

**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 WADE ISAACSON
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 Wade Isaacson. I am a Senior Property and Right-of-Way Agent for
5 ALLETE Renewable Resources, Inc. My business address is 1101 North 8th Street,
6 New Salem, North Dakota 58563.

7

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

9 A. I have worked for ALLETE Renewable Resources, Inc., which is a subsidiary of
10 ALLETE, Inc., since June 2010. ALLETE Renewable Resources, Inc., operates and
11 maintains wind generation facilities in North Dakota for Minnesota Power, a division
12 of ALLETE, Inc. (“Minnesota Power”). In my current role, I supervise the activities of
13 a Property and Right-of-Way Agent, manage the south-central North Dakota
14 landowner database, and oversee distribution of annual option and easement
15 payments to participating landowners.

16

17 Prior to joining ALLETE Renewable Resources, Inc., I was a Right-of-Way Agent for
18 Finley Engineering in Bismarck, ND. In that role, I conducted title researches,
19 acquired easements, resolved crop and damage claims, and managed landowner
20 databases for clients developing infrastructure projects.

21

22 I have a B.A. in Business Administration from Minot State University in Minot, ND. A
23 copy of my resume is provided as proposed **MP Exhibit 3-1**.

24

25 **II. PURPOSE OF TESTIMONY**

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

28 A. The purpose of my testimony is to discuss my role with respect to the Bison 4 Wind
29 Project (“Project”) in light of the North Dakota Public Service Commission’s (“PSC”)
30 Notice of Hearing, including my interactions and alleged interactions with Keith and
31 Deanna Kessler (“Kesslers”).

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

- A. The following proposed hearing exhibits accompany my testimony:
- MP Exhibit 3-1: Isaacson Resume
 - MP Exhibit 3-2: February 9, 2017 Minnesota Power Email Exchange

III. INVOLVEMENT WITH BISON 4 PROJECT

Q. What was your role with respect to the Project?

A. Prior to construction, I supervised right-of-way acquisition for the Project. My role included supervising Scott Monroe, another right-of-way agent; conducting title searches; and negotiating option and easement agreements with out-of-state landowners.

Q. Did you assist with the preparation of the Project’s Certificate of Site Compatibility (“CSC”) Application?

A. No.

IV. INTERACTIONS WITH KESSLERS

Q. Who was primarily responsible for negotiating option and easement agreements for the Project with the Kesslers?

A. Scott Monroe was primarily responsible for negotiating agreements with in-state landowners, which included the Kesslers. However, I may have sent the proposed option and easement agreements to the Kesslers initially.

Q. Have you read the Kesslers’ Second Revised Complaint in this matter?

A. Yes.

61 **Q. Are you aware that the Kesslers allege that they told you “prior to the public**
62 **hearing” that they were concerned about the location of Turbine 441 (Second**
63 **Revised Complaint, ¶ 18(2))?**

64 A. Yes, I am aware of that allegation.

65

66 **Q. Are you aware that the Kesslers allege specifically that they told you prior to**
67 **the public hearing “that the residence was not ‘an abandoned building’” and**
68 **“had recently been used by other family members and was intended to be**
69 **used by their son when he returned from college” (Second Revised Complaint,**
70 **¶ 18(3))?**

71 A. Yes, I am also aware of those allegations.

72

73 **Q. Have you reviewed the Kesslers’ initial and supplemental answers to**
74 **Minnesota Power’s discovery requests in this matter?**

75 A. Yes.

76

77 **Q. Are you aware that the Kesslers allege in their supplemental discovery**
78 **responses that representatives of Minnesota Power, including you, prevented**
79 **them from raising a concern regarding the structure in Section 15, Township**
80 **141 North, Range 87 West, Oliver County, North Dakota (“Section 15**
81 **Structure”) at the public hearing by promising that locating turbines close to**
82 **the Section 15 Structure “would not happen and it couldn’t happen because**
83 **the law required the set off” (Kesslers’ Answers to Minnesota Power’s First**
84 **Set of Request for Admissions, Interrogatories, and Requests for Production**
85 **of Documents to Petitioners, Supp. Resp. to Request for Admission No. 8)?**

86 A. Yes, I am aware of those allegations.

87

88 **Q. Did you attend the September 13, 2013 public hearing on the CSC Application**
89 **held by the PSC?**

90 A. No.

91

92 **Q. Did you meet with the Kesslers prior to the PSC issuing an Order granting a**
93 **Certificate of Site Compatibility for the Project on September 25, 2013?**

94 A. No.

95

96 **Q. What is the earliest interaction with the Kesslers that you remember?**

97 A. I remember talking with the Kesslers when they came to the Project's operations and
98 maintenance building in New Salem, ND on October 23, 2013, to meet with Scott
99 Monroe to review and sign easement documents. I may have also sent Project-
100 related correspondence to the Kesslers prior to October 23, 2013.

101

102 **Q. Based on your responses, is your testimony that you could not have made any**
103 **alleged statements to the Kesslers before or at the public hearing because you**
104 **did not meet with them until October 23, 2013?**

105 A. Yes.

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107 **Q. Are you aware that the Kesslers allege in their answers to Minnesota Power's**
108 **discovery requests that you assured them "the towers in no way were going to**
109 **bother [the Kesslers'] land at all" (Kesslers' Answers to Minnesota Power's**
110 **First Set of Request for Admissions, Interrogatories, and Requests for**
111 **Production of Documents to Petitioners, Resp. to Interrogatory No. 12)??**

112 A. Yes, I am aware of this allegation.

113

114 **Q. Did you at any time tell the Kesslers that the Project's towers would in no way**
115 **bother the Kesslers' land?**

116 A. No.

117

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

120 A. On February 9, 2017, Mr. Kessler came to the Project's New Salem, ND office to
121 discuss reclamation issues. As he was leaving, Mr. Kessler mentioned to Todd
122 Simmons (also with Minnesota Power) and me that his son was living in a house

123 near Turbine 441 that they had started remodeling, and noted a concern regarding
124 noise.

125

126 **Q. Please refer to what has been marked as proposed MP Exhibit 3-2 to your**
127 **testimony. Are you the author of the email to Matthew Freudenrich sent at**
128 **4:23 pm on February 9, 2017 that is in MP Exhibit 3-2?**

129 A. Yes.

130

131 **Q. Was that email prompted by the discussion with Mr. Kessler on February 9,**
132 **2017?**

133 A. Yes.

134

135 **Q. After the February 9, 2017 discussion with Mr. Kessler, did you have any**
136 **further discussions with the Kesslers regarding the Section 15 Structure and**
137 **Turbine 441?**

138 A. Yes. Later that spring, after the Kesslers raised concerns regarding Turbine 441
139 and reclamation issues with the PSC Staff, the PSC Staff asked Minnesota Power to
140 meet with them and the Kesslers at the Kesslers' property to discuss the concerns.
141 Scott Monroe, Ben Reister (the Project site manager), and I met with John Schuh,
142 Jerry Lein, and the Kesslers on April 14, 2017 at the Kesslers' property.

143

144 **Q. During the April 14, 2017 meeting, what was discussed regarding the**
145 **Section 15 Structure and Turbine 441?**

146 A. I remember generally a discussion about the proximity of Turbine 441 to the
147 Section 15 Structure and concerns regarding noise. I also remember Mr. Kessler
148 stating that Minnesota Power had told him Turbine 441 would not be within 1,400
149 feet of the Section 15 Structure. We had not found anything to support that sort of
150 allegation, so I asked Mr. Kessler if he had something in writing, such as an e-mail
151 or written correspondence, as I was trying to understand what his comment was
152 based on, and Mr. Kessler got very upset. Mr. Kessler then stated something along
153 the lines of "That's [expletive], I thought a handshake was good enough," and that he

154 had testified at the Oliver County hearing about Turbine 441 being too close to the
155 house on Section 15. I specifically remember those comments both because
156 Mr. Kessler got upset and because, after the meeting, I listened to the public hearing
157 audio recording to see what Mr. Kessler had said on the record, and confirmed that
158 his testimony did not include anything about Turbine 441 or the Section 15 Structure.

159

160 **V. CONCLUSION**

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

163 A. Yes.

164

Wade Isaacson

📍 New Salem, ND Supervisor - Renewable Energy ☎ 701-843-6130

DETAILS

1101 N 8th Street
New Salem, ND 58563
wisaacson@allete.com
701-226-2144

SKILLS

Project Management
Easement Acquisition
Fee Title Research
MS Office: Excel
ARC-GIS

PROFILE

Experienced and self-motivated Supervisor bringing forth a varied utilities background focused on achieving the right results the right way. A proven track record of working collaboratively with team members to achieve goals safely and on time. Experience in directing right-of-way acquisition for large scale projects including Wind Generation, rural FTTH FTTP, and Transmission & Distribution.

EMPLOYMENT

Sr. Property & Right-of-Way Agent

ALLETE Renewable Resources, Inc. - North Dakota Operations - New Salem
January 2012 — Present

- Supervise the activities of Property & Right-of-Way Agent II
- Easement acquisition for Bison Wind Energy Center Phase 4
- Management of right-of-way for a 250 segment of 230 kV DC T-Line in ND and MN
- Manage annual Option and Easement payments for over 300 participating landowners
- Conduct fee-surface title research for ALLETE company wind projects
- Manage landowner data base encompassing over 150,000 acres in south-central ND

Property & Right-of-Way Agent

ALLETE Renewable Resources, Inc. - North Dakota Operations - New Salem
June 2010 — December 2011

- Acquire Wind Options and Easements for Bison Wind Energy Center phases 1, 2 & 3
- Conduct fee-surface title research for Minnesota Power's wind projects
- Management of right-of-way for a 250 segment of 230 kV DC T-Line in ND and MN
- Resolve crop and land damage claims resulting from wind related development
- Manage annual Option and Easement payments for over 600 participating landowners

Right-of-Way Agent

Finley Engineering - Bismarck, ND
June 2008 — May 2010

- Acquire Easements for multiple client right-of-way projects
- Conduct fee-surface title research for 600 mile rural telecom FTTH FTTP project
- Resolve crop and land damage claims
- Manage data base for multiple client right-of-way projects

EDUCATION

Minot State University - Minot, ND

- B.A. Business Administration - May 1987
- Humanities Concentration
 - Graphic Arts Concentration
 - Dean's List

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