

Workforce Update in Matter of the Application for Certificates of Site Compatibility for Oliver Wind IV Energy Center and Associated Transmission Line (ND PSC Dockets No. PU-23-317, 23-318/OAH File Nos. 20230357, 20230357)

June 6, 2024

Steve Kahl, Executive Secretary
John Schuh, General Counsel
ND Public Service Commission
600 East Boulevard Avenue, #408
Bismarck, ND 58505

Mr. Kahl:

I write to provide an update on the status of the workforce agreement between the Laborers District Council of Minnesota and North Dakota ("LIUNA") and NextEra Energy Resources ("NextEra") covering construction of the Oliver IV wind energy project as requested by Commissioner Fedorchak during the Commission's January 29 public hearing on the company's site and route applications.

We would like to say that dozens of LIUNA members and new recruits from North Dakota's Coal Country are already on the job or about to go to work on a wind farm construction project for the first time in years. Instead, it is becoming clear that NextEra has no intention of honoring the agreement the company made with our organization immediately before the hearing. No LIUNA members are currently employed on the project, and it is unclear at this point if more than one will be employed there on an ongoing basis.

As the Commission is aware, LIUNA members who have helped to power North Dakota by building and maintaining power plants and pipelines are deeply frustrated by the persistent failure of renewable energy developers to demonstrate the same commitment to local economies and workers as North Dakota's conventional energy industry. But we have never felt as betrayed as we do today by NextEra's apparent decision to break promises made to local workers on a wind project in Coal Country that will leverage substantial taxpayer subsidies to compete with existing coal plants by selling power into the market for the benefit of Verizon.

We use the word "apparent" only because, in our many communications with NextEra representatives, no one has been able to explain the status of our agreement or why our members are not working on the project today. This may be because, despite multiple requests, no one responsible for construction decision-making at NextEra has communicated with us since the January hearing. In the absence of concrete progress or transparent communication it

has become difficult to avoid the conclusion that NextEra simply lied to us, and misled regulators the public at large, in order to secure a favorable outcome to the case.

We are not writing with the expectation that the Commission will take any action in this matter. We recognize that the permit has already been issued and that it is not the Commission's responsibility to oversee agreements between parties. We write only to fulfill our obligations coming out of the hearing and to provide the Commission with the facts of the matter as we understand them, which are set forth below.

On the evening before the public hearing, at the company's request, Steve Cortina and I met with several NextEra representatives, including Development Director Clay Cameron and Charles Gauger, who identified himself as the company's head of wind construction, to discuss LIUNA's concern over the company's record of building wind projects where North Dakotans make up less than 10 percent of the construction workforce based on our estimates.

Mr. Gauger and Mr. Cameron began the meeting by informing us that, at NextEra's direction, the Engineering Procurement and Construction ("EPC") firm contracted to build the wind farm would work with LIUNA to staff the project, providing the first opportunity in many years for LIUNA members and other local residents who have worked in coal plant to earn family-supporting wages and benefits in wind energy construction.

Mr. Gauger and Mr. Cameron were so emphatic about the company's commitment to partnering with us on workforce that they offered to have representatives of the EPC contractor fly to Bismarck the following day to provide whatever reassurance we might need. We expressed our appreciation but suggested that the gesture was unnecessary because our organization and the EPC contractor are both headquartered in Minnesota, and because we trusted NextEra to keep its word.

We were eager to share the good news and update our testimony on the likely impact of the project, but we did not want to get ahead of NextEra, or misinform the Commission or the public, so we specifically asked Mr. Cameron whether the company had any objection to us discussing the agreement at the hearing and he indicated that they did not.

The next day, we provided testimony on the benefits of the project based on commitments made by NextEra, which we estimated would result in significant incremental gains in employment and local economic activity due to increased use of local workforce. Mr. Cameron affirmed the company's plan to work with LIUNA to staff the project, and at no point did any NextEra witness correct our testimony or provide contrary information on the company's construction workforce plans.

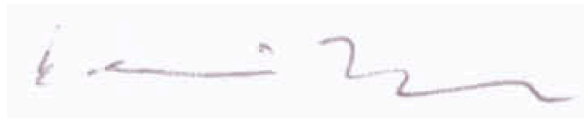
We spent the next few months waiting to receive further details from NextEra or the EPC contractor on the project's labor needs and schedule. At the end of February, we spoke to a NextEra representative who assured us that discussions were ongoing between NextEra and the EPC over the plan, and that we should know more soon.

In late March, when we received our first outreach from a contractor, the subject was not the wind farm but construction of the electrical substation, which was being undertaken by a different firm seeking subcontractors for a few small scopes such as substation fencing. We supplied several bidders for these scopes of work and continued to wait for word on the plan for wind farm construction.

We stepped up our efforts to communicate with NextEra representatives, including Mr. Cameron, after the project was permitted by the Commission in late April, but none of the representatives with whom we spoke were able to provide additional information or connect us with personnel in charge of construction decisions. In May, after extensive efforts to secure answers from NextEra, we communicated directly with a representative of the EPC contractor who confirmed that the company had no intention of working with us in the manner promised by NextEra in January. We shared this information with NextEra representatives, who have declined to return email or phone messages, leaving us to draw our own conclusions and communicate those to the Commission.

We regret our accidental role in misinforming the Commission about benefits of this project that appear unlikely to materialize, and hope this unfortunate incident will help to inform North Dakota policymakers, regulators and members of the public as they evaluate future clean energy development proposals. If you have any questions, please feel free to contact me at 612.224.6464 or kpranis@liunagroc.com.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Kevin Pranis', is shown on a light background.

Kevin Pranis
Marketing Manager
LIUNA Minnesota & North Dakota
(612) 224-6464
kpranis@liunagroc.com

In the Matter of the Application for a
Certificates of Site Compatibility for the
Oliver Wind IV Energy Center and
Associated Transmission Line in Oliver
County, North Dakota

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CERTIFICATE OF SERVICE

I, Kevin Pranis, hereby certify that I have this day served a copy of the foregoing testimony in the Application for a Certificates of Site Compatibility for the Oliver Wind IV Project and Associated Transmission Lines on the attached list of persons by electronic or paper service based on the preference expressed by the party.

Dated this 6th day of June, 2024



Kevin Pranis

Casey Furey and Erik Edison
CROWLEY FLECK PLLP
100 West Broadway, Suite 250
P.O. Box 2798
Bismarck, ND 58502-2798

Steve Kahl, Executive Secretary
John Schuh, General Counsel
ND Public Service Commission
600 East Boulevard Avenue, #408
Bismarck, ND 58505