

Before the Public Service Commission
of
The State of North Dakota

In the Matter of the Application of
BASIN ELECTRIC POWER COOPERATIVE

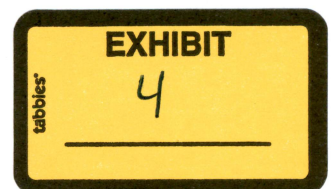
Consolidated Application to the North Dakota Public Service Commission for a
Certificate of Corridor Compatibility and Route Permit
Pioneer Generation Station to Judson Substation 345-kV Transmission Line Project
Williams County, North Dakota

Case No. PU-23-338

Pre-filed Testimony
of
Mike Murray

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Exhibit 4 - Pre-filed Testimony of Mike Murray

Basin Electric Power Cooperative



I. Introduction

Q.1. Please provide your name and business address.

A.1. My name is Mike Murray. My business address is 1717 East Interstate Avenue, Bismarck, North Dakota.

Q.2. What is your educational background and work experience?

A.2. I earned my Associates Degree in Business Administration from Bismarck State College and a bachelor's degree in Management from Minot State University. I have been employed by Basin Electric since 1990 and have worked in the Right-of-Way (**ROW**) Department since 2000. I am currently the Director of Property and Right-of-Way for Basin Electric and have personally acquired and/or overseen the acquisition of almost 600 miles of transmission line easements.

Q.3. Are you a member of any professional associations?

A.3. I am a member of the International Right of Way Association and I have served various leadership roles at the local chapter, region, and international levels, most recently completing my two-year term as the Chair of the International Ethics Committee. I received my senior right-of-way agent designation in 2007. It is the highest designation presented by the IRWA to members who have achieved professional status through experience, education, and examination. I have over 420 hours of continuing education in the field of Property and Right-of-Way through the International Right of Way Association.

Q.4. What is your role in connection with the proposed Project?

A.4. My role is to oversee the activity and progress of these Basin Electric's agents and provide assistance where necessary. I also have participated in our weekly project status meetings and am regularly communicating with our project manager, routing engineer, and other team members to stay informed so I can provide guidance to achieve the successful outcome of acquiring all necessary land rights.

II. Contact with Landowners

Q.5. Please summarize the extent of contacts that the Basin Electric's Right-of-Way team has made with the landowners on the proposed route of the Project.

A.5. There are a total of 22 landowners within the Project Corridor. All the land located

within the Project corridor is privately owned. The Judson Substation parcel is jointly owned by Basin Electric and Mountrail Williams Electric Cooperative. In September 2022, Basin Electric staff began contacting landowners along the route to introduce the project and seek survey permissions. Basin Electric began acquiring easements for the Project in May of 2023 and by December of 2023 had acquired 100% of the ROW easements for the Project.

Basin Electric staff and agents have contacted each and every landowner on the proposed route many times throughout the last 15 months. Contacts were made by in-person visits, by phone, and by letter out of necessity. Landowner contacts were made for various reasons, such as:

- To discuss the Project with them and to ask for consent to perform survey activities.
- To notify when various field survey activities will take place.
- To review the route and discuss any issues or concerns they may have.
- Working out adjustments in routing where feasible.
- To negotiate the easement-this often takes several visits.
- To keep the landowner apprised of any changes in location or design of the Project.

Frequent landowner contacts will continue throughout the construction, reclamation, and damage settlement phases of the project.

Q.6. How are landowner requests or comments handled?

A.6. If a landowner has a specific concern with the initial route or structure locations, we discuss why those locations were chosen. Should a landowner desire to shift a specific structure or propose a route adjustment, we discuss the request with Basin Electric engineering staff to see what is feasible and share the results with the landowner. Some changes in structure location may include accommodations to route the transmission line along property lines, within fence lines or tree rows, efforts to minimize cropland impacts and accommodate spacing for farm equipment, and to avoid proposed oil and gas facilities.

Q.7. Are the easements that were obtained for the Project limited to a specific purpose?

A.7. Yes. The easements only allow Basin Electric the right to install, repair, replace and maintain a single circuit transmission line and no other purposes are included or allowed within that easement.

Q.8. What activities will be restricted within the easement area?

A.8. Basin Electric restricts placement of permanent structures under transmission lines, planting trees, stockpiling materials under the line or any activity that would present a safety concern for the landowner or make operating the line a safety hazard. There are numerous compatible uses of the corridor that do not interfere with the safe and reliable operation of transmission facilities. Basin Electric does not require approval for uses like farming and ranching.

Q.9. How many total landowners' properties would be crossed with the Project and what percentage of the easements has Basin Electric acquired?

A.9. There are 22 landowners along this Project route, and Basin Electric has signed easements with all 22 of them.

Q.10. Does Basin Electric have the right of eminent domain with this Project?

A.10. Yes. As a rural electric cooperative, Basin Electric is a utility and has the right of eminent domain but only uses that right as a last resort. With 100% success in ROW easement acquisition on this Project, eminent domain action will not be necessary.

III. Route Selection

Q.11. Mr. Murray, would you please describe the various considerations Basin Electric used to determine the proposed route.

A.11. Many considerations were taken into account in the routing of this line: the Commission's criteria, including Avoidance and Exclusion areas, topographic features, farmsteads, oil well pads - including existing, permitted and planned. Various land uses, engineering constraints, access issues and landowner concerns were also a part of the process. Where feasible, Basin Electric agreed to reroute the proposed Project to minimize landowner concerns.

Q.12. Can you describe the efforts Basin Electric has made to avoid impacts to oil and gas activities during the siting of the Project?

A.12. Throughout the permitting and planning process of the Project, we have been in contact with the pipeline and oil pad operators to ensure that there are no conflicts with existing or planned well pads or pipelines. These discussions resulted in providing AC mitigation studies for pipelines where requested. No new oil and gas pads were planned along the preferred route. Basin Electric has applied for crossing permits with each known operator in the Project area to avoid construction conflicts with oil and gas activities.

Q.13. **Mr. Murray, would you please describe the route for the Project and also some of the alternate route segments which were considered.**

A.13. ***Segment 1 – Pioneer 345kV Substation Take-Off Structure to Angle Point 7***

This is a single circuit line with a 150 foot right of way width from the TOS to Angle Point 7 and is approximately 1.5 miles in length. The new 345kV Pioneer Substation is the point of beginning for this segment. The Pioneer Substation is located adjacent to Basin Electric Pioneer Generation Station, which is located approximately 11 miles northwest of Williston, in the NE/4 of Section 20, T155N, R103W in Williams County. Segment 1 begins at the take off structure at the Pioneer Substation and heads south for 450 feet and then east for 380 feet to angle point (**AP**) 3 to align with Basin Electric's property line which is still located in the NE/4 of Section 20. The route then proceeds south for 0.5 miles on Basin Electric's property to AP 5 located in the SE/4 of Section 20. The route then angles slightly southeast for approximately 0.3 miles to AP 6 located in the NE/4 of Section 29, T155N, R103W. The slight angle was necessary to accommodate landowner preference to keep structures out of crop land and to align with the property line of two landowners willing to share the route. From this point the line heads due south along a property line for 0.5 miles to AP 7 located in the SE/4 of Section 29.

Additional route options were looked at along this segment, but ultimately this route was selected in order to keep as much of this segment on Basin Electric property and to accommodate landowner route preference.

Segment 2 – Angle Point 7 to Angle Point 11

This segment of line is approximately 3.7 miles in length. From AP 7 route heads due east for approximately 0.75 miles to AP 8 located on the ½ section line in the S/2 of

Section 28, T155N, R103W. This was to accommodate landowner requests to stay on the property lines. The route then heads due south for approximately 0.9 miles to AP 9 located on the ½ section line in Section the S/2 of Section 33, T155N, R103W. This was route was also selected to accommodate landowner requests to route the line along their property boundaries.

The route then angles to the southeast for approximately 0.7 miles to AP 10 located in the NE/4 of Section 4, T154N, R103W. This angle was selected to accommodate landowner requests to avoid displacing cropland. To accommodate these landowners' requests, the selected route ended up being within approximately 300 feet of an occupied residence but the homeowner signed a waiver as this is also their preferred route. The route then heads due south for approximately 1.35 miles to AP 11 located on the ½ Section line in the E/2 of Section 9, T154N, R103W. An alternate to this line segment a ½ mile further west was considered but was less preferable to the landowners.

Segment 3 – Angle Point 11 to Angle Point 12

This segment is approximately 5.3 miles in length. From AP 10, the route heads due east for approximately 5.3 miles to AP 11 located in the NW/4 of Section 9, T154N, R102W. This segment is a clean route utilizing the ½ Section line and property lines of consenting landowners.

An alternate route ½ mile south of the selected route was reviewed but was not selected due to the high number of well pads and some occupied residences. Another alternate was reviewed 1 mile south of the selected route but was not selected due to some landowner resistance on several parcels.

Segment 4 – AP12 to AP 21 (Judson Substation Take Off Structure)

This segment is approximately 3.8 miles in length. From AP 12, the route heads due south for approximately 0.55 miles to AP 13 located in the NW/4 of Section 16, T154N, R102W. The route then turns due east for approximately 1 mile to AP 14 located in the NW/5 of Section 15, T154N, R102W. The route then heads due south for approximately 1 mile to AP 15 located in the NW/4 of Section 22, T154N, R102W. The route then heads due east for approximately 0.55 miles to AP 16 located in the

NE/4 of Section 22, T154N, R102W. The route then angles slightly to the southeast for approximately 730 feet to AP 17 located in the NE/4 of Section 22, T154N, R102W. Then the route takes a sharp angle to the southeast for approximately 960 feet to AP 18 located in the NW/4 of Section 23, T154N, R102W. Then the route heads due south for approximately 0.3 miles to AP 19 located in the NW/4 of Section 23, T154N, R103W. Then the route heads due east for approximately 600 feet to AP 20 located in the NW/4 of Section 23, T154N, R102W. Lastly the route heads due north for approximately 235 feet to AP 21 (the Take Off Structure in the Judson Substation). This segment was largely selected due to the fact that it avoids residences and we had a participating landowner that wanted a majority of the line on his property. An alternate route heading due east out of the substation was evaluated but was not well received by those landowners.

Q.14. Mr. Murray, what is the role of the Property and Right-of-Way Department in reclaiming the corridor at the completion of construction?

A.14. The Property and ROW Department will oversee the entire reclamation process. A licensed and certified reclamation contractor will report directly to our Property and ROW team and we will be on site to monitor progress and make sure reclamation is completed to landowners and Basin Electric's satisfaction.

Q.15. Does this conclude your testimony?

A.15. Yes.