

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Basin Electric Power Cooperative :
230kV Transmission Line Project - : Case No. PU-21-49
Mountrail County :
Siting Application :

TRANSCRIPT OF
HEARING

Taken At
8103 61st Street Northwest
Stanley, North Dakota
May 6, 2021

BEFORE TIMOTHY J. DAWSON
-- ADMINISTRATIVE LAW JUDGE --

47 PU-21-49 Filed 06/02/2021 Pages: 61
Transcript of 6 May 2021 Formal Hearing
Emineth & Associates Court Reporters
Stephanie Smith, Reporter

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APPLICANT'S EXHIBITS

<u>Exhibit No.</u>	<u>Offered</u>	<u>Received</u>
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PUBLIC WITNESS EXHIBITS

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1 (The following proceedings were had and
 2 made of record herein, commencing at 9:30 a.m.,
 3 Thursday, the 6th day of May, 2021:)
 4 JUDGE DAWSON: Good morning. I am Timothy
 5 Dawson, and I am an administrative law judge
 6 designated by the Office of Administrative
 7 Hearings, and that is an agency that is independent
 8 from the Public Service Commission. And the Public
 9 Service Commission requested my appointment to
 10 serve as hearing officer for this hearing.
 11 This is North Dakota Public Service
 12 Commission Case Number PU-21-49.
 13 Before we begin, please make sure you have
 14 silenced your phones, and there should be an
 15 attendance sheet going around. Please sign it and
 16 designate whether you are going to testify or not.
 17 This is the hearing on the application of
 18 Basin Electric Power Cooperative for a certificate
 19 of corridor capability and route permit for the
 20 construction of a 230-kV transmission line and
 21 associated facilities filed on January 27, 2021.
 22 The transmission line project is about
 23 26.5 miles in length to be constructed from an
 24 existing Neset Substation to a proposed Northshore
 25 Substation in Mountrail County, approximately 7

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1 miles south of Ross.
 2 Let the record show that it is May 6,
 3 2021, and a little past 9:30 a.m., Central time, at
 4 the Mountrail County South Complex in Stanley,
 5 North Dakota. This is the time, date and place set
 6 by the notice of filing and notice of hearing
 7 issued by the North Dakota Public Service
 8 Commission on March 3, 2021.
 9 The notice of filing and hearing for this
 10 hearing specified the following issues to be
 11 considered and determined at the hearing. The
 12 issues to be considered in the application for
 13 certificate of corridor capability and route permit
 14 are:
 15 Number 1, will the location and operation
 16 of the proposed facilities produce minimal adverse
 17 effects on the environment and upon the welfare of
 18 the citizens of North Dakota?
 19 Number 2, are the proposed facilities
 20 compatible with the environmental preservation and
 21 efficient use of resources?
 22 And, number 3, will the proposed facility
 23 locations minimize adverse human and environmental
 24 impact while ensuring continuing system reliability
 25 and integrity and ensuring that energy needs are

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1 met and fulfilled in an orderly and timely fashion?
 2 The first step here is to make appearances
 3 or introductions. Ms. Merkens.
 4 MS. MERKENS: Good afternoon. My name is
 5 Anine Merkens. I'm an attorney in the office of
 6 general counsel at Basin Electric.
 7 Today I will present four witnesses for
 8 the case. Mr. Bobby Nasset will be appearing
 9 telephonically. He is our project manager. Mr.
 10 Jeremy Severson will describe the need for the
 11 product. Mr. Kevin Solie will describe the
 12 environmental work that's gone in so far for the
 13 project. And Ms. Shauna Laber is our right-of-way
 14 specialist.
 15 JUDGE DAWSON: Mr. Johnson.
 16 MR. JOHNSON: Brian Johnson, advocacy
 17 staff for PSC.
 18 JUDGE DAWSON: And who's with you today?
 19 MR. JOHNSON: Victor Schock.
 20 JUDGE DAWSON: Will he be asking
 21 questions?
 22 MR. JOHNSON: I would ask that he be
 23 allowed to ask questions, if necessary.
 24 JUDGE DAWSON: There's no objection, so I
 25 will allow it.

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1 By a show of hands, is there anyone from
 2 the public that wishes to testify today at this
 3 time? One, two -- okay -- three. I see three
 4 hands go up.
 5 Your testimony will be taken after the
 6 completion of Basin's presentation. I encourage
 7 you to take that opportunity to tell the
 8 commissioners anything you would like them to hear.
 9 I assure you that what you say is important and
 10 will be taken into consideration by the Commission.
 11 Please sign the sign-in sheet that's going
 12 around so that I can look at your name before you
 13 get up here and pronounce it correctly. At that
 14 time when you come up, you'll be sworn in and be
 15 subject to questioning by the people up here. And
 16 you may not ask questions of the people up here.
 17 You're here to provide a short statement.
 18 If you have any questions about providing
 19 information or exhibits or photographs, please talk
 20 to me during a break.
 21 Opening comments. Commissioner
 22 Christmann.
 23 COMMISSIONER CHRISTMANN: Good morning,
 24 everyone, and -- and thank you, Judge. Judge
 25 Dawson explained the things that we take into

11

1 consideration in deciding a project like this, so I
 2 won't discuss that any.
 3 I do want to say that our Commission
 4 chairman, Julie Fedorchak, is not here today. She
 5 is part of a family trust that has some property in
 6 the area. And so to avoid the appearance of a
 7 potential conflict of interest, she recused herself
 8 from the case, so it's Commissioner Kroshus and I.
 9 The order of the hearing for some of you
 10 that had raised your hands that you're going to
 11 testify, I've always thought that that must seem
 12 terribly frustrating. You might be calving or
 13 seeding or something like that, and you -- you come
 14 here to tell us your thoughts, and we hope that you
 15 will, and then you have to sit while people who are
 16 being paid to be here go first and you have to sit
 17 and wait.
 18 But there's an important reason for it.
 19 Because what you might have heard around town or
 20 something like that or even directly from the
 21 company, maybe something has been updated in the
 22 plan, and in order for your testimony to be the
 23 most useful to us, it's important -- it's important
 24 that you hear what is being presented today and
 25 then are able to respond to that. So that is why

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1 we have the company go first and explain the -- the
 2 application as it stands today, and then we -- is
 3 when we need to hear from you. So we look forward
 4 to that.
 5 My background before coming to the
 6 Commission in 2013, I'm a rancher from Hazen. And
 7 so with coal development down there, we had things
 8 move across our property and do rights-of-way and
 9 things like that, and it didn't always go well. In
 10 fact, when I was a boy, there was one of them --
 11 and some of the Basin people have heard me tell
 12 this story before -- but there was one of them that
 13 caused my parents a great deal of consternation.
 14 They were very frustrated, and they ended up not
 15 getting their way on it. But one of the stories I
 16 heard at the end was that at least the PSC listened
 17 to them and -- and gave their -- their points fair
 18 consideration.
 19 And so I've always tried to live up to
 20 that standard that I heard about as a boy, and so
 21 that's why we come out here. It would be much
 22 easier to sit in Bismarck and talk to the company
 23 and -- and make a decision, but we want to make it
 24 as convenient as possible for you all to -- to
 25 weigh in with us. That's why we're here today.

13

1 That's why I'm -- we look forward to
 2 hearing from you because -- because having all of
 3 the information is how we can make the best
 4 decision possible. And my goal on these, and I
 5 think all of our goals, is not to see that a
 6 project gets built or that a project gets stopped.
 7 Our goal is to make the best decision possible
 8 under the law.
 9 And so thanks for being here and we look
 10 forward to hearing from you all.
 11 JUDGE DAWSON: Commissioner Kroshus.
 12 COMMISSIONER KROSHUS: Well, good morning,
 13 everyone. I'll start with saying this is a really
 14 good feeling. I think it's been about 15 or
 15 16 months since we've been able to travel and have
 16 a public hearing versus doing it remotely as we
 17 have for well over the past year. So it's good to
 18 see everyone in the same room. It's good to kind
 19 of get back into more of a bit of a normal
 20 situation. So I was excited about that.
 21 And Commissioner Christmann laid out the
 22 criteria quite well, but we're very thorough in
 23 these applications. We look at the details. We
 24 look at the requirements that must be met. We ask
 25 the appropriate questions.

14

1 And then after the hearing, we'll actually
 2 move into some work sessions related to the
 3 project. That's just at the Commission level only,
 4 but it's our opportunity to talk about the details
 5 of the hearing today and to work through any
 6 questions we may still have, which invariably we
 7 will.
 8 I am excited about the project from an
 9 economic standpoint. And while that isn't a part
 10 of the criteria in our evaluation, this project
 11 represents growth in western North Dakota, and
 12 growth is a very good thing when you look at other
 13 parts of the country where they're not looking at
 14 economic growth projects, and this does represent
 15 the need to -- to serve an increasing load in the
 16 area due to oil and gas development in particular.
 17 So while that isn't a criteria and, again,
 18 the requirements have to be met in all the other
 19 areas, I think just from that standpoint alone,
 20 it's good to see these types of projects coming
 21 forward. So hopefully it meets the requirements,
 22 all the I's are dotted, T's are crossed, and we'll
 23 find out as we go through the process today.
 24 So thank you for being here. Really look
 25 forward to the public input as we get toward the

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1 latter part of the hearing today, and we'll see
 2 what you have to say because, as Judge Dawson
 3 pointed out, it's incredibly important to us. So,
 4 again, welcome, and I'm ready to get started.
 5 JUDGE DAWSON: Commissioner Christmann,
 6 additional words.
 7 COMMISSIONER CHRISTMANN: One thing I
 8 forgot to mention, I work really closely and really
 9 enjoy working with your District 4 state senator,
 10 Jordan Kannianen, and ever since we scheduled this,
 11 I told him about it, he planned to be here, and he
 12 texted me this morning something came up and he
 13 can't make it. But for those of you from District
 14 4, Jordan sends his greetings.
 15 JUDGE DAWSON: Are there any preliminary
 16 matters or motions? Ms. Merkens, Mr. Johnson?
 17 MS. MERKENS: Your Honor, I move to enter
 18 Exhibits 1 through 14 into the record, please.
 19 JUDGE DAWSON: Okay. And do we have a
 20 stipulation to those?
 21 MR. JOHNSON: We do, Your Honor. No
 22 objection.
 23 JUDGE DAWSON: So I will so mark the
 24 exhibits I have in front of me, 1 through 14, and
 25 they are admitted.

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1 Ms. Merkens, you may make an opening
 2 statement or call your first witness.
 3 MS. MERKENS: Thank you, Your Honor. I'd
 4 like to call my first witness, Mr. Bobby Nasset.
 5 And he will be appearing telephonically.
 6 JUDGE DAWSON: Mr. Nasset.
 7 THE WITNESS: Good morning. Are you guys
 8 able to hear me and see me?
 9 JUDGE DAWSON: I can see you and hear you.
 10 THE WITNESS: Great.
 11 JUDGE DAWSON: Before you begin today, I'm
 12 required by law to tell you the penalties for
 13 perjury in this state. Perjury is a Class C felony
 14 punishable by a fine of up to \$10,000 or a term of
 15 imprisonment of up to five years, or both. Do you
 16 understand what perjury is and the penalties for
 17 it?
 18 THE WITNESS: I do.
 19 (Witness sworn.)
 20 JUDGE DAWSON: Ms. Merkens, you may begin.
 21 **BOBBY NASSET,**
 22 being first duly sworn, was examined and testified
 23 as follows:
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EXAMINATION

2 **BY MS. MERKENS:**
 3 Q. Mr. Nasset, would you please provide your
 4 name, business address and occupation.
 5 A. My name is Bobby Nasset. I am the civil
 6 engineering supervisor at Basin Electric, and our
 7 headquarters is located in Bismarck at 1717 East
 8 Interstate Avenue.
 9 Q. And would you please describe your
 10 educational background and professional experience?
 11 A. So I received my bachelor's of science
 12 degree in civil engineering from North Dakota State
 13 in 2005, and since then I've been employed as a
 14 civil engineer, first for a consulting firm, and
 15 for the last five years for Basin Electric.
 16 The majority of my experience is in the
 17 design and construction of high-voltage
 18 transmission lines as well as supporting substation
 19 design and then grading and drainage and
 20 underground utilities for power generation
 21 facilities. I'm also currently a licensed
 22 professional engineer in North Dakota and Colorado.
 23 Q. Would you please describe your
 24 responsibilities for the proposed project?
 25 A. I'm the project manager and project

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1 coordinator for this project, so my main
 2 responsibilities are managing the schedule and
 3 budget for it and reporting to Basin Electric
 4 senior management. Also responsible for
 5 coordinating the efforts of the different teams in
 6 Basin, which include our engineering design team,
 7 surveying, permitting and environmental work and
 8 right-of-way acquisition.
 9 Q. Mr. Nasset, would you please provide a
 10 general description of the proposed project?
 11 A. Yes. So this project was developed and
 12 selected through a study process with Southwest
 13 Power Pool, or SPP, which is the -- the regional
 14 transmission organization that coordinates
 15 transmission studies in our region. And so this is
 16 a process that my colleague Jeremy Severson will be
 17 able to elaborate on today in his testimony.
 18 But essentially they identified this and
 19 selected this project to address regional
 20 reliability needs for load growth in the area.
 21 Physically, the project consists of, as you guys
 22 had mentioned, 26.5 miles of new 230-kV
 23 transmission line that will go from an existing
 24 substation called Neset Substation to the proposed
 25 Northshore Substation. So Northshore is a new

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1 substation that will also be constructed as part of
 2 this project.

3 Q. And, Mr. Nasset, would you please tell the
 4 Commission the general location of the proposed
 5 project.

6 A. The -- the entire project is located in
 7 Mountrail County. It begins at Neset Substation,
 8 which is approximately four miles east of Tioga,
 9 and the new Northshore Substation is approximately
 10 eight miles south of Ross. And I think you can
 11 reference in the prefiled exhibits, Exhibit 6 shows
 12 a good location of the route and substations.

13 Q. Thank you. Would you please describe the
 14 proposed schedule and when Basin Electric would
 15 like to start construction.

16 A. Our plan is to start construction late
 17 this summer or early fall and complete the
 18 construction for the substation and the
 19 transmission line by October 31 of 2022 and then
 20 have post-construction testing and have
 21 energization ready by the end of the year next
 22 year.

23 Q. Thank you. Would you please describe the
 24 cost of the proposed project.

25 A. Our -- our total estimated cost, which

20

1 includes the substation work and the transmission
 2 line, is 57.4 million.

3 Q. Mr. Nasset, would you please describe the
 4 design of the structures that will be used for this
 5 project.

6 A. So all the structures used on this project
 7 will be galvanized steel poles. For this project,
 8 we're utilizing both H-frame configuration and
 9 monopole configurations, and I think there's
 10 examples of these as an exhibit and also in our
 11 application, Figures 4-3 -- or 4-2 and 4-1, and
 12 they'll show the typical geometry for these.

13 So the spacing between the conductor
 14 phases are standard for this voltage class and they
 15 provide sufficient electrical clearance for -- for
 16 operation and maintenance. On this project, all
 17 the angled structures will be placed on drilled
 18 concrete piers, and all the tangent and in-line
 19 structures will be directly embedded.

20 Q. Mr. Nasset, how many structures will be
 21 needed for the proposed project?

22 A. Our design is for 155 structures.

23 Q. And, Mr. Nasset, did Basin Electric
 24 consider placing this project underground?

25 A. So this transmission line, when it was

21

1 evaluated for costs and benefits in the -- in the
 2 regional transmission study, was always planned for
 3 overhead construction. Underground construction
 4 for high-voltage transmission such as this is
 5 significantly more expensive and wasn't considered
 6 for the project.

7 Q. Would you please describe Basin Electric's
 8 considerations when routing the proposed project.

9 A. Yes. We -- we route the transmission
 10 line, first, obviously to meet the PSC avoidance
 11 and exclusion criteria and basically to minimize
 12 our environmental impacts and to accommodate
 13 existing land use the best we can. So the majority
 14 of the routing is really based on landowner
 15 feedback we get and following corridor lines and
 16 property lines. We try to optimize the project
 17 cost by minimizing the number of angles and
 18 considering the long-term access and maintenance of
 19 the transmission line. So challenging rugged
 20 terrain is avoided when at all possible.

21 Q. Mr. Nasset, would you please describe the
 22 proposed sequence of construction for the
 23 transmission line.

24 A. It will likely start with a contractor
 25 that will install gates along the transmission

22

1 right-of-way and corridor, wherever we cross fence
 2 lines, and in parallel with that or shortly after,
 3 we'll stake all of the individual structure
 4 locations. And then once we have our general
 5 contractor selected and awarded and they mobilize,
 6 they'll start with the foundation installation for
 7 the angle structures.

8 Once the foundations are complete, the
 9 structures will be hauled to each individual
 10 location, and then on-site will be -- they will be
 11 framed and assembled with the hardware wire for
 12 that structure and erected.

13 Once the structures are up, the
 14 conductors -- we have three phases of the conductor
 15 and then we have two overhead shield wires, one
 16 which is an optical ground wire. So they'll all be
 17 strung through rolling blocks that are attached to
 18 the structure and they'll be brought up to our
 19 design tensions. Once we have met those tensions,
 20 they can be clipped in.

21 And then after that there are several
 22 quality control steps and inspections by Basin
 23 transmission maintenance staff, both of the
 24 transmission line and the substation, and then the
 25 line is energized.

23

1 So the contractor may work in sequence or
 2 in parallel for some of these activities, and then
 3 the final step will be ground reclamation.
 4 Q. Mr. Nasset, would you please describe the
 5 construction procedures and the workforce needed to
 6 construct the product?
 7 A. Generally, as I mentioned, the
 8 construction will be done in a sequential manner
 9 consisting of a series of crews spread throughout
 10 the line. Some contractors may work several
 11 activities in parallel. It's really up to them how
 12 they approach the construction of the project, and
 13 so therefore the crew size and the number of crews
 14 depends on their specific needs and methods for
 15 construction. And the actual manpower that they
 16 use varies from project to project. It depends on
 17 their time constraints and their own procedures.
 18 Q. What will Basin Electric do to ensure
 19 safety on the construction sites?
 20 A. So Basin Electric participates in the
 21 Energy Coalition for Contractor Safety, ECCS,
 22 program, so that's a group of North Dakota energy
 23 and utility companies that work together to
 24 establish an OSHA-based safety standard. The
 25 program has requirements for contractors and their

24

1 employees and subcontractors.
 2 And all of the potential contractors that
 3 we consider for the project will be evaluated
 4 against that safety program through a
 5 pre-qualification program, and then if -- only the
 6 contractors that are able to -- to meet that
 7 standard will be allowed to bid and work on the
 8 project.
 9 We also will require the contractor -- the
 10 selected contractor to submit an emergency response
 11 plan, and we have 911 addresses at both
 12 substations, and the line route and structure
 13 locations are submitted to -- to local emergency
 14 management services, if they're able to use them,
 15 so that they have a georeferenced location of all
 16 areas of the project.
 17 Q. And will you please describe the steps
 18 that Basin Electric will take once the construction
 19 is complete.
 20 A. So once construction is complete, Basin
 21 Electric and our construction coordinator and
 22 maintenance staff will review the right-of-way and
 23 the structures and installation and identify any
 24 items that require corrective action.
 25 Once those actions have been completed to

25

1 satisfy the contract, the contractor can be
 2 released from further responsibility. And at that
 3 time Basin Electric's right-of-way division will
 4 employ a second contractor to work through
 5 reclamation as needed along the right-of-way. And
 6 that's a process that my colleague Shauna Laber
 7 will be able to elaborate on in her testimony as
 8 well.
 9 MS. MERKENS: Thank you. Your Honor, I
 10 have no further questions of this witness.
 11 JUDGE DAWSON: Mr. Johnson.
 12 MR. JOHNSON: Thank you.
 13 **EXAMINATION**
 14 **BY MR. JOHNSON:**
 15 Q. If you aren't able to answer any of my
 16 questions and there's somebody better suited,
 17 please just let me know.
 18 What's the status of the easements for the
 19 project? Are they all secured at this point?
 20 A. At this time we have secured approximately
 21 85 percent of the easements on the project.
 22 Q. Are there any anticipated difficulties
 23 or -- or is it just that there hasn't been enough
 24 time yet to secure the other ones?
 25 A. We have -- we cross North Dakota State

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1 Trust Land in two areas that the easement is in the
 2 works and we've complied with their requirements.
 3 We just don't have it formally approved yet. And
 4 the remaining landowners, from my knowledge, are
 5 opposed to granting the easement.
 6 Q. Okay. And with the State Trust Lands and
 7 School Lands, what would that bring you up to for
 8 completion of the easement requirements?
 9 A. I would have to defer to Shauna Laber on
 10 the percentage of that. We -- we've tracked it
 11 different ways, both on the number of landowners
 12 and by acreage. So I think it would get us up to
 13 about 88 percent, but she could provide the exact
 14 number.
 15 Q. Have you received all of the permits and
 16 letters from all the necessary agencies to complete
 17 the project, or are there still some remaining
 18 agencies that have yet to respond?
 19 A. I believe we have received all of the
 20 agency letters back. There are some remaining
 21 permits still to acquire, and that's an area that
 22 my colleague Kevin Solie can elaborate on. We have
 23 a few outstanding permits to acquire yet.
 24 MR. JOHNSON: Thank you. I don't have any
 25 further questions. Victor?

EXAMINATION

1 **BY MR SCHOCK:**

2 **Q.** Yeah, what is the width of the corridor

3 you're requesting?

4 **A.** So we actually have two right-of-way

5 widths for this project. On the -- on the north

6 part of the project where we're using H-frame

7 construction, we have some longer spans, and the

8 right-of-way width has to contain blowout under

9 extreme wind conditions within the corridor, so we

10 have 150-foot-wide right-of-way width on that

11 segment of the line and the remainder of the line

12 is 125 feet wide.

13 **Q.** Is there a good place to show where that

14 kind of change happens?

15 **A.** Sure. It's -- if I refer to Exhibit 6

16 from -- from Neset Substation as you go directly

17 east to angle point 6, that is the segment that's

18 150 feet right-of-way, and then everything south of

19 that would be 125 feet.

20 **Q.** Sorry. I just got to Exhibit 6. So

21 you're saying from -- from Neset to angle point 6?

22 **A.** I apologize. Angle point 5.

23 **Q.** Okay. That would be the 150-foot

24 right-of-way and then the rest --

1 of thumb that underground, high-voltage

2 transmission is up to ten times or more the price

3 for overhead. It's really challenging for these

4 voltages because most of the line has to be

5 constructed in concrete duct bank with a highly

6 specialized conductor because instead of using air

7 as the insulator for the conductor, we've got to

8 have it all underground.

9 So generally, you know, at Basin Electric

10 we -- we don't have any underground high-voltage

11 transmission. I think it's typically used in -- in

12 highly congested corridors for very short distances

13 or where being overhead is physically impossible.

14 **Q.** Are there any telecommunications

15 facilities being attached to this or planned for

16 it?

17 **A.** Yes. The -- the transmission line, one of

18 our shield wires is an optical ground wire that'll

19 provide communications between substations and our

20 transmission network.

21 **Q.** Okay. And so as we upgrade this, does

22 this cause any infrastructure that's being used

23 now, either by Basin or by maybe one of the

24 distribution co-ops, to become unnecessary that

25 will then be removed, or is everything that's there

1 **A.** Correct.

2 **Q.** -- of it is 125?

3 **A.** Yeah, so that east-west segment out of --

4 out of Neset is the area where they have the wider

5 right-of-way.

6 MR. SCHOCK: Thank you. I have no further

7 questions.

8 JUDGE DAWSON: Commissioner Christmann.

9 COMMISSIONER CHRISTMANN: Thank you, Your

10 Honor.

11 **EXAMINATION**

12 **BY COMMISSIONER CHRISTMANN:**

13 **Q.** I was making note of something else when

14 you said the estimated price tag. Did you say

15 57.4 million or has that changed from the

16 application?

17 **A.** That's still our estimate for the project,

18 yes.

19 **Q.** Okay. When -- when asked about the

20 potential of doing underground instead of

21 aboveground, you said it was significantly more

22 expensive. Can you explain that a little better,

23 what you would consider significantly more

24 expensive on a \$57 million project?

25 **A.** Yeah. In general, the industry has a rule

1 now still going to be needed even if this gets

2 constructed?

3 **A.** Yes. To my knowledge, everything will

4 still be needed. The new substation at Northshore

5 is an improvement. Also, it allows

6 Mountrail-Williams to interconnect three existing

7 115-kV transmission lines that are currently served

8 through a tap, so that's an improvement to their

9 system as well.

10 COMMISSIONER CHRISTMANN: Thank you. I

11 have no other questions.

12 JUDGE DAWSON: Commissioner Kroshus.

13 COMMISSIONER KROSHUS: Good morning,

14 Mr. Nasset.

15 **EXAMINATION**

16 **BY COMMISSIONER KROSHUS:**

17 **Q.** On the right-of-way status, if I

18 understood this correctly after Mr. Johnson's

19 questioning, 85 percent of the easements are

20 obtained. It would be 88 percent with the school

21 land, so the simple math is 12 percent of the

22 private landowners are -- you're still working with

23 them?

24 **A.** We are. And my colleague Shauna Laber has

25 been managing the communication with them, and so

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1 I'll defer to her for the status of communication
2 with them.

3 Q. Okay. That's good. I'd like to get more
4 information on that just to get a better feel on
5 where that is. And would she also be the one to
6 ask about that remaining 12 percent and your
7 construction timeline that you're looking at, which
8 I believe is to begin in -- is it August is what
9 you would intend to begin the project then?

10 A. That would be our preference, to begin in
11 August.

12 Q. Okay. Is that contingent on obtaining the
13 final easements or do you have contingency plans to
14 reroute, if necessary?

15 A. At this time we don't have any plans for
16 rerouting. Through the routing process, we really
17 evaluated all of our possible options, but, you're
18 correct, it's contingent on receiving the final
19 right-of-way.

20 Q. Can you -- changing subjects. Can you
21 just give a broad overview, a 30,000-foot-level
22 view of at least your impression in terms of
23 working with the local officials, meeting their
24 zoning requirements and that type of thing?

25 A. Yes. To date the local officials that

1 reason the construction schedule doesn't work out,
2 then we would pay for crop damages and lost
3 production. And so that's something, I think --
4 that process is definitely one that Shauna would be
5 able to elaborate on as that's come up on previous
6 projects.

7 If the schedule works out the way we would
8 prefer to, starting in the fall -- in the late fall
9 is sometimes more suitable because we can be
10 working on frozen ground and not impacting harvest,
11 but they'll definitely still need access to a lot
12 of the project area next summer for the stringing
13 operations. And so we've got quite a bit of it
14 scheduled, but we want to leave the contractor room
15 for flexibility for contingencies that come up on
16 the project.

17 Q. Okay. Thank you. And then the last
18 question would be on the workforce portion of your
19 testimony, you had indicated that you believe, and
20 if I remember this correctly -- I would have to
21 find it -- and I'm -- I've discovered that I'm not
22 as adept at scrolling on my iPad with my thumb
23 compared to my index finger, which this is what
24 happens when you're swinging a hammer and building
25 corrals and your finger interferes with a 24-ounce

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1 we've worked with have been very helpful with the
2 project, and a lot of that, again, has been
3 coordinated by Ms. Shauna Laber and also Kevin
4 Solie, who leads our environmental and permitting
5 effort.

6 We are still filing the conditional use
7 permit with the county, so that process is
8 underway. It hasn't been completed yet. But I
9 know Shauna has worked with the townships as well
10 for crossing permits, and then we've also been in a
11 lot of communication with area gas and pipeline
12 owners for -- and other overhead utilities where
13 we've got crossings and conflicts to avoid any
14 impacts to them and make sure that we're meeting
15 their requirements.

16 Q. And you can defer this question if you
17 would -- if you would like, if there is another
18 witness that would be better suited, but in terms
19 of the construction timing, not the start -- start
20 date or the projected end date, but can you tell me
21 how you work with local landowners in terms of
22 their agricultural practices, the timing of certain
23 sections around harvest, for example?

24 A. Yeah, we definitely welcome their feedback
25 on when best to time that. We -- if for whatever

1 or whatever -- 26-ounce hammer and the intended
2 impact area, so -- but I'll live.

3 But just in terms of a breakdown, what
4 percentage of the workforce do you believe will be
5 in state versus out of state, out of curiosity?

6 A. Sure. It's sort of a guess, depending on
7 which contractor ultimately gets awarded the
8 project, but to date we've also employed
9 consultants and contractors as part of the
10 preparation for the project. So we've -- we've
11 hired local biologists for reviewing the line and
12 local surveying companies that helped collect the
13 data.

14 The -- it's a specialized construction, so
15 there's perhaps dozens of contractors that are
16 qualified for overhead high-voltage transmission
17 construction, and they typically come throughout
18 the country. Some are closer than others. And
19 then we can't really dictate which -- who they
20 hire, but they will certainly look to hire local
21 subcontractors and local work where it makes
22 economical sense to them, and that has happened on
23 previous projects.

24 COMMISSIONER KROSHUS: Okay. Thank you.
25 I don't have any other questions.

35

1 JUDGE DAWSON: Ms. Merkens, any redirect?
 2 MS. MERKENS: No, Your Honor.
 3 JUDGE DAWSON: Any further questions?
 4 MR. JOHNSON: No further questions.
 5 JUDGE DAWSON: Commissioner Christmann.

6 **FURTHER EXAMINATION**

7 **BY COMMISSIONER CHRISTMANN:**

8 Q. After the towers would be erected and
 9 you're stringing, would that be done from trucks on
 10 the ground or would this be strung with
 11 helicopters?

12 A. That's a good question. Typically --
 13 different contractors have different operations for
 14 this, but typically they will string what's called
 15 like a sock line with a helicopter just to start
 16 that through each string block, and then the rest
 17 of it will be pulled with -- with tensioner
 18 vehicles on the ground. But some have also -- it
 19 can even be a four-wheeler along the ground to pull
 20 the sock line through the transmission line. So
 21 it's up to them how they want to approach that.

22 COMMISSIONER CHRISTMANN: Thank you.

23 JUDGE DAWSON: Well, if there's no further
 24 questions, you may step down.

25 THE WITNESS: Thank you.

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1 JUDGE DAWSON: Ms. Merkens, you may call
 2 your next witness.

3 MS. MERKENS: Your Honor, I'd like to call
 4 Mr. Jeremy Severson.

5 JUDGE DAWSON: Mr. Severson, I can see
 6 that you were here for my previous admonitions as
 7 to perjury, so you understand what perjury is and
 8 the penalties for it?

9 THE WITNESS: I do.
 10 (Witness sworn.)

11 JUDGE DAWSON: You may begin.

12 MS. MERKENS: Thank you, Your Honor.

13 **JEREMY SEVERSON,**

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

16 **EXAMINATION**

17 **BY MS. MERKENS:**

18 Q. Mr. Severson, would you please provide
 19 your name, employer and occupation for the
 20 Commission.

21 A. My name is Jeremy Severson. I'm employed
 22 by Basin Electric Power Cooperative. I am the
 23 manager of transmission services.

24 Q. And would you please describe your
 25 educational background and professional experience.

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1 A. My educational experience includes a
 2 bachelor of science in electrical engineering from
 3 North Dakota State University in 2003 where I've
 4 been employed at Basin Electric. I also hold a
 5 professional engineering license in the state of
 6 North Dakota.

7 Q. And, Mr. Severson, what have been your
 8 responsibilities with the proposed project?

9 A. So my responsibilities have included the
 10 review of the SPP study work and feedback with SPP,
 11 as well as work with -- our own studies at Basin
 12 Electric that we have completed in this area.

13 Q. And what information do you plan to
 14 provide today in your testimony?

15 A. So I'm going to provide some -- some
 16 background on the SPP study process that this
 17 project came out of, as well as the update on some
 18 of the studies that Basin has completed in this
 19 region.

20 Q. Thank you. Mr. Severson, would you please
 21 describe SPP and its general role in the grid.

22 A. Okay. Well, SPP is an RTO, or regional
 23 transmission organization, and in being an RTO,
 24 they are responsible for managing and planning the
 25 grid. SPP offers several services as an RTO. They

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1 offer an open access transmission tariff, they
 2 offer regional outage coordination, they offer a
 3 market, and in doing so they offer -- they are the
 4 transmission service provider in this region. And
 5 so they are responsible for planning and making
 6 sure the grid is reliable and secure.

7 Q. Thank you. Mr. Severson, would you please
 8 generally or -- and briefly explain transmission
 9 planning and SPP.

10 A. So transmission planning or transmission
 11 assessment, whether by SPP or any other
 12 organization, is the assessment of the power grid
 13 through a number of engineering analyses that looks
 14 at the system. The system is a model of the
 15 transmission grid, the substations, lines,
 16 generation load. It's all modeled in a series of
 17 cases, and an analysis of that includes looking at
 18 both near term and out-year to make sure that the
 19 system can be reliable and secure, and that
 20 includes both intact normal conditions as well as
 21 abnormal conditions if you were to lose an element
 22 and make sure the system can withstand that and
 23 continue to reliably serve the area customers.

24 Q. Thank you. Would you please describe the
 25 planning and study process that this project arose

1 from.
 2 **A.** Sure. So this particular project arose
 3 out of the transmission services side of the SPP
 4 tariff. A request was made to SPP for a new
 5 delivery point addition, or DPA. That request was
 6 for a new substation and subsequent load in this
 7 region. That was entered into SPP's delivery point
 8 addition queue and subsequently studied by SPP.

9 Out of that study process, in an SPP
 10 delivery point addition study process, they look at
 11 these cases -- aforementioned cases and look at --
 12 look to see if the system can still reliably serve
 13 the system. If anything happens where you exceed
 14 criteria, SPP must evaluate options to mitigate
 15 that criteria and suggest a fix.

16 **Q.** Thank you. Mr. Severson, what happens
 17 once SPP identifies that a transmission project
 18 needs to be constructed?

19 **A.** So once SPP has identified a need on the
 20 system, which means that something doesn't meet the
 21 criteria identified in the study process, they have
 22 to identify a mitigation for those needs. And in
 23 doing so, they would work with the regional or the
 24 area transmission owners and issue a notice to
 25 construct, or NTC, to the designated transmission

1 series of capacitors out on the Mountrail-Williams
 2 system.

3 The third option was similar to that, a
 4 new 230 line -- a new 230 substation near Stanley
 5 here, again tapping the Tioga to Blaisdell line,
 6 and a new 230 line again down to Belden with a
 7 couple different configurations of capacitors.

8 And the fourth option they considered was
 9 a new 345 line from Tioga down to the Northshore
 10 area as well as a 115 from Northshore down to --
 11 down to the New Town area.

12 **Q.** And why did SPP choose the Neset to
 13 Northshore project in front of us, or option 1 as
 14 it's listed in your written testimony?

15 **A.** They ultimately selected this project
 16 because it met the needs that were identified in
 17 the study work as the most economic option.

18 **Q.** Mr. Severson, does Basin Electric perform
 19 its own transmission studies?

20 **A.** Yes, we do. So in addition to the working
 21 with SPP on these transmission service-type
 22 studies, we also perform our own studies at Basin
 23 Electric. These include the annual transmission
 24 planning assessment, the NERC-required transmission
 25 planning assessment. We also perform two different

1 owners. And under the SPP tariff, the designated
 2 transmission owner is responsible for constructing
 3 the project to mitigate the issues identified.

4 **Q.** Did this specific SPP delivery point
 5 addition study that you mentioned show that there
 6 could be violations in this area that would need to
 7 be mitigated?

8 **A.** Yes. This particular request for a new
 9 delivery point and additional load resulted in a
 10 number of violations, both loading and voltage
 11 violations that occurred in the region.

12 **Q.** And would you please generally describe
 13 the options that SPP investigated to mitigate those
 14 violations.

15 **A.** Sure. So to mitigate the loading and
 16 voltage violations that were found in the study
 17 work, SPP came up with four options. The first
 18 option was the proposed project, a new 230 line
 19 from Neset down to Northshore as well a 115 line
 20 from Northshore down to the New Town area.

21 The second option that they came up with
 22 was a new substation on the Tioga to Blaisdell
 23 line, so a new substation around the Stanley area,
 24 and then a new 230 line from there -- from this
 25 area down to, I believe it was, Belden, and then a

1 operating studies each year up in this Bakken area
 2 specifically, and we also perform an under voltage
 3 load shedding study to work with the under voltage
 4 load shedding schemes that we have up in this
 5 region.

6 **Q.** So what have Basin Electric's studies
 7 shown in this area?

8 **A.** So our studies concur with kind of the
 9 findings of SPP. We've -- we've noted that this
 10 region is a weak spot and it's reached the limit --
 11 the load-serving limit that it can accommodate.
 12 And so we've kind of suspected that it would need a
 13 project to add additional load growth in the
 14 region.

15 Since we've been seeing this, we've worked
 16 with Mountrail-Williams to install some mobile
 17 capacitors as well as install under voltage load
 18 shedding schemes in the area to provide continued
 19 load-serving capability in the region.

20 **Q.** Mr. Severson, how does this project affect
 21 the reliability of the transmission system in this
 22 area of the state?

23 **A.** So this project will increase the
 24 load-serving capability of Mountrail County
 25 significantly and it will provide a more reliable

1 and secure system.
 2 Q. If this project isn't built, what could
 3 happen to future development on the electric grid
 4 in this area?

5 A. So we would have to probably suspend --
 6 reach a limit of load growth in this region if this
 7 project were not built.

8 MS. MERKENS: Thank you. I have no
 9 further questions of this witness.

10 JUDGE DAWSON: Mr. Johnson.

EXAMINATION

12 **BY MR. JOHNSON:**

13 Q. I guess more of a simplified recap than
 14 maybe a question. So this originated with SPP?

15 A. Yes, sir.

16 Q. Did you guys confirm that their assessment
 17 of the grid was accurate?

18 A. Yes.

19 Q. And basically the -- the point of the
 20 project is to enhance grid reliability and
 21 stability in this area?

22 A. Yes.

23 Q. And also allow for future development, and
 24 if that -- if this project doesn't happen, that
 25 development is going to be limited, if not -- if

1 JUDGE DAWSON: Mr. Schock.

EXAMINATION

3 **BY MR. SCHOCK:**

4 Q. So -- good morning, Jerry.

5 A. Morning.

6 Q. Are you saying this didn't come out of
 7 the -- one of the standard -- well, I guess it is a
 8 standard process, but the ones I'm most familiar
 9 with are the reliability assessments and then
 10 economic assessments. This didn't come out of
 11 either of those. It was a delivery point addition?

12 A. Right. This did not come out of the ITP
 13 or the long-term transmission planning assessments.
 14 This came through the transmission service section
 15 of the tariff or referred to as the section AQ.

16 And so you'll often hear these referred to -- load
 17 interconnection requests as AQ studies, and it came
 18 through that process.

19 Q. From Mountrail-Williams Electric?

20 A. Mountrail-Williams made a request to Basin
 21 Electric. Basin Electric is the transmission
 22 customer for SPP, and Basin Electric made that
 23 request -- that AQ request to SPP.

24 Q. Okay. That makes a lot of sense. And
 25 then, I guess, my only other question, this project

1 not maybe even possible at all?

2 A. That is correct.

3 Q. As a -- and so Basin is an SPP partner or
 4 member?

5 A. We are a member of SPP.

6 Q. Okay. And if Basin would choose not to do
 7 this, is there any sort of sanctions or anything
 8 that would come from SPP for you not enhancing the
 9 system in this area?

10 A. So if Basin were not to build this
 11 project, the load request or the load limit in this
 12 area would be capped and Basin as a transmission
 13 customer would be limited on the load-serving
 14 capability of this region.

15 Q. Does the project also meet future
 16 potential growth estimates for the area? It's not
 17 going to be underserving or it meets or exceeds
 18 what's estimated to be -- going to happen in the
 19 future in this area?

20 A. Yes. So this project, we study a
 21 ten-year-out load-serving forecast, and the
 22 addition of this project would meet the needs of
 23 Mountrail County in the current SP -- or in the
 24 current Basin load forecast.

25 MR. JOHNSON: Okay. No further questions.

1 would be constructed to comply with the National
 2 Electric Safety Code?

3 A. Yes.

4 MR. SCHOCK: Thank you. No further
 5 questions.

6 JUDGE DAWSON: Commissioner Christmann.

EXAMINATION

8 **BY COMMISSIONER CHRISTMANN:**

9 Q. I was on that same line of thinking of
 10 Mr. Schock of not understanding fully this process
 11 of how this gets started. So I think I understood
 12 that last response. So Mountrail-Williams felt
 13 they needed another substation down there, and so
 14 they made that request to Basin Electric. Basin
 15 Electric as the transmission customer makes the
 16 request then to SPP, and they looked into it and
 17 went through that system --

18 A. Yes.

19 Q. -- that you said?

20 And then so when SPP did their study of
 21 the -- the -- of the problem and then the various
 22 solutions and put out a request for building this,
 23 is Basin the exclusive entity that could do this,
 24 or could someone else have bid this to build a
 25 transmission line in this same place?

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1 **A.** So in this process, the -- the NTC or the
2 notice to construct this project goes out to the
3 affected transmission owners in the region, and
4 actually in I do believe it's Exhibit -- Exhibit 8
5 is the notice to construct from SPP, and this lays
6 out the two parties that were -- this project is
7 assigned to. The first is Basin Electric on the
8 230 side, but on the south half of the project,
9 which is the 115 from Northshore down to New Town,
10 it's assigned to Mountrail-Williams.

11 **Q.** And SPP makes that assignment if --

12 **A.** Based on the transmission ownership in the
13 region.

14 **Q.** Okay.

15 **A.** And since Basin is the transmission owner
16 for the 230, that part was assigned to Basin
17 Electric.

18 **Q.** So that 115 is planned for construction as
19 well, but that will be Mountrail-Williams and is
20 not a part of --

21 **A.** Not a part of this process.

22 **Q.** -- of our procedure because we site things
23 that are larger than 115, not 115s; correct?

24 **A.** That is correct.

25 **Q.** Okay. Can you just tell me, though -- I

1 line," just in a simplified way, how would you
2 explain that to them?

3 **A.** Perhaps I would say that if you were to
4 assume this table has four legs under it and you
5 can put so much weight on this table and we plan to
6 support this table with the weight of the legs
7 underneath it, after you get so much weight, if you
8 were to pull one of the legs out, the table may
9 collapse or sag too far. And we need to maintain
10 the electric grid within the limits to hold the --
11 hold the weight.

12 And so after you get to a certain point,
13 you need to put something else underneath the table
14 to support it should you lose one of the other
15 legs. And so this -- this new line into this area
16 is essentially another leg under the table to
17 support this region.

18 **Q.** And the benefit to a household, farming
19 and ranching operation or --

20 **A.** Right.

21 **Q.** -- a cafe in downtown Stanley or in the
22 region would be --

23 **A.** It would be to maintain voltage and
24 loading criteria. If we were to allow the system
25 to sag too far and you were to have voltage issues,

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1 have not had that really on my radar screen, I
2 guess. So that's a 115 from this new substation at
3 Northshore to -- did you say to New Town?

4 **A.** To New Town, yes.

5 **Q.** And how many miles is that; do you know?
6 And just a -- it's not part of our process here.
7 Just an estimate is --

8 **A.** Yeah, I would say roughly 25 miles. And
9 perhaps Mountrail-Williams could elaborate on that
10 line length. They are working on -- on that
11 section of line.

12 COMMISSIONER CHRISTMANN: Okay. And -- I
13 have no other questions. Thank you, Mr. Severson.

14 JUDGE DAWSON: Commissioner Kroshus.

15 EXAMINATION

16 **BY COMMISSIONER KROSHUS:**

17 **Q.** Well, good morning, Mr. Severson. Most of
18 my questions have been answered.

19 We -- we tend to live in a world of
20 acronyms if we're on the Commission or in your line
21 of work, and the general public hears NERC, FERC,
22 SPP, RTOs. And I think, you know, just to simplify
23 things, if you were to meet someone at the cafe in
24 Stanley and they were to ask you, "Well, why do we
25 need the line or why do you need to construct this

1 you could have voltage flicker. You could have low
2 voltage, which could have motors burn out, which
3 we're -- we're -- we maintain the electric system
4 at a certain level to give that reliability to the
5 customers.

6 **Q.** That's a really good way of describing it.
7 And, again, I think it helps the general public in
8 understanding in terms that they might be more
9 familiar with or examples that they can relate to,
10 so I appreciate that.

11 COMMISSIONER KROSHUS: I don't have any
12 other questions. Thank you.

13 JUDGE DAWSON: Any further questions?

14 MS. MERKENS: No, Your Honor.

15 MR. JOHNSON: No, Your Honor.

16 JUDGE DAWSON: Seeing no further
17 questions, you may step down.

18 THE WITNESS: Thank you.

19 JUDGE DAWSON: You may call your next
20 witness.

21 MS. MERKENS: Thank you. Your Honor, I
22 would like to call Mr. Kevin Solie.

23 JUDGE DAWSON: Mr. Solie, you were here
24 for my previous admonitions as to perjury, so do
25 you understand what perjury is and the penalties

1 for it?
 2 THE WITNESS: Yes, Your Honor.
 3 (Witness sworn.)
 4 JUDGE DAWSON: You may begin.
 5 **KEVIN SOLIE,**
 6 being first duly sworn, was examined and testified
 7 as follows:

EXAMINATION

9 **BY MS. MERKENS:**

10 Q. Mr. Solie, would you state your name,
 11 employer and occupation for the record, please.
 12 A. Yes. My name is Kevin Solie. I work for
 13 Basin Electric Power Cooperative in Bismarck, North
 14 Dakota. My job title is senior environmental
 15 compliance administrator.
 16 Q. And would you please describe your
 17 educational background and professional experience.
 18 A. Sure. I've earned three degrees from the
 19 University of North Dakota, including a bachelor's
 20 and master's degree in geology as well as a degree
 21 in geological engineering. I've been employed with
 22 Basin Electric for approximately 14 years, and I've
 23 worked on a number of similar projects that
 24 required these siting applications and procedures,
 25 including transmission lines and wind farms and

1 coordination then, of course there's coordination
 2 within the project team at Basin Electric
 3 coordinating with engineering, lands and
 4 right-of-way and -- and legal.
 5 Q. Mr. Solie, have there been any changes to
 6 the application since it was submitted?
 7 A. There have been a couple of minor changes
 8 to the route and to the configuration of -- of the
 9 line, and probably most notably our engineering
 10 group evaluated a new type of carbon core
 11 conductor. And so this new conductor allows for
 12 much longer spans between the structures, and so I
 13 think -- and someone could correct me, but we
 14 dropped roughly 30 structures. So that's 30 less
 15 structures on land and, you know, less
 16 environmental impact, if you will.
 17 The other changes, there was a minor
 18 alignment shift the very -- it's what I'd call the
 19 very last part of the corridor and route that's on
 20 the State Trust Land as it goes into the Northshore
 21 Substation. And so we moved -- at the request of
 22 the land department, we moved north about a quarter
 23 of a mile to kind of parallel the existing
 24 Mountrail-Williams line there.
 25 Q. Thank you. Mr. Solie, would you please

1 pipelines.
 2 Before my employment at Basin Electric, I
 3 worked for about 15 years for the North Dakota
 4 Department of Health, now the Department of
 5 Environmental Quality in the environmental health
 6 section.
 7 And I guess I can add that I'm also a
 8 retired member of the North Dakota Army National
 9 Guard. Served for 26 years and retired as a major.
 10 And I guess like some of the other
 11 witnesses, I'm a registered professional engineer
 12 in North Dakota and in Wyoming.
 13 Q. Thank you. Mr. Solie, what have been your
 14 responsibilities with the project?
 15 A. Well, really all -- kind of all manner of
 16 tasks associated with the preparation of the
 17 application. And that included kind of the
 18 coordination of three different environmental
 19 consultants, including AECOM as the consultant that
 20 prepared the application for us, and two other kind
 21 of specialized environmental consultants, Western
 22 EcoSystems Technology, who did biological work for
 23 us, and Metcalf Archeological Consultants, who did
 24 our cultural resources work.
 25 I guess in addition to the outside

1 describe the size of the corridor for the proposed
 2 project.
 3 A. Yes. So the corridor has two widths.
 4 It's -- as Mr. Nasset testified, it's 150-foot
 5 width for the east-west portion. And I can say a
 6 little bit about the east-west portion is -- I
 7 think it's a really great example of kind of the
 8 orderly siting of projects. We are immediately
 9 adjacent to an existing Basin Electric 230-kV line,
 10 the Saskatchewan intertie line, and, you know, not
 11 more than, I think, a quarter mile to the south
 12 there is an MDU 115-kV line. And so it's kind of
 13 just a perfect utility corridor for that section of
 14 the corridor and route.
 15 The -- the -- essentially the north-south
 16 or everything after that east-west portion is all
 17 125 feet wide.
 18 Q. Thank you. Would you please explain why
 19 it is appropriate for the Commission to approve
 20 this corridor?
 21 A. Sure. The -- when you look at the -- at
 22 the PSC rules, there's a requirement that the --
 23 the corridor be 10 percent of the length, you know,
 24 not to exceed six miles and at least one mile. But
 25 there was a change in the PSC's rules a few years

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1 back, and it, you know, added some flexibility for
 2 the route -- kind of route changes within a
 3 corridor.
 4 And based on that -- or really the result
 5 of that is that the entire corridor really needs to
 6 be surveyed for everything and it's not practical
 7 to survey, you know, a corridor that's two or
 8 three miles wide for cultural resources.
 9 And so what utilities have done, they've
 10 kind of shifted to a corridor width that is
 11 essentially the width of the right-of-way. And --
 12 and having those two the same avoids confusion, I
 13 think, for the permits, avoids confusion for the
 14 landowner and I think it's just a simpler system.
 15 Q. Mr. Solie, does the proposed route contain
 16 any exclusion or avoidance areas?
 17 A. Yes. There -- there are no exclusion
 18 areas, but there are avoidance areas.
 19 Q. And would you please describe the
 20 avoidance areas?
 21 A. Sure. There are a number of cultural
 22 resource sites that are -- we feel qualify as
 23 potential avoidance areas, and we have worked
 24 closely with our consultant and with the State
 25 Historical Preservation Office to ensure the -- the

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1 protection of the features.
 2 So in general our transmission line would
 3 span a cultural resource site so there would be no
 4 physical impact to the site. There are two -- two
 5 sites along the corridor -- and, again, this is
 6 along that -- the east-west portion, kind of
 7 crossing Paulsen Creek Valley and the White Earth
 8 Valley, where it's -- the sites are either too big
 9 or the topography would not allow us to span the
 10 site and avoid it completely.
 11 In those locations, again in coordination
 12 with the State Historical Preservation Office, our
 13 consultant went to the site that our engineers had
 14 staked and there was a meter-by-meter test pit dug
 15 to ensure there was no kind of cultural material
 16 there, no cultural resources.
 17 And so our, in essence, concurrence letter
 18 from the SHPO office, from the SHPO says that, you
 19 know, Basin has done a good-faith effort to
 20 minimize impacts to cultural resources as long as
 21 the avoidance measures discussed are followed,
 22 which, of course, we would.
 23 Q. Thank you. Mr. Solie, did Basin Electric
 24 analyze other potential routes?
 25 A. Early on, there was a look at the southern

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1 portion. We had a branching go corridor, and this
 2 was shown in what I would call the agency scoping
 3 letter. So there's the, you know, 27 agencies that
 4 get notice when we file application. And so in our
 5 request for comments, that showed a -- kind of a
 6 separate corridor branching off for maybe the
 7 southern third of the route, and that -- you know,
 8 it jogged to the east and then to the south to get
 9 to the same Northshore Substation.
 10 Q. And would you please describe why that
 11 route was not selected?
 12 A. Sure. We looked at -- at that portion,
 13 and I will say the main constraints in this part of
 14 the country are existing infrastructure. There's
 15 just so much -- so much infrastructure on the
 16 ground, pipelines in the ground already that
 17 it's -- you know, that's really our biggest
 18 constraint -- biggest constraint. There aren't
 19 many real environmental constraints.
 20 But when we did look at the -- I'll call
 21 it the more eastern route, there were a few more
 22 U.S. Fish and Wildlife grassland easements, so
 23 there would be some, you know, additional
 24 permitting there. And maybe Ms. Laber would be
 25 able to speak to it, but I think there was a bit

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1 more landowner pushback there. So we weren't even
 2 able to get survey permissions, so we really have
 3 no way to survey those areas.
 4 Q. Thank you. Mr. Solie, did the
 5 environmental studies for the project address any
 6 concern for threatened or endangered species?
 7 A. The application discusses several
 8 threatened or endangered species. Kind of two
 9 maybe to concentrate on and the easy one first, I
 10 guess, is the whooping crane. And so everyone is
 11 concerned about the whooping crane, and overhead
 12 transmission lines are, you know, known risks to --
 13 to really all birds. So we looked at that.
 14 But what we will do is we'll kind of
 15 follow the kind of standard industry or practices,
 16 so our -- the overhead ground line will be -- will
 17 be marked with bird diverters. So, you know, it's
 18 kind of the best practice for that.
 19 The second one that is probably a little
 20 bit more interesting here in Mountrail County is
 21 the Dakota skipper. The Dakota skipper is a small
 22 butterfly. It's about an inch -- you know, an inch
 23 across, and there are actually some areas of
 24 critical habitat for the skipper in Mountrail
 25 County.

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1 So all of the -- the corridor was surveyed
2 for habitat and there -- there are really, I'd say,
3 four classifications or our consultant used four
4 classifications for the habitat, and so there's
5 kind of -- and I'm going from the most important to
6 the least important, but there's reproductive
7 habitat, which is really high quality, virgin,
8 native prairie. And then down from that is
9 foraging habitat, so that's where they can get
10 nectar and food, so that's another important one.

11 And then below that there's what's called
12 dispersal habitat. And so many of the grassland
13 areas that were surveyed for our project in the
14 corridor were dispersal habitat, which is
15 ubiquitous in Mountrail County.

16 Q. Mr. Solie, has Basin Electric received all
17 the permits needed in order to begin construction
18 of the project?

19 A. No, we haven't. So there are, I guess, a
20 couple of pending permits. The -- I would say the
21 biggest one is the conditional use permit from
22 Mountrail -- Mountrail County. We submitted that
23 conditional use application on April 20. The
24 hearing is scheduled for May 24 for planning and
25 zoning, and then the following week, I believe,

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1 would be the kind of approval by the Commission.

2 I guess -- so that's the big one, so there
3 are a couple other potential permits, I would say.
4 There is the possibility that we would do a
5 Nationwide Permit with the Corps for access.
6 There's a stream crossing that's existing, but the
7 landowner has asked that Basin investigate the
8 possibility of improving it. And so -- so we're
9 looking at that. And so that -- I think the
10 application talks about we might need something
11 called a Nationwide 12 Permit from the Corps, but
12 that's actually changed in the last couple of
13 months. So Nationwide 12 is for utility
14 infrastructure generally, but they've -- the Corps
15 has broken it out now, so 12 just applies to
16 petroleum pipelines. So I think we are -- would
17 currently be under Nationwide 57.

18 MS. MERKENS: I have no further questions
19 for this witness.

20 JUDGE DAWSON: Mr. Johnson.

21 **EXAMINATION**

22 **BY MR. JOHNSON:**

23 Q. I think you answered my question on permit
24 status, but it's Basin's intention not to begin the
25 construction until all permits, applicable letters

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1 and everything are received?

2 A. Correct.

3 Q. You did talk about bird diverters for the
4 whooping cranes. Can you describe what the bird
5 diverters are and how you figure out where they go?

6 A. Oh, sure. There's -- they are kind of
7 these yellow, typically, spiral fiberglass. Boy,
8 it's like a big fiberglass spring, and those
9 springs -- typically those are installed with
10 somebody leaning off the side of a helicopter, and
11 they kind of twist them onto the overhead ground
12 wire. So just the thinnest top wires would get
13 those diverters.

14 And they're -- I would have to get back to
15 you on the exact spacing, but it's fairly common,
16 and I'm thinking if we could go outside, we could
17 probably see some in the distance.

18 Q. Sure. Is there sort of, like, special
19 criteria on -- I assume you don't put it on the
20 entire length of the line?

21 A. We will. Yes, so anything in the whooping
22 corridor we typically will just mark, and that's
23 kind of consistent with APLIC, kind of best
24 practices.

25 Q. Sure. And it says there is a little bit

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1 of corridor remaining to be surveyed, and it sounds
2 like that's due to probably landowner easement
3 issues?

4 A. Correct. There's about three-fourths of a
5 mile that we were unable to secure survey
6 permission, and so those areas haven't been
7 surveyed. I can tell you, though, that they are
8 in, you know, cultivated land, so it's unlikely
9 that there's any habitat or any cultural resources
10 there, but they still would be surveyed.

11 Q. Okay. And you don't anticipate that if
12 that is granted -- is that going to delay your
13 project at all or is that survey going to be able
14 to go fairly quickly?

15 A. We would -- yeah, we would be able to, I
16 think, complete surveys within a month. For
17 something that small, it would go very quickly.

18 MR. JOHNSON: I don't believe I have any
19 further questions.

20 JUDGE DAWSON: Mr. Schock?

21 **EXAMINATION**

22 **BY MR. SCHOCK:**

23 Q. Morning. Are there any areas within
24 500 feet of an inhabited rural residence where the
25 transmission line intends to go?

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1 **A.** No, there are not. I think that the
 2 closest is a little over 900 feet.
 3 **Q.** Okay. I think you addressed the other
 4 issues. So actually just real quick, let me go
 5 back to the cultural resource sites to kind of
 6 cover that a little bit. I think I heard there
 7 were two cultural resource sites and you did kind
 8 of a closer study and kind of satisfied SHPO that
 9 you're going to -- I guess did they take those off
 10 the list, or are you just saying you're going to
 11 work closely but not directly on them?
 12 **A.** Right. Yeah. So -- so the sites are, you
 13 know, kind of like an area drawn on a map. You
 14 know, somebody decides, well, this hilltop or this
 15 ridgetop is a site, and that site -- or the
 16 designation or kind of delineation, I guess would
 17 be a better term, is kind of based on features. So
 18 there are different rock features. It could be a
 19 stone circle, a cairn or some other similar
 20 feature, a prehistoric feature.
 21 And so I don't want to say it's, you know,
 22 arbitrarily drawn, but there's some buffer
 23 around -- around those features. And so we would
 24 protect those features, those known features that
 25 are -- that are within that site, in that

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1 delineated site.
 2 **Q.** Okay. And then how many other areas --
 3 there was some discussion about you were going to
 4 span some other cultural resource sites.
 5 **A.** Correct. Yeah, there are I think six
 6 total that will be, you know, kind of spanned and,
 7 again, so impacts are essentially avoided.
 8 **MR. SCHOCK:** Okay. I have no further
 9 questions. Thank you.
 10 **JUDGE DAWSON:** Commissioner Christmann.
 11 **EXAMINATION**
 12 **BY COMMISSIONER CHRISTMANN:**
 13 **Q.** You talked about that east-west segment
 14 and someone else had mentioned earlier, too, that
 15 that had the wider right-of-way, and you explained
 16 how it's adjacent to a different Basin line and
 17 very near an MDU line, but I never did grasp why is
 18 it the wider right-of-way in the H-frame structures
 19 and then the rest of the way it's the other
 20 structures and 125 feet?
 21 **A.** Well, I'll do my best and we may want to
 22 recall Mr. Nasset, but the -- the -- that
 23 right-of-way width is based on the span of the
 24 structures. So there's the certain distance
 25 between structures and then the longer -- the

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1 greater the distance, the more blowout there can
 2 be. So if the structures are farther apart, you
 3 need a wider right-of-way, because as the wind
 4 starts loading onto the transmission -- onto the
 5 conductor, we can't have it, you know, kind of
 6 trespassing, if you will, outside of our
 7 right-of-way.
 8 **Q.** Okay. That's good enough for me.
 9 The -- when you answered Mr. Schock's
 10 question about anything within 500 feet of a
 11 residence or occupied structure, you said there's
 12 about 900 feet was the closest?
 13 **A.** Correct.
 14 **Q.** So do you measure, then, from the outside
 15 of your right-of-way or from the outside of the
 16 physical structure if you were standing under it
 17 looking up, or where do you start measuring from?
 18 **A.** I guess I -- I haven't made that
 19 measurement myself, but if I was going to do it, I
 20 would do it from the -- kind of the edge of the
 21 right-of-way to the -- to the structure. And in
 22 any case, you know, that wouldn't get us close to
 23 500.
 24 **Q.** Right. And you mentioned the two
 25 outstanding permits, and so I'm assuming that this

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1 one is in, but it's one that's near and dear to me
 2 and I'm just double-checking. Does Mountrail
 3 County have a specific -- their own county weed
 4 board?
 5 **A.** I guess I'm unaware of that. I guess we
 6 have a conditional use permit filed with the
 7 county, but I don't recall seeing anything in the
 8 ordinance about a specific requirement for the weed
 9 board. We can certainly -- obviously we will be
 10 checking that after this, and if there is, we'll
 11 comply with their requirements.
 12 **Q.** Because a lot of counties do have their
 13 own --
 14 **A.** Right.
 15 **Q.** -- weed board, and I just want to make
 16 sure that if they do, that you're working in
 17 consultation with them about, you know, any
 18 specifics to make sure that you're as aware as
 19 possible of any spots where there's noxious weeds
 20 that you want to be extra cautious of.
 21 **COMMISSIONER CHRISTMANN:** No other
 22 questions. Thank you.
 23 **JUDGE DAWSON:** Commissioner Kroshus.
 24
 25

1 **EXAMINATION**

2 **BY COMMISSIONER KROSHUS:**

3 Q. Good morning, Mr. Solie. Just a few

4 questions for you. And maybe you can help with a

5 clarification.

6 In terms of obtaining survey permission,

7 there's -- did you say approximately three quarters

8 of a mile of the route you were not able to obtain

9 survey permission?

10 A. That's correct.

11 Q. Okay. So when I'm looking at the

12 88 percent right-of-way, in terms of the

13 right-of-way status, easements obtained, you may

14 not have had -- have the easement in place, but

15 those same landowners did grant survey permission?

16 A. That -- that's correct. Yeah. So one of

17 the first things that when -- when our lands and

18 right-of-way folks are out we'll, I guess, ask for

19 survey permission. And so survey permission is

20 oftentimes, you know, granted without, you know,

21 too much consideration, I guess.

22 Q. And given the fact that -- changing gears

23 a little bit -- that you applied for the

24 conditional use permit with Mountrail County on

25 April 20; is that correct?

1 A. On -- yes. Correct.

2 Q. It seems to be cutting it close in terms

3 of looking at when you would like to start

4 construction in August.

5 A. Agreed. The -- we would have been -- we

6 were close to submitting about a month before, and

7 that was right about the time when the different

8 conductor, kind of, technology came into play. And

9 so our permit application includes the plan and

10 profiles, it includes the structure locations. And

11 so in order for our application to the county to be

12 accurate, we needed to wait until that kind of

13 design portion was -- was complete.

14 Q. Do you anticipate any timing difficulties?

15 And I realize we may be spilling into -- another

16 witness may be better able to answer that, but --

17 A. I don't think so. I think that if --

18 if -- you know, I guess you can never -- never

19 predict how any meeting will go or any process will

20 go. But assuming, you know, we get through

21 planning and zoning on the 24th, I think it's the

22 first Monday, so it's just a week after that that

23 the County Commission would be considering it. So,

24 you know, by mid-June, I would -- I would think we

25 would have, you know, our answer on that.

1 Q. Okay. Then is the entire route within the

2 whooping crane corridor?

3 A. Yes. Yes. It's all within the 75 percent

4 portion of the whooping crane corridor.

5 Q. Okay. And then on the blowout in terms of

6 the lines swinging in the wind, moving in the wind,

7 how close do they get to the edge of the corridor?

8 And -- well, I guess it could be -- maybe it's a

9 little bit different versus -- depending on

10 distance between towers, but how close is that?

11 A. I guess I -- I don't know. But I -- what

12 I believe or what I -- what I think I know is that

13 the blowout, if there's, you know, extremely strong

14 winds and there can be a lot of loading on the

15 conductors, and so, you know, the outermost

16 conductor, I think, could get to the edge of the

17 right-of-way. And so that's what sets that -- what

18 sets the right-of-way edge or the right-of-way

19 width that we need.

20 Q. Okay. Would it be safe to assume that

21 barring very extreme weather event, a tornado, for

22 example, that -- that there is a little bit of a

23 margin of error built into that right-of-way --

24 A. I would --

25 Q. -- calculation --

1 A. I would think so.

2 Q. -- in terms of the width?

3 A. I would think there's a little cushion, a

4 little factor of safety.

5 COMMISSIONER KROSHUS: I don't have any

6 other questions. Thank you, Mr. Solie.

7 JUDGE DAWSON: Are there any further

8 questions? Ms. Merkens?

9 MS. MERKENS: No, Your Honor.

10 JUDGE DAWSON: Mr. Schock.

11 MR. SCHOCK: Just one quick question.

12 **FURTHER EXAMINATION**

13 **BY MR. SCHOCK:**

14 Q. You would intend to clear all trees and

15 shrubs for the full corridor width?

16 A. Well, the -- the shrubs we wouldn't clear.

17 I -- there would -- you know, if we can, you know,

18 just do, I guess, kind of overland access, we

19 wouldn't plan to clear there. There is no -- it's

20 a good question to come back to, I guess. Most of

21 the access is, you know, either along -- you know,

22 along the right-of-way or there are existing

23 two-track trails, things like that. So we're not

24 really road building, per se. It's just putting --

25 setting the structures in the right-of-way.

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1 Q. Sure. But the trees themselves, you
 2 would --
 3 A. Correct.
 4 Q. Those would have to be removed from that?
 5 A. Some trees would have to be removed. And
 6 I think at this point there are, you know, a
 7 hundred and -- we looked at it once, but we'll --
 8 we'll kind of take another look here this spring,
 9 which is scheduled for the end of the month,
 10 where -- probably like maybe 150 areas that'll have
 11 to be looked at and kind of tree counts made.
 12 MR. SCHOCK: Okay. Thank you. No further
 13 questions.
 14 JUDGE DAWSON: Any further questions?
 15 Seeing none, you may step down.
 16 It is 10:51 a.m., and we will take a
 17 15-minute break till six minutes after the hour.
 18 We are at recess.
 19 (Recessed at 10:51 a.m. and reconvened at
 20 11:06 a.m.)
 21 JUDGE DAWSON: We are back on the record
 22 exactly on time. Is there anyone in the audience
 23 who has not signed the sign-in sheet? Anyone? I
 24 don't see any hands waving, so --
 25 COMMISSIONER CHRISTMANN: I have something

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1 to say before we start.
 2 JUDGE DAWSON: Commissioner Christmann.
 3 COMMISSIONER CHRISTMANN: Just wanted to
 4 point out -- and he had to leave now, but for those
 5 of you District 4 folks here, our representative
 6 Don Longmuir was in the audience. He was sitting
 7 toward the back. I didn't see him earlier, but
 8 certainly interested in the -- in the process and
 9 in the case and doing a good job representing you
 10 all.
 11 JUDGE DAWSON: You may call your next
 12 witness.
 13 MS. MERKENS: Your Honor, I'd call
 14 Ms. Shauna Laber.
 15 JUDGE DAWSON: Can say your last name for
 16 me.
 17 THE WITNESS: Laber. Whoa, as I yell it.
 18 JUDGE DAWSON: Ms. Laber, I saw that you
 19 were in the audience for my previous admonitions as
 20 to perjury, so do you understand what perjury is
 21 and the penalties for it?
 22 THE WITNESS: I do.
 23 (Witness sworn.)
 24 JUDGE DAWSON: You may begin.
 25

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1 **SHAUNA LABER,**
 2 being first duly sworn, was examined and testified
 3 as follows:
 4 **EXAMINATION**
 5 **BY MS. MERKENS:**
 6 Q. Ms. Laber, would you please provide your
 7 name, employment and occupation?
 8 A. My name is Shauna Laber. I am the senior
 9 property and right-of-way specialist for Basin
 10 Electric Power Cooperative.
 11 Q. And would you please describe your
 12 educational and professional -- excuse me, your
 13 educational background and professional experience.
 14 A. Yes, ma'am. I received a bachelor's of
 15 science in economics from Arizona State University
 16 as well as a bachelor's in political science from
 17 Arizona State University. I then have worked in
 18 aircraft manufacturing and the copper mining
 19 industry prior to becoming employed at Basin
 20 Electric in 2009. I've worked in the property and
 21 right-of-way department since 2011.
 22 And as part of my public service, I
 23 currently serve as a Morton County planning and
 24 zoning commissioner and I also am a water manager
 25 for the Lower Heart Water Resource District. Prior

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1 to that, I served as a city commissioner and city
 2 planning and zoning just to be completely immersed
 3 in the community.
 4 Q. Thank you. What have been your
 5 responsibilities in connection with the proposed
 6 project?
 7 A. For this project, I was tasked with having
 8 the original route and looking for survey
 9 permission, interacting with all of the various
 10 landowners in the area, and after receiving a
 11 significant number of survey permissions, we then
 12 proceeded with the actual survey permission where I
 13 would contact landowners, people are going to be on
 14 your land. And then I've also been in contact for
 15 the actual easement acquisition where we negotiated
 16 the easement and any follow-ups.
 17 We've had, you know, some structure design
 18 changes with the new conductor and other -- just as
 19 things have developed. I stay in contact with all
 20 of the landowners that are affected.
 21 Q. Thank you. And, Ms. Laber, would you
 22 please summarize the extent of contacts that you or
 23 Basin Electric's right-of-way team has made with
 24 landowners regarding the project.
 25 A. So this has been the year of strange.

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1 I -- I initiated -- initially I started in 2019, so
 2 a lot of face-to-face contact or at least requests
 3 for face-to-face contact. When we were starting
 4 the survey permission or doing the surveys
 5 themselves, there was mailings of the maps and
 6 notifications.
 7 Because it was in the summer and there
 8 was -- it was COVID, just trying to measure that,
 9 and as the easements -- the -- the packages came
 10 out, I would give the owners the option of meeting
 11 with me or just handling it through the mail
 12 because it has been -- every -- every human's risk
 13 tolerance or -- I don't know what the right word
 14 is -- it has -- I haven't made as many face-to-face
 15 contacts as I normally would. It's been more of
 16 the mailing on this one.
 17 But wherever face-to-face was appropriate
 18 or worked for the owners, I made every effort to be
 19 available to them.
 20 Q. And, Ms. Laber, when -- generally, when
 21 did you first start reaching out to landowners
 22 about the proposed route and project?
 23 A. I started in October of 2019 on the north
 24 part out of the Neset Substation, and I
 25 generally -- from there I think it took me a month

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1 or two to work down to the Neset -- or the
 2 Northshore Substation area. So early -- or late
 3 2019 everyone had been contacted.
 4 Q. Thank you. And generally speaking, again,
 5 how many times do you attempt to interact with each
 6 landowner on the proposed route about the project?
 7 A. I would say generally, many -- many times.
 8 I -- I would say a minimum of five or six times,
 9 and there's -- even if there's an attempt made, a
 10 follow-up call, mailings, it's -- I'm pretty
 11 persistent.
 12 Q. How are landowner requests or comments
 13 handled?
 14 A. Every landowner request or comment is
 15 handled with sincere -- I take that information and
 16 we -- I look at that with the team. Bobby Nasset
 17 is the project manager, our construction, the other
 18 team members who do the design, as well as our
 19 environmental staff, and see if there's any way to
 20 handle some movement, if they need it, in a
 21 different part of the pasture. We have -- in some
 22 area -- like we had a planned cabin, move it away
 23 from that. We would like it in this fence line.
 24 We would like it out of this fence line.
 25 So a lot of different requests, and those

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1 are each handled individually, and all of those --
 2 all of that information is taken to the team and
 3 extra -- we do everything we can to do what we can
 4 to mitigate the issue that's been brought forth.
 5 Of course, I can't -- it's a linear
 6 project, so, you know, not everything can be fully
 7 addressed, but we make every attempt.
 8 Q. Thank you.
 9 Ms. Laber, how many total landowners'
 10 properties would we cross with the project and what
 11 percent of the easements has Basin Electric
 12 acquired? And that would be percentage of
 13 landowners, not percentage of acreage. Or both if
 14 you can.
 15 A. Yeah, so percentages is -- you can -- I --
 16 I'm just going to do numbers because I think
 17 percentages can get wonky and we can make ourselves
 18 sound different. So --
 19 Q. Very well.
 20 A. -- we have 55 landowners, and of those 50
 21 of them have executed an easement.
 22 Q. Thank you. Would you please generally
 23 describe the proposed route.
 24 A. Yes. And perhaps for this, the project
 25 route map, Exhibit 6, might be most -- I know

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1 you've seen this one in previous testimony. So in
 2 this alignment going east-west, I did start at the
 3 Neset Substation and so I worked east from there.
 4 I acquired survey permission through -- what that
 5 is is the White Earth Valley, and we had to do
 6 little minor adjustments through some very large --
 7 to span some water features, which is why it says
 8 it's angle point 5 even though it looks kind of
 9 straight.
 10 So in that area it was acquiring the
 11 150-foot-wide easements for the H-frame structures
 12 until we got to the angle point 5. At that point
 13 we worked with the landowners. This is all
 14 pastureland essentially, so the landowners were --
 15 were okay with having a diagonal in here. And
 16 we -- I worked with the owners to align basically
 17 as we go into the next township, which is 156-93 to
 18 the south to align on a 16th line. That actually
 19 worked out really well for property ownership south
 20 and just staying on some property lines and fence
 21 lines and out of various hayfields and other
 22 operations and it was cleaner for the owners that
 23 were in there.
 24 And then when we got into Section 8, which
 25 is near angle point 10, there was a little

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1 maneuvering around a few water bodies. And there
2 were some constraints. We had to cross Burlington
3 Northern Santa Fe's railroad, so they're pretty
4 specific about that operation. So there's a few
5 more angles just to get over the railroad.

6 And then at angle point 10, we then
7 recovered from the adjustments due to that
8 alignment and got it onto a quarter-line alignment.
9 And that alignment we were able to follow until we
10 get to angle point 19 in Township 155-93.

11 That worked out generally well with those
12 owners. It was, again, property lines. It --
13 field splits. It -- I had a lot of receptive
14 owners for the quarter-line alignment. And that
15 also, in the preliminary discussions with the DOT,
16 was appropriate for that Highway 2 crossing in
17 those -- for those other land rights that are
18 around there.

19 And then from angle point 19, we proceed
20 south, and the adjustment there to the 16th line to
21 the east was due to a lot of infrastructure, oil
22 infrastructure that was on the quarter line, so we
23 had to avoid that. And, again, on the 16th line
24 there, there was field splits and some ownership
25 change. Not everywhere, but in some of those, and

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1 that had the greatest amount of landowner
2 concurrence that that would work.

3 And then as we went to -- towards angle
4 point 22 to the east, that alignment worked the
5 best for the State of North Dakota as well as the
6 adjoining property owners as it leaves the pad
7 spacing and the things that are important for the
8 North Dakota Trust Lands to be the fiduciary, they
9 definitely reviewed all that and that was what
10 would work best.

11 Then in Section 14, which is where angle
12 point 22 is, we proceed generally south and east to
13 get to the substation, trying to avoid a very large
14 water body in Section 23 and 24, and staying --
15 kind of threading the needle between occupied
16 residences and eventually back to some trust lands
17 in Section 36 and then tying in to the substation.

18 MS. MERKENS: Thank you. I have no
19 further questions of this witness.

20 JUDGE DAWSON: Mr. Johnson.

EXAMINATION

BY MR. JOHNSON:

21 Q. So the five remaining landowners, are
22 discussions and negotiations still ongoing or have
23 they stalled out?
24
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1 A. I believe they're -- in my opinion,
2 they're ongoing.

3 Q. Okay. Throughout the project, are
4 landowners updated as to status and other things?
5 Like do you continually update them on where you're
6 at with construction, when you're going to be on
7 their property, different things like that?

8 A. When we move -- like when there is an
9 actual -- we have a date and we're ready to
10 construct, I -- what I'll do is I will send a
11 letter out to everyone letting them know
12 approximately when we'll start so they have
13 something in writing with my contact information,
14 as well as Basin Electric generally has a
15 construction coordinator who's on-site to monitor
16 the construction, and I'll give them that
17 information as well. So if they notice or see
18 something odd, they know who to contact no matter
19 what.

20 And then wherever we actually start, like
21 if we start near the substation or whatever --
22 wherever we physically start, I -- I make contacts
23 to those people immediately. I just -- there's a
24 lot of people, so I don't -- I try to not irritate
25 everyone all at once. Just let them know when

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1 we're going to be out there.

2 MR. JOHNSON: Sure. I guess I don't have
3 any further questions.

4 JUDGE DAWSON: Mr. Schock.

5 MR. SCHOCK: No questions. Thank you.

6 JUDGE DAWSON: Commissioner Christmann.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

7 Q. What's the 1/16th line?

8 A. The quarter-quarter line. So if you split
9 the quarter exactly in half.

10 Q. Okay.

11 A. Okay. Maybe my --

12 Q. So is this right down the middle of a
13 quarter --

14 A. Middle of.

15 Q. -- or right down the middle of an 80?

16 A. Yes.

17 Q. So it's a fourth of the way through a
18 quarter.

19 A. Yeah, like approximately a thousand, 1200
20 feetish.

21 Q. And the point of why that works so well is
22 what? I mean I see it gets away from the section
23 line rights-of-way and stuff, but it seems like a
24
25

1 long way in as opposed to, you know, just enough
2 inside the fence line to -- seems like that's where
3 traditionally a lot of this stuff has gone. It
4 sounds like you're going a pretty long ways in from
5 the section lines.

6 **A.** Thank you, Commissioner Christmann, that's
7 a great point. What I -- I guess what some people
8 don't understand is, you know, we're high-voltage
9 reliability. We don't use the right-of-way for the
10 county as part of our right-of-way. So, you know,
11 125 feet, we'd have to be offset from the county
12 right-of-way. Plus specifically in 155-93, there
13 is a lot of pipeline infrastructure that runs in
14 along that section line. So we'd have to be offset
15 from them as well, and that kind of puts you -- it
16 can very much make the siting turn into something
17 where it's very much in a strange place in your
18 field.

19 And in today's world where people have,
20 you know, headers that -- and sprayers that fold
21 out and, you know, have exponential amount of
22 reach, it seems like the more they can plan for it
23 by being not as close to a turn -- turning radius,
24 that they can still operate their large machinery
25 and -- and we won't impede them and make kind of a

1 **A.** Mm-hmm. And --

2 **Q.** Is that counting the trust lands and so
3 there's four other private easements that you need
4 or five private easements that you need?

5 **A.** Four private and one trust lands.

6 **Q.** Okay. And then there's 26.5 miles total.
7 How many miles of that do you have easements for,
8 approximately, or how many miles do these other
9 five properties consist of?

10 **A.** I don't have that number exact.

11 **Q.** I would be curious if you could provide --
12 so two things.

13 **A.** Mm-hmm.

14 **Q.** How many miles is the total that the
15 easements are still outstanding, and then whatever
16 that total is, how much of that is department of
17 trust lands and how much of it is private.

18 **A.** Okay. And can we submit that --

19 MS. MERKENS: Commissioner Christmann,
20 would you like that as a late-filed exhibit? Or is
21 that something that Bobby would know off the top of
22 his head?

23 COMMISSIONER CHRISTMANN: However it could
24 be provided, and even if -- and I'm not talking
25 about to the feet or anything real precise. Just

1 blank spot because they're trying to maneuver
2 during a turn and getting their sprayer or their
3 cultivator or whatever they have.

4 And specifically on this one, like in
5 Section 8 and 17, that -- it just naturally turned
6 into a property line split as well as in Township
7 156-93. People tend to own like the 40s or 80s on
8 either side so there's existing fence lines and
9 property shift. So the owners understand that
10 they're only taking half of a structure, so it
11 tends to be a little more amenable.

12 **Q.** Thanks for explaining that.

13 And then so you have 50 of 55 landowners
14 have signed. One of the five that are unsigned is
15 the Department of Trust Lands; correct?

16 **A.** That is not correct. I -- well, I -- I

17 have two married couples, so that is four
18 signatures. And then I have two individual
19 signatures that I need from, like, just one person
20 where I just need one signature. So I guess it's
21 four properties -- four prop -- four easement
22 packages. Plat.

23 **Q.** Right. Yeah. That's a tract?

24 **A.** Right, the tract.

25 **Q.** There are five easements that you need.

1 however it's convenient to get an approximation.

2 JUDGE DAWSON: And we'll take another
3 break during this proceeding, and at that time if
4 you can find the answer and bring a person up to
5 answer it, that would be ideal, but if you can't,
6 then I'll go with a late-filed exhibit.

7 MS. MERKENS: Yes, Your Honor.

8 JUDGE DAWSON: Okay.

9 COMMISSIONER CHRISTMANN: No other
10 questions. Thank you, Shauna.

11 JUDGE DAWSON: Commissioner Kroshus.

EXAMINATION

BY COMMISSIONER KROSHUS:

14 **Q.** Good morning, Ms. Laber. It is -- I
15 believe it's still morning, so --

16 The nearest occupied residence, that would
17 be 900 feet from the centerline of the route, is
18 that correct, or the edge of the right-of-way?

19 **A.** It's somewhat general because when we do
20 the exclusion, we just ensure that from the edge of
21 the right-of-way to any occupied residence and the
22 edge, you know, that it exceeds 500 feet. So as
23 long as I've met that criteria, anything else has
24 been a general measurement as opposed to a surveyed
25 measurement.

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1 Q. Do you know, is that a participating
2 landowner?

3 A. There are two of them that are
4 approximately 900 feet and both of them are
5 participating.

6 Q. On the five remaining -- and our job is
7 not to get into the easement process. We don't
8 regulate easements, but we do want to see that
9 they're obtained. But just generally speaking,
10 what would the nature of the objections be? And
11 maybe that's not even a fair way to -- to classify
12 it. Maybe it's placement. Maybe it's something
13 else. But can you just give, generally speaking,
14 what the challenges are?

15 A. Sure. So on two of them, it is
16 compensation related and not a routing issue, or if
17 it -- they have not objected to the route. It has
18 only been a compensation problem, so that's a
19 separate issue.

20 On the remaining two owners, it is my
21 understanding that it is a routing issue and that
22 they would prefer to not have the transmission line
23 on their property.

24 Q. Okay. All right. And the reason I ask,
25 again, isn't to get into how you negotiate. That's

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1 between a private party and another private party.
2 I'm just trying to get a sense of how far away are
3 you from getting the final easements in place and
4 just getting a better feel for that.

5 Can -- I had asked about seasonal ag
6 considerations. When you're working with property
7 owners that are involved in agriculture, can you
8 just explain a little bit how you work with them
9 during the harvest season or spring planting,
10 whatever it might be?

11 A. Sure. I have done the reclamation and
12 construction process with Basin Electric since
13 2011, and the practice that we've done is whenever
14 they've had cattle and, you know, specifically even
15 in this -- on this alignment, I have a letter
16 agreement with the landowner that when they have
17 cattle in there, that we're going to fence it -- we
18 have an alternative fencing plan to ensure that
19 their cattle are not -- we're not relying on the
20 contractor to always close the gate because it's a
21 contractor. It's hard.

22 So some -- a lot of the consideration has
23 to do with cattle and how do we contain them,
24 especially in areas where we're on the quarter line
25 or property line and there is a -- a fence line

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1 that we need to remove.

2 In those areas I've worked with the
3 landowners and they've used a different pasture,
4 just for the time that we're in there, and then we
5 will temporarily put wood -- wooden kind of slats
6 and stuff to mend the fence until our -- at the end
7 when we do reclamation, we come in and do a very,
8 very well-installed fence around the structures to
9 make sure that the cattle and the structure can
10 coexist and not have issues.

11 So with cattle it's -- it's pretty
12 extensive if they're a cattle -- you know, a
13 rancher, just to make sure that their operation is
14 made whole during construction and after.

15 With agricultural constraints, some -- so
16 the problem is is sometimes the construction
17 schedule is the construction schedule. So some
18 landowners, they will choose in that area not to
19 seed because they know that we're going to be in
20 there during the harvesttime or something and they
21 just -- they're just going to wait for me to
22 reclaim it. I'll pay them a hundred percent loss
23 of that area that they don't farm as a result of us
24 impeding their farming operation. And then when we
25 reclaim it, we then do additional damage

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1 settlements.

2 So usually for the crop, it's -- it's more
3 of a compensation addition and trying to work with
4 them of what would work the best for their
5 operation.

6 Q. Okay. Thank you. And then the final
7 question. In your testimony, I believe, you had
8 talked about weed control both during, after
9 construction. How long do you typically -- I mean,
10 is the answer in terms of weed control as long as
11 it takes to -- to get things to where they should
12 be again after the grass is established, or is it a
13 12-month window or 24-month window? Is it a set
14 time period or is it based on need?

15 A. It is not a set time period. It is
16 exactly based on need. I am still -- we have areas
17 near Williston that we're still handling weed
18 issues and continuing on, and that was constructed
19 in -- you know, five or six years ago.

20 So we continue to monitor noxious weeds.
21 That is our duty. And wherever there are not -- we
22 actually -- our maintenance group has a noxious
23 weed -- they hire a contractor to basically -- any
24 noxious weeds we handle.

25 But construction is -- is tricky. A lot

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1 of times because the land is so disturbed, you'll
 2 get more noxious weeds -- or more weeds in general.
 3 So that we -- what I -- we come back at a minimum
 4 of three times and do three different sprayings.
 5 That's been in all of our past contracts. So I
 6 would imagine that that would be in this one. And
 7 generally that has worked in, you know, 99 percent
 8 of the cases where we have grasslands where the due
 9 diligence of -- of just maintaining it and making
 10 sure that we don't get out of control, that we've
 11 been able to establish the grass.

12 Q. Do you do anything in terms of
 13 construction equipment and the contractors you work
 14 with that when their equipment is being brought in,
 15 that it is clean and not caked with mud from --
 16 from another location? Do you advise them in any
 17 way?

18 A. I would have to defer to Bobby Nasset on
 19 that. I think that's a construction thing that he
 20 puts in the contract, but that is not something
 21 that I oversee.

22 Q. Okay. And then I think I told you two
 23 questions ago that was my final question, but this
 24 will be the final. I promise.

25 A. Sure.

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1 Q. Can you describe in working with the
 2 landowners on this project -- I've heard the
 3 term -- or not even heard the term. I'm aware of
 4 the term pipeline fatigue. A lot of development in
 5 this area, in particular, as well as other parts of
 6 the oil patch. Can you just explain the
 7 sensitivity to easements that you may have
 8 experienced during this process?

9 A. I mean, specifically for this project?

10 Q. Just easements in general.

11 A. In general. So in northwest North Dakota,
 12 it definitely has been challenging for the
 13 landowners because right-of-way agents are knocking
 14 on their door and they're trying to, you know, pull
 15 a calf out. They're trying to harvest. You know,
 16 "I can't meet with you, I'm in a tractor." So I'm
 17 trying to meet with them on the edge of a field
 18 seeing if something will work because I don't want
 19 to impede on what they're doing. But it's so hard
 20 because I know that there's a lot going on.

21 And they have to spatially understand like
 22 where do you want to be and, you know, I have all
 23 these other things going on. And just -- I know
 24 that the landowners have to manage their property
 25 well. That's -- that's -- you know, most of them

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1 are very diligent with their property. So I
 2 understand that it's not easy on them. And I just
 3 try to be as accommodating as I can to still -- I
 4 mean, we still are delivering power.

5 And I only -- I work for a company that I
 6 believe delivers power effectively and that it's
 7 something that -- it's a good that we need in rural
 8 North Dakota. So because I know the product is
 9 needed by all of us, I -- I just try to convey that
 10 and work with people wherever they're at.

11 COMMISSIONER KROSHUS: Okay. Thank you.

12 Appreciate that. No other questions.

13 JUDGE DAWSON: Any further questions?

14 Ms. Merkens.

15 MS. MERKENS: Not at this time, Your
 16 Honor, but during our break I will -- I do intend
 17 to find the -- Mr. Christmann's -- or Commissioner
 18 Christmann's request on mileage for those
 19 properties of which we do not have easements.

20 JUDGE DAWSON: Any further questions?

21 MR. JOHNSON: No, Your Honor.

22 JUDGE DAWSON: Seeing none, you may step
 23 down.

24 Do you have any further witnesses?

25 MS. MERKENS: No, Your Honor.

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1 JUDGE DAWSON: Is there anyone you would
 2 like to recall or anyone that the commissioners
 3 would like to recall? Not at this time. Okay.

4 Well, then we're going to move on to the
 5 public testimony portion of the hearing. And the
 6 public testimony is a portion where you'll come
 7 forward and sit at the chair there and you'll be
 8 sworn in and you'll be -- give us a statement or
 9 tell the Commission what you want them to hear, and
 10 then you'll be subject to some questioning. When
 11 you come up, I may ask you where you're from or to
 12 spell your name. If your name is anything beyond
 13 Tom, I'll probably ask you to spell it because I'm
 14 not very good at that.

15 So with that, is there anyone from the
 16 public who wishes to come testify? A brave soul,
 17 perhaps. Here we have one right there. Please
 18 come forward.

19 MS. ELLIS: Hello.

20 JUDGE DAWSON: Your name, please.

21 MS. ELLIS: My name is Leah Johnson Ellis.

22 JUDGE DAWSON: And where are you from?

23 Williston, I see.

24 MS. ELLIS: I'm from Williston, and I am
 25 in-house legal counsel for Mountrail-Williams

1 Electric Cooperative. So I'm here on the co-op's
 2 behalf.
 3 JUDGE DAWSON: Okay. And you were here
 4 for my previous warnings as to perjury?
 5 MS. ELLIS: I was.
 6 JUDGE DAWSON: So you understand what
 7 perjury is and the penalties for it?
 8 MS. ELLIS: I do.
 9 (Witness sworn.)
 10 JUDGE DAWSON: You may begin.
 11 **LEAH JOHNSON ELLIS,**
 12 being first duly sworn, was examined and testified
 13 as follows:
 14 **STATEMENT**
 15 **BY MS. ELLIS:**
 16 MS. ELLIS: Thank you.
 17 So as you well know, Mountrail-Williams
 18 Electric Cooperative is a not-for-profit
 19 member-owned electric distribution cooperative that
 20 serves northwestern North Dakota. Basin Electric
 21 is here today to support the load growth of our
 22 Mountrail County members. And the co-op supports
 23 Basin Electric's Neset to Northshore 230-kV
 24 project.
 25 This proposed transmission line will help

1 address the capacity issues and restore local
 2 system reliability to an acceptable level.
 3 And just to add on that a little bit, I
 4 know there was a question about the length of our
 5 project which is to the south of this, and it's our
 6 115-kV line. It's approximately -- it's just
 7 between 20 and 21 miles.
 8 JUDGE DAWSON: Any questions?
 9 Ms. Merkens.
 10 MS. MERKENS: No, Your Honor.
 11 JUDGE DAWSON: Mr. Johnson?
 12 MR. JOHNSON: No, Your Honor.
 13 JUDGE DAWSON: Commissioner Christmann.
 14 COMMISSIONER CHRISTMANN: I do not. But
 15 thank you for providing that information.
 16 MS. ELLIS: You're very welcome.
 17 JUDGE DAWSON: Commissioner Kroshus.
 18 COMMISSIONER KROSHUS: No questions, but
 19 thank you, Leah, for being here and thank you for
 20 the work that Mountrail-Williams does. Greatly
 21 appreciate it.
 22 MS. ELLIS: Thank you.
 23 JUDGE DAWSON: Well, thank you for your
 24 testimony. You may step down.
 25 MS. ELLIS: Thank you.

1 JUDGE DAWSON: Do we have any other
 2 testimony from the public? A man in the back can
 3 come forward.
 4 Your name, sir.
 5 MR. SORENSON: My name is Charlie
 6 Sorenson.
 7 JUDGE DAWSON: Okay. And you're from
 8 Ross?
 9 MR. SORENSON: Correct.
 10 JUDGE DAWSON: S-o-n or s-e-n?
 11 MR. SORENSON: S-o-n.
 12 JUDGE DAWSON: And you were here for my
 13 warnings as to perjury, so you understand what
 14 perjury is and the penalties for it?
 15 MR. SORENSON: Yes.
 16 (Witness sworn.)
 17 JUDGE DAWSON: You may begin.
 18 **CHARLIE SORENSON,**
 19 being first duly sworn, was examined and testified
 20 as follows:
 21 **STATEMENT**
 22 **BY MR. SORENSON:**
 23 MR. SORENSON: As stated, my name is
 24 Charlie Sorenson. I'm a farmer from Mountrail
 25 County in Ross, North Dakota. I am an owner -- one

1 of the owners of Basin Electric Power Cooperative
 2 through my ownership in Mountrail-Williams REC,
 3 which is my power provider.
 4 My annual power consumption exceeds
 5 \$20,000 a year, and I fully understand the need for
 6 more transmission lines. Just a few weeks ago, I
 7 was a panelist for the Midwest Governors
 8 Association's MID-GRID 2035 Workshop discussing the
 9 siting of transmission lines. I as a landowner
 10 have granted dozens of easements on my property to
 11 energy, power, utility, telecommunication and water
 12 entities across my land. In fact, just last
 13 Friday, I signed an easement for rural water that
 14 was a new two-mile line going across my property.
 15 I own property in Section 8 of Township
 16 155-93 that will be impacted by three quarters of a
 17 mile of the proposed Basin Electric transmission
 18 line. I object to the proposed location of this
 19 line as a landowner and agricultural operator of
 20 the property that is impacted by the proposed
 21 transmission line.
 22 I first learned about this line two years
 23 ago when the landmen from Basin Electric approached
 24 me with a map for the line. Later they came back
 25 and determined that the route didn't affect me

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1 because I didn't own any land on that route. Then
 2 sometime after that, I was approached with the
 3 second map, and this showed a power line crossing
 4 me in the Section 8 that I own part of, one quarter
 5 of a mile from the west end.

6 I suggested that the line should follow a
 7 road, an existing corridor of section line or an
 8 existing transmission line.

9 Then it was in October of 2020 I received
 10 a phone call from the Basin Electric requesting my
 11 township's approval for crossing permits. And at
 12 that time a map was emailed to me. This was the
 13 first time that I saw the location of the line
 14 across my property. This time it was in Section 8,
 15 one quarter of a mile from the east end.

16 When I followed up with Basin Electric to
 17 tell them that it appeared that this line was --
 18 was to cross my property one quarter of a mile from
 19 the edge, they acknowledged this change and asked
 20 if I would sign an easement that hadn't been sent
 21 to me yet. I told them that I wasn't interested in
 22 signing the easement, but they proceeded to go
 23 forward with the permitting process anyway.

24 In each contact I had with Basin Electric
 25 about this line, the route proposed has always been

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1 preliminary.

2 I have an email of which I will give you
 3 from Shauna Laber dated October 1, 2020, with a map
 4 identifying the -- the line as preliminary. And
 5 that -- and that was the map that was the first
 6 indication to me that -- of the route that it
 7 currently is on. There was never a request for an
 8 easement prior to that.

9 I was given no opportunity to voice my
 10 concerns about this line during the planning of its
 11 location. This contract -- contradicts the direct
 12 testimony presubmitted and submitted today by
 13 representatives of Basin Electric.

14 In his testimony, Mr. Solie stated,
 15 "Landowner preferences for the proposed route
 16 location strongly influenced the selection of the
 17 project route." And Ms. Laber's testimony is,
 18 "Where feasible, many reroutes took place along
 19 this line to minimize landowner concerns."

20 It appears to me Basin Electric modified
 21 the route to accommodate some of my neighbors and
 22 refused to work with me because they had to have --
 23 because they had to use me as a link to accommodate
 24 those willing neighbors.

25 This results in the proposed placement of

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1 the transmission line in a location that severely
 2 impacts and limits my ability to farm land in
 3 Section 8.

4 I object to this line location for many
 5 reasons. The proposed line is an entirely green
 6 field on my property. It cuts through a 440-acre
 7 tract perpendicular to the direction of normal
 8 field operations.

9 My equipment is large with widths up to
 10 132 feet, and I would have difficulty navigating
 11 around poles in the middle of my field. Avoiding
 12 poles will require unnecessary and environmentally
 13 damaging overapplications of fertilizers and
 14 pesticides and other crop inputs.

15 I have a history of applying fungicides to
 16 small grains and pulse crops on this field with an
 17 airplane. Having a transmission line in the middle
 18 of this field will result in a large swath of my
 19 field where an aerial application will not be
 20 possible. This lack of fungicide application on
 21 such a large swath will result in an annual loss of
 22 yield to the entire field of up to 25 percent.

23 The poles in the middle of my field will
 24 create islands of non-crop which then turn into
 25 islands for noxious weed production and harmful

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1 insect habitat. The islands that -- these islands
 2 cannot be sprayed due to their potential conflict
 3 with the equipment and the risk to the pole and
 4 also start the process of developing chemically
 5 resistant weed species. Such islands of non-crop
 6 will have a negative impact on the crops growing in
 7 the rest of the field.

8 These problems could be minimized if Basin
 9 Electric is willing to work with me on the
 10 placement of the proposed transmission line.

11 This particular field where the line is
 12 proposed to cross has provided valuable information
 13 for on-farm fertilizer, variety and insect
 14 mitigation trials for me for the last 15 years, but
 15 would be unable to provide that information going
 16 forward with a transmission line cutting across it.

17 Eliminating this option has a negative
 18 impact on my entire farming operation. This runs
 19 contrary to the placement criteria stated by
 20 Mr. Nasset in his direct testimony where he claimed
 21 placement was determined in such a manner as to
 22 accommodate existing land uses and minimize
 23 disturbances to cultivated areas.

24 I have two employees that have their
 25 private pilot's license, and we have discussed

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1 installing a grass runway along the edge of my
 2 field, this field that the transmission line is
 3 proposed to cross. The placement of this line does
 4 not account for that potential future use despite
 5 Mr. Nasset's testimony that such uses were
 6 considered in designing the proposed route.
 7 Much of my farm labor begins as unskilled
 8 workers. Adding obstacles, such as poles to my
 9 field, creates unnecessary risks and liabilities
 10 for myself, my workers and to the poles themselves.
 11 In fact, in the last 20 years, I've spent hundreds
 12 of thousands of dollars to remove obstacles from my
 13 fields to make my farming operation more efficient,
 14 environmentally safe and profitable.
 15 I have even paid my local electric
 16 provider, Mountrail-Williams REC, to reroute
 17 distribution lines around my fields in my
 18 never-ending quest to keep my farm profitable,
 19 efficient and safe.
 20 I have negotiated dozens of easements on
 21 my land with energy and utility companies in a
 22 manner that minimizes impacts to me and my farming
 23 operation while still allowing for the installation
 24 of their lines, a process Basin has failed to even
 25 begin with me on my property. Basin Electric's

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1 proposed route completely takes away from my
 2 previous efforts to eliminate obstacles.
 3 As the easement is currently proposed,
 4 federal FIFRA laws, which are backed up by the
 5 North Dakota Pesticide Act, would prevent my lawful
 6 application of any crop protection product in this
 7 field due to Basin Electric's employees or
 8 contractors being allowed to enter the property
 9 with no warning to inspect or maintain the line.
 10 If Basin Electric decides to inspect the
 11 poles during the growing season, which they have
 12 every right to do under the easement they have
 13 proposed, I could be charged with a felony, face
 14 jail time and be fined thousands of dollars for
 15 violating the reentry restrictions found on the
 16 label of the pesticides and herbicides that I
 17 routinely use in my field.
 18 There are multiple better options for
 19 crossing my property with the transmission line.
 20 This line could be placed underground, thus
 21 eliminating all of my concerns. It could also be
 22 placed along any preexisting roads, such as -- or
 23 section lines such as 93rd Avenue, along the east
 24 side of 95th Avenue or either side of 94th Avenue.
 25 All five of these options would nearly eliminate

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1 the numerous environmental concerns and would
 2 provide a much more manageable route for my farming
 3 operation while meeting Basin's needs to cross my
 4 land.
 5 Please -- please wait to approve the
 6 transmission line until a proper route is
 7 established, my landowner concerns are addressed
 8 and all easements are signed.
 9 And with that, I'll stand for any
 10 questions.
 11 JUDGE DAWSON: You said you had a document
 12 you wanted to enter in as evidence?
 13 MR. SORENSON: Yes. And I have written
 14 testimony which includes that email that I'm
 15 referring to.
 16 JUDGE DAWSON: How many copies do you
 17 have?
 18 MR. SORENSON: Four. Do you need more?
 19 JUDGE DAWSON: Four. No. That'll work.
 20 I take it the first part here is your written
 21 testimony that you just went through.
 22 MR. SORENSON: Yes.
 23 JUDGE DAWSON: And the second is the email
 24 that follows. And I will mark those letters A and
 25 B. And you have moved for --

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1 THE WITNESS: Do you need a copy too?
 2 JUDGE DAWSON: -- their admission. Do you
 3 have any objection or do you need a little more
 4 time or --
 5 MS. MERKENS: I have no objection.
 6 JUDGE DAWSON: Okay. Any objection?
 7 MR. JOHNSON: No objection.
 8 JUDGE DAWSON: Okay. Hearing no
 9 objection, I will admit A and B into evidence.
 10 Ms. Merkens, do you have any questions for
 11 this witness?
 12 MS. MERKENS: Yes, Your Honor, I do.
 13 JUDGE DAWSON: Proceed.
 14 **EXAMINATION**
 15 **BY MS. MERKENS:**
 16 Q. Mr. Sorenson, thank you for being here
 17 today.
 18 You mentioned in your written statement --
 19 or when you read your written statement, you
 20 mentioned that the first time you had discussed the
 21 route of this line was in October of 2020; is that
 22 correct?
 23 A. That was the first time that I saw the
 24 current route.
 25 Q. Okay. And when we speak of contacts with

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1 Basin Electric, that's one thing. When was the
2 first time that Basin Electric staff attempted to
3 contact you and discuss this route?
4 **A.** That route was presented to me. It was
5 never discussed.
6 **Q.** And how many times did a representative of
7 Basin Electric attempt to contact you to discuss
8 the route?
9 **A.** I've had several discussions and, like I
10 say, there were several different routes. In terms
11 of this route, I don't remember -- I don't remember
12 it being discussed. And I don't take day-to-day
13 tabs of my -- I don't keep a journal of my calls,
14 but this route was -- I was shocked because the --
15 the way the project was presented to me was a --
16 kind of a -- it was in a soft exploratory fashion.
17 I was never requested to have the route on
18 my -- or the line to be placed on me. It was,
19 "Here's a map. What do you think of it?" And that
20 was in the first two instances. And then when this
21 map showed up, I was shocked. I thought they
22 were -- I had assumed the route was going to go
23 around me. I didn't know. But I received this as
24 a township supervisor. I didn't receive it as a --
25 as a landowner. And I -- that's a flawed process.

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1 But -- but nonetheless here we are and we need to
2 find a better -- you know, we need to find a route
3 that works.
4 **Q.** Did you -- did you receive voicemails,
5 personal -- in-person contacts or letters from any
6 Basin Electric staff regarding this project?
7 **A.** Going back two years, yes.
8 **Q.** Okay. Thank you.
9 And when you received those contacts,
10 how -- how did you respond?
11 **A.** Well, the -- I guess I responded fairly
12 calmly, and the -- the ones that appeared to be
13 problematic, I said, you know, "That route doesn't
14 work for me. We can" -- "we need to look for a
15 better route."
16 **Q.** So in the event of a voicemail or an
17 attempted personal contact or certified letter, did
18 you respond to each of those? Or what percentage
19 of those -- of those contacts that were attempted
20 to be made did you respond to, just generally
21 speaking?
22 **A.** I would say most all of them.
23 **Q.** Okay. You mentioned, I believe -- was it
24 the FIFRA, your concerns with that federal --
25 **A.** Yes.

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1 **Q.** If -- if Basin were -- were to amend its
2 draft easement to -- in a way where it would allow
3 for you to not violate -- you know, not violate
4 that law, in your opinion, is that something that
5 could be revised in an easement that you would
6 later sign?
7 **A.** Yes, as long as we place it along an
8 existing corridor or underground, that would take
9 care of that. So yes.
10 **Q.** Okay. The route is -- as presented, my
11 understanding, has been in place for quite some
12 time. So I am surprised -- I am surprised to hear
13 that you first saw the map at the -- at the Debing
14 Township meeting.
15 **A.** It was emailed to me on October 1 from
16 Shauna Laber.
17 **Q.** Okay. Thank you.
18 And, Mr. Sorenson, did you respond to this
19 email?
20 **A.** Yes.
21 **MS. MERKENS:** I have no further questions,
22 Your Honor.
23 **JUDGE DAWSON:** Mr. Johnson.
24 **MR. JOHNSON:** Just one question.
25

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1 **EXAMINATION**
2 **BY MR. JOHNSON:**
3 **Q.** How many structures would be located on
4 your property with this current route?
5 **A.** I'm not completely sure. I have three
6 quarters of a mile there. It's probably around six
7 or so.
8 **MR. JOHNSON:** Okay. Thank you.
9 **JUDGE DAWSON:** Mr. Schock?
10 **MR. SCHOCK:** Just real quick.
11 **EXAMINATION**
12 **BY MR. SCHOCK:**
13 **Q.** So how much of Section 8 is your property?
14 **A.** So I own 440 acres. I own the north half.
15 I own the northeast quarter of the southeast
16 quarter, and I own the west half of the southwest
17 quarter.
18 **MR. SCHOCK:** Thank you very much. No
19 further questions.
20 **JUDGE DAWSON:** Commissioner Christmann.
21 **EXAMINATION**
22 **BY COMMISSIONER CHRISTMANN:**
23 **Q.** And so I think to ask -- ask that in just
24 a different manner, this crossing in Section 8, for
25 a half of mile it would be entirely on yours in the

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1 north half of Section 8, and then the next quarter
2 of a mile it would be kind of right down the edge
3 of yours. You would be on the east side of it and
4 your neighbor on the west side?

5 **A.** Yeah. I think that's -- yep.

6 **Q.** And you named, like, alternative routes if
7 it has to be aboveground and you mentioned some
8 rural, I believe, avenues or maybe it was streets,
9 but they're not on my map. So was what you were
10 suggesting just to be over closer to the -- to
11 various section lines when you said that?

12 **A.** State that again.

13 **Q.** You had in your testimony mentioned
14 several alternative routes --

15 **A.** Yep.

16 **Q.** -- for it and I think it was avenues that
17 you were mentioning, but those aren't on my map.

18 **A.** Okay.

19 **Q.** So was the gist of that that it just
20 should be closer to one of these section lines that
21 I see on my map --

22 **A.** Yeah. So -- so this --

23 **Q.** -- as opposed to further out in the field?

24 **A.** So if you can envision this, this line
25 crossing is one quarter of a mile from 94th Avenue,

1 33 feet on either side.

2 **Q.** The county hasn't acquired additional
3 easement?

4 **A.** It is not a county road. It's a township
5 road. I would say the surface of that road is
6 probably in the neighborhood of 40, 50 feet wide.
7 You know what the oil field does to our roads. The
8 likelihood that that's going to be a county road
9 some day is probably pretty high.

10 **Q.** So -- so that gets sort of to my question.
11 So when you suggest these other routes closer to
12 one of these section lines, how far away are you
13 imagining?

14 **A.** On that one its state statutory county
15 requirement would be 75 feet with that road -- I
16 mean, I'm on our township board, too, so going
17 forward what I can envision is if that were to be a
18 county road, then we fall under the state statute
19 which states you have to be 75 feet from the road.
20 So that's where I would expect it to be placed
21 there. The farther west route would be -- is an
22 unimproved section line, so we're at 33 as with the
23 other section line on the east side.

24 COMMISSIONER CHRISTMANN: Thank you. I
25 have no other questions.

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1 the north-south road, which is a very well-traveled
2 corridor. I own land on both sides of 94th Avenue.
3 I own the entire -- I own the entire Section 9.

4 So it could be placed on, I mean, either
5 side and we're still achieving the goal of going
6 north and south. Then we could go to the far west
7 end of Section 8 and stay on me and go an entire
8 mile to cross, or we could go on the far east side
9 of Section 9 and go an entire mile. We're still
10 within, you could say, the broader corridor of the
11 direction that we're going to -- to move this power
12 line.

13 **Q.** And so when you suggest that -- well, you
14 said that the one right on the east side of
15 Section 8 is a well-traveled corridor, so I'm
16 imagining a gravel road, but that it's bladed high
17 and -- a good quality gravel road?

18 **A.** I wouldn't call it a good quality gravel
19 road, but it's an extremely heavily traveled road.

20 **Q.** How -- how wide -- do you have your land
21 fenced or is it --

22 **A.** No.

23 **Q.** How wide is the right-of-way on that road;
24 do you know?

25 **A.** Well, the right-of-way is statutory at

1 JUDGE DAWSON: Commissioner Kroshus.

2 COMMISSIONER KROSHUS: Just looking at the
3 clock. What time are we at, Your Honor?

4 JUDGE DAWSON: It's noon.

5 **EXAMINATION**
6 **BY COMMISSIONER KROSHUS:**

7 **Q.** Good afternoon, Mr. Sorenson. Wanted to
8 make sure I got that right.

9 **A.** Good afternoon.

10 COMMISSIONER KROSHUS: Brian or Victor,
11 could you do me a favor, or does the company have a
12 map -- an extra map? Thank you, Victor. And to
13 make sure I'm looking at the correct parcel of
14 land, is this --

15 MR. SCHOCK: Are you looking at map 9 and
16 10 of 12?

17 **Q.** (COMMISSIONER KROSHUS CONTINUING) 9 of
18 12. Is that correct, Mr. Sorenson, this is the
19 property you're referencing?

20 **A.** Yes. I believe so. So this would be -- I
21 guess we have structures 128 through 134 are on my
22 property.

23 **Q.** Okay. All right. So could you -- you had
24 talked about the width of your equipment, and this
25 is a little difficult for me, but would the line

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1 of -- the transmission line placement be with -- on
2 the cultivated land or would it be off of the
3 cultivated land?

4 **A.** This would be placed on cultivated land,
5 except for, it looks like, structure 128. And,
6 actually, that's -- that's cultivated too. It's
7 all on cultivated land.

8 **Q.** Is there anything cultivated that isn't
9 reflected -- when I'm looking at the cultivated, it
10 seems like it is the tan, but it could also be that
11 some of the crop hadn't matured on --

12 **A.** Yeah, and this is based on the crops and
13 the timing of the photo, but mine is all green,
14 so -- I don't really like these maps the way
15 they -- they look different than my maps. But, you
16 know, we can see that orange line to the right, I
17 believe that's an existing pipeline.

18 **Q.** Okay.

19 **A.** So that's along 94th Avenue. And so this
20 is one quarter of a mile east -- or west of 94th
21 Avenue.

22 **Q.** Okay. And then towers 128 through 134
23 that you referenced, are those all on your
24 property?

25 **A.** I take that back. It's through 132 is my

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1 property.

2 **Q.** Through 132. Okay.

3 **A.** Yeah.

4 **Q.** So 133, 134 would not be on --

5 **A.** That's correct. Yep.

6 **Q.** That would be someone else's tillable in
7 terms of ownership anyway?

8 **A.** Yeah. So there was -- the way the land
9 was homesteaded, it created 80s and 40s and such.
10 That's why it's that way.

11 **Q.** Okay.

12 **MS. MERKENS:** Your Honor, may I point the
13 Commission to the updated map that addresses what
14 we are discussing?

15 **JUDGE DAWSON:** Yes, please. You may.

16 **MS. MERKENS:** I believe we're currently
17 looking at Figure 1-4 from the application. A more
18 accurate map that would provide a -- a schematic of
19 this -- of this area is -- is found in Exhibit 7,
20 page 10 of 12. I mention that because this -- this
21 would be the updated structure map. You may recall
22 that the structures decreased between the time the
23 application was submitted and these -- the
24 structure location was filed. So I apologize for
25 that inconvenience.

1 **COMMISSIONER KROSHUS:** What exhibit are
2 you --

3 **MS. MERKENS:** It would be Exhibit 7, the
4 Route and Structure Locations, page 10 of 12.

5 **COMMISSIONER CHRISTMANN:** It's in this
6 white book here.

7 **COMMISSIONER KROSHUS:** Okay. I can see
8 it.

9 All right. Well, it seems like there is
10 the opportunity for some movement in terms of Basin
11 working with you and, again, we don't become
12 involved in the easement negotiations, but
13 easement -- acquiring easements is a part of -- a
14 part of the decision-making process. So I just
15 wanted to -- I appreciate you answering the
16 questions. I wanted a better understanding of how
17 the land lays, where your ownership lies, et
18 cetera.

19 So I don't have any other questions.

20 Thank you. I appreciate that.

21 **JUDGE DAWSON:** Any further -- any further
22 questions? Seeing none, you may step down. Thank
23 you.

24 Is there anyone else who wishes to testify
25 today? The lady in the yellow sweater -- or

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1 sweatshirt. Your name, ma'am.

2 **MS. VACHAL:** My name is Elaine Vachal.

3 And my husband, John, and I own land in Section 23
4 and 26.

5 **JUDGE DAWSON:** Okay.

6 **MS. VACHAL:** 155-93.

7 **JUDGE DAWSON:** And your address is from
8 Ross.

9 **MS. VACHAL:** Yep.

10 **JUDGE DAWSON:** And it's Vachal with a V --

11 **MS. VACHAL:** V-a-c-h-a-l.

12 **JUDGE DAWSON:** Okay. And you were here
13 for my previous warnings as to perjury; correct?

14 **MS. VACHAL:** Correct.

15 **JUDGE DAWSON:** So you understand what
16 perjury is and the penalties for it?

17 **MS. VACHAL:** I do.

18 (Witness sworn.)

19 **JUDGE DAWSON:** You may begin.

20 **ELAINE VACHAL,**
21 being first duly sworn, was examined and testified
22 as follows:

STATEMENT

23 **BY MS. VACHAL:**

24 **MS. VACHAL:** Okay. As I said, my husband

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1 and I have owned -- own land in Section 23 and 26.
 2 We oppose the project for going in on -- on those
 3 two sections for the reasons of -- to give you a
 4 little background, my husband and I have owned it
 5 since '72. The family has owned it, the land,
 6 since homestead time. Our grandparents -- my
 7 husband's grandparents have the deed from Taft --
 8 President Taft of 1904. So we've been -- the
 9 family's been on the land since then.

10 And in Section 23, our concern is we have
 11 tried to be good stewards of the land and respect
 12 certain things. We have teepee rings in the
 13 section of 23. So we have never disturbed this
 14 land. It is sod, original prairie sod. And so for
 15 that reason, we don't want anybody going across
 16 that land for any reason. And -- and in the past
 17 we've been able to protect that for that reason.

18 And in Section 26, as you can see, it's a
 19 diagonal going across that land, and we own that
 20 north part up there on Section 26. And as
 21 previously stated by others, the conditions of
 22 machinery, we have gotten quite large with our
 23 machinery. So like our one seeder is 72 feet, so
 24 to get around poles around there in that distance
 25 there would be cumbersome, I'm sure.

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1 And that is some of our most expensive
 2 tax-paying land. It's agricultural, cultivated.
 3 And so with that being said is why we are opposing
 4 to that, having it go across those two parts of our
 5 land there.

6 We are -- our son is the fourth -- let's
 7 see -- our son is a fourth generation and our
 8 grandson is also now an operator of the farmland,
 9 and he is the fifth generation, and we're hoping to
 10 be able to take care of the land so that
 11 generations from now -- they can still farm and
 12 maintain this land.

13 So if there's any questions, I'll try to
 14 answer.

15 JUDGE DAWSON: Are there any questions?

16 MS. MERKENS: No, Your Honor.

17 MS. VACHAL: Okay.

18 JUDGE DAWSON: Mr. Johnson. Hold on.

19 Other people get to ask you questions too.

20 MS. VACHAL: Oh, okay.

21 MR. JOHNSON: No questions, Your Honor.

22 JUDGE DAWSON: Commissioner Christmann.

23 **EXAMINATION**

24 **BY COMMISSIONER CHRISTMANN:**

25 Q. I'm sorry, but I was taking a few more

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1 notes yet from Mr. Sorenson's testimony, and I --

2 **A.** Okay.

3 **Q.** -- you've discussed 23 and 26, but I did
 4 not catch the township and range --

5 **A.** Okay.

6 **Q.** -- so I've still not found the map.

7 **A.** 155-93, Sections 23 and 26.

8 **Q.** Okay. I was on the right map then.

9 **A.** And I'm sure that's probably why they

10 wanted to come across those because we've been able

11 to divert any kind of pipelines so they don't have

12 all that stuff that they have to go around. And,

13 of course, the body of water, it's on Section 23.

14 Although maybe this year it wouldn't bother because

15 I think it's pretty dry.

16 **Q.** And --

17 **A.** But we do take good care and pride in

18 being able to be the stewards of this land.

19 **Q.** Did -- did you hear the testimony -- I

20 don't remember which witness it was -- regarding

21 their work with the State Historic Preservation

22 Office to work around and not disturb teepee rings

23 or other cultural artifact sites?

24 **A.** I -- I heard part of that, yeah. Some of

25 it I missed.

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1 **Q.** Did that give you any comfort that -- that
 2 the State is also in many people's minds overly
 3 aggressive at -- at keeping an eye on those things,
 4 but that -- that they have expertise in that and
 5 are working on it and actually will not approve
 6 this unless Basin would take proper steps to
 7 protect those features?

8 **A.** Right. I -- I was trying to reason out --

9 you know, like they were talking about going

10 section lines and quarter lines and township lines

11 and stuff like that. And it appears as though it

12 goes right straight through it on Section 23, like

13 right down the center.

14 **Q.** That's how I look at it too.

15 **A.** And I -- I feel that that would be really

16 close to the teepee rings. I'm sure why they -- is

17 because of the -- I call it a slough. Most of us

18 do -- why the Indians probably were just there for

19 a short period of time, but the rings are -- are

20 there and it's a little bit of a hill -- hilly, and

21 it sounds like they take quite a bit of

22 right-of-way plus -- you know, I don't know if they

23 need guidelines or whatever.

24 And our concern, too, is probably -- I

25 know that I'm not very informed on the health

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1 situation as far as for cattle because it's pasture
 2 is what it is. As far -- all I know is that when
 3 you go to Bismarck and you go under the big
 4 highlines, it goes [descriptive sound], your radio
 5 does. So to me it just doesn't seem like it would
 6 be really safe to be under there for any length of
 7 time. So those are concerns that I have -- or I
 8 should say we do.

9 COMMISSIONER CHRISTMANN: Sure. Yeah, I
 10 just -- I won't give any advice. No other
 11 questions, but thank you for being here and
 12 pointing it out, where it goes through your
 13 property. I appreciate it.

14 JUDGE DAWSON: Commissioner Kroshus.
 15 COMMISSIONER KROSHUS: Good afternoon,
 16 Elaine --

17 MS. VACHAL: Thank you.
 18 COMMISSIONER KROSHUS: -- just one -- I
 19 think it'll be just one question.

EXAMINATION

20 BY COMMISSIONER KROSHUS:

21 Q. On Section 23, Section 26 the property you
 22 own, do you -- do you see this -- or when you're
 23 looking at this, is there a workable solution in
 24 terms of route on your property, or is it -- you're

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1 opposed to it because there isn't another scenario
 2 that would work for you?

3 A. Well, you know, if they went -- you know,
 4 like I guess I just think that if they would follow
 5 the roads -- the roads, you know, to me that would
 6 be less invasive to the farmers and the landowners,
 7 you know, if you -- like our old line that is
 8 there, it's next to the road, you know. And so we
 9 don't -- you don't farm close to those poles, at
 10 least in our area. I know out east they -- they
 11 farm everything, even the ditch and everything, but
 12 we don't.

13 So to me it's -- to me that is more
 14 reasonable to have that, if they would follow the
 15 road line, the -- and I said maybe if they just
 16 went straight on -- from Section 5 down to Section
 17 1 and then come straight down the other way, you
 18 know. I don't know. I'm assuming that -- on 25
 19 would be what we call Pearl Vallee or 90th or
 20 Highway 5, whatever. It's a paved road.

21 Q. Okay.
 22 A. It doesn't look to me like it would be any
 23 farther for the line if you take and you straighten
 24 up all those green ones -- straighten them up and
 25 go across those sections and then come straight

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1 south down to that Northshore Substation instead of
 2 cutting across everybody's land there.

3 Q. Okay. Well, I hope you can continue to
 4 work with the company and the company with you and
 5 hopefully come up with --

6 A. Right.
 7 Q. -- some type of a resolution or a
 8 compromise that's acceptable.

9 A. Right, I just -- yeah. Hopefully we can
 10 work something out so they aren't doing anything to
 11 the teepee rings.

12 Q. Sure. And good luck to the farming this
 13 year. Hopefully we get some rain.

14 A. My husband and I retired, so it's our son
 15 and our grandson that is -- has the operation now.

16 Q. Okay. So the fourth and fifth generation?
 17 A. Our grandson would be the fifth, yep, and
 18 he's the farmer and our son is the rancher, so --

19 COMMISSIONER KROSHUS: I wish them both
 20 well.

21 MS. VACHAL: Thank you. Thank you very
 22 much.

23 JUDGE DAWSON: I take it there's no
 24 further questions.

25 MS. VACHAL: Oh, I guess I'm always --

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1 MS. MERKENS: No, Your Honor.
 2 JUDGE DAWSON: And so you are excused.
 3 MS. VACHAL: I'm sorry to rush everybody.
 4 All right. Thank you.

5 MS. MERKENS: Thank you for coming.
 6 JUDGE DAWSON: Are there any further
 7 people from the public who wish to testify? Is
 8 there anybody else besides him? I just want to
 9 make sure. I'm smelling food and I'm -- it's hard
 10 for me to concentrate. Please come forward.

11 MR. HYNEK: I'll be brief.
 12 JUDGE DAWSON: Your name, please.
 13 MR. HYNEK: Mike Hynek.
 14 JUDGE DAWSON: Spell the last name for me,
 15 please.
 16 MR. HYNEK: H-y-n-e-k.
 17 JUDGE DAWSON: And you're from Stanley?
 18 MR. HYNEK: I am.
 19 JUDGE DAWSON: Okay. And you were here
 20 for my previous admonitions as to perjury?
 21 MR. HYNEK: I was.
 22 JUDGE DAWSON: So you understand what
 23 perjury is and the penalties for it?
 24 MR. HYNEK: I do.
 25 (Witness sworn.)

1 JUDGE DAWSON: You may begin.
2 MICHAEL HYNEK,
3 being first duly sworn, was examined and testified
4 as follows:

5 STATEMENT

6 BY MR. HYNEK:

7 MR. HYNEK: Okay. First of all, thanks
8 for the opportunity making it so convenient for me
9 to be here. I appreciate that.

10 And having said that, the reason I'm here
11 is I'm not a property owner. I am a tenant on --
12 where it crosses, but my real concern is -- and it
13 was one of your witnesses said it -- the
14 infrastructure amount out there is ridiculous, and
15 it is. And that's becoming a great concern for us.

16 I own a fair amount of property right in
17 this area. And so this will be the third
18 substation along the road I drive every day to the
19 farm and back within eight miles. Thus, there's
20 plenty of transmission lines there already.

21 Having said that, I understand how
22 important it is to get this infrastructure in.
23 Between the oil wells, saltwater disposals,
24 substations, transmission lines, pipe yards,
25 communication towers, it's -- it's pretty crazy out

1 fence out there.
2 So I challenge you folks to think down the
3 road. I was past chairman of the Mountrail County
4 Planning & Zoning for a few years, past mayor of
5 Stanley for eight years through all this chaos.
6 Looking back, there are things I regret we did.
7 Let's not look back and see six, seven power lines
8 side by side by side and think we did a good job,
9 because you're not.

10 That's all I have to say. Thank you.

11 JUDGE DAWSON: Any questions?

12 MS. MERKENS: No questions, Your Honor.

13 MR. JOHNSON: No questions.

14 JUDGE DAWSON: Commissioner Christmann.

15 EXAMINATION

16 BY COMMISSIONER CHRISTMANN:

17 Q. I'm thinking about -- about what you said,
18 and do you have any thoughts on what potential
19 negative impacts that could cause if everything is
20 combined into one where now when some work has to
21 be done on a pole or something, now everything is
22 out of power because you end up taking everything
23 down for a time? Would you have any concerns about
24 that?

25 A. Not really, to be honest with you, because

1 there. The pipelines is like a bowl of spaghetti.
2 It's -- it's amazing.

3 Having said that, my concern is -- and if
4 you guys would consider this in the future -- is
5 where this -- right next to my property, Section
6 36, is State land, 155-93. Where it goes west to
7 east to the substation, along that stretch there is
8 a single-phase electric line on the north side of
9 the road, a three-phase electrical line on the
10 south side of the road, a two-pole transmission
11 line on the south side of the road and now another
12 transmission line on the south side of the road.

13 Sooner or later these things are going to
14 have to get combined one way or another or you're
15 going to make our properties out there less
16 desirable, which they already are by a large extent
17 to even be there.

18 So take all that stuff down, put up one
19 line, combine everything to that line and make it
20 right. Don't just keep putting up lines, putting
21 up lines, putting up lines and going through this.
22 Use an existing easement, you know.

23 I mean, that one transmission line hasn't
24 been in there for very many years. Now we're going
25 to have another one? I mean, it's like a picket

1 I think all you're doing is increasing your risk
2 for things to happen, you know. Those things can
3 tumble on top of each other out there, you know,
4 from what I can tell. Wiser minds than me know
5 these answers. I'm just giving you my concerns,
6 and if it's possible, to get this stuff condensed
7 down, you know. I should have done that right away
8 with the oil field. There's pipelines out there on
9 top of pipelines crossing pipelines, you know. No
10 foresight whatsoever.

11 And I just -- you know, like I said, it
12 would have been really nice to have this hearing
13 out there so you could just look around and go,
14 wow, there's hundreds of oil wells within a few
15 miles of this proposed substation and disposals and
16 on and on and on. And it's getting more
17 complicated and more complicated all the time. If
18 we could just figure out a way to get the same job
19 done without adding more stuff.

20 COMMISSIONER CHRISTMANN: It's an
21 intriguing idea. Thank you.

22 MR. HYNEK: You're welcome.

23 JUDGE DAWSON: Commissioner Kroshus.

24 COMMISSIONER KROSHUS: You're almost off
25 the hook, but not quite.

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1 MR. HYNEK: Okay.

2 COMMISSIONER KROSHUS: I just want to say

3 thank you for the input. Certainly appreciate it.

4 And I think at the beginning as you were speaking,

5 you mentioned making this convenient and whatnot,

6 and really it's up to us to thank you. Just --

7 here's the secret, but don't let it out. We have

8 about 760,000 people we work for.

9 MR. HYNEK: Yeah.

10 COMMISSIONER KROSHUS: Bosses. I had one

11 in private sector and now have 760, 770 thousand,

12 whatever it is, but that's something we all take

13 very seriously. So I appreciate you being here.

14 Thank you.

15 MR. HYNEK: Thank you.

16 JUDGE DAWSON: Thank you. You're excused.

17 Are there any further testifiers from the

18 audience? Anyone? You can change your mind.

19 Seeing no further testimony from the

20 audience, we'll have closing remarks.

21 Do you have any, Ms. Merkens?

22 MS. MERKENS: I would like to recall a

23 witness.

24 JUDGE DAWSON: You may do that.

25 MS. MERKENS: I would like to recall

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1 Mr. Bobby Nasset, please.

2 THE WITNESS: Are you still able to hear

3 me?

4 JUDGE DAWSON: Yes, I am. Be reminded,

5 you're still under oath.

6 THE WITNESS: Thank you, sir.

7 **BOBBY NASSET,**

8 having been previously duly sworn, was examined and

9 testified further as follows:

10 **FURTHER EXAMINATION**

11 **BY MS. MERKENS:**

12 Q. Bobby, if we look at our Exhibit 7, route

13 and structure locations, I'm wondering if you could

14 just generally describe some of the difficulties

15 that you faced in your design of the transmission

16 line going through Sections 8, 17 as well as

17 Sections 23 and 26. So the first would be on

18 page 10 of 12 of the exhibit. And maybe we should

19 just start there. If you would kindly describe

20 some of the difficulties that you faced or

21 considerations that you -- things that you

22 considered when selecting this route.

23 A. Sure. And one of the big challenges,

24 obviously, is like the testimony we heard -- and

25 thank you to the landowners that provided feedback.

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1 You know, no landowners are real excited about

2 having a transmission line on their property and we

3 understand that. And a lot of times in the

4 iterations of trying to optimize the design, what

5 satisfies one landowner is unacceptable to the

6 adjacent one.

7 And in the case here for Section 8, what

8 we did is when -- I think very early on it was made

9 clear to us Mr. Sorenson did not want the project

10 on his property. We did look for alternative

11 routes, and as we went to neighboring landowners,

12 the amount of -- of transmission line we'd have to

13 add to the project was increased and they were

14 still opposed to the line. So it was really a

15 decision of increasing the length on the landowner

16 that did not want to participate in the project

17 and, as he mentioned, as you look at his property

18 from east to west, typically owns a full mile from

19 north to south. So we tried to pick an area that

20 actually minimized the amount of length. We picked

21 the one in the section in the corridor that

22 shortened that length and, yes, unfortunately, I

23 understand that goes through his field.

24 But as he mentioned, on the north and

25 south side of that is right along a property line

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1 for the landowners north and south and that's where

2 they -- they wanted the transmission line. So it

3 was sort of an attempt to -- to best fit that. And

4 I -- I understand that's -- that's not what's

5 desired here from the landowner, and so we're

6 definitely happy to look at -- at options that we

7 can make it work.

8 As you know, we've got the other

9 exclusions. A lot of times we've moved the

10 transmission line and that's when we run into our

11 minimum offsets from dwelling residences or

12 pipelines or other infrastructure. And so we're

13 trying to find a way to -- to meet the requirements

14 of the avoidance areas as well as we can best to

15 accommodate the landowners.

16 Q. Thank you. And if we move to page 12 of

17 12, Sections 23 and 26 as well as 25 and 36,

18 basically the -- the map as it is shown on page 12

19 of 12, if you could briefly describe some of the

20 difficulties you encountered in that area, please.

21 A. And in that one other than, you know -- it

22 would be helpful if these maps showed all the

23 underground pipelines and other existing

24 transmission. So there are corridors that are

25 taken up that we cannot use and that we've got to

135

1 keep offsets from. I think the -- in this case --
 2 and I would maybe defer to Shauna on this one. I
 3 think we did have survey permissions for this
 4 property and to get some feedback on where they
 5 preferred the line, and so I thought we were
 6 complying with that in this case, for the -- for
 7 the line in Section 23 and 26, that is.

8 Q. Thank you.

9 A. And if I could add one thing. I mean,
 10 there was a question earlier on the -- the amount
 11 of easement in a mileage standpoint that we've
 12 acquired, just to kind of close the loop on that,
 13 if that's permissible.

14 Q. Yes, please.

15 A. So the State land that's pending is
 16 1.9 miles and the easements signed is 20.8 and the
 17 easement denied is 3.6 to date.

18 Q. Bringing the total distance of the line to
 19 what distance?

20 A. That is in the 26.3 or 4 miles.

21 Q. Thank you.

22 A. I rounded there a little bit.

23 And one other map that might be helpful in
 24 the prefiled exhibits was the easement status map,
 25 which is Exhibit 10. So that -- I guess for the

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1 commissioners' benefit, it's a map of the route and
 2 in green is the areas that we have acquired
 3 easements and in red are the locations that we have
 4 not. And orange lines show the pending State
 5 easements.

6 MS. MERKENS: Thank you. I have no
 7 further questions, Your Honor.

8 JUDGE DAWSON: Mr. Johnson.

9 MR. JOHNSON: No questions.

10 JUDGE DAWSON: Commissioner Christmann.

11 FURTHER EXAMINATION

12 BY COMMISSIONER CHRISTMANN:

13 Q. What was the exhibit number of that last
 14 map that showed acquired versus unacquired
 15 easements?

16 A. Exhibit 10.

17 Q. I see it now.

18 And then Mr. Hynek's thoughts on combining
 19 some of these structures into one, as long as
 20 you're working along adjacent electric lines, that
 21 seems very intriguing, and is there a way to work
 22 together with different companies? Maybe sometimes
 23 it's the same or sister companies, but just
 24 different facilities to, while there is a pretty
 25 significant construction project like this going

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1 on, maybe allow the application of some of those
 2 other lines onto these structures and then be able
 3 to eliminate some other structures. Discuss that
 4 with me, please.

5 A. Yes. It's a very good question and it is
 6 something that we evaluate when we're routing the
 7 lines. Typically, if there are two planned
 8 circuits in the area that we know about or one's in
 9 the future, we will build our line to accommodate
 10 the future second circuit. And so recently the 345
 11 Williston to Tioga project that we built several
 12 years ago, there's maybe 30 miles along that line
 13 that we built for double-circuit capability for
 14 Mountrail-Williams to later add 115-kV circuit,
 15 which they have.

16 So there's areas where we've attempted to
 17 do that. Usually when there's an existing line
 18 already there, there's considerable expense in
 19 reconstructing that line and building this one as
 20 double circuits or kind of paying twice there for
 21 that. So typically if we've got space, we'll build
 22 a new single-circuit line for the reason that you
 23 brought up too. There's also -- you know, there's
 24 trade-offs with every decision we make here and
 25 we're not going to get it perfect, but you're now

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1 putting the maintenance of one structure owned by
 2 two entities. So there's -- there's legal
 3 requirements to overcome for that and then also
 4 just single point of failure.

5 You know, if a structure fails, it's --
 6 especially two adjacent structures that are feeding
 7 the same substation, we -- or if you have a line
 8 come down or trip for some reason, it's really nice
 9 to have the other circuit to be live.

10 So the goal here -- you know, we're trying
 11 to do our best with optimizing for cost at the end
 12 of the day to the members and also keeping the
 13 system as reliable as possible.

14 Q. So it is something that is considered,
 15 though? Did I understand right, or not really?

16 A. It is considered, but typically it would
 17 be -- it would be considered when we have two new
 18 existing circuits planned for the same area so that
 19 we could construct them concurrently.

20 COMMISSIONER CHRISTMANN: Okay. No other
 21 questions. Thank you.

22 JUDGE DAWSON: Commissioner Kroshus.

23 COMMISSIONER KROSHUS: No questions.

24 JUDGE DAWSON: Seeing no further

25 questions, you may step down.

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1 THE WITNESS: Thank you, sir.

2 JUDGE DAWSON: Any further witnesses?

3 MS. MERKENS: No, Your Honor.

4 JUDGE DAWSON: Okay. Well, we can have

5 closing remarks. Do you have any closing remarks?

6 MS. MERKENS: No, Your Honor.

7 MR. JOHNSON: No, Your Honor.

8 JUDGE DAWSON: Commissioner Christmann.

9 COMMISSIONER CHRISTMANN: Well, as always

10 when we do these, you know, you spend time in

11 advance of the hearing preparing and going through

12 it and trying to understand it as best you can, and

13 you get out and it's the reason, I'm sure, why this

14 system evolved in the first place of going out to

15 the point of contact and hearing from folks and you

16 learn a lot in these things, and I've learned a lot

17 again on this project this morning.

18 So thanks to the company for providing

19 information in a pretty understandable way. I was

20 able to have a pretty good grasp of the project

21 coming into it, and that's not always the case with

22 every applicant that we receive for siting

23 authority around the state. So thank you for that.

24 I thought the witnesses were good, and I

25 especially want to thank the people from up here

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1 who took time out of your day to come and point out

2 your concerns with it. It's a learning process for

3 us, and your -- your concerns will certainly

4 receive consideration. Appreciate it.

5 Thank you.

6 JUDGE DAWSON: Commissioner Kroshus.

7 COMMISSIONER KROSHUS: All right. Thank

8 you, everyone, for being here. It was very

9 informative.

10 And just as a part of the process moving

11 forward, next steps -- I believe I referred to this

12 at the beginning of the hearing -- but we will take

13 what was said today. We have the -- the

14 information already, the exhibits that were

15 presented. We'll go into what will be one, if not

16 more, work sessions at the Commission. That is

17 when we sit down with staff, get their opinions,

18 their expertise on the application, and we work

19 through the process, and it's a very lengthy

20 process. It's a very thorough process.

21 We hit some of the high points today

22 and -- but by no means did we cover all the ground

23 that we will, but we have the information in front

24 of us. So I look forward to that. It's always an

25 interesting part of the process.

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1 A big thanks to those from the public who

2 came and testified. That's incredibly important

3 that we hear from you, and it's always a pleasure

4 to travel anywhere in North Dakota. It's great to

5 be in Stanley today, and getting out and about and

6 meeting the people we serve is -- is really a

7 privilege.

8 And one thing I would be remiss in not

9 saying, there were some folks here with -- with

10 time in public service. Thank you. Thank you,

11 Mr. Solie, for your service. Greatly appreciate

12 it.

13 So everyone have a good day and thank you

14 again for being here.

15 JUDGE DAWSON: I understand there's no

16 late-filed exhibits anymore.

17 MS. MERKENS: That is correct, Your Honor.

18 JUDGE DAWSON: And will counsel for Basin

19 agree to prepare proposed findings of fact,

20 conclusions of law and an order?

21 MS. MERKENS: Yes, Your Honor.

22 JUDGE DAWSON: And is two weeks enough?

23 MS. MERKENS: Yes, Your Honor.

24 JUDGE DAWSON: So May 20 by 5 p.m.

25 MS. MERKENS: Yes.

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1 JUDGE DAWSON: And with that, is there any

2 other matter that needs to be brought before the

3 Commission before we close this hearing?

4 Seeing nothing, it is 12:40 p.m., and it's

5 May 6, 2021, and the hearing for PU-21-49 on the

6 application of Basin for a certification of

7 corridor compatibility and route permit is closed.

8 (Concluded at 12:40 p.m., the same day.)

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1 CERTIFICATE OF COURT REPORTER

2

3 I, Stephanie A. Smith, a Registered

4 Professional Reporter,

5 DO HEREBY CERTIFY that I recorded in

6 shorthand the foregoing proceedings had and made of

7 record at the time and place hereinbefore

8 indicated.

9 I DO HEREBY FURTHER CERTIFY that the

10 foregoing typewritten pages contain an accurate

11 transcript of my shorthand notes then and there

12 taken.

13 Dated at Bismarck, North Dakota, this 2nd

14 day of June, 2021.

15

16

17

Stephanie A. Smith

Registered Professional Reporter

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