

**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 TODD SIMMONS
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 Todd Simmons. I am the General Manager of Generation Operations
5 for Minnesota Power, a division of ALLETE, Inc. (“Minnesota Power”). My business
6 address is 1259 NW 3rd Street, Cohasset, Minnesota 55721.

7

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

9 A. I have 27 years of regulated utility experience. I have been with Minnesota Power
10 since 1994, and my career has focused on generation facility maintenance,
11 operations, engineering, reliability, and production planning. In my current role, I am
12 responsible for portions of Minnesota Power’s fossil, gas, and renewable operations
13 and maintenance programs and staff, including the Boswell Energy Center, Laskin
14 Energy Center, and Rapids Energy Center in Minnesota and the Bison Wind Energy
15 Center (the four Bison Wind Projects) in North Dakota.

16

17 I have a B.A. in Business Management from The College of St. Scholastica, Duluth,
18 Minnesota, and I hold a Chief A Engineer’s License with the State of Minnesota. A
19 copy of my resume is provided as proposed **MP Exhibit 5-1**.

20

21 **II. PURPOSE OF TESTIMONY**

22

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

24 A. The purpose of my testimony is to discuss my role with respect to the Bison 4 Wind
25 Project (“Project”) as it relates to the issues identified in the North Dakota Public
26 Service Commission’s (“PSC”) Notice of Hearing, including;

- 27 • Attending the September 13, 2013 public hearing on the Certificate of Site
28 Compatibility (“CSC”) Application; and
- 29 • Interactions and alleged interactions with Keith and Deanna Kessler
30 (“Kesslers”).

31

32 **Q. What proposed hearing exhibits are you sponsoring in your testimony?**

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

- 34 • MP Exhibit 5-1: Simmons Resume
- 35 • MP Exhibit 5-2: August 9, 2013 Minnesota Power Letter to Participating
- 36 Landowners

37

38 **III. INVOLVEMENT WITH BISON 4 PROJECT**

39

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

41 A. My role has been focused on Project operations and maintenance. Once the Project

42 was constructed and operational in 2015, my team assumed responsibility for the

43 Project's daily operations.

44

45 Additionally, I became Wade Isaacson's and Scott Monroe's supervisor in mid-2013

46 when my supervisor retired and I stepped into his role, and Wade and Scott handled

47 easement acquisition for the Project. However, my primary responsibilities at that

48 time were managing the construction and operations of the Bison 1-3 Projects, so I

49 did not have a day-to-day role in the Project until it became operational in 2015.

50

51 **IV. PSC PUBLIC HEARING**

52

53 **Q. Did you assist with the preparation of the Project's CSC Application?**

54 A. No.

55

56 **Q. Did you attend the September 13, 2013 public hearing held by the PSC on the**

57 **CSC Application?**

58 A. Yes.

59

60 **Q. Why did you attend the September 13, 2013 public hearing?**

61 A. Dave Schmitz, my former supervisor, had made it a practice to attend the PSC

62 public hearings for Minnesota Power projects as an observer. Since I hadn't been to

63 a PSC public hearing before and was stepping into Dave's role, I wanted to watch a
64 PSC hearing process. So, essentially, I just went as an observer.

65

66 **Q. At the time of the September 13, 2013 public hearing, did you know the**
67 **Kesslers?**

68 A. I was aware that Mr. Kessler was the business agent for the carpenters and
69 millwrights local union, but I did not know the Kesslers personally.

70

71 **Q. Are you aware that, after learning Scott Monroe was not at the September 13,**
72 **2013 public hearing, the Kesslers revised their initial written discovery**
73 **responses to allege that the Kesslers raised a concern with Matt Freudenrich**
74 **and you regarding Turbine 441 and the Section 15 Structure at a break in the**
75 **hearing, that Matt "blew up" at the Kesslers, and that you "tried to smooth**
76 **things over and said come over to our office and we will discuss all this"**
77 **(Kessler's Supplemental Answers to Minnesota Power's First Set of Request**
78 **for Admissions, Interrogatories, and Requests for Production of Documents to**
79 **Petitioners, Supp. Resp. to Request for Admission No. 8)?**

80 A. Yes, I am aware the Kesslers made those revised allegations.

81

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

87 A. Yes, I am aware of those allegations in the Kesslers' complaint.

88

89 **Q. On September 13, 2013, did you talk with the Kesslers before, during, or after**
90 **the public hearing?**

91 A. No.

92

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

95 A. Yes.

96

97 **Q. At the time of the September 13, 2013 public hearing, did you personally know**
98 **the Minnesota Power employees listed on the hearing sign in sheet?**

99 A. Yes.

100

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

103 A. Yes.

104

105 **Q. On September 13, 2013, did you observe or hear any Minnesota Power**
106 **employees talking with the Kesslers before, during, or after the public**
107 **hearing?**

108 A. No.

109

110 **Q. Had there been an incident where a Minnesota Power employee “blew up” at**
111 **the Kesslers at a break in the September 13, 2013 public hearing, would you**
112 **have noticed such an event?**

113 A. Yes. Given the size of the spaces, and how out of place it would have been, I
114 believe I would have noticed if anyone had “blown up” at someone else during a
115 break, either in the room or in the hallway.

116

117 **Q. Had there been an incident where a Minnesota Power employee “blew up” at**
118 **the Kesslers at a break in the September 13, 2013 public hearing, what would**
119 **you have done?**

120 A. Any instance of a Minnesota Power employee “blowing up” at someone at a public
121 hearing would be taken seriously, as it could have long-term impacts on not just a
122 single project, but potentially on Minnesota Power’s reputation generally. As a more
123 senior member of the Minnesota Power project development team, had there been

124 an incident between a Minnesota Power employee and the Kesslers or anyone else
125 during the PSC public hearing, I would have stepped in to try and resolve the
126 situation and would have taken steps to ensure the issue was addressed.

127

128 **Q. Is it Minnesota Power's practice to ignore landowner concerns or hide them**
129 **from the PSC?**

130 A. No. As the owner-operator of multiple generation projects in North Dakota and other
131 states, it is extremely important to Minnesota Power to have a good working
132 relationship with its landowner-partners, with the local community where its projects
133 are located, and with the regulators, including the PSC. As a result, Minnesota
134 Power's practice is to work cooperatively with landowners to try to resolve concerns,
135 where possible, because it is the right way of doing business and because we
136 understand that failing to do business the right way may result in much larger issues
137 down the line.

138

139 Additionally, on this Project in particular, Minnesota Power notified its landowners
140 about the CSC Application and the public hearing. On August 9, 2013, Minnesota
141 Power sent a letter to participating landowners that informed them of the public
142 hearing on the CSC Application, stated that a map of the Project layout was
143 available on the PSC's website, and provided the website address and case
144 number. The letter also provided contact information for the Project's right-of-way
145 agents, Wade Isaacson and Scott Monroe, and encouraged landowners to contact
146 them with "any immediate questions or concerns." A copy of this letter, which I
147 signed, was included in the supplemental materials filed with the PSC on August 7,
148 2013, provided as Exhibit 2 at the September 13, 2013 public hearing, and is
149 provided as **MP Exhibit 2-2** to my testimony. Minnesota Power sent these letters
150 out to try to solicit, identify, and address landowner concerns.

151

152 Moreover, had a landowner raised a concern at the public hearing, Minnesota Power
153 had the ability to make changes to the Project design without affecting the Project's
154 construction or operation schedule. As a result, contrary to the Kesslers'

155 contentions, there simply wasn't a reason for Minnesota Power to ignore or hide a
156 concern had it been known.

157

158 **Q. Are you aware of any instance where a landowner's concern about the**
159 **proposed location of a turbine on this Project or any other Minnesota Power**
160 **wind project was entirely disregarded?**

161 A. No.

162

163 **Q. Prior to the PSC's issuance of an Order granting a Certificate of Site**
164 **Compatibility to the Project on September 25, 2013 ("Order"), were you aware**
165 **of any planned use by the Kesslers or their sons of the Section 15 Structure as**
166 **a residence?**

167 A. No.

168

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

171 A. I first learned of a concern on February 9, 2017, when Mr. Kessler came to the
172 Project's New Salem, North Dakota office to discuss reclamation issues. As he was
173 leaving, Mr. Kessler mentioned to Wade Isaacson (also with Minnesota Power) and
174 me that Turbine 441 was too close to a house his son was living in, and noted a
175 concern regarding noise.

176

177 **V. CONCLUSION**

178

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

180 A. Yes.

181

**Statement of Qualifications
Todd Z. Simmons
General Manager – Generation Operations
Minnesota Power**

Todd Z. Simmons is the General Manager of Generation Operations for Minnesota Power, and is responsible for portions of all fossil, gas and renewable operations and maintenance programs and staff. This responsibility includes Boswell Energy Center, Laskin Energy Center, Rapids Energy Center, and Bison Wind Energy Center in North Dakota.

Mr. Simmons earned a Bachelor of Arts Degree in Business Management from The College of St. Scholastica, in Duluth, Minnesota, and holds a Chief A Engineer's License with the State of Minnesota.

Mr. Simmons has 27 years of regulated utility experience. He joined Minnesota Power in 1994, wherein his career areas of focus have included generation facility maintenance and operations, generation operations engineering and reliability, and production planning.

Throughout his career with Minnesota Power, he has held a number of positions of increasing responsibility within the areas of operations, maintenance, engineering, project management support, and support service functions. Each new role had an increased level of diversity in operating and maintenance protocols, as well as management of employees, budgets, and facilities.



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David R. Moeller
Senior Attorney
218-723-3963
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August 7, 2013

Mr. Darrel Nitschke
Executive Secretary
North Dakota Public Service Commission
600 E Boulevard Avenue, Department 408
Bismarck, ND 58505-0480

**Re: Compiled Supplemental Materials supporting the Application for a
Certificate of Site Compatibility – Bison 4 Project
Case Number PU-13-127**

Dear Mr. Nitschke:

On behalf of Minnesota Power, enclosed please find several supplemental materials that are being submitted in support of Minnesota Power's Bison 4 Certificate of Site Compatibility application for the proposed Bison 4 Project in Oliver County. Included in this submittal are project layout maps with proposed turbine locations, a wetlands summary memo, a cultural resources survey summary report, the Oliver County special use permit, and sound and shadow flicker reports. All documents are submitted as hard copies as well as electronic copies on compact disk.

Please call me at 218-723-3963 with any questions.

Yours truly,

A handwritten signature in black ink that reads "David R. Moeller".

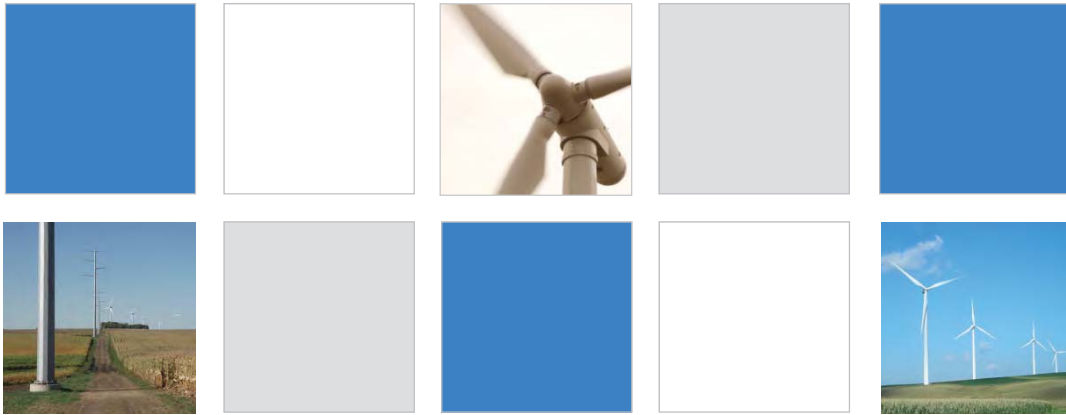
David R. Moeller

kl

c: Tom Coughlin, ALLETE
Barry Gartner, Minnesota Power
William Sawyer, Minnesota Power
Matt Freudenrich, Minnesota Power
Daniel McCourtney, ALLETE

35 PU-13-127 Filed 09/17/2013 Pages: 271
Exhibit 2 of September 13, 2013 formal hearing
Allete, Inc.





**Supplement to Application for
North Dakota Public Service Commission
Certificate of Site Compatibility
to Construct the
Bison 4 Wind Project**

Case # PU-13-127

**By
Minnesota Power**

August 7, 2013

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Exhibits

Exhibit 1	Proposed Layout – 2010 Aerial Imagery (1a) and USGS Topographic Map (1b)
Exhibit 2	Exclusion and Avoidance Areas Map

Appendix C
Landowner Correspondence



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August 9, 2013

«First Name» «Last»
«Address»
«City», «ST» «Zip»

Re: **Bison 4**

«GreetingLine»

Bison 4, a 204.8 megawatt wind project being proposed by Minnesota Power, will have a public hearing with the North Dakota Public Service Commission at 1:30 PM on August 21, 2013 at the Oliver County Courthouse. Bison 4 will consist of sixty four (64) 3.2 megawatt wind turbines, all of which will be located in Oliver County. Construction of Bison 4 is anticipated to commence in early Fall of this year, with completion of the project expected by the end of 2014.

A member of our team will be contacting you in the near future to go over design drawings which will show where we are proposing to place the project's facilities [roads, collection lines or wind turbine(s)] on and across your property. In the meantime, please visit the North Dakota Public Service Commission's website* to view a map showing the general layout Bison 4, or a copy can be provided upon request.

If you have any immediate questions or concerns please contact Right-of-Way Agents Scott Monroe at (701) 843-6128, or Wade Isaacson at (701) 843-6130.

Respectfully,

Todd Simmons
General Manager - Wind Operations
Minnesota Power
(701) 843-6102 - Office
(701) 426-7820 - Cell

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

*www.psc.nd.gov - search Case Number PU-13-127

WV

