

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Basin Electric Power Cooperative :
345-kV Transmission Line : Case No. PU-23-338
Project - Williams County :
Siting Application :

TRANSCRIPT OF
HEARING

Taken At
Williston City Hall
22 East Broadway
Williston, North Dakota
February 1, 2024

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

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1 (The following proceedings were had and
2 made of record herein, commencing at 9:00 a.m.,
3 Thursday, the 1st day of February, 2024:)

4 JUDGE DAWSON: Good morning, everyone. I
5 am Timothy Dawson, 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.

9 I will be issuing a recommended findings
10 of fact, conclusions of law and a recommended order
11 to the Public Service Commission. This is North
12 Dakota Public Service Commission Case Number
13 PU-23-338.

14 Before we begin today, there are a couple
15 of sign-in sheets going around. Please sign in on
16 them. There's one going around the audience and
17 there's one up here at the witness table. Also,
18 please silence or mute your phones.

19 This is a hearing on the application of
20 Basin Power Cooperative regarding an electric
21 transmission line project for a certificate of
22 corridor compatibility and route permit. The
23 electric transmission line project is for a 14.6
24 345-kV transmission line located in Williams
25 County, North Dakota. The project will originate

1 at the Pioneer Switchyard located within the
2 Pioneer Generation Station and will terminate at
3 the Judson Switchyard.

4 Let the record show that it is February 1,
5 2024, at 9 a.m., Central time, at the Williston
6 City Hall, Williston, North Dakota. This is the
7 time, date and place set by the notice of filings
8 and notice of public hearing issued by the North
9 Dakota Public Service Commission on December 13,
10 2023.

11 That notice contained the issues for this
12 hearing, and those issues are: Will the location
13 and operation of the proposed facilities produce
14 minimal adverse effects on the environment and upon
15 the welfare of the citizens of North Dakota?

16 Number 2, are the proposed facilities
17 compatible with the environmental preservation and
18 efficient use of resources?

19 And, number 3, will the proposed facility
20 locations 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 manner?

25 First thing we do is have appearances now

1 and appearances are introductions, and we will
2 begin with Ms. Merkens. Please make your
3 appearance for the record and tell me who will be
4 testifying for you today.

5 MS. MERKENS: Your Honor, my name is Anine
6 Merkens, staff counsel for Basin Electric.

7 SOUND TECHNICIAN: Turn on your mike.

8 MS. MERKENS: Your Honor, my name is Anine
9 Merkens, staff counsel for Basin Electric. Today
10 we'll call four witnesses: Mr. Bobby Nasset,
11 Mr. Philip Westby, Ms. Erin Dukart and Mr. Mike
12 Murray.

13 JUDGE DAWSON: Mr. Johnson, would you make
14 your appearance.

15 MR. JOHNSON: Brian Johnson, advisory
16 counsel for the PSC. With me today is Chris
17 Hanson, and I would ask that Mr. Hanson be able to
18 ask questions if necessary.

19 MS. MERKENS: No objection, Your Honor.

20 JUDGE DAWSON: Hearing no objection, that
21 will be allowed.

22 I am here today sitting for the PSC, and
23 I'm sent here for efficiency reasons and to save
24 the State a little money, but everything you tell
25 me gets back to the Public Service Commission in my

1 recommended decision, so that is why I am here
2 today.

3 What's going to happen today is we are
4 going to have Basin Electric explain the project,
5 and then when they're done, we're going to allow
6 for public testimony, if there is any. And at that
7 time if you'd like to testify, you may come
8 forward.

9 Is there anyone here that thinks that they
10 might testify? One, two, three, four -- so we
11 have -- we have three or four people out in the
12 audience and that's great, and that's why we come
13 out here is so we can get that testimony from the
14 people that are here. If we had it in Bismarck,
15 all of you would have to drive down there and some
16 of you might not drive down there and then we
17 wouldn't get the testimony. So thank you for
18 coming to the hearing today.

19 Are there any preliminary opening remarks,
20 matters or motions, Ms. Merkens?

21 MS. MERKENS: No, Your Honor.

22 JUDGE DAWSON: And we do have Exhibits 1
23 through 9?

24 MS. MERKENS: Yes, sir. That's correct by
25 my count.

1 JUDGE DAWSON: Yep. And, Mr. Johnson, do
2 we have a stipulation to those?

3 MR. JOHNSON: I would stipulate.

4 JUDGE DAWSON: Okay. So I'm going to mark
5 those Exhibits 1 through 9 and admit them at this
6 time.

7 If there's nothing else, you may call your
8 first witness.

9 MS. MERKENS: Thank you, Your Honor. I
10 would like to please call Mr. Bobby Nasset to the
11 stand.

12 JUDGE DAWSON: Mr. Nasset, I'm required by
13 law to tell you the penalties for perjury in this
14 state. Perjury is a Class C felony, punishable by
15 a fine of up to \$10,000 or a term of imprisonment
16 of up to five years, or both. Do you understand
17 what perjury is and the penalties for it?

18 THE WITNESS: Yes, Your Honor.

19 (Witness sworn.)

20 JUDGE DAWSON: With that, you may begin.

21 MS. MERKENS: Thank you, Your Honor.

22 **BOBBY NASSET,**
23 being first duly sworn, was examined and testified
24 as follows:

25

DIRECT EXAMINATION

1
2 **BY MS. MERKENS:**

3 Q. Mr. Nasset, for the record would you
4 please state your name, business address and
5 occupation?

6 A. My name is Bobby Nasset. I'm a civil
7 engineer employed at Basin Electric Power
8 Cooperative, and our address is 1717 East
9 Interstate Avenue in Bismarck, North Dakota.

10 Q. Would you please describe your educational
11 and professional background as well as your
12 employment history with Basin Electric?

13 A. I have a bachelor's degree in civil
14 engineering from North Dakota State University in
15 2005, and I'm a licensed professional engineer in
16 North Dakota.

17 My experience at Basin Electric, I've
18 worked there for 8 years, and I have 18 total years
19 of experience as a civil engineer. The majority of
20 my experience is in the routing, design and
21 construction administration of high-voltage
22 transmission projects.

23 Q. What have been your responsibilities in
24 connection to this project?

25 A. I have assisted with the project

1 coordination and a member of the design team. So
2 responsible for coordinating budget -- budgeting,
3 scheduling, as well as working on the routing,
4 right-of-way acquisition, engineering, permitting
5 and construction.

6 Q. Before we discuss the project, would you
7 please describe Basin Electric?

8 A. Basin Electric is a regional wholesale
9 electric generation and transmission cooperative
10 organized under the laws of the State of North
11 Dakota and headquartered in Bismarck. We provide
12 power to 141 member cooperatives serving 3 million
13 consumers.

14 Q. Okay. And moving to question 9, what will
15 you be discussing in your testimony today?

16 A. I will describe the project design and
17 plans for construction as well as the work that
18 Basin Electric has performed to comply with the
19 Commission's policy criteria.

20 Q. Would you please provide a general
21 description of the project?

22 A. So this project is approximately
23 14.6 miles of new 345-kV transmission line. It's
24 all built within a 100-footwide easement. We have
25 a single-circuit connection that will run from the

1 Pioneer Generation Station Switchyard, which is
2 currently under construction, to the existing
3 Judson Substation.

4 Within the Pioneer Generation Station
5 property, approximately a half mile of that
6 transmission line will be double-circuit
7 constructed to run a separate circuit from the
8 proposed recip engines become to the Pioneer
9 Switchyard.

10 In addition, the Pioneer Station will be
11 constructing two new combustion turbine generators
12 and they'll be connected via 345-kV circuits to the
13 new switchyard. The Pioneer Switchyard, the
14 combustion turbines and the reciprocating engines
15 were all previously certified by the Commission as
16 part of Basin Electric's Pioneer Phase IV
17 expansion. The case number is PU-22-380. And no
18 other facilities will be constructed as part of
19 this project.

20 Q. Thank you. Would you please describe the
21 general location of the project?

22 A. The project is entirely located within --
23 within Williams County. As I mentioned, it runs
24 from the Pioneer Station generally south and east
25 to the Judson Substation, which is approximately

1 three miles west of Williston. So the route, the
2 corridor and the entire study area are all within
3 Williams County.

4 Q. Thank you. Moving to question 14, what is
5 the schedule for the project?

6 A. We intend to begin construction this
7 spring upon receipt of all our permits. We
8 anticipate the construction will be complete
9 sometime this fall with the bulk of the
10 construction taking place this summer. Upon
11 completion of the construction, we'll start on the
12 reclamation which may go into next year as well.

13 Q. Thank you. And, Mr. Nasset, would you
14 please provide an estimated cost of the project?

15 A. The estimate is 31 million.

16 Q. Okay. Thank you. Would you please
17 describe the proposed transmission structure
18 design?

19 A. So for this project we have approximately
20 81 transmission line structures. We're using
21 galvanized steel monopoles, and so these poles will
22 have three steel davit arms for the conductor
23 phases and then two steel davit arms for the
24 overhead ground wire and the optical ground wire.

25 For that small segment that's

1 double-circuit within our property, that structure
2 will have six davit arms for both electric
3 circuits. And we have some exhibits -- or
4 Exhibit 2 shows each of those structure diagrams
5 and we also have detailed structure configurations
6 in Appendix B of the application.

7 Q. Thank you. Would you please describe the
8 Pioneer Switchyard -- or the Pioneer Generating
9 Station Switchyard as well as the Judson
10 Substation?

11 A. So as I mentioned, the Pioneer Switchyard
12 is currently under construction. It will be a new
13 four-terminal switchyard and it's part of the
14 previously approved Pioneer Phase IV project.
15 It'll provide connections for the two new
16 combustion turbines, for the reciprocating engines,
17 as well as the circuit that will go to Judson. The
18 Judson Substation is existing including the
19 terminal that will be used for this circuit. So
20 the only work that will be required at Judson will
21 be updates to the existing relays there.

22 Q. Thank you. Moving to question 21, what
23 standards did Basin Electric use to design the
24 project?

25 A. So we designed the project, as we do all

1 our projects, to be in full compliance with the
2 requirements of the National Electric Safety Code
3 for the heavy-loading district, and we also used
4 the design criteria from the USDA Rural Utilities
5 Service and along with other applicable industry
6 standards and building codes.

7 Q. Mr. Nasset, were there other -- in
8 addition to the standards you just mentioned, were
9 there other factors that Basin Electric considered
10 when designing this project?

11 A. We now -- for our 345-kV circuits because
12 of Southwest Power Pool, our regional transmission
13 organization, has a minimum standard at this
14 voltage for 3,000 amps, so we design all those
15 circuits to meet that minimum threshold.

16 Q. And what are the minimum clearances over
17 cultivated land, pasture, roads and other utility
18 lines?

19 A. For these we meet all of the NESC
20 requirements for clearances. And, for example, the
21 minimal clearances for all ground surfaces on this
22 project are 30 feet under all the operating
23 conditions for the transmission line.

24 Q. Thank you. Would you please describe how
25 landowner concerns have influenced the structural

1 design of the project?

2 A. Yeah. Feedback from the landowners has
3 helped us route the project. We've made several
4 changes to the proposed alignment based on feedback
5 that we got from landowners. And then also within
6 the alignment, we are able to move the structures
7 up and down along the line to accommodate landowner
8 requests where it's feasible for us.

9 In general we try to select structure
10 locations to minimize impacts to cultivated areas,
11 such as placing the structures at the edge of a
12 field or on property lines, so it's not always
13 feasible. The other thing we do is use
14 self-supporting steel pole structures on
15 foundations so there are no guy wires which limits
16 the structure footprint and the impact to their
17 land use.

18 Q. Has Basin Electric filed the structure
19 locations for the project?

20 A. Yes. The structure locations were filed
21 with our application.

22 Q. Thank you. Would you please generally
23 describe the construction sequence, workforce and
24 equipment required to construct the project?

25 A. Transmission projects are generally built

1 sequentially in four major phases. We have the
2 foundation installation, structure delivery and
3 assembly which might overlap with the foundations,
4 and then the structure setting and erection,
5 followed by the ground wire and conductor
6 stringing. At that time we'll start the
7 reclamation at the end of the project.

8 So each of those crew sizes are really
9 dependent on contractor means and methods, but
10 generally 6 to 8 personnel for each of those
11 phases, with the exception of the stringing which
12 would be approximately 20 people. They may elect
13 to use multiple crews depending on how they want to
14 manage their -- their schedule.

15 Q. Thank you. Mr. Nasset, would you please
16 describe the steps Basin Electric will take when
17 construction is complete?

18 A. When the -- the conductor stringing is
19 complete, we'll do a final inspection of the
20 project and identify any areas of corrective
21 action. Once we have verification that everything
22 is complete, the contractor will be released from
23 further responsibility and then we'll begin the
24 reclamation process, which will be regrading any
25 disturbed areas, and in grassland or pasture --

1 pasture areas we'll reseed those with native
2 species as recommended by the County Ag Extension
3 Service unless a different landowner -- a different
4 mix is requested by the landowner. Cultivated land
5 will be tilled and returned to its production.

6 Those activities, weather permitting, will
7 be ongoing throughout the construction and possibly
8 into the following construction season.

9 Q. Thank you. Would you please generally
10 describe the maintenance on a transmission line
11 like this?

12 A. So for our preventive maintenance
13 programs, that includes both aerial and ground
14 inspection. The aerial inspections will be
15 conducted two to three times per year. We will be
16 doing ground patrols annually for the first three
17 or four years of the project and then it goes on to
18 a two-year cycle. And then on a five-year cycle
19 our linemen will climb every tower for an
20 inspection.

21 The maintenance activities may include
22 repairing damaged conductor, inspecting and
23 repairing structures, repairing and replacing
24 damaged insulators and tightening any hardware.

25 They'll also continue to monitor any

1 vegetation growth that may pose a clearance or
2 safety problem for the transmission line in
3 accordance with our requirements for the National
4 Electric Reliability Council.

5 Q. When does Basin Electric plan to commence
6 reclamation?

7 A. Generally, the optimal timing for
8 revegetation is in spring or the fall. So for this
9 project we plan to start that in fall of '24.
10 Follow-up inspections will be carried out in the
11 next growing season, and for any areas that did not
12 become revegetated, they'll be reseeded again as
13 needed.

14 Q. Thank you. Would you please describe the
15 benefits that Basin Electric expects the project
16 will provide to the local economy?

17 A. So this project is -- kind of along with
18 the Pioneer Phase IV generation, it resulted in
19 increased demand for electric services for Basin
20 Electric's member owners and due to regional
21 economic development in the area. By completing
22 the project, the wages and salaries paid to local
23 contractors and workers will provide income for
24 residents here, and also Basin Electric's business
25 expenditures for equipment, fuel and operating

1 supplies and other products and services will
2 benefit local businesses as well.

3 Q. Thank you. Moving to question 36, what
4 steps has Basin Electric taken or will take to
5 prepare for an emergency that might occur during or
6 after construction?

7 A. So the line route is submitted to local
8 emergency agencies prior to construction. That
9 includes GPS coordinates to each of the structure
10 locations that can facilitate prompt navigation to
11 the site, and then both the Judson Substation and
12 the Pioneer site have 911 addresses.

13 Q. Okay. What efforts has Basin Electric
14 undertaken or will undertake to ensure the safety
15 of the workforce?

16 A. So all of our construction and maintenance
17 activities will be carried out in compliance with
18 applicable federal and state laws as defined under
19 the OSHA laws. Worker safety and health
20 administration is by Basin Electric's transmission
21 system maintenance division, which is a member of
22 the National Safety Council. Basin Electric also
23 has an OSHA-based safety program supported by the
24 Energy Coalition for Contractor Safety, so that
25 program has requirements for the contractors, their

1 employees and their subcontractors. And all of our
2 potential contractors are evaluated against the
3 safety program through that prequalification
4 process.

5 Q. Thank you. Now just a few questions about
6 the policy criteria. What is Basin Electric's
7 policy with respect to maximizing potential
8 benefits through location of its facilities?

9 A. So my colleague Phil Westby will testify
10 on the need for the location in this specific area
11 of the region, but he is -- with respect to the
12 actual location, the transmission line for this,
13 it's really based on -- on landowner feedback that
14 we get through their participation and then guided
15 by our field surveys -- biological, archeological
16 surveys -- as well as adherence to the Commission's
17 transmission line requirements.

18 Q. Thank you. Would you please describe
19 Basin Electric's general policy regarding labor
20 relations?

21 A. Basin Electric uses both union and
22 nonunion contractors throughout our region and at
23 our facilities, and we maintain an equitable and
24 fair relationship with labor unions.

25 Q. What efforts has Basin Electric made to

1 economize the costs of construction and operation
2 of the project?

3 A. So we have an obligation to our member
4 cooperatives to construct the facilities to manage
5 costs while maintaining reliability and safety. So
6 all of our materials and services are competitively
7 bid by qualified suppliers. We also combine a lot
8 of our purchases with our other ongoing projects to
9 take advantage of volume pricing.

10 Basin Electric also maintains all of its
11 own facilities, which minimizes the cost for
12 contracted services.

13 Q. Will you please describe Basin Electric's
14 policy and what efforts have been made to
15 coordinate facilities?

16 A. On this project we've had extensive
17 coordination with Mountrail-Williams Electric
18 Cooperative on distribution and transmission line
19 crossings as well as other area overhead and
20 underground utility companies along the planned
21 route. So we have to meet any of their clearance
22 requirements as well as any other operational
23 requirements they have for their crossing permits.

24 Q. Thank you. Mr. Nasset, based on your
25 knowledge of the project, do you believe the

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

5 A. Yes.

6 Q. Will the proposed facility locations
7 ensure continuing system reliability and integrity
8 that energy needs are met and fulfilled in an
9 orderly and timely fashion?

10 A. Yes.

11 MS. MERKENS: Thank you. No further
12 questions.

13 JUDGE DAWSON: Mr. Johnson.

14 **EXAMINATION**

15 **BY MR. JOHNSON:**

16 Q. Would it be appropriate to ask you if all
17 state agencies have weighed in and all permits are
18 obtained yet or would that be a better question for
19 somebody else?

20 A. That's correct. But my colleague Erin
21 Dukart will address that in her testimony as well.

22 Q. Okay. The only other question I had is do
23 these structures -- are they able to in the future
24 accommodate additional lines, if necessary, for
25 future growth, or are they maxed out after this

1 project is completed?

2 A. It'll be a single circuit so we can't add
3 additional circuits to it, but the -- a 3,000-amp
4 current carrying capacity exceeds what is currently
5 planned out of the Pioneer Generation Station.

6 MR. JOHNSON: Okay. Thank you.

7 JUDGE DAWSON: Mr. Hanson.

8 MR. HANSON: No questions, Your Honor.

9

EXAMINATION

10 **BY JUDGE DAWSON:**

11 Q. I saw in the application that there --
12 there would be allowed for winter construction, but
13 you're saying there's going to be no winter
14 construction?

15 A. Yeah. Unless some unforeseen delays come,
16 we plan to complete the project this fall. But,
17 yeah, if we would have to, we've done winter
18 construction before.

19 Q. Okay. And most of that construction is
20 digging a glorified post hole or is there more to
21 it than that?

22 A. Basically that, yes, sir.

23 JUDGE DAWSON: Okay. I have no further
24 questions. Since there's -- do you have anything
25 else you'd like to add?

1 MS. MERKENS: No, Your Honor.

2 JUDGE DAWSON: Well, you may step down.

3 THE WITNESS: Thank you, Your Honor.

4 JUDGE DAWSON: And you may call your next
5 witness.

6 MS. MERKENS: Your Honor, for my next
7 witness I'd like to call Mr. Philip Westby.

8 JUDGE DAWSON: Mr. Westby, you were here
9 for my previous warnings as to perjury so you
10 understand what perjury is and the penalties for
11 it?

12 THE WITNESS: Yes, Your Honor.

13 (Witness sworn.)

14 JUDGE DAWSON: You may begin.

15 MS. MERKENS: Thank you, Your Honor.

16 **PHILIP WESTBY,**

17 being first duly sworn, was examined and testified
18 as follows:

19 **DIRECT EXAMINATION**

20 **BY MS. MERKENS:**

21 Q. Would you please state your name, business
22 address and occupation?

23 A. My name is Philip Westby. I am employed
24 as the manager of transmission services at Basin
25 Electric Power Cooperative. And my business

1 address is 1717 East Interstate Avenue, Bismarck,
2 North Dakota.

3 Q. Thank you. And would you please describe
4 your educational background, employment history and
5 work experience?

6 A. Sure. I earned a bachelor of science
7 degree in computer engineering from North Dakota
8 State University in 2008, and I am a licensed
9 professional engineer in North Dakota. I have been
10 employed by Basin Electric since 2009 in the
11 transmission planning division. I was hired as an
12 electrical engineer and was promoted to manager of
13 transmission services in April of 2023.

14 My responsibilities include the
15 supervision of Basin Electric's transmission
16 studies. This includes completing and reviewing
17 studies that would affect existing and new electric
18 transmission facilities for Basin Electric and its
19 members.

20 Q. Mr. Westby, what have been your
21 responsibilities in connection with the Pioneer
22 Generation Station to Judson Substation
23 transmission line project?

24 A. Yeah. I've been involved in siting the
25 generation and determining the ideal way to

1 interconnect the Pioneer Phase IV project to the
2 regional transmission system. I'm also responsible
3 for reviewing transmission studies applicable to
4 this generation interconnection.

5 Q. And what information will you be providing
6 today in your testimony?

7 A. The purpose of my testimony is to provide
8 information related to the need for the project.

9 Q. Thank you. Mr. Westby, why is this
10 345-kilovolt transmission line needed?

11 A. The project is needed to interconnect
12 Pioneer -- Pioneer Phase IV facilities to the
13 electrical grid that serves Basin Electric member
14 cooperatives in the area. Basin Electric
15 identified the need for Pioneer Phase IV and
16 subsequently the project through its power supply
17 planning process. As a result of that process, it
18 became apparent that there was a need for
19 additional capacity in the region to meet the
20 growing demand and provide adequate supply of
21 electrical power to the Williston Basin area. The
22 project will transmit power from the new Pioneer
23 Phase IV units.

24 The Pioneer Phase IV project is
25 approximately 583 megawatts and the existing 115-kV

1 infrastructure in the area of the Pioneer Station
2 is not able to handle this amount of power
3 injection. Upgrading or rebuilding those existing
4 facilities would create more negative impacts and
5 be more costly than simply building a direct line
6 at a higher voltage from Pioneer Phase IV to the
7 Judson Substation.

8 Q. Mr. Westby, would you please describe the
9 alternatives that Basin Electric considered besides
10 the proposed project?

11 A. Sure. Basin Electric considered a
12 no-action alternative and a transmission system
13 alternative. A no-action alternative would leave
14 the region constrained by limited generation
15 capacity and does not serve the load growth or the
16 membership needs in the area and jeopardizes
17 reliability. For these reasons, Basin Electric
18 rejected the no-action alternative.

19 Basin Electric also considered
20 interconnecting into the existing 115-kV
21 transmission lines in the vicinity of Pioneer.
22 These lines can only handle roughly 200 megawatts
23 of power injection. The existing infrastructure is
24 undersized and is already being utilized by
25 existing electric generation.

1 Expanding the 115-kV system to accommodate
2 the additional generation from Pioneer Phase IV is
3 not cost effective, practical or safe due to the
4 number of existing lines and substations that would
5 need to be upgraded on the 115-kV system.

6 Basin Electric concluded that the only
7 feasible option to interconnect the new generation
8 from Pioneer Phase IV to serve the area is to build
9 a direct line from the Pioneer Phase IV site to the
10 Judson 345-kV Substation.

11 Q. Thank you. I'd now like to discuss the
12 transmission planning process. Mr. Westby, would
13 you please describe the studies that Basin Electric
14 has conducted to determine the need for this
15 project?

16 A. Per requirements from the Federal Energy
17 Regulatory Commission, Basin Electric conducts
18 annual NERC TPL-001-5 assessments on its
19 transmission system. The TPL-001-5 is a required
20 reliability assessment in which transmission
21 planners review their system over a broad spectrum
22 of system conditions and potential contingencies.

23 Basin Electric also conducts two annual
24 summer -- two annual operating studies in summer
25 and winter specifically related to reliability in

1 the Bakken region. In addition to these compliance
2 and operating studies, Basin Electric works closely
3 with the Southwest Power Pool on their Definitive
4 Interconnection System Impact Study processes.

5 Q. Have Basin Electric's studies shown
6 reliability issues in the Bakken area?

7 A. Yes. Through the annual NERC TPL-001-5
8 assessments process, Basin Electric has identified
9 the Bakken area as a potential weak spot for
10 reliability. The recent load forecasts continue to
11 show growth in this region which will continue to
12 stress the existing generation and transmission
13 infrastructure in the region.

14 Q. Mr. Westby, would you please describe the
15 expected schedule for SPP approval of the project?

16 A. Basin Electric submitted three separate
17 SPP generator interconnection requests as part of
18 the 2022 Definitive Interconnection System Impact
19 Study process. Basin Electric submitted an interim
20 generator interconnection application to SPP for
21 the Pioneer Phase IV generation facilities in
22 September of 2023 and expects approval in 2024.
23 The official generation interconnection agreement
24 is expected to be signed in 2025 after the
25 completion of the 2022 DISIS cycle.

1 Q. Thank you. Will this project be a part of
2 the SPP tariff?

3 A. No. The project is a radial transmission
4 addition required for the outlet of Pioneer Phase
5 IV Generation Station to meet customer demand. It
6 will not be operated under functional control of
7 the SPP tariff.

8 Q. Thank you. Would you please describe how
9 this project affects the reliability of the
10 transmission system in northwestern North Dakota?

11 A. A dispatchable resource such as Pioneer
12 Phase IV allows Basin Electric to continue to meet
13 its forecasted resource obligations as well as
14 during unexpected system events, such as
15 transmission or generation outages.

16 Pioneer Phase IV and this project provide
17 additional flexibility to take planned maintenance
18 outages on the existing generation and transmission
19 system in the local area. SPP market congestion
20 has been high in the area and this project will
21 provide relief to the congestion in the area,
22 especially when it's not windy, ensuring reliable,
23 low-cost energy for Basin Electric's membership.

24 Q. If the project is not built, what will
25 happen to the electrical transmission system in

1 northwestern North Dakota?

2 A. The existing transmission and generation
3 capacity in this region is insufficient, and unless
4 the project is constructed, future load growth will
5 be restricted. Without the project, Basin Electric
6 will not be able to meet its obligation to serve
7 electric load to its membership.

8 Q. Is the proposed location, construction and
9 operation of the project such that it will ensure
10 continued system reliability and integrity?

11 A. Yes. The project will support existing
12 system needs and increase transmission system
13 capacity while meeting NERC reliability criteria.

14 Q. Moving to question 17, will this
15 transmission line benefit the area through which
16 Basin Electric is proposing to construct?

17 A. Yes. This transmission line will provide
18 a direct benefit for service into the area by
19 continuing reliable service to all area consumers.
20 Specifically, dispatchable resources such as
21 Pioneer Phase IV allows for the system to be better
22 positioned to maintain reliable service for
23 unexpected system events such as outages or
24 maintenance activities on the existing transmission
25 system.

1 Q. Mr. Westby, is there any -- does Basin
2 Electric have any plans to expand this line?

3 A. There is no plan to expand the
4 transmission line beyond this project, but
5 additional transmission may be needed in the area
6 if electrical load requirements continue to grow or
7 the generation station is expanded further.

8 MS. MERKENS: Thank you, Mr. Westby. I
9 have no further questions.

10 JUDGE DAWSON: Mr. Johnson.

11 MR. JOHNSON: Thank you.

12 **EXAMINATION**

13 **BY MR. JOHNSON:**

14 Q. You stated this is going to help increase
15 reliability in the transmission up here. Does it
16 create any redundancy or pathways to help shift
17 load around if needed to -- to keep kind of as a
18 backup or alternate path if needed if there's an
19 outage somewhere else?

20 A. This project is not going to allow for the
21 shifting of load or anything. It's really just if
22 you have a transmission outage, now you have a
23 generation kind of up here that -- that can be
24 turned on or dispatched on demand to support the
25 transmission -- transmission system.

1 Q. Okay. And does it help with congestion at
2 all in the area as well?

3 A. Yes, it will. I mean, the Pioneer Phase
4 IV is powered by the natural gas which is created
5 in the Bakken region which is very inexpensive,
6 so --

7 MR. JOHNSON: Okay. I don't have any
8 other questions, Your Honor.

9 JUDGE DAWSON: Mr. Hanson.

10 **EXAMINATION**

11 **BY MR. HANSON:**

12 Q. Yes. Two questions. First, you were
13 talking about the current system can accommodate
14 approximate -- the 115-kV line's going to
15 accommodate approximately 200 megawatts of capacity
16 and that the -- the 345-kV will be able to
17 accommodate the Phase IV which is 584 megawatts,
18 but you noted that it had been built to SPP
19 specifications so there would be some additional
20 load. So if -- if you were to add generation to
21 the -- to the Pioneer facility, approximately how
22 much additional capacity would you have on the line
23 if you had to roughly estimate it from that 583?

24 A. So I think from a straight loading
25 standpoint, you could probably get another

1 1500 megawatts based on --

2 Q. Oh.

3 A. But I think there's other aspects that
4 would need to be considered before you would just
5 put that on a radial line because that would become
6 the largest -- one of the largest generation
7 outages -- single-line-minus-one outages in the SPP
8 region.

9 Q. So roughly about three times what's
10 currently at the facility. Okay.

11 A. And there would likely be other upgrades
12 needed --

13 Q. Sure.

14 A. -- downstream on the system.

15 Q. Okay. And then the second thing is you
16 noted that this was in the process of SPP approval
17 in 2024. Is that normal operating procedure that
18 you will be proceeding with construction prior to
19 having all the approvals and is there any risk
20 involved with that?

21 A. The SPP definitive -- SPP generator
22 interconnection process has been delayed, so
23 there's -- I would say it's not typical to build a
24 generation station prior to having a final
25 generator interconnection agreement. So there

1 certainly is risk. If that SPP study determines
2 that other system upgrades are needed, Basin will
3 be on the hook to pay for those upgrades.

4 MR. HANSON: Okay. Thank you. No further
5 questions.

6 **EXAMINATION**

7 **BY JUDGE DAWSON:**

8 Q. To feed off of Mr. Johnson a little bit,
9 so this is a feeder line to the Judson Switchyard.
10 Can you tell me a little about the Judson
11 Switchyard? What's coming into it now and where
12 does -- what comes from it?

13 A. There's three lines. One comes from -- a
14 345 line capacity from the Patent Gate Substation,
15 which is to the south which is just north of
16 Watford City a little bit. And then there's one
17 that comes from the east, which is the Tande
18 Substation over by Tioga. So those two 345 lines
19 come in, and then there's a 345 to 230-kV
20 transformer that goes to the 230-kV yard at Judson.
21 And then that has a 230-kV transmission line that
22 goes over to the Williston 230-kV substation. So
23 that's how it's all connected, and this will --

24 JUDGE DAWSON: Thank you. I have no
25 further questions.

1 Do you have any questions, Ms. Merkens?

2 MS. MERKENS: No, Your Honor.

3 JUDGE DAWSON: With that, you may step
4 down.

5 THE WITNESS: Thank you.

6 JUDGE DAWSON: And, Ms. Merkens, you may
7 call your next witness.

8 MS. MERKENS: Thank you, Your Honor. I
9 would like to call Ms. Erin Dukart to the stand,
10 please.

11 JUDGE DAWSON: You were here for my
12 previous admonitions as to perjury so you
13 understand what perjury is and the penalties for
14 it?

15 THE WITNESS: Yes, Your Honor.

16 (Witness sworn.)

17 JUDGE DAWSON: You may begin.

18 MS. MERKENS: Thank you.

19 **ERIN DUKART,**

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

22 **DIRECT EXAMINATION**

23 **BY MS. MERKENS:**

24 Q. Ms. Dukart, would you please provide your
25 name, address and occupation?

1 A. My name is Erin Dukart. My business
2 address is 1717 East Interstate Avenue, Bismarck,
3 North Dakota. I'm employed by Basin Electric Power
4 Cooperative as the director of environmental
5 services.

6 Q. Would you please generally describe your
7 educational background, professional experience?

8 A. I earned a bachelor of science degree from
9 the University of North Dakota in Grand Forks in
10 2002 with a major in biology. From 2002 to 2008 I
11 worked as an epidemiologist for the North Dakota
12 State Department of Health, Division of Disease
13 Control.

14 I was hired by Basin Electric in
15 October 2008 and have worked on a variety of
16 transmission and energy conversion facility siting
17 applications.

18 Q. Would you please describe your
19 responsibilities in connection with this project?

20 A. I am responsible for the overall
21 preparation and coordination of the environmental
22 analysis of this project. This involved working
23 with an interdisciplinary consultant team,
24 contacting and meeting with public officials,
25 coordinating activities with other Basin Electric

1 departments, as well as reviewing and coordinating
2 reports supporting the Public Service Commission
3 application.

4 Q. And would you please describe the purpose
5 of your testimony in this proceeding today?

6 A. I will describe the environmental
7 considerations that Basin Electric addressed in
8 selecting the proposed project route in accordance
9 with the North Dakota Energy Conversion and
10 Transmission Facility Siting Act and the
11 Commission's rules and regulations.

12 Q. The North Dakota Energy Conversion and
13 Transmission Facility Siting Act discusses
14 corridors and routes for transmission lines. Would
15 you please describe what a corridor and a route is?

16 A. The Act defines a corridor as the area of
17 land where a designated route may be established
18 for an electric transmission facility, and a route
19 is the location of an electric transmission
20 facility within a designated corridor.

21 Q. Thank you. And what is the size of the
22 corridor for this project?

23 A. The corridor is 14.6 miles long and
24 150 feet wide. This is also the easement width
25 that will be used for construction and maintenance

1 for the life of the project. As the corridor
2 encompasses the route, throughout the rest of my
3 testimony when referring to the corridor, I will be
4 referring to the route and corridor.

5 Q. Thank you. Why is it appropriate for the
6 Commission to approve the proposed 150-foot
7 corridor width?

8 A. Basin Electric proposed a one-mile-wide
9 study area with a 150-foot-wide project corridor,
10 the combination of which provides sufficient
11 information for the Commission to evaluate the
12 factors addressed in the Act. Utilizing a corridor
13 width equal to the width of the right-of-way also
14 helps avoid the confusion or uncertainty for
15 landowners, agencies and governmental
16 representatives that could occur with a wider
17 corridor. Thus, under the circumstances presented,
18 it's appropriate for the Commission to approve the
19 150-foot corridor width.

20 Q. Thank you. Would you please provide a
21 general description of the terrain along the route?

22 A. The route lies entirely within Williams
23 County, North Dakota. Starting at Pioneer
24 Generation Station, the route proceeds from
25 northwest to southeast. The project area crosses

1 gently rolling uplands north of the Missouri River
2 and the Painted Woods Creek towards the southern
3 end. About three-quarters of the area is comprised
4 of cultivated fields and the remainder is primarily
5 prairie grasslands. There are very few, if any,
6 significant topographic changes.

7 The corridor crosses lands owned by
8 private entities and individuals. Approximately --
9 approximately one mile of the route crosses mineral
10 trust lands which are managed by the North Dakota
11 Department of Trust Lands. There are no federally
12 owned or managed land segments crossed by the
13 project.

14 Q. Thank you. Moving to question 12, did
15 Basin Electric incorporate public input in the
16 route selection process?

17 A. Yes. Basin Electric and its
18 representatives contacted all required local, state
19 and federal agencies for assistance in identifying
20 concerns or issues within the study area. Basin
21 Electric has maintained close coordination with
22 landowners throughout the process via in-person
23 meetings, mailers and phone calls. Each landowner
24 received a pamphlet that detailed specific
25 information about the project.

1 Q. Thank you. And moving to the discussion
2 about exclusion and avoidance areas, would you
3 please describe what an exclusion area is?

4 A. An exclusion area is a geographical area
5 that must be excluded in the consideration of a
6 route for a transmission facility.

7 Q. And would you please describe what an
8 avoidance area is?

9 A. An avoidance area is a geographical area
10 that may not be considered in the routing of a
11 transmission facility unless the applicant shows
12 that under the circumstances there is no reasonable
13 alternative.

14 Q. Thank you. Does the corridor contain any
15 exclusion areas?

16 A. No.

17 Q. Does the corridor contain any avoidance
18 areas?

19 A. Yes. One homestead is located within
20 500 feet of the project corridor but is greater
21 than 500 feet from the route. Basin Electric has
22 obtained a landowner waiver for this property.
23 That waiver was admitted into evidence this
24 morning.

25 Q. Thank you. Has the entire route been

1 surveyed for cultural resources?

2 A. Yes. Since the application was submitted,
3 the entire route has been surveyed for cultural
4 resources. Basin Electric will submit an addendum
5 to the cultural resources survey once it is
6 finalized.

7 Q. Ms. Dukart, has the State Historical
8 Preservation Office reviewed the cultural resources
9 report and provided comment or concurrence?

10 A. The SHPO has reviewed and provided
11 concurrence on the original cultural resources
12 report. A second addendum cultural resources
13 report has been prepared and submitted to the State
14 Historical Society of North Dakota for review and
15 concurrence. The addendum report and future
16 correspondence with the SHPO will be filed with the
17 Commission to document that the project will not
18 adversely affect cultural resources.

19 Q. Thank you. Does Basin Electric anticipate
20 visual impacts caused by the project?

21 A. No. The project will be visible to
22 landowners and travelers along roadways. There are
23 existing transmission lines, oil and gas well pads
24 and roads already present in the viewshed.

25 Q. Thank you. Did Basin Electric evaluate

1 the irreversible and irretrievable commitment of
2 natural resource?

3 A. Yes. There are few commitments of
4 resources associated with this project that are
5 irreversible and irretrievable, but these include
6 resources primarily related to construction.

7 Q. Does the project impact existing
8 development plans of state, local, government or
9 private entities in the vicinity of the route?

10 A. No conflicts are anticipated with existing
11 state, local government or private entities'
12 development plans. Basin Electric and its
13 representatives contacted key local, state and
14 federal agencies for assistance in identifying
15 concerns or issues within the study area.

16 Public and agency correspondence received
17 as of September 2023 are included in the
18 application. Basin Electric will continue to meet
19 with various state and county officials as the
20 project moves forward.

21 Q. Do you expect the project will have
22 significant effects on scenic areas, historic sites
23 and structures, paleontological or archeological
24 sites?

25 A. There are no designated scenic areas that

1 will be affected by the project. Basin Electric's
2 consultant, Metcalf Archeological Consultants,
3 Inc., conducted a Class I literature review and a
4 Class III cultural resources inventory and
5 determined that any archeological sites are outside
6 the project corridor or are found to be not
7 significant. Once received, the final addendum
8 will be submitted to the Commission's docket.

9 Q. Thank you. Did the environmental studies
10 performed for the project address any concerns for
11 threatened or endangered species?

12 A. WEST Associates conducted a natural
13 resource inventory of a 530-acre area which
14 included an evaluation of habitat for federally
15 listed species. Assessments for federally listed
16 threatened and endangered species were conducted by
17 evaluating historic accounts and reported
18 occurrences of listed species within the area of
19 the proposed project.

20 A desktop evaluation was conducted which
21 was augmented with a field evaluation to confirm
22 the presence or absence of potentially suitable
23 habitat for federally listed species within the
24 survey area.

25 Prior to field surveys, the United States

1 Fish and Wildlife Service Information for Planning
2 and Conservation tool was reviewed and indicated
3 that six threatened, endangered and candidate
4 species could potentially occur within the survey
5 area and Williams County. These species include
6 the northern long-eared bat, the piping plover, red
7 knot, whooping crane, Dakota skipper and monarch
8 butterfly.

9 WEST Associates conducted surveys for bald
10 eagle and raptor nests. After consultation, the
11 North Dakota Parks and Recreation Department
12 determined that there are no plant species or other
13 significant ecological communities known to occur
14 within a mile of the project.

15 Q. Thank you. Ms. Dukart, has Basin Electric
16 addressed issues raised by agencies?

17 A. Yes. Basin Electric contacted
18 jurisdictional federal, state and local agencies
19 for comment. No agency raised any specific
20 problems with the project. Basin Electric believes
21 that this route is a balance between a viable,
22 cost-effective project and one that satisfactorily
23 minimizes impacts.

24 Q. Thank you. Have there been any -- any
25 concerns raised about potential impacts to

1 agriculture production, family farms or ranches?

2 A. No. There are no anticipated effects to
3 agricultural production, family farms or ranches.
4 Basin Electric will schedule construction
5 activities during periods when agricultural
6 activities are minimal or, alternatively, the
7 landowner will be compensated. Landowners would be
8 compensated for crop and forage loss that occurs as
9 a result of construction and maintenance
10 activities, and damage to soils will be redressed.

11 Transmission lines are generally
12 compatible with existing family farms and ranches,
13 and the project will not displace any farms or
14 ranches.

15 Q. Thank you. Moving to question 32, do you
16 anticipate the project will have any significant
17 adverse effects on noise-sensitive lands or
18 visually -- or visual impacts?

19 A. No. Upon operation there may be a minimal
20 amount of sound if air molecules near a conducting
21 wire are ionized due to changes in the electric
22 field intensity at the conductor surface. The
23 sound would be most noticeable when a conductor is
24 wet as a result of precipitation.

25 The project will be visible to landowners

1 and travelers along roadways, but no significant
2 visual effects are anticipated. There are existing
3 transmission lines, oil and gas well pads and roads
4 present in the viewshed.

5 Q. Does Basin Electric anticipate any
6 significant impacts on areas of extractive or
7 storage resources?

8 A. No. Basin Electric designed the project
9 corridor and route to avoid extractive and storage
10 resources or provide for sufficient clearance for
11 well maintenance and operation.

12 Q. Do you anticipate any significant impacts
13 on wetlands, woodlands or wooded areas?

14 A. No. Basin Electric designed the project
15 to avoid all wetlands. Trees and shrubs will be
16 replaced in accordance with the Commission's tree
17 and shrub mitigation specifications.

18 Q. Will the project affect radio or trans --
19 radio and television reception or other
20 communication facilities?

21 A. The project is not anticipated to affect
22 radio, television, communication or other
23 electronic control facilities.

24 Q. Do you expect the project may affect human
25 health and safety, animal health and safety or

1 plant life?

2 A. No. Basin Electric will comply with or
3 exceed the National Electric Safety Code standards
4 and inspect the lines throughout the life of the
5 project to maintain integrity, avoiding impacts to
6 human health and safety. Construction work will be
7 coordinated with landowners to avoid impacts to
8 livestock.

9 Basin Electric is committed to mitigating
10 potential impacts to wildlife as described in the
11 application. Damage to plant life is anticipated
12 to be negligible. The transmission line structures
13 will result in less than one acre of permanent
14 ground disturbance. Any temporarily disturbed
15 areas will be restored as practicable. Basin
16 Electric will replace trees and shrubs consistent
17 with the Commission's tree and shrub mitigation
18 specifications.

19 Q. Thank you. Will the project violate any
20 city or county zoning ordinances?

21 A. No. Transmission lines are a permitted
22 use for all zoning districts within Williams
23 County.

24 Q. Are there any additional permits that
25 Basin Electric needs to obtain prior to

1 construction?

2 A. No.

3 Q. In your opinion, are the proposed
4 facilities compatible with environmental
5 preservation and efficient use of resources?

6 A. Yes, they are.

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

9 JUDGE DAWSON: Mr. Johnson.

10

EXAMINATION

11 **BY MR. JOHNSON:**

12 Q. I have no doubt that you guys are
13 continuing to work with SHPO to get the
14 concurrence, but can you just kind of tell me what
15 happened there, why there was two different
16 segments that needed to be submitted? Was it an
17 oversight or --

18 A. No. The -- the archeologist can't observe
19 the ground when there is crop cover. So we had to
20 wait until the cultivated land -- all the crops had
21 been removed.

22 Q. Okay. That's good. So I noticed part of
23 the report indicates there's some noxious weeds in
24 the area. Is there a -- is there a weed -- weed
25 board in --

1 A. There is a weed board in Williams County.
2 We have not visited with them directly. We do have
3 a weed mitigation plan for Basin Electric and this
4 project has a specific part to that. So prior to
5 any reclamation we will be visiting with them.
6 There is one additional noxious weed in Williams
7 County beyond the state list as well.

8 Q. Okay. Yeah. I appreciate that you're
9 willing to work with them and work on that.

10 You said that all the agency approvals are
11 in. So I noticed there were some landslide areas
12 mentioned by the state geological survey. Are all
13 those avoided?

14 A. They are.

15 Q. Okay. And you talked about the noise from
16 the line. There's only one residence that's --

17 A. Within the 500 feet, yes.

18 Q. Okay. Is there any that are within, say,
19 1500 feet?

20 A. I think I would defer that question to
21 my colleague who will discuss the right-of-way and
22 the landowner --

23 Q. Okay. And do you know, have -- was --
24 when the waiver was obtained, did they talk to the
25 landowner about the potential for some noise when

1 ionization occurs?

2 A. Again, I would defer to Mr. Murray on
3 that.

4 MR. JOHNSON: Okay. Perfect. I will ask
5 him. That is all the questions I have.

6 THE WITNESS: Thank you.

7 JUDGE DAWSON: Mr. Hanson.

8 MR. HANSON: No -- no further questions.

9 MR. JOHNSON: Oh, I do have one more.

10 JUDGE DAWSON: Mr. Johnson.

11 Q. (MR. JOHNSON CONTINUING) You guys said
12 that you would meet the tree and shrub mitigation
13 plan. Prior to the hearing, I was speaking with
14 Ms. Merkens. There's a 50-foot clearing in that
15 requirement. Is there a need to go -- to clear
16 more than the 50 feet?

17 A. At times there is within this project,
18 particularly at landowner request.

19 Q. Okay. Is there -- besides landowner
20 request, is there any other reason to -- to clear
21 beyond what's in the tree and shrub mitigation
22 plan?

23 A. Beyond the 50 feet?

24 Q. Yes.

25 A. I would have to look at the construction

1 plan.

2 Q. Okay. And would that -- would that be a
3 requirement just for, like, National Electric
4 Safety Code clearing distances and things like
5 that, or is it just for construction purposes,
6 laydown areas like that?

7 A. I believe it would be primarily for
8 construction purposes.

9 MR. JOHNSON: Okay. Thank you.

10

EXAMINATION

11

BY JUDGE DAWSON:

12 Q. In looking through the application, it
13 seems that the only noxious weeds that were found
14 were Canada thistle and groups of it. There was
15 big patches of Canada thistle?

16 A. Yes.

17 Q. You didn't find any other noxious weeds?

18 A. Not that I recall.

19 JUDGE DAWSON: Okay. I have no further
20 questions.

21 THE WITNESS: I would just say the land is
22 primarily cultivated, so typically there would not
23 be.

24 JUDGE DAWSON: Ms. Merkens?

25 MS. MERKENS: No further questions, Your

1 Honor.

2 JUDGE DAWSON: Seeing no further
3 questions, you may step down.

4 THE WITNESS: Thank you.

5 JUDGE DAWSON: You may call your next
6 witness.

7 MS. MERKENS: Thank you. For my next
8 witness, I'd like to call Mr. Mike Murray, please.

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

13 THE WITNESS: Yes, I do, Your Honor.

14 (Witness sworn.)

15 JUDGE DAWSON: You may begin.

16 MS. MERKENS: Thank you, Your Honor.

17 **MIKE MURRAY,**

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

20 **DIRECT EXAMINATION**

21 **BY MS. MERKENS:**

22 Q. Would you please provide your name and
23 business address?

24 A. My name is Mike Murray, and my business
25 address is 1717 East Interstate Avenue in Bismarck,

1 North Dakota.

2 Q. Mr. Murray, would you please describe your
3 educational background and work experience?

4 A. So I did earn my associate's degree in
5 business administration from Bismarck State College
6 and a bachelor's degree in management from Minot
7 State University. I have been employed by Basin
8 Electric since 1990, and I have worked in the
9 right-of-way department since 2000.

10 I am currently the director of property
11 and right-of-way for Basin Electric and have
12 personally acquired and/or overseen the acquisition
13 of almost 600 miles of transmission lines.

14 Q. Thank you. Moving to question 4, would
15 you please describe your role in connection with
16 the project?

17 A. My role is to oversee the activity and
18 progress of these Basin Electric -- the contracted
19 agents as well as our own staff agents and provide
20 assistance where necessary. I also have
21 participated in our weekly project status meetings
22 and am regularly communicating with our project
23 manager, our routing engineer and other team
24 members to stay informed so I can provide guidance
25 to achieve a successful outcome of acquiring all

1 the necessary land rights.

2 Q. As far as contacts with landowners, would
3 you please summarize the extent of contacts that
4 Basin Electric's right-of-way department team has
5 made with the landowners along the proposed route?

6 A. Sure. So there are a total of 22 private
7 landowners within the project corridor. All the
8 land within the project corridor is privately
9 owned. The Judson Substation parcel is jointly
10 owned between Basin Electric and Mountrail-Williams
11 Electric Cooperative.

12 In September of 2022, Basin Electric began
13 contacting landowners along the route to introduce
14 the project and seek survey permissions. Basin
15 Electric began acquiring easements for the project
16 in May of 2023, and by December of 2023 we had
17 acquired 100 percent of the easements.

18 Q. Thank you. Are the easements that Basin
19 Electric has obtained for the project limited to a
20 specific purpose?

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

1 Q. Would you please describe activities that
2 will be restricted within the easement area?

3 A. Basin Electric restricts the placement of
4 permanent structures under the transmission lines,
5 such as planting trees, stockpiling materials under
6 the line or any activity that would present a
7 safety concern for the landowner or make operating
8 the line a safety hazard.

9 Q. Okay.

10 A. There are numerous compatible uses of the
11 corridor that do not interfere with the safe or
12 reliable operation of the transmission line
13 facilities, so Basin Electric does not require
14 approval for uses like farming or ranching.

15 Q. Thank you. Mr. Murray, would you please
16 generally describe the route for the project, some
17 of the alternate route segments that were
18 considered?

19 A. Sure, I can. And I'm going to -- I'm
20 going to break it down into like four segments so I
21 can better explain this, and it might be easier if
22 staff wants to follow the exhibits if you want to
23 know what I'm talking through here.

24 So for Segment 1 -- so the line in total
25 is roughly 14 and a half miles long, and Segment 1

1 is from the Pioneer Generation Station takeoff
2 structure to angle point 7. This is a
3 single-circuit line with a 150-foot right-of-way
4 from the takeoff structure to angle point 7, and
5 that is approximately -- this segment is 1.5 miles
6 in length.

7 The new 345-kV Pioneer Substation is the
8 point of beginning for this segment. The Pioneer
9 Substation is located adjacent to Basin Electric's
10 Pioneer Generation Station which is located
11 approximately 11 miles northwest of Williston in
12 the northeast quarter of Section 20, Township 155
13 North, Range 103 West, in Williams County.

14 Segment 1 begins at the takeoff structure
15 at the Pioneer Substation and heads south for
16 450 feet and then east for 380 feet to angle point
17 3 to align with Basin Electric's property line
18 which is still located within that northeast
19 quarter of Section 20.

20 The route then proceeds south for a half a
21 mile on Basin Electric's property to angle point 5
22 located in the southeast quarter of Section 20.
23 The route then angles slightly southeast for
24 approximately .3 miles to angle point 6 located in
25 the northeast quarter of Section 29, Township 155

1 North, Range 103 West. This slight angle was
2 necessary to accommodate landowner preference and
3 keep the structures out of cropland to align with
4 the property line and two landowners willing to
5 share the same route.

6 So from this point the line heads due
7 south along the property line for a half a mile to
8 angle point 7 located in the southeast quarter of
9 Section 29.

10 Additional route options were looked at
11 along this segment, but ultimately this route was
12 selected in order to keep as much of the segment on
13 Basin Electric's property and accommodate landowner
14 preference.

15 Segment 2 will be from angle point 7 to
16 angle point 11. This segment of the line is
17 approximately 3.7 miles in length. From angle
18 point 7 the route heads due east for approximately
19 three-quarters of a mile to angle point 8, which is
20 located along the half section line in the south
21 half of Section 28, Township 155 North, Range 103
22 West. This was to accommodate landowner requests
23 to stay on the property lines.

24 The route then heads due south for
25 approximately .9 miles to angle point 9 located on

1 the half section line in Section -- in the south
2 half of Section 33, Township 155 North, Range 103
3 West. This route was also selected to accommodate
4 landowner requests to route the line along the
5 property boundaries.

6 The route then angles to the southeast for
7 approximately seven-tenths of a mile to angle point
8 10 located in the northeast quarter of Section 4,
9 Township 154 North, Range 103 West. This angle was
10 selected to accommodate landowner requests to avoid
11 displacing cropland. To accommodate these
12 landowners' requests, the selected route ended up
13 being within approximately 300 feet of an occupied
14 residence, but the homeowner signed a waiver as
15 this was also their preferred route. This is where
16 they wanted it.

17 The route then heads due south for
18 approximately 1.35 miles to angle point 11 located
19 in -- on the half section line in the east half of
20 Section 9, Township 154 North, Range 103 West. An
21 alternate to this line segment a half a mile
22 further west was considered but was less favorable
23 for the landowners.

24 Section 3 will be from angle point 11 to
25 angle point 12. This segment was a longer

1 5.3 miles in length. From angle point 10, the
2 route heads due east for approximately 5.3 miles to
3 angle point 11 located in the northwest quarter of
4 Section 9, Township 154 North, Range 102 West.
5 This segment is a clean route utilizing a half
6 section line and property lines of consenting
7 landowners.

8 An alternate route a half a mile south of
9 the selected route was reviewed but was not
10 selected due to the high number of well pads, some
11 occupied residences -- and some occupied
12 residences. And another alternate route one mile
13 south of the selected route was also reviewed but
14 not selected due to landowner resistance on several
15 parcels.

16 Segment 4 is from angle point 12 to angle
17 point 21 which is also the Judson Substation
18 takeoff structure. This segment is approximately
19 3.8 miles in length. From angle point 12, the
20 route heads due south for approximately a half a
21 mile to angle point 13 located in the northwest
22 quarter of Section 16, Township 154 North, Range
23 102 West.

24 The route then turns due east for
25 approximately one mile to angle point 14 located in

1 the northwest quarter of Section 15, Township 154
2 North, Range 102 West.

3 The route then heads due south for
4 approximately one mile to angle point 15 located in
5 the northwest quarter of Section 22, Township 154
6 North, Range 102 West.

7 The route then heads due east for
8 approximately a half a mile to angle point 16
9 located in the northeast quarter of Section 22,
10 Township 154 North, Range 102 West.

11 The route then angles slightly to the
12 southeast for approximately 730 feet to angle point
13 17 located in the northeast quarter of Section 22,
14 Township 154 North, Range 102 West.

15 Then the route takes a sharp angle to the
16 southeast for approximately 960 feet to angle point
17 18 located in the northwest quarter of Section 23,
18 Township 154 North, Range 102 West.

19 The route then heads due south for
20 approximately three-tenths of a mile to angle point
21 19 located in the northwest quarter of Section 23,
22 Township 154 North, Range 103 West.

23 The route then heads due east for
24 approximately 600 feet to angle point 20 located in
25 the northwest quarter of Section 23, Township 154

1 North, Range 102 West.

2 And then, lastly, the route heads due
3 north for approximately 235 feet to angle point 21,
4 which is also the takeoff structure in the Judson
5 Substation.

6 This segment was largely selected due to
7 the fact that it avoids residences and we had a
8 participating landowner that wanted a majority of
9 the line on his property. An alternate route
10 heading due east out of the substation was
11 evaluated but was not well received with those
12 landowners.

13 Q. Thank you, Mr. Murray. Would you please
14 describe the role of the property and right-of-way
15 department in reclaiming the corridor at the
16 completion of construction?

17 A. Yes. So the property and right-of-way
18 department will oversee the entire reclamation
19 process. A licensed and certified reclamation
20 contractor will report directly to our property and
21 right-of-way team, and we will be on site to
22 monitor the progress and make sure that the
23 reclamation is completed to the landowners' and
24 Basin Electric's satisfaction.

25 MS. MERKENS: Thank you. I have no

1 further questions, Your Honor.

2 JUDGE DAWSON: Mr. Johnson.

3 MR. JOHNSON: Thank you.

4

EXAMINATION

5 **BY MR. JOHNSON:**

6 Q. Sounds like you guys were able to
7 accommodate quite a few landowners?

8 A. Yes, we did a lot of coordination with the
9 landowners.

10 Q. And they all seem to be happy with where
11 the line is at at this point?

12 A. Yes. It's primarily where they preferred
13 it to be.

14 Q. Okay. Was there any areas that you guys
15 couldn't accommodate for certain reasons?

16 A. Not along the final selected route. We
17 were able to adjust structure locations and the
18 route itself to accommodate the landowners'
19 requests, but there were other alternate routes
20 where we were not able to accommodate, so --

21 Q. Okay. And there's just the one residence
22 that's within the 500 feet?

23 A. Yes.

24 Q. And that's 500 feet of the route or the
25 corridor?

1 A. Of the route.

2 Q. Of the route.

3 And you got a waiver?

4 A. We got a waiver and it's where that
5 landowner wanted the route.

6 Q. Okay. And was the discussion had with
7 them about the potential for noise when -- when you
8 were discussing that with them?

9 A. I don't believe the potential for noise
10 came up. It was more of where they wanted the
11 structures located and the route to accommodate
12 their farming practices.

13 MR. JOHNSON: Okay. That's all the
14 questions I have.

15 JUDGE DAWSON: Mr. Hanson.

16 MR. HANSON: Yes. A couple questions.

17 **EXAMINATION**

18 **BY MR. HANSON:**

19 Q. Based upon your years of experience, how
20 would you describe the rerouting that occurred with
21 this? Would you consider that it had a significant
22 financial impact or would you say it was rather
23 minimal or extensive?

24 A. I would say it did have a -- I would have
25 to defer to Bobby on the total cost as far as the

1 construction, but when you add additional line
2 mileage and angle points, it does add additional
3 costs, but we were willing to do that to have
4 satisfactory landowner settlements.

5 Q. Okay. And you mentioned that you had a
6 hundred percent participation. Just curious
7 whether the -- I mean, was there any sort of
8 litigation or any sort of eminent domain? Have any
9 sort of actions been taken at all on this or was
10 it -- nothing proceeded to that point?

11 A. Nothing proceeded to that point. It was a
12 hundred percent voluntary.

13 MR. HANSON: Okay. Thank you. No further
14 questions.

15 JUDGE DAWSON: I have no questions. Any
16 questions?

17 MS. MERKENS: No further questions, Your
18 Honor.

19 JUDGE DAWSON: You may step down.

20 THE WITNESS: Thank you, Your Honor.

21 JUDGE DAWSON: Do you have any further
22 witnesses?

23 MS. MERKENS: No, Your Honor, but I would
24 like to recall Bobby Nasset, if I may.

25 JUDGE DAWSON: Okay. Mr. Nasset, please

1 come forward and be reminded that you're still
2 under oath.

3 **BOBBY NASSET,**

4 having been previously duly sworn, was examined and
5 testified further as follows:

6 **REDIRECT EXAMINATION**

7 **BY MS. MERKENS:**

8 Q. Mr. Nasset, my question for you is
9 regarding the tree and shrub mitigation
10 specifications and how the maximum width of tree
11 and shrub removal is 50 unless otherwise approved
12 by the Commission. Can you please describe why
13 Basin is using a 75-to-80-foot width?

14 A. Yeah. So in this case we have a
15 150-foot-wide right-of-way and the right-of-way is
16 really selected to contain conductor blowout. So
17 we analyze for our structure range and spans that
18 we have how far the conductor can move under
19 extreme wind conditions, and we have to make sure
20 that we maintain electrical clearances under all
21 those conditions.

22 So generally we would remove any hazardous
23 trees within the right-of-way, so that would be
24 75 feet on either side of the line for a total of
25 150 feet in this case. So we would be asking for

1 removal of up to that -- that width for this
2 project.

3 In addition to that, as part of our
4 landowner negotiations, a landowner has requested
5 the removal of an entire tree row for the project.

6 MS. MERKENS: Thank you. No further
7 questions, Your Honor.

8 JUDGE DAWSON: Mr. Johnson.

9 **FURTHER EXAMINATION**

10 **BY MR. JOHNSON:**

11 Q. Would you be requesting just 75 feet for
12 the entire route then?

13 A. 150 feet total.

14 Q. Correct. 75 on each side, 150 total?

15 A. Correct.

16 Q. Okay. And the -- just out of curiosity,
17 the tree row that they wanted removed, are those
18 trees still viable or -- I know there's a lot of
19 sometimes dead shelterbelts around, so --

20 A. I think that's part of it as well.

21 Q. Okay. And as far as tree replacements,
22 have you worked with landowners to determine if
23 you're going to replant where they're at or have
24 they requested them to go other places?

25 A. Yeah. Our right-of-way consultant and

1 right-of-way department are negotiating with each
2 landowner on their preferences for that, and some
3 would prefer it planted on their land and others
4 are having us plant it as part of our own
5 mitigation.

6 MR. JOHNSON: Okay. Thank you.

7 JUDGE DAWSON: Mr. Hanson?

8 MR. HANSON: No further questions.

9 **FURTHER EXAMINATION**

10 **BY JUDGE DAWSON:**

11 Q. How do you make that request? You said
12 you're going to request 75 feet on either side, and
13 how is that technically done?

14 A. To the landowner or the Commission, Your
15 Honor?

16 Q. To the Commission. Just now verbally?

17 A. Yes.

18 Q. Okay.

19 A. It's -- it first came up -- this is in the
20 new tree mitigation plan. So previously we've
21 cleared always the corridor width. That 345-kV,
22 that's our highest right-of-way width, so at the
23 lower voltage it's shorter. So I'm not sure where
24 the 50 feet was derived. That's a common pipeline
25 right-of-way width, but typically for the

1 high-voltage transmission projects we'll need wider
2 for that just to be in compliance with federal law
3 for our clearances to vegetation.

4 Q. And you said that's as wide as it gets
5 because of the size of the power line?

6 A. Correct. So in this case for this
7 project, 150 feet is our maximum right-of-way
8 width.

9 Q. Someone else had mentioned part of the
10 construction plan, and that's why I asked the
11 question if that was your request in that or if it
12 was here and now, so --

13 A. In some cases we need it for construction
14 access on -- on other projects that will be -- come
15 into play, but for this one we really just need it
16 for the clearance -- the electrical clearance to
17 the trees. Yep.

18 JUDGE DAWSON: Thank you. Any questions?

19 MS. MERKENS: No further questions, Your
20 Honor.

21 JUDGE DAWSON: You may step down.

22 THE WITNESS: Thank you.

23 JUDGE DAWSON: Any further witnesses?

24 MS. MERKENS: No, Your Honor.

25 JUDGE DAWSON: Okay. I think we can move

1 to the public testimony portion of this meeting.

2 If you want to testify, I just need you to
3 come forward and sit in the chair, and make sure
4 you've signed in somewhere so I can get the correct
5 spelling of your name.

6 What we'll do is we'll swear you in, and
7 then you'll tell me and the Commission what you
8 want them to hear. You'll be subject to
9 questioning when you're done by the people sitting
10 up here, so stay seated and answer the questions,
11 and when you're done, then sit down.

12 So is there anybody from the audience who
13 wishes to testify? Please come forward.

14 Your name, sir?

15 MR. MAHOWALD: Your Honor, my name is
16 Jeremy Mahowald.

17 JUDGE DAWSON: Can you spell that for me?

18 MR. MAHOWALD: M-a-h-o-w-a-l-d.

19 JUDGE DAWSON: And you were here for my
20 previous warnings as to perjury, so you understand
21 what perjury is and the penalties for it?

22 MR. MAHOWALD: Yes, Your Honor.

23 (Witness sworn.)

24 JUDGE DAWSON: You may begin.

25

1 JUDGE DAWSON: Mr. Johnson.

2

EXAMINATION

3 **BY MR. JOHNSON:**

4 Q. You said that this not only just meets
5 current needs but it will have the capacity to aid
6 with future load development as well?

7 A. I can't speak to that as -- from an
8 engineering standpoint, but my understanding is,
9 yes, this is -- I mean, with the future growth we
10 have coming, this line is going -- this line along
11 with the Pioneer IV Generation Station is going to
12 help a lot in our load growth, future power needs.

13 MR. JOHNSON: Thank you. That's all the
14 questions I have.

15 JUDGE DAWSON: Mr. Hanson.

16 MR. HANSON: No further questions.

17 JUDGE DAWSON: I have no questions either.
18 Any from you?

19 MS. MERKENS: No, Your Honor.

20 JUDGE DAWSON: With that, you may step
21 down.

22 MR. MAHOWALD: Thank you.

23 JUDGE DAWSON: Is there any other member
24 from the public that wishes to come forward and
25 testify? Please do.

1 State your name for me and spell it.

2 MR. VOURNAS: Alex Vournas, V-o-u-r-n-a-s.

3 JUDGE DAWSON: And you were here for my
4 previous warnings as to perjury so you understand
5 what perjury is and the penalties for it?

6 MR. VOURNAS: Yes, Your Honor.

7 (Witness sworn.)

8 JUDGE DAWSON: You may begin.

9 **ALEX VOURNAS,**

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

12 **STATEMENT**

13 **BY MR. VOURNAS:**

14 MR. VOURNAS: My name is Alex Vournas.

15 I'm the general manager of Mountrail-Williams
16 Electric Cooperative.

17 Mountrail-Williams Electric Cooperative is
18 a not-for-profit, member-owned electric
19 distribution cooperative. We provide electric
20 service to 8,445 member owners in northwestern
21 North Dakota. Mountrail-Williams sources most --
22 or almost all of its power needs from Basin
23 Electric.

24 The 345-kV line that Basin Electric is
25 presenting here today will ensure continued system

1 reliability for our members. Mountrail-Williams
2 Electric Cooperative supports the Basin Electric
3 Pioneer to Judson 345-kV project.

4 JUDGE DAWSON: Mr. Johnson.

5 MR. JOHNSON: No questions, Your Honor.

6 JUDGE DAWSON: Mr. Hanson.

7 MR. HANSON: No questions, Your Honor.

8 JUDGE DAWSON: Ms. Merkens.

9 MS. MERKENS: No questions, Your Honor.

10 JUDGE DAWSON: There are no questions.

11 MR. VOURNAS: Thank you.

12 JUDGE DAWSON: Is there any other
13 testimony from the public? Does anyone from the
14 public wish to come forward? Please do.

15 MS. WALTON: Hi.

16 JUDGE DAWSON: Your name, ma'am?

17 MS. WALTON: Kathy Walton.

18 JUDGE DAWSON: Kathy with a Y and a K?

19 MS. WALTON: Yes. Yes.

20 JUDGE DAWSON: Okay. And Walton?

21 MS. WALTON: W-a-l-t-o-n. Not related to
22 Walton's Mountain.

23 JUDGE DAWSON: Okay. And you were here
24 for my previous warnings as to perjury so you
25 understand what perjury is and the penalties for

1 it?

2 MS. WALTON: Yes, I do.

3 (Witness sworn.)

4 JUDGE DAWSON: You may begin.

5 **KATHY WALTON,**

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

8 **STATEMENT**

9 **BY MS. WALTON:**

10 MS. WALTON: Okay. I live -- I live in
11 Judson Township. And Mountrail-Williams Electric,
12 we believe, has sold their electric power to
13 entities that -- I know that -- that Basin Electric
14 has seemed to have covered all the bases, all the
15 landowners, but the end projects -- I want to share
16 with you -- I wasn't planning to do this. Okay. I
17 don't live very far -- this is on my front porch,
18 about a mile away from Atlas Power.

19 (Witness played audio from her cell phone.)

20 MS. WALTON: This is one of the quieter
21 days. This is what our electric cooperatives are
22 using their power for is to fund these economic
23 developments which is disturbing a lot of people in
24 Judson Township. It was worse this morning, but I
25 didn't tape it.

1 JUDGE DAWSON: And could you -- could you
2 tell us what -- what that was just because --

3 MS. WALTON: That was noise from a data
4 collection center called Atlas.

5 JUDGE DAWSON: Okay.

6 MS. WALTON: It's our understanding they
7 expect to expand and that's what some of this power
8 might be used for. I think that our power would be
9 sufficient if it wasn't for Atlas.

10 There are other people here, some of my
11 neighbors, who can't testify because there's an
12 ongoing lawsuit and they're involved. I'm not.

13 JUDGE DAWSON: Well, thank you.
14 Mr. Johnson, do you have any questions?

15 **EXAMINATION**

16 **BY MR. JOHNSON:**

17 Q. So that -- that's not from a generation
18 source or transmission. It's from the data -- data
19 center; is that correct?

20 A. Right.

21 Q. Okay.

22 A. Built in our neighborhood.

23 Q. Okay. How far do you live from that, did
24 you say?

25 A. About a mile.

1 MR. JOHNSON: Okay. Thank you. I don't
2 have any further questions, Your Honor.

3 JUDGE DAWSON: Mr. Hanson.

4 MR. HANSON: No further questions.

5 JUDGE DAWSON: Ms. Merkens.

6 MS. MERKENS: No questions, Your Honor.

7 JUDGE DAWSON: Okay. I don't either.

8 MS. WALTON: Okay. I could send you all
9 the noise every day if you want it.

10 JUDGE DAWSON: No, thank you.

11 MS. WALTON: Okay.

12 JUDGE DAWSON: But thank you for coming
13 forward today.

14 MS. WALTON: You're welcome.

15 JUDGE DAWSON: Is there anyone else from
16 the public who wishes to testify? Anyone else?
17 I'm not seeing anybody moving. This is going to be
18 the final request. Is there anyone else from the
19 public who wishes to testify?

20 Seeing no one, we can move on to closing
21 this hearing. Does anybody have any closing
22 remarks?

23 Ms. Merkens, is there anything else that
24 needs to be brought before me and the Commission?

25 MS. MERKENS: No, Your Honor.

1 JUDGE DAWSON: Okay. Well, I'd like to
2 thank everybody for coming out today. I didn't
3 expect this many people, and so it was refreshing
4 to see this many people show up for this siting.

5 What do we want to do with proposed
6 findings of fact, conclusions of law and order?
7 Two weeks or is that sufficient, 15 days or --

8 MS. MERKENS: Yes.

9 JUDGE DAWSON: Okay. So we'll go with
10 15 days. And then you can provide those to me and
11 hopefully in Word format as well.

12 Okay. I think there's nothing else to be
13 brought before me. So it is 10:21 a.m. on
14 January 31, 2024, and the hearing for PU-23-338 on
15 the application of Basin Electric Power Cooperative
16 for a certificate of corridor compatibility and
17 route permit is closed. And the record is closed
18 subject to the filing of the proposed findings.

19 This hearing's closed. Thank you for
20 coming.

21 (Concluded at 10:22 a.m., the same day.)

22

23

24

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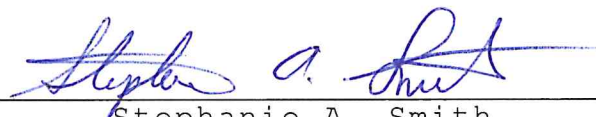
CERTIFICATE OF COURT REPORTER

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 23rd
day of February, 2024.



Stephanie A. Smith
Registered Professional Reporter