

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Basin Electric Power Cooperative :  
Pioneer Generation Station Ph IV - : Case No.  
Williams County : PU-22-380  
Siting Application :

TRANSCRIPT OF  
HEARING

Taken At  
Williston City Hall  
22 East Broadway  
Williston, North Dakota  
January 5, 2023

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

A P P E A R A N C E S

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COMMISSIONERS PRESENT:

COMMISSIONER JULIE FEDORCHAK, Chair  
COMMISSIONER RANDY CHRISTMANN  
COMMISSIONER SHERI HAUGEN-HOFFART

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FOR THE APPLICANT.

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FOR THE PUBLIC SERVICE  
COMMISSION.

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APPLICANT'S EXHIBITS

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1           (The following proceedings were had and  
2 made of record herein, commencing at 8:58 a.m.,  
3 Thursday, the 5th day of January, 2023:)

4           JUDGE DAWSON: Good morning. I'm Tim  
5 Dawson. I am an administrative law judge  
6 designated by the Office of Administrative Hearings  
7 upon the request of the Public Service Commission  
8 to serve as hearing officer for this hearing. This  
9 is North Dakota Public Service Commission Case  
10 Number PU-22-380.

11           Before we begin, please turn off your  
12 telephones or silence them, and there should be an  
13 attendance sheet going around. Please sign that if  
14 you are present here today, and if you plan on  
15 testifying, please make the proper mark on that  
16 sheet.

17           This is the hearing on the application of  
18 Basin Electric Power Cooperative for a certificate  
19 of site compatibility for the location of two 235.7  
20 megawatt simple cycle combustion turbines, six 18.8  
21 megawatt reciprocating internal combustion engines,  
22 and associated facilities as an addition to the  
23 Pioneer Generation Station in Williams County,  
24 North Dakota.

25           Let the record show that it is January 5,

1 2023, and it is 9 a.m., and we are at the Williston  
2 City Hall in Williston, North Dakota. This is the  
3 time and date and place set in the notice of filing  
4 and notice of hearing issued by the North Dakota  
5 Public Service Commission on November 30, 2022.

6 The notice of filing and notice of public  
7 hearing for this hearing specified the issues to be  
8 considered in the application for certificate of  
9 site compatibility, and they are:

10 Number one, will the construction,  
11 operation and maintenance of the facility at the  
12 proposed location produce minimal adverse effects  
13 on the environment and upon the welfare of the  
14 citizens of North Dakota?

15 Number two, are the proposed facilities  
16 compatible with the environmental preservation and  
17 efficient use of resources?

18 Number three, will construction, operation  
19 and maintenance of the facility at the proposed  
20 location minimize adverse human and environment  
21 impact while ensuring continuing system reliability  
22 and integrity and ensuring that the energy needs  
23 are met and fulfilled in an orderly and timely  
24 fashion?

25 We will now have the parties make

1 appearances. Ms. Merkens, state your name for the  
2 record and tell me the witnesses you plan to call  
3 today.

4 MS. MERKENS: Thank you, Your Honor. My  
5 name is Anine Merkens. I'm staff counsel at Basin  
6 Electric Power Cooperative.

7 Today I have three witnesses that will  
8 appear before the Commission: Mr. -- Mr. James  
9 Lund. He's the senior mechanical engineer.  
10 Mr. Benjamin Hertz, manager -- manager of asset  
11 planning. And Mr. Kevin Solie, long-time senior  
12 environmental compliance engineer and now  
13 consultant.

14 JUDGE DAWSON: Okay. Mr. Schuh, would you  
15 state your name for the record and introduce the  
16 person to your left.

17 MR. SCHUH: Yes, Your Honor. Good  
18 morning, John Schuh with the North Dakota Public  
19 Service Commission, staff counsel. Along with me  
20 today is the staff analyst, Adam Renfandt.

21 JUDGE DAWSON: And he'll participate in  
22 the hearing today?

23 MR. SCHUH: Yes, Your Honor. We have no  
24 witnesses, but I -- I would request that he  
25 participate as well.

1           JUDGE DAWSON: Seeing no objection, I'll  
2 allow it.

3           By show of hands in the audience today,  
4 how many of you plan on testifying at this time in  
5 the public testimony portion of the hearing? We  
6 have one hand raised at this time. I would -- I do  
7 not hold you to that. You may change your mind and  
8 not testify and everyone else may choose to  
9 testify. It's up to you. As the meeting goes  
10 along, I will tell you that that's why we're here  
11 today in Williston, North Dakota, is to hear from  
12 the public here in Williston, and the Commission is  
13 here and will listen to you and consider what you  
14 have to say at this hearing.

15           Please sign the sign-in sheet again. Is  
16 it somewhere around here? Thank you.

17           UNIDENTIFIED SPEAKER: I've got it if  
18 somebody needs it.

19           JUDGE DAWSON: Okay. Excellent. And if  
20 you have any question on introducing any sort of  
21 exhibit as part of your testimony, please come and  
22 talk to me at a break, and we'll make sure that we  
23 get that marked and dealt with before you come  
24 forward.

25           At this time, we'll have opening comments

1 by the commissioners. Commissioner Fedorchak.

2 COMMISSIONER FEDORCHAK: Good morning,  
3 everyone. Always great to be in Williston. It's  
4 fun to come back to the town -- my hometown. I  
5 have family members here, and I always -- I never  
6 tire of coming to Williston. So thanks for the  
7 always warm welcome.

8 I'm excited about this project today for a  
9 few reasons. First of all, we hear a lot about the  
10 constraints that we're seeing in the electrical  
11 grid and concerns about not having enough power at  
12 times. Here's a project that has almost  
13 600 megawatts of power and it will be almost  
14 100 percent capacity factor, which means when you  
15 need it, you can turn it on, and that's a really  
16 valuable resource. And, unfortunately, not enough  
17 of these kinds of resources are being contemplated  
18 and constructed in America right now.

19 So the other great thing about this is  
20 it's right in the heart of the fuel source for it,  
21 so it makes a lot of sense in that regard as well.

22 And the third great notable quality about  
23 this project is you've got 600 megawatts and the  
24 land impact is under a hundred acres, and that's  
25 also an important consideration that we need to be

1 factoring in in our long-term plans for electricity  
2 generation, not only in North Dakota but in our  
3 country as a whole.

4 So those are all really exciting aspects  
5 of this project I appreciate, but they really  
6 have -- none of those, except for the land impact,  
7 have a lot to do with the siting.

8 So we're here today to talk about the  
9 environmental impact and how this project is being  
10 planned and constructed to minimize impact to the  
11 environment and people living with it.

12 Again, we've got a really complete  
13 application. I appreciated going through it.  
14 Thank you, Basin, for the clarity in that regard,  
15 and I look forward to a really thorough discussion,  
16 hearing from the public if there are folks that  
17 have concerns about it, and how we can move forward  
18 and proceed with this in a way that will have  
19 long-term minimal impact to the environment here  
20 and to the people living in and around this  
21 facility. So looking forward to a productive  
22 hearing.

23 Thank you very much.

24 JUDGE DAWSON: Commissioner Christmann.

25 COMMISSIONER CHRISTMANN: Thank you, Your

1 Honor. And I, too, enjoy coming to Williston and  
2 especially this particular hearing because I got to  
3 be greeted by my wonderful mother-in-law, Carol,  
4 who came to visit us. She's a resident here in  
5 Williston. So good to see you and good to see  
6 everyone.

7 I agree that this is an exciting project.  
8 I think this is probably the biggest proposed  
9 generation plan in North Dakota in probably over  
10 40 years. And so this -- it is a really  
11 significant thing.

12 But as excited as -- as one can be about  
13 projects like this, I want to emphasize that --  
14 that our role is not to be here as a cheerleader.  
15 We're here to make sure that if it's built, that  
16 it's built to the standards and requirements that  
17 the State of North Dakota has set to protect the  
18 environment, to protect the citizens of the state.  
19 And so we'll have a lot of questions on that.

20 Now if this agency -- if our goal was just  
21 efficiency, I expect we'd be sitting in Bismarck  
22 right now because it would have been a lot easier  
23 for us. But we are here, we have these hearings in  
24 the county where projects are going to take place  
25 because our goal, like I said, is not to see that

1 it gets built or to stand in the way of a project,  
2 but to make sure that if it's done, it's done  
3 right. We think we can do the best job of that  
4 when we get all the information that's available,  
5 and that is best done by being out in the county  
6 where it's going to happen and finding out if  
7 there's public testimony.

8 Now, we don't necessarily make it very  
9 convenient because I'm sure for the public it would  
10 be nice to go first and say what you want to say  
11 and then go about your day. But it's important  
12 that you hear from the company and hear exactly  
13 what they're proposing.

14 So if anybody changes their mind and wants  
15 to testify or comes in late, although we do wait  
16 with the public testimony until after the company's  
17 done with their proposal, we are here to hear from  
18 you and we want to hear from you. So just want to  
19 emphasize that, that the public is certainly  
20 welcome.

21 JUDGE DAWSON: Commissioner  
22 Haugen-Hoffart.

23 COMMISSIONER HAUGEN-HOFFART: Thank you,  
24 Tim. It's always a pleasure to be in the area  
25 where a project is being considered. As

1 Commissioner Christmann said, we have a lot of  
2 people here, and please feel free to change your  
3 mind if you're from the public. If you hear  
4 something and want to address it, we encourage you.  
5 That's why we're here.

6 I also want to thank Basin for a  
7 well-prepared application. It was nice to go  
8 through and have a lot of information. It saves us  
9 a lot of time and kind of synthesizes everything  
10 for us so we have a good idea what we're going to  
11 be listening to and following why we're here, as  
12 Tim indicated with the notice of hearing  
13 represented. And that's very important that we  
14 cover those areas and stay on track to that.

15 So thank you. I look forward to it, and  
16 Happy New Year, everyone.

17 JUDGE DAWSON: Are there any preliminary  
18 matters or motions, Ms. Merkens?

19 MS. MERKENS: Your Honor, I'd move to  
20 enter Exhibits 1 through 7 into the record, please.

21 JUDGE DAWSON: Okay. And, Mr. Schuh, do  
22 you have agreement to that?

23 MR. SCHUH: Yes, Your Honor.

24 JUDGE DAWSON: Okay. So I will so mark  
25 and admit Exhibits 1 through 7.

1 Well, Ms. Merkens, do you have any opening  
2 remarks or do you wish to call your first witness?

3 MS. MERKENS: I'd like to call my first  
4 witness, Your Honor. Mr. James Lund.

5 JUDGE DAWSON: Mr. Lund, I'm required by  
6 law to tell you the penalties for perjury in this  
7 state. Perjury is a Class C felony punishable by a  
8 fine of up to \$10,000 or a term of imprisonment of  
9 up to five years, or both. Do you understand what  
10 perjury is and the penalties for it?

11 THE WITNESS: I do.

12 (Witness sworn.)

13 JUDGE DAWSON: You may begin.

14 **JAMES LUND,**

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

17 **DIRECT EXAMINATION**

18 **BY MS. MERKENS:**

19 Q. Mr. Lund, would you please state your  
20 name, occupation and business address.

21 A. My name is James Lund. I'm employed as a  
22 senior mechanical engineer for Basin Electric Power  
23 Cooperative, located at 1717 East Interstate  
24 Avenue, Bismarck, North Dakota.

25 Q. What is your employment history and work

1 experience with Basin Electric?

2 A. I've been employed with Basin Electric  
3 over 28 years as a mechanical engineer and project  
4 manager with the majority of that time spent on  
5 major capital projects.

6 Q. Mr. Lund, would you please describe Basin  
7 Electric's business model?

8 A. Basin Electric and its member systems are  
9 owned by the member cooperatives. Each of Basin  
10 Electric's 11 Class A members has one seat on the  
11 board of directors. Basin Electric pursues an  
12 above -- an all-of-the-above energy strategy to  
13 take advantage of the benefits of renewable energy  
14 while maintaining baseload generation to ensure the  
15 reliability -- the reliability that our members  
16 require.

17 Basin Electric's business model requires  
18 that margins must be used to improve or maintain  
19 operations, set aside in reserves, or distributed  
20 to the membership.

21 Q. Thank you. And, Mr. Lund, what have been  
22 your responsibilities in connection with the  
23 project?

24 A. I am the project coordinator. My  
25 response -- I'm responsible for activities

1 associated with the development and execution of  
2 the project.

3 Q. Would you please describe the existing  
4 Pioneer Generating Station?

5 A. The existing PGS, Pioneer Generation  
6 Station, is located on a 120-acre parcel 15 miles  
7 northwest of Williston in Williams County. The  
8 site is adjacent to ONEOK's Stateline Gas Plant and  
9 Mountrail-Williams Electric Cooperative Stateline  
10 Substation. The existing PGS facility is --  
11 includes one 45 megawatt simple cycle combustion  
12 turbine, which was placed in operation in 2013; two  
13 additional 45 megawatt simple cycle combustion  
14 turbines and associated equipment, which was placed  
15 into operation in 2014; and 12 gas reciprocating  
16 combustion turbine engines and auxiliary equipment,  
17 which was placed into operation in 2017.

18 Q. Thank you. Mr. Lund, would you please  
19 generally describe the expansion project Basin  
20 Electric is proposing today?

21 A. This project consists of six 18.8 megawatt  
22 natural gas reciprocating internal combustion  
23 engines and two F-Class natural gas simple cycle  
24 combustion turbines with the capacity to produce up  
25 to 250 megawatts each.

1           The reciprocating engine facility would be  
2 located south of the existing PGS units on the  
3 existing 120-acre parcel. The F-Class combustion  
4 turbine facility would be constructed to the north  
5 in a 160-acre parcel adjacent to the PGS site that  
6 was purchased by Basin Electric in September of  
7 2022.

8           Q. Thank you. Could you briefly describe the  
9 gross versus net generation we plan -- or that  
10 Basin Electric plans for the project?

11          A. Yes. Per Exhibit 7, the -- the gross  
12 generation for the -- for the project for the  
13 reciprocating engine facility would be  
14 112.9 megawatts and the net output would be  
15 111 megawatts with the -- the net being the actual  
16 output of the facility to the -- to the member  
17 system.

18          Q. Thank you. And who will the project  
19 serve?

20          A. The project will serve members in Basin  
21 Electric's service territory, including Class A  
22 member Upper Missouri Electric Cooperative and  
23 Class C member Mountrail-Williams Electric  
24 Cooperative.

25          Q. Mr. Lund, would you please generally

1 describe the schedule for the project?

2 A. Should the Commission decide to grant the  
3 certificate of site compatibility and other  
4 required permits and approvals received, the  
5 project is planned to begin on-site activities in  
6 the spring of 2023 with the completion of the  
7 reciprocating engine facility in the spring of 2025  
8 and commercial operation. Completion of the first  
9 combustion turbine and commercial operation by the  
10 spring of 2026 -- or 2025. And completion of the  
11 second combustion turbine and commercial operation  
12 by June of 2026.

13 Q. Thank you. And what is the estimated cost  
14 of the project?

15 A. The estimated cost of the generation  
16 facility and switchyard work scope is approximately  
17 670 million, which does not include Basin  
18 Electric's internal costs, such as labor or  
19 financing fees. In addition, there is -- there  
20 will also be an additional transmission system that  
21 will be filed under a separate permit. Total --  
22 the total project cost is estimated to be  
23 \$788 million.

24 Q. Thank you. Could describe why the F-Class  
25 combustion turbines were chosen instead of the

1 simple cycle combustion turbines or reciprocating  
2 engines chosen for Phases I through III?

3 A. These F-Class turbines provided the best  
4 operational flexibility and economies of scale to  
5 meet the projected load growth and daily operating  
6 profile compared to the smaller simple cycle  
7 combustion turbines or a -- or recip engines or  
8 a -- or a larger combined cycle facility.

9 Q. Mr. Lund, have there been any changes to  
10 the proposed expansion project since the  
11 application was submitted?

12 A. Yes. Both stormwater ponds were relocated  
13 as a result of the stormwater management plan  
14 review process.

15 Q. Thank you. What is the gas supply for the  
16 project?

17 A. Natural gas will be sourced from either  
18 the ONEOK Stateline I Gas Processing Plant or  
19 Northern Border Pipeline through a new one-half  
20 mile pipeline that will connect to the existing WBI  
21 energy transmission system. And this line would  
22 follow the same route as the pipeline currently  
23 serving PGS.

24 Q. How much water will the project consume  
25 and where will that water supply come from?

1           A.     Water is currently supplied to PGS by the  
2 Northwest Rural Water District that has a dedicated  
3 10-inch supply to the facility. During  
4 construction, water would be used to -- for dust  
5 control. And during facility operation, it would  
6 be planned to be used for potable water and the  
7 evaporative cooling makeup for the F-Class turbine  
8 system along with fire protection. At this point,  
9 Basin Electric expects the current water supply to  
10 meet the needs of the project.

11          Q.     Mr. Lund, is there any new electrical  
12 transmission needed for the project?

13          A.     New transmission will not be required to  
14 support construction of the project. However,  
15 for -- to connect the output of the project  
16 generation to the existing Basin system, we will  
17 need a new transmission line, and that line is  
18 currently being developed and will be permitted  
19 under a separate process.

20          Q.     Thank you. How does Basin Electric plan  
21 to maintain the site during and after construction?

22          A.     We will have -- our contractors are  
23 required to permit to provide an environmental plan  
24 and a site management plan that Basin will have  
25 on-site presence to monitor on a daily basis. And

1 then after construction, we will -- we will also be  
2 on site to -- to make sure that that plan was  
3 completed per the permit requirements.

4 Q. Thank you. Mr. Lund, would you please  
5 describe the workforce required for the  
6 construction of the project?

7 A. The workforce would be made up of several  
8 skilled trades, such as electricians, pipefitters  
9 and ironworkers. At this point, local labor would  
10 be used to the extent available. However, given  
11 the workforce plan and the tight labor conditions  
12 in this region, it is expected that a majority of  
13 the workforce would come from outside the region.

14 Q. What steps will Basin Electric take in  
15 order to be prepared for an emergency situation  
16 that could arise during or after construction?

17 A. All contractors are required to provide an  
18 emergency response plan for Basin Electric to  
19 review and are required to coordinate with local  
20 first responder agencies per the contract  
21 requirements.

22 Q. Thank you. How will Basin Electric ensure  
23 underground utilities are not damaged during  
24 construction of the project?

25 A. Basin Electric requires all contractors to

1 use the North Dakota One Call system at least  
2 48 hours in advance of any excavation.

3 Q. Thank you. What benefits will the project  
4 provide to the local economy?

5 A. Wages and salaries paid to construction  
6 workers -- contractors and workers as well as the  
7 permanent employees are expected to contribute to  
8 the local economy. And, in addition, Basin's  
9 business expenses during facility operations would  
10 benefit local businesses in addition to amounts  
11 paid out as state and local taxes.

12 Q. How many additional permanent workers are  
13 expected to be required?

14 A. At this point, the estimate is 15  
15 additional workers to support operations and  
16 maintenance for the new facility.

17 Q. Okay. Will Basin Electric make use of a  
18 primary energy source or raw material located  
19 within the state of North Dakota for this project?

20 A. Yes. Natural gas utilized by this  
21 facility will come from ONEOK's Stateline Natural  
22 Gas Processing Facility or the Northern Border  
23 Interstate Pipeline. While we are not certain that  
24 all the natural gas will come from North Dakota, it  
25 is anticipated that a major source will be from

1 North Dakota natural gas.

2 Q. Thank you. Mr. Lund, what effort has  
3 Basin Electric made to economize the costs of  
4 construction and operation?

5 A. By selecting the existing site for this  
6 project, the cost of the infrastructure and  
7 transmission interconnections were reduced, thereby  
8 minimizing the project cost. And in addition,  
9 materials and services have been and will be  
10 competitively bid for the project. And then after  
11 the project is completed, Basin Electric will  
12 maintain and own its own facility, minimizing the  
13 cost of contract labor.

14 Q. Mr. Lund, do you expect that a portion of  
15 the energy used by the project will be used in  
16 North Dakota?

17 A. Yes.

18 Q. What efforts has Basin Electric made to  
19 coordinate facilities?

20 A. Basin Electric works with the Western Area  
21 Power Administration and regional utilities and our  
22 member systems to share facilities and avoid  
23 duplication.

24 Q. Mr. Lund, based on your professional  
25 knowledge, do you believe the location,

1 construction, operation of the project will produce  
2 minimal adverse effects on the environment and upon  
3 the welfare of the citizens of North Dakota?

4 A. Yes.

5 Q. Does this complete your direct testimony?

6 A. Yes.

7 MS. MERKENS: Thank you, Mr. Lund. I have  
8 no further questions.

9 JUDGE DAWSON: Mr. Schuh, do you have any  
10 questions for this witness?

11 MR. SCHUH: Just a couple, Your Honor.

12 **EXAMINATION**

13 **BY MR. SCHUH:**

14 Q. Mr. Lund, why did the company choose to  
15 construct six RICE units as opposed to maybe a  
16 single simple cycle CT?

17 A. I'm sorry. When?

18 Q. Why.

19 A. Why? I'd like to defer that to Mr. Hertz.

20 Q. Okay.

21 A. I think he'd be more prepared for that  
22 answer.

23 MR. SCHUH: Sure. Well, I guess those are  
24 the questions I have of Mr. Lund then. Thanks.

25 JUDGE DAWSON: Commissioner Fedorchak.



1 think -- I remember when we permitted those, if  
2 it's like 200 megawatts or something like that.  
3 Kevin's nodding, so -- all right. Just -- I was  
4 just curious. I couldn't find that in the  
5 materials.

6 You mentioned a cost -- I think you said  
7 the cost is going to be 788 million total?

8 A. That's our total estimate for the project.

9 Q. Okay. And in the materials it said 670.  
10 So can you tell me what wasn't included or what's  
11 added on in there that wasn't included in the  
12 materials?

13 A. The 670 was specifically for the project  
14 under this permit application, which is for the  
15 generating facility, the land and the switchyard.  
16 It did not include some Basin internal costs that  
17 we include in our overall project budget, which is  
18 for internal labor, for financing fees. And then  
19 we did not include the cost of the proposed  
20 transmission line, the high-voltage transmission  
21 line because, again, that wasn't under the scope of  
22 this current application.

23 Q. Got it. So the 788 includes the  
24 transmission line?

25 A. That is correct.

1           Q.     Okay.  And I know that's not the subject  
2 here, but can you help me understand how long is  
3 that transmission line and why -- why do you need  
4 it?  Because you're already connected to the grid  
5 there obviously with the Pioneer Generating  
6 Station.

7           A.     Yeah.  The current output of the  
8 transmission system at Pioneer is a 115 kilovolt  
9 line.  With the 600 -- up to six -- or the close to  
10 600 megawatt projected output of the facility, that  
11 transmission line is not adequate.  And so through  
12 our transmission planning group, we determined that  
13 a -- a 345 kilovolt transmission line is required  
14 and that we have identified a spot to connect that  
15 into our system, and we're just in the route  
16 planning phase right now.

17          Q.     Okay.  About how long will that line be?

18          A.     15 to 20 miles.

19          Q.     Got it.  Okay.  How has the company's  
20 experience with the RICE units on your existing  
21 site been?  Must have been favorable because you're  
22 adding more?

23          A.     They have been.  They have been favorable.  
24 I mean, there's always issues with the new  
25 equipment to our company knowledge base, but

1 they've been very reliable and have worked as  
2 expected.

3 Q. Okay. And have they been running more  
4 often or at a higher capacity factor than you  
5 expected?

6 A. I'd like to defer that to Mr. Hertz.

7 Q. Okay. Great. You mentioned that the gas  
8 supply will come from ONEOK or Northern Border. Is  
9 that something that you've already secured? Will  
10 you have to continually negotiate or pick which one  
11 has the lowest price? How do you manage that?

12 A. Our contract is with WBI, the transmission  
13 system, from my knowledge.

14 Q. Okay.

15 A. And so whatever -- whoever can provide  
16 into that line will be -- will be utilized by the  
17 plant. So our contract is with the transmission  
18 entity for that gas.

19 Q. I see. And do you have pipes to both the  
20 Stateline and Northern Border?

21 A. Yeah. That's one of the benefits of this  
22 location is that there's a dedicated line from the  
23 Stateline plant to Northern Border that we can tie  
24 in to and so there's really limited other users of  
25 that line. And so we can -- since we're the

1 first -- we're close to Stateline, we're the first  
2 user off of that, you know, our primary source is  
3 the Stateline plant, and then if they're not able  
4 to supply, we can back-feed it from Northern Border  
5 and keep the facility in operation.

6 Q. And then, do you know, are they pretty  
7 excited about the potential of having this outlet  
8 right there so they can run more gas through their  
9 system?

10 A. I'm not aware of that.

11 Q. All right. Couple questions on the  
12 long-term. So is it -- are these facilities  
13 capable of having carbon capture equipment added to  
14 them longer term?

15 A. The combustion turbine facility, the --  
16 the location on the new parcel that we purchased,  
17 we did leave room for additional expansion,  
18 including carbon capture.

19 Q. Okay. So that's been part of your  
20 planning?

21 A. Well, we don't know what the technology  
22 would be, and so what we -- what we -- we try to  
23 leave enough room for what we think might happen if  
24 that ever came about, but we're not -- we haven't  
25 got to that point of even coming to and identifying

1 what technology could be used. We just have land  
2 available for it.

3 Q. All right. And then is it also capable of  
4 converting to hydrogen if you -- if that should  
5 become viable in the not too distant future?

6 A. We would have to work with the -- the  
7 equipment providers on their combustion systems.  
8 I'm not aware of any commercially available  
9 adaptation for hydrogen yet. That's in the  
10 marketplace.

11 Q. Was that something that you guys talked  
12 about or thought about in planning this or --

13 A. No.

14 Q. -- too far out?

15 A. No.

16 Q. Okay. Now just moving down into some more  
17 local issues. Well, first one more broad issue.  
18 Do you have a connection with SPP for this larger  
19 output, the 600 megawatts?

20 A. Yes. We have submitted an application  
21 last year for this -- for this project.

22 Q. Do you have the interconnection agreement  
23 yet or -- I don't know what they call it in SPP.  
24 That's what they call it in MISO.

25 A. We do not.

1 Q. You do not.

2 Do you anticipate any issues?

3 A. Well, my understanding -- and I -- I'd  
4 like to defer this to Mr. Hertz as well --

5 Q. Okay.

6 A. -- please.

7 Q. Fair enough. Then to some local issues.  
8 The area has to be rezoned to industrial. That's a  
9 Williams County issue. How is the -- how are your  
10 communications with Williams County going? Is that  
11 permit done? Is that process under way? What's  
12 the status of that?

13 A. I believe that's -- we have received that,  
14 but I'd like to defer to Mr. Solie to verify that.

15 Q. Okay. Are you aware of any local  
16 landowner objections or concerns to the project?

17 A. I am not aware of any.

18 Q. Okay. And then regarding lights and  
19 noise, can you -- it looks to me like you meet all  
20 the kind of thresholds out there for -- for the  
21 noise in particular. I couldn't quite decipher the  
22 potential lights or if that might be a concern to  
23 neighbors. Are you hearing anything about that or  
24 how do you mitigate those issues?

25 A. We do not -- we have not heard any issues

1 with that. We have not developed -- gotten to the  
2 point of the design to develop the light plan for  
3 the -- you know, the external -- external light  
4 plan for the project. Again, I'd like to defer to  
5 Mr. Solie on more details with that.

6 COMMISSIONER FEDORCHAK: Okay. I'm just  
7 going to double-check that I didn't miss anything.  
8 I think that concludes my questions. Thank you.

9 JUDGE DAWSON: Commissioner Christmann,  
10 any questions?

11 COMMISSIONER CHRISTMANN: Well, I think  
12 that pretty well concludes my questions, too, to  
13 tell you the truth.

14 **EXAMINATION**

15 **BY COMMISSIONER CHRISTMANN:**

16 Q. But you deferred on -- on the zoning. And  
17 so I presume the weeds would also be for -- for  
18 Mr. Solie -- weed management plan and weed --  
19 county weed board and such?

20 A. Correct.

21 Q. Okay. And you deferred to Mr. Lund [sic]  
22 on the -- the RICE units versus the combustion  
23 chamber discussion, and so I had some questions  
24 regarding a potential combined cycle. Would those  
25 also be for Mr. Lund?

1           A.     Well, I can -- I can speak to that as far  
2 as the project planning. Is that -- in addition to  
3 leaving space for a potential carbon capture, we've  
4 also left space on the -- on the site of the  
5 combustion turbine area for a potential combined  
6 cycle buildout. It's not in planning, but we  
7 wanted to make sure there was space available if  
8 that did come up in the future.

9           Q.     And so what does that mean when you say a  
10 potential combined cycle buildout? You mean the  
11 addition of another combined cycle or do you mean a  
12 transformation of this into a combined cycle?

13          A.     It would be the transformation of the --  
14 of the new F-Class combustion turbines into a  
15 combined cycle facility.

16          Q.     And I don't understand the mechanics of  
17 this at all, but there's a couple of previous  
18 combustion chamber gas plants that we have approved  
19 that were kind of designed where they can just add  
20 the ability to -- to transition that into a  
21 combined cycle.

22          A.     Mm-hmm.

23          Q.     Is that how this is, that it's kind of  
24 built for a potential transformation?

25          A.     It's arranged such that a combined cycle,

1 the -- the boiler, the steam turbine and the  
2 required equipment for a combined cycle could be  
3 fitted on the existing F-Class combustion turbines.

4 Q. What does F-Class mean?

5 A. It's a standard industry class regarding  
6 size and output of combustion turbines. F-Class is  
7 a nominal 250 megawatt -- you know, 230, 250  
8 megawatt. It's just a -- it's a -- it's a class  
9 that the manufacturers use to kind of align  
10 their -- their products so the customers kind of  
11 know what we're talking about.

12 Q. So I was -- I was looking at information  
13 from the EIA just dealing with SPP stuff, and it  
14 seems like everybody is building enough to get by  
15 with these peaking plants and nobody's hardly  
16 building any real baseload anymore. That's an  
17 exaggeration. Very few are being built. And so I  
18 was looking this up, and the -- the operation and  
19 maintenance of a combined cycle is very little more  
20 than half of what a combined cycle is. And so, you  
21 know, I kind of understand not going to a combined  
22 cycle when someone is adding 45 megawatts or  
23 something like that. But when you're building  
24 something this large, why not just go to a combined  
25 cycle right away?

1           A.    I -- I would prefer that Mr. Hertz address  
2           that.  I think he is -- I'd like to defer that to  
3           Mr. Hertz --

4           Q.    Okay.

5           A.    -- on that question.

6           Q.    Fair enough.  Oh, and then on the -- the  
7           transmission line application, you said that'll be  
8           a separate application, but if this were approved,  
9           is this something you would begin building until  
10          you knew that you had the transmission system  
11          approved for it?

12          A.    Well, we -- we're currently -- we're in  
13          the planning process of identifying a route to  
14          where we get landowner approval for surveying to  
15          the point where we can -- we can have the line  
16          defined enough to provide a permit, and our plan is  
17          to have that in place by the end of this summer,  
18          and for the permitting process to be ideally  
19          completed by early 2024 and with the line being  
20          constructed to provide the interconnection to the  
21          site by the middle to end of 2024 in time for  
22          the -- the commissioning and startup for the new  
23          units.  So it's a parallel process right now.

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



1 why were they moved?

2 A. Through the review process and -- and --  
3 and with the local consultant and looking at the  
4 outflows of the stormwater ponds because they have  
5 a certain outflow rate and that would impact  
6 adjacent landowners, we took a second look at the  
7 plan and identified that the new locations would  
8 have a lower impact. The drainage of those  
9 stormwater ponds would have a lesser impact on the  
10 adjacent -- on adjacent landowners, so they were  
11 relocated.

12 Q. Okay. And have -- those surrounding  
13 landowners, are they aware of where the new pond is  
14 being considered and no objections?

15 A. I don't believe we've went through that  
16 process yet.

17 Q. Okay.

18 A. But Mr. Solie may be able to -- to verify  
19 that.

20 Q. Okay. And I think we're looking at  
21 Mr. Hertz to talk about the clarification on all  
22 the permitting. According to the written testimony  
23 coming in, the only thing that we're really waiting  
24 for is Williams County's permission and they're  
25 supposed to be meeting in January, correct, for the

1 final authorization?

2 A. I think we have -- we have a few different  
3 permit requirements and approvals, but, yeah,  
4 they're -- the meeting in January will have -- my  
5 understanding will have some topics regarding the  
6 project.

7 COMMISSIONER HAUGEN-HOFFART: Okay. I  
8 have no further questions.

9 JUDGE DAWSON: Ms. Merkens, any redirect?

10 **REDIRECT EXAMINATION**

11 **BY MS. MERKENS:**

12 Q. Mr. Lund, at this time is there any plan  
13 to expand Pioneer Generating Station beyond what we  
14 are presenting -- what Basin Electric is presenting  
15 today?

16 A. No.

17 Q. Thank you. As far as the stormwater  
18 ponds, when they were -- will they -- has the size  
19 of those ponds been -- is there a final decision on  
20 the size of those ponds?

21 A. Yes. They -- they have been sized and  
22 have -- we are out for bid for that work, and that  
23 has been included -- that revised location and size  
24 has been included in the bid documents.

25 Q. Did Basin Electric consult surrounding

1 landowners as far as the location of the stormwater  
2 ponds, and how did that -- how did those  
3 conversations affect the location of the ponds on  
4 the site?

5 A. I was not involved in that process. I'd  
6 like to have Kevin Solie -- or Mr. Solie address  
7 that.

8 MS. MERKENS: Thank you. No further  
9 questions.

10 JUDGE DAWSON: Are there any further  
11 questions? Mr. Schuh?

12 MR. SCHUH: No, Your Honor, but Adam  
13 Renfandt does have one question related to  
14 interconnections, transmission.

15 JUDGE DAWSON: Mr. Renfandt.

16 **EXAMINATION**

17 **BY MR. RENFANDT:**

18 Q. I'm not sure if you'd be the witness to  
19 answer this, but I notice that you applied the  
20 units as energy resources for your interconnection  
21 versus network. Do you plan on firming that up  
22 with a transmission service like point to point?

23 A. Yeah. I'm not available -- or qualified  
24 to answer that question.

25 MR. RENFANDT: Okay.

1 JUDGE DAWSON: Any further questions from  
2 the commissioners? Fedorchak?

3 COMMISSIONER FEDORCHAK: No, I'm good.  
4 Thank you.

5 JUDGE DAWSON: Christmann?

6 COMMISSIONER CHRISTMANN: No.

7 JUDGE DAWSON: Haugen-Hoffart?

8 COMMISSIONER HAUGEN-HOFFART: Just one  
9 clarification.

10 **FURTHER EXAMINATION**

11 **BY COMMISSIONER HAUGEN-HOFFART:**

12 Q. When do you expect to receive the  
13 documentation regarding the stormwater and the --  
14 the RFP? Where are we at with that process?

15 A. The -- the application to Williams County  
16 was -- was issued earlier this week, and I believe  
17 it's -- it's on their agenda for their January  
18 meeting.

19 COMMISSIONER HAUGEN-HOFFART: Okay. Thank  
20 you.

21 JUDGE DAWSON: If there are no further  
22 questions, you may step down.

23 THE WITNESS: Thank you.

24 JUDGE DAWSON: You may call your next  
25 witness.

1 MS. MERKENS: Your Honor, I'd like to call  
2 Mr. Benjamin Hertz.

3 JUDGE DAWSON: Mr. Hertz, you were here  
4 for my previous warnings as to perjury so you  
5 understand what perjury is and the penalties for  
6 it; correct?

7 THE WITNESS: Yes, Your Honor.

8 (Witness sworn.)

9 JUDGE DAWSON: Ms. Merkens, you may begin.

10 MS. MERKENS: Thank you, Your Honor.

11 **BENJAMIN HERTZ,**

12 being first duly sworn, was examined and testified  
13 as follows:

14 **DIRECT EXAMINATION**

15 **BY MS. MERKENS:**

16 Q. Mr. Hertz, would you please state your  
17 name, address and occupation.

18 A. My name is Benjamin Hertz. My business  
19 address is 1717 East Interstate Avenue, Bismarck,  
20 North Dakota. I am employed by Basin Electric  
21 Power Cooperative as the manager of power supply  
22 planning.

23 Q. What have been your responsibilities in  
24 connection with the Pioneer Generation Station  
25 Phase IV, also known as the project?

1           A.     I am responsible for identifying the need  
2     for additional generation. Through Basin  
3     Electric's load forecasting process and subsequent  
4     evaluation of the cooperative's ability to meet its  
5     obligations to its members, Basin Electric has  
6     identified the need for the additional generation  
7     required by this project.

8           Q.     Mr. Hertz, what is Basin Electric's  
9     commitment to North Dakota consumers regarding  
10    their electric supply?

11          A.     Basin Electric is contractually required  
12    to meet all of the additional power requirements  
13    from its rural electric cooperatives from their  
14    allocation from Western Area Power Administration.

15          Q.     How did Basin Electric determine the need  
16    for the project?

17          A.     The need was determined through Basin  
18    Electric's load forecasting and power supply  
19    planning process.

20          Q.     Would you please describe the results of  
21    the most recent load forecast and power supply  
22    planning process?

23          A.     Basin's 2022 load forecast was approved by  
24    the Basin Electric board of directors in January of  
25    2022. The 2022 load forecast was developed in

1 conjunction with each of Basin Electric's Class A  
2 and Class C members. The subsequent power supply  
3 planning process compared the results of the  
4 forecast to Basin Electric's existing fleet of  
5 generation and power purchase agreements.

6 The difference in the load forecast plus  
7 losses and reserves and our existing generating  
8 resources define the load and capability of our  
9 system. The capacity deficiencies or surpluses are  
10 determined on this basis. As a result of this  
11 process, it became apparent that Basin Electric  
12 needed to secure additional resources in the  
13 Southwest Power Pool region to meet growing demand  
14 and provide an adequate supply of electrical power  
15 for our memberships.

16 Q. Thank you. Why did Basin Electric choose  
17 the natural gas reciprocating engines and F-Class  
18 simple cycle combustion turbines to serve this  
19 need?

20 A. Basin Electric considered a number of  
21 demand and supply side resource alternatives as a  
22 means of meeting these needs. To evaluate purchase  
23 opportunities, Basin Electric released a request  
24 for proposal for any resources in the Upper  
25 Missouri Zone in December of 2021. And for

1 self-build options, Basin Electric hired an  
2 engineering firm to provide a technology assessment  
3 study to evaluate updated pricing and performance  
4 characteristics of new resource options.

5 Through an evaluation of these  
6 alternatives, Basin Electric selected the natural  
7 gas internal combustion reciprocating engines,  
8 which offer a high degree of operational  
9 flexibility, and F-Class simple cycle combustion  
10 turbines, which offer a very effective installed  
11 capacity.

12 Additionally, Basin Electric has entered  
13 into a power purchase agreement for 200 megawatts  
14 of wind within The Upper Missouri Zone and a number  
15 of shorter term capacity purchases over the next  
16 three years. Overall, these diversified resource  
17 additions will provide capacity and energy  
18 necessary to serve our membership load and also  
19 demonstrates Basin's commitment to an  
20 all-of-the-above energy strategy.

21 Q. Mr. Hertz, how will these units be  
22 dispatched and what's the time frame for the  
23 dispatch?

24 A. These units will be dispatched based on  
25 market conditions and local reliability needed to

1 support the Bakken area. The plant will be  
2 notified by the Southwest Power Pool that the units  
3 are needed to operate and provided a time when they  
4 need to be at a specific generation level. These  
5 units in particular are all capable of being online  
6 within 20 minutes.

7 Q. Thank you. How does this project support  
8 the reliability of the electrical system in the  
9 area?

10 A. This project, as well as our other local  
11 units at Pioneer and Culbertson Generation Station  
12 and Lonesome Creek Generation Station, will provide  
13 local generation in the event of transmission line  
14 outages or restrictions. This generation is needed  
15 to support electric load growth in this area.

16 Q. Mr. Hertz, besides this project, what else  
17 is Basin Electric doing to meet electrical demand  
18 throughout the cooperative's footprint?

19 A. Besides this project -- in addition to  
20 this project, Basin Electric has committed to  
21 \$470 million of transmission upgrades over the next  
22 several years to support the Bakken area load  
23 growth. These projects were approved as part of  
24 SPP's integrated transmission planning process.

25 Q. Thank you. Will the project affect Basin

1 Electric's members' rates?

2 A. No. This project is included in the  
3 current financial forecast which does not include a  
4 rate increase for Basin Electric's members.

5 Q. Mr. Hertz, does the project ensure that  
6 the capacity and energy needs of Basin Electric's  
7 member cooperatives in the area will be fulfilled  
8 in an orderly and timely fashion?

9 A. Yes. The project schedule supports the  
10 need to bring additional generation online in 2025  
11 and 2026 consistent with the needs identified in  
12 our load forecast.

13 Q. Will the project benefit the area in which  
14 Basin Electric is proposing to construct?

15 A. Yes. The project will provide a direct  
16 benefit to the area by allowing for reliable  
17 service to area consumers. The project will also  
18 serve needed capacity to Basin Electric's overall  
19 membership obligations.

20 Q. Mr. Hertz, are there any plans for  
21 expansion of -- of the Pioneer Generating Station  
22 beyond the proposed project?

23 A. Not currently. But if the need for  
24 additional generation rises, the site is large  
25 enough for further expansion.

1 Q. Does the technology chosen ensure that the  
2 capacity and energy needs of Basin's members will  
3 be fulfilled in an orderly and timely fashion, in  
4 your professional opinion?

5 A. Yes.

6 Q. Thank you. Does this conclude your direct  
7 testimony?

8 A. Yes.

9 MS. MERKENS: No further questions. Thank  
10 you.

11 JUDGE DAWSON: Mr. Schuh, do you have any  
12 questions for this witness?

13 MR. SCHUH: Yes, Your Honor.

14 **EXAMINATION**

15 **BY MR. SCHUH:**

16 Q. Mr. Hertz, you probably heard my previous  
17 question, but I'm curious as to why six  
18 reciprocating internal combustion engines as  
19 opposed to a single simple cycle CT, whether it's  
20 F-Class series or a different series?

21 A. Sure. The difference in technology  
22 selected offer portfolio diversity. These engines  
23 have unique attributes. Reciprocating engines in  
24 general are very fast acting. They can ramp very  
25 quickly and they can turn down to a very low level.

1 They offer attributes that the F-Class turbines do  
2 not but come at a higher price.

3 Q. Gosh, so it sounds like there are some  
4 operational benefits to having the RICE units?

5 A. That's correct.

6 Q. Okay.

7 A. Now, the F-Class turbines themselves are  
8 also rather fast acting.

9 Q. Sure.

10 A. In simple cycle duration, they can be  
11 called upon quite quickly as well, but in a -- in a  
12 related manner to the recipis, the recipis will have  
13 a slightly better heat rate and much more  
14 flexibility. So we expect they would be called  
15 upon --

16 Q. Sure.

17 A. -- prior to the F-Class turbines.

18 Q. And the recipis will -- can be more easily  
19 constructed and quicker; is that correct?

20 A. They will be the first units online in  
21 this project --

22 Q. And was that --

23 A. -- and they come in a much more modular  
24 form, so there's a simpler installation.

25 Q. Sure. So was the quicker installation a

1 factor in your consideration of using them as  
2 opposed to a different -- different generation  
3 resource?

4 A. Both resources the time frame for  
5 construction was considered, but --

6 MR. SCHUH: Okay. Those are my questions,  
7 Your Honor. Thank you.

8 JUDGE DAWSON: Mr. Renfandt.

9 **EXAMINATION**

10 **BY MR. RENFANDT:**

11 Q. Yes. I think you heard my last question  
12 addressed to Mr. Lund. Would you be the witness to  
13 talk about the type of interconnection service that  
14 was requested and why an energy-only request versus  
15 a network request was submitted to SPP?

16 A. Sure. The energy request will be  
17 supplemented by a network transmission request, so  
18 they will become a network resource for Basin  
19 Electric, not a point-to-point, but a network  
20 resource on our units, which we will -- which will  
21 be studied independently.

22 MR. RENFANDT: Thank you. No further  
23 questions, Your Honor.

24 JUDGE DAWSON: Commissioner Fedorchak, any  
25 questions for this witness.



1 convenience.

2 Q. Okay. And I apologize, I'm not that  
3 familiar with SPP. Is that how it always works?  
4 You do the energy first and then the network or --

5 A. In some instances you can -- you can study  
6 an NRZ versus an ERZ immediately, but this has --  
7 this has been our typical approach.

8 Q. Okay. All right. A few follow-ups, and  
9 I know Randy has more on the combined cycle thing,  
10 but could you help me understand the capacity  
11 factors that your existing -- and I've been calling  
12 them RICE. Is it recipis? What is the difference  
13 there in that acronym?

14 A. They're both correct.

15 Q. Where does the P come from on recipis?  
16 What's that stand for?

17 A. It's just reciprocating engine.

18 Q. Oh, it's --

19 A. Just the classification of the engine  
20 type.

21 Q. Okay. Got it. What has been the capacity  
22 factor of your existing units, your RICE?

23 A. It has varied, but in the Bakken area in  
24 particular we have observed that our -- what we  
25 might consider peaking plants are called upon much

1 more than we would expect. A typical peaking plant  
2 you might expect to operate around 10 percent  
3 capacity factor. Our units in the Bakken for --  
4 for the nature of the area, the growth that it's  
5 seen and the transmission constraints, units in the  
6 Bakken are called upon quite often for reliability  
7 support.

8 As a result, our units in that area are  
9 dispatched at a higher capacity factor than would  
10 normally be expected under normal transmission  
11 conditions. And as a result, they have varied in  
12 the neighborhood of 20 to 40 percent, I believe, in  
13 the -- in the most recent past.

14 Q. Okay. And is that what you're expecting  
15 of the new units as well?

16 A. We are expecting a higher capacity factor  
17 for the reciprocating engines. Now, for the F-Class engines, we  
18 are expecting them to operate in the neighborhood  
19 of 20 to 25 percent. We do expect that all of  
20 those capacity factors would decrease when  
21 transmission constraints are worked up throughout  
22 the future.

23 Q. Okay. And then what would be providing  
24 the base electricity? Wind?

25 A. Wind, coal, other lower-cost assets

1 throughout SPP.

2 Q. Got it. So you said the RICE you expect  
3 to run at a higher capacity factor than 20 to  
4 25 percent. So are you thinking more like 40 with  
5 the RICE?

6 A. I would expect them to run consistent with  
7 what we have seen in most recent history which has  
8 varied between those ranges. Yes.

9 Q. Okay. All right. I might have some  
10 follow-up after Randy asks -- asks his questions  
11 about the combined cycle stuff.

12 How much wind do you have on your system?

13 A. Basin Electric as of 2021 has 17 -- over  
14 1700 megawatts in wind in our overall portfolio.

15 Q. And do you have goals for additional wind?  
16 Are you seeking to get at a certain percentage of  
17 your generation coming from wind?

18 A. We do not have a defined target. We try  
19 to make our decisions on an economic basis, and we  
20 have found over time that -- that additional wind  
21 additions have been economic and we'll continue to  
22 evaluate it on that basis.

23 Q. And is that part of your decision to add  
24 sort of smaller units that can be turned on and off  
25 quickly to ramp up and down? That seems to be

1 something that would follow a renewable resource  
2 more than, say, a combined cycle unit.

3 A. In general, yes, but more a reflection of  
4 the overall SPP footprint. SPP has a lot of wind  
5 itself, and we're subject to the market conditions  
6 that result regardless. So the resources we select  
7 have to fit in with the resources on the system.

8 Q. I see. Okay. That makes sense. Was the  
9 near-term capacity need that you are showing on --  
10 I'm looking on 2-5 in the application where there's  
11 a pretty concerning significant drop in the deficit  
12 at SPP starting in 2024. Was that a surprise in  
13 your load forecast?

14 A. We have seen volatility in our load  
15 forecast over the past five years due to ups and  
16 downs in commodity prices, energy and the COVID  
17 period. We have forecasted the need for additional  
18 generation in the Bakken region for some time, so  
19 not necessarily a surprise. But due to the uptick  
20 in our most recent load forecast, we are  
21 accelerating this by a couple more years than we  
22 had previously thought.

23 Q. Okay. Did that factor into your choice of  
24 resources or would you have likely picked these  
25 single cycle or the RICE units regardless of how

1 much time you had?

2 A. We did consider as a factor the amount of  
3 time we had to build a new resource. However, we  
4 do consider these resources to be the most  
5 economic.

6 Q. Mm-hmm. Even based on your experience  
7 with running your existing RICE units for a number  
8 of years at a higher capacity factor than they're  
9 maybe designed for?

10 A. There would need to be a -- I think the  
11 answer is yes. Yes.

12 Q. Okay. And I'm not trying to question your  
13 guys' judgment. I'm trying to learn how you guys  
14 pick resources in this ever-changing market and  
15 world of integrating renewables, so that's the  
16 nature of my -- my questions here.

17 Let's see here. Now, another kind of  
18 question on that nature, in MISO they've gone to  
19 seasonal planning and requiring all of their  
20 members to have units lined up for each season. If  
21 SPP did that, how would this -- how would these  
22 units -- would these still be the right choice, I  
23 would say, if you had to have specific additional  
24 resources for a winter peak?

25 A. Sure. We are aware of the seasonal

1 resource adequacy structure that MISO has adopted.  
2 We serve load there as well. Generally, if a  
3 seasonal construct were to be implemented in a  
4 similar manner, it may increase Basin's overall  
5 capacity needs in the winter. So we would -- we  
6 would, yes, still favor these resources, but we may  
7 need to look at additional resources in response to  
8 that.

9 COMMISSIONER FEDORCHAK: I see. Okay.  
10 Let's see here. I just want to make sure I didn't  
11 miss anything. I think that covers my questions  
12 for now. Thank you.

13 JUDGE DAWSON: Commissioner Christmann,  
14 any questions?

15 **EXAMINATION**

16 **BY COMMISSIONER CHRISTMANN:**

17 Q. So regarding the demand forecast, is a lot  
18 of the change because of just sort of this new  
19 model that we're seeing around the country of all  
20 the additional data processing being built in  
21 especially rural areas?

22 A. We have seen in the 2022 forecast more  
23 requests and more planned projects for data  
24 center-type projects than we have in the past.  
25 It's definitely a part of our increase in need.

1           Q.     Okay.  So then now I want to get back to  
2 what I started on with Mr. Lund.  When I look at  
3 this EIA, and I realize that's pretty -- this  
4 information is pretty generalized and scales are  
5 pretty far off because the peaking plants, their  
6 averages are based on projects with a lot smaller  
7 scale than what their combined cycle projects are.  
8 But this project, if you combine everything  
9 together, is significantly bigger than their  
10 average combined cycle projects, so I think there  
11 are comparisons here.

12                     The O&M -- the operating and maintenance  
13 costs of a combined cycle plant is so significantly  
14 less, and when I look at their numbers, the  
15 construction costs are more for a combined cycle  
16 but it didn't seem to me like it's really a lot  
17 more.  And then when you add in that most of these  
18 peaking plants are designed to run at 10 percent  
19 capacity or somewhere around there and yours are  
20 running at 20 to 40 percent paying all those  
21 additional O&M costs, I can't see how this figures  
22 out financially that this is a better model than a  
23 combined cycle plant would be, unless you're  
24 calculating in -- and I understand that they're  
25 real, but kind of ESG-related benefits to the fact

1 that this works along with adding the wind PPA. So  
2 explain to me that kind of --

3 A. Sure. I'll try to address that in parts.  
4 First the O&M costs, in typical publications they  
5 have to use assumptions for capacity factor.  
6 Typically, you'd expect a combined cycle resource  
7 to operate at a higher capacity factor, so per  
8 megawatt hour those costs are able to be blended  
9 down. That can also be the case for simple cycle  
10 generators. The more energy you're able to  
11 produce, that cost can be blended down in a similar  
12 manner.

13 But a primary consideration towards siting  
14 these resources in SPP is the outlook for future  
15 renewable buildouts. SPP has a lot of wind on the  
16 system right now, and more -- on a more frequent  
17 basis there's more wind available than current  
18 load. So there are curtailments on the system.  
19 There are -- and the effect of these phenomenons  
20 which are increasing, they drive dispatchable  
21 resources offline. They have a lower marginal  
22 cost, effectively zero dollar fuel.

23 So the challenge to siting new resources  
24 in this environment is predicting how much more  
25 renewables will be built out. There are some

1 levels of uncertainty that we've been considering:  
2 additional load growth in the area versus what  
3 happens when the transmission buildout is  
4 completed, there will be more access to -- to wind  
5 across SPP's system to this area, and need to  
6 balance the actual expected dispatch of a combined  
7 cycle resource.

8           And the -- the impact of more renewable  
9 generation online means there are -- there are less  
10 instances where a combined cycle could be picked up  
11 on economic dispatch. It may not start as often as  
12 you think. It may not run as often as you think.  
13 It may be called to start multiple times a day.  
14 All these factors eat into the economics of the  
15 plant; whereas a simple cycle generation resource,  
16 they can start quickly, they can react when load is  
17 needed, shut back down, and the economics of each  
18 of these assets balance the more those phenomenon  
19 continue.

20           And with the recent passage of the IRA, do  
21 expect more renewables to be built out across the  
22 country, across the system making it more  
23 challenging to site what we might have used to  
24 consider as baseload assets. I hope that helps.

25           Q. It helps a lot except for there's one part

1 of it that I'm not able to put together. You said  
2 the -- the existing as well as likely additional  
3 renewables on the system are -- are driving the  
4 market, and I understand that to not run these  
5 units, but at the same time your existing gas  
6 plants in the Bakken region that were designed, I  
7 think, to run, I think you said, around 10 percent  
8 are running 20 to 40 percent, which tells me  
9 they're not being pushed off the market even as  
10 much as was originally planned.

11 A. Yes. However, with the buildout of the  
12 high voltage transmission system, we expect the  
13 units that operate in the Bakken at a higher  
14 capacity today will normalize with the overall SPP  
15 footprint, and that will happen in the -- in the  
16 near future, around 2027.

17 Q. I'm sorry. Can you elaborate what you  
18 mean by it will normalize with the SPP footprint?

19 A. The Bakken region has been outgrowing the  
20 bulk transmission system across the SPP footprint.

21 Q. For demand?

22 A. For demand. And as a result, it is more  
23 reliant on local generation. That may not be an  
24 economic dispatch had those constraints been  
25 alleviated across the system. So there will be

1 more wind penetration into the area when  
2 transmission projects are completed.

3 Q. And so that is enough to offset the  
4 significantly higher operation and maintenance even  
5 when these things are running 20 to 40 percent of  
6 the time?

7 A. Currently, yes.

8 COMMISSIONER CHRISTMANN: Okay. I don't  
9 think I have any other questions. Thank you.

10 JUDGE DAWSON: Commissioner  
11 Haugen-Hoffart.

12 **EXAMINATION**

13 **BY COMMISSIONER HAUGEN-HOFFART:**

14 Q. Can you elaborate on the technology that  
15 was chosen? You stated that it was chosen in an  
16 orderly and timely fashion. What technology are  
17 you referring to?

18 A. The technology selected for this project  
19 were natural gas reciprocating engines and F-Class  
20 combustion turbines.

21 Q. That's all that you were referring to,  
22 those two?

23 A. Correct.

24 COMMISSIONER HAUGEN-HOFFART: Okay. I  
25 have no further questions.

1 COMMISSIONER FEDORCHAK: I do.

2 JUDGE DAWSON: Yeah. Ms. Merkens, any  
3 questions?

4 MS. MERKENS: No, Your Honor.

5 JUDGE DAWSON: Mr. Schuh?

6 MR. SCHUH: No, Your Honor.

7 JUDGE DAWSON: Commissioner Fedorchak.

8 COMMISSIONER FEDORCHAK: Thank you.

9 **FURTHER EXAMINATION**

10 **BY COMMISSIONER FEDORCHAK:**

11 Q. So just a follow-up to some of Randy's  
12 questions. Your -- SPP has got a lot of wind and  
13 so you're planning on that increasing, and with the  
14 transmission buildout we'll be able to  
15 theoretically get this wind power wherever it's  
16 needed; right? How are you planning for and how is  
17 SPP rewarding resources like these or combined  
18 cycle -- maybe it's the same -- for reliability  
19 assuming there's, say, a two-week wind deficit in  
20 the winter that covers the whole region and it's  
21 great we have the transmission system to get these  
22 wind resources everywhere but there's no wind? So  
23 then what? I mean, how -- does SPP -- does how  
24 they reward your units, whether it's a RICE unit or  
25 a simple cycle or a combined cycle, is it the same?

1 Would it be the same regardless so there's no  
2 incentive to build, say, a combined cycle unit?

3 A. For the purposes of resource adequacy, the  
4 accreditation of a unit would be based on its  
5 availability.

6 Q. Okay.

7 A. And so they would -- both a combined cycle  
8 and a simple cycle unit would be granted full  
9 accreditation because they can generate power  
10 whenever needed. It's addressing wind capacity.  
11 By deducting that over time as more gets built on  
12 the system, it's accredited less and less, so that  
13 is meant to disincentivize that as a capacity  
14 resource but more look at it as an energy resource.

15 Q. So these will cover you in that regard the  
16 same, regardless of whether it's a RICE or a  
17 combined cycle --

18 A. Yes.

19 Q. -- the same credit?

20 A. That's correct.

21 COMMISSIONER FEDORCHAK: Got it. All  
22 right. Thank you.

23 JUDGE DAWSON: Any further questions?

24 Seeing no further questions, you may step down.

25 And we will take a 15-minute break, coming back at

1 25 minutes after.

2 (Recessed at 10:11 a.m. and reconvened at  
3 10:26 a.m.)

4 JUDGE DAWSON: It looks like we're ready  
5 to begin, and so we are back on the record.

6 Ms. Merkens, would you like to call your  
7 next witness?

8 MS. MERKENS: Yes, Your Honor. I'd like  
9 to call Mr. Kevin Solie to the stand, please.

10 JUDGE DAWSON: Mr. Solie, you were here  
11 for my previous admonitions as to perjury, so you  
12 understand what perjury is and the penalties for  
13 it?

14 THE WITNESS: Yes, Your Honor.

15 (Witness sworn.)

16 JUDGE DAWSON: You may begin.

17 MS. MERKENS: Thank you.

18 **KEVIN SOLIE,**

19 being first duly sworn, was examined and testified  
20 as follows:

21 **DIRECT EXAMINATION**

22 **BY MS. MERKENS:**

23 Q. Mr. Solie, would you please state your  
24 name, address and occupation?

25 A. My name is Kevin Solie. I'm recently

1       retired and a contract employee for Basin Electric  
2       Power Cooperative. The business address is still  
3       the same, though. It's 1717 East Interstate Avenue  
4       in Bismarck.

5           Q.     Would you please describe your  
6       professional experience?

7           A.     Sure. In my past 15 years at Basin  
8       Electric, I've had really the privilege to seek  
9       approval -- approvals and permits for a little over  
10      \$1.5 billion worth of infrastructure in North  
11      Dakota, South Dakota and Montana. The types of  
12      projects have varied, including electrical  
13      transmission lines, pipelines and generation  
14      facilities such as this one.

15          Q.     Mr. Solie, what have been your  
16      responsibilities in connection with the Pioneer  
17      Generation Station Phase IV projects?

18          A.     I have been responsible for the  
19      preparation and coordination of the environmental  
20      analysis of the project within Basin Electric and  
21      through various consultants, including Burns &  
22      McDonnell who completed the application for us.

23                    So we work with different departments  
24      within Basin Electric and different consultants  
25      doing kind of various work, such as cultural

1 resources and biology.

2 Q. Would you please provide a general  
3 description of the land use project site?

4 A. Sure. The land use in the area is a  
5 mixture of heavy industrial and -- and  
6 agricultural. The existing site is 120 acres, and  
7 that has -- I know you're not supposed to do math  
8 in public, but I think 242 megawatts existing  
9 there. That was a question that came up earlier.

10 We've acquired an additional 160 acres to  
11 the north, and this kind of speaks to some of the  
12 questions that have come up earlier. We  
13 received -- or the Williams County Commission  
14 approved the change to heavy industrial zoning for  
15 that parcel on Tuesday morning, and we just got the  
16 approval letter yesterday, and so we're -- we're  
17 looking at that.

18 Across the road, of course, there's  
19 additional heavy industrial with the ONEOK  
20 Stateline gas plant.

21 Q. Would you please describe the survey area  
22 and the study area for the project?

23 A. Sure. The survey area is the -- you know,  
24 really where the footprint of the facility will be.  
25 So the 160-acre parcel has been surveyed for

1 cultural resources and biological resources. The  
2 study area goes out beyond that and is kind of  
3 particular to the resource.

4 For the biological resources, our study  
5 area extended -- we had a one-half mile buffer for  
6 that. For the cultural resources, that buffer goes  
7 out to one mile and that's based on guidance from  
8 the North Dakota SHPO.

9 And if you probably saw on some of the  
10 maps, we went really outside of the county to find  
11 exclusion areas so we could, you know, show them on  
12 the map. For instance, there are the ICBM sites in  
13 Mountrail County. So it kind of varies by  
14 resource.

15 Q. Mr. Solie, does the project area contain  
16 any exclusion areas?

17 A. No, it does not.

18 Q. Does the project area contain any  
19 avoidance areas?

20 A. No, but I'd like to expand a little on  
21 that. In our desktop study phase, there were eight  
22 or nine National Wetland Inventory or NWI wetlands  
23 mapped, and so these NWI maps are prepared using  
24 soil maps and air photos and are not necessarily  
25 accurate.

1           When we had the field biologists survey  
2 the site, they observed that only one of the  
3 wetlands were actually present on the site. So  
4 there -- essentially there are no wetlands. And  
5 kind of using a -- a belt-and-suspenders approach,  
6 I'd call it, we did submit a jurisdictional  
7 determination request to the U.S. Army Corps of  
8 Engineers just to verify that the wetlands are not  
9 jurisdictional, so they concurred with the  
10 assessment of the biologist.

11           Q.    Mr. Solie, how does Basin Electric's  
12 selection of the site demonstrate that the  
13 significant adverse effects upon agricultural  
14 production, family farms and ranches will be kept  
15 to an acceptable minimum?

16           A.    Sure. We do try to minimize the footprint  
17 and disturbance for all of our facilities, and I  
18 think it was mentioned earlier, you know, the  
19 entire expansion area, you know, is a quarter  
20 section but we'd only use maybe a hundred acres of  
21 that. And so a hundred acres of ag land out of  
22 the, you know, thousands and thousands of acres of  
23 ag land in Williams County is insignificant.

24           Q.    Thank you. Is there any anticipated  
25 impact on the surface drainage patterns or

1 groundwater flows?

2 A. There are no surface waters or streams  
3 located on the project site, and groundwater is at  
4 a great depth in the region, so no impacts are  
5 expected.

6 Q. Do you anticipate any significant adverse  
7 effects to noise sensitive lands?

8 A. No. The noise levels will have a minimal  
9 impact on the nine nearby properties, and one of  
10 the appendices in the application was a noise study  
11 prepared by Burns & McDonnell. And I think  
12 Commissioner Fedorchak referenced it earlier, for  
13 residential areas, the typical limit is called out  
14 at 55 dBA, and all of the properties within the  
15 area are much less than that. And we even looked  
16 at properties as far away as about 8,600 feet.

17 Q. Do you anticipate any significant adverse  
18 visual impacts?

19 A. Well, no. The -- the project of course --  
20 the -- the project area will be different with the  
21 new infrastructure built on it, but it will really  
22 blend in with the existing Pioneer Generation  
23 Station, and also there's the ONEOK Stateline gas  
24 plant across the road. So it is a small addition  
25 to the industrial nature of the area.

1           Q.     Will the project have any adverse impact  
2 upon military operations?

3           A.     No.

4           Q.     Mr. Solie, how did Basin Electric evaluate  
5 the irreversible and irretrievable commitment of  
6 natural resources?

7           A.     There are a few commitments of resources  
8 associated with construction of the proposed  
9 project that are actually irreversible and  
10 irretrievable. Resources that would be used to  
11 construct the project include aggregate, concrete,  
12 steel, paint, solvents and fuels. Besides from --  
13 aside from paints, solvents and fuels, most of the  
14 construction materials could be recycled or reused  
15 at some point in the future.

16          Q.     How has Basin Electric considered the  
17 direct and indirect economic impacts of the  
18 project?

19          A.     Well, the project is not anticipated to  
20 require any additional government expenditures.  
21 And to the contrary, expenditures made for  
22 equipment, fuel, operating supplies and other  
23 products and services would benefit businesses in  
24 Williams County and the State of North Dakota.  
25 Local governments would also experience short and

1 long-term benefits from tax revenue collected  
2 during construction and operation of the project.

3 Q. Will the project encroach on any scenic  
4 areas, historic sites or structures or  
5 paleontological and archeological sites?

6 A. No.

7 Q. Is the project area habitat to any rare or  
8 endangered species?

9 A. It is not.

10 Q. Was there a federal nexus for the project  
11 to -- to comply with the National Environmental  
12 Policy Act, also known as NEPA?

13 A. There is no federal nexus for this  
14 project. Basin Electric is no longer an RUS  
15 borrower, and so that's how some of our projects  
16 required either an environmental assessment or EIS.  
17 But this has no -- no federal nexus. NEPA is not  
18 required.

19 Q. Thank you. Mr. Solie, how did Basin  
20 Electric incorporate public input during the site  
21 selection process?

22 A. So during the kind of scoping process, if  
23 you will, for the -- the PSC application, letters  
24 are sent to 35 or 36 different state and federal  
25 and other local agencies. So we, I think, received

1 13 comments back.

2 Q. And did Basin Electric address any issues  
3 raised by agencies?

4 A. There were no significant issues brought  
5 up in any of the comments. The comments were  
6 generally based on the resources the agency  
7 protects, but just in general emphasized  
8 environmental protection, protection of resources.

9 Q. Are there any additional permits needed to  
10 begin construction?

11 A. Well, yes. We did receive the -- kind of  
12 the first permit on the list, the County Commission  
13 approved on -- on Wednesday -- or excuse me -- on  
14 Tuesday morning, and that was a unanimous decision  
15 as well as the planning and zoning meeting that was  
16 held earlier in December.

17 We will and actually just submitted it  
18 earlier this week -- Williams County has a fairly  
19 rigorous water management board, and so that  
20 application has been submitted. And then also  
21 Basin Electric will need to secure air permits from  
22 the North Dakota Department of Environmental  
23 Quality. And that permit application was submitted  
24 in December.

25 There are a few other minor construction

1 permits: the construction general stormwater  
2 permit, approach permits, building permits, and  
3 those permits would be prepared and secured by our  
4 contractor.

5 Q. Mr. Solie, in your professional opinion  
6 are the environmental effects of the project kept  
7 to an acceptable minimum?

8 A. Yes.

9 Q. And does this conclude your direct  
10 testimony?

11 A. Yes, it does.

12 MS. MERKENS: Thank you, Mr. Solie. No  
13 further questions.

14 JUDGE DAWSON: Mr. Schuh, any questions?

15 MR. SCHUH: Just a couple, Your Honor.

16 **EXAMINATION**

17 **BY MR. SCHUH:**

18 Q. Mr. Solie, I believe you just testified  
19 that there are no avoidance areas within the  
20 project area; is that correct?

21 A. That's correct.

22 Q. Okay. So in the application it does state  
23 that there is one wetland that is within the area  
24 but it won't be impacted?

25 A. Correct. There is a wetland. Essentially

1 the ditch of the road along County Road 5 --

2 Q. Sure.

3 A. -- was mapped as a wetland and delineated,  
4 but we will not -- you know, there are no project  
5 components that would be constructed in the road  
6 right-of-way and in the ditch.

7 Q. Oh, okay. I see. So -- but I guess for  
8 the -- for the purpose of designation, though, we  
9 probably would designate that as an avoidance area  
10 but it's just not impacted. Would that -- would  
11 you agree with that?

12 A. Yes.

13 Q. Okay. Thank you. There was one -- I was  
14 looking back at the correspondence with a number of  
15 the agencies, and there was one item that stuck out  
16 to me. And it was the concerns over the weight of  
17 the transportation of certain facilities to the  
18 location. Is -- has Basin taken any steps to, I  
19 guess, accommodate those concerns regarding  
20 transportation only in January, February, or are  
21 there other steps that will be taken by Basin to  
22 address those concerns about impact to the roads?

23 A. Well, of course we would follow all kind  
24 of county and state requirements for load  
25 restrictions, but that is one of the reasons that

1 we're kind of looking to start construction sooner  
2 rather than later.

3 MR. SCHUH: I see. Okay. Thank you.

4 JUDGE DAWSON: Mr. Renfandt.

5 MR. RENFANDT: No questions -- no  
6 questions, Your Honor.

7 JUDGE DAWSON: Commissioner Fedorchak.

8 COMMISSIONER FEDORCHAK: Very good.

9 **EXAMINATION**

10 **BY COMMISSIONER FEDORCHAK:**

11 Q. Thank you, Kevin. I appreciate you being  
12 here, and noted when Anine was introducing you, she  
13 qualified you as a long-term expert in this area.  
14 So congratulations on your retirement.

15 A. Thank you, Commissioner.

16 Q. Just a couple questions. So are you aware  
17 of any concerns from locals on this project?

18 A. I am not.

19 Q. Okay. And how did the company reach out  
20 to the folks living within the area?

21 A. The -- I guess through the township  
22 process, I think that's probably where we heard the  
23 most from the nearby residents. And that meeting,  
24 again, was -- I can't remember the exact date, but  
25 some evening in December, and they had many more

1 questions about the kind of upcoming projects, the  
2 transmission line, than they did about the  
3 generating facility. And -- and they also for that  
4 signoff, there were, you know, five concurring  
5 signatures from the township.

6 Q. Got it. What about the existing site? I  
7 believe there was one landowner that had some  
8 drainage problems after construction of that.

9 A. Right.

10 Q. Those are all resolved and that --

11 A. As --

12 Q. -- landowner didn't have a problem with  
13 this one?

14 A. Right. As I understand it, there have  
15 been a -- conversation with that and it's -- I  
16 believe it's a tenant. It's not the landowner, but  
17 with -- with the tenant, and I -- there was  
18 discussion -- I think someone from our civil  
19 engineering group and someone with our right-of-way  
20 group had a discussion with them, and as I  
21 understand it, there are no -- no current issues.

22 Q. Okay. Have you received any comments or  
23 concerns at all about the noise from the existing  
24 facility?

25 A. None.



1 Station.

2 Q. Okay. But in any event, this goes  
3 before -- you just sent an application to the  
4 Williams County Water Board and so they will be  
5 addressing --

6 A. Correct.

7 Q. -- the water issues?

8 A. Correct. Yes, sir.

9 Q. And is that a normal process to first  
10 apply to the county water board when you've already  
11 gotten the zoning approval from the County  
12 Commission and the zoning board?

13 A. In my discussions with Williams County  
14 staff, they could be contemporaneous, but they  
15 suggested that the application for the -- to the  
16 water board would -- would slightly lag the zoning  
17 approval. But we -- we would, of course, need all  
18 of those authorizations before construction.

19 Q. I have a couple more. I'm making a note.

20 And then on page 4-35 of the application,  
21 you got into noxious weed things. And so do you  
22 have any kind of permit from the Williams County  
23 Weed Board and is Williams County -- I don't recall  
24 if Williams County is one of the counties that  
25 requires a permit or not from the weed board.

1           A.     We do not have a permit from the weed  
2 board. We do, as you mentioned, address the  
3 control of noxious weeds in the application. That  
4 has not come up with any discussions with Williams  
5 County staff.

6           Q.     Okay. So as far as you know, you don't  
7 need a --

8           A.     Correct.

9           Q.     -- an approval of your weed mitigation  
10 plan?

11          A.     That's correct. Yeah. And -- and I think  
12 in many cases, when the -- the county goes through  
13 the zoning process, you know, our application hit a  
14 number of in-boxes, including the, you know, weed  
15 control officer.

16          Q.     Okay. And last is the noise issue. And  
17 so I understand that you're pretty well below the  
18 55-decibel level, especially with the residents,  
19 but that West Prairie Lutheran Church concerns me a  
20 little bit because it's not as far below there as  
21 it is with the residences, and the 49 decibels  
22 would actually be more than what we would allow on  
23 a wind project, for instance.

24                   And so I'm wondering what communications  
25 you have had with a rural church like that in that

1 when you deal with the landowners right around the  
2 facility, I don't know if any of them are church  
3 members there. And so have there been specific  
4 conversations at all with people that represent  
5 that church?

6 A. No, sir, not that I'm aware of.

7 Q. Is the 49 decibels -- where is that  
8 measured? Is that inside the church? Is it  
9 outside the church? Is it at the edge of their  
10 property or what?

11 A. The sound contours would be outside. And  
12 the other thing I guess that I think is somewhat of  
13 a mitigating factor is that it's not an occupied  
14 residence, so it would be, you know, used, let's  
15 say, once -- once or twice a week. So the --  
16 there's not a long duration impact, you know, if  
17 there even is one that's noticeable.

18 Q. But there -- there has been no outreach to  
19 them?

20 A. That's correct.

21 Q. How far is that from the north edge of  
22 this -- of the newly acquired property?

23 A. Let me see. Let's see if I can find it in  
24 the noise study. I think it might be listed there.  
25 It's 1,400 feet.

1 Q. From the north edge of your newly acquired  
2 property?

3 A. I think it's probably from the actual  
4 source of the noise.

5 COMMISSIONER CHRISTMANN: Okay. Okay. I  
6 don't have any other questions, Your Honor.

7 JUDGE DAWSON: Commissioner  
8 Haugen-Hoffart.

9 **EXAMINATION**

10 **BY COMMISSIONER HAUGEN-HOFFART:**

11 Q. I just have one follow-up as far as the  
12 water ponds. There seems to be some -- you know,  
13 they were moved. You were waiting for a report.  
14 Now it's before the Williams County Water Resource  
15 District Board. And you used the word  
16 "aggressive," that they have an aggressive water  
17 management board.

18 A. Well --

19 Q. I'm just -- there's some concern, you  
20 know, or perhaps preferences, evaporate versus  
21 going in the ditch. Water can be very damaging,  
22 very concerning to that. So I'm just curious why  
23 you used the word aggressive water management --

24 A. And --

25 Q. -- board. Just a thorough review? What

1 do you mean by that?

2 A. Yeah. So -- and -- and if I said  
3 "aggressive," I was thinking in my head robust,  
4 but -- but sort of similar. The -- and having  
5 worked on projects in many different jurisdictions,  
6 Williams County I think has the strictest water  
7 regulations. And so the -- the study for the  
8 expansion of Pioneer Station was, I think,  
9 somewhere in the neighborhood of 400 pages. And so  
10 there's lots of kind of engineering hydrographs,  
11 things like that. So the water board application  
12 is bigger than the PSC application.

13 And then beyond that, there will be a --  
14 essentially a deed notice. So there will be that  
15 kind of decision on the water management that will  
16 be attached to the deed to the property, and so  
17 that's sort of unusual as well.

18 COMMISSIONER HAUGEN-HOFFART: Okay. Okay.  
19 Thank you for that clarification. I have no  
20 further questions.

21 JUDGE DAWSON: Ms. Merkens, any redirect?

22 MS. MERKENS: No, Your Honor.

23 JUDGE DAWSON: Any further questions?

24 MR. SCHUH: No, Your Honor. Thank you.

25 JUDGE DAWSON: Seeing no further

1 questions, you may step down.

2 THE WITNESS: Thank you.

3 JUDGE DAWSON: Is there anything else that  
4 you'd like to add to the record or witness you  
5 would like to call?

6 MS. MERKENS: No, thank you, Your Honor.

7 JUDGE DAWSON: Well, now is the time for  
8 the public testimony portion of the hearing. How  
9 many people are planning to testify at this time?  
10 We still have the -- oh, we have two. Well, it's  
11 doubled.

12 What I want you to do is come forward.  
13 You're going to come sit at this table here. I'm  
14 going to swear you in. I'll need you to tell me  
15 your name and spell it for me if it's anything  
16 beyond Bob, but I've gotten Bob wrong so spell it  
17 if it's Bob. Tell me if you're with a group, if  
18 you're representing a group officially, if you're  
19 in a group and not representing them officially  
20 because somebody might take your testimony as being  
21 from that group and recognize you. Please tell me  
22 where you're from as well. So --

23 MR. HAUGEN: Your -- Your Honor,  
24 Commissioners and staff, my name is Dale Haugen,  
25 H-a-u-g-e-n. I'm presently the manager of

1 Mountrail-Williams Electric Cooperative located  
2 here in Williston.

3 JUDGE DAWSON: And you were here for my  
4 previous warnings as to perjury?

5 MR. HAUGEN: Yes, I was.

6 JUDGE DAWSON: So you understand what  
7 perjury is and --

8 THE WITNESS: Yes, I do.

9 JUDGE DAWSON: -- the penalties for it?  
10 (Witness sworn.)

11 JUDGE DAWSON: With that, you may begin.

12 **DALE HAUGEN,**

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

15 **STATEMENT**

16 **BY MR. HAUGEN:**

17 MR. HAUGEN: First of all, I want to make  
18 sure that you understand Mountrail-Williams, I'll  
19 refer to it sometimes as MWEC instead of the long,  
20 formal name.

21 I want to, first of all, get everybody to  
22 recognize I'm here to speak in support of this  
23 generation project, and I want to especially thank  
24 you for coming to Williams County and Williston and  
25 coming out of Bismarck. We really appreciate that.

1           MWEC is a not-for-profit electrical  
2 cooperative owned by the consumer members of  
3 Williams and Mountrail County here in North Dakota.  
4 We presently serve a little over 20,000 meters or  
5 point of utilization for the electricity, and  
6 Mountrail-Williams is also a transmission owner in  
7 SPP, the regional transmission operator for -- for  
8 this region.

9           We have been very fortunate at  
10 Mountrail-Williams to have our service area located  
11 in a -- above a vast energy resource known as the  
12 Williston oil basin. And then, of course, energy  
13 production requires a lot of people, which involves  
14 housing and involves production of oil which  
15 requires a lot of artificial lift for the oil: the  
16 pump jacks, the Rotaflex, the submersible oil wells  
17 and that, pipelines for the oil and gas, the water  
18 disposal, all requiring vast uses of electricity.

19           Our MWEC growth in the last years have  
20 gone from 50 megawatts to -- our winter peak last  
21 month was over 650 megawatts in just the last few  
22 years. A lot of transmission infrastructure has  
23 been invested in northwest North Dakota to serve  
24 this oil load, the 345 lines that were referenced,  
25 the 230 kV lines that were referenced in testimony.

1           As we continue to submit our load forecast  
2 to Basin Electric, we're projecting in the next ten  
3 years to be at 1.2 gigawatts of energy  
4 requirements.

5           This load is due to the uniqueness of our  
6 area for economic development. We have in Williams  
7 County water resources. We have a strong rail  
8 system. We have a great highway system. And,  
9 number one, we have cheap energy prices. These  
10 factors all drive economic development.

11           Our area has been fortunate to attract  
12 large data farms to help diversify our economy.  
13 Not saying oil's bad, but it gives us a little bit  
14 of an avenue of something as the commodity  
15 fluctuates in prices. If things were to change in  
16 our area, these facilities that are -- that have  
17 been built here, the 345 and the 230 lines are all  
18 built for drive-in purposes or importing  
19 electricity. These facilities can be also  
20 drive-out facilities if something would change in  
21 this area.

22           Our gas resources and vast energy we have  
23 here will always be cheaper here at the gas source  
24 versus shipping it down Northern Border and hitting  
25 all the price points along the Northern Border

1 Pipeline. This is really where the generation  
2 should be, and we support the project.

3 Thank you and I would also take questions.

4 JUDGE DAWSON: Mr. Schuh.

5 MR. SCHUH: No questions. Thank you.

6 JUDGE DAWSON: Mr. Renfandt.

7 MR. RENFANDT: No questions, Your Honor.

8 JUDGE DAWSON: Commissioner Fedorchak.

9

**EXAMINATION**

10 **BY COMMISSIONER FEDORCHAK:**

11 Q. Great. Thank you, Dale, for being here.  
12 I appreciate your participation and your leadership  
13 in this community, this county and your industry.  
14 You've really been a key point -- a key leadership  
15 point to making things work up here and the power  
16 has been central to making things work. So thank  
17 you for that. I think that means that you're not  
18 allowed to retire.

19 A. Thank you, Commissioner. 42 years so it's  
20 getting close.

21 Q. Help me understand your expectation. You  
22 said in ten years you expect to basically double  
23 your -- your peak?

24 A. That is correct. I mean,  
25 Mountrail-Williams is to the point of -- I hate to

1 use the reference of being a Walmart®. We have  
2 been very fortunate to sell a lot of electricity,  
3 and when we have the resources and infrastructure  
4 in place, we don't require that much of a markup  
5 for revenue margins, so therefore it's going to be  
6 very, very attractive to maybe make our area the  
7 next Silicon Valley of seeing new industries that  
8 are looking at us, recruiting natural gas  
9 liquids -- or gas to liquids for shipping out with  
10 the -- to help with the world problems and  
11 everything else.

12 But the amount of economic development and  
13 continued oil development as our oil fields mature  
14 produces more water. Water is heavier to lift than  
15 oil. We have all the water disposals, continued  
16 natural gas infrastructure. As you know, as these  
17 wells mature, they're going to produce more natural  
18 gas, so requiring more gas plants, infrastructure  
19 requirements.

20 So, yes, our demand chart and resources  
21 are going to go off the chart. We will double in  
22 the next ten years.

23 Q. And do you -- would you characterize that  
24 as a conservative, moderate, optimistic outlook?  
25 How would you characterize it?



1 it's an incredible amount.

2 A. Yeah. Again, Commissioner Christmann,  
3 we've been fortunate -- we've been very fortunate.  
4 I mean, nothing -- it's just strictly with the area  
5 we live in and the -- you know, supporting the  
6 national companies like Hess, Harold Hamm's  
7 company, Continental, we've just been very  
8 fortunate in our area we serve.

9 Q. Are there other utility around the  
10 country, though, that have such an area of real  
11 large industrial users like that or --

12 A. Not to my knowledge. When I started  
13 40 years ago, we were 70 percent residential, and  
14 the last board meeting we were 4.4 percent  
15 residential. Otherwise, 90-some percent industrial  
16 or commercial, and that's a concern. That's why  
17 we're looking at diversifying. You know, oil  
18 prices are a commodity that go up and down. That's  
19 why we're strongly recruiting economic development:  
20 data farms, other industries to look at our area.  
21 And when they see our energy prices, they are very,  
22 very interested.

23 COMMISSIONER CHRISTMANN: Thank you for  
24 being here, Dale.

25 MR. HAUGEN: Thank you, Commissioner

1 Christmann.

2 JUDGE DAWSON: Commissioner

3 Haugen-Hoffart.

4 **EXAMINATION**

5 **BY COMMISSIONER HAUGEN-HOFFART:**

6 Q. Hi, Dale.

7 A. Good name.

8 Q. Yeah. We just don't give the name Haugen  
9 to everyone; right?

10 Dale, you talked about the economic  
11 development here kind of being that jackpot and you  
12 talked about data centers and data farms and all  
13 that. Can you elaborate a little bit more on  
14 what's currently going on in this area?

15 A. Well, we've been very fortunate to recruit  
16 the Washington family from Montana to come and look  
17 at our region and, of course, that's known as the  
18 Atlas Data Farm. And presently they are at  
19 97 megawatts, and we're waiting to energize the  
20 second transformer which will double their load.  
21 They have contracted with us through agreements to  
22 achieve 600 megawatts in the next four years.

23 Q. Any other potential?

24 A. Yes. There's numerous ones. You know,  
25 Chicago, Atlantic. There's numerous ones that

1 we've been --

2 Q. Sure.

3 A. -- catering to. And I've been showing  
4 them real estate, things that have already been  
5 zoned properly and that we can move forward with a  
6 project.

7 COMMISSIONER HAUGEN-HOFFART: Okay.  
8 That's all I had as far as that, so thank you.

9 MR. HAUGEN: Thank you, Commissioner  
10 Haugen-Hoffart.

11 COMMISSIONER HAUGEN-HOFFART: You're  
12 welcome.

13 JUDGE DAWSON: Ms. Merkens.

14 MS. MERKENS: No questions, Your Honor.

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

17 MR. HAUGEN: Thank you, Your Honor.

18 JUDGE DAWSON: Hello.

19 MR. MAHOWALD: Hello.

20 JUDGE DAWSON: Could you spell your name  
21 for me.

22 MR. MAHOWALD: Yes, I'm Jeremy Mahowald,  
23 M-a-h-o-w-a-l-d.

24 JUDGE DAWSON: And you were here for my  
25 previous warnings as to perjury, so you understand

1 what perjury is and the penalties for it?

2 MR. MAHOWALD: Yes, Your Honor.

3 (Witness sworn.)

4 JUDGE DAWSON: You may begin.

5 **JEREMY MAHOWALD,**

6 being first duly sworn, was examined and testified  
7 as follows:

8 **STATEMENT**

9 **BY MR. MAHOWALD:**

10 MR. MAHOWALD: Thank you. I appreciate  
11 being here. I wasn't planning to testify, but I,  
12 too, want to add my support for this project.

13 Again, my name is Jeremy Mahowald. I'm  
14 the general manager of Upper Missouri G&T in  
15 Sidney, Montana. And Upper Missouri is one of the  
16 Class A members of Basin, so there's 11 Class A  
17 members of Basin, and our region is western North  
18 Dakota, eastern Montana. And we have 11  
19 distribution co-ops in that footprint, including  
20 Mountrail-Williams who just spoke, Dale Haugen, as  
21 well as a number of others, and so we serve most of  
22 the Bakken.

23 And so we've been a strong and growing  
24 region. And I consider us to be, you know, very  
25 small still in a lot of ways. We serve a very

1 sparse region. There's only 34,000 members in our  
2 whole footprint, which is about the size of Iowa  
3 that we sit on, yet our sales are rather enormous.  
4 In fact, there's only seven G&Ts that are FERC  
5 regulated because of their size and we are one of  
6 them. And that's mostly due because two of our  
7 members now tip the scales at over 4  
8 million megawatt hours a year.

9 So I guess what I wanted to do is just  
10 reflect a little bit -- or which kind of matches  
11 Dale's thoughts on our growth. And we had a system  
12 peak at Upper Missouri in 2021 of 1585 megawatts,  
13 and we set a new unofficial peak in December here  
14 at 1666, which we'll know that number final next  
15 week, but we're real close to that number. So  
16 about an 80 megawatt jump from 2021 to 2022.

17 And we've been seeing, you know, steady  
18 oil and gas growth ever since I've been at Upper  
19 Missouri. I got to Upper Missouri in 2013 and we  
20 were in the 800s, and now we're -- we've basically  
21 doubled in that time.

22 And as Dale pointed out, we're kind of  
23 moving beyond just standard oil and gas growth due  
24 to the advanced infrastructure we have in our  
25 region and the economic development efforts made by

1 the State of North Dakota, Williams County, and --  
2 and just a lot of interest now in our region  
3 because of the pipelines, because of the electric  
4 infrastructure, the highways, everything is just in  
5 place for substantial growth.

6 Some of the projects that we're going to  
7 be seeing in this decade include a gas-to-liquids  
8 refinery, a biofuels refinery, biodegradable  
9 plastics facility and possibly other plastics  
10 facility, salt desalination, carbon sequestration  
11 projects, pipeline expansions, rail expansions, and  
12 then, of course, data centers, both crypto and  
13 cloud services.

14 So we have -- just with the members that  
15 want to be in our footprint and the load that wants  
16 to be in our region, we are projecting to add more  
17 than 2500 megawatts of growth by the end of this  
18 decade if everybody comes here as planned, and  
19 that's -- that goes outside of what the normal oil  
20 and gas growth is. So that's substantial. Of  
21 course, that would put us over 4,000 megawatts by  
22 the end of the decade if that all comes to be.

23 So with that, I guess we'll need continued  
24 generation and transmission growth. We appreciate  
25 all of Basin's efforts and we work closely with





1 infrastructure buildout, and especially on the  
2 crypto currency side of data processing with what's  
3 happened to the markets on crypto currency, FTX,  
4 and the fact that it would seem to me something  
5 that can start up so quickly can also move very  
6 quickly if somebody else gives them a better  
7 incentive and your companies could be left holding  
8 the bag for a lot of infrastructure. So how do you  
9 deal with that or how much do you worry about that?

10 A. That is a -- you're hitting on something  
11 very important to us and a very key subject of  
12 discussion. I'll be speaking with the Basin board  
13 on Monday about that very topic because there is a  
14 lot of concern throughout the Basin family on all  
15 this growth we're getting, and, of course, it --  
16 you know, adding this much load costs a lot of  
17 money, and so there's probably -- there's likely  
18 going to be different rate options made available  
19 to these data centers which might be more market  
20 based and they may contract power for some of  
21 these -- some of these sites. That's still not  
22 completely worked out yet. But that is very likely  
23 what the outcome is going to be because I don't  
24 think there's an appetite necessarily from across  
25 the whole Basin footprint to build generation

1 resources for, you know, 40-year resources or  
2 50-year resources for loads that might not be there  
3 in 10 years.

4 So we don't know that. And that's a  
5 tough -- that's a tough thing for us because we  
6 have an obligation to serve, you know, and it's not  
7 really normally been our place to get in their  
8 business models, yet these are such huge loads and  
9 really could cost our membership a lot if we -- if  
10 we invested for generation resources for all of it  
11 and then, like you say, it fizzles out.

12 COMMISSIONER CHRISTMANN: I have no other  
13 questions. Thank you for being here and for being  
14 so forthright.

15 JUDGE DAWSON: Commissioner  
16 Haugen-Hoffart.

17 **EXAMINATION**

18 **BY COMMISSIONER HAUGEN-HOFFART:**

19 Q. Yeah, I have a question and maybe I should  
20 have asked this to Dale too. The purpose of this  
21 hearing is to look at will this project have  
22 adverse minimal impacts on the environment and upon  
23 the welfare of the citizens of North Dakota.  
24 You're kind of what I would call boots on the  
25 ground, you know, survey members and all that. And

1 hearing the testimony, do you have any concerns or  
2 have you heard of any concerns regarding this  
3 project of having adverse impacts on the  
4 environment or concerns from your members?

5 A. No, I have not.

6 COMMISSIONER HAUGEN-HOFFART: Okay.  
7 That's all I have. Thank you.

8 JUDGE DAWSON: Ms. Merkens?

9 MS. MERKENS: No questions, Your Honor.

10 JUDGE DAWSON: If there are no further  
11 questions, you may step down.

12 THE WITNESS: Thank you.

13 JUDGE DAWSON: Are there any further  
14 people in the audience who wish to testify? Any  
15 further?

16 MR. BARTSCH: Your Honor.

17 JUDGE DAWSON: Please come forward. Your  
18 name, sir.

19 MR. BARTSCH: Randy Bartsch.

20 JUDGE DAWSON: B-a-r --

21 MR. BARTSCH: T-s-c-h.

22 JUDGE DAWSON: And, Mr. Bartsch, you've  
23 been here for my previous warnings as to perjury so  
24 you understand what perjury is and the penalties  
25 for it?

1 MR. BARTSCH: Yes.

2 (Witness sworn.)

3 JUDGE DAWSON: Please tell me where you're  
4 from or if you're representing somebody.

5 MR. BARTSCH: I'm with the International  
6 Brothers of Electrical Workers. I'm from Minot.

7 JUDGE DAWSON: You may proceed.

8 **RANDY BARTSCH,**

9 being first duly sworn, was examined and testified  
10 as follows:

11 **STATEMENT**

12 **BY MR. BARTSCH:**

13 MR. BARTSCH: I'd just like to inform you  
14 that we are in support of this project also, and my  
15 main testimony is to comment on Mr. Lund's  
16 testimony on local labor. The IBEW has  
17 approximately a thousand members in North Dakota  
18 alone, and just across the border we also have  
19 members that are considered in the area, you know,  
20 but they're a member of a different local. I don't  
21 have their numbers. The IBEW has done many, many  
22 projects of this size and scope and larger from the  
23 DAPL project. We did all -- you know, worked on  
24 their tank farms and compressor stations. We do  
25 work at Basin's coal-fired plants and DGC.



1 being here. It's frequent that we have the unions  
2 show up at our hearings, and we always appreciate  
3 hearing from you guys. You mentioned -- so you  
4 thought that there would be capacity among the  
5 local members to fill the needs for this project.  
6 Is it -- help me understand a project of this  
7 nature. Is it -- is it larger or more technical in  
8 a way that you would think somebody from out of  
9 state would have to come in and bid and then use  
10 local workforce or help me understand how this  
11 project kind of looks for the local folks.

12 A. Yeah. Well, for local contractors, they  
13 may have other large projects that they maybe don't  
14 want to take on another one, you know, maybe of  
15 this size. I mean, I could speak -- I don't want  
16 to name any, but I know there's some that would be  
17 interested that do a lot of work for Basin already,  
18 you know, on turnarounds and expansions, other  
19 projects that have happened at like Leland Olds  
20 Station and Antelope Valley, so --

21 Q. So the expertise is here for a project of  
22 this nature?

23 A. Oh, absolutely. Yeah.

24 Q. And do you feel that the contractors that  
25 come in from out of state, there's been a fair

1 amount of use of the local folks to supplement them  
2 or how is that all working?

3 A. I mean on the union side, yeah. I mean,  
4 they start -- they'll bring in their supervision,  
5 you know, and their high-end people, but for the  
6 boots on the ground, they start with our members,  
7 local people.

8 Q. And are your members pretty busy right now  
9 or how would you characterize their workload?

10 A. Yeah. We're still pretty busy. We've  
11 got, you know, approximately 40 people on the data  
12 center right out here right now, you know, so  
13 that's -- and for North Dakota's winter  
14 construction, it can be iffy some years, you know,  
15 but pretty much have close to full employment.

16 COMMISSIONER FEDORCHAK: Okay. Very good.  
17 Thanks again for being here. Really appreciate you  
18 taking the time.

19 JUDGE DAWSON: Commissioner Christmann.

20 COMMISSIONER CHRISTMANN: Another very  
21 good name, but I don't have any questions for you,  
22 Randy. But I do want to express my appreciation  
23 for the work that your members do throughout this  
24 state. It's very, very important.

25 MR. BARTSCH: Thank you.

1           JUDGE DAWSON:  Commissioner  
2           Haugen-Hoffart.

3           COMMISSIONER HAUGEN-HOFFART:  Thanks,  
4           Randy, for your testimony.  I have no further  
5           questions.

6           JUDGE DAWSON:  If there are no further  
7           questions, you may step down.

8           MR. BARTSCH:  Thank you, Your Honor.

9           JUDGE DAWSON:  Thank you.  Are there any  
10          further people in the audience who wish to provide  
11          public testimony?  Any further public testimony.

12          UNIDENTIFIED SPEAKER:  Can I ask a  
13          question?

14          JUDGE DAWSON:  No.  You can come forward  
15          and you could express a concern over something and  
16          somebody might address that concern, but it's much  
17          like a court proceeding in that you don't ask us  
18          questions.  It goes the other way.

19          UNIDENTIFIED SPEAKER:  I would like to ask  
20          them a question.

21          JUDGE DAWSON:  Okay.  You can do that  
22          afterwards.

23          UNIDENTIFIED SPEAKER:  Okay.

24          JUDGE DAWSON:  Yes.  Definitely.

25          Are there any further people in the

1 audience who wish to provide public testimony?  
2 Seeing none, I think we can move on to closing  
3 remarks.

4 Do you have any closing remarks?

5 MS. MERKENS: No, Your Honor.

6 JUDGE DAWSON: Commissioner Fedorchak.

7 COMMISSIONER FEDORCHAK: Very good. Well,  
8 thank you all. It was a super and efficient  
9 hearing. Might be record time on a siting hearing  
10 especially on a project this big, but I think  
11 that's because the application was so clear and  
12 you're building on a brown field site that's  
13 already got a lot happening and has already been  
14 cleared in many respects for this type of a  
15 project, so that all bodes well for a more  
16 simplified regulatory process moving ahead.

17 So thanks again for the professionalism of  
18 today's hearing and the frank discussion, and we  
19 look forward to getting you a decision as soon as  
20 we can. Thank you.

21 JUDGE DAWSON: Commissioner Christmann.

22 COMMISSIONER CHRISTMANN: Well, I will say  
23 in ten years of doing siting hearings, we've had  
24 some siting cases where we had planned multiday  
25 hearings. We had single-day hearings numerous

1 times that have gone 10 and 12 hours and more, and  
2 at least one that has gone till well after  
3 midnight. But we've had some shorter ones like  
4 this too. And so when -- when there are issues  
5 like that, it tends to draw the public out, and I  
6 always think when -- when there's not public  
7 testimony pointing things out that people feel that  
8 we need to know before we make a decision, when  
9 there's -- when that doesn't happen, I think that  
10 sends a message too.

11 And so I appreciate everyone who came and  
12 listened, and I appreciate the company's time.  
13 Someone -- at least one of the other commissioners  
14 mentioned it earlier, it was a nice, thorough  
15 application that provided a lot of information  
16 which meant that we had less questions to ask than  
17 is sometimes the case. And so I'm ready to go home  
18 and review this stuff and -- and work on coming to  
19 a decision.

20 JUDGE DAWSON: Commissioner  
21 Haugen-Hoffart.

22 COMMISSIONER HAUGEN-HOFFART: Well, I'd  
23 just like to emphasize again, I did compliment  
24 Basin for a very thorough application. It's nice  
25 when you can go through it and it's checks and

1 balance in the consistency in the information as  
2 you go through. So thank you for a job well done.

3 I want to thank the public for being here  
4 and also for two local cooperatives that are here  
5 in support of it. It's nice to see collaboration  
6 going on. As we say, we're North Dakota nice, so I  
7 like to see that. And the public that is here too.  
8 We come out to the communities because we want the  
9 public where it's going to happen to be involved  
10 and well-informed.

11 So thank you for your time. So thanks  
12 again. And we're all anxious to get back to the  
13 Capitol with legislative session going on, so  
14 thanks.

15 JUDGE DAWSON: Mr. Schuh and Ms. Merkens,  
16 are there any other closing matters that we should  
17 address before we leave today?

18 MR. SCHUH: Yes, Your Honor, and maybe  
19 Ms. Merkens can speak to this. So we do have the  
20 existing site certificate under 12-409, and of  
21 course some of the facilities from this new request  
22 for site certificate in this application in 22-380  
23 are encompassed within that previous site  
24 certificate area. Is there a preference from the  
25 company to have a single site certificate issued

1 for the entirety of both, or would there be a  
2 preference to have two issued, one for the original  
3 and possibly with an amendment to the original and  
4 the subsequent extension with a new site  
5 certificate? If you'd like an opportunity to speak  
6 with your --

7 MS. MERKENS: Yeah.

8 MR. SCHUH: -- client as well, we could  
9 follow up as well after the hearing.

10 JUDGE DAWSON: Is that something that we  
11 should agree on today or is that something that can  
12 be done in the future?

13 MR. SCHUH: This is something we could  
14 follow up with, Your Honor. I just -- I thought if  
15 we had a preference at the moment, it would be just  
16 helpful to have it here and now.

17 MS. MERKENS: I would appreciate some time  
18 to potentially discuss that with my colleagues, and  
19 we'll get back to you as soon as reasonably  
20 possible.

21 MR. SCHUH: Okay. That sounds good.  
22 Thank you.

23 JUDGE DAWSON: Any further issues?

24 MS. MERKENS: No, Your Honor.

25 JUDGE DAWSON: When will you be able to

1 provide the proposed findings of fact, conclusions  
2 of law and order? Typical two weeks or are you  
3 looking longer?

4 MS. MERKENS: Two weeks will work. Thank  
5 you.

6 JUDGE DAWSON: Okay. So we'll look at  
7 January 20. There's no late-filed exhibits or  
8 signed certificates or anything that we need  
9 entered into the record at this moment?

10 MR. SCHUH: Your Honor, if we could keep  
11 the record open for a certificate relating to order  
12 provisions. I don't believe one has actually been  
13 executed at this point in time and submitted into  
14 the record.

15 JUDGE DAWSON: Okay. So we'll leave the  
16 record open for that purpose.

17 And, otherwise, it is 11:22 a.m. on  
18 January 5, 2023, and the hearing for PU-22-380 on  
19 the application for Basin's certificate of site  
20 compatibility is closed and the record is kept open  
21 for the certificate and for the proposed findings.

22 With that, this hearing has been  
23 concluded.

24 (Concluded at 11:23 a.m., the same day.)

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CERTIFICATE OF COURT REPORTER

I, Stephanie A. Smith, a Registered Professional Reporter,

DO HEREBY CERTIFY that I recorded in shorthand the foregoing proceedings had and made of record at the time and place hereinbefore indicated.

I DO HEREBY FURTHER CERTIFY that the foregoing typewritten pages contain an accurate transcript of my shorthand notes then and there taken.

Dated at Bismarck, North Dakota, this 18th day of January, 2023.

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Stephanie A. Smith  
Registered Professional Reporter



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