From: efilingmail@tylerhost.net
To: Jeffcoat-Sacco, Illona
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3027926
Date: Wednesday, June 20, 2018 1:44:08 PM

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Envelope Number: 3027926
Case Number: 08-2018-CV-01142
Case Style: Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.

The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.

Filing Details	
Court	Burleigh County - South Central District
Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/20/2018 11:43 AM CST
Date/Time Accepted	6/20/2018 1:43 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 1 Application for Permanent Authority
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 1 Application for Permanent Authority.pdf
Lead Document Page Count	4
File Stamped Copy	View Stamped Document

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RECEIVED
FEB 27 2017
NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
State of North Dakota

Otter Tail Power Company)
Fergus Falls, Minnesota)
Customer's Name Minn-Kota Ag. Products Inc.)
Customer's location by)
Nearest city Barney)
Public Convenience and Necessity)

Application For Permanent Authority

Otter Tail Power Company, for its Application to the Public Service Commission of North Dakota, respectfully alleges:

I.

The full name of the applicant is Otter Tail Power Company, and the post office address of its principal office is Fergus Falls, Minnesota. Applicant is a public utility corporation, subject to the jurisdiction of, and regulation by, the Public Service Commission of North Dakota, under Title 49, NDCC, as amended. Applicant's Articles of Incorporation, as well as its Annual Report, are on file with the Commission, having been filed in Case No. PU-08-292, and are incorporated herein by reference, and the Commission is requested to take official notice of the same.

II.

This Application is made pursuant to the provisions of Chapter 49-03, NDCC, as amended, and the Rules of Practice and Procedure promulgated by the Commission.

III.

Applicant has been requested by Minn-Kota Ag. Products Inc. (hereinafter referred to as the Customer), to provide electric service to it at a point located in NE 1/4 Section 10 Barney twp. In Section NE 1/4 of 10, Township T-132-N, Range R-50-W, Barney Township, Richland County, North Dakota, as shown on the attached map, marked Exhibit "A" and made a part hereof by reference. The mailing address of the customer is 90 8th St. N Breckenridge, MN 56520. The customer will need electric service on the 1st day of May, 20 17.
Service at: Rural Barney Township Section 10.

IV.

The service required by the Customer at said location is 3 phase phase service, and the length of the extension will be approximately _____ feet, as shown by Exhibit "A". The location of the proposed service is within the economic service area of Applicant, and service will be extended under the provisions of the rates, rules and regulations applicable to Applicant as approved by the Commission. It is Applicant's public utility obligation to furnish the requested service, and the public convenience and necessity require, and will be subserved by, Applicant furnishing the requested electric service to this Customer at said location.

V.

Submitted with this Application, is an Appearance herein by the Customer, in which the Customer states to the Commission that it desires electric service from Applicant as a public utility subject to the jurisdiction of, and regulation by, this Commission. In said Appearance, the Customer also waives Notice of Opportunity for Hearing and Notice of Hearing upon this Application, and requests the Commission to issue an Order and Certificate of Public Convenience and Necessity authorizing this requested and needed service.

VI.

The extension ○ will ◉ will not cross any railway tracks.

Wherefore, Applicant prays for the entry of an Order and Certificate of Public Convenience and Necessity authorizing Applicant to extend the requested and needed service to the Customer.

Otter Tail Power Company
By Dale Rubish
Its Operations Manager

State of North Dakota)
) SS
County of Richland)

Dale Rubish, being duly sworn, on oath says he is an Operations Manager of Otter Tail Power Company, and the person who executed the foregoing Application on behalf of Otter Tail Power Company, and is authorized to verify this Application on behalf of the Company; that he has read the foregoing Application and knows the contents thereof, and the same is true of his own knowledge, except as to matters therein stated on information and belief, and as to those matters, he believes them to be true.

Dale Rubish

Subscribed and sworn to before me this 20th day of February, 2017.

Suzette Fitterer

Notary Public, Richland County, North Dakota. My commission expires

(Notary Seal)

SUZETTE FITTERER
Notary Public
State of North Dakota
My Commission Expires Dec. 29, 2020

ADMISSION OF SERVICE

Personal service of the foregoing Application by true and correct copy thereof is hereby admitted this 27 day of February, 2017.

(Customer)

Before the Public Service Commission
State of North Dakota
Case No. _____

In the Matter of the Application of Otter Tail Power Company for an Order and Certificate To Extend Service to Minn-Kota Ag. Products Inc. New Elevator Rural Barney at the Location Stated Herein

APPEARANCE BY CUSTOMER

Minn-Kota Ag. Products Inc., (hereinafter referred to as the Customer) hereby makes a voluntary appearance in this matter and states the following to the Commission:

I.

Customer desires electric service from Otter Tail Power Company as a public utility subject to the jurisdiction of and regulation by this Commission, and has requested said public utility to provide Customer with electric service at the point located as stated in the Application in this matter.

The Customer further states the need of and has demanded service at said location for the reasons that are set forth in the Application herein. The Customer waives Notice of Opportunity for Hearing and Notice of Hearing upon said Application, or a hearing thereon, and requests the Commission to issue an Order and Certificate of Public Convenience and Necessity authorizing this requested and needed service, and that provision be made therein authorizing the extension of immediate service.

II.

All of the allegations of the Application herein are admitted as true and correct.

Wherefore, the undersigned, being the Customer involved herein, prays for the entry of an Order and Certificate of Public Convenience and Necessity by the Commission, authorizing the Applicant to extend the requested and needed service to this Customer at said location, subject to such appropriate and proper conditions to be appended to and made a part of such Order and Certificate as the Commission may determine, said Order and Certificate to become final as may be set forth in the conditions appended thereto; and for such other and further relief as may be proper in the premises.

Witnesses:

_____

_____

_____
(Customer)

Notary Public, Wilkin County
Minnesota
~~North Dakota~~. My commission expires 01/31/2021

_____ (NOTARIAL SEAL)

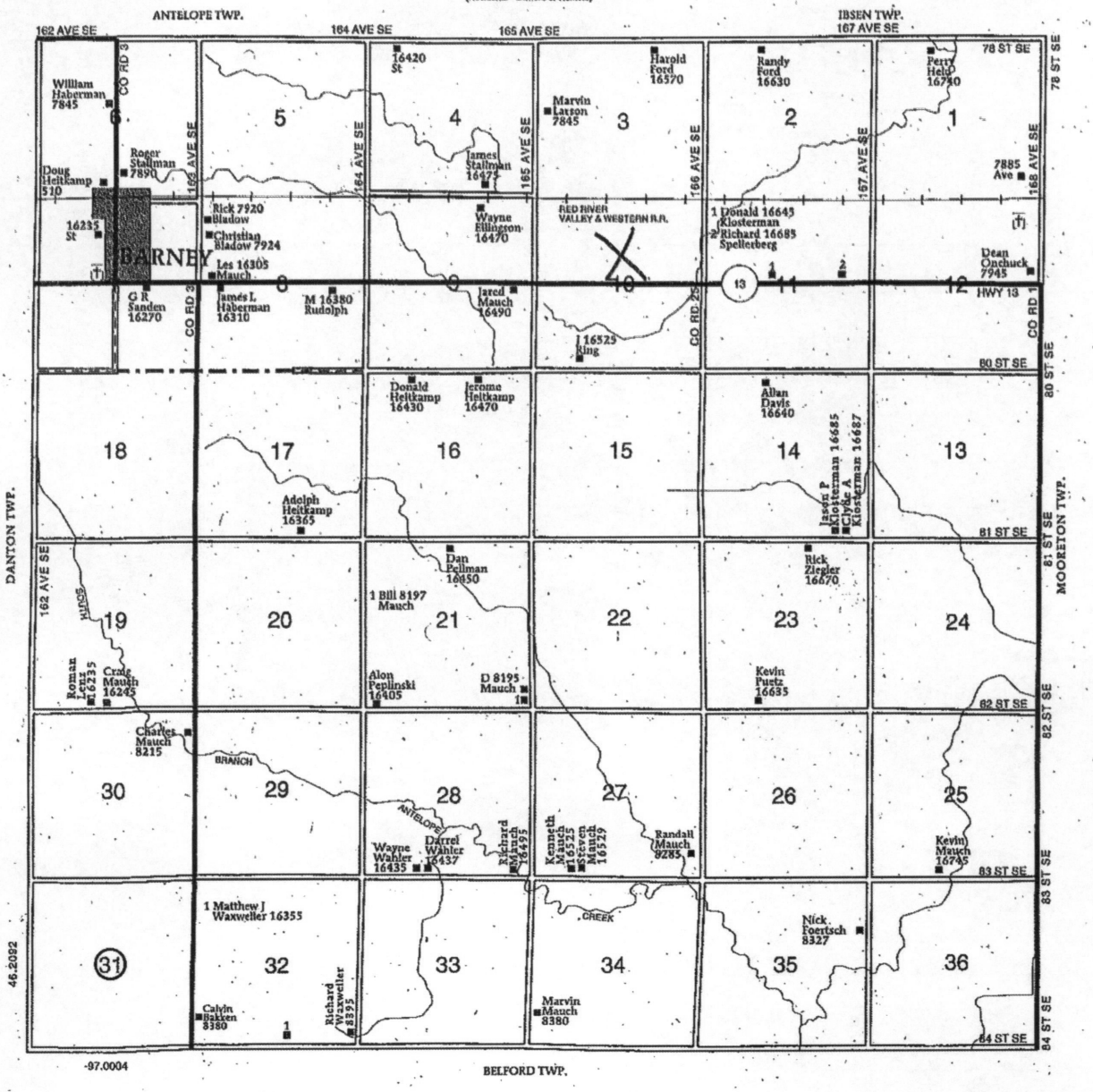
ALYSON DANELLE KRIER
Notary Public-Minnesota
My Commission Expires Jan 31, 2021

WHEN IT COMES TO WATER, Don't Be A Drip!

It may seem like a drop in the bucket, but you really can make a difference when it comes to conserving our most precious natural resource.

T-132-N BARNEY DIRECTORY R-50-W

(Residents - Owners or Renters)



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To: Jeffcoat-Sacco, Illona
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3027926
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Case Number: 08-2018-CV-01142
Case Style: Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.

The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.

Filing Details	
Court	Burleigh County - South Central District
Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/20/2018 11:43 AM CST
Date/Time Accepted	6/20/2018 1:43 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 2 Commission Motion to issue Notice of Opportunity for Hearing
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 2 Commission Motion to issue Notice of Opportunity for Hearing.pdf
Lead Document Page Count	1

File Stamped Copy	View Stamped Document
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APPROVED
DATE: 3-15-17

MOTION

March 15, 2017

Otter Tail Power Company **Case No. PU-17-96**
Minn-Kota Ag Products Inc. – Richland County
Public Convenience & Necessity

I move the Commission issue a Notice of Opportunity for Hearing in Otter Tail Power Company, Minn-Kota Ag Products Inc. – Richland County, Public Convenience & Necessity, Case No. PU-17-96.

From: efilingmail@tylerhost.net
To: Jeffcoat-Sacco, Illona
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3030350
Date: Thursday, June 21, 2018 3:50:30 PM

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Envelope Number: 3030350
Case Number: 08-2018-CV-01142
Case Style: Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.

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Filing Details	
Court	Burleigh County - South Central District
Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/21/2018 3:25 PM CST
Date/Time Accepted	6/21/2018 3:49 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 3 Notice of Opportunity for Hearing - Corrected
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 3 Notice of Opportunity for Hearing.pdf
Lead Document Page Count	1
File Stamped Copy	View Stamped Document

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STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Minn-Kota Ag Products Inc. – Richland County
Public Convenience & Necessity

Case No. PU-17-96

NOTICE OF OPPORTUNITY FOR HEARING

March 15, 2017

On **February 27, 2017**, Otter Tail Power Company, an electric public utility, filed an application under North Dakota Century Code Chapter 49-03 to extend service to Minn-Kota Ag. Products, Inc. at a location in Richland County, ND.

Submitted with the application was a statement by Minn-Kota Ag. Products Inc. that it desires electric service to be provided by the applicant. Service is to be provided at a point located in:

The NE 1/4 of Section 10, Twp 132N, R 50W, Richland County, North Dakota

Otter Tail Power Company has made a prima facie showing that it should serve the customer.

Any interested party has the right to file written objection, based on the issue of public convenience and necessity, with the Commission by **April 11, 2017**, and the matter will then be set for hearing. If no objections are received by that date, the application may be granted as requested.

PUBLIC SERVICE COMMISSION

VACANT
Vacant
Commissioner

Randy Christmann
Randy Christmann
Chairman

Julie Fedorchak
Julie Fedorchak
Commissioner

3 **PU-17-96** Filed: 3/15/2017 Pages: 1
Notice of Opportunity for Hearing

Public Service Commission

From: efilingmail@tylerhost.net
To: Jeffcoat-Sacco, Illona
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3027926
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Case Number: 08-2018-CV-01142
Case Style: Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.

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Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/20/2018 11:43 AM CST
Date/Time Accepted	6/20/2018 1:43 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 4 Affidavit of Service Notice
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 4 Affidavit of Service Notice.pdf
Lead Document Page Count	3
File Stamped Copy	View Stamped Document

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STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Minn-Kota Ag Products Inc. – Richland County
Public Convenience & Necessity

Case No. PU-17-96

AFFIDAVIT OF SERVICE BY CERTIFIED & REGULAR MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **16th day of March, 2017,** she deposited in the United States Mail, at Bismarck, North Dakota, **two** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

- **Notice Of Opportunity For Hearing**

The envelopes were addressed as follows:

Bruce Gerhardson, Attorney
Otter Tail Power Company
PO Box 496
Fergus Falls, MN 56538
Cert. No. 7015 0640 0006 6993 6163

Bruce Garber, General Manager
Dakota Valley Electric Cooperative, Inc.
7296 Highway 281
Edgeley, ND 58433-9503
Cert. No. 7015 0640 0006 6993 6170

Geralyn R. Schmaltz further deposes and says that on the **16th day of March, 2017,** she deposited in the United States Mail, Bismarck, North Dakota, **two** envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

The envelopes were addressed as follows:

Dale Rubish - Operations Manager
Otter Tail Power Company
2111 15th Street N
Wahpeton, ND 58075

ND Association of REC's
PO Box 727
Mandan, ND 58554-0727

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **16th day of March, 2017.**

Notary Public

SEAL

SHELLY A BAUSKE
Notary Public
State of North Dakota
My Commission Expires Sep 01, 2022

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Minn-Kota Ag Products Inc. – Richland County
Public Convenience & Necessity

Case No. PU-17-96

NOTICE OF OPPORTUNITY FOR HEARING

March 15, 2017

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The NE 1/4 of Section 10, Twp 132N, R 50W, Richland County, North Dakota

Otter Tail Power Company has made a prima facie showing that it should serve the customer.

Any interested party has the right to file written objection, based on the issue of public convenience and necessity, with the Commission by **April 11, 2017**, and the matter will then be set for hearing. If no objections are received by that date, the application may be granted as requested.

PUBLIC SERVICE COMMISSION

VACANT
Vacant
Commissioner

Randy Christmann
Chairman

Julie Fedorchak
Commissioner

From: efilingmail@tylerhost.net
To: Jeffcoat-Sacco, Illona
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3027926
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Case Style: Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.

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Date/Time Submitted	6/20/2018 11:43 AM CST
Date/Time Accepted	6/20/2018 1:43 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 5 Return Receipt
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 5 Return Receipt.pdf
Lead Document Page Count	2
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Pe-17-96

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bruce Gerhardson, Attorney
Otter Tail Power Company
PO Box 496
Fergus Falls, MN 56538
Cert. No. 7015 0640 0006 6993 6163
Case No. PU-17-96

9590 9402 2318 6225

Cert. No. 7015 0640 0006 6993 6163

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Russ Rake ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* Desire C. Date of Delivery 3-2017

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

CR Exhibit 5 Return Receipt

5 PU-17-96 Filed 03/22/2017 Pages: 2
Return receipt - 7015-0640-0006-6993-6163
USPS

☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over $500)

☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Pe-17-96 Domestic Return Receipt

USPS TRACKING #

FARGO ND 581

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

5 **PU-17-96** Filed: 3/22/2017 Pages: 2

Return receipt - 7015-0640-0006-6993-6163

USPS

, and ZIP+4® in this box•

ND Public Service Commission
600 E. Boulevard Ave. Dept. 408
Bismarck, ND 58505-0480

RECEIVED
MAR 22 2017
NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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To: Jeffcoat-Sacco, Illona
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Date/Time Submitted	6/20/2018 11:43 AM CST
Date/Time Accepted	6/20/2018 1:43 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 6 Protest and Request for Hearing
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 6 Protest and Request for Hearing.pdf
Lead Document Page Count	4
File Stamped Copy	View Stamped Document

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Radermacher Law Firm, P.C.

P.O. Box 597 – 27 Center Ave., LaMoure, ND 58458 • Telephone: (701) 883-5125 • Fax: (701) 883-5928

Kimberly J. Radermacher
Attorney-at-Law
kimrader@radermacherlaw.com
*Licensed in ND/SD

March 29, 2017

RECEIVED
MAR 31 2017
NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Executive Secretary
Public Service Commission
North Dakota State Capital
600 East Boulevard – Dept. 408
Bismarck, ND 58505-0480

RE: Otter Tail Power Company
Minn-Kota Ag. Products, Inc. – Richland County, ND
Public Convenience & Necessity

Dear Sir or Ma'am,

Please find enclosed for filing in the above named a matter a Protest by Dakota Valley Electric Cooperative, Inc. to the request made by Otter Tail Power Company. I have included one original and one copy (per my conversation with staff at the PSC). Once said Protest is filed, please provide to my office a file stamped copy.

As always, if you have any questions or concerns, please do not hesitate to contact my office.

Thank you.

Sincerely,
RADERMACHER LAW FIRM, PC

Kimberly J. Radermacher,
Attorney-at-Law

Enclosures

Cc: Bruce Garber, DVEC; Dale Rubish and Bruce Gerhardson, OTP; NDAREC

6 PU-17-96 Filed: 3/31/2017 Pages: 4
Protest and Request for Hearing
Dakota Valley Electric Cooperative, Inc.
Kimbery Radermacher, Attorney

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Minn-Kota Ag. Products, Inc. – Richland County
Public Convenience & Necessity

Case No. PU-17-096

PROTEST AND REQUEST FOR HEARING

[1] Dakota Valley Electric Cooperative, Inc., by and through counsel, hereby protests the application of Otter Tail Power Company for a Certificate of Public Convenience and Necessity to extend electric service to Minn-Kota Ag. Products, Inc., for a commercial site near Barney, North Dakota, which application was filed on February 27, 2017. Dakota Valley Electric Cooperative, Inc., further requests the Public Service Commission to hold a hearing and authorize discovery in this matter pending a hearing.

Dated this 29th day of March, 2017.

Kimberly J. Radermacher (#05856)
RADERMACHER LAW FIRM, P.C.
Attorney for Dakota Valley Electric Coop., Inc.
P.O. Box 597 – 27 Center Ave. W.
LaMoure, ND 58458
(701) 883-5125
kimrader@radermacherlaw.com

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Minn-Kota Ag. Products, Inc. – Richland County
Public Convenience & Necessity

Case No. PU-17-096

CERTIFICATE OF SERVICE BY CERTIFIED AND REGULAR MAIL

STATE OF NORTH DAKOTA)
)ss
COUNTY OF LAMOURE)

[1] I, Kimberly J. Radermacher, do hereby certify that on March 29, 2017, I served the following documents:

- **PROTEST AND REQUEST FOR HEARING**

[2] by sending a true and correct copy thereof through the United States Mail, at LaMoure, North Dakota, one envelope with certified postage, return receipt requested, fully prepaid and addressed as follows:

Bruce Gerhardson, Attorney
Otter Tail Power Company
P.O. Box 496
Fergus Falls, MN 56538

[3] and by sending a true and correct copy thereof through the United States Mail, at LaMoure, North Dakota, three envelopes by regular mail, fully prepaid and addressed as follows:

Bruce Garber, General Manager
Dakota Valley Electric Cooperative, Inc.
7296 Highway 281
Edgeley, ND 58433-9503

Dale Rubish – Operations Manager
Otter Tail Power Company
2111 15th St. N.
Wahpeton, ND 58075

ND Association of REC's
P.O. Box 727
Mandan, ND 58554-0727

[4] To the best of my knowledge, information and belief, such mailing addresses are/were the mailing addresses of the parties intended to be served and that the above document was duly served in accordance with the applicable provisions of North Dakota law.

Dated this 29th day of March, 2017.

Kimberly J. Radermacher (#05856)
RADERMACHER LAW FIRM, P.C.
Attorney for Dakota Valley Electric Coop., Inc.
P.O. Box 597 – 27 Center Ave. W.
LaMoure, ND 58458
(701) 883-5125
kimrader@radermacherlaw.com

From: efilingmail@tylerhost.net
To: Jeffcoat-Sacco, Illona
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3027926
Date: Wednesday, June 20, 2018 1:44:23 PM

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Case Number: 08-2018-CV-01142
Case Style: Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.

The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.

Filing Details	
Court	Burleigh County - South Central District
Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/20/2018 11:43 AM CST
Date/Time Accepted	6/20/2018 1:43 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 7 Return Receipt
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 7 Return Receipt.pdf
Lead Document Page Count	2
File Stamped Copy	View Stamped Document

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PU-17-96

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bruce Garber, General Manager
Dakota Valley Electric Cooperative, Inc.
7296 Highway 281
Edgeley, ND 58433-9503
Cert. No. 7015 0640 0006 6993 6170
CAse No. PU-17-96

9590 9402 2318 62

2. Article Number *(Transfer from service label)*
Cert. No. 7015 0640 0006 6993 6170

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Irene Bauman ☐ Agent ☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery 3/22/2017

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

CR Exhibit 7 Return Receipt

7 PU-17-96 Filed 04/05/2017 Pages: 2
Return receipt - 7015-0640-0006-6993-6170
USPS

☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over $500)

Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 PU-17-96 Domestic Return Receipt

USPS TRACKING #

FARGO ND 581

First-Class Mail
Postage & Fees Paid
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Permit No. G-10

9590

United
Postal

+4® in this box•

7 **PU-17-96** Filed: 4/5/2017 Pages: 2

Return receipt - 7015-0640-0006-6993-6170

USPS

ND Public Service Commission
600 E. Boulevard Ave. Dept. 408
Bismarck, ND 58505-0480

RECEIVED
APR - 5 2017
NORTH DAKOTA
PUBLIC SERVICE COMMISSION

From: efilingmail@tylerhost.net
To: Jeffcoat-Sacco, Illona
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3027926
Date: Wednesday, June 20, 2018 1:44:26 PM

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Envelope Number: 3027926
Case Number: 08-2018-CV-01142
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Date/Time Submitted	6/20/2018 11:43 AM CST
Date/Time Accepted	6/20/2018 1:43 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 8 Request for ALJ
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 8 Request for ALJ.pdf
Lead Document Page Count	3
File Stamped Copy	View Stamped Document

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Public Service Commission
State of North Dakota

COMMISSIONERS
Randy Christmann
Julie Fedorchak
Brian Kroshus

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

26 May 2017

Timothy Dawson, Director
Office of Administrative Hearings
2911 North 14th Street – Suite 303
Bismarck, ND 58503

Re: Otter Tail Power Company
Minn-Kota Ag Products Inc. - Richland County
Public Convenience & Necessity
PU-17-96

Dear Mr. Dawson:

Enclosed is a request for an Administrative Law Judge in the captioned case. A hearing has not yet been scheduled. We will forward the Notice of Hearing to your office once it is available.

The Administrative Law Judge will serve as a procedural law judge and the hearing will be electronically recorded.

If you have any questions, please contact me. Thank you.

Best regards,

Illona A. Jeffcoat-Sacco
General Counsel

enclosure
c: w/encl. Kimberly J. Radermacher
Zachary Pelham

REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION

NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS

SFN 17819 (Rev. 06-2007)

Name of Agency, Board, or Commission

North Dakota Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the Otter Tail Power Company, Minn-Kota Ag Products Inc., Richland County, Public Convenience & Necessity, PSC Case No. PU-17-96

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in North Dakota Century Code Chapter 49-03 (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:

On 27 February 2017 Otter Tail Power Company filed an Application for Permanent Authority requested by Minn-Kota Ag Products, Inc., to provide 3 phase electric service in Richland County. Dakota Valley Electric Coop., Inc. protested.

It requests designation of an administrative law judge (please check one):

☐ **To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.**

☒ **To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 28-32-31(5). See NDCC 54-57-04.**

☐ **To conduct the hearing, issue findings of fact, conclusions of law, and a final order.**

PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.

Please list parties, including the agency if it is a Party, and Representation [attorney (or other)] if known, or Agency Contact: (Attach separate list if necessary.)

AGENCY See attached	Address	Telephone Number
Representation	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number

Additional Comments

A hearing has not yet been scheduled. When we have a Notice of Hearing we will forward it to your office.

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person Illona A. Jeffcoat-Sacco, General Counsel	Date 5/26/2017
Signature of Requesting Person X Illona A. Jeffcoat-Sacco	Telephone Number (701) 328-2407

Attachment
Request for ALJ
26 May 2017

Re: Otter Tail Power Company
Minn-Kota Ag Products Inc. - Richland County
Public Convenience & Necessity
PU-17-96

AGENCY	**Address**	**Telephone Number**
North Dakota Public Service Commission	600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	701-328-2400
Representation Zachary E. Pelham (pending Commission Motion and receipt of SAAG appointment)	**Address** Pearce & Durick, PLLC 314 E Thayer Ave PO Box 400 Bismarck, ND 58502	**Telephone Number** 701-223-2890
PARTY Otter Tail Power Company	**Address** 215 South Cascade Street Fergus Falls, MN 56538-0496	**Telephone Number** 800-257-4044
Representation To be determined	**Address** Otter Tail Power Company 215 South Cascade Street Fergus Falls, MN 56538-0496	**Telephone Number** 800-257-4044
PARTY Dakota Valley Electric Cooperative, Inc.	**Address** 7296 Hwy 281 Edgeley, ND 58433	**Telephone Number** 701-427-5244
Representation Kimberly J. Radermacher Radermacker Law Firm, P:.C.	**Address** PO Box 597 LaMoure, ND 58458	**Telephone Number** 701-883-5125
PARTY	**Address**	**Telephone Number**
Representation	**Address**	**Telephone Number**

From: efilingmail@tylerhost.net
To: Jeffcoat-Sacco, Illona
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3027926
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Date/Time Submitted	6/20/2018 11:43 AM CST
Date/Time Accepted	6/20/2018 1:43 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 9 Commission Motion to assess fee
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 9 Commission Motion to assess fee.pdf
Lead Document Page Count	1
File Stamped Copy	View Stamped Document

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APPROVED
DATE: 5-31-17

MOTION

May 31, 2017

Otter Tail Power Company
Minn-Kota Ag Products Inc. – Richland County
Public Convenience & Necessity

Case No. PU-17-96

I move the Commission assess a filing fee of $175,000 in Otter Tail Power Company, Minn-Kota Ag Products Inc. – Richland County, Public Convenience & Necessity, Case No. PU-17-96.

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Date/Time Submitted	6/20/2018 11:43 AM CST
Date/Time Accepted	6/20/2018 1:43 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 10 Temporary Authority Application
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 10 Temporary Authority Application.pdf
Lead Document Page Count	2
File Stamped Copy	View Stamped Document

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CR Exhibit 10 Temporary Authority Application PU-17-96

TEMPORARY AUTHORITY PERMIT
NORTH DAKOTA PUBLIC SERVICE COMMISSION
PUBLIC UTILITIES
SFN 50560 (6-96)

RECEIVED
JUN 1 2017
NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Date: 6/1/2017	Time: 3:48 ☐ a.m. ☒ p.m.	Name of Utility: Ottr Tail Power Company	Telephone Number: 701-671-6001
Name of Person Calling: Dale Rubish		Name of Coop Serving: Dakota Valley Coop.	
Name of Customer: Minn-Kota Ag Products	Location: Sec 10 Twp T-132-N R R-50-W		
Address: 90 8th Ave N		County: Site is in Richland	
City: Breckenridge		State: MN	Zip Code: 56520
Name of Nearest City: Mooreton		Distance to the City: 2.5 miles	
When will service be extended? June 2017	Type of Service: ☐ Residence ☐ Storage ☒ Grain Bin ☐ Other _____		
Extension Length to Most Economical Point of Service: Utility: <150' Coop: .75 miles	Extension: ☒ Overhead ☐ Underground		
Has customer signed request for service? ☒ Yes ☐ No	Will cooperative protest application? ☒ Yes ☐ No		
Name of Person Contacted (PSC Use)	Date of Contact (PSC Use)	Time (PSC Use) ☐ a.m. ☐ p.m.	
Estimated Cost of Extension: $3500.00	Estimated Revenue		
Under what rate filed with the Public Service Commission will customer be served?			
Will extension cross over coop lines? ☐ Yes ☒ No	Will extension cross over railroad tracks? ☐ Yes ☒ No		
Temporary Authority Authorized By: ☐ Telephone ☐ Letter	Date Authorized		
Authorized By (Name of Commissioner)			

Extension must be made from most economical point of service.

Comments:

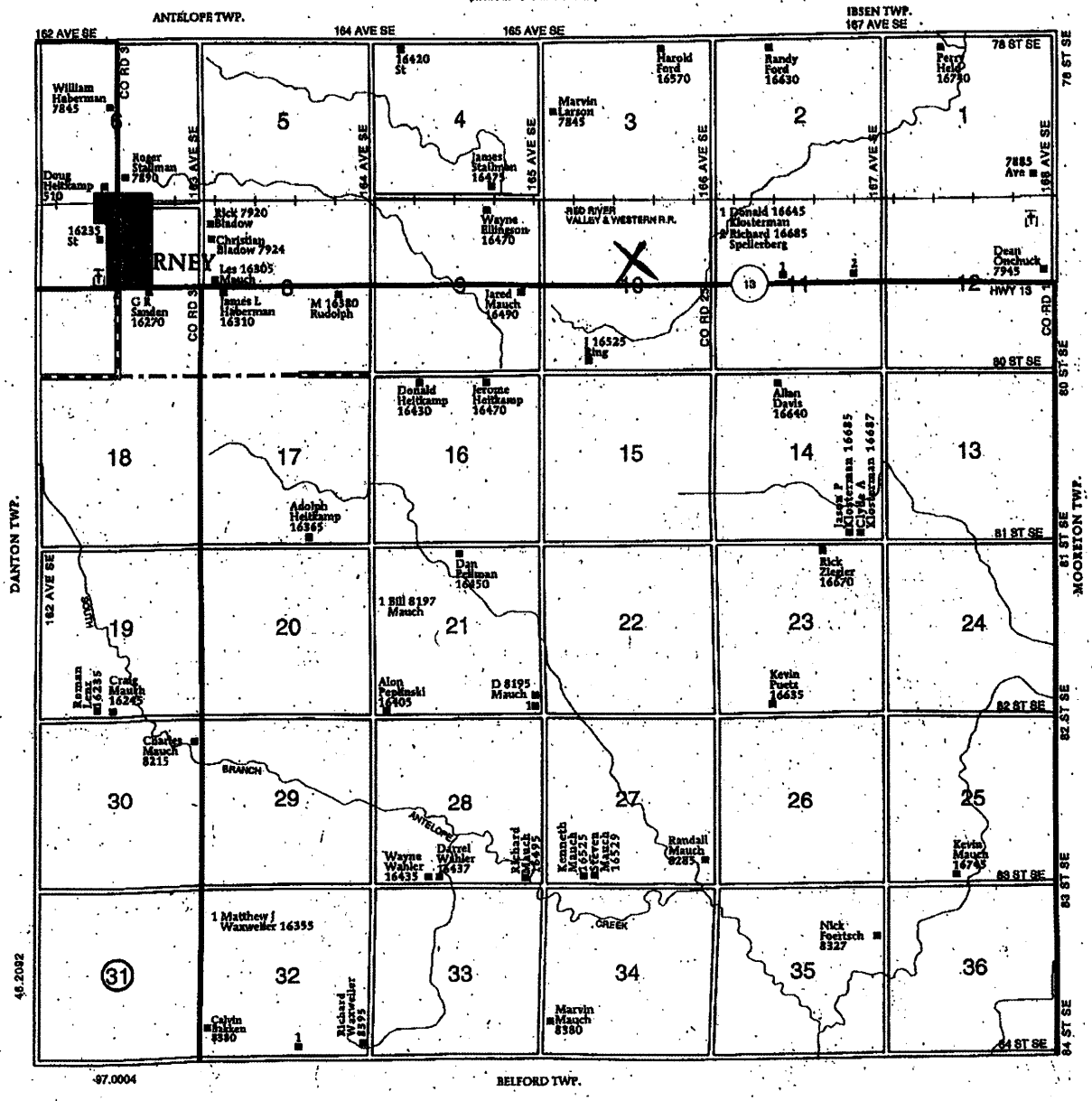
Otter Power Company and the Dakota Prairie Cooperative agree that OTP's provision of temporary construction service has no bearing on and is not relevant to OTP's CPCN request for permanent service in Docket #17-96

WHEN IT COMES TO WATER, Don't Be A Drip!

It may seem like a drop in the bucket, but you really can make a difference when it comes to conserving our most precious natural resource.

T-132-N BARNEY DIRECTORY R-50-W

(Residents - Owners or Renters)



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To: Jeffcoat-Sacco, Illona
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3027926
Date: Wednesday, June 20, 2018 1:44:33 PM

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Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 11 Letter designating ALJ - Patrick Ward
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 11 Letter designating ALJ - Patrick Ward.pdf
Lead Document Page Count	1
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Timothy J. Dawson
DIRECTOR

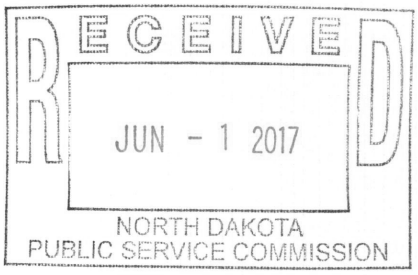
OFFICE OF ADMINISTRATIVE HEARINGS

STATE OF NORTH DAKOTA

2911 North 14th Street - Suite 303
Bismarck, North Dakota 58503

(701) 328-3200
Fax (701) 328-3254
oah@nd.gov
www.nd.gov/oah

May 31, 2017



Illona Jeffcoat-Sacco
General Counsel
Public Service Commission
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

Dear Ms. Jeffcoat-Sacco:

Thank you for your May 26, 2017, request of the designation of an administrative law judge from the Office of Administrative Hearings to conduct a hearing in the matter of Otter Tail Power Company / PU-17-96. I hereby designate Patrick J. Ward to be assigned as a contract administrative law judge to conduct the hearing in regard to this matter. Because the contract administrative law judge will not be making recommended findings of fact and conclusions of law, or issuing a recommended order, the person or persons who will be making the final administrative decision in regard to this matter (*i.e.*, the commission) must be in attendance at the hearing.

Please send all additional relevant documents (correspondence, and other pleadings and documents) to the designated contract administrative law judge in care of Zuger Kirmis & Smith, P O Box 1695, Bismarck, ND 58502-1695 Please contact the contract administrative law judge prior to scheduling the hearing. Because the contract administrative law judge is requested to conduct the hearing only, the agency must give proper notice of the hearing.

Your request has been assigned OAH File No. 20170289. Please include this number on all future documents and correspondence filed for this matter with the Office of Administrative Hearings.

Sincerely,

Timothy J. Dawson
Director

TJD/lmw

cc: Otter Tail Power Company
Kimberly Radermacher, counsel for Dakota Valley Electric
Patrick J. Ward, Administrative Law Judge

From: efilingmail@tylerhost.net
To: Jeffcoat-Sacco, Illona
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3027926
Date: Wednesday, June 20, 2018 1:44:36 PM

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Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 12 Letter re Temporary Authority
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 12 Letter re Temporary Authority.pdf
Lead Document Page Count	3
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State of North Dakota

COMMISSIONERS
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Julie Fedorchak
Brian Kroshus

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

June 1, 2017

Dale Rubish
Operations Manager
Otter Tail Power Company
2111 15th Street N
Wahpeton, ND 58075

Re: PU-17-96
Otter Tail Power Company
Minn-Kota Ag Products Inc. – Richland County
Public Convenience & Necessity

Dear Mr. Rubish:

We received your request to extend electric service to Minn-Kota Ag Products, Inc. at a site located in Section 10, Township 132N, R50W in Richland County, North Dakota.

Temporary authority was granted by Commissioner Brian Kroshus on June 1, 2017. Extensions must be made from the most economical point of service.

Thank you!

Best Regards,

Geri Schmaltz

Geri Schmaltz
Public Utilities Division

Enclosure

PU-17-96

RECEIVED
JUN 1 2017
NORTH DAKOTA
PUBLIC SERVICE COMMISSION

TEMPORARY AUTHORITY PERMIT
NORTH DAKOTA PUBLIC SERVICE COMMISSION
PUBLIC UTILITIES
SFN 50560 (6-96)

Date: 6/1/2017	Time: 3:48 ☐ a.m. ☒ p.m.	Name of Utility: Otter Tail Power Company	Telephone Number: 701-671-6001
Name of Person Calling: Dale Rubish		Name of Coop Serving: Dakota Valley Coop.	
Name of Customer: Minn-Kota Ag Products	Location: Sec 10 Twp T-132-N R R-50-W		
Address: 90 8th Ave N		County: Site is in Richland	
City: Breckenridge		State: MN	Zip Code: 56520
Name of Nearest City: Mooreton		Distance to the City: 2.5 miles	
When will service be extended? June 2017	Type of Service: ☐ Residence ☐ Storage ☒ Grain Bin ☐ Other _____		
Extension Length to Most Economical Point of Service: Utility: <150' Coop: .75 miles	Extension: ☒ Overhead ☐ Underground		
Has customer signed request for service? ☒ Yes ☐ No	Will cooperative protest application? ☒ Yes ☐ No		
Name of Person Contacted (PSC Use): Bruce Garber-Dakota Valley Elect. Coop. via	Date of Contact (PSC Use): Notice of Opportunity for Hearing mailed March 16, 2017	Time (PSC Use): ☐ a.m. ☑ p.m.	
Estimated Cost of Extension: $3500.00	Estimated Revenue		
Under what rate filed with the Public Service Commission will customer be served?			
Will extension cross over coop lines? ☐ Yes ☒ No	Will extension cross over railroad tracks? ☐ Yes ☒ No		
Temporary Authority Authorized By: ☐ Telephone ☑ Letter	Date Authorized: June 1, 2017		
Authorized By (Name of Commissioner)			

Extension must be made from most economical point of service.

Comments:

Otter Power Company and the Dakota Prairie Cooperative agree that OTP's provision of temporary construction service has no bearing on and is not relevant to OTP's CPCN request for permanent service in Docket #17-96

Schmaltz, Geralyn R.

From: Schmaltz, Geralyn R.
Sent: Thursday, June 01, 2017 4:57 PM
To: Dale Rubish (drubish@otpco.com)
Subject: Minn-Kota Ag Products Permit
Attachments: PU-16-96 Letter & Permit.pdf

Importance: High

Hi Dale!

Attached is the Temporary Authority Permit for Minn-Kota Ag Products, Inc., PSC Case No. PU-17-96.
A hard copy of the letter and the permit are in the mail.

Have a good day!
Geri

Geri Schmaltz
Administrative Officer
ND Public Service Commission
600 E. Boulevard Avenue Dept. 408
Bismarck, ND 58505-0480
Phone: 701-328-4076 Fax 701-328-2410

~~~~~~~You make a difference every day!~~~~~~~

From: efilingmail@tylerhost.net
To: Jeffcoat-Sacco, Illona
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3027926
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Filing Type	Exhibit
Filing Description	CR Exhibit 13 Letter enclosing Commission Motion
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 13 Letter enclosing Commission Motion.pdf
Lead Document Page Count	2
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Public Service Commission
State of North Dakota

COMMISSIONERS
Randy Christmann
Julie Fedorchak
Brian Kroshus

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

June 2, 2017

Bruce Gerhardson, Attorney
Otter Tail Power Company
PO Box 496
Fergus Falls, MN 56538

Re: Case No. PU-17-96
Otter Tail Power Company
Minn-Kota Ag Products, Inc. – Richland County
Public Convenience & Necessity

Dear Mr. Gerhardson:

At its regular meeting on May 31, 2017, the North Dakota Public Service Commission approved a motion to access a filing fee of $175,000 in the above referenced case.

A copy of the Commission motion is enclosed.

Best Regards,

Geri Schmaltz
Public Utilities Division

Enclosure

cc: Dale Rubish, Operations Manager

APPROVED
DATE: 5-31-17

MOTION

May 31, 2017

Otter Tail Power Company
Minn-Kota Ag Products Inc. – Richland County
Public Convenience & Necessity

Case No. PU-17-96

I move the Commission assess a filing fee of $175,000 in Otter Tail Power Company, Minn-Kota Ag Products Inc. – Richland County, Public Convenience & Necessity, Case No. PU-17-96.

From: efilingmail@tylerhost.net
To: Jeffcoat-Sacco, Illona
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3027926
Date: Wednesday, June 20, 2018 1:44:41 PM

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Filing Accepted

Envelope Number: 3027926
Case Number: 08-2018-CV-01142
Case Style: Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.

The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.

Filing Details	
Court	Burleigh County - South Central District
Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/20/2018 11:43 AM CST
Date/Time Accepted	6/20/2018 1:43 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 14 Commission Motion to retain counsel - Zachary Pelham
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 14 Commission Motion to retain counsel - Zachary Pelham.pdf
Lead Document Page Count	1

File Stamped Copy	View Stamped Document
This link is active for 30 days. If the link above is not accessible, copy this URL into your browser's address bar to view the document: https://northdakota.tylerhost.net/ViewDocuments.aspx?FID=5f67f16e-b981-4fa4-8222-569d9f99dd6d	

For technical assistance, contact your service provider or
North Dakota Court's Information Technology Department 701-328-4218
Please do not reply to this email. It was automatically generated.

APPROVED
DATE: 6-16-17
AH

MOTION

June 16, 2017

Otter Tail Power Company
Minn-Kota Ag Products Inc. - Richland County
Public Convenience & Necessity

Case No. PU-17-96

I move the Commission retain Zachary Pelham effective May 25, 2017 to provide legal services to assist the Commission in processing Otter Tail Power Company, Minn-Kota Ag Products Inc., Richland County, Public Convenience & Necessity, Case No. PU-17-96.

14 **PU-17-96** Filed: 6/16/2017 Pages: 1
Commission Motion to retain counsel - Zachary Pelham

Public Service Commission

From: efilingmail@tylerhost.net
To: Jeffcoat-Sacco, Illona
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3027926
Date: Wednesday, June 20, 2018 1:44:43 PM

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Filing Accepted

Envelope Number: 3027926
Case Number: 08-2018-CV-01142
Case Style: Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.

The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.

Filing Details	
Court	Burleigh County - South Central District
Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/20/2018 11:43 AM CST
Date/Time Accepted	6/20/2018 1:43 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 15 Letter enclosing Commission Motion
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 15 Letter enclosing Commission Motion.pdf
Lead Document Page Count	2
File Stamped Copy	View Stamped Document

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https://northdakota.tylerhost.net/ViewDocuments.aspx?FID=c7e03827-6d4b-4f1a-bab6-94a2ef795513

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Public Service Commission
State of North Dakota

COMMISSIONERS
Randy Christmann
Julie Fedorchak
Brian Kroshus

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

June 19, 2017

Bruce Gerhardson, Attorney
Otter Tail Power Company
PO Box 496
Fergus Falls, MN 56538

Re: Case No. PU-17-96
Otter Tail Power Company
Minn-Kota Ag Products Inc. – Richland County
Public Convenience & Necessity

Dear Mr. Gerhardson:

At its regular meeting on June 16, 2017, the North Dakota Public Service Commission approved a motion to retain Zachary Pelham effective May 25, 2017 to provide legal services to assist the Commission in processing the above referenced case.

A copy of the Commission motion is enclosed.

Best Regards,

Geri Schmaltz
Public Utilities Division

Enclosure

APPROVED
DATE: 6-16-17
AH

MOTION

June 16, 2017

Otter Tail Power Company
Minn-Kota Ag Products Inc. - Richland County
Public Convenience & Necessity

Case No. PU-17-96

I move the Commission retain Zachary Pelham effective May 25, 2017 to provide legal services to assist the Commission in processing Otter Tail Power Company, Minn-Kota Ag Products Inc., Richland County, Public Convenience & Necessity, Case No. PU-17-96.

From:	efilingmail@tylerhost.net
To:	Jeffcoat-Sacco, Illona
Subject:	Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3027926
Date:	Wednesday, June 20, 2018 1:44:46 PM

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Filing Accepted

Envelope Number: 3027926
Case Number: 08-2018-CV-01142
Case Style: Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.

The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.

Filing Details	
Court	Burleigh County - South Central District
Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/20/2018 11:43 AM CST
Date/Time Accepted	6/20/2018 1:43 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 16 Receipt Filing Fee
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 16 Receipt Filing Fee.pdf
Lead Document Page Count	1
File Stamped Copy	View Stamped Document

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https://northdakota.tylerhost.net/ViewDocuments.aspx?FID=d83323f3-c7e6-4e08-ba06-5d214c1611f3

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North Dakota Court's Information Technology Department 701-328-4218
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Public Service Commission
Receipt of Payment

Receipt# 9787

Received: 6/21/2017 Check# 809660 for $175,000.00

Docket # PU-17-96

Subject: Public Convenience & Necessity Filing Fee

.

Prefile balance $500. Notify

Otter Tail Power Company
215 S. Cascade Street
Fergus Falls MN 56538-0496

16 PU-17-96 Pages: **1**

Receipt# 9,787 $175,000.00 Public Convenience & Necessity Filing Fee

Otter Tail Power Company

6/21/2017

From: efilingmail@tylerhost.net
To: Jeffcoat-Sacco, Illona
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3027926
Date: Wednesday, June 20, 2018 1:44:48 PM

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Filing Accepted

Envelope Number: 3027926
Case Number: 08-2018-CV-01142
Case Style: Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.

The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.

Filing Details	
Court	Burleigh County - South Central District
Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/20/2018 11:43 AM CST
Date/Time Accepted	6/20/2018 1:43 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 17 Commission Motion to issue Notice of Hearing
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 17 Commission Motion to issue Notice of Hearing.pdf
Lead Document Page Count	1

File Stamped Copy	View Stamped Document
This link is active for 30 days. If the link above is not accessible, copy this URL into your browser's address bar to view the document: https://northdakota.tylerhost.net/ViewDocuments.aspx?FID=822adb03-1b1a-4daa-9db5-f6b07ffe1f9c	

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North Dakota Court's Information Technology Department 701-328-4218
Please do not reply to this email. It was automatically generated.

APPROVED
DATE: 7/26/17
AH

MOTION

July 26, 2017

Otter Tail Power Company
Minn-Kota Ag Products Inc. – Richland County
Public Convenience & Necessity

Case No. PU-17-96

I move the Commission issue a Notice of Hearing in Otter Tail Power Company, Minn-Kota Ag Products Inc. – Richland County, Public Convenience & Necessity, Case No. PU-17-96.

JRL

From: efilingmail@tylerhost.net
To: Jeffcoat-Sacco, Illona
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3027926
Date: Wednesday, June 20, 2018 1:44:51 PM

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Filing Accepted

Envelope Number: 3027926
Case Number: 08-2018-CV-01142
Case Style: Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.

The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.

Filing Details	
Court	Burleigh County - South Central District
Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/20/2018 11:43 AM CST
Date/Time Accepted	6/20/2018 1:43 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 18 Notice of Hearing
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 18 Notice of Hearing.pdf
Lead Document Page Count	1
File Stamped Copy	View Stamped Document

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Min-Kota Ag Products, Inc. – Richland County
Public Convenience & Necessity

Case No. PU-17-96

NOTICE OF HEARING
July 26, 2017

Please take notice that a **public hearing** on Case No. PU-17-96 will begin **Monday, October 23, 2017 at 8:30 a.m. CDT, in the Commission Hearing Room, 12th Floor, State Capitol, Bismarck, North Dakota 58505**.

On February 27, 2017, Otter Tail Power Company filed an application to extend electric service to Minn-Kota Ag Products, Inc. at a location in the NE ¼ of Section 10, T 132N, R 50W, Richland County, North Dakota On March 31, 2017, a Protest and Request for Hearing was received from Dakota Valley Electric Cooperative, Inc. The issues to be considered in these matters are:

1. From whom does the customer prefer electric service?
2. What electric suppliers are operating in the general area?
3. What electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?
4. What customers are served by electric suppliers within at least a two-mile radius of the location to be served?
5. What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?
6. Which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?
7. Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?
8. Would approval of the applications result in wasteful duplication of investment or service?
9. Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?
10. Will service by either of the electric supplier in the area unreasonably interfere with the service or system of the other?

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify the Commission at least 24 hours in advance.

PUBLIC SERVICE COMMISSION

Brian Kroshus	Randy Christmann	Julie Fedorchak
Commissioner	Chairman	Commissioner

18 PU-17-96 Filed: 7/26/2017 Pages: 1
Notice of Hearing
Public Service Commission

From: efilingmail@tylerhost.net
To: Jeffcoat-Sacco, Illona
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3027926
Date: Wednesday, June 20, 2018 1:44:53 PM

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Filing Accepted

Envelope Number: 3027926
Case Number: 08-2018-CV-01142
Case Style: Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.

The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.

Filing Details	
Court	Burleigh County - South Central District
Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/20/2018 11:43 AM CST
Date/Time Accepted	6/20/2018 1:43 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 19 Affidavit of Service Notice of Hearing
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 19 Affidavit of Service Notice of Hearing.pdf
Lead Document Page Count	2
File Stamped Copy	View Stamped Document

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North Dakota Court's Information Technology Department 701-328-4218
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STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Minn-Kota Ag Products Inc. – Richland County
Public Convenience & Necessity

Case No. PU-17-96

AFFIDAVIT OF SERVICE BY CERTIFIED & REGULAR MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **27th day of July, 2017,** she deposited in the United States Mail, at Bismarck, North Dakota, **two** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

- **Notice of Hearing**

The envelopes were addressed as follows:

Bruce Gerhardson, Attorney
Otter Tail Power Company
PO Box 496
Fergus Falls, MN 56538
Cert. No. 7015 0640 0006 6993 9287

Bruce Garber, General Manager
Dakota Valley Electric Cooperative, Inc.
7296 Highway 281
Edgeley, ND 58433-9503
Cert. No. 7015 0640 0006 6993 9294

Geralyn R. Schmaltz further deposes and says that on the **27th day of July, 2017,** she deposited in the United States Mail, Bismarck, North Dakota, **two** envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

The envelopes were addressed as follows:

Dale Rubish - Operations Manager
Otter Tail Power Company
2111 15th Street N
Wahpeton, ND 58075

ND Association of REC's
PO Box 727
Mandan, ND 58554-0727

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Geralyn R. Schmaltz

Subscribed and sworn to before me
this **27th day of July, 2017.**

Shelly A Bauske
Notary Public

SEAL

SHELLY A BAUSKE
Notary Public
State of North Dakota
My Commission Expires Sep 01, 2022

19 **PU-17-96** Filed: 7/27/2017 Pages: 2
Affidavit of Service, Cert. & Reg. Mail - Notice of Hearing

Public Service Commission

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company **Case No. PU-17-96**
Min-Kota Ag Products, Inc. – Richland County
Public Convenience & Necessity

NOTICE OF HEARING
July 26, 2017

Please take notice that a **public hearing** on Case No. PU-17-96 will begin **Monday, October 23, 2017 at 8:30 a.m. CDT, in the Commission Hearing Room, 12th Floor, State Capitol, Bismarck, North Dakota 58505.**

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3. What electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?
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5. What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?
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7. Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?
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9. Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?
10. Will service by either of the electric supplier in the area unreasonably interfere with the service or system of the other?

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify the Commission at least 24 hours in advance.

PUBLIC SERVICE COMMISSION

Brian Kroshus
Commissioner

Randy Christmann
Chairman

Julie Fedorchak
Commissioner

From: efilingmail@tylerhost.net
To: Jeffcoat-Sacco, Illona
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3027926
Date: Wednesday, June 20, 2018 1:44:56 PM

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Filing Accepted

Envelope Number: 3027926
Case Number: 08-2018-CV-01142
Case Style: Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.

The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.

Filing Details	
Court	Burleigh County - South Central District
Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/20/2018 11:43 AM CST
Date/Time Accepted	6/20/2018 1:43 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 20 Return receipt
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 20 Return receipt.pdf
Lead Document Page Count	2
File Stamped Copy	View Stamped Document

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North Dakota Court's Information Technology Department 701-328-4218
Please do not reply to this email. It was automatically generated.

PU-17-96

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1.

Bruce Garber, General Manager
Dakota Valley Electric Cooperative, Inc.
7296 Highway 281
Edgeley, ND 58433-9503
Cert. No. 7015 0640 0006 6993 92894
Case No. PU-16-96

9590 9402 2326 (

2. Article Number *(Transfer from service label)*

Cert. No. 7015 0640 0006 6993 9294

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Irene Kosel ☐ Agent ☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery 7/31/2017

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

CR Exhibit 20 Return receipt

20 PU-17-96 Filed 08/02/2017 Pages: 2
Return receipt - 7015-0640-0006-6993-9294
USPS

☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over $500)

☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

PU-17-96

Domestic Return Receipt

USPS TRACKING #

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

20 **PU-17-96** Filed: 8/2/2017 Pages: 2

Return receipt - 7015-0640-0006-6993-9294

USPS

ess, and ZIP+4® in this box•

ND Public Service Commission
600 E. Boulevard Ave. Dept. 408
Bismarck, ND 58505-0480

RECEIVED
AUG - 2 2017
NORTH DAKOTA
PUBLIC SERVICE COMMISSION

From: efilingmail@tylerhost.net
To: Jeffcoat-Sacco, Illona
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3027926
Date: Wednesday, June 20, 2018 1:44:58 PM

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Filing Accepted

Envelope Number: 3027926
Case Number: 08-2018-CV-01142
Case Style: Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.

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Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/20/2018 11:43 AM CST
Date/Time Accepted	6/20/2018 1:43 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 21 Return receipt
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 21 Return receipt.pdf
Lead Document Page Count	2
File Stamped Copy	View Stamped Document

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https://northdakota.tylerhost.net/ViewDocuments.aspx?FID=196f09e0-6053-4201-8a85-2608a088c396

For technical assistance, contact your service provider or
North Dakota Court's Information Technology Department 701-328-4218
Please do not reply to this email. It was automatically generated.

PU-17-96

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1.

Bruce Gerhardson, Attorney
Otter Tail Power Company
PO Box 496
Fergus Falls, MN 56538
Cert. No. 7015 0640 0006 6993 9287
Case No. PU-17-96

9590 9402 2326 622

2. Article Number *(Transfer from service label)*

Cert. No. 7015 0640 0006 6993 9287

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Russ Beske ☑ Agent ☐ Addressee

B. Received by *(Printed Name)* Beske

C. Date of Delivery 7-31-17

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

CR Exhibit 21 Return receipt

21 PU-17-96 Filed 08/02/2017 Pages: 2
Return receipt - 7015-0640-0006-6993-9287
USPS

☐ Collect on Delivery
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21 **PU-17-96** Filed: 8/2/2017 Pages: 2

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ND Public Service Commission
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Date: Wednesday, June 20, 2018 1:45:01 PM

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Filing Details	
Court	Burleigh County - South Central District
Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/20/2018 11:43 AM CST
Date/Time Accepted	6/20/2018 1:43 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 22 Letter re Court Reporter
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 22 Letter re Court Reporter.pdf
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Public Service Commission
State of North Dakota

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Julie Fedorchak
Brian Kroshus

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

6 September 2017

Bruce Gerhardson
Otter Tail Corporation
P.O. Box 496
Fergus Falls, MN 56538-0496
bgerhardson@otpco.com

via e-mail only

Re: Otter Tail Power Company — Case No. PU-17-96
Minn-Kota Ag Products Inc. - Richland County
Siting Application

Dear Mr. Gerhardson:

A formal hearing for the captioned case is scheduled to begin 23 October 2017 at 8:30 a.m. CDT, in the Commission Hearing Room, State Capitol, 12th Floor, Bismarck, North Dakota. The Commission will electronically record the hearing.

If you would like a court reporter to record the hearing, you may make your own arrangements and directly pay all costs associated with the service. If you choose to arrange for a court reporting service, please notify the Commission of that decision as soon as possible prior to the hearing. Also, if you retain a court reporter and a transcript is prepared, the Commission requests you file a bound copy of the transcript and an electronic copy with the Commission.

If you have any questions, please contact us. Thank you.

Best regards,

Illona Jeffcoat-Sacco
General Counsel

c: via e-mail only:
Patrick Ward (pward@zkslaw.com) - OAH #2017-0289
Zachary E. Pelham (zep@pearce-durick.com)
Kimberly Radermacher (kimrader@radermacherlaw.com)

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Court	Burleigh County - South Central District
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Date/Time Submitted	6/20/2018 11:43 AM CST
Date/Time Accepted	6/20/2018 1:43 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 23 Letter enclosing witness and exhibit lists, exhibits
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 23 Letter enclosing witness and exhibit lists, exhibits.pdf
Lead Document Page Count	2

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Lyle W. Kirmis
Lance D. Schreiner, P.C.
Patrick J. Ward++
Lawrence E. King, P.C.**^^
Constance N. Hofland**
John E. Ward++
Justin M. Balzer
Alyssa L. Lovas

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RECEIVED
OCT 31 2017
NORTH DAKOTA
PUBLIC SERVICE COMMISSION

October 31, 2017

John Hamre
North Dakota Public Service Commission
600 East Boulevard Avenue, Dept 408
Bismarck, ND 58505-0480

RE: Otter Tail Power – Minnkota Ag Products
PU-17-096

Dear Mr. Hamre:

Enclosed please find the following documents which were received at the hearing in the Otter Tail Power – Minnkota Ag Products matter which was held in accordance with the Notice of Filing and Notice of Hearing on October 23, 2017, at the PSC Hearing Room, Bismarck, North Dakota.

The materials delivered to you include:

1. There were no nonparty witnesses and no public input;
2. A list of the 5 witnesses who testified at hearing;
3. A list of exhibits offered and received at the hearing; OTP 1-11 and DVEC 1-16, all of which are attached;
4. There will be 5 late filed exhibits.

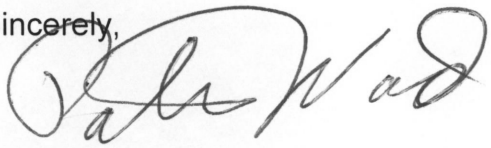
The parties agreed to file closing briefs in lieu of closing argument. Initial Briefs are due November 7, Reply Briefs November 14, and proposed Findings of Fact, Conclusions of Law and Order by November 21.

Late filed exhibits were to be filed by October 30, 2017. It was a pleasure handing this matter for the PSC. I believe those have been delivered to you directly.

24 **PU-17-96** Filed: 10/31/2017 Pages: 2
Letter enclosing witness and exhibit lists, exhibits

Patrick Ward, ALJ - Office of Administrative Hearings

Sincerely,



Patrick J. Ward

Enclosures
c: Illona Jeffcoat-Sacco
Zach Pelham
Kim Rademacher
Cary Stephenson
P:\PWARD\OAH\Otter Tail Power Company 20170289\Hamre.10.31.17.doc

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Filing Details	
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Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/20/2018 11:43 AM CST
Date/Time Accepted	6/20/2018 1:43 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 24 Witness list
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 24 Witness list.pdf
Lead Document Page Count	1
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Patrick Ward, ALJ - Office of Administrative Hearings

25 PU-17-96 Filed: 10/31/2017 Pages: 1
Witness list

CR Exhibit 24 Witness list

WITNESS LIST
Otter Tail Power
Minnkota Ag Products
No. PU-17-96
Bismarck, ND
October 23, 2017

NAME	REPRESENTING	ADDRESS	Testifying? (yes/no)
Richie Wolf	Otter Tail Power	315 2nd St. SE Jamestown, ND	Yes
Chris Waltz	Otter Tail Power	215 South Cascade St. Fergus Falls, MN	Yes
George Schuler	Minnkota Ag	90 S. A St. Breckenridge, MN	Yes
Seth Syverson	DVEC-NPEC	1515 W. Main St. Carrington, ND	Yes
Bruce Garber	DVEC-NPEC	Cando, ND	Yes

P:\PWARD\OAH\Otter Tail Power Company 20170289\Witness List Form.doc

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Date/Time Submitted	6/20/2018 11:43 AM CST
Date/Time Accepted	6/20/2018 1:43 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 25 Exhibit list
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 25 Exhibit list.pdf
Lead Document Page Count	2
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EXHIBIT LIST	
Matter	North Dakota Public Service Commission **Otter Tail Power – Minnkota Ag Products** **Case No. PU-17-96**
Hearing	October 23, 2017 Commission Hearing Room Bismarck, ND

No.	Description	Mkd	Idd	Ofd	Obj	Adm	Notes
OTP-1	OTP Area Map – Wolf	X	X	X	No	X	
OTP-2	OTP Substation Location Map – Wolf	X	X	X	No	X	
OTP-3	OTP Cost Estimate – Substation – Wolf	X	X	X	No	X	
OTP-4	OTP Estimate – Distribution – Wolf	X	X	X	No	X	
OTP-5	DVEC Service Diagram – Wolf	X	X	X	No	X	
OTP-6	OTP Reliability Indices – Wolf	X	X	X	No	X	
OTP-7	DVEC Outage Restoration Data – Wolf	X	X	X	No	X	
OTP-8	DVEC Proposal	X	X	X	No	X	
OTP-9	OTP – DVEC Rate Comparisons	X	X	X	No	X	
OTP-10	OTP Return on Investment	X	X	X	No	X	
OTP-11	OTP CPCN Application	X	X	X	No	X	
DVEC-1	Map of DVEC Service Area	X	X	X	No	X	
DVEC-2	Minn-Kota Motor List	X	X	X	No	X	
DVEC-3	Map of DVEC Proposed Extension of Service	X	X	X	No	X	
DVEC-4	Map of Proposed Minn-Kota and DVEC Facilities	X	X	X	No	X	
DVEC-5	Diagram of Transformer	X	X	X	No	X	

DVEC-6	DVEC -Three-Phase Large Commercial Service Rate Schedule	X	X	X	No	X	
DVEC-7	DVEC Commercial Incentive Rate Discount	X	X	X	No	X	
DVEC-8	CPEC Rate Schedule	X	X	X	No	X	
DVEC-9	DVEC – OTP Rate Comparisons	X	X	X	No	X	
DVEC-10	OTP System Operating Diagram for 41.6 KV Line	X	X	X	No	X	
DVEC-11	DVEC Substation Outage History	X	X	X	No	X	
DVEC-12	DVEC Substation Feeder Outage History	X	X	X	No	X	
DVEC-13	Load Factor Comparison	X	X	X	No	X	
DVEC-14	OTP Outage History for 41.6 KV Line (2014-2016)	X	X	X	No	X	
DVEC-15	OTP Reliability Indices	X					Withdrawn
DVEC-16	DVEC Cost Summary of Facilities	X	X	X	No	X	
OTP-LF1	OTP – Policy extensions of service and minimum revenue guarantee calculated by OTP for Minnkota					LF	
DVEC-F2	DVEC – Annual Operating Expenses					LF	
DVEC-LF3	DVEC – Projected Annual Rate of Return on investment					LF	
DVEC-LF4	History of Capital Credits from DVEC, Allocation and Retirement					LF	
DVEC-LF5	Trade secret data as to comparable facilities					LF	

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Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/20/2018 11:43 AM CST
Date/Time Accepted	6/20/2018 1:43 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 26 Hrg Exhibit OTP 1
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
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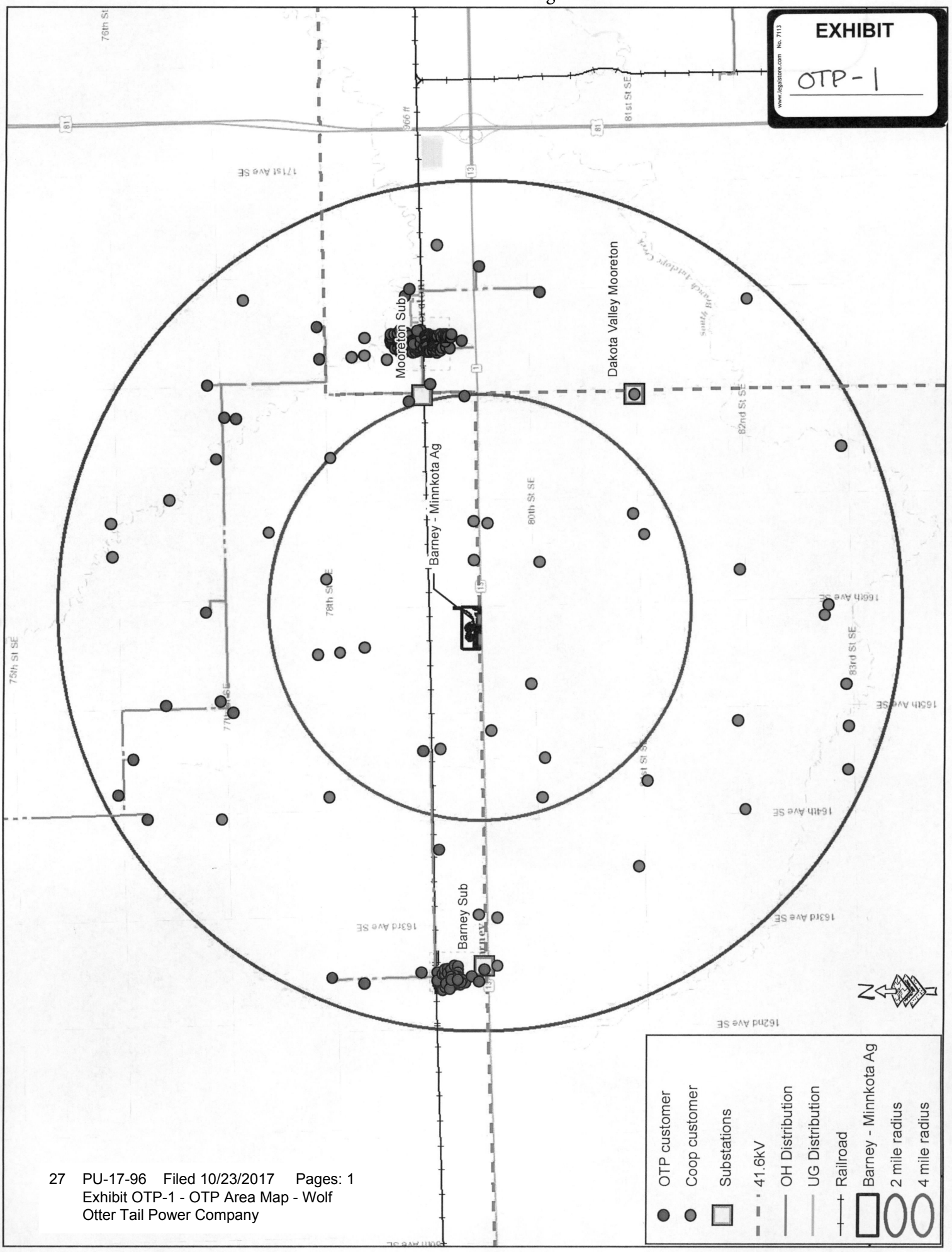

27 PU-17-96 Filed 10/23/2017 Pages: 1
Exhibit OTP-1 - OTP Area Map - Wolf
Otter Tail Power Company

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Date/Time Accepted	6/20/2018 1:43 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 27 Hrg Exhibit OTP 2
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

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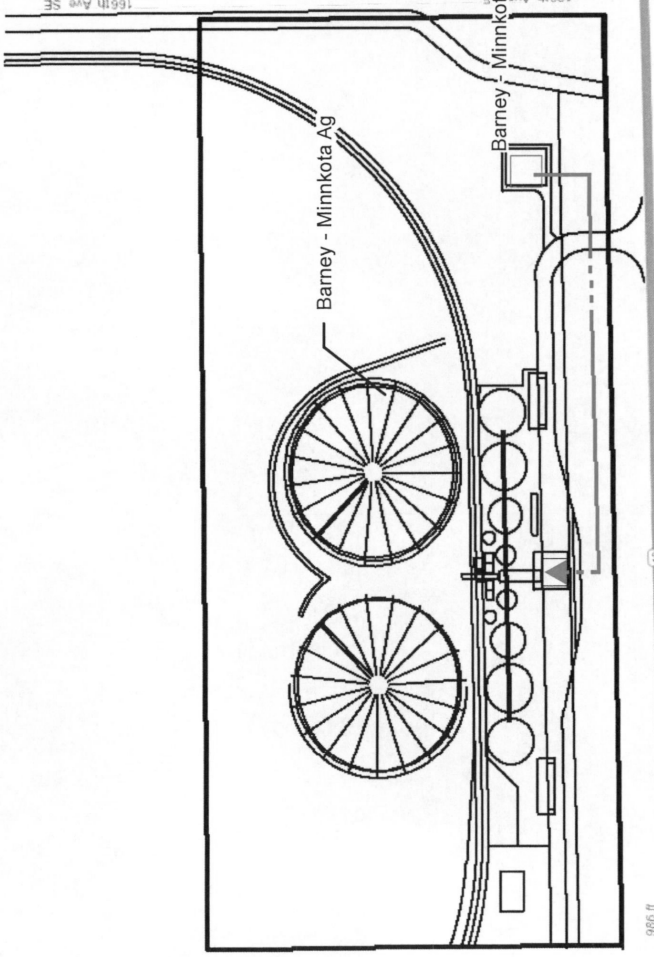
EXHIBIT

OTP-2



N

Proposed Substation
Proposed Transformer
Proposed UG Conductor
Barney - Minnkota Ag

28 PU-17-96 Filed 10/23/2017 Pages: 1
Exhibit OTP-2 - OTP Substation Location Map - Wolf
Otter Tail Power Company

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Date/Time Submitted	6/20/2018 11:43 AM CST
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Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 28 Hrg Exhibit OTP 3
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

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EXHIBIT
OTP-3
www.legalstore.com No. 7113

WOE720 WORK ORDER COST SUMMARY FOR CR# 66394 10/19/17 PAGE 1

BARNEY BARNEY - MINNKOTA ELEVATOR NEW SUB

1	CONSTRUCTION LABOR (CAPITALIZED)	33719.88	480.82	HRS
2	OTHER LABOR (CAPITALIZED)	3186.00	.00	HRS
3	O AND M LABOR	.00	.00	HRS
4	OTHER O AND M LABOR	.00	.00	HRS
5	SALVAGE LABOR (CAPITALIZED)	.00	.00	HRS
6	DIRECT LABOR (1+2+3+4+5)	36905.88	480.82	HRS
7	CONSTRUCTION TRAVEL LABOR (CAPITALIZED)	9846.25	140.40	HRS
8	O AND M TRAVEL LABOR	.00	.00	HRS
9	SALVAGE TRAVEL LABOR (CAPITALIZED)	.00	.00	HRS
	TOTAL LABOR (6+7+8+9)	46752.13	621.22	HRS

MATERIAL	39054.61
VEHICLE	12424.40
MEALS, LODGING	858.00
OTHER COSTS	46956.00
EXEMPT MATERIAL	24641.63
SALVAGE MATERIAL	.00
A & G COSTS	5984.27
WAREHOUSING	8205.59
AFUDC	.00
NET JOB COSTS	184876.63

From: efilingmail@tylerhost.net
To: Jeffcoat-Sacco, Illona
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3030350
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Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/21/2018 3:25 PM CST
Date/Time Accepted	6/21/2018 3:49 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 29 Hrg Exhibit OTP 4
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

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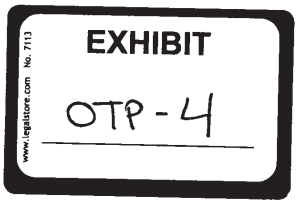

WOE720 WORK ORDER COST SUMMARY FOR CR# 67360 10/11/17 PAGE 1

BARNEY BARNEY - 4/0 UG 1000 FEET

1	CONSTRUCTION LABOR (CAPITALIZED)	3667.09	52.29	HRS
2	OTHER LABOR (CAPITALIZED)	.00	.00	HRS
3	O AND M LABOR	.00	.00	HRS
4	OTHER O AND M LABOR	.00	.00	HRS
5	SALVAGE LABOR (CAPITALIZED)	.00	.00	HRS
6	DIRECT LABOR (1+2+3+4+5)	3667.09	52.29	HRS
7	CONSTRUCTION TRAVEL LABOR (CAPITALIZED)	774.23	11.04	HRS
8	O AND M TRAVEL LABOR	.00	.00	HRS
9	SALVAGE TRAVEL LABOR (CAPITALIZED)	.00	.00	HRS
	TOTAL LABOR (6+7+8+9)	4441.32	63.33	HRS

MATERIAL	36129.83
VEHICLE	1266.40
MEALS, LODGING	88.00
OTHER COSTS	5500.00
EXEMPT MATERIAL	.00
SALVAGE MATERIAL	.00
A & G COSTS	568.49
WAREHOUSING	2999.40
AFUDC	.00
NET JOB COSTS	50993.44

From: efilingmail@tylerhost.net
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Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/21/2018 3:26 PM CST
Date/Time Accepted	6/21/2018 3:47 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 30 Hrg Exhibit OTP 5
Activity Requested	EFileAndServe
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Filing Attorney	Illona Jeffcoat-Sacco

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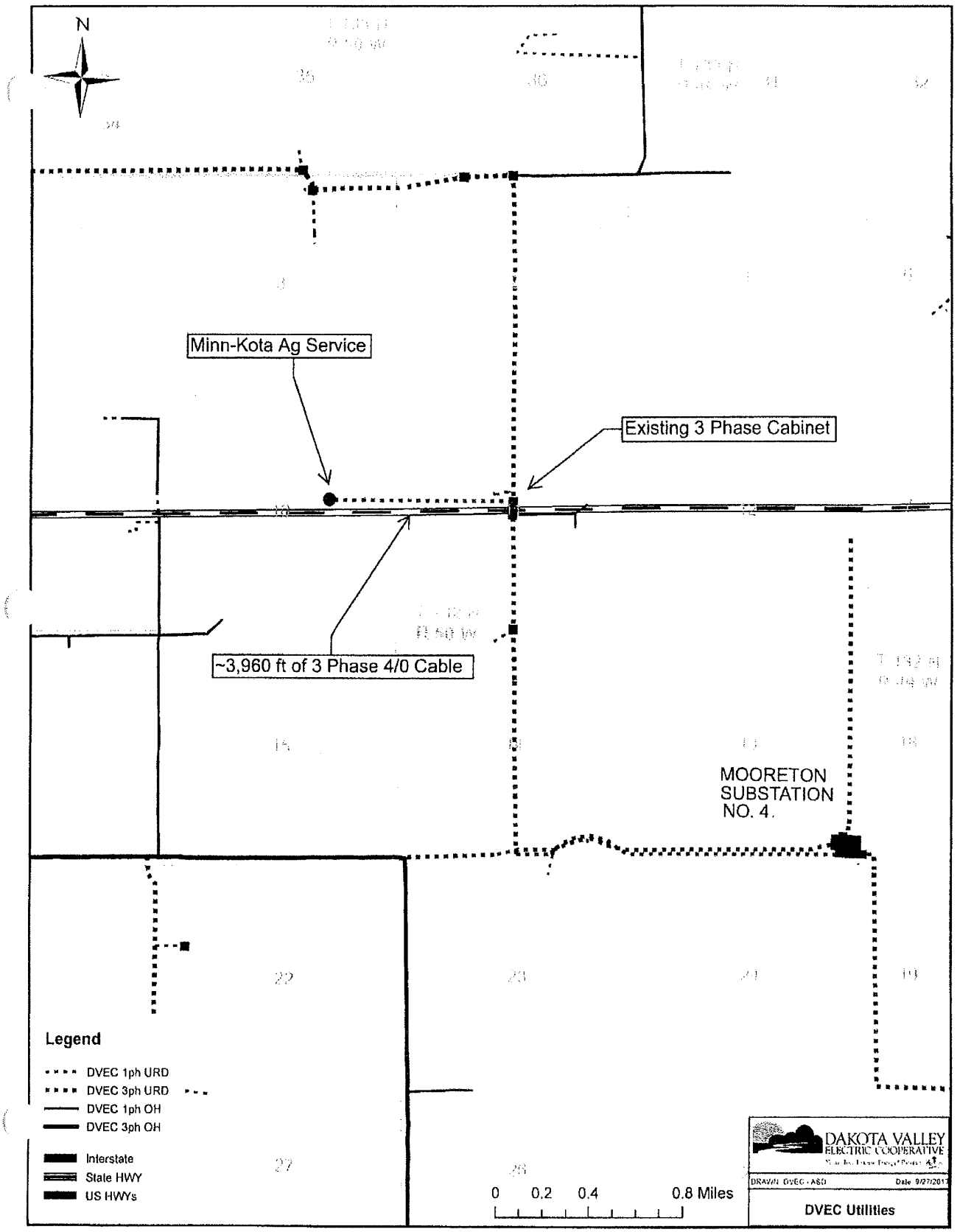
EXHIBIT
OTP-5

08-2018-CV-01142



31 PU-17-96 Filed 10/23/2017 Pages: 1
Exhibit OTP-5 - DVEC Service Diagram - Wolf
Otter Tail Power Company

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Filing Type	Exhibit
Filing Description	CR Exhibit 31 Hrg Exhibit OTP 6
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Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

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Otter Tail Power Company
2016 North Dakota Annual Report

Miscellaneous

Line No.	Description	(A) 2016	(B) 2015	(C) 2014 (*)	(D) 2013	(E) 2012	(F) 2011	(G) 2010	(H) 2009	(I) 2008
	Customer Related (ND):									
	Year End # of Customers									
1	Residential	45,743	45,689	45,379	45,191	44,951	44,554	44,424	44,340	44,222
2	Commercial	11,385	11,333	11,286	11,270	11,188	11,152	11,170	11,194	11,277
3	Industrial	978	984	947	950	952	918	896	878	843
4	Other	503	509	504	504	504	506	509	532	536
5	Total Customers	58,609	58,515	58,116	57,915	57,595	57,130	56,999	56,944	56,878
	KWH's Sold									
6	Residential	580,345,390	609,253,548	669,563,374	652,328,505	583,154,678	620,333,270	588,526,166	600,554,154	568,278,543
7	Commercial	291,700,647	296,940,142	339,108,033	319,824,033	281,752,844	300,862,002	301,965,143	318,238,797	301,585,437
8	Industrial	856,544,193	852,769,327	899,948,129	867,335,225	841,489,786	849,256,868	823,343,090	751,574,603	709,550,579
9	Other	29,262,956	29,829,127	30,127,525	29,593,473	29,084,463	32,138,905	31,276,297	31,552,451	30,499,320
10	Subtotal	1,757,853,186	1,788,792,144	1,938,747,061	1,869,081,236	1,735,481,771	1,802,591,045	1,745,110,696	1,701,920,005	1,609,913,879
11	Unbilled sales	5,681,679	(9,116,877)	(5,251,688)	17,390,019	11,804,152	(6,735,687)	1,283,596	4,072,195	9,168,347
12	Total kWh	1,763,534,865	1,779,675,267	1,933,495,373	1,886,471,255	1,747,285,923	1,795,855,358	1,746,394,292	1,705,992,200	1,619,082,226
13	System Wide Reliability Indices (1)									
14	SAIDI (total minutes)	110.5	100.6	74.2	99.7	84.1	105.6	92.9	62.1	68.1
15	SAIFI (frequency)	1.7	1.7	1.2	1.3	1.5	1.6	1.6	1.1	1.2
16	CAIDI (duration)	65.7	58.4	59.9	78.6	57.7	67.9	57.0	56.9	58.4

(1) Otter Tail has begun the process of implementing an automated metering infrastructure system that is anticipated to be installed in 3rd Quarter of 2017 for all of North Dakota which will help to identify interruptions more easily and more quickly. Please see the Status on Smart Metering for more information.
* 2014 Reliability Indices have been adjusted to reflect system wide results consistent with other years.

CR Exhibit 31 Hrg Exhibit OTP 6
08-2018-CV-01142

32 PU-17-96 Filed 10/23/2017 Pages: 1
Exhibit OTP-6 - OTP Reliability Indices - Wolf
Otter Tail Power Company

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EXHIBIT
OTP-6

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Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 32 Hrg Exhibit OTP 7
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

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EXHIBIT
OTP-7
www.legalstore.com No. 7113

OTTER TAIL POWER COMPANY
North Dakota Public Service Commission Docket No: PU-17-96

ATTN: Cary Stephenson.
215 South Cascade Street
PO Box 496
Fergus Falls MN 56538-0496
cstephenson@otpco.com

Requested From: Dakota Valley Electric Cooperative
Requested By: Associate General Counsel, Legal Department- 218-739-8956
Date of Request: 09/15/2017
Response Due Date: 09/29/2017 (ND Admin Rule 69-02-05-12)

If you feel your responses are trade secret or privileged, please indicate this on your response.

OTP Information Request No.: ND-OTP-016

With respect to service outages, what is Dakota Valley Electric Cooperative's (DVEC) average outage restoration time for the years 2012 through 2016?

Please provide any documentation of DVEC's outage restoration performance for the period of 2012-2016.

RESPONSE:
Dakota Valley Electric Cooperative's outage restoration performance for the years 2012 through 2016 are provided below. Note the higher outage times in 2016 were due to the Christmas Ice Storm event

	CAIDI (1) (Minutes)	CAIDI (2) (Minutes)		SAIDI (1) (Minutes)	SAIDI (2) (Minutes)
2012	96.51	73.11	2012	87.8	128.5
2013	122.1	125.8	2013	91.8	140
2014	115	100.2	2014	75.5	150.9
2015	113.3	164.9	2015	88	192
2016	124	360.2	2016	130.9	991.5

(1) Excludes Power Supplier and Major Storm Events
(2) Includes Power Supplier and Major Storm Events

(1) Excludes Power Supplier and Major Storm Events
(2) Includes Power Supplier and Major Storm Events

Response by Seth Syverson
Title Engineering Manager
Department Engineering
Telephone 701-652-1842
Date of Response 9/27/2017

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Filing Type	Exhibit
Filing Description	CR Exhibit 33 Hrg Exhibit OTP 8
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

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Dakota Valley Electric Cooperative
Three Phase Large Commercial Service (56, 356)

Date Prepared: 3/13/2017

This spreadsheet utilizes the demand & energy estimated to be used by Minn-Kota Ag service
The load factor was calculated from the provided demand & energy for each month.

Estimate Assumptions and Considerations:

1. Rate is starndard Three Phase Large Commercial Service
   - Monthly Service Charge: $ 77.00
   - Demand Charge of: $ 12.00 per kW
   - 1st Step Energy Charge of: $ 0.0620 per kWh
   - 2nd Step Energy Charge of: $ 0.0587 per kWh
   - Excess Energy Charge of: $ 0.0510 per kWh
2. Monthly demand and energy estimates are based on projected operation.
   - Transformer KVA: 1,500 kVA
3. Line Extension Charges: $0.00
4. Commercial Incentive Rate Discount identifed in Columns R through U
   - Discount is applied to Demand and Energy

DATE	kW*	Calculated Load Factor	kWh*
Jan	1,056.00	40.6%	318,600
Feb	987.9	36.7%	243,600
Mar	1,025.00	31.6%	240,900
Apr	866.10	25.4%	158,400
May	843.00	27.1%	170,100
Jun	920.40	34.5%	228,600
Jul	939.40	24.8%	173,400
Aug	792.60	32.8%	193,200
Sep	1,111.80	26.8%	214,200
Oct	1,111.80	25.9%	214,200
Nov	1,110.00	43.2%	345,300
Dec	1,109.70	41.9%	345,900

**Values can be modified to update the calculations below.*

	Monthly Demand	Monthly Energy	Load Factor	Charge for Demand	Charge for Total Energy	Basic Service Charge	Transformer Capacity Charge	Other Charges or Discounts	Total Charges	Cost per kWh	Year 1-4 Incentive Rate Discount	Year 5-6 Incentive Rate Discount	Year 7-8 Incentive Rate Discount	Year 9 Incentive Rate Discount
January	1,056.00	318,600	40.6%	$ 12,672.00	$ 19,210.68	$ 77.00	$ -	$ -	$ 31,959.68	$ 0.10031	$ 3,188.27	$ 2,550.61	$ 1,912.96	$ 1,275.31
February	987.90	243,600	36.7%	$ 11,854.80	$ 14,788.33	$ 77.00	$ -	$ -	$ 26,720.13	$ 0.10969	$ 2,664.31	$ 2,131.45	$ 1,598.59	$ 1,065.73
March	1,025.00	240,900	31.6%	$ 12,300.00	$ 14,648.21	$ 77.00	$ -	$ -	$ 27,025.21	$ 0.11218	$ 2,694.82	$ 2,155.86	$ 1,616.89	$ 1,077.93
April	866.10	158,400	25.4%	$ 10,393.20	$ 9,726.80	$ 77.00	$ -	$ -	$ 20,197.00	$ 0.12751	$ 2,012.00	$ 1,609.60	$ 1,207.20	$ 804.80
May	843.00	170,100	27.1%	$ 10,116.00	$ 10,402.16	$ 77.00	$ -	$ -	$ 20,595.16	$ 0.12108	$ 2,051.82	$ 1,641.45	$ 1,231.09	$ 820.73
June	920.40	228,600	34.5%	$ 11,044.80	$ 13,874.42	$ 77.00	$ -	$ -	$ 24,996.22	$ 0.10934	$ 2,491.92	$ 1,993.54	$ 1,495.15	$ 996.77
July	939.40	173,400	24.8%	$ 11,272.80	$ 10,643.58	$ 77.00	$ -	$ -	$ 21,993.38	$ 0.12684	$ 2,191.64	$ 1,753.31	$ 1,314.98	$ 876.66
August	792.60	193,200	32.8%	$ 9,511.20	$ 11,733.18	$ 77.00	$ -	$ -	$ 21,321.38	$ 0.11036	$ 2,124.44	$ 1,699.55	$ 1,274.66	$ 849.78
September	1,111.80	214,200	26.8%	$ 13,341.60	$ 13,123.88	$ 77.00	$ -	$ -	$ 26,542.48	$ 0.12391	$ 2,646.55	$ 2,117.24	$ 1,587.93	$ 1,058.62
October	1,111.80	214,200	25.9%	$ 13,341.60	$ 13,123.88	$ 77.00	$ -	$ -	$ 26,542.48	$ 0.12391	$ 2,646.55	$ 2,117.24	$ 1,587.93	$ 1,058.62
November	1,110.00	345,300	43.2%	$ 13,320.00	$ 20,723.85	$ 77.00	$ -	$ -	$ 34,120.85	$ 0.09882	$ 3,404.39	$ 2,723.51	$ 2,042.63	$ 1,361.75
December	1,109.70	345,900	41.9%	$ 13,316.40	$ 20,753.61	$ 77.00	$ -	$ -	$ 34,147.01	$ 0.09872	$ 3,407.00	$ 2,725.60	$ 2,044.20	$ 1,362.80
Totals	11,874	2,846,400	33%	$ 142,484.40	$ 172,752.57	$ 924.00	$ -	$ -	$ 316,160.97	$ 0.11356	$ 31,523.70 per year	$ 25,218.96 per year	$ 18,914.22 per year	$ 12,609.48 per year
											$ 126,094.79 4 year total	$ 50,437.91 2 year total	$ 37,828.44 2 year total	$ 12,609.48 1 year total
														$ 226,970.62 Total Discount
										Discounted Rate (kWh)	0.097373006	0.099529147	0.101685287	0.103841428

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EXHIBIT
OTP-8

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Filing Type	Exhibit
Filing Description	CR Exhibit 34 Hrg Exhibit OTP 9
Activity Requested	EFileAndServe
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Filing Attorney	Illona Jeffcoat-Sacco

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Otter Tail Power Company
Minnkota Ag Extension
Rate Comparison
Base Rate and All-in Rate

Otter Tail Power Rate 401 Secondary			Dakota Valley Electric		
Basic Service Charge	$ 12.00	per month	Basic Service Charge	$ 77.00	per month
Facilities Charge	$ 0.52	per /kW	Demand Charge	$ 12.00	per kW
Winter Energy Charge	$ 0.07492	per kWh	Energy Charge First 150kWh/kW	$ 0.062	per kWh
Summer Energy Charge	$ 0.08213	per kWh	Next 150 kWh/kW	$ 0.0587	per kWh
			Excess Energy	$ 0.051	per kWh
Base Rate	$ 144.00		Base Rate	$ 924.00	
Facilities Charge	$ 6,937.63		Demand Cost	$ 142,484.40	
Energy Cost	$ 219,088.06		Energy Cost	$ 172,752.57	
Rider Costs	$ 45,811.36		Power Factor Cost	$ 23,142.00	
			On-Site Facilities Charge	$ 8,704.80	

		Per kWh			Per kWh	Annual Difference	
Base -Total Energy Cost	$ 226,169.69	$ 0.0795	Total Energy Cost	$ 316,160.97	$ 0.1111	$ (89,991.27)	28%
All-in - Total Energy Cost	$ 271,981.05	$ 0.0956	Total Energy Cost	$ 348,007.77	$ 0.1223	$ (76,026.72)	22%

Annual Load Factor	33%
Peak Demand (kW)	1,111.80
Annual Energy (kWh)	2,846,400

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08-2018-CV-01142
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EXHIBIT
OTP -9

Otter Tail Power Company
Minnkota Ag Extension
Rate Comparison
with DVEC Discount All-in Rate

Otter Tail Power Rate 401 Secondary				Dakota Valley Electric					
Basic Service Charge	$ 12.00	per month		Basic Service Charge	$ 77.00	per month			
Facilities Charge	$ 0.52	per /kW		Demand Charge	$ 12.00	per kW			
Winter Energy Charge	$ 0.07492	per kWh		Energy Charge First 150kWh/kW	$ 0.062	per kWh			
Summer Energy Charge	$ 0.08213	per kWh		Next 150 kWh/kW	$ 0.0587	per kWh			
				Excess Energy	$ 0.051	per kWh			
Base Rate	$ 144.00			Base Rate	$ 924.00				
Facilities Charge	$ 6,937.63			Demand Cost	$ 142,484.40				
Energy Cost	$ 219,088.06			Energy Cost	$ 172,752.57				
Rider Costs	$ 45,811.36			Power Factor Cost	$ 23,142.00				
				On-Site Facilities Charge	$ 8,704.80				
				Blended Discount	$ 25,218.96			Annual Difference	
		Per kWh				Per kWh			
Total Energy Cost	$ 271,981.05	$ 0.0956		Total Energy Cost	$ 322,788.81	$ 0.1134		$ (50,807.76)	16%
				Total Energy Cost less PF	$ 299,646.81	$ 0.1053		$ (27,665.76)	9%

Annual Load Factor	33%
Peak Demand (kW)	1,111.80
Annual Energy (kWh)	2,846,400

Blended Discount is 8% on Demand and Energy over a nine year period or $25,218.96, total savings $227,870.64

Otter Tail Power Company
Minnkota Ag Extension
Rate Comparison
with DVEC Discount All-in Rate
Using a 23% Load Factor

Otter Tail Power Rate 401 Secondary			Dakota Valley Electric				
Basic Service Charge	$ 12.00	per month	Basic Service Charge	$ 77.00	per month		
Facilities Charge	$ 0.52	per /kW	Demand Charge	$ 12.00	per kW		
Winter Energy Charge	$ 0.07492	per kWh	Energy Charge First 150kWh/kW	$ 0.062	per kWh		
Summer Energy Charge	$ 0.08213	per kWh	Next 150 kWh/kW	$ 0.0587	per kWh		
			Excess Energy	$ 0.051	per kWh		
Base Rate	$ 144.00		Base Rate	$ 924.00			
Facilities Charge	$ 9,389.33		Demand Cost	$ 184,866.00			
Energy Cost	$ 199,446.29		Energy Cost	$ 159,503.93			
Rider Costs	$ 42,157.08		Power Factor Cost	$ 33,430.80			
			On-Site Facilities Charge	$ 8,704.80			
			Blended Discount	$ 27,549.59		Annual Difference	
		Per kWh			Per kWh		
Total Energy Cost	$ 251,136.70	$ 0.0969	Total Energy Cost	$ 359,879.94	$ 0.1389	$ (108,743.25)	30%
			Total Energy Cost less PF	$ 317,744.34	$ 0.1226	$ (66,607.64)	21%

Annual Load Factor	23%
Peak Demand (kW)	1,504.70
Annual Energy (kWh)	2,591,440

Blended Discount is 8% on Demand and Energy over a nine year period or $27,549.59, total savings $247,946.31

From:	efilingmail@tylerhost.net
To:	Jeffcoat-Sacco, Illona
Subject:	Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3030247
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Filing Attorney	Illona Jeffcoat-Sacco

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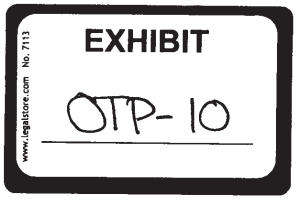

Otter Tail Power Company
Minn-Kota Ag Products Extension
Net Contributions to Cost- Secondary Service – 33% LF

Aggregate Cost to Extend Service & On-Site Facilities:	$235,869
PSC Authorized Rate of Return:	8.62%
Required ROR to Justify Extension Based on Authorized ROR:	$20,332
Revenue required to get to 8.62%ROR (grossed up for tax effect using 11.92%)	$28,116
Estimated Annual Load (kWh):	2,846,400
Estimated Annual Revenue:	$271,981
Remove Cost of Fuel at 2.5 cents kWh:	$71,160
Estimated Net Revenue:	$200,821
Net Contribution to Costs (Estimated net revenue less required ROR)	**$172,705**

Otter Tail Power Company
Minn-Kota Ag Products Extension
Net Contributions to Cost- Secondary Service – 23% LF

Aggregate Cost to Extend Service & On-Site Facilities:	$235,869
PSC Authorized Rate of Return:	8.62%
Required ROR to Justify Extension Based on Authorized ROR:	$20,332
Revenue required to get to 8.62%ROR (grossed up for tax effect using 11.92%)	$28,116
Estimated Annual Load (kWh):	2,591,440
Estimated Annual Revenue:	$251,136
Remove Cost of Fuel at 2.5 cents kWh:	$64,786
Estimated Net Revenue:	$186,350
Net Contribution to Costs (Estimated net revenue less required ROR)	**$158,234**

From: efilingmail@tylerhost.net
To: Jeffcoat-Sacco, Illona
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3030247
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Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 36 Hrg Exhibit OTP 11
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 36 Hrg Exhibit OTP 11.pdf
Lead Document Page Count	4
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EXHIBIT
OTP-11
www.legalstore.com No. 7113

RECEIVED
FEB 27 2017
NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
State of North Dakota

Otter Tail Power Company)
Fergus Falls, Minnesota)
Customer's Name Minn-Kota Ag. Products Inc.)
Customer's location by)
Nearest city Barney)
Public Convenience and Necessity)

Application For Permanent Authority

Otter Tail Power Company, for its Application to the Public Service Commission of North Dakota, respectfully alleges:

I.

The full name of the applicant is Otter Tail Power Company, and the post office address of its principal office is Fergus Falls, Minnesota. Applicant is a public utility corporation, subject to the jurisdiction of, and regulation by, the Public Service Commission of North Dakota, under Title 49, NDCC, as amended. Applicant's Articles of Incorporation, as well as its Annual Report, are on file with the Commission, having been filed in Case No. PU-08-292, and are incorporated herein by reference, and the Commission is requested to take official notice of the same.

II.

This Application is made pursuant to the provisions of Chapter 49-03, NDCC, as amended, and the Rules of Practice and Procedure promulgated by the Commission.

III.

Applicant has been requested by Minn-Kota Ag. Products Inc. (hereinafter referred to as the Customer), to provide electric service to it at a point located in NE 1/4 Section 10 Barney twp. In Section NE 1/4 of 10, Township T-132-N, Range R-50-W, Barney Township, Richland County, North Dakota, as shown on the attached map, marked Exhibit "A" and made a part hereof by reference. The mailing address of the customer is 90 8th St. N Breckenridge, MN 56520. The customer will need electric service on the 1st day of May, 20 17.
Service at: Rural Barney Township Section 10.

IV.

The service required by the Customer at said location is 3 phase phase service, and the length of the extension will be approximately _____ feet, as shown by Exhibit "A". The location of the proposed service is within the economic service area of Applicant, and service will be extended under the provisions of the rates, rules and regulations applicable to Applicant as approved by the Commission. It is Applicant's public utility obligation to furnish the requested service, and the public convenience and necessity require, and will be subserved by, Applicant furnishing the requested electric service to this Customer at said location.

V.

Submitted with this Application, is an Appearance herein by the Customer, in which the Customer states to the Commission that it desires electric service from Applicant as a public utility subject to the jurisdiction of, and regulation by, this Commission. In said Appearance, the Customer also waives Notice of Opportunity for Hearing and Notice of Hearing upon this Application, and requests the Commission to issue an Order and Certificate of Public Convenience and Necessity authorizing this requested and needed service.

VI.

The extension ○ will ◉ will not cross any railway tracks.

Wherefore, Applicant prays for the entry of an Order and Certificate of Public Convenience and Necessity authorizing Applicant to extend the requested and needed service to the Customer.

Otter Tail Power Company
By Dale Rubish
Its Operations Manager

State of North Dakota)
) SS
County of Richland)

Dale Rubish, being duly sworn, on oath says he is an Operations Manager of Otter Tail Power Company, and the person who executed the foregoing Application on behalf of Otter Tail Power Company, and is authorized to verify this Application on behalf of the Company; that he has read the foregoing Application and knows the contents thereof, and the same is true of his own knowledge, except as to matters therein stated on information and belief, and as to those matters, he believes them to be true.

Dale Rubish

Subscribed and sworn to before me this 20th day of February, 2017.

Suzette Fitterer

Notary Public, Richland County, North Dakota. My commission expires

SUZETTE FITTERER
Notary Public
State of North Dakota
My Commission Expires Dec. 29, 2020

(Notary Seal)

ADMISSION OF SERVICE

Personal service of the foregoing Application by true and correct copy thereof is hereby admitted this 27 day of February, 2017.

(Customer)

Before the Public Service Commission
State of North Dakota
Case No. _____

In the Matter of the Application of Otter Tail Power Company for an Order and Certificate To Extend Service to Minn-Kota Ag. Products Inc. New Elevator Rural Barney at the Location Stated Herein

APPEARANCE BY CUSTOMER

Minn-Kota Ag. Products Inc., (hereinafter referred to as the Customer) hereby makes a voluntary appearance in this matter and states the following to the Commission:

I.

Customer desires electric service from Otter Tail Power Company as a public utility subject to the jurisdiction of and regulation by this Commission, and has requested said public utility to provide Customer with electric service at the point located as stated in the Application in this matter.

The Customer further states the need of and has demanded service at said location for the reasons that are set forth in the Application herein. The Customer waives Notice of Opportunity for Hearing and Notice of Hearing upon said Application, or a hearing thereon, and requests the Commission to issue an Order and Certificate of Public Convenience and Necessity authorizing this requested and needed service, and that provision be made therein authorizing the extension of immediate service.

II.

All of the allegations of the Application herein are admitted as true and correct.

Wherefore, the undersigned, being the Customer involved herein, prays for the entry of an Order and Certificate of Public Convenience and Necessity by the Commission, authorizing the Applicant to extend the requested and needed service to this Customer at said location, subject to such appropriate and proper conditions to be appended to and made a part of such Order and Certificate as the Commission may determine, said Order and Certificate to become final as may be set forth in the conditions appended thereto; and for such other and further relief as may be proper in the premises.

Witnesses:

_____

_____

_____
(Customer)

_____

Notary Public, Wilkin County
Minnesota
~~North Dakota~~. My commission expires 01/31/2021

_____ (NOTARIAL SEAL)

ALYSON DANELLE KRIER
Notary Public-Minnesota
My Commission Expires Jan 31, 2021

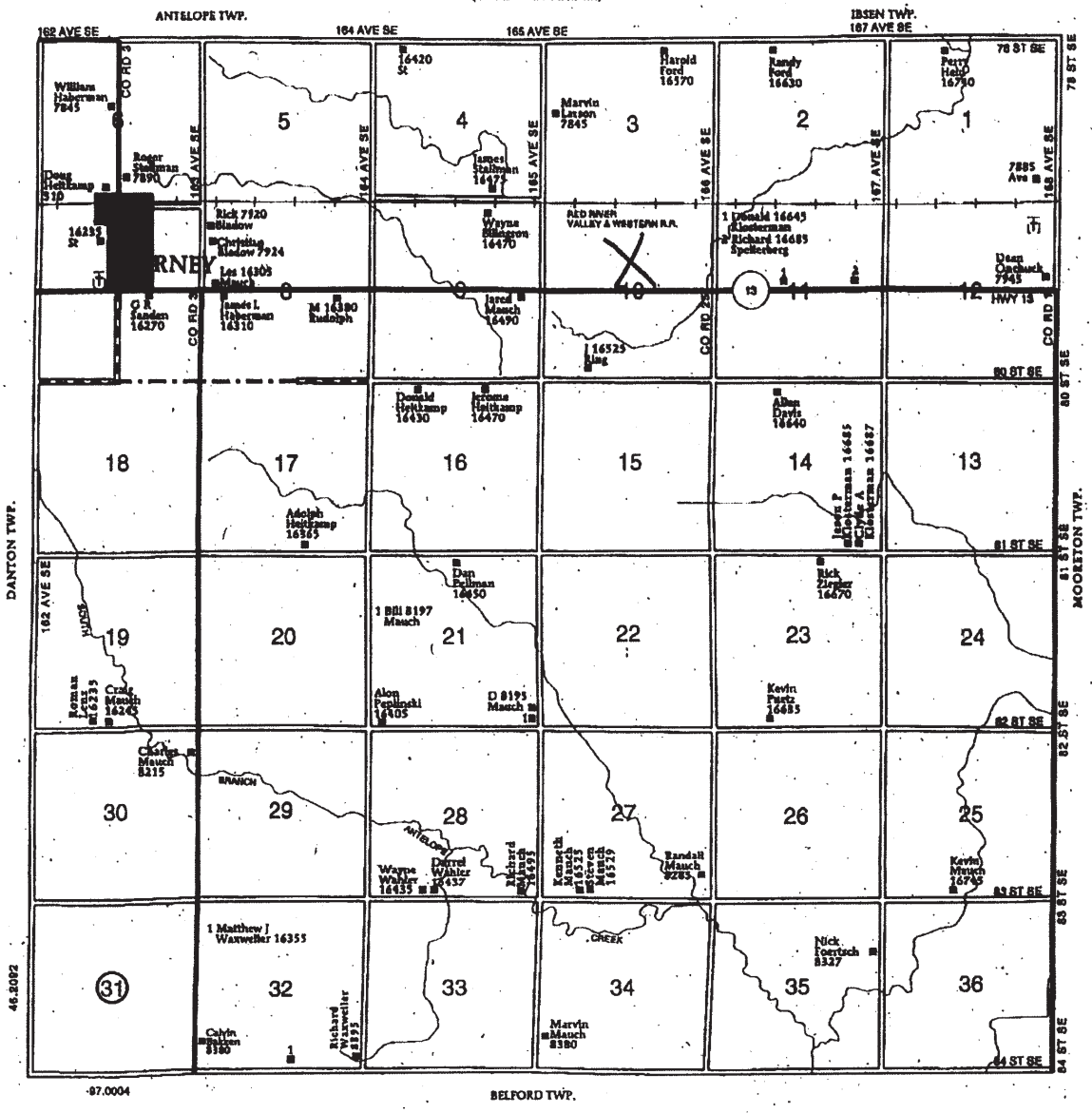
OTP Form 104 - Rev 9/2011

WHEN IT COMES TO WATER, Don't Be A Drip!

It may seem like a drop in the bucket, but you really can make a difference when it comes to conserving our most precious natural resource.

T-132-N BARNEY DIRECTORY R-50-W

(Residents - Owners or Renters)



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Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
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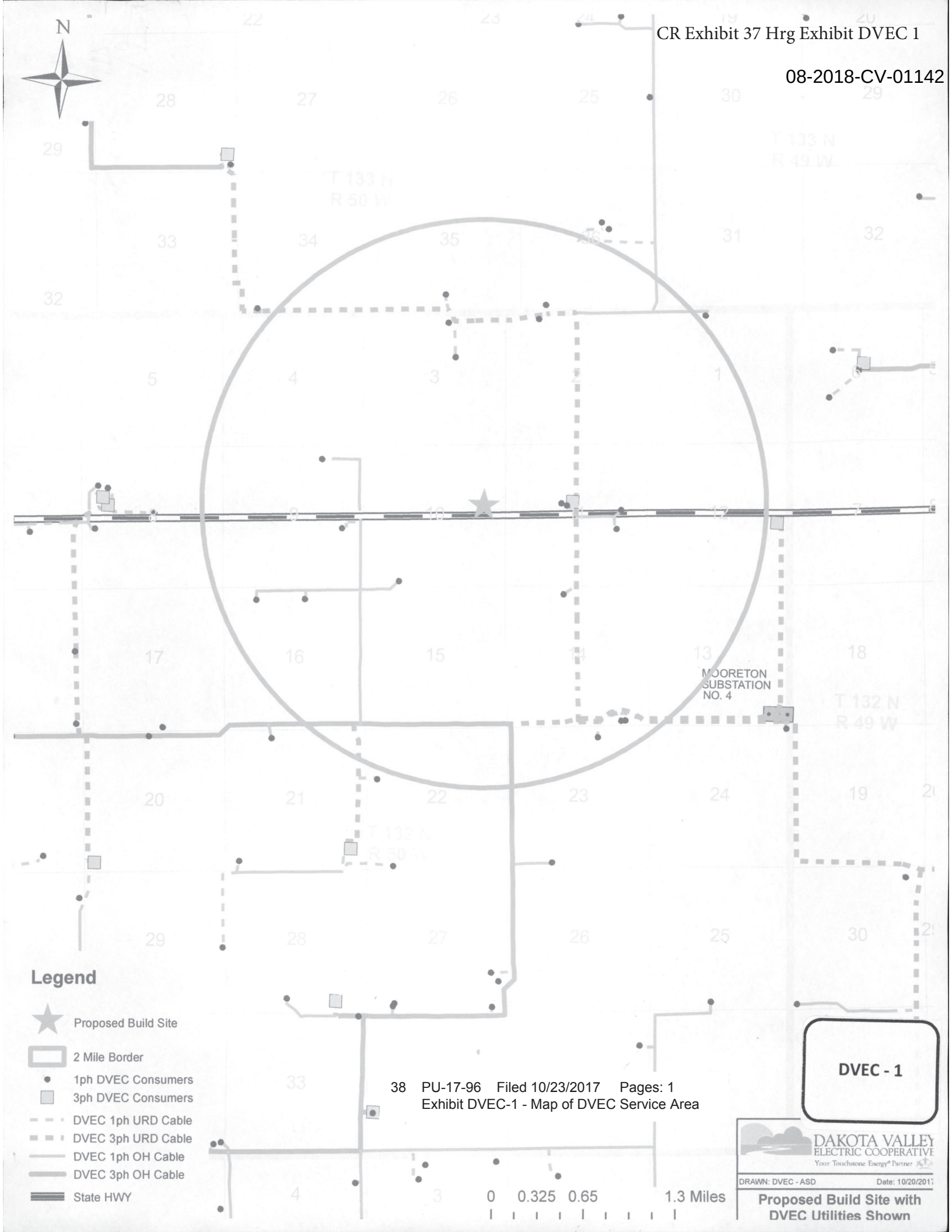

38 PU-17-96 Filed 10/23/2017 Pages: 1
Exhibit DVEC-1 - Map of DVEC Service Area

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Filing Description	CR Exhibit 38 Hrg Exhibit DVEC 2
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

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MKAP-WYNDMER GRASS ROOTS 2017 ELECTRICAL LIST

REVISION	EQUIPMENT #	EQUIPMENT DESCRIPTION	FUTURE HORSEPOWER	CURRENT HORSEPOWER	LIMITS / PB'S	CHAIN	MOTION / SPEED	PLUG	HIGH LEVEL	LOW LEVEL	CURRENT (CT)	ALIGNMENT	BEARING	HAZMON POINTS	REMARKS
		TOTALS			6	30	34	5	0	0	17	12	12	66	
REV	TAG	DESCRIPTION	FHP	CHP	LSW	SCS	MSW	PSW	HLS	LLS	CTT	ALS	BRS	THC	REMARKS
		Truck/Rail Receiving System													
1		20,000 BPH Receiving Bucket Elevator #1		200.00			1				1	4	4	9	*VFD in MCC, (4) Rub Blocks, (4) Bearing Temp, (1) Motion, - Haz Mon supplied by Summerville*
1		Receiving Conveyor #1		20.00			1	1			1	4	4	9	*FVNR in MCC*
1		20,000 BPH Receiving Bucket Elevator #2		200.00			1				1	4	4	9	*VFD in MCC, (4) Rub Blocks, (4) Bearing Temp, (1) Motion, - Haz Mon supplied by Summerville*
1		Receiving Conveyor #2		20.00			1	1			1	4	4	9	*FVNR in MCC*
1		20,000 BPH Receiving Bucket Elevator #3		200.00			1				1	4	4	9	*VFD in MCC, (4) Rub Blocks, (4) Bearing Temp, (1) Motion, - Haz Mon supplied by Summerville*
1		Receiving Conveyor #3		20.00			1	1			1	4	4	9	*FVNR in MCC*
1		Rail Unload Drag Conveyor		40.00		1	1	`1			1		4	5	*FVNR Starter In MCC*
		Grain Storage Bins													
1		Wet Bin E1Fan #1		20.00											*FVNR Starter In MCC*
1		Wet Bin E1 Fan #2		20.00											*FVNR Starter In MCC*
1		Wet Bin E1 Fan #3		20.00											*FVNR Starter In MCC*
1		Wet Bin E1 Fan #4		20.00											*FVNR Starter In MCC*
1		Wet Bin E1 Roof Exhaust #1		2.00											*FVNR Starter In MCC*
1		Wet Bin E1 Roof Exhaust #2		2.00											FVNR Starter In MCC
1		Bin Sweep		15.00											*Breaker in HV-1 to feed Bin MFG Control Box*
1		Wet Bin W1 Fan #1		20.00											*FVNR Starter In MCC*
1		Wet Bin W1 Fan #2		20.00											*FVNR Starter In MCC*
1		Wet Bin W1 Fan #3		20.00											*FVNR Starter In MCC*
1		Wet Bin W1 Fan #4		20.00											*FVNR Starter In MCC*
1		Wet Bin W1 Roof Exhaust #1		2.00											*FVNR Starter In MCC*
1		Wet Bin W1 Roof Exhaust #2		2.00											FVNR Starter In MCC
1		Bin Sweep		15.00											*Breaker in HV-1 to feed Bin MFG Control Box*
1		75' Bin E1 Fan #1		30.00											*FVNR Starter In MCC*
1		75' Bin E1 Fan #2		30.00											*FVNR Starter In MCC*
1		75' Bin E1 Fan #3		30.00											*FVNR Starter In MCC*
1		75' Bin E1 Fan #4		30.00											*FVNR Starter In MCC*
1		75' Bin E1 Fan #5		30.00											*FVNR Starter In MCC*
1		75' Bin E1 Fan #6		30.00											*FVNR Starter In MCC*
1		Roof Exhaust #1		2.00											*FVNR Starter In MCC*
1		Roof Exhaust #2		2.00											FVNR Starter In MCC
1		Roof Exhaust #3		2.00											FVNR Starter In MCC
1		Bin Sweep		20.00											*Breaker in HV-1 to feed Bin MFG Control Box*
1		75' Bin W1 Fan #1		30.00											*FVNR Starter In MCC*
1		75' Bin W1 Fan #2		30.00											*FVNR Starter In MCC*
1		75' Bin W1 Fan #3		30.00											*FVNR Starter In MCC*
1		75' Bin W1 Fan #4		30.00											*FVNR Starter In MCC*
1		75' Bin W1 Fan #5		30.00											*FVNR Starter In MCC*
1		75' Bin W1 Fan #6		30.00											*FVNR Starter In MCC*
1		Roof Exhaust #1		2.00											*FVNR Starter In MCC*
1		Roof Exhaust #2		2.00											FVNR Starter In MCC

39 PU-17-96 Filed 10/23/2017 Pages: 4
Exhibit DVEC-2 - Minn-Kota Motor List
Dakota Valley Electric Cooperative, Inc.

CR Exhibit 38 Hrg Exhibit DVEC 2
08-2018-CV-01142

DVEC - 2

MKAP-WYNDMER GRASS ROOTS 2017 ELECTRICAL LIST

REVISION	EQUIPMENT #	EQUIPMENT DESCRIPTION	FUTURE HORSEPOWER	CURRENT HORSEPOWER	LIMITS / PB'S	CHAIN	MOTION / SPEED	PLUG	HIGH LEVEL	LOW LEVEL	CURRENT (CT)	ALIGNMENT	BEARING	HAZEON POINTS	REMARKS
1		Roof Exhaust #3		2.00											FVNR Starter In MCC
1		Bin Sweep		20.00											*Breaker in HV-1 to feed Bin MFG Control Box*
				1310.00											
1		105' Bin E2 Fan #1		50.00											*FVNR Starter In MCC*
1		105' Bin E2 Fan #2		50.00											*FVNR Starter In MCC*
1		105' Bin E2 Fan #3		50.00											*FVNR Starter In MCC*
1		105' Bin E2 Fan #4		50.00											*FVNR Starter In MCC*
1		105' Bin E2 Fan #5		50.00											*FVNR Starter In MCC*
1		105' Bin E2 Fan #6		50.00											*FVNR Starter In MCC*
1		Roof Exhaust #1		2.00											*FVNR Starter In MCC*
1		Roof Exhaust #2		2.00											FVNR Starter In MCC
1		Roof Exhaust #3		2.00											FVNR Starter In MCC
1		Bin Sweep		30.00											*Breaker in HV-1 to feed Bin MFG Control Box*
1		105' Bin W2 Fan #1		50.00											*FVNR Starter In MCC*
1		105' Bin W2 Fan #2		50.00											*FVNR Starter In MCC*
1		105' Bin W2 Fan #3		50.00											*FVNR Starter In MCC*
1		105' Bin W2 Fan #4		50.00											*FVNR Starter In MCC*
1		105' Bin W2 Fan #5		50.00											*FVNR Starter In MCC*
1		105' Bin W2 Fan #6		50.00											*FVNR Starter In MCC*
1		Roof Exhaust #1		2.00											*FVNR Starter In MCC*
1		Roof Exhaust #2		2.00											FVNR Starter In MCC
1		Roof Exhaust #3		2.00											FVNR Starter In MCC
1		Bin Sweep		30.00											*Breaker in HV-1 to feed Bin MFG Control Box*
		Fill Equipment													
1		75' Bin E1 Fill		75.00		1	1	1			1		4	1	*SoftStart in MCC*
1		105' Bin E2 Fill		75.00		1	1	1			1		4	1	*SoftStart in MCC*
1		75' Bin W1 Fill		75.00		1	1	1			1		4	1	*SoftStart in MCC*
1		105' Bin W2 Fill		75.00		1	1	1			1		4	1	*SoftStart in MCC*
1		Wet Bin Unload		10.00		1		1						1	*VFD in MCC*
1		Wet Leg		50.00			1				1	4	4	9	*Soft Start in MCC*
1		Dryer Unload		15.00		1		1						1	*FVNR Starter In MCC*
1		Dry Leg		50.00			1				1	4	4	9	*Soft Start in MCC*
1		Dry Fill Conveyor E1		15.00		1	1	1			1		4	1	*FVNR Starter In MCC*
1		Dry Fill Conveyor E2		10.00		1	1	1			1		4	1	*FVNR Starter In MCC*
1		Dry Fill Conveyor W1		40.00		1	1	1			1		4	1	*FVNR Starter In MCC*
1		Dry Fill Conveyor W2		10.00		1	1	1			1		4	1	*FVNR Starter In MCC*
		Unload Equipment													
1		Unload Conveyor E1 & E2		75.00			1	1			1	4	4	9	*VFD in MCC*
1		Unload Conveyor W1 & W2		75.00			1	1			1	4	4	9	*VFD in MCC*
1		Shipping Leg E1 Drive 1		150.00			1				1	4	4	9	*VFD in MCC*

MKAP-WYNDMER GRASS ROOTS 2017 ELECTRICAL LIST

REVISION	EQUIPMENT #	EQUIPMENT DESCRIPTION	FUTURE HORSEPOWER	CURRENT HORSEPOWER	LIMITS / PSI'S	CHAIN	MOTION / SPEED	PLUG	HIGH LEVEL	LOW LEVEL	CURRENT (CT)	ALIGNMENT	BEARING	HAZMON POINTS	REMARKS
1		Shipping Leg E1 Drive 2		150.00											*VFD in MCC*
1		Shipping Leg W1 Drive 1		150.00			1				1	4	4	9	*VFD in MCC*
1		Shipping Leg W2 Drive 2		150.00											*VFD in MCC*
1		Hopper E1 & E2 Unload Conveyor		10.00		1	1	1			1			1	*FVNR in MCC*
1		Hopper W1 & W2 Unload Conveyor		10.00		1	1	1			1			1	*FVNR in MCC*
				1942.00											
1		Dust System Fan		150.00							1				*VFD in MCC*
1		Dust System Air Lock		3.00											*FVNR in MCC*
1		Positive Pressure Bag Cleaning Blower		10.00											*FVNR in MCC*
1		Schlagel Dist. Duct #1		0.75											*120 volt 20 amp breaker in LV-1*
1		Schlagel Dist. Duct #2		0.75											*120 volt 20 amp breaker in LV-1*
1		Schlagel Dist. Duct #3		0.75											*120 volt 20 amp breaker in LV-1*
1		Man Lift		3.00											*15 Amp breaker in HV-1*
1		Dryer Fan #1		125.00											*Fed From Dryer Control Panel*
1		Dryer Fan #2		125.00											*Fed From Dryer Control Panel*
				418.25											
1		105' Bin E3 Fan #1	50.00												*FVNR Starter In MCC*
1		105' Bin E3 Fan #2	50.00												*FVNR Starter In MCC*
1		105' Bin E3 Fan #3	50.00												*FVNR Starter In MCC*
1		105' Bin E3 Fan #4	50.00												*FVNR Starter In MCC*
1		105' Bin E3 Fan #5	50.00												*FVNR Starter In MCC*
1		105' Bin E3 Fan #6	50.00												*FVNR Starter In MCC*
1		Roof Exhaust #1	2.00												*FVNR Starter In MCC*
1		Roof Exhaust #2	2.00												FVNR Starter In MCC
1		Roof Exhaust #3	2.00												FVNR Starter In MCC
1		Bin Sweep	30.00												*Breaker in HV-1 to feed Bin MFG Control Box*
1		105' Bin W3 Fan #1	50.00												*FVNR Starter In MCC*
1		105' Bin W3 Fan #2	50.00												*FVNR Starter In MCC*
1		105' Bin W3 Fan #3	50.00												*FVNR Starter In MCC*
1		105' Bin W3 Fan #4	50.00												*FVNR Starter In MCC*
1		105' Bin W3 Fan #5	50.00												*FVNR Starter In MCC*
1		105' Bin W3 Fan #6	50.00												*FVNR Starter In MCC*
1		Roof Exhaust #1	2.00												*FVNR Starter In MCC*
1		Roof Exhaust #2	2.00												FVNR Starter In MCC
1		Roof Exhaust #3	2.00												FVNR Starter In MCC
1		Bin Sweep	30.00												*Breaker in HV-1 to feed Bin MFG Control Box*
1		Dryer Fan #1	125.00												*Fed From Dryer Control Panel*
1		Dryer Fan #2	125.00												*Fed From Dryer Control Panel*

MKAP-WYNDMER GRASS ROOTS 2017 ELECTRICAL LIST

REVISION	EQUIPMENT #	EQUIPMENT DESCRIPTION	FUTURE HORSEPOWER	CURRENT HORSEPOWER	LIMITS / PE'S	CHAIN	MOTION / SPEED	PLUG	HIGH LEVEL	LOW LEVEL	CURRENT (CT)	ALIGNMENT	BEARING	HAZMON POINTS	REMARKS
1		Wet Bin Fan #1	20.00												*FVNR Starter In MCC*
1		Wet Bin Fan #2	20.00												*FVNR Starter In MCC*
1		Wet Bin Fan #3	20.00												*FVNR Starter In MCC*
1		Wet Bin Fan #4	20.00												*FVNR Starter In MCC*
1		Roof Exhaust #1	2.00												*FVNR Starter In MCC*
1		Roof Exhaust #2	2.00												FVNR Starter In MCC
1		Bin Sweep	15.00												*Breaker in HV-1 to feed Bin MFG Control Box*
1		Wet Bin Unload	15.00			1		1							*VFD in MCC*
1		Wet Leg	40.00				1				1	4	4		*FVNR Starter in MCC*
1		Dryer Unload	15.00			1		1							*FVNR Starter In MCC*
1		Dry Leg	50.00				1				1	4	4		*Soft Start in MCC*
1		Dry Fill Conveyor E1	15.00			1	1	1			1		4		*FVNR Starter In MCC*
1		Dry Fill Conveyor E2	10.00			1	1	1			1		4		*FVNR Starter In MCC*
1		Wet Fill Conveyor	25.00			1	1	1			1		4		*FVNR Starter In MCC*
1		Bin 3E Top Conveyor	75.00			1	1	1			1		4		Soft Start in MCC
1		Bin 3W Top Conveyor	75.00			1	1	1			1		4		Soft Start in MCC
1		Dry Fill Conveyor W1	15.00			1	1	1			1		4		FVNR Starter in MCC
1		Dry Fill Conveyor W2	10.00			1	1	1			1		4		FVNR Starter in MCC
1		Dry Fill Conveyor W3	15.00			1	1	1			1		4		FVNR Starter in MCC
1		Dry Fill Conveyor E3	15.00			1	1	1			1		4		FVNR Starter in MCC
			1396.00												
						54	34	28			35			125	

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Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 39 Hrg Exhibit DVEC 3
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

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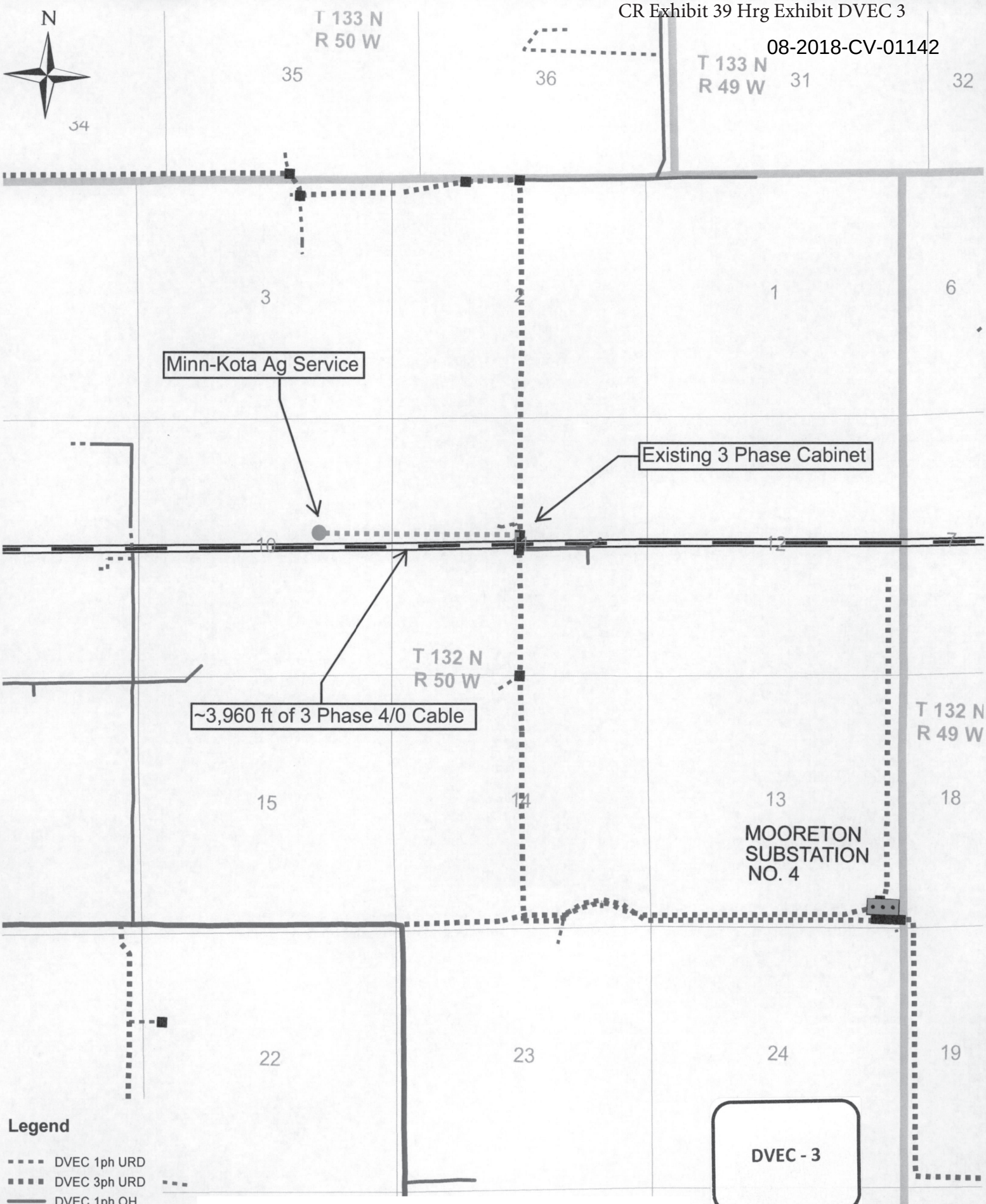

40 PU-17-96 Filed 10/23/2017 Pages: 1
Exhibit DVEC-3 - Map of DVEC Proposed Extension of Service

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Filing Type	Exhibit
Filing Description	CR Exhibit 40 Hrg Exhibit DVEC 4
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Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

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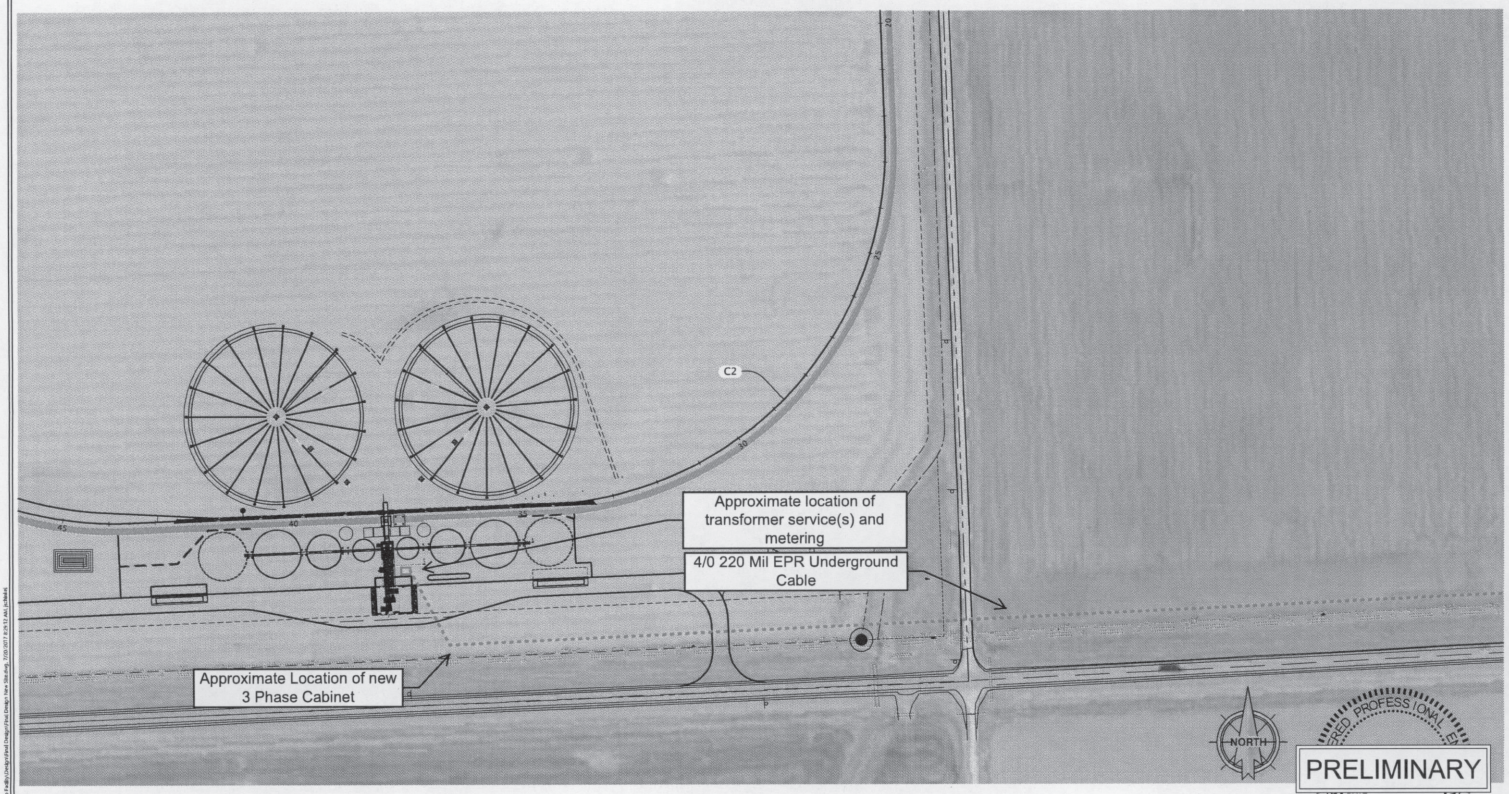
Substation Exhibit



PRELIMINARY

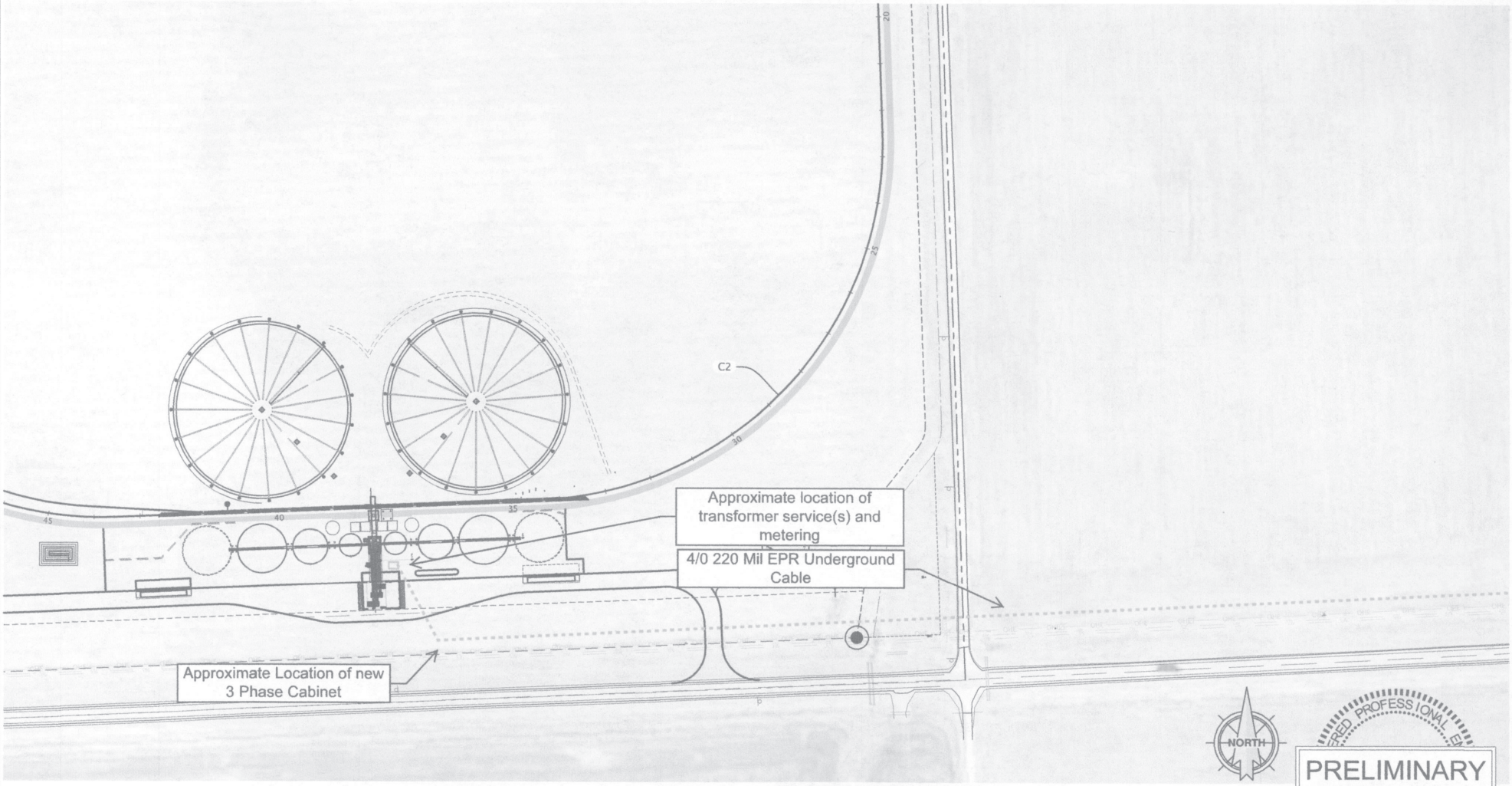
Minn-Kota Ag, Loop Facility	CAD Filename: Final Design	CDI Project No. 2016-126	Drawn By: JDS	Checked By: JJC	Scale: 1" = 200'	Date: 7/20/2017	CDI CIVIL DESIGN INC 609 Main Ave S Brookings, SD 605-696-3200	Sheet No:	DVEC - 4

41 **PU-17-96** Filed: 10/23/2017 Pages: 2

Exhibit DVEC-4 - Map of Proposed Minn-Kota and DVEC Facilities

Dakota Valley Electric Cooperative, Inc.

Substation Exhibit



PRELIMINARY

Minn-Kota Ag, Loop Facility	CAD Filename: Final Design	CDI Project No. 2016-126	Drawn By: JDS	Checked By: JJC	Scale: 1" = 200'	Date: 7/20/2017

CDI CIVIL DESIGN INC
609 Main Ave S
Brookings, SD
605-696-3200

DVEC - 4

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Filing Type	Exhibit
Filing Description	CR Exhibit 41 Hrg Exhibit DVEC 5
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

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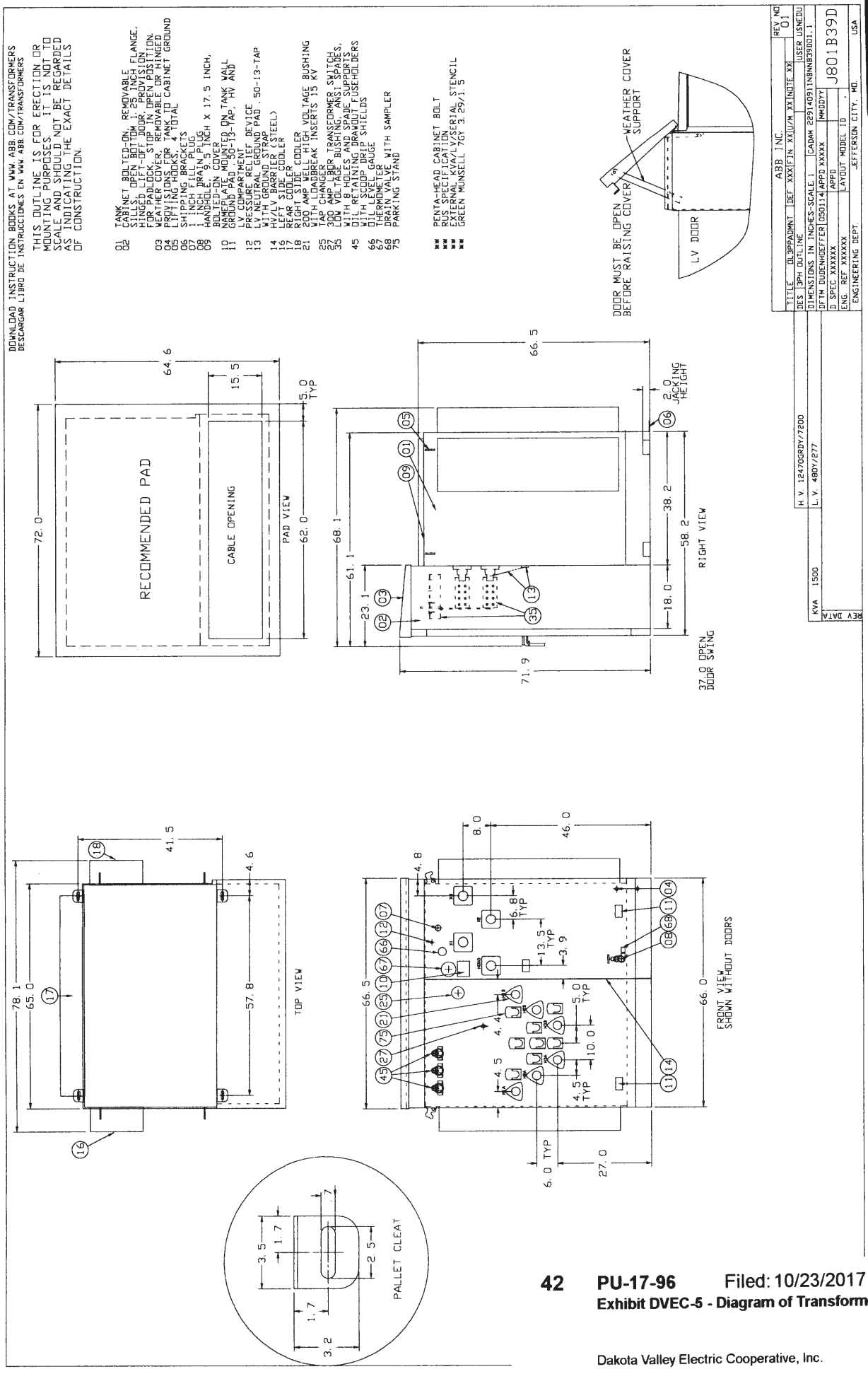
DVEC - 5



42 PU-17-96 Filed: 10/23/2017 Pages: 1

Exhibit DVEC-5 - Diagram of Transformer

Dakota Valley Electric Cooperative, Inc.

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Filing Type	Exhibit
Filing Description	CR Exhibit 42 Hrg Exhibit DVEC 6
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

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DAKOTA VALLEY ELECTRIC COOPERATIVE

RATE SCHEDULE

THREE-PHASE LARGE COMMERCIAL SERVICE

RC: 56, 356

Applicability

This rate is applicable for three-phase loads with peak kW demand between 151-kW and 2000-kW, and meeting all other Cooperative requirements and policies.

Type of Service

60 hertz service. V-phase service at available primary and secondary voltages. Three-phase service at primary voltages or secondary voltages of 480/277 or 208/120.

Monthly Rate

Basic Service Charge	$77.00 per month
Demand Charge	$12.00 per kW
Energy Charge:	
First 150 kWh/kW	$ 0.0620 per kWh
Next 150 kWh/kW	$ 0.0587 per kWh
Excess Energy	$ 0.0510 per kWh
Transformer Capacity Charge	$1.00 charge for each additional kVA over 30 less demand and energy usage for the month.
On-Site Facility Charges	Calculated based on the cost of on-site facilities multiplied by a factor of 0.0078

Minimum Monthly Charge

The minimum monthly charge under this rate consists of the Basic Service Charge plus the Transformer Capacity Charge and any On-Site Facility Charges.

Power Factor Adjustment

The Member agrees to maintain unity power factor as nearly as practicable. The Cooperative reserves the right to adjust the Billing Demand when the average monthly power factor drops below 95 percent. Such adjustments shall be made by increasing the measured demand 1 percent for each 1 percent by which the average power factor is less than 95 percent lagging.

Taxes and City Franchise Fees

The rates set forth in this schedule are based on taxes as of the last adoption or amendment date. Any increase in existing or new taxes on the transmission, distribution, or sales of electricity allocable to sales hereunder shall be added to this rate.
Any franchise fees imposed on the cooperative shall be allocated to accounts within the specific franchise area as an additional charge.

Delivery Point

The delivery point shall be as specified in the Agreement for Electric Service.

Line Extension

Line extension charges shall be determined and assessed in accordance with Cooperative line extension policies.

Member Responsibilities

It shall be the Member's responsibility to provide the Cooperative an electric wiring certificate before service is to be connected, and the Cooperative reserves the right to routinely inspect the installation.

It shall be the Member's responsibility to provide protection from unauthorized access to the breaker box, disconnect facilities or other electrical equipment at this installation. It shall also be the Member's responsibility to provide fuses or thermal protection for Member's equipment and to maintain electrical equipment in accordance with existing safety codes.

Terms of Payment

Billing procedures and terms of payment shall be in accordance with Cooperative billing policies and procedures.

Adopted: **01-22-01 Board Approved**
Amended: **09-22-03; 12-22-06; 03-23-07; 01-25-08; 11-21-08; 12-22-09; 12-17-10; 12-22-11; 11-30-12; 12-19-14; 11-29-16**
Effective: **01-01-17**

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Filing Type	Exhibit
Filing Description	CR Exhibit 43 Hrg Exhibit DVEC 7
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

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DAKOTA VALLEY ELECTRIC COOPERATIVE
COMMERCIAL INCENTIVE RATE DISCOUNT
Minn-Kota Ag Products

Applicability

This rate discount is applicable for three-phase service to new businesses or business expansion which create jobs within the Cooperative service area and which meet all other Cooperative requirements and policies. The rate discount will require an agreement between Member and the Cooperative with the specific rate discounts included as part of the service agreement. Qualification for the rate shall be subject to Cooperative board approval on a case by case basis.

Type of Service

Three-phase, 60 hertz service at available secondary voltages.

Monthly Rate Discount

Year of Minn-Kota Ag Operation	Discount on Commercial Rate Demand & Energy
1st	10 percent
2nd	10 percent
3rd	10 percent
4th	10 percent
5th	8 percent
6th	8 percent
7th	6 percent
8th	6 percent
9th	4 percent
Thereafter	Standard Rate Schedule

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Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 44 Hrg Exhibit DVEC 8
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

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CENTRAL POWER ELECTRIC COOPERATIVE, INC.

October 17, 2016

RATE SCHEDULE I

Member Base Rate

Effective January 1, 2017

Member Substations - Low Side Metering

Demand Charge	$20.65 /kW/Month
Energy Charge	33.09 mills/kWh

LOAD DETERMINATION

1. Meters will be installed on distribution side of substation transformers (low side) and will be billed as read, unless otherwise agreed to.

2. Demand shall be the kW amount as measured for the integrated one-half hour period during the time of the Central Power maximum monthly demand period.

BASIN FIXED CHARGE

Basin's annual Fixed Charge assessment of $226,800 for the calendar year 2017 is passed directly on to the member. Fixed charges shall be determined as follows: Basin shall assess an annual charge of $208,800 ($2,900/Mo. per member cooperative) plus an $18,000 annual assessment to the G&T member (distributed equally at $250/Mo, to each member cooperative). This assessment shall be billed as a $3,150 monthly charge to each member.

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Filing Type	Exhibit
Filing Description	CR Exhibit 45 Hrg Exhibit DVEC 9
Activity Requested	EFileAndServe
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Filing Attorney	Illona Jeffcoat-Sacco

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DVEC - 9

Dakota Valley Electric Cooperative
Three Phase Large Commercial Rate Schedule
Commercial Incentive Rate Discount

	Minn-Kota Ag Service Charges	DVEC Power Supplier Costs	DVEC Revenue
Year 1	$275,524.58	$255,809.80	$19,714.78
Year 2	$275,524.58	$255,809.80	$19,714.78
Year 3	$275,524.58	$255,809.80	$19,714.78
Year 4	$275,524.58	$255,809.80	$19,714.78
Year 5	$281,626.81	$255,809.80	$25,817.02
Year 6	$281,626.81	$255,809.80	$25,817.02
Year 7	$287,729.05	$255,809.80	$31,919.25
Year 8	$287,729.05	$255,809.80	$31,919.25
Year 9	$293,831.28	$255,809.80	$38,021.49
Year 10	$306,035.75	$255,809.80	$50,225.96

Otter Tail Power Company
General Service Rate

	Minn-Kota Ag Sevice Charges
Year 1	$ 261,322.81
Year 2	$ 261,322.81
Year 3	$ 261,322.81
Year 4	$ 261,322.81
Year 5	$ 261,322.81
Year 6	$ 261,322.81
Year 7	$ 261,322.81
Year 8	$ 261,322.81
Year 9	$ 261,322.81
Year 10	$ 261,322.81

Dakota Valley Electric Cooperative
Three Phase Large Commercial Service (56, 356)

Date Prepared: 10/10/2017

This spreadsheet utilizes the demand & energy estimated to be used by Minn-Kota Ag service
The load factor was calculated from the provided demand & energy for each month.

Estimate Assumptions and Considerations:

1. Rate is starndard Three Phase Large Commercial Service
   - Monthly Service Charge: $ 77.00
   - Demand Charge of: $ 10.80 per kW
   - 1st Step Energy Charge of: $ 0.0558 per kWh
   - 2nd Step Energy Charge of: $ 0.0528 per kWh
   - Excess Energy Charge of: $ 0.0459 per kWh
2. Monthly demand and energy estimates are based on projected operation.
   - Transformer KVA: 1,500 kVA
3. Commercial Incentive Rate Discount of 10% is applied (Years 1-4)
   - Discount is applied to Demand and Energy

DATE	kW*	Calculated Load Factor	kWh*
Jan	1,056.00	40.6%	318,600
Feb	987.9	36.7%	243,600
Mar	1,019.10	31.8%	240,900
Apr	866.10	25.4%	158,400
May	843.00	27.1%	170,100
Jun	920.40	34.5%	228,600
Jul	939.30	24.8%	173,400
Aug	792.60	32.8%	193,200
Sep	614.70	33.6%	148,800
Oct	1,111.80	25.9%	214,200
Nov	1,110.00	43.2%	345,300
Dec	1,109.70	41.9%	345,900

**Values can be modified to update the calculations below.*

	Monthly Demand	Monthly Energy	Load Factor	Charge for Demand	Charge for Total Energy	Basic Service Charge	Transformer Capacity Charge	Other Charges or Discounts	Total Charges	Cost per kWh
January	1,056.00	318,600	40.6%	$ 11,404.80	$ 17,289.61	$ 77.00	$ -	$ -	$ 28,771.41	$ 0.09031
February	987.90	243,600	36.7%	$ 10,669.32	$ 13,309.50	$ 77.00	$ -	$ -	$ 24,055.82	$ 0.09875
March	1,019.10	240,900	31.8%	$ 11,006.28	$ 13,180.76	$ 77.00	$ -	$ -	$ 24,264.04	$ 0.10072
April	866.10	158,400	25.4%	$ 9,353.88	$ 8,754.12	$ 77.00	$ -	$ -	$ 18,185.00	$ 0.11480
May	843.00	170,100	27.1%	$ 9,104.40	$ 9,361.94	$ 77.00	$ -	$ -	$ 18,543.34	$ 0.10901
June	920.40	228,600	34.5%	$ 9,940.32	$ 12,486.98	$ 77.00	$ -	$ -	$ 22,504.30	$ 0.09844
July	939.30	173,400	24.8%	$ 10,144.44	$ 9,579.18	$ 77.00	$ -	$ -	$ 19,800.62	$ 0.11419
August	792.60	193,200	32.8%	$ 8,560.08	$ 10,559.86	$ 77.00	$ -	$ -	$ 19,196.94	$ 0.09936
September	614.70	148,800	33.6%	$ 6,638.76	$ 8,134.95	$ 77.00	$ -	$ -	$ 14,850.71	$ 0.09980
October	1,111.80	214,200	25.9%	$ 12,007.44	$ 11,811.49	$ 77.00	$ -	$ -	$ 23,895.93	$ 0.11156
November	1,110.00	345,300	43.2%	$ 11,988.00	$ 18,651.47	$ 77.00	$ -	$ -	$ 30,716.47	$ 0.08896
December	1,109.70	345,900	41.9%	$ 11,984.76	$ 18,678.25	$ 77.00	$ -	$ -	$ 30,740.01	$ 0.08887
Totals	11,371	2,781,000	33%	$ 122,802.48	$ 151,798.10	$924.00	$ -	$ -	$ 275,524.58	$ 0.10123

Dakota Valley Electric Cooperative
Three Phase Large Commercial Service (56, 356)

Date Prepared: 10/10/2017

This spreadsheet utilizes the demand & energy estimated to be used by Minn-Kota Ag service
The load factor was calculated from the provided demand & energy for each month.

DATE	kW*	Calculated Load Factor	kWh*
Jan	1,056.00	40.6%	318,600
Feb	987.9	36.7%	243,600
Mar	1,019.10	31.8%	240,900
Apr	866.10	25.4%	158,400
May	843.00	27.1%	170,100
Jun	920.40	34.5%	228,600
Jul	939.30	24.8%	173,400
Aug	792.60	32.8%	193,200
Sep	614.70	33.6%	148,800
Oct	1,111.80	25.9%	214,200
Nov	1,110.00	43.2%	345,300
Dec	1,109.70	41.9%	345,900

**Values can be modified to update the calculations below.*

Estimate Assumptions and Considerations:

1. Rate is starndard Three Phase Large Commercial Service
   - Monthly Service Charge: $ 77.00
   - Demand Charge of: $ 11.04 per kW
   - 1st Step Energy Charge of: $ 0.0570 per kWh
   - 2nd Step Energy Charge of: $ 0.0540 per kWh
   - Excess Energy Charge of: $ 0.0469 per kWh
2. Monthly demand and energy estimates are based on projected operation.
   - Transformer KVA: 1,500 kVA
3. Commercial Incentive Rate Discount of 8% is applied (Years 5-6)
   - Discount is applied to Demand and Energy

	Monthly Demand	Monthly Energy	Load Factor	Charge for Demand	Charge for Total Energy	Basic Service Charge	Transformer Capacity Charge	Other Charges or Discounts	Total Charges	Cost per kWh
January	1,056.00	318,600	40.6%	$ 11,658.24	$ 17,673.83	$ 77.00	$ -	$ -	$ 29,409.07	$ 0.09231
February	987.90	243,600	36.7%	$ 10,906.42	$ 13,605.26	$ 77.00	$ -	$ -	$ 24,588.68	$ 0.10094
March	1,019.10	240,900	31.8%	$ 11,250.86	$ 13,473.66	$ 77.00	$ -	$ -	$ 24,801.53	$ 0.10295
April	866.10	158,400	25.4%	$ 9,561.74	$ 8,948.66	$ 77.00	$ -	$ -	$ 18,587.40	$ 0.11734
May	843.00	170,100	27.1%	$ 9,306.72	$ 9,569.98	$ 77.00	$ -	$ -	$ 18,953.70	$ 0.11143
June	920.40	228,600	34.5%	$ 10,161.22	$ 12,764.46	$ 77.00	$ -	$ -	$ 23,002.68	$ 0.10062
July	939.30	173,400	24.8%	$ 10,369.87	$ 9,792.05	$ 77.00	$ -	$ -	$ 20,238.92	$ 0.11672
August	792.60	193,200	32.8%	$ 8,750.30	$ 10,794.52	$ 77.00	$ -	$ -	$ 19,621.83	$ 0.10156
September	614.70	148,800	33.6%	$ 6,786.29	$ 8,315.73	$ 77.00	$ -	$ -	$ 15,179.02	$ 0.10201
October	1,111.80	214,200	25.9%	$ 12,274.27	$ 12,073.97	$ 77.00	$ -	$ -	$ 24,425.24	$ 0.11403
November	1,110.00	345,300	43.2%	$ 12,254.40	$ 19,065.94	$ 77.00	$ -	$ -	$ 31,397.34	$ 0.09093
December	1,109.70	345,900	41.9%	$ 12,251.09	$ 19,093.32	$ 77.00	$ -	$ -	$ 31,421.41	$ 0.09084
Totals	11,371	2,781,000	33%	$ 125,531.42	$ 155,171.39	$924.00	$ -	$ -	$ 281,626.81	$ 0.10347

Dakota Valley Electric Cooperative
Three Phase Large Commercial Service (56, 356)

Date Prepared: 10/10/2017

This spreadsheet utilizes the demand & energy estimated to be used by Minn-Kota Ag service
The load factor was calculated from the provided demand & energy for each month.

Estimate Assumptions and Considerations:

1. Rate is starndard Three Phase Large Commercial Service
   - Monthly Service Charge: $ 77.00
   - Demand Charge of: $ 11.28 per kW
   - 1st Step Energy Charge of: $ 0.0583 per kWh
   - 2nd Step Energy Charge of: $ 0.0552 per kWh
   - Excess Energy Charge of: $ 0.0479 per kWh
2. Monthly demand and energy estimates are based on projected operation.
   - Transformer KVA: 1,500 kVA
3. Commercial Incentive Rate Discount of 6% is applied (Years 7-8)
   - Discount is applied to Demand and Energy

DATE	kW*	Calculated Load Factor	kWh*
Jan	1,056.00	40.6%	318,600
Feb	987.9	36.7%	243,600
Mar	1,019.10	31.8%	240,900
Apr	866.10	25.4%	158,400
May	843.00	27.1%	170,100
Jun	920.40	34.5%	228,600
Jul	939.30	24.8%	173,400
Aug	792.60	32.8%	193,200
Sep	614.70	33.6%	148,800
Oct	1,111.80	25.9%	214,200
Nov	1,110.00	43.2%	345,300
Dec	1,109.70	41.9%	345,900

**Values can be modified to update the calculations below.*

	Monthly Demand	Monthly Energy	Load Factor	Charge for Demand	Charge for Total Energy	Basic Service Charge	Transformer Capacity Charge	Other Charges or Discounts	Total Charges	Cost per kWh
January	1,056.00	318,600	40.6%	$ 11,911.68	$ 18,058.04	$ 77.00	$ -	$ -	$ 30,046.72	$ 0.09431
February	987.90	243,600	36.7%	$ 11,143.51	$ 13,901.03	$ 77.00	$ -	$ -	$ 25,121.54	$ 0.10313
March	1,019.10	240,900	31.8%	$ 11,495.45	$ 13,766.57	$ 77.00	$ -	$ -	$ 25,339.02	$ 0.10518
April	866.10	158,400	25.4%	$ 9,769.61	$ 9,143.19	$ 77.00	$ -	$ -	$ 18,989.80	$ 0.11989
May	843.00	170,100	27.1%	$ 9,509.04	$ 9,778.03	$ 77.00	$ -	$ -	$ 19,364.07	$ 0.11384
June	920.40	228,600	34.5%	$ 10,382.11	$ 13,041.95	$ 77.00	$ -	$ -	$ 23,501.06	$ 0.10280
July	939.30	173,400	24.8%	$ 10,595.30	$ 10,004.92	$ 77.00	$ -	$ -	$ 20,677.23	$ 0.11925
August	792.60	193,200	32.8%	$ 8,940.53	$ 11,029.19	$ 77.00	$ -	$ -	$ 20,046.71	$ 0.10376
September	614.70	148,800	33.6%	$ 6,933.82	$ 8,496.51	$ 77.00	$ -	$ -	$ 15,507.32	$ 0.10422
October	1,111.80	214,200	25.9%	$ 12,541.10	$ 12,336.45	$ 77.00	$ -	$ -	$ 24,954.55	$ 0.11650
November	1,110.00	345,300	43.2%	$ 12,520.80	$ 19,480.42	$ 77.00	$ -	$ -	$ 32,078.22	$ 0.09290
December	1,109.70	345,900	41.9%	$ 12,517.42	$ 19,508.39	$ 77.00	$ -	$ -	$ 32,102.81	$ 0.09281
Totals	11,371	2,781,000	33%	$ 128,260.37	$ 158,544.68	$924.00	$ -	$ -	$ 287,729.05	$ 0.10572

Dakota Valley Electric Cooperative
Three Phase Large Commercial Service (56, 356)

Date Prepared: 10/10/2017

This spreadsheet utilizes the demand & energy estimated to be used by Minn-Kota Ag service
The load factor was calculated from the provided demand & energy for each month.

Estimate Assumptions and Considerations:

1. Rate is starndard Three Phase Large Commercial Service
   - Monthly Service Charge: $ 77.00
   - Demand Charge of: $ 11.52 per kW
   - 1st Step Energy Charge of: $ 0.0595 per kWh
   - 2nd Step Energy Charge of: $ 0.0564 per kWh
   - Excess Energy Charge of: $ 0.0490 per kWh
2. Monthly demand and energy estimates are based on projected operation.
   - Transformer KVA: 1,500 kVA
3. Commercial Incentive Rate Discount of 4% is applied (Year 9)
   - Discount is applied to Demand and Energy

DATE	kW*	Calculated Load Factor	kWh*
Jan	1,056.00	40.6%	318,600
Feb	987.9	36.7%	243,600
Mar	1,019.10	31.8%	240,900
Apr	866.10	25.4%	158,400
May	843.00	27.1%	170,100
Jun	920.40	34.5%	228,600
Jul	939.30	24.8%	173,400
Aug	792.60	32.8%	193,200
Sep	614.70	33.6%	148,800
Oct	1,111.80	25.9%	214,200
Nov	1,110.00	43.2%	345,300
Dec	1,109.70	41.9%	345,900

**Values can be modified to update the calculations below.*

	Monthly Demand	Monthly Energy	Load Factor	Charge for Demand	Charge for Total Energy	Basic Service Charge	Transformer Capacity Charge	Other Charges or Discounts	Total Charges	Cost per kWh
January	1,056.00	318,600	40.6%	$ 12,165.12	$ 18,442.25	$ 77.00	$ -	$ -	$ 30,684.37	$ 0.09631
February	987.90	243,600	36.7%	$ 11,380.61	$ 14,196.80	$ 77.00	$ -	$ -	$ 25,654.41	$ 0.10531
March	1,019.10	240,900	31.8%	$ 11,740.03	$ 14,059.47	$ 77.00	$ -	$ -	$ 25,876.51	$ 0.10742
April	866.10	158,400	25.4%	$ 9,977.47	$ 9,337.73	$ 77.00	$ -	$ -	$ 19,392.20	$ 0.12243
May	843.00	170,100	27.1%	$ 9,711.36	$ 9,986.07	$ 77.00	$ -	$ -	$ 19,774.43	$ 0.11625
June	920.40	228,600	34.5%	$ 10,603.01	$ 13,319.44	$ 77.00	$ -	$ -	$ 23,999.45	$ 0.10498
July	939.30	173,400	24.8%	$ 10,820.74	$ 10,217.79	$ 77.00	$ -	$ -	$ 21,115.53	$ 0.12177
August	792.60	193,200	32.8%	$ 9,130.75	$ 11,263.85	$ 77.00	$ -	$ -	$ 20,471.60	$ 0.10596
September	614.70	148,800	33.6%	$ 7,081.34	$ 8,677.28	$ 77.00	$ -	$ -	$ 15,835.63	$ 0.10642
October	1,111.80	214,200	25.9%	$ 12,807.94	$ 12,598.93	$ 77.00	$ -	$ -	$ 25,483.86	$ 0.11897
November	1,110.00	345,300	43.2%	$ 12,787.20	$ 19,894.90	$ 77.00	$ -	$ -	$ 32,759.10	$ 0.09487
December	1,109.70	345,900	41.9%	$ 12,783.74	$ 19,923.46	$ 77.00	$ -	$ -	$ 32,784.21	$ 0.09478
Totals	11,371	2,781,000	33%	$ 130,989.31	$ 161,917.97	$924.00	$ -	$ -	$ 293,831.28	$ 0.10796

Dakota Valley Electric Cooperative
Three Phase Large Commercial Service (56, 356)

Date Prepared: 10/10/2017

This spreadsheet utilizes the demand & energy estimated to be used by Minn-Kota Ag service
The load factor was calculated from the provided demand & energy for each month.

Estimate Assumptions and Considerations:

1. Rate is starndard Three Phase Large Commercial Service
   - Monthly Service Charge: $ 77.00
   - Demand Charge of: $ 12.00 per kW
   - 1st Step Energy Charge of: $ 0.0620 per kWh
   - 2nd Step Energy Charge of: $ 0.0587 per kWh
   - Excess Energy Charge of: $ 0.0510 per kWh
2. Monthly demand and energy estimates are based on projected operation.
   - Transformer KVA: 1,500 kVA

DATE	kW*	Calculated Load Factor	kWh*
Jan	1,056.00	40.6%	318,600
Feb	987.9	36.7%	243,600
Mar	1,019.10	31.8%	240,900
Apr	866.10	25.4%	158,400
May	843.00	27.1%	170,100
Jun	920.40	34.5%	228,600
Jul	939.30	24.8%	173,400
Aug	792.60	32.8%	193,200
Sep	614.70	33.6%	148,800
Oct	1,111.80	25.9%	214,200
Nov	1,110.00	43.2%	345,300
Dec	1,109.70	41.9%	345,900

**Values can be modified to update the calculations below.*

	Monthly Demand	Monthly Energy	Load Factor	Charge for Demand	Charge for Total Energy	Basic Service Charge	Transformer Capacity Charge	Other Charges or Discounts	Total Charges	Cost per kWh
January	1,056.00	318,600	40.6%	$ 12,672.00	$ 19,210.68	$ 77.00	$ -	$ -	$ 31,959.68	$ 0.10031
February	987.90	243,600	36.7%	$ 11,854.80	$ 14,788.33	$ 77.00	$ -	$ -	$ 26,720.13	$ 0.10969
March	1,019.10	240,900	31.8%	$ 12,229.20	$ 14,645.28	$ 77.00	$ -	$ -	$ 26,951.48	$ 0.11188
April	866.10	158,400	25.4%	$ 10,393.20	$ 9,726.80	$ 77.00	$ -	$ -	$ 20,197.00	$ 0.12751
May	843.00	170,100	27.1%	$ 10,116.00	$ 10,402.16	$ 77.00	$ -	$ -	$ 20,595.16	$ 0.12108
June	920.40	228,600	34.5%	$ 11,044.80	$ 13,874.42	$ 77.00	$ -	$ -	$ 24,996.22	$ 0.10934
July	939.30	173,400	24.8%	$ 11,271.60	$ 10,643.53	$ 77.00	$ -	$ -	$ 21,992.13	$ 0.12683
August	792.60	193,200	32.8%	$ 9,511.20	$ 11,733.18	$ 77.00	$ -	$ -	$ 21,321.38	$ 0.11036
September	614.70	148,800	33.6%	$ 7,376.40	$ 9,038.84	$ 77.00	$ -	$ -	$ 16,492.24	$ 0.11083
October	1,111.80	214,200	25.9%	$ 13,341.60	$ 13,123.88	$ 77.00	$ -	$ -	$ 26,542.48	$ 0.12391
November	1,110.00	345,300	43.2%	$ 13,320.00	$ 20,723.85	$ 77.00	$ -	$ -	$ 34,120.85	$ 0.09882
December	1,109.70	345,900	41.9%	$ 13,316.40	$ 20,753.61	$ 77.00	$ -	$ -	$ 34,147.01	$ 0.09872
Totals	11,371	2,781,000	33%	$ 136,447.20	$ 168,664.55	$924.00	$ -	$ -	$ 306,035.75	$ 0.11244

Dakota Valley Electric Cooperative
Three Phase Large Commercial Service (56, 356)

Date Prepared: 10/10/2017

This spreadsheet utilizes the demand & energy estimated to be used by Minn-Kota Ag service
The load factor was calculated from the provided demand & energy for each month.

Estimate Assumptions and Considerations:

1. Rate is standard Three Phase Large Commercial Service

Monthly Service Charge:	$	77.00	
Demand Charge of:	$	12.00	per kW
1st Step Energy Charge of:	$	0.0620	per kWh
2nd Step Energy Charge of:	$	0.0587	per kWh
Excess Energy Charge of:	$	0.0510	per kWh

2. Monthly demand and energy estimates are based on projected operation.
3. Power Supply Charges:

Demand Charge of:	$	20.65	per kW
Energy Charge of:	$	0.033090	per kWh

DATE	kW*	Calculated Load Factor	kWh*
Jan	1,056.00	40.6%	318,600
Feb	987.9	36.7%	243,600
Mar	1,019.10	31.8%	240,900
Apr	866.10	25.4%	158,400
May	843.00	27.1%	170,100
Jun	920.40	34.5%	228,600
Jul	939.30	24.8%	173,400
Aug	792.60	32.8%	193,200
Sep	614.70	33.6%	148,800
Oct	1,111.80	25.9%	214,200
Nov	1,110.00	43.2%	345,300
Dec	1,109.70	41.9%	345,900

**Values can be modified to update the calculations below.*

	Monthly Demand	Monthly Energy	Load Factor	Power Supply Demand Charge	Power Supply Energy Charge	Total Power Supply Costs
January	1,056.00	318,600	40.6%	$ 16,354.80	$ 10,542.47	$ 26,897.27
February	987.90	243,600	36.7%	$ 13,260.09	$ 8,060.72	$ 21,320.81
March	1,019.10	240,900	31.8%	$ 15,783.31	$ 7,971.38	$ 23,754.69
April	866.10	158,400	25.4%	$ 11,625.23	$ 5,241.46	$ 16,866.68
May	843.00	170,100	27.1%	$ 11,315.17	$ 5,628.61	$ 16,943.78
June	920.40	228,600	34.5%	$ 12,354.07	$ 7,564.37	$ 19,918.44
July	939.30	173,400	24.8%	$ 12,607.75	$ 5,737.81	$ 18,345.56
August	792.60	193,200	32.8%	$ 10,638.67	$ 6,392.99	$ 17,031.66
September	614.70	148,800	33.6%	$ 8,250.81	$ 4,923.79	$ 13,174.60
October	1,111.80	214,200	25.9%	$ 17,219.00	$ 7,087.88	$ 24,306.88
November	1,110.00	345,300	43.2%	$ 17,191.13	$ 11,425.98	$ 28,617.10
December	1,109.70	345,900	41.9%	$ 17,186.48	$ 11,445.83	$ 28,632.31
Totals	11,371	2,781,000	33%	$ 163,786.51	$ 92,023.29	**$ 255,809.80**

Total Cost for DVEC to build into the site for Minn-Kota Ag: **$93,640.00**
- Includes cost for cable installation and on-site facilities (transformer, metering)

9-7

Dakota Valley Electric Cooperative
Three Phase Large Commercial Service (56, 356)

Date Prepared: 10/10/2017

This spreadsheet utilizes the demand & energy estimated to be used by Minn-Kota Ag service
The load factor was calculated from the provided demand & energy for each month.

Estimate Assumptions and Considerations:

1. Rate is standard Three Phase Large Commercial Service
   - Monthly Service Charge: $ 77.00
   - Demand Charge of: $ 12.00 per kW
   - 1st Step Energy Charge of: $ 0.0620 per kWh
   - 2nd Step Energy Charge of: $ 0.0587 per kWh
   - Excess Energy Charge of: $ 0.0510 per kWh
2. Monthly demand and energy estimates are based on projected operation.
4. Power Supply Charges:
   - Demand Charge of: $ 20.65 per kW
   - Energy Charge of: $ 0.033090 per kWh

DATE	kW*	Calculated Load Factor	kWh*
Jan	1,056.00	40.6%	318,600
Feb	987.9	36.7%	243,600
Mar	1,019.10	31.8%	240,900
Apr	866.10	25.4%	158,400
May	843.00	27.1%	170,100
Jun	920.40	34.5%	228,600
Jul	939.30	24.8%	173,400
Aug	792.60	32.8%	193,200
Sep	614.70	33.6%	148,800
Oct	1,111.80	25.9%	214,200
Nov	1,110.00	43.2%	345,300
Dec	1,109.70	41.9%	345,900

**Values can be modified to update the calculations below.*

	Monthly Demand	Monthly Energy	Load Factor	Charge for Demand	Charge for Total Energy	Power Supply Demand Charge	Power Supply Energy Charge	Basic Service Charge	Other Charges or Discounts	Total Revenue
January	1,056.00	318,600	40.6%	$ 12,672.00	$ 19,210.68	$ 16,354.80	$ 10,542.47	$ 77.00	$ -	$ 5,062.41
February	987.90	243,600	36.7%	$ 11,854.80	$ 14,788.33	$ 13,260.09	$ 8,060.72	$ 77.00	$ -	$ 5,399.32
March	1,019.10	240,900	31.8%	$ 12,229.20	$ 14,645.28	$ 15,783.31	$ 7,971.38	$ 77.00	$ -	$ 3,196.79
April	866.10	158,400	25.4%	$ 10,393.20	$ 9,726.80	$ 11,625.23	$ 5,241.46	$ 77.00	$ -	$ 3,330.32
May	843.00	170,100	27.1%	$ 10,116.00	$ 10,402.16	$ 11,315.17	$ 5,628.61	$ 77.00	$ -	$ 3,651.38
June	920.40	228,600	34.5%	$ 11,044.80	$ 13,874.42	$ 12,354.07	$ 7,564.37	$ 77.00	$ -	$ 5,077.78
July	939.30	173,400	24.8%	$ 11,271.60	$ 10,643.53	$ 12,607.75	$ 5,737.81	$ 77.00	$ -	$ 3,646.57
August	792.60	193,200	32.8%	$ 9,511.20	$ 11,733.18	$ 10,638.67	$ 6,392.99	$ 77.00	$ -	$ 4,289.72
September	614.70	148,800	33.6%	$ 7,376.40	$ 9,038.84	$ 8,250.81	$ 4,923.79	$ 77.00	$ -	$ 3,317.63
October	1,111.80	214,200	25.9%	$ 13,341.60	$ 13,123.88	$ 17,219.00	$ 7,087.88	$ 77.00	$ -	$ 2,235.60
November	1,110.00	345,300	43.2%	$ 13,320.00	$ 20,723.85	$ 17,191.13	$ 11,425.98	$ 77.00	$ -	$ 5,503.75
December	1,109.70	345,900	41.9%	$ 13,316.40	$ 20,753.61	$ 17,186.48	$ 11,445.83	$ 77.00	$ -	$ 5,514.70
Totals	11,371	2,781,000	33%	$ 136,447.20	$ 168,664.55	$ 163,786.51	$ 92,023.29	$ 924.00	$ -	**$ 50,225.96**

Total Cost for DVEC to build into the site for Minn-Kota Ag: **$93,640.00**
- Includes cost for cable installation and on-site facilities (transformer, metering)

Dakota Valley Electric Cooperative
Three Phase Large Commercial Service (56, 356)

Date Prepared: 3/13/2017

This spreadsheet utilizes the demand & energy estimated to be used by Minn-Kota Ag service
The load factor was calculated from the provided demand & energy for each month.

Estimate Assumptions and Considerations:

1. Rate is starndard Three Phase Large Commercial Service
   - Monthly Service Charge: $ 77.00
   - Demand Charge of: $ 12.00 per kW
   - 1st Step Energy Charge of: $ 0.0620 per kWh
   - 2nd Step Energy Charge of: $ 0.0587 per kWh
   - Excess Energy Charge of: $ 0.0510 per kWh
2. Monthly demand and energy estimates are based on projected operation.
   - Transformer KVA: 1,500 kVA
3. Line Extension Charges: $0.00
4. Commercial Incentive Rate Discount identifed in Columns R through U
   - Discount is applied to Demand and Energy

DATE	kW*	Calculated Load Factor	kWh*
Jan	1,056.00	40.6%	318,600
Feb	987.9	36.7%	243,600
Mar	1,025.00	31.6%	240,900
Apr	866.10	25.4%	158,400
May	843.00	27.1%	170,100
Jun	920.40	34.5%	228,600
Jul	939.40	24.8%	173,400
Aug	792.60	32.8%	193,200
Sep	1,111.80	26.8%	214,200
Oct	1,111.80	25.9%	214,200
Nov	1,110.00	43.2%	345,300
Dec	1,109.70	41.9%	345,900

**Values can be modified to update the calculations below.*

	Monthly Demand	Monthly Energy	Load Factor	Charge for Demand	Charge for Total Energy	Basic Service Charge	Transformer Capacity Charge	Other Charges or Discounts	Total Charges	Cost per kWh	Year 1-4 Incentive Rate Discount	Year 5-6 Incentive Rate Discount	Year 7-8 Incentive Rate Discount	Year 9 Incentive Rate Discount
January	1,056.00	318,600	40.6%	$ 12,672.00	$ 19,210.68	$ 77.00	$ -	$ -	$ 31,959.68	$ 0.10031	$ 3,188.27	$ 2,550.61	$ 1,912.96	$ 1,275.31
February	987.90	243,600	36.7%	$ 11,854.80	$ 14,788.33	$ 77.00	$ -	$ -	$ 26,720.13	$ 0.10969	$ 2,664.31	$ 2,131.45	$ 1,598.59	$ 1,065.73
March	1,025.00	240,900	31.6%	$ 12,300.00	$ 14,648.21	$ 77.00	$ -	$ -	$ 27,025.21	$ 0.11218	$ 2,694.82	$ 2,155.86	$ 1,616.89	$ 1,077.93
April	866.10	158,400	25.4%	$ 10,393.20	$ 9,726.80	$ 77.00	$ -	$ -	$ 20,197.00	$ 0.12751	$ 2,012.00	$ 1,609.60	$ 1,207.20	$ 804.80
May	843.00	170,100	27.1%	$ 10,116.00	$ 10,402.16	$ 77.00	$ -	$ -	$ 20,595.16	$ 0.12108	$ 2,051.82	$ 1,641.45	$ 1,231.09	$ 820.73
June	920.40	228,600	34.5%	$ 11,044.80	$ 13,874.42	$ 77.00	$ -	$ -	$ 24,996.22	$ 0.10934	$ 2,491.92	$ 1,993.54	$ 1,495.15	$ 996.77
July	939.40	173,400	24.8%	$ 11,272.80	$ 10,643.58	$ 77.00	$ -	$ -	$ 21,993.38	$ 0.12684	$ 2,191.64	$ 1,753.31	$ 1,314.98	$ 876.66
August	792.60	193,200	32.8%	$ 9,511.20	$ 11,733.18	$ 77.00	$ -	$ -	$ 21,321.38	$ 0.11036	$ 2,124.44	$ 1,699.55	$ 1,274.66	$ 849.78
September	1,111.80	214,200	26.8%	$ 13,341.60	$ 13,123.88	$ 77.00	$ -	$ -	$ 26,542.48	$ 0.12391	$ 2,646.55	$ 2,117.24	$ 1,587.93	$ 1,058.62
October	1,111.80	214,200	25.9%	$ 13,341.60	$ 13,123.88	$ 77.00	$ -	$ -	$ 26,542.48	$ 0.12391	$ 2,646.55	$ 2,117.24	$ 1,587.93	$ 1,058.62
November	1,110.00	345,300	43.2%	$ 13,320.00	$ 20,723.85	$ 77.00	$ -	$ -	$ 34,120.85	$ 0.09882	$ 3,404.39	$ 2,723.51	$ 2,042.63	$ 1,361.75
December	1,109.70	345,900	41.9%	$ 13,316.40	$ 20,753.61	$ 77.00	$ -	$ -	$ 34,147.01	$ 0.09872	$ 3,407.00	$ 2,725.60	$ 2,044.20	$ 1,362.80
Totals	11,874	2,846,400	33%	$ 142,484.40	$ 172,752.57	$ 924.00	$ -	$ -	$ 316,160.97	$ 0.11356	$ 31,523.70 per year	$ 25,218.96 per year	$ 18,914.22 per year	$ 12,609.48 per year
											$ 126,094.79 4 year total	$ 50,437.91 2 year total	$ 37,828.44 2 year total	$ 12,609.48 1 year total

$ 226,970.62 Total Discount

Discounted Rate (kWh) 0.097373006 0.099529147 0.101685287 0.103841428

Otter Tail Power
Minn-Kota Ag Service

Date Prepared: 10/10/2017

Estimate Assumptions and Considerations:

1. Published ND General Service - Secondary Service (50-401) Rate - Secondary Service

Monthly Service Charge:	$	12.00			
Energy Charge of:	$	0.08213	per kWh summer	$ 0.07492	per kWh winter
Excess Charge of:	$	0.08213	per kWh summer	$ 0.07492	per kWh winter
Energy Adjustment Rider:	$	(0.00213)	per kWh	October 1 2017	
Renewable Resource Rider:	$	0.07005	% Service Charges	after March 16, 2017	
Economic Development Rider:	$	(0.00025)	per kWh	January 1, 2011	
Transmission Cost Recovery:	$	0.00475	per kWh	January 1, 2017	
Environmental Cost Recovery:	$	0.07633	% Service Charges	Does not include Riders, sales tax	
Environmental Cost Recovery:	$	0.00058	per kWh	October 1, 2017	

Summer: June 1 - September 30 Winter: October 1 - May 31

2. Monthly demand and energy estimates are based on projected operation

3. Facilities Charge
   Monthly Charges: $0.52 per kW (Max Annual Demand)

	Monthly Demand	Monthly Energy	Load Factor	Charge for Demand	Charge for Total Energy	Facilities Charge	Monthly Service Charge	Service Charges	Riders: Energy & Renewable Adj	Riders: Environmental Cost Recovery	Total Charges	Cost per kWh
January	1,056.00	318,600	41%		$ 23,869.51	$578.14	$ 12.00	$ 24,459.65	$ 2,468.48	$ 2,051.79	$ 28,979.92	$ 0.09096
February	987.90	243,600	37%		$ 18,250.51	578.136	$ 12.00	$ 18,840.65	$ 1,897.12	$ 1,579.39	$ 22,317.16	$ 0.09161
March	1,019.10	240,900	32%		$ 18,048.23	578.136	$ 12.00	$ 18,638.36	$ 1,876.55	$ 1,562.39	$ 22,077.30	$ 0.09165
April	866.10	158,400	25%		$ 11,867.33	578.136	$ 12.00	$ 12,457.46	$ 1,248.05	$ 1,042.75	$ 14,748.27	$ 0.09311
May	843.00	170,100	27%		$ 12,743.89	578.136	$ 12.00	$ 13,334.03	$ 1,337.19	$ 1,116.44	$ 15,787.66	$ 0.09281
June	920.40	228,600	34%		$ 18,774.92	578.136	$ 12.00	$ 19,365.05	$ 1,898.30	$ 1,610.72	$ 22,874.08	$ 0.10006
July	939.30	173,400	25%		$ 14,241.34	578.136	$ 12.00	$ 14,831.48	$ 1,449.90	$ 1,232.66	$ 17,514.04	$ 0.10100
August	792.60	193,200	33%		$ 15,867.52	578.136	$ 12.00	$ 16,457.65	$ 1,610.74	$ 1,368.27	$ 19,436.66	$ 0.10060
September	614.70	148,800	34%		$ 12,220.94	578.136	$ 12.00	$ 12,811.08	$ 1,250.07	$ 1,064.17	$ 15,125.33	$ 0.10165
October	1,111.80	214,200	26%		$ 16,047.86	578.136	$ 12.00	$ 16,638.00	$ 1,673.15	$ 1,394.21	$ 19,705.36	$ 0.09200
November	1,110.00	345,300	43%		$ 25,869.88	578.136	$ 12.00	$ 26,460.01	$ 2,671.88	$ 2,219.97	$ 31,351.86	$ 0.09080
December	1,109.70	345,900	42%		$ 25,914.83	578.136	$ 12.00	$ 26,504.96	$ 2,676.46	$ 2,223.75	$ 31,405.17	$ 0.09079
Totals	11,371	2,781,000	33%	$ -	$ 213,716.76	$6,937.63	$ 144.00	$ 220,798.39	$ 22,057.90	$ 18,466.52	$ 261,322.81	**$ 0.09475**

9-16

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Date/Time Accepted	6/21/2018 3:47 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 46 Hrg Exhibit DVEC 10
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

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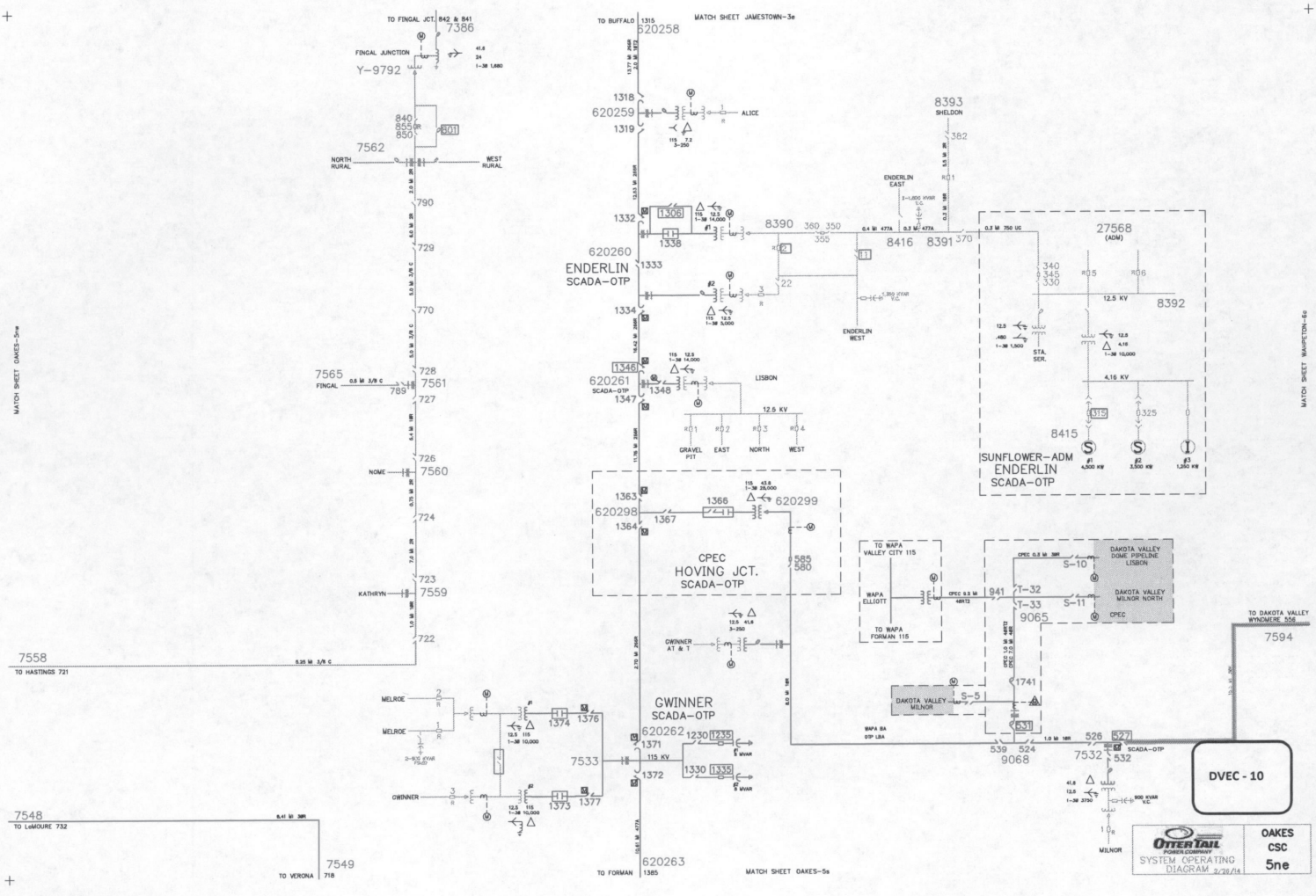
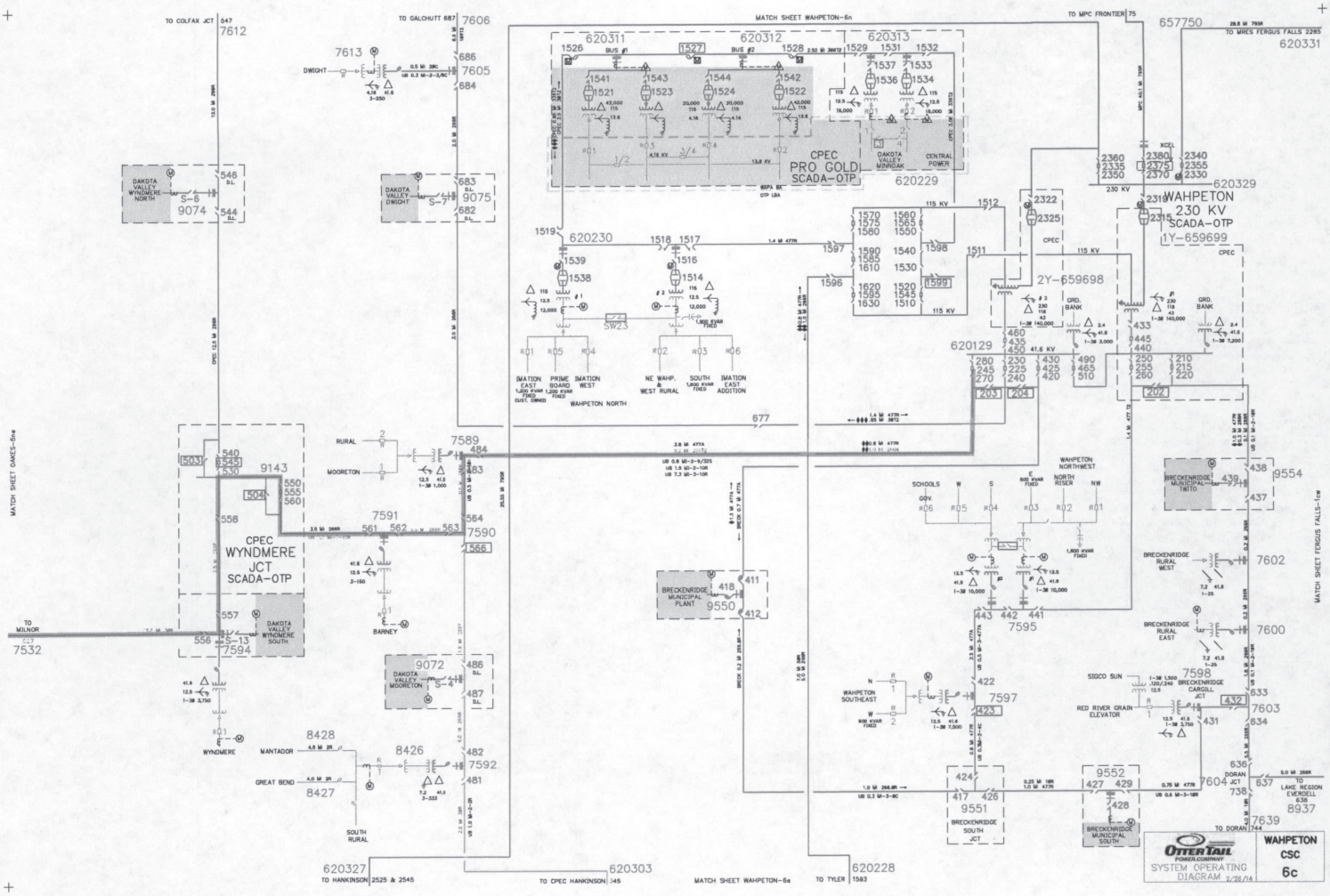
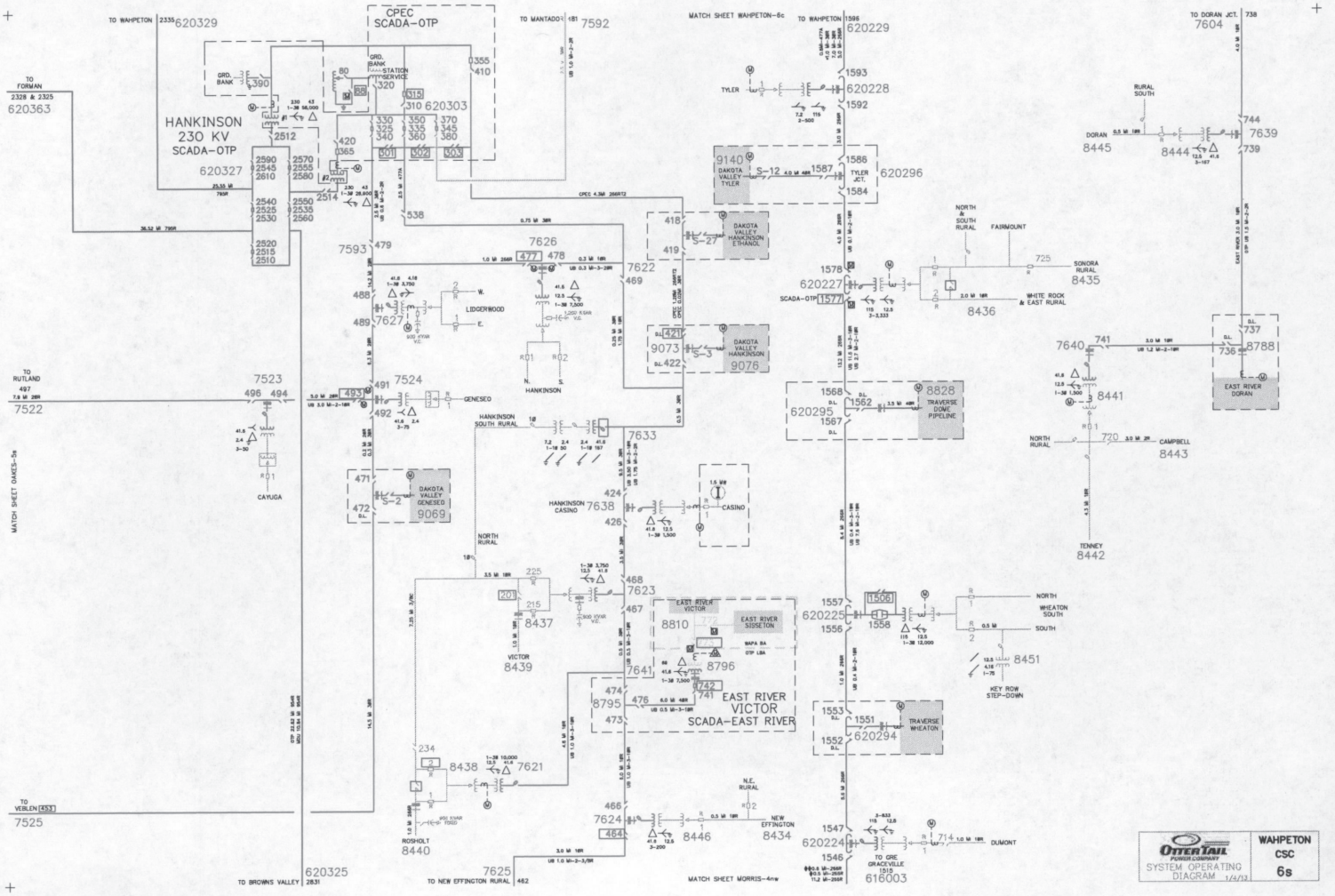


47 **PU-17-96** Filed: 10/23/2017 Pages: 3

Exhibit DVEC-10 - OTP System Operating Diagram for 41.6 KV Line

Dakota Valley Electric Cooperative, Inc.


TO COLFAX JCT
MATCH SHEET WAHPETON-6a
TO MPC FRONTIER 75
TO MRES FERGUS FALLS 2285
620331
CPEC PRO GOLD SCADA-OTP
620229
DAKOTA VALLEY MINNDAK
CENTRAL POWER
WAHPETON 230 KV SCADA-OTP
1Y-659699
2Y-659698
620329
230 KV
115 KV
41.6 KV
620230
620129
WAHPETON NORTH
IMATION EAST
PRIME BOARD
IMATION WEST
NE WAHP. & WEST RURAL
SOUTH
IMATION EAST ADDITION
DAKOTA VALLEY WYNDMERE NORTH
S-6
9074
DAKOTA VALLEY DWIGHT
S-7
9075
DWIGHT
7613
7606
7605
TO GALCHUTT 687
MATCH SHEET OAKES-6w
CPEC WYNDMERE JCT SCADA-OTP
9143
DAKOTA VALLEY WYNDMERE SOUTH
S-13
7594
7532
TO MILNOR 27
RURAL
MOORETON
7589
7591
7590
BARNEY
DAKOTA VALLEY MOORETON
S-4
9072
WYNDMERE
MANTADOR
GREAT BEND
8428
8427
8426
7592
SOUTH RURAL
677
BRECKENRIDGE MUNICIPAL PLANT
9550
BRECKENRIDGE MUNICIPAL THITD
9554
BRECKENRIDGE RURAL WEST
7602
BRECKENRIDGE RURAL EAST
7600
WAHPETON SOUTHEAST
7597
WAHPETON NORTHWEST
SCHOOLS
GOV.
NORTH RISER
SIOUX SUN
RED RIVER GRAIN ELEVATOR
BRECKENRIDGE CARGILL JCT
7598
7603
7604
DORAN JCT
9552
9551
BRECKENRIDGE SOUTH JCT
BRECKENRIDGE MUNICIPAL SOUTH
TO DORAN 744
7639
8937
TO LAKE REGION EVERDELL 636
620327
TO HANKINSON 2525 & 2545
620303
TO CPEC HANKINSON 545
MATCH SHEET WAHPETON-6a
620228
TO TYLER 1593
MATCH SHEET FERGUS FALLS-1cw
OTTER TAIL POWER COMPANY
SYSTEM OPERATING DIAGRAM 2/28/14
WAHPETON CSC 6c



OTTER TAIL POWER COMPANY
SYSTEM OPERATING DIAGRAM 1/4/13

WAHPETON
CSC
6s

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Date/Time Accepted	6/21/2018 3:47 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 47 Hrg Exhibit DVEC 11
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

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Exhibit ND-OTP-010-2 Dakota Valley Substation Outage History

Outage	Sub	Feeder	Phs	Time Off	Time On	Duration	Type	Cause Desc	# Out	Equip Desc
86693	MOO	99	ABC	5/8/2007 11:40	5/8/2007 12:30	0:50	Substation	POWER SUPPLIER	197	SUBSTATION HIGH SIDE FUSE
165338	MOO	99	ABC	7/17/2011 20:27	7/18/2011 0:39	4:12	Substation	POWER SUPPLIER	218	TRANSMISSION POLE
185230	MOO	99	ABC	5/2/2012 23:52	5/3/2012 1:38	1:46	Substation	POWER SUPPLIER	218	POWER SUPPLIER
220564	MOO	99	ABC	9/22/2014 9:08	9/22/2014 9:25	0:16	Substation	MAINTENANCE PLANNED	228	OH CONDUCTOR

Hours:Minutes

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Date/Time Submitted	6/21/2018 3:26 PM CST
Date/Time Accepted	6/21/2018 3:47 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 48 Hrg Exhibit DVEC 12
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
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Exhibit ND-OTP-011-1 Dakota Valley Substation Feeder History

Outage	Sub	Feeder	Phs	Time Off	Time On	Duration	Type	Map Location	Cause Desc	# Out	Equip Desc
127993	MOO	3	B	3/19/2010 0:10	3/19/2010 1:44	1:34	Meter	3250-050-NE 03	UNKNOWN	1	FUSE - CUTOUT FAILURE
133793	MOO	3	A	6/2/2010 20:06	6/2/2010 21:03	0:56	Meter	3350-330-SW 17	ICE,SLEET,FROST	1	TRANSFORMER - CSP
146900	MOO	3	ABC	10/27/2010 8:21	10/27/2010 8:55	0:34	Feeder	R3250-13-3	ICE,SLEET,FROST	50	OH CONDUCTOR
147594	MOO	3	B	11/4/2010 19:19	11/4/2010 20:30	1:10	Feeder	R3250-13-3	UNKNOWN	30	OCR - RESET
157454	MOO	3	ABC	5/30/2011 20:24	5/30/2011 22:54	2:30	Line Section	R3250-02-2	TREES	20	ACSR OH CONDUCTOR
168293	MOO	3	B	7/27/2011 10:09	7/27/2011 11:22	1:13	Meter	3350-420-NE 23	UNKNOWN	1	FUSE - CUTOUT FAILURE
180693	MOO	3	B	11/26/2011 12:39	11/26/2011 13:50	1:11	Meter	3350-230-SW 14	EQUIPMENT/MATERIAL FAILURE	1	INSULATOR
184107	MOO	3	B	3/29/2012 15:53	3/29/2012 16:45	0:51	Meter	3350-640-SW 35	LIGHTING	1	FUSE - LINE BLOWN
187306	MOO	3	B	6/7/2012 2:42	6/7/2012 4:08	1:26	Line Section	R3350-24-1	UNKNOWN	4	OCR - RESET
189417	MOO	3	B	7/25/2012 18:51	7/25/2012 19:49	0:58	Line Section	R3250-02-1	UNKNOWN	22	NO EQUIPMENT FAILURE
189762	MOO	3	B	7/30/2012 18:54	7/30/2012 19:40	0:46	Line Section	R3349-19-2	DAMAGED MATERIAL OR EQUIP	12	OCR - RESET
192006	MOO	3	A	9/12/2012 11:32	9/12/2012 13:41	2:08	Meter	3350-340-SE 18	FIRE or BURNING	1	OH SECONDARY CONDUCTOR
192706	MOO	3	A	9/24/2012 8:14	9/24/2012 9:00	0:46	Meter	3350-330-SW 17	UNKNOWN	1	CONSUMER FACILITIES
193208	MOO	3	A	10/4/2012 7:57	10/4/2012 8:40	0:43	Meter	3350-330-SW 17	WIND NOT TREES	1	SECONDARIES OTHER
195057	MOO	3	B	11/21/2012 8:50	11/21/2012 9:45	0:54	Line Section	R3350-24-1	HOUSE MOVE	4	NO EQUIPMENT FAILURE
207319	MOO	3	A	10/6/2013 17:47	10/6/2013 19:01	1:14	Meter	3350-230-SW 14	SMALL ANIMALS	1	FUSE - LINE BLOWN
207810	MOO	3	B	10/15/2013 10:28	10/15/2013 11:59	1:31	Line Section	280	BIRDS	4	OCR - RESET
212108	MOO	3		3/7/2014 8:20	3/7/2014 9:29	1:08	Meter	3350-260-NE 15	SMALL ANIMALS	1	TRANSFORMER - FUSE
214508	MOO	3		5/23/2014 20:18	5/23/2014 21:43	1:25	Meter	3349-292-SE 19	FARM MACHINERY	1	OCR - RESET
214509	MOO	3	A	5/23/2014 20:19	5/23/2014 21:43	1:24	Meter	3349-280-SW 17	FARM MACHINERY	1	OCR - RESET
214510	MOO	3	A	5/23/2014 20:28	5/23/2014 21:43	1:15	Meter	3349-070-SW 04	FARM MACHINERY	1	OCR - RESET
214511	MOO	3	A	5/23/2014 21:04	5/23/2014 21:43	0:39	Meter	3349-090-NE 06	FARM MACHINERY	1	OCR - RESET
214512	MOO	3	A	5/23/2014 21:05	5/23/2014 21:43	0:38	Meter	3349-082-SE 05	FARM MACHINERY	1	OCR - RESET
215808	MOO	3	A	6/19/2014 0:10	6/19/2014 1:47	1:37	Meter	3349-090-NE 06	NO CAUSE CODE	1	NO EQUIPMENT CODE
218810	MOO	3	A	8/17/2014 6:55	8/17/2014 8:01	1:06	Meter	3349-070-SW 04	WIND NOT TREES	1	TRANSFORMER - CSP
222557	MOO	3		11/7/2014 10:24	11/7/2014 15:36	5:11	Meter	3350-420-NE 23	UNKNOWN	1	UG PRIMARY CABLE
222558	MOO	3		11/7/2014 11:09	11/7/2014 11:56	0:47	Meter	3349-292-SE 19	EQUIPMENT/MATERIAL FAILURE	1	UG PRIMARY CABLE
231757	MOO	3	A	7/28/2015 8:48	7/28/2015 9:42	0:53	Meter	3350-662-SW 36	UNKNOWN	1	ARRESTOR OH LINE
234057	MOO	3	A	8/29/2015 7:01	8/29/2015 10:37	3:36	Meter	3350-420-NE 23	DAMAGED MATERIAL OR EQUIP	1	FUSE - LINE BLOWN
242611	MOO	3	A	1/16/2016 14:53	1/16/2016 16:34	1:41	Line Section	R3349-19-2	PUBLIC VEHICLE	13	NO EQUIPMENT FAILURE
243407	MOO	3	ABC	2/4/2016 9:16	2/4/2016 10:30	1:14	Meter	3351-331-NW 24	UNKNOWN	1	TRANSFORMER - FUSE
244312	MOO	3	A	4/3/2016 12:54	4/3/2016 13:38	0:44	Line Section	R3349-19-2	EQUIPMENT/MATERIAL FAILURE	13	CWC OH CONDUCTOR
247361	MOO	3	B	6/17/2016 9:00	6/17/2016 10:26	1:26	Meter	3250-500-NE 23	MAINTENANCE PLANNED	1	UG PRIMARY CABLE
248508	MOO	3	A	7/5/2016 9:49	7/5/2016 14:11	4:21	Meter	3350-260-NE 15	EQUIPMENT/MATERIAL FAILURE	1	UG PRIMARY CABLE
253958	MOO	3	A	10/1/2016 20:59	10/2/2016 1:02	4:03	Meter	3350-260-NE 15	DAMAGED MATERIAL OR EQUIP	1	OH CONDUCTOR
254009	MOO	3	A	10/2/2016 11:04	10/2/2016 13:52	2:48	Meter	3350-260-NE 15	EQUIPMENT/MATERIAL FAILURE	1	UG PRIMARY CABLE
255208	MOO	3	ABC	10/18/2016 19:44	10/18/2016 21:30	1:46	Meter	3351-331-NW 24	OVERLOAD	1	TRANSFORMER - FUSE
270561	MOO	3	A	6/13/2017 1:14	6/13/2017 2:39	1:25	Meter	3349-290-NE 19	DAMAGED MATERIAL OR EQUIP	1	METER - LOOP/DISCONNECT

Note: Outages Highlighted are service outages that would have impacted the Minn-Kota Ag electric service

CR Exhibit 48 Hrg Exhibit DVEC 12
08-2018-CV-01142

DVEC - 12

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Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 49 Hrg Exhibit DVEC 13 (Protected Document - placeholder)
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Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

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Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

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System Time Stamp	Alstom Point Description	Substation	Composite ID	GMT	Time Zone	Daylight Savings	
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5/19/2014 5:59 AM	WAHPETON 230 CB 245 CLOSE	WAHPETON	WAHPETON.CB.245.CTRL	5/19/2014 10:59 AM	CST	CDT	Momentary
5/24/2014 12:35 AM	WAHPETON 230 CB 245 OPEN	WAHPETON	WAHPETON.CB.245.CTRL	5/24/2014 5:35 AM	CST	CDT	
5/24/2014 2:20 AM	WAHPETON 230 CB 245 CLOSE By DWB1	WAHPETON	WAHPETON.CB.245.CTRL	5/24/2014 7:20 AM	CST	CDT	Sustained
6/19/2014 1:03 AM	WAHPETON 230 CB 245 OPEN	WAHPETON	WAHPETON.CB.245.CTRL	6/19/2014 6:03 AM	CST	CDT	
6/19/2014 1:28 AM	WAHPETON 230 CB 245 CLOSE By DWB1	WAHPETON	WAHPETON.CB.245.CTRL	6/19/2014 6:28 AM	CST	CDT	Sustained
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11/18/2016 9:14 AM	WAHPETON 230 CB 245 CLOSE	WAHPETON	WAHPETON.CB.245.CTRL	11/18/2016 3:14 PM	CST	CDT	Momentary

PU-17-96 Filed: 10/23/2017 Pages: 1
Exhibit DVEC-14 - OTP Outage History for 41.6 KV Line (2014-2016)

Dakota Valley Electric Cooperative, Inc.

CR Exhibit 50 Hrg Exhibit DVEC 14
08-2018-CV-01142

DVEC - 14

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Filing Description	CR Exhibit 51 Hrg Exhibit DVEC 16
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

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ND-OTP-009-1 DVEC Cost Summary of Facilities

3250-11 (Existing 3 Phase Cabinet Location)

Qty.	Price	Description
3	$525.96/ea	4/0 URD Elbows

Labor

Qty.	Unit Price	Description
3	$45.00/ea	Install 4/0 Elbows (200 Amp)

3250-10 (New 3 Phase Cabinet on Minn-Kota Ag Site)

Qty.	Price	Description
1	$914/ea	3 Phase Enclosure w/ Basement
3	$118.82/ea	4-point junctions
1	$64.66/ea	UM48-2 Grounds
6	$525.96/ea	4/0 URD Elbows
1	$203.7/ea	Anode
6	$21.06/ea	UM6-10 Dummy Covers
1	$20.00/ea	Marking Flag for Cabinet

Qty.	Unit Price	Description
1	$350.00/ea	Set 3PH Enclosure
3	$40.00/ea	Install 4-points in cabinet
1	$125.00/ea	Install Grounds
6	$45.00/ea	Install 4/0 Elbows (200 Amp)
1	$150.00/ea	Install anode
6	$45.00/ea	Install Dummy Covers in cabinet
1	$20.00/ea	Install Marking Flag

3250-10 (1st Transformer on Minn-Kota Ag Site)

Qty.	Price	Description	
1	$64.66/ea	UM48-2 Grounds	
6	$525.96/ea	4/0 URD Elbows	
1	$203.70/ea	Anode	
1	$26,450/ea	1500 KVA Transformer	(NEW)
1	$550.00/ea	Meter & Meter Socket	
3	$90.65/ea	Current Transformers	

Qty.		
1	$125.00/ea	Install grounds
6	$45.00/ea	Install 4/0 elbows (200)
1	$150.00/ea	Install anode
1	$350.00/ea	Install Transformer & Basement
1	$45.00/ea	Install socket by transformer
3	$45.00/ea	Install Ct's in transformer

3250-10 (2nd Transformer on Minn-Kota Ag Site)

Qty.	Price	Description	
1	$64.66/ea	UM48-2 Grounds	
3	$525.96/ea	4/0 URD Elbows	
3	$60.13/ea	Elbow Arrestors	
1	$203.7/ea	Anode	
1	$26,450/ea	1500 KVA Transformer	(NEW)
1	$550.00/ea	Meter & Meter Socket	
3	$90.65/ea	Current Transformers	

Qty.		
1	$125.00/ea	Install grounds
3	$45.00/ea	Install 4/0 elbows (200A)
3	$45.00/ea	Install elbow arrestors
1	$150.00/ea	Install anode
1	$350.00/ea	Install transformer & basement
1	$45.00/ea	Install socket by transformer
3	$45.00/ea	Install Ct's in transformer

3250-11 (3PH Cabinet) to 3250-10 (Minn-Kota Service) - Underground Cable

Qty.	Price	Description
3960'	$2.106/ft	4/0 220 MIL EPR
9	$34.50/ea	4/0 Splices

Qty.		
2960'	$0.95/ft	Plow 3ph urd cable
1000'	10.60/ft	Boring 3ph urd cable
9	$175.00/ea	Install splices and anodes

Total Material Cost: **$75,063.73**

Total Labor Cost: **$18,577.00**

Total Project Cost: **$93,640.73**

*Note that if Minn-Kota Ag would only want one (1) transformer, Dakota Valley would install either a 2500 KVA or 3000 KVA Cost of the transformer (new) would be ~$33,000 and labor and material cost for 2nd transformer would be eliminated

DVEC - 16

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Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

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PO Box 496
Fergus Falls, Minnesota 56538-0496
218 739-8200
www.otpco.com

OTTER TAIL POWER COMPANY

RECEIVED
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NORTH DAKOTA
PUBLIC SERVICE COMMISSION

October 30, 2017

Darrell Nitschke
Executive Secretary
ND Public Service Commission
600- East Boulevard Avenue
Bismarck, ND 58505-0480

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RE: Otter Tail Power Company
Minn-Kota Ag Products Inc. – Richland County
Public Convenience & Necessity
Case No. PU-17-96
OTP – Late Filed Exhibit 1
OTP – Late Filed Exhibit 5

Dear Mr. Nitschke:

Please find enclosed for filing the following Late Filed Exhibits in the above-entitled matter, which came up for hearing on October 23, 2017:

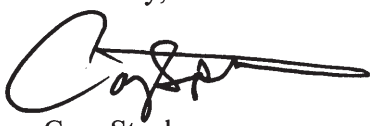
1. OTP – Late Filed Exhibit 1
2. OTP – Late Filed Exhibit 5

With respect to OTP - Late Filed Exhibit 5, it is OTP's understanding that Administrative Law Judge Ward ruled during the hearing that such information was protected and that an order to that point was forthcoming. Therefore, OTP has not filed a separate application for trade secret protection under ND Admin. Code Chapter 69-02-09. To the extent such an application is deemed necessary, OTP hereby request such protection for OTP - Late Filed Exhibit 5. The information provided in that exhibit includes the name and certain load factor data of facilities used for comparison purposes in determining the correct load factor estimate for the proposed

An Equal Opportunity Employer

Minn-Kota facility. Specifically, page 1 and 2 OTP Late Filed Exhibit 5 are the facilities OTP witness Christopher Waltz testified as being the most suitable for comparison purposes. Pages 3, 4, 5 and 6 are facilities that were useful for examination but not as useful as the facilities noted on pages 1 and 2. This information is trade secret under N.D. Cent. Code §§ 47-25.1-01(4). This information has independent economic value from not being generally known by other persons who can obtain economic value from its disclosure. This information in held in confidence by OTP for its customers and OTP has internal policies against public disclosure of such data. This information also qualifies for perfection as "commercial information" under NDCC 44-04-18.4(2)(a) and "proprietary information" under NDCC 44-04-18.4(2)(a) and "proprietary information" under NDCC 44-04-18.4(2)(c)(5). Consistent with 69-02-09-02 the protected material referenced above is being filed in a sealed envelope labeled: PROTECTED INFORMATION - PRIVATE.

Sincerely,



Cary Stephenson
Associate General Counsel

ljh
Enclosures

Cc:
ALJ Patrick J. Ward
Kimberly J. Radermacher
Zachary Pelham

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Filing Attorney	Illona Jeffcoat-Sacco

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OTTER TAIL POWER COMPANY

Fergus Falls, Minnesota

North Dakota, General Rules & Regulations
ELECTRIC RATE SCHEDULE
General Rules & Regulations
EXTENSION RULES AND MINIMUM REVENUE GUARANTEE
Section 5.01

STANDARD INSTALLATION AND EXTENSION RULES

SECTION 5.01 EXTENSION RULES AND MINIMUM REVENUE GUARANTEE

The Company will, at its own expense, extend, enlarge, or change its Distribution or other facilities for supplying electric service when the anticipated revenue from the sale of additional service at the location justifies the expenditure. If it reasonably appears to the Company that the expenditure may not be justified based on a three-year projection of revenue received from the Customer's applicable rate(s) (not including any such amounts expected to be recovered through the energy adjustment rider, but including any base costs of energy included in the Customer's rate(s)), the Company may require the Customer to sign an Electric Service Agreement guaranteeing a minimum payment of not less than three (3) years use of electric service, or to require the Customer to pay in advance if the Company has reason to question whether the Customer will maintain adequate creditworthiness over the period or for any other reason may fail to make payments for service over the period.

The Company shall provide to the Customer an estimate with detail of the costs prior to construction.

If at the point of true-up at the end of the initial contracted period of service, the Customer uses and pays for more than the specified guaranteed minimum amount of electric service which the Customer contracted to purchase (not including any amounts paid pursuant to the energy adjustment rider, but including any amounts paid for the base costs of energy included in the Customer's rate(s)), any advance that may have been made in excess of the guaranteed minimum amount will be refunded to the Customer together with interest at the rate provided for Customer deposits under North Dakota Public Service Commission Standard of Service 69-09-02-04. However, if the Customer uses less than the guaranteed minimum, the amount of the deficiency will be billed to the Customer, and/or will be deducted from the Customer's advance payment, and the balance of the advance payment, if any, will be refunded to the Customer with interest on the balance.

54 **PU-17-96** Filed: 10/30/2017 Pages: 3
Exhibit OTP-LF1 - OTP - Policy extensions of service and minimum revenue guarantee calculated by OTP for Minnkota
Otter Tail Power Company

Otter Tail Power Company
Minn-Kota Ag Products Extension
Three Year Minimum Revenue - Secondary Service – 23% LF

Aggregate Cost to Extend Service & On-Site Facilities:	$235,869
Estimated Annual Load (kWh):	2,591,440
Estimated Annual Revenue:	$251,136
Estimated Three-year Revenue:	$753,408

An Electric Service Agreement is not needed based on a three-year projection of revenue received.

Otter Tail Power Company
Minn-Kota Ag Products Extension
Three Year Minimum Revenue - Secondary Service – 33% LF

Aggregate Cost to Extend Service & On-Site Facilities:	$235,869
Estimated Annual Load (kWh):	2,846,400
Estimated Annual Revenue:	$271,981
Estimated Three-year Revenue:	$815,943

An Electric Service Agreement is not needed based on a three-year projection of revenue received.

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OTP - Late Filed Exhibit 5

Facilities used in Load Factor Comparison

Pages 1-6

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Radermacher Law Firm, P.C.

P.O. Box 597 – 27 Center Ave., LaMoure, ND 58458 • Telephone: (701) 883-5125 • Fax: (701) 883-5928

Kimberly J. Radermacher
Attorney-at-Law
kimrader@radermacherlaw.com
*Licensed in ND/SD

October 30, 2017

RECEIVED
NOV - 1 2017
NORTH DAKOTA
PUBLIC SERVICE COMMISSION

North Dakota Public Service Commission
600 E. Boulevard Ave. Dept. 408
Bismarck, ND 58505-0480

RE: PU-17-96
CPCN – Otter Tail Power/Minn-Kota Ag. Products

Dear Commissioners,

Enclosed for docketing in the above captioned case, please find the following:

A. **DVEC Annual Operating Expenses (LF - 2 Dakota Valley Exhibit)**
B. **DVEC Projected Annual Return on Investment (LF - 3 Dakota Valley Exhibit)**
C. **Capital Credit Allocation and Retirement (LF - 4 Dakota Valley Exhibit)**
D. **Certificate of Electronic Service on Zachary Pelham; Cary Stephenson; and Hon. Patrick Ward**
E. **Certificate of Service on North Dakota Public Service Commission**

As always, please do not hesitate to contact my office should you have any questions or concerns.

Thank you.

Sincerely,
RADERMACHER LAW FIRM, P.C.

Kimberly J. Radermacher

Enclosures

From: efilingmail@tylerhost.net
To: Jeffcoat-Sacco, Illona
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3029703
Date: Monday, June 25, 2018 9:11:12 AM

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Envelope Number: 3029703
Case Number: 08-2018-CV-01142
Case Style: Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.

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Filing Details	
Court	Burleigh County - South Central District
Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/22/2018 4:43 PM CST
Date/Time Accepted	6/25/2018 9:10 AM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 56 Hrg Exhibit DVEC LF2
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
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Dakota Valley Electric Annual Operating Expenses

Distribution Expense - Operations		1,776,396
Distribution Expense - Maintenance		909,256
Customer Accounts Expense		284,724
Customer Service & Informational Expense		201,675
Sales Expense		482
Adminstrative & General Expense		1,278,241
Total Operations & Maintenance Expense	**$**	**4,450,774.00**
Depreciation & Amortizaition		2,164,117
Tax Expense - Property & Gross Receipts		449,066
Interest on Long Term Debt		1,803,394
Interest Expense - Other		6,444.00
Other Deductions		18,718
Total Other Expenses	**$**	**4,441,739.00**
Total Cost of Electic Service	**$**	**8,892,513.00**
Total Service Locations		6616
Total Cost of Electric Service per Service Location	**$**	**1,344.09**

LF – 2
DVEC
Exhibit

From: efilingmail@tylerhost.net
To: Jeffcoat-Sacco, Illona
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Date/Time Accepted	6/25/2018 9:10 AM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 57 Hrg Exhibit DVEC LF3
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 57 Hrg Exhibit DVEC LF3.pdf
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Dakota Valley Electric Cooperative
Three Phase Large Commercial Rate Schedule
Commercial Incentive Rate Discount

Otter Tail Power Company
General Service Rate

	Minn-Kota Ag Service Charges	DVEC Power Supplier Costs	Cost of Service	DVEC Revenue	Minn-Kota Ag Sevice Charges
Year 1	$275,524.58	$255,809.80	$1,344.09	$18,370.69	$ 261,322.81
Year 2	$275,524.58	$256,065.61	$1,391.13	$18,067.84	$ 261,322.81
Year 3	$275,524.58	$256,321.67	$1,439.82	$17,763.08	$ 261,322.81
Year 4	$275,524.58	$256,577.99	$1,490.22	$17,456.37	$ 261,322.81
Year 5	$281,626.81	$256,834.57	$1,542.37	$23,249.87	$ 261,322.81
Year 6	$281,626.81	$257,091.41	$1,596.36	$22,939.05	$ 261,322.81
Year 7	$287,729.05	$257,348.50	$1,652.23	$28,728.32	$ 261,322.81
Year 8	$287,729.05	$257,605.85	$1,710.06	$28,413.14	$ 261,322.81
Year 9	$293,831.28	$257,863.45	$1,769.91	$34,197.92	$ 261,322.81
Year 10	$306,035.75	$258,121.32	$1,831.86	$46,082.58	$ 261,322.81

Based on 33% Load Factor
Power Supply cost is increased by 1Mill annually as per our 10 year Financial Forecast
Cost of Service is bases on our expenses per service location / increased by 3.5% annually for inflation
By Year 5 DVEC will have recovered our initial investment of $93,640
Minn Kota Charges assume NO Rate increase - but reflect the change in the EcDev discount %

58 PU-17-96 Filed 11/01/2017 Pages: 2
Late filed exhibit DVEC-LF3 - DVEC - Projected Annual Rate of Return on investment
Dakota Valley Electric Cooperative, Inc.

CR Exhibit 57 Hrg Exhibit DVEC LF3
08-2018-CV-01142

LF – 3
DVEC
Exhibit

Dakota Valley Electric Cooperative
Minn-Kota Ag Products Extension

Using Rate of Return formula for comparision to OTP's exhibit

Aggregate Cost to Extend Service & On-Site Facilities:	$	93,640
DVEC 5 year average of Rate of Return		3.19%
ROR to meet 5 year average		2,987.12
Estimate Annual Load		2,781,000
Estimate Annual Revenue	$	275,525
Wholesale Power Cost	$	255,810
Estimated Net Revenue	$	19,715
Net Contribution of Costs	$	16,728

From: efilingmail@tylerhost.net
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Date/Time Accepted	6/25/2018 9:10 AM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 58 Hrg Exhibit DVEC LF4
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 58 Hrg Exhibit DVEC LF4.pdf
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Dakota Valley Electric - Capital Credit Allocation

	Allocation		
	Coop	G&T	Total
2016	2,772,481	3,711,487	6,483,968
2015	2,636,371	1,437,030	4,073,401
2014	2,397,491	1,501,483	3,898,974
2013	3,133,708	1,535,958	4,669,666
2012	246,918	1,351,542	1,598,460
2011	61,304	730,137	791,441
2010	1,251,395	650,000	1,901,395
2009	1,175,844	1,832,478	3,008,321
2008	1,174,098	2,958,404	4,132,502
2007	1,522,091	483,372	2,005,463
2006	2,061,578	502,000	2,563,578
2005	957,125	574,274	1,531,399
2004	1,564,859	1,982,698	3,547,557
2003	872,297	1,233,510	2,105,807
2002	1,046,624	1,064,706	2,111,330
2001	2,397,987	1,696,239	4,094,226

Coop Allocation is Dakota Valley Electric Cooperative's Margins

G&T Allocation is the allocation rec'd from our Power Supplier that is passed directly onto our members

Each member's share of this allocation is based their revenue for the year as a percentage of the total revenue for the year.

Example:	*Margins (Allocation)*	*1,000,000*
	Total Revenue for the year	*5,000,000*
	Member "A" revenue	*500,000*
	Member "A" Percentage of Margins	*10%*
	Member "A" allocation	*100,000*

Minn-Kota's estimated Year #1 Revenue	**$**	**275,524.58**
Estimated allocation of Capital Credits*	**$**	**42,429.14**

***Estimate is based on the actual 2016 allocation of Capital Credits**

LF – 4 DVEC Exhibit

Dakota Valley Electric - Capital Credit Annual Retirements

	Retirement			
	Estates	Early Buy-Out	General	Total
2016	141,652.23	87,674.35	556,667.28	785,993.86
2015	126,271.73	150,547.40	437,328.00	714,147.13
2014	131,808.07	146,142.30	549,103.61	827,053.98
2013	84,650.32	67,627.32	376,949.00	529,226.64
2012	90,438.92	92,611.60	354,243.00	537,293.52
2011	61,623.46	51,223.39	587,204.23	700,051.08
2010	72,013.54	58,925.87	539,516.00	670,455.41
2009	65,842.71	45,417.50	1,430,366.00	1,541,626.21
2008	75,165.36	64,540.31	1,225,298.00	1,365,003.67
2007	40,242.13	52,919.93	1,058,537.99	1,151,700.05
2006	74,542.43	20,525.20	865,710.53	960,778.16
2005	44,209.26		968,731.66	1,012,940.92
2004	86,580.25		821,716.32	908,296.57
2003	58,358.31		831,855.97	890,214.28
2002	133,325.80		890,535.98	1,023,861.78
2001	82,916.32		535,787.80	618,704.12

Capital Credit General Retirement Rotation of the Cooperative Allocation

2016	Balance of 2001
2015	22% of 2001
2014	19% of 2001
2013	20% of 2001
2012	Balance of 2000 / 7% of 2001
2011	Balance of 1999 / 64% of 2000
2010	Balance of 1998 / 57% of 1999
2009	Balance of 1997 / 53% of 1998
2008	Balance of 1996 / 20% of 1997
2007	Balance of 1995 / 9% of 1996
2006	Balance of 1993 / 100% of 1994 /14% of 1995
2005	Balance of 1991 / 100% of 1992 / 95% of 1993
2004	Balance of 1989 / 100% of 1990 / 90% of 1991
2003	Balance of 1987 / 100% of 1988 / 89% of 1989
2002	Balance of 1983 / 100% of 1984-86 / 8% of 1987
2001	100% of 1982 / 92% of 1983

Dakota Valley Electric Cooperative
Summary of Minn-Kota Ag Products Capital Credit Allocation
for existing location in Wahpeton

		Revenue		Allocation
2013	$	32,126.51	$	4,307.44
2014	$	121,226.66	$	13,112.44
2015	$	154,340.85	$	17,203.29
2016	$	141,237.68	$	21,749.76

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Prior Yrs Alloc/Unret Adj : MINN-KOTA AG PRODUCTS INC, Cust#: 105830 **Customer Level** Set Aside Retrieve (0)

Allocation by Customer

Customer: 105830 Account: ALL Year: ALL Type: - ALL Auto Adjust Unretired

Enter Adjustment(s) Enter New Balance(s) ABS Journal: 0

...	Alloc Type	E...	Allocated	Alloc Adj	Adj Allocated	Unret Adj	Adj Unretired	Adj Type	Unretired	Retired Amt	Early Paid
2016	1 - COOP-COOP		11,139.44	0.00	11,139.44	0.00	11,139.44		11,139.44	0.00	
2016	2 - COOP-G&T		10,610.32	0.00	10,610.32	0.00	10,610.32		10,610.32	0.00	
2015	1 - COOP-COOP		12,473.53	0.00	12,473.53	0.00	12,473.53		12,473.53	0.00	
2015	2 - COOP-G&T		4,729.76	0.00	4,729.76	0.00	4,729.76		4,729.76	0.00	
2014	1 - COOP-COOP		9,120.75	0.00	9,120.75	0.00	9,120.75		9,120.75	0.00	
2014	2 - COOP-G&T		3,991.69	0.00	3,991.69	0.00	3,991.69		3,991.69	0.00	
2013	1 - COOP-COOP		3,211.90	0.00	3,211.90	0.00	3,211.90		3,211.90	0.00	
2013	2 - COOP-G&T		1,095.54	0.00	1,095.54	0.00	1,095.54		1,095.54	0.00	
			56,372.93	0.00	56,372.93	0.00	56,372.93		56,372.93	0.00	

Add Row Delete Row

Save Revert Related

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Year-End Patronage Adjustments : MINN-KOTA AG PRODUCTS INC, Cust#: 105830

Customer Level | Set Aside | Retrieve (0)

Customer	Account	Serv Loc #	Provider	Service Desc/Address	Service Status	Disconn Dt	Invoice Grp	St	County	Other Jurisdiction
105830	10583000	3914	DVEC	3347-054-NE 18	1 - Active		0	ND	RIC - ...	N/A - NOT APPLICA...
105830	10583000	8446	DVEC	3347-055-NE 18	1 - Active		0	ND	RIC - ...	N/A - NOT APPLICA...

Elevator

Service Status: 1 - Active

Service Desc/Address: 3347-054-NE 18

Invoice Group: 0

County: RIC - Richland

Disconnect Date:

State: ND

Other Jurisdiction: N/A - NOT APPLICABLE

Service Map Location: 3347-054-NE 18

District Office: WAH

Year	Alloc Revenue	Usage	Notification	Rate Schedule	Rev Class	Cr Rtg	Alloc Amt	Previous Revenue
2016	126,058.80	917360	B - Notify by Bill	056 - 056-Lrg 3PH Com	8 - LARGE C...	0	19,412.30	0.00
2015	141,470.23	1054400	B - Notify by Bill	056 - 056-Lrg 3PH Com	8 - LARGE C...	0	15,768.69	0.00
2014	119,731.56	774160	B - Notify by Bill	056 - 056-Lrg 3PH Com	8 - LARGE C...	0	12,950.72	0.00
2013	32,126.51	208320	B - Notify by Bill	056 - 056-Lrg 3PH Com	8 - LARGE C...	0	4,307.44	0.00
	419,387.10	2954240					52,439.15	

Add Row | Delete Row

Save | Reset | Add | Delete | Related

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Year-End Patronage Adjustments : MINN-KOTA AG PRODUCTS INC, Cust#: 105830 Customer Level Set Aside Retrieve (0)

Customer	Account	Serv Loc #	Provider	Service Desc/Address	Service Status	Disconn Dt	Invoice Grp	St	County	Other Jurisdiction
105830	10583000	3914	DVEC	3347-054-NE 18	1 - Active		0	ND	RIC - ...	N/A - NOT APPLICA...
105830	10583000	8446	DVEC	3347-055-NE 18	1 - Active		0	ND	RIC - ...	N/A - NOT APPLICA...

Fertilizer Facility

Service Status: 1 - Active
Service Desc/Address: 3347-055-NE 18
Invoice Group: 0
County: RIC - Richland
Disconnect Date:
State: ND
Other Jurisdiction: N/A - NOT APPLICABLE
Service Map Location: 3347-055-NE 18
District Office: WAH

Year	Alloc Revenue	Usage	Notification	Rate Schedule	Rev Class	Cr Rtg	Alloc Amt	Previous Revenue
2016	15,178.88	75040	B - Notify by Bill	056 - 056-Lrg 3PH Com	8 - LARGE C...	0	2,337.46	0.00
2015	12,870.62	73120	B - Notify by Bill	056 - 056-Lrg 3PH Com	8 - LARGE C...	0	1,434.60	0.00
2014	1,495.10	12000	B - Notify by Bill	056 - 056-Lrg 3PH Com	8 - LARGE C...	0	161.72	0.00
	29,544.60	160160					3,933.78	

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To: Jeffcoat-Sacco, Illona
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3029703
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North Dakota Public Service Commission Docket No: PU-17-96

STATE OF NORTH DAKOTA)
)ss
COUNTY OF LAMOURE)

[1] I, Kimberly J. Radermacher, do hereby certify that on October 30, 2017, I served the following documents:

A. **DVEC Annual Operating Expenses (LF - 2 Dakota Valley Exhibit)**
B. **DVEC Projected Annual Return on Investment (LF - 3 Dakota Valley Exhibit)**
C. **Capital Credit Allocation and Retirement (LF - 4 Dakota Valley Exhibit)**

by sending a true and correct copy thereof by First Class Mail through the U.S. Postal Service, addressed to:

North Dakota Public Service Commission
600 E Blvd Ave Dept 408
Bismarck, ND 58505-0480

[3] To the best of my knowledge, information and belief, such address is/was the actual post office address of the party intended to be served. That the above document was duly mailed in accordance with the applicable provisions of North Dakota law.

Dated this 30th day of October, 2017.

Kimberly J. Radermacher (#05856)
Attorney-at-Law
P.O. Box 597 – 27 Center Ave.
LaMoure, ND 58458
Telephone: 701-883-5125
Attorney for Dakota Valley Electric Coop.
kimrader@radermacherlaw.com

60 PU-17-96 Filed 11/01/2017 Pages: 2
Service documents - late filed exhibit DVEC-LF2, DVEC-LF3, and DVEC-LF4
Dakota Valley Electric Cooperative, Inc.
Kimbery Radermacher, Attorney

North Dakota Public Service Commission Docket No: PU-17-96

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COUNTY OF LAMOURE)

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by sending a true and correct copy thereof via email to:

Zachary E. Pelham at zep@pearce-durick.com
Cary Stephenson at cstephenson@otpco.com
Patrick Ward at PWard@zkslaw.com

[2] To the best of my knowledge, information and belief, such address is the actual email address(es) of the parties intended to be served. That the above documents were duly e-mailed and served in accordance with the applicable provisions of North Dakota law.

Dated this 30th day of October, 2017.

Kimberly J. Radermacher (#05856)
Attorney-at-Law
P.O. Box 597 – 27 Center Ave.
LaMoure, ND 58458
Telephone: 701-883-5125
Attorney for Dakota Valley Electric Coop.
kimrader@radermacherlaw.com

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CR Exhibit 60 Letter enclosing Application for Protection of Information

08-2018-CV-01142

Radermacher Law Firm, P.C.

P.O. Box 597 – 27 Center Ave., LaMoure, ND 58458 • Telephone: (701) 883-5125 • Fax: (701) 883-5928

Kimberly J. Radermacher
Attorney-at-Law
kimrader@radermacherlaw.com
*Licensed in ND/SD

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NORTH DAKOTA
PUBLIC SERVICE COMMISSION

October 30, 2017

North Dakota Public Service Commission
600 E. Boulevard Ave. Dept. 408
Bismarck, ND 58505-0480

RE: PU-17-96
CPCN – Otter Tail Power/Minn-Kota Ag. Products

Dear Commissioners,

Enclosed for docketing in the above captioned case, please find the following:

A. **Application for Trade Secret Protection by Dakota Valley**
B. **DVEC Comparable Loads to Minn-Kota Ag. Products – Redacted (LF - 5 Dakota Valley Exhibit)**
C. **DVEC Comparable Loads to Minn-Kota Ag. Products – Non-Redacted (LF - 5 Dakota Valley Exhibit)**
D. **Certificate of Service on Zachary Pelham; Cary Stephenson; and Hon. Patrick Ward**
E. **Certificate of Service on North Dakota Public Service Commission**

As always, please do not hesitate to contact my office should you have any questions or concerns.

Thank you.

Sincerely,
RADERMACHER LAW FIRM, P.C.

Kimberly J. Radermacher

Enclosures

61 PU-17-96 Filed: 11/1/2017 Pages: 1
Letter enclosing Application for Protection of Information, late filed exhibit DVEC-LF5
Dakota Valley Electric Cooperative, Inc.
Kimbery Radermacher, Attorney

From: efilingmail@tylerhost.net
To: Jeffcoat-Sacco, Illona
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3029703
Date: Monday, June 25, 2018 9:11:27 AM

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Envelope Number: 3029703
Case Number: 08-2018-CV-01142
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Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/22/2018 4:43 PM CST
Date/Time Accepted	6/25/2018 9:10 AM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 61 Application for Protection of Information
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 61 Application for Protection of Information.pdf
Lead Document Page Count	2
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RECEIVED
NOV - 1 2017
NORTH DAKOTA
PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Minn-Kota Ag Products Inc. - Richland County
Public Convenience & Necessity

Case No. PU-17-96

APPLICATION FOR TRADE SECRET PROTECTION
BY DAKOTA VALLEY ELECTRIC COOPERATIVE, INC.

[1] Pursuant to N.D. Admin. Code § 69-02-09-01, Dakota Valley Electric Cooperative, Inc., by and through their attorney, Kimberly J. Radermacher, (hereinafter "Dakota Valley") respectively requests that the Commission issue a trade secret protective order under N.D. Amin. Code § 69-02-09-04 and N.D. Cent. Code § 47-25.1-01(4).

[2] The information for which Dakota Valley seeks trade secret protection includes the following:

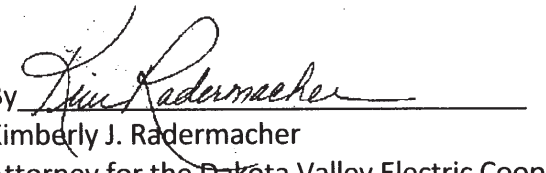
> A.) The names and locations of the facilities previously delineated as Elevators 1-6 in the exhibit labeled DVEC -13 submitted into evidence during the hearing held on October 23, 2017, in the above captioned matter.

[3] The above-referenced information is not publicly available and is confidential business information for use by Dakota Valley and the applicable member businesses referenced. Vendors and competitors could potentially obtain economic or other value from the disclosure or use of the information, which would result in a detriment to Dakota Valley and the named members.

[4] In accordance with N.D. Admin. Code § 69-02-09-02, one copy of the trade secret material is provided in the enclosed sealed envelope labeled PROTECTED INFORMATION – PRIVATE.

Respectfully submitted this 30th day of October, 2017.

RADERMACHER LAW FIRM, P.C.

By 

Kimberly J. Radermacher
Attorney for the Dakota Valley Electric Coop.
P.O. Box 597 – 27 Center Ave.
LaMoure, ND 58458
(701) 883-5125
ND Bar ID# 05856
kimrader@radermacherlaw.com

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LF – 5
DVEC
Exhibit
REDACTED

Elevator 1

Date	kWH	kW	Load factor
Sep-17	77,200	505	21.2%
Aug-17	105,300	672	21.1%
Jul-17	99,200	728	18.3%
Jun-17	82,700	651	17.6%
May-17	71,200	578	16.6%
Apr-17	103,400	678	21.2%
Mar-17	115,100	649	23.8%
Feb-17	165,000	750	32.7%
Jan-17	126,300	824	20.6%
Dec-16	118,300	788	20.2%
Nov-16	315,900	842	52.1%
Oct-16	313,700	904	46.6%
		Average	26.0%

Elevator 2

Date	KWH	KW	Load Factor
Sep-17	108,500	834	18.1%
Aug-17	154,900	696	29.9%
Jul-17	100,100	708	19.0%
Jun-17	76,000	855	12.3%
May-17	35,200	534	8.9%
Apr-17	72,700	612	16.5%
Mar-17	94,300	650	19.5%
Feb-17	115,200	773	22.2%
Jan-17	137,500	941	19.6%
Dec-16	71,700	656	14.7%
Nov-16	190,400	820	32.2%
Oct-16	229,800	951	32.5%
		Average	20.5%

Elevator 3

Date	KWH	KW	Load Factor
Sep-17	119,360	361.6	45.8%
Aug-17	177,760	355.2	67.3%
Jul-17	174,960	372	63.2%
Jun-17	134,480	358.4	52.1%
May-17	112,960	427.2	35.5%
Apr-17	129,840	421.6	42.8%
Mar-17	125,360	320	52.7%
Feb-17	127,200	453.6	41.7%
Jan-17	143,280	441.6	43.6%
Dec-16	112,000	311.2	48.4%
Nov-16	128,880	360.8	49.6%
Oct-16	139,360	406.4	46.1%
		Average	49.1%

Elevator 4

Date	KWH	KW	Load factor
Sep-17	105,300	639	22.9%
Aug-17	116,100	666	23.4%
Jul-17	76,500	675	15.2%
Jun-17	55,800	522	14.8%
May-17	54,000	531	13.7%
Apr-17	52,200	513	14.1%
Mar-17	88,200	567	20.9%
Feb-17	81,000	675	17.9%
Jan-17	101,700	567	24.1%
Dec-16	83,700	585	19.2%
Nov-16	134,100	891	20.9%
Oct-16	128,700	828	20.9%
		Average	19.0%

Elevator 5

Date	KWH	KW	Load factor
Sep-17	148,800	614.7	33.6%
Aug-17	193,200	792.6	32.8%
Jul-17	173,400	939.3	24.8%
Jun-17	228,600	920.4	34.5%
May-17	170,100	843	27.1%
Apr-17	158,400	866.1	25.4%
Mar-17	240,900	1,019.10	31.8%
Feb-17	243,600	987.9	36.7%
Jan-17	318,600	1,056.00	40.6%
Dec-16	345,900	1,109.70	41.9%
Nov-16	345,300	1,110.00	43.2%
Oct-16	214,200	1,111.80	25.9%
		Average	33.2%

Elevator 6

Date	kWH	kW	Load factor
Sep-17	66,600	459	20.2%
Aug-17	66,600	324	27.6%
Jul-17	30,600	306	13.4%
Jun-17	30,600	324	13.1%
May-17	24,300	225	14.5%
Apr-17	45,900	405	15.7%
Mar-17	153,900	549	37.7%
Feb-17	138,600	531	38.8%
Jan-17	66,600	477	18.8%
Dec-16	32,400	414	10.5%
Nov-16	148,500	594	34.7%
Oct-16	306,000	882	46.6%
		Average	24.3%

Minnkota Ag
Riverdale (Old Froedert)

Date	KWH	KW	Load Factor
Sep-12	66,720	471.12	19.7%
Aug-12	92,800	488.88	25.5%
Jul-12	69,880	436.08	21.2%
Jun-12	16,560	401.52	5.7%
May-12	11,760	409.44	3.9%
Apr-12	13,440	432.48	4.3%
Mar-13	24,240	433.2	7.5%
Feb-13	24,960	405.36	9.2%
Jan-13	74,640	502.8	20.0%
Dec-12	84,240	533.28	21.2%
Nov-12	82,800	492.48	23.4%
Oct-12	60,000	480.48	16.8%
		Average	14.9%

From: efilingmail@tylerhost.net
To: Jeffcoat-Sacco, Illona
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Filing Description	CR Exhibit 64 Service documents
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

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North Dakota Public Service Commission Docket No: PU-17-96

CERTIFICATE OF SERVICE

STATE OF NORTH DAKOTA)
)ss
COUNTY OF LAMOURE)

[1] I, Kimberly J. Radermacher, do hereby certify that on October 30, 2017, I served the following documents:

A. **Application for Trade Secret Protection by Dakota Valley**
B. **DVEC Comparable Loads to Minn-Kota Ag. Products - Redacted (LF - 5 Dakota Valley Exhibit)**
C. **DVEC Comparable Loads to Minn-Kota Ag. Products - Non-Redacted (LF - 5 Dakota Valley Exhibit)**

by sending a true and correct copy thereof by First Class Mail through the U.S. Postal Service, addressed to:

North Dakota Public Service Commission
600 E Blvd Ave Dept 408
Bismarck, ND 58505-0480

[3] To the best of my knowledge, information and belief, such address is/was the actual post office address of the party intended to be served. That the above document was duly mailed in accordance with the applicable provisions of North Dakota law.

Dated this 30th day of October, 2017.

Kimberly J. Radermacher (#05856)
Attorney-at-Law
P.O. Box 597 – 27 Center Ave.
LaMoure, ND 58458
Telephone: 701-883-5125
Attorney for Dakota Valley Electric Coop.
kimrader@radermacherlaw.com

65 **PU-17-96** Filed: 11/1/2017 Pages: 2
Service documents - late filed exhibit DVEC-LF5

Dakota Valley Electric Cooperative, Inc.

Kimbery Radermacher, Attorney

North Dakota Public Service Commission Docket No: PU-17-96

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COUNTY OF LAMOURE)

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B. DVEC Comparable Loads to Minn-Kota Ag. Products - Redacted (LF - 5 Dakota Valley Exhibit)

by sending a true and correct copy thereof by First Class Mail through the U.S. Postal Service, addressed to:

Patrick J. Ward, ALJ
PO Box 1695
316 North 5th Street
Bismarck, ND 58502-1695

Zachary Pelham
P.O. Box 400
314 E. Thayer Ave.
Bismarck, ND 58502-0400

Cary Stephenson
Otter Tail Power Co.
P.O. Box 496
215 S. Cascade St.
Fergus Falls, MN 56538

[3] To the best of my knowledge, information and belief, such addresses are the actual post office addresses of the parties intended to be served. That the above document was duly mailed in accordance with the applicable provisions of North Dakota law.

Dated this 30th day of October, 2017.

Kimberly J. Radermacher (#05856)
Attorney-at-Law
P.O. Box 597 – 27 Center Ave.
LaMoure, ND 58458
Telephone: 701-883-5125
Attorney for Dakota Valley Electric Coop.
kimrader@radermacherlaw.com

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Filing Attorney	Illona Jeffcoat-Sacco

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215 South Cascade Street
PO Box 496
Fergus Falls, Minnesota 56538-0496
218 739-8200
www.otpco.com (web site)

November 7, 2017

Darrell Nitschke
Executive Secretary
ND Public Service Commission
600- East Boulevard Avenue
Bismarck, ND 58505-0480

RE: Otter Tail Power Company
Case No. PU-17-96
Minn-Kota Ag Products, Inc. - Richland County
Public Convenience & Necessity
Post Hearing Argument

Dear Mr. Nitschke:

Otter Tail Power Company respectfully submits the enclosed Post Hearing Argument.

An electronic copy of this filing is also being sent to you at dnitschk@nd.gov and to the North Dakota Public Service Commission at ndpsc@nd.gov.

Please feel free to contact me at (218) 739-8956 or by email at cstephenson@otpco.com if you have any questions.

Sincerely,

/s/Cary Stephenson
Cary Stephenson
Associate General Counsel

ljh
Enclosures
Cc:
ALJ Patrick J. Ward
Kimberly J. Radermacher
Zachary Pelham

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company **Case No. PU-17-96**
Minn-Kota Ag Products, Inc. - Richland County
Public Convenience & Necessity

OTTER TAIL COMPANY POST HEARING ARGRUMENT

Otter Tail Power Company (OTP or Company) respectfully asks the North Dakota Public Service Commission (Commission) to grant the Company's Application for a Certificate of Public Convenience and Necessity (CPC&N) to permanently serve Minn-Kota Ag Products, Inc.'s (Minn-Kota) commercial grain handling facility under construction in Richland County near the small communities of Barney and Mooreton, as detailed in OTP's Application and OTP Exhibit 1.

This matter is governed by the North Dakota Territorial Integrity Act, N.D.C.C. 49-03 et. seq. The Act specifically provides a process where public utilities such as OTP may serve customers located outside of franchised municipal service areas by obtaining a CPC&N. In that sense, North Dakota law recognizes that there will be circumstances where the public interest is best served by allowing an investor-owned utility to extend service outside municipal boundaries. While there may be a perception that local cooperatives have priority in such cases, the North Dakota Supreme Court has never said the Act gives a preference to rural cooperatives. Capital Electric Cooperative v. Public Service Commission**,** 534 N.W.2d 588, 589, (1995)**.**

In this case, Minn-Kota approached OTP about serving Minn-Kota's new facility. OTP provided Minn-Kota its Commission-approved rates – rates that are available to all OTP customers. OTP also provided Minn-Kota a description of how OTP would extend service and ultimately serve Minn-Kota. Minn-Kota carefully evaluated its needs and concluded that OTP electrical service is a far better fit than service from Dakota Valley Electric Cooperative (DVEC).

OTP has requested a CPN&C in this case because Minn-Kota's request for service is reasonable, demonstrably beneficial to OTP's other North Dakota customers, and in the public interest. Specifically, OTP service to Minn-Kota will allow Minn-Kota to operate its new facility

to its full potential. This ultimately benefits producers and the area as a whole – including areas served by DVEC.

The Notice of Hearing issued on July 26, 2017 sets forth the issues to be considered by the Commission. OTP has listed these issues (a/k/a factors) below with a summary of how the record relates to each factor. That some factors weigh in favor of DVEC is to be expected. When properly weighted, the balance of factors strongly supports the Commission issuing a CPC&N to OTP.

1. <u>From whom does the customer prefer electric service</u>?

This factor strongly supports OTP service. While not controlling or determinative, the Commission should give this issue significant consideration because of the reasons *why* Minn-Kota seeks OTP service.

Minn-Kota is a family-owned grain elevator and ag supply company serving the southern Red River Valley. Mr. George Schuler IV testified on behalf of Minn-Kota. Schuler is Minn-Kota's Grain Division & Logistics Manager and the team leader for the development of the new facility. He is also a minority owner of Minn-Kota and a member of its board of directors.

Minn-Kota is constructing a large, state of the art, commercial grain handling facility with a connected load of approximately 5,000 horsepower, or approximately 3.7 megawatts. The new facility will be capable of receiving 20,000 bushels of grain per hour, which equates to receiving 60 semi-tractor loads per hour. The facility will have a storage capacity of approximately 3 million bushels, and is specifically designed to load Burlington Northern & Santa Fe (BSNF) 120 car unit trains. Mr. Schuler testified that the facility will be part of the BNSF shuttle train network, and that the ability to load 120 car unit trains allows for lower rail transport rates than rates available to traditional elevators. This gives area producers a competitive advantage.

Minn-Kota's commercial grain handling facility will operate year-round at uneven times with market conditions dictating the pace and intensity of operations. To be clear, this is not a farm-based grain drying and storage operation common in the southern Red River Valley. Minn-Kota is constructing a very large commercial facility that will provide area producers a competitive market in which to sell their product.

Mr. Schuler testified that Minn-Kota, a family owned business, is making a capital investment of $20 million in this facility. Mr. Schuler noted that Minn-Kota has carefully studied inputs and operational needs, and considered OTP and DVEC service to other Minn-Kota facilities in the area. In this context, Mr. Schuler cited the following as reasons why Minn-Kota strongly favors OTP service:

a. OTP rate structure is better suited to Minn-Kota's operational needs than DVEC's rate structure. OTP's Commission-approved General Service rate (Rate Code 401, Section 10.02 of OTP's rate schedules), will allow Minn-Kota's commercial grain handling facility to function as designed, without operational constraints. If DVEC provides service, Minn-Kota will likely need to mitigate DVEC's high demand charges by operating the facility to conform to DVEC's charges rather than operating the facility as it was designed to operate. Evidence at hearing established that the Minn-Kota facility will be especially sensitive to high demand charges because it will operate at peak levels at uneven times based on market conditions. Mr. Schuler detailed the negative impact DVEC's high demand charges have had on Minn-Kota's smaller Wahpeton facility, where to avoid high demand charges Minn-Kota limits output, in part by not running all drying fans at the same time. Mr. Schuler was especially concerned that that Minn-Kota may need to operate the new facility sub-optimally to minimize the impact of DVEC's high demand charge. This could include limiting drying operations to certain times, limiting the intensity of loading operations, and otherwise restricting operations that make sense commercially but for triggering high demand charges. This was not speculation – Mr. Schuler cited Minn-Kota's experience at its Wahpeton facility served by DVEC. Mr. Schuler also noted the adverse impact these steps can have on Minn-Kota's net margin, its ability to invest in and expand its facility, and employment of staff.

b. OTP electric service is less expensive than DVEC electric service. Mr. Schuler estimated that DVEC service would cost approximately $100,000 a year more than OTP service. This aligned with OTP's analysis. *See* OTP Exhibit 10, p. 3. This cost differential may force the facility to operate sub-optimally as noted in the preceding

paragraph. Whether the facility operates sub-optimally to reduce demand charges, or operates as designed while incurring significant demand charges is harmful to Minn-Kota and its ability to serve area producers.

c. OTP service presents less risk to Minn-Kota. Mr. Schuler testified that the new facility is powered exclusively by electricity except for gas powered heaters used to dry grain (these heaters are useless without electric powered fans). Consequently, voltage interruptions and outages that interfere with the facility's operations are a significant concern. Mr. Schuler described the severe economic consequences in the form of fines and lost business that can result from delays in loading unit trains. He testified that Minn-Kota has a limited amount of time to load 120-unit BNSF trains before Minn-Kota is subject to fines. He also described the process of moving grain and how electric service interruptions can damage equipment causing substantial down time. In this context, Mr. Schuler was adamant that any reduction in electric service risk is important and worthwhile. Mr. Schuler explained that OTP service is likely to be more reliable than DVEC service because OTP will have significantly less distribution line footage exposure than DVEC, and that for the foreseeable future Minn-Kota will be the only customer served off a step-down transformer OTP intends to install on-site. Mr. Schuler's testimony is supported by the testimony of OTP engineering witness Ritchie Wolf.

d. OTP service offers Minn-Kota more flexibility on soft start devices. Hearing testimony established that Minn-Kota will install and operate many electric motors, most of which will require soft start devices if DVEC provides electric service. DVEC provided a list of these motors as DVEC Exhibit 2. It was established at hearing that DVEC has a policy requiring installation of soft start devices for motors of 30 horsepower and higher. Absent these soft start devices, Minn-Kota's electric motors risk causing voltage dips to DVEC's other customers served from DVEC's Mooreton substation. OTP engineer witness Ritchie Wolf testified that OTP had conducted a distribution study confirming that under OTP's service plan soft start devices were necessary for motors exceeding 100 horsepower. Mr. Schuler testified

that this higher threshold gave Minn-Kota greater flexibility and potential cost savings since soft start devices average about $2,000 per motor. Mr. Schuler also testified that soft start devices are not favored in certain applications for operational reasons. OTP service will give Minn-Kota added flexibility with respect to soft start devices.

e. OTP service is rate regulated. Mr. Schuler testified that OTP's regulated rates reduce business risk and uncertainty. Noteworthy here is that Mr. Schuler confirmed that DVEC never offered Minn-Kota a written contract assuring Minn-Kota that DVEC's proposal (OTP Exhibit 8) would not change. DVEC witness Seth Syverson testified that DVEC usually limits written contracts to larger loads. Instead of offering a contract to Minn-Kota, DVEC proposed to serve Minn-Kota under a nine-year declining discount policy. *See* DVEC Exhibit 7. This policy, like any cooperative policy, is subject to change or elimination at the discretion of DVEC's board. In contrast, rate changes by OTP require Commission review and approval with customers having the ability to comment and in some cases to intervene in rate case proceedings.

All the reasons cited by Mr. Schuler are reasonable and based on fact and experience. The Commission can reasonably find that this factor strongly favors OTP service. The Commission can also find that Minn-Kota's reasons for requesting OTP service support other factors in the Commission's analysis.

2. What electric suppliers are operating in the general area?

Both DVEC and OTP operate in the general area. As depicted in OTP Exhibit 1, OTP serves the communities of Barney and Mooreton, and many rural customers in the general area, especially to the north of Minn-Kota's site. The hearing record makes clear that this is not a matter of an investor-owned utility venturing into cooperative served areas. OTP is well established in the general area, including rural areas outside of the communities of Barney and Mooreton. The Commission can reasonably find that this factor favors neither OTP or DVEC.

3. What electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?

OTP engineering witness Richie Wolf testified that OTP intends to serve Minn-Kota by tapping OTP's 41.6 kV transmission line adjacent to the Minn-Kota property. *See* OTP Exhibits 1 & 2. This line runs parallel to and on the north side of North Dakota Highway 13. This line came into service as a 41.6 kV facility in the early 1970's. The other facilities that OTP will use to provide electric service to Minn-Kota will be new construction, albeit some equipment including a step-down transformer will come from OTP stock and be partially depreciated.

DVEC will serve Minn-Kota from DVEC's Mooreton substation which is outside the two-mile radius of the location to be served. See OTP Exhibits 1 & 5. The transmission facilities serving DVEC's Mooreton substation and OTP's transmission line adjacent to the Minn-Kota property are of the same vintage. OTP and DVEC will make use of used step-down transformers to serve Minn-Kota, with DVEC's transformer having been put in service in 1977 and OTP planning to use a depreciated transformer first put in service in the 1990s. OTP will install approximately 1000 feet of new underground distribution line to serve Minn-Kota. DVEC has underground distribution facilities in the two-mile radius that were put in place in 2013. DVEC intends to tie into these facilities with ¾ miles of new underground to service Minn-Kota.

Since the transmission systems serving DVEC and OTP are of the same general age, and the distribution systems that will serve Minn-Kota will be new or relatively new, the Commission can reasonably find that this factor favors neither OTP or DVEC.

4. What customers are served by electric suppliers within at least a two-mile radius of the location to be served?

OTP Exhibit 1 indicates OTP has two to three customers in a two-mile radius of Minn-Kota facility, whereas DVEC has over a dozen customers in this area. Consequently, this factor favors DVEC. This factor, however, should be given little weight in the Commission's analysis. OTP serves many rural customers just beyond the two-mile boundary, and overall many more customers in the general area, including three-phase service to grain elevators in Barney and Mooreton. DVEC's service points in the two-mile raduius are rural residences and farmsteads. DVEC service to these customers is materially different than the service required by Minn-Kota's commercial grain handling facility.

5. What are the differences, if any, between the electric suppliers available to serve? the area with respect to reliability of service?

OTP and DVEC may both be reliable service providers, but the issue is what *differences* are there between OTP and DVEC with respect to reliability. The evidence at hearing established that there are differences, and that those difference favor OTP serving Minn-Kota.

OTP and DVEC reliability indices provided at hearing demonstrate that OTP service is more reliable than DVEC service. OTP reliability indices (OTP Exhibit 6) are from OTP's 2016 annual report filed with the Commission. This report included Customer Average Interruption Index (CAIDI) figures, System Average Interruption Frequency Index (SAIFI) figures, and System Average Interruption Duration Index (SAIDI) figures.

DVEC's reliability information (OTP Exhibit 7) is DVEC's response to an OTP Information Request. It provides CAIDI and SAIDI figures. Testimony at hearing established that both DVEC and OTP indices are system indices that incorporate but are not limited to the Minn-Kota site. Testimony at hearing also established that the indices are calculated using the same or very similar methodologies.

While OTP and DVEC five-year weather normalized SAIDI figures are comparable, OTP's CAIDI figures are substantially better than DVEC's CAIDI figures. Specifically, DVEC five-year weather normalized CAIDI average is 114.18. OTP's five-year weather normalized CAIDI average is 64.6, nearly half that of DVEC.

There is also ample testimony for the Commission to conclude that OTP's plan to serve Minn-Kota is inherently more reliable than DVEC's service plan. OTP intends to serve from an on-site substation where Minn-Kota will be the only customer in the foreseeable future. DVEC intends to serve Minn-Kota from DVEC Mooreton substation that serves over 250 other DVEC customers. The transformer feeder DVEC intends to use for Minn-Kota serves approximately 52 other DVEC customers, some of which likely have farm-based grain drying operations. OTP engineering witness Ritchie Wolf testified that faults, voltage depressions and related problems at any DVEC distribution service point connected to the transformer feeder can disrupt Minn-Kota's electric service. OTP service does not carry this risk.

There is also a difference in exposure to faults based on the length of distribution line serving Minn-Kota. Both OTP and DVEC plans call for service through underground

distribution lines. In OTP's case, there will be approximately1,000 feet of underground distribution line extending from the on-site substation to the point of service. In DVEC's case, it will have approximately four miles of underground distribution line extending from its Mooreton substation to the point of service. Testimony at hearing established that the greater the length of distribution line to serve Minn-Kota the greater the risk of a fault along that line.

In addition to the distribution line exposure as measured from each electric service providers substation, DVEC has significantly more distribution exposure overall. DVEC intends to extend service to Minn-Kota from an existing three phase cabinet located to the west of the Minn-Kota property. *See* OTP Exhibit 5. That cabinet will connect Minn-Kota to miles and miles of DVEC distribution lines extending to the northwest and southeast. A fault or interruption at any point on this connected distribution system can impact Minn-Kota's service. In contrast to this risk, OTP will serve Minn-Kota with 1,000 feet of distribution line where Minn-Kota is the only distribution customer.

Another consideration is the time required to locate and repair an underground fault. This is not a matter of comparing overhead and underground service because both OTP and DVEC intend to install underground distribution to Minn-Kota's point of service, and both OTP and DVEC substations are fed by overhead transmission. This is a matter of the length of the parties' respective underground distribution lines. OTP will have much less underground distribution line to examine in the event of a suspected fault than will DVEC. In addition, all of OTP's distribution line will be located on readily accessible areas on Minn-Kota's site, whereas DVEC's distribution lines are in easements adjacent to public road right-of-way that may not have ready access points during the winter.

Finally, OTP engineering witness Ritchie Wolf testified that OTP can readily serve Minn-Kota's site given the facts (1) OTP has a central warehouse in Wahpeton with spare transformers and any necessary parts, and (2) OTP has ample line crews in the immediate area, including transformer technicians, that can respond quickly to any problems.

The record supports a Commission finding that there are material differences in reliability between OTP and DVEC, particularly as applied to service to Minn-Kota, and that these differences favor OTP serving Minn-Kota.

6. Which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?

The evidence at hearing established that DVEC service to Minn-Kota is uneconomical because it is (1) significantly more expensive than OTP service, and (2) it may compel Minn-Kota to operate a $20 million facility sub-optimally. Stated differently, OTP service is more economical because OTP rates are less expensive than DVEC's rates, and OTP's rate structure allows the Minn-Kota facility to operate as it is designed to operate, which is not the case with DVEC rate structure.

OTP Exhibit 9 provides a comparison of the rate package DVEC offered to Minn-Kota and OTP's charges under its General Service rate under different assumptions. OTP Exhibit 9, page 3 assumes a realistic, fact-based Minn-Kota load factor of 23 percent, and a peak demand of 1,504 kW. Under this scenario, OTP electric service is $100,000 per year less than DVEC's service. Even if DVEC elected not to charge a power factor fee, a charge delineated in DVEC's Exhibit 6 that DVEC claims it would waive), OTP service is nearly $70,000 less annually than DVEC service. OTP Exhibit 9, page 3 is as follows:

Otter Tail Power Rate 401 Secondary				Dakota Valley Electric				
Basic Service Charge	$ 12.00	per month		Basic Service Charge	$ 77.00	per month		
Facilities Charge	$ 0.52	per /kW		Demand Charge	$ 12.00	per kW		
Winter Energy Charge	$ 0.07492	per kWh		Energy Charge First 150kWh/kW	$ 0.062	per kWh		
Summer Energy Charge	$ 0.08213	per kWh		Next 150 kWh/kW	$ 0.0587	per kWh		
				Excess Energy	$ 0.051	per kWh		
Base Rate	$ 144.00			Base Rate	$ 924.00			
Facilities Charge	$ 9,389.33			Demand Cost	$ 184,866.00			
Energy Cost	$ 199,446.29			Energy Cost	$ 159,503.93			
Rider Costs	$ 42,157.08			Power Factor Cost	$ 33,430.80			
				On-Site Facilities Charge	$ 8,704.80			
				Blended Discount	$ 27,549.59		Annual Difference	
		Per kWh				Per kWh		
Total Energy Cost	$ 251,136.70	$ 0.0969		Total Energy Cost	$ 359,879.94	$ 0.1389	$ (108,743.25)	30%
				Total Energy Cost less PF	$ 317,744.34	$ 0.1226	$ (66,607.64)	21%

Annual Load Factor	23%
Peak Demand (kW)	1,504.70
Annual Energy (kWh)	2,591,440

Blended Discount is 8% on Demand and Energy over a nine year period or $27,549.59, total savings $247,946.31

The driving force behind this differential is DVEC's demand charge of $12.00 per kW, compared to OTP's Facilities Charge of 0.52 per kW. OTP witness Christopher Waltz and Minn-Kota representative George Schuler testified that Minn-Kota will be especially sensitive to high demand charges given the fact the facility will operate at peak levels at uneven and often difficult to predict times. Mr. Schuler described the negative impact DVEC's demand charges have had on Minn-Kota's Wahpeton facility. He was especially concerned that to avoid high demand charges Minn-Kota may be compelled to structure its operations around DVEC demand charge, rather than operating the facility as it was designed to operate. This could include limiting drying operations to certain times, limiting the amount grain moved during certain hours, spreading operations out over longer periods of time, and otherwise limiting output. Mr. Schuler noted that this will have a negative impact on Minn-Kota's net margins, its ability to reinvest in and expand the facility, and on the employment of staff.

DVEC witness Seth Syverson testified that the 23 percent load factor used by OTP to calculate the $100,000 annual difference in electrical costs was not reasonable. He supported the 33 percent load factor set forth in DVEC's proposal to Minn-Kota. *See* OTP Exhibit 8. This argument, however, is undermined by DVEC's own analysis. Mr. Syverson testified that he calculated an average load factor for Minn-Kota using seven similar or somewhat similar facilities, resulting in an estimated 33 percent load factor. *See* DVEC Exhibit 13. The mean of the facility load factors examined by DVEC, however, is not 33 percent; it is 26.71 percent. DVEC data also contains a significant outlier skewing DVEC's analysis. Specifically, Elevator 3 in DVEC's analysis has a load factor of 49.1 percent, a remarkably high load factor for an elevator. If this outlier is removed the average load factor of DVEC's benchmark facilities is 22.89 percent. Mr. Severson also testified that DVEC did not discuss load factor with Minn-Kota. In contrast, OTP consulted Minn-Kota when estimating the facility's likely load factor. In view of this record, the Commission should give little weight to DVEC's load factor analysis.

OTP also demonstrated that it will earn an adequate return on its investment along with a substantial net contribution to its system costs benefiting all OTP customers. OTP witness Christopher Waltz testified to OTP Exhibit 10, which calculates OTP's rate of return and net contribution to system under two scenarios. OTP Exhibit 10, page 1 is based on estimated annual revenues assuming a Minn-Kota load factor of 33 percent. OTP Exhibit 10, page 2 is based on estimated annual revenues assuming a Minn-Kota load factor of 23 percent. In both

scenarios OTP easily recovers its Commission-authorized rate of return of 8.62 percent, which reflects the weighted cost of capital deployed to extend service to Minn-Kota. In both scenarios, OTP receives a substantial annual contribution to its system costs ($172,705 with a 33 percent load factor, and $158,234 with a 23 percent load factor).

In contrast to the clear rate of return evidence provided by OTP at hearing, DVEC could neither provide an estimate of its rate of return nor describe how it would calculate a rate of return. DVEC purported to provide evidence of net revenue it anticipated from Minn-Kota, *See* DVEC Exhibit 9, but this calculation did not use DVEC's fully loaded costs – it included only DVEC's power supplier costs (i.e. what DVEC must pay Central Power Electric Cooperative for power). DVEC's late filed exhibits purporting to demonstrate rate of return were prepared with after-the-fact knowledge and have not been subjected to cross examination, and should be viewed skeptically by the Commission. That said, the rate of return and net contribution to cost information provided by DVEC post-hearing indicates an extremely low annual net contribution to DVEC system costs – approximately $17,000. *See* DVEC Late Filed Exhibit 3. This thin contribution depends on numerous assumptions, where a slight change can eliminate any contribution to margin and render DVEC unable to recover the cost of capital deployed to extend service to Minn-Kota. It should be noted to achieve this precarious margin DVEC's other customers are absorbing the following costs: DVEC's annualized discount to Minn-Kota of $25,218.96, DVEC's waiver of $53,000 in line extension cost, DVEC's waiver of $8,704.80 annual on-site facilities charge, and DVEC's waiver of a $23,142 annual power factor penalty. The Commission can reasonably question whether DVEC is offering Minn-Kota a loss leader in hopes of recovering a reasonable rate of return in later decades.

DVEC has also cited the possibility of capital credits lowering Minn-Kota's overall costs. This argument should be given little, if any weight. While DVEC customers earn capital credits, the amounts vary significantly from year to year, and customers do not receive cash payment until those credits are retired. DVEC witness Bruce Garber testified that capital credit retirement is determined by DVEC's board of directors, and currently DVEC is following a fifteen-year retirement cycle. As such, Minn-Kota would not see any payment of capital credits until 2033. This is far too speculative to use as an offset to DVEC rates.

DVEC will argue that its cost to extend service to Minn-Kota demonstrates it can provide service more economically. This argument is focused narrowly on only one aspect of the

question. OTP's cost to extend service to Minn-Kota is approximately $235,000. *See* OTP Exhibit 3 and 4. This cost reflects the fact that OTP intends to construct an on-site substation on a 40 x 60 footprint, with a step-down transformer fed by OTP's adjacent 41.6kV transmission line. DVEC extension costs are approximately $95,000, and reflect the fact that DVEC intends to serve Minn-Kota from DVEC's Mooreton substation.

Even though OTP's cost to extend service is more than DVEC cost, OTP's overall *cost of service* is still more economical than DVEC's. The question of who can serve more economically necessarily includes costs to be incurred and paid by the customer. As noted above, OTP can serve Minn-Kota more efficiently than can DVEC, saving the customer between $650,000 to $1 million over the next decade. Also, OTP's cost to extend service should be viewed in relation to the ability to earn an adequate rate of return. In this case, OTP could invest nearly three times the current cost to extend service to Minn-Kota and still earn an adequate rate of return. *See* OTP Late Filed Exhibit 1.

7. Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?

There will be little need for the orderly and economic development of electric service in the general area absent economic growth and investment. George Schuler testified that OTP service will make it easier for Minn-Kota to reinvest in and expand its facility. Minn-Kota is more likely to be successful if it can operate its facility with the enhanced flexibility and reliability provided by OTP service while avoiding output constraints imposed by DVEC high demand charges. Minn-Kota's new facility, if operated as designed, will benefit area producers, who in turn may invest in and grow their operations. This kind of growth benefits the general area, including Barney and Mooreton, as well as areas served by DVEC. The same cannot be said for DVEC service.

It is important to note this issue examines the orderly and economic development of electrical service to the *general area;* not the two-mile radius or immediate vicinity of the new Minn-Kota facility. As noted above, OTP serves the general area, including service to the communities of Mooreton and Barney, as well as to many rural customers. *See* OTP Exhibit 1. OTP currently serves elevators in Barney and Mooreton. Service to Minn-Kota would be

consistent with OTP's current service and the orderly and economic development of electrical service in the area.

8. Would approval of the applications result in wasteful duplication of investment or service?

On its face OTP service appears to result in duplication because OTP's plan calls for installing a new on-site substation that will serve Minn-Kota while DVEC intends to serve Minn-Kota from an existing substation several miles away. Duplication, however, implies an apples-to-apples comparison of facilities, and wasteful duplication implies unnecessary redundancy. Under these measures, OTP service is not duplicative and certainly not *wastefully* duplicative.

OTP's plan to extend service to Minn-Kota is fundamentally different than DVEC's plan. OTP's plan connects Minn-Kota to a transmission source with the least amount distribution line distance, resulting in less distribution line exposure and with little or no chance of OTP's current distribution customers affecting Minn-Kota service, or Minn-Kota service affecting other OTP distribution customers. OTP believes this is a materially better plan than DVEC's plan, which calls for Minn-Kota to be served on a shared feeder from a substation located miles away, with four miles of underground distribution line between the substation and Minn-Kota's point of service, and with Minn-Kota connected to miles and miles of other DVEC distribution. In this context an apples-to-apples comparison with DVEC facilities is not possible.

With respect to OTP's other substations in the area, OTP engineering witness Ritchie Wolf testified that OTP's internal analysis indicated its Minn-Kota plan was by far the lowest cost and best service option. In that sense OTP plan does not duplicate other OTP facilities.

9. Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?

The testimony at hearing indicated it is unlikely that the Minn-Kota site will be incorporated into municipal boundaries of Barney or Mooreton in the foreseeable future. This factor has limited relevance to OTP's CPC&N request. This is not a case where the Commission need plan for or consider the impact its decision will have on service as nearby communities expand. The Commission can reasonably find this factor is either not directly relevant or that it favors neither party.

10. Will service by either of the electric supplier in the area unreasonably interfere with the service or system of the other?

Service as planned by OTP will not cross over or under DVEC facilities or interfere with DVEC's existing service. Likewise, service as planned by DVEC will not cross over or under or interfere with OTP's existing service. The Commission can reasonably find that this factor favors neither provider.

CONCLUSION

OTP respectfully requests that the Commission determine that public convenience and necessity requires OTP to serve Minn-Kota's commercial grain handling facility. The weight of the ten factors favors the issuance of a CPC&N. The record demonstrates that OTP service will allow Minn-Kota to operate its new $20 million facility more efficiently, with more flexibility, and with less risk than DVEC service, all to the benefit of Minn-Kota's customers and future investment in the general area.

Respectfully submitted this 7th day of November 2017.

OTTER TAIL POWER COMPANY

By *__/s/ Cary Stephenson__*

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company **Case No. PU-17-96**
Minn-Kota Ag Products Inc. - Richland County
Public Convenience & Necessity

DAKOTA VALLEY ELECTRIC COOPERATIVE, INC.'S CLOSING ARGUMENT AND BRIEF IN OPPOSITION TO OTTER TAIL'S APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

[1] Dakota Valley Electric Cooperative, Inc., by and through its counsel Kimberly J. Radermacher, submits the following closing argument and brief in opposition to Otter Tail Power Company's application for a certificate of public convenience and necessity relative to the Minn-Kota Ag. Products, Inc., proposed elevator site near Barney, North Dakota.

PROCEDURAL HISTORY

[2] This matter came before the North Dakota Public Service Commission (hereinafter "Commission") on application of Otter Tail Power Company (hereinafter "Otter Tail") to serve a commercial electric load located in the NE¼ of Sec. 10, Twp. 132N., Rge. 50W., Richland County, North Dakota (hereinafter "Minn-Kota site"). This electric load is sought to be provided to an elevator site being built by Minn-Kota Ag. Products Inc. (hereinafter "Minn-Kota). The application for permanent authority was filed with the Commission on February 27, 2017.

[3] On February 27, 2017, the Commission issued a Notice of Opportunity for Hearing. On March 31, 2017, Dakota Valley Electric Cooperative, Inc., (hereinafter "Dakota Valley") filed a protest to Otter Tail's application for permanent authority to serve the Minn-Kota site and requested a hearing on the matter. A hearing before the Commission was subsequently held on October 23, 2017. At the hearing, Administrative Law Judge Patrick Ward ordered that the parties submit written closing arguments and briefs setting forth the ten factors the Commission must

67 PU-17-96 Filed 11/07/2017 Pages: 19
Closing Argument and Brief in Opposition to Application for CPCN
Dakota Valley Electric Cooperative, Inc.

consider in granting or denying Otter Tail's certificate for public convenience and necessity and how each weigh in favor or opposition of the parties. Those ten factors are as follows:

1. From whom does the customer prefer electric service?
2. What electric suppliers are operating in the general area?
3. What electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?
4. What customers are served by electric suppliers within at least a two-mile radius of the location to be served?
5. What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?
6. Which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?
7. Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?
8. Would approval of the applications result in wasteful duplication of investment or service?
9. Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?
10. Will service by either of the electric supplier in the area unreasonably interfere with the service or system of the other?

LAW AND ARGUMENT

[4] "In 1965, the Legislature enacted the Territorial Integrity Act to require an electric public utility to obtain a certificate of public convenience and necessity before extending electric service outside the corporate limits of a municipality." N.D.C.C. Chapter 49-03. "The Act was adopted at the request of the North Dakota Association of Rural Electric Cooperatives to provide 'territorial protection' for rural electric cooperatives and to prevent public utilities from 'pirating' rural areas." Prepared Testimony of Clarence Welander, Chairman of North Dakota Association of Rural Electric Cooperatives, February 25, 1965, Minutes of Senate Industry, Business and Labor Committee regarding House Bill 724. "The primary purpose of the Act was to minimize conflicts between suppliers of electricity and wasteful duplication of investment in capital-intensive utility facilities." Cass County Electric Coop., Inc. v. Northern States Power Co., 419 N.W.2d 181 (N.D.1988). *See also*

Capital Elec. Co-op., Inc. v. Public Service Com'n of State of N.D., 534 N.W.2d 587, (N.D. 1995). Before the Commission can grant a certificate of public convenience and necessity, it must consider and weigh the ten factors referenced herein.

TEN FACTORS

QUESTION 1: From whom does the customer prefer electric service?

[5] Regrettably, Minn-Kota would prefer electric service from Otter Tail. George Schuler testified on behalf of Minn-Kota at the hearing. It appears that the primary reason that Minn-Kota would prefer service from Otter Tail relates to the difference in demand charges/rates between Otter Tail and Dakota Valley. Schuler also indicated that he thought the service extension proposed by Otter Tail would provide more reliability than the extension of service provided by Dakota Valley. Because Schuler and Minn-Kota would not have to pay any extension costs, it is not a surprise that Minn-Kota would choose the more expensive option proposed by Otter Tail as Otter Tail's extension caters solely to Minn-Kota. Schuler indicated that he has no issues with reliability or any other problems with Dakota Valley and as such, it would appear that the preference of Minn-Kota merely boils down to rates. The governance differences between the two entities referenced by Mr. Schuler shouldn't even be a consideration by this Commission.

[6] In Application of Montana-Dakota Utilities Co., 219 N.W.2d 174 (N.D.1974), the North Dakota Supreme court considered the effect of a rural customer's preference for service from an electric public utility. They stated that "a rural customer does not have a constitutional right to receive electric service from a public utility and customer preference [is] not determinative of public convenience and necessity, but 'subjects the customer's preference for a regulated public utility service to an inquiry and decision by the Commission on the question of public convenience

and necessity.'" *Id.* at 181. *See also* Elkin, 224 N.W.2d at 792 (customer preference invokes consideration by the PSC, but is not determinative of public convenience and necessity). Capital Elec. Co-op., Inc. v. Public Service Com'n of State of N.D., 534 N.W.2d 587 (1995).

[7] "Customer preference, therefore, invokes consideration by the Public Service Commission, but it is not to be a controlling factor. It is the Public convenience and necessity, after all, with which the Commission is concerned, not private preference." Tri-County Elec. Co-op., Inc. v. Elkin, 224 N.W.2d 785, (1974)(quoting Tri-City Motor Transportation Co. v. Great Northern Ry. Co., 67 N.D. 119, 270 N.W. 100 (1936), and 42 C.J. Motor Vehicles, Section 121, page 687). "The convenience and necessity which the law requires to support the public service commission's order for the establishment or extension of . . . service is the convenience and necessity of the *public* as distinguished from that of *an individual or any number of individuals*, and this is the primary matter to be considered in determining what constitutes such public convenience and necessity in a particular case, and the propriety of granting a certificate to that effect." Id. (emphasis added). As such, while this factor favors Otter Tail, it is not a controlling factor.

QUESTION 2: What electric suppliers are operating in the general area?

[8] Dakota Valley Electric Cooperative, Inc., and Otter Tail Power Company are the only two electric suppliers operating in the general area. This factor does not favor either Dakota Valley or Otter Tail.

QUESTION 3: What electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?

[9] Otter Tail has a 41.6 kV overhead transmission line that runs east and west along Highway 13, which is in close proximity to the proposed Minn-Kota elevator site. However, without some modification and considerable investment, this line by itself cannot service the proposed site. The

41.6 kV line also feeds the Central Power Electric Cooperative (hereinafter "CPEC")/Dakota Valley substation (known as the Mooreton substation) located just southeast of the proposed site, which is the substation that would be utilized by Dakota Valley in extending service to the site. According to Richie Wolf (hereinafter "Wolf"), who testified on behalf of Otter Tail, the 41.6 kV line went into service approximately 50 years ago (although an exact date of service was unknown). Other than this line, Otter Tail has little to no other electric supply lines within a two-mile radius of the location.

[10] Dakota Valley, on the other hand, has both single phase and 3 phase electric supply lines throughout the two miles. Dakota Valley serves approximately 20 members within the two-mile radius, while Otter Tail serves only two (one of those being right on the two mile line). Dakota Valley has an existing 3 phase cabinet and 3 phase service within approximately 3,960 feet of the proposed site. The 3 phase line comes off of the Mooreton substation and is 4/0 jacketed cable that was installed in approximately 2012. Dakota Valley would propose to extend 3 phase service from the existing 3 phase cabinet located just north of Highway 13 and directly east of the proposed site. This extension would consist of approximately 3,960 feet of 3 phase 4/0 jacketed cable, which would be a logical extension of Dakota Valley's existing service in the area. Given the miles of line and the number of members served in this area by Dakota Valley, it would appear that this factor favors Dakota Valley.

QUESTION 4: What customers are served by electric suppliers within at least a two-mile radius of the location to be served?

[11] Dakota Valley currently serves approximately 20 members within the two-mile radius of the proposed Minn-Kota elevator site. Of those 20 members, one has 3 phase service and the remainder has single phase service. Otter Tail has only two customers within the two-mile radius,

one of which is a railroad service and the other is located right on the line. Both Otter Tail services are single phase services. Neither electric supplier services any other commercial or industrial loads such as that proposed by Minn-Kota within the two-mile radius. This factor clearly favors Dakota Valley.

QUESTION 5: What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?

[12] Reliability can be measured in a number of ways. At the hearing on October 23, 2017, SAIDI and CAIDI statistics, which is one way of looking at reliability, were provided for both electric suppliers. In comparing SAIDI numbers, it appears that both electric suppliers are very similar. In 2016, Otter Tail's SAIDI was 110.5, while Dakota Valley's was 130.9. In 2015, Otter Tail's was 100.6, while Dakota Valley's was 88. In 2014, Otter Tail was 74.2 and Dakota Valley was 75.5. In 2013, Otter Tail was 99.7 and Dakota Valley was 91.8. And in 2012, Otter Tail was 84.1, while Dakota Valley was 87.8. SAIDI is based on system wide numbers, while CAIDI looks at consumer average. Because CAIDI looks at "consumer" average and not "system" average, it would be unfair for the Commission to give the disparity in CAIDI numbers for Otter Tail and Dakota Valley much weight. Dakota Valley has less than 4200 members, as compared to Otter Tail's close to 60,000 members. Furthermore, Dakota Valley has approximately 1.13 to 1.2 members per mile of line, according to Seth Syverson (hereinafter "Syverson"); whereas, Otter Tail's transmission and distribution is more condensed as they primarily serve municipalities.

[13] A better indicator as to reliability would be to look at actual outage data relative to the proposed Minn-Kota elevator site. According to information provided by Otter Tail and entered into evidence by Dakota Valley as Exhibit DVEC-14, between May 13, 2014, and November 18, 2016, the Otter Tail Wahpeton substation that would be tapped to serve this load had sustained

approximately 15 outages. These outages ranged in duration from less than one minute to close to two hours. According to Wolf of Otter Tail, this outage report does not include scheduled maintenance. It also does not include any data for the year 2017 or any time prior to May 19, 2014. The reason provided for the missing data prior to 2014 was that Otter Tail had undergone metering changes during that time, which caused the specifics as to this substation to be lost. Instead, the Commission is left to rely on system wide numbers provided by Otter Tail.

[14] Dakota Valley, on the other hand, voluntarily offered up outage data going back at least a decade that it had relative to the Mooreton substation and the feeder from that substation that would supply power to the proposed Minn-Kota elevator site. According to Exhibit DVEC-11, between 2007 and 2017, the Mooreton substation had a total of four outages. Seth Syverson testified that the outage on July 17, 2011, that was over four hours in length, was as a result of downed poles on Otter Tail's 41.6 kV line that powers the Mooreton substation. There is another outage on May 3, 2012, that also may relate to issues with Otter Tail's line. However, given the general description of Power Supplier, Syverson was unable to say for certain if that was an Otter Tail or CPEC issue. On Exhibit DVEC-12, Syverson pointed out that there were two outages total in seven years that would relate to the feeder that would directly serve the Minn-Kota elevator site and those date back to 2010, prior to the new 3 phase wire being dug in.

[15] Syverson also testified the miles of transmission line that would serve this area could also play into reliability. Both Syverson and Wolf testified that Otter Tail would be utilizing a 41.6 kV transmission line that has at least 40 miles of exposure to serve the proposed Minn-Kota elevator site. Syverson testified that the Dakota Valley Mooreton substation is served by a 41.6 kV transmission line with approximately 10 miles of exposure. Wolf indicated that Otter Tail's

transmission line was approximately 50 years old and is serviced at least annually. Syverson testified that portions of Otter Tail's 41.6 kV line do not have a static wire, which can lead to increased lightning strikes and decreased reliability. As to Dakota Valley's existing electrical services near the site, Syverson testified that the underground 4/0 already existing within .70 miles of this site was put in in approximately 2012 and has at least a 50-60 year life span. The Mooreton substation transformer was installed in 1977 by CPEC and undergoes annual maintenance. It also undergoes a major overhaul on a seven year cycle and this just occurred in 2017. Syverson also indicated that CPEC/Dakota Valley has other substations in this area that could be used in the event there are issues with the Mooreton substation. Those substations include the Dwight, South Wyndmere, North Wyndmere, and Hankinson subs; although the South Wyndmere would be the substation most likely used given its closer proximity to the proposed Minn-Kota elevator site.

[16] The extensions of service proposed by Otter Tail and Dakota Valley may also play into the issue of reliability. Otter Tail proposes to tap its 41.6 kV transmission line and put a substation with a 2500 kVA transformer and a 2000 kVA distribution transformer onsite connected by approximately 1,000 feet of underground 4/0 cable. Wolf testified that Otter Tail "probably" was going to utilize a 2500 kVA transformer that it had in its fleet. The "probable" transformer is approximately 26 years old, added to Otter Tail's fleet in 1991. Wolf could not give specifics as to why the transformer was removed from service and how long it had been out of service. Wolf could also not testify as to the maintenance of this specific transformer, although he gave a generalized idea of how maintenance on such facilities is typically handled within Otter Tail. Dakota Valley proposed using all new cable, elbows, transformers and other incidentals to extend service to the proposed Minn-Kota elevator site. The proposal by Dakota Valley includes two 1500

kVA transformers in the event that Minn-Kota would want to split up loads and/or improve reliability. Syverson indicated that even one 1500 kVA transformer would be sufficient to serve the load, but that depending on the member's wishes, a 2000 kVA transformer could be utilized. Syverson testified that the average life of a transformer is approximately 40-50 years. The fact that Otter Tail intends to utilize a used transformer calls into question the issue of reliability. Both Otter Tail and George Schuler seem to tout that because Minn-Kota will have its own substation and there is only 1000 feet of underground, that in and of itself makes Otter Tail's service more reliable. The Commission needs to bear in mind that the configuration proposed by Otter Tail is also close to three times more costly than the extension proposed by Dakota Valley. As such, there are bound to be some inherent differences between the two given the nature of the investment. Yet, Dakota Valley does not feel that the differences in the proposed extensions will make a difference in reliability. Syverson testified that the Mooreton substation is sufficient to carry the increased load proposed by Minn-Kota and that no improvements need to be made. The existing underground from the substation to within a mile of the site was constructed in 2012. The remainder of the facilities proposed by Dakota Valley will be brand new. On the other hand, Otter Tail intends to tap a transmission line that is over 40 miles in length and over 50 years in age to service the new substation at the proposed site and utilize a "probable" transformer built in 1991 that has a sketchy background and maintenance history. Regardless of what Otter Tail and George Schuler believe, overhead line is not more reliable than underground line. Syverson testified that underground line is not subjected to weather and farming operations to the degree that overhead line is and that there are less outage problems with underground line versus overhead. He indicated that given advances in technology, including fault indicators, that it is much easier and

quicker to respond to and fix underground faults when they do occur.

[17] Another issue that was touched on briefly at the hearing and goes to the issue of reliability is the issue of voltage drop. Syverson testified that any voltage drop experienced by Dakota Valley would fall within industry standards. Wolf also indicated that the same would be true for Otter Tail; however he did indicate that there would be a more significant voltage drop if the load would have to be served outside of its normal source.

[18] In summary, in looking at the SAIDI index, the actual outage data relative to the proposed site, and the infrastructure currently located near the site along with the proposed extension of service to be utilized by both entities, Dakota Valley would argue that this factor tips in favor of Dakota Valley.

QUESTION 6: Which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?

[19] Dakota Valley would argue that the economics of this should come down to the cost of the investment by each entity to extend service to the proposed Minn-Kota elevator site and not any difference in rates. There is a stark contrast in the way that electric cooperatives are structured and run versus an investor owned utility. Rural electric cooperatives are not for profit entities owned and run by the members. Any margins left over at the end of any given year are allocated for the benefit of the members. The fact that they are "rural" electric cooperatives makes it difficult for such entities to be competitive with investor owned utilities when it comes to rates. Rural electric cooperatives face challenges that investor owned utilities do not. For example, Dakota Valley has less than 4200 members, while Otter Tail has close to 60,000 members just in North Dakota. Dakota Valley has 1.13 to 1.2 members per mile of line. Dakota Valley has fewer large commercial loads than Otter Tail or other investor owned utilities as those facilities typically

develop in or near municipalities. Furthermore, Dakota Valley is a distribution cooperative and therefore, it has costs associated with the generation and transmission of the electricity it distributes to its members. These are all things that the Commission needs to consider when looking at the rate component of this factor.

[20] As to the cost of investment to extend service to the site, there is no argument that this aspect weighs heavily in favor of Dakota Valley. Syverson provided a detailed list of what it would cost for Dakota Valley to extend service to the proposed Minn-Kota elevator site. The proposed extension would be a logical extension of Dakota Valley's existing 3 phase service in the area. The extension would include bringing in approximately 3,960 feet of 4/0 underground cable, adding a 3 phase cabinet and placing up to two 1500 kVA transformers on site. The total cost of the Dakota Valley's proposed extension would be $93,640.73. As Syverson had testified to at the hearing, this is Dakota Valley's "worst case scenario." Because Dakota Valley did not have much, if any, input from Minn-Kota to go off of, some assumptions had to be made. Syverson indicated that based on historical data for similar facilities to that of Minn-Kota's proposed elevator site near Barney, one 1500 kVA transformer would be sufficient to service the load. However, Syverson added a second 1500 kVA transformer in the event that Minn-Kota wanted to divide up the load and/or improve reliability. Syverson indicated that if Minn-Kota wanted only one transformer, it would reduce the overall cost by $26,450.00, and if they wanted a 2000 kVA transformer, it would add approximately $5,000.00 to the original cost of one transformer. This would then place the overall cost of investment between $67,190.73 and $72,190.73.

[21] Otter Tail, on the other hand, gave the Commission its "best case scenario" by utilizing exempt materials. It is unclear based on the exhibits introduced by Otter Tail what exactly

constituted the exempt materials; however, based on Wolf's testimony, it at least consisted of one 2500 kVA transformer. Utilizing exempt material, Otter Tail projects a total investment for extension of $235,869.00. As pointed out previously, this number is deceiving and could be subject to change. Wolf had indicated that Otter Tail would "probably" utilize a 1991 model 2500 kVA transformer that Otter Tail currently has in its fleet. However, it is unknown if this will be the exact model used. Although no specific information was provided as to what a new 2500 kVA transformer would cost, it must be significant as Otter Tail had previously estimated costs for extension in excess of $300,000.00, prior to the utilization of exempt materials. Again, based on this issue alone, this factor would weigh in favor of Dakota Valley.

[22] While Dakota Valley believes the inquiry as to this factor should end here, it will address the difference in rates between Dakota Valley and Otter Tail. In deciding this question, the Commission will have to make a determination as to what it believes the potential load factor for this facility will be. Dakota Valley had projected the load factor to be in the ballpark of 33%, as the proposed Minn-Kota site is almost identical to a facility currently located in Dakota Valley's territory that has that load factor. Otter Tail, on the other hand, utilized load factors of both 23% and 33%, but argued it would most likely be closer to 23%. George Schuler's testimony on this aspect is very telling and Dakota Valley would argue that based on his testimony alone, the facts do not support a 23% load factor. Schuler indicated that this facility will operate year round and that it consists of two parts – inbound receiving and outbound shipping via 120 car BNSF trains. The facility will have 3 dump pits, with the ability to unload 20,000 bushels per hour at each dump pit, for a total of 60,000 bushels per hour. The facility will also be able to load out approximately 80,000 bushels per hour. Total capacity at this site will be just under 3 million bushels and total

investment will be in the ballpark of $20 million. Schuler indicated that this not a "small town elevator," is "state of the art," and will be one of the "nicest elevator facilities in the State of North Dakota." Schuler testified that Minn-Kota currently operates an elevator site within Dakota Valley's territory at Wahpeton. According to Syverson's testimony, that elevator operates at a 14% load factor. Based on both Schuler's and Syverson's testimony, it is not hard to understand why it has such a low load factor. Schuler indicated that the elevator was purchased primarily for the fertilizer side of things and not for grain handling. The grain handling part, which is metered separately and accounts solely for the 14% load factor, is minimally used. Schuler indicates that harvest is the busy time, with little to no use occurring during the remainder of the year. The elevator is only able to handle a 15 car rail service. When asked how proportionally different the Wahpeton facility is as compared to the proposed Minn-Kota site near Barney, Schuler testified that the new elevator will be at least 5-8 times bigger. Again, these facts do not support a lower load factor as argued by Otter Tail. Christopher Waltz testified that a 60 percent load factor is average for Otter Tail's customers, except for elevators. Waltz indicated that one or two elevators in Otter Tail's territory were used as comparables, but no additional information was provided at the time of the hearing to support this statement.

[23] If a 33% load factor is used, Otter Tail's total annual energy cost relative to the proposed Minn-Kota elevator site near Barney would be $271,981.05. Taking into account Otter Tail's numbers for Total Energy Cost projected for Dakota Valley, less the Power Factor cost and On-Site Facilities charge that it took into account, Dakota Valley's total annual energy cost during the first nine years of operation would be approximately $290,942.01. This would result in a difference between the two of approximately $18,960.92 annually for the first nine years. However, in

utilizing Dakota Valley's updated year ten number for total energy cost set forth on page 7 of Exhibit DVEC-9 of $306,035.751, less what Otter Tail projects is an 8% blended discount for the first nine years (which amounts to $24,408.94 annually), Dakota Valley's total projected annual energy cost for those nine years would be approximately $281,626.81. This would result in a total difference between the two of $9,645.76 annually for the first nine years. During year 10 and thereafter, there would be an annual difference of approximately $34,054.66. These numbers are presupposing that there will be no change in rates for either entity, which is highly unlikely. As Waltz testified at the hearing on this matter, Otter Tail's Rider Costs change frequently and are "highly variable" and therefore, it is hard to predict with any amount of certainty what Otter Tail's rate savings, if any, will be to the customer. Because rates are subject to change and are based on a load factor that is yet unknown, it is almost impossible to quantify the economic benefit to be received by Minn-Kota relative to the issue of rates. What can be quantified with a higher degree of certainty is the stark difference in the costs to be incurred by Dakota Valley in extending service versus the costs to be incurred by Otter Tail. Taking into account Dakota Valley's worst case scenario and Otter Tail's best case scenario, there is currently a quantifiable difference in cost of $142,228.27 that favors Dakota Valley. If Dakota Valley would utilize one 2000 kVA transformer instead of two 1500 kVA transformers, this would amount to a difference of $163,678.27. And if the "probable" 2500 kVA depreciated transformer doesn't work out for Otter Tail, we could be looking at a difference in excess of $200,000.00.

[24] Another economical factor to consider is the potential of Minn-Kota to earn capital credits.

1 Dakota Valley had previously projected $316,160.97 as its total annual energy cost by year 10 during its initial assessment of this load on March 13, 2017, which is set forth on page 2 of DVEC-10. However, this number was found to be in error on October 10, 2017, and was updated accordingly.

Dakota Valley's LF-4 sets forth the historical data on allocations and retirements made by Dakota Valley as to the entire membership. Based upon projected first year revenue for Minn-Kota of $275,524.58, and using the actual allocation for 2016, Minn-Kota's potential for capital credits in year one could be approximately $42,429.14. As the economic development incentive drops off, this would increase the total revenue realized by Dakota Valley on the Minn-Kota load, which would in turn increase the dollar amount of capital credits to be received by Minn-Kota. Capital credits are an advantage that Dakota Valley has that Otter Tail does not. The accrual of capital credits by the member over the years will more than make up for the difference between Otter Tail's rates and Dakota Valley's rates.

[25] Based on Dakota Valley's late filed exhibits and the information provided by Otter Tail at the time of the hearing, it would appear that the parties would both earn an adequate rate of return on this load. Otter Tail is required to recoup its investment within a 3 year period, whereas Dakota Valley is not under those constraints. Dakota Valley has historically earned a rate of return on its investments of 3-4 percent, whereas Otter Tail's rate of return is 8.62 percent. Again this goes to the argument made by Dakota Valley that it is hard to compare apples to apples when comparing Otter Tail and Dakota Valley because the two are inherently different in how they are organized, regulated, etc. Dakota Valley projects it will recoup its investment during year 5. Once the economic development incentive falls off, Dakota Valley will be realizing a more significant profit on the Minn-Kota load, which would in turn benefit other members by holding at bay a potential rate increase. Again, taking into account the potential for capital credits, the highly variable nature of rates, and the known cost of investment by each entity, Dakota Valley would argue that this factor weighs in favor of Dakota Valley.

QUESTION 7: Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?

[26] Much of the discussion set forth under Question/Factor 6 would apply here as well. The cost for Dakota Valley to extend service to the proposed Minn-Kota elevator site is considerably less than that of Otter Tail. Taking that into consideration, as well as the accrual of capital credits and the economic development incentive being offered by Dakota Valley, Dakota Valley would be positioned to best serve the overall orderly and economic development as it relates to providing electric service to Minn-Kota. Dakota Valley would also serve the orderly and economic development of electric service as it relates to the general area. Dakota Valley currently has three phase line in close proximity to the proposed Minn-Kota elevator site. Dakota Valley has an existing substation approximately 3.5 miles away from the Minn-Kota site with adequate capacity. The extension of service to the site is a logical extension of Dakota Valley's already existing facilities in the area and could be utilized to the advantage of other facilities or members in the future. Otter Tail's proposed extension essentially benefits Minn-Kota and Minn-Kota only. Wolf testified that there is no intention at this time of further extending or developing service in that area. Furthermore, if Otter Tail wants to extend service from this location, it would have to get a CPCN, which Dakota Valley would not. Also, Minn-Kota would essentially have to agree to allow Otter Tail to extend off of the substation as the proposed substation is slated to be located on Minn-Kota's land at little to no cost. Minn-Kota could also face reliability issues if another Otter Tail customer is fed from that substation and one of Minn-Kota's main concerns was the issue of reliability as it relates to the proposed extensions of service by both entities. Lastly, Otter Tail serves only two loads within a two-mile radius of the proposed facility, while Dakota Valley serves 20. Other than its 41.6 kV line, Otter Tail only has a small section of single phase line along the

railroad that is located within the two-mile radius. Dakota Valley, on the other hand, has single and 3 phase services traversing throughout the two-mile radius. This factor weighs in favor of Dakota Valley.

QUESTION 8: Would approval of the applications result in wasteful duplication of investment or service?

[27] Yes, the approval of Otter Tail's application would result in wasteful duplication of investment or service. Dakota Valley currently serves a majority of the area surrounding the proposed Minn-Kota elevator site. Dakota Valley has three phase service it can extend off of within .70 miles of the site. While Otter Tail's 41.6 kV transmission line passes by the location, the line by itself cannot service the location. Instead, Otter Tail would have to invest over $235,000.00 to be able to provide electric service to Minn-Kota. This proposed extension by Otter Tail would serve only to benefit Minn-Kota, while Dakota Valley's extension has the potential to serve others in the area. Otter Tail does not have any other economical means to provide service to the site except as was proposed at the hearing. Wolf testified that tapping into one of its substations near Barney or Mooreton would be too costly as those facilities are located in excess of three miles from the proposed site. Again, the proposed extension by Dakota Valley is a logical extension of its already existing services in close proximity to this site, whereas the same is not true for Otter Tail. This factor weighs in favor of Dakota Valley.

QUESTION 9: Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?

[28] The proposed Minn-Kota elevator site is located on Highway 13 in Richland County. The cities closest in proximity to the site are Barney, which is located approximately 3 to 3.5 miles to the northwest, and Mooreton, which is located approximately 3 miles to the northeast. The

population of Barney is approximately 51 people and Mooreton is approximately 194 people. Given the distance from the site and the relatively small populations of both cities, it is highly unlikely that the location in question will be included within the corporate limits of any municipality. This factor does not favor either Dakota Valley or Otter Tail.

QUESTION 10: Will service by either of the electric supplier in the area unreasonably interfere with the service or system of the other?

[29] Both Dakota Valley and Otter Tail currently operate in the area and it does not appear that current operations by either company interfere with the other. The extensions proposed by either company would not result in the crossing of the other's lines or facilities in the area. This factor does not favor either Dakota Valley or Otter Tail.

CONCLUSION

[30] Based on the foregoing, and the evidence adduced at the hearing on October 23, 2017, Dakota Valley respectfully requests that the Commission deny Otter Tail's application for a certificate of public convenience and necessity in this matter.

Dated this 7th day of November, 2017.

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ORIGINAL

North Dakota Public Service Commission Docket No: PU-17-96

Certificate of Electronic Service

STATE OF NORTH DAKOTA)
)ss
COUNTY OF LAMOURE)

[1] I, Kimberly J. Radermacher, do hereby certify that on November 7, 2017, I served the following documents:

A. **Dakota Valley Electric Cooperative, Inc.'s Closing Argument and Brief in Opposition to Otter Tail's Application for Certificate of Public Convenience and Necessity**

by sending a true and correct copy thereof via email to:

Public Service Commission at ndpsc@nd.gov
Darrell Nitschke at dnitschk@nd.gov
Cary Stephenson at cstephenson@otpco.com
Zachary Pelham at zep@pearce-durick.com
Zachary Smith at zsmith@ndarec.com

[2] To the best of my knowledge, information and belief, such address is the actual email address(es) of the parties intended to be served. That the above documents were duly e-mailed and served in accordance with the applicable provisions of North Dakota law.

Dated this 7th day of November, 2017.

Kimberly J. Radermacher (#05856)
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PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Minn-Kota Ag Products Inc. – Richland County
Public Convenience & Necessity

Case No. PU-17-96

ORDER GRANTING TRADE SECRET PROTECTION REQUESTED BY DAKOTA VALLEY ELECTRIC COOPERATIVE, INC.

1. On the record at the hearing in this matter and by written application filed November 1, 2017, Dakota Valley Electric Cooperative, Inc. requested Trade Secret Protection pursuant to North Dakota Administrative Code § 69-02-09-04 and N.D. Cent. Code § 47-25.1-01(4) for information regarding names and locations of facilities identified anonymously in Exhibit DVEC 13 at the hearing on October 23, 2017.

2. The information requested was not publicly available and consist of confidential business information of member businesses, disclosure of which could be harmful if available to vendors and competitors of those companies.

3. This administrative law judge did indicate on the record that such a request for trade secret protection would be granted. There has been no objection from any of the parties that participated in the hearing.

THEREFORE, THE REQUEST FOR TRADE SECRET PROTECTION OF THE MATERIALS IDENTIFIED IS GRANTED.

Dated this 13th day of November, 2017.

Patrick J. Ward
Administrative Law Judge

68 PU-17-96 Filed: 11/15/2017 Pages: 2
Order Granting Request for Protection of Information - Exhibit DVEC-13
Patrick Ward, ALJ - Office of Administrative Hearings

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company **Case No. PU-17-96**
Minn-Kota Ag Products Inc. – Richland County
Public Convenience & Necessity

AFFIDAVIT OF SERVICE

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

The undersigned, being duly sworn and of legal age, deposes and says that: I am a United States citizen, over 18 years of age, and on November 13, 2017, I served the following document(s):

ORDER GRANTING TRADE SECRET PROTECTION REQUESTED BY DAKOTA VALLEY ELECTRIC COOPERATIVE, INC.

by electronic mail upon counsel at the below e-mail address(es):

Kimberly Radermacher
Attorney at Law
PO Box 597
LaMoure, ND 58458

Cary Stephenson
Otter Tail Power Co.
PO Box 496
Fergus Falls, MN 56538

Zachary Pelham
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PO Box 400
Bismarck, ND 58502-0400

John Hamre
ND Public Service Commission
600 E. Blvd Ave, Dept 408
Bismarck, ND 58505-0408

Val Leapaldt

Subscribed and sworn to before me, today, November 13, 2017.

Betty H. Mertz
NOTARY PUBLIC

BETTY H. MERTZ
Notary Public
State of North Dakota
My Commission Expires November 7, 2020

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Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/22/2018 4:43 PM CST
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Filing Description	CR Exhibit 68 Reply to Otter Tail Power Company's Post Hearing Argument
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

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NORTH DAKOTA
PUBLIC SERVICE COMMISSION

November 14, 2017

North Dakota Public Service Commission
600 E. Boulevard Ave. Dept. 408
Bismarck, ND 58505-0480

RE: PU-17-96
CPCN – Otter Tail Power/Minn-Kota Ag. Products

Dear Commissioners,

Enclosed for docketing in the above captioned case, please find the following:

A. **Dakota Valley Electric Cooperative, Inc.'s Reply to Otter Tail Power Company's Post Hearing Argument (1 Original, 7 Copies)**

As always, please do not hesitate to contact my office should you have any questions or concerns.

Thank you.

Sincerely,
RADERMACHER LAW FIRM, P.C.

Kimberly J. Radermacher

Enclosures

69 PU-17-96 Filed: 11/14/2017 Pages: 14
Reply to Otter Tail Power Company's Post Hearing Argument
Dakota Valley Electric Cooperative, Inc.
Kimbery Radermacher, Attorney

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company **Case No. PU-17-96**
Minn-Kota Ag Products Inc. - Richland County
Public Convenience & Necessity

DAKOTA VALLEY ELECTRIC COOPERATIVE, INC.'S REPLY TO OTTER TAIL POWER COMPANY'S POST HEARING ARGUMENT

[1] Dakota Valley Electric Cooperative, Inc., by and through its counsel Kimberly J. Radermacher, submits the following reply to Otter Tail Power Company's Post Hearing Argument. As stated previously, the Commission must consider ten factors in granting or denying Otter Tail's certificate for public convenience and necessity and how each weigh in favor or opposition of the parties. Those ten factors are as follows:

1. From whom does the customer prefer electric service?
2. What electric suppliers are operating in the general area?
3. What electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?
4. What customers are served by electric suppliers within at least a two-mile radius of the location to be served?
5. What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?
6. Which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?
7. Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?
8. Would approval of the applications result in wasteful duplication of investment or service?
9. Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?
10. Will service by either of the electric supplier in the area unreasonably interfere with the service or system of the other?

LAW AND ARGUMENT

QUESTION 1: From whom does the customer prefer electric service?

[2] Otter Tail spends a great deal of its Post Hearing Argument on this factor, even though this

factor is not a controlling factor. It bears repeating that "[c]ustomer preference…invokes consideration by the Public Service Commission, but it is not to be a controlling factor. It is the Public convenience and necessity, after all, with which the Commission is concerned, not private preference." Tri-County Elec. Co-op., Inc. v. Elkin, 224 N.W.2d 785, (1974)(quoting Tri-City Motor Transportation Co. v. Great Northern Ry. Co., 67 N.D. 119, 270 N.W. 100 (1936), and 42 C.J. Motor Vehicles, Section 121, page 687). "The convenience and necessity which the law requires to support the public service commission's order for the establishment or extension of . . . service is the convenience and necessity of the *public* as distinguished from that of *an individual or any number of individuals*, and this is the primary matter to be considered in determining what constitutes such public convenience and necessity in a particular case, and the propriety of granting a certificate to that effect." Id. (emphasis added).

[3] Dakota Valley does not dispute that there is a difference between its' and Otter Tail's rate structures. However, the amount of the difference between the two is in dispute and up to the Commission to decide. Dakota Valley feels it has made some compelling arguments regarding this issue in its previously submitted Closing Argument. While Minn-Kota faces some unique challenges with its existing facility in Wahpeton, Seth Syverson had testified that these issues could be designed around and will likely not be a factor with the new elevator facility to be located near Barney, North Dakota. The Wahpeton facility currently has a 14% load factor, clearly the worst in relation to the examples provided by Dakota Valley at the hearing. Dakota Valley does not believe the load factor at the new facility will be even remotely close to the Wahpeton facility. With an improved load factor, Minn-Kota would see an improvement in the demand charges. And with an improved load factor, the less difference there would be between Otter Tail's and Dakota Valley's

rates.

[3] As to Otter Tail's claim that Otter Tail presents less risk to Minn-Kota, there was simply no evidence produced at the time of the hearing to support this argument. Mr. Schuler is merely speculating as to what reliability "could be" and not as to what reliability "actually is" with regards to either provider. Mr. Schuler indicated that he has no issues with Dakota Valley and reliability at the Wahpeton site. Based on outage statistics provided by Dakota Valley as to the Barney site, there have been very few outages in that area in the last decade and some of those outages were a direct result of issues sustained by Otter Tail on its 41.6 kV transmission line. Otter Tail conveniently did not have sufficient information available to show reliability as to this specific site. Only two years of statistics were provided to Dakota Valley and the Commission as part of this process and just in those two years, the number of outages were almost triple that of Dakota Valley's over the last ten years.

[4] Another argument made by Otter Tail is that Otter Tail offers more flexibility on soft start devices. Dakota Valley offered into evidence the motor list for the proposed Minn-Kota elevator site. A majority of the larger motors on the list were soft start motors. This was not at the request of Dakota Valley. This was a list proposed by Minn-Kota itself without any input from Dakota Valley. At no time did Minn-Kota think it was going to have to take electric service from Dakota Valley at this site. Schuler made that fact known at the hearing. Only one conversation took place between Dakota Valley and Minn-Kota and that is when Dakota Valley provided a proposal regarding what electric service rates may be over a ten-year period at that site. No conversations were had regarding soft start motors and any policy that Dakota Valley has in this regard. Syverson even stated that despite this policy, Dakota Valley waives most soft start motor requirements up

to 75 and 100 horsepower if the member is willing to assume some risk for putting in non-soft starting motors. As such, this argument is not compelling, nor is it supported by any credible evidence.

[5] Otter Tail argues that it is also noteworthy that Minn-Kota desires electric service from Otter Tail because they are rate regulated and that regulated rates reduce business risk and uncertainty. This was also an argument made in the Menards' case and it would appear that this argument is simply a carryover from that case. This issue should have no bearing on preference, or any other factor to be determined by the Commission. Electric rates are subject to change, whether the rates come from an investor owned utility or a rural electric cooperative. Christopher Waltz even testified that between rate increases, Otter Tail implements riders and those riders are highly variable and subject to change. The North Dakota Supreme Court debunks this argument best in the case, Montana-Dakota Utilities Co. v. Johanneson, 153 N.W.2d 414, (1967). The Supreme Court noted that:

> In the case of a public utility, the consumer has absolutely no voice in the operation of the business. It is operated for private benefit and profit of the stockholders and is given a virtual monopoly by law in the area where it serves. Unless some supervision is provided for, excessive rates and unjust procedures could be imposed, adopted, and practiced. An electric co-operative, on the other hand, is operated without profit. Its consumers are members of the co-operative and, as members, are in control and have a voice in the policies of the co-operative. The directors selected by the members fix the rates to be charged. Furthermore, if rates are charged which are excessive and bring in more than is needed for maintenance and costs of operation, the excess, under the law, is to be returned to the members, for the law specifically provides that electric co-operatives are to be operated without profit (Sec. 10-13-05, N.D.C.C.) and that, if rates charged produce an excess over what is needed for operation and maintenance and for reserves for improvement, it shall be returned to the members (Sec. 10--13--06, N.D.C.C.). Furthermore, if the policies of the co-operative are not satisfactory to the consumers, they, as members, have the power to change them. But, in the case of a public utility, consumers have absolutely no voice in the operation of the business, in the making of its policies, or in the fixing of its rates.

[6] Otter Tail also states that Dakota Valley did not provide a written contract assuring Minn-Kota that the rates would not change. Otter Tail didn't provide Minn-Kota a contract either and Otter Tail, while regulated by the PSC, can change its rates. Syverson testified that the board approved providing the economic incentive rate and waiving the on-site facility charge and the power factor adjustment charge for Minn-Kota. That was conveyed to Minn-Kota and Minn-Kota determined it wanted to proceed with Otter Tail. At that particular time, what sense would it have made for Dakota Valley to offer a contract to Minn-Kota? Furthermore, while contracts are left for larger loads than Minn-Kota, they are quite rare amongst Dakota Valley's business practices. The board had taken the necessary actions to approve the rates offered to Minn-Kota and Otter Tail has no evidence to support that these incentives and other charge deferrals would have been withdrawn or otherwise not offered to Minn-Kota.

QUESTION 2: What electric suppliers are operating in the general area?

[7] Dakota Valley would agree with Otter Tail in that the Commission can reasonably find that this factor does not favor either Otter Tail or Dakota Valley. While Otter Tail may have some facilities in the "general area," it does not have the extent of distribution lines or customers that Dakota Valley has in the rural areas.

QUESTION 3: What electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?

[8] Otter Tail believes that this factor does not favor either Dakota Valley or Otter Tail. However, Dakota Valley would adamantly disagree. The question relates to *existing* electric supply lines in the two-mile radius, not what is to be constructed. It is also does not appear to limit itself to just those lines that could supply power to the proposed site. Within the two-mile radius, Otter Tail has two miles of 41.6 kV overhead transmission line and approximately one-quarter of a mile

of single phase distribution line that feeds one single customer. It has NO other electric supply lines or substations within the two-mile radius. Dakota Valley, on the other hand, has significantly more electric supply lines in the area. Dakota Valley has well over five miles of 3 phase line that goes almost entirely north and south through the two-mile radius, and east and west on the northern and southern edges. There are also several miles of single phase line within the area. Dakota Valley has ten times the number of customers within the two-mile radius than Otter Tail, which naturally equates to more supply lines. The Dakota Valley underground 3 phase line that is proposed to serve this load was installed in 2012, as was most, if not all, of the other Dakota Valley existing 3 phase underground cable in that area. Because of Dakota Valley's existing electric supply lines in the area, Dakota Valley does not have to make a significant investment like Otter Tail in order to extend electric service to the proposed Minn-Kota elevator site. This factor favors Dakota Valley.

QUESTION 4: What customers are served by electric suppliers within at least a two-mile radius of the location to be served?

[9] Otter Tail attempts to play down this factor by minimizing the number of customers Dakota Valley has ("over a dozen") and maximizing the number of customers Otter Tail has ("two to three"). Syverson testified that Dakota Valley serves 20 members in the two-mile radius. Wolf testified that Otter Tail serves two. Otter Tail also argues that this factor should be given little weight given the number of customers Otter Tail serves outside of the two-mile radius. The Commission must not deviate from what the question asks just because it would benefit Otter Tail to some degree. Based on the evidence presented and what this factor requires, this factor clearly favors Dakota Valley.

QUESTION 5: What are the differences, if any, between the electric suppliers available to serve

the area with respect to reliability of service?

[10] At the hearing on October 23, 2017, SAIDI and CAIDI statistics were provided for both electric suppliers. As stated previously, in comparing SAIDI numbers, it appears that both electric suppliers are very similar. In 2016, Otter Tail's SAIDI was 110.5, while Dakota Valley's was 130.9. In 2015, Otter Tail's was 100.6, while Dakota Valley's was 88. In 2014, Otter Tail was 74.2 and Dakota Valley was 75.5. In 2013, Otter Tail was 99.7 and Dakota Valley was 91.8. And in 2012, Otter Tail was 84.1, while Dakota Valley was 87.8. SAIDI is based on system wide numbers, while CAIDI looks at consumer average. Because CAIDI looks at "consumer" average and not "system" average, it would be unfair for the Commission to give the disparity in CAIDI numbers for Otter Tail and Dakota Valley much weight. Dakota Valley has less than 4200 members, as compared to Otter Tail's close to 60,000 members. Furthermore, Dakota Valley has approximately 1.13-1.2 members per mile of line, according to Syverson; whereas, Otter Tail's transmission and distribution is more condensed as they primarily serve municipalities. Otter Tail is of course going to focus on the CAIDI scores as they put Otter Tail in a more favorable light. However, site specific statistics do not support that Otter Tail has more reliable service and that is the evidence the Commission should be most concerned with. Again, according to information provided by Otter Tail and entered into evidence by Dakota Valley as Exhibit DVEC-14, between May 13, 2014, and November 18, 2016, the Otter Tail Wahpeton substation that would be tapped to serve this load had sustained approximately 15 outages. These outages ranged in duration from less than one minute to close to two hours. According to Wolf of Otter Tail, this outage report does not include scheduled maintenance. It also does not include any data for the year 2017 or any time prior to May 19, 2014. The reason provided for the missing data prior to 2014 was that Otter Tail had undergone

metering changes during that time, which caused the specifics as to this substation to be lost.

[11] Furthermore, while there was "ample testimony" by Otter Tail that their "plan to serve Minn-Kota is inherently more reliable than DVEC's service plan," there is simply no evidence to support this. Otter Tail seems to believe that its service won't carry any risk, yet it fails to acknowledge that the only way Otter Tail can even somewhat economically service this load is from its 41.6 kV overhead transmission line. This overhead line carries plenty of risk with no static wire and exposure to harsh North Dakota weather. Furthermore, Otter Tail intends on utilizing a portion of that line that has over 40 miles of exposure. Syverson testified that Dakota Valley ran tests on this load and there would be no voltage drop or other issues faced by Minn-Kota or others on the line in the terms of reliability.

[12] In its Closing Argument, Otter Tail again makes its argument about overhead versus underground systems and how it relates to reliability. While it is true that Otter Tail will have much less underground distribution line to examine in the event of a suspected fault, it still has a significant amount of transmission line to worry about – over forty miles worth to be exact. Otter Tail's arguments on this particular issue are pure conjecture and speculation. Furthermore, there is no evidence to support that overhead line is more reliable than underground. Rather, Dakota Valley would argue in the alternative.

[13] As stated previously, in looking at the SAIDI index, the actual outage data relative to the proposed site, and the infrastructure currently located near the site along with the proposed extension of service to be utilized by both entities, Dakota Valley would argue that this factor tips in favor of Dakota Valley.

QUESTION 6: Which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?

[14] This factor has been belabored at the hearing and in each party's Closing Arguments. This factor will boil down to the issue of rates, as there is no doubt that Dakota Valley's cost of extension is significantly less than that proposed by Otter Tail. Dakota Valley's worst-case scenario for cost of extension is $93,640.73 and best-case scenario is between $67,190.73 and $72,190.73. Otter Tail projects a total investment for extension of $235,869.00. However, this is a best-case scenario and this amount could exceed $300,000.00 if the probable 2500 kVA transformer is not able to be utilized. Based on cost of extension alone, this factor would weigh in favor of Dakota Valley.

[15] As for the difference in rates, the determination of this aspect will come down to what the Commission believes is a logical load factor for the proposed Minn-Kota elevator site near Barney. To do so, it will have to determine whose evidence is more credible in that regard. Otter Tail believes that 23% is more logical because Otter Tail had detailed discussions with Schuler and Minn-Kota about what a potential load factor for this facility may be. However, Schuler indicated at the time of the hearing that this facility was going to be one of the biggest elevators in the state. If that is the case, then it should fall in line with some of the other elevators in Dakota Valley's and Northern Plains' territory that have higher load factors. It is evident that this elevator will not perform anything remotely close to Minn-Kota's Wahpeton facility and in comparison, a projected load factor of 23% is awfully low. As pointed out at the hearing, it would behoove Otter Tail and Minn-Kota to project a lower load factor because there is a more significant rate differentiation between Otter Tail and Dakota Valley the lower the load factor gets, which then benefits Otter Tail as to the analysis of this factor and its overall application for a CPCN.

[16] If a 33% load factor is used, Otter Tail's total annual energy cost relative to the proposed

Minn-Kota elevator site near Barney would be $271,981.05. Taking into account Otter Tail's numbers for Total Energy Cost projected for Dakota Valley, less the Power Factor cost and On-Site Facilities charge that it took into account, Dakota Valley's total annual energy cost during the first nine years of operation would be approximately $290,942.01. This would result in a total difference between the two of $18,960.92 annually for the first nine years. However, in utilizing Dakota Valley's updated year ten number for total energy cost set forth on page 7 of Exhibit DVEC-9 of $306,035.751 less what Otter Tail projects is an 8% blended discount for the first nine years (which amounts to $24,408.94 annually), Dakota Valley's total projected annual energy cost for those nine years would be approximately $281,626.81. This would result in a total difference between the two of $9,645.76 annually for the first nine years. During year 10 and thereafter, there would be an annual difference of approximately $34,054.66. These numbers are presupposing that there will be no change in rates for either entity.

[17] Otter Tail would prefer to exclude any argument made by Dakota Valley regarding accumulation of capital credits, stating that any return would be delayed and is speculative. At this juncture of the proceedings, most of what the Commission has to base its decision on is speculative. No one knows what rates are going to be or what Minn-Kota's load factor will actually be years from now. What is known is that based on historical data and the business structure of Dakota Valley, Minn-Kota will earn capital credits and will eventually have those capital credits allocated back to them. It is a factor that the Commission must take into consideration in deciding this factor.

1 Dakota Valley had previously projected $316,2160.97 as its total annual energy cost by year 10 during its initial assessment of this load on March 13, 2017, which is set forth on page 2 of DVEC-10. However, this number was found to be in error on October 10, 2017, and was updated accordingly.

[18] Otter Tail also questions whether Dakota Valley can earn an adequate return on its investment. Dakota Valley believes that it can. While it is not at the same rate as Otter Tail, it will still earn an adequate return regardless. No other Dakota Valley members are going to be left holding the bag on Dakota Valley's costs of extending service to Minn-Kota. To the contrary, once its initial investment is recouped after year five, Dakota Valley will be seeing a nice return from Minn-Kota that will help keep rate increases for other members at bay. Again, taking into account the potential for capital credits, the highly variable nature of rates, and the known cost of investment by each entity, Dakota Valley would argue that this factor weighs in favor of Dakota Valley.

QUESTION 7: Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?

[19] Much of the discussion set forth under Question/Factor 6 would apply here as well. The cost for Dakota Valley to extend service to the proposed Minn-Kota elevator site is considerably less than that of Otter Tail. Taking that into consideration, as well as the accrual of capital credits and the economic development incentive being offered by Dakota Valley, Dakota Valley would be positioned to best serve the overall orderly and economic development as it relates to Minn-Kota. Dakota Valley would also serve the orderly and economic development of electric service as it relates to the general area. Dakota Valley currently has three phase line in close proximity to the proposed Minn-Kota elevator site. The extension of service to the site is a logical extension of Dakota Valley's already existing facilities in the area and could be utilized to the advantage of other facilities or members in the future. Dakota Valley's line would bring 3 phase service further down the Highway 13 corridor, which is apt to see more economic development than other areas. Otter Tail's proposed extension essentially benefits Minn-Kota and Minn-Kota only. Wolf testified that

there is no intention at this time of further extending or developing service in that area. Furthermore, if Otter Tail wants to extend service from this location, it would have to get a CPCN, which Dakota Valley would not.

QUESTION 8: Would approval of the applications result in wasteful duplication of investment or service?

[20] As stated previously, the approval of Otter Tail's application would result in wasteful duplication of investment or service. Dakota Valley currently serves a majority of the area surrounding the proposed Minn-Kota elevator site. Dakota Valley has three phase service it can extend off of within .70 miles of the site. While Otter Tail's 41.6 kV transmission line passes by the location, the line by itself cannot service the location. Instead, Otter Tail would have to invest over $235,000.00 to be able to provide electric service to Minn-Kota. This proposed extension by Otter Tail would serve only to benefit Minn-Kota, while Dakota Valley's extension has the potential to serve others in the area. Otter Tail does not have any other economical means to provide service to the site except as was proposed at the hearing. Wolf testified that tapping into one of its substations near Barney or Mooreton would be too costly as those facilities are located in excess of three miles from the proposed site. Again, the proposed extension by Dakota Valley is a logical extension of its already existing services in close proximity to this site, whereas the same is not true for Otter Tail. This factor weighs in favor of Dakota Valley.

QUESTION 9: Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?

[21] Both Dakota Valley and Otter Tail concur that this factor does not favor either party.

QUESTION 10: Will service by either of the electric supplier in the area unreasonably interfere with the service or system of the other?

[22] Both Dakota Valley and Otter Tail concur that this factor does not favor either party.

CONCLUSION

[23] Dakota Valley respectfully asks that the Commission deny Otter Tail's Application for a Certificate of Public Convenience and Necessity in this matter. Otter Tail has not shown that public convenience and necessity dictates extension of service by Otter Tail to the proposed Minn-Kota elevator site near Barney, North Dakota.

Dated this 14th day of November, 2017.

Kimberly J. Radermacher (#05856)
Attorney for ~~Dakota~~ Valley Electric Coop.
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Filing Description	CR Exhibit 69 Reply to Dakota Valley Electric Cooperative's Closing Argument and Brief
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Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

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OTTER TAIL POWER COMPANY

November 14, 2017

Darrell Nitschke
Executive Secretary
ND Public Service Commission
600- East Boulevard Avenue
Bismarck, ND 58505-0480

RE: Otter Tail Power Company
Case No. PU-17-96
Minn-Kota Ag Products, Inc. - Richland County
Public Convenience & Necessity
Reply Briefs

Dear Mr. Nitschke:

Otter Tail Power Company respectfully submits the enclosed Reply to Dakota Valley Electric Cooperative's Post Hearing Argument and Brief.

An electronic copy of this filing is also being sent to you at dnitschk@nd.gov and to the North Dakota Public Service Commission at ndpsc@nd.gov. An original and seven copies will be mailed to your attention.

Please feel free to contact me at (218) 739-8956 or by email at cstephenson@otpco.com if you have any questions.

Sincerely,

/s/Cary Stephenson
Cary Stephenson
Associate General Counsel

kaw
Enclosures
Cc:
ALJ Patrick J. Ward
Kimberly J. Radermacher
Zachary Pelham

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company **Case No. PU-17-96**
Minn-Kota Ag Products, Inc. - Richland County
Public Convenience & Necessity

Otter Tail Power Company's Reply
to Dakota Valley Electric Cooperative's Closing Argument and Brief.

Otter Tail Power Company (OTP or Company) submits the following response to Dakota Valley Electric Cooperatives' post hearing brief in the above-entitled matter. OTP's response is structured according to the issues set forth in the Commission's Notice of Hearing dated July 26, 2017. OTP has focused on key claims made by DVEC. To the extent OTP has not specifically addressed a point raised by DVEC does not signal agreement with DVEC. OTP believes an analysis of the 10 factors, giving proper weight to the key issues, supports the issuance of a Certificate of Public Convenience and Necessity (CPC&N) to OTP to serve Minn-Kota.

1. From whom does the customer prefer electric service?

DVEC attempts to reduce this issue to a matter of private preference based on cost vs. the public interest. A more accurate characterization is that OTP's rates, rate structure, and service extension plan are better suited to Minn-Kota's operational characteristics, and that OTP service will better enable Minn-Kota to capture and pass competitive benefits to local producers. Properly framed, this is an issue of public interest in whether a state of the art grain handling facility must take service under a DVEC rate design that features a high demand charge, when doing so will likely cause Minn-Kota's to suffer operational inefficiencies, to the detriment of Minn-Kota, producers, and area communities.

DVEC's post hearing brief does not address DVEC's demand charge structure. This is telling. To recap, DVEC made one service proposal to Minn-Kota. *See* OTP Exhibit 8. DVEC's proposal featured a demand charge structure poorly suited with the size and operating characters of Minn-Kota's planned facility. Whether intentional or not, DVEC effectively made

a take it or leave it offer to Minn-Kota. DVEC apparently did not explore different demand response options and rates better suited to Minn-Kota with Central Power Electric Cooperative (CPEC), DVEC's power supplier. Minn-Kota, which is making a $20 million investment in southeastern North Dakota, understandably seeks service that will allow its facility to operate to its full potential, which in turn enables Minn-Kota to better serve local producers. It also better enables Minn-Kota to reinvest in and grow its facility and other operations – growth that benefits the general area including areas served by DVEC. In this context it is not reasonable to portray this matter as a case where Minn-Kota simply seeks to save a few dollars.

DVEC also dismisses the governing differences between OTP and DVEC as not worthy of consideration. The Commission, however, has considered governing differences between Commission regulated utilities and board regulated cooperative in other contested CPCN matters, most recently in Montana Dakota Utilities' (MDU) request to serve Menards.[1] The issue is relevant in this case where Minn-Kota must accept the rate DVEC's Board determines appropriate at the end of the nine-year discount set forth in DVEC's service proposal, assuming that DVEC's Board does not alter the discount and other terms at an earlier date.[2] In light of these facts it is appropriate to consider the greater stability and predictability provided from a rate regulated utility. Ignoring this issue could send adverse signals to others considering development of similar ag processing and handling facilities.

DVEC has also failed to address the operational flexibility that OTP provides in terms of required soft start devices. At hearing DVEC acknowledged its policy requiring Minn-Kota to install soft start devices on motors more than 30 horsepower. In contrast, the evidence at hearing established that under OTP service Minn-Kota would need install soft start devices on motors above 100 horsepower. In response, DVEC witness Seth Syverson stated DVEC could likely waive its soft start threshold. Severson's testimony, however, was based on what DVEC claimed it had done with one or more other customers in the past. It was not based on a distribution study specific to Minn-Kota. In contrast, OTP's soft start threshold was based on a specific distribution study for Minn-Kota.

[1] Case No. PU-13-871.
[2] It bears repeating that DVEC did not offer a contract locking in its proposal to Minn-Kota, and that DVEC's Seth Severson stated at hearing that DVEC typically reserves such contacts to larger loads.

In sum, OTP service to Minn-Kota is not simply a matter of private preference based on cost. There are numerous, well supported reasons for Minn-Kota seeking OTP that support the public's interest.

2. What electric suppliers are operating in the general area?

OTP concurs with DVEC that the Commission can reasonably find that this factor favors neither OTP or DVEC.

3. What electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?

OTP disagrees with DVEC that this factor favors DVEC. Instead, the Commission can reasonably find that this his factor favors neither party. The facts established at hearing:

- OTP has transmission service within two miles of the service location. DVEC does not. In fact, OTP's transmission supply is immediately adjacent the Minn-Kota point of service.
- Both parties have distribution lines within the 2 miles radius, with DVEC having more service points and distribution line.
- To serve Minn-Kota, both parties must install underground distribution line to Minn-Kota's point of service. In OTP's case it must install approximately 1000 feet of underground distribution. DVEC must install approximately 3/4 of a mile of new distribution service.

Summarized, within the 2-mile radius of the service location OTP has an advantage with respect to transmission supply facilities, DVEC has an advantage with respect to distribution supply facilities, and both parties must install new distribution facilities to serve Minn-Kota. These factors demonstrate that neither party has an advantage concerning supply lines within the two-mile radius of the Minn-Kota point of service.

4. What customers are served by electric suppliers within at least a two-mile radius of the location to be served?

DVEC has more customers within a two-mile radius of Minn-Kota's point of service than does OTP. In balancing the ten factors, however, the Commission can reasonably assign this

factor limited weight. DVEC's service points in the two-mile radius are rural residences and farmsteads. DVEC service to these customers is materially different than the service required by Minn-Kota's commercial grain handling facility in terms of necessary capacity and load. The Commission can also take notice that OTP serves many rural customers just beyond the two-mile boundary, and provides three phase service to grain elevators in Barney and Mooreton.

5. What are the differences, if any, between the electric suppliers available to serve? The area with respect to reliability of service?

This factor strongly favors OTP despite DVEC's claims to the contrary. There are different ways to measure reliability and restoration performance as noted by DVEC, but the industry standard is to evaluate SAIFI, SAIDI, and CAIDI metrics. DVEC contends that the Commission should not consider comparative CAIDI data "[b]ecause CAIDI looks at 'consumer' average and not 'system' average, [therefore] it would be unfair for the Commission to give the disparity in CAIDI numbers for Otter Tail and Dakota Valley much weight. Dakota Valley has less than 4200 members, as compared to Otter Tail's close to 60,000 members."[3] This argument reflects a basic misunderstanding of CAIDI. CAIDI is in fact a system average; an average of the duration of outages experienced by customers. CAIDI is not weighted or measured by customer densities in any manner whatsoever. Therefore, it is appropriate for the Commission to compare DVEC's five-year weather normalized CAIDI average of 114.18 with OTP's five-year weather normalized CAIDI average of 64.6. These figures demonstrate that OTP typically takes 64.6 minutes to restore an outage, whereas DVEC's average is approximately 2 hours. This difference was not lost on Minn-Kota representative George Schuler, who testified to the fines and commercial losses Minn-Kota is exposed to during extended down-time. DVEC may argue that its rural customer base, and the size of its service area necessarily results in higher outage duration times. The Commission, however, can take notice that OTP's North Dakota service area is substantially larger than DVEC or any cooperatives' service area for that matter. Also, as noted by OTP Exhibit 1, OTP serves rural customers in addition to customer located within municipalities – all of which supports comparing CAIDI figures.

[3] Dakota Valley Electric Cooperative Closing Argument and Brief at p. 6.

Next DVEC attempts to argue the feeder it would use to serve Minn-Kota has a better outage history than OTP's Wahpeton substation, and that the Commission should weigh this rather than CAIDI figures. This however, is an inappropriate apple to oranges comparison. As noted at hearing, OTP's Wahpeton substation is a *transmission* substation. DVEC Mooreton substation, in contrast is a *distribution* substation. DVEC Exhibit 14 reflects certain transmission outages as measured from OTP's Wahpeton substation. DVEC Exhibit 11 purports to show distribution outages recorded at DVEC's Mooreton substation. The two are not the same, and DVEC provided little if no testimony to what extent a momentary transmission outage in one transmission substation would create a distribution outage. Therefore, it is inappropriate for DVEC to argue its system is more reliable on this comparison. Moreover, as noted at hearing, OTP transmission facilities serve DVEC's Mooreton substation. Given that OTP's transmission facilities connect to and serve DVEC's Mooreton substation, and are of the same vintage as the OTP transmission facilities abutting the Minn-Kota property, the Commission's reliability focus should be on OTP's and DVEC's respective distribution systems. Here there is ample evidence for the Commission to conclude that OTP's plan to serve Minn-Kota is inherently more reliable than DVEC's service plan.

OTP's distribution system serving Minn-Kota will extend approximately 1,000 feet underground from a new distribution substation located on the Minn-Kota property to the point of service. In contrast, DVEC intends to serve Minn-Kota from DVEC's Mooreton distribution substation over four miles from Minn-Kota's point of service. The fact is that OTP has substantially distribution line exposure than does DVEC.

In addition to the distribution line exposure as measured from each electric service provider's distribution substation, DVEC has *significantl*y more distribution exposure overall. DVEC intends to extend service to Minn-Kota from an existing three phase cabinet located to the east[4] of the Minn-Kota property. *See* OTP Exhibit 5. That cabinet will connect Minn-Kota to DVEC's distribution system extending to the northwest and southeast. A fault or interruption at any point of this connected distribution system can impact Minn-Kota's service. In contrast to this risk, OTP will serve Minn-Kota with 1,000 feet of underground distribution line where Minn-Kota is the only distribution customer for the time being. It is important to note this is not

[4] In its initial post-hearing filing OTP incorrectly described this cabinet as being located to the west of the Minn-Kota site.

an overhead vs. underground issue – is an issue of distribution line length and associated exposure.

This difference in distribution line exposure is also relevant to outage durations. OTP will have much less underground distribution line to examine in the event of a suspected fault than will DVEC, with all of OTP's distribution line located on readily accessible areas on Minn-Kota's site, whereas the miles and miles of DVEC's distribution lines are appearing to be in easements adjacent to public road right-of-way that may not have ready access points during the winter.

OTP has also noted that any in addition to distribution line exposure, Minn-Kota will share a transformer feeder at DVEC Mooreton substation with over 50 other DVEC customers, and share a transformer with over 250 other DVEC customers. OTP witness Ritchie Wolf testified that an outage or problem at anyone of these other distribution points can affect Minn-Kota service, and that Minn-Kota's service can affect these other DVEC customers. In contrast, Minn-Kota will be the only distribution customer served by OTP on-site distribution transformer for foreseeable future.

The record supports a Commission finding that there are material differences in reliability between OTP and DVEC, particularly as applied to service to Minn-Kota, and that these differences favor OTP serving Minn-Kota.

6. Which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?

DVEC argues "that the economics of this should [factor] come down to the cost of the investment by each entity to extend service to the proposed Minn-Kota elevator site and not any difference in rates."[5] The Commission has not accepted that argument in the past, and should not do so now. In MDU's request to serve Medard, Inc. the Commission specifically determined that "[c]consideration of the cost to serve the location includes consideration of not only the revenue requirement associated with the incremental investment to extend service, but also the other costs of electric distribution, transmission and generation as reflected in the service

[5] Dakota Valley Electric Cooperative Closing Argument and Brief at p. 10.

providers rates for service."[6] The Commission went on to document the difference in cost to the customer.

In this case there is a substantial difference in annual cost of service to the customer. DVEC argues that the difference is not material, but this argument is based on a waiver of charges and fees its policies otherwise require, and speculation about capital credits that are currently on a 15 year payout cycle. More importantly, DVEC's argument that the cost differential is not material assumes 33 percent load factor for Minn-Kota. As previously noted, DVEC's *own* analysis does not support a 33 percent load factor for Minn-Kota. DVEC's initial brief does not addresses this point. The record supports a 23 percent load factor, which equates to a customer cost difference of approximately $70,000 year assuming DVEC follows through on the waiver of power factor and other charges.

With respect to the basic cost to extend service, there is no dispute that OTP costs are greater than DVEC costs. This however, does not render DVEC's service more economical. This point is demonstrated in part by the time it requires for each provider to recoup their initial investment to extend service. DVEC claims that it will recoup its investment in 5 years. This analysis assumes a 33 percent load factor. *See* DVEC Late Filed Exhibit 3. In contrast, whether one uses a 23 percent or 33 percent load factor, OTP recoups the cost to extend service in less than two years. *See* OTP Exhibit 10; OTP Late Filed Exhibit 1.

DVEC also argues that OTP cost to extend service reflects a best-case scenario and that OTP would use a depreciated transformer with a "sketchy" history. The record does not not support these fanciful claims. OTP's cost estimate (set forth in OTP Exhibits 3 & 4) is not a best-case scenario; it is an actual case scenario.

OTP has provided an itemized and thorough assessment of estimated costs, which includes the cost of a partially depreciated transformer. OTP engineering witness Ritchie Wolf testified that the partially depreciated transformer is in the queue for use, and that OTP's normal practice would be to select that transformer[7]. DVEC suggest without support that this is unusual and a best-case scenario. The fact is that if something were to change, is just as likely that OTP

[6] Finding of Fact, Conclusion of Law and Order, Case No. PU-13-17-871, Finding of Fact 20, p. 6. *See also* Montana-Dakota Utilities Co. Application for Certificates of Public Convenience and Necessity Consolidated Case Nos. Pu-08-345, PU-08-346, PU-08-347 and PU-08-693.

[7] In Case No. PU-13-871 the Commission accepted MDU's estimated cost to serve Medard, Inc near McKenzie, North Dakota. MDU's estimate assigned no cost to fully depreciated transformer MDU planned to install.

would deploy a different depreciated transformer from inventory (perhaps a fully depreciated unit) than a new transformer as suggested by DVEC. This would result in a lower cost to extend service. In terms of suitability of the transformer, OTP engineering witness Ritchie Wolf OTP's transformers are in good operating condition. There is nothing "sketchy" about it. It should also be noted that OTP's partially depreciated step-down transformer is significantly newer than the transformer DVEC intends to use to serve Minn-Kota. Also, while DVEC testified to the fitness of its Mooreton substation, it noted that it did not own the transformers in that substation (they are owned by CPEC), which calls into question the basis of DVEC testimony on this point.

DVEC also argues that in assessing this factor, the Commission should weigh difference between cooperative and public utility (IOU) service, specifically that it is difficult for cooperatives to compete with investor-owned utilities in rates because cooperatives have more line miles per customer and fewer commercial loads than investor-owned utilities. These points are not relevant to the Commission's analysis of which supplier will be able to serve the location in question more economically and still earn an adequate return on its investment. To the extent the Commission considers these claims, the Commission should also consider that unlike cooperatives, investor-owned utilities pay federal taxes, investor-owned utilities do not have access to federally-subsidized interest rates on borrowed capital, that investor-owned utilities are subject to Commission oversight and regulation, and that investor-owned utilities are statutorily prohibited from discrimination in service and rates. Finally, the Commission could consider, contrary to DVEC claims, that commercial loads are likely to develop outside municipal boundaries given the space requirements of entities like ag processing and commercial grain handling facilities. The intent of the foregoing is to simply point out that cooperatives and Commission-regulated utilities have unique challenges and differences, and that if these issues are to be considered both sides of the equation should be examined.

Finally, the record fully supports that OTP can earn an adequate return on its investment while providing more economical service than can DVEC. OTP is offering Minn-Kota a standard rate with no discounts[8], and under any scenario OTP will easily earn it authorized rate of return, which reflects the weighted cost of capital (equity and debt) deployed to extend service to Minn-Kota. It is not clear what DVEC means when it refers to rate of return. What is clear is

[8] Minn-Kota has requested service under OTP's General Service rate. Any deviation from OTP's Commission approved rates would require Commission approval.

that DVEC service produces very slim contribution to DVEC's overall costs (*See* DVEC Late Filed Exhibit 3), and that the slim contributions assume a 33 percent load factor for Minn-Kota and very little change in DVEC's energy costs over the next decade. If any of those assumptions prove inaccurate, DVEC risk having no contribution to its costs - or worse a negative contribution - while not earning the cost of capital deployed to extend service to Minn-Kota. In fact, the Commission can reasonably conclude that DVEC has extended a risky loss leader proposal to Minn-Kota, with the intent of capturing a sufficient revenue much later. This type of arrangement does not support DVEC's claim that it can serve more economically than OTP and still earn an adequate rate of return.

7. Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?

As previously noted, there is little need for the orderly and economic development of electric service in the general area absent economic growth and investment. The record supports the conclusion that OTP service will make it easier for Minn-Kota to reinvest in and expand its facility. Minn-Kota's new facility, if operated as designed, will benefit area producers, who in turn may invest in and grow their operations. This kind of growth benefits the general area, including Barney and Mooreton, as well as areas served by DVEC. The same cannot be said for DVEC service. This is where DVEC errs in claiming that OTP service to Minn-Kota benefits only Minn-Kota.

DVEC argument rests largely on the underground distribution that it has within the 2-mile radius of the Minn-Kota service site. That issue has already been addressed in Factors 3 & 4. DVEC also claims that OTP could not extend or grow service in the area. This is incorrect. Of course, OTP would require a CPCN to extend service outside of municipal boundaries. That has also been the case, and is not a consideration in which supplier would best serve the orderly and economic development of electric service in the general area. DVEC incorrectly claims, without any support in the record, that OTP would have to get permission from Minn-Kota to extend service from a distribution substation on property that OTP would purchase or lease from Minn-Kota. OTP Ritchie Wolf noted at the hearing that OTP will be able to serve other customers from this substation in the future. Here it is worth noting that OTP will have the ability to design service in a way that Minn-Kota will not be exposed to service interruptions.

The fact is that OTP service to Minn-Kota is consistent with its service in the general area, including service in nearby Moreton and Barney, and should there be growth in the area, OTP will be well positioned to design service that benefits the general area.

8. Would approval of the applications result in wasteful duplication of investment or service?

DVEC position on this point is that OTP's plan to install a distribution substation on property purchased or leased from Minn-Kota is wastefully duplicative and benefiting only Minn-Kota. This is incorrect. OTP's plan to extend service to Minn-Kota is fundamentally different than DVEC's plan, and is not duplicative of DVEC service or exiting OTP service. OTP's service extension plan taps power from a transmission source that is as close as possible to the point of service – in this case it abuts the point of service. This plan limits the length of distribution line necessary to serve Minn-Kota, and eliminates all the concerns associated with Minn-Kota being tied to a large distribution network. This fundamentally different approach is not duplicative of any existing DVEC service. OTP engineering witness Ritchie Wolf testified that OTP's internal analysis indicated its Minn-Kota plan was by far the lowest cost and best service option. In that sense OTP plan does not duplicate other OTP facilities.

9. Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?

The testimony at hearing indicated it is unlikely that the Minn-Kota site will be incorporated into municipal boundaries of Barney or Mooreton in the foreseeable future. This factor has limited relevance to OTP's CPC&N request. The Commission can reasonably find this factor is either not directly relevant or that it favors neither party.

10. Will service by either of the electric supplier in the area unreasonably interfere with the service or system of the other?

Service as planned by OTP will not cross over or under DVEC facilities or interfere with DVEC's existing service. Likewise, service as planned by DVEC will not cross over or under or interfere with OTP's existing service. The Commission can reasonably find that this factor favors neither provider.

CONCLUSION

OTP respectfully requests that the Commission determine that public convenience and necessity requires OTP to serve Minn-Kota's commercial grain handling facility. The weight of the ten factors favors the issuance of a CPC&N. The record demonstrates that OTP service will allow Minn-Kota to operate its new $20 million facility more efficiently, with more flexibility, and with less risk than DVEC service, all to the benefit of Minn-Kota's customers and future investment in the general area.

Respectfully submitted this 14th day of November 2017.

OTTER TAIL POWER COMPANY

By *__/s/ Cary Stephenson__*

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From: efilingmail@tylerhost.net
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Case Number	08-2018-CV-01142
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November 21, 2017

Darrell Nitschke
Executive Secretary
ND Public Service Commission
600- East Boulevard Avenue
Bismarck, ND 58505-0480

RE: Otter Tail Power Company
Case No. PU-17-96
Minn-Kota Ag Products, Inc. - Richland County
Public Convenience & Necessity
Proposed Findings of Fact, Conclusions of Law and Order

Dear Mr. Nitschke:

Otter Tail Power Company respectfully submits the enclosed Proposed Findings of Fact, Conclusions of Law and Order
.
An electronic copy of this filing is also being sent to you at dnitschk@nd.gov and to the North Dakota Public Service Commission at ndpsc@nd.gov. An original and seven copies will be mailed to your attention.

Please feel free to contact me at (218) 739-8956 or by email at cstephenson@otpco.com if you have any questions.

Sincerely,

/s/Cary Stephenson
Cary Stephenson
Associate General Counsel

ljh
Enclosures
Cc:
ALJ Patrick J. Ward
Kimberly J. Radermacher
Zachary Pelham

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company **Case No. PU-17-96**
Minn-Kota Ag Products, Inc. - Richland County
Public Convenience & Necessity

PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Appearances

Commissioners Randy Christmann, Julie Fedorchak, Brian Kroshus.

Zac Pehlman, Attorney at Law, 314 E. Thayer Ave., P.O. Box 400 Bismarck, ND 58502-0400, appearing on behalf of the Public Service Commission Advisory Staff.

Kim Radermacher, Attorney at Law, 27 Center Ave., P.O. Box 597, LaMoure, ND 58458, appearing on behalf of Dakota Valley Electric Cooperative.

Cary Stephenson, Associate General Counsel, Otter Tail Power Company, 215 S. Cascade Street, Fergus Falls, Minnesota 56537, appearing on behalf of Otter Tail Power Company.

Patrick J. Ward, Office of Administrative Hearings, 2911 North 14th Street, Suite 303, Bismarck, ND 58503, appearing as Administrative Law Judge.

Background

On February 27, 2017 Otter Tail Power Company (Otter Tail or Company) applied for a Certificate of Public Convenience and Necessity (CPC&N) to extend electric service to Minn-Kota Ag Products, Inc. (Minn-Kota) at a point located in NE ¼ Section 10, Barney Township, Richland County, as shown in a map attached to the application. Also submitted with the application was a statement from the customer stating it desired Otter Tail to provide electric services at the requested location.

On March 29, 2017, Dakota Valley Electric Cooperative (Dakota Valley) filed with the Commission a protest and request for hearing on Otter Tail's CPC&N. On July 26, 2017, the

Commission issued a Notice of Hearing scheduling a public hearing to be held on October 23, 2017 where the following issues would be considered:

1. From whom does the customer prefer electric service?
2. What electric suppliers are operating in the general area?
3. What electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?
4. What customers are served by electric suppliers within at least a two-mile radius of the location to be served?
5. What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?
6. Which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?
7. Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?
8. Would approval of the applications result in wasteful duplication of investment or service?
9. Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?
10. Will service by either of the electric supplier in the area unreasonably interfere with the service or system of the other?

The Commission held a public hearing on Otter Tail's CPC&N application as scheduled on Monday, October 23, 2017. Following the hearing, Otter Tail and Dakota Valley filed several late filed exhibits. Otter Tail and Dakota Valley also filed post hearing briefs and reply briefs. Having heard and considered these matters, the Commission makes the following Findings of Fact:

Findings of Fact

1. The Applicant, Otter Tail Power Company, is an investor owned electric utility providing retail electric service to customers in North Dakota under the regulatory jurisdiction of this Commission.
2. The protesting party, Dakota Valley Electric Cooperative, is a distribution electric cooperative providing retail electric service to its members in North Dakota.
3. The customer seeking Otter Tail electric service is Minn-Kota Ag Products, Inc., a corporation organized under the laws of North Dakota.

From whom does the customer prefer electric service?

4. Otter Tail's application included an appearance form signed by the customer requesting that Otter Tail provide service to Minn-Kota at the site identified in the application.
5. At the public hearing Minn-Kota representative George Schuler IV testified that Minn-Kota is a family-owned, closely held corporation that is building a $20 million, commercial grain handling facility at the Minn-Kota site. The new Minn-Kota facility is designed to receive 20,000 bushels of grain per hour. The facility will have a storage capacity of approximately 3 million bushels, and is specifically designed to load Burlington Northern & Santa Fe (BNSF) 120 car unit trains. Minn-Kota plans to start operating the new facility in June 2018. Schuler noted that the ability to load 120 car unit trains gives Minn-Kota and area producers a competitive advantage by reducing shipping costs. Schuler also noted that all motors and other equipment used to dry and move grain at the new facility will be electrically powered.
6. George Schuler testified that Minn-Kota has a strong preference for Otter Tail service for several reasons.
7. Mr. Schuler testified Otter Tail's General Service rate structure is better suited to Minn-Kota's operational characteristics and size than Dakota Valley's rate structure, which features a high demand charge. Schuler testified that based on his experience at Minn-Kota's smaller Wahpeton grain handling facility served by Dakota Valley, Minn-Kota is concerned that it may be forced to operate the new facility sub-optimally to minimize the impact of Dakota Valley's high demand charge. This could include limiting drying operations to certain times, limiting the intensity of loading operations, and otherwise restricting operations that make sense commercially but for triggering high demand charges.
8. Mr. Schuler estimated that Otter Tail service will cost Minn-Kota approximately $100,000 less in annual electric charges than Dakota Valley service. Schuler also testified Otter Tail service would better enable Minn-Kota to grow and reinvest in the new facility and to provide local producers a competitive advantage when selling their crops.
9. Mr. Schuler testified that he believed Otter Tail's plan to extend service to Minn-Kota offered better reliability and outage restoration performance than Dakota Valley's plan because of the limited amount of distribution line exposure under Otter Tail's plan. Mr. Schuler explained the significant negative financial impacts faced by Minn-Kota, including

demurrage charges from BNSF, for delays caused by outages and service interruptions, noting that any amount of risk reduction was worthwhile from a business perspective.

10. Mr. Schuler testified that Otter Tail's plan to extend service allowed Minn-Kota greater flexibility and potential cost savings concerning the number and size of electric motors that would require soft start devices. These devices limit the impact on the distribution system caused when motors are started.
11. Mr. Schuler also testified that Minn-Kota prefers to receive its electric service from a provider whose rates and services are subject to regulatory oversight and approval by an independent agency with an opportunity for customer input.

What electric suppliers are operating in the general area?

12. Otter Tail and Dakota Valley are electric suppliers operating in the general area of the Minn-Kota site.

What electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?

13. Otter Tail owns and operates a 41.6 kV transmission line adjacent to the Minn-Kota site, running parallel to and on the northside of North Dakota Highway 13. (OTP Exhibit 1). Otter Tail's 41.6 kV transmission line is fed from Otter Tail's Wahpeton transmission substation. The transmission line was put into service as a 41.6 kV transmission facility in approximately 1970. Dakota Valley has distribution lines serving customers within the two-mile radius, and an existing three-phase cabinet approximately 3,960 feet to the east of the Minn-Kota point of service. (OTP Exhibit 4). Dakota Valley's three phase distribution line extending from its Mooreton distribution substation to the existing three phase cabinet were put in service in 2013.
14. Otter Tail would serve the Minn-Kota facility by tapping its 41.6. kV transmission line adjacent to the Minn-Kota site. This tap would feed a 40' x 60' distribution substation to be constructed by Otter Tail on the Minn-Kota site on property leased from or purchased from Minn-Kota. (OTP Exhibit 2). Otter Tail would extend three phase underground distribution line 1,000 feet from the new distribution substation to the Minn-Kota point of service. The Otter Tail distribution substation would be served from Otter Tail's Wahpeton substation.

15. Dakota Valley would serve the Minn-Kota facility by extending three-phase service from a three-phase cabinet located to the east of the Minn-Kota point of service. (OTP Exhibit 4; DVEC Exhibit 4). This would require Dakota Valley to install approximately 3,960 feet of new underground distribution line parallel to North Dakota Highway 13 to the Minn-Kota point of service. Dakota Valley would serve Minn-Kota from its Mooreton distribution substation, located several miles south of the City of Mooreton (OTP Exhibit 1; DVEC Exhibit 1).
16. Both providers have supply lines within two-miles of the Minn-Kota point of service. Otter Tail has a transmission supply line. Dakota Valley has distribution supply lines. Both providers will need to build additional lines to serve Minn-Kota.

What customers are served by electric suppliers within at least a two-mile radius of the location to be served?

17. Otter Tail serves two customers within a two-mile radius of the Minn-Kota site. Otter Tail also serves the City of Mooreton, which is outside of, but near the edge the two-mile radius. Dakota Valley serves approximately 18 customers within a two-mile radius of the Minn-Kota site. (OTP Exhibit 1; DVEC Exhibit 1).

What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?

18. Dakota Valley's Moreton distribution substation is served by Otter Tail transmission lines. Otter Tail's proposed distribution substation will be served by Otter Tail transmission lines. Because Otter Tail and Dakota Valley have very similar transmission service risks, any meaningful differences in reliability between the electric suppliers are differences in each provider's distribution service to Minn-Kota.
19. Otter Tail's plan to extend service to Minn-Kota results in significantly less distribution line length and distribution line exposure than is the case under Dakota Valley's plan to extend service to Minn-Kota. To serve Minn-Kota, Otter Tail will install approximately 1,000 feet of underground three phase distribution line extending from a new distribution substation to Minn-Kota's point of service. To serve Minn-Kota, Dakota Valley will install approximately 3,960 feet of underground distribution line from Dakota Valley's existing three phase cabinet to Minn-Kota's point of service. As measured from each provider's respective distribution

substation and Minn-Kota's point of service, Otter Tail will serve Minn-Kota through approximately 1,000 feet of three phase underground distribution line whereas Dakota Valley will serve Minn-Kota through approximately four miles of underground three phase distribution line. In addition, under Dakota Valley service, Minn-Kota's facility will be connected and subject to numerous additional miles of Dakota Valley distribution line via the connections in Dakota Valley's three phase cabinet and Mooreton distribution substation. (DVEC Exhibit 1).

20. Engineering evidence presented at hearing indicates that the risk of service voltage fluctuations, service interruptions, outages and the length of outages generally increases with the length of distribution line serving or connected to a customer. In this context, Otter Tail's plan to extend service has less risk to Minn-Kota than does Dakota Valley's plan.
21. Dakota Valley's Mooreton distribution substation serves approximately 255 other Dakota Valley customers. The transformer feeder at the Mooreton substation from which Dakota Valley would serve Minn-Kota serves approximately 52 other Dakota Valley customers. Otter Tail's proposed distribution substation located on property, leased or purchased from Minn-Kota, would initially serve only Minn-Kota.
22. Engineering testimony presented at hearing indicates that voltage fluctuations, interruptions and outages at service points fed from a transformer feeder can negatively affect electric service to other customers fed from that same feeder. In this context, Otter Tail's plan to extend service to Minn-Kota has less risk of voltage fluctuations, service interruptions and outages than does Dakota Valley's plan.
23. The Customer Average Interruption Duration Index (CAIDI) measures the average length of time of service interruptions experienced by an electrical provider's customers. CAIDI is not weighted or measured by customer densities. Dakota Valley's system five-year weather normalized CAIDI average of 114.18 minutes. Otter Tail's system five-year weather normalized CAIDI average of 64.6 minutes. (OTP Exhibits 6 & 7). These figures demonstrate that OTP typically is quicker to restore power to customers than is Dakota Valley.
24. Otter Tail maintains a central warehouse in Wahpeton, North Dakota, where it stores equipment and parts necessary to make necessary repairs and replacements of equipment serving Minn-Kota, including spare transmission step-down and distribution transformers.

25. While Otter Tail and Dakota Valley both appear to be reliable service providers, there are differences between the providers, and these differences favor Otter Tail.

Which of the available electric suppliers will be able to serve the location in question more economically and still earn adequate return on its investment?

26. Otter Tail's estimated aggregate cost to extend service to Minn-Kota is $235,869. (OTP Exhibits 3 & 4). The primary expense reflected in this figure is the distribution substation Otter Tail intends to install.
27. Dakota Valley's estimated aggregate cost to extend service to Minn-Kofta is $93,640. (DVEC Exhibit 16). The primary expense reflected in this the cost of associated with extending three phase underground distribution line to Minn-Kota's point of service.
28. Despite having a higher initial investment in infrastructure, Otter Tail will recover its cost of extending service to Minn-Kota in less time than Dakota Valley will recover its cost of extending service. Otter Tail will recover the cost to extend service from Minn-Kota payments in less than two years (OTP Late Filed Exhibit 1), while Dakota Valley will recover its cost to extend service from Minn-Kota payments in five years. (DVEC Late Filed Exhibit 3)
29. Otter Tail intends to serve Minn-Kota under Otter Tail's General Service Rate for Secondary Service (rate code 401) and current rate riders, which are part of Otter Tail's Commission-approved tariff and available to all Otter Tail customers. Dakota Valley intends to serve Minn-Kota under its board-approved rate schedule for three-phase large commercial service (DVEC Exhibit 6) and Dakota Valley's Commercial Incentive Rate Discount (DVEC Exhibit 7).
30. Otter Tail estimates the annual cost to Minn-Kota for service under Otter Tail's General Service rate and applicable riders is $251,136. This figure assumes that Minn-Kota has a peak demand of 1,504 kW, annual energy consumption of 2,591,444 kWh, and a load factor of 23 percent (OTP Exhibit 9 page 3).
31. Otter Tail projects that Minn-Kota will save $108,743 annually with Otter Tail service vs. Dakota Valley service. This cost difference is based on a comparison between Otter Tail and Dakota Valley using the load factor, peak demand and energy consumption assumptions noted in the preceding paragraph. If Dakota Valley waives its power factor penalty described

in DVEC Exhibit 6, the annual cost difference is projected to be $66,607 annually. (OTP Exhibit 9 page 3).

32. Dakota Valley provided Minn-Kota a proposal in March 2017, which estimated annual electric service charges of $316,160, less an annual discount which declines over nine years. (OTP Exhibit 8; DVEC Exhibit 7). The average discount over the nine-year period is $25,218 resulting in an estimated annual cost to the Minn-Kota of $290,942, less any further reduction from waivers of standard fees and penalties. Dakota Valley's estimated annual cost to the customer figure assumes a peak demand of 11,874 kW, annual energy of 2,846,400 kWh, and a load factor of 33 percent (OTP Exhibit 8).
33. In arriving at estimated costs, Otter Tail and Dakota Valley used different assumptions about Minn-Kota's load factor, peak demand, and energy consumption.
34. Load factor is expressed as a ratio, and is not based on or related to the size of a facility. Otter Tail and Dakota Valley independently estimated Minn-Kota's load factor by reviewing the load factors of other facilities they respectively serve (OTP Late Filed Exhibit 5 *noted in the record as "Exhibit DVEC-LF5 trade secret as to comparable facilities"*; DVEC Exhibit 13). Otter Tail also based its load factor estimate on discussions with Minn-Kota. Dakota Valley did not discuss load factor with Minn-Kota.
35. Otter Tail and Dakota Valley each estimated Minn-Kota's peak demand and energy usage based in part on a review of comparable facilities and Minn-Kota's operational characteristics. Otter Tail also discussed demand estimates with Minn-Kota to ensure that it accurately estimated demand based on the facility's performance characteristics. Dakota Valley did not discuss demand estimates with Minn-Kota.
36. Otter Tail's estimates for load factor, peak demand and energy consumption are more reasonable and better supported by the record than Dakota Valley's estimates. Otter Tail examined facilities that were more closely matched to Minn-Kota than did Dakota Valley. Otter Tail also solicited more information from Minn-Kota than did Dakota Valley. Dakota Valley's load factor analysis relies largely on one facility with a short operating history. The mean average of facilities examined by Dakota Valley argues for a lower load factor, notwithstanding a significant high outlier in the data set.
37. Otter Tail's estimates annual revenues from Minn-Kota of $251,136. After adjusting Otter Tail's estimated annual revenue by $28,116 for the annual return requirement of 8.62 percent

on Otter Tail's incremental investment to serve the location; and $64,786 for the annual cost of fuel and purchased power to serve the location, there is net contribution to Otter Tail's system costs of $158,234 which provides a benefit to other Otter Tail customers. (OTP Exhibit 10, page 2).

38. Dakota Valley estimated annual revenues from Minn-Kota ranging from $275,524 to $306,035 over a nine-year discount period (DVEC Exhibit 9). At hearing, Dakota Valley could neither provide an estimate of its rate of return nor describe how it would calculate a rate of return. In a late filed exhibit, Dakota Valley projected it would earn 3.19 percent on the capital deployed to extend service to Minn-Kota, and a net contribution to common system costs of $16,728 which provides a benefit to other Dakota Valley customers (DVEC Late Filed Exhibit 3).
39. Otter Tail's estimated annual revenue, rate and return and net contribution to costs are more reasonable than Dakota Valley's in part because of Otter Tail's more reasonable input assumptions regarding demand, energy consumption and load factor. Dakota Valley's claim that capital credits, currently paid on a 15-year cycle, may further reduce the size of the cost difference between Dakota Valley and Otter Tail is too speculative to adopt. Dakota Valley's capital credits claim also does not account for the time value of money.
40. Dakota Valley's rate of return and net contribution to costs are based to reflect a nine-year annual declining discount to Minn-Kota, the waiver of $53,000 in line extension cost, the waiver of $8,704.80 annual on-site facilities charge, and the waiver of a $23,142 annual power factor penalty. Taken together these adjustments indicate Dakota Valley has offered significant discounts Minn-Kota in anticipation of earning larger returns in later years, which may not materialize if Dakota Valley's input assumptions are not accurate. Since Dakota Valley's revenue estimates are based on inputs that the Commission deems less reasonable than Otter Tail's, Dakota Valley's approach may put Dakota Valley members at risk of low or negative returns from Minn-Kota.
41. Otter Tail service is more economical to the customer. Although Otter Tail's cost to extend service is higher than Dakota Valley's cost, Otter Tail will recovery it costs to extend service sooner than Dakota Valley. Otter Tail will earn its Commission-approved rate of return while receiving significantly larger net contribution to its overall costs than Dakota Valley.

42. Otter Tail is better able to serve Minn-Kota more economically and still earn adequate return on its investment.

Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?

43. Otter Tail's rate structure better enables Minn-Kota to operate its new facility to its full potential than does Dakota Valley's rate structure, which features a significant demand charge that may require Minn-Kota to impose operational constraints and otherwise operate its facility around Dakota Valley's rate structure.
44. Dakota Valley did not offer Minn-Kota a contract with the rate and discount proposal set forth in Dakota Valley's estimate and proposal of March 2017. Dakota Valley is governed by its board, and absent a contract, the board is free to change rates and terms of service.
45. Otter Tail's rate structure, lower rates, rate certainty, and greater flexibility better promote Minn-Kota's ability to leverage efficiencies to provide area producers a competitive market in which to sell their crops, benefiting those producers and the general area. This in turn promotes growth leading to the orderly and economic development of electric service in the general area.
46. Otter Tail's rate structure, lower rates, rate certainty, and greater flexibility better promote Minn-Kota's ability to grow and reinvest in its facility, and encourages the orderly growth and development of electric service in general area, including the communities of Barney and Mooreton, as well as areas served by Dakota Valley.
47. Otter Tail's extension of service to Minn-Kota best serves orderly and economic development of electric service in the general area.

Would approval of the applications result in wasteful duplication of investment or service?

48. Duplication in investment or services implies some degree of comparison of like facilities, and wasteful duplication implies some degree of unnecessary redundancy.
49. Otter Tail's plan to extend service to Minn-Kota is not wastefully duplicative of Dakota Valley's existing or planned infrastructure; there are few like facilities to compare because of the fundamental differences between Otter Tail's and Dakota Valley's plans to extend service.

50. Otter Tail's service extension plan takes advantage of Otter Tail's 41.6 kV transmission line that abuts the Minn-Kota site. By tapping power from a transmission source that is as close as possible to the customer, and installing a distribution substation near the point of service, Otter Tail limits the length of distribution line necessary to serve Minn-Kota and mitigates the risk of distribution line length and exposure.
51. Otter Tail extending service to Minn-Kota is not wastefully duplicative of existing Otter Tail facilities. Otter Tail's internal analysis indicated its Minn-Kota plan was the lowest cost and most reliable service option, and not duplicative of other Otter Tail infrastructure.
52. Approval of Otter Tail's application to serve the Minn-Kota facility would not result in wasteful duplication of investment or service.

Is it probable that the location in question will be included within the corporate limits of a municipality in the foreseeable future?

53. The Minn-Kota site is approximately 2.3 miles west of the City of Mooreton, and 3.1 miles east of the City of Barney.
54. It is not probable that the municipal boundaries of Mooreton or Barney will be extended to include the Minn-Kota site in the foreseeable future.

Will service by either of the electric suppliers in the area unreasonably interfere with the service or system of the other?

55. Service by Otter Tail to Minn-Kota will not interfere with Dakota Valley service or operations. Service by Dakota Valley to Minn-Kota will not interfere with Otter Tail service or operations.

Balance and Weight of Factors

56. The balance and weight of factors favors granting Otter Tail's CPC&N application. Otter Tail is better able to economically serve Minn-Kota while earning an adequate return on its investment. Difference in reliability between Otter Tail and Dakota Valley also favor Otter Tail. Otter Tail service better supports economic opportunities for area producers by allowing the Minn-Kota facility to leverage efficiencies by operating as designed. Related to this, Otter Tail service better promotes growth and development in the general area. While not determinative, the customer's preference and the reasons for that preference support Otter

Tail service. The remaining factors, whether neutral or in favor of Dakota Valley, do not outweigh the balance and weight of factors favoring Otter Tail's extension of service.

Conclusions of Law

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding.

2. Public convenience and necessity require the granting of a Certificate of Public Convenience and Necessity to the applicant in this proceeding.

From the foregoing Findings of Fact and Conclusions of Law, the Commission issues the following Order:

Order

Otter Tail Power Company is hereby issued Certificate of Public Convenience and Necessity No. _____, authorizing the provision of electric distribution service to Minn-Kota Ag Products, Inc. to a point in NE ¼, Section 10, Barney Township, Richland County, as more fully detailed in Otter Tail's Application dated February 27, 2017.

PUBLIC SERVICE COMMISSION

Julie Fedorchak	**Randy Christmann**	**Brian Kroshus**
Commissioner	**Chairman**	**Commissioner**

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company **Case No. PU-17-96**
Minn-Kota Ag Products Inc. - Richland County
Public Convenience & Necessity

Dakota Valley Electric Cooperative, Inc.'s
PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

APPEARANCES

Commissioners Brian Kroshus, Randy Christmann, and Julie Fedorchak.

Cary Stephenson, Associate General Counsel, Otter Tail Power Company, 215 S. Cascade Street, Fergus Falls, MN 56538-0496, appearing on behalf of Otter Tail Power Company.

Kimberly J. Radermacher, Radermacher Law Firm, P.C., 27 Center Ave., P.O. Box 597, LaMoure, ND 58458-0597, appearing on behalf of Dakota Valley Electric Cooperative, Inc.

Zachary Pelham, Legal Counsel, North Dakota Public Service Commission, State Capitol, Bismarck, ND 58505, appearing on behalf of the Public Service Commission.

Patrick Ward, Office of Administrative Hearings, 2911 North 14th Street, Suite 303, Bismarck, ND 58503, appearing as Administrative Law Judge.

PRELIMINARY STATEMENT

[1] This matter came before the North Dakota Public Service Commission ("Commission") on application of Otter Tail Power Company ("Otter Tail") to serve a commercial electric load located in the NE¼ of Sec. 10, Twp. 132N., Rge. 50W., Richland County, North Dakota ("Minn-Kota site"). This electric load is sought to be provided to an elevator site being built by Minn-Kota Ag. Products Inc. ("Minn-Kota). The application for permanent authority was filed with the Commission on February 27, 2017.

[2] On February 27, 2017, the Commission issued a Notice of Opportunity for Hearing. On March 31, 2017, Dakota Valley Electric Cooperative, Inc., ("Dakota Valley") filed a protest to Otter Tail's application for permanent authority to serve the Minn-Kota site and requested a hearing on the matter.

[3] On July 26, 2017, the Commission issued a Notice of Hearing scheduling a public hearing to be held on Monday, October 23, 2017. The notice identified the following issues to be considered:

72 PU-17-96 Filed 11/21/2017 Pages: 10
Proposed Findings of Fact, Conclusions of Law and Order
Dakota Valley Electric Cooperative, Inc.
Kimbery Radermacher, Attorney

1. From whom does the customer prefer electric service?

2. What electric suppliers are operating in the general area?

3. What electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?

4. What customers are served by electric suppliers within at least a two-mile radius of the location to be served?

5. What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?

6. Which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?

7. Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?

8. Would approval of the applications result in wasteful duplication of investment or service?

9. Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?

10. Will service by either of the electric supplier in the area unreasonably interfere with the service or system of the other?

[4] On October 23, 2017, a public hearing ("hearing") on the application in Case No. PU-17-096 was held as scheduled. Following the hearing, Otter Tail submitted late filed exhibits OTP-LF1 and LF5 and Dakota Valley submitted late filed exhibits DVEC-LF2, DVEC-LF3, DVEC-LF4 and DVEC-LF5, as directed by the Administrative Law Judge.

[5] On November 7, 2017, Otter Tail and Dakota Valley filed closing arguments and briefs.

[6] On November 14, 2017, Otter Tail and Dakota Valley filed reply briefs.

[7] Having heard and considered these matters, the Commission makes its:

FINDINGS OF FACT

[8] Otter Tail is an investor owned electric utility providing electric service to customers in

North Dakota under the regulatory jurisdiction of the Commission.

[9] Dakota Valley is a rural electric cooperative providing electric service to its members in North Dakota.

From whom does the customer prefer electric service?

[10] Otter Tail's application included an appearance form signed by the customer, Minn-Kota, indicating it desires electric service from Otter Tail at the Minn-Kota site.

[11] George Schuler IV ("Schuler"), on behalf of Minn-Kota, also testified at the hearing indicating that Minn-Kota would prefer electric service from Otter Tail. The primary reason for Minn-Kota's preference relates to the difference between Otter Tail's and Dakota Valley's demand rates and the estimated overall annual cost of electric service.

[12] While customer preference is not a controlling factor, the Commission finds that the customer does prefer electric service from Otter Tail.

What electric suppliers are operating in the general area?

[13] Dakota Valley and Otter Tail are the only electric suppliers operating in the general area of the Minn-Kota site. Dakota Valley provides single-phase and three-phase service to rural customers adjacent to the site. Otter Tail primarily provides single-phase service to the communities of Barney and Mooreton, which are both located approximately three miles from the site.

What electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?

[14] Otter Tail has a 41.6 kV overhead transmission line that runs east and west along Highway 13, in close proximity to the Minn-Kota site. However, without some modification and considerable investment, this line by itself cannot service the proposed site. The 41.6 kV line also feeds the Central Power Electric Cooperative ("CPEC")/Dakota Valley substation, known as the Mooreton substation, which is the substation that would be utilized by Dakota Valley in extending service to the site. Otter Tail's 41.6 kV line went into service approximately 50 years ago. Other than this line, Otter Tail has little to no other electric supply lines within a two-mile radius of the location. To extend service to the site, Otter Tail would have to construct a new on-site substation on a 40 x 60 footprint, with a partially depreciated 2500 kVA step-down transformer fed by Otter Tail's adjacent 41.6 kV transmission line. There will be approximately 1,000 feet of three-phase 4/0 jacketed cable installed for distribution to the site.

[15] Dakota Valley has both single phase and three-phase electric supply lines located

throughout the two-mile radius. Dakota Valley serves approximately 20 members within the two-mile radius, while Otter Tail serves two. Dakota Valley has an existing three-phase cabinet and three-phase service within approximately 3,960 feet of the proposed site. The 3-phase line comes off the Mooreton substation, which was built in 1977 and just underwent a routine overhaul in 2017. The three-phase line is 4/0 jacketed cable that was installed in approximately 2012. Dakota Valley intends to extend three-phase service from the existing three-phase cabinet located just north of Highway 13 and directly east of the proposed site. This extension would consist of approximately 3,960 feet of three-phase 4/0 jacketed cable, an additional three-phase cabinet, and up to two new 1500 kVA transformers.

[16] The Commission finds that Dakota Valley has substantially more supply lines within a two-mile radius of the Minn-Kota site than does Otter Tail.

What customers are served by electric suppliers within at least a two-mile radius of the location to be served?

[17] Otter Tail serves two customers within a two-mile radius of the Minn-Kota site, one of which is a railroad service and the other is located right on the line. Both Otter Tail services are single-phase services.

[18] Dakota Valley serves approximately 20 customers within a two-mile radius of the Minn-Kota site. Of those 20 members, one is three-phase service and the remainder are single-phase service.

[19] The Commission finds that Dakota Valley serves more customers within at least a two-mile radius of the Minn-Kota site than does Otter Tail.

What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?

[20] At the hearing, SAIDI and CAIDI statistics, which is one way of looking at reliability, were provided for both electric suppliers. In comparing SAIDI numbers, it appears that both electric suppliers are very similar. In 2016, Otter Tail's SAIDI was 110.5, while Dakota Valley's was 130.9. In 2015, Otter Tail's was 100.6, while Dakota Valley's was 88. In 2014, Otter Tail was 74.2 and Dakota Valley was 75.5. In 2013, Otter Tail was 99.7 and Dakota Valley was 91.8. And in 2012, Otter Tail was 84.1, while Dakota Valley was 87.8. SAIDI is based on system wide numbers, while CAIDI looks at consumer average. Because of this and the difference in the size of the two electric suppliers, CAIDI is not determinative as to the issue of reliability in this specific case.

[21] Dakota Valley provided outage data specific to the Minn-Kota site for both Dakota Valley and Otter Tail. Otter Tail intends to use their Wahpeton substation to serve this load. According to Exhibit DVEC-14, between May 13, 2014, and November 18, 2016, the Wahpeton substation had

sustained approximately 15 outages. These outages ranged in duration from less than one minute to close to two hours. According to Richie Wolf of Otter Tail, this outage report does not include scheduled maintenance. It also does not include any data for the year 2017 or any time prior to May 19, 2014. The reason provided for the missing data prior to 2014 was that Otter Tail had undergone metering changes during that time, which caused the specifics as to this substation to be lost.

[22] Dakota Valley intends to use its Mooreton substation and a feeder from the substation to supply power to the Minn-Kota site. According to Exhibit DVEC-11, between 2007 and 2017, the Mooreton substation had a total of four outages. Seth Syverson of Dakota Valley testified that the outage on July 17, 2011, that was over four hours in length, was as a result of downed poles on Otter Tail's 41.6 kV line that powers the Mooreton substation. There is another outage on May 3, 2012, that also may relate to issues with Otter Tail's line. However, given the general description of Power Supplier, Syverson was unable to say for certain if that was an Otter Tail or CPEC issue. On Exhibit DVEC-12, Syverson pointed out that there were two outages total in seven years that would relate to the feeder that would directly serve the Minn-Kota site and those date back to 2010, prior to the new three-phase wire being installed.

[23] Syverson also testified that the miles of transmission line that would serve this area could play into reliability. Both Syverson and Wolf testified that Otter Tail would be utilizing the 41.6 kV transmission line that has at least 40 miles of exposure to serve the Minn-Kota site. Syverson testified that Dakota Valley Mooreton substation is served by a 41.6 kV transmission line with approximately 10 miles of exposure. Wolf indicated that Otter Tail's transmission line was approximately 50 years old and is serviced at least annually. Syverson testified that portions of Otter Tail's 41.6 kV line do not have a static wire, which can lead to increased lightning strikes and decreased reliability. As to Dakota Valley's existing electrical services near the site, Syverson testified that the underground 4/0 already existing within .70 miles of this site was installed in approximately 2012 and has at least a 50-60 year life span. The Mooreton substation was built in 1977 by CPEC and undergoes annual maintenance. It also undergoes a major overhaul on a seven year cycle and this just occurred in 2017. Syverson also indicated that CPEC/Dakota Valley has other substations in this area that could be used in the event there are issues with the Mooreton substation. Those substations include the Dwight, South Wyndmere, North Wyndmere, and Hankinson subs; although the South Wyndmere would be the substation most likely used given its closer proximity to the Minn-Kota site.

[24] The extensions of service proposed by Otter Tail and Dakota Valley also play into the issue of reliability. Otter Tail proposes to tap its 41.6 kV transmission line and put a substation and 2500 kVA transformer onsite connected by approximately 1,000 feet of underground 4/0 cable. Richie testified that Otter Tail "probably" was going to utilize a 2500 kVA transformer that it had in its fleet. This transformer is approximately 26 years old, added to Otter Tail's fleet in 1991. Richie could not give specifics as to why the transformer was removed from service and how long it had been out of service. Richie could also not testify as to the maintenance of this specific transformer,

although he gave a generalized idea of how maintenance on such facilities are typically handled within Otter Tail. Dakota Valley proposes using all new cable, elbows, transformers and other incidentals to extend service to the Minn-Kota site. The proposal by Dakota Valley included two 1500 kVA transformers in the event that Minn-Kota wanted to split up loads and/or improve reliability. Syverson indicated that even one 1500 kVA transformer would be sufficient to serve the load, but that depending on Minn-Kota's wishes, a 2000 kVA transformer could be utilized. Syverson testified that the average life of a transformer is approximately 40-50 years. Because Otter Tail intends to utilize a used transformer there are some concerns regarding reliability going forward.

[25] Another issue that was touched on briefly at the hearing and goes to the issue of reliability is the issue of voltage drop. Syverson testified that any voltage drop experienced by Dakota Valley would fall within industry standards. Wolf also indicated that the same would be true for Otter Tail; however, he did indicate that there would be a more significant voltage drop if the load would have to be served outside of its normal source.

[26] The Commission finds that either supplier would be able to serve the Minn-Kota site with sufficient reliability. However, the Commission finds the site-specific outage information to be compelling and this reflects that Dakota Valley has had significantly less outages in the area than Otter Tail has.

Which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?

[27] Both Dakota Valley and Otter Tail would need to make some improvements and financial investment to their systems to bring electric service to the Minn-Kota site. Dakota Valley provided a detailed list of what it would cost for Dakota Valley to extend service to the Minn-Kota site. The proposed extension would be a logical extension of Dakota Valley's existing three-phase service in the area. The extension would include bringing in approximately 3,960 feet of 4/0 underground cable, adding a three-phase cabinet and placing up to two 1500 kVA transformers on site. The total cost of the Dakota Valley's proposed extension would be $93,640.73. As Syverson had testified to at the hearing, this is Dakota Valley's "worst case scenario." Syverson indicated that based on historical data for similar facilities to the Minn-Kota's site, one 1500 kVA transformer would be sufficient to service the load. However, Syverson added a second 1500 kVA transformer in the event that Minn-Kota wanted to divide up the load and/or improve reliability. Syverson indicated that if Minn-Kota wanted only one transformer, it would reduce the overall cost by $26,450.00, and if they wanted a 2000 kVA transformer, it would add approximately $5,000.00 to the original cost of one transformer. This would then place the overall cost of investment by Dakota Valley between $67,190.73 and $72,190.73.

[28] Otter Tail projects a total investment for extension of $235,869.00, which utilizes exempt material, including a 1991 2500 kVA transformer. Wolf had indicated that Otter Tail would

"probably" utilize this specific transformer for the Minn-Kota site, but could not guarantee its availability at the time of construction. If this transformer is not used, it could increase Otter Tail's estimated costs of extension significantly.

[29] When it comes to rates, the Commission has to determine what the potential load factor for the Minn-Kota site will be in order to make an adequate comparison. Based on the information provided by Otter Tail and Dakota Valley, the Commission believes the Minn-Kota site is closest in its proposed configuration to Dakota Valley's Elevator 3, which has a load factor of 33%. Schuler indicated that the Minn-Kota Barney facility will operate year-round and that it consists of two parts – inbound receiving and outbound shipping via 120 car BNSF trains. The facility will have 3 dump pits, with the ability to unload 20,000 bushels per hour at each dump pit, for a total of 60,000 bushels per hour. The facility will also be able to load out approximately 80,000 bushels per hour. Total capacity at this site will be just under 3 million bushels and total investment will be in the ballpark of $20 million. Schuler indicated that this not a "small town elevator," is "state of the art," and will be one of the "nicest elevator facilities in the State of North Dakota."

[30] Utilizing a 33% load factor, Otter Tail's total annual energy cost relative to the Minn-Kota site would be $271,981.05. Taking into account Otter Tail's numbers for Total Energy Cost projected for Dakota Valley, less the Power Factor cost and On-Site Facilities charge that was taken into account, Dakota Valley's total annual energy cost during the first nine years of operation would be approximately $290,942.01. This would result in a total difference between the two of $18,960.92 annually for the first nine years. However, in utilizing Dakota Valley's updated year ten number for total energy cost set forth on page 7 of Exhibit DVEC-9 of $306,035.75 less what Otter Tail projects is an 8% blended discount for the first nine years (which amounts to $24,408.94 annually), Dakota Valley's total projected annual energy cost for those nine years would be approximately $281,626.81. This would result in a total difference between the two of $9,645.76 annually for the first nine years. During year 10 and thereafter, there would be an annual difference of approximately $34,054.66. These numbers are presupposing that there will be no change in rates for either entity, which is highly unlikely.

[31] Dakota Valley also testified regarding the potential for capital credits and stated that this should be taken into consideration when considering this factor. Dakota Valley's Exhibit LF-4 sets forth the historical date on allocations and retirements made by Dakota Valley as to the entire membership. Based upon projected first year revenue for Minn-Kota of $275,524.58, and using the actual allocation for 2016, Minn-Kota's potential for capital credits in year one could be approximately $42,429.14. As the economic development incentive drops off, this would increase the total revenue realized by Dakota Valley on the Minn-Kota load, which would in turn increase the dollar amount of capital credits to be received by Minn-Kota. While the amount of capital credits Minn-Kota will earn and ultimately be allocated is subject to fluctuation, it is still a factor the Commission needs to consider.

[32] Based on Dakota Valley's late filed exhibits and the information provided by Otter Tail at

the time of the hearing, the Commission finds that both Dakota Valley and Otter Tail would earn an adequate rate of return on this load. Otter Tail is required to recoup its investment within a 3-year period, whereas Dakota Valley is not under those constraints. Dakota Valley has historically earned a rate of return on its investments of 3-4 percent, whereas Otter Tail's rate of return is 8.62 percent.

[33] The Commission finds that while Otter Tail's rates will likely result in a savings to the customer over time, rates can be highly variable. What is known is that the overall cost of investment by Otter Tail to extend service to the Minn-Kota site will be three to four times more than that projected by Dakota Valley. This ends up leveling out the difference between rates over a ten-year period. Even though the exact amount of capital credits Minn-Kota could receive is variable, the fact that Minn-Kota will earn capital credits is an advantage that Dakota Valley has that Otter Tail does not. Taking this into consideration, the Commission finds that Dakota Valley will be able to serve the Minn-Kota site more economically and still earn an adequate return on its investment.

Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?

[34] Both Otter Tail and Dakota Valley have been providing electric service to the general area near the Minn-Kota site for decades. Otter Tail serves the towns of Barney and Mooreton, which are approximately three miles away from the Minn-Kota site. Dakota Valley provides electric service to a majority of the rural customers in the area. Dakota Valley has almost ten times more customers within both a two-mile and one-mile radius of the Minn-Kota site than does Otter Tail.

[35] Service by Dakota Valley to the Minn-Kota site is a logical and economical extension and continuation of the existing electric service that Dakota Valley has provided to rural customers in the area since at least the 1940's. An extension of three-phase service by Dakota Valley to the Minn-Kota site would bring Dakota Valley's service further west along the Highway 13 corridor, which would benefit Dakota Valley's system and future expansion in the area. While Otter Tail's 41.6 kV transmission line runs directly in front of the Minn-Kota site, it cannot serve the site without substantial investment being made by Otter Tail. Otter Tail's proposed extension of service would serve only the Minn-Kota site and currently would not benefit any other Otter Tail customers in the area. Otter Tail indicated that it had no plans to extend service from the Minn-Kota site to anyone else in the area in the foreseeable future. To do so, Otter Tail would have to apply for a Certificate of Public Convenience and Necessity from the Commission.

[36] The Commission also considers whether a supplier's cost to provide service to the customer exceeds the cost to provide service to that same customer from a second supplier. Otter Tail's costs of providing electric service to the Minn-Kota site is currently projected to be less than Dakota Valley's costs. However, Minn-Kota will eventually recoup the annual difference by allocation of its capital credits earned with Dakota Valley.

[37] The Commission finds that the extension of service by Dakota Valley best serves the orderly and economic development of electric service in the general area.

Would approval of the applications result in wasteful duplication of investment or service?

[38] Both electric suppliers will need to construct extensions or upgrades to existing facilities to serve the Minn-Kota site. Such extensions will not result in the crossing of either electric supplier's facilities by the other.

[39] However, Otter Tail's proposed extension would serve only the Minn-Kota site and will not improve Otter Tail's electric service to the general area. This extension will come at a cost of approximately $235,000.00. Dakota Valley has three-phase service within 3/4ths of a mile of the Minn-Kota site and an extension of that service is more logical and would improve Dakota Valley's electric service to the general area, not just to Minn-Kota.

[40] The Commission finds that approval of the application would result in wasteful duplication of investment or service.

Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?

[41] The Minn-Kota site is located on Highway 13 in Richland County. The cities closest in proximity to the site are Barney, which is located approximately 2.5 to 3 miles to the northwest, and Mooreton, which is located approximately 3 miles to the northeast. The population of Barney is approximately 51 people and Mooreton is approximately 194 people. Given the distance from the site and the relatively small populations of both cities, the Commission finds that is unlikely that the location in question will be included within the corporate limits of a municipality within the foreseeable future.

Will service by either of the electric supplier in the area unreasonably interfere with the service or system of the other?

[42] The Commission finds that extension of service by either supplier would not interfere physically or operationally with the service or system of the other supplier.

[43] The Commission finds that the public convenience and necessity reasonably requires that the Commission deny Otter Tail's application because:

- While the customer prefers electric service from Otter Tail, customer preference is not controlling.
- Dakota Valley has served customers in the area since at least the 1940's and has more customers and electric supply lines within a one-mile and two-mile radius of

the location.

- While both electric suppliers would be able to serve the Minn-Kota site with sufficient reliability, Dakota Valley has sustained fewer outages in the general area and therefore, would be able to serve the Minn-Kota site more reliably.
- Dakota Valley will serve the Minn-Kota site more economically when considering the cost to extend service, the annual costs to the customer as reflected in rates for service, and the accrual and allocation of capital credits to Minn-Kota.
- Dakota Valley's extension of service would best serve the orderly and economic development of the area.
- Approval of Otter Tail's application would result in wasteful duplication of investment or service.

From the foregoing Findings of Fact, the Commission makes its:

CONCLUSIONS OF LAW

[44] The Commission has jurisdiction over the parties and the subject matter of this proceeding.

[45] Public convenience and necessity do not require the granting of a Certificate of Public Convenience and Necessity to the applicant in this proceeding.

From the foregoing Findings of Fact and Conclusion of Law, the Commission its:

ORDER

The Commission Orders:

[46] Otter Tail's application for a Certificate of Public Convenience and Necessity is denied. Therefore, Dakota Valley shall be permitted to provide electric service to the Minn-Kota site.

PUBLIC SERVICE COMMISSION

Brian Kroshus Commissioner	Randy Christmann Chairman	Julie Fedorchak Commissioner

From:	efilingmail@tylerhost.net
To:	Jeffcoat-Sacco, Illona
Subject:	Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3029703
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Case Style: Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.

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Filing Details	
Court	Burleigh County - South Central District
Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/22/2018 4:43 PM CST
Date/Time Accepted	6/25/2018 9:10 AM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 72 Petition to Intervene and Request to Present Comments
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 72 Petition to Intervene and Request to Present Comments.pdf
Lead Document Page Count	8

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February 1, 2018

Via U.S. Mail & Email: dnitschke@nd.gov
Darrell Nitschke
Executive Secretary
ND Public Service Commission
600 E. Boulevard Avenue
Bismarck, ND 58505-0480

Re: Otter Tail Power Company
Case No. PU-17-96
Minn-Kota Ag Products, Inc. - Richland County Public Convenience & Necessity

Dear Mr. Nitschke:

Minn-Kota Ag Products, Inc. respectfully submits its Petition to Intervene and Request to Present Oral and Written Comments.

An electronic copy of this filing is also being sent to you at dnitschk@nd.gov and to the North Dakota Public Service Commission at ndpsc@nd.gov.

Please feel free to contact me at (612) 632-3426 or by email at kermit.nash@gpmlaw.com if you have any questions.

Very truly yours,

Kermit J. Nash
Attorney

Enclosure

cc: Kimberly J. Radermacher (via U.S. Mail and email: kimrader@radermacherlaw.com)
Cary Stephenson (via U.S. Mail and email: cstephenson@otpco.com)
Zachary Pelham (via U.S. Mail and email: zep@pearce-durick.com)
Zachary Smith (via U.S. Mail and email: zsmith@ndarec.com)

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Minn-Kota Ag Products, Inc. – Richland County
Public Convenience & Necessity

Case No. PU-17-96

MINN-KOTA AG PRODUCTS, INC.'S PETITION TO INTERVENE AND REQUEST TO PRESENT ORAL AND WRITTEN COMMENTS

Minn-Kota Ag Products, Inc. ("Minn-Kota") respectfully submits this Petition, pursuant to the North Dakota Administrative Code, Section 69-02-02-05 of the rules of practice and procedure of the North Dakota Public Service Commission ("Commission"), to intervene in the above-referenced matter and to present oral and written comments in support of Otter Tail Power Company's Application for a Certificate of Public Convenience and Necessity. In support of its petition, Minn-Kota states as follows:

1. Minn-Kota is in the process of constructing a state-of-the-art grain handling facility located on Highway 13, two miles east of Barney, North Dakota ("Facility"). The Facility will have ten steel bins with a capacity of 2.9 million bushels. When completed, the Facility will have a load out capacity of 80,000 bushels per hour, which will enable 110 rail cars to be loaded in less than eight hours. Minn-Kota anticipates that the Facility will be operational by the middle of June 2018 and plans to put the Facility into full service by July 1 of 2018. The Facility will use large electric motors to power augers and conveyors that will move the grain. The Facility will serve numerous area farmers. The plans for the current Facility will essentially be the first phase of many anticipated expansion phases for Minn-Kota.

2. Otter Tail Power Company ("OTP") has made a proposal to provide electricity to the Facility. OTP is currently providing electricity to Minn-Kota pursuant to a temporary agreement.

3. Dakota Valley Electric Cooperative ("DVE") also made a proposal to provide electricity to the Facility.

4. Access to reliable, reasonably priced electricity is critical to the success of the Facility. Based on careful review of the two competing proposals, Minn-Kota determined that OTP's proposal would meet its needs and that DVE's proposal would not. Accordingly, Minn-Kota has made a request to OTP to serve as Minn-Kota's electricity provider.

5. Pursuant to the North Dakota Territorial Integrity Act, N.D.C.C. 49-02 *et seq.*, OTP applied to the Commission for a Certificate of Public Convenience and Necessity ("CPC&N") in order to provide service to Minn-Kota.

6. DVE has objected to OTP's application.

7. In determining whether to grant a CPC&N under the Territorial Integrity Act, the Commission must consider the following ten factors:

a. From whom does the customer prefer electric service?
b. What electric suppliers are operating in the general area?
c. What electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?
d. What customers are served by electric suppliers within at least a two-mile radius of the location to be served?
e. What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?
f. Which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?
g. Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?
h. Would approval of the applications result in wasteful duplication of investment or service?

i. Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?

j. Will service by either of the electric supplier in the area unreasonably interfere with the service or system of the other?

8. George Schuler IV of Minn-Kota testified at the hearing in support of OTP's application for the CPC&N. If permitted to intervene, OTP would continue to support OTP's application.

9. Minn-Kota's interests are not adequately represented by either party to the proceeding. DVE's interest, in opposing OTP's application, is the opposite of Minn-Kota's interests and is also contrary to the public interest. Although the interests of Minn-Kota and OTP are generally aligned, they are not identical. Obtaining a reliable source of power is critical to the viability of the Facility; indeed, the outcome of this case may have a significant role in whether the Facility succeeds or fails. Thus, for Minn-Kota, the stakes are extremely high. For OTP, Minn-Kota is just one customer among many and the impact on OTP if its application for a CPC&N is denied will be relatively modest.

10. Good cause exists to allow Minn-Kota's intervention at this time. Minn-Kota believes that it has a unique perspective on many of the issues before the Commission and that its written and oral comments will be helpful to the Commission in its consideration, in particular, of issues that were the focus of discussions at the most recent working session, held on December 20, 2017. At that time, the Commission had extensive discussion regarding, in particular, whether granting OTP's application would result in wasteful duplication of facilities and the impact of the Commission's decision on the public interest.

11. If permitted to intervene and granted leave to provide the Commission with oral and written comments Minn-Kota intends to address, among other things, the following points, summarized in Paragraphs 12-17.

12. Duplication of Facilities and Service Reliability – OTP's proposal is to construct a substation adjacent to the Facility, which would be fed by a line running along the boundary of Minn-Kota's property and served by OTP's existing line. Initially, Minn-Kota would be the only customer served by the substation, although the additional capacity would be available to serve other customers in the future, including Minn-Kota's future expansion of the Facility. DVE's proposal, in contrast, is to provide service from a distant substation, connected to the Facility by nearly 16 miles of underground cables. Because of the benefit of OTP's proposed service, which benefits are not provided by DVE's proposal, not only for Minn-Kota but for all customers served by the electric grid in the area, facilities to be constructed under OTP's proposal cannot properly be seen as "wasteful."

13. The Minn-Kota facility will use electric motors that produce, in the aggregate, 4,000 horsepower. Those motors will place a substantial burden on the grid, especially at start-up, which could have an adverse impact on electric service to other customers. One of the issues that the Commission discussed at its December 20 working session was the use of "soft start" motors which could mitigate concerns about the potential for other customers to experience brown out or other disruptions when the facility motors are started up. Because OTP's proposal is to initially provide a dedicated substation for the Facility, the need for soft start motors will be reduced – enabling more efficient operation of the Facility – and the potential for adverse impact on other customers will be eliminated.

14. At the working session, there was discussion regarding DVE's offer to "waive," in part, its requirements that Minn-Kota use soft start motors. Minn-Kota believes that DVE's waiver proposal is inadequately defined and presents two concerns. First, waiving soft start requirements, although superficially responding to Minn-Kota's desire for maximum efficiency,

will put other customers at risk, by increasing the likelihood that customers served by the grid in that portion of the state will experience brown outs or other service disruptions, especially when the Facility's motors start up. Second, DVE cannot provide any assurance that its waiver proposal would not result in the degradation of service for other DVE customers served by that same part of the electricity grid. If it is determined that the waiver of the soft start requirement results in an undue amount of disruption of service to other customers, Minn-Kota may, sooner rather than later, be required to retrofit the Facility with soft start motors – resulting in unnecessary expense and business interruption – and/or to pay DVE's expenses to augment the grid to enable it to provide sufficiently stable service.

15. Public Interest – Concerns about reliable service affect not just Minn-Kota but the public generally. As described above, the load that Minn-Kota's Facility requires that the electric service be sufficiently robust in order to avoid any adverse effort on other customers. OTP's proposal, because it involves a dedicated service, eliminates the potential for adverse effects on other customers.

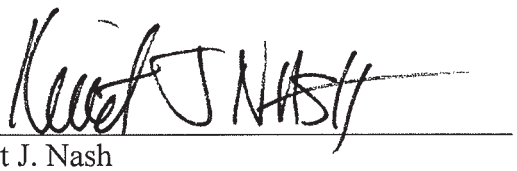
16. The Facility, when it becomes operational, will elevate the equivalent of 70 semi truck loads of grain per hour 160 feet upwards in conjunction with every other part of the Facility. A loss of power will cause chain and belt conveyors to stop working, which will cause grain to fall backwards into the elevator legs and plug the system. Such an occurrence would, at best, require the Facility to shut down so that the system can be cleaned out and restarted or, at worst, result in substantial damage to expensive equipment. Here, too, the harm to Minn-Kota would also hurt the public. If the Facility is required to go offline for any significant period of time, farmers and grain haulers in the area who depend on the Facility will need to find an alternative outlet.

17. The OTP proposal will accommodate anticipated future expansion of the Facility; the DVE proposal will not. Thus, OTP also will benefit the public interest by expanding employment opportunities and increasing economic activity in the region.

18. Allowing intervention by Minn-Kota will not result in any prejudicial delay in completing the proceeding. Allowing Minn-Kota to provide oral and written comments will not require any undue delay and such comments are likely to assist the Commission in its decision-making. OTP's CPC&N application relates solely to service to be provided to Minn-Kota. No other party will be affected.

For the foregoing reasons, Minn-Kota respectfully requests that it be permitted to intervene in the proceeding. Additionally, Minn-Kota requests leave to provide the Commission with oral and written comments regarding the issues to be determined.

Dated: February 1, 2018



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North Dakota Public Service Commission Docket No: PU-17-96

Certificate of Electronic Service

State of Minnesota)
)ss
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I, Kermit J. Nash, do hereby certify that on February 1, 2018, I served the following document:

Minn-Kota Ag Products Inc.'s Petition to Intervene and Request to Present Oral and Written Comments

by sending a true and correct copy thereof via email to:

Public Service Commission at ndpsc@nd.gov
Darrell Nitschke at dnitschk@nd.gov
Kimberly Radermacher at kimrader@radermacherlaw.com
Cary Stephenson at cstephenson@otpco.com
Zachary Pelham at zep@pearce-durick.com
Zachary Smith at zsmith@ndarec.com

To the best of my knowledge, information and believe, such address is the actual email addresses of the parties intended to be served. That the above documents were duly e-mailed and served in accordance with the applicable provision of North Dakota law.

Dated: February 1, 2018

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To: Jeffcoat-Sacco, Illona
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3029703
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Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/22/2018 4:43 PM CST
Date/Time Accepted	6/25/2018 9:10 AM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 73 Objection to Petition to Intervene and Request to Present Comments
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 73 Objection to Petition to Intervene and Request to Present Comments.pdf
Lead Document Page Count	7

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Kimberly J. Radermacher
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February 2, 2018

North Dakota Public Service Commission
600 E. Boulevard Ave. Dept. 408
Bismarck, ND 58505-0480

RE: PU-17-96
CPCN – Otter Tail Power/Minn-Kota Ag. Products

Dear Commissioners,

Enclosed for docketing in the above captioned case, please find the following:

A. **Dakota Valley Electric Cooperative, Inc.'s Objection to Minn-Kota Ag Products, Inc.'s Petition to Intervene and Request to Present Oral and Written Comments**
B. **Certificate of Service**

As always, please do not hesitate to contact my office should you have any questions or concerns.

Thank you.

Sincerely,
RADERMACHER LAW FIRM, P.C.

Kimberly J. Radermacher

Enclosures

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company **Case No. PU-17-96**
Minn-Kota Ag Products Inc. - Richland County
Public Convenience & Necessity

DAKOTA VALLEY ELECTRIC COOPERATIVE, INC.'S OBJECTION TO MINN-KOTA AG PRODUCTS, INC.'S PETITION TO INTERVENE AND REQUEST TO PRESENT ORAL AND WRITTEN COMMENTS

[1] Dakota Valley Electric Cooperative, Inc., by and through its counsel Kimberly J. Radermacher, submits the following objections to Minn-Kota Ag Products, Inc.'s Petition to Intervene and Request to Present Oral and Written Comments.

[2] On February 1, 2018, Minn-Kota Ag Products, Inc., filed and served a Petition to Intervene and Request to Present Oral and Written Comments. In its filing, Minn-Kota argues that it should be permitted to intervene and would like to provide what it deems to be clarification on certain issues and additional commentary and argument relevant to the Commission's consideration of the ten factors it must weigh in granting or denying Otter Tail's certificate for public convenience and necessity. Minn-Kota believes that good cause exists to allow its intervention at this time and that if permitted to intervene, it would not result in any prejudicial delay in completing the proceeding. Dakota Valley would adamantly disagree.

[3] Under N.D.C.C. Section 28-32-28, "an administrative agency may grant intervention in an adjudicative proceeding to promote the interest of justice if intervention *would not impair the orderly and prompt conduct of the proceeding* and if the petitioning intervenor demonstrates that the petitioner's legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of statute or rule. (emphasis added). The agency may impose conditions and limitations

upon intervention. The agency shall give reasonable notice of the intervention to all parties. An administrative agency may adopt rules relating to an intervention in an adjudicative proceeding." The Public Service Commission, by way of Chapter 69 of the North Dakota Administrative Code, has rules specific to intervention in its proceedings. Under Section 69-02-02-05, "any person with a substantial interest in a proceeding may petition to intervene in that proceeding *by complying with this section.* (emphasis added). An intervention may be granted if the petitioner has a statutory right to be a party to the proceeding; or the petitioner has a legal interest which may be substantially affected by the proceeding, *and the intervention would not unduly broaden the issues or delay the proceeding*. (emphasis added). The commission may impose conditions and limitations on an intervention to promote the interests of justice." Further under the rule is the requirement that "a petition to intervene in any proceeding *must be filed at least ten days prior to the hearing, but not after except for good cause shown*." (emphasis added).

[4] Dakota Valley does not deny that Minn-Kota would be an appropriate intervenor to the extent it has an interest in the outcome of these proceedings. However, Dakota Valley would argue that Minn-Kota's right to intervene has long passed and that it has not shown good cause for intervening well over three months after the evidentiary hearing that was held in this matter and almost a year from the time that it acknowledged service of Otter Tail's application for a CPCN. A review of the procedural history of this case is noteworthy. On February 27, 2017, George Schuler IV, on behalf of Minn-Kota, acknowledged Otter Tail's application for a CPCN and made a customer appearance at that time in support of the application. On March 31, 2017, Dakota Valley submitted a protest to the application and requested a hearing. Yet, Minn-Kota chose not to intervene. On July 26, 2017, a notice of hearing was filed indicating that a hearing would be held in front of the

PSC on the CPCN on October 23, 2017. Yet at no time prior to the hearing, did Minn-Kota choose to intervene. At the hearing, George Schuler IV, testified on behalf of Otter Tail's application and made most, if not all, of the points that Minn-Kota now attempts to raise in its most recent Petition. Yet, there was no word of intervention. At the hearing, several deadlines throughout most of the month of November were imposed on the parties, which Minn-Kota was privy to as representatives of Minn-Kota were present at the hearing. Those deadlines came and went without any submissions or request for intervention made by Minn-Kota. Thereafter, the Commission met for a work session on December 20, 2017, to address this case. Yet, Minn-Kota waited another 42 days after that work session (and 101 days after the evidentiary hearing) to intervene in the hopes of clarifying and answering certain questions that appear to have been raised during the work session.

[5] Allowing Minn-Kota to intervene at this stage of the proceedings would be akin to opening the proverbial Pandora's box and serve only to further delay this matter, something Minn-Kota is clearly hoping to avoid given its projected fully operational date of July 1, 2018. Minn-Kota's proposal to merely provide oral and written commentary must require the Commission to reopen the proceedings to take additional evidence and in doing so, must afford Dakota Valley the right to contradict and rebut the veracity of the evidence/arguments sought to be submitted by Minn-Kota. Would Dakota Valley then also be afforded the opportunity to clarify and provide additional evidence to help answer questions relative to Dakota Valley's operations, including those about capital credits, raised by the Commission during its December work session? Where in the sand would the line be drawn as to what evidence could or could not be presented at this stage of the proceedings? And ultimately, when is this matter going to finally be resolved?

[6] It is evident that Minn-Kota has failed to timely intervene and show good cause as to why there should be an exception to the requirements imposed under North Dakota law. It is Dakota Valley's contention that the intervention by Minn-Kota at this stage of the proceedings is improper, would serve only to unduly broaden the issues, delay the proceedings, and impair the orderly and prompt conduct of the proceedings and should therefore not be permitted.

[7] Furthermore, Dakota Valley would ask that the part of the Petition that attempts to provide unsolicited and improper testimony, evidence and/or argument by Minn-Kota be stricken and wholly disregarded by the Commission. Minn-Kota has not been recognized an intervenor at this time and should have reserved its commentary until such time as the Commission would deem it appropriate. Because of this and the fact that Dakota Valley has not been afforded the opportunity to properly address or rebut the statements made primarily in paragraphs 12-17 of Minn-Kota's Petition, such statements should be stricken and not taken into consideration in any way by the Commission.

CONCLUSION

[8] Based on the foregoing law and argument, Dakota Valley respectfully asks that the Commission deny Minn-Kota Ag Products, Inc.'s Petition to Intervene and Request to Present Oral and Written Comments in its entirety and strike/disregard any commentary and purported evidence as contained in the Petition.

Dated this 1st day of February, 2018.

Kimberly J. Radermacher (#05856)
Attorney for ~~Dakota~~ Valley Electric Coop.
P.O. Box 597 – 27 Center Ave.
LaMoure, ND 58458
Telephone: (701) 883-5125
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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company **Case No. PU-17-96**
Minn-Kota Ag Products Inc. - Richland County
Public Convenience & Necessity

CERTIFICATE OF SERVICE (ELECTRONIC AND BY FIRST CLASS MAIL)

STATE OF NORTH DAKOTA)
)ss
COUNTY OF LAMOURE)

[1] I, Kimberly J. Radermacher, do hereby certify that on February 2, 2018, I served the following documents:

A. Dakota Valley Electric Cooperative, Inc.'s Objection to Minn-Kota Ag Products, Inc.'s Petition to Intervene and Request to Present Oral and Written Comments with Cover Letter

[2] by sending a true and correct copy thereof via email to:

North Dakota Public Service Commission at ndpsc@nd.gov
Darrell Nitschke at dnitschk@nd.gov
Zachary E. Pelham at zep@pearce-durick.com
Cary Stephenson at cstephenson@otpco.com
Kermit Nash at kermit.nash@gpmlaw.com

[3] and by sending an original and seven copies via First Class Mail, United States Postal Service to:

North Dakota Public Service Commission
600 E. Boulevard Ave. Dept. 408
Bismarck, ND 58505-0480

[4] To the best of my knowledge, information and belief, such addresses are the actual email/postal addresses of the parties intended to be served. That the above document was duly e-mailed or mailed in accordance with the applicable provisions of North Dakota law.

Dated this 2nd day of February, 2018.

Kimberly J. Radermacher (#05856)
Attorney-at-Law
P.O. Box 597 – 27 Center Ave.
LaMoure, ND 58458
Telephone: 701-883-5125
Attorney for Dakota Valley Electric Coop.
kimrader@radermacherlaw.com

From:	efilingmail@tylerhost.net
To:	Jeffcoat-Sacco, Illona
Subject:	Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3029703
Date:	Monday, June 25, 2018 9:12:08 AM

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Envelope Number: 3029703
Case Number: 08-2018-CV-01142
Case Style: Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.

The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.

Filing Details	
Court	Burleigh County - South Central District
Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/22/2018 4:43 PM CST
Date/Time Accepted	6/25/2018 9:10 AM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 74 Motion to Admit Gregory R. Merz Pro Hac Vice with supporting documentation
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 74 Motion to Admit Gregory R. Merz Pro Hac Vice with supporting documentation.pdf
Lead Document Page Count	12

File Stamped Copy	View Stamped Document
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GRAY PLANT MOOTY

210 BROADWAY N
SUITE 401D
FARGO, ND 58102
MAIN: 701.298.6050
FAX: 701.298.7685

GREGORY MERZ
ATTORNEY
DIRECT DIAL: 612-632-3257
FAX: 612-631-4257
GREGORY.MERZ@GPMLAW.COM

February 7th, 2018

VIA U.S. MAIL

Darrell Nitschke
Executive Secretary
ND Public Service Commission
600 E. Boulevard Avenue
Bismarck, ND 58505-0480

Re: Otter Tail Power Company
Case No. PU-17-96
Our Client: Minn-Kota Ag Products, Inc.

Dear Mr. Nitschke:

Enclosed are the following in the above-referenced matter:

- Motion to admit Gregory Merz pro hac vice;
- Affidavit of Gregory Merz in support of motion;
- Affidavit of Kermit Nash in support of motion;
- Proposed order;
- Affidavit of Service; and
- A copy of our firm's check for $380.00 payable to the North Dakota State Board of Law Examiners. The original check has been sent to the ND State Board of Law Examiners.

Respectfully,

GRAY, PLANT, MOOTY
MOOTY & BENNETT, P.A.

Gregory Merz
Attorney

Enclosures

cc: North Dakota State Board of Law Examiners (via U.S. Mail)
Patrick Ward, Administrative Law Judge (via U.S. Mail and email)
Kimberly J. Radermacher (via U.S. Mail)
Cary Stephenson (via U.S. Mail)
Zachary Pelham (via U.S. Mail)
Zachary Smith (via U.S. Mail)

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company **Case No. PU-17-96**
Minn-Kota Ag Products, Inc. – Richland County
Public Convenience & Necessity

MOTION TO ADMIT GREGORY R. MERZ PRO HAC VICE

TO: Patrick Ward, Administrative Law Judge, Zuger, Kermis & Smith, P.O. Box 1695, Bismarck, ND 58502; Otter Tail Power Company and their counsel, Carry Stephenson, 315 W. Cascade Street, Fergus Falls, Minnesota 56538-0496; Dakota Valley Electric Coop and their counsel, Kimberly J. Radermacher, Radermacher Law, PO Box 597, 27 Center Avenue, Lamoure, North Dakota 58458, Zachary Pelham, Pearce Durick PLLC, 314 E. Thayer Avenue, Bismarck, North Dakota 58501, Zachary Smith, Comm. & Gov. Relations Director, Legal Counsel, PO Box 727, Mandan, North Dakota 58554.

PLEASE TAKE NOTICE that pursuant to Rule 3 of the North Dakota Admission to Practice Rules, Minn-Kota Ag Products, Inc. ("Minn-Kota") in the above captioned matter, hereby moves the above-named agency for an order authorizing Gregory R. Merz admission pro hac vice to represent Minn-Kota in this case. Oral argument on this motion is waived by Minn-Kota.

This motion for admission pro had vice requests the following relief:

1. Granting the Minn-Kota's motion to admit Gregory R. Merz, a Minnesota attorney, license number 0185942, in good standing of the Minnesota bar, pro hac vice in North Dakota as counsel for Minn-Kota; and

2. Permitting Gregory R. Merz to appear as counsel for Minn-Kota in this case.

Dated this 7th day of February, 2018.

GRAY, PLANT, MOOTY,
MOOTY & BENNETT, P.A.

Kermit J. Nash (N.D. Bar #06513)
Gregory R. Merz, (Pro Hac Vice Pending)
80 South 8th Street
Suite 500
Minneapolis, MN 55402
Email: gregory.merz@gpmlaw.com
Direct: (612) 632-3257
Fax: (612) 632-4257

Attorneys for Minn-Kota Ag Products, Inc.

GP:4845-9805-1164 v1

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company **Case No. PU-17-96**
Minn-Kota Ag Products, Inc. – Richland County
Public Convenience & Necessity

AFFIDAVIT OF GREGORY R. MERZ
ADMISSION PRO HAC VICE

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

[¶1] Gregory R. Merz, being first duly sworn on oath, deposes and states as follows:

1. I am an attorney at Gray Plant Mooty, licensed to practice law in the State of Minnesota, attorney license number 0185942.

2. I was admitted to the Minnesota bar on October 16, 1987, and have remained in good standing since the date of admission through the date of this affidavit.

3. I have never been the subject of a disciplinary proceeding in any jurisdiction.

4. I have never been subject to any restriction or probation in the practice of law in any jurisdiction;

5. I have never been suspended or disbarred from a court in any jurisdiction.

6. I have never appeared in a North Dakota or registered under this Rule 3 of the North Dakota Admission to Practice Rules or any other rule.

7. My address is 80 South 8th Street, Suite 500, Minneapolis, Minnesota, telephone number is (612) 632-3257, and e-mail address is gregory.merz@gpmlaw.com.

8. Simultaneously with submitting this motion and affidavit, the required fee is remitted to the State Board of Law Examiners via U.S. Mail.

9. My law partner, Kermit Nash having a Minnesota address 80 South 8th Street, Suite 500, Minneapolis, Minnesota, licensed to practice law in the State of North Dakota,

attorney license number 006513, is designated as the associate lawyer for my admission pursuant to Rule 3(A)(1)(a) of the North Dakota Admission to Practice Rules.

[¶2] FURTHER YOUR AFFIANT SAITH NOT.

Gregory R. Merz

Subscribed and sworn to before me
this 7th of February, 2018.

Notary Public

My Commission Expires: 1/31/20

GP:4816-1177-1996 v1

GWENDOLYN MARIE INSKEEP
Notary Public
Minnesota
My Commission Expires January 31, 2020

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company **Case No. PU-17-96**
Minn-Kota Ag Products, Inc. – Richland County
Public Convenience & Necessity

AFFIDAVIT OF KERMIT NASH
IN SUPPORT OF GREGRY R. MERZ'S
MOTION FOR ADMISSION PRO HAC VICE

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

[¶1] Kermit Nash, being first duly sworn on oath, deposes and states as follows:

1. I am an attorney at Gray Plant Mooty, licensed to practice law in the State of Minnesota, attorney license number 0304712 and the State of North Dakota, attorney license number 06513.

2. I make this affidavit in support of the admission of my law partner, Gregory Merz, pro hac vice to the State of North Dakota in this case.

3. I was admitted to the Minnesota bar on October 1, 2000, and the North Dakota bar on December 4, 2008, and have remained in good standing in both states since the date of the earlier admission through the date of this affidavit.

4. I have never been the subject of a disciplinary proceeding in any jurisdiction.

5. I have never been subject to any restriction or probation in the practice of law in any jurisdiction.

6. I have never been suspended or disbarred from a court in any jurisdiction.

7. I agree to accept the designation and serve as the associate lawyer for the pro hac vice admission of Gregory Merz in this case pursuant to Rule 3(A)(1)(a) of the North Dakota Admission to Practice Rules.

[¶2] FURTHER YOUR AFFIANT SAITH NOT.

Kermit Nash, (N.D. Bar #06513)
80 South 8th Street
Suite 500
Minneapolis, MN 55402
Email: kermit.nash@gpmlaw.com
Direct: (612) 632-3426
Fax: (612) 632-4426

Attorneys for Minn-Kota Ag Products, Inc.

Subscribed and sworn to before me
this 7th day of February, 2018.

Notary Public

My Commission Expires: 1/31/22

ROXANN MARIE MOSEY
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2022

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company **Case No. PU-17-96**
Minn-Kota Ag Products, Inc. – Richland County
Public Convenience & Necessity

ORDER ADMITTING GREGORY R. MERZ PRO HAC VICE

[¶1] Upon the motion of Minn-Kota Ag Products, Inc., pursuant to Rule 3 of the North Dakota Admission to Practice Rules for the pro hac vice admission of Gregory R. Merz as its attorney in this case, and the Court, having reviewed and considered the Motion and all affidavits attached thereto, the objections, if any, and upon the record without hearing and based upon all the files, pleadings and other documents of record in this matter,

[¶2] IT IS HEREBY ORDERED:

1. Gregory R. Merz, a Minnesota attorney, license number 0185942, in good standing of the Minnesota bar, and having paid his fee and submitted sufficient affidavits in compliance with Rule 3(A)(1)(b) of the North Dakota Admission to Practice Rules, is hereby admitted to the State of North Dakota pro hac vice as counsel for the Receiver in this case;

2. Gregory R. Merz is authorized to appear as counsel for Minn-Kota Ag Products, Inc. in this case;

3. Kermit Nash, a North Dakota attorney license number 06513, is designated the associate lawyer for the pro hac vice admission of Gregory R. Merz in this case pursuant to Rule 3(A)(1)(a) of the North Dakota Admission to Practice Rules.

4. Attorneys Merz and Nash must comply with Rule 3(A)(3) of the North Dakota Admission to Practice Rules.

Dated this ___ day of February, 2018.

Judge of District Court

GP:4819-1048-5340 v1

STATE OF MINNESOTA)
) ss.
COUNTY OF STEARNS)

AFFIDAVIT OF SERVICE

Gwen Inskeep of the City of Minneapolis, County of Hennepin, State of Minnesota, being duly sworn, states that on the 7th day of February, 2018, she served the following documents:

1. Motion to Admit Gregory Merz Pro Hac Vice;
2. Affidavit of Gregory Merz Admission Pro Hac Vice;
3. Affidavit of Kermit Nash in Support of Gregory Merz's Motion for Admission Pro Hac Vice; and
4. (Proposed) Order Admitting Gregory Merz Pro Hac Vice.

on the following, by enclosing true and correct copies of said documents in envelopes, postage prepaid, and by depositing, and mailing same in the post office at Minneapolis, Minnesota, addressed to said individuals:

Kimberly J. Radermacher Radermacher Law PO Box 597 27 Center Ave. LaMoure, ND 58458	Cary Stephenson Otter Tail Power Company 315 W. Cascade St. Fergus Falls, MN 56538-0496
Zachary Pelham Pearce Durick PLLC 314 E. Thayer Ave. Bismarck, ND 58501	Zachary Smith Comm. & Gov. Relations Director Legal Counsel PO Box 727 Mandan, ND 58554
Patrick Ward, Administrative Law Judge Zuger, Kermis & Smith P.O. Box 1695 Bismarck, ND 58502	North Dakota Board of Law Examiners 600 E Boulevard Ave # 180 Bismarck, ND 58505

Gwen Inskeep

Subscribed and sworn to before me
this 7th day of February, 2018.

Notary Public

DONNA S. DYE
NOTARY PUBLIC - MINNESOTA
MY COMMISSION EXPIRES 01/31/2020

THE FACE OF THIS DOCUMENT HAS A VOID PANTOGRAPH AND MICROPRINTING IN THE SIGNATURE LINE

GRAY PLANT MOOTY

GRAY, PLANT, MOOTY, MOOTY & BENNETT, P.A.
500 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402

Bremer Bank, National Association
225 South Sixth Street - (612) 782-1960
Minneapolis, MN 55402
24-hour Phone Bank 1-800-908-BANK
75-1041/960

397499

VOID VOID VOID

PAY Three hundred eighty and 00/100**********

TO THE ORDER OF

DATE: February 7, 2018

AMOUNT: $ ***380.00***

North Dakota State Board of Law Examiners
Judicial Wing 1st Fl
600 E. Boulevard Ave., Dept. 180
Bismarck, ND 58505-0530

David C Bata MP

Memo:

⑈397499⑈ ⑆096010415⑆ 0667⑈8883⑈

GRAY, PLANT, MOOTY, MOOTY & BENNETT, P.A.

Check #: 397499
Gray Plant Vendor ID: 13717

Request #: 273415-1785 397499

Invoice Number	Invoice Date	Reference	Payment Amt
328-2/7/18	2/7/2018	Minn-Kota Ag Products - 419717	$380.00
		Totals:	$380.00

From: efilingmail@tylerhost.net
To: Jeffcoat-Sacco, Illona
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3029703
Date: Monday, June 25, 2018 9:12:10 AM

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Envelope Number: 3029703
Case Number: 08-2018-CV-01142
Case Style: Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.

The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.

Filing Details	
Court	Burleigh County - South Central District
Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/22/2018 4:43 PM CST
Date/Time Accepted	6/25/2018 9:10 AM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 75 Response to Petition to Intervene and Request to Present Comments
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 75 Response to Petition to Intervene and Request to Present Comments.pdf
Lead Document Page Count	4

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215 South Cascade Street
PO Box 496
Fergus Falls, Minnesota 56538-0496
218 739-8200
www.otpco.com (web site)

February 12, 2018

Darrell Nitschke
Executive Secretary
ND Public Service Commission
600- East Boulevard Avenue
Bismarck, ND 58505-0480

RE: Otter Tail Power Company
Case No. PU-17-96
Minn-Kota Ag Products, Inc. - Richland County
Public Convenience & Necessity
Response to Minn-Kota Ag Products, Inc.'s Petition to Intervene and Request to Present Oral and Written Comments

Dear Mr. Nitschke:

Otter Tail Power Company respectfully submits the enclosed Response to Minn-Kota Ag Products, Inc.'s Petition to Intervene and Request to Present Oral and Written Comments Filed on February 1, 2018.

An electronic copy of this filing is also being sent to you at dnitschk@nd.gov and to the North Dakota Public Service Commission at ndpsc@nd.gov. An original and seven copies will be mailed to your attention.

Please feel free to contact me at (218) 739-8956 or by email at cstephenson@otpco.com if you have any questions.

Sincerely,

/s/Cary Stephenson
Cary Stephenson
Associate General Counsel

ljh
Enclosures
CC: ALJ Patrick J. Ward
Kimberly J. Radermacher
Zachary Pelham

An Equal Opportunity Employer

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company **Case No. PU-17-96**
Minn-Kota Ag Products, Inc. - Richland County
Public Convenience & Necessity

OTTER TAIL POWER COMPANY'S RESPONSE TO MINN-KOTA AG PRODUCTS, INC.'S PETITION TO INTERVENE AND REQUEST TO PRESENT ORAL AND WRITTEN COMMENTS

Minn-Kota Ag Products, Inc. (Minn-Kota) has filed a petition seeking to intervene and to present oral and written comments in the above-entitled matter. For the reasons stated herein, Otter Tail Power Company, (Otter Tail or Company) supports Minn-Kota's petition and respectfully requests that Minn-Kota be allowed to present oral and written comments in support of Otter Tail's Application for a Certificate of Public Convenience and Necessity.

Background

On February 1, 2018 Minn-Kota filed a petition with the Commission seeking to intervene in the above-entitled matter, which concerns electric service to a $20 million grain handling facility (Facility) being constructed by Minn-Kota east of Barney, North Dakota. Specifically, Minn-Kota sought leave to present oral and written comments focusing on key issues under consideration by the Commission, including whether approval of Otter Tail's CPC&N application would result in wasteful duplication, potential waiver of soft stop motor standards and related reliability issues, and how the Facility impacts the public's interest. Dakota Valley Electric Cooperative (Dakota Valley) objected to Minn-Kota's petition in a filing dated February 2, 2018, arguing that while Minn-Kota has standing to be an intervenor, good cause did not exist to grant Minn-Kota's petition.

At a work session on the above-entitled matter on February 5, 2018 the Commission referred Minn-Kota's petition to the Administrative Law Judge. On February 5, 2018 the Administrative Law Judge directed Commission staff and the existing parties to make their positions known no later than February 12, 2018.

Law & Argument

Otter Tail respectfully submits that Minn-Kota has satisfied the standard for intervention. North Dakota Admin. Code 69-02-02-05 provides the following concerning intervention in Public Service Commission proceedings:

> **69-02-02-05. Intervention.**
> Any person with a substantial interest in a proceeding may petition to intervene in that proceeding by complying with this section. An intervention may be granted if the petitioner has a statutory right to be a party to the proceeding; or the petitioner has a legal interest which may be substantially affected by the proceeding, and the intervention would not unduly broaden the issues or delay the proceeding. The commission may impose conditions and limitations on an intervention to promote the interests of justice.
>
> 1. **Contents of petition to intervene.** A petition to intervene must be in writing and must set forth the grounds for intervention, the position and interest of the petitioner in the proceeding, what the petitioner would contribute to the hearing, and whether the petitioner's position is in support of or in opposition to the relief sought.
> 2. **When filed.** A petition to intervene in any proceeding must be filed at least ten days prior to the hearing, but not after except for good cause shown.
> 3. **Number of copies.** The petitioner will serve a copy of the petition on each party to the proceeding and will file with the commission the original and seven copies.
> 4. **Effect.** Admission as an intervenor shall not be construed as recognition by the commission that such intervenor might be aggrieved by an order of the commission in such proceeding.

It is not disputed that Minn-Kota has a legal interest which will be substantially affected by the proceeding. It is also clear that intervention, if granted, will not broaden the issue before the Commission or cause any material delay in the Commission rendering a decision. Minn-Kota's petition makes clear that this is seeking to present commentary on a narrow range of issues at the core of the Commission's ultimate decision.

Good cause exists for intervention. Minn-Kota is investing approximately $20 million dollars in a state-of-the-art grain handling facility located on Highway 13, east of Barney, North Dakota. As the owner of the Facility, and the party most affected by the Commission's final decision, Minn-Kota is in a unique position to provide information

helpful to the Commission's deliberations. This includes commentary addressing questions raised by the Commission in its December 20, 2017 work session. Granting leave to Minn-Kota will allow the Commission to make a better-informed decision. Finally, it is appropriate and reasonable to allow a family-owned business that is taking significant private financial risk to develop a facility serving North Dakota growers and producers the opportunity to comment on key issues.

Conclusion

Based on the foregoing Otter Tail respectfully requests that the Commission grant Minn-Kota's petition.

Respectfully submitted this 12th day of February 2018.

OTTER TAIL POWER COMPANY

By: */s/ Cary Stephenson*

Cary Stephenson
Associate General Counsel
Otter Tail Power Company
215 S. Cascade Street
Fergus Falls, MN 56538-0496
(218) 739-8956
cstephenson@otpco.com

From:	efilingmail@tylerhost.net
To:	Jeffcoat-Sacco, Illona
Subject:	Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3029972
Date:	Friday, June 22, 2018 4:02:10 PM

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Envelope Number: 3029972
Case Number: 08-2018-CV-01142
Case Style: Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.

The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.

Filing Details	
Court	Burleigh County - South Central District
Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/22/2018 2:46 PM CST
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Filing Description	CR Exhibit 76 Order Admitting Gregory R. Merz Pro Hac Vice
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Minn-Kota Ag Products, Inc. – Richland County
Public Convenience & Necessity

Case No. PU-17-96

ORDER ADMITTING GREGORY R. MERZ PRO HAC VICE

[¶1] Upon the motion of Minn-Kota Ag Products, Inc., pursuant to Rule 3 of the North Dakota Admission to Practice Rules for the pro hac vice admission of Gregory R. Merz as its attorney in this case, and the Court, having reviewed and considered the Motion and all affidavits attached thereto, the objections, if any, and upon the record without hearing and based upon all the files, pleadings and other documents of record in this matter,

[¶2] IT IS HEREBY ORDERED:

1. Gregory R. Merz, a Minnesota attorney, license number 0185942, in good standing of the Minnesota bar, and having paid his fee and submitted sufficient affidavits in compliance with Rule 3(A)(1)(b) of the North Dakota Admission to Practice Rules, is hereby admitted to the State of North Dakota pro hac vice as counsel for the Receiver in this case;

2. Gregory R. Merz is authorized to appear as counsel for Minn-Kota Ag Products, Inc. in this case;

3. Kermit Nash, a North Dakota attorney license number 06513, is designated the associate lawyer for the pro hac vice admission of Gregory R. Merz in this case pursuant to Rule 3(A)(1)(a) of the North Dakota Admission to Practice Rules.

4. Attorneys Merz and Nash must comply with Rule 3(A)(3) of the North Dakota Admission to Practice Rules.

Dated this 19th day of February, 2018.

State of North Dakota
OFFICE OF ADMINISTRATIVE HEARINGS

By: _____

Patrick J. Ward ID#03626
Administrative Law Judge
ZUGER KIRMIS & SMITH
PO Box 1695
Bismarck, ND 58502-1695
701-223-2711
pward@zkslaw.com

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company **Case No. PU-17-96**
Minn-Kota Ag Products Inc. – Richland County
Public Convenience & Necessity

AFFIDAVIT OF SERVICE

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

The undersigned, being duly sworn and of legal age, deposes and says that: I am a United States citizen, over 18 years of age, and on February 19, 2018, I served the following document(s):

ORDER ADMITTING GREGORY R. MERZ PRO HAC VICE

by electronic mail upon counsel at the below e-mail address(es):

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Bismarck, ND 58505-0408

Val Leapaldt

Subscribed and sworn to before me, today, February 19, 2018.

Betty H Mertz
NOTARY PUBLIC

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BETTY H. MERTZ
Notary Public
State of North Dakota
My Commission Expires November 7, 2020

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Filing Attorney	Illona Jeffcoat-Sacco

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company **Case No. PU-17-96**
Minn-Kota Ag Products Inc. – Richland County
Public Convenience & Necessity

ORDER DENYING PETITION TO INTERVENE OF MINN-KOTA AG PRODUCTS, INC.

On February 1, 2018, Minn-Kota Ag Products, Inc. ("Minn-Kota") submitted a Petition to Intervene and Request to Present Oral and Written Comments to the Public Service Commission pursuant to Section 69-02-02-05 of the Public Service Commision Rules of Practice and Procedure. One of the parties to the original proceeding, Dakota Valley Electric Cooperative, Inc. ("DVEC"), submitted objections to the request to intervene on February 2, 2018. Otter Tail Power ("OTP") supports the request. PSC staff takes no position.

The North Dakota Public Service Commission with authority granted under N.D.C.C. § 28-32-28 of the Administrative Agency's Practices Act has adopted rules for allowing petitions for intervention at § 69-02-02-05 of the North Dakota Administrative Code. Those rules provide that any person with a "substantial interest" in a proceeding may petition to intervene so long as "the intervention would not unduly broaden the issues or delay the proceeding." The rule also provides that "a petition to intervene in any proceeding must be filed at least 10 days prior to the hearing, but not after except for good cause shown." (Emphasis added.)

DVEC has argued that under the above rule, Minn-Kota's right to intervene has long passed and it has not shown good cause for intervening more than three months after the evidentiary hearing. It should be noted, one of the principals of Minn-Kota,

George Schuler, IV, did testify at length regarding his feelings about Minn-Kota's preferences for OTP as service provider at the hearing. In addition to the hearing already taking place over three months ago, the PSC has held a couple of work sessions since that time.

Therefore, assuming Minn-Kota meets the substantial interest test, the only basis to grant a petition for leave to intervene at this point would be for good cause shown because the petition is not timely. Minn-Kota asserts in its petition that its interests had not been "adequately represented by either party to the proceeding." However, OTP has argued that same position and Minn-Kota has previously made many of the same arguments it attempts to make now through the testimony of Mr. Schuler at the hearing. In my opinion, the issues have been substantially and thoroughly laid before the Commission and the Commission can make a reasoned and intelligent decision on the certificate of public convenience and necessity as to the appropriate provider of electric service for this Minn-Kota facility. I also believe there is more than sufficient alignment between the interests of Otter Tail Power and Minn-Kota regarding the arguments that have already been presented and that the interests of Minn-Kota have been adequately represented in front of the commission both at the hearing and in the work sessions subsequent to the hearing.

I conclude that Minn-Kota has not shown the requisite good cause required by the rules and the Administrative Agencies Practices Act for its late attempt to intervene and submit additional information to the commission in this hearing.

THEREFORE, the Petition to Intervene and Request to Present Oral and Written Comments of Minn-Kota in this proceeding is in all things DENIED.

Dated this 19th day of February, 2018.

State of North Dakota
OFFICE OF ADMINISTRATIVE HEARINGS

By: _____

Patrick J. Ward ID#03626
Administrative Law Judge
ZUGER KIRMIS & SMITH
PO Box 1695
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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company **Case No. PU-17-96**
Minn-Kota Ag Products Inc. – Richland County
Public Convenience & Necessity

AFFIDAVIT OF SERVICE

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

The undersigned, being duly sworn and of legal age, deposes and says that: I am a United States citizen, over 18 years of age, and on February 19, 2018, I served the following document(s):

ORDER DENYING PETITION TO INTERVENE OF MINN-KOTA AG PRODUCTS, INC.

by electronic mail upon counsel at the below e-mail address(es):

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Val Leapaldt

Subscribed and sworn to before me, today, February 19, 2018.

Betty H Mertz
NOTARY PUBLIC

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Notary Public
State of North Dakota
My Commission Expires November 7, 2020

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Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

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March 5, 2018

RECEIVED
MAR - 5 2018
NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Via U.S. Mail & Email: dnitschke@nd.gov
Darrell Nitschke
Executive Secretary
ND Public Service Commissions
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Bismarck, ND 58505-0480

Re: Otter Tail Power Company
Case No. PU-17-96
Minn-Kota Ag Products, Inc. – Richland County Public Convenience & Necessity

Dear Mr. Nitschke:

Minn-Kota Ag Products, Inc. respectfully submits its Petition Reconsider its Petition to Intervene and Request to Present Oral and Written Comments and Certificate of Service in the above-referenced matter.

An electronic copy of this filing is also being sent to you at dnitschke@nd.gov and to the North Dakota Public Service Commission at ndpsc@nd.gov.

Please feel free to contact me at (612) 632-3426 or by email at gregory.merz@gpmlaw.com if you have questions.

Very truly yours,

Gregory R. Merz
Attorney

cc: Patrick J. Ward, Administrative Law Judge (via U.S. Mail and email: pward@zkslaw.com)
Kimberly J. Radermacher (via U.S. Mail and email: kimrader@radermacherlaw.com)
Cary Stephenson (via U.S. Mail and email: cstephenson@otpco.com)
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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Minn-Kota Ag Products, Inc. - Richland County
Public Convenience & Necessity

Case No. PU-17-96

MINN-KOTA AG PRODUCTS, INC.'S PETITION RECONSIDER ITS PETITION TO INTERVENE AND REQUEST TO PRESENT ORAL AND WRITTEN COMMENTS

Minn-Kota Ag Products, Inc. ("Minn-Kota") respectfully submits this Petition, pursuant to the North Dakota Administrative Code, Sections 69-02-06-02 and 69-02-02-05 of the rules of practice and procedure of the North Dakota Public Service Commission ("Commission"), to reconsider Minn-Kota's Petition to Intervene in the above-referenced matter and to present oral and written comments in support of Otter Tail Power Company's Application for a Certificate of Public Convenience and Necessity. In support of its petition, Minn-Kota states as follows:

1. On February 19, 2018, Minn-Kota's February 1, 2018 Petition to Intervene and Request to Present Oral and Written Comments of Minn-Kota in this proceeding was denied. (Docket Item 80). Pursuant to North Dakota Administrative Code, Section 69-02-06-02, Minn-Kota respectfully requests that the commission reconsider that order.

2. Pursuant to North Dakota Administrative Code, Section 69-02-02-05 Minn-Kota has a substantial interest in this proceeding and there is good cause to allow this intervention even though Minn-Kota's Petition for Intervention was not filed at least ten days before the hearing.

Substantial Interest

3. It is undisputed that Minn-Kota is in the process of constructing a state-of-the-art grain handling facility located on Highway 13, two miles east of Barney, North Dakota ("Facility"). The Facility represents a significant investment (approximately $20,000,000) in an economically depressed area of the state. When the first phase of the facility is completed, it will have ten steel bins with a capacity of 2.9 million bushels, it will have a load out capacity of 80,000 bushels per hour, which will enable 110 rail cars to be loaded in less than eight hours. This will benefit the area's producers and overall economy.

4. The Facility will use large electric motors to power belt and chain conveyers in conjunction with large legs that will move the grain. The Facility will serve numerous area farmers. The plans for the current Facility will be the first phase of several anticipated expansion phases for Minn-Kota.

5. Otter Tail Power Company ("OTP") has made a proposal to provide electricity to the Facility. OTP is currently providing electricity to Minn-Kota pursuant to a temporary agreement.

6. Dakota Valley Electric Cooperative ("DVE") also made a proposal to provide electricity to the Facility.

7. Access to reliable, reasonably priced electricity is critical to the success of the Facility. Based on careful review of the two competing proposals, Minn-Kota determined that OTP's proposal would meet its needs and that DVE's proposal would not. As such, Minn-Kota has a substantial interest to intervene.

8. Minn-Kota anticipates that the Facility will be operational by the middle of June 2018 and plans to put the Facility into full service by July 1 of 2018. As such, Minn-Kota has no interest in unduly broadening the issues or delaying the proceeding in contravention of the intervention rule. *See* N.D. Admin Code § 69-02-02-05. Rather, Minn-Kota intends to offer its position and support in an efficient manner such that a decision can be made with a complete record.

Good Cause Shown

9. Under the Commission's Rules, a petition to intervene "must be filed at least ten days prior to the hearing, but not after except for good cause shown." N.D. Admin Code § 69-02-02-05(2). It is undisputed that Minn-Kota's petition fell outside that window of time. However, Minn-Kota has good cause to intervene.

10. "Good cause" is not defined in the applicable section of the Administrative Code, nor is it defined in the Administrative Agencies Practice Act. However, "good cause" to intervene has been shown where a non-party's interests may be "substantially affected" by the action being considered by the Commission. *TransCanada Keystone Pipeline, LP*, Case No. PU-06-421, Order on Motions to Intervene and Reopen, Dkt. No. 250 (Nov. 7, 2007).

11. In the TransCanada proceeding, the Commission held a hearing on September 5, 2007. *See TransCanada Keystone Pipeline, LP*, Case PU-06-421, 2008 WL 10590490 (N.D.P.S.C. Feb 21, 2008) (Findings of Fact Conclusions of Law and Order). Despite having notice of the hearing, the City of Fargo did not intervene before the hearing. *See TransCanada Keystone Pipeline, LP*, Case No. PU-06-421, Order on Motions to

Intervene and Reopen, Dkt. No. 250 (Nov. 7, 2007). Rather, the City of Fargo moved to intervene on October 23, 2007. *Id.* In that matter, similar to the instant matter, the party opposing the intervention argued that Fargo's petition was not timely and that its interests had been adequately represented at the hearing. *Id.* The Commission, however, found that Fargo had good cause to intervene because it had "interests that may be substantially affected" by the proceeding. *Id.* Here, Minn-Kota certainly has interests that may be "substantially affected" by the proceeding. Indeed, Minn-Kota's $20,000,000 investment depends on having reliable and affordable power. The Otter Tail Power solution meets that need, and the Dakota Valley solution does not.

12. Moreover, while Otter Tail Power and Minn-Kota have some overlapping interests in this matter, Otter Tail Power may not adequately represent Minn-Kota's interests. Indeed, Otter Tail Power has a number of interactions with the Commission. For Otter Tail Power, this is one of many matters; and, undoubtedly its overall strategy as a company is informed by these many interactions. This one application for a Certificate of Public Convenience and Necessity is likely not material to Otter Tail's business. For Minn-Kota, however, this application is critical. Minn-Kota, therefore, has every incentive to make sure that the record is complete and that all of the applicable evidence has been properly considered. Minn-Kota will be "substantially affected" by the outcome of this proceeding. As such, good cause exists for Minn-Kota's intervention. Minn-Kota, therefore, respectfully requests that the commission reconsider the order denying Minn-Kota's intervention.

13. If Minn-Kota is permitted to intervene it offers the following additional argument and evidence.

Argument and Evidence

14. Pursuant to the North Dakota Territorial Integrity Act, N.D.C.C. 49-02 *et seq.*, OTP applied to the Commission for a Certificate of Public Convenience and Necessity ("CPC&N") in order to provide service to Minn-Kota.

15. In determining whether to grant a CPC&N under the Territorial Integrity Act, the Commission considers the following ten factors:

a. From whom does the customer prefer electric service?
b. What electric suppliers are operating in the general area?
c. What electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?
d. What customers are served by electric suppliers within at least a two-mile radius of the location to be served?
e. What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?
f. Which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?
g. Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?
h. Would approval of the applications result in wasteful duplication of investment or service?
i. Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?
j. Will service by either of the electric supplier in the area unreasonably interfere with the service or system of the other?

a. Customer preference

16. "While not controlling, customer preference has long been recognized as a proper consideration for the Commission in deciding whether a certificate of public convenience and necessity should be issued." *Capital Elec. Cooperative, Inc. v. North*

Dakota Public Service Com'n, 877 N.W.2d 304, 307 (N.D. 2016) (collecting cases). Minn-Kota has a strong preference for OTP. Minn-Kota's preference, however, is not an arbitrary one. Rather it is based on many of the factors that the Commission also considers. Specifically, OTP will offer a more reliable solution and a more economical solution.

b. What electric suppliers are operating in the general area

17. Both OTP and DVE are operating in the general area. Indeed, DVE gets its power for this area from the same OTP 41.6 kV transmission line that OTP would tap to provide service to Minn-Kota. (*See* Dkt. No. 67, pp 4-5; Dkt. No. 66, p.6; Dkt. No. 27.)

c/d. What electric supply lines & customers exist within at least a two-mile radius of the location to be served, and when were they constructed.

18. DVE primarily argues that this factor weighs in its favor because it has 20 members on its power distribution network in the two-mile radius, whereas OTP only has 2 customers in that two mile radius. (Dkt. No. 67 at ¶ 11.) DVE's argument assumes that this factor is a rigidly applied formula. It is not. Indeed, the "two-mile" analysis is not based on statute, nor has it been rigidly applied in published cases.

19. In 1969, the North Dakota Supreme Court set forth the list of factors to be considered when determining whether to issue a CPC&N. *Application of Otter Tail Power Co.*, 169 N.W.2d 415, 418 (N.D. 1969). The "factors include: the location of the lines of the suppliers; the reliability of the service which will be rendered by them; which of the proposed suppliers will be able to serve the area more economically and still earn an adequate return on its investment; and which supplier is best qualified to

furnish electric service to the site designated in the application and which also can best develop electric service in the area in which such site is located without wasteful duplication of investment or service." *Id.* Nowhere in this seminal case is a rigid "two-mile" rule.

20. More recently, the North Dakota Supreme Court held that a preponderance of the evidence supported the Commission's decision to grant a CPC&N. *Capital Elec. Cooperative, Inc. v. North Dakota Public Service Com'n*, 877 N.W.2d 304 (N.D. 2016). In reviewing the Commission's determination in *Capital Electric*, the Court addressed, among other factors, the Commission's findings on the number of customers in a one mile radius and in a two mile radius. *Id.* at 307. The Court, however, did not prescribe those rigid boundaries. Instead, in affirming the Commission, the Court stated that "the number of customers served by electric suppliers in the *larger vicinity* should be considered for assessing capacity requirements in determining the orderly development of electrical service." *Id.* at 307-308 (emphasis added). The Court held that "[e]ven if [rural electric cooperative] serves customers closer to the [proposed customer's] site, this does not preclude the Commission from considering the number of customers served in *the larger area* for the purpose of examining duplication of services." *Id.* at 308 (emphasis added).

21. Here, when assessing the "orderly development of electrical service" the focus on "the larger area" should not be a rigid, and arbitrary, two miles. Rather, it should include the nearby towns of Barney and Moorton. OTP provides service to the scores more customers in the larger area, including the residents and businesses in

those communities that are just outside of the two-mile guideline. (Dkt. No. 66 at p. 6.; Dkt. No. 27) When considering the larger area, OTP's solution allows for an orderly development of electrical service in the area in a manner that is not wastefully duplicative.

22. Moreover, the parties agree that: (1) DVE and OTP have supply lines within the two-mile radius; (2) Both DVE and OTP will have to add supply lines to serve Minn-Kota; and (3) The parties agree that DVE would have to add approximately 3,960 feet of distribution line to serve Minn-Kota and that OTP would have to add a substation and approximately 1,000 feet of distribution. (Dkt. No. 71 at ¶¶ 13-16; Dkt. No. 72 at ¶¶ 14-16.). The addition of the substation on the Minn-Kota site will allow for a more orderly and reliable development of electrical service in this area than the continued expansion of DVE's distribution lines. These are the critical considerations and tend to favor the OTP solution.

e. The differences between the electric suppliers available to serve the area with respect to reliability of service.

23. This factor weighs heavily in favor of the OTP solution. As an initial matter, in an attempt to question the reliability of OTP's solution, DVE argues that the OTP solution relies on a 41.6 kV overhead transmission line that has "over 40 miles of exposure." (Dkt. No. 69 at ¶ 11.) This is a red herring. Both DVE and OTP receive their power in this area from the same OTP 41.6 kV transmission line that OTP would tap to provide service to Minn-Kota. (*See* Dkt. No. 67, pp 4-5; Dkt. No. 66, p.6; Dkt. No. 27.). If that 41.6 kV line goes down, then neither OTP nor DVE would have power. As such,

service reliability comparisons need to look at the distribution networks as they relate to the Minn-Kota site.

24. Barr Engineering's Paul Kaeding is an expert, professional engineer – licensed in North Dakota and many other states – with over 50 years of experience as an electrical engineer, including in the design and evaluation of power generation and distribution systems. *See* **Exhibit 1** (resume); *see also* https://www.barr.com/page/26/company-directory/PFK (Barr Engineering engineer profile, last accessed Feb. 27, 2018).

25. Mr. Kaeding was recently hired to provide an independent review of the documents submitted to the Commission and offer an opinion of which utility will provide better service to Minn-Kota. Mr. Kaeding's full opinion is attached hereto as **Exhibit 2**. In summary, he finds that the OTP solution will provide more reliable service. In particular, the OTP solution offers lower system impedance, which should reduce the need for soft starters and the risk of service disruptions (i.e. brownouts). The OTP solution also offers a reduced risk of faults and downtime due to distribution system faults as a result of better site access. These realities make the OTP solution more reliable for Minn-Kota.

26. Moreover, these realities also result in better service to the other customers, including DVE's customers, in the area. As Mr. Kaeding notes, the OTP solution appears to have been modeled to accommodate the Facility's load, but DVE's does not appear to have the same robustness. Exhibit 2 at 3. DVE proposes an experimental approach with respect to the necessity of soft start motors and Facility

operations. *Id.* As such, Minn-Kota's operation might affect adjacent utility customers, or vice versa. *Id.* at 4.

f. What supplier will be able to serve the location in question more economically and still earn an adequate return on investment?

27. Each party argues that it will be able to serve the location economically and still earn an adequate return on its investment. (Dkt. No. 71 at ¶ 42; Dkt. No. 72 at ¶ 33.) Put another way, both suppliers maintain that this is a sound business move for them. Therefore, this factor is essentially neutral with respect to the suppliers. But the economics are not neutral with respect to Minn-Kota. Even DVE concedes in its proposed findings of fact and conclusions of law that "Otter Tail's rates will likely result in a savings to [Minn-Kota] over time . . ." (Dkt. No. 72 at ¶ 33.).

g. What supplier's extended electric service would best serve orderly and economic development of electric service in the general area?

28. As already noted, the OTP solution for this facility will greatly benefit the orderly and economic development of electric service in the general area. The OTP-proposed substation will initially only serve the first phase of the Minn-Kota facility. However, because of the robustness of the OTP solution and the improved reliability of the solution, the OTP solution will better allow for expansion of the Minn-Kota facility, which George Schuler IV testified about at the hearing. Moreover, the OTP solution would be able to better serve any other industrial expansion in the area due to the lack of other customers on the OTP substation.

29. On this factor, it is important to note that Minn-Kota's $20,000,000 facility is a substantial economic development in this economically depressed area of the state.

The general area will benefit from it, but only to the extent it is successful. It has a better shot to be successful if it is profitable. And, ultimately, whether the facility is profitable depends on the facility to operate consistently at full-power and with reasonable operating costs. The OTP solution is more reliable, and as previously noted, DVE concedes in its proposed findings of fact and conclusions of law that "Otter Tail's rates will likely result in a savings to [Minn-Kota] over time . . ." (Dkt. No. 72 at ¶ 33.) As such, this factor weighs in OTP's favor.

h. Would approval of the applications result in wasteful duplication of investment or service?

30. There is no wasteful duplication in the OTP solution. It is undisputed that that: (1) DVE and OTP have supply lines within the two-mile radius; (2) Both DVE and OTP will have to add supply lines to serve Minn-Kota; and (3) The parties agree that DVE would have to add approximately 3,960 feet of distribution line to serve Minn-Kota and that OTP would have to add a substation and approximately 1,000 feet of distribution. (Dkt. No. 71 at ¶¶ 13-16; Dkt. No. 72 at ¶¶ 14-16.). Put another way, any solution will require new services and the DVE solution requires far more extension of its already extended distribution system. Indeed, DVE would have to trench its distribution line right under the 41.6 kV transmission line that OTP would tap directly. To the extent there is duplication, DVE's is more wasteful in that it requires more underground feeder line. (*Compare* Dkt. No. 27 *with* Dkt No. 40.).

31. The OTP solution has the added public benefit it that it would accommodate anticipated future expansion of the Facility, which is good for the area

producers; as well as potentially other expansions. The DVE proposal will not. Thus, OTP also will benefit the public interest by expanding employment opportunities and increasing economic activity in the region.

i/j. Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future? Will service by either of the electric supplier in the area unreasonably interfere with the service or system of the other?

32. No party contends these factors are controlling here. Minn-Kota agrees.

Conclusion

33. Allowing intervention by Minn-Kota will not result in any prejudicial delay in completing the proceeding. Allowing Minn-Kota to provide oral and written comments will not require any undue delay and such comments are likely to assist the Commission in its decision-making. OTP's CPC&N application relates solely to service to be provided to Minn-Kota. No other party will be affected.

34. For the foregoing reasons, Minn-Kota respectfully requests that the Commission reconsider its decision to deny Minn-Kota the opportunity to intervene and allow Minn-Kota to intervene in the proceeding. Minn-Kota requests leave to provide the Commission with oral and written comments consistent with the above paragraphs so that the Commission can make its decision on a complete record.

Dated: March 5, 2018

Loren Hansen (ND Bar # 08233)
Gregory Merz (Admitted pro hac vice, ND. Bar #P01258)
Kermit J. Nash (ND Bar # 06513)

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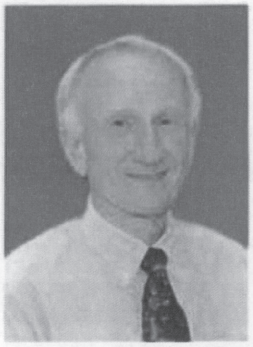
GP:4840-7848-0734

EXHIBIT 1



Experience: Paul Kaeding served as co-founder and president of Kaeding and Associates, a Minneapolis-based electrical engineering consulting firm. Throughout his professional career, Paul has been involved in the design and evaluation of power generation and distribution, UPS systems, substations, utility interconnections, coordination, controls and SCADA systems. His experience includes numerous assignments involving analysis, design and construction phase services. These have included medium voltage systems, generation, switchgear, motor control center, and standby power. Examples of Paul's project experience include:

- Provided electrical engineering services for the design and connection of the 50-MW Chow II generation facility in Chowchilla, California, to the PG&E 115 kV transmission system. Provided engineering services for the design of the generation facility including coordination and design of the 115 kV substation, protective relaying, station system and SCADA and internet connections to the ISO and PG&E.

- Provided electrical engineering services for the design and connection of the 50-MW Red Bluff generation facility in Red Bluff, California, to the PG&E 60 kV transmission system. Provided engineering services for the design of the generation facility including design of the 60 kV substation, protective relaying, station supply and SCADA and internet connections to the ISO and PG&E.

- Provided electrical engineering services for the design of new and retrofit standby and demand control generation projects connected to the CenterPoint Energy system in Houston, Texas. Projects included 16 MW at the East Water Purification Plant and additional multi-engine generation projects at the Northeast, Southwest and Clear Lake Water Purification plants.

- Designed and provided construction phase services on the 10 MW, five unit distributed and standby generation system for Litchfield Electric Utilities. Generation operates at 12.47 kV and is connected to the 69 kV system via the City transformers

- Designed 10-MW Miramar biogas CHP generation facility in San Diego, California, including modifications to the city-owned 12 kV pad-mounted protected-aisle, double-ended substation. Designed multiple unit generation facility and provided protective relaying and fault coordination studies for the existing 12 kV substation and the 5 kV generation switchgear.

- Provided electrical design of the Wailuku River hydroelectric plant in Hilo, Hawaii, a 12,000-kW facility located at the end of a 19,000 foot penstock. The project connects with Hawaii Electric Light Company. Project includes a 4.16:69 kV GSU transformer; 69 kV transmission line; interconnect structure; generator switchgear, turbine, generator and penstock controls; and hydro generator SCADA.

- Designed the 4-MW North City biogas generation facility in San Diego, California, including modifications to the existing 12 kV pad-mounted protected-aisle, double-ended substation. Designed and provided protective relaying and fault coordination studies for the existing 12 kV substation and the 5 kV generation switchgear.

- Provided the preliminary electrical design of a 50-MW simple-cycle combustion turbine co-generation facility in San Francisco for NRG, including gas insulated substation and interconnect to the PG&E 115 kV and 12 kV systems.

- Designed the utility interconnect and pad-mounted 16 kV substation for the 6-MW Lopez Canyon biogas generation facility in Los Angeles, California. Designed the multiple-unit reciprocating-engine 6-MW generation facility.
- Designed wind generation projects including Mitsubishi, Nordic, Gamesa, GE and Suzlon wind generators for multiple projects in Texas, Missouri, Iowa, Illinois, North Dakota, New Hampshire, New Mexico, Massachusetts, Minnesota, Arizona, Washington, California and South Dakota. Each project has a capacity between 30 and 100 MW. The design services include wind turbine ground grid design, switchgear at the base of the wind tower pedestals; interconnect transformers and electrical features between the tower and the collector system.
- Designed the pad-mounted 15 kV switchgear for connection of the 6-MW Prima Descheca generation facility in San Juan Capistrano, California, to the SDG&E system. The interconnect of the project to the utility grid includes underground feeders, and the design effort included the substation ground grid. Designed the electrical portion of the Prima Descheca biogas generation facility.
- Designed 8-MW substation distributed generation projects at the Hastings and Lake Marion substations in cooperation with Dakota Electric Association.
- Designed a 14-MW multiple-engine distributed generation project for West Publishing connecting to Dakota Electric Association's 12.47 kV substation in Eagan, Minnesota.
- Designed a 10-MW multiple-engine distributed generation project connecting to Dakota Electric Association's distribution system at Treasure Island Resort & Casino in Welch, Minnesota. Project was designed in conjunction with Dakota Electric Association.
- Designed interconnecting facilities and protective relaying for the installation of multiple 2-MW power modules at multiple existing MidAmerican Energy substations in Iowa. Projects included 4.16 kV generation, step-up transformers, medium voltage interconnect, protective relaying, and SCADA interface.
- Designed a 2-MW dispersed/standby generation project in Fredericksburg, Virginia for Rappahannock Electric Cooperative and for Merillat Industries in Culpeper, Virginia. Projects connect to REC 34.5 kV distribution system. Provided electrical engineering review services for the adjacent Shenandoah Valley Electric Cooperative for multiple distributed generation projects.
- Provided design and construction phase services for NRG Energy Center in Minneapolis, Minnesota, for a 1,250-kW diesel engine generator set and continuous parallel switchgear, rehabilitation of an existing Caterpillar 900-kW diesel engine generator set's 480-volt, 3000-amp switchboards. Systems can operate in a continuous parallel mode on a utility spot network.
- Designed the 6-MW Hartford generation facility in Hartford, Connecticut, including pad-mounted, 26 kV switchgear and protective relaying for connecting the biogas generation facility to the Connecticut Light and Power system. Interconnect work included working with the city and the utility to develop an easement for an overhead 26 kV line to the generation facility.
- Designed the electrical systems for the 4-MW Cuyahoga generation facility in Solon, Ohio including the 35 kV pad-mounted switchgear. Services included designing protective relaying and communication with the First Energy system for connecting the Cuyahoga generation system to the First Energy grid.

- Provided electrical design of a 34.5 kV overhead transmission line and substation structure at New York State Dam in Cohoes, New York, for interconnecting the hydro facility with Niagara Mohawk Power Corporation.
- Designed the electrical portion of the 4-MW Nashville biogas generation facility including 23.9 kV pad-mounted switchgear and protective relaying to connect to the Nashville Electric Service system and to the TVA.
- Provided electrical engineering services to electric utilities including Waseca, MN; Winthrop, MN and Brownton, MN.
- Designed, and provided construction phase services on the 4.5 MW, two unit distributed and standby generation system for Carleton College in Northfield, MN. Provided coordination for connection of the 13.8 kV campus system with NSP.
- Designed and provided construction phase assistance for the three unit distributed generation facility for St Olaf College in Northfield, Minnesota. Provided protective relaying coordination with Xcel Energy.
- Designed the Albany and El Turi biogas distributed generation projects in New York including 34.5 kV and 13.2 kV interconnections to Niagara Mohawk Power Corporation and the local distribution system for El Turi.
- Provided electrical system analysis of the Pejepscot hydroelectric facility in New Brunswick, Maine, with a 13,000-kW vertical Kaplan turbine generator set, 12.47 kV to 34.5 kV step-up transformer, fire suppression systems, power distribution, and system coordination.
- Provided multiple projects at the Ford hydro facility in St. Paul, Minnesota, including a fault study and overcurrent coordination of main 15 kV switchgear. Services included the design of a higher capacity bus to permit continued use of existing switchgear.
- Provided design and construction phase services for the three-unit 4,800 kW landfill-gas distributed generation facilities at Burnsville Landfill in Burnsville, Minnesota, and Flying Cloud Landfill in Eden Prairie, Minnesota. The units deliver power to Xcel Energy's 13.8 kV grid.
- Providing design services including utility interconnect and substation design for the following biogas generation projects:
  - Nashua Landfill Gas in Nashua, New Hampshire (5.0 MW, Public Service of New Hampshire)
  - Northside Landfill Gas in Spokane Washington (1.0 MW, Washington Water Power)
  - Volusia Landfill Gas in Volusia County, Florida (3.8 MW, Florida Light & Power)
  - Tacoma Landfill Gas in Tacoma, Washington (2.0 MW, Tacoma Public Utilities)
  - Visalia Landfill Gas in Tulare County, California (2.0 MW, Southern California Edison)
  - Lowell Landfill Gas in Lowell, Massachusetts (1.8 MW, New England Power)
  - Taunton Landfill Gas in Taunton, Massachusetts (1.8 MW, Taunton Municipal Light & Power)
  - Prince William County Landfill Gas in Manassas, Virginia (3.0 MW, Northern Virginia Electric Coop)
  - Baler/Balefill Generation in North Arlington, New York (3.0 MW, Public Service Electric & Gas)

- Design of turbine-generator controls and fully-automatic minimum-flow bypass systems for the Rapidan hydroelectric project in Mankato, Minnesota. Project included two units, 7,000-kW capacity designed for full automatic peaking operation, hydraulic pumping units, 4.16 kV to 69 kV generator step-up transformer and 69 kV substation connecting with Xcel Energy and Interstate Power System.

- Provided electrical engineering design services for the St. Cloud hydroelectric project in St. Cloud, Minnesota, which includes two pit turbine units with a total capacity of 8,400-kW designed for run-of-the-river operation. Services included the design of a 4-16 kV to 34.5 kV generator step-up transformer, interconnect with Xcel Energy, hydraulic pumping units and peripheral systems, controls for the turbine-generators and the automatic tainter gates.

- Provided design and construction phase services for 13.8-kV reclosers for the Municipal substation in Waseca, Minnesota, and for a variety of distribution system upgrades including rehabilitation and capacity increase for three substation transformers. Provided system coordination services.

- Provided construction phase assistance and interconnect design for the 600 kW A-Mill Hydroelectric project in Minneapolis. Project operates in demand control mode for commercial / residential project.

- Provided electrical design of the 2,300-kW Middle Falls hydroelectric plant located at existing dam in Middle Falls, New York. Project included design of electrical interconnections for the turbine generator, in addition to design of substation and utility interconnect with Niagara Mohawk Power Corporation.

- Providing electrical design and interconnection for the 3,000 kW Sissonville hydroelectric project in Sissonville, New York with Niagara Mohawk Power Company. Design included control system for operation of turbines, generators and hydraulically operated leaf gate at dam crest.

- Provided design review of the fully-automatic multiple-unit Great Falls hydroelectric project in Patterson, New Jersey, including microprocessor-based control system, SCADA, alarm system, and utility interconnect through a high vandalism area. Generation included two 3-MW machines and 13.8 kV interconnect.

- Provided design and construction phase services for motor control, uninterruptible power systems, instrumentation and control, and related services for the 200,000 pound/hour Boiler #4 for NRG Energy in Minneapolis, Minnesota.

- Provided electrical design and construction phase services for 4 kV service entrances, motor control, plant control system, lighting, UPS, and interface for three 1200-ton electric-motor-driven chillers for NRG Energy in Pittsburgh, Pennsylvania.

- Provided electrical design for system upgrades for the NRG heating/cooling plant in Dover, Delaware. Provided construction phase services.

- Provided electrical design and construction phase services for 15 kV service entrance, 4 kV motor control, plant control system, lighting, UPS and interface for 2000 ton electric chillers and natural-gas-engine-powered chillers for NRG Energy in Minneapolis.

- Provided electrical design services for the 12.47kV service upgrade, 4 kV substation, 4 kV motor control and 480 volt motor control center upgrades for two electric motor driven chillers for NRG Energy in San Diego, California.

- Provided design and construction phase services for motor control, standby power, instrumentation and control, and UPS systems for a three-unit boiler plant service Riverside Medical Center and Augsburg College in Minneapolis, Minnesota for NRG Energy.
- Providing multiple engine-distributed generation projects for Great River Energy at Grand Marais, Minnesota and a second project for the City of Grand Marais, Minnesota and for Mankato State University.

Registration Professional Engineer: AZ, CA, CO, DE, CT, FL, HI, ID, IL, IN, IA, KS, KT, LA, MS, MI, MN, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, VT, VA, WA, WI, WY

Membership Institute of Electrical and Electronic Engineers

Instrument Society of America (Senior Member)

Consulting Engineers Council

Minnesota Municipal Utilities Association

EXHIBIT 2

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Calgary, Alberta • Salt Lake City, UT

March 1, 2018

Gray Plant Mooty
Attn: Mr. Loren Hansen
500 IDS Center
80 South Eighth Street
Minneapolis, MN 55402

Re: Minn-Kota Ag Products
Richland County, North Dakota

Dear Mr. Hansen,

This letter summarizes the review of data contained in the two proposals to provide 480/277 volt, three phase secondary service to the proposed Minn-Kota Ag Products facility on Highway 13 in Richland County, North Dakota. One of the proposals is by Dakota Valley Electric Cooperative (DVEC) of Edgeley, North Dakota and the second is by Ottertail Power Company (OTP) of Fergus Falls, Minnesota.

The documents that were reviewed include dockets 27, 28, 31, 38, 39, 42, 66, 67, 69, 70, 71, and 72 available on the North Dakota Public Service Commission's website. Due to the time available for the review the information in the dockets has been used in the review but has not been verified. The goal is to provide an independent review of the documents and offer an opinion of which utility will provide better service to Minn-Kota Ag Products.

Executive Summary

The Ottertail Power Company offering to provide electrical service to the proposed Minn-Kota Products facility in Richland County, North Dakota is recommended based on our review of the available technical documents.

Ottertail Power Company serves the Dakota Valley Electric Cooperative Mooreton substation and the circuit then continues on to the proposed Minn-Kota site. The OTP service to the Minn-Kota site is more robust than the service proposed in the DVEC offering. The OTP service should reduce the need for soft starters and the risk of service disruptions.

The OTP offering also reduces the risk to Minn-Kota from construction related events and faults

between the Mooreton substation and the proposed facility. This reduction in risk is due to a shorter tap from the OTP source and the reduced probability of service disruptions along the Mooreton feeder extension proposed by DVEC.

Introduction

The review includes transmission and distribution features that affect motor starting, electric service to the Minn-Kota site and on-site assets.

The review was limited to technical issues and does not address commercial terms, construction costs, electrical demand and consumption costs, rate of return and potential economic incentives.

Minn-Kota Ag Products is planning construction of a grain handling facility in Richland County, North Dakota with an equipment load totaling approximately 5,000 horsepower. This represents a total connected electrical load of approximately 3.7 MW identified in docket 66.

Docket 39 includes a motor list for the proposed facility. The list includes three 200 and five 150 horsepower motors powered by variable frequency drives, and four 125 horsepower motors operated by direct on-line starters. The motor list includes 37 motors larger than 30 horsepower but smaller than the four 125 horsepower motors previously listed. Two of the 37 motors are listed as being controlled by variable frequency drives.

Electrical System

The voltages and impedances of the two utilities to the Minn-Kota facility were considered.

The DVEC offering uses an existing 12.47 kV feeder using #4/0 cables originating at the Mooreton substation. This configuration adds the impedance of the Mooreton substation transformer and the 12.47 kV feeder using #4/0 conductors from the substation to the proposed Minn-Kota plant to the 41.6 kV circuit from the Wahpeton substation to the Mooreton substation.

The impedance of the OTP 41.6 kV circuit from its source at the Wahpeton substation to the Minn-Kota site does not increase significantly over the impedance of the circuit from the Wahpeton substation to the Mooreton substation. The advantage of the 41.6 kV circuit to the proposed site instead of the route via the Mooreton substation and 12.47 kV feeder offers benefits to Minn-Kota.

41.6 kV is generally considered a sub-transmission voltage and is generally a more robust circuit. Higher voltages allow for greater amounts of power to be conveyed from one location to another. The reduced current from the higher voltage reduces voltage drop from circuit loading and from motor starting depending on conductor size and other factors. Voltage drop resulting from "normal" circuit loading can be addressed with voltage regulators or transformer load tap changers but their effect on motor starting is not as beneficial to Minn-Kota.

The OTP service can avoid the need for soft starters and reduces the potential for voltage drop issues including those from other customers on the feeder. This may be partially offset if the Mooreton substation has regulators or load tap changers on the transformer and feeder regulation for non-motor starting conditions is a consideration. This cannot be addressed with the data

provided.

The system voltage and impedance affects the potential need for soft starters and the effect of motor starting by other customers on the Minn-Kota service and vice versa.

Ottertail Power Company's Post Hearing Argument (docket 66) states that "....Dakota Valley Electric Cooperative's Reply to Otter Tail Power Company's Post Hearing DVEC has a policy requiring installation of soft start devices for motors of 30 horsepower and higher. OTP engineer witness Ritchie Wolf testified that OTP had conducted a distribution study confirming that under OTP's service plan soft start devices were necessary for motors exceeding 100 horsepower."

Dakota Valley Electric Cooperative's Reply to Ottertail Power Company's Post Hearing Argument (docket 69) states "A majority of the larger motors on the list were soft start motors. This was not at the request of Dakota Valley." Later the argument states "Dakota Valley waives most soft starter motor requirements up to 75 and 100 horsepower if the member is willing to assume some risk for putting in non-soft starting motors. As such, this argument is not compelling, nor is it supported by any credible evidence."

Soft starters can be used to reduce the mechanical shock (stress) on equipment when started and are also used to reduce the voltage drop (dip) on the electrical system when motors are started. The voltage drop on the electrical system can adversely affect other equipment in the facility and can also adversely affect other customers that are served from the same utility transformer or from other utility transformers that are connected to the same distribution feeder. The effect on adjacent customers is a function of the characteristics of the primary circuit, the type of equipment used by adjacent customers and the tolerance of adjacent customers to momentary transient voltages (voltage drop).

The voltage drop is more severe when larger motors are started using direct on-line starting equipment. The voltage drop is mitigated when soft starters or variable frequency drives are used.

OTP appears to have modeled the installation using the proposed motor list and indicates that soft starters are not required until the motor exceeds 100 horsepower.

DVEC indicates that soft starters are waived for motors up to 75 and 100 horsepower if the member "...is willing to assume some risk" (docket 69). DVEC does not appear to have modeled the application based on comments regarding the use of soft starters when the motors are larger than 30 horsepower. If voltage drop is a problem mitigation can potentially involve up to 35 motors. A study by DVEC or additional modeling by OTP can more accurately predict the risk. The risk that might be encountered includes momentary disruption to Minn-Kota equipment. If unacceptable voltage drop is encountered replacement of direct on-line starters with soft starters might be required. If necessary it would be expected that soft starters would be installed on the larger motors first to evaluate the effect of the effort.

OTP appears to have a more "robust" system since they propose serving Minn-Kota from the 41.6 kV feeder. The OTP 41.6 kV feeder from the Wahpeton substation serves the CPEC/Dakota Valley Mooreton substation. It is not known if the 41.6 kV feeder is a looped

feeder that can be sourced from two locations or how it is configured. However, loss of the 41.6 kV circuitdd will result in an outage to Minn-Kota regardless of which utility serves the proposed facility based on the system map provided.

The CPEC/Dakota Valley Mooreton substation is another consideration although the potential risk cannot be assessed with the available information. The Mooreton substation may have one 41.6 kV : 12.47 kV transformer or may have multiple transformers. Two would be more common. The documents do not provide insight on the configuration of the substation. If the Mooreton substation has one transformer the reliability of service to the Minn-Kota plant is reduced because of the potential for an extended outage in the event of a substation transformer failure. If the Mooreton substation has two transformers the potential for an extended outage is reduced since a backup transformer would be on site and available.

Minn-Kota's operations might affect adjacent customers, or vice versa if served from the DVEC 12.47 kV feeder. DVEC indicates 52 adjacent customers (docket 71) are connected to its 12.47 kV feeder. The OTP partial system map indicates 2 customers (docket 27) that appear connected to the 41.6 kV circuit external to the substations. Additional OTP customers are clustered around the Barney and Mooreton substations and additional customers are connected to an overhead distribution circuit that appears tapped to the 41.6 kV circuit ahead of the Mooreton substation. These customers can affect the 41.6 kV circuit but the potential is not as significant in our opinion.

The potential for risk to adjacent customers from Minn-Kota operations cannot be determined from the available information. The risk is generally less for residential customers than industrial customers who frequently have more sophisticated equipment. Adjacent customers may include agricultural users with drying equipment that includes induction motors that generally are more immune to transient voltage conditions than electronic systems.

Site Access

The two proposals include different circuit configurations to the Minn-Kota facility. The DVEC offering includes a tap from an existing 12.47 kV underground feeder from the Mooreton substation that is extended to the proposed facility. The OTP offering includes a tap from the 41.6 kV circuit at the proposed facility with a transformer at the Minn-Kota site.

From the site drawing (docket 28) the OTP feeder appears to be on land controlled by Minn-Kota. The DVEC feeder is likely on DVEC easements but the potential for interruptions from "dig-ups" by parties crossing or in close proximity to the DVEC feeder is greater in our opinion. Interruptions at any of the other customers served by the DVEC feeder could adversely affect the Minn-Kota facility. As stated in docket 71 the DVEC feeder proposed for the service to the Minn-Kota facility serves 52 other customers.

The conclusion from the information is that the circuit from the OTP transformer to Minn-Kota is more secure and less susceptible to interruptions than the DVEC feeder.

Equipment at Minn-Kota.

OTP's Post Hearing Argument (docket 66) in item 3 indicates that "OTP and DVEC will make use of used step down transformers to serve Minn-Kota with DVEC's transformer having been put in service in 1977 and OTP planning to use a depreciated transformer first put in service in the 1990s."

Transformers can be the "original" transformer or can be used units that are flushed and cleaned and new oil installed. Transformers can also be flushed, cleaned, rewound and restored to like new condition. Other than age the condition of the transformers by the two utilities is not established in the dockets. The size of the transformer needs to be large enough to support the load and should be a size that is used in multiple locations on the utility system so spare transformers are quickly available in case of a failure. In the DVEC "Closing Argument and Brief in Opposition to Ottertail's Application for Certificate of Public Convenience and Necessity" (docket 67) in paragraph 20 DVEC offers two 1500 kVA transformers or one 2000 kVA transformer. The number and size of transformers required are a function of the actual load but two transformers may be offered because they may be more common on the DVEC system than the larger unit. Multiple transformers will affect the cost of the service to the facility but will offer slightly greater reliability. The term "slightly" is used because as noted throughout the dockets, pad-mounted transformers usually have a long life. If two transformers are installed and one fails the other can likely support the facility in a reduced capacity configuration. The 12.47 kV transformer may be more readily available but OTP likely has spare 41.6 kV primary transformers available.

The 480/277 volt circuits from the utility transformer(s) to Minn-Kota's facility are likely to be similar and about the same distance so the secondary circuits are considered essentially the same in the two offerings.

Conclusion.

In conclusion, the Ottertail Power Company proposal offers several benefits to the proposed Minn-Kota facility over the DVEC offering in my opinion. This assignment did not include any review of the costs or related financial topics and potential financial considerations are not part of this letter.

The OTP system operates at a higher voltage and will have a lower system impedance than the DVEC system. Soft starters for smaller motors that might be required if the DVEC system is selected might be avoided with the OTP service. Similarly, starting larger motors by adjacent customers might affect Minn-Kota if served from the DVEC system. It is possible that the CPEC/DVEC Mooreton substation includes regulators or a load tap changer on the transformer. This helps with regulation of the DVEC feeder but will not be as valuable with the effects from motor starting.

The DVEC proposal includes a longer underground feeder that increases the potential for disruption of the service to the proposed Minn-Kota facility in our opinion. The OTP feeder to Minn-Kota is shorter and the area appears to be controlled by Minn-Kota so activities by outside

parties will less likely affect Minn-Kota.

Although residential customers connected to the DVEC feeder are not expected to create voltage dips the OTP circuit is higher capacity and is considered less susceptible to voltage transients or outages from adjacent customer operations or faults (short circuits).

Please contact me if you have questions.

Sincerely,

Paul F. Kaeding, PE
Barr Engineering Company

North Dakota Public Service Commission Docket No: PU-17-96

Certificate of Electronic Service

State of Minnesota)
)ss
County of Hennepin)

I, Gregory R. Merz, do hereby certify that on March 5, 2018, I served the following document:

Minn-Kota Ag Products Inc.'s Petition Reconsider its Petitionto Intervene and Request to Present Oral and Written Comments

by sending a true and correct copy thereof via email to:

Public Service Commission at ndpsc@nd.gov
Darrell Nitschke at dnitschk@nd.gov
Patrick J. Ward Administrative Law Judge at pward@zkslaw.com
Kimberly Radermacher at kimrader@radermacherlaw.com
Cary Stephenson at cstephenson@otpco.com
Zachary Pelham at zep@pearce-durick.com
Zachary Smith at zsmith@ndarec.com

To the best of my knowledge, information and believe, such address is the actual email addresses of the parties intended to be served. That the above documents were duly e-mailed and served in accordance with the applicable provision of North Dakota law.

Dated: March 5, 2018

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GP:4838-8623-2926 v1

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Minn-Kota Ag Products, Inc. – Richland County
Public Convenience & Necessity

Case No. PU-17-96

ORDER ADMITTING GREGORY R. MERZ PRO HAC VICE

[¶1] Upon the motion of Minn-Kota Ag Products, Inc., pursuant to Rule 3 of the North Dakota Admission to Practice Rules for the pro hac vice admission of Gregory R. Merz as its attorney in this case, and the Court, having reviewed and considered the Motion and all affidavits attached thereto, the objections, if any, and upon the record without hearing and based upon all the files, pleadings and other documents of record in this matter,

[¶2] IT IS HEREBY ORDERED:

1. Gregory R. Merz, a Minnesota attorney, license number 0185942, in good standing of the Minnesota bar, and having paid his fee and submitted sufficient affidavits in compliance with Rule 3(A)(1)(b) of the North Dakota Admission to Practice Rules, is hereby admitted to the State of North Dakota pro hac vice as counsel for the Receiver in this case;

2. Gregory R. Merz is authorized to appear as counsel for Minn-Kota Ag Products, Inc. in this case;

3. Kermit Nash, a North Dakota attorney license number 06513, is designated the associate lawyer for the pro hac vice admission of Gregory R. Merz in this case pursuant to Rule 3(A)(1)(a) of the North Dakota Admission to Practice Rules.

4. Attorneys Merz and Nash must comply with Rule 3(A)(3) of the North Dakota Admission to Practice Rules.

Dated this 19th day of February, 2018.

State of North Dakota
OFFICE OF ADMINISTRATIVE HEARINGS

By: _____

Patrick J. Ward ID#03626
Administrative Law Judge
ZUGER KIRMIS & SMITH
PO Box 1695
Bismarck, ND 58502-1695
701-223-2711
pward@zkslaw.com

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company **Case No. PU-17-96**
Minn-Kota Ag Products Inc. – Richland County
Public Convenience & Necessity

AFFIDAVIT OF SERVICE

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

The undersigned, being duly sworn and of legal age, deposes and says that: I am a United States citizen, over 18 years of age, and on February 19, 2018, I served the following document(s):

ORDER ADMITTING GREGORY R. MERZ PRO HAC VICE

by electronic mail upon counsel at the below e-mail address(es):

Kermit.nash@gpmlaw.com
Kermit Nash
Attorney at Law
80 South Eighth Street
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Cary Stephenson
Otter Tail Power Co.
PO Box 496
Fergus Falls, MN 56538

jghamre@nd.gov
John Hamre
ND Public Service Commission
600 E. Blvd Ave, Dept 408
Bismarck, ND 58505-0408

Val Leapaldt

Subscribed and sworn to before me, today, February 19, 2018.

Betty H Mertz

NOTARY PUBLIC

P:\PWARD\OAH\Otter Tail Power Company 20170289\AOS - Order Denying Petition to Intervene of Minn-Kota.doc

BETTY H. MERTZ
Notary Public
State of North Dakota
My Commission Expires November 7, 2020

From: efilingmail@tylerhost.net
To: Jeffcoat-Sacco, Illona
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Filing Details	
Court	Burleigh County - South Central District
Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/22/2018 2:46 PM CST
Date/Time Accepted	6/22/2018 4:01 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 79 Objection to Petition to Reconsider
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 79 Objection to Petition to Reconsider.pdf
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Radermacher Law Firm, P.C.

P.O. Box 597 – 27 Center Ave., LaMoure, ND 58458 ● Telephone: (701) 883-5125 ● Fax: (701) 883-5928

Kimberly J. Radermacher
Attorney-at-Law
kimrader@radermacherlaw.com
*Licensed in ND/SD

March 12, 2018

North Dakota Public Service Commission
600 E. Boulevard Ave. Dept. 408
Bismarck, ND 58505-0480

RE: PU-17-96
CPCN – Otter Tail Power/Minn-Kota Ag. Products

Dear Commissioners,

Enclosed for docketing in the above captioned case, please find the following:

A. **Dakota Valley Electric Cooperative, Inc.'s Objection to Minn-Kota Ag Products, Inc.'s Petition to Reconsider Its Petition to Intervene and Request to Present Oral and Written Comments**
B. **Certificate of Service**

As always, please do not hesitate to contact my office should you have any questions or concerns.

Thank you.

Sincerely,
RADERMACHER LAW FIRM, P.C.

Kimberly J. Radermacher

Enclosures

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company **Case No. PU-17-96**
Minn-Kota Ag Products Inc. - Richland County
Public Convenience & Necessity

DAKOTA VALLEY ELECTRIC COOPERATIVE, INC.'S OBJECTION TO MINN-KOTA AG PRODUCTS, INC.'S PETITION TO RECONSIDER ITS PETITION TO INTERVENE AND REQUEST TO PRESENT ORAL AND WRITTEN COMMENTS

[1] Dakota Valley Electric Cooperative, Inc., by and through its counsel Kimberly J. Radermacher, submits the following objections to Minn-Kota Ag Products, Inc.'s Petition to Reconsider Its Petition to Intervene and Request to Present Oral and Written Comments.

[2] On March 5, 2018, Minn-Kota Ag Products, Inc., filed and served a Petition to Reconsider Its Petition to Intervene and Request to Present Oral and Written Comments. Said filing came approximately fifteen days after Administrative Law Judge Patrick Ward's decision denying Minn-Kota's original petition to intervene. In its petition to reconsider, Minn-Kota sets forth additional evidence and argument claiming that it should be entitled to intervene and believes that "good cause" has been shown to permit it to intervene. Dakota Valley once again adamantly disagrees with Minn-Kota's position and arguments.

[3] The rules regarding intervention bear repeating. Under N.D.C.C. Section 28-32-28, "an administrative agency may grant intervention in an adjudicative proceeding to promote the interest of justice if intervention *would not impair the orderly and prompt conduct of the proceeding* and if the petitioning intervenor demonstrates that the petitioner's legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of statute or rule. (emphasis added). The agency may impose conditions and limitations upon intervention. The agency shall

give reasonable notice of the intervention to all parties. An administrative agency may adopt rules relating to an intervention in an adjudicative proceeding." The Public Service Commission, by way of Chapter 69 of the North Dakota Administrative Code, has rules specific to intervention in its proceedings. Under Section 69-02-02-05, "any person with a substantial interest in a proceeding may petition to intervene in that proceeding *by complying with this section.* (emphasis added). An intervention may be granted if the petitioner has a statutory right to be a party to the proceeding; or the petitioner has a legal interest which may be substantially affected by the proceeding, *and the intervention would not unduly broaden the issues or delay the proceeding*. (emphasis added). The commission may impose conditions and limitations on an intervention to promote the interests of justice." Further under the rule is the requirement that "a petition to intervene in any proceeding *must be filed at least ten days prior to the hearing, but not after except for good cause shown*." (emphasis added).

[4] Minn-Kota includes in its petition a recitation of the ten factors the Commission must consider in granting a CPCN and proceeds to argue how it believes the Commission should rule on the ten factors. Yet, Minn-Kota is not a party to the action at this time and once again, its commentary and attempt to introduce new evidence is highly inappropriate, in contravention to the rules of evidence, and should be disregarded by the Commission. Furthermore, said commentary fails to shed any new light as to how "good cause" has been shown to allow Minn-Kota to untimely intervene. It appears that Minn-Kota has misinterpreted how "good cause" applies to intervention. Minn-Kota is not required to show that it has "good cause" to intervene, rather it has to show "good cause" as to why it did not intervene ten (10) days prior to the date of the hearing in this matter. It is clear from the record that "good cause" has not been shown and

quite frankly, it is because "good cause" does not exist for the late intervention. As stated previously, Minn-Kota made a customer appearance in this matter over a year ago. It was aware, almost a year ago, that Dakota Valley was protesting the CPCN. Yet at no time between March 31, 2017, (the time of Dakota Valley's protest) and February 1, 2018, which is a period of 307 days, did Minn-Kota seek to intervene. Rather, Minn-Kota waited 111 days past the time set by law to request intervention. If Minn-Kota has such a substantial interest in the outcome of the proceedings, one would surmise that it shouldn't have waited such an inordinate amount of time to protect those interests. Regardless, Minn-Kota cannot argue that it was not adequately represented in these proceedings or that it was completely without a voice in this matter. After all, Minn-Kota had several representatives present at the time of the hearing on October 23, 2017, and one of them, George Schuler IV, testified for over 53 minutes about Minn-Kota's concerns and wishes regarding who would serve the load at its Barney facility. And it appears that most of the arguments that Minn-Kota proposes to now make were already made by George Schuler IV at the October 23rd hearing.

[5] Minn-Kota claims in both of its recent petitions that it simply wants to provide commentary and argument and that neither the intervention nor the request to provide commentary/argument will unduly delay the proceedings. Yet, Minn-Kota attaches to its petition for reconsideration a letter and curriculum vitae for one Paul Kaeding, an Electrical Engineer. Mr. Kaeding claims he is providing an independent opinion relative to who would best be able to serve Minn-Kota's load, which conveniently is Otter Tail, and it appears Minn-Kota is relying on this individual to provide some sort of expert opinion relative to this matter. This in and of itself contradicts Minn-Kota's position that it merely wants to provide commentary and argument relative to this matter. Rather,

Minn-Kota is seeking to introduce new evidence and in doing so, has shown that it is seeking to provide much more than mere commentary. As such, it is apparent that Minn-Kota's late intervention would serve only to unduly broaden the issues, delay the proceedings, and impair the orderly and prompt conduct of the proceedings.

[6] Dakota Valley would also argue that not only is Minn-Kota's petition to intervene improper, so is its petition to reconsider. Petitions to reconsider in an administrative proceeding are governed by Chapter 69-02 of the North Dakota Administrative Code and Chapter 28-32 of the North Dakota Century Code. Under the Administrative Code provision, it is not entirely clear as to who can petition for reconsideration or what types of orders can be reconsidered. However, when it is read in conjunction with the Century Code, it would seem that Minn-Kota's petition to reconsider is procedurally improper. First, Minn-Kota does not appear to have standing to petition for reconsideration. Second, the order sought to be reconsidered is this matter cannot be defined as a final order of the Commission. Under N.D.C.C. Section 28-32-40,

> any *party* before an administrative agency who is aggrieved by the *final order* of the agency, including the administrative agency when the hearing officer is not the agency head or one or more members of the agency head, within fifteen days after notice has been given as required by section 28-32-39, may file a petition for reconsideration with the agency. Filing of the petition is not a prerequisite for seeking judicial review. If the agency's hearing officer issues the agency's final order, the petition for reconsideration must be addressed to the hearing officer, who may grant or deny the petition under subsection 4…The *party* must submit with the petition for reconsideration a statement of the specific grounds upon which relief is requested or a statement of any further showing to be made in the proceeding. The petition must also state whether a rehearing is requested. The petition and any statement shall be considered a part of the record in the proceeding. The administrative agency may deny the petition for reconsideration or may grant the petition on such terms as it may prescribe. If a rehearing is granted, the agency may allow a new hearing or limit the hearing as appropriate. The agency may dissolve or amend the final order and set the matter for further hearing. The petition is deemed to have been denied if the agency does not dispose of it within thirty days after the filing of the petition. Any rehearing must be presided over by

> the same person or persons presiding previously at the hearing, if available. Any amended findings, conclusions, and orders must be issued by the same person or persons who issued the previous recommended or final orders, if available. Within thirty days after the close of proceedings upon reconsideration, or as soon thereafter as possible, the agency shall issue and give notice of its order upon reconsideration as required in subsection 3 of section 28-32-39. 5. This section does not limit the right of any agency to reopen any proceeding or rehear any matter under any continuing jurisdiction which is granted to the agency by statute. (emphasis added).

[7] A "party" is defined under N.D.C.C. Section 28-32-01, as each person named or admitted as a party or properly seeking and entitled as of right to be admitted as a party. Minn-Kota has not been named or admitted as party at this time. Furthermore, Dakota Valley would argue that Minn-Kota has not properly sought nor is entitled as a right to be admitted as a party and therefore, Minn-Kota would not constitute a "party" under the rules. As such, Minn-Kota would not have standing to bring a petition for reconsideration, even if ALJ Ward's decision was determined to be a final order.

[8] It is evident that Minn-Kota has failed to timely intervene and show good cause as to why there should be an exception to the requirements imposed under North Dakota law. It is Dakota Valley's contention that the intervention by Minn-Kota at this stage of the proceedings is improper, would serve only to unduly broaden the issues, delay the proceedings, and impair the orderly and prompt conduct of the proceedings and should therefore not be permitted. Dakota Valley would also argue that Minn-Kota does not have standing to bring a petition for reconsideration and that because the order denying intervention is not a final order, reconsideration is not appropriate under the rules.

[9] Again, Dakota Valley would ask that the part of the Petition that attempts to provide unsolicited and improper testimony, evidence and/or argument by Minn-Kota be stricken and

wholly disregarded by the Commission. Minn-Kota has not been recognized an intervenor at this time and should have withheld its commentary and opinion from Paul Kaeding (which is full of errors and misinformation) until such time as the Commission would deem it appropriate. Because of this and the fact that Dakota Valley has not been afforded the opportunity to properly address or rebut the veracity of the statements and opinions made in either of Minn-Kota's petitions, such statements and opinions should be stricken and not taken into consideration in any way by the Commission.

CONCLUSION

[10] Based on the foregoing law and argument, and Dakota Valley's prior submissions on the issue of intervention, Dakota Valley respectfully asks that the Commission deny Minn-Kota Ag Products, Inc.'s Petition to Reconsider its Petition to Intervene and Request to Present Oral and Written Comments in its entirety and strike/disregard any commentary and purported evidence as contained in the Petition.

Dated this 11th day of March, 2018.

Kimberly J. Radermacher (#05856)
Attorney for ~~Dako~~ta Valley Electric Coop.
P.O. Box 597 – 27 Center Ave.
LaMoure, ND 58458
Telephone: (701) 883-5125
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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company **Case No. PU-17-96**
Minn-Kota Ag Products Inc. - Richland County
Public Convenience & Necessity

CERTIFICATE OF SERVICE (ELECTRONIC AND BY FIRST CLASS MAIL)

STATE OF NORTH DAKOTA)
)ss
COUNTY OF LAMOURE)

[1] I, Kimberly J. Radermacher, do hereby certify that on March 12, 2018, I served the following documents:

A. Dakota Valley Electric Cooperative, Inc.'s Objection to Minn-Kota Ag Products, Inc.'s Petition for Reconsideration of Its Petition to Intervene and Request to Present Oral and Written Comments with Cover Letter

[2] by sending a true and correct copy thereof via email to:

North Dakota Public Service Commission at ndpsc@nd.gov
Darrell Nitschke at dnitschk@nd.gov
Zachary E. Pelham at zep@pearce-durick.com
Cary Stephenson at cstephenson@otpco.com
Kermit Nash at kermit.nash@gpmlaw.com
Gregory R. Merz at Gregory.Merz@gpmlaw.com

[3] and by sending an original and seven copies via First Class Mail, United States Postal Service to:

North Dakota Public Service Commission
600 E. Boulevard Ave. Dept. 408
Bismarck, ND 58505-0480

[4] To the best of my knowledge, information and belief, such addresses are the actual email/postal addresses of the parties intended to be served. That the above document was duly e-mailed or mailed in accordance with the applicable provisions of North Dakota law.

Dated this 13th day of March, 2018.

Kimberly J. Radermacher (#05856)
Attorney-at-Law
P.O. Box 597 – 27 Center Ave.
LaMoure, ND 58458
Telephone: 701-883-5125
Attorney for Dakota Valley Electric Coop.
kimrader@radermacherlaw.com

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Date/Time Accepted	6/22/2018 4:01 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 80 Order Denying Reconsideration
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company **Case No. PU-17-96**
Minn-Kota Ag Products Inc. – Richland County
Public Convenience & Necessity

ORDER DENYING RECONSIDERATION

This administrative law judge issued an Order Denying Petition to Intervene of Minn-Kota Ag Products, Inc. on February 19, 2018 (Docket #80). Thereafter, Minn-Kota Ag Products, Inc. filed a Petition to Reconsider the Petition to Intervene and a Request to Present Oral and Written Comments (Docket #81). On March 12, 2018, Dakota Valley Electric Cooperative filed an objection to Minn-Kota Ag Products, Inc.'s Petition for Reconsideration of Petition Intervene and Request to Present Oral and Written Comments with cover letter.

I have reviewed the above documents and considered the Petition for Reconsideration. For all of the reasons outlined below and in the original Order Denying Petition to Intervene, this request for reconsideration is hereby in all things DENIED.

In addition, through the process of its Petition to Reconsider, Minn-Kota Ag Products, Inc., which is not a party to the action, makes a brash attempt to insert evidence, exhibits, and argument into the record without having been granted the right to intervene in the proceeding and after the hearing in this matter has been completed and the matter closed. I believe Minn-Kota Ag Products, Inc. has arrived much too late to the dance, and hereby Order that additional evidence or argument which Minn-Kota

Ag Products, Inc. has attempted to put forward it its Petition to Reconsider is procedurally improper and should be stricken from the record.

Minn-Kota Ag Products, Inc. failed to timely intervene and has not shown good cause as to why and, therefore, the Petition for Reconsideration is DENIED.

Furthermore, Dakota Valley did request in its response to the Petition that attempts by Minn-Kota Ag Products, Inc. to provide unsolicited improper testimony evidence or argument be stricken and wholly disregarded by the Commission. IT IS SO ORDERED. The content of paragraphs 3 through 32 and Exhibits 1 and 2 of Minn-Kota Ag Products, Inc.'s Petition to Reconsider its Petition to Intervene and Request to Present Oral and Written Comments are ordered stricken completely from inclusion in the record.

The record in this case is closed to additional evidence and argument, and the matter is ripe for consideration by the full Commission.

Dated this 13th day of March, 2018.

State of North Dakota
OFFICE OF ADMINISTRATIVE HEARINGS

By: _____
Patrick J. Ward ID#03626
Administrative Law Judge
ZUGER KIRMIS & SMITH
PO Box 1695
Bismarck, ND 58502-1695
701-223-2711
pward@zkslaw.com

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company **Case No. PU-17-96**
Minn-Kota Ag Products Inc. – Richland County
Public Convenience & Necessity

AFFIDAVIT OF SERVICE

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

The undersigned, being duly sworn and of legal age, deposes and says that: I am a United States citizen, over 18 years of age, and on March 13, 2018, I served the following document(s):

ORDER DENYING RECONSIDERATION

by electronic mail upon counsel at the below e-mail address(es):

Kermit.nash@gpmlaw.com
Kermit Nash
Attorney at Law
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Cary Stephenson
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PO Box 496
Fergus Falls, MN 56538

jghamre@nd.gov
John Hamre
ND Public Service Commission
600 E. Blvd Ave, Dept 408
Bismarck, ND 58505-0408

Val Leapaldt

Subscribed and sworn to before me, today, March 13, 2018.

NOTARY PUBLIC

BRITTANY BOOTS
Notary Public
State of North Dakota
My Commission Expires Sept. 19, 2020

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To: Jeffcoat-Sacco, Illona
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Date/Time Submitted	6/22/2018 2:46 PM CST
Date/Time Accepted	6/22/2018 4:01 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 81 Commission Motion to adopt Findings of Fact, Conclusions of Law and Order
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 81 Commission Motion to adopt Findings of Fact, Conclusions of Law and Order.pdf
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CR Exhibit 81 Commission Motion to adopt Findings of Fact, Conclusions of Law and Order

APPROVED
DATE: 3/29/18
AH

MOTION

March 29, 2018

Otter Tail Power Company
Minn-Kota Ag Products Inc. – Richland County
Public Convenience & Necessity

Case No. PU-17-96

I move the Commission adopt the Findings of Fact, Conclusions of Law and Order in Otter Tail Power Company, Minn-Kota Ag Products, Inc. – Richland County, Public Convenience & Necessity, Case No. PU-17-96.

84 **PU-17-96** Filed: 3/29/2018 Pages: 1
Commission Motion to adopt Findings of Fact, Conclusions of Law and Order

Public Service Commission

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Date/Time Accepted	6/22/2018 4:01 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 82 Findings of Fact, Conclusions of Law and Order
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Minn-Kota Ag Products, Inc. - Richland County
Public Convenience & Necessity

Case No. PU-17-96

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

March 29, 2018

Appearances

Commissioners Randy Christmann, Julie Fedorchak, Brian Kroshus.

Zachary Pelham, Special Assistant Attorney General, 314 E. Thayer Ave., P.O. Box 400 Bismarck, ND 58502-0400, appearing on behalf of the Public Service Commission Advisory Staff.

Kim Radermacher, Attorney at Law, 27 Center Ave., P.O. Box 597, LaMoure, ND 58458, appearing on behalf of Dakota Valley Electric Cooperative.

Cary Stephenson, Associate General Counsel, Otter Tail Power Company, 215 S. Cascade Street, Fergus Falls, Minnesota 56537, appearing on behalf of Otter Tail Power Company.

Patrick J. Ward, Office of Administrative Hearings, 2911 North 14th Street, Suite 303, Bismarck, ND 58503, appearing as Administrative Law Judge.

Preliminary Statement

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1. From whom does the customer prefer electric service?

2. What electric suppliers are operating in the general area?

3. What electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?

4. What customers are served by electric suppliers within at least a two-mile radius of the location to be served?

5. What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?

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11. The Commission finds the customer prefers electric service from Otter Tail.

What electric suppliers are operating in the general area?

12. Otter Tail and Dakota Valley are the only electric suppliers operating in the general area of the Minn-Kota site.

What electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?

13. Otter Tail owns and operates a 41.6 kV transmission line adjacent to the Minn-Kota site, running parallel to and on the northside of North Dakota Highway 13. Otter Tail's 41.6 kV transmission line is fed from Otter Tail's Wahpeton transmission substation. The transmission line was put into service as a 41.6 kV transmission facility in approximately 1970.

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16. Dakota Valley would extend three-phase service from its existing three-phase cabinet that is served from its Mooreton distribution substation located approximately three miles south and east of the cabinet. This extension would consist of approximately 3,960 feet of new underground three-phase 4/0 jacketed cable, an additional three-phase cabinet, and up to two new 1500 kVA transformers.

What customers are served by electric suppliers within at least a two-mile radius of the location to be served?

17. Otter Tail serves two customers within a two-mile radius of the Minn-Kota site. Dakota Valley serves approximately 18 customers within a two-mile radius of the Minn-Kota site.

What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?

18. Dakota Valley's Mooreton distribution substation is served by the same Otter Tail 41.6 kV transmission network as would serve Otter Tail's proposed distribution substation. Therefore, Otter Tail and Dakota Valley have similar transmission service risks and any meaningful differences in reliability between the electric suppliers are differences in each provider's proposed distribution service to Minn-Kota.

19. Otter Tail's plan to extend service to Minn-Kota results in shorter distribution line length and less distribution line exposure than Dakota Valley's plan. As measured from each provider's respective distribution substation and Minn-Kota's point of service, Otter Tail would serve Minn-Kota through approximately 1,000 feet of underground three phase distribution line. Dakota Valley would serve Minn-Kota through approximately four miles of underground three phase distribution line.

20. Engineering evidence presented at the hearing indicates that the risk of service voltage fluctuations, service interruptions, outages and the length of outages generally increases with the length of distribution line serving or connected to a customer. In this context, Otter Tail's plan to extend service has less risk of outages to Minn-Kota.

21. Dakota Valley's Mooreton distribution substation serves approximately 255 other Dakota Valley customers. The transformer feeder at the Mooreton substation from which Dakota Valley would serve Minn-Kota serves approximately 52 other Dakota Valley customers. Otter Tail's proposed distribution substation located on property, leased or purchased from Minn-Kota, would initially serve only Minn-Kota.

22. Engineering testimony presented at the hearing indicates that voltage fluctuations, interruptions and outages at service points fed from a transformer feeder can negatively affect electric service to other customers fed from that same feeder. In this context, Otter Tail's plan to extend service to Minn-Kota has less risk of voltage fluctuations, service interruptions, and outages than does Dakota Valley's plan.

23. The Customer Average Interruption Duration Index (CAIDI) measures the average length of time of service interruptions experienced by an electrical provider's customers. CAIDI is not weighted or measured by customer densities. Otter Tail presented evidence showing Dakota Valley's system five-year weather normalized CAIDI average is 114.18 minutes and Otter Tail's system five-year weather normalized CAIDI average is 64.6 minutes.

24. Otter Tail's proposal to serve Minn-Kota's large motor load on a dedicated circuit from a dedicated substation it will have to construct may offer a higher level of reliability. However, the Commission finds that both Otter Tail and Dakota Valley would provide reliable service to Minn-Kota.

Which of the available electric suppliers will be able to serve the location in question more economically and still earn adequate return on its investment?

25. Otter Tail's estimated aggregate cost to extend service to Minn-Kota is $235,870. The primary expense reflected in this figure is the distribution substation Otter Tail intends to install.

26. Dakota Valley's estimated aggregate cost to extend service to Minn-Kota is $93,640. The primary expense reflected in this figure is the cost of extending three phase underground distribution line to Minn-Kota's point of service.

27. Otter Tail intends to serve Minn-Kota under Otter Tail's General Service Rate for Secondary Service (rate code 401) and current rate riders, which are part of Otter Tail's Commission-approved tariff and available to all Otter Tail customers. Dakota Valley intends to serve Minn-Kota under its board-approved rate schedule for three-phase large commercial service and Dakota Valley's Commercial Incentive Rate Discount.

28. Otter Tail estimates the annual cost to Minn-Kota for service under Otter Tail's General Service rate and applicable riders is $251,136. This figure assumes that Minn-Kota has a peak demand of 1,504 kW, annual energy consumption of 2,591,444 kWh, and a load factor of 23 percent.

29. Otter Tail projects that Minn-Kota will save $108,743 annually with Otter Tail service vs. Dakota Valley service. This cost difference is based on a comparison between Otter Tail and Dakota Valley using Otter Tail's projected load factor, peak demand and energy consumption assumptions noted in the preceding paragraph. If Dakota Valley waives its power factor penalty the annual cost difference is projected to be $66,607 annually.

30. Dakota Valley provided Minn-Kota a proposal in March 2017, which estimated annual electric service charges of $316,160, less an annual discount which declines over nine years.

31. In arriving at estimated costs, Otter Tail and Dakota Valley used different assumptions about Minn-Kota's load factor and peak demand. Dakota Valley's estimated annual cost to the customer figure assumes a peak demand of 11,874 kW, annual energy of 2,846,400 kWh, and a load factor of 33 percent.

32. Dakota Valley has higher demand (KW) charges and lower energy (kWh) charges compared to Otter Tail. Therefore, higher peak demand would increase Dakota Valley's bills more than it would increase Otter Tail bills. Load factor is expressed as a ratio of actual kWh energy usage divided by maximum possible annual kWh energy usage. A higher load factor would increase bills for Otter Tail customers more than for Dakota Valley customers.

33. Otter Tail and Dakota Valley independently estimated Minn-Kota's load factor by reviewing the load factors of other facilities they respectively serve. Otter Tail also based its load factor estimate on discussions with Minn-Kota. Dakota Valley did not discuss load factor with Minn-Kota.

34. Otter Tail and Dakota Valley each estimated Minn-Kota's peak demand and energy usage based in part on a review of comparable facilities and Minn-Kota's operational characteristics. Otter Tail also discussed demand estimates with Minn-Kota to ensure that it accurately estimated demand based on the facility's performance characteristics. Dakota Valley did not discuss demand estimates with Minn-Kota.

35. Otter Tail estimates annual revenues from Minn-Kota of $251,136. After adjusting Otter Tail's estimated annual revenue by $28,116 for the annual return requirement of 8.62 percent on Otter Tail's incremental investment to serve the location; and down by $64,786 for the annual cost of fuel and purchased power to serve the location, there is net contribution to Otter Tail's system costs of $158,234.

36. Dakota Valley estimated annual revenues from Minn-Kota ranging from $275,524 to $306,035 over a nine-year discount period. Dakota Valley projected it would earn 3.19 percent on the capital deployed to extend service to Minn-Kota, and a net first-year contribution to common system costs of $16,728.

37. The Commission finds that either supplier could earn a sufficient return on its investment to extend service to the customer. Dakota Valley would extend service more economically while Otter Tail's ongoing costs of providing service would be more economical.

Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?

38. Both Otter Tail and Dakota Valley have been providing electric service to the general area near the Minn-Kota site for decades. Otter Tail serves the towns of Barney and Mooreton, which are approximately three miles away from the Minn-Kota site. Dakota Valley provides electric service to a majority of the rural customers in the area.

39. Otter Tail provides distribution service to the communities of Mooreton and Barney approximately 2.3 and 3.1 miles respectively from the Minn-Kota site, but has no distribution facilities within the general area of the site.

40. Dakota Valley, and Central Power Electric Cooperative, have made investments in the Mooreton substation and associated distribution facilities to serve the general area. Dakota Valley's cost to extend service to the site is less than Otter Tail's because of these previous investments.

41. An extension of three-phase service by Dakota Valley to the Minn-Kota site would bring Dakota Valley's service further west along the Highway 13 corridor, which would benefit Dakota Valley's system and future expansion in the area.

42. Dakota Valley's extension of service to Minn-Kota would best serve orderly and economic development of electric service in the general area.

Would approval of the applications result in wasteful duplication of investment or service?

43. Service by Otter Tail to the Minn-Kota facility would require construction of a new substation while the existing Mooreton substation is fully capable of serving the facility.

44. Dakota Valley, and Central Power Electric Cooperative, have made investments in the Mooreton substation and associated distribution facilities to serve the general area. Approval of Otter Tail's application to serve the Minn-Kota facility would result in wasteful duplication of service and investment.

Is it probable that the location in question will be included within the corporate limits of a municipality in the foreseeable future?

45. The Minn-Kota site is approximately 2.3 miles west of the City of Mooreton, and 3.1 miles east of the City of Barney.

46. It is not probable that the municipal boundaries of Mooreton or Barney will be extended to include the Minn-Kota site in the foreseeable future.

Will service by either of the electric suppliers in the area unreasonably interfere with the service or system of the other?

47. Service by Otter Tail to Minn-Kota will not interfere with Dakota Valley service or operations. Service by Dakota Valley to Minn-Kota will not interfere with Otter Tail service or operations.

Balance and Weight of Factors

48. The Commission finds that the public convenience and necessity does not require the granting of a Certificate of Public Convenience and Necessity to Otter Tail because:

a. While the customer prefers electric service from Otter Tail, customer preference is not controlling in the issue of public convenience and necessity.

b. Dakota Valley has more customers and electric supply lines within a one-mile and two-mile radius of the location.

c. The evidence indicates that either electric supplier would serve the Minn-Kota site with sufficient reliability.

d. Existing cooperative distribution facilities allow Dakota Valley to extend service to the Minn-Kota site more economically, though Otter Tail's ongoing costs of service would be less depending on load characteristics and potential future capital credit distributions.

e. Dakota Valley's extension of service would best serve the orderly and economic development of the area.

f. Approval of Otter Tail's application would result in wasteful duplication of investment or service

Conclusions of Law

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding.

2. Public convenience and necessity does not require the granting of a Certificate of Public Convenience and Necessity to the applicant in this proceeding.

From the foregoing Findings of Fact and Conclusions of Law, the Commission issues its:

Order

The Commission Orders Otter Tail Power Company's application for a Certificate of Public Convenience and Necessity to extend service to Minn-Kota Ag Products, Inc. is denied.

PUBLIC SERVICE COMMISSION

Brian Kroshus Commissioner	Randy Christmann Chairman	Julie Fedorchak Commissioner

From: efilingmail@tylerhost.net
To: Jeffcoat-Sacco, Illona
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3029972
Date: Friday, June 22, 2018 4:02:28 PM

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Filing Accepted

Envelope Number: 3029972
Case Number: 08-2018-CV-01142
Case Style: Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.

The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.

Filing Details	
Court	Burleigh County - South Central District
Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/22/2018 2:46 PM CST
Date/Time Accepted	6/22/2018 4:01 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 83 Service documents
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

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STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company **Case No. PU-17-96**
Minn-Kota Ag Products Inc. – Richland County
Public Convenience & Necessity

AFFIDAVIT OF SERVICE BY CERTIFIED & REGULAR MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **2nd day of April, 2018,** she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

- **Findings of Fact, Conclusions of Law and Order**

The envelope was addressed as follows:

Cary Stephenson
Associate General Counsel
Otter Tail Power Company
PO Box 496
Fergus Falls, MN 56538
Cert. No. 7017 2400 0001 0889 8539

Geralyn R. Schmaltz further deposes and says that on the **2nd day of April, 2018,** she deposited in the United States Mail, Bismarck, North Dakota, **four** envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

The envelopes were addressed as follows:

Kimberly Radermacher
Attorney for Dakota Valley Electric Coop.
Radermacher Law Firm, P. C.
27 Center Ave., PO Box 597
LaMoure, ND 58458-0597

Kermit Nash
Greg Merz
Attorney for Minn-Kota Ag Products, Inc.
Gray Plant Mooty
80 South Eighth Street
500 IDS Center
Minneapolis, MN 55402

Dale Rubish - Operations Manager
Otter Tail Power Company
2111 15th Street N
Wahpeton, ND 58075

ND Association of REC's
PO Box 727
Mandan, ND 58554-0727

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **2nd day of April, 2018.**

ESTHER JANGULA
Notary Public
State of North Dakota
My Commission Expires Dec. 21, 2018

Notary Public

SEAL

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Minn-Kota Ag Products, Inc. - Richland County
Public Convenience & Necessity

Case No. PU-17-96

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

March 29, 2018

Appearances

Commissioners Randy Christmann, Julie Fedorchak, Brian Kroshus.

Zachary Pelham, Special Assistant Attorney General, 314 E. Thayer Ave., P.O. Box 400 Bismarck, ND 58502-0400, appearing on behalf of the Public Service Commission Advisory Staff.

Kim Radermacher, Attorney at Law, 27 Center Ave., P.O. Box 597, LaMoure, ND 58458, appearing on behalf of Dakota Valley Electric Cooperative.

Cary Stephenson, Associate General Counsel, Otter Tail Power Company, 215 S. Cascade Street, Fergus Falls, Minnesota 56537, appearing on behalf of Otter Tail Power Company.

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19. Otter Tail's plan to extend service to Minn-Kota results in shorter distribution line length and less distribution line exposure than Dakota Valley's plan. As measured from each provider's respective distribution substation and Minn-Kota's point of service, Otter Tail would serve Minn-Kota through approximately 1,000 feet of underground three phase distribution line. Dakota Valley would serve Minn-Kota through approximately four miles of underground three phase distribution line.

20. Engineering evidence presented at the hearing indicates that the risk of service voltage fluctuations, service interruptions, outages and the length of outages generally increases with the length of distribution line serving or connected to a customer. In this context, Otter Tail's plan to extend service has less risk of outages to Minn-Kota.

21. Dakota Valley's Mooreton distribution substation serves approximately 255 other Dakota Valley customers. The transformer feeder at the Mooreton substation from which Dakota Valley would serve Minn-Kota serves approximately 52 other Dakota Valley customers. Otter Tail's proposed distribution substation located on property, leased or purchased from Minn-Kota, would initially serve only Minn-Kota.

22. Engineering testimony presented at the hearing indicates that voltage fluctuations, interruptions and outages at service points fed from a transformer feeder can negatively affect electric service to other customers fed from that same feeder. In this context, Otter Tail's plan to extend service to Minn-Kota has less risk of voltage fluctuations, service interruptions, and outages than does Dakota Valley's plan.

23. The Customer Average Interruption Duration Index (CAIDI) measures the average length of time of service interruptions experienced by an electrical provider's customers. CAIDI is not weighted or measured by customer densities. Otter Tail presented evidence showing Dakota Valley's system five-year weather normalized CAIDI average is 114.18 minutes and Otter Tail's system five-year weather normalized CAIDI average is 64.6 minutes.

24. Otter Tail's proposal to serve Minn-Kota's large motor load on a dedicated circuit from a dedicated substation it will have to construct may offer a higher level of reliability. However, the Commission finds that both Otter Tail and Dakota Valley would provide reliable service to Minn-Kota.

Which of the available electric suppliers will be able to serve the location in question more economically and still earn adequate return on its investment?

25. Otter Tail's estimated aggregate cost to extend service to Minn-Kota is $235,870. The primary expense reflected in this figure is the distribution substation Otter Tail intends to install.

26. Dakota Valley's estimated aggregate cost to extend service to Minn-Kota is $93,640. The primary expense reflected in this figure is the cost of extending three phase underground distribution line to Minn-Kota's point of service.

27. Otter Tail intends to serve Minn-Kota under Otter Tail's General Service Rate for Secondary Service (rate code 401) and current rate riders, which are part of Otter Tail's Commission-approved tariff and available to all Otter Tail customers. Dakota Valley intends to serve Minn-Kota under its board-approved rate schedule for three-phase large commercial service and Dakota Valley's Commercial Incentive Rate Discount.

28. Otter Tail estimates the annual cost to Minn-Kota for service under Otter Tail's General Service rate and applicable riders is $251,136. This figure assumes that Minn-Kota has a peak demand of 1,504 kW, annual energy consumption of 2,591,444 kWh, and a load factor of 23 percent.

29. Otter Tail projects that Minn-Kota will save $108,743 annually with Otter Tail service vs. Dakota Valley service. This cost difference is based on a comparison between Otter Tail and Dakota Valley using Otter Tail's projected load factor, peak demand and energy consumption assumptions noted in the preceding paragraph. If Dakota Valley waives its power factor penalty the annual cost difference is projected to be $66,607 annually.

30. Dakota Valley provided Minn-Kota a proposal in March 2017, which estimated annual electric service charges of $316,160, less an annual discount which declines over nine years.

31. In arriving at estimated costs, Otter Tail and Dakota Valley used different assumptions about Minn-Kota's load factor and peak demand. Dakota Valley's estimated annual cost to the customer figure assumes a peak demand of 11,874 kW, annual energy of 2,846,400 kWh, and a load factor of 33 percent.

32. Dakota Valley has higher demand (KW) charges and lower energy (kWh) charges compared to Otter Tail. Therefore, higher peak demand would increase Dakota Valley's bills more than it would increase Otter Tail bills. Load factor is expressed as a ratio of actual kWh energy usage divided by maximum possible annual kWh energy usage. A higher load factor would increase bills for Otter Tail customers more than for Dakota Valley customers.

33. Otter Tail and Dakota Valley independently estimated Minn-Kota's load factor by reviewing the load factors of other facilities they respectively serve. Otter Tail also based its load factor estimate on discussions with Minn-Kota. Dakota Valley did not discuss load factor with Minn-Kota.

34. Otter Tail and Dakota Valley each estimated Minn-Kota's peak demand and energy usage based in part on a review of comparable facilities and Minn-Kota's operational characteristics. Otter Tail also discussed demand estimates with Minn-Kota to ensure that it accurately estimated demand based on the facility's performance characteristics. Dakota Valley did not discuss demand estimates with Minn-Kota.

35. Otter Tail estimates annual revenues from Minn-Kota of $251,136. After adjusting Otter Tail's estimated annual revenue by $28,116 for the annual return requirement of 8.62 percent on Otter Tail's incremental investment to serve the location; and down by $64,786 for the annual cost of fuel and purchased power to serve the location, there is net contribution to Otter Tail's system costs of $158,234.

36. Dakota Valley estimated annual revenues from Minn-Kota ranging from $275,524 to $306,035 over a nine-year discount period. Dakota Valley projected it would earn 3.19 percent on the capital deployed to extend service to Minn-Kota, and a net first-year contribution to common system costs of $16,728.

37. The Commission finds that either supplier could earn a sufficient return on its investment to extend service to the customer. Dakota Valley would extend service more economically while Otter Tail's ongoing costs of providing service would be more economical.

Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?

38. Both Otter Tail and Dakota Valley have been providing electric service to the general area near the Minn-Kota site for decades. Otter Tail serves the towns of Barney and Mooreton, which are approximately three miles away from the Minn-Kota site. Dakota Valley provides electric service to a majority of the rural customers in the area.

39. Otter Tail provides distribution service to the communities of Mooreton and Barney approximately 2.3 and 3.1 miles respectively from the Minn-Kota site, but has no distribution facilities within the general area of the site.

40. Dakota Valley, and Central Power Electric Cooperative, have made investments in the Mooreton substation and associated distribution facilities to serve the general area. Dakota Valley's cost to extend service to the site is less than Otter Tail's because of these previous investments.

41. An extension of three-phase service by Dakota Valley to the Minn-Kota site would bring Dakota Valley's service further west along the Highway 13 corridor, which would benefit Dakota Valley's system and future expansion in the area.

42. Dakota Valley's extension of service to Minn-Kota would best serve orderly and economic development of electric service in the general area.

Would approval of the applications result in wasteful duplication of investment or service?

43. Service by Otter Tail to the Minn-Kota facility would require construction of a new substation while the existing Mooreton substation is fully capable of serving the facility.

44. Dakota Valley, and Central Power Electric Cooperative, have made investments in the Mooreton substation and associated distribution facilities to serve the general area. Approval of Otter Tail's application to serve the Minn-Kota facility would result in wasteful duplication of service and investment.

Is it probable that the location in question will be included within the corporate limits of a municipality in the foreseeable future?

45. The Minn-Kota site is approximately 2.3 miles west of the City of Mooreton, and 3.1 miles east of the City of Barney.

46. It is not probable that the municipal boundaries of Mooreton or Barney will be extended to include the Minn-Kota site in the foreseeable future.

Will service by either of the electric suppliers in the area unreasonably interfere with the service or system of the other?

47. Service by Otter Tail to Minn-Kota will not interfere with Dakota Valley service or operations. Service by Dakota Valley to Minn-Kota will not interfere with Otter Tail service or operations.

Balance and Weight of Factors

48. The Commission finds that the public convenience and necessity does not require the granting of a Certificate of Public Convenience and Necessity to Otter Tail because:

a. While the customer prefers electric service from Otter Tail, customer preference is not controlling in the issue of public convenience and necessity.

b. Dakota Valley has more customers and electric supply lines within a one-mile and two-mile radius of the location.

c. The evidence indicates that either electric supplier would serve the Minn-Kota site with sufficient reliability.

d. Existing cooperative distribution facilities allow Dakota Valley to extend service to the Minn-Kota site more economically, though Otter Tail's ongoing costs of service would be less depending on load characteristics and potential future capital credit distributions.

e. Dakota Valley's extension of service would best serve the orderly and economic development of the area.

f. Approval of Otter Tail's application would result in wasteful duplication of investment or service

Conclusions of Law

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding.

2. Public convenience and necessity does not require the granting of a Certificate of Public Convenience and Necessity to the applicant in this proceeding.

From the foregoing Findings of Fact and Conclusions of Law, the Commission issues its:

Order

The Commission Orders Otter Tail Power Company's application for a Certificate of Public Convenience and Necessity to extend service to Minn-Kota Ag Products, Inc. is denied.

PUBLIC SERVICE COMMISSION

Brian Kroshus
Commissioner

Randy Christmann
Chairman

Julie Fedorchak
Commissioner

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Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

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Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

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Lyle W. Kirmis
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Constance N. Hofland**
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Of Counsel:
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May 1, 2018

VIA EMAIL

Illona Jeffcoat-Sacco
John Hamre
North Dakota Public Service Commission
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

RE: Otter Tail Power Co.
PU-17-96
OAH File No. 20170289

Dear Ms. Jeffcoat-Sacco and Mr. Hamre:

We are now closing the Office of Administrative Hearings file with regard to the above noted matter.

Sincerely,

Patrick J. Ward

c: Louise Wetzel, OAH
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Filing Description	CR Exhibit 86 Transcript of the electronic record of 23 October 2017 formal hearing
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Filing Attorney	Illona Jeffcoat-Sacco

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company — Case No. PU-17-96
Minn-Kota Ag Products, Inc.
-- Richland County
Public Convenience & Necessity

TRANSCRIPT OF HEARING

DATE: October 23, 2017

PLACE: Public Service Commission
State Capitol
Bismarck, North Dakota

(APPEARANCES NOTED HEREIN)

A P P E A R A N C E S

Hearing Officer Patrick J. Ward, presiding

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C O N T E N T S

OPENING STATEMENT BY ALJ WARD 5
OPENING STATEMENT BY MR. STEPHENSON 8
OPENING STATEMENT BY MS. RADERMACHER 11
OPENING STATEMENT BY MR. PELHAM 13
OPENING STATEMENTS BY COMMISSION 13
CLOSING STATEMENTS BY COMMISSION 374

OTTER TAIL POWER COMPANY WITNESSES

RICHIE WOLF

Direct Examination by MR. STEPHENSON 19
Cross Examination by MS. RADERMACHER 47
Cross Examination by MR. PELHAM 62
Examination by MR. LEIN 68
Examination by COMMISSIONER KROSHUS 72
Examination by CHAIRMAN CHRISTMANN 79
Examination by COMMISSIONER FEDORCHAK 86
Redirect Examination by MR. STEPHENSON 96
Recross Examination by MS. RADERMACHER 99
Recross Examination by MR. PELHAM 102
Examination by COMMISSIONER KROSHUS 105
Examination by CHAIRMAN CHRISTMANN 108
Examination by COMMISSIONER FEDORCHAK 110

CHRIS WALTZ

Direct Examination by MR. STEPHENSON 111
Cross Examination by MS. RADERMACHER 136
Cross Examination by MR. PELHAM 140
Examination by COMMISSIONER KROSHUS 146
Examination by CHAIRMAN CHRISTMANN 154
Examination by COMMISSIONER FEDORCHAK 156
Redirect Examination by MR. STEPHENSON 163
Recross Examination by MS. RADERMACHER 164
Examination by MR. LEIN 165
Examination by COMMISSIONER KROSHUS 166

GEORGE SCHULER

Direct Examination by MR. STEPHENSON 173
Cross Examination by MS. RADERMACHER 190
Cross Examination by MR. PELHAM 195
Examination by COMMISSIONER KROSHUS 201
Examination by CHAIRMAN CHRISTMANN 204
Examination by COMMISSIONER FEDORCHAK 208
Recross Examination by MS. RADERMACHER 214

DAKOTA VALLEY ELECTRIC COOPERATIVE WITNESSES

SETH SYVERSON

Direct Examination by MS. RADERMACHER 216
Cross Examination by MR. STEPHENSON 282
Cross Examination by MR. PELHAM 294
Examination by MR. LEIN 300
Examination by COMMISSIONER KROSHUS 304
Examination by CHAIRMAN CHRISTMANN 311
Examination by COMMISSIONER FEDORCHAK 318
Redirect Examination by MS. RADERMACHER . . . 326
Recross Examination by MR. STEPHENSON 329
Recalled 360
Examination by ALJ Ward 360
Examination by COMMISSIONER KROSHUS 361
Examination by CHAIRMAN CHRISTMANN 362
Redirect Examination by MS. RADERMACHER . . . 365
Recross Examination by MR. STEPHENSON 365
Examination by MR. LEIN 366

BRUCE GARBER

Direct Examination by MS. RADERMACHER 333
Cross Examination by MR. STEPHENSON 341
Cross Examination by MR. PELHAM 343
Examination by COMMISSIONER KROSHUS 345
Examination by CHAIRMAN CHRISTMANN 350
Examination by COMMISSIONER FEDORCHAK 352
Redirect Examination by MS. RADERMACHER . . . 356
Recross Examination by MR. STEPHENSON 358

ADMINISTRATIVE LAW JUDGE WARD: Okay. Good morning, everyone. My name is Pat Ward. I'm an administrative law judge pursuant to temporary appointment designated by the Office of Administrative Hearings at the request of the Public Service Commission to serve as procedural hearing officer for this hearing.

This is the hearing on the application of Otter Tail Power for permission to extend electrical service to Minn-Kota Ag Products in Richland County, North Dakota. A protest was received from Dakota Valley Electric Cooperative which requested this hearing. This is North Dakota Public Service Commission Case No. PU-17-96.

The record will show it is a little past 8:30 a.m. Central Daylight Time, October 23rd, 2017, at the PSC hearing room, State Capitol, 12th Floor, Bismarck, North Dakota, pursuant to the notice of filing and notice of hearing issued by the Public Service Commission on July 26th.

On February 27th, Otter Tail filed its application. The application and request and DVEC protest filed March 31st are set forth in the notice of filing and notice of hearing. The proposed location is shown by the map which is part of the notice.

The notice of filing and notice of hearing for

this hearing specified ten issues to be considered and determined at this hearing:

One, from whom does the customer prefer electric service?

Two, what electric suppliers are operating in the general area?

Three, what electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?

Four, what customers are served by electric suppliers within at least a two-mile radius of the location to be served?

Five, what are the differences, if any, between the electrical suppliers available to serve the area with respect to reliability of service?

Six, which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?

Seven, which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?

Eight, would approval of the applications result in wasteful duplication of investment or service?

Nine, is it probable that the location in

question will be included within the corporate limits of a municipality within the foreseeable future?

And ten, will service by either of the electric suppliers in the area unreasonably interfere with the service or system of the other?

Counsel for Otter Tail, would you state your appearance for the record and the name of anyone sitting with you at counsel table?

MR. STEPHENSON: Good morning, Cary Stephenson for Otter Tail Power Company, and with me is Mr. Richie Wolf, who will be my first witness.

ALJ WARD: Thank you. And counsel for Dakota Valley.

MS. RADERMACHER: Kimberly Radermacher, Your Honor, and with me is Seth Syverson, engineer for Dakota Valley Electric, and the general manager, Bruce Garber.

ALJ WARD: Okay. Thank you.

Mr. Pelham.

MR. PELHAM: Good morning, Your Honor. Zachary Pelham on behalf of the Public Service Commission, Special Assistant Attorney General. To my left is Jerry Lein, public utilities analyst.

ALJ WARD: Thank you.

Counsel, and I guess I'm talking to Mr. Stephenson, do you plan -- do you have any opening

statement or opening remarks you'd like to make?

MR. STEPHENSON: Yes, I do, Your Honor.

ALJ WARD: Okay. Please go ahead.

OPENING STATEMENT BY OTTER TAIL POWER COMPANY

MR. STEPHENSON: Good morning, Commissioners. Minn-Kota Ag Products, Inc., a family-owned company, has requested that Otter Tail provide service to a commercial grain-handling facility that Minn-Kota is constructing near Barney, North Dakota. And this facility is scheduled to go into operation in 2018.

I do want to say initially that we are providing temporary power for construction, and that is something that the cooperative and Otter Tail have stipulated and agreed to, to ensure that construction can go forward. We have also agreed that that should have no bearing on today's decision.

Now, as you know, under the Territorial Integrity Act, investor-owned utilities like Otter Tail are generally limited to providing services within municipalities where they hold a franchise agreement, and then to serve customers outside of those areas, we require a CPCN from the Commission. And the Commission and courts have identified ten factors for analyzing these kind of requests, and they are in the notice of hearing, and our intent here today is to develop a

record that will allow the Commission to make a decision based on those factors.

Today we will present testimony from three witnesses. First, Mr. Richie Wolf is our principal area engineer based in Jamestown, and Mr. Wolf will testify to the area where service has been requested, Otter Tail's plan to extend service to Minn-Kota, the cost of that plan or the cost of extending service, and what we see as advantages in that plan.

Second, Mr. Christopher Waltz, our conservation sales manager, will provide testimony about OTP's rates compared to Dakota Valley's rates and what drives that difference, and he will also testify to whether OTP is earning a reasonable rate of return relative to its investment to extend service and net contributions to our overall system costs.

Third, Mr. George Schuler, the customer in this case, he's a part owner of Minn-Kota and the person who will be in charge of the grain-handling facility's operations, will also testify, and he will speak to Minn-Kota and its business operations and why Minn-Kota has requested that Otter Tail serve its new grain-handling facility.

Now, as you know, these disputes are rare, and usually it's because it's quite clear who should provide

service, and the Commission processes lots of CPCN requests during the course of a year. And in this case, though, there is a dispute. And it would be probably the more efficient thing for Otter Tail not to go forward with these kind of disputes unless there were just absolute clarity. But in looking at that, I think there are two problems with that, and the first, that it's not fair to the prospective customer.

The Territorial Integrity Act is set up where, under certain circumstances, with the Commission's approval, if those factors are satisfied that customers can have an option for service outside a municipality, and I think there are some economic development considerations underlying that, and second, it would not be fair to our other customers if we receive a request for service such as we have with Minn-Kota and we evaluate that on the ten factors and we also evaluate it and conclude that it will make a net contribution to our system costs benefiting our other ratepayers, I think you can argue that we have an obligation to take a very hard look at these and to go forward where we think we're correct.

And I think, today, we'll acknowledge that some factors will weigh in favor of the cooperative, but I think when you look on balance and look at all the

factors and give proper weight to those factors, that you'll conclude that Otter Tail should serve this load. Thank you.

ALJ WARD: Thank you, Mr. Stephenson.

Ms. Radermacher.

OPENING STATEMENT BY DAKOTA VALLEY ELECTRIC COOPERATIVE

MS. RADERMACHER: Yes. Thank you, Commission. This is my first time in front of the PSC. Not to impugn any of you, but hopefully, it's one of my last, so --

(Laughter)

MS. RADERMACHER: The PSC is, obviously, familiar with some of these requests, more notably the Menards case that was decided in 2013, and as I recall, Commissioner Christmann calling it a wet bundle and, hopefully, we don't have quite the wet bundle that you had in the Menards case. I agree with counsel that I think there are factors that definitely favor the co-op in this scenario more so than the Menards case. I don't think we have a lot of the nuisances that that Menards case has.

I'm not going to presuppose what the evidence may lay out today, however, I will state that Seth Syverson, he will be the primary witness for Dakota Valley, and as part of his testimony, he will talk about

our service area, what kind of facilities we currently have out there, how we intend to extend those services to provide service to the proposed Minn-Kota site.

He will also touch base on how many members that we actually have in that area, what we're currently serving versus what Otter Tail is currently serving. He'll also touch base just a little bit on the geography of where this proposed site intends to go in.

He will also talk about the membership that the Schuler family has in other areas that -- in our service area that may be driving some of the preference. And he'll touch base on our rates and how much, basically, like I said, the overall cost of what it's going to take to bring service to Minn-Kota.

Bruce Garber, our general manager, he will touch base on basically our rate of return, if there would be any sort of contribution requirement from the member, and also how we think that the potential for capital credits could also play into some of the return back to the customer.

Again, the ten factors are well known to this Commission and to counsel, and I think that, at the end of the day when arguments are ultimately made, that the Commission will see that these factors weigh in favor of the cooperative.

I did want to touch base as well on the temporary service that is supplied out there. Dakota Valley, at the time that they were approached by Otter Tail and Minn-Kota, had agreed to the temporary service because we didn't want to hold up the member in being able to start breaking ground and going, so we didn't want to have that happen.

Furthermore, our understanding was that the temporary service that was being provided out there in no way improved the facilities that were going to be provided by Otter Tail and that, in fact, my understanding is that the temporary service is in no way going to be the structure for the permanent service that's currently out there.

ALJ WARD: Thank you. Mr. Pelham, opening comments?

OPENING STATEMENT BY PUBLIC SERVICE COMMISSION

MR. PELHAM: Thank you, Your Honor. From the Commission's standpoint, we're looking forward to a good hearing and obtaining all the information we need so we can make an appropriate decision in this. Thank you.

ALJ WARD: Okay. Opening remarks from the commissioners. Chairman Christmann.

CHAIRMAN CHRISTMANN: I don't have a lot of opening remarks this morning. I guess the thing that I

was going to talk about a little bit are the factors that we use, but clearly, everyone is familiar with them and that's been gone over, so we don't need to plow that ground a second time.

And so just look forward to a good hearing and getting the information that we need to figure out which is the best -- not the best provider, but the best choice for who should provide service to this facility.

ALJ WARD: Commissioner Fedorchak.

COMMISSIONER FEDORCHAK: Good morning, everyone. Well, these aren't our favorite cases. We prefer that you all work this out on your own and come to some sort of amicable agreement outside of this process.

This is one of the most interesting processes that we have, in my opinion. It's hard because there is no middle ground to make everybody -- like there isn't a win-win here, there is a clear winner and there's a clear loser, and that makes it hard, but fortunately, the Supreme Court has laid out a lot of good factors for us to consider in this.

I think that in -- you know, looking back on the last case that we had, people came to me afterwards and said, "Does this mean that you're this type" or "Does this mean that you're that?" And I said no, this means that I looked at the ten factors and I felt like in this

case they weighed for MDU. Next case is a different story, there's new factors and everything is -- you know, you start fresh.

So I do encourage both parties to make sure that they cover all the ten factors and don't leave one out or a couple, just thoroughly cover every single one of them even if it isn't your strength, make sure we get everything that you've got on that factor so that we can adequately consider it and make the determination.

And ultimately, the process, I think, was set out to eliminate or minimize wasteful duplication and provide for orderly development and use of this infrastructure. So that's the big picture that we'll be looking at, that I'll be looking at, and hopefully we'll have a lot of good evidence with which to make a conclusion in the end. The last time at least it was fairly clear. Hopefully, we'll have some clarity in the end when all the factors are sorted out and it will really point to a fairly obvious decision. Maybe not, but we'll see. That's my hope. Thank you.

ALJ WARD: Mr. Kroshus.

COMMISSIONER KROSHUS: Well, good morning, everyone. Normally, I welcome people to Bismarck because Bismarck, North Dakota, is a wonderful place to visit, but not the reason, I'm quite sure, most of you

would want to be in the capitol city, but nonetheless, I do appreciate everyone being here.

And this -- as a new commissioner, and I'm still playing the new card, it's a little over seven months, but there are many firsts, this will be a first for me in terms of this type of case, and I would echo previous comments that, ideally, it might be the last one, but we'll see over the course of time.

But what I want really want to take a look at and listen to during the course of testimony is not just the short term but also the long term and seeing how that sets up for both entities and -- and there's no doubt about it, coming from a business world, this is a larger load customer and it's an attractive customer, and those types of customers lead to greater efficiencies down the road typically for whomever is able to capture that business. So it's an important customer, it's an important component in any business operation, so I think the best thing for me is, of course, just to listen to testimony. I've got a number of questions, I suspect many of those will be answered before it comes back to me, but for those that aren't, I'll ask and include it as a part of the process and make a determination at the end of the process.

ALJ WARD: Thank you. Is there anybody present

other than witnesses for Otter Tail or Dakota Valley Electric or the Commission who might testify in this matter?

Okay. Seeing none, I'll ask again later.

My plan is to go in the order we've already gone, to allow Otter Tail to present its witnesses first and then I'll allow Dakota Valley to cross, and then the Commission and then the commissioners. And likewise, after Otter Tail concludes its case, I'll ask Dakota Valley to present its case, we'll listen to their witnesses, we'll go around in the same order.

And then finally the Commission, if it chooses to call anyone or make any remarks at that time, present any exhibits, they'll have that opportunity. And then if there is anyone who appears from the public, from the community or whatever, that wants to make a comment on the record, we'll call for that at that time.

So I look forward also to a good hearing. And Mr. Stephenson, I'll ask you to go ahead and call your first witness.

And we're going to take the exhibits as the witnesses testify, correct, and lay foundation as we go today?

MR. STEPHENSON: That's correct, Your Honor.

ALJ WARD: Okay. Thank you.

MR. STEPHENSON: Otter Tail calls Mr. Richie Wolf.

ALJ WARD: Mr. Wolf, I'll ask you to raise your right hand.

But before I do that, I just want to advise you and everyone in the room to pay attention, because I'm required by law to advise you the penalty for perjury in the state.

Perjury is a false statement under oath of a material fact made by a person who knows or does not believe the statement to be true at the time it is made. Perjury is a Class C felony. A Class C felony is subject to a maximum penalty of five years in prison, a fine of $10,000, or in some cases, both may be imposed.

Having been advised of the penalty for perjury, please raise your right hand so I can administer an oath.

Do you promise to tell the truth, the whole truth, and nothing but the truth in this proceeding?

MR. WOLF: I do.

ALJ WARD: Thank you. Mr. Stephenson.

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RICHIE WOLF,

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

DIRECT EXAMINATION

BY MR. STEPHENSON:

Q. Please state your name for the record.

A. Richie Wolf.

Q. And what is your business --

ALJ WARD: Can you spell your last name, please?

Q. Oh, yes. Please spell your last name for the record.

A. W-O-L-F.

ALJ WARD: Thank you.

Q. And Mr. Wolf, what is your business address?

A. 315 Second Street Southeast, Jamestown, North Dakota.

Q. And who are you employed by?

A. Otter Tail Power.

Q. And what do you do for Otter Tail Power?

A. I am the area engineer serving the Jamestown and Wahpeton areas.

Q. And how long have you been in that position?

A. Seventeen years.

Q. And what are your responsibilities?

A. Designing distribution systems and providing

some maintenance and reconstruction of transmission facilities.

Q. And Mr. Wolf, over the course of your time in that position, how many distribution systems have you designed?

A. A lot. I write hundreds of work orders every year, so in the course of the 17 years, actually thousands.

Q. And Mr. Wolf, are you a licensed engineer?

A. No, I'm not.

Q. Is that required for your job?

A. No.

Q. And have you been involved in any national distribution design organizations?

A. Yes, I have. I'm currently a member of IEEE. And in my private life, I was a member of -- my prior life, I was a member of Doble Engineering Group, who was a maintenance group for substations.

Q. And did you have any responsibilities in that organization?

A. Yes. Through the course of that tenure, I was on the line to become chairman of the breaker committee.

Doble is a worldwide company that provides testing and their members and clients make up their committees. And I was on the line to become chairman of

that when I -- when I stepped into this role.

Q. Now, are you familiar with Otter Tail's application for a CPCN to provide service to Minn-Kota Products?

A. Yes, I am.

Q. Did you have a role in that application?

A. Yes, uh-huh.

Q. Now, you should have in front of you what's been marked as Otter Tail Exhibit 1.

A. Okay.

Q. Can you refer to that, please? And can you identify this exhibit?

A. Yes. That's the exhibit that's on the board right now, I believe. And this shows the area in Richland County where Minn-Kota Ag is proposing to construct a commercial grain-handling facility. The large circles there indicate two- and four-mile radiuses, which encompass the towns of Mooreton and Barney as well as rural customers.

Q. And was this exhibit prepared by you or at your direction?

A. Yes.

MR. STEPHENSON: Otter Tail would offer Exhibit 1.

ALJ WARD: Any objection to Exhibit 1, Counsel?

MS. RADERMACHER: No objection, Your Honor.

ALJ WARD: Mr. Pelham?

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 1 will be received.

BY MR. STEPHENSON:

Q. Mr. Wolf, could you point out the location of the Minn-Kota facility or the proposed -- the Minn-Kota facility that's under construction right now?

A. Yes. That would be the black rectangle in the middle of the four- and two-mile radius circle and indicated by "Barney - Minn-Kota Ag".

Q. And also identify the communities served by Otter Tail in this area?

A. Yes. Barney is off to the left and Mooreton is off to the right.

Q. And are transmission facilities notated on this exhibit?

A. Yes, they are. I might note that Highway 29, I-29, is off to the right side of the map in the light gray and Highway 13 is directly to the south of the Minn-Kota Ag facility.

The Minn-Kota Ag facility is marked out by the dark black rectangle. There is a transmission line that goes directly adjacent to that property along Highway 13. That line extends over to the right beyond

the map into our Wahpeton 230 substation.

Q. And is that an Otter Tail transmission facility?

A. It is.

Q. And what is the size of that transmission facility?

A. It is a 41.6kV line three phase with inner ties to other sources of power.

Q. And do you know or have an estimate when that line went into service as a 41.6k transmission facility?

A. I don't have an exact date, but it was probably 50 years ago or so.

Q. To your knowledge, has that transmission line been continuously maintained and updated?

A. Yes. It's part of our annual maintenance and repair. Whenever something goes wrong with it, we fix it.

Q. And how would you characterize the condition of that line today?

A. It's fully operational and there's nothing wrong with it.

Q. Where does that transmission line start and end, or what is it connected to?

A. Okay. Again, off to the right is the Wahpeton 230 sub where a breaker protects that line. It comes across there in the dotted line from the right and comes

through the town of Mooreton and past the Barney Minn-Kota Ag site, picks up the town of Barney itself, and continues on west with a normal open out in the Milnor area.

Q. And referring to the two-mile radius line, how many customers does Otter Tail serve within that radius?

A. Two miles, about two.

Q. And are there any customers that are rather close to that two-mile service line?

A. Yes. There's a couple of them that are right on the line there.

Q. And the city of Mooreton is about what from that two-mile radius line?

A. Just maybe less than a quarter mile, I guess.

Q. Now, Mr. Wolf, have you been asked to develop a plan to extend service to Minn-Kota?

A. Yes, I have.

Q. And what is the Minn-Kota facility?

A. It's a commercial grain operation.

Q. And what kind of service does Minn-Kota require?

A. They've asked for a service to serve some 5,000 horsepower for their grain-handling facility.

Q. And is there a particular kind of phase service necessary for that?

A. Yes. They've asked for 480 three phase.

Q. And is there a megawatt that you design for based on those parameters?

A. Yeah. Based on some historical numbers that we have from facilities like this, we're planning for somewheres in the neighborhood of two megawatts of load.

Q. Now, can you briefly summarize Otter Tail's plan to extend service to the facility?

A. Yes. Our plan is -- after looking at several options, the plan is to tap the 41.6 line where we would build a substation 41.6 to 12.5 and extend that 12.5 line to their point of service.

Q. I'll ask you to refer to Otter Tail Exhibit 2. Can you identify this exhibit?

A. Yes. This is -- this is the portion of the Minn-Kota Ag terminal that they provided to us with Otter Tail's facilities shown in red.

Q. And where would you tap the transmission facility?

A. The transmission facility would be right next to this property, actually probably right on the line. And we would tap that line right from the Barney substation shown off to the right. It's a square there. That's where we would tap the line. And then from that point, we would bring 12.5 power underground from that substation to their service point shown in a red

triangle, which would be the transformer that would serve the facility.

Q. And that would be the distribution transformer?

A. That is correct.

Q. Okay. Well, Otter Tail would -- let me rephrase it. Did you prepare this exhibit or was it prepared at your direction?

A. Yes, it was.

MR. STEPHENSON: Otter Tail would offer Exhibit 2.

MS. RADERMACHER: No objection, Your Honor.

ALJ WARD: Mr. Pelham?

MR. PELHAM: I don't have any objection.

ALJ WARD: Okay. Exhibit 2 will be admitted.

BY MR. STEPHENSON:

Q. Mr. Wolf, what is the distance from the transmission line to the substation that Otter Tail would construct?

A. Somewheres in the neighborhood of maybe 2 to 300 feet.

Q. And would that be an overhead tap?

A. That would be, yes.

Q. And can you describe what the substation would consist of?

A. Yes. The substation would consist of some

high-side protection probably in the form of fuses, and a transformer, 41.6 to 12.5, regulators to control the voltage, and a low side or a distribution protection breaker.

Q. And what would be the footprint of that substation?

A. Anticipating somewheres in the neighborhood of 40 by 60 feet, enclosed in a fence probably.

Q. And this would be located on the site of the Minn-Kota --

A. Yes, it would.

Q. And where would you get the transformer?

A. The transformer would come from the fleet of transformers that we have in our stock at central stores. It's a standard transformer. It would probably be a 2500 Kva transformer, 41.6 to 12.5 rated.

Q. And who would own the substation?

A. Otter Tail would own the substation.

Q. And as far as the on-site distribution, who would own the on-site distribution?

A. Otter Tail would own the distribution as well to the point of the meter.

Q. Now, are there any upgrades to Otter Tail's system beyond what you've described to serve the Minn-Kota load?

A. Yes. We have studied both the distribution and the transmission in this area, common for us to do that when large loads like this are anticipated, and through those studies, we have determined that we would need a capacitor bank during contingency switching that would have to be put on here of probably a 400 kVAR.

Q. And have you included that item in your cost estimates?

A. Yes, I have.

Q. Now, anywhere in this plan does Otter Tail need to cross other electric provider lines to serve Minn-Kota?

A. No, we would -- no.

Q. Mr. Wolf, have you then also estimated the cost to extend service?

A. Yes, I have.

Q. And is that part of what your work responsibilities require?

A. Yes. Do those every day.

Q. Okay. I'll show you what's been marked as Exhibit 3, or if you'd please refer to Exhibit 3.

A. Yes.

Q. And can you identify this exhibit?

A. Yes. This is the cost estimate that I put together for the substation that would serve Minn-Kota

Ag.

Q. And is this cost estimate in the format and methodology that you typically use to prepare cost estimates?

A. Yes, exactly.

Q. And you prepared it?

A. Yes, I did.

MR. STEPHENSON: Otter Tail would offer Exhibit 3.

ALJ WARD: Any objection to Exhibit 3?

MS. RADERMACHER: No objection, Your Honor.

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 3 will be received.

BY MR. STEPHENSON:

Q. Now, just to clarify, Mr. Wolf, what is this particular cost estimate limited to?

A. This includes the tap for the 41.6kV line and the actual substation itself including the aforementioned capacitor bank.

Q. Does it include the distribution?

A. No, just the in-substation distribution portion, the regulators and the recloser.

Q. Now, does this include all equipment and materials?

A. Yes.

Q. Okay. Is it fully loaded for labor and all ancillary costs?

A. Correct, yes.

Q. Is there any cost for land acquisition?

A. Not at this time. At the time we -- when this project came to us, this could have been an adder to that total cost and so it was not included with the price to the -- offered to the customer, this was going to increase their --

Q. Is there any cost for land --

A. No.

Q. -- acquisition, to your knowledge?

A. No, no.

Q. And the equipment, does this include the transformer that would be at the substation?

A. Yes, it would.

Q. And what is the value that you've assigned to that transformer?

A. There was a depreciated cost somewheres in the neighborhood of probably $14,000.

Q. Okay. And depreciated, so this would be a used transformer?

A. Yes. Yes, it's --

Q. Would that be reflecting the book value of that transformer?

A. That is correct.

Q. And the equipment meets all Otter Tail operational or quality standards?

A. Yes. Like I mentioned, it's part of our fleet of transformers. We utilize those whenever we need a transformer of that size and configuration.

Q. Mr. Wolf, can you please turn to Otter Tail Exhibit number 4?

A. Uh-huh.

Q. Let me back up just one second. For the record, Mr. Wolf, what is the total cost reflected in this exhibit?

A. It's about 185,000.

Q. Okay. Then please turn to Exhibit 4. And can you identify that exhibit, please?

A. Yes. This was the estimate done to extend approximately a thousand feet of underground primary from the substation to the transformer at the Minn-Kota site.

Q. And just to be clear then, this would be the items that are on the other side of the transformer that connect to the service point of the customer?

A. Basically, everything outside the substation, yes.

Q. And again, what are those items?

A. Consists of an underground line and a transformer at the site.

Q. But this estimate doesn't include the step-down transformer that you previously referred to?

A. No, no, no. This is not the substation transformer. This is the load-serving transformer at the site.

Q. And has this exhibit been prepared in the manner and methodology you use preparing exhibits?

A. Yes.

Q. And obviously, you've prepared it yourself?

A. Yes, I have.

MR. STEPHENSON: We'd offer Exhibit 4.

ALJ WARD: Any objection?

MS. RADERMACHER: No objection, Your Honor.

ALJ WARD: Mr. Pelham?

MR. PELHAM: No.

ALJ WARD: Okay. Exhibit 4 is received.

BY MR. STEPHENSON:

Q. So can you summarize, what's the nature of the work that would have to occur here on the distribution side?

A. Basically, we would employ an underground trencher or something to bury the line and our field personnel would then make connections to the

transformer, the transformer would be set in place based on some previously laid out locations provided by Minn-Kota Ag, and make all the terminations.

Q. And is this a fully-loaded estimate with all labor and ancillary costs included?

A. Yes, it is.

Q. And for the record, what is the total amount of this --

A. Just under 51,000.

Q. Okay. Now, do Exhibit 3 and Exhibit 4 taken together reflect the total cost to extend service to Minn-Kota?

A. Yes, it does.

Q. And what is that total cost?

A. It's about two hundred thirty, thirty-one thousand.

Q. Now, did you examine other distribution design alternatives?

A. Yes, I did.

Q. And why did you settle on this particular distribution design?

A. Pretty much came down to cost. This was going to be the least cost and actually provided a real reliable source of power.

Q. Let's turn to that now. Are you aware of Dakota

Valley's plan to extend service to Minn-Kota?

A. Yes, I am.

Q. And how are you aware of that?

A. This was information that was provided by them during a fact finding.

Q. Can you give just a general summary of what your understanding is of that plan?

A. Yeah. The way I understand it is they would tap an existing underground line and extend service some 4,000 feet to the plant, to the site.

Q. I'll turn to Exhibit 5, if you would please refer to that?

A. Okay.

Q. And can you identify this exhibit?

A. Yes. This is the exhibit that was provided by Dakota Valley during our fact-finding exercise. It shows the substation in the lower right quadrant and it shows some lines, distribution lines, coming from that substation. And the existing three-phase cabinet is shown in about the center of the page where they would, looks like, extend that service from there to the Minn-Kota site.

Q. I'm going to quickly refer back to our first exhibit, Mr. Wolf. Can you identify the substation Dakota Valley would serve from on this exhibit?

A. Yes. It's just outside the two-mile ring in the lower right quadrant.

Q. Is it marked with a red dot?

A. Marked with a red dot and it has a nomenclature there, I believe, that says "Dakota Valley Mooreton" substation.

Q. So based on Dakota Valley's exhibit here, what is the distance from their Mooreton substation to the Minn-Kota facility?

A. It's right around four miles.

Q. And you had previously referenced something about 4,000 feet. What was that?

A. That's the actual extension from their existing facilities to the Minn-Kota site.

Q. So that would need to be new facilities?

A. That would be the new facilities they would install, yes.

Q. Okay. And I think you indicated this was received in a discovery request from Minn-Kota --

A. That is correct.

Q. -- or Dakota Valley?

MR. STEPHENSON: We would offer Exhibit 5.

ALJ WARD: Any objection to Exhibit 5?

MS. RADERMACHER: No, Your Honor.

ALJ WARD: Mr. Pelham?

MR. PELHAM: I don't have any objection. The only thing I would ask is, if this is in color, that we get a color copy of it. If it's not in color, then it's not in color.

MS. RADERMACHER: Your Honor, Dakota Valley, this is also one of their exhibits. When it comes up on the screen, it will be in color.

ALJ WARD: Okay. Thank you.

MR. PELHAM: Thank you.

ALJ WARD: Okay. Exhibit 5 will be admitted.

BY MR. STEPHENSON:

Q. Now, with respect to Dakota Valley's Mooreton substation, do you know how many customers, about, are served out of that substation?

A. Yeah. It's a little less than 250, that being judged from the earlier fact-finding exercise as well.

Q. Okay. And those are cooperative members?

A. That is correct. That's my understanding, anyway.

Q. And with respect to the transformer that Dakota Valley would use to serve Minn-Kota located at that substation, do you know how many people are served off that transformer feeder?

A. The transformer, the substation transformer, has those 230. That particular feeder that feeds that part

of that circuit coming out of there would be, I understand, around 50.

Q. And how do you know that?

A. That was also included in the fact-finding exercise.

UNIDENTIFIED SPEAKER: Is that 15 or 50?

THE WITNESS: 50.

UNIDENTIFIED SPEAKER: Okay, thank you.

BY MR. STEPHENSON:

Q. Mr. Wolf, now, comparing OTP's distribution design and what you understand to be the Dakota Valley's distribution design, are there any advantages to Otter Tail's design in terms of reliability and risk reduction?

A. Well, just by the inherent design of the system here in this case, you got a substation serving a very short distance and a very short underground. And so just by the inherent design, you would expect that there would be less disturbances that would be injected onto the system from anywhere else on the system.

Q. You were referring to Otter Tail's design?

A. Yes.

Q. Okay. Will there be any other distribution customers taking power off that substation when it's initially installed?

A. Not at the present time, no.

Q. Okay. And how could having customers served off a transformer feeder affect reliability when you have an issue?

A. Well, as more and more customers get put on there and larger loads, oftentimes you can have problems with not -- sometimes faults, sometimes large loads coming online causing voltage dips, large current draws, and those resultants would be the voltage drops and dips that you would see occasionally.

Q. And would you expect that there would be some grain-drying operations occurring in this area?

A. It appears there would be. Just by looking at the area, there's a lot of farms around there with -- with grain facilities as well.

Q. Comparing Otter Tail's distribution design and Dakota Valley's design, does Otter Tail's design offer any advantages in terms of equipment selection for Minn-Kota?

A. Yeah. Due to the -- due to the close proximity of the substation and the large facility, motor starts get to be a problem on some of these large facilities and long distribution lines.

So in this case here, since -- since we're very close, Otter Tail is very close with a substation, the

small -- or the size motors that would require soft starts is much larger than it would be with a line that's much longer.

Q. What's a soft start?

A. A soft start is used to minimize the initial current draw when a motor is started, causing the dips and voltage drop that we talked about.

Q. And have you assessed what size motors the cooperative's distribution plan would require soft starts on as compared to Otter Tail's service plan?

A. Yes. The information that was provided by Dakota Valley, they need to -- they need soft starts on motors of over 30 horsepower. And Otter Tail has taken a look at that, done a motor start study, and they would require soft starts or VFDs on motors over a hundred horsepower.

Q. And is it correct that the operations -- or Minn-Kota's operations under the cooperative's plan being connected can actually affect other members without these soft starts?

A. Certainly. Large motors on anybody's system could affect neighboring customers. That's why you put the soft starts and so forth on there, so that you don't offer any disturbances to other customers.

Q. And now, Mr. Wolf, based on your experience,

does Otter Tail's service plan to Minn-Kota, in general, offer any advantages in terms of the ability to respond to service interruptions?

A. Yes. We've got -- we've got personnel located in Wahpeton who include line crews, substation technicians, service reps, along with all of the -- our central store is located right there. So any of these facilities that would either have to be replaced or changed out or repaired, those items are located, like, 12 miles down the road.

Q. Mr. Wolf, with respect to Dakota Valley's plan as you understand it, is any of their distribution underground?

A. Yes. It appears a large portion of it is underground.

Q. Is there any, in your experience, issue with the time underground faults can take to repair versus overhead?

A. Yes. Certainly underground faults take longer to repair. Overhead lines, we can -- we can send somebody out there and repair the problem and, I would say, have them back home by halftime.

Q. Always happens on Sunday --

A. Yeah.

Q. -- or Christmas.

Now, Mr. Wolf, as part of your job, do you have to pay attention to reliability when designing distribution systems?

A. Yes. We always strive to increase our reliability.

Q. And does Otter Tail track its system reliability?

A. Yes, it does.

Q. I'd ask you to refer to what's been marked as Exhibit number 7 -- or 6. I guess I can't count. Exhibit number 6.

A. Yes.

Q. Can you identify that?

A. Yes. This is the North Dakota annual report to the Public Service Commission.

Q. And annual report, so this is filed with the Commission?

A. Yes.

Q. Or it's an exhibit filed as an attachment to --

A. Yes.

Q. -- the overall annual report?

And to your knowledge, this is, in fact, the 2016 filing?

A. Yes, it appears so, yes.

MR. STEPHENSON: Otter Tail would offer

Exhibit 6.

ALJ WARD: Any objection?

MS. RADERMACHER: No objection, Your Honor.

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 6 is received.

BY MR. STEPHENSON:

Q. Mr. Wolf, referring to the, I guess, lower portion of Exhibit 6, can you tell us what is referred to by the term "CAIDI"?

A. Yes. CAIDI is usually referred to as the amount of time, the length of time, that a customer is out of service. This is an average across the company.

Q. And when you say "across the company," this is Otter Tail's system as a whole?

A. That is correct.

Q. Okay.

ALJ WARD: As a whole, including outside of North Dakota?

MR. STEPHENSON: Yes.

BY MR. STEPHENSON:

Q. Okay. Is it your understanding?

A. Yep, yep. These are system-wide numbers, yeah.

Q. Can you -- what does "SAIFI" refer to?

A. SAIFI is the number of times that a customer is without power or has had an interruption.

Q. And "SAIDI," what does that refer to?
A. SAIDI is just the outage time across the system.
Q. Okay.
A. It's a system number.
Q. Mr. Wolf, with respect to these numbers, is it golf or bowling? Do you want a high score or a low score?
A. Well, you definitely want a lower score because it reflects to the amount of times or the duration of outages.
UNIDENTIFIED SPEAKER: Sounds like my bowling.
(Laughter)
BY MR. STEPHENSON:
Q. Mr. Wolf, looking at the CAIDI figures through the years, what is the highest CAIDI number that Otter Tail has had during this time frame?
A. Looks like about 78.6.
Q. And what is the lowest or best number that it's had?
A. Looks like around 56.4.
Q. And the numbers then are within that range?
A. Yes. Excuse me, I got to have -- should have put my glasses on, but that's 56.9 is the low number. Sorry.
Q. Okay. And then I would ask you to refer to

Exhibit number 7. I don't know if there's a way to blow this up, but there are copies of that exhibit in paper form for the commissioners that have trouble seeing that.

Mr. Wolf, can you identify this?

A. Yes. This was a reliability data provided by Dakota Valley during the fact-finding exercise.

Q. And to your knowledge, this is in response to a question about outage restoration performance?

A. Yes.

Q. And in that response, they provided CAIDI and SAIDI numbers?

A. That is correct.

Q. And you have reviewed this?

A. Uh-huh, yes.

MR. STEPHENSON: Otter Tail would offer Exhibit 7.

ALJ WARD: Any objection?

MS. RADERMACHER: No objection, Your Honor.

ALJ WARD: Okay.

MR. PELHAM: I do have a question. Is this a copy of the -- of the interrogatory response, or is it prepared from the interrogatory response?

MR. STEPHENSON: I can answer that directly.

ALJ WARD: Okay.

MR. STEPHENSON: It's the response we received back which includes the question (indiscernible) format.

MR. PELHAM: Okay.

ALJ WARD: So in other words, this is the format in which it came from Otter Tail?

MR. STEPHENSON: Came from --

ALJ WARD: I mean from Dakota Valley?

MR. STEPHENSON: Correct.

ALJ WARD: Okay.

MR. PELHAM: I have no objection.

MS. RADERMACHER: Correct, Your Honor. And I will confirm that that is exactly, it's not been modified in any way.

ALJ WARD: Okay, very good. Then Exhibit 7 will be received.

BY MR. STEPHENSON:

Q. Now, Mr. Wolf, turning to Dakota Valley's information, let's look first at the CAIDI numbers. I see there are two columns for that?

A. Yes.

Q. And is one column a column that's normalized to remove extreme weather events?

A. Yes, yep. Column one is -- excludes the major storm events.

Q. Let's look at that column. What is the highest

number that you see for the ratings?

A. Looks like 122.1.

Q. If you refer to the 2016, what is that rating?

A. 124.

Q. And what is the lowest rating in this reporting period?

A. 96.5.

Q. With respect to the SAIDI, again, do we have two columns that reflect, one column with normalized numbers to remove extreme events?

A. Yes.

Q. And what is the 2016 rating for --

A. 2016 is 130.9.

Q. And the lowest figure that you see there?

A. Looks like 75.5.

Q. Okay. Referring back to Otter Tail's CAIDI's ratings, you indicated the highest rating within the reporting period was 78.6?

A. That is correct.

Q. What is the best CAIDI rating that Dakota Valley has?

A. 113 -- excuse me. 96.5.

Q. And again with respect to SAIDI, what is Otter Tail's, I guess, best SAIDI rating during the years reflected here?

A. 62.1.

Q. And with respect to the co-op and this reporting period, what is their best?

A. 75.5.

MR. STEPHENSON: This witness is available for cross-examination.

ALJ WARD: Okay. Ms. Radermacher, cross-examination.

MS. RADERMACHER: Thank you, Your Honor.

CROSS EXAMINATION

BY MS. RADERMACHER:

Q. Were you the one that had the initial discussions with Minn-Kota about serving this load?

A. No.

Q. And who in your company had those conversations?

A. Those discussions would have been -- originated from our customer service center in Wahpeton.

Q. Okay. And at what point did you get involved in the process?

A. Sometime after those discussions were held with our local customer service center employees, it's not uncommon then for me to receive a call saying we're going to have this kind of load, you know, what's it going to take to serve it.

Q. Okay. So at the time that you guys put in for

the public convenience and necessity permit, do you know -- did you know how Otter Tail was going to service that load?

A. We had a pretty good idea that this substation scenario was going to be our least cost option, yes.

Q. Okay. And when did you finalize how you were actually going to service that load?

A. I think the final updates that were made in -- just last week, I believe. That was when we found out that, on the transmission study, that transmission study was completed just a few weeks ago, and so I found out about it last week. And so I included those numbers with -- with this estimate.

Q. And when you say the transmission study, is that what caused that capacitor --

A. Yes.

Q. -- to be added?

A. Uh-huh.

Q. And that capacitor was added at an additional 5,000 or so dollars?

A. Correct.

Q. And what does that capacitor do?

A. It maintains voltage and provides R support. When a large motor load like this, it causes a power factor to -- to drop, and so this would then increase

that power factor and provide voltage support. Most of the time our transmission studies provide for voltage support.

Q. Okay. And did your transmission study show that there's going to be any voltage irregularities?

A. Not necessarily, no, not -- no. Not on the transmission study, no.

Q. Okay. And did you determine if there was going to be any voltage drop associated with this?

A. The transmission study takes that into account, yes.

Q. And did it show any voltage drop?

A. During contingencies, yes.

Q. And what do you mean by "contingencies"?

A. Serving it from other sources than its normal.

Q. Okay. And so when you say "other than its normal," where would those sources be or what would those sources be?

A. Well, there's various sources of power that can be supplied to this area. We've got -- we've got sources at Hankinson, Wahpeton, coming from the west through the Milnor line. There's also a tap coming from the northwest, coming from the Colfax area.

Q. And which direction do you plan on serving this load?

A. Normal switching here comes out of Wahpeton.

Q. So this would be the Wahpeton breaker 245?

A. That's correct.

Q. And is the Milnor 527 also involved?

A. That's the normal open, so if you wanted to swap loads or do some line work, that's the switch that you would operate.

Q. Okay. Do you know how many approximate miles of line would be on that section that you're going to be servicing the load on? Do you know how many miles of line are associated with that?

A. I'd be speculating, but it's probably 30 or 40, probably.

Q. Okay. And is that all overhead or is that underground?

A. Yeah, that transmission is all overhead.

Q. And the other -- so you have approximately 40 miles of overhead line that are going to be servicing this area or this site, or going to be utilized?

A. Yeah. Yeah, I would say that's probably correct. From a transmission standpoint, yes.

Q. Okay. And then you said out of the normal. So if you were going to have to service this out of the normal, is that line underground or is that line overhead?

A. No, that's overhead if you're talking transmission.

Q. And this is all that 41.6k line?

A. 41.6kV, yes.

Q. And you said that line went into service approximately 50 years ago?

A. Yeah, I'm speculating at the best there. I don't know when that went in for sure.

Q. And you indicated that there's annual maintenance. What does the annual maintenance usually comprise?

A. It's usually a visual inspection, and then from that visual inspection a laundry list of items gets generated that need repair. So if you find a broken insulator or a broken tie wire or a bad crossarm or a bad pole, you go out and fix it.

Q. Okay. And how often does that maintenance occur?

A. Minimally, once a year, but our guys out in the area usually keeping an eagle eye out there all the time; they're always watching the lines as they drive by or whatever, so --

Q. Okay. And when you say "guys in the area," it sounds like your closest service people are in Wahpeton?

A. That's correct.

Q. And how far is Wahpeton from this particular site?

A. 12 or 15 miles probably.

Q. Okay. And you indicated that you have line crews. How many linemen do you actually have stationed in your Wahpeton office?

A. There's -- there's two actual linemen, but there's three or four, what we call either line and service or service reps, and they are linemen qualified as well.

Q. Okay. And what are their duties?

A. The service reps are kind of the go-between between the customer and Otter Tail. They're the ones who take the initial requests for whatever, complaints. They read the meters often time. They take care of the day-to-day customers basically.

Q. Okay. So if you have a line that goes down or crossarm as you were talking or something along those lines, who actually fixes that?

A. It could be any one of those guys.

Q. So even your service reps who --

A. Uh-huh.

Q. -- visit with the customers, they do that as well?

A. Uh-huh.

Q. Now, you indicated that the transformer that you were going to be utilizing as part of this was from your fleet. Have you identified the exact transformer that's going to be used?

A. We've identified a transformer, yes.

Q. And you indicated that it's been depreciated?

A. Some, yes.

Q. Okay. And do you know what age this transformer would be?

A. I think it's a 1991, as I recall, but I -- I'm not exactly sure about that.

Q. Do you know how many years it was in service with Otter Tail?

A. No, I don't. I could -- those records are kept by the substation maintenance group. I don't have that.

Q. So you don't know what the maintenance has been on this transformer?

A. Yes, I do. From my previous life, I know that we test the transformers annually for oil, and usually that gives us -- the oil samples will give us an indication of any internal problems.

Q. And do you know when this transformer was taken out of service and put into inventory?

A. I do not.

Q. Now, it sounds like you guys are planning on

bringing the power directly to -- or bringing everything in. And so would that make this a secondary service or a primary service to --

A. They've asked for secondary service.

Q. And it's my understanding that secondary service is at a higher rate than primary service?

A. Yes, I would say that's correct. Really, I'm not the guy to ask about that. You got to talk to our rate guys.

Q. Now, on this 41.6kV line, how many consumers would you say are on that line?

A. Mooreton has about 150, Barney has about 50, and Wyndmere has about 300, so over 500, about. And that's on the transmission, of course, so --

ALJ WARD: Did you say 150, 150, and 300?

THE WITNESS: No. It's 150 in Mooreton, about 50 in Barney, and about 300 in Wyndmere.

Q. Now, is it my understanding that Otter Tail's power actually feeds the Dakota Valley Mooreton substation?

A. The transmission line that feeds that originates in the Hankinson 230 sub, and there's an open point right at Mooreton, so that -- that line switch can actually be utilized to serve both of those depending on the needs of the day. But normal switching, Mooreton,

Barney, and Wyndmere are fed from the Wahpeton source.

Q. Okay. And is Dakota Valley's Mooreton substation, though, is that fed by Otter Tail?

A. Yeah, that line is owned by Otter Tail that feeds that substation, that is correct.

Q. So other than if there were some substation issues, if there were some transmission issues, that could be Otter Tail's problem --

A. Yes.

Q. -- causing a hiccup on Dakota Valley's line?

A. Could be.

Q. Now, if we could go back to Exhibit 1. Now you indicated how many are -- how many Otter Tail consumers there are within that two-mile radius?

A. Two-mile radius, it looks like two.

Q. Okay. And now that blue dot that's in the two-mile radius, that's most visibly in the two-mile circle, that looks like it's along the railroad?

A. Yes, that's correct.

Q. And what kind of service is that?

A. That is a single phase service to that customer.

Q. And the one that's on the outer skirts of the circle off to the right, what kind of service is that?

A. That is -- that is also a single phase customer.

Q. Now, it's safe to say, is it not, that Dakota

Valley serves more people within that two-mile radius than Otter Tail does?

A. Yeah, I couldn't argue that at all.

Q. And it's my understanding that Otter Tail's line runs completely through that two-mile service --

A. Yes, it runs right directly through the middle of it.

Q. And you don't provide any three phase service within that circle, the two-mile circle?

A. No.

Q. Does Dakota Valley provide three phase service to consumers in that area?

A. I don't know for sure. I would suspect, but I don't know.

Q. And what highway is going through there next to the elevator?

A. Yeah, right next to that red line is Highway 13.

Q. Okay, thank you. Now, you indicated that it takes longer to service -- or it may take longer to service an underground fault. But is it true that overhead also has its own set of issues that can --

A. Certainly.

Q. -- affect reliability?

A. Yes.

Q. Okay. And storms, for example, could take out

overhead versus underground?

A. Correct.

Q. And from what I -- my understanding is the only underground that Otter Tail is going to have associated with these facilities is right on-site?

A. That is correct.

Q. And approximately how much of that is going to be underground?

A. About a thousand feet.

Q. And the remainder will be overhead. Is that correct?

A. There will be no overhead distribution facilities at all.

Q. But the line that's actually feeding, going to be -- that you're going to be utilizing or tapping onto, that 41.6kV, that's overhead?

A. Yeah. Just like all the rest of the lines in the area are all overhead in the transmission group.

Q. Now, you also testified that approximately 231,000 of these costs -- or this project is going to cost approximately 231,000 for Otter Tail. Do you know how much of that is going to be passed on to the consumer?

A. In the form of what? I'm not sure I follow your --

Q. Well, is any of this -- is any of the line extension or any of the substation, is that going to be passed on to Minn-Kota as part of providing service to this site?

A. No. Not to my understanding, no.

Q. Okay. And how does then Otter Tail intend to recoup the cost of what appears to be a pretty significant investment?

A. Well, I think there's other people that are going to testify to that. I wouldn't be the one to answer that.

Q. Now, on the reliability indices that you provided with respect to Otter Tail, now those are your overall statistics. Is that correct?

A. Yes.

Q. Did you provide Dakota Valley, as part of fact finding, specific outages that would relate to this particular 41.6kV line?

A. I believe there was some transmission data provided.

Q. Okay. And do you remember exactly how many years of data was actually provided to Dakota Valley?

A. I don't. Sorry.

Q. What's been marked as Dakota Valley 14, if you'd refer to that.

MS. RADERMACHER: Are you able to bring 14 up?

UNIDENTIFIED SPEAKER: I don't know if you'll be able to (indiscernible).

MS. RADERMACHER: I apologize. It may be easier for everybody just to reference what was provided to them than to try to get out of Otter Tail's --

BY MS. RADERMACHER:

Q. Now, what's been labeled as Dakota Valley Electric -- or DVEC 14, is that the specific outages related to that transmission line?

A. This is the transmission line from the Wahpeton 230 substation on breaker 245, which is the line that -- which serves that line to -- which would be the Dakota Valley -- excuse me, the -- I'm sorry, that's not right -- the Minn-Kota Ag project.

Q. Okay. And it appears that there's a number of outages that occurred between 2014 and 2016. Is that correct?

A. Yeah.

Q. Can you just briefly describe for me what it means by open and then close? Because I see two entries per outage related to that.

A. What this does not include (indiscernible) show outages, those open-close events may have been triggered by one of our dispatchers who opened a line, actually

closed a switch to keep the power on while they open and close this line. So this doesn't include outage necessarily, this is actual breaker open and closes.

Q. Okay. So there could be outages in addition to what we're seeing on this page?

A. No. There's outages that -- they may look as outages but they may not actually be outages, because the line was operated for maintenance purposes.

Q. But we wouldn't know that based on this spreadsheet, would we?

A. Not exactly, I wouldn't know that, no.

Q. Now, it appears that the data provided by Otter Tail dates back only to 2014. Do you know why that would be?

A. That's probably as far back as the search went or that's all the data they had. I don't know.

Q. Okay.

A. This was information that came from our system that monitors that.

Q. And did you change metering maybe in about 2014 or the data system that you used?

A. No, not for this -- not this data, no. There's -- we have -- our distribution monitoring system was obsolete in or around 2014 and that data is not provided in here.

Q. Okay. And so what would happen to the data, when you say it's obsolete?

A. The data disappeared when the -- when the -- when the system became obsolete.

Q. Okay. So other than the reliability of the CAIDI and the SAIDI that you have to provide to the PSC, we wouldn't know specifically on this line prior to 2014 what kind of outages were sustained to this line. Is that correct?

A. The sustained outages, I think, can be -- are shown there.

Q. Correct. But I mean prior to May of 2014, other than what we have for your reliability on the CAIDI and SAIDI, we wouldn't have specific information to determine the reliability of this particular line?

A. No, no.

Q. Is that correct?

A. That's -- yeah, I wouldn't have any information.

MS. RADERMACHER: I would move to enter Dakota Valley Electric Exhibit 14.

ALJ WARD: Any objections?

MR. STEPHENSON: No objection.

ALJ WARD: Okay. Exhibit 14 will be received.

MS. RADERMACHER: I have no further questions.

ALJ WARD: Mr. Pelham.

MR. PELHAM: Thank you, Your Honor.

CROSS EXAMINATION

BY MR. PELHAM:

Q. Good morning, Mr. Wolf. I wanted to start off where we left off here on Dakota Valley Exhibit 14.

You testified, Sir, that you're unsure whether or not the reasons for the close or open notation is because, perhaps, of an anticipated planned maintenance rather than an unanticipated outage.

Is there an ability to determine, to go back, for Otter Tail to go back and let us know which is open and which is closed and the reason for that?

A. There could be. We'd have to get into some pretty detailed -- it's old data there.

Q. Okay. So it's possible?

A. It's possible.

Q. Okay. The transformer, and you estimated, I believe, it was a 1991 transformer, any idea why it was taken out of service?

A. Usually, those -- they come out of service due to, you know, their -- their function is no longer useful in their existing place, it may be too small, it may have had something wrong with it, maybe there was a leak or something that needed to come through the repair shop to get it fixed, so you change it out with another

one, you put it back into your fleet.

Q. As far as the viability of this transformer, we don't have any issue with the viability of this transformer if it were to be used?

A. No. Although it has some age, we consider it just as -- just as good as a new one actually.

Q. You were asked -- we were talking about the SAIDI and the CAIDI data from Exhibit 6 and 7. Aside from the fact that the numbers are different, are you able to testify, Sir, as to the reason the numbers are different between Otter Tail's numbers on SAIDI and CAIDI and Dakota Valley's numbers?

A. Other than I would assume everybody just put their raw data down and so this is the numbers that are provided. It's not -- there's no -- there's no other manipulation that I know of going on.

Q. Sure. And I think my question is this: We don't know the precise reasons for those -- the duration of the line being down, do we? We just know that it was down, correct?

A. That is correct, yeah. We have some data showing how long it was out and that's on that Dakota Valley exhibit. Because of the breaker operation that you see there, you can tell when it was open, when it was closed, but what we don't know is if it wasn't

planned and intended.

Q. Right, right. And that seems to me to be a fairly important distinction, I mean because we don't know if it was open or closed, it could be just for maintenance, regular maintenance on it?

A. That is correct.

Q. Okay. You were talking a little bit about underground issues, potential underground line issues and faults. Are you aware, Sir, of any underground issues or faults in Dakota Valley's line?

A. No. I have no data on that at all.

Q. So when you were testifying about potential faults and issues with underground lines, you were just talking -- were you talking generally as to that?

A. In general -- in generalities, yes.

Q. You agree with me that there are potential issues with overhead and underground?

A. Certainly.

Q. And they're distinct?

A. Certainly. It is our experience, however, that overhead line issues become usually a lot quicker, shorter in duration for minor issues.

Q. This 41kV line we're talking about, you estimate it's been in service for about 50 years. Is there any way that you can provide a precise date it went into

service? Would you have to go and ask someone?

A. We'd have to research some records.

Q. One of the things -- and the reason why I'm asking about this is one of the factors is, is the amount of service time it's been in. So if we could get that information, I think it would be needed in this matter. And we can do that later, maybe on a break.

You were talking about the soft start and the motors over a hundred horsepower for Otter Tail, that it would be able to do that, and Dakota Valley indicated, apparently in discovery, that it would need soft start motors over 30 horsepowers.

In terms of your opinion as to the difference in terms of reliability, in terms of benefit potentially to the customers of Minn-Kota, what is the practical takeaway from that difference on that soft start issue?

A. It speaks to the source strength of the system. Basically, if you've got a stronger source, you can start a bigger motor.

Q. Are you saying, Sir, that the Dakota Valley plan is not as good as the Otter Tail plan as far as these soft start issues?

A. I would say that -- that Otter Tail's system can start a larger motor. And because of the fact that it's in a short distribution line, substation right there,

yeah, it's got some inherent advantages there, certainly.

Q. Have you talked to Minn-Kota about this particular issue with the soft start?

A. Yes, we have.

Q. And what was that conversation with them?

A. I personally didn't have it, but that information was provided to them.

Q. As far as the efficiency standpoint, are you able to testify as to that or is that another witness?

A. Efficiency?

Q. Efficiency in terms of the proposed plan of Otter Tail versus the proposed plan of Dakota Valley, in terms of dollars, I mean I'm talking.

A. Oh. Yeah, that's probably going to be another testimony.

Q. That's fair enough.

Exhibit 3, if you could turn to that, Otter Tail Exhibit 3. You went through it with your attorney fairly good, I think, but I'm just wondering, Sir, is there anything on Exhibit 3 that is not included as far as the cost, to your knowledge?

A. No. I went over it pretty finely with -- everything is on there that -- in general terms, this is all on there.

Q. What do you mean by "capitalized"? It's in parens, "capitalized"?

A. Those items that we can get a rate of return on.

Q. Fair enough.

Same question on Exhibit 4, any information that's not included as far as the cost summary on --

A. No. We would -- that would be the numbers right there.

Q. You testified, Sir, that there wouldn't be any land acquisition. So does Otter Tail own the land by the proposed substation or is there some type of agreement, potential agreement, with Minn-Kota?

A. No agreement is presently in place. There would be some type of agreement that would have to be entered into for that property, whether it be an easement or we'd actually purchase it.

Q. Okay. And that's my question, because if there's an easement, it would seem that there would be costs, or would it be simply an easement would be provided for no cost? Is that a possibility?

A. Could be a possibility, yes.

Q. Do you know who owns the land where the proposed Otter Tail, Barney, Minn-Kota substation would be placed?

A. I don't know specifically, but I would assume

it's the Minn-Kota Ag group.

Q. Okay. Will you turn to Exhibit 1 for me, please? Just a couple of questions on that.

The Mooreton sub and the Barney sub, are those -- those are subs operated, owned by Otter Tail, correct?

A. That is correct.

Q. And then the Dakota Valley Mooreton is operated by Dakota Valley, correct?

A. Either them or Central Power, I would assume. I don't know exactly who owns -- where the ownership lies there.

MR. PELHAM: Any objection if Mr. Lein asks questions?

ALJ WARD: Counsel?

MR. STEPHENSON: No objection.

MS. RADERMACHER: No objection, Your Honor.

ALJ WARD: Okay. Go ahead, Mr. Lein.

MR. LEIN: So looking at OTP 1, at those two subs, the Barney sub and the Mooreton sub, are those on the 41.6kV line?

THE WITNESS: Yes, they are.

MR. LEIN: So if you lose that 41.6kV line on either side of those subs, you can feed from the other sub?

THE WITNESS: Not through the distribution. Those customers would be out of power if the 41.6 line was out of power.

MR. LEIN: Okay. So --

THE WITNESS: However, there are switches on either side of those that you can sectionalize and restore power.

MR. LEIN: Where does that 41.6kV line originate?

THE WITNESS: At the Wahpeton substation.

MR. LEIN: Okay. And then it goes west from there?

THE WITNESS: That is correct. And throughout this network, there are other ties into that system then.

MR. LEIN: And that same 41.6kV line splits and goes south and serves --

THE WITNESS: There's an open point right at that Highway 13 junction.

MR. LEIN: Okay.

THE WITNESS: And so the Dakota Valley substation is served from our Hankinson source with a normal open right at that junction point.

MR. LEIN: Okay. Is that a 230 kV line coming out of Wahpeton, or what is that?

THE WITNESS: Those are all 41.6 lines shown in the red dots there.

MR. LEIN: Okay. You were discussing a capacitor bank was needed?

THE WITNESS: Yes.

MR. LEIN: Is that already in place or is that --

THE WITNESS: No. That was anticipation for this load.

MR. LEIN: So that would be an additional cost?

THE WITNESS: That's in the cost estimate for the substation. That's probably where we're going to end up putting it, is in the substation, just because we're trying to support the transmission line.

MR. LEIN: Was there a cost for that capacitor bank?

THE WITNESS: Yes. That's included in that cost, and it's about $5,000.

MR. LEIN: Okay. That transformer that you're going to install at the site there, there's two of them, is there a size on those?

THE WITNESS: Okay. The substation transformer goes from 41.6 to 12.5 will be a 2500 probably, 2500 Kva. The transformer that serves the facility will likely be a 2000 Kva based on the numbers that we have

today.

MR. LEIN: Okay.

THE WITNESS: There are provisions at the site for additional load-serving capabilities.

MR. LEIN: The service line coming out of that transformer, that sub there, would be underground?

THE WITNESS: Yes.

MR. LEIN: And it's a primary?

THE WITNESS: Yes, 12.5 kV.

MR. LEIN: Do you know what size motors Minn-Kota is looking at, their bigger ones?

THE WITNESS: Yeah, they had some larger motors. I don't recall exactly. Probably a couple hundred horsepower for sure.

MR. LEIN: Okay. There were some questions on CAIDI and SAIFI statistics, and SAIDI. Is Otter Tail's data storm normalized?

THE WITNESS: Yes.

MR. LEIN: And is there a minimum outage length that has to occur before it's recorded?

THE WITNESS: The momentary outages are recorded under a MAIFI. So yeah, it would be just the sustained outages over five minutes.

MR. LEIN: Would you know how the co-op does theirs?

THE WITNESS: No, I wouldn't know.

MR. LEIN: Okay. I think that's all the questions I had. Thank you.

ALJ WARD: Okay. I know that Commissioner Kroshus is chomping at the bit, but we're going to take about a ten-minute break here and we'll come back and finish up with Mr. Wolf. Very, very great job so far, though, the presentation is excellent by all.

(Recess)

ALJ WARD: Back on the record. Mr. Wolf, I'll remind you that you're under oath, and we'll commence with questions from Commissioner Kroshus.

COMMISSIONER KROSHUS: All right, Rich, good morning.

THE WITNESS: Morning.

COMMISSIONER KROSHUS: Just for some more background for me. Some of these questions have been asked either directly or in an indirect way, but is it typical to use an old transformer and put that back into service?

THE WITNESS: Not uncommon at all.

COMMISSIONER KROSHUS: Not uncommon?

THE WITNESS: It just becomes part of our fleet of usable equipment that's out there.

COMMISSIONER KROSHUS: So there's a definite

cost benefit to -- how long do they typically last?

THE WITNESS: Fifty years plus probably if it's maintained and no problems occur with it.

COMMISSIONER KROSHUS: Okay. So in terms of anticipating replacement on this particular transformer that's being put back into service, any estimation on time frame?

THE WITNESS: I'd say 30-plus years.

COMMISSIONER KROSHUS: Thirty-plus? Okay. And those costs have been partially depreciated?

THE WITNESS: That's correct. The numbers that were included in this estimate were the numbers that are -- that we have on the books for that device.

COMMISSIONER KROSHUS: Okay. So now correct me if I'm wrong, but the 200 -- well, you've got the 185,000 on the first page, and I believe it's Exhibit 3, and then on Exhibit 4, I believe it's another 50,900 and change, call it 51,000.

THE WITNESS: Correct.

COMMISSIONER KROSHUS: So for a total cost of 236. Is that correct? 185 and 51?

THE WITNESS: Yes, yes, you're right. I'm sorry. Yes.

COMMISSIONER KROSHUS: All right. Those costs will be passed along to Otter Tail's customer base,

correct, if Minn-Kota Ag is not paying?

THE WITNESS: Yeah.

ALJ WARD: If you know. I mean, it may be another witness might be better qualified?

THE WITNESS: Yeah, I think it might be better answered in some future testimony.

COMMISSIONER KROSHUS: Okay. But I believe you mentioned that Minn-Kota Ag will not be paying for the 236,000?

THE WITNESS: That's not my decision, but my understanding is that, no, they probably wouldn't, I guess.

COMMISSIONER KROSHUS: Okay. So all --

THE WITNESS: Based on -- I'm sorry. Based on anticipated revenues from that.

COMMISSIONER KROSHUS: Okay. And the land acquisition cost, the potential land acquisition cost that was asked, that would be for another witness?

THE WITNESS: No, that's -- that's -- that's minimal. Those land acquisition costs will be minimal. There wouldn't be any charge for the land because it's on their property.

COMMISSIONER KROSHUS: Okay. Would you say that this development is consistent with other projects that you've done?

THE WITNESS: Yes.

COMMISSIONER KROSHUS: Nothing highly unusual about it?

THE WITNESS: No. Did one a year or so ago that's just like it.

COMMISSIONER KROSHUS: Okay. Can you clarify on Exhibit 5, is this a map that Otter Tail received from Dakota Valley Electric, or is this a map that you constructed based on conversations?

THE WITNESS: I did not construct this map. This is information that was provided by Dakota Valley.

COMMISSIONER KROSHUS: Okay. I believe that was mentioned. I just wanted to clarify. Thank you.

THE WITNESS: Uh-huh.

COMMISSIONER KROSHUS: On the SAIDI and CAIDI numbers from Exhibit 6, and also they're listed again on Exhibit 7, would you consider these numbers apples to apples when Otter Tail is more orientated toward municipalities versus serving a rural area?

THE WITNESS: That speaks to the inherent design of the system, but yeah, it's basically comparing the outages to a particular or a group -- actually, on the average, customers across the system.

COMMISSIONER KROSHUS: Would you expect the numbers to change, though, based on the distribution

network, one being more concentrated, one being less concentrated?

THE WITNESS: I couldn't -- I don't know. I don't know. I --

COMMISSIONER KROSHUS: Let me ask this. Would you say the methodology behind those numbers, could you say with certainty that the methodology is consistent between how Otter Tail measures and how Dakota Valley Electric would measure?

THE WITNESS: Yes.

COMMISSIONER KROSHUS: So same measurement, same process --

THE WITNESS: Yes.

COMMISSIONER KROSHUS: -- in place to generate --

THE WITNESS: I would assume so, yes. That's the definition of the -- of the -- of the index.

COMMISSIONER KROSHUS: Uh-huh. Unfortunately for me, I've picked up a few new acronyms, in an industry rich with acronyms.

You know what? Go back to Exhibit 1 if you will, please. And I just want to get a little better handle on -- so their distribution lines, the first inner circle is the two-mile radius. That's correct?

THE WITNESS: Yeah, the blue circle is -- the

large blue circle is the two-mile.

COMMISSIONER KROSHUS: And with the exception of two customers, everyone else is served by Dakota Valley Electric?

THE WITNESS: Yes. The red circles, the small red circles inside that two-mile radius are the Dakota Valley customers.

COMMISSIONER KROSHUS: Okay. So the line going across, that's the 41.6kV line that goes across the middle of that two-mile radius?

THE WITNESS: That is correct.

COMMISSIONER KROSHUS: Is that a shared line between the co-op and Otter Tail?

THE WITNESS: I do believe it's part of the ITA, yes, the Integrated Transmission Agreement.

COMMISSIONER KROSHUS: Okay. And that's coming out of the Dakota Valley Mooreton substation or is that --

THE WITNESS: No. That's Otter Tail substation, but that line originates at Wahpeton and that whole network is part of an ITA agreement. It's owned by Otter Tail.

COMMISSIONER KROSHUS: Okay. So that's coming in from the east, moving from east to west?

THE WITNESS: Yes. In this case it would be,

yes.

COMMISSIONER KROSHUS: Okay. Then can you clarify? I think earlier you had talked about the connection to Minn-Kota Ag?

THE WITNESS: Yes.

COMMISSIONER KROSHUS: I had heard overhead and then I thought I also heard underground?

THE WITNESS: Yes. The overhead portion is the transmission. And so we would tap that overhead transmission line, bring it into the substation where we change the voltage to 12.5, and from that 12.5 substation then to the site would be underground.

COMMISSIONER KROSHUS: Okay. That's just the last 2 to 300 feet would be underground?

THE WITNESS: About a thousand feet.

COMMISSIONER KROSHUS: About a thousand feet?

THE WITNESS: Uh-huh.

COMMISSIONER KROSHUS: The 41.6kV line, it's about 50 years old. Is that correct?

THE WITNESS: Yes. I was -- during the break here, we were able to determine that it's a 1971 vintage line, so it -- yes, that's the age of the line. There was probably a line there before that time but, you know, what voltage it was at and all that is not known at this time.

COMMISSIONER KROSHUS: Okay. And one last question, and maybe it's not a question, just to verify. Anything related to rate structure, the proposal that's been put forth to Minn-Kota Ag would be for another witness. Is that --

THE WITNESS: Yes, yes. I don't do anything with the rates.

COMMISSIONER KROSHUS: Okay. No other questions for me at this time. Thank you.

ALJ WARD: Chairman Christmann.

CHAIRMAN CHRISTMANN: I want to ask some of these questions on these lines in my own way, too, to make sure I understand.

So the 41.6kV that comes out of Wahpeton, serves Mooreton, continues west. Is it on the north side then of Highway 13 going over to Barney or the south side?

THE WITNESS: It's on the north side.

CHAIRMAN CHRISTMANN: North side. Then Barney gets service there?

THE WITNESS: Yes, uh-huh.

CHAIRMAN CHRISTMANN: And does it continue on further west to more than just a small -- something small?

THE WITNESS: Yeah.

CHAIRMAN CHRISTMANN: What's next?

THE WITNESS: So just past Barney, about half ways from Barney to Mooreton, there's a tap to another 41.6 line where power can be injected into this area. Beyond that is the community of Wyndmere, which has about 300 customers. That then continues on to Milnor where there's an open point, the normal open point.

At any time we can feed power back and forth across these lines just by closing switches and rerouting.

CHAIRMAN CHRISTMANN: And that was my point. If something goes down, say, near Wahpeton or by the interstate, you could reverse this, bring power from the west to serve Barney and Mooreton?

THE WITNESS: That's correct.

CHAIRMAN CHRISTMANN: And from this intersection by Highway 13 where the line goes south to Dakota Valley's substation, that is normally fed from Hankinson?

THE WITNESS: That is correct.

CHAIRMAN CHRISTMANN: But if something went wrong down by Hankinson, you could open a switch there by Highway 13 and feed that substation from Wahpeton?

THE WITNESS: We could actually -- yes, we would -- depending on where the problem was, you sectionalize that problem and you re-energize from another location,

which could be either Wahpeton or some other place.

CHAIRMAN CHRISTMANN: Okay. The Exhibit number 5, as I look at that, just confirm that I'm understanding this correctly. So from that substation, Dakota Valley has three phase power, goes a mile west, a mile north, picks up what appears to be a couple farms there, and then continues to the north, then to the west again?

THE WITNESS: Yeah, I think the distances are a little bit more than a mile, but yes.

CHAIRMAN CHRISTMANN: Okay. And from those two farms along Highway 13 is where that 4,000 foot drop --

THE WITNESS: Yes.

CHAIRMAN CHRISTMANN: -- would be that they would need to add?

THE WITNESS: That's correct.

CHAIRMAN CHRISTMANN: And when we talked about reliability with overhead versus underground lines, is it just kind of a fair stereotype that, for the most part, the underground lines tend to have more problems and can be hard to find in kind of more normal operating conditions, but then they would have a distinct advantage when there's a major storm, that that would be kind of the --

THE WITNESS: Certainly storms --

CHAIRMAN CHRISTMANN: -- between underground and overhead?

THE WITNESS: Yes. Certainly storms present a problem for overhead lines. However, all of these transmission lines are overhead, so there's no difference. These transmission lines we're talking about are all overhead.

Our distribution line will only go a thousand feet from that substation to the site. In the Exhibit 5 here, looks like much of this system is underground.

CHAIRMAN CHRISTMANN: And do you know -- and I suppose it would be a better question for Dakota Valley when they're up, but are you aware of any alternative, if -- what's the term for that line that runs from Highway 13 toward Hankinson?

THE WITNESS: Well, it's part of the Integrated Transmission Agreement.

CHAIRMAN CHRISTMANN: That's what I was trying to think of.

Is there another way to feed that substation if that line is down?

THE WITNESS: Yes. There's similar ways to switch that out, just like there would be on any of our substations. There's switches on either side of that substation. You sectionalize the problem and you feed

in from another area.

CHAIRMAN CHRISTMANN: Okay. If Minn-Kota's not being charged anything as a customer charge for setting this up, is that normal if -- if this were not a disputed case and someone needs service somewhere near your lines or with -- on the outskirts of a city where you are approved to serve, is it normal that you don't charge any cost for setting up new services?

THE WITNESS: It's based on the revenue that we expect to see off of this entity. So, for example, we built a similar facility in Verona a year ago, I think it went into service about a year ago in July. We didn't charge anything with that. And we anticipate to receive payback from those facilities that we installed in less than three years, which is part of our agreement with provisions provided through the -- you know, our rates and through the Public Service Commission.

CHAIRMAN CHRISTMANN: But if someone just wanted to set up a house, you know, it's probably never going to be a big revenue generator but it was right under your line and it was maybe a mile away from the cooperative's, there could be a cost of service to the customer?

THE WITNESS: Any time we get a new customer, we look at the amount of revenue that we expect to see and

the cost it takes to get that service to that customer. And if those mesh with a three-year revenue agreement, there's no cost upfront. If we don't know, we suspect it's going to be short, we take money from the customer, we put it on an account until three years are up and then we true it up at the end.

CHAIRMAN CHRISTMANN: Okay. So three years is --

THE WITNESS: Three years is the approved process.

CHAIRMAN CHRISTMANN: Okay. Then just on that transformer, is there a market for used transformers?

THE WITNESS: Yeah, I would say --

CHAIRMAN CHRISTMANN: Do companies --

THE WITNESS: Sure.

CHAIRMAN CHRISTMANN: If you didn't have one, could you go out on a market somewhere and find someone that has one and --

THE WITNESS: They're hard to find. As a used transformer, people like to hang on to them usually. But there are cases where, if you don't have a use for it, you put it out on the open market, you can sell it, absolutely.

CHAIRMAN CHRISTMANN: Okay. You said you weren't sure of the timing of when this was taken out

of --

THE WITNESS: No, I have no idea.

CHAIRMAN CHRISTMANN: -- its previous service.

THE WITNESS: No.

CHAIRMAN CHRISTMANN: But if it was in the last, say, couple years, would you know that? Or do you think it's longer than that?

THE WITNESS: Oh, there's records that we can find out where it's at. I just don't know what it is today.

CHAIRMAN CHRISTMANN: Why do you suppose you kept it instead of selling it?

THE WITNESS: Because we can use it again. It's a common size, common voltage. We always need backup for whatever reason. We keep a couple of those around just in case.

CHAIRMAN CHRISTMANN: So how much vulnerability does this provide when you take it out of its current service as a backup, as a strategic backup, now you put it in service, you don't have a backup anymore, or you have fewer of them than you had. And I'm presuming there was a good reason for having one, or whatever the number is that you currently have on inventory?

THE WITNESS: Uh-huh.

CHAIRMAN CHRISTMANN: So it concerns me that now

you're going to have one fewer.

THE WITNESS: And we do, and we buy transformers periodically to make up those losses, whether it failed or whether it just outgrew its existence, whether it's due to size or failures or whatever, we -- we buy transformers to resupply that fleet of spares that we have out there.

CHAIRMAN CHRISTMANN: So it concerns me that this price looks potentially less than it really is if you have to ultimately go buy a new one now so that you have a backup but this shows a very small amount because, well, it was the older backup that we used. Tell me why I shouldn't be concerned with that.

THE WITNESS: I recall seeing others on the list like this, so for the -- for the case of providing a financial picture of what this looks like, you look for one that has an advantage to a lesser price so that -- so that it becomes more of a feasibility thing.

CHAIRMAN CHRISTMANN: No other questions. Thank you.

ALJ WARD: Commissioner Fedorchak.

COMMISSIONER FEDORCHAK: Good morning, Richie.

THE WITNESS: Good morning.

COMMISSIONER FEDORCHAK: Thank you for your testimony so far.

If I could start with -- we'll start with the setup, your plan versus theirs. I know it's a little unfair because they really haven't laid out their plan yet, but from what you know of their plan as it compares to yours, do both you and Dakota Valley have three phase?

THE WITNESS: Yes.

COMMISSIONER FEDORCHAK: Are you using the same three phase? Is it the same line, or at least part of it?

I'm a little confused between your map in Exhibit 5 and your map on Exhibit 1. Their map -- I mean, obviously, their infrastructure isn't reflected on your Exhibit 1, but I'm trying to understand what part of the shared line that goes across the middle of this page they'll be using.

THE WITNESS: The transmission line is common at the junction point on Highway 13.

COMMISSIONER FEDORCHAK: So straight north from their substation?

THE WITNESS: Yes. Yep. That's where the commonality is.

COMMISSIONER FEDORCHAK: On their map, OTP 5, it shows going west first, not straight up.

THE WITNESS: They don't show the transmission

at all on here, on Exhibit 5.

COMMISSIONER FEDORCHAK: Okay. So maybe I just made that assumption that --

THE WITNESS: All of the facilities that are shown here appear to be distribution facilities.

COMMISSIONER FEDORCHAK: Okay. So then when you say 3,960 feet of three phase cable up there on that map --

THE WITNESS: Yes.

COMMISSIONER FEDORCHAK: -- it's not saying they have to add that?

THE WITNESS: Yes, that's the amount of cable they're looking to add in linear feet.

COMMISSIONER FEDORCHAK: Of three phase?

THE WITNESS: Yes.

COMMISSIONER FEDORCHAK: But you just told me everybody has three phase. So you don't understand totally what their plan is?

I don't want to put you on the spot for --

THE WITNESS: No. We know that they have three phase coming from the Mooreton sub to that existing three phase cabinet.

COMMISSIONER FEDORCHAK: Okay. So your --

THE WITNESS: That is the source of that three phase line to that cabinet. So where the Minn-Kota Ag

is going to be taking service, from there, between that point and on that three phase cabinet to the Minn-Kota Ag service is about 3,960 feet, and that's what they would have to add to supply that power to that location.

COMMISSIONER FEDORCHAK: Okay. And are you adding a similar distance of three phase?

THE WITNESS: We're adding about a thousand feet.

COMMISSIONER FEDORCHAK: Okay.

THE WITNESS: Because our substation is located somewhere on that dotted line on that 4,000-foot run.

COMMISSIONER FEDORCHAK: Okay. Do they need to build a -- add a transformer?

THE WITNESS: Yeah, they'll have to add --

COMMISSIONER FEDORCHAK: I mean a substation.

THE WITNESS: No, they will not be adding a substation, it appears.

COMMISSIONER FEDORCHAK: Okay. Why are you adding a substation? Why can't you serve from your existing ones?

THE WITNESS: Because of cost estimates and the distance and so forth, what's anticipated for a line, we -- the cost lends itself more to building a substation than it would be to extending the line over there.

COMMISSIONER FEDORCHAK: Okay. I'm going to

have you back up. So you'd have to -- if you used, like, say the Mooreton sub or the Barney sub --

THE WITNESS: Yes. Those would have to -- both subs would have to undergo changes as well as we'd have to build a line from that point over about three miles. And the cost of that three-mile line and those substation upgrades exceeds the cost of a substation and a short distribution feed to the Minn-Kota Ag facility.

COMMISSIONER FEDORCHAK: I see. So you'd have to upgrade, there isn't existing capacity in those subs --

THE WITNESS: There's neither -- there's --

COMMISSIONER FEDORCHAK: -- to serve this load?

THE WITNESS: -- enough capacity to serve that new load out of this, no.

COMMISSIONER FEDORCHAK: Okay, all right. Is there existing capacity on their sub to serve this load?

THE WITNESS: I wouldn't know that.

COMMISSIONER FEDORCHAK: Okay. We'll find out.

THE WITNESS: Uh-huh.

COMMISSIONER FEDORCHAK: So what you're adding, tell me your understanding of whether it's duplicative or not.

THE WITNESS: What we're adding is basically another substation like we have at Mooreton and Barney

where we tap the transmission line, you install a transformer to step the voltage down from 41.6 to 12.5 in this case, and then take that 12.5 voltage to the site where it gets transformed once again into a usable voltage, in this case 480.

COMMISSIONER FEDORCHAK: And so is it duplicative or not?

THE WITNESS: Of what? Of our facilities, you mean?

COMMISSIONER FEDORCHAK: For the system as a whole, is that needed in order to serve this customer?

THE WITNESS: There are no other 480-volt sources there, they're not close enough to serve anything else, so I would say no.

COMMISSIONER FEDORCHAK: Okay.

THE WITNESS: There's no other substation that's within that area, so that wouldn't be necessarily duplicate, so --

COMMISSIONER FEDORCHAK: Okay. Would you have capacity with that addition to serve more customers down the road?

THE WITNESS: Yes.

COMMISSIONER FEDORCHAK: So it could potentially be an industrial park, that area?

THE WITNESS: Sure, sure.

COMMISSIONER FEDORCHAK: Are you building it with that in mind?

THE WITNESS: There's room to grow that facility if it needs to be, yes.

COMMISSIONER FEDORCHAK: Okay.

THE WITNESS: Right now it serves the loads that we know out there and that's it.

COMMISSIONER FEDORCHAK: All right. You talked a little bit about the soft starts with Commissioner Kroshus, but I wanted to talk to you again about the soft starts. From the standpoint of -- is there a problem with soft starts for the business that has to use them?

THE WITNESS: Well, the problem they have is that they have to pay for them. That is a customer responsibility to maintain voltage within a certain level. They can't dip the voltage enough to bother other customers. And so you do a distribution study, motor start study, to determine what that level is.

COMMISSIONER FEDORCHAK: Okay. All right. So that increases their cost of service?

THE WITNESS: Yes, it increases the customer cost. And we don't know what that is. That's their business, that's not ours. We just give them the minimum requirements so that they can design their

system accordingly.

COMMISSIONER FEDORCHAK: Okay. If you guys have to lease the land, it's not free, or you have to purchase it, then that cost will be added to the overall cost of the project. So is that going to remain a question mark throughout this -- our decision making?

THE WITNESS: Because of the three-year minimum revenue requirement, it doesn't make sense to buy something and then turn around and charge a customer back. So the customer knows that since we're going to be building a substation on there, this would be provided on their property and it wouldn't make sense to buy it and then turn around and bill it back to them.

COMMISSIONER FEDORCHAK: Okay. So you're anticipating the lease option?

THE WITNESS: Very little cost either way.

COMMISSIONER FEDORCHAK: Okay. Let's see here. So let me talk to you a little bit more about the reliability. Your numbers went back -- your numbers went back ten years and the numbers you got from them only went back five years. Why didn't you ask for -- I mean, are you proposing in your comparison to only use the five years, which would still show that you have stronger reliability but probably not -- the numbers aren't quite as extreme? Or do you want to use ten

years for you and five years for them? In which case, why didn't you ask them for five years, too, in your request -- or ten years, I'm sorry, so it's apples to apples?

THE WITNESS: I guess for the sake of this discussion, you could look at the five year and draw the conclusion on a five-year basis if you want to compare apples to apples.

COMMISSIONER FEDORCHAK: Okay. And then how should we -- how should we evaluate reliability on the system as a whole or this area that's going to be serving the client? What good are the systemwide numbers in this decision?

THE WITNESS: Well, the systemwide numbers are the numbers that we provide based on the requirement. These numbers were derived from actual devices placed in the field and then they're totalized and brought in there. I don't have any other information other than that to give you as far as the actual area numbers.

COMMISSIONER FEDORCHAK: So you can't -- you can't pinpoint outages in this area for, say, a five-year timeframe?

THE WITNESS: Not other than the transmission outages. We know what the transmission outages are based on that Dakota Valley exhibit.

COMMISSIONER FEDORCHAK: And what's lost in the analysis of just the transmission outages? I mean, that seems like that would be a pretty strong indication of reliability in that area, just the transmission outages in that area --

THE WITNESS: Yes.

COMMISSIONER FEDORCHAK: -- yours versus theirs?

THE WITNESS: We never pulled that data out of there other than what's provided in that -- in that exhibit.

COMMISSIONER FEDORCHAK: Okay. And is that the best you can provide, what's in that exhibit, or can you provide more that is specific to this area? And we'll get the same thing from them so we can compare, again, apples to apples for the reliability in this area, which is what is the issue here.

THE WITNESS: Well, yeah, we can compare the transmission on that side versus this side depending on, you know, where the break is, right at that Mooreton junction. We don't have any distribution data because there's no distribution there.

COMMISSIONER FEDORCHAK: Understand. So you're prepared to bring that forward as another exhibit or late-filed information?

THE WITNESS: I don't have any other information

regarding that other than what's here.

COMMISSIONER FEDORCHAK: But can you get it and provide it to us?

THE WITNESS: I -- I don't know. I guess we can look into it. I don't know.

MR. STEPHENSON: Commissioner, we can ask, and I can ask some clarifying questions on redirect.

COMMISSIONER FEDORCHAK: Okay, very good. Thank you. I think that's it for me. Thanks.

THE WITNESS: Uh-huh.

ALJ WARD: Okay. That will take us to redirect.

REDIRECT EXAMINATION

BY MR. STEPHENSON:

Q. Just a few points to clarify, Mr. Wolf. With respect to Commissioner Fedorchak's question about reliability data, are you aware of the transition that Otter Tail is making to Itron metering?

A. Yes.

Q. And is the data on that system in that area, has that been collected at one point?

A. Yes. On the old system, the census system, all of the data that was provided in -- in those numbers came from those units that are now obsolete.

Q. And that data then has been aggregated into our system reporting?

A. Yes.

Q. So the data has been incorporated?

A. Yes.

Q. And are you aware --

MR. STEPHENSON: Well, I'll just say we can check to see if there's a way to pull that data which has been aggregated back, if it's available. I don't think it is, but we can double-check.

COMMISSIONER FEDORCHAK: Okay.

Q. Mr. Wolf, just to clarify the record then, on the Exhibit 14 that Dakota Valley put in --

A. Yes.

Q. -- does any of that data reflect planned outages?

A. Well, I've been made aware that this does not include any planned outages. These are actual operations and outage data.

Q. And on the CAIDI and SAIDI and SAIFI numbers, does that data include any planned maintenance outages?

A. No.

Q. And would it be your understanding that would be the case for the cooperative's numbers?

A. No. That's correct.

Q. And again, just to make sure the record is clear, the total distance of distribution that we would

have to place to serve Minn-Kota is how far?

A. Around a thousand feet.

Q. And once in service, that would be brand-new, correct?

A. That's correct.

Q. And Dakota Valley's total distribution, some of which is already in place, but the new requirement is how far, in your estimation?

A. Approximately 4,000 feet, based on their map.

Q. And then the existing distribution that would connect to would be how much, how long?

A. From the substation to the site is about four miles, so it will be slightly over three miles from the substation to where they'd come from.

Q. And as far as transmission, both parties then are connected to transmission lines, correct?

A. That's correct.

Q. And those lines are overhead?

A. They are.

Q. As far as a distinction or difference -- or is there a distinction or difference with respect to problems back-feeding on a transmission source or on a transmission line versus those problems on a distribution system affecting other points on that distribution system, is there a difference?

A. I'm sorry, you got to say it again.

Q. Yeah, it wasn't a very good question, was it?

Is it typically -- is it typically harder for a transmission system to be affected?

A. Yeah. It's much less likely that a large motor start and that type of thing would affect other customers coming through a transmission system, the sources are so much stronger and everything, so the chances are less that they would affect neighboring customers than they would be on the distribution system.

MR. STEPHENSON: I have nothing further.

ALJ WARD: Okay. Recross, Ms. Radermacher.

MS. RADERMACHER: Yes.

RECROSS EXAMINATION

BY MS. RADERMACHER:

Q. Now, going back to Dakota Valley Exhibit 14, so you're saying that does not have any planned outages on that document?

A. No, I was made aware during the break that there was -- that does not include any maintenance outages.

Q. And so this report only goes back to 2014. My understanding is that no other specific site information is available from Otter Tail, is that correct, prior to 2014?

A. Other than the -- other than the data that was

provided in -- in OTP 6, which includes all of the telemetric and the census data from the old system is included in here. But that information is not available to go back on. It's just provided as -- in this document.

Q. Okay. So we don't know specifically how many outages affected -- of what's been reported prior to 2014 actually affected this area or not?

A. Not specifically, no.

Q. And I don't want to pick on you, but at least twice in your testimony when we were talking about the transformer, you said probably a 2500 kV transformer?

A. Uh-huh.

MR. STEPHENSON: Objection. That's beyond the scope of my redirect.

ALJ WARD: I'm going to allow it.

BY MS. RADERMACHER:

Q. And you referred to it as a 1991 model, but when you say probably a 2500 Kva, it leads me to believe you haven't picked out the specific transformer yet?

A. It's been identified as a possible unit that we would place into service.

Q. Okay. So now we're back to it's a possible unit to be placed in service?

A. Uh-huh.

Q. That's not necessarily going to be placed in service at this site?

A. Well, if that transformer is available when we go to build that substation, then that is most likely going to be the one that we're going to put in there.

Who knows what happens in the meantime. We might have a failure somewhere or whatever. Then you take the one that's available to you and you look forward to something different somewhere else probably.

All I'm saying is there's a possibility that it could be that one, it could be a possibility it would be something different.

Q. So if it was something different, is that going to affect your overall cost to bring --

A. Could, uh-huh.

Q. And so the cost we're looking at here could, essentially, be more than that should that transformer that you pegged not be available when you go to --

A. Well, I would -- I would reserve this transformer for this location and then choose one of a different vintage or different transformer that we have in our fleet then.

Q. Now, is it my understanding that there's no plan to currently develop this area beyond this particular -- or beyond Minn-Kota? Is that correct?

A. Otter Tail's plan?

Q. Correct.

A. Yeah, I have no other plans there. No.

Q. Okay. And in fact, if you did have plans, you would have to get a CPCN for anything additional that doesn't relate to Minn-Kota. Is that correct?

A. I would say so, yes.

Q. And just, again, you testified that there would be very little cost related to the real estate, but yet you have not identified if there's going to be any cost or not. So that, again, is an unknown factor, potentially, that could affect --

A. I would say no, there wouldn't be a cost.

MS. RADERMACHER: I have no further questions.

ALJ WARD: Mr. Pelham.

MR. PELHAM: Thank you.

RECROSS EXAMINATION

BY MR. PELHAM:

Q. If you could pull up Exhibit 1, Sir.

A. Uh-huh.

Q. So the power is coming from the -- on the 41.6kV line is coming from Wahpeton, right?

A. That is correct. Under normal switching, yes.

Q. Okay. So the transmission lines, as I understand it, and you correct me if I'm wrong, this

41.6kV line provides power from Wahpeton, the Mooreton sub, the Dakota Valley Mooreton sub, and the Barney sub. So we're all on this same line, correct?

A. Under normal switching, there's an open right at that junction.

Q. At which junction?

A. At the junction on Highway 13. It's the only 41.6 junction shown on this map.

Q. I see. Okay, right.

A. Yep. And so normally, that power would flow directly through to the west and there would be no power connection at that junction during normal switching.

Q. So what about abnormal switching?

A. Yes. That's what we study in our transmission studies --

Q. Okay.

A. -- is to find out, you know, once you start going to alternatives, usually you -- you use your best sources for serving a load area, and if something happens to that source for whatever reason, you go to your alternative and you look in a transmission study as to what problems can occur when that happens. And that's when we found out that, during certain switching contingencies, you might need a little support, so that's why you put the capacitor bank in.

Q. I see. So I guess my question is to general reliability then. And I understand, you know, the transmission, it seems that the power supply to go to Dakota Valley for this particular project as well as the power that would be supplied under the proposed sub, the Barney and Minn-Kota Ag sub, would be coming from the same transmission line, correct?

A. The existing Mooreton sub and the Barney sub, is that what you're talking about?

Q. And the Dakota Valley, Mooreton --

A. Yeah, those would all be on the same source, yes.

Q. Okay. So in terms of reliability, if there's an issue, would all of them, both Dakota Valley and Otter Tail, have issues with the power coming from Wahpeton on the 41kV --

A. No. The Dakota Valley source would stay intact. However, if you had a problem in the line from Hankinson to the Dakota Valley sub, they would be the only ones affected.

Q. I see.

A. So it's kind of same thing either way.

Q. Okay. Fair enough. And that's what I was trying to get out there.

A. Yeah.

Q. I just wanted to ask some questions that are quite obvious but just for the record. The only electric suppliers operating in the general area are going to be Otter Tail and Dakota Valley, correct?

A. Yes.

Q. Okay. And do you know whether or not this location, the proposed location, for the Minn-Kota Ag site would be potentially included within corporate limits of a municipality in the foreseeable future?

A. I don't see that as happening, no.

Q. And do you know whether or not service, either by either of the electrical suppliers, Otter Tail or Dakota Valley, in the area unreasonably interferes with the service or system of the other?

A. No.

MR. PELHAM: I don't have any other questions. Thank you, Sir.

ALJ WARD: Okay. Commissioner Kroshus, anything else?

COMMISSIONER KROSHUS: Just one quick question, well, maybe two.

Are there commercial customers in that two-mile radius right now that you're aware of?

THE WITNESS: No, I don't have any commercial customers. I don't know about Dakota Valley.

COMMISSIONER KROSHUS: And are you aware of any other industrial type development that Minn-Kota Ag, having their presence there might spur on?

THE WITNESS: I don't have anything, although it's not uncommon when you get something like that, that something else could come.

COMMISSIONER KROSHUS: So I think before you said there aren't any other plans in terms of development, but that would be no immediate plans, which is relative to how one defines "immediate".

THE WITNESS: I have no plans at this point.

COMMISSIONER KROSHUS: One other question. And I realize some of these questions are somewhat difficult, because I'm anxious to hear from Dakota Valley Electric on how they present and position rather than having the argument come from Otter Tail, so I'm anxious to hear from them.

Can you tell me, on SAIDI and CAIDI, on those numbers, you're painting a contrast. Would you say that Dakota Valley Electric, I mean are these still really good numbers from a benchmark standpoint?

THE WITNESS: I couldn't speak to the benchmark. I just compare. But if you take a look at the exposure that's provided for all of this stuff, you know that there's more exposure based on the amount of lines that

are out there.

And so in our design, it's just inherent that we've got a very short line, it's more reliable. That's the bottom line. When you've got lines exposed to all the other elements that are out there, other customers, weather, underground, whatever it is, you would expect those indices to change.

COMMISSIONER KROSHUS: So do you know then from a scaleable standpoint if this is still top one percent, for example, for both?

THE WITNESS: I do not. I don't have those numbers, no.

COMMISSIONER KROSHUS: So we don't know that the comparison is -- there's some difference, but it might be so minute at the top of the scale and that reliability would be deemed excellent in both cases?

THE WITNESS: Yeah, there would have to be conclusions drawn with all the data that's out there that's not provided in this.

COMMISSIONER KROSHUS: Okay. It's just a tough number for me to really take into consideration when I don't know what the curve looks like.

THE WITNESS: Right.

COMMISSIONER KROSHUS: And they could be very good numbers, and that's my assumption, is that they're

very good numbers.

THE WITNESS: Uh-huh.

COMMISSIONER KROSHUS: Okay. No other questions for me.

ALJ WARD: Mr. Christmann.

CHAIRMAN CHRISTMANN: With respect to the land value and the determination whether the customer should pay some of the costs for setting up, you said that was usually based on a three-year payback. Is this close?

THE WITNESS: Well, we -- I would expect this to exceed the three-year -- the minimum revenue requirements. That will be shown in some future testimony as well, I think.

CHAIRMAN CHRISTMANN: So here's what concerns me with that. My understanding from your answer to Commissioner Fedorchak's question was, to summarize it, so correct me if I understood it wrong, that you felt it would be negligible, if anything at all, because if they charged you some large price for either an easement or to purchase the property for that, it comes back to them. But really it doesn't, it goes to the rest of your customers, if there's a pretty good margin between the number you've given us, this 236,000 and what the three-year payback is.

So if there's some kind of a -- little bit of

operating room left in there, does this give the chance for a large dollar amount to acquire that property, that also will get passed on to the rest of the customers of Otter Tail?

THE WITNESS: Yeah, the point I think I was trying to make there is that if, let's say, there was a large cost involved with the land acquisition and then we would pay them for that land because they own it and then we turn around and we say, "Well, hey, you're not meeting the three-year revenue agreement so you're going to have to pay something upfront," so what's the point of it. That's the idea behind it.

CHAIRMAN CHRISTMANN: But the question that I have was, what if that large dollar amount still leaves you under the three-year return, then you still are passing that dollar amount, an additional figure to the 236, on to your customers. Is that correct?

THE WITNESS: As long as we maintain a three-year revenue requirement, then any dollar -- any cost with that comes out of that three-year minimum revenue. So if there's more money than -- I mean, the point being is that if there's a three-year minimum revenue requirement that needs to be met, they would have to pay that, we wouldn't put that onto other customers.

CHAIRMAN CHRISTMANN: Okay. No other questions.

COMMISSIONER FEDORCHAK: Just one. Richie, so kind of in a nutshell, summarize what you think the advantages that you as Otter Tail Power offer for this service versus Dakota Valley.

THE WITNESS: Well, based on the numbers that we've determined, that this is -- we can justify it through the three-year revenue agreement and we provide a very reliable source of power for the customer.

COMMISSIONER FEDORCHAK: So from more the technical design piece, which is your strength, and others will talk to the cost, from your technical analysis, the advantage you offer is improved reliability, better reliability?

THE WITNESS: Yep, that's a big one. Yes.

COMMISSIONER FEDORCHAK: Okay. Thank you.

THE WITNESS: And we have a better source, basically a stronger source, which provides the customer some advantage to not having to purchase soft starts for some of the larger -- some of the mid-range motors.

COMMISSIONER FEDORCHAK: Okay. Thank you.

ALJ WARD: Okay. Mr. Wolf, you can step down subject to recall later.

Mr. Stephenson, your next witness.

MR. STEPHENSON: Yes. Thank you, Your Honor.

Otter Tail calls Christopher Waltz.

ALJ WARD: Mr. Waltz, would you just spell your first and last name for the record, please?

MR. WALTZ: Yeah, Chris Waltz, C-H-R-I-S, W-A-L-T-Z.

ALJ WARD: Thank you. And raise your right hand. You were here when I gave the perjury admonition earlier.

So do you promise to tell the truth, the whole truth, and nothing but the truth in this proceeding?

MR. WALTZ: I do.

ALJ WARD: Thank you. Mr. Stephenson.

CHRIS WALTZ,

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

DIRECT EXAMINATION

BY MR. STEPHENSON:

Q. Mr. Waltz, what is your business address?

A. Business address is 215 South Cascade Street in Fergus Falls, Minnesota.

Q. And who employs you?

A. Otter Tail Power Company.

Q. And what is your position?

A. My position is conservation sales manager.

Q. And what does that entail?

A. I supervise our energy management team as well as supervise the implementation of our demand side management programs.

Q. And how long have you been in that position?

A. I've been in that position for about a year.

Q. And can you summarize your prior work experience at Otter Tail?

A. Yeah. I started with Otter Tail Power Company as a senior commercial and industrial representative responsible for the customer relationship aspect.

Q. And how long in that capacity?

A. About another year and a half.

Q. Okay. And what is your educational background?

A. Yeah. I have a bachelor of science degree in wildlife management, a master of science degree in energy and environmental policy. Both are from the University of Minnesota.

Q. And in your current position, do you work with Otter Tail's Commission-approved tariffs?

A. Yes, I do.

Q. Do you assist customers in evaluating rate options?

A. Yes, I do.

Q. And are you familiar with the CPCN request filed by Otter Tail?

A. Yes, I am.
Q. And did you have a role in preparing that?
A. I had input in that, yes.
Q. And what Otter Tail tariffed rate has Minn-Kota identified as the rate it wants to take service from Otter Tail?
A. Yes. Minn-Kota Ag selected secondary service under our general service 401 rate.
Q. And that is a published rate?
A. That is a Commission-approved tariff, yes.
Q. Now, have you estimated the annual cost of service to Minn-Kota based on that tariffed rate?
A. Yes, I have.
Q. Have you conducted similar analysis of the cooperative's rates and the annual cost of service?
A. Yes, I have.
Q. Is that something you would ordinarily do in your job?
A. Yeah. Generally, we're not comparing other utility rates, but we're analyzing -- we have a suite of different rates that we generally review with customers, so we analyze several different rates on new customers.
Q. And how is it that you were able to estimate the cooperative's costs?
A. Yes. In the information request, Dakota Valley

provided a proposal that they had given to Minn-Kota Ag in March, I believe. And so I used those numbers to analyze the cooperative's cost structure.

Q. March of 2017?

A. '17, yes.

Q. And I'd ask you to refer to Otter Tail Exhibit 8. And can you identify this exhibit?

A. I have Exhibit 8 as the rate schedule for the cooperative in my packet.

Q. Are you looking at the wrong packet perhaps? Dakota Valley --

A. Sorry about that. Okay.

There you go, now we got it. Just making sure we're looking at the same one.

Q. Can you identify that exhibit?

A. Yes, I can.

Q. What is it?

A. This is the proposal that Dakota Valley Electric Cooperative gave to Minn-Kota Ag.

Q. And was that provided in response to our request for such proposals?

A. Yes. It was in the information request that we had.

Q. And what does this proposal or what does this exhibit reflect?

A. Yeah. So included in the proposal is Dakota Valley's rate schedule. They're in kind of the top left-hand box. So it's the estimate assumptions and considerations.

And then as you move across, there's basically a table that has the customer load profile data in there broken down by month, so you can see a kW column, a calculated load factor column, and then a kWh column.

And then moving down the list, you can see their calculated numbers, total charges essentially being $316,000. And then as you move further to the right, you can see that they're also including in this proposal a discount on that rate.

Q. And what kind of discount is offered?

A. Yeah. It's a declining discount. So they offered, essentially, a nine-year discount that starts at a ten percent discount and then declines to a four percent discount in year nine.

Q. Okay. And is this what you used for comparison purposes --

A. Yes, it is.

Q. -- to Otter Tail's rates?

MR. STEPHENSON: OTP offers Exhibit 8.

ALJ WARD: Any objection?

MS. RADERMACHER: No, Your Honor.

ALJ WARD: Mr. Pelham?

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 8 will be received.

BY MR. STEPHENSON:

Q. Now, Mr. Waltz, would you please turn to what's been marked as Otter Tail Exhibit number 9 and the first page of that exhibit?

A. Yes.

Q. Okay. Can you identify this exhibit?

A. Yes, I can. This is a rate comparison between Otter Tail Power's 401 rate and the rate that Dakota Valley Electric provided to Minn-Kota Ag in their proposal.

Q. And did you prepare it or was it prepared at your direction?

A. Yes.

Q. And where did you get the OTP rate and charges information?

A. Yes. Those come directly out of our rules and rates that are approved by the PSC.

Q. And where did you get the Dakota Valley rate and charges information?

A. That information was provided in their information request responses. So they provided a rate schedule as well as the actual proposal that we looked

at in Exhibit 8.

Q. So you looked at both?

A. Correct.

Q. Okay. And on this exhibit, in the lower left-hand corner, the load data, where did you get that information?

A. Yes. That customer load data is coming directly from Exhibit 8, so it's -- and these are annual. So you can see the annual load factor at 33 percent. That's directly coming from Exhibit 8. And then also the peak demand at 1,111 kW and the annual energy at almost 3 million kWh is coming from Exhibit 8, or Dakota Valley's numbers in this case.

Q. And is the total energy cost, 316,000, is that consistent with the proposal that Dakota Valley had made?

A. Yes, it is.

Q. And would you be able to walk us through these calculations when I ask?

A. Yes, I can.

MR. STEPHENSON: OTP offers exhibit -- page 1 of Exhibit 9.

ALJ WARD: Any objection?

MS. RADERMACHER: Just a moment, Your Honor.

Your Honor, may I voir dire the witness as to

this exhibit for a moment?

ALJ WARD: You may.

MS. RADERMACHER: Now, I'm looking at this exhibit and I'm looking at Dakota Valley Electric's. How did you arrive at the second number, total energy cost?

THE WITNESS: Yes. So the first cost column that you can see there, what I labeled as base energy cost, were derived directly from the proposal that Dakota Valley provided to Minn-Kota Ag. The line item just below that or the all-in total energy cost was including some other charges that were in Dakota Valley's rate schedule but were not reflected in the proposal.

So in the rate schedule, it has in there a power factor cost and then also an on-site facilities charge, and so the two numbers are reflecting those potential differences, I guess.

MS. RADERMACHER: So you're just basing these, though, on some assumptions, essentially, that bottom line, how the on-site facility charge would actually have been charged?

THE WITNESS: Correct, yes. So that, again, comes from the information request responses and the costs that Dakota Valley stated their on-site facilities

charge would be, and then I took that times the -- I believe it was .0078, or the facilities charge at that point, yes. Yep, so I did make some assumptions on that calculation.

MS. RADERMACHER: So this is more -- so the second number in particular is based on your speculation and not on any document -- I mean, any numbers provided to you by Dakota Valley?

THE WITNESS: Well, it's based on the rate schedule provided by Dakota Valley, yes.

MS. RADERMACHER: But you're not privy to whether or not those facility charges would be implemented in this case or not?

THE WITNESS: No. I would say what's typical or what I'm trying to reflect here is that, ultimately, what the customer sees on their bill would generally be the all-in costs as opposed to just looking at it from a base rate perspective.

MS. RADERMACHER: Now, as far as the 316,000, though, that's potentially what's on year ten. Is that correct? That's not any discounted rate over the first nine years?

THE WITNESS: Correct, yes. Yep, we're not -- not including the discount at this point, yep.

MS. RADERMACHER: Your Honor, at this point I

would not object to the exhibit just with the notation that we dispute the total energy cost as entered in line two, which will be more fully fleeced out.

ALJ WARD: I understand that. I'm going to admit the exhibit and you can attack the credibility of the exhibit later with your own witnesses or on cross.

Mr. Pelham, any objection to the exhibit?

MR. PELHAM: No, I don't have any objection.

ALJ WARD: Okay. So at this point, you only moved page 1.

MR. STEPHENSON: I think it will make more sense if I lay the foundation for each page 1 through 3.

ALJ WARD: Okay. So I've admitted at this point page 1 of Exhibit 9.

MR. STEPHENSON: Correct.

BY MR. STEPHENSON:

Q. Okay. Mr. Waltz, now looking at Exhibit 9, page 1, what's the major difference here between Otter Tail and Dakota Valley rates?

A. Yeah. So both rates are structured where they have a demand and energy charge component to them, but the key difference between the two rate structures is that Otter Tail Power's cost or charge on demand is 52 cents per kW while Dakota Valley Electric's is $12 per kW.

Q. And I see that you have a line for base total energy cost and then a line below that for all-in total energy cost. Can you explain that?

A. Yes. Again, the difference here is that both for Otter Tail Power, under the base total energy cost, I'm just including the base rate calculation, the facilities charge component, and the energy cost component. I'm not including the riders in that first -- that first base total energy cost for Otter Tail Power.

And then as we move over to Dakota Valley, I'm including the base rate, the demand cost, the energy cost for the base total energy cost. And then for the all-in total energy cost for Dakota Valley, I'm then including the power factor cost and the on-site facilities charge.

Q. And on the lower left-hand portion of the exhibit, there's a reference to an annual load factor. Where did that data come from?

A. Yes. Again, that data came from Dakota Valley in the information request. So I'm -- for this comparison, I'm using the data that they provided in their proposal to Minn-Kota Ag that they provided to us in the information request.

Q. Okay. And what is load factor?

A. Load factor is, essentially, the amount of time that a customer will be at their peak load, so it's in reference to that peak load number just below load factor.

Q. And what does a higher load factor then typically reflect?

A. Yeah. Generally, a higher load factor will cause a decrease in your cost-per-kilowatt hour. Lower load factors generally has an increased cost-per-kilowatt hour when you look at it like that.

Q. And the peak demand, what does that refer to or what is that?

A. That's, essentially, the instantaneous peak that this customer would show on the system. So, you know, when they are turning everything on, moving grain, they're going to -- they're going to drive that instantaneous peak. And that's measured, again, based off the numbers provided by Dakota Valley at that 1,111 Kw.

Q. And then can you just for the record, what is the differential shown in annual cost between OTP and Dakota Valley with the descriptions you provided?

A. Yes. So looking at the base rate total energy cost between the two companies, Otter Tail Power would be about $90,000 a year cheaper. Under the all-in total

energy cost, Otter Tail Power would be about $76,000 a year cheaper.

Q. I'd ask you then to turn to the second page of Exhibit 9. And can you identify this exhibit?

A. Yes. Page 2 of Exhibit 9 is, again, comparing a side-by-side rate between Otter Tail Power and Dakota Valley. In this comparison, I'm including Dakota Valley's discounted rate or discounted price that they provided to Minn-Kota Ag in their proposal.

Q. And that was not part of the first page?

A. Correct, not part of the first.

Q. I see that's referenced as a blended discount. Can you explain that?

A. Yes. So to, essentially, show an annual representation here, I did a weighted discount, so I took it over the nine-year period, the declining discount, and averaged those. And it's, roughly, eight percent on an annual basis over that nine-year period.

Q. And the load data is still the same and the peak demand data is still the same. Is that right?

A. Yes, that is correct. So again, we're using the load data that Dakota Valley Electric used in their proposal to Minn-Kota Ag.

Q. And I see then you have a total for total energy cost for Dakota Valley and Otter Tail and then you have

a separate line for total energy cost less PF. Can you explain what that refers to?

A. Yes. So the total energy costs here are reflecting the all-in costs between Otter Tail Power and Dakota Valley, again, less that discount on the first line for Dakota Valley, but then the second line is actually excluding that power factor cost line as well. In the information request, Dakota Valley stated that they may -- they may not charge the customer the power factor charge or the power factor penalty.

Q. Is that at their discretion?

A. I believe it is, yes.

Q. Okay. So you wanted to show what that would look like assuming they exercised that kind of discretion?

A. Yep, correct, just to show that, you know, if they choose not to charge the customer those costs, you know, that's what the -- essentially, the pricing looks at, yep.

Q. And what is power factor, generally?

A. Yeah, power factor is, essentially, the ratio between real and apparent power.

For a customer like this, they have a lot of impedence on the line because most of their load is motors or induction motors which generally drive down

that power factor number. They end up creating costs for the utility that are not otherwise received through rates.

And so many utilities, including Otter Tail Power, depending on the various rate structures, have a power factor charge separately for those situations. In this case, Otter Tail Power's 401 rate is designed to incorporate those costs, those power factor costs.

Q. But that's actually built into our rate?

A. That's built into this rate design, yes.

Q. Okay. And so the only difference, as I understand it, between this exhibit and the prior exhibit is that you pulled out the power factor and that you've reflected the discount?

A. Reflected the discount, correct.

MR. STEPHENSON: Otter Tail would offer Exhibit 9, page 2.

ALJ WARD: Any objection?

MS. RADERMACHER: Again, if I may have a short voir dire again?

ALJ WARD: As to foundation.

MS. RADERMACHER: Yes, it would be as to just a question on the discrepancy in numbers between the total energy cost of 322,788.81 and the 316,150.97 on the first page.

Can you just tell me why there's a difference cost that was brought over here?

THE WITNESS: Yes. So that first line item for the total energy cost is now including the power factor cost and that on-site energy cost less the discount. So if you -- the number that would be reflective in page 1 would be that 3,000 -- that 348,000, and then carried over here less the discount.

MS. RADERMACHER: Okay. Thank you for explaining that. No objection.

ALJ WARD: Okay. Mr. Pelham?

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 9 is in, in total.

MR. STEPHENSON: I have one more page on Exhibit 9.

ALJ WARD: Oh, I'm sorry.

BY MR. STEPHENSON:

Q. And for the record then, what's the differential in the rates reflected here based on what you've described?

A. Yes. So under total energy cost, Otter Tail Power would be about $50,000 per year cheaper. And if Dakota Valley elects to not charge the customer the power factor cost, we would be close to $30,000 a year cheaper.

Q. Okay.

A. Twenty-seven.

Q. I'd ask that you turn the page to Otter Tail Exhibit 9, and this would be page 3. And can you identify this exhibit?

A. Yes, I can. Again, this is the similar rate comparison between page 1, page 2, and then subsequently page 3 here. The difference here is that we're reflecting a different load profile data.

Q. And what is that difference?

A. Yes. So we looked at several other commercial grain-handling facilities that we serve in the area. And based on that information, we felt that a lower load factor was more realistic for what this customer would, essentially, use or have on the system. And so we wanted to show that relative difference here.

Q. Okay. And the demand, peak demand, is also different. Can you explain that?

A. Yeah, correct. So based on the overall, the customers as Mr. Wolf testified to earlier, their connected load and what we're sizing for, essentially two megawatts, we also felt that the 1,100 kilowatt for a peak demand was also too low, so we basically ratcheted that up based on their connected load information, as well as what we see on other commercial

grain-handling facilities very similar to the Minn-Kota Ag site.

Q. And you're looking at -- let's ask for the record then, what is the cost differential reflected based on this approach?

A. Yes. So the total energy cost reflect an annual difference, Otter Tail Power being cheaper, of a hundred thousand dollars annually. If you exclude that power factor cost again, Otter Tail Power ends up being about 60 -- almost $67,000 a year cheaper on an annual basis.

MR. STEPHENSON: Otter Tail would offer Exhibit 9, page 3.

ALJ WARD: Any objection?

MS. RADERMACHER: No objection.

ALJ WARD: Mr. Pelham?

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 9 is received, all three pages.

BY MR. STEPHENSON:

Q. Mr. Waltz, what is driving this cost differential, in your view?

A. Yes. So as I mentioned earlier, as you reduce the load factor, those demand costs remain. And so, you know, the biggest difference here between Otter Tail Power and Dakota Valley is, again, that demand cost.

And so for Otter Tail Power being at 52 cents per kilowatt versus $12 per kilowatt, that's what's driving the difference to be exponentially greater under a lower load factor condition.

Q. And would an entity that has highly variable demand be sensitive to those demand charges?

A. Yes. Every commercial grain-handling facility that I work with, they are extremely sensitive to demand charges, yes.

Q. And just very generally, how are demand charges used in calculating a bill, from your experience?

A. So generally, there's -- well, there's many different ways that you can calculate the demand, but in these two rates, under Otter Tail's rate structure, it's actually a ratchet, so it's the peak demand over a 12-month period.

For Dakota Valley, it's the peak over that month. So that will actually vary a little bit month to month depending on what the customer sets their peak -- ends up setting the peak demand.

Q. Is that used as then a multiplier of sorts, or can be?

A. It can be. The multiplier is, essentially, that -- you know, if Minn-Kota Ag sets their peak demand at 1,500, under the Otter Tail Power rate for one month on

an annual basis, they'll be charged that 1,500 for a 12-month period even though they may not hit that peak demand those subsequent months.

Q. Okay. But you indicated that Otter Tail's demand charge is -- it's reflected as the facilities charge. Is that right?

A. Yes, yeah. Just to clarify, it's reflected here as a facilities charge.

Q. Okay. Now, Mr. Waltz, is part of your work duties to examine whether it makes sense for Otter Tail to extend service to loads that require a PC&N?

A. Yes, it is.

Q. And does that include determining whether Otter Tail Power will earn its Commission-authorized rate of return on investment that's needed to make that extension?

A. Yes.

Q. Okay. And by the way, what is Otter Tail's current Commission-authorized rate of return?

A. Yeah, our Commission-approved rate of return is 8.62 percent, if I got that.

Q. And when you do this analysis, is part of your duties determining what contributions the new load will make to our system costs?

A. Yes.

Q. Okay. I'd ask you to refer to Otter Tail Exhibit 10. And can you identify that, please?

A. Yes, I can. This is basically an analysis to show Otter Tail earning its authorized rate of return as well as the net contributions to cost by adding Minn-Kota Ag as a potential customer.

Q. Okay. So let's look at the first line, please, the aggregate cost. Where did you get that figure?

A. Yes. That number comes from the work order estimating that Mr. Wolf was testifying to earlier, so those costs are sum. So earlier when he was basically walking through the two different exhibits, one on the transmission and substation component and then on the distribution, those are aggregated here for this value.

Q. And you had just referenced the authorized rate of return. And what does the next line reflect?

A. The next line reflects the dollar amount that we would have to receive in order to earn the authorized rate of return.

Q. Receive in revenue from the customer --

A. Correct, yes.

Q. -- on an annual basis to earn that rate of return?

A. Yes.

Q. And what is the next line that refers to a gross

up mean?

A. Yeah, it's -- the next line is reflecting a gross up for taxes so that we can still earn our allowed rate of return.

Q. And the next line for estimated annual load, where does that figure come from?

A. Yes. In this calculation, the estimated annual load, Kw, comes from the data on Exhibit 1 -- or Exhibit 9, page 1, or the values that were presented by Dakota Valley Electric.

Q. And the estimated annual revenue?

A. That's reflective based on our total -- our all-in total energy costs reflected on page 1 of Exhibit 9.

Q. Okay. What is meant by remove cost of fuel?

A. We don't earn a rate of return on fuel, and so we exclude that from this calculation.

Q. That would include power purchase arrangements?

A. Yep.

Q. And then the estimated net revenue?

A. Yeah, the estimated net revenue for this customer is, essentially, the total revenue less the fuel costs, or $200,000 in this case.

Q. And how did you arrive at that final figure and what does that refer to?

A. Yes, the net contribution to costs is, essentially, reflecting the system net benefits after we earn our -- the Commission-approved or allowed rate of return.

Q. And did you calculate this exhibit?

A. Yes.

MR. STEPHENSON: Otter Tail offers Exhibit 10.

ALJ WARD: Now, are there two pages to this exhibit?

MR. STEPHENSON: There is, so page 1. I should be clear.

ALJ WARD: Okay. Any objection to page 1?

MS. RADERMACHER: No objection.

MR. PELHAM: No objection.

ALJ WARD: Okay. Page 1 will be received.

BY MR. STEPHENSON:

Q. And Mr. Waltz, what load factor did you use in calculating these numbers?

A. Yes. So for Exhibit 10, page 1, I used the 33 percent load factor to represent these numbers.

Q. And that load factor was part of Dakota Valley's figures?

A. Yes, it was.

Q. Okay. Now please turn to page 2. And Mr. Waltz, is this exhibit another analysis of the same

manner you just described?

A. Yes, it is.

Q. What's the difference between this exhibit and the prior exhibit?

A. The difference here is that I'm using a 23 percent load factor for the estimated annual revenue -- or sorry, estimated annual load, the kWh value that you see there in the middle. And then that, in turn, affects the estimated annual revenue. And then, ultimately, the net contributions to cost are -- are decreased a little bit versus the 33 percent load factor.

Q. Okay. So under the Exhibit 10, page 1, will Otter Tail earn its Commission-authorized rate of return?

A. Yes, it will.

Q. And what will the net contribution to Otter Tail's system cost be under that scenario?

A. $172,000 annually.

Q. And under Exhibit 10, page 2, will Otter Tail Power earn its Commission-authorized rate of return?

A. Yes, it will.

Q. And what is the net contribution to Otter Tail's system costs under that scenario?

A. $158,000 annually.

Q. Now, do these net contribution, the costs, benefit other Otter Tail ratepayers?

A. They do. You know, essentially it puts more oars on the boat, and therefore, more costs are then allocated to more customers, so it helps keep our rates low and diversify our fixed costs.

Q. Mr. Waltz, now, does OTP have any tariffs that dictate when customers need to make an upfront payment or provide a revenue guarantee?

A. Yes.

ALJ WARD: Before you get to that, are you going to move page 2 of exhibit --

MR. STEPHENSON: Oh, I'm sorry, Your Honor, I thought I did. Otter Tail Power offers, it would be, I believe, page 3 that we're on. Well, page 2, you're correct.

ALJ WARD: Exhibit 10, page 2.

MR. STEPHENSON: Thank you, Your Honor. Yes, Otter Tail moves Exhibit 10, page 2.

ALJ WARD: Okay. Any objection to that?

MS. RADERMACHER: No objection, Your Honor.

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 10 is received entirely.

MR. STEPHENSON: Thank you.

BY MR. STEPHENSON:

Q. Mr. Waltz, does Otter Tail have any tariffs that dictate when it requires customers to make an upfront payment or provide a revenue guarantee?

A. Yes.

Q. And do you administer those tariffs?

A. Yes. We have a service line extension policy under our rules and regs that is approved by the Commission.

Q. And under this scenario, is there any upfront payment under those tariffs required from Minn-Kota?

A. No, there's not.

Q. And you had heard some testimony before. Is there any cost, to your knowledge, for the -- to place our substation on this site?

A. There's no -- no cost, to my knowledge.

MR. STEPHENSON: This witness is available for cross-examination.

ALJ WARD: Ms. Radermacher.

CROSS EXAMINATION

BY MS. RADERMACHER:

Q. Okay. So based on your projections, you would get your rate of return. Is that correct?

A. Correct.

Q. Now, at what load factor would you not be

meeting your rate of return requirements?

A. In the single digits, I would -- just by looking at the relative -- relative values, yeah, I guess they'd have to be in the single digits for a load factor, I guess. I don't know.

Q. And when you projected at 23 percent load factor, that's a pretty low load factor, is it not?

A. It is. I would -- well, yes, our system average, I believe, is around 60 percent. So yes, relative to our system average, it is a low load factor, but it is very typical of commercial grain-handling facilities that we looked at, so...

Q. And are you aware of how Dakota Valley came up with their projected load factor?

A. No, I'm not. I just use their numbers that they had provided. No, I'm not.

Q. And would it make sense for them to also do the same analysis?

A. I would assume so, yeah.

Q. So the 23 percent load factor that you're projecting in addition to this 33 percent, 23 percent makes Otter Tail clearly look better. Is that correct?

A. Yes. It helps -- it helps the customer in this case because of the -- the difference in the demand charges, yes.

Q. Okay. But the discrepancy goes down once that load factor goes up, correct?

A. Yep. I agree, uh-huh.

Q. So it would -- for you, it would be actually, like you said, in relation to this case, make it look better if it was a 23 percent load factor versus a 33 percent load factor?

A. Agree. Yeah, I would just add that, you know, after review, based on the analysis that we did, we reviewed the load factor, the connected load, annual peak demand with Minn-Kota Ag, and they felt that we used -- the sites that we had selected were very similar to them and about the same.

Q. Now, at this point, it appears nothing is being passed on to the consumer. Is that correct?

A. No costs to the customer.

Q. At what point would there be costs passed on to the consumer?

A. If the extension costs exceed a three-year minimum revenue.

Q. And just for the sake of conversation, what happens then if that were to occur?

A. We would have the customer sign an electric service agreement at that point.

Q. And what does that require?

A. It requires us, basically, filling in some key points on the estimated annual revenue, our cost to extend service, and then signatures from both parties.

Q. Okay. And what if they continue to fall below that required load factor that you thought -- and that rate of return, what would happen then?

A. Essentially, without -- nothing in this case.

Q. Now, my understanding is that Otter Tail implements riders. Can you explain to me what these riders are?

A. Yeah. Riders are -- essentially, allow us to recover costs in between rate cases. And so we have costs for renewable energy, transmission costs recovery riders, and things like that. So that's why I included the rider costs in our --

Q. And how often do those rider costs change?

A. They vary. Yeah, it's -- it's -- it's highly variable, so yeah.

Q. So the numbers you projected for you utilizing these riders could change, I mean if they're highly variable. This is just a mere speculation of what this load could bring at the current rate?

A. Yep. Yeah, the analysis is based on the data given at the time by -- by both Otter Tail Power and Dakota Valley. So yeah, it's our numbers and Dakota

Valley's numbers at the present, yes.

Q. And how many consumers does Otter Tail have?

A. System-wide?

Q. Yes.

A. I believe it's about 130, 140,000 customers system-wide.

Q. Do you know how many in North Dakota?

A. It would be, I would say, roughly 60,000.

MS. RADERMACHER: I have no further questions.

ALJ WARD: Mr. Pelham.

MR. PELHAM: Thank you, Your Honor.

CROSS EXAMINATION

BY MR. PELHAM:

Q. Mr. Waltz, I have a few questions for you about Exhibit 9. Otter Tail presents three pages, and I kind of view them as three different scenarios. And I'm wondering, Sir, are you able to say which of the three pages on Exhibit 9 you believe the Commission should utilize in its analysis here?

A. Yes. Well, if I was to have my choice, I would say page 3 of the -- of Exhibit 9 is the most reflective of the customer load data that we looked at and analyzed for this calculation. The value or, I guess, the difference might be if Dakota Valley elects to not charge the power factor costs, so that would,

essentially, be the difference.

Q. And you don't know one way or the other whether or not that's going to happen, the power factor is going to be discounted?

A. Correct.

Q. Okay. Might be, might not be. And that's all outlined in the three different scenarios in Exhibit 9, correct?

A. Yes, it is.

Q. And it kind of begs the question, and I don't mean to argue with you much, but I'm just wondering then, why even present pages 1 and 2 of Exhibit 9?

A. It was -- it was, essentially, to lay the foundation and work off of the information that Dakota Valley Electric provided so that we could show that, you know, we were truly comparing, under an apples-to-apples type scenario, the difference in the rate schedules themselves, and then as you start to include some of the other costs over and above, essentially, the base rate cost.

Q. And of course you'd agree with me that, regardless of which page on Exhibit 9 is used, Otter Tail's economics appear to be better in the sense then what you're calculating as to Dakota Valley. Fair enough?

A. Correct.

Q. In the course of discovery, did Otter Tail receive anything more than data from Dakota Valley related to the economics? Like, for example, did Otter Tail receive any type of similar calculations that were done by Otter Tail?

A. Are you saying did we provide them some --

Q. No, I'm sorry. Let me start over, and I apologize.

I'm wondering, in the course of discovery in this matter, whether or not Dakota Valley provided Otter Tail any of its own estimates as to the economics of this?

A. Yes, it did. The economics that Dakota Valley provided are Exhibit 8. So that would be the economics based on their -- their rate analysis.

Q. I see.

A. And then they also provided the actual rate schedule or the actual tariff or rate that this customer would go on. So yes, they provided those two pieces.

Q. Fair enough. And you utilized -- you, yourself, utilized those in coming up with the sheets, 1, 2, 3 on Otter Tail Exhibit 9?

A. Correct.

Q. So Otter Tail Exhibit 8 then, is that what was

provided to Minn-Kota by Dakota Valley?

A. Yes.

Q. I see. Do you know when that was provided to them?

A. The date prepared is March 13th, 2017.

Q. Okay.

A. I don't know when it was given to them, I guess.

Q. Fair enough, fair enough.

So can you explain a little bit more as far as how -- and I understand you've looked at your similar customers in the area.

A. Yeah.

Q. I mean, are we talking about -- the commercial grain businesses, I mean, how many of them did Otter Tail look at to compare whether or not the load factor would be potentially different in different scenarios? If you could detail that a little bit more.

A. Uh-huh. We looked at two very specific and then we looked at four that were more, I would say, not -- not necessarily a commercial grain-handling facility with a terminal of this nature. You know, so it didn't have the railcar component and the size of the load -- out-load capacity that this facility does. So two that were very specific.

And this is similar to what we do with -- you

know, when Mr. Wolf was testifying, with some of his sizing on transformers, we look at existing customers to determine where we have to size things and where they'll flush out kind of in a rate perspective as well.

Q. And is there a data point that you use as far as in terms of years? I mean, you looked at -- did you look over a course of the last year? the last two years? the last five years? Anything like that?

A. Yeah. So in our customer information system, we looked at -- you know, the one facility that we looked at hadn't been around for three years, but we store three years' worth of data in there. So that's what we used on those sites, was three years' worth of data. Yeah.

Q. And that's for the two that were more similar to this Minn-Kota operation and the four that maybe are not as similar but similar enough to include in your comparison? Three years was used?

A. Yes.

Q. And then were they -- I'm wondering then how the load factor then was -- I'm sorry.

The peak demand as well was also looked at, correct?

A. Yes, it was.

Q. Okay. So the peak demand on the third page on

Exhibit 9 is about 1,500 kilowatts and on the first two pages at about 1,100 kilowatts. That's based on Otter Tail's own analysis of similar facilities in the area that Otter Tail itself serves, correct?

A. Yes. We use those as a reference point for that peak demand, but we also used in this case the customers' total connected Kw as well. And it's a relative component of that.

So like Mr. Wolf testified to earlier, you know, we're sizing to, essentially, a two-megawatt load. So 1,500 is right in that ballpark. I would say we're probably being a little conservative on that peak demand, quite honestly.

Q. So again, page 3, the peak demand is higher than on the first two pages on Exhibit 9?

A. Yes.

Q. It's your testimony, your opinion, that the peak demand is going to be 1,500 kilowatts on page 3. Is that correct?

A. That's going to be more reflective of Minn-Kota Ag's load, yes.

MR. PELHAM: All right, Sir, I don't have any other questions for you. Thank you.

THE WITNESS: Thank you.

ALJ WARD: Okay. Questions by the

commissioners.

Commissioner Kroshus.

COMMISSIONER KROSHUS: Okay. Let's see, which one do I want to start with is the big question.

Just to confirm, and I think we've gone through this, but for your proposal, the pricing to the customer, it does not include any project costs that are being passed on to other -- the other customers that Otter Tail has. Is that correct?

THE WITNESS: Yeah. Otter Tail incurs the cost to construct the substation and distribution system, yes.

COMMISSIONER KROSHUS: And based on looking at Dakota Valley Electric's numbers, do you think that's consistent for them as well in terms of how they price the project?

THE WITNESS: I guess I -- I'm not sure. Yeah.

COMMISSIONER KROSHUS: Because I'm trying to get my arms around the comparisons that you made. And it would make sense, I suppose -- or I would expect, might be a better way of putting it, that you're going to frame it up in a way that would be more competitive for Otter Tail, because they're the ones who write your paycheck.

Do you know that the numbers that came from

Dakota Valley Electric -- it just seems odd to me that they would share their bid so freely with someone they're competing with on the business. I'm just trying to get my arms around that.

Do you know that that was their last bid to the customer?

THE WITNESS: I don't know. We asked, essentially, if they had provided any rate offerings to Minn-Kota Ag in the discovery process, and so they provided us with Exhibit 8.

COMMISSIONER KROSHUS: Okay. Do you know if this was the type of information that you went in front of Minn-Kota Ag with and said, "Hey, here's what we can do it for, here's what they're proposing, here's the differences, here's why you should consider Otter Tail instead of Dakota Valley Electric"?

THE WITNESS: We didn't know Dakota Valley Electric's pricing prior to our discovery period.

COMMISSIONER KROSHUS: So when you went in to the customer, the numbers you presented were not a comparison type approach, they were just yours?

THE WITNESS: Our numbers, yes.

COMMISSIONER KROSHUS: So I guess I'm just trying to put some weight on this comparison, and I think there will definitely be more clarity once we hear

from Dakota Valley Electric on their numbers, which I expect to be somewhat more -- maybe significantly different and they're going to refute portions of this, which would be a fair assumption, I think.

So we don't know, on this comparison, at what point in time in terms of the process, we don't know where this really fit in with Dakota Valley Electric visiting with Minn-Kota Ag. The numbers could have changed dramatically after March, for all we know, and we'll find that out. And that might be a stretch, but they could have changed. Is that fair to say?

THE WITNESS: I would say they could change, yes, the actual rate schedule, unless, you know, the co-op's board approved a rate change or a different rate or a higher discount after this was presented to the customer. You know, I guess that's possible. But other than that, it would be similar to us. I mean, we wouldn't change from that point to this point, I guess, that quickly, but...

COMMISSIONER KROSHUS: One other. Can you go to page 2 of Exhibit 9, please?

THE WITNESS: Yep.

COMMISSIONER KROSHUS: Now, I might be missing something because we just received these numbers this morning at the beginning of the hearing. I'm having

trouble getting these numbers to tie. 322,788.81, the total energy cost.

THE WITNESS: Yep.

COMMISSIONER KROSHUS: And if I move up, just above that you have the different breakdowns, base rate, demand charge, energy cost?

THE WITNESS: Correct.

COMMISSIONER KROSHUS: If I add up demand cost and energy cost, you're right around 315. The 8,704, if I were to put that in, pushes it over the 322. The 924 doesn't get it there. Can you explain that to me? And again, maybe I'm just missing the math on this, but it doesn't seem real clean.

THE WITNESS: Yeah. I guess as far as the calculation goes for the total energy cost under Dakota Valley, we are adding the base rate, the demand cost, the energy cost, the power factor cost, the on-site facilities charge, and then we are actually deducting the blended discount.

COMMISSIONER KROSHUS: Okay.

THE WITNESS: That 25,000. So that should equate, I guess.

COMMISSIONER KROSHUS: Should tie out, okay.

Okay. On the three-year payback, and I believe you have that listed on exhibit -- well, maybe that's

not exactly listed on Exhibit 10, but if we go to Exhibit 10, first question: Did you say those were annual numbers?

THE WITNESS: Yes.

COMMISSIONER KROSHUS: Is that correct?

THE WITNESS: Yes.

COMMISSIONER KROSHUS: Okay, so we're dealing with annual numbers. Can you just walk me through how you get to a three-year payback on this?

THE WITNESS: Yes. So the three-year calculation is a little bit separate from this. It's -- essentially, the Commission approved the extension policy that we have in place. So when we analyze any new customer, we look at it from a cost to extend service and then we also look at the expected three-year revenue from that customer. And that's, yeah, in our extension policy.

COMMISSIONER KROSHUS: You had mentioned that this project would benefit Otter Tail -- other Otter Tail Power companies -- customer base, there would be an overall benefit, I think you said more oars in the water, correct? But that would hold true for Dakota Valley Electric as well, correct?

THE WITNESS: I'm not sure on their revenue and cost structure, I guess, internal, so they have to make

that determination.

COMMISSIONER KROSHUS: Okay. That would be a question that we can pose to them or I can pose to them when the time comes.

THE WITNESS: I would assume so, but I don't know what that value would be.

COMMISSIONER KROSHUS: I would assume so as well. Can you tell me who serves the other Minn-Kota Ag Products locations in Kent, Wahpeton, and Wyndmere currently?

THE WITNESS: Yes. We serve the Wyndmere facility. We did serve the Barney facility. They since sold that.

Do we serve Kent facility?

We serve Kent. And we don't serve the Wahpeton facility.

COMMISSIONER KROSHUS: Did that have any bearing on the bid in terms of a volume discount that you were able to grant them or to put in front of them for this location?

THE WITNESS: Yeah, we're providing no subsidized rate. The rate is our tariff-approved rate.

COMMISSIONER KROSHUS: So it's consistent with the --

THE WITNESS: It would be consistent with any

customer on that rate, yes.

COMMISSIONER KROSHUS: Okay. Just one other -- this might have been an earlier question or a question I should have posed to Richie, but spring and fall, that would be the higher periods of demand. Is that correct? February, March, and then looking at November, December? Tied to spring planting, I'm assuming, and then row crop harvest in the fall?

THE WITNESS: Yes, in most elevator scenarios I would agree. For the business operation that Minn-Kota Ag has, I wouldn't -- I wouldn't say that it's solely driven in the spring and fall just because they're a grain-handling facility, they're buying and selling grain at a commercial level and they're doing that whenever it's, you know, economic to do so and whenever they need to move product. And so that can really drive, you know, from one year to the next how varied that load can be, yeah, or by month, yep.

COMMISSIONER KROSHUS: So on Exhibit 8, if we can hop over to that real quick.

THE WITNESS: Yep.

COMMISSIONER KROSHUS: Just down where it's listed January through December, you got the by-month breakdown?

THE WITNESS: Yes.

COMMISSIONER KROSHUS: So I'm looking at monthly demand and then monthly energy, and it seems to follow the ramp up to spring planting and then fall harvest.

THE WITNESS: Yeah, potential. These are the numbers that we were provided by Dakota Valley Electric, so they were, I'm assuming, making some assumptions on the general load profile, or looking at potentially other customer data, or however they derive the numbers, but...

COMMISSIONER KROSHUS: Do you think -- last question. On 9 and 10, well, Exhibit 9 in particular -- I guess I'll just say Exhibit 9. So you're making a comparison, obviously, between Otter Tail Power and Dakota Valley Electric, but it sounds like there are a lot of assumptions built into this.

THE WITNESS: Yes. I mean, we're making the -- you know, as we do with any new load, we have to be as accurate as we can be on these, you know, extension costs that Mr. Wolf put together and then also the expected revenue, because it's important for us to get that right for Otter Tail Power Company as a company and it's important to get that right for our other ratepayers so that they wouldn't be burdened.

COMMISSIONER KROSHUS: Let me rephrase it just a little bit. Assumptions in terms of Dakota Valley

Electric's numbers, that's where it seems to be. Because I've asked a couple of questions where you said "I assume" and you believe that it's correct, but it doesn't sound really firm. So I'm just trying to figure out what type of weight to put on Exhibit 9. And it might be flushed out a little bit more again when we hear from Dakota Valley Electric.

THE WITNESS: Yeah. So the --

COMMISSIONER KROSHUS: Because it's a big factor in all this.

THE WITNESS: Yeah, it is. Yeah, so on page 1 and 2, what I wanted to calculate was using the customer load data that Dakota Valley provided, and so those costs are reflected in those two pages.

And then the third page is reflective on the analysis that we did based on the other commercial grain-handling facilities that we serve and then a few elevators that we looked at.

COMMISSIONER KROSHUS: All right. No other questions for me, Your Honor.

ALJ WARD: Commissioner Christmann.

CHAIRMAN CHRISTMANN: What are the facilities that you have that you were using as the most close comparables to this when you were thinking that there could be a lower load factor?

THE WITNESS: I don't know if I can say the actual customer. I don't know if I can share that.

MR. STEPHENSON: That's potentially trade secret or a customer -- a specific customer, it's their personal use --

CHAIRMAN CHRISTMANN: Okay. Are they North Dakota facilities, though?

MR. STEPHENSON: Yes.

CHAIRMAN CHRISTMANN: And is this Minn-Kota facility -- and I suppose we'll hear more from the customer later, but is this to be a grain storage and handling facility where, basically, they're going to acquire and probably mix and dry and then ship product? Or is there going to be a processing component with this project?

THE WITNESS: Good question. I guess I'd have Mr. Schuler testify to the particulars, but from my understanding, it's not a process-related facility. It's, essentially, a grain-handling facility and terminal, rail terminal.

CHAIRMAN CHRISTMANN: Well, I think, in trying to wrap my arms around the load factor distinction, we'll need to know that and then whether the comparables that you used are the same. Was there a processing component to those and not to this, or with Minn-Kota

but not to those? I would think it would make a huge difference.

THE WITNESS: Oh, yes, if --

CHAIRMAN CHRISTMANN: So perhaps we need to address that again after we hear from the owners, to make sure that what you're using as comparables are, in fact, proper comparables. No other questions.

ALJ WARD: Commissioner Fedorchak.

COMMISSIONER FEDORCHAK: Thank you, Christopher. Can we back up just a bit and describe again how the load factor is determined?

THE WITNESS: Yeah. Load factor is, at its most basic, is the amount of time a customer will be at their peak demand.

COMMISSIONER FEDORCHAK: And you guys do that over an annual basis or do you look at it month by month and then average them? When you're making those calculations, how do you as Otter Tail Power do that?

THE WITNESS: Generally, we're doing it on an annual basis, but for this comparison, I did it on a monthly basis just to be consistent with what the co-op did in their proposal.

COMMISSIONER FEDORCHAK: Okay. So you didn't really make assumptions, you -- your biggest assumption was that what Dakota Valley provided is accurate, and

then you based all of your calculations using their data, extrapolating it into a revenue scenario that worked for showing your revenue requirement?

THE WITNESS: Correct. For the first two pages of Exhibit 9, that's exactly what I did, was use the values that Dakota Valley Electric had, and then I plugged in the determinants on our rate schedule or our 401 tariff, yes.

COMMISSIONER FEDORCHAK: And did you not get direct information from Dakota Valley Electric -- I'm sorry, from the customer?

THE WITNESS: No.

COMMISSIONER FEDORCHAK: So you didn't get --

THE WITNESS: Are you (indiscernible)?

COMMISSIONER FEDORCHAK: You didn't get them -- yeah, like what they expected --

THE WITNESS: Oh, I'm sorry.

COMMISSIONER FEDORCHAK: -- information that -- you know, how much they needed so you could make your own load factor calculation.

THE WITNESS: Yeah. So when we concluded the comparison with the other commercial grain-handling facilities that we serve and then the few elevators that we took a look at, we reviewed those calculations, basically presented Minn-Kota Ag with, essentially, a

load profile estimate and reviewed that, and they agreed with those estimates, and so that's what we used for the calculations on page 3 of Exhibit 9.

COMMISSIONER FEDORCHAK: So working separately, you would have calculated the 23 percent load factor?

THE WITNESS: Yeah, they're -- you know, and this is part of our job both on the rate side of things but then also on the loading of sizing the transformers correctly, is we have to do and determine those calculations.

So generally, customers don't know, you know, what the relative ratio is between the connected load and what the ultimate demand will be and what the ultimate load factor will be. Those are all calculations that we provide new customers.

COMMISSIONER FEDORCHAK: Tell me what they give you so you can determine the peak load. What kind of information do they give you?

THE WITNESS: They give us the total connected load. They give us -- in this case, they gave us a motor list, too, so that we could perform the motor start studies and things like that as well.

COMMISSIONER FEDORCHAK: But in order to know the amount of time they're going to have all of it maximum connected, what do they give you to help you

determine that?

THE WITNESS: Well, generally, what we walk through is how they plan to operate the facility. Is it going to be, you know, a three-shift operation? A four-shift operation? Or a two-shift? You know, is it 24/7? How seasonal is it? You know, what are some of the capacities relative to the load, unload?

It's walking through some of that customer data so that we can try to be, again, as accurate as we can, yes.

COMMISSIONER FEDORCHAK: So you did all of that calculation yourself. And that's reflected in page 3 of Exhibit 9?

THE WITNESS: Page 3 would be the reflection of what we feel the load profile data would be for Minn-Kota Ag, yes.

COMMISSIONER FEDORCHAK: Okay. So you determined the 23 percent, that that's what you think it's going to be, based on all of your own --

THE WITNESS: Yeah.

COMMISSIONER FEDORCHAK: -- separate independent -- and then, so that we could have a comparison, you also looked at what Dakota Valley, how they were making their determinations?

THE WITNESS: Correct, yep.

COMMISSIONER FEDORCHAK: Okay. So if you were going to say -- so at the -- assuming that you're right, and I'm just taking the most conservative number, say they -- the total energy -- on page 3 of number 9, the most conservative would be the total energy cost less the power factor, so that would be 66,000 difference, about.

And then going up to the higher load factors, what they calculated and believed the load factors will be, you've got at least, let's see, all-in total energy costs, we'll say that's the 76,000. You did not do this load factor with the -- nope, we would be at the middle page then, right?

THE WITNESS: Yes, page 2 would be --

COMMISSIONER FEDORCHAK: That would be their assumptions on the load factor minus the discounts, which you have to take into consideration. There's no scenario where they're not going to get the discounts.

THE WITNESS: Yep, they provided that to the customer, yes.

COMMISSIONER FEDORCHAK: So page 1 is kind of moot, because that doesn't include the discount.

THE WITNESS: Correct. What I wanted to show on page 1 was that we arrived at the same calculations for energy.

So page 2 of the thought process was, if we just included page 2, you know, we're including the power factor costs and the on-site facilities charge that were not in the proposal to Minn-Kota Ag. So we just wanted to reflect exactly what was in their proposal.

COMMISSIONER FEDORCHAK: Okay.

THE WITNESS: And then including some of these potential other costs that are in Dakota Valley's rate schedule.

COMMISSIONER FEDORCHAK: Okay. But you could take out that power factor at least?

THE WITNESS: Yep.

COMMISSIONER FEDORCHAK: So do you think that's the minimum difference that exists between what the customer would pay Dakota Valley and you, 27,000?

THE WITNESS: Yes.

COMMISSIONER FEDORCHAK: Annually?

THE WITNESS: Yes.

COMMISSIONER FEDORCHAK: Okay. When you're bidding out your rates, do you have any flexibility to make discounts?

THE WITNESS: Not at the current time, we have -- our rates are our rates.

COMMISSIONER FEDORCHAK: So you have to follow whatever customers -- whatever category they fall

into --

THE WITNESS: Yeah, we --

COMMISSIONER FEDORCHAK: -- the class and however that rate, which is approved by us, spells out how you're to charge them?

THE WITNESS: Yes. We have -- what's typical is a customer like this could qualify for multiple rates. So we review the various rate options. And we have a pretty thick rate book, probably more rates than most.

And so we analyze -- typically, what we would do on an uncontested scenario is we would analyze the different rates relative to that customer and walk them through what might be more advantageous under a given scenario.

COMMISSIONER FEDORCHAK: Okay. And did you do that with this customer?

THE WITNESS: Yes.

COMMISSIONER FEDORCHAK: And this is the one that is -- the one you're proposing is the most advantageous to them. But do you have any flexibility to add a discount or just to go in a customer?

THE WITNESS: Not at the current time, no.

COMMISSIONER FEDORCHAK: Okay. Okay, I think that's it. Thanks.

THE WITNESS: Thank you.

ALJ WARD: Okay. I'd like to finish up soon, but let's try to finish with this witness first before lunch.

Mr. Stephenson, any followup?

MR. STEPHENSON: I think just one, Your Honor.

ALJ WARD: Okay.

REDIRECT EXAMINATION

BY MR. STEPHENSON:

Q. Mr. Waltz, I think counsel for Minn-Kota had asked that, in lowering that load factor, if that is advantageous to Otter Tail Power. What does that lower load factor result in in terms of the net contributions to cost to our system?

A. Yeah. So reflective in Exhibit 10, you can see the net contribution to cost, under page 1 of Exhibit 10, is $172,000. And then with page 2, the net contribution to cost with a 23 percent load factor actually drops to $158,000.

Q. So lowering that actually --

A. It actually lowers our overall revenue as well, yeah.

MR. STEPHENSON: Nothing further.

ALJ WARD: Ms. Radermacher.

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RECROSS EXAMINATION

BY MS. RADERMACHER:

Q. Well, it lowers your overall revenue, according to your testimony, it would have to be in the single digits for you to not be making any sort of money over top of what you invested. Is that correct?

A. Yeah, I'd have to, again, do the calculations. I'm just assuming that, you know, being at 23 percent here, yeah.

Q. So you're making money at 23 percent versus 33 percent, correct?

A. Yes. There's a net contribution to our other customers by serving Minn-Kota Ag under a 23 percent load factor, yes.

Q. But if you don't get this load, you won't be making anything. Is that correct?

A. Correct.

Q. So for the purposes of today's hearing, giving it a 23 percent factor versus a 33 percent factor makes a big difference, doesn't it?

A. I would say relative to what exactly?

Q. Relative to this -- counsel asked you if it would affect you negatively if this was a 23 percent load versus a 33 percent load. But if you don't get this load, it would -- you would have zero. Would that

be correct?

A. Yes. I believe that's exactly what Mr. Stephenson said in the opening, that we would be, essentially, doing a disservice to our other customers by not pursuing this load because it has a net benefit to our other ratepayers.

Q. And in order to get this load, you have to prove that it would be more economically feasible for the consumer to go with you versus Dakota Valley Electric?

A. Yes.

MS. RADERMACHER: I have no further questions.

ALJ WARD: Mr. Pelham.

MR. PELHAM: Mr. Lein has a few questions.

ALJ WARD: Mr. Lein.

MR. LEIN: Thank you. I'd start with that OTP Exhibit 10. If I'm reading that correctly, you're saying that you need $28,116 a year in revenue to not charge a customer contribution.

THE WITNESS: No. The customer contribution piece is actually under a different -- it's under our line extension policy. It's a little bit separate from --

MR. LEIN: Could you file a late-filed -- your work papers detailing the line extension policy application?

THE WITNESS: Yep.

MR. LEIN: Then I had another question on the power factor. You are adding a 400 kVAR capacitor bank to serve them. Is the purpose of that to correct their power factor to within your tariff limits so that they won't have to pay a penalty?

THE WITNESS: No, it's not. As Mr. Wolf testified earlier, that is actually to provide voltage support on our transmission system so that there's no other ill effects by the large motors starting and things like that.

MR. LEIN: So there is a power factor penalty in your tariff. I believe if they don't maintain a .9, there's a payment required?

THE WITNESS: There is under different rates.

MR. LEIN: Okay. So there's not one under this rate?

THE WITNESS: Correct. It is included in the rate design.

MR. LEIN: Okay. I think that's all I had. Thank you.

THE WITNESS: Thank you.

ALJ WARD: Commissioner Kroshus.

COMMISSIONER KROSHUS: Thank you, Your Honor. Just a couple of questions.

How many rate options do you have? How many are in the playbook? You had alluded to the fact that it's pretty thick?

THE WITNESS: Yeah, it is. As far as the overall number goes, I would say -- you know, we have -- we have controlled rate options and uncontrolled rate options.

So in Minn-Kota Ag's case, you know, they -- when they need the power, they need the power, so they're electing a non-controlled rate option. And for those types, we might have ten different rates, eight different rates, something like that.

COMMISSIONER KROSHUS: So it's possible a similar operation that's unrelated to Minn-Kota Ag Products, but a similar operation, could have a different rate, one of the ten to choose from, or would it be the same rate that you've presented to Minn-Kota?

THE WITNESS: Yep, it's dependent on -- a little bit on customer choice, yes.

COMMISSIONER KROSHUS: So there's quite a bit of flexibility, it sounds like, on Otter Tail's part in terms of fitting the right rate with the proposal to capture the business?

THE WITNESS: Yeah, I would say generally we have, in a scenario like this, we have three different

rates that a customer would choose from.

So just to try to drill down, in North Dakota we would have the general service rate, we'd have a large general service rate, and then we'd have a large general service time of day rate. And I think those three rates would probably be the most reflective in this case.

COMMISSIONER KROSHUS: Okay. So in all likelihood, it was impacted by Dakota Valley Electric's numbers, or at least your perception of the numbers that they were putting forward?

THE WITNESS: Yes.

COMMISSIONER KROSHUS: One last question. Going back to the cost of the project on, I believe, Exhibit 3 and Exhibit 4, but generally speaking, material costs, how would that look if you weren't using a used transformer?

And I could try and finesse my way through this, but how do I know you didn't just cobble together all of the odds and ends that were available to come in with a very low project cost, or a much lower project cost, versus the transformers not -- a used transformer isn't available, this isn't available, and because it impacted the overall cost -- well, it seems like it -- I don't know what a new transformer costs. I don't know what the savings was by saying we'll take the one that's been

largely depreciated, because I don't know what the depreciation schedule looks like on that transformer. But you see what I'm getting at? And then working your way to, well, here's the project cost, which we've knocked down quite a bit, here's the different options that we have in terms of rate that we can put forth to a customer, and then you have Exhibit 9 where it looks very favorable.

But I'm trying to get my arms around, what would the true cost have been?

THE WITNESS: Yes. I guess I can't speak to what a new transformer would cost. You'd have to ask Mr. Wolf on that. I don't know those values.

COMMISSIONER KROSHUS: And I understand it. I've been in business for, prior to this, quite a number of years, and if you had inventory on hand that you could convert into a finished product -- but it doesn't mean I could -- you know, we could go back the second time around and offer the same type of a competitive bid because it was gone.

So I don't know how unique this situation is or if this is common practice to cobble together and put together the different components that are more advantageous from a cost standpoint.

THE WITNESS: I guess, you know, all I can speak

to is, as we continue to serve new customers, we take the next available unit out of our store facility, so it's the next transformer in line. And how depreciated that is, is how depreciated that is at the time. And that's what Mr. Wolf testified to.

COMMISSIONER KROSHUS: All right. Thank you.

ALJ WARD: Mr. Christmann.

CHAIRMAN CHRISTMANN: Mine have been asked and answered, Your Honor.

ALJ WARD: Okay.

COMMISSIONER FEDORCHAK: No more questions.

ALJ WARD: Okay. So let's do a time management discussion here while we're still on the record. How long do you think your next witness will take you? One more?

MR. STEPHENSON: One more, Mr. Schuler.

ALJ WARD: And that will take?

MR. STEPHENSON: Less than these two witnesses individually, so...

ALJ WARD: And Ms. Radermacher, your two witnesses, how much time?

MS. RADERMACHER: Mr. Garber might be 10, 15 minutes. I have a feeling that -- you know, the issue we have is that Mr. Syverson will be testifying to, essentially, what their two witnesses, Mr. Waltz and

Mr. Wolf, have testified to.

ALJ WARD: Okay.

MS. RADERMACHER: So it could be two hours, depending upon how many questions.

ALJ WARD: But we should -- all that being said, we should be able to finish by 4 or 5 today yet?

MS. RADERMACHER: I hope so.

ALJ WARD: Okay. So as far as a lunch break, Commissioners, I know you have some kind of an emergency meeting you need a few minutes to do, according to Mr. Schuh. How long do you think? 1:00 come back? Is that too soon? 1:15?

COMMISSIONER FEDORCHAK: Did you set a time for the special meeting?

ALJ WARD: I think he was looking at about --

UNIDENTIFIED SPEAKER: He talked about 1. I don't know if he scheduled it yet.

UNIDENTIFIED SPEAKER: Yes, Your Honor, it's scheduled at 1:00.

ALJ WARD: Okay. So can you do lunch in time to get back by 1 and then start here again 1:15?

COMMISSIONER FEDORCHAK: That would be good.

ALJ WARD: Okay. We'll all be back by 1:15.

UNIDENTIFIED SPEAKER: Your Honor, I should have done this this morning or during break, but I neglected

to. For people who haven't been here before, there's a ladies restroom right out here by the elevators, men's restroom one floor up or one floor down, take the stairs or the elevator.

Down on the ground floor when you get off the elevator, go east. You don't see it because there's a little jog in the hallway, but there's a cafeteria down the hallway, if you didn't want to go off campus.

UNIDENTIFIED SPEAKER: Yes. And I was just going to say that, too. You don't need to leave the building. I mean, you probably have time if you want to, but you're taking a risk you won't be back by 1:15.

UNIDENTIFIED SPEAKER: It's pretty quick. It's a la carte, buffet type of thing.

ALJ WARD: Okay. So we'll be adjourned until 1:15.

(Recess)

ALJ WARD: Back on the record after lunch. It's about 1:15.

Mr. Stephenson, call your next witness, please.

MR. STEPHENSON: Yes. Otter Tail calls George Schuler.

ALJ WARD: Mr. Schuler, would you spell your last name for the record, please?

MR SCHULER: S-C-H-U-L-E-R.

ALJ WARD: Thank you. I'll have you raise your right hand.

Do you promise to tell the truth, the whole truth, and nothing but the truth in this proceeding?

MR. SCHULER: I do.

ALJ WARD: Thank you.

GEORGE SCHULER,

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

DIRECT EXAMINATION

BY MR. STEPHENSON:

Q. Mr. Schuler, where are you employed?

A. I'm employed at Minn-Kota Ag Products.

Q. And what's your business address?

A. 90 South A Street, Breckenridge, Minnesota.

Q. And Mr. Schuler, what is Minn-Kota Ag Products?

A. Minn-Kota Ag Products is a grain elevator and ag supply business located in the southern Red River Valley. We have locations in Wyndmere, North Dakota, Barney, North Dakota, Kent, Minnesota, Wahpeton, North Dakota, and Breckenridge, Minnesota.

Q. And what is it that you do for Minn-Kota?

A. I am the grain division and logistics manager, along with I sit on the board of directors, and I'm also a minority owner in the business.

Q. I take it that means this is a family-owned business?

A. This is a fourth generation family-owned business.

Q. And how long have you been employed by Minn-Kota?

A. In my current full-time position, I've worked for Minn-Kota for almost six years, but I've worked at Minn-Kota off and on in the summertime since I was 16 years old, so it will be 13 years in May.

COMMISSIONER FEDORCHAK: Now we know how old you are.

(Laughter)

Q. And maybe you could just -- what you do for Minn-Kota, can you expand on that?

A. My primary role for Minn-Kota Ag Products is I do all the purchasing of commodities and the selling of commodities. We handle soybeans, corn, and spring wheat, along with a little bit of durum and a little bit of barley.

My primary role is, is I purchase those commodities, I then find a market and sell those commodities, along with I take care of all the logistics, so I do the buying and the selling of the BNSF trains that we purchase to move our commodity.

Q. And what are your responsibilities with respect to the Minn-Kota grain-handling facility being constructed near Barney?

A. The current Minn-Kota Barney facility that is being built, I am the team leader on that project. I was responsible for finding the site, designing the facility; basically, the whole project in and out.

Q. And what will be your responsibilities for that facility once it's in operation?

A. My responsibilities will be to oversee the day-to-day operations, along with take care of the procurement, sales, and logistics for that facility.

Q. And you indicate you have facilities in Minnesota and North Dakota?

A. Correct.

Q. And is your business weighted toward one jurisdiction or the other?

A. Being that we're on the river, it jumps both side, but a bulk of our business is done in the state of North Dakota. We are actually a North Dakota corporation.

Q. Now, with respect to the Minn-Kota grain-handling facility, can you describe what this facility will look like and what it will do, give a picture of what it will actually be capable of?

A. Yes, yes. There's kind of two parts to a facility like this so it's going to take me a little bit, so bear with me here just because...

There will be inbound receiving for producers or farmers and then there's outbound shipping, which will go on BNSF 120-car trains.

So I want to talk about the inbound side first. This facility will have the ability to dump at three dump pits. Those dump pits will be able to dump at 20,000 bushels an hour or 20 semi loads per pit per hour, so a total of 60 semi loads an hour. We will have a storage capacity of 2.9 or just under 3 million bushels at that facility.

We will then have the ability on the load-out side to load out at 80,000 bushels an hour or 80 truckloads an hour.

And you may kind of ask, well, is this, you know, similar to a farm setup or maybe the small town elevator?

No, this is a totally different dynamic. These shuttle elevators came on about 20 years ago, and it was really brought on by the railroads, is who are the ones who pushed them. And they were really designed for an efficient means to move grain into different markets, so if it's -- you know, wheat into the mills or soybeans

for export to the PNW or corn into different -- different markets that they're using, domestic and export.

So this facility will be designed to land 120-car BNSF locomotive. Well, what that does is it gives the producer in that area a competitive advantage because they're getting a discounted freight rate versus the small elevator that can only -- can only ship two or three cars. So it's not only a grain-handling facility, it's the marketplace for local producers.

Q. And what's the capital investment being made in this facility?

A. The capital investment on this project will be over $20 million.

Q. And how would you compare this size-wise to your other facilities?

A. This will be the largest facility in our network when construction is complete.

Q. And what's the anticipated operational life of a facility like this?

A. July of 20 -- I'm sorry, operational life, 40-plus years.

Q. Okay. And will this facility run year-round or just focus more on planting and harvest times?

A. No. This facility will be run year-round.

And to kind of touch a little bit on that, being that it is in the BNSF shuttle network, we are subject to operating hours that are -- that are a little different. This isn't like a manufacturing plant that comes on and runs at 8 in the morning till 10 at night 365 days a year.

We work in agriculture, so things are so seasonal. You know, crops could be big, crops could be small, grain could be wet, grain could be dry, corn harvest can run into bean harvest or bean harvest can continue into corn harvest.

So the consistency of this facility is very -- is very like this, if you would. Operationally of it, since we are in the BNSF network, when those trains are being moved to us, we're on a time limit of when those trains need to be -- from when they are spotted to when they need to be loaded. If they do not get loaded in the allotted amount of time, we're penalized for that. You know, it plays into competitive freight rate for efficiency for the railroad.

You know, so we could be working from 5:00 at night until 3:00 in the morning, or we could be regular business hours. We don't know that because it's based on seasonalities, it's based on freight, it's based on crop size.

Q. Based on seasonality, but is it correct that this facility will operate year-round?

A. It will operate year-round.

Q. Okay. And I just want to make sure there's an accurate picture. Can you describe just the components and how they tie together on a grain-handling and load-out facility like this? I know you talked about the dump pits, but how is that moved to X to Y?

A. Oh, sure, sure. So basically, if we talk, a truck comes in, it dumps in our dump pit. It then is taken by a conveyor belt to a leg. The leg then takes it up, hits a distributor, it then hits another conveyor, which takes it to the bin of which the commodity is being binned in.

From a load-out standpoint, it's the same concept. There's a conveyor belt underneath the bin. It then brings it to the load-out legs, which then bring it up. It then screens it and cleans it to make spec on that grain. It's weighed out, it's loaded in the car.

And this is done at very high volumes, as I touched on earlier.

Q. And do all those components, are they powered by electricity?

A. They are.

Q. And what's the status of the project right now?

A. Right now I would say we're nearing 50 percent completion on the project.

Q. And when do you expect to start operations?

A. July of 2018.

Q. Mr. Schuler, in planning this facility, have you evaluated electric service from both Otter Tail and Dakota Valley Electric?

A. Yes, we have.

Q. Okay. And obviously, you've requested Otter Tail service, so we can infer that you prefer to have Otter Tail serve?

A. Yes, we do.

Q. Okay. Now, has Otter Tail been part of your plans throughout this process?

A. Yes, they have been.

Q. Can you explain why that's the case?

A. As I touched on earlier, we have facilities in Wyndmere and then formerly in Barney, which the new terminal is taking place of. Otter Tail, at that point, was serving those two facilities. It was our understanding that Otter Tail could serve this because they always have -- always served our facilities out west.

Other things that we took into consideration with Otter Tail is we've never had a bad experience with

them at these two facilities that they currently serve. If there's ever been -- if there's ever been an issue, they've been very flexible, they've been very timely, any outages have been very short-lived.

Q. And was the facility that you're building now initially planned for the Barney site?

A. Initially, it was actually planned for a site two miles west of Wyndmere. We then had to relocate -- excuse me, east of Wyndmere. We then had to relocate to a site east of Barney due to poor soil conditions.

Q. And for the record, did Minn-Kota contact Otter Tail about providing service or did OTP contact Minn-Kota?

A. Minn-Kota Ag Products contacted Otter Tail.

Q. And when did Otter Tail provide you rate information? Do you have any recollection when that might have occurred?

A. I don't -- I can't pin it down to the date, but it was sometime before I received rates from Dakota Valley.

Q. And the information you received from Otter Tail, did you evaluate those rates?

A. Yes, we did.

Q. And was that the same rate that Mr. Waltz testified to, the general service rate?

A. Yes.

Q. Okay.

A. And I believe that's -- general service rate is the same one that we're on at our Wyndmere location, which is what I used to look at -- look at it initially.

Q. And did you do any kind of analysis or come to any conclusions about Otter Tail rates before seeing Dakota Valley's?

A. Well, Dakota Valley currently serves our Wahpeton location. And just knowing -- knowing what we know, Dakota Valley has an extremely high demand factor. Well, you know, I think as pointed out in previous testimony, is in our industry, we get -- we're extremely sensitive to that because we're not consistent, we're peaking, you know, as I touched on, we're peaking up and down.

So knowing what we knew from that Wahpeton location, we knew that the rates would be somewhat more competitive or favorable towards Otter Tail. Well, then when we started looking at what it cost to run our Wahpeton location compared to our other ones, Otter Tail was definitely more favorable to Minn-Kota.

Q. Let's talk about that demand feature. Does that demand weigh into how you operate a facility like this?

A. Yes, it does. Yes, it does.

Q. Can you expand?

A. Yes. Just give me a second here.

When we get into trying to combat that demand charge, we have to change the flexibility of how we run our business.

You know, my primary example is at -- is at Wahpeton. We have a million-bushel corn bunker out there that has six fans on it. To try to limit the amount of cost we will incur on this, we have to run half those fans.

We've had to -- we've had to do things at that facility to slow it down, to not hit that demand factor, because that facility is not our main workhorse, it is secondary. And it is, by far, one of my most expensive facilities to operate, and the power is a large part of that.

Q. Now, your building, would you characterize the new facility as state of the art?

A. This is a state -- this is a state of the art facility. This will be one of the nicest facilities in the state of North Dakota.

Q. And will your ability to use that the way it's designed be hampered if you have to take a high demand charge?

A. It very well could be.

Q. Do you expect it to be?

A. Probably.

Q. And you've experienced that already in Wahpeton. Is that --

A. And we have experienced that already in Wahpeton.

Q. Okay. As far as other operational or flexibility issues, you've heard testimony, I think, about soft starts. Is that something that you've considered?

A. Any time -- any time we can go choose a provider or somebody who allows a business flexibility, it just betters the business. You know, I know there was some talks about soft starts and different things in previous testimonies.

And from our standpoint, the ag business, it changes so much. What we were doing five years ago isn't the same of what we're doing today. What we're going to do today, we may not do in 15 years.

So having that flexibility and being able to plan expansions or adapt without having to incur more costs or having to do things that limit our flexibility or limit our operations, it's just beneficial to our business, especially in ag where now we're seeing tighter margins in an ever-changing world and a lot of

inconsistencies in it.

Q. Now, you've heard some testimony earlier today, primarily from Mr. Wolf. Is there anything, in your mind, supporting your request related to reliability and minimizing risk?

A. Yes. The plan that Otter Tail Power, I think, that has prevented -- or has presented to Minn-Kota, excuse me, I think is very beneficial to us. Any time you can minimize a risk of an outage happening or something to that (indiscernible) that will take us out of business, we're always in favor of it.

You know, they talk about putting that on-site substation there. And that, to us, has a huge advantage, knowing that the power is right there and it's not being trenched five miles up. What if something -- what if something happens?

And weather, I understand, you know, all these places, just in testimony, are fed by overhead lines. I get that. But from a business owner standpoint, if something does happen, we can then look, okay, it's probably on-site and it's only a thousand feet that they need to find versus four miles. And odds are, when something is going to happen, it's going to be in the dead cold of winter, just my assumption.

Q. Probably a safe assumption.

Now, the consequences of a potential service interruption, can you explain what those might be?

A. Yeah. As I think we indicated earlier, everything in this facility is ran off of electricity, and it's ran rather quickly through the facility.

So, I mean, you can about imagine, we're dumping 60,000 bushels grain of grain an hour. Well, if that power cuts out for just one minute, that's a lot of moving parts, and that's a lot of grain that needs to go somewhere, and odds are it's going to go into a spot that is not going to be very easily accessed to get out.

Service interruptions, they can have two consequences: Economical, where if we're in the heart of harvest and we shut down and we lose customers, or we're loading a train and we incur penalties or that sort of thing. But then there's the -- then there's just the side of it, it's time consuming. It may not do any damage, but if we've got to get a grain vac out and grain vac 20 to 30,000, 40,000 bushels, just that in itself could take us a half a day to a day just getting our facility back up and running.

So to answer your question, any sort of service interruption can have huge implications for us.

Q. And as a businessman, would you take any reduction in risk to avoid that as -- see that as

beneficial?

A. Absolutely. And I think we all would.

Q. Now, with respect to Dakota Valley and their proposal, do you recall when you received that?

A. Middle of March, I believe.

Q. And did you evaluate that proposal?

A. Absolutely, I did. That's my due diligence as a manager and an owner of my company.

Q. And did you compare that to what you understood Otter Tail's rate structure to be?

A. Yes, I did.

Q. And what was your conclusion at that time?

A. Looking at what we looked at before the discount, the savings of Otter Tail were around $100,000, is what we found. We then -- we then factored in the discount and kind of said, well, you know, yeah, it's a discounted rate, but Otter Tail is still going to be cheaper even with a discount.

Q. And what did you communicate to Dakota Valley?

A. Basically, that I had evaluated both rate structures and that their rate structure was overly high for what -- what we thought it should be and, you know, given the choice, if we get the choice, we're going to go with Otter Tail Power. And that was one reason why. And then the on-site substation was also a big deal to

us.

Q. And did you ever hear back from Dakota Valley after that?

A. I did not.

Q. No further proposals from Dakota Valley?

A. No further proposals.

Q. Did Dakota Valley ever offer you a contract?

A. No.

Q. So at that time, as far as you knew, you really didn't know what they were going to do --

A. No.

Q. -- in terms of --

A. No. I was somewhat under the assumption that both -- both parties presented a proposal, it was for us to choose, and I never heard anything different until we were here.

Q. Mr. Schuler, does the fact that Otter Tail's a rate regulated utility weigh into your analysis?

A. Absolutely it does. It's very reassuring a business to know that you have some checks and balances, and that if Otter Tail is going to offer a rate increase, it at least has to go through some channel for that rate to be approved.

Q. And with respect to Dakota Valley's offer, was there any indication what would occur after the

expiration of that discount?

A. No.

Q. And your company is a co-op member currently. Is that right? I mean, you receive services from Dakota Valley?

A. Yes. They serve our Wahpeton location.

Q. And is it your -- can the cooperative change rates by order of its board?

A. I believe they can.

Q. You've heard some testimony about a substation. What's your understanding of how Otter Tail would acquire that footprint for a substation on-site?

A. My understanding is that it would be a -- probably a lease agreement between Otter Tail and Minn-Kota Ag Products, as we own the ground. And the footprint that they're talking about, the economical gain of having that, or security of having that, a substation on-site, far outweighs the value of which that parcel is just sitting there vacant.

Q. What would be the lease price?

A. $1.

Q. And the property has limited value at least in comparison to the value of having it on-site?

A. Yes.

MR. STEPHENSON: This witness is available for

cross-examination.

ALJ WARD: One question. You haven't moved Exhibit 11 yet, the application. Do you want to do that?

MS. RADERMACHER: We'll stipulate to its admission, make it part of the record.

ALJ WARD: Okay, all right.

MS. RADERMACHER: I don't think any additional foundation needs to be provided.

ALJ WARD: Okay. Very good.

Ms. Radermacher, cross.

MS. RADERMACHER: Thank you.

CROSS EXAMINATION

BY MS. RADERMACHER:

Q. Now, you indicated that you have the Wahpeton site currently with Dakota Valley Electric?

A. Yes, Ma'am.

Q. Can you compare for me what this site is going to be versus your Wahpeton site, for example?

A. The Wahpeton site, for example, is -- first of all, it's not a grain shuttle loading facility. It is a secondary truck load-out 15-car shipment facility. It operates more seasonally than this one would be. You know, it's busy at harvest time. Minimal use throughout the winter as we're shipping it out. Come springtime,

our fertilizer portion of that does ramp up, but from a grain elevator standpoint, it's rather quiet. Summertime, rather quiet until harvest -- harvest happens again. It's more of a seasonal facility, where this new terminal would really be the workhorse of our western trade territory.

Q. How much more traffic would you see at this site than you would at the Wahpeton site?

A. Anticipated annually? Significantly more. To put a number on that is really hard. Tell me the crop sizes, market conditions, some of those things, and I could maybe get you close, but...

Q. Like three, four, five times more business than what you're doing at the Wahpeton?

A. Probably, if not more than that.

Q. Okay. So you're saying more than five times what you'd be currently doing?

A. Like I said, it's kind of hard to peg that because my industry is -- it's kind of dependent on yields and market conditions and that sort of thing. You know, use five to eight times.

Q. I'm married to a farmer, so I completely understand where you're coming from.

A. Gotcha.

Q. So how would you compare this? Because like I

said, this is -- as a farmer's wife, how would you compare, say, for example, to like James Valley Grain? Like how would this site compare to that?

A. You know the Verona facility from James Valley Grain?

Q. Yes.

A. It would be very similar to that. The only difference is it's a steel structure that I'm building, it's a concrete structure that they have. But operationally, very much the same, identical.

Q. And does James Valley, does that -- you know, what would some other comparable elevators be that you can think of?

A. Let's see here. James Valley Grain and Oakes, as you touched on. Arthur Companies in Ayr, Arthur companies at Pillsbury. Columbia Grain in Valley City. Maple River Grain in Casselton. Let's see here, I forget what the name of the co-opt it, but -- big cement elevator north of Fargo. It will come, it will come to me. There's many of them.

Q. So that's the one along interstate, is that the one you're talking about?

A. Yes, yep.

Q. Okay. So it's going to be significant, from the sounds of it?

A. Yes, yes. This is going to be very big.

Q. And this one has a railroad loop. Is that my understanding?

A. This has a loop track configuration, correct.

Q. Okay. And does your Wahpeton one have that?

A. No, it does not. That is a ladder track system. It can only hold about 30 cars. This new facility will be able to hold 120 on a BNSF shuttle plus 25 inbound short-line cars. So we have track capacity of about 150 cars, roughly.

Q. And my understanding in your communications with either Dakota Valley or Otter Tail is that none of the cost of what was going to be put out there as far as bringing the power to you would have been -- had to be recouped by you. Was that your understanding when you had conversations with these guys?

A. Well, you know, in my -- repeat the question.

Q. Okay. So like the cost of construction, basically the cost to bring the power to you, did either one of them communicate what it was going to cost you out of your pocket to bring the power to you?

A. Well, I just -- I would assume if they were -- if they were making some sort of an investment into my facility, it was either they would recoup that investment either through serving the facility or

through us being a customer. It was never told to me that we would have to pay for anything, like bringing line in from Mooreton or bringing line in from Wahpeton. I'm just --

Q. Okay. So you --

A. So I'm not biased.

Q. You didn't think there would be any aid to construction costs or anything like that that would come out of your pocket?

A. No, nope.

Q. And so were you aware of what it would cost Dakota Valley to bring power to you?

A. I was not.

Q. But were you aware of the dollar amount that it would cost to bring power to you from Otter Tail?

A. I was not.

Q. So if, for example, it would cost -- say you had to pay out of your pocket and it cost you three times more to have that construction brought to you by Otter Tail, would you still have gone with them?

A. The upfront cost?

Q. Yes.

A. And the substation would be on-site and their rate would stay the same? Yes, I would. If their construction costs were --

What was your upfront construction cost from the earlier testimony?

Q. 235,000.

A. So at three times that, and if we anticipated, it would be 50 to $100,000 difference and I look at a ten-year return on my investment, yeah, I would probably still go with Otter Tail.

Q. But that could also be the differentiation in what structures are actually put on your property versus what Dakota Valley would have put on. Is that correct?

A. I can't answer that because I don't have knowledge of electrical structures, I guess.

MS. RADERMACHER: I have no further questions.

ALJ WARD: Mr. Pelham, questions for Mr. Schuler?

CROSS EXAMINATION

BY MR. PELHAM:

Q. Good afternoon, Sir. I just have a few questions for you. As far as the analysis that -- you were asked about the Dakota Valley analysis. I think you were referring to Otter Tail Exhibit 8. I just want to confirm that for the record, though?

A. Let me look at it so I got it.

Q. Yes. Eight.

A. That is correct.

Q. That's what was provided to you and you were --
A. Yes, yep.
Q. And the facility that Minn-Kota has at Wahpeton, I'm just wondering, you know, the level of service that Dakota Valley has provided your company. Are you saying that there have been issues with service interruptions at that facility?
A. I would have to say no, but the limited use of that facility, I mean -- it's hard to say, anything can happen, but to answer your question, no, we haven't had service interruptions there, no.
Q. Because I was wondering, if you had had issues with Dakota Valley, whether or not efforts had been made by Minn-Kota or Dakota Valley to try to remedy any issues that you were having at that Wahpeton facility?
A. Really, the only issues that have been done to remedy stuff there, you know, we talked about that demand charge, you know, we've done stuff to try to bring that down. You know, like I said, we only run half the fans, we've slowed motors down, we've slowed legs down to not put that output. But it was by no means of the co-op, it was what we did internally to try to save money.
Q. Okay. So was there ever a discussion that Minn-Kota had with Dakota Valley as far as these demand

charges in potentially seeking a reduction in them?

A. Not to my knowledge, but that doesn't mean there wasn't. In my handlings, no, but, you know...

Q. So you're not aware of a situation, say, for example, Dakota Valley gets its bill and -- or rather, Minn-Kota gets its bill from Dakota Valley and there's these additional charges. There was never any negotiation, to your knowledge, as far as reduction in that or any type of dealing to reduce those, to your knowledge?

A. Not -- not to my knowledge.

Q. You testified, Sir, that Otter Tail was more favorable than a Dakota Valley-powered facility. I'm just wondering if you could outline Minn-Kota's reasoning for that?

A. Well, there was three reasons we took, and I kind of talked on those, but maybe I was a little quick.

You know, cost, as anything in business, was one factor that we weighed into it.

You know, then we looked at the way that they were going to serve the facility. You know, so from the risk standpoint, you know, we kind of picked the option that we felt would maybe limit the chance of something happening.

And then three was the flexibility. That was

the -- that was the third thing. You know, like I said, ag is ever changing so we have to be flexible in our business. It's not just a straight-line thing. Things evolve. So having the ability to be flexible in expansions or that sort of thing and not have to work that expansion around an electrical issue, it had value to us.

Q. What's the risk? I don't understand what the risk is to Minn-Kota. What are you talking about when you say the risk?

A. Service, a service interruption. What's the risk? What happens if I lose power at my --

Q. I understand that.

A. Okay.

Q. But what is the risk versus Dakota Valley or Otter Tail? I don't understand why you view Dakota Valley as having a risk as opposed to Otter Tail having a risk.

A. The fact that there's over four miles of underground fiber up to this facility, that's the risk. If overhead lines go down, they can -- and it's going to happen in an ice storm or something like that. But you're talking four miles of buried fiber. How long is it going to take you to find four miles of buried three phase power out to this facility if it goes down? And

that doesn't include the other farmsteads along this thing that are being served that are using similar power that we are.

You know, that's the risk. The risk is the time of being down, losing business, the time that it takes to become operational again, that's the risk.

Q. So fair to say then that Minn-Kota's view of Dakota Valley's use of underground distribution network, for lack of a better word, rather than the distribution network of a substation being located on the Minn-Kota property, you view that -- "you" being Minn-Kota -- views that as less of a risk to your business operations. Is that fair to say?

A. It's very fair to say, Sir.

Q. And then as far as the flexibility, I think you touched upon that, and that flexibility and the issues of the limitations on the power that would be available, say, at the Wahpeton facility having to only run three of six fans, is that what you're talking about, the flexibility as far as Dakota Valley potential power provided to the Minn-Kota facility?

A. That is correct. You know, I think it was indicated in earlier testimony that we would have to have, for example, soft starts was the thing that got brought up on fans that are 30 horsepower or less.

Well, 30 horsepower isn't a lot of horsepower. And when you're putting a fan like that into something, if you used a ground bunker for temporary storage and you had six fans that you needed to put on it and now, all of a sudden, you have to spend 2 to $3,000, and I'm just using this as an example, I'm just saying that something like that, it starts costing us more money for no real apparent advantage. You know, it's limiting our flexibility. It's one more step, it's one more thing to purchase, it's one more thing to think about.

Q. So when Dakota Valley presented its bid, for lack of a better word, Otter Tail Exhibit 8 that we referenced earlier, was there a discussion that Minn-Kota had directly with Dakota Valley, or was it just simply the presentation of its bid and then a decision by Minn-Kota to choose Otter Tail?

A. You know, they were -- it was presented to us. We went through it, we did our own internal, and then we made that decision, Minn-Kota Ag Products did.

Q. So then there wasn't any communication back with Dakota Valley as far as what the proposal was on Exhibit 8. Is that fair to say? They presented it --

A. I didn't tell either side anything of which -- who was where, you know.

And from Dakota Valley's standpoint, you should

be able to look at Otter Tail's rate, it is published, so...

Q. And then as far as the flexibility that you had just referenced and you were testifying as to, has there been a discussion with Dakota Valley as to the need for greater flexibility on the power supply to Minn-Kota?

A. Since we informed them we were going with Otter Tail, we haven't had any other contact with them up until we found out about the petition. So to answer your question, no.

MR. PELHAM: Thank you, Sir. I don't have any other questions.

ALJ WARD: Commissioners? Commissioner Kroshus.

COMMISSIONER KROSHUS: Just a few questions.

Thank you for making the trip.

THE WITNESS: It's a beautiful drive.

COMMISSIONER KROSHUS: Did you come in this morning?

THE WITNESS: No, I came in last night.

COMMISSIONER KROSHUS: Is that an easy question or what?

What's the drying capacity? You talked about the offload capacity, the --

THE WITNESS: Yep. Drying capacity, just under 5,000 bushels an hour, which is a fairly big-size dryer.

We have wet holding capacity, though, of 155,000, plus an additional 155 in reserve. So we could run our dryer 24 hours a day seven days a week if we need to.

COMMISSIONER KROSHUS: Depending on the year and the -- this year seemed to be more favorable, I believe.

THE WITNESS: No.

COMMISSIONER KROSHUS: Or is it wet out east?

THE WITNESS: It's been very wet. This is the first year in four years we've had to dry soybeans.

COMMISSIONER KROSHUS: Send some this way. Soybeans, we'd probably take those, too.

How would you characterize your experience with Dakota Valley Electric with the Wahpeton facility in terms of customer service, that type of thing?

THE WITNESS: You know, you talk about -- me personally, I can't say anything bad on them because I haven't dealt with them personally. I haven't heard anything bad other than the demand charge and their rates are expensive from a business standpoint, but, you know, customer service, that sort of thing, I think they've been fine to us.

COMMISSIONER KROSHUS: Did the company indicate to you at any time that they would be willing to renegotiate --

THE WITNESS: No --

COMMISSIONER KROSHUS: -- from the March proposal, which I believe is the last one you received?

THE WITNESS: No, Commissioner, I haven't heard from them since I informed Seth that we would be going to Otter Tail. There was no counterproposal or any such thing.

COMMISSIONER KROSHUS: Are you familiar with what the rates at the Wahpeton facility -- would you characterize them as consistent over the course of time or have you seen them increasing more than, say, Otter Tail?

THE WITNESS: I don't -- I don't work on the accounting or the finance side, so I don't see those bills and that sort of thing every day. I could look at it and tell you, you know. It's been fairly -- it's been fairly consistent, if not ticked up a little bit more, but that could be for various reasons, I mean.

COMMISSIONER KROSHUS: No, and I understand you have staff that takes care of that --

THE WITNESS: Correct.

COMMISSIONER KROSHUS: -- and then you have the big picture as you're going through it all.

And then the last question, how did you wind up, what prompted you to -- or who alerted you that you may want to testify, or is that something you heard about

the situation and said, hey, I want to testify?

THE WITNESS: Yeah. I heard about the situation and, I mean, we saw the figures and, you know, it -- I felt it was necessary to come out here and have you guys hear me and what my thoughts were.

COMMISSIONER KROSHUS: Yep. Okay. No other questions for me. Thank you.

THE WITNESS: Thank you.

ALJ WARD: Commissioner Christmann.

CHAIRMAN CHRISTMANN: Thanks for being here. Just to better understand your past experiences, your Kent and Breckenridge facilities, are those served by Otter Tail or by some co-op over --

THE WITNESS: I believe the Kent facility is served by Otter Tail. Breckenridge is actually in town, it's served by Breckenridge Utility, which I believe buys their power from Otter Tail but...

CHAIRMAN CHRISTMANN: Are any of those five shuttle facilities?

THE WITNESS: The Breckenridge facility is a shuttle terminal.

CHAIRMAN CHRISTMANN: Pretty similar to this, or is this (indiscernible) level of shuttle facility?

THE WITNESS: This is the next step. The Breckenridge elevator was one of the first BNSF shuttle

loaders almost in the country. It was one of the -- it was the first in the state of North Dakota. So it was a retrofit off of an old elevator and then adding another one. It's very different.

This facility, it loads out at one spot, it's got the loop track, it's -- it's, you know, 80,000 bushel an hour. Where the Breckenridge facility, it's switching cars, we load out of two spots, it has a load-out capacity of about 45,000 bushel an hour.

So they're very different, if that answers your question.

CHAIRMAN CHRISTMANN: I feel bad. In college I went to Breckenridge from time to time but never toured the elevator.

(Laughter)

THE WITNESS: Come down. Come down tonight, we've got a train.

CHAIRMAN CHRISTMANN: None of your facilities are processing plants, though, right? They're --

THE WITNESS: Nope, nope, these are grain -- grain receiving, grain shipping.

CHAIRMAN CHRISTMANN: And that will be this one as well?

THE WITNESS: Correct, yes. You know, shipping, you know, yes.

CHAIRMAN CHRISTMANN: And your electricity needs are for moving grain and air, I presume?

THE WITNESS: Yeah. Our electricity --

CHAIRMAN CHRISTMANN: What provides your heat when you dry?

THE WITNESS: Propane.

CHAIRMAN CHRISTMANN: At all of them? None of them would be --

THE WITNESS: The only one would be natural gas in Breckenridge, but you still need electricity to run the fans and the blowers on the dryer.

CHAIRMAN CHRISTMANN: Okay. How far is Wyndmere from Barney?

THE WITNESS: I believe the Wyndmere elevator to this new site is about six miles.

CHAIRMAN CHRISTMANN: So I think you said that Barney was being replaced by this?

THE WITNESS: We bought -- I should clarify that a little bit. Okay. Minn-Kota Ag Products, we have our Breckenridge location, we had a Barney location, and Wyndmere. We ran the Barney elevator for over 60-something years.

When the time came, we were doing -- you know, we were looking for more capacity and that sort of thing. We found -- we found this area to be where we

needed to invest or expand at. So there was actually a local farmer who wanted to purchase the Barney elevator from us, so we sold that elevator. This is the first year we haven't operated it. And we'll be replacing that elevator with this new terminal.

CHAIRMAN CHRISTMANN: Does Wyndmere stay open?

THE WITNESS: Wyndmere will still stay open, correct.

CHAIRMAN CHRISTMANN: Okay. The issue of not running those fans at Wahpeton, did I understand right, that's never been an issue of not being able to keep them going because the capacity was short, it's a matter of either avoiding a financial penalty or achieving --

THE WITNESS: It's never that they've never been able to run. It's just trying to run an asset that's at a feasible cost.

The thing about Minn-Kota Ag Products is we're family-owned. I mean, every penny counts to us. The company is owned by myself, my father, my brother, and my mother. We aren't an ADM or a Cargill. We don't have multibillionaires that are investors in our company. We're the investors. And you know what? If we can save money, great. That's what we live off of. That's what -- that's what we need to do to survive.

And then on top of it, it's putting it back into

the business, growing it, hiring people, creating jobs, and better serving our producers.

CHAIRMAN CHRISTMANN: And being able to run everything as quickly as possible enhances efficiency?

THE WITNESS: Absolutely.

CHAIRMAN CHRISTMANN: Makes you more competitive with the competitors you just named?

THE WITNESS: Yep. It makes us more -- makes us more competitive. It makes our producers or our customers more efficient.

You know, if you remember 20 years ago, what did they combine soybeans with? 20-foot Draper head. Now they do 45-foot Draper head with six combines and 20 trucks.

I mean, the producers became more efficient so we've had to become more efficient, which, in the end, we're more efficient, they're more efficient, everything is better.

CHAIRMAN CHRISTMANN: No other questions. Thank you.

THE WITNESS: Thank you.

ALJ WARD: Commissioner Fedorchak.

COMMISSIONER FEDORCHAK: Thank you. Your name is George, right?

THE WITNESS: It is.

COMMISSIONER FEDORCHAK: George. So the other facilities in Wyndmere and Barney --

THE WITNESS: Correct.

COMMISSIONER FEDORCHAK: -- they're in town, they're elevators that are in the middle of town or located --

THE WITNESS: Yeah, they're in town. I mean, these towns are very small communities.

COMMISSIONER FEDORCHAK: Right. And those are Otter Tail Power service areas?

THE WITNESS: Correct, yes, they are served by Otter Tail Power.

COMMISSIONER FEDORCHAK: So you didn't have to get a certificate of public convenience and necessity --

THE WITNESS: I don't --

COMMISSIONER FEDORCHAK: -- Otter Tail --

THE WITNESS: I don't believe so. You know, that goes back years and years ago. That's before my time. So I don't believe they did, but I can't exactly speak on that.

COMMISSIONER FEDORCHAK: So when did you find out that, in this new location, you wouldn't just be able to get Otter Tail service?

THE WITNESS: Well, we kind of found out, we started going through the process of finding a spot,

planning, that sort of thing. We really didn't -- we were -- we were told or instructed that we would need a certificate from the PSC. I forget what you guys call it.

COMMISSIONER FEDORCHAK: Yep, public convenience and --

THE WITNESS: We knew that, but we really found out that it was going to be -- you know, we wouldn't know for sure we would have them until Dakota Valley submitted a protest to it.

COMMISSIONER FEDORCHAK: Okay. Did that play a role at all in your location decision, or would it have -- if you would have known that you might not be able to secure Otter Tail service, would that have affected your location decision?

THE WITNESS: Possibly. But, you know, we kind of -- we kind of had it in our heads or we were underneath the assumption that it was our choice and, you know, they both kind of -- one submitted a bid, one -- you know, looking at it now, we probably should have done a little bit more. It very well could have affected our due diligence or affected the spot that we picked, yes.

COMMISSIONER FEDORCHAK: How many employees do you have?

THE WITNESS: We have --

COMMISSIONER FEDORCHAK: Or do you have at this facility, I should --

THE WITNESS: This facility will have anywhere from seven to ten employees, roughly.

COMMISSIONER FEDORCHAK: Full time?

THE WITNESS: Between full and part time, you know.

COMMISSIONER FEDORCHAK: And how many does your company employ?

THE WITNESS: Just over 60, or about 60, give or take one or two one way.

COMMISSIONER FEDORCHAK: And the full-time/part-time breakdown of those 60 employees?

THE WITNESS: 60 full-time. We're up to 75 with part-time.

COMMISSIONER FEDORCHAK: Okay. And those aren't seasonal, those are year-round? The part-times might be, but the full time?

THE WITNESS: The 60 is full-time workers.

COMMISSIONER FEDORCHAK: Okay.

THE WITNESS: Yep.

COMMISSIONER FEDORCHAK: Tell me how big of an issue -- how big of -- in the scheme of all your costs, where does electricity fall in terms of its importance,

its significance to the cost for your company?

THE WITNESS: From a cost standpoint, it's a big enough deal. It's one thing, you kind of get caught up in what you're doing day to day to day, so it kind of goes on the back burner, but when you look at a project like this where it's roughly five to seven percent, well, on $2.75 corn, five to seven percent is -- that can be a big deal.

COMMISSIONER FEDORCHAK: If you have increased power costs, who pays those? Do you guys eat those? Do you pass them along to your customers? Is it a combination?

THE WITNESS: The grain markets are really set in a competitive environment, and where we're at, we're surrounded by a lot of different -- we compete with a high fructose corn syrup plant, three ethanol plants, along with three or four other shuttle loaders.

So for us to say, okay, if our costs are going to go up on electricity, for example, we'll just widen out our bases and we'll pass it on to our customers, that doesn't happen in our industry. The grain industry is extremely competitive, especially in our area.

So to answer your question, who's going to incur that cost? Minn-Kota Ag Products is probably going to incur that cost.

COMMISSIONER FEDORCHAK: So it affects your bottom line and your money available to pay your employees?

THE WITNESS: Yes. Reinvest in our communities, reinvest in hiring people. Yeah, it affects everything.

COMMISSIONER FEDORCHAK: So you haven't, over the years in Wahpeton, had conversations with Dakota Valley about the demand charge and tried to get that changed or be under a different rate, or do you think they understand how big of a deal that is for you guys?

THE WITNESS: I personally haven't, no.

COMMISSIONER FEDORCHAK: Okay. Maybe somebody else in your company has, though?

THE WITNESS: Possibly. I can't answer that, but I personally haven't.

COMMISSIONER FEDORCHAK: But you certainly didn't have that -- they didn't know that going into this bid for any particular reason?

THE WITNESS: Clarify what you're --

COMMISSIONER FEDORCHAK: Would they have known that that cost, that charge, was problematic for you guys going into providing a bid for this project?

THE WITNESS: I would sure think so.

COMMISSIONER FEDORCHAK: All right. I think that's it for me. Thanks, George.

THE WITNESS: Thank you.

ALJ WARD: Okay. Followup?

MR. STEPHENSON: I have nothing, Your Honor.

ALJ WARD: Ms. Radermacher.

RECROSS EXAMINATION

BY MS. RADERMACHER:

Q. Who is Jody -- do you know who Jody Schuler is?

A. Jody Schuler is my father and the president of the company.

Q. Okay. Do you know who Tim Koch is?

A. I do not know Tim.

Q. Okay. Did you purchase the -- just to clarify on that, did you purchase the Wahpeton elevator from somebody previously or did you erect that yourself?

A. No. We purchased that from a company called Riverland Ag.

Q. And Tim Koch with Riverland Ag, does that sound like he -- familiar to you at all?

A. No, it doesn't. I wasn't involved in that -- in that purchase or that procurement on that facility. That tract of land was really bought for our fertilizer plant. The grain facility came with it then. It, in return, became my responsibility. But from the deal there, I was not involved in that.

Q. So are you familiar with any communications that

Dakota Valley would have had with your father, Jody?

A. No.

MS. RADERMACHER: I have no further questions.

ALJ WARD: Mr. Pelham?

MR. PELHAM: I don't have any other questions, thank you.

ALJ WARD: Okay. I think you can step down, Mr. Schuler.

Mr. Stephenson.

MR. STEPHENSON: That concludes our direct case, Your Honor.

ALJ WARD: Okay. Ms. Radermacher, are you ready to call your first witness?

MS. RADERMACHER: Yes, Your Honor. Seth Syverson.

COMMISSIONER FEDORCHAK: Judge, since he's going to be a long witness, can we take a short break now?

ALJ WARD: Sure. You want to take a break now? That's fine. We'll go off the record. It's 2:09. We'll come back, 2:20.

(Recess)

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ALJ WARD: Okay, we're going to go back on the record now. We've got all the commissioners present. It's 2:20. Mr. Syverson, just took the stand.

Mr. Syverson, can you spell your last name for me?

MR. SYVERSON: S-Y-V-E-R-S-O-N.

ALJ WARD: Okay. And I'll have you raise your right hand.

Do you promise to tell the truth, the whole truth, and nothing but the truth in this proceeding?

MR. SYVERSON: I do.

ALJ WARD: Thank you. Ms. Radermacher.

SETH SYVERSON,

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

DIRECT EXAMINATION

BY MS. RADERMACHER:

Q. Mr. Syverson, what is your current occupation?

A. I'm the engineering manager for Dakota Valley Electric and Northern Plains Electric.

Q. Okay. And how long have you been in that position?

A. I've been in that position for about five years now.

Q. And did you hold any positions with Dakota

Valley or Northern Plains prior to?

A. Prior to the engineering, manager job, I was the system engineer for both cooperatives, and I held that for about four years.

Q. And any other applicable training or engineering jobs prior to that?

A. Before, I worked for an aeronautical company down in St. Louis when I left college.

Q. Okay. And when you say that you work for Northern Plains and Dakota Valley, is there some sort of sharing agreement between those two co-ops?

A. Yeah. The two cooperatives have a shared alliance which certain employees between the two work the same function for each company. The engineering, manager side of it, system engineer side of it, the general manager, operations, and some load management and metering are shared employees between the two. As far as day-to-day operations, that's kept separate between the two entities.

Q. Okay.

ALJ WARD: Can I get your business address?

THE WITNESS: Yeah. I'm in 1515 West Main Street, Carrington, North Dakota.

Q. And can you briefly describe your training and education relevant to being an engineer?

A. I graduated University of North Dakota with a masters in electrical engineering. I also received a masters in system engineering from Missouri Science and Technology.

Q. And do you have any certifications?

A. No, just my schooling.

Q. Okay. And do you have to have any certifications for your position?

A. No. I am not a PE.

Q. Okay. And what are your job duties between Dakota Valley Electric and Northern Plains?

A. Management of the engineering department, which include five staking engineers and a systems engineer, manage overall construction work plan and long-range work plans, helped develop those. Also manage and put together system improvement budgets and capital improvements. Responsible for the operation and maintenance as far as the program, and various other options, a lot of hats.

Q. Okay. And are you familiar with the facility that's being erected by Minn-Kota near the Mooreton, Barney area?

A. Yep.

Q. And how did you become familiar with that project?

A. Initially, it was just word of talk from the local members and through my district engineer down in Milnor. And then we received notice as far as the PCN from Otter Tail, that they were going to submit that. And at that time is when we did reach out with Minn-Kota Ag and provide a proposal.

Q. Okay. And so you hadn't talked to Minn-Kota prior to Otter Tail coming in the picture?

A. No, we did not.

Q. And the proposed site of this elevator, is that in Dakota Valley's territory?

A. As far as I'm concerned, it's a rural site. We have members that are served around there and we feel that is in Dakota Valley's service territory.

Q. Okay. And to your knowledge, are there any service agreements between Dakota Valley and Otter Tail regarding this particular site?

A. No, not in this area.

Q. I have what's been labeled as Exhibit 1 and if you could take a look at that. Can you tell me what this exhibit is of?

A. Yeah. This is basically the service territory similar to what Otter Tail had presented. The circle shown on there is the two-mile radius boundary. The star in the middle is where the proposed Minn-Kota

elevator site is. Our purple lines on here, or pink in your guys' exhibits there, the dash lines are the underground facilities. The blue -- or anything that's a solid line would be considered overhead and anything that's underground would be a dash line. Our Mooreton -- Dakota Valley Mooreton substation is in the southeast in section 13 there, just outside the two-mile radius.

Q. Okay. And are Otter Tail's facilities reflected on this exhibit at all?

A. No, I am not showing any Otter Tail facilities.

Q. And did you create this exhibit or did somebody under your direction create this exhibit?

A. We created -- I created this, yes.

MS. RADERMACHER: I'd move to enter DVEC 1.

ALJ WARD: Any objection?

MR. STEPHENSON: No objection.

ALJ WARD: Mr. Pelham?

MR. PELHAM: No objection, but I just want to make sure that we have a clear printout for the official record. Like on the screen here, it's much sharper than what the exhibit I have. So if we could -- what you have there, ALJ Ward.

ALJ WARD: I don't know. I guess what I have is clear enough for me, but I'm -- is this what yours looks like?

MR. PELHAM: Well, for example, the 3ph DVEC consumers is yellow, but then there's -- it appears on mine as some green and some shades of green and yellow. It's just a bit confusing.

MS. RADERMACHER: Is this any clearer?

MR. PELHAM: Yeah, this one is better.

MS. RADERMACHER: You can keep that one.

MR. PELHAM: Well, I just want to make sure, when it's put on the docket, that it's the clearest version that we have. That's my concern here.

ALJ WARD: Okay. We can coordinate that later, but I'm going -- I'm assuming otherwise you have no objection?

MR. PELHAM: I don't have any objection.

ALJ WARD: I'm going to admit Exhibit 1.

BY MS. RADERMACHER:

Q. I'd like to discuss this in a little more detail. Okay. You indicated that the red circle is two-mile radius?

A. That's correct.

Q. And how many consumers or members does Dakota Valley serve within that two-mile radius?

A. In the two-mile radius, I believe it's approximately 20 members. The majority of them are single phase. We have identified in the green color,

the boxes, those would be what we consider our three phase customers in that area.

Q. Okay. And how many three phase customers are in that area?

A. Right now we're showing one within that two-mile radius.

Q. Okay. And where that green one is located, is there currently a three phase cabinet in that general area?

A. Three phase service and also a three phase junction box.

Q. And --

COMMISSIONER FEDORCHAK: Judge, can I interrupt, just to be clear? So on my map it's green and it's yellow. Are they all supposed to be yellow? Because I don't see any green ones within the two-mile radius.

Okay, so that -- okay, that's better.

ALJ WARD: I think this is what Mr. Pelham was getting at. There is some problem with these colors being kind of washed out on the paper copy.

COMMISSIONER FEDORCHAK: All right. I just needed to clarify that. Thank you.

ALJ WARD: Yep.

MS. RADERMACHER: And we'll arrange to make sure that this particular one is provided. I apologize, I

was having some computer -- or printer malfunctions.

ALJ WARD: We want to make that the official exhibit, so that's okay.

MS. RADERMACHER: Thank you.

BY MS. RADERMACHER:

Q. And what is the purple dotted line?

A. Purple dotted line represents three phase underground facilities.

Q. And what is the purple solid line?

A. Purple solid line is three phase overhead facilities.

Q. And based on this, how do you intend to -- and we have another one, but how do you intend to service the load that is at the Minn-Kota site?

A. We plan on extending three phase underground from just east of the red star, which is approximately .7 miles, roughly 4,000 feet, 3,700 feet, extend that to the west and install a transformer -- or the -- and the facilities on-site there for the ag service. There's an existing three phase cabinet on the existing three phase underground line that we would come out of.

Q. And do you know approximately how long Dakota Valley has been servicing members in this area?

A. I've seen staking sheets as far back as 1949.

Q. Okay. And what are the age of the facilities,

particularly the dotted purple line which you said was the underground three phase that would be serving the facility?

A. The age of the three phase underground facilities, they were originally overhead but have been since converted to underground, and that occurred in 2012.

Q. Okay. And is the Mooreton substation, you said that's going to be the one that feeds this line, this distribution line?

A. That's correct.

Q. And the Mooreton substation, who owns that?

A. Our substations are owned by Central Power Electric Cooperative. That is our power supplier. Dakota Valley takes ownership on the low side of the substation steel, which would be the breakers, and then the distribution cable from that point out.

Q. And do you know approximately how many consumers are on that substation?

A. I believe there's approximately 250, in that ballpark -- or 237, in that range.

Q. And are there feeders that are related to this substation?

A. Yes. There's three exit feeders on this substation. And specifically on the feeder that we

would serve Minn-Kota Ag by, there's 52 members served by that line.

Q. Now, I don't know if there's been much testimony at all today on this, but what are the closest cities to this site?

A. I would believe it would be Mooreton to the east and then Barney to the west.

Q. And approximately how far is Barney from this site?

A. I believe Barney is three, three and a half miles.

Q. And Mooreton?

A. About three, I believe.

Q. And those sites are currently served by Otter Tail?

A. Correct.

Q. Approximately how big are these towns?

A. Mooreton, I think 200, and Barney, 50.

Q. So is there any possibility that these -- either one of these cities would grow to encompass the current site proposed for Minn-Kota?

A. No, I don't believe so.

Q. And how many accounts does Otter Tail Power have within the two-mile radius that you show here?

A. I believe they stated that they have two

accounts.

Q. Now, as far as when you started working -- or visiting with Minn-Kota, how did that transpire? How did you start visiting with them about this particular load?

A. The initial discussion, I believe, was mid March time frame. Met with Mr. Schuler at the Breckenridge office. And I, at that time, presented the Dakota Valley rate along with our commercial incentive rate, and briefly explained to him how we would extend line to where their proposed site was.

Q. Okay. And so when you said you briefly described how you intended to build to this site, was it the proposal that you are putting forth in front of the PSC today?

A. Yes.

Q. Okay. And how do you come about basically drawing the schematics or deciding how you're going to service this site?

A. Just as far as distance from our Mooreton substation, it's approximately four miles, 3.7 miles in total of underground facilities. It has the stiffest backbone and the capacity to adequately serve a load like this.

Q. And it's my understanding that there's only

three phase service that's going to be required at this facility?

A. That's my understanding.

Q. And at some point did Minn-Kota provide you with a motor list?

A. We did not get this from Minn-Kota but from the electrician that's working on the Minn-Kota project shared this electrical horsepower list to our area engineer.

Q. I would pull up Dakota Valley Electric Exhibit 2. Can you tell me what this is?

A. That is the motor list that is for the Minn-Kota Ag site.

Q. Okay. And you said you got this from who specifically?

A. I believe it was from Summerville Electric.

Q. Okay. And do you utilize information like this to determine exactly what's needed to service the site?

A. Yeah. In past communication and working with other elevator of similar type of size, they usually provide a motor list, some type of load diversity, this type of information to help us size the service correctly.

Q. Now, there's been some talk today about soft start motors. Was this list compiled prior to Dakota

Valley's conversations regarding soft start motors?

A. Yes, yes.

Q. And of the motors that have been listed on that document, how many of those are listed as soft start motors?

A. Just a brief review of it, majority looks like up to 50 horsepower, those motors are, across the line, are full voltage starting. Anything above the 50, it looks like they already included, have soft starts.

Q. Okay. So did Dakota Valley dictate those requirements?

A. No.

MS. RADERMACHER: I would move to introduce Dakota Valley Exhibit 2.

ALJ WARD: Any objection?

MR. STEPHENSON: No objection.

ALJ WARD: Mr. Pelham?

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 2 is admitted.

BY MS. RADERMACHER:

Q. So what is Dakota Valley's policy regarding soft start motors?

A. Dakota Valley has a policy of, on three phase services of a soft start, some version of a soft start on motors 30 horsepower and above. And this is

primarily to mitigate voltage flicker that members may see on their site throughout the distribution system. And it also does, I guess, reduce issues the member themselves may see on their own site if they have large motors starting.

Q. And were there any motors on this site that -- excuse me, on this specifications that Dakota Valley determined should be soft start that weren't previously?

A. No, no. Again, in similar type of elevators, we've waivered some of these policy requirements just based on analysis that it hasn't caused any issues on our distribution.

Q. So did you ever have conversations with Mr. Schuler regarding the need for soft start motors?

A. No.

Q. And in fact, they already had some of them spec'ed out?

A. I believe so. Yeah, this was provided from the electrician.

Q. Okay. Now, you said, based on the motor size and some of your just general conversations, you were able to determine how you wanted to service this site. Did you map out how you intended to service this site?

A. Yes. We provided just an overview of where the underground would come from.

Q. Okay. I would call up Dakota Valley Electric 3.

Now, is the document that's listed as Dakota Valley Electric 3 the schematics that you drew up regarding where the relative location of the facilities would be?

A. Yes. It gives a very high level overview of where we would construct the new facilities.

Q. Okay. And did you create this document or somebody under your direction draft this document?

A. We created this document.

MS. RADERMACHER: Okay. I'd move to enter Exhibit 3.

ALJ WARD: Any objection?

MR. STEPHENSON: No objection.

ALJ WARD: Okay. Mr. Pelham.

MR. PELHAM: No objection. On the screen it's in color, on my copy it's black and white.

MS. RADERMACHER: And that will be provided as part of the record.

MR. PELHAM: So we'll get a color copy.

ALJ WARD: I do have a color copy.

MR. PELHAM: Okay, great. Thank you.

ALJ WARD: And it looks better than before. So Exhibit 3 is admitted.

BY MS. RADERMACHER:

Q. And can you tell me what we're seeing on this particular screen?

A. It's a high level, but there's an arrow with a box that says "Existing 3 Phase Cabinet" where there is a three phase service. Out of this three phase cabinet we would then construct approximately 3,900 feet, 4,000 feet of three-phase underground four aut cable to approximately the site of the Minn-Kota Ag Service, and at that point, we would then install a transformer as far as providing them the 480-volt service that they request.

Q. And so is that new building, is that what's in red?

A. Correct.

Q. And now the purple lines, that's existing three phase underground?

A. The purple line up on the screen there, that is existing three phase underground.

Q. And that was built when?

A. 2012.

Q. And how far in did that -- how far does that go, that new build-in or the underground?

A. About .7 miles.

Q. Okay.

A. And back to the substation, it's about

3.7 miles, roughly.

Q. Okay. So the 3.7 miles, is that all brand-new, or I mean all new as of 2012?

A. Yes.

Q. And how is that Mooreton substation No. 4 powered?

A. The Mooreton substation is served by a 41.6kV transmission line which Otter Tail owns and maintains.

Q. And so the feeders, are those the other ones going out the other direction out of that substation?

A. Yeah. There's one feeder that's basically on top, you know, they're in similar paths going to the west, they follow each other for about a mile and then they split off. There's another feeder that goes directly to the south, then east, that goes off the map. The feeder that goes straight north for about a mile, that just comes off the existing one and it serves a rural water site.

Q. Now, at some point did Minn-Kota provide you schematics of how they were going to be set up on-site?

A. No. Again, the schematic was provided from the electrician, Summerville Electric.

Q. Okay. I would call up Exhibit 4.

Can you tell me what Exhibit 4 is a picture of?

A. Exhibit 4 is a drawing of their proposed

elevator site. I took and modified the drawing to include where our -- approximate location of our three phase underground facilities would come onto site and approximately where the transformer would end up to be installed, which could still be up to discussion as far as with the member.

We did also include an additional cabinet, as you can see on the far west side there with the bullet and arrow. That would just be there to accommodate any future growth or if we would want to extend the line.

Q. And the three phase service that you have running along 13, it currently stops at the cabinet where that arrow where it says "Approximate location of transformer services and metering," is that about where that --

A. Yep, it would end at the site.

Q. Okay.

A. Just a radial feed.

Q. And so this is just a logical extension of existing three phase service already along 13?

A. Correct.

Q. And does Dakota Valley Electric have three phase clients along Highway 13 in this area?

A. They do, back to the east. Yeah.

MS. RADERMACHER: Okay. I'd move to enter

Exhibit 4.

ALJ WARD: Objections?

MR. STEPHENSON: No objection.

ALJ WARD: Mr. Pelham?

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 4 is admitted.

BY MS. RADERMACHER:

Q. And just to clarify, too, in any of these drawings or in the actual placement of facilities, does this cross over Otter Tail's power lines at all?

A. No.

Q. Now, I also have what's been labeled as Dakota Valley Electric 5. Can you tell me what that is?

A. Basically, it's a transformer drawing for a 1500 Kva -- three phase transformer, 277 480Y. It's just what we use as far as spec'ing out and working with the member as far as, you know, type of pad to set it on or, you know, what kind of area we need to work in with the transformer.

Q. So it's your intention, if you would get this load, to put a 1500 Kva transformer out there?

A. Based on historical demands with other similar loads, we feel a 1500 would be adequate for what they're proposing. We could increase that to a 2000 if they would feel more comfortable with that as far as any type

of growth.

Q. Okay. And do you know what Otter Tail spec'ed out as part of their (indiscernible)?

A. I believe Mr. Wolf stated a 2000 Kva.

Q. Okay. And so was this exhibit drafted by you or somebody under your control?

A. This comes from the transformer supplier.

Q. Okay. But this is what you'd be utilizing to place out there?

A. Yep.

MS. RADERMACHER: I'd move to enter Dakota Valley Exhibit 5.

ALJ WARD: Objections?

MR. STEPHENSON: No objection.

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 5 is admitted.

BY MS. RADERMACHER:

Q. Now, I apologize because I did get one exhibit out of place. I'd call up Dakota Valley Exhibit number 16.

So after receiving the motor list and looking at the other site drawings, did you come up with a proposal as to what it would cost to bring infrastructure to the Minn-Kota site?

A. Yeah. Yeah, we came up, based on -- a lot of

times we look at historical work orders within the past year or two that represent a similar type of project and we can base it off that since 95 percent of our construction in the past 10, 15 years have all been underground, we just don't construct overhead anymore.

These prices here are out of our accounting system as on a per-unit basis. In addition to the labor cost, we would use a contractor in this type of instance to install our cable instead of our equipment. These are contractor prices that we use on a yearly basis.

Q. Okay. And did you draft this particular exhibit?

A. Yes.

MS. RADERMACHER: I would move to enter Dakota Valley Electric 16.

ALJ WARD: Just explain to me a little bit more what it is? It's a proposal --

MS. RADERMACHER: Well, I'll have him go more into --

ALJ WARD: Okay. But I just want to get it --

MS. RADERMACHER: Okay.

THE WITNESS: This list here is basically an overview cost of us installing the new facilities into the elevator site. It's the extension of the three phase underground, the placement of the transformer, and

any additional distribution equipment.

BY MS. RADERMACHER:

Q. So basically, based on prior exhibits like 3, 4, and 5, this would basically take what you had proposed in those exhibits and give them actually a price. Is that my understanding?

A. Correct.

Q. Okay. And so can you tell me the breakdown with regards to the facilities that you'd be bringing in?

A. I'd just kind of start from the top. We have an existing three phase cabinet near our three phase service, so basically would add three new elbows to tap the underground line. It's just basically elbows you plug into some modules.

Going down is then when we would construct approximately -- the 3,900 feet of three phase underground distribution up to a new cabinet just adjacent to the new elevator. From this cabinet, we can install -- we're planning on installing one transformer, a 1500.

In addition, we were planning on installing a second transformer as a worst case scenario as far as if they wanted to split up their loads between two transformers. In addition, we also have any metering on-site.

ALJ WARD: So when was this document prepared? Was this back in March?

THE WITNESS: No, no. This was as part of the discovery process.

ALJ WARD: Okay.

MS. RADERMACHER: I would move to introduce Exhibit 16.

ALJ WARD: Any objections?

MR. STEPHENSON: No objection.

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 16 is received.

BY MS. RADERMACHER:

Q. Okay. Now, you indicate that you have two transformers that are listed on this, but essentially, one transformer would only be needed to service this particular load?

A. Based on loading that -- again, some of the loading is theoretical at this point, but based on what -- on previous loads, one transformer would accommodate this.

Many times, in other types of similar services, they have requested two transformers, either for reliability purposes or just to split up load, and they can switch internally if they want -- if, say, a transformer went bad or something beyond the transformer

on the secondary side would fail. That way, we have some redundancy there.

It is not required. We could increase one of the transformers. We just wanted to provide a worst case scenario as what it would be cost incurred by Dakota Valley as one of the -- you know, the worst case option.

Q. Okay. And does this utilize, this projected price, does that include any exempted material?

A. It does not.

Q. If Dakota Valley would see fit, do they have transformers in their fleet that they could utilize in this particular situation?

A. We do have existing 1500 kV transformers in our fleet that we could use, yes.

Q. But you're opting at this point to install new facilities?

A. In our history, we usually install new as far as just -- you don't have to go back out there, it can be out there for the life of the equipment. And being a brand-new service, you don't necessarily want to -- we didn't want to put out old equipment.

Q. Okay. And other than it being a new service, are there benefits to having new versus used?

A. New equipment, you expect a higher reliability

out of it, the longevity of the life of the equipment. At least that's my mindset on it.

Q. Okay. And are you familiar with at all the average lifespan of a transformer?

A. It can range -- it depends how hard it's being worked, but 40, 50 years.

Q. Okay. So when you were drafting this, did you have any input from the Schulers as to what they would prefer, whether it would be one or two?

A. No, I did not.

Q. Okay. And so like I said, this is basically -- would be Dakota Valley's maximum costs that could be incurred putting infrastructure out there?

A. Yeah, that's my belief, yes.

Q. Now, the substation that this is going to be connecting to, are there going to need to be any improvements to the substation?

A. There is no plan to improve the Mooreton substation.

Q. And so the substation can handle this load?

A. On our estimated demand, yes.

Q. Okay. And when you say on your estimated demand, can you tell me what you mean by that?

A. Compared to the sites we used in comparison on our -- that power factor form, I believe it was about

1200 Kw we were assuming for. It can be more that, but that's what we were looking at.

Q. Okay. So my understanding, for the transmission line and the transformers, etcetera, labor, total projected cost would be 93,640.73. Is that correct?

A. Yep.

Q. And what is the cost of a new 1500 kV transformer?

A. The most recent estimate that I had was approximately $26,450.

Q. Okay. So if the consumer would choose to have only one transformer on-site, that price would then -- the 93,000 would then be reduced by the cost of that new transformer?

A. It would be reduced by the cost of the transformer and along -- the material that we would install along with that transformer and the labor with it.

Q. Okay. Now, are any of these, of the $93,000 in costs, going to be put back on the proposed member?

A. No. We had no intention of having any aid to construction.

Q. Okay. And did you previously meet with the board of directors from Dakota Valley regarding aid to construction on this matter?

A. Yes.

Q. And what was their anticipation as regards to the aid to construction?

A. Basically, obtain their approval on what we presented as far as we see this as an improvement to the overall service -- or economic growth in the area and they see this as a benefit that we don't want to pass it on.

Q. Okay. And when you talk about economic growth in the area, would this addition of this line potentially benefit other consumers?

A. It possibly could if there was offshoots from the Minn-Kota Ag site, if for some reason they get into fertilizer, or even if a gas station came along, we could tap this line and serve those loads. Or if a farmer down the road would like to go to three phase, he's been on single phase, we could also tap this line for that.

Q. Okay. And would this be a duplication of services currently provided by Dakota Valley?

A. No, I don't -- I don't believe so.

Q. Now, was there a conversation regarding rates with Minn-Kota?

A. Yeah. In March, I sat down with Mr. Schuler and presented the rates to him at that time.

Q. Okay. And what is currently Dakota Valley's three phase large commercial service rate?

A. It's our standard rate for services of this size. I guess I -- you want --

Q. Okay. Well, how are those rates set?

A. Oh. All our rates are set by our board of directors.

Q. Okay. And do you then take those rates to come up with any proposed load and the cost of that load?

A. Yes, yes. Then we take our rates, and based on estimated loading, demand and energy, we then come up with, as far as the cost of serving the site, estimated cost to the member as far as running their site and overall revenue for the cooperative.

Q. I would bring up Dakota Valley 6. Can you tell me what that exhibit is of?

A. This is Dakota Valley's three phase large commercial service rate.

Q. And so what's all reflected in that rate schedule?

A. The basic service charge, the demand charge, the energy charges and the steps that go along with it. There are items on there such as the transformer capacity charge, the on-site facility charges, and down below, they even address power factor adjustment.

Q. Okay. Now, did you discuss with the board the potential load with regards to Minn-Kota?

A. Yes.

Q. And of the charges that are on here, was the power factor adjustment going to be applied?

A. No, no. We actually don't apply that to any of our three phase large commercial services at this time, and we haven't in the past.

Q. Okay. What about the on-site facility charge?

A. There again, we do not apply that in this case, and very rarely do. The only reason we have that stipulation is if a member would specifically ask for a piece of equipment that Dakota Valley usual -- does not usually provide and we have to buy special just for them.

Q. Okay. And so typically, from what I'm understanding, is it's board approval as to what rates would be applied in this case?

A. Yes.

Q. Okay. But historically, you have not done the on-site facility charge or the power factor adjustment charge for facilities similar to Minn-Kota?

A. That's correct. And again, with the power factor, we don't have a penalty from our power supply so we don't push that down onto our member.

Q. Okay. Were they specifically excepted out, Minn-Kota, with regards to the board of directors to those charges?

A. Yes.

MS. RADERMACHER: I would move to introduce Exhibit 6.

MR. STEPHENSON: No objection.

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 6 is received.

BY MS. RADERMACHER:

Q. Now, does Dakota Valley have any incentives when it comes to bringing three phase service to new businesses or existing businesses?

A. Yeah. The board has allowed or approved for large -- or larger services that provide an economic boost to an area, to provide an incentive to them. And based on that, it's just to help them get them off and going, anything they can help with costs that they want that -- succeed in the area. That should help the members in the surrounding area also succeed.

Q. Okay. And did the board vote to approve providing the commercial incentive discount --

A. Yes, yes.

Q. -- to Minn-Kota?

A. Yes.

Q. I would bring up Dakota Valley 7. Can you tell me what that is an exhibit -- or that exhibit is of?

A. This is the common commercial incentive rate that we have provided to other members and what we propose to Minn-Kota Ag. And it basically provides a nine-year window of demand and energy reduction. First four years are at 10 percent; fifth and sixth are at 8; seventh and eighth are at 6 percent; ninth at 4 percent; and then thereafter you go to our standard large commercial rate.

Q. So when Mr. Schuler testified, he testified that there was some incentives discussed with Minn-Kota. Are these the incentives that we were talking about?

A. Correct.

MS. RADERMACHER: I would move to introduce Dakota Valley 7.

ALJ WARD: Objections?

MR. STEPHENSON: No objection.

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 7 is received.

BY MS. RADERMACHER:

Q. Now, Dakota Valley, that is a distribution co-op. Is that correct?

A. Correct.

Q. Where does Dakota Valley receive its power from?

A. We purchase our power from Central Power Electric Cooperative.

Q. Okay. And does Central Power also associate with Basin Electric?

A. Correct.

Q. Okay. So we have some -- or does Dakota Valley have some power purchase costs relative to Basin and Central Power? Is that correct?

A. Yep.

Q. And do those costs drive the rates at Dakota Valley?

A. Our rates need to reflect the methodology that Central Power and Basin have just so we can mimic and recoup our costs and pay the power supplier bill. So yeah, there is some reflection as far as how they establish their rates, we have to mimic those to some point.

Q. Okay. And I will have Dakota Valley 8 pulled up, please.

Now, do you know, does Central Power -- how often does Central Power set their rates?

A. They're reviewed on an annual basis unless there is some reason, there is a power supply charge from Basin.

Q. Okay. And do they -- once they're approved,

they provide the current cost and rates to Dakota Valley Electric?

A. That's correct.

Q. Is that what's reflected in Exhibit 8?

A. Yep. That's the current rate.

MS. RADERMACHER: Okay. I would move to enter Dakota Valley 8.

ALJ WARD: Any objections?

MR. STEPHENSON: No objection.

MR. PELHAM: No objection.

ALJ WARD: Okay. That will be received.

BY MS. RADERMACHER:

Q. Now, did you utilize all the components we just discussed to come up with a projected annual cost of service to the Minn-Kota site?

A. Yeah. I took in effect our power supplier costs which we would pay Central Power, took in the revenue that we'd receive from the Minn-Kota Ag site, and that's how we determined the total revenue for Dakota Valley.

Q. Okay. And did you also do a projection of what you thought Otter Tail Power's rates may be in comparison to Dakota Valley Electric's?

A. Yeah, I took a stab at it based off their rate that we found during discovery, yes.

Q. I would pull up Dakota Valley 9. Can you tell

me what Dakota Valley 9 reflects?

A. Well, the first page here on Dakota Valley 9, basically, on the far left is the service charge -- total service charge for one year. And this does include the incentive discounts as it goes from year one through year ten.

So on the first year, for example, the Minn-Kota service charge would be $275,524. I also showed a summary of Dakota Valley's power supply cost of approximately $255,809, showing a revenue of approximately $19,714.

Q. Now, as far as the projected rate that you have for Otter Tail Power, does that appear to be in line with what Otter Tail projected earlier today?

A. I believe it was fairly close, might have been $10,000 off.

Q. Okay. And that was based on a 33 percent power factor. Is that my understanding?

A. That's correct.

Q. Okay. And so based on -- is that what you used in order to come up with your projections? Or what factor did you --

A. Yeah. The load factor I used was 33 percent. And what I did, we serve a similar size facility with similar motor load fairly close actually and use their

past year of estimated -- or past year energy and demand usage, and that's where we came up with that load factor.

Q. Okay. And so that load factor is based on a facility almost duplicative to the Minn-Kota facility?

A. As far as motor load, yes.

Q. And does that facility also have a railroad loop?

A. Yes, it does.

Q. And so that's -- so when I look at page 2 of this document, when we do calculated load factor, you're telling me that's based on what would appear to be an almost identical load to what we project Minn-Kota to be?

A. Yes. That is my best assumption that I can make.

Q. Okay. Now I direct your attention kind of to the right-hand corner, some dates, January through December. Is that the way that load fluctuates -- that the sample -- or model basically, I should say, the model load we're looking at, is that how that fluctuates currently?

A. Yes. This is actual demand and actual energy from a specific site, which I want to make a note that this was slightly updated based on what was presented

back in March to Minn-Kota Ag, just because we had additional data. So I just included the most up and current data.

But yes, it is -- it is what the -- the best comparison that we could come up with.

Q. Okay. And what is the average load factor if we take in all those calculated load factors between January and December, what does that come out to be?

A. We have 33 percent.

Q. And so can you tell me what page 2 depicts of this exhibit?

A. Page 2 is basically the first year of the large commercial service with the first year of the incentive on it, and it basically breaks down the total charges. And that's how I got the 275,524 that I identified on the first page for the first year.

Q. Okay. So this one -- are we looking at the same page 2?

A. Yeah. And this is specifically -- no, you're looking at --

Q. Okay. Yes, okay. So on that one, that's years one through four. Is that my understanding?

A. That's correct.

Q. Okay. And can you tell me what page 3 reflects?

A. Page 3 reflects years five through six.

Q. And so that's a different rate discount that's applied to years five through six. Is that correct?

A. Correct. And again, this is the charges that would just be going to Minn-Kota Ag.

Q. Okay. And as to page -- the next page, what years do those reflect?

A. Years seven through eight.

Q. And the next page?

A. Would be the final year of the commercial discount, which would be year nine.

Q. And is the one that reflects the 306,000, is that year ten?

A. Yeah, that would be the normal three phase large commercial rate that we have as part of our normal rate schedule.

Q. Okay. And do any of these calculations that you made or you did, did those have any of the power factor charges that was discussed earlier?

A. No. There are no power factor charges in this and there's no on-site facility charges included in these.

Q. And my understanding, that if Dakota Valley gets this load, at no point would those two charges be implemented?

A. Until we are being charged from our power

suppliers negatively for not -- for low power factor, we're not going to pass that on to our members.

Q. Okay.

ALJ WARD: Mr. Syverson, if you could -- Ms. Radermacher, I'd like to ask a question, and that is, this is the first time I'm seeing these exhibits. So when I look at page 2 and you tell us what years that references, is there a quick way for me to tell just by glancing at these?

THE WITNESS: Yeah. If you look at item number three, number three on the top, I have one, two, three.

ALJ WARD: Gotcha, okay. All right.

MS. RADERMACHER: I apologize, Your Honor.

ALJ WARD: No, that's fine. I just got lost in the -- the print is pretty small for my old eyes.

(Laughter)

BY MS. RADERMACHER:

Q. If we go to the second to last -- excuse me.

ALJ WARD: What I've done, for the record, just for counsel, is I've taken and marked the pages 9-2, 9-3 consecutively in the exhibit, so --

MS. RADERMACHER: Thank you, Your Honor.

ALJ WARD: -- if you need to look at it online, it will be marked that way.

BY MS. RADERMACHER:

Q. And so if we look at the second to last page, can you tell me what that is?

A. The second to the last page is basically a representation of the standard three phase commercial rate that we would present to -- or charge Minn-Kota Ag for their service. It shows the total charges, the cost per kilowatt hour. And then on the far right, it shows just kind of a breakdown of their savings, you know, throughout the nine years of the incentive.

Q. Okay. And so that's basically a culmination of all of these other pages. Is that safe to say?

A. That's correct, yep.

MS. RADERMACHER: I would move to introduce Dakota Valley Exhibit 9.

ALJ WARD: Any objections, Counsel?

MR. STEPHENSON: No objection, Your Honor.

ALJ WARD: Mr. Pelham.

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 9 is admitted. And according to my calculations, it consists of ten pages total.

MS. RADERMACHER: Yes, Your Honor.

BY MS. RADERMACHER:

Q. So were you present today when Otter Tail set forth the projected Dakota Valley Electric Co-op costs?

A. Yes.

Q. And were those accurate from what you could tell?

A. They are different than what we are projecting.

Q. And can you point out for the Commission what those differences are?

A. It's my understanding they included the power factor charge and the on-site facility charges.

Q. And so those should not be taken into consideration?

A. No. We would not pass those items on to the member.

Q. Now, there's been a lot of talk today about load factor. Can you tell me what that is?

A. Basically, load factor, it's how well you operate your service at a rate. So say you have a demand of 200 and you hit that once throughout the month and then it's just down to 10 Kw the rest of the month, you would have a fairly low load factor. It's the ratio between the energy used and your demand.

As far as Dakota Valley's rates, we try to incentivize to the member that, to run their service more efficiently, try not to incur too high of a demand because that does put a burden on the distribution system, try to manage that load, and if you can, you

know, obviously the more energy you use with our rate throughout the month, the cheaper it gets.

Q. Now, Mr. Schuler referenced the Wahpeton facility. Do you know what that power factor is at that facility?

A. I know the load factor --

Q. Excuse me, the load factor, I apologize.

A. -- was, roughly, 14 percent.

Q. And is that relatively low?

A. Yes, it's quite poor.

Q. So when you say it's quite poor, what do you mean by that?

A. To me, it shows -- and it's certain services that just have limitations. But it shows that they're ramping up the site one or two times a month with low energy usage, so they set a high demand and then they don't run anymore for the rest of the month. To me, that's what it's showing. That may not be the case, but my inside look from other services, that's what I believe is occurring.

Q. Okay. Now, you've made certain assumptions as Otter Tail about the load factor. How did you arrive at the 33 percent load factor?

A. Again, I was able to compare it to a similar service that we provide electrical to, and based on the

motor load that we received, being a rail loop, being a grain type of operation, I compared it to that. And that was the most recent one.

Q. Now, you've heard that there would potentially be a 23 percent load factor. Do you see that likely in this scenario?

A. You know, it's possible. There are a lot of assumptions going around right now, but based on some of the testimony and how this site is going to run, it seems like it's going to run more throughout the month and throughout the year, I would expect a higher load factor.

Q. Okay. And so all of that kind of weighs into load factors?

A. Yep.

Q. Now, what kind of return on investment would Dakota Valley be looking at with regards to this?

A. Based on our revenue, we're looking at, roughly, four years.

Q. Okay.

A. Four to five years.

Q. And so the projected revenue during those first four years is approximately $19,714.78. Is that accurate?

A. Per year.

Q. Per year, okay. For that first four years. And after, that we would have recouped the investment that was --

A. Yeah, through the fifth year. In the middle of the fifth year, we would have recouped everything, yes.

Q. Now, is there any sort of minimum annual return requirements imposed on the customer?

A. No. No, Dakota Valley does not have any minimal revenue requirements.

Q. Okay. So if this load factor was only performing at ten percent and wasn't bringing in the projected revenues, there wouldn't be any penalty to the consumer?

A. No.

Q. And so, essentially, by year five, it sounds like, you're talking about that there would, essentially, be a profit being turned on this particular site by Dakota Valley Electric?

A. Yes.

Q. And does that benefit other members in Dakota Valley?

A. As soon as you start obtaining a positive revenue on there, basically, it goes to the Dakota Valley's bottom line and that helps us firm up our rates at the end of the year. If we have good margins, we

don't have to look at raising any rates.

Q. Now, how many total members does Dakota Valley have, do you know, approximately?

A. Approximately 4,150, in that ballpark.

Q. And Otter Tail testified previously they have close to 60,000?

A. I believe so, yes.

Q. Okay. And so loads like this benefit Dakota Valley greatly because of the small number of members?

A. It does, it helps the bottom line, yes.

Q. And does that difference in membership also tend to drive rates?

A. Yeah. I mean, we have a lot fewer members to spread costs to. Our facility -- our membership is quite rural, so we have approximately 1.13 or 1.2 members per mile of line. So we serve to the South Dakota border all the way over to the Wahpeton area, and it's a vast area that we have to have a lot of facilities installed that we have to maintain.

Q. Okay. Does that also go to the issue of reliability?

A. It can hurt reliability a little bit more. Primarily, you have longer line miles, farther from where a potential outpost may be, so you may be having a little longer time as far as restoring power.

Q. Okay. Now, there was a lot of talk also about CAIDI and SAIDI used as reliability indices. How are those measured? Do you know?

A. Well, in both cases, in our case too, it's a system average for CAIDI and SAIDI. And we get these out of our outage management system.

Q. Okay. And so is that on a per-member basis, those numbers?

A. Yeah.

Q. Okay. And so when we look at our numbers, our numbers are based on a per member of 4,100 member basis, and theirs would be on a close to 60,000 member basis?

A. For the North Dakota, yes.

Q. And is there a big difference between our CAIDI and SAIDI indices and Otter Tail's?

A. I didn't see that there was a significant difference between the two.

Q. Okay. Now, do our indices indicate scheduled maintenance outages?

A. In the items that we provided in the discovery, it did include maintenance, planned maintenance.

Q. Okay. Now, this projected line would be serviced by the Mooreton substation. What size substation is this?

A. It's 3750/4200 transformer.

Q. Okay. And do we know the approximate age of that transformer?

A. It was installed in 1977.

Q. Okay. And that's maintained by Central Power?

A. That's correct. And the last maintenance was performed in 2017.

Q. And so is maintenance typically -- how often --

A. It's a seven-year cycle. They do thermal scans and checks on a yearly basis, but they do an overhaul on a seven-year cycle.

Q. And so you testified earlier that this substation has the capacity for this particular load?

A. Correct.

Q. Without any additional improvements. Is that correct?

A. Correct.

Q. Okay. Are there other Dakota Valley Electric substations within this area?

A. Yeah. We have a south Wyndmere substation, north Wyndmere substation, a Dwight, and also Hankinson that all have ties.

Q. Okay. And so when you say they all have ties, they all have ties into this particular --

A. Three phase ties that we can open and close switches.

Q. Okay. And of those substations, can those be utilized if this substation would go down, for example?

A. We would utilize the south Wyndmere. That's the closest neighboring substation.

Q. Okay. And does Otter Tail also serve that substation?

A. Correct.

Q. So if Otter Tail's power goes out, how does that affect Dakota Valley Electric?

A. If the transmission line that serves the Mooreton substation would go out, then our member base would also lose power and then we would have to -- depending on what the issue is, we could switch line to pick up our member base.

Q. Okay. And so when you say you could switch line, that would --

A. Distribution --

Q. Okay.

A. -- vice versa, or Otter Tail could also switch some of their transmission line.

Q. Okay. And otherwise, if there were some interruption in service to this particular site, where most likely, other than the substation, would this originate from?

A. Via our distribution, most likely our south

Wyndmere substation.

Q. Okay. And so from the substation to that current three phase cabinet that's north of that substation, approximately how far is that?

A. 3.7 miles, approximately.

Q. And does Dakota Valley or Central Power keep outage information as with regards to the substation?

A. Yeah, we keep our outage information on each substation, each feeder, down to each meter at a member's account. And we keep that in our outage management system.

Q. Okay. And do we also have -- does Dakota Valley also have that type of information as far as the feeders are concerned?

A. Yes.

Q. Now, in preparation of this hearing, did you look at what kind of line -- basically the length of miles of line that we would be looking at from servicing this load to Otter Tail?

A. Well, I looked as far as the service in a whole from transmission down to distribution. From what was -- and the prior testimony, Otter Tail is recommending to serve the Minn-Kota site from the Wahpeton 230 substation and they stated that as from the Wahpeton substation to an open point at Milnor. And I believe

that's approximately a 40- to 41-mile stretch of transmission line that could see exposure to the elements.

Q. Okay. And did you have a schematic that indicates that length of line?

A. Yes. Yes, we do have a schematic.

Q. Okay. I have what's been labeled as Dakota Valley 10. And I apologize, this is also not in color. This one is in color on the projector and will be provided in color.

Can you tell me what the three pages of Dakota Valley 10 essentially depict?

A. All right. If you actually go to the second page, please. The second page, you see in the far right, this is what they had provided in discovery, this specific page, is the Wahpeton 230 sub. That purple line is the initial start of it, and then as you see, it heads slightly south and heads west and goes down to where that yellow line I've highlighted. That is where the open point is between the Mooreton substation that was discussed earlier where they could potentially switch line around, and just to the west of that is where the Minn-Kota Ag site is, approximately 562, roughly, switch structure there.

But as you can see, the purple line, as I

mentioned, keeps continuing west past the Wyndmere junction. And then if you scroll back to the first page, go up, it ends on the far bottom right. There's an open point there near Milnor, as they mentioned. I believe that's approximately about 40 miles of transmission line.

Q. Okay. And did you depict the approximate length of line that Dakota Valley --

A. Yes.

Q. -- would be --

A. Dakota Valley's Mooreton substation, which, again, is served by Otter Tail's transmission, but if you go to the -- again to the second page, so you can see in the middle -- bottom left middle box where the yellow line goes on top of it, that is Dakota Valley's Mooreton substation.

That yellow line there that's highlighted is, again, Otter Tail's 41.6 transmission line, that goes south from there down -- if you go to the third page -- goes to the Hankinson 230 sub. That line is approximately ten miles in length. So about ten miles of 41.6 serves the Mooreton substation.

MS. RADERMACHER: Okay. I would move to introduce Dakota Valley 10.

ALJ WARD: Objections?

MR. STEPHENSON: No objection.

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 10 is admitted.

BY MS. RADERMACHER:

Q. And is the 40 miles, is that overhead or is that underground?

A. All the transmission is overhead.

Q. Okay. And so the ten miles that Dakota Valley would be utilizing is also overhead?

A. Correct.

Q. Until we get to the substation. Is that correct?

A. Correct.

Q. Now, there's also been some talk with regards to reliability on underground versus overhead. Can you tell me based on your, what sounds like extensive service to Dakota Valley or Northern Plains, reliability as to each one of those?

A. Yeah. Like I had mentioned earlier, Dakota Valley -- both Dakota Valley and Northern Plains, 95 percent, if not closer to 99 percent, all underground construction. We just don't build overhead anymore due to issues related to weather, farming operations, and difficulty of obtaining easements as far as setting poles in fields.

Maintenance and repairing underground faults for the cooperative is nothing that's brand-new, we do it quite effectively. We actually install throughout the line miles fault indicators that help us isolate down to in between cabinets. So if a fault occurs in between a mile and a mile and a half or even half mile between cabinets, the line crew are given that notification as they're out there patrolling.

We also have recently implemented a SCADA system in our substations which, if we see a fault occur, we get the available fault current back in our office. With that fault current information, we can use fault current maps which can help us pinpoint down to within a mile, again, of areas where we think we can direct the crews more efficiently.

Q. So if there was a fault between the substation and the three phase cabinet that's just east, my understanding, of the facilities, how hard would that be for you to pinpoint that fault?

A. Shouldn't be relatively too hard, especially with our fault indicators that we install. We get it pinpointed down to a mile each, and at that point, then we can isolate it, switch the line around, which accelerates the restoration of power, and then at that point we can isolate that line and restore it.

Q. Okay. And then you indicated that there's going to be a secondary cabinet on-site or a second --

A. That's that cabinet that you speak of.

Q. Okay. So there's a three phase cabinet that's up on that eastern side. Are you going to put a cabinet on-site or --

A. Yes.

Q. Okay, okay. And so if there's a fault between those two, that's also -- you're able to determine that.

Now, with regard -- I mean, I understand it's sometimes harder to determine where a fault might occur underground, but do we have the issues with weather and farmers with the underground as we do with the overhead?

A. No. Well, you basically eliminate weather issues with the underground. You always have the potential of dig-ins if 8-1-1 is not called, but that's -- that's fairly rare. Recently, most of our outages, especially this time of the year, or in the spring, if you look at our outage reports, it's almost all related to poles being hit by farm equipment or getting into the lines with -- when the sprayers are bringing booms up. That is the majority of our outages.

Underground issues, the cable, we've had cable installed in the '70s and it's still operating fine, and that's unjacketed cable. With the newer jacketed cable,

we expect to get at least 50 to 60 years out of it.

Q. And is this that -- you had referenced that this was built in 2012. Is that that new jacketed cable that's currently out there?

A. Yeah.

Q. So does that assist in reliability?

A. Yes, it does.

Q. Now, we kind of touched on the substation and the feeders and Dakota Valley keeping record of that. I have what's been listed as Dakota Valley 11, if we could bring that up. Can you tell me what that exhibit is of?

A. This is what Dakota Valley Electric has logged in their own outage management system. It basically documents items that had caused this substation to lose power. And you can see, we go back to 2007 and up to 2014.

The first one, we lost a high-side fuse. An instance can happen -- what can cause a high-side fuse to blow would be an animal gets in the substation, say on the bushings of a regulator or on the transformer. Then the protective device will open up.

The second one on there, a transmission pole was damaged which caused a loss of power to the substation.

The third one, we just had a description of power supplier.

And the last one, we were showing planned maintenance, that we took the substation down.

Q. Okay. And if I could look at -- well, did you -- let me get to this part. Did you, as part of discovery to Otter Tail, upload this information?

A. Yes.

Q. And did you or someone under your direction create this exhibit?

A. I pulled this exhibit.

MS. RADERMACHER: Okay. I would move to enter Dakota Valley 11.

ALJ WARD: Objections to 11?

MR. STEPHENSON: No objection.

MR. PELHAM: Just to be clear, this is for the Mooreton substation.

THE WITNESS: This is for the Dakota Valley Mooreton substation.

MR. PELHAM: Right. No objection.

ALJ WARD: That exhibit's admitted.

BY MS. RADERMACHER:

Q. Now, just kind of stuck out at me, the transmission pole, what does that mean?

A. That could be any -- I mean, a brace could have failed. It could have been hit by a machinery. It could be a lightning strike or something along that.

It's a variety. But it would have been on the 41.6kV transmission line.

Q. And so when you say the 41.6kV, belonging to Otter Tail?

A. That's correct.

Q. Okay. And so this particular outage that I see on 2011 that's a duration of four hours and 12 minutes was as a result of Otter Tail's equipment failure?

A. To the best of my knowledge, yes.

Q. And so for the last ten years, is this reflecting all of the outages that would be related to that particular substation?

A. That Dakota Valley has in their records as far as substation level, yes.

Q. Okay. Did you also download the information relevant to the feeders that feed this substation and the outages related to that?

A. Yes.

Q. I would bring up Dakota Valley 12, please.

Now just, again, on the feeders, are those the three lines that we saw coming out of the substation, for clarification?

A. Yes. There's three individual feeders out of the substation, yes.

Q. Okay. And of the outages reflected on Dakota

Valley 12, how many outages are directly associated with that feeder?

A. And this outage report here specifically references the feeder that would serve Minn-Kota Ag out of the three. It is a specific feeder.

On your copies, there's a decent list here, but on your copies, the one that looks like it's slightly highlighted there, there's two items on there that would have affected the actual feeder breaker in the substation which would cause an outage to the entire feeder.

The other items on here, you can see that -- you'll see meter, meter as the type of outage, which represents it was an outage to an individual account. In this case, other services would not have seen an outage or anything of those sorts on their service. Maybe they could have seen a flicker of the light, but that's the extent of it.

And just to -- throughout our distribution system, and that's why it's isolated down like this, we have protective devices on our taps off our main three phase line. That's why it can isolate it down just to a smaller amount of people and split up just to a meter or to a line section.

Q. Okay. And did you or somebody under your

direction create this exhibit?

A. I created this exhibit.

MS. RADERMACHER: Okay. I would move to enter Dakota Valley 12.

MR. STEPHENSON: No objection.

MR. PELHAM: No objection.

ALJ WARD: Exhibit 12 is received.

BY MS. RADERMACHER:

Q. Now, so this is the information regarding Dakota Valley's outages specific to the facilities that would be servicing the Minn-Kota load.

A. Correct.

Q. Is that correct?

Now, Otter Tail had testified that they, potentially, didn't have any data prior to 2014 due to change in metering. Did Dakota Valley have that same problem?

A. Central Power has telemetrics in their substation. I believe it's a similar system that is -- they install them on their regulators so they know when you see a dip in voltage or an outage based off the regulator. They have a similar system that has also gone obsolete. I believe they did have some history. I don't know if it's included in part of this or not, but...

Q. Okay. But Dakota Valley, even though it -- has Dakota Valley changed out its metering system as well?

A. Dakota Valley actually has just kicked off the change-out of their meter system to a cellular system that reports to us that there's an outage. We don't have to wait for phone calls anymore. We are told when a service is out of power. We are also informed when it's restored.

So we believe that's going to significantly help us pinpoint problems quicker and also react to outages sooner instead of -- we do have some members that won't call in for a day later, they're just -- they've been out there for a long time.

Q. Okay. But do you think, between these two documents, that's a pretty accurate depiction of what the outages we have faced in that particular area?

A. Yes.

Q. And that's complete information, didn't get lost in any metering transition or anything?

A. No, no, no, no difference there.

Q. Okay. Now, did you do any testing regarding voltage drop relative to this load?

A. Yeah. I ran a study based on our estimated demand and even went beyond that a little bit. And the voltage drop is within our limits as far as serving.

Q. So you did not see any issues with regards to this load as far as voltage drop is concerned?

A. No.

Q. Okay. And we just briefly touched on this, I just kind of wanted to go back to this again because it's regarding reliability. Now, we provided data for our substation, and that substation is fed by the 41.6?

A. That's correct.

Q. Okay. And does that 41.6 have static?

A. Most -- most of it I don't believe has a static wire. The older stuff, I'm not a hundred percent sure on this line.

Q. Okay. And what makes a difference if it has a static wire or not?

A. Well, in discussions with Central Power and their line, if you have static installed, that does help with reduction in lightning strikes or affects our momentary outages on those lines.

Q. Okay. So this particular 41.6 line or this segment of line doesn't have a static that could cause issues with reliability?

A. I don't believe so, but I can't -- I can't confirm that.

Q. Okay. So I don't know if I was clear. You can't be sure if it has a static or not --

A. Correct.

Q. -- is what you're saying? But if it didn't have a static, that could affect reliability on this line?

A. It could, yes.

Q. Now, I'm hopefully getting to the end of your testimony here, but I just wanted to touch base on this issue. There were some questions raised specifically by Commissioner Fedorchak regarding talks between Minn-Kota and Dakota Valley regarding their Wahpeton site. Do you know if those talks occurred?

A. We had talks with Jody Schuler back in 2013. The previous manager of Dakota Valley Electric and myself met with him in the Breckenridge site.

Q. Okay. And do you remember what those talks were regarding?

A. Again, it was related to the demand charge and operation of the Wahpeton site. And when we sat down with him, we discussed ways of reducing demand. One way is the operation of the site. We could not provide a different rate to them so they're unique to anybody else. But what we discussed is ways that we could even go on-site and say, okay, we could put some monitoring equipment, start this up, don't start this up. And I believe they may have implemented on their own. We never did go out there, though.

Q. Okay. Is there a way to design around some of this demand issue? I mean, if you were Minn-Kota, for example --

A. I believe newer elevators, they do. Some things you can't get away from, but I believe newer installs, they aren't firing up the whole site to unload a few trucks or load a few train cars. In this case, they're loading significantly more, so I expect them to have a much higher load factor. But yeah, I believe with newer facilities, you can design a better demand.

Q. Okay. So with regards to the -- now, I'm referring to it as the Froedtert Elevator. Is that -- was that what it used to be called?

A. Prior to Minn-Kota Ag owning it, another entity, Riverdale Ag, I believe, owned it, and then prior to that it was the Froedtert Malt. And I believe that's what that site -- and that site, I don't know exactly what they did there as a malt. I believe it was built for that specifically and then possibly converted over to more of an elevator type of service.

Q. Okay. So there could potentially be design issues that lead to the demand problems that that facility faces?

A. Possible, yes.

Q. Okay. And were there talks prior to with

Riverdale as well regarding --

A. Yep. This is before my time, but yes, there was also discussions with Riverdale.

Q. Okay. And so this demand issue has been ongoing with that particular facility?

A. Yep.

Q. Do you have that with other facilities that have better load factors?

A. No, we have not. No one has called us and informed us that they were upset with our demand charge.

Q. Okay. And as part of this, did you kind of do a comparison of elevators in the Dakota Valley territory with regards to load factors?

A. Yeah, I actually went -- I went to Dakota Valley and Northern Plains service territories and looked at multiple (indiscernible).

Q. Okay. I would pull up what's labeled as Dakota Valley 13.

A. I apologize for the small print again.

Q. Now, again, there was some talk about trade secrets and that sort of thing, so we don't want to necessarily reference who these individuals are, but it's my understanding that these are existing Dakota Valley or Northern Plains elevator members?

A. Yep. Some have been in service for much longer

and some are newer.

Q. Okay. And do those reflect recent load factors?

A. That's correct.

Q. And did you create this exhibit or somebody under your control create this exhibit?

A. I created it.

MS. RADERMACHER: Okay. I'd move to enter Dakota Valley 13.

ALJ WARD: Objections?

MR. STEPHENSON: No objection.

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 13 is received.

BY MS. RADERMACHER:

Q. Okay. And can you tell me, now we have what's been listed as Minn-Kota Ag. This is the old -- this is the facility in Wahpeton. Is that correct?

A. That's correct.

Q. There are no load projections in this one with regards to the site we're talking about today?

A. No. That has no bearing on this.

Q. Okay. And so of these -- I mean, it would appear that of all of these facilities, that Riverdale has a lower load factor. Is that correct?

A. That's correct.

Q. Now, elevator five, that one, is that the model

you used in determining --

A. Yes. That was most representative as far as when I looked at motor load, the type of facility. So this was the example that I used.

Q. Okay. Now, if you also take the average of all of these, what kind of load factor do you come up with?

A. If you take the average of elevator one through elevator six, it's close to 33 percent also.

Q. Okay. Now, elevator five, does that also have a rail loop, a railroad loop, excuse me?

A. Yes, it does.

Q. And so like I said, based on all of the information you have here, you indicated that the future Minn-Kota site is more like elevator five than any of the other ones?

A. Yes, I believe so.

Q. And based on your conversations with Minn-Kota previously and relative to these proceedings, what was their biggest concern to you?

A. Prior, talking with Mr. Schuler on this specific service on the Wahpeton facility, it was the demand charge.

MS. RADERMACHER: I have no further questions.

ALJ WARD: Okay. Just one point of order. Before we go to cross, you've offered all of your

exhibits now except 15. Is that saved for another witness?

MS. RADERMACHER: Yes. And I apologize. 15 was the SAIDI -- CAIDI and SAIDI information for Otter Tail that they already introduced, so to me, it would be a duplication of exhibits.

ALJ WARD: Okay.

MS. RADERMACHER: So I do not intend to offer this unless --

ALJ WARD: Okay. All right. Mr. Stephenson.

MR. STEPHENSON: Thank you, Your Honor.

ALJ WARD: Thank you.

Does anybody want to take a little break, Commissioners, or do we want to plow ahead?

COMMISSIONER KROSHUS: I'm fine.

COMMISSIONER FEDORCHAK: I'm fine, too.

ALJ WARD: Okay. Counsel, anybody need five or are you okay to go?

MS. RADERMACHER: We're getting late in the day, so I think we plow through.

ALJ WARD: Okay.

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CROSS EXAMINATION

BY MR. STEPHENSON:

Q. Okay. Mr. Syverson, I'll start where you left off --

A. Okay.

Q. -- and go backwards. Your calculations on Exhibit 13, we've looked at those and, frankly, they don't come out at 33 percent. Have you double-checked those calculations or are they weighted?

A. They are not weighted, no. I just put it into an Excel spreadsheet. Should be similar to what I provided in the exhibits with all the cost estimates per year.

Q. And are any of these elevators or grain-handling facilities in operation for, say, less than a year when you did your calculation?

A. Not less than a year but close, just over a year, yes.

Q. Which one would that be?

A. Elevator five.

Q. Elevator five?

A. Yeah.

Q. So relatively new?

A. It's relatively new, yes. They've had a full -- I guess you'd say a full gamut, though, of operation.

Q. If I told you that, as we average these, we're getting approximately 28 percent, would that surprise you?

A. No, it -- I guess, just going off my calculations here, and it should match up to what I provided in the other exhibits.

Q. Now, with respect to load factor, did you discuss load factor with Mr. Schuler as part of your review?

A. As far as in March?

Q. Well, at any time, to get a sense of what that might be based on a conversation with the customer?

A. No, we did not.

Q. If you'd refer to your Exhibit number 11. Again, as I understand it, this is the information you testified to -- I'm sorry, Exhibit 12. I see that it's got 11 at the top but it's been marked by your counsel as DVEC 12. I think it's the feeder data, if I'm correct?

A. Correct.

Q. Okay. Now, you indicated that there were -- I think the chart shaded gray would be what I understood to be material-type outages, the rest were voltage depressions?

A. No. I just indicated the dark gray ones

affected the breakers all the way back to the feeder in the substation, and what -- ice, sleet, and frost affected overhead conductor, and then also the second one that was highlighted there, the cause was found to be unknown.

Q. Okay.

A. Just to note that the line that this affected, it was buried after this 2010.

Q. Sure. Now, this feeder feeds 50-some other customers, correct?

A. Yep, yep.

Q. And isn't it correct that a voltage issue with any of these other customers could have effect on Minn-Kota?

A. You may see a flicker. With the fault current, as you get farther out from the substation, it's minimal, you're going to be in the 200, 300 amp fault current. You really don't get too big of a voltage depression.

Q. Do you know what kind of effect that could have on Minn-Kota service?

A. I don't think they'll see anything.

Q. But it could have an effect?

A. It's very possible, yes.

Q. And under Otter Tail's design, they wouldn't

have any of these issues. Is that correct?

A. You would have issues as far as any interruption to the transmission line.

Q. But not on the distribution system itself?

A. With being underground from the substation down, underground shouldn't have any issues unless it's dug into, or if an animal or some event happened in the substation.

Q. And what is the total distribution distance from your substation to the site of metering at Minn-Kota?

A. About 3.7 miles.

Q. And that will be all underground?

A. Correct.

Q. And you would agree that Otter Tail has substantially less distribution under its plan?

A. From their proposed substation site to their service, yes.

Q. Mr. Syverson, on Exhibit number 9, if you'd refer to that, please.

A. Yes.

Q. Now, if I understood your testimony, the center column, "DVEC Power Supplier Cost," is your cost for power from Central Power. Is that correct?

A. That's correct. And it's an estimated.

Q. And that's what you're using as far as your cost

for calculation of your revenue here?

A. That's correct.

Q. Now, don't you have distribution costs?

A. As far as maintenance, operation and maintenance?

Q. Everything. Don't you have cost associated with extending service to other customers, front office operations, anything associated with running a distribution cooperative?

A. We do.

Q. Are those reflected on this?

A. No. This is just strict revenue off this specific service.

Q. Okay. Would that change these figures if you added in the cost of your distribution costs?

A. We have construction work plan loans that we have funds available as far as extending services to other members. Those type of funds are coming from those RUS loan funds.

Q. Don't you have payroll costs for --

A. Yes, we do.

Q. So none of this is reflected here?

A. No.

Q. So then your DVEC revenue is a total revenue, not a net revenue?

A. It's strictly based on energy and demand.

Q. Right. But it's not a net figure if you were to include all of your distribution costs?

A. If you would look into it that way, yes.

Q. Do you know what that would be if you included your distribution costs?

A. I do not.

Q. You indicated, Mr. Syverson, if I heard you correctly, that the transformer at your Mooreton substation is a 1977 vintage. Is that right?

A. Yep.

Q. And CPEC owns that transformer?

A. That's correct.

Q. But you didn't see any issues with performance with a vintage transformer that age?

A. No, there hasn't been any over the years.

Q. Mr. Syverson, you also testified that in your review of the CAIDI and SAIDI and SAIFI, if I get that right, figures, that in your view, there wasn't a significant difference. Is that right?

A. Yes. I didn't have the numbers in front of me, but from recollection, I don't think there was a significant difference.

Q. What would be a significant difference?

A. I guess I can't comment on that. We submit our

outage statistics to RUS on an annual basis, they review it, come on-site and review it on a three-year cycle, and they have -- always give us satisfactory numbers.

Q. I mean, what is basis of that opinion that you don't see it as a significant difference?

A. Just the difference between the two. I think I saw, between one, it was 15 minutes. Again, without the numbers directly in front of me.

Q. And some customers do pay particular attention to those kinds of figures. Is that correct?

A. Yep.

Q. Now, Mr. Syverson, on Dakota Valley's rate schedule, I think it's DVEC 6, if you'd refer to that?

A. Okay.

Q. Now, just so I'm clear, you've indicated that the board, or as a matter of practice, that you don't charge a power factor charge?

A. We have not.

Q. Okay. And then a line extension charge, is it my understanding that you would not be charging any line extension?

A. That's correct.

Q. Okay. Now, with respect to the power factor charge, under the co-op's own policy, it says it reserves the right to charge that. Is that correct?

A. We do reserve the right, yes.

Q. So the board could change its policy or direction at any point?

A. It's possible, but until we get charged from our power supplier, we have no intention (indiscernible).

Q. And as far as your facility charge extensions, have you estimated what the cost, was that included in your figures, what it could cost -- let me rephrase that.

Would you typically charge a customer in this instance for a line extension?

A. We've had multiple customers of this type where we have provided them a reduction in line extension charges. And in this case, it falls within the realm that we wouldn't charge them based on what we've done for other members.

Q. Right. And have you calculated what those line extension charges would be? Is that part of your analysis in any other document?

A. We look at those on a yearly basis as far as how much we put in on specific three phase services or single phase services.

Are you looking at like an average per mile?

Q. Let me ask it this way. Would those be included in your cost to extend service, those line extension

charges?

A. As the cooperative would eat that as the membership.

Q. All right. So that's not part of your line extension? When you were adding up the cost of how much it will cost to extend service, that was not part of it?

A. No, no, I apologize. That list I provided includes all the dollars to extend the line.

Q. Including the line extension charge?

A. Including the line extension charge.

Q. Which, in this instance --

A. So that 93,000 includes all charges for extension to site, the service.

Q. Okay. And what you're telling me is that they would waive that charge?

A. Correct.

Q. And again, that's subject to board discretion?

A. Yes, it is.

Q. Now, Mr. Syverson, did you at any time offer a contract to Minn-Kota or discuss any contract terms with Minn-Kota?

A. No.

Q. And would you agree that absent a contract, the board can change your rates at any time?

A. It's understandable. We usually don't go into

contract agreement with this size of a service. The quite larger services is when we get into the contract range.

Q. Larger than Minn-Kota?

A. Correct.

Q. Okay. So it would be your understanding that you would not have offered, in the ordinary course, a contract to Minn-Kota and relied on your rate schedules?

A. Correct.

Q. Okay. You indicated that the Mooreton substation is adequate to serve Minn-Kota?

A. Yes.

Q. And again, what is the size transformer that's serving?

A. It's a 37 and a half -- 3750/4200.

Q. At what point would you need to upgrade that substation?

A. We would monitor it. A lot of that is up to Central Power's discretion. We don't make that call as far as Dakota Valley.

Q. On that transformer that will serve Minn-Kota in particular, I think I asked you, you talked about the age of it, what's the load on that right now?

A. On an average load is, I believe, 1.8 megawatts.

Q. How about peak?

A. Non-coincident peak, we, I believe, hit 2.4, and a coincident peak, the numbers slip my mind but slower than that.

Q. And as far as CPEC, I assume that they dictate what their costs are to you?

A. Yes. And I mean the membership as the cooperatives as a whole have an input, but yes, they dictate rates.

Q. And if CPEC were engaged in any significant projects or build-outs, that would likely be passed on to its cooperative members?

A. That's correct.

Q. And just for the record, are you aware of CPEC switching its independent system operator affiliation?

A. Yes.

Q. And what was that switch?

A. That was to SPP.

Q. From?

A. I don't know if they were -- all I'm aware of, I know they're with SPP now.

Q. Are you aware that they were with MISO earlier?

A. Possibly.

Q. Now, Mr. Syverson, with respect to soft starts, you provided the motor list?

A. Yep.

Q. And I forget what number that is, but --

MS. RADERMACHER: 2.

MR. STEPHENSON: Thank you.

Q. And this motor list, now I think you indicated it indicates the motors that have soft starts or scheduled for soft starts?

A. Yep.

Q. And would you agree with me that if there was an ability -- I mean, Minn-Kota depending on the service provider could alter this list?

A. And we've done that in the past with other elevator-type services, we've provided waivers. And what we do in the waivers, if you want to go up to 75 or a hundred, that's fine, we just -- with the caveat, if we do start experiencing issues on our distribution, that you fix the issue, the member that would fix that.

Q. Would you agree with me that with Otter Tail, they could change and not have to go through that exercise?

A. Yeah, I believe so. In reference to this motor list, we serve -- the elevator that I'm doing in comparison, we serve it on approximately 12 miles of distribution underground and we don't have any issues.

Q. Is that comparison elevator elevator number five that you referenced earlier?

A. That's correct.

Q. And the one that's been in service for about a year?

A. Yep.

Q. And if I understand your calculation then on Exhibit 9, you've calculated no rate of return on your investment to extend service?

A. No. And I may not address that. It's possible Bruce may address that, yeah.

Q. Understand.

MR. STEPHENSON: Nothing further.

ALJ WARD: Mr. Pelham, questions for Mr. Syverson.

MR. PELHAM: Thank you, Your Honor.

CROSS EXAMINATION

BY MR. PELHAM:

Q. Mr. Syverson, I just want to go over some questions on the factors here and I want your opinion on these. Do you believe the approval of the application of Otter Tail would result in wasteful duplication of investment or service? Does Dakota Valley have a position on that?

A. I feel we're in the area to adequately serve this load.

Q. You feel that Dakota Valley is in the area of

adequate service load? Okay.

You don't believe that -- well, do you believe that there would be a wasteful duplication for Dakota Valley if you were allowed to service this?

A. No, no.

Q. Okay. Do you have an opinion on which supplier's extended electric service would best serve orderly and economic development of the electric service in the general area?

A. I believe if Dakota Valley could extend service, we in turn can then also provide additional three phase to surrounding members.

Q. And that's based on testimony you provided as well as the exhibits?

A. Yes.

Q. What about your opinion on which would supply -- would be able to serve the location more economically and still earn an adequate return on investment, do you have an opinion on that?

A. Based on our cost to extend the line, our worst case scenario, I believe we would be the cheapest option as far as extending service.

Q. Okay. And that's even so because your Exhibit 9 indicates the Minn-Kota service charge in year one is 261,000, I believe that Otter Tail provided about

271,000, and year one for service charges is 275 for Missouri Valley, but that increases over a period of time, that's --

A. And as far as economical as far as extending the service, I was commenting on Dakota Valley's cost.

Q. Okay. Do you have an opinion on whether or not the proposed new substation to service the Minn-Kota site by Otter Tail duplicates service in any way?

A. There's surrounding substations within three miles that I believe that service could be provided from.

Q. As far as the analysis, we talked a little bit about elevator five, and I think that's Exhibit 13, Otter Tail talked also about some similar facilities as to what Minn-Kota may operate at.

I'm just wondering, because the Commission is going to be taking the testimony and taking a look at the exhibits, and we don't have what elevator five actually consists of, nor do we have the information of the two very similar operations that Otter Tail has testified as to what the load factor is at.

Can you provide any more details to the Commission as far as whether or not elevator five really is similar in scope and structure and demand for power as what's proposed to be built by Minn-Kota?

A. You know, I can comment. It's not -- it's cement bins. The motor loading list that was provided from the engineer working on that elevator was very similar. I don't have a load diversity from this specific Minn-Kota service to reflect on that. There's a rail loop on this one. I would say, on elevator five, there is a fertilizer service in addition to it, but in similar -- I don't know exact bushels or storage capacity.

Q. Okay. In your opinion, would Minn-Kota have similar issues with the power demand? Say they're operating at full capacity, there's a 120-car train and they're drying product. Are they going to have issues in being charged because of the demand usage at that period of time, do you think?

A. It would be part of their operation. There's different methodologies as far as rates. Dakota Valley's rates are set in a way that we try to push to run a service efficiently. We have a large amount of facilities that we need to maintain due to the rural nature, and that's how we've come up with the rate schedules that we have.

Q. You've reviewed Otter Tail's proposal, correct?

A. Yes, I have.

Q. In reviewing that, is Otter Tail also charging

increased demand charges in their proposal?

A. They have a smaller demand charge. I believe that was the 52 cents, I believe. Now, they do charge a flat demand over the 12 months, where our demand will vary based on what they actually use for that month.

Q. Okay. What's the depth in feet of the underground lines that are being installed or proposed to be installed?

A. We shoot for 42 to 48 inches.

Q. What's the incidence of -- you had mentioned 8-1-1. What's the incidence generally of equipment digging in and not calling in and a disruption caused because of failure to call or utilize 8-1-1?

A. It's pretty low. It's actually repeat offenders usually that cause it.

Q. How far is the south Wyndmere substation from the Mooreton substation?

A. Approximately ten miles.

Q. Exhibit 9, we went through most of the pages, but I think there were a few pages we didn't go through. I don't think we went through the last page. I'm just wondering if you could just generally tell me what we're talking about on the last page on Exhibit 9?

A. What I did there, I took what Otter Tail's rate -- which rate I thought they were going to offer and try

to put it in a similar type spreadsheet what I was doing for Dakota Valley. I don't know if I -- I think my charges were off slightly, but I think I was within the ballpark.

Q. Okay. You went over the second to last page. I don't think we went over the third to last or the fourth to last pages. If we could go to the third to last page, I'm wondering if you could tell me what this exhibit portion indicates. I have it as page 8 of Exhibit 9.

A. All right. This one includes -- basically, it shows the service charges to Minn-Kota Ag, shows our power supplier cost, and then basically shows the revenue per month, kind of give you the whole picture based on the -- our standard large three phase commercial rate.

Q. Okay. And then page 7, the page before that, what are we seeing here?

A. Page 7 just specifically addresses just our power supply charges, just to break those out individually, based on our assumed energy and demand.

Q. And the second page of Exhibit 9, that box off to the right lists all the dates, January through December, a calculated load factor. Is this that elevator five, is that where you got that data from?

A. Yeah. That was where I was grabbing -- that's the most -- well, it's actual data, so that's what I was using.

Q. I understand that the incentive ends after year nine, or the discount rather. Is there a procedure or a process for any type of extension on that that you have seen?

A. We haven't at this time with the members that we've used this discount on. Not to say that it can't.

Q. You're not aware of a situation, though, where that's been extended?

A. No, I'm not.

MR. PELHAM: Mr. Lein may have some questions.

MR. LEIN: Thank you.

Question, how did Dakota Valley arrive at its threshold of 30 horsepower for the starters required?

THE WITNESS: We just have, in that policy, a voltage flicker level, and we've seen with three phase, 30 horsepower seemed like a standard throughout the cooperatives in the state.

MR. LEIN: So your system actually has trouble with a bigger engine starting or was it modeled that way or...

THE WITNESS: No, no, not necessarily.

MR. LEIN: Just a standard --

THE WITNESS: Other services, they start a hundred horsepower ones on that. It's just we've seen, primarily more on single phase lines, where before we had a policy, we were allowing the installation of very large motors and then you'd see the voltage figure.

MR. LEIN: Okay. I was looking at one and trying to figure out if there was a source to the north, or is this like a radial line that goes out there from --

THE WITNESS: There is a tie on that distribution to the north. That would be a tie to the north Wyndmere substation.

MR. LEIN: Okay.

THE WITNESS: And then to the west would be the south Wyndmere.

MR. LEIN: How far away is that north Wyndmere? About ten mile --

THE WITNESS: I don't have -- a guess would be probably 18 miles.

MR. LEIN: So if you lost the Mooreton sub, you could feed this from the north Wyndmere sub?

THE WITNESS: We would not -- we would -- it's possible. We would check loading at the time.

MR. LEIN: Okay.

THE WITNESS: The preferred one would be the

south Wyndmere.

MR. LEIN: Okay. So would you call this a looped service?

THE WITNESS: The tap from the three phase cabinet out to Minn-Kota Ag is just a radial. It is looped by substations.

MR. LEIN: Yep. If you lost the Hankinson source, would it feed from the Wahpeton source?

THE WITNESS: Yeah. At that time, we would call Otter Tail dispatch and they would decide which to open and close.

MR. LEIN: Similarly, if Otter Tail lost its --

THE WITNESS: Their source --

MR. LEIN: They could go from the Hankinson source?

THE WITNESS: Yep.

MR. LEIN: Okay. The Mooreton sub, what's the loading been running on that now?

THE WITNESS: On average, I believe it was 1.3, on an average. It's a winter peaking substation. And again, its coincident peak is usually right away in the morning or when everyone is coming home in the evening. During the day, that's when load drops down, and at night.

MR. LEIN: So your peak would be what?

THE WITNESS: Our peak, we've seen 2.4 megawatts.

MR. LEIN: And you said this sub was 3750 with a peak of 4200?

THE WITNESS: 3750/4200. And it currently does not have fans installed on it. It could have fans installed on it.

MR. PELHAM: And then Central Power would have to do that?

THE WITNESS: Yeah. And that's minimal as far as --

MR. LEIN: Yeah. You're talking about another transformer being added at the site. Would it be at that cabinet that's going to be installed at the site and would it be 12.5 kV on the high side and 480 on the bottom side?

THE WITNESS: That's correct. Our distribution is 12-47.

MR. LEIN: Okay.

THE WITNESS: Transformers step that down to 480. We could -- you know, depending on the member, we could install the transformers side by side if they would want the second one or in a different location. It's more about how they want to run their site or redundancy that they would like.

MR. LEIN: So it seemed to me like Otter Tail, in their service line cost estimate, had one transformer?

THE WITNESS: Yes, I believe so. Yep.

MR. LEIN: So with yours, you would subtract for that second transformer in order to have apples to apples comparison there?

THE WITNESS: Yeah. And I would raise estimated 26,000 for a 1500, if they would want the 2000 Kva capacity, I would add $5,000 to that, so 31,000. But yeah, I would subtract that second transformer.

MR. LEIN: I think that's all the questions I have. Thank you.

ALJ WARD: Okay. Questions by the commissioners. Commissioner Kroshus.

COMMISSIONER KROSHUS: I'm going to follow up on Jerry's last question. Just to clarify, your cost estimate, project cost, includes two 1500 Kva transformers, correct?

THE WITNESS: Correct.

COMMISSIONER KROSHUS: So if you took out one, it would be a deduct of 26,000, a little more than 26,000, but then moving to 2500 or 3000 Kva, you have approximate cost of 33,000?

THE WITNESS: Yeah. So I would remove --

actually, I would remove both transformers and swap them out for that 2500.

COMMISSIONER KROSHUS: Right. So a net difference of 19,000, roughly, in savings?

THE WITNESS: Yeah.

COMMISSIONER KROSHUS: Does that sound right?

THE WITNESS: Yeah. And then a reduction in cost for labor and material for installing the second.

COMMISSIONER KROSHUS: Okay. So that project cost with the transformer change would be that 74 to 75 arrangement, with labor it might be closer to 70, call it 70?

THE WITNESS: Yeah.

COMMISSIONER KROSHUS: Okay. On Exhibit 1, can you tell me, and I apologize if you indicated already, but who is the three phase customer, I'm going to say to me it looks like about four-tenths, maybe between .4 and .5 miles, to the east?

THE WITNESS: To the east. That is a bin site, a farmer's personal bin site.

COMMISSIONER KROSHUS: Okay. Have they experienced any problems with reliability?

THE WITNESS: No, no, being that close to the substation.

COMMISSIONER KROSHUS: Okay. Now, an

underground versus overhead construction, you indicated just easements for poles as one of the issues. What's the cost differential between the two?

THE WITNESS: Actually, we're putting in underground the same cost as putting overhead in. We're just -- we're seeing about it's even.

COMMISSIONER KROSHUS: Okay. Do you agree with -- when I'm talking about Exhibit 9, I'm talking about Otter Tail Exhibit 9. And I think you touched on this, but -- and I had asked or I think brought up the question earlier on different numbers, different presentations. But just in a nutshell, to clarify once again, do you agree or disagree with their calculations?

THE WITNESS: I have to disagree just because they're including the power factor cost on-site facilities charge in those summaries.

COMMISSIONER KROSHUS: Okay. So from a practical standpoint, I'm the customer. I just want to know how is this going to impact my bottom line versus one service provider compared to the other. Just in a nutshell. Same cost? lower cost? higher cost?

THE WITNESS: Rate-wise, we would be higher.

COMMISSIONER KROSHUS: Okay. Can you give us a percentage figure in terms of the monthly charge that the customer will experience?

THE WITNESS: I would have to calculate that out based on a month-to-month basis.

COMMISSIONER KROSHUS: And fortunately, we have some very good analysts on staff that I'll be asking the same question from.

THE WITNESS: And again, this is -- and it could go better or worse. It's based on what we assume the type of energy and demand is going to be used there and load factor.

COMMISSIONER KROSHUS: Okay. On the 70 -- I've got 74 to $75,000 cost, because I've swapped out the two 1500 Kva transformers, which might or might not occur, but who pays for the project cost? Can you reiterate that again?

THE WITNESS: Dakota Valley would pay that, so basically, it would be shared along the membership, the entire membership.

COMMISSIONER KROSHUS: And there's a pool of --

THE WITNESS: 4,100 members.

COMMISSIONER KROSHUS: A reserve -- oh, it would be passed along to the members or is it through reserve funds?

THE WITNESS: In the end it's passed on to the members, but we have construction work plan loans with RUS, four-year construction loans, and we would pay for

it out of that.

COMMISSIONER KROSHUS: Okay, okay. But right, ultimately, it does fall back on ratepayers.

THE WITNESS: Correct.

COMMISSIONER KROSHUS: What kind of rate flexibility does the cooperative have? We don't regulate co-ops from a rate standpoint. So is this something that the board could get together and say we'd really want to try and land this business, come up with a creative or a new rate structure of sorts?

THE WITNESS: It's possible. We avoid having a lot of rates, because then you get people hopping back and forth. Yes, they do have the power to make a new rate if they would like to.

COMMISSIONER KROSHUS: Has that ever happened?

THE WITNESS: Not in my time that I'm aware of. Bruce may be able to comment on that more.

COMMISSIONER KROSHUS: Okay. I don't know if this is a question for you or to hold, but earlier the customer when they were testifying, Minn-Kota Ag's testimony, when George was -- had indicated that he had not heard from Dakota Valley Electric, to me it sounded like since March. Do you agree with that or disagree with that?

THE WITNESS: Yeah. The way I recall the

conversation is I met with him on-site and provided my information and then basically had a follow up over the phone, just to get his thoughts on what he thought with the proposal we provided.

At that time, I've already -- I've already had discussions. You know, even if he didn't accept what our rate was or likewise, that we felt it was in our service territory, that we would take this, you know, to the PSC if we had to. And after that point, you know, there wasn't much -- any discussion.

COMMISSIONER KROSHUS: The substation, was that 1977 construction?

THE WITNESS: That's correct.

COMMISSIONER KROSHUS: So I think it was --

THE WITNESS: The transformer, yep.

COMMISSIONER KROSHUS: The transformer was classified as vintage. Do you think there's a big difference between a 1991? Would that also be vintage?

THE WITNESS: You know, probably not. I mean, I'm -- we don't own our own substation transformers so we don't swap them in and out. Central Power does. They don't install that size anymore. They've just gone to a larger size as their default transformer.

COMMISSIONER KROSHUS: Okay. And I believe the last question is, with underground, what's the time

frame in terms of making a diagnosis if there is a problem compared to overhead? Give me --

THE WITNESS: With some of the technology that we've been using now, since fault indicators between cabinets, especially if we've got a loop system, if we can identify it between a mile, we can open up that mile of line, restore power to other people by switching, and then we can fix that line on our own time.

And there, we just -- we get equipment called a thumper out there and it thumps the underground and it tells you it's 300 feet down, go fix the problem.

COMMISSIONER KROSHUS: So would the underground line cause an outage to be prolonged in comparison to overhead, or is it a problem is a problem and you're going to reroute?

THE WITNESS: We're going to mostly reroute. For an underground fix, we're not going to keep them out of power. We would prefer to switch them and then fix it on our time.

COMMISSIONER KROSHUS: So the customer won't be compromised if it's -- well, at any point in time it would be a concern, obviously, but particularly during peak time, right? Right?

THE WITNESS: They'll have an outage, but we would try to minimize that time by switching.

COMMISSIONER KROSHUS: Okay. And is that measurably different than if it were being provided with more overhead?

THE WITNESS: You know, and that depends on the type of damage that happened to the overhead. You may still have to isolate that line and switch around there also. You may -- you may find the problem quicker, but again, with like some of the fault indicators we've used and then in our SCADA system, some of the data we get back, we've been pretty good of pinpointing areas of where the fault may have occurred.

COMMISSIONER KROSHUS: So repairs could take longer, but restoration of service?

THE WITNESS: I think it's -- it's close, close to equal on that.

COMMISSIONER KROSHUS: Okay, all right. No other questions.

ALJ WARD: Commissioner Christmann.

CHAIRMAN CHRISTMANN: Let's start with your Exhibit 2, please. And I think to best demonstrate what I'm trying to understand, go to the second page of it, please, in about that bottom third of the page.

THE WITNESS: Yep.

CHAIRMAN CHRISTMANN: First it starts with four 75-horsepower motors that are soft starts, right?

THE WITNESS: Yes.

CHAIRMAN CHRISTMANN: Okay. So I don't understand what happens with these. They're down and not being used, they want to start them. Is that a motor then that was ordered and made to start slowly and so it just cranks up? Or if there's enough capacity and they're willing to pay for it, can they start it and it runs instantly?

THE WITNESS: If you procure the soft start, that's an add-on to that motor. So if you're going to use a soft start, you're going to always use it, at least the way I understand it, for that motor. You wouldn't make a difference between the two.

CHAIRMAN CHRISTMANN: Okay. And what's the timing of that? If they want to run this fill equipment, when you soft start it, how long until it's up and running at full capacity?

THE WITNESS: That's more of the member's choice. Basically, you can tweak your soft starts to delay it to -- or slower start, you know, one second, two second, three second. Depends how much you want to limit that current draw.

CHAIRMAN CHRISTMANN: But we're talking about seconds?

THE WITNESS: Possibly, yep.

CHAIRMAN CHRISTMANN: Okay. And then just down a little bit, in that larger group, the second one from the bottom, is a 40-horse motor and that is FVNR starter. What is that?

THE WITNESS: I believe that stands for full voltage. They're starting it across the line, so it's the full current draw, no soft start on that.

CHAIRMAN CHRISTMANN: And so that's the kind -- that's an example of what's at issue here in that you would -- your rate requires that to be a soft start motor and they are not planning on that being a soft start motor?

THE WITNESS: Yeah. It's in our policy, 30 horse and greater, but not to say we haven't waived that. We usually will work with the member on that point. We can get into more analysis. Those ones don't concern me as much. It's --

CHAIRMAN CHRISTMANN: Before you get into that, let me follow up on that, though.

So if we're talking seconds for something within this grain facility, doesn't seem like that's a very big deal. So is the big deal the fact that the soft start motor, to switch this 40 horsepower motor to a soft start motor, would cost a lot more money to install it or purchase it and install it?

THE WITNESS: It is additional money.

CHAIRMAN CHRISTMANN: So it's not so much the timing of it, it's the fact that it requires a different motor and it costs a lot more?

THE WITNESS: And I can't comment on that as far as how this type of facility operates internally. I don't think -- I don't think it causes a delay, but I can't make a --

CHAIRMAN CHRISTMANN: Okay. And so that's the full voltage starter. And then down to the last three on the bottom of that page are two 75s and a 150-horsepower motor and those are VFD.

THE WITNESS: Yep.

CHAIRMAN CHRISTMANN: What's that?

THE WITNESS: That's a version of a soft start. It's a little more expensive. It's more programmable, I believe, tweak the settings on it.

CHAIRMAN CHRISTMANN: Okay. But under your proposal, those would --

THE WITNESS: We would recommend --

CHAIRMAN CHRISTMANN: Those should be soft start motors or are these -- VFDs are soft start motors.

THE WITNESS: Yes.

CHAIRMAN CHRISTMANN: And so that's already covered here?

THE WITNESS: Yes. Yeah. We just say soft start to cover all sorts of motor-starting support.

CHAIRMAN CHRISTMANN: Okay. Then let's jump -- did you have something else? I didn't want to lose my train of thought --

THE WITNESS: No, no.

CHAIRMAN CHRISTMANN: -- that you wanted to add to that?

THE WITNESS: That's all right.

CHAIRMAN CHRISTMANN: Okay. Then on number 13, with these comparisons of these seven facilities, so you kind of preferred five as sort of an average and you said it's similar in that it's a unit train facility, correct?

THE WITNESS: That's correct.

CHAIRMAN CHRISTMANN: Okay. So whether something is a unit train facility or not, like what do you think is one of the biggest factors in determining what's the best comparison? Or I'm sitting here thinking maybe it would be just their business plan or the particular commodities that they have, whether they come in on a real consistent basis and are shipped out on a consistent basis, maybe number five has a long-term contract to ship a unit train every so many days as opposed to someone else, is this going to buy whatever

they're able to acquire in the market and when they get a good price they want to be able to ship it quick?

So is it the unit train versus not a unit train that is the most important factor or is it their business plan?

THE WITNESS: I'm no elevator expert. To me, I live in -- I know what the motor load is at the site. That's how I can base it off another similar site with motor load and I believe that's how they're going to operate.

A unit train, I would imagine you could have a very -- because one may have a unit train but it's significantly smaller so that you're not loading as much or unloading as much.

CHAIRMAN CHRISTMANN: A facility that has a very consistent -- just their business plan is maybe a train load every so many days, they've got long-term contracts, they would have a higher load factor than one that is more --

THE WITNESS: Correct.

CHAIRMAN CHRISTMANN: -- has a plan to make more quick and base things on the market, right?

THE WITNESS: I would say it's fair to say that, yes.

CHAIRMAN CHRISTMANN: And if I take out the high

and the low, numbers three and seven, although seven doesn't seem to be numbered here, the Minn-Kota Ag and number three, those seem to be kind of the anomalies. The average of all of the other five, I didn't do the math exactly, but looks like about 25 or so closer to Otter Tail's load factor estimate than yours. Would you disagree with that?

THE WITNESS: I won't disagree with that, it's just when we put this together, it was elevator one through six was kind of our average, and then the Minn-Kota Ag one was just a reference of the Wahpeton site and the issues that they had there.

CHAIRMAN CHRISTMANN: But do you really feel that that one is an anomaly in the way it's --

THE WITNESS: Yeah, I don't believe it's a similar --

CHAIRMAN CHRISTMANN: -- built and then the way it's operated?

THE WITNESS: Yeah.

CHAIRMAN CHRISTMANN: Okay. I'm going to number 9 of your -- if I can find it. Are you at Exhibit 9?

THE WITNESS: Yeah.

CHAIRMAN CHRISTMANN: Company-wide, do you know what percent of the company's expenses are the cost of electricity?

THE WITNESS: I do not. I may not be the right guy to answer that.

CHAIRMAN CHRISTMANN: Would that be a fair comparison to figure out some kind of a comparison of what this would be if operating costs are calculated in, the fact that -- there's got to be, it seems like, some operating costs figured into this as well?

THE WITNESS: Right. I don't have that information.

CHAIRMAN CHRISTMANN: Okay. I have no other questions, Your Honor.

ALJ WARD: Commissioner Fedorchak.

COMMISSIONER FEDORCHAK: Since Commissioner Christmann was talking about that, it was one of my questions, too.

So we're trying to get a sense of the economics of your service, and you've listed, on Exhibit 9, what they'll be paying you?

THE WITNESS: Correct.

COMMISSIONER FEDORCHAK: Your supplier costs of power, that's it. And then this 19,714 revenue, you're suggesting that's what you clear?

THE WITNESS: Yeah. And just in simple terms, yeah, what we're charging the member, what we're paying to Central Power, and then what is the excess left over.

COMMISSIONER FEDORCHAK: What else is not included in that that are factors for what you would clear, that aren't listed there in terms of a cost? Supplier cost, you know, that cost, but what else?

THE WITNESS: As far as cooperative-wide?

COMMISSIONER FEDORCHAK: Just whatever, your other business costs of doing business.

THE WITNESS: Yeah, that would be the day-to-day business. And I may not be the best person to answer that, but that would not be included in here.

COMMISSIONER FEDORCHAK: Okay. That would be an important thing that you guys should provide as a late-filed exhibit somehow, so we can get a clear picture of the economics of your service versus Otter Tail's service.

Okay. I wanted to talk a little bit about the phase three. So are you building a short -- you're building a little additional phase three lateral, right?

THE WITNESS: Yeah, a radial line.

COMMISSIONER FEDORCHAK: About how far would that --

THE WITNESS: It's approximately .7 miles, so 4,000 feet.

COMMISSIONER FEDORCHAK: And there's existing Otter Tail Power service there that is three phase?

THE WITNESS: No. They have a transmission line that goes by there that follows Highway 13.

COMMISSIONER FEDORCHAK: That's three phase?

THE WITNESS: It's 41.6 kV. You would have to step that down to get to the voltage that Minn-Kota Ag would require.

COMMISSIONER FEDORCHAK: Okay. So do you view that as a duplication of service?

THE WITNESS: I guess I personally do because we have facilities so close in the distribution level that's coming from an existing substation, no more than four miles away, that we could utilize already and that's been serving members in the area for quite some time.

COMMISSIONER FEDORCHAK: Okay. So Otter Tail was arguing that the underground stuff wasn't as reliable as the over ground, which is, you know, interesting.

What are the advantages of underground and why did you guys choose to build underground versus above?

THE WITNESS: Primarily, all of our construction these days is underground. We live in a rural area with a lot of severe weather events that we want to try to mitigate. We try to eliminate lightning strikes in the summer, farming operations, poles hitting in the spring

and fall, and in the winter, obviously the ice storms or the winter storms. With the underground, you can eliminate a lot of that. You still have potential of dig-ins, but that's not as high of an incident rate as we see with the overhead line.

COMMISSIONER FEDORCHAK: So do you have any studies that suggest this is the best practice now or that there's some way to quantify why underground might be preferable?

THE WITNESS: No specific studies, it's just in our outage history, we see a lot more overhead outages due to animals may get in the line, high winds or just failed equipment. You have a lot less pieces in the puzzle with the underground, at least in my standpoint. And as mentioned a little earlier was we're actually installing it at a fairly similar cost as if we would build it overhead, so taking the approach of going underground.

COMMISSIONER FEDORCHAK: And if you do have a problem with the underground, what is it typically caused by?

THE WITNESS: One would be a dig-in. Number two, with the unjacketed cable, which would be the cable installed in the 1970s, it's just the corrosion of the conductor and just overall failure.

COMMISSIONER FEDORCHAK: But you don't have that in this location?

THE WITNESS: Not in this case. We have newer jacketed cable.

Splices are points of failure. That's where you would splice two cables together. But again, with today's splicing technologies, whether it's heat shrink or cold shrink, that mitigates from water to get in, cause a short to ground.

The only other thing would be installation, they may nick the cable. And then it may not fail immediately, but say if it rains or something, water will get in.

COMMISSIONER FEDORCHAK: Okay. This particular install that's been there since 2012, I believe you said, compared to your above-ground facilities, same type, are you seeing -- do you have a comparison whether there's fewer issues on the underground?

THE WITNESS: Definitely. And all of our work plans, our main focus has been burying our main three phase feeders because you get the most bang for your buck, improved reliability to the most amount of members, so we are seeing an improvement in that.

COMMISSIONER FEDORCHAK: Okay. Are you saying on the soft start issue, that you're not going to charge

them for soft starts? Are you committing to that? Are you saying we'll negotiate that? We've done it in the past, we've given people exemptions and we may in this case? Are you saying we will not be charging them for soft starts?

THE WITNESS: Based on the motor list that they have, it looks like most motors above 50 horsepower already have soft starts designated to them. We have facilities out there with the 50-horsepowered motors that are installed without soft starts and cause no issues. Being this close to the substation, I don't see that being a forced requirement on them.

COMMISSIONER FEDORCHAK: Okay. If there's an upgrade necessary to that substation down the road, the Mooreton one, that could be passed along to this customer?

THE WITNESS: No. Central Power changes out transformers based on loading and that would --

COMMISSIONER FEDORCHAK: Okay.

THE WITNESS: And a transformer they would take out of the yard or if they ordered it, they would change that as part of their normal work plan or maintenance, and that cost, if any, is shared with the membership of all the cooperatives.

COMMISSIONER FEDORCHAK: So the cost of a new

substation or an upgraded substation would be spread over everybody?

THE WITNESS: Yeah. And it wouldn't be --

COMMISSIONER FEDORCHAK: Part of whom would be them?

THE WITNESS: Yep. It would trickle down to every single member. It wouldn't be a new substation, it would just be the transformer.

COMMISSIONER FEDORCHAK: Okay. And then on Exhibit 9, page 2 of their exhibits -- the pages aren't numbered but the middle one on that exhibit. So in your response to Commissioner Kroshus, you said you didn't agree with their math because they included the power factor and the facility charges, so I want to get clarification here.

On the annual difference column, on the line that says total energy cost less PF.

THE WITNESS: Yep.

COMMISSIONER FEDORCHAK: Annual difference, 27,665.76. That takes out the power factor?

THE WITNESS: It does, but in addition, I would take out the on-site facilities charge, which is 8,704.80.

COMMISSIONER FEDORCHAK: 80 --

THE WITNESS: $8,704.80.

COMMISSIONER FEDORCHAK: Okay. So if you take those out and you get approximately $19,000 difference, do you agree with that, that that's the -- based on 33 percent load factor, that's the difference in the cost?

THE WITNESS: I would say yes.

COMMISSIONER FEDORCHAK: Okay. All right. Okay. That's it for me. Thank you.

ALJ WARD: Okay, Commissioners, Counsel, my plan is to finish today, and we still have one witness to go plus probably rebuttal testimony. So I think we should take a break now and come back at 5, and we'll go as long as we need to, hopefully not too terribly long, but we'll go as long as we need to. But if anybody needs to make calls or whatever to let people know you're not going to be home or whatever, let's take a break now until 5 just to stretch our legs and maybe clear our heads a little bit.

(Recess)

ALJ WARD: Ms. Radermacher, it's your turn for redirect.

MS. RADERMACHER: Thank you. I'll try to keep this brief because I know people are hoping to get home.

ALJ WARD: One thing I want to make clear is I'm not -- I don't want to cut anybody off, because the

other side has the whole morning and you've got to try to budget your case, but I want to give you the opportunity to make a complete record, and likewise, you'll get a chance for rebuttal as well. Okay.

REDIRECT EXAMINATION

BY MS. RADERMACHER:

Q. Now, when you initially testified at the beginning of your statement, how long did you say you've been with Dakota Valley Electric?

A. It will be about nine years.

Q. And during the nine years that you've been with Dakota Valley Electric, have you seen that power factor charge ever implemented?

A. No.

Q. Now, there's also some discussion about the rate of return on this and how administrative costs would play into this. Based on the projected load, would there be an adequate rate of return to Dakota Valley even taking into those administrative costs?

A. Without knowing that specific number, I don't know if I could actually say that. I would assume yes, but I may not be the guy to speak on that.

Q. Okay. And there's been a lot of conversations about this load factor charge and how to determine what would be the most appropriate load factor in this case.

Of the exhibit that you provided that has the seven facilities listed on there, you're saying that the 33 percent load is the one that's the most close to that?

A. Yeah. I was using that elevator service as a similar comparison being that it is newer-type of construction, was up and running for a year now. I thought it was a fair comparison with the motor load and all that.

Q. Okay. And the one that's, like, up in the upper 40s, how much difference is that facility to the facility that Minn-Kota is proposing?

A. Without -- you know, I didn't go into a hard research on that one. They use significantly less demand so they don't have the motor load. That might be one of the reasons why I didn't use that as the example. But with what they have set up there, they're running it efficiently.

Q. Okay. And do you think that this facility will be run differently than the current Wahpeton facility owned by Minn-Kota?

A. Yeah, I do.

Q. And did you hear what Mr. Schuler testified to in relation to how he's going to run that operation?

A. Yes.

Q. And based on the way that he's going to run that operation, does it change your estimate of what the proposed load factor would be?

A. I wouldn't change it, it sounded like it would be a more constant load, but I would keep with what I have available.

Q. Okay. Now, there was also some talk about if we ever offered Minn-Kota a contract. Did we ever get to a point that Minn-Kota said they actually wanted service with us?

A. No, no.

Q. So basically, a contract wasn't even part of the discussion because Dakota Valley and Minn-Kota never got that far?

A. No.

Q. And the last question that I kind of took notes on was you had talked about -- now, this is looped by substations, this particular area?

A. Yeah.

Q. Does that looping add reliability to the system?

A. It does. It just allows switching. If you do have an issue, you can re-feed from a different direction and reenergize service to whoever's out.

MS. RADERMACHER: I have no further questions.

ALJ WARD: Okay. Mr. Stephenson.

MR. STEPHENSON: Thank you, I'll be brief as well.

RECROSS EXAMINATION

BY MR. STEPHENSON:

Q. Mr. Syverson, I recall you indicated that, typically, customers of Minn-Kota's size are not offered contracts. Is that right?

A. Yeah, we haven't gone down that path.

Q. I do want to clarify one thing. The distribution systems of both Minn-Kota and Otter Tail in this case are both underground distribution systems, are they not?

A. The distribution systems are both underground, correct.

Q. And the transmission systems powering both of Minn-Kota and -- Dakota Valley and Otter Tail's services here are all overhead, are they not?

A. The transmission lines, yes.

Q. And comparing distribution system to distribution system, Otter Tail's distribution is substantially less in length. Is that correct?

A. I believe it was stated 1,000 feet.

Q. And can you just -- again, what is the distance for --

A. Dakota Valley's distribution underground from

the substation to the site is approximately 3.7 miles.

Q. And you would agree that Otter Tail, if there's an issue, an underground issue, with that shorter distribution length, it would, presumably, be easier to identify than over the lengthier (indiscernible)?

A. It's possible, depending on what type of identification equipment you have.

Q. Mr. Syverson, on facility number five that you -- I think you indicated you used it as kind of your most analogous facility. Is that correct?

A. Yeah.

Q. You also indicated that that facility has a fertilizer plant. Is that right?

A. Yep.

Q. Wouldn't a fertilizer plant operations alter the load factor of a facility?

A. I should have been more clear on that. That is an actual -- it's a different meter, different service, not included in these numbers. These are just the elevator service. I was just saying the site itself also has a fertilizer --

Q. So they're separately metered?

A. They're separately metered, yes.

Q. And I think you testified, too, that your belief was that Minn-Kota can operate its facility to conform

to that demand charge?

A. I didn't say they -- necessarily they can conform to it. Well, I think -- I personally think there may be ways you can not start up the whole operation or certain portions of it. Again, I'm speculating some on that.

Q. I understand. Do you see any issues with having to operate around a particular feature of a rate versus just being able to operate the way a facility can best be efficient?

A. It's possible. You still would want to operate it as efficiently as possible. Either if it's a high demand or low demand, you'd still want to operate at the lowest cost.

Q. But can you agree that they might have better production value or better production if they're able to operate in the way that they believe it should be operated the way it's designed?

A. Yeah.

Q. And that operating around a demand charge could impede that?

A. If that's how it influences the operation, yeah, I -- yeah, I'd say that.

MR. STEPHENSON: Nothing further.

ALJ WARD: Okay. Mr. Pelham.

MR. PELHAM: Thank you, Mr. Syverson, I don't have any other questions for you.

ALJ WARD: Okay. Commissioners, anything else for Mr. Syverson?

COMMISSIONER FEDORCHAK: Nope.

ALJ WARD: I see one. Commissioner Fedorchak?

COMMISSIONER FEDORCHAK: No.

ALJ WARD: Oh, okay.

COMMISSIONER KROSHUS: I do not.

ALJ WARD: Okay. All right. You may step down, Mr. Syverson. You're lucky.

(Laughter)

MS. RADERMACHER: I'd like to call Bruce Garber.

ALJ WARD: Every one of these last names today has phonetic possibilities, so can you spell your last name for me, please?

MR. GARBER: G-A-R-B-E-R.

ALJ WARD: Thank you.

MS. RADERMACHER: Mr. Garber, what is your current occupation?

MR. GARBER: Are you going to put me under oath?

MS. RADERMACHER: Oh.

ALJ WARD: Yes, I have to swear you in. Thanks for reminding me. I'm getting tired.

(Laughter)

ALJ WARD: Do you promise to tell the truth, the whole truth, and nothing but the truth in this proceeding?

MR. GARBER: I do.

ALJ WARD: Thank you.

BRUCE GARBER,

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

DIRECT EXAMINATION

BY MS. RADERMACHER:

Q. Mr. Garber, what is your current occupation?

A. I'm general manager of Dakota Valley and Northern Plains Electric.

Q. Okay. And do you operate under the same kind of shared agreement as Seth referenced earlier?

A. Yes, it would be similar. We have different percentages depending on the employees, but I do work under that same concept.

Q. Okay. And how long have you been working for Dakota Valley Electric, Northern Plains?

A. Well, I'm on my thirty-third year; been there 33 years between the two, most recently, most of them with Northern Plains Electric.

Q. Okay. And what positions have you held with Northern Plains and/or Dakota Valley?

A. Okay. I was the accountant at Northern Plains for 14 years; business manager at Northern Plains for 11; I held the CFO position for both co-ops for four years; and I'm just about four years as CEO.

Q. Okay. And what are some of your job duties as the CEO of Dakota Valley and Northern Plains?

A. Well, I oversee the total operation of about 100 employees between the two co-ops. I spend a lot of time on the road. We have four offices that I oversee: Cando, Carrington, Edgeley, and Milnor.

Day-to-day operations, deal with -- work with budgeting with our business department, deal with Seth on our work plans, that type of items.

Q. Okay. So if a consumer wanted to come in and request electric service or get potential costs associated with that, who typically handles that within Dakota Valley?

A. That would be Seth. The engineering department would give them a price as to what the -- and maybe rephrase that again or repeat that.

Q. So if somebody came in and -- basically, like Minn-Kota, if they came in and they wanted to know how much it would cost for the facilities to be -- what kind of facilities would be put out there and the cost of that, who typically would handle --

A. That would be the engineering department. Seth would have staking engineers that would deal with that, in addition to any questions would fall back to Seth.

Q. Okay. So you're really secondary to any of that?

A. Yeah. I don't get involved with that. We have our -- obviously, our line extension policies that dictate, but yeah, I'm not involved on that on a day-to-day basis.

Q. Okay. Now, there's been some talk regarding potential rate of return. Have you been involved in discussions regarding what the rate of return would be to Dakota Valley Electric?

A. Not on this particular project, no. Dakota Valley's rate of return, it runs on the overall operations. It will run between, the last couple years, three and a half to five percent rate of return. Our rate of return isn't as great as the investor-owneds.

Q. Okay. And so based on that, would you be able to provide a late-filed exhibit that kind of goes through --

A. Yeah, we could --

Q. -- on this particular --

A. We would do that. Yes, we would. We would provide that information.

Q. Okay. Of our overall -- Dakota Valley's overall picture, how much is purchase power a portion of that overall budget or expenditure?

A. Yeah, on our total electric service, purchase power makes up, roughly, 80 percent of the total cost.

Q. Okay. And so 20 percent, essentially, then relates to administrative expenses?

A. Correct.

Q. Okay. So would it be safe to say that based on that kind of percentage, that we're going to see something like that with regards to this particular project but not on as large of a scale?

A. I would think that would be correct.

Q. Okay. So in calculating some of this out, has Dakota Valley determined that it would get a sufficient rate of return on this particular project?

A. Yes, I believe so.

Q. Do you have an approximate idea of when we would fully realize the investment made at the front end of this?

A. We should see our money back, I believe, in four to five years, is what the initial review was of that.

Q. Okay. And you can make those numbers -- like you said, you can put that together in exhibit, or whatever, that could be provided to the --

A. Yes, we can do that.

Q. Now, the primary reason why I called you today is to kind of talk about another aspect of the cooperative that kind of plays into this whole financial picture, and that is capital credits. Can you tell me, basically give me a short, you know, session on what capital credits are and how that benefits the members?

A. Right. Our capital credits, our total margins for the year are allocated back to the full membership. And that's based on the revenue that the member provides to the co-op based on a total margin.

So prime example, just something very simple, if the member has $100 worth of purchase power that they bought from us and they -- excuse me.

Let's just say we had $100 that were the margins for the co-op. The member purchases $10 worth of it. He received 10 percent of that patronage capital, which would be $10, held in an account for him.

Now, we do not -- we allocate the dollars, it's put in an account that is maintained by the co-op. The co-op, in turn, retires capital credits based on the board's decision when those capital credits are retired. Right now we are on about a 15-year rotation. 2017, we'll be retiring capital credits from 2002, is where we're at today.

Q. Okay. And are there capital credits associated with Dakota Valley Electric and also capital credits associated with the GNT side of things?

A. Correct. We have what -- it's broken down into two parts. We have the operation side, which is the co-op side, and then we have the GNT capital credits that are held in a different pot, basically.

So basically what the co-op does is, until we get the retirement from the GNT, those capital credits are not paid out.

Q. Okay. But are those capital credits still attributed to the member during that entire time that they're not paid out?

A. Yes, they are.

Q. So they're the member's investment, basically, in the cooperative?

A. Correct, yep.

Q. And at some point, the member should realize some benefit or profit from that --

A. Correct. That's correct.

Q. Okay. And so based on a similar load or basically what you guys have projected for the total revenue and service charges associated with this facility, what type of allocation would we be looking at potentially for Minn-Kota?

A. Right. And a lot of the conversation has been about, you know, a similar type of facility. And looking back at 2016, on a facility similar to what Minn-Kota Ag is looking at building, those capital credits amounted to about, in '16, about $22,000.

Q. Okay. And again, tell me how that $22,000 is held and then ultimately benefits the member?

A. Yeah. On that particular deal, the way this one particularly worked out, roughly 11,000 of it was the co-op side, 11,000 of it is the GNT side. So those are held in separate -- separate accounts for the -- for the -- for the consumer.

Q. So that, essentially, would provide a -- I would assume this is providing a benefit, though, to the member at some point in time, the member is going to realize this benefit at some point or another --

A. Correct.

Q. -- in the next 15 years?

A. Yes. There will be a check issued whenever the retirement is approved by the board of directors, yes.

Q. Okay. And so as long as they have power with the cooperative, they're going to continue to accrue capital credits?

A. Correct.

Q. If the individual went out of business, is there

a possibility for that member to also purchase back their capital --

A. Yes. The co-op offers an early buy-out on that. And there again, you would actually have to leave the co-op, but there is an offer of a 25 percent buy-out on that.

Q. Okay. Just quickly going back, I realized one question that I had.

On rate of return on investment, how does Dakota Valley typically amortize out its facilities and takes that into account, I'm assuming --

A. Well, our facilities are amortized over a 30- to a 35-year period. I mean, we expect the useful life of our plant to be around a 35-year period. Now, that would be, you know, 35 years, we're talking about the wire, the poles, that sort of thing. A lot of the electronic equipment, meters, those types of deals, the expected life of those are about a 15-year life span.

MS. RADERMACHER: Okay. I have no further questions.

ALJ WARD: Okay. Mr. Stephenson.

MR. STEPHENSON: Thank you.

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CROSS EXAMINATION

BY MR. STEPHENSON:

Q. Mr. Garber, on the capital credits, if I understood you, those are every 15 years paid out?

A. That's where we're at right now. Yeah, correct.

Q. So sometime in the next 15 years, you testified that there could be a payout. Now, that is subject to a change in policy by the board at any time. Is that right?

A. That would be correct, yep.

Q. And if I understood you, you indicated -- you're referencing again this facility number five as a benchmark --

A. That's what we talked about, the 22,000, yes, correct.

Q. And what is -- is there a typical percentage? I mean, is there a ratio? How is a capital credit calculated?

A. It's based on usage, a dollar usage. Like I said there where I talked about if the co-op made $100, that was our margins for the year. I as a member bought $10 worth of product or kilowatt hours and dollar-wise, I would receive 10 percent of those -- those margin would be allocated to me. And that's a basic, but I mean, obviously, we're making more than $100 a year.

Q. So it does, though, depend on the performance of the cooperative?

A. Very much so, yes, Sir.

Q. If you have something go awry that can --

A. Right, yep, correct.

Q. And just so we're talking apples to apples, when you say rate of return, what do you mean by that?

A. Rate of return is going to be our investment that we have in a facility, and over the -- you know, divided by our expenses that we would have.

Q. So wouldn't that be more of just a return as opposed to the rate, or am I misunderstanding you?

A. I got to think about that for a moment there. Can you come back to that and --

Q. Okay. Maybe I can rephrase it and get a little clearer. How do you calculate your rate of return?

A. Yeah, I'm blank on that at the moment. There again, I talked about -- and I'm completely blank on that, but our rate of return, like I said, would be our total assets that we put in, in our plant, and that is going to be divided by -- I'm sorry.

Q. I can move on.

A. Okay. And I'll try to answer that before I'm done here.

Q. And if I understood you, I just want to be

clear, that your total -- your cost of power which you get from --

A. Yes, Sir.

Q. -- CPEC is about 80 percent of your over --

A. 80 percent of total electric service cost, yes, Sir.

Q. The fully loaded cost then would include that additional 20 percent?

A. Yep, correct.

MR. STEPHENSON: No further questions.

ALJ WARD: Mr. Pelham.

CROSS EXAMINATION

BY MR. PELHAM:

Q. Good afternoon, or good evening, I guess it is, Mr. Garber. A question for you. Is there any way to calculate what a credit would be, say, for example, on this project if Dakota Valley were to provide the power? Would there be a way to calculate or at least estimate using current numbers what that capital credit would be in 15 years for Minn-Kota, potentially?

A. What the value of that would be in 15 years?

Q. Right.

A. Well, there again, if everything remained the same for -- I guess on growth it's going to depend, there again, on Dakota Valley's margin. That's going to

be a tough call. You know, our margins, you know, they vary depending on the year. Obviously, we're far more into irrigation, those types of things, that vary from year to year, grain drying.

Q. Sure.

A. That would be very difficult to give you an exact --

Q. And the reason I ask is because your testimony brought up the capital credit, and I can only assume, and you correct me if I'm wrong, is that you're saying -- rather, that Dakota Valley is saying that because a capital credit would be available to Minn-Kota in about 15 years, that that's an economic benefit somehow to Minn-Kota. Is that what you're saying?

A. Well, it would be an economic benefit after 15 years. Obviously, it's not a direct benefit this year --

Q. Right.

A. -- in '18, but --

Q. But we don't have a way of calculating it, in your opinion, as we sit here today. Is that a fair statement?

A. That would be a fair statement just because of the variance of our margins, yes.

Q. And we don't know for certain if there even

would be a capital credit?

A. Can't guarantee that. There always has been in the last 25 years at Dakota Valley.

Q. Fair enough. And we just don't know what it is.

A. Yeah.

Q. Okay. There on Dakota Valley Exhibit 9, there was some questions as to the administrative costs and distribution center costs not being included. I'm wondering if you can provide any testimony on that. I know I talked with counsel about potentially providing that information in a late-filed exhibit, but I'm wondering if you're able to provide any information?

A. I would have to do the late file on that, sorry.

MR. PELHAM: No other questions for you. Thank you, Sir.

THE WITNESS: Thank you.

ALJ WARD: Mr. Lein, questions?

Okay.

Commissioners. Commissioner Kroshus.

COMMISSIONER KROSHUS: Well, good evening, Mr. Garber.

THE WITNESS: Good evening.

COMMISSIONER KROSHUS: I'll keep this possibly brief as well.

Where would a customer this size rank overall?

Would they be a top 100 customer? a top 50 customer? top 25?

THE WITNESS: I would say in the top 50 probably, with two megawatt -- maybe better, probably 25, for a top 25, I would guess.

COMMISSIONER KROSHUS: From a future rate perspective, could you explain the impact to your existing membership?

THE WITNESS: Would you say that again, Brian? I'm sorry.

COMMISSIONER KROSHUS: Well, by adding a significant customer, would your other 4,150 members --

THE WITNESS: Benefit from that?

COMMISSIONER KROSHUS: -- see an indirect benefit or direct benefit, for that matter?

THE WITNESS: Well, I think the direct benefit would be possibly we more than likely wouldn't see a rate decrease, but we may be able to hold some of our rates where they're at over a longer period of time, so there would be a direct benefit to our members.

COMMISSIONER KROSHUS: Do you have any concerns with future development if Otter Tail were to service the customer? How do you look at that in terms of, I guess, future concerns that they would extend to the next industrial customer in the area if something else

were to come into play nearby this facility?

THE WITNESS: Yeah, we would have concern. That's why we're here today.

COMMISSIONER KROSHUS: Uh-huh. So not just for this customer but also for --

THE WITNESS: Right, for -- yeah, anything going in the area, that's correct.

COMMISSIONER KROSHUS: Okay. Mr. Schuler, when he testified and a couple -- I'm going to bring up two of the business reasons that he brought up that I think are certainly valid. One was on reliability concerns. Do you agree with -- and it was also brought forth with other testimony as well.

Do you have any reliability concerns in terms of being able to provide --

THE WITNESS: To Minn-Kota Ag's new facility?

COMMISSIONER KROSHUS: To Minn-Kota, correct.

THE WITNESS: No, we have -- I don't have any reliability concerns on that. I think Seth went through very explicated on, you know, how we'll serve it. And no, there's no reliability issues whatsoever from Dakota Valley.

COMMISSIONER KROSHUS: And certainly a significant consideration from a business standpoint -- well, any business, but particularly one of this nature.

I think we covered rates pretty extensively with -- between previous -- or with previous testimony.

Do you have any rate flexibility and maybe -- and/or different packages that you can offer? I don't know how thick your rate playbook is.

THE WITNESS: I don't think it's as thick as Otter Tail's, but no, we -- the board has the ability to, you know, change rates or has that flexibility to do that.

I think the board is very cautious on something like that. Obviously, we'd like to serve the load. We have similar loads that, once we open the can of worms there where we're treating someone different than existing, that causes problems for us. But the board would have that available to them, but they would be very cautious, I believe, on that.

COMMISSIONER KROSHUS: Sure. On the capital credits, I guess when I'm looking at capital credits and the possibility of having a return of those credits without a guarantee 15 years from now, or 15 years from the time the customer paid that particular bill, I guess when you're in a competitive pricing standpoint, do you have to apply the capital credit program to every customer who's coming onboard?

THE WITNESS: We do, one member, yes.

COMMISSIONER KROSHUS: And that's held in escrow? It's not --

THE WITNESS: Well, I would say -- I will back up on that. On some of our big -- one of our big, large commercials, that was part of the contract agreement, that they forfeited their capital credits for a better rate. And that took place years ago.

COMMISSIONER KROSHUS: Was there a direct correlation between the capital credit program and the rate that they were charged?

THE WITNESS: Yes.

COMMISSIONER KROSHUS: Okay. It was a dollar for dollar knock the bill down. Okay.

And then can you -- on the capital credits, this probably isn't as relevant because it's kind of a 25 percent buyout, which I don't believe a customer would be terribly interested in, I would imagine that's if you sell your business or your home and you move out of the area.

Is that 25 percent a 25 percent discount or you get 25 percent on the dollar?

THE WITNESS: 25 percent on the dollar.

COMMISSIONER KROSHUS: Okay. No other questions. Well, actually, wait, I had one more. And it might be a Seth question, but on Exhibit 9, on the

supplier costs, that's just a flat -- I'll wait for you to get to it.

THE WITNESS: And which page are you on?

COMMISSIONER KROSHUS: First page on Exhibit 9.

THE WITNESS: Okay.

COMMISSIONER KROSHUS: That's just a flat 255,809 for ten years? I'm assuming that's -- I'm just wondering. Okay. So is that an average meaning year one would be lower than 255? Or do you --

THE WITNESS: See that, yeah, and I can't answer that. Seth made out that on this incentive rate, the 255. Yeah, I see the 255,809 follows through each and every year. I don't have an answer for that.

COMMISSIONER KROSHUS: And you know what? It's possible it was mentioned during testimony and I was scribbling down a note at the time, but maybe some -- maybe a followup on that.

MR. SYVERSON: I don't know if I can answer now.

ALJ WARD: No, you can't. Later.

COMMISSIONER KROSHUS: Okay. No other questions.

THE WITNESS: Thank you.

ALJ WARD: Commissioner Christmann.

CHAIRMAN CHRISTMANN: On your capital credits, do very many people, when they go out of business or

leave the area if it's a residential situation, accept that 25 percent payout?

THE WITNESS: Probably more so those that do not have big dollar capital credits.

CHAIRMAN CHRISTMANN: Clean them off the books?

THE WITNESS: Yeah, clean them off the books. Good for the customer, good for us. Tracking over a 15-year period, we lose track of where people go. And it is utilized for that, yeah. I would say that's the biggest utilization of that program.

CHAIRMAN CHRISTMANN: So do you think, based on just a market basis, that that's a fair present value to assign to the value of those capital credits --

THE WITNESS: Yeah, I believe so, yeah. 25 percent, we have a fair amount of acceptance of that, yeah.

CHAIRMAN CHRISTMANN: Okay. And then back on your Exhibit number 9, did I understand correctly that cooperative-wide the cost of power is about 80 percent of your total revenues?

THE WITNESS: That is correct, yes.

CHAIRMAN CHRISTMANN: And so then other expenses are about 16 percent or so and 4 percent are your margins?

THE WITNESS: It would be fairly close, yes.

CHAIRMAN CHRISTMANN: Okay. So as I look at these, and of course it changes as the years go by with the discount, these numbers reflect about a 10 -- or about a 85 to 90 percent of your revenues will be absorbed by the cost of your power. And so if you're holding back -- if you're going to remain consistent at three and a half or four percent for margins, that's a lot smaller amount that's available for your other operating costs.

Tell me what the concerns should be on that, or is that just the difference between a large volume customer as opposed to some of your smaller volume customers --

THE WITNESS: And there again, I would -- that would have been Seth that we worked -- that worked through this, so you'd probably have to have a conversation back with him on that.

CHAIRMAN CHRISTMANN: Thank you. No other questions. Thank you.

ALJ WARD: Commissioner Fedorchak.

COMMISSIONER FEDORCHAK: Okay, thank you, Bruce. I just have two questions. So based on what we've heard about the capital credits, how should we quantify them in this case? What should we do with that information?

THE WITNESS: Well, it is a part of the package,

I guess. I think it needs to be taken into consideration, obviously. You know, when we talk about the difference between what Northern Plains -- or excuse me, Dakota Valley's cost and Otter Tail's cost are, you know, the 20, $25,000 that they will receive back -- and like I said, right now it's on a 15-year rotation. But should it be included in the package? I believe so.

COMMISSIONER FEDORCHAK: So we should calculate 25,000 over the 15-year cycle and apply that to an annual basis or something to come up with what --

THE WITNESS: And there again, like I said, what I was using as comparison, 22,000 on a similar facility for one year, you know. So if that held true, our margins were the same over 15 years, it's going to be over $300,000, you know.

COMMISSIONER FEDORCHAK: Okay. So do you think then, based on the math that we were looking at on chart number 9, Otter Tail chart number 9 -- or Exhibit 9, page 2, after talking with Seth, we took the -- with an annual load factor of 33 percent, and this is the math that Otter Tail used, total energy cost less the PF and less the on-site facility charge, which would bring it down another 8,700, so you're looking at about $19,000 difference in cost.

So you think, with the capital credits, that

basically wipes that out?

THE WITNESS: That should be close, yes.

COMMISSIONER FEDORCHAK: Okay. Since you're the CEO and you've looked at this case as a whole and probably were the one that made the decision to actually file here, so you know the criteria that we're looking at, why do you think you should get this load based on the criteria that we have to consider?

THE WITNESS: You know, there again we talked -- Seth talked that we feel this is in our service area. We're there. Not that either one of us, Otter Tail or Dakota Valley, it's -- obviously, we both want to serve the load.

This is a big deal for our membership. With the 4,000 members, each and every load, especially a two-megawatt load, is very valuable to the co-op, and we don't have these come around every day, so it's -- you know, it's a big deal for the co-op. And that's why we're here fighting for this load.

COMMISSIONER FEDORCHAK: I understand why you're here, because it's a big load and it's valuable, but that doesn't really speak to the issues that we have to consider.

THE WITNESS: Correct.

COMMISSIONER FEDORCHAK: Because it is your

service territory, but the state law specifically provides the conditions under which the investor-owneds can argue that they should have the service.

THE WITNESS: Sure, I understand.

COMMISSIONER FEDORCHAK: That's what we have to focus on.

THE WITNESS: Correct.

COMMISSIONER FEDORCHAK: And that's an important distinction and it's a mindset difference, I think, between a lot of folks in the co-op world and us who think that this is, you know, their service area and somebody else is -- nobody else can serve there. That's not true.

THE WITNESS: No, I understand that.

COMMISSIONER FEDORCHAK: We have to (indiscernible) --

THE WITNESS: Yeah.

COMMISSIONER FEDORCHAK: -- and then they can serve there. So here's the criteria.

THE WITNESS: Right.

COMMISSIONER FEDORCHAK: There's ten things. Why do you guys win that? What do you have in those ten criteria that justify you getting that load?

THE WITNESS: Well, I think we've discussed a lot of them today. Obviously, we talked about why we

don't win it is probably our rates, you know, but we're close when we throw our capital credits in.

Obviously, our investment is considerably less than what Otter Tail's is. There's no question about that. We can serve this load cheaper than they can on the build-in.

There were a number of questions there, I think, on -- you know, is this duplication of service? We feel it is. I'm sure they feel different.

You know, I guess I don't have the ten in front of me, but there's -- I think we win on half of them anyway. I think it's a tossup.

COMMISSIONER FEDORCHAK: All right. Excellent. Thank you.

THE WITNESS: Uh-huh.

ALJ WARD: Redirect, Ms. Radermacher?

REDIRECT EXAMINATION

BY MS. RADERMACHER:

Q. Now, you talk about margins. How do margins play into accruing capital credits?

A. Well, we allocate the total margin.

Q. Okay.

A. Whatever the margin is gets allocated back to the membership.

Q. Okay. And that gets -- as far as capital

credits. It doesn't mean that they're being paid out, it just means that --

A. It's being allocated. Yeah, it -- being paid out, that's where we're talking about the 15-year rotation when we actually cut a check, you know. And that's the way it is right now subject to change if the board decides to change that.

Q. During your employment with Dakota Valley, has there ever been a year that Dakota Valley hasn't declared capital credits?

A. We've always declared capital credits.

Q. Do you have historic information that could give the PSC some idea on how, basically, in the past, what margins have been allocated, essentially giving them what could be a percentage?

A. Sure.

Q. So if we did a late-filed exhibit --

A. Yeah, yeah.

Q. -- we could give that information?

A. Yeah, we'd have that information available, yes.

MS. RADERMACHER: I have no further questions.

ALJ WARD: Mr. Stephenson.

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RECROSS EXAMINATION

BY MR. STEPHENSON:

Q. Mr. Garber, just referring back to Exhibit 9 --

COMMISSIONER FEDORCHAK: You've got to turn your mic on.

Q. Referring back to Exhibit 9, and the Dakota Valley power supply costs, those are from CPEC, correct?

A. I'm sorry, I --

Q. Your power supply costs reflected there are from CPEC, correct?

A. Yes, that is correct, yep.

Q. And CPEC changes its supplier cost charge to you from time to time, does it not?

A. It can and it does, yes, uh-huh.

Q. It would be rather a -- would it be rare to have, essentially, flat cost to you for a decade?

A. Oh, for a decade? Yeah, I would say so, yeah.

Q. Question. Would the discount offered to Minn-Kota, this ten-year discount, would that have any effect on the allocation of capital credits?

A. I've just got to think about that, how we're calculating that. I don't believe it will. I think we're calculating the -- you know, we're showing the discount after the fact, so I don't believe it will. I'd have to double-check on that, but I'm not -- I'm not

positive on that, so -- because I believe we're calculating -- we run the bill and then we show a 10 percent discount. Now, as far as the allocation -- and we do have some of those in place. I'd have to double-check on that. I don't know for sure.

Q. And you had indicated that when you add some measure for the capital credits, you thought you were close on rates. Now, would any of those calculations change when you use fully-loaded costs and what your margins will be?

A. No, I don't believe so.

Q. Well, you had indicated earlier that, essentially, 80 percent of your costs are for power from CPEC and then you have 20 percent, essentially, for your distribution or other costs.

A. Right.

Q. That's not included in any of these calculations?

A. I don't believe so.

MR. STEPHENSON: Nothing further.

ALJ WARD: Mr. Pelham.

MR. PELHAM: No questions. Thank you.

ALJ WARD: Commissioners, anything else for this witness?

CHAIRMAN CHRISTMANN: I do not.

COMMISSIONER KROSHUS: No questions for me.

COMMISSIONER FEDORCHAK: No.

ALJ WARD: Mr. Garber, you can step down.

Ms. Radermacher.

MS. RADERMACHER: I have no further witnesses, Your Honor.

ALJ WARD: Are you inclined to recall Mr. Syverson to answer those couple of questions Mr. Kroshus had?

MS. RADERMACHER: Sure.

ALJ WARD: I think it might be a good idea to get that out of the way now.

MS. RADERMACHER: Yes. I don't recall the questions that Mr. Kroshus had, so if Mr. Kroshus would like to ask the questions.

ALJ WARD: Mr. Syverson, would you resume the stand? And remind you you're under oath.

SETH SYVERSON,

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

ALJ WARD: And one of them had to do, something that intrigued me as well, on your Exhibit 9, the front page, you asked -- or Commissioner Kroshus asked the question of Mr. Garber about why the power costs are the same for all ten years at $255,800.

THE WITNESS: Yeah. And what I did there, it was -- it wouldn't be flat just to say on that. Number one, yes, they could increase their energy and demand charges.

Here, I assumed that those charges didn't change, but I also assumed -- we are built on a coincident demand system-wide. So Dakota Valley may have 300 megawatts of demand at one point in time when they bill us for a demand charge, Central Power, total.

I assume -- took in a percentage of this site not being on the coincident command that Central Power charges, so it wouldn't be a hundred percent of what our bill would be.

In this case I used, roughly, 65 percent as the average, primarily because a service like this doesn't usually operate, in my experience, during the time that we incur coincident demand with Central Power, which is like at 7:30 in the morning or at 6 at night.

So that's how I -- I just made an average cost of supplier cost throughout the ten-year interval.

COMMISSIONER KROSHUS: Okay.

ALJ WARD: Go ahead, Commissioner Kroshus.

COMMISSIONER KROSHUS: Okay. But you also increased the service charges along the way, that wasn't held flat.

THE WITNESS: And that reflects the -- each year increasing the ten reflects the discount falling off to that site. Now, there again, it's possible that Dakota Valley, their rates could change also which would then reflect these two.

COMMISSIONER KROSHUS: Okay. Thank you.

ALJ WARD: Commissioner Fedorchak -- or Commissioner Christmann, go ahead.

CHAIRMAN CHRISTMANN: So on that same page, we discussed that the cost of power cooperative-wide is about 80 percent, about 4 percent is ultimately retained as capital credits. So that tells me about 16 percent is for other costs.

In this scenario with the decreasing discount, this ranges from about 85 to about 90 percent cost of power, if there's going to be the 4 percent for capital credits. It's only leaving what, 6 to 11 percent or so for other expenses.

So how does that play out as a fair deal to the rest of your membership?

THE WITNESS: Again, that is a one static number here. That could go down or it could go up. I don't think that's just a flat number that would be fair to use for the membership.

CHAIRMAN CHRISTMANN: The 80 percent?

THE WITNESS: Yeah.

CHAIRMAN CHRISTMANN: I'm thinking that the 80 percent, that it would probably be a higher percentage for large volume customers and a lower percentage for low volume customers, but --

THE WITNESS: And that would depend on when we are billed from Central Power as far as when our coincident hits and who was all operating at that time as far as demand.

CHAIRMAN CHRISTMANN: Okay. But as far as the timing of the load, did you recognize Mr. Schuler's testimony earlier that his plan for operating this facility is such that he wants to have the service available exactly when he needs it? That might be in the middle of the night. He discussed that, that it will largely revolved around the railroad's demands?

THE WITNESS: And I understand that. And that could change these numbers. In these numbers, I made the assumption that around normal peak times for us, which would be again 7 to 7:30 to 8 when people are getting off to work or 5 to 6:30 time frame, depending on the time of the year, is when our peak occurs.

CHAIRMAN CHRISTMANN: Thank you.

ALJ WARD: I have a question, and it sort of follows up on the last couple. I guess the thing that

I'm wondering about, and I think it applies to some of the ten factors, is as far as your other customers, if your margin is that thin and you're competing so hard for this business and we don't even, at this point, know what your other overhead costs really are, you know, in addition to the cost of power, if we're talking about three or four percent margin, if any of these numbers are off, are you putting your other customers at risk? I mean, is that something that you guys are considering?

THE WITNESS: I don't think we're putting our other membership at a risk here. When it gets into the margins, I may not be the correct guy to answer that, but we -- throughout, you know, the years, we pick up additional loads and we're not incurring any type of damage to our cooperative or our membership.

We have investments that we put into each service. We cover a certain footage for on single phase services. We provide certain facilities and own and maintain them. That is on the cooperative's back and the membership's. And our rates show that. That's how we establish them and review them on a yearly basis.

ALJ WARD: All right. Any followup to any of the questions that were just asked? Counsel? Ms. Radermacher?

MS. RADERMACHER: Yes.

REDIRECT EXAMINATION

BY MS. RADERMACHER:

Q. Even with the -- and again, I guess this is kind of speculation on your end, but even -- you know, you've been down this road before looking at rate comparisons, have you not, on other facilities within Dakota Valley's territory?

A. Yes.

Q. And did you see any issues with return of investment in those under same or similar circumstances?

A. No, we have not.

Q. Has Dakota Valley lost money on any of its loads such as this that would cause detriment to the other members?

A. No.

MS. RADERMACHER: I have no further questions.

ALJ WARD: Okay. Mr. Stephenson, anything else?

RECROSS EXAMINATION

BY MR. STEPHENSON:

Q. Mr. Syverson, is that part of your job, to calculate profit and margins on -- what you just referred to?

A. I'm involved in it preliminary to help determine if it's valid. It's not my expertise.

MR. STEPHENSON: Nothing further.

ALJ WARD: Okay. Mr. Pelham.

MR. PELHAM: Mr. Lein has a question.

ALJ WARD: Okay. Mr. Lein.

MR. LEIN: When is the bill demand charge measured for the customer?

THE WITNESS: For the customer? It's a 15-minute average.

MR. LEIN: His highest demand during the month?

THE WITNESS: Correct.

MR. LEIN: Okay. So it has nothing to do with the coincident peak of Central?

THE WITNESS: For the charge -- for the charge to the customer --

MR. LEIN: Yeah.

THE WITNESS: -- it is their demand, but when we are billed from the supplier, they may be running at 200 Kw, so that does not influence the coincident charge from Central Power.

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

ALJ WARD: Okay, Mr. Syverson, now you're lucky.

(Laughter)

MR. STEPHENSON: Your Honor, it may be an appropriate time to raise this. You know, there's been -- I know Commissioner Christmann had a question about this specifically.

With the comparison of load factors to these various facilities that we're trying to be sensitive to not disclosing who has what load factor for privacy reasons, but I think we had talked that we could file late-filed exhibits --

ALJ WARD: Trade secret?

MR. STEPHENSON: -- trade secret as to what's what. So that question could be answered.

ALJ WARD: Okay.

COMMISSIONER FEDORCHAK: That would be helpful.

ALJ WARD: And again, you'll have to make the trade secret protection, I guess I'd have to issue an order on that, but I wouldn't anticipate not issuing it if it's asked. It might slow up the time as far as response times, but we can do that.

Okay. Was that it then, Ms. Radermacher? Are you resting your case?

MS. RADERMACHER: Yes.

ALJ WARD: Okay. Mr. Pelham, anything to present?

MR. PELHAM: I don't have anything to present other than a general discussion about late-filed exhibits.

ALJ WARD: Before we get to that, I want to check to see, is there any rebuttal testimony you want

to provide today?

MR. STEPHENSON: If you could give me just two minutes?

ALJ WARD: Okay. Off the record for -- it's 5:56 till 6 on my --

(Recess)

ALJ WARD: Okay, back on the record, 5:58.

Mr. Stephenson.

MR. STEPHENSON: I think I will please everybody here in saying that we have no rebuttal testimony.

(Laughter)

ALJ WARD: Okay. And I guess that means nobody else has anything. So for the record now, late-filed exhibits, we have talked about three or four.

Mr. Pelham, you usually have a pretty good list. Let's talk about potential late-filed exhibits.

MR. PELHAM: All right. I think we had -- the most recent was request by Dakota Valley as to capital credits history, an exhibit as to that, to be prepared by Dakota Valley.

A late-filed exhibit to be prepared by Dakota Valley on its rate of return.

The trade secret documentation that Mr. Stephenson mentioned just earlier about the comparison of other similar businesses.

I believe there are six elevators that were referenced by Dakota Valley and there were two very similar, at least it was the testimony, I believe, facilities that were referenced by Otter Tail, as well as four that were similar but maybe not as close, to provide those as late-filed exhibits.

I think what the Commission is looking for on that is so that a comparison can really be made as to what's being -- the Minn-Kota facility here so that the Commission can look at the potential load factors on that, is really what we're getting at.

ALJ WARD: Okay. And I think there's consensus on that, so I'm going to grant on the record the trade secret protection for that filing.

MR. PELHAM: Okay.

MS. RADERMACHER: And so that will be sealed and any available --

ALJ WARD: Yes. At least parts of it have to be sealed that identify who people are.

MR. PELHAM: And that's fine. I think that we would need some type of formal order doing that because I know there is an administrative procedure on the regulations.

There's always regulations, as you know, ALJ Ward, but I think we should just make that clear because

I think Illona will probably come to me tomorrow and say, well, you should have done this. So I'm thinking that we should just make that clear --

ALJ WARD: Let's expedite those motions then --

MR. PELHAM: Okay.

ALJ WARD: -- so we don't slow up the process.

MR. PELHAM: Mr. Lein had asked about line extension details from Otter Tail Power, and I think they understand what they need to provide with that.

And the last -- and I think we still need this, but if others disagree, I think just what the other costs for Dakota Valley on its Exhibit 9 are. There had been discussion as to that. I don't know if that was ever pinned down. I know we talked about administrative costs throughout, but if we want to be more specific on that.

ALJ WARD: Yeah, I've got that as the actual cost of providing the service.

MR. PELHAM: Okay.

MS. RADERMACHER: Your Honor, if I just can clarify, that's, though, in relation to basically what the return on investment is going to be, that plays into that. Because it doesn't alter the ultimate cost to the consumer, it just would alter what the return on investment would be, that particular --

MR. PELHAM: Yeah. And I'm not necessarily -- I don't have an argument as to that. I just had it listed as having been requested as a late-filed exhibit. I can't -- I think it might have been one of the commissioners that had asked about that. So I'm not sure if it's the same thing.

ALJ WARD: I think at least we need to parcel out how those overhead costs play into the thing. Because just the cost of power alone really isn't comparative, so...

MS. RADERMACHER: Okay. I just want to make sure that what I'm needing to submit is just kind (indiscernible) those costs and how they would also play into the return on investment, so we're looking at what those administrative costs would be as to this particular load that we would be allocating and then that would play into me, what -- how we would be seeing our return on investment.

ALJ WARD: That's the way I see it, but it was a commissioner's question, and I think it was Commissioner Fedorchak's question originally.

COMMISSIONER FEDORCHAK: Yeah, it gets to number 6 and 7 on the criteria.

MR. PELHAM: So if you think, Ms. Radermacher, if there's duplication, that's fine, but I think we can

have some duplication. I think it should be a separate late-filed exhibit from the rate of return exhibit, late-filed exhibit.

MS. RADERMACHER: Okay. But we are talking specifically to administrative -- because to me, if we're talking about actually the cost of extending the service to there, I think that's been --

MR. PELHAM: But that's for you to argue, I think, though, in --

MS. RADERMACHER: No, correct. But that's, my understanding, is not being requested as a late exhibit. Like I said, I just don't want to be duplicating something.

MR. PELHAM: Sure. I believe that's right.

MS. RADERMACHER: Okay.

ALJ WARD: Okay. And that's what I had, is that -- I had four. Anybody else have any other ones?

MR. PELHAM: There's actually five.

ALJ WARD: Five? Okay, now you lost me. Do it again.

MR. PELHAM: Do it again?

ALJ WARD: Well, just summarize --

MR. PELHAM: Capital credit history is one for Dakota Valley; rate of return for Dakota Valley; comparison of other similar businesses to be a trade

secret; the line extension details; and then the other costs that were discussed on Exhibit 9 of Dakota Valley.

ALJ WARD: Okay. Anything else that we need as far as a late-filed exhibit from anyone?

All right. Commissioners, I guess we'll talk about briefs now. We had anticipated at the beginning this morning when we talked about, that instead of closing arguments, counsel would prepare closing briefs and try to -- I guess in those briefs, I'd like to see you tie your argument to the ten factors that the Commission needs to look at.

I'm thinking the original briefs by November 7th and then replies by November 14th. That's two weeks and then an extra week after that.

Does that work for counsel?

MS. RADERMACHER: November 7th, Your Honor?

ALJ WARD: Yes.

MS. RADERMACHER: And then November --

ALJ WARD: 14 for replies. And any late-filed exhibits should be filed before that. So hopefully, we can get these late-filed exhibits by October 30th.

MS. RADERMACHER: And as to the trade secrets, Your Honor?

ALJ WARD: I think you file those under seal. They have procedures in the regulations.

MR. PELHAM: Yes.

MS. RADERMACHER: But you want that done on October 30th?

ALJ WARD: I think you should if you can.

And then with that, I'll just personally commend counsel and I think everybody in the room has done -- that's testified, counsel has done an excellent job of providing a lot of information in a relatively short time. It's a difficult decision. I'm sure the commissioners are perplexed.

And I'll let them make their closing comments before I close the record, but we'll start with you, Commissioner Kroshus.

COMMISSIONER KROSHUS: Okay. Well, I will be brief because I realize at this time of the evening, everybody is ready to go home and get on with it.

Thank you to everyone. I would echo the same thoughts, that I thought the information was excellent. It will be very helpful in making a determination for myself personally. And thank you, everyone, for being here, I appreciate it.

ALJ WARD: Commissioner Christmann.

CHAIRMAN CHRISTMANN: I also say thank you. You're nowhere near our record, if that's what you're thinking. We've had a hearing go till around midnight

out in Dickinson one time and still had to come back.

But it is important and valued that you have spent your time, and I know for a lot of you, a long drive across the state.

When Mr. Schuler talks about Barney being on the western side of the service area, I kind of chuckled. From western North Dakota, I never heard of Barney being on the west side of anything, but I get it, that it can be.

(Laughter)

CHAIRMAN CHRISTMANN: I do appreciate that you hung in, spent the time, gave us the information that we need. Because what we need to do here now is evaluate all of this information and then apply the law, not as we wish it were but the law as it is, and make a decision based on the law and the evidence.

So thank you for your time and for your help to do that.

ALJ WARD: And Commissioner Fedorchak.

COMMISSIONER FEDORCHAK: I'll echo my colleagues' thanks and say, you know, in looking at the law and the criteria that we have to evaluate, six of the criteria are kind of black and white and then four of them aren't, so it all kind of comes down to those four, how we -- how we, you know, see them all falling

out.

I think we got great information to pull from and to help us make a decision, so thank you for that. And hopefully, we'll -- with the judge keeping everybody on task, we'll have a decision before we know it, maybe before Christmas.

ALJ WARD: One other thing for the record, just Illona would also want me to do this, is I don't see anybody from the public that came in during the hearing since this morning when we identified who was here. And so I'll just ask one more time, any public input?

Seeing no hands raised, the answer is no, so...

MR. PELHAM: ALJ Ward, sorry to interrupt. We should talk about proposed findings as well.

ALJ WARD: Okay.

MR. PELHAM: If you were going to do that, I apologize, but I just want to make sure that you did before you said we're closing the record.

ALJ WARD: Are we going to do proposed findings before the briefs, or are we going to tie those to the briefs?

MR. PELHAM: I think that they probably should be tied to the briefs or slightly thereafter, a week after the replies, or something like that. I don't have a preference and would defer to the attorneys for the

parties.

ALJ WARD: Mr. Stephenson.

MR. STEPHENSON: It might be more useful or informative to have the proposed findings after the replies are filed so we have a good picture from both parties.

ALJ WARD: Okay. In that case, we'll do the proposed findings November 14th.

MS. RADERMACHER: Were you thinking subsequent to replies?

ALJ WARD: I think subsequent to replies. Yeah, that's a week.

MS. RADERMACHER: So then --

MR. STEPHENSON: (Indiscernible).

ALJ WARD: Oh, I'm sorry, you're right, November 21st.

MS. RADERMACHER: Thank you.

ALJ WARD: Thank you. Anything else for the good of the order?

Okay. It's 6:09. Closing the hearing on the application of Otter Tail Power and the protest of Dakota Valley Electric Cooperative, Case No. PU-17-96. The record is closed. We're off the record. Thank you all very much.

CERTIFICATE OF TRANSCRIPTIONIST

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I, Elizabeth A. Hulm, a Certified Shorthand Reporter in and for said County and State, hereby certify that I transcribed the foregoing transcript from the recording had and made of record at the time and place herein indicated. I further state that I was not present during these recorded proceedings, and I am only the transcriber of the recorded proceedings.

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Dated at Hague, North Dakota this date of June 5, 2018.

/s/ Elizabeth A. Hulm
ELIZABETH A. HULM

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company Case No. PU-17-96
Minn-Kota Ag Products, Inc.
-- Richland County
Public Convenience & Necessity

TRANSCRIPT OF HEARING

DATE: October 23, 2017

PLACE: Public Service Commission
State Capitol
Bismarck, North Dakota

(APPEARANCES NOTED HEREIN)

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C O N T E N T S

OPENING STATEMENT BY ALJ WARD 5
OPENING STATEMENT BY MR. STEPHENSON 8
OPENING STATEMENT BY MS. RADERMACHER 11
OPENING STATEMENT BY MR. PELHAM 13
OPENING STATEMENTS BY COMMISSION 13
CLOSING STATEMENTS BY COMMISSION 374

OTTER TAIL POWER COMPANY WITNESSES

RICHIE WOLF
Direct Examination by MR. STEPHENSON 19
Cross Examination by MS. RADERMACHER 47
Cross Examination by MR. PELHAM 62
Examination by MR. LEIN 68
Examination by COMMISSIONER KROSHUS 72
Examination by CHAIRMAN CHRISTMANN 79
Examination by COMMISSIONER FEDORCHAK 86
Redirect Examination by MR. STEPHENSON 96
Recross Examination by MS. RADERMACHER 99
Recross Examination by MR. PELHAM 102
Examination by COMMISSIONER KROSHUS 105
Examination by CHAIRMAN CHRISTMANN 108
Examination by COMMISSIONER FEDORCHAK 110

CHRIS WALTZ
Direct Examination by MR. STEPHENSON 111
Cross Examination by MS. RADERMACHER 136
Cross Examination by MR. PELHAM 140
Examination by COMMISSIONER KROSHUS 146
Examination by CHAIRMAN CHRISTMANN 154
Examination by COMMISSIONER FEDORCHAK 156
Redirect Examination by MR. STEPHENSON 163
Recross Examination by MS. RADERMACHER 164
Examination by MR. LEIN 165
Examination by COMMISSIONER KROSHUS 166

GEORGE SCHULER
Direct Examination by MR. STEPHENSON 173
Cross Examination by MS. RADERMACHER 190
Cross Examination by MR. PELHAM 195
Examination by COMMISSIONER KROSHUS 201
Examination by CHAIRMAN CHRISTMANN 204
Examination by COMMISSIONER FEDORCHAK 208
Recross Examination by MS. RADERMACHER 214

DAKOTA VALLEY ELECTRIC COOPERATIVE WITNESSES

SETH SYVERSON
Direct Examination by MS. RADERMACHER 216
Cross Examination by MR. STEPHENSON 282
Cross Examination by MR. PELHAM 294
Examination by MR. LEIN 300
Examination by COMMISSIONER KROSHUS 304
Examination by CHAIRMAN CHRISTMANN 311
Examination by COMMISSIONER FEDORCHAK 318
Redirect Examination by MS. RADERMACHER . . . 326
Recross Examination by MR. STEPHENSON 329
Recalled 360
Examination by ALJ Ward 360
Examination by COMMISSIONER KROSHUS 361
Examination by CHAIRMAN CHRISTMANN 362
Redirect Examination by MS. RADERMACHER . . . 365
Recross Examination by MR. STEPHENSON 365
Examination by MR. LEIN 366

BRUCE GARBER
Direct Examination by MS. RADERMACHER 333
Cross Examination by MR. STEPHENSON 341
Cross Examination by MR. PELHAM 343
Examination by COMMISSIONER KROSHUS 345
Examination by CHAIRMAN CHRISTMANN 350
Examination by COMMISSIONER FEDORCHAK 352
Redirect Examination by MS. RADERMACHER . . . 356
Recross Examination by MR. STEPHENSON 358

ADMINISTRATIVE LAW JUDGE WARD: Okay. Good morning, everyone. My name is Pat Ward. I'm an administrative law judge pursuant to temporary appointment designated by the Office of Administrative Hearings at the request of the Public Service Commission to serve as procedural hearing officer for this hearing.

This is the hearing on the application of Otter Tail Power for permission to extend electrical service to Minn-Kota Ag Products in Richland County, North Dakota. A protest was received from Dakota Valley Electric Cooperative which requested this hearing. This is North Dakota Public Service Commission Case No. PU-17-96.

The record will show it is a little past 8:30 a.m. Central Daylight Time, October 23rd, 2017, at the PSC hearing room, State Capitol, 12th Floor, Bismarck, North Dakota, pursuant to the notice of filing and notice of hearing issued by the Public Service Commission on July 26th.

On February 27th, Otter Tail filed its application. The application and request and DVEC protest filed March 31st are set forth in the notice of filing and notice of hearing. The proposed location is shown by the map which is part of the notice.

The notice of filing and notice of hearing for

this hearing specified ten issues to be considered and determined at this hearing:

One, from whom does the customer prefer electric service?

Two, what electric suppliers are operating in the general area?

Three, what electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?

Four, what customers are served by electric suppliers within at least a two-mile radius of the location to be served?

Five, what are the differences, if any, between the electrical suppliers available to serve the area with respect to reliability of service?

Six, which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?

Seven, which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?

Eight, would approval of the applications result in wasteful duplication of investment or service?

Nine, is it probable that the location in

question will be included within the corporate limits of a municipality within the foreseeable future?

And ten, will service by either of the electric suppliers in the area unreasonably interfere with the service or system of the other?

Counsel for Otter Tail, would you state your appearance for the record and the name of anyone sitting with you at counsel table?

MR. STEPHENSON: Good morning, Cary Stephenson for Otter Tail Power Company, and with me is Mr. Richie Wolf, who will be my first witness.

ALJ WARD: Thank you. And counsel for Dakota Valley.

MS. RADERMACHER: Kimberly Radermacher, Your Honor, and with me is Seth Syverson, engineer for Dakota Valley Electric, and the general manager, Bruce Garber.

ALJ WARD: Okay. Thank you.

Mr. Pelham.

MR. PELHAM: Good morning, Your Honor. Zachary Pelham on behalf of the Public Service Commission, Special Assistant Attorney General. To my left is Jerry Lein, public utilities analyst.

ALJ WARD: Thank you.

Counsel, and I guess I'm talking to Mr. Stephenson, do you plan -- do you have any opening

statement or opening remarks you'd like to make?

MR. STEPHENSON: Yes, I do, Your Honor.

ALJ WARD: Okay. Please go ahead.

OPENING STATEMENT BY OTTER TAIL POWER COMPANY

MR. STEPHENSON: Good morning, Commissioners. Minn-Kota Ag Products, Inc., a family-owned company, has requested that Otter Tail provide service to a commercial grain-handling facility that Minn-Kota is constructing near Barney, North Dakota. And this facility is scheduled to go into operation in 2018.

I do want to say initially that we are providing temporary power for construction, and that is something that the cooperative and Otter Tail have stipulated and agreed to, to ensure that construction can go forward. We have also agreed that that should have no bearing on today's decision.

Now, as you know, under the Territorial Integrity Act, investor-owned utilities like Otter Tail are generally limited to providing services within municipalities where they hold a franchise agreement, and then to serve customers outside of those areas, we require a CPCN from the Commission. And the Commission and courts have identified ten factors for analyzing these kind of requests, and they are in the notice of hearing, and our intent here today is to develop a

record that will allow the Commission to make a decision based on those factors.

Today we will present testimony from three witnesses. First, Mr. Richie Wolf is our principal area engineer based in Jamestown, and Mr. Wolf will testify to the area where service has been requested, Otter Tail's plan to extend service to Minn-Kota, the cost of that plan or the cost of extending service, and what we see as advantages in that plan.

Second, Mr. Christopher Waltz, our conservation sales manager, will provide testimony about OTP's rates compared to Dakota Valley's rates and what drives that difference, and he will also testify to whether OTP is earning a reasonable rate of return relative to its investment to extend service and net contributions to our overall system costs.

Third, Mr. George Schuler, the customer in this case, he's a part owner of Minn-Kota and the person who will be in charge of the grain-handling facility's operations, will also testify, and he will speak to Minn-Kota and its business operations and why Minn-Kota has requested that Otter Tail serve its new grain-handling facility.

Now, as you know, these disputes are rare, and usually it's because it's quite clear who should provide

service, and the Commission processes lots of CPCN requests during the course of a year. And in this case, though, there is a dispute. And it would be probably the more efficient thing for Otter Tail not to go forward with these kind of disputes unless there were just absolute clarity. But in looking at that, I think there are two problems with that, and the first, that it's not fair to the prospective customer.

The Territorial Integrity Act is set up where, under certain circumstances, with the Commission's approval, if those factors are satisfied that customers can have an option for service outside a municipality, and I think there are some economic development considerations underlying that, and second, it would not be fair to our other customers if we receive a request for service such as we have with Minn-Kota and we evaluate that on the ten factors and we also evaluate it and conclude that it will make a net contribution to our system costs benefiting our other ratepayers, I think you can argue that we have an obligation to take a very hard look at these and to go forward where we think we're correct.

And I think, today, we'll acknowledge that some factors will weigh in favor of the cooperative, but I think when you look on balance and look at all the

factors and give proper weight to those factors, that you'll conclude that Otter Tail should serve this load. Thank you.

ALJ WARD: Thank you, Mr. Stephenson.

Ms. Radermacher.

OPENING STATEMENT BY DAKOTA VALLEY ELECTRIC COOPERATIVE

MS. RADERMACHER: Yes. Thank you, Commission. This is my first time in front of the PSC. Not to impugn any of you, but hopefully, it's one of my last, so --

(Laughter)

MS. RADERMACHER: The PSC is, obviously, familiar with some of these requests, more notably the Menards case that was decided in 2013, and as I recall, Commissioner Christmann calling it a wet bundle and, hopefully, we don't have quite the wet bundle that you had in the Menards case. I agree with counsel that I think there are factors that definitely favor the co-op in this scenario more so than the Menards case. I don't think we have a lot of the nuisances that that Menards case has.

I'm not going to presuppose what the evidence may lay out today, however, I will state that Seth Syverson, he will be the primary witness for Dakota Valley, and as part of his testimony, he will talk about

our service area, what kind of facilities we currently have out there, how we intend to extend those services to provide service to the proposed Minn-Kota site.

He will also touch base on how many members that we actually have in that area, what we're currently serving versus what Otter Tail is currently serving. He'll also touch base just a little bit on the geography of where this proposed site intends to go in.

He will also talk about the membership that the Schuler family has in other areas that -- in our service area that may be driving some of the preference. And he'll touch base on our rates and how much, basically, like I said, the overall cost of what it's going to take to bring service to Minn-Kota.

Bruce Garber, our general manager, he will touch base on basically our rate of return, if there would be any sort of contribution requirement from the member, and also how we think that the potential for capital credits could also play into some of the return back to the customer.

Again, the ten factors are well known to this Commission and to counsel, and I think that, at the end of the day when arguments are ultimately made, that the Commission will see that these factors weigh in favor of the cooperative.

I did want to touch base as well on the temporary service that is supplied out there. Dakota Valley, at the time that they were approached by Otter Tail and Minn-Kota, had agreed to the temporary service because we didn't want to hold up the member in being able to start breaking ground and going, so we didn't want to have that happen.

Furthermore, our understanding was that the temporary service that was being provided out there in no way improved the facilities that were going to be provided by Otter Tail and that, in fact, my understanding is that the temporary service is in no way going to be the structure for the permanent service that's currently out there.

ALJ WARD: Thank you. Mr. Pelham, opening comments?

OPENING STATEMENT BY PUBLIC SERVICE COMMISSION

MR. PELHAM: Thank you, Your Honor. From the Commission's standpoint, we're looking forward to a good hearing and obtaining all the information we need so we can make an appropriate decision in this. Thank you.

ALJ WARD: Okay. Opening remarks from the commissioners. Chairman Christmann.

CHAIRMAN CHRISTMANN: I don't have a lot of opening remarks this morning. I guess the thing that I

was going to talk about a little bit are the factors that we use, but clearly, everyone is familiar with them and that's been gone over, so we don't need to plow that ground a second time.

And so just look forward to a good hearing and getting the information that we need to figure out which is the best -- not the best provider, but the best choice for who should provide service to this facility.

ALJ WARD: Commissioner Fedorchak.

COMMISSIONER FEDORCHAK: Good morning, everyone. Well, these aren't our favorite cases. We prefer that you all work this out on your own and come to some sort of amicable agreement outside of this process.

This is one of the most interesting processes that we have, in my opinion. It's hard because there is no middle ground to make everybody -- like there isn't a win-win here, there is a clear winner and there's a clear loser, and that makes it hard, but fortunately, the Supreme Court has laid out a lot of good factors for us to consider in this.

I think that in -- you know, looking back on the last case that we had, people came to me afterwards and said, "Does this mean that you're this type" or "Does this mean that you're that?" And I said no, this means that I looked at the ten factors and I felt like in this

case they weighed for MDU. Next case is a different story, there's new factors and everything is -- you know, you start fresh.

So I do encourage both parties to make sure that they cover all the ten factors and don't leave one out or a couple, just thoroughly cover every single one of them even if it isn't your strength, make sure we get everything that you've got on that factor so that we can adequately consider it and make the determination.

And ultimately, the process, I think, was set out to eliminate or minimize wasteful duplication and provide for orderly development and use of this infrastructure. So that's the big picture that we'll be looking at, that I'll be looking at, and hopefully we'll have a lot of good evidence with which to make a conclusion in the end. The last time at least it was fairly clear. Hopefully, we'll have some clarity in the end when all the factors are sorted out and it will really point to a fairly obvious decision. Maybe not, but we'll see. That's my hope. Thank you.

ALJ WARD: Mr. Kroshus.

COMMISSIONER KROSHUS: Well, good morning, everyone. Normally, I welcome people to Bismarck because Bismarck, North Dakota, is a wonderful place to visit, but not the reason, I'm quite sure, most of you

would want to be in the capitol city, but nonetheless, I do appreciate everyone being here.

And this -- as a new commissioner, and I'm still playing the new card, it's a little over seven months, but there are many firsts, this will be a first for me in terms of this type of case, and I would echo previous comments that, ideally, it might be the last one, but we'll see over the course of time.

But what I want really want to take a look at and listen to during the course of testimony is not just the short term but also the long term and seeing how that sets up for both entities and -- and there's no doubt about it, coming from a business world, this is a larger load customer and it's an attractive customer, and those types of customers lead to greater efficiencies down the road typically for whomever is able to capture that business. So it's an important customer, it's an important component in any business operation, so I think the best thing for me is, of course, just to listen to testimony. I've got a number of questions, I suspect many of those will be answered before it comes back to me, but for those that aren't, I'll ask and include it as a part of the process and make a determination at the end of the process.

ALJ WARD: Thank you. Is there anybody present

other than witnesses for Otter Tail or Dakota Valley Electric or the Commission who might testify in this matter?

Okay. Seeing none, I'll ask again later.

My plan is to go in the order we've already gone, to allow Otter Tail to present its witnesses first and then I'll allow Dakota Valley to cross, and then the Commission and then the commissioners. And likewise, after Otter Tail concludes its case, I'll ask Dakota Valley to present its case, we'll listen to their witnesses, we'll go around in the same order.

And then finally the Commission, if it chooses to call anyone or make any remarks at that time, present any exhibits, they'll have that opportunity. And then if there is anyone who appears from the public, from the community or whatever, that wants to make a comment on the record, we'll call for that at that time.

So I look forward also to a good hearing. And Mr. Stephenson, I'll ask you to go ahead and call your first witness.

And we're going to take the exhibits as the witnesses testify, correct, and lay foundation as we go today?

MR. STEPHENSON: That's correct, Your Honor.

ALJ WARD: Okay. Thank you.

MR. STEPHENSON: Otter Tail calls Mr. Richie Wolf.

ALJ WARD: Mr. Wolf, I'll ask you to raise your right hand.

But before I do that, I just want to advise you and everyone in the room to pay attention, because I'm required by law to advise you the penalty for perjury in the state.

Perjury is a false statement under oath of a material fact made by a person who knows or does not believe the statement to be true at the time it is made. Perjury is a Class C felony. A Class C felony is subject to a maximum penalty of five years in prison, a fine of $10,000, or in some cases, both may be imposed.

Having been advised of the penalty for perjury, please raise your right hand so I can administer an oath.

Do you promise to tell the truth, the whole truth, and nothing but the truth in this proceeding?

MR. WOLF: I do.

ALJ WARD: Thank you. Mr. Stephenson.

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RICHIE WOLF,

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

DIRECT EXAMINATION

BY MR. STEPHENSON:

Q. Please state your name for the record.

A. Richie Wolf.

Q. And what is your business --

ALJ WARD: Can you spell your last name, please?

Q. Oh, yes. Please spell your last name for the record.

A. W-O-L-F.

ALJ WARD: Thank you.

Q. And Mr. Wolf, what is your business address?

A. 315 Second Street Southeast, Jamestown, North Dakota.

Q. And who are you employed by?

A. Otter Tail Power.

Q. And what do you do for Otter Tail Power?

A. I am the area engineer serving the Jamestown and Wahpeton areas.

Q. And how long have you been in that position?

A. Seventeen years.

Q. And what are your responsibilities?

A. Designing distribution systems and providing

some maintenance and reconstruction of transmission facilities.

Q. And Mr. Wolf, over the course of your time in that position, how many distribution systems have you designed?

A. A lot. I write hundreds of work orders every year, so in the course of the 17 years, actually thousands.

Q. And Mr. Wolf, are you a licensed engineer?

A. No, I'm not.

Q. Is that required for your job?

A. No.

Q. And have you been involved in any national distribution design organizations?

A. Yes, I have. I'm currently a member of IEEE. And in my private life, I was a member of -- my prior life, I was a member of Doble Engineering Group, who was a maintenance group for substations.

Q. And did you have any responsibilities in that organization?

A. Yes. Through the course of that tenure, I was on the line to become chairman of the breaker committee.

Doble is a worldwide company that provides testing and their members and clients make up their committees. And I was on the line to become chairman of

that when I -- when I stepped into this role.
Q. Now, are you familiar with Otter Tail's application for a CPCN to provide service to Minn-Kota Products?
A. Yes, I am.
Q. Did you have a role in that application?
A. Yes, uh-huh.
Q. Now, you should have in front of you what's been marked as Otter Tail Exhibit 1.
A. Okay.
Q. Can you refer to that, please? And can you identify this exhibit?
A. Yes. That's the exhibit that's on the board right now, I believe. And this shows the area in Richland County where Minn-Kota Ag is proposing to construct a commercial grain-handling facility. The large circles there indicate two- and four-mile radiuses, which encompass the towns of Mooreton and Barney as well as rural customers.
Q. And was this exhibit prepared by you or at your direction?
A. Yes.
MR. STEPHENSON: Otter Tail would offer Exhibit 1.
ALJ WARD: Any objection to Exhibit 1, Counsel?

MS. RADERMACHER: No objection, Your Honor.
ALJ WARD: Mr. Pelham?
MR. PELHAM: No objection.
ALJ WARD: Okay. Exhibit 1 will be received.
BY MR. STEPHENSON:
Q. Mr. Wolf, could you point out the location of the Minn-Kota facility or the proposed -- the Minn-Kota facility that's under construction right now?
A. Yes. That would be the black rectangle in the middle of the four- and two-mile radius circle and indicated by "Barney - Minn-Kota Ag".
Q. And also identify the communities served by Otter Tail in this area?
A. Yes. Barney is off to the left and Mooreton is off to the right.
Q. And are transmission facilities notated on this exhibit?
A. Yes, they are. I might note that Highway 29, I-29, is off to the right side of the map in the light gray and Highway 13 is directly to the south of the Minn-Kota Ag facility.
The Minn-Kota Ag facility is marked out by the dark black rectangle. There is a transmission line that goes directly adjacent to that property along Highway 13. That line extends over to the right beyond

the map into our Wahpeton 230 substation.
Q. And is that an Otter Tail transmission facility?
A. It is.
Q. And what is the size of that transmission facility?
A. It is a 41.6kV line three phase with inner ties to other sources of power.
Q. And do you know or have an estimate when that line went into service as a 41.6k transmission facility?
A. I don't have an exact date, but it was probably 50 years ago or so.
Q. To your knowledge, has that transmission line been continuously maintained and updated?
A. Yes. It's part of our annual maintenance and repair. Whenever something goes wrong with it, we fix it.
Q. And how would you characterize the condition of that line today?
A. It's fully operational and there's nothing wrong with it.
Q. Where does that transmission line start and end, or what is it connected to?
A. Okay. Again, off to the right is the Wahpeton 230 sub where a breaker protects that line. It comes across there in the dotted line from the right and comes

through the town of Mooreton and past the Barney Minn-Kota Ag site, picks up the town of Barney itself, and continues on west with a normal open out in the Milnor area.
Q. And referring to the two-mile radius line, how many customers does Otter Tail serve within that radius?
A. Two miles, about two.
Q. And are there any customers that are rather close to that two-mile service line?
A. Yes. There's a couple of them that are right on the line there.
Q. And the city of Mooreton is about what from that two-mile radius line?
A. Just maybe less than a quarter mile, I guess.
Q. Now, Mr. Wolf, have you been asked to develop a plan to extend service to Minn-Kota?
A. Yes, I have.
Q. And what is the Minn-Kota facility?
A. It's a commercial grain operation.
Q. And what kind of service does Minn-Kota require?
A. They've asked for a service to serve some 5,000 horsepower for their grain-handling facility.
Q. And is there a particular kind of phase service necessary for that?
A. Yes. They've asked for 480 three phase.

Q. And is there a megawatt that you design for based on those parameters?

A. Yeah. Based on some historical numbers that we have from facilities like this, we're planning for somewheres in the neighborhood of two megawatts of load.

Q. Now, can you briefly summarize Otter Tail's plan to extend service to the facility?

A. Yes. Our plan is -- after looking at several options, the plan is to tap the 41.6 line where we would build a substation 41.6 to 12.5 and extend that 12.5 line to their point of service.

Q. I'll ask you to refer to Otter Tail Exhibit 2. Can you identify this exhibit?

A. Yes. This is -- this is the portion of the Minn-Kota Ag terminal that they provided to us with Otter Tail's facilities shown in red.

Q. And where would you tap the transmission facility?

A. The transmission facility would be right next to this property, actually probably right on the line. And we would tap that line right from the Barney substation shown off to the right. It's a square there. That's where we would tap the line. And then from that point, we would bring 12.5 power underground from that substation to their service point shown in a red

triangle, which would be the transformer that would serve the facility.

Q. And that would be the distribution transformer?

A. That is correct.

Q. Okay. Well, Otter Tail would -- let me rephrase it. Did you prepare this exhibit or was it prepared at your direction?

A. Yes, it was.

MR. STEPHENSON: Otter Tail would offer Exhibit 2.

MS. RADERMACHER: No objection, Your Honor.

ALJ WARD: Mr. Pelham?

MR. PELHAM: I don't have any objection.

ALJ WARD: Okay. Exhibit 2 will be admitted.

BY MR. STEPHENSON:

Q. Mr. Wolf, what is the distance from the transmission line to the substation that Otter Tail would construct?

A. Somewheres in the neighborhood of maybe 2 to 300 feet.

Q. And would that be an overhead tap?

A. That would be, yes.

Q. And can you describe what the substation would consist of?

A. Yes. The substation would consist of some

high-side protection probably in the form of fuses, and a transformer, 41.6 to 12.5, regulators to control the voltage, and a low side or a distribution protection breaker.

Q. And what would be the footprint of that substation?

A. Anticipating somewheres in the neighborhood of 40 by 60 feet, enclosed in a fence probably.

Q. And this would be located on the site of the Minn-Kota --

A. Yes, it would.

Q. And where would you get the transformer?

A. The transformer would come from the fleet of transformers that we have in our stock at central stores. It's a standard transformer. It would probably be a 2500 Kva transformer, 41.6 to 12.5 rated.

Q. And who would own the substation?

A. Otter Tail would own the substation.

Q. And as far as the on-site distribution, who would own the on-site distribution?

A. Otter Tail would own the distribution as well to the point of the meter.

Q. Now, are there any upgrades to Otter Tail's system beyond what you've described to serve the Minn-Kota load?

A. Yes. We have studied both the distribution and the transmission in this area, common for us to do that when large loads like this are anticipated, and through those studies, we have determined that we would need a capacitor bank during contingency switching that would have to be put on here of probably a 400 kVAR.

Q. And have you included that item in your cost estimates?

A. Yes, I have.

Q. Now, anywhere in this plan does Otter Tail need to cross other electric provider lines to serve Minn-Kota?

A. No, we would -- no.

Q. Mr. Wolf, have you then also estimated the cost to extend service?

A. Yes, I have.

Q. And is that part of what your work responsibilities require?

A. Yes. Do those every day.

Q. Okay. I'll show you what's been marked as Exhibit 3, or if you'd please refer to Exhibit 3.

A. Yes.

Q. And can you identify this exhibit?

A. Yes. This is the cost estimate that I put together for the substation that would serve Minn-Kota

Ag.

Q. And is this cost estimate in the format and methodology that you typically use to prepare cost estimates?

A. Yes, exactly.

Q. And you prepared it?

A. Yes, I did.

MR. STEPHENSON: Otter Tail would offer Exhibit 3.

ALJ WARD: Any objection to Exhibit 3?

MS. RADERMACHER: No objection, Your Honor.

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 3 will be received.

BY MR. STEPHENSON:

Q. Now, just to clarify, Mr. Wolf, what is this particular cost estimate limited to?

A. This includes the tap for the 41.6kV line and the actual substation itself including the aforementioned capacitor bank.

Q. Does it include the distribution?

A. No, just the in-substation distribution portion, the regulators and the recloser.

Q. Now, does this include all equipment and materials?

A. Yes.

Q. Okay. Is it fully loaded for labor and all ancillary costs?

A. Correct, yes.

Q. Is there any cost for land acquisition?

A. Not at this time. At the time we -- when this project came to us, this could have been an adder to that total cost and so it was not included with the price to the -- offered to the customer, this was going to increase their --

Q. Is there any cost for land --

A. No.

Q. -- acquisition, to your knowledge?

A. No, no.

Q. And the equipment, does this include the transformer that would be at the substation?

A. Yes, it would.

Q. And what is the value that you've assigned to that transformer?

A. There was a depreciated cost somewheres in the neighborhood of probably $14,000.

Q. Okay. And depreciated, so this would be a used transformer?

A. Yes. Yes, it's --

Q. Would that be reflecting the book value of that transformer?

A. That is correct.

Q. And the equipment meets all Otter Tail operational or quality standards?

A. Yes. Like I mentioned, it's part of our fleet of transformers. We utilize those whenever we need a transformer of that size and configuration.

Q. Mr. Wolf, can you please turn to Otter Tail Exhibit number 4?

A. Uh-huh.

Q. Let me back up just one second. For the record, Mr. Wolf, what is the total cost reflected in this exhibit?

A. It's about 185,000.

Q. Okay. Then please turn to Exhibit 4. And can you identify that exhibit, please?

A. Yes. This was the estimate done to extend approximately a thousand feet of underground primary from the substation to the transformer at the Minn-Kota site.

Q. And just to be clear then, this would be the items that are on the other side of the transformer that connect to the service point of the customer?

A. Basically, everything outside the substation, yes.

Q. And again, what are those items?

A. Consists of an underground line and a transformer at the site.

Q. But this estimate doesn't include the step-down transformer that you previously referred to?

A. No, no, no. This is not the substation transformer. This is the load-serving transformer at the site.

Q. And has this exhibit been prepared in the manner and methodology you use preparing exhibits?

A. Yes.

Q. And obviously, you've prepared it yourself?

A. Yes, I have.

MR. STEPHENSON: We'd offer Exhibit 4.

ALJ WARD: Any objection?

MS. RADERMACHER: No objection, Your Honor.

ALJ WARD: Mr. Pelham?

MR. PELHAM: No.

ALJ WARD: Okay. Exhibit 4 is received.

BY MR. STEPHENSON:

Q. So can you summarize, what's the nature of the work that would have to occur here on the distribution side?

A. Basically, we would employ an underground trencher or something to bury the line and our field personnel would then make connections to the

transformer, the transformer would be set in place based on some previously laid out locations provided by Minn-Kota Ag, and make all the terminations.

Q. And is this a fully-loaded estimate with all labor and ancillary costs included?

A. Yes, it is.

Q. And for the record, what is the total amount of this --

A. Just under 51,000.

Q. Okay. Now, do Exhibit 3 and Exhibit 4 taken together reflect the total cost to extend service to Minn-Kota?

A. Yes, it does.

Q. And what is that total cost?

A. It's about two hundred thirty, thirty-one thousand.

Q. Now, did you examine other distribution design alternatives?

A. Yes, I did.

Q. And why did you settle on this particular distribution design?

A. Pretty much came down to cost. This was going to be the least cost and actually provided a real reliable source of power.

Q. Let's turn to that now. Are you aware of Dakota

Valley's plan to extend service to Minn-Kota?

A. Yes, I am.

Q. And how are you aware of that?

A. This was information that was provided by them during a fact finding.

Q. Can you give just a general summary of what your understanding is of that plan?

A. Yeah. The way I understand it is they would tap an existing underground line and extend service some 4,000 feet to the plant, to the site.

Q. I'll turn to Exhibit 5, if you would please refer to that?

A. Okay.

Q. And can you identify this exhibit?

A. Yes. This is the exhibit that was provided by Dakota Valley during our fact-finding exercise. It shows the substation in the lower right quadrant and it shows some lines, distribution lines, coming from that substation. And the existing three-phase cabinet is shown in about the center of the page where they would, looks like, extend that service from there to the Minn-Kota site.

Q. I'm going to quickly refer back to our first exhibit, Mr. Wolf. Can you identify the substation Dakota Valley would serve from on this exhibit?

A. Yes. It's just outside the two-mile ring in the lower right quadrant.

Q. Is it marked with a red dot?

A. Marked with a red dot and it has a nomenclature there, I believe, that says "Dakota Valley Mooreton" substation.

Q. So based on Dakota Valley's exhibit here, what is the distance from their Mooreton substation to the Minn-Kota facility?

A. It's right around four miles.

Q. And you had previously referenced something about 4,000 feet. What was that?

A. That's the actual extension from their existing facilities to the Minn-Kota site.

Q. So that would need to be new facilities?

A. That would be the new facilities they would install, yes.

Q. Okay. And I think you indicated this was received in a discovery request from Minn-Kota --

A. That is correct.

Q. -- or Dakota Valley?

MR. STEPHENSON: We would offer Exhibit 5.

ALJ WARD: Any objection to Exhibit 5?

MS. RADERMACHER: No, Your Honor.

ALJ WARD: Mr. Pelham?

MR. PELHAM: I don't have any objection. The only thing I would ask is, if this is in color, that we get a color copy of it. If it's not in color, then it's not in color.

MS. RADERMACHER: Your Honor, Dakota Valley, this is also one of their exhibits. When it comes up on the screen, it will be in color.

ALJ WARD: Okay. Thank you.

MR. PELHAM: Thank you.

ALJ WARD: Okay. Exhibit 5 will be admitted.

BY MR. STEPHENSON:

Q. Now, with respect to Dakota Valley's Mooreton substation, do you know how many customers, about, are served out of that substation?

A. Yeah. It's a little less than 250, that being judged from the earlier fact-finding exercise as well.

Q. Okay. And those are cooperative members?

A. That is correct. That's my understanding, anyway.

Q. And with respect to the transformer that Dakota Valley would use to serve Minn-Kota located at that substation, do you know how many people are served off that transformer feeder?

A. The transformer, the substation transformer, has those 230. That particular feeder that feeds that part

of that circuit coming out of there would be, I understand, around 50.

Q. And how do you know that?

A. That was also included in the fact-finding exercise.

UNIDENTIFIED SPEAKER: Is that 15 or 50?

THE WITNESS: 50.

UNIDENTIFIED SPEAKER: Okay, thank you.

BY MR. STEPHENSON:

Q. Mr. Wolf, now, comparing OTP's distribution design and what you understand to be the Dakota Valley's distribution design, are there any advantages to Otter Tail's design in terms of reliability and risk reduction?

A. Well, just by the inherent design of the system here in this case, you got a substation serving a very short distance and a very short underground. And so just by the inherent design, you would expect that there would be less disturbances that would be injected onto the system from anywhere else on the system.

Q. You were referring to Otter Tail's design?

A. Yes.

Q. Okay. Will there be any other distribution customers taking power off that substation when it's initially installed?

A. Not at the present time, no.

Q. Okay. And how could having customers served off a transformer feeder affect reliability when you have an issue?

A. Well, as more and more customers get put on there and larger loads, oftentimes you can have problems with not -- sometimes faults, sometimes large loads coming online causing voltage dips, large current draws, and those resultants would be the voltage drops and dips that you would see occasionally.

Q. And would you expect that there would be some grain-drying operations occurring in this area?

A. It appears there would be. Just by looking at the area, there's a lot of farms around there with -- with grain facilities as well.

Q. Comparing Otter Tail's distribution design and Dakota Valley's design, does Otter Tail's design offer any advantages in terms of equipment selection for Minn-Kota?

A. Yeah. Due to the -- due to the close proximity of the substation and the large facility, motor starts get to be a problem on some of these large facilities and long distribution lines.

So in this case here, since -- since we're very close, Otter Tail is very close with a substation, the

small -- or the size motors that would require soft starts is much larger than it would be with a line that's much longer.

Q. What's a soft start?

A. A soft start is used to minimize the initial current draw when a motor is started, causing the dips and voltage drop that we talked about.

Q. And have you assessed what size motors the cooperative's distribution plan would require soft starts on as compared to Otter Tail's service plan?

A. Yes. The information that was provided by Dakota Valley, they need to -- they need soft starts on motors of over 30 horsepower. And Otter Tail has taken a look at that, done a motor start study, and they would require soft starts or VFDs on motors over a hundred horsepower.

Q. And is it correct that the operations -- or Minn-Kota's operations under the cooperative's plan being connected can actually affect other members without these soft starts?

A. Certainly. Large motors on anybody's system could affect neighboring customers. That's why you put the soft starts and so forth on there, so that you don't offer any disturbances to other customers.

Q. And now, Mr. Wolf, based on your experience,

does Otter Tail's service plan to Minn-Kota, in general, offer any advantages in terms of the ability to respond to service interruptions?

A. Yes. We've got -- we've got personnel located in Wahpeton who include line crews, substation technicians, service reps, along with all of the -- our central store is located right there. So any of these facilities that would either have to be replaced or changed out or repaired, those items are located, like, 12 miles down the road.

Q. Mr. Wolf, with respect to Dakota Valley's plan as you understand it, is any of their distribution underground?

A. Yes. It appears a large portion of it is underground.

Q. Is there any, in your experience, issue with the time underground faults can take to repair versus overhead?

A. Yes. Certainly underground faults take longer to repair. Overhead lines, we can -- we can send somebody out there and repair the problem and, I would say, have them back home by halftime.

Q. Always happens on Sunday --

A. Yeah.

Q. -- or Christmas.

Now, Mr. Wolf, as part of your job, do you have to pay attention to reliability when designing distribution systems?

A. Yes. We always strive to increase our reliability.

Q. And does Otter Tail track its system reliability?

A. Yes, it does.

Q. I'd ask you to refer to what's been marked as Exhibit number 7 -- or 6. I guess I can't count. Exhibit number 6.

A. Yes.

Q. Can you identify that?

A. Yes. This is the North Dakota annual report to the Public Service Commission.

Q. And annual report, so this is filed with the Commission?

A. Yes.

Q. Or it's an exhibit filed as an attachment to --

A. Yes.

Q. -- the overall annual report?

And to your knowledge, this is, in fact, the 2016 filing?

A. Yes, it appears so, yes.

MR. STEPHENSON: Otter Tail would offer

Exhibit 6.

ALJ WARD: Any objection?

MS. RADERMACHER: No objection, Your Honor.

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 6 is received.

BY MR. STEPHENSON:

Q. Mr. Wolf, referring to the, I guess, lower portion of Exhibit 6, can you tell us what is referred to by the term "CAIDI"?

A. Yes. CAIDI is usually referred to as the amount of time, the length of time, that a customer is out of service. This is an average across the company.

Q. And when you say "across the company," this is Otter Tail's system as a whole?

A. That is correct.

Q. Okay.

ALJ WARD: As a whole, including outside of North Dakota?

MR. STEPHENSON: Yes.

BY MR. STEPHENSON:

Q. Okay. Is it your understanding?

A. Yep, yep. These are system-wide numbers, yeah.

Q. Can you -- what does "SAIFI" refer to?

A. SAIFI is the number of times that a customer is without power or has had an interruption.

Q. And "SAIDI," what does that refer to?

A. SAIDI is just the outage time across the system.

Q. Okay.

A. It's a system number.

Q. Mr. Wolf, with respect to these numbers, is it golf or bowling? Do you want a high score or a low score?

A. Well, you definitely want a lower score because it reflects to the amount of times or the duration of outages.

UNIDENTIFIED SPEAKER: Sounds like my bowling.

(Laughter)

BY MR. STEPHENSON:

Q. Mr. Wolf, looking at the CAIDI figures through the years, what is the highest CAIDI number that Otter Tail has had during this time frame?

A. Looks like about 78.6.

Q. And what is the lowest or best number that it's had?

A. Looks like around 56.4.

Q. And the numbers then are within that range?

A. Yes. Excuse me, I got to have -- should have put my glasses on, but that's 56.9 is the low number. Sorry.

Q. Okay. And then I would ask you to refer to

Exhibit number 7. I don't know if there's a way to blow this up, but there are copies of that exhibit in paper form for the commissioners that have trouble seeing that.

Mr. Wolf, can you identify this?

A. Yes. This was a reliability data provided by Dakota Valley during the fact-finding exercise.

Q. And to your knowledge, this is in response to a question about outage restoration performance?

A. Yes.

Q. And in that response, they provided CAIDI and SAIDI numbers?

A. That is correct.

Q. And you have reviewed this?

A. Uh-huh, yes.

MR. STEPHENSON: Otter Tail would offer Exhibit 7.

ALJ WARD: Any objection?

MS. RADERMACHER: No objection, Your Honor.

ALJ WARD: Okay.

MR. PELHAM: I do have a question. Is this a copy of the -- of the interrogatory response, or is it prepared from the interrogatory response?

MR. STEPHENSON: I can answer that directly.

ALJ WARD: Okay.

MR. STEPHENSON: It's the response we received back which includes the question (indiscernible) format.
MR. PELHAM: Okay.
ALJ WARD: So in other words, this is the format in which it came from Otter Tail?
MR. STEPHENSON: Came from --
ALJ WARD: I mean from Dakota Valley?
MR. STEPHENSON: Correct.
ALJ WARD: Okay.
MR. PELHAM: I have no objection.
MS. RADERMACHER: Correct, Your Honor. And I will confirm that that is exactly, it's not been modified in any way.
ALJ WARD: Okay, very good. Then Exhibit 7 will be received.
BY MR. STEPHENSON:
Q. Now, Mr. Wolf, turning to Dakota Valley's information, let's look first at the CAIDI numbers. I see there are two columns for that?
A. Yes.
Q. And is one column a column that's normalized to remove extreme weather events?
A. Yes, yep. Column one is -- excludes the major storm events.
Q. Let's look at that column. What is the highest

number that you see for the ratings?
A. Looks like 122.1.
Q. If you refer to the 2016, what is that rating?
A. 124.
Q. And what is the lowest rating in this reporting period?
A. 96.5.
Q. With respect to the SAIDI, again, do we have two columns that reflect, one column with normalized numbers to remove extreme events?
A. Yes.
Q. And what is the 2016 rating for --
A. 2016 is 130.9.
Q. And the lowest figure that you see there?
A. Looks like 75.5.
Q. Okay. Referring back to Otter Tail's CAIDI's ratings, you indicated the highest rating within the reporting period was 78.6?
A. That is correct.
Q. What is the best CAIDI rating that Dakota Valley has?
A. 113 -- excuse me. 96.5.
Q. And again with respect to SAIDI, what is Otter Tail's, I guess, best SAIDI rating during the years reflected here?

A. 62.1.
Q. And with respect to the co-op and this reporting period, what is their best?
A. 75.5.
MR. STEPHENSON: This witness is available for cross-examination.
ALJ WARD: Okay. Ms. Radermacher, cross-examination.
MS. RADERMACHER: Thank you, Your Honor.
CROSS EXAMINATION
BY MS. RADERMACHER:
Q. Were you the one that had the initial discussions with Minn-Kota about serving this load?
A. No.
Q. And who in your company had those conversations?
A. Those discussions would have been -- originated from our customer service center in Wahpeton.
Q. Okay. And at what point did you get involved in the process?
A. Sometime after those discussions were held with our local customer service center employees, it's not uncommon then for me to receive a call saying we're going to have this kind of load, you know, what's it going to take to serve it.
Q. Okay. So at the time that you guys put in for

the public convenience and necessity permit, do you know -- did you know how Otter Tail was going to service that load?
A. We had a pretty good idea that this substation scenario was going to be our least cost option, yes.
Q. Okay. And when did you finalize how you were actually going to service that load?
A. I think the final updates that were made in -- just last week, I believe. That was when we found out that, on the transmission study, that transmission study was completed just a few weeks ago, and so I found out about it last week. And so I included those numbers with -- with this estimate.
Q. And when you say the transmission study, is that what caused that capacitor --
A. Yes.
Q. -- to be added?
A. Uh-huh.
Q. And that capacitor was added at an additional 5,000 or so dollars?
A. Correct.
Q. And what does that capacitor do?
A. It maintains voltage and provides R support. When a large motor load like this, it causes a power factor to -- to drop, and so this would then increase

that power factor and provide voltage support. Most of the time our transmission studies provide for voltage support.

Q. Okay. And did your transmission study show that there's going to be any voltage irregularities?

A. Not necessarily, no, not -- no. Not on the transmission study, no.

Q. Okay. And did you determine if there was going to be any voltage drop associated with this?

A. The transmission study takes that into account, yes.

Q. And did it show any voltage drop?

A. During contingencies, yes.

Q. And what do you mean by "contingencies"?

A. Serving it from other sources than its normal.

Q. Okay. And so when you say "other than its normal," where would those sources be or what would those sources be?

A. Well, there's various sources of power that can be supplied to this area. We've got -- we've got sources at Hankinson, Wahpeton, coming from the west through the Milnor line. There's also a tap coming from the northwest, coming from the Colfax area.

Q. And which direction do you plan on serving this load?

A. Normal switching here comes out of Wahpeton.

Q. So this would be the Wahpeton breaker 245?

A. That's correct.

Q. And is the Milnor 527 also involved?

A. That's the normal open, so if you wanted to swap loads or do some line work, that's the switch that you would operate.

Q. Okay. Do you know how many approximate miles of line would be on that section that you're going to be servicing the load on? Do you know how many miles of line are associated with that?

A. I'd be speculating, but it's probably 30 or 40, probably.

Q. Okay. And is that all overhead or is that underground?

A. Yeah, that transmission is all overhead.

Q. And the other -- so you have approximately 40 miles of overhead line that are going to be servicing this area or this site, or going to be utilized?

A. Yeah. Yeah, I would say that's probably correct. From a transmission standpoint, yes.

Q. Okay. And then you said out of the normal. So if you were going to have to service this out of the normal, is that line underground or is that line overhead?

A. No, that's overhead if you're talking transmission.

Q. And this is all that 41.6k line?

A. 41.6kV, yes.

Q. And you said that line went into service approximately 50 years ago?

A. Yeah, I'm speculating at the best there. I don't know when that went in for sure.

Q. And you indicated that there's annual maintenance. What does the annual maintenance usually comprise?

A. It's usually a visual inspection, and then from that visual inspection a laundry list of items gets generated that need repair. So if you find a broken insulator or a broken tie wire or a bad crossarm or a bad pole, you go out and fix it.

Q. Okay. And how often does that maintenance occur?

A. Minimally, once a year, but our guys out in the area usually keeping an eagle eye out there all the time; they're always watching the lines as they drive by or whatever, so --

Q. Okay. And when you say "guys in the area," it sounds like your closest service people are in Wahpeton?

A. That's correct.

Q. And how far is Wahpeton from this particular site?

A. 12 or 15 miles probably.

Q. Okay. And you indicated that you have line crews. How many linemen do you actually have stationed in your Wahpeton office?

A. There's -- there's two actual linemen, but there's three or four, what we call either line and service or service reps, and they are linemen qualified as well.

Q. Okay. And what are their duties?

A. The service reps are kind of the go-between between the customer and Otter Tail. They're the ones who take the initial requests for whatever, complaints. They read the meters often time. They take care of the day-to-day customers basically.

Q. Okay. So if you have a line that goes down or crossarm as you were talking or something along those lines, who actually fixes that?

A. It could be any one of those guys.

Q. So even your service reps who --

A. Uh-huh.

Q. -- visit with the customers, they do that as well?

A. Uh-huh.

Q. Now, you indicated that the transformer that you were going to be utilizing as part of this was from your fleet. Have you identified the exact transformer that's going to be used?

A. We've identified a transformer, yes.

Q. And you indicated that it's been depreciated?

A. Some, yes.

Q. Okay. And do you know what age this transformer would be?

A. I think it's a 1991, as I recall, but I -- I'm not exactly sure about that.

Q. Do you know how many years it was in service with Otter Tail?

A. No, I don't. I could -- those records are kept by the substation maintenance group. I don't have that.

Q. So you don't know what the maintenance has been on this transformer?

A. Yes, I do. From my previous life, I know that we test the transformers annually for oil, and usually that gives us -- the oil samples will give us an indication of any internal problems.

Q. And do you know when this transformer was taken out of service and put into inventory?

A. I do not.

Q. Now, it sounds like you guys are planning on

bringing the power directly to -- or bringing everything in. And so would that make this a secondary service or a primary service to --

A. They've asked for secondary service.

Q. And it's my understanding that secondary service is at a higher rate than primary service?

A. Yes, I would say that's correct. Really, I'm not the guy to ask about that. You got to talk to our rate guys.

Q. Now, on this 41.6kV line, how many consumers would you say are on that line?

A. Mooreton has about 150, Barney has about 50, and Wyndmere has about 300, so over 500, about. And that's on the transmission, of course, so --

ALJ WARD: Did you say 150, 150, and 300?

THE WITNESS: No. It's 150 in Mooreton, about 50 in Barney, and about 300 in Wyndmere.

Q. Now, is it my understanding that Otter Tail's power actually feeds the Dakota Valley Mooreton substation?

A. The transmission line that feeds that originates in the Hankinson 230 sub, and there's an open point right at Mooreton, so that -- that line switch can actually be utilized to serve both of those depending on the needs of the day. But normal switching, Mooreton,

Barney, and Wyndmere are fed from the Wahpeton source.

Q. Okay. And is Dakota Valley's Mooreton substation, though, is that fed by Otter Tail?

A. Yeah, that line is owned by Otter Tail that feeds that substation, that is correct.

Q. So other than if there were some substation issues, if there were some transmission issues, that could be Otter Tail's problem --

A. Yes.

Q. -- causing a hiccup on Dakota Valley's line?

A. Could be.

Q. Now, if we could go back to Exhibit 1. Now you indicated how many are -- how many Otter Tail consumers there are within that two-mile radius?

A. Two-mile radius, it looks like two.

Q. Okay. And now that blue dot that's in the two-mile radius, that's most visibly in the two-mile circle, that looks like it's along the railroad?

A. Yes, that's correct.

Q. And what kind of service is that?

A. That is a single phase service to that customer.

Q. And the one that's on the outer skirts of the circle off to the right, what kind of service is that?

A. That is -- that is also a single phase customer.

Q. Now, it's safe to say, is it not, that Dakota

Valley serves more people within that two-mile radius than Otter Tail does?

A. Yeah, I couldn't argue that at all.

Q. And it's my understanding that Otter Tail's line runs completely through that two-mile service --

A. Yes, it runs right directly through the middle of it.

Q. And you don't provide any three phase service within that circle, the two-mile circle?

A. No.

Q. Does Dakota Valley provide three phase service to consumers in that area?

A. I don't know for sure. I would suspect, but I don't know.

Q. And what highway is going through there next to the elevator?

A. Yeah, right next to that red line is Highway 13.

Q. Okay, thank you. Now, you indicated that it takes longer to service -- or it may take longer to service an underground fault. But is it true that overhead also has its own set of issues that can --

A. Certainly.

Q. -- affect reliability?

A. Yes.

Q. Okay. And storms, for example, could take out

overhead versus underground?
A. Correct.
Q. And from what I -- my understanding is the only underground that Otter Tail is going to have associated with these facilities is right on-site?
A. That is correct.
Q. And approximately how much of that is going to be underground?
A. About a thousand feet.
Q. And the remainder will be overhead. Is that correct?
A. There will be no overhead distribution facilities at all.
Q. But the line that's actually feeding, going to be -- that you're going to be utilizing or tapping onto, that 41.6kV, that's overhead?
A. Yeah. Just like all the rest of the lines in the area are all overhead in the transmission group.
Q. Now, you also testified that approximately 231,000 of these costs -- or this project is going to cost approximately 231,000 for Otter Tail. Do you know how much of that is going to be passed on to the consumer?
A. In the form of what? I'm not sure I follow your --

Q. Well, is any of this -- is any of the line extension or any of the substation, is that going to be passed on to Minn-Kota as part of providing service to this site?
A. No. Not to my understanding, no.
Q. Okay. And how does then Otter Tail intend to recoup the cost of what appears to be a pretty significant investment?
A. Well, I think there's other people that are going to testify to that. I wouldn't be the one to answer that.
Q. Now, on the reliability indices that you provided with respect to Otter Tail, now those are your overall statistics. Is that correct?
A. Yes.
Q. Did you provide Dakota Valley, as part of fact finding, specific outages that would relate to this particular 41.6kV line?
A. I believe there was some transmission data provided.
Q. Okay. And do you remember exactly how many years of data was actually provided to Dakota Valley?
A. I don't. Sorry.
Q. What's been marked as Dakota Valley 14, if you'd refer to that.

MS. RADERMACHER: Are you able to bring 14 up?
UNIDENTIFIED SPEAKER: I don't know if you'll be able to (indiscernible).
MS. RADERMACHER: I apologize. It may be easier for everybody just to reference what was provided to them than to try to get out of Otter Tail's --
BY MS. RADERMACHER:
Q. Now, what's been labeled as Dakota Valley Electric -- or DVEC 14, is that the specific outages related to that transmission line?
A. This is the transmission line from the Wahpeton 230 substation on breaker 245, which is the line that -- which serves that line to -- which would be the Dakota Valley -- excuse me, the -- I'm sorry, that's not right -- the Minn-Kota Ag project.
Q. Okay. And it appears that there's a number of outages that occurred between 2014 and 2016. Is that correct?
A. Yeah.
Q. Can you just briefly describe for me what it means by open and then close? Because I see two entries per outage related to that.
A. What this does not include (indiscernible) show outages, those open-close events may have been triggered by one of our dispatchers who opened a line, actually

closed a switch to keep the power on while they open and close this line. So this doesn't include outage necessarily, this is actual breaker open and closes.
Q. Okay. So there could be outages in addition to what we're seeing on this page?
A. No. There's outages that -- they may look as outages but they may not actually be outages, because the line was operated for maintenance purposes.
Q. But we wouldn't know that based on this spreadsheet, would we?
A. Not exactly, I wouldn't know that, no.
Q. Now, it appears that the data provided by Otter Tail dates back only to 2014. Do you know why that would be?
A. That's probably as far back as the search went or that's all the data they had. I don't know.
Q. Okay.
A. This was information that came from our system that monitors that.
Q. And did you change metering maybe in about 2014 or the data system that you used?
A. No, not for this -- not this data, no. There's -- we have -- our distribution monitoring system was obsolete in or around 2014 and that data is not provided in here.

Q. Okay. And so what would happen to the data, when you say it's obsolete?
A. The data disappeared when the -- when the -- when the system became obsolete.
Q. Okay. So other than the reliability of the CAIDI and the SAIDI that you have to provide to the PSC, we wouldn't know specifically on this line prior to 2014 what kind of outages were sustained to this line. Is that correct?
A. The sustained outages, I think, can be -- are shown there.
Q. Correct. But I mean prior to May of 2014, other than what we have for your reliability on the CAIDI and SAIDI, we wouldn't have specific information to determine the reliability of this particular line?
A. No, no.
Q. Is that correct?
A. That's -- yeah, I wouldn't have any information.
MS. RADERMACHER: I would move to enter Dakota Valley Electric Exhibit 14.
ALJ WARD: Any objections?
MR. STEPHENSON: No objection.
ALJ WARD: Okay. Exhibit 14 will be received.
MS. RADERMACHER: I have no further questions.
ALJ WARD: Mr. Pelham.

MR. PELHAM: Thank you, Your Honor.
CROSS EXAMINATION
BY MR. PELHAM:
Q. Good morning, Mr. Wolf. I wanted to start off where we left off here on Dakota Valley Exhibit 14.
You testified, Sir, that you're unsure whether or not the reasons for the close or open notation is because, perhaps, of an anticipated planned maintenance rather than an unanticipated outage.
Is there an ability to determine, to go back, for Otter Tail to go back and let us know which is open and which is closed and the reason for that?
A. There could be. We'd have to get into some pretty detailed -- it's old data there.
Q. Okay. So it's possible?
A. It's possible.
Q. Okay. The transformer, and you estimated, I believe, it was a 1991 transformer, any idea why it was taken out of service?
A. Usually, those -- they come out of service due to, you know, their -- their function is no longer useful in their existing place, it may be too small, it may have had something wrong with it, maybe there was a leak or something that needed to come through the repair shop to get it fixed, so you change it out with another

one, you put it back into your fleet.
Q. As far as the viability of this transformer, we don't have any issue with the viability of this transformer if it were to be used?
A. No. Although it has some age, we consider it just as -- just as good as a new one actually.
Q. You were asked -- we were talking about the SAIDI and the CAIDI data from Exhibit 6 and 7. Aside from the fact that the numbers are different, are you able to testify, Sir, as to the reason the numbers are different between Otter Tail's numbers on SAIDI and CAIDI and Dakota Valley's numbers?
A. Other than I would assume everybody just put their raw data down and so this is the numbers that are provided. It's not -- there's no -- there's no other manipulation that I know of going on.
Q. Sure. And I think my question is this: We don't know the precise reasons for those -- the duration of the line being down, do we? We just know that it was down, correct?
A. That is correct, yeah. We have some data showing how long it was out and that's on that Dakota Valley exhibit. Because of the breaker operation that you see there, you can tell when it was open, when it was closed, but what we don't know is if it wasn't

planned and intended.
Q. Right, right. And that seems to me to be a fairly important distinction, I mean because we don't know if it was open or closed, it could be just for maintenance, regular maintenance on it?
A. That is correct.
Q. Okay. You were talking a little bit about underground issues, potential underground line issues and faults. Are you aware, Sir, of any underground issues or faults in Dakota Valley's line?
A. No. I have no data on that at all.
Q. So when you were testifying about potential faults and issues with underground lines, you were just talking -- were you talking generally as to that?
A. In general -- in generalities, yes.
Q. You agree with me that there are potential issues with overhead and underground?
A. Certainly.
Q. And they're distinct?
A. Certainly. It is our experience, however, that overhead line issues become usually a lot quicker, shorter in duration for minor issues.
Q. This 41kV line we're talking about, you estimate it's been in service for about 50 years. Is there any way that you can provide a precise date it went into

service? Would you have to go and ask someone?
A. We'd have to research some records.
Q. One of the things -- and the reason why I'm asking about this is one of the factors is, is the amount of service time it's been in. So if we could get that information, I think it would be needed in this matter. And we can do that later, maybe on a break.
You were talking about the soft start and the motors over a hundred horsepower for Otter Tail, that it would be able to do that, and Dakota Valley indicated, apparently in discovery, that it would need soft start motors over 30 horsepowers.
In terms of your opinion as to the difference in terms of reliability, in terms of benefit potentially to the customers of Minn-Kota, what is the practical takeaway from that difference on that soft start issue?
A. It speaks to the source strength of the system. Basically, if you've got a stronger source, you can start a bigger motor.
Q. Are you saying, Sir, that the Dakota Valley plan is not as good as the Otter Tail plan as far as these soft start issues?
A. I would say that -- that Otter Tail's system can start a larger motor. And because of the fact that it's in a short distribution line, substation right there,

yeah, it's got some inherent advantages there, certainly.
Q. Have you talked to Minn-Kota about this particular issue with the soft start?
A. Yes, we have.
Q. And what was that conversation with them?
A. I personally didn't have it, but that information was provided to them.
Q. As far as the efficiency standpoint, are you able to testify as to that or is that another witness?
A. Efficiency?
Q. Efficiency in terms of the proposed plan of Otter Tail versus the proposed plan of Dakota Valley, in terms of dollars, I mean I'm talking.
A. Oh. Yeah, that's probably going to be another testimony.
Q. That's fair enough.
Exhibit 3, if you could turn to that, Otter Tail Exhibit 3. You went through it with your attorney fairly good, I think, but I'm just wondering, Sir, is there anything on Exhibit 3 that is not included as far as the cost, to your knowledge?
A. No. I went over it pretty finely with -- everything is on there that -- in general terms, this is all on there.

Q. What do you mean by "capitalized"? It's in parens, "capitalized"?
A. Those items that we can get a rate of return on.
Q. Fair enough.
Same question on Exhibit 4, any information that's not included as far as the cost summary on --
A. No. We would -- that would be the numbers right there.
Q. You testified, Sir, that there wouldn't be any land acquisition. So does Otter Tail own the land by the proposed substation or is there some type of agreement, potential agreement, with Minn-Kota?
A. No agreement is presently in place. There would be some type of agreement that would have to be entered into for that property, whether it be an easement or we'd actually purchase it.
Q. Okay. And that's my question, because if there's an easement, it would seem that there would be costs, or would it be simply an easement would be provided for no cost? Is that a possibility?
A. Could be a possibility, yes.
Q. Do you know who owns the land where the proposed Otter Tail, Barney, Minn-Kota substation would be placed?
A. I don't know specifically, but I would assume

it's the Minn-Kota Ag group.
Q. Okay. Will you turn to Exhibit 1 for me, please? Just a couple of questions on that.
The Mooreton sub and the Barney sub, are those -- those are subs operated, owned by Otter Tail, correct?
A. That is correct.
Q. And then the Dakota Valley Mooreton is operated by Dakota Valley, correct?
A. Either them or Central Power, I would assume. I don't know exactly who owns -- where the ownership lies there.
MR. PELHAM: Any objection if Mr. Lein asks questions?
ALJ WARD: Counsel?
MR. STEPHENSON: No objection.
MS. RADERMACHER: No objection, Your Honor.
ALJ WARD: Okay. Go ahead, Mr. Lein.
MR. LEIN: So looking at OTP 1, at those two subs, the Barney sub and the Mooreton sub, are those on the 41.6kV line?
THE WITNESS: Yes, they are.
MR. LEIN: So if you lose that 41.6kV line on either side of those subs, you can feed from the other sub?

THE WITNESS: Not through the distribution. Those customers would be out of power if the 41.6 line was out of power.
MR. LEIN: Okay. So --
THE WITNESS: However, there are switches on either side of those that you can sectionalize and restore power.
MR. LEIN: Where does that 41.6kV line originate?
THE WITNESS: At the Wahpeton substation.
MR. LEIN: Okay. And then it goes west from there?
THE WITNESS: That is correct. And throughout this network, there are other ties into that system then.
MR. LEIN: And that same 41.6kV line splits and goes south and serves --
THE WITNESS: There's an open point right at that Highway 13 junction.
MR. LEIN: Okay.
THE WITNESS: And so the Dakota Valley substation is served from our Hankinson source with a normal open right at that junction point.
MR. LEIN: Okay. Is that a 230 kV line coming out of Wahpeton, or what is that?

THE WITNESS: Those are all 41.6 lines shown in the red dots there.
MR. LEIN: Okay. You were discussing a capacitor bank was needed?
THE WITNESS: Yes.
MR. LEIN: Is that already in place or is that --
THE WITNESS: No. That was anticipation for this load.
MR. LEIN: So that would be an additional cost?
THE WITNESS: That's in the cost estimate for the substation. That's probably where we're going to end up putting it, is in the substation, just because we're trying to support the transmission line.
MR. LEIN: Was there a cost for that capacitor bank?
THE WITNESS: Yes. That's included in that cost, and it's about $5,000.
MR. LEIN: Okay. That transformer that you're going to install at the site there, there's two of them, is there a size on those?
THE WITNESS: Okay. The substation transformer goes from 41.6 to 12.5 will be a 2500 probably, 2500 Kva. The transformer that serves the facility will likely be a 2000 Kva based on the numbers that we have

today.
MR. LEIN: Okay.
THE WITNESS: There are provisions at the site for additional load-serving capabilities.
MR. LEIN: The service line coming out of that transformer, that sub there, would be underground?
THE WITNESS: Yes.
MR. LEIN: And it's a primary?
THE WITNESS: Yes, 12.5 kV.
MR. LEIN: Do you know what size motors Minn-Kota is looking at, their bigger ones?
THE WITNESS: Yeah, they had some larger motors. I don't recall exactly. Probably a couple hundred horsepower for sure.
MR. LEIN: Okay. There were some questions on CAIDI and SAIFI statistics, and SAIDI. Is Otter Tail's data storm normalized?
THE WITNESS: Yes.
MR. LEIN: And is there a minimum outage length that has to occur before it's recorded?
THE WITNESS: The momentary outages are recorded under a MAIFI. So yeah, it would be just the sustained outages over five minutes.
MR. LEIN: Would you know how the co-op does theirs?

THE WITNESS: No, I wouldn't know.
MR. LEIN: Okay. I think that's all the questions I had. Thank you.
ALJ WARD: Okay. I know that Commissioner Kroshus is chomping at the bit, but we're going to take about a ten-minute break here and we'll come back and finish up with Mr. Wolf. Very, very great job so far, though, the presentation is excellent by all.
(Recess)
ALJ WARD: Back on the record. Mr. Wolf, I'll remind you that you're under oath, and we'll commence with questions from Commissioner Kroshus.
COMMISSIONER KROSHUS: All right, Rich, good morning.
THE WITNESS: Morning.
COMMISSIONER KROSHUS: Just for some more background for me. Some of these questions have been asked either directly or in an indirect way, but is it typical to use an old transformer and put that back into service?
THE WITNESS: Not uncommon at all.
COMMISSIONER KROSHUS: Not uncommon?
THE WITNESS: It just becomes part of our fleet of usable equipment that's out there.
COMMISSIONER KROSHUS: So there's a definite

cost benefit to -- how long do they typically last?
THE WITNESS: Fifty years plus probably if it's maintained and no problems occur with it.
COMMISSIONER KROSHUS: Okay. So in terms of anticipating replacement on this particular transformer that's being put back into service, any estimation on time frame?
THE WITNESS: I'd say 30-plus years.
COMMISSIONER KROSHUS: Thirty-plus? Okay. And those costs have been partially depreciated?
THE WITNESS: That's correct. The numbers that were included in this estimate were the numbers that are -- that we have on the books for that device.
COMMISSIONER KROSHUS: Okay. So now correct me if I'm wrong, but the 200 -- well, you've got the 185,000 on the first page, and I believe it's Exhibit 3, and then on Exhibit 4, I believe it's another 50,900 and change, call it 51,000.
THE WITNESS: Correct.
COMMISSIONER KROSHUS: So for a total cost of 236. Is that correct? 185 and 51?
THE WITNESS: Yes, yes, you're right. I'm sorry. Yes.
COMMISSIONER KROSHUS: All right. Those costs will be passed along to Otter Tail's customer base,

correct, if Minn-Kota Ag is not paying?
THE WITNESS: Yeah.
ALJ WARD: If you know. I mean, it may be another witness might be better qualified?
THE WITNESS: Yeah, I think it might be better answered in some future testimony.
COMMISSIONER KROSHUS: Okay. But I believe you mentioned that Minn-Kota Ag will not be paying for the 236,000?
THE WITNESS: That's not my decision, but my understanding is that, no, they probably wouldn't, I guess.
COMMISSIONER KROSHUS: Okay. So all --
THE WITNESS: Based on -- I'm sorry. Based on anticipated revenues from that.
COMMISSIONER KROSHUS: Okay. And the land acquisition cost, the potential land acquisition cost that was asked, that would be for another witness?
THE WITNESS: No, that's -- that's -- that's minimal. Those land acquisition costs will be minimal. There wouldn't be any charge for the land because it's on their property.
COMMISSIONER KROSHUS: Okay. Would you say that this development is consistent with other projects that you've done?

THE WITNESS: Yes.
COMMISSIONER KROSHUS: Nothing highly unusual about it?
THE WITNESS: No. Did one a year or so ago that's just like it.
COMMISSIONER KROSHUS: Okay. Can you clarify on Exhibit 5, is this a map that Otter Tail received from Dakota Valley Electric, or is this a map that you constructed based on conversations?
THE WITNESS: I did not construct this map. This is information that was provided by Dakota Valley.
COMMISSIONER KROSHUS: Okay. I believe that was mentioned. I just wanted to clarify. Thank you.
THE WITNESS: Uh-huh.
COMMISSIONER KROSHUS: On the SAIDI and CAIDI numbers from Exhibit 6, and also they're listed again on Exhibit 7, would you consider these numbers apples to apples when Otter Tail is more orientated toward municipalities versus serving a rural area?
THE WITNESS: That speaks to the inherent design of the system, but yeah, it's basically comparing the outages to a particular or a group -- actually, on the average, customers across the system.
COMMISSIONER KROSHUS: Would you expect the numbers to change, though, based on the distribution

network, one being more concentrated, one being less concentrated?
THE WITNESS: I couldn't -- I don't know. I don't know. I --
COMMISSIONER KROSHUS: Let me ask this. Would you say the methodology behind those numbers, could you say with certainty that the methodology is consistent between how Otter Tail measures and how Dakota Valley Electric would measure?
THE WITNESS: Yes.
COMMISSIONER KROSHUS: So same measurement, same process --
THE WITNESS: Yes.
COMMISSIONER KROSHUS: -- in place to generate --
THE WITNESS: I would assume so, yes. That's the definition of the -- of the -- of the index.
COMMISSIONER KROSHUS: Uh-huh. Unfortunately for me, I've picked up a few new acronyms, in an industry rich with acronyms.
You know what? Go back to Exhibit 1 if you will, please. And I just want to get a little better handle on -- so their distribution lines, the first inner circle is the two-mile radius. That's correct?
THE WITNESS: Yeah, the blue circle is -- the

large blue circle is the two-mile.
COMMISSIONER KROSHUS: And with the exception of two customers, everyone else is served by Dakota Valley Electric?
THE WITNESS: Yes. The red circles, the small red circles inside that two-mile radius are the Dakota Valley customers.
COMMISSIONER KROSHUS: Okay. So the line going across, that's the 41.6kV line that goes across the middle of that two-mile radius?
THE WITNESS: That is correct.
COMMISSIONER KROSHUS: Is that a shared line between the co-op and Otter Tail?
THE WITNESS: I do believe it's part of the ITA, yes, the Integrated Transmission Agreement.
COMMISSIONER KROSHUS: Okay. And that's coming out of the Dakota Valley Mooreton substation or is that --
THE WITNESS: No. That's Otter Tail substation, but that line originates at Wahpeton and that whole network is part of an ITA agreement. It's owned by Otter Tail.
COMMISSIONER KROSHUS: Okay. So that's coming in from the east, moving from east to west?
THE WITNESS: Yes. In this case it would be,

yes.
COMMISSIONER KROSHUS: Okay. Then can you clarify? I think earlier you had talked about the connection to Minn-Kota Ag?
THE WITNESS: Yes.
COMMISSIONER KROSHUS: I had heard overhead and then I thought I also heard underground?
THE WITNESS: Yes. The overhead portion is the transmission. And so we would tap that overhead transmission line, bring it into the substation where we change the voltage to 12.5, and from that 12.5 substation then to the site would be underground.
COMMISSIONER KROSHUS: Okay. That's just the last 2 to 300 feet would be underground?
THE WITNESS: About a thousand feet.
COMMISSIONER KROSHUS: About a thousand feet?
THE WITNESS: Uh-huh.
COMMISSIONER KROSHUS: The 41.6kV line, it's about 50 years old. Is that correct?
THE WITNESS: Yes. I was -- during the break here, we were able to determine that it's a 1971 vintage line, so it -- yes, that's the age of the line. There was probably a line there before that time but, you know, what voltage it was at and all that is not known at this time.

COMMISSIONER KROSHUS: Okay. And one last question, and maybe it's not a question, just to verify. Anything related to rate structure, the proposal that's been put forth to Minn-Kota Ag would be for another witness. Is that --
THE WITNESS: Yes, yes. I don't do anything with the rates.
COMMISSIONER KROSHUS: Okay. No other questions for me at this time. Thank you.
ALJ WARD: Chairman Christmann.
CHAIRMAN CHRISTMANN: I want to ask some of these questions on these lines in my own way, too, to make sure I understand.
So the 41.6kV that comes out of Wahpeton, serves Mooreton, continues west. Is it on the north side then of Highway 13 going over to Barney or the south side?
THE WITNESS: It's on the north side.
CHAIRMAN CHRISTMANN: North side. Then Barney gets service there?
THE WITNESS: Yes, uh-huh.
CHAIRMAN CHRISTMANN: And does it continue on further west to more than just a small -- something small?
THE WITNESS: Yeah.
CHAIRMAN CHRISTMANN: What's next?

THE WITNESS: So just past Barney, about half ways from Barney to Mooreton, there's a tap to another 41.6 line where power can be injected into this area. Beyond that is the community of Wyndmere, which has about 300 customers. That then continues on to Milnor where there's an open point, the normal open point.
At any time we can feed power back and forth across these lines just by closing switches and rerouting.
CHAIRMAN CHRISTMANN: And that was my point. If something goes down, say, near Wahpeton or by the interstate, you could reverse this, bring power from the west to serve Barney and Mooreton?
THE WITNESS: That's correct.
CHAIRMAN CHRISTMANN: And from this intersection by Highway 13 where the line goes south to Dakota Valley's substation, that is normally fed from Hankinson?
THE WITNESS: That is correct.
CHAIRMAN CHRISTMANN: But if something went wrong down by Hankinson, you could open a switch there by Highway 13 and feed that substation from Wahpeton?
THE WITNESS: We could actually -- yes, we would -- depending on where the problem was, you sectionalize that problem and you re-energize from another location,

which could be either Wahpeton or some other place.
CHAIRMAN CHRISTMANN: Okay. The Exhibit number 5, as I look at that, just confirm that I'm understanding this correctly. So from that substation, Dakota Valley has three phase power, goes a mile west, a mile north, picks up what appears to be a couple farms there, and then continues to the north, then to the west again?
THE WITNESS: Yeah, I think the distances are a little bit more than a mile, but yes.
CHAIRMAN CHRISTMANN: Okay. And from those two farms along Highway 13 is where that 4,000 foot drop --
THE WITNESS: Yes.
CHAIRMAN CHRISTMANN: -- would be that they would need to add?
THE WITNESS: That's correct.
CHAIRMAN CHRISTMANN: And when we talked about reliability with overhead versus underground lines, is it just kind of a fair stereotype that, for the most part, the underground lines tend to have more problems and can be hard to find in kind of more normal operating conditions, but then they would have a distinct advantage when there's a major storm, that that would be kind of the --
THE WITNESS: Certainly storms --

CHAIRMAN CHRISTMANN: -- between underground and overhead?
THE WITNESS: Yes. Certainly storms present a problem for overhead lines. However, all of these transmission lines are overhead, so there's no difference. These transmission lines we're talking about are all overhead.
Our distribution line will only go a thousand feet from that substation to the site. In the Exhibit 5 here, looks like much of this system is underground.
CHAIRMAN CHRISTMANN: And do you know -- and I suppose it would be a better question for Dakota Valley when they're up, but are you aware of any alternative, if -- what's the term for that line that runs from Highway 13 toward Hankinson?
THE WITNESS: Well, it's part of the Integrated Transmission Agreement.
CHAIRMAN CHRISTMANN: That's what I was trying to think of.
Is there another way to feed that substation if that line is down?
THE WITNESS: Yes. There's similar ways to switch that out, just like there would be on any of our substations. There's switches on either side of that substation. You sectionalize the problem and you feed

in from another area.
CHAIRMAN CHRISTMANN: Okay. If Minn-Kota's not being charged anything as a customer charge for setting this up, is that normal if -- if this were not a disputed case and someone needs service somewhere near your lines or with -- on the outskirts of a city where you are approved to serve, is it normal that you don't charge any cost for setting up new services?
THE WITNESS: It's based on the revenue that we expect to see off of this entity. So, for example, we built a similar facility in Verona a year ago, I think it went into service about a year ago in July. We didn't charge anything with that. And we anticipate to receive payback from those facilities that we installed in less than three years, which is part of our agreement with provisions provided through the -- you know, our rates and through the Public Service Commission.
CHAIRMAN CHRISTMANN: But if someone just wanted to set up a house, you know, it's probably never going to be a big revenue generator but it was right under your line and it was maybe a mile away from the cooperative's, there could be a cost of service to the customer?
THE WITNESS: Any time we get a new customer, we look at the amount of revenue that we expect to see and

the cost it takes to get that service to that customer. And if those mesh with a three-year revenue agreement, there's no cost upfront. If we don't know, we suspect it's going to be short, we take money from the customer, we put it on an account until three years are up and then we true it up at the end.
CHAIRMAN CHRISTMANN: Okay. So three years is --
THE WITNESS: Three years is the approved process.
CHAIRMAN CHRISTMANN: Okay. Then just on that transformer, is there a market for used transformers?
THE WITNESS: Yeah, I would say --
CHAIRMAN CHRISTMANN: Do companies --
THE WITNESS: Sure.
CHAIRMAN CHRISTMANN: If you didn't have one, could you go out on a market somewhere and find someone that has one and --
THE WITNESS: They're hard to find. As a used transformer, people like to hang on to them usually. But there are cases where, if you don't have a use for it, you put it out on the open market, you can sell it, absolutely.
CHAIRMAN CHRISTMANN: Okay. You said you weren't sure of the timing of when this was taken out

of --
THE WITNESS: No, I have no idea.
CHAIRMAN CHRISTMANN: -- its previous service.
THE WITNESS: No.
CHAIRMAN CHRISTMANN: But if it was in the last, say, couple years, would you know that? Or do you think it's longer than that?
THE WITNESS: Oh, there's records that we can find out where it's at. I just don't know what it is today.
CHAIRMAN CHRISTMANN: Why do you suppose you kept it instead of selling it?
THE WITNESS: Because we can use it again. It's a common size, common voltage. We always need backup for whatever reason. We keep a couple of those around just in case.
CHAIRMAN CHRISTMANN: So how much vulnerability does this provide when you take it out of its current service as a backup, as a strategic backup, now you put it in service, you don't have a backup anymore, or you have fewer of them than you had. And I'm presuming there was a good reason for having one, or whatever the number is that you currently have on inventory?
THE WITNESS: Uh-huh.
CHAIRMAN CHRISTMANN: So it concerns me that now

you're going to have one fewer.
THE WITNESS: And we do, and we buy transformers periodically to make up those losses, whether it failed or whether it just outgrew its existence, whether it's due to size or failures or whatever, we -- we buy transformers to resupply that fleet of spares that we have out there.
CHAIRMAN CHRISTMANN: So it concerns me that this price looks potentially less than it really is if you have to ultimately go buy a new one now so that you have a backup but this shows a very small amount because, well, it was the older backup that we used. Tell me why I shouldn't be concerned with that.
THE WITNESS: I recall seeing others on the list like this, so for the -- for the case of providing a financial picture of what this looks like, you look for one that has an advantage to a lesser price so that -- so that it becomes more of a feasibility thing.
CHAIRMAN CHRISTMANN: No other questions. Thank you.
ALJ WARD: Commissioner Fedorchak.
COMMISSIONER FEDORCHAK: Good morning, Richie.
THE WITNESS: Good morning.
COMMISSIONER FEDORCHAK: Thank you for your testimony so far.

If I could start with -- we'll start with the setup, your plan versus theirs. I know it's a little unfair because they really haven't laid out their plan yet, but from what you know of their plan as it compares to yours, do both you and Dakota Valley have three phase?
THE WITNESS: Yes.
COMMISSIONER FEDORCHAK: Are you using the same three phase? Is it the same line, or at least part of it?
I'm a little confused between your map in Exhibit 5 and your map on Exhibit 1. Their map -- I mean, obviously, their infrastructure isn't reflected on your Exhibit 1, but I'm trying to understand what part of the shared line that goes across the middle of this page they'll be using.
THE WITNESS: The transmission line is common at the junction point on Highway 13.
COMMISSIONER FEDORCHAK: So straight north from their substation?
THE WITNESS: Yes. Yep. That's where the commonality is.
COMMISSIONER FEDORCHAK: On their map, OTP 5, it shows going west first, not straight up.
THE WITNESS: They don't show the transmission

at all on here, on Exhibit 5.
COMMISSIONER FEDORCHAK: Okay. So maybe I just made that assumption that --
THE WITNESS: All of the facilities that are shown here appear to be distribution facilities.
COMMISSIONER FEDORCHAK: Okay. So then when you say 3,960 feet of three phase cable up there on that map --
THE WITNESS: Yes.
COMMISSIONER FEDORCHAK: -- it's not saying they have to add that?
THE WITNESS: Yes, that's the amount of cable they're looking to add in linear feet.
COMMISSIONER FEDORCHAK: Of three phase?
THE WITNESS: Yes.
COMMISSIONER FEDORCHAK: But you just told me everybody has three phase. So you don't understand totally what their plan is?
I don't want to put you on the spot for --
THE WITNESS: No. We know that they have three phase coming from the Mooreton sub to that existing three phase cabinet.
COMMISSIONER FEDORCHAK: Okay. So your --
THE WITNESS: That is the source of that three phase line to that cabinet. So where the Minn-Kota Ag

is going to be taking service, from there, between that point and on that three phase cabinet to the Minn-Kota Ag service is about 3,960 feet, and that's what they would have to add to supply that power to that location.

COMMISSIONER FEDORCHAK: Okay. And are you adding a similar distance of three phase?

THE WITNESS: We're adding about a thousand feet.

COMMISSIONER FEDORCHAK: Okay.

THE WITNESS: Because our substation is located somewhere on that dotted line on that 4,000-foot run.

COMMISSIONER FEDORCHAK: Okay. Do they need to build a -- add a transformer?

THE WITNESS: Yeah, they'll have to add --

COMMISSIONER FEDORCHAK: I mean a substation.

THE WITNESS: No, they will not be adding a substation, it appears.

COMMISSIONER FEDORCHAK: Okay. Why are you adding a substation? Why can't you serve from your existing ones?

THE WITNESS: Because of cost estimates and the distance and so forth, what's anticipated for a line, we -- the cost lends itself more to building a substation than it would be to extending the line over there.

COMMISSIONER FEDORCHAK: Okay. I'm going to

have you back up. So you'd have to -- if you used, like, say the Mooreton sub or the Barney sub --

THE WITNESS: Yes. Those would have to -- both subs would have to undergo changes as well as we'd have to build a line from that point over about three miles. And the cost of that three-mile line and those substation upgrades exceeds the cost of a substation and a short distribution feed to the Minn-Kota Ag facility.

COMMISSIONER FEDORCHAK: I see. So you'd have to upgrade, there isn't existing capacity in those subs --

THE WITNESS: There's neither -- there's --

COMMISSIONER FEDORCHAK: -- to serve this load?

THE WITNESS: -- enough capacity to serve that new load out of this, no.

COMMISSIONER FEDORCHAK: Okay, all right. Is there existing capacity on their sub to serve this load?

THE WITNESS: I wouldn't know that.

COMMISSIONER FEDORCHAK: Okay. We'll find out.

THE WITNESS: Uh-huh.

COMMISSIONER FEDORCHAK: So what you're adding, tell me your understanding of whether it's duplicative or not.

THE WITNESS: What we're adding is basically another substation like we have at Mooreton and Barney

where we tap the transmission line, you install a transformer to step the voltage down from 41.6 to 12.5 in this case, and then take that 12.5 voltage to the site where it gets transformed once again into a usable voltage, in this case 480.

COMMISSIONER FEDORCHAK: And so is it duplicative or not?

THE WITNESS: Of what? Of our facilities, you mean?

COMMISSIONER FEDORCHAK: For the system as a whole, is that needed in order to serve this customer?

THE WITNESS: There are no other 480-volt sources there, they're not close enough to serve anything else, so I would say no.

COMMISSIONER FEDORCHAK: Okay.

THE WITNESS: There's no other substation that's within that area, so that wouldn't be necessarily duplicate, so --

COMMISSIONER FEDORCHAK: Okay. Would you have capacity with that addition to serve more customers down the road?

THE WITNESS: Yes.

COMMISSIONER FEDORCHAK: So it could potentially be an industrial park, that area?

THE WITNESS: Sure, sure.

COMMISSIONER FEDORCHAK: Are you building it with that in mind?

THE WITNESS: There's room to grow that facility if it needs to be, yes.

COMMISSIONER FEDORCHAK: Okay.

THE WITNESS: Right now it serves the loads that we know out there and that's it.

COMMISSIONER FEDORCHAK: All right. You talked a little bit about the soft starts with Commissioner Kroshus, but I wanted to talk to you again about the soft starts. From the standpoint of -- is there a problem with soft starts for the business that has to use them?

THE WITNESS: Well, the problem they have is that they have to pay for them. That is a customer responsibility to maintain voltage within a certain level. They can't dip the voltage enough to bother other customers. And so you do a distribution study, motor start study, to determine what that level is.

COMMISSIONER FEDORCHAK: Okay. All right. So that increases their cost of service?

THE WITNESS: Yes, it increases the customer cost. And we don't know what that is. That's their business, that's not ours. We just give them the minimum requirements so that they can design their

system accordingly.
COMMISSIONER FEDORCHAK: Okay. If you guys have to lease the land, it's not free, or you have to purchase it, then that cost will be added to the overall cost of the project. So is that going to remain a question mark throughout this -- our decision making?
THE WITNESS: Because of the three-year minimum revenue requirement, it doesn't make sense to buy something and then turn around and charge a customer back. So the customer knows that since we're going to be building a substation on there, this would be provided on their property and it wouldn't make sense to buy it and then turn around and bill it back to them.
COMMISSIONER FEDORCHAK: Okay. So you're anticipating the lease option?
THE WITNESS: Very little cost either way.
COMMISSIONER FEDORCHAK: Okay. Let's see here. So let me talk to you a little bit more about the reliability. Your numbers went back -- your numbers went back ten years and the numbers you got from them only went back five years. Why didn't you ask for -- I mean, are you proposing in your comparison to only use the five years, which would still show that you have stronger reliability but probably not -- the numbers aren't quite as extreme? Or do you want to use ten

years for you and five years for them? In which case, why didn't you ask them for five years, too, in your request -- or ten years, I'm sorry, so it's apples to apples?
THE WITNESS: I guess for the sake of this discussion, you could look at the five year and draw the conclusion on a five-year basis if you want to compare apples to apples.
COMMISSIONER FEDORCHAK: Okay. And then how should we -- how should we evaluate reliability on the system as a whole or this area that's going to be serving the client? What good are the systemwide numbers in this decision?
THE WITNESS: Well, the systemwide numbers are the numbers that we provide based on the requirement. These numbers were derived from actual devices placed in the field and then they're totalized and brought in there. I don't have any other information other than that to give you as far as the actual area numbers.
COMMISSIONER FEDORCHAK: So you can't -- you can't pinpoint outages in this area for, say, a five-year timeframe?
THE WITNESS: Not other than the transmission outages. We know what the transmission outages are based on that Dakota Valley exhibit.

COMMISSIONER FEDORCHAK: And what's lost in the analysis of just the transmission outages? I mean, that seems like that would be a pretty strong indication of reliability in that area, just the transmission outages in that area --
THE WITNESS: Yes.
COMMISSIONER FEDORCHAK: -- yours versus theirs?
THE WITNESS: We never pulled that data out of there other than what's provided in that -- in that exhibit.
COMMISSIONER FEDORCHAK: Okay. And is that the best you can provide, what's in that exhibit, or can you provide more that is specific to this area? And we'll get the same thing from them so we can compare, again, apples to apples for the reliability in this area, which is what is the issue here.
THE WITNESS: Well, yeah, we can compare the transmission on that side versus this side depending on, you know, where the break is, right at that Mooreton junction. We don't have any distribution data because there's no distribution there.
COMMISSIONER FEDORCHAK: Understand. So you're prepared to bring that forward as another exhibit or late-filed information?
THE WITNESS: I don't have any other information

regarding that other than what's here.
COMMISSIONER FEDORCHAK: But can you get it and provide it to us?
THE WITNESS: I -- I don't know. I guess we can look into it. I don't know.
MR. STEPHENSON: Commissioner, we can ask, and I can ask some clarifying questions on redirect.
COMMISSIONER FEDORCHAK: Okay, very good. Thank you. I think that's it for me. Thanks.
THE WITNESS: Uh-huh.
ALJ WARD: Okay. That will take us to redirect.

REDIRECT EXAMINATION

BY MR. STEPHENSON:

Q. Just a few points to clarify, Mr. Wolf. With respect to Commissioner Fedorchak's question about reliability data, are you aware of the transition that Otter Tail is making to Itron metering?

A. Yes.

Q. And is the data on that system in that area, has that been collected at one point?

A. Yes. On the old system, the census system, all of the data that was provided in -- in those numbers came from those units that are now obsolete.

Q. And that data then has been aggregated into our system reporting?

A. Yes.
Q. So the data has been incorporated?
A. Yes.
Q. And are you aware --
MR. STEPHENSON: Well, I'll just say we can check to see if there's a way to pull that data which has been aggregated back, if it's available. I don't think it is, but we can double-check.
COMMISSIONER FEDORCHAK: Okay.
Q. Mr. Wolf, just to clarify the record then, on the Exhibit 14 that Dakota Valley put in --
A. Yes.
Q. -- does any of that data reflect planned outages?
A. Well, I've been made aware that this does not include any planned outages. These are actual operations and outage data.
Q. And on the CAIDI and SAIDI and SAIFI numbers, does that data include any planned maintenance outages?
A. No.
Q. And would it be your understanding that would be the case for the cooperative's numbers?
A. No. That's correct.
Q. And again, just to make sure the record is clear, the total distance of distribution that we would

have to place to serve Minn-Kota is how far?
A. Around a thousand feet.
Q. And once in service, that would be brand-new, correct?
A. That's correct.
Q. And Dakota Valley's total distribution, some of which is already in place, but the new requirement is how far, in your estimation?
A. Approximately 4,000 feet, based on their map.
Q. And then the existing distribution that would connect to would be how much, how long?
A. From the substation to the site is about four miles, so it will be slightly over three miles from the substation to where they'd come from.
Q. And as far as transmission, both parties then are connected to transmission lines, correct?
A. That's correct.
Q. And those lines are overhead?
A. They are.
Q. As far as a distinction or difference -- or is there a distinction or difference with respect to problems back-feeding on a transmission source or on a transmission line versus those problems on a distribution system affecting other points on that distribution system, is there a difference?

A. I'm sorry, you got to say it again.
Q. Yeah, it wasn't a very good question, was it?
Is it typically -- is it typically harder for a transmission system to be affected?
A. Yeah. It's much less likely that a large motor start and that type of thing would affect other customers coming through a transmission system, the sources are so much stronger and everything, so the chances are less that they would affect neighboring customers than they would be on the distribution system.
MR. STEPHENSON: I have nothing further.
ALJ WARD: Okay. Recross, Ms. Radermacher.
MS. RADERMACHER: Yes.
RECROSS EXAMINATION
BY MS. RADERMACHER:
Q. Now, going back to Dakota Valley Exhibit 14, so you're saying that does not have any planned outages on that document?
A. No, I was made aware during the break that there was -- that does not include any maintenance outages.
Q. And so this report only goes back to 2014. My understanding is that no other specific site information is available from Otter Tail, is that correct, prior to 2014?
A. Other than the -- other than the data that was

provided in -- in OTP 6, which includes all of the telemetric and the census data from the old system is included in here. But that information is not available to go back on. It's just provided as -- in this document.
Q. Okay. So we don't know specifically how many outages affected -- of what's been reported prior to 2014 actually affected this area or not?
A. Not specifically, no.
Q. And I don't want to pick on you, but at least twice in your testimony when we were talking about the transformer, you said probably a 2500 kV transformer?
A. Uh-huh.
MR. STEPHENSON: Objection. That's beyond the scope of my redirect.
ALJ WARD: I'm going to allow it.
BY MS. RADERMACHER:
Q. And you referred to it as a 1991 model, but when you say probably a 2500 Kva, it leads me to believe you haven't picked out the specific transformer yet?
A. It's been identified as a possible unit that we would place into service.
Q. Okay. So now we're back to it's a possible unit to be placed in service?
A. Uh-huh.

Q. That's not necessarily going to be placed in service at this site?

A. Well, if that transformer is available when we go to build that substation, then that is most likely going to be the one that we're going to put in there.

Who knows what happens in the meantime. We might have a failure somewhere or whatever. Then you take the one that's available to you and you look forward to something different somewhere else probably.

All I'm saying is there's a possibility that it could be that one, it could be a possibility it would be something different.

Q. So if it was something different, is that going to affect your overall cost to bring --

A. Could, uh-huh.

Q. And so the cost we're looking at here could, essentially, be more than that should that transformer that you pegged not be available when you go to --

A. Well, I would -- I would reserve this transformer for this location and then choose one of a different vintage or different transformer that we have in our fleet then.

Q. Now, is it my understanding that there's no plan to currently develop this area beyond this particular -- or beyond Minn-Kota? Is that correct?

A. Otter Tail's plan?

Q. Correct.

A. Yeah, I have no other plans there. No.

Q. Okay. And in fact, if you did have plans, you would have to get a CPCN for anything additional that doesn't relate to Minn-Kota. Is that correct?

A. I would say so, yes.

Q. And just, again, you testified that there would be very little cost related to the real estate, but yet you have not identified if there's going to be any cost or not. So that, again, is an unknown factor, potentially, that could affect --

A. I would say no, there wouldn't be a cost.

MS. RADERMACHER: I have no further questions.

ALJ WARD: Mr. Pelham.

MR. PELHAM: Thank you.

RECROSS EXAMINATION

BY MR. PELHAM:

Q. If you could pull up Exhibit 1, Sir.

A. Uh-huh.

Q. So the power is coming from the -- on the 41.6kV line is coming from Wahpeton, right?

A. That is correct. Under normal switching, yes.

Q. Okay. So the transmission lines, as I understand it, and you correct me if I'm wrong, this

41.6kV line provides power from Wahpeton, the Mooreton sub, the Dakota Valley Mooreton sub, and the Barney sub. So we're all on this same line, correct?

A. Under normal switching, there's an open right at that junction.

Q. At which junction?

A. At the junction on Highway 13. It's the only 41.6 junction shown on this map.

Q. I see. Okay, right.

A. Yep. And so normally, that power would flow directly through to the west and there would be no power connection at that junction during normal switching.

Q. So what about abnormal switching?

A. Yes. That's what we study in our transmission studies --

Q. Okay.

A. -- is to find out, you know, once you start going to alternatives, usually you -- you use your best sources for serving a load area, and if something happens to that source for whatever reason, you go to your alternative and you look in a transmission study as to what problems can occur when that happens. And that's when we found out that, during certain switching contingencies, you might need a little support, so that's why you put the capacitor bank in.

Q. I see. So I guess my question is to general reliability then. And I understand, you know, the transmission, it seems that the power supply to go to Dakota Valley for this particular project as well as the power that would be supplied under the proposed sub, the Barney and Minn-Kota Ag sub, would be coming from the same transmission line, correct?

A. The existing Mooreton sub and the Barney sub, is that what you're talking about?

Q. And the Dakota Valley, Mooreton --

A. Yeah, those would all be on the same source, yes.

Q. Okay. So in terms of reliability, if there's an issue, would all of them, both Dakota Valley and Otter Tail, have issues with the power coming from Wahpeton on the 41kV --

A. No. The Dakota Valley source would stay intact. However, if you had a problem in the line from Hankinson to the Dakota Valley sub, they would be the only ones affected.

Q. I see.

A. So it's kind of same thing either way.

Q. Okay. Fair enough. And that's what I was trying to get out there.

A. Yeah.

Q. I just wanted to ask some questions that are quite obvious but just for the record. The only electric suppliers operating in the general area are going to be Otter Tail and Dakota Valley, correct?

A. Yes.

Q. Okay. And do you know whether or not this location, the proposed location, for the Minn-Kota Ag site would be potentially included within corporate limits of a municipality in the foreseeable future?

A. I don't see that as happening, no.

Q. And do you know whether or not service, either by either of the electrical suppliers, Otter Tail or Dakota Valley, in the area unreasonably interferes with the service or system of the other?

A. No.

MR. PELHAM: I don't have any other questions. Thank you, Sir.

ALJ WARD: Okay. Commissioner Kroshus, anything else?

COMMISSIONER KROSHUS: Just one quick question, well, maybe two.

Are there commercial customers in that two-mile radius right now that you're aware of?

THE WITNESS: No, I don't have any commercial customers. I don't know about Dakota Valley.

COMMISSIONER KROSHUS: And are you aware of any other industrial type development that Minn-Kota Ag, having their presence there might spur on?

THE WITNESS: I don't have anything, although it's not uncommon when you get something like that, that something else could come.

COMMISSIONER KROSHUS: So I think before you said there aren't any other plans in terms of development, but that would be no immediate plans, which is relative to how one defines "immediate".

THE WITNESS: I have no plans at this point.

COMMISSIONER KROSHUS: One other question. And I realize some of these questions are somewhat difficult, because I'm anxious to hear from Dakota Valley Electric on how they present and position rather than having the argument come from Otter Tail, so I'm anxious to hear from them.

Can you tell me, on SAIDI and CAIDI, on those numbers, you're painting a contrast. Would you say that Dakota Valley Electric, I mean are these still really good numbers from a benchmark standpoint?

THE WITNESS: I couldn't speak to the benchmark. I just compare. But if you take a look at the exposure that's provided for all of this stuff, you know that there's more exposure based on the amount of lines that

are out there.

And so in our design, it's just inherent that we've got a very short line, it's more reliable. That's the bottom line. When you've got lines exposed to all the other elements that are out there, other customers, weather, underground, whatever it is, you would expect those indices to change.

COMMISSIONER KROSHUS: So do you know then from a scaleable standpoint if this is still top one percent, for example, for both?

THE WITNESS: I do not. I don't have those numbers, no.

COMMISSIONER KROSHUS: So we don't know that the comparison is -- there's some difference, but it might be so minute at the top of the scale and that reliability would be deemed excellent in both cases?

THE WITNESS: Yeah, there would have to be conclusions drawn with all the data that's out there that's not provided in this.

COMMISSIONER KROSHUS: Okay. It's just a tough number for me to really take into consideration when I don't know what the curve looks like.

THE WITNESS: Right.

COMMISSIONER KROSHUS: And they could be very good numbers, and that's my assumption, is that they're

very good numbers.

THE WITNESS: Uh-huh.

COMMISSIONER KROSHUS: Okay. No other questions for me.

ALJ WARD: Mr. Christmann.

CHAIRMAN CHRISTMANN: With respect to the land value and the determination whether the customer should pay some of the costs for setting up, you said that was usually based on a three-year payback. Is this close?

THE WITNESS: Well, we -- I would expect this to exceed the three-year -- the minimum revenue requirements. That will be shown in some future testimony as well, I think.

CHAIRMAN CHRISTMANN: So here's what concerns me with that. My understanding from your answer to Commissioner Fedorchak's question was, to summarize it, so correct me if I understood it wrong, that you felt it would be negligible, if anything at all, because if they charged you some large price for either an easement or to purchase the property for that, it comes back to them. But really it doesn't, it goes to the rest of your customers, if there's a pretty good margin between the number you've given us, this 236,000 and what the three-year payback is.

So if there's some kind of a -- little bit of

operating room left in there, does this give the chance for a large dollar amount to acquire that property, that also will get passed on to the rest of the customers of Otter Tail?

THE WITNESS: Yeah, the point I think I was trying to make there is that if, let's say, there was a large cost involved with the land acquisition and then we would pay them for that land because they own it and then we turn around and we say, "Well, hey, you're not meeting the three-year revenue agreement so you're going to have to pay something upfront," so what's the point of it. That's the idea behind it.

CHAIRMAN CHRISTMANN: But the question that I have was, what if that large dollar amount still leaves you under the three-year return, then you still are passing that dollar amount, an additional figure to the 236, on to your customers. Is that correct?

THE WITNESS: As long as we maintain a three-year revenue requirement, then any dollar -- any cost with that comes out of that three-year minimum revenue. So if there's more money than -- I mean, the point being is that if there's a three-year minimum revenue requirement that needs to be met, they would have to pay that, we wouldn't put that onto other customers.

CHAIRMAN CHRISTMANN: Okay. No other questions.

COMMISSIONER FEDORCHAK: Just one. Richie, so kind of in a nutshell, summarize what you think the advantages that you as Otter Tail Power offer for this service versus Dakota Valley.

THE WITNESS: Well, based on the numbers that we've determined, that this is -- we can justify it through the three-year revenue agreement and we provide a very reliable source of power for the customer.

COMMISSIONER FEDORCHAK: So from more the technical design piece, which is your strength, and others will talk to the cost, from your technical analysis, the advantage you offer is improved reliability, better reliability?

THE WITNESS: Yep, that's a big one. Yes.

COMMISSIONER FEDORCHAK: Okay. Thank you.

THE WITNESS: And we have a better source, basically a stronger source, which provides the customer some advantage to not having to purchase soft starts for some of the larger -- some of the mid-range motors.

COMMISSIONER FEDORCHAK: Okay. Thank you.

ALJ WARD: Okay. Mr. Wolf, you can step down subject to recall later.

Mr. Stephenson, your next witness.

MR. STEPHENSON: Yes. Thank you, Your Honor.

Otter Tail calls Christopher Waltz.

ALJ WARD: Mr. Waltz, would you just spell your first and last name for the record, please?

MR. WALTZ: Yeah, Chris Waltz, C-H-R-I-S, W-A-L-T-Z.

ALJ WARD: Thank you. And raise your right hand. You were here when I gave the perjury admonition earlier.

So do you promise to tell the truth, the whole truth, and nothing but the truth in this proceeding?

MR. WALTZ: I do.

ALJ WARD: Thank you. Mr. Stephenson.

CHRIS WALTZ,

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

DIRECT EXAMINATION

BY MR. STEPHENSON:

Q. Mr. Waltz, what is your business address?

A. Business address is 215 South Cascade Street in Fergus Falls, Minnesota.

Q. And who employs you?

A. Otter Tail Power Company.

Q. And what is your position?

A. My position is conservation sales manager.

Q. And what does that entail?

A. I supervise our energy management team as well as supervise the implementation of our demand side management programs.

Q. And how long have you been in that position?

A. I've been in that position for about a year.

Q. And can you summarize your prior work experience at Otter Tail?

A. Yeah. I started with Otter Tail Power Company as a senior commercial and industrial representative responsible for the customer relationship aspect.

Q. And how long in that capacity?

A. About another year and a half.

Q. Okay. And what is your educational background?

A. Yeah. I have a bachelor of science degree in wildlife management, a master of science degree in energy and environmental policy. Both are from the University of Minnesota.

Q. And in your current position, do you work with Otter Tail's Commission-approved tariffs?

A. Yes, I do.

Q. Do you assist customers in evaluating rate options?

A. Yes, I do.

Q. And are you familiar with the CPCN request filed by Otter Tail?

A. Yes, I am.
Q. And did you have a role in preparing that?
A. I had input in that, yes.
Q. And what Otter Tail tariffed rate has Minn-Kota identified as the rate it wants to take service from Otter Tail?
A. Yes. Minn-Kota Ag selected secondary service under our general service 401 rate.
Q. And that is a published rate?
A. That is a Commission-approved tariff, yes.
Q. Now, have you estimated the annual cost of service to Minn-Kota based on that tariffed rate?
A. Yes, I have.
Q. Have you conducted similar analysis of the cooperative's rates and the annual cost of service?
A. Yes, I have.
Q. Is that something you would ordinarily do in your job?
A. Yeah. Generally, we're not comparing other utility rates, but we're analyzing -- we have a suite of different rates that we generally review with customers, so we analyze several different rates on new customers.
Q. And how is it that you were able to estimate the cooperative's costs?
A. Yes. In the information request, Dakota Valley

provided a proposal that they had given to Minn-Kota Ag in March, I believe. And so I used those numbers to analyze the cooperative's cost structure.
Q. March of 2017?
A. '17, yes.
Q. And I'd ask you to refer to Otter Tail Exhibit 8. And can you identify this exhibit?
A. I have Exhibit 8 as the rate schedule for the cooperative in my packet.
Q. Are you looking at the wrong packet perhaps? Dakota Valley --
A. Sorry about that. Okay.
There you go, now we got it. Just making sure we're looking at the same one.
Q. Can you identify that exhibit?
A. Yes, I can.
Q. What is it?
A. This is the proposal that Dakota Valley Electric Cooperative gave to Minn-Kota Ag.
Q. And was that provided in response to our request for such proposals?
A. Yes. It was in the information request that we had.
Q. And what does this proposal or what does this exhibit reflect?

A. Yeah. So included in the proposal is Dakota Valley's rate schedule. They're in kind of the top left-hand box. So it's the estimate assumptions and considerations.
And then as you move across, there's basically a table that has the customer load profile data in there broken down by month, so you can see a kW column, a calculated load factor column, and then a kWh column.
And then moving down the list, you can see their calculated numbers, total charges essentially being $316,000. And then as you move further to the right, you can see that they're also including in this proposal a discount on that rate.
Q. And what kind of discount is offered?
A. Yeah. It's a declining discount. So they offered, essentially, a nine-year discount that starts at a ten percent discount and then declines to a four percent discount in year nine.
Q. Okay. And is this what you used for comparison purposes --
A. Yes, it is.
Q. -- to Otter Tail's rates?
MR. STEPHENSON: OTP offers Exhibit 8.
ALJ WARD: Any objection?
MS. RADERMACHER: No, Your Honor.

ALJ WARD: Mr. Pelham?
MR. PELHAM: No objection.
ALJ WARD: Okay. Exhibit 8 will be received.
BY MR. STEPHENSON:
Q. Now, Mr. Waltz, would you please turn to what's been marked as Otter Tail Exhibit number 9 and the first page of that exhibit?
A. Yes.
Q. Okay. Can you identify this exhibit?
A. Yes, I can. This is a rate comparison between Otter Tail Power's 401 rate and the rate that Dakota Valley Electric provided to Minn-Kota Ag in their proposal.
Q. And did you prepare it or was it prepared at your direction?
A. Yes.
Q. And where did you get the OTP rate and charges information?
A. Yes. Those come directly out of our rules and rates that are approved by the PSC.
Q. And where did you get the Dakota Valley rate and charges information?
A. That information was provided in their information request responses. So they provided a rate schedule as well as the actual proposal that we looked

at in Exhibit 8.

Q. So you looked at both?

A. Correct.

Q. Okay. And on this exhibit, in the lower left-hand corner, the load data, where did you get that information?

A. Yes. That customer load data is coming directly from Exhibit 8, so it's -- and these are annual. So you can see the annual load factor at 33 percent. That's directly coming from Exhibit 8. And then also the peak demand at 1,111 kW and the annual energy at almost 3 million kWh is coming from Exhibit 8, or Dakota Valley's numbers in this case.

Q. And is the total energy cost, 316,000, is that consistent with the proposal that Dakota Valley had made?

A. Yes, it is.

Q. And would you be able to walk us through these calculations when I ask?

A. Yes, I can.

MR. STEPHENSON: OTP offers exhibit -- page 1 of Exhibit 9.

ALJ WARD: Any objection?

MS. RADERMACHER: Just a moment, Your Honor. Your Honor, may I voir dire the witness as to

this exhibit for a moment?

ALJ WARD: You may.

MS. RADERMACHER: Now, I'm looking at this exhibit and I'm looking at Dakota Valley Electric's. How did you arrive at the second number, total energy cost?

THE WITNESS: Yes. So the first cost column that you can see there, what I labeled as base energy cost, were derived directly from the proposal that Dakota Valley provided to Minn-Kota Ag. The line item just below that or the all-in total energy cost was including some other charges that were in Dakota Valley's rate schedule but were not reflected in the proposal.

So in the rate schedule, it has in there a power factor cost and then also an on-site facilities charge, and so the two numbers are reflecting those potential differences, I guess.

MS. RADERMACHER: So you're just basing these, though, on some assumptions, essentially, that bottom line, how the on-site facility charge would actually have been charged?

THE WITNESS: Correct, yes. So that, again, comes from the information request responses and the costs that Dakota Valley stated their on-site facilities

charge would be, and then I took that times the -- I believe it was .0078, or the facilities charge at that point, yes. Yep, so I did make some assumptions on that calculation.

MS. RADERMACHER: So this is more -- so the second number in particular is based on your speculation and not on any document -- I mean, any numbers provided to you by Dakota Valley?

THE WITNESS: Well, it's based on the rate schedule provided by Dakota Valley, yes.

MS. RADERMACHER: But you're not privy to whether or not those facility charges would be implemented in this case or not?

THE WITNESS: No. I would say what's typical or what I'm trying to reflect here is that, ultimately, what the customer sees on their bill would generally be the all-in costs as opposed to just looking at it from a base rate perspective.

MS. RADERMACHER: Now, as far as the 316,000, though, that's potentially what's on year ten. Is that correct? That's not any discounted rate over the first nine years?

THE WITNESS: Correct, yes. Yep, we're not -- not including the discount at this point, yep.

MS. RADERMACHER: Your Honor, at this point I

would not object to the exhibit just with the notation that we dispute the total energy cost as entered in line two, which will be more fully fleeced out.

ALJ WARD: I understand that. I'm going to admit the exhibit and you can attack the credibility of the exhibit later with your own witnesses or on cross.

Mr. Pelham, any objection to the exhibit?

MR. PELHAM: No, I don't have any objection.

ALJ WARD: Okay. So at this point, you only moved page 1.

MR. STEPHENSON: I think it will make more sense if I lay the foundation for each page 1 through 3.

ALJ WARD: Okay. So I've admitted at this point page 1 of Exhibit 9.

MR. STEPHENSON: Correct.

BY MR. STEPHENSON:

Q. Okay. Mr. Waltz, now looking at Exhibit 9, page 1, what's the major difference here between Otter Tail and Dakota Valley rates?

A. Yeah. So both rates are structured where they have a demand and energy charge component to them, but the key difference between the two rate structures is that Otter Tail Power's cost or charge on demand is 52 cents per kW while Dakota Valley Electric's is $12 per kW.

Q. And I see that you have a line for base total energy cost and then a line below that for all-in total energy cost. Can you explain that?

A. Yes. Again, the difference here is that both for Otter Tail Power, under the base total energy cost, I'm just including the base rate calculation, the facilities charge component, and the energy cost component. I'm not including the riders in that first -- that first base total energy cost for Otter Tail Power.

And then as we move over to Dakota Valley, I'm including the base rate, the demand cost, the energy cost for the base total energy cost. And then for the all-in total energy cost for Dakota Valley, I'm then including the power factor cost and the on-site facilities charge.

Q. And on the lower left-hand portion of the exhibit, there's a reference to an annual load factor. Where did that data come from?

A. Yes. Again, that data came from Dakota Valley in the information request. So I'm -- for this comparison, I'm using the data that they provided in their proposal to Minn-Kota Ag that they provided to us in the information request.

Q. Okay. And what is load factor?

A. Load factor is, essentially, the amount of time that a customer will be at their peak load, so it's in reference to that peak load number just below load factor.

Q. And what does a higher load factor then typically reflect?

A. Yeah. Generally, a higher load factor will cause a decrease in your cost-per-kilowatt hour. Lower load factors generally has an increased cost-per-kilowatt hour when you look at it like that.

Q. And the peak demand, what does that refer to or what is that?

A. That's, essentially, the instantaneous peak that this customer would show on the system. So, you know, when they are turning everything on, moving grain, they're going to -- they're going to drive that instantaneous peak. And that's measured, again, based off the numbers provided by Dakota Valley at that 1,111 Kw.

Q. And then can you just for the record, what is the differential shown in annual cost between OTP and Dakota Valley with the descriptions you provided?

A. Yes. So looking at the base rate total energy cost between the two companies, Otter Tail Power would be about $90,000 a year cheaper. Under the all-in total energy cost, Otter Tail Power would be about $76,000 a year cheaper.

Q. I'd ask you then to turn to the second page of Exhibit 9. And can you identify this exhibit?

A. Yes. Page 2 of Exhibit 9 is, again, comparing a side-by-side rate between Otter Tail Power and Dakota Valley. In this comparison, I'm including Dakota Valley's discounted rate or discounted price that they provided to Minn-Kota Ag in their proposal.

Q. And that was not part of the first page?

A. Correct, not part of the first.

Q. I see that's referenced as a blended discount. Can you explain that?

A. Yes. So to, essentially, show an annual representation here, I did a weighted discount, so I took it over the nine-year period, the declining discount, and averaged those. And it's, roughly, eight percent on an annual basis over that nine-year period.

Q. And the load data is still the same and the peak demand data is still the same. Is that right?

A. Yes, that is correct. So again, we're using the load data that Dakota Valley Electric used in their proposal to Minn-Kota Ag.

Q. And I see then you have a total for total energy cost for Dakota Valley and Otter Tail and then you have

a separate line for total energy cost less PF. Can you explain what that refers to?

A. Yes. So the total energy costs here are reflecting the all-in costs between Otter Tail Power and Dakota Valley, again, less that discount on the first line for Dakota Valley, but then the second line is actually excluding that power factor cost line as well. In the information request, Dakota Valley stated that they may -- they may not charge the customer the power factor charge or the power factor penalty.

Q. Is that at their discretion?

A. I believe it is, yes.

Q. Okay. So you wanted to show what that would look like assuming they exercised that kind of discretion?

A. Yep, correct, just to show that, you know, if they choose not to charge the customer those costs, you know, that's what the -- essentially, the pricing looks at, yep.

Q. And what is power factor, generally?

A. Yeah, power factor is, essentially, the ratio between real and apparent power.

For a customer like this, they have a lot of impedence on the line because most of their load is motors or induction motors which generally drive down

that power factor number. They end up creating costs for the utility that are not otherwise received through rates.

And so many utilities, including Otter Tail Power, depending on the various rate structures, have a power factor charge separately for those situations. In this case, Otter Tail Power's 401 rate is designed to incorporate those costs, those power factor costs.

Q. But that's actually built into our rate?

A. That's built into this rate design, yes.

Q. Okay. And so the only difference, as I understand it, between this exhibit and the prior exhibit is that you pulled out the power factor and that you've reflected the discount?

A. Reflected the discount, correct.

MR. STEPHENSON: Otter Tail would offer Exhibit 9, page 2.

ALJ WARD: Any objection?

MS. RADERMACHER: Again, if I may have a short voir dire again?

ALJ WARD: As to foundation.

MS. RADERMACHER: Yes, it would be as to just a question on the discrepancy in numbers between the total energy cost of 322,788.81 and the 316,150.97 on the first page.

Can you just tell me why there's a difference cost that was brought over here?

THE WITNESS: Yes. So that first line item for the total energy cost is now including the power factor cost and that on-site energy cost less the discount. So if you -- the number that would be reflective in page 1 would be that 3,000 -- that 348,000, and then carried over here less the discount.

MS. RADERMACHER: Okay. Thank you for explaining that. No objection.

ALJ WARD: Okay. Mr. Pelham?

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 9 is in, in total.

MR. STEPHENSON: I have one more page on Exhibit 9.

ALJ WARD: Oh, I'm sorry.

BY MR. STEPHENSON:

Q. And for the record then, what's the differential in the rates reflected here based on what you've described?

A. Yes. So under total energy cost, Otter Tail Power would be about $50,000 per year cheaper. And if Dakota Valley elects to not charge the customer the power factor cost, we would be close to $30,000 a year cheaper.

Q. Okay.

A. Twenty-seven.

Q. I'd ask that you turn the page to Otter Tail Exhibit 9, and this would be page 3. And can you identify this exhibit?

A. Yes, I can. Again, this is the similar rate comparison between page 1, page 2, and then subsequently page 3 here. The difference here is that we're reflecting a different load profile data.

Q. And what is that difference?

A. Yes. So we looked at several other commercial grain-handling facilities that we serve in the area. And based on that information, we felt that a lower load factor was more realistic for what this customer would, essentially, use or have on the system. And so we wanted to show that relative difference here.

Q. Okay. And the demand, peak demand, is also different. Can you explain that?

A. Yeah, correct. So based on the overall, the customers as Mr. Wolf testified to earlier, their connected load and what we're sizing for, essentially two megawatts, we also felt that the 1,100 kilowatt for a peak demand was also too low, so we basically ratcheted that up based on their connected load information, as well as what we see on other commercial

grain-handling facilities very similar to the Minn-Kota Ag site.

Q. And you're looking at -- let's ask for the record then, what is the cost differential reflected based on this approach?

A. Yes. So the total energy cost reflect an annual difference, Otter Tail Power being cheaper, of a hundred thousand dollars annually. If you exclude that power factor cost again, Otter Tail Power ends up being about 60 -- almost $67,000 a year cheaper on an annual basis.

MR. STEPHENSON: Otter Tail would offer Exhibit 9, page 3.

ALJ WARD: Any objection?

MS. RADERMACHER: No objection.

ALJ WARD: Mr. Pelham?

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 9 is received, all three pages.

BY MR. STEPHENSON:

Q. Mr. Waltz, what is driving this cost differential, in your view?

A. Yes. So as I mentioned earlier, as you reduce the load factor, those demand costs remain. And so, you know, the biggest difference here between Otter Tail Power and Dakota Valley is, again, that demand cost.

And so for Otter Tail Power being at 52 cents per kilowatt versus $12 per kilowatt, that's what's driving the difference to be exponentially greater under a lower load factor condition.

Q. And would an entity that has highly variable demand be sensitive to those demand charges?

A. Yes. Every commercial grain-handling facility that I work with, they are extremely sensitive to demand charges, yes.

Q. And just very generally, how are demand charges used in calculating a bill, from your experience?

A. So generally, there's -- well, there's many different ways that you can calculate the demand, but in these two rates, under Otter Tail's rate structure, it's actually a ratchet, so it's the peak demand over a 12-month period.

For Dakota Valley, it's the peak over that month. So that will actually vary a little bit month to month depending on what the customer sets their peak -- ends up setting the peak demand.

Q. Is that used as then a multiplier of sorts, or can be?

A. It can be. The multiplier is, essentially, that -- you know, if Minn-Kota Ag sets their peak demand at 1,500, under the Otter Tail Power rate for one month on

an annual basis, they'll be charged that 1,500 for a 12-month period even though they may not hit that peak demand those subsequent months.

Q. Okay. But you indicated that Otter Tail's demand charge is -- it's reflected as the facilities charge. Is that right?

A. Yes, yeah. Just to clarify, it's reflected here as a facilities charge.

Q. Okay. Now, Mr. Waltz, is part of your work duties to examine whether it makes sense for Otter Tail to extend service to loads that require a PC&N?

A. Yes, it is.

Q. And does that include determining whether Otter Tail Power will earn its Commission-authorized rate of return on investment that's needed to make that extension?

A. Yes.

Q. Okay. And by the way, what is Otter Tail's current Commission-authorized rate of return?

A. Yeah, our Commission-approved rate of return is 8.62 percent, if I got that.

Q. And when you do this analysis, is part of your duties determining what contributions the new load will make to our system costs?

A. Yes.

Q. Okay. I'd ask you to refer to Otter Tail Exhibit 10. And can you identify that, please?

A. Yes, I can. This is basically an analysis to show Otter Tail earning its authorized rate of return as well as the net contributions to cost by adding Minn-Kota Ag as a potential customer.

Q. Okay. So let's look at the first line, please, the aggregate cost. Where did you get that figure?

A. Yes. That number comes from the work order estimating that Mr. Wolf was testifying to earlier, so those costs are sum. So earlier when he was basically walking through the two different exhibits, one on the transmission and substation component and then on the distribution, those are aggregated here for this value.

Q. And you had just referenced the authorized rate of return. And what does the next line reflect?

A. The next line reflects the dollar amount that we would have to receive in order to earn the authorized rate of return.

Q. Receive in revenue from the customer --

A. Correct, yes.

Q. -- on an annual basis to earn that rate of return?

A. Yes.

Q. And what is the next line that refers to a gross

up mean?

A. Yeah, it's -- the next line is reflecting a gross up for taxes so that we can still earn our allowed rate of return.

Q. And the next line for estimated annual load, where does that figure come from?

A. Yes. In this calculation, the estimated annual load, Kw, comes from the data on Exhibit 1 -- or Exhibit 9, page 1, or the values that were presented by Dakota Valley Electric.

Q. And the estimated annual revenue?

A. That's reflective based on our total -- our all-in total energy costs reflected on page 1 of Exhibit 9.

Q. Okay. What is meant by remove cost of fuel?

A. We don't earn a rate of return on fuel, and so we exclude that from this calculation.

Q. That would include power purchase arrangements?

A. Yep.

Q. And then the estimated net revenue?

A. Yeah, the estimated net revenue for this customer is, essentially, the total revenue less the fuel costs, or $200,000 in this case.

Q. And how did you arrive at that final figure and what does that refer to?

A. Yes, the net contribution to costs is, essentially, reflecting the system net benefits after we earn our -- the Commission-approved or allowed rate of return.

Q. And did you calculate this exhibit?

A. Yes.

MR. STEPHENSON: Otter Tail offers Exhibit 10.

ALJ WARD: Now, are there two pages to this exhibit?

MR. STEPHENSON: There is, so page 1. I should be clear.

ALJ WARD: Okay. Any objection to page 1?

MS. RADERMACHER: No objection.

MR. PELHAM: No objection.

ALJ WARD: Okay. Page 1 will be received.

BY MR. STEPHENSON:

Q. And Mr. Waltz, what load factor did you use in calculating these numbers?

A. Yes. So for Exhibit 10, page 1, I used the 33 percent load factor to represent these numbers.

Q. And that load factor was part of Dakota Valley's figures?

A. Yes, it was.

Q. Okay. Now please turn to page 2. And Mr. Waltz, is this exhibit another analysis of the same

manner you just described?

A. Yes, it is.

Q. What's the difference between this exhibit and the prior exhibit?

A. The difference here is that I'm using a 23 percent load factor for the estimated annual revenue -- or sorry, estimated annual load, the kWh value that you see there in the middle. And then that, in turn, affects the estimated annual revenue. And then, ultimately, the net contributions to cost are -- are decreased a little bit versus the 33 percent load factor.

Q. Okay. So under the Exhibit 10, page 1, will Otter Tail earn its Commission-authorized rate of return?

A. Yes, it will.

Q. And what will the net contribution to Otter Tail's system cost be under that scenario?

A. $172,000 annually.

Q. And under Exhibit 10, page 2, will Otter Tail Power earn its Commission-authorized rate of return?

A. Yes, it will.

Q. And what is the net contribution to Otter Tail's system costs under that scenario?

A. $158,000 annually.

Q. Now, do these net contribution, the costs, benefit other Otter Tail ratepayers?

A. They do. You know, essentially it puts more oars on the boat, and therefore, more costs are then allocated to more customers, so it helps keep our rates low and diversify our fixed costs.

Q. Mr. Waltz, now, does OTP have any tariffs that dictate when customers need to make an upfront payment or provide a revenue guarantee?

A. Yes.

ALJ WARD: Before you get to that, are you going to move page 2 of exhibit --

MR. STEPHENSON: Oh, I'm sorry, Your Honor, I thought I did. Otter Tail Power offers, it would be, I believe, page 3 that we're on. Well, page 2, you're correct.

ALJ WARD: Exhibit 10, page 2.

MR. STEPHENSON: Thank you, Your Honor. Yes, Otter Tail moves Exhibit 10, page 2.

ALJ WARD: Okay. Any objection to that?

MS. RADERMACHER: No objection, Your Honor.

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 10 is received entirely.

MR. STEPHENSON: Thank you.

BY MR. STEPHENSON:

Q. Mr. Waltz, does Otter Tail have any tariffs that dictate when it requires customers to make an upfront payment or provide a revenue guarantee?

A. Yes.

Q. And do you administer those tariffs?

A. Yes. We have a service line extension policy under our rules and regs that is approved by the Commission.

Q. And under this scenario, is there any upfront payment under those tariffs required from Minn-Kota?

A. No, there's not.

Q. And you had heard some testimony before. Is there any cost, to your knowledge, for the -- to place our substation on this site?

A. There's no -- no cost, to my knowledge.

MR. STEPHENSON: This witness is available for cross-examination.

ALJ WARD: Ms. Radermacher.

CROSS EXAMINATION

BY MS. RADERMACHER:

Q. Okay. So based on your projections, you would get your rate of return. Is that correct?

A. Correct.

Q. Now, at what load factor would you not be

meeting your rate of return requirements?
A. In the single digits, I would -- just by looking at the relative -- relative values, yeah, I guess they'd have to be in the single digits for a load factor, I guess. I don't know.
Q. And when you projected at 23 percent load factor, that's a pretty low load factor, is it not?
A. It is. I would -- well, yes, our system average, I believe, is around 60 percent. So yes, relative to our system average, it is a low load factor, but it is very typical of commercial grain-handling facilities that we looked at, so...
Q. And are you aware of how Dakota Valley came up with their projected load factor?
A. No, I'm not. I just use their numbers that they had provided. No, I'm not.
Q. And would it make sense for them to also do the same analysis?
A. I would assume so, yeah.
Q. So the 23 percent load factor that you're projecting in addition to this 33 percent, 23 percent makes Otter Tail clearly look better. Is that correct?
A. Yes. It helps -- it helps the customer in this case because of the -- the difference in the demand charges, yes.

Q. Okay. But the discrepancy goes down once that load factor goes up, correct?
A. Yep. I agree, uh-huh.
Q. So it would -- for you, it would be actually, like you said, in relation to this case, make it look better if it was a 23 percent load factor versus a 33 percent load factor?
A. Agree. Yeah, I would just add that, you know, after review, based on the analysis that we did, we reviewed the load factor, the connected load, annual peak demand with Minn-Kota Ag, and they felt that we used -- the sites that we had selected were very similar to them and about the same.
Q. Now, at this point, it appears nothing is being passed on to the consumer. Is that correct?
A. No costs to the customer.
Q. At what point would there be costs passed on to the consumer?
A. If the extension costs exceed a three-year minimum revenue.
Q. And just for the sake of conversation, what happens then if that were to occur?
A. We would have the customer sign an electric service agreement at that point.
Q. And what does that require?

A. It requires us, basically, filling in some key points on the estimated annual revenue, our cost to extend service, and then signatures from both parties.
Q. Okay. And what if they continue to fall below that required load factor that you thought -- and that rate of return, what would happen then?
A. Essentially, without -- nothing in this case.
Q. Now, my understanding is that Otter Tail implements riders. Can you explain to me what these riders are?
A. Yeah. Riders are -- essentially, allow us to recover costs in between rate cases. And so we have costs for renewable energy, transmission costs recovery riders, and things like that. So that's why I included the rider costs in our --
Q. And how often do those rider costs change?
A. They vary. Yeah, it's -- it's -- it's highly variable, so yeah.
Q. So the numbers you projected for you utilizing these riders could change, I mean if they're highly variable. This is just a mere speculation of what this load could bring at the current rate?
A. Yep. Yeah, the analysis is based on the data given at the time by -- by both Otter Tail Power and Dakota Valley. So yeah, it's our numbers and Dakota

Valley's numbers at the present, yes.
Q. And how many consumers does Otter Tail have?
A. System-wide?
Q. Yes.
A. I believe it's about 130, 140,000 customers system-wide.
Q. Do you know how many in North Dakota?
A. It would be, I would say, roughly 60,000.
MS. RADERMACHER: I have no further questions.
ALJ WARD: Mr. Pelham.
MR. PELHAM: Thank you, Your Honor.

CROSS EXAMINATION

BY MR. PELHAM:
Q. Mr. Waltz, I have a few questions for you about Exhibit 9. Otter Tail presents three pages, and I kind of view them as three different scenarios. And I'm wondering, Sir, are you able to say which of the three pages on Exhibit 9 you believe the Commission should utilize in its analysis here?
A. Yes. Well, if I was to have my choice, I would say page 3 of the -- of Exhibit 9 is the most reflective of the customer load data that we looked at and analyzed for this calculation. The value or, I guess, the difference might be if Dakota Valley elects to not charge the power factor costs, so that would,

essentially, be the difference.

Q. And you don't know one way or the other whether or not that's going to happen, the power factor is going to be discounted?

A. Correct.

Q. Okay. Might be, might not be. And that's all outlined in the three different scenarios in Exhibit 9, correct?

A. Yes, it is.

Q. And it kind of begs the question, and I don't mean to argue with you much, but I'm just wondering then, why even present pages 1 and 2 of Exhibit 9?

A. It was -- it was, essentially, to lay the foundation and work off of the information that Dakota Valley Electric provided so that we could show that, you know, we were truly comparing, under an apples-to-apples type scenario, the difference in the rate schedules themselves, and then as you start to include some of the other costs over and above, essentially, the base rate cost.

Q. And of course you'd agree with me that, regardless of which page on Exhibit 9 is used, Otter Tail's economics appear to be better in the sense then what you're calculating as to Dakota Valley. Fair enough?

A. Correct.

Q. In the course of discovery, did Otter Tail receive anything more than data from Dakota Valley related to the economics? Like, for example, did Otter Tail receive any type of similar calculations that were done by Otter Tail?

A. Are you saying did we provide them some --

Q. No, I'm sorry. Let me start over, and I apologize.

I'm wondering, in the course of discovery in this matter, whether or not Dakota Valley provided Otter Tail any of its own estimates as to the economics of this?

A. Yes, it did. The economics that Dakota Valley provided are Exhibit 8. So that would be the economics based on their -- their rate analysis.

Q. I see.

A. And then they also provided the actual rate schedule or the actual tariff or rate that this customer would go on. So yes, they provided those two pieces.

Q. Fair enough. And you utilized -- you, yourself, utilized those in coming up with the sheets, 1, 2, 3 on Otter Tail Exhibit 9?

A. Correct.

Q. So Otter Tail Exhibit 8 then, is that what was

provided to Minn-Kota by Dakota Valley?

A. Yes.

Q. I see. Do you know when that was provided to them?

A. The date prepared is March 13th, 2017.

Q. Okay.

A. I don't know when it was given to them, I guess.

Q. Fair enough, fair enough.

So can you explain a little bit more as far as how -- and I understand you've looked at your similar customers in the area.

A. Yeah.

Q. I mean, are we talking about -- the commercial grain businesses, I mean, how many of them did Otter Tail look at to compare whether or not the load factor would be potentially different in different scenarios? If you could detail that a little bit more.

A. Uh-huh. We looked at two very specific and then we looked at four that were more, I would say, not -- not necessarily a commercial grain-handling facility with a terminal of this nature. You know, so it didn't have the railcar component and the size of the load -- out-load capacity that this facility does. So two that were very specific.

And this is similar to what we do with -- you

know, when Mr. Wolf was testifying, with some of his sizing on transformers, we look at existing customers to determine where we have to size things and where they'll flush out kind of in a rate perspective as well.

Q. And is there a data point that you use as far as in terms of years? I mean, you looked at -- did you look over a course of the last year? the last two years? the last five years? Anything like that?

A. Yeah. So in our customer information system, we looked at -- you know, the one facility that we looked at hadn't been around for three years, but we store three years' worth of data in there. So that's what we used on those sites, was three years' worth of data. Yeah.

Q. And that's for the two that were more similar to this Minn-Kota operation and the four that maybe are not as similar but similar enough to include in your comparison? Three years was used?

A. Yes.

Q. And then were they -- I'm wondering then how the load factor then was -- I'm sorry.

The peak demand as well was also looked at, correct?

A. Yes, it was.

Q. Okay. So the peak demand on the third page on

Exhibit 9 is about 1,500 kilowatts and on the first two pages at about 1,100 kilowatts. That's based on Otter Tail's own analysis of similar facilities in the area that Otter Tail itself serves, correct?

A. Yes. We use those as a reference point for that peak demand, but we also used in this case the customers' total connected Kw as well. And it's a relative component of that.

So like Mr. Wolf testified to earlier, you know, we're sizing to, essentially, a two-megawatt load. So 1,500 is right in that ballpark. I would say we're probably being a little conservative on that peak demand, quite honestly.

Q. So again, page 3, the peak demand is higher than on the first two pages on Exhibit 9?

A. Yes.

Q. It's your testimony, your opinion, that the peak demand is going to be 1,500 kilowatts on page 3. Is that correct?

A. That's going to be more reflective of Minn-Kota Ag's load, yes.

MR. PELHAM: All right, Sir, I don't have any other questions for you. Thank you.

THE WITNESS: Thank you.

ALJ WARD: Okay. Questions by the

commissioners.

Commissioner Kroshus.

COMMISSIONER KROSHUS: Okay. Let's see, which one do I want to start with is the big question.

Just to confirm, and I think we've gone through this, but for your proposal, the pricing to the customer, it does not include any project costs that are being passed on to other -- the other customers that Otter Tail has. Is that correct?

THE WITNESS: Yeah. Otter Tail incurs the cost to construct the substation and distribution system, yes.

COMMISSIONER KROSHUS: And based on looking at Dakota Valley Electric's numbers, do you think that's consistent for them as well in terms of how they price the project?

THE WITNESS: I guess I -- I'm not sure. Yeah.

COMMISSIONER KROSHUS: Because I'm trying to get my arms around the comparisons that you made. And it would make sense, I suppose -- or I would expect, might be a better way of putting it, that you're going to frame it up in a way that would be more competitive for Otter Tail, because they're the ones who write your paycheck.

Do you know that the numbers that came from

Dakota Valley Electric -- it just seems odd to me that they would share their bid so freely with someone they're competing with on the business. I'm just trying to get my arms around that.

Do you know that that was their last bid to the customer?

THE WITNESS: I don't know. We asked, essentially, if they had provided any rate offerings to Minn-Kota Ag in the discovery process, and so they provided us with Exhibit 8.

COMMISSIONER KROSHUS: Okay. Do you know if this was the type of information that you went in front of Minn-Kota Ag with and said, "Hey, here's what we can do it for, here's what they're proposing, here's the differences, here's why you should consider Otter Tail instead of Dakota Valley Electric"?

THE WITNESS: We didn't know Dakota Valley Electric's pricing prior to our discovery period.

COMMISSIONER KROSHUS: So when you went in to the customer, the numbers you presented were not a comparison type approach, they were just yours?

THE WITNESS: Our numbers, yes.

COMMISSIONER KROSHUS: So I guess I'm just trying to put some weight on this comparison, and I think there will definitely be more clarity once we hear

from Dakota Valley Electric on their numbers, which I expect to be somewhat more -- maybe significantly different and they're going to refute portions of this, which would be a fair assumption, I think.

So we don't know, on this comparison, at what point in time in terms of the process, we don't know where this really fit in with Dakota Valley Electric visiting with Minn-Kota Ag. The numbers could have changed dramatically after March, for all we know, and we'll find that out. And that might be a stretch, but they could have changed. Is that fair to say?

THE WITNESS: I would say they could change, yes, the actual rate schedule, unless, you know, the co-op's board approved a rate change or a different rate or a higher discount after this was presented to the customer. You know, I guess that's possible. But other than that, it would be similar to us. I mean, we wouldn't change from that point to this point, I guess, that quickly, but...

COMMISSIONER KROSHUS: One other. Can you go to page 2 of Exhibit 9, please?

THE WITNESS: Yep.

COMMISSIONER KROSHUS: Now, I might be missing something because we just received these numbers this morning at the beginning of the hearing. I'm having

trouble getting these numbers to tie. 322,788.81, the total energy cost.
THE WITNESS: Yep.
COMMISSIONER KROSHUS: And if I move up, just above that you have the different breakdowns, base rate, demand charge, energy cost?
THE WITNESS: Correct.
COMMISSIONER KROSHUS: If I add up demand cost and energy cost, you're right around 315. The 8,704, if I were to put that in, pushes it over the 322. The 924 doesn't get it there. Can you explain that to me? And again, maybe I'm just missing the math on this, but it doesn't seem real clean.
THE WITNESS: Yeah. I guess as far as the calculation goes for the total energy cost under Dakota Valley, we are adding the base rate, the demand cost, the energy cost, the power factor cost, the on-site facilities charge, and then we are actually deducting the blended discount.
COMMISSIONER KROSHUS: Okay.
THE WITNESS: That 25,000. So that should equate, I guess.
COMMISSIONER KROSHUS: Should tie out, okay.
Okay. On the three-year payback, and I believe you have that listed on exhibit -- well, maybe that's

not exactly listed on Exhibit 10, but if we go to Exhibit 10, first question: Did you say those were annual numbers?
THE WITNESS: Yes.
COMMISSIONER KROSHUS: Is that correct?
THE WITNESS: Yes.
COMMISSIONER KROSHUS: Okay, so we're dealing with annual numbers. Can you just walk me through how you get to a three-year payback on this?
THE WITNESS: Yes. So the three-year calculation is a little bit separate from this. It's -- essentially, the Commission approved the extension policy that we have in place. So when we analyze any new customer, we look at it from a cost to extend service and then we also look at the expected three-year revenue from that customer. And that's, yeah, in our extension policy.
COMMISSIONER KROSHUS: You had mentioned that this project would benefit Otter Tail -- other Otter Tail Power companies -- customer base, there would be an overall benefit, I think you said more oars in the water, correct? But that would hold true for Dakota Valley Electric as well, correct?
THE WITNESS: I'm not sure on their revenue and cost structure, I guess, internal, so they have to make

that determination.
COMMISSIONER KROSHUS: Okay. That would be a question that we can pose to them or I can pose to them when the time comes.
THE WITNESS: I would assume so, but I don't know what that value would be.
COMMISSIONER KROSHUS: I would assume so as well. Can you tell me who serves the other Minn-Kota Ag Products locations in Kent, Wahpeton, and Wyndmere currently?
THE WITNESS: Yes. We serve the Wyndmere facility. We did serve the Barney facility. They since sold that.
Do we serve Kent facility?
We serve Kent. And we don't serve the Wahpeton facility.
COMMISSIONER KROSHUS: Did that have any bearing on the bid in terms of a volume discount that you were able to grant them or to put in front of them for this location?
THE WITNESS: Yeah, we're providing no subsidized rate. The rate is our tariff-approved rate.
COMMISSIONER KROSHUS: So it's consistent with the --
THE WITNESS: It would be consistent with any

customer on that rate, yes.
COMMISSIONER KROSHUS: Okay. Just one other -- this might have been an earlier question or a question I should have posed to Richie, but spring and fall, that would be the higher periods of demand. Is that correct? February, March, and then looking at November, December? Tied to spring planting, I'm assuming, and then row crop harvest in the fall?
THE WITNESS: Yes, in most elevator scenarios I would agree. For the business operation that Minn-Kota Ag has, I wouldn't -- I wouldn't say that it's solely driven in the spring and fall just because they're a grain-handling facility, they're buying and selling grain at a commercial level and they're doing that whenever it's, you know, economic to do so and whenever they need to move product. And so that can really drive, you know, from one year to the next how varied that load can be, yeah, or by month, yep.
COMMISSIONER KROSHUS: So on Exhibit 8, if we can hop over to that real quick.
THE WITNESS: Yep.
COMMISSIONER KROSHUS: Just down where it's listed January through December, you got the by-month breakdown?
THE WITNESS: Yes.

COMMISSIONER KROSHUS: So I'm looking at monthly demand and then monthly energy, and it seems to follow the ramp up to spring planting and then fall harvest.

THE WITNESS: Yeah, potential. These are the numbers that we were provided by Dakota Valley Electric, so they were, I'm assuming, making some assumptions on the general load profile, or looking at potentially other customer data, or however they derive the numbers, but...

COMMISSIONER KROSHUS: Do you think -- last question. On 9 and 10, well, Exhibit 9 in particular -- I guess I'll just say Exhibit 9. So you're making a comparison, obviously, between Otter Tail Power and Dakota Valley Electric, but it sounds like there are a lot of assumptions built into this.

THE WITNESS: Yes. I mean, we're making the -- you know, as we do with any new load, we have to be as accurate as we can be on these, you know, extension costs that Mr. Wolf put together and then also the expected revenue, because it's important for us to get that right for Otter Tail Power Company as a company and it's important to get that right for our other ratepayers so that they wouldn't be burdened.

COMMISSIONER KROSHUS: Let me rephrase it just a little bit. Assumptions in terms of Dakota Valley

Electric's numbers, that's where it seems to be. Because I've asked a couple of questions where you said "I assume" and you believe that it's correct, but it doesn't sound really firm. So I'm just trying to figure out what type of weight to put on Exhibit 9. And it might be flushed out a little bit more again when we hear from Dakota Valley Electric.

THE WITNESS: Yeah. So the --

COMMISSIONER KROSHUS: Because it's a big factor in all this.

THE WITNESS: Yeah, it is. Yeah, so on page 1 and 2, what I wanted to calculate was using the customer load data that Dakota Valley provided, and so those costs are reflected in those two pages.

And then the third page is reflective on the analysis that we did based on the other commercial grain-handling facilities that we serve and then a few elevators that we looked at.

COMMISSIONER KROSHUS: All right. No other questions for me, Your Honor.

ALJ WARD: Commissioner Christmann.

CHAIRMAN CHRISTMANN: What are the facilities that you have that you were using as the most close comparables to this when you were thinking that there could be a lower load factor?

THE WITNESS: I don't know if I can say the actual customer. I don't know if I can share that.

MR. STEPHENSON: That's potentially trade secret or a customer -- a specific customer, it's their personal use --

CHAIRMAN CHRISTMANN: Okay. Are they North Dakota facilities, though?

MR. STEPHENSON: Yes.

CHAIRMAN CHRISTMANN: And is this Minn-Kota facility -- and I suppose we'll hear more from the customer later, but is this to be a grain storage and handling facility where, basically, they're going to acquire and probably mix and dry and then ship product? Or is there going to be a processing component with this project?

THE WITNESS: Good question. I guess I'd have Mr. Schuler testify to the particulars, but from my understanding, it's not a process-related facility. It's, essentially, a grain-handling facility and terminal, rail terminal.

CHAIRMAN CHRISTMANN: Well, I think, in trying to wrap my arms around the load factor distinction, we'll need to know that and then whether the comparables that you used are the same. Was there a processing component to those and not to this, or with Minn-Kota

but not to those? I would think it would make a huge difference.

THE WITNESS: Oh, yes, if --

CHAIRMAN CHRISTMANN: So perhaps we need to address that again after we hear from the owners, to make sure that what you're using as comparables are, in fact, proper comparables. No other questions.

ALJ WARD: Commissioner Fedorchak.

COMMISSIONER FEDORCHAK: Thank you, Christopher. Can we back up just a bit and describe again how the load factor is determined?

THE WITNESS: Yeah. Load factor is, at its most basic, is the amount of time a customer will be at their peak demand.

COMMISSIONER FEDORCHAK: And you guys do that over an annual basis or do you look at it month by month and then average them? When you're making those calculations, how do you as Otter Tail Power do that?

THE WITNESS: Generally, we're doing it on an annual basis, but for this comparison, I did it on a monthly basis just to be consistent with what the co-op did in their proposal.

COMMISSIONER FEDORCHAK: Okay. So you didn't really make assumptions, you -- your biggest assumption was that what Dakota Valley provided is accurate, and

then you based all of your calculations using their data, extrapolating it into a revenue scenario that worked for showing your revenue requirement?

THE WITNESS: Correct. For the first two pages of Exhibit 9, that's exactly what I did, was use the values that Dakota Valley Electric had, and then I plugged in the determinants on our rate schedule or our 401 tariff, yes.

COMMISSIONER FEDORCHAK: And did you not get direct information from Dakota Valley Electric -- I'm sorry, from the customer?

THE WITNESS: No.

COMMISSIONER FEDORCHAK: So you didn't get --

THE WITNESS: Are you (indiscernible)?

COMMISSIONER FEDORCHAK: You didn't get them -- yeah, like what they expected --

THE WITNESS: Oh, I'm sorry.

COMMISSIONER FEDORCHAK: -- information that -- you know, how much they needed so you could make your own load factor calculation.

THE WITNESS: Yeah. So when we concluded the comparison with the other commercial grain-handling facilities that we serve and then the few elevators that we took a look at, we reviewed those calculations, basically presented Minn-Kota Ag with, essentially, a

load profile estimate and reviewed that, and they agreed with those estimates, and so that's what we used for the calculations on page 3 of Exhibit 9.

COMMISSIONER FEDORCHAK: So working separately, you would have calculated the 23 percent load factor?

THE WITNESS: Yeah, they're -- you know, and this is part of our job both on the rate side of things but then also on the loading of sizing the transformers correctly, is we have to do and determine those calculations.

So generally, customers don't know, you know, what the relative ratio is between the connected load and what the ultimate demand will be and what the ultimate load factor will be. Those are all calculations that we provide new customers.

COMMISSIONER FEDORCHAK: Tell me what they give you so you can determine the peak load. What kind of information do they give you?

THE WITNESS: They give us the total connected load. They give us -- in this case, they gave us a motor list, too, so that we could perform the motor start studies and things like that as well.

COMMISSIONER FEDORCHAK: But in order to know the amount of time they're going to have all of it maximum connected, what do they give you to help you

determine that?

THE WITNESS: Well, generally, what we walk through is how they plan to operate the facility. Is it going to be, you know, a three-shift operation? A four-shift operation? Or a two-shift? You know, is it 24/7? How seasonal is it? You know, what are some of the capacities relative to the load, unload?

It's walking through some of that customer data so that we can try to be, again, as accurate as we can, yes.

COMMISSIONER FEDORCHAK: So you did all of that calculation yourself. And that's reflected in page 3 of Exhibit 9?

THE WITNESS: Page 3 would be the reflection of what we feel the load profile data would be for Minn-Kota Ag, yes.

COMMISSIONER FEDORCHAK: Okay. So you determined the 23 percent, that that's what you think it's going to be, based on all of your own --

THE WITNESS: Yeah.

COMMISSIONER FEDORCHAK: -- separate independent -- and then, so that we could have a comparison, you also looked at what Dakota Valley, how they were making their determinations?

THE WITNESS: Correct, yep.

COMMISSIONER FEDORCHAK: Okay. So if you were going to say -- so at the -- assuming that you're right, and I'm just taking the most conservative number, say they -- the total energy -- on page 3 of number 9, the most conservative would be the total energy cost less the power factor, so that would be 66,000 difference, about.

And then going up to the higher load factors, what they calculated and believed the load factors will be, you've got at least, let's see, all-in total energy costs, we'll say that's the 76,000. You did not do this load factor with the -- nope, we would be at the middle page then, right?

THE WITNESS: Yes, page 2 would be --

COMMISSIONER FEDORCHAK: That would be their assumptions on the load factor minus the discounts, which you have to take into consideration. There's no scenario where they're not going to get the discounts.

THE WITNESS: Yep, they provided that to the customer, yes.

COMMISSIONER FEDORCHAK: So page 1 is kind of moot, because that doesn't include the discount.

THE WITNESS: Correct. What I wanted to show on page 1 was that we arrived at the same calculations for energy.

So page 2 of the thought process was, if we just included page 2, you know, we're including the power factor costs and the on-site facilities charge that were not in the proposal to Minn-Kota Ag. So we just wanted to reflect exactly what was in their proposal.

COMMISSIONER FEDORCHAK: Okay.

THE WITNESS: And then including some of these potential other costs that are in Dakota Valley's rate schedule.

COMMISSIONER FEDORCHAK: Okay. But you could take out that power factor at least?

THE WITNESS: Yep.

COMMISSIONER FEDORCHAK: So do you think that's the minimum difference that exists between what the customer would pay Dakota Valley and you, 27,000?

THE WITNESS: Yes.

COMMISSIONER FEDORCHAK: Annually?

THE WITNESS: Yes.

COMMISSIONER FEDORCHAK: Okay. When you're bidding out your rates, do you have any flexibility to make discounts?

THE WITNESS: Not at the current time, we have -- our rates are our rates.

COMMISSIONER FEDORCHAK: So you have to follow whatever customers -- whatever category they fall

into --

THE WITNESS: Yeah, we --

COMMISSIONER FEDORCHAK: -- the class and however that rate, which is approved by us, spells out how you're to charge them?

THE WITNESS: Yes. We have -- what's typical is a customer like this could qualify for multiple rates. So we review the various rate options. And we have a pretty thick rate book, probably more rates than most.

And so we analyze -- typically, what we would do on an uncontested scenario is we would analyze the different rates relative to that customer and walk them through what might be more advantageous under a given scenario.

COMMISSIONER FEDORCHAK: Okay. And did you do that with this customer?

THE WITNESS: Yes.

COMMISSIONER FEDORCHAK: And this is the one that is -- the one you're proposing is the most advantageous to them. But do you have any flexibility to add a discount or just to go in a customer?

THE WITNESS: Not at the current time, no.

COMMISSIONER FEDORCHAK: Okay. Okay, I think that's it. Thanks.

THE WITNESS: Thank you.

ALJ WARD: Okay. I'd like to finish up soon, but let's try to finish with this witness first before lunch.

Mr. Stephenson, any followup?

MR. STEPHENSON: I think just one, Your Honor.

ALJ WARD: Okay.

REDIRECT EXAMINATION

BY MR. STEPHENSON:

Q. Mr. Waltz, I think counsel for Minn-Kota had asked that, in lowering that load factor, if that is advantageous to Otter Tail Power. What does that lower load factor result in in terms of the net contributions to cost to our system?

A. Yeah. So reflective in Exhibit 10, you can see the net contribution to cost, under page 1 of Exhibit 10, is $172,000. And then with page 2, the net contribution to cost with a 23 percent load factor actually drops to $158,000.

Q. So lowering that actually --

A. It actually lowers our overall revenue as well, yeah.

MR. STEPHENSON: Nothing further.

ALJ WARD: Ms. Radermacher.

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RECROSS EXAMINATION

BY MS. RADERMACHER:

Q. Well, it lowers your overall revenue, according to your testimony, it would have to be in the single digits for you to not be making any sort of money over top of what you invested. Is that correct?

A. Yeah, I'd have to, again, do the calculations. I'm just assuming that, you know, being at 23 percent here, yeah.

Q. So you're making money at 23 percent versus 33 percent, correct?

A. Yes. There's a net contribution to our other customers by serving Minn-Kota Ag under a 23 percent load factor, yes.

Q. But if you don't get this load, you won't be making anything. Is that correct?

A. Correct.

Q. So for the purposes of today's hearing, giving it a 23 percent factor versus a 33 percent factor makes a big difference, doesn't it?

A. I would say relative to what exactly?

Q. Relative to this -- counsel asked you if it would affect you negatively if this was a 23 percent load versus a 33 percent load. But if you don't get this load, it would -- you would have zero. Would that

be correct?
A. Yes. I believe that's exactly what Mr. Stephenson said in the opening, that we would be, essentially, doing a disservice to our other customers by not pursuing this load because it has a net benefit to our other ratepayers.
Q. And in order to get this load, you have to prove that it would be more economically feasible for the consumer to go with you versus Dakota Valley Electric?
A. Yes.
MS. RADERMACHER: I have no further questions.
ALJ WARD: Mr. Pelham.
MR. PELHAM: Mr. Lein has a few questions.
ALJ WARD: Mr. Lein.
MR. LEIN: Thank you. I'd start with that OTP Exhibit 10. If I'm reading that correctly, you're saying that you need $28,116 a year in revenue to not charge a customer contribution.
THE WITNESS: No. The customer contribution piece is actually under a different -- it's under our line extension policy. It's a little bit separate from --
MR. LEIN: Could you file a late-filed -- your work papers detailing the line extension policy application?

THE WITNESS: Yep.
MR. LEIN: Then I had another question on the power factor. You are adding a 400 kVAR capacitor bank to serve them. Is the purpose of that to correct their power factor to within your tariff limits so that they won't have to pay a penalty?
THE WITNESS: No, it's not. As Mr. Wolf testified earlier, that is actually to provide voltage support on our transmission system so that there's no other ill effects by the large motors starting and things like that.
MR. LEIN: So there is a power factor penalty in your tariff. I believe if they don't maintain a .9, there's a payment required?
THE WITNESS: There is under different rates.
MR. LEIN: Okay. So there's not one under this rate?
THE WITNESS: Correct. It is included in the rate design.
MR. LEIN: Okay. I think that's all I had. Thank you.
THE WITNESS: Thank you.
ALJ WARD: Commissioner Kroshus.
COMMISSIONER KROSHUS: Thank you, Your Honor. Just a couple of questions.

How many rate options do you have? How many are in the playbook? You had alluded to the fact that it's pretty thick?
THE WITNESS: Yeah, it is. As far as the overall number goes, I would say -- you know, we have -- we have controlled rate options and uncontrolled rate options.
So in Minn-Kota Ag's case, you know, they -- when they need the power, they need the power, so they're electing a non-controlled rate option. And for those types, we might have ten different rates, eight different rates, something like that.
COMMISSIONER KROSHUS: So it's possible a similar operation that's unrelated to Minn-Kota Ag Products, but a similar operation, could have a different rate, one of the ten to choose from, or would it be the same rate that you've presented to Minn-Kota?
THE WITNESS: Yep, it's dependent on -- a little bit on customer choice, yes.
COMMISSIONER KROSHUS: So there's quite a bit of flexibility, it sounds like, on Otter Tail's part in terms of fitting the right rate with the proposal to capture the business?
THE WITNESS: Yeah, I would say generally we have, in a scenario like this, we have three different

rates that a customer would choose from.
So just to try to drill down, in North Dakota we would have the general service rate, we'd have a large general service rate, and then we'd have a large general service time of day rate. And I think those three rates would probably be the most reflective in this case.
COMMISSIONER KROSHUS: Okay. So in all likelihood, it was impacted by Dakota Valley Electric's numbers, or at least your perception of the numbers that they were putting forward?
THE WITNESS: Yes.
COMMISSIONER KROSHUS: One last question. Going back to the cost of the project on, I believe, Exhibit 3 and Exhibit 4, but generally speaking, material costs, how would that look if you weren't using a used transformer?
And I could try and finesse my way through this, but how do I know you didn't just cobble together all of the odds and ends that were available to come in with a very low project cost, or a much lower project cost, versus the transformers not -- a used transformer isn't available, this isn't available, and because it impacted the overall cost -- well, it seems like it -- I don't know what a new transformer costs. I don't know what the savings was by saying we'll take the one that's been

largely depreciated, because I don't know what the depreciation schedule looks like on that transformer. But you see what I'm getting at? And then working your way to, well, here's the project cost, which we've knocked down quite a bit, here's the different options that we have in terms of rate that we can put forth to a customer, and then you have Exhibit 9 where it looks very favorable.

But I'm trying to get my arms around, what would the true cost have been?

THE WITNESS: Yes. I guess I can't speak to what a new transformer would cost. You'd have to ask Mr. Wolf on that. I don't know those values.

COMMISSIONER KROSHUS: And I understand it. I've been in business for, prior to this, quite a number of years, and if you had inventory on hand that you could convert into a finished product -- but it doesn't mean I could -- you know, we could go back the second time around and offer the same type of a competitive bid because it was gone.

So I don't know how unique this situation is or if this is common practice to cobble together and put together the different components that are more advantageous from a cost standpoint.

THE WITNESS: I guess, you know, all I can speak

to is, as we continue to serve new customers, we take the next available unit out of our store facility, so it's the next transformer in line. And how depreciated that is, is how depreciated that is at the time. And that's what Mr. Wolf testified to.

COMMISSIONER KROSHUS: All right. Thank you.

ALJ WARD: Mr. Christmann.

CHAIRMAN CHRISTMANN: Mine have been asked and answered, Your Honor.

ALJ WARD: Okay.

COMMISSIONER FEDORCHAK: No more questions.

ALJ WARD: Okay. So let's do a time management discussion here while we're still on the record. How long do you think your next witness will take you? One more?

MR. STEPHENSON: One more, Mr. Schuler.

ALJ WARD: And that will take?

MR. STEPHENSON: Less than these two witnesses individually, so...

ALJ WARD: And Ms. Radermacher, your two witnesses, how much time?

MS. RADERMACHER: Mr. Garber might be 10, 15 minutes. I have a feeling that -- you know, the issue we have is that Mr. Syverson will be testifying to, essentially, what their two witnesses, Mr. Waltz and

Mr. Wolf, have testified to.

ALJ WARD: Okay.

MS. RADERMACHER: So it could be two hours, depending upon how many questions.

ALJ WARD: But we should -- all that being said, we should be able to finish by 4 or 5 today yet?

MS. RADERMACHER: I hope so.

ALJ WARD: Okay. So as far as a lunch break, Commissioners, I know you have some kind of an emergency meeting you need a few minutes to do, according to Mr. Schuh. How long do you think? 1:00 come back? Is that too soon? 1:15?

COMMISSIONER FEDORCHAK: Did you set a time for the special meeting?

ALJ WARD: I think he was looking at about --

UNIDENTIFIED SPEAKER: He talked about 1. I don't know if he scheduled it yet.

UNIDENTIFIED SPEAKER: Yes, Your Honor, it's scheduled at 1:00.

ALJ WARD: Okay. So can you do lunch in time to get back by 1 and then start here again 1:15?

COMMISSIONER FEDORCHAK: That would be good.

ALJ WARD: Okay. We'll all be back by 1:15.

UNIDENTIFIED SPEAKER: Your Honor, I should have done this this morning or during break, but I neglected

to. For people who haven't been here before, there's a ladies restroom right out here by the elevators, men's restroom one floor up or one floor down, take the stairs or the elevator.

Down on the ground floor when you get off the elevator, go east. You don't see it because there's a little jog in the hallway, but there's a cafeteria down the hallway, if you didn't want to go off campus.

UNIDENTIFIED SPEAKER: Yes. And I was just going to say that, too. You don't need to leave the building. I mean, you probably have time if you want to, but you're taking a risk you won't be back by 1:15.

UNIDENTIFIED SPEAKER: It's pretty quick. It's a la carte, buffet type of thing.

ALJ WARD: Okay. So we'll be adjourned until 1:15.

(Recess)

ALJ WARD: Back on the record after lunch. It's about 1:15.

Mr. Stephenson, call your next witness, please.

MR. STEPHENSON: Yes. Otter Tail calls George Schuler.

ALJ WARD: Mr. Schuler, would you spell your last name for the record, please?

MR SCHULER: S-C-H-U-L-E-R.

ALJ WARD: Thank you. I'll have you raise your right hand.

Do you promise to tell the truth, the whole truth, and nothing but the truth in this proceeding?

MR. SCHULER: I do.

ALJ WARD: Thank you.

GEORGE SCHULER,

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

DIRECT EXAMINATION

BY MR. STEPHENSON:

Q. Mr. Schuler, where are you employed?

A. I'm employed at Minn-Kota Ag Products.

Q. And what's your business address?

A. 90 South A Street, Breckenridge, Minnesota.

Q. And Mr. Schuler, what is Minn-Kota Ag Products?

A. Minn-Kota Ag Products is a grain elevator and ag supply business located in the southern Red River Valley. We have locations in Wyndmere, North Dakota, Barney, North Dakota, Kent, Minnesota, Wahpeton, North Dakota, and Breckenridge, Minnesota.

Q. And what is it that you do for Minn-Kota?

A. I am the grain division and logistics manager, along with I sit on the board of directors, and I'm also a minority owner in the business.

Q. I take it that means this is a family-owned business?

A. This is a fourth generation family-owned business.

Q. And how long have you been employed by Minn-Kota?

A. In my current full-time position, I've worked for Minn-Kota for almost six years, but I've worked at Minn-Kota off and on in the summertime since I was 16 years old, so it will be 13 years in May.

COMMISSIONER FEDORCHAK: Now we know how old you are.

(Laughter)

Q. And maybe you could just -- what you do for Minn-Kota, can you expand on that?

A. My primary role for Minn-Kota Ag Products is I do all the purchasing of commodities and the selling of commodities. We handle soybeans, corn, and spring wheat, along with a little bit of durum and a little bit of barley.

My primary role is, is I purchase those commodities, I then find a market and sell those commodities, along with I take care of all the logistics, so I do the buying and the selling of the BNSF trains that we purchase to move our commodity.

Q. And what are your responsibilities with respect to the Minn-Kota grain-handling facility being constructed near Barney?

A. The current Minn-Kota Barney facility that is being built, I am the team leader on that project. I was responsible for finding the site, designing the facility; basically, the whole project in and out.

Q. And what will be your responsibilities for that facility once it's in operation?

A. My responsibilities will be to oversee the day-to-day operations, along with take care of the procurement, sales, and logistics for that facility.

Q. And you indicate you have facilities in Minnesota and North Dakota?

A. Correct.

Q. And is your business weighted toward one jurisdiction or the other?

A. Being that we're on the river, it jumps both side, but a bulk of our business is done in the state of North Dakota. We are actually a North Dakota corporation.

Q. Now, with respect to the Minn-Kota grain-handling facility, can you describe what this facility will look like and what it will do, give a picture of what it will actually be capable of?

A. Yes, yes. There's kind of two parts to a facility like this so it's going to take me a little bit, so bear with me here just because...

There will be inbound receiving for producers or farmers and then there's outbound shipping, which will go on BNSF 120-car trains.

So I want to talk about the inbound side first. This facility will have the ability to dump at three dump pits. Those dump pits will be able to dump at 20,000 bushels an hour or 20 semi loads per pit per hour, so a total of 60 semi loads an hour. We will have a storage capacity of 2.9 or just under 3 million bushels at that facility.

We will then have the ability on the load-out side to load out at 80,000 bushels an hour or 80 truckloads an hour.

And you may kind of ask, well, is this, you know, similar to a farm setup or maybe the small town elevator?

No, this is a totally different dynamic. These shuttle elevators came on about 20 years ago, and it was really brought on by the railroads, is who are the ones who pushed them. And they were really designed for an efficient means to move grain into different markets, so if it's -- you know, wheat into the mills or soybeans

for export to the PNW or corn into different -- different markets that they're using, domestic and export.

So this facility will be designed to land 120-car BNSF locomotive. Well, what that does is it gives the producer in that area a competitive advantage because they're getting a discounted freight rate versus the small elevator that can only -- can only ship two or three cars. So it's not only a grain-handling facility, it's the marketplace for local producers.

Q. And what's the capital investment being made in this facility?

A. The capital investment on this project will be over $20 million.

Q. And how would you compare this size-wise to your other facilities?

A. This will be the largest facility in our network when construction is complete.

Q. And what's the anticipated operational life of a facility like this?

A. July of 20 -- I'm sorry, operational life, 40-plus years.

Q. Okay. And will this facility run year-round or just focus more on planting and harvest times?

A. No. This facility will be run year-round.

And to kind of touch a little bit on that, being that it is in the BNSF shuttle network, we are subject to operating hours that are -- that are a little different. This isn't like a manufacturing plant that comes on and runs at 8 in the morning till 10 at night 365 days a year.

We work in agriculture, so things are so seasonal. You know, crops could be big, crops could be small, grain could be wet, grain could be dry, corn harvest can run into bean harvest or bean harvest can continue into corn harvest.

So the consistency of this facility is very -- is very like this, if you would. Operationally of it, since we are in the BNSF network, when those trains are being moved to us, we're on a time limit of when those trains need to be -- from when they are spotted to when they need to be loaded. If they do not get loaded in the allotted amount of time, we're penalized for that. You know, it plays into competitive freight rate for efficiency for the railroad.

You know, so we could be working from 5:00 at night until 3:00 in the morning, or we could be regular business hours. We don't know that because it's based on seasonalities, it's based on freight, it's based on crop size.

Q. Based on seasonality, but is it correct that this facility will operate year-round?

A. It will operate year-round.

Q. Okay. And I just want to make sure there's an accurate picture. Can you describe just the components and how they tie together on a grain-handling and load-out facility like this? I know you talked about the dump pits, but how is that moved to X to Y?

A. Oh, sure, sure. So basically, if we talk, a truck comes in, it dumps in our dump pit. It then is taken by a conveyor belt to a leg. The leg then takes it up, hits a distributor, it then hits another conveyor, which takes it to the bin of which the commodity is being binned in.

From a load-out standpoint, it's the same concept. There's a conveyor belt underneath the bin. It then brings it to the load-out legs, which then bring it up. It then screens it and cleans it to make spec on that grain. It's weighed out, it's loaded in the car.

And this is done at very high volumes, as I touched on earlier.

Q. And do all those components, are they powered by electricity?

A. They are.

Q. And what's the status of the project right now?

A. Right now I would say we're nearing 50 percent completion on the project.

Q. And when do you expect to start operations?

A. July of 2018.

Q. Mr. Schuler, in planning this facility, have you evaluated electric service from both Otter Tail and Dakota Valley Electric?

A. Yes, we have.

Q. Okay. And obviously, you've requested Otter Tail service, so we can infer that you prefer to have Otter Tail serve?

A. Yes, we do.

Q. Okay. Now, has Otter Tail been part of your plans throughout this process?

A. Yes, they have been.

Q. Can you explain why that's the case?

A. As I touched on earlier, we have facilities in Wyndmere and then formerly in Barney, which the new terminal is taking place of. Otter Tail, at that point, was serving those two facilities. It was our understanding that Otter Tail could serve this because they always have -- always served our facilities out west.

Other things that we took into consideration with Otter Tail is we've never had a bad experience with

them at these two facilities that they currently serve. If there's ever been -- if there's ever been an issue, they've been very flexible, they've been very timely, any outages have been very short-lived.

Q. And was the facility that you're building now initially planned for the Barney site?

A. Initially, it was actually planned for a site two miles west of Wyndmere. We then had to relocate -- excuse me, east of Wyndmere. We then had to relocate to a site east of Barney due to poor soil conditions.

Q. And for the record, did Minn-Kota contact Otter Tail about providing service or did OTP contact Minn-Kota?

A. Minn-Kota Ag Products contacted Otter Tail.

Q. And when did Otter Tail provide you rate information? Do you have any recollection when that might have occurred?

A. I don't -- I can't pin it down to the date, but it was sometime before I received rates from Dakota Valley.

Q. And the information you received from Otter Tail, did you evaluate those rates?

A. Yes, we did.

Q. And was that the same rate that Mr. Waltz testified to, the general service rate?

A. Yes.

Q. Okay.

A. And I believe that's -- general service rate is the same one that we're on at our Wyndmere location, which is what I used to look at -- look at it initially.

Q. And did you do any kind of analysis or come to any conclusions about Otter Tail rates before seeing Dakota Valley's?

A. Well, Dakota Valley currently serves our Wahpeton location. And just knowing -- knowing what we know, Dakota Valley has an extremely high demand factor. Well, you know, I think as pointed out in previous testimony, is in our industry, we get -- we're extremely sensitive to that because we're not consistent, we're peaking, you know, as I touched on, we're peaking up and down.

So knowing what we knew from that Wahpeton location, we knew that the rates would be somewhat more competitive or favorable towards Otter Tail. Well, then when we started looking at what it cost to run our Wahpeton location compared to our other ones, Otter Tail was definitely more favorable to Minn-Kota.

Q. Let's talk about that demand feature. Does that demand weigh into how you operate a facility like this?

A. Yes, it does. Yes, it does.

Q. Can you expand?

A. Yes. Just give me a second here.

When we get into trying to combat that demand charge, we have to change the flexibility of how we run our business.

You know, my primary example is at -- is at Wahpeton. We have a million-bushel corn bunker out there that has six fans on it. To try to limit the amount of cost we will incur on this, we have to run half those fans.

We've had to -- we've had to do things at that facility to slow it down, to not hit that demand factor, because that facility is not our main workhorse, it is secondary. And it is, by far, one of my most expensive facilities to operate, and the power is a large part of that.

Q. Now, your building, would you characterize the new facility as state of the art?

A. This is a state -- this is a state of the art facility. This will be one of the nicest facilities in the state of North Dakota.

Q. And will your ability to use that the way it's designed be hampered if you have to take a high demand charge?

A. It very well could be.

Q. Do you expect it to be?

A. Probably.

Q. And you've experienced that already in Wahpeton. Is that --

A. And we have experienced that already in Wahpeton.

Q. Okay. As far as other operational or flexibility issues, you've heard testimony, I think, about soft starts. Is that something that you've considered?

A. Any time -- any time we can go choose a provider or somebody who allows a business flexibility, it just betters the business. You know, I know there was some talks about soft starts and different things in previous testimonies.

And from our standpoint, the ag business, it changes so much. What we were doing five years ago isn't the same of what we're doing today. What we're going to do today, we may not do in 15 years.

So having that flexibility and being able to plan expansions or adapt without having to incur more costs or having to do things that limit our flexibility or limit our operations, it's just beneficial to our business, especially in ag where now we're seeing tighter margins in an ever-changing world and a lot of

inconsistencies in it.

Q. Now, you've heard some testimony earlier today, primarily from Mr. Wolf. Is there anything, in your mind, supporting your request related to reliability and minimizing risk?

A. Yes. The plan that Otter Tail Power, I think, that has prevented -- or has presented to Minn-Kota, excuse me, I think is very beneficial to us. Any time you can minimize a risk of an outage happening or something to that (indiscernible) that will take us out of business, we're always in favor of it.

You know, they talk about putting that on-site substation there. And that, to us, has a huge advantage, knowing that the power is right there and it's not being trenched five miles up. What if something -- what if something happens?

And weather, I understand, you know, all these places, just in testimony, are fed by overhead lines. I get that. But from a business owner standpoint, if something does happen, we can then look, okay, it's probably on-site and it's only a thousand feet that they need to find versus four miles. And odds are, when something is going to happen, it's going to be in the dead cold of winter, just my assumption.

Q. Probably a safe assumption.

Now, the consequences of a potential service interruption, can you explain what those might be?

A. Yeah. As I think we indicated earlier, everything in this facility is ran off of electricity, and it's ran rather quickly through the facility.

So, I mean, you can about imagine, we're dumping 60,000 bushels grain of grain an hour. Well, if that power cuts out for just one minute, that's a lot of moving parts, and that's a lot of grain that needs to go somewhere, and odds are it's going to go into a spot that is not going to be very easily accessed to get out.

Service interruptions, they can have two consequences: Economical, where if we're in the heart of harvest and we shut down and we lose customers, or we're loading a train and we incur penalties or that sort of thing. But then there's the -- then there's just the side of it, it's time consuming. It may not do any damage, but if we've got to get a grain vac out and grain vac 20 to 30,000, 40,000 bushels, just that in itself could take us a half a day to a day just getting our facility back up and running.

So to answer your question, any sort of service interruption can have huge implications for us.

Q. And as a businessman, would you take any reduction in risk to avoid that as -- see that as

beneficial?

A. Absolutely. And I think we all would.

Q. Now, with respect to Dakota Valley and their proposal, do you recall when you received that?

A. Middle of March, I believe.

Q. And did you evaluate that proposal?

A. Absolutely, I did. That's my due diligence as a manager and an owner of my company.

Q. And did you compare that to what you understood Otter Tail's rate structure to be?

A. Yes, I did.

Q. And what was your conclusion at that time?

A. Looking at what we looked at before the discount, the savings of Otter Tail were around $100,000, is what we found. We then -- we then factored in the discount and kind of said, well, you know, yeah, it's a discounted rate, but Otter Tail is still going to be cheaper even with a discount.

Q. And what did you communicate to Dakota Valley?

A. Basically, that I had evaluated both rate structures and that their rate structure was overly high for what -- what we thought it should be and, you know, given the choice, if we get the choice, we're going to go with Otter Tail Power. And that was one reason why. And then the on-site substation was also a big deal to

us.

Q. And did you ever hear back from Dakota Valley after that?

A. I did not.

Q. No further proposals from Dakota Valley?

A. No further proposals.

Q. Did Dakota Valley ever offer you a contract?

A. No.

Q. So at that time, as far as you knew, you really didn't know what they were going to do --

A. No.

Q. -- in terms of --

A. No. I was somewhat under the assumption that both -- both parties presented a proposal, it was for us to choose, and I never heard anything different until we were here.

Q. Mr. Schuler, does the fact that Otter Tail's a rate regulated utility weigh into your analysis?

A. Absolutely it does. It's very reassuring a business to know that you have some checks and balances, and that if Otter Tail is going to offer a rate increase, it at least has to go through some channel for that rate to be approved.

Q. And with respect to Dakota Valley's offer, was there any indication what would occur after the

expiration of that discount?
A. No.
Q. And your company is a co-op member currently. Is that right? I mean, you receive services from Dakota Valley?
A. Yes. They serve our Wahpeton location.
Q. And is it your -- can the cooperative change rates by order of its board?
A. I believe they can.
Q. You've heard some testimony about a substation. What's your understanding of how Otter Tail would acquire that footprint for a substation on-site?
A. My understanding is that it would be a -- probably a lease agreement between Otter Tail and Minn-Kota Ag Products, as we own the ground. And the footprint that they're talking about, the economical gain of having that, or security of having that, a substation on-site, far outweighs the value of which that parcel is just sitting there vacant.
Q. What would be the lease price?
A. $1.
Q. And the property has limited value at least in comparison to the value of having it on-site?
A. Yes.
MR. STEPHENSON: This witness is available for

cross-examination.
ALJ WARD: One question. You haven't moved Exhibit 11 yet, the application. Do you want to do that?
MS. RADERMACHER: We'll stipulate to its admission, make it part of the record.
ALJ WARD: Okay, all right.
MS. RADERMACHER: I don't think any additional foundation needs to be provided.
ALJ WARD: Okay. Very good.
Ms. Radermacher, cross.
MS. RADERMACHER: Thank you.
CROSS EXAMINATION
BY MS. RADERMACHER:
Q. Now, you indicated that you have the Wahpeton site currently with Dakota Valley Electric?
A. Yes, Ma'am.
Q. Can you compare for me what this site is going to be versus your Wahpeton site, for example?
A. The Wahpeton site, for example, is -- first of all, it's not a grain shuttle loading facility. It is a secondary truck load-out 15-car shipment facility. It operates more seasonally than this one would be. You know, it's busy at harvest time. Minimal use throughout the winter as we're shipping it out. Come springtime,

our fertilizer portion of that does ramp up, but from a grain elevator standpoint, it's rather quiet. Summertime, rather quiet until harvest -- harvest happens again. It's more of a seasonal facility, where this new terminal would really be the workhorse of our western trade territory.
Q. How much more traffic would you see at this site than you would at the Wahpeton site?
A. Anticipated annually? Significantly more. To put a number on that is really hard. Tell me the crop sizes, market conditions, some of those things, and I could maybe get you close, but...
Q. Like three, four, five times more business than what you're doing at the Wahpeton?
A. Probably, if not more than that.
Q. Okay. So you're saying more than five times what you'd be currently doing?
A. Like I said, it's kind of hard to peg that because my industry is -- it's kind of dependent on yields and market conditions and that sort of thing. You know, use five to eight times.
Q. I'm married to a farmer, so I completely understand where you're coming from.
A. Gotcha.
Q. So how would you compare this? Because like I

said, this is -- as a farmer's wife, how would you compare, say, for example, to like James Valley Grain? Like how would this site compare to that?
A. You know the Verona facility from James Valley Grain?
Q. Yes.
A. It would be very similar to that. The only difference is it's a steel structure that I'm building, it's a concrete structure that they have. But operationally, very much the same, identical.
Q. And does James Valley, does that -- you know, what would some other comparable elevators be that you can think of?
A. Let's see here. James Valley Grain and Oakes, as you touched on. Arthur Companies in Ayr, Arthur companies at Pillsbury. Columbia Grain in Valley City. Maple River Grain in Casselton. Let's see here, I forget what the name of the co-opt it, but -- big cement elevator north of Fargo. It will come, it will come to me. There's many of them.
Q. So that's the one along interstate, is that the one you're talking about?
A. Yes, yep.
Q. Okay. So it's going to be significant, from the sounds of it?

A. Yes, yes. This is going to be very big.
Q. And this one has a railroad loop. Is that my understanding?
A. This has a loop track configuration, correct.
Q. Okay. And does your Wahpeton one have that?
A. No, it does not. That is a ladder track system. It can only hold about 30 cars. This new facility will be able to hold 120 on a BNSF shuttle plus 25 inbound short-line cars. So we have track capacity of about 150 cars, roughly.
Q. And my understanding in your communications with either Dakota Valley or Otter Tail is that none of the cost of what was going to be put out there as far as bringing the power to you would have been -- had to be recouped by you. Was that your understanding when you had conversations with these guys?
A. Well, you know, in my -- repeat the question.
Q. Okay. So like the cost of construction, basically the cost to bring the power to you, did either one of them communicate what it was going to cost you out of your pocket to bring the power to you?
A. Well, I just -- I would assume if they were -- if they were making some sort of an investment into my facility, it was either they would recoup that investment either through serving the facility or

through us being a customer. It was never told to me that we would have to pay for anything, like bringing line in from Mooreton or bringing line in from Wahpeton. I'm just --
Q. Okay. So you --
A. So I'm not biased.
Q. You didn't think there would be any aid to construction costs or anything like that that would come out of your pocket?
A. No, nope.
Q. And so were you aware of what it would cost Dakota Valley to bring power to you?
A. I was not.
Q. But were you aware of the dollar amount that it would cost to bring power to you from Otter Tail?
A. I was not.
Q. So if, for example, it would cost -- say you had to pay out of your pocket and it cost you three times more to have that construction brought to you by Otter Tail, would you still have gone with them?
A. The upfront cost?
Q. Yes.
A. And the substation would be on-site and their rate would stay the same? Yes, I would. If their construction costs were --

What was your upfront construction cost from the earlier testimony?
Q. 235,000.
A. So at three times that, and if we anticipated, it would be 50 to $100,000 difference and I look at a ten-year return on my investment, yeah, I would probably still go with Otter Tail.
Q. But that could also be the differentiation in what structures are actually put on your property versus what Dakota Valley would have put on. Is that correct?
A. I can't answer that because I don't have knowledge of electrical structures, I guess.
MS. RADERMACHER: I have no further questions.
ALJ WARD: Mr. Pelham, questions for Mr. Schuler?
CROSS EXAMINATION
BY MR. PELHAM:
Q. Good afternoon, Sir. I just have a few questions for you. As far as the analysis that -- you were asked about the Dakota Valley analysis. I think you were referring to Otter Tail Exhibit 8. I just want to confirm that for the record, though?
A. Let me look at it so I got it.
Q. Yes. Eight.
A. That is correct.

Q. That's what was provided to you and you were --
A. Yes, yep.
Q. And the facility that Minn-Kota has at Wahpeton, I'm just wondering, you know, the level of service that Dakota Valley has provided your company. Are you saying that there have been issues with service interruptions at that facility?
A. I would have to say no, but the limited use of that facility, I mean -- it's hard to say, anything can happen, but to answer your question, no, we haven't had service interruptions there, no.
Q. Because I was wondering, if you had had issues with Dakota Valley, whether or not efforts had been made by Minn-Kota or Dakota Valley to try to remedy any issues that you were having at that Wahpeton facility?
A. Really, the only issues that have been done to remedy stuff there, you know, we talked about that demand charge, you know, we've done stuff to try to bring that down. You know, like I said, we only run half the fans, we've slowed motors down, we've slowed legs down to not put that output. But it was by no means of the co-op, it was what we did internally to try to save money.
Q. Okay. So was there ever a discussion that Minn-Kota had with Dakota Valley as far as these demand

charges in potentially seeking a reduction in them?
A. Not to my knowledge, but that doesn't mean there wasn't. In my handlings, no, but, you know...
Q. So you're not aware of a situation, say, for example, Dakota Valley gets its bill and -- or rather, Minn-Kota gets its bill from Dakota Valley and there's these additional charges. There was never any negotiation, to your knowledge, as far as reduction in that or any type of dealing to reduce those, to your knowledge?
A. Not -- not to my knowledge.
Q. You testified, Sir, that Otter Tail was more favorable than a Dakota Valley-powered facility. I'm just wondering if you could outline Minn-Kota's reasoning for that?
A. Well, there was three reasons we took, and I kind of talked on those, but maybe I was a little quick.
You know, cost, as anything in business, was one factor that we weighed into it.
You know, then we looked at the way that they were going to serve the facility. You know, so from the risk standpoint, you know, we kind of picked the option that we felt would maybe limit the chance of something happening.
And then three was the flexibility. That was

the -- that was the third thing. You know, like I said, ag is ever changing so we have to be flexible in our business. It's not just a straight-line thing. Things evolve. So having the ability to be flexible in expansions or that sort of thing and not have to work that expansion around an electrical issue, it had value to us.
Q. What's the risk? I don't understand what the risk is to Minn-Kota. What are you talking about when you say the risk?
A. Service, a service interruption. What's the risk? What happens if I lose power at my --
Q. I understand that.
A. Okay.
Q. But what is the risk versus Dakota Valley or Otter Tail? I don't understand why you view Dakota Valley as having a risk as opposed to Otter Tail having a risk.
A. The fact that there's over four miles of underground fiber up to this facility, that's the risk. If overhead lines go down, they can -- and it's going to happen in an ice storm or something like that. But you're talking four miles of buried fiber. How long is it going to take you to find four miles of buried three phase power out to this facility if it goes down? And

that doesn't include the other farmsteads along this thing that are being served that are using similar power that we are.
You know, that's the risk. The risk is the time of being down, losing business, the time that it takes to become operational again, that's the risk.
Q. So fair to say then that Minn-Kota's view of Dakota Valley's use of underground distribution network, for lack of a better word, rather than the distribution network of a substation being located on the Minn-Kota property, you view that -- "you" being Minn-Kota -- views that as less of a risk to your business operations. Is that fair to say?
A. It's very fair to say, Sir.
Q. And then as far as the flexibility, I think you touched upon that, and that flexibility and the issues of the limitations on the power that would be available, say, at the Wahpeton facility having to only run three of six fans, is that what you're talking about, the flexibility as far as Dakota Valley potential power provided to the Minn-Kota facility?
A. That is correct. You know, I think it was indicated in earlier testimony that we would have to have, for example, soft starts was the thing that got brought up on fans that are 30 horsepower or less.

Well, 30 horsepower isn't a lot of horsepower. And when you're putting a fan like that into something, if you used a ground bunker for temporary storage and you had six fans that you needed to put on it and now, all of a sudden, you have to spend 2 to $3,000, and I'm just using this as an example, I'm just saying that something like that, it starts costing us more money for no real apparent advantage. You know, it's limiting our flexibility. It's one more step, it's one more thing to purchase, it's one more thing to think about.
Q. So when Dakota Valley presented its bid, for lack of a better word, Otter Tail Exhibit 8 that we referenced earlier, was there a discussion that Minn-Kota had directly with Dakota Valley, or was it just simply the presentation of its bid and then a decision by Minn-Kota to choose Otter Tail?
A. You know, they were -- it was presented to us. We went through it, we did our own internal, and then we made that decision, Minn-Kota Ag Products did.
Q. So then there wasn't any communication back with Dakota Valley as far as what the proposal was on Exhibit 8. Is that fair to say? They presented it --
A. I didn't tell either side anything of which -- who was where, you know.
And from Dakota Valley's standpoint, you should

be able to look at Otter Tail's rate, it is published, so...

Q. And then as far as the flexibility that you had just referenced and you were testifying as to, has there been a discussion with Dakota Valley as to the need for greater flexibility on the power supply to Minn-Kota?

A. Since we informed them we were going with Otter Tail, we haven't had any other contact with them up until we found out about the petition. So to answer your question, no.

MR. PELHAM: Thank you, Sir. I don't have any other questions.

ALJ WARD: Commissioners? Commissioner Kroshus.

COMMISSIONER KROSHUS: Just a few questions. Thank you for making the trip.

THE WITNESS: It's a beautiful drive.

COMMISSIONER KROSHUS: Did you come in this morning?

THE WITNESS: No, I came in last night.

COMMISSIONER KROSHUS: Is that an easy question or what?

What's the drying capacity? You talked about the offload capacity, the --

THE WITNESS: Yep. Drying capacity, just under 5,000 bushels an hour, which is a fairly big-size dryer.

We have wet holding capacity, though, of 155,000, plus an additional 155 in reserve. So we could run our dryer 24 hours a day seven days a week if we need to.

COMMISSIONER KROSHUS: Depending on the year and the -- this year seemed to be more favorable, I believe.

THE WITNESS: No.

COMMISSIONER KROSHUS: Or is it wet out east?

THE WITNESS: It's been very wet. This is the first year in four years we've had to dry soybeans.

COMMISSIONER KROSHUS: Send some this way. Soybeans, we'd probably take those, too.

How would you characterize your experience with Dakota Valley Electric with the Wahpeton facility in terms of customer service, that type of thing?

THE WITNESS: You know, you talk about -- me personally, I can't say anything bad on them because I haven't dealt with them personally. I haven't heard anything bad other than the demand charge and their rates are expensive from a business standpoint, but, you know, customer service, that sort of thing, I think they've been fine to us.

COMMISSIONER KROSHUS: Did the company indicate to you at any time that they would be willing to renegotiate --

THE WITNESS: No --

COMMISSIONER KROSHUS: -- from the March proposal, which I believe is the last one you received?

THE WITNESS: No, Commissioner, I haven't heard from them since I informed Seth that we would be going to Otter Tail. There was no counterproposal or any such thing.

COMMISSIONER KROSHUS: Are you familiar with what the rates at the Wahpeton facility -- would you characterize them as consistent over the course of time or have you seen them increasing more than, say, Otter Tail?

THE WITNESS: I don't -- I don't work on the accounting or the finance side, so I don't see those bills and that sort of thing every day. I could look at it and tell you, you know. It's been fairly -- it's been fairly consistent, if not ticked up a little bit more, but that could be for various reasons, I mean.

COMMISSIONER KROSHUS: No, and I understand you have staff that takes care of that --

THE WITNESS: Correct.

COMMISSIONER KROSHUS: -- and then you have the big picture as you're going through it all.

And then the last question, how did you wind up, what prompted you to -- or who alerted you that you may want to testify, or is that something you heard about

the situation and said, hey, I want to testify?

THE WITNESS: Yeah. I heard about the situation and, I mean, we saw the figures and, you know, it -- I felt it was necessary to come out here and have you guys hear me and what my thoughts were.

COMMISSIONER KROSHUS: Yep. Okay. No other questions for me. Thank you.

THE WITNESS: Thank you.

ALJ WARD: Commissioner Christmann.

CHAIRMAN CHRISTMANN: Thanks for being here. Just to better understand your past experiences, your Kent and Breckenridge facilities, are those served by Otter Tail or by some co-op over --

THE WITNESS: I believe the Kent facility is served by Otter Tail. Breckenridge is actually in town, it's served by Breckenridge Utility, which I believe buys their power from Otter Tail but...

CHAIRMAN CHRISTMANN: Are any of those five shuttle facilities?

THE WITNESS: The Breckenridge facility is a shuttle terminal.

CHAIRMAN CHRISTMANN: Pretty similar to this, or is this (indiscernible) level of shuttle facility?

THE WITNESS: This is the next step. The Breckenridge elevator was one of the first BNSF shuttle

loaders almost in the country. It was one of the -- it was the first in the state of North Dakota. So it was a retrofit off of an old elevator and then adding another one. It's very different.

This facility, it loads out at one spot, it's got the loop track, it's -- it's, you know, 80,000 bushel an hour. Where the Breckenridge facility, it's switching cars, we load out of two spots, it has a load-out capacity of about 45,000 bushel an hour.

So they're very different, if that answers your question.

CHAIRMAN CHRISTMANN: I feel bad. In college I went to Breckenridge from time to time but never toured the elevator.

(Laughter)

THE WITNESS: Come down. Come down tonight, we've got a train.

CHAIRMAN CHRISTMANN: None of your facilities are processing plants, though, right? They're --

THE WITNESS: Nope, nope, these are grain -- grain receiving, grain shipping.

CHAIRMAN CHRISTMANN: And that will be this one as well?

THE WITNESS: Correct, yes. You know, shipping, you know, yes.

CHAIRMAN CHRISTMANN: And your electricity needs are for moving grain and air, I presume?

THE WITNESS: Yeah. Our electricity --

CHAIRMAN CHRISTMANN: What provides your heat when you dry?

THE WITNESS: Propane.

CHAIRMAN CHRISTMANN: At all of them? None of them would be --

THE WITNESS: The only one would be natural gas in Breckenridge, but you still need electricity to run the fans and the blowers on the dryer.

CHAIRMAN CHRISTMANN: Okay. How far is Wyndmere from Barney?

THE WITNESS: I believe the Wyndmere elevator to this new site is about six miles.

CHAIRMAN CHRISTMANN: So I think you said that Barney was being replaced by this?

THE WITNESS: We bought -- I should clarify that a little bit. Okay. Minn-Kota Ag Products, we have our Breckenridge location, we had a Barney location, and Wyndmere. We ran the Barney elevator for over 60-something years.

When the time came, we were doing -- you know, we were looking for more capacity and that sort of thing. We found -- we found this area to be where we

needed to invest or expand at. So there was actually a local farmer who wanted to purchase the Barney elevator from us, so we sold that elevator. This is the first year we haven't operated it. And we'll be replacing that elevator with this new terminal.

CHAIRMAN CHRISTMANN: Does Wyndmere stay open?

THE WITNESS: Wyndmere will still stay open, correct.

CHAIRMAN CHRISTMANN: Okay. The issue of not running those fans at Wahpeton, did I understand right, that's never been an issue of not being able to keep them going because the capacity was short, it's a matter of either avoiding a financial penalty or achieving --

THE WITNESS: It's never that they've never been able to run. It's just trying to run an asset that's at a feasible cost.

The thing about Minn-Kota Ag Products is we're family-owned. I mean, every penny counts to us. The company is owned by myself, my father, my brother, and my mother. We aren't an ADM or a Cargill. We don't have multibillionaires that are investors in our company. We're the investors. And you know what? If we can save money, great. That's what we live off of. That's what -- that's what we need to do to survive.

And then on top of it, it's putting it back into

the business, growing it, hiring people, creating jobs, and better serving our producers.

CHAIRMAN CHRISTMANN: And being able to run everything as quickly as possible enhances efficiency?

THE WITNESS: Absolutely.

CHAIRMAN CHRISTMANN: Makes you more competitive with the competitors you just named?

THE WITNESS: Yep. It makes us more -- makes us more competitive. It makes our producers or our customers more efficient.

You know, if you remember 20 years ago, what did they combine soybeans with? 20-foot Draper head. Now they do 45-foot Draper head with six combines and 20 trucks.

I mean, the producers became more efficient so we've had to become more efficient, which, in the end, we're more efficient, they're more efficient, everything is better.

CHAIRMAN CHRISTMANN: No other questions. Thank you.

THE WITNESS: Thank you.

ALJ WARD: Commissioner Fedorchak.

COMMISSIONER FEDORCHAK: Thank you. Your name is George, right?

THE WITNESS: It is.

COMMISSIONER FEDORCHAK: George. So the other facilities in Wyndmere and Barney --
THE WITNESS: Correct.
COMMISSIONER FEDORCHAK: -- they're in town, they're elevators that are in the middle of town or located --
THE WITNESS: Yeah, they're in town. I mean, these towns are very small communities.
COMMISSIONER FEDORCHAK: Right. And those are Otter Tail Power service areas?
THE WITNESS: Correct, yes, they are served by Otter Tail Power.
COMMISSIONER FEDORCHAK: So you didn't have to get a certificate of public convenience and necessity --
THE WITNESS: I don't --
COMMISSIONER FEDORCHAK: -- Otter Tail --
THE WITNESS: I don't believe so. You know, that goes back years and years ago. That's before my time. So I don't believe they did, but I can't exactly speak on that.
COMMISSIONER FEDORCHAK: So when did you find out that, in this new location, you wouldn't just be able to get Otter Tail service?
THE WITNESS: Well, we kind of found out, we started going through the process of finding a spot,

planning, that sort of thing. We really didn't -- we were -- we were told or instructed that we would need a certificate from the PSC. I forget what you guys call it.
COMMISSIONER FEDORCHAK: Yep, public convenience and --
THE WITNESS: We knew that, but we really found out that it was going to be -- you know, we wouldn't know for sure we would have them until Dakota Valley submitted a protest to it.
COMMISSIONER FEDORCHAK: Okay. Did that play a role at all in your location decision, or would it have -- if you would have known that you might not be able to secure Otter Tail service, would that have affected your location decision?
THE WITNESS: Possibly. But, you know, we kind of -- we kind of had it in our heads or we were underneath the assumption that it was our choice and, you know, they both kind of -- one submitted a bid, one -- you know, looking at it now, we probably should have done a little bit more. It very well could have affected our due diligence or affected the spot that we picked, yes.
COMMISSIONER FEDORCHAK: How many employees do you have?

THE WITNESS: We have --
COMMISSIONER FEDORCHAK: Or do you have at this facility, I should --
THE WITNESS: This facility will have anywhere from seven to ten employees, roughly.
COMMISSIONER FEDORCHAK: Full time?
THE WITNESS: Between full and part time, you know.
COMMISSIONER FEDORCHAK: And how many does your company employ?
THE WITNESS: Just over 60, or about 60, give or take one or two one way.
COMMISSIONER FEDORCHAK: And the full-time/part-time breakdown of those 60 employees?
THE WITNESS: 60 full-time. We're up to 75 with part-time.
COMMISSIONER FEDORCHAK: Okay. And those aren't seasonal, those are year-round? The part-times might be, but the full time?
THE WITNESS: The 60 is full-time workers.
COMMISSIONER FEDORCHAK: Okay.
THE WITNESS: Yep.
COMMISSIONER FEDORCHAK: Tell me how big of an issue -- how big of -- in the scheme of all your costs, where does electricity fall in terms of its importance,

its significance to the cost for your company?
THE WITNESS: From a cost standpoint, it's a big enough deal. It's one thing, you kind of get caught up in what you're doing day to day to day, so it kind of goes on the back burner, but when you look at a project like this where it's roughly five to seven percent, well, on $2.75 corn, five to seven percent is -- that can be a big deal.
COMMISSIONER FEDORCHAK: If you have increased power costs, who pays those? Do you guys eat those? Do you pass them along to your customers? Is it a combination?
THE WITNESS: The grain markets are really set in a competitive environment, and where we're at, we're surrounded by a lot of different -- we compete with a high fructose corn syrup plant, three ethanol plants, along with three or four other shuttle loaders.
So for us to say, okay, if our costs are going to go up on electricity, for example, we'll just widen out our bases and we'll pass it on to our customers, that doesn't happen in our industry. The grain industry is extremely competitive, especially in our area.
So to answer your question, who's going to incur that cost? Minn-Kota Ag Products is probably going to incur that cost.

COMMISSIONER FEDORCHAK: So it affects your bottom line and your money available to pay your employees?
THE WITNESS: Yes. Reinvest in our communities, reinvest in hiring people. Yeah, it affects everything.
COMMISSIONER FEDORCHAK: So you haven't, over the years in Wahpeton, had conversations with Dakota Valley about the demand charge and tried to get that changed or be under a different rate, or do you think they understand how big of a deal that is for you guys?
THE WITNESS: I personally haven't, no.
COMMISSIONER FEDORCHAK: Okay. Maybe somebody else in your company has, though?
THE WITNESS: Possibly. I can't answer that, but I personally haven't.
COMMISSIONER FEDORCHAK: But you certainly didn't have that -- they didn't know that going into this bid for any particular reason?
THE WITNESS: Clarify what you're --
COMMISSIONER FEDORCHAK: Would they have known that that cost, that charge, was problematic for you guys going into providing a bid for this project?
THE WITNESS: I would sure think so.
COMMISSIONER FEDORCHAK: All right. I think that's it for me. Thanks, George.

THE WITNESS: Thank you.
ALJ WARD: Okay. Followup?
MR. STEPHENSON: I have nothing, Your Honor.
ALJ WARD: Ms. Radermacher.

RECROSS EXAMINATION

BY MS. RADERMACHER:

Q. Who is Jody -- do you know who Jody Schuler is?

A. Jody Schuler is my father and the president of the company.

Q. Okay. Do you know who Tim Koch is?

A. I do not know Tim.

Q. Okay. Did you purchase the -- just to clarify on that, did you purchase the Wahpeton elevator from somebody previously or did you erect that yourself?

A. No. We purchased that from a company called Riverland Ag.

Q. And Tim Koch with Riverland Ag, does that sound like he -- familiar to you at all?

A. No, it doesn't. I wasn't involved in that -- in that purchase or that procurement on that facility. That tract of land was really bought for our fertilizer plant. The grain facility came with it then. It, in return, became my responsibility. But from the deal there, I was not involved in that.

Q. So are you familiar with any communications that

Dakota Valley would have had with your father, Jody?

A. No.

MS. RADERMACHER: I have no further questions.
ALJ WARD: Mr. Pelham?
MR. PELHAM: I don't have any other questions, thank you.
ALJ WARD: Okay. I think you can step down, Mr. Schuler.
Mr. Stephenson.
MR. STEPHENSON: That concludes our direct case, Your Honor.
ALJ WARD: Okay. Ms. Radermacher, are you ready to call your first witness?
MS. RADERMACHER: Yes, Your Honor. Seth Syverson.
COMMISSIONER FEDORCHAK: Judge, since he's going to be a long witness, can we take a short break now?
ALJ WARD: Sure. You want to take a break now? That's fine. We'll go off the record. It's 2:09. We'll come back, 2:20.

(Recess)

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ALJ WARD: Okay, we're going to go back on the record now. We've got all the commissioners present. It's 2:20. Mr. Syverson, just took the stand.
Mr. Syverson, can you spell your last name for me?
MR. SYVERSON: S-Y-V-E-R-S-O-N.
ALJ WARD: Okay. And I'll have you raise your right hand.
Do you promise to tell the truth, the whole truth, and nothing but the truth in this proceeding?
MR. SYVERSON: I do.
ALJ WARD: Thank you. Ms. Radermacher.

SETH SYVERSON,

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

DIRECT EXAMINATION

BY MS. RADERMACHER:

Q. Mr. Syverson, what is your current occupation?

A. I'm the engineering manager for Dakota Valley Electric and Northern Plains Electric.

Q. Okay. And how long have you been in that position?

A. I've been in that position for about five years now.

Q. And did you hold any positions with Dakota

Valley or Northern Plains prior to?

A. Prior to the engineering, manager job, I was the system engineer for both cooperatives, and I held that for about four years.

Q. And any other applicable training or engineering jobs prior to that?

A. Before, I worked for an aeronautical company down in St. Louis when I left college.

Q. Okay. And when you say that you work for Northern Plains and Dakota Valley, is there some sort of sharing agreement between those two co-ops?

A. Yeah. The two cooperatives have a shared alliance which certain employees between the two work the same function for each company. The engineering, manager side of it, system engineer side of it, the general manager, operations, and some load management and metering are shared employees between the two. As far as day-to-day operations, that's kept separate between the two entities.

Q. Okay.

ALJ WARD: Can I get your business address?

THE WITNESS: Yeah. I'm in 1515 West Main Street, Carrington, North Dakota.

Q. And can you briefly describe your training and education relevant to being an engineer?

A. I graduated University of North Dakota with a masters in electrical engineering. I also received a masters in system engineering from Missouri Science and Technology.

Q. And do you have any certifications?

A. No, just my schooling.

Q. Okay. And do you have to have any certifications for your position?

A. No. I am not a PE.

Q. Okay. And what are your job duties between Dakota Valley Electric and Northern Plains?

A. Management of the engineering department, which include five staking engineers and a systems engineer, manage overall construction work plan and long-range work plans, helped develop those. Also manage and put together system improvement budgets and capital improvements. Responsible for the operation and maintenance as far as the program, and various other options, a lot of hats.

Q. Okay. And are you familiar with the facility that's being erected by Minn-Kota near the Mooreton, Barney area?

A. Yep.

Q. And how did you become familiar with that project?

A. Initially, it was just word of talk from the local members and through my district engineer down in Milnor. And then we received notice as far as the PCN from Otter Tail, that they were going to submit that. And at that time is when we did reach out with Minn-Kota Ag and provide a proposal.

Q. Okay. And so you hadn't talked to Minn-Kota prior to Otter Tail coming in the picture?

A. No, we did not.

Q. And the proposed site of this elevator, is that in Dakota Valley's territory?

A. As far as I'm concerned, it's a rural site. We have members that are served around there and we feel that is in Dakota Valley's service territory.

Q. Okay. And to your knowledge, are there any service agreements between Dakota Valley and Otter Tail regarding this particular site?

A. No, not in this area.

Q. I have what's been labeled as Exhibit 1 and if you could take a look at that. Can you tell me what this exhibit is of?

A. Yeah. This is basically the service territory similar to what Otter Tail had presented. The circle shown on there is the two-mile radius boundary. The star in the middle is where the proposed Minn-Kota

elevator site is. Our purple lines on here, or pink in your guys' exhibits there, the dash lines are the underground facilities. The blue -- or anything that's a solid line would be considered overhead and anything that's underground would be a dash line. Our Mooreton -- Dakota Valley Mooreton substation is in the southeast in section 13 there, just outside the two-mile radius.

Q. Okay. And are Otter Tail's facilities reflected on this exhibit at all?

A. No, I am not showing any Otter Tail facilities.

Q. And did you create this exhibit or did somebody under your direction create this exhibit?

A. We created -- I created this, yes.

MS. RADERMACHER: I'd move to enter DVEC 1.

ALJ WARD: Any objection?

MR. STEPHENSON: No objection.

ALJ WARD: Mr. Pelham?

MR. PELHAM: No objection, but I just want to make sure that we have a clear printout for the official record. Like on the screen here, it's much sharper than what the exhibit I have. So if we could -- what you have there, ALJ Ward.

ALJ WARD: I don't know. I guess what I have is clear enough for me, but I'm -- is this what yours looks like?

MR. PELHAM: Well, for example, the 3ph DVEC consumers is yellow, but then there's -- it appears on mine as some green and some shades of green and yellow. It's just a bit confusing.
MS. RADERMACHER: Is this any clearer?
MR. PELHAM: Yeah, this one is better.
MS. RADERMACHER: You can keep that one.
MR. PELHAM: Well, I just want to make sure, when it's put on the docket, that it's the clearest version that we have. That's my concern here.
ALJ WARD: Okay. We can coordinate that later, but I'm going -- I'm assuming otherwise you have no objection?
MR. PELHAM: I don't have any objection.
ALJ WARD: I'm going to admit Exhibit 1.
BY MS. RADERMACHER:
Q. I'd like to discuss this in a little more detail. Okay. You indicated that the red circle is two-mile radius?
A. That's correct.
Q. And how many consumers or members does Dakota Valley serve within that two-mile radius?
A. In the two-mile radius, I believe it's approximately 20 members. The majority of them are single phase. We have identified in the green color,

the boxes, those would be what we consider our three phase customers in that area.
Q. Okay. And how many three phase customers are in that area?
A. Right now we're showing one within that two-mile radius.
Q. Okay. And where that green one is located, is there currently a three phase cabinet in that general area?
A. Three phase service and also a three phase junction box.
Q. And --
COMMISSIONER FEDORCHAK: Judge, can I interrupt, just to be clear? So on my map it's green and it's yellow. Are they all supposed to be yellow? Because I don't see any green ones within the two-mile radius.
Okay, so that -- okay, that's better.
ALJ WARD: I think this is what Mr. Pelham was getting at. There is some problem with these colors being kind of washed out on the paper copy.
COMMISSIONER FEDORCHAK: All right. I just needed to clarify that. Thank you.
ALJ WARD: Yep.
MS. RADERMACHER: And we'll arrange to make sure that this particular one is provided. I apologize, I

was having some computer -- or printer malfunctions.
ALJ WARD: We want to make that the official exhibit, so that's okay.
MS. RADERMACHER: Thank you.
BY MS. RADERMACHER:
Q. And what is the purple dotted line?
A. Purple dotted line represents three phase underground facilities.
Q. And what is the purple solid line?
A. Purple solid line is three phase overhead facilities.
Q. And based on this, how do you intend to -- and we have another one, but how do you intend to service the load that is at the Minn-Kota site?
A. We plan on extending three phase underground from just east of the red star, which is approximately .7 miles, roughly 4,000 feet, 3,700 feet, extend that to the west and install a transformer -- or the -- and the facilities on-site there for the ag service. There's an existing three phase cabinet on the existing three phase underground line that we would come out of.
Q. And do you know approximately how long Dakota Valley has been servicing members in this area?
A. I've seen staking sheets as far back as 1949.
Q. Okay. And what are the age of the facilities,

particularly the dotted purple line which you said was the underground three phase that would be serving the facility?
A. The age of the three phase underground facilities, they were originally overhead but have been since converted to underground, and that occurred in 2012.
Q. Okay. And is the Mooreton substation, you said that's going to be the one that feeds this line, this distribution line?
A. That's correct.
Q. And the Mooreton substation, who owns that?
A. Our substations are owned by Central Power Electric Cooperative. That is our power supplier. Dakota Valley takes ownership on the low side of the substation steel, which would be the breakers, and then the distribution cable from that point out.
Q. And do you know approximately how many consumers are on that substation?
A. I believe there's approximately 250, in that ballpark -- or 237, in that range.
Q. And are there feeders that are related to this substation?
A. Yes. There's three exit feeders on this substation. And specifically on the feeder that we

would serve Minn-Kota Ag by, there's 52 members served by that line.

Q. Now, I don't know if there's been much testimony at all today on this, but what are the closest cities to this site?

A. I would believe it would be Mooreton to the east and then Barney to the west.

Q. And approximately how far is Barney from this site?

A. I believe Barney is three, three and a half miles.

Q. And Mooreton?

A. About three, I believe.

Q. And those sites are currently served by Otter Tail?

A. Correct.

Q. Approximately how big are these towns?

A. Mooreton, I think 200, and Barney, 50.

Q. So is there any possibility that these -- either one of these cities would grow to encompass the current site proposed for Minn-Kota?

A. No, I don't believe so.

Q. And how many accounts does Otter Tail Power have within the two-mile radius that you show here?

A. I believe they stated that they have two

accounts.

Q. Now, as far as when you started working -- or visiting with Minn-Kota, how did that transpire? How did you start visiting with them about this particular load?

A. The initial discussion, I believe, was mid March time frame. Met with Mr. Schuler at the Breckenridge office. And I, at that time, presented the Dakota Valley rate along with our commercial incentive rate, and briefly explained to him how we would extend line to where their proposed site was.

Q. Okay. And so when you said you briefly described how you intended to build to this site, was it the proposal that you are putting forth in front of the PSC today?

A. Yes.

Q. Okay. And how do you come about basically drawing the schematics or deciding how you're going to service this site?

A. Just as far as distance from our Mooreton substation, it's approximately four miles, 3.7 miles in total of underground facilities. It has the stiffest backbone and the capacity to adequately serve a load like this.

Q. And it's my understanding that there's only

three phase service that's going to be required at this facility?

A. That's my understanding.

Q. And at some point did Minn-Kota provide you with a motor list?

A. We did not get this from Minn-Kota but from the electrician that's working on the Minn-Kota project shared this electrical horsepower list to our area engineer.

Q. I would pull up Dakota Valley Electric Exhibit 2. Can you tell me what this is?

A. That is the motor list that is for the Minn-Kota Ag site.

Q. Okay. And you said you got this from who specifically?

A. I believe it was from Summerville Electric.

Q. Okay. And do you utilize information like this to determine exactly what's needed to service the site?

A. Yeah. In past communication and working with other elevator of similar type of size, they usually provide a motor list, some type of load diversity, this type of information to help us size the service correctly.

Q. Now, there's been some talk today about soft start motors. Was this list compiled prior to Dakota

Valley's conversations regarding soft start motors?

A. Yes, yes.

Q. And of the motors that have been listed on that document, how many of those are listed as soft start motors?

A. Just a brief review of it, majority looks like up to 50 horsepower, those motors are, across the line, are full voltage starting. Anything above the 50, it looks like they already included, have soft starts.

Q. Okay. So did Dakota Valley dictate those requirements?

A. No.

MS. RADERMACHER: I would move to introduce Dakota Valley Exhibit 2.

ALJ WARD: Any objection?

MR. STEPHENSON: No objection.

ALJ WARD: Mr. Pelham?

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 2 is admitted.

BY MS. RADERMACHER:

Q. So what is Dakota Valley's policy regarding soft start motors?

A. Dakota Valley has a policy of, on three phase services of a soft start, some version of a soft start on motors 30 horsepower and above. And this is

primarily to mitigate voltage flicker that members may see on their site throughout the distribution system. And it also does, I guess, reduce issues the member themselves may see on their own site if they have large motors starting.

Q. And were there any motors on this site that -- excuse me, on this specifications that Dakota Valley determined should be soft start that weren't previously?

A. No, no. Again, in similar type of elevators, we've waivered some of these policy requirements just based on analysis that it hasn't caused any issues on our distribution.

Q. So did you ever have conversations with Mr. Schuler regarding the need for soft start motors?

A. No.

Q. And in fact, they already had some of them spec'ed out?

A. I believe so. Yeah, this was provided from the electrician.

Q. Okay. Now, you said, based on the motor size and some of your just general conversations, you were able to determine how you wanted to service this site. Did you map out how you intended to service this site?

A. Yes. We provided just an overview of where the underground would come from.

Q. Okay. I would call up Dakota Valley Electric 3.

Now, is the document that's listed as Dakota Valley Electric 3 the schematics that you drew up regarding where the relative location of the facilities would be?

A. Yes. It gives a very high level overview of where we would construct the new facilities.

Q. Okay. And did you create this document or somebody under your direction draft this document?

A. We created this document.

MS. RADERMACHER: Okay. I'd move to enter Exhibit 3.

ALJ WARD: Any objection?

MR. STEPHENSON: No objection.

ALJ WARD: Okay. Mr. Pelham.

MR. PELHAM: No objection. On the screen it's in color, on my copy it's black and white.

MS. RADERMACHER: And that will be provided as part of the record.

MR. PELHAM: So we'll get a color copy.

ALJ WARD: I do have a color copy.

MR. PELHAM: Okay, great. Thank you.

ALJ WARD: And it looks better than before. So Exhibit 3 is admitted.

BY MS. RADERMACHER:

Q. And can you tell me what we're seeing on this particular screen?

A. It's a high level, but there's an arrow with a box that says "Existing 3 Phase Cabinet" where there is a three phase service. Out of this three phase cabinet we would then construct approximately 3,900 feet, 4,000 feet of three-phase underground four aut cable to approximately the site of the Minn-Kota Ag Service, and at that point, we would then install a transformer as far as providing them the 480-volt service that they request.

Q. And so is that new building, is that what's in red?

A. Correct.

Q. And now the purple lines, that's existing three phase underground?

A. The purple line up on the screen there, that is existing three phase underground.

Q. And that was built when?

A. 2012.

Q. And how far in did that -- how far does that go, that new build-in or the underground?

A. About .7 miles.

Q. Okay.

A. And back to the substation, it's about

3.7 miles, roughly.

Q. Okay. So the 3.7 miles, is that all brand-new, or I mean all new as of 2012?

A. Yes.

Q. And how is that Mooreton substation No. 4 powered?

A. The Mooreton substation is served by a 41.6kV transmission line which Otter Tail owns and maintains.

Q. And so the feeders, are those the other ones going out the other direction out of that substation?

A. Yeah. There's one feeder that's basically on top, you know, they're in similar paths going to the west, they follow each other for about a mile and then they split off. There's another feeder that goes directly to the south, then east, that goes off the map. The feeder that goes straight north for about a mile, that just comes off the existing one and it serves a rural water site.

Q. Now, at some point did Minn-Kota provide you schematics of how they were going to be set up on-site?

A. No. Again, the schematic was provided from the electrician, Summerville Electric.

Q. Okay. I would call up Exhibit 4.

Can you tell me what Exhibit 4 is a picture of?

A. Exhibit 4 is a drawing of their proposed

elevator site. I took and modified the drawing to include where our -- approximate location of our three phase underground facilities would come onto site and approximately where the transformer would end up to be installed, which could still be up to discussion as far as with the member.

We did also include an additional cabinet, as you can see on the far west side there with the bullet and arrow. That would just be there to accommodate any future growth or if we would want to extend the line.

Q. And the three phase service that you have running along 13, it currently stops at the cabinet where that arrow where it says "Approximate location of transformer services and metering," is that about where that --

A. Yep, it would end at the site.

Q. Okay.

A. Just a radial feed.

Q. And so this is just a logical extension of existing three phase service already along 13?

A. Correct.

Q. And does Dakota Valley Electric have three phase clients along Highway 13 in this area?

A. They do, back to the east. Yeah.

MS. RADERMACHER: Okay. I'd move to enter

Exhibit 4.

ALJ WARD: Objections?

MR. STEPHENSON: No objection.

ALJ WARD: Mr. Pelham?

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 4 is admitted.

BY MS. RADERMACHER:

Q. And just to clarify, too, in any of these drawings or in the actual placement of facilities, does this cross over Otter Tail's power lines at all?

A. No.

Q. Now, I also have what's been labeled as Dakota Valley Electric 5. Can you tell me what that is?

A. Basically, it's a transformer drawing for a 1500 Kva -- three phase transformer, 277 480Y. It's just what we use as far as spec'ing out and working with the member as far as, you know, type of pad to set it on or, you know, what kind of area we need to work in with the transformer.

Q. So it's your intention, if you would get this load, to put a 1500 Kva transformer out there?

A. Based on historical demands with other similar loads, we feel a 1500 would be adequate for what they're proposing. We could increase that to a 2000 if they would feel more comfortable with that as far as any type

of growth.

Q. Okay. And do you know what Otter Tail spec'ed out as part of their (indiscernible)?

A. I believe Mr. Wolf stated a 2000 Kva.

Q. Okay. And so was this exhibit drafted by you or somebody under your control?

A. This comes from the transformer supplier.

Q. Okay. But this is what you'd be utilizing to place out there?

A. Yep.

MS. RADERMACHER: I'd move to enter Dakota Valley Exhibit 5.

ALJ WARD: Objections?

MR. STEPHENSON: No objection.

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 5 is admitted.

BY MS. RADERMACHER:

Q. Now, I apologize because I did get one exhibit out of place. I'd call up Dakota Valley Exhibit number 16.

So after receiving the motor list and looking at the other site drawings, did you come up with a proposal as to what it would cost to bring infrastructure to the Minn-Kota site?

A. Yeah. Yeah, we came up, based on -- a lot of

times we look at historical work orders within the past year or two that represent a similar type of project and we can base it off that since 95 percent of our construction in the past 10, 15 years have all been underground, we just don't construct overhead anymore.

These prices here are out of our accounting system as on a per-unit basis. In addition to the labor cost, we would use a contractor in this type of instance to install our cable instead of our equipment. These are contractor prices that we use on a yearly basis.

Q. Okay. And did you draft this particular exhibit?

A. Yes.

MS. RADERMACHER: I would move to enter Dakota Valley Electric 16.

ALJ WARD: Just explain to me a little bit more what it is? It's a proposal --

MS. RADERMACHER: Well, I'll have him go more into --

ALJ WARD: Okay. But I just want to get it --

MS. RADERMACHER: Okay.

THE WITNESS: This list here is basically an overview cost of us installing the new facilities into the elevator site. It's the extension of the three phase underground, the placement of the transformer, and

any additional distribution equipment.
BY MS. RADERMACHER:
Q. So basically, based on prior exhibits like 3, 4, and 5, this would basically take what you had proposed in those exhibits and give them actually a price. Is that my understanding?
A. Correct.
Q. Okay. And so can you tell me the breakdown with regards to the facilities that you'd be bringing in?
A. I'd just kind of start from the top. We have an existing three phase cabinet near our three phase service, so basically would add three new elbows to tap the underground line. It's just basically elbows you plug into some modules.
Going down is then when we would construct approximately -- the 3,900 feet of three phase underground distribution up to a new cabinet just adjacent to the new elevator. From this cabinet, we can install -- we're planning on installing one transformer, a 1500.
In addition, we were planning on installing a second transformer as a worst case scenario as far as if they wanted to split up their loads between two transformers. In addition, we also have any metering on-site.

ALJ WARD: So when was this document prepared? Was this back in March?
THE WITNESS: No, no. This was as part of the discovery process.
ALJ WARD: Okay.
MS. RADERMACHER: I would move to introduce Exhibit 16.
ALJ WARD: Any objections?
MR. STEPHENSON: No objection.
MR. PELHAM: No objection.
ALJ WARD: Okay. Exhibit 16 is received.
BY MS. RADERMACHER:
Q. Okay. Now, you indicate that you have two transformers that are listed on this, but essentially, one transformer would only be needed to service this particular load?
A. Based on loading that -- again, some of the loading is theoretical at this point, but based on what -- on previous loads, one transformer would accommodate this.
Many times, in other types of similar services, they have requested two transformers, either for reliability purposes or just to split up load, and they can switch internally if they want -- if, say, a transformer went bad or something beyond the transformer

on the secondary side would fail. That way, we have some redundancy there.
It is not required. We could increase one of the transformers. We just wanted to provide a worst case scenario as what it would be cost incurred by Dakota Valley as one of the -- you know, the worst case option.
Q. Okay. And does this utilize, this projected price, does that include any exempted material?
A. It does not.
Q. If Dakota Valley would see fit, do they have transformers in their fleet that they could utilize in this particular situation?
A. We do have existing 1500 kV transformers in our fleet that we could use, yes.
Q. But you're opting at this point to install new facilities?
A. In our history, we usually install new as far as just -- you don't have to go back out there, it can be out there for the life of the equipment. And being a brand-new service, you don't necessarily want to -- we didn't want to put out old equipment.
Q. Okay. And other than it being a new service, are there benefits to having new versus used?
A. New equipment, you expect a higher reliability

out of it, the longevity of the life of the equipment. At least that's my mindset on it.
Q. Okay. And are you familiar with at all the average lifespan of a transformer?
A. It can range -- it depends how hard it's being worked, but 40, 50 years.
Q. Okay. So when you were drafting this, did you have any input from the Schulers as to what they would prefer, whether it would be one or two?
A. No, I did not.
Q. Okay. And so like I said, this is basically -- would be Dakota Valley's maximum costs that could be incurred putting infrastructure out there?
A. Yeah, that's my belief, yes.
Q. Now, the substation that this is going to be connecting to, are there going to need to be any improvements to the substation?
A. There is no plan to improve the Mooreton substation.
Q. And so the substation can handle this load?
A. On our estimated demand, yes.
Q. Okay. And when you say on your estimated demand, can you tell me what you mean by that?
A. Compared to the sites we used in comparison on our -- that power factor form, I believe it was about

1200 Kw we were assuming for. It can be more that, but that's what we were looking at.

Q. Okay. So my understanding, for the transmission line and the transformers, etcetera, labor, total projected cost would be 93,640.73. Is that correct?

A. Yep.

Q. And what is the cost of a new 1500 kV transformer?

A. The most recent estimate that I had was approximately $26,450.

Q. Okay. So if the consumer would choose to have only one transformer on-site, that price would then -- the 93,000 would then be reduced by the cost of that new transformer?

A. It would be reduced by the cost of the transformer and along -- the material that we would install along with that transformer and the labor with it.

Q. Okay. Now, are any of these, of the $93,000 in costs, going to be put back on the proposed member?

A. No. We had no intention of having any aid to construction.

Q. Okay. And did you previously meet with the board of directors from Dakota Valley regarding aid to construction on this matter?

A. Yes.

Q. And what was their anticipation as regards to the aid to construction?

A. Basically, obtain their approval on what we presented as far as we see this as an improvement to the overall service -- or economic growth in the area and they see this as a benefit that we don't want to pass it on.

Q. Okay. And when you talk about economic growth in the area, would this addition of this line potentially benefit other consumers?

A. It possibly could if there was offshoots from the Minn-Kota Ag site, if for some reason they get into fertilizer, or even if a gas station came along, we could tap this line and serve those loads. Or if a farmer down the road would like to go to three phase, he's been on single phase, we could also tap this line for that.

Q. Okay. And would this be a duplication of services currently provided by Dakota Valley?

A. No, I don't -- I don't believe so.

Q. Now, was there a conversation regarding rates with Minn-Kota?

A. Yeah. In March, I sat down with Mr. Schuler and presented the rates to him at that time.

Q. Okay. And what is currently Dakota Valley's three phase large commercial service rate?

A. It's our standard rate for services of this size. I guess I -- you want --

Q. Okay. Well, how are those rates set?

A. Oh. All our rates are set by our board of directors.

Q. Okay. And do you then take those rates to come up with any proposed load and the cost of that load?

A. Yes, yes. Then we take our rates, and based on estimated loading, demand and energy, we then come up with, as far as the cost of serving the site, estimated cost to the member as far as running their site and overall revenue for the cooperative.

Q. I would bring up Dakota Valley 6. Can you tell me what that exhibit is of?

A. This is Dakota Valley's three phase large commercial service rate.

Q. And so what's all reflected in that rate schedule?

A. The basic service charge, the demand charge, the energy charges and the steps that go along with it. There are items on there such as the transformer capacity charge, the on-site facility charges, and down below, they even address power factor adjustment.

Q. Okay. Now, did you discuss with the board the potential load with regards to Minn-Kota?

A. Yes.

Q. And of the charges that are on here, was the power factor adjustment going to be applied?

A. No, no. We actually don't apply that to any of our three phase large commercial services at this time, and we haven't in the past.

Q. Okay. What about the on-site facility charge?

A. There again, we do not apply that in this case, and very rarely do. The only reason we have that stipulation is if a member would specifically ask for a piece of equipment that Dakota Valley usual -- does not usually provide and we have to buy special just for them.

Q. Okay. And so typically, from what I'm understanding, is it's board approval as to what rates would be applied in this case?

A. Yes.

Q. Okay. But historically, you have not done the on-site facility charge or the power factor adjustment charge for facilities similar to Minn-Kota?

A. That's correct. And again, with the power factor, we don't have a penalty from our power supply so we don't push that down onto our member.

Q. Okay. Were they specifically excepted out, Minn-Kota, with regards to the board of directors to those charges?
A. Yes.
MS. RADERMACHER: I would move to introduce Exhibit 6.
MR. STEPHENSON: No objection.
MR. PELHAM: No objection.
ALJ WARD: Okay. Exhibit 6 is received.
BY MS. RADERMACHER:
Q. Now, does Dakota Valley have any incentives when it comes to bringing three phase service to new businesses or existing businesses?
A. Yeah. The board has allowed or approved for large -- or larger services that provide an economic boost to an area, to provide an incentive to them. And based on that, it's just to help them get them off and going, anything they can help with costs that they want that -- succeed in the area. That should help the members in the surrounding area also succeed.
Q. Okay. And did the board vote to approve providing the commercial incentive discount --
A. Yes, yes.
Q. -- to Minn-Kota?
A. Yes.

Q. I would bring up Dakota Valley 7. Can you tell me what that is an exhibit -- or that exhibit is of?
A. This is the common commercial incentive rate that we have provided to other members and what we propose to Minn-Kota Ag. And it basically provides a nine-year window of demand and energy reduction. First four years are at 10 percent; fifth and sixth are at 8; seventh and eighth are at 6 percent; ninth at 4 percent; and then thereafter you go to our standard large commercial rate.
Q. So when Mr. Schuler testified, he testified that there was some incentives discussed with Minn-Kota. Are these the incentives that we were talking about?
A. Correct.
MS. RADERMACHER: I would move to introduce Dakota Valley 7.
ALJ WARD: Objections?
MR. STEPHENSON: No objection.
MR. PELHAM: No objection.
ALJ WARD: Okay. Exhibit 7 is received.
BY MS. RADERMACHER:
Q. Now, Dakota Valley, that is a distribution co-op. Is that correct?
A. Correct.
Q. Where does Dakota Valley receive its power from?

A. We purchase our power from Central Power Electric Cooperative.
Q. Okay. And does Central Power also associate with Basin Electric?
A. Correct.
Q. Okay. So we have some -- or does Dakota Valley have some power purchase costs relative to Basin and Central Power? Is that correct?
A. Yep.
Q. And do those costs drive the rates at Dakota Valley?
A. Our rates need to reflect the methodology that Central Power and Basin have just so we can mimic and recoup our costs and pay the power supplier bill. So yeah, there is some reflection as far as how they establish their rates, we have to mimic those to some point.
Q. Okay. And I will have Dakota Valley 8 pulled up, please.
Now, do you know, does Central Power -- how often does Central Power set their rates?
A. They're reviewed on an annual basis unless there is some reason, there is a power supply charge from Basin.
Q. Okay. And do they -- once they're approved,

they provide the current cost and rates to Dakota Valley Electric?
A. That's correct.
Q. Is that what's reflected in Exhibit 8?
A. Yep. That's the current rate.
MS. RADERMACHER: Okay. I would move to enter Dakota Valley 8.
ALJ WARD: Any objections?
MR. STEPHENSON: No objection.
MR. PELHAM: No objection.
ALJ WARD: Okay. That will be received.
BY MS. RADERMACHER:
Q. Now, did you utilize all the components we just discussed to come up with a projected annual cost of service to the Minn-Kota site?
A. Yeah. I took in effect our power supplier costs which we would pay Central Power, took in the revenue that we'd receive from the Minn-Kota Ag site, and that's how we determined the total revenue for Dakota Valley.
Q. Okay. And did you also do a projection of what you thought Otter Tail Power's rates may be in comparison to Dakota Valley Electric's?
A. Yeah, I took a stab at it based off their rate that we found during discovery, yes.
Q. I would pull up Dakota Valley 9. Can you tell

me what Dakota Valley 9 reflects?
A. Well, the first page here on Dakota Valley 9, basically, on the far left is the service charge -- total service charge for one year. And this does include the incentive discounts as it goes from year one through year ten.
So on the first year, for example, the Minn-Kota service charge would be $275,524. I also showed a summary of Dakota Valley's power supply cost of approximately $255,809, showing a revenue of approximately $19,714.
Q. Now, as far as the projected rate that you have for Otter Tail Power, does that appear to be in line with what Otter Tail projected earlier today?
A. I believe it was fairly close, might have been $10,000 off.
Q. Okay. And that was based on a 33 percent power factor. Is that my understanding?
A. That's correct.
Q. Okay. And so based on -- is that what you used in order to come up with your projections? Or what factor did you --
A. Yeah. The load factor I used was 33 percent. And what I did, we serve a similar size facility with similar motor load fairly close actually and use their

past year of estimated -- or past year energy and demand usage, and that's where we came up with that load factor.
Q. Okay. And so that load factor is based on a facility almost duplicative to the Minn-Kota facility?
A. As far as motor load, yes.
Q. And does that facility also have a railroad loop?
A. Yes, it does.
Q. And so that's -- so when I look at page 2 of this document, when we do calculated load factor, you're telling me that's based on what would appear to be an almost identical load to what we project Minn-Kota to be?
A. Yes. That is my best assumption that I can make.
Q. Okay. Now I direct your attention kind of to the right-hand corner, some dates, January through December. Is that the way that load fluctuates -- that the sample -- or model basically, I should say, the model load we're looking at, is that how that fluctuates currently?
A. Yes. This is actual demand and actual energy from a specific site, which I want to make a note that this was slightly updated based on what was presented

back in March to Minn-Kota Ag, just because we had additional data. So I just included the most up and current data.
But yes, it is -- it is what the -- the best comparison that we could come up with.
Q. Okay. And what is the average load factor if we take in all those calculated load factors between January and December, what does that come out to be?
A. We have 33 percent.
Q. And so can you tell me what page 2 depicts of this exhibit?
A. Page 2 is basically the first year of the large commercial service with the first year of the incentive on it, and it basically breaks down the total charges. And that's how I got the 275,524 that I identified on the first page for the first year.
Q. Okay. So this one -- are we looking at the same page 2?
A. Yeah. And this is specifically -- no, you're looking at --
Q. Okay. Yes, okay. So on that one, that's years one through four. Is that my understanding?
A. That's correct.
Q. Okay. And can you tell me what page 3 reflects?
A. Page 3 reflects years five through six.

Q. And so that's a different rate discount that's applied to years five through six. Is that correct?
A. Correct. And again, this is the charges that would just be going to Minn-Kota Ag.
Q. Okay. And as to page -- the next page, what years do those reflect?
A. Years seven through eight.
Q. And the next page?
A. Would be the final year of the commercial discount, which would be year nine.
Q. And is the one that reflects the 306,000, is that year ten?
A. Yeah, that would be the normal three phase large commercial rate that we have as part of our normal rate schedule.
Q. Okay. And do any of these calculations that you made or you did, did those have any of the power factor charges that was discussed earlier?
A. No. There are no power factor charges in this and there's no on-site facility charges included in these.
Q. And my understanding, that if Dakota Valley gets this load, at no point would those two charges be implemented?
A. Until we are being charged from our power

suppliers negatively for not -- for low power factor, we're not going to pass that on to our members.

Q. Okay.

ALJ WARD: Mr. Syverson, if you could -- Ms. Radermacher, I'd like to ask a question, and that is, this is the first time I'm seeing these exhibits. So when I look at page 2 and you tell us what years that references, is there a quick way for me to tell just by glancing at these?

THE WITNESS: Yeah. If you look at item number three, number three on the top, I have one, two, three.

ALJ WARD: Gotcha, okay. All right.

MS. RADERMACHER: I apologize, Your Honor.

ALJ WARD: No, that's fine. I just got lost in the -- the print is pretty small for my old eyes.

(Laughter)

BY MS. RADERMACHER:

Q. If we go to the second to last -- excuse me.

ALJ WARD: What I've done, for the record, just for counsel, is I've taken and marked the pages 9-2, 9-3 consecutively in the exhibit, so --

MS. RADERMACHER: Thank you, Your Honor.

ALJ WARD: -- if you need to look at it online, it will be marked that way.

BY MS. RADERMACHER:

Q. And so if we look at the second to last page, can you tell me what that is?

A. The second to the last page is basically a representation of the standard three phase commercial rate that we would present to -- or charge Minn-Kota Ag for their service. It shows the total charges, the cost per kilowatt hour. And then on the far right, it shows just kind of a breakdown of their savings, you know, throughout the nine years of the incentive.

Q. Okay. And so that's basically a culmination of all of these other pages. Is that safe to say?

A. That's correct, yep.

MS. RADERMACHER: I would move to introduce Dakota Valley Exhibit 9.

ALJ WARD: Any objections, Counsel?

MR. STEPHENSON: No objection, Your Honor.

ALJ WARD: Mr. Pelham.

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 9 is admitted. And according to my calculations, it consists of ten pages total.

MS. RADERMACHER: Yes, Your Honor.

BY MS. RADERMACHER:

Q. So were you present today when Otter Tail set forth the projected Dakota Valley Electric Co-op costs?

A. Yes.

Q. And were those accurate from what you could tell?

A. They are different than what we are projecting.

Q. And can you point out for the Commission what those differences are?

A. It's my understanding they included the power factor charge and the on-site facility charges.

Q. And so those should not be taken into consideration?

A. No. We would not pass those items on to the member.

Q. Now, there's been a lot of talk today about load factor. Can you tell me what that is?

A. Basically, load factor, it's how well you operate your service at a rate. So say you have a demand of 200 and you hit that once throughout the month and then it's just down to 10 Kw the rest of the month, you would have a fairly low load factor. It's the ratio between the energy used and your demand.

As far as Dakota Valley's rates, we try to incentivize to the member that, to run their service more efficiently, try not to incur too high of a demand because that does put a burden on the distribution system, try to manage that load, and if you can, you

know, obviously the more energy you use with our rate throughout the month, the cheaper it gets.

Q. Now, Mr. Schuler referenced the Wahpeton facility. Do you know what that power factor is at that facility?

A. I know the load factor --

Q. Excuse me, the load factor, I apologize.

A. -- was, roughly, 14 percent.

Q. And is that relatively low?

A. Yes, it's quite poor.

Q. So when you say it's quite poor, what do you mean by that?

A. To me, it shows -- and it's certain services that just have limitations. But it shows that they're ramping up the site one or two times a month with low energy usage, so they set a high demand and then they don't run anymore for the rest of the month. To me, that's what it's showing. That may not be the case, but my inside look from other services, that's what I believe is occurring.

Q. Okay. Now, you've made certain assumptions as Otter Tail about the load factor. How did you arrive at the 33 percent load factor?

A. Again, I was able to compare it to a similar service that we provide electrical to, and based on the

motor load that we received, being a rail loop, being a grain type of operation, I compared it to that. And that was the most recent one.

Q. Now, you've heard that there would potentially be a 23 percent load factor. Do you see that likely in this scenario?

A. You know, it's possible. There are a lot of assumptions going around right now, but based on some of the testimony and how this site is going to run, it seems like it's going to run more throughout the month and throughout the year, I would expect a higher load factor.

Q. Okay. And so all of that kind of weighs into load factors?

A. Yep.

Q. Now, what kind of return on investment would Dakota Valley be looking at with regards to this?

A. Based on our revenue, we're looking at, roughly, four years.

Q. Okay.

A. Four to five years.

Q. And so the projected revenue during those first four years is approximately $19,714.78. Is that accurate?

A. Per year.

Q. Per year, okay. For that first four years. And after, that we would have recouped the investment that was --

A. Yeah, through the fifth year. In the middle of the fifth year, we would have recouped everything, yes.

Q. Now, is there any sort of minimum annual return requirements imposed on the customer?

A. No. No, Dakota Valley does not have any minimal revenue requirements.

Q. Okay. So if this load factor was only performing at ten percent and wasn't bringing in the projected revenues, there wouldn't be any penalty to the consumer?

A. No.

Q. And so, essentially, by year five, it sounds like, you're talking about that there would, essentially, be a profit being turned on this particular site by Dakota Valley Electric?

A. Yes.

Q. And does that benefit other members in Dakota Valley?

A. As soon as you start obtaining a positive revenue on there, basically, it goes to the Dakota Valley's bottom line and that helps us firm up our rates at the end of the year. If we have good margins, we

don't have to look at raising any rates.

Q. Now, how many total members does Dakota Valley have, do you know, approximately?

A. Approximately 4,150, in that ballpark.

Q. And Otter Tail testified previously they have close to 60,000?

A. I believe so, yes.

Q. Okay. And so loads like this benefit Dakota Valley greatly because of the small number of members?

A. It does, it helps the bottom line, yes.

Q. And does that difference in membership also tend to drive rates?

A. Yeah. I mean, we have a lot fewer members to spread costs to. Our facility -- our membership is quite rural, so we have approximately 1.13 or 1.2 members per mile of line. So we serve to the South Dakota border all the way over to the Wahpeton area, and it's a vast area that we have to have a lot of facilities installed that we have to maintain.

Q. Okay. Does that also go to the issue of reliability?

A. It can hurt reliability a little bit more. Primarily, you have longer line miles, farther from where a potential outpost may be, so you may be having a little longer time as far as restoring power.

Q. Okay. Now, there was a lot of talk also about CAIDI and SAIDI used as reliability indices. How are those measured? Do you know?

A. Well, in both cases, in our case too, it's a system average for CAIDI and SAIDI. And we get these out of our outage management system.

Q. Okay. And so is that on a per-member basis, those numbers?

A. Yeah.

Q. Okay. And so when we look at our numbers, our numbers are based on a per member of 4,100 member basis, and theirs would be on a close to 60,000 member basis?

A. For the North Dakota, yes.

Q. And is there a big difference between our CAIDI and SAIDI indices and Otter Tail's?

A. I didn't see that there was a significant difference between the two.

Q. Okay. Now, do our indices indicate scheduled maintenance outages?

A. In the items that we provided in the discovery, it did include maintenance, planned maintenance.

Q. Okay. Now, this projected line would be serviced by the Mooreton substation. What size substation is this?

A. It's 3750/4200 transformer.

Q. Okay. And do we know the approximate age of that transformer?

A. It was installed in 1977.

Q. Okay. And that's maintained by Central Power?

A. That's correct. And the last maintenance was performed in 2017.

Q. And so is maintenance typically -- how often --

A. It's a seven-year cycle. They do thermal scans and checks on a yearly basis, but they do an overhaul on a seven-year cycle.

Q. And so you testified earlier that this substation has the capacity for this particular load?

A. Correct.

Q. Without any additional improvements. Is that correct?

A. Correct.

Q. Okay. Are there other Dakota Valley Electric substations within this area?

A. Yeah. We have a south Wyndmere substation, north Wyndmere substation, a Dwight, and also Hankinson that all have ties.

Q. Okay. And so when you say they all have ties, they all have ties into this particular --

A. Three phase ties that we can open and close switches.

Q. Okay. And of those substations, can those be utilized if this substation would go down, for example?

A. We would utilize the south Wyndmere. That's the closest neighboring substation.

Q. Okay. And does Otter Tail also serve that substation?

A. Correct.

Q. So if Otter Tail's power goes out, how does that affect Dakota Valley Electric?

A. If the transmission line that serves the Mooreton substation would go out, then our member base would also lose power and then we would have to -- depending on what the issue is, we could switch line to pick up our member base.

Q. Okay. And so when you say you could switch line, that would --

A. Distribution --

Q. Okay.

A. -- vice versa, or Otter Tail could also switch some of their transmission line.

Q. Okay. And otherwise, if there were some interruption in service to this particular site, where most likely, other than the substation, would this originate from?

A. Via our distribution, most likely our south

Wyndmere substation.

Q. Okay. And so from the substation to that current three phase cabinet that's north of that substation, approximately how far is that?

A. 3.7 miles, approximately.

Q. And does Dakota Valley or Central Power keep outage information as with regards to the substation?

A. Yeah, we keep our outage information on each substation, each feeder, down to each meter at a member's account. And we keep that in our outage management system.

Q. Okay. And do we also have -- does Dakota Valley also have that type of information as far as the feeders are concerned?

A. Yes.

Q. Now, in preparation of this hearing, did you look at what kind of line -- basically the length of miles of line that we would be looking at from servicing this load to Otter Tail?

A. Well, I looked as far as the service in a whole from transmission down to distribution. From what was -- and the prior testimony, Otter Tail is recommending to serve the Minn-Kota site from the Wahpeton 230 substation and they stated that as from the Wahpeton substation to an open point at Milnor. And I believe

that's approximately a 40- to 41-mile stretch of transmission line that could see exposure to the elements.

Q. Okay. And did you have a schematic that indicates that length of line?

A. Yes. Yes, we do have a schematic.

Q. Okay. I have what's been labeled as Dakota Valley 10. And I apologize, this is also not in color. This one is in color on the projector and will be provided in color.

Can you tell me what the three pages of Dakota Valley 10 essentially depict?

A. All right. If you actually go to the second page, please. The second page, you see in the far right, this is what they had provided in discovery, this specific page, is the Wahpeton 230 sub. That purple line is the initial start of it, and then as you see, it heads slightly south and heads west and goes down to where that yellow line I've highlighted. That is where the open point is between the Mooreton substation that was discussed earlier where they could potentially switch line around, and just to the west of that is where the Minn-Kota Ag site is, approximately 562, roughly, switch structure there.

But as you can see, the purple line, as I

mentioned, keeps continuing west past the Wyndmere junction. And then if you scroll back to the first page, go up, it ends on the far bottom right. There's an open point there near Milnor, as they mentioned. I believe that's approximately about 40 miles of transmission line.

Q. Okay. And did you depict the approximate length of line that Dakota Valley --

A. Yes.

Q. -- would be --

A. Dakota Valley's Mooreton substation, which, again, is served by Otter Tail's transmission, but if you go to the -- again to the second page, so you can see in the middle -- bottom left middle box where the yellow line goes on top of it, that is Dakota Valley's Mooreton substation.

That yellow line there that's highlighted is, again, Otter Tail's 41.6 transmission line, that goes south from there down -- if you go to the third page -- goes to the Hankinson 230 sub. That line is approximately ten miles in length. So about ten miles of 41.6 serves the Mooreton substation.

MS. RADERMACHER: Okay. I would move to introduce Dakota Valley 10.

ALJ WARD: Objections?

MR. STEPHENSON: No objection.

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 10 is admitted.

BY MS. RADERMACHER:

Q. And is the 40 miles, is that overhead or is that underground?

A. All the transmission is overhead.

Q. Okay. And so the ten miles that Dakota Valley would be utilizing is also overhead?

A. Correct.

Q. Until we get to the substation. Is that correct?

A. Correct.

Q. Now, there's also been some talk with regards to reliability on underground versus overhead. Can you tell me based on your, what sounds like extensive service to Dakota Valley or Northern Plains, reliability as to each one of those?

A. Yeah. Like I had mentioned earlier, Dakota Valley -- both Dakota Valley and Northern Plains, 95 percent, if not closer to 99 percent, all underground construction. We just don't build overhead anymore due to issues related to weather, farming operations, and difficulty of obtaining easements as far as setting poles in fields.

Maintenance and repairing underground faults for the cooperative is nothing that's brand-new, we do it quite effectively. We actually install throughout the line miles fault indicators that help us isolate down to in between cabinets. So if a fault occurs in between a mile and a mile and a half or even half mile between cabinets, the line crew are given that notification as they're out there patrolling.

We also have recently implemented a SCADA system in our substations which, if we see a fault occur, we get the available fault current back in our office. With that fault current information, we can use fault current maps which can help us pinpoint down to within a mile, again, of areas where we think we can direct the crews more efficiently.

Q. So if there was a fault between the substation and the three phase cabinet that's just east, my understanding, of the facilities, how hard would that be for you to pinpoint that fault?

A. Shouldn't be relatively too hard, especially with our fault indicators that we install. We get it pinpointed down to a mile each, and at that point, then we can isolate it, switch the line around, which accelerates the restoration of power, and then at that point we can isolate that line and restore it.

Q. Okay. And then you indicated that there's going to be a secondary cabinet on-site or a second --

A. That's that cabinet that you speak of.

Q. Okay. So there's a three phase cabinet that's up on that eastern side. Are you going to put a cabinet on-site or --

A. Yes.

Q. Okay, okay. And so if there's a fault between those two, that's also -- you're able to determine that.

Now, with regard -- I mean, I understand it's sometimes harder to determine where a fault might occur underground, but do we have the issues with weather and farmers with the underground as we do with the overhead?

A. No. Well, you basically eliminate weather issues with the underground. You always have the potential of dig-ins if 8-1-1 is not called, but that's -- that's fairly rare. Recently, most of our outages, especially this time of the year, or in the spring, if you look at our outage reports, it's almost all related to poles being hit by farm equipment or getting into the lines with -- when the sprayers are bringing booms up. That is the majority of our outages.

Underground issues, the cable, we've had cable installed in the '70s and it's still operating fine, and that's unjacketed cable. With the newer jacketed cable,

we expect to get at least 50 to 60 years out of it.

Q. And is this that -- you had referenced that this was built in 2012. Is that that new jacketed cable that's currently out there?

A. Yeah.

Q. So does that assist in reliability?

A. Yes, it does.

Q. Now, we kind of touched on the substation and the feeders and Dakota Valley keeping record of that. I have what's been listed as Dakota Valley 11, if we could bring that up. Can you tell me what that exhibit is of?

A. This is what Dakota Valley Electric has logged in their own outage management system. It basically documents items that had caused this substation to lose power. And you can see, we go back to 2007 and up to 2014.

The first one, we lost a high-side fuse. An instance can happen -- what can cause a high-side fuse to blow would be an animal gets in the substation, say on the bushings of a regulator or on the transformer. Then the protective device will open up.

The second one on there, a transmission pole was damaged which caused a loss of power to the substation.

The third one, we just had a description of power supplier.

And the last one, we were showing planned maintenance, that we took the substation down.

Q. Okay. And if I could look at -- well, did you -- let me get to this part. Did you, as part of discovery to Otter Tail, upload this information?

A. Yes.

Q. And did you or someone under your direction create this exhibit?

A. I pulled this exhibit.

MS. RADERMACHER: Okay. I would move to enter Dakota Valley 11.

ALJ WARD: Objections to 11?

MR. STEPHENSON: No objection.

MR. PELHAM: Just to be clear, this is for the Mooreton substation.

THE WITNESS: This is for the Dakota Valley Mooreton substation.

MR. PELHAM: Right. No objection.

ALJ WARD: That exhibit's admitted.

BY MS. RADERMACHER:

Q. Now, just kind of stuck out at me, the transmission pole, what does that mean?

A. That could be any -- I mean, a brace could have failed. It could have been hit by a machinery. It could be a lightning strike or something along that.

It's a variety. But it would have been on the 41.6kV transmission line.

Q. And so when you say the 41.6kV, belonging to Otter Tail?

A. That's correct.

Q. Okay. And so this particular outage that I see on 2011 that's a duration of four hours and 12 minutes was as a result of Otter Tail's equipment failure?

A. To the best of my knowledge, yes.

Q. And so for the last ten years, is this reflecting all of the outages that would be related to that particular substation?

A. That Dakota Valley has in their records as far as substation level, yes.

Q. Okay. Did you also download the information relevant to the feeders that feed this substation and the outages related to that?

A. Yes.

Q. I would bring up Dakota Valley 12, please.

Now just, again, on the feeders, are those the three lines that we saw coming out of the substation, for clarification?

A. Yes. There's three individual feeders out of the substation, yes.

Q. Okay. And of the outages reflected on Dakota

Valley 12, how many outages are directly associated with that feeder?

A. And this outage report here specifically references the feeder that would serve Minn-Kota Ag out of the three. It is a specific feeder.

On your copies, there's a decent list here, but on your copies, the one that looks like it's slightly highlighted there, there's two items on there that would have affected the actual feeder breaker in the substation which would cause an outage to the entire feeder.

The other items on here, you can see that -- you'll see meter, meter as the type of outage, which represents it was an outage to an individual account. In this case, other services would not have seen an outage or anything of those sorts on their service. Maybe they could have seen a flicker of the light, but that's the extent of it.

And just to -- throughout our distribution system, and that's why it's isolated down like this, we have protective devices on our taps off our main three phase line. That's why it can isolate it down just to a smaller amount of people and split up just to a meter or to a line section.

Q. Okay. And did you or somebody under your

direction create this exhibit?
A. I created this exhibit.
MS. RADERMACHER: Okay. I would move to enter Dakota Valley 12.
MR. STEPHENSON: No objection.
MR. PELHAM: No objection.
ALJ WARD: Exhibit 12 is received.
BY MS. RADERMACHER:
Q. Now, so this is the information regarding Dakota Valley's outages specific to the facilities that would be servicing the Minn-Kota load.
A. Correct.
Q. Is that correct?
Now, Otter Tail had testified that they, potentially, didn't have any data prior to 2014 due to change in metering. Did Dakota Valley have that same problem?
A. Central Power has telemetrics in their substation. I believe it's a similar system that is -- they install them on their regulators so they know when you see a dip in voltage or an outage based off the regulator. They have a similar system that has also gone obsolete. I believe they did have some history. I don't know if it's included in part of this or not, but...

Q. Okay. But Dakota Valley, even though it -- has Dakota Valley changed out its metering system as well?
A. Dakota Valley actually has just kicked off the change-out of their meter system to a cellular system that reports to us that there's an outage. We don't have to wait for phone calls anymore. We are told when a service is out of power. We are also informed when it's restored.
So we believe that's going to significantly help us pinpoint problems quicker and also react to outages sooner instead of -- we do have some members that won't call in for a day later, they're just -- they've been out there for a long time.
Q. Okay. But do you think, between these two documents, that's a pretty accurate depiction of what the outages we have faced in that particular area?
A. Yes.
Q. And that's complete information, didn't get lost in any metering transition or anything?
A. No, no, no, no difference there.
Q. Okay. Now, did you do any testing regarding voltage drop relative to this load?
A. Yeah. I ran a study based on our estimated demand and even went beyond that a little bit. And the voltage drop is within our limits as far as serving.

Q. So you did not see any issues with regards to this load as far as voltage drop is concerned?
A. No.
Q. Okay. And we just briefly touched on this, I just kind of wanted to go back to this again because it's regarding reliability. Now, we provided data for our substation, and that substation is fed by the 41.6?
A. That's correct.
Q. Okay. And does that 41.6 have static?
A. Most -- most of it I don't believe has a static wire. The older stuff, I'm not a hundred percent sure on this line.
Q. Okay. And what makes a difference if it has a static wire or not?
A. Well, in discussions with Central Power and their line, if you have static installed, that does help with reduction in lightning strikes or affects our momentary outages on those lines.
Q. Okay. So this particular 41.6 line or this segment of line doesn't have a static that could cause issues with reliability?
A. I don't believe so, but I can't -- I can't confirm that.
Q. Okay. So I don't know if I was clear. You can't be sure if it has a static or not --

A. Correct.
Q. -- is what you're saying? But if it didn't have a static, that could affect reliability on this line?
A. It could, yes.
Q. Now, I'm hopefully getting to the end of your testimony here, but I just wanted to touch base on this issue. There were some questions raised specifically by Commissioner Fedorchak regarding talks between Minn-Kota and Dakota Valley regarding their Wahpeton site. Do you know if those talks occurred?
A. We had talks with Jody Schuler back in 2013. The previous manager of Dakota Valley Electric and myself met with him in the Breckenridge site.
Q. Okay. And do you remember what those talks were regarding?
A. Again, it was related to the demand charge and operation of the Wahpeton site. And when we sat down with him, we discussed ways of reducing demand. One way is the operation of the site. We could not provide a different rate to them so they're unique to anybody else. But what we discussed is ways that we could even go on-site and say, okay, we could put some monitoring equipment, start this up, don't start this up. And I believe they may have implemented on their own. We never did go out there, though.

Q. Okay. Is there a way to design around some of this demand issue? I mean, if you were Minn-Kota, for example --

A. I believe newer elevators, they do. Some things you can't get away from, but I believe newer installs, they aren't firing up the whole site to unload a few trucks or load a few train cars. In this case, they're loading significantly more, so I expect them to have a much higher load factor. But yeah, I believe with newer facilities, you can design a better demand.

Q. Okay. So with regards to the -- now, I'm referring to it as the Froedtert Elevator. Is that -- was that what it used to be called?

A. Prior to Minn-Kota Ag owning it, another entity, Riverdale Ag, I believe, owned it, and then prior to that it was the Froedtert Malt. And I believe that's what that site -- and that site, I don't know exactly what they did there as a malt. I believe it was built for that specifically and then possibly converted over to more of an elevator type of service.

Q. Okay. So there could potentially be design issues that lead to the demand problems that that facility faces?

A. Possible, yes.

Q. Okay. And were there talks prior to with

Riverdale as well regarding --

A. Yep. This is before my time, but yes, there was also discussions with Riverdale.

Q. Okay. And so this demand issue has been ongoing with that particular facility?

A. Yep.

Q. Do you have that with other facilities that have better load factors?

A. No, we have not. No one has called us and informed us that they were upset with our demand charge.

Q. Okay. And as part of this, did you kind of do a comparison of elevators in the Dakota Valley territory with regards to load factors?

A. Yeah, I actually went -- I went to Dakota Valley and Northern Plains service territories and looked at multiple (indiscernible).

Q. Okay. I would pull up what's labeled as Dakota Valley 13.

A. I apologize for the small print again.

Q. Now, again, there was some talk about trade secrets and that sort of thing, so we don't want to necessarily reference who these individuals are, but it's my understanding that these are existing Dakota Valley or Northern Plains elevator members?

A. Yep. Some have been in service for much longer

and some are newer.

Q. Okay. And do those reflect recent load factors?

A. That's correct.

Q. And did you create this exhibit or somebody under your control create this exhibit?

A. I created it.

MS. RADERMACHER: Okay. I'd move to enter Dakota Valley 13.

ALJ WARD: Objections?

MR. STEPHENSON: No objection.

MR. PELHAM: No objection.

ALJ WARD: Okay. Exhibit 13 is received.

BY MS. RADERMACHER:

Q. Okay. And can you tell me, now we have what's been listed as Minn-Kota Ag. This is the old -- this is the facility in Wahpeton. Is that correct?

A. That's correct.

Q. There are no load projections in this one with regards to the site we're talking about today?

A. No. That has no bearing on this.

Q. Okay. And so of these -- I mean, it would appear that of all of these facilities, that Riverdale has a lower load factor. Is that correct?

A. That's correct.

Q. Now, elevator five, that one, is that the model

you used in determining --

A. Yes. That was most representative as far as when I looked at motor load, the type of facility. So this was the example that I used.

Q. Okay. Now, if you also take the average of all of these, what kind of load factor do you come up with?

A. If you take the average of elevator one through elevator six, it's close to 33 percent also.

Q. Okay. Now, elevator five, does that also have a rail loop, a railroad loop, excuse me?

A. Yes, it does.

Q. And so like I said, based on all of the information you have here, you indicated that the future Minn-Kota site is more like elevator five than any of the other ones?

A. Yes, I believe so.

Q. And based on your conversations with Minn-Kota previously and relative to these proceedings, what was their biggest concern to you?

A. Prior, talking with Mr. Schuler on this specific service on the Wahpeton facility, it was the demand charge.

MS. RADERMACHER: I have no further questions.

ALJ WARD: Okay. Just one point of order. Before we go to cross, you've offered all of your

exhibits now except 15. Is that saved for another witness?

MS. RADERMACHER: Yes. And I apologize. 15 was the SAIDI -- CAIDI and SAIDI information for Otter Tail that they already introduced, so to me, it would be a duplication of exhibits.

ALJ WARD: Okay.

MS. RADERMACHER: So I do not intend to offer this unless --

ALJ WARD: Okay. All right. Mr. Stephenson.

MR. STEPHENSON: Thank you, Your Honor.

ALJ WARD: Thank you.

Does anybody want to take a little break, Commissioners, or do we want to plow ahead?

COMMISSIONER KROSHUS: I'm fine.

COMMISSIONER FEDORCHAK: I'm fine, too.

ALJ WARD: Okay. Counsel, anybody need five or are you okay to go?

MS. RADERMACHER: We're getting late in the day, so I think we plow through.

ALJ WARD: Okay.

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CROSS EXAMINATION

BY MR. STEPHENSON:

Q. Okay. Mr. Syverson, I'll start where you left off --

A. Okay.

Q. -- and go backwards. Your calculations on Exhibit 13, we've looked at those and, frankly, they don't come out at 33 percent. Have you double-checked those calculations or are they weighted?

A. They are not weighted, no. I just put it into an Excel spreadsheet. Should be similar to what I provided in the exhibits with all the cost estimates per year.

Q. And are any of these elevators or grain-handling facilities in operation for, say, less than a year when you did your calculation?

A. Not less than a year but close, just over a year, yes.

Q. Which one would that be?

A. Elevator five.

Q. Elevator five?

A. Yeah.

Q. So relatively new?

A. It's relatively new, yes. They've had a full -- I guess you'd say a full gamut, though, of operation.

Q. If I told you that, as we average these, we're getting approximately 28 percent, would that surprise you?

A. No, it -- I guess, just going off my calculations here, and it should match up to what I provided in the other exhibits.

Q. Now, with respect to load factor, did you discuss load factor with Mr. Schuler as part of your review?

A. As far as in March?

Q. Well, at any time, to get a sense of what that might be based on a conversation with the customer?

A. No, we did not.

Q. If you'd refer to your Exhibit number 11. Again, as I understand it, this is the information you testified to -- I'm sorry, Exhibit 12. I see that it's got 11 at the top but it's been marked by your counsel as DVEC 12. I think it's the feeder data, if I'm correct?

A. Correct.

Q. Okay. Now, you indicated that there were -- I think the chart shaded gray would be what I understood to be material-type outages, the rest were voltage depressions?

A. No. I just indicated the dark gray ones

affected the breakers all the way back to the feeder in the substation, and what -- ice, sleet, and frost affected overhead conductor, and then also the second one that was highlighted there, the cause was found to be unknown.

Q. Okay.

A. Just to note that the line that this affected, it was buried after this 2010.

Q. Sure. Now, this feeder feeds 50-some other customers, correct?

A. Yep, yep.

Q. And isn't it correct that a voltage issue with any of these other customers could have effect on Minn-Kota?

A. You may see a flicker. With the fault current, as you get farther out from the substation, it's minimal, you're going to be in the 200, 300 amp fault current. You really don't get too big of a voltage depression.

Q. Do you know what kind of effect that could have on Minn-Kota service?

A. I don't think they'll see anything.

Q. But it could have an effect?

A. It's very possible, yes.

Q. And under Otter Tail's design, they wouldn't

have any of these issues. Is that correct?
A. You would have issues as far as any interruption to the transmission line.
Q. But not on the distribution system itself?
A. With being underground from the substation down, underground shouldn't have any issues unless it's dug into, or if an animal or some event happened in the substation.
Q. And what is the total distribution distance from your substation to the site of metering at Minn-Kota?
A. About 3.7 miles.
Q. And that will be all underground?
A. Correct.
Q. And you would agree that Otter Tail has substantially less distribution under its plan?
A. From their proposed substation site to their service, yes.
Q. Mr. Syverson, on Exhibit number 9, if you'd refer to that, please.
A. Yes.
Q. Now, if I understood your testimony, the center column, "DVEC Power Supplier Cost," is your cost for power from Central Power. Is that correct?
A. That's correct. And it's an estimated.
Q. And that's what you're using as far as your cost

for calculation of your revenue here?
A. That's correct.
Q. Now, don't you have distribution costs?
A. As far as maintenance, operation and maintenance?
Q. Everything. Don't you have cost associated with extending service to other customers, front office operations, anything associated with running a distribution cooperative?
A. We do.
Q. Are those reflected on this?
A. No. This is just strict revenue off this specific service.
Q. Okay. Would that change these figures if you added in the cost of your distribution costs?
A. We have construction work plan loans that we have funds available as far as extending services to other members. Those type of funds are coming from those RUS loan funds.
Q. Don't you have payroll costs for --
A. Yes, we do.
Q. So none of this is reflected here?
A. No.
Q. So then your DVEC revenue is a total revenue, not a net revenue?

A. It's strictly based on energy and demand.
Q. Right. But it's not a net figure if you were to include all of your distribution costs?
A. If you would look into it that way, yes.
Q. Do you know what that would be if you included your distribution costs?
A. I do not.
Q. You indicated, Mr. Syverson, if I heard you correctly, that the transformer at your Mooreton substation is a 1977 vintage. Is that right?
A. Yep.
Q. And CPEC owns that transformer?
A. That's correct.
Q. But you didn't see any issues with performance with a vintage transformer that age?
A. No, there hasn't been any over the years.
Q. Mr. Syverson, you also testified that in your review of the CAIDI and SAIDI and SAIFI, if I get that right, figures, that in your view, there wasn't a significant difference. Is that right?
A. Yes. I didn't have the numbers in front of me, but from recollection, I don't think there was a significant difference.
Q. What would be a significant difference?
A. I guess I can't comment on that. We submit our

outage statistics to RUS on an annual basis, they review it, come on-site and review it on a three-year cycle, and they have -- always give us satisfactory numbers.
Q. I mean, what is basis of that opinion that you don't see it as a significant difference?
A. Just the difference between the two. I think I saw, between one, it was 15 minutes. Again, without the numbers directly in front of me.
Q. And some customers do pay particular attention to those kinds of figures. Is that correct?
A. Yep.
Q. Now, Mr. Syverson, on Dakota Valley's rate schedule, I think it's DVEC 6, if you'd refer to that?
A. Okay.
Q. Now, just so I'm clear, you've indicated that the board, or as a matter of practice, that you don't charge a power factor charge?
A. We have not.
Q. Okay. And then a line extension charge, is it my understanding that you would not be charging any line extension?
A. That's correct.
Q. Okay. Now, with respect to the power factor charge, under the co-op's own policy, it says it reserves the right to charge that. Is that correct?

A. We do reserve the right, yes.
Q. So the board could change its policy or direction at any point?
A. It's possible, but until we get charged from our power supplier, we have no intention (indiscernible).
Q. And as far as your facility charge extensions, have you estimated what the cost, was that included in your figures, what it could cost -- let me rephrase that.
Would you typically charge a customer in this instance for a line extension?
A. We've had multiple customers of this type where we have provided them a reduction in line extension charges. And in this case, it falls within the realm that we wouldn't charge them based on what we've done for other members.
Q. Right. And have you calculated what those line extension charges would be? Is that part of your analysis in any other document?
A. We look at those on a yearly basis as far as how much we put in on specific three phase services or single phase services.
Are you looking at like an average per mile?
Q. Let me ask it this way. Would those be included in your cost to extend service, those line extension

charges?
A. As the cooperative would eat that as the membership.
Q. All right. So that's not part of your line extension? When you were adding up the cost of how much it will cost to extend service, that was not part of it?
A. No, no, I apologize. That list I provided includes all the dollars to extend the line.
Q. Including the line extension charge?
A. Including the line extension charge.
Q. Which, in this instance --
A. So that 93,000 includes all charges for extension to site, the service.
Q. Okay. And what you're telling me is that they would waive that charge?
A. Correct.
Q. And again, that's subject to board discretion?
A. Yes, it is.
Q. Now, Mr. Syverson, did you at any time offer a contract to Minn-Kota or discuss any contract terms with Minn-Kota?
A. No.
Q. And would you agree that absent a contract, the board can change your rates at any time?
A. It's understandable. We usually don't go into

contract agreement with this size of a service. The quite larger services is when we get into the contract range.
Q. Larger than Minn-Kota?
A. Correct.
Q. Okay. So it would be your understanding that you would not have offered, in the ordinary course, a contract to Minn-Kota and relied on your rate schedules?
A. Correct.
Q. Okay. You indicated that the Mooreton substation is adequate to serve Minn-Kota?
A. Yes.
Q. And again, what is the size transformer that's serving?
A. It's a 37 and a half -- 3750/4200.
Q. At what point would you need to upgrade that substation?
A. We would monitor it. A lot of that is up to Central Power's discretion. We don't make that call as far as Dakota Valley.
Q. On that transformer that will serve Minn-Kota in particular, I think I asked you, you talked about the age of it, what's the load on that right now?
A. On an average load is, I believe, 1.8 megawatts.
Q. How about peak?

A. Non-coincident peak, we, I believe, hit 2.4, and a coincident peak, the numbers slip my mind but slower than that.
Q. And as far as CPEC, I assume that they dictate what their costs are to you?
A. Yes. And I mean the membership as the cooperatives as a whole have an input, but yes, they dictate rates.
Q. And if CPEC were engaged in any significant projects or build-outs, that would likely be passed on to its cooperative members?
A. That's correct.
Q. And just for the record, are you aware of CPEC switching its independent system operator affiliation?
A. Yes.
Q. And what was that switch?
A. That was to SPP.
Q. From?
A. I don't know if they were -- all I'm aware of, I know they're with SPP now.
Q. Are you aware that they were with MISO earlier?
A. Possibly.
Q. Now, Mr. Syverson, with respect to soft starts, you provided the motor list?
A. Yep.

Q. And I forget what number that is, but --
MS. RADERMACHER: 2.
MR. STEPHENSON: Thank you.
Q. And this motor list, now I think you indicated it indicates the motors that have soft starts or scheduled for soft starts?
A. Yep.
Q. And would you agree with me that if there was an ability -- I mean, Minn-Kota depending on the service provider could alter this list?
A. And we've done that in the past with other elevator-type services, we've provided waivers. And what we do in the waivers, if you want to go up to 75 or a hundred, that's fine, we just -- with the caveat, if we do start experiencing issues on our distribution, that you fix the issue, the member that would fix that.
Q. Would you agree with me that with Otter Tail, they could change and not have to go through that exercise?
A. Yeah, I believe so. In reference to this motor list, we serve -- the elevator that I'm doing in comparison, we serve it on approximately 12 miles of distribution underground and we don't have any issues.
Q. Is that comparison elevator elevator number five that you referenced earlier?

A. That's correct.
Q. And the one that's been in service for about a year?
A. Yep.
Q. And if I understand your calculation then on Exhibit 9, you've calculated no rate of return on your investment to extend service?
A. No. And I may not address that. It's possible Bruce may address that, yeah.
Q. Understand.
MR. STEPHENSON: Nothing further.
ALJ WARD: Mr. Pelham, questions for Mr. Syverson.
MR. PELHAM: Thank you, Your Honor.
CROSS EXAMINATION
BY MR. PELHAM:
Q. Mr. Syverson, I just want to go over some questions on the factors here and I want your opinion on these. Do you believe the approval of the application of Otter Tail would result in wasteful duplication of investment or service? Does Dakota Valley have a position on that?
A. I feel we're in the area to adequately serve this load.
Q. You feel that Dakota Valley is in the area of

adequate service load? Okay.
You don't believe that -- well, do you believe that there would be a wasteful duplication for Dakota Valley if you were allowed to service this?
A. No, no.
Q. Okay. Do you have an opinion on which supplier's extended electric service would best serve orderly and economic development of the electric service in the general area?
A. I believe if Dakota Valley could extend service, we in turn can then also provide additional three phase to surrounding members.
Q. And that's based on testimony you provided as well as the exhibits?
A. Yes.
Q. What about your opinion on which would supply -- would be able to serve the location more economically and still earn an adequate return on investment, do you have an opinion on that?
A. Based on our cost to extend the line, our worst case scenario, I believe we would be the cheapest option as far as extending service.
Q. Okay. And that's even so because your Exhibit 9 indicates the Minn-Kota service charge in year one is 261,000, I believe that Otter Tail provided about

271,000, and year one for service charges is 275 for Missouri Valley, but that increases over a period of time, that's --
A. And as far as economical as far as extending the service, I was commenting on Dakota Valley's cost.
Q. Okay. Do you have an opinion on whether or not the proposed new substation to service the Minn-Kota site by Otter Tail duplicates service in any way?
A. There's surrounding substations within three miles that I believe that service could be provided from.
Q. As far as the analysis, we talked a little bit about elevator five, and I think that's Exhibit 13, Otter Tail talked also about some similar facilities as to what Minn-Kota may operate at.
I'm just wondering, because the Commission is going to be taking the testimony and taking a look at the exhibits, and we don't have what elevator five actually consists of, nor do we have the information of the two very similar operations that Otter Tail has testified as to what the load factor is at.
Can you provide any more details to the Commission as far as whether or not elevator five really is similar in scope and structure and demand for power as what's proposed to be built by Minn-Kota?

A. You know, I can comment. It's not -- it's cement bins. The motor loading list that was provided from the engineer working on that elevator was very similar. I don't have a load diversity from this specific Minn-Kota service to reflect on that. There's a rail loop on this one. I would say, on elevator five, there is a fertilizer service in addition to it, but in similar -- I don't know exact bushels or storage capacity.

Q. Okay. In your opinion, would Minn-Kota have similar issues with the power demand? Say they're operating at full capacity, there's a 120-car train and they're drying product. Are they going to have issues in being charged because of the demand usage at that period of time, do you think?

A. It would be part of their operation. There's different methodologies as far as rates. Dakota Valley's rates are set in a way that we try to push to run a service efficiently. We have a large amount of facilities that we need to maintain due to the rural nature, and that's how we've come up with the rate schedules that we have.

Q. You've reviewed Otter Tail's proposal, correct?

A. Yes, I have.

Q. In reviewing that, is Otter Tail also charging

increased demand charges in their proposal?

A. They have a smaller demand charge. I believe that was the 52 cents, I believe. Now, they do charge a flat demand over the 12 months, where our demand will vary based on what they actually use for that month.

Q. Okay. What's the depth in feet of the underground lines that are being installed or proposed to be installed?

A. We shoot for 42 to 48 inches.

Q. What's the incidence of -- you had mentioned 8-1-1. What's the incidence generally of equipment digging in and not calling in and a disruption caused because of failure to call or utilize 8-1-1?

A. It's pretty low. It's actually repeat offenders usually that cause it.

Q. How far is the south Wyndmere substation from the Mooreton substation?

A. Approximately ten miles.

Q. Exhibit 9, we went through most of the pages, but I think there were a few pages we didn't go through. I don't think we went through the last page. I'm just wondering if you could just generally tell me what we're talking about on the last page on Exhibit 9?

A. What I did there, I took what Otter Tail's rate -- which rate I thought they were going to offer and try

to put it in a similar type spreadsheet what I was doing for Dakota Valley. I don't know if I -- I think my charges were off slightly, but I think I was within the ballpark.

Q. Okay. You went over the second to last page. I don't think we went over the third to last or the fourth to last pages. If we could go to the third to last page, I'm wondering if you could tell me what this exhibit portion indicates. I have it as page 8 of Exhibit 9.

A. All right. This one includes -- basically, it shows the service charges to Minn-Kota Ag, shows our power supplier cost, and then basically shows the revenue per month, kind of give you the whole picture based on the -- our standard large three phase commercial rate.

Q. Okay. And then page 7, the page before that, what are we seeing here?

A. Page 7 just specifically addresses just our power supply charges, just to break those out individually, based on our assumed energy and demand.

Q. And the second page of Exhibit 9, that box off to the right lists all the dates, January through December, a calculated load factor. Is this that elevator five, is that where you got that data from?

A. Yeah. That was where I was grabbing -- that's the most -- well, it's actual data, so that's what I was using.

Q. I understand that the incentive ends after year nine, or the discount rather. Is there a procedure or a process for any type of extension on that that you have seen?

A. We haven't at this time with the members that we've used this discount on. Not to say that it can't.

Q. You're not aware of a situation, though, where that's been extended?

A. No, I'm not.

MR. PELHAM: Mr. Lein may have some questions.

MR. LEIN: Thank you.

Question, how did Dakota Valley arrive at its threshold of 30 horsepower for the starters required?

THE WITNESS: We just have, in that policy, a voltage flicker level, and we've seen with three phase, 30 horsepower seemed like a standard throughout the cooperatives in the state.

MR. LEIN: So your system actually has trouble with a bigger engine starting or was it modeled that way or...

THE WITNESS: No, no, not necessarily.

MR. LEIN: Just a standard --

THE WITNESS: Other services, they start a hundred horsepower ones on that. It's just we've seen, primarily more on single phase lines, where before we had a policy, we were allowing the installation of very large motors and then you'd see the voltage figure.
MR. LEIN: Okay. I was looking at one and trying to figure out if there was a source to the north, or is this like a radial line that goes out there from --
THE WITNESS: There is a tie on that distribution to the north. That would be a tie to the north Wyndmere substation.
MR. LEIN: Okay.
THE WITNESS: And then to the west would be the south Wyndmere.
MR. LEIN: How far away is that north Wyndmere? About ten mile --
THE WITNESS: I don't have -- a guess would be probably 18 miles.
MR. LEIN: So if you lost the Mooreton sub, you could feed this from the north Wyndmere sub?
THE WITNESS: We would not -- we would -- it's possible. We would check loading at the time.
MR. LEIN: Okay.
THE WITNESS: The preferred one would be the

south Wyndmere.
MR. LEIN: Okay. So would you call this a looped service?
THE WITNESS: The tap from the three phase cabinet out to Minn-Kota Ag is just a radial. It is looped by substations.
MR. LEIN: Yep. If you lost the Hankinson source, would it feed from the Wahpeton source?
THE WITNESS: Yeah. At that time, we would call Otter Tail dispatch and they would decide which to open and close.
MR. LEIN: Similarly, if Otter Tail lost its --
THE WITNESS: Their source --
MR. LEIN: They could go from the Hankinson source?
THE WITNESS: Yep.
MR. LEIN: Okay. The Mooreton sub, what's the loading been running on that now?
THE WITNESS: On average, I believe it was 1.3, on an average. It's a winter peaking substation. And again, its coincident peak is usually right away in the morning or when everyone is coming home in the evening. During the day, that's when load drops down, and at night.
MR. LEIN: So your peak would be what?

THE WITNESS: Our peak, we've seen 2.4 megawatts.
MR. LEIN: And you said this sub was 3750 with a peak of 4200?
THE WITNESS: 3750/4200. And it currently does not have fans installed on it. It could have fans installed on it.
MR. PELHAM: And then Central Power would have to do that?
THE WITNESS: Yeah. And that's minimal as far as --
MR. LEIN: Yeah. You're talking about another transformer being added at the site. Would it be at that cabinet that's going to be installed at the site and would it be 12.5 kV on the high side and 480 on the bottom side?
THE WITNESS: That's correct. Our distribution is 12-47.
MR. LEIN: Okay.
THE WITNESS: Transformers step that down to 480. We could -- you know, depending on the member, we could install the transformers side by side if they would want the second one or in a different location. It's more about how they want to run their site or redundancy that they would like.

MR. LEIN: So it seemed to me like Otter Tail, in their service line cost estimate, had one transformer?
THE WITNESS: Yes, I believe so. Yep.
MR. LEIN: So with yours, you would subtract for that second transformer in order to have apples to apples comparison there?
THE WITNESS: Yeah. And I would raise estimated 26,000 for a 1500, if they would want the 2000 Kva capacity, I would add $5,000 to that, so 31,000. But yeah, I would subtract that second transformer.
MR. LEIN: I think that's all the questions I have. Thank you.
ALJ WARD: Okay. Questions by the commissioners. Commissioner Kroshus.
COMMISSIONER KROSHUS: I'm going to follow up on Jerry's last question. Just to clarify, your cost estimate, project cost, includes two 1500 Kva transformers, correct?
THE WITNESS: Correct.
COMMISSIONER KROSHUS: So if you took out one, it would be a deduct of 26,000, a little more than 26,000, but then moving to 2500 or 3000 Kva, you have approximate cost of 33,000?
THE WITNESS: Yeah. So I would remove --

actually, I would remove both transformers and swap them out for that 2500.
COMMISSIONER KROSHUS: Right. So a net difference of 19,000, roughly, in savings?
THE WITNESS: Yeah.
COMMISSIONER KROSHUS: Does that sound right?
THE WITNESS: Yeah. And then a reduction in cost for labor and material for installing the second.
COMMISSIONER KROSHUS: Okay. So that project cost with the transformer change would be that 74 to 75 arrangement, with labor it might be closer to 70, call it 70?
THE WITNESS: Yeah.
COMMISSIONER KROSHUS: Okay. On Exhibit 1, can you tell me, and I apologize if you indicated already, but who is the three phase customer, I'm going to say to me it looks like about four-tenths, maybe between .4 and .5 miles, to the east?
THE WITNESS: To the east. That is a bin site, a farmer's personal bin site.
COMMISSIONER KROSHUS: Okay. Have they experienced any problems with reliability?
THE WITNESS: No, no, being that close to the substation.
COMMISSIONER KROSHUS: Okay. Now, an

underground versus overhead construction, you indicated just easements for poles as one of the issues. What's the cost differential between the two?
THE WITNESS: Actually, we're putting in underground the same cost as putting overhead in. We're just -- we're seeing about it's even.
COMMISSIONER KROSHUS: Okay. Do you agree with -- when I'm talking about Exhibit 9, I'm talking about Otter Tail Exhibit 9. And I think you touched on this, but -- and I had asked or I think brought up the question earlier on different numbers, different presentations. But just in a nutshell, to clarify once again, do you agree or disagree with their calculations?
THE WITNESS: I have to disagree just because they're including the power factor cost on-site facilities charge in those summaries.
COMMISSIONER KROSHUS: Okay. So from a practical standpoint, I'm the customer. I just want to know how is this going to impact my bottom line versus one service provider compared to the other. Just in a nutshell. Same cost? lower cost? higher cost?
THE WITNESS: Rate-wise, we would be higher.
COMMISSIONER KROSHUS: Okay. Can you give us a percentage figure in terms of the monthly charge that the customer will experience?

THE WITNESS: I would have to calculate that out based on a month-to-month basis.
COMMISSIONER KROSHUS: And fortunately, we have some very good analysts on staff that I'll be asking the same question from.
THE WITNESS: And again, this is -- and it could go better or worse. It's based on what we assume the type of energy and demand is going to be used there and load factor.
COMMISSIONER KROSHUS: Okay. On the 70 -- I've got 74 to $75,000 cost, because I've swapped out the two 1500 Kva transformers, which might or might not occur, but who pays for the project cost? Can you reiterate that again?
THE WITNESS: Dakota Valley would pay that, so basically, it would be shared along the membership, the entire membership.
COMMISSIONER KROSHUS: And there's a pool of --
THE WITNESS: 4,100 members.
COMMISSIONER KROSHUS: A reserve -- oh, it would be passed along to the members or is it through reserve funds?
THE WITNESS: In the end it's passed on to the members, but we have construction work plan loans with RUS, four-year construction loans, and we would pay for

it out of that.
COMMISSIONER KROSHUS: Okay, okay. But right, ultimately, it does fall back on ratepayers.
THE WITNESS: Correct.
COMMISSIONER KROSHUS: What kind of rate flexibility does the cooperative have? We don't regulate co-ops from a rate standpoint. So is this something that the board could get together and say we'd really want to try and land this business, come up with a creative or a new rate structure of sorts?
THE WITNESS: It's possible. We avoid having a lot of rates, because then you get people hopping back and forth. Yes, they do have the power to make a new rate if they would like to.
COMMISSIONER KROSHUS: Has that ever happened?
THE WITNESS: Not in my time that I'm aware of. Bruce may be able to comment on that more.
COMMISSIONER KROSHUS: Okay. I don't know if this is a question for you or to hold, but earlier the customer when they were testifying, Minn-Kota Ag's testimony, when George was -- had indicated that he had not heard from Dakota Valley Electric, to me it sounded like since March. Do you agree with that or disagree with that?
THE WITNESS: Yeah. The way I recall the

conversation is I met with him on-site and provided my information and then basically had a follow up over the phone, just to get his thoughts on what he thought with the proposal we provided.

At that time, I've already -- I've already had discussions. You know, even if he didn't accept what our rate was or likewise, that we felt it was in our service territory, that we would take this, you know, to the PSC if we had to. And after that point, you know, there wasn't much -- any discussion.

COMMISSIONER KROSHUS: The substation, was that 1977 construction?

THE WITNESS: That's correct.

COMMISSIONER KROSHUS: So I think it was --

THE WITNESS: The transformer, yep.

COMMISSIONER KROSHUS: The transformer was classified as vintage. Do you think there's a big difference between a 1991? Would that also be vintage?

THE WITNESS: You know, probably not. I mean, I'm -- we don't own our own substation transformers so we don't swap them in and out. Central Power does. They don't install that size anymore. They've just gone to a larger size as their default transformer.

COMMISSIONER KROSHUS: Okay. And I believe the last question is, with underground, what's the time

frame in terms of making a diagnosis if there is a problem compared to overhead? Give me --

THE WITNESS: With some of the technology that we've been using now, since fault indicators between cabinets, especially if we've got a loop system, if we can identify it between a mile, we can open up that mile of line, restore power to other people by switching, and then we can fix that line on our own time.

And there, we just -- we get equipment called a thumper out there and it thumps the underground and it tells you it's 300 feet down, go fix the problem.

COMMISSIONER KROSHUS: So would the underground line cause an outage to be prolonged in comparison to overhead, or is it a problem is a problem and you're going to reroute?

THE WITNESS: We're going to mostly reroute. For an underground fix, we're not going to keep them out of power. We would prefer to switch them and then fix it on our time.

COMMISSIONER KROSHUS: So the customer won't be compromised if it's -- well, at any point in time it would be a concern, obviously, but particularly during peak time, right? Right?

THE WITNESS: They'll have an outage, but we would try to minimize that time by switching.

COMMISSIONER KROSHUS: Okay. And is that measurably different than if it were being provided with more overhead?

THE WITNESS: You know, and that depends on the type of damage that happened to the overhead. You may still have to isolate that line and switch around there also. You may -- you may find the problem quicker, but again, with like some of the fault indicators we've used and then in our SCADA system, some of the data we get back, we've been pretty good of pinpointing areas of where the fault may have occurred.

COMMISSIONER KROSHUS: So repairs could take longer, but restoration of service?

THE WITNESS: I think it's -- it's close, close to equal on that.

COMMISSIONER KROSHUS: Okay, all right. No other questions.

ALJ WARD: Commissioner Christmann.

CHAIRMAN CHRISTMANN: Let's start with your Exhibit 2, please. And I think to best demonstrate what I'm trying to understand, go to the second page of it, please, in about that bottom third of the page.

THE WITNESS: Yep.

CHAIRMAN CHRISTMANN: First it starts with four 75-horsepower motors that are soft starts, right?

THE WITNESS: Yes.

CHAIRMAN CHRISTMANN: Okay. So I don't understand what happens with these. They're down and not being used, they want to start them. Is that a motor then that was ordered and made to start slowly and so it just cranks up? Or if there's enough capacity and they're willing to pay for it, can they start it and it runs instantly?

THE WITNESS: If you procure the soft start, that's an add-on to that motor. So if you're going to use a soft start, you're going to always use it, at least the way I understand it, for that motor. You wouldn't make a difference between the two.

CHAIRMAN CHRISTMANN: Okay. And what's the timing of that? If they want to run this fill equipment, when you soft start it, how long until it's up and running at full capacity?

THE WITNESS: That's more of the member's choice. Basically, you can tweak your soft starts to delay it to -- or slower start, you know, one second, two second, three second. Depends how much you want to limit that current draw.

CHAIRMAN CHRISTMANN: But we're talking about seconds?

THE WITNESS: Possibly, yep.

CHAIRMAN CHRISTMANN: Okay. And then just down a little bit, in that larger group, the second one from the bottom, is a 40-horse motor and that is FVNR starter. What is that?

THE WITNESS: I believe that stands for full voltage. They're starting it across the line, so it's the full current draw, no soft start on that.

CHAIRMAN CHRISTMANN: And so that's the kind -- that's an example of what's at issue here in that you would -- your rate requires that to be a soft start motor and they are not planning on that being a soft start motor?

THE WITNESS: Yeah. It's in our policy, 30 horse and greater, but not to say we haven't waived that. We usually will work with the member on that point. We can get into more analysis. Those ones don't concern me as much. It's --

CHAIRMAN CHRISTMANN: Before you get into that, let me follow up on that, though.

So if we're talking seconds for something within this grain facility, doesn't seem like that's a very big deal. So is the big deal the fact that the soft start motor, to switch this 40 horsepower motor to a soft start motor, would cost a lot more money to install it or purchase it and install it?

THE WITNESS: It is additional money.

CHAIRMAN CHRISTMANN: So it's not so much the timing of it, it's the fact that it requires a different motor and it costs a lot more?

THE WITNESS: And I can't comment on that as far as how this type of facility operates internally. I don't think -- I don't think it causes a delay, but I can't make a --

CHAIRMAN CHRISTMANN: Okay. And so that's the full voltage starter. And then down to the last three on the bottom of that page are two 75s and a 150-horsepower motor and those are VFD.

THE WITNESS: Yep.

CHAIRMAN CHRISTMANN: What's that?

THE WITNESS: That's a version of a soft start. It's a little more expensive. It's more programmable, I believe, tweak the settings on it.

CHAIRMAN CHRISTMANN: Okay. But under your proposal, those would --

THE WITNESS: We would recommend --

CHAIRMAN CHRISTMANN: Those should be soft start motors or are these -- VFDs are soft start motors.

THE WITNESS: Yes.

CHAIRMAN CHRISTMANN: And so that's already covered here?

THE WITNESS: Yes. Yeah. We just say soft start to cover all sorts of motor-starting support.

CHAIRMAN CHRISTMANN: Okay. Then let's jump -- did you have something else? I didn't want to lose my train of thought --

THE WITNESS: No, no.

CHAIRMAN CHRISTMANN: -- that you wanted to add to that?

THE WITNESS: That's all right.

CHAIRMAN CHRISTMANN: Okay. Then on number 13, with these comparisons of these seven facilities, so you kind of preferred five as sort of an average and you said it's similar in that it's a unit train facility, correct?

THE WITNESS: That's correct.

CHAIRMAN CHRISTMANN: Okay. So whether something is a unit train facility or not, like what do you think is one of the biggest factors in determining what's the best comparison? Or I'm sitting here thinking maybe it would be just their business plan or the particular commodities that they have, whether they come in on a real consistent basis and are shipped out on a consistent basis, maybe number five has a long-term contract to ship a unit train every so many days as opposed to someone else, is this going to buy whatever

they're able to acquire in the market and when they get a good price they want to be able to ship it quick?

So is it the unit train versus not a unit train that is the most important factor or is it their business plan?

THE WITNESS: I'm no elevator expert. To me, I live in -- I know what the motor load is at the site. That's how I can base it off another similar site with motor load and I believe that's how they're going to operate.

A unit train, I would imagine you could have a very -- because one may have a unit train but it's significantly smaller so that you're not loading as much or unloading as much.

CHAIRMAN CHRISTMANN: A facility that has a very consistent -- just their business plan is maybe a train load every so many days, they've got long-term contracts, they would have a higher load factor than one that is more --

THE WITNESS: Correct.

CHAIRMAN CHRISTMANN: -- has a plan to make more quick and base things on the market, right?

THE WITNESS: I would say it's fair to say that, yes.

CHAIRMAN CHRISTMANN: And if I take out the high

and the low, numbers three and seven, although seven doesn't seem to be numbered here, the Minn-Kota Ag and number three, those seem to be kind of the anomalies. The average of all of the other five, I didn't do the math exactly, but looks like about 25 or so closer to Otter Tail's load factor estimate than yours. Would you disagree with that?

THE WITNESS: I won't disagree with that, it's just when we put this together, it was elevator one through six was kind of our average, and then the Minn-Kota Ag one was just a reference of the Wahpeton site and the issues that they had there.

CHAIRMAN CHRISTMANN: But do you really feel that that one is an anomaly in the way it's --

THE WITNESS: Yeah, I don't believe it's a similar --

CHAIRMAN CHRISTMANN: -- built and then the way it's operated?

THE WITNESS: Yeah.

CHAIRMAN CHRISTMANN: Okay. I'm going to number 9 of your -- if I can find it. Are you at Exhibit 9?

THE WITNESS: Yeah.

CHAIRMAN CHRISTMANN: Company-wide, do you know what percent of the company's expenses are the cost of electricity?

THE WITNESS: I do not. I may not be the right guy to answer that.

CHAIRMAN CHRISTMANN: Would that be a fair comparison to figure out some kind of a comparison of what this would be if operating costs are calculated in, the fact that -- there's got to be, it seems like, some operating costs figured into this as well?

THE WITNESS: Right. I don't have that information.

CHAIRMAN CHRISTMANN: Okay. I have no other questions, Your Honor.

ALJ WARD: Commissioner Fedorchak.

COMMISSIONER FEDORCHAK: Since Commissioner Christmann was talking about that, it was one of my questions, too.

So we're trying to get a sense of the economics of your service, and you've listed, on Exhibit 9, what they'll be paying you?

THE WITNESS: Correct.

COMMISSIONER FEDORCHAK: Your supplier costs of power, that's it. And then this 19,714 revenue, you're suggesting that's what you clear?

THE WITNESS: Yeah. And just in simple terms, yeah, what we're charging the member, what we're paying to Central Power, and then what is the excess left over.

COMMISSIONER FEDORCHAK: What else is not included in that that are factors for what you would clear, that aren't listed there in terms of a cost? Supplier cost, you know, that cost, but what else?

THE WITNESS: As far as cooperative-wide?

COMMISSIONER FEDORCHAK: Just whatever, your other business costs of doing business.

THE WITNESS: Yeah, that would be the day-to-day business. And I may not be the best person to answer that, but that would not be included in here.

COMMISSIONER FEDORCHAK: Okay. That would be an important thing that you guys should provide as a late-filed exhibit somehow, so we can get a clear picture of the economics of your service versus Otter Tail's service.

Okay. I wanted to talk a little bit about the phase three. So are you building a short -- you're building a little additional phase three lateral, right?

THE WITNESS: Yeah, a radial line.

COMMISSIONER FEDORCHAK: About how far would that --

THE WITNESS: It's approximately .7 miles, so 4,000 feet.

COMMISSIONER FEDORCHAK: And there's existing Otter Tail Power service there that is three phase?

THE WITNESS: No. They have a transmission line that goes by there that follows Highway 13.

COMMISSIONER FEDORCHAK: That's three phase?

THE WITNESS: It's 41.6 kV. You would have to step that down to get to the voltage that Minn-Kota Ag would require.

COMMISSIONER FEDORCHAK: Okay. So do you view that as a duplication of service?

THE WITNESS: I guess I personally do because we have facilities so close in the distribution level that's coming from an existing substation, no more than four miles away, that we could utilize already and that's been serving members in the area for quite some time.

COMMISSIONER FEDORCHAK: Okay. So Otter Tail was arguing that the underground stuff wasn't as reliable as the over ground, which is, you know, interesting.

What are the advantages of underground and why did you guys choose to build underground versus above?

THE WITNESS: Primarily, all of our construction these days is underground. We live in a rural area with a lot of severe weather events that we want to try to mitigate. We try to eliminate lightning strikes in the summer, farming operations, poles hitting in the spring

and fall, and in the winter, obviously the ice storms or the winter storms. With the underground, you can eliminate a lot of that. You still have potential of dig-ins, but that's not as high of an incident rate as we see with the overhead line.

COMMISSIONER FEDORCHAK: So do you have any studies that suggest this is the best practice now or that there's some way to quantify why underground might be preferable?

THE WITNESS: No specific studies, it's just in our outage history, we see a lot more overhead outages due to animals may get in the line, high winds or just failed equipment. You have a lot less pieces in the puzzle with the underground, at least in my standpoint. And as mentioned a little earlier was we're actually installing it at a fairly similar cost as if we would build it overhead, so taking the approach of going underground.

COMMISSIONER FEDORCHAK: And if you do have a problem with the underground, what is it typically caused by?

THE WITNESS: One would be a dig-in. Number two, with the unjacketed cable, which would be the cable installed in the 1970s, it's just the corrosion of the conductor and just overall failure.

COMMISSIONER FEDORCHAK: But you don't have that in this location?

THE WITNESS: Not in this case. We have newer jacketed cable.

Splices are points of failure. That's where you would splice two cables together. But again, with today's splicing technologies, whether it's heat shrink or cold shrink, that mitigates from water to get in, cause a short to ground.

The only other thing would be installation, they may nick the cable. And then it may not fail immediately, but say if it rains or something, water will get in.

COMMISSIONER FEDORCHAK: Okay. This particular install that's been there since 2012, I believe you said, compared to your above-ground facilities, same type, are you seeing -- do you have a comparison whether there's fewer issues on the underground?

THE WITNESS: Definitely. And all of our work plans, our main focus has been burying our main three phase feeders because you get the most bang for your buck, improved reliability to the most amount of members, so we are seeing an improvement in that.

COMMISSIONER FEDORCHAK: Okay. Are you saying on the soft start issue, that you're not going to charge

them for soft starts? Are you committing to that? Are you saying we'll negotiate that? We've done it in the past, we've given people exemptions and we may in this case? Are you saying we will not be charging them for soft starts?

THE WITNESS: Based on the motor list that they have, it looks like most motors above 50 horsepower already have soft starts designated to them. We have facilities out there with the 50-horsepowered motors that are installed without soft starts and cause no issues. Being this close to the substation, I don't see that being a forced requirement on them.

COMMISSIONER FEDORCHAK: Okay. If there's an upgrade necessary to that substation down the road, the Mooreton one, that could be passed along to this customer?

THE WITNESS: No. Central Power changes out transformers based on loading and that would --

COMMISSIONER FEDORCHAK: Okay.

THE WITNESS: And a transformer they would take out of the yard or if they ordered it, they would change that as part of their normal work plan or maintenance, and that cost, if any, is shared with the membership of all the cooperatives.

COMMISSIONER FEDORCHAK: So the cost of a new

substation or an upgraded substation would be spread over everybody?

THE WITNESS: Yeah. And it wouldn't be --

COMMISSIONER FEDORCHAK: Part of whom would be them?

THE WITNESS: Yep. It would trickle down to every single member. It wouldn't be a new substation, it would just be the transformer.

COMMISSIONER FEDORCHAK: Okay. And then on Exhibit 9, page 2 of their exhibits -- the pages aren't numbered but the middle one on that exhibit. So in your response to Commissioner Kroshus, you said you didn't agree with their math because they included the power factor and the facility charges, so I want to get clarification here.

On the annual difference column, on the line that says total energy cost less PF.

THE WITNESS: Yep.

COMMISSIONER FEDORCHAK: Annual difference, 27,665.76. That takes out the power factor?

THE WITNESS: It does, but in addition, I would take out the on-site facilities charge, which is 8,704.80.

COMMISSIONER FEDORCHAK: 80 --

THE WITNESS: $8,704.80.

COMMISSIONER FEDORCHAK: Okay. So if you take those out and you get approximately $19,000 difference, do you agree with that, that that's the -- based on 33 percent load factor, that's the difference in the cost?

THE WITNESS: I would say yes.

COMMISSIONER FEDORCHAK: Okay. All right. Okay. That's it for me. Thank you.

ALJ WARD: Okay, Commissioners, Counsel, my plan is to finish today, and we still have one witness to go plus probably rebuttal testimony. So I think we should take a break now and come back at 5, and we'll go as long as we need to, hopefully not too terribly long, but we'll go as long as we need to. But if anybody needs to make calls or whatever to let people know you're not going to be home or whatever, let's take a break now until 5 just to stretch our legs and maybe clear our heads a little bit.

(Recess)

ALJ WARD: Ms. Radermacher, it's your turn for redirect.

MS. RADERMACHER: Thank you. I'll try to keep this brief because I know people are hoping to get home.

ALJ WARD: One thing I want to make clear is I'm not -- I don't want to cut anybody off, because the

other side has the whole morning and you've got to try to budget your case, but I want to give you the opportunity to make a complete record, and likewise, you'll get a chance for rebuttal as well. Okay.

REDIRECT EXAMINATION

BY MS. RADERMACHER:

Q. Now, when you initially testified at the beginning of your statement, how long did you say you've been with Dakota Valley Electric?

A. It will be about nine years.

Q. And during the nine years that you've been with Dakota Valley Electric, have you seen that power factor charge ever implemented?

A. No.

Q. Now, there's also some discussion about the rate of return on this and how administrative costs would play into this. Based on the projected load, would there be an adequate rate of return to Dakota Valley even taking into those administrative costs?

A. Without knowing that specific number, I don't know if I could actually say that. I would assume yes, but I may not be the guy to speak on that.

Q. Okay. And there's been a lot of conversations about this load factor charge and how to determine what would be the most appropriate load factor in this case.

Of the exhibit that you provided that has the seven facilities listed on there, you're saying that the 33 percent load is the one that's the most close to that?

A. Yeah. I was using that elevator service as a similar comparison being that it is newer-type of construction, was up and running for a year now. I thought it was a fair comparison with the motor load and all that.

Q. Okay. And the one that's, like, up in the upper 40s, how much difference is that facility to the facility that Minn-Kota is proposing?

A. Without -- you know, I didn't go into a hard research on that one. They use significantly less demand so they don't have the motor load. That might be one of the reasons why I didn't use that as the example. But with what they have set up there, they're running it efficiently.

Q. Okay. And do you think that this facility will be run differently than the current Wahpeton facility owned by Minn-Kota?

A. Yeah, I do.

Q. And did you hear what Mr. Schuler testified to in relation to how he's going to run that operation?

A. Yes.

Q. And based on the way that he's going to run that operation, does it change your estimate of what the proposed load factor would be?

A. I wouldn't change it, it sounded like it would be a more constant load, but I would keep with what I have available.

Q. Okay. Now, there was also some talk about if we ever offered Minn-Kota a contract. Did we ever get to a point that Minn-Kota said they actually wanted service with us?

A. No, no.

Q. So basically, a contract wasn't even part of the discussion because Dakota Valley and Minn-Kota never got that far?

A. No.

Q. And the last question that I kind of took notes on was you had talked about -- now, this is looped by substations, this particular area?

A. Yeah.

Q. Does that looping add reliability to the system?

A. It does. It just allows switching. If you do have an issue, you can re-feed from a different direction and reenergize service to whoever's out.

MS. RADERMACHER: I have no further questions.

ALJ WARD: Okay. Mr. Stephenson.

MR. STEPHENSON: Thank you, I'll be brief as well.

RECROSS EXAMINATION

BY MR. STEPHENSON:

Q. Mr. Syverson, I recall you indicated that, typically, customers of Minn-Kota's size are not offered contracts. Is that right?

A. Yeah, we haven't gone down that path.

Q. I do want to clarify one thing. The distribution systems of both Minn-Kota and Otter Tail in this case are both underground distribution systems, are they not?

A. The distribution systems are both underground, correct.

Q. And the transmission systems powering both of Minn-Kota and -- Dakota Valley and Otter Tail's services here are all overhead, are they not?

A. The transmission lines, yes.

Q. And comparing distribution system to distribution system, Otter Tail's distribution is substantially less in length. Is that correct?

A. I believe it was stated 1,000 feet.

Q. And can you just -- again, what is the distance for --

A. Dakota Valley's distribution underground from

the substation to the site is approximately 3.7 miles.

Q. And you would agree that Otter Tail, if there's an issue, an underground issue, with that shorter distribution length, it would, presumably, be easier to identify than over the lengthier (indiscernible)?

A. It's possible, depending on what type of identification equipment you have.

Q. Mr. Syverson, on facility number five that you -- I think you indicated you used it as kind of your most analogous facility. Is that correct?

A. Yeah.

Q. You also indicated that that facility has a fertilizer plant. Is that right?

A. Yep.

Q. Wouldn't a fertilizer plant operations alter the load factor of a facility?

A. I should have been more clear on that. That is an actual -- it's a different meter, different service, not included in these numbers. These are just the elevator service. I was just saying the site itself also has a fertilizer --

Q. So they're separately metered?

A. They're separately metered, yes.

Q. And I think you testified, too, that your belief was that Minn-Kota can operate its facility to conform

to that demand charge?

A. I didn't say they -- necessarily they can conform to it. Well, I think -- I personally think there may be ways you can not start up the whole operation or certain portions of it. Again, I'm speculating some on that.

Q. I understand. Do you see any issues with having to operate around a particular feature of a rate versus just being able to operate the way a facility can best be efficient?

A. It's possible. You still would want to operate it as efficiently as possible. Either if it's a high demand or low demand, you'd still want to operate at the lowest cost.

Q. But can you agree that they might have better production value or better production if they're able to operate in the way that they believe it should be operated the way it's designed?

A. Yeah.

Q. And that operating around a demand charge could impede that?

A. If that's how it influences the operation, yeah, I -- yeah, I'd say that.

MR. STEPHENSON: Nothing further.

ALJ WARD: Okay. Mr. Pelham.

MR. PELHAM: Thank you, Mr. Syverson, I don't have any other questions for you.

ALJ WARD: Okay. Commissioners, anything else for Mr. Syverson?

COMMISSIONER FEDORCHAK: Nope.

ALJ WARD: I see one. Commissioner Fedorchak?

COMMISSIONER FEDORCHAK: No.

ALJ WARD: Oh, okay.

COMMISSIONER KROSHUS: I do not.

ALJ WARD: Okay. All right. You may step down, Mr. Syverson. You're lucky.

(Laughter)

MS. RADERMACHER: I'd like to call Bruce Garber.

ALJ WARD: Every one of these last names today has phonetic possibilities, so can you spell your last name for me, please?

MR. GARBER: G-A-R-B-E-R.

ALJ WARD: Thank you.

MS. RADERMACHER: Mr. Garber, what is your current occupation?

MR. GARBER: Are you going to put me under oath?

MS. RADERMACHER: Oh.

ALJ WARD: Yes, I have to swear you in. Thanks for reminding me. I'm getting tired.

(Laughter)

ALJ WARD: Do you promise to tell the truth, the whole truth, and nothing but the truth in this proceeding?

MR. GARBER: I do.

ALJ WARD: Thank you.

BRUCE GARBER,

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

DIRECT EXAMINATION

BY MS. RADERMACHER:

Q. Mr. Garber, what is your current occupation?

A. I'm general manager of Dakota Valley and Northern Plains Electric.

Q. Okay. And do you operate under the same kind of shared agreement as Seth referenced earlier?

A. Yes, it would be similar. We have different percentages depending on the employees, but I do work under that same concept.

Q. Okay. And how long have you been working for Dakota Valley Electric, Northern Plains?

A. Well, I'm on my thirty-third year; been there 33 years between the two, most recently, most of them with Northern Plains Electric.

Q. Okay. And what positions have you held with Northern Plains and/or Dakota Valley?

A. Okay. I was the accountant at Northern Plains for 14 years; business manager at Northern Plains for 11; I held the CFO position for both co-ops for four years; and I'm just about four years as CEO.

Q. Okay. And what are some of your job duties as the CEO of Dakota Valley and Northern Plains?

A. Well, I oversee the total operation of about 100 employees between the two co-ops. I spend a lot of time on the road. We have four offices that I oversee: Cando, Carrington, Edgeley, and Milnor.

Day-to-day operations, deal with -- work with budgeting with our business department, deal with Seth on our work plans, that type of items.

Q. Okay. So if a consumer wanted to come in and request electric service or get potential costs associated with that, who typically handles that within Dakota Valley?

A. That would be Seth. The engineering department would give them a price as to what the -- and maybe rephrase that again or repeat that.

Q. So if somebody came in and -- basically, like Minn-Kota, if they came in and they wanted to know how much it would cost for the facilities to be -- what kind of facilities would be put out there and the cost of that, who typically would handle --

A. That would be the engineering department. Seth would have staking engineers that would deal with that, in addition to any questions would fall back to Seth.

Q. Okay. So you're really secondary to any of that?

A. Yeah. I don't get involved with that. We have our -- obviously, our line extension policies that dictate, but yeah, I'm not involved on that on a day-to-day basis.

Q. Okay. Now, there's been some talk regarding potential rate of return. Have you been involved in discussions regarding what the rate of return would be to Dakota Valley Electric?

A. Not on this particular project, no. Dakota Valley's rate of return, it runs on the overall operations. It will run between, the last couple years, three and a half to five percent rate of return. Our rate of return isn't as great as the investor-owneds.

Q. Okay. And so based on that, would you be able to provide a late-filed exhibit that kind of goes through --

A. Yeah, we could --

Q. -- on this particular --

A. We would do that. Yes, we would. We would provide that information.

Q. Okay. Of our overall -- Dakota Valley's overall picture, how much is purchase power a portion of that overall budget or expenditure?

A. Yeah, on our total electric service, purchase power makes up, roughly, 80 percent of the total cost.

Q. Okay. And so 20 percent, essentially, then relates to administrative expenses?

A. Correct.

Q. Okay. So would it be safe to say that based on that kind of percentage, that we're going to see something like that with regards to this particular project but not on as large of a scale?

A. I would think that would be correct.

Q. Okay. So in calculating some of this out, has Dakota Valley determined that it would get a sufficient rate of return on this particular project?

A. Yes, I believe so.

Q. Do you have an approximate idea of when we would fully realize the investment made at the front end of this?

A. We should see our money back, I believe, in four to five years, is what the initial review was of that.

Q. Okay. And you can make those numbers -- like you said, you can put that together in exhibit, or whatever, that could be provided to the --

A. Yes, we can do that.
Q. Now, the primary reason why I called you today is to kind of talk about another aspect of the cooperative that kind of plays into this whole financial picture, and that is capital credits. Can you tell me, basically give me a short, you know, session on what capital credits are and how that benefits the members?
A. Right. Our capital credits, our total margins for the year are allocated back to the full membership. And that's based on the revenue that the member provides to the co-op based on a total margin.
So prime example, just something very simple, if the member has $100 worth of purchase power that they bought from us and they -- excuse me.
Let's just say we had $100 that were the margins for the co-op. The member purchases $10 worth of it. He received 10 percent of that patronage capital, which would be $10, held in an account for him.
Now, we do not -- we allocate the dollars, it's put in an account that is maintained by the co-op. The co-op, in turn, retires capital credits based on the board's decision when those capital credits are retired. Right now we are on about a 15-year rotation. 2017, we'll be retiring capital credits from 2002, is where we're at today.

Q. Okay. And are there capital credits associated with Dakota Valley Electric and also capital credits associated with the GNT side of things?
A. Correct. We have what -- it's broken down into two parts. We have the operation side, which is the co-op side, and then we have the GNT capital credits that are held in a different pot, basically.
So basically what the co-op does is, until we get the retirement from the GNT, those capital credits are not paid out.
Q. Okay. But are those capital credits still attributed to the member during that entire time that they're not paid out?
A. Yes, they are.
Q. So they're the member's investment, basically, in the cooperative?
A. Correct, yep.
Q. And at some point, the member should realize some benefit or profit from that --
A. Correct. That's correct.
Q. Okay. And so based on a similar load or basically what you guys have projected for the total revenue and service charges associated with this facility, what type of allocation would we be looking at potentially for Minn-Kota?

A. Right. And a lot of the conversation has been about, you know, a similar type of facility. And looking back at 2016, on a facility similar to what Minn-Kota Ag is looking at building, those capital credits amounted to about, in '16, about $22,000.
Q. Okay. And again, tell me how that $22,000 is held and then ultimately benefits the member?
A. Yeah. On that particular deal, the way this one particularly worked out, roughly 11,000 of it was the co-op side, 11,000 of it is the GNT side. So those are held in separate -- separate accounts for the -- for the -- for the consumer.
Q. So that, essentially, would provide a -- I would assume this is providing a benefit, though, to the member at some point in time, the member is going to realize this benefit at some point or another --
A. Correct.
Q. -- in the next 15 years?
A. Yes. There will be a check issued whenever the retirement is approved by the board of directors, yes.
Q. Okay. And so as long as they have power with the cooperative, they're going to continue to accrue capital credits?
A. Correct.
Q. If the individual went out of business, is there

a possibility for that member to also purchase back their capital --
A. Yes. The co-op offers an early buy-out on that. And there again, you would actually have to leave the co-op, but there is an offer of a 25 percent buy-out on that.
Q. Okay. Just quickly going back, I realized one question that I had.
On rate of return on investment, how does Dakota Valley typically amortize out its facilities and takes that into account, I'm assuming --
A. Well, our facilities are amortized over a 30- to a 35-year period. I mean, we expect the useful life of our plant to be around a 35-year period. Now, that would be, you know, 35 years, we're talking about the wire, the poles, that sort of thing. A lot of the electronic equipment, meters, those types of deals, the expected life of those are about a 15-year life span.
MS. RADERMACHER: Okay. I have no further questions.
ALJ WARD: Okay. Mr. Stephenson.
MR. STEPHENSON: Thank you.
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CROSS EXAMINATION

BY MR. STEPHENSON:

Q. Mr. Garber, on the capital credits, if I understood you, those are every 15 years paid out?

A. That's where we're at right now. Yeah, correct.

Q. So sometime in the next 15 years, you testified that there could be a payout. Now, that is subject to a change in policy by the board at any time. Is that right?

A. That would be correct, yep.

Q. And if I understood you, you indicated -- you're referencing again this facility number five as a benchmark --

A. That's what we talked about, the 22,000, yes, correct.

Q. And what is -- is there a typical percentage? I mean, is there a ratio? How is a capital credit calculated?

A. It's based on usage, a dollar usage. Like I said there where I talked about if the co-op made $100, that was our margins for the year. I as a member bought $10 worth of product or kilowatt hours and dollar-wise, I would receive 10 percent of those -- those margin would be allocated to me. And that's a basic, but I mean, obviously, we're making more than $100 a year.

Q. So it does, though, depend on the performance of the cooperative?

A. Very much so, yes, Sir.

Q. If you have something go awry that can --

A. Right, yep, correct.

Q. And just so we're talking apples to apples, when you say rate of return, what do you mean by that?

A. Rate of return is going to be our investment that we have in a facility, and over the -- you know, divided by our expenses that we would have.

Q. So wouldn't that be more of just a return as opposed to the rate, or am I misunderstanding you?

A. I got to think about that for a moment there. Can you come back to that and --

Q. Okay. Maybe I can rephrase it and get a little clearer. How do you calculate your rate of return?

A. Yeah, I'm blank on that at the moment. There again, I talked about -- and I'm completely blank on that, but our rate of return, like I said, would be our total assets that we put in, in our plant, and that is going to be divided by -- I'm sorry.

Q. I can move on.

A. Okay. And I'll try to answer that before I'm done here.

Q. And if I understood you, I just want to be

clear, that your total -- your cost of power which you get from --

A. Yes, Sir.

Q. -- CPEC is about 80 percent of your over --

A. 80 percent of total electric service cost, yes, Sir.

Q. The fully loaded cost then would include that additional 20 percent?

A. Yep, correct.

MR. STEPHENSON: No further questions.

ALJ WARD: Mr. Pelham.

CROSS EXAMINATION

BY MR. PELHAM:

Q. Good afternoon, or good evening, I guess it is, Mr. Garber. A question for you. Is there any way to calculate what a credit would be, say, for example, on this project if Dakota Valley were to provide the power? Would there be a way to calculate or at least estimate using current numbers what that capital credit would be in 15 years for Minn-Kota, potentially?

A. What the value of that would be in 15 years?

Q. Right.

A. Well, there again, if everything remained the same for -- I guess on growth it's going to depend, there again, on Dakota Valley's margin. That's going to

be a tough call. You know, our margins, you know, they vary depending on the year. Obviously, we're far more into irrigation, those types of things, that vary from year to year, grain drying.

Q. Sure.

A. That would be very difficult to give you an exact --

Q. And the reason I ask is because your testimony brought up the capital credit, and I can only assume, and you correct me if I'm wrong, is that you're saying -- rather, that Dakota Valley is saying that because a capital credit would be available to Minn-Kota in about 15 years, that that's an economic benefit somehow to Minn-Kota. Is that what you're saying?

A. Well, it would be an economic benefit after 15 years. Obviously, it's not a direct benefit this year --

Q. Right.

A. -- in '18, but --

Q. But we don't have a way of calculating it, in your opinion, as we sit here today. Is that a fair statement?

A. That would be a fair statement just because of the variance of our margins, yes.

Q. And we don't know for certain if there even

would be a capital credit?
A. Can't guarantee that. There always has been in the last 25 years at Dakota Valley.
Q. Fair enough. And we just don't know what it is.
A. Yeah.
Q. Okay. There on Dakota Valley Exhibit 9, there was some questions as to the administrative costs and distribution center costs not being included. I'm wondering if you can provide any testimony on that. I know I talked with counsel about potentially providing that information in a late-filed exhibit, but I'm wondering if you're able to provide any information?
A. I would have to do the late file on that, sorry.
MR. PELHAM: No other questions for you. Thank you, Sir.
THE WITNESS: Thank you.
ALJ WARD: Mr. Lein, questions?
Okay.
Commissioners. Commissioner Kroshus.
COMMISSIONER KROSHUS: Well, good evening, Mr. Garber.
THE WITNESS: Good evening.
COMMISSIONER KROSHUS: I'll keep this possibly brief as well.
Where would a customer this size rank overall?

Would they be a top 100 customer? a top 50 customer? top 25?
THE WITNESS: I would say in the top 50 probably, with two megawatt -- maybe better, probably 25, for a top 25, I would guess.
COMMISSIONER KROSHUS: From a future rate perspective, could you explain the impact to your existing membership?
THE WITNESS: Would you say that again, Brian? I'm sorry.
COMMISSIONER KROSHUS: Well, by adding a significant customer, would your other 4,150 members --
THE WITNESS: Benefit from that?
COMMISSIONER KROSHUS: -- see an indirect benefit or direct benefit, for that matter?
THE WITNESS: Well, I think the direct benefit would be possibly we more than likely wouldn't see a rate decrease, but we may be able to hold some of our rates where they're at over a longer period of time, so there would be a direct benefit to our members.
COMMISSIONER KROSHUS: Do you have any concerns with future development if Otter Tail were to service the customer? How do you look at that in terms of, I guess, future concerns that they would extend to the next industrial customer in the area if something else

were to come into play nearby this facility?
THE WITNESS: Yeah, we would have concern. That's why we're here today.
COMMISSIONER KROSHUS: Uh-huh. So not just for this customer but also for --
THE WITNESS: Right, for -- yeah, anything going in the area, that's correct.
COMMISSIONER KROSHUS: Okay. Mr. Schuler, when he testified and a couple -- I'm going to bring up two of the business reasons that he brought up that I think are certainly valid. One was on reliability concerns. Do you agree with -- and it was also brought forth with other testimony as well.
Do you have any reliability concerns in terms of being able to provide --
THE WITNESS: To Minn-Kota Ag's new facility?
COMMISSIONER KROSHUS: To Minn-Kota, correct.
THE WITNESS: No, we have -- I don't have any reliability concerns on that. I think Seth went through very explicated on, you know, how we'll serve it. And no, there's no reliability issues whatsoever from Dakota Valley.
COMMISSIONER KROSHUS: And certainly a significant consideration from a business standpoint -- well, any business, but particularly one of this nature.

I think we covered rates pretty extensively with -- between previous -- or with previous testimony.
Do you have any rate flexibility and maybe -- and/or different packages that you can offer? I don't know how thick your rate playbook is.
THE WITNESS: I don't think it's as thick as Otter Tail's, but no, we -- the board has the ability to, you know, change rates or has that flexibility to do that.
I think the board is very cautious on something like that. Obviously, we'd like to serve the load. We have similar loads that, once we open the can of worms there where we're treating someone different than existing, that causes problems for us. But the board would have that available to them, but they would be very cautious, I believe, on that.
COMMISSIONER KROSHUS: Sure. On the capital credits, I guess when I'm looking at capital credits and the possibility of having a return of those credits without a guarantee 15 years from now, or 15 years from the time the customer paid that particular bill, I guess when you're in a competitive pricing standpoint, do you have to apply the capital credit program to every customer who's coming onboard?
THE WITNESS: We do, one member, yes.

COMMISSIONER KROSHUS: And that's held in escrow? It's not --

THE WITNESS: Well, I would say -- I will back up on that. On some of our big -- one of our big, large commercials, that was part of the contract agreement, that they forfeited their capital credits for a better rate. And that took place years ago.

COMMISSIONER KROSHUS: Was there a direct correlation between the capital credit program and the rate that they were charged?

THE WITNESS: Yes.

COMMISSIONER KROSHUS: Okay. It was a dollar for dollar knock the bill down. Okay.

And then can you -- on the capital credits, this probably isn't as relevant because it's kind of a 25 percent buyout, which I don't believe a customer would be terribly interested in, I would imagine that's if you sell your business or your home and you move out of the area.

Is that 25 percent a 25 percent discount or you get 25 percent on the dollar?

THE WITNESS: 25 percent on the dollar.

COMMISSIONER KROSHUS: Okay. No other questions. Well, actually, wait, I had one more. And it might be a Seth question, but on Exhibit 9, on the

supplier costs, that's just a flat -- I'll wait for you to get to it.

THE WITNESS: And which page are you on?

COMMISSIONER KROSHUS: First page on Exhibit 9.

THE WITNESS: Okay.

COMMISSIONER KROSHUS: That's just a flat 255,809 for ten years? I'm assuming that's -- I'm just wondering. Okay. So is that an average meaning year one would be lower than 255? Or do you --

THE WITNESS: See that, yeah, and I can't answer that. Seth made out that on this incentive rate, the 255. Yeah, I see the 255,809 follows through each and every year. I don't have an answer for that.

COMMISSIONER KROSHUS: And you know what? It's possible it was mentioned during testimony and I was scribbling down a note at the time, but maybe some -- maybe a followup on that.

MR. SYVERSON: I don't know if I can answer now.

ALJ WARD: No, you can't. Later.

COMMISSIONER KROSHUS: Okay. No other questions.

THE WITNESS: Thank you.

ALJ WARD: Commissioner Christmann.

CHAIRMAN CHRISTMANN: On your capital credits, do very many people, when they go out of business or

leave the area if it's a residential situation, accept that 25 percent payout?

THE WITNESS: Probably more so those that do not have big dollar capital credits.

CHAIRMAN CHRISTMANN: Clean them off the books?

THE WITNESS: Yeah, clean them off the books. Good for the customer, good for us. Tracking over a 15-year period, we lose track of where people go. And it is utilized for that, yeah. I would say that's the biggest utilization of that program.

CHAIRMAN CHRISTMANN: So do you think, based on just a market basis, that that's a fair present value to assign to the value of those capital credits --

THE WITNESS: Yeah, I believe so, yeah. 25 percent, we have a fair amount of acceptance of that, yeah.

CHAIRMAN CHRISTMANN: Okay. And then back on your Exhibit number 9, did I understand correctly that cooperative-wide the cost of power is about 80 percent of your total revenues?

THE WITNESS: That is correct, yes.

CHAIRMAN CHRISTMANN: And so then other expenses are about 16 percent or so and 4 percent are your margins?

THE WITNESS: It would be fairly close, yes.

CHAIRMAN CHRISTMANN: Okay. So as I look at these, and of course it changes as the years go by with the discount, these numbers reflect about a 10 -- or about a 85 to 90 percent of your revenues will be absorbed by the cost of your power. And so if you're holding back -- if you're going to remain consistent at three and a half or four percent for margins, that's a lot smaller amount that's available for your other operating costs.

Tell me what the concerns should be on that, or is that just the difference between a large volume customer as opposed to some of your smaller volume customers --

THE WITNESS: And there again, I would -- that would have been Seth that we worked -- that worked through this, so you'd probably have to have a conversation back with him on that.

CHAIRMAN CHRISTMANN: Thank you. No other questions. Thank you.

ALJ WARD: Commissioner Fedorchak.

COMMISSIONER FEDORCHAK: Okay, thank you, Bruce. I just have two questions. So based on what we've heard about the capital credits, how should we quantify them in this case? What should we do with that information?

THE WITNESS: Well, it is a part of the package,

I guess. I think it needs to be taken into consideration, obviously. You know, when we talk about the difference between what Northern Plains -- or excuse me, Dakota Valley's cost and Otter Tail's cost are, you know, the 20, $25,000 that they will receive back -- and like I said, right now it's on a 15-year rotation. But should it be included in the package? I believe so.

COMMISSIONER FEDORCHAK: So we should calculate 25,000 over the 15-year cycle and apply that to an annual basis or something to come up with what --

THE WITNESS: And there again, like I said, what I was using as comparison, 22,000 on a similar facility for one year, you know. So if that held true, our margins were the same over 15 years, it's going to be over $300,000, you know.

COMMISSIONER FEDORCHAK: Okay. So do you think then, based on the math that we were looking at on chart number 9, Otter Tail chart number 9 -- or Exhibit 9, page 2, after talking with Seth, we took the -- with an annual load factor of 33 percent, and this is the math that Otter Tail used, total energy cost less the PF and less the on-site facility charge, which would bring it down another 8,700, so you're looking at about $19,000 difference in cost.

So you think, with the capital credits, that

basically wipes that out?

THE WITNESS: That should be close, yes.

COMMISSIONER FEDORCHAK: Okay. Since you're the CEO and you've looked at this case as a whole and probably were the one that made the decision to actually file here, so you know the criteria that we're looking at, why do you think you should get this load based on the criteria that we have to consider?

THE WITNESS: You know, there again we talked -- Seth talked that we feel this is in our service area. We're there. Not that either one of us, Otter Tail or Dakota Valley, it's -- obviously, we both want to serve the load.

This is a big deal for our membership. With the 4,000 members, each and every load, especially a two-megawatt load, is very valuable to the co-op, and we don't have these come around every day, so it's -- you know, it's a big deal for the co-op. And that's why we're here fighting for this load.

COMMISSIONER FEDORCHAK: I understand why you're here, because it's a big load and it's valuable, but that doesn't really speak to the issues that we have to consider.

THE WITNESS: Correct.

COMMISSIONER FEDORCHAK: Because it is your

service territory, but the state law specifically provides the conditions under which the investor-owneds can argue that they should have the service.

THE WITNESS: Sure, I understand.

COMMISSIONER FEDORCHAK: That's what we have to focus on.

THE WITNESS: Correct.

COMMISSIONER FEDORCHAK: And that's an important distinction and it's a mindset difference, I think, between a lot of folks in the co-op world and us who think that this is, you know, their service area and somebody else is -- nobody else can serve there. That's not true.

THE WITNESS: No, I understand that.

COMMISSIONER FEDORCHAK: We have to (indiscernible) --

THE WITNESS: Yeah.

COMMISSIONER FEDORCHAK: -- and then they can serve there. So here's the criteria.

THE WITNESS: Right.

COMMISSIONER FEDORCHAK: There's ten things. Why do you guys win that? What do you have in those ten criteria that justify you getting that load?

THE WITNESS: Well, I think we've discussed a lot of them today. Obviously, we talked about why we

don't win it is probably our rates, you know, but we're close when we throw our capital credits in.

Obviously, our investment is considerably less than what Otter Tail's is. There's no question about that. We can serve this load cheaper than they can on the build-in.

There were a number of questions there, I think, on -- you know, is this duplication of service? We feel it is. I'm sure they feel different.

You know, I guess I don't have the ten in front of me, but there's -- I think we win on half of them anyway. I think it's a tossup.

COMMISSIONER FEDORCHAK: All right. Excellent. Thank you.

THE WITNESS: Uh-huh.

ALJ WARD: Redirect, Ms. Radermacher?

REDIRECT EXAMINATION

BY MS. RADERMACHER:

Q. Now, you talk about margins. How do margins play into accruing capital credits?

A. Well, we allocate the total margin.

Q. Okay.

A. Whatever the margin is gets allocated back to the membership.

Q. Okay. And that gets -- as far as capital

credits. It doesn't mean that they're being paid out, it just means that --

A. It's being allocated. Yeah, it -- being paid out, that's where we're talking about the 15-year rotation when we actually cut a check, you know. And that's the way it is right now subject to change if the board decides to change that.

Q. During your employment with Dakota Valley, has there ever been a year that Dakota Valley hasn't declared capital credits?

A. We've always declared capital credits.

Q. Do you have historic information that could give the PSC some idea on how, basically, in the past, what margins have been allocated, essentially giving them what could be a percentage?

A. Sure.

Q. So if we did a late-filed exhibit --

A. Yeah, yeah.

Q. -- we could give that information?

A. Yeah, we'd have that information available, yes.

MS. RADERMACHER: I have no further questions.

ALJ WARD: Mr. Stephenson.

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RECROSS EXAMINATION

BY MR. STEPHENSON:

Q. Mr. Garber, just referring back to Exhibit 9 --

COMMISSIONER FEDORCHAK: You've got to turn your mic on.

Q. Referring back to Exhibit 9, and the Dakota Valley power supply costs, those are from CPEC, correct?

A. I'm sorry, I --

Q. Your power supply costs reflected there are from CPEC, correct?

A. Yes, that is correct, yep.

Q. And CPEC changes its supplier cost charge to you from time to time, does it not?

A. It can and it does, yes, uh-huh.

Q. It would be rather a -- would it be rare to have, essentially, flat cost to you for a decade?

A. Oh, for a decade? Yeah, I would say so, yeah.

Q. Question. Would the discount offered to Minn-Kota, this ten-year discount, would that have any effect on the allocation of capital credits?

A. I've just got to think about that, how we're calculating that. I don't believe it will. I think we're calculating the -- you know, we're showing the discount after the fact, so I don't believe it will. I'd have to double-check on that, but I'm not -- I'm not

positive on that, so -- because I believe we're calculating -- we run the bill and then we show a 10 percent discount. Now, as far as the allocation -- and we do have some of those in place. I'd have to double-check on that. I don't know for sure.

Q. And you had indicated that when you add some measure for the capital credits, you thought you were close on rates. Now, would any of those calculations change when you use fully-loaded costs and what your margins will be?

A. No, I don't believe so.

Q. Well, you had indicated earlier that, essentially, 80 percent of your costs are for power from CPEC and then you have 20 percent, essentially, for your distribution or other costs.

A. Right.

Q. That's not included in any of these calculations?

A. I don't believe so.

MR. STEPHENSON: Nothing further.

ALJ WARD: Mr. Pelham.

MR. PELHAM: No questions. Thank you.

ALJ WARD: Commissioners, anything else for this witness?

CHAIRMAN CHRISTMANN: I do not.

COMMISSIONER KROSHUS: No questions for me.

COMMISSIONER FEDORCHAK: No.

ALJ WARD: Mr. Garber, you can step down.

Ms. Radermacher.

MS. RADERMACHER: I have no further witnesses, Your Honor.

ALJ WARD: Are you inclined to recall Mr. Syverson to answer those couple of questions Mr. Kroshus had?

MS. RADERMACHER: Sure.

ALJ WARD: I think it might be a good idea to get that out of the way now.

MS. RADERMACHER: Yes. I don't recall the questions that Mr. Kroshus had, so if Mr. Kroshus would like to ask the questions.

ALJ WARD: Mr. Syverson, would you resume the stand? And remind you you're under oath.

SETH SYVERSON,

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

ALJ WARD: And one of them had to do, something that intrigued me as well, on your Exhibit 9, the front page, you asked -- or Commissioner Kroshus asked the question of Mr. Garber about why the power costs are the same for all ten years at $255,800.

THE WITNESS: Yeah. And what I did there, it was -- it wouldn't be flat just to say on that. Number one, yes, they could increase their energy and demand charges.

Here, I assumed that those charges didn't change, but I also assumed -- we are built on a coincident demand system-wide. So Dakota Valley may have 300 megawatts of demand at one point in time when they bill us for a demand charge, Central Power, total.

I assume -- took in a percentage of this site not being on the coincident command that Central Power charges, so it wouldn't be a hundred percent of what our bill would be.

In this case I used, roughly, 65 percent as the average, primarily because a service like this doesn't usually operate, in my experience, during the time that we incur coincident demand with Central Power, which is like at 7:30 in the morning or at 6 at night.

So that's how I -- I just made an average cost of supplier cost throughout the ten-year interval.

COMMISSIONER KROSHUS: Okay.

ALJ WARD: Go ahead, Commissioner Kroshus.

COMMISSIONER KROSHUS: Okay. But you also increased the service charges along the way, that wasn't held flat.

THE WITNESS: And that reflects the -- each year increasing the ten reflects the discount falling off to that site. Now, there again, it's possible that Dakota Valley, their rates could change also which would then reflect these two.

COMMISSIONER KROSHUS: Okay. Thank you.

ALJ WARD: Commissioner Fedorchak -- or Commissioner Christmann, go ahead.

CHAIRMAN CHRISTMANN: So on that same page, we discussed that the cost of power cooperative-wide is about 80 percent, about 4 percent is ultimately retained as capital credits. So that tells me about 16 percent is for other costs.

In this scenario with the decreasing discount, this ranges from about 85 to about 90 percent cost of power, if there's going to be the 4 percent for capital credits. It's only leaving what, 6 to 11 percent or so for other expenses.

So how does that play out as a fair deal to the rest of your membership?

THE WITNESS: Again, that is a one static number here. That could go down or it could go up. I don't think that's just a flat number that would be fair to use for the membership.

CHAIRMAN CHRISTMANN: The 80 percent?

THE WITNESS: Yeah.

CHAIRMAN CHRISTMANN: I'm thinking that the 80 percent, that it would probably be a higher percentage for large volume customers and a lower percentage for low volume customers, but --

THE WITNESS: And that would depend on when we are billed from Central Power as far as when our coincident hits and who was all operating at that time as far as demand.

CHAIRMAN CHRISTMANN: Okay. But as far as the timing of the load, did you recognize Mr. Schuler's testimony earlier that his plan for operating this facility is such that he wants to have the service available exactly when he needs it? That might be in the middle of the night. He discussed that, that it will largely revolved around the railroad's demands?

THE WITNESS: And I understand that. And that could change these numbers. In these numbers, I made the assumption that around normal peak times for us, which would be again 7 to 7:30 to 8 when people are getting off to work or 5 to 6:30 time frame, depending on the time of the year, is when our peak occurs.

CHAIRMAN CHRISTMANN: Thank you.

ALJ WARD: I have a question, and it sort of follows up on the last couple. I guess the thing that

I'm wondering about, and I think it applies to some of the ten factors, is as far as your other customers, if your margin is that thin and you're competing so hard for this business and we don't even, at this point, know what your other overhead costs really are, you know, in addition to the cost of power, if we're talking about three or four percent margin, if any of these numbers are off, are you putting your other customers at risk? I mean, is that something that you guys are considering?

THE WITNESS: I don't think we're putting our other membership at a risk here. When it gets into the margins, I may not be the correct guy to answer that, but we -- throughout, you know, the years, we pick up additional loads and we're not incurring any type of damage to our cooperative or our membership.

We have investments that we put into each service. We cover a certain footage for on single phase services. We provide certain facilities and own and maintain them. That is on the cooperative's back and the membership's. And our rates show that. That's how we establish them and review them on a yearly basis.

ALJ WARD: All right. Any followup to any of the questions that were just asked? Counsel? Ms. Radermacher?

MS. RADERMACHER: Yes.

REDIRECT EXAMINATION
BY MS. RADERMACHER:
Q. Even with the -- and again, I guess this is kind of speculation on your end, but even -- you know, you've been down this road before looking at rate comparisons, have you not, on other facilities within Dakota Valley's territory?
A. Yes.
Q. And did you see any issues with return of investment in those under same or similar circumstances?
A. No, we have not.
Q. Has Dakota Valley lost money on any of its loads such as this that would cause detriment to the other members?
A. No.
MS. RADERMACHER: I have no further questions.
ALJ WARD: Okay. Mr. Stephenson, anything else?
RECROSS EXAMINATION
BY MR. STEPHENSON:
Q. Mr. Syverson, is that part of your job, to calculate profit and margins on -- what you just referred to?
A. I'm involved in it preliminary to help determine if it's valid. It's not my expertise.
MR. STEPHENSON: Nothing further.

ALJ WARD: Okay. Mr. Pelham.
MR. PELHAM: Mr. Lein has a question.
ALJ WARD: Okay. Mr. Lein.
MR. LEIN: When is the bill demand charge measured for the customer?
THE WITNESS: For the customer? It's a 15-minute average.
MR. LEIN: His highest demand during the month?
THE WITNESS: Correct.
MR. LEIN: Okay. So it has nothing to do with the coincident peak of Central?
THE WITNESS: For the charge -- for the charge to the customer --
MR. LEIN: Yeah.
THE WITNESS: -- it is their demand, but when we are billed from the supplier, they may be running at 200 Kw, so that does not influence the coincident charge from Central Power.
MR. LEIN: Okay. Thank you. That's all.
ALJ WARD: Okay, Mr. Syverson, now you're lucky.
(Laughter)
MR. STEPHENSON: Your Honor, it may be an appropriate time to raise this. You know, there's been -- I know Commissioner Christmann had a question about this specifically.

With the comparison of load factors to these various facilities that we're trying to be sensitive to not disclosing who has what load factor for privacy reasons, but I think we had talked that we could file late-filed exhibits --
ALJ WARD: Trade secret?
MR. STEPHENSON: -- trade secret as to what's what. So that question could be answered.
ALJ WARD: Okay.
COMMISSIONER FEDORCHAK: That would be helpful.
ALJ WARD: And again, you'll have to make the trade secret protection, I guess I'd have to issue an order on that, but I wouldn't anticipate not issuing it if it's asked. It might slow up the time as far as response times, but we can do that.
Okay. Was that it then, Ms. Radermacher? Are you resting your case?
MS. RADERMACHER: Yes.
ALJ WARD: Okay. Mr. Pelham, anything to present?
MR. PELHAM: I don't have anything to present other than a general discussion about late-filed exhibits.
ALJ WARD: Before we get to that, I want to check to see, is there any rebuttal testimony you want

to provide today?
MR. STEPHENSON: If you could give me just two minutes?
ALJ WARD: Okay. Off the record for -- it's 5:56 till 6 on my --
(Recess)
ALJ WARD: Okay, back on the record, 5:58.
Mr. Stephenson.
MR. STEPHENSON: I think I will please everybody here in saying that we have no rebuttal testimony.
(Laughter)
ALJ WARD: Okay. And I guess that means nobody else has anything. So for the record now, late-filed exhibits, we have talked about three or four.
Mr. Pelham, you usually have a pretty good list. Let's talk about potential late-filed exhibits.
MR. PELHAM: All right. I think we had -- the most recent was request by Dakota Valley as to capital credits history, an exhibit as to that, to be prepared by Dakota Valley.
A late-filed exhibit to be prepared by Dakota Valley on its rate of return.
The trade secret documentation that Mr. Stephenson mentioned just earlier about the comparison of other similar businesses.

I believe there are six elevators that were referenced by Dakota Valley and there were two very similar, at least it was the testimony, I believe, facilities that were referenced by Otter Tail, as well as four that were similar but maybe not as close, to provide those as late-filed exhibits.

I think what the Commission is looking for on that is so that a comparison can really be made as to what's being -- the Minn-Kota facility here so that the Commission can look at the potential load factors on that, is really what we're getting at.

ALJ WARD: Okay. And I think there's consensus on that, so I'm going to grant on the record the trade secret protection for that filing.

MR. PELHAM: Okay.

MS. RADERMACHER: And so that will be sealed and any available --

ALJ WARD: Yes. At least parts of it have to be sealed that identify who people are.

MR. PELHAM: And that's fine. I think that we would need some type of formal order doing that because I know there is an administrative procedure on the regulations.

There's always regulations, as you know, ALJ Ward, but I think we should just make that clear because

I think Illona will probably come to me tomorrow and say, well, you should have done this. So I'm thinking that we should just make that clear --

ALJ WARD: Let's expedite those motions then --

MR. PELHAM: Okay.

ALJ WARD: -- so we don't slow up the process.

MR. PELHAM: Mr. Lein had asked about line extension details from Otter Tail Power, and I think they understand what they need to provide with that.

And the last -- and I think we still need this, but if others disagree, I think just what the other costs for Dakota Valley on its Exhibit 9 are. There had been discussion as to that. I don't know if that was ever pinned down. I know we talked about administrative costs throughout, but if we want to be more specific on that.

ALJ WARD: Yeah, I've got that as the actual cost of providing the service.

MR. PELHAM: Okay.

MS. RADERMACHER: Your Honor, if I just can clarify, that's, though, in relation to basically what the return on investment is going to be, that plays into that. Because it doesn't alter the ultimate cost to the consumer, it just would alter what the return on investment would be, that particular --

MR. PELHAM: Yeah. And I'm not necessarily -- I don't have an argument as to that. I just had it listed as having been requested as a late-filed exhibit. I can't -- I think it might have been one of the commissioners that had asked about that. So I'm not sure if it's the same thing.

ALJ WARD: I think at least we need to parcel out how those overhead costs play into the thing. Because just the cost of power alone really isn't comparative, so...

MS. RADERMACHER: Okay. I just want to make sure that what I'm needing to submit is just kind (indiscernible) those costs and how they would also play into the return on investment, so we're looking at what those administrative costs would be as to this particular load that we would be allocating and then that would play into me, what -- how we would be seeing our return on investment.

ALJ WARD: That's the way I see it, but it was a commissioner's question, and I think it was Commissioner Fedorchak's question originally.

COMMISSIONER FEDORCHAK: Yeah, it gets to number 6 and 7 on the criteria.

MR. PELHAM: So if you think, Ms. Radermacher, if there's duplication, that's fine, but I think we can

have some duplication. I think it should be a separate late-filed exhibit from the rate of return exhibit, late-filed exhibit.

MS. RADERMACHER: Okay. But we are talking specifically to administrative -- because to me, if we're talking about actually the cost of extending the service to there, I think that's been --

MR. PELHAM: But that's for you to argue, I think, though, in --

MS. RADERMACHER: No, correct. But that's, my understanding, is not being requested as a late exhibit. Like I said, I just don't want to be duplicating something.

MR. PELHAM: Sure. I believe that's right.

MS. RADERMACHER: Okay.

ALJ WARD: Okay. And that's what I had, is that -- I had four. Anybody else have any other ones?

MR. PELHAM: There's actually five.

ALJ WARD: Five? Okay, now you lost me. Do it again.

MR. PELHAM: Do it again?

ALJ WARD: Well, just summarize --

MR. PELHAM: Capital credit history is one for Dakota Valley; rate of return for Dakota Valley; comparison of other similar businesses to be a trade

secret; the line extension details; and then the other costs that were discussed on Exhibit 9 of Dakota Valley.

ALJ WARD: Okay. Anything else that we need as far as a late-filed exhibit from anyone?

All right. Commissioners, I guess we'll talk about briefs now. We had anticipated at the beginning this morning when we talked about, that instead of closing arguments, counsel would prepare closing briefs and try to -- I guess in those briefs, I'd like to see you tie your argument to the ten factors that the Commission needs to look at.

I'm thinking the original briefs by November 7th and then replies by November 14th. That's two weeks and then an extra week after that.

Does that work for counsel?

MS. RADERMACHER: November 7th, Your Honor?

ALJ WARD: Yes.

MS. RADERMACHER: And then November --

ALJ WARD: 14 for replies. And any late-filed exhibits should be filed before that. So hopefully, we can get these late-filed exhibits by October 30th.

MS. RADERMACHER: And as to the trade secrets, Your Honor?

ALJ WARD: I think you file those under seal. They have procedures in the regulations.

MR. PELHAM: Yes.

MS. RADERMACHER: But you want that done on October 30th?

ALJ WARD: I think you should if you can.

And then with that, I'll just personally commend counsel and I think everybody in the room has done -- that's testified, counsel has done an excellent job of providing a lot of information in a relatively short time. It's a difficult decision. I'm sure the commissioners are perplexed.

And I'll let them make their closing comments before I close the record, but we'll start with you, Commissioner Kroshus.

COMMISSIONER KROSHUS: Okay. Well, I will be brief because I realize at this time of the evening, everybody is ready to go home and get on with it.

Thank you to everyone. I would echo the same thoughts, that I thought the information was excellent. It will be very helpful in making a determination for myself personally. And thank you, everyone, for being here, I appreciate it.

ALJ WARD: Commissioner Christmann.

CHAIRMAN CHRISTMANN: I also say thank you. You're nowhere near our record, if that's what you're thinking. We've had a hearing go till around midnight

out in Dickinson one time and still had to come back.

But it is important and valued that you have spent your time, and I know for a lot of you, a long drive across the state.

When Mr. Schuler talks about Barney being on the western side of the service area, I kind of chuckled. From western North Dakota, I never heard of Barney being on the west side of anything, but I get it, that it can be.

(Laughter)

CHAIRMAN CHRISTMANN: I do appreciate that you hung in, spent the time, gave us the information that we need. Because what we need to do here now is evaluate all of this information and then apply the law, not as we wish it were but the law as it is, and make a decision based on the law and the evidence.

So thank you for your time and for your help to do that.

ALJ WARD: And Commissioner Fedorchak.

COMMISSIONER FEDORCHAK: I'll echo my colleagues' thanks and say, you know, in looking at the law and the criteria that we have to evaluate, six of the criteria are kind of black and white and then four of them aren't, so it all kind of comes down to those four, how we -- how we, you know, see them all falling

out.

I think we got great information to pull from and to help us make a decision, so thank you for that. And hopefully, we'll -- with the judge keeping everybody on task, we'll have a decision before we know it, maybe before Christmas.

ALJ WARD: One other thing for the record, just Illona would also want me to do this, is I don't see anybody from the public that came in during the hearing since this morning when we identified who was here. And so I'll just ask one more time, any public input?

Seeing no hands raised, the answer is no, so...

MR. PELHAM: ALJ Ward, sorry to interrupt. We should talk about proposed findings as well.

ALJ WARD: Okay.

MR. PELHAM: If you were going to do that, I apologize, but I just want to make sure that you did before you said we're closing the record.

ALJ WARD: Are we going to do proposed findings before the briefs, or are we going to tie those to the briefs?

MR. PELHAM: I think that they probably should be tied to the briefs or slightly thereafter, a week after the replies, or something like that. I don't have a preference and would defer to the attorneys for the

parties.

ALJ WARD: Mr. Stephenson.

MR. STEPHENSON: It might be more useful or informative to have the proposed findings after the replies are filed so we have a good picture from both parties.

ALJ WARD: Okay. In that case, we'll do the proposed findings November 14th.

MS. RADERMACHER: Were you thinking subsequent to replies?

ALJ WARD: I think subsequent to replies. Yeah, that's a week.

MS. RADERMACHER: So then --

MR. STEPHENSON: (Indiscernible).

ALJ WARD: Oh, I'm sorry, you're right, November 21st.

MS. RADERMACHER: Thank you.

ALJ WARD: Thank you. Anything else for the good of the order?

Okay. It's 6:09. Closing the hearing on the application of Otter Tail Power and the protest of Dakota Valley Electric Cooperative, Case No. PU-17-96. The record is closed. We're off the record. Thank you all very much.

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$

$1 [1] - 189:21
$10 [3] - 337:16, 337:18, 341:22
$10,000 [2] - 18:14, 249:16
$100 [4] - 337:13, 337:15, 341:20, 341:25
$100,000 [2] - 187:15, 195:5
$12 [2] - 120:24, 129:2
$14,000 [1] - 30:20
$158,000 [2] - 134:25, 163:18
$172,000 [2] - 134:19, 163:16
$19,000 [2] - 325:2, 353:23
$19,714 [1] - 249:11
$19,714.78 [1] - 257:23
$2.75 [1] - 212:7
$20 [1] - 177:14
$200,000 [1] - 132:23
$22,000 [2] - 339:5, 339:6
$25,000 [1] - 353:5
$255,800 [1] - 360:25
$255,809 [1] - 249:10
$26,450 [1] - 241:10
$275,524 [1] - 249:8
$28,116 [1] - 165:17
$3,000 [1] - 200:5
$30,000 [1] - 126:24
$300,000 [1] - 353:15
$316,000 [1] - 115:11
$5,000 [2] - 70:18, 304:10
$50,000 [1] - 126:22
$67,000 [1] - 128:10
$75,000 [1] - 307:11
$76,000 [1] - 123:1
$8,704.80 [1] - 324:25
$90,000 [1] - 122:25
$93,000 [1] - 241:19

'

'16 [1] - 339:5
'17 [1] - 114:5
'18 [1] - 344:19
'70s [1] - 268:24

0

0078 [1] - 119:2

1

1 [38] - 21:9, 21:24, 21:25, 22:4, 55:12, 68:2, 68:19, 76:21, 87:12, 87:14, 102:19, 117:21, 120:10, 120:12, 120:14, 120:18, 126:6, 127:7, 132:8, 132:9, 132:13, 133:10, 133:12, 133:15, 133:19, 134:13, 141:12, 142:22, 154:11, 160:21, 160:24, 163:15, 171:16, 171:21, 219:19, 220:14, 221:15, 305:14
1,000 [1] - 329:22
1,100 [2] - 127:22, 145:2
1,111 [2] - 117:11, 122:18
1,500 [5] - 129:25, 130:1, 145:1, 145:11, 145:18
1.13 [1] - 259:15
1.2 [1] - 259:15
1.3 [1] - 302:19
1.8 [1] - 291:24
10 [27] - 131:2, 133:7, 133:19, 134:13, 134:20, 135:17, 135:19, 135:23, 150:1, 150:2, 153:11, 163:14, 163:16, 165:16, 170:22, 178:5, 236:4, 246:7, 255:18, 264:8, 264:12, 265:24, 266:3, 337:17, 341:23, 352:3, 359:2
100 [2] - 334:7, 346:1
11 [8] - 190:3, 269:10, 270:11, 270:12, 283:14, 283:17, 334:3, 362:17
11,000 [2] - 339:9, 339:10
113 [1] - 46:22
12 [11] - 40:10, 52:3, 271:7, 271:19, 272:1, 273:4, 273:7, 283:16, 283:18, 293:22, 298:4
12-47 [1] - 303:18
12-month [2] - 129:16, 130:2
12.5 [12] - 25:10, 25:24, 27:2, 27:16, 70:23, 71:9, 78:11, 91:2, 91:3, 303:15
120 [1] - 193:8
120-car [3] - 176:6, 177:5, 297:12
1200 [1] - 241:1
122.1 [1] - 46:2
124 [1] - 46:4
12th [1] - 5:16
13 [23] - 22:20, 22:25, 56:17, 69:19, 79:16, 80:16, 80:22, 81:12, 82:15, 87:18, 103:7, 174:10, 220:7, 233:12, 233:20, 233:23, 278:18, 279:8, 279:12, 282:7, 296:13, 315:10, 320:2
130 [1] - 140:5
130.9 [1] - 46:13
13th [1] - 143:5
14 [11] - 58:24, 59:1, 59:9, 61:20, 61:23, 62:5, 97:11, 99:16, 256:8, 334:2, 373:19
140,000 [1] - 140:5
14th [2] - 373:13, 377:8
15 [18] - 37:6, 52:3, 170:23, 184:19, 236:4, 281:1, 281:3, 288:7, 339:18, 341:4, 341:6, 343:20, 343:21, 344:13, 344:15, 348:20, 353:14
15-car [1] - 190:22
15-minute [1] - 366:7
15-year [6] - 337:23, 340:18, 351:8, 353:6, 353:9, 357:4
150 [5] - 54:12, 54:15, 54:16, 193:9
150-horsepower [1] - 314:12
1500 [9] - 234:14, 234:21, 234:23, 237:20, 239:14, 241:7, 304:9, 304:18, 307:12
1515 [1] - 217:22
155 [1] - 202:2
155,000 [1] - 202:1
16 [7] - 174:10, 235:20, 236:15, 238:7, 238:11, 351:23, 362:12
17 [1] - 20:7
18 [1] - 301:19
185 [1] - 73:21
185,000 [2] - 31:13, 73:16
19,000 [1] - 305:4
19,714 [1] - 318:21
1949 [1] - 223:24
1970s [1] - 321:24
1971 [1] - 78:21
1977 [3] - 261:3, 287:10, 309:12
1991 [4] - 53:10, 62:18, 100:18, 309:18
1:00 [2] - 171:11, 171:19
1:15 [6] - 171:12, 171:21, 171:23, 172:12, 172:16, 172:19

2

2 [35] - 25:12, 26:10, 26:14, 26:19, 78:14, 123:5, 125:17, 127:7, 133:24, 134:20, 135:12, 135:15, 135:17, 135:19, 141:12, 142:22, 148:21, 154:12, 160:14, 161:1, 161:2, 163:16, 200:5, 227:11, 228:14, 228:19, 250:10, 251:10, 251:12, 251:18, 253:7, 293:2, 311:20, 324:10, 353:19
2.4 [2] - 292:1, 303:2
2.9 [1] - 176:12
20 [11] - 176:10, 176:21, 177:21, 186:19, 208:11, 208:13, 221:24, 336:6, 343:8, 353:5, 359:14
20,000 [1] - 176:10
20-foot [1] - 208:12
200 [5] - 73:15, 225:18, 255:17, 284:17, 366:16
2000 [4] - 70:25, 234:24, 235:4, 304:9
2002 [1] - 337:24
2007 [1] - 269:15
2010 [1] - 284:8
2011 [1] - 271:7
2012 [5] - 224:7, 231:20, 232:3, 269:3, 322:15
2013 [2] - 11:14, 276:11
2014 [11] - 59:17, 60:13, 60:20, 60:24, 61:7, 61:12, 99:21, 99:24, 100:8, 269:16, 273:15
2016 [6] - 41:23, 46:3, 46:12, 46:13, 59:17, 339:3
2017 [5] - 5:15, 114:4, 143:5, 261:6, 337:23
2018 [2] - 8:10, 180:4
215 [1] - 111:19
21st [1] - 377:16
22,000 [2] - 341:14, 353:12
23 [14] - 134:6, 137:6, 137:20, 137:21, 138:6, 158:5, 159:18, 163:17, 164:8, 164:10, 164:13, 164:19, 164:23, 257:5
230 [9] - 23:1, 23:24, 36:25, 54:22, 59:12, 69:24, 263:23, 264:16, 265:20
231,000 [2] - 57:20, 57:21
235,000 [1] - 195:3
236 [2] - 73:21, 109:17
236,000 [2] - 74:9, 108:23
237 [1] - 224:21
23rd [1] - 5:15
24 [1] - 202:3
24/7 [1] - 159:6
245 [2] - 50:2, 59:12
25 [14] - 193:8, 317:5, 340:5, 345:3, 346:2, 346:5, 349:16, 349:20, 349:21, 349:22, 351:2, 351:15
25,000 [2] - 149:21, 353:9
250 [2] - 36:15, 224:20
2500 [7] - 27:16, 70:23, 100:12, 100:19, 304:23, 305:2
255 [2] - 350:9, 350:12
255,809 [2] - 350:7, 350:12
26,000 [3] - 304:9, 304:22, 304:23
261,000 [1] - 295:25
26th [1] - 5:19
27,000 [1] - 161:15
27,665.76 [1] - 324:20
271,000 [1] - 296:1
275 [1] - 296:1
275,524 [1] - 251:15
277 [1] - 234:15
27th [1] - 5:20

28 [1] - 283:2
29 [1] - 22:18
2:09 [1] - 215:19
2:20 [2] - 215:20, 216:3

3

3 [34] - 28:21, 29:9, 29:10, 29:13, 33:10, 66:18, 66:19, 66:21, 73:16, 117:11, 120:12, 127:4, 127:8, 128:12, 135:15, 140:21, 142:22, 145:14, 145:18, 158:3, 159:12, 159:14, 160:4, 168:13, 176:12, 230:1, 230:3, 230:12, 230:24, 231:4, 237:3, 251:24, 251:25
3,000 [1] - 126:7
3,700 [1] - 223:17
3,900 [2] - 231:6, 237:16
3,960 [2] - 88:7, 89:3
3.7 [6] - 226:21, 232:1, 232:2, 263:5, 285:11, 330:1
30 [11] - 39:13, 50:12, 65:12, 193:7, 199:25, 200:1, 228:25, 300:16, 300:19, 313:13, 340:12
30,000 [1] - 186:19
30-plus [1] - 73:8
300 [9] - 26:20, 54:13, 54:15, 54:17, 78:14, 80:5, 284:17, 310:11, 361:8
3000 [1] - 304:23
306,000 [1] - 252:11
30th [2] - 373:21, 374:3
31,000 [1] - 304:10
315 [2] - 19:15, 149:9
316,000 [2] - 117:14, 119:19
316,150.97 [1] - 125:24
31st [1] - 5:22
322 [1] - 149:10
322,788.81 [2] - 125:24, 149:1
33 [18] - 117:9, 133:20, 134:11, 137:21, 138:7, 164:11, 164:19, 164:24, 249:17, 249:23, 251:9, 256:23, 280:8, 282:8, 325:4, 327:3, 333:22, 353:20
33,000 [1] - 304:24
348,000 [1] - 126:7
35 [1] - 340:15
35-year [2] - 340:13, 340:14
365 [1] - 178:6
37 [1] - 291:15
3750 [1] - 303:3
3750/4200 [3] - 260:25, 291:15, 303:5
3:00 [1] - 178:22
3ph [1] - 221:1

4

4 [21] - 31:8, 31:14, 32:13, 32:18, 33:10, 67:5, 73:17, 168:14, 171:6, 232:5, 232:23, 232:24, 232:25, 234:1, 234:6, 237:3, 246:8, 305:17, 351:23, 362:11, 362:16
4,000 [8] - 34:10, 35:12, 81:12, 98:9, 223:17, 231:7, 319:23, 354:15
4,000-foot [1] - 89:11
4,100 [2] - 260:11, 307:19
4,150 [2] - 259:4, 346:12
40 [8] - 27:8, 50:12, 50:18, 240:6, 264:1, 265:5, 266:5, 313:23
40,000 [1] - 186:19
40-horse [1] - 313:3
40-plus [1] - 177:22
400 [2] - 28:6, 166:3
401 [4] - 113:8, 116:11, 125:7, 157:8
40s [1] - 327:11
41-mile [1] - 264:1
41.6 [16] - 25:9, 25:10, 27:2, 27:16, 69:2, 70:1, 70:23, 80:3, 91:2, 103:8, 265:18, 265:22, 275:7, 275:9, 275:19, 320:4
41.6k [2] - 23:9, 51:3
41.6kV [18] - 23:6, 29:17, 51:4, 54:10, 57:16, 58:18, 68:21, 68:23, 69:8, 69:16, 77:9, 78:18, 79:14, 102:21, 103:1, 232:7, 271:1, 271:3
41kV [2] - 64:23, 104:16
42 [1] - 298:9
4200 [1] - 303:4
45,000 [1] - 205:9
45-foot [1] - 208:13
48 [1] - 298:9
480 [4] - 24:25, 91:5, 303:15, 303:21
480-volt [2] - 91:12, 231:10
480Y [1] - 234:15

5

5 [19] - 34:11, 35:22, 35:23, 36:10, 75:7, 81:3, 82:9, 87:12, 87:23, 88:1, 171:6, 234:13, 235:12, 235:16, 237:4, 305:18, 325:12, 325:17, 363:21
5,000 [3] - 24:22, 48:20, 201:25
50 [19] - 23:11, 37:2, 37:6, 37:7, 51:6, 54:12, 54:17, 64:24, 78:19, 180:1, 195:5, 225:18, 228:7, 228:8, 240:6, 269:1, 323:7, 346:1, 346:3
50,900 [1] - 73:17
50-horsepowered [1] - 323:9
50-some [1] - 284:9
500 [1] - 54:13
51 [1] - 73:21
51,000 [2] - 33:9, 73:18
52 [4] - 120:23, 129:1, 225:1, 298:3
527 [1] - 50:4
56.4 [1] - 43:20
56.9 [1] - 43:23
562 [1] - 264:23
5:00 [1] - 178:21
5:56 [1] - 368:5
5:58 [1] - 368:7

6

6 [17] - 41:10, 41:11, 42:1, 42:5, 42:8, 63:8, 75:16, 100:1, 243:15, 245:6, 245:9, 246:8, 288:13, 361:18, 362:17, 368:5, 371:23
60 [10] - 27:8, 128:10, 137:9, 176:11, 211:11, 211:14, 211:15, 211:20, 269:1
60,000 [4] - 140:8, 186:7, 259:6, 260:12
60-something [1] - 206:22
62.1 [1] - 47:1
65 [1] - 361:14
66,000 [1] - 160:6
6:09 [1] - 377:20
6:30 [1] - 363:21

7

7 [16] - 41:10, 44:1, 44:17, 45:14, 63:8, 75:17, 223:17, 231:23, 246:1, 246:16, 246:20, 299:17, 299:19, 319:22, 363:20, 371:23
70 [3] - 305:11, 305:12, 307:10
74 [2] - 305:10, 307:11
75 [3] - 211:15, 293:13, 305:10
75-horsepower [1] - 311:25
75.5 [2] - 46:15, 47:4
75s [1] - 314:11
76,000 [1] - 160:11
78.6 [2] - 43:17, 46:18
7:30 [2] - 361:18, 363:20
7th [2] - 373:12, 373:16

8

8 [22] - 114:7, 114:8, 115:23, 116:3, 117:1, 117:8, 117:10, 117:12, 142:15, 142:25, 147:10, 152:19, 178:5, 195:21, 200:12, 200:22, 246:7, 247:18, 248:4, 248:7, 299:9, 363:20
8,700 [1] - 353:23
8,704 [1] - 149:9
8,704.80 [1] - 324:23
8-1-1 [3] - 268:16, 298:11, 298:13
8.62 [1] - 130:21
80 [10] - 176:15, 324:24, 336:5, 343:4, 343:5, 351:19, 359:13, 362:11, 362:25, 363:3
80,000 [2] - 176:15, 205:6
85 [2] - 352:4, 362:15
8:30 [1] - 5:15

9

9 [64] - 116:6, 117:22, 120:14, 120:17, 123:4, 123:5, 125:17, 126:13, 126:15, 127:4, 128:12, 128:17, 132:9, 132:14, 140:15, 140:18, 140:21, 141:7, 141:12, 141:22, 142:23, 145:1, 145:15, 148:21, 153:11, 153:12, 154:5, 157:5, 158:3, 159:13, 160:4, 166:13, 169:7, 248:25, 249:1, 249:2, 254:14, 254:19, 285:18, 294:6, 295:23, 298:19, 298:23, 299:10, 299:22, 306:8, 306:9, 317:21, 318:17, 324:10, 345:6, 349:25, 350:4, 351:18, 353:18, 358:3, 358:6, 360:22, 370:12, 373:2
9-2 [1] - 253:20
9-3 [1] - 253:20
90 [3] - 173:15, 352:4, 362:15
924 [1] - 149:10
93,000 [2] - 241:13, 290:12
93,640.73 [1] - 241:5
95 [2] - 236:3, 266:21
96.5 [2] - 46:7, 46:22
99 [1] - 266:21

A

a.m [1] - 5:15
ability [8] - 40:2, 62:10, 176:8, 176:14, 183:22, 198:4, 293:9, 348:7

able [36] - 6:17, 13:6, 16:17, 59:1, 59:3, 63:10, 65:10, 66:10, 78:21, 113:23, 117:18, 140:17, 151:19, 171:6, 176:9, 184:20, 193:8, 201:1, 207:11, 207:15, 208:3, 209:23, 210:14, 229:22, 256:24, 268:9, 295:17, 308:17, 316:1, 316:2, 331:9, 331:16, 335:19, 345:12, 346:18, 347:15
abnormal [1] - 103:13
above-ground [1] - 322:16
absent [1] - 290:23
absolute [1] - 10:6
absolutely [5] - 84:23, 187:2, 187:7, 188:19, 208:5
absorbed [1] - 352:5
accelerates [1] - 267:24
accept [2] - 309:6, 351:1
acceptance [1] - 351:15
accessed [1] - 186:11
accommodate [2] - 233:9, 238:19
according [3] - 164:3, 171:10, 254:20
accordingly [1] - 93:1
account [7] - 49:10, 84:5, 263:10, 272:14, 337:18, 337:20, 340:11
accountant [1] - 334:1
accounting [2] - 203:13, 236:6
accounts [3] - 225:23, 226:1, 339:11
accrue [1] - 339:22
accruing [1] - 356:20
accurate [7] - 153:18, 156:25, 159:9, 179:5, 255:2, 257:24, 274:15
achieving [1] - 207:13
acknowledge [1] - 10:23
acquire [4] - 109:2, 155:13, 189:12, 316:1
acquisition [7] - 30:4, 30:12, 67:10, 74:17, 74:20, 109:7
acronyms [2] - 76:19, 76:20
Act [2] - 8:18, 10:9
actual [19] - 29:18, 35:13, 52:7, 60:3, 94:16, 94:19, 97:16, 116:25, 142:18, 142:19, 148:13, 155:2, 234:9, 250:23, 272:9, 300:2, 330:18, 370:17
adapt [1] - 184:21
add [15] - 81:15, 88:11, 88:13, 89:4, 89:13, 89:14, 138:8, 149:8, 162:21, 237:12, 304:10, 312:10, 315:7, 328:20, 359:6
add-on [1] - 312:10
added [5] - 48:17, 48:19, 93:4, 286:15, 303:13
adder [1] - 30:6
adding [12] - 89:6, 89:7, 89:16, 89:19, 90:21, 90:24, 131:5, 149:16, 166:3, 205:3, 290:5, 346:11
addition [11] - 60:4, 91:20, 137:21, 236:7, 237:21, 237:24, 242:10, 297:7, 324:21, 335:3, 364:6
additional [17] - 48:19, 70:10, 71:4, 102:5, 109:16, 190:8, 197:7, 202:2, 233:7, 237:1, 251:2, 261:14, 295:11, 314:1, 319:18, 343:8, 364:14
address [9] - 19:14, 111:18, 111:19, 156:5, 173:14, 217:21, 243:25, 294:8, 294:9
addresses [1] - 299:19
adequate [6] - 6:18, 234:23, 291:11, 295:1, 295:18, 326:18
adequately [3] - 15:9, 226:23, 294:23
adjacent [2] - 22:24, 237:18
adjourned [1] - 172:15
adjustment [3] - 243:25, 244:5, 244:21
ADM [1] - 207:20
administer [2] - 18:16, 136:6
ADMINISTRATIVE [1] - 5:1
administrative [9] - 5:3, 326:16, 326:19, 336:7, 345:7, 369:22, 370:14, 371:15, 372:5
Administrative [1] - 5:4
admission [1] - 190:6
admit [2] - 120:5, 221:15
admitted [10] - 26:14, 36:10, 120:13, 228:19, 230:24, 234:6, 235:16, 254:19, 266:3, 270:19
admonition [1] - 111:7
advantage [7] - 81:23, 86:17, 110:13, 110:19, 177:6, 185:14, 200:8
advantageous [4] - 162:13, 162:20, 163:11, 169:24
advantages [7] - 9:9, 37:12, 38:18, 40:2, 66:1, 110:4, 320:19
advise [2] - 18:5, 18:7
advised [1] - 18:15
aeronautical [1] - 217:7
affect [11] - 38:3, 39:19, 39:22, 56:23, 99:6, 99:9, 101:14, 102:12, 164:23, 262:9, 276:3
affected [11] - 99:4, 100:7, 100:8, 104:20, 210:15, 210:22, 272:9, 284:1, 284:3, 284:7
affecting [1] - 98:24
affects [4] - 134:9, 213:1, 213:5, 275:17
affiliation [1] - 292:14
aforementioned [1] - 29:19
afternoon [2] - 195:18, 343:14
afterwards [1] - 14:22
ag [5] - 173:17, 184:16, 184:24, 198:2, 223:19
Ag [76] - 5:9, 8:6, 21:15, 22:21, 22:22, 24:2, 25:15, 29:1, 33:3, 59:15, 68:1, 74:1, 74:8, 78:4, 79:4, 88:25, 89:3, 90:8, 104:6, 105:7, 106:2, 113:7, 114:1, 114:19, 116:12, 118:10, 121:23, 123:9, 123:23, 128:2, 129:24, 131:6, 138:11, 147:9, 147:13, 148:8, 151:8, 152:11, 157:25, 159:16, 161:4, 164:13, 167:14, 173:13, 173:16, 173:17, 174:16, 181:14, 189:15, 200:19, 206:19, 207:17, 212:24, 214:16, 214:17, 219:6, 225:1, 227:13, 231:8, 242:13, 246:5, 248:18, 251:1, 252:4, 254:5, 264:23, 272:4, 277:14, 277:15, 279:15, 299:12, 302:5, 317:2, 317:11, 320:5, 339:4
Ag" [1] - 22:11
Ag's [4] - 145:21, 167:8, 308:20, 347:16
age [8] - 53:8, 63:5, 78:22, 223:25, 224:4, 261:1, 287:15, 291:23
aggregate [1] - 131:8
aggregated [3] - 96:24, 97:7, 131:14
ago [11] - 23:11, 48:11, 51:6, 75:4, 83:11, 83:12, 176:21, 184:17, 208:11, 209:18, 349:7
agree [18] - 11:17, 64:16, 138:3, 138:8, 141:21, 152:10, 285:14, 290:23, 293:8, 293:17, 306:7, 306:13, 308:23, 324:13, 325:3, 330:2, 331:15, 347:12
agreed [4] - 8:14, 8:15, 13:4, 158:1
Agreement [2] - 77:15, 82:17
agreement [17] - 8:20, 14:13, 67:12, 67:13, 67:14, 77:21, 83:15, 84:2, 109:10, 110:8, 138:24, 189:14, 217:11, 291:1, 333:15, 349:5
agreements [1] - 219:16
agriculture [1] - 178:7
ahead [6] - 8:3, 17:19, 68:18, 281:14, 361:22, 362:8
aid [4] - 194:7, 241:21, 241:24, 242:3
air [1] - 206:2
alerted [1] - 203:24
all-in [8] - 118:11, 119:17, 121:2, 121:14, 122:25, 124:4, 132:13, 160:10
alliance [1] - 217:13
allocate [2] - 337:19, 356:21
allocated [6] - 135:5, 337:9, 341:24, 356:23, 357:3, 357:14
allocating [1] - 371:16
allocation [3] - 338:24, 358:20, 359:3
allotted [1] - 178:18
allow [5] - 9:1, 17:6, 17:7, 100:16, 139:11
allowed [4] - 132:3, 133:3, 245:14, 295:4
allowing [1] - 301:4
allows [2] - 184:12, 328:21
alluded [1] - 167:2
almost [7] - 117:11, 128:10, 174:8, 205:1, 250:5, 250:13, 268:19
alone [1] - 371:9
alter [4] - 293:10, 330:15, 370:23, 370:24
alternative [2] - 82:13, 103:21
alternatives [2] - 33:18, 103:18
amicable [1] - 14:13
amortize [1] - 340:10
amortized [1] - 340:12
amount [23] - 33:7, 42:10, 43:9, 65:5, 83:25, 86:11, 88:12, 106:25, 109:2, 109:14, 109:16, 122:1, 131:17, 156:13, 158:24, 178:18, 183:9, 194:14, 272:23, 297:19, 322:22, 351:15, 352:8

amounted [1] - 339:5
amp [1] - 284:17
analogous [1] - 330:10
analysis [21] - 95:2, 110:13, 113:14, 130:22, 131:3, 133:25, 137:18, 138:9, 139:23, 140:19, 142:16, 145:3, 154:16, 182:6, 188:18, 195:19, 195:20, 229:11, 289:19, 296:12, 313:16
analyst [1] - 7:22
analysts [1] - 307:4
analyze [5] - 113:22, 114:3, 150:13, 162:10, 162:11
analyzed [1] - 140:22
analyzing [2] - 8:23, 113:20
ancillary [2] - 30:2, 33:5
animal [2] - 269:19, 285:7
animals [1] - 321:12
annual [39] - 23:14, 41:14, 41:16, 41:21, 51:9, 51:10, 113:11, 113:15, 117:8, 117:9, 117:11, 121:18, 122:21, 123:14, 123:18, 128:6, 128:10, 130:1, 131:22, 132:5, 132:7, 132:11, 134:6, 134:7, 134:9, 138:10, 139:2, 150:3, 150:8, 156:16, 156:20, 247:22, 248:14, 258:6, 288:1, 324:16, 324:19, 353:10, 353:20
annually [6] - 53:19, 128:8, 134:19, 134:25, 161:17, 191:9
anomalies [1] - 317:3
anomaly [1] - 317:14
answer [18] - 44:24, 58:11, 108:15, 186:22, 195:11, 196:10, 201:9, 212:23, 213:14, 318:2, 319:9, 342:23, 350:10, 350:13, 350:18, 360:8, 364:12, 376:12
answered [4] - 16:21, 74:6, 170:9, 367:8
answers [1] - 205:10
anticipate [2] - 83:13, 367:13
anticipated [8] - 28:3, 62:8, 74:15, 89:22, 177:19, 191:9, 195:4, 373:6
anticipating [3] - 27:7, 73:5, 93:15
anticipation [2] - 70:8, 242:2
anxious [2] - 106:14, 106:17
anyway [2] - 36:19, 356:12
apologize [12] - 59:4, 142:9, 222:25, 235:18, 253:13, 256:7, 264:8, 278:19, 281:3, 290:7, 305:15, 376:17
apparent [2] - 124:22, 200:8
appear [5] - 88:5, 141:23, 249:13, 250:12, 279:22
appearance [1] - 7:7
apples [14] - 75:17, 75:18, 94:3, 94:4, 94:8, 95:15, 141:16, 304:6, 304:7, 342:6
apples-to-apples [1] - 141:16
applicable [1] - 217:5
application [9] - 5:7, 5:21, 21:3, 21:6, 165:25, 190:3, 294:19, 377:21
applications [1] - 6:23
applied [3] - 244:5, 244:18, 252:2
applies [1] - 364:1
apply [5] - 244:6, 244:10, 348:23, 353:9, 375:14
appointment [1] - 5:4
appreciate [3] - 16:2, 374:21, 375:11
approach [3] - 128:5, 147:21, 321:17
approached [1] - 13:3
appropriate [3] - 13:21, 326:25, 366:23
approval [5] - 6:23, 10:11, 242:4, 244:17, 294:19
approve [1] - 245:21
approved [16] - 83:7, 84:9, 112:19, 113:10, 116:20, 130:20, 133:3, 136:8, 148:14, 150:12, 151:22, 162:4, 188:23, 245:14, 247:25, 339:20
approximate [7] - 50:8, 233:2, 233:13, 261:1, 265:7, 304:24, 336:18
area [78] - 6:6, 6:14, 6:22, 7:4, 9:4, 9:6, 12:1, 12:5, 12:11, 19:20, 21:14, 22:13, 24:4, 28:2, 38:12, 38:14, 49:20, 49:23, 50:19, 51:20, 51:23, 56:12, 57:18, 75:19, 80:3, 83:1, 91:17, 91:24, 94:11, 94:19, 94:21, 95:4, 95:5, 95:13, 95:15, 96:19, 100:8, 101:24, 103:19, 105:3, 105:13, 127:12, 143:11, 145:3, 177:6, 206:25, 212:22, 218:22, 219:18, 222:2, 222:4, 222:9, 223:23, 227:8, 233:23, 234:18, 242:6, 242:10, 245:16, 245:19, 245:20, 259:17, 259:18, 261:18, 274:16, 294:23, 294:25, 295:9, 320:13, 320:22, 328:18, 346:25, 347:7, 349:19, 351:1, 354:10, 355:11, 375:6
areas [6] - 8:21, 12:10, 19:21, 209:10, 267:14, 311:10
argue [5] - 10:20, 56:3, 141:11, 355:3, 372:8
arguing [1] - 320:16
argument [3] - 106:16, 371:2, 373:10
arguments [2] - 12:23, 373:8
arms [4] - 146:19, 147:4, 155:22, 169:9
arrange [1] - 222:24
arrangement [1] - 305:11
arrangements [1] - 132:18
arrive [4] - 118:5, 132:24, 256:22, 300:15
arrived [1] - 160:24
arrow [3] - 231:3, 233:9, 233:13
art [2] - 183:18, 183:19
Arthur [2] - 192:15
aside [1] - 63:8
aspect [2] - 112:10, 337:3
assessed [1] - 39:8
asset [1] - 207:15
assets [1] - 342:20
assign [1] - 351:13
assigned [1] - 30:17
assist [2] - 112:21, 269:6
Assistant [1] - 7:21
associate [1] - 247:3
associated [10] - 49:9, 50:11, 57:4, 272:1, 286:6, 286:8, 334:16, 338:1, 338:3, 338:23
assume [15] - 63:13, 67:25, 68:10, 76:16, 137:19, 151:5, 151:7, 154:3, 193:22, 292:4, 307:7, 326:21, 339:14, 344:9, 361:10
assumed [3] - 299:21, 361:5, 361:6
assuming [9] - 124:14, 152:7, 153:6, 160:2, 164:8, 221:12, 241:1, 340:11, 350:7
assumption [10] - 88:3, 107:25, 148:4, 156:24, 185:24, 185:25, 188:13, 210:18, 250:15, 363:19
assumptions [10] - 115:3, 118:20, 119:3, 153:6, 153:15, 153:25, 156:24, 160:16, 256:21, 257:8
attachment [1] - 41:19
attack [1] - 120:5
attention [4] - 18:6, 41:2, 250:17, 288:9
attorney [1] - 66:19
Attorney [1] - 7:21
attorneys [1] - 376:25
attractive [1] - 16:14
attributed [1] - 338:12
aut [1] - 231:7
authorized [7] - 130:14, 130:19, 131:4, 131:15, 131:18, 134:14, 134:21
available [26] - 6:14, 6:16, 47:5, 97:7, 99:23, 100:3, 101:3, 101:8, 101:18, 136:17, 168:19, 168:22, 170:2, 189:25, 199:17, 213:2, 267:11, 286:17, 328:6, 344:12, 348:15, 352:8, 357:20, 363:14, 369:17
average [22] - 42:12, 75:23, 137:9, 137:10, 156:17, 240:4, 251:6, 260:5, 280:5, 280:7, 283:1, 289:23, 291:24, 302:19, 302:20, 315:12, 317:4, 317:10, 350:8, 361:15, 361:19, 366:7
averaged [1] - 123:17
avoid [2] - 186:25, 308:11
avoiding [1] - 207:13
aware [19] - 33:25, 34:3, 64:9, 82:13, 96:16, 97:4, 97:15, 99:19, 105:23, 106:1, 137:13, 194:11, 194:14, 197:4, 292:13, 292:19, 292:21, 300:10, 308:16
awry [1] - 342:4
Ayr [1] - 192:15

B

bachelor [1] - 112:14
back-feeding [1] - 98:22
backbone [1] - 226:23
background [2] - 72:17, 112:13
backup [6] - 85:14, 85:19, 85:20, 86:11, 86:12
backwards [1] - 282:6
bad [7] - 51:15, 51:16, 180:25, 202:16, 202:18, 205:12, 238:25
balance [1] - 10:25
balances [1] - 188:20
ballpark [4] - 145:11, 224:21, 259:4, 299:4

bang [1] - 322:21
bank [6] - 28:5, 29:19, 70:4, 70:16, 103:25, 166:3
barley [1] - 174:20
Barney [43] - 8:9, 21:19, 22:11, 22:14, 24:1, 24:2, 25:21, 54:12, 54:17, 55:1, 67:23, 68:4, 68:20, 79:16, 79:18, 80:1, 80:2, 80:13, 90:2, 90:25, 103:2, 104:6, 104:8, 151:12, 173:20, 175:3, 175:4, 180:18, 181:6, 181:10, 206:13, 206:17, 206:20, 206:21, 207:2, 209:2, 218:22, 225:7, 225:8, 225:10, 225:18, 375:5, 375:7
base [25] - 12:4, 12:7, 12:12, 12:16, 13:1, 73:25, 118:8, 119:18, 121:1, 121:5, 121:6, 121:9, 121:12, 121:13, 122:23, 141:19, 149:5, 149:16, 150:20, 236:3, 262:11, 262:14, 276:6, 316:8, 316:22
based [95] - 9:2, 9:5, 25:2, 25:3, 33:1, 35:7, 39:25, 60:9, 70:25, 74:14, 75:9, 75:25, 83:9, 94:15, 94:25, 98:9, 106:25, 108:9, 110:6, 113:12, 119:6, 119:9, 122:17, 126:19, 127:13, 127:19, 127:24, 128:5, 132:12, 136:22, 138:9, 139:23, 142:16, 145:2, 146:13, 154:16, 157:1, 159:19, 178:23, 178:24, 179:1, 223:12, 229:11, 229:20, 234:22, 235:25, 237:3, 238:17, 238:18, 243:10, 245:17, 248:23, 249:17, 249:20, 250:4, 250:12, 250:25, 256:25, 257:8, 257:18, 260:11, 266:16, 273:21, 274:23, 280:12, 280:17, 283:12, 287:1, 289:15, 295:13, 295:20, 298:5, 299:15, 299:21, 307:2, 307:7, 323:6, 323:18, 325:3, 326:17, 328:1, 335:19, 336:9, 337:10, 337:11, 337:21, 338:21, 341:19, 351:11, 352:22, 353:17, 354:7, 375:16
bases [1] - 212:20
basic [3] - 156:13, 243:21, 341:24
Basin [4] - 247:4, 247:7, 247:13, 247:24
basing [1] - 118:19
basis [25] - 94:7, 123:18, 128:10, 130:1, 131:22, 156:16, 156:20, 156:21, 236:7, 236:10, 247:22, 260:7, 260:11, 260:12, 261:9, 288:1, 288:4, 289:20, 307:2, 315:22, 315:23, 335:9, 351:12, 353:10, 364:21
bean [2] - 178:10
bear [1] - 176:3
bearing [3] - 8:15, 151:17, 279:20
beautiful [1] - 201:16
became [3] - 61:4, 208:15, 214:23
because.. [1] - 176:3
become [6] - 20:22, 20:25, 64:21, 199:6, 208:16, 218:24
becomes [2] - 72:23, 86:18
beginning [3] - 148:25, 326:8, 373:6
begs [1] - 141:10
behalf [1] - 7:20
behind [2] - 76:6, 109:12
belief [2] - 240:14, 330:24
belonging [1] - 271:3
below [5] - 118:11, 121:2, 122:3, 139:4, 243:25
belt [2] - 179:11, 179:16
benchmark [3] - 106:21, 106:22, 341:13
beneficial [3] - 184:23, 185:8, 187:1
benefit [21] - 65:14, 73:1, 135:2, 150:19, 150:21, 165:5, 242:7, 242:11, 258:20, 259:8, 338:19, 339:14, 339:16, 344:13, 344:15, 344:16, 346:13, 346:15, 346:16, 346:20
benefiting [1] - 10:19
benefits [4] - 133:2, 239:24, 337:7, 339:7
best [21] - 6:21, 14:7, 16:19, 43:18, 46:20, 46:24, 47:3, 51:7, 95:12, 103:18, 250:15, 251:4, 271:9, 295:7, 311:20, 315:19, 319:9, 321:7, 331:9
better [25] - 74:4, 74:5, 76:22, 82:12, 110:14, 110:17, 137:22, 138:6, 141:23, 146:21, 199:9, 200:12, 204:11, 208:2, 208:18, 221:6, 222:17, 230:23, 277:10, 278:8, 307:7, 331:15, 331:16, 346:4, 349:6
betters [1] - 184:13
between [65] - 6:13, 52:12, 52:13, 59:17, 63:11, 76:8, 77:13, 82:1, 87:11, 89:1, 108:22, 116:10, 120:18, 120:22, 122:21, 122:24, 123:6, 124:4, 124:22, 125:12, 125:23, 127:7, 128:24, 134:3, 139:12, 153:13, 158:12, 161:14, 189:14, 211:7, 217:11, 217:13, 217:17, 217:19, 218:10, 219:16, 237:23, 251:7, 255:20, 260:14, 260:17, 264:20, 267:5, 267:6, 267:16, 268:8, 274:14, 276:8, 288:6, 288:7, 305:17, 306:3, 309:18, 310:4, 310:6, 312:13, 333:22, 334:8, 335:16, 348:2, 349:9, 352:11, 353:3, 355:10
beyond [8] - 22:25, 27:24, 80:4, 100:14, 101:24, 101:25, 238:25, 274:24
biased [1] - 194:6
bid [9] - 147:2, 147:5, 151:18, 169:19, 200:11, 200:15, 210:19, 213:18, 213:22
bidding [1] - 161:20
big [29] - 15:13, 83:20, 110:15, 146:4, 154:9, 164:20, 178:8, 187:25, 192:18, 193:1, 201:25, 203:22, 211:23, 211:24, 212:2, 212:8, 213:10, 225:17, 260:14, 284:18, 309:17, 313:21, 313:22, 349:4, 351:4, 354:14, 354:18, 354:21
big-size [1] - 201:25
bigger [3] - 65:19, 71:11, 300:22
biggest [5] - 128:24, 156:24, 280:19, 315:18, 351:10
bill [12] - 93:13, 119:16, 129:11, 197:5, 197:6, 247:14, 348:21, 349:13, 359:2, 361:9, 361:13, 366:4
billed [2] - 363:7, 366:16
bills [1] - 203:14
bin [4] - 179:13, 179:16, 305:19, 305:20
binned [1] - 179:14
bins [1] - 297:2
Bismarck [3] - 5:17, 15:23, 15:24
bit [35] - 12:7, 14:1, 64:7, 72:5, 81:10, 92:9, 93:18, 108:25, 129:18, 134:11, 143:9, 143:17, 150:11, 153:25, 154:6, 156:10, 165:21, 167:19, 167:20, 169:5, 174:19, 176:3, 178:1, 203:16, 206:19, 210:21, 221:4, 236:16, 259:22, 274:24, 296:12, 313:2, 319:16, 325:18
black [4] - 22:9, 22:23, 230:17, 375:23
blank [2] - 342:17, 342:18
blended [2] - 123:12, 149:19
blow [2] - 44:1, 269:19
blowers [1] - 206:11
blue [4] - 55:16, 76:25, 77:1, 220:3
BNSF [7] - 174:25, 176:6, 177:5, 178:2, 178:14, 193:8, 204:25
board [22] - 21:13, 148:14, 173:24, 189:8, 241:24, 243:6, 244:1, 244:17, 245:2, 245:14, 245:21, 288:16, 289:2, 290:17, 290:24, 308:8, 339:20, 341:8, 348:7, 348:10, 348:14, 357:7
board's [1] - 337:22
boat [1] - 135:4
book [2] - 30:24, 162:9
books [3] - 73:13, 351:5, 351:6
booms [1] - 268:21
boost [1] - 245:16
border [1] - 259:17
bother [1] - 92:17
bottom [12] - 107:4, 118:20, 213:2, 258:24, 259:10, 265:3, 265:14, 303:16, 306:19, 311:22, 313:3, 314:11
bought [4] - 206:18, 214:21, 337:14, 341:21
boundary [1] - 219:24
bowling [2] - 43:6, 43:11
box [5] - 115:3, 222:11, 231:4, 265:14, 299:22
boxes [1] - 222:1
brace [1] - 270:23
brand [4] - 98:3, 232:2, 239:21, 267:2
brand-new [4] - 98:3,

232:2, 239:21, 267:2
break [13] - 65:7, 72:6, 78:20, 95:19, 99:19, 171:8, 171:25, 215:17, 215:18, 281:13, 299:20, 325:12, 325:16
breakdown [4] - 152:24, 211:14, 237:8, 254:8
breakdowns [1] - 149:5
breaker [8] - 20:22, 23:24, 27:4, 50:2, 59:12, 60:3, 63:23, 272:9
breakers [2] - 224:16, 284:1
breaking [1] - 13:6
breaks [1] - 251:14
Breckenridge [13] - 173:15, 173:21, 204:12, 204:15, 204:16, 204:20, 204:25, 205:7, 205:13, 206:10, 206:20, 226:7, 276:13
Brian [1] - 346:9
brief [5] - 228:6, 325:23, 329:1, 345:24, 374:15
briefly [6] - 25:6, 59:20, 217:24, 226:10, 226:12, 275:4
briefs [7] - 373:6, 373:8, 373:9, 373:12, 376:20, 376:21, 376:23
bring [21] - 12:14, 25:24, 59:1, 78:10, 80:12, 95:23, 101:14, 139:22, 179:17, 193:19, 193:21, 194:12, 194:15, 196:19, 235:23, 243:15, 246:1, 269:11, 271:19, 347:9, 353:22
bringing [9] - 54:1, 193:14, 194:2, 194:3, 237:9, 245:12, 258:11, 268:21
brings [1] - 179:17
broken [4] - 51:14, 51:15, 115:7, 338:4
brother [1] - 207:19
brought [9] - 94:17, 126:2, 176:22, 194:19, 199:25, 306:10, 344:9, 347:10, 347:12
Bruce [6] - 7:16, 12:15, 294:9, 308:17, 332:13, 352:21
BRUCE [1] - 333:6
buck [1] - 322:22
budget [2] - 326:2, 336:3
budgeting [1] - 334:12
budgets [1] - 218:16
buffet [1] - 172:14
build [11] - 25:10, 89:13, 90:5, 101:4, 226:13, 231:22, 266:22, 292:10, 320:20, 321:17, 356:6
build-in [2] - 231:22, 356:6
build-outs [1] - 292:10
building [11] - 89:23, 92:1, 93:11, 172:11, 181:5, 183:17, 192:8, 231:12, 319:17, 319:18, 339:4
built [11] - 83:11, 125:9, 125:10, 153:15, 175:5, 231:19, 269:3, 277:18, 296:25, 317:17, 361:6
bulk [1] - 175:19
bullet [1] - 233:8
bundle [2] - 11:15, 11:16
bunker [2] - 183:7, 200:3
burden [1] - 255:24
burdened [1] - 153:23
buried [3] - 198:23, 198:24, 284:8
burner [1] - 212:5
bury [1] - 32:24
burying [1] - 322:20
bushel [3] - 183:7, 205:7, 205:9
bushels [7] - 176:10, 176:13, 176:15, 186:7, 186:19, 201:25, 297:8
bushings [1] - 269:20
business [54] - 9:21, 16:13, 16:17, 16:18, 19:8, 19:14, 92:12, 92:24, 111:18, 111:19, 147:3, 152:10, 167:23, 169:15, 173:14, 173:18, 173:25, 174:2, 174:4, 175:16, 175:19, 178:23, 183:5, 184:12, 184:13, 184:16, 184:24, 185:11, 185:19, 188:20, 191:13, 197:18, 198:3, 199:5, 199:12, 202:19, 208:1, 217:21, 308:9, 315:20, 316:5, 316:16, 319:7, 319:9, 334:2, 334:12, 339:25, 347:10, 347:24, 347:25, 349:18, 350:25, 364:4
businesses [5] - 143:14, 245:13, 368:25, 372:25
businessman [1] - 186:24
busy [1] - 190:24
but.. [5] - 148:19, 153:9, 191:12, 204:17, 273:25
buy [9] - 86:2, 86:5, 86:10, 93:8, 93:13, 244:14, 315:25, 340:3, 340:5
buy-out [2] - 340:3, 340:5
buying [2] - 152:13, 174:24
buyout [1] - 349:16
buys [1] - 204:17
BY [66] - 8:4, 11:6, 13:17, 19:5, 22:5, 26:15, 29:14, 32:19, 36:11, 37:9, 42:6, 42:20, 43:13, 45:16, 47:11, 59:7, 62:3, 96:13, 99:15, 100:17, 102:18, 111:17, 116:4, 120:16, 126:17, 128:19, 133:16, 136:1, 136:21, 140:13, 163:8, 164:2, 173:11, 190:14, 195:17, 214:6, 216:17, 221:16, 223:5, 228:20, 230:25, 234:7, 235:17, 237:2, 238:12, 245:10, 246:21, 248:12, 253:17, 253:25, 254:23, 266:4, 270:20, 273:8, 279:13, 282:2, 294:16, 326:6, 329:4, 333:10, 341:2, 343:13, 356:18, 358:2, 365:2, 365:19
by-month [1] - 152:23

C

Cabinet [1] - 231:4
cabinet [20] - 34:19, 88:22, 88:25, 89:2, 222:8, 223:20, 231:5, 233:7, 233:12, 237:11, 237:17, 237:18, 263:3, 267:17, 268:2, 268:3, 268:4, 268:5, 302:5, 303:14
cabinets [3] - 267:5, 267:7, 310:5
cable [14] - 88:7, 88:12, 224:17, 231:7, 236:9, 268:23, 268:25, 269:3, 321:23, 322:4, 322:11
cables [1] - 322:6
cafeteria [1] - 172:7
CAIDI [20] - 42:9, 42:10, 43:14, 43:15, 44:11, 45:18, 46:20, 61:6, 61:13, 63:8, 63:12, 71:16, 75:15, 97:18, 106:18, 260:2, 260:5, 260:14, 281:4, 287:18
CAIDI's [1] - 46:16
calculate [9] - 129:13, 133:5, 154:12, 307:1, 342:16, 343:16, 343:18, 353:8, 365:21
calculated [11] - 115:8, 115:10, 158:5, 160:9, 250:11, 251:7, 289:17, 294:6, 299:24, 318:5, 341:18
calculating [8] - 129:11, 133:18, 141:24, 336:14, 344:20, 358:22, 358:23, 359:2
calculation [12] - 119:4, 121:6, 132:7, 132:17, 140:23, 149:15, 150:11, 157:20, 159:12, 282:16, 286:1, 294:5
calculations [18] - 117:19, 142:5, 156:18, 157:1, 157:24, 158:3, 158:10, 158:15, 160:24, 164:7, 252:16, 254:20, 282:6, 282:9, 283:5, 306:13, 359:8, 359:18
campus [1] - 172:8
Cando [1] - 334:10
capabilities [1] - 71:4
capable [1] - 175:25
capacities [1] - 159:7
capacitor [9] - 28:5, 29:19, 48:15, 48:19, 48:22, 70:4, 70:15, 103:25, 166:3
capacity [23] - 90:10, 90:14, 90:17, 91:20, 112:11, 143:23, 176:12, 193:9, 201:22, 201:23, 201:24, 202:1, 205:9, 206:24, 207:12, 226:23, 243:24, 261:12, 297:9, 297:12, 304:10, 312:6, 312:17
capital [47] - 12:18, 177:11, 177:13, 218:16, 337:5, 337:7, 337:8, 337:17, 337:21, 337:22, 337:24, 338:1, 338:2, 338:6, 338:9, 338:11, 339:4, 339:23, 340:2, 341:3, 341:17, 343:19, 344:9, 344:12, 345:1, 348:17, 348:18, 348:23, 349:6, 349:9, 349:14, 350:24, 351:4, 351:13, 352:23, 353:25, 356:2, 356:20, 356:25, 357:10, 357:11, 358:20, 359:7, 362:12, 362:16, 368:18, 372:23
capitalized [2] - 67:1, 67:2
capitol [1] - 16:1
Capitol [1] - 5:16
capture [2] - 16:17, 167:23
car [1] - 179:19
card [1] - 16:4
care [4] - 52:15, 174:23, 175:11,

203:19
Cargill [1] - 207:20
carried [1] - 126:7
Carrington [2] - 217:23, 334:10
cars [6] - 177:9, 193:7, 193:9, 193:10, 205:8, 277:7
carte [1] - 172:14
Cary [1] - 7:9
Cascade [1] - 111:19
Case [2] - 5:12, 377:22
case [56] - 9:18, 10:2, 11:14, 11:17, 11:19, 11:21, 14:22, 15:1, 16:6, 17:9, 17:10, 37:16, 38:24, 77:25, 83:5, 85:16, 86:15, 91:3, 91:5, 94:1, 97:22, 117:13, 119:13, 125:7, 132:23, 137:24, 138:5, 139:7, 145:6, 158:20, 167:8, 168:6, 180:16, 215:10, 237:22, 239:5, 239:6, 244:10, 244:18, 256:18, 260:4, 272:15, 277:7, 289:14, 295:21, 322:3, 323:4, 326:2, 326:25, 329:11, 352:24, 354:4, 361:14, 367:17, 377:7
cases [6] - 14:11, 18:14, 84:21, 107:16, 139:12, 260:4
Casselton [1] - 192:17
category [1] - 161:25
caught [1] - 212:3
caused [6] - 48:15, 229:11, 269:14, 269:23, 298:12, 321:21
causes [3] - 48:24, 314:7, 348:14
causing [3] - 38:8, 39:6, 55:10
cautious [2] - 348:10, 348:16
caveat [1] - 293:14
cellular [1] - 274:4
cement [2] - 192:18, 297:2
census [2] - 96:21, 100:2
center [5] - 34:20, 47:17, 47:21, 285:21, 345:8
central [2] - 27:14, 40:7
Central [26] - 5:15, 68:10, 224:13, 247:1, 247:3, 247:8, 247:13, 247:20, 247:21, 248:17, 261:4, 263:6, 273:18, 275:15, 285:23, 291:19, 303:8, 309:21, 318:25, 323:17, 361:9, 361:11, 361:17, 363:7, 366:11, 366:18
cents [3] - 120:24, 129:1, 298:3
CEO [3] - 334:4, 334:6, 354:4
certain [10] - 10:10, 92:16, 103:23, 217:13, 256:13, 256:21, 331:5, 344:25, 364:17, 364:18
certainly [11] - 39:21, 40:19, 56:22, 64:18, 64:20, 66:2, 81:25, 82:3, 213:16, 347:11, 347:23
certainty [1] - 76:7
certificate [2] - 209:14, 210:3
certifications [2] - 218:5, 218:8
CFO [1] - 334:3
chairman [4] - 13:23, 20:22, 20:25, 79:10
CHAIRMAN [97] - 13:24, 79:11, 79:18, 79:21, 79:25, 80:10, 80:15, 80:20, 81:2, 81:11, 81:14, 81:17, 82:1, 82:11, 82:18, 83:2, 83:18, 84:7, 84:11, 84:14, 84:16, 84:24, 85:3, 85:5, 85:11, 85:17, 85:25, 86:8, 86:19, 108:6, 108:14, 109:13, 110:1, 154:22, 155:6, 155:9, 155:21, 156:4, 170:8, 204:10, 204:18, 204:22, 205:12, 205:18, 205:22, 206:1, 206:4, 206:7, 206:12, 206:16, 207:6, 207:9, 208:3, 208:6, 208:19, 311:19, 311:24, 312:2, 312:14, 312:23, 313:1, 313:8, 313:18, 314:2, 314:9, 314:14, 314:18, 314:21, 314:24, 315:3, 315:7, 315:10, 315:16, 316:15, 316:21, 316:25, 317:13, 317:17, 317:20, 317:23, 318:3, 318:10, 350:24, 351:5, 351:11, 351:17, 351:22, 352:1, 352:18, 359:25, 362:9, 362:25, 363:2, 363:10, 363:23, 374:23, 375:11
chance [3] - 109:1, 197:23, 326:4
chances [1] - 99:9
change [31] - 60:20, 62:25, 73:18, 75:25, 78:11, 107:7, 139:16, 139:20, 148:12, 148:14, 148:18, 183:4, 189:7, 273:16, 274:4, 286:14, 289:2, 290:24, 293:18, 305:10, 323:21, 328:2, 328:4, 341:8, 348:8, 357:6, 357:7, 359:9, 361:6, 362:4, 363:18
change-out [1] - 274:4
changed [5] - 40:9, 148:9, 148:11, 213:9, 274:2
changes [5] - 90:4, 184:17, 323:17, 352:2, 358:12
changing [2] - 184:25, 198:2
channel [1] - 188:22
characterize [4] - 23:17, 183:17, 202:12, 203:9
charge [78] - 9:19, 74:21, 83:3, 83:8, 83:13, 93:9, 118:16, 118:21, 119:1, 119:2, 120:21, 120:23, 121:7, 121:16, 124:9, 124:10, 124:17, 125:6, 126:23, 130:5, 130:6, 130:8, 140:25, 149:6, 149:18, 161:3, 162:5, 165:18, 183:4, 183:24, 196:18, 202:18, 213:8, 213:21, 243:21, 243:24, 244:9, 244:21, 244:22, 247:23, 249:3, 249:4, 249:8, 254:5, 255:8, 276:16, 278:10, 280:22, 288:17, 288:19, 288:24, 288:25, 289:6, 289:10, 289:15, 290:9, 290:10, 290:15, 295:24, 298:2, 298:3, 306:16, 306:24, 322:25, 324:22, 326:13, 326:24, 331:1, 331:20, 353:22, 358:12, 361:9, 366:4, 366:12, 366:17
charged [8] - 83:3, 108:19, 118:22, 130:1, 252:25, 289:4, 297:14, 349:10
charges [38] - 115:10, 116:17, 116:22, 118:12, 119:12, 129:6, 129:9, 129:10, 137:25, 197:1, 197:7, 243:22, 243:24, 244:4, 245:3, 251:14, 252:3, 252:18, 252:19, 252:20, 252:23, 254:6, 255:8, 289:14, 289:18, 290:1, 290:12, 296:1, 298:1, 299:3, 299:12, 299:20, 324:14, 338:23, 361:4, 361:5, 361:12, 361:24
charging [4] - 288:20, 297:25, 318:24, 323:4
chart [3] - 283:22, 353:17, 353:18
cheaper [9] - 122:25, 123:2, 126:22, 126:25, 128:7, 128:10, 187:18, 256:2, 356:5
cheapest [1] - 295:21
check [8] - 97:6, 97:8, 301:23, 339:19, 357:5, 358:25, 359:5, 367:25
checked [1] - 282:8
checks [2] - 188:20, 261:9
choice [7] - 14:8, 140:20, 167:19, 187:23, 210:18, 312:19
chomping [1] - 72:5
choose [9] - 101:20, 124:17, 167:16, 168:1, 184:11, 188:15, 200:16, 241:11, 320:20
chooses [1] - 17:12
Chris [1] - 111:4
CHRIS [2] - 111:4, 111:13
Christmann [13] - 11:15, 13:23, 79:10, 108:5, 154:21, 170:7, 204:9, 311:18, 318:14, 350:23, 362:8, 366:24, 374:22
CHRISTMANN [97] - 13:24, 79:11, 79:18, 79:21, 79:25, 80:10, 80:15, 80:20, 81:2, 81:11, 81:14, 81:17, 82:1, 82:11, 82:18, 83:2, 83:18, 84:7, 84:11, 84:14, 84:16, 84:24, 85:3, 85:5, 85:11, 85:17, 85:25, 86:8, 86:19, 108:6, 108:14, 109:13, 110:1, 154:22, 155:6, 155:9, 155:21, 156:4, 170:8, 204:10, 204:18, 204:22, 205:12, 205:18, 205:22, 206:1, 206:4, 206:7, 206:12, 206:16, 207:6, 207:9, 208:3, 208:6, 208:19, 311:19, 311:24, 312:2, 312:14, 312:23, 313:1, 313:8, 313:18, 314:2, 314:9, 314:14, 314:18, 314:21, 314:24, 315:3, 315:7, 315:10, 315:16, 316:15, 316:21, 316:25, 317:13, 317:17, 317:20, 317:23, 318:3, 318:10, 350:24, 351:5, 351:11, 351:17, 351:22, 352:1, 352:18, 359:25, 362:9, 362:25, 363:2,

363:10, 363:23, 374:23, 375:11
Christmas [2] - 40:25, 376:6
Christopher [3] - 9:10, 111:1, 156:9
chuckled [1] - 375:6
circle [10] - 22:10, 55:18, 55:23, 56:9, 76:24, 76:25, 77:1, 219:23, 221:18
circles [3] - 21:17, 77:5, 77:6
circuit [1] - 37:1
circumstances [2] - 10:10, 365:10
cities [2] - 225:4, 225:20
city [3] - 16:1, 24:12, 83:6
City [1] - 192:16
clarification [2] - 271:22, 324:15
clarify [16] - 29:15, 75:6, 75:13, 78:3, 96:14, 97:10, 130:7, 206:18, 213:19, 214:12, 222:22, 234:8, 304:17, 306:12, 329:9, 370:21
clarifying [1] - 96:7
clarity [3] - 10:6, 15:17, 147:25
class [1] - 162:3
Class [2] - 18:12
classified [1] - 309:17
clean [3] - 149:13, 351:5, 351:6
cleans [1] - 179:18
clear [22] - 9:25, 14:17, 14:18, 15:17, 31:20, 97:25, 133:11, 220:19, 220:24, 222:14, 270:14, 275:24, 288:15, 318:22, 319:3, 319:13, 325:17, 325:24, 330:17, 343:1, 369:25, 370:3
clearer [2] - 221:5, 342:16
clearest [1] - 221:9
clearly [2] - 14:2, 137:22
client [1] - 94:12
clients [2] - 20:24, 233:23
close [33] - 24:9, 38:20, 38:25, 59:21, 59:24, 60:2, 62:7, 91:13, 108:9, 126:24, 154:23, 191:12, 249:15, 249:25, 259:6, 260:12, 261:24, 280:8, 282:17, 302:11, 305:23, 311:14, 320:10, 323:11, 327:3, 351:25, 354:2, 356:2, 359:8, 369:5, 374:12
closed [5] - 60:1, 62:12, 63:25, 64:4, 377:23
closer [3] - 266:21, 305:11, 317:5
closes [1] - 60:3
closest [3] - 51:24, 225:4, 262:4
closing [6] - 80:8, 373:8, 374:11, 376:18, 377:20
co [29] - 11:18, 47:2, 71:24, 77:13, 148:14, 156:21, 189:3, 192:18, 196:22, 204:13, 217:11, 246:23, 288:24, 308:7, 334:3, 334:8, 337:11, 337:16, 337:20, 337:21, 338:6, 338:8, 339:10, 340:3, 340:5, 341:20, 354:16, 354:18, 355:10
Co [1] - 254:25
co-op [22] - 11:18, 47:2, 71:24, 77:13, 156:21, 189:3, 196:22, 204:13, 246:23, 337:11, 337:16, 337:20, 337:21, 338:6, 338:8, 339:10, 340:3, 340:5, 341:20, 354:16, 354:18, 355:10
Co-op [1] - 254:25
co-op's [2] - 148:14, 288:24
co-ops [4] - 217:11, 308:7, 334:3, 334:8
co-opt [1] - 192:18
cobble [2] - 168:18, 169:22
coincident [9] - 292:1, 292:2, 302:21, 361:7, 361:11, 361:17, 363:8, 366:11, 366:17
cold [2] - 185:24, 322:8
Colfax [1] - 49:23
colleagues' [1] - 375:21
collected [1] - 96:20
college [2] - 205:12, 217:8
color [12] - 36:2, 36:3, 36:4, 36:7, 221:25, 230:17, 230:20, 230:21, 264:8, 264:9, 264:10
colors [1] - 222:19
Columbia [1] - 192:16
column [11] - 45:21, 45:23, 45:25, 46:9, 115:7, 115:8, 118:7, 285:22, 324:16
columns [2] - 45:19, 46:9
combat [1] - 183:3
combination [1] - 212:12
combine [1] - 208:12
combines [1] - 208:13
comfortable [1] - 234:25
coming [28] - 16:13, 34:18, 37:1, 38:8, 49:21, 49:22, 49:23, 69:24, 71:5, 77:16, 77:23, 88:21, 99:7, 102:21, 102:22, 104:6, 104:15, 117:7, 117:10, 117:12, 142:22, 191:23, 219:8, 271:21, 286:18, 302:22, 320:11, 348:24
command [1] - 361:11
commence [1] - 72:11
commend [1] - 374:5
comment [5] - 17:16, 287:25, 297:1, 308:17, 314:5
commenting [1] - 296:5
comments [3] - 13:16, 16:7, 374:11
commercial [27] - 8:8, 21:16, 24:19, 105:22, 105:24, 112:9, 127:11, 127:25, 129:7, 137:11, 143:13, 143:20, 152:14, 154:16, 157:22, 226:9, 243:2, 243:18, 244:7, 245:22, 246:3, 246:10, 251:13, 252:9, 252:14, 254:4, 299:16
commercials [1] - 349:5
Commission [34] - 5:5, 5:12, 5:19, 7:20, 8:22, 9:1, 10:1, 11:7, 12:22, 12:24, 17:2, 17:8, 17:12, 41:15, 41:17, 83:17, 112:19, 113:10, 130:14, 130:19, 130:20, 133:3, 134:14, 134:21, 136:9, 140:18, 150:12, 255:5, 296:16, 296:23, 369:7, 369:10, 373:11
COMMISSION [1] - 13:17
Commission's [2] - 10:10, 13:19
Commission-approved [4] - 112:19, 113:10, 130:20, 133:3
Commission-authorized [4] - 130:14, 130:19, 134:14, 134:21
commissioner's [1] - 371:20
Commissioners [4] - 8:5, 171:9, 281:14, 325:9
commissioners [13] - 13:23, 17:8, 44:3, 146:1, 201:13, 216:2, 304:15, 332:3, 345:19, 359:23, 371:5, 373:5, 374:10
committee [1] - 20:22
committees [1] - 20:25
committing [1] - 323:1
commodities [5] - 174:17, 174:18, 174:22, 174:23, 315:21
commodity [2] - 174:25, 179:14
common [6] - 28:2, 85:14, 87:17, 169:22, 246:3
commonality [1] - 87:22
communicate [2] - 187:19, 193:20
communication [2] - 200:20, 227:19
communications [2] - 193:11, 214:25
communities [3] - 22:12, 209:8, 213:4
community [2] - 17:16, 80:4
companies [4] - 84:14, 122:24, 150:20, 192:16
Companies [1] - 192:15
Company [4] - 7:10, 111:22, 112:8, 153:21
COMPANY [1] - 8:4
company [20] - 8:6, 20:23, 42:12, 42:13, 47:15, 153:21, 187:8, 189:3, 196:5, 202:22, 207:19, 207:22, 211:10, 212:1, 213:13, 214:9, 214:15, 217:7, 217:14, 317:23
company's [1] - 317:24
company-wide [1] - 317:23
comparable [1] - 192:12
comparables [4] - 154:24, 155:23, 156:6, 156:7
comparative [1] - 371:10
compare [12] - 94:7, 95:14, 95:17, 106:23, 143:15, 177:15, 187:9, 190:18, 191:25, 192:2, 192:3, 256:24
compared [8] - 9:12, 39:10, 182:21, 240:24, 257:2, 306:20, 310:2, 322:16
compares [1] - 87:4
comparing [7] - 37:10, 38:16, 75:21, 113:19, 123:5, 141:16, 329:19
comparison [35] - 93:22, 107:14, 115:19, 116:10, 121:22, 123:7, 127:7, 144:18, 147:21, 147:24, 148:5, 153:13, 156:20, 157:22, 159:22, 189:23, 240:24, 248:22, 251:5, 278:12, 293:22, 293:24, 304:7, 310:13,

315:19, 318:4, 322:17, 327:6, 327:8, 353:12, 367:1, 368:24, 369:8, 372:25
comparisons [3] - 146:19, 315:11, 365:5
compete [1] - 212:15
competing [2] - 147:3, 364:3
competitive [10] - 146:22, 169:19, 177:6, 178:19, 182:19, 208:6, 208:9, 212:14, 212:22, 348:22
competitors [1] - 208:7
compiled [1] - 227:25
complaints [1] - 52:14
complete [3] - 177:18, 274:18, 326:3
completed [1] - 48:11
completely [3] - 56:5, 191:22, 342:18
completion [1] - 180:2
component [9] - 16:18, 120:21, 121:7, 121:8, 131:13, 143:22, 145:8, 155:14, 155:25
components [4] - 169:23, 179:5, 179:22, 248:13
comprise [1] - 51:11
compromised [1] - 310:21
computer [1] - 223:1
concentrated [2] - 76:1, 76:2
concept [2] - 179:16, 333:18
concern [5] - 221:10, 280:19, 310:22, 313:17, 347:2
concerned [4] - 86:13, 219:12, 263:14, 275:2
concerns [9] - 85:25, 86:8, 108:14, 346:21, 346:24, 347:11, 347:14, 347:19, 352:10
conclude [2] - 10:18, 11:2
concluded [1] - 157:21
concludes [2] - 17:9, 215:10
conclusion [3] - 15:16, 94:7, 187:12
conclusions [2] - 107:18, 182:7
concrete [1] - 192:9
condition [2] - 23:17, 129:4
conditions [5] - 81:22, 181:10, 191:11, 191:20, 355:2
conducted [1] - 113:14
conductor [2] - 284:3, 321:25
configuration [2] - 31:6, 193:4
confirm [5] - 45:12, 81:3, 146:5, 195:22, 275:23
conform [2] - 330:25, 331:3
confused [1] - 87:11
confusing [1] - 221:4
connect [2] - 31:22, 98:11
connected [10] - 23:22, 39:19, 98:16, 127:21, 127:24, 138:10, 145:7, 158:12, 158:19, 158:25
connecting [1] - 240:16
connection [2] - 78:4, 103:12
connections [1] - 32:25
consecutively [1] - 253:21
consensus [1] - 369:12
consequences [2] - 186:1, 186:13
conservation [2] - 9:10, 111:24
conservative [3] - 145:12, 160:3, 160:5
consider [8] - 14:20, 15:9, 63:5, 75:17, 147:15, 222:1, 354:8, 354:23
considerably [1] - 356:3
consideration [6] - 107:21, 160:17, 180:24, 255:10, 347:24, 353:2
considerations [2] - 10:14, 115:4
considered [3] - 6:1, 184:10, 220:4
considering [1] - 364:9
consist [2] - 26:24, 26:25
consistency [1] - 178:12
consistent [14] - 74:24, 76:7, 117:15, 146:15, 151:23, 151:25, 156:21, 182:14, 203:9, 203:16, 315:22, 315:23, 316:16, 352:6
consists [3] - 32:1, 254:20, 296:19
constant [1] - 328:5
construct [8] - 21:16, 26:18, 75:10, 146:11, 230:7, 231:6, 236:5, 237:15
constructed [3] - 6:9, 75:9, 175:3
constructing [1] - 8:9
construction [22] - 8:12, 8:14, 22:8, 177:18, 193:18, 194:8, 194:19, 194:25, 195:1, 218:14, 236:4, 241:22, 241:25, 242:3, 266:22, 286:16, 306:1, 307:24, 307:25, 309:12, 320:21, 327:7
consumer [9] - 57:23, 138:15, 138:18, 165:9, 241:11, 258:13, 334:14, 339:12, 370:24
consumers [8] - 54:10, 55:13, 56:12, 140:2, 221:2, 221:21, 224:18, 242:11
consuming [1] - 186:17
contact [3] - 181:11, 181:12, 201:8
contacted [1] - 181:14
contingencies [3] - 49:13, 49:14, 103:24
contingency [1] - 28:5
continue [5] - 79:21, 139:4, 170:1, 178:11, 339:22
continues [4] - 24:3, 79:15, 80:5, 81:7
continuing [1] - 265:1
continuously [1] - 23:13
contract [11] - 188:7, 290:20, 290:23, 291:1, 291:2, 291:8, 315:24, 328:8, 328:12, 349:5
contractor [2] - 236:8, 236:10
contracts [2] - 316:18, 329:7
contrast [1] - 106:19
contribution [11] - 10:18, 12:17, 133:1, 134:17, 134:23, 135:1, 163:15, 163:17, 164:12, 165:18, 165:19
contributions [5] - 9:15, 130:23, 131:5, 134:10, 163:12
control [3] - 27:2, 235:6, 279:5
controlled [2] - 167:6, 167:10
convenience [3] - 48:1, 209:14, 210:5
conversation [7] - 66:6, 138:21, 242:22, 283:12, 309:1, 339:1, 352:17
conversations [9] - 47:15, 75:9, 193:16, 213:7, 228:1, 229:13, 229:21, 280:17, 326:23
convert [1] - 169:17
converted [2] - 224:6, 277:19
conveyor [3] - 179:11, 179:13, 179:16
COOPERATIVE [1] - 11:6
Cooperative [5] - 5:11, 114:19, 224:14, 247:2, 377:22
cooperative [20] - 8:13, 10:24, 12:25, 36:17, 114:9, 189:7, 243:14, 267:2, 286:9, 290:2, 292:11, 308:6, 319:5, 337:4, 338:16, 339:22, 342:2, 351:19, 362:10, 364:15
cooperative's [8] - 39:9, 39:18, 83:22, 97:22, 113:15, 113:24, 114:3, 364:19
cooperative-wide [3] - 319:5, 351:19, 362:10
cooperatives [5] - 217:3, 217:12, 292:7, 300:20, 323:24
coordinate [1] - 221:11
copies [3] - 44:2, 272:6, 272:7
copy [6] - 36:3, 44:22, 222:20, 230:17, 230:20, 230:21
corn [7] - 174:18, 177:1, 178:9, 178:11, 183:7, 212:7, 212:16
corner [2] - 117:5, 250:18
corporate [2] - 7:1, 105:8
corporation [1] - 175:21
correct [208] - 10:22, 17:22, 17:24, 26:4, 30:3, 31:1, 35:20, 36:18, 39:17, 42:15, 44:13, 45:8, 45:11, 46:19, 48:21, 50:3, 50:21, 51:25, 54:7, 55:5, 55:19, 57:2, 57:6, 57:11, 58:14, 59:18, 61:9, 61:12, 61:17, 63:20, 63:21, 64:6, 68:6, 68:7, 68:9, 69:13, 73:11, 73:14, 73:19, 73:21, 74:1, 76:24, 77:11, 78:19, 80:14, 80:19, 81:16, 97:23, 98:4, 98:5, 98:16, 98:17, 99:23, 101:25, 102:2, 102:6, 102:23, 102:25, 103:3, 104:7, 105:4, 108:17, 109:17, 117:3, 118:23, 119:21, 119:23, 120:15, 123:11, 123:21, 124:16, 125:15, 127:19, 131:21, 135:16, 136:23, 136:24, 137:22, 138:2, 138:15, 141:5, 141:8, 142:1, 142:24, 144:23, 145:4, 145:19, 146:9, 149:7, 150:5, 150:22, 150:23, 152:5, 154:3, 157:4, 159:25, 160:23, 164:6, 164:11, 164:16, 164:17, 165:1, 166:4, 166:18, 175:15, 179:1, 193:4, 195:10, 195:25, 199:22, 203:20, 205:24, 207:8,

209:3, 209:11, 221:20, 224:11, 225:16, 231:14, 233:21, 237:7, 241:5, 244:23, 246:14, 246:23, 246:24, 247:5, 247:8, 248:3, 249:19, 251:23, 252:2, 252:3, 254:12, 261:5, 261:13, 261:15, 261:16, 262:7, 266:10, 266:12, 266:13, 271:5, 273:12, 273:13, 275:8, 276:1, 279:3, 279:16, 279:17, 279:23, 279:24, 283:19, 283:20, 284:10, 284:12, 285:1, 285:13, 285:23, 285:24, 286:2, 287:13, 288:10, 288:22, 288:25, 290:16, 291:5, 291:9, 292:12, 294:1, 297:23, 303:17, 304:19, 304:20, 308:4, 309:13, 315:14, 315:15, 316:20, 318:19, 329:14, 329:21, 330:10, 336:8, 336:13, 338:4, 338:17, 338:20, 339:17, 339:24, 341:5, 341:10, 341:15, 342:5, 343:9, 344:10, 347:7, 347:17, 351:21, 354:24, 355:7, 358:7, 358:10, 358:11, 364:12, 366:9, 372:10

correctly [6] - 81:4, 158:9, 165:16, 227:23, 287:9, 351:18

correlation [1] - 349:9

corrosion [1] - 321:24

Cost [1] - 285:22

cost [221] - 9:7, 9:8, 12:13, 28:7, 28:14, 28:24, 29:2, 29:3, 29:16, 30:4, 30:7, 30:10, 30:19, 31:11, 33:11, 33:14, 33:22, 33:23, 48:5, 57:21, 58:7, 66:22, 67:6, 67:20, 70:10, 70:11, 70:15, 70:18, 73:1, 73:20, 74:17, 83:8, 83:22, 84:1, 84:3, 89:21, 89:23, 90:6, 90:7, 92:21, 92:23, 93:4, 93:5, 93:16, 101:14, 101:16, 102:9, 102:10, 102:13, 109:7, 109:20, 110:12, 113:11, 113:15, 114:3, 117:14, 118:6, 118:7, 118:9, 118:11, 118:16, 120:2, 120:23, 121:2, 121:3, 121:5, 121:7, 121:9, 121:12, 121:13, 121:14, 121:15, 122:8, 122:10, 122:21, 122:24, 123:1, 123:25, 124:1, 124:7, 125:24, 126:2, 126:4, 126:5, 126:21, 126:24, 128:4, 128:6, 128:9, 128:20, 128:25, 131:5, 131:8, 132:15, 134:10, 134:18, 136:14, 136:16, 139:2, 141:20, 146:10, 149:2, 149:6, 149:8, 149:9, 149:15, 149:16, 149:17, 150:14, 150:25, 160:5, 163:13, 163:15, 163:17, 168:13, 168:20, 168:23, 169:4, 169:10, 169:12, 169:24, 182:20, 183:9, 193:13, 193:18, 193:19, 193:20, 194:11, 194:15, 194:17, 194:18, 194:21, 195:1, 197:18, 207:16, 212:1, 212:2, 212:24, 212:25, 213:21, 235:23, 236:8, 236:23, 239:5, 241:5, 241:7, 241:13, 241:15, 243:9, 243:12, 243:13, 248:1, 248:14, 249:9, 254:6, 282:12, 285:22, 285:25, 286:6, 286:15, 289:7, 289:8, 289:25, 290:5, 290:6, 295:20, 296:5, 299:13, 304:2, 304:17, 304:18, 304:24, 305:8, 305:10, 306:3, 306:5, 306:15, 306:21, 307:11, 307:13, 313:24, 317:24, 319:3, 319:4, 321:16, 323:23, 323:25, 324:17, 325:5, 331:14, 334:23, 334:24, 336:5, 343:1, 343:5, 343:7, 351:19, 352:5, 353:4, 353:21, 353:24, 358:12, 358:16, 361:19, 361:20, 362:10, 362:15, 364:6, 370:18, 370:23, 371:9, 372:6

cost-per-kilowatt [2] - 122:8, 122:10

costing [1] - 200:7

costs [94] - 9:16, 10:19, 30:2, 33:5, 57:20, 67:19, 73:10, 73:24, 74:20, 108:8, 113:24, 118:25, 119:17, 124:3, 124:4, 124:17, 125:1, 125:8, 128:23, 130:24, 131:11, 132:13, 132:23, 133:1, 134:24, 135:1, 135:4, 135:6, 138:16, 138:17, 138:19, 139:12, 139:13, 139:15, 139:16, 140:25, 141:19, 146:7, 153:19, 154:14, 160:11, 161:3, 161:8, 168:14, 168:24, 184:22, 194:8, 194:25, 211:24, 212:10, 212:18, 240:12, 241:20, 245:18, 247:7, 247:10, 247:14, 248:16, 254:25, 259:14, 286:3, 286:15, 286:20, 287:3, 287:6, 292:5, 314:4, 318:5, 318:7, 318:20, 319:7, 326:16, 326:19, 334:15, 345:7, 345:8, 350:1, 352:9, 358:7, 358:9, 359:9, 359:13, 359:15, 360:24, 362:13, 364:5, 370:12, 370:15, 371:8, 371:13, 371:15, 373:2

Counsel [3] - 21:25, 254:15, 325:9

counsel [18] - 7:6, 7:8, 7:12, 7:24, 11:17, 12:22, 68:15, 163:9, 164:22, 253:20, 281:17, 283:17, 345:10, 364:23, 373:8, 373:15, 374:6, 374:7

count [1] - 41:10

counterproposal [1] - 203:5

country [1] - 205:1

counts [1] - 207:18

County [2] - 5:9, 21:15

couple [13] - 15:6, 24:10, 68:3, 71:13, 81:6, 85:6, 85:15, 154:2, 166:25, 335:16, 347:9, 360:8, 363:25

course [15] - 10:2, 16:8, 16:10, 16:20, 20:3, 20:7, 20:21, 54:14, 141:21, 142:2, 142:10, 144:7, 203:9, 291:7, 352:2

Court [1] - 14:19

courts [1] - 8:23

cover [4] - 15:5, 15:6, 315:2, 364:17

covered [2] - 314:25, 348:1

CPCN [5] - 8:22, 10:1, 21:3, 102:5, 112:24

CPEC [9] - 287:12, 292:4, 292:9, 292:13, 343:4, 358:7, 358:10, 358:12, 359:14

cranks [1] - 312:6

create [7] - 220:11, 220:12, 230:8, 270:8, 273:1, 279:4, 279:5

created [5] - 220:13, 230:10, 273:2, 279:6

creating [2] - 125:1, 208:1

creative [1] - 308:10

credibility [1] - 120:5

credit [9] - 341:17, 343:16, 343:19, 344:9, 344:12, 345:1, 348:23, 349:9, 372:23

credits [35] - 12:19, 337:5, 337:7, 337:8, 337:21, 337:22, 337:24, 338:1, 338:2, 338:6, 338:9, 338:11, 339:5, 339:23, 341:3, 348:18, 348:19, 349:6, 349:14, 350:24, 351:4, 351:13, 352:23, 353:25, 356:2, 356:20, 357:1, 357:10, 357:11, 358:20, 359:7, 362:12, 362:17, 368:19

crew [1] - 267:7

crews [3] - 40:5, 52:5, 267:15

criteria [7] - 354:6, 354:8, 355:19, 355:23, 371:23, 375:22, 375:23

crop [3] - 152:7, 178:25, 191:10

crops [2] - 178:8

cross [10] - 17:7, 28:11, 47:6, 47:8, 120:6, 136:18, 190:1, 190:11, 234:10, 280:25

CROSS [10] - 47:10, 62:2, 136:20, 140:12, 190:13, 195:16, 282:1, 294:15, 341:1, 343:12

cross-examination [4] - 47:6, 47:8, 136:18, 190:1

crossarm [2] - 51:15, 52:18

culmination [1] - 254:10

current [27] - 38:8, 39:6, 85:18, 112:18, 130:19, 139:22, 161:22, 162:22, 174:7, 175:4, 216:18, 225:20, 248:1, 248:5, 251:3, 263:3, 267:11, 267:12, 267:13, 284:15, 284:18, 312:22, 313:7, 327:20, 332:20, 333:11, 343:19

curve [1] - 107:22

customer [106] - 6:3,

9:17, 10:8, 12:20, 16:14, 16:18, 30:8, 31:22, 42:11, 42:24, 47:17, 47:21, 52:13, 55:21, 55:24, 73:25, 83:3, 83:23, 83:24, 84:1, 84:4, 91:11, 92:15, 92:22, 93:9, 93:10, 108:7, 110:9, 110:18, 112:10, 115:6, 117:7, 119:16, 122:2, 122:14, 124:9, 124:17, 124:23, 126:23, 127:14, 129:19, 131:6, 131:20, 132:22, 137:23, 138:16, 138:23, 140:22, 142:19, 144:9, 146:7, 147:6, 147:20, 148:16, 150:14, 150:16, 150:20, 152:1, 153:8, 154:12, 155:2, 155:4, 155:11, 156:13, 157:11, 159:8, 160:20, 161:15, 162:7, 162:12, 162:16, 162:21, 165:18, 165:19, 167:19, 168:1, 169:7, 194:1, 202:14, 202:20, 258:7, 283:12, 289:10, 305:16, 306:18, 306:25, 308:20, 310:20, 323:16, 345:25, 346:1, 346:12, 346:23, 346:25, 347:5, 348:21, 348:24, 349:16, 351:7, 352:12, 366:5, 366:6, 366:13

customers [67] - 6:10, 8:21, 10:11, 10:15, 16:15, 21:19, 24:6, 24:8, 36:13, 37:24, 38:2, 38:5, 39:22, 39:24, 52:16, 52:23, 65:15, 69:2, 75:23, 77:3, 77:7, 80:5, 91:20, 92:18, 99:7, 99:10, 105:22, 105:25, 107:5, 108:22, 109:3, 109:17, 109:25, 112:21, 113:21, 113:22, 127:20, 135:5, 135:8, 136:3, 140:5, 143:11, 144:2, 146:8, 158:11, 158:15, 161:25, 164:13, 165:4, 170:1, 186:14, 208:10, 212:11, 212:20, 222:2, 222:3, 284:10, 284:13, 286:7, 288:9, 289:12, 329:6, 352:13, 363:4, 363:5, 364:2, 364:8

customers' [1] - 145:7

cut [2] - 325:25, 357:5

cuts [1] - 186:8

cycle [4] - 261:8, 261:10, 288:2, 353:9

D

Dakota [348] - 5:10, 5:12, 5:17, 7:12, 7:15, 8:9, 9:12, 11:24, 13:2, 15:24, 17:1, 17:7, 17:9, 19:16, 33:25, 34:16, 34:25, 35:5, 35:7, 35:21, 36:5, 36:12, 36:20, 37:11, 38:17, 39:12, 40:11, 41:14, 42:18, 44:7, 45:7, 45:17, 46:20, 54:19, 55:2, 55:10, 55:25, 56:11, 58:16, 58:22, 58:24, 59:8, 59:13, 61:19, 62:5, 63:12, 63:22, 64:10, 65:10, 65:20, 66:13, 68:8, 68:9, 69:21, 75:8, 75:11, 76:8, 77:3, 77:6, 77:17, 80:16, 81:5, 82:12, 87:5, 94:25, 97:11, 98:6, 99:16, 103:2, 104:4, 104:10, 104:14, 104:17, 104:19, 105:4, 105:13, 105:25, 106:14, 106:20, 110:5, 113:25, 114:11, 114:18, 115:1, 116:11, 116:21, 117:12, 117:15, 118:4, 118:10, 118:12, 118:25, 119:8, 119:10, 120:19, 120:24, 121:11, 121:14, 121:20, 122:18, 122:22, 123:6, 123:7, 123:22, 123:25, 124:5, 124:6, 124:8, 126:23, 128:25, 129:17, 132:10, 133:21, 137:13, 139:25, 140:7, 140:24, 141:14, 141:24, 142:3, 142:11, 142:14, 143:1, 146:14, 147:1, 147:16, 147:17, 148:1, 148:7, 149:15, 150:22, 153:5, 153:14, 153:25, 154:7, 154:13, 155:7, 156:25, 157:6, 157:10, 159:23, 161:8, 161:15, 165:9, 168:2, 168:8, 173:19, 173:20, 173:21, 175:14, 175:20, 180:7, 181:19, 182:8, 182:9, 182:11, 183:21, 187:3, 187:19, 188:2, 188:5, 188:7, 188:24, 189:4, 190:16, 193:12, 194:12, 195:10, 195:20, 196:5, 196:13, 196:14, 196:25, 197:5, 197:6, 197:13, 198:15, 198:16, 199:8, 199:20, 200:11, 200:14, 200:21, 200:25, 201:5, 202:13, 205:2, 210:9, 213:7, 215:1, 216:19, 216:25, 217:10, 217:23, 218:1, 218:11, 219:11, 219:14, 219:16, 220:6, 221:21, 223:22, 224:15, 226:8, 227:10, 227:25, 228:10, 228:14, 228:21, 228:23, 229:7, 230:1, 230:2, 233:22, 234:12, 235:11, 235:19, 236:14, 239:6, 239:11, 240:12, 241:24, 242:20, 243:1, 243:15, 243:17, 244:13, 245:11, 246:1, 246:16, 246:22, 246:25, 247:6, 247:10, 247:18, 248:1, 248:7, 248:19, 248:22, 248:25, 249:1, 249:2, 249:9, 252:22, 254:14, 254:25, 255:21, 257:17, 258:8, 258:18, 258:20, 258:23, 259:2, 259:8, 259:17, 260:13, 261:17, 262:9, 263:6, 263:12, 264:7, 264:11, 265:8, 265:11, 265:15, 265:24, 266:8, 266:17, 266:19, 266:20, 269:9, 269:10, 269:12, 270:11, 270:16, 271:13, 271:19, 271:25, 273:4, 273:9, 273:16, 274:1, 274:2, 274:3, 276:9, 276:12, 278:12, 278:14, 278:17, 278:23, 279:8, 288:12, 291:20, 294:21, 294:25, 295:3, 295:10, 296:5, 297:17, 299:2, 300:15, 307:15, 308:22, 326:9, 326:12, 326:18, 328:13, 329:16, 329:25, 333:12, 333:20, 333:25, 334:6, 334:17, 335:13, 335:14, 336:1, 336:15, 338:2, 340:9, 343:17, 343:25, 344:11, 345:3, 345:6, 347:21, 353:4, 354:12, 357:8, 357:9, 358:6, 361:7, 362:3, 365:6, 365:12, 368:18, 368:20, 368:21, 369:2, 370:12, 372:24, 373:2, 375:7, 377:22

DAKOTA [1] - 11:6

damage [3] - 186:18, 311:5, 364:15

damaged [1] - 269:23

dark [2] - 22:23, 283:25

dash [2] - 220:2, 220:5

data [60] - 44:6, 58:19, 58:22, 60:12, 60:16, 60:21, 60:22, 60:24, 61:1, 61:3, 62:14, 63:8, 63:14, 63:21, 64:11, 71:17, 95:8, 95:20, 96:16, 96:19, 96:22, 96:24, 97:2, 97:6, 97:13, 97:17, 97:19, 99:25, 100:2, 107:18, 115:6, 117:5, 117:7, 121:19, 121:20, 121:22, 123:19, 123:20, 123:22, 127:9, 132:8, 139:23, 140:22, 142:3, 144:5, 144:12, 144:13, 153:8, 154:13, 157:2, 159:8, 159:15, 251:2, 251:3, 273:15, 275:6, 283:18, 299:25, 300:2, 311:9

date [4] - 23:10, 64:25, 143:5, 181:18

dates [3] - 60:13, 250:18, 299:23

day-to-day [6] - 52:16, 175:11, 217:18, 319:8, 334:11, 335:9

Daylight [1] - 5:15

days [5] - 178:6, 202:3, 315:24, 316:17, 320:22

dead [1] - 185:24

deal [14] - 187:25, 212:3, 212:8, 213:10, 214:23, 313:22, 334:11, 334:12, 335:2, 339:8, 354:14, 354:18, 362:19

dealing [2] - 150:7, 197:9

deals [1] - 340:17

dealt [1] - 202:17

decade [2] - 358:16, 358:17

December [5] - 152:6, 152:23, 250:19, 251:8, 299:24

decent [1] - 272:6

decide [1] - 302:10

decided [1] - 11:14

decides [1] - 357:7

deciding [1] - 226:18

decision [17] - 8:16, 9:1, 13:21, 15:19, 74:10, 93:6, 94:13, 200:16, 200:19, 210:12, 210:15, 337:22, 354:5, 374:9, 375:16, 376:3, 376:5

declared [2] - 357:10, 357:11
declines [1] - 115:17
declining [2] - 115:15, 123:16
decrease [2] - 122:8, 346:18
decreased [1] - 134:11
decreasing [1] - 362:14
deduct [1] - 304:22
deducting [1] - 149:18
deemed [1] - 107:16
default [1] - 309:23
defer [1] - 376:25
defines [1] - 106:10
definite [1] - 72:25
definitely [5] - 11:18, 43:8, 147:25, 182:22, 322:19
definition [1] - 76:17
degree [2] - 112:14, 112:15
delay [2] - 312:20, 314:7
demand [91] - 112:2, 117:11, 120:21, 120:23, 121:12, 122:11, 123:20, 127:17, 127:23, 128:23, 128:25, 129:6, 129:8, 129:10, 129:13, 129:15, 129:20, 129:24, 130:3, 130:5, 137:24, 138:11, 144:22, 144:25, 145:6, 145:13, 145:14, 145:18, 149:6, 149:8, 149:16, 152:5, 153:2, 156:14, 158:13, 182:11, 182:23, 182:24, 183:3, 183:12, 183:23, 196:18, 196:25, 202:18, 213:8, 240:21, 240:23, 243:11, 243:21, 246:6, 250:1, 250:23, 255:17, 255:20, 255:23, 256:16, 274:24, 276:16, 276:18, 277:2, 277:10, 277:22, 278:4, 278:10, 280:21, 287:1, 296:24, 297:11, 297:14, 298:1, 298:2, 298:4, 299:21, 307:8, 327:15, 331:1, 331:13, 331:20, 361:3, 361:7, 361:8, 361:9, 361:17, 363:9, 366:4, 366:8, 366:15
demands [2] - 234:22, 363:16
demonstrate [1] - 311:20
department [4] - 218:12, 334:12, 334:18, 335:1
dependent [2] - 167:18, 191:19
depict [2] - 264:12, 265:7
depiction [1] - 274:15
depicts [1] - 251:10
depreciated [7] - 30:19, 30:21, 53:6, 73:10, 169:1, 170:3, 170:4
depreciation [1] - 169:2
depression [1] - 284:19
depressions [1] - 283:24
depth [1] - 298:6
derive [1] - 153:8
derived [2] - 94:16, 118:9
describe [6] - 26:23, 59:20, 156:10, 175:23, 179:5, 217:24
described [4] - 27:24, 126:20, 134:1, 226:13
description [1] - 269:24
descriptions [1] - 122:22
design [23] - 20:14, 25:1, 33:17, 33:21, 37:11, 37:12, 37:13, 37:15, 37:18, 37:21, 38:16, 38:17, 75:20, 92:25, 107:2, 110:11, 125:10, 166:19, 277:1, 277:10, 277:21, 284:25
designated [2] - 5:4, 323:8
designed [6] - 20:5, 125:7, 176:23, 177:4, 183:23, 331:18
designing [3] - 19:25, 41:2, 175:6
detail [2] - 143:17, 221:18
detailed [1] - 62:14
detailing [1] - 165:24
details [3] - 296:22, 370:8, 373:1
determinants [1] - 157:7
determination [5] - 15:9, 16:24, 108:7, 151:1, 374:19
determinations [1] - 159:24
determine [15] - 49:8, 61:15, 62:10, 78:21, 92:19, 144:3, 158:9, 158:17, 159:1, 227:18, 229:22, 268:9, 268:11, 326:24, 365:23
determined [8] - 6:2, 28:4, 110:7, 156:11, 159:18, 229:8, 248:19, 336:15
determining [4] - 130:13, 130:23, 280:1, 315:18
detriment [1] - 365:13
develop [4] - 8:25, 24:15, 101:24, 218:15
development [8] - 6:22, 10:13, 15:12, 74:24, 106:2, 106:9, 295:8, 346:22
device [2] - 73:13, 269:21
devices [2] - 94:16, 272:21
diagnosis [1] - 310:1
Dickinson [1] - 375:1
dictate [6] - 135:8, 136:3, 228:10, 292:4, 292:8, 335:8
difference [53] - 9:13, 65:13, 65:16, 82:6, 98:20, 98:21, 98:25, 107:14, 120:18, 120:22, 121:4, 125:11, 126:1, 127:8, 127:10, 127:16, 128:7, 128:24, 129:3, 134:3, 134:5, 137:24, 140:24, 141:1, 141:17, 156:2, 160:6, 161:14, 164:20, 192:8, 195:5, 259:11, 260:14, 260:17, 274:20, 275:13, 287:20, 287:23, 287:24, 288:5, 288:6, 305:4, 309:18, 312:13, 324:16, 324:19, 325:2, 325:4, 327:11, 352:11, 353:3, 353:24, 355:9
differences [4] - 6:13, 118:18, 147:15, 255:6
different [58] - 15:1, 63:9, 63:11, 101:9, 101:12, 101:13, 101:21, 113:21, 113:22, 127:9, 127:18, 129:13, 131:12, 140:16, 141:7, 143:16, 148:3, 148:14, 149:5, 162:12, 165:20, 166:15, 167:11, 167:12, 167:16, 167:25, 169:5, 169:23, 176:20, 176:24, 177:1, 177:2, 178:4, 184:14, 188:15, 205:4, 205:10, 212:15, 213:9, 252:1, 255:4, 276:20, 297:17, 303:23, 306:11, 311:2, 314:3, 328:22, 330:18, 333:16, 338:7, 348:4, 348:13, 356:9
differential [5] - 122:21, 126:18, 128:4, 128:21, 306:3
differentiation [1] - 195:8
differently [1] - 327:20
difficult [3] - 106:14, 344:6, 374:9
difficulty [1] - 266:24
dig [3] - 268:16, 321:4, 321:22
dig-in [1] - 321:22
dig-ins [2] - 268:16, 321:4
digging [1] - 298:12
digits [3] - 137:2, 137:4, 164:5
diligence [2] - 187:7, 210:22
dip [2] - 92:17, 273:21
dips [3] - 38:8, 38:9, 39:6
dire [2] - 117:25, 125:20
DIRECT [5] - 19:4, 111:16, 173:10, 216:16, 333:9
direct [9] - 157:10, 215:10, 250:17, 267:14, 344:16, 346:15, 346:16, 346:20, 349:8
direction [11] - 21:21, 26:7, 49:24, 116:15, 220:12, 230:9, 232:10, 270:7, 273:1, 289:3, 328:23
directly [15] - 22:20, 22:24, 44:24, 54:1, 56:6, 72:18, 103:11, 116:19, 117:7, 117:10, 118:9, 200:14, 232:15, 272:1, 288:8
directors [5] - 173:24, 241:24, 243:7, 245:2, 339:20
disagree [6] - 306:13, 306:14, 308:23, 317:7, 317:8, 370:11
disappeared [1] - 61:3
disclosing [1] - 367:3
discount [37] - 115:13, 115:14, 115:15, 115:16, 115:17, 115:18, 119:24, 123:12, 123:15, 123:17, 124:5, 125:14, 125:15, 126:5, 126:8, 148:15, 149:19, 151:18, 160:22, 162:21, 187:14, 187:16, 187:18, 189:1, 245:22, 252:1, 252:10, 300:5, 300:9, 349:20, 352:3, 358:18, 358:19, 358:24, 359:3, 362:2, 362:14
discounted [6] - 119:21, 123:8, 141:4, 177:7, 187:17
discounts [4] - 160:16, 160:18, 161:21, 249:5
discovery [11] - 35:19, 65:11, 142:2, 142:10, 147:9, 147:18, 238:4, 248:24, 260:20, 264:15, 270:5
discrepancy [2] - 125:23, 138:1
discretion [4] - 124:11, 124:15, 290:17, 291:19
discuss [4] - 221:17, 244:1, 283:8, 290:20
discussed [10] - 246:12, 248:14,

252:18, 264:21, 276:18, 276:21, 355:24, 362:10, 363:15, 373:2
discussing [1] - 70:3
discussion [12] - 94:6, 170:13, 196:24, 200:13, 201:5, 226:6, 233:5, 309:10, 326:15, 328:13, 367:22, 370:13
discussions [7] - 47:13, 47:16, 47:20, 275:15, 278:3, 309:6, 335:12
dispatch [1] - 302:10
dispatchers [1] - 59:25
dispute [2] - 10:3, 120:2
disputed [1] - 83:5
disputes [2] - 9:24, 10:5
disruption [1] - 298:12
disservice [1] - 165:4
distance [9] - 26:16, 35:8, 37:17, 89:6, 89:22, 97:25, 226:20, 285:9, 329:23
distances [1] - 81:9
distinct [2] - 64:19, 81:22
distinction [5] - 64:3, 98:20, 98:21, 155:22, 355:9
distribution [80] - 19:25, 20:4, 20:14, 26:3, 27:3, 27:19, 27:20, 27:21, 28:1, 29:20, 29:21, 32:21, 33:17, 33:21, 34:18, 37:10, 37:12, 37:23, 38:16, 38:23, 39:9, 40:12, 41:3, 57:12, 60:23, 65:25, 69:1, 75:25, 76:23, 82:8, 88:5, 90:8, 92:18, 95:20, 95:21, 97:25, 98:6, 98:10, 98:24, 98:25, 99:10, 131:14, 146:11, 199:8, 199:9, 224:10, 224:17, 229:2, 229:12, 237:1, 237:17, 246:22, 255:24, 262:17, 262:25, 263:21, 272:19, 285:4, 285:9, 285:15, 286:3, 286:9, 286:15, 287:3, 287:6, 293:15, 293:23, 301:11, 303:17, 320:10, 329:10, 329:11, 329:13, 329:19, 329:20, 329:25, 330:4, 345:8, 359:15
distributor [1] - 179:12
district [1] - 219:2
disturbances [2] - 37:19, 39:24
diversify [1] - 135:6
diversity [2] - 227:21, 297:4
divided [2] - 342:10, 342:21
division [1] - 173:23
Doble [2] - 20:17, 20:23
docket [1] - 221:9
document [11] - 99:18, 100:5, 119:7, 228:4, 230:2, 230:8, 230:9, 230:10, 238:1, 250:11, 289:19
documentation [1] - 368:23
documents [2] - 269:14, 274:15
dollar [13] - 109:2, 109:14, 109:16, 109:19, 131:17, 194:14, 341:19, 341:22, 349:12, 349:13, 349:21, 349:22, 351:4
dollar-wise [1] - 341:22
dollars [5] - 48:20, 66:14, 128:8, 290:8, 337:19
domestic [1] - 177:2
done [20] - 31:16, 39:14, 74:25, 142:6, 171:25, 175:19, 179:20, 196:16, 196:18, 210:21, 244:20, 253:19, 289:15, 293:11, 323:2, 342:24, 370:2, 374:2, 374:6, 374:7
dot [3] - 35:3, 35:4, 55:16
dots [1] - 70:2
dotted [5] - 23:25, 89:11, 223:6, 223:7, 224:1
double [4] - 97:8, 282:8, 358:25, 359:5
double-check [3] - 97:8, 358:25, 359:5
double-checked [1] - 282:8
doubt [1] - 16:13
down [79] - 16:16, 32:3, 33:22, 40:10, 52:17, 63:14, 63:19, 63:20, 80:11, 80:21, 82:21, 91:2, 91:20, 110:22, 115:7, 115:9, 124:25, 138:1, 152:22, 168:2, 169:5, 172:3, 172:5, 172:7, 181:18, 182:16, 183:12, 186:14, 196:19, 196:20, 196:21, 198:21, 198:25, 199:5, 205:16, 215:7, 217:8, 219:2, 237:15, 242:16, 242:24, 243:24, 244:25, 251:14, 255:18, 262:2, 263:9, 263:21, 264:18, 265:19, 267:4, 267:13, 267:22, 270:2, 272:20, 272:22, 276:17, 285:5, 302:23, 303:20, 310:11, 312:3, 313:1, 314:10, 320:5, 323:14, 324:6, 329:8, 332:10, 338:4, 349:13, 350:16, 353:23, 360:3, 362:22, 365:5, 370:14, 375:24
download [1] - 271:15
draft [2] - 230:9, 236:11
drafted [1] - 235:5
drafting [1] - 240:7
dramatically [1] - 148:9
Draper [2] - 208:12, 208:13
draw [4] - 39:6, 94:6, 312:22, 313:7
drawing [4] - 226:18, 232:25, 233:1, 234:14
drawings [2] - 234:9, 235:22
drawn [1] - 107:18
draws [1] - 38:8
drew [1] - 230:3
drill [1] - 168:2
drive [8] - 51:21, 122:16, 124:25, 152:17, 201:16, 247:10, 259:12, 375:4
driven [1] - 152:12
drives [1] - 9:12
driving [3] - 12:11, 128:20, 129:2
drop [8] - 39:7, 48:25, 49:9, 49:12, 81:12, 274:22, 274:25, 275:2
drops [3] - 38:9, 163:18, 302:23
dry [4] - 155:13, 178:9, 202:9, 206:5
dryer [3] - 201:25, 202:2, 206:11
drying [5] - 38:12, 201:22, 201:24, 297:13, 344:4
due [11] - 38:20, 62:20, 86:5, 181:10, 187:7, 210:22, 266:22, 273:15, 297:20, 321:12
dug [1] - 285:6
duly [6] - 19:2, 111:14, 173:8, 216:14, 333:7, 360:19
dump [6] - 176:8, 176:9, 179:8, 179:10
dumping [1] - 186:6
dumps [1] - 179:10
duplicate [1] - 91:18
duplicates [1] - 296:8
duplicating [1] - 372:12
duplication [10] - 6:24, 15:11, 242:19, 281:6, 294:20, 295:3, 320:8, 356:8, 371:25, 372:1
duplicative [3] - 90:22, 91:7, 250:5
duration [4] - 43:9, 63:18, 64:22, 271:7
during [25] - 10:2, 16:10, 28:5, 34:5, 34:16, 43:16, 44:7, 46:24, 49:13, 78:20, 99:19, 103:12, 103:23, 171:25, 248:24, 257:22, 302:23, 310:22, 326:11, 338:12, 350:15, 357:8, 361:16, 366:8, 376:9
durum [1] - 174:19
duties [5] - 52:11, 130:10, 130:23, 218:10, 334:5
DVEC [8] - 5:21, 59:9, 220:14, 221:1, 283:18, 285:22, 286:24, 288:13
Dwight [1] - 261:20
dynamic [1] - 176:20

E

eagle [1] - 51:20
early [1] - 340:3
earn [10] - 6:18, 130:14, 131:18, 131:22, 132:3, 132:16, 133:3, 134:14, 134:21, 295:18
earning [2] - 9:14, 131:4
easement [4] - 67:15, 67:18, 67:19, 108:19
easements [2] - 266:24, 306:2
easier [2] - 59:4, 330:4
easily [1] - 186:11
east [13] - 77:24, 172:6, 181:9, 181:10, 202:7, 223:16, 225:6, 232:15, 233:24, 267:17, 305:18, 305:19
eastern [1] - 268:5
easy [1] - 201:20
eat [2] - 212:10, 290:2
echo [3] - 16:6, 374:17, 375:20
economic [9] - 6:21, 10:13, 152:15, 242:6, 242:9, 245:15, 295:8, 344:13, 344:15
economical [3] - 186:13, 189:16, 296:4
economically [3] - 6:18, 165:8, 295:17
economics [7] - 141:23, 142:4, 142:12, 142:14, 142:15, 318:16, 319:14
Edgeley [1] - 334:10
education [1] - 217:25
educational [1] - 112:13
effect [5] - 248:16, 284:13, 284:20, 284:23, 358:20
effectively [1] - 267:3
effects [1] - 166:10
efficiencies [1] -

16:16
efficiency [5] - 66:9, 66:11, 66:12, 178:20, 208:4
efficient [8] - 10:4, 176:24, 208:10, 208:15, 208:16, 208:17, 331:10
efficiently [5] - 255:23, 267:15, 297:19, 327:18, 331:12
efforts [1] - 196:13
eight [6] - 6:23, 123:17, 167:11, 191:21, 195:24, 252:7
eighth [1] - 246:8
either [24] - 7:3, 40:8, 52:8, 68:10, 68:24, 69:6, 72:18, 81:1, 82:24, 93:16, 104:22, 105:11, 105:12, 108:19, 193:12, 193:19, 193:24, 193:25, 200:23, 207:13, 225:19, 238:22, 331:12, 354:11
elbows [2] - 237:12, 237:13
electing [1] - 167:10
Electric [59] - 5:11, 7:16, 17:2, 59:9, 61:20, 75:8, 76:9, 77:4, 106:15, 106:20, 114:18, 116:12, 123:22, 132:10, 141:15, 147:1, 147:16, 148:1, 148:7, 150:23, 153:5, 153:14, 154:7, 157:6, 157:10, 165:9, 180:7, 190:16, 202:13, 216:20, 218:11, 224:14, 227:10, 227:16, 230:1, 230:3, 232:22, 233:22, 234:13, 236:15, 247:2, 247:4, 248:2, 254:25, 258:18, 261:17, 262:9, 269:12, 276:12, 308:22, 326:9, 326:12, 333:13, 333:20, 333:23, 335:13, 338:2, 377:22
electric [17] - 6:3, 6:5, 6:7, 6:10, 6:16, 6:20, 6:22, 7:3, 28:11, 105:3, 138:23, 180:6, 295:7, 295:8, 334:15, 336:4, 343:5
ELECTRIC [1] - 11:6
Electric's [7] - 118:4, 120:24, 146:14, 147:18, 154:1, 168:8, 248:22
electrical [8] - 5:8, 6:14, 105:12, 195:12, 198:6, 218:2, 227:8, 256:25
electrician [3] - 227:7, 229:19, 232:22
electricity [8] - 179:23, 186:4, 206:1, 206:3, 206:10, 211:25, 212:19, 317:25
electronic [1] - 340:17
elects [2] - 126:23, 140:24
elements [2] - 107:5, 264:3
Elevator [1] - 277:12
elevator [47] - 56:16, 152:9, 172:4, 172:6, 173:17, 176:19, 177:8, 191:2, 192:19, 204:25, 205:3, 205:14, 206:14, 206:21, 207:2, 207:3, 207:5, 214:13, 219:10, 220:1, 227:20, 233:1, 236:24, 237:18, 277:20, 278:24, 279:25, 280:7, 280:8, 280:9, 280:14, 282:20, 282:21, 293:12, 293:21, 293:24, 296:13, 296:18, 296:23, 297:3, 297:6, 299:25, 316:6, 317:9, 327:5, 330:20
elevator-type [1] - 293:12
elevators [11] - 154:18, 157:23, 172:2, 176:21, 192:12, 209:5, 229:9, 277:4, 278:12, 282:14, 369:1
eliminate [4] - 15:11, 268:14, 320:24, 321:3
emergency [1] - 171:9
employ [2] - 32:23, 211:10
employed [4] - 19:17, 173:12, 173:13, 174:5
employees [9] - 47:21, 210:24, 211:5, 211:14, 213:3, 217:13, 217:17, 333:17, 334:8
employment [1] - 357:8
employs [1] - 111:21
enclosed [1] - 27:8
encompass [2] - 21:18, 225:20
encourage [1] - 15:4
end [16] - 12:22, 15:16, 15:18, 16:24, 23:21, 70:13, 84:6, 125:1, 208:16, 233:4, 233:16, 258:25, 276:5, 307:23, 336:19, 365:4
ends [5] - 128:9, 129:20, 168:19, 265:3, 300:4
energize [1] - 80:25
energy [53] - 112:1, 112:16, 117:11, 117:14, 118:5, 118:8, 118:11, 120:2, 120:21, 121:2, 121:3, 121:5, 121:7, 121:9, 121:12, 121:13, 121:14, 122:23, 123:1, 123:24, 124:1, 124:3, 125:24, 126:4, 126:5, 126:21, 128:6, 132:13, 139:13, 149:2, 149:6, 149:9, 149:15, 149:17, 153:2, 160:4, 160:5, 160:10, 160:25, 243:11, 243:22, 246:6, 250:1, 250:23, 255:20, 256:1, 256:16, 287:1, 299:21, 307:8, 324:17, 353:21, 361:3
engaged [1] - 292:9
engine [1] - 300:22
engineer [11] - 7:15, 9:5, 19:20, 20:9, 217:3, 217:15, 217:25, 218:13, 219:2, 227:9, 297:3
Engineering [1] - 20:17
engineering [9] - 216:19, 217:2, 217:5, 217:14, 218:2, 218:3, 218:12, 334:18, 335:1
engineers [2] - 218:13, 335:2
enhances [1] - 208:4
ensure [1] - 8:14
entail [1] - 111:25
enter [10] - 61:19, 220:14, 230:11, 233:25, 235:11, 236:14, 248:6, 270:10, 273:3, 279:7
entered [2] - 67:14, 120:2
entire [3] - 272:10, 307:17, 338:12
entirely [1] - 135:24
entities [2] - 16:12, 217:19
entity [3] - 83:10, 129:5, 277:14
entries [1] - 59:21
environment [1] - 212:14
environmental [1] - 112:16
equal [1] - 311:15
equate [1] - 149:22
equipment [21] - 29:23, 30:14, 31:2, 38:18, 72:24, 236:9, 237:1, 239:20, 239:22, 239:25, 240:1, 244:13, 268:20, 271:8, 276:23, 298:11, 310:9, 312:16, 321:13, 330:7, 340:17
erect [1] - 214:14
erected [1] - 218:21
escrow [1] - 349:2
especially [6] - 184:24, 212:22, 267:20, 268:18, 310:5, 354:15
essentially [37] - 101:17, 115:10, 115:16, 118:20, 122:1, 122:13, 123:14, 124:18, 124:21, 127:15, 127:21, 129:23, 132:22, 133:2, 135:3, 139:7, 139:11, 141:1, 141:13, 141:19, 145:10, 147:8, 150:12, 155:19, 157:25, 165:4, 170:25, 238:14, 258:15, 258:17, 264:12, 336:6, 339:13, 357:14, 358:16, 359:13, 359:14
establish [2] - 247:16, 364:21
estate [1] - 102:9
estimate [20] - 23:8, 28:24, 29:2, 29:16, 31:16, 32:3, 33:4, 48:13, 64:23, 70:11, 73:12, 113:23, 115:3, 158:1, 241:9, 304:2, 304:18, 317:6, 328:2, 343:18
estimated [21] - 28:14, 62:17, 113:11, 132:5, 132:7, 132:11, 132:20, 132:21, 134:6, 134:7, 134:9, 139:2, 240:21, 240:22, 243:11, 243:12, 250:1, 274:23, 285:24, 289:7, 304:8
estimates [6] - 28:8, 29:4, 89:21, 142:12, 158:2, 282:12
estimating [1] - 131:10
estimation [2] - 73:6, 98:8
etcetera [1] - 241:4
ethanol [1] - 212:16
evaluate [7] - 10:17, 94:10, 181:22, 187:6, 375:13, 375:22
evaluated [2] - 180:6, 187:20
evaluating [1] - 112:21
evening [5] - 302:22, 343:14, 345:20, 345:22, 374:15
event [1] - 285:7
events [5] - 45:22, 45:24, 46:10, 59:24, 320:23
ever-changing [1] - 184:25
evidence [3] - 11:22, 15:15, 375:16
evolve [1] - 198:4
exact [4] - 23:10, 53:3, 297:8, 344:7
exactly [17] - 29:5, 45:12, 53:11, 58:21, 60:11, 68:11, 71:13, 150:1, 157:5, 161:5, 164:21, 165:2,

209:19, 227:18, 277:17, 317:5, 363:14
EXAMINATION [27] - 19:4, 47:10, 62:2, 96:12, 99:14, 102:17, 111:16, 136:20, 140:12, 163:7, 164:1, 173:10, 190:13, 195:16, 214:5, 216:16, 282:1, 294:15, 326:5, 329:3, 333:9, 341:1, 343:12, 356:17, 358:1, 365:1, 365:18
examination [4] - 47:6, 47:8, 136:18, 190:1
examine [2] - 33:17, 130:10
examined [6] - 19:2, 111:14, 173:8, 216:14, 333:7, 360:19
example [22] - 56:25, 83:10, 107:10, 142:4, 183:6, 190:19, 190:20, 192:2, 194:17, 197:5, 199:24, 200:6, 212:19, 221:1, 249:7, 262:2, 277:3, 280:4, 313:9, 327:16, 337:12, 343:16
exceed [2] - 108:11, 138:19
exceeds [1] - 90:7
Excel [1] - 282:11
excellent [5] - 72:8, 107:16, 356:13, 374:7, 374:18
except [1] - 281:1
excepted [1] - 245:1
exception [1] - 77:2
excess [1] - 318:25
exclude [2] - 128:8, 132:17
excludes [1] - 45:23
excluding [1] - 124:7
excuse [11] - 43:22, 46:22, 59:14, 181:9, 185:8, 229:7, 253:18, 256:7, 280:10, 337:14, 353:3
exempted [1] - 239:9
exemptions [1] - 323:3
exercise [5] - 34:16, 36:16, 37:5, 44:7, 293:19
exercised [1] - 124:14
Exhibit [172] - 21:9, 21:24, 21:25, 22:4, 25:12, 26:10, 26:14, 28:21, 29:9, 29:10, 29:13, 31:8, 31:14, 32:13, 32:18, 33:10, 34:11, 35:22, 35:23, 36:10, 41:10, 41:11, 42:1, 42:5, 42:8, 44:1, 44:17, 45:14, 55:12, 61:20, 61:23, 62:5, 63:8, 66:18, 66:19, 66:21, 67:5, 68:2, 73:16, 73:17, 75:7, 75:16, 75:17, 76:21, 81:2, 82:9, 87:12, 87:14, 88:1, 97:11, 99:16, 102:19, 114:7, 114:8, 115:23, 116:3, 116:6, 117:1, 117:8, 117:10, 117:12, 117:22, 120:14, 120:17, 123:4, 123:5, 125:17, 126:13, 126:15, 127:4, 128:12, 128:17, 131:2, 132:8, 132:9, 132:14, 133:7, 133:19, 134:13, 134:20, 135:17, 135:19, 135:23, 140:15, 140:18, 140:21, 141:7, 141:12, 141:22, 142:15, 142:23, 142:25, 145:1, 145:15, 147:10, 148:21, 150:1, 150:2, 152:19, 153:11, 153:12, 154:5, 157:5, 158:3, 159:13, 163:14, 163:16, 165:16, 168:13, 168:14, 169:7, 190:3, 195:21, 200:12, 200:22, 219:19, 221:15, 227:11, 228:14, 228:19, 230:12, 230:24, 232:23, 232:24, 232:25, 234:1, 234:6, 235:12, 235:16, 235:19, 238:7, 238:11, 245:6, 245:9, 246:20, 248:4, 254:14, 254:19, 266:3, 273:7, 279:12, 282:7, 283:14, 283:16, 285:18, 294:6, 295:23, 296:13, 298:19, 298:23, 299:10, 299:22, 305:14, 306:8, 306:9, 311:20, 317:21, 318:17, 324:10, 345:6, 349:25, 350:4, 351:18, 353:18, 358:3, 358:6, 360:22, 370:12, 373:2
exhibit [84] - 21:12, 21:13, 21:20, 22:17, 25:13, 26:6, 28:23, 31:12, 31:15, 32:8, 34:14, 34:15, 34:24, 34:25, 35:7, 41:19, 44:2, 63:23, 94:25, 95:10, 95:12, 95:23, 114:7, 114:15, 114:25, 116:7, 116:9, 117:4, 117:21, 118:1, 118:4, 120:1, 120:5, 120:6, 120:7, 121:18, 123:4, 125:12, 125:13, 127:5, 133:5, 133:9, 133:25, 134:3, 134:4, 135:12, 149:25, 219:21, 220:9, 220:11, 220:12, 220:21, 223:3, 235:5, 235:18, 236:12, 243:16, 246:2, 251:11, 253:21, 269:11, 270:8, 270:9, 273:1, 273:2, 279:4, 279:5, 299:9, 319:13, 324:11, 327:1, 335:20, 336:24, 345:11, 357:17, 368:19, 368:21, 371:3, 372:2, 372:3, 372:11, 373:4
exhibit's [1] - 270:19
exhibits [23] - 17:14, 17:21, 32:9, 36:6, 131:12, 220:2, 237:3, 237:5, 253:6, 281:1, 281:6, 282:12, 283:6, 295:14, 296:18, 324:10, 367:5, 367:23, 368:14, 368:16, 369:6, 373:20, 373:21
exist [1] - 6:7
existence [1] - 86:4
existing [26] - 34:9, 34:19, 35:13, 62:22, 88:21, 89:20, 90:10, 90:17, 98:10, 104:8, 144:2, 223:20, 231:4, 231:15, 231:18, 232:17, 233:20, 237:11, 239:14, 245:13, 278:23, 319:24, 320:11, 346:8, 348:14
exists [1] - 161:14
exit [1] - 224:24
expand [3] - 174:15, 183:1, 207:1
expansion [1] - 198:6
expansions [2] - 184:21, 198:5
expect [16] - 37:18, 38:11, 75:24, 83:10, 83:25, 107:6, 108:10, 146:20, 148:2, 180:3, 184:1, 239:25, 257:11, 269:1, 277:8, 340:13
expected [4] - 150:15, 153:20, 157:16, 340:18
expedite [1] - 370:4
expenditure [1] - 336:3
expenses [5] - 317:24, 336:7, 342:10, 351:22, 362:18
expensive [3] - 183:14, 202:19, 314:16
experience [9] - 39:25, 40:16, 64:20, 112:6, 129:11, 180:25, 202:12, 306:25, 361:16
experienced [3] - 184:3, 184:5, 305:22
experiences [1] - 204:11
experiencing [1] - 293:15
expert [1] - 316:6
expertise [1] - 365:24
expiration [1] - 189:1
explain [11] - 121:3, 123:13, 124:2, 127:18, 139:9, 143:9, 149:11, 180:16, 186:2, 236:16, 346:7
explained [1] - 226:10
explaining [1] - 126:10
explicated [1] - 347:20
exponentially [1] - 129:3
export [2] - 177:1, 177:3
exposed [1] - 107:4
exposure [3] - 106:23, 106:25, 264:2
extend [26] - 5:8, 9:7, 9:15, 12:2, 24:16, 25:7, 25:10, 28:15, 31:16, 33:11, 34:1, 34:9, 34:21, 130:11, 139:3, 150:14, 223:17, 226:10, 233:10, 289:25, 290:6, 290:8, 294:7, 295:10, 295:20, 346:24
extended [3] - 6:20, 295:7, 300:11
extending [8] - 9:8, 89:24, 223:15, 286:7, 286:17, 295:22, 296:4, 372:6
extends [1] - 22:25
extension [26] - 35:13, 58:2, 130:16, 136:7, 138:19, 150:12, 150:17, 153:18, 165:21, 165:24, 233:19, 236:24, 288:19, 288:21, 289:11, 289:13, 289:18, 289:25, 290:5, 290:9, 290:10, 290:13, 300:6, 335:7, 370:8, 373:1
extensions [1] - 289:6
extensive [1] - 266:16
extensively [1] - 348:1
extent [1] - 272:18
extra [1] - 373:14
extrapolating [1] - 157:2
extreme [3] - 45:22, 46:10, 93:25
extremely [4] - 129:8, 182:11, 182:13, 212:22
eye [1] - 51:20
eyes [1] - 253:15

F

faced [1] - 274:16
faces [1] - 277:23
facilities [88] - 12:1, 13:10, 20:2, 22:16, 25:4, 25:16, 35:14, 35:15, 35:16, 38:15,

38:22, 40:8, 57:5, 57:13, 83:14, 88:4, 88:5, 91:8, 118:16, 118:25, 119:2, 121:7, 121:16, 127:12, 128:1, 130:5, 130:8, 137:12, 145:3, 149:18, 154:17, 154:22, 155:7, 157:23, 161:3, 175:13, 177:16, 180:17, 180:20, 180:22, 181:1, 183:15, 183:20, 204:12, 204:19, 205:18, 209:2, 220:3, 220:8, 220:10, 223:8, 223:11, 223:19, 223:25, 224:5, 226:22, 230:4, 230:7, 233:3, 234:9, 236:23, 237:9, 239:17, 244:22, 259:19, 267:18, 273:10, 277:10, 278:7, 279:22, 282:15, 296:14, 297:20, 306:16, 315:11, 320:10, 322:16, 323:9, 324:22, 327:2, 334:23, 334:24, 340:10, 340:12, 364:18, 365:6, 367:2, 369:4
facility [147] - 8:8, 8:10, 9:23, 14:8, 21:16, 22:7, 22:8, 22:21, 22:22, 23:2, 23:5, 23:9, 24:18, 24:22, 25:7, 25:18, 25:19, 26:2, 35:9, 38:21, 70:24, 83:11, 90:8, 92:3, 118:21, 119:12, 129:7, 143:20, 143:23, 144:10, 151:12, 151:14, 151:16, 152:13, 155:10, 155:12, 155:18, 155:19, 159:3, 170:2, 175:2, 175:4, 175:7, 175:9, 175:12, 175:23, 175:24, 176:2, 176:8, 176:13, 177:4, 177:10, 177:12, 177:17, 177:20, 177:23, 177:25, 178:12, 179:2, 179:7, 180:5, 181:5, 182:24, 183:12, 183:13, 183:18, 183:20, 186:4, 186:5, 186:21, 190:21, 190:22, 191:4, 192:4, 193:7, 193:24, 193:25, 196:3, 196:7, 196:9, 196:15, 197:13, 197:21, 198:20, 198:25, 199:18, 199:21, 202:13, 203:8, 204:14, 204:20, 204:23, 205:5, 205:7, 211:3, 211:4, 214:20, 214:22, 218:20, 224:3, 227:2, 243:24, 244:9, 244:21, 249:24, 250:5, 250:7, 252:20, 255:8, 256:4, 256:5, 259:14, 277:23, 278:5, 279:16, 280:3, 280:21, 289:6, 313:21, 314:6, 315:13, 315:17, 316:15, 324:14, 327:11, 327:12, 327:19, 327:20, 330:8, 330:10, 330:12, 330:16, 330:25, 331:9, 338:24, 339:2, 339:3, 341:12, 342:9, 347:1, 347:16, 353:12, 353:22, 363:13, 369:9
facility's [1] - 9:19
fact [21] - 13:11, 18:10, 34:5, 34:16, 36:16, 37:4, 41:22, 44:7, 58:16, 63:9, 65:24, 102:4, 156:7, 167:2, 188:17, 198:19, 229:16, 313:22, 314:3, 318:6, 358:24
fact-finding [4] - 34:16, 36:16, 37:4, 44:7
factor [127] - 15:8, 48:25, 49:1, 102:11, 115:8, 117:9, 118:16, 121:15, 121:18, 121:25, 122:1, 122:4, 122:5, 122:7, 124:7, 124:10, 124:20, 124:21, 125:1, 125:6, 125:8, 125:13, 126:4, 126:24, 127:14, 128:9, 128:23, 129:4, 133:17, 133:20, 133:21, 134:6, 134:12, 136:25, 137:4, 137:7, 137:10, 137:14, 137:20, 138:2, 138:6, 138:7, 138:10, 139:5, 140:25, 141:3, 143:15, 144:21, 149:17, 154:9, 154:25, 155:22, 156:11, 156:12, 157:20, 158:5, 158:14, 160:6, 160:12, 160:16, 161:3, 161:11, 163:10, 163:12, 163:17, 164:14, 164:19, 166:3, 166:5, 166:12, 182:11, 183:12, 197:19, 240:25, 243:25, 244:5, 244:21, 244:24, 249:18, 249:22, 249:23, 250:3, 250:4, 250:11, 251:6, 252:17, 252:19, 253:1, 255:8, 255:14, 255:15, 255:19, 256:4, 256:6, 256:7, 256:22, 256:23, 257:5, 257:12, 258:10, 277:9, 279:23, 280:6, 283:7, 283:8, 288:17, 288:23, 296:21, 299:24, 306:15, 307:9, 316:4, 316:18, 317:6, 324:14, 324:20, 325:4, 326:12, 326:24, 326:25, 328:3, 330:16, 353:20, 367:3
factored [1] - 187:15
factors [32] - 8:23, 9:2, 10:11, 10:17, 10:24, 11:1, 11:18, 12:21, 12:24, 14:1, 14:19, 14:25, 15:2, 15:5, 15:18, 65:4, 122:9, 160:8, 160:9, 251:7, 257:14, 278:8, 278:13, 279:2, 294:18, 315:18, 319:2, 364:2, 367:1, 369:10, 373:10
fail [2] - 239:1, 322:11
failed [3] - 86:3, 270:24, 321:13
failure [5] - 101:7, 271:8, 298:13, 321:25, 322:5
failures [1] - 86:5
fair [26] - 10:8, 10:15, 66:17, 67:4, 81:19, 104:23, 141:24, 142:21, 143:8, 148:4, 148:11, 199:7, 199:13, 199:14, 200:22, 316:23, 318:3, 327:8, 344:21, 344:23, 345:4, 351:12, 351:15, 362:19, 362:23
fairly [13] - 15:17, 15:19, 64:3, 66:20, 201:25, 203:15, 203:16, 249:15, 249:25, 255:19, 268:17, 321:16, 351:25
fall [10] - 139:4, 152:4, 152:8, 152:12, 153:3, 161:25, 211:25, 308:3, 321:1, 335:3
falling [2] - 362:2, 375:25
falls [1] - 289:14
Falls [1] - 111:20
false [1] - 18:9
familiar [10] - 11:13, 14:2, 21:2, 112:24, 203:7, 214:18, 214:25, 218:20, 218:24, 240:3
family [5] - 8:6, 12:10, 174:1, 174:3, 207:18
family-owned [4] - 8:6, 174:1, 174:3, 207:18
fan [1] - 200:2
fans [10] - 183:8, 183:10, 196:20, 199:19, 199:25, 200:4, 206:11, 207:10, 303:6
far [103] - 27:19, 52:1, 60:15, 63:2, 65:21, 66:9, 66:21, 67:6, 72:7, 86:25, 94:19, 98:1, 98:8, 98:15, 98:20, 119:19, 143:9, 144:5, 149:14, 167:4, 171:8, 183:14, 184:7, 188:9, 189:18, 193:13, 195:19, 196:25, 197:8, 199:15, 199:20, 200:21, 201:3, 206:12, 217:18, 218:18, 219:3, 219:12, 223:24, 225:8, 226:2, 226:20, 231:10, 231:21, 233:5, 233:8, 234:16, 234:17, 234:25, 237:22, 239:18, 242:5, 243:12, 243:13, 247:15, 249:3, 249:12, 250:6, 254:7, 255:21, 259:25, 263:4, 263:13, 263:20, 264:14, 265:3, 266:24, 271:13, 274:25, 275:2, 280:2, 283:10, 285:2, 285:25, 286:4, 286:17, 289:6, 289:20, 291:20, 292:4, 295:22, 296:4, 296:12, 296:23, 297:17, 298:16, 301:16, 303:10, 314:5, 319:5, 319:20, 328:14, 344:2, 356:25, 359:3, 363:7, 363:9, 363:10, 364:2, 367:14, 373:4
Fargo [1] - 192:19
farm [2] - 176:18, 268:20
farmer [3] - 191:22, 207:2, 242:16
farmer's [2] - 192:1, 305:20
farmers [2] - 176:5, 268:13
farming [2] - 266:23, 320:25
farms [3] - 38:14, 81:6, 81:12
farmsteads [1] - 199:1
father [3] - 207:19, 214:8, 215:1
fault [17] - 56:20, 267:4, 267:5, 267:10, 267:11, 267:12, 267:16, 267:19, 267:21, 268:8, 268:11, 284:15, 284:17, 310:4, 311:8, 311:11

faults [7] - 38:7, 40:17, 40:19, 64:9, 64:10, 64:13, 267:1
favor [4] - 10:24, 11:18, 12:24, 185:11
favorable [5] - 169:8, 182:19, 182:22, 197:13, 202:5
favorite [1] - 14:11
feasibility [1] - 86:18
feasible [2] - 165:8, 207:16
feature [2] - 182:23, 331:8
February [2] - 5:20, 152:6
fed [5] - 55:1, 55:3, 80:17, 185:18, 275:7
Fedorchak [10] - 14:9, 86:21, 156:8, 208:22, 276:8, 318:12, 332:6, 352:20, 362:7, 375:19
FEDORCHAK [149] - 14:10, 86:22, 86:24, 87:8, 87:19, 87:23, 88:2, 88:6, 88:10, 88:14, 88:16, 88:23, 89:5, 89:9, 89:12, 89:15, 89:18, 89:25, 90:9, 90:13, 90:16, 90:19, 90:21, 91:6, 91:10, 91:15, 91:19, 91:23, 92:1, 92:5, 92:8, 92:20, 93:2, 93:14, 93:17, 94:9, 94:20, 95:1, 95:7, 95:11, 95:22, 96:2, 96:8, 97:9, 110:2, 110:10, 110:16, 110:21, 156:9, 156:15, 156:23, 157:9, 157:13, 157:15, 157:18, 158:4, 158:16, 158:23, 159:11, 159:17, 159:21, 160:1, 160:15, 160:21, 161:6, 161:10, 161:13, 161:17, 161:19, 161:24, 162:3, 162:15, 162:18, 162:23, 170:11, 171:13, 171:22, 174:11, 208:23, 209:1, 209:4, 209:9, 209:13, 209:16, 209:21, 210:5, 210:11, 210:24, 211:2, 211:6, 211:9, 211:13, 211:17, 211:21, 211:23, 212:9, 213:1, 213:6, 213:12, 213:16, 213:20, 213:24, 215:16, 222:13, 222:21, 281:16, 318:13, 318:20, 319:1, 319:6, 319:11, 319:20, 319:24, 320:3, 320:7, 320:15, 321:6, 321:19, 322:1, 322:14, 322:24, 323:13, 323:19, 323:25, 324:4, 324:9, 324:19, 324:24, 325:1, 325:7, 332:5, 332:7, 352:21, 353:8, 353:16, 354:3, 354:20, 354:25, 355:5, 355:8, 355:15, 355:18, 355:21, 356:13, 358:4, 360:2, 367:10, 371:22, 375:20
Fedorchak's [3] - 96:15, 108:16, 371:21
feed [11] - 68:24, 80:7, 80:22, 82:20, 82:25, 90:8, 233:18, 271:16, 301:21, 302:8, 328:22
feeder [16] - 36:23, 36:25, 38:3, 224:25, 232:11, 232:14, 232:16, 263:9, 272:2, 272:4, 272:5, 272:9, 272:11, 283:18, 284:1, 284:9
feeders [9] - 224:22, 224:24, 232:9, 263:13, 269:9, 271:16, 271:20, 271:23, 322:21
feeding [2] - 57:14, 98:22
feeds [6] - 36:25, 54:19, 54:21, 55:5, 224:9, 284:9
feet [26] - 26:20, 27:8, 31:17, 34:10, 35:12, 57:9, 78:14, 78:15, 78:16, 82:9, 88:7, 88:13, 89:3, 89:8, 98:2, 98:9, 185:21, 223:17, 231:6, 231:7, 237:16, 298:6, 310:11, 319:23, 329:22
felony [2] - 18:12
felt [8] - 14:25, 108:17, 127:13, 127:22, 138:11, 197:23, 204:4, 309:7
fence [1] - 27:8
Fergus [1] - 111:20
fertilizer [7] - 191:1, 214:21, 242:14, 297:7, 330:13, 330:15, 330:21
few [13] - 48:11, 76:19, 96:14, 140:14, 154:17, 157:23, 165:13, 171:10, 195:18, 201:14, 277:6, 277:7, 298:20
fewer [4] - 85:21, 86:1, 259:13, 322:18
fiber [2] - 198:20, 198:23
field [2] - 32:24, 94:17
fields [1] - 266:25
fifth [3] - 246:7, 258:4, 258:5
fifty [1] - 73:2
fighting [1] - 354:19
figure [12] - 14:6, 46:14, 109:16, 131:8, 132:6, 132:24, 154:4, 287:2, 301:5, 301:7, 306:24, 318:4
figured [1] - 318:7
figures [7] - 43:14, 133:22, 204:3, 286:14, 287:19, 288:10, 289:8
file [5] - 165:23, 345:13, 354:6, 367:4, 373:24
filed [25] - 5:20, 5:22, 41:16, 41:19, 95:24, 112:24, 165:23, 319:13, 335:20, 345:11, 357:17, 367:5, 367:22, 368:13, 368:16, 368:21, 369:6, 371:3, 372:2, 372:3, 373:4, 373:19, 373:20, 373:21, 377:5
filing [5] - 5:17, 5:23, 5:25, 41:23, 369:14
fill [1] - 312:15
filling [1] - 139:1
final [3] - 48:8, 132:24, 252:9
finalize [1] - 48:6
finally [1] - 17:12
finance [1] - 203:13
financial [3] - 86:16, 207:13, 337:4
findings [4] - 376:14, 376:19, 377:4, 377:8
fine [10] - 18:14, 202:21, 215:19, 253:14, 268:24, 281:15, 281:16, 293:14, 369:20, 371:25
finely [1] - 66:23
finesse [1] - 168:17
finish [5] - 72:7, 163:1, 163:2, 171:6, 325:10
finished [1] - 169:17
firing [1] - 277:6
firm [2] - 154:4, 258:24
first [55] - 7:11, 9:4, 10:7, 11:8, 16:5, 17:6, 17:20, 19:2, 34:23, 45:18, 73:16, 76:23, 87:24, 111:3, 111:14, 116:6, 118:7, 119:21, 121:8, 121:9, 123:10, 123:11, 124:5, 125:25, 126:3, 131:7, 145:1, 145:15, 150:2, 157:4, 163:2, 173:8, 176:7, 190:20, 202:9, 204:25, 205:2, 207:3, 215:13, 216:14, 246:6, 249:2, 249:7, 251:12, 251:13, 251:16, 253:6, 257:22, 258:1, 265:2, 269:17, 311:24, 333:7, 350:4
firsts [1] - 16:5
fit [2] - 148:7, 239:11
fitting [1] - 167:22
five [46] - 6:13, 18:13, 71:23, 93:21, 93:23, 94:1, 94:2, 94:6, 94:7, 94:22, 144:8, 184:17, 185:15, 191:13, 191:16, 191:21, 204:18, 212:6, 212:7, 216:23, 218:13, 251:25, 252:2, 257:21, 258:15, 279:25, 280:9, 280:14, 281:17, 282:20, 282:21, 293:24, 296:13, 296:18, 296:23, 297:6, 299:25, 315:12, 315:23, 317:4, 330:8, 335:17, 336:22, 341:12, 372:18, 372:19
five-year [2] - 94:7, 94:22
fix [8] - 23:15, 51:16, 293:16, 310:8, 310:11, 310:17, 310:18
fixed [2] - 62:25, 135:6
fixes [1] - 52:19
flat [7] - 298:4, 350:1, 350:6, 358:16, 361:2, 361:25, 362:23
fleeced [1] - 120:3
fleet [9] - 27:13, 31:4, 53:3, 63:1, 72:23, 86:6, 101:22, 239:12, 239:15
flexibility [18] - 161:20, 162:20, 167:21, 183:4, 184:8, 184:12, 184:20, 184:22, 197:25, 199:15, 199:16, 199:20, 200:9, 201:3, 201:6, 308:6, 348:3, 348:8
flexible [3] - 181:3, 198:2, 198:4
flicker [4] - 229:1, 272:17, 284:15, 300:18
Floor [1] - 5:16
floor [3] - 172:3, 172:5
flow [1] - 103:10
fluctuates [2] - 250:19, 250:21
flush [1] - 144:4
flushed [1] - 154:6
focus [3] - 177:24, 322:20, 355:6
folks [1] - 355:10
follow [7] - 57:24, 153:2, 161:24, 232:13, 304:16, 309:2, 313:19
follows [9] - 19:3, 111:15, 173:9, 216:15, 320:2, 333:8, 350:12, 360:20, 363:25
followup [4] - 163:4, 214:2, 350:17, 364:22
foot [1] - 81:12
footage [1] - 364:17
footprint [3] - 27:5, 189:12, 189:16
forced [1] - 323:12
foreseeable [2] - 7:2, 105:9
forfeited [1] - 349:6

forget [3] - 192:18, 210:3, 293:1
form [4] - 27:1, 44:3, 57:24, 240:25
formal [1] - 369:21
format [3] - 29:2, 45:2, 45:4
formerly [1] - 180:18
forth [10] - 5:22, 39:23, 79:4, 80:7, 89:22, 169:6, 226:14, 254:25, 308:13, 347:12
fortunately [2] - 14:18, 307:3
forward [9] - 8:14, 10:5, 10:21, 13:19, 14:5, 17:18, 95:23, 101:9, 168:10
foundation [5] - 17:22, 120:12, 125:21, 141:14, 190:9
four [42] - 6:10, 21:17, 22:10, 35:10, 52:8, 98:12, 115:17, 143:19, 144:16, 159:5, 185:22, 191:13, 198:19, 198:23, 198:24, 202:9, 212:17, 217:4, 226:21, 231:7, 246:7, 251:22, 257:19, 257:21, 257:23, 258:1, 271:7, 305:17, 307:25, 311:24, 320:12, 334:3, 334:4, 334:9, 336:21, 352:7, 364:7, 368:14, 369:5, 372:17, 375:23, 375:25
four-mile [1] - 21:17
four-shift [1] - 159:5
four-tenths [1] - 305:17
four-year [1] - 307:25
fourth [2] - 174:3, 299:6
frame [6] - 43:16, 73:7, 146:22, 226:7, 310:1, 363:21
franchise [1] - 8:20
frankly [1] - 282:7
free [1] - 93:3
freely [1] - 147:2
freight [3] - 177:7, 178:19, 178:24
fresh [1] - 15:3
Froedtert [2] - 277:12, 277:16
front [11] - 11:8, 21:8, 147:12, 151:19, 226:14, 286:7, 287:21, 288:8, 336:19, 356:10, 360:22
frost [1] - 284:2
fructose [1] - 212:16
fuel [3] - 132:15, 132:16, 132:23
full [16] - 174:7, 211:6, 211:7, 211:14, 211:15, 211:19, 211:20, 228:8, 282:24, 282:25, 297:12, 312:17, 313:5, 313:7, 314:10, 337:9
full-time [3] - 174:7, 211:15, 211:20
full-time/part-time [1] - 211:14
fully [7] - 23:19, 30:1, 33:4, 120:3, 336:19, 343:7, 359:9
fully-loaded [2] - 33:4, 359:9
function [2] - 62:21, 217:14
funds [4] - 286:17, 286:18, 286:19, 307:22
furthermore [1] - 13:8
fuse [2] - 269:17, 269:18
fuses [1] - 27:1
future [9] - 7:2, 74:6, 105:9, 108:12, 233:10, 280:13, 346:6, 346:22, 346:24
FVNR [1] - 313:3

G

G-A-R-B-E-R [1] - 332:17
gain [1] - 189:17
gamut [1] - 282:25
GARBER [4] - 332:17, 332:21, 333:4, 333:6
Garber [12] - 7:16, 12:15, 170:22, 332:13, 332:19, 333:11, 341:3, 343:15, 345:21, 358:3, 360:3, 360:24
gas [2] - 206:9, 242:14
General [1] - 7:21
general [23] - 6:6, 6:22, 7:16, 12:15, 34:6, 40:1, 64:15, 66:24, 104:1, 105:3, 113:8, 153:7, 168:3, 168:4, 181:25, 182:3, 217:16, 222:8, 229:21, 295:9, 333:12, 367:22
generalities [1] - 64:15
generally [18] - 8:19, 64:14, 113:19, 113:21, 119:16, 122:7, 122:9, 124:20, 124:25, 129:10, 129:12, 156:19, 158:11, 159:2, 167:24, 168:14, 298:11, 298:22
generate [1] - 76:15
generated [1] - 51:14
generation [1] - 174:3
generator [1] - 83:20
geography [1] - 12:7
GEORGE [1] - 173:7
George [6] - 9:17, 172:21, 208:24, 209:1, 213:25, 308:21
given [8] - 108:23, 114:1, 139:24, 143:7, 162:13, 187:23, 267:7, 323:3
glancing [1] - 253:9
glasses [1] - 43:23
GNT [4] - 338:3, 338:6, 338:9, 339:10
go-between [1] - 52:12
golf [1] - 43:6
gotcha [2] - 191:24, 253:12
grabbing [1] - 300:1
graduated [1] - 218:1
grain [49] - 8:8, 9:19, 9:23, 21:16, 24:19, 24:22, 38:12, 38:15, 122:15, 127:12, 128:1, 129:7, 137:11, 143:14, 143:20, 152:13, 152:14, 154:17, 155:11, 155:19, 157:22, 173:17, 173:23, 175:2, 175:23, 176:24, 177:9, 178:9, 179:6, 179:19, 186:7, 186:9, 186:18, 186:19, 190:21, 191:2, 205:20, 205:21, 206:2, 212:13, 212:21, 214:22, 257:2, 282:14, 313:21, 344:4
Grain [5] - 192:2, 192:5, 192:14, 192:16, 192:17
grain-drying [1] - 38:12
grain-handling [19] - 8:8, 9:19, 9:23, 21:16, 24:22, 127:12, 128:1, 129:7, 137:11, 143:20, 152:13, 154:17, 155:19, 157:22, 175:2, 175:23, 177:9, 179:6, 282:14
grant [2] - 151:19, 369:13
gray [3] - 22:20, 283:22, 283:25
great [5] - 72:7, 207:23, 230:22, 335:18, 376:2
greater [4] - 16:15, 129:3, 201:6, 313:14
greatly [1] - 259:9
green [6] - 221:3, 221:25, 222:7, 222:14, 222:16
gross [2] - 131:25, 132:3
ground [9] - 13:6, 14:4, 14:16, 172:5, 189:15, 200:3, 320:17, 322:9, 322:16
Group [1] - 20:17
group [6] - 20:18, 53:15, 57:18, 68:1, 75:22, 313:2
grow [2] - 92:3, 225:20
growing [1] - 208:1
growth [5] - 233:10, 235:1, 242:6, 242:9, 343:24
guarantee [4] - 135:9, 136:4, 345:2, 348:20
guess [49] - 7:24, 13:25, 24:14, 41:10, 42:7, 46:24, 74:12, 94:5, 96:4, 104:1, 118:18, 137:3, 137:5, 140:23, 143:7, 146:17, 147:23, 148:16, 148:18, 149:14, 149:22, 150:25, 153:12, 155:16, 169:11, 169:25, 195:12, 220:23, 229:3, 243:4, 282:25, 283:4, 287:25, 301:18, 320:9, 343:14, 343:24, 346:5, 346:24, 348:18, 348:21, 353:1, 356:10, 363:25, 365:3, 367:12, 368:12, 373:5, 373:9
guy [4] - 54:8, 318:2, 326:22, 364:12
guys [19] - 47:25, 51:19, 51:23, 52:20, 53:25, 54:9, 93:2, 156:15, 193:16, 204:4, 210:3, 212:10, 213:10, 213:22, 319:12, 320:20, 338:22, 355:22, 364:9
guys' [1] - 220:2

H

half [12] - 80:1, 112:12, 183:10, 186:20, 196:20, 225:10, 267:6, 291:15, 335:17, 352:7, 356:11
halftime [1] - 40:22
hallway [2] - 172:7, 172:8
hampered [1] - 183:23
hand [10] - 18:4, 18:16, 111:7, 115:3, 117:5, 121:17, 169:16, 173:2, 216:8, 250:18
handle [4] - 76:23, 174:18, 240:20, 334:25
handles [1] - 334:16
handling [20] - 8:8, 9:19, 9:23, 21:16, 24:22, 127:12, 128:1, 129:7, 137:11, 143:20, 152:13, 154:17, 155:12, 155:19, 157:22, 175:2, 175:23, 177:9, 179:6, 282:14
handlings [1] - 197:3
hands [1] - 376:12
hang [1] - 84:20
Hankinson [11] - 49:21, 54:22, 69:22, 80:18, 80:21, 82:15, 104:18, 261:20, 265:20, 302:7, 302:14

hard [13] - 10:21, 14:15, 14:18, 81:21, 84:19, 191:10, 191:18, 196:9, 240:5, 267:18, 267:20, 327:13, 364:3
harder [2] - 99:3, 268:11
harvest [11] - 152:8, 153:3, 177:24, 178:10, 178:11, 186:14, 190:24, 191:3
hats [1] - 218:19
head [2] - 208:12, 208:13
heads [4] - 210:17, 264:18, 325:18
hear [9] - 106:14, 106:17, 147:25, 154:7, 155:10, 156:5, 188:2, 204:5, 327:23
heard [16] - 78:6, 78:7, 136:13, 184:8, 185:2, 188:15, 189:10, 202:17, 203:3, 203:25, 204:2, 257:4, 287:8, 308:22, 352:22, 375:7
hearing [20] - 5:6, 5:7, 5:11, 5:16, 5:18, 5:23, 5:25, 6:1, 6:2, 8:25, 13:20, 14:5, 17:18, 148:25, 164:18, 263:16, 374:25, 376:9, 377:20
Hearings [1] - 5:5
heart [1] - 186:13
heat [2] - 206:4, 322:7
held [11] - 47:20, 217:3, 333:24, 334:3, 337:18, 338:7, 339:7, 339:11, 349:1, 353:13, 361:25
help [12] - 158:25, 227:22, 245:17, 245:18, 245:19, 267:4, 267:13, 274:9, 275:16, 365:23, 375:17, 376:3
helped [1] - 218:15
helpful [2] - 367:10, 374:19
helps [5] - 135:5, 137:23, 258:24, 259:10
hiccup [1] - 55:10
high [18] - 27:1, 43:6, 179:20, 182:11, 183:23, 187:21, 212:16, 230:6, 231:3, 255:23, 256:16, 269:17, 269:18, 303:15, 316:25, 321:4, 321:12, 331:12
high-side [3] - 27:1, 269:17, 269:18
higher [14] - 54:6, 122:5, 122:7, 145:14, 148:15, 152:5, 160:8, 239:25, 257:11, 277:9, 306:21, 306:22, 316:18, 363:3
highest [4] - 43:15, 45:25, 46:17, 366:8
highlighted [4] - 264:19, 265:17, 272:8, 284:4
highly [4] - 75:2, 129:5, 139:17, 139:20
Highway [14] - 22:18, 22:20, 22:25, 56:17, 69:19, 79:16, 80:16, 80:22, 81:12, 82:15, 87:18, 103:7, 233:23, 320:2
highway [1] - 56:15
hiring [2] - 208:1, 213:5
historic [1] - 357:12
historical [3] - 25:3, 234:22, 236:1
historically [1] - 244:20
history [5] - 239:18, 273:23, 321:11, 368:19, 372:23
hit [6] - 130:2, 183:12, 255:17, 268:20, 270:24, 292:1
hits [3] - 179:12, 363:8
hitting [1] - 320:25
hold [8] - 8:20, 13:5, 150:22, 193:7, 193:8, 216:25, 308:19, 346:18
holding [2] - 202:1, 352:6
home [6] - 40:22, 302:22, 325:16, 325:23, 349:18, 374:16
honestly [1] - 145:13
Honor [47] - 7:15, 7:19, 8:2, 13:18, 17:24, 22:1, 26:11, 29:11, 32:15, 35:24, 36:5, 42:3, 44:19, 45:11, 47:9, 62:1, 68:17, 110:25, 115:25, 117:24, 117:25, 119:25, 135:13, 135:18, 135:21, 140:11, 154:20, 163:5, 166:24, 170:9, 171:18, 171:24, 214:3, 215:11, 215:14, 253:13, 253:22, 254:16, 254:22, 281:11, 294:14, 318:11, 360:6, 366:22, 370:20, 373:16, 373:23
hop [1] - 152:20
hope [2] - 15:20, 171:7
hopefully [8] - 11:9, 11:16, 15:14, 15:17, 276:5, 325:13, 373:20, 376:4
hoping [1] - 325:23
hopping [1] - 308:12
horse [1] - 313:14
horsepower [16] - 24:22, 39:13, 39:16, 65:9, 71:14, 199:25, 200:1, 227:8, 228:7, 228:25, 300:16, 300:19, 301:2, 313:23, 323:7
horsepowers [1] - 65:12
hour [12] - 122:8, 122:10, 176:10, 176:11, 176:15, 176:16, 186:7, 201:25, 205:7, 205:9, 254:7
hours [6] - 171:3, 178:3, 178:23, 202:3, 271:7, 341:22
house [1] - 83:19
huge [3] - 156:1, 185:13, 186:23
hundred [9] - 33:15, 39:15, 65:9, 71:13, 128:7, 275:11, 293:14, 301:2, 361:12
hundreds [1] - 20:6
hung [1] - 375:12
hurt [1] - 259:22

I

I-29 [1] - 22:19
ice [3] - 198:22, 284:2, 321:1
idea [7] - 48:4, 62:18, 85:2, 109:12, 336:18, 357:13, 360:11
ideally [1] - 16:7
identical [2] - 192:10, 250:13
identification [1] - 330:7
identified [9] - 8:23, 53:3, 53:5, 100:21, 102:10, 113:5, 221:25, 251:15, 376:10
identify [18] - 21:12, 22:12, 25:13, 28:23, 31:15, 34:14, 34:24, 41:13, 44:5, 114:7, 114:15, 116:9, 123:4, 127:5, 131:2, 310:6, 330:5, 369:19
IEEE [1] - 20:15
ill [1] - 166:10
Illona [2] - 370:1, 376:8
imagine [3] - 186:6, 316:11, 349:17
immediate [1] - 106:9
immediate" [1] - 106:10
immediately [1] - 322:12
impact [2] - 306:19, 346:7
impacted [2] - 168:8, 168:22
impede [1] - 331:21
impedence [1] - 124:24
implementation [1] - 112:2
implemented [5] - 119:13, 252:24, 267:9, 276:24, 326:13
implements [1] - 139:9
implications [1] - 186:23
importance [1] - 211:25
important [9] - 16:17, 16:18, 64:3, 153:20, 153:22, 316:4, 319:12, 355:8, 375:2
imposed [2] - 18:14, 258:7
improve [1] - 240:18
improved [3] - 13:10, 110:13, 322:22
improvement [3] - 218:16, 242:5, 322:23
improvements [3] - 218:17, 240:17, 261:14
impugn [1] - 11:9
in-substation [1] - 29:21
inbound [3] - 176:4, 176:7, 193:8
Inc [1] - 8:6
incentive [9] - 226:9, 245:16, 245:22, 246:3, 249:5, 251:13, 254:9, 300:4, 350:11
incentives [3] - 245:11, 246:12, 246:13
incentivize [1] - 255:22
inches [1] - 298:9
incidence [2] - 298:10, 298:11
incident [1] - 321:4
inclined [1] - 360:7
include [26] - 16:23, 29:20, 29:23, 30:14, 32:3, 40:5, 59:23, 60:2, 97:16, 97:19, 99:20, 130:13, 132:18, 141:18, 144:17, 146:7, 160:22, 199:1, 218:13, 233:2, 233:7, 239:9, 249:5, 260:21, 287:3, 343:7
included [31] - 7:1, 28:7, 30:7, 33:5, 37:4, 48:12, 66:21, 67:6, 70:17, 73:12, 100:3, 105:8, 115:1, 139:14, 161:2, 166:18, 228:9, 251:2, 252:20, 255:7, 273:24, 287:5, 289:7, 289:24, 319:2, 319:10, 324:13, 330:19, 345:8, 353:7, 359:17
includes [7] - 29:17, 45:2, 100:1, 290:8, 290:12, 299:11, 304:18
including [17] - 29:18, 42:17, 115:12, 118:12, 119:24, 121:6, 121:8, 121:12, 121:15, 123:7, 125:4, 126:4, 161:2, 161:7, 290:9, 290:10, 306:15

inconsistencies [1] - 185:1
incorporate [1] - 125:8
incorporated [1] - 97:2
increase [7] - 30:9, 41:4, 48:25, 188:22, 234:24, 239:3, 361:3
increased [4] - 122:9, 212:9, 298:1, 361:24
increases [3] - 92:21, 92:22, 296:2
increasing [2] - 203:10, 362:2
incur [7] - 183:9, 184:21, 186:15, 212:23, 212:25, 255:23, 361:17
incurred [2] - 239:5, 240:13
incurring [1] - 364:14
incurs [1] - 146:10
independent [2] - 159:21, 292:14
index [1] - 76:17
indicate [5] - 21:17, 175:13, 202:22, 238:13, 260:18
indicated [32] - 22:11, 35:18, 46:17, 51:9, 52:4, 53:1, 53:6, 55:13, 56:18, 65:10, 130:4, 186:3, 190:15, 199:23, 221:18, 268:1, 280:13, 283:21, 283:25, 287:8, 288:15, 291:10, 293:4, 305:15, 306:1, 308:21, 329:5, 330:9, 330:12, 341:11, 359:6, 359:12
indicates [4] - 264:5, 293:5, 295:24, 299:9
indication [3] - 53:21, 95:3, 188:25
indicators [4] - 267:4, 267:21, 310:4, 311:8
indices [5] - 58:12, 107:7, 260:2, 260:15, 260:18
indirect [2] - 72:18, 346:14
indiscernible [9] - 45:2, 59:23, 157:14, 185:10, 204:23, 235:3, 330:5, 355:16, 371:13
indiscernible) [4] - 59:3, 278:16, 289:5, 377:14
individual [3] - 271:23, 272:14, 339:25
individually [2] - 170:19, 299:21
individuals [1] - 278:22
induction [1] - 124:25
industrial [4] - 91:24, 106:2, 112:9, 346:25
industry [5] - 76:20, 182:13, 191:19, 212:21
infer [1] - 180:10
influence [1] - 366:17
influences [1] - 331:22
information [66] - 13:20, 14:6, 34:4, 39:11, 45:18, 60:18, 61:14, 61:18, 65:6, 66:8, 67:5, 75:11, 94:18, 95:24, 95:25, 99:22, 100:3, 113:25, 114:22, 116:18, 116:22, 116:23, 116:24, 117:6, 118:24, 121:21, 121:24, 124:8, 127:13, 127:25, 141:14, 144:9, 147:12, 157:10, 157:18, 158:18, 181:16, 181:21, 227:17, 227:22, 263:7, 263:8, 263:13, 267:12, 270:5, 271:15, 273:9, 274:18, 280:13, 281:4, 283:15, 296:19, 309:2, 318:9, 335:25, 345:11, 345:12, 352:24, 357:12, 357:19, 357:20, 374:8, 374:18, 375:12, 375:14, 376:2
informative [1] - 377:4
informed [4] - 201:7, 203:4, 274:7, 278:10
infrastructure [4] - 15:13, 87:13, 235:23, 240:13
inherent [5] - 37:15, 37:18, 66:1, 75:20, 107:2
initial [6] - 39:5, 47:12, 52:14, 226:6, 264:17, 336:22
injected [2] - 37:19, 80:3
inner [2] - 23:6, 76:24
input [4] - 113:3, 240:8, 292:7, 376:11
inside [2] - 77:6, 256:19
inspection [2] - 51:12, 51:13
install [18] - 35:17, 70:20, 91:1, 223:18, 231:9, 236:9, 237:19, 239:16, 239:18, 241:17, 267:3, 267:21, 273:20, 303:22, 309:22, 313:24, 313:25, 322:15
installation [2] - 301:4, 322:10
installed [14] - 37:25, 83:14, 233:5, 259:19, 261:3, 268:24, 275:16, 298:7, 298:8, 303:6, 303:7, 303:14, 321:24, 323:10
installing [5] - 236:23, 237:19, 237:21, 305:8, 321:16
installs [1] - 277:5
instance [4] - 236:8, 269:18, 289:11, 290:11
instantaneous [2] - 122:13, 122:17
instantly [1] - 312:8
instead [5] - 85:12, 147:16, 236:9, 274:11, 373:7
instructed [1] - 210:2
insulator [1] - 51:15
intact [1] - 104:17
Integrated [2] - 77:15, 82:16
Integrity [2] - 8:18, 10:9
intend [5] - 12:2, 58:6, 223:12, 223:13, 281:8
intended [3] - 64:1, 226:13, 229:23
intends [1] - 12:8
intent [1] - 8:25
intention [3] - 234:20, 241:21, 289:5
interested [1] - 349:17
interesting [2] - 14:14, 320:18
interfere [1] - 7:4
interferes [1] - 105:13
internal [3] - 53:21, 150:25, 200:18
internally [3] - 196:22, 238:24, 314:6
interrogatory [2] - 44:22, 44:23
interrupt [2] - 222:13, 376:13
interruption [6] - 42:25, 186:2, 186:23, 198:11, 262:22, 285:2
interruptions [4] - 40:3, 186:12, 196:6, 196:11
intersection [1] - 80:15
interstate [2] - 80:12, 192:21
interval [1] - 361:20
intrigued [1] - 360:22
introduce [6] - 228:13, 238:6, 245:5, 246:15, 254:13, 265:24
introduced [1] - 281:5
inventory [3] - 53:23, 85:23, 169:16
invest [1] - 207:1
invested [1] - 164:6
investment [25] - 6:19, 6:24, 9:15, 58:8, 130:15, 177:11, 177:13, 193:23, 193:25, 195:6, 257:16, 258:2, 294:7, 294:21, 295:18, 336:19, 338:15, 340:9, 342:8, 356:3, 365:10, 370:22, 370:25, 371:14, 371:18
investments [1] - 364:16
investor [3] - 8:18, 335:18, 355:2
investor-owned [1] - 8:18
investor-owneds [2] - 335:18, 355:2
investors [2] - 207:21, 207:22
involved [10] - 20:13, 47:18, 50:4, 109:7, 214:19, 214:24, 335:6, 335:8, 335:11, 365:23
irregularities [1] - 49:5
irrigation [1] - 344:3
isolate [5] - 267:4, 267:23, 267:25, 272:22, 311:6
isolated [1] - 272:20
issue [26] - 38:4, 40:16, 63:3, 65:16, 66:4, 95:16, 104:14, 170:24, 181:2, 198:6, 207:9, 207:11, 211:24, 259:20, 262:13, 276:7, 277:2, 278:4, 284:12, 293:16, 313:9, 322:25, 328:22, 330:3, 367:12
issued [2] - 5:18, 339:19
issues [44] - 6:1, 55:7, 56:21, 64:8, 64:10, 64:13, 64:17, 64:21, 64:22, 65:22, 104:15, 184:8, 196:6, 196:12, 196:15, 196:16, 199:16, 229:3, 229:11, 266:23, 268:12, 268:15, 268:23, 275:1, 275:21, 277:22, 285:1, 285:2, 285:6, 287:14, 293:15, 293:23, 297:11, 297:13, 306:2, 317:12, 322:18, 323:11, 331:7, 347:21, 354:22, 365:9
issuing [1] - 367:13
ITA [2] - 77:14, 77:21
item [4] - 28:7, 118:10, 126:3, 253:10
items [12] - 31:21, 31:25, 40:9, 51:13, 67:3, 243:23, 255:11, 260:20, 269:14, 272:8, 272:12, 334:13
Itron [1] - 96:17
itself [7] - 24:2, 29:18, 89:23, 145:4, 186:20, 285:4, 330:20

J

jacketed [3] - 268:25, 269:3, 322:4
James [4] - 192:2, 192:4, 192:11, 192:14
Jamestown [3] - 9:5, 19:15, 19:20
January [4] - 152:23, 250:18, 251:8, 299:23
Jerry [1] - 7:21
Jerry's [1] - 304:17

job [10] - 20:11, 41:1, 72:7, 113:18, 158:7, 217:2, 218:10, 334:5, 365:20, 374:7
jobs [2] - 208:1, 217:6
Jody [5] - 214:7, 214:8, 215:1, 276:11
jog [1] - 172:7
JUDGE [1] - 5:1
judge [4] - 5:3, 215:16, 222:13, 376:4
judged [1] - 36:16
July [4] - 5:19, 83:12, 177:21, 180:4
jump [1] - 315:3
jumps [1] - 175:18
junction [11] - 69:19, 69:23, 87:18, 95:20, 103:5, 103:6, 103:7, 103:8, 103:12, 222:11, 265:2
jurisdiction [1] - 175:17
justify [2] - 110:7, 355:23

K

keep [12] - 60:1, 85:15, 135:5, 207:11, 221:7, 263:6, 263:8, 263:10, 310:17, 325:22, 328:5, 345:23
keeping [3] - 51:20, 269:9, 376:4
keeps [1] - 265:1
Kent [6] - 151:9, 151:14, 151:15, 173:20, 204:12, 204:14
kept [3] - 53:14, 85:12, 217:18
key [2] - 120:22, 139:1
kicked [1] - 274:3
kilowatt [7] - 122:8, 122:10, 127:22, 129:2, 254:7, 341:22
kilowatts [3] - 145:1, 145:2, 145:18
Kimberly [1] - 7:14
kind [75] - 8:24, 10:5, 12:1, 24:20, 24:23, 47:23, 52:12, 55:20, 55:23, 61:8, 81:19, 81:21, 81:24, 104:22, 108:25, 110:3, 115:2, 115:14, 124:14, 140:15, 141:10, 144:4, 158:17, 160:21, 171:9, 176:1, 176:17, 178:1, 182:6, 187:16, 191:18, 191:19, 197:17, 197:22, 209:24, 210:16, 210:17, 210:19, 212:3, 212:4, 222:20, 234:18, 237:10, 250:17, 254:8, 257:13, 257:16, 263:17, 269:8, 270:21, 275:5, 278:11, 280:6, 284:20, 299:14, 308:5, 313:8, 315:12, 317:3, 317:10, 318:4, 328:16, 330:9, 333:14, 334:23, 335:20, 336:10, 337:3, 337:4, 349:15, 365:3, 371:12, 375:6, 375:23, 375:24
kinds [1] - 288:10
knock [1] - 349:13
knocked [1] - 169:5
know.. [1] - 197:3
knowing [5] - 182:10, 182:17, 185:14, 326:20
knowledge [14] - 23:12, 30:12, 41:22, 44:8, 66:22, 136:14, 136:16, 195:12, 197:2, 197:8, 197:10, 197:11, 219:15, 271:9
known [4] - 12:21, 78:24, 210:13, 213:20
knows [3] - 18:10, 93:10, 101:6
Koch [2] - 214:10, 214:17
Kota [207] - 5:9, 8:6, 8:8, 9:7, 9:18, 9:21, 10:16, 12:3, 12:14, 13:4, 21:3, 21:15, 22:7, 22:11, 22:21, 22:22, 24:2, 24:16, 24:18, 24:20, 25:15, 27:10, 27:25, 28:12, 28:25, 31:18, 33:3, 33:12, 34:1, 34:22, 35:9, 35:14, 35:19, 36:21, 38:19, 40:1, 47:13, 58:3, 59:15, 65:15, 66:3, 67:12, 67:23, 68:1, 71:11, 74:1, 74:8, 78:4, 79:4, 88:25, 89:2, 90:8, 98:1, 101:25, 102:6, 104:6, 105:7, 106:2, 113:4, 113:7, 113:12, 114:1, 114:19, 116:12, 118:10, 121:23, 123:9, 123:23, 128:1, 129:24, 131:6, 136:11, 138:11, 143:1, 144:16, 145:20, 147:9, 147:13, 148:8, 151:8, 152:10, 155:9, 155:25, 157:25, 159:16, 161:4, 163:9, 164:13, 167:8, 167:14, 167:17, 173:13, 173:16, 173:17, 173:22, 174:6, 174:8, 174:9, 174:15, 174:16, 175:2, 175:4, 175:22, 181:11, 181:13, 181:14, 182:22, 185:7, 189:15, 196:3, 196:14, 196:25, 197:6, 198:9, 199:10, 199:11, 199:21, 200:14, 200:16, 200:19, 201:6, 206:19, 207:17, 212:24, 218:21, 219:5, 219:7, 219:25, 223:14, 225:1, 225:21, 226:3, 227:4, 227:6, 227:7, 227:12, 231:8, 232:19, 235:24, 242:13, 242:23, 244:2, 244:22, 245:2, 245:24, 246:5, 246:12, 248:15, 248:18, 249:7, 250:5, 250:13, 251:1, 252:4, 254:5, 263:23, 264:23, 272:4, 273:11, 276:8, 277:2, 277:14, 279:15, 280:14, 280:17, 284:14, 284:21, 285:10, 290:20, 290:21, 291:4, 291:8, 291:11, 291:21, 293:9, 295:24, 296:7, 296:15, 296:25, 297:5, 297:10, 299:12, 302:5, 308:20, 317:2, 317:11, 320:5, 327:12, 327:21, 328:8, 328:9, 328:13, 329:10, 329:16, 330:25, 334:22, 338:25, 339:4, 343:20, 344:12, 344:14, 347:16, 347:17, 358:19, 369:9
Kota's [5] - 39:18, 83:2, 197:14, 199:7, 329:6
Kroshus [17] - 15:21, 72:5, 72:12, 92:10, 105:18, 146:2, 166:23, 201:13, 304:15, 324:12, 345:19, 360:9, 360:14, 360:23, 361:22, 374:13
KROSHUS [144] - 15:22, 72:13, 72:16, 72:22, 72:25, 73:4, 73:9, 73:14, 73:20, 73:24, 74:7, 74:13, 74:16, 74:23, 75:2, 75:6, 75:12, 75:15, 75:24, 76:5, 76:11, 76:14, 76:18, 77:2, 77:8, 77:12, 77:16, 77:23, 78:2, 78:6, 78:13, 78:16, 78:18, 79:1, 79:8, 105:20, 106:1, 106:7, 106:12, 107:8, 107:13, 107:20, 107:24, 108:3, 146:3, 146:13, 146:18, 147:11, 147:19, 147:23, 148:20, 148:23, 149:4, 149:8, 149:20, 149:23, 150:5, 150:7, 150:18, 151:2, 151:7, 151:17, 151:23, 152:2, 152:19, 152:22, 153:1, 153:10, 153:24, 154:9, 154:19, 166:24, 167:13, 167:20, 168:7, 168:12, 169:14, 170:6, 201:14, 201:17, 201:20, 202:4, 202:7, 202:10, 202:22, 203:1, 203:7, 203:18, 203:21, 204:6, 281:15, 304:16, 304:21, 305:3, 305:6, 305:9, 305:14, 305:21, 305:25, 306:7, 306:17, 306:23, 307:3, 307:10, 307:18, 307:20, 308:2, 308:5, 308:15, 308:18, 309:11, 309:14, 309:16, 309:24, 310:12, 310:20, 311:1, 311:12, 311:16, 332:9, 345:20, 345:23, 346:6, 346:11, 346:14, 346:21, 347:4, 347:8, 347:17, 347:23, 348:17, 349:1, 349:8, 349:12, 349:23, 350:4, 350:6, 350:14, 350:20, 360:1, 361:21, 361:23, 362:6, 374:14
kV [7] - 69:24, 71:9, 100:12, 239:14, 241:7, 303:15, 320:4
Kva [11] - 27:16, 70:24, 70:25, 100:19, 234:15, 234:21, 235:4, 304:9, 304:18, 304:23, 307:12
kVAR [2] - 28:6, 166:3
Kw [6] - 122:19, 132:8, 145:7, 241:1, 255:18, 366:17
kW [4] - 115:7, 117:11, 120:24, 120:25
kWh [3] - 115:8, 117:12, 134:7

L

labeled [6] - 59:8, 118:8, 219:19, 234:12, 264:7, 278:17
labor [7] - 30:1, 33:5, 236:7, 241:4, 241:17, 305:8, 305:11
lack [2] - 199:9, 200:12
ladder [1] - 193:6
ladies [1] - 172:2
laid [3] - 14:19, 33:2,

87:3
land [16] - 30:4, 30:10, 67:10, 67:22, 74:16, 74:17, 74:20, 74:21, 93:3, 108:6, 109:7, 109:8, 177:4, 214:21, 308:9
large [34] - 21:17, 28:3, 38:7, 38:8, 38:21, 38:22, 39:21, 40:14, 48:24, 77:1, 99:5, 108:19, 109:2, 109:7, 109:14, 166:10, 168:3, 168:4, 183:15, 229:4, 243:2, 243:17, 244:7, 245:15, 246:9, 251:12, 252:13, 297:19, 299:15, 301:5, 336:12, 349:4, 352:11, 363:4
largely [2] - 169:1, 363:16
larger [11] - 16:14, 38:6, 39:2, 65:24, 71:12, 110:20, 245:15, 291:2, 291:4, 309:23, 313:2
largest [1] - 177:17
last [46] - 11:9, 14:22, 15:16, 16:7, 19:9, 19:10, 48:9, 48:12, 73:1, 78:14, 79:1, 85:5, 111:3, 144:7, 144:8, 147:5, 153:10, 168:12, 172:24, 201:19, 203:2, 203:23, 216:4, 253:18, 254:1, 254:3, 261:5, 270:1, 271:10, 298:21, 298:23, 299:5, 299:6, 299:7, 304:17, 309:25, 314:10, 328:16, 332:14, 332:15, 335:16, 345:3, 363:25, 370:10
late [21] - 95:24, 165:23, 281:19, 319:13, 335:20, 345:11, 345:13, 357:17, 367:5, 367:22, 368:13, 368:16, 368:21, 369:6, 371:3, 372:2, 372:3, 372:11, 373:4, 373:19, 373:21
late-filed [18] - 95:24, 165:23, 319:13, 335:20, 345:11, 357:17, 367:5, 367:22, 368:13, 368:16, 368:21, 369:6, 371:3, 372:2, 372:3, 373:4, 373:19, 373:21
lateral [1] - 319:18
Laughter [10] - 11:11, 43:12, 174:13, 205:15, 253:16, 332:12, 332:25, 366:21, 368:11, 375:10
laundry [1] - 51:13
LAW [1] - 5:1
law [7] - 5:3, 18:7, 355:1, 375:14, 375:15, 375:16, 375:22
lay [4] - 11:23, 17:22, 120:12, 141:13
lead [2] - 16:15, 277:22
leader [1] - 175:5
leads [1] - 100:19
leak [1] - 62:24
lease [4] - 93:3, 93:15, 189:14, 189:20
least [20] - 6:8, 6:11, 15:16, 33:23, 48:5, 87:9, 100:10, 160:10, 161:11, 168:9, 188:22, 189:22, 240:2, 269:1, 312:12, 321:14, 343:18, 369:3, 369:18, 371:7
leave [4] - 15:5, 172:10, 340:4, 351:1
leaves [1] - 109:14
leaving [1] - 362:17
left [12] - 7:21, 22:14, 62:5, 109:1, 115:3, 117:5, 121:17, 217:8, 249:3, 265:14, 282:3, 318:25
left-hand [3] - 115:3, 117:5, 121:17
leg [2] - 179:11
legs [3] - 179:17, 196:21, 325:17
Lein [10] - 7:22, 68:13, 68:18, 165:13, 165:14, 300:13, 345:17, 366:2, 366:3, 370:7
LEIN [52] - 68:19, 68:23, 69:4, 69:8, 69:11, 69:16, 69:20, 69:24, 70:3, 70:6, 70:10, 70:15, 70:19, 71:2, 71:5, 71:8, 71:10, 71:15, 71:19, 71:24, 72:2, 165:15, 165:23, 166:2, 166:12, 166:16, 166:20, 300:14, 300:21, 300:25, 301:6, 301:13, 301:16, 301:20, 301:24, 302:2, 302:7, 302:12, 302:14, 302:17, 302:25, 303:3, 303:12, 303:19, 304:1, 304:5, 304:12, 366:4, 366:8, 366:10, 366:14, 366:19
lends [1] - 89:23
length [8] - 42:11, 71:19, 263:17, 264:5, 265:7, 265:21, 329:21, 330:4
lengthier [1] - 330:5
less [27] - 24:14, 36:15, 37:19, 76:1, 83:15, 86:9, 99:5, 99:9, 124:1, 124:5, 126:5, 126:8, 132:22, 160:5, 170:18, 199:12, 199:25, 282:15, 282:17, 285:15, 321:13, 324:17, 327:14, 329:21, 353:21, 353:22, 356:3
lesser [1] - 86:17
level [10] - 92:17, 92:19, 152:14, 196:4, 204:23, 230:6, 231:3, 271:14, 300:18, 320:10
licensed [1] - 20:9
lies [1] - 68:11
life [10] - 20:16, 20:17, 53:18, 177:19, 177:21, 239:20, 240:1, 340:13, 340:18
lifespan [1] - 240:4
light [2] - 22:19, 272:17
lightning [3] - 270:25, 275:17, 320:24
likelihood [1] - 168:8
likely [8] - 70:25, 99:5, 101:4, 257:5, 262:23, 262:25, 292:10, 346:17
likewise [3] - 17:8, 309:7, 326:3
limit [6] - 178:15, 183:8, 184:22, 184:23, 197:23, 312:22
limitations [2] - 199:17, 256:14
limited [4] - 8:19, 29:16, 189:22, 196:8
limiting [1] - 200:8
limits [4] - 7:1, 105:9, 166:5, 274:25
line [219] - 20:22, 20:25, 22:23, 22:25, 23:6, 23:9, 23:12, 23:18, 23:21, 23:24, 23:25, 24:5, 24:9, 24:11, 24:13, 25:9, 25:11, 25:20, 25:21, 25:23, 26:17, 29:17, 32:1, 32:24, 34:9, 39:2, 40:5, 49:22, 50:6, 50:9, 50:11, 50:18, 50:24, 51:3, 51:5, 52:4, 52:8, 52:17, 54:10, 54:11, 54:21, 54:23, 55:4, 55:10, 56:4, 56:17, 57:14, 58:1, 58:18, 59:10, 59:11, 59:12, 59:13, 59:25, 60:2, 60:8, 61:7, 61:8, 61:15, 63:19, 64:8, 64:10, 64:21, 64:23, 65:25, 68:21, 68:23, 69:2, 69:8, 69:16, 69:24, 70:14, 71:5, 77:8, 77:9, 77:12, 77:20, 78:10, 78:18, 78:22, 78:23, 80:3, 80:16, 82:8, 82:14, 82:21, 83:21, 87:9, 87:15, 87:17, 88:25, 89:11, 89:22, 89:24, 90:5, 90:6, 91:1, 98:23, 102:22, 103:1, 103:3, 104:7, 104:18, 107:3, 107:4, 118:10, 118:21, 120:2, 121:1, 121:2, 124:1, 124:6, 124:7, 124:24, 126:3, 131:7, 131:16, 131:17, 131:25, 132:2, 132:5, 136:7, 165:21, 165:24, 170:3, 193:9, 194:3, 198:3, 213:2, 220:4, 220:5, 223:6, 223:7, 223:9, 223:10, 223:21, 224:1, 224:9, 224:10, 225:2, 226:10, 228:7, 231:17, 232:8, 233:10, 237:13, 241:4, 242:10, 242:15, 242:17, 249:13, 258:24, 259:10, 259:16, 259:23, 260:22, 262:10, 262:13, 262:16, 262:20, 263:17, 263:18, 264:2, 264:5, 264:17, 264:19, 264:22, 264:25, 265:6, 265:8, 265:15, 265:17, 265:18, 265:20, 267:4, 267:7, 267:23, 267:25, 271:2, 272:22, 272:24, 275:12, 275:16, 275:19, 275:20, 276:3, 284:7, 285:3, 288:19, 288:20, 289:11, 289:13, 289:17, 289:25, 290:4, 290:8, 290:9, 290:10, 295:20, 301:8, 304:2, 306:19, 310:7, 310:8, 310:13, 311:6, 313:6, 319:19, 320:1, 321:5, 321:12, 324:16, 335:7, 370:7, 373:1
linear [1] - 88:13
linemen [3] - 52:5, 52:7, 52:9
lines [37] - 6:7, 28:11, 34:18, 38:23, 40:20, 51:21, 52:19, 57:17, 64:13, 70:1, 76:23, 79:12, 80:8, 81:18, 81:20, 82:4, 82:5, 82:6, 83:6, 98:16, 98:18, 102:24, 106:25, 107:4, 185:18, 198:21, 220:1, 220:2, 231:15, 234:10, 268:21, 271:21, 275:18, 298:7, 301:3, 329:18
list [20] - 51:13, 86:14, 115:9, 158:21, 227:5, 227:8, 227:12, 227:21, 227:25, 235:21, 236:22, 272:6, 290:7, 292:24, 293:4, 293:10, 293:21, 297:2,

323:6, 368:15
listed [14] - 75:16, 149:25, 150:1, 152:23, 228:3, 228:4, 230:2, 238:14, 269:10, 279:15, 318:17, 319:3, 327:2, 371:2
listen [3] - 16:10, 16:20, 17:10
lists [1] - 299:23
live [3] - 207:23, 316:7, 320:22
lived [1] - 181:4
load [203] - 11:2, 16:14, 25:5, 27:25, 32:6, 47:13, 47:23, 48:3, 48:7, 48:24, 49:25, 50:10, 70:9, 71:4, 90:13, 90:15, 90:17, 103:19, 115:6, 115:8, 117:5, 117:7, 117:9, 121:18, 121:25, 122:1, 122:2, 122:3, 122:5, 122:7, 122:9, 123:19, 123:22, 124:24, 127:9, 127:13, 127:21, 127:24, 128:23, 129:4, 130:23, 132:5, 132:8, 133:17, 133:20, 133:21, 134:6, 134:7, 134:11, 136:25, 137:4, 137:6, 137:7, 137:10, 137:14, 137:20, 138:2, 138:6, 138:7, 138:10, 139:5, 139:22, 140:22, 143:15, 143:22, 143:23, 144:21, 145:10, 145:21, 152:18, 153:7, 153:17, 154:13, 154:25, 155:22, 156:11, 156:12, 157:20, 158:1, 158:5, 158:12, 158:14, 158:17, 158:20, 159:7, 159:15, 160:8, 160:9, 160:12, 160:16, 163:10, 163:12, 163:17, 164:14, 164:15, 164:24, 164:25, 165:5, 165:7, 176:14, 176:15, 179:7, 179:15, 179:17, 190:22, 205:8, 205:9, 217:16, 223:14, 226:5, 226:23, 227:21, 234:21, 238:16, 238:23, 240:20, 243:9, 244:2, 249:23, 249:25, 250:2, 250:4, 250:6, 250:11, 250:13, 250:19, 250:21, 251:6, 251:7, 252:23, 255:13, 255:15, 255:19, 255:25, 256:6, 256:7, 256:22, 256:23, 257:1, 257:5, 257:11, 257:14, 258:10, 261:12, 263:19, 273:11, 274:22, 275:2, 277:7, 277:9, 278:8, 278:13, 279:2, 279:18, 279:23, 280:3, 280:6, 283:7, 283:8, 291:23, 291:24, 294:24, 295:1, 296:21, 297:4, 299:24, 302:23, 307:9, 316:7, 316:9, 316:17, 316:18, 317:6, 325:4, 326:17, 326:24, 326:25, 327:3, 327:8, 327:15, 328:3, 328:5, 330:16, 338:21, 348:11, 353:20, 354:7, 354:13, 354:15, 354:16, 354:19, 354:21, 355:23, 356:5, 363:11, 367:1, 367:3, 369:10, 371:16
load-out [6] - 176:14, 179:7, 179:15, 179:17, 190:22, 205:9
load-serving [2] - 32:6, 71:4
loaded [7] - 30:1, 33:4, 178:17, 179:19, 343:7, 359:9
loaders [2] - 205:1, 212:17
loading [12] - 158:8, 186:15, 190:21, 238:17, 238:18, 243:11, 277:8, 297:2, 301:23, 302:18, 316:13, 323:18
loads [17] - 28:3, 38:6, 38:7, 50:6, 92:6, 130:11, 176:10, 176:11, 205:5, 234:23, 237:23, 238:19, 242:15, 259:8, 348:12, 364:14, 365:12
loan [1] - 286:19
loans [3] - 286:16, 307:24, 307:25
local [4] - 47:21, 177:10, 207:2, 219:2
located [10] - 27:9, 36:21, 40:4, 40:7, 40:9, 89:10, 173:18, 199:10, 209:6, 222:7
location [28] - 5:23, 6:8, 6:12, 6:17, 6:25, 22:6, 80:25, 89:4, 101:20, 105:7, 151:20, 182:4, 182:10, 182:18, 182:21, 189:6, 206:20, 209:22, 210:12, 210:15, 230:4, 233:2, 233:13, 295:17, 303:23, 322:2
locations [3] - 33:2, 151:9, 173:19
locomotive [1] - 177:5
logged [1] - 269:12
logical [1] - 233:19
logistics [3] - 173:23, 174:24, 175:12
long-range [1] - 218:14
long-term [2] - 315:23, 316:17
longevity [1] - 240:1
look [60] - 10:21, 10:25, 14:5, 16:9, 17:18, 39:14, 45:18, 45:25, 60:6, 81:3, 83:25, 86:16, 94:6, 96:5, 101:8, 103:21, 106:23, 122:10, 124:14, 131:7, 137:22, 138:5, 143:15, 144:2, 144:7, 150:14, 150:15, 156:16, 157:24, 168:15, 175:24, 182:5, 185:20, 195:5, 195:23, 201:1, 203:14, 212:5, 219:20, 236:1, 250:10, 253:7, 253:10, 253:23, 254:1, 256:19, 259:1, 260:10, 263:17, 268:19, 270:3, 287:4, 289:20, 296:17, 346:23, 352:1, 369:10, 373:11
looked [22] - 14:25, 116:25, 117:2, 127:11, 137:12, 140:22, 143:10, 143:18, 143:19, 144:6, 144:10, 144:22, 154:18, 159:23, 187:13, 197:20, 263:20, 278:15, 280:3, 282:7, 354:4
looking [51] - 10:6, 13:19, 14:21, 15:14, 25:8, 38:13, 43:14, 68:19, 71:11, 88:13, 101:16, 114:10, 114:14, 118:3, 118:4, 119:17, 120:17, 122:23, 128:3, 137:2, 146:13, 152:6, 153:1, 153:7, 171:15, 182:20, 187:13, 206:24, 210:20, 235:21, 241:2, 250:21, 251:17, 251:20, 257:17, 257:18, 263:18, 289:23, 301:6, 338:24, 339:3, 339:4, 348:18, 353:17, 353:23, 354:6, 365:5, 369:7, 371:14, 375:21
looks [22] - 34:21, 43:17, 43:20, 46:2, 46:15, 55:15, 55:18, 82:10, 86:9, 86:16, 107:22, 124:18, 169:2, 169:7, 220:24, 228:6, 228:9, 230:23, 272:7, 305:17, 317:5, 323:7
loop [9] - 193:2, 193:4, 205:6, 250:8, 257:1, 280:10, 297:6, 310:5
looped [3] - 302:3, 302:6, 328:17
looping [1] - 328:20
lose [7] - 68:23, 186:14, 198:12, 262:12, 269:14, 315:4, 351:8
loser [1] - 14:18
losing [1] - 199:5
loss [1] - 269:23
losses [1] - 86:3
lost [9] - 95:1, 253:14, 269:17, 274:18, 301:20, 302:7, 302:12, 365:12, 372:19
Louis [1] - 217:8
low [17] - 27:3, 43:6, 43:23, 127:23, 135:6, 137:7, 137:10, 168:20, 224:15, 253:1, 255:19, 256:9, 256:15, 298:14, 317:1, 331:13, 363:5
lower [16] - 34:17, 35:2, 42:7, 43:8, 117:4, 121:17, 122:8, 127:13, 129:3, 154:25, 163:11, 168:20, 279:23, 306:21, 350:9, 363:4
lowering [2] - 163:10, 163:19
lowers [2] - 163:20, 164:3
lowest [4] - 43:18, 46:5, 46:14, 331:14
lucky [2] - 332:11, 366:20
lunch [4] - 163:3, 171:8, 171:20, 172:18

M

Ma'am [1] - 190:17
machinery [1] - 270:24
MAIFI [1] - 71:22
Main [1] - 217:22
main [4] - 183:13, 272:21, 322:20
maintain [6] - 92:16, 109:18, 166:13, 259:19, 297:20, 364:19
maintained [4] - 23:13, 73:3, 261:4, 337:20
maintains [2] - 48:23, 232:8
maintenance [25] - 20:1, 20:18, 23:14, 51:10, 51:17, 53:15, 53:16, 60:8, 62:8, 64:5, 97:19, 99:20, 218:18, 260:19, 260:21, 261:5,

261:7, 267:1, 270:2, 286:4, 286:5, 323:22
major [3] - 45:23, 81:23, 120:18
majority [3] - 221:24, 228:6, 268:22
malfunctions [1] - 223:1
Malt [1] - 277:16
malt [1] - 277:18
manage [3] - 218:14, 218:15, 255:25
management [9] - 112:1, 112:3, 112:15, 170:12, 217:16, 218:12, 260:6, 263:11, 269:13
manager [13] - 7:16, 9:11, 12:15, 111:24, 173:23, 187:8, 216:19, 217:2, 217:15, 217:16, 276:12, 333:12, 334:2
manipulation [1] - 63:16
manner [2] - 32:8, 134:1
manufacturing [1] - 178:4
map [16] - 5:24, 22:19, 23:1, 75:7, 75:8, 75:10, 87:11, 87:12, 87:23, 88:8, 98:9, 103:8, 222:14, 229:23, 232:15
maple [1] - 192:17
maps [1] - 267:13
March [14] - 5:22, 114:2, 114:4, 143:5, 148:9, 152:6, 187:5, 203:1, 226:6, 238:2, 242:24, 251:1, 283:10, 308:23
margin [8] - 108:22, 337:11, 341:23, 343:25, 356:21, 356:23, 364:3, 364:7
margins [16] - 184:25, 258:25, 337:8, 337:15, 341:21, 344:1, 344:24, 351:24, 352:7, 353:14, 356:19, 357:14, 359:10, 364:12, 365:21
mark [1] - 93:6
marked [11] - 21:9, 22:22, 28:20, 35:3, 35:4, 41:9, 58:24, 116:6, 253:20, 253:24, 283:17
market [9] - 84:12, 84:17, 84:22, 174:22, 191:11, 191:20, 316:1, 316:22, 351:12
marketplace [1] - 177:10
markets [3] - 176:24, 177:2, 212:13
married [1] - 191:22
master [1] - 112:15
masters [2] - 218:2, 218:3
match [1] - 283:5
material [6] - 18:10, 168:14, 239:9, 241:16, 283:23, 305:8
material-type [1] - 283:23
materials [1] - 29:24
math [5] - 149:12, 317:5, 324:13, 353:17, 353:20
matter [7] - 17:3, 65:7, 142:11, 207:12, 241:25, 288:16, 346:15
maximum [3] - 18:13, 158:25, 240:12
MDU [1] - 15:1
mean [55] - 14:23, 14:24, 45:7, 49:14, 61:12, 64:3, 66:14, 67:1, 74:3, 87:13, 89:15, 91:9, 93:22, 95:2, 106:20, 109:21, 119:7, 132:1, 139:20, 141:11, 143:13, 143:14, 144:6, 148:17, 153:16, 169:18, 172:11, 186:6, 189:4, 196:9, 197:2, 203:17, 204:3, 207:18, 208:15, 209:7, 232:3, 240:23, 256:12, 259:13, 268:10, 270:22, 270:23, 277:2, 279:21, 288:4, 292:6, 293:9, 309:19, 340:13, 341:17, 341:25, 342:7, 357:1, 364:9
meaning [1] - 350:8
means [7] - 14:24, 59:21, 174:1, 176:24, 196:22, 357:2, 368:12
meant [1] - 132:15
meantime [1] - 101:6
measurably [1] - 311:2
measure [2] - 76:9, 359:7
measured [3] - 122:17, 260:3, 366:5
measurement [1] - 76:11
measures [1] - 76:8
meet [1] - 241:23
meeting [4] - 109:10, 137:1, 171:10, 171:14
meets [1] - 31:2
megawatt [4] - 25:1, 145:10, 346:4, 354:16
megawatts [5] - 25:5, 127:22, 291:24, 303:2, 361:8
member [37] - 12:17, 13:5, 20:15, 20:16, 20:17, 189:3, 229:3, 233:6, 234:17, 241:20, 243:13, 244:12, 244:25, 255:12, 255:22, 260:7, 260:11, 260:12, 262:11, 262:14, 293:16, 303:21, 313:15, 318:24, 324:7, 337:10, 337:13, 337:16, 338:12, 338:18, 339:7, 339:15, 340:1, 341:21, 348:25
member's [3] - 263:10, 312:18, 338:15
members [36] - 12:4, 20:24, 36:17, 39:19, 219:2, 219:13, 221:21, 221:24, 223:23, 225:1, 229:1, 245:20, 246:4, 253:2, 258:20, 259:2, 259:9, 259:13, 259:16, 274:11, 278:24, 286:18, 289:16, 292:11, 295:12, 300:8, 307:19, 307:21, 307:24, 320:13, 322:23, 337:7, 346:12, 346:20, 354:15, 365:14
membership [16] - 12:9, 259:11, 259:14, 290:3, 292:6, 307:16, 307:17, 323:23, 337:9, 346:8, 354:14, 356:24, 362:20, 362:24, 364:11, 364:15
membership's [1] - 364:20
men's [1] - 172:2
Menards [4] - 11:14, 11:17, 11:19, 11:20
mentioned [12] - 31:4, 74:8, 75:13, 128:22, 150:18, 265:1, 265:4, 266:19, 298:10, 321:15, 350:15, 368:24
mere [1] - 139:21
mesh [1] - 84:2
met [4] - 109:23, 226:7, 276:13, 309:1
meter [7] - 27:22, 263:9, 272:13, 272:23, 274:4, 330:18
metered [2] - 330:22, 330:23
metering [9] - 60:20, 96:17, 217:17, 233:14, 237:24, 273:16, 274:2, 274:19, 285:10
meters [2] - 52:15, 340:17
methodologies [1] - 297:17
methodology [5] - 29:3, 32:9, 76:6, 76:7, 247:12
mic [1] - 358:5
mid [2] - 110:20, 226:6
mid-range [1] - 110:20
middle [15] - 14:16, 22:10, 56:6, 77:10, 87:15, 134:8, 160:12, 187:5, 209:5, 219:25, 258:4, 265:14, 324:11, 363:15
midnight [1] - 374:25
might [39] - 16:7, 17:2, 22:18, 74:4, 74:5, 101:7, 103:24, 106:3, 107:14, 140:24, 141:6, 146:20, 148:10, 148:23, 152:3, 154:6, 162:13, 167:11, 170:22, 181:17, 186:2, 210:13, 211:18, 249:15, 268:11, 283:12, 305:11, 307:12, 321:8, 327:15, 331:15, 349:25, 360:11, 363:14, 367:14, 371:4, 377:3
mile [46] - 6:8, 6:11, 21:17, 22:10, 24:5, 24:9, 24:13, 24:14, 35:1, 55:14, 55:15, 55:17, 56:1, 56:5, 56:9, 76:24, 77:1, 77:6, 77:10, 81:5, 81:6, 81:10, 83:21, 90:6, 105:22, 219:24, 220:7, 221:19, 221:22, 221:23, 222:5, 222:16, 225:24, 232:13, 232:16, 259:16, 267:6, 267:14, 267:22, 289:23, 301:17, 310:6
miles [42] - 24:7, 35:10, 40:10, 50:8, 50:10, 50:18, 52:3, 90:5, 98:13, 181:8, 185:15, 185:22, 198:19, 198:23, 198:24, 206:15, 223:17, 225:11, 226:21, 231:23, 232:1, 232:2, 259:23, 263:5, 263:18, 265:5, 265:21, 266:5, 266:8, 267:4, 285:11, 293:22, 296:10, 298:18, 301:19, 305:18, 319:22, 320:12, 330:1
million [4] - 117:12, 176:12, 177:14, 183:7
million-bushel [1] - 183:7
mills [1] - 176:25
Milnor [8] - 24:4, 49:22, 50:4, 80:5, 219:3, 263:25, 265:4, 334:10
mimic [2] - 247:13, 247:16
mind [3] - 92:2, 185:4, 292:2
mindset [2] - 240:2, 355:9
mine [2] - 170:8, 221:3
minimal [6] - 74:20, 190:24, 258:8, 284:17, 303:10
minimally [1] - 51:19
minimize [4] - 15:11, 39:5, 185:9, 310:25

minimizing [1] - 185:5
minimum [9] - 71:19, 92:25, 93:7, 108:11, 109:20, 109:22, 138:20, 161:14, 258:6
Minn [212] - 5:9, 8:6, 8:8, 9:7, 9:18, 9:21, 10:16, 12:3, 12:14, 13:4, 21:3, 21:15, 22:7, 22:11, 22:21, 22:22, 24:2, 24:16, 24:18, 24:20, 25:15, 27:10, 27:25, 28:12, 28:25, 31:18, 33:3, 33:12, 34:1, 34:22, 35:9, 35:14, 35:19, 36:21, 38:19, 39:18, 40:1, 47:13, 58:3, 59:15, 65:15, 66:3, 67:12, 67:23, 68:1, 71:11, 74:1, 74:8, 78:4, 79:4, 83:2, 88:25, 89:2, 90:8, 98:1, 101:25, 102:6, 104:6, 105:7, 106:2, 113:4, 113:7, 113:12, 114:1, 114:19, 116:12, 118:10, 121:23, 123:9, 123:23, 128:1, 129:24, 131:6, 136:11, 138:11, 143:1, 144:16, 145:20, 147:9, 147:13, 148:8, 151:8, 152:10, 155:9, 155:25, 157:25, 159:16, 161:4, 163:9, 164:13, 167:8, 167:14, 167:17, 173:13, 173:16, 173:17, 173:22, 174:6, 174:8, 174:9, 174:15, 174:16, 175:2, 175:4, 175:22, 181:11, 181:13, 181:14, 182:22, 185:7, 189:15, 196:3, 196:14, 196:25, 197:6, 197:14, 198:9, 199:7, 199:10, 199:11, 199:21, 200:14, 200:16, 200:19, 201:6, 206:19, 207:17, 212:24, 218:21, 219:5, 219:7, 219:25, 223:14, 225:1, 225:21, 226:3, 227:4, 227:6, 227:7, 227:12, 231:8, 232:19, 235:24, 242:13, 242:23, 244:2, 244:22, 245:2, 245:24, 246:5, 246:12, 248:15, 248:18, 249:7, 250:5, 250:13, 251:1, 252:4, 254:5, 263:23, 264:23, 272:4, 273:11, 276:8, 277:2, 277:14, 279:15, 280:14, 280:17, 284:14, 284:21, 285:10, 290:20, 290:21, 291:4, 291:8, 291:11, 291:21, 293:9, 295:24, 296:7, 296:15, 296:25, 297:5, 297:10, 299:12, 302:5, 308:20, 317:2, 317:11, 320:5, 327:12, 327:21, 328:8, 328:9, 328:13, 329:6, 329:10, 329:16, 330:25, 334:22, 338:25, 339:4, 343:20, 344:12, 344:14, 347:16, 347:17, 358:19, 369:9
Minn-Kota [207] - 5:9, 8:6, 8:8, 9:7, 9:18, 9:21, 10:16, 12:3, 12:14, 13:4, 21:3, 21:15, 22:7, 22:11, 22:21, 22:22, 24:2, 24:16, 24:18, 24:20, 25:15, 27:10, 27:25, 28:12, 28:25, 31:18, 33:3, 33:12, 34:1, 34:22, 35:9, 35:14, 35:19, 36:21, 38:19, 40:1, 47:13, 58:3, 59:15, 65:15, 66:3, 67:12, 67:23, 68:1, 71:11, 74:1, 74:8, 78:4, 79:4, 88:25, 89:2, 90:8, 98:1, 101:25, 102:6, 104:6, 105:7, 106:2, 113:4, 113:7, 113:12, 114:1, 114:19, 116:12, 118:10, 121:23, 123:9, 123:23, 128:1, 129:24, 131:6, 136:11, 138:11, 143:1, 144:16, 145:20, 147:9, 147:13, 148:8, 151:8, 152:10, 155:9, 155:25, 157:25, 159:16, 161:4, 163:9, 164:13, 167:8, 167:14, 167:17, 173:13, 173:16, 173:17, 173:22, 174:6, 174:8, 174:9, 174:15, 174:16, 175:2, 175:4, 175:22, 181:11, 181:13, 181:14, 182:22, 185:7, 189:15, 196:3, 196:14, 196:25, 197:6, 198:9, 199:10, 199:11, 199:21, 200:14, 200:16, 200:19, 201:6, 206:19, 207:17, 212:24, 218:21, 219:5, 219:7, 219:25, 223:14, 225:1, 225:21, 226:3, 227:4, 227:6, 227:7, 227:12, 231:8, 232:19, 235:24, 242:13, 242:23, 244:2, 244:22, 245:2, 245:24, 246:5, 246:12, 248:15, 248:18, 249:7, 250:5, 250:13, 251:1, 252:4, 254:5, 263:23, 264:23, 272:4, 273:11, 276:8, 277:2, 277:14, 279:15, 280:14, 280:17, 284:14, 284:21, 285:10, 290:20, 290:21, 291:4, 291:8, 291:11, 291:21, 293:9, 295:24, 296:7, 296:15, 296:25, 297:5, 297:10, 299:12, 302:5, 308:20, 317:2, 317:11, 320:5, 327:12, 327:21, 328:8, 328:9, 328:13, 329:10, 329:16, 330:25, 334:22, 338:25, 339:4, 343:20, 344:12, 344:14, 347:16, 347:17, 358:19, 369:9
Minn-Kota's [5] - 39:18, 83:2, 197:14, 199:7, 329:6
Minnesota [6] - 111:20, 112:17, 173:15, 173:20, 173:21, 175:14
minor [1] - 64:22
minority [1] - 173:25
minus [1] - 160:16
minute [3] - 72:6, 107:15, 186:8
minutes [6] - 71:23, 170:23, 171:10, 271:7, 288:7, 368:3
MISO [1] - 292:21
missing [2] - 148:23, 149:12
Missouri [2] - 218:3, 296:2
misunderstanding [1] - 342:12
mitigate [2] - 229:1, 320:24
mitigates [1] - 322:8
mix [1] - 155:13
model [4] - 100:18, 250:20, 250:21, 279:25
modeled [1] - 300:22
modified [2] - 45:13, 233:1
modules [1] - 237:14
moment [4] - 117:24, 118:1, 342:13, 342:17
momentary [2] - 71:21, 275:18
money [12] - 84:4, 109:21, 164:5, 164:10, 196:23, 200:7, 207:23, 213:2, 313:24, 314:1, 336:21, 365:12
monitor [1] - 291:18
monitoring [2] - 60:23, 276:22
monitors [1] - 60:19
month [20] - 115:7, 129:18, 129:19, 129:25, 152:18, 152:23, 156:16, 255:17, 255:18, 256:2, 256:15, 256:17, 257:10, 298:5, 299:14, 307:2, 366:8
month-to-month [1] - 307:2
monthly [4] - 153:1, 153:2, 156:21, 306:24
months [3] - 16:4, 130:3, 298:4
Mooreton [55] - 21:18, 22:14, 24:1, 24:12, 35:5, 35:8, 36:12, 54:12, 54:16, 54:19, 54:23, 54:25, 55:2, 68:4, 68:8, 68:20, 77:17, 79:15, 80:2, 80:13, 88:21, 90:2, 90:25, 95:19, 103:1, 103:2, 104:8, 104:10, 194:3, 218:21, 220:5, 220:6, 224:8, 224:12, 225:6, 225:12, 225:18, 226:20, 232:5, 232:7, 240:18, 260:23, 262:11, 264:20, 265:11, 265:16, 265:22, 270:15, 270:17, 287:9, 291:10, 298:17, 301:20, 302:17, 323:15
moot [1] - 160:22
morning [22] - 5:2, 7:9, 7:19, 8:5, 13:25, 14:10, 15:22, 62:4, 72:14, 72:15, 86:22, 86:23, 148:25, 171:25, 178:5, 178:22, 201:18, 302:22, 326:1, 361:18, 373:7, 376:10
most [38] - 14:14, 15:25, 49:1, 55:17, 81:19, 101:4, 124:24, 140:21, 152:9, 154:23, 156:12, 160:3, 160:5, 162:9, 162:19, 168:6, 183:14, 241:9, 251:2, 257:3, 262:23, 262:25, 268:17, 275:10, 280:2, 298:19, 300:2, 316:4, 322:21, 322:22, 323:7, 326:25, 327:3, 330:10, 333:22, 368:18
mostly [1] - 310:16
mother [1] - 207:20
motions [1] - 370:4

motor [40] - 38:21, 39:6, 39:14, 48:24, 65:19, 65:24, 92:19, 99:5, 158:21, 227:5, 227:12, 227:21, 229:20, 235:21, 249:25, 250:6, 257:1, 280:3, 292:24, 293:4, 293:20, 297:2, 312:5, 312:10, 312:12, 313:3, 313:11, 313:12, 313:23, 313:24, 314:4, 314:12, 315:2, 316:7, 316:9, 323:6, 327:8, 327:15
motor-starting [1] - 315:2
motors [31] - 39:1, 39:8, 39:13, 39:15, 39:21, 65:9, 65:12, 71:10, 71:12, 110:20, 124:25, 166:10, 196:20, 227:25, 228:1, 228:3, 228:5, 228:7, 228:22, 228:25, 229:5, 229:6, 229:14, 293:5, 301:5, 311:25, 314:22, 323:7, 323:9
move [26] - 61:19, 115:5, 115:11, 121:11, 135:12, 149:4, 152:16, 174:25, 176:24, 220:14, 228:13, 230:11, 233:25, 235:11, 236:14, 238:6, 245:5, 246:15, 248:6, 254:13, 265:23, 270:10, 273:3, 279:7, 342:22, 349:18
moved [4] - 120:10, 178:15, 179:8, 190:2
moves [1] - 135:19
moving [6] - 77:24, 115:9, 122:15, 186:9, 206:2, 304:23
multibillionaires [1] - 207:21
multiple [3] - 162:7, 278:16, 289:12
multiplier [2] - 129:21, 129:23
municipalities [2] - 8:20, 75:19
municipality [3] - 7:2, 10:12, 105:9

N

name [11] - 5:2, 7:7, 19:6, 19:9, 19:10, 111:3, 172:24, 192:18, 208:23, 216:4, 332:16
named [1] - 208:7
names [1] - 332:14
national [1] - 20:13
natural [1] - 206:9
nature [4] - 32:20, 143:21, 297:21, 347:25
near [8] - 8:9, 80:11, 83:5, 175:3, 218:21, 237:11, 265:4, 374:24
nearby [1] - 347:1
nearing [1] - 180:1
necessarily [10] - 49:6, 60:3, 91:17, 101:1, 143:20, 239:21, 278:22, 300:24, 331:2, 371:1
necessary [3] - 24:24, 204:4, 323:14
necessity [2] - 48:1, 209:14
need [49] - 13:20, 14:3, 14:6, 28:4, 28:10, 31:5, 35:15, 39:12, 51:14, 65:11, 81:15, 85:14, 89:12, 103:24, 135:8, 152:16, 155:23, 156:4, 165:17, 167:9, 171:10, 172:10, 178:16, 178:17, 185:22, 201:5, 202:3, 206:10, 207:24, 210:2, 229:14, 234:18, 240:16, 247:12, 253:23, 281:17, 291:16, 297:20, 325:13, 325:14, 369:21, 370:9, 370:10, 371:7, 373:3, 375:13
needed [11] - 62:24, 65:6, 70:4, 91:11, 130:15, 157:19, 200:4, 207:1, 222:22, 227:18, 238:15
needing [1] - 371:12
needs [11] - 54:25, 83:5, 92:4, 109:23, 186:9, 190:9, 206:1, 325:14, 353:1, 363:14, 373:11
negatively [2] - 164:23, 253:1
neglected [1] - 171:25
negligible [1] - 108:18
negotiate [1] - 323:2
negotiation [1] - 197:8
neighborhood [4] - 25:5, 26:19, 27:7, 30:20
neighboring [3] - 39:22, 99:9, 262:4
net [19] - 9:15, 10:18, 131:5, 132:20, 132:21, 133:1, 133:2, 134:10, 134:17, 134:23, 135:1, 163:12, 163:15, 163:16, 164:12, 165:5, 286:25, 287:2, 305:3
network [8] - 69:14, 76:1, 77:21, 177:17, 178:2, 178:14, 199:8, 199:10
never [13] - 83:19, 95:8, 180:25, 188:15, 194:1, 197:7, 205:13, 207:11, 207:14, 276:25, 328:13, 375:7
new [57] - 9:22, 15:2, 16:3, 16:4, 35:15, 35:16, 63:6, 76:19, 83:8, 83:24, 86:10, 90:15, 98:3, 98:7, 113:22, 130:23, 150:14, 153:17, 158:15, 168:24, 169:12, 170:1, 180:18, 183:18, 191:5, 193:7, 206:15, 207:5, 209:22, 230:7, 231:12, 231:22, 232:2, 232:3, 236:23, 237:12, 237:17, 237:18, 239:16, 239:18, 239:21, 239:23, 239:24, 239:25, 241:7, 241:13, 245:12, 267:2, 269:3, 282:23, 282:24, 296:7, 308:10, 308:13, 323:25, 324:7, 347:16
newer [7] - 268:25, 277:4, 277:5, 277:9, 279:1, 322:3, 327:6
newer-type [1] - 327:6
next [22] - 15:1, 25:19, 56:15, 56:17, 79:25, 110:24, 131:16, 131:17, 131:25, 132:2, 132:5, 152:17, 170:2, 170:3, 170:14, 172:20, 204:24, 252:5, 252:8, 339:18, 341:6, 346:25
nicest [1] - 183:20
nick [1] - 322:11
night [6] - 178:5, 178:22, 201:19, 302:24, 361:18, 363:15
nine [12] - 6:25, 115:16, 115:18, 119:22, 123:16, 123:18, 246:6, 252:10, 254:9, 300:5, 326:10, 326:11
nine-year [4] - 115:16, 123:16, 123:18, 246:6
ninth [1] - 246:8
nobody [2] - 355:12, 368:12
nomenclature [1] - 35:4
non [2] - 167:10, 292:1
non-coincident [1] - 292:1
non-controlled [1] - 167:10
none [5] - 17:4, 193:12, 205:18, 206:7, 286:22
nonetheless [1] - 16:1
normal [20] - 24:3, 49:15, 49:17, 50:1, 50:5, 50:22, 50:24, 54:25, 69:23, 80:6, 81:21, 83:4, 83:7, 102:23, 103:4, 103:12, 252:13, 252:14, 323:22, 363:19
normalized [3] - 45:21, 46:9, 71:17
normally [3] - 15:23, 80:17, 103:10
north [15] - 79:15, 79:17, 79:18, 81:6, 81:7, 87:19, 192:19, 232:16, 261:20, 263:3, 301:7, 301:11, 301:12, 301:16, 301:21
North [23] - 5:9, 5:12, 5:17, 8:9, 15:24, 19:15, 41:14, 42:18, 140:7, 155:6, 168:2, 173:19, 173:20, 175:14, 175:20, 183:21, 205:2, 217:23, 218:1, 260:13, 375:7
Northern [16] - 216:20, 217:1, 217:10, 218:11, 266:17, 266:20, 278:15, 278:24, 333:13, 333:20, 333:23, 333:25, 334:1, 334:2, 334:6, 353:3
northwest [1] - 49:23
notably [1] - 11:13
notated [1] - 22:16
notation [2] - 62:7, 120:1
note [4] - 22:18, 250:24, 284:7, 350:16
notes [1] - 328:16
nothing [18] - 18:19, 23:19, 75:2, 99:11, 111:10, 138:14, 139:7, 163:22, 173:4, 214:3, 216:10, 267:2, 294:11, 331:24, 333:2, 359:20, 365:25, 366:10
notice [9] - 5:17, 5:18, 5:22, 5:23, 5:24, 5:25, 8:24, 219:3
notification [1] - 267:7
November [7] - 152:6, 373:12, 373:13, 373:16, 373:18, 377:8, 377:16
nowhere [1] - 374:24
nuisances [1] - 11:20
number [52] - 16:20, 31:8, 41:10, 41:11, 42:24, 43:4, 43:15, 43:18, 43:23, 44:1, 46:1, 59:16, 81:2, 85:23, 107:21, 108:23, 116:6, 118:5, 119:6, 122:3, 125:1, 126:6, 131:9, 160:3, 160:4, 167:5, 169:15, 191:10, 235:19, 253:10, 253:11, 259:9, 283:14, 285:18, 293:1, 293:24, 315:10, 315:23, 317:3, 317:20, 321:22, 326:20, 330:8, 341:12,

351:18, 353:18, 356:7, 361:2, 362:21, 362:23, 371:22
numbered [2] - 317:2, 324:11
numbers [83] - 25:3, 42:22, 43:5, 43:21, 44:12, 45:18, 46:9, 48:12, 63:9, 63:10, 63:11, 63:12, 63:14, 67:7, 70:25, 73:11, 73:12, 75:16, 75:17, 75:25, 76:6, 93:19, 93:20, 93:24, 94:13, 94:14, 94:15, 94:16, 94:19, 96:22, 97:18, 97:22, 106:19, 106:21, 107:12, 107:25, 108:1, 110:6, 114:2, 115:10, 117:13, 118:17, 119:7, 122:18, 125:23, 133:18, 133:20, 137:15, 139:19, 139:25, 140:1, 146:14, 146:25, 147:20, 147:22, 148:1, 148:8, 148:24, 149:1, 150:3, 150:8, 153:5, 153:8, 154:1, 168:9, 260:8, 260:10, 260:11, 287:21, 288:3, 288:8, 292:2, 306:11, 317:1, 330:19, 336:23, 343:19, 352:3, 363:18, 364:7
nutshell [3] - 110:3, 306:12, 306:21

O

Oakes [1] - 192:14
oars [2] - 135:4, 150:21
oath [5] - 18:9, 18:17, 72:11, 332:21, 360:17
object [1] - 120:1
objection [73] - 21:25, 22:1, 22:3, 26:11, 26:13, 29:10, 29:11, 29:12, 32:14, 32:15, 35:23, 36:1, 42:2, 42:3, 42:4, 44:18, 44:19, 45:10, 61:22, 68:13, 68:16, 68:17, 100:14, 115:24, 116:2, 117:23, 120:7, 120:8, 125:18, 126:10, 126:12, 128:13, 128:14, 128:16, 133:12, 133:13, 133:14, 135:20, 135:21, 135:22, 220:15, 220:16, 220:18, 221:13, 221:14, 228:15, 228:16, 228:18, 230:13, 230:14, 230:16, 234:3, 234:5, 235:14, 235:15, 238:9, 238:10, 245:7, 245:8, 246:18, 246:19, 248:9, 248:10, 254:16, 254:18, 266:1, 266:2, 270:13, 270:18, 273:5, 273:6, 279:10, 279:11
objections [10] - 61:21, 234:2, 235:13, 238:8, 246:17, 248:8, 254:15, 265:25, 270:12, 279:9
obligation [1] - 10:20
obsolete [5] - 60:24, 61:2, 61:4, 96:23, 273:23
obtain [1] - 242:4
obtaining [3] - 13:20, 258:22, 266:24
obvious [2] - 15:19, 105:2
obviously [17] - 11:12, 32:11, 87:13, 153:13, 180:9, 256:1, 310:22, 321:1, 335:7, 341:25, 344:2, 344:16, 348:11, 353:2, 354:12, 355:25, 356:3
occasionally [1] - 38:10
occupation [3] - 216:18, 332:20, 333:11
occur [10] - 32:21, 51:18, 71:20, 73:3, 103:22, 138:22, 188:25, 267:10, 268:11, 307:12
occurred [5] - 59:17, 181:17, 224:6, 276:10, 311:11
occurring [2] - 38:12, 256:20
occurs [2] - 267:5, 363:22
October [3] - 5:15, 373:21, 374:3
odd [1] - 147:1
odds [3] - 168:19, 185:22, 186:10
offenders [1] - 298:14
offer [23] - 21:23, 26:9, 29:8, 32:13, 35:22, 38:17, 39:24, 40:2, 41:25, 44:16, 110:4, 110:13, 125:16, 128:11, 169:19, 188:7, 188:21, 188:24, 281:8, 290:19, 298:25, 340:5, 348:4
offered [8] - 30:8, 115:14, 115:16, 280:25, 291:7, 328:8, 329:6, 358:18
offerings [1] - 147:8
offers [5] - 115:23, 117:21, 133:7, 135:14, 340:3
Office [1] - 5:4
office [4] - 52:6, 226:8, 267:11, 286:7
officer [1] - 5:6
offices [1] - 334:9
official [2] - 220:19, 223:2
offload [1] - 201:23
offshoots [1] - 242:12
often [5] - 51:17, 52:15, 139:16, 247:21, 261:7
oftentimes [1] - 38:6
oil [2] - 53:19, 53:20
old [11] - 62:14, 72:19, 78:19, 96:21, 100:2, 174:10, 174:11, 205:3, 239:22, 253:15, 279:15
older [2] - 86:12, 275:11
on-site [34] - 27:19, 27:20, 57:5, 118:16, 118:21, 118:25, 121:15, 126:5, 149:17, 161:3, 185:12, 185:21, 187:25, 189:12, 189:18, 189:23, 194:23, 223:19, 232:20, 237:25, 241:12, 243:24, 244:9, 244:21, 252:20, 255:8, 268:2, 268:6, 276:22, 288:2, 306:15, 309:1, 324:22, 353:22
onboard [1] - 348:24
once [11] - 51:19, 91:4, 98:3, 103:17, 138:1, 147:25, 175:9, 247:25, 255:17, 306:12, 348:12
one [188] - 6:3, 11:9, 14:14, 15:5, 15:6, 16:7, 31:10, 33:15, 36:6, 45:21, 45:23, 46:9, 47:12, 52:20, 55:22, 58:10, 59:25, 63:1, 63:6, 65:3, 65:4, 75:4, 76:1, 79:1, 84:16, 84:18, 85:22, 86:1, 86:10, 86:17, 96:20, 101:5, 101:8, 101:11, 101:20, 105:20, 106:10, 106:12, 107:9, 110:2, 110:15, 114:14, 126:14, 129:25, 131:12, 141:2, 144:10, 146:4, 148:20, 152:2, 152:17, 162:18, 162:19, 163:5, 166:16, 167:16, 168:12, 168:25, 170:14, 170:16, 172:3, 175:16, 182:4, 183:14, 183:20, 186:8, 187:24, 190:2, 190:23, 192:21, 192:22, 193:2, 193:5, 193:20, 197:18, 200:9, 200:10, 203:2, 204:25, 205:1, 205:4, 205:5, 205:22, 206:9, 210:19, 211:12, 212:3, 221:6, 221:7, 222:5, 222:7, 222:25, 223:13, 224:9, 225:20, 232:11, 232:17, 235:18, 237:19, 238:15, 238:19, 239:3, 239:6, 240:9, 241:12, 249:4, 249:5, 251:17, 251:21, 251:22, 252:11, 253:11, 256:15, 257:3, 264:9, 266:18, 269:17, 269:22, 269:24, 270:1, 272:7, 276:18, 278:9, 279:18, 279:25, 280:7, 280:24, 282:19, 284:4, 288:7, 294:2, 295:24, 296:1, 297:6, 299:11, 301:6, 301:25, 303:23, 304:2, 304:21, 306:2, 306:20, 312:20, 313:2, 315:18, 316:12, 316:18, 317:9, 317:11, 317:14, 318:14, 321:22, 323:15, 324:11, 325:10, 325:24, 327:3, 327:10, 327:14, 327:16, 329:9, 332:6, 332:14, 339:8, 340:7, 347:11, 347:25, 348:25, 349:4, 349:24, 350:9, 353:13, 354:5, 354:11, 360:21, 361:3, 361:8, 362:21, 371:4, 372:23, 375:1, 376:7, 376:11
ones [14] - 52:13, 71:11, 89:20, 104:19, 146:23, 176:22, 182:21, 222:16, 232:9, 280:15, 283:25, 301:2, 313:16, 372:17
ongoing [1] - 278:4
online [2] - 38:8, 253:23
op [23] - 11:18, 47:2, 71:24, 77:13, 156:21, 189:3, 196:22, 204:13, 246:23, 254:25, 337:11, 337:16, 337:20, 337:21, 338:6, 338:8, 339:10, 340:3, 340:5, 341:20, 354:16, 354:18, 355:10
op's [2] - 148:14, 288:24
open [28] - 24:3, 50:5, 54:22, 59:21, 59:24, 60:1, 60:3, 62:7, 62:11, 63:24, 64:4, 69:18, 69:23, 80:6, 80:21, 84:22, 103:4, 207:6, 207:7, 261:24, 263:25, 264:20, 265:4,

269:21, 302:10, 310:6, 348:12
open-close [1] - 59:24
opened [1] - 59:25
opening [6] - 7:25, 8:1, 13:15, 13:22, 13:25, 165:3
OPENING [3] - 8:4, 11:6, 13:17
operate [17] - 50:7, 159:3, 179:2, 179:3, 182:24, 183:15, 255:16, 296:15, 316:10, 330:25, 331:8, 331:9, 331:11, 331:13, 331:17, 333:14, 361:16
operated [6] - 60:8, 68:5, 68:8, 207:4, 317:18, 331:18
operates [2] - 190:23, 314:6
operating [13] - 6:5, 81:21, 105:3, 109:1, 178:3, 268:24, 297:12, 318:5, 318:7, 331:20, 352:9, 363:8, 363:12
operation [25] - 8:10, 16:19, 24:19, 63:23, 144:16, 152:10, 159:4, 159:5, 167:14, 167:15, 175:9, 218:17, 257:2, 276:17, 276:19, 282:15, 282:25, 286:4, 297:16, 327:24, 328:2, 331:5, 331:22, 334:7, 338:5
operational [6] - 23:19, 31:3, 177:19, 177:21, 184:7, 199:6
operationally [2] - 178:13, 192:10
operations [19] - 9:20, 9:21, 38:12, 39:17, 39:18, 97:17, 175:11, 180:3, 184:23, 199:13, 217:16, 217:18, 266:23, 286:8, 296:20, 320:25, 330:15, 334:11, 335:16
operator [1] - 292:14
opinion [11] - 14:15, 65:13, 145:17, 288:4, 294:18, 295:6, 295:16, 295:19, 296:6, 297:10, 344:21
opportunity [2] - 17:14, 326:3
opposed [5] - 119:17, 198:17, 315:25, 342:12, 352:12
ops [4] - 217:11, 308:7, 334:3, 334:8
opt [1] - 192:18
opting [1] - 239:16
option [7] - 10:12, 48:5, 93:15, 167:10, 197:22, 239:7, 295:21
options [8] - 25:9, 112:22, 162:8, 167:1, 167:6, 167:7, 169:5, 218:19
or.. [1] - 300:23
order [14] - 17:5, 17:11, 91:11, 131:9, 131:18, 158:23, 165:7, 189:8, 249:21, 280:24, 304:6, 367:13, 369:21, 377:19
ordered [2] - 312:5, 323:21
orderly [3] - 6:21, 15:12, 295:8
orders [2] - 20:6, 236:1
ordinarily [1] - 113:17
ordinary [1] - 291:7
organization [1] - 20:20
organizations [1] - 20:14
orientated [1] - 75:18
original [1] - 373:12
originally [2] - 224:5, 371:21
originate [2] - 69:9, 262:24
originated [1] - 47:16
originates [2] - 54:21, 77:20
otherwise [3] - 125:2, 221:12, 262:21
OTP [11] - 9:13, 68:19, 87:23, 100:1, 115:23, 116:17, 117:21, 122:21, 135:7, 165:15, 181:12
OTP's [2] - 9:11, 37:10
Otter [281] - 5:7, 5:20, 7:6, 7:10, 8:7, 8:13, 8:18, 9:6, 9:22, 10:4, 11:2, 12:6, 13:3, 13:11, 17:1, 17:6, 17:9, 18:1, 19:18, 19:19, 21:2, 21:9, 21:23, 22:13, 23:2, 24:6, 25:6, 25:12, 25:16, 26:5, 26:9, 26:17, 27:18, 27:21, 27:23, 28:10, 29:8, 31:2, 31:7, 37:12, 37:21, 38:16, 38:17, 38:25, 39:10, 39:13, 40:1, 41:6, 41:25, 42:14, 43:15, 44:16, 45:5, 46:16, 46:23, 48:2, 52:13, 53:13, 54:18, 55:3, 55:4, 55:8, 55:13, 56:2, 56:4, 57:4, 57:21, 58:6, 58:13, 59:6, 60:12, 62:11, 63:11, 65:9, 65:21, 65:23, 66:13, 66:18, 67:10, 67:23, 68:5, 71:16, 73:25, 75:7, 75:18, 76:8, 77:13, 77:19, 77:22, 96:17, 99:23, 102:1, 104:14, 105:4, 105:12, 106:16, 109:4, 110:4, 111:1, 111:22, 112:7, 112:8, 112:19, 112:25, 113:4, 113:6, 114:6, 115:22, 116:6, 116:11, 120:18, 120:23, 121:5, 121:9, 122:24, 123:1, 123:6, 123:25, 124:4, 125:4, 125:7, 125:16, 126:21, 127:3, 128:7, 128:9, 128:11, 128:24, 129:1, 129:14, 129:25, 130:4, 130:10, 130:13, 130:18, 131:1, 131:4, 133:7, 134:14, 134:17, 134:20, 134:23, 135:2, 135:14, 135:19, 136:2, 137:22, 139:8, 139:24, 140:2, 140:15, 141:22, 142:2, 142:4, 142:6, 142:11, 142:23, 142:25, 143:14, 145:2, 145:4, 146:9, 146:10, 146:23, 147:15, 150:19, 153:13, 153:21, 156:18, 163:11, 167:21, 172:21, 180:6, 180:9, 180:11, 180:13, 180:19, 180:21, 180:25, 181:11, 181:14, 181:15, 181:21, 182:7, 182:19, 182:21, 185:6, 187:10, 187:14, 187:17, 187:24, 188:17, 188:21, 189:11, 189:14, 193:12, 194:15, 194:19, 195:7, 195:21, 197:12, 198:16, 198:17, 200:12, 200:16, 201:1, 201:7, 203:5, 203:10, 204:13, 204:15, 204:17, 209:10, 209:12, 209:16, 209:23, 210:14, 219:4, 219:8, 219:16, 219:23, 220:8, 220:10, 225:14, 225:23, 232:8, 234:10, 235:2, 248:21, 249:13, 249:14, 254:24, 256:22, 259:5, 260:15, 262:5, 262:8, 262:19, 263:19, 263:22, 265:12, 265:18, 270:5, 271:4, 271:8, 273:14, 281:4, 284:25, 285:14, 293:17, 294:20, 295:25, 296:8, 296:14, 296:20, 297:23, 297:25, 298:24, 302:10, 302:12, 304:1, 306:9, 317:6, 319:14, 319:25, 320:15, 329:10, 329:16, 329:20, 330:2, 346:22, 348:7, 353:4, 353:18, 353:21, 354:11, 356:4, 369:4, 370:8, 377:21
OTTER [1] - 8:4
out-load [1] - 143:23
outage [26] - 43:2, 44:9, 59:22, 60:2, 62:9, 71:19, 97:17, 185:9, 260:6, 263:7, 263:8, 263:10, 268:19, 269:13, 271:6, 272:3, 272:10, 272:13, 272:14, 272:16, 273:21, 274:5, 288:1, 310:13, 310:24, 321:11
outages [39] - 43:10, 58:17, 59:9, 59:17, 59:24, 60:4, 60:6, 60:7, 61:8, 61:10, 71:21, 71:23, 75:22, 94:21, 94:24, 95:2, 95:4, 97:14, 97:16, 97:19, 99:17, 99:20, 100:7, 181:4, 260:19, 268:17, 268:22, 271:11, 271:17, 271:25, 272:1, 273:10, 274:10, 274:16, 275:18, 283:23, 321:11
outbound [1] - 176:5
outer [1] - 55:22
outgrew [1] - 86:4
outline [1] - 197:14
outlined [1] - 141:7
outpost [1] - 259:24
output [1] - 196:21
outs [1] - 292:10
outside [7] - 8:21, 10:12, 14:13, 31:23, 35:1, 42:17, 220:7
outskirts [1] - 83:6
outweighs [1] - 189:18
overall [21] - 9:16, 12:13, 41:21, 58:14, 93:4, 101:14, 127:19, 150:21, 163:20, 164:3, 167:5, 168:23, 218:14, 242:6, 243:14, 321:25, 335:15, 336:1, 336:3, 345:25
overhaul [1] - 261:9
overhead [50] - 26:21, 40:18, 40:20, 50:14, 50:16, 50:18, 50:25, 51:1, 56:21, 57:1, 57:10, 57:12, 57:16, 57:18, 64:17, 64:21, 78:6, 78:8, 78:9, 81:18, 82:2, 82:4, 82:5, 82:7, 98:18, 185:18, 198:21, 220:4, 223:10, 224:5, 236:5, 266:5, 266:7, 266:9, 266:15, 266:22, 268:13, 284:3, 306:1, 306:5, 310:2, 310:14, 311:3, 311:5, 321:5, 321:11, 321:17, 329:17, 364:5, 371:8

overly [1] - 187:21
oversee [3] - 175:10, 334:7, 334:9
overview [3] - 229:24, 230:6, 236:23
own [24] - 14:12, 27:17, 27:18, 27:20, 27:21, 56:21, 67:10, 79:12, 109:8, 120:6, 142:12, 145:3, 157:20, 159:19, 189:15, 200:18, 229:4, 269:13, 276:24, 288:24, 309:20, 310:8, 364:18
owned [12] - 8:6, 8:18, 55:4, 68:5, 77:21, 174:1, 174:3, 207:18, 207:19, 224:13, 277:15, 327:21
owneds [2] - 335:18, 355:2
owner [4] - 9:18, 173:25, 185:19, 187:8
owners [1] - 156:5
ownership [2] - 68:11, 224:15
owning [1] - 277:14
owns [5] - 67:22, 68:11, 224:12, 232:8, 287:12

P

package [2] - 352:25, 353:7
packages [1] - 348:4
packet [2] - 114:9, 114:10
pad [1] - 234:17
page [95] - 34:20, 60:5, 73:16, 87:16, 116:7, 117:21, 120:10, 120:12, 120:14, 120:17, 123:3, 123:5, 123:10, 125:17, 125:25, 126:6, 126:14, 127:3, 127:4, 127:7, 127:8, 128:12, 132:9, 132:13, 133:10, 133:12, 133:15, 133:19, 133:24, 134:13, 134:20, 135:12, 135:15, 135:17, 135:19, 140:21, 141:22, 144:25, 145:14, 145:18, 148:21, 154:11, 154:15, 158:3, 159:12, 159:14, 160:4, 160:13, 160:14, 160:21, 160:24, 161:1, 161:2, 163:15, 163:16, 249:2, 250:10, 251:10, 251:12, 251:16, 251:18, 251:24, 251:25, 252:5, 252:8, 253:7, 254:1, 254:3, 264:14, 264:16, 265:3, 265:13, 265:19, 298:21, 298:23, 299:5, 299:8, 299:9, 299:17, 299:19, 299:22, 311:21, 311:22, 314:11, 324:10, 350:3, 350:4, 353:19, 360:23, 362:9
pages [17] - 128:18, 133:8, 140:15, 140:18, 141:12, 145:2, 145:15, 154:14, 157:4, 253:20, 254:11, 254:20, 264:11, 298:19, 298:20, 299:7, 324:10
paid [6] - 338:10, 338:13, 341:4, 348:21, 357:1, 357:3
painting [1] - 106:19
paper [2] - 44:2, 222:20
papers [1] - 165:24
parameters [1] - 25:2
parcel [2] - 189:19, 371:7
parens [1] - 67:2
park [1] - 91:24
part [52] - 5:24, 9:18, 11:25, 16:23, 23:14, 28:17, 31:4, 36:25, 41:1, 53:2, 58:3, 58:16, 72:23, 77:14, 77:21, 81:20, 82:16, 83:15, 87:9, 87:14, 123:10, 123:11, 130:9, 130:22, 133:21, 158:7, 167:21, 180:13, 183:15, 190:6, 211:7, 211:16, 211:18, 230:19, 235:3, 238:3, 252:14, 270:4, 273:24, 278:11, 283:8, 289:18, 290:4, 290:6, 297:16, 323:22, 324:4, 328:12, 349:5, 352:25, 365:20
part-time [1] - 211:16
part-times [1] - 211:18
partially [1] - 73:10
particular [45] - 24:23, 29:16, 33:20, 36:25, 52:1, 58:18, 61:15, 66:4, 73:5, 75:22, 101:24, 104:4, 119:6, 153:11, 213:18, 219:17, 222:25, 226:4, 231:2, 236:11, 238:16, 239:13, 258:17, 261:12, 261:23, 262:22, 271:6, 271:12, 274:16, 275:19, 278:5, 288:9, 291:22, 315:21, 322:14, 328:18, 331:8, 335:14, 335:23, 336:11, 336:16, 339:8, 348:21, 370:25, 371:16
particularly [4] - 224:1, 310:22, 339:9, 347:25
particulars [1] - 155:17
parties [6] - 15:4, 98:15, 139:3, 188:14, 377:1, 377:6
parts [4] - 176:1, 186:9, 338:5, 369:18
pass [5] - 212:11, 212:20, 242:7, 253:2, 255:11
passed [11] - 57:22, 58:3, 73:25, 109:3, 138:15, 138:17, 146:8, 292:10, 307:21, 307:23, 323:15
passing [1] - 109:16
past [14] - 5:14, 24:1, 80:1, 204:11, 227:19, 236:1, 236:4, 244:8, 250:1, 265:1, 293:11, 323:3, 357:13
Pat [1] - 5:2
path [1] - 329:8
paths [1] - 232:12
patrolling [1] - 267:8
patronage [1] - 337:17
pay [18] - 18:6, 41:2, 92:15, 108:8, 109:8, 109:11, 109:24, 161:15, 166:6, 194:2, 194:18, 213:2, 247:14, 248:17, 288:9, 307:15, 307:25, 312:7
payback [5] - 83:14, 108:9, 108:24, 149:24, 150:9
paycheck [1] - 146:24
paying [4] - 74:1, 74:8, 318:18, 318:24
payment [4] - 135:8, 136:4, 136:11, 166:14
payout [2] - 341:7, 351:2
payroll [1] - 286:20
pays [2] - 212:10, 307:13
PC&N [1] - 130:11
PCN [1] - 219:3
PE [1] - 218:9
peak [35] - 117:10, 122:2, 122:3, 122:11, 122:13, 122:17, 123:19, 127:17, 127:23, 129:15, 129:17, 129:19, 129:20, 129:24, 130:2, 138:11, 144:22, 144:25, 145:6, 145:12, 145:14, 145:17, 156:14, 158:17, 291:25, 292:1, 292:2, 302:21, 302:25, 303:1, 303:4, 310:23, 363:19, 363:22, 366:11
peaking [3] - 182:15, 302:20
peg [1] - 191:18
pegged [1] - 101:18
Pelham [30] - 7:18, 7:20, 13:15, 22:2, 26:12, 32:16, 35:25, 61:25, 102:15, 116:1, 120:7, 126:11, 128:15, 140:10, 165:12, 195:14, 215:4, 220:17, 222:18, 228:17, 230:15, 234:4, 254:17, 294:12, 331:25, 343:11, 359:21, 366:1, 367:19, 368:15
PELHAM [79] - 7:19, 13:18, 22:3, 26:13, 29:12, 32:17, 36:1, 36:9, 42:4, 44:21, 45:3, 45:10, 62:1, 62:3, 68:13, 102:16, 102:18, 105:16, 116:2, 120:8, 126:12, 128:16, 133:14, 135:22, 140:11, 140:13, 145:22, 165:13, 195:17, 201:11, 215:5, 220:18, 221:1, 221:6, 221:8, 221:14, 228:18, 230:16, 230:20, 230:22, 234:5, 235:15, 238:10, 245:8, 246:19, 248:10, 254:18, 266:2, 270:14, 270:18, 273:6, 279:11, 294:14, 294:16, 300:13, 303:8, 332:1, 343:13, 345:14, 359:22, 366:2, 367:21, 368:17, 369:15, 369:20, 370:5, 370:7, 370:19, 371:1, 371:24, 372:8, 372:14, 372:18, 372:21, 372:23, 374:1, 376:13, 376:16, 376:22
penalized [1] - 178:18
penalties [1] - 186:15
penalty [9] - 18:7, 18:13, 18:15, 124:10, 166:6, 166:12, 207:13, 244:24, 258:12
penny [1] - 207:18
people [20] - 14:22, 15:23, 36:22, 51:24, 56:1, 58:9, 84:20, 172:1, 208:1, 213:5, 272:23, 308:12, 310:7, 323:3, 325:15, 325:23, 350:25, 351:8, 363:20, 369:19
per [20] - 59:22, 120:24, 122:8, 122:10, 126:22, 129:1, 129:2, 176:10, 236:7, 254:7, 257:25, 258:1, 259:16, 260:7, 260:11, 282:12, 289:23, 299:14

per-member [1] - 260:7
per-unit [1] - 236:7
percent [86] - 107:9, 115:17, 115:18, 117:9, 123:18, 130:21, 133:20, 134:6, 134:11, 137:6, 137:9, 137:20, 137:21, 138:6, 138:7, 158:5, 159:18, 163:17, 164:8, 164:10, 164:11, 164:13, 164:19, 164:23, 164:24, 180:1, 212:6, 212:7, 236:3, 246:7, 246:8, 249:17, 249:23, 251:9, 256:8, 256:23, 257:5, 258:11, 266:21, 275:11, 280:8, 282:8, 283:2, 317:24, 325:4, 327:3, 335:17, 336:5, 336:6, 337:17, 340:5, 341:23, 343:4, 343:5, 343:8, 349:16, 349:20, 349:21, 349:22, 351:2, 351:15, 351:19, 351:23, 352:4, 352:7, 353:20, 359:3, 359:13, 359:14, 361:12, 361:14, 362:11, 362:12, 362:15, 362:16, 362:17, 362:25, 363:3, 364:7
percentage [7] - 306:24, 336:10, 341:16, 357:15, 361:10, 363:4, 363:5
percentages [1] - 333:17
perception [1] - 168:9
perform [1] - 158:21
performance [3] - 44:9, 287:14, 342:1
performed [1] - 261:6
performing [1] - 258:11
perhaps [3] - 62:8, 114:10, 156:4
period [14] - 46:6, 46:18, 47:3, 123:16, 123:18, 129:16, 130:2, 147:18, 296:2, 297:15, 340:13, 340:14, 346:19, 351:8
periodically [1] - 86:3
periods [1] - 152:5
perjury [5] - 18:7, 18:9, 18:12, 18:15, 111:7
permanent [1] - 13:13
permission [1] - 5:8
permit [1] - 48:1
perplexed [1] - 374:10
person [3] - 9:18, 18:10, 319:9
personal [2] - 155:5, 305:20
personally [9] - 66:7, 202:16, 202:17, 213:11, 213:15, 320:9, 331:3, 374:5, 374:20
personnel [2] - 32:25, 40:4
perspective [3] - 119:18, 144:4, 346:7
petition [1] - 201:9
PF [3] - 124:1, 324:17, 353:21
phase [76] - 23:6, 24:23, 24:25, 34:19, 55:21, 55:24, 56:8, 56:11, 81:5, 87:6, 87:9, 88:7, 88:14, 88:17, 88:21, 88:22, 88:25, 89:2, 89:6, 198:25, 221:25, 222:2, 222:3, 222:8, 222:10, 223:7, 223:10, 223:15, 223:20, 224:2, 224:4, 227:1, 228:23, 231:5, 231:7, 231:16, 231:18, 233:3, 233:11, 233:20, 233:22, 234:15, 236:25, 237:11, 237:16, 242:16, 242:17, 243:2, 243:17, 244:7, 245:12, 252:13, 254:4, 261:24, 263:3, 267:17, 268:4, 272:22, 289:21, 289:22, 295:11, 299:15, 300:18, 301:3, 302:4, 305:16, 319:17, 319:18, 319:25, 320:3, 322:21, 364:17
Phase [1] - 231:4
phone [2] - 274:6, 309:3
phonetic [1] - 332:15
pick [3] - 100:10, 262:14, 364:13
picked [4] - 76:19, 100:20, 197:22, 210:23
picks [2] - 24:2, 81:6
picture [12] - 15:13, 86:16, 175:25, 179:5, 203:22, 219:8, 232:24, 299:14, 319:14, 336:2, 337:5, 377:5
piece [3] - 110:11, 165:20, 244:13
pieces [2] - 142:20, 321:13
Pillsbury [1] - 192:16
pin [1] - 181:18
pink [1] - 220:1
pinned [1] - 370:14
pinpoint [4] - 94:21, 267:13, 267:19, 274:10
pinpointed [1] - 267:22
pinpointing [1] - 311:10
pit [2] - 176:10, 179:10
pits [3] - 176:9, 179:8
place [17] - 15:24, 33:1, 62:22, 67:13, 70:6, 76:14, 81:1, 98:1, 98:7, 100:22, 136:14, 150:13, 180:19, 235:9, 235:19, 349:7, 359:4
placed [4] - 67:24, 94:16, 100:24, 101:1
placement [2] - 234:9, 236:25
places [1] - 185:18
Plains [16] - 216:20, 217:1, 217:10, 218:11, 266:17, 266:20, 278:15, 278:24, 333:13, 333:20, 333:23, 333:25, 334:1, 334:2, 334:6, 353:3
plan [44] - 7:25, 9:7, 9:8, 9:9, 17:5, 24:16, 25:6, 25:8, 25:9, 28:10, 34:1, 34:7, 39:9, 39:10, 39:18, 40:1, 40:11, 49:24, 65:20, 65:21, 66:12, 66:13, 87:2, 87:3, 87:4, 88:18, 101:23, 102:1, 159:3, 184:21, 185:6, 218:14, 223:15, 240:18, 285:15, 286:16, 307:24, 315:20, 316:5, 316:16, 316:21, 323:22, 325:9, 363:12
planned [10] - 62:8, 64:1, 97:13, 97:16, 97:19, 99:17, 181:6, 181:7, 260:21, 270:1
planning [7] - 25:4, 53:25, 180:5, 210:1, 237:19, 237:21, 313:11
plans [9] - 102:3, 102:4, 106:8, 106:9, 106:11, 180:14, 218:15, 322:20, 334:13
plant [8] - 34:10, 178:4, 212:16, 214:22, 330:13, 330:15, 340:14, 342:20
planting [3] - 152:7, 153:3, 177:24
plants [2] - 205:19, 212:16
play [9] - 12:19, 210:11, 326:17, 347:1, 356:20, 362:19, 371:8, 371:13, 371:17
playbook [2] - 167:2, 348:5
playing [1] - 16:4
plays [3] - 178:19, 337:4, 370:22
plow [3] - 14:3, 281:14, 281:20
plug [1] - 237:14
plugged [1] - 157:7
plus [5] - 73:2, 73:9, 193:8, 202:1, 325:11
PNW [1] - 177:1
pocket [3] - 193:21, 194:9, 194:18
point [62] - 15:19, 22:6, 25:11, 25:23, 25:25, 27:22, 31:22, 47:18, 54:22, 69:18, 69:23, 80:6, 80:10, 87:18, 89:2, 90:5, 96:20, 106:11, 109:5, 109:11, 109:22, 119:3, 119:24, 119:25, 120:9, 120:13, 138:14, 138:17, 138:24, 144:5, 145:5, 148:6, 148:18, 180:19, 224:17, 227:4, 231:9, 232:19, 238:18, 239:16, 247:17, 252:23, 255:5, 263:25, 264:20, 265:4, 267:22, 267:25, 280:24, 289:3, 291:16, 309:9, 310:21, 313:16, 328:9, 338:18, 339:15, 339:16, 361:8, 364:4
pointed [1] - 182:12
points [4] - 96:14, 98:24, 139:2, 322:5
pole [3] - 51:16, 269:22, 270:22
poles [5] - 266:25, 268:20, 306:2, 320:25, 340:16
policies [1] - 335:7
policy [15] - 112:16, 136:7, 150:13, 150:17, 165:21, 165:24, 228:21, 228:23, 229:10, 288:24, 289:2, 300:17, 301:4, 313:13, 341:8
pool [1] - 307:18
poor [3] - 181:10, 256:10, 256:11
portion [9] - 25:14, 29:21, 40:14, 42:8, 78:8, 121:17, 191:1, 299:9, 336:2
portions [2] - 148:3, 331:5
pose [2] - 151:3
posed [1] - 152:4
position [14] - 19:22, 20:4, 106:15, 111:23, 111:24, 112:4, 112:5, 112:18, 174:7, 216:22, 216:23, 218:8, 294:22, 334:3
positions [2] - 216:25, 333:24
positive [2] - 258:22, 359:1
possibilities [1] - 332:15
possibility [7] - 67:20, 67:21, 101:10, 101:11, 225:19, 340:1, 348:19
possible [19] - 62:15, 62:16, 100:21, 100:23, 148:16, 167:13, 208:4, 257:7, 277:24, 284:24, 289:4, 294:8, 301:23, 308:11, 330:6,

331:11, 331:12, 350:15, 362:3
possibly [8] - 210:16, 213:14, 242:12, 277:19, 292:22, 312:25, 345:23, 346:17
pot [1] - 338:7
potential [20] - 12:18, 64:8, 64:12, 64:16, 67:12, 74:17, 118:17, 131:6, 153:4, 161:8, 186:1, 199:20, 244:2, 259:24, 268:16, 321:3, 334:15, 335:11, 368:16, 369:10
potentially [18] - 65:14, 86:9, 91:23, 102:12, 105:8, 119:20, 143:16, 153:7, 155:3, 197:1, 242:11, 257:4, 264:21, 273:15, 277:21, 338:25, 343:20, 345:10
Power [62] - 5:8, 7:10, 19:18, 19:19, 68:10, 110:4, 111:22, 112:8, 121:5, 121:10, 122:24, 123:1, 123:6, 124:4, 125:5, 126:22, 128:7, 128:9, 128:25, 129:1, 129:25, 130:14, 134:21, 135:14, 139:24, 150:20, 153:13, 153:21, 156:18, 163:11, 185:6, 187:24, 209:10, 209:12, 224:13, 225:23, 247:1, 247:3, 247:8, 247:13, 247:20, 247:21, 248:17, 249:13, 261:4, 263:6, 273:18, 275:15, 285:22, 285:23, 303:8, 309:21, 318:25, 319:25, 323:17, 361:9, 361:11, 361:17, 363:7, 366:18, 370:8, 377:21
POWER [1] - 8:4
power [133] - 8:12, 23:7, 25:24, 33:24, 37:24, 42:25, 48:24, 49:1, 49:19, 54:1, 54:19, 60:1, 69:2, 69:3, 69:7, 80:3, 80:7, 80:12, 81:5, 89:4, 102:21, 103:1, 103:10, 103:11, 104:3, 104:5, 104:15, 110:9, 118:15, 121:15, 124:7, 124:9, 124:10, 124:20, 124:21, 124:22, 125:1, 125:6, 125:8, 125:13, 126:4, 126:24, 128:8, 132:18, 140:25, 141:3, 149:17, 160:6, 161:2, 161:11, 166:3, 166:5, 166:12, 167:9, 183:15, 185:14, 186:8, 193:14, 193:19, 193:21, 194:12, 194:15, 198:12, 198:25, 199:2, 199:17, 199:20, 201:6, 204:17, 212:10, 224:14, 234:10, 240:25, 243:25, 244:5, 244:21, 244:23, 244:24, 246:25, 247:1, 247:7, 247:14, 247:23, 248:16, 249:9, 249:17, 252:17, 252:19, 252:25, 253:1, 255:7, 256:4, 259:25, 262:8, 262:12, 267:24, 269:15, 269:23, 269:25, 274:7, 285:23, 288:17, 288:23, 289:5, 296:24, 297:11, 299:13, 299:20, 306:15, 308:13, 310:7, 310:18, 318:21, 324:13, 324:20, 326:12, 336:2, 336:5, 337:13, 339:21, 343:1, 343:17, 351:19, 352:5, 358:7, 358:9, 359:13, 360:24, 362:10, 362:16, 364:6, 371:9
Power's [5] - 116:11, 120:23, 125:7, 248:21, 291:19
powered [3] - 179:22, 197:13, 232:6
powering [1] - 329:15
practical [2] - 65:15, 306:18
practice [3] - 169:22, 288:16, 321:7
precise [2] - 63:18, 64:25
prefer [5] - 6:3, 14:11, 180:10, 240:9, 310:18
preferable [1] - 321:9
preference [2] - 12:11, 376:25
preferred [2] - 301:25, 315:12
preliminary [1] - 365:23
preparation [1] - 263:16
prepare [4] - 26:6, 29:3, 116:14, 373:8
prepared [12] - 21:20, 26:6, 29:6, 32:8, 32:11, 44:23, 95:23, 116:14, 143:5, 238:1, 368:19, 368:21
preparing [2] - 32:9, 113:2
presence [1] - 106:3
present [16] - 9:3, 16:25, 17:6, 17:10, 17:13, 38:1, 82:3, 106:15, 140:1, 141:12, 216:2, 254:5, 254:24, 351:12, 367:20, 367:21
presentation [2] - 72:8, 200:15
presentations [1] - 306:12
presented [15] - 132:9, 147:20, 148:15, 157:25, 167:17, 185:7, 188:14, 200:11, 200:17, 200:22, 219:23, 226:8, 242:5, 242:25, 250:25
presently [1] - 67:13
presents [1] - 140:15
president [1] - 214:8
presumably [1] - 330:4
presume [1] - 206:2
presuming [1] - 85:21
presuppose [1] - 11:22
pretty [18] - 33:22, 48:4, 58:7, 62:14, 66:23, 95:3, 108:22, 137:7, 162:9, 167:3, 172:13, 204:22, 253:15, 274:15, 298:14, 311:10, 348:1, 368:15
prevented [1] - 185:7
previous [9] - 16:6, 53:18, 85:3, 182:12, 184:14, 238:19, 276:12, 348:2
previously [9] - 32:4, 33:2, 35:11, 214:14, 229:8, 241:23, 259:5, 280:18, 360:19
price [12] - 30:8, 86:9, 86:17, 108:19, 123:8, 146:15, 189:20, 237:5, 239:9, 241:12, 316:2, 334:19
prices [2] - 236:6, 236:10
pricing [4] - 124:18, 146:6, 147:18, 348:22
primarily [6] - 185:3, 229:1, 259:23, 301:3, 320:21, 361:15
primary [9] - 11:24, 31:17, 54:3, 54:6, 71:8, 174:16, 174:21, 183:6, 337:2
prime [1] - 337:12
principal [1] - 9:4
print [2] - 253:15, 278:19
printer [1] - 223:1
printout [1] - 220:19
prison [1] - 18:13
privacy [1] - 367:3
private [1] - 20:16
privy [1] - 119:11
probable [1] - 6:25
problem [18] - 38:22, 40:21, 55:8, 80:24, 80:25, 82:4, 82:25, 92:12, 92:14, 104:18, 222:19, 273:17, 310:2, 310:11, 310:14, 311:7, 321:20
problematic [1] - 213:21
problems [12] - 10:7, 38:6, 53:21, 73:3, 81:20, 98:22, 98:23, 103:22, 274:10, 277:22, 305:22, 348:14
procedural [1] - 5:6
procedure [2] - 300:5, 369:22
procedures [1] - 373:25
proceeding [5] - 18:19, 111:10, 173:4, 216:10, 333:3
proceedings [1] - 280:18
process [16] - 14:13, 15:10, 16:23, 16:24, 47:19, 76:12, 84:10, 147:9, 148:6, 155:18, 161:1, 180:14, 209:25, 238:4, 300:6, 370:6
process-related [1] - 155:18
processes [2] - 10:1, 14:14
processing [3] - 155:14, 155:24, 205:19
procure [1] - 312:9
procurement [2] - 175:12, 214:20
producer [1] - 177:6
producers [5] - 176:4, 177:10, 208:2, 208:9, 208:15
product [5] - 152:16, 155:13, 169:17, 297:13, 341:22
production [2] - 331:16
Products [15] - 5:9, 8:6, 21:4, 151:9, 167:15, 173:13, 173:16, 173:17, 174:16, 181:14, 189:15, 200:19, 206:19, 207:17, 212:24
profile [5] - 115:6, 127:9, 153:7, 158:1, 159:15
profit [3] - 258:17, 338:19, 365:21
program [4] - 218:18, 348:23, 349:9, 351:10
programmable [1] - 314:16
programs [1] - 112:3
project [31] - 30:6, 57:20, 59:15, 93:5, 104:4, 146:7, 146:16, 150:19, 155:15, 168:13, 168:20, 169:4, 175:5, 175:7, 177:13, 179:25, 180:2, 212:5, 213:22, 218:25, 227:7, 236:2,

250:13, 304:18, 305:9, 307:13, 335:14, 336:12, 336:16, 343:17
projected [14] - 137:6, 137:14, 139:19, 239:8, 241:5, 248:14, 249:12, 249:14, 254:25, 257:22, 258:12, 260:22, 326:17, 338:22
projecting [2] - 137:21, 255:4
projection [1] - 248:20
projections [3] - 136:22, 249:21, 279:18
projector [1] - 264:9
projects [2] - 74:24, 292:10
prolonged [1] - 310:13
promise [5] - 18:18, 111:9, 173:3, 216:9, 333:1
prompted [1] - 203:24
propane [1] - 206:6
proper [2] - 11:1, 156:7
property [10] - 22:24, 25:20, 67:15, 74:22, 93:12, 108:20, 109:2, 189:22, 195:9, 199:11
proposal [32] - 79:3, 114:1, 114:18, 114:24, 115:1, 115:12, 116:13, 116:25, 117:15, 118:9, 118:14, 121:23, 123:9, 123:23, 146:6, 156:22, 161:4, 161:5, 167:22, 187:4, 187:6, 188:14, 200:21, 203:2, 219:6, 226:14, 235:22, 236:17, 297:23, 298:1, 309:4, 314:19
proposals [3] - 114:21, 188:5, 188:6
propose [1] - 246:5
proposed [27] - 5:23, 12:3, 12:8, 22:7, 66:12, 66:13, 67:11, 67:22, 104:5, 105:7, 219:10, 219:25, 225:21, 226:11, 232:25, 237:4, 241:20, 243:9, 285:16, 296:7, 296:25, 298:7, 328:3, 376:14, 376:19, 377:4, 377:8
proposing [6] - 21:15, 93:22, 147:14, 162:19, 234:24, 327:12
prospective [1] - 10:8
protection [4] - 27:1, 27:3, 367:12, 369:14
protective [2] - 269:21, 272:21
protects [1] - 23:24
protest [4] - 5:10, 5:22, 210:10, 377:21
prove [1] - 165:7
provide [51] - 8:7, 9:11, 9:25, 12:3, 14:8, 15:12, 21:3, 49:1, 49:2, 56:8, 56:11, 58:16, 61:6, 64:25, 85:18, 94:15, 95:12, 95:13, 96:3, 110:8, 135:9, 136:4, 142:7, 158:15, 166:8, 181:15, 219:6, 227:4, 227:21, 232:19, 239:4, 244:14, 245:15, 245:16, 248:1, 256:25, 276:19, 295:11, 296:22, 319:12, 335:20, 335:25, 339:13, 343:17, 345:9, 345:12, 347:15, 364:18, 368:1, 369:6, 370:9
provided [85] - 13:9, 13:11, 25:15, 33:2, 33:23, 34:4, 34:15, 39:11, 44:6, 44:11, 58:13, 58:20, 58:22, 59:5, 60:12, 60:24, 63:15, 66:8, 67:20, 75:11, 83:16, 93:12, 95:9, 96:22, 100:1, 100:4, 106:24, 107:19, 114:1, 114:20, 116:12, 116:23, 116:24, 118:10, 119:7, 119:10, 121:22, 121:23, 122:18, 122:22, 123:9, 137:16, 141:15, 142:11, 142:15, 142:18, 142:20, 143:1, 143:3, 147:8, 147:10, 153:5, 154:13, 156:25, 160:19, 190:9, 196:1, 196:5, 199:21, 222:25, 229:18, 229:24, 230:18, 232:21, 242:20, 246:4, 260:20, 264:10, 264:15, 275:6, 282:12, 283:6, 289:13, 290:7, 292:24, 293:12, 295:13, 295:25, 296:10, 297:2, 309:1, 309:4, 311:2, 327:1, 336:25
provider [5] - 14:7, 28:11, 184:11, 293:10, 306:20
provides [8] - 20:23, 48:23, 103:1, 110:18, 206:4, 246:5, 337:10, 355:2
providing [14] - 8:11, 8:19, 19:25, 58:3, 86:15, 151:21, 181:12, 213:22, 231:10, 245:22, 339:14, 345:10, 370:18, 374:8
provisions [2] - 71:3, 83:16
proximity [1] - 38:20
PSC [9] - 5:16, 11:8, 11:12, 61:6, 116:20, 210:3, 226:15, 309:9, 357:13
PU-17-96 [2] - 5:13, 377:22
PUBLIC [1] - 13:17
Public [6] - 5:5, 5:12, 5:18, 7:20, 41:15, 83:17
public [7] - 7:22, 17:15, 48:1, 209:14, 210:5, 376:9, 376:11
published [2] - 113:9, 201:1
pull [6] - 97:6, 102:19, 227:10, 248:25, 278:17, 376:2
pulled [4] - 95:8, 125:13, 247:18, 270:9
purchase [19] - 67:16, 93:4, 108:20, 110:19, 132:18, 174:21, 174:25, 200:10, 207:2, 214:12, 214:13, 214:20, 247:1, 247:7, 313:25, 336:2, 336:4, 337:13, 340:1
purchased [1] - 214:15
purchases [1] - 337:16
purchasing [1] - 174:17
purple [10] - 220:1, 223:6, 223:7, 223:9, 223:10, 224:1, 231:15, 231:17, 264:16, 264:25
purpose [1] - 166:4
purposes [4] - 60:8, 115:20, 164:18, 238:23
pursuant [2] - 5:3, 5:17
pursuing [1] - 165:5
push [2] - 244:25, 297:18
pushed [1] - 176:23
pushes [1] - 149:10
put [51] - 28:6, 28:24, 38:5, 39:22, 43:23, 47:25, 53:23, 63:1, 63:13, 72:19, 73:6, 79:4, 84:5, 84:22, 85:19, 88:19, 97:11, 101:5, 103:25, 109:24, 147:24, 149:10, 151:19, 153:19, 154:5, 169:6, 169:22, 191:10, 193:13, 195:9, 195:10, 196:21, 200:4, 218:15, 221:9, 234:21, 239:22, 241:20, 255:24, 268:5, 276:22, 282:10, 289:21, 299:1, 317:9, 332:21, 334:24, 336:24, 337:20, 342:20, 364:16
puts [1] - 135:3
putting [12] - 70:13, 146:21, 168:10, 185:12, 200:2, 207:25, 226:14, 240:13, 306:4, 306:5, 364:8, 364:10
puzzle [1] - 321:14

Q

quadrant [2] - 34:17, 35:2
qualified [2] - 52:9, 74:4
qualify [1] - 162:7
quality [1] - 31:3
quantify [2] - 321:8, 352:23
quarter [1] - 24:14
questions [70] - 16:21, 61:24, 68:3, 68:14, 71:15, 72:3, 72:12, 72:17, 79:8, 79:12, 86:19, 96:7, 102:14, 105:1, 105:16, 106:13, 108:3, 110:1, 140:9, 140:14, 145:23, 145:25, 154:2, 154:20, 156:7, 165:11, 165:13, 166:25, 170:11, 171:4, 195:13, 195:14, 195:19, 201:12, 201:14, 204:7, 208:19, 215:3, 215:5, 276:7, 280:23, 294:12, 294:18, 300:13, 304:12, 304:14, 311:17, 318:11, 318:15, 328:24, 332:2, 335:3, 340:20, 343:10, 345:7, 345:14, 345:17, 349:24, 350:21, 352:19, 352:22, 356:7, 357:21, 359:22, 360:1, 360:8, 360:14, 360:15, 364:23, 365:16
quick [7] - 105:20, 152:20, 172:13, 197:17, 253:8, 316:2, 316:22
quicker [3] - 64:21, 274:10, 311:7
quickly [5] - 34:23, 148:19, 186:5, 208:4, 340:7
quiet [2] - 191:2, 191:3
quite [15] - 9:25, 11:16, 15:25, 93:25, 105:2, 145:13, 167:20, 169:5, 169:15, 256:10, 256:11, 259:15, 267:3, 291:2, 320:13

R

RADERMACHER [132] - 7:14, 11:7, 11:12, 22:1, 26:11, 29:11, 32:15, 35:24, 36:5, 42:3, 44:19, 45:11, 47:9, 47:11, 59:1, 59:4, 59:7, 61:19, 61:24, 68:17, 99:13,

99:15, 100:17, 102:14, 115:25, 117:24, 118:3, 118:19, 119:5, 119:11, 119:19, 119:25, 125:19, 125:22, 126:9, 128:14, 133:13, 135:21, 136:21, 140:9, 164:2, 165:11, 170:22, 171:3, 171:7, 190:5, 190:8, 190:12, 190:14, 195:13, 214:6, 215:3, 215:14, 216:17, 220:14, 221:5, 221:7, 221:16, 222:24, 223:4, 223:5, 228:13, 228:20, 230:11, 230:18, 230:25, 233:25, 234:7, 235:11, 235:17, 236:14, 236:18, 236:21, 237:2, 238:6, 238:12, 245:5, 245:10, 246:15, 246:21, 248:6, 248:12, 253:13, 253:17, 253:22, 253:25, 254:13, 254:22, 254:23, 265:23, 266:4, 270:10, 270:20, 273:3, 273:8, 279:7, 279:13, 280:23, 281:3, 281:8, 281:19, 293:2, 325:22, 326:6, 328:24, 332:13, 332:19, 332:22, 333:10, 340:19, 356:18, 357:21, 360:5, 360:10, 360:13, 364:25, 365:2, 365:16, 367:18, 369:16, 370:20, 371:11, 372:4, 372:10, 372:15, 373:16, 373:18, 373:22, 374:2, 377:9, 377:13, 377:17

Radermacher [18] - 7:14, 11:5, 47:7, 99:12, 136:19, 163:23, 170:20, 190:11, 214:4, 215:12, 216:12, 253:5, 325:20, 356:16, 360:4, 364:24, 367:16, 371:24

radial [4] - 233:18, 301:8, 302:5, 319:19

radius [22] - 6:8, 6:11, 22:10, 24:5, 24:6, 24:13, 55:14, 55:15, 55:17, 56:1, 76:24, 77:6, 77:10, 105:23, 219:24, 220:7, 221:19, 221:22, 221:23, 222:6, 222:16, 225:24

radiuses [1] - 21:18

rail [4] - 155:20, 257:1, 280:10, 297:6

railcar [1] - 143:22

railroad [5] - 55:18, 178:20, 193:2, 250:7, 280:10

railroad's [1] - 363:16

railroads [1] - 176:22

rains [1] - 322:12

raise [7] - 18:3, 18:16, 111:6, 173:1, 216:7, 304:8, 366:23

raised [2] - 276:7, 376:12

raising [1] - 259:1

ramp [2] - 153:3, 191:1

ramping [1] - 256:15

ran [4] - 186:4, 186:5, 206:21, 274:23

range [6] - 43:21, 110:20, 218:14, 224:21, 240:5, 291:3

ranges [1] - 362:15

rank [1] - 345:25

rare [3] - 9:24, 268:17, 358:15

rarely [1] - 244:11

ratchet [1] - 129:15

ratcheted [1] - 127:24

rate [166] - 9:14, 12:16, 54:6, 54:9, 67:3, 79:3, 112:21, 113:4, 113:5, 113:8, 113:9, 113:12, 114:8, 115:2, 115:13, 116:10, 116:11, 116:17, 116:21, 116:24, 118:13, 118:15, 119:9, 119:18, 119:21, 120:22, 121:6, 121:12, 122:23, 123:6, 123:8, 125:5, 125:7, 125:9, 125:10, 127:6, 129:14, 129:25, 130:14, 130:19, 130:20, 131:4, 131:15, 131:19, 131:22, 132:4, 132:16, 133:3, 134:14, 134:21, 136:23, 137:1, 139:6, 139:12, 139:22, 141:17, 141:19, 142:16, 142:18, 142:19, 144:4, 147:8, 148:13, 148:14, 149:5, 149:16, 151:22, 152:1, 157:7, 158:7, 161:8, 162:4, 162:8, 162:9, 166:17, 166:19, 167:1, 167:6, 167:10, 167:16, 167:17, 167:22, 168:3, 168:4, 168:5, 169:6, 177:7, 178:19, 181:15, 181:24, 181:25, 182:3, 187:10, 187:17, 187:20, 187:21, 188:18, 188:21, 188:23, 194:24, 201:1, 213:9, 226:9, 243:2, 243:3, 243:18, 243:19, 246:3, 246:10, 248:5, 248:23, 249:12, 252:1, 252:14, 254:5, 255:16, 256:1, 276:20, 288:12, 291:8, 294:6, 297:21, 298:24, 298:25, 299:16, 306:22, 308:5, 308:7, 308:10, 308:14, 309:7, 313:10, 321:4, 326:15, 326:18, 331:8, 335:11, 335:12, 335:15, 335:17, 335:18, 336:16, 340:9, 342:7, 342:8, 342:12, 342:16, 342:19, 346:6, 346:18, 348:3, 348:5, 349:7, 349:10, 350:11, 365:5, 368:22, 372:2, 372:24

rate-wise [1] - 306:22

rated [1] - 27:16

ratepayers [5] - 10:19, 135:2, 153:23, 165:6, 308:3

rates [64] - 9:11, 9:12, 12:12, 79:7, 83:17, 113:15, 113:20, 113:21, 113:22, 115:22, 116:20, 120:19, 120:20, 125:3, 126:19, 129:14, 135:5, 161:20, 161:23, 162:7, 162:9, 162:12, 166:15, 167:11, 167:12, 168:1, 168:5, 181:19, 181:22, 182:7, 182:18, 189:8, 202:19, 203:8, 242:22, 242:25, 243:5, 243:6, 243:8, 243:10, 244:17, 247:10, 247:12, 247:16, 247:21, 248:1, 248:21, 255:21, 258:24, 259:1, 259:12, 290:24, 292:8, 297:17, 297:18, 308:12, 346:19, 348:1, 348:8, 356:1, 359:8, 362:4, 364:20

rather [11] - 24:8, 62:9, 106:15, 186:5, 191:2, 191:3, 197:5, 199:9, 300:5, 344:11, 358:15

rating [6] - 46:3, 46:5, 46:12, 46:17, 46:20, 46:24

ratings [2] - 46:1, 46:17

ratio [4] - 124:21, 158:12, 255:19, 341:17

raw [1] - 63:14

re [2] - 80:25, 328:22

re-energize [1] - 80:25

re-feed [1] - 328:22

reach [1] - 219:5

react [1] - 274:10

read [1] - 52:15

reading [1] - 165:16

ready [2] - 215:12, 374:16

real [7] - 33:23, 102:9, 124:22, 149:13, 152:20, 200:7, 315:22

realistic [1] - 127:14

realize [5] - 106:13, 336:19, 338:18, 339:16, 374:15

realized [1] - 340:7

really [32] - 15:19, 16:9, 54:7, 86:9, 87:3, 106:20, 107:21, 108:21, 148:7, 152:16, 154:4, 156:24, 176:22, 176:23, 188:9, 191:5, 191:10, 196:16, 210:1, 210:7, 212:13, 214:21, 284:18, 296:23, 308:9, 317:13, 335:4, 354:22, 364:5, 369:8, 369:11, 371:9

realm [1] - 289:14

reason [14] - 15:25, 62:12, 63:10, 65:3, 85:15, 85:22, 103:20, 187:24, 213:18, 242:13, 244:11, 247:23, 337:2, 344:8

reasonable [1] - 9:14

reasoning [1] - 197:15

reasons [7] - 62:7, 63:18, 197:16, 203:17, 327:16, 347:10, 367:4

reassuring [1] - 188:19

rebuttal [4] - 325:11, 326:4, 367:25, 368:10

receive [12] - 10:15, 47:22, 83:14, 131:18, 131:20, 142:3, 142:5, 189:4, 246:25, 248:18, 341:23, 353:5

received [30] - 5:10, 22:4, 29:13, 32:18, 35:19, 42:5, 45:1, 45:15, 61:23, 75:7, 116:3, 125:2, 128:17, 133:15, 135:23, 148:24, 181:19, 181:21, 187:4, 203:2, 218:2, 219:3, 238:11, 245:9, 246:20, 248:11, 257:1, 273:7, 279:12, 337:17

receiving [3] - 176:4, 205:21, 235:21

recent [4] - 241:9, 257:3, 279:2, 368:18

recently [3] - 267:9, 268:17, 333:22

Recess [5] - 72:9, 172:17, 215:21, 325:19, 368:6

recloser [1] - 29:22

recognize [1] - 363:11

recollection [2] - 181:16, 287:22
recommend [1] - 314:20
recommending [1] - 263:22
reconstruction [1] - 20:1
record [40] - 5:14, 7:7, 9:1, 17:17, 19:6, 19:11, 31:10, 33:7, 72:10, 97:10, 97:24, 105:2, 111:3, 122:20, 126:18, 128:4, 170:13, 172:18, 172:24, 181:11, 190:6, 195:22, 215:19, 216:2, 220:20, 230:19, 253:19, 269:9, 292:13, 326:3, 368:4, 368:7, 368:13, 369:13, 374:12, 374:24, 376:7, 376:18, 377:23
recorded [2] - 71:20, 71:21
records [4] - 53:14, 65:2, 85:8, 271:13
recoup [3] - 58:7, 193:24, 247:14
recouped [3] - 193:15, 258:2, 258:5
recover [1] - 139:12
recovery [1] - 139:13
recross [1] - 99:12
RECROSS [7] - 99:14, 102:17, 164:1, 214:5, 329:3, 358:1, 365:18
rectangle [2] - 22:9, 22:23
red [11] - 25:16, 25:25, 35:3, 35:4, 56:17, 70:2, 77:5, 77:6, 221:18, 223:16, 231:13
Red [1] - 173:18
redirect [5] - 96:7, 96:11, 100:15, 325:21, 356:16
REDIRECT [5] - 96:12, 163:7, 326:5, 356:17, 365:1
reduce [3] - 128:22, 197:9, 229:3
reduced [2] - 241:13, 241:15
reducing [1] - 276:18
reduction [8] - 37:14, 186:25, 197:1, 197:8, 246:6, 275:17, 289:13, 305:7
redundancy [2] - 239:2, 303:25
reenergize [1] - 328:23
refer [18] - 21:11, 25:12, 28:21, 34:12, 34:23, 41:9, 42:23, 43:1, 43:25, 46:3, 58:25, 114:6, 122:11, 131:1, 132:25, 283:14, 285:19, 288:13
reference [7] - 59:5, 121:18, 122:3, 145:5, 278:22, 293:20, 317:11
referenced [11] - 35:11, 123:12, 131:15, 200:13, 201:4, 256:3, 269:2, 293:25, 333:15, 369:2, 369:4
references [2] - 253:8, 272:4
referencing [1] - 341:12
referred [5] - 32:4, 42:8, 42:10, 100:18, 365:22
referring [8] - 24:5, 37:21, 42:7, 46:16, 195:21, 277:12, 358:3, 358:6
refers [2] - 124:2, 131:25
reflect [15] - 33:11, 46:9, 97:13, 114:25, 119:15, 122:6, 128:6, 131:16, 161:5, 247:12, 252:6, 279:2, 297:5, 352:3, 362:5
reflected [20] - 31:11, 46:25, 87:13, 118:13, 125:14, 125:15, 126:19, 128:4, 130:5, 130:7, 132:13, 154:14, 159:12, 220:8, 243:19, 248:4, 271:25, 286:11, 286:22, 358:9
reflecting [7] - 30:24, 118:17, 124:4, 127:9, 132:2, 133:2, 271:11
reflection [2] - 159:14, 247:15
reflective [7] - 126:6, 132:12, 140:21, 145:20, 154:15, 163:14, 168:6
reflects [8] - 43:9, 131:17, 249:1, 251:24, 251:25, 252:11, 362:1, 362:2
refute [1] - 148:3
regard [1] - 268:10
regarding [17] - 96:1, 219:17, 228:1, 228:21, 229:14, 230:4, 241:24, 242:22, 273:9, 274:21, 275:6, 276:8, 276:9, 276:15, 278:1, 335:10, 335:12
regardless [1] - 141:22
regards [12] - 237:9, 242:2, 244:2, 245:2, 257:17, 263:7, 266:14, 275:1, 277:11, 278:13, 279:19, 336:11
regs [1] - 136:8
regular [2] - 64:5, 178:22
regulate [1] - 308:7
regulated [1] - 188:18
regulations [3] - 369:23, 369:24, 373:25
regulator [2] - 269:20, 273:22
regulators [3] - 27:2, 29:22, 273:20
reinvest [2] - 213:4, 213:5
reiterate [1] - 307:13
relate [2] - 58:17, 102:6
related [13] - 59:10, 59:22, 79:3, 102:9, 142:4, 155:18, 185:4, 224:22, 266:23, 268:19, 271:11, 271:17, 276:16
relates [1] - 336:7
relation [3] - 138:5, 327:24, 370:21
relationship [1] - 112:10
relative [16] - 9:14, 106:10, 127:16, 137:3, 137:10, 145:8, 158:12, 159:7, 162:12, 164:21, 164:22, 230:4, 247:7, 274:22, 280:18
relatively [5] - 256:9, 267:20, 282:23, 282:24, 374:8
relevant [3] - 217:25, 271:16, 349:15
reliability [44] - 6:15, 37:13, 38:3, 41:2, 41:5, 41:7, 44:6, 56:23, 58:12, 61:5, 61:13, 61:15, 65:14, 81:18, 93:19, 93:24, 94:10, 95:4, 95:15, 96:16, 104:2, 104:13, 107:16, 110:14, 185:4, 238:23, 239:25, 259:21, 259:22, 260:2, 266:15, 266:17, 269:6, 275:6, 275:21, 276:3, 305:22, 322:22, 328:20, 347:11, 347:14, 347:19, 347:21
reliable [4] - 33:24, 107:3, 110:9, 320:17
relied [1] - 291:8
relocate [2] - 181:8, 181:9
remain [3] - 93:5, 128:23, 352:6
remainder [1] - 57:10
remained [1] - 343:23
remarks [4] - 8:1, 13:22, 13:25, 17:13
remedy [2] - 196:14, 196:17
remember [3] - 58:21, 208:11, 276:14
remind [2] - 72:11, 360:17
reminding [1] - 332:24
remove [5] - 45:22, 46:10, 132:15, 304:25, 305:1
renegotiate [1] - 202:24
renewable [1] - 139:13
repair [6] - 23:15, 40:17, 40:20, 40:21, 51:14, 62:24
repaired [1] - 40:9
repairing [1] - 267:1
repairs [1] - 311:12
repeat [3] - 193:17, 298:14, 334:20
rephrase [5] - 26:5, 153:24, 289:8, 334:20, 342:15
replaced [2] - 40:8, 206:17
replacement [1] - 73:5
replacing [1] - 207:4
replies [6] - 373:13, 373:19, 376:24, 377:5, 377:10, 377:11
report [5] - 41:14, 41:16, 41:21, 99:21, 272:3
reported [1] - 100:7
reporting [4] - 46:5, 46:18, 47:2, 96:25
reports [2] - 268:19, 274:5
represent [2] - 133:20, 236:2
representation [2] - 123:15, 254:4
representative [2] - 112:9, 280:2
represents [2] - 223:7, 272:14
reps [4] - 40:6, 52:9, 52:12, 52:21
request [18] - 5:5, 5:21, 10:15, 35:19, 94:3, 112:24, 113:25, 114:20, 114:22, 116:24, 118:24, 121:21, 121:24, 124:8, 185:4, 231:11, 334:15, 368:18
requested [8] - 5:11, 8:7, 9:6, 9:22, 180:9, 238:22, 371:3, 372:11
requests [4] - 8:24, 10:2, 11:13, 52:14
require [9] - 8:22, 24:20, 28:18, 39:1, 39:9, 39:15, 130:11, 138:25, 320:6
required [8] - 18:7, 20:11, 136:11, 139:5, 166:14, 227:1, 239:3, 300:16
requirement [8] - 12:17, 93:8, 94:15, 98:7, 109:19, 109:23, 157:3, 323:12
requirements [7] - 92:25, 108:12, 137:1, 228:11, 229:10, 258:7, 258:9
requires [4] - 136:3, 139:1, 313:10, 314:3
reroute [2] - 310:15, 310:16
rerouting [1] - 80:9
research [2] - 65:2, 327:14
reserve [5] - 101:19, 202:2, 289:1, 307:20, 307:21

reserves [1] - 288:25
residential [1] - 351:1
respect [19] - 6:15, 36:12, 36:20, 40:11, 43:5, 46:8, 46:23, 47:2, 58:13, 96:15, 98:21, 108:6, 175:1, 175:22, 187:3, 188:24, 283:7, 288:23, 292:23
respond [1] - 40:2
response [8] - 44:8, 44:11, 44:22, 44:23, 45:1, 114:20, 324:12, 367:15
responses [2] - 116:24, 118:24
responsibilities [6] - 19:24, 20:19, 28:18, 175:1, 175:8, 175:10
responsibility [2] - 92:16, 214:23
responsible [3] - 112:10, 175:6, 218:17
rest [7] - 57:17, 108:21, 109:3, 255:18, 256:17, 283:23, 362:20
resting [1] - 367:17
restoration [3] - 44:9, 267:24, 311:13
restore [3] - 69:7, 267:25, 310:7
restored [1] - 274:8
restoring [1] - 259:25
restroom [2] - 172:2, 172:3
result [4] - 6:23, 163:12, 271:8, 294:20
resultants [1] - 38:9
resume [1] - 360:16
resupply [1] - 86:6
retained [1] - 362:11
retired [1] - 337:22
retirement [2] - 338:9, 339:20
retires [1] - 337:21
retiring [1] - 337:24
retrofit [1] - 205:3
return [50] - 6:18, 9:14, 12:16, 12:19, 67:3, 109:15, 130:15, 130:19, 130:20, 131:4, 131:16, 131:19, 131:23, 132:4, 132:16, 133:4, 134:15, 134:21, 136:23, 137:1, 139:6, 195:6, 214:23, 257:16, 258:6, 294:6, 295:18, 326:16, 326:18, 335:11, 335:12, 335:15, 335:17, 335:18, 336:16, 340:9, 342:7, 342:8, 342:11, 342:16, 342:19, 348:19, 365:9, 368:22, 370:22, 370:24, 371:14, 371:18, 372:2, 372:24
revenue [47] - 83:9, 83:20, 83:25, 84:2, 93:8, 108:11, 109:10, 109:19, 109:21, 109:23, 110:8, 131:20, 132:11, 132:20, 132:21, 132:22, 134:6, 134:9, 135:9, 136:4, 138:20, 139:2, 150:16, 150:24, 153:20, 157:2, 157:3, 163:20, 164:3, 165:17, 243:14, 248:17, 248:19, 249:10, 257:18, 257:22, 258:9, 258:23, 286:1, 286:12, 286:24, 286:25, 299:14, 318:21, 337:10, 338:23
revenues [4] - 74:15, 258:12, 351:20, 352:4
reverse [1] - 80:12
review [10] - 113:21, 138:9, 162:8, 228:6, 283:9, 287:18, 288:1, 288:2, 336:22, 364:21
reviewed [6] - 44:14, 138:10, 157:24, 158:1, 247:22, 297:23
reviewing [1] - 297:25
revolved [1] - 363:16
rich [1] - 76:20
Rich [1] - 72:13
Richie [7] - 7:10, 9:4, 18:1, 19:7, 86:22, 110:2, 152:4
RICHIE [1] - 19:1
Richland [2] - 5:9, 21:15
rider [2] - 139:15, 139:16
riders [6] - 121:8, 139:9, 139:10, 139:11, 139:14, 139:20
right-hand [1] - 250:18
ring [1] - 35:1
risk [20] - 37:13, 172:12, 185:5, 185:9, 186:25, 197:22, 198:8, 198:9, 198:10, 198:12, 198:15, 198:17, 198:18, 198:20, 199:4, 199:6, 199:12, 364:8, 364:11
River [2] - 173:18, 192:17
river [1] - 175:18
Riverdale [4] - 277:15, 278:1, 278:3, 279:22
Riverland [2] - 214:16, 214:17
road [7] - 16:16, 40:10, 91:21, 242:16, 323:14, 334:9, 365:5
role [6] - 21:1, 21:6, 113:2, 174:16, 174:21, 210:12
room [5] - 5:16, 18:6, 92:3, 109:1, 374:6
rotation [3] - 337:23, 353:6, 357:5
roughly [14] - 123:17, 140:8, 193:10, 211:5, 212:6, 223:17, 232:1, 256:8, 257:18, 264:24, 305:4, 336:5, 339:9, 361:14
round [5] - 177:23, 177:25, 179:2, 179:3, 211:18
row [1] - 152:7
rules [2] - 116:19, 136:8
run [26] - 89:11, 177:23, 177:25, 178:10, 182:20, 183:4, 183:9, 196:19, 199:18, 202:2, 206:10, 207:15, 208:3, 255:22, 256:17, 257:9, 257:10, 297:19, 303:24, 312:15, 327:20, 327:24, 328:1, 335:16, 359:2
running [10] - 186:21, 207:10, 233:12, 243:13, 286:8, 302:18, 312:17, 327:7, 327:17, 366:16
runs [6] - 56:5, 56:6, 82:14, 178:5, 312:8, 335:15
rural [7] - 21:19, 75:19, 219:12, 232:18, 259:15, 297:20, 320:22
RUS [3] - 286:19, 288:1, 307:25

S

S-C-H-U-L-E-R [1] - 172:25
S-Y-V-E-R-S-O-N [1] - 216:6
safe [4] - 55:25, 185:25, 254:11, 336:9
SAIDI [20] - 43:1, 43:2, 44:12, 46:8, 46:23, 46:24, 61:6, 61:14, 63:8, 63:11, 71:16, 75:15, 97:18, 106:18, 260:2, 260:5, 260:15, 281:4, 287:18
SAIFI [5] - 42:23, 42:24, 71:16, 97:18, 287:18
sake [2] - 94:5, 138:21
sales [3] - 9:11, 111:24, 175:12
sample [1] - 250:20
samples [1] - 53:20
sat [2] - 242:24, 276:17
satisfactory [1] - 288:3
satisfied [1] - 10:11
save [2] - 196:23, 207:23
saved [1] - 281:1
savings [4] - 168:25, 187:14, 254:8, 305:4
saw [3] - 204:3, 271:21, 288:7
SCADA [2] - 267:9, 311:9
scale [2] - 107:15, 336:12
scaleable [1] - 107:9
scans [1] - 261:8
scenario [16] - 11:19, 48:5, 134:18, 134:24, 136:10, 141:17, 157:2, 160:18, 162:11, 162:14, 167:25, 237:22, 239:5, 257:6, 295:21, 362:14
scenarios [4] - 140:16, 141:7, 143:16, 152:9
schedule [14] - 114:8, 115:2, 116:25, 118:13, 118:15, 119:10, 142:19, 148:13, 157:7, 161:9, 169:2, 243:20, 252:15, 288:13
scheduled [5] - 8:10, 171:17, 171:19, 260:18, 293:6
schedules [3] - 141:17, 291:8, 297:22
schematic [3] - 232:21, 264:4, 264:6
schematics [3] - 226:18, 230:3, 232:20
scheme [1] - 211:24
schooling [1] - 218:6
Schuh [1] - 171:11
Schuler [25] - 9:17, 12:10, 155:17, 170:16, 172:22, 172:23, 173:12, 173:16, 180:5, 188:17, 195:15, 214:7, 214:8, 215:8, 226:7, 229:14, 242:24, 246:11, 256:3, 276:11, 280:20, 283:8, 327:23, 347:8, 375:5
SCHULER [3] - 172:25, 173:5, 173:7
Schuler's [1] - 363:11
Schulers [1] - 240:8
science [2] - 112:14, 112:15
Science [1] - 218:3
scope [2] - 100:15, 296:24
score [3] - 43:6, 43:7, 43:8
screen [5] - 36:7, 220:20, 230:16, 231:2, 231:17
screens [1] - 179:18
scribbling [1] - 350:16
scroll [1] - 265:2
seal [1] - 373:24
sealed [2] - 369:16, 369:19
search [1] - 60:15
seasonal [4] - 159:6, 178:8, 191:4, 211:18
seasonalities [1] -

178:24
seasonality [1] - 179:1
seasonally [1] - 190:23
second [31] - 9:10, 10:14, 14:4, 31:10, 118:5, 119:6, 123:3, 124:6, 169:18, 183:2, 237:22, 253:18, 254:1, 254:3, 264:13, 264:14, 265:13, 268:2, 269:22, 284:3, 299:5, 299:22, 303:23, 304:6, 304:11, 305:8, 311:21, 312:20, 312:21, 313:2
Second [1] - 19:15
secondary [9] - 54:2, 54:4, 54:5, 113:7, 183:14, 190:22, 239:1, 268:2, 335:4
seconds [2] - 312:24, 313:20
secret [7] - 155:3, 367:6, 367:7, 367:12, 368:23, 369:14, 373:1
secrets [2] - 278:21, 373:22
section [3] - 50:9, 220:7, 272:24
sectionalize [3] - 69:6, 80:24, 82:25
secure [1] - 210:14
security [1] - 189:17
see [85] - 9:9, 12:24, 15:20, 16:8, 38:10, 45:19, 46:1, 46:14, 59:21, 63:24, 83:10, 83:25, 90:9, 93:17, 97:6, 103:9, 104:1, 104:21, 105:10, 115:7, 115:9, 115:12, 117:9, 118:8, 121:1, 123:12, 123:24, 127:25, 134:8, 142:17, 143:3, 146:3, 160:10, 163:14, 169:3, 172:6, 186:25, 191:7, 192:14, 192:17, 203:13, 222:16, 229:2, 229:4, 233:8, 239:11, 242:5, 242:7, 257:5, 260:16, 264:2, 264:14, 264:17, 264:25, 265:14, 267:10, 269:15, 271:6, 272:12, 272:13, 273:21, 275:1, 283:16, 284:15, 284:22, 287:14, 288:5, 301:5, 321:5, 321:11, 323:11, 331:7, 332:6, 336:10, 336:21, 346:14, 346:17, 350:10, 350:12, 365:9, 367:25, 371:19, 373:9, 375:25, 376:8
seeing [15] - 16:11, 17:4, 44:3, 60:5, 86:14, 182:7, 184:24, 231:1, 253:6, 299:18, 306:6, 322:17, 322:23, 371:17, 376:12
seeking [1] - 197:1
seem [5] - 67:18, 149:13, 313:21, 317:2, 317:3
sees [1] - 119:16
segment [1] - 275:20
selected [2] - 113:7, 138:12
selection [1] - 38:18
sell [3] - 84:22, 174:22, 349:18
selling [4] - 85:12, 152:13, 174:17, 174:24
semi [2] - 176:10, 176:11
send [2] - 40:20, 202:10
senior [1] - 112:9
sense [9] - 93:8, 93:12, 120:11, 130:10, 137:17, 141:23, 146:20, 283:11, 318:16
sensitive [4] - 129:6, 129:8, 182:14, 367:2
separate [8] - 124:1, 150:11, 159:21, 165:21, 217:18, 339:11, 372:1
separately [4] - 125:6, 158:4, 330:22, 330:23
serve [64] - 5:6, 6:14, 6:17, 6:21, 8:21, 9:22, 11:2, 24:6, 24:21, 26:2, 27:24, 28:11, 28:25, 34:25, 36:21, 47:24, 54:24, 80:13, 83:7, 89:19, 90:13, 90:14, 90:17, 91:11, 91:13, 91:20, 98:1, 127:12, 151:11, 151:12, 151:14, 151:15, 154:17, 157:23, 166:4, 170:1, 180:11, 180:21, 181:1, 189:6, 197:21, 221:22, 225:1, 226:23, 242:15, 249:24, 259:16, 262:5, 263:23, 272:4, 291:11, 291:21, 293:21, 293:22, 294:23, 295:7, 295:17, 347:20, 348:11, 354:12, 355:12, 355:19, 356:5
served [20] - 6:8, 6:10, 6:12, 22:12, 36:14, 36:22, 38:2, 69:22, 77:3, 180:22, 199:2, 204:12, 204:15, 204:16, 209:11, 219:13, 225:1, 225:14, 232:7, 265:12
serves [12] - 56:1, 59:13, 69:17, 70:24, 79:14, 92:6, 145:4, 151:8, 182:9, 232:17, 262:10, 265:22
Service [7] - 5:5, 5:12, 5:18, 7:20, 41:15, 83:17, 231:8
SERVICE [1] - 13:17
service [234] - 5:8, 6:4, 6:15, 6:21, 6:22, 6:24, 7:3, 7:5, 8:7, 9:6, 9:7, 9:8, 9:15, 10:1, 10:12, 10:16, 12:1, 12:3, 12:10, 12:14, 13:2, 13:4, 13:9, 13:12, 13:13, 14:8, 21:3, 23:9, 24:9, 24:16, 24:20, 24:21, 24:23, 25:7, 25:11, 25:25, 28:15, 31:22, 33:11, 34:1, 34:9, 34:21, 39:10, 40:1, 40:3, 40:6, 42:12, 47:17, 47:21, 48:2, 48:7, 50:23, 51:5, 51:24, 52:9, 52:12, 52:21, 53:12, 53:23, 54:2, 54:3, 54:4, 54:5, 54:6, 55:20, 55:21, 55:23, 56:5, 56:8, 56:11, 56:19, 56:20, 58:3, 62:19, 62:20, 64:24, 65:1, 65:5, 71:5, 72:20, 73:6, 79:19, 83:5, 83:12, 83:22, 84:1, 85:3, 85:19, 85:20, 89:1, 89:3, 92:21, 98:3, 100:22, 100:24, 101:2, 105:11, 105:14, 110:5, 113:5, 113:7, 113:8, 113:12, 113:15, 130:11, 136:7, 138:24, 139:3, 150:15, 168:3, 168:4, 168:5, 180:6, 180:10, 181:12, 181:25, 182:3, 186:1, 186:12, 186:22, 196:4, 196:6, 196:11, 198:11, 202:14, 202:20, 209:10, 209:23, 210:14, 219:14, 219:16, 219:22, 222:10, 223:13, 223:19, 226:19, 227:1, 227:18, 227:22, 229:22, 229:23, 231:5, 231:10, 233:11, 233:20, 237:12, 238:15, 239:21, 239:23, 242:6, 243:2, 243:18, 243:21, 245:12, 248:15, 249:3, 249:4, 249:8, 251:13, 254:6, 255:16, 255:22, 256:25, 262:22, 263:20, 266:17, 272:16, 274:7, 277:20, 278:15, 278:25, 280:21, 284:21, 285:17, 286:7, 286:13, 289:25, 290:6, 290:13, 291:1, 293:9, 294:2, 294:7, 294:21, 295:1, 295:4, 295:7, 295:8, 295:10, 295:22, 295:24, 296:1, 296:5, 296:7, 296:8, 296:10, 297:5, 297:7, 297:19, 299:12, 302:3, 304:2, 306:20, 309:8, 311:13, 318:17, 319:14, 319:15, 319:25, 320:8, 327:5, 328:9, 328:23, 330:18, 330:20, 334:15, 336:4, 338:23, 343:5, 346:22, 354:10, 355:1, 355:3, 355:11, 356:8, 361:15, 361:24, 363:13, 364:17, 370:18, 372:7, 375:6
serviced [1] - 260:23
services [22] - 8:19, 12:2, 83:8, 189:4, 228:24, 233:14, 238:21, 242:20, 243:3, 244:7, 245:15, 256:13, 256:19, 272:15, 286:17, 289:21, 289:22, 291:2, 293:12, 301:1, 329:16, 364:18
servicing [5] - 50:10, 50:18, 223:23, 263:18, 273:11
serving [21] - 12:6, 19:20, 32:6, 37:16, 47:13, 49:15, 49:24, 71:4, 75:19, 94:12, 103:19, 164:13, 180:20, 193:25, 208:2, 224:2, 243:12, 274:25, 291:14, 320:13
session [1] - 337:6
set [17] - 5:22, 10:9, 15:10, 33:1, 56:21, 83:19, 171:13, 212:13, 232:20, 234:17, 243:5, 243:6, 247:21, 254:24, 256:16, 297:18, 327:17
Seth [15] - 7:15, 11:23, 203:4, 215:14, 333:15, 334:12, 334:18, 335:1, 335:3, 347:19, 349:25, 350:11, 352:15, 353:19, 354:10
SETH [2] - 216:13, 360:18
sets [3] - 16:12, 129:19, 129:24
setting [5] - 83:3, 83:8, 108:8, 129:20, 266:24
settings [1] - 314:17
settle [1] - 33:20
setup [2] - 87:2, 176:18

seven [14] - 6:20, 16:4, 127:2, 202:3, 211:5, 212:6, 212:7, 252:7, 261:8, 261:10, 315:11, 317:1, 327:2
seven-year [2] - 261:8, 261:10
seventeen [1] - 19:23
seventh [1] - 246:8
several [3] - 25:8, 113:22, 127:11
severe [1] - 320:23
shaded [1] - 283:22
shades [1] - 221:3
share [2] - 147:2, 155:2
shared [8] - 77:12, 87:15, 217:12, 217:17, 227:8, 307:16, 323:23, 333:15
sharing [1] - 217:11
sharper [1] - 220:20
sheets [2] - 142:22, 223:24
shift [3] - 159:4, 159:5
ship [4] - 155:13, 177:8, 315:24, 316:2
shipment [1] - 190:22
shipped [1] - 315:22
shipping [4] - 176:5, 190:25, 205:21, 205:24
shoot [1] - 298:9
shop [1] - 62:25
short [16] - 16:11, 37:17, 65:25, 84:4, 90:8, 107:3, 125:19, 181:4, 193:9, 207:12, 215:17, 319:17, 322:9, 337:6, 374:8
short-line [1] - 193:9
short-lived [1] - 181:4
shorter [2] - 64:22, 330:3
show [18] - 5:14, 28:20, 49:4, 49:12, 59:23, 87:25, 93:23, 122:14, 123:14, 124:13, 124:16, 127:16, 131:4, 141:15, 160:23, 225:24, 359:2, 364:20
showed [1] - 249:8
showing [8] - 63:22, 157:3, 220:10, 222:5, 249:10, 256:18, 270:1, 358:23
shown [12] - 5:24, 25:16, 25:22, 25:25, 34:20, 61:11, 70:1, 88:5, 103:8, 108:12, 122:21, 219:24
shows [12] - 21:14, 34:17, 34:18, 86:11, 87:24, 254:6, 254:7, 256:13, 256:14, 299:12, 299:13
shrink [2] - 322:7, 322:8
shut [1] - 186:14
shuttle [9] - 176:21, 178:2, 190:21, 193:8, 204:19, 204:21, 204:23, 204:25, 212:17
side [44] - 22:19, 27:1, 27:3, 31:21, 32:22, 68:24, 69:6, 79:15, 79:16, 79:17, 79:18, 82:24, 95:18, 112:2, 123:6, 158:7, 175:19, 176:7, 176:15, 186:17, 200:23, 203:13, 217:15, 224:15, 233:8, 239:1, 268:5, 269:17, 269:18, 303:15, 303:16, 303:22, 326:1, 338:3, 338:5, 338:6, 339:10, 375:6, 375:8
side-by-side [1] - 123:6
sign [1] - 138:23
signatures [1] - 139:3
significance [1] - 212:1
significant [10] - 58:8, 192:24, 260:16, 287:20, 287:23, 287:24, 288:5, 292:9, 346:12, 347:24
significantly [6] - 148:2, 191:9, 274:9, 277:8, 316:13, 327:14
similar [58] - 82:22, 83:11, 89:6, 113:14, 127:6, 128:1, 138:12, 142:5, 143:10, 143:25, 144:15, 144:17, 145:3, 148:17, 167:14, 167:15, 176:18, 192:7, 199:2, 204:22, 219:23, 227:20, 229:9, 232:12, 234:22, 236:2, 238:21, 244:22, 249:24, 249:25, 256:24, 273:19, 273:22, 282:11, 296:14, 296:20, 296:24, 297:4, 297:8, 297:11, 299:1, 315:13, 316:8, 317:16, 321:16, 327:6, 333:16, 338:21, 339:2, 339:3, 348:12, 353:12, 365:10, 368:25, 369:3, 369:5, 372:25
similarly [1] - 302:12
simple [2] - 318:23, 337:12
simply [2] - 67:19, 200:15
single [12] - 15:6, 55:21, 55:24, 137:2, 137:4, 164:4, 221:25, 242:17, 289:22, 301:3, 324:7, 364:17
sit [2] - 173:24, 344:21
site [133] - 12:3, 12:8, 24:2, 27:9, 27:19, 27:20, 31:19, 32:2, 32:7, 34:10, 34:22, 35:14, 50:19, 52:2, 57:5, 58:4, 70:20, 71:3, 78:12, 82:9, 91:4, 98:12, 99:22, 101:2, 105:8, 118:16, 118:21, 118:25, 121:15, 126:5, 128:2, 136:15, 149:17, 161:3, 175:6, 181:6, 181:7, 181:10, 185:12, 185:21, 187:25, 189:12, 189:18, 189:23, 190:16, 190:18, 190:19, 190:20, 191:7, 191:8, 192:3, 194:23, 206:15, 219:10, 219:12, 219:17, 220:1, 223:14, 223:19, 225:5, 225:9, 225:21, 226:11, 226:13, 226:19, 227:13, 227:18, 229:2, 229:4, 229:6, 229:22, 229:23, 231:8, 232:18, 232:20, 233:1, 233:3, 233:16, 235:22, 235:24, 236:24, 237:25, 241:12, 242:13, 243:12, 243:13, 243:24, 244:9, 244:21, 248:15, 248:18, 250:24, 252:20, 255:8, 256:15, 257:9, 258:18, 262:22, 263:23, 264:23, 268:2, 268:6, 276:9, 276:13, 276:17, 276:19, 276:22, 277:6, 277:17, 279:19, 280:14, 285:10, 285:16, 288:2, 290:13, 296:8, 303:13, 303:14, 303:24, 305:19, 305:20, 306:15, 309:1, 316:7, 316:8, 317:12, 324:22, 330:1, 330:20, 353:22, 361:10, 362:3
sites [4] - 138:12, 144:13, 225:14, 240:24
sitting [3] - 7:7, 189:19, 315:19
situation [7] - 169:21, 197:4, 204:1, 204:2, 239:13, 300:10, 351:1
situations [1] - 125:6
six [13] - 6:16, 174:8, 183:8, 199:19, 200:4, 206:15, 208:13, 251:25, 252:2, 280:8, 317:10, 369:1, 375:22
sixth [1] - 246:7
size [25] - 23:4, 31:6, 39:1, 39:8, 70:21, 71:10, 85:14, 86:5, 143:22, 144:3, 177:15, 178:25, 201:25, 227:20, 227:22, 229:20, 243:4, 249:24, 260:23, 291:1, 291:13, 309:22, 309:23, 329:6, 345:25
size-wise [1] - 177:15
sizes [1] - 191:11
sizing [4] - 127:21, 144:2, 145:10, 158:8
skirts [1] - 55:22
sleet [1] - 284:2
slightly [6] - 98:13, 250:25, 264:18, 272:7, 299:3, 376:23
slip [1] - 292:2
slow [3] - 183:12, 367:14, 370:6
slowed [2] - 196:20
slower [2] - 292:2, 312:20
slowly [1] - 312:5
small [13] - 39:1, 62:22, 77:5, 79:22, 79:23, 86:11, 176:18, 177:8, 178:9, 209:8, 253:15, 259:9, 278:19
smaller [5] - 272:23, 298:2, 316:13, 352:8, 352:12
so.. [5] - 137:12, 170:19, 201:2, 371:10, 376:12
soft [51] - 39:1, 39:4, 39:5, 39:9, 39:12, 39:15, 39:20, 39:23, 65:8, 65:11, 65:16, 65:22, 66:4, 92:9, 92:11, 92:12, 110:19, 184:9, 184:14, 199:24, 227:24, 228:1, 228:4, 228:9, 228:21, 228:24, 229:8, 229:14, 292:23, 293:5, 293:6, 311:25, 312:9, 312:11, 312:16, 312:19, 313:7, 313:10, 313:11, 313:22, 313:23, 314:15, 314:21, 314:22, 315:1, 322:25, 323:1, 323:5, 323:8, 323:10
soil [1] - 181:10
sold [2] - 151:13, 207:3
solely [1] - 152:11
solid [3] - 220:4, 223:9, 223:10
someone [8] - 65:1, 83:5, 83:18, 84:17, 147:2, 270:7, 315:25, 348:13
sometime [3] - 47:20, 181:19, 341:6
sometimes [3] - 38:7, 268:11
somewhat [4] - 106:13, 148:2, 182:18, 188:13
somewhere [6] - 83:5, 84:17, 89:11, 101:7, 101:9, 186:10

somewheres [4] - 25:5, 26:19, 27:7, 30:19
soon [3] - 163:1, 171:12, 258:22
sooner [1] - 274:11
sorry [23] - 43:24, 58:23, 59:14, 73:23, 74:14, 94:3, 99:1, 114:12, 126:16, 134:7, 135:13, 142:8, 144:21, 157:11, 157:17, 177:21, 283:16, 342:21, 345:13, 346:10, 358:8, 376:13, 377:15
sort [18] - 12:17, 14:12, 164:5, 186:16, 186:22, 191:20, 193:23, 198:5, 202:20, 203:14, 206:24, 210:1, 217:10, 258:6, 278:21, 315:12, 340:16, 363:24
sorted [1] - 15:18
sorts [4] - 129:21, 272:16, 308:10, 315:2
sound [3] - 154:4, 214:17, 305:6
sounded [2] - 308:22, 328:4
sounds [8] - 43:11, 51:24, 53:25, 153:14, 167:21, 192:25, 258:15, 266:16
source [18] - 33:24, 55:1, 65:17, 65:18, 69:22, 88:24, 98:22, 103:20, 104:11, 104:17, 110:9, 110:17, 110:18, 301:7, 302:8, 302:13, 302:15
sources [9] - 23:7, 49:15, 49:17, 49:18, 49:19, 49:21, 91:13, 99:8, 103:19
South [3] - 111:19, 173:15, 259:16
south [13] - 22:20, 69:17, 79:16, 80:16, 232:15, 261:19, 262:3, 262:25, 264:18, 265:19, 298:16, 301:15, 302:1
Southeast [1] - 19:15
southeast [1] - 220:6
southern [1] - 173:18
soybeans [5] - 174:18, 176:25, 202:9, 202:11, 208:12
span [1] - 340:18
spares [1] - 86:6
SPEAKER [9] - 37:6, 37:8, 43:11, 59:2, 171:16, 171:18, 171:24, 172:9, 172:13
speaking [1] - 168:14
speaks [2] - 65:17, 75:20
spec [1] - 179:18
spec'ed [2] - 229:17, 235:2
spec'ing [1] - 234:16
special [2] - 171:14, 244:14
Special [1] - 7:21
specific [20] - 58:17, 59:9, 61:14, 95:13, 99:22, 100:20, 143:18, 143:24, 155:4, 250:24, 264:16, 272:5, 273:10, 280:20, 286:13, 289:21, 297:5, 321:10, 326:20, 370:15
specifically [16] - 61:7, 67:25, 100:6, 100:9, 224:25, 227:15, 244:12, 245:1, 251:19, 272:3, 276:7, 277:19, 299:19, 355:1, 366:25, 372:5
specifications [1] - 229:7
specified [1] - 6:1
speculating [3] - 50:12, 51:7, 331:6
speculation [3] - 119:6, 139:21, 365:4
spell [6] - 19:9, 19:10, 111:2, 172:23, 216:4, 332:15
spells [1] - 162:4
spend [2] - 200:5, 334:8
spent [2] - 375:3, 375:12
splice [1] - 322:6
splices [1] - 322:5
splicing [1] - 322:7
split [4] - 232:14, 237:23, 238:23, 272:23
splits [1] - 69:16
spot [5] - 88:19, 186:10, 205:5, 209:25, 210:22
spots [1] - 205:8
spotted [1] - 178:16
SPP [2] - 292:17, 292:20
sprayers [1] - 268:21
spread [2] - 259:14, 324:1
spreadsheet [3] - 60:10, 282:11, 299:1
spring [7] - 152:4, 152:7, 152:12, 153:3, 174:18, 268:18, 320:25
springtime [1] - 190:25
spur [1] - 106:3
square [1] - 25:22
St [1] - 217:8
stab [1] - 248:23
staff [2] - 203:19, 307:4
stairs [1] - 172:3
staking [3] - 218:13, 223:24, 335:2
stand [2] - 216:3, 360:17
standard [7] - 27:15, 243:3, 246:9, 254:4, 299:15, 300:19, 300:25
standards [1] - 31:3
standpoint [20] - 13:19, 50:21, 66:9, 92:11, 106:21, 107:9, 169:24, 179:15, 184:16, 185:19, 191:2, 197:22, 200:25, 202:19, 212:2, 306:18, 308:7, 321:14, 347:24, 348:22
stands [1] - 313:5
star [2] - 219:25, 223:16
start [63] - 13:6, 15:3, 23:21, 39:4, 39:5, 39:14, 62:4, 65:8, 65:11, 65:16, 65:19, 65:22, 65:24, 66:4, 87:1, 92:19, 99:6, 103:17, 141:18, 142:8, 146:4, 158:22, 165:15, 171:21, 180:3, 226:4, 227:25, 228:1, 228:4, 228:22, 228:24, 229:8, 229:14, 237:10, 258:22, 264:17, 276:23, 282:3, 293:15, 301:1, 311:19, 312:4, 312:5, 312:7, 312:9, 312:11, 312:16, 312:20, 313:7, 313:10, 313:12, 313:22, 313:24, 314:15, 314:21, 314:22, 315:2, 322:25, 331:4, 374:12
started [5] - 39:6, 112:8, 182:20, 209:25, 226:2
starter [2] - 313:4, 314:10
starters [1] - 300:16
starting [6] - 166:10, 228:8, 229:5, 300:22, 313:6, 315:2
starts [27] - 38:21, 39:2, 39:10, 39:12, 39:15, 39:20, 39:23, 92:9, 92:11, 92:12, 110:19, 115:16, 184:9, 184:14, 199:24, 200:7, 228:9, 292:23, 293:5, 293:6, 311:24, 311:25, 312:19, 323:1, 323:5, 323:8, 323:10
state [13] - 7:6, 11:23, 18:8, 19:6, 175:19, 183:18, 183:19, 183:21, 205:2, 300:20, 355:1, 375:4
State [1] - 5:16
STATEMENT [3] - 8:4, 11:6, 13:17
statement [6] - 8:1, 18:9, 18:11, 326:8, 344:22, 344:23
static [8] - 275:9, 275:10, 275:14, 275:16, 275:20, 275:25, 276:3, 362:21
station [1] - 242:14
stationed [1] - 52:5
statistics [3] - 58:14, 71:16, 288:1
status [1] - 179:25
stay [4] - 104:17, 194:24, 207:6, 207:7
steel [2] - 192:8, 224:16
step [10] - 32:3, 91:2, 110:22, 200:9, 204:24, 215:7, 303:20, 320:5, 332:10, 360:3
step-down [1] - 32:3
STEPHENSON [103] - 7:9, 8:2, 8:5, 17:24, 18:1, 19:5, 21:23, 22:5, 26:9, 26:15, 29:8, 29:14, 32:13, 32:19, 35:22, 36:11, 37:9, 41:25, 42:6, 42:19, 42:20, 43:13, 44:16, 44:24, 45:1, 45:6, 45:8, 45:16, 47:5, 61:22, 68:16, 96:6, 96:13, 97:5, 99:11, 100:14, 110:25, 111:17, 115:23, 116:4, 117:21, 120:11, 120:15, 120:16, 125:16, 126:14, 126:17, 128:11, 128:19, 133:7, 133:10, 133:16, 135:13, 135:18, 135:25, 136:1, 136:17, 155:3, 155:8, 163:5, 163:8, 163:22, 170:16, 170:18, 172:21, 173:11, 189:25, 214:3, 215:10, 220:16, 228:16, 230:14, 234:3, 235:14, 238:9, 245:7, 246:18, 248:9, 254:16, 266:1, 270:13, 273:5, 279:10, 281:11, 282:2, 293:3, 294:11, 329:1, 329:4, 331:24, 340:22, 341:2, 343:10, 358:2, 359:20, 365:19, 365:25, 366:22, 367:7, 368:2, 368:9, 377:3, 377:14
Stephenson [19] - 7:9, 7:25, 11:4, 17:19, 18:21, 110:24, 111:12, 163:4, 165:3, 172:20, 215:9, 281:10, 328:25, 340:21, 357:22, 365:17, 368:8, 368:24, 377:2
stepped [1] - 21:1
steps [1] - 243:22
stereotype [1] - 81:19
stiffest [1] - 226:22
still [27] - 6:18, 16:3, 93:23, 106:20, 107:9, 109:14, 109:15, 123:19, 123:20, 132:3,

170:13, 187:17, 194:20, 195:7, 206:10, 207:7, 233:5, 268:24, 295:18, 311:6, 321:3, 325:10, 331:11, 331:13, 338:11, 370:10, 375:1
stipulate [1] - 190:5
stipulated [1] - 8:13
stipulation [1] - 244:12
stock [1] - 27:14
stops [1] - 233:12
storage [4] - 155:11, 176:12, 200:3, 297:8
store [3] - 40:7, 144:11, 170:2
stores [1] - 27:15
storm [4] - 45:24, 71:17, 81:23, 198:22
storms [5] - 56:25, 81:25, 82:3, 321:1, 321:2
story [1] - 15:2
straight [4] - 87:19, 87:24, 198:3, 232:16
straight-line [1] - 198:3
strategic [1] - 85:19
Street [4] - 19:15, 111:19, 173:15, 217:23
strength [3] - 15:7, 65:17, 110:11
stretch [3] - 148:10, 264:1, 325:17
strict [1] - 286:12
strictly [1] - 287:1
strike [1] - 270:25
strikes [2] - 275:17, 320:24
strive [1] - 41:4
strong [1] - 95:3
stronger [4] - 65:18, 93:24, 99:8, 110:18
structure [12] - 13:13, 79:3, 114:3, 129:14, 150:25, 187:10, 187:21, 192:8, 192:9, 264:24, 296:24, 308:10
structured [1] - 120:20
structures [5] - 120:22, 125:5, 187:21, 195:9, 195:12
stuck [1] - 270:21
studied [1] - 28:1
studies [6] - 28:4, 49:2, 103:15, 158:22, 321:7, 321:10
study [12] - 39:14, 48:10, 48:14, 49:4, 49:7, 49:10, 92:18, 92:19, 103:14, 103:21, 274:23
stuff [5] - 106:24, 196:17, 196:18, 275:11, 320:16
sub [26] - 23:24, 54:22, 68:4, 68:20, 68:25, 71:6, 88:21, 90:2, 90:17, 103:2, 104:5, 104:6, 104:8, 104:19, 264:16, 265:20, 301:20, 301:21, 302:17, 303:3
subject [6] - 18:13, 110:23, 178:2, 290:17, 341:7, 357:6
submit [3] - 219:4, 287:25, 371:12
submitted [2] - 210:10, 210:19
subs [5] - 68:5, 68:20, 68:24, 90:4, 90:11
subsequent [3] - 130:3, 377:9, 377:11
subsequently [1] - 127:7
subsidized [1] - 151:22
substantially [2] - 285:15, 329:21
substation [160] - 23:1, 25:10, 25:21, 25:25, 26:17, 26:23, 26:25, 27:6, 27:17, 27:18, 28:25, 29:18, 29:21, 30:15, 31:18, 31:23, 32:5, 34:17, 34:19, 34:24, 35:6, 35:8, 36:13, 36:14, 36:22, 36:24, 37:16, 37:24, 38:21, 38:25, 40:5, 48:4, 53:15, 54:20, 55:3, 55:5, 55:6, 58:2, 59:12, 65:25, 67:11, 67:23, 69:10, 69:22, 70:12, 70:13, 70:22, 77:17, 77:19, 78:10, 78:12, 80:17, 80:22, 81:4, 82:9, 82:20, 82:25, 87:20, 89:10, 89:15, 89:17, 89:19, 89:23, 90:7, 90:25, 91:16, 93:11, 98:12, 98:14, 101:4, 131:13, 136:15, 146:11, 185:13, 187:25, 189:10, 189:12, 189:18, 194:23, 199:10, 220:6, 224:8, 224:12, 224:16, 224:19, 224:23, 224:25, 226:21, 231:25, 232:5, 232:7, 232:10, 240:15, 240:17, 240:19, 240:20, 260:23, 260:24, 261:12, 261:19, 261:20, 262:2, 262:4, 262:6, 262:11, 262:23, 263:1, 263:2, 263:4, 263:7, 263:9, 263:24, 263:25, 264:20, 265:11, 265:16, 265:22, 266:11, 267:16, 269:8, 269:14, 269:19, 269:23, 270:2, 270:15, 270:17, 271:12, 271:14, 271:16, 271:21, 271:24, 272:10, 273:19, 275:7, 284:2, 284:16, 285:5, 285:8, 285:10, 285:16, 287:10, 291:11, 291:17, 296:7, 298:16, 298:17, 301:12, 302:20, 305:24, 309:11, 309:20, 320:11, 323:11, 323:14, 324:1, 324:7, 330:1
substations [9] - 20:18, 82:24, 224:13, 261:18, 262:1, 267:10, 296:9, 302:6, 328:18
subtract [2] - 304:5, 304:11
succeed [2] - 245:19, 245:20
sudden [1] - 200:5
sufficient [1] - 336:15
suggest [1] - 321:7
suggesting [1] - 318:22
suite [1] - 113:20
sum [1] - 131:11
summaries [1] - 306:16
summarize [6] - 25:6, 32:20, 108:16, 110:3, 112:6, 372:22
summary [3] - 34:6, 67:6, 249:9
summer [1] - 320:25
summertime [2] - 174:9, 191:3
Summerville [2] - 227:16, 232:22
Sunday [1] - 40:23
supervise [2] - 112:1, 112:2
supplied [3] - 13:2, 49:20, 104:5
Supplier [1] - 285:22
supplier [13] - 224:14, 235:7, 247:14, 248:16, 269:25, 289:5, 299:13, 318:20, 319:4, 350:1, 358:12, 361:20, 366:16
supplier's [2] - 6:20, 295:7
suppliers [8] - 6:5, 6:11, 6:14, 6:16, 7:4, 105:3, 105:12, 253:1
supply [12] - 6:7, 89:4, 104:3, 173:18, 201:6, 244:24, 247:23, 249:9, 295:16, 299:20, 358:7, 358:9
support [7] - 48:23, 49:1, 49:3, 70:14, 103:24, 166:9, 315:2
supporting [1] - 185:4
suppose [4] - 82:12, 85:11, 146:20, 155:10
supposed [1] - 222:15
Supreme [1] - 14:19
surprise [1] - 283:2
surrounded [1] - 212:15
surrounding [3] - 245:20, 295:12, 296:9
survive [1] - 207:24
suspect [3] - 16:21, 56:13, 84:3
sustained [3] - 61:8, 61:10, 71:22
swap [3] - 50:5, 305:1, 309:21
swapped [1] - 307:11
swear [1] - 332:23
switch [16] - 50:6, 54:23, 60:1, 80:21, 82:23, 238:24, 262:13, 262:15, 262:19, 264:22, 264:24, 267:23, 292:16, 310:18, 311:6, 313:23
switches [4] - 69:5, 80:8, 82:24, 261:25
switching [13] - 28:5, 50:1, 54:25, 102:23, 103:4, 103:12, 103:13, 103:23, 205:8, 292:14, 310:7, 310:25, 328:21
sworn [6] - 19:2, 111:14, 173:8, 216:14, 333:7, 360:19
syrup [1] - 212:16
system [79] - 7:5, 9:16, 10:19, 27:24, 37:15, 37:20, 39:21, 41:6, 42:14, 42:22, 43:2, 43:4, 60:18, 60:21, 60:23, 61:4, 65:17, 65:23, 69:14, 75:21, 75:23, 82:10, 91:10, 93:1, 94:11, 96:19, 96:21, 96:25, 98:24, 98:25, 99:4, 99:7, 99:10, 100:2, 105:14, 122:14, 127:15, 130:24, 133:2, 134:18, 134:24, 137:8, 137:10, 140:3, 140:6, 144:9, 146:11, 163:13, 166:9, 193:6, 217:3, 217:15, 218:3, 218:16, 229:2, 236:7, 255:25, 260:5, 260:6, 263:11, 267:9, 269:13, 272:20, 273:19, 273:22, 274:2, 274:4, 285:4, 292:14, 300:21, 310:5, 311:9, 328:20, 329:19, 329:20, 361:7
system-wide [4] - 42:22, 140:3, 140:6, 361:7
systems [8] - 19:25, 20:4, 41:3, 218:13, 329:10, 329:11, 329:13, 329:15
systemwide [2] - 94:12, 94:14
SYVERSON [5] - 216:6, 216:11, 216:13, 350:18, 360:18
Syverson [26] - 7:15, 11:24, 170:24, 215:15, 216:3, 216:4, 216:18, 253:4, 282:3, 285:18, 287:8,

287:17, 288:12, 290:19, 292:23, 294:13, 294:17, 329:5, 330:8, 332:1, 332:4, 332:11, 360:8, 360:16, 365:20, 366:20

T

table [2] - 7:8, 115:6
TAIL [1] - 8:4
Tail [228] - 5:8, 5:20, 7:6, 7:10, 8:7, 8:13, 8:18, 9:22, 10:4, 11:2, 12:6, 13:4, 13:11, 17:1, 17:6, 17:9, 18:1, 19:18, 19:19, 21:9, 21:23, 22:13, 23:2, 24:6, 25:12, 26:5, 26:9, 26:17, 27:18, 27:21, 28:10, 29:8, 31:2, 31:7, 38:25, 39:13, 41:6, 41:25, 43:16, 44:16, 45:5, 48:2, 52:13, 53:13, 55:3, 55:4, 55:13, 56:2, 57:4, 57:21, 58:6, 58:13, 60:13, 62:11, 65:9, 65:21, 66:13, 66:18, 67:10, 67:23, 68:5, 75:7, 75:18, 76:8, 77:13, 77:19, 77:22, 96:17, 99:23, 104:15, 105:4, 105:12, 106:16, 109:4, 110:4, 111:1, 111:22, 112:7, 112:8, 112:25, 113:4, 113:6, 114:6, 116:6, 116:11, 120:18, 120:23, 121:5, 121:9, 122:24, 123:1, 123:6, 123:25, 124:4, 125:4, 125:7, 125:16, 126:21, 127:3, 128:7, 128:9, 128:11, 128:24, 129:1, 129:25, 130:10, 130:14, 131:1, 131:4, 133:7, 134:14, 134:20, 135:2, 135:14, 135:19, 136:2, 137:22, 139:8, 139:24, 140:2, 140:15, 142:2, 142:5, 142:6, 142:12, 142:23, 142:25, 143:15, 145:4, 146:9, 146:10, 146:23, 147:15, 150:19, 150:20, 153:13, 153:21, 156:18, 163:11, 172:21, 180:6, 180:10, 180:11, 180:13, 180:19, 180:21, 180:25, 181:12, 181:14, 181:15, 181:22, 182:7, 182:19, 182:21, 185:6, 187:14, 187:17, 187:24, 188:21, 189:11, 189:14, 193:12, 194:15, 194:20, 195:7, 195:21, 197:12, 198:16, 198:17, 200:12, 200:16, 201:8, 203:5, 203:11, 204:13, 204:15, 204:17, 209:10, 209:12, 209:16, 209:23, 210:14, 219:4, 219:8, 219:16, 219:23, 220:10, 225:15, 225:23, 232:8, 235:2, 248:21, 249:13, 249:14, 254:24, 256:22, 259:5, 262:5, 262:19, 263:19, 263:22, 270:5, 271:4, 273:14, 281:4, 285:14, 293:17, 294:20, 295:25, 296:8, 296:14, 296:20, 297:25, 302:10, 302:12, 304:1, 306:9, 319:25, 320:15, 329:10, 330:2, 346:22, 353:18, 353:21, 354:11, 369:4, 370:8, 377:21
Tail's [53] - 9:7, 21:2, 25:6, 25:16, 27:23, 37:13, 37:21, 38:16, 38:17, 39:10, 40:1, 42:14, 46:16, 46:24, 54:18, 55:8, 56:4, 59:6, 63:11, 65:23, 71:16, 73:25, 102:1, 112:19, 115:22, 129:14, 130:4, 130:18, 134:18, 134:23, 141:23, 145:3, 167:21, 187:10, 188:17, 201:1, 220:8, 234:10, 260:15, 262:8, 265:12, 265:18, 271:8, 284:25, 297:23, 298:24, 317:6, 319:15, 329:16, 329:20, 348:7, 353:4, 356:4
takeaway [1] - 65:16
talks [7] - 184:14, 276:8, 276:10, 276:11, 276:14, 277:25, 375:5
tap [15] - 25:9, 25:17, 25:21, 25:23, 26:21, 29:17, 34:8, 49:22, 78:9, 80:2, 91:1, 237:12, 242:15, 242:17, 302:4
tapping [1] - 57:15
taps [1] - 272:21
tariff [6] - 113:10, 142:19, 151:22, 157:8, 166:5, 166:13
tariff-approved [1] - 151:22
tariffed [2] - 113:4, 113:12
tariffs [5] - 112:19, 135:7, 136:2, 136:6, 136:11
task [1] - 376:5
taxes [1] - 132:3
team [2] - 112:1, 175:5
technical [2] - 110:11, 110:12
technicians [1] - 40:6
technologies [1] - 322:7
Technology [1] - 218:4
technology [1] - 310:3
telemetric [1] - 100:2
telemetrics [1] - 273:18
temporary [7] - 5:3, 8:12, 13:2, 13:4, 13:9, 13:12, 200:3
ten [37] - 6:1, 7:3, 8:23, 10:17, 12:21, 14:25, 15:5, 72:6, 93:20, 93:25, 94:3, 115:17, 119:20, 167:11, 167:16, 195:6, 211:5, 249:6, 252:12, 254:20, 258:11, 265:21, 266:8, 271:10, 298:18, 301:17, 350:7, 355:21, 355:22, 356:10, 358:19, 360:25, 361:20, 362:2, 364:2, 373:10
ten-minute [1] - 72:6
ten-year [3] - 195:6, 358:19, 361:20
tend [2] - 81:20, 259:11
tenths [1] - 305:17
tenure [1] - 20:21
term [6] - 16:11, 42:9, 82:14, 315:23, 316:17
terminal [8] - 25:15, 143:21, 155:20, 180:19, 191:5, 204:21, 207:5
terminations [1] - 33:3
terms [31] - 16:6, 37:13, 38:18, 40:2, 65:13, 65:14, 66:12, 66:14, 66:24, 73:4, 104:13, 106:8, 144:6, 146:15, 148:6, 151:18, 153:25, 163:12, 167:22, 169:6, 188:12, 202:14, 211:25, 290:20, 306:24, 310:1, 318:23, 319:3, 346:23, 347:14
terribly [2] - 325:13, 349:17
Territorial [2] - 8:17, 10:9
territories [1] - 278:15
territory [8] - 191:6, 219:11, 219:14, 219:22, 278:12, 309:8, 355:1, 365:7
test [1] - 53:19
testified [31] - 19:2, 57:19, 62:6, 67:9, 102:8, 111:14, 127:20, 145:9, 166:8, 170:5, 171:1, 173:8, 181:25, 197:12, 216:14, 246:11, 259:5, 261:11, 273:14, 283:16, 287:17, 296:21, 326:7, 327:23, 330:24, 333:7, 341:6, 347:9, 360:19, 374:7
testify [11] - 9:5, 9:13, 9:20, 17:2, 17:22, 58:10, 63:10, 66:10, 155:17, 203:25, 204:1
testifying [6] - 64:12, 131:10, 144:1, 170:24, 201:4, 308:20
testimonies [1] - 184:15
testimony [38] - 9:3, 9:11, 11:25, 16:10, 16:20, 66:16, 74:6, 86:25, 100:11, 108:13, 136:13, 145:17, 164:4, 182:13, 184:8, 185:2, 185:18, 189:10, 195:2, 199:23, 225:3, 257:9, 263:22, 276:6, 285:21, 295:13, 296:17, 308:21, 325:11, 344:8, 345:9, 347:13, 348:2, 350:15, 363:12, 367:25, 368:10, 369:3
testing [2] - 20:24, 274:21
THE [414] - 37:7, 54:16, 68:22, 69:1, 69:5, 69:10, 69:13, 69:18, 69:21, 70:1, 70:5, 70:8, 70:11, 70:17, 70:22, 71:3, 71:7, 71:9, 71:12, 71:18, 71:21, 72:1, 72:15, 72:21, 72:23, 73:2, 73:8, 73:11, 73:19, 73:22, 74:2, 74:5, 74:10, 74:14, 74:19, 75:1, 75:4, 75:10, 75:14, 75:20, 76:3, 76:10, 76:13, 76:16, 76:25, 77:5, 77:11, 77:14, 77:19, 77:25, 78:5, 78:8, 78:15, 78:17, 78:20, 79:6, 79:17, 79:20, 79:24, 80:1, 80:14, 80:19, 80:23, 81:9, 81:13, 81:16, 81:25, 82:3, 82:16, 82:22, 83:9, 83:24, 84:9, 84:13, 84:15, 84:19, 85:2, 85:4, 85:8, 85:13, 85:24, 86:2, 86:14, 86:23, 87:7, 87:17, 87:21, 87:25, 88:4, 88:9, 88:12, 88:15, 88:20, 88:24, 89:7, 89:10, 89:14, 89:16, 89:21, 90:3, 90:12, 90:14, 90:18, 90:20, 90:24, 91:8, 91:12, 91:16, 91:22, 91:25, 92:3, 92:6,

92:14, 92:22, 93:7, 93:16, 94:5, 94:14, 94:23, 95:6, 95:8, 95:17, 95:25, 96:4, 96:10, 105:24, 106:4, 106:11, 106:22, 107:11, 107:17, 107:23, 108:2, 108:10, 109:5, 109:18, 110:6, 110:15, 110:17, 118:7, 118:23, 119:9, 119:14, 119:23, 126:3, 145:24, 146:10, 146:17, 147:7, 147:17, 147:22, 148:12, 148:22, 149:3, 149:7, 149:14, 149:21, 150:4, 150:6, 150:10, 150:24, 151:5, 151:11, 151:21, 151:25, 152:9, 152:21, 152:25, 153:4, 153:16, 154:8, 154:11, 155:1, 155:16, 156:3, 156:12, 156:19, 157:4, 157:12, 157:14, 157:17, 157:21, 158:6, 158:19, 159:2, 159:14, 159:20, 159:25, 160:14, 160:19, 160:23, 161:7, 161:12, 161:16, 161:18, 161:22, 162:2, 162:6, 162:17, 162:22, 162:25, 165:19, 166:1, 166:7, 166:15, 166:18, 166:22, 167:4, 167:18, 167:24, 168:11, 169:11, 169:25, 201:16, 201:19, 201:24, 202:6, 202:8, 202:15, 202:25, 203:3, 203:12, 203:20, 204:2, 204:8, 204:14, 204:20, 204:24, 205:16, 205:20, 205:24, 206:3, 206:6, 206:9, 206:14, 206:18, 207:7, 207:14, 208:5, 208:8, 208:21, 208:25, 209:3, 209:7, 209:11, 209:15, 209:17, 209:24, 210:7, 210:16, 211:1, 211:4, 211:7, 211:11, 211:15, 211:20, 211:22, 212:2, 212:13, 213:4, 213:11, 213:14, 213:19, 213:23, 214:1, 217:22, 236:22, 238:3, 253:10, 270:16, 300:17, 300:24, 301:1, 301:10, 301:14, 301:18, 301:22, 301:25, 302:4, 302:9, 302:13, 302:16, 302:19, 303:1, 303:5, 303:10, 303:17, 303:20, 304:4, 304:8, 304:20, 304:25, 305:5, 305:7, 305:13, 305:19, 305:23, 306:4, 306:14, 306:22, 307:1, 307:6, 307:15, 307:19, 307:23, 308:4, 308:11, 308:16, 308:25, 309:13, 309:15, 309:19, 310:3, 310:16, 310:24, 311:4, 311:14, 311:23, 312:1, 312:9, 312:18, 312:25, 313:5, 313:13, 314:1, 314:5, 314:13, 314:15, 314:20, 314:23, 315:1, 315:6, 315:9, 315:15, 316:6, 316:20, 316:23, 317:8, 317:15, 317:19, 317:22, 318:1, 318:8, 318:19, 318:23, 319:5, 319:8, 319:19, 319:22, 320:1, 320:4, 320:9, 320:21, 321:10, 321:22, 322:3, 322:19, 323:6, 323:17, 323:20, 324:3, 324:6, 324:18, 324:21, 324:25, 325:6, 345:16, 345:22, 346:3, 346:9, 346:13, 346:16, 347:2, 347:6, 347:16, 347:18, 348:6, 348:25, 349:3, 349:11, 349:22, 350:3, 350:5, 350:10, 350:22, 351:3, 351:6, 351:14, 351:21, 351:25, 352:14, 352:25, 353:11, 354:2, 354:9, 354:24, 355:4, 355:7, 355:14, 355:17, 355:20, 355:24, 356:15, 361:1, 362:1, 362:21, 363:1, 363:6, 363:17, 364:10, 366:6, 366:9, 366:12, 366:15

theirs [4] - 71:25, 87:2, 95:7, 260:12

themselves [2] - 141:18, 229:4

theoretical [1] - 238:18

thereafter [2] - 246:9, 376:23

therefore [1] - 135:4

thermal [1] - 261:8

they've [11] - 24:21, 24:25, 54:4, 181:3, 202:21, 207:14, 274:12, 282:24, 309:22, 316:17

thick [4] - 162:9, 167:3, 348:5, 348:6

thin [1] - 364:3

thinking [7] - 154:24, 315:20, 363:2, 370:2, 373:12, 374:25, 377:9

third [10] - 9:17, 144:25, 154:15, 198:1, 265:19, 269:24, 299:6, 299:7, 311:22, 333:21

thirty [4] - 33:15, 73:9, 333:21

thirty-one [1] - 33:15

thirty-plus [1] - 73:9

thirty-third [1] - 333:21

thoroughly [1] - 15:6

thoughts [3] - 204:5, 309:3, 374:18

thousand [10] - 31:17, 33:16, 57:9, 78:15, 78:16, 82:8, 89:7, 98:2, 128:8, 185:21

thousands [1] - 20:8

three [138] - 6:7, 9:3, 23:6, 24:25, 34:19, 52:8, 56:8, 56:11, 81:5, 83:15, 84:2, 84:5, 84:7, 84:9, 87:5, 87:9, 88:7, 88:14, 88:17, 88:20, 88:22, 88:24, 89:2, 89:6, 90:5, 90:6, 93:7, 98:13, 108:9, 108:11, 108:24, 109:10, 109:15, 109:19, 109:20, 109:22, 110:8, 128:18, 138:19, 140:15, 140:16, 140:17, 141:7, 144:11, 144:12, 144:13, 144:18, 149:24, 150:9, 150:10, 150:15, 159:4, 167:25, 168:5, 176:8, 177:9, 191:13, 194:18, 195:4, 197:16, 197:25, 198:24, 199:18, 212:16, 212:17, 222:1, 222:3, 222:8, 222:10, 223:7, 223:10, 223:15, 223:20, 224:2, 224:4, 224:24, 225:10, 225:13, 227:1, 228:23, 231:5, 231:7, 231:15, 231:18, 233:2, 233:11, 233:20, 233:22, 234:15, 236:24, 237:11, 237:12, 237:16, 242:16, 243:2, 243:17, 244:7, 245:12, 252:13, 253:11, 254:4, 261:24, 263:3, 264:11, 267:17, 268:4, 271:21, 271:23, 272:5, 272:21, 288:2, 289:21, 295:11, 296:9, 299:15, 300:18, 302:4, 305:16, 312:21, 314:10, 317:1, 317:3, 319:17, 319:18, 319:25, 320:3, 322:20, 335:17, 352:7, 364:7, 368:14

three-mile [1] - 90:6

three-phase [2] - 34:19, 231:7

three-shift [1] - 159:4

three-year [17] - 84:2, 93:7, 108:9, 108:11, 108:24, 109:10, 109:15, 109:19, 109:20, 109:22, 110:8, 138:19, 149:24, 150:9, 150:10, 150:15, 288:2

threshold [1] - 300:16

throughout [16] - 69:13, 93:6, 180:14, 190:24, 229:2, 254:9, 255:17, 256:2, 257:10, 257:11, 267:3, 272:19, 300:19, 361:20, 364:13, 370:15

throw [1] - 356:2

thumper [1] - 310:10

thumps [1] - 310:10

ticked [1] - 203:16

tie [8] - 51:15, 149:1, 149:23, 179:6, 301:10, 301:11, 373:10, 376:20

tied [2] - 152:7, 376:23

ties [6] - 23:6, 69:14, 261:21, 261:22, 261:23, 261:24

tighter [1] - 184:25

Tim [3] - 214:10, 214:11, 214:17

time/part [1] - 211:14

timeframe [1] - 94:22

timely [1] - 181:3

timing [4] - 84:25, 312:15, 314:3, 363:11

tired [1] - 332:24

today [27] - 8:25, 9:3, 10:23, 11:23, 17:23, 23:18, 71:1, 85:10, 171:6, 184:18, 184:19, 185:2, 225:4, 226:15, 227:24, 249:14, 254:24, 255:13, 279:19, 325:10, 332:14, 337:2, 337:25, 344:21, 347:3, 355:25, 368:1

today's [3] - 8:16, 164:18, 322:7

together [12] - 28:25, 33:11, 153:19, 168:18, 169:22, 169:23, 179:6, 218:16, 308:8, 317:9, 322:6, 336:24

tomorrow [1] - 370:1
tonight [1] - 205:16
took [17] - 119:1, 123:16, 157:24, 180:24, 197:16, 216:3, 233:1, 248:16, 248:17, 248:23, 270:2, 298:24, 304:21, 328:16, 349:7, 353:19, 361:10
top [15] - 107:9, 107:15, 115:2, 164:6, 207:25, 232:12, 237:10, 253:11, 265:15, 283:17, 346:1, 346:3, 346:5
tossup [1] - 356:12
total [65] - 30:7, 31:11, 33:7, 33:11, 33:14, 73:20, 97:25, 98:6, 115:10, 117:14, 118:5, 118:11, 120:2, 121:1, 121:2, 121:5, 121:9, 121:13, 121:14, 122:23, 122:25, 123:24, 124:1, 124:3, 125:23, 126:4, 126:13, 126:21, 128:6, 132:12, 132:13, 132:22, 145:7, 149:2, 149:15, 158:19, 160:4, 160:5, 160:10, 176:11, 226:22, 241:4, 248:19, 249:4, 251:14, 254:6, 254:21, 259:2, 285:9, 286:24, 324:17, 334:7, 336:4, 336:5, 337:8, 337:11, 338:22, 342:20, 343:1, 343:5, 351:20, 353:21, 356:21, 361:9
totalized [1] - 94:17
totally [2] - 88:18, 176:20
touch [7] - 12:4, 12:7, 12:12, 12:15, 13:1, 178:1, 276:6
touched [8] - 179:21, 180:17, 182:15, 192:15, 199:16, 269:8, 275:4, 306:9
tough [2] - 107:20, 344:1
toured [1] - 205:13
toward [3] - 75:18, 82:15, 175:16
towards [1] - 182:19
town [7] - 24:1, 24:2, 176:18, 204:15, 209:4, 209:5, 209:7
towns [3] - 21:18, 209:8, 225:17
track [6] - 41:6, 193:4, 193:6, 193:9, 205:6, 351:8
tracking [1] - 351:7
tract [1] - 214:21
trade [10] - 155:3, 191:6, 278:20, 367:6, 367:7, 367:12, 368:23, 369:13, 372:25, 373:22
traffic [1] - 191:7
train [13] - 186:15, 205:17, 277:7, 297:12, 315:5, 315:13, 315:17, 315:24, 316:3, 316:11, 316:12, 316:16
training [2] - 217:5, 217:24
trains [4] - 174:25, 176:6, 178:14, 178:16
transformed [1] - 91:4
transformer [99] - 26:1, 26:3, 27:2, 27:12, 27:13, 27:15, 27:16, 30:15, 30:18, 30:22, 30:25, 31:6, 31:18, 31:21, 32:2, 32:4, 32:6, 33:1, 36:20, 36:23, 36:24, 38:3, 53:1, 53:3, 53:5, 53:8, 53:17, 53:22, 62:17, 62:18, 63:2, 63:4, 70:19, 70:22, 70:24, 71:6, 72:19, 73:5, 84:12, 84:20, 89:13, 91:2, 100:12, 100:20, 101:3, 101:17, 101:20, 101:21, 168:16, 168:21, 168:24, 169:2, 169:12, 170:3, 223:18, 231:9, 233:4, 233:14, 234:14, 234:15, 234:19, 234:21, 235:7, 236:25, 237:19, 237:22, 238:15, 238:19, 238:25, 240:4, 241:8, 241:12, 241:14, 241:16, 241:17, 243:23, 260:25, 261:2, 269:20, 287:9, 287:12, 287:15, 291:13, 291:21, 303:13, 304:3, 304:6, 304:11, 305:10, 309:15, 309:16, 309:23, 323:20, 324:8
transformers [23] - 27:14, 31:5, 53:19, 84:12, 86:2, 86:6, 144:2, 158:8, 168:21, 237:24, 238:14, 238:22, 239:4, 239:12, 239:14, 241:4, 303:20, 303:22, 304:19, 305:1, 307:12, 309:20, 323:18
transition [2] - 96:16, 274:19
transmission [73] - 20:1, 22:16, 22:23, 23:2, 23:4, 23:9, 23:12, 23:21, 25:17, 25:19, 26:17, 28:2, 48:10, 48:14, 49:2, 49:4, 49:7, 49:10, 50:16, 50:21, 51:2, 54:14, 54:21, 55:7, 57:18, 58:19, 59:10, 59:11, 70:14, 78:9, 78:10, 82:5, 82:6, 87:17, 87:25, 91:1, 94:23, 94:24, 95:2, 95:4, 95:18, 98:15, 98:16, 98:22, 98:23, 99:4, 99:7, 102:24, 103:14, 103:21, 104:3, 104:7, 131:13, 139:13, 166:9, 232:8, 241:3, 262:10, 262:20, 263:21, 264:2, 265:6, 265:12, 265:18, 266:7, 269:22, 270:22, 271:2, 285:3, 320:1, 329:15, 329:18
Transmission [2] - 77:15, 82:17
transpire [1] - 226:3
treating [1] - 348:13
trenched [1] - 185:15
trencher [1] - 32:24
triangle [1] - 26:1
trickle [1] - 324:6
tried [1] - 213:8
triggered [1] - 59:24
trip [1] - 201:15
trouble [3] - 44:3, 149:1, 300:21
truck [2] - 179:10, 190:22
truckloads [1] - 176:16
trucks [2] - 208:14, 277:7
true [7] - 18:11, 56:20, 84:6, 150:22, 169:10, 353:13, 355:13
truly [1] - 141:16
truth [15] - 18:18, 18:19, 111:9, 111:10, 173:3, 173:4, 216:9, 216:10, 333:1, 333:2
try [22] - 59:6, 159:9, 163:2, 168:2, 168:17, 183:8, 196:14, 196:18, 196:22, 255:21, 255:23, 255:25, 297:18, 298:25, 308:9, 310:25, 320:23, 320:24, 325:22, 326:1, 342:23, 373:9
trying [18] - 70:14, 82:18, 87:14, 104:24, 109:6, 119:15, 146:18, 147:3, 147:24, 154:4, 155:21, 169:9, 183:3, 207:15, 301:7, 311:21, 318:16, 367:2
turn [18] - 31:7, 31:14, 33:25, 34:11, 66:18, 68:2, 93:9, 93:13, 109:9, 116:5, 123:3, 127:3, 133:24, 134:8, 295:11, 325:20, 337:21, 358:4
turned [1] - 258:17
turning [2] - 45:17, 122:15
tweak [2] - 312:19, 314:17
twenty [1] - 127:2
twenty-seven [1] - 127:2
twice [1] - 100:11
two [114] - 6:5, 6:8, 6:11, 10:7, 21:17, 22:10, 24:5, 24:7, 24:9, 24:13, 25:5, 33:15, 35:1, 45:19, 46:8, 52:7, 55:14, 55:15, 55:17, 56:1, 56:5, 56:9, 59:21, 68:19, 70:20, 76:24, 77:1, 77:3, 77:6, 77:10, 81:11, 105:21, 105:22, 118:17, 120:3, 120:22, 122:24, 127:22, 129:14, 131:12, 133:8, 142:20, 143:18, 143:23, 144:7, 144:15, 145:1, 145:10, 145:15, 154:14, 157:4, 159:5, 170:18, 170:20, 170:25, 171:3, 176:1, 177:8, 180:20, 181:1, 181:8, 186:12, 205:8, 211:12, 217:11, 217:12, 217:13, 217:17, 217:19, 219:24, 220:7, 221:19, 221:22, 221:23, 222:5, 222:16, 225:24, 225:25, 236:2, 237:23, 238:13, 238:22, 240:9, 252:23, 253:11, 256:15, 260:17, 268:9, 272:8, 274:14, 288:6, 296:20, 304:18, 306:3, 307:11, 312:13, 312:21, 314:11, 321:23, 322:6, 333:22, 334:8, 338:5, 346:4, 347:9, 352:22, 354:16, 362:5, 368:2, 369:2, 373:13
two-megawatt [2] - 145:10, 354:16
two-mile [27] - 6:8, 6:11, 22:10, 24:5, 24:9, 24:13, 35:1, 55:14, 55:15, 55:17, 56:1, 56:5, 56:9, 76:24, 77:1, 77:6, 77:10, 105:22, 219:24, 220:7, 221:19, 221:22, 221:23, 222:5, 222:16, 225:24
two-shift [1] - 159:5
type [45] - 14:23, 16:6, 67:11, 67:14, 99:6, 106:2, 141:17, 142:5, 147:12, 147:21, 154:5, 169:19, 172:14,

197:9, 202:14, 227:20, 227:21, 227:22, 229:9, 234:17, 234:25, 236:2, 236:8, 257:2, 263:13, 272:13, 277:20, 280:3, 283:23, 286:18, 289:12, 293:12, 299:1, 300:6, 307:8, 311:5, 314:6, 322:17, 327:6, 330:6, 334:13, 338:24, 339:2, 364:14, 369:21
types [5] - 16:15, 167:11, 238:21, 340:17, 344:3
typical [5] - 72:19, 119:14, 137:11, 162:6, 341:16
typically [15] - 16:16, 29:3, 73:1, 99:3, 122:6, 162:10, 244:16, 261:7, 289:10, 321:20, 329:6, 334:16, 334:25, 340:10

U

ultimate [3] - 158:13, 158:14, 370:23
ultimately [8] - 12:23, 15:10, 86:10, 119:15, 134:10, 308:3, 339:7, 362:11
unanticipated [1] - 62:9
uncommon [4] - 47:22, 72:21, 72:22, 106:5
uncontested [1] - 162:11
uncontrolled [1] - 167:6
under [57] - 8:17, 10:10, 18:9, 22:8, 33:9, 39:18, 71:22, 72:11, 83:20, 102:23, 103:4, 104:5, 109:15, 113:8, 121:5, 122:25, 126:21, 129:3, 129:14, 129:25, 134:13, 134:18, 134:20, 134:24, 136:8, 136:10, 136:11, 141:16, 149:15, 162:13, 163:15, 164:13, 165:20, 166:15, 166:16, 176:12, 188:13, 201:24, 213:9, 220:12, 230:9, 235:6, 270:7, 272:25, 279:5, 284:25, 285:15, 288:24, 314:18, 332:21, 333:14, 333:18, 355:2, 360:17, 365:10, 373:24
undergo [1] - 90:4
underground [84] - 25:24, 31:17, 32:1, 32:23, 34:9, 37:17, 40:13, 40:15, 40:17, 40:19, 50:15, 50:24, 56:20, 57:1, 57:4, 57:8, 64:8, 64:9, 64:13, 64:17, 71:6, 78:7, 78:12, 78:14, 81:18, 81:20, 82:1, 82:10, 107:6, 198:20, 199:8, 220:3, 220:5, 223:8, 223:15, 223:21, 224:2, 224:4, 224:6, 226:22, 229:25, 231:7, 231:16, 231:18, 231:22, 233:3, 236:5, 236:25, 237:13, 237:17, 266:6, 266:15, 266:21, 267:1, 268:12, 268:13, 268:15, 268:23, 285:5, 285:6, 285:12, 293:23, 298:7, 306:1, 306:5, 309:25, 310:10, 310:12, 310:17, 320:16, 320:19, 320:20, 320:22, 321:2, 321:8, 321:14, 321:18, 321:20, 322:18, 329:11, 329:13, 329:25, 330:3
underlying [1] - 10:14
underneath [2] - 179:16, 210:18
understandable [1] - 290:25
understood [7] - 108:17, 187:9, 283:22, 285:21, 341:4, 341:11, 342:25
unfair [1] - 87:3
unfortunately [1] - 76:18
UNIDENTIFIED [9] - 37:6, 37:8, 43:11, 59:2, 171:16, 171:18, 171:24, 172:9, 172:13
unique [2] - 169:21, 276:20
unit [11] - 100:21, 100:23, 170:2, 236:7, 315:13, 315:17, 315:24, 316:3, 316:11, 316:12
units [1] - 96:23
University [2] - 112:17, 218:1
unjacketed [2] - 268:25, 321:23
unknown [2] - 102:11, 284:5
unless [5] - 10:5, 148:13, 247:22, 281:9, 285:6
unload [2] - 159:7, 277:6
unloading [1] - 316:14
unreasonably [2] - 7:4, 105:13
unrelated [1] - 167:14
unsure [1] - 62:6
unusual [1] - 75:2
up [126] - 10:9, 13:5, 16:12, 20:24, 24:2, 31:10, 36:6, 44:2, 59:1, 70:13, 72:7, 76:19, 81:6, 82:13, 83:4, 83:8, 83:19, 84:5, 84:6, 86:3, 87:24, 88:7, 90:1, 102:19, 108:8, 125:1, 127:24, 128:9, 129:20, 132:1, 132:3, 137:13, 138:2, 142:22, 146:22, 149:4, 149:8, 153:3, 156:10, 160:8, 163:1, 172:3, 179:12, 179:18, 182:15, 185:15, 186:21, 191:1, 198:20, 199:25, 201:8, 203:16, 203:23, 211:15, 212:3, 212:19, 227:10, 228:7, 230:1, 230:3, 231:17, 232:20, 232:23, 233:4, 233:5, 235:19, 235:22, 235:25, 237:17, 237:23, 238:23, 243:9, 243:11, 243:15, 246:1, 247:19, 248:14, 248:25, 249:21, 250:2, 251:2, 251:5, 256:15, 258:24, 262:14, 265:3, 268:5, 268:21, 269:11, 269:15, 269:21, 271:19, 272:23, 276:23, 277:6, 278:17, 280:6, 283:5, 290:5, 291:18, 293:13, 297:21, 304:16, 306:10, 308:9, 309:2, 310:6, 312:6, 312:17, 313:19, 327:7, 327:10, 327:17, 331:4, 336:5, 344:9, 347:9, 347:10, 349:4, 353:10, 362:22, 363:25, 364:13, 367:14, 370:6
updated [2] - 23:13, 250:25
updates [1] - 48:8
upfront [7] - 84:3, 109:11, 135:8, 136:3, 136:10, 194:21, 195:1
upgrade [3] - 90:10, 291:16, 323:14
upgraded [1] - 324:1
upgrades [2] - 27:23, 90:7
upload [1] - 270:5
upper [1] - 327:10
upset [1] - 278:10
usable [2] - 72:24, 91:4
usage [5] - 250:2, 256:16, 297:14, 341:19
useful [3] - 62:22, 340:13, 377:3
usual [1] - 244:13
utilities [3] - 7:22, 8:18, 125:4
Utility [1] - 204:16
utility [3] - 113:20, 125:2, 188:18
utilization [1] - 351:10
utilize [9] - 31:5, 140:19, 227:17, 239:8, 239:12, 248:13, 262:3, 298:13, 320:12
utilized [6] - 50:19, 54:24, 142:21, 142:22, 262:2, 351:9
utilizing [5] - 53:2, 57:15, 139:19, 235:8, 266:9

V

vac [2] - 186:18, 186:19
vacant [1] - 189:19
valid [2] - 347:11, 365:24
Valley [284] - 5:10, 7:13, 7:16, 11:25, 13:3, 17:1, 17:7, 17:10, 34:16, 34:25, 35:5, 35:21, 36:5, 36:21, 39:12, 44:7, 45:7, 46:20, 54:19, 56:1, 56:11, 58:16, 58:22, 58:24, 59:8, 59:14, 61:20, 62:5, 63:23, 65:10, 65:20, 66:13, 68:8, 68:9, 69:21, 75:8, 75:11, 76:8, 77:3, 77:7, 77:17, 81:5, 82:12, 87:5, 94:25, 97:11, 99:16, 103:2, 104:4, 104:10, 104:14, 104:17, 104:19, 105:4, 105:13, 105:25, 106:15, 106:20, 110:5, 113:25, 114:11, 114:18, 116:12, 116:21, 117:15, 118:4, 118:10, 118:25, 119:8, 119:10, 120:19, 120:24, 121:11, 121:14, 121:20, 122:18, 122:22, 123:7, 123:22, 123:25, 124:5, 124:6, 124:8, 126:23, 128:25, 129:17, 132:10, 137:13, 139:25, 140:24, 141:15, 141:24, 142:3, 142:11, 142:14, 143:1, 146:14, 147:1, 147:16, 147:17, 148:1, 148:7, 149:16, 150:23, 153:5, 153:14, 153:25, 154:7, 154:13, 156:25, 157:6, 157:10, 159:23, 161:15, 165:9, 168:8, 173:19, 180:7, 181:20, 182:9, 182:11, 187:3, 187:19,

188:2, 188:5, 188:7, 189:5, 190:16, 192:2, 192:4, 192:11, 192:14, 192:16, 193:12, 194:12, 195:10, 195:20, 196:5, 196:13, 196:14, 196:25, 197:5, 197:6, 197:13, 198:15, 198:17, 199:20, 200:11, 200:14, 200:21, 201:5, 202:13, 210:9, 213:8, 215:1, 216:19, 217:1, 217:10, 218:11, 219:16, 220:6, 221:22, 223:23, 224:15, 226:9, 227:10, 228:10, 228:14, 228:23, 229:7, 230:1, 230:3, 233:22, 234:13, 235:12, 235:19, 236:15, 239:6, 239:11, 241:24, 242:20, 243:15, 244:13, 245:11, 246:1, 246:16, 246:22, 246:25, 247:6, 247:11, 247:18, 248:1, 248:7, 248:19, 248:22, 248:25, 249:1, 249:2, 252:22, 254:14, 254:25, 257:17, 258:8, 258:18, 258:21, 259:2, 259:9, 261:17, 262:9, 263:6, 263:12, 264:8, 264:12, 265:8, 265:24, 266:8, 266:17, 266:20, 269:9, 269:10, 269:12, 270:11, 270:16, 271:13, 271:19, 272:1, 273:4, 273:16, 274:1, 274:2, 274:3, 276:9, 276:12, 278:12, 278:14, 278:18, 278:24, 279:8, 291:20, 294:21, 294:25, 295:4, 295:10, 296:2, 299:2, 300:15, 307:15, 308:22, 326:9, 326:12, 326:18, 328:13, 329:16, 333:12, 333:20, 333:25, 334:6, 334:17, 335:13, 336:15, 338:2, 340:10, 343:17, 344:11, 345:3, 345:6, 347:22, 354:12, 357:8, 357:9, 358:7, 361:7, 362:4, 365:12, 368:18, 368:20, 368:22, 369:2, 370:12, 372:24, 373:2, 377:22

VALLEY [1] - 11:6

Valley's [47] - 9:12, 34:1, 35:7, 36:12, 37:11, 38:17, 40:11, 45:17, 55:2, 55:10, 63:12, 64:10, 80:17, 98:6, 115:2, 117:12, 118:13, 123:8, 133:21, 140:1, 161:8, 182:8, 188:24, 199:8, 200:25, 219:11, 219:14, 228:1, 228:21, 240:12, 243:1, 243:17, 249:9, 255:21, 258:24, 265:11, 265:15, 273:10, 288:12, 296:5, 297:18, 329:25, 335:15, 336:1, 343:25, 353:4, 365:6

Valley-powered [1] - 197:13

valuable [2] - 354:16, 354:21

value [15] - 30:17, 30:24, 108:7, 131:14, 134:7, 140:23, 151:6, 189:18, 189:22, 189:23, 198:6, 331:16, 343:21, 351:12, 351:13

valued [1] - 375:2

values [4] - 132:9, 137:3, 157:6, 169:13

variable [3] - 129:5, 139:18, 139:21

variance [1] - 344:24

varied [1] - 152:17

variety [1] - 271:1

various [6] - 49:19, 125:5, 162:8, 203:17, 218:18, 367:2

vary [5] - 129:18, 139:17, 298:5, 344:2, 344:3

vast [1] - 259:18

verify [1] - 79:2

Verona [2] - 83:11, 192:4

versa [1] - 262:19

version [3] - 221:10, 228:24, 314:15

versus [32] - 12:6, 40:17, 57:1, 66:13, 75:19, 81:18, 87:2, 95:7, 95:18, 98:23, 110:5, 129:2, 134:11, 138:6, 164:10, 164:19, 164:24, 165:9, 168:21, 177:7, 185:22, 190:19, 195:9, 198:15, 239:24, 266:15, 306:1, 306:19, 316:3, 319:14, 320:20, 331:8

VFD [1] - 314:12

VFDs [2] - 39:15, 314:22

via [1] - 262:25

viability [2] - 63:2, 63:3

vice [1] - 262:19

view [7] - 128:21, 140:16, 198:16, 199:7, 199:11, 287:19, 320:7

views [1] - 199:12

vintage [6] - 78:21, 101:21, 287:10, 287:15, 309:17, 309:18

visibly [1] - 55:17

visit [2] - 15:25, 52:23

visiting [3] - 148:8, 226:3, 226:4

visual [2] - 51:12, 51:13

voir [2] - 117:25, 125:20

voltage [33] - 27:3, 38:8, 38:9, 39:7, 48:23, 49:1, 49:2, 49:5, 49:9, 49:12, 78:11, 78:24, 85:14, 91:2, 91:3, 91:5, 92:16, 92:17, 166:8, 228:8, 229:1, 273:21, 274:22, 274:25, 275:2, 283:23, 284:12, 284:18, 300:18, 301:5, 313:6, 314:10, 320:5

volume [5] - 151:18, 352:11, 352:12, 363:4, 363:5

volumes [1] - 179:20

vote [1] - 245:21

vulnerability [1] - 85:17

W

W-A-L-T-Z [1] - 111:5

W-O-L-F [1] - 19:12

Wahpeton [60] - 19:21, 23:1, 23:23, 40:5, 47:17, 49:21, 50:1, 50:2, 51:24, 52:1, 52:6, 55:1, 59:11, 69:10, 69:25, 77:20, 79:14, 80:11, 80:22, 81:1, 102:22, 103:1, 104:15, 151:9, 151:15, 173:20, 182:10, 182:17, 182:21, 183:7, 184:3, 184:6, 189:6, 190:15, 190:19, 190:20, 191:8, 191:14, 193:5, 194:3, 196:3, 196:15, 199:18, 202:13, 203:8, 207:10, 213:7, 214:13, 256:3, 259:17, 263:23, 263:24, 264:16, 276:9, 276:17, 279:16, 280:21, 302:8, 317:11, 327:20

wait [3] - 274:6, 349:24, 350:1

waive [1] - 290:15

waived [1] - 313:14

waivered [1] - 229:10

waivers [2] - 293:12, 293:13

walk [4] - 117:18, 150:8, 159:2, 162:12

walking [2] - 131:12, 159:8

Waltz [3] - 9:10, 111:1, 111:4

waltz [14] - 111:2, 111:18, 116:5, 120:17, 128:20, 130:9, 133:17, 133:25, 135:7, 136:2, 140:14, 163:9, 170:25, 181:24

WALTZ [3] - 111:4, 111:11, 111:13

wants [3] - 17:16, 113:5, 363:13

WARD [255] - 5:1, 7:12, 7:17, 7:23, 8:3, 11:4, 13:15, 13:22, 14:9, 15:21, 16:25, 17:25, 18:3, 18:21, 19:9, 19:13, 21:25, 22:2, 22:4, 26:12, 26:14, 29:10, 29:13, 32:14, 32:16, 32:18, 35:23, 35:25, 36:8, 36:10, 42:2, 42:5, 42:17, 44:18, 44:20, 44:25, 45:4, 45:7, 45:9, 45:14, 47:7, 54:15, 61:21, 61:23, 61:25, 68:15, 68:18, 72:4, 72:10, 74:3, 79:10, 86:21, 96:11, 99:12, 100:16, 102:15, 105:18, 108:5, 110:22, 111:2, 111:6, 111:12, 115:24, 116:1, 116:3, 117:23, 118:2, 120:4, 120:9, 120:13, 125:18, 125:21, 126:11, 126:13, 126:16, 128:13, 128:15, 128:17, 133:8, 133:12, 133:15, 135:11, 135:17, 135:20, 135:23, 136:19, 140:10, 145:25, 154:21, 156:8, 163:1, 163:6, 163:23, 165:12, 165:14, 166:23, 170:7, 170:10, 170:12, 170:17, 170:20, 171:2, 171:5, 171:8, 171:15, 171:20, 171:23, 172:15, 172:18, 172:23, 173:1, 173:6, 190:2, 190:7, 190:10, 195:14, 201:13, 204:9, 208:22, 214:2, 214:4, 215:4, 215:7, 215:12, 215:18, 216:1, 216:7, 216:12, 217:21, 220:15, 220:17, 220:23, 221:11, 221:15, 222:18, 222:23, 223:2, 228:15, 228:17, 228:19, 230:13, 230:15, 230:21, 230:23, 234:2, 234:4, 234:6, 235:13, 235:16,

236:16, 236:20, 238:1, 238:5, 238:8, 238:11, 245:9, 246:17, 246:20, 248:8, 248:11, 253:4, 253:12, 253:14, 253:19, 253:23, 254:15, 254:17, 254:19, 265:25, 266:3, 270:12, 270:19, 273:7, 279:9, 279:12, 280:24, 281:7, 281:10, 281:12, 281:17, 281:21, 294:12, 304:14, 311:18, 318:12, 325:9, 325:20, 325:24, 328:25, 331:25, 332:3, 332:6, 332:8, 332:10, 332:14, 332:18, 332:23, 333:1, 333:5, 340:21, 343:11, 345:17, 350:19, 350:23, 352:20, 356:16, 357:22, 359:21, 359:23, 360:3, 360:7, 360:11, 360:16, 360:21, 361:22, 362:7, 363:24, 364:22, 365:17, 366:1, 366:3, 366:20, 367:6, 367:9, 367:11, 367:19, 367:24, 368:4, 368:7, 368:12, 369:12, 369:18, 370:4, 370:6, 370:17, 371:7, 371:19, 372:16, 372:19, 372:22, 373:3, 373:17, 373:19, 373:24, 374:4, 374:22, 375:19, 376:7, 376:15, 376:19, 377:2, 377:7, 377:11, 377:15, 377:18

Ward [4] - 5:2, 220:22, 369:25, 376:13

washed [1] - 222:20

wasteful [4] - 6:24, 15:11, 294:20, 295:3

watching [1] - 51:21

water [4] - 150:22, 232:18, 322:8, 322:12

ways [6] - 80:2, 82:22, 129:13, 276:18, 276:21, 331:4

weather [7] - 45:22, 107:6, 185:17, 266:23, 268:12, 268:14, 320:23

week [6] - 48:9, 48:12, 202:3, 373:14, 376:23, 377:12

weeks [2] - 48:11, 373:13

weigh [4] - 10:24, 12:24, 182:24, 188:18

weighed [3] - 15:1, 179:19, 197:19

weighs [1] - 257:13

weight [3] - 11:1, 147:24, 154:5

weighted [4] - 123:15, 175:16, 282:9, 282:10

welcome [1] - 15:23

West [1] - 217:22

west [22] - 24:3, 49:21, 69:11, 77:24, 79:15, 79:22, 80:13, 81:5, 81:7, 87:24, 103:11, 180:23, 181:8, 223:18, 225:7, 232:13, 233:8, 264:18, 264:22, 265:1, 301:14, 375:8

western [3] - 191:6, 375:6, 375:7

wet [6] - 11:15, 11:16, 178:9, 202:1, 202:7, 202:8

whatsoever [1] - 347:21

wheat [2] - 174:19, 176:25

white [2] - 230:17, 375:23

whoever's [1] - 328:23

whole [19] - 18:18, 42:14, 42:17, 77:20, 91:11, 94:11, 111:9, 173:3, 175:7, 216:9, 263:20, 277:6, 292:7, 299:14, 326:1, 331:4, 333:2, 337:4, 354:4

wide [8] - 42:22, 140:3, 140:6, 317:23, 319:5, 351:19, 361:7, 362:10

widen [1] - 212:19

wife [1] - 192:1

wildlife [1] - 112:15

willing [2] - 202:23, 312:7

win [5] - 14:17, 355:22, 356:1, 356:11

win-win [1] - 14:17

wind [1] - 203:23

window [1] - 246:6

winds [1] - 321:12

winner [1] - 14:17

winter [5] - 185:24, 190:25, 302:20, 321:1, 321:2

wipes [1] - 354:1

wire [4] - 51:15, 275:11, 275:14, 340:16

wise [3] - 177:15, 306:22, 341:22

wish [1] - 375:15

witness [20] - 7:11, 11:24, 17:20, 47:5, 66:10, 74:4, 74:18, 79:5, 110:24, 117:25, 136:17, 163:2, 170:14, 172:20, 189:25, 215:13, 215:17, 281:2, 325:10, 359:24

WITNESS [414] - 37:7, 54:16, 68:22, 69:1, 69:5, 69:10, 69:13, 69:18, 69:21, 70:1, 70:5, 70:8, 70:11, 70:17, 70:22, 71:3, 71:7, 71:9, 71:12, 71:18, 71:21, 72:1, 72:15, 72:21, 72:23, 73:2, 73:8, 73:11, 73:19, 73:22, 74:2, 74:5, 74:10, 74:14, 74:19, 75:1, 75:4, 75:10, 75:14, 75:20, 76:3, 76:10, 76:13, 76:16, 76:25, 77:5, 77:11, 77:14, 77:19, 77:25, 78:5, 78:8, 78:15, 78:17, 78:20, 79:6, 79:17, 79:20, 79:24, 80:1, 80:14, 80:19, 80:23, 81:9, 81:13, 81:16, 81:25, 82:3, 82:16, 82:22, 83:9, 83:24, 84:9, 84:13, 84:15, 84:19, 85:2, 85:4, 85:8, 85:13, 85:24, 86:2, 86:14, 86:23, 87:7, 87:17, 87:21, 87:25, 88:4, 88:9, 88:12, 88:15, 88:20, 88:24, 89:7, 89:10, 89:14, 89:16, 89:21, 90:3, 90:12, 90:14, 90:18, 90:20, 90:24, 91:8, 91:12, 91:16, 91:22, 91:25, 92:3, 92:6, 92:14, 92:22, 93:7, 93:16, 94:5, 94:14, 94:23, 95:6, 95:8, 95:17, 95:25, 96:4, 96:10, 105:24, 106:4, 106:11, 106:22, 107:11, 107:17, 107:23, 108:2, 108:10, 109:5, 109:18, 110:6, 110:15, 110:17, 118:7, 118:23, 119:9, 119:14, 119:23, 126:3, 145:24, 146:10, 146:17, 147:7, 147:17, 147:22, 148:12, 148:22, 149:3, 149:7, 149:14, 149:21, 150:4, 150:6, 150:10, 150:24, 151:5, 151:11, 151:21, 151:25, 152:9, 152:21, 152:25, 153:4, 153:16, 154:8, 154:11, 155:1, 155:16, 156:3, 156:12, 156:19, 157:4, 157:12, 157:14, 157:17, 157:21, 158:6, 158:19, 159:2, 159:14, 159:20, 159:25, 160:14, 160:19, 160:23, 161:7, 161:12, 161:16, 161:18, 161:22, 162:2, 162:6, 162:17, 162:22, 162:25, 165:19, 166:1, 166:7, 166:15, 166:18, 166:22, 167:4, 167:18, 167:24, 168:11, 169:11, 169:25, 201:16, 201:19, 201:24, 202:6, 202:8, 202:15, 202:25, 203:3, 203:12, 203:20, 204:2, 204:8, 204:14, 204:20, 204:24, 205:16, 205:20, 205:24, 206:3, 206:6, 206:9, 206:14, 206:18, 207:7, 207:14, 208:5, 208:8, 208:21, 208:25, 209:3, 209:7, 209:11, 209:15, 209:17, 209:24, 210:7, 210:16, 211:1, 211:4, 211:7, 211:11, 211:15, 211:20, 211:22, 212:2, 212:13, 213:4, 213:11, 213:14, 213:19, 213:23, 214:1, 217:22, 236:22, 238:3, 253:10, 270:16, 300:17, 300:24, 301:1, 301:10, 301:14, 301:18, 301:22, 301:25, 302:4, 302:9, 302:13, 302:16, 302:19, 303:1, 303:5, 303:10, 303:17, 303:20, 304:4, 304:8, 304:20, 304:25, 305:5, 305:7, 305:13, 305:19, 305:23, 306:4, 306:14, 306:22, 307:1, 307:6, 307:15, 307:19, 307:23, 308:4, 308:11, 308:16, 308:25, 309:13, 309:15, 309:19, 310:3, 310:16, 310:24, 311:4, 311:14, 311:23, 312:1, 312:9, 312:18, 312:25, 313:5, 313:13, 314:1, 314:5, 314:13, 314:15, 314:20, 314:23, 315:1, 315:6, 315:9, 315:15, 316:6, 316:20, 316:23, 317:8, 317:15, 317:19, 317:22, 318:1, 318:8, 318:19, 318:23, 319:5, 319:8, 319:19, 319:22, 320:1, 320:4, 320:9, 320:21, 321:10, 321:22, 322:3, 322:19, 323:6, 323:17, 323:20, 324:3, 324:6, 324:18, 324:21, 324:25, 325:6,

345:16, 345:22, 346:3, 346:9, 346:13, 346:16, 347:2, 347:6, 347:16, 347:18, 348:6, 348:25, 349:3, 349:11, 349:22, 350:3, 350:5, 350:10, 350:22, 351:3, 351:6, 351:14, 351:21, 351:25, 352:14, 352:25, 353:11, 354:2, 354:9, 354:24, 355:4, 355:7, 355:14, 355:17, 355:20, 355:24, 356:15, 361:1, 362:1, 362:21, 363:1, 363:6, 363:17, 364:10, 366:6, 366:9, 366:12, 366:15
witnesses [10] - 9:4, 17:1, 17:6, 17:11, 17:22, 120:6, 170:18, 170:21, 170:25, 360:5
WOLF [2] - 18:20, 19:1
Wolf [4] - 7:11, 9:4, 18:2, 19:7
wolf [39] - 9:5, 18:3, 19:14, 20:3, 20:9, 22:6, 24:15, 26:16, 28:14, 29:15, 31:7, 31:11, 34:24, 37:10, 39:25, 40:11, 41:1, 42:7, 43:5, 43:14, 44:5, 45:17, 62:4, 72:7, 72:10, 96:14, 97:10, 110:22, 127:20, 131:10, 144:1, 145:9, 153:19, 166:7, 169:13, 170:5, 171:1, 185:3, 235:4
wonderful [1] - 15:24
wondering [15] - 66:20, 140:17, 141:11, 142:10, 144:20, 196:4, 196:12, 197:14, 296:16, 298:22, 299:8, 345:9, 345:12, 350:8, 364:1
word [3] - 199:9, 200:12, 219:1
words [1] - 45:4
workers [1] - 211:20
workhorse [2] - 183:13, 191:5
world [3] - 16:13, 184:25, 355:10
worldwide [1] - 20:23
worms [1] - 348:12
worse [1] - 307:7
worst [4] - 237:22, 239:4, 239:6, 295:20
worth [5] - 144:12, 144:13, 337:13, 337:16, 341:22
wrap [1] - 155:22
write [2] - 20:6, 146:23
Wyndmere [28] - 54:13, 54:17, 55:1, 80:4, 151:9, 151:11, 173:19, 180:18, 181:8, 181:9, 182:4, 206:12, 206:14, 206:21, 207:6, 207:7, 209:2, 261:19, 261:20, 262:3, 263:1, 265:1, 298:16, 301:12, 301:15, 301:16, 301:21, 302:1

Y

yard [1] - 323:21
year [102] - 10:2, 20:7, 51:19, 75:4, 83:11, 83:12, 84:2, 93:7, 94:6, 94:7, 94:22, 108:9, 108:11, 108:24, 109:10, 109:15, 109:19, 109:20, 109:22, 110:8, 112:5, 112:12, 115:16, 115:18, 119:20, 122:25, 123:2, 123:16, 123:18, 126:22, 126:24, 128:10, 138:19, 144:7, 149:24, 150:9, 150:10, 150:15, 152:17, 165:17, 177:23, 177:25, 178:6, 179:2, 179:3, 195:6, 202:4, 202:5, 202:9, 207:4, 211:18, 236:2, 246:6, 249:4, 249:5, 249:6, 249:7, 250:1, 251:12, 251:13, 251:16, 252:9, 252:10, 252:12, 257:11, 257:25, 258:1, 258:4, 258:5, 258:15, 258:25, 261:8, 261:10, 268:18, 282:13, 282:15, 282:17, 282:18, 288:2, 294:3, 295:24, 296:1, 300:4, 307:25, 327:7, 333:21, 337:9, 341:21, 341:25, 344:2, 344:4, 344:17, 350:8, 350:13, 353:13, 357:9, 358:19, 361:20, 362:1, 363:22
year-round [5] - 177:23, 177:25, 179:2, 179:3, 211:18
yearly [4] - 236:10, 261:9, 289:20, 364:21
years [89] - 18:13, 19:23, 20:7, 23:11, 43:15, 46:24, 51:6, 53:12, 58:22, 64:24, 73:2, 73:8, 78:19, 83:15, 84:5, 84:7, 84:9, 85:6, 93:20, 93:21, 93:23, 94:1, 94:2, 94:3, 119:22, 144:6, 144:7, 144:8, 144:11, 144:18, 169:16, 174:8, 174:10, 176:21, 177:22, 184:17, 184:19, 202:9, 206:22, 208:11, 209:18, 213:7, 216:23, 217:4, 236:4, 240:6, 246:7, 251:21, 251:25, 252:2, 252:6, 252:7, 253:7, 254:9, 257:19, 257:21, 257:23, 258:1, 269:1, 271:10, 287:16, 326:10, 326:11, 333:22, 334:2, 334:4, 335:16, 336:22, 339:18, 340:15, 341:4, 341:6, 343:20, 343:21, 344:13, 344:16, 345:3, 348:20, 349:7, 350:7, 352:2, 353:14, 360:25, 364:13
years' [2] - 144:12, 144:13
yellow [7] - 221:2, 221:3, 222:15, 264:19, 265:15, 265:17
yields [1] - 191:20
yourself [4] - 32:11, 142:21, 159:12, 214:14

Z

Zachary [1] - 7:19
zero [1] - 164:25

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company — Case No. PU-17-96
Minn-Kota Ag Products, Inc.
-- Richland County
Public Convenience & Necessity

TRANSCRIPT OF WORK SESSION

December 20, 2017

CHAIRMAN CHRISTMANN: Good afternoon, everyone. We are starting a work session on Case number PU-17-96, Otter Tail Power Company, Minn-Kota Ag Products, Incorporated, of Richland County, a PC&N case.

I'm Randy Christmann, chairman of the Commission, and with me are Commissioners Kroshus and Fedorchak. It is 2:31, December 20th, 2017. Also at the table is our legal counsel, Zach Pelham, and Jerry Lein, our engineer and advisor on the case, and Steve Kohl (phonetic) at the electronic controls.

I don't have any opening comments. Do --

COMMISSIONER FEDORCHAK: I don't either.

CHAIRMAN CHRISTMANN: Is this your portfolio?

COMMISSIONER FEDORCHAK: No, Brian's.

CHAIRMAN CHRISTMANN: Brian's. Do you have any comments?

COMMISSIONER FEDORCHAK: I don't.

CHAIRMAN CHRISTMANN: Do you have any comments? Or do you want -- if not, just go ahead and kick it off.

COMMISSIONER KROSHUS: No, I don't have any comments, just let's get started, get into it.

MR. LEIN: You guys want me to just --

COMMISSIONER KROSHUS: Yeah, why don't you start?

MR. LEIN: I started to try and write an order

in this thing, and before I got too far into it, I kind of punted and thought we just need to talk about it first.

And so if you wanted to cut to the chase, I think it boils down to whether or not duplication of facilities by Otter Tail is wasteful. They will build a substation off of that transmission line on-site and provide what I would call better service to the customer in doing that. However, there is a distribution system in place there from the co-op that's perfectly capable of serving that load.

When I say better service by Otter Tail, I mean that they're going to be on an isolated circuit with those big motors. And engineering-wise, that would be preferable. When you put larger motors on a circuit, when you start the circuit, when you start the motors up, they tend to grab a lot of current when you first start them, and that's the purpose of these soft start devices, is to make that come in, if I'm remembering right, one phase at a time so that they don't grab so much current.

If you grab too much current off of the circuit at one time, you can cause voltage brown-out type conditions for the other customers just for a short period of time, but they might feel the current in their

own devices, lights and stuff like that.

COMMISSIONER FEDORCHAK: Is there mitigating technology for that --

MR. LEIN: The soft start devices that we were talking about that the co-op would have required.

COMMISSIONER FEDORCHAK: And they bought, right? Wasn't there testimony they bought those?

MR. LEIN: I think they already have them for their bigger motors. Otter Tail would have required those devices, too, I think, on the 100-horsepower motors or bigger.

COMMISSIONER FEDORCHAK: Not that this is an overriding concern of mine, but do those devices compromise anything for the user, those soft starts, or is it just the cost of them adds -- increases their cost?

MR. LEIN: I think it's the cost.

COMMISSIONER FEDORCHAK: Okay.

MR. LEIN: I don't know if motors would last longer or differently without them, but it might be that they last longer with them. There might be some effect there that I don't know.

COMMISSIONER FEDORCHAK: Okay. Thank you.

CHAIRMAN CHRISTMANN: I just want to interrupt on that. I think -- I felt like that was a big factor

because, to me, one of the big factors in this case -- I'll step back. To me, a lot of the ten factors are neutral. I can see a couple that sway one way or maybe the other. The one that was the clearest was the customer preference.

And part of what I heard from the customer was not wanting to buy the soft start motors for the -- what was it, either 30 or 50 horsepower on up to 100, at which point then I think Otter Tail Power required them as well. But in the testimony, after his testimony, Dakota Valley Electric said they would waive that requirement. And so to me, that's a pretty big factor then, because that sort of changes what I think he was basing his testimony on, or that part of his testimony.

MR. LEIN: And Dakota Valley's waiver was subject to them being able to do it without having any problems on the system.

CHAIRMAN CHRISTMANN: Their waiver was under oath on the record.

MR. LEIN: But I mean the waiver has some conditions with it. If they hook those motors up and the rest of the circuit starts complaining, they're going to have to go back in and get the soft start.

And I think that would be a condition of the waiver that they grant, that says that we'll let you try

to get by without these soft start motors, but if it turns out they're needed, you're going to have to get them. I mean, there was something in the brief on that.

MR. PELHAM: There's something that we're going to have to clarify that aspect of it, because I don't think you can make a decision based on -- you can certainly make a decision based on what's stated in the record, but I'm not -- as I sit here today, I can't tell you exactly what was specifically said.

I recall what you're saying, Commissioner Christmann, as to the waiver. Was it equivocal, though? I think we need to answer that question.

MR. LEIN: But my point with the -- with the soft start, bringing them up, is the underlying circuits, Otter Tail's is stronger and that's why it doesn't need those soft starts earlier and there's no other customers on there to be affected. Otter Tail's straight off of that 41.6kV line and the co-op's is going through a distribution system.

And that's where I go back to the duplication, whether it's wasteful. I think your primary issue and purpose behind the TIA was to avoid wasteful duplication of facilities, and so your overriding concern in these cases is to avoid wasteful duplication.

So if you're looking at it, the duplication

gives the customer a stronger service coming straight off of that 41.6 and it gives them that stronger service for less money. But at the same time, from the co-op's point of view, they have a system built up in here that's perfectly capable of serving this load.

COMMISSIONER FEDORCHAK: In addition to the wasteful duplication, and that's part of this, but the overriding issue that I keep coming back to is public convenience and necessity.

MR. LEIN: Yep.

COMMISSIONER FEDORCHAK: Public.

MR. LEIN: Yep.

COMMISSIONER FEDORCHAK: And so, you know, really keeping that at the forefront and in the review of these factors which are supposed to help us determine that, I mean there's no question that Otter Tail serves the convenience of the business. They want them, I mean they chose them, and they're cheaper.

MR. LEIN: Yep.

COMMISSIONER FEDORCHAK: And they're more reliable.

MR. LEIN: Yep.

COMMISSIONER FEDORCHAK: But how does that serve public convenience?

MR. LEIN: Yep. That is the point here.

COMMISSIONER FEDORCHAK: Because there was pretty -- I mean, it was pretty clear that there was no expansion plans and Otter Tail didn't talk of anticipating additional customers on that substation. And they don't have any natural connection right in that area to customers.

MR. LEIN: And those are reasons that you would think that the duplication was wasteful.

Maybe we should talk about all of the issues going down.

COMMISSIONER FEDORCHAK: I liked it the one time, Jerry, when you had sort of the chart of the ten factors and like, you know, checked off who on each one.

It's not maybe as clear on this case because they are a little bit more fuzzy. I agree with you, Randy, that there was maybe more ties.

MR. LEIN: Yeah, I --

COMMISSIONER FEDORCHAK: But I broke them down in my own way.

MR. LEIN: Okay. I can --

COMMISSIONER KROSHUS: You've already done that --

MR. LEIN: -- to do that too.

COMMISSIONER KROSHUS: -- in many ways, haven't you?

MR. LEIN: Huh?

COMMISSIONER KROSHUS: I said, in effect, you've already done that, haven't you, Jerry?

MR. LEIN: Yes. And that sheet you just copied from me?

COMMISSIONER KROSHUS: Right, yes.

MR. LEIN: That was my table kind of.

COMMISSIONER FEDORCHAK: You want to share it with all of us?

MR. LEIN: Let me make two more copies of it.

CHAIRMAN CHRISTMANN: Would you make a copy for me too?

COMMISSIONER FEDORCHAK: Three more.

CHAIRMAN CHRISTMANN: I think everyone wants a copy.

COMMISSIONER KROSHUS: In fairness, when I copied it, I left my blank one on my desk, so I just, hey, Jerry, can I grab that real quick and copy it? Which is probably why you looked at me a little funny. But no, we had -- I visited with Jerry on this.

(Pause)

CHAIRMAN CHRISTMANN: Good afternoon, Illona. Did you miss TIA cases so much?

MS. JEFFCOAT-SACCO: No. I just thought that, based on yesterday's discussion, there might be a

question, but I'm about -- I was just thinking I should go, but (indiscernible). I want to see the chart first.

COMMISSIONER FEDORCHAK: Yes.

CHAIRMAN CHRISTMANN: Well, if you do have any thoughts --

MS. JEFFCOAT-SACCO: Yeah.

CHAIRMAN CHRISTMANN: -- I would welcome them.

MS. JEFFCOAT-SACCO: I know.

COMMISSIONER FEDORCHAK: This is very official, Jerry.

MR. LEIN: Yeah, that's what I was --

(Laughter)

CHAIRMAN CHRISTMANN: So despite these being signed, we've not signed off on your conclusions.

MR. LEIN: It's not even a conclusion, it's just some scribbling.

CHAIRMAN CHRISTMANN: Okay. I just want to make it clear that we signed this document not filled in.

COMMISSIONER FEDORCHAK: Yeah, this is just the notice of hearing.

MR. LEIN: It's not part of the record.

So going through that, if you look, it's just the notice of hearing. And I only use it because the issues are listed there.

And so the first issue is, obviously, Otter Tail

-- the customer prefers Otter Tail.

The second one: What suppliers are operating in the general area? They both are.

The third one: What supply lines exist within a two-mile radius? And I think that Dakota Valley had more lines in the area. You know, and these things aren't really all weighted equally either, so...

Next one: What customers are served by electric suppliers within a two-mile radius? And Dakota Valley had that one, too. If you recall, though, there were those two towns that were just barely outside of the two-mile radius that Otter Tail served.

MR. PELHAM: I think that's true, but I don't know under the Act that that's -- I mean, it's got to be a two-mile radius, so it's -- it's in there, but --

MR. LEIN: Yep. I'm just bringing it to your attention when I say that I gave it to Dakota Valley because they do have more --

MR. PELHAM: Just put it this way. I wouldn't feel comfortable from a legal perspective in saying, well, there's these two other communities that are served by Otter Tail. It's outside of the Act and I think that would be problematic.

COMMISSIONER FEDORCHAK: Where did the two-mile radius come from and what's the justification for that

distance?

MR. LEIN: You know, there's not really a good -- it was kind of arbitrary.

COMMISSIONER FEDORCHAK: By who? By us or by the court?

MR. LEIN: Well, I think that it was us, but the court affirmed it or somehow. The court ended up spitting out these factors, but they kind of took them from us, I think, when they -- when they put them out. So there used to be one in a two-mile and a four-mile or similar, three-mile radius or something like that, the way the thing used to read, and over the years it's turned into a two-mile radius. And I don't know that it's -- that the two miles has a good reason other than it just represents what's right around the load. In this case, it's a rural area.

What are the difference with any -- between the suppliers with reliability? And we talked about that earlier. There is a bunch of discussion on SAIDI and CAIDI and things like that in the record. I didn't put a lot into those and put more into just the physics of the proposed services. I think that both suppliers will serve the load reliably, but the service proposed by Otter Tail is likely more reliable.

COMMISSIONER KROSHUS: Would you characterize

both as highly reliable, though?

MR. LEIN: Sure.

COMMISSIONER KROSHUS: Okay. So we're splitting hairs at the top?

MR. LEIN: With the CAIDI and SAIFI, yeah. Maybe we're splitting hairs on both of them, but I'd have to give the reliability, in my mind, to the Otter Tail proposal. It's just better to have those motors on their own circuit.

COMMISSIONER FEDORCHAK: I did on my chart, too, but I have a question about how -- how we're supposed to be viewing this factor. Because if you weigh it a lot, it really just kind of reemphasizes customer preference, I think, because you're really focusing on the reliability for the one customer.

MR. LEIN: I think that you can do that with all of these factors.

COMMISSIONER KROSHUS: Zach, could I, or either of you, ask a question in terms of these ten factors? Is it fair to say that they're not all equally weighted at ten percent, compromise a hundred percent of --

MR. PELHAM: They're not equally weighted, no.

COMMISSIONER KROSHUS: And is it subject to how you weight them on an individual basis, interpret them?

MR. PELHAM: The customer preference one is

probably, in some respects, you know, the least weighted. It's a factor, the court has said, but it's -- it can't be the factor. I don't think any one of these can necessarily be the factor. I think there has to be analysis given by you and the Commission -- or by the Commission, rather, in the findings of facts.

And that's why this situation is a little bit different, you know, as far as from my perspective and advising you from a legal perspective. You have the facts, and you as the fact finders are entitled to, in fact called upon, to reach a decision based on the facts.

But as specific as your question, Commissioner Kroshus, you know, there is not an even -- necessarily an even weight given to all of these factors. And as been pointed out already in our discussion today is many of these factors are -- there's not a favoring of one or the other, there's an equal weight, I suppose, given.

So there are few factors here that are going to be sort of the deciding factors, and then you in your own minds have to reach your own decision based upon how you weigh and how you value those factors that are not carrying equal weight as to Dakota Valley and Otter Tail.

But as to your question, Commissioner Fedorchak,

that you had asked right before, I mean, the -- you know, this number five factor that we were talking about with respect to reliability of service, and, you know, does it get into the customer preference?

And you know, in some respects, the customer preference, I don't want it to be confused in the sense that we heard testimony from the representative of the customer, Minn-Kota. Certainly their preference was very clear. And also, some of that testimony elicited some other areas that would, perhaps, could be argued as supporting Otter Tail's position, and one of those, as Mr. Lein has been talking about, the reliability facet as far as the motors.

And that's outside of my wheelhouse. I'm the legal guy and Jerry is going to take on more as to that, but if that is -- that is certainly reliability in the sense as to how those motors are going to be started up and run the facility.

But as far as reliability of actually providing the power to the location, I think that's -- and you correct me if I'm wrong, Jerry -- that's more on equal footing as far as the actual power being provided, other than the power from Otter Tail is coming directly from the 41.6kV line to the substation that's going to be built, which is going to be used at this point, as I

understand it from the testimony, only for this particular location.

COMMISSIONER FEDORCHAK: So basically, the way I have kind of read that and concluded myself, is there are differences but they both can serve them reliably, and so that is sort of the baseline. And if you get into degrees beyond what Brian was talking, say highly reliable, then it's really -- gets to be just a benefit to the one customer.

MR. LEIN: To some --

COMMISSIONER FEDORCHAK: Not a public convenience.

MR. LEIN: Yeah, to some extent, as long as the other customers on that circuit aren't affected by those motors.

COMMISSIONER FEDORCHAK: Okay.

MR. LEIN: So that goes to number --

COMMISSIONER FEDORCHAK: Have you seen that one in other cases play out, Jerry --

MR. LEIN: Yeah.

COMMISSIONER FEDORCHAK: -- the reliability?

MR. LEIN: The motor one has, I think, been a factor lots of times in these TIA cases. There's usually larger motors involved in these bigger loads, and so it affects the power factor of the load and it

can affect the voltage on the circuit.

COMMISSIONER FEDORCHAK: And so do you know, do you recall the Commission saying that, in the past, that it jeopardized the reliability to other people to the point that it impacted customer public convenience and necessity?

MR. LEIN: I don't think so.

COMMISSIONER FEDORCHAK: Okay.

MR. PELHAM: One thing, too, that concerns me a little bit here is, is we did hear some testimony as far as potential impact on customers if one source is used over the other. I'm not sure, and Jerry, maybe this is something you can weigh in on, as to whether or not you believe there's sufficient fact evidence in there to make a determination as far as whether or not there would be reliability issues potentially to other customers, say, if Dakota Valley's power source was -- distribution source was used over Otter Tail's.

I mean, the one thing from our perspective, "our" being the Commission's perspective, we just -- whatever we decide, whatever you decide, Commissioners, it needs to be supported in the record, and so I want to make sure that you believe that's clear.

MR. LEIN: I don't think we have anything in the record that brings up the issue of whether other

customers would be affected on these members.

COMMISSIONER FEDORCHAK: Okay. Yeah, I don't recall it from the hearing.

MR. LEIN: So --

CHAIRMAN CHRISTMANN: Well, that is sort of the point of the slow start motors, right?

MR. LEIN: Yes, is to -- just to protect the rest of the circuit.

MR. PELHAM: Just from a logic standpoint, it wouldn't seem that either company would put in -- you know, put in place a plan that would cause there to be brownouts and would -- you know, each would -- both have equal interests in ensuring that the capability and the integrity of their system is upheld.

MR. LEIN: I would -- that's why, as I said, I would expect that the co-op would require them if they're needed. They might -- if they waiver them out, it would be on a condition that they're not needed when they -- once they get going, if people start having issues with them, I think that they'd have to add them.

So I think this -- we're way up to six.

UNIDENTIFIED SPEAKER: Uh-huh.

MR. LEIN: Okay. Which of the available suppliers will be able to serve the location in question more economically and still earn an adequate return on

its investment?

I've been seeing that as kind of a two-prong thing. They extend the service for an initial cost and then they provide service. The wording here is provide service, and so I think that includes the extension and the cost afterwards, the ongoing cost of serving the load, which is their cost of energy and capacity and everything else.

So the co-op can extend service cheaper, quite a bit cheaper, because it doesn't need that substation and transformer.

Ongoing-wise, the cost to the customer are less for Otter Tail. And the co-op, I think, gets their power from Central Power Electric, and there's a pretty hefty demand charge coming from Central Power that the co-op needs to consider in its cost of ongoing service.

In my mind, the ongoing costs would go in Otter Tail's favor. And so if I was looking at the order, I would split it up and say the cost to extend service are the co-op and the ongoing costs of providing service would be cheaper with Otter Tail.

COMMISSIONER FEDORCHAK: Jerry, did Otter Tail's rates include riders or was it just their rate?

MR. LEIN: They had an exhibit and it had with and without the riders.

COMMISSIONER FEDORCHAK: Okay. Can you help walk through that? Do you have it with you? Or I could even do that with you separately if we don't want to take the time during this work session, but...

CHAIRMAN CHRISTMANN: I think it's fine to go ahead if Jerry's prepared.

MR. LEIN: Okay.

COMMISSIONER FEDORCHAK: Is it one of the late-filed exhibits?

MR. LEIN: It is Exhibit 9. And they try to do a cost comparison between the two providers, and they used their own rate, which they say Rate 401 for secondary service, and then they had Dakota Valley's rate which they gave us in an exhibit too. I can't remember which exhibit it was, but...

The comparison on 9 was done for two different load factors. And the reason the load factor got to be such an issue in this case is because Otter Tail has a way lower demand rate, 52 cents, they call it a facilities charge, 52 cents per Kw. The co-op has a $12 per Kw demand charge.

And if you remember, this was a big load. I'd say 1.5 megawatts maybe. They didn't know exactly what it was, but this one was done for 1.1 megawatts and 1.5 megawatts.

COMMISSIONER FEDORCHAK: Was this, hold on one second, the hearing Exhibit 9?

MR. LEIN: Yeah.

COMMISSIONER FEDORCHAK: Okay. Not a late filed?

MR. LEIN: No.

COMMISSIONER FEDORCHAK: Okay, I'm with you.

MR. LEIN: So --

COMMISSIONER FEDORCHAK: Rider costs, oh, there it is. Okay, very good.

MR. LEIN: Yeah. And that is -- they did that for the 33 percent load factor.

COMMISSIONER FEDORCHAK: And do we know what those -- because those costs change a lot, they fluctuate up and down. Do we know where --

MR. LEIN: The rider costs?

COMMISSIONER FEDORCHAK: Yeah.

MR. LEIN: No. They -- I believe they just used the riders that were in effect.

COMMISSIONER FEDORCHAK: As they are today?

MR. LEIN: Yeah. Or if they've changed -- didn't we just approve some? So it might have been the riders before that. I'm not sure which ones they used, but...

COMMISSIONER FEDORCHAK: Okay.

MR. LEIN: But it gives you an idea.

COMMISSIONER FEDORCHAK: Yeah.

MR. LEIN: And so the 33 percent load factor, the overall bill is going to be less in favor for Otter Tail than at the 23 percent load factor because --

CHAIRMAN CHRISTMANN: Say that whole sentence again.

MR. LEIN: Okay. The bills are cheaper for Otter Tail's service. They are more cheaper for Otter Tail's service if the load factor is lower.

COMMISSIONER FEDORCHAK: So on that chart over on the right, annual difference --

MR. LEIN: We're looking at --

COMMISSIONER FEDORCHAK: On the right, bottom right part of Exhibit 9.

MR. LEIN: We're looking at the 23 percent load factor on what page? Which says -- that's page 2.

COMMISSIONER FEDORCHAK: I think it says on the bottom annual load factor at 33 percent.

MR. LEIN: So this is with the 33 percent load factor. There was a difference -- you know, you kind of have to --

COMMISSIONER FEDORCHAK: Well, then they didn't -- okay, then they -- well, you have to look at the discounted rates, so that's --

MR. LEIN: Yeah. I think -- you got a number there, $76,000 difference?

COMMISSIONER FEDORCHAK: Well, that's on -- what about the next page, though? Yeah. Because that can -- includes the discounted rate.

MR. LEIN: You know, you can't absolutely compare these because they subtracted out the power factor. The co-op said that they would waive the power factor charges.

COMMISSIONER FEDORCHAK: Uh-huh.

MR. LEIN: And so on the page that has the 23 percent load factor, the power factor charges are waived out of there, and they come to $30,000 a year.

COMMISSIONER FEDORCHAK: They're still in it on this calculation, right?

MR. LEIN: Yeah. But I think the thing that you could come away with is the overall bill differences ranges between 66 and 108,000, somewhere, depending on what they come up with.

COMMISSIONER FEDORCHAK: Sure. And so the riders are included, that's helpful to know, but the -- are the capital credits calculated in any way? Because that almost seems impossible to figure --

MR. LEIN: I do believe they are.

COMMISSIONER FEDORCHAK: Yeah. What has the

Commission done in the past with those?

MR. LEIN: I don't think we --

COMMISSIONER FEDORCHAK: I mean, it's just such a different way of developing and designing rates. It almost makes it impossible to compare them.

MR. LEIN: I don't think we have ever tried to figure capital credits on a cost difference and --

COMMISSIONER FEDORCHAK: Is it --

MR. PELHAM: The difficulty --

COMMISSIONER FEDORCHAK: It isn't legitimate then? Are we saying those don't matter?

MR. PELHAM: The difficulty in it is, is it does -- if they are -- if they would be factored in, it would require the Commission to be speculating as to what they would be and to speculate what, while it's, perhaps, on some level likely that at some point in time they're going to get those, it's a period of time in which -- we haven't been presented with, to my knowledge, of any proposed calculation as to how they would be calculated to backed by some type of person who has the expertise to say this is what they are, the present value of those capital credits would be.

So my concern from a legal perspective --

COMMISSIONER FEDORCHAK: They provided a lot of testimony on that during the hearing, on the capital

credit, didn't they, estimation?

MR. LEIN: They --

MR. PELHAM: That they're going to get it.

MR. LEIN: They provided that they'd get them but they never said any idea of how much they would be or how they'd be -- and, you know, I think that the board --

COMMISSIONER KROSHUS: I think they did.

COMMISSIONER FEDORCHAK: I thought they did.

MR. LEIN: -- kind of decides how to cut those lose.

COMMISSIONER KROSHUS: I think I'd have to go back into my notes. I know I -- there were questions, I think, we all asked them, I know I asked questions related to that and -- but to the earlier point, I also realize that these are not a guarantee.

MR. LEIN: And there might have been a couple and if I'm remembering --

COMMISSIONER KROSHUS: Traditionally, they're paid out but --

MR. LEIN: If I'm remembering the record, I think there might have been a couple of years when they gave for examples as to what the credits that they issued those years were, like in a percentage basis or something like that, but --

MR. PELHAM: If you're using the capital credits, they're not going to -- the customer would not get those for what, is it ten years, roughly? Right? Ten years --

MR. LEIN: Or 15 or 20.

MR. PELHAM: Or 15 or 20. So the -- my concern is, is how do you calculate what that is? Because I think it has to be calculated now as to what that would bring down the co-op's proposal as far as costs go.

And while we may have received testimony as far as capital credits into the future, one, it's speculative as to what they will exactly be; two, they have to be brought down to what the present value of those are today so they can be used to compare with the numbers that have been presented by Otter Tail.

That's -- and I'm not saying that can't be done, I'm not saying that at all. I'm just saying that here, I'm not sure that it has been done and whether or not we have a record as to what it possibly would be or the testimony that would allow us to make a reasonable -- reasonably rely on what it is being done for purposes of making a -- what is going to be a legal decision.

COMMISSIONER KROSHUS: Right, right, that was --

COMMISSIONER FEDORCHAK: Well, they did include it in their brief, and I don't know if it was provided

-- I thought they talked about it on the record, too.

COMMISSIONER KROSHUS: It was a late-filed exhibit in terms of the history of capital credits.

MR. PELHAM: Yeah, okay. Now that's coming back to me.

COMMISSIONER FEDORCHAK: This year capital credits --

COMMISSIONER KROSHUS: Looking at it right now.

COMMISSIONER FEDORCHAK: Yeah.

MR. PELHAM: I'm certainly not discounting the fact that capital credits exist and have been paid. The difficulty I see is how do you compare that to what has been presented on the record as we have it now.

COMMISSIONER KROSHUS: Right.

CHAIRMAN CHRISTMANN: I tend to agree with you, Zach, that it's pretty speculative, and at the same time, any time when we're calculating in the costs for either of these competitors to provide service, their rates are all going to change too.

MR. PELHAM: Right.

CHAIRMAN CHRISTMANN: And so we kind of sit here in this vacuum. Otter Tail has already filed for a rate increase, and I doubt that Dakota Valley's are going to remain stable forever. And so really, all of this having to do with prices --

MR. LEIN: Those are -- those are good points.

CHAIRMAN CHRISTMANN: -- almost as speculative as --

MR. PELHAM: It is. And, you know, we're presented -- we're the fact finders, we're not the fact providers. The Commission has been provided with testimony, has been provided with exhibits by both companies, and based on that, you have a duty, a responsibility, to make a decision based on that.

And the difficulty that I see in including an analysis of capital credits, and I'm not going to repeat myself, those are my concerns. Like I said, I'm not saying it couldn't be done, but I'm not sure that in this case we've received that information where you can rely on it to compare it to the numbers presented.

MR. LEIN: And if I could add one more thing to this. On this Exhibit 9 there, the top part of the page, those are the numbers. The bottom part of the page, they've assumed some usage in order to come up with what the bill might be.

So we don't -- everything is speculation for me. And the bottom part of this exhibit, the rates are what's the only thing that we have. We don't know really what the load factor is going to be. We've got one party saying they think it's more in the

neighborhood of 30 and another one thinking more in the neighborhood of 23 percent.

Higher load factor means you use more energy, so that means that the energy rates are -- which are lower for the Dakota Valley, are more of a factor.

COMMISSIONER FEDORCHAK: So are capital credits just a bonus or are they a significant part of rate making for the co-ops?

MR. LEIN: You know, I think of them as kind of a -- almost a bonus. We didn't use -- we have some money here that we were able to save and we didn't use it, and so we -- it stayed in our accounts this time, and it appears we're not going to need it and so we're giving it back.

COMMISSIONER FEDORCHAK: That's kind of how I viewed it until I read their brief, Jerry, and then they used some numbers, saying that based upon projected first year revenue for Minn-Kota of 275,000 and using the actual allocation for 2016, Minn-Kota's potential for capital credits in year one would be approximately $42,400.

It's a lot. I mean, that closes the gap significantly.

COMMISSIONER KROSHUS: And it is supported by the capital credit allocation that their existing

location in Wahpeton is getting, which was, in 2016, revenue of 141, the allocation was 21,749.

I think for me the -- I don't even want to say it's a difficulty, it's just the realization that the co-ops have a different rate-making mechanism. While fundamentally the same, there are nuances. We don't see that. But I would have a hard time believing any cooperative out there is not factoring in the potential to pay out credits and keeping those on the books, obviously, when there's a surplus and even projecting them out when they're planning, doing their strategic planning. I think it would be impossible to not have that factored in.

MR. LEIN: If you'd like, we can look a little bit more at the capital credit stuff. I'm thinking that the real problem here, the difference is the $12 demand charge --

COMMISSIONER FEDORCHAK: Uh-huh, right.

MR. LEIN: It's making the big difference, I think, in the bills, but -- that's why so much time in the hearing was spent on the load factor. The higher the load factor is, the less that $12 demand charge hurts them. But even if we --

COMMISSIONER FEDORCHAK: Why is that, Jerry?

MR. LEIN: -- figure the capital credits in, I

wouldn't -- in writing the order, I don't think I'd try to quantify the difference in the rates as much as I would just point them out. I guess I don't know till I get in the order and see where it goes when I'm writing it but --

COMMISSIONER FEDORCHAK: Can you explain that load factor a little bit, why a higher load factor lessens the impact of that demand charge?

MR. LEIN: So you remember the energy was demand times the time that you draw it, multiply it by the time that you draw it.

COMMISSIONER FEDORCHAK: Uh-huh.

MR. LEIN: So 100 percent load factor would mean that they were drawing their peak load all the time. And so if you were to try to figure out their energy usage then, you'd take their peak load times the number of hours in a year and that would be the number of kilowatt hours that you'd get.

If you had a 23 percent load factor, like in here, they're assuming that the thing operates 23 percent of the time. And so you would take your load, the 1. -- in this case, it says 1.5 they used, which makes it further harder to compare these two pages, but they use 1.5 -- or 1,540 kilowatt hours -- kilowatts times .23 times, what is it, 8,470 hours in a

year, I think, something like that?

UNIDENTIFIED SPEAKER: 760.

MR. LEIN: 760?

To come up with the number of kilowatt hours used, which is their last entry on the page there. So if you look at the number of kilowatt hours used, you can go up and look at their rate per kilowatt hour and calculate their rate.

So in this case, you'd take their peak demand rate times 52 cents per Kw. That would be their demand charges. And then take it times .23 times the number of hours in a year times the rate per kilowatt hour and that would be their energy charges.

So because the energy charges are less for the co-op, if you have a higher load factor, you use more energy.

COMMISSIONER FEDORCHAK: I see, yep.

MR. LEIN: Yeah. But the whole point being, though, is you don't really know what they're going to do. They're just trying to -- this is what it looks like to us that they're going to do.

The bottom line is that it's more -- the bill is more for the co-op service. And then there's a range of what they kind of came up with depending on their assumptions.

And the co-op makes a point that the capital credits are -- are not in that range. I don't know if it's really fair or not to take them into consideration, but it's tough to do so.

CHAIRMAN CHRISTMANN: However, when you think of public interest, that fee structure that provides for a higher bill from the co-op brings that money back into the co-op --

MR. LEIN: Yep.

CHAIRMAN CHRISTMANN: -- and presumably, benefits all the other members too.

MR. LEIN: Yep.

CHAIRMAN CHRISTMANN: Public interest, there's --

MR. LEIN: Yep.

CHAIRMAN CHRISTMANN: -- potential public benefit there.

MR. LEIN: Yes.

MR. PELHAM: I think Jerry and I should take a closer look at the capital credit aspect of it and -- because it is -- it's hard to quantify and compare, but I don't necessarily think it should necessarily be ignored either.

MR. LEIN: Yeah.

COMMISSIONER FEDORCHAK: Well, if it's a key

piece of their rate making, just because it's not how we traditionally understand rate making, we don't have a reference point, we can't ignore it. That's not --

MR. PELHAM: Because if we did ignore it and, you know, it -- I think we have a responsibility to consider all aspects of it and make a decision based on that after having considered it. And if we don't do that, then that's a problem potentially.

CHAIRMAN CHRISTMANN: So Zach, did you come back to --

MR. PELHAM: I didn't come back. I said I just want to look at it.

CHAIRMAN CHRISTMANN: Did you switch back to the subject of capital credits? Because my last point there --

MR. PELHAM: Oh.

CHAIRMAN CHRISTMANN: -- before you said that wasn't about the capital credits.

MR. PELHAM: I'm sorry, I did. I wasn't following you.

COMMISSIONER FEDORCHAK: He was still thinking about it.

CHAIRMAN CHRISTMANN: Okay. I just wanted to be clear about it. I wasn't talking about capital credits.

MR. PELHAM: Okay, I'm sorry.

CHAIRMAN CHRISTMANN: The revenues coming into the co-op --

MR. PELHAM: Oh, okay.

CHAIRMAN CHRISTMANN: -- because of this bill structure --

MR. PELHAM: Sure.

CHAIRMAN CHRISTMANN: -- which appears to provide for higher bills for this customer --

MR. PELHAM: I'm a step slow today.

CHAIRMAN CHRISTMANN: -- potentially offset costs for all other members.

MR. LEIN: And another thought that I brought up earlier when we were discussing this is that the cost, the marginal cost, the incremental cost for the co-op to serve this thing include paying a big demand charge to Central Power, so those are costs of them providing service. But maybe if we --

COMMISSIONER FEDORCHAK: So where did you fall on the economic and return on investment?

MR. LEIN: I would have kind of split it. I would have said that overall the cost of providing service, Otter Tail's favored on that one, but (indiscernible) the cost of extending the service itself is to the cooperative.

COMMISSIONER FEDORCHAK: Uh-huh. Serve more

economically and still earn an adequate return on its investment.

So you could look at it, just the cost to serve and return on investment, or are we obligated to look at rates? I thought there's been case history here where the rates, because they change, aren't a factor or shouldn't be used as a factor in this.

MR. LEIN: We say that the cost of providing service are reflected in the rates charged. They're supposed to be cost-based rates, and so I think that's kind of really been the crux of looking at the bill under this --

COMMISSIONER FEDORCHAK: So it's all of it? Uh-huh. Well, on that then, you have to consider capital credits to get the full picture of the rates.

MR. LEIN: If we're going to write that up in the order --

COMMISSIONER FEDORCHAK: Right.

MR. LEIN: -- that way, yeah, I think. But I don't know that we can give a number on capital credits. We can --

COMMISSIONER FEDORCHAK: Yeah, it will be tough.

MR. LEIN: Yeah. When they said their -- based on first year revenue, their credits would be, like, $40,000, well, they're going to keep that for 15 years

before they give it back to them, I think, from what I --

COMMISSIONER FEDORCHAK: Yeah, I don't quite -- I don't know when they start paying those out.

MR. LEIN: Well, it's hard to figure out --

MR. PELHAM: And what's the interest rate that you apply to reducing it to the present value?

COMMISSIONER KROSHUS: Time value of money.

MR. PELHAM: Right.

MR. LEIN: And all of that. I guess --

CHAIRMAN CHRISTMANN: Because we don't know when they're going to be paid out, that's --

MR. LEIN: No.

MR. PELHAM: Don't know when they're going to be paid out. We don't know what the factor is. There hasn't been any testimony --

COMMISSIONER KROSHUS: Why would that be -- sorry.

MR. LEIN: And you don't know if they'll be paid. If the co-op has some tough times --

MR. PELHAM: Present value, you're saying, Commissioner?

COMMISSIONER KROSHUS: My question was, why would that be written into the order?

MR. LEIN: I don't -- I had not intended to.

We're just talking about it at this point.

COMMISSIONER KROSHUS: Oh, I'm sorry, I thought you said you would write it into the order.

MR. LEIN: I think we have to say something about them, but I don't know if we try to quantify them. I don't really see how we can.

COMMISSIONER KROSHUS: I think we could make a generalized statement.

MR. LEIN: Yeah.

COMMISSIONER KROSHUS: They appear to be highly reliable in terms of history, not just for this cooperative but for others. I mean, in some ways, it's just -- it's almost apples and oranges because we don't see how they put their rate schedules together.

MR. LEIN: So you could think a co-op giving back credits every year, if they give them back every year, but -- and you could say on average then it appears that, now anyway, they're running so much a year or something.

COMMISSIONER KROSHUS: So here's a question. When an investor-owned has a true-up, referring just --

MR. LEIN: Yep.

COMMISSIONER KROSHUS: -- as an example at the end of the year and then we take that historical trend, if you will, and it's applied, or we look at it in terms

of projected rates for a customer, do we back that out?

MR. LEIN: Well --

COMMISSIONER KROSHUS: If it has -- it results in a decrease and we don't give them the decrease because we don't know that that's a reliable trend going forward. It's looking back at history versus looking toward the future, but -- I just think there are a lot of ways to get to these numbers at the end of the day.

MR. LEIN: You're right. And there is -- it's kind of like a snapshot here because these riders all change and there is a balancing account, like you said, with a true-up in them that goes up and down. And the numbers are an approximation at this point, and the approximation really depends on how much energy they're going to be using, which we don't know, so...

COMMISSIONER FEDORCHAK: But you could do a range, you know, because we have quite a lot of specifics in terms of what the rates would be based on 23 or 33 percent load and then say testimony was provided that suggests capital credits in the range of whatever is justified here in the record, whatever is provided could impact Dakota Valley's rates by that amount.

MR. LEIN: Yes, let's look and see if we can come up with something on the capital credits. We'll go

back into the record and see what we can do.

Okay. So the next one -- are we ready for the next issue?

The next issue, which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?

You can see I gave that to Dakota Valley because it's their area really. They've got a distribution system in place, and adding to that extends their three phase service another -- more into that area where the load is. And Otter Tail's not really developed in the area. That was my way of thinking for it.

COMMISSIONER FEDORCHAK: So you're saying it's a natural extension of their infrastructure?

MR. LEIN: Yeah.

CHAIRMAN CHRISTMANN: Not sure it's a real important factor because there was no evidence of future economic development plans for anything in the area.

MR. LEIN: That's true.

CHAIRMAN CHRISTMANN: But I mean it is here, and I suppose when something big like this develops, sometimes something else does happen beside it so --

MR. LEIN: Yeah.

CHAIRMAN CHRISTMANN: -- I suppose it is a possibility even though we don't have evidence of that.

MR. PELHAM: But if that were to happen, then possibly the Otter Tail substation could be utilized for that purpose too then.

MR. LEIN: That's true as well. All of sudden you got a new substation in there.

MR. PELHAM: That's where I think we'd be speculating a lot, because there's no evidence that has been presented that indicates that there's likelihood of future development. Could it happen? Absolutely, but...

COMMISSIONER FEDORCHAK: It seems to be at the crux of public convenience and necessity to me, that -- I mean, orderly and economic development of electric service in a general area. I mean, I know that's where I --

MR. LEIN: It was a central issue in the Menards case, I thought.

COMMISSIONER FEDORCHAK: And I mean, because public convenience and necessity is the umbrella with which we're to view this stuff. And so orderly and economic development of electric service in the area is, I think, our principal charge in even looking at this stuff.

MR. LEIN: Yep.

CHAIRMAN CHRISTMANN: And I don't know what kind

of ag producers are along the way, but certainly some amount of ag producers are always clamoring if only they had three phase service, and so this will get it closer to some of them. Now, whether there are particular producers who are clamoring for it, we don't know, but there is that.

MR. LEIN: Yeah. And you know, you could have given it -- you could give this to Otter Tail as well. I mean, I gave it to Dakota Valley in my mind just because it's their area.

COMMISSIONER FEDORCHAK: Does Otter Tail have a distribution service in this area?

MR. LEIN: No. They would have after this is --

COMMISSIONER FEDORCHAK: After this.

MR. LEIN: Yeah.

COMMISSIONER FEDORCHAK: But there is an existing distribution service in this area?

MR. LEIN: Yeah. And so like I said, you could give this to Otter Tail as well. You could say that having their service in the area is good for the economic development in the area.

COMMISSIONER FEDORCHAK: Uh-huh.

MR. LEIN: Of the service, of the electric service in the area.

MR. PELHAM: But you're also going to be able to

say the same for Dakota Valley, I think.

MR. LEIN: Yeah.

MR. PELHAM: So I don't know -- I think this factor has to be looked at as far as the present time not necessarily in the future.

COMMISSIONER FEDORCHAK: Well, in combination with number eight.

MR. LEIN: It is the key, I think --

COMMISSIONER FEDORCHAK: And I think those two go together.

MR. LEIN: Would approval of the application result in wasteful duplication of investment or service? Number eight.

And, you know, if I'm remembering right, I think there's a purpose in the TIA that was stated by the legislature, and that was to avoid wasteful duplication of capital intensive electric facilities. And so I think that that is the whole purpose of this. And customer preference is the lesser.

And then I zero in on the word "wasteful". In my interpretation of this, "wasteful" is a key word, because I think there's always to be duplication of things.

COMMISSIONER FEDORCHAK: Uh-huh. Well, and to that point, Jerry, maybe that's how it points --

connects to the orderly and economic development of service, because it -- if you're duplicating service, would you be doing it to serve some customers in that area that you already have or are you -- is somebody else already doing that? And so it would be wasteful.

MR. LEIN: It leaves you with almost some discretion, looking at these factors, in my mind, to sum up what we've got and then, in this case, decide if the duplication is wasteful from the public perspective.

And so we'll skip to nine?

(Laughter)

MR. PELHAM: Yeah, eight is really the -- I agree with Jerry, is the crux of -- not necessarily the crux, but one of the cruxes here.

Because we've had evidence that's been presented really from both sides and both sides argue it, so I would -- but Jerry's right, I mean, there's discretion here. And how you view it, it is going to be your decision.

And, you know, the opinion can be crafted in the manners you decide and we -- Jerry and I discussed this, and it's not Jerry's decision, it's not my decision, it's your decision as far as this particular factor. We can help you out in answering our view on what it means, but I'm not comfortable with making any type of

recommendation, that's not my role, my role is to provide legal counsel, and certainly can help you through that process, but ultimately, it's a decision that you get to make.

COMMISSIONER FEDORCHAK: Well, do you guys have more consideration to that point? Are you on the fence?

CHAIRMAN CHRISTMANN: Yeah. And, you know, at least on some -- some of these, I think a person weighs in and looks at this factor and is it a plus or minus. Some of them, I find myself struggling to judge them alone.

Reliability and affordability are factors in whether something is wasteful or not, especially reliability mentioned here in a different number specifically. Well, if we were to grant the certificate to someone and didn't take reliability into consideration, I think you could reach a different conclusion on a case than if you do take reliability into consideration.

If you're going to just have a gold standard of extremes, then I guess nothing is wasteful, everybody should have their own individualized system where nothing can be impacted by anything else. But that's not the way -- that's not the kind of system that we have. There is some level of risk and such.

And so we need to calculate in these various factors, the reliability and whether there's enough revenue and such along with -- well, each of the various ones in figuring out whether something is wasteful or not.

COMMISSIONER FEDORCHAK: I wonder if we were -- if you could have the extremes, then there would be no need for us to make these kind of decisions because the companies could just decide for themselves what they wanted to pay and go ahead, right?

MR. PELHAM: Here we have two companies that want to provide the power. They both are actively seeking to provide it here.

So I mean -- one factor, too, off of what Commissioner Christmann, you just said, I don't think it's lost and I think it's been brought up several times already today, is the public convenience and necessity. So I mean the public, you know, wasteful duplication, investment or service, public, not necessarily for the individual customer, the cost related for the public, not necessarily for the individual customer.

So that point can't be lost, and I'm not saying that you're losing it.

COMMISSIONER KROSHUS: And the public would be within that distribution area and it would be separated

out by rural versus city, which -- so which public are we talking? The public that the co-op serves or the public that Otter Tail serves?

MR. PELHAM: Now we're really defining the issue, aren't we? It's a good point, though, Commissioner.

COMMISSIONER KROSHUS: But it is -- you know, when I go through these things, which public are we talking about? Because they don't all get the same electric bill.

MR. PELHAM: Uh-huh.

COMMISSIONER KROSHUS: And the larger loads customers benefit all customers for that company. So it's in their public's best interest, if you will, to get the load, and both will, obviously and understandably, argue the same way.

COMMISSIONER FEDORCHAK: On a similar case --

COMMISSIONER KROSHUS: Because they don't all benefit equally, at least from a utility rate standpoint. Then you get into the other parts of the equation. But since both can provide service and it's going to be built, I don't -- I don't think we jump into that.

COMMISSIONER FEDORCHAK: But I think for the public issue, it's not just the public in this case.

That's why we have to look at stuff like wasteful duplication and orderly and economic development.

Because over time, there's a broader public interest of applying these factors on these decisions so that there isn't a whole bunch of duplication occurring all over, because that would then erode the benefit to all the publics, not just the public in this case, because people would start paying more for wasteful duplication.

COMMISSIONER KROSHUS: They would --

CHAIRMAN CHRISTMANN: I agree with that and you're right. And I think the answer to the question is yes, Dakota Valley has their public and Otter Tail has their public, but this case, these types of cases come to us to serve our public, which is everybody in the state.

COMMISSIONER FEDORCHAK: Uh-huh.

MR. PELHAM: Yeah, I think that's the public we're looking at.

CHAIRMAN CHRISTMANN: Most of the people in the state probably aren't going to be impacted by this in any way other than precedent of future cases.

MR. PELHAM: Sure.

CHAIRMAN CHRISTMANN: But here, it's that southeast region probably -- well, everybody that would

be impacted by Otter Tail or Dakota Valley, I think, is --

COMMISSIONER KROSHUS: But you can't compare the two because one has a much bigger footprint in a multi-state area than the other.

CHAIRMAN CHRISTMANN: Right, their impact to the public is overall not by how many customers benefit or how many future customer benefits.

COMMISSIONER KROSHUS: So I think it does have to be more definitive in my opinion. I just see it a little differently because we aren't talking about the same types of organizations. They're different, there are differences, and they're distinct differences.

MR. PELHAM: But I think to Commissioner Christmann's point, the public is the public as a whole. You as Public Service Commissioners have a duty and responsibility to the public to determine for the public as a whole, not necessarily parsing out Dakota Valley customers as one public and Otter Tail Power customers as one public. It's the public.

And I mean, so how is this case going to be applied in future cases? How have we applied it? You know, each case has its different circumstances. There are different circumstances, so the factors weigh differently in each situation.

So I don't know that necessarily splitting out the public of one power provider as to the public of the other power provider is necessarily the proper analysis here. I think it has to be viewed from a public policy as a whole state analysis.

COMMISSIONER KROSHUS: State of North Dakota or --

MR. PELHAM: State of North Dakota, yeah.

COMMISSIONER KROSHUS: So then how do you factor out the Minnesota customers that Otter Tail serves?

MR. PELHAM: That's a very good question. I don't know. I don't know how you factor that out, but I mean, here we are, you're elected officials of North Dakota citizens.

COMMISSIONER KROSHUS: I think there are 101 different ways that you can approach and look at this. I just go down the list of ten factors, and one of the things that keeps going through my mind, over what time period? Is it based on -- so we're taking past history to some extent, we're applying it to present day, and we're trying to project out into the future.

And I think you could ask a hundred different people and they'd each have a slightly different way of looking at it or maybe a more than slightly different way, a significantly differently way of looking at it.

CHAIRMAN CHRISTMANN: Jerry, you kind of know what you need to research?

MR. LEIN: I do.

CHAIRMAN CHRISTMANN: What you've heard as variables or questions here?

MR. LEIN: I think the main thing we got was the capital credits, want to know a little bit more about that and what -- how that might affect the billing.

CHAIRMAN CHRISTMANN: I want you to listen to that tape and find out if that was a commitment to waive the requirement up to 50 horsepower on those soft start motors.

In my notes, and maybe I made a mistake, I was taking notes and trying to listen to a lot of things and learn a lot of things, I took it as that was an offer. And so I think that's an important factor because it's going to make a substantial difference to that customer.

MR. LEIN: Okay.

CHAIRMAN CHRISTMANN: Anything else?

COMMISSIONER FEDORCHAK: Nothing for me.

COMMISSIONER KROSHUS: No, I am good.

CHAIRMAN CHRISTMANN: Okay. It is 3:42 and we're wrapped up. Thanks, everybody.

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$

$12 [3] - 20:20, 30:16, 30:22
$30,000 [1] - 23:13
$40,000 [1] - 36:25
$42,400 [1] - 29:21
$76,000 [1] - 23:2

1

1 [1] - 31:22
1,540 [1] - 31:24
1.1 [1] - 20:24
1.5 [4] - 20:23, 20:25, 31:22, 31:24
100 [2] - 5:8, 31:13
100-horsepower [1] - 4:10
101 [1] - 50:15
108,000 [1] - 23:18
141 [1] - 30:2
15 [3] - 26:5, 26:6, 36:25

2

2 [1] - 22:17
20 [2] - 26:5, 26:6
2016 [2] - 29:19, 30:1
2017 [1] - 2:7
20th [1] - 2:7
21,749 [1] - 30:2
23 [9] - 22:5, 22:16, 23:12, 29:2, 31:19, 31:21, 31:25, 32:11, 39:19
275,000 [1] - 29:18
2:31 [1] - 2:7

3

30 [2] - 5:8, 29:1
33 [5] - 21:12, 22:3, 22:19, 22:20, 39:19
3:42 [1] - 51:22

4

401 [1] - 20:12
41.6 [1] - 7:2
41.6kV [2] - 6:18, 15:24

5

50 [2] - 5:8, 51:11
52 [3] - 20:19, 20:20, 32:10

6

66 [1] - 23:18

7

760 [2] - 32:2, 32:3

8

8,470 [1] - 31:25

9

9 [5] - 20:10, 20:16, 21:2, 22:15, 28:17

A

able [4] - 5:16, 18:24, 29:11, 42:25
absolutely [2] - 23:6, 41:9
account [1] - 39:11
accounts [1] - 29:12
Act [2] - 11:14, 11:22
actively [1] - 46:12
actual [2] - 15:22, 29:19
add [2] - 18:20, 28:16
adding [1] - 40:9
addition [1] - 7:6
additional [1] - 8:4
adds [1] - 4:15
adequate [2] - 18:25, 36:1
advising [1] - 14:9
advisor [1] - 2:9
affect [2] - 17:1, 51:8
affected [3] - 6:17, 16:14, 18:1
affects [1] - 16:25
affirmed [1] - 12:7
affordability [1] - 45:12
afternoon [2] - 2:1, 9:22
afterwards [1] - 19:6
ag [2] - 42:1, 42:2
Ag [1] - 2:3
agree [4] - 8:15, 27:15, 44:13, 48:11
ahead [3] - 2:19, 20:6, 46:10
allocation [3] - 29:19, 29:25, 30:2
allow [1] - 26:20
almost [6] - 23:23, 24:5, 28:2, 29:10, 38:13, 44:6
alone [1] - 45:11
amount [2] - 39:23, 42:2
analysis [4] - 14:5, 28:11, 50:3, 50:5
annual [2] - 22:12, 22:19
answer [2] - 6:12, 48:12
answering [1] - 44:24
anticipating [1] - 8:4
anyway [1] - 38:18
appear [1] - 38:10
apples [1] - 38:13
application [1] - 43:11
applied [3] - 38:25, 49:22
apply [1] - 37:7
applying [2] - 48:4, 50:20
approach [1] - 50:16
approval [1] - 43:11
approve [1] - 21:22
approximation [2] - 39:13, 39:14
arbitrary [1] - 12:3
area [20] - 8:6, 11:3, 11:6, 12:16, 40:6, 40:8, 40:10, 40:12, 40:18, 41:14, 41:21, 42:10, 42:12, 42:17, 42:20, 42:21, 42:24, 44:4, 46:25, 49:5
areas [1] - 15:10
argue [2] - 44:16, 47:16
argued [1] - 15:10
aspect [2] - 6:5, 33:20
aspects [1] - 34:6
assumed [1] - 28:19
assuming [1] - 31:20
assumptions [1] - 32:25
attention [1] - 11:17
available [1] - 18:23
average [1] - 38:17
avoid [3] - 6:22, 6:24, 43:16

B

backed [1] - 24:20
balancing [1] - 39:11
barely [1] - 11:11
based [13] - 6:6, 6:7, 9:25, 14:11, 14:21, 28:8, 28:9, 29:17, 34:6, 36:10, 36:23, 39:18, 50:19
baseline [1] - 16:6
basing [1] - 5:14
basis [2] - 13:24, 25:24
behind [1] - 6:22
benefit [6] - 16:8, 33:17, 47:13, 47:19, 48:6, 49:7
benefits [2] - 33:11, 49:8
beside [1] - 40:22
best [2] - 40:5, 47:14
better [3] - 3:8, 3:12, 13:8
between [3] - 12:17, 20:11, 23:18
beyond [1] - 16:7
big [8] - 3:14, 4:25, 5:1, 5:12, 20:22, 30:19, 35:15, 40:21
bigger [4] - 4:9, 4:11, 16:24, 49:4
bill [8] - 22:4, 23:17, 28:20, 32:22, 33:7, 35:4, 36:11, 47:10
billing [1] - 51:8
bills [3] - 22:8, 30:20, 35:8
bit [7] - 8:15, 14:7, 17:10, 19:10, 30:15, 31:7, 51:7
blank [1] - 9:17
board [1] - 25:7
boils [1] - 3:5
bonus [2] - 29:7, 29:10
books [1] - 30:9
bottom [5] - 22:14, 22:19, 28:18, 28:22, 32:22
bought [2] - 4:6, 4:7
Brian [1] - 16:7
Brian's [2] - 2:14, 2:15
brief [3] - 6:3, 26:25, 29:16
bring [1] - 26:9
bringing [2] - 6:14, 11:16
brings [2] - 17:25, 33:7
broader [1] - 48:3
broke [1] - 8:18
brought [3] - 26:13, 35:12, 46:16
brown [1] - 3:23
brown-out [1] - 3:23
brownouts [1] - 18:12
build [1] - 3:6
built [3] - 7:4, 15:25, 47:22
bunch [2] - 12:19, 48:5
business [1] - 7:17
but.. [4] - 20:4, 20:15, 21:24, 41:10
buy [1] - 5:7

C

CAIDI [2] - 12:20, 13:5
calculate [3] - 26:7, 32:8, 46:1
calculated [3] - 23:22, 24:19, 26:8
calculating [1] - 27:17
calculation [2] - 23:15, 24:19
capability [1] - 18:13
capable [2] - 3:10, 7:5
capacity [1] - 19:7
capital [26] - 23:22, 24:7, 24:22, 24:25, 26:1, 26:11, 27:3, 27:6, 27:11, 28:11, 29:6, 29:20, 29:25, 30:15, 30:25, 33:1, 33:20, 34:14, 34:18, 34:24, 36:15, 36:20, 39:20, 39:25, 43:17, 51:7
carrying [1] - 14:23
Case [1] - 2:2
case [19] - 2:4, 2:9, 5:1, 8:14, 12:16, 20:18, 28:14, 31:22, 32:9, 36:5, 41:17, 44:8, 45:18, 47:17, 47:25, 48:7, 48:14, 49:21, 49:23
cases [7] - 6:24, 9:23, 16:19, 16:23, 48:14, 48:22, 49:22
central [1] - 41:16
Central [3] - 19:14, 19:15, 35:16
cents [3] - 20:19, 20:20, 32:10
certainly [6] - 6:7, 15:8, 15:16, 27:10, 42:1, 45:2
certificate [1] - 45:15
CHAIRMAN [46] - 2:1, 2:13, 2:15, 2:18, 4:24, 5:18, 9:11, 9:14, 9:22, 10:4, 10:7, 10:13, 10:17, 18:5, 20:5, 22:6, 27:15, 27:21, 28:2, 33:5, 33:10, 33:13, 33:16, 34:9, 34:13, 34:17, 34:23, 35:1, 35:4, 35:7, 35:10, 37:11, 40:16, 40:20, 40:24, 41:25, 45:7,

48:11, 48:20, 48:24, 49:6, 51:1, 51:4, 51:9, 51:19, 51:22
chairman [1] - 2:5
change [4] - 21:14, 27:19, 36:6, 39:11
changed [1] - 21:21
changes [1] - 5:13
characterize [1] - 12:25
charge [8] - 19:15, 20:20, 20:21, 30:17, 30:22, 31:8, 35:15, 41:22
charged [1] - 36:9
charges [5] - 23:9, 23:12, 32:11, 32:13, 32:14
chart [4] - 8:12, 10:2, 13:10, 22:11
chase [1] - 3:4
cheaper [6] - 7:18, 19:9, 19:10, 19:21, 22:8, 22:9
checked [1] - 8:13
chose [1] - 7:18
CHRISTMANN [46] - 2:1, 2:13, 2:15, 2:18, 4:24, 5:18, 9:11, 9:14, 9:22, 10:4, 10:7, 10:13, 10:17, 18:5, 20:5, 22:6, 27:15, 27:21, 28:2, 33:5, 33:10, 33:13, 33:16, 34:9, 34:13, 34:17, 34:23, 35:1, 35:4, 35:7, 35:10, 37:11, 40:16, 40:20, 40:24, 41:25, 45:7, 48:11, 48:20, 48:24, 49:6, 51:1, 51:4, 51:9, 51:19, 51:22
Christmann [3] - 2:5, 6:11, 46:15
Christmann's [1] - 49:15
circuit [9] - 3:13, 3:15, 3:16, 3:22, 5:22, 13:9, 16:14, 17:1, 18:8
circuits [1] - 6:15
circumstances [2] - 49:23, 49:24
citizens [1] - 50:14
city [1] - 47:1
clamoring [2] - 42:2, 42:5
clarify [1] - 6:5
clear [6] - 8:2, 8:14, 10:18, 15:9, 17:23, 34:24
clearest [1] - 5:4
closer [2] - 33:20, 42:3
closes [1] - 29:22
co [24] - 3:10, 4:5, 6:18, 7:3, 18:16, 19:9, 19:13, 19:16, 19:20, 20:20, 23:8, 26:9, 29:8, 30:5, 32:15, 32:23, 33:1, 33:7, 33:8, 35:2, 35:14, 37:20, 38:15, 47:2
co-op [19] - 3:10, 4:5, 18:16, 19:9, 19:13, 19:16, 19:20, 20:20, 23:8, 32:15, 32:23, 33:1, 33:7, 33:8, 35:2, 35:14, 37:20, 38:15, 47:2
co-op's [3] - 6:18, 7:3, 26:9
co-ops [2] - 29:8, 30:5
combination [1] - 43:6
comfortable [2] - 11:20, 44:25
coming [6] - 7:1, 7:8, 15:23, 19:15, 27:4, 35:1
comments [4] - 2:11, 2:16, 2:18, 2:21
Commission [7] - 2:6, 14:5, 14:6, 17:3, 24:1, 24:14, 28:6
Commission's [1] - 17:20
Commissioners [3] - 2:6, 17:21, 49:16
commitment [1] - 51:10
communities [1] - 11:21
companies [3] - 28:8, 46:9, 46:11
company [2] - 18:10, 47:13
Company [1] - 2:3
compare [8] - 23:7, 24:5, 26:14, 27:12, 28:15, 31:23, 33:21, 49:3
comparison [2] - 20:11, 20:16
competitors [1] - 27:18
complaining [1] - 5:22
compromise [2] - 4:14, 13:21
concern [4] - 4:13, 6:23, 24:23, 26:6
concerns [2] - 17:9, 28:12
concluded [1] - 16:4
conclusion [2] - 10:15, 45:18
conclusions [1] - 10:14
condition [2] - 5:24, 18:18
conditions [2] - 3:24, 5:21
confused [1] - 15:6
connection [1] - 8:5
connects [1] - 44:1
consider [3] - 19:16, 34:6, 36:14
consideration [4] - 33:3, 45:6, 45:17, 45:19
considered [1] - 34:7
controls [1] - 2:10
convenience [8] - 7:9, 7:17, 7:24, 16:12, 17:5, 41:12, 41:19, 46:17
cooperative [3] - 30:8, 35:24, 38:12
copied [2] - 9:4, 9:17
copies [1] - 9:10
copy [3] - 9:11, 9:15, 9:18
correct [1] - 15:21
cost [21] - 4:15, 4:16, 4:17, 19:3, 19:6, 19:7, 19:12, 19:16, 19:19, 20:11, 24:7, 35:13, 35:14, 35:21, 35:23, 36:3, 36:8, 36:10, 46:20
cost-based [1] - 36:10
costs [9] - 19:17, 19:20, 21:9, 21:14, 21:16, 26:9, 27:17, 35:11, 35:16
counsel [2] - 2:8, 45:2
County [1] - 2:4
couple [3] - 5:3, 25:17, 25:22
court [4] - 12:5, 12:7, 14:2
crafted [1] - 44:20
credit [4] - 25:1, 29:25, 30:15, 33:20
credits [25] - 23:22, 24:7, 24:22, 25:23, 26:2, 26:11, 27:3, 27:7, 27:11, 28:11, 29:6, 29:20, 30:9, 30:25, 33:2, 34:14, 34:18, 34:24, 36:15, 36:20, 36:24, 38:16, 39:20, 39:25, 51:7
crux [4] - 36:11, 41:12, 44:13, 44:14
cruxes [1] - 44:14
current [4] - 3:17, 3:21, 3:22, 3:25
customer [22] - 3:8, 5:5, 5:6, 7:1, 11:1, 13:13, 13:15, 13:25, 15:4, 15:5, 15:8, 16:9, 17:5, 19:12, 26:2, 35:8, 39:1, 43:19, 46:20, 46:21, 49:8, 51:17
customers [16] - 3:24, 6:17, 8:4, 8:6, 11:8, 16:14, 17:11, 17:17, 18:1, 44:3, 47:13, 49:7, 49:19, 50:10
cut [2] - 3:4, 25:10

D

Dakota [20] - 5:11, 5:15, 11:5, 11:9, 11:17, 14:23, 17:17, 20:13, 27:23, 29:5, 39:22, 40:7, 42:9, 43:1, 48:13, 49:1, 49:18, 50:6, 50:8, 50:14
December [1] - 2:7
decide [5] - 17:21, 44:8, 44:21, 46:9
decides [1] - 25:10
deciding [1] - 14:20
decision [12] - 6:6, 6:7, 14:11, 14:21, 26:22, 28:9, 34:6, 44:19, 44:22, 44:23, 45:3
decisions [2] - 46:8, 48:4
decrease [2] - 39:4
defining [1] - 47:4
definitive [1] - 49:10
degrees [1] - 16:7
demand [10] - 19:15, 20:19, 20:21, 30:16, 30:22, 31:8, 31:9, 32:9, 32:10, 35:15
designing [1] - 24:4
desk [1] - 9:17
despite [1] - 10:13
determination [1] - 17:15
determine [2] - 7:15, 49:17
developed [1] - 40:11
developing [1] - 24:4
development [8] - 40:6, 40:18, 41:9, 41:13, 41:21, 42:21, 44:1, 48:2
develops [1] - 40:21
devices [5] - 3:19, 4:1, 4:4, 4:10, 4:13
difference [9] - 12:17, 22:12, 22:21, 23:2, 24:7, 30:16, 30:19, 31:2, 51:17
differences [4] - 16:5, 23:17, 49:13
different [13] - 14:8, 20:16, 24:4, 30:5, 45:14, 45:17, 49:12, 49:23, 49:24, 50:16, 50:22, 50:23, 50:24
differently [4] - 4:20, 49:11, 49:25, 50:25
difficulty [5] - 24:9, 24:12, 27:12, 28:10, 30:4
directly [1] - 15:23
discounted [2] - 22:25, 23:5
discounting [1] - 27:10
discretion [2] - 44:7, 44:17
discussed [1] - 44:21
discussing [1] - 35:13
discussion [3] - 9:25, 12:19, 14:16
distance [1] - 12:1
distinct [1] - 49:13
distribution [7] - 3:9, 6:19, 17:18, 40:8, 42:12, 42:17, 46:25
document [1] - 10:18
done [9] - 8:21, 9:3, 20:16, 20:24, 24:1, 26:16, 26:18, 26:21, 28:13
doubt [1] - 27:23
down [8] - 3:5, 8:10, 8:18, 21:15, 26:9, 26:13, 39:12, 50:17
draw [2] - 31:10, 31:11
drawing [1] - 31:14
duplicating [1] - 44:2
duplication [15] - 3:5, 6:20, 6:22, 6:24, 6:25, 7:7, 8:8, 43:12, 43:16, 43:22, 44:9, 46:18, 48:2, 48:5, 48:9
during [2] - 20:4, 24:25
duty [2] - 28:8, 49:16

E

earn [2] - 18:25, 36:1
economic [8] - 35:19, 40:5, 40:18, 41:13, 41:21, 42:21, 44:1, 48:2
economically [2] - 18:25, 36:1
effect [3] - 4:21, 9:2,

21:19
eight [3] - 43:7, 43:13, 44:12
either [7] - 2:12, 5:8, 11:7, 13:18, 18:10, 27:18, 33:23
elected [1] - 50:13
Electric [2] - 5:11, 19:14
electric [8] - 11:8, 40:5, 40:6, 41:13, 41:21, 42:23, 43:17, 47:10
electronic [1] - 2:10
elicited [1] - 15:9
end [2] - 38:24, 39:8
ended [1] - 12:7
energy [9] - 19:7, 29:3, 29:4, 31:9, 31:15, 32:13, 32:14, 32:16, 39:14
engineer [1] - 2:9
engineering [1] - 3:14
engineering-wise [1] - 3:14
ensuring [1] - 18:13
entitled [1] - 14:10
entry [1] - 32:5
equal [4] - 14:18, 14:23, 15:21, 18:13
equally [4] - 11:7, 13:20, 13:22, 47:19
equation [1] - 47:21
equivocal [1] - 6:11
erode [1] - 48:6
especially [1] - 45:13
estimation [1] - 25:1
evidence [5] - 17:14, 40:17, 40:25, 41:7, 44:15
exactly [3] - 6:9, 20:23, 26:12
example [1] - 38:23
examples [1] - 25:23
exhibit [5] - 19:24, 20:14, 20:15, 27:3, 28:22
Exhibit [4] - 20:10, 21:2, 22:15, 28:17
exhibits [2] - 20:9, 28:7
exist [2] - 11:4, 27:11
existing [2] - 29:25, 42:17
expansion [1] - 8:3
expect [1] - 18:16
expertise [1] - 24:20
explain [1] - 31:6
extend [3] - 19:3, 19:9, 19:19
extended [1] - 40:4
extending [1] - 35:23
extends [1] - 40:9
extension [2] - 19:5, 40:14
extent [2] - 16:13, 50:20
extremes [2] - 45:21, 46:7

F

facet [1] - 15:12
facilities [4] - 3:6, 6:23, 20:20, 43:17
facility [1] - 15:18
fact [6] - 14:10, 14:11, 17:14, 27:11, 28:5
factor [42] - 4:25, 5:12, 13:12, 14:2, 14:3, 14:4, 15:2, 16:23, 16:25, 20:17, 21:12, 22:3, 22:5, 22:10, 22:17, 22:19, 22:21, 23:8, 23:9, 23:12, 28:24, 29:3, 29:5, 30:21, 30:22, 31:7, 31:13, 31:19, 32:15, 36:6, 36:7, 37:15, 40:17, 43:4, 44:23, 45:9, 46:14, 50:9, 50:12, 51:16
factored [2] - 24:13, 30:13
factoring [1] - 30:8
factors [19] - 5:1, 5:2, 7:15, 8:13, 12:8, 13:17, 13:19, 14:15, 14:17, 14:19, 14:20, 14:22, 20:17, 44:7, 45:12, 46:2, 48:4, 49:24, 50:17
facts [3] - 14:6, 14:10, 14:12
fair [2] - 13:20, 33:3
fairness [1] - 9:16
fall [1] - 35:18
far [11] - 3:1, 14:8, 15:13, 15:19, 15:22, 17:10, 17:15, 26:9, 26:10, 43:4, 44:23
favor [2] - 19:18, 22:4
favored [1] - 35:22
favoring [1] - 14:17
Fedorchak [2] - 2:7, 14:25
FEDORCHAK [93] - 2:12, 2:14, 2:17, 4:2, 4:6, 4:12, 4:18, 4:23, 7:6, 7:11, 7:13, 7:20, 7:23, 8:1, 8:11, 8:18, 9:8, 9:13, 10:3, 10:9, 10:19, 11:24, 12:4, 13:10, 16:3, 16:11, 16:16, 16:18, 16:21, 17:2, 17:8, 18:2, 19:22, 20:1, 20:8, 21:1, 21:4, 21:7, 21:9, 21:13, 21:17, 21:20, 21:25, 22:2, 22:11, 22:14, 22:18, 22:23, 23:3, 23:10, 23:14, 23:20, 23:25, 24:3, 24:8, 24:10, 24:24, 25:9, 26:24, 27:6, 27:9, 29:6, 29:15, 30:18, 30:24, 31:6, 31:12, 32:17, 33:25, 34:21, 35:18, 35:25, 36:13, 36:18, 36:22, 37:3, 39:16, 40:13, 41:11, 41:18, 42:11, 42:14, 42:16, 42:22, 43:6, 43:9, 43:24, 45:5, 46:6, 47:17, 47:24, 48:17, 51:20
fee [1] - 33:6
felt [1] - 4:25
fence [1] - 45:6
few [1] - 14:19
figure [5] - 23:23, 24:7, 30:25, 31:15, 37:5
figuring [1] - 46:4
filed [4] - 20:9, 21:5, 27:2, 27:22
filled [1] - 10:18
finders [2] - 14:10, 28:5
findings [1] - 14:6
fine [1] - 20:5
first [6] - 3:3, 3:17, 10:2, 10:25, 29:18, 36:24
five [1] - 15:2
fluctuate [1] - 21:15
focusing [1] - 13:14
following [1] - 34:20
footing [1] - 15:22
footprint [1] - 49:4
forefront [1] - 7:14
forever [1] - 27:24
forward [1] - 39:6
four [1] - 12:10
four-mile [1] - 12:10
full [1] - 36:15
fundamentally [1] - 30:6
funny [1] - 9:19
future [9] - 26:11, 39:7, 40:17, 41:9, 43:5, 48:22, 49:8, 49:22, 50:21
fuzzy [1] - 8:15

G

gap [1] - 29:22
general [3] - 11:3, 40:6, 41:14
generalized [1] - 38:8
given [4] - 14:5, 14:15, 14:18, 42:8
gold [1] - 45:20
grab [4] - 3:17, 3:20, 3:22, 9:18
grant [2] - 5:25, 45:15
guarantee [1] - 25:16
guess [3] - 31:3, 37:10, 45:21
guy [1] - 15:15
guys [2] - 2:22, 45:5

H

hairs [2] - 13:4, 13:6
hard [3] - 30:7, 33:21, 37:5
harder [1] - 31:23
hear [1] - 17:10
heard [3] - 5:6, 15:7, 51:4
hearing [6] - 10:20, 10:23, 18:3, 21:2, 24:25, 30:21
hefty [1] - 19:15
help [4] - 7:15, 20:1, 44:24, 45:2
helpful [1] - 23:21
higher [6] - 29:3, 30:21, 31:7, 32:15, 33:7, 35:8
highly [3] - 13:1, 16:7, 38:10
historical [1] - 38:24
history [5] - 27:3, 36:5, 38:11, 39:6, 50:19
hold [1] - 21:1
hook [1] - 5:21
horsepower [2] - 5:8, 51:11
hour [2] - 32:7, 32:12
hours [7] - 31:17, 31:18, 31:24, 31:25, 32:4, 32:6, 32:12
hundred [2] - 13:21, 50:22
hurts [1] - 30:23

I

idea [2] - 22:1, 25:5
ignore [2] - 34:3, 34:4
ignored [1] - 33:23
Illona [1] - 9:22
impact [4] - 17:11, 31:8, 39:22, 49:6
impacted [4] - 17:5, 45:23, 48:21, 49:1
important [2] - 40:17, 51:16
impossible [3] - 23:23, 24:5, 30:12
include [3] - 19:23, 26:24, 35:15
included [1] - 23:21
includes [2] - 19:5, 23:5
including [1] - 28:10
Incorporated [1] - 2:4
increase [1] - 27:23
increases [1] - 4:15
incremental [1] - 35:14
indicates [1] - 41:8
indiscernible [1] - 35:23
indiscernible) [1] - 10:2
individual [3] - 13:24, 46:20, 46:21
individualized [1] - 45:22
information [1] - 28:14
infrastructure [1] - 40:14
initial [1] - 19:3
integrity [1] - 18:14
intended [1] - 37:25
intensive [1] - 43:17
interest [5] - 33:6, 33:13, 37:6, 47:14, 48:4
interests [1] - 18:13
interpret [1] - 13:24
interpretation [1] - 43:21
interrupt [1] - 4:24
investment [6] - 19:1, 35:19, 36:2, 36:4, 43:12, 46:19
investor [1] - 38:21
investor-owned [1] - 38:21
involved [1] - 16:24
isolated [1] - 3:13
issue [10] - 6:21, 7:8, 10:25, 17:25, 20:18, 40:3, 40:4, 41:16, 47:5, 47:25
issued [1] - 25:24
issues [4] - 8:9, 10:24, 17:16, 18:20
itself [1] - 35:23

J

JEFFCOAT [3] - 9:24, 10:6, 10:8
JEFFCOAT-SACCO [3] - 9:24, 10:6, 10:8
jeopardized [1] - 17:4
Jerry [18] - 2:8, 8:12, 9:3, 9:18, 9:20, 10:10, 15:15, 15:21, 16:19, 17:12, 19:22, 29:16, 30:24, 33:19, 43:25, 44:13, 44:21, 51:1
Jerry's [3] - 20:6, 44:17, 44:22
judge [1] - 45:10
jump [1] - 47:22
justification [1] - 11:25
justified [1] - 39:21

K

keep [2] - 7:8, 36:25
keeping [2] - 7:14, 30:9
keeps [1] - 50:18
key [3] - 33:25, 43:8, 43:21
kick [1] - 2:19
kilowatt [6] - 31:18, 31:24, 32:4, 32:6, 32:7, 32:12
kilowatts [1] - 31:25
kind [20] - 3:1, 9:7, 12:3, 12:8, 13:13, 16:4, 19:2, 22:21, 25:10, 27:21, 29:9, 29:15, 32:24, 35:20, 36:11, 39:10, 41:25, 45:24, 46:8, 51:1
knowledge [1] - 24:18
Kohl [1] - 2:10
Kota [3] - 2:3, 15:8, 29:18
Kota's [1] - 29:19
Kroshus [2] - 2:6, 14:14
KROSHUS [39] - 2:20, 2:23, 8:21, 8:24, 9:2, 9:6, 9:16, 12:25, 13:3, 13:18, 13:23, 25:8, 25:12, 25:19, 26:23, 27:2, 27:8, 27:14, 29:24, 37:8, 37:17, 37:23, 38:2, 38:7, 38:10, 38:20, 38:23, 39:3, 46:24, 47:7, 47:12, 47:18, 48:10, 49:3, 49:9, 50:6, 50:9, 50:15, 51:21
Kw [3] - 20:20, 20:21, 32:10

L

larger [3] - 3:15, 16:24, 47:12
last [4] - 4:19, 4:21, 32:5, 34:14
late [3] - 20:9, 21:4, 27:2
late-filed [2] - 20:9, 27:2
Laughter [2] - 10:12, 44:11
learn [1] - 51:15
least [3] - 14:1, 45:8, 47:19
leaves [1] - 44:6
left [1] - 9:17
legal [7] - 2:8, 11:20, 14:9, 15:15, 24:23, 26:22, 45:2
legislature [1] - 43:16
legitimate [1] - 24:10
Lein [2] - 2:9, 15:12
LEIN [122] - 2:22, 2:25, 4:4, 4:8, 4:17, 4:19, 5:15, 5:20, 6:13, 7:10, 7:12, 7:19, 7:22, 7:25, 8:7, 8:17, 8:20, 8:23, 9:1, 9:4, 9:7, 9:10, 10:11, 10:15, 10:21, 11:16, 12:2, 12:6, 13:2, 13:5, 13:16, 16:10, 16:13, 16:17, 16:20, 16:22, 17:7, 17:24, 18:4, 18:7, 18:15, 18:23, 19:24, 20:7, 20:10, 21:3, 21:6, 21:8, 21:11, 21:16, 21:18, 21:21, 22:1, 22:3, 22:8, 22:13, 22:16, 22:20, 23:1, 23:6, 23:11, 23:16, 23:24, 24:2, 24:6, 25:2, 25:4, 25:10, 25:17, 25:21, 26:5, 28:1, 28:16, 29:9, 30:14, 30:19, 30:25, 31:9, 31:13, 32:3, 32:18, 33:9, 33:12, 33:15, 33:18, 33:24, 35:12, 35:20, 36:8, 36:16, 36:19, 36:23, 37:5, 37:10, 37:13, 37:19, 37:25, 38:4, 38:9, 38:15, 38:22, 39:2, 39:9, 39:24, 40:15, 40:19, 40:23, 41:4, 41:16, 41:24, 42:7, 42:13, 42:15, 42:18, 42:23, 43:2, 43:8, 43:11, 44:6, 51:3, 51:6, 51:18
less [5] - 7:3, 19:12, 22:4, 30:22, 32:14
lessens [1] - 31:8
lesser [1] - 43:19
level [2] - 24:16, 45:25
lights [1] - 4:1
likelihood [1] - 41:8
likely [2] - 12:24, 24:16
line [4] - 3:7, 6:18, 15:24, 32:22
lines [2] - 11:4, 11:6
list [1] - 50:17
listed [1] - 10:24
listen [2] - 51:9, 51:14
load [32] - 3:11, 7:5, 12:15, 12:23, 16:25, 19:7, 20:17, 20:22, 21:12, 22:3, 22:5, 22:10, 22:16, 22:19, 22:20, 23:12, 28:24, 29:3, 30:21, 30:22, 31:7, 31:13, 31:14, 31:16, 31:19, 31:22, 32:15, 39:19, 40:11, 47:15
loads [2] - 16:24, 47:12
location [4] - 15:20, 16:2, 18:24, 30:1
logic [1] - 18:9
look [13] - 10:22, 22:24, 30:14, 32:6, 32:7, 33:20, 34:12, 36:3, 36:4, 38:25, 39:24, 48:1, 50:16
looked [2] - 9:19, 43:4
looking [13] - 6:25, 19:18, 22:13, 22:16, 27:8, 36:11, 39:6, 41:22, 44:7, 48:19, 50:24, 50:25
looks [2] - 32:20, 45:9
lose [1] - 25:11
losing [1] - 46:23
lost [2] - 46:16, 46:22
lower [3] - 20:19, 22:10, 29:4

M

main [1] - 51:6
manners [1] - 44:21
marginal [1] - 35:14
matter [1] - 24:11
mean [23] - 3:12, 5:20, 6:3, 7:16, 7:17, 8:2, 11:14, 15:1, 17:19, 24:3, 29:22, 31:13, 38:12, 40:20, 41:13, 41:14, 41:18, 42:9, 44:17, 46:14, 46:18, 49:21, 50:13
means [3] - 29:3, 29:4, 44:24
mechanism [1] - 30:5
megawatts [3] - 20:23, 20:24, 20:25
members [3] - 18:1, 33:11, 35:11
Menards [1] - 41:16
mentioned [1] - 45:14
might [10] - 3:25, 4:20, 4:21, 9:25, 18:17, 21:22, 25:17, 25:22, 28:20, 51:8
mile [9] - 11:5, 11:9, 11:12, 11:15, 11:24, 12:10, 12:11, 12:13
miles [1] - 12:14
mind [5] - 13:7, 19:17, 42:9, 44:7, 50:18
minds [1] - 14:21
mine [1] - 4:13
Minn [4] - 2:3, 15:8, 29:18, 29:19
Minn-Kota [3] - 2:3, 15:8, 29:18
Minn-Kota's [1] - 29:19
Minnesota [1] - 50:10
minus [1] - 45:9
miss [1] - 9:23
mistake [1] - 51:13
mitigating [1] - 4:2
money [4] - 7:3, 29:11, 33:7, 37:8
most [1] - 48:20
motor [1] - 16:22
motors [16] - 3:14, 3:15, 3:16, 4:9, 4:11, 4:19, 5:7, 5:21, 6:1, 13:8, 15:13, 15:17, 16:15, 16:24, 18:6, 51:12
multi [1] - 49:5
multi-state [1] - 49:5
multiply [1] - 31:10

N

natural [2] - 8:5, 40:14
necessarily [11] - 14:4, 14:14, 33:22, 43:5, 44:13, 46:19, 46:21, 49:18, 50:1, 50:3
necessity [5] - 7:9, 17:6, 41:12, 41:19, 46:17
need [8] - 3:2, 6:12, 6:16, 19:10, 29:13, 46:1, 46:8, 51:2
needed [3] - 6:2, 18:17, 18:18
needs [2] - 17:22, 19:16
neighborhood [2] - 29:1, 29:2
neutral [1] - 5:3
never [1] - 25:5
new [1] - 41:5
next [5] - 11:8, 23:4, 40:2, 40:3, 40:4
nine [1] - 44:10
North [3] - 50:6, 50:8, 50:13
notes [3] - 25:13, 51:13, 51:14
nothing [3] - 45:21, 45:23, 51:20
notice [2] - 10:20, 10:23
nuances [1] - 30:6
number [13] - 2:2, 15:2, 16:17, 23:1, 31:16, 31:17, 32:4, 32:6, 32:11, 36:20, 43:7, 43:13, 45:14
numbers [6] - 26:15, 28:15, 28:18, 29:17, 39:8, 39:13

O

oath [1] - 5:19
obligated [1] - 36:4
obviously [3] - 10:25, 30:10, 47:15
occurring [1] - 48:5
offer [1] - 51:15
official [1] - 10:9
officials [1] - 50:13
offset [1] - 35:10
on-site [1] - 3:7
once [1] - 18:19
one [41] - 3:20, 3:23, 5:1, 5:3, 5:4, 8:11, 8:13, 9:17, 11:2, 11:4, 11:8, 11:10, 12:10, 13:15, 13:25, 14:3, 14:17, 15:11, 16:9, 16:18, 16:22, 17:9, 17:11, 17:19, 20:8, 20:24, 21:1, 26:11, 28:16, 28:25, 29:1, 29:20, 35:22, 40:2, 44:14, 46:14, 49:4, 49:19, 49:20, 50:2, 50:17

ones [2] - 21:23, 46:4
ongoing [5] - 19:6, 19:12, 19:16, 19:17, 19:20
ongoing-wise [1] - 19:12
op [19] - 3:10, 4:5, 18:16, 19:9, 19:13, 19:16, 19:20, 20:20, 23:8, 32:15, 32:23, 33:1, 33:7, 33:8, 35:2, 35:14, 37:20, 38:15, 47:2
op's [3] - 6:18, 7:3, 26:9
opening [1] - 2:11
operates [1] - 31:20
operating [1] - 11:2
opinion [2] - 44:20, 49:10
ops [2] - 29:8, 30:5
oranges [1] - 38:13
order [8] - 2:25, 19:18, 28:19, 31:1, 31:4, 36:17, 37:24, 38:3
orderly [5] - 40:5, 41:13, 41:20, 44:1, 48:2
organizations [1] - 49:12
Otter [40] - 2:3, 3:6, 3:12, 4:9, 5:9, 6:15, 6:17, 7:16, 8:3, 10:25, 11:1, 11:12, 11:22, 12:24, 13:7, 14:23, 15:11, 15:23, 17:18, 19:13, 19:17, 19:21, 19:22, 20:18, 22:4, 22:9, 26:15, 27:22, 35:22, 40:11, 41:2, 42:8, 42:11, 42:19, 47:3, 48:13, 49:1, 49:19, 50:10
outside [3] - 11:11, 11:22, 15:14
overall [4] - 22:4, 23:17, 35:21, 49:7
overriding [3] - 4:13, 6:23, 7:8
own [7] - 4:1, 8:19, 13:9, 14:21, 20:12, 45:22
owned [1] - 38:21

P

page [7] - 22:17, 23:4, 23:11, 28:18, 28:19, 32:5
pages [1] - 31:24
paid [5] - 25:20, 27:11, 37:12, 37:15, 37:20
parsing [1] - 49:18
part [9] - 5:6, 5:14, 7:7, 10:21, 22:15, 28:17, 28:18, 28:22, 29:7
particular [3] - 16:2, 42:4, 44:23
parts [1] - 47:20
party [1] - 28:25
past [3] - 17:3, 24:1, 50:19
Pause [1] - 9:21
pay [2] - 30:9, 46:10
paying [3] - 35:15, 37:4, 48:8
PC&N [1] - 2:4
peak [3] - 31:14, 31:16, 32:9
PELHAM [42] - 6:4, 11:13, 11:19, 13:22, 13:25, 17:9, 18:9, 24:9, 24:12, 25:3, 26:1, 26:6, 27:4, 27:10, 27:20, 28:4, 33:19, 34:4, 34:11, 34:16, 34:19, 34:25, 35:3, 35:6, 35:9, 37:6, 37:9, 37:14, 37:21, 41:1, 41:6, 42:25, 43:3, 44:12, 46:11, 47:4, 47:11, 48:18, 48:23, 49:14, 50:8, 50:11
Pelham [1] - 2:8
people [5] - 17:4, 18:19, 48:8, 48:20, 50:23
per [5] - 20:20, 20:21, 32:7, 32:10, 32:12
percent [14] - 13:21, 21:12, 22:3, 22:5, 22:16, 22:19, 22:20, 23:12, 29:2, 31:13, 31:19, 31:21, 39:19
percentage [1] - 25:24
perfectly [2] - 3:10, 7:5
perhaps [2] - 15:10, 24:15
period [3] - 3:25, 24:17, 50:19
person [2] - 24:20, 45:8
perspective [7] - 11:20, 14:8, 14:9, 17:19, 17:20, 24:23, 44:9
phase [3] - 3:20, 40:10, 42:3
phonetic [1] - 2:10
physics [1] - 12:21
picture [1] - 36:15
piece [1] - 34:1
place [3] - 3:10, 18:11, 40:9
plan [1] - 18:11
planning [2] - 30:11, 30:12
plans [2] - 8:3, 40:18
play [1] - 16:19
plus [1] - 45:9
point [21] - 5:9, 6:13, 7:4, 7:25, 15:25, 17:5, 18:6, 24:16, 25:15, 31:3, 32:18, 33:1, 34:3, 34:14, 38:1, 39:13, 43:25, 45:6, 46:22, 47:5, 49:15
pointed [1] - 14:16
points [2] - 28:1, 43:25
policy [1] - 50:4
portfolio [1] - 2:13
position [1] - 15:11
possibility [1] - 40:25
possibly [2] - 26:19, 41:2
potential [4] - 17:11, 29:19, 30:8, 33:16
potentially [3] - 17:16, 34:8, 35:10
Power [6] - 2:3, 5:9, 19:14, 19:15, 35:16, 49:19
power [12] - 15:20, 15:22, 15:23, 16:25, 17:17, 19:14, 23:7, 23:8, 23:12, 46:12, 50:2, 50:3
precedent [1] - 48:22
preferable [1] - 3:15
preference [7] - 5:5, 13:13, 13:25, 15:4, 15:6, 15:8, 43:19
prefers [1] - 11:1
prepared [1] - 20:6
present [6] - 24:21, 26:13, 37:7, 37:21, 43:4, 50:20
presented [7] - 24:18, 26:15, 27:13, 28:5, 28:15, 41:8, 44:15
presumably [1] - 33:10
pretty [5] - 5:12, 8:2, 19:14, 27:16
prices [1] - 27:25
primary [1] - 6:21
principal [1] - 41:22
problem [2] - 30:16, 34:8
problematic [1] - 11:23
problems [1] - 5:17
process [1] - 45:3
producers [3] - 42:1, 42:2, 42:5
Products [1] - 2:3
project [1] - 50:21
projected [2] - 29:17, 39:1
projecting [1] - 30:10
prong [1] - 19:2
proper [1] - 50:3
proposal [2] - 13:8, 26:9
proposed [3] - 12:22, 12:23, 24:19
protect [1] - 18:7
provide [9] - 3:8, 19:4, 27:18, 35:8, 45:2, 46:12, 46:13, 47:21
provided [8] - 15:22, 24:24, 25:4, 26:25, 28:6, 28:7, 39:20, 39:22
provider [2] - 50:2, 50:3
providers [2] - 20:11, 28:6
provides [1] - 33:6
providing [5] - 15:19, 19:20, 35:16, 35:21, 36:8
PU-17-96 [1] - 2:2
Public [1] - 49:16
public [39] - 7:8, 7:11, 7:24, 16:11, 17:5, 33:6, 33:13, 33:16, 41:12, 41:19, 44:9, 46:17, 46:18, 46:19, 46:20, 46:24, 47:1, 47:2, 47:3, 47:8, 47:25, 48:3, 48:7, 48:13, 48:14, 48:15, 48:18, 49:7, 49:15, 49:17, 49:19, 49:20, 50:2, 50:4
public's [1] - 47:14
publics [1] - 48:7
punted [1] - 3:2
purpose [5] - 3:18, 6:22, 41:3, 43:15, 43:18
purposes [1] - 26:21
put [8] - 3:15, 11:19, 12:9, 12:20, 12:21, 18:10, 18:11, 38:14

Q

quantify [3] - 31:2, 33:21, 38:5
questions [3] - 25:13, 25:14, 51:5
quick [1] - 9:18
quite [3] - 19:9, 37:3, 39:17

R

radius [7] - 11:5, 11:9, 11:12, 11:15, 11:25, 12:11, 12:13
Randy [2] - 2:5, 8:16
range [4] - 32:23, 33:2, 39:17, 39:20
ranges [1] - 23:18
rate [17] - 19:23, 20:12, 20:14, 20:19, 23:5, 27:22, 29:7, 30:5, 32:7, 32:8, 32:10, 32:12, 34:1, 34:2, 37:6, 38:14, 47:19
Rate [1] - 20:12
rate-making [1] - 30:5
rates [15] - 19:23, 22:25, 24:4, 27:19, 28:22, 29:4, 31:2, 36:5, 36:6, 36:9, 36:10, 36:15, 39:1, 39:18, 39:22
rather [1] - 14:6
reach [3] - 14:11, 14:21, 45:17
read [3] - 12:12, 16:4, 29:16
ready [1] - 40:2
real [3] - 9:18, 30:16, 40:16
realization [1] - 30:4
realize [1] - 25:16
really [18] - 7:14, 11:7, 12:2, 13:13, 13:14, 16:8, 27:24, 28:24, 32:19, 33:3, 36:11, 38:6, 39:14, 40:8, 40:11, 44:12, 44:16, 47:4
reason [2] - 12:14, 20:17
reasonable [1] - 26:20
reasonably [1] - 26:21
reasons [1] - 8:7
received [2] - 26:10, 28:14
recommendation [1] - 45:1
record [12] - 5:19, 6:8, 10:21, 12:20, 17:22, 17:25, 25:21, 26:19, 27:1, 27:13, 39:21, 40:1
reducing [1] - 37:7
reemphasizes [1] - 13:13
reference [1] - 34:3
referring [1] - 38:21

reflected [1] - 36:9
region [1] - 48:25
related [2] - 25:15, 46:20
reliability [15] - 12:18, 13:7, 13:15, 15:3, 15:12, 15:16, 15:19, 16:21, 17:4, 17:16, 45:12, 45:14, 45:16, 45:18, 46:2
reliable [6] - 7:21, 12:24, 13:1, 16:8, 38:11, 39:5
reliably [2] - 12:23, 16:5
rely [2] - 26:21, 28:15
remain [1] - 27:24
remember [3] - 20:15, 20:22, 31:9
remembering [4] - 3:19, 25:18, 25:21, 43:14
repeat [1] - 28:11
representative [1] - 15:7
represents [1] - 12:15
require [2] - 18:16, 24:14
required [3] - 4:5, 4:9, 5:9
requirement [2] - 5:12, 51:11
research [1] - 51:2
respect [1] - 15:3
respects [2] - 14:1, 15:5
responsibility [3] - 28:9, 34:5, 49:17
rest [2] - 5:22, 18:8
result [1] - 43:12
results [1] - 39:3
return [4] - 18:25, 35:19, 36:1, 36:4
revenue [4] - 29:18, 30:2, 36:24, 46:3
revenues [1] - 35:1
review [1] - 7:14
Richland [1] - 2:4
rider [2] - 21:9, 21:16
riders [6] - 19:23, 19:25, 21:19, 21:23, 23:21, 39:10
risk [1] - 45:25
role [2] - 45:1
roughly [1] - 26:3
run [1] - 15:18
running [1] - 38:18
rural [2] - 12:16, 47:1

S

SACCO [3] - 9:24, 10:6, 10:8
SAIDI [1] - 12:19
SAIFI [1] - 13:5
save [1] - 29:11
schedules [1] - 38:14
scribbling [1] - 10:16
second [2] - 11:2, 21:2
secondary [1] - 20:13
see [13] - 5:3, 10:2, 27:12, 28:10, 30:6, 31:4, 32:17, 38:6, 38:14, 39:24, 40:1, 40:7, 49:10
seeing [1] - 19:2
seeking [1] - 46:13
seem [1] - 18:10
sense [2] - 15:6, 15:17
sentence [1] - 22:6
separated [1] - 46:25
separately [1] - 20:3
serve [10] - 7:23, 12:23, 16:5, 18:24, 35:15, 35:25, 36:3, 40:5, 44:3, 48:15
served [3] - 11:8, 11:12, 11:22
serves [4] - 7:16, 47:2, 47:3, 50:10
service [38] - 3:8, 3:12, 7:1, 7:2, 12:23, 15:3, 19:3, 19:4, 19:5, 19:9, 19:16, 19:19, 19:20, 20:13, 22:9, 22:10, 27:18, 32:23, 35:17, 35:22, 35:23, 36:9, 40:5, 40:6, 40:10, 41:14, 41:21, 42:3, 42:12, 42:17, 42:20, 42:23, 42:24, 43:12, 44:2, 46:19, 47:21
Service [1] - 49:16
services [1] - 12:22
serving [3] - 3:11, 7:5, 19:6
session [2] - 2:2, 20:4
several [1] - 46:16
share [1] - 9:8
sheet [1] - 9:4
short [1] - 3:24
sides [2] - 44:16
signed [3] - 10:14, 10:18
significant [1] - 29:7
significantly [2] - 29:23, 50:25
similar [2] - 12:11, 47:17
sit [2] - 6:8, 27:21
site [1] - 3:7
situation [2] - 14:7, 49:25
six [1] - 18:21
skip [1] - 44:10
slightly [2] - 50:23, 50:24
slow [2] - 18:6, 35:9
snapshot [1] - 39:10
so.. [2] - 11:7, 39:15
soft [9] - 3:18, 4:4, 4:14, 5:7, 5:23, 6:1, 6:14, 6:16, 51:11
someone [1] - 45:16
sometimes [1] - 40:22
somewhere [1] - 23:18
sorry [4] - 34:19, 34:25, 37:18, 38:2
sort [5] - 5:13, 8:12, 14:20, 16:6, 18:5
source [3] - 17:11, 17:17, 17:18
southeast [1] - 48:25
SPEAKER [2] - 18:22, 32:2
specific [1] - 14:13
specifically [2] - 6:9, 45:15
specifics [1] - 39:18
speculate [1] - 24:15
speculating [2] - 24:14, 41:7
speculation [1] - 28:21
speculative [3] - 26:12, 27:16, 28:2
spent [1] - 30:21
spitting [1] - 12:8
split [2] - 19:19, 35:20
splitting [3] - 13:3, 13:6, 50:1
stable [1] - 27:24
standard [1] - 45:20
standpoint [2] - 18:9, 47:20
start [15] - 2:24, 3:16, 3:18, 4:4, 5:7, 5:23, 6:1, 6:14, 18:6, 18:19, 37:4, 48:8, 51:11
started [3] - 2:21, 2:25, 15:17
starting [1] - 2:2
starts [3] - 4:14, 5:22, 6:16
state [6] - 48:16, 48:21, 49:5, 50:5, 50:6, 50:8
statement [1] - 38:8
stayed [1] - 29:12
step [2] - 5:2, 35:9
Steve [1] - 2:9
still [4] - 18:25, 23:14, 34:21, 36:1
straight [2] - 6:18, 7:1
strategic [1] - 30:11
stronger [3] - 6:15, 7:1, 7:2
structure [2] - 33:6, 35:5
struggling [1] - 45:10
stuff [5] - 4:1, 30:15, 41:20, 41:23, 48:1
subject [3] - 5:16, 13:23, 34:14
substantial [1] - 51:17
substation [6] - 3:7, 8:4, 15:24, 19:10, 41:2, 41:5
subtracted [1] - 23:7
sudden [1] - 41:4
sufficient [1] - 17:14
suggests [1] - 39:20
sum [1] - 44:7
supplier's [1] - 40:4
suppliers [5] - 11:2, 11:9, 12:18, 12:22, 18:24
supply [1] - 11:4
supported [2] - 17:22, 29:24
supporting [1] - 15:11
suppose [3] - 14:18, 40:21, 40:24
supposed [3] - 7:15, 13:11, 36:10
surplus [1] - 30:10
sway [1] - 5:3
switch [1] - 34:13
system [8] - 3:9, 5:17, 6:19, 7:4, 18:14, 40:9, 45:22, 45:24

T

table [2] - 2:8, 9:7
Tail [30] - 2:3, 3:6, 3:12, 4:9, 5:9, 7:16, 8:3, 10:25, 11:1, 11:12, 11:22, 12:24, 13:8, 14:24, 15:23, 19:13, 19:21, 20:18, 22:5, 26:15, 27:22, 41:2, 42:8, 42:11, 42:19, 47:3, 48:13, 49:1, 49:19, 50:10
Tail's [10] - 6:15, 6:17, 15:11, 17:18, 19:18, 19:22, 22:9, 22:10, 35:22, 40:11
tape [1] - 51:10
technology [1] - 4:3
ten [7] - 5:2, 8:12, 13:19, 13:21, 26:3, 26:4, 50:17
tend [2] - 3:17, 27:15
terms [5] - 13:19, 27:3, 38:11, 38:25, 39:18
testimony [15] - 4:7, 5:10, 5:14, 15:7, 15:9, 16:1, 17:10, 24:25, 26:10, 26:20, 28:7, 37:16, 39:19
themselves [1] - 46:9
they've [3] - 21:21, 28:19, 40:8
thinking [5] - 10:1, 29:1, 30:15, 34:21, 40:12
third [1] - 11:4
thoughts [1] - 10:5
three [4] - 9:13, 12:11, 40:9, 42:3
three-mile [1] - 12:11
TIA [4] - 6:22, 9:23, 16:23, 43:15
ties [1] - 8:16
today [6] - 6:8, 14:16, 21:20, 26:14, 35:9, 46:17
together [2] - 38:14, 43:10
took [2] - 12:8, 51:15
top [2] - 13:4, 28:17
tough [3] - 33:4, 36:22, 37:20
toward [1] - 39:7
towns [1] - 11:11
traditionally [2] - 25:19, 34:2
transformer [1] - 19:11
transmission [1] - 3:7
trend [2] - 38:24, 39:5
tried [1] - 24:6
true [5] - 11:13, 38:21, 39:12, 40:19, 41:4
true-up [2] - 38:21, 39:12
try [6] - 2:25, 5:25, 20:10, 31:1, 31:15, 38:5
trying [3] - 32:20, 50:21, 51:14
turned [1] - 12:13
turns [1] - 6:2
two [19] - 9:10, 11:5, 11:9, 11:11, 11:12, 11:15, 11:21, 11:24, 12:10, 12:13, 12:14, 19:2, 20:11, 20:16, 26:12, 31:23, 43:9, 46:11, 49:4
two-mile [7] - 11:5, 11:9, 11:12, 11:15, 11:24, 12:10, 12:13
two-prong [1] - 19:2

type [3] - 3:23, 24:20, 44:25
types [2] - 48:14, 49:12

U

ultimately [1] - 45:3
umbrella [1] - 41:19
under [3] - 5:18, 11:14, 36:12
underlying [1] - 6:14
understandably [1] - 47:16
UNIDENTIFIED [2] - 18:22, 32:2
up [26] - 3:17, 5:8, 5:21, 6:14, 7:4, 12:7, 15:17, 17:25, 18:21, 19:19, 21:15, 23:19, 28:19, 32:4, 32:7, 32:24, 35:12, 36:16, 38:21, 39:12, 39:25, 44:8, 46:16, 51:11, 51:23
upheld [1] - 18:14
usage [2] - 28:19, 31:16
user [1] - 4:14
utility [1] - 47:19
utilized [1] - 41:2

V

vacuum [1] - 27:22
Valley [12] - 5:11, 11:5, 11:9, 11:17, 14:23, 29:5, 40:7, 42:9, 43:1, 48:13, 49:1, 49:18
Valley's [5] - 5:15, 17:17, 20:13, 27:23, 39:22
value [6] - 14:22, 24:21, 26:13, 37:7, 37:8, 37:21
variables [1] - 51:5
various [2] - 46:1, 46:3
versus [2] - 39:6, 47:1
view [4] - 7:4, 41:20, 44:18, 44:24
viewed [2] - 29:16, 50:4
viewing [1] - 13:12
visited [1] - 9:20
voltage [2] - 3:23, 17:1

W

Wahpeton [1] - 30:1
waive [3] - 5:11, 23:8, 51:10
waived [1] - 23:13
waiver [6] - 5:15, 5:18, 5:20, 5:25, 6:11, 18:17
walk [1] - 20:2
wants [1] - 9:14
wasteful [17] - 3:6, 6:21, 6:22, 6:24, 7:7, 8:8, 43:12, 43:16, 43:21, 44:5, 44:9, 45:13, 45:21, 46:4, 46:18, 48:1, 48:8
wasteful" [1] - 43:20
ways [4] - 8:24, 38:12, 39:8, 50:16
weigh [4] - 13:12, 14:22, 17:13, 49:24
weighs [1] - 45:8
weight [4] - 13:24, 14:15, 14:18, 14:23
weighted [4] - 11:7, 13:20, 13:22, 14:2
welcome [1] - 10:7
wheelhouse [1] - 15:14
whole [7] - 22:6, 32:18, 43:18, 48:5, 49:15, 49:18, 50:5
wise [2] - 3:14, 19:12
wonder [1] - 46:6
word [2] - 43:20, 43:21
wording [1] - 19:4
wrapped [1] - 51:23
write [3] - 2:25, 36:16, 38:3
writing [2] - 31:1, 31:4
written [1] - 37:24

Y

year [12] - 23:13, 27:6, 29:18, 29:20, 31:17, 32:1, 32:12, 36:24, 38:16, 38:17, 38:18, 38:24
years [6] - 12:12, 25:22, 25:24, 26:3, 26:4, 36:25
yesterday's [1] - 9:25

Z

Zach [4] - 2:8, 13:18, 27:16, 34:9
zero [1] - 43:20

1

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company Case No. PU-17-96
Minn-Kota Ag Products, Inc.
-- Richland County
Public Convenience & Necessity

TRANSCRIPT OF WORK SESSION

December 20, 2017

CHAIRMAN CHRISTMANN: Good afternoon, everyone. We are starting a work session on Case number PU-17-96, Otter Tail Power Company, Minn-Kota Ag Products, Incorporated, of Richland County, a PC&N case.

I'm Randy Christmann, chairman of the Commission, and with me are Commissioners Kroshus and Fedorchak. It is 2:31, December 20th, 2017. Also at the table is our legal counsel, Zach Pelham, and Jerry Lein, our engineer and advisor on the case, and Steve Kohl (phonetic) at the electronic controls.

I don't have any opening comments. Do --

COMMISSIONER FEDORCHAK: I don't either.

CHAIRMAN CHRISTMANN: Is this your portfolio?

COMMISSIONER FEDORCHAK: No, Brian's.

CHAIRMAN CHRISTMANN: Brian's. Do you have any comments?

COMMISSIONER FEDORCHAK: I don't.

CHAIRMAN CHRISTMANN: Do you have any comments? Or do you want -- if not, just go ahead and kick it off.

COMMISSIONER KROSHUS: No, I don't have any comments, just let's get started, get into it.

MR. LEIN: You guys want me to just --

COMMISSIONER KROSHUS: Yeah, why don't you start?

MR. LEIN: I started to try and write an order

in this thing, and before I got too far into it, I kind of punted and thought we just need to talk about it first.

And so if you wanted to cut to the chase, I think it boils down to whether or not duplication of facilities by Otter Tail is wasteful. They will build a substation off of that transmission line on-site and provide what I would call better service to the customer in doing that. However, there is a distribution system in place there from the co-op that's perfectly capable of serving that load.

When I say better service by Otter Tail, I mean that they're going to be on an isolated circuit with those big motors. And engineering-wise, that would be preferable. When you put larger motors on a circuit, when you start the circuit, when you start the motors up, they tend to grab a lot of current when you first start them, and that's the purpose of these soft start devices, is to make that come in, if I'm remembering right, one phase at a time so that they don't grab so much current.

If you grab too much current off of the circuit at one time, you can cause voltage brown-out type conditions for the other customers just for a short period of time, but they might feel the current in their

own devices, lights and stuff like that.

COMMISSIONER FEDORCHAK: Is there mitigating technology for that --

MR. LEIN: The soft start devices that we were talking about that the co-op would have required.

COMMISSIONER FEDORCHAK: And they bought, right? Wasn't there testimony they bought those?

MR. LEIN: I think they already have them for their bigger motors. Otter Tail would have required those devices, too, I think, on the 100-horsepower motors or bigger.

COMMISSIONER FEDORCHAK: Not that this is an overriding concern of mine, but do those devices compromise anything for the user, those soft starts, or is it just the cost of them adds -- increases their cost?

MR. LEIN: I think it's the cost.

COMMISSIONER FEDORCHAK: Okay.

MR. LEIN: I don't know if motors would last longer or differently without them, but it might be that they last longer with them. There might be some effect there that I don't know.

COMMISSIONER FEDORCHAK: Okay. Thank you.

CHAIRMAN CHRISTMANN: I just want to interrupt on that. I think -- I felt like that was a big factor

because, to me, one of the big factors in this case -- I'll step back. To me, a lot of the ten factors are neutral. I can see a couple that sway one way or maybe the other. The one that was the clearest was the customer preference.

And part of what I heard from the customer was not wanting to buy the soft start motors for the -- what was it, either 30 or 50 horsepower on up to 100, at which point then I think Otter Tail Power required them as well. But in the testimony, after his testimony, Dakota Valley Electric said they would waive that requirement. And so to me, that's a pretty big factor then, because that sort of changes what I think he was basing his testimony on, or that part of his testimony.

MR. LEIN: And Dakota Valley's waiver was subject to them being able to do it without having any problems on the system.

CHAIRMAN CHRISTMANN: Their waiver was under oath on the record.

MR. LEIN: But I mean the waiver has some conditions with it. If they hook those motors up and the rest of the circuit starts complaining, they're going to have to go back in and get the soft start.

And I think that would be a condition of the waiver that they grant, that says that we'll let you try

to get by without these soft start motors, but if it turns out they're needed, you're going to have to get them. I mean, there was something in the brief on that.

MR. PELHAM: There's something that we're going to have to clarify that aspect of it, because I don't think you can make a decision based on -- you can certainly make a decision based on what's stated in the record, but I'm not -- as I sit here today, I can't tell you exactly what was specifically said.

I recall what you're saying, Commissioner Christmann, as to the waiver. Was it equivocal, though? I think we need to answer that question.

MR. LEIN: But my point with the -- with the soft start, bringing them up, is the underlying circuits, Otter Tail's is stronger and that's why it doesn't need those soft starts earlier and there's no other customers on there to be affected. Otter Tail's straight off of that 41.6kV line and the co-op's is going through a distribution system.

And that's where I go back to the duplication, whether it's wasteful. I think your primary issue and purpose behind the TIA was to avoid wasteful duplication of facilities, and so your overriding concern in these cases is to avoid wasteful duplication.

So if you're looking at it, the duplication

gives the customer a stronger service coming straight off of that 41.6 and it gives them that stronger service for less money. But at the same time, from the co-op's point of view, they have a system built up in here that's perfectly capable of serving this load.

COMMISSIONER FEDORCHAK: In addition to the wasteful duplication, and that's part of this, but the overriding issue that I keep coming back to is public convenience and necessity.

MR. LEIN: Yep.

COMMISSIONER FEDORCHAK: Public.

MR. LEIN: Yep.

COMMISSIONER FEDORCHAK: And so, you know, really keeping that at the forefront and in the review of these factors which are supposed to help us determine that, I mean there's no question that Otter Tail serves the convenience of the business. They want them, I mean they chose them, and they're cheaper.

MR. LEIN: Yep.

COMMISSIONER FEDORCHAK: And they're more reliable.

MR. LEIN: Yep.

COMMISSIONER FEDORCHAK: But how does that serve public convenience?

MR. LEIN: Yep. That is the point here.

COMMISSIONER FEDORCHAK: Because there was pretty -- I mean, it was pretty clear that there was no expansion plans and Otter Tail didn't talk of anticipating additional customers on that substation. And they don't have any natural connection right in that area to customers.

MR. LEIN: And those are reasons that you would think that the duplication was wasteful.

Maybe we should talk about all of the issues going down.

COMMISSIONER FEDORCHAK: I liked it the one time, Jerry, when you had sort of the chart of the ten factors and like, you know, checked off who on each one.

It's not maybe as clear on this case because they are a little bit more fuzzy. I agree with you, Randy, that there was maybe more ties.

MR. LEIN: Yeah, I --

COMMISSIONER FEDORCHAK: But I broke them down in my own way.

MR. LEIN: Okay. I can --

COMMISSIONER KROSHUS: You've already done that --

MR. LEIN: -- to do that too.

COMMISSIONER KROSHUS: -- in many ways, haven't you?

MR. LEIN: Huh?
COMMISSIONER KROSHUS: I said, in effect, you've already done that, haven't you, Jerry?
MR. LEIN: Yes. And that sheet you just copied from me?
COMMISSIONER KROSHUS: Right, yes.
MR. LEIN: That was my table kind of.
COMMISSIONER FEDORCHAK: You want to share it with all of us?
MR. LEIN: Let me make two more copies of it.
CHAIRMAN CHRISTMANN: Would you make a copy for me too?
COMMISSIONER FEDORCHAK: Three more.
CHAIRMAN CHRISTMANN: I think everyone wants a copy.
COMMISSIONER KROSHUS: In fairness, when I copied it, I left my blank one on my desk, so I just, hey, Jerry, can I grab that real quick and copy it? Which is probably why you looked at me a little funny. But no, we had -- I visited with Jerry on this.
(Pause)
CHAIRMAN CHRISTMANN: Good afternoon, Illona. Did you miss TIA cases so much?
MS. JEFFCOAT-SACCO: No. I just thought that, based on yesterday's discussion, there might be a

question, but I'm about -- I was just thinking I should go, but (indiscernible). I want to see the chart first.
COMMISSIONER FEDORCHAK: Yes.
CHAIRMAN CHRISTMANN: Well, if you do have any thoughts --
MS. JEFFCOAT-SACCO: Yeah.
CHAIRMAN CHRISTMANN: -- I would welcome them.
MS. JEFFCOAT-SACCO: I know.
COMMISSIONER FEDORCHAK: This is very official, Jerry.
MR. LEIN: Yeah, that's what I was --
(Laughter)
CHAIRMAN CHRISTMANN: So despite these being signed, we've not signed off on your conclusions.
MR. LEIN: It's not even a conclusion, it's just some scribbling.
CHAIRMAN CHRISTMANN: Okay. I just want to make it clear that we signed this document not filled in.
COMMISSIONER FEDORCHAK: Yeah, this is just the notice of hearing.
MR. LEIN: It's not part of the record.
So going through that, if you look, it's just the notice of hearing. And I only use it because the issues are listed there.
And so the first issue is, obviously, Otter Tail

-- the customer prefers Otter Tail.
The second one: What suppliers are operating in the general area? They both are.
The third one: What supply lines exist within a two-mile radius? And I think that Dakota Valley had more lines in the area. You know, and these things aren't really all weighted equally either, so...
Next one: What customers are served by electric suppliers within a two-mile radius? And Dakota Valley had that one, too. If you recall, though, there were those two towns that were just barely outside of the two-mile radius that Otter Tail served.
MR. PELHAM: I think that's true, but I don't know under the Act that that's -- I mean, it's got to be a two-mile radius, so it's -- it's in there, but --
MR. LEIN: Yep. I'm just bringing it to your attention when I say that I gave it to Dakota Valley because they do have more --
MR. PELHAM: Just put it this way. I wouldn't feel comfortable from a legal perspective in saying, well, there's these two other communities that are served by Otter Tail. It's outside of the Act and I think that would be problematic.
COMMISSIONER FEDORCHAK: Where did the two-mile radius come from and what's the justification for that

distance?
MR. LEIN: You know, there's not really a good -- it was kind of arbitrary.
COMMISSIONER FEDORCHAK: By who? By us or by the court?
MR. LEIN: Well, I think that it was us, but the court affirmed it or somehow. The court ended up spitting out these factors, but they kind of took them from us, I think, when they -- when they put them out. So there used to be one in a two-mile and a four-mile or similar, three-mile radius or something like that, the way the thing used to read, and over the years it's turned into a two-mile radius. And I don't know that it's -- that the two miles has a good reason other than it just represents what's right around the load. In this case, it's a rural area.
What are the difference with any -- between the suppliers with reliability? And we talked about that earlier. There is a bunch of discussion on SAIDI and CAIDI and things like that in the record. I didn't put a lot into those and put more into just the physics of the proposed services. I think that both suppliers will serve the load reliably, but the service proposed by Otter Tail is likely more reliable.
COMMISSIONER KROSHUS: Would you characterize

both as highly reliable, though?
MR. LEIN: Sure.
COMMISSIONER KROSHUS: Okay. So we're splitting hairs at the top?
MR. LEIN: With the CAIDI and SAIFI, yeah. Maybe we're splitting hairs on both of them, but I'd have to give the reliability, in my mind, to the Otter Tail proposal. It's just better to have those motors on their own circuit.
COMMISSIONER FEDORCHAK: I did on my chart, too, but I have a question about how -- how we're supposed to be viewing this factor. Because if you weigh it a lot, it really just kind of reemphasizes customer preference, I think, because you're really focusing on the reliability for the one customer.
MR. LEIN: I think that you can do that with all of these factors.
COMMISSIONER KROSHUS: Zach, could I, or either of you, ask a question in terms of these ten factors? Is it fair to say that they're not all equally weighted at ten percent, compromise a hundred percent of --
MR. PELHAM: They're not equally weighted, no.
COMMISSIONER KROSHUS: And is it subject to how you weight them on an individual basis, interpret them?
MR. PELHAM: The customer preference one is

probably, in some respects, you know, the least weighted. It's a factor, the court has said, but it's -- it can't be the factor. I don't think any one of these can necessarily be the factor. I think there has to be analysis given by you and the Commission -- or by the Commission, rather, in the findings of facts.
And that's why this situation is a little bit different, you know, as far as from my perspective and advising you from a legal perspective. You have the facts, and you as the fact finders are entitled to, in fact called upon, to reach a decision based on the facts.
But as specific as your question, Commissioner Kroshus, you know, there is not an even -- necessarily an even weight given to all of these factors. And as been pointed out already in our discussion today is many of these factors are -- there's not a favoring of one or the other, there's an equal weight, I suppose, given.
So there are few factors here that are going to be sort of the deciding factors, and then you in your own minds have to reach your own decision based upon how you weigh and how you value those factors that are not carrying equal weight as to Dakota Valley and Otter Tail.
But as to your question, Commissioner Fedorchak,

that you had asked right before, I mean, the -- you know, this number five factor that we were talking about with respect to reliability of service, and, you know, does it get into the customer preference?
And you know, in some respects, the customer preference, I don't want it to be confused in the sense that we heard testimony from the representative of the customer, Minn-Kota. Certainly their preference was very clear. And also, some of that testimony elicited some other areas that would, perhaps, could be argued as supporting Otter Tail's position, and one of those, as Mr. Lein has been talking about, the reliability facet as far as the motors.
And that's outside of my wheelhouse. I'm the legal guy and Jerry is going to take on more as to that, but if that is -- that is certainly reliability in the sense as to how those motors are going to be started up and run the facility.
But as far as reliability of actually providing the power to the location, I think that's -- and you correct me if I'm wrong, Jerry -- that's more on equal footing as far as the actual power being provided, other than the power from Otter Tail is coming directly from the 41.6kV line to the substation that's going to be built, which is going to be used at this point, as I

understand it from the testimony, only for this particular location.
COMMISSIONER FEDORCHAK: So basically, the way I have kind of read that and concluded myself, is there are differences but they both can serve them reliably, and so that is sort of the baseline. And if you get into degrees beyond what Brian was talking, say highly reliable, then it's really -- gets to be just a benefit to the one customer.
MR. LEIN: To some --
COMMISSIONER FEDORCHAK: Not a public convenience.
MR. LEIN: Yeah, to some extent, as long as the other customers on that circuit aren't affected by those motors.
COMMISSIONER FEDORCHAK: Okay.
MR. LEIN: So that goes to number --
COMMISSIONER FEDORCHAK: Have you seen that one in other cases play out, Jerry --
MR. LEIN: Yeah.
COMMISSIONER FEDORCHAK: -- the reliability?
MR. LEIN: The motor one has, I think, been a factor lots of times in these TIA cases. There's usually larger motors involved in these bigger loads, and so it affects the power factor of the load and it

can affect the voltage on the circuit.
COMMISSIONER FEDORCHAK: And so do you know, do you recall the Commission saying that, in the past, that it jeopardized the reliability to other people to the point that it impacted customer public convenience and necessity?
MR. LEIN: I don't think so.
COMMISSIONER FEDORCHAK: Okay.
MR. PELHAM: One thing, too, that concerns me a little bit here is, is we did hear some testimony as far as potential impact on customers if one source is used over the other. I'm not sure, and Jerry, maybe this is something you can weigh in on, as to whether or not you believe there's sufficient fact evidence in there to make a determination as far as whether or not there would be reliability issues potentially to other customers, say, if Dakota Valley's power source was -- distribution source was used over Otter Tail's.
I mean, the one thing from our perspective, "our" being the Commission's perspective, we just -- whatever we decide, whatever you decide, Commissioners, it needs to be supported in the record, and so I want to make sure that you believe that's clear.
MR. LEIN: I don't think we have anything in the record that brings up the issue of whether other

customers would be affected on these members.
COMMISSIONER FEDORCHAK: Okay. Yeah, I don't recall it from the hearing.
MR. LEIN: So --
CHAIRMAN CHRISTMANN: Well, that is sort of the point of the slow start motors, right?
MR. LEIN: Yes, is to -- just to protect the rest of the circuit.
MR. PELHAM: Just from a logic standpoint, it wouldn't seem that either company would put in -- you know, put in place a plan that would cause there to be brownouts and would -- you know, each would -- both have equal interests in ensuring that the capability and the integrity of their system is upheld.
MR. LEIN: I would -- that's why, as I said, I would expect that the co-op would require them if they're needed. They might -- if they waiver them out, it would be on a condition that they're not needed when they -- once they get going, if people start having issues with them, I think that they'd have to add them.
So I think this -- we're way up to six.
UNIDENTIFIED SPEAKER: Uh-huh.
MR. LEIN: Okay. Which of the available suppliers will be able to serve the location in question more economically and still earn an adequate return on

its investment?
I've been seeing that as kind of a two-prong thing. They extend the service for an initial cost and then they provide service. The wording here is provide service, and so I think that includes the extension and the cost afterwards, the ongoing cost of serving the load, which is their cost of energy and capacity and everything else.
So the co-op can extend service cheaper, quite a bit cheaper, because it doesn't need that substation and transformer.
Ongoing-wise, the cost to the customer are less for Otter Tail. And the co-op, I think, gets their power from Central Power Electric, and there's a pretty hefty demand charge coming from Central Power that the co-op needs to consider in its cost of ongoing service.
In my mind, the ongoing costs would go in Otter Tail's favor. And so if I was looking at the order, I would split it up and say the cost to extend service are the co-op and the ongoing costs of providing service would be cheaper with Otter Tail.
COMMISSIONER FEDORCHAK: Jerry, did Otter Tail's rates include riders or was it just their rate?
MR. LEIN: They had an exhibit and it had with and without the riders.

COMMISSIONER FEDORCHAK: Okay. Can you help walk through that? Do you have it with you? Or I could even do that with you separately if we don't want to take the time during this work session, but...
CHAIRMAN CHRISTMANN: I think it's fine to go ahead if Jerry's prepared.
MR. LEIN: Okay.
COMMISSIONER FEDORCHAK: Is it one of the late-filed exhibits?
MR. LEIN: It is Exhibit 9. And they try to do a cost comparison between the two providers, and they used their own rate, which they say Rate 401 for secondary service, and then they had Dakota Valley's rate which they gave us in an exhibit too. I can't remember which exhibit it was, but...
The comparison on 9 was done for two different load factors. And the reason the load factor got to be such an issue in this case is because Otter Tail has a way lower demand rate, 52 cents, they call it a facilities charge, 52 cents per Kw. The co-op has a $12 per Kw demand charge.
And if you remember, this was a big load. I'd say 1.5 megawatts maybe. They didn't know exactly what it was, but this one was done for 1.1 megawatts and 1.5 megawatts.

COMMISSIONER FEDORCHAK: Was this, hold on one second, the hearing Exhibit 9?
MR. LEIN: Yeah.
COMMISSIONER FEDORCHAK: Okay. Not a late filed?
MR. LEIN: No.
COMMISSIONER FEDORCHAK: Okay, I'm with you.
MR. LEIN: So --
COMMISSIONER FEDORCHAK: Rider costs, oh, there it is. Okay, very good.
MR. LEIN: Yeah. And that is -- they did that for the 33 percent load factor.
COMMISSIONER FEDORCHAK: And do we know what those -- because those costs change a lot, they fluctuate up and down. Do we know where --
MR. LEIN: The rider costs?
COMMISSIONER FEDORCHAK: Yeah.
MR. LEIN: No. They -- I believe they just used the riders that were in effect.
COMMISSIONER FEDORCHAK: As they are today?
MR. LEIN: Yeah. Or if they've changed -- didn't we just approve some? So it might have been the riders before that. I'm not sure which ones they used, but...
COMMISSIONER FEDORCHAK: Okay.

MR. LEIN: But it gives you an idea.
COMMISSIONER FEDORCHAK: Yeah.
MR. LEIN: And so the 33 percent load factor, the overall bill is going to be less in favor for Otter Tail than at the 23 percent load factor because --
CHAIRMAN CHRISTMANN: Say that whole sentence again.
MR. LEIN: Okay. The bills are cheaper for Otter Tail's service. They are more cheaper for Otter Tail's service if the load factor is lower.
COMMISSIONER FEDORCHAK: So on that chart over on the right, annual difference --
MR. LEIN: We're looking at --
COMMISSIONER FEDORCHAK: On the right, bottom right part of Exhibit 9.
MR. LEIN: We're looking at the 23 percent load factor on what page? Which says -- that's page 2.
COMMISSIONER FEDORCHAK: I think it says on the bottom annual load factor at 33 percent.
MR. LEIN: So this is with the 33 percent load factor. There was a difference -- you know, you kind of have to --
COMMISSIONER FEDORCHAK: Well, then they didn't -- okay, then they -- well, you have to look at the discounted rates, so that's --

MR. LEIN: Yeah. I think -- you got a number there, $76,000 difference?
COMMISSIONER FEDORCHAK: Well, that's on -- what about the next page, though? Yeah. Because that can -- includes the discounted rate.
MR. LEIN: You know, you can't absolutely compare these because they subtracted out the power factor. The co-op said that they would waive the power factor charges.
COMMISSIONER FEDORCHAK: Uh-huh.
MR. LEIN: And so on the page that has the 23 percent load factor, the power factor charges are waived out of there, and they come to $30,000 a year.
COMMISSIONER FEDORCHAK: They're still in it on this calculation, right?
MR. LEIN: Yeah. But I think the thing that you could come away with is the overall bill differences ranges between 66 and 108,000, somewhere, depending on what they come up with.
COMMISSIONER FEDORCHAK: Sure. And so the riders are included, that's helpful to know, but the -- are the capital credits calculated in any way? Because that almost seems impossible to figure --
MR. LEIN: I do believe they are.
COMMISSIONER FEDORCHAK: Yeah. What has the

Commission done in the past with those?
MR. LEIN: I don't think we --
COMMISSIONER FEDORCHAK: I mean, it's just such a different way of developing and designing rates. It almost makes it impossible to compare them.
MR. LEIN: I don't think we have ever tried to figure capital credits on a cost difference and --
COMMISSIONER FEDORCHAK: Is it --
MR. PELHAM: The difficulty --
COMMISSIONER FEDORCHAK: It isn't legitimate then? Are we saying those don't matter?
MR. PELHAM: The difficulty in it is, is it does -- if they are -- if they would be factored in, it would require the Commission to be speculating as to what they would be and to speculate what, while it's, perhaps, on some level likely that at some point in time they're going to get those, it's a period of time in which -- we haven't been presented with, to my knowledge, of any proposed calculation as to how they would be calculated to backed by some type of person who has the expertise to say this is what they are, the present value of those capital credits would be.
So my concern from a legal perspective --
COMMISSIONER FEDORCHAK: They provided a lot of testimony on that during the hearing, on the capital

credit, didn't they, estimation?
MR. LEIN: They --
MR. PELHAM: That they're going to get it.
MR. LEIN: They provided that they'd get them but they never said any idea of how much they would be or how they'd be -- and, you know, I think that the board --
COMMISSIONER KROSHUS: I think they did.
COMMISSIONER FEDORCHAK: I thought they did.
MR. LEIN: -- kind of decides how to cut those lose.
COMMISSIONER KROSHUS: I think I'd have to go back into my notes. I know I -- there were questions, I think, we all asked them, I know I asked questions related to that and -- but to the earlier point, I also realize that these are not a guarantee.
MR. LEIN: And there might have been a couple and if I'm remembering --
COMMISSIONER KROSHUS: Traditionally, they're paid out but --
MR. LEIN: If I'm remembering the record, I think there might have been a couple of years when they gave for examples as to what the credits that they issued those years were, like in a percentage basis or something like that, but --

MR. PELHAM: If you're using the capital credits, they're not going to -- the customer would not get those for what, is it ten years, roughly? Right? Ten years --
MR. LEIN: Or 15 or 20.
MR. PELHAM: Or 15 or 20. So the -- my concern is, is how do you calculate what that is? Because I think it has to be calculated now as to what that would bring down the co-op's proposal as far as costs go.
And while we may have received testimony as far as capital credits into the future, one, it's speculative as to what they will exactly be; two, they have to be brought down to what the present value of those are today so they can be used to compare with the numbers that have been presented by Otter Tail.
That's -- and I'm not saying that can't be done, I'm not saying that at all. I'm just saying that here, I'm not sure that it has been done and whether or not we have a record as to what it possibly would be or the testimony that would allow us to make a reasonable -- reasonably rely on what it is being done for purposes of making a -- what is going to be a legal decision.
COMMISSIONER KROSHUS: Right, right, that was --
COMMISSIONER FEDORCHAK: Well, they did include it in their brief, and I don't know if it was provided

-- I thought they talked about it on the record, too.
COMMISSIONER KROSHUS: It was a late-filed exhibit in terms of the history of capital credits.
MR. PELHAM: Yeah, okay. Now that's coming back to me.
COMMISSIONER FEDORCHAK: This year capital credits --
COMMISSIONER KROSHUS: Looking at it right now.
COMMISSIONER FEDORCHAK: Yeah.
MR. PELHAM: I'm certainly not discounting the fact that capital credits exist and have been paid. The difficulty I see is how do you compare that to what has been presented on the record as we have it now.
COMMISSIONER KROSHUS: Right.
CHAIRMAN CHRISTMANN: I tend to agree with you, Zach, that it's pretty speculative, and at the same time, any time when we're calculating in the costs for either of these competitors to provide service, their rates are all going to change too.
MR. PELHAM: Right.
CHAIRMAN CHRISTMANN: And so we kind of sit here in this vacuum. Otter Tail has already filed for a rate increase, and I doubt that Dakota Valley's are going to remain stable forever. And so really, all of this having to do with prices --

MR. LEIN: Those are -- those are good points.
CHAIRMAN CHRISTMANN: -- almost as speculative as --
MR. PELHAM: It is. And, you know, we're presented -- we're the fact finders, we're not the fact providers. The Commission has been provided with testimony, has been provided with exhibits by both companies, and based on that, you have a duty, a responsibility, to make a decision based on that.
And the difficulty that I see in including an analysis of capital credits, and I'm not going to repeat myself, those are my concerns. Like I said, I'm not saying it couldn't be done, but I'm not sure that in this case we've received that information where you can rely on it to compare it to the numbers presented.
MR. LEIN: And if I could add one more thing to this. On this Exhibit 9 there, the top part of the page, those are the numbers. The bottom part of the page, they've assumed some usage in order to come up with what the bill might be.
So we don't -- everything is speculation for me. And the bottom part of this exhibit, the rates are what's the only thing that we have. We don't know really what the load factor is going to be. We've got one party saying they think it's more in the

neighborhood of 30 and another one thinking more in the neighborhood of 23 percent.

Higher load factor means you use more energy, so that means that the energy rates are -- which are lower for the Dakota Valley, are more of a factor.

COMMISSIONER FEDORCHAK: So are capital credits just a bonus or are they a significant part of rate making for the co-ops?

MR. LEIN: You know, I think of them as kind of a -- almost a bonus. We didn't use -- we have some money here that we were able to save and we didn't use it, and so we -- it stayed in our accounts this time, and it appears we're not going to need it and so we're giving it back.

COMMISSIONER FEDORCHAK: That's kind of how I viewed it until I read their brief, Jerry, and then they used some numbers, saying that based upon projected first year revenue for Minn-Kota of 275,000 and using the actual allocation for 2016, Minn-Kota's potential for capital credits in year one would be approximately $42,400.

It's a lot. I mean, that closes the gap significantly.

COMMISSIONER KROSHUS: And it is supported by the capital credit allocation that their existing

location in Wahpeton is getting, which was, in 2016, revenue of 141, the allocation was 21,749.

I think for me the -- I don't even want to say it's a difficulty, it's just the realization that the co-ops have a different rate-making mechanism. While fundamentally the same, there are nuances. We don't see that. But I would have a hard time believing any cooperative out there is not factoring in the potential to pay out credits and keeping those on the books, obviously, when there's a surplus and even projecting them out when they're planning, doing their strategic planning. I think it would be impossible to not have that factored in.

MR. LEIN: If you'd like, we can look a little bit more at the capital credit stuff. I'm thinking that the real problem here, the difference is the $12 demand charge --

COMMISSIONER FEDORCHAK: Uh-huh, right.

MR. LEIN: It's making the big difference, I think, in the bills, but -- that's why so much time in the hearing was spent on the load factor. The higher the load factor is, the less that $12 demand charge hurts them. But even if we --

COMMISSIONER FEDORCHAK: Why is that, Jerry?

MR. LEIN: -- figure the capital credits in, I

wouldn't -- in writing the order, I don't think I'd try to quantify the difference in the rates as much as I would just point them out. I guess I don't know till I get in the order and see where it goes when I'm writing it but --

COMMISSIONER FEDORCHAK: Can you explain that load factor a little bit, why a higher load factor lessens the impact of that demand charge?

MR. LEIN: So you remember the energy was demand times the time that you draw it, multiply it by the time that you draw it.

COMMISSIONER FEDORCHAK: Uh-huh.

MR. LEIN: So 100 percent load factor would mean that they were drawing their peak load all the time. And so if you were to try to figure out their energy usage then, you'd take their peak load times the number of hours in a year and that would be the number of kilowatt hours that you'd get.

If you had a 23 percent load factor, like in here, they're assuming that the thing operates 23 percent of the time. And so you would take your load, the 1. -- in this case, it says 1.5 they used, which makes it further harder to compare these two pages, but they use 1.5 -- or 1,540 kilowatt hours -- kilowatts times .23 times, what is it, 8,470 hours in a

year, I think, something like that?

UNIDENTIFIED SPEAKER: 760.

MR. LEIN: 760?

To come up with the number of kilowatt hours used, which is their last entry on the page there. So if you look at the number of kilowatt hours used, you can go up and look at their rate per kilowatt hour and calculate their rate.

So in this case, you'd take their peak demand rate times 52 cents per Kw. That would be their demand charges. And then take it times .23 times the number of hours in a year times the rate per kilowatt hour and that would be their energy charges.

So because the energy charges are less for the co-op, if you have a higher load factor, you use more energy.

COMMISSIONER FEDORCHAK: I see, yep.

MR. LEIN: Yeah. But the whole point being, though, is you don't really know what they're going to do. They're just trying to -- this is what it looks like to us that they're going to do.

The bottom line is that it's more -- the bill is more for the co-op service. And then there's a range of what they kind of came up with depending on their assumptions.

And the co-op makes a point that the capital credits are -- are not in that range. I don't know if it's really fair or not to take them into consideration, but it's tough to do so.

CHAIRMAN CHRISTMANN: However, when you think of public interest, that fee structure that provides for a higher bill from the co-op brings that money back into the co-op --

MR. LEIN: Yep.

CHAIRMAN CHRISTMANN: -- and presumably, benefits all the other members too.

MR. LEIN: Yep.

CHAIRMAN CHRISTMANN: Public interest, there's --

MR. LEIN: Yep.

CHAIRMAN CHRISTMANN: -- potential public benefit there.

MR. LEIN: Yes.

MR. PELHAM: I think Jerry and I should take a closer look at the capital credit aspect of it and -- because it is -- it's hard to quantify and compare, but I don't necessarily think it should necessarily be ignored either.

MR. LEIN: Yeah.

COMMISSIONER FEDORCHAK: Well, if it's a key

piece of their rate making, just because it's not how we traditionally understand rate making, we don't have a reference point, we can't ignore it. That's not --

MR. PELHAM: Because if we did ignore it and, you know, it -- I think we have a responsibility to consider all aspects of it and make a decision based on that after having considered it. And if we don't do that, then that's a problem potentially.

CHAIRMAN CHRISTMANN: So Zach, did you come back to --

MR. PELHAM: I didn't come back. I said I just want to look at it.

CHAIRMAN CHRISTMANN: Did you switch back to the subject of capital credits? Because my last point there --

MR. PELHAM: Oh.

CHAIRMAN CHRISTMANN: -- before you said that wasn't about the capital credits.

MR. PELHAM: I'm sorry, I did. I wasn't following you.

COMMISSIONER FEDORCHAK: He was still thinking about it.

CHAIRMAN CHRISTMANN: Okay. I just wanted to be clear about it. I wasn't talking about capital credits.

MR. PELHAM: Okay, I'm sorry.

CHAIRMAN CHRISTMANN: The revenues coming into the co-op --

MR. PELHAM: Oh, okay.

CHAIRMAN CHRISTMANN: -- because of this bill structure --

MR. PELHAM: Sure.

CHAIRMAN CHRISTMANN: -- which appears to provide for higher bills for this customer --

MR. PELHAM: I'm a step slow today.

CHAIRMAN CHRISTMANN: -- potentially offset costs for all other members.

MR. LEIN: And another thought that I brought up earlier when we were discussing this is that the cost, the marginal cost, the incremental cost for the co-op to serve this thing include paying a big demand charge to Central Power, so those are costs of them providing service. But maybe if we --

COMMISSIONER FEDORCHAK: So where did you fall on the economic and return on investment?

MR. LEIN: I would have kind of split it. I would have said that overall the cost of providing service, Otter Tail's favored on that one, but (indiscernible) the cost of extending the service itself is to the cooperative.

COMMISSIONER FEDORCHAK: Uh-huh. Serve more

economically and still earn an adequate return on its investment.

So you could look at it, just the cost to serve and return on investment, or are we obligated to look at rates? I thought there's been case history here where the rates, because they change, aren't a factor or shouldn't be used as a factor in this.

MR. LEIN: We say that the cost of providing service are reflected in the rates charged. They're supposed to be cost-based rates, and so I think that's kind of really been the crux of looking at the bill under this --

COMMISSIONER FEDORCHAK: So it's all of it? Uh-huh. Well, on that then, you have to consider capital credits to get the full picture of the rates.

MR. LEIN: If we're going to write that up in the order --

COMMISSIONER FEDORCHAK: Right.

MR. LEIN: -- that way, yeah, I think. But I don't know that we can give a number on capital credits. We can --

COMMISSIONER FEDORCHAK: Yeah, it will be tough.

MR. LEIN: Yeah. When they said their -- based on first year revenue, their credits would be, like, $40,000, well, they're going to keep that for 15 years

before they give it back to them, I think, from what I --
COMMISSIONER FEDORCHAK: Yeah, I don't quite -- I don't know when they start paying those out.
MR. LEIN: Well, it's hard to figure out --
MR. PELHAM: And what's the interest rate that you apply to reducing it to the present value?
COMMISSIONER KROSHUS: Time value of money.
MR. PELHAM: Right.
MR. LEIN: And all of that. I guess --
CHAIRMAN CHRISTMANN: Because we don't know when they're going to be paid out, that's --
MR. LEIN: No.
MR. PELHAM: Don't know when they're going to be paid out. We don't know what the factor is. There hasn't been any testimony --
COMMISSIONER KROSHUS: Why would that be -- sorry.
MR. LEIN: And you don't know if they'll be paid. If the co-op has some tough times --
MR. PELHAM: Present value, you're saying, Commissioner?
COMMISSIONER KROSHUS: My question was, why would that be written into the order?
MR. LEIN: I don't -- I had not intended to.

We're just talking about it at this point.
COMMISSIONER KROSHUS: Oh, I'm sorry, I thought you said you would write it into the order.
MR. LEIN: I think we have to say something about them, but I don't know if we try to quantify them. I don't really see how we can.
COMMISSIONER KROSHUS: I think we could make a generalized statement.
MR. LEIN: Yeah.
COMMISSIONER KROSHUS: They appear to be highly reliable in terms of history, not just for this cooperative but for others. I mean, in some ways, it's just -- it's almost apples and oranges because we don't see how they put their rate schedules together.
MR. LEIN: So you could think a co-op giving back credits every year, if they give them back every year, but -- and you could say on average then it appears that, now anyway, they're running so much a year or something.
COMMISSIONER KROSHUS: So here's a question. When an investor-owned has a true-up, referring just --
MR. LEIN: Yep.
COMMISSIONER KROSHUS: -- as an example at the end of the year and then we take that historical trend, if you will, and it's applied, or we look at it in terms

of projected rates for a customer, do we back that out?
MR. LEIN: Well --
COMMISSIONER KROSHUS: If it has -- it results in a decrease and we don't give them the decrease because we don't know that that's a reliable trend going forward. It's looking back at history versus looking toward the future, but -- I just think there are a lot of ways to get to these numbers at the end of the day.
MR. LEIN: You're right. And there is -- it's kind of like a snapshot here because these riders all change and there is a balancing account, like you said, with a true-up in them that goes up and down. And the numbers are an approximation at this point, and the approximation really depends on how much energy they're going to be using, which we don't know, so...
COMMISSIONER FEDORCHAK: But you could do a range, you know, because we have quite a lot of specifics in terms of what the rates would be based on 23 or 33 percent load and then say testimony was provided that suggests capital credits in the range of whatever is justified here in the record, whatever is provided could impact Dakota Valley's rates by that amount.
MR. LEIN: Yes, let's look and see if we can come up with something on the capital credits. We'll go

back into the record and see what we can do.
Okay. So the next one -- are we ready for the next issue?
The next issue, which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?
You can see I gave that to Dakota Valley because it's their area really. They've got a distribution system in place, and adding to that extends their three phase service another -- more into that area where the load is. And Otter Tail's not really developed in the area. That was my way of thinking for it.
COMMISSIONER FEDORCHAK: So you're saying it's a natural extension of their infrastructure?
MR. LEIN: Yeah.
CHAIRMAN CHRISTMANN: Not sure it's a real important factor because there was no evidence of future economic development plans for anything in the area.
MR. LEIN: That's true.
CHAIRMAN CHRISTMANN: But I mean it is here, and I suppose when something big like this develops, sometimes something else does happen beside it so --
MR. LEIN: Yeah.
CHAIRMAN CHRISTMANN: -- I suppose it is a possibility even though we don't have evidence of that.

MR. PELHAM: But if that were to happen, then possibly the Otter Tail substation could be utilized for that purpose too then.
MR. LEIN: That's true as well. All of sudden you got a new substation in there.
MR. PELHAM: That's where I think we'd be speculating a lot, because there's no evidence that has been presented that indicates that there's likelihood of future development. Could it happen? Absolutely, but...
COMMISSIONER FEDORCHAK: It seems to be at the crux of public convenience and necessity to me, that -- I mean, orderly and economic development of electric service in a general area. I mean, I know that's where I --
MR. LEIN: It was a central issue in the Menards case, I thought.
COMMISSIONER FEDORCHAK: And I mean, because public convenience and necessity is the umbrella with which we're to view this stuff. And so orderly and economic development of electric service in the area is, I think, our principal charge in even looking at this stuff.
MR. LEIN: Yep.
CHAIRMAN CHRISTMANN: And I don't know what kind

of ag producers are along the way, but certainly some amount of ag producers are always clamoring if only they had three phase service, and so this will get it closer to some of them. Now, whether there are particular producers who are clamoring for it, we don't know, but there is that.
MR. LEIN: Yeah. And you know, you could have given it -- you could give this to Otter Tail as well. I mean, I gave it to Dakota Valley in my mind just because it's their area.
COMMISSIONER FEDORCHAK: Does Otter Tail have a distribution service in this area?
MR. LEIN: No. They would have after this is --
COMMISSIONER FEDORCHAK: After this.
MR. LEIN: Yeah.
COMMISSIONER FEDORCHAK: But there is an existing distribution service in this area?
MR. LEIN: Yeah. And so like I said, you could give this to Otter Tail as well. You could say that having their service in the area is good for the economic development in the area.
COMMISSIONER FEDORCHAK: Uh-huh.
MR. LEIN: Of the service, of the electric service in the area.
MR. PELHAM: But you're also going to be able to

say the same for Dakota Valley, I think.
MR. LEIN: Yeah.
MR. PELHAM: So I don't know -- I think this factor has to be looked at as far as the present time not necessarily in the future.
COMMISSIONER FEDORCHAK: Well, in combination with number eight.
MR. LEIN: It is the key, I think --
COMMISSIONER FEDORCHAK: And I think those two go together.
MR. LEIN: Would approval of the application result in wasteful duplication of investment or service? Number eight.
And, you know, if I'm remembering right, I think there's a purpose in the TIA that was stated by the legislature, and that was to avoid wasteful duplication of capital intensive electric facilities. And so I think that that is the whole purpose of this. And customer preference is the lesser.
And then I zero in on the word "wasteful". In my interpretation of this, "wasteful" is a key word, because I think there's always to be duplication of things.
COMMISSIONER FEDORCHAK: Uh-huh. Well, and to that point, Jerry, maybe that's how it points --

connects to the orderly and economic development of service, because it -- if you're duplicating service, would you be doing it to serve some customers in that area that you already have or are you -- is somebody else already doing that? And so it would be wasteful.
MR. LEIN: It leaves you with almost some discretion, looking at these factors, in my mind, to sum up what we've got and then, in this case, decide if the duplication is wasteful from the public perspective.
And so we'll skip to nine?
(Laughter)
MR. PELHAM: Yeah, eight is really the -- I agree with Jerry, is the crux of -- not necessarily the crux, but one of the cruxes here.
Because we've had evidence that's been presented really from both sides and both sides argue it, so I would -- but Jerry's right, I mean, there's discretion here. And how you view it, it is going to be your decision.
And, you know, the opinion can be crafted in the manners you decide and we -- Jerry and I discussed this, and it's not Jerry's decision, it's not my decision, it's your decision as far as this particular factor. We can help you out in answering our view on what it means, but I'm not comfortable with making any type of

recommendation, that's not my role, my role is to provide legal counsel, and certainly can help you through that process, but ultimately, it's a decision that you get to make.

COMMISSIONER FEDORCHAK: Well, do you guys have more consideration to that point? Are you on the fence?

CHAIRMAN CHRISTMANN: Yeah. And, you know, at least on some -- some of these, I think a person weighs in and looks at this factor and is it a plus or minus. Some of them, I find myself struggling to judge them alone.

Reliability and affordability are factors in whether something is wasteful or not, especially reliability mentioned here in a different number specifically. Well, if we were to grant the certificate to someone and didn't take reliability into consideration, I think you could reach a different conclusion on a case than if you do take reliability into consideration.

If you're going to just have a gold standard of extremes, then I guess nothing is wasteful, everybody should have their own individualized system where nothing can be impacted by anything else. But that's not the way -- that's not the kind of system that we have. There is some level of risk and such.

And so we need to calculate in these various factors, the reliability and whether there's enough revenue and such along with -- well, each of the various ones in figuring out whether something is wasteful or not.

COMMISSIONER FEDORCHAK: I wonder if we were -- if you could have the extremes, then there would be no need for us to make these kind of decisions because the companies could just decide for themselves what they wanted to pay and go ahead, right?

MR. PELHAM: Here we have two companies that want to provide the power. They both are actively seeking to provide it here.

So I mean -- one factor, too, off of what Commissioner Christmann, you just said, I don't think it's lost and I think it's been brought up several times already today, is the public convenience and necessity. So I mean the public, you know, wasteful duplication, investment or service, public, not necessarily for the individual customer, the cost related for the public, not necessarily for the individual customer.

So that point can't be lost, and I'm not saying that you're losing it.

COMMISSIONER KROSHUS: And the public would be within that distribution area and it would be separated

out by rural versus city, which -- so which public are we talking? The public that the co-op serves or the public that Otter Tail serves?

MR. PELHAM: Now we're really defining the issue, aren't we? It's a good point, though, Commissioner.

COMMISSIONER KROSHUS: But it is -- you know, when I go through these things, which public are we talking about? Because they don't all get the same electric bill.

MR. PELHAM: Uh-huh.

COMMISSIONER KROSHUS: And the larger loads customers benefit all customers for that company. So it's in their public's best interest, if you will, to get the load, and both will, obviously and understandably, argue the same way.

COMMISSIONER FEDORCHAK: On a similar case --

COMMISSIONER KROSHUS: Because they don't all benefit equally, at least from a utility rate standpoint. Then you get into the other parts of the equation. But since both can provide service and it's going to be built, I don't -- I don't think we jump into that.

COMMISSIONER FEDORCHAK: But I think for the public issue, it's not just the public in this case.

That's why we have to look at stuff like wasteful duplication and orderly and economic development.

Because over time, there's a broader public interest of applying these factors on these decisions so that there isn't a whole bunch of duplication occurring all over, because that would then erode the benefit to all the publics, not just the public in this case, because people would start paying more for wasteful duplication.

COMMISSIONER KROSHUS: They would --

CHAIRMAN CHRISTMANN: I agree with that and you're right. And I think the answer to the question is yes, Dakota Valley has their public and Otter Tail has their public, but this case, these types of cases come to us to serve our public, which is everybody in the state.

COMMISSIONER FEDORCHAK: Uh-huh.

MR. PELHAM: Yeah, I think that's the public we're looking at.

CHAIRMAN CHRISTMANN: Most of the people in the state probably aren't going to be impacted by this in any way other than precedent of future cases.

MR. PELHAM: Sure.

CHAIRMAN CHRISTMANN: But here, it's that southeast region probably -- well, everybody that would

be impacted by Otter Tail or Dakota Valley, I think, is --

COMMISSIONER KROSHUS: But you can't compare the two because one has a much bigger footprint in a multi-state area than the other.

CHAIRMAN CHRISTMANN: Right, their impact to the public is overall not by how many customers benefit or how many future customer benefits.

COMMISSIONER KROSHUS: So I think it does have to be more definitive in my opinion. I just see it a little differently because we aren't talking about the same types of organizations. They're different, there are differences, and they're distinct differences.

MR. PELHAM: But I think to Commissioner Christmann's point, the public is the public as a whole. You as Public Service Commissioners have a duty and responsibility to the public to determine for the public as a whole, not necessarily parsing out Dakota Valley customers as one public and Otter Tail Power customers as one public. It's the public.

And I mean, so how is this case going to be applied in future cases? How have we applied it? You know, each case has its different circumstances. There are different circumstances, so the factors weigh differently in each situation.

So I don't know that necessarily splitting out the public of one power provider as to the public of the other power provider is necessarily the proper analysis here. I think it has to be viewed from a public policy as a whole state analysis.

COMMISSIONER KROSHUS: State of North Dakota or --

MR. PELHAM: State of North Dakota, yeah.

COMMISSIONER KROSHUS: So then how do you factor out the Minnesota customers that Otter Tail serves?

MR. PELHAM: That's a very good question. I don't know. I don't know how you factor that out, but I mean, here we are, you're elected officials of North Dakota citizens.

COMMISSIONER KROSHUS: I think there are 101 different ways that you can approach and look at this. I just go down the list of ten factors, and one of the things that keeps going through my mind, over what time period? Is it based on -- so we're taking past history to some extent, we're applying it to present day, and we're trying to project out into the future.

And I think you could ask a hundred different people and they'd each have a slightly different way of looking at it or maybe a more than slightly different way, a significantly differently way of looking at it.

CHAIRMAN CHRISTMANN: Jerry, you kind of know what you need to research?

MR. LEIN: I do.

CHAIRMAN CHRISTMANN: What you've heard as variables or questions here?

MR. LEIN: I think the main thing we got was the capital credits, want to know a little bit more about that and what -- how that might affect the billing.

CHAIRMAN CHRISTMANN: I want you to listen to that tape and find out if that was a commitment to waive the requirement up to 50 horsepower on those soft start motors.

In my notes, and maybe I made a mistake, I was taking notes and trying to listen to a lot of things and learn a lot of things, I took it as that was an offer. And so I think that's an important factor because it's going to make a substantial difference to that customer.

MR. LEIN: Okay.

CHAIRMAN CHRISTMANN: Anything else?

COMMISSIONER FEDORCHAK: Nothing for me.

COMMISSIONER KROSHUS: No, I am good.

CHAIRMAN CHRISTMANN: Okay. It is 3:42 and we're wrapped up. Thanks, everybody.

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$

$12 [3] - 20:20, 30:16, 30:22
$30,000 [1] - 23:13
$40,000 [1] - 36:25
$42,400 [1] - 29:21
$76,000 [1] - 23:2

1

1 [1] - 31:22
1,540 [1] - 31:24
1.1 [1] - 20:24
1.5 [4] - 20:23, 20:25, 31:22, 31:24
100 [2] - 5:8, 31:13
100-horsepower [1] - 4:10
101 [1] - 50:15
108,000 [1] - 23:18
141 [1] - 30:2
15 [3] - 26:5, 26:6, 36:25

2

2 [1] - 22:17
20 [2] - 26:5, 26:6
2016 [2] - 29:19, 30:1
2017 [1] - 2:7
20th [1] - 2:7
21,749 [1] - 30:2
23 [9] - 22:5, 22:16, 23:12, 29:2, 31:19, 31:21, 31:25, 32:11, 39:19
275,000 [1] - 29:18
2:31 [1] - 2:7

3

30 [2] - 5:8, 29:1
33 [5] - 21:12, 22:3, 22:19, 22:20, 39:19
3:42 [1] - 51:22

4

401 [1] - 20:12
41.6 [1] - 7:2
41.6kV [2] - 6:18, 15:24

5

50 [2] - 5:8, 51:11
52 [3] - 20:19, 20:20, 32:10

6

66 [1] - 23:18

7

760 [2] - 32:2, 32:3

8

8,470 [1] - 31:25

9

9 [5] - 20:10, 20:16, 21:2, 22:15, 28:17

A

able [4] - 5:16, 18:24, 29:11, 42:25
absolutely [2] - 23:6, 41:9
account [1] - 39:11
accounts [1] - 29:12
Act [2] - 11:14, 11:22
actively [1] - 46:12
actual [2] - 15:22, 29:19
add [2] - 18:20, 28:16
adding [1] - 40:9
addition [1] - 7:6
additional [1] - 8:4
adds [1] - 4:15
adequate [2] - 18:25, 36:1
advising [1] - 14:9
advisor [1] - 2:9
affect [2] - 17:1, 51:8
affected [3] - 6:17, 16:14, 18:1
affects [1] - 16:25
affirmed [1] - 12:7
affordability [1] - 45:12
afternoon [2] - 2:1, 9:22
afterwards [1] - 19:6
ag [2] - 42:1, 42:2
Ag [1] - 2:3
agree [4] - 8:15, 27:15, 44:13, 48:11
ahead [3] - 2:19, 20:6, 46:10
allocation [3] - 29:19, 29:25, 30:2
allow [1] - 26:20
almost [6] - 23:23, 24:5, 28:2, 29:10, 38:13, 44:6
alone [1] - 45:11
amount [2] - 39:23, 42:2
analysis [4] - 14:5, 28:11, 50:3, 50:5
annual [2] - 22:12, 22:19
answer [2] - 6:12, 48:12
answering [1] - 44:24
anticipating [1] - 8:4
anyway [1] - 38:18
appear [1] - 38:10
apples [1] - 38:13
application [1] - 43:11
applied [3] - 38:25, 49:22
apply [1] - 37:7
applying [2] - 48:4, 50:20
approach [1] - 50:16
approval [1] - 43:11
approve [1] - 21:22
approximation [2] - 39:13, 39:14
arbitrary [1] - 12:3
area [20] - 8:6, 11:3, 11:6, 12:16, 40:6, 40:8, 40:10, 40:12, 40:18, 41:14, 41:21, 42:10, 42:12, 42:17, 42:20, 42:21, 42:24, 44:4, 46:25, 49:5
areas [1] - 15:10
argue [2] - 44:16, 47:16
argued [1] - 15:10
aspect [2] - 6:5, 33:20
aspects [1] - 34:6
assumed [1] - 28:19
assuming [1] - 31:20
assumptions [1] - 32:25
attention [1] - 11:17
available [1] - 18:23
average [1] - 38:17
avoid [3] - 6:22, 6:24, 43:16

B

backed [1] - 24:20
balancing [1] - 39:11
barely [1] - 11:11
based [13] - 6:6, 6:7, 9:25, 14:11, 14:21, 28:8, 28:9, 29:17, 34:6, 36:10, 36:23, 39:18, 50:19
baseline [1] - 16:6
basing [1] - 5:14
basis [2] - 13:24, 25:24
behind [1] - 6:22
benefit [6] - 16:8, 33:17, 47:13, 47:19, 48:6, 49:7
benefits [2] - 33:11, 49:8
beside [1] - 40:22
best [2] - 40:5, 47:14
better [3] - 3:8, 3:12, 13:8
between [3] - 12:17, 20:11, 23:18
beyond [1] - 16:7
big [8] - 3:14, 4:25, 5:1, 5:12, 20:22, 30:19, 35:15, 40:21
bigger [4] - 4:9, 4:11, 16:24, 49:4
bill [8] - 22:4, 23:17, 28:20, 32:22, 33:7, 35:4, 36:11, 47:10
billing [1] - 51:8
bills [3] - 22:8, 30:20, 35:8
bit [7] - 8:15, 14:7, 17:10, 19:10, 30:15, 31:7, 51:7
blank [1] - 9:17
board [1] - 25:7
boils [1] - 3:5
bonus [2] - 29:7, 29:10
books [1] - 30:9
bottom [5] - 22:14, 22:19, 28:18, 28:22, 32:22
bought [2] - 4:6, 4:7
Brian [1] - 16:7
Brian's [2] - 2:14, 2:15
brief [3] - 6:3, 26:25, 29:16
bring [1] - 26:9
bringing [2] - 6:14, 11:16
brings [2] - 17:25, 33:7
broader [1] - 48:3
broke [1] - 8:18
brought [3] - 26:13, 35:12, 46:16
brown [1] - 3:23
brown-out [1] - 3:23
brownouts [1] - 18:12
build [1] - 3:6
built [3] - 7:4, 15:25, 47:22
bunch [2] - 12:19, 48:5
business [1] - 7:17
but.. [4] - 20:4, 20:15, 21:24, 41:10
buy [1] - 5:7

C

CAIDI [2] - 12:20, 13:5
calculate [3] - 26:7, 32:8, 46:1
calculated [3] - 23:22, 24:19, 26:8
calculating [1] - 27:17
calculation [2] - 23:15, 24:19
capability [1] - 18:13
capable [2] - 3:10, 7:5
capacity [1] - 19:7
capital [26] - 23:22, 24:7, 24:22, 24:25, 26:1, 26:11, 27:3, 27:6, 27:11, 28:11, 29:6, 29:20, 29:25, 30:15, 30:25, 33:1, 33:20, 34:14, 34:18, 34:24, 36:15, 36:20, 39:20, 39:25, 43:17, 51:7
carrying [1] - 14:23
Case [1] - 2:2
case [19] - 2:4, 2:9, 5:1, 8:14, 12:16, 20:18, 28:14, 31:22, 32:9, 36:5, 41:17, 44:8, 45:18, 47:17, 47:25, 48:7, 48:14, 49:21, 49:23
cases [7] - 6:24, 9:23, 16:19, 16:23, 48:14, 48:22, 49:22
central [1] - 41:16
Central [3] - 19:14, 19:15, 35:16
cents [3] - 20:19, 20:20, 32:10
certainly [6] - 6:7, 15:8, 15:16, 27:10, 42:1, 45:2
certificate [1] - 45:15
CHAIRMAN [46] - 2:1, 2:13, 2:15, 2:18, 4:24, 5:18, 9:11, 9:14, 9:22, 10:4, 10:7, 10:13, 10:17, 18:5, 20:5, 22:6, 27:15, 27:21, 28:2, 33:5, 33:10, 33:13, 33:16, 34:9, 34:13, 34:17, 34:23, 35:1, 35:4, 35:7, 35:10, 37:11, 40:16, 40:20, 40:24, 41:25, 45:7,

48:11, 48:20, 48:24, 49:6, 51:1, 51:4, 51:9, 51:19, 51:22
chairman [1] - 2:5
change [4] - 21:14, 27:19, 36:6, 39:11
changed [1] - 21:21
changes [1] - 5:13
characterize [1] - 12:25
charge [8] - 19:15, 20:20, 20:21, 30:17, 30:22, 31:8, 35:15, 41:22
charged [1] - 36:9
charges [5] - 23:9, 23:12, 32:11, 32:13, 32:14
chart [4] - 8:12, 10:2, 13:10, 22:11
chase [1] - 3:4
cheaper [6] - 7:18, 19:9, 19:10, 19:21, 22:8, 22:9
checked [1] - 8:13
chose [1] - 7:18
CHRISTMANN [46] - 2:1, 2:13, 2:15, 2:18, 4:24, 5:18, 9:11, 9:14, 9:22, 10:4, 10:7, 10:13, 10:17, 18:5, 20:5, 22:6, 27:15, 27:21, 28:2, 33:5, 33:10, 33:13, 33:16, 34:9, 34:13, 34:17, 34:23, 35:1, 35:4, 35:7, 35:10, 37:11, 40:16, 40:20, 40:24, 41:25, 45:7, 48:11, 48:20, 48:24, 49:6, 51:1, 51:4, 51:9, 51:19, 51:22
Christmann [3] - 2:5, 6:11, 46:15
Christmann's [1] - 49:15
circuit [9] - 3:13, 3:15, 3:16, 3:22, 5:22, 13:9, 16:14, 17:1, 18:8
circuits [1] - 6:15
circumstances [2] - 49:23, 49:24
citizens [1] - 50:14
city [1] - 47:1
clamoring [2] - 42:2, 42:5
clarify [1] - 6:5
clear [6] - 8:2, 8:14, 10:18, 15:9, 17:23, 34:24
clearest [1] - 5:4
closer [2] - 33:20, 42:3
closes [1] - 29:22
co [24] - 3:10, 4:5, 6:18, 7:3, 18:16, 19:9, 19:13, 19:16, 19:20, 20:20, 23:8, 26:9, 29:8, 30:5, 32:15, 32:23, 33:1, 33:7, 33:8, 35:2, 35:14, 37:20, 38:15, 47:2
co-op [19] - 3:10, 4:5, 18:16, 19:9, 19:13, 19:16, 19:20, 20:20, 23:8, 32:15, 32:23, 33:1, 33:7, 33:8, 35:2, 35:14, 37:20, 38:15, 47:2
co-op's [3] - 6:18, 7:3, 26:9
co-ops [2] - 29:8, 30:5
combination [1] - 43:6
comfortable [2] - 11:20, 44:25
coming [6] - 7:1, 7:8, 15:23, 19:15, 27:4, 35:1
comments [4] - 2:11, 2:16, 2:18, 2:21
Commission [7] - 2:6, 14:5, 14:6, 17:3, 24:1, 24:14, 28:6
Commission's [1] - 17:20
Commissioners [3] - 2:6, 17:21, 49:16
commitment [1] - 51:10
communities [1] - 11:21
companies [3] - 28:8, 46:9, 46:11
company [2] - 18:10, 47:13
Company [1] - 2:3
compare [8] - 23:7, 24:5, 26:14, 27:12, 28:15, 31:23, 33:21, 49:3
comparison [2] - 20:11, 20:16
competitors [1] - 27:18
complaining [1] - 5:22
compromise [2] - 4:14, 13:21
concern [4] - 4:13, 6:23, 24:23, 26:6
concerns [2] - 17:9, 28:12
concluded [1] - 16:4
conclusion [2] - 10:15, 45:18
conclusions [1] - 10:14
condition [2] - 5:24, 18:18
conditions [2] - 3:24, 5:21
confused [1] - 15:6
connection [1] - 8:5
connects [1] - 44:1
consider [3] - 19:16, 34:6, 36:14
consideration [4] - 33:3, 45:6, 45:17, 45:19
considered [1] - 34:7
controls [1] - 2:10
convenience [8] - 7:9, 7:17, 7:24, 16:12, 17:5, 41:12, 41:19, 46:17
cooperative [3] - 30:8, 35:24, 38:12
copied [2] - 9:4, 9:17
copies [1] - 9:10
copy [3] - 9:11, 9:15, 9:18
correct [1] - 15:21
cost [21] - 4:15, 4:16, 4:17, 19:3, 19:6, 19:7, 19:12, 19:16, 19:19, 20:11, 24:7, 35:13, 35:14, 35:21, 35:23, 36:3, 36:8, 36:10, 46:20
cost-based [1] - 36:10
costs [9] - 19:17, 19:20, 21:9, 21:14, 21:16, 26:9, 27:17, 35:11, 35:16
counsel [2] - 2:8, 45:2
County [1] - 2:4
couple [3] - 5:3, 25:17, 25:22
court [4] - 12:5, 12:7, 14:2
crafted [1] - 44:20
credit [4] - 25:1, 29:25, 30:15, 33:20
credits [25] - 23:22, 24:7, 24:22, 25:23, 26:2, 26:11, 27:3, 27:7, 27:11, 28:11, 29:6, 29:20, 30:9, 30:25, 33:2, 34:14, 34:18, 34:24, 36:15, 36:20, 36:24, 38:16, 39:20, 39:25, 51:7
crux [4] - 36:11, 41:12, 44:13, 44:14
cruxes [1] - 44:14
current [4] - 3:17, 3:21, 3:22, 3:25
customer [22] - 3:8, 5:5, 5:6, 7:1, 11:1, 13:13, 13:15, 13:25, 15:4, 15:5, 15:8, 16:9, 17:5, 19:12, 26:2, 35:8, 39:1, 43:19, 46:20, 46:21, 49:8, 51:17
customers [16] - 3:24, 6:17, 8:4, 8:6, 11:8, 16:14, 17:11, 17:17, 18:1, 44:3, 47:13, 49:7, 49:19, 50:10
cut [2] - 3:4, 25:10

D

Dakota [20] - 5:11, 5:15, 11:5, 11:9, 11:17, 14:23, 17:17, 20:13, 27:23, 29:5, 39:22, 40:7, 42:9, 43:1, 48:13, 49:1, 49:18, 50:6, 50:8, 50:14
December [1] - 2:7
decide [5] - 17:21, 44:8, 44:21, 46:9
decides [1] - 25:10
deciding [1] - 14:20
decision [12] - 6:6, 6:7, 14:11, 14:21, 26:22, 28:9, 34:6, 44:19, 44:22, 44:23, 45:3
decisions [2] - 46:8, 48:4
decrease [2] - 39:4
defining [1] - 47:4
definitive [1] - 49:10
degrees [1] - 16:7
demand [10] - 19:15, 20:19, 20:21, 30:16, 30:22, 31:8, 31:9, 32:9, 32:10, 35:15
designing [1] - 24:4
desk [1] - 9:17
despite [1] - 10:13
determination [1] - 17:15
determine [2] - 7:15, 49:17
developed [1] - 40:11
developing [1] - 24:4
development [8] - 40:6, 40:18, 41:9, 41:13, 41:21, 42:21, 44:1, 48:2
develops [1] - 40:21
devices [5] - 3:19, 4:1, 4:4, 4:10, 4:13
difference [9] - 12:17, 22:12, 22:21, 23:2, 24:7, 30:16, 30:19, 31:2, 51:17
differences [4] - 16:5, 23:17, 49:13
different [13] - 14:8, 20:16, 24:4, 30:5, 45:14, 45:17, 49:12, 49:23, 49:24, 50:16, 50:22, 50:23, 50:24
differently [4] - 4:20, 49:11, 49:25, 50:25
difficulty [5] - 24:9, 24:12, 27:12, 28:10, 30:4
directly [1] - 15:23
discounted [2] - 22:25, 23:5
discounting [1] - 27:10
discretion [2] - 44:7, 44:17
discussed [1] - 44:21
discussing [1] - 35:13
discussion [3] - 9:25, 12:19, 14:16
distance [1] - 12:1
distinct [1] - 49:13
distribution [7] - 3:9, 6:19, 17:18, 40:8, 42:12, 42:17, 46:25
document [1] - 10:18
done [9] - 8:21, 9:3, 20:16, 20:24, 24:1, 26:16, 26:18, 26:21, 28:13
doubt [1] - 27:23
down [8] - 3:5, 8:10, 8:18, 21:15, 26:9, 26:13, 39:12, 50:17
draw [2] - 31:10, 31:11
drawing [1] - 31:14
duplicating [1] - 44:2
duplication [15] - 3:5, 6:20, 6:22, 6:24, 6:25, 7:7, 8:8, 43:12, 43:16, 43:22, 44:9, 46:18, 48:2, 48:5, 48:9
during [2] - 20:4, 24:25
duty [2] - 28:8, 49:16

E

earn [2] - 18:25, 36:1
economic [8] - 35:19, 40:5, 40:18, 41:13, 41:21, 42:21, 44:1, 48:2
economically [2] - 18:25, 36:1
effect [3] - 4:21, 9:2,

21:19
eight [3] - 43:7, 43:13, 44:12
either [7] - 2:12, 5:8, 11:7, 13:18, 18:10, 27:18, 33:23
elected [1] - 50:13
Electric [2] - 5:11, 19:14
electric [8] - 11:8, 40:5, 40:6, 41:13, 41:21, 42:23, 43:17, 47:10
electronic [1] - 2:10
elicited [1] - 15:9
end [2] - 38:24, 39:8
ended [1] - 12:7
energy [9] - 19:7, 29:3, 29:4, 31:9, 31:15, 32:13, 32:14, 32:16, 39:14
engineer [1] - 2:9
engineering [1] - 3:14
engineering-wise [1] - 3:14
ensuring [1] - 18:13
entitled [1] - 14:10
entry [1] - 32:5
equal [4] - 14:18, 14:23, 15:21, 18:13
equally [4] - 11:7, 13:20, 13:22, 47:19
equation [1] - 47:21
equivocal [1] - 6:11
erode [1] - 48:6
especially [1] - 45:13
estimation [1] - 25:1
evidence [5] - 17:14, 40:17, 40:25, 41:7, 44:15
exactly [3] - 6:9, 20:23, 26:12
example [1] - 38:23
examples [1] - 25:23
exhibit [5] - 19:24, 20:14, 20:15, 27:3, 28:22
Exhibit [4] - 20:10, 21:2, 22:15, 28:17
exhibits [2] - 20:9, 28:7
exist [2] - 11:4, 27:11
existing [2] - 29:25, 42:17
expansion [1] - 8:3
expect [1] - 18:16
expertise [1] - 24:20
explain [1] - 31:6
extend [3] - 19:3, 19:9, 19:19
extended [1] - 40:4
extending [1] - 35:23
extends [1] - 40:9
extension [2] - 19:5, 40:14
extent [2] - 16:13, 50:20
extremes [2] - 45:21, 46:7

F

facet [1] - 15:12
facilities [4] - 3:6, 6:23, 20:20, 43:17
facility [1] - 15:18
fact [6] - 14:10, 14:11, 17:14, 27:11, 28:5
factor [42] - 4:25, 5:12, 13:12, 14:2, 14:3, 14:4, 15:2, 16:23, 16:25, 20:17, 21:12, 22:3, 22:5, 22:10, 22:17, 22:19, 22:21, 23:8, 23:9, 23:12, 28:24, 29:3, 29:5, 30:21, 30:22, 31:7, 31:13, 31:19, 32:15, 36:6, 36:7, 37:15, 40:17, 43:4, 44:23, 45:9, 46:14, 50:9, 50:12, 51:16
factored [2] - 24:13, 30:13
factoring [1] - 30:8
factors [19] - 5:1, 5:2, 7:15, 8:13, 12:8, 13:17, 13:19, 14:15, 14:17, 14:19, 14:20, 14:22, 20:17, 44:7, 45:12, 46:2, 48:4, 49:24, 50:17
facts [3] - 14:6, 14:10, 14:12
fair [2] - 13:20, 33:3
fairness [1] - 9:16
fall [1] - 35:18
far [11] - 3:1, 14:8, 15:13, 15:19, 15:22, 17:10, 17:15, 26:9, 26:10, 43:4, 44:23
favor [2] - 19:18, 22:4
favored [1] - 35:22
favoring [1] - 14:17
Fedorchak [2] - 2:7, 14:25
FEDORCHAK [93] - 2:12, 2:14, 2:17, 4:2, 4:6, 4:12, 4:18, 4:23, 7:6, 7:11, 7:13, 7:20, 7:23, 8:1, 8:11, 8:18, 9:8, 9:13, 10:3, 10:9, 10:19, 11:24, 12:4, 13:10, 16:3, 16:11, 16:16, 16:18, 16:21, 17:2, 17:8, 18:2, 19:22, 20:1, 20:8, 21:1, 21:4, 21:7, 21:9, 21:13, 21:17, 21:20, 21:25, 22:2, 22:11, 22:14, 22:18, 22:23, 23:3, 23:10, 23:14, 23:20, 23:25, 24:3, 24:8, 24:10, 24:24, 25:9, 26:24, 27:6, 27:9, 29:6, 29:15, 30:18, 30:24, 31:6, 31:12, 32:17, 33:25, 34:21, 35:18, 35:25, 36:13, 36:18, 36:22, 37:3, 39:16, 40:13, 41:11, 41:18, 42:11, 42:14, 42:16, 42:22, 43:6, 43:9, 43:24, 45:5, 46:6, 47:17, 47:24, 48:17, 51:20
fee [1] - 33:6
felt [1] - 4:25
fence [1] - 45:6
few [1] - 14:19
figure [5] - 23:23, 24:7, 30:25, 31:15, 37:5
figuring [1] - 46:4
filed [4] - 20:9, 21:5, 27:2, 27:22
filled [1] - 10:18
finders [2] - 14:10, 28:5
findings [1] - 14:6
fine [1] - 20:5
first [6] - 3:3, 3:17, 10:2, 10:25, 29:18, 36:24
five [1] - 15:2
fluctuate [1] - 21:15
focusing [1] - 13:14
following [1] - 34:20
footing [1] - 15:22
footprint [1] - 49:4
forefront [1] - 7:14
forever [1] - 27:24
forward [1] - 39:6
four [1] - 12:10
four-mile [1] - 12:10
full [1] - 36:15
fundamentally [1] - 30:6
funny [1] - 9:19
future [9] - 26:11, 39:7, 40:17, 41:9, 43:5, 48:22, 49:8, 49:22, 50:21
fuzzy [1] - 8:15

G

gap [1] - 29:22
general [3] - 11:3, 40:6, 41:14
generalized [1] - 38:8
given [4] - 14:5, 14:15, 14:18, 42:8
gold [1] - 45:20
grab [4] - 3:17, 3:20, 3:22, 9:18
grant [2] - 5:25, 45:15
guarantee [1] - 25:16
guess [3] - 31:3, 37:10, 45:21
guy [1] - 15:15
guys [2] - 2:22, 45:5

H

hairs [2] - 13:4, 13:6
hard [3] - 30:7, 33:21, 37:5
harder [1] - 31:23
hear [1] - 17:10
heard [3] - 5:6, 15:7, 51:4
hearing [6] - 10:20, 10:23, 18:3, 21:2, 24:25, 30:21
hefty [1] - 19:15
help [4] - 7:15, 20:1, 44:24, 45:2
helpful [1] - 23:21
higher [6] - 29:3, 30:21, 31:7, 32:15, 33:7, 35:8
highly [3] - 13:1, 16:7, 38:10
historical [1] - 38:24
history [5] - 27:3, 36:5, 38:11, 39:6, 50:19
hold [1] - 21:1
hook [1] - 5:21
horsepower [2] - 5:8, 51:11
hour [2] - 32:7, 32:12
hours [7] - 31:17, 31:18, 31:24, 31:25, 32:4, 32:6, 32:12
hundred [2] - 13:21, 50:22
hurts [1] - 30:23

I

idea [2] - 22:1, 25:5
ignore [2] - 34:3, 34:4
ignored [1] - 33:23
Illona [1] - 9:22
impact [4] - 17:11, 31:8, 39:22, 49:6
impacted [4] - 17:5, 45:23, 48:21, 49:1
important [2] - 40:17, 51:16
impossible [3] - 23:23, 24:5, 30:12
include [3] - 19:23, 26:24, 35:15
included [1] - 23:21
includes [2] - 19:5, 23:5
including [1] - 28:10
Incorporated [1] - 2:4
increase [1] - 27:23
increases [1] - 4:15
incremental [1] - 35:14
indicates [1] - 41:8
indiscernible [1] - 35:23
indiscernible) [1] - 10:2
individual [3] - 13:24, 46:20, 46:21
individualized [1] - 45:22
information [1] - 28:14
infrastructure [1] - 40:14
initial [1] - 19:3
integrity [1] - 18:14
intended [1] - 37:25
intensive [1] - 43:17
interest [5] - 33:6, 33:13, 37:6, 47:14, 48:4
interests [1] - 18:13
interpret [1] - 13:24
interpretation [1] - 43:21
interrupt [1] - 4:24
investment [6] - 19:1, 35:19, 36:2, 36:4, 43:12, 46:19
investor [1] - 38:21
investor-owned [1] - 38:21
involved [1] - 16:24
isolated [1] - 3:13
issue [10] - 6:21, 7:8, 10:25, 17:25, 20:18, 40:3, 40:4, 41:16, 47:5, 47:25
issued [1] - 25:24
issues [4] - 8:9, 10:24, 17:16, 18:20
itself [1] - 35:23

J

JEFFCOAT [3] - 9:24, 10:6, 10:8
JEFFCOAT-SACCO [3] - 9:24, 10:6, 10:8
jeopardized [1] - 17:4
Jerry [18] - 2:8, 8:12, 9:3, 9:18, 9:20, 10:10, 15:15, 15:21, 16:19, 17:12, 19:22, 29:16, 30:24, 33:19, 43:25, 44:13, 44:21, 51:1
Jerry's [3] - 20:6, 44:17, 44:22
judge [1] - 45:10
jump [1] - 47:22
justification [1] - 11:25
justified [1] - 39:21

K

keep [2] - 7:8, 36:25
keeping [2] - 7:14, 30:9
keeps [1] - 50:18
key [3] - 33:25, 43:8, 43:21
kick [1] - 2:19
kilowatt [6] - 31:18, 31:24, 32:4, 32:6, 32:7, 32:12
kilowatts [1] - 31:25
kind [20] - 3:1, 9:7, 12:3, 12:8, 13:13, 16:4, 19:2, 22:21, 25:10, 27:21, 29:9, 29:15, 32:24, 35:20, 36:11, 39:10, 41:25, 45:24, 46:8, 51:1
knowledge [1] - 24:18
Kohl [1] - 2:10
Kota [3] - 2:3, 15:8, 29:18
Kota's [1] - 29:19
Kroshus [2] - 2:6, 14:14
KROSHUS [39] - 2:20, 2:23, 8:21, 8:24, 9:2, 9:6, 9:16, 12:25, 13:3, 13:18, 13:23, 25:8, 25:12, 25:19, 26:23, 27:2, 27:8, 27:14, 29:24, 37:8, 37:17, 37:23, 38:2, 38:7, 38:10, 38:20, 38:23, 39:3, 46:24, 47:7, 47:12, 47:18, 48:10, 49:3, 49:9, 50:6, 50:9, 50:15, 51:21
Kw [3] - 20:20, 20:21, 32:10

L

larger [3] - 3:15, 16:24, 47:12
last [4] - 4:19, 4:21, 32:5, 34:14
late [3] - 20:9, 21:4, 27:2
late-filed [2] - 20:9, 27:2
Laughter [2] - 10:12, 44:11
learn [1] - 51:15
least [3] - 14:1, 45:8, 47:19
leaves [1] - 44:6
left [1] - 9:17
legal [7] - 2:8, 11:20, 14:9, 15:15, 24:23, 26:22, 45:2
legislature [1] - 43:16
legitimate [1] - 24:10
Lein [2] - 2:9, 15:12
LEIN [122] - 2:22, 2:25, 4:4, 4:8, 4:17, 4:19, 5:15, 5:20, 6:13, 7:10, 7:12, 7:19, 7:22, 7:25, 8:7, 8:17, 8:20, 8:23, 9:1, 9:4, 9:7, 9:10, 10:11, 10:15, 10:21, 11:16, 12:2, 12:6, 13:2, 13:5, 13:16, 16:10, 16:13, 16:17, 16:20, 16:22, 17:7, 17:24, 18:4, 18:7, 18:15, 18:23, 19:24, 20:7, 20:10, 21:3, 21:6, 21:8, 21:11, 21:16, 21:18, 21:21, 22:1, 22:3, 22:8, 22:13, 22:16, 22:20, 23:1, 23:6, 23:11, 23:16, 23:24, 24:2, 24:6, 25:2, 25:4, 25:10, 25:17, 25:21, 26:5, 28:1, 28:16, 29:9, 30:14, 30:19, 30:25, 31:9, 31:13, 32:3, 32:18, 33:9, 33:12, 33:15, 33:18, 33:24, 35:12, 35:20, 36:8, 36:16, 36:19, 36:23, 37:5, 37:10, 37:13, 37:19, 37:25, 38:4, 38:9, 38:15, 38:22, 39:2, 39:9, 39:24, 40:15, 40:19, 40:23, 41:4, 41:16, 41:24, 42:7, 42:13, 42:15, 42:18, 42:23, 43:2, 43:8, 43:11, 44:6, 51:3, 51:6, 51:18
less [5] - 7:3, 19:12, 22:4, 30:22, 32:14
lessens [1] - 31:8
lesser [1] - 43:19
level [2] - 24:16, 45:25
lights [1] - 4:1
likelihood [1] - 41:8
likely [2] - 12:24, 24:16
line [4] - 3:7, 6:18, 15:24, 32:22
lines [2] - 11:4, 11:6
list [1] - 50:17
listed [1] - 10:24
listen [2] - 51:9, 51:14
load [32] - 3:11, 7:5, 12:15, 12:23, 16:25, 19:7, 20:17, 20:22, 21:12, 22:3, 22:5, 22:10, 22:16, 22:19, 22:20, 23:12, 28:24, 29:3, 30:21, 30:22, 31:7, 31:13, 31:14, 31:16, 31:19, 31:22, 32:15, 39:19, 40:11, 47:15
loads [2] - 16:24, 47:12
location [4] - 15:20, 16:2, 18:24, 30:1
logic [1] - 18:9
look [13] - 10:22, 22:24, 30:14, 32:6, 32:7, 33:20, 34:12, 36:3, 36:4, 38:25, 39:24, 48:1, 50:16
looked [2] - 9:19, 43:4
looking [13] - 6:25, 19:18, 22:13, 22:16, 27:8, 36:11, 39:6, 41:22, 44:7, 48:19, 50:24, 50:25
looks [2] - 32:20, 45:9
lose [1] - 25:11
losing [1] - 46:23
lost [2] - 46:16, 46:22
lower [3] - 20:19, 22:10, 29:4

M

main [1] - 51:6
manners [1] - 44:21
marginal [1] - 35:14
matter [1] - 24:11
mean [23] - 3:12, 5:20, 6:3, 7:16, 7:17, 8:2, 11:14, 15:1, 17:19, 24:3, 29:22, 31:13, 38:12, 40:20, 41:13, 41:14, 41:18, 42:9, 44:17, 46:14, 46:18, 49:21, 50:13
means [3] - 29:3, 29:4, 44:24
mechanism [1] - 30:5
megawatts [3] - 20:23, 20:24, 20:25
members [3] - 18:1, 33:11, 35:11
Menards [1] - 41:16
mentioned [1] - 45:14
might [10] - 3:25, 4:20, 4:21, 9:25, 18:17, 21:22, 25:17, 25:22, 28:20, 51:8
mile [9] - 11:5, 11:9, 11:12, 11:15, 11:24, 12:10, 12:11, 12:13
miles [1] - 12:14
mind [5] - 13:7, 19:17, 42:9, 44:7, 50:18
minds [1] - 14:21
mine [1] - 4:13
Minn [4] - 2:3, 15:8, 29:18, 29:19
Minn-Kota [3] - 2:3, 15:8, 29:18
Minn-Kota's [1] - 29:19
Minnesota [1] - 50:10
minus [1] - 45:9
miss [1] - 9:23
mistake [1] - 51:13
mitigating [1] - 4:2
money [4] - 7:3, 29:11, 33:7, 37:8
most [1] - 48:20
motor [1] - 16:22
motors [16] - 3:14, 3:15, 3:16, 4:9, 4:11, 4:19, 5:7, 5:21, 6:1, 13:8, 15:13, 15:17, 16:15, 16:24, 18:6, 51:12
multi [1] - 49:5
multi-state [1] - 49:5
multiply [1] - 31:10

N

natural [2] - 8:5, 40:14
necessarily [11] - 14:4, 14:14, 33:22, 43:5, 44:13, 46:19, 46:21, 49:18, 50:1, 50:3
necessity [5] - 7:9, 17:6, 41:12, 41:19, 46:17
need [8] - 3:2, 6:12, 6:16, 19:10, 29:13, 46:1, 46:8, 51:2
needed [3] - 6:2, 18:17, 18:18
needs [2] - 17:22, 19:16
neighborhood [2] - 29:1, 29:2
neutral [1] - 5:3
never [1] - 25:5
new [1] - 41:5
next [5] - 11:8, 23:4, 40:2, 40:3, 40:4
nine [1] - 44:10
North [3] - 50:6, 50:8, 50:13
notes [3] - 25:13, 51:13, 51:14
nothing [3] - 45:21, 45:23, 51:20
notice [2] - 10:20, 10:23
nuances [1] - 30:6
number [13] - 2:2, 15:2, 16:17, 23:1, 31:16, 31:17, 32:4, 32:6, 32:11, 36:20, 43:7, 43:13, 45:14
numbers [6] - 26:15, 28:15, 28:18, 29:17, 39:8, 39:13

O

oath [1] - 5:19
obligated [1] - 36:4
obviously [3] - 10:25, 30:10, 47:15
occurring [1] - 48:5
offer [1] - 51:15
official [1] - 10:9
officials [1] - 50:13
offset [1] - 35:10
on-site [1] - 3:7
once [1] - 18:19
one [41] - 3:20, 3:23, 5:1, 5:3, 5:4, 8:11, 8:13, 9:17, 11:2, 11:4, 11:8, 11:10, 12:10, 13:15, 13:25, 14:3, 14:17, 15:11, 16:9, 16:18, 16:22, 17:9, 17:11, 17:19, 20:8, 20:24, 21:1, 26:11, 28:16, 28:25, 29:1, 29:20, 35:22, 40:2, 44:14, 46:14, 49:4, 49:19, 49:20, 50:2, 50:17

ones [2] - 21:23, 46:4
ongoing [5] - 19:6, 19:12, 19:16, 19:17, 19:20
ongoing-wise [1] - 19:12
op [19] - 3:10, 4:5, 18:16, 19:9, 19:13, 19:16, 19:20, 20:20, 23:8, 32:15, 32:23, 33:1, 33:7, 33:8, 35:2, 35:14, 37:20, 38:15, 47:2
op's [3] - 6:18, 7:3, 26:9
opening [1] - 2:11
operates [1] - 31:20
operating [1] - 11:2
opinion [2] - 44:20, 49:10
ops [2] - 29:8, 30:5
oranges [1] - 38:13
order [8] - 2:25, 19:18, 28:19, 31:1, 31:4, 36:17, 37:24, 38:3
orderly [5] - 40:5, 41:13, 41:20, 44:1, 48:2
organizations [1] - 49:12
Otter [40] - 2:3, 3:6, 3:12, 4:9, 5:9, 6:15, 6:17, 7:16, 8:3, 10:25, 11:1, 11:12, 11:22, 12:24, 13:7, 14:23, 15:11, 15:23, 17:18, 19:13, 19:17, 19:21, 19:22, 20:18, 22:4, 22:9, 26:15, 27:22, 35:22, 40:11, 41:2, 42:8, 42:11, 42:19, 47:3, 48:13, 49:1, 49:19, 50:10
outside [3] - 11:11, 11:22, 15:14
overall [4] - 22:4, 23:17, 35:21, 49:7
overriding [3] - 4:13, 6:23, 7:8
own [7] - 4:1, 8:19, 13:9, 14:21, 20:12, 45:22
owned [1] - 38:21

P

page [7] - 22:17, 23:4, 23:11, 28:18, 28:19, 32:5
pages [1] - 31:24
paid [5] - 25:20, 27:11, 37:12, 37:15, 37:20
parsing [1] - 49:18
part [9] - 5:6, 5:14, 7:7, 10:21, 22:15, 28:17, 28:18, 28:22, 29:7
particular [3] - 16:2, 42:4, 44:23
parts [1] - 47:20
party [1] - 28:25
past [3] - 17:3, 24:1, 50:19
Pause [1] - 9:21
pay [2] - 30:9, 46:10
paying [3] - 35:15, 37:4, 48:8
PC&N [1] - 2:4
peak [3] - 31:14, 31:16, 32:9
PELHAM [42] - 6:4, 11:13, 11:19, 13:22, 13:25, 17:9, 18:9, 24:9, 24:12, 25:3, 26:1, 26:6, 27:4, 27:10, 27:20, 28:4, 33:19, 34:4, 34:11, 34:16, 34:19, 34:25, 35:3, 35:6, 35:9, 37:6, 37:9, 37:14, 37:21, 41:1, 41:6, 42:25, 43:3, 44:12, 46:11, 47:4, 47:11, 48:18, 48:23, 49:14, 50:8, 50:11
Pelham [1] - 2:8
people [5] - 17:4, 18:19, 48:8, 48:20, 50:23
per [5] - 20:20, 20:21, 32:7, 32:10, 32:12
percent [14] - 13:21, 21:12, 22:3, 22:5, 22:16, 22:19, 22:20, 23:12, 29:2, 31:13, 31:19, 31:21, 39:19
percentage [1] - 25:24
perfectly [2] - 3:10, 7:5
perhaps [2] - 15:10, 24:15
period [3] - 3:25, 24:17, 50:19
person [2] - 24:20, 45:8
perspective [7] - 11:20, 14:8, 14:9, 17:19, 17:20, 24:23, 44:9
phase [3] - 3:20, 40:10, 42:3
phonetic [1] - 2:10
physics [1] - 12:21
picture [1] - 36:15
piece [1] - 34:1
place [3] - 3:10, 18:11, 40:9
plan [1] - 18:11
planning [2] - 30:11, 30:12
plans [2] - 8:3, 40:18
play [1] - 16:19
plus [1] - 45:9
point [21] - 5:9, 6:13, 7:4, 7:25, 15:25, 17:5, 18:6, 24:16, 25:15, 31:3, 32:18, 33:1, 34:3, 34:14, 38:1, 39:13, 43:25, 45:6, 46:22, 47:5, 49:15
pointed [1] - 14:16
points [2] - 28:1, 43:25
policy [1] - 50:4
portfolio [1] - 2:13
position [1] - 15:11
possibility [1] - 40:25
possibly [2] - 26:19, 41:2
potential [4] - 17:11, 29:19, 30:8, 33:16
potentially [3] - 17:16, 34:8, 35:10
Power [6] - 2:3, 5:9, 19:14, 19:15, 35:16, 49:19
power [12] - 15:20, 15:22, 15:23, 16:25, 17:17, 19:14, 23:7, 23:8, 23:12, 46:12, 50:2, 50:3
precedent [1] - 48:22
preferable [1] - 3:15
preference [7] - 5:5, 13:13, 13:25, 15:4, 15:6, 15:8, 43:19
prefers [1] - 11:1
prepared [1] - 20:6
present [6] - 24:21, 26:13, 37:7, 37:21, 43:4, 50:20
presented [7] - 24:18, 26:15, 27:13, 28:5, 28:15, 41:8, 44:15
presumably [1] - 33:10
pretty [5] - 5:12, 8:2, 19:14, 27:16
prices [1] - 27:25
primary [1] - 6:21
principal [1] - 41:22
problem [2] - 30:16, 34:8
problematic [1] - 11:23
problems [1] - 5:17
process [1] - 45:3
producers [3] - 42:1, 42:2, 42:5
Products [1] - 2:3
project [1] - 50:21
projected [2] - 29:17, 39:1
projecting [1] - 30:10
prong [1] - 19:2
proper [1] - 50:3
proposal [2] - 13:8, 26:9
proposed [3] - 12:22, 12:23, 24:19
protect [1] - 18:7
provide [9] - 3:8, 19:4, 27:18, 35:8, 45:2, 46:12, 46:13, 47:21
provided [8] - 15:22, 24:24, 25:4, 26:25, 28:6, 28:7, 39:20, 39:22
provider [2] - 50:2, 50:3
providers [2] - 20:11, 28:6
provides [1] - 33:6
providing [5] - 15:19, 19:20, 35:16, 35:21, 36:8
PU-17-96 [1] - 2:2
Public [1] - 49:16
public [39] - 7:8, 7:11, 7:24, 16:11, 17:5, 33:6, 33:13, 33:16, 41:12, 41:19, 44:9, 46:17, 46:18, 46:19, 46:20, 46:24, 47:1, 47:2, 47:3, 47:8, 47:25, 48:3, 48:7, 48:13, 48:14, 48:15, 48:18, 49:7, 49:15, 49:17, 49:19, 49:20, 50:2, 50:4
public's [1] - 47:14
publics [1] - 48:7
punted [1] - 3:2
purpose [5] - 3:18, 6:22, 41:3, 43:15, 43:18
purposes [1] - 26:21
put [8] - 3:15, 11:19, 12:9, 12:20, 12:21, 18:10, 18:11, 38:14

Q

quantify [3] - 31:2, 33:21, 38:5
questions [3] - 25:13, 25:14, 51:5
quick [1] - 9:18
quite [3] - 19:9, 37:3, 39:17

R

radius [7] - 11:5, 11:9, 11:12, 11:15, 11:25, 12:11, 12:13
Randy [2] - 2:5, 8:16
range [4] - 32:23, 33:2, 39:17, 39:20
ranges [1] - 23:18
rate [17] - 19:23, 20:12, 20:14, 20:19, 23:5, 27:22, 29:7, 30:5, 32:7, 32:8, 32:10, 32:12, 34:1, 34:2, 37:6, 38:14, 47:19
Rate [1] - 20:12
rate-making [1] - 30:5
rates [15] - 19:23, 22:25, 24:4, 27:19, 28:22, 29:4, 31:2, 36:5, 36:6, 36:9, 36:10, 36:15, 39:1, 39:18, 39:22
rather [1] - 14:6
reach [3] - 14:11, 14:21, 45:17
read [3] - 12:12, 16:4, 29:16
ready [1] - 40:2
real [3] - 9:18, 30:16, 40:16
realization [1] - 30:4
realize [1] - 25:16
really [18] - 7:14, 11:7, 12:2, 13:13, 13:14, 16:8, 27:24, 28:24, 32:19, 33:3, 36:11, 38:6, 39:14, 40:8, 40:11, 44:12, 44:16, 47:4
reason [2] - 12:14, 20:17
reasonable [1] - 26:20
reasonably [1] - 26:21
reasons [1] - 8:7
received [2] - 26:10, 28:14
recommendation [1] - 45:1
record [12] - 5:19, 6:8, 10:21, 12:20, 17:22, 17:25, 25:21, 26:19, 27:1, 27:13, 39:21, 40:1
reducing [1] - 37:7
reemphasizes [1] - 13:13
reference [1] - 34:3
referring [1] - 38:21

reflected [1] - 36:9
region [1] - 48:25
related [2] - 25:15, 46:20
reliability [15] - 12:18, 13:7, 13:15, 15:3, 15:12, 15:16, 15:19, 16:21, 17:4, 17:16, 45:12, 45:14, 45:16, 45:18, 46:2
reliable [6] - 7:21, 12:24, 13:1, 16:8, 38:11, 39:5
reliably [2] - 12:23, 16:5
rely [2] - 26:21, 28:15
remain [1] - 27:24
remember [3] - 20:15, 20:22, 31:9
remembering [4] - 3:19, 25:18, 25:21, 43:14
repeat [1] - 28:11
representative [1] - 15:7
represents [1] - 12:15
require [2] - 18:16, 24:14
required [3] - 4:5, 4:9, 5:9
requirement [2] - 5:12, 51:11
research [1] - 51:2
respect [1] - 15:3
respects [2] - 14:1, 15:5
responsibility [3] - 28:9, 34:5, 49:17
rest [2] - 5:22, 18:8
result [1] - 43:12
results [1] - 39:3
return [4] - 18:25, 35:19, 36:1, 36:4
revenue [4] - 29:18, 30:2, 36:24, 46:3
revenues [1] - 35:1
review [1] - 7:14
Richland [1] - 2:4
rider [2] - 21:9, 21:16
riders [6] - 19:23, 19:25, 21:19, 21:23, 23:21, 39:10
risk [1] - 45:25
role [2] - 45:1
roughly [1] - 26:3
run [1] - 15:18
running [1] - 38:18
rural [2] - 12:16, 47:1

S

SACCO [3] - 9:24, 10:6, 10:8
SAIDI [1] - 12:19
SAIFI [1] - 13:5
save [1] - 29:11
schedules [1] - 38:14
scribbling [1] - 10:16
second [2] - 11:2, 21:2
secondary [1] - 20:13
see [13] - 5:3, 10:2, 27:12, 28:10, 30:6, 31:4, 32:17, 38:6, 38:14, 39:24, 40:1, 40:7, 49:10
seeing [1] - 19:2
seeking [1] - 46:13
seem [1] - 18:10
sense [2] - 15:6, 15:17
sentence [1] - 22:6
separated [1] - 46:25
separately [1] - 20:3
serve [10] - 7:23, 12:23, 16:5, 18:24, 35:15, 35:25, 36:3, 40:5, 44:3, 48:15
served [3] - 11:8, 11:12, 11:22
serves [4] - 7:16, 47:2, 47:3, 50:10
service [38] - 3:8, 3:12, 7:1, 7:2, 12:23, 15:3, 19:3, 19:4, 19:5, 19:9, 19:16, 19:19, 19:20, 20:13, 22:9, 22:10, 27:18, 32:23, 35:17, 35:22, 35:23, 36:9, 40:5, 40:6, 40:10, 41:14, 41:21, 42:3, 42:12, 42:17, 42:20, 42:23, 42:24, 43:12, 44:2, 46:19, 47:21
Service [1] - 49:16
services [1] - 12:22
serving [3] - 3:11, 7:5, 19:6
session [2] - 2:2, 20:4
several [1] - 46:16
share [1] - 9:8
sheet [1] - 9:4
short [1] - 3:24
sides [2] - 44:16
signed [3] - 10:14, 10:18
significant [1] - 29:7
significantly [2] - 29:23, 50:25
similar [2] - 12:11, 47:17
sit [2] - 6:8, 27:21
site [1] - 3:7
situation [2] - 14:7, 49:25
six [1] - 18:21
skip [1] - 44:10
slightly [2] - 50:23, 50:24
slow [2] - 18:6, 35:9
snapshot [1] - 39:10
so.. [2] - 11:7, 39:15
soft [9] - 3:18, 4:4, 4:14, 5:7, 5:23, 6:1, 6:14, 6:16, 51:11
someone [1] - 45:16
sometimes [1] - 40:22
somewhere [1] - 23:18
sorry [4] - 34:19, 34:25, 37:18, 38:2
sort [5] - 5:13, 8:12, 14:20, 16:6, 18:5
source [3] - 17:11, 17:17, 17:18
southeast [1] - 48:25
SPEAKER [2] - 18:22, 32:2
specific [1] - 14:13
specifically [2] - 6:9, 45:15
specifics [1] - 39:18
speculate [1] - 24:15
speculating [2] - 24:14, 41:7
speculation [1] - 28:21
speculative [3] - 26:12, 27:16, 28:2
spent [1] - 30:21
spitting [1] - 12:8
split [2] - 19:19, 35:20
splitting [3] - 13:3, 13:6, 50:1
stable [1] - 27:24
standard [1] - 45:20
standpoint [2] - 18:9, 47:20
start [15] - 2:24, 3:16, 3:18, 4:4, 5:7, 5:23, 6:1, 6:14, 18:6, 18:19, 37:4, 48:8, 51:11
started [3] - 2:21, 2:25, 15:17
starting [1] - 2:2
starts [3] - 4:14, 5:22, 6:16
state [6] - 48:16, 48:21, 49:5, 50:5, 50:6, 50:8
statement [1] - 38:8
stayed [1] - 29:12
step [2] - 5:2, 35:9
Steve [1] - 2:9
still [4] - 18:25, 23:14, 34:21, 36:1
straight [2] - 6:18, 7:1
strategic [1] - 30:11
stronger [3] - 6:15, 7:1, 7:2
structure [2] - 33:6, 35:5
struggling [1] - 45:10
stuff [5] - 4:1, 30:15, 41:20, 41:23, 48:1
subject [3] - 5:16, 13:23, 34:14
substantial [1] - 51:17
substation [6] - 3:7, 8:4, 15:24, 19:10, 41:2, 41:5
subtracted [1] - 23:7
sudden [1] - 41:4
sufficient [1] - 17:14
suggests [1] - 39:20
sum [1] - 44:7
supplier's [1] - 40:4
suppliers [5] - 11:2, 11:9, 12:18, 12:22, 18:24
supply [1] - 11:4
supported [2] - 17:22, 29:24
supporting [1] - 15:11
suppose [3] - 14:18, 40:21, 40:24
supposed [3] - 7:15, 13:11, 36:10
surplus [1] - 30:10
sway [1] - 5:3
switch [1] - 34:13
system [8] - 3:9, 5:17, 6:19, 7:4, 18:14, 40:9, 45:22, 45:24

T

table [2] - 2:8, 9:7
Tail [30] - 2:3, 3:6, 3:12, 4:9, 5:9, 7:16, 8:3, 10:25, 11:1, 11:12, 11:22, 12:24, 13:8, 14:24, 15:23, 19:13, 19:21, 20:18, 22:5, 26:15, 27:22, 41:2, 42:8, 42:11, 42:19, 47:3, 48:13, 49:1, 49:19, 50:10
Tail's [10] - 6:15, 6:17, 15:11, 17:18, 19:18, 19:22, 22:9, 22:10, 35:22, 40:11
tape [1] - 51:10
technology [1] - 4:3
ten [7] - 5:2, 8:12, 13:19, 13:21, 26:3, 26:4, 50:17
tend [2] - 3:17, 27:15
terms [5] - 13:19, 27:3, 38:11, 38:25, 39:18
testimony [15] - 4:7, 5:10, 5:14, 15:7, 15:9, 16:1, 17:10, 24:25, 26:10, 26:20, 28:7, 37:16, 39:19
themselves [1] - 46:9
they've [3] - 21:21, 28:19, 40:8
thinking [5] - 10:1, 29:1, 30:15, 34:21, 40:12
third [1] - 11:4
thoughts [1] - 10:5
three [4] - 9:13, 12:11, 40:9, 42:3
three-mile [1] - 12:11
TIA [4] - 6:22, 9:23, 16:23, 43:15
ties [1] - 8:16
today [6] - 6:8, 14:16, 21:20, 26:14, 35:9, 46:17
together [2] - 38:14, 43:10
took [2] - 12:8, 51:15
top [2] - 13:4, 28:17
tough [3] - 33:4, 36:22, 37:20
toward [1] - 39:7
towns [1] - 11:11
traditionally [2] - 25:19, 34:2
transformer [1] - 19:11
transmission [1] - 3:7
trend [2] - 38:24, 39:5
tried [1] - 24:6
true [5] - 11:13, 38:21, 39:12, 40:19, 41:4
true-up [2] - 38:21, 39:12
try [6] - 2:25, 5:25, 20:10, 31:1, 31:15, 38:5
trying [3] - 32:20, 50:21, 51:14
turned [1] - 12:13
turns [1] - 6:2
two [19] - 9:10, 11:5, 11:9, 11:11, 11:12, 11:15, 11:21, 11:24, 12:10, 12:13, 12:14, 19:2, 20:11, 20:16, 26:12, 31:23, 43:9, 46:11, 49:4
two-mile [7] - 11:5, 11:9, 11:12, 11:15, 11:24, 12:10, 12:13
two-prong [1] - 19:2

type [3] - 3:23, 24:20, 44:25
types [2] - 48:14, 49:12

U

ultimately [1] - 45:3
umbrella [1] - 41:19
under [3] - 5:18, 11:14, 36:12
underlying [1] - 6:14
understandably [1] - 47:16
UNIDENTIFIED [2] - 18:22, 32:2
up [26] - 3:17, 5:8, 5:21, 6:14, 7:4, 12:7, 15:17, 17:25, 18:21, 19:19, 21:15, 23:19, 28:19, 32:4, 32:7, 32:24, 35:12, 36:16, 38:21, 39:12, 39:25, 44:8, 46:16, 51:11, 51:23
upheld [1] - 18:14
usage [2] - 28:19, 31:16
user [1] - 4:14
utility [1] - 47:19
utilized [1] - 41:2

V

vacuum [1] - 27:22
Valley [12] - 5:11, 11:5, 11:9, 11:17, 14:23, 29:5, 40:7, 42:9, 43:1, 48:13, 49:1, 49:18
Valley's [5] - 5:15, 17:17, 20:13, 27:23, 39:22
value [6] - 14:22, 24:21, 26:13, 37:7, 37:8, 37:21
variables [1] - 51:5
various [2] - 46:1, 46:3
versus [2] - 39:6, 47:1
view [4] - 7:4, 41:20, 44:18, 44:24
viewed [2] - 29:16, 50:4
viewing [1] - 13:12
visited [1] - 9:20
voltage [2] - 3:23, 17:1

W

Wahpeton [1] - 30:1
waive [3] - 5:11, 23:8, 51:10
waived [1] - 23:13
waiver [6] - 5:15, 5:18, 5:20, 5:25, 6:11, 18:17
walk [1] - 20:2
wants [1] - 9:14
wasteful [17] - 3:6, 6:21, 6:22, 6:24, 7:7, 8:8, 43:12, 43:16, 43:21, 44:5, 44:9, 45:13, 45:21, 46:4, 46:18, 48:1, 48:8
wasteful" [1] - 43:20
ways [4] - 8:24, 38:12, 39:8, 50:16
weigh [4] - 13:12, 14:22, 17:13, 49:24
weighs [1] - 45:8
weight [4] - 13:24, 14:15, 14:18, 14:23
weighted [4] - 11:7, 13:20, 13:22, 14:2
welcome [1] - 10:7
wheelhouse [1] - 15:14
whole [7] - 22:6, 32:18, 43:18, 48:5, 49:15, 49:18, 50:5
wise [2] - 3:14, 19:12
wonder [1] - 46:6
word [2] - 43:20, 43:21
wording [1] - 19:4
wrapped [1] - 51:23
write [3] - 2:25, 36:16, 38:3
writing [2] - 31:1, 31:4
written [1] - 37:24

Y

year [12] - 23:13, 27:6, 29:18, 29:20, 31:17, 32:1, 32:12, 36:24, 38:16, 38:17, 38:18, 38:24
years [6] - 12:12, 25:22, 25:24, 26:3, 26:4, 36:25
yesterday's [1] - 9:25

Z

Zach [4] - 2:8, 13:18, 27:16, 34:9

zero [1] - 43:20

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company — Case No. PU-17-96
Minn-Kota Ag Products, Inc.
-- Richland County
Public Convenience & Necessity

TRANSCRIPT OF WORK SESSION

February 5, 2018

CHAIRMAN CHRISTMANN: It is 1:05 p.m. on Monday, February 5, 2018. I'm Randy Christmann, chairman of the Commission. With me today are Commissioners Brian Kroshus and Julie Fedorchak.

We're having a work session today on Case number PU-17-96 regarding Minn-Kota Ag Products, Incorporated, and Otter Tail Power Company's Richland County PC&N, public convenience and necessity.

Just in way of kind of opening comments, some of you met earlier, but I have a long time family friend job-shadowing me today, McKayla Voegele is here from Beulah, North Dakota, and she's met some of you.

Also at our table today is Jerry Lein. And we'll go around and each be on the record. And Zach Pelham does not actually work for the PSC, he is an attorney here in town who we have hired to do legal work for us on this specific case.

So that's all the opening comments I have. Commissioner Kroshus -- Commissioner Fedorchak.

It's your portfolio, I'll come to you last.

COMMISSIONER FEDORCHAK: I do not have any opening comments.

CHAIRMAN CHRISTMANN: Commissioner Kroshus.

COMMISSIONER KROSHUS: I don't have any opening comments as well, I just want to dive into it and hear

from Zach, I think, to begin with in terms of a petition to intervene. This is new for me, so I would welcome your thoughts on that.

CHAIRMAN CHRISTMANN: And before I start, though, Jerry also go on the record and just a little description of what you do here for our guest.

MR. LEIN: Jerry Lein and I'm an advisor to the Commission, analyst, public utility analyst.

CHAIRMAN CHRISTMANN: And an electrical engineer.

MR. LEIN: And electrical engineer.

MR. PELHAM: Jerry is so humble.

(Laughter)

MR. PELHAM: Commissioner, to respond to your question, the petition to intervene, it was -- it's a little bit -- not as typical. Usually we see the intervention request prior to the hearing.

The rule, however, in our administrative code does allow for an intervention after hearing. I think in both petitions it outlines what the rules are. But basically, a petition to intervene in any proceeding must be filed at least ten days prior to the hearing but not after -- not after except for good cause shown.

So typically, an intervention request is decided by the administrative law judge. The Commission can,

however, make the decision on its own. So it's probably appropriate that the petition was made when it was, fortuitous in a way so that at least it could be discussed at the work session as to how to handle it.

You know, the Commission could go a couple different ways. You know, Minn-Kota -- a representative of Minn-Kota did testify and present evidence at the hearing when the hearing was held. At the same time, there was post-hearing briefing, so additional information was made and argued by both Dakota Valley and Otter Tail, to which, apparently, Minn-Kota felt that it wanted or needed a spot at the table, so to speak, and wanted to present its own evidence, and it's requested to do that, either in writing -- well, it's requested to do that in writing and orally.

The Commission can grant the intervention request. It could defer to the ALJ to make the decision on the intervention request.

Under the rule, it does allow for kind of fine-tuning. I was just reading here:

> Any person with substantial interest in a proceeding may petition to intervene in that proceeding by complying with the section, and intervention may be granted if the petitioner has a statutory right to be a

party to the proceeding or the petitioner has a legal interest which may be substantially affected by the proceeding and the intervention would not unduly broaden the issues or delay the proceeding.

And then it goes on to say:

The Commission may impose conditions and limitations on an intervention to promote the interest of justice.

So I think if the direction from the Commission was such that, you know, to limit what could be done, say, for example, I'm just throwing out there, rather than opening up for additional oral testimony, whether it be limited -- it could potentially be limited to just written testimony.

It's also something that I could go to the attorneys for each of the parties, including the proposed intervenor, Minn-Kota's attorney, and ask them whether or not they'd agree to limiting to the intervention to oral testimony.

Dakota Valley has responded in opposition. You've all received that. I'm not going to read it, because it's written down, but the gist of it is, well, this information has already been received, Minn-Kota's had their opportunity to present.

I spoke with Mr. Stephenson, counsel for Otter Tail, and he indicated that Otter Tail was in support of the intervention and, if it would be helpful, they would simply file a short memorandum in support of Minn-Kota's position.

So that's kind of a long-winded primer, I guess, Commissioner, and I'll be quiet and you may have some follow-up questions for me.

COMMISSIONER KROSHUS: How does prior testimony by Otter Tail -- or not Otter Tail, by Minn-Kota, that's already on the record.

MR. PELHAM: It is.

COMMISSIONER KROSHUS: So I guess it's hard to speculate in terms of what additional information they may want to add, but it wouldn't do anything if it was basically a repeat of that information. Is that correct? Or is that not the correct way to look at that?

MR. PELHAM: Well, I think anything, if permitted to intervene and permitted to present testimony, whether it be orally or through an affidavit or some other type of written additional argument, would be for consideration by you and the other commissioners in reaching a decision on this matter.

Kind of how I looked at it in the petition,

yeah, I mean, look, I mean, nothing in this world is perfect. It would have been -- in a perfect world, the intervention request would have been made prior to the hearing and we'd have everything.

But looking at it from the standpoint of you as commissioners having to make the decision that is the right decision with everything that's presented, to allow all of those who are involved in the process to have sort of a place at the table and have their say if the intervention is allowed, it completes that and then you have everything.

And also, and I'm not saying that this would happen, but if there were an appeal from one of the sides, then if you had denied the intervention request, that could be a point that could be picked up by the court in saying, well, you know, intervention should have been allowed. And I would hate for that to be a reason for a remand when I don't see -- the downside really is, is maybe, from a time perspective, more time has had to be spent on this matter to allow for Minn-Kota to say what they want to say in their intervention. That, to me, is the downside.

Now, if everyone is allowed to present in response to what Minn-Kota is going to say, if they're allowed to be intervenors, I don't see how those

interests would be necessarily harmed because everyone would have the opportunity, so to speak, to have their say in response.

COMMISSIONER FEDORCHAK: Zach, I tend to be one who argues for more is better and, yeah, let's have the record as full as possible, but I am looking at the rule that guides intervention and it says petition to intervene in any proceeding must be filed at least ten days prior to the hearing but not after except for good cause shown.

So it seems like you'd always be able to make the argument that whatever somebody is bringing is more information and it's a good idea because the parties -- you know, you have a fuller record and all this and that. So if that's always the case, why do we have that?

MR. PELHAM: It's a very good question, and I'm not sitting here and saying that you would not be within your rights to deny the intervention.

I think the question is, you know, has good cause been shown by Minn-Kota in their briefing? And that's ultimately a decision that you as commissioners have to decide and of course --

COMMISSIONER FEDORCHAK: I didn't see any reference to the rationale for why they waited in their

briefing. Like, I didn't see a single mention of why they didn't intervene before or even immediately after the December 20th. It seems as if they completely ignored that piece in their briefing.

MR. PELHAM: I think there's probably some extrapolation that has to be read into what they're arguing and --

CHAIRMAN CHRISTMANN: I sort of thought that, and I remember it because at least one of his points, I think, had to do with my question in our work session, I said I wonder if Mr. Schuler still feels the same now having heard from Dakota Valley Electric that they wouldn't require those soft start motors at a big expense. And in the petition to intervene, he talks about that and -- and what he thinks could potentially happen with not having those soft start motors, so it is a somewhat responsive --

MR. PELHAM: And I think --

CHAIRMAN CHRISTMANN: And of course that -- their offer that they would not require them was after he had done his testimony.

MR. PELHAM: As to Commissioner Fedorchak's point, and I think you probably have a point in the sense that, you know, if they were permitted to intervene before, would this have been addressed at the

time? Would it have been addressed in the briefing afterwards? When would it have been addressed? Would it have been addressed? Could it have been addressed after the first work session?

Those are all difficult questions to answer because we'll never know because they, Minn-Kota, hadn't intervened. But now we look at it and they are seeking to intervene. And they are the subject of this proceeding in many respects in the sense that they are the reason for the hearing and they've indicated that they wish to formally intervene.

As I said before, the timing isn't the greatest, but at the same time, I think the question is, do we grant them the right? Does that overcome not granting and not giving them a place at the table?

Under our rules, I think our rules do allow it for good cause shown. The question is, is good cause shown?

COMMISSIONER KROSHUS: Even in this particular case, could you truly argue they didn't have a place at the table?

MR. PELHAM: Well, they had a place at the table in a way in the sense that their representative did testify and their position, you know, and has admitted in the briefing is very similar to Otter Tail's,

although it is not identical to Otter Tail's position. So I mean in that respects, they did -- maybe they had a seat next to the table but they didn't have a seat at the table because they weren't a party.

COMMISSIONER FEDORCHAK: Well, before we can continue, from my perspective, I think we should let the ALJ decide. I mean, I have these thoughts and concerns and can see a lack of addressing the issue of timing and why they waited, but I think it's best for the ALJ to weigh the issues as a whole and make the recommendation. That's what we typically do when it comes to matters of intervention and I think we should stick with that.

CHAIRMAN CHRISTMANN: I agree. That's what we hired him for, one of the things that we hired him for.

COMMISSIONER FEDORCHAK: We did have, I believe -- I mean, these cases tend to be, now having done this, the second one, there's a pattern that I see where you have the hearing and then we have a work session and the parties listen to us and they get worried about what they hear and they want to -- I think the last time there was a request for a rehearing, wasn't there?

MR. PELHAM: It was oral argument on --

COMMISSIONER FEDORCHAK: Oral arguments.

MR. PELHAM: Yeah.

COMMISSIONER FEDORCHAK: And so, you know, it's

like that's kind of part of how this seems to work, is there's, like, whoop, we need another stab at this and make sure that they have everything that they need.

And I think -- I can understand that, because there's a lot at stake for the parties, so...

COMMISSIONER KROSHUS: I would say this. In terms of letting the ALJ decide, I could probably go along with that, but also, to be perfectly honest in that, at this stage of the game, the issues to be considered in terms of what we look at haven't changed one bit. To my knowledge, the dynamics of what they're looking for hasn't changed.

So I've spent an enormous amount of time on this, as I'm sure my colleagues have as well. Maybe it's still a little bit of my old prior days where you want things to move faster and this feels a bit like throwing an anchor over the side of the boat trying to get across the lake.

(Laughter)

COMMISSIONER KROSHUS: But I also realize that the dynamics in government are somewhat different but...

Just one more question. Would the potential for remand be lessened due --

MR. PELHAM: Yes.

COMMISSIONER KROSHUS: -- to the fact that they

had the opportunity to testify, or is that a moot point?

MR. PELHAM: I think, hypothetically speaking, if the petition were denied by, say, the Commission itself rather than the ALJ, you know, that's kind of breaking with kind of standard practice, although it would be within your rights to do, if it was denied and if there was an appeal and one of the issues on appeal was intervention should have been granted and it wasn't, that could be a reason for remand. Now, whether or not it would be a good reason or not I'm not going to really opine on, but it would be a reason, an additional argument that could be made.

And if we can -- my view is if we can prevent that from even being an issue when the downside is, perhaps, yes, it's going to take a little bit longer, that would be my preference, is to avoid that as an issue altogether as a potential reason for remand.

CHAIRMAN CHRISTMANN: If we allow intervention or if the ALJ allows intervention, are there constraints to the constraints that can be applied to the intervenor and then is there something automatic? Do the existing parties automatically have a chance to respond to the intervenor's statements? Or how does that play out?

MR. PELHAM: From a practical standpoint, Commissioner, I can't imagine a situation where the

ALJ's order would not address the ability for another party to address what the intervenor is throwing into the mix.

But what I can do is I can file just a short statement indicating that this work session took place, the Commission is asking the ALJ to make a decision, but something along the lines of, you know, constraints on the matter should be limited to the subject matter of the hearing as well as ensuring that all sides have the opportunity to respond to whatever the intervenor plans to put in, something along those lines.

Does that sound okay?

CHAIRMAN CHRISTMANN: That's what I'm thinking, but I do want to clarify something. You had mentioned early on something about kind of a qualifier if these things don't have a big impact on the time schedule of whatever the project you're talking about is.

It's my recollection that building this facility is already well underway and moving forward and so this probably doesn't have much impact on their construction schedule except for maybe which -- I don't think it should probably have much of any. And so if this does delay anything, it might be actually getting the electric service there when they're done. And so I would think that the intervenor is going to want to move

very quickly if allowed to address this further.

MR. PELHAM: That would be a good assumption, I would think.

CHAIRMAN CHRISTMANN: You recall, too, that the project is under construction, correct?

MR. PELHAM: Yeah, yeah, that's my understanding.

CHAIRMAN CHRISTMANN: Okay.

COMMISSIONER KROSHUS: And so Otter Tail, I think, would be providing temporary power into this site right now.

UNIDENTIFIED SPEAKER: Yeah, right now.

COMMISSIONER KROSHUS: Okay.

CHAIRMAN CHRISTMANN: Well, then I side with having the ALJ determine, make the determination on the intervention request.

MR. PELHAM: Would it be safe to say that I can say something to the effect that the Commission is not opposing, or should I just -- neutral?

COMMISSIONER FEDORCHAK: Neutral.

MR. PELHAM: Gotcha, I would leave it neutral. And then I'll just put it in terms that, in the event that it is granted, that we should limit the scope to what's already been discussed and allow all parties to have response to what is going to be filed by the

intervenor, if it's granted.

CHAIRMAN CHRISTMANN: And if it's possible, put on some reasonable but tough time constraints. We do want to keep this moving along.

MR. PELHAM: Uh-huh.

COMMISSIONER KROSHUS: Do you mean by what's already been discussed? If they've got additional evidence, we'd like to hear it, right?

MR. PELHAM: Well, the subject matter. I mean, if there's new evidence --

COMMISSIONER KROSHUS: Issues that were noticed.

MR. PELHAM: The issues that were noticed. I mean, we can't re-open this to issues that were not noticed, which I don't -- in reading their petition, I don't read that as being done, but just to be clear.

COMMISSIONER KROSHUS: Okay.

COMMISSIONER FEDORCHAK: Who is the judge? Is it Pat?

MR. PELHAM: Yes.

COMMISSIONER FEDORCHAK: I'd be inclined to just leave it entirely up to him. He's got a lot of experience and he's going to know what's the best approach for getting this -- a fair, timely hearing, I think, but -- so I don't know that he needs much direction from us --

MR. PELHAM: Okay.

COMMISSIONER FEDORCHAK: -- to get to that end.

MR. PELHAM: You're probably right and we're probably making more of this, because we all like to have control.

COMMISSIONER FEDORCHAK: Yeah, like then he has to read into it, like what do --

MR. PELHAM: Yeah, yeah, yeah.

COMMISSIONER FEDORCHAK: -- exactly are they meaning here? And I'd almost just rather --

MR. PELHAM: Okay.

COMMISSIONER FEDORCHAK: -- let him look at the request and the response and make the best decision for a fair, timely resolution.

CHAIRMAN CHRISTMANN: That's not a bad point. There's that inclination, oh, yeah, and one more thing.

(Laughter)

CHAIRMAN CHRISTMANN: But it's your case.

COMMISSIONER KROSHUS: Well, I think you have a sense of how I feel about it at this stage, but they are within the parameters of the law by making their request. And if this, in the end, solidifies the final outcome, whatever that may be, and not that anything is ever completely final in this world, but it reduces the chances that we're reviewing it yet again beyond that

because of however it went, because there's only one party that's going to be happy in all of this and one party that's going to be unhappy, then I'm okay with letting the ALJ make the decision.

COMMISSIONER FEDORCHAK: He might decide not to.

COMMISSIONER KROSHUS: He could.

COMMISSIONER FEDORCHAK: I mean, it sounds like you're assuming he'll decide to, and 50/50 chance he decides the other way.

CHAIRMAN CHRISTMANN: So I think that's probably all we need to address today.

MR. PELHAM: Yeah, I think until we have a decision, we'd be spinning our wheels on others. I mean if -- the only way we wouldn't be is if he wouldn't grant it and then -- but, you know, I think we come back after we have a decision from the ALJ and proceed appropriately.

CHAIRMAN CHRISTMANN: Anything else?

COMMISSIONER KROSHUS: Not for me.

COMMISSIONER FEDORCHAK: Nothing.

CHAIRMAN CHRISTMANN: Okay. We're wrapped up. Thank you.

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1

1:05 [1] - 2:1

2

2018 [1] - 2:2
20th [1] - 9:3

5

5 [1] - 2:2
50/50 [1] - 18:8

A

ability [1] - 14:1
able [1] - 8:11
add [1] - 6:15
additional [6] - 4:9, 5:13, 6:14, 6:22, 13:11, 16:7
address [4] - 14:1, 14:2, 15:1, 18:11
addressed [5] - 9:25, 10:1, 10:2, 10:3
addressing [1] - 11:8
administrative [2] - 3:18, 3:25
admitted [1] - 10:24
advisor [1] - 3:7
affected [1] - 5:3
affidavit [1] - 6:21
afterwards [1] - 10:2
Ag [1] - 2:6
agree [2] - 5:19, 11:13
ALJ's [1] - 14:1
allow [7] - 3:19, 4:19, 7:8, 7:20, 10:16, 13:18, 15:24
allowed [5] - 7:10, 7:17, 7:23, 7:25, 15:1
allows [1] - 13:19
almost [1] - 17:10
altogether [1] - 13:17
amount [1] - 12:13
analyst [2] - 3:8
anchor [1] - 12:17
answer [1] - 10:5
appeal [3] - 7:13, 13:7
applied [1] - 13:20
approach [1] - 16:23
appropriate [1] - 4:2
appropriately [1] - 18:17
argue [1] - 10:20
argued [1] - 4:10
argues [1] - 8:5
arguing [1] - 9:7
argument [4] - 6:22, 8:12, 11:22, 13:12
arguments [1] - 11:23
assuming [1] - 18:8
assumption [1] - 15:2
attorney [2] - 2:16, 5:18
attorneys [1] - 5:17
automatic [1] - 13:21
automatically [1] - 13:22
avoid [1] - 13:16

B

bad [1] - 17:15
begin [1] - 3:1
best [3] - 11:9, 16:22, 17:13
better [1] - 8:5
Beulah [1] - 2:12
beyond [1] - 17:25
big [2] - 9:13, 14:16
bit [5] - 3:16, 12:11, 12:15, 12:16, 13:15
boat [1] - 12:17
breaking [1] - 13:5
Brian [1] - 2:3
briefing [6] - 4:9, 8:21, 9:1, 9:4, 10:1, 10:25
bringing [1] - 8:12
broaden [1] - 5:4
building [1] - 14:18
but.. [1] - 12:21

C

case [4] - 2:17, 8:15, 10:20, 17:18
Case [1] - 2:5
cases [1] - 11:16
CHAIRMAN [18] - 2:1, 2:23, 3:4, 3:9, 9:8, 9:19, 11:13, 13:18, 14:13, 15:4, 15:8, 15:14, 16:2, 17:15, 17:18, 18:10, 18:18, 18:21
chairman [1] - 2:2
chance [2] - 13:22, 18:8
chances [1] - 17:25
changed [2] - 12:10, 12:12
CHRISTMANN [18] - 2:1, 2:23, 3:4, 3:9, 9:8, 9:19, 11:13, 13:18, 14:13, 15:4, 15:8, 15:14, 16:2, 17:15, 17:18, 18:10, 18:18, 18:21
Christmann [1] - 2:2
clarify [1] - 14:14
clear [1] - 16:15
code [1] - 3:18
colleagues [1] - 12:14
comments [4] - 2:9, 2:18, 2:22, 2:25
Commission [10] - 2:3, 3:8, 3:25, 4:5, 4:16, 5:7, 5:10, 13:3, 14:6, 15:18
commissioners [3] - 6:23, 7:6, 8:22
Commissioners [1] - 2:3
Company's [1] - 2:7
completely [2] - 9:3, 17:24
completes [1] - 7:10
complying [1] - 4:23
concerns [1] - 11:7
conditions [1] - 5:7
consideration [1] - 6:23
considered [1] - 12:10
constraints [4] - 13:19, 13:20, 14:7, 16:3
construction [2] - 14:20, 15:5
continue [1] - 11:6
control [1] - 17:5
convenience [1] - 2:8
correct [3] - 6:17, 15:5
counsel [1] - 6:1
County [1] - 2:7
couple [1] - 4:5
course [2] - 8:23, 9:19
court [1] - 7:16

D

Dakota [4] - 2:12, 4:10, 5:21, 9:12
days [3] - 3:22, 8:9, 12:15
December [1] - 9:3
decide [5] - 8:23, 11:7, 12:7, 18:5, 18:8
decided [1] - 3:24
decides [1] - 18:9
decision [11] - 4:1, 4:17, 6:24, 7:6, 7:7, 8:22, 14:6, 17:13, 18:4, 18:13, 18:16
defer [1] - 4:17
delay [2] - 5:5, 14:23
denied [3] - 7:14, 13:3, 13:6
deny [1] - 8:19
description [1] - 3:6
determination [1] - 15:15
determine [1] - 15:15
different [2] - 4:6, 12:21
difficult [1] - 10:5
direction [2] - 5:10, 16:25
discussed [3] - 4:4, 15:24, 16:7
dive [1] - 2:25
done [5] - 5:11, 9:21, 11:16, 14:24, 16:15
down [1] - 5:23
downside [3] - 7:18, 7:22, 13:14
due [1] - 12:23
dynamics [2] - 12:11, 12:21

E

early [1] - 14:15
effect [1] - 15:18
either [1] - 4:14
electric [1] - 14:24
Electric [1] - 9:12
electrical [2] - 3:9, 3:11
end [2] - 17:2, 17:22
engineer [2] - 3:10, 3:11
enormous [1] - 12:13
ensuring [1] - 14:9
entirely [1] - 16:21
event [1] - 15:22
evidence [4] - 4:7, 4:13, 16:8, 16:10
exactly [1] - 17:9
example [1] - 5:12
except [3] - 3:23, 8:9, 14:21
existing [1] - 13:21
expense [1] - 9:14
experience [1] - 16:22
extrapolation [1] - 9:6

F

facility [1] - 14:18
fact [1] - 12:25
fair [2] - 16:23, 17:14
family [1] - 2:10
faster [1] - 12:16
February [1] - 2:2
FEDORCHAK [17] - 2:21, 8:4, 8:24, 11:5, 11:15, 11:23, 11:25, 15:20, 16:17, 16:20, 17:2, 17:6, 17:9, 17:12, 18:5, 18:7, 18:20
Fedorchak [2] - 2:4, 2:19
Fedorchak's [1] - 9:22
felt [1] - 4:11
file [2] - 6:4, 14:4
filed [3] - 3:22, 8:8, 15:25
final [2] - 17:22, 17:24
fine [1] - 4:20
fine-tuning [1] - 4:20
first [1] - 10:4
follow [1] - 6:8
follow-up [1] - 6:8
formally [1] - 10:11
fortuitous [1] - 4:3
forward [1] - 14:19
friend [1] - 2:10
full [1] - 8:6
fuller [1] - 8:14

G

game [1] - 12:9
gist [1] - 5:23
gotcha [1] - 15:21
government [1] - 12:21
grant [3] - 4:16, 10:14, 18:15
granted [4] - 4:24, 13:8, 15:23, 16:1
granting [1] - 10:14
greatest [1] - 10:12
guess [2] - 6:6, 6:13
guest [1] - 3:6
guides [1] - 8:7

H

handle [1] - 4:4
happy [1] - 18:2
hard [1] - 6:13
harmed [1] - 8:1
hate [1] - 7:17
hear [3] - 2:25, 11:20, 16:8
heard [1] - 9:12
hearing [12] - 3:17, 3:19, 3:22, 4:8, 4:9, 7:4, 8:9, 10:10, 11:18, 14:9, 16:23
held [1] - 4:8
helpful [1] - 6:3
hired [3] - 2:16, 11:14
honest [1] - 12:8
humble [1] - 3:12
hypothetically [1] - 13:2

I

idea [1] - 8:13
identical [1] - 11:1
ignored [1] - 9:4
imagine [1] - 13:25
immediately [1] - 9:2
impact [2] - 14:16, 14:20
impose [1] - 5:7
inclination [1] - 17:16
inclined [1] - 16:20
including [1] - 5:17
Incorporated [1] - 2:6
indicated [2] - 6:2, 10:10
indicating [1] - 14:5
information [5] - 4:10, 5:24, 6:14, 6:16, 8:13
interest [3] - 4:21, 5:2, 5:9
interests [1] - 8:1
intervene [11] - 3:2, 3:15, 3:21, 4:22, 6:20, 8:8, 9:2, 9:14, 9:25, 10:8, 10:11
intervened [1] - 10:7
intervenor [6] - 5:18, 13:20, 14:2, 14:10, 14:25, 16:1
intervenor's [1] - 13:23
intervenors [1] - 7:25
intervention [22] - 3:17, 3:19, 3:24, 4:16, 4:18, 4:24, 5:4, 5:8, 5:20, 6:3, 7:3, 7:10, 7:14, 7:16, 7:22, 8:7, 8:19, 11:12, 13:8, 13:18, 13:19, 15:16
involved [1] - 7:8
issue [3] - 11:8, 13:14, 13:17
issues [7] - 5:5, 11:10, 12:9, 13:7, 16:11, 16:12, 16:13
itself [1] - 13:4

J

Jerry [4] - 2:13, 3:5, 3:7, 3:12
job [1] - 2:11
job-shadowing [1] - 2:11
judge [2] - 3:25, 16:17
Julie [1] - 2:4
justice [1] - 5:9

K

keep [1] - 16:4
kind [8] - 2:9, 4:19, 6:6, 6:25, 12:1, 13:4, 13:5, 14:15
knowledge [1] - 12:11
Kota [9] - 2:6, 4:6, 4:7, 4:11, 6:10, 7:21, 7:24, 8:21, 10:6
Kota's [3] - 5:18, 5:24, 6:4
Kroshus [3] - 2:4, 2:19, 2:23
KROSHUS [15] - 2:24, 6:9, 6:13, 10:19, 12:6, 12:20, 12:25, 15:9, 15:13, 16:6, 16:11, 16:16, 17:19, 18:6, 18:19

L

lack [1] - 11:8
lake [1] - 12:18
last [2] - 2:20, 11:20
Laughter [3] - 3:13, 12:19, 17:17
law [2] - 3:25, 17:21
least [4] - 3:22, 4:3, 8:8, 9:9
leave [2] - 15:21, 16:21
legal [2] - 2:16, 5:2
LEIN [2] - 3:7, 3:11
Lein [2] - 2:13, 3:7
lessened [1] - 12:23
letting [2] - 12:7, 18:4
limit [2] - 5:11, 15:23
limitations [1] - 5:8
limited [3] - 5:14, 14:8
limiting [1] - 5:19
lines [2] - 14:7, 14:11
listen [1] - 11:19
long-winded [1] - 6:6
look [5] - 6:17, 7:1, 10:7, 12:10, 17:12
looked [1] - 6:25
looking [3] - 7:5, 8:6, 12:12

M

matter [5] - 6:24, 7:20, 14:8, 16:9
matters [1] - 11:11
McKayla [1] - 2:11
mean [10] - 7:1, 11:2, 11:7, 11:16, 16:6, 16:9, 16:13, 18:7, 18:13
meaning [1] - 17:10
memorandum [1] - 6:4
mention [1] - 9:1
mentioned [1] - 14:14
met [2] - 2:10, 2:12
might [2] - 14:23, 18:5
Minn [12] - 2:6, 4:6, 4:7, 4:11, 5:18, 5:24, 6:4, 6:10, 7:21, 7:24, 8:21, 10:6
Minn-Kota [9] - 2:6, 4:6, 4:7, 4:11, 6:10, 7:21, 7:24, 8:21, 10:6
Minn-Kota's [3] - 5:18, 5:24, 6:4
mix [1] - 14:3
Monday [1] - 2:1
moot [1] - 13:1
motors [2] - 9:13, 9:16
move [2] - 12:16, 14:25
moving [2] - 14:19, 16:4
must [2] - 3:22, 8:8

N

necessarily [1] - 8:1
necessity [1] - 2:8
need [3] - 12:2, 12:3, 18:11
needed [1] - 4:12
needs [1] - 16:24
neutral [3] - 15:19, 15:20, 15:21
never [1] - 10:6
new [2] - 3:2, 16:10
next [1] - 11:3
North [1] - 2:12
nothing [2] - 7:1, 18:20
noticed [3] - 16:11, 16:12, 16:14
number [1] - 2:5

O

offer [1] - 9:20
old [1] - 12:15
one [11] - 7:13, 8:4, 9:9, 11:14, 11:17, 12:11, 12:22, 13:7, 17:16, 18:1, 18:2
open [1] - 16:13
opening [5] - 2:9, 2:18, 2:22, 2:24, 5:13
opine [1] - 13:11
opportunity [4] - 5:25, 8:2, 13:1, 14:10
opposing [1] - 15:19
opposition [1] - 5:21
oral [4] - 5:13, 5:20, 11:22, 11:23
orally [2] - 4:15, 6:21
order [1] - 14:1
Otter [9] - 2:7, 4:11, 6:1, 6:2, 6:10, 10:25, 11:1, 15:9
outcome [1] - 17:23
outlines [1] - 3:20
overcome [1] - 10:14
own [2] - 4:1, 4:13

P

p.m [1] - 2:1
parameters [1] - 17:21
part [1] - 12:1
particular [1] - 10:19
parties [6] - 5:17, 8:13, 11:19, 12:5, 13:22, 15:24
party [5] - 5:1, 11:4, 14:2, 18:2, 18:3
Pat [1] - 16:18
pattern [1] - 11:17
PC&N [1] - 2:7
PELHAM [27] - 3:12, 3:14, 6:12, 6:19, 8:17, 9:5, 9:18, 9:22, 10:22, 11:22, 11:24, 12:24, 13:2, 13:24, 15:2, 15:6, 15:17, 15:21, 16:5, 16:9, 16:12, 16:19, 17:1, 17:3, 17:8, 17:11, 18:12
Pelham [1] - 2:15
perfect [2] - 7:2
perfectly [1] - 12:8
perhaps [1] - 13:15
permitted [3] - 6:20, 9:24
person [1] - 4:21
perspective [2] - 7:19, 11:6
petition [10] - 3:1, 3:15, 3:21, 4:2, 4:22, 6:25, 8:7, 9:14, 13:3, 16:14
petitioner [2] - 4:25, 5:1
petitions [1] - 3:20
picked [1] - 7:15
piece [1] - 9:4
place [5] - 7:9, 10:15, 10:20, 10:22, 14:5
plans [1] - 14:10
play [1] - 13:23
point [5] - 7:15, 9:23, 13:1, 17:15
points [1] - 9:9
portfolio [1] - 2:20
position [3] - 6:5, 10:24, 11:1
possible [2] - 8:6, 16:2
post [1] - 4:9
post-hearing [1] - 4:9
potential [2] - 12:22, 13:17
potentially [2] - 5:14, 9:15
power [1] - 15:10
Power [1] - 2:7
practical [1] - 13:24
practice [1] - 13:5
preference [1] - 13:16
present [5] - 4:7, 4:13, 5:25, 6:20, 7:23
presented [1] - 7:7
prevent [1] - 13:13
primer [1] - 6:6
proceed [1] - 18:16
proceeding [8] - 3:21, 4:22, 4:23, 5:1, 5:3, 5:5, 8:8, 10:9
process [1] - 7:8
Products [1] - 2:6
project [2] - 14:17, 15:5
promote [1] - 5:8
proposed [1] - 5:18
providing [1] - 15:10
PSC [1] - 2:15
PU-17-96 [1] - 2:6
public [2] - 2:8, 3:8
put [3] - 14:11, 15:22, 16:2

Q

qualifier [1] - 14:15
questions [2] - 6:8, 10:5
quickly [1] - 15:1
quiet [1] - 6:7

R

Randy [1] - 2:2
rather [3] - 5:12, 13:4, 17:10
rationale [1] - 8:25
re [1] - 16:13
re-open [1] - 16:13
reaching [1] - 6:24
read [4] - 5:22, 9:6, 16:15, 17:7
reading [2] - 4:20,

16:14
realize [1] - 12:20
really [2] - 7:19, 13:10
reason [6] - 7:18, 10:10, 13:9, 13:10, 13:11, 13:17
reasonable [1] - 16:3
received [2] - 5:22, 5:24
recollection [1] - 14:18
recommendation [1] - 11:10
record [5] - 2:14, 3:5, 6:11, 8:6, 8:14
reduces [1] - 17:24
reference [1] - 8:25
regarding [1] - 2:6
rehearing [1] - 11:21
remand [4] - 7:18, 12:23, 13:9, 13:17
remember [1] - 9:9
repeat [1] - 6:16
representative [2] - 4:6, 10:23
request [10] - 3:17, 3:24, 4:17, 4:18, 7:3, 7:14, 11:21, 15:16, 17:13, 17:22
requested [2] - 4:14, 4:15
require [2] - 9:13, 9:20
resolution [1] - 17:14
respects [2] - 10:9, 11:2
respond [3] - 3:14, 13:22, 14:10
responded [1] - 5:21
response [4] - 7:24, 8:3, 15:25, 17:13
responsive [1] - 9:17
reviewing [1] - 17:25
Richland [1] - 2:7
rights [2] - 8:19, 13:6
rule [3] - 3:18, 4:19, 8:6
rules [3] - 3:20, 10:16

S

safe [1] - 15:17
schedule [2] - 14:16, 14:21
Schuler [1] - 9:11
scope [1] - 15:23
seat [2] - 11:3
second [1] - 11:17
section [1] - 4:23
see [7] - 3:16, 7:18, 7:25, 8:24, 9:1, 11:8, 11:17
seeking [1] - 10:7
sense [4] - 9:24, 10:9, 10:23, 17:20
service [1] - 14:24
session [6] - 2:5, 4:4, 9:10, 10:4, 11:18, 14:5
shadowing [1] - 2:11
short [2] - 6:4, 14:4
shown [5] - 3:23, 8:10, 8:21, 10:17, 10:18
side [2] - 12:17, 15:14
sides [2] - 7:14, 14:9
similar [1] - 10:25
simply [1] - 6:4
single [1] - 9:1
site [1] - 15:10
sitting [1] - 8:18
situation [1] - 13:25
so.. [1] - 12:5
soft [2] - 9:13, 9:16
solidifies [1] - 17:22
somewhat [2] - 9:17, 12:21
sort [2] - 7:9, 9:8
sound [1] - 14:12
sounds [1] - 18:7
SPEAKER [1] - 15:12
speaking [1] - 13:2
specific [1] - 2:17
speculate [1] - 6:14
spent [2] - 7:20, 12:13
spinning [1] - 18:13
spot [1] - 4:12
stab [1] - 12:2
stage [2] - 12:9, 17:20
stake [1] - 12:5
standard [1] - 13:5
standpoint [2] - 7:5, 13:24
start [3] - 3:4, 9:13, 9:16
statement [1] - 14:5
statements [1] - 13:23
statutory [1] - 4:25
Stephenson [1] - 6:1
stick [1] - 11:12
still [2] - 9:11, 12:15
subject [3] - 10:8, 14:8, 16:9
substantial [1] - 4:21
substantially [1] - 5:3
support [2] - 6:2, 6:4

T

table [8] - 2:13, 4:12, 7:9, 10:15, 10:21, 10:22, 11:3, 11:4
Tail [7] - 2:7, 4:11, 6:2, 6:10, 15:9
Tail's [2] - 10:25, 11:1
talks [1] - 9:14
temporary [1] - 15:10
ten [2] - 3:22, 8:8
tend [2] - 8:4, 11:16
terms [5] - 3:1, 6:14, 12:7, 12:10, 15:22
testify [3] - 4:7, 10:24, 13:1
testimony [6] - 5:13, 5:15, 5:20, 6:9, 6:21, 9:21
they've [2] - 10:10, 16:7
thinking [1] - 14:13
thinks [1] - 9:15
thoughts [2] - 3:3, 11:7
throwing [3] - 5:12, 12:17, 14:2
timely [2] - 16:23, 17:14
timing [2] - 10:12, 11:8
today [5] - 2:3, 2:5, 2:11, 2:13, 18:11
took [1] - 14:5
tough [1] - 16:3
town [1] - 2:16
truly [1] - 10:20
trying [1] - 12:17
tuning [1] - 4:20
type [1] - 6:22
typical [1] - 3:16
typically [2] - 3:24, 11:11

U

ultimately [1] - 8:22
under [3] - 4:19, 10:16, 15:5
underway [1] - 14:19
unduly [1] - 5:4
unhappy [1] - 18:3
UNIDENTIFIED [1] - 15:12
up [5] - 5:13, 6:8, 7:15, 16:21, 18:21
utility [1] - 3:8

V

Valley [3] - 4:10, 5:21, 9:12
view [1] - 13:13
Voegele [1] - 2:11

W

waited [2] - 8:25, 11:9
ways [1] - 4:6
weigh [1] - 11:10
welcome [1] - 3:2
wheels [1] - 18:13
whole [1] - 11:10
whoop [1] - 12:2
winded [1] - 6:6
wish [1] - 10:11
wonder [1] - 9:11
world [3] - 7:1, 7:2, 17:24
worried [1] - 11:19
wrapped [1] - 18:21
writing [2] - 4:14, 4:15
written [3] - 5:15, 5:23, 6:22

Z

Zach [3] - 2:14, 3:1, 8:4

1

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company Case No. PU-17-96
Minn-Kota Ag Products, Inc.
-- Richland County
Public Convenience & Necessity

TRANSCRIPT OF WORK SESSION

February 5, 2018

CHAIRMAN CHRISTMANN: It is 1:05 p.m. on Monday, February 5, 2018. I'm Randy Christmann, chairman of the Commission. With me today are Commissioners Brian Kroshus and Julie Fedorchak.

We're having a work session today on Case number PU-17-96 regarding Minn-Kota Ag Products, Incorporated, and Otter Tail Power Company's Richland County PC&N, public convenience and necessity.

Just in way of kind of opening comments, some of you met earlier, but I have a long time family friend job-shadowing me today, McKayla Voegele is here from Beulah, North Dakota, and she's met some of you.

Also at our table today is Jerry Lein. And we'll go around and each be on the record. And Zach Pelham does not actually work for the PSC, he is an attorney here in town who we have hired to do legal work for us on this specific case.

So that's all the opening comments I have. Commissioner Kroshus -- Commissioner Fedorchak.

It's your portfolio, I'll come to you last.

COMMISSIONER FEDORCHAK: I do not have any opening comments.

CHAIRMAN CHRISTMANN: Commissioner Kroshus.

COMMISSIONER KROSHUS: I don't have any opening comments as well, I just want to dive into it and hear

from Zach, I think, to begin with in terms of a petition to intervene. This is new for me, so I would welcome your thoughts on that.

CHAIRMAN CHRISTMANN: And before I start, though, Jerry also go on the record and just a little description of what you do here for our guest.

MR. LEIN: Jerry Lein and I'm an advisor to the Commission, analyst, public utility analyst.

CHAIRMAN CHRISTMANN: And an electrical engineer.

MR. LEIN: And electrical engineer.

MR. PELHAM: Jerry is so humble.

(Laughter)

MR. PELHAM: Commissioner, to respond to your question, the petition to intervene, it was -- it's a little bit -- not as typical. Usually we see the intervention request prior to the hearing.

The rule, however, in our administrative code does allow for an intervention after hearing. I think in both petitions it outlines what the rules are. But basically, a petition to intervene in any proceeding must be filed at least ten days prior to the hearing but not after -- not after except for good cause shown.

So typically, an intervention request is decided by the administrative law judge. The Commission can,

however, make the decision on its own. So it's probably appropriate that the petition was made when it was, fortuitous in a way so that at least it could be discussed at the work session as to how to handle it.

You know, the Commission could go a couple different ways. You know, Minn-Kota -- a representative of Minn-Kota did testify and present evidence at the hearing when the hearing was held. At the same time, there was post-hearing briefing, so additional information was made and argued by both Dakota Valley and Otter Tail, to which, apparently, Minn-Kota felt that it wanted or needed a spot at the table, so to speak, and wanted to present its own evidence, and it's requested to do that, either in writing -- well, it's requested to do that in writing and orally.

The Commission can grant the intervention request. It could defer to the ALJ to make the decision on the intervention request.

Under the rule, it does allow for kind of fine-tuning. I was just reading here:

Any person with substantial interest in a proceeding may petition to intervene in that proceeding by complying with the section, and intervention may be granted if the petitioner has a statutory right to be a

party to the proceeding or the petitioner has a legal interest which may be substantially affected by the proceeding and the intervention would not unduly broaden the issues or delay the proceeding.

And then it goes on to say:

The Commission may impose conditions and limitations on an intervention to promote the interest of justice.

So I think if the direction from the Commission was such that, you know, to limit what could be done, say, for example, I'm just throwing out there, rather than opening up for additional oral testimony, whether it be limited -- it could potentially be limited to just written testimony.

It's also something that I could go to the attorneys for each of the parties, including the proposed intervenor, Minn-Kota's attorney, and ask them whether or not they'd agree to limiting to the intervention to oral testimony.

Dakota Valley has responded in opposition. You've all received that. I'm not going to read it, because it's written down, but the gist of it is, well, this information has already been received, Minn-Kota's had their opportunity to present.

I spoke with Mr. Stephenson, counsel for Otter Tail, and he indicated that Otter Tail was in support of the intervention and, if it would be helpful, they would simply file a short memorandum in support of Minn-Kota's position.

So that's kind of a long-winded primer, I guess, Commissioner, and I'll be quiet and you may have some follow-up questions for me.

COMMISSIONER KROSHUS: How does prior testimony by Otter Tail -- or not Otter Tail, by Minn-Kota, that's already on the record.

MR. PELHAM: It is.

COMMISSIONER KROSHUS: So I guess it's hard to speculate in terms of what additional information they may want to add, but it wouldn't do anything if it was basically a repeat of that information. Is that correct? Or is that not the correct way to look at that?

MR. PELHAM: Well, I think anything, if permitted to intervene and permitted to present testimony, whether it be orally or through an affidavit or some other type of written additional argument, would be for consideration by you and the other commissioners in reaching a decision on this matter.

Kind of how I looked at it in the petition,

yeah, I mean, look, I mean, nothing in this world is perfect. It would have been -- in a perfect world, the intervention request would have been made prior to the hearing and we'd have everything.

But looking at it from the standpoint of you as commissioners having to make the decision that is the right decision with everything that's presented, to allow all of those who are involved in the process to have sort of a place at the table and have their say if the intervention is allowed, it completes that and then you have everything.

And also, and I'm not saying that this would happen, but if there were an appeal from one of the sides, then if you had denied the intervention request, that could be a point that could be picked up by the court in saying, well, you know, intervention should have been allowed. And I would hate for that to be a reason for a remand when I don't see -- the downside really is, is maybe, from a time perspective, more time has had to be spent on this matter to allow for Minn-Kota to say what they want to say in their intervention. That, to me, is the downside.

Now, if everyone is allowed to present in response to what Minn-Kota is going to say, if they're allowed to be intervenors, I don't see how those

interests would be necessarily harmed because everyone would have the opportunity, so to speak, to have their say in response.

COMMISSIONER FEDORCHAK: Zach, I tend to be one who argues for more is better and, yeah, let's have the record as full as possible, but I am looking at the rule that guides intervention and it says petition to intervene in any proceeding must be filed at least ten days prior to the hearing but not after except for good cause shown.

So it seems like you'd always be able to make the argument that whatever somebody is bringing is more information and it's a good idea because the parties -- you know, you have a fuller record and all this and that. So if that's always the case, why do we have that?

MR. PELHAM: It's a very good question, and I'm not sitting here and saying that you would not be within your rights to deny the intervention.

I think the question is, you know, has good cause been shown by Minn-Kota in their briefing? And that's ultimately a decision that you as commissioners have to decide and of course --

COMMISSIONER FEDORCHAK: I didn't see any reference to the rationale for why they waited in their

briefing. Like, I didn't see a single mention of why they didn't intervene before or even immediately after the December 20th. It seems as if they completely ignored that piece in their briefing.

MR. PELHAM: I think there's probably some extrapolation that has to be read into what they're arguing and --

CHAIRMAN CHRISTMANN: I sort of thought that, and I remember it because at least one of his points, I think, had to do with my question in our work session, I said I wonder if Mr. Schuler still feels the same now having heard from Dakota Valley Electric that they wouldn't require those soft start motors at a big expense. And in the petition to intervene, he talks about that and -- and what he thinks could potentially happen with not having those soft start motors, so it is a somewhat responsive --

MR. PELHAM: And I think --

CHAIRMAN CHRISTMANN: And of course that -- their offer that they would not require them was after he had done his testimony.

MR. PELHAM: As to Commissioner Fedorchak's point, and I think you probably have a point in the sense that, you know, if they were permitted to intervene before, would this have been addressed at the

time? Would it have been addressed in the briefing afterwards? When would it have been addressed? Would it have been addressed? Could it have been addressed after the first work session?

Those are all difficult questions to answer because we'll never know because they, Minn-Kota, hadn't intervened. But now we look at it and they are seeking to intervene. And they are the subject of this proceeding in many respects in the sense that they are the reason for the hearing and they've indicated that they wish to formally intervene.

As I said before, the timing isn't the greatest, but at the same time, I think the question is, do we grant them the right? Does that overcome not granting and not giving them a place at the table?

Under our rules, I think our rules do allow it for good cause shown. The question is, is good cause shown?

COMMISSIONER KROSHUS: Even in this particular case, could you truly argue they didn't have a place at the table?

MR. PELHAM: Well, they had a place at the table in a way in the sense that their representative did testify and their position, you know, and has admitted in the briefing is very similar to Otter Tail's,

although it is not identical to Otter Tail's position. So I mean in that respects, they did -- maybe they had a seat next to the table but they didn't have a seat at the table because they weren't a party.

COMMISSIONER FEDORCHAK: Well, before we can continue, from my perspective, I think we should let the ALJ decide. I mean, I have these thoughts and concerns and can see a lack of addressing the issue of timing and why they waited, but I think it's best for the ALJ to weigh the issues as a whole and make the recommendation. That's what we typically do when it comes to matters of intervention and I think we should stick with that.

CHAIRMAN CHRISTMANN: I agree. That's what we hired him for, one of the things that we hired him for.

COMMISSIONER FEDORCHAK: We did have, I believe -- I mean, these cases tend to be, now having done this, the second one, there's a pattern that I see where you have the hearing and then we have a work session and the parties listen to us and they get worried about what they hear and they want to -- I think the last time there was a request for a rehearing, wasn't there?

MR. PELHAM: It was oral argument on --

COMMISSIONER FEDORCHAK: Oral arguments.

MR. PELHAM: Yeah.

COMMISSIONER FEDORCHAK: And so, you know, it's

like that's kind of part of how this seems to work, is there's, like, whoop, we need another stab at this and make sure that they have everything that they need.

And I think -- I can understand that, because there's a lot at stake for the parties, so...

COMMISSIONER KROSHUS: I would say this. In terms of letting the ALJ decide, I could probably go along with that, but also, to be perfectly honest in that, at this stage of the game, the issues to be considered in terms of what we look at haven't changed one bit. To my knowledge, the dynamics of what they're looking for hasn't changed.

So I've spent an enormous amount of time on this, as I'm sure my colleagues have as well. Maybe it's still a little bit of my old prior days where you want things to move faster and this feels a bit like throwing an anchor over the side of the boat trying to get across the lake.

(Laughter)

COMMISSIONER KROSHUS: But I also realize that the dynamics in government are somewhat different but...

Just one more question. Would the potential for remand be lessened due --

MR. PELHAM: Yes.

COMMISSIONER KROSHUS: -- to the fact that they

had the opportunity to testify, or is that a moot point?
MR. PELHAM: I think, hypothetically speaking, if the petition were denied by, say, the Commission itself rather than the ALJ, you know, that's kind of breaking with kind of standard practice, although it would be within your rights to do, if it was denied and if there was an appeal and one of the issues on appeal was intervention should have been granted and it wasn't, that could be a reason for remand. Now, whether or not it would be a good reason or not I'm not going to really opine on, but it would be a reason, an additional argument that could be made.
And if we can -- my view is if we can prevent that from even being an issue when the downside is, perhaps, yes, it's going to take a little bit longer, that would be my preference, is to avoid that as an issue altogether as a potential reason for remand.
CHAIRMAN CHRISTMANN: If we allow intervention or if the ALJ allows intervention, are there constraints to the constraints that can be applied to the intervenor and then is there something automatic? Do the existing parties automatically have a chance to respond to the intervenor's statements? Or how does that play out?
MR. PELHAM: From a practical standpoint, Commissioner, I can't imagine a situation where the

ALJ's order would not address the ability for another party to address what the intervenor is throwing into the mix.
But what I can do is I can file just a short statement indicating that this work session took place, the Commission is asking the ALJ to make a decision, but something along the lines of, you know, constraints on the matter should be limited to the subject matter of the hearing as well as ensuring that all sides have the opportunity to respond to whatever the intervenor plans to put in, something along those lines.
Does that sound okay?
CHAIRMAN CHRISTMANN: That's what I'm thinking, but I do want to clarify something. You had mentioned early on something about kind of a qualifier if these things don't have a big impact on the time schedule of whatever the project you're talking about is.
It's my recollection that building this facility is already well underway and moving forward and so this probably doesn't have much impact on their construction schedule except for maybe which -- I don't think it should probably have much of any. And so if this does delay anything, it might be actually getting the electric service there when they're done. And so I would think that the intervenor is going to want to move

very quickly if allowed to address this further.
MR. PELHAM: That would be a good assumption, I would think.
CHAIRMAN CHRISTMANN: You recall, too, that the project is under construction, correct?
MR. PELHAM: Yeah, yeah, that's my understanding.
CHAIRMAN CHRISTMANN: Okay.
COMMISSIONER KROSHUS: And so Otter Tail, I think, would be providing temporary power into this site right now.
UNIDENTIFIED SPEAKER: Yeah, right now.
COMMISSIONER KROSHUS: Okay.
CHAIRMAN CHRISTMANN: Well, then I side with having the ALJ determine, make the determination on the intervention request.
MR. PELHAM: Would it be safe to say that I can say something to the effect that the Commission is not opposing, or should I just -- neutral?
COMMISSIONER FEDORCHAK: Neutral.
MR. PELHAM: Gotcha, I would leave it neutral. And then I'll just put it in terms that, in the event that it is granted, that we should limit the scope to what's already been discussed and allow all parties to have response to what is going to be filed by the

intervenor, if it's granted.
CHAIRMAN CHRISTMANN: And if it's possible, put on some reasonable but tough time constraints. We do want to keep this moving along.
MR. PELHAM: Uh-huh.
COMMISSIONER KROSHUS: Do you mean by what's already been discussed? If they've got additional evidence, we'd like to hear it, right?
MR. PELHAM: Well, the subject matter. I mean, if there's new evidence --
COMMISSIONER KROSHUS: Issues that were noticed.
MR. PELHAM: The issues that were noticed. I mean, we can't re-open this to issues that were not noticed, which I don't -- in reading their petition, I don't read that as being done, but just to be clear.
COMMISSIONER KROSHUS: Okay.
COMMISSIONER FEDORCHAK: Who is the judge? Is it Pat?
MR. PELHAM: Yes.
COMMISSIONER FEDORCHAK: I'd be inclined to just leave it entirely up to him. He's got a lot of experience and he's going to know what's the best approach for getting this -- a fair, timely hearing, I think, but -- so I don't know that he needs much direction from us --

MR. PELHAM: Okay.
COMMISSIONER FEDORCHAK: -- to get to that end.
MR. PELHAM: You're probably right and we're probably making more of this, because we all like to have control.
COMMISSIONER FEDORCHAK: Yeah, like then he has to read into it, like what do --
MR. PELHAM: Yeah, yeah, yeah.
COMMISSIONER FEDORCHAK: -- exactly are they meaning here? And I'd almost just rather --
MR. PELHAM: Okay.
COMMISSIONER FEDORCHAK: -- let him look at the request and the response and make the best decision for a fair, timely resolution.
CHAIRMAN CHRISTMANN: That's not a bad point. There's that inclination, oh, yeah, and one more thing.
(Laughter)
CHAIRMAN CHRISTMANN: But it's your case.
COMMISSIONER KROSHUS: Well, I think you have a sense of how I feel about it at this stage, but they are within the parameters of the law by making their request. And if this, in the end, solidifies the final outcome, whatever that may be, and not that anything is ever completely final in this world, but it reduces the chances that we're reviewing it yet again beyond that

because of however it went, because there's only one party that's going to be happy in all of this and one party that's going to be unhappy, then I'm okay with letting the ALJ make the decision.
COMMISSIONER FEDORCHAK: He might decide not to.
COMMISSIONER KROSHUS: He could.
COMMISSIONER FEDORCHAK: I mean, it sounds like you're assuming he'll decide to, and 50/50 chance he decides the other way.
CHAIRMAN CHRISTMANN: So I think that's probably all we need to address today.
MR. PELHAM: Yeah, I think until we have a decision, we'd be spinning our wheels on others. I mean if -- the only way we wouldn't be is if he wouldn't grant it and then -- but, you know, I think we come back after we have a decision from the ALJ and proceed appropriately.
CHAIRMAN CHRISTMANN: Anything else?
COMMISSIONER KROSHUS: Not for me.
COMMISSIONER FEDORCHAK: Nothing.
CHAIRMAN CHRISTMANN: Okay. We're wrapped up. Thank you.

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OTTER TAIL POWER CO., MINN-KOTA AG PRODUCTS, INC.

FEBRUARY 5, 2018 WORK SESSION

ND PUBLIC SERVICE COMMISSION

1

1:05 [1] - 2:1

2

2018 [1] - 2:2
20th [1] - 9:3

5

5 [1] - 2:2
50/50 [1] - 18:8

A

ability [1] - 14:1
able [1] - 8:11
add [1] - 6:15
additional [6] - 4:9, 5:13, 6:14, 6:22, 13:11, 16:7
address [4] - 14:1, 14:2, 15:1, 18:11
addressed [5] - 9:25, 10:1, 10:2, 10:3
addressing [1] - 11:8
administrative [2] - 3:18, 3:25
admitted [1] - 10:24
advisor [1] - 3:7
affected [1] - 5:3
affidavit [1] - 6:21
afterwards [1] - 10:2
Ag [1] - 2:6
agree [2] - 5:19, 11:13
ALJ's [1] - 14:1
allow [7] - 3:19, 4:19, 7:8, 7:20, 10:16, 13:18, 15:24
allowed [5] - 7:10, 7:17, 7:23, 7:25, 15:1
allows [1] - 13:19
almost [1] - 17:10
altogether [1] - 13:17
amount [1] - 12:13
analyst [2] - 3:8
anchor [1] - 12:17
answer [1] - 10:5
appeal [3] - 7:13, 13:7
applied [1] - 13:20
approach [1] - 16:23
appropriate [1] - 4:2
appropriately [1] - 18:17
argue [1] - 10:20
argued [1] - 4:10
argues [1] - 8:5
arguing [1] - 9:7
argument [4] - 6:22, 8:12, 11:22, 13:12
arguments [1] - 11:23
assuming [1] - 18:8
assumption [1] - 15:2
attorney [2] - 2:16, 5:18
attorneys [1] - 5:17
automatic [1] - 13:21
automatically [1] - 13:22
avoid [1] - 13:16

B

bad [1] - 17:15
begin [1] - 3:1
best [3] - 11:9, 16:22, 17:13
better [1] - 8:5
Beulah [1] - 2:12
beyond [1] - 17:25
big [2] - 9:13, 14:16
bit [5] - 3:16, 12:11, 12:15, 12:16, 13:15
boat [1] - 12:17
breaking [1] - 13:5
Brian [1] - 2:3
briefing [6] - 4:9, 8:21, 9:1, 9:4, 10:1, 10:25
bringing [1] - 8:12
broaden [1] - 5:4
building [1] - 14:18
but.. [1] - 12:21

C

case [4] - 2:17, 8:15, 10:20, 17:18
Case [1] - 2:5
cases [1] - 11:16
CHAIRMAN [18] - 2:1, 2:23, 3:4, 3:9, 9:8, 9:19, 11:13, 13:18, 14:13, 15:4, 15:8, 15:14, 16:2, 17:15, 17:18, 18:10, 18:18, 18:21
chairman [1] - 2:2
chance [2] - 13:22, 18:8
chances [1] - 17:25
changed [2] - 12:10, 12:12
CHRISTMANN [18] - 2:1, 2:23, 3:4, 3:9, 9:8, 9:19, 11:13, 13:18, 14:13, 15:4, 15:8, 15:14, 16:2, 17:15, 17:18, 18:10, 18:18, 18:21
Christmann [1] - 2:2
clarify [1] - 14:14
clear [1] - 16:15
code [1] - 3:18
colleagues [1] - 12:14
comments [4] - 2:9, 2:18, 2:22, 2:25
Commission [10] - 2:3, 3:8, 3:25, 4:5, 4:16, 5:7, 5:10, 13:3, 14:6, 15:18
commissioners [3] - 6:23, 7:6, 8:22
Commissioners [1] - 2:3
Company's [1] - 2:7
completely [2] - 9:3, 17:24
completes [1] - 7:10
complying [1] - 4:23
concerns [1] - 11:7
conditions [1] - 5:7
consideration [1] - 6:23
considered [1] - 12:10
constraints [4] - 13:19, 13:20, 14:7, 16:3
construction [2] - 14:20, 15:5
continue [1] - 11:6
control [1] - 17:5
convenience [1] - 2:8
correct [3] - 6:17, 15:5
counsel [1] - 6:1
County [1] - 2:7
couple [1] - 4:5
course [2] - 8:23, 9:19
court [1] - 7:16

D

Dakota [4] - 2:12, 4:10, 5:21, 9:12
days [3] - 3:22, 8:9, 12:15
December [1] - 9:3
decide [5] - 8:23, 11:7, 12:7, 18:5, 18:8
decided [1] - 3:24
decides [1] - 18:9
decision [11] - 4:1, 4:17, 6:24, 7:6, 7:7, 8:22, 14:6, 17:13, 18:4, 18:13, 18:16
defer [1] - 4:17
delay [2] - 5:5, 14:23
denied [3] - 7:14, 13:3, 13:6
deny [1] - 8:19
description [1] - 3:6
determination [1] - 15:15
determine [1] - 15:15
different [2] - 4:6, 12:21
difficult [1] - 10:5
direction [2] - 5:10, 16:25
discussed [3] - 4:4, 15:24, 16:7
dive [1] - 2:25
done [5] - 5:11, 9:21, 11:16, 14:24, 16:15
down [1] - 5:23
downside [3] - 7:18, 7:22, 13:14
due [1] - 12:23
dynamics [2] - 12:11, 12:21

E

early [1] - 14:15
effect [1] - 15:18
either [1] - 4:14
electric [1] - 14:24
Electric [1] - 9:12
electrical [2] - 3:9, 3:11
end [2] - 17:2, 17:22
engineer [2] - 3:10, 3:11
enormous [1] - 12:13
ensuring [1] - 14:9
entirely [1] - 16:21
event [1] - 15:22
evidence [4] - 4:7, 4:13, 16:8, 16:10
exactly [1] - 17:9
example [1] - 5:12
except [3] - 3:23, 8:9, 14:21
existing [1] - 13:21
expense [1] - 9:14
experience [1] - 16:22
extrapolation [1] - 9:6

F

facility [1] - 14:18
fact [1] - 12:25
fair [2] - 16:23, 17:14
family [1] - 2:10
faster [1] - 12:16
February [1] - 2:2
FEDORCHAK [17] - 2:21, 8:4, 8:24, 11:5, 11:15, 11:23, 11:25, 15:20, 16:17, 16:20, 17:2, 17:6, 17:9, 17:12, 18:5, 18:7, 18:20
Fedorchak [2] - 2:4, 2:19
Fedorchak's [1] - 9:22
felt [1] - 4:11
file [2] - 6:4, 14:4
filed [3] - 3:22, 8:8, 15:25
final [2] - 17:22, 17:24
fine [1] - 4:20
fine-tuning [1] - 4:20
first [1] - 10:4
follow [1] - 6:8
follow-up [1] - 6:8
formally [1] - 10:11
fortuitous [1] - 4:3
forward [1] - 14:19
friend [1] - 2:10
full [1] - 8:6
fuller [1] - 8:14

G

game [1] - 12:9
gist [1] - 5:23
gotcha [1] - 15:21
government [1] - 12:21
grant [3] - 4:16, 10:14, 18:15
granted [4] - 4:24, 13:8, 15:23, 16:1
granting [1] - 10:14
greatest [1] - 10:12
guess [2] - 6:6, 6:13
guest [1] - 3:6
guides [1] - 8:7

H

handle [1] - 4:4
happy [1] - 18:2
hard [1] - 6:13
harmed [1] - 8:1
hate [1] - 7:17
hear [3] - 2:25, 11:20, 16:8
heard [1] - 9:12
hearing [12] - 3:17, 3:19, 3:22, 4:8, 4:9, 7:4, 8:9, 10:10, 11:18, 14:9, 16:23
held [1] - 4:8
helpful [1] - 6:3
hired [3] - 2:16, 11:14
honest [1] - 12:8
humble [1] - 3:12
hypothetically [1] - 13:2

I

idea [1] - 8:13
identical [1] - 11:1
ignored [1] - 9:4
imagine [1] - 13:25
immediately [1] - 9:2
impact [2] - 14:16, 14:20
impose [1] - 5:7
inclination [1] - 17:16
inclined [1] - 16:20
including [1] - 5:17
Incorporated [1] - 2:6
indicated [2] - 6:2, 10:10
indicating [1] - 14:5
information [5] - 4:10, 5:24, 6:14, 6:16, 8:13
interest [3] - 4:21, 5:2, 5:9
interests [1] - 8:1
intervene [11] - 3:2, 3:15, 3:21, 4:22, 6:20, 8:8, 9:2, 9:14, 9:25, 10:8, 10:11
intervened [1] - 10:7
intervenor [6] - 5:18, 13:20, 14:2, 14:10, 14:25, 16:1
intervenor's [1] - 13:23
intervenors [1] - 7:25
intervention [22] - 3:17, 3:19, 3:24, 4:16, 4:18, 4:24, 5:4, 5:8, 5:20, 6:3, 7:3, 7:10, 7:14, 7:16, 7:22, 8:7, 8:19, 11:12, 13:8, 13:18, 13:19, 15:16
involved [1] - 7:8
issue [3] - 11:8, 13:14, 13:17
issues [7] - 5:5, 11:10, 12:9, 13:7, 16:11, 16:12, 16:13
itself [1] - 13:4

J

Jerry [4] - 2:13, 3:5, 3:7, 3:12
job [1] - 2:11
job-shadowing [1] - 2:11
judge [2] - 3:25, 16:17
Julie [1] - 2:4
justice [1] - 5:9

K

keep [1] - 16:4
kind [8] - 2:9, 4:19, 6:6, 6:25, 12:1, 13:4, 13:5, 14:15
knowledge [1] - 12:11
Kota [9] - 2:6, 4:6, 4:7, 4:11, 6:10, 7:21, 7:24, 8:21, 10:6
Kota's [3] - 5:18, 5:24, 6:4
Kroshus [3] - 2:4, 2:19, 2:23
KROSHUS [15] - 2:24, 6:9, 6:13, 10:19, 12:6, 12:20, 12:25, 15:9, 15:13, 16:6, 16:11, 16:16, 17:19, 18:6, 18:19

L

lack [1] - 11:8
lake [1] - 12:18
last [2] - 2:20, 11:20
Laughter [3] - 3:13, 12:19, 17:17
law [2] - 3:25, 17:21
least [4] - 3:22, 4:3, 8:8, 9:9
leave [2] - 15:21, 16:21
legal [2] - 2:16, 5:2
LEIN [2] - 3:7, 3:11
Lein [2] - 2:13, 3:7
lessened [1] - 12:23
letting [2] - 12:7, 18:4
limit [2] - 5:11, 15:23
limitations [1] - 5:8
limited [3] - 5:14, 14:8
limiting [1] - 5:19
lines [2] - 14:7, 14:11
listen [1] - 11:19
long-winded [1] - 6:6
look [5] - 6:17, 7:1, 10:7, 12:10, 17:12
looked [1] - 6:25
looking [3] - 7:5, 8:6, 12:12

M

matter [5] - 6:24, 7:20, 14:8, 16:9
matters [1] - 11:11
McKayla [1] - 2:11
mean [10] - 7:1, 11:2, 11:7, 11:16, 16:6, 16:9, 16:13, 18:7, 18:13
meaning [1] - 17:10
memorandum [1] - 6:4
mention [1] - 9:1
mentioned [1] - 14:14
met [2] - 2:10, 2:12
might [2] - 14:23, 18:5
Minn [12] - 2:6, 4:6, 4:7, 4:11, 5:18, 5:24, 6:4, 6:10, 7:21, 7:24, 8:21, 10:6
Minn-Kota [9] - 2:6, 4:6, 4:7, 4:11, 6:10, 7:21, 7:24, 8:21, 10:6
Minn-Kota's [3] - 5:18, 5:24, 6:4
mix [1] - 14:3
Monday [1] - 2:1
moot [1] - 13:1
motors [2] - 9:13, 9:16
move [2] - 12:16, 14:25
moving [2] - 14:19, 16:4
must [2] - 3:22, 8:8

N

necessarily [1] - 8:1
necessity [1] - 2:8
need [3] - 12:2, 12:3, 18:11
needed [1] - 4:12
needs [1] - 16:24
neutral [3] - 15:19, 15:20, 15:21
never [1] - 10:6
new [2] - 3:2, 16:10
next [1] - 11:3
North [1] - 2:12
nothing [2] - 7:1, 18:20
noticed [3] - 16:11, 16:12, 16:14
number [1] - 2:5

O

offer [1] - 9:20
old [1] - 12:15
one [11] - 7:13, 8:4, 9:9, 11:14, 11:17, 12:11, 12:22, 13:7, 17:16, 18:1, 18:2
open [1] - 16:13
opening [5] - 2:9, 2:18, 2:22, 2:24, 5:13
opine [1] - 13:11
opportunity [4] - 5:25, 8:2, 13:1, 14:10
opposing [1] - 15:19
opposition [1] - 5:21
oral [4] - 5:13, 5:20, 11:22, 11:23
orally [2] - 4:15, 6:21
order [1] - 14:1
Otter [9] - 2:7, 4:11, 6:1, 6:2, 6:10, 10:25, 11:1, 15:9
outcome [1] - 17:23
outlines [1] - 3:20
overcome [1] - 10:14
own [2] - 4:1, 4:13

P

p.m [1] - 2:1
parameters [1] - 17:21
part [1] - 12:1
particular [1] - 10:19
parties [6] - 5:17, 8:13, 11:19, 12:5, 13:22, 15:24
party [5] - 5:1, 11:4, 14:2, 18:2, 18:3
Pat [1] - 16:18
pattern [1] - 11:17
PC&N [1] - 2:7
PELHAM [27] - 3:12, 3:14, 6:12, 6:19, 8:17, 9:5, 9:18, 9:22, 10:22, 11:22, 11:24, 12:24, 13:2, 13:24, 15:2, 15:6, 15:17, 15:21, 16:5, 16:9, 16:12, 16:19, 17:1, 17:3, 17:8, 17:11, 18:12
Pelham [1] - 2:15
perfect [2] - 7:2
perfectly [1] - 12:8
perhaps [1] - 13:15
permitted [3] - 6:20, 9:24
person [1] - 4:21
perspective [2] - 7:19, 11:6
petition [10] - 3:1, 3:15, 3:21, 4:2, 4:22, 6:25, 8:7, 9:14, 13:3, 16:14
petitioner [2] - 4:25, 5:1
petitions [1] - 3:20
picked [1] - 7:15
piece [1] - 9:4
place [5] - 7:9, 10:15, 10:20, 10:22, 14:5
plans [1] - 14:10
play [1] - 13:23
point [5] - 7:15, 9:23, 13:1, 17:15
points [1] - 9:9
portfolio [1] - 2:20
position [3] - 6:5, 10:24, 11:1
possible [2] - 8:6, 16:2
post [1] - 4:9
post-hearing [1] - 4:9
potential [2] - 12:22, 13:17
potentially [2] - 5:14, 9:15
power [1] - 15:10
Power [1] - 2:7
practical [1] - 13:24
practice [1] - 13:5
preference [1] - 13:16
present [5] - 4:7, 4:13, 5:25, 6:20, 7:23
presented [1] - 7:7
prevent [1] - 13:13
primer [1] - 6:6
proceed [1] - 18:16
proceeding [8] - 3:21, 4:22, 4:23, 5:1, 5:3, 5:5, 8:8, 10:9
process [1] - 7:8
Products [1] - 2:6
project [2] - 14:17, 15:5
promote [1] - 5:8
proposed [1] - 5:18
providing [1] - 15:10
PSC [1] - 2:15
PU-17-96 [1] - 2:6
public [2] - 2:8, 3:8
put [3] - 14:11, 15:22, 16:2

Q

qualifier [1] - 14:15
questions [2] - 6:8, 10:5
quickly [1] - 15:1
quiet [1] - 6:7

R

Randy [1] - 2:2
rather [3] - 5:12, 13:4, 17:10
rationale [1] - 8:25
re [1] - 16:13
re-open [1] - 16:13
reaching [1] - 6:24
read [4] - 5:22, 9:6, 16:15, 17:7
reading [2] - 4:20,

16:14
realize [1] - 12:20
really [2] - 7:19, 13:10
reason [6] - 7:18, 10:10, 13:9, 13:10, 13:11, 13:17
reasonable [1] - 16:3
received [2] - 5:22, 5:24
recollection [1] - 14:18
recommendation [1] - 11:10
record [5] - 2:14, 3:5, 6:11, 8:6, 8:14
reduces [1] - 17:24
reference [1] - 8:25
regarding [1] - 2:6
rehearing [1] - 11:21
remand [4] - 7:18, 12:23, 13:9, 13:17
remember [1] - 9:9
repeat [1] - 6:16
representative [2] - 4:6, 10:23
request [10] - 3:17, 3:24, 4:17, 4:18, 7:3, 7:14, 11:21, 15:16, 17:13, 17:22
requested [2] - 4:14, 4:15
require [2] - 9:13, 9:20
resolution [1] - 17:14
respects [2] - 10:9, 11:2
respond [3] - 3:14, 13:22, 14:10
responded [1] - 5:21
response [4] - 7:24, 8:3, 15:25, 17:13
responsive [1] - 9:17
reviewing [1] - 17:25
Richland [1] - 2:7
rights [2] - 8:19, 13:6
rule [3] - 3:18, 4:19, 8:6
rules [3] - 3:20, 10:16

S

safe [1] - 15:17
schedule [2] - 14:16, 14:21
Schuler [1] - 9:11
scope [1] - 15:23
seat [2] - 11:3
second [1] - 11:17
section [1] - 4:23
see [7] - 3:16, 7:18, 7:25, 8:24, 9:1, 11:8, 11:17
seeking [1] - 10:7
sense [4] - 9:24, 10:9, 10:23, 17:20
service [1] - 14:24
session [6] - 2:5, 4:4, 9:10, 10:4, 11:18, 14:5
shadowing [1] - 2:11
short [2] - 6:4, 14:4
shown [5] - 3:23, 8:10, 8:21, 10:17, 10:18
side [2] - 12:17, 15:14
sides [2] - 7:14, 14:9
similar [1] - 10:25
simply [1] - 6:4
single [1] - 9:1
site [1] - 15:10
sitting [1] - 8:18
situation [1] - 13:25
so.. [1] - 12:5
soft [2] - 9:13, 9:16
solidifies [1] - 17:22
somewhat [2] - 9:17, 12:21
sort [2] - 7:9, 9:8
sound [1] - 14:12
sounds [1] - 18:7
SPEAKER [1] - 15:12
speaking [1] - 13:2
specific [1] - 2:17
speculate [1] - 6:14
spent [2] - 7:20, 12:13
spinning [1] - 18:13
spot [1] - 4:12
stab [1] - 12:2
stage [2] - 12:9, 17:20
stake [1] - 12:5
standard [1] - 13:5
standpoint [2] - 7:5, 13:24
start [3] - 3:4, 9:13, 9:16
statement [1] - 14:5
statements [1] - 13:23
statutory [1] - 4:25
Stephenson [1] - 6:1
stick [1] - 11:12
still [2] - 9:11, 12:15
subject [3] - 10:8, 14:8, 16:9
substantial [1] - 4:21
substantially [1] - 5:3
support [2] - 6:2, 6:4

T

table [8] - 2:13, 4:12, 7:9, 10:15, 10:21, 10:22, 11:3, 11:4
Tail [7] - 2:7, 4:11, 6:2, 6:10, 15:9
Tail's [2] - 10:25, 11:1
talks [1] - 9:14
temporary [1] - 15:10
ten [2] - 3:22, 8:8
tend [2] - 8:4, 11:16
terms [5] - 3:1, 6:14, 12:7, 12:10, 15:22
testify [3] - 4:7, 10:24, 13:1
testimony [6] - 5:13, 5:15, 5:20, 6:9, 6:21, 9:21
they've [2] - 10:10, 16:7
thinking [1] - 14:13
thinks [1] - 9:15
thoughts [2] - 3:3, 11:7
throwing [3] - 5:12, 12:17, 14:2
timely [2] - 16:23, 17:14
timing [2] - 10:12, 11:8
today [5] - 2:3, 2:5, 2:11, 2:13, 18:11
took [1] - 14:5
tough [1] - 16:3
town [1] - 2:16
truly [1] - 10:20
trying [1] - 12:17
tuning [1] - 4:20
type [1] - 6:22
typical [1] - 3:16
typically [2] - 3:24, 11:11

U

ultimately [1] - 8:22
under [3] - 4:19, 10:16, 15:5
underway [1] - 14:19
unduly [1] - 5:4
unhappy [1] - 18:3
UNIDENTIFIED [1] - 15:12
up [5] - 5:13, 6:8, 7:15, 16:21, 18:21
utility [1] - 3:8

V

Valley [3] - 4:10, 5:21, 9:12
view [1] - 13:13
Voegele [1] - 2:11

W

waited [2] - 8:25, 11:9
ways [1] - 4:6
weigh [1] - 11:10
welcome [1] - 3:2
wheels [1] - 18:13
whole [1] - 11:10
whoop [1] - 12:2
winded [1] - 6:6
wish [1] - 10:11
wonder [1] - 9:11
world [3] - 7:1, 7:2, 17:24
worried [1] - 11:19
wrapped [1] - 18:21
writing [2] - 4:14, 4:15
written [3] - 5:15, 5:23, 6:22

Z

Zach [3] - 2:14, 3:1, 8:4

From: efilingmail@tylerhost.net
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Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3038894
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Court	Burleigh County - South Central District
Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
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Date/Time Accepted	6/28/2018 2:02 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	Corrected CR Exhibit 90 Docket Card
Activity Requested	EFileAndServe
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PU-17-96 **Otter Tail Power Company** Status: Open

Description: **Minn-Kota Ag Products Inc. - Richland County**

Case Type: Public Convenience & Necessity
Date Filed: 2/27/2017
Catagory: Electric
Portfolio: Brian Kroshus
Advisory Staff: Jerry R. Lein
Docket Count: 103

Doc	Filed	Description	Pages:	Exhibit:	Cerified to Court
1	2/27/2017	**Application for Permanent Authority** By: Otter Tail Power Company by Dale Rubish, Operations Manager	4		● Yes ○ No
2	3/15/2017	**Commission Motion to issue Notice of Opportunity for Hearing** By: Public Service Commission	1		● Yes ○ No
3	3/15/2017	**Notice of Opportunity for Hearing** By: Public Service Commission	1		● Yes ○ No
4	3/16/2017	**Affidavit of Service, Cert. & Reg. Mail - Notice** By: Public Service Commission	3		● Yes ○ No
5	3/22/2017	**Return receipt - 7015-0640-0006-6993-6163** By: USPS	2		● Yes ○ No
6	3/31/2017	**Protest and Request for Hearing** By: Dakota Valley Electric Cooperative, Inc. by Kimbery Radermacher, Attorney	4		● Yes ○ No
7	4/5/2017	**Return receipt - 7015-0640-0006-6993-6170** By: USPS	2		● Yes ○ No
8	5/25/2017	**Request for Administrative Law Judge** By: Public Service Commission	3		● Yes ○ No
9	5/31/2017	**Commission Motion to assess filing fee** By: Public Service Commission	1		● Yes ○ No
10	6/1/2017	**Temporary Authority Permit Application** By: Otter Tail Power Company by Dale Rubish	2		● Yes ○ No
11	6/1/2017	**Letter designating ALJ - Patrick Ward** By: Office of Administrative Hearings by Timothy Dawson, Director	1		● Yes ○ No
12	6/1/2017	**Letter enclosing signed Temporary Authority Permit Application** By: Public Service Commission by Geri Schmaltz	3		● Yes ○ No
13	6/2/2017	**Letter enclosing Commission Motion** By: Public Service Commission	2		● Yes ○ No
14	6/16/2017	**Commission Motion to retain counsel - Zachary Pelham** By: Public Service Commission	1		● Yes ○ No
15	6/19/2017	**Letter enclosing Commission Motion** By: Public Service Commission	2		● Yes ○ No
16	6/21/2017	**Receipt# 9,787 $175,000.00 Public Convenience & Necessity Filing Fee** By: Otter Tail Power Company	1		● Yes ○ No
17	7/26/2017	**Commission Motion to issue Notice of Hearing** By: Public Service Commission	1		● Yes ○ No
18	7/26/2017	**Notice of Hearing** By: Public Service Commission	1		● Yes ○ No

Doc	Filed	Description	Pages:	Exhibit:	Cerified to Court
19	7/27/2017	**Affidavit of Service, Cert. & Reg. Mail - Notice of Hearing** By: Public Service Commission	2		● Yes ○ No
20	8/2/2017	**Return receipt - 7015-0640-0006-6993-9294** By: USPS	2		● Yes ○ No
21	8/2/2017	**Return receipt - 7015-0640-0006-6993-9287** By: USPS	2		● Yes ○ No
22	9/6/2017	**Letter re Court Reporter** By: Public Service Commission	1		● Yes ○ No
23	10/23/2017	**Electronic record of 23 October 2017 Formal Hearing** By: Public Service Commission	1		○ Yes ● No
24	10/31/2017	**Letter enclosing witness and exhibit lists, exhibits** By: Patrick Ward, ALJ - Office of Administrative Hearings	2		● Yes ○ No
25	10/31/2017	**Witness list** By: Patrick Ward, ALJ - Office of Administrative Hearings	1		● Yes ○ No
26	10/31/2017	**Exhibit list** By: Patrick Ward, ALJ - Office of Administrative Hearings	2		● Yes ○ No
27	10/23/2017	**Exhibit OTP-1 - OTP Area Map - Wolf** By: Otter Tail Power Company	1		● Yes ○ No
28	10/23/2017	**Exhibit OTP-2 - OTP Substation Location Map - Wolf** By: Otter Tail Power Company	1		● Yes ○ No
29	10/23/2017	**Exhibit OTP-3 - OTP Cost Estimate - Substation - Wolf** By: Otter Tail Power Company	1		● Yes ○ No
30	10/23/2017	**Exhibit OTP-4 - OTP Estimate - Distribution - Wolf** By: Otter Tail Power Company	1		● Yes ○ No
31	10/23/2017	**Exhibit OTP-5 - DVEC Service Diagram - Wolf** By: Otter Tail Power Company	1		● Yes ○ No
32	10/23/2017	**Exhibit OTP-6 - OTP Reliability Indices - Wolf** By: Otter Tail Power Company	1		● Yes ○ No
33	10/23/2017	**Exhibit OTP-7 - DVEC Outage Restoration Data - Wolf** By: Otter Tail Power Company	1		● Yes ○ No
34	10/23/2017	**Exhibit OTP-8 - DVEC Proposal** By: Otter Tail Power Company	1		● Yes ○ No
35	10/23/2017	**Exhibit OTP-9 - OTP - DVEC Rate Comparisons** By: Otter Tail Power Company	3		● Yes ○ No
36	10/23/2017	**Exhibit OTP-10 - OTP Return on Investment** By: Otter Tail Power Company	2		● Yes ○ No
37	10/23/2017	**Exhibit OTP-11 - OTP CPCN Application** By: Otter Tail Power Company	4		● Yes ○ No
38	10/23/2017	**Exhibit DVEC-1 - Map of DVEC Service Area** By: Dakota Valley Electric Cooperative, Inc.	1		● Yes ○ No

Doc	Filed	Description	Pages:	Exhibit:	Cerified to Court
39	10/23/2017	**Exhibit DVEC-2 - Minn-Kota Motor List** By: Dakota Valley Electric Cooperative, Inc.	4		● Yes ○ No
40	10/23/2017	**Exhibit DVEC-3 - Map of DVEC Proposed Extension of Service** By: Dakota Valley Electric Cooperative, Inc.	1		● Yes ○ No
41	10/23/2017	**Exhibit DVEC-4 - Map of Proposed Minn-Kota and DVEC Facilities** By: Dakota Valley Electric Cooperative, Inc.	2		● Yes ○ No
42	10/23/2017	**Exhibit DVEC-5 - Diagram of Transformer** By: Dakota Valley Electric Cooperative, Inc.	1		● Yes ○ No
43	10/23/2017	**Exhibit DVEC-6 - DVEC - Three-Phase Large Commercial Service Rate Schedule** By: Dakota Valley Electric Cooperative, Inc.	2		● Yes ○ No
44	10/23/2017	**Exhibit DVEC-7 - DVEC - Commercial Incentive Rate Discount** By: Dakota Valley Electric Cooperative, Inc.	1		● Yes ○ No
45	10/23/2017	**Exhibit DVEC-8 - CPEC Rate Schedule** By: Dakota Valley Electric Cooperative, Inc.	1		● Yes ○ No
46	10/23/2017	**Exhibit DVEC-9 - DVEC - OTP Rate Comparisons** By: Dakota Valley Electric Cooperative, Inc.	10		● Yes ○ No
47	10/23/2017	**Exhibit DVEC-10 - OTP System Operating Diagram for 41.6 KV Line** By: Dakota Valley Electric Cooperative, Inc.	3		● Yes ○ No
48	10/23/2017	**Exhibit DVEC-11 - DVEC Substation Outage History** By: Dakota Valley Electric Cooperative, Inc.	1		● Yes ○ No
49	10/23/2017	**Exhibit DVEC-12 - DVEC Substation Feeder Outage History** By: Dakota Valley Electric Cooperative, Inc.	1		● Yes ○ No
50	10/23/2017	**Exhibit DVEC-13 - Load Factor Comparison - Protected Information - 1-page** By: Dakota Valley Electric Cooperative, Inc.	1		● Yes ○ No
51	10/23/2017	**Exhibit DVEC-14 - OTP Outage History for 41.6 KV Line (2014-2016)** By: Dakota Valley Electric Cooperative, Inc.	1		● Yes ○ No
52	10/23/2017	**Exhibit DVEC-16 - DVEC Cost Summary of Facilities** By: Dakota Valley Electric Cooperative, Inc.	1		● Yes ○ No
53	10/30/2017	**Letter enclosing late filed exhibits OTP-LF1 and protected OTP-LF 5** By: Otter Tail Power Company by Cary Stephenson, Assoc. General Counsel	2		● Yes ○ No
54	10/30/2017	**Exhibit OTP-LF1 - OTP - Policy extensions of service and minimum revenue guarantee calculated by OTP for Minnkota** By: Otter Tail Power Company	3		● Yes ○ No
55	10/30/2017	**Exhibit OTP-LF5 - Trade secret data as to comparable facilities - Redacted** By: Otter Tail Power Company	1		● Yes ○ No
56	11/1/2017	**Letter enclosing late filed exhibits DVEC-LF2, DVEC-LF3, and DVEC-LF4** By: Dakota Valley Electric Cooperative, Inc. by Kimbery Radermacher, Attorney	1		● Yes ○ No
57	11/1/2017	**Late filed exhibit DVEC-LF2 - DVEC - Annual Operating Expenses** By: Dakota Valley Electric Cooperative, Inc.	1		● Yes ○ No
58	11/1/2017	**Late filed exhibit DVEC-LF3 - DVEC - Projected Annual Rate of Return on investment** By: Dakota Valley Electric Cooperative, Inc.	2		● Yes ○ No

Doc	Filed	Description	Pages:	Exhibit:	Cerified to Court
59	11/1/2017	**Late filed exhibit DVEC-LF4 - History of Capital Credits from DVEC, Allocation and Retirement** By: Dakota Valley Electric Cooperative, Inc.	6		● Yes ○ No
60	11/1/2017	**Service documents - late filed exhibit DVEC-LF2, DVEC-LF3, and DVEC-LF4** By: Dakota Valley Electric Cooperative, Inc. by Kimbery Radermacher, Attorney	2		● Yes ○ No
61	11/1/2017	**Letter enclosing Application for Protection of Information, late filed exhibit DVEC-LF5** By: Dakota Valley Electric Cooperative, Inc. by Kimbery Radermacher, Attorney	1		● Yes ○ No
62	11/1/2017	**Application for Protection of Information - Exhibit DVEC-13** By: Dakota Valley Electric Cooperative, Inc. by Kimbery Radermacher, Attorney	2		● Yes ○ No
63	11/1/2017	**Late filed exhibit DVEC-LF5, redacted** By: Dakota Valley Electric Cooperative, Inc.	1		● Yes ○ No
64	11/1/2017	**Late filed exhibit DVEC-LF5 - Trade secret data as to comparable facilities, 1-page** By: Dakota Valley Electric Cooperative, Inc.	1		● Yes ○ No
65	11/1/2017	**Service documents - late filed exhibit DVEC-LF5** By: Dakota Valley Electric Cooperative, Inc. by Kimbery Radermacher, Attorney	2		● Yes ○ No
66	11/7/2017	**Post Hearing Argument** By: Otter Tail Power Company by Cary Stephenson, Assoc. General Counsel	15		● Yes ○ No
67	11/7/2017	**Closing Argument and Brief in Opposition to Application for CPCN** By: Dakota Valley Electric Cooperative, Inc. by Kimbery Radermacher, Attorney	19		● Yes ○ No
68	11/15/2017	**Order Granting Request for Protection of Information - Exhibit DVEC-13** By: Patrick Ward, ALJ - Office of Administrative Hearings	2		● Yes ○ No
69	11/14/2017	**Reply to Otter Tail Power Company's Post Hearing Argument** By: Dakota Valley Electric Cooperative, Inc. by Kimbery Radermacher, Attorney	14		● Yes ○ No
70	11/14/2017	**Reply to Dakota Valley Electric Cooperative's Closing Argument and Brief** By: Otter Tail Power Company by Cary Stephenson, Assoc. General Counsel	12		● Yes ○ No
71	11/21/2017	**Proposed Findings of Fact, Conclusions of Law and Order** By: Otter Tail Power Company by Cary Stephenson, Assoc. General Counsel	13		● Yes ○ No
72	11/21/2017	**Proposed Findings of Fact, Conclusions of Law and Order** By: Dakota Valley Electric Cooperative, Inc. by Kimbery Radermacher, Attorney	10		● Yes ○ No
73	12/20/2017	**Electronic record of 20 December 2017 Work Session** By: Public Service Commission	1		○ Yes ● No
74	2/1/2018	**Petition to Intervene and Request to Present Oral and Written Comments** By: Minn-Kota Ag Products, Inc. by Kermit Nash, Attorney	8		● Yes ○ No
75	2/2/2018	**Objection to Petition to Intervene and Request to Present Oral and Written Comments** By: Dakota Valley Electric Cooperative, Inc. by Kimbery Radermacher, Attorney	7		● Yes ○ No
76	2/5/2018	**Electronic record of 5 Feb. 2018 Work Session** By: Public Service Commission	1		○ Yes ● No
77	2/12/2018	**Motion to Admit Gregory R. Merz Pro Hac Vice with supporting documentation** By: Gray, Plant, Mooty, Mooty & Bennett, P.A. by Gregory Merz, Attorney	12		● Yes ○ No

Doc	Filed	Description	Pages:	Exhibit:	Cerified to Court
78	2/12/2018	**Response to Petition to Intervene and Request to Present Oral and Written Comments** By: Otter Tail Power Company by Cary Stephenson, Assoc. General Counsel	4		● Yes ○ No
79	2/19/2018	**Order Admitting Gregory R. Merz Pro Hac Vice** By: Patrick Ward, ALJ - Office of Administrative Hearings	4		● Yes ○ No
80	2/19/2018	**Order Denying petition to Intervene of Minn-Kota Ag Products, Inc.** By: Patrick Ward, ALJ - Office of Administrative Hearings	5		● Yes ○ No
81	3/5/2018	**Petition Reconsider Petition to Intervene and Request to Present Oral and Written Comments** By: Minn-Kota Ag Products, Inc. by Gregory Merz, Attorney	28		● Yes ○ No
82	3/12/2018	**Objection to Petition to Reconsider Petition to Intervene and Request to Present Oral and Written Comments** By: Dakota Valley Electric Cooperative, Inc. by Kimbery Radermacher, Attorney	8		● Yes ○ No
83	3/13/2018	**Order Denying Reconsideration** By: Patrick Ward, ALJ - Office of Administrative Hearings	3		● Yes ○ No
84	3/29/2018	**Commission Motion to adopt Findings of Fact, Conclusions of Law and Order** By: Public Service Commission	1		● Yes ○ No
85	3/29/2018	**Findings of Fact, Conclusions of Law and Order** By: Public Service Commission	10		● Yes ○ No
86	4/2/2018	**Affidavit of Service, Cert. & Reg. Mail - Order** By: Public Service Commission	12		● Yes ○ No
87	4/9/2018	**Return receipt - 7017-2400-0001-0889-8539** By: USPS	2		● Yes ○ No
88	5/1/2018	**Letter closing OAH file** By: Patrick Ward, ALJ - Office of Administrative Hearings	1		● Yes ○ No
89	5/1/2018	**APPEAL - Notice of Appeal and Specifications of Error** By: Minn-Kota Ag Products, Inc. by Loren Hansen, Attorney	10		○ Yes ● No
90	5/1/2018	**APPEAL - Undertaking on Appeal to District Court** By: Minn-Kota Ag Products, Inc. by Loren Hansen, Attorney	4		○ Yes ● No
91	5/1/2018	**APPEAL - Affidavit of Sarah Bagwell** By: Minn-Kota Ag Products, Inc. by Loren Hansen, Attorney	2		○ Yes ● No
92	5/15/2018	**APPEAL - Notice to Appellant of Estimated Costs** By: Public Service Commission	4		○ Yes ● No
93	5/23/2018	**Receipt# 10,027 $1,800.00 Transcript Request** By: Gray, Plant, Mooty, Mooty & Bennett, P.A.	1		○ Yes ● No
94	5/23/2018	**APPEAL - EFileAndServe - Notice to Appellant of Estimated Costs** By: Public Service Commission	4		○ Yes ● No
95	5/23/2018	**APPEAL - EFileAndServe - Service Document** By: Public Service Commission	4		○ Yes ● No
96	5/29/2018	**APPEAL - E-file to Court, Notice of Appearance - Zachary Pelham** By: Public Service Commission by Zachary Pelham, SAAG	3		○ Yes ● No
97	5/29/2018	**APPEAL - E-file to Court, Service Document** By: Public Service Commission by Zachary Pelham, SAAG	3		○ Yes ● No

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102	6/18/2018	**Receipt# 10,042 $222.00 Remaining balance for Transcript Request** By: Gray, Plant, Mooty, Mooty & Bennett, P.A.	1		○ Yes ● No
103	10/30/2017	**Exhibit OTP-LF5 - Trade secret data as to comparable facilities - Protected - 11-pages** By: Otter Tail Power Company	1		● Yes ○ No

From: efilingmail@tylerhost.net
To: Jeffcoat-Sacco, Illona
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Filing Details	
Court	Burleigh County - South Central District
Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/22/2018 2:46 PM CST
Date/Time Accepted	6/22/2018 4:01 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 90 Hrg Exhibit OTP LF5 (Protected Document - placeholder)
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 90 Hrg Exhibit OTP LF5 (placeholder).pdf
Lead Document Page Count	1
File Stamped Copy	View Stamped Document

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Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 91 Docket Card
Activity Requested	EFileAndServe
Filed By	Illona Jeffcoat-Sacco
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 91 Docket Card.pdf
Lead Document Page Count	6
File Stamped Copy	View Stamped Document

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PU-17-96 **Otter Tail Power Company** Status: Open

Description: **Minn-Kota Ag Products Inc. - Richland County**

Case Type: Public Convenience & Necessity Portfolio: Brian Kroshus

Date Filed: 2/27/2017 Advisory Staff: Jerry R. Lein

Catagory: Electric Docket Count: 103

Doc	Filed	Description	Pages:	Exhibit:	Cerified to Court
1	2/27/2017	**Application for Permanent Authority** By: Otter Tail Power Company by Dale Rubish, Operations Manager	4		● Yes ○ No
2	3/15/2017	**Commission Motion to issue Notice of Opportunity for Hearing** By: Public Service Commission	1		● Yes ○ No
3	3/15/2017	**Notice of Opportunity for Hearing** By: Public Service Commission	1		● Yes ○ No
4	3/16/2017	**Affidavit of Service, Cert. & Reg. Mail - Notice** By: Public Service Commission	3		● Yes ○ No
5	3/22/2017	**Return receipt - 7015-0640-0006-6993-6163** By: USPS	2		● Yes ○ No
6	3/31/2017	**Protest and Request for Hearing** By: Dakota Valley Electric Cooperative, Inc. by Kimbery Radermacher, Attorney	4		● Yes ○ No
7	4/5/2017	**Return receipt - 7015-0640-0006-6993-6170** By: USPS	2		● Yes ○ No
8	5/25/2017	**Request for Administrative Law Judge** By: Public Service Commission	3		● Yes ○ No
9	5/31/2017	**Commission Motion to assess filing fee** By: Public Service Commission	1		● Yes ○ No
10	6/1/2017	**Temporary Authority Permit Application** By: Otter Tail Power Company by Dale Rubish	2		● Yes ○ No
11	6/1/2017	**Letter designating ALJ - Patrick Ward** By: Office of Administrative Hearings by Timothy Dawson, Director	1		● Yes ○ No
12	6/1/2017	**Letter enclosing signed Temporary Authority Permit Application** By: Public Service Commission by Geri Schmaltz	3		● Yes ○ No
13	6/2/2017	**Letter enclosing Commission Motion** By: Public Service Commission	2		● Yes ○ No
14	6/16/2017	**Commission Motion to retain counsel - Zachary Pelham** By: Public Service Commission	1		● Yes ○ No
15	6/19/2017	**Letter enclosing Commission Motion** By: Public Service Commission	2		● Yes ○ No
16	6/21/2017	**Receipt# 9,787 $175,000.00 Public Convenience & Necessity Filing Fee** By: Otter Tail Power Company	1		● Yes ○ No
17	7/26/2017	**Commission Motion to issue Notice of Hearing** By: Public Service Commission	1		● Yes ○ No
18	7/26/2017	**Notice of Hearing** By: Public Service Commission	1		● Yes ○ No

Doc	Filed	Description	Pages:	Exhibit:	Cerified to Court
19	7/27/2017	**Affidavit of Service, Cert. & Reg. Mail - Notice of Hearing** By: Public Service Commission	2		● Yes ○ No
20	8/2/2017	**Return receipt - 7015-0640-0006-6993-9294** By: USPS	2		● Yes ○ No
21	8/2/2017	**Return receipt - 7015-0640-0006-6993-9287** By: USPS	2		● Yes ○ No
22	9/6/2017	**Letter re Court Reporter** By: Public Service Commission	1		● Yes ○ No
23	10/23/2017	**Electronic record of 23 October 2017 Formal Hearing** By: Public Service Commission	1		○ Yes ● No
24	10/31/2017	**Letter enclosing witness and exhibit lists, exhibits** By: Patrick Ward, ALJ - Office of Administrative Hearings	2		● Yes ○ No
25	10/31/2017	**Witness list** By: Patrick Ward, ALJ - Office of Administrative Hearings	1		● Yes ○ No
26	10/31/2017	**Exhibit list** By: Patrick Ward, ALJ - Office of Administrative Hearings	2		● Yes ○ No
27	10/23/2017	**Exhibit OTP-1 - OTP Area Map - Wolf** By: Otter Tail Power Company	1		● Yes ○ No
28	10/23/2017	**Exhibit OTP-2 - OTP Substation Location Map - Wolf** By: Otter Tail Power Company	1		● Yes ○ No
29	10/23/2017	**Exhibit OTP-3 - OTP Cost Estimate - Substation - Wolf** By: Otter Tail Power Company	1		● Yes ○ No
30	10/23/2017	**Exhibit OTP-4 - OTP Estimate - Distribution - Wolf** By: Otter Tail Power Company	1		● Yes ○ No
31	10/23/2017	**Exhibit OTP-5 - DVEC Service Diagram - Wolf** By: Otter Tail Power Company	1		● Yes ○ No
32	10/23/2017	**Exhibit OTP-6 - OTP Reliability Indices - Wolf** By: Otter Tail Power Company	1		● Yes ○ No
33	10/23/2017	**Exhibit OTP-7 - DVEC Outage Restoration Data - Wolf** By: Otter Tail Power Company	1		● Yes ○ No
34	10/23/2017	**Exhibit OTP-8 - DVEC Proposal** By: Otter Tail Power Company	1		● Yes ○ No
35	10/23/2017	**Exhibit OTP-9 - OTP - DVEC Rate Comparisons** By: Otter Tail Power Company	3		● Yes ○ No
36	10/23/2017	**Exhibit OTP-10 - OTP Return on Investment** By: Otter Tail Power Company	2		● Yes ○ No
37	10/23/2017	**Exhibit OTP-11 - OTP CPCN Application** By: Otter Tail Power Company	4		● Yes ○ No
38	10/23/2017	**Exhibit DVEC-1 - Map of DVEC Service Area** By: Dakota Valley Electric Cooperative, Inc.	1		● Yes ○ No

Doc	Filed	Description	Pages:	Exhibit:	Cerified to Court
39	10/23/2017	**Exhibit DVEC-2 - Minn-Kota Motor List** By: Dakota Valley Electric Cooperative, Inc.	4		● Yes ○ No
40	10/23/2017	**Exhibit DVEC-3 - Map of DVEC Proposed Extension of Service** By: Dakota Valley Electric Cooperative, Inc.	1		● Yes ○ No
41	10/23/2017	**Exhibit DVEC-4 - Map of Proposed Minn-Kota and DVEC Facilities** By: Dakota Valley Electric Cooperative, Inc.	2		● Yes ○ No
42	10/23/2017	**Exhibit DVEC-5 - Diagram of Transformer** By: Dakota Valley Electric Cooperative, Inc.	1		● Yes ○ No
43	10/23/2017	**Exhibit DVEC-6 - DVEC - Three-Phase Large Commercial Service Rate Schedule** By: Dakota Valley Electric Cooperative, Inc.	2		● Yes ○ No
44	10/23/2017	**Exhibit DVEC-7 - DVEC - Commercial Incentive Rate Discount** By: Dakota Valley Electric Cooperative, Inc.	1		● Yes ○ No
45	10/23/2017	**Exhibit DVEC-8 - CPEC Rate Schedule** By: Dakota Valley Electric Cooperative, Inc.	1		● Yes ○ No
46	10/23/2017	**Exhibit DVEC-9 - DVEC - OTP Rate Comparisons** By: Dakota Valley Electric Cooperative, Inc.	10		● Yes ○ No
47	10/23/2017	**Exhibit DVEC-10 - OTP System Operating Diagram for 41.6 KV Line** By: Dakota Valley Electric Cooperative, Inc.	3		● Yes ○ No
48	10/23/2017	**Exhibit DVEC-11 - DVEC Substation Outage History** By: Dakota Valley Electric Cooperative, Inc.	1		● Yes ○ No
49	10/23/2017	**Exhibit DVEC-12 - DVEC Substation Feeder Outage History** By: Dakota Valley Electric Cooperative, Inc.	1		● Yes ○ No
50	10/23/2017	**Exhibit DVEC-13 - Load Factor Comparison - Protected Information - 1-page** By: Dakota Valley Electric Cooperative, Inc.	1		● Yes ○ No
51	10/23/2017	**Exhibit DVEC-14 - OTP Outage History for 41.6 KV Line (2014-2016)** By: Dakota Valley Electric Cooperative, Inc.	1		● Yes ○ No
52	10/23/2017	**Exhibit DVEC-16 - DVEC Cost Summary of Facilities** By: Dakota Valley Electric Cooperative, Inc.	1		● Yes ○ No
53	10/30/2017	**Letter enclosing late filed exhibits OTP-LF1 and protected OTP-LF 5** By: Otter Tail Power Company by Cary Stephenson, Assoc. General Counsel	2		● Yes ○ No
54	10/30/2017	**Exhibit OTP-LF1 - OTP - Policy extensions of service and minimum revenue guarantee calculated by OTP for Minnkota** By: Otter Tail Power Company	3		● Yes ○ No
55	10/30/2017	**Exhibit OTP-LF5 - Trade secret data as to comparable facilities - Redacted** By: Otter Tail Power Company	1		● Yes ○ No
56	11/1/2017	**Letter enclosing late filed exhibits DVEC-LF2, DVEC-LF3, and DVEC-LF4** By: Dakota Valley Electric Cooperative, Inc. by Kimbery Radermacher, Attorney	1		● Yes ○ No
57	11/1/2017	**Late filed exhibit DVEC-LF2 - DVEC - Annual Operating Expenses** By: Dakota Valley Electric Cooperative, Inc.	1		● Yes ○ No
58	11/1/2017	**Late filed exhibit DVEC-LF3 - DVEC - Projected Annual Rate of Return on investment** By: Dakota Valley Electric Cooperative, Inc.	2		● Yes ○ No

Doc	Filed	Description	Pages:	Exhibit:	Cerified to Court
59	11/1/2017	**Late filed exhibit DVEC-LF4 - History of Capital Credits from DVEC, Allocation and Retirement** By: Dakota Valley Electric Cooperative, Inc.	6		● Yes ○ No
60	11/1/2017	**Service documents - late filed exhibit DVEC-LF2, DVEC-LF3, and DVEC-LF4** By: Dakota Valley Electric Cooperative, Inc. by Kimbery Radermacher, Attorney	2		● Yes ○ No
61	11/1/2017	**Letter enclosing Application for Protection of Information, late filed exhibit DVEC-LF5** By: Dakota Valley Electric Cooperative, Inc. by Kimbery Radermacher, Attorney	1		● Yes ○ No
62	11/1/2017	**Application for Protection of Information - Exhibit DVEC-13** By: Dakota Valley Electric Cooperative, Inc. by Kimbery Radermacher, Attorney	2		● Yes ○ No
63	11/1/2017	**Late filed exhibit DVEC-LF5, redacted** By: Dakota Valley Electric Cooperative, Inc.	1		● Yes ○ No
64	11/1/2017	**Late filed exhibit DVEC-LF5 - Trade secret data as to comparable facilities, 1-page** By: Dakota Valley Electric Cooperative, Inc.	1		● Yes ○ No
65	11/1/2017	**Service documents - late filed exhibit DVEC-LF5** By: Dakota Valley Electric Cooperative, Inc. by Kimbery Radermacher, Attorney	2		● Yes ○ No
66	11/7/2017	**Post Hearing Argument** By: Otter Tail Power Company by Cary Stephenson, Assoc. General Counsel	15		● Yes ○ No
67	11/7/2017	**Closing Argument and Brief in Opposition to Application for CPCN** By: Dakota Valley Electric Cooperative, Inc. by Kimbery Radermacher, Attorney	19		● Yes ○ No
68	11/15/2017	**Order Granting Request for Protection of Information - Exhibit DVEC-13** By: Patrick Ward, ALJ - Office of Administrative Hearings	2		● Yes ○ No
69	11/14/2017	**Reply to Otter Tail Power Company's Post Hearing Argument** By: Dakota Valley Electric Cooperative, Inc. by Kimbery Radermacher, Attorney	14		● Yes ○ No
70	11/14/2017	**Reply to Dakota Valley Electric Cooperative's Closing Argument and Brief** By: Otter Tail Power Company by Cary Stephenson, Assoc. General Counsel	12		● Yes ○ No
71	11/21/2017	**Proposed Findings of Fact, Conclusions of Law and Order** By: Otter Tail Power Company by Cary Stephenson, Assoc. General Counsel	13		● Yes ○ No
72	11/21/2017	**Proposed Findings of Fact, Conclusions of Law and Order** By: Dakota Valley Electric Cooperative, Inc. by Kimbery Radermacher, Attorney	10		● Yes ○ No
73	12/20/2017	**Electronic record of 20 December 2017 Work Session** By: Public Service Commission	1		○ Yes ● No
74	2/1/2018	**Petition to Intervene and Request to Present Oral and Written Comments** By: Minn-Kota Ag Products, Inc. by Kermit Nash, Attorney	8		● Yes ○ No
75	2/2/2018	**Objection to Petition to Intervene and Request to Present Oral and Written Comments** By: Dakota Valley Electric Cooperative, Inc. by Kimbery Radermacher, Attorney	7		● Yes ○ No
76	2/5/2018	**Electronic record of 5 Feb. 2018 Work Session** By: Public Service Commission	1		○ Yes ● No
77	2/12/2018	**Motion to Admit Gregory R. Merz Pro Hac Vice with supporting documentation** By: Gray, Plant, Mooty, Mooty & Bennett, P.A. by Gregory Merz, Attorney	12		● Yes ○ No

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78	2/12/2018	**Response to Petition to Intervene and Request to Present Oral and Written Comments** By: Otter Tail Power Company by Cary Stephenson, Assoc. General Counsel	4		● Yes ○ No
79	2/19/2018	**Order Admitting Gregory R. Merz Pro Hac Vice** By: Patrick Ward, ALJ - Office of Administrative Hearings	4		● Yes ○ No
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Court	Burleigh County - South Central District
Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/29/2018 3:01 PM CST
Date/Time Accepted	6/29/2018 3:17 PM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 92 Hearing Exhibit DVEC 13 (protected exhibit)
Activity Requested	EFile
Filed By	John Hamre
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 92 Hearing Exhibit DVEC 13 (protected exhibit).pdf
Lead Document Page Count	1
File Stamped Copy	View Stamped Document

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Elevator 1

Date	KWH	KW	Load Factor
Sep-17	77,200	505	21.2%
Aug-17	105,300	672	21.1%
Jul-17	99,200	728	18.3%
Jun-17	82,700	651	17.6%
May-17	71,200	578	16.6%
Apr-17	103,400	678	21.2%
Mar-17	115,100	649	23.8%
Feb-17	165,000	750	32.7%
Jan-17	126,300	824	20.6%
Dec-16	118,300	788	20.2%
Nov-16	315,900	842	52.1%
Oct-16	313,700	904	46.6%
		Average	26.0%

Elevator 2

Date	KWH	KW	Load Factor
Sep-17	108,500	834	18.1%
Aug-17	154,900	696	29.9%
Jul-17	100,100	708	19.0%
Jun-17	76,000	855	12.3%
May-17	35,200	534	8.9%
Apr-17	72,700	612	16.5%
Mar-17	94,300	650	19.5%
Feb-17	115,200	773	22.2%
Jan-17	137,500	941	19.6%
Dec-16	71,700	656	14.7%
Nov-16	190,400	820	32.2%
Oct-16	229,800	951	32.5%
		Average	20.5%

Elevator 3

Date	KWH	KW	Load Factor
Sep-17	119,360	361.6	45.8%
Aug-17	177,760	355.2	67.3%
Jul-17	174,960	372	63.2%
Jun-17	134,480	358.4	52.1%
May-17	112,960	427.2	35.5%
Apr-17	129,840	421.6	42.8%
Mar-17	125,360	320	52.7%
Feb-17	127,200	453.6	41.7%
Jan-17	143,280	441.6	43.6%
Dec-16	112,000	311.2	48.4%
Nov-16	128,880	360.8	49.6%
Oct-16	139,360	406.4	46.1%
		Average	49.1%

Elevator 4

Date	KWH	KW	Load Factor
Sep-17	105,300	639	22.9%
Aug-17	116,100	666	23.4%
Jul-17	76,500	675	15.2%
Jun-17	55,800	522	14.8%
May-17	54,000	531	13.7%
Apr-17	52,200	513	14.1%
Mar-17	88,200	567	20.9%
Feb-17	81,000	675	17.9%
Jan-17	101,700	567	24.1%
Dec-16	83,700	585	19.2%
Nov-16	134,100	891	20.9%
Oct-16	128,700	828	20.9%
		Average	19.0%

Elevator 5

Date	KWH	KW	Load Factc
Sep-17	148,800	614.7	33.6%
Aug-17	193,200	792.6	32.8%
Jul-17	173,400	939.3	24.8%
Jun-17	228,600	920.4	34.5%
May-17	170,100	843	27.1%
Apr-17	158,400	866.1	25.4%
Mar-17	240,900	1,019.10	31.8%
Feb-17	243,600	987.9	36.7%
Jan-17	318,600	1,056.00	40.6%
Dec-16	345,900	1,109.70	41.9%
Nov-16	345,300	1,110.00	43.2%
Oct-16	214,200	1,111.80	25.9%
		Average	33.2%

Elevator 6

Date	KWH	KW	Load Factor
Sep-17	66,600	459	20.2%
Aug-17	66,600	324	27.6%
Jul-17	30,600	306	13.4%
Jun-17	30,600	324	13.1%
May-17	24,300	225	14.5%
Apr-17	45,900	405	15.7%
Mar-17	153,900	549	37.7%
Feb-17	138,600	531	38.8%
Jan-17	66,600	477	18.8%
Dec-16	32,400	414	10.5%
Nov-16	148,500	594	34.7%
Oct-16	306,000	882	46.6%
		Average	24.3%

MinnKota Ag
Riverdale (Old Froedert)

Date	KWH	KW	Load Factor
Sep-12	66,720	471.12	19.7%
Aug-12	92,800	488.88	25.5%
Jul-12	68,880	436.08	21.2%
Jun-12	16,560	401.52	5.7%
May-12	11,760	409.44	3.9%
Apr-12	13,440	432.48	4.3%
Mar-13	24,240	433.2	7.5%
Feb-13	24,960	405.36	9.2%
Jan-13	74,640	502.8	20.0%
Dec-12	84,240	533.28	21.2%
Nov-12	82,800	492.48	23.4%
Oct-12	60,000	480.48	16.8%
		Average	14.9%

PU-17-96 Filed: 10/23/2017 Pages: 1
Exhibit DVEC-13 - Load Factor Comparison - Protected Information

Dakota Valley Electric Cooperative, Inc.

CR Exhibit 92 Hearing Exhibit DVEC 13 (protected exhibit)

DVEC - 13

From: efilingmail@tylerhost.net
To: Hamre, John G.
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3040918
Date: Friday, June 29, 2018 3:42:01 PM

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Case Number: 08-2018-CV-01142
Case Style: Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.

The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.

Filing Details	
Court	Burleigh County - South Central District
Case Number	08-2018-CV-01142
Case Style	Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.
Date/Time Submitted	6/29/2018 3:05 PM CST
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Accepted Comments	
Filing Type	Exhibit
Filing Description	CR Exhibit 93 Hearing Late Filed Exhibit DVEC LF 5 (protected exhibit)
Activity Requested	EFile
Filed By	John Hamre
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 93 Hearing Late Filed Exhibit DVEC LF 5 (protected exhibit).pdf
Lead Document Page Count	1

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Elevator 1

Gavilon Grain LLC - New Rockford ND

Date	KWH	KW	Load Factor
Sep-17	77,200	505	21.2%
Aug-17	105,300	672	21.1%
Jul-17	99,200	728	18.3%
Jun-17	82,700	651	17.6%
May-17	71,200	578	16.6%
Apr-17	103,400	678	21.2%
Mar-17	115,100	649	23.8%
Feb-17	165,000	750	32.7%
Jan-17	126,300	824	20.6%
Dec-16	118,300	788	20.2%
Nov-16	315,900	842	52.1%
Oct-16	313,700	904	46.6%
		Average	26.0%

Elevator 2

Fessenden Coop Association - Hamberg, ND

Date	KWH	KW	Load Factor
Sep-17	108,500	834	18.1%
Aug-17	154,900	696	29.9%
Jul-17	100,100	708	19.0%
Jun-17	76,000	855	12.3%
May-17	35,200	534	8.9%
Apr-17	72,700	612	16.5%
Mar-17	94,300	650	19.5%
Feb-17	115,200	773	22.2%
Jan-17	137,500	941	19.6%
Dec-16	71,700	656	14.7%
Nov-16	190,400	820	32.2%
Oct-16	229,800	951	32.5%
		Average	20.5%

Elevator 3

BTR Farmers Coop - Leeds, ND

Date	KWH	KW	Load Factor
Sep-17	119,360	361.6	45.8%
Aug-17	177,760	355.2	67.3%
Jul-17	174,960	372	63.2%
Jun-17	134,480	358.4	52.1%
May-17	112,960	427.2	35.5%
Apr-17	129,840	421.6	42.8%
Mar-17	125,360	320	52.7%
Feb-17	127,200	453.6	41.7%
Jan-17	143,280	441.6	43.6%
Dec-16	112,000	311.2	48.4%
Nov-16	128,880	360.8	49.6%
Oct-16	139,360	406.4	46.1%
		Average	49.1%

Elevator 4

North Central Grain - Bisbee, ND

Date	KWH	KW	Load Factor
Sep-17	105,300	639	22.9%
Aug-17	116,100	666	23.4%
Jul-17	76,500	675	15.2%
Jun-17	55,800	522	14.8%
May-17	54,000	531	13.7%
Apr-17	52,200	513	14.1%
Mar-17	88,200	567	20.9%
Feb-17	81,000	675	17.9%
Jan-17	101,700	567	24.1%
Dec-16	83,700	585	19.2%
Nov-16	134,100	891	20.9%
Oct-16	128,700	828	20.9%
		Average	19.0%

Elevator 5

CHS Dakota Plains Ag - Gwinner, ND

Date	KWH	KW	Load Factor
Sep-17	148,800	614.7	33.6%
Aug-17	193,200	792.6	32.8%
Jul-17	173,400	939.3	24.8%
Jun-17	228,600	920.4	34.5%
May-17	170,100	843	27.1%
Apr-17	158,400	866.1	25.4%
Mar-17	240,900	1,019.10	31.8%
Feb-17	243,600	987.9	36.7%
Jan-17	318,600	1,056.00	40.6%
Dec-16	345,900	1,109.70	41.9%
Nov-16	345,300	1,110.00	43.2%
Oct-16	214,200	1,111.80	25.9%
		Average	33.2%

Elevator 6

Central City Grain - Carrington ND

Date	KWH	KW	Load Factor
Sep-17	66,600	459	20.2%
Aug-17	66,600	324	27.6%
Jul-17	30,600	306	13.4%
Jun-17	30,600	324	13.1%
May-17	24,300	225	14.5%
Apr-17	45,900	405	15.7%
Mar-17	153,900	549	37.7%
Feb-17	138,600	531	38.8%
Jan-17	66,600	477	18.8%
Dec-16	32,400	414	10.5%
Nov-16	148,500	594	34.7%
Oct-16	306,000	882	46.6%
		Average	24.3%

MInnKota Ag

Riverdale (Old Froedert)

Date	KWH	KW	Load Factor
Sep-12	66,720	471.12	19.7%
Aug-12	92,800	488.88	25.5%
Jul-12	68,880	436.08	21.2%
Jun-12	16,560	401.52	5.7%
May-12	11,760	409.44	3.9%
Apr-12	13,440	432.48	4.3%
Mar-13	24,240	433.2	7.5%
Feb-13	24,960	405.36	9.2%
Jan-13	74,640	502.8	20.0%
Dec-12	84,240	533.28	21.2%
Nov-12	82,800	492.48	23.4%
Oct-12	60,000	480.48	16.8%
		Average	14.9%

CR Exhibit 93 Hearing Late Filed Exhibit DVEC LF 5 (protected exhibit)

LF – 5
DVEC
Exhibit

From: efilingmail@tylerhost.net
To: Hamre, John G.
Subject: Filing Accepted for Case: 08-2018-CV-01142; Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3040918
Date: Friday, June 29, 2018 3:42:03 PM

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Case Style: Minn-Kota Ag Products, Inc. vs. North Dakota Public Service Commission, et al.

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Filing Description	CR Exhibit 94 Hearing Late Filed Exhibit OTP LF 5 (protected exhibit)
Activity Requested	EFile
Filed By	John Hamre
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 94 Hearing Late Filed Exhibit OTP LF 5 (protected exhibit).pdf
Lead Document Page Count	11

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Fergus Falls, Minnesota 56538-0496
218 739-8200
www.otpco.com

OTTER TAIL POWER COMPANY

October 30, 2017

Darrell Nitschke
Executive Secretary
ND Public Service Commission
600- East Boulevard Avenue
Bismarck, ND 58505-0480

NOT PUBLIC DOCUMENT – NOT FOR PUBLIC DISCLOSURE

RE: Otter Tail Power Company
Minn-Kota Ag Products Inc. – Richland County
Public Convenience & Necessity
Case No. PU-17-96
OTP – Late Filed Exhibit 1
OTP – Late Filed Exhibit 5

Dear Mr. Nitschke:

Please find enclosed for filing the following Late Filed Exhibits in the above-entitled matter, which came up for hearing on October 23, 2017:

1. OTP – Late Filed Exhibit 1
2. OTP – Late Filed Exhibit 5

With respect to OTP - Late Filed Exhibit 5, it is OTP's understanding that Administrative Law Judge Ward ruled during the hearing that such information was protected and that an order to that point was forthcoming. Therefore, OTP has not filed a separate application for trade secret protection under ND Admin. Code Chapter 69-02-09. To the extent such an application is deemed necessary, OTP hereby request such protection for OTP - Late Filed Exhibit 5. The information provided in that exhibit includes the name and certain load factor data of facilities used for comparison purposes in determining the correct load factor estimate for the proposed Minn-Kota facility. Specifically, page 1 and 2 OTP Late Filed Exhibit 5 are the facilities OTP

witness Christopher Waltz testified as being the most suitable for comparison purposes. Pages 3, 4, 5 and 6 are facilities that were useful for examination but not as useful as the facilities noted on pages 1 and 2. This information is trade secret under N.D. Cent. Code §§ 47-25.1-01(4). This information has independent economic value from not being generally known by other persons who can obtain economic value from its disclosure. This information in held in confidence by OTP for its customers and OTP has internal policies against public disclosure of such data. This information also qualifies for perfection as "commercial information" under NDCC 44-04-18.4(2)(a) and "proprietary information" under NDCC 44-04-18.4(2)(a) and "proprietary information" under NDCC 44-04-18.4(2)(c)(5). Consistent with 69-02-09-02 the protected material referenced above is being filed in a sealed envelope labeled: PROTECTED INFORMATION - PRIVATE.

Sincerely,

Cary Stephenson
Associate General Counsel

ljh
Enclosures

Cc:
ALJ Patrick J. Ward
Kimberly J. Radermacher
Zachary Pelham

STANDARD INSTALLATION AND EXTENSION RULES

SECTION 5.01 EXTENSION RULES AND MINIMUM REVENUE GUARANTEE

The Company will, at its own expense, extend, enlarge, or change its Distribution or other facilities for supplying electric service when the anticipated revenue from the sale of additional service at the location justifies the expenditure. If it reasonably appears to the Company that the expenditure may not be justified based on a three-year projection of revenue received from the Customer's applicable rate(s) (not including any such amounts expected to be recovered through the energy adjustment rider, but including any base costs of energy included in the Customer's rate(s)), the Company may require the Customer to sign an Electric Service Agreement guaranteeing a minimum payment of not less than three (3) years use of electric service, or to require the Customer to pay in advance if the Company has reason to question whether the Customer will maintain adequate creditworthiness over the period or for any other reason may fail to make payments for service over the period.

The Company shall provide to the Customer an estimate with detail of the costs prior to construction.

If at the point of true-up at the end of the initial contracted period of service, the Customer uses and pays for more than the specified guaranteed minimum amount of electric service which the Customer contracted to purchase (not including any amounts paid pursuant to the energy adjustment rider, but including any amounts paid for the base costs of energy included in the Customer's rate(s)), any advance that may have been made in excess of the guaranteed minimum amount will be refunded to the Customer together with interest at the rate provided for Customer deposits under North Dakota Public Service Commission Standard of Service 69-09-02-04. However, if the Customer uses less than the guaranteed minimum, the amount of the deficiency will be billed to the Customer, and/or will be deducted from the Customer's advance payment, and the balance of the advance payment, if any, will be refunded to the Customer with interest on the balance.

Otter Tail Power Company
Minn-Kota Ag Products Extension
Three Year Minimum Revenue - Secondary Service – 23% LF

Aggregate Cost to Extend Service & On-Site Facilities:	$235,869
Estimated Annual Load (kWh):	2,591,440
Estimated Annual Revenue:	$251,136
Estimated Three-year Revenue:	$753,408

An Electric Service Agreement is not needed based on a three-year projection of revenue received.

Otter Tail Power Company
Minn-Kota Ag Products Extension
Three Year Minimum Revenue - Secondary Service – 33% LF

Aggregate Cost to Extend Service & On-Site Facilities:	$235,869
Estimated Annual Load (kWh):	2,846,400
Estimated Annual Revenue:	$271,981
Estimated Three-year Revenue:	$815,943

An Electric Service Agreement is not needed based on a three-year projection of revenue received.

[PROTECTED DATA BEGINS...

DUS3 DIV 05 06-068-043299

JAMES VALLEY GRAIN
NEW ELEVATOR VERONA ND 58490

Days	Usage	Demand	Load Factor
31	210560	1415.2	0.199979
33	157600	1210.7	0.164359
28	193840	1271	0.226949
29	172480	1142.4	0.216926
30	160160	1133.5	0.196246
34	187520	1161.1	0.197919
28	213600	1252.5	0.253778
29	146640	1223.8	0.17216
32	240720	1504.7	0.208306
30	264480	1483.4	0.247629
32	347200	1443.9	0.313099
29	296640	1163.3	0.366377
Total kWh	2591440 Total kW	15405.5	
			0.230311 average load factor

*Two meters at this site

Customer Information System Data.

Energy (kWh)	
72560	138000
31600	126000
68960	124880
50080	122400
59200	100960
67600	119920
85040	128560
77440	69200
174320	66400
165600	98880
175200	172000
185040	111600
Demand (kW)	
843.8	571.4
803.4	407.3
779.4	491.6
647.9	494.5
688.8	444.7
767.8	393.3
830.5	422
819.6	404.2
906.8	597.9
952.5	530.9
914.4	529.5
640	523.3

...PROTECTED DATA ENDS]

[PROTECTED DATA BEGINS...

DSUM DIV 05 15-998-027395 - 2
JAMES VALLEY GRAIN

#1 NEW ELEVATOR #2 BINS OAKES ND 58474

Days	Usage	Demand	Load Factor
28	128880	641.9	0.298778
35	29680	452.7	0.07805
27	50800	502.9	0.155886
31	55280	613.1	0.121189
31	115920	842.6	0.184912
29	61840	653.1	0.136044
31	115200	815.4	0.189893
28	134480	862.1	0.23213
33	140880	822.2	0.216345
30	48400	612.9	0.109679
33	115840	758.1	0.192933
28	149920	998.3	0.223475
Total kWh	1147120 Total kW	8575.3	

0.178276 average load factor

*Two meters at this site

Customer Information System Data.

Energy (kWh)	
77840	51040
19920	9760
38560	12240
40880	14400
76160	39760
40400	21440
72480	42720
73520	60960
86160	54720
41920	6480
81840	34000
77120	72800
Demand (kW)	
372.5	269.4
346.2	106.5
383.4	119.5
335.8	277.3
555.5	287.1
447	206.1
515.6	299.8
561.6	300.5
532.7	289.5
478	134.9
488.2	269.9
698.2	300.1

...PROTECTED DATA ENDS]

[PROTECTED DATA BEGINS...

DUS3 DIV 02 12-068-037337

FINLEY FARMERS GRAIN
503 BROADWAY AVE HOUSE NO. 2 FINLEY ND 58230

Days	Usage	Demand	Load Factor
28	103080	574.9	0.266817
35	64360	499.2	0.153484
31	55600	584.7	0.127811
30	36120	482.4	0.103994
35	31880	586.1	0.064754
28	25000	308.8	0.120474
30	60080	655.4	0.127318
28	90280	928	0.144769
31	173880	910.6	0.256655
31	100760	770.2	0.175838
33	173000	1059.2	0.206226
24	307880	1107.7	0.482544
Total kWh	1221920 Total kW	8467.2	

0.18589 average load factor

*Two meters at this site

Customer Information System Data.

Energy (kWh)	
53240	49840
38840	25520
27520	28080
21400	14720
20360	11520
15800	9200
20320	39760
36840	53440
33320	140560
42920	57840
49480	123520
57800	250080
Demand (kW)	
105.9	469
250.8	248.4
262.8	321.9
231.1	251.3
238.7	347.4
206.3	102.5
261.8	393.6
247.5	680.5
253.7	656.9
238.7	531.5
293.8	765.4
342.3	765.4

...PROTECTED DATA ENDS]

[PROTECTED DATA BEGINS...

DUS3 DIV 06 02-034-057968

MAPLE RIVER GRAIN & AGRONOMY
1581 1ST AVE S CASSELTON TERM CASSELTON ND 58012

Days	Usage	Demand	Load Factor
29	109079	1465.2	0.106963
30	156610	1251.9	0.173747
33	108019	1194.8	0.114151
28	136436	1599.9	0.126902
30	134224	1529.8	0.121861
31	145019	1396.6	0.139566
32	149508	1748.1	0.111362
28	149881	1748.1	0.127588
32	198823	1935.2	0.133776
30	245768	2130.7	0.160203
32	449825	2884.1	0.245673
28	439088	2332	0.280191
Total kWh	2422280 Total kW	20716.4	
			0.153499 average load factor

*Six meters on site

Customer Information System Data.

Energy (kWh)					
36800	6019	36800	14850	8960	5650
57280	6890	57280	15300	15760	4100
31680	7769	31680	14050	18240	4600
47520	6516	47520	13850	17680	3350
37280	6024	37280	29550	17040	7050
42000	5789	42000	26550	18080	10600
46080	6148	46080	20550	22000	8650
44000	10381	44000	24250	17600	9650
63200	1263	63200	26850	33760	10550
64800	5968	64800	27100	71600	11500
96400	6015	96400	15100	128960	106950
95680	6638	95680	14850	135040	91200
Demand (kW)					
495.3	27	495.3	177.1	200.2	70.3
398.4	27.1	398.4	164	200.2	63.8
457.7	27.1	457.7	80.3	66	106
578	27.1	578	94.6	242.2	80
513.4	24.1	513.4	202	195.3	81.6
494.1	20.4	494.1	200.3	77.9	109.8
495.4	19.9	495.4	207.3	473.6	56.5
495.4	19.9	495.4	207.3	473.6	56.5
561.4	14.3	561.4	206.3	473.6	118.2
517	21.2	517	224	764.5	87
584.4	21.2	584.4	138.2	764.5	291.4
589.4	25.9	589.4	124.3	712.8	290.2

...PROTECTED DATA ENDS]

[PROTECTED DATA BEGINS...

DSUM DIV 07 09-018-023224 - 4

FARMERS COOP ELEVATOR #2 NEKOMA ND 58355

Days	Usage	Demand	Load Factor
30	63906	539.3	0.164581
33	63336	388.2	0.206001
30	58252	412.6	0.196087
27	71903	502.5	0.220819
36	64678	368.5	0.203145
28	49583	486.8	0.15157
33	94853	488.9	0.244966
26	51274	449.7	0.182722
32	67576	356.9	0.246538
31	61039	438.9	0.186926
31	56098	430.6	0.175106
29	77584	432	0.258035
Total kWh	780082 Total kW	5294.9	
			0.203041 average load factor

*Two meters at this site

Customer Information System Data.

Energy (kWh)	
60900	3006
59800	3536
55150	3102
69450	2453
61350	3328
47100	2483
91400	3453
47950	3324
62200	5376
55450	5589
52300	3798
74750	2834
Demand (kW)	
508.6	30.7
375.5	12.7
400	12.6
490.4	12.1
339.3	29.2
461.2	25.6
461.2	27.7
426.8	22.9
330.4	26.5
425	13.9
417.5	13.1
419.1	12.9

...PROTECTED DATA ENDS]

[PROTECTED DATA BEGINS...

DUS3 DIV 05 08-998-033968

LARSON GRAIN #2
222 1ST AVE NE LAMOURE ND 58458

Days	Usage	Demand	Load Factor
30	29450	189.7	0.215618
32	35460	274.7	0.168081
29	35070	281.3	0.179125
28	15140	209.4	0.107592
33	33140	412.2	0.101512
30	70440	440.6	0.222046
33	84320	474.1	0.224562
28	42250	466.2	0.134861
30	53220	432.1	0.171064
30	21640	259.8	0.115687
33	64950	432.9	0.189438
28	86550	530.2	0.242917
Total kWh	571630 Total kW	4403.2	

0.172709 average load factor

*Two meters at this site

Customer Information System Data.

Energy (kWh)	
9050	20400
8500	26960
8950	26120
6700	8440
14300	18840
46200	24240
67400	16920
35450	6800
45700	7520
15400	6240
44350	20600
73550	13000
Demand (kW)	
121.4	68.3
189.5	85.2
179.2	102.1
139.8	69.6
313.5	98.7
356.5	84.1
345.2	128.9
394.8	71.4
334.9	97.2
185.3	74.5
342.9	90
428.4	101.8

...PROTECTED DATA ENDS]