

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Basin Electric Power Cooperative :  
Roundup-Kummer Ridge 345-kV : Case No. PU-23-361  
Trans-Dunn & McKenzie :  
Siting Application :

TRANSCRIPT OF  
HEARING

Taken At  
High Plains Community Center  
100 Fifth Avenue Southwest  
Killdeer, North Dakota  
February 16, 2024

BEFORE HOPE L. HOGAN  
-- ADMINISTRATIVE LAW JUDGE --

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A P P E A R A N C E S

COMMISSIONERS PRESENT:

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

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FOR THE APPLICANT.

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Bismarck, North Dakota 58505-0480

FOR THE PUBLIC SERVICE  
COMMISSION.

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1 (The following proceedings were had and  
 2 made of record herein, commencing at 8:32 a.m., MT,  
 3 Friday, the 16th day of February, 2024:)  
 4 JUDGE HOGAN: All right. Good morning.  
 5 It is February 16, 2024, at 8:30 a.m., Mountain  
 6 time. This is the time and date set for -- by the  
 7 notice of filing and notice of public hearing  
 8 issued by the North Dakota Public Service  
 9 Commission on January 4, 2024, for Case Number  
 10 PU-23-361.  
 11 My name is Hope Hogan, and I have been  
 12 designated as the hearing officer for today's  
 13 hearing. I am an independent administrative law  
 14 judge designated by the Office of Administrative  
 15 Hearings upon the request of the Public Service  
 16 Commission.  
 17 This hearing is being held today at the  
 18 High Plains Community Center in Killdeer, North  
 19 Dakota.  
 20 As we would -- as we begin our hearing  
 21 today, I'd ask that you please check your cell  
 22 phones to make sure they're either silenced or  
 23 turned off so that we don't have cell phone noises  
 24 interrupting our hearing as we go.  
 25 Also, I believe there's an attendance

8

1 sheet by the front door. The Commission would ask  
 2 that everybody please sign in so that they have a  
 3 record of all who attended our hearing today.  
 4 This is the hearing on an application of  
 5 Basin Electric Power Cooperative. The application  
 6 is a combined application for a corridor  
 7 certificate and route permit to construct  
 8 approximately 32.5 miles of 345 kilovolt  
 9 transmission line and associated facilities  
 10 extending from the existing Kummer Ridge Substation  
 11 in McKenzie County to the existing Roundup  
 12 Substation in Dunn County, North Dakota.  
 13 The notice of filing and notice of public  
 14 hearing specified the following issues to be  
 15 considered and determined at this hearing:  
 16 Number 1, will the location and operation  
 17 of the proposed facility produce minimal adverse  
 18 effects on the environment and upon the welfare of  
 19 the citizens of North Dakota?  
 20 Number 2, is the proposed facility  
 21 compatible with the environmental preservation and  
 22 the efficient use of resources?  
 23 And, number 3, will the proposed facility  
 24 location minimize adverse human and environmental  
 25 impact while ensuring continuing system reliability

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1 and integrity and ensuring that energy needs are  
 2 met and fulfilled in an orderly and timely fashion?  
 3 I am now going to ask the parties to make  
 4 their appearance for the record. Ms. Merkens,  
 5 would you please state your appearance for the  
 6 record and introduce the witnesses you intend to  
 7 call today.  
 8 MS. MERKENS: Yes, Your Honor. My name is  
 9 Anine Merkens, staff counsel for Basin Electric  
 10 Power Cooperative. Today I will call four  
 11 witnesses: Mr. Bobby Nasset, Mr. Philip Westby,  
 12 Ms. Erin Fox Dukart and Mr. Mike Murray.  
 13 JUDGE HOGAN: Thank you.  
 14 And, Mr. Johnson, would you please note  
 15 your appearance for the record and introduce  
 16 Commission staff who will be participating in this  
 17 hearing.  
 18 MR. JOHNSON: Sure. Brian Johnson. I'm  
 19 assigned to advisory counsel. With me is Victor  
 20 Schock, and I do ask that, if needed, he be able to  
 21 ask questions.  
 22 JUDGE HOGAN: All right. And does the --  
 23 do you intend to call any witnesses for today's  
 24 hearing?  
 25 MR. JOHNSON: I don't have any witnesses,

10

1 no.  
 2 JUDGE HOGAN: All right. Thank you.  
 3 Testimony from the public will be taken after the  
 4 completion of Basin witness testimony. If you do  
 5 wish to testify today, I would ask that you please  
 6 note that on the attendance sheet so that I have an  
 7 idea of the amount of people that wish to testify.  
 8 I do encourage you to take this  
 9 opportunity to tell the commissioners anything you  
 10 think the commissioners should know about this  
 11 matter, and I assure you that what you have to say  
 12 is important to the Commission and will be  
 13 considered.  
 14 If you have any questions about providing  
 15 information or public testimony, feel free to ask  
 16 me those during our morning break.  
 17 It's now time for opening comments from  
 18 the commissioners. I'll start with you,  
 19 Commissioner Fedorchak.  
 20 COMMISSIONER FEDORCHAK: Good morning,  
 21 everyone. It's great to be in Killdeer this  
 22 morning in your High Plains Center here. I  
 23 remember a number of years ago -- it feels like  
 24 just the other day that this center was being  
 25 complicated -- or contemplated and I think it was

11

1 probably now eight or so years ago that that  
 2 happened, and, wow, what a beautiful facility it  
 3 is. What a great resource for the community.  
 4       The last time we were here, at least that  
 5 I recall, Randy -- maybe we were here one other  
 6 time in between, but we -- we were at the City Hall  
 7 and also a nice facility, but much smaller than  
 8 this, and it was pretty cramped because there was a  
 9 lot of people interested in what we were talking  
 10 about that day. So this is really wonderful to be  
 11 in such a nice place.  
 12       I'm really proud of the Commission's  
 13 siting process, and a lot of that credit goes to  
 14 the legislature for creating the process that we  
 15 follow. So thank you to our legislators who are  
 16 here. They do great work.  
 17       And North Dakota's process is as good or  
 18 better than any in the country. We actually can  
 19 permit energy infrastructure in this state, and  
 20 it's because of a process like this that we can.  
 21 It's not always pretty and it's not always easy,  
 22 but it's really, I think, one of the most efficient  
 23 ways to do it. We're the -- the lead agency and we  
 24 consult with all kinds of other agencies throughout  
 25 state government who have the actual expertise we

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1 need to consider and they file information and  
 2 question the company, and it's just a  
 3 back-and-forth that is very thorough and efficient  
 4 because we don't recreate all that expertise in our  
 5 agency. We rely on those who have it.  
 6       And then we think about it and go through  
 7 it, we come out, listen to the public. We want to  
 8 hear your concerns. That always has a huge impact  
 9 because what you say, then we can take back or the  
 10 company can hear. Sometimes it's for the first  
 11 time the company hears from folks who are concerned  
 12 or their specific concerns what they are, and then  
 13 it can be addressed and we can move forward. And  
 14 in the end we come up with a result that helps the  
 15 infrastructure that we all need and depend on every  
 16 day for our energy needs to be constructed in an  
 17 orderly manner.  
 18       So really wonderful process that we all  
 19 can be proud of. And thank you for being here  
 20 today to participate in it, and we'll definitely  
 21 use all that you have to say to make our final  
 22 decision. So thanks so much.  
 23       JUDGE HOGAN: Thank you. Commissioner  
 24 Christmann.  
 25       COMMISSIONER CHRISTMANN: Also welcome,

13

1 everyone. It's good to be out for these kinds of  
 2 things. You know, it would be much more convenient  
 3 since us and Basin Electric are only about a mile  
 4 apart in Bismarck to have these hearings there, but  
 5 it is important for us to get out and -- because we  
 6 want to hear from people. And so rather than make  
 7 you all drive all the way to Bismarck, I guess I  
 8 always feel it's much more convenient for you for  
 9 us to come out here and -- because we're trying to  
 10 make sure we don't miss things.  
 11       Some things are obvious, we can figure it  
 12 out from a distance. There's things on the ground  
 13 that you all may know about, and that's what we're  
 14 really here to hear.  
 15       A good example occurred a few years ago on  
 16 a gas processing plant where it involved not only  
 17 making the plant -- they had to upgrade a section  
 18 line so there was an alternative route in case  
 19 there was emergency action needed, but also it  
 20 included a significant upgrade to pavement on a  
 21 rural road. And because of the terrain, that was  
 22 really the only road that went out there and that  
 23 was going to be done late in the fall, and it turns  
 24 out that's where the scale is that the ranchers use  
 25 when it's time to wean calves. And we -- we not

14

1 being from here, we didn't know that. The company  
 2 didn't know that. It was out here in public  
 3 testimony that we became aware of that and the  
 4 company committed to starting their road  
 5 construction phase much earlier so it would be done  
 6 well before weaning time and not be interfering  
 7 with people trying to traverse that road with stock  
 8 trailers and semis during the middle of  
 9 construction. So I do think this is important. We  
 10 welcome you.  
 11       One thing that I know probably gets  
 12 irritating, especially being a cattle guy myself  
 13 before coming to the Commission, in the wintertime  
 14 like this, even though this isn't really normal  
 15 winter weather, but the fact that you come here and  
 16 we don't let you testify right away. It's -- you  
 17 know, I can imagine the thoughts of just let me  
 18 testify and go home and make sure the cows are fed.  
 19       But, really, you commenting on what you've  
 20 heard about the project at the cafe or something  
 21 doesn't do us as much good as when you hear the  
 22 details of the project as it is proposed today and  
 23 then you responding to that. That's when we get  
 24 the beneficial testimony in the record. So that's  
 25 why the company goes first and -- and the public

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1 testimony is delayed.  
 2 But please be patient. Listen to the  
 3 testimony. It may have -- there may be things  
 4 about the project that have changed from what  
 5 you've heard in recent weeks or months, and -- and  
 6 then we look forward to hearing your testimony.  
 7 I do appreciate legislators showing up. I  
 8 talked to Dale Patten for a little bit earlier.  
 9 Jeremy Olson or -- I thought I saw Kelby here, but  
 10 are Jeremy or Kelby here.  
 11 MR. TIMMONS: Kelby is here.  
 12 COMMISSIONER CHRISTMANN: Kelby. So we've  
 13 got two of the three. Appreciate you being here.  
 14 It's important that you know what you're -- what's  
 15 going on for your constituents. Thanks for your  
 16 activity.  
 17 JUDGE HOGAN: All right. Thank you.  
 18 Commissioner Haugen-Hoffart.  
 19 COMMISSIONER HAUGEN-HOFFART: Good  
 20 morning, everyone. I'll just say ditto to what  
 21 Julie and Randy said, and I have nothing else  
 22 really to add to that except we do appreciate your  
 23 participation here, being here, and wish you a  
 24 great day.  
 25 JUDGE HOGAN: All right. Thank you.

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1 I received copies of six prefiled exhibits  
 2 from Basin and then this morning there was a  
 3 certification relating to order provisions which  
 4 I've marked as Exhibit 7. I also marked the  
 5 prefiled testimony with Exhibit Nos. 8 through 11.  
 6 Did I cover all the prefiled exhibits, Ms. Merkens?  
 7 MS. MERKENS: Yes, Your Honor.  
 8 JUDGE HOGAN: All right. And,  
 9 Mr. Johnson, any objection to admitting the  
 10 exhibits?  
 11 MR. JOHNSON: No objection.  
 12 JUDGE HOGAN: All right. So I will admit  
 13 into the record Exhibits 1 through 11.  
 14 COMMISSIONER FEDORCHAK: Judge --  
 15 JUDGE HOGAN: Yep.  
 16 COMMISSIONER FEDORCHAK: -- I have one  
 17 quick question.  
 18 JUDGE HOGAN: Sure.  
 19 COMMISSIONER FEDORCHAK: Could Ms. Merkens  
 20 go through her witnesses again and what subject  
 21 they're going to cover just so in questioning I can  
 22 better direct things to the appropriate witness?  
 23 MS. MERKENS: Sure. Yes, Your Honor. The  
 24 first witness I'll call is Mr. Bobby Nasset. He is  
 25 the project manager. He'll discuss the routing and

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1 the -- the design.  
 2 The second witness I will call is  
 3 Mr. Philip Westby. He is in our transmission  
 4 services department and will describe the need for  
 5 this project.  
 6 The third witness I plan to call is  
 7 Ms. Erin Fox Dukart. She is our manager of  
 8 environmental services and will describe how this  
 9 project will not adversely affect the environment.  
 10 And the final witness is Mr. Michael --  
 11 Mr. Mike Murray -- excuse me -- and he is our  
 12 manager of right-of-way, so he will discuss  
 13 landowner contacts and that aspect of the routing.  
 14 COMMISSIONER FEDORCHAK: Thank you.  
 15 MS. MERKENS: You bet.  
 16 JUDGE HOGAN: All right. Any other  
 17 preliminary matters we need to discuss before we  
 18 move to testimony? Ms. Merkens, did you have  
 19 anything?  
 20 MS. MERKENS: No, Your Honor.  
 21 JUDGE HOGAN: Mr. Johnson?  
 22 MR. JOHNSON: No, Your Honor.  
 23 JUDGE HOGAN: All right. Then you can  
 24 call your first witness.  
 25 MS. MERKENS: Your Honor, I'd like to call

18

1 Mr. Bobby Nasset to the stand, please.  
 2 JUDGE HOGAN: Good morning, Mr. Nasset.  
 3 THE WITNESS: Good morning, Your Honor.  
 4 JUDGE HOGAN: I'll have you start by  
 5 stating your full name and spelling your last name  
 6 for the record.  
 7 THE WITNESS: My name is Bobby Nasset. My  
 8 last name is spelled N-a-s-s-e-t.  
 9 JUDGE HOGAN: And, Mr. Nasset, before you  
 10 testify this morning, I'm required by law to advise  
 11 you on the penalties for perjury in the state of  
 12 North Dakota. Perjury is a Class C felony,  
 13 punishable by a maximum fine of \$10,000, a maximum  
 14 five years imprisonment, or both. Do you  
 15 understand what perjury is?  
 16 THE WITNESS: I do.  
 17 (Witness sworn.)  
 18 JUDGE HOGAN: All right. Thank you. Go  
 19 ahead, Ms. Merkens.  
 20 MS. MERKENS: Thank you, Your Honor.  
 21 **BOBBY NASSET,**  
 22 being first duly sworn, was examined and testified  
 23 as follows:  
 24  
 25

19

1 **DIRECT EXAMINATION**

2 **BY MS. MERKENS:**

3 Q. Mr. Nasset, would you please provide your

4 name, business address and occupation?

5 A. My name is Bobby Nasset. I'm a senior

6 civil engineer with Basin Electric Power

7 Cooperative, and our business address is 1717 East

8 Interstate Avenue in Bismarck.

9 Q. Would you please state your educational

10 background?

11 A. I received a bachelor's degree in civil

12 engineering from North Dakota State in 2005. And

13 I'm also a licensed professional engineer in North

14 Dakota.

15 Q. Please describe your employment history

16 and work experience.

17 A. I've been employed with Basin Electric for

18 the last 8 years and 18 years total as a civil

19 engineer. The majority of my experience has been

20 in design, routing and construction administration

21 for high voltage transmission lines.

22 Q. Okay. What have been your

23 responsibilities in connection with the project?

24 A. I'm serving as the project coordinator for

25 this project as well as a member of the design

20

1 team. So I'm mainly responsible for managing the

2 project budget and schedule, as well as

3 coordinating the activities between routing and

4 design with our right-of-way acquisition,

5 environmental and permitting, as well as material

6 procurement and construction.

7 Q. Thank you. And what will you discuss in

8 your testimony today?

9 A. I'll describe the project as well as the

10 policy criteria that we used in designing the

11 project and plan to use for the construction.

12 Q. Thank you. We'll start with the project

13 description. Would you please provide a general

14 description of the project including its location?

15 A. So we've included a map here in Exhibit 1.

16 It's also the exhibit by the entry here of the

17 project route. So it's 32 and a half miles of

18 345-kV transmission from our existing Roundup

19 Substation, which is here in Dunn County just north

20 of Killdeer, up to our existing Kummer Ridge

21 Substation in McKenzie County just east of

22 Johnson's Corner.

23 The transmission line route includes about

24 22 miles in Dunn County and 11 miles in McKenzie

25 County. Approximately 6 and a half miles of the

21

1 project route are within Fort Berthold Indian

2 Reservation Trust Land, and we also have

3 approximately a quarter mile on Bureau of Land

4 Management and just over 3 miles of North Dakota

5 State Trust Lands.

6 Q. Would you -- or will the project be owned

7 by Basin Electric, Mr. Nasset?

8 A. Yes.

9 Q. Thank you. And would you please describe

10 the schedule for the project?

11 A. We plan to start construction this spring

12 upon pending approval of all permits. Our goal is

13 to complete the construction by November 30 and

14 energize the line this fall, and then we'll likely

15 have post-construction activities, such as

16 reclamation, extending into 2025.

17 Q. What is the estimated cost of the project?

18 A. The total estimated cost is around 74

19 million.

20 Q. As we start the discussion of the route

21 selection, would you please describe Basin

22 Electric's philosophy when routing a project?

23 A. When we start a project, we start with

24 basically the Commission criteria for -- for

25 routing and plans for avoidance and exclusion

22

1 areas, and then we spend a lot of time working with

2 the area stakeholders, landowners and making sure

3 that we're finding locations that can minimize

4 impacts to their planned land use. We really rely

5 on landowner feedback to help select a final route

6 that we believe are minimizing impacts.

7 We're also looking for safe structure

8 locations for access both for construction and the

9 long-term maintenance and operation of the project.

10 Q. Mr. Nasset, would you please describe the

11 general characteristics of the project route and

12 corridor?

13 A. So this project does have some unique and

14 challenging terrain that presented some challenges

15 for us when we were coming up with our final route,

16 particularly the area around the Little Missouri

17 River Valley. So just to access the proposed

18 structure locations that we're looking at here, we

19 have around 88 miles of off-right-of-way access

20 that's needed. So that's pretty unusual for a

21 transmission project.

22 And as we analyzed our different route

23 options to basically connect these two substations,

24 to find suitable structure locations and reasonable

25 access to them, we ended up following closely with

23

1 an existing infrastructure corridor in the area.  
 2 So there's an existing 115-kV transmission line as  
 3 well as several major pipelines. We -- we cross  
 4 the Little Missouri River Valley in a similar  
 5 location that they do, and fortunately because of  
 6 that activity, there's already really  
 7 well-established access in that area which will  
 8 help us minimize our disturbance and impacts to  
 9 that area.

10 Q. Thank you. Would you please describe why  
 11 Basin Electric has selected a 125-foot to 350-foot  
 12 corridor?

13 A. So typically for a 345-kV project, our  
 14 standard right-of-way width is 150 feet, and that's  
 15 the dimension that we need to contain the energized  
 16 conductor under all operating conditions, so we  
 17 model the conductor under high-wind conditions to  
 18 maximize whatever its horizontal displacement is  
 19 and make sure that that right-of-way width can  
 20 contain that -- that conductor in that  
 21 circumstance.

22 So when we have optimized span lengths  
 23 from, say, 800 to 1200 feet, that can all fit  
 24 within a 150-foot corridor. However, on this  
 25 project, again due to the terrain, we have several

24

1 very long spans where we're crossing valleys. We  
 2 have spans up to 2300 feet, and for that long of  
 3 span, the conductor is just going to get displaced  
 4 that much further under high wind conditions, so we  
 5 have a maximum width of 350 feet for some spans.

6 So we changed the spans on a  
 7 span-by-span -- or the right-of-way width on a  
 8 span-by-span basis. The majority of the project is  
 9 still 150 feet wide right-of-way.

10 We also have, on the BLM property at their  
 11 request, reduced the right-of-way width to 125 feet  
 12 by reducing our structure spans.

13 Q. Do you expect the project will have any  
 14 impacts to the operation of airports?

15 A. So we submit all our structure locations  
 16 and the ground elevations and heights to the FAA.  
 17 They did identify that the first several structures  
 18 north of Roundup would have to be lit and marked  
 19 due to its proximity to the Dunn County airport.  
 20 So we took the information they provided to us and  
 21 performed a redesign of that area and resubmitted  
 22 the structures, and basically what we did there is  
 23 we changed from a single monopole structure to  
 24 H-frame structures so that they'd be 25 feet  
 25 shorter. And after the FAA reviewed those, we no

25

1 longer have to light the structures, but we still  
 2 have to mark them with aerial marker poles.

3 Q. Mr. Nasset, how has the design and  
 4 construction of the project mitigated routing  
 5 through avoidance areas?

6 A. So my colleague Erin Dukart will testify  
 7 on the routing and mitigation for the archeological  
 8 and biological sites, but I did want to touch on  
 9 the landslide deposits in this area.

10 So North Dakota Geological Survey has  
 11 extensive mapping of landslide deposits in this  
 12 area. So first as part of our analysis again in  
 13 trying to connect these two substations, we were  
 14 looking for a route where we could entirely avoid  
 15 those, but in this area it's not physically  
 16 possible. There's no route that can completely  
 17 avoid them. So the second option is really just to  
 18 minimize both our alignment and structure locations  
 19 in those, and that again led us to that existing  
 20 infrastructure corridor I mentioned. I think  
 21 that's the reason those structures and pipelines  
 22 are also there is because it's the most reasonable  
 23 terrain, already has good access there and probably  
 24 the best location to cross the river.

25 We also procured geotechnical

26

1 investigation and performed soil borings throughout  
 2 the entire project site at almost all or our angle  
 3 structures and periodically throughout that site,  
 4 and we used that to -- to develop site-specific  
 5 soil profiles to support our foundation design.

6 COMMISSIONER FEDORCHAK: Excuse me. I'm  
 7 sorry. I'm having a little bit of trouble hearing.  
 8 I'm wondering if you could just pull the mike a  
 9 little closer.

10 THE WITNESS: Sure.

11 COMMISSIONER FEDORCHAK: That would be  
 12 great.

13 THE WITNESS: Do you want me to repeat  
 14 that?

15 COMMISSIONER FEDORCHAK: I'm good with  
 16 that. It's just a little soft, for me anyway.

17 Q. (MS. MERKENS CONTINUING) Mr. Nasset, how  
 18 does Basin Electric consider the clearing of trees  
 19 in the route selection process?

20 A. We did extend considerable effort on this  
 21 project to try to minimize any tree clearing, and  
 22 so we did that first with our route selection,  
 23 selecting structure locations and alignment where  
 24 we could avoid that. But then in areas where trees  
 25 are, tree removal may be required.

27

1 We also conducted a LiDAR survey, so we  
 2 surveyed all of the vegetation in the area and then  
 3 modeled our transmission line against that to make  
 4 sure that we had clearance to vegetation. And by  
 5 doing that, we -- we greatly reduced the amount of  
 6 trees that we have to clear on the project. I  
 7 think from our biological assessment, we had over a  
 8 hundred acres with our right-of-way, and we were  
 9 able to reduce that down to 10 acres of trees that  
 10 have to be removed.

11 And so, for example, areas that we cross  
 12 large valleys, there's a significant -- significant  
 13 amount of vegetation underneath that that we don't  
 14 have to clear because we have sufficient clearance  
 15 over those.

16 So any trees and shrubs that will be  
 17 removed will be replaced consistent with the  
 18 Commission's policy. However, I did want to note  
 19 that there are some areas that we have to remove  
 20 wider than 50 feet, and the current Commission  
 21 policy is we need explicit approval from the PSC to  
 22 do that.

23 Q. Moving on to the project design, would you  
 24 please describe the proposed transmission structure  
 25 design?

28

1 A. So this project we're going to use both  
 2 our standard monopole delta configuration. We have  
 3 a figure of our tangent structure in Exhibit 3, and  
 4 we'll also use a horizontal conductor configuration  
 5 with H-frame-type structures. The H-frames are  
 6 much better suited for the challenging terrain. We  
 7 can do longer spans of those, and they have better  
 8 support for foundations.

9 So for the remainder of the line, both the  
 10 north and south side of the line, we'll be using  
 11 the delta configuration, which is a single pole  
 12 with three steel davit arms for the conductor, and  
 13 it has two steel davit arms at the top of the pole  
 14 for the overhead ground wire and the optical ground  
 15 wire.

16 Q. What factors determine the height of the  
 17 structures?

18 A. Once we -- we develop the structure  
 19 locations and the span lengths, we verify our  
 20 clearance with the National Electric Safety Code,  
 21 and so basically it's a combination of the  
 22 topography, the conductor sag. Again, we model  
 23 that under all conditions -- under heavy ice or  
 24 heavy electrical load -- to make sure that we meet  
 25 that ground clearance. Then we adjust the

29

1 structure heights to make sure that we can meet  
 2 that.

3 Q. Thank you. How many structures will Basin  
 4 Electric need for the project?

5 A. There are 170 total transmission  
 6 structures on the project, and so 109 of those  
 7 would be single-pole structures and 61 will be the  
 8 H-frame structures. The angle structures in that  
 9 horizontal configuration are -- some of those will  
 10 be three-pole structures, I wanted to note.

11 And I also wanted to note that in our  
 12 application, we list those quantities as 115 and  
 13 55. So the six structures that we changed to  
 14 H-frames right outside of Roundup at the FAA's  
 15 request and review, that's why those numbers are  
 16 updated. So six more H-frames and six fewer  
 17 single-pole structures.

18 Q. What conductor is Basin Electric proposing  
 19 to use for the project?

20 A. This project will have an aluminum  
 21 conductor with a carbon fiber conductor core, and  
 22 the conductor diameter is 1.72 inches.

23 Q. And what type of foundation will be used  
 24 for the structures?

25 A. We use drilled concrete piers for almost

30

1 all of the structures on the project. The pier  
 2 depth and diameter really vary depending on the  
 3 structure height and the structure loading  
 4 requirements as well as the site-specific soil  
 5 profile we got from the geotechnical investigation.  
 6 The exception would be the tangent H-frame  
 7 structures. Those will be directly embedded into  
 8 the ground.

9 Q. And what are the minimum clearances over  
 10 cultivated land, pastures, roads and other  
 11 utilities?

12 A. So we adhere to the National Electric  
 13 Safety Code clearance requirement, which is 26 feet  
 14 to this voltage class, and then Basin Electric adds  
 15 its own 4-foot buffer on top of that. So we'll  
 16 have a minimum of 30 feet clearance to all ground  
 17 surfaces under all operating conditions.

18 Q. Moving on to the construction period of  
 19 the project, would you please describe the  
 20 construction activities?

21 A. Sure. We'll begin the project with  
 22 structure staking and also access preparation.  
 23 We'd like to begin tree clearing on this project  
 24 right away as well, and then foundation  
 25 installation will begin. During foundation

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1 installation, we'll start the structure delivery  
 2 and hauling to each site, and then a framing crew  
 3 will come to each of these locations and frame up  
 4 the structure with all the associated hardware.  
 5 That'll be followed by the structure setting and  
 6 erection crew.  
 7       Once the structures are set sufficiently,  
 8 they'll bring the conductor stringing crew and  
 9 they'll start stringing the wires, and that is the  
 10 last phase of the construction before energization.  
 11 Then we'll begin the reclamation phase of the  
 12 project.  
 13       Q. Would you please describe the labor force  
 14 that Basin Electric will need for the project?  
 15       A. Yeah. So transmission lines need fairly  
 16 specialized labor for most components of the  
 17 project, and this labor will be imported from other  
 18 areas of the state or other states.  
 19       Q. What steps has Basin Electric taken or  
 20 will take in order to be prepared for an emergency  
 21 situation that may arise during or after  
 22 construction?  
 23       A. So we provide GPS coordinates of each  
 24 structure location to the local emergency agencies  
 25 so first responders can get to any location on the

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1 project. We also have 911 addresses for both  
 2 the -- the Roundup and Kummer Ridge Substations.  
 3       Q. And what efforts has Basin Electric  
 4 undertaken or will undertake to ensure the safety  
 5 of the workforce?  
 6       A. So during construction as well as the  
 7 maintenance and operation of the line, we'll be in  
 8 compliance with Basin's OSHA safety program, which  
 9 is also supported by the Energy Coalition for  
 10 Contractor Safety. And all of our contractors are  
 11 required to meet a prequalification process through  
 12 the ECCS.  
 13       Once we move into the operation of the  
 14 line, the worker health and safety will be  
 15 administered by Basin's transmission system  
 16 maintenance division which is a member of the  
 17 National Safety Council.  
 18       Q. Would you please describe the steps Basin  
 19 Electric will take when construction is complete?  
 20       A. As part of the commissioning process,  
 21 we'll conduct a final inspection of the corridor  
 22 and identify any items that need corrective action.  
 23 Once those have been verified and confirmed as  
 24 complete, the contractor is released from  
 25 responsibility. We usually hire a separate

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1 contractor for all the reclamation work, and our  
 2 right-of-way division will oversee that.  
 3       Q. Mr. Nasset, what benefits does this  
 4 project provide to the local economy?  
 5       A. So during construction, wages and salaries  
 6 paid to contractors and workers will provide  
 7 personal income for residents and workers in this  
 8 area. Also our expenditures for equipment, energy  
 9 and fuel and operating supplies can benefit local  
 10 businesses, as well as amounts paid for state and  
 11 local taxes.  
 12       In addition, the project has -- has real  
 13 benefits, as Phil Westby will testify shortly, for  
 14 providing new critical load delivery to this  
 15 location and really important reliability  
 16 redundancy.  
 17       Q. Thank you.  
 18       Would you please describe the efforts that  
 19 Basin Electric has gone to to coordinate  
 20 facilities?  
 21       A. Yeah. There's a significant amount of  
 22 pipeline construction in this area, so we've worked  
 23 closely with the pipeline utilities to make sure  
 24 that we're meeting their crossing requirements, as  
 25 well as the rural electric cooperative, McKenzie

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1 Electric. We've worked closely with them  
 2 coordinating our transmission line crossings as  
 3 well as making accommodations for their plans for  
 4 any distribution work as well.  
 5       Q. Thank you. Before you end your testimony,  
 6 I have one clarifying question on question 23 about  
 7 the number of structures. In your testimony you  
 8 state that there's 109 single poles and 64  
 9 H-frames. Would you please reiterate the change  
 10 that's occurred since this was submitted?  
 11       A. Sure. I think I meant to say 109  
 12 single-pole structures and 61 H-frame structures.  
 13 So it's a difference of 6 from what was submitted  
 14 in the application. We had 115 single poles and 55  
 15 H-frame structures.  
 16       Q. Will the total number of structures  
 17 change?  
 18       A. No, the total number did not change.  
 19       Q. Thank you. Mr. Nasset, based on your  
 20 knowledge of the project, do you believe the  
 21 location, construction and operation of the  
 22 proposed facilities produce minimal adverse effects  
 23 on the environment and upon the welfare of the  
 24 citizens of North Dakota?  
 25       A. Yes.

35

1 Q. Will the proposed project location ensure  
 2 continuing system reliability and integrity and  
 3 that the energy needs are met and fulfilled in an  
 4 orderly and timely fashion?  
 5 A. Yes.  
 6 MS. MERKENS: Thank you. No further  
 7 questions, Your Honor.  
 8 JUDGE HOGAN: Thank you. Mr. Johnson, any  
 9 questions?  
 10 MR. JOHNSON: Just a couple.  
 11 **EXAMINATION**  
 12 **BY MR. JOHNSON:**  
 13 Q. Did I hear you correctly that you do not  
 14 have all the permits yet?  
 15 A. We're still in -- Ms. Dukart will be able  
 16 to summarize where we're at with the permits, but  
 17 we are still working with the BLM to get their  
 18 environmental assessment completed, and the  
 19 conditional use permit has been submitted to  
 20 McKenzie County as well as a permit for our laydown  
 21 yard there.  
 22 Q. And I heard you correctly that you -- you  
 23 don't plan on starting any construction until you  
 24 have all those in hand?  
 25 A. Correct.

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1 Q. Okay. And then on the clearing of the  
 2 trees greater than 50 feet, is there a particular  
 3 reason for that? Is it to like comply with the  
 4 National Electric Safety Code or is there a  
 5 different reason for it?  
 6 A. Correct. Yeah, we're legally obligated to  
 7 make sure that our conductor, again full range of  
 8 motion, keeps electric clearance to any vegetation.  
 9 And so just the nature of the size of the wires and  
 10 how far they can move, that goes beyond 50 feet.  
 11 So it could go as far as 150 feet where we have our  
 12 right-of-way, but where we've modeled the line, I  
 13 think the maximum width we'd have on this project  
 14 would be closer to 90 or 100 feet width that would  
 15 have to be removed.  
 16 MR. JOHNSON: Okay. Thank you. No  
 17 further questions.  
 18 THE WITNESS: And I guess I could add that  
 19 the -- our maps -- the detailed route maps do have  
 20 highlighted areas where we have tree removal.  
 21 JUDGE HOGAN: Mr. Schock, any questions?  
 22 MR. SCHOCK: Just a few.  
 23 **EXAMINATION**  
 24 **BY MR. SCHOCK:**  
 25 Q. So when we grant these kind of things for

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1 tree clearing, we're usually very specific with  
 2 those where we're granting it to be greater than  
 3 50. Would you be -- and I don't need this this  
 4 moment, but would Basin be able to file something  
 5 that indicates the exact locations where you're  
 6 requesting great than 50 feet?  
 7 A. We could, yes. Yeah, we can provide it.  
 8 Q. That would be helpful. And your  
 9 explanation for why was also helpful on that.  
 10 Similarly, for the corridor width that  
 11 you're requesting, your explanation earlier made  
 12 very good sense as to the why. When I looked  
 13 through the application and the maps, it wasn't  
 14 very easy for me to discern where the corridor  
 15 would be a hundred and -- I think there's kind of a  
 16 range there. From the original application it said  
 17 150 to 350. Now you're saying 125 to 350. So I  
 18 think what I heard you say is the 350 is where you  
 19 have the longer spans through that rougher terrain?  
 20 A. That's correct.  
 21 Q. The majority would be 150, and then  
 22 there's some areas where you're necking down to the  
 23 125?  
 24 A. There's only one location where we're  
 25 going to 125 and that's on the BLM property, so

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1 that's for around a quarter mile. Just a rough  
 2 guess, probably 90 percent of the project will be a  
 3 150-foot-wide easement.  
 4 It's shown in our route maps. There's a  
 5 right-of-way boundary on there that shows where  
 6 it's wider, but it might be difficult to see, so we  
 7 could provide a summary based on each of the spans  
 8 where that's different. And I think in the  
 9 application we have our -- all of our right-of-way  
 10 exhibits as well included that shows where it's  
 11 wider.  
 12 Q. Sure. And, yeah, I guess some of the maps  
 13 it's easier and more difficult, but if you'd be  
 14 able to similarly file something that just kind of  
 15 specifies this is where we're requesting this  
 16 corridor width or --  
 17 A. Sure.  
 18 Q. -- you know -- and maybe the easier way to  
 19 characterize it is a corridor width of 150 feet but  
 20 in this area we are requesting 350 and in this area  
 21 125, just so that when we write up our order, if  
 22 the Commission ultimately chooses to approve this,  
 23 we have it -- have specificity to it.  
 24 A. Yep. Perfect. We'll -- we can provide  
 25 that.

1 Q. Appreciate that.  
 2 One other kind of similar but slightly  
 3 different. Are you asking for any kind of a route  
 4 buffer for construction purposes? So --  
 5 A. No. I think we have all construction  
 6 within both the corridor and along the  
 7 off-right-of-way access that we've identified  
 8 included in the application. At each of the angle  
 9 structures we also secure a temporary disturbance  
 10 permit for stringing equipment, and so those are  
 11 also shown in I guess it would be Exhibit 6, for  
 12 example. If you go to any of those sheets and see  
 13 the angle points, there's a small gray box that  
 14 goes outside of what our easement would be, so  
 15 that's also surveyed for a temporary impacts  
 16 allocation.  
 17 Q. And I guess maybe I should clarify. So  
 18 what I meant by a route buffer is so we permit a  
 19 corridor and we permit a route and that route is  
 20 specific and finite.  
 21 A. Right.  
 22 Q. So historically we have just approved that  
 23 route and there's been challenges with that. You  
 24 know, as you get out there on the ground, there's  
 25 some things you might have to avoid or go around

1 corridor significantly.  
 2 A. Yeah. That would probably be an  
 3 appropriate number. I think we can in most  
 4 locations move the structures by 15 feet without  
 5 changing our right-of-way boundaries that we would  
 6 need. So, yeah, we'd appreciate that.  
 7 MR. SCHOCK: I don't think I have any more  
 8 questions for you. Thank you.  
 9 THE WITNESS: Thank you.  
 10 JUDGE HOGAN: Commissioner Fedorchak.  
 11 COMMISSIONER FEDORCHAK: Thank you.  
 12 **EXAMINATION**  
 13 **BY COMMISSIONER FEDORCHAK:**  
 14 Q. Thank you, Mr. Nasset. A few questions.  
 15 So -- and if you aren't the right witness, you can  
 16 divert me to the next one that is. So you talked a  
 17 little bit about the single pole versus the  
 18 H-frame, and it seemed like you -- in describing  
 19 where you're using the H-frame, it seemed like  
 20 there was some qualities about that particular  
 21 design that seemed more resilient.  
 22 A. Mm-hmm.  
 23 Q. So how do you guys decide where to use the  
 24 single pole versus the H-frame and why wouldn't  
 25 you -- what are the advantages of a single pole

1 when you really get out there to build the thing.  
 2 So as in recent past, we have allowed some buffer  
 3 zone for that. Sometimes very small. It just kind  
 4 of depends on needs. I guess I didn't see anything  
 5 specifically in the application, but particularly  
 6 considering the rougher terrain you're going over,  
 7 I'm curious if there's a particular number you're  
 8 looking at to just have a little bit of leeway  
 9 where you wouldn't necessarily have to file for  
 10 Commission approval for a route adjustment.  
 11 A. It's an interesting idea. I guess in the  
 12 past where we've had to make adjustments post  
 13 approval, we've resubmitted those -- those changes.  
 14 Typically structure moves during a project are very  
 15 small and still within the right-of-way corridor.  
 16 We haven't had any recent projects where we've had  
 17 to adjust the actual right-of-way boundaries for  
 18 that.  
 19 But if the Commission has some precedent  
 20 for that, we'd certainly be open to having  
 21 additional buffer for potential moves.  
 22 Q. Sure. So I guess we've had a number of  
 23 them used. I guess what seems reasonable to me is  
 24 somewhere in the 10- to 15-foot range. It's not --  
 25 you know, it doesn't unreasonably kind of vary your

1 that draw you to that over the H-frame?  
 2 A. Yeah. Thanks for the question,  
 3 Commissioner. If it was up to us engineers, we  
 4 would do H-frames everywhere. They're a better  
 5 structure, they're a more efficient structure.  
 6 We -- for our standard we've went now to a single  
 7 monopole more for landowner negotiations. It's a  
 8 smaller footprint. It can easily be on property  
 9 lines or field divisions, and so that's just become  
 10 our standard design.  
 11 We usually go to H-frames where we have  
 12 more challenging and longer spans, and there are  
 13 some technical advantages to that. When the  
 14 conductor moves, it moves more in a vertical  
 15 fashion, more like an ellipse basically, so you  
 16 have more movement in the vertical. So when we  
 17 have transmission lines that are stacked  
 18 vertically, when the circuit is stacked vertically,  
 19 you have more potential for clearance problems  
 20 between the phases.  
 21 So the H-frame structure or the horizontal  
 22 configuration, a conductor solves for that, which  
 23 is why a lot of the original transmission lines  
 24 were built with H-frames and all our original ones  
 25 that used the lattice towers were all horizontally

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1 configured as well.  
 2 So in this area you could do the longer  
 3 spans, so that's fewer structures, and in some  
 4 areas it was a necessity just because of the  
 5 terrain constraints to use the H-frame. So that  
 6 was conveyed to the landowners as well as the tribe  
 7 where we're going to use those H-frame. They'll  
 8 also be a weathering steel versus a galvanized, so  
 9 it'll have more of the rusted look to match the  
 10 environment a little bit better in that area.  
 11 Q. Are the H-frame also that type of steel,  
 12 the weathering steel, or are they different?  
 13 A. The H-frames will be the weathering steel.  
 14 Q. Oh.  
 15 A. The -- the ones outside of the canyon will  
 16 be a galvanized steel. Yep.  
 17 Q. And what about the single pole? What'll  
 18 they look like?  
 19 A. They'll be like a gray galvanized steel.  
 20 Q. Okay. Do landowners have a choice of what  
 21 color they are with the weathering versus the  
 22 galvanized?  
 23 A. We -- we proposed it to -- both options to  
 24 the Three Affiliated Tribes to get their preference  
 25 on that and they selected the weathering steel.

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1 It's also consistent with the line that we  
 2 constructed eight years ago west of this location  
 3 where we were going through similar Badland terrain  
 4 near Highway 85. We used a weathering steel there.  
 5 Most landowners don't seem to have a strong  
 6 preference one way or the other. TSM would just  
 7 prefer galvanized if we can otherwise, so --  
 8 Q. Okay. So when you were describing the  
 9 H-frame design and some of the advantages it had  
 10 from a technical standpoint, can you go through  
 11 that again. The conductors are in a line versus  
 12 stacked. So in a -- in an operation's standpoint  
 13 or from an operation's standpoint, what does that  
 14 do? How does that help in sort of a normal  
 15 person's terms --  
 16 A. Sure.  
 17 Q. -- not engineering. Why does it matter?  
 18 I guess why should we care?  
 19 A. No. Thanks for the question, too, and  
 20 I'll see -- I can make it a really long answer too.  
 21 But there was a phenomenon called wire galloping  
 22 where a little bit of ice builds up on a conductor,  
 23 and then with the right wind speed, like a laminar  
 24 wind, it can start to put the conductor into motion  
 25 and it almost looks like a jump rope. So the

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1 conductor will be in this -- this elliptical motion  
 2 in a vertical direction. And what we found when we  
 3 have our conductor stacked vertically, if you see  
 4 Exhibit 3A, the side where there's two phases on  
 5 the same side, once we get above, say, 900-foot to  
 6 our 1,000-foot spans, we start to have flashover  
 7 between the phases.  
 8 So we have had this problem on other  
 9 lines, and we went back -- there's some  
 10 post-construction mitigation you can do for that,  
 11 but the best mitigation is having enough space  
 12 between the conductors to make sure that you're  
 13 keeping clearance.  
 14 So having them horizontally configured,  
 15 they mostly move in the up-and-down direction. We  
 16 have plenty of clearance between the phases. We  
 17 don't ever have, to my knowledge, galloping issues  
 18 on our horizontally configured transmission lines.  
 19 Q. And when you have galloping issues, what  
 20 is the result to the power across the line?  
 21 A. It can usually be a temporary outage or  
 22 flashover. Yep.  
 23 Q. All right. Interesting.  
 24 On a totally different subject, what is  
 25 the status of your permits with the tribe? I know

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1 that the -- I think the BIA has approved it with  
 2 the FONSI; right? Is that all you need or what  
 3 other permitting processes are you still working  
 4 through with the tribes?  
 5 A. Yeah. Thanks for the question. And I  
 6 think both Erin and Mike will discuss this --  
 7 Q. Okay.  
 8 A. -- in more detail. But the executive  
 9 council at MHA has approved the project and it has  
 10 now been sent to the BIA for formal signature. So  
 11 I believe we're still waiting for that to get  
 12 administratively approved by the BIA, but you're  
 13 correct that the BIA has approved the environmental  
 14 assessment.  
 15 Q. Okay. And then I think I noticed in a  
 16 letter from the State -- or DEQ that you had to get  
 17 an EPA permit from the -- for the tribal land.  
 18 Is -- is that true or was that a misunderstanding?  
 19 Because I thought the FONSI from the BIA is what  
 20 you --  
 21 A. That's my understanding as well, and I'd  
 22 like to defer to Erin on that.  
 23 Q. Okay.  
 24 A. But I think we have an environmental  
 25 assessment with both the BIA and the BLM on this

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1 project.

2 Q. Yep. Lucky you.

3 A. Yep.

4 Q. The geological survey had identified some

5 landslides and I see them on -- or landslide areas

6 and I see them on the map, but I haven't found any

7 kind of description from the company on how you're

8 dealing with those areas or additional filings. I

9 might have missed it, but is somebody going to

10 address that down the line in your other witnesses?

11 A. Yeah. I think our -- the way we addressed

12 it was first just with minimizing our structures in

13 those locations. There is other infrastructure in

14 the same landslide locations.

15 It's another benefit of using H-frame

16 structures. They have a much more lightly loaded

17 foundation than a single-pole structure would. We

18 also got soil borings in those areas, too, so we

19 have a detailed soil profile to -- to support the

20 foundation design for those structures.

21 It's also just an area that -- you know,

22 Basin has over 3,000 miles of transmission lines.

23 We have structures in landslide deposits in other

24 areas or in riverbank areas where we just have to

25 monitor that for erosion and be proactive about any

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1 potential problems too. So part of it is a

2 long-term maintenance program and being proactive

3 with these locations.

4 But when we design the line, we're being

5 careful about where the structure locations are.

6 We're not putting them right next to, you know, an

7 edge or in danger of erosion threatening the

8 structure either.

9 Q. Okay. I might have some follow-up

10 questions on that one with your -- would it be Erin

11 or would it be you? Who's best?

12 A. I think I'd be the best one to answer

13 those ones.

14 Q. Okay. So do you identify specific areas

15 where that's a concern or how did you go about

16 taking what the geological survey said and, you

17 know, kind of digging deeper in those areas?

18 A. I think the best way was to get

19 site-specific soil borings there --

20 Q. Okay.

21 A. -- for the structures is what we did

22 there.

23 Q. Have you narrowed it down to how many

24 poles or where those areas specifically are?

25 A. Yeah. It's close to the river. I can get

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1 you an exact number of structures. I think if you

2 look at the -- let's see -- page 3 of 6.

3 Q. In which section?

4 A. In -- on the Exhibit 6.

5 COMMISSIONER FEDORCHAK: Exhibit 6. I

6 don't have it marked that way. Oh, I don't have

7 one of those books. Okay. Okay. I'm there.

8 COMMISSIONER CHRISTMANN: Which page?

9 THE WITNESS: If you could go to page 3 of

10 6. It might be a little bit hard to see with the

11 imagery background, but there is a hatched area, a

12 diagonally hatched area. So, for example, if you

13 see angle point 35, can you make out the

14 hatched area there in the background?

15 Q. (COMMISSIONER FEDORCHAK CONTINUING) Oh,

16 let's see here. 30 did you say?

17 A. Angle point 35, right next to Section 36

18 on the State property there.

19 Q. Okay. Yeah.

20 A. So that hatched area is what we get from

21 the North Dakota Geological Survey. That's their

22 GIS database of known landslide deposits. And so

23 you can see that structures 80, 81 and 82 would all

24 be within a landslide deposit area.

25 Q. Okay. So your -- your point, from a

50

1 technical standpoint, you do soil samples there and

2 make sure the foundations are built correctly?

3 A. Yeah. And I think a transmission line by

4 its nature is a flexible design too. So we do have

5 capacity for some settlement with our structures as

6 well. But similar to the DOT when they built

7 Highway 22 in this area, they go through the exact

8 same formation. It's just a risk in this type of

9 area that we've got to monitor and be careful with.

10 Q. Would these be the same type of areas

11 where you'd have trees and shrubs and -- perhaps

12 underneath the poles or near them or -- I know you

13 have to clear them, but you're trying to minimize

14 that so it sounds like you're --

15 A. If you're still looking at the same

16 figure, we have a green highlighted area between

17 structures 83 and 84. For example, that's an area

18 where we have to clear trees. We're not really

19 showing any within the landslide deposit for

20 clearing that location. There might be a little

21 bit for the access road --

22 Q. Okay.

23 A. -- just west of structure 81. So it's a

24 good point, though, and it's another reason why we

25 selected this location. There's already existing

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1 access that was used for the construction of -- if  
 2 you'll notice the orange line on here, that's  
 3 existing 115-kV transmission line, and there's also  
 4 two or three major pipelines coming through this  
 5 area. So there's really good access. So a way of  
 6 really preventing disturbing these areas is not  
 7 cutting in new access or doing new cut slopes. So  
 8 our footprint is relatively light for what we're  
 9 installing here.

10 Q. Okay. That kind of leads to my next  
 11 question which is about wildfire mitigation. I  
 12 know that's not something that we have spent a lot  
 13 of time on in North Dakota because there aren't a  
 14 lot of trees, but there is a lot of brush and a lot  
 15 of dry areas, and in other parts of the country  
 16 utilities are really suffering from wildfires being  
 17 sort of the insurance of last resort for wildfire  
 18 damage. So is that something that Basin thinks  
 19 about and plans for and how -- what sort of  
 20 mitigation have you done here to account for your  
 21 wildfire risk?

22 A. Yeah. So both in the design of the  
 23 project, like I mentioned before, modeling all  
 24 vegetation against our conductor to make sure we  
 25 have safe clearance, but then also our transmission

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1 service maintenance group will be doing aerial  
 2 inspections perhaps three times a year and annual  
 3 ground inspections once a year where they're always  
 4 looking for any new vegetation. We're required  
 5 to -- or federally and legally required to make  
 6 sure that we don't have vegetation risk near the  
 7 conductor.

8 Q. Okay. And has that -- have you gotten --  
 9 has anything changed in your approach to wildfires  
 10 in the last five or so years?

11 A. Not -- not specifically, no.

12 Q. So this issue nationally hasn't really  
 13 resonated with you guys in terms of making sure  
 14 your maintenance standards and everything are up to  
 15 speed? Because it is a huge risk for your  
 16 ratepayers if something -- if you end up being the  
 17 cause of a wildfire.

18 A. Yeah, definitely. You're correct. It did  
 19 require us to have like a published tree mitigation  
 20 plan for tree clearing with transmission lines. So  
 21 it's on our website and it's something that our  
 22 transmission maintenance group has to report on and  
 23 comply with.

24 Q. Okay.

25 A. We're somewhat fortunate in our area.

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1 It's less vegetation, but still definitely a  
 2 concern here.

3 Q. Yeah. But, you know, prairie fires, too,  
 4 can cause it. It's not forest --

5 A. Mm-hmm.

6 Q. -- but still can cause a lot of damage.  
 7 And I think we run the risk of being complacent  
 8 because we don't have forests and we don't think it  
 9 affects us, but it really could. So I'm glad to  
 10 hear that you guys are talking about it.

11 Let's see. What's the latest status on  
 12 the landowner easements? Is that coming up with  
 13 somebody else?

14 A. Yep. My -- my colleague Mike Murray will  
 15 address the right-of-way. Yep.

16 Q. What's the closest occupied structure and  
 17 what -- I see a few of them within the -- within  
 18 500 feet. What -- what are you doing with those?

19 A. I -- I don't believe we have any within  
 20 500 feet --

21 Q. Oh, really?

22 A. -- on the project.

23 Q. Okay. I thought I saw some on one of  
 24 these maps here. Potentially occupied structures  
 25 within 500 feet. I know I saw some, unless I was

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1 misreading the map. Well, I'll look through and  
 2 maybe come back to that or maybe one of my  
 3 colleagues has flagged that too. Okay. Let's see.

4 A. We can double-check and find what the  
 5 closest dimension is to the nearest dwelling unit,  
 6 but it's well over 500 feet.

7 Q. Okay. And then on the road access issue  
 8 you mentioned at the beginning, that also is an  
 9 interesting challenge in this project. There's a  
 10 number of areas marked with unimproved access  
 11 roads. Can you -- what is that?

12 A. Yeah. Good question. And so we have --  
 13 there's like oil pipeline service roads that are  
 14 already surfaced with aggregate and maintained  
 15 roads that are private roads that we're working  
 16 with MDU and with the landowners. We also have  
 17 like two-track paths that have been used for access  
 18 to some of these lines. So it's a two-track path  
 19 that's not a surfaced road. We're calling that an  
 20 unimproved access.

21 Q. I see. And do you have to negotiate  
 22 special agreements with the oil companies or the  
 23 pipelines or the landowners for using those roads?

24 A. Correct. Yeah, we're working with the  
 25 landowners on getting an easement to use those --

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1 those access roads. Then we'll have to set up like  
 2 a joint use maintenance agreement with some of  
 3 them.  
 4 COMMISSIONER FEDORCHAK: Okay. All right.  
 5 I think that's it for me. Thank you.  
 6 JUDGE HOGAN: Commissioner Christmann.  
 7 **EXAMINATION**  
 8 **BY COMMISSIONER CHRISTMANN:**  
 9 Q. I don't have too many left, actually, but  
 10 Commissioner Fedorchak asked something about the  
 11 tribal agreement and I think you said that it  
 12 was -- it would be better for Mr. Murray or --  
 13 A. I think so. He could probably --  
 14 Q. -- Ms. Dukart, but --  
 15 A. -- summarize that best. Yep.  
 16 Q. But what about the North Dakota Indian  
 17 Affairs Commission? Is that question for them too?  
 18 A. Correct.  
 19 Q. For Mike?  
 20 A. Yes, for Mike.  
 21 Q. Okay. Then a couple of these I kind of  
 22 think I know the answer to, but I'd like to have it  
 23 on the record. And so Basin Electric's a member of  
 24 Southwest Power Pool; correct?  
 25 A. Correct.

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1 Q. And Southwest Power Pool is a balancing  
 2 authority for transmission services that covers  
 3 members in parts of 12 states from North Dakota  
 4 down to north Texas and then either side of that  
 5 corridor; correct?  
 6 A. Correct. They are the regional  
 7 transmission organization that we're a member of.  
 8 Yes.  
 9 Q. Okay. And they have issued a notice to  
 10 construct for this project; correct?  
 11 A. That's correct.  
 12 Q. And the reason that they would be -- and  
 13 so member companies like Basin Electric put their  
 14 transmission assets into the membership and -- and  
 15 Southwest Power Pool kind of organizes that to make  
 16 sure that the proper amount of energy is getting to  
 17 where it's needed at every moment; correct?  
 18 A. And I think Mr. Phil Westby is -- will  
 19 testify next and go through a lot of the SPP  
 20 process as well. Yeah, they -- they help with our  
 21 input to identify constraints in the system. So  
 22 Basin Electric might propose a transmission  
 23 solution which would be one of -- a project like  
 24 this, and then the SPP board ultimately, if they  
 25 agree with that solution, approves that and through

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1 that process issues a formal notice to construct to  
 2 the transmission owner, which will be Basin here.  
 3 Q. This is more Mr. Westby's line?  
 4 A. He'll -- he'll address a lot of that in  
 5 his testimony. Yep.  
 6 Q. Okay. Just in case it's missed, one more  
 7 thing on that. This area, basically the oil patch,  
 8 is having a lot of congestion issues currently  
 9 because of lack of transmission that is costing  
 10 customers a great deal of money --  
 11 A. Correct.  
 12 Q. -- at the end; right?  
 13 A. Correct.  
 14 Q. I'm sorry, Mr. Westby, if that stole any  
 15 of your thunder, but we still wanted it in the  
 16 record.  
 17 I think the only other one comes back to  
 18 that Exhibit 6 on page 3 and it was a good example  
 19 of something I kind of noticed. Let me know when  
 20 you're there. One of the things in reviewing this  
 21 that I thought was very positive was to the extent  
 22 possible following existing corridors of pipelines  
 23 and the one kV line.  
 24 Toward the bottom of this map -- toward  
 25 the top half of it you're staying very close to

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1 that 115-kV, but then down on the bottom you're  
 2 kind of veering away to the east. So why not  
 3 follow that line, that corridor down there too?  
 4 A. Yeah. That's I think a good question.  
 5 It's just a balance between trying to optimize the  
 6 line for -- also for cost. So at 345, the best  
 7 thing we can do for optimizing cost is make it as  
 8 short as possible and as few angles as possible.  
 9 So if in this case we're able to negotiate with a  
 10 landowner an alignment here that saves basically a  
 11 couple of angles, at 345-kV voltage that's over a  
 12 million dollars in savings in the project, that  
 13 example.  
 14 Q. Okay. And so -- and that would be the  
 15 reason in other places where you kind of veered  
 16 away from that corridor?  
 17 A. Correct.  
 18 Q. It's cost savings but that landowners  
 19 weren't --  
 20 A. Yeah, and just really the final optimized  
 21 alignment based on our feedback with the  
 22 landowners.  
 23 Q. Okay. Oh, and on -- I know Mr. Murray  
 24 does the right-of-way things. Does that also  
 25 include like local and county permits?

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1 **A.** For those, Erin Dukart will probably  
 2 address the local and county permits as well.  
 3 COMMISSIONER CHRISTMANN: Okay. Thank  
 4 you. I have no other questions, Your Honor.  
 5 JUDGE HOGAN: Commissioner Haugen-Hoffart.  
 6 COMMISSIONER HAUGEN-HOFFART: Thank you.

**EXAMINATION**

8 **BY COMMISSIONER HAUGEN-HOFFART:**  
 9 **Q.** Can you give us just an overview, when you  
 10 start a project, the communication that you have  
 11 with landowners in the community?  
 12 **A.** Sure. For this project, we develop a  
 13 brochure and we send that out to -- well, really  
 14 first we identify some potential routes for the  
 15 project, and then we have a -- like a GIS landowner  
 16 database we cross-check that against and then  
 17 submit these brochures to all the landowners, which  
 18 is just information about the project and our  
 19 routing and landowner contact procedure. And this  
 20 is also something that my colleague Mike Murray  
 21 will address with more detail too.  
 22 **Q.** Thank you. You indicated -- we received  
 23 in your testimony and you also stated it here, but  
 24 just for clarification, you talked about drilled  
 25 concrete piers for the majority of the structure

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1 foundations, but the tandem H structures will be  
 2 directly embedded in the ground. Why aren't they  
 3 concreted? I mean, explain that a little bit about  
 4 the difference.  
 5 **A.** So for those structures they're very  
 6 lightly loaded --  
 7 **Q.** Mm-hmm.  
 8 **A.** -- and so basically we order the  
 9 structures. There's 22 feet of extra structure is  
 10 what we end up embedding into the ground. And so  
 11 when we analyze, again, all those site-specific  
 12 profiles, that dimension more than compensated the  
 13 amount of ground resistance that we needed to  
 14 support that structure. So it's really for  
 15 economies and also it does help minimize impacts.  
 16 The area that we're using H-frames is the  
 17 most difficult area for access, so minimizing and  
 18 trying to get concrete trucks to all those  
 19 locations also really helps to reduce our footprint  
 20 in that area.  
 21 COMMISSIONER HAUGEN-HOFFART: Okay. Thank  
 22 you. I have no further questions.  
 23 JUDGE HOGAN: Any redirect, Ms. Merkens?  
 24 MS. MERKENS: No, Your Honor.  
 25 JUDGE HOGAN: Any further questions,

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1 Mr. Johnson?  
 2 MR. JOHNSON: No, Your Honor.  
 3 JUDGE HOGAN: Mr. Schock?  
 4 MR. SCHOCK: (Shakes head.)  
 5 JUDGE HOGAN: Any other commissioner  
 6 questions?  
 7 COMMISSIONER FEDORCHAK: Judge, I'll just  
 8 say, just so the company doesn't spend their time  
 9 looking for what I was seeing as the occupied  
 10 residences, I mistook some small parcels of the  
 11 Dakota skipper habitat for being occupied  
 12 residences. So thank you.  
 13 JUDGE HOGAN: All right. Well, thank you,  
 14 Mr. Nasset.  
 15 THE WITNESS: Thanks so much.  
 16 JUDGE HOGAN: Ms. Merkens, you can call  
 17 your next witness.  
 18 MS. MERKENS: Your Honor, I'd like to call  
 19 Mr. Philip Westby to the stand.  
 20 JUDGE HOGAN: Good morning, Mr. Westby.  
 21 I'll have you start by stating your full name for  
 22 the record and spelling your last name.  
 23 THE WITNESS: Good morning. My name is  
 24 Philip Westby. It's W-e-s-t-b-y.  
 25 JUDGE HOGAN: And, Mr. Westby, were you in

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1 the room earlier when I went through the penalties  
 2 for perjury?  
 3 THE WITNESS: Yeah. Yes, I was.  
 4 JUDGE HOGAN: And do you understand what  
 5 perjury is?  
 6 THE WITNESS: Yes, I do.  
 7 (Witness sworn.)  
 8 JUDGE HOGAN: All right. Thank you. Go  
 9 ahead, Ms. Merkens.  
 10 MS. MERKENS: Thank you, Your Honor.  
 11 **PHILIP WESTBY,**  
 12 being first duly sworn, was examined and testified  
 13 as follows:  
 14 **DIRECT EXAMINATION**  
 15 **BY MS. MERKENS:**  
 16 **Q.** Would you please state your name, business  
 17 address and your occupation?  
 18 **A.** My name is Philip Westby. I'm employed as  
 19 the manager of transmission services at Basin  
 20 Electric Power Cooperative. My business address is  
 21 1717 East Interstate Avenue, Bismarck, North  
 22 Dakota.  
 23 **Q.** Mr. Westby, would you please state your  
 24 educational background?  
 25 **A.** I earned a bachelor of science degree in

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1 computer engineering from North Dakota State  
 2 University in 2008, and I am a licensed  
 3 professional engineer in the state of North Dakota.  
 4 Q. Would you please describe your employment  
 5 history and work experience?  
 6 A. I have been employed by Basin Electric  
 7 Power Cooperative since 2009 in the transmission  
 8 planning division. I was hired as an electrical  
 9 engineer and was promoted to manager of  
 10 transmission services in April of 2023.  
 11 My responsibilities include the  
 12 supervision of transmission studies that affect  
 13 Basin Electric and its customers. This includes  
 14 completing and/or reviewing any study that would  
 15 affect existing and new facilities for Basin  
 16 Electric.  
 17 Q. What have been your responsibilities in  
 18 connection with this project?  
 19 A. I have been involved in the Southwest  
 20 Power Pool transmission planning process. I  
 21 submitted the Roundup to Kummer Ridge 345-kV  
 22 transmission line project proposal for  
 23 consideration in the SPP integrated transmission  
 24 planning process.  
 25 Q. Thank you. And what information will you

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1 provide today in your testimony?  
 2 A. I will provide general information on the  
 3 SPP transmission planning process and how it  
 4 applies to the project as well as Basin Electric's  
 5 needs analysis.  
 6 Q. Thank you. As far as the transmission  
 7 planning process, would you please generally  
 8 explain how SPP goes about their transmission  
 9 planning?  
 10 A. As the regional transmission organization,  
 11 the RTO, SPP is responsible for transmission  
 12 planning and expansion within the SPP region.  
 13 During the SPP transmission planning process, SPP  
 14 performs reliability, economic and public policy  
 15 assessments of the transmission system for its  
 16 region, and it works with stakeholders to identify  
 17 solutions to the identified transmission needs.  
 18 SPP performs its planning process in  
 19 accordance with requirements contained in the North  
 20 American Electric Reliability Corporation, NERC,  
 21 Reliability Standards, the SPP tariff and SPP  
 22 criteria.  
 23 Q. Thank you. Which SPP transmission  
 24 planning process did the project arise from?  
 25 A. The project was developed through the

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1 annual SPP integrated transmission planning  
 2 process, the ITP, and specifically ITP 2021.  
 3 Q. Would you please describe the ITP process?  
 4 A. The ITP is an annual planning cycle that  
 5 assesses near- and long-term economic and  
 6 reliability transmission needs. The ITP produces a  
 7 ten-year transmission expansion plan each year,  
 8 combining near-term, ten-year and NERC transmission  
 9 planning assessments into one study.  
 10 The process seeks to target a reasonable  
 11 balance between long-term transmission investment  
 12 and congestion costs to customers. The ITP works  
 13 in concert with SPP's existing subregional planning  
 14 stakeholder process and continues in parallel with  
 15 the NERC TPL-001-5 compliance process.  
 16 Q. Thank you. Would you please describe  
 17 Basin Electric's role in that ITP process and any  
 18 other studies conducted?  
 19 A. Basin Electric conducts reliability  
 20 studies on its system, specifically the annual NERC  
 21 TPL-001-5 assessment. We also conduct two seasonal  
 22 studies each year which include a summer and winter  
 23 assessment specifically related to the Bakken area.  
 24 In addition to these compliance and  
 25 operating studies, Basin Electric works closely

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1 with SPP to verify needs and constraints across the  
 2 transmission system.  
 3 Q. What happens once SPP identifies that a  
 4 transmission project needs to be constructed?  
 5 A. Once a transmission project has been  
 6 identified through SPP's transmission planning  
 7 process, SPP issues a notice to construct, an NTC,  
 8 to a designated transmission owner, a DTO, for an  
 9 approved transmission expansion project that  
 10 requires a financial commitment in the near future.  
 11 A designated transmission owner under the  
 12 SPP tariff that receives a notice to construct from  
 13 SPP is required to build the transmission project  
 14 specified in the notice to construct. In this  
 15 case, Basin Electric received a notice to construct  
 16 and therefore as a designated transmission owner is  
 17 required to build this project.  
 18 Q. As far as the need for the project, what  
 19 did the 2021 ITP study conclude?  
 20 A. The 2021 ITP study had a specific target  
 21 area focusing on the Bakken area. That target area  
 22 analysis concluded that the most critical  
 23 contingency in the area is the Charlie Creek to  
 24 Patent Gate 345-kV line. This line segment is the  
 25 only extra high-voltage corridor that feeds into

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1 the city of Williston from the south and is  
 2 critical to support voltage in the Watford City and  
 3 Williston areas.  
 4 The 2021 ITP study showed that the loss of  
 5 this line segment results in thermal overloads in  
 6 the summer peak -- in the summer and potential  
 7 voltage collapse in the winter peak periods. It  
 8 concluded an ideal solution for the Bakken target  
 9 area would provide a parallel path to this critical  
 10 contingency in order to lessen the severity of an  
 11 unexpected outage of this facility.  
 12 The SPP study concluded that the Roundup  
 13 to Kummer Ridge 345-kV line provides an alternate  
 14 345-kV south-to-north pathway to the McKenzie  
 15 County area for system flows if the Charlie Creek  
 16 substation experiences bus faults. SPP issued NTC  
 17 220720 to Basin Electric directing us to build this  
 18 project.  
 19 Q. Thank you. Does the project provide other  
 20 benefits besides providing a parallel path for  
 21 Charlie Creek to Patent Gate?  
 22 A. Yes. There is upwards of 300 megawatts of  
 23 radial load at the Kummer Ridge Substation today.  
 24 This load is served via the Patent Gate to Kummer  
 25 Ridge 345-kV line. Today there would not be -- if

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1 there was an outage on this radial line today,  
 2 there would not be capability to restore all the  
 3 load to alternative deliveries.  
 4 Portions of that load would have to remain  
 5 offline until the Patent Gate to Kummer Ridge  
 6 345-kV line could safely be reenergized. The  
 7 project provides a network path to this Kummer  
 8 Ridge load and ensures that the Kummer Ridge load  
 9 can continue to be served in the event of the loss  
 10 of the Patent Gate to Kummer Ridge 345-kV line.  
 11 Q. Have Basin Electric's transmission studies  
 12 shown issues in the area of the proposed project?  
 13 A. Yes. We have seen issues in this area.  
 14 As part of our annual NERC TPL-001-5 assessment  
 15 process, we have identified this area as an at-risk  
 16 area in the transmission system. Basin Electric's  
 17 recent load forecast continues to show growth in  
 18 this region which causes stress to the existing  
 19 infrastructure.  
 20 Basin Electric worked with the Southwest  
 21 Power Pool as their reliability coordinator to  
 22 install a remedial action scheme in the region.  
 23 This scheme is being installed to ensure we can  
 24 continue to serve load until the Roundup to Kummer  
 25 Ridge line is placed in service.

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1 The RAS, or remedial action scheme, is  
 2 designed to immediately disconnect electrical load  
 3 during the critical contingency of the Charlie  
 4 Creek to Patent Gate 345-kV line. Essentially the  
 5 transmission system in the area today is being  
 6 stressed beyond its capability.  
 7 Q. Thank you. How would this project affect  
 8 the reliability of the transmission system in this  
 9 area of northwestern North Dakota?  
 10 A. Firstly, the addition of the Roundup to  
 11 Kummer Ridge line ensures a second redundant feed  
 12 to the upwards of 300 megawatts being served at the  
 13 Kummer Ridge Substation. And, secondly, it  
 14 provides the parallel path during the critical  
 15 outage of the Charlie Creek to Patent Gate 345-kV  
 16 line.  
 17 The transmission analysis indicates the  
 18 transmission system will not be able to accommodate  
 19 any more load growth if more transmission is not  
 20 built into the area.  
 21 Q. Thank you.  
 22 A. The project will meet the needs of the  
 23 northwestern North Dakota area for the foreseeable  
 24 future and will increase the load-serving limits in  
 25 the area.

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1 Q. If the project is not built, what would  
 2 happen to the electrical transmission system in  
 3 this area?  
 4 A. The existing transmission capacity in this  
 5 region is insufficient, and unless the project is  
 6 constructed, future load growth will be restricted.  
 7 Q. All right. I'd now like to discuss  
 8 alternatives that Basin Electric considered. Would  
 9 you please describe what alternatives were  
 10 considered to meet this need?  
 11 A. We considered a no-action alternative and  
 12 transmission system alternatives. A no-action  
 13 alternative will leave the region constrained by  
 14 limited transmission capacity and does not serve  
 15 the load growth in the area, jeopardizing  
 16 reliability. For these reasons, Basin Electric --  
 17 Basin Electric rejected the no-action alternative.  
 18 Q. Would you please describe the system  
 19 alternatives that Basin Electric considered?  
 20 A. Basin Electric considered a 115-kV  
 21 solution to tie between Roundup and Kummer Ridge  
 22 345-kV substations. Placing this 115-kV line  
 23 directly in parallel with the critical Charlie  
 24 Creek to Patent Gate 345-kV line will result in  
 25 this new 115-kV line being overloaded during the

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1 outage of the Charlie Creek to Patent Gate 345-kV  
2 line. Because of this, the 115-kV option would not  
3 meet the planned or immediate system needs and it  
4 was rejected.

5 Q. Thank you. Did Basin Electric consider a  
6 230-kV option?

7 A. Basin Electric did not consider a 230-kV  
8 line as a viable option as there are no 230-kV  
9 facilities in the Roundup to Kummer Ridge area. To  
10 add, 230-kV facilities for a line in the area would  
11 not be cost effective or practical as there is no  
12 specific need for that voltage class in the area.

13 Q. Thank you. Would you please describe how  
14 Basin Electric's typical 115-kV capacity compares  
15 to its 345 capacity?

16 A. Basin Electric's typical 115-kV  
17 construction can handle roughly 1200 amps or  
18 240 megawatts; whereas, our typical 345-kV  
19 construction can handle 3,000 amps or upwards of  
20 1800 megawatts or roughly seven and a half times  
21 the capacity of the 115-kV line.

22 This extra capacity ensures the system  
23 will remain reliable now and into the future as oil  
24 and gas development and other loads continue to  
25 grow in the region.

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1 It also ensures that we are building the  
2 least impactful project by not requiring multiple  
3 transmission lines to meet the system needs when  
4 one larger extra high-voltage line can better meet  
5 the system needs and requirements.

6 Q. Thank you. Mr. Westby, is the proposed  
7 location, construction and operation of the project  
8 such that it will ensure continued system  
9 reliability and integrity?

10 A. Yes. The project will support existing  
11 needs and increase transmission system capacity to  
12 support the forecasted load growth over the  
13 ten-year transmission planning horizon while  
14 meeting -- while continuing to meet NERC TPL-001-5  
15 reliability criteria.

16 Q. Does the project ensure that the energy  
17 needs of the area will be fulfilled in an orderly  
18 and timely fashion?

19 A. Yes.

20 Q. Will the proposed project benefit the area  
21 through which Basin Electric is proposing to  
22 construct?

23 A. Yes. This transmission line will provide  
24 a direct benefit for service into the area by  
25 continuing reliable service to all area consumers.

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1 It will provide a backup source to the Kummer Ridge  
2 electrical load which today is served via a radial  
3 345-kV line, and it will provide a parallel path to  
4 the most critical contingency in the area.

5 Q. Thank you. Are there any plans for  
6 expansion of this proposed transmission line?

7 A. There are no plans to expand this  
8 transmission line beyond this project. However,  
9 the 2021 ITP study also identified a need for  
10 another 345-kV line that goes around the east side  
11 of Lake Sakakawea, the Leland Olds to Tande  
12 transmission project. With these two projects, the  
13 system can reliably accommodate the forecasted load  
14 growth over the ten-year planning horizon.

15 MS. MERKENS: Thank you, Mr. Westby. I  
16 have no further questions.

17 JUDGE HOGAN: Mr. Johnson, any questions?

18 MR. JOHNSON: No questions, Your Honor.

19 JUDGE HOGAN: Mr. Schock?

20 MR. SCHOCK: No questions.

21 JUDGE HOGAN: Commissioner Fedorchak?

22 COMMISSIONER FEDORCHAK: I'm chuckling  
23 because we're probably some of the only people that  
24 actually are on the edge of our seats on this  
25 particular conversation. This is -- I love this

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1 and what you were just talking about is super  
2 interesting to me, but when I even spend 30 seconds  
3 talking about this with my family, they're like  
4 zoned-out sleeping because it's so technical and  
5 complicated. But I do actually -- so when I see  
6 the audience, it just kind of -- I'm sorry. Okay.  
7 Seriously, though, I have some follow-up questions  
8 for you.

9 **EXAMINATION**

10 **BY COMMISSIONER FEDORCHAK:**

11 Q. When did the constraint first show up in  
12 the studies? Was it 2019, did you say, or 2021?

13 A. The 2021 ITP. I mean, the constraint I  
14 think had showed up in previous ITPs, but it was  
15 right below the benefit-to-cost threshold that  
16 would allow them to issue the project for an NTC.  
17 So the project NTC was issued out of the 2021 ITP  
18 assessment.

19 Q. Okay. And then how -- when does the 20 --  
20 I'm curious why it took so long because we're  
21 already in 2024.

22 A. Well, the 2021 ITP assessment finishes at  
23 the end of 2021, and we don't -- you get a notice  
24 to construct. We didn't get that signed until like  
25 the middle of 2022. So I think we've made very

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1 good progress on this project.  
 2 Q. And I'm looking at the -- in Exhibit 4,  
 3 the letter from SPP, notification to construct,  
 4 where it said like -- do you have that up?  
 5 A. Yep.  
 6 Q. The third paragraph, October 25, 2022, it  
 7 looks like there was a delay there.  
 8 A. Yeah. So I can -- I can add some color  
 9 around that. So the Patent Gate to Kummer Ridge  
 10 line is radial and it was not part of the SPP  
 11 tariff. So in order for SPP to issue an NTC, they  
 12 can't issue an NTC to facilities that aren't in the  
 13 tariff.  
 14 So we had to administratively suspend this  
 15 initial NTC. We gave functional control to SPP of  
 16 the Patent Gate to Kummer Ridge line and then they  
 17 could reissue this NTC is kind of why this was  
 18 reissued.  
 19 Q. Okay.  
 20 A. So -- and in doing that, we're also  
 21 bringing in the Patent Gate to Kummer Ridge line  
 22 into the tariff as well.  
 23 Q. So when it first showed up in 2021 -- or  
 24 2019 you said you started to notice but it was like  
 25 under the cost-benefit ratio?

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1 A. Right.  
 2 Q. So when did Basin start looking at  
 3 developing, you know, and coming up with the plans,  
 4 routing, all of that, because you knew it was  
 5 probably coming? Did you wait another couple years  
 6 or --  
 7 A. Yeah. I --  
 8 Q. I mean, I -- it is -- like we're in this  
 9 situation now, we've got to get it going, but this  
 10 is a really serious problem and a substantial  
 11 constraint and it's pretty urgent at this point, so  
 12 I'm trying to get a handle on it.  
 13 A. I have a little bit I can probably add on  
 14 the history of the project. You know, prior to --  
 15 this project has -- was kind of started back in  
 16 2014. Initially we started doing some work on the  
 17 project. And that was right kind of at the time  
 18 frame when Basin Electric joined SPP. We joined in  
 19 2015.  
 20 So we didn't quite have -- when we joined,  
 21 we hadn't negotiated this line being included in  
 22 the tariff. So as we joined SPP, we didn't have an  
 23 NTC. We had to basically suspend work on the  
 24 project and let it come through an SPP process  
 25 essentially so we could get tariff cost recovery.

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1 Q. Otherwise you would have had to pay for it  
 2 yourself?  
 3 A. Right.  
 4 Q. Which you could have -- could have done?  
 5 A. Yeah. Anybody can do a sponsor upgrade at  
 6 any time in the SPP tariff.  
 7 Q. So -- but you waited then?  
 8 A. So we waited for the SPP processes to play  
 9 out to see if we could get an NTC through that, and  
 10 we did get an NTC in 2016 for this project out of  
 11 the ITP 2016. Right in the 2016, 2017 time frame  
 12 there was a downturn in the economy, the load  
 13 forecasts went down, so we updated SPP with our  
 14 updated load forecast and they did a reevaluation  
 15 of that NTC and then they withdrew that NTC. So  
 16 there was another time we started the project and  
 17 stopped.  
 18 Q. Okay.  
 19 A. So now it took another couple years to  
 20 update load forecasts and get the official NTC in  
 21 the 2021 ITP. So while the forecast went down, the  
 22 actual development out here did not. It continued  
 23 to go up, so --  
 24 Q. So then you get the notice to construct in  
 25 2022 and then you start getting serious about the

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1 siting of it?  
 2 A. Yes.  
 3 COMMISSIONER FEDORCHAK: Okay. All right.  
 4 I think that's all my questions. Thank you.  
 5 JUDGE HOGAN: Commissioner Christmann.  
 6 **EXAMINATION**  
 7 **BY COMMISSIONER CHRISTMANN:**  
 8 Q. Well, Your Honor, as Commissioner  
 9 Fedorchak pointed out, there's kind of a limited  
 10 pool that we run into with whom to talk about  
 11 regional transmission organizations and integrated  
 12 transmission planning, so we get kind of excited.  
 13 That's why I jumped the gun and so I apologize for  
 14 asking some of your questions to --  
 15 A. Bobby.  
 16 Q. -- Mr. Nasset.  
 17 A. Bobby did good, so --  
 18 Q. So you did a nice job here of explaining  
 19 the reliability issues involving this. I want to  
 20 talk just a little more about the costs of the line  
 21 but -- to customers. So when -- when there are  
 22 constraints through the regional transmission  
 23 organizations, there are congestion costs to  
 24 getting electricity up to the oil patch; correct?  
 25 A. That's correct. Yep.

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1 Q. And those are ultimately passed down to  
 2 all the -- all the ratepayers, all the members of  
 3 the cooperatives that are served up there; right?  
 4 A. Yep.  
 5 Q. And for people living in the communities  
 6 who are served by Montana-Dakota Utilities, please  
 7 confirm for me if I'm right, that Montana-Dakota  
 8 Utilities acquires transmission services through  
 9 these same lines so those people are currently  
 10 paying additional costs for the congestion that  
 11 this is meant to solve as well; right?  
 12 A. Yes. Per the tariff, SPP's open access  
 13 transmission tariff, everybody pays their share.  
 14 COMMISSIONER CHRISTMANN: Okay. Thank you  
 15 for clarifying that. I don't have any more  
 16 questions.  
 17 JUDGE HOGAN: Commissioner Haugen-Hoffart.  
 18 COMMISSIONER HAUGEN-HOFFART: Thank you.

**EXAMINATION**

20 **BY COMMISSIONER HAUGEN-HOFFART:**  
 21 Q. I'm getting more excited about getting  
 22 into the RTO, so -- but I'm going to ask you a  
 23 couple questions. You went through a great  
 24 timeline. So thank you for doing that. And you  
 25 talked about potentially future load growth would

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1 be restricted. Prior to -- regarding your  
 2 timeline, you mentioned something about load  
 3 forecasts went down in 2016. Did anything come  
 4 into the area regarding when you had to redo your  
 5 load growth? What were some of the contributing  
 6 factors that increased that load growth during,  
 7 let's say, from 2016 to 2022?  
 8 A. I think it's just changes in the oil price  
 9 assumptions and natural gas price assumptions, and  
 10 the need to reduce flaring is creating a lot of  
 11 load on the gas processing plants, so --  
 12 Q. So oil development or that --  
 13 A. Yes.  
 14 Q. -- were the only updates to the load  
 15 forecast in that area?  
 16 A. Yes. Prior to the 2021 ITP assessment.  
 17 Q. Okay. Thanks for that clarification.  
 18 If future development comes in which  
 19 requires a large load demand or capacity, what do  
 20 they go through? What would a company go through  
 21 to make sure that they're not providing additional  
 22 congestion or there's capacity there?  
 23 A. So a new large load addition goes through  
 24 the SPP attachment AQ process which is a -- SPP's  
 25 section of the tariff that tells them how to look

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1 at these new loads, and they effectively started  
 2 that new load, and kind of since that is going  
 3 through a separate process, not this integrated  
 4 transmission planning, it's kind of a -- let's say  
 5 it's not a transparent process, so, therefore, they  
 6 are trying to look at kind of the least-cost  
 7 upgrades and they don't want to build regional  
 8 projects out of that AQ process. So they're going  
 9 to come up with kind of a minimum project fix for  
 10 that. And then you build those projects, and then  
 11 you roll that big new load and those projects into  
 12 the ITP and then the ITP process may or may not  
 13 develop regional projects.  
 14 COMMISSIONER HAUGEN-HOFFART: Okay. Thank  
 15 you. I have no further questions.  
 16 JUDGE HOGAN: Ms. Merkens, any redirect?  
 17 MS. MERKENS: No, Your Honor.  
 18 JUDGE HOGAN: Mr. Johnson or Mr. Schock,  
 19 any other questions?  
 20 MR. JOHNSON: (Shakes head.)  
 21 JUDGE HOGAN: Any further commissioner  
 22 questions? All right. Thank you, Mr. Westby.  
 23 THE WITNESS: Thank you.  
 24 JUDGE HOGAN: I think we'll take our  
 25 morning break. We'll shoot for a 15-minute break,

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1 so we'll try to reconvene around 10:20.  
 2 (Recessed at 10:01 a.m. and reconvened at  
 3 10:17 a.m.)  
 4 JUDGE HOGAN: All right. Ms. Merkens, do  
 5 you want to call your next witness or I hear you  
 6 would like to recall Mr. Westby?  
 7 MS. MERKENS: Yes, Your Honor. I'd like  
 8 to recall Mr. Philip Westby.  
 9 JUDGE HOGAN: Welcome back, Mr. Westby.  
 10 THE WITNESS: Thank you.  
 11 JUDGE HOGAN: Ms. Merkens, you can go  
 12 ahead.  
 13 MS. MERKENS: Your Honor, I have no direct  
 14 questions.  
 15 JUDGE HOGAN: Okay. Mr. Johnson or  
 16 Mr. Schock -- I'm not sure who's asking.  
 17 Mr. Schock, go ahead.

**EXAMINATION**

19 **BY MR. SCHOCK:**  
 20 Q. Okay. Just to kind of follow up on --  
 21 Commissioner Haugen-Hoffart had asked you a  
 22 question about interconnecting large loads. So  
 23 you're hooking up a new residential house.  
 24 There's -- it's probably not a big deal as far as  
 25 the RTO is concerned. But if you're hooking up a

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1 large -- let's say it's a pipeline pumping station  
 2 or a bitcoin mine or something along those lines.  
 3 There's a different process you go through before  
 4 that new load is hooked up, and I'm imagining  
 5 there's some company policies as well as I know  
 6 there's some RTO policies. Can you kind of speak  
 7 to that a little bit and how that's managed for --  
 8 for a new large load?  
 9 **A.** Yeah. So typically our member  
 10 cooperatives would -- they're the ones who  
 11 interface with the consumers. They would come to  
 12 us with a, hey, we have a new large load, and then  
 13 we would submit to SPP an attachment AQ request.  
 14 And the reason we submit an attachment AQ request  
 15 is if there's a material modification to an SPP  
 16 transmission facility, so that's like a new line  
 17 terminal on a substation, a new breaker, a new  
 18 transformer, something's changing on the system,  
 19 they need to look at it through this attachment AQ  
 20 process.  
 21 And that attachment AQ process is really  
 22 just a reliability look. They look at thermal  
 23 overloads of transmission lines and voltage issues.  
 24 They do not look at economic analysis in that AQ  
 25 assessment. So they're not going to capture

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1 congestion-related issues in that analysis.  
 2 **Q.** Okay. So when -- when the -- I think the  
 3 large load -- we're all kind of thinking about the  
 4 bitcoin mining facility or the data center -- that  
 5 would not have been looked at from a -- what  
 6 congestion it's going to cause?  
 7 **A.** Right. That's right. It -- that would be  
 8 captured in the subsequent ITP analysis after --  
 9 after it gets through the AQ process and we're able  
 10 to add it to the models.  
 11 **Q.** Do you think that's something that maybe  
 12 should be changed in the RTO study process?  
 13 **A.** I -- I don't know. The economic analysis  
 14 is very complicated and it takes a lot of work to  
 15 put that model together and to run that analysis;  
 16 whereas, these -- the purpose of the AQ is to just  
 17 kind of allow a load to interconnect quickly. As  
 18 part of the tariff, I believe it's a 60-day  
 19 timeline where SPP is expected to complete the  
 20 analysis to, you know, give direction to this  
 21 interconnecting customer if they -- you know, what  
 22 facilities they need to build to connect, so --  
 23 **MR. SCHOCK:** Sure. Okay.  
 24 **COMMISSIONER HAUGEN-HOFFART:** Yeah.  
 25 The -- do you want -- you can go first.

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1 **MR. SCHOCK:** That's all I have. Thank  
 2 you.  
 3 **JUDGE HOGAN:** All right. Are there --  
 4 Commissioner Haugen-Hoffart.  
 5 **FURTHER EXAMINATION**  
 6 **BY COMMISSIONER HAUGEN-HOFFART:**  
 7 **Q.** Yeah, I just -- it seems like the system  
 8 is a little broken. I mean, if you get in a large  
 9 load like that and the AQ isn't -- it's just doing  
 10 a reliability, so you're saying that the -- I'm  
 11 going to use the word jurisdiction relies on the  
 12 IOU or the cooperative to determine if that is  
 13 going to have any negative impact?  
 14 **A.** I would -- I would say there's a lot of  
 15 probably room for improvement in some of the RTO  
 16 planning and tariff processes.  
 17 **COMMISSIONER HAUGEN-HOFFART:** Okay. Thank  
 18 you. Thanks for clarifying.  
 19 **THE WITNESS:** Thank you.  
 20 **JUDGE HOGAN:** Are there any other  
 21 commissioner questions?  
 22 **COMMISSIONER CHRISTMANN:** None for me.  
 23 **JUDGE HOGAN:** All right. Thank you,  
 24 Mr. Westby.  
 25 **THE WITNESS:** Thank you.

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1 **JUDGE HOGAN:** Ms. Merkens, you can call  
 2 your next witness.  
 3 **MS. MERKENS:** Your Honor, I'd like to now  
 4 call Erin Fox Dukart to the stand, please.  
 5 **JUDGE HOGAN:** Good morning, Ms. Dukart.  
 6 I'll have you start by stating your full name for  
 7 the record and spelling your last name.  
 8 **THE WITNESS:** My name is Erin Fox Dukart.  
 9 My last name is spelled F-o-x, space, D-u-k-a-r-t.  
 10 **JUDGE HOGAN:** And were you in the room  
 11 earlier when I went through the penalties for  
 12 perjury?  
 13 **THE WITNESS:** I was, Your Honor.  
 14 **JUDGE HOGAN:** And do you understand what  
 15 perjury is?  
 16 **THE WITNESS:** I do.  
 17 (Witness sworn.)  
 18 **JUDGE HOGAN:** All right. Thank you. Go  
 19 ahead, Ms. Merkens.  
 20 **MS. MERKENS:** Thank you, Your Honor.  
 21 **ERIN FOX DUKART,**  
 22 being first duly sworn, was examined and testified  
 23 as follows:  
 24  
 25

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**DIRECT EXAMINATION**

**BY MS. MERKENS:**

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

A. My name is Erin Fox Dukart. My business address is 1717 East Interstate Avenue in Bismarck. I'm employed by Basin Electric Power Cooperative as the director of environmental services.

Q. Ms. Fox Dukart, would you please state your educational background and professional experience?

A. I earned a bachelor of science degree from the University of North Dakota in Grand Forks in 2002 with a major in biology. From 2002 to 2008, I worked as an epidemiologist for the North Dakota Department of Health, Division of Disease Control. I was hired by Basin Electric in October of 2008 and have worked on a variety of transmission and energy conversion facility siting applications.

Q. Thank you. What have been your responsibilities in connection to the proposed project?

A. I'm responsible for the overall preparation and coordination of the environmental

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analysis of this project within Basin Electric and through our consultant, Western EcoSystems Technology, in Bismarck.

This involved working with an interdisciplinary consultant team, contacting and meeting with public officials, coordinating activities with other Basin Electric departments, as well as reviewing and coordinating reports supporting the Public Service Commission application.

Q. What is the purpose of your testimony in this proceeding?

A. I will describe the methodology used to delineate the proposed corridor and route and to demonstrate, with respect to environmental considerations, that the corridor and route are in accordance with the North Dakota Energy Conversion and Transmission Facility Siting Act and the Commission's rules and regulations.

Q. Thank you. I'd like to now go to a discussion about exclusion and avoidance areas. Would you please describe what an exclusion area is?

A. An exclusion area is a geographical area that must be excluded in the consideration of a

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route for a transmission facility.

Q. Does the proposed corridor contain any exclusion areas?

A. Yes.

Q. Would you please describe the exclusion area present along the appropriate route?

A. The route includes suitable habitat for the Dakota skipper and the northern long-eared bat.

Q. Why should the Commission approve a project when it includes an exclusion area?

A. This project is outside the designated critical habitat of the Dakota skipper, and there is no designated critical habitat for the northern long-eared bat.

Q. Thank you. Ms. Fox Dukart, would you please describe what an avoidance area is?

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

Q. Does the proposed corridor contain any avoidance areas?

A. Yes.

Q. Would you please provide some additional

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details on that?

A. There are archeological sites present in the project corridor as identified through a Class I literature review and Class III cultural resources inventory. The project will avoid all significant cultural resources.

The project route also contains areas that have been designated as geologically unstable. However, the project route is the most viable route alternative. It's the most direct route that also minimizes impacts to the environment as described in the Commission's exclusion, avoidance, selection and policy criteria.

Q. Has the entire proposed route been surveyed for cultural resources?

A. Yes.

Q. Has Basin Electric received approval from the State Historical Preservation Office for the cultural resources report?

A. I'd like to clarify my written testimony. The State Historical Society of North Dakota, or the SHPO, has reviewed and provided concurrence on the original cultural resources report on October 26, 2023. That concurrence was included in the application.

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1 A cultural resources report covering  
 2 additional areas has been prepared and has been  
 3 submitted to the SHPO for review and concurrence.  
 4 The additional report and future correspondence  
 5 with the State Historical Society of North Dakota  
 6 will be filed with the Commission to document that  
 7 the project will not adversely affect cultural  
 8 resources.

9 Q. Thank you. Did Basin Electric evaluate  
 10 the impacts to public health and welfare, natural  
 11 resources and the environment that could be  
 12 expected from the location, construction or  
 13 operation of the proposed project?

14 A. Yes. Basin Electric addresses these  
 15 issues in its application. Based on the careful  
 16 analyses presented in the application, the project  
 17 will not have any significant impacts to public  
 18 health and welfare, natural resources or the  
 19 environment.

20 Q. Would you please explain the alternatives  
 21 that Basin analyzed and rejected?

22 A. Basin Electric evaluated several  
 23 alternative routes in the area, including an option  
 24 approximately three miles west of the proposed  
 25 route. That alternative required more structures

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1 and permanent impacts to the area including more  
 2 vegetation clearing and ground disturbance.

3 Q. Thank you. Would the proposed project  
 4 have a significant effect on scenic areas, historic  
 5 sites and structures, paleontological or  
 6 archeological sites?

7 A. There are no designated scenic areas,  
 8 historic sites and structures, or paleontological  
 9 sites that would be affected by the project. As  
 10 previously noted, all significant archeological  
 11 sites will be avoided.

12 Q. As far as endangered species, did the  
 13 environmental studies for the proposed project  
 14 address any concerns for threatened or endangered  
 15 species?

16 A. Yes. Of particular interest for this  
 17 project are the endangered whooping crane,  
 18 endangered northern long-eared bat and the  
 19 threatened Dakota skipper.

20 Q. Thank you. Would you please elaborate on  
 21 that?

22 A. The project is located within the  
 23 75 percent occurrence frequency band of the  
 24 whooping crane migration corridor as defined by the  
 25 United States Fish and Wildlife Service. This

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1 entire corridor area includes a swath of the  
 2 central United States and extends from south  
 3 central North Dakota along the Missouri River to  
 4 northwest North Dakota through Mountrail County.

5 Power lines represent a documented  
 6 collision mortality risk for whooping cranes.  
 7 Standard measures to minimize avian collision risk  
 8 with overhead transmission lines, such as line  
 9 marking, will be utilized, which is an Avian Power  
 10 Line Interaction Committee, or APLIC, best  
 11 management practice employed by many utilities  
 12 constructing new transmission lines in the whooping  
 13 crane migration corridor.

14 Q. Thank you. Would you please describe the  
 15 measures Basin Electric will take to protect the  
 16 northern long-eared bat?

17 A. The project would require tree clearing  
 18 totaling 10.4 acres for structure placement. To  
 19 reduce the potential to impact the northern  
 20 long-eared bat at the tree clearing locations,  
 21 Basin Electric has committed to conducting tree  
 22 clearing activities from November 1 to March 31.

23 If localized tree clearing activities  
 24 could not be conducted during this window, presence  
 25 or absence surveys would occur and tree removal

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1 would happen immediately following a negative  
 2 survey.

3 Q. Thank you. And would you please describe  
 4 the measures that will be taken to protect the  
 5 Dakota skipper?

6 A. The Dakota skipper is a small butterfly  
 7 that lives in high-quality mixed and tall grass  
 8 prairie characterized by rolling hills. Basin  
 9 Electric retained WEST to conduct a Dakota skipper  
 10 habitat assessment for the project.

11 The WEST study indicated that there are no  
 12 publicly available records of the Dakota skipper  
 13 occurring within the project area or immediate  
 14 vicinity and that the closest designated critical  
 15 habitat to the project area is 13 miles to the  
 16 southwest.

17 The WEST report concluded the temporary  
 18 impacts due to construction of the project are  
 19 unlikely to impact the species. The assessment of  
 20 habitat within the project corridor was used to  
 21 divide habitat into one of two basic habitat  
 22 groups: grassland habitat and unsuitable habitat.

23 To minimize the impacts to foraging or  
 24 dispersing adult Dakota skippers, a 500-meter  
 25 avoidance buffer will be placed around all suitable

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1 habitat locations. Basin Electric has included  
 2 Exhibit 5 to illustrate the buffer areas.  
 3 Existing surfaced roads within the buffers  
 4 may be used for travel, but construction within the  
 5 buffers will not occur during the flight window.  
 6 Dust abatement will be done on gravel surfaced  
 7 roads during the flight window. The flight period  
 8 is typically 14 days long between the dates of  
 9 June 10 to July 25. These dates may be adjusted  
 10 based on annual observations by the U.S. Fish and  
 11 Wildlife Service.  
 12 Q. Does the project impact existing  
 13 development plans of the state, local governments,  
 14 private entities in the vicinity of the route?  
 15 A. No. Public and agency correspondence as  
 16 of November 2023 is included in the application as  
 17 Appendix G.  
 18 Q. Thank you. And, Ms. Fox Dukart, has the  
 19 project addressed issues raised by agencies?  
 20 A. Yes. Basin Electric contacted  
 21 jurisdictional federal, tribal, state and local  
 22 agencies for comment. The agencies' comments  
 23 varied according to function and jurisdiction, but  
 24 generally emphasized a desire to minimize impacts  
 25 to environmental resources, which Basin Electric

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1 has done by incorporating the suggested mitigation  
 2 measures into the project.  
 3 No agency raised any specific problems  
 4 with the project. The route that is presented here  
 5 is a work product of input from multiple local,  
 6 county, state and federal offices as well as  
 7 multiple landowners.  
 8 Basin Electric believes that this route is  
 9 a balance between a viable, cost-effective project  
 10 and one that satisfactorily minimizes impacts.  
 11 Q. Thank you. And would you please describe  
 12 the consultation with federal agencies to date?  
 13 A. In compliance with the National  
 14 Environmental Policy Act, or NEPA, the Bureau of  
 15 Indian Affairs and the Bureau of Land Management  
 16 both require environmental assessments and findings  
 17 of no significant impact, or FONSI, prior to  
 18 issuing easements on parcels that they manage.  
 19 Originally, Basin Electric was working  
 20 with the BIA and the BLM on a joint EA for both  
 21 agencies. However, given the differences between  
 22 the NEPA implementation policies for the two  
 23 agencies, the BIA and the BLM ultimately decided  
 24 that it would be preferable for each agency to  
 25 develop their own EA and issue their own FONSI.

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1 The BIA has issued its FONSI which is  
 2 included in the application. The BLM is in the  
 3 process of develop their EA and completing  
 4 consultation with area tribes. Basin Electric  
 5 anticipates the BLM to issue their FONSI in March  
 6 of this year.  
 7 A Section 7 consultation with the U.S.  
 8 Fish and Wildlife Service was also done. The  
 9 results of this consultation are also included in  
 10 the application. An eagle nest is located within  
 11 660 feet of the project corridor. Therefore, Basin  
 12 Electric has applied for an eagle nest disturbance  
 13 permit with the U.S. Fish and Wildlife Service.  
 14 This permit is anticipated later this month.  
 15 The project is planning to utilize a small  
 16 portion of an existing road on U.S. Army Corps of  
 17 Engineers land. The U.S. Army Corps of Engineers  
 18 is also in the process of drafting a real estate  
 19 license for the usage of this road.  
 20 Q. Thank you. Do you anticipate any  
 21 significant adverse effects on noise sensitive land  
 22 uses resulting from the location, construction or  
 23 maintenance of the line?  
 24 A. There may be temporary noise impacts that  
 25 would result from construction activities.

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1 Temporary construction noise would be limited to no  
 2 more than a few days at any particular location  
 3 along the line and would be mitigated by scheduling  
 4 work to daylight hours, particularly when near  
 5 sensitive receptors.  
 6 Once the project is operational, there  
 7 will be a minimal amount of sound as a result of  
 8 corona effects which occur when air molecules near  
 9 conducting wire are ionized due to changes in the  
 10 electric field intensity at the conductor surface.  
 11 The sound may be noticeable when conductors are wet  
 12 as a result of precipitation.  
 13 Q. Will the project have any visual impacts  
 14 to the adjacent area?  
 15 A. The project will be visible to landowners  
 16 and travelers along the roadways. Existing  
 17 transmission lines, oil and gas well pads and roads  
 18 are already present in the viewshed.  
 19 Q. Thank you. Do you anticipate any  
 20 significant impacts on areas of extractive or  
 21 storage resources?  
 22 A. The project will not directly affect any  
 23 wells or drill rigs because the project has been  
 24 designed to avoid these areas and provide  
 25 sufficient clearance for well maintenance and

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1 operation.

2 Q. Thank you. Ms. Fox Dukart, are there any

3 additional permits needed to begin construction of

4 the project?

5 A. The McKenzie County conditional use permit

6 application was submitted on January 12, 2024, and

7 is pending. An administrative permit application

8 for a laydown yard has also been submitted for a

9 pre-disturbed area that will be used as a laydown

10 area for the project in McKenzie County.

11 Basin Electric had begun receiving

12 materials at this location. However, upon

13 notification by the county that an administrative

14 permit is required, Basin Electric has directed all

15 deliveries to other Basin Electric facilities until

16 the permit is secured.

17 An environmental assessment is under

18 review by the Bureau of Land Management, and a

19 finding of no significant impact remains

20 outstanding as well as an eagle disturbance permit

21 from the U.S. Fish and Wildlife Service.

22 Additionally, a real estate license is

23 being drafted by the U.S. Army Corps of Engineers

24 for access along an existing road. Upon receipt,

25 all permits will be filed with the Commission.

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1 MS. MERKENS: Thank you, Ms. Fox Dukart.

2 I have no further questions.

3 JUDGE HOGAN: Mr. Johnson, any questions?

4 MR. JOHNSON: I don't, Your Honor.

5 JUDGE HOGAN: Mr. Schock?

6 **EXAMINATION**

7 **BY MR. SCHOCK:**

8 Q. Geologically unstable areas. So there

9 appears based on the maps to be quite a bit of area

10 that has landslide deposits. How are you dealing

11 with those geologically unstable areas? Is it kind

12 of a number of different methods to avoid them or,

13 I guess, can you kind of speak more to that?

14 A. My colleagues may be able to address this

15 better, but with the routing, we -- we chose to go

16 to areas where there's existing infrastructure, and

17 then with the civil engineering, they did soil

18 borings. And Bobby could probably speak to it

19 better to determine exactly where the placement of

20 the poles should be.

21 MR. SCHOCK: Okay. I guess that's all I

22 have on that, so no further questions. Thank you.

23 JUDGE HOGAN: Commissioner Fedorchak.

24 COMMISSIONER FEDORCHAK: Thank you.

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**EXAMINATION**

1 **BY COMMISSIONER FEDORCHAK:**

2 Q. Thank you, Erin. Just a couple questions.

3 Let's see here. Okay. First of all, it seems like

4 you guys did a really good job with the Dakota

5 skipper habitat. That's always tricky and

6 expensive for companies to have to deal with, but

7 you guys thread that needle pretty well on this

8 one. So good job. Congratulations.

9 The -- the -- tell me what's involved with

10 an eagle nest permit.

11 A. There's a few different kinds of eagle

12 nest permits. So in this particular instance, if

13 an eagle nest is within 660 feet of construction,

14 you need to have an eagle nest disturbance permit,

15 which means we aren't actually going to touch the

16 nest, but we are going to be closer than the U.S.

17 Fish and Wildlife Service likes us to be to a nest.

18 So we worked with our environmental

19 consultant as well as the U.S. Fish and Wildlife

20 Service themselves to submit an application with

21 mitigation measures as well as monitoring to ensure

22 that the nest is protected during construction and

23 that the eagles are not disturbed.

24 Q. Is there a fee included in getting an

25

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1 eagle nest permit?

2 A. There's a fee for the application, and

3 then we also suggested mitigation measures as part

4 of that application.

5 Q. Just curious, how much -- how much is the

6 fee?

7 A. I -- I would have to double-check, but I

8 believe it is \$1,500.

9 Q. Okay.

10 A. But I will check.

11 Q. Then how much would you estimate the extra

12 mitigation measures are?

13 A. We haven't received the permit yet.

14 Q. Oh, how long does it take?

15 A. Eagle permits typically take three months.

16 Three to six months.

17 Q. Okay. All right. And then the Game &

18 Fish talked some about native prairie disturbance.

19 That's something they comment about a lot in all of

20 our siting applications. This is more minimal

21 because it's just where the poles are going, but is

22 there any -- do you have to quantify at all how

23 much native prairie you're disturbing in the

24 process or anything like that?

25 A. We do within the application. When we

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1 site transmission lines, we prefer to put it on  
 2 cropland, and in this instance, you know, we -- we  
 3 minimize it where we can. I believe it's -- within  
 4 the application there's a table that --  
 5 Q. Lists the amount?  
 6 A. -- that breaks out how much of each  
 7 different type of --  
 8 Q. Okay.  
 9 A. -- land is disturbed.  
 10 Q. All right. I just want to make sure.  
 11 Any sense from the SHPO when you'll get their  
 12 determination on the remaining -- the newer sites  
 13 that you had to apply?  
 14 A. They have 30 days to respond. I would  
 15 guess mid-March.  
 16 COMMISSIONER FEDORCHAK: Okay. All right.  
 17 That's it for me. Thank you, Erin.  
 18 JUDGE HOGAN: Commissioner Christmann.  
 19 **EXAMINATION**  
 20 **BY COMMISSIONER CHRISTMANN:**  
 21 Q. So first question is just a clarifier, but  
 22 on maps when it says DASK habitat, I assume that's  
 23 Dakota skipper; right?  
 24 A. It is, yes.  
 25 Q. Okay. Then would you repeat for me,

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1 because I wasn't taking it down fast enough, the  
 2 status of the McKenzie County permit?  
 3 A. Yeah. So we submitted the McKenzie County  
 4 conditional use application on January 12. Earlier  
 5 this week staff and Basin Electric met with the  
 6 Planning and Zoning Commission from McKenzie  
 7 County, and final Commission approval is expected  
 8 later this month, so that is pending. And then we  
 9 have also applied for an administrative permit  
 10 application -- submitted an administrative permit  
 11 application for a laydown yard in McKenzie County.  
 12 Q. Nothing is needed from Dunn County?  
 13 A. This is all permitted uses within Dunn  
 14 County. That's correct.  
 15 Q. And then what about -- for each county,  
 16 what about weed boards or tell me more about your  
 17 weed control plan.  
 18 A. So both Dunn and McKenzie County weed  
 19 boards have reviewed our weed mitigation plan and  
 20 approved it for this project. And in McKenzie  
 21 County that is also a requirement as part of the  
 22 conditional use permit application.  
 23 Q. See, I'm stunned that that wasn't the very  
 24 first thing you said.  
 25 Now, here's what -- oh, would you repeat

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1 for me the timelines of tree clearing activities.  
 2 Was it November 1 to March 31?  
 3 A. To protect the northern long-eared bat,  
 4 the U.S. Fish and Wildlife Service's window for  
 5 tree clearing is November 1 through March 31. If  
 6 tree clearing has to occur outside of that window,  
 7 we need to do presence/absence surveys to ensure  
 8 that the bat is not present and then immediately  
 9 remove trees after that.  
 10 Q. And so is that kind of the plan? Because  
 11 what's not falling together for me, it sounds like  
 12 the whole plan is to get a permit from us -- a  
 13 certificate from us, still get the McKenzie County  
 14 conditional use permit, the BIA and all that, and  
 15 then get these trees cleared by the end of March.  
 16 It seems --  
 17 A. It's a very tight --  
 18 Q. Otherwise you miss this year, or -- or --  
 19 so is the plan that some of this will just have to  
 20 be later? How long do you think it will take to do  
 21 the tree -- the tree removal once you can start?  
 22 A. It will all depend kind of on weather in  
 23 March. Ideally we would -- we would do as much  
 24 tree removal as possible before the end of March.  
 25 Some of the tree removal doesn't need to be done

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1 immediately. It just needs to be done prior to  
 2 energization.  
 3 So, again, depending on weather, that may  
 4 be possible in November prior to energization. We  
 5 will -- if we are not able to clear all the trees  
 6 before the end of March, we'll have to do  
 7 presence/absence surveys for the bats prior to  
 8 removing any trees in those areas.  
 9 Q. And is that just an additional expense or  
 10 is it something that you worry about causing  
 11 problems for the success of getting this project  
 12 done in 2024?  
 13 A. We would not anticipate that there would  
 14 be northern long-eared bats there, but it is a risk  
 15 and it is certainly a cost to -- to do those  
 16 surveys.  
 17 Q. Of -- of the amount of tree removal, how  
 18 much of it as a percentage would you say needs to  
 19 be done ahead of construction and how much just  
 20 ahead of energization?  
 21 A. The majority of it -- Bobby may be able to  
 22 speak to this better, but the majority would need  
 23 to be done for construction purposes.  
 24 COMMISSIONER CHRISTMANN: Okay. Thank  
 25 you. I have no other questions.

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1 JUDGE HOGAN: Commissioner Haugen-Hoffart.  
 2 COMMISSIONER HAUGEN-HOFFART: I think most  
 3 of them have been addressed, but there's one that  
 4 maybe I need clarification.  
 5 **EXAMINATION**  
 6 **BY COMMISSIONER HAUGEN-HOFFART:**  
 7 Q. You talked about -- you've been very good  
 8 about permits and anticipated receive dates. How  
 9 about -- the U.S. Army Corps of Engineers is in the  
 10 process of drafting a real estate license for the  
 11 usage of the road. When do you anticipate  
 12 receiving that?  
 13 A. They -- they told us they would likely  
 14 have it ready for us mid-March.  
 15 COMMISSIONER HAUGEN-HOFFART: Okay. I  
 16 have no further questions.  
 17 JUDGE HOGAN: Ms. Merkens, any redirect?  
 18 MS. MERKENS: No, Your Honor.  
 19 JUDGE HOGAN: Mr. Johnson or Mr. Schock,  
 20 any other questions?  
 21 MR. JOHNSON: No, Your Honor.  
 22 JUDGE HOGAN: Any other commissioner  
 23 questions? All right. Thank you, Ms. Fox Dukart.  
 24 Ms. Merkens, you can call your next  
 25 witness.

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1 MS. MERKENS: Thank you, Your Honor. I'd  
 2 like to call Mike Murray to the stand, please.  
 3 JUDGE HOGAN: Good morning, Mr. Murray.  
 4 I'll have you start by stating your full name for  
 5 the record and if you could spell your last name.  
 6 THE WITNESS: Yes, Your Honor. So my full  
 7 name is Michael Murray. Last name is spelled  
 8 M-u-r-r-a-y.  
 9 JUDGE HOGAN: And, Mr. Murray, were you in  
 10 the room earlier when I went through the penalties  
 11 for perjury?  
 12 THE WITNESS: Yes, I was.  
 13 JUDGE HOGAN: And do you understand what  
 14 perjury is?  
 15 THE WITNESS: Yes, I do.  
 16 (Witness sworn.)  
 17 JUDGE HOGAN: All right. Thank you. Go  
 18 ahead, Ms. Merkens.  
 19 MS. MERKENS: Thank you, Your Honor.  
 20 **MIKE MURRAY,**  
 21 being first duly sworn, was examined and testified  
 22 as follows:  
 23 **EXAMINATION**  
 24 **BY MS. MERKENS:**  
 25 Q. Would you please provide your name,

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1 address and occupation?  
 2 A. My name is Mike Murray. My business  
 3 address is 1717 East Interstate Avenue in Bismarck,  
 4 North Dakota. And I am employed by Basin Electric  
 5 Power Cooperative as the director of property and  
 6 right-of-way.  
 7 Q. Thank you. Mr. Murray, would you describe  
 8 your educational background and work experience?  
 9 A. Yes. So I have earned my associate's  
 10 degree in business administration from Bismarck  
 11 State College as well as a bachelor's degree in  
 12 management from Minot State University.  
 13 I've been employed by Basin Electric since  
 14 1990 and have worked in the right-of-way department  
 15 since 2000. In my role for Basin Electric, I have  
 16 acquired and/or overseen the acquisition of almost  
 17 600 miles of transmission lines.  
 18 Q. Thank you. Would you please describe your  
 19 role in connection with the proposed project?  
 20 A. Yes. So I've actually assigned one of our  
 21 Basin Electric right-of-way specialists to take the  
 22 lead on this project, as well as added a team of  
 23 contracted agents through our right-of-way  
 24 consultant. So my role is to oversee the activity  
 25 and the progress of these agents and provide

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1 assistance where necessary; although, I also have  
 2 been directly involved in negotiations with several  
 3 landowners along this project.  
 4 I have also participated in our weekly  
 5 project status meetings and am regularly  
 6 communicating with our project manager, our routing  
 7 engineer and then other team members to stay  
 8 informed so I can provide the necessary guidance to  
 9 achieve the successful outcome of acquiring all of  
 10 the easement rights.  
 11 Q. Thank you. Moving to contact with  
 12 landowners, would you please summarize the extent  
 13 of contacts that Basin Electric's right-of-way team  
 14 has made with the landowners along the project  
 15 corridor?  
 16 A. Yes. So there are a total of 27  
 17 landowners -- private landowners, as well as Tribal  
 18 Trust Lands, one state agency and three federal  
 19 agencies for this project. The Tribal Trust Lands  
 20 are owned by MHA Nation. The state agency is the  
 21 North Dakota Department of Trust Lands. And then  
 22 the federal agencies are the Bureau of Land  
 23 Management, the Bureau of Indian Affairs and the  
 24 Corps of Engineers.  
 25 Our right-of-way team is responsible for

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1 contacts with the private landowners, MHA Nation  
 2 and the North Dakota Department of Trust Lands.  
 3 Our environmental team handles all of the federal  
 4 agencies.  
 5 Starting in 2013, Basin Electric began  
 6 contacting landowners along the project corridor to  
 7 introduce Basin Electric as well as the project and  
 8 start seeking survey permissions. In early 2014,  
 9 we began acquiring easements for the project, but  
 10 then the project was put on hold in 2016 after we  
 11 had approximately 14 miles acquired at that time.  
 12 When SPP reissued its notice to construct,  
 13 landowner contacts resumed in the spring of 2022  
 14 for any new surveys needed and to continue easement  
 15 acquisition.  
 16 We have contacted each landowner on the  
 17 proposed route many times. Most of these contacts  
 18 are made in person. Some were contacted by phone  
 19 or letter out of necessity. Frequent landowner  
 20 contacts will continue throughout the construction,  
 21 reclamation and damage settlement phases of the  
 22 project.  
 23 Q. Thank you. As part of your contacts and  
 24 interactions with landowners, do you keep a record  
 25 of these conversations and interactions?

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1 A. Yes, we do. We keep a very detailed  
 2 contact diary for each landowner with the various  
 3 contacts that have been made.  
 4 Q. Thank you. How does Basin Electric handle  
 5 landowner requests or comments?  
 6 A. So if the landowner has specific concerns  
 7 with the route or structure locations during our  
 8 meetings with them, we do let them know at the time  
 9 that the structure locations are only preliminary  
 10 and just there to open up the discussion on trying  
 11 to find the best route that works for both the  
 12 landowner and Basin Electric. So -- and we  
 13 discuss -- let them know why we chose the  
 14 preliminary sites that we did.  
 15 Should the landowner desire to shift one  
 16 or more of the specific structures or propose a  
 17 route adjustment, we discuss that request with  
 18 Basin Electric's engineering staff to see what is  
 19 feasible and share the results with the landowner.  
 20 Shifts in structure locations specific to  
 21 the route include accommodations to route the line  
 22 within or near existing utility corridors, along  
 23 property lines, within fence lines, spotting  
 24 structures within tree rows, and that's to minimize  
 25 the impact to the cropland that they may have,

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1 which is minimizing cropland impacts. We also  
 2 accommodate spacing for farm equipment sizes which  
 3 seems to get larger all the time. And avoid  
 4 proposed oil and gas facilities. We had very  
 5 productive routing discussions with the landowners  
 6 with satisfactory outcomes.  
 7 Q. Thank you. Mr. Murray, are the easements  
 8 that will be obtained for the proposed project  
 9 limited to a specific purpose?  
 10 A. Yes. So the easements only allow Basin  
 11 Electric the right to install, repair, replace and  
 12 maintain a single-circuit transmission line and no  
 13 other purposes are included or allowed within that  
 14 easement.  
 15 Q. Thank you. What activities will be  
 16 restricted within the easement area?  
 17 A. So Basin Electric restricts placement of  
 18 permanent structures under transmission lines such  
 19 as planting of trees, stockpiling materials under  
 20 the line or any activity that would present a  
 21 safety concern for both the landowner or making --  
 22 operating the line a safety hazard.  
 23 There are, however, numerous compatible  
 24 uses of the corridor that do not interfere with the  
 25 safe and reliable operation of our facilities.

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1 Uses such as farming and ranching require no  
 2 approval by Basin Electric.  
 3 Q. How many total landowners' properties  
 4 would the proposed project cross and what  
 5 percentage of the easements has Basin Electric  
 6 acquired?  
 7 A. So we cross 27 private landowners of which  
 8 we currently have easements with 26 of those or  
 9 96 percent acquisition success. We also acquired  
 10 two easements from the North Dakota Department of  
 11 Trust Lands. We still need a grant of easement  
 12 from the Bureau of Indian Affairs for the  
 13 100 percent Tribal Trust Lands where we cross MHA  
 14 Nation in which MHA Nation has approved our route  
 15 by resolution and it's just currently going through  
 16 the BIA approval process.  
 17 Lastly, we need a permit from the Bureau  
 18 of Land Management and a real estate license from  
 19 the Corps of Engineers which Erin Dukart previously  
 20 addressed in her testimony.  
 21 Q. Thank you. Mr. Murray, does Basin  
 22 Electric have the right of eminent domain in the  
 23 proposed project?  
 24 A. Yes. As a rural electric cooperative,  
 25 Basin Electric is a utility and has the right of

115	<p>1 eminent domain.</p> <p>2 Q. What is Basin Electric's position on the</p> <p>3 use of eminent domain?</p> <p>4 A. We prefer not to use it and it will only</p> <p>5 be used as the absolute last resort.</p> <p>6 Q. Thank you. Moving on to the route</p> <p>7 selection, would you please describe the various</p> <p>8 considerations Basin Electric used to determine the</p> <p>9 proposed route?</p> <p>10 A. Yes. So there were many considerations</p> <p>11 that were taken into account in routing the line.</p> <p>12 The Commission's criteria, including the avoidance</p> <p>13 and exclusion areas, topographic features,</p> <p>14 farmsteads, oil well pads including existing</p> <p>15 permitted and planned, various land uses, existing</p> <p>16 utility corridors, engineering constraints, access</p> <p>17 issues and landowner acceptance as well as stated</p> <p>18 concerns were all part of the process. Where</p> <p>19 feasible, many reroutes did take place along this</p> <p>20 line to minimize landowner concerns.</p> <p>21 Q. Thank you. Would you please describe the</p> <p>22 efforts Basin Electric has made to avoid impacts to</p> <p>23 oil and gas activities during the siting of the</p> <p>24 project?</p> <p>25 A. Yes. So throughout the permitting and</p>	117	<p>1 Range 95 West, which is approximately 2.25 miles</p> <p>2 north of Killdeer, North Dakota, in Dunn County.</p> <p>3 Segment 1 begins at the takeoff structure</p> <p>4 of this Roundup Substation and then heads in a</p> <p>5 slight northwesterly direction for approximately</p> <p>6 four-tenths of a mile to angle point 2 located in</p> <p>7 the south half of Section 34, Township 146 North,</p> <p>8 Range 95 West, to align with the north to south</p> <p>9 quarter line in Section 34.</p> <p>10 The route then proceeds due north along</p> <p>11 the quarter line for approximately seven-tenths of</p> <p>12 a mile to angle point 3. The route then heads in a</p> <p>13 northwesterly direction for approximately</p> <p>14 six-tenths of a mile to angle point 5 located in</p> <p>15 the southwest quarter of Section 27, Township 146</p> <p>16 North, Range 95 West.</p> <p>17 The route then proceeds due north along</p> <p>18 the east side of the section line for approximately</p> <p>19 1.8 miles to angle point 6 located in the northwest</p> <p>20 quarter of Section 22, Township 146 North, Range 95</p> <p>21 West.</p> <p>22 The route then heads in a northwesterly</p> <p>23 direction for approximately 3.8 miles to angle</p> <p>24 point 13 located in the southwest quarter of</p> <p>25 Section 6, Township 146 North, Range 95 West.</p>
116	<p>1 planning process for this project, we have been in</p> <p>2 contact with the pipeline and oil pad operators to</p> <p>3 ensure that there are no conflicts with existing or</p> <p>4 planned pads or pipelines. These discussions</p> <p>5 resulted in numerous route and structure siting</p> <p>6 modifications as well as providing AC mitigation</p> <p>7 studies for pipelines where requested.</p> <p>8 Basin Electric has applied with each known</p> <p>9 operator in the project area for crossing permits</p> <p>10 to avoid construction conflicts with oil and gas</p> <p>11 activities.</p> <p>12 Q. Thank you. Next, would you please</p> <p>13 describe the route for the project and alternate</p> <p>14 route segments which were considered? You may</p> <p>15 summarize where applicable.</p> <p>16 A. Yes. I can do that. And it may be</p> <p>17 helpful for the Commission and staff to follow</p> <p>18 along through Exhibit 6 as I'm going through</p> <p>19 because I'm going to go angle point to angle point.</p> <p>20 Segment 1 is the Roundup Substation</p> <p>21 takeoff structure to angle point 13. This segment</p> <p>22 is approximately 7.4 miles in length. The existing</p> <p>23 Roundup Substation is the starting point for this</p> <p>24 segment. The Roundup Substation is located in the</p> <p>25 northeast quarter of Section 3, Township 145 North,</p>	118	<p>1 This segment of the transmission line was</p> <p>2 routed to accommodate landowner requests, minimize</p> <p>3 cropland impacts, avoid well sites, avoid</p> <p>4 archeological sites and align with North Dakota</p> <p>5 Highway 22 corridor.</p> <p>6 We did evaluate potentially routing a</p> <p>7 little further north before we headed west coming</p> <p>8 out of the substation to Highway 22 in order to</p> <p>9 address a landowner's concern, but access would</p> <p>10 have been very challenging in that area.</p> <p>11 For Segment 2, that will be from angle</p> <p>12 point 13 to angle point 23. This segment is</p> <p>13 approximately 3.4 miles in length. From angle</p> <p>14 point 13 the route heads due north along the east</p> <p>15 side of North Dakota Highway 22 for approximately</p> <p>16 3.4 miles to angle point 23 located in the</p> <p>17 northwest quarter of Section 19, Township 147</p> <p>18 North, Range 95 West.</p> <p>19 This segment of the transmission line was</p> <p>20 routed to accommodate landowner requests and take</p> <p>21 advantage of the North Dakota Highway 22. The</p> <p>22 North Dakota DOT permit was acquired which included</p> <p>23 the rights for some minor overlap with the North</p> <p>24 Dakota DOT right-of-way as well as crossing the</p> <p>25 highway.</p>

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<p>1 No other alternate routes were evaluated</p> <p>2 as this was the only feasible route available, and</p> <p>3 all landowners were very supportive of this</p> <p>4 segment.</p> <p>5 Segment 3 is from angle point 23 to angle</p> <p>6 point 36. This segment is approximately 5.4 miles</p> <p>7 in length. For angle point 23 the route heads</p> <p>8 generally in a northwesterly direction for</p> <p>9 approximately 3.5 miles to angle point 30 located</p> <p>10 in the northeast quarter of Section 2, Township 147</p> <p>11 North, Range 96 West.</p> <p>12 The route then heads back in a</p> <p>13 northeasterly direction for approximately 1.8 miles</p> <p>14 to angle point 36 located in the southwest quarter</p> <p>15 of Section 25, Township 148 North, Range 96 West.</p> <p>16 This line segment was routed in a manner</p> <p>17 to take advantage of an existing utility corridor,</p> <p>18 the limited access roads and trails due to the very</p> <p>19 rugged terrain, and to align for an appropriate</p> <p>20 crossing of the Little Missouri River. This took a</p> <p>21 lot of coordination with area landowners to come up</p> <p>22 with the best route.</p> <p>23 Multiple alternate routes were evaluated</p> <p>24 to the west of the proposed route. Due to</p> <p>25 landowner opposition to those alternate routes,</p>	<p>1 follow an existing utility corridor, take advantage</p> <p>2 of the existing access roads and trails and avoid</p> <p>3 well sites. This is also the segment of line that</p> <p>4 crosses out of Dunn County and into McKenzie</p> <p>5 County.</p> <p>6 An alternate route to the west of the</p> <p>7 proposed route was evaluated but dropped from</p> <p>8 consideration due to landowner resistance, access</p> <p>9 difficulties, higher density of trees and more</p> <p>10 significant areas of soil instability. Also, the</p> <p>11 MHA Nation was open to working with us on a route</p> <p>12 through their Tribal Trust Lands.</p> <p>13 Segment 5 will be from angle point 48 to</p> <p>14 angle point 51. This segment is approximately</p> <p>15 3.4 miles in length. From angle point 48, the</p> <p>16 route heads in a slight northwesterly direction for</p> <p>17 eight-tenths of a mile to angle point 50 located in</p> <p>18 the southwest quarter of Section 27, Township 149</p> <p>19 North, Range 95 West.</p> <p>20 Then the route takes a sharp diagonal to</p> <p>21 the northwest for approximately 2.6 miles to angle</p> <p>22 point 51 located in the northeast quarter of</p> <p>23 Section 19, Township 149 North, Range 95 West.</p> <p>24 This segment was routed to avoid oil and</p> <p>25 gas facilities, utilize gentler topography and</p>
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<p>1 limited accesses, higher density of trees and more</p> <p>2 significant areas of instability of the soil, these</p> <p>3 alternate routes were dropped from consideration.</p> <p>4 Segment 4, will be from angle point 36 to</p> <p>5 angle point 48. This segment is approximately</p> <p>6 6.3 miles in length and is the crossing of the MHA</p> <p>7 Nation Tribal Trust Lands. From angle point 36 the</p> <p>8 route moves in a zigzag motion in a northerly</p> <p>9 direction for approximately 1.4 miles to angle</p> <p>10 point 41 located in the southwest quarter of</p> <p>11 Section 24, Township 148 North, Range 96 West.</p> <p>12 The purpose of this zigzag was to climb</p> <p>13 out of the river bottoms through the rugged terrain</p> <p>14 to get to higher ground.</p> <p>15 From angle point 41, the route takes a</p> <p>16 couple diagonals to the northeast for approximately</p> <p>17 2.4 miles to angle point 45 located in the</p> <p>18 southwest quarter of Section 7, Township 148 North,</p> <p>19 Range 95 West. The route then heads in a</p> <p>20 northwesterly direction for 1.46 miles and then</p> <p>21 northeasterly for approximately 1 mile to angle</p> <p>22 point 48 located in the southwest quarter of</p> <p>23 Section 34, Township 149 North, Range 95 West.</p> <p>24 This segment of line was routed in close</p> <p>25 coordination with the MHA Nation in an attempt to</p>	<p>1 generally follow the Bear Den Road to provide more</p> <p>2 access options.</p> <p>3 An alternate route to the west of the</p> <p>4 proposed route was evaluated but dropped from</p> <p>5 consideration due to landowner resistance,</p> <p>6 challenging terrain, access issues, well site</p> <p>7 congestion and instability of the soils.</p> <p>8 Segment 6 is the final segment and it goes</p> <p>9 from angle point 51 to the Kummer Ridge Substation.</p> <p>10 This segment is approximately 6.6 miles in length.</p> <p>11 From angle point 51, the route heads in a northerly</p> <p>12 direction for approximately 1.3 miles, then</p> <p>13 northwesterly for approximately 1.6 miles, then due</p> <p>14 north for approximately 1 mile, then northwesterly</p> <p>15 for approximately 2.3 miles, then due north for</p> <p>16 approximately a half a mile terminating at the</p> <p>17 Kummer Ridge Substation, which is located in the</p> <p>18 north half of Section 23, Township 150 North, Range</p> <p>19 96 West, which is a half mile southeast of the</p> <p>20 Johnson's Corner in McKenzie County.</p> <p>21 This segment was routed in an attempt to</p> <p>22 avoid most of the cropland, oil and gas facilities</p> <p>23 and accommodate landowner concerns and feedback</p> <p>24 regarding the route.</p> <p>25 An alternate route to the west was</p>

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1 proposed and evaluated, but it was dropped from  
 2 consideration due to existing and proposed well  
 3 sites.  
 4 Q. Thank you. Mr. Murray, I'd like to now --  
 5 or I'd like now to discuss after construction.  
 6 What is the role of the property and right-of-way  
 7 department in reclaiming the corridor at the  
 8 completion of construction?  
 9 A. So our property and right-of-way  
 10 department will oversee the entire reclamation  
 11 process. A licensed and certified reclamation  
 12 contractor will report directly to our property and  
 13 right-of-way team, and we will be on site on a  
 14 regular basis to monitor progress and make sure  
 15 that reclamation is completed to both the  
 16 landowners' and Basin Electric's satisfaction.  
 17 Q. Thank you. Would you please describe  
 18 Basin Electric's reclamation practices for  
 19 transmission line corridors?  
 20 A. So the construction contractor will  
 21 actually be responsible for regrading all the  
 22 disturbed easement and access areas after their  
 23 use. Basin Electric will then retain a licensed  
 24 local contractor who specializes in the reclamation  
 25 techniques required to stabilize the soils and

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1 reestablish the growth or cover of all the  
 2 disturbed areas of the project.  
 3 In cropland, compaction will be addressed  
 4 and landowners will be compensated for any damages  
 5 to any crops during construction as well as any  
 6 prevent plant situations due to the construction  
 7 activity.  
 8 In pastureland, our reclamation contractor  
 9 will reseed the same species of grasses that were  
 10 present prior to construction unless otherwise  
 11 directed by the owner.  
 12 In Conservation Reserve Program fields,  
 13 CRP fields, we will replant the cover based on the  
 14 local Dunn and McKenzie County USDA/FSA office  
 15 rules and guidance. Landowners will be consulted  
 16 with throughout the reclamation practice to make  
 17 sure that they are satisfied.  
 18 All damages associated with our activities  
 19 will be addressed with the landowner for settlement  
 20 at the completion of construction.  
 21 Surface soil erodibility is unique to this  
 22 project route, so efforts will be made to use  
 23 various techniques to stabilize the soils as we  
 24 reestablish any vegetation that was removed or  
 25 destroyed.

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1 Basin Electric has reached out to North  
 2 Dakota State University and is currently consulting  
 3 with Professor DeSutter who is a professor of soils  
 4 science and is the head of the reclamation research  
 5 advisory group on how to properly reclaim any areas  
 6 of soil instability along the route, using  
 7 techniques that will include but not be limited to  
 8 straw wattles, mulches, matting, erosion control  
 9 blankets, water bars, riprap, et cetera.  
 10 Disturbed areas will be monitored for  
 11 erosion. Erosion may include the installation and  
 12 maintenance of necessary measures for temporary and  
 13 permanent erosion, sedimentation and dust control  
 14 as required by relevant agencies and the property  
 15 owner. Inspection and maintenance will be  
 16 completed by Basin Electric or a Basin Electric  
 17 representative to ensure compliance with project  
 18 reclamation specifications.  
 19 Basin Electric will work with landowners  
 20 regarding tree replacements. This will be done  
 21 according to the Commission's tree and shrub  
 22 mitigation plan. Basin Electric will be  
 23 responsible for weeds by providing weed control  
 24 within the easement area during construction and  
 25 reclamation as well as noxious weeds whenever

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1 necessary during and after construction.  
 2 During operation of the transmission line,  
 3 Basin Electric will continue to reclaim the  
 4 corridor and settle any damages caused during our  
 5 maintenance activities.  
 6 MS. MERKENS: Thank you, Mr. Murray. I  
 7 have no further questions, Your Honor.  
 8 JUDGE HOGAN: Mr. Johnson, any questions?  
 9 MR. JOHNSON: I just have one.  
 10 **EXAMINATION**  
 11 **BY MR. JOHNSON:**  
 12 Q. You said you have just one remaining  
 13 private landowner easement to get?  
 14 A. That is correct.  
 15 Q. Is that negotiation still moving forward,  
 16 is it stalemated or what's the -- how would you  
 17 characterize that?  
 18 A. We were -- so they have retained legal  
 19 counsel and we have been in contact -- still  
 20 contacting them as recent as last week. We have an  
 21 email from their attorney stating that they are  
 22 okay with the route. It's just access issues now  
 23 that we're dealing with.  
 24 MR. JOHNSON: Oh, okay. Thank you.  
 25 That's all I have.

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1 JUDGE HOGAN: Mr. Schock, any questions?  
 2 MR. SCHOCK: No questions.  
 3 JUDGE HOGAN: Commissioner Fedorchak.  
 4 **EXAMINATION**  
 5 **BY COMMISSIONER FEDORCHAK:**  
 6 Q. Thank you, Mike.  
 7 So you have one easement left to secure  
 8 from a landowner?  
 9 A. Yes.  
 10 Q. How long -- what percent of the route do  
 11 they have?  
 12 A. Very small. One structure. It's just a  
 13 corner of their property.  
 14 Q. Okay. And do you anticipate finalizing  
 15 that or --  
 16 A. We are hopeful.  
 17 Q. Okay.  
 18 A. We're currently trying to work out --  
 19 they're working with us on this project and they're  
 20 working with us through negotiations through their  
 21 attorney, but we're in a disagreement right now on  
 22 how short of a term the access easements are being  
 23 applied to.  
 24 Q. I see. Okay. Do you have an alternative  
 25 route if it doesn't work?

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1 A. We have alternative options we can use  
 2 which can be more impactful to the ground.  
 3 Q. Okay. All right. And then you're still  
 4 waiting on the BIA easement?  
 5 A. Correct.  
 6 Q. When do you anticipate that?  
 7 A. So I personally have been working very  
 8 closely with my contacts with MHA Nation as well as  
 9 the BIA office, and the BIA office up there in New  
 10 Town just recently got a new commissioner. The  
 11 information I was provided is they were hopeful  
 12 they were going to have the BIA grant of easement  
 13 prior to this hearing. It did not happen, but that  
 14 tells me it's very close, so --  
 15 Q. Okay. Just curious, how long have you  
 16 been working on that easement with BIA?  
 17 A. We've been working on the easement with  
 18 MHA Nation for their approval for like about a  
 19 year, just because we wanted to make sure they were  
 20 very satisfied and they understood our process and  
 21 we understood their processes. And it was actually  
 22 very good for me to go through that because I was  
 23 educated on what it takes to get through a BIA --  
 24 or sorry -- a tribal process like that where  
 25 they're very organized. So I'd say it's been about

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1 a year with them. The BIA application process has  
 2 been a matter of just a few weeks.  
 3 Q. So the BIA defers to the tribe and lets  
 4 them do their process first and then they follow  
 5 up; is that how it works?  
 6 A. That is correct. And this project is very  
 7 important to the tribe, so it's at the top of their  
 8 priority list.  
 9 Q. Mm-hmm. All right. What about the BLM  
 10 permit? When do you expect that?  
 11 A. I would have to defer to --  
 12 Q. Did you say mid-March?  
 13 A. -- Erin's testimony, but I think she  
 14 thought we'd have it by late March.  
 15 Q. Okay.  
 16 A. Have the EA completed anyway.  
 17 Q. How long is that process? Maybe I should  
 18 have asked her.  
 19 A. Yeah, that -- I would have to defer to  
 20 Erin.  
 21 Q. All right. Okay. And the same with the  
 22 real estate license with the Corps. All right.  
 23 And remind me -- and this I think Bobby talked  
 24 about at the beginning, but when do you guys hope  
 25 to start construction?

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1 A. We are hopeful to start construction this  
 2 spring.  
 3 COMMISSIONER FEDORCHAK: Okay. I think  
 4 that's it for me. Thank you.  
 5 THE WITNESS: Yep.  
 6 JUDGE HOGAN: Commissioner Christmann.  
 7 **EXAMINATION**  
 8 **BY COMMISSIONER CHRISTMANN:**  
 9 Q. I saved the most questions for you, Mike,  
 10 but you've actually gone through and answered all  
 11 but one, I think. Okay. We've talked about MHA  
 12 and the BIA issues. But in Appendix G there's  
 13 mention of the North Dakota Indian Affairs  
 14 Commission approval pending. Is that the same --  
 15 A. That might have been a typo. That was  
 16 supposed to be the Bureau of Indian Affairs. But  
 17 we did consult with the North Dakota Indian  
 18 Affairs, Commissioner Davis, and just wanted him to  
 19 be fully informed of our project and that we were  
 20 going to be working with MHA Nation. So we did  
 21 consult with him, but I don't believe we'd need any  
 22 approval from them.  
 23 COMMISSIONER CHRISTMANN: Okay. Thank  
 24 you. No other questions.  
 25 JUDGE HOGAN: Commissioner Haugen-Hoffart?

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1 COMMISSIONER HAUGEN-HOFFART: Yes, I -- I  
 2 have one.

**EXAMINATION**

4 **BY COMMISSIONER HAUGEN-HOFFART:**  
 5 Q. Regarding the Conservation Reserve  
 6 Program, the CRP, you indicated in your testimony  
 7 that you will replant cover base on the local Dunn  
 8 and McKenzie County USDA office rules and guidance.  
 9 Don't you need permission from this federal  
 10 program -- any permission from them to disturb CRP  
 11 land?  
 12 A. Yes, we would need permission. So there  
 13 is no CRP. It's in the testimony that if we did  
 14 come across it --  
 15 Q. Okay.  
 16 A. -- we would have to address it. But, yes,  
 17 we would need permission from them as well as  
 18 follow their processes, and then we would also  
 19 likely need to -- because there would likely be a  
 20 penalty that went back to the landowner, so we  
 21 would have to address that directly as well.  
 22 Q. So just for clarification, no CRP land has  
 23 been identified, but if, then you will?  
 24 A. Correct.  
 25 COMMISSIONER HAUGEN-HOFFART: Okay. Thank

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1 you.  
 2 JUDGE HOGAN: Ms. Merkens, any redirect?  
 3 MS. MERKENS: No, Your Honor.  
 4 JUDGE HOGAN: Mr. Johnson or Mr. Schock,  
 5 any other questions?  
 6 MR. JOHNSON: (Shakes head.)  
 7 JUDGE HOGAN: Any further commissioner  
 8 questions? All right. Thank you, Mr. Murray.  
 9 THE WITNESS: Thank you.  
 10 JUDGE HOGAN: Ms. Merkens, any other  
 11 witnesses?  
 12 MS. MERKENS: No, Your Honor.  
 13 JUDGE HOGAN: All right. Then we will  
 14 move to public testimony, and I noticed on the  
 15 sign-in sheet that there was a couple individuals  
 16 that marked that they would like to testify this  
 17 morning.  
 18 Even if you didn't so indicate on that and  
 19 you now would like to testify, you certainly can.  
 20 I'll have you come up one by one to testify and sit  
 21 at the witness table there, and I'll have you state  
 22 your name. If you're testifying on behalf of an  
 23 organization or a group, if you could note that for  
 24 our record, that would be appreciated. You will be  
 25 sworn in. And at the conclusion of your statement,

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1 I will go around, like with our other witnesses,  
 2 and ask if there's any questions, just so you're  
 3 aware of that.  
 4 So if we have members of the public that  
 5 want to testify, I would ask -- whoever would like  
 6 to go first, if they could come forward.  
 7 Good morning.  
 8 MR. MAHOWALD: Good morning, Your Honor.  
 9 JUDGE HOGAN: Can I get your name for our  
 10 record?  
 11 MR. MAHOWALD: Jeremy Mahowald.  
 12 JUDGE HOGAN: Can you spell your last  
 13 name?  
 14 MR. MAHOWALD: M-a-h-o-w-a-l-d.  
 15 JUDGE HOGAN: And, Mr. Mahowald, were you  
 16 in the room earlier when I went through the  
 17 penalties for perjury?  
 18 MR. MAHOWALD: Yes, I was.  
 19 JUDGE HOGAN: And do you understand what  
 20 perjury is?  
 21 MR. MAHOWALD: Yes, I do.  
 22 (Witness sworn.)  
 23 JUDGE HOGAN: All right. Thank you. Go  
 24 ahead.  
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**JEREMY MAHOWALD,**  
 2 being first duly sworn, was examined and testified  
 3 as follows:  
 4 **STATEMENT**  
 5 **BY MR. MAHOWALD:**  
 6 MR. MAHOWALD: I have my written testimony  
 7 here. I'll just paraphrase, I guess.  
 8 Again, my names is Jeremy Mahowald. I'm  
 9 with Upper Missouri G. & T. Electric Cooperative,  
 10 also known as Upper Missouri Power Cooperative, in  
 11 Sidney, Montana. I'm the general manager, and I'm  
 12 here to offer support for the construction of this  
 13 very important 345-kV line between Roundup and  
 14 Kummer Ridge.  
 15 A little bit about Upper Missouri. We are  
 16 a Class A member of Basin. We're actually their  
 17 largest member. We serve the cooperatives of  
 18 western North Dakota and eastern Montana, 11 of  
 19 them. Five of them are in North Dakota and six are  
 20 in Montana.  
 21 And our existing load currently surpasses  
 22 the current capabilities of our region which has  
 23 been a cause of the congestion and constraints.  
 24 That will be significantly improved by the  
 25 construction of this line.

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1 In January we set a record peak at Upper  
 2 Missouri of 2,030 megawatts. Our load forecasts  
 3 indicate major load growth into the late 2020s and  
 4 early 2030s, which includes continued Bakken oil  
 5 and gas development, along with new industrial and  
 6 technology growth in western North Dakota.  
 7 And to meet this growing demand, we must  
 8 continue to develop -- continue to efficiently  
 9 develop the transmission system along with power  
 10 production in this region. And this -- this  
 11 addition of this 345-kV line is a critical piece of  
 12 this -- Basin's commitment to the reliability of  
 13 our region.  
 14 So along with Basin and SPP, at least to  
 15 the extent that we can, we -- we continue to  
 16 support and work with Basin to plan for generation  
 17 and transmission needs to meet our growth. It's  
 18 important infrastructure additions and improvements  
 19 that meet the demands of our growth as well as  
 20 continuing -- continuing to add reliability to our  
 21 systems, to our residents, ranchers and all the  
 22 industry that's developed in our region.  
 23 So the -- the additional increment -- the  
 24 additional addition of transmission to our  
 25 electricity system helps us meet the demands of

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1 those members. And for that, Upper Missouri  
 2 strongly supports the construction of this project.  
 3 JUDGE HOGAN: Thank you.  
 4 Ms. Merkens, any questions?  
 5 MS. MERKENS: Thank you, Mr. Mahowald. I  
 6 have no questions, Your Honor.  
 7 JUDGE HOGAN: Mr. Johnson?  
 8 MR. JOHNSON: No, Your Honor.  
 9 JUDGE HOGAN: Mr. Schock?  
 10 MR. SCHOCK: No, Your Honor.  
 11 JUDGE HOGAN: Commissioner Fedorchak.  
 12 COMMISSIONER FEDORCHAK: Thank you.  
 13 **EXAMINATION**  
 14 **BY COMMISSIONER FEDORCHAK:**  
 15 Q. Thank you, Jeremy, for being here.  
 16 Appreciate your testimony.  
 17 So you heard us talking earlier about the  
 18 timing of this -- this line and how we're behind  
 19 and there's this urgency. Help me understand your  
 20 company's involvement with Basin on load forecasts.  
 21 A. We -- the 11 cooperatives give -- work  
 22 with their own members to determine their load --  
 23 their load needs for the coming -- for the coming  
 24 years, and we aggregate it together and provide  
 25 that load forecast to Basin.

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1 So we're very -- Upper Missouri just helps  
 2 monitor all the load growth we have coming, and I  
 3 spend a lot of my time just communicating with  
 4 Basin on the urgency we have for all the load we  
 5 have coming.  
 6 Q. And when did you see the -- the need for  
 7 this line first come and what was your involvement  
 8 in trying to, you know, expedite getting this  
 9 process through SPP?  
 10 A. Yeah. I guess like others have mentioned,  
 11 we -- you know, we had a more aggressive load  
 12 forecast that got weakened with the falling prices  
 13 of oil and gas which -- which then kind of took  
 14 away the need for this project. But as it stands  
 15 today, the way our load has been growing and is  
 16 anticipated to grow, it will be a challenge to keep  
 17 up with it.  
 18 Q. So in your -- are you -- is your company  
 19 out recruiting new businesses to the area?  
 20 A. Upper Missouri does not. Some of our  
 21 members have sought diversification beyond oil and  
 22 gas. With all of -- all of our eggs essentially in  
 23 oil, gas and agriculture, there has been a desire  
 24 by some to diversify and attract other industries  
 25 here, along with the counties in this region also

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1 trying to diversify their economy.  
 2 Q. And how do those efforts go into your  
 3 long-term planning?  
 4 A. When we have a commitment from -- I mean,  
 5 we use different measures of likelihood for all  
 6 these industries that wish to be in our region, but  
 7 we -- we keep track of what we think is likely and  
 8 those loads go into the load forecast. So every --  
 9 every industry or business that wants to be here  
 10 and has made it known they want to be here, we put  
 11 that in the forecast.  
 12 Q. And then if there's new industry with, you  
 13 know, extensive demand --  
 14 A. Mm-hmm.  
 15 Q. -- are -- in your conversations with  
 16 them -- and I don't know, maybe it's not you, maybe  
 17 it's your co-op members, maybe it's both, but are  
 18 you accounting for any additional costs that  
 19 they're going to cause in the rates that you're  
 20 quoting to them or how are those things --  
 21 A. That is the biggest question of all, I  
 22 mean, and that's -- that's a big concern of our  
 23 membership just because of how much our region is  
 24 growing. It's very impactful to all of Basin and  
 25 its membership.

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1 One of the ways it's going to be addressed  
 2 is in -- in a -- in a FERC filing that we'll be  
 3 doing along with Basin is a new market based rate.  
 4 So crypto loads, for example, and large-load --  
 5 large-load facilities over 75 megawatts will be  
 6 subject to market rates as one method of trying to  
 7 capture their costs better than, you know, just  
 8 having them all get the same rate as everyone else  
 9 does, but --  
 10 Q. Sure. And would that then -- the market  
 11 rate would capture the congestion costs?  
 12 A. Yes.  
 13 Q. Would it prevent others from paying  
 14 congestion costs?  
 15 A. Yes, it would. I mean, if these -- if  
 16 these larger loads and crypto loads pay their way  
 17 or pay those congestion costs, otherwise those  
 18 costs would be distributed amongst everyone, so --  
 19 Q. Okay. All right. Well, there's -- you  
 20 know with the -- this is a challenge everywhere in  
 21 the country, not just here, but it's more acute  
 22 here because you have a very high load factor  
 23 industry here already.  
 24 A. Yes, we do.  
 25 Q. So, you know, oil and gas doesn't go up

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1 and down. It's steady all the time, so there isn't  
 2 kind of peaks and valleys like others can capture  
 3 and add these big loads and then have them  
 4 curtailed. So it's a challenge for you guys in  
 5 diversifying into this particular type of load that  
 6 is really high demand and very fungible. You know,  
 7 they can be here today and gone tomorrow.  
 8 A. Right.  
 9 Q. So I think it's -- I hope your board  
 10 members are very cautious and aware of that  
 11 strategy.  
 12 A. Yes. This is -- this is the top focus.  
 13 It has been for the last couple of years and it  
 14 will be for time to come. We are fortunate that  
 15 the crypto loads, for example, all seem to want to  
 16 be demand response and will shed their load as  
 17 needed, which will help us.  
 18 Q. Yeah. Well, you're aware of our concerns  
 19 over some of the costs that are spilling over to  
 20 other customers, so --  
 21 A. Yes.  
 22 COMMISSIONER FEDORCHAK: All right. I  
 23 think that's it for now. Thank you, Jeremy.  
 24 JUDGE HOGAN: Commissioner Christmann.  
 25

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**EXAMINATION**

2 **BY COMMISSIONER CHRISTMANN:**  
 3 Q. Well, thank you for being here, Jeremy.  
 4 And I just -- I'm curious how you would describe  
 5 the extent to which the -- the large crypto center  
 6 near Trenton increased the need for this project?  
 7 A. It greatly increased the need for this  
 8 project. I mean, that -- I think it was mentioned  
 9 before that perhaps this process is a little  
 10 broken. I think that quickly identified -- I mean,  
 11 that quickly caused the congestion and constraints  
 12 in our region. And so this 345 project will do  
 13 much to alleviate that or at least move the problem  
 14 north, to my understanding, until the other  
 15 projects are completed.  
 16 Q. And so with your expertise, am I  
 17 understanding right -- a lot of times I've heard  
 18 people refer to like bitcoin manufacturers as data  
 19 processors, but data processors like Google or  
 20 something like that as opposed to actual crypto  
 21 currency processors, am I right that the crypto  
 22 places are more likely to be willing to shed load  
 23 than the data processors?  
 24 A. That's our understanding as well. That  
 25 the crypto miners all seem to be interested in

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1 demand response, where we do have some data center  
 2 interest in our area that wants to be firm.  
 3 Q. Okay. And when -- when you talk about  
 4 willingness to shed load or -- or demand response,  
 5 I assume that's limited, though. It's not just  
 6 whenever you have a congestion problem. Most of  
 7 the ones I've seen are limited to a certain number  
 8 of hours per year. Is that what you're seeing out  
 9 there?  
 10 A. Yeah. We know that from the one in -- the  
 11 ones we work with that they have -- they have  
 12 certain contracts they want to meet for the --  
 13 their own output, but they're very sensitive to  
 14 price. There are prices they don't want to pay in  
 15 the market, so I think they will -- they'll be  
 16 willing to curtail more if the prices are high  
 17 enough.  
 18 COMMISSIONER CHRISTMANN: No other  
 19 questions. Thank you.  
 20 JUDGE HOGAN: Commissioner Haugen-Hoffart?  
 21 COMMISSIONER HAUGEN-HOFFART: Maybe just a  
 22 clarification.  
 23 **EXAMINATION**  
 24 **BY COMMISSIONER HAUGEN-HOFFART:**  
 25 Q. We've really hit the large load pretty

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1 hard or addressed it, but you talked about large  
 2 load and the market rates, looking for market  
 3 rates. Would that make you guys competitive out  
 4 there with the other companies or what impact would  
 5 that have on -- pros, cons?  
 6 **A.** No. I guess they're still buying their  
 7 power through the cooperatives. They're just  
 8 paying the market cost of those market costs.  
 9 Perhaps I didn't understand your question.  
 10 **Q.** Well, you're trying to solve a problem  
 11 here; right?  
 12 **A.** Yes.  
 13 **Q.** So looking at solving the problem for the  
 14 individual, let's say the cooperative or you as a  
 15 Class A member, to solve the problem will it still  
 16 make you competitive out there or are you just  
 17 trying to really get a handle on your congestion  
 18 and the load?  
 19 **A.** Yeah. Thank you. I -- I -- I'm afraid  
 20 like in the Bakken or right -- you know, right in  
 21 the areas of high congestion, at least until this  
 22 line is built, the costs are going to be very  
 23 expensive over the course of this year. We hope  
 24 this line will lower those costs. So  
 25 competitiveness for technology companies that could

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1 be anywhere in the country, this probably isn't the  
 2 best place to be. Yet, we find they want to be  
 3 here. So I guess, you know, their price -- they  
 4 will pay more here than they would in other places,  
 5 so competitively I guess I'm not saying we would  
 6 compete. We're hoping that on -- you know, by the  
 7 time these lines get built, when these other large  
 8 industrial loads that are tied to oil and gas, the  
 9 prices are much better and we won't have to worry  
 10 about that.  
 11 **COMMISSIONER HAUGEN-HOFFART:** Okay. Thank  
 12 you. I have no further questions.  
 13 **JUDGE HOGAN:** All right. Thank you.  
 14 **MR. MAHOWALD:** Thank you.  
 15 **JUDGE HOGAN:** Is there others that would  
 16 like to testify? Come on up. Good morning.  
 17 **MR. HANSON:** Good morning.  
 18 **JUDGE HOGAN:** Can I get your name?  
 19 **MR. HANSON:** Sure. It's Matt Hanson,  
 20 H-a-n-s-o-n.  
 21 **JUDGE HOGAN:** Mr. Hanson, were you in the  
 22 room when I went through the penalties for perjury?  
 23 **MR. HANSON:** I was.  
 24 **JUDGE HOGAN:** And do you understand what  
 25 perjury is?

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1 **MR. HANSON:** I do.  
 2 (Witness sworn.)  
 3 **JUDGE HOGAN:** All right. Thank you. Go  
 4 ahead.  
 5 **MATT HANSON,**  
 6 being first duly sworn, was examined and testified  
 7 as follows:  
 8 **STATEMENT**  
 9 **BY MR. HANSON:**  
 10 **MR. HANSON:** All right. Well, good  
 11 afternoon. My name is Matt Hanson. I'm the CEO of  
 12 McKenzie Electric Cooperative.  
 13 McKenzie Electric Cooperative is in  
 14 support of the new 345 transmission line from  
 15 Roundup Substation to the Kummer Ridge Substation.  
 16 McKenzie Electric is the rural electric  
 17 distribution cooperative that takes delivery of  
 18 electricity from both substations to provide  
 19 service to our members. The new transmission line  
 20 will provide multiple benefits to the area boosting  
 21 reliability and future growth that is planned.  
 22 Over the past year, McKenzie Electric has  
 23 been impacted by limited reliable transmission  
 24 capacity in the area requiring operations that  
 25 reduce the reliability of the electric system to

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1 maintain certain contingencies and to keep the  
 2 system intact. This transmission line will improve  
 3 the reliable transmission capacity.  
 4 The Kummer Ridge delivery which supplies  
 5 electricity to approximately half of McKenzie  
 6 Electric members has no redundant feed. Connecting  
 7 Kummer Ridge to Roundup with the proposed 345-kV  
 8 transmission line will provide additional  
 9 redundancy to the local transmission system and an  
 10 alternative feed for this critical delivery.  
 11 The members of McKenzie Electric rely on  
 12 electricity to heat their homes, run their  
 13 businesses and carry out their daily life. The  
 14 demand for electricity is continuing to increase.  
 15 Having a reliable and resilient electric system in  
 16 northwest North Dakota is important for both  
 17 quality of life and for the economy.  
 18 The proposed 345-kV transmission line is  
 19 essential for meeting these needs.  
 20 **JUDGE HOGAN:** All right. Thank you.  
 21 **Ms. Merkens,** any questions?  
 22 **MS. MERKENS:** Thank you, Mr. Hanson. I  
 23 have no questions, Your Honor.  
 24 **JUDGE HOGAN:** Mr. Johnson?  
 25 **MR. JOHNSON:** No, Your Honor.

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1 JUDGE HOGAN: Mr. Schock?  
 2 MR. SCHOCK: No questions.  
 3 JUDGE HOGAN: Commissioner Fedorchak?  
 4 COMMISSIONER FEDORCHAK: Thank you.  
 5 **EXAMINATION**  
 6 **BY COMMISSIONER FEDORCHAK:**  
 7 Q. Thank you, Matt, for being here.  
 8 So how -- how does your co-op work with  
 9 Basin on load forecasts?  
 10 A. So we provide an annual load forecast  
 11 through Upper Missouri that ends up at Basin  
 12 Electric every year. That's part of the integrated  
 13 transmission process that you were already briefed  
 14 on. And then if there's any other significant  
 15 loads that would come outside of that annual load  
 16 forecast, we're communicating through Upper  
 17 Missouri to make them aware of those potential  
 18 loads.  
 19 Q. And is an annual load forecast -- do you  
 20 also provide like a longer-look forecast?  
 21 A. Oh, that annual load forecast looks out  
 22 multiple years.  
 23 Q. I see.  
 24 A. Yes.  
 25 Q. And so you update it every year?

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1 A. Right. Yep.  
 2 Q. Are you guys recruiting -- out there  
 3 recruiting new industrial or data center-type  
 4 businesses too?  
 5 A. McKenzie Electric has not historically  
 6 been an active player in recruiting new loads or  
 7 active in economic development activities. We  
 8 predominantly just take the stance that we're here  
 9 to serve everybody the same and treat everybody.  
 10 So we serve folks that come for what  
 11 interest they have. We stay very in tune with  
 12 what's going on, but we're not out actively trying  
 13 to find new loads to -- to bring to the area.  
 14 Q. And are you getting demand or interest  
 15 from some of these large tech companies?  
 16 A. We get a lot of calls from a variety of  
 17 loads, including the crypto data center-type loads,  
 18 but, again, we do not treat them any different than  
 19 our other members, and to date they have not taken  
 20 any interest in McKenzie Electric, at least that  
 21 we're aware of, to develop in our territory.  
 22 COMMISSIONER FEDORCHAK: Okay. All right.  
 23 Thank you. Appreciate it.  
 24 JUDGE HOGAN: Commissioner Christmann.  
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1 **EXAMINATION**  
 2 **BY COMMISSIONER CHRISTMANN:**  
 3 Q. How much interest do you hear from your  
 4 customers in, you know, getting some kind of a  
 5 discounted rate in exchange for accepting load  
 6 sheds when -- when you're in need?  
 7 A. We've had a little bit of interest in  
 8 that, but, again, to what Commissioner Fedorchak  
 9 said earlier, we're predominantly in a very high  
 10 load factor environment, and our member base at  
 11 least on a commercial and industrial side has not  
 12 desired to sacrifice production for maybe a lower,  
 13 you know, demand management-type approach. But  
 14 it's something we always keep in mind because  
 15 there's other parts of the membership that may  
 16 benefit from ability to control demand costs that  
 17 come through.  
 18 But we've had a little bit of interest,  
 19 but, again, given predominant type of membership  
 20 that we have in our particular system, it hasn't  
 21 grown a lot of legs yet.  
 22 COMMISSIONER CHRISTMANN: No other  
 23 questions. Thanks for spending your day with us  
 24 today.  
 25 JUDGE HOGAN: Commissioner Haugen-Hoffart.

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1 **EXAMINATION**  
 2 **BY COMMISSIONER HAUGEN-HOFFART:**  
 3 Q. Hi, Matt. Thanks for being here.  
 4 Do you want to talk a little bit about the  
 5 communication plan in the cooperative model? Like  
 6 if you've got a high load interest and there was  
 7 something that you were looking at, you don't go  
 8 directly to Basin. You go through Upper Missouri;  
 9 correct? Do you want to talk a little bit about  
 10 that process, the communication model?  
 11 A. Yeah. And, you know, for us we're -- we  
 12 look long-term and McKenzie Electric has its own  
 13 sub transmission system. So we have just a few  
 14 delivery points off of the main bulk electric  
 15 system, two being both Roundup and Kummer Ridge.  
 16 And so we coordinate and communicate closely  
 17 between our cooperative as well as our G&T of those  
 18 additional potential loads that are coming. And  
 19 it's generally almost, I would say, at least once a  
 20 quarter that we are looking through and  
 21 communicating those load forecasts, those other  
 22 anomalies.  
 23 Outside of that, there are monthly board  
 24 meetings that take place. Which is the culmination  
 25 of all of the members of each respective group to

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1 share and exchange information on other future  
 2 loads or other future anomalies that impact the  
 3 cooperative. So it's a very close, solid line of  
 4 communication.  
 5 I would also say that, in general, there's  
 6 a lot of parallel communication between the  
 7 distribution cooperative all the way to the power  
 8 supplier, Basin Electric.  
 9 COMMISSIONER HAUGEN-HOFFART: Okay. I  
 10 have no further questions. Thank you.  
 11 JUDGE HOGAN: All right. Thank you.  
 12 MR. HANSON: You bet.  
 13 JUDGE HOGAN: Is there anybody else that  
 14 wishes to make public -- or provide public  
 15 testimony?  
 16 All right. That'll conclude the public  
 17 testimony portion of our hearing, and we will move  
 18 to closing remarks.  
 19 Ms. Merkens did you want to give any  
 20 closing remarks or comments?  
 21 MS. MERKENS: No, Your Honor.  
 22 JUDGE HOGAN: Mr. Johnson?  
 23 MR. JOHNSON: No, Your Honor.  
 24 JUDGE HOGAN: Commissioner Fedorchak.  
 25 COMMISSIONER FEDORCHAK: Well, this was a

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1 really well put-together hearing, I think. Thank  
 2 you, Basin, for the clarity in your application and  
 3 all the outstanding materials or permits. It  
 4 really helps us get through things in an efficient  
 5 way.  
 6 Appreciate the members of the public being  
 7 here, local leaders as well, and hearing from the  
 8 local electric providers is also really, really  
 9 helpful.  
 10 So I think we all understand the urgency  
 11 of this and are going to move as quickly as we can  
 12 to reach a decision on this case so we aren't  
 13 holding you up in any way.  
 14 So thank you.  
 15 JUDGE HOGAN: Commissioner Christmann.  
 16 COMMISSIONER CHRISTMANN: I will also say  
 17 to Basin that this was a well put-together  
 18 application, provided us most of the information we  
 19 need for the public that's here.  
 20 The law is laid out with a lot of detail  
 21 the things with a project like this that are  
 22 jurisdictional to us and what isn't, and so those  
 23 are -- those are the factors that we weigh in.  
 24 There are other outside factors that we may each  
 25 have that would concern us, but they're just not

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1 jurisdictional to us.  
 2 So they're -- Basin Electric is clearly,  
 3 you know, understanding the law here and provided  
 4 much of the information and causes a hearing to be  
 5 much shorter than some other developers sometimes  
 6 have.  
 7 So thank you for -- for the clarity and  
 8 for the public that was here to learn our process  
 9 as well as about Basin's application. Thank you  
 10 for your time.  
 11 JUDGE HOGAN: Commissioner Haugen-Hoffart.  
 12 COMMISSIONER HAUGEN-HOFFART: Well, I  
 13 guess being last, you can't really add anything  
 14 else except, you know, again, the application was  
 15 very easy to read, a lot of information was there.  
 16 So, Basin, as always, we thank you for submitting a  
 17 good application.  
 18 To the public, those who didn't  
 19 participate, you actually did by being here and  
 20 learning about our process and what we do, so we  
 21 thank you for attending. So wishing you all safe  
 22 travels home.  
 23 JUDGE HOGAN: All right. Thank you.  
 24 I believe there was going to be some  
 25 late-filed information. Are we clear on what's

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1 being filed?  
 2 MR. SCHOCK: I just have it as the  
 3 specifics for the corridor width, the majority at  
 4 150, and then kind of the two specifications for  
 5 some -- where it would be outside of that. And  
 6 then which locations specifically of tree clearing  
 7 the company is requesting more than 50 feet.  
 8 JUDGE HOGAN: Do we want to set a deadline  
 9 for submitting that information?  
 10 MS. MERKENS: Two weeks?  
 11 MR. SCHOCK: That's -- that's fine.  
 12 That's fine. Will you be --  
 13 JUDGE HOGAN: So two weeks would be  
 14 March 1.  
 15 And then is Basin planning to file  
 16 proposed findings of fact, proposed conclusions, a  
 17 proposed order?  
 18 MS. MERKENS: Yes, Your Honor.  
 19 JUDGE HOGAN: And deadline for that?  
 20 MS. MERKENS: Two weeks?  
 21 JUDGE HOGAN: Same deadline. Is that  
 22 acceptable?  
 23 MR. SCHOCK: Yes.  
 24 JUDGE HOGAN: Okay. We'll set that as  
 25 March 1 as well.

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1 Are there any other matters we need to  
 2 address before we conclude? Ms. Merkens?  
 3 MS. MERKENS: No, Your Honor.  
 4 JUDGE HOGAN: Mr. Johnson?  
 5 MR. JOHNSON: None for me, Your Honor.  
 6 JUDGE HOGAN: All right. Well, then I  
 7 will note for the record that it's 11:45 a.m.,  
 8 Mountain time, and that will conclude our hearing  
 9 for Case Number PU-27-361. Thank you.  
 10 (Concluded at 11:42 a.m., MT, the same  
 11 day.)

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CERTIFICATE OF COURT REPORTER

1  
 2  
 3 I, Stephanie A. Smith, a Registered  
 4 Professional Reporter,  
 5 DO HEREBY CERTIFY that I recorded in  
 6 shorthand the foregoing proceedings had and made of  
 7 record at the time and place hereinbefore  
 8 indicated.  
 9 I DO HEREBY FURTHER CERTIFY that the  
 10 foregoing typewritten pages contain an accurate  
 11 transcript of my shorthand notes then and there  
 12 taken.  
 13 Dated at Bismarck, North Dakota, this 15th  
 14 day of March, 2024.

15  
 16  
 17 \_\_\_\_\_  
 Stephanie A. Smith  
 18 Registered Professional Reporter

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