.
11 Most of the wire comes in from a foreign source. I
12 think Korea builds it. And it comes in on a ship
13 and it's probably a reel that's laid flat on the
14 deck, transitioned to a barge, and so it's used
15 maybe in San Diego, San Francisco, New York where
16 they need to cross a bay, cross a river, but it's
17 just not practical out here in the open spaces. So
18 it's not something that we really look at too
19 seriously.

20 Q. And can you please describe the
21 considerations Basin Electric looked at when
22 routing the proposed project?

23 A. Well, there's a lot. You know, as an
24 engineer, we would just like to draw a straight
25 line from point A to point B, but that kind of

1 defines the corridor. We would look at a
2 six-mile-wide corridor and then look at all the
3 environmental and cultural aspects. Cris Miller
4 will testify to that. But we look at all of those
5 things and the avoidance and exclusion areas that
6 the PSC describes, and we have a lot of tools
7 nowadays with the aerial photography being
8 available and we can look at the whole area pretty
9 closely, plot the farmsteads, look at the
10 cultivated land versus pastureland. And after a
11 while you come up with something that looks
12 reasonable.

13 And we try to route on quarter lines and
14 straight lines because it seems that the landowners
15 are much more in favor of that than the diagonal
16 routes that we used to do. Nobody likes to farm
17 around the structures, so that works out better.

18 And then it's an iterative process. The
19 right-of-way folks go out and visit with the
20 landowners and we make changes to accommodate their
21 needs. And after a significant period of time we
22 come up with a route and that's what we've done
23 here.

24 MS. JACOBSON: Thank you, Mr. Christenson.

25 No further questions, Your Honor.

1 JUDGE MANN: Mr. Armstrong.

2 MR. ARMSTRONG: Thank you.

3 CROSS-EXAMINATION

4 BY MR. ARMSTRONG:

5 Q. So, Mr. Christenson, were you the project
6 manager then on this project until you retired?

7 A. Well, I transitioned from -- I was project
8 support this summer because I transitioned this
9 summer and I retired last month.

10 Q. Okay. I'm just going to maybe jump around
11 a little bit. I believe in your testimony you
12 talked about some additional environmental impacts
13 as well to burying transmission lines of this size.

14 A. Well, there is, because you dig a trench
15 and you disturb the land a lot more than you would
16 just with the structure.

17 Q. I -- my note I think is correct, but I
18 think Ms. Wangler pointed to you to ask about the
19 impact of construction with the planned DOT
20 projects. Were you involved with that as well?

21 A. The planned DO -- oh, the road?

22 Q. Yeah.

23 A. Well, yeah. We have to be aware of what
24 goes on there because we need to provide adequate
25 clearance over the roadways and spot structures

1 accordingly.

2 Q. I was thinking more in the range of during
3 construction, because I think the legislature is in
4 session and the application talks about some major
5 highway projects up in the Watford City area coming
6 in the future. How does Basin work with the DOT
7 for getting construction equipment, materials,
8 supplies to this area when there's, you know,
9 limited highway access?

10 A. Well, we're going to try and stay off of
11 the main roads to the extent we can. That's a
12 coordinated effort that is typically done with our
13 contractor, and certainly there are approvals that
14 we obtain from the highway department and the
15 counties and every agency that we need to with
16 respect to access.

17 Q. Are you aware of any expected impacts from
18 those highway projects that would impact the
19 construction of this project?

20 A. No, I'm not.

21 Q. Are you familiar with the record of
22 decision for the AVS to Naset in this kind of whole
23 group of projects?

24 A. Somewhat, yes.

25 Q. I'm wondering if you're a person who can

1 answer how much flexibility as far as moving this
2 route or the corridor is left after that record of
3 decision?

4 A. Well, the record of decision doesn't --
5 doesn't dictate an actual specific route like the
6 PSC does. So there's flexibility I think with this
7 project still.

8 Q. And that's the one I'm talking about.

9 A. Yeah.

10 MR. ARMSTRONG: Okay. That's all the
11 questions.

12 JUDGE MANN: Mr. Schock.

13 **CROSS-EXAMINATION**

14 **BY MR. SCHOCK:**

15 Q. You spoke a little bit about it's
16 infeasible or not economical in this area to bury a
17 line of this size. Can you talk a little bit more
18 about why that is. I'm not very familiar with
19 how -- the dimensions of these type of things.

20 A. Well, the conductor, like I said, it's
21 big. The dielectric for 345,000 volts is
22 significant. In fact, I'm surprised that the
23 industry is able to -- the technology has evolved
24 to the point that you can actually contain that
25 voltage gradient within that diameter, but -- so

1 those cables are buildable. But they're very, very
2 expensive.

3 It comes down to, like I said, the
4 logistics of handling that size of wire for a big
5 area. You can't put it on a truck except for
6 really small segments, small pieces, and then
7 splicing it is a huge task. And there's risks
8 associated with that too. So the technology is out
9 there for cases where you really have to do it. In
10 congested cities you can imagine that that's the
11 only alternative you have. But we're out here in
12 the wide-open spaces. Yeah, we have to work around
13 oil pads and other restrictions, but there's room
14 to build a transmission line. And it's -- it's
15 much more reliable too. If you have a fault and a
16 failure, it's a -- it's a big undertaking and you
17 cannot just repair in a hurry.

18 We did an analysis to cross potentially
19 Lake Sakakawea, and we come up with 60 million plus
20 for two miles and we still had a lot of unknowns
21 because of the logistics, the inability to move the
22 product across the continent. You know, it works
23 on ships if you have access to big ships that are
24 specifically made for that application, but we --
25 we don't even have the ability to put a barge in

1 the Missouri River or Lake Sakakawea. So we just
2 had to throw it aside, but we did look at it.

3 MR. SCHOCK: Okay. Thank you. No further
4 questions.

5 JUDGE MANN: Commissioner Kalk.

6 COMMISSIONER KALK: Thank you, Your Honor.

7 **EXAMINATION**

8 **BY COMMISSIONER KALK:**

9 Q. Thank you, Gary, for your work with Basin
10 Electric for the years. But I would just say that
11 typically when you retire, that means you don't go
12 to work, so -- just for what it's worth, sir.

13 A. That's true.

14 Q. But thank you for taking time to come out
15 today.

16 A. You're welcome.

17 Q. Just a couple questions. What is the life
18 expectancy of a line like this?

19 A. Well, it's indefinite in a lot of
20 respects. And I've been doing this for 42 years,
21 and we built some lines that are wood pole lines in
22 '78 and they look pretty good yet. So I think
23 financially they're -- we're at a what, 25-,
24 35-year period, I don't even know, but they could
25 last a long time.

1 Q. That's kind of what I figured. I just
2 wanted to get it on the record.

3 A. Especially a steel line like this. If it
4 was wood, we'd have a shorter life span, but
5 there's not a whole lot that can really
6 deteriorate.

7 COMMISSIONER KALK: Okay. Thank you.

8 JUDGE MANN: Commissioner Fedorchak.

9 COMMISSIONER FEDORCHAK: Sure. A couple
10 questions.

11 **EXAMINATION**

12 **BY COMMISSIONER FEDORCHAK:**

13 Q. Gary, thank you for coming. Tell me, in
14 your prefiled testimony you outlined some of the
15 landowner concerns, the ways in which the company
16 has addressed landowner concerns, mostly by the
17 choice of the type of pole, using the single pole
18 versus the H or four-legged. Tell me what else you
19 guys do to address landowner concerns when they
20 come up.

21 A. Well, we try to locate so as to minimize
22 the interference with their farming operation. It
23 doesn't matter if it's a single pole or four-legged
24 or an H-frame, you know, it's an obstruction and
25 you have to go around it. So we've concentrated on

1 some open quarter line areas, and many times
2 there's a division of land ownership there and
3 there's, in most cases, even a grass strip, so the
4 landowners share half a structure so to speak, and
5 that works. In other cases we try to -- if we're
6 going to follow a section line, we would move far
7 enough away from the section line to facilitate
8 their equipment between the section line
9 right-of-way and the structure. And we work out
10 those details and everybody has some different
11 opinions on that, but we try to accommodate the
12 landowner's needs as best we can and try to utilize
13 pastureland and rangeland wherever possible.

14 And if you look at the maps, you'll see
15 how that kind of fits. We've stayed off of some of
16 the prime cultivated land, but it's not possible
17 all the way through.

18 Q. Okay. Are you the person to talk to about
19 easements?

20 A. Mike Murray will have to deal with that.
21 He's in easements.

22 Q. Oh, Mike. Right. Let's see here. You've
23 also mentioned you need five or six structures per
24 mile and you mentioned you've been doing this for
25 42 years. Have there been advances in the

1 technology to offer fewer structures or is that an
2 area that's changing at all or you anticipate
3 changing so you can use fewer to get the same
4 length of the line?

5 A. A conductor is going to sag and there are
6 optimum tensions for the conductor that -- that
7 relate to longevity for the conductor. We design
8 for 40 percent, roughly, out of NESC code load and
9 you can vary that a bit, but in the end the
10 conductor is going to sag. So we could build this
11 line with big structures and have spans -- average
12 spans 12, 14 hundred feet, and that's what we do
13 when we build lattice steel structures. They're a
14 lot bigger. Or we could build with H-frame and
15 have 800-foot spans because Mother Nature only has
16 certain height poles.

17 But we found that the optimum for this
18 type of construction is in the thousand-foot range.
19 Obviously you could build these poles anything
20 that's needed. It's just a function of the
21 diameter at the base and the thickness of the base.
22 I think Minnkota just built a couple structures or
23 a couple spans across the Missouri River. If you
24 go and stand at the base of those structures,
25 you'll see how huge they are, and that's all

1 buildable because the technology has come along
2 with the steel fabrication to build whatever you
3 need.

4 But as I say, the thousand foot seems to
5 be about the optimum, because you can do an
6 optimization study and see where that turns out to
7 be. And we could build this thing with 600-foot
8 spans and shorter poles or 1400-foot spans and
9 taller poles. It all relates to the optimum.

10 Q. And when you say optimum, optimum for
11 what?

12 A. Cost. Dollars per mile.

13 Q. Okay. Does it -- so larger poles would
14 require fewer of them?

15 A. Sure. Absolutely.

16 Q. Okay. If they're larger, are they more
17 complicated for maintenance, et cetera?

18 A. No.

19 Q. Birds?

20 A. No. Not really. It's -- it just does
21 come down to what is the dollars per mile, what's
22 the cheapest cost per mile. And it's a bit
23 subjective, but we chose a thousand foot based upon
24 it being kind of the optimum.

25 Q. Are there differences in how the single

1 pole versus the H or the four-legged withstand
2 wind?

3 A. Well, they're all designed for transverse
4 wind. So they'll withstand the transverse load
5 equally. One nice thing about the single poles,
6 though, is because it's a symmetrical structure, so
7 it's going to have some capacity in the
8 longitudinal direction as well just by virtue of
9 its, you know, being a symmetrical structure.
10 H-frames don't have that so much. They are
11 designed for the transverse load, but
12 longitudinally it's a little bit more suspect.

13 But we -- we put in a dead-end structure
14 every so often so as to not have a cascading type
15 of failure. So the dead-end structure is able to
16 handle the full tension of the wire in line
17 situations.

18 Q. What does a dead-end structure look like?

19 A. Well, it looks the same other than the
20 insulators are horizontal rather than vertical.
21 It's not a suspension. It's actually physically
22 dead-ending the conductor. So that structure could
23 stand alone with wire on one side and nothing on
24 the other.

25 Q. And how often do you place those?

1 A. Oh, we're about every three and a half,
2 four miles typically. And, of course, every angle
3 structure, depending on the size of the angle
4 structure, is a dead-end structure as well.

5 Q. Okay. Hmm, interesting. So when you
6 started in transmission and working for Basin, did
7 you think that power lines were -- and the poles
8 were attractive then or is this what happens after
9 42 years in the business?

10 A. Have you seen these structures?

11 Q. Are they the rust-colored ones?

12 A. No. They're galvanized.

13 Q. Are they galvanized?

14 A. Yeah.

15 Q. I've seen the --

16 A. Well, certainly that's in the eye of the
17 beholder, but, yeah, these are -- as far as
18 transmission lines are going, these are pretty
19 decent.

20 COMMISSIONER FEDORCHAK: I will agree with
21 you on one thing. The power they provide is truly
22 beautiful. Thank you.

23 JUDGE MANN: Commissioner Christmann.

24

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EXAMINATION

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BY COMMISSIONER CHRISTMANN:

Q. So right at the end you got to my first question. Just to clarify, though, these are all going to be galvanized? There's none of the --

A. On this segment --

Q. -- brown colored?

A. -- yes. We have on the other project got some weathering steel structures because the Forest Service and the Corps required them. But for the terrain that we're crossing here on this Patent Gate to Kummer Ridge segment, they'll all be galvanized.

Q. But that brown, that's the Forest Service preference?

A. It is. And it really depends upon the background. We've talked about this at length, and for background, that's the horizon, the galvanized kind of disappears. But if you have -- against a hillside, then maybe it would be better to have a weathering-steel type. So you could make the argument that you should have different colors for different areas, but we're not going to do that. We'll have all galvanized.

Q. It seems like I haven't heard much of this

1 for some time, but we used to hear concerns from ag
2 producers about the impacts of power lines on their
3 GPS equipment. I know Basin had an expert in and
4 testified on the original AVS to Naset line on that
5 subject, but do you want to add anything for the
6 record on this particular case regarding that
7 issue?

8 A. I really can't because I'm certainly no
9 expert on that. I've talked to a few folks and I
10 guess it varies. It depends upon their equipment.
11 It's getting pretty sophisticated nowadays, so I
12 don't think it's a big issue.

13 Q. The -- the ag producers' GPS equipment is
14 getting pretty sophisticated?

15 A. Yeah.

16 COMMISSIONER CHRISTMANN: Okay. No other
17 questions. Thank you.

18 JUDGE MANN: Ms. Jacobson, anything
19 further?

20 MS. JACOBSON: Nothing, Your Honor.

21 JUDGE MANN: Okay. Mr. Armstrong?

22 MR. ARMSTRONG: Nothing.

23 JUDGE MANN: Mr. Schock?

24 MR. SCHOCK: Nothing.

25 JUDGE MANN: Commissioners?

1 Thank you, Mr. Christenson. You can step
2 down.

3 You can call your next witness.

4 MS. LAMBERT: Your Honor, I'd like to call
5 Cris Miller, please.

6 JUDGE MANN: Okay. And, Mr. Miller,
7 before you testify, I'm required to give you an
8 oath and advise you of the penalty of perjury in
9 North Dakota. It is a Class C felony, punishable
10 by a maximum fine of \$10,000, a maximum five years'
11 imprisonment or both.

12 (Witness sworn.)

13 JUDGE MANN: Okay. Go ahead.

14 MS. LAMBERT: Thank you.

15 **CRIS MILLER,**

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

18 **DIRECT EXAMINATION**

19 **BY MS. LAMBERT:**

20 Q. Would you please provide your name,
21 business address and occupation.

22 A. Certainly. My name is Cris Miller. My
23 business address is 1717 East Interstate Avenue in
24 Bismarck, North Dakota. I am employed by Basin
25 Electric Power Cooperative as a senior

1 environmental project specialist.

2 Q. Please describe your employment history
3 and educational background.

4 A. I've been employed with Basin Electric
5 since 1991. My educational background, I graduated
6 from North Dakota State University in 1982 with a
7 major in civil engineering.

8 Q. And what have been your responsibilities
9 with the North Killdeer Loop Phase I project?

10 A. Fundamentally been responsible for
11 performing the necessary studies and coordinating
12 with the multidisciplinary teams inside Basin
13 Electric and our consultants for all the permitting
14 requirements from -- permit requirements from
15 local, state, county and federal permits.

16 For this project we had a NEPA action that
17 was -- received our record of decision back in the
18 fall of 2014, the Rural Utilities Service, Western
19 Area Power Administration and the U.S. Forest
20 Service were the lead agencies in that effort.

21 Q. And what is the history and status of the
22 NEPA review on this project?

23 A. We received the -- all three entities, the
24 Forest Service, Western Area Power and the Rural
25 Utilities Service, all had separate records of

1 decision. They were all received in late
2 September -- or mid-September of 2014.

3 As Mr. Stoltz talked about, the change of
4 load forecast changed our original project from the
5 AVS to Naset going up that east lag and then he
6 also talked about the change in load forecast in
7 2013. What that change in the load forecast did is
8 in the original NEPA process we had either the east
9 side or west side of the Killdeer Mountains, which
10 basically has grown into the North Killdeer Loop.
11 Because of that load forecast change, that required
12 us to build both of those alternatives and then
13 that required us to do a supplemental draft EIS,
14 and that's why we added an additional basically
15 nine months to a year into our NEPA process.

16 But at the end of the day, both the AVS to
17 Naset and the North Killdeer Loop is a part of that
18 same NEPA process.

19 Q. Thank you. Have there been any changes to
20 the application since it was submitted by Basin
21 Electric?

22 A. Yes, there was one. Ms. Wangler alluded
23 to it, and that was the removal of the Roundup
24 Substation from the application and that was
25 requested from -- to the Commission in January of

1 this year.

2 Q. And what is the size of the corridor for
3 this project?

4 A. The corridor is 150 foot, which is the
5 same width as our route -- right-of-way for our
6 route.

7 Q. And would you please explain why it's
8 appropriate for the Commission to approve this
9 corridor?

10 A. Certainly. The length and breadth of all
11 the environmental analyses that we performed both
12 through the -- you know, started in the NEPA
13 process, we looked at two six-mile-wide corridors.
14 Inside that six-mile-wide corridor we looked at
15 several thousand foot I'll call it macro-corridors
16 and we had numerous segments that were evaluated.

17 Through that entire evaluation and
18 analyses that was performed in preparation of this
19 application and also in the NEPA process, we really
20 have no adverse effects of our project. So in
21 essence, you know, the right-of-way and the
22 corridor is appropriate to be one and the same.

23 Q. And what flexibility does Basin Electric
24 have to move outside of that designated corridor?

25 A. As far as the -- in the NEPA world, the

1 six-mile-wide corridor is in essence what was being
2 evaluated. If we are on the edge of that corridor
3 or having to move slightly outside of that, what we
4 would do is we'd go back to the agency and most
5 likely in the lands that we have here in western
6 North Dakota, you know, the land that's immediately
7 outside of that corridor is mostly just like what's
8 inside the corridor, you know, unless there's a
9 major exclusion or avoidance area, but it would be
10 one and the same.

11 So, again, our environmental analysis will
12 reflect what's immediately if we -- under the
13 scenario of being outside of corridor, they're very
14 likely to be one and the same. It would just be a
15 formal process with those agencies.

16 Q. And would you please give a general
17 description of the route?

18 A. Our line is approximately 28 miles. It
19 originates at the Patent Gate Substation. For the
20 first one mile it will be double-circuited with the
21 existing Charlie Creek to Judson 345 line and then
22 for -- the remaining 27 miles over to Kummer Ridge,
23 basically heading east a little bit southerly.

24 The two substations at the Kummer Ridge is
25 approximately 40 -- a little 40 acres that Basin

1 Electric owns. We are developing an 11-acre
2 substation. Inside the Patent Gate I believe our
3 acreage is 117 acres, the parcel that we own, and
4 that substation is going to be considerably bigger.
5 It will approximately be 18 acres in size.

6 Q. Are there any avoidance or exclusion areas
7 found in the route or corridor?

8 A. There is no designated exclusion areas
9 within our route and corridor. There are -- one
10 avoidance area, and that avoidance is an area
11 that's been identified as a geologic unstable area.
12 That area is a very short span. I believe it's
13 only around 140, 150 foot in length. Our -- as
14 Mr. Christenson testified, we can span 900 to
15 1200 feet rather easily in a typical span. So that
16 avoidance area would be spanned by our structures
17 so there's no direct impact inside that geologic
18 unstable area.

19 Q. And would you please describe the current
20 land use.

21 A. Certainly. For the 28 miles, I believe
22 approximately 16 miles of that is in grassland. We
23 have I'd say eight miles of cropland and the
24 remainder is what they -- from a land use
25 perspective they classify it as shrub, low

1 vegetation cover.

2 Q. Thank you. Has Basin Electric received
3 all the permits needed to begin construction of the
4 proposed project?

5 A. We are still working with the McKenzie
6 County for a conditional use permit. We submitted
7 an application and we had a hearing back in
8 February, and at that time the planning and zoning
9 board requested that we kind of split the project.
10 So we received approval for the -- we received
11 conditional use approval for the two substations,
12 so both Patent Gate and Kummer Ridge has received
13 the conditional use permit.

14 And the planning and zoning requested us
15 to go back and work with landowners and try to
16 acquire additional easements. As Mr. Murray will
17 be testifying here shortly, he'll give the status.
18 When we went in, I think we were in the -- a low
19 80 percent of miles acquired, when we went into
20 planning zoning, and I believe today we're over
21 90 percent, but that activity will still occur.

22 So our plan is to go back into the
23 planning and zoning board at their April hearing to
24 continue our pursuit of that conditional use
25 permit.

1 Q. Could you describe how the oil and gas
2 development in the region has affected the
3 environmental analysis?

4 A. As far as oil and gas, probably one of the
5 most affecting thing certainly is all the activity
6 up here, employees, the roadway, et cetera. From a
7 direct environmental impact it has more to do with
8 our routing of our line, so moving our alignment to
9 facilitate the existing and the new oil and gas
10 infrastructure that gets constructed.

11 MS. LAMBERT: Thank you. I have no
12 further questions.

13 JUDGE MANN: Okay. Mr. Armstrong.

14 MR. ARMSTRONG: Thank you.

15 **CROSS-EXAMINATION**

16 **BY MR. ARMSTRONG:**

17 Q. Mr. Miller, I'd first like to talk to you
18 quickly about the record of decision. You
19 mentioned it in your testimony. It's in the
20 application, but I'm wondering if you could tell us
21 in that document -- it's appendix A to the
22 application -- which -- where this Phase I project
23 is identified in there.

24 A. Okay. The concept of North Killdeer Loop
25 Phase I was not a -- kind of a product of -- in the

1 NEPA world. We looked at the two macro-corridors.
2 So from the record of decision it -- there would be
3 an associated map, and whether it's defined in the
4 record of decision -- it's certainly in the
5 administrative record.

6 Q. I think maybe -- I guess you could tell me
7 if I'm wrong, but the substations in the record of
8 decision are labeled by color, red, white and blue.
9 And I guess could you just -- page three of the
10 record of decision, I thought this one would
11 probably be covered somewhere in the bullet point
12 on the top of the page, and I'm wondering if you
13 could tell me if I'm correct.

14 A. Yeah. That is correct. And what has
15 happened since we were anticipating
16 these low-serving substations, like Mr. Stoltz
17 described, normally we -- we have a naming
18 nomenclature for our substations in there, whether
19 it's a landowner or geographic location. Since our
20 substation wasn't defined by a physical location,
21 when we were preparing the draft EIS, we developed
22 a system to describe them as red, white and blue.
23 That way our staff and all the agencies were able
24 to kind of keep track of them. But as our
25 locations were pinned down and our naming

1 nomenclature came about, the red substation is
2 reflective to the Roundup station. The white is --
3 corresponds to the Kummer Ridge and the blue is --
4 corresponds to the Patent Gate Substation.

5 So if we look in our description of the
6 project in the record of decision, the -- this will
7 be on the top of page three -- that 27 miles that
8 connects the red to the white substation, that
9 would be the North Killdeer Loop Phase II, and the
10 36 miles between white and blue, that would be
11 reflective of the North Killdeer Loop Phase I.

12 Now, the miles has changed somewhat
13 because the actual location of the Patent Gate
14 Substation, which was then referred to as blue, it
15 actually shifted down the line and made a -- so
16 actually made that segment shorter.

17 Q. And as I understand it, if -- if I
18 understand your testimony, what this record of
19 decision approved was a six-mile-wide corridor to
20 build not only this phase but Phase II as well as
21 the AVS to Neset?

22 A. That is correct. And that -- you know,
23 that's -- this record of decision describes what
24 we're building. So if we're building the like and
25 kind, you know, reasonable to -- within that

1 corridor -- that environmental analysis was trying
2 to incorporate all things inside of that corridor.
3 So we -- we -- the environment analysis is a
4 typical 150 foot within that thousand-foot
5 corridor, which is inside the six-mile-wide
6 macro-corridor.

7 Q. In that process -- well, I don't know if
8 it's that process or not, but I mean regardless of
9 which process, what alternatives were studied for
10 in this Phase I project that we're here for today?

11 A. There were several. As I described
12 earlier, there were several thousand-foot corridors
13 and there are several segments inside these
14 corridors in the NEPA analysis. So that's where we
15 hired -- environmental evaluation was performed.
16 But as Mr. Christenson then described the iterative
17 process of, you know, doing the environmental work,
18 identifying our cultural work, identifying the
19 avoidance/exclusion areas and the most important
20 one is landowner contact, and it's where the
21 landowners have their preference to site the line,
22 that really is kind of the driver to identify the
23 route that was selected for our application.

24 Q. So the route we're here for, Phase I, kind
25 of is a result of evaluating the

1 avoidance/exclusion areas, but then you kind of get
2 the more narrow micrositing, if you will, by
3 landowner relations. Is that what you're saying?

4 A. That is correct. And it's all of the
5 above, but the landowner certainly has an
6 overlying, I guess, direction as far as a final
7 route.

8 Q. As far as evaluating avoidance and
9 exclusion areas for the purpose of this hearing,
10 were those evaluated just within the 155-foot-wide
11 corridor that we're -- you're asking today or was
12 it a broader area?

13 A. The -- depending on what type of resource.
14 A lot of the avoidance areas we will use different
15 resources. Like this one avoidance area that we do
16 have, the geologic unstable area, that was
17 identified on the six-mile-wide macro-corridor.
18 Class I cultural surveys were looked at in that
19 six-mile-wide basis.

20 But until you get down to the actual route
21 alignment and the 150-foot-wide corridor is where
22 you do the Class III pedestrian surveys.

23 Q. So the Class IIIs were only on the
24 150-foot-wide right-of-way and/or proposed
25 corridor?

1 A. That is correct.

2 Q. While you were talking about the landslide
3 area, I understand it's going to be -- or
4 geological unstable area, that's going to be
5 spanned entirely?

6 A. That is correct.

7 Q. So the Class IIIs then -- well, let's
8 start with the Class I's. Did the wider area --
9 are you aware of any cultural resource or anything
10 that's maybe not within the 150-foot corridor, but
11 anything significant that I would say is, you know,
12 close to the line or impacted by the line?

13 A. That's our -- our culture resource
14 person -- or team from Metcalf. Once we identified
15 the macro-corridor, they pulled the Class I survey
16 records from the North Dakota State Historical
17 Society and that helped us identify, you know, some
18 routing opportunities. The -- once we identified
19 the actual 150-foot right-of-way of our alignment,
20 we go back and look at that -- the previous record
21 for the Class I's and they will go back and
22 actually do another evaluation of them to confirm
23 those locations are still there and actually do
24 another site review of that to determine if those
25 boundaries are still where they were previously

1 identified.

2 Q. And is that outside the 150-foot corridor
3 or is that inside the 150-foot corridor?

4 A. There are some cultural sites that are
5 within our 150-foot corridor, but this North
6 Killdeer Loop area is dramatically less
7 cultural-resource intensive as we've had some other
8 areas. So there is one area that I'm aware of that
9 is within our transmission right-of-way and it's
10 easily spanned, so there's no structures inside --
11 cultural resources.

12 I also might add there were some cultural
13 resources identified at the Patent Gate Substation
14 and the overall property that we owned. We were --
15 we purchased 117 acres, but the cultural resource
16 that was identified was on the perimeter of that
17 property and it's not at all near the zone of our
18 disturbance.

19 Q. What I'm kind of getting at, if you will,
20 is I don't -- I want to get to the question of if
21 there's some cultural resource a hundred and --
22 well, I guess it would be 80 feet away from the
23 centerline of the route, so to speak, so it's
24 outside the right-of-way. I want some sort of
25 assurance or something that the company has looked

1 at that and considered it and is not worried about
2 impacting cultural resources that close to the
3 line.

4 A. Certainly. I guess I can help phrase
5 the -- what do you call it -- the Class III
6 pedestrian survey. When we identify that we have
7 150-foot-wide, the cultural team actually looks
8 outside of that 150-foot boundary, so there is not
9 a -- you know, to address the issue that you're
10 referring to, that you have a cultural site just on
11 the immediate outside of that 150-foot. So they
12 actually have a little broader -- broader zone of
13 clearance.

14 Q. Was anything found that you're aware of?

15 A. There were cultural sites identified, like
16 I said previously, that are inside of the
17 right-of-way, but from what we know from what's
18 been identified, we're able to avoid that for our
19 construction activity. One thing I will point out,
20 that because of the survey permissions that we
21 are -- we've only got -- 75 percent of our cultural
22 surveys have been performed. We did that work in
23 the fall of 2014. Certainly we need to have that
24 ground cover that's conducive to our surveys. So
25 as the right-of-way and survey permissions become

1 more available to us, we'll have another cultural
2 resource effort here this spring.

3 I also might add that through our Native
4 American consultations we've also had members of
5 the tribes perform traditional cultural properties
6 on this 28 miles as well, and they are actually at
7 the same level of survey effort of 75 percent for
8 the alignment.

9 Q. And the remaining Class III surveys will
10 be conducted before construction in those areas
11 were to begin?

12 A. That is correct.

13 Q. And have you submitted the Class III
14 surveys that have been conducted along with the
15 mitigation plan to the State Historic Preservation
16 Office?

17 A. Yes. And we received concurrence and I
18 believe that's another exhibit to today's action.

19 Q. So the ones that have been completed the
20 State Historical Preservation Office has concurred
21 with your findings and plans to mitigate any
22 impacts?

23 A. That is correct.

24 Q. And that will be done as well with any
25 additional Class IIIs in the future?

1 A. Yes.

2 Q. Were Class II surveys necessary on -- for
3 this portion of the line?

4 A. Yes. The cultural effort -- there is a
5 Class II -- it's kind of like the screening effort
6 and that's when they're -- when they have areas of
7 known or potential that requires it for the Class
8 III survey. Class III is a pedestrian on the
9 ground walking a very narrow grid across our
10 project area.

11 Q. And what's the Class II then?

12 A. It's more of a screening process that the
13 cultural resource team performs and it's just a
14 little less intensive than the actual pedestrian
15 survey.

16 Q. I thought the Class II was the visual
17 impact or related to visual impact.

18 A. There is the -- there is the visual impact
19 analysis I guess in our NEPA process where we did a
20 visual effect determination, but from the cultural
21 resource perspective they will take into account
22 visual impacts but there is also a screening
23 process. I think we're describing the same effort.

24 Q. And I'm wondering if there were any
25 concerns raised, you know, as far as visual impact

1 and what was done to address those, if you can
2 remember.

3 A. From a cultural resource perspective, one
4 of the things that they will do is they'll look at
5 historical properties that are in the area, and
6 that's -- that's the view shed analysis. Maybe
7 that's what you're referring to. That effort was
8 done and it was determined that there was no
9 historical properties that would be affected by our
10 project.

11 Q. Was there any -- you talked about the
12 conditional use permit for McKenzie County. Was
13 there any necessary change in zoning for this line
14 or not?

15 A. Not a change in zoning. It would just be
16 a -- it's required to be a condition -- it's an
17 allowed conditional use that's I think with the
18 county.

19 Q. Oh, I'm looking at one of the maps. I
20 guess it's Exhibit 9. It's the first map. The one
21 thing -- I had a question on that cemetery located
22 on the map, which is zoomed out. It's basically
23 right on top of the proposed route. But if I look
24 at sheet two of -- sheet two of Exhibit 7, I think
25 I found it on there. I'm just wondering if you

1 could take a look at that and let me know if there
2 were any impacts on the cemetery in relation to the
3 proposed route in the cemetery in that area. On --
4 you have Exhibit 9 in front of you; correct?

5 A. That's correct.

6 Q. And do you see where the cemetery is on
7 there?

8 A. Yes.

9 Q. If you go to sheet two of the route
10 locations, it's -- I believe it's just north of the
11 pole 368-022.

12 A. Okay.

13 Q. No. Sheet two of Exhibit -- there you go.
14 Yep. I'm just wondering if there's been any
15 analysis of the impact of the proposed route or
16 what this cemetery is that shows up or if there's
17 any impacts or concerns related to that.

18 A. I'll take the first -- address that, but
19 Mr. Murray will certainly describe that in much
20 more detail when he is up. But as far as that
21 cemetery goes in the southwest corner of Section
22 29, that cemetery is on the north -- I believe it's
23 on the north part of that section line and our
24 route is on -- or our route alignment is on the
25 south side. But, again, I should let Mr. Murray

1 address that.

2 Q. Okay. So he'd be better to ask about the
3 specifics on it?

4 A. Yep. As far as the cemetery, that's
5 correct.

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

8 JUDGE MANN: Mr. Schock.

9 **CROSS-EXAMINATION**

10 **BY MR. SCHOCK:**

11 Q. In the sound assessment study there's
12 mention of the guideline from the EPA on maximum
13 sound levels is 55 decibels. At each of the
14 substations, you know, there's several receptor
15 sites and there's a couple of them that kind of get
16 into that 50 -- you know, just shy of 55 range. Is
17 there any mitigation that's going to be put into
18 place to minimize those sound levels for those
19 receptor sites?

20 A. Yeah. If I -- if I recall that noise
21 study, what -- I guess, you know, the team from
22 Burns & McDonnell, they did this analysis and are
23 sitting down in Kansas City and they identified the
24 receptor sites, and as you know, I believe the
25 highest levels will be over at Kummer Ridge.

1 Q. I believe so.

2 A. Yeah. And then there was a receptor that
3 was identified just to the north of that, right off
4 Highway -- of the intersection of Highway 22 and
5 73. I guess it's an area they refer to as
6 Johnson's Corner. That really is not -- it's not
7 an occupied residence. It's more like a
8 commercial -- rural commercial area. So it's not
9 an occupied rural residence.

10 But to address your question, the levels
11 that were identified were less than the 55, and the
12 55 is a guideline established by EPA for noise.
13 The transformers that were selected, they did have
14 I'll call it attenuation devices or designs built
15 into them to have a -- to limit the noise that they
16 did emit.

17 Q. Is there anything that can be done -- so,
18 you know, once these things are in place and let's
19 say that the actual sound levels are above those
20 guidelines, is there anything that can be done once
21 these things are in place to minimize the sound
22 levels?

23 A. I guess I would have to turn that over to
24 an electrical engineer for -- as far as -- I know
25 the noise-emitting source would be the transformer.

1 So if there is anything else that can be mitigated,
2 certainly from a -- around the fence line, whether
3 it's tree plantings or a noise wall or something
4 that will help redirect that noise, those are some
5 mitigation measures that could be employed, if
6 required.

7 Q. Okay. So I want to talk a little bit
8 about wetlands. I think for the most part you
9 intend or you do actually kind of go around or span
10 any wetlands along the route. There's one that
11 kind of looks to me like a pole would be set right
12 in the middle of a wetland. I just kind of want to
13 make sure I'm not looking at something incorrectly.

14 So if we look at your application, this is
15 the selection criteria maps, sheet two of three.
16 So this would be under the Volume II?

17 A. Okay. Which map number?

18 Q. So it's just under -- actually just under
19 Volume II. There's no appendix number yet. So
20 Volume II starts out with a bunch of maps and
21 there's maps on exclusion and avoidance criteria,
22 and right after those is when we get into the
23 selection criteria maps.

24 A. Okay.

25 Q. So I'm on sheet two of three. If we look

1 in the upper left there, Section 30, kind of right
2 where we're -- we turn and we kind of go down to
3 the southwest there. There's a reasonable-sized
4 wetland in that area. And if we actually look at
5 your tower location map, I'm on sheet four of nine,
6 you can kind of see that same Section 30 there
7 where it turns and goes down. It looks to me like
8 tower number 368-052 looks to be in that area of
9 wetland.

10 A. Yes. I guess what we'd look at is -- so
11 if you're looking at structure number 368-052, you
12 can see a defined creek channel that's actually
13 more closer to structure 51, but as it meanders
14 there -- so there's a little flat area. The
15 maps -- or the structure criteria maps were based
16 off the NWI wetland criteria. So the actual, you
17 know, boundary if it is a -- you know, it's a
18 jurisdictional wetland, the NWI maps are more of an
19 indicator, and we believe that this structure is
20 outside of any defined jurisdictional wetland.

21 Q. So it's maybe more of a -- you know, maybe
22 a springtime runoff type of wetland area than
23 during the normal -- well, what would probably be
24 your build season, so it's probably a dry area?

25 A. Correct. So what we'll do is -- you know,

1 from a construction point most likely the -- that
2 channel, unless it's dry and firm ground, we will
3 just avoid traveling through that area on the
4 construction side. But as the structures are on
5 either side of the actual operation of the
6 transmission line, it should not affect that
7 wetland area.

8 MR. SCHOCK: Okay. I have no further
9 questions. Thank you.

10 JUDGE MANN: Commissioner Kalk.

11 COMMISSIONER KALK: Thank you, Your Honor.

12 **EXAMINATION**

13 **BY COMMISSIONER KALK:**

14 Q. Thank you, Cris, for your testimony. Been
15 with the Commission a lot the last few weeks,
16 haven't you?

17 COMMISSIONER KALK: The -- first I just
18 have a question for our attorney. Mitch, is there
19 a way that we could take official notice of our
20 previous hearing, the AVS to Naset? I think these
21 cases are so closely related that we should somehow
22 put them two together in this hearing.

23 MR. ARMSTRONG: You mean include the
24 entire record of AVS to Naset within this one?

25 COMMISSIONER KALK: I just trying to think

1 of some of these things, like Mr. Commissioner's
2 question about the -- how things may affect the GPS
3 and some of the NEPA decisions. It would just be
4 nice if we could officially reference stuff in
5 there if we ever need to.

6 MR. ARMSTRONG: There's ways to do that.
7 Could we talk about it on a break maybe after --

8 COMMISSIONER KALK: Absolutely. I just
9 want to bring that out now.

10 Q. (COMMISSIONER KALK CONTINUING) Because,
11 Cris, I really only have just one really question
12 for you between Mitch's and Victor's questions and
13 your testimony. I just wanted to get clear the --
14 so roughly 25 percent of the land you still haven't
15 been able to do the cultural surveys on and you're
16 working through your landowner issues, I understand
17 that. But what would be the methodology if you go
18 out to do the surveys and you find something that
19 you just have to move the route away from? Just
20 walk me through the process the company would use
21 to do that.

22 A. Okay. First of all, the cultural resource
23 still is underneath the guidance of the
24 programmatic agreement that was signed by the
25 federal agencies and all the interested parties

1 that were engaged in the overall -- you know,
2 through the NEPA process. So the people who, you
3 know, brought up some issues like the battlefield
4 issue, et cetera, they were signators to that.

5 So the methodology of how do we address
6 future cultural resource, whether it's
7 identification, the agency contact, et cetera,
8 that's -- that programmatic agreement is the
9 guiding light.

10 If there was a cultural feature or any
11 other avoidance area that would be identified and
12 it would require a route alignment, what we would
13 do is we would get back with the engineers, the
14 landowners, et cetera, and come up with an
15 alternative route and file an amendment with this
16 body.

17 Q. Okay. And that's kind of what I thought
18 you'd say, but I wanted to make sure we're clear.
19 So if it's something that as you worked through it
20 you could span, that's probably the first thing
21 you'd probably do. If it's something that you had
22 to make route deviation, you've done enough of the
23 surveys, you feel you have adequate range to go
24 north or south or east or west or whatever it might
25 be?

1 because they have separate actions.

2 Western Area Power, they evaluated our
3 impact of interconnection with their substation,
4 which is the Williston 230 substation. And the
5 U.S. Forest Service, at the end of the day they
6 evaluated the impact to our lands that we cross on
7 the Forest Service area that was on our AVS to
8 Neset project, you know, the original line between
9 Charlie Creek and Williston.

10 So on this segment should it have been a
11 stand-alone project all by itself, our only federal
12 nexus would have been Rural Utilities Service. But
13 since we -- we described both of these segments the
14 entire project, from a NEPA perspective, it was
15 referred to as the AVS to Neset 345 transmission
16 project. So in NEPA it means both the east and the
17 west legs, including the North Killdeer Loop.

18 In front of this body, our state siting
19 application referred to the original Antelope
20 Valley Station to Charlie Creek to Williston to
21 Tioga as the AVS to Neset project as well. The
22 North Killdeer Loop is what we're here for today
23 and that's described as the North Killdeer Loop
24 Phase I, and then we'll be coming back for the
25 North Killdeer Loop Phase II.

1 agreement?

2 Q. (COMMISSIONER FEDORCHAK CONTINUING) Okay.

3 How does that relate to --

4 A. Okay. As I said earlier --

5 Q. -- the record of decision --

6 A. -- so that's --

7 Q. -- and everything else?

8 A. Yeah. That's the overriding guideline, so
9 to speak, for the cultural resource section, so --

10 Q. I see.

11 A. You also have the participating agencies.
12 The tribes were able to -- or were invited to sign.
13 No tribal entities were signators, but we had some
14 private groups, like the Killdeer Mountain
15 Alliance, they were signators to that programmatic
16 agreement. So that's our guiding principle as to
17 how we move forward to address cultural resource
18 issues.

19 Q. Okay. What did you call that again?

20 A. The programmatic agreement.

21 Q. Okay. Okay. That's the cultural
22 resources.

23 A. Yeah.

24 Q. I don't want to belabor this, but I want
25 to understand. The -- how does NEPA feed the

1 record of decision? There's one NEPA process,
2 right, and it feeds all of these records of
3 decision?

4 A. What NEPA really is is the project
5 proponent, in this case of Basin Electric. We
6 identify a project. Then we identify what federal
7 agencies would be -- have some type of federal
8 nexus. So then the agency has to make a
9 determination if their agency is actually affected
10 and then whether they will participate in the
11 development of a -- of the NEPA -- or participate
12 in the NEPA process. So typically you have one
13 agency who will be a lead agency and the other
14 agencies will be signators as a cooperating agency.
15 The --

16 Q. RUS was the lead agency?

17 A. In this case Rural Utilities Service was
18 the lead agency for the performance of the NEPA.
19 Now, Western Area Power actually took lead for the
20 Section 7 consultation and 106 with the U.S.
21 Federal Wildlife Service.

22 But as the -- NEPA then reaches out to
23 other agencies, state and federal, so that's why
24 they have an agency scoping meeting, and that was
25 held in November of 2011. It's been a while since

1 we started this process. And then the NEPA process
2 reaches out to the public and we have public
3 scoping meetings. So we -- we go out and we tell
4 people what our -- we anticipate the project to be,
5 what we anticipate the impacts or purpose and need,
6 et cetera. And the public is -- has the ability to
7 weigh in and describe to the agencies what are
8 their concerns, you know, whether it's
9 environmental, social, economic, structure types,
10 actually, you know, is the project needed.

11 So the NEPA process then is -- compiles
12 all that public input and agency input and requires
13 the -- the documentation of the environmental
14 analysis by all the different resource areas that
15 are typically done in a NEPA analysis and it's
16 packaged. And then at the end of the day the
17 agencies then write a -- they have a formal
18 document which they refer to as a record of
19 decision. And each federal agency's record of
20 decision basically addresses their federal nexus.

21 Q. I see.

22 A. Again, that being the Forest Service, the
23 special use permit across their lands, Rural
24 Utilities Service for the loan application and then
25 Western Area Power for the interconnection to their

1 transmission system.

2 Q. Okay. So for this phase just the RUS
3 needed to provide the record of decision. Is that
4 the case for Phase II as well?

5 A. For Phase II, since our final route
6 alignment has not been selected, that's still a
7 body of work, there is potential that we avoid
8 federal lands, but there is potential that we might
9 have federal lands. And if there is federal lands,
10 we'll -- we'll have to address that. There is
11 potential for Bureau of Land Management and also
12 potential for U.S. Forest Service lands on the
13 eastern side.

14 Q. Okay. The only other question -- thank
15 you for taking the time to walk through that.

16 The conditional use permit from McKenzie
17 County, when they asked you to go back and get more
18 easements signed, did they give you a threshold,
19 like we want 90, 92 percent, 95?

20 A. Their original feedback was 100 percent.
21 And I mean at the end of the day, McKenzie County,
22 as everybody is aware, when you drive up here, when
23 you flew over all the intensive impacts from the
24 Bakken impacts, so -- the county entities help --
25 are looking out for the landowners and landowner

1 rights, so their view is they would like to see as
2 much easements acquired prior to going to planning
3 and zoning. Basin Electric thought we had a high
4 threshold. They wanted us to continue to do some
5 work in that area, so --

6 Q. So 90 percent of -- I think you said there
7 was 45 needed, 46 total. How many remaining do you
8 have?

9 A. I -- I will let Mr. Murray describe the
10 easements. I do know -- I always look at number of
11 miles, and I believe it's two miles left to
12 acquire. And Mr. Murray will describe how many
13 different parcels that would actually affect in
14 that two miles.

15 Q. And then, again, does the conditional use
16 permit for phase -- that you're receiving from
17 McKenzie County cover Phase I and II?

18 A. No. It only addresses Phase I.

19 COMMISSIONER FEDORCHAK: All right. Thank
20 you.

21 JUDGE MANN: Commissioner Christmann.

22 **EXAMINATION**

23 **BY COMMISSIONER CHRISTMANN:**

24 Q. All my questions have been asked except
25 for when are you going to resubmit your application

1 to McKenzie County?

2 A. The application doesn't require it be
3 submitted. What we did is since we presented it to
4 planning and zoning in February, we asked them to
5 table it at their March meeting, and then we'll
6 request to have it be back in front of them in our
7 April meeting. Since there's only been three weeks
8 in between those two meetings, there wasn't much
9 movement inside our easement acquisition process.
10 So we'll wait that additional month and we'll go
11 back in with a -- whatever status we have here in
12 April.

13 COMMISSIONER CHRISTMANN: Okay. No other
14 questions.

15 JUDGE MANN: Ms. Lambert, any follow-up?

16 MS. LAMBERT: No, Your Honor.

17 JUDGE MANN: Mr. Armstrong?

18 MR. ARMSTRONG: No.

19 JUDGE MANN: Mr. Schock? Commissioner?

20 COMMISSIONER KALK: Not so much a
21 question, but just a commentary about the whole
22 NEPA interaction for the folks and Basin and
23 anybody else that might be listening. The -- I did
24 a lot of work with NEPA when I was in the Marine
25 Corps doing DOD stuff because everything had a

1 federal nexus. And I view NEPA as it's a federal
2 requirement, not a state requirement. So the North
3 Dakota PSC does not have to have a finding of no
4 significant impact to make a decision. But that's
5 always been the struggle back and forth in these
6 cases, that I think having the record of decision
7 that supports what you do gives us a little more
8 cover, if you will. So it's really good.

9 I appreciate your work on all the NEPA,
10 but I will say back that the state has the right to
11 move forward with or without the NEPA, but it
12 doesn't hurt us to have it.

13 So thank you for getting it put together.

14 JUDGE MANN: Thank you.

15 Thank you, Mr. Miller. You can step down.

16 I think we'll take another ten-minute break. Is
17 that going to be sufficient time to get your
18 equipment set?

19 MS. JACOBSON: Yes, Your Honor. Thank
20 you. I appreciate it.

21 (Recessed at 11:31 a.m. and reconvened at
22 11:45 a.m.)

23 JUDGE MANN: All right. We are back on
24 the record. And, Ms. Lambert or Ms. Jacobson, do
25 you want to call your next witness?

1 MS. JACOBSON: Thank you, Your Honor,
2 Mr. Mike Murray.

3 JUDGE MANN: And, Mr. Murray, before you
4 testify, I'm required to give you the oath and
5 advise you of the penalty for perjury in North
6 Dakota. It is a Class C felony, punishable by a
7 maximum fine of \$10,000, a maximum five years'
8 imprisonment or both.

9 (Witness sworn.)

10 JUDGE MANN: Okay. Go ahead.

11 MS. JACOBSON: Thank you, Your Honor.

12 **MIKE MURRAY,**

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

15 **DIRECT EXAMINATION**

16 **BY MS. JACOBSON:**

17 Q. What is your name, business address and
18 occupation?

19 A. My name is Mike Murray. My business
20 address is 1717 East Interstate Avenue in Bismarck,
21 and my occupation is the property and right-of-way
22 manager for Basin Electric.

23 Q. And what is your employment history?

24 A. I have 25 years with Basin Electric. I
25 started in 19 -- January of 1990, and I have been

1 in the property and right-of-way department since
2 2000.

3 Q. And what have been your responsibilities
4 in connection with the proposed project?

5 A. I am the property and right-of-way
6 manager, so my responsibilities -- I have a -- a
7 team that is assigned to this project that reports
8 directly to me. And we review routing issues,
9 landowner concerns, you know, brainstorm for
10 resolution there to -- with the ultimate goal of
11 coming up with voluntary settlements.

12 Q. And can you please describe or summarize
13 the right-of-way contacts that have been made for
14 the project.

15 A. We started contacting landowners in
16 October of 2013 for survey permissions to address
17 proposed routes at the time, route issues we were
18 looking at or concerns, trying to get landowner
19 concurrence, along with meeting with our engineers
20 and environmental staff. And then we would visit
21 with the landowners, address their issues.

22 In August of 2014 we started easement
23 acquisition, and I believe we're at 80 percent of
24 landowners acquired right now, we're at 84 percent
25 of the parcels acquired and we're at 92 percent of

1 the total line length acquired.

2 Q. Okay. Thank you, Mr. Murray. Can you
3 please generally describe the proposed route.

4 A. Sure. The proposed route starts at the
5 Patent Gate Substation.

6 JUDGE MANN: Mr. Murray, sorry to
7 interrupt, but we've got an image up on the screen.
8 And, Ms. Jacobson, is this an exhibit -- is the
9 image, the map on the screen, also an exhibit in
10 the exhibit book?

11 MS. JACOBSON: Yes, Your Honor. It's
12 Exhibit 9 --

13 JUDGE MANN: Okay.

14 MS. JACOBSON: -- the sheet of the two
15 maps.

16 JUDGE MANN: I just wanted to identify
17 that for the record and if anybody is listening
18 over the Internet. And then as you describe it, if
19 you can just kind of identify what you're looking
20 at in the event that there are people listening in.

21 THE WITNESS: Yep. Sure. Okay. Our
22 project starts over here at the Patent Gate
23 Substation, which is a small green square. And as
24 I'm going through this, you'll see little red stars
25 which designate residences within two miles of the

1 proposed route. And then there will also be
2 little -- what we would call green diamond shapes
3 marking proposed and active oil well activity.

4 So Patent Gate Substation currently exists
5 about four miles north of Arnegard and about four
6 miles east of Alexander. And there were several
7 sites that were being proposed for that Patent Gate
8 Substation, and it ultimately boiled down to
9 landowner acceptance on selecting that site.

10 The first mile from angle point one to
11 angle point two and down to angle point three is
12 all double circuit with our previously approved AVS
13 to Neset route. This is on the Charlie Creek to
14 Judson segment of that project. And this is the --
15 this orange line is that Charlie Creek to Judson
16 segment of the line as it comes in and continues
17 with the double circuit into the Patent Gate
18 Substation that continues up to Judson.

19 From angle point three the route does
20 continue in a southeasterly direction down to angle
21 point four, and it currently sits about 200 miles
22 south of the centerline of the road and -- or
23 200 miles -- 200 feet, sorry -- 200 feet south of
24 the centerline of the road. And that is for the
25 purpose of -- earlier you had a concern with the

1 cemetery that was brought up. So that's a
2 significant distance south of the cemetery. There
3 is an existing reservation telephone cooperative
4 fiber in the ground between the county road and our
5 line that we had to avoid as well as trying to
6 address landowner concerns.

7 As we continue on east to angle point
8 five, we had to make a slight adjustment to the
9 southeast to angle point six, and that was -- can
10 you go a little further -- and that was to address
11 residences. We had a residence here that we needed
12 to bump further south, stay away from that
13 residence at the landowner's request, and we're on
14 that same landowner's property, and then as we come
15 down to angle point six and continue over to angle
16 point seven, we're splitting the distance between
17 two more residences up here north of the line and
18 another line residence here to the southeast of the
19 line, which dictated that we needed to once again
20 move back in a northeast direction back to a
21 quarter-line alignment, which landowners prefer the
22 quarter-line alignment for having less impact on
23 their property. Easier to farm around. A lot of
24 times it's on property lines.

25 From angle point eight we continue in an

1 east direction to angle point nine, at which point
2 angle point nine was offset just a little bit to
3 the south to stay -- so we weren't directly on top
4 of this landowner's driveway right here for this
5 residence up here. That driveway actually comes
6 down in a south direction, curves to the west and
7 back south, and we did not want to be running
8 directly on top of that driveway. So we had a
9 slight adjustment here for angle point nine to bump
10 the route down, moved it back up to the quarter
11 line here on angle point ten.

12 From angle point 10 we continue on an east
13 direction over towards angle point 11. Nice clean
14 quarter line. There were some grass strips in
15 there that the terrain worked well, minimal impact
16 to cropland. At angle point 11 we had to make a
17 turn due south due to all this -- this is all
18 scoria activity, as you can see how red the ground
19 is here. A lot of scoria here, a lot of active
20 pits. Residences spotted in and amongst that
21 scoria activity. So at this point to avoid all
22 that scoria, address the landowners' concerns with
23 us being on top of all that scoria, we do head
24 south here for a couple miles down to angle point
25 12, at which point we -- to address landowner

1 concerns we take a southeast diagonal down to angle
2 point 13.

3 We did look at a lot of different route
4 variations through here to address landowner
5 concerns. I believe we looked -- last count was 12
6 different route options, and we ended up with good
7 landowner acceptance. We do have one land owner
8 there we could not appease, but we did minimize the
9 impact of that landowner based on their concerns.

10 From angle point 13 over to angle point
11 14, it's a due east quarter line route again. As
12 you can see, it's a very minimal cropland, a little
13 bit of crop here, and then it's all pasture over to
14 angle point 14.

15 From angle point 14 we continue in a
16 southeast direction to angle point 15. Again, ran
17 into a lot of scoria operations. This whole area
18 is just littered with active and permitted scoria
19 pits.

20 As we continue in a southeast direction,
21 the route was adjusted to accommodate ideal
22 crossings of county and state highways -- a county
23 road and the state highway and also to address
24 landowner concerns. We ended up with good
25 landowner acceptance in here, listening to the

1 landowners.

2 As we continue to the southeast for the
3 Highway 23 crossing, again more residences here,
4 till you're down to angle point 18. At this point
5 we needed to start making our adjustments to line
6 up with the Kummer Ridge Substation. So from 18
7 over to angle point 19, that alignment was made to
8 get us back on the quarter line, avoid this large
9 scoria/oil development quarter of land here. It's
10 all impacted and a lot of scoria and oil activity
11 down to the south. So we threaded the needle
12 through here. Good landowner acceptance there.

13 Once we reached angle point 20, we had to
14 make a slight adjustment to the southeast to avoid
15 a cemetery, an existing cell tower and to line up
16 for our entry into the Kummer Ridge Substation,
17 which from angle point 22 we go directly north into
18 the proposed Kummer Ridge sub.

19 MS. JACOBSON: Thank you, Mr. Murray. No
20 further questions.

21 JUDGE MANN: Mr. Armstrong.

22 MR. ARMSTRONG: Thank you.

23 **CROSS-EXAMINATION**

24 **BY MR. ARMSTRONG:**

25 Q. Mr. Murray, could you just give us the

1 status on the remaining easements to be obtained
2 for this line?

3 A. Sure. We had a total of 44 landowners
4 that we need easements from. We have acquired 35
5 of those landowners, so we're currently at 80
6 percent on a landowner-basis count. If you're
7 looking at line miles, we're at 92 percent.

8 Q. Are you able to show us where the areas
9 that are still open are at on the Exhibit 9?

10 A. Sure.

11 MS. JACOBSON: Mr. Murray, if you could
12 refer to Exhibit 11 as well.

13 Q. (MR. ARMSTRONG CONTINUING) Maybe I'll
14 start there too. Exhibit 11 I see was -- it's
15 dated March 10, 2015, so that's fairly recent
16 information?

17 A. Yes.

18 Q. Is that up to date as of today or has
19 anything happened since then?

20 A. As far as the colors on that route, on
21 that map, that is accurate as of today. That
22 percentage that you see up there, 84 percent,
23 that's parcels acquired, not landowners acquired.

24 Q. Okay. So maybe we can just start on
25 Exhibit 11, and you can use Exhibit 9 as needed to

1 explain, but there's the first not-signed section,
2 the first section starting from Patent Gate, what's
3 going in that area?

4 A. That is two landowners. One landowner
5 prefers that the route not be on his property at
6 all, and we really struggled with that one. We did
7 go out and look at several route variations there
8 because he owns such a large, large block of
9 property, as well as leases a lot of his neighbor's
10 property. He's a large operator. And we were able
11 to minimize the impact to his property, which is
12 actually right here, to just that one-half mile.
13 Where you can see he owns all this, he owns all
14 this, he owns all this. He owns more land to the
15 south, he owns a lot of land up here to the north.
16 It was very -- we just could not miss it. And so
17 that's a half a mile.

18 And then the other is this landowner here,
19 which their concern is -- they live down here -- is
20 crossing their driveway. So we moved it as far
21 away from their house -- we made that adjustment to
22 stay as far away from their house as possible, but
23 we are still crossing their driveway. So that's
24 that first red block that you see there.

25 Q. How about the next one then, the second

1 one?

2 MS. LABER: He owns this. That's the same
3 one.

4 THE WITNESS: Oh, there it is. Yep.
5 Okay. So here's the other half mile. It's that
6 same landowner that we're crossing his driveway.

7 Q. (MR. ARMSTRONG CONTINUING) I think you
8 missed one in the middle there, though. Somewhere
9 there's a red mark on --

10 A. Right here.

11 COMMISSIONER FEDORCHAK: Can you guys
12 reference the --

13 THE WITNESS: It's right here. It's this
14 little piece.

15 Q. (MR. ARMSTRONG CONTINUING) So it's --

16 A. It's that same landowner. It's that
17 same --

18 Q. Okay.

19 A. He's got three different parcels.

20 Q. I gotcha. So the quarter section to the
21 west of point five, so -- these Bergem sections are
22 ones that are not signed?

23 A. Bergem and Leiseth for those first two.

24 Q. Okay.

25 A. So that's two landowners -- two very large

1 landowners that have a lot of land holdings.

2 MS. LABER: And then here.

3 THE WITNESS: Yep. And that's the other
4 Bergem parcel.

5 Q. (MR. ARMSTRONG CONTINUING) So that's
6 between --

7 A. Between angle point six and seven.

8 Q. Move on, then, to the one that's by angle
9 point seven.

10 A. Yep. It's this little piece right here.
11 This is George Lawler, and we did make some
12 accommodations for him. There's just a very small
13 crossing now here at the top piece of his property,
14 and we do not have a signed easement with that
15 landowner.

16 Q. Can you stay there for one second. So the
17 State of North Dakota land, is that trust land?

18 A. That's trust land.

19 Q. And are those -- are agreements in place
20 to cross trust land already?

21 A. Yes. The trust requires that we have a
22 majority of our private landowners acquired before
23 they will issue their easements.

24 Q. Okay. Could you move on to it looks like
25 somewhere between eight and nine.

1 A. It's this right here. Yep. And then this
2 is the Forlands and these are three brothers.
3 That's why -- from a landowner perspective,
4 although it shows that we've got nine landowners
5 left, really three of them belong in one family,
6 so --

7 Q. So on Exhibit 9 between angle point 10 --
8 well, starting from --

9 A. Between 9, 10 and 11.

10 Q. The Forland land is still open?

11 A. Yeah.

12 Q. And if you move on to the next east one.

13 A. And then this landowner right here and
14 right here.

15 Q. What's the name on that?

16 A. That's Serrahn. They're out-of-state
17 landowners being represented by a local attorney.

18 Q. Is that the one you said you were able to
19 address part of the accommodation but not satisfy?

20 A. Yes. Our original route actually came
21 through -- this parcel right here had a diagonal
22 coming through because of the oil activity and
23 stuff, so we were able to make this adjustment,
24 slide it over to -- this is pastureland, get it
25 over along the quarter line, no more structures and

1 their crop -- kept everything in pasture and ran it
2 right up the section line there. So we did
3 minimize the impact because they were concerned
4 about the diagonal coming through here, but still
5 not enough to give us an easement.

6 Q. And when you say -- this is just for the
7 record -- when you say coming through here, you're
8 talking about that L-shaped section owned by
9 Serrahn just north of angle point 12?

10 A. Correct.

11 Q. Then it looks like there might be one more
12 after angle point 13?

13 A. Yep. Same Serrahn family. It's this
14 piece right here. So there's a little crossing
15 there.

16 Q. And you're still attempting to work with
17 these landowners?

18 A. We are attempting to work with all of
19 them, so -- them or their attorneys.

20 Q. I think it was called the Fairfield [sic]
21 cemetery that you talked about earlier. Have
22 you -- my question is going to be have you heard
23 any complaints about the proximity of the line to
24 the cemetery?

25 A. No. No, we haven't.

1 Q. Do you know how far away it is from the
2 cemetery?

3 A. We're 200 feet south of the centerline of
4 the road. So you're probably about 270 from the
5 cemetery.

6 Q. Farland cemetery.

7 A. Yeah. And that's a small countryside
8 cemetery is what that is.

9 MR. ARMSTRONG: That's all the questions I
10 for you. Thank you.

11 THE WITNESS: Yep. You're welcome.

12 JUDGE MANN: Mr. Schock.

13 MR. SCHOCK: I have no questions.

14 JUDGE MANN: Okay. Commissioner Kalk.

15 COMMISSIONER KALK: Thank you, Your Honor.

16 **EXAMINATION**

17 **BY COMMISSIONER KALK:**

18 Q. Thank you, Mike, for your testimony.

19 Just a couple general questions, and I
20 understand our role is to either accept or reject
21 the route in front of us, but I just have just one
22 overarching question. When you get to angle point
23 seven, you chose to go north and then run it across
24 to angle point 11 and then come back down. Seems
25 like there's a lot of -- not a lot, but that's

1 where some of your landowner issues are at. Why
2 didn't you run south at angle point seven to
3 minimize your line length? Is there any general
4 reason why you chose to go north and across to try
5 to find a route south?

6 A. South, this is all oil activity here and
7 then you've got your residences popping up. So we
8 had landowner -- this Wisness was a very
9 accommodating landowner that allowed us to go
10 north. And Lawlers we -- we honestly struggled
11 with them and we still don't have them acquired.
12 So going south we had a lot more landowner
13 resistance. North was a more acceptable path as
14 far as here until we had to come back down south
15 where the Serrahns are.

16 Q. So you're testifying that the route you've
17 selected today has the least landowner concerns of
18 any of the routes you've reviewed?

19 A. Correct.

20 COMMISSIONER KALK: Thank you.

21 JUDGE MANN: Commissioner Fedorchak.

22 COMMISSIONER FEDORCHAK: I don't have any
23 questions. Thanks, Mike.

24 THE WITNESS: Yeah. You're welcome.

25 JUDGE MANN: Commissioner Christmann.

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BY COMMISSIONER CHRISTMANN:

Q. Could you scroll over just a little bit to the east from here. Right there. So you have that long real straight stretch following -- is that a section line or a quarter line?

A. That's a quarter line.

Q. So when we talk generally about it following a quarter line, and it makes perfect sense, but am I right to presume that it's on one side or the other so you don't have to actually get a foot or two of right-of-way from each landowner on each side of that quarter line?

A. No. It's typically on the quarter line so the landowners share the right-of-way. Instead of them having the full burden of the 150-foot-wide right-of way, they get half of it. They get 75 and the other landowner to the south gets 75 feet.

Q. But so every time you do that you double the amount of acquisitions that you need.

A. We do, but it's all about landowner acceptance and that's -- you know, it minimizes the impact for each individual landowner. It's easier to farm around. A lot of times it's a grass strip or a fence line because a lot of times it can be a

1 property line. You know, it's --

2 Q. And so when you run into situations where
3 someone is able to farm a full mile or for whatever
4 reason across the quarter line, do you stagger the
5 distances of your structures so that you maybe hit
6 a pole on each end of the quarter and have only two
7 in the middle as opposed to three or something like
8 that or --

9 A. The structures --

10 Q. -- doesn't that really work out?

11 A. Are you saying do we pop off of the
12 quarter line to accommodate them?

13 Q. No. If someone's farming in two quarters
14 and going across it, would you stagger your poles a
15 little bit so you get like one on each side of that
16 quarter --

17 A. Yes.

18 Q. -- and you'd maybe need one fewer in the
19 middle of their field?

20 A. Our engineers look at that all the time to
21 try and minimize the impact of that structure and
22 having to farm around it. So a lot of times if
23 they can span a crop field, if it's narrow enough,
24 they'll do it. If they cannot span it, then a lot
25 of times they will work out the location of that to

1 have the least amount of impact on that.

2 And another thing we do, and I don't know
3 if the Commission is aware of this, but if they
4 have rock piles out there, they're already farming
5 around a physical barrier, and so we will haul off
6 or bury that rock pile so there is no additional
7 objects to farm around, you know, kind of help
8 offset it too.

9 Q. With the landowners you have left, not any
10 one of them specifically, but in general are these
11 people that just are opposed to it being there at
12 any price or are these people that have probably a
13 different dollar amount in mind than what you're
14 offering and that it's kind of a financial
15 negotiation at this point?

16 A. I would say both. We do have landowners
17 that -- you know, Put it on my neighbor's. I don't
18 want to deal with it. And then you've got the
19 ones, Well, if the dollar amount is the right
20 amount, I'll consider it coming across, you know,
21 and that's usually way more than what we're paying
22 everyone else. Because we pay everyone the same.
23 And if we go through the whole project, if towards
24 the end of the project we need to get things moving
25 if we pay somebody more, we go back and we settle

1 up and we square everybody up to that same rate.

2 Q. Is that built into their contracts when
3 they sign early that they're assured that if -- if
4 you end up paying more, that that's going to be
5 changed?

6 A. They're notified of it. It's not built
7 into the contracts. We tell them that because we
8 don't want it to be a penalty for them to sign
9 early. You know, we don't want that to be the fear
10 in their head that, Hey, I'm not going to get as
11 much as my neighbor because I signed early and they
12 were able to work out a better deal. So, no, it's
13 not in writing.

14 And we had to do that on AVS to Neset. We
15 did increase our offer and went back and settled up
16 with every landowner on that project.

17 Q. And then how did you do that, because not
18 every landowner's land is the same? If someone
19 thinks, Okay, now you got more for cropland like
20 this, but you say, Well, that's not as good a
21 cropland, how do you square that up? How many
22 categories of land do you look at?

23 A. Pretty narrow. Basically it's for like
24 property. So cropland gets paid the same as any
25 other cropland. Pastureland gets paid the same as

1 any other pastureland, so --

2 COMMISSIONER CHRISTMANN: I think that's
3 all the questions I have. Thank you.

4 JUDGE MANN: Ms. Jacobson, any follow-up?

5 MS. JACOBSON: Nothing further, Your
6 Honor.

7 JUDGE MANN: Mr. Armstrong?

8 MR. ARMSTRONG: I do.

9 JUDGE MANN: Go ahead.

10 **RECROSS-EXAMINATION**

11 **BY MR. ARMSTRONG:**

12 Q. You were talking earlier about the
13 scoria -- avoiding the scoria pits. We've dealt
14 with siting cases around Center or wherever where
15 there's known coal deposits. Is there any sort of
16 idea here if you're crossing other places where
17 scoria could be mined?

18 A. Well, in this area it's quite likely that
19 we are crossing over other areas where scoria can
20 be mined, and if the landowner is aware of it, they
21 tell us that and that is written into our agreement
22 that at any time if they are going to mine that
23 scoria, that we will pay them for the loss
24 underneath our line that they cannot actively mine
25 just to protect our facility.

1 Q. How close to the line can they mine for
2 scoria?

3 A. Well, they can mine under the line as long
4 as we can maintain an access for maintenance. As
5 far as the structures, it depends. Engineering has
6 different criteria that they use, but it's
7 typically in that 65 to 70 feet away.

8 Q. So it wouldn't be the line that prevents
9 any mining from scoria, but the structures would
10 have some impacts?

11 A. It's the integrity of that structure
12 you've got to maintain, and we still have to have
13 access, you know, to maintain the line down the
14 right-of-way.

15 Q. And that's worked into your agreement with
16 the landowners?

17 A. If that's a concern of theirs, yes.

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

20 JUDGE MANN: Mr. Schock?

21 MR. SCHOCK: No questions.

22 JUDGE MANN: Okay. Commissioner
23 Fedorchak?

24 COMMISSIONER FEDORCHAK: Just one quick
25 follow-up.

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BY COMMISSIONER FEDORCHAK:

Q. I thought in the previous hearing on AVS to Naset the company talked a bit about having incentives for early signers. Is that something you do or can do?

A. Have an incentive to sign early?

Q. Mm-hmm.

A. We are just starting that on these projects where we do offer a thousand dollars per structure, because the biggest impact on their property is the physical structure on the property. So if they sign within 90 days, we do give an extra thousand dollars per structure on that. And then some of these properties don't have any structures, we're just spanning it, so we do have a minimum then of a thousand bucks extra.

Q. Okay. And you used that in this project?

A. We just -- yeah, we did not use it on AVS to Naset. We were talking about doing something at that time, and we're using it on this project and it has had some success.

COMMISSIONER FEDORCHAK: Okay. Thank you.

JUDGE MANN: Commissioner Christmann.

FURTHER EXAMINATION

BY COMMISSIONER CHRISTMANN:

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3 Q. Would you slowly go through the process
4 now of if you get permits from us, from the county
5 and are ready to proceed, how you end up acquiring
6 the properties who don't sign voluntarily?

7 A. If they don't sign voluntarily and, you
8 know, we reach a point where the route is fairly
9 secure because of the easements we've acquired
10 before and after those properties, we will try to
11 work out through our legal counsel a settlement.
12 We can -- you know, maybe sometimes you can go
13 through mitigation -- or not mitigation -- that's
14 not the right word, but where you sit down and try
15 and come up with some sort of a resolution. We can
16 throw other non-easement compensation-type items
17 out there, you know, fence work, graveling the
18 road -- we try to get real creative -- trees, you
19 know, just to try and sweeten the pot a little bit.
20 If that does not work, then obviously we turn it
21 over to legal counsel and then they take the next
22 step, so -- you know, filing for condemnation.

23 Q. And how many condemnations had to be done
24 on Antelope to Naset?

25 A. On AVS to Naset we're currently at

1 98 percent acquired on that project. We have eight
2 landowners that we filed condemnation -- or that
3 are still in condemnation waiting for trials and,
4 you know, that number will probably be less by the
5 time we get to the trials.

6 Q. 98 percent of landowners?

7 A. 98 percent of the landowners. We've got
8 eight landowners left that we could not acquire.

9 COMMISSIONER CHRISTMANN: Okay. Thank
10 you.

11 THE WITNESS: Yep.

12 JUDGE MANN: Ms. Jacobson, anything
13 further?

14 MS. JACOBSON: Nothing, Your Honor.

15 JUDGE MANN: Thank you, Mr. Murray. You
16 can step down.

17 Do you have any other witnesses?

18 MS. JACOBSON: No, Your Honor.

19 JUDGE MANN: Okay. Anything further?

20 MS. JACOBSON: Nothing.

21 JUDGE MANN: Okay. At this time are there
22 members of the public who would like to come
23 forward and offer testimony?

24 Come on up. Can I get your name, sir.

25 MR. SKURUPEY: John Skurupey,

1 S-k-u-r-u-p-e-y.

2 JUDGE MANN: And, Mr. Skurupey, I'm
3 required to give you an oath as well, advise you of
4 the penalty for perjury in North Dakota. It's a
5 Class C felony, punishable by a maximum fine of
6 \$10,000, maximum five years' imprisonment or both.

7 (Witness sworn.)

8 JUDGE MANN: Okay. You can go ahead with
9 your testimony.

10 **JOHN SKURUPEY,**

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

13 **STATEMENT**

14 **BY MR. SKURUPEY:**

15 MR. SKURUPEY: Well, welcome back,
16 everybody. Thank you for the opportunity to
17 testify. Welcome to the Wild West again. Happy
18 St. Patrick's Day. I see the green on.

19 I'd like to give you a -- I'm the general
20 manager of McKenzie Electric Cooperative and I work
21 for our membership -- our member owners, and I'm
22 here on their behalf.

23 To give you a little update on what's been
24 happening at McKenzie Electric since the last time
25 we saw each other, in 2014 we grew approximately

1 43 percent. That's about 100 megawatts in demand
2 growth. We're currently -- as was testified
3 earlier, we're currently building roughly 150 miles
4 of transmission line. We have another 150 to go
5 for a total of probably 300 miles that we'll have
6 for current projects alone.

7 We have untold miles of distribution to
8 build. I tried to get a finger on that this week,
9 but nobody can tell me that number.

10 Between now and the end of 2016 we project
11 nearly 200 megawatts of demand growth just in large
12 loads. The ONEOK loads that were discussed, the
13 gas plants that -- we're dealing with two gas
14 plants right now, their Lonesome Creek Gas Plant
15 and a Bear Creek plant down in the Killdeer area,
16 they have -- the Demicks Lake Gas Plant, which is
17 another large one, but they've postponed that to
18 2017 now, so that's a future growth number that's
19 not in this. And numerous compressors.

20 We just had a conference call with them
21 yesterday, and they had backed off on their plans
22 because of the low oil prices, but in the span of
23 about a month and a half they've brought all but
24 two projects back onto the plate and they want them
25 all done next year.

1 Then there's the Fort Berthold Indian
2 Reservation, which is kind of the great unknown for
3 us. We have tenuous relations with the Three
4 Affiliated Tribes at the moment regarding
5 rights-of-way on the Fort Berthold Indian
6 Reservation, and we are serving very little
7 commercial loads out there at this time. If we
8 should happen to get to the point where we can
9 reach a mutual agreement on proceeding out there,
10 we have megawatts of load that need to get hooked
11 up out there.

12 So this -- this project is critical to us
13 because currently we are served largely out of the
14 Watford City delivery, which is off the 230 line,
15 and that 230 line -- 230 kV transmission line is
16 being taxed, quite frankly. We have a lot of our
17 load being served out of there. As a matter of
18 fact, I'd say we're close to 200 megawatts just out
19 of Watford City alone.

20 I'm thankful to the Commission for
21 approving the Roundup and putting that into the AVS
22 to Neset project because we're currently under a
23 frequency load-shedding scheme down there and
24 nobody wants to be without power. So the faster we
25 can get that done -- or Basin can get that done,

1 the better for our members also.

2 So I'd just strongly encourage the
3 Commission to approve their routes. We're, like I
4 said, in dire need of more delivery points up here
5 to improve our reliability and load-serving
6 capabilities. So anything -- any assistance is
7 appreciated from whoever.

8 JUDGE MANN: Thank you. Just sit tight
9 just a minute.

10 Ms. Jacobson, any questions?

11 MS. JACOBSON: None, Your Honor.

12 JUDGE MANN: Okay. Mr. Armstrong?

13 MR. ARMSTRONG: No, Your Honor.

14 JUDGE MANN: Mr. Schock?

15 MR. SCHOCK: No.

16 JUDGE MANN: Commissioner Kalk?

17 COMMISSIONER KALK: Thank you for stopping
18 by.

19 JUDGE MANN: Commissioner Fedorchak.

20 COMMISSIONER FEDORCHAK: Okay.

21 **EXAMINATION**

22 **BY COMMISSIONER FEDORCHAK:**

23 Q. I have a couple, John. Thank you --

24 A. Sure.

25 Q. -- for stopping in, and a couple questions

1 on comments you made about Fort Berthold. Who's
2 serving the commercial load up there if you aren't?

3 A. They are all self-generating at the site
4 and losing money. We had one producer that stated
5 they spent \$1.2 million last year in generation
6 alone, so it's lost revenues.

7 Q. All right. What -- what needs to happen
8 to -- what are the big issues with you? You said
9 you have tenuous relations. What's the cause of
10 that?

11 A. Well, I think the underlying issue is that
12 the tribe is considering starting up their own
13 utility, and by not granting easements is one way
14 that they can maybe force this issue. Our board
15 has professed that we're willing to sell that to
16 the Three Affiliated Tribes if that's their desire,
17 because it's all about the membership to us. It's
18 all about the end user. And we care about all
19 users, whether you're a water well or a grandma or
20 a multi-billion-dollar corporation. We care about
21 each and every one of them the same and we want
22 them to be served as best they can.

23 Q. So if you -- if they decided to start
24 their own utility, you would sell your
25 infrastructure in that area and allow them to --

1 A. Yep.

2 Q. -- take over?

3 The county's conditional use permit, are
4 you guys weighing in at all on that process?

5 A. We tried. We've tried. We have a good
6 relationship with the county because they know --
7 understand that we do get a hundred percent
8 right-of-way. It's our board's position that we're
9 not fans of condemnation ourselves and don't want
10 to move to that point. But Basin has other needs
11 and I respect that and I actually encouraged it
12 myself, but if -- if there's condemnation involved,
13 that's their biggest concern and why they want to
14 be so difficult, I'd say.

15 Q. But you've weighed in in terms of the
16 seriousness of the need for the project and --

17 A. On an --

18 Q. -- and the timelines?

19 A. On an individual basis, yes, I've talked
20 with commissioners and I've talked with people on
21 the planning and zoning.

22 Q. Okay. And you don't have the same issue
23 with them when you need a conditional use permit
24 because you get the hundred percent?

25 A. Exactly.

1 Q. You haven't had any holdouts that you
2 haven't been able to --

3 A. Knock on wood.

4 Q. Okay. That's great, because it sounds
5 like you're constructing a lot of lines too.

6 Were you here earlier when I was asking
7 some of the questions about the on-site generation?

8 A. Yes.

9 Q. Okay. So can you just tell me what is
10 your -- what is your company's policy with
11 purchasing back generation -- excess on-site
12 generation that might be available at a well site,
13 et cetera? How do you go about doing that or do
14 you have a policy that guides that process?

15 A. Well, first off, we can't buy it back. We
16 have an all-requirements power contract with Basin
17 Electric and therefore any power purchases need to
18 be handled through Basin Electric.

19 But in terms of interconnecting with the
20 system, that is our baby. I tried to -- I struggle
21 with this on explaining it to somebody, but if you
22 consider the way a system is designed, a
23 distribution system from the substation out to the
24 end of the line, right at the substation the size
25 of your conductors are large. Okay. And then as

1 you get farther out, the conductor size gets down
2 to real small. Well, if you get a generator or
3 multiple generators at the end of the line -- oh,
4 and then there's protection devices all the way
5 along that route. So let's say you've got a
6 breaker -- a circuit breaker that's 100-, a 50-, a
7 25- and a 10-amp breaker along the route and you
8 put a bunch of generation at the end, all of a
9 sudden our protection schemes are all backwards
10 because you now have a source that's wanting to
11 push power back and all of our protective devices
12 don't operate the way they're supposed to.

13 So if you have generation out there,
14 you're -- you have to be constantly monitoring what
15 your system is doing so that you have your
16 protective devices functioning so that you're
17 protecting not only our people but our residents
18 and consumers out there, because if a line happens
19 to sag down for whatever reason and somebody comes
20 into contact, you want those protective devices to
21 operate and open up the line.

22 But when you get multiple generators out
23 there, that isn't the case. So as these entities
24 come in and talk with us about wanting to put
25 generation out at the end of a line -- and that's

1 where they always are. They're the most remote
2 areas because that's where we're having a hard time
3 getting power to so that's where they naturally
4 want to generate. We tell them that, yes, we'll
5 work with you, but it's going to be a significant
6 cost to get that initial infrastructure in there,
7 plus there will be ongoing costs for constantly
8 monitoring those breaker relays and making sure
9 that they're set accordingly.

10 Because those generators are not reliable.
11 Blaze Energy is one of the first entities that put
12 one of these up in Burke-Divide, and if there's not
13 consistent gas there, if there's a burp from the
14 well, high or low pressure, the thing turns off.
15 And they're out there every single day -- this is
16 what I'm told -- they're out there every single day
17 trying to start it and they've actually got to the
18 point where they just got tired of going out to try
19 to start it up, so --

20 Q. And the additional costs are borne by the
21 generator?

22 A. Absolutely. It's kind of hard for us to
23 go to the neighboring landowners and say, Hey,
24 these guys want to do a pet project, do you want to
25 pay for it.

1 with you personally or your people to try to help
2 persuade them of the importance of getting power
3 over to the gas plant so that your other power can
4 be used for them and their neighbors and that sort
5 of thing and help along with the acquisition
6 process?

7 A. As a matter of fact, we did talk with
8 Jason Leiseth, who is one of the difficult
9 landowners. And I say that with all due respect
10 because I'm a big believer in the landowners. I'm
11 a big believer that that's their property and it's
12 their right to do what they want with it. But,
13 yeah, we've talked with Jason. We've talked with a
14 couple others that we've happened along the way as
15 they've asked us what's going on. They've come
16 into the office and were curious if we would try to
17 explain to them what's the need for the
18 transmission line and things like that.

19 So they're naturally curious and they want
20 to find that stuff out themselves and, yeah, we try
21 to encourage them to work with Basin. We tell them
22 naturally -- you know, I've even had in an annual
23 meeting speech, Don't roll over for them because
24 you don't do that for anybody, but please work with
25 them because it is important because it improves

1 our whole system reliability and along with the
2 load-serving capability.

3 Q. Do you think some of these nine are going
4 to come together here in the coming weeks or months
5 or do you think it's going to wind up being court
6 cases?

7 A. It depends on the day. We have some
8 landowners that just will absolutely refuse even
9 distribution lines. They're just really jaded
10 against oil and the activity that's taking place
11 and they just say no. That's their only answer, I
12 just don't want to talk to you. So it's hard to
13 say. They may. Maybe if you get them on Sunday
14 after church. I don't know. But they may.

15 Q. And do you ever in your acquisition
16 process run into situations where these are
17 absentee landowners and you just can't even find
18 them to talk to them?

19 A. Absolutely. All the time. And to be
20 honest with you, those are the most difficult
21 landowners to deal with because they just don't
22 care. They have no skin in the game. They have no
23 need for power at their locations. They lease all
24 their land out and they just don't care.

25 COMMISSIONER CHRISTMANN: Okay. No other

1 questions. Thank you, though, for being here.

2 JUDGE MANN: Thank you, Mr. Skurupey. You
3 can step down.

4 Do we have others? Now is the opportunity
5 if there's anybody else. It doesn't appear so.

6 Ms. Jacobson, do you have a closing
7 statement you'd like to make?

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

9 JUDGE MANN: Okay. Mr. Armstrong, do you
10 have anything?

11 MR. ARMSTRONG: Nothing, Your Honor.

12 JUDGE MANN: Mr. Schock, anything further?

13 MR. SCHOCK: No, Your Honor.

14 JUDGE MANN: Okay. Commissioner Kalk.

15 COMMISSIONER KALK: Thank you, Your Honor.
16 Thank everyone for coming out today.

17 The -- I think everyone's pretty familiar
18 with the process. We'll get back and get a work
19 session scheduled. I don't believe we have any
20 late-filed exhibits out here. This seems to be a
21 lot cleaner than the previous transmission line
22 that we worked on, so I appreciate everyone's work
23 on that.

24 And the only thing that I guess I'm a
25 little -- I won't say concerned about but I'll be

1 watching very closely, is how the interface plays
2 out with the county on the conditional use permit.

3 Since I've been on the Commission, I've
4 never had to put the decision forward about the
5 Commission approving something without a
6 conditional use from the county. But for me
7 personally there is a point where if the county is
8 not willing to make a decision, that it's something
9 that I personally would consider in a work session.
10 So hopefully you get it worked out with the county,
11 but I would ask the company to get back through
12 appropriate counsel. If there's a point where you
13 get to where you're hung on that, we maybe need to
14 open up some discussion on that particular issue
15 and I'll be talking to our counsel about that. But
16 to me that's the only issue that I see out there
17 that we're going to have to watch very closely.

18 Thank you for coming out today.

19 JUDGE MANN: Commissioner Fedorchak.

20 COMMISSIONER FEDORCHAK: I'd echo
21 Commissioner Kalk's comments and just want to thank
22 everyone for a very efficient hearing and thorough
23 application process and look forward to a, you
24 know, pretty quick decision.

25 JUDGE MANN: Commissioner Christmann.

1 COMMISSIONER CHRISTMANN: Nothing really
2 to add to that except for I guess kind of the same
3 situation as the county probably, hoping that
4 you're able to acquire more of these easements
5 voluntarily. And just what Commissioner Fedorchak
6 just said, it is nice, though, even when there's
7 issues like that that remain unresolved but that
8 the application is really clean and informative and
9 these hearings can come off in a few hours instead
10 of all day because none of our questions are
11 answered. In this case most of my questions were
12 answered going through the application before the
13 hearing even. So very good application.

14 JUDGE MANN: Thank you.

15 And, Ms. Jacobson, will you be submitting
16 proposed findings and a proposed order?

17 MS. JACOBSON: Yes, Your Honor, I will.

18 JUDGE MANN: And that will conclude the
19 public hearing in this matter. Thank you.

20 (Concluded at 12:31 p.m., the same day.)
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CERTIFICATE OF COURT REPORTER.

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

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

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

Dated at Bismarck, North Dakota, this 10th day of April, 2015.

Stephanie A. Smith
Registered Professional Reporter

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