

**BEFORE THE STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**KEITH AND DEANNA KESSLER
V.
MINNESOTA POWER, A DIVISION OF ALLETE, INC.**

CASE NO. PU-20-194

**PRE-FILED TESTIMONY OF MATTHEW FREUDENRICH
ON BEHALF OF MINNESOTA POWER**

March 8, 2021

1 **I. INTRODUCTION AND QUALIFICATIONS**

2

3 **Q. Please state your name, employer, and business address.**

4 A. My name is Matthew Freudenrich. I am a Project Manager for Hooper Corporation,
5 located at 2030 Pennsylvania Avenue, Madison, WI 53704.

6

7 **Q. Briefly describe your work history and education.**

8 A. I joined Hooper Corporation in late 2020, where I provide project management
9 support and oversight. Prior to my current position, I was a Project Implementation
10 and Construction Manager for Minnesota Power, a division of ALLETE, Inc.
11 (“Minnesota Power”), where I oversaw construction activities for multiple
12 infrastructure projects, including transmission lines, substations, and solar and wind
13 generation facilities. I was responsible for all aspects of construction, including
14 safety, environmental compliance, quality control, work performance, and contractor
15 and supplier management. Before working at Minnesota Power, I was a Project
16 Engineer and an Assistant Project Manager for Mortensen Company and, prior to
17 that, I was a Project Manager and Engineer for Fagen, Inc.

18

19 I have a B.S. in Civil Engineering from North Dakota State University, Fargo, North
20 Dakota. In addition, I am a licensed Professional Civil Engineer in the States of
21 North Dakota and Minnesota. A copy of my resume is provided proposed **MP**
22 **Exhibit 1-1.**

23

24 **II. PURPOSE OF TESTIMONY**

25

26 **Q. What is the purpose of your Direct Testimony?**

27 A. The purpose of my testimony is to discuss my role with respect to the Bison 4 Wind
28 Project (“Project”) in light of the North Dakota Public Service Commission’s (“PSC”)
29 Notice of Hearing, including:

- Oversight of Project engineering and construction;

30

- 31 • Site visits to Turbine 441 and Section 15, Township 141 North, Range 87
32 West, Oliver County, North Dakota (“Section 15 Property”);
33 • Attending/testifying at the North Dakota Public Service Commission (“PSC”)
34 September 13, 2013 public hearing on the Certificate of Site Compatibility
35 (“CSC”) Application; and
36 • Interactions and alleged interactions with Keith and Deanna Kessler
37 (“Kesslers”).
38

39 **Q. What proposed hearing exhibits are provided with your testimony?**

40 A. The following proposed hearing exhibits accompany my testimony:

- 41 • MP Exhibit 1-1: Freudenrich Resume
42 • MP Exhibit 1-2: February 9, 2017 Minnesota Power Email Exchange
43

44 **III. INVOLVEMENT WITH BISON 4 PROJECT**
45

46 **Q. Please describe your role with respect to the Project.**

47 A. I was the Project Implementation Manager for the Project, which meant I oversaw
48 Project engineering and construction. In that role, I managed external engineering
49 consultants and construction contractors, and coordinated with and provided
50 engineering support for internal Minnesota Power teams (e.g., real estate,
51 environmental, and permitting) during Project development. I also testified on behalf
52 of Minnesota Power at the September 13, 2013 public hearing held by the PSC on
53 the CSC Application.
54

55 **IV. PROJECT LAYOUT DEVELOPMENT**
56

57 **Q. Were you involved in development of the Project layout filed with the PSC on**
58 **August 7, 2013 and included in public hearing Exhibit 2 in Case No. PU-13-**
59 **127?**

60 A. Yes.
61

62 **Q. What was your role in development of the Project layout?**

63 A. I was responsible for the engineering aspects of the layout, including ensuring the
64 design met engineering and constructability requirements.

65

66 **Q. Did you assist with micro-siting for the Project?**

67 A. Yes, I was part of the team that conducted micro-siting on May 14-17, 2013.

68

69 **Q. During May 14-17, 2013, did you visit the proposed site of each of the 83
70 proposed turbine locations, including Turbine 441, in conjunction with micro-
71 siting the Project layout?**

72 A. Yes.

73

74 **Q. Separately from the May 14-17, 2013 micro-siting visit, were you ever on the
75 Section 15 Property prior to the time the PSC issued its Order granting a
76 Certificate of Site Compatibility to the Project on September 25, 2013
77 (“Order”)?**

78 A. Yes.

79

80 **Q. When did you visit the Section 15 Property and what was the reason for your
81 visit?**

82 A. Prior to the micro-siting visit, I went to the Project site to determine how, exactly, the
83 micro-siting team could travel to each of the proposed turbine locations. As part of
84 that exercise, I went onto the Section 15 Property to try to identify a way to access
85 the proposed string of turbines that included Turbine 441. I crossed the Section 15
86 Property parallel to the fence running north-south until I reached the fence running
87 east-west across the property.

88

89 **Q. While on the Section 15 Property, were you in proximity to the structure at
90 issue in this matter (“Section 15 Structure”)?**

91 A. Yes. I drove through the farmyard near to the Section 15 Structure. I was looking to
92 see if anyone was around so I could let them know I was on the property and why I

93 was there. However, the house did not appear to be lived in, and no people were
94 around.

95

96 **Q. Please describe what you saw.**

97 A. I saw a two-track (vehicle tracks with vegetation in between) that ended before what
98 appeared to have been a yard around an old farmhouse and some outbuildings. No
99 vehicles were present. A stock tank was located near the farmhouse and it looked
100 like the property was used for watering cattle.

101

102 **Q. Based on what you saw when on the Section 15 Property in 2013, did it appear**
103 **that anyone was living in the Section 15 Structure?**

104 A. No. Although there was evidence of some of the property being used for livestock, I
105 did not see anything that suggested that anyone was residing at the Section 15
106 Structure. For example, the two-track did not go up to the yard or the house,
107 indicating to me that there was not active travel up to the Section 15 Structure, which
108 would be typical of a house that is actually being lived in (or was recently lived in).

109

110 **Q. Based on what you saw when on the Section 15 Property in 2013, did it appear**
111 **that anyone had recently lived in the Section 15 Structure?**

112 A. No. The Section 15 Structure looked like it had not been lived in for many years.

113

114 **Q. If you had seen something that would have indicated the Section 15 Structure**
115 **was occupied, would you have shared that information with anyone?**

116 A. Yes, if I would have seen something that made me question whether the Section 15
117 Structure was unoccupied, I would have shared that information with Barry Gartner
118 and asked him to confirm the occupancy status of the structure.

119

120 **Q. Were there any instances on this Project where you saw something in the field**
121 **that led you to follow up with Mr. Gartner?**

122 A. Yes, Turbine 463 and the Aasmundstad place would be a good example. A main
123 road (28th Street SW) runs east/west just south of Turbine 463 in the SE/4 of

124 Section 19, Township 141 North, Range 87 West and the Aasmundstad place in the
125 SW/4 of Section 20, Township 141 North, Range 87 West. I often traveled along
126 that road while on site and had seen multiple outbuildings in proximity to Turbine 463
127 on the Aasmundstad property, so I wanted to confirm we were measuring the turbine
128 setback from the house (as opposed to inadvertently measuring from an
129 outbuilding). As a result, I asked Barry Gartner to double-check the distance
130 between Turbine 463 and the Aasmundstads' house. Barry did so and confirmed
131 the turbine was at least 1,400 feet from the Aasmundstads' house.

132

133 **Q. How did you know someone was living on the Aasmundstads' place?**

134 A. There was a gravel road running all the way up to the house, the house was kept up,
135 there were people coming and going from the place regularly, there was a dog at the
136 place, and there were vehicles and a camper present.

137

138 **V. PSC PUBLIC HEARING**

139

140 **Q. You indicated above that you attended and testified at the public hearing**
141 **conducted by the PSC on the CSC Application, is that correct?**

142 A. Yes.

143

144 **Q. Did you review the public hearing sign in sheet filed in Case No. PU-13-127**
145 **and provided as MP Exhibit 2-5 to Mr. Gartner's Direct Testimony?**

146 A. Yes.

147

148 **Q. To your knowledge, does the sign in sheet identify the Minnesota Power**
149 **employees who attended the hearing?**

150 A. Yes.

151

152 **Q. Have you reviewed the transcript of the public hearing, which is provided as**
153 **MP Exhibit 2-6 to Mr. Gartner's Direct Testimony?**

154 A. Yes.

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Q. Are you aware that the Kesslers assert in their Second Revised Complaint that “during the public hearing” the Kesslers “told Minnesota Power’s representatives that they will be using the house at issue, and specifically told Minnesota Power representatives that their son will be living there as soon as he gets back from college” (Second Revised Complaint, ¶ 4(2))?

A. Yes, I am aware of that allegation in the Kesslers’ complaint.

Q. Based on your recollection of the public hearing and your review of the transcript of the same, to your knowledge, did Keith or Deanna Kessler speak with any Minnesota Power employees during the public hearing?

A. During the last part of the public hearing (after the break), Mr. Kessler testified about concerns related to an underground water line, weed and vegetation management along roads, and access road placement. I responded on the record to the concern regarding the underground water line (the initial concern Mr. Kessler raised), noting that Minnesota Power would work with landowners to avoid impacts, and would be responsible if any impact did occur. Questions were not directed to Minnesota Power on the other two concerns raised.

Q. Did either of the Kesslers testify at the September 13, 2013 public hearing regarding a concern about the placement of any turbines, including Turbine 441?

A. No.

Q. Did either of the Kesslers testify at the September 13, 2013 public hearing regarding the Section 15 Structure?

A. No.

Q. Other than the exchange on the record that you just described, to your knowledge, did the Kesslers speak with any Minnesota Power employees before, during, or after the public hearing on September 13, 2013?

186 A. No.

187

188 **Q. Are you aware that the Kesslers assert in their Second Revised Complaint that**
189 **“[d]uring the public meeting (probably during a break) the Kesslers raised the**
190 **issue of the placement of Turbine 441 with Scott and Matt. In the presence of**
191 **other Minnesota Power representatives (some wearing suits) Matt blew up and**
192 **basically yelled at the Kesslers, telling them ‘we don’t have time to move**
193 **things around due to the tax credits, we have to get started, this isn’t the place**
194 **for it, we can meet latter [sic] and discuss it” (Second Revised Complaint,**
195 **¶ 4(1))?**

196 A. Yes, I am aware the Kesslers made that allegation in their complaint.

197

198 **Q. Are you aware that in written discovery responses the Kesslers revised their**
199 **allegation on this issue, asserting that: “We raised the issue with TODD**
200 **SIMMONS and Matt, and Matt blew up and said ‘we don’t have time for this**
201 **[expletive], we have to get going on this, we need those tax credits” (Kesslers**
202 **Supplemental Answers to Minnesota Power’s First Set of Request for**
203 **Admissions, Interrogatories, and Requests for Production of Documents to**
204 **Petitioners, Supp. Resp. to Request for Admission No. 8)?**

205 A. Yes, I am aware of that. When I was deposed, I explained that the Kesslers’
206 contention (that I allegedly “blew up” at them and Scott Monroe was with me when
207 that happened) was an impossibility because Scott Monroe was not at the hearing.
208 After my deposition, they produced an amended response identifying Todd Simmons
209 as the person who was allegedly with me when I allegedly “blew up” at them.

210

211 **Q. Did you have such a conversation with the Kesslers on September 13, 2013?**

212 A. No. With the exception of the exchange on the record during the public hearing
213 discussed above, I did not speak with the Kesslers on September 13, 2013.

214

215 **Q. Are you certain the conversation did not occur?**

216 A. Yes. Had I had a heated exchange with a landowner, I would remember such a
217 conversation. And given the size of the courtroom where the hearing took place, it is
218 not plausible that anyone could have “blown up” at anyone else in the room or
219 hallway during a break without many people noticing. For myself, and given the way
220 that Minnesota Power approached projects and relationships with landowners, if a
221 Minnesota Power representative had “blown up” at someone, it would have been a
222 big deal. Both the behavior and underlying concerns would have been addressed
223 immediately. Also, the benefits of addressing the Kesslers’ concern, had it been
224 raised, would have far outweighed the potential costs. Simply put, had the Kesslers
225 raised such a concern with me or anyone else, we would have taken steps to try to
226 address the concern. Further, at that point, we could have addressed the issue
227 without affecting either the Project schedule or economics. Finally, as I set out
228 above, Scott Monroe was not present at the public hearing, so he could not have
229 been involved in any conversations with the Kesslers that day. And, as Mr.
230 Simmons testifies in his prefiled direct testimony, he also did not have any
231 conversations with the Kesslers that day.

232
233 **Q. Prior to the PSC’s issuance of an Order for the Project, were you aware of any**
234 **planned use by the Kesslers or their sons of the Section 15 Structure as a**
235 **residence?**

236 A. No.

237
238 **Q. When was Turbine 441 constructed?**

239 A. The foundation for Turbine 441 was constructed in July 2014 and the turbine was
240 erected in October 2014.

241
242 **Q. When did you first learn the Kesslers had a concern regarding the placement**
243 **of Turbine 441 in relation to the Section 15 Structure?**

244 A. I first learned of a concern regarding the placement of Turbine 441 in relation to the
245 Section 15 Structure in February 2017. On February 9, 2017, I received an email
246 from Wade Isaacson asking whether there were any occupied dwellings in proximity

247 to Turbine 441 when we sited and constructed the turbine. The email stated that Mr.
248 Kessler had come to the office (in New Salem) that day, had said his son was living
249 at a house in Section 15 about 1,000 feet from Turbine 441, and noted a noise
250 concern. I responded that my recollection was that the house on Section 15
251 appeared vacant during micro-siting. A copy of my e-mail exchange with Mr.
252 Isaacson is attached as **MP Exhibit 1-2**.

253

254 **VI. CONCLUSION**

255

256 **Q. Does this conclude your Direct Testimony?**

257 A. Yes.

258

Matthew T. Freudenrich

N4954 Woodlawn Ter
Poynette, WI 53955

mfreudenrich@gmail.com
(320)492-7012

Objective

Education B.S. Civil Engineering, North Dakota State University, North Dakota (2003)

SUMMARY OF QUALIFICATIONS

- Licensed Professional Civil Engineer in the State of Minnesota & North Dakota
- Capable and motivated project manager
- Experienced field engineer with hands on experience and extensive construction knowledge
- Excellent written and oral communication skills
- Efficient management and organizational abilities
- Computer Experience in Auto Cad, P6 Scheduling, and Microsoft Office

EXPERIENCE

Hooper Corporation

Project Manager

Madison, WI

2020- Current

Bid estimating, scheduling, contracting, project support and oversight.

Minnesota Power

Project Manager / Const. Manager

Duluth, MN

2011- 2020

Oversee construction activities for multiple projects to include 230kV transmission line, 500kV transmission line, substation buildouts, 10 MW Solar Facility, and 492 MW of wind buildouts. Manage the development and engineering for the overall wind projects, and solar project. Create contracting strategies, prepare and negotiate contracts, and ultimately select contractors to perform the work. Manage contractors and suppliers to ensure timelines and budgets are met. Responsible for all construction aspects to include safety, environmental, quality and work performed. Work to implement lessons learned to streamline and value engineer future projects.

Projects:

- Bison Wind Farms: Phases 1, 2, 3 and 4 (492 MW Siemens WTG's, 230kV T-Line, 5 phases of 34.5kV to 230kV substation buildouts)
- Camp Ripley Solar 10 MW
- Great Northern Transmission Line

Mortenson Construction

Asst. Project Manager

Minneapolis, MN

2008- 2011

Oversee and implement the onsite Quality Control program. Ensure that construction is being performed in compliance with construction drawings and specifications. Coordinate and manage subcontractors, testing and surveying companies. Work with local and state jurisdiction on permitting issues, and compliance. Prepare contracts, scheduling, and budget allocation. Coordinate and oversee all on-site activities.

Fagen, Inc.

Project Manager/Engineer

Granite Falls, MN

2006- 2008

Responsible for management of projects up to \$150M from design stage to implementation stage, including completion per specification. Develop and monitor project plans including maintaining phases, tasks and milestones. Responsible for scheduling, coordination and management of on-site duties for up to 200 employees within budget constraints. Work with vendors to expedite all material for projects. Problem solve with engineering staff to remedy issues such as when field conditions differ from drawings. Oversee all on site self-perform activities, including civil, mechanical, structural, electrical and all subcontract work.

From: Matthew Freudenrich (MP) <mfreudenrich@mnpower.com>
Sent: Thursday, February 9, 2017 5:46 PM
To: Wade Isaacson (ARR)
Cc: Benjamin Reister (ARR); Todd Simmons (MP); Barry Gartner (MP); Scott Monroe (ARR)
Subject: RE: T441 :: Noise Complaint

Wade,

If I recall correctly the house appeared vacant when we were micro-siting. I remember that we drove through the yard and south along the fence trying to get into Lennick's pasture to the east. Didn't he sign something during the easement acknowledging the surrounding turbines?

Matthew Freudenrich, PE (MN,ND)
Civil Engineer
Minnesota Power
Office: 320-635-5033
Cell: 218-343-5701

From: Wade Isaacson (ARR)
Sent: Thursday, February 9, 2017 4:23 PM
To: Matthew Freudenrich (MP)
Cc: Benjamin Reister (ARR) ; Todd Simmons (MP) ; Barry Gartner (MP) ; Scott Monroe (ARR)
Subject: T441 :: Noise Complaint

Matt,

Were there any occupied dwellings in the easterly limits of NW¼ 15-141-87 when choose the location for T-441 or during the construction of same? Keith Kessler was in our office earlier today and said that his son lives in a house approx. 1,000 ft. NW of T-441 and the noise from the turbine was registering around 80dB according to a recent reading they took:



Wade Isaacson / Sr. Property & Right-of-Way Agent
ARRI / North Dakota Operations
 (701) 843-6130 - Office
 (701) 226-2144 - Cell



ALLETE Companies in North Dakota: Minnesota Power, ALLETE Renewable Resources, Inc., ALLETE Clean Energy, RendField Land Company, Inc. and BNI Coal www.allete.com