STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Case No. PU-24-361

Basin Electric Power Cooperative	**:**
345kV Mercer-McLean-Ward-Mountrail-Williams Cty	**:**
Siting Application	**:**

TRANSCRIPT OF

HEARING

VOLUME I - (Pages 1-146)

Taken At
88 Lincoln Avenue
Underwood, North Dakota
February 26, 2025

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

A P P E A R A N C E S

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TABLE OF CONTENTS

INDEX OF PROCEEDINGS

Page

Opening Remarks by Judge Hogan..... 6

Opening Comments by Commissioner Kringstad.. 10

Opening Comments by Commissioner Christmann..... 11

Closing Remarks by Judge Hogan..... 142

Closing Comments by Commissioner Kringstad.. 143

Closing Comments by Commissioner Christmann..... 143

Closing Comments by Commissioner Haugen-Hoffart..... 144

CERTIFICATE

Certificate of Court Reporter..... Page 146

APPLICANT'S WITNESSES

BOBBY NASSET

Examination by Ms. Olson..... Page 18

Examination by Commissioner Kringstad... Page 43

Examination by Commissioner Christmann.. Page 46

Examination by Commissioner Haugen-Hoffart..... Page 50

Further Examination by Commissioner Christmann..... Page 59

T A B L E O F C O N T E N T S (Cont'd)

PHILIP WESTBY

Examination by Ms. Olson..... Page 61

Examination by Commissioner Kringstad... Page 69

Examination by Commissioner Christmann.. Page 72

Examination by Commissioner Haugen-Hoffart..... Page 74

RYAN KING

Examination by Ms. Olson..... Page 78

Examination by Mr. Johnson..... Page 98

Examination by Commissioner Kringstad... Page 99

Examination by Commissioner Christmann.. Page 101

Examination by Commissioner Haugen-Hoffart..... Page 104

NATHAN KLEYER

Examination by Ms. Olson..... Page 107

Examination by Commissioner Kringstad... Page 119

Examination by Commissioner Christmann.. Page 121

Examination by Commissioner Haugen-Hoffart..... Page 125

T A B L E O F C O N T E N T S (Cont'd)

PUBLIC WITNESSES

CLAIRE VIGESAA

Statement by Mr. Vigesaa..... Page 130

Examination by Commissioner Christmann.. Page 131

Examination by Commissioner Haugen-Hoffart..... Page 133

DANA PETERSON

Statement by Mr. Peterson..... Page 136

Examination by Ms. Olson..... Page 139

Examination by Commissioner Kringstad... Page 140

Examination by Commissioner Christmann.. Page 140

APPLICANT'S EXHIBITS

Exhibit No.	Offered	Received
1-10	14	

(The following proceedings were had and made of record herein, commencing at 10:00 a.m., Wednesday, the 26th day of February, 2025:)

JUDGE HOGAN: All right. Good morning. We are going to get started.

It's February 26, 2025, at 10 a.m. This is the first of two hearings set by the Notice of Filing and Notice of Public Hearing issued by the North Dakota Public Service Commission on January 30, 2025, in Case Number PU-24-361.

My name is Hope Hogan, and I have been assigned as the hearing officer for this hearing. I'm an administrative law judge designated by the Office of Administrative Hearings upon the request of the Public Service Commission.

This hearing is being held today at the Underwood City Hall in Underwood, North Dakota. As we begin our hearing today, I'd ask that everybody please check their cell phones to either turn them off or silence them so that we don't have cell phone beeps and ringing throughout our hearing today.

There is an attendance sheet by the -- where you walked in this morning. The Commission would ask that everybody please sign that sign-in

sheet so that they have a record of everybody that attended our hearing today. Likewise, there's a box on there to check if you wish to provide public testimony today, and I'd ask that you please indicate that so that I have an idea of how many people wish to testify as part of our hearing today.

This is a hearing on the application of Basin Electric Power Cooperative. The application is for a certificate of corridor compatibility and route permit for a 162-mile 345-kilovolt electric transmission line located in Mercer, McLean, Ward, Mountrail and Williams Counties, North Dakota.

The project will originate at the Leland Olds Station, a 345-kilovolt substation located near Stanton, and will terminate at the Tande substation near Tioga, North Dakota.

The Notice of Filing and Notice of Public Hearing specified the following issues to be considered and determined at this hearing:

Number 1, will the construction, operation and maintenance of the facility at the proposed location produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?

Number 2, is the proposed facility compatible with the environmental preservation and efficient use of resources?

Number 3, will the construction, operation and maintenance of the facility at the proposed location minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that the energy needs are met and fulfilled in an orderly and timely fashion?

I'm now going to ask the parties to make their appearance for our record, and I'll start with you, Ms. Olson. Do you want to state your appearance for the record and introduce the witnesses you intend to call today?

MS. OLSON: Yes, Judge. My name is Maggie Olson. I'm senior staff counsel for Basin Electric Power Cooperative.

Today I will call four witnesses. First, I'll call Mr. Bobby Nasset, the project manager. He will discuss the project overview and project design, routing and construction.

Next, I will call Mr. Philip Westby. He is the manager of transmission services. He will discuss transmission planning and the project need.

Third, I will call Mr. Ryan King. He is the environmental coordinator. He will address environmental assessment and siting criteria.

And, last, I will call Mr. Nathan Kleyer. He is a senior property and right-of-way specialist. He will discuss landowner communications, routing and reclamation.

JUDGE HOGAN: All right. Thank you.

Mr. Johnson, do you want to state your appearance for the record and introduce Commission staff who's participating in today's hearing?

MR. JOHNSON: Brian Johnson, counsel for the PSC. With me is Chris Hanson. And I would ask that, if necessary, he be allowed to ask questions as well.

JUDGE HOGAN: All right. Thank you.

And, Mr. Braaten, can you please state your appearance for the record?

MR. BRAATEN: Yes. Thank you, Your Honor. Derrick Braaten, Braaten Law Firm, appearing on behalf of JKT, LLLP, and John Bartelson. Along with me is my cocounsel, Steve Easton, with Braaten Law Firm and my litigation manager, Desirae Zaste.

JUDGE HOGAN: And just to put it on the record, the parties did have a stipulation

regarding the petition to intervene that, Mr. Braaten, you'd present your case and cross-examine witnesses at the second hearing in this matter rather than today; is that correct?

MR. BRAATEN: That's correct.

JUDGE HOGAN: All right. Thank you.

Testimony from the public will be taken after the completion of Basin's witness testimony today. I encourage you to take the opportunity to tell the commissioners anything you think the Commission should know about this matter. I assure that -- I assure you that what you have to say is important to the Commission and will be considered by the commissioners.

If you have any questions about providing information or testimony today, please do not hesitate to ask me during one of our breaks today.

It's now time for opening comments from the commissioners, and we'll start with Commissioner Kringstad.

COMMISSIONER KRINGSTAD: Good morning, everyone. I don't have a lot of opening comments, but just appreciate everybody coming out today and look forward to a productive hearing.

Thanks.

JUDGE HOGAN: Commissioner Christmann.

COMMISSIONER CHRISTMANN: Thank you, Your Honor.

So a couple of thoughts. One of the things that you just said, and correctly, if people had questions about testifying or something, they can ask you during a break. But one of the things that we can't do or that -- is visit with you about your concerns about the project or things like that during the break.

We need to get all of our information on the record so that the parties know what information we're getting. Otherwise, it's what is called ex parte communications, and so that's just not allowable in these kind of proceedings. And so we would just ask you to refrain from that. You need to -- if you have something that you want to communicate with us, that's why we're here. We want you to do that, but it needs to be on the record so everyone can hear it and potentially respond to it.

With that, as I said, we want to hear from you because, frankly, getting as much information as possible is how we make the best decision possible. If we don't know the details, we can't

make the best decision possible.

And so I say that and so I know from my ranching days, especially for ag producers but others with jobs or something, you know, you probably want to come in, say your piece and go. That's really not the way it works in a proceeding like this because then sometimes the information we would get from you is based on what you heard at the cafe or something like that. So it's important to have this proceeding, have the company go first. I don't know how long that will take, but it's not minutes. It's probably hours. And then you hear exactly what the plan is today because this thing has evolved.

We've had changes along the way and since that have been filed, and so that is the point of why we start this at, what, ten o'clock and don't let the public go first. We -- we need to have you hear from the company, but we ask that you make a day of it, stay and respond if you have things that you feel that we should know. That's why we're here, in order to make the best decisions possible, is this hearing today, and I don't remember -- I think it's the 6th or something like that we have another hearing up towards the northwest end so to

try and make it not terribly inconvenient for people to come and testify on the record.

With that, welcome today, and I hope you enjoy the process of -- of this hearing system that we have.

JUDGE HOGAN: Thank you.

Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: Thank you.

Good morning, everyone, and it's good to see a great crowd here. That shows a lot of interest.

The judge went over that today we're convening to consider a siting application for 162 miles of transmission, and in the application it says that this is driven by significant load growth in the region and it is very expensive.

And as I was thinking about reading this case, I couldn't help but reflect on at least four other cases Basin has had before us sited and approved. And I went back and I just -- I just want to reflect on that for a little bit because their prior initiatives have been substantial -- or prior siting cases have been substantial investment aimed at ensuring reliability and meeting the demand growth.

And it was a 345-kV loop, 162 miles. Another 345-kV transmission line from Roundup to Kummer Ridge, 32.5 miles. A third kV line extending 14.6 miles in the siting of Pioneer Phase IV generating 583 megawatts. If you look at the cost of those, it's over a billion dollars on ensuring reliability.

So today we're here looking at another case. And I look forward to hearing the details of this application and especially engaging with the public.

As your commissioner, it is our goal to ensure we have reliable power. So we're going to look hard at that, on the reliability, and the impacts it has and the need.

So thank you for attending, and I look forward to a review of this application.

JUDGE HOGAN: All right. Thank you.

Basin Electric prefiled 13 -- I'm sorry -- 9 exhibits, and I believe there's also the application which wasn't included in that which I'm going to mark as Exhibit 10. Is that correct, Ms. Olson?

MS. OLSON: Yes, it is.

JUDGE HOGAN: All right. Mr. Johnson, any

objection to the exhibits?

MR. JOHNSON: No, Your Honor.

JUDGE HOGAN: And, Mr. Braaten?

MR. BRAATEN: I guess, Your Honor, I would reserve objections for when the exhibits are coming in to the extent there's, you know, no foundation at this point if -- I guess the honest answer is I haven't had time to review these exhibits at this point and so I'm not prepared to object or not as to their admission right now without hearing the evidence or the foundation.

JUDGE HOGAN: Normally we stipulate to admission of the exhibits so that we don't have to spend time laying foundation for each exhibit. So are you requesting that Basin does provide a foundation for each of the exhibits?

MR. BRAATEN: So I'm not trying to be difficult. Maybe what I could offer is that my understanding is that Basin would be putting on the same presentation at the next hearing, and so if I can just reserve objections until that hearing, then I'll just waive them for today.

JUDGE HOGAN: Okay.

MR. BRAATEN: And I will review them prior to the next hearing, and assuming there's

foundation, then I will stipulate to admission.

JUDGE HOGAN: Okay. Well, with that in mind, maybe, Ms. Olson, you can -- and, Mr. Johnson, you can refer to the exhibits, but we will not formally address admissibility till the next hearing.

Does that work, Ms. Olson?

MS. OLSON: Yes, Your Honor, that works.

JUDGE HOGAN: Mr. Johnson?

MR. JOHNSON: That should be okay, Your Honor.

JUDGE HOGAN: Okay. All right. We will do that.

Any other preliminary matters we need to address before we move to testimony? Ms. Olson, did you have anything?

MS. OLSON: No, Your Honor.

JUDGE HOGAN: Mr. Johnson?

MR. JOHNSON: Nothing, Your Honor.

JUDGE HOGAN: Mr. Braaten?

MR. BRAATEN: No, Your Honor.

JUDGE HOGAN: All right. Then, Ms. Olson, you can call your first witness.

MS. OLSON: Okay. My first witness will be Mr. Bobby Nasset.

JUDGE HOGAN: Good morning, Mr. Nasset. My first question is is your microphone on?

THE WITNESS: Yes, Your Honor. Can you hear me?

JUDGE HOGAN: Yes, I can. Perfect.

I'll have you start by stating your full name for the record and spelling your last name.

THE WITNESS: My name is Bobby Nasset. Last is spelled N-a-s-s-e-t.

JUDGE HOGAN: And, Mr. Nasset, before you testify this morning, I'm required by law to advise you on the penalties for perjury in the state of North Dakota. Perjury is a Class C felony, punishable by a maximum fine of $10,000, a maximum five years imprisonment or both. Do you understand what perjury is?

THE WITNESS: Yes, Your Honor.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you.

Go ahead, Ms. Olson.

MS. OLSON: Thank you, Your Honor.

BOBBY NASSET,

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

EXAMINATION

BY MS. OLSON:

Q. Mr. Nasset, to start, please state your name and employer.

A. My name is Bobby Nasset. I'm employed with Basin Electric Power Cooperative. Our address is 1717 East Interstate Avenue in Bismarck, North Dakota.

Q. What is your position with Basin Electric?

A. I'm the civil -- civil engineering supervisor, so my responsibilities include planning, development, coordination and supervision of design for new and existing facilities, both for our generation facilities and transmission facilities.

Q. Please describe your educational and professional background.

A. So I'm a professional licensed engineer in the state of North Dakota. I received my civil engineering degree from North Dakota State in 2005. And I have worked for Basin Electric for the past 9 years and for 19 years as a civil engineer.

JUDGE HOGAN: Hang on one second. Are -- the people in the back, can you hear Mr. Nasset okay? All right. I'm getting thumbs up. Great.

Thank you.

Go ahead, Ms. Olson.

MS. OLSON: Thank you.

Q. (MS. OLSON CONTINUING) What is your role with respect to this transmission line project?

A. So I'm the project manager for this project, so my main duties for this will be managing the scope and schedule and budget for the project, as well as coordinating the design efforts and routing, along with our permitting efforts, right-of-way acquisition, procurement, and finally construction.

Q. Are you familiar with the contents of Basin Electric's application for this project?

A. Yes, I am familiar.

Q. What is the purpose of your testimony today?

A. In my testimony I will describe the project and define the project, describe our routing and design process and the construction phases.

Q. Please describe Basin Electric.

A. So Basin Electric is a regional wholesale electric generation transmission cooperative headquartered in Bismarck, North Dakota. Basin

Electric provides power to over a hundred member cooperatives serving approximately 3 million consumers.

Q. Let's talk about the project description. Please provide a general description of the project and its location.

A. So for this answer if you could refer to the prefiled Exhibit 1. I'll just talk through that exhibit, and it's very similar to the project overview map here on the right.

I'll go through each of the components for this. So as previously mentioned, this project is a new 345-kV transmission line. It'll start at our existing Leland Olds Station near Stanton, cross the river, route east around Lake Audubon and then north and west up to our existing Tande substation which is near Tioga.

So on that map you'll see that the red lines are the existing 345-kV system, the blue lines is the existing 230-kV system and the yellow lines is the existing 115 kV system. This map doesn't show subvoltages or distribution lines.

So the first thing you'll see is that this project will, in a sense, close the 345-kV loop throughout northwest North Dakota and its one of

its main benefits. My colleague Phil Westby will testify more about the transmission planning and electrical benefits of the project.

But for the physical components of the project, it will also include a new substation called Crane Creek that will be located in Mountrail County. It will provide a new delivery point into the 115-kV system. It will include a new microwave tower between Douglas and Ryder.

And then two other areas I wanted to mention would be the first 40 miles across the river in McLean County we'll be reconstructing an existing line that we own and operate as a double-circuit. So we'll have the new circuit, 345, on one side and 230-kV on the other. And we'll go into that in more detail shortly.

And then a second segment west of Crane Creek for 11 miles will also be constructed as a double-circuit line. It'll be a 345 on our side and a 115-kV for Mountrail-Williams Electric's circuit. And that will go from Crane Creek to the existing Satterthwaite substation as shown on the map.

Q. Mr. Nasset, for Exhibit 1, is that a map produced by Basin Electric?

A. It is.

Q. Will Basin Electric own this project?

A. Basin Electric will own the entire project with the exception of that 11-mile double-circuit segment. That will be jointly owned between Basin Electric and Mountrail-Williams Electric. The structures will be commonly owned, and then Basin Electric will own the 345-kV circuit and Mountrail-Williams will own the 115-kV circuit. However, Basin will maintain both circuits.

Q. Please describe the schedule for the project.

A. Our goal is to start construction this spring or early summer. Our energization goal would be to complete the project by November 30, 2026.

Q. What is the estimated cost of the project?

A. Our current cost projections are $360 million. That includes the transmission lines and the substation work.

Q. Now let's turn to the route selection. Can you first explain the meaning of the terms "project route" and "project corridor"?

A. So we'll define the project route for this project as the transmission alignment or the

centerline of the alignment which would include its structure.

The project corridor will be the area that contains the project route. And for this project, the project corridor will be the same as the easement that we're requiring for the project. At this voltage class we use, for the most part, 150-foot-wide easements for a 345.

Q. Please summarize how the general project route was selected.

A. So in Phil Westby's testimony, he'll go through the history of the regional transmission organization's selection of this project, and so when that's assigned to Basin, we already have the end points of this project at Leland Olds and at Tande.

So the first step really in developing our route for the project was coming up with a location of the Crane Creek substation. So that work was done in cooperation with Mountrail-Williams Electric Cooperative with the goal of trying to site that substation near an existing 115-kV line so we could interconnect our substation with their system.

If you could turn to the prefiled

Exhibit 2 which is a map produced by Basin, this is just a map -- the left side of it shows the existing system where there's just a single 115-kV line shown in black and then the right side shows the proposed configuration once our substation is constructed. It shows how the 345-kV lines would interconnect, then how we would intersect the circuit which is called the Finstad to Robinson Lake 115-kV line.

So we selected this location to make sure there wasn't a long route to reroute that 115-kV circuit into the sub.

In addition to that, Mountrail-Williams also has two other project assignments. They're building a new 115-kV line from this substation to the south to Van Hook and then another new project from this substation to the existing Satterthwaite substation, which I mentioned we'll be consolidating that onto our project as part of a double-circuit.

Once that substation was selected, we then had our major points and we began the routing process. This is a long iterative process. We've been working on this for the last three years. The right-of-way team has worked really hard at looking

at a significant number of options. To date, we've evaluated over 700 miles of different route options to complete this project.

Q. What was Basin Electric's philosophy when routing the project?

A. For this project and for all of our transmission projects, we're trying to find the balance of completing the project and meeting the project goals while minimizing all the impacts and disturbances to landowners. We recognize that a transmission line is an encumbrance on the property, so it's very important for us to try to site and locate it in a way that minimizes those impacts.

So we have our own criteria as well as the Commission's criteria that we have to adhere to: your avoidance and exclusion criteria. My colleague Ryan King will testify further on the avoidance and exclusion criteria on this project.

One of our first steps is try to minimize disturbance to croplands. One of the ways we try to do this and maybe where we have our best success in general, not in all cases, but it's if we find a quarter line that we can route the transmission line along, just because a lot of times that's

already a natural property division or a field split.

So on this project for quite a few areas we did find good segments where we could route the project on a quarter line.

For the most part we have more challenges on the section lines just due to there's more homes along section lines, the counties require setbacks from the section lines which puts us further into fields often, and there's also a lot more oil and gas infrastructure along the section lines.

So the first step is really to find those corridors that are free of obstructions or exclusion areas, and then we select several different route alternatives and begin talking to landowners about survey permissions and getting feedback on where we can place structures.

We also like to avoid areas with identified recreational significance. As I mentioned, we want to limit interference with existing oil and gas infrastructure, which gets much more difficult as you get into Mountrail County.

And then we're also looking to decrease construction and maintenance hazards, which usually

just means trying to make sure the line is accessible and safe to construct and to operate.

We'll span wetlands when possible and then avoiding rugged or unsuitable terrain. And then as the route is selected, kind of in parallel with that, it's an iterative process of also placing the structures. We'll work -- meet with landowners where we propose structures that'll work and meet our design and clearance criteria and then make adjustments, again, to try to minimize the impacts where they'll be at.

Q. What efforts has Basin Electric made to coordinate with facilities -- to coordinate facilities with utilities?

A. So we have -- we have made significant project coordination with the area utilities. We have a lot of utility crossing agreements. We have overhead crossings with WAPA, Mountrail-Williams Electric Cooperative, Verendrye, McLean Electric, Central Power and GRE on this project.

In addition, we have to date -- our last number was 49 different underground utility companies that we need to work with on crossing permits and avoiding conflicts. And this is a 162-mile line. In that distance we have 377

different utility crossings, so --

Q. Please describe the general characteristics of the project for the LOS to Crane Creek segment.

A. So for this segment, I did want to talk a little bit about how we planned that double-circuit segment in McLean County, and it may be helpful to turn to Exhibit 3.

Q. And, Mr. Nasset, what is Exhibit 3?

A. So Exhibit 3 is the LOS to Tande/LOS to Logan 345/230-kV Double-Circuit is the title and shows the route basically directly east of Lake Audubon in McLean County.

So the first thing I just wanted to call to your attention is the -- the blue lines in the background are the existing 230-kV lines. And you can see already this area has really significant overhead transmission congestion. This is not including distribution lines either.

And so we had initially in the project several open house meetings, meetings with landowners, and had a lot of difficulty in trying to route and find a new independent single-circuit route in this area. The other thing you might notice in this image are the yellow dots are all

homes that require 500-foot setbacks as well.

So between the rural home density and the existing transmission lines and the feedback we got both from the county and landowners, we visited and explored the option of rebuilding an existing line. So Basin operates a line that starts at Leland Olds and goes up to our Logan substation near Minot. It's a 230-kV line with H-frames currently. And the idea would be we would build our new line directly adjacent to that line and construct it as a double-circuit line, and then upon energization, remove the existing 230-kV line.

This had a few benefits in that we already had a defined corridor. For landowners, they're going from H-frame structures to single-pole structures, even though they will be taller. And these spans will be a little bit longer, too, so there will be fewer structures overall. It added cost to the project, but as you can see from this map, the route is also relatively efficient as far as getting through this county, so we feel like we saved length and distance with this.

It will add some construction complexity during construction. We'll have to manage outages on that existing line.

But there is one other, I guess, complication with this route is if you see on the map in Township 148 North, there are two ICBM sites. The site numbers are CO7 and CO8.

And so those -- we worked with Minot Air Force Base first to see if they would consider letting us -- that's a PSC exclusion zone -- I'm sorry -- so 1,200-foot setbacks from those. Our existing line is only 600 feet away.

So we first contacted Minot Air Force Base to see if they'd be -- if this would be an option that they would consider. They had feedback on the height of the structures. And then once we received their approval, we filed with the Commission a request for an exemption from this exclusion just for these two areas, and the Commission approved that request in November of 2023.

Once we got to the north side of Lake Audubon, we departed west to a single-circuit route towards Crane Creek. And I'll have -- Nathan Kleyer's testimony, our right-of-way agent, will walk through some of the routing iterations in that area.

Q. And, Mr. Nasset, Exhibit 3, that was also

produced by Basin; is that correct?

A. That's correct.

Q. Are there any additional benefits to rebuilding the LOS to Logan transmission corridor as a double-circuit transmission line?

A. Yeah. One of the things we discussed as a team, again, as we were looking at how we would design the double-circuit is whether or not to accommodate the ability for future expansion. So because of the way the double-circuit structures are orientated, we already have 345-kV clearance on both sides, and later I'll show some exhibits of those structures as well.

And so the -- the question was whether to design the structures for the loads capable of supporting 345-kV and placing conductor and hardware for that, and we decided to do that in case we ever upgrade the Leland Olds to Logan line to a higher voltage.

So the structures will be designed, the conductor and material will be in place. It'll be energized at 230-kV upon completion of this project, but if we ever do need to upgrade the line, there won't need to be any physical changes on the line. So it will be ready to be energized

at a higher voltage if the rest of the circuit was complete.

Q. Now let's talk about the other half of the line. Can you please describe the general characteristics of the project from the Crane Creek to Tande segment.

A. And for this segment I have another exhibit you could reference, Exhibit 4. It's a map produced by Basin Electric. And I mentioned this previously, too, but again in cooperation and coordination with Mountrail-Williams Electric Cooperative, once the Crane Creek site was selected and Mountrail-Williams was assigned a new 115-kV project to get from the Crane Creek site to Satterthwaite substation, we coordinated on the route that we selected to try to minimize impacts here again on the landowners. Instead of having two independent single-circuit routes -- I mean, this is feedback we've gotten from -- from this Commission and from landowners is to try to plan and cooperate where we're able to.

In this case we're able to build that line also as double-circuit. Like I mentioned, the 345-kV will be Basin's circuit and then the 115 will be Mountrail-Williams. The double-circuit

segment is approximately 11 and a half miles.

Again, once we depart the double-circuit, the rest of the route north towards Tande had several routing iterations, and Nathan Kleyer will cover that in his testimony as well.

Q. What is the project corridor width?

A. So for Basin Electric and for most of the industry at 345-kV voltage, the right-of-way width is typically 150 feet wide, and that's the width that we used as well and that'll match the corridor for this project.

The way we select that is based on the structure spans. The right-of-way is intended to contain the conductor under all operating conditions. So we model the conductor under a perpendicular high-wind case and make sure that that conductor stays within the right-of-way and keeps electrical clearance to the edge of the right-of-way at all times.

So there are a handful of locations on this project due to a special structure or very long spans where the conductor would move beyond 150 feet, and so I have those just summarized in my testimony here. I can give you the structure numbers, and then we'll provide those, you know,

for definition in the order.

But we have two locations in McLean County where the right-of-way width will be 250 feet and then one location in Mountrail County where it will be 200 feet wide.

Q. How about substations? What is the scope of work associated with the project substations?

A. So at Leland Olds generation station, there was an existing 345-kV sub directly adjacent to the power plant. Several years ago that project needed full aging infrastructure replacement of equipment, and then rather than doing that in place in that substation and the outages and complexity that had, we rebuilt the whole substation about a mile and a half south of the plant still on Basin Electric property.

So that construction just completed, so that is a newly energized substation. It now has all of its infrastructure updated and was also able to accommodate other generation interconnections. So this project will use -- utilize a new terminal at that location.

The Crane Creek substation I talked about previously in Mountrail County will include two 345/115-kV transformers to step the voltage down

for local delivery to the 115-kV system. It'll also include several new 115-kV terminals for new circuits to interconnect.

And then the Tande substation is an existing substation. We will have to add a new terminal at that location, but it will be within the existing fenced yard, so that sub will not have to be expanded.

Q. What efforts has Basin Electric made to economize the project's costs of construction and operation?

A. So the main -- the main priority for trying to keep the transmission line economical -- it's relatively simple but harder to achieve -- is to keep the line as straight as possible and as short as possible. So the angle structures, especially 90-degree angle structures, are significantly more expensive than a tangent structure.

So like I talked previously about trying to find quarter lines, we're really looking for long segments where we can build the line in a linear fashion without too many angles. Of course, that's not avoidable in most cases, but that's -- that's really how we try to make the line economic.

And then once the route is selected and we're working through the iterations with the landowners on structure placements, we design a lot of the structures custom for that location. So we analyze the loads for that specific structure or its angles to determine the type of structure that needs to be there so that we're -- we're optimizing how much material and steel is at that location.

And so the structure spotting itself is an optimization. And then, finally, all of the materials and construction for the project are competitively bid as a way to try to keep costs low.

Q. Now let's talk about design. First, can you please describe the proposed transmission structure design?

A. Yes. So for the majority of the line, we will use single-circuit monopole -- steel monopoles. And I have another exhibit. If you could refer to Exhibit 5, if you have that available.

So this exhibit shows Basin Electric's standard single-circuit 345-kV structure and the phase clearances that we have. So we call this a delta configuration, so it has three different

steel davit arms that hold the conductor phases and then two steel davit arms at the top of the structure for OPGW and ground wire.

Exhibit 6, if you turn to the next page -- both of these were produced by Basin -- is the example of a double-circuit structure. So you can see it's similar, but in this case each circuit will now be on one side in a vertical configuration. In general, a double-circuit structure at this voltage is about 25 feet taller than a single-circuit structure.

So again, as I mentioned, as part of the design, the structure heights will vary depending on the terrain, if we're crossing a utility, and they're adjusted based on the line route that we've selected and the clearances that we have to maintain.

On this project we have a wide variety of structure heights. We have -- the average structure height is around 130 feet for a single-circuit and 140 feet for the double-circuit. But heights range from 100 to 195 feet on the project.

Q. What factors determine structure design?

A. So the span lengths that we use for the

project affect the design as well as the line angles and the line tension from the conductor, and then all of the design that we do is governed by the National Electric Safety Code.

Q. How many structures will be constructed for this project?

A. On the Leland Olds to Crane Creek segment, there are 605 structures, and on the Crane Creek to Tande segment, there are 225 structures. So out of that on the Leland Olds to Crane Creek segment, we have 223 double-circuit structures. We also have 4 H-frame structures. Those are just at the river crossing to accommodate that crossing. And then on the Crane Creek to Tande segment we have 53 double-circuit structures, and we have 3 H-frame structures on that segment right at the Tande location to accommodate utility crossings in that area.

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

A. For this project we're using an aluminum conductor with a composite carbon fiber core. The conductor size is 1.72 inches in diameter.

Q. What are the minimum clearances over cultivated land, pasture, roads and other utility

lines?

A. The minimum clearance from the NESC code is 26 feet at this voltage class. Basin Electric adds a 4-foot buffer to that and so we design the line for 30 feet of clearance. However, that's under all operating conditions, and so with this conductor type, the controlling case for sag would be under a heavy ice case, so we model 1.25 inches of ice on the conductor, and that typically sags about 6 or 7 feet lower than normal operating conditions.

So under normal operating conditions at max sag, you'd have around 36 to 37 feet of clearance at mid-span. The clearance at the structures themselves is closer to 65 or 70 feet at the structures.

Q. Turning to construction, can you please describe the construction activities for the project?

A. So different contractors might employ different methodologies for how many crews they bring on, but generally the construction follows similar phases between each project. And I think on this project we're planning on using two different contractor crews, maybe one starting at

the Tande location and one starting maybe around that Douglas area and both of them working east to try to meet the project schedule that we have.

But the project construction will start out with structure staking. Typically that would be done by Basin Electric. We'll stake the structures, the right-of-way edge, avoidance areas. And then we'll move into access preparation, gate installation where it's required.

And then tree clearing is something that can occur throughout the project. Some areas we need to clear trees for structure locations, but a lot of that doesn't need to be done until we go to energize the line.

The first major function of -- of construction would be the foundation installation. And then we'll be delivering structures to the site, and the contractor will haul each individual structure to the structure locations. They'll have a separate crew called the framing crew that will assemble the structures at each site, and then they'll be followed by the crane that will set and erect each of the structures.

Once enough structures are set and ready, the stringing crew would mobilize to the project,

and then they'll pull the conductor and shield wires.

After stringing is done and -- the last phase would be reclamation. We usually hire a separate contractor to complete that, and that's overseen by our right-of-way department, and Nathan Kleyer will be able to provide more information on that as well.

Q. Will Basin Electric be prepared if there are emergency situations during or after construction?

A. Yes. So our process is we provide the line and the GPS coordinates of each structure to local emergency agencies prior to construction starting. So they'll have GPS coordinates to any location on the line to help navigate to those sites. And also the -- the three substations on the projects all have 911 addresses. Those will be shared and communicated to the contractor.

Q. What steps will Basin Electric take when construction is complete?

A. So once construction's complete, Basin's own transmission system maintenance crews will perform final inspections and they -- along with our construction coordinators to identify any items

that have corrective actions. And once those corrections have been completed and verified, we'll release the contractor from responsibility.

And as I mentioned, Basin's right-of-way team will then oversee the reclamation phase, which oftentimes may be up to a year after energization.

Q. To conclude your testimony, can you please tell us based on your knowledge of the project will its construction, operation and maintenance produce minimal adverse effects on the environment and human welfare?

A. Yes.

Q. And based on your knowledge of the project, is it compatible with the environmental preservation and efficient use of resources?

A. Yes.

Q. And, finally, based on your knowledge of the project, will it ensure continuing system reliability and integrity needs are met?

A. Yes.

MS. OLSON: Thank you.

I have no further questions for Mr. Nasset.

JUDGE HOGAN: Mr. Johnson, any questions?

MR. JOHNSON: No. I'll defer to the

commissioners.

JUDGE HOGAN: Mr. Hanson?

MR. HANSON: No, not at this time. Thank you.

JUDGE HOGAN: Commissioner Kringstad?

COMMISSIONER KRINGSTAD: Thank you.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. Mr. Nasset, when you were talking about -- on Exhibit 3 with the LOS to Logan line and the need to manage outages on the existing line, can you give me a little more information about what that looks like? And maybe that's more of a Mr. Westby question, but --

A. I can take a stab at it first. So, yeah, it's really critical to keep that line in service. So ideally we wanted to build this new circuit far enough away that we have room in electrical clearance to the existing one, and for the majority of that area we were able to do that, so we might be 75 or a hundred feet away. So we're putting new structures -- it's a full new easement adjacent to that.

But there are a few areas, specifically the area near the ICBM sites, where we have a road

directly on one side and then a WAPA-existing transmission line on the other side where there's just no room for another circuit there.

And so in that area we will have to take, like, 4 miles that are right on the same alignment and we're planning for a several-month outage to complete that work. It might be a series of outages. So they could go and place the foundations under one short outage, and then when we have the structures ready in place and then the rest of the line is constructed up to that point, we'll take a longer outage, install all of those structures and complete the stringing. That way we can energize both circuits back up right away.

Q. And is -- is that going to be a similar process for the 115 line as well?

A. On that one, since they're both new circuits, there won't be any issues for outages for constructing that one. Yep.

Q. This may be -- may be a better question for Mr. King, but when you talk about in your prefiled testimony the -- the Missouri River crossing that's adjacent to the LOS circuit and coordinating with the Army Corps, have there been any -- any concerns there? How's that process

moving along?

A. Yeah. No concerns, and Ryan will testify on this, too, but we've been working with the Army Corps on that location. We've submitted our structure locations, the span and the clearance from the -- from the river. It works pretty well because it's directly adjacent to that existing circuit, so it's already an area where we have transmission infrastructure. Yep. Good question.

Q. Okay. And then are there -- do you anticipate any supply chain issues with this project at all?

A. It's always getting more interesting these days. You know, so far we have all of our contracts in place, and so our steel poles are under fabrication currently and a majority of the conductor. Those are the two really long lead-time items for the transmission line. A majority of the conductors have already been produced, so we feel pretty good about that.

The electric infrastructure at the substations has become a challenge, so circuit breakers and transformers -- the lead times on those continue to move out. I know we -- we ordered these circuit breakers when the project was

approved in 2022 and the ship date has been delayed several times, and so now we're hoping to still receive those next year.

So we continue to monitor that. Not just for this project, but for all of our projects right now, it is becoming a challenge, and as you know, there's new ideas about tariffs and things like that, too, so we're still trying to coordinate with our vendors on -- and our procurement department on the best strategy forward for that.

COMMISSIONER KRINGSTAD: Okay. I think those are all my questions. Thank you.

THE WITNESS: Thank you.

JUDGE HOGAN: Commissioner Christmann.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. Do you want all the locational questions to go to the right-of-way specialist? I have one regarding the area very close to one of those ICBMs that you talked about, so I don't know if this question should go to you or him.

A. I can give it a try.

Q. Okay. On -- on page 119 -- or, no, page -- page 19 of 69 of the maps, and this is just north of -- of the northern -- of the two ICBMs you

talked about.

A. Okay.

Q. But here you are diverting away from the existing line. And is the purpose of that to get a longer distance to that residence or is there some other purpose to this deviation?

A. Yeah. Great question. In this area, this was driven by landowner feedback. So they wanted -- they preferred the line to be on the west side of their house. You can see from the image the existing line or the original line goes through two cultivated fields. So by rerouting the whole double-circuit, we moved it out of those fields in that location.

Q. Oh, okay. I had that confused. So the -- the existing line will be rerouted over onto --

A. Yeah. So --

Q. It will be double-circuited?

A. Correct. Yep.

Q. Okay.

A. So the first -- the first step will be to build this line and that one will remain in place and energized during construction, and then upon completion we'll go back and remove all those structures and release that easement.

Q. So this is a landowner accommodation?

A. Correct.

Q. And then -- so besides just, you know, probably many years ago a long-range goal of having the route around each side of Lake Sakakawea to get up to northwest North Dakota, when did you really start planning this route and maybe contacting the local political subdivisions and landowners and really start thinking about where you would locate it?

A. Yeah. Well, probably in 2021 -- and Phil will -- will testify to the timing of this, but through Southwest Power Pool's integrated transmission planning process, this project which we've called the east loop for a long time -- and it has been on the planning docket for a long time -- was selected as a solution to a lot of the reliability issues we're seeing.

So after that it took several months to receive the formal notice to construct from SPP. That gives us authorization to take that to our board of directors. So we took the project to the board of directors and received approval from Basin Electric's management in, I believe it was, June of 2022.

So in that window, we were doing more just desktop preparation and reviewing possible routing options and preparing cost estimates and schedules. And then once the project was approved, that summer is when we started external outreach to local stakeholders and held public input sessions. We sent brochures out to landowners that were in the study area at that time.

Q. Okay. And then tell me if the answer is different between the -- the double-circuited area up north of Lake Sakakawea as opposed to the double-circuited area mostly here in McLean County, but when you started planning this, the double-circuiting sections, are those like primarily cost savings for Basin and for the customers or is that kind of landowner accommodations so there's not so many power lines, we'll just have one big one?

A. Yeah. Well, maybe I'll start with the -- the simpler one first would be the collaboration with Mountrail-Williams for that 345/115. That to us was just trying to minimize impacts and it does save both Basin and Mountrail-Williams some money because you're combining this into one project.

So even though a double-circuit structure

is more expensive, Mountrail-Williams is contributing their share for the 115-kV circuit.

For the route in McLean County, that was a decision, again after a lot of public consultation and reviewing other alternatives, that we were going to have a very hard time acquiring easements and finding a route that could meet our, you know, avoidance criteria that we made the decision to rebuild that existing line and got, for the most part, very good feedback from the landowners for that route.

So that's a lot of extra cost to this project that we mostly covered with just contingency budget, you know, in this case.

COMMISSIONER CHRISTMANN: Okay. I think the rest of my questions I'll save for the next witness. Thank you.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: Yeah. Thank you for your testimony.

EXAMINATION

BY COMMISSIONER HAUGEN-HOFFART:

Q. I'm going to go back to this 700 miles initially --

A. Mm-hmm.

Q. -- and you talked about in this county construction complexity. Can you expand more on that as far as the complexity you faced in the resolution that was achieved? And the final point to that question or -- what is outstanding?

A. So the complexity of the construction, I guess, you know, will apply to the -- the whole project. There are certainly areas that are much easier to access and very traditional transmission construction. But we do have areas in, you know, Mountrail County where we start to get into White Earth Valley breaks where there's just a little more work on where we can locate structures.

The complexity I referred to earlier in McLean County for the double-circuit mostly relates to how do we build this line safely right next to an energized 230-kV line. Again, we're trying to accommodate landowners. The goal will be to have that alignment be as close as possible to the existing line.

So for that we're just -- we're designing clearances, making sure that we can perform the construction activities and build those structures while that line is energized with the exception of the four miles we talked about where we have to

build it in the exact same alignment.

So that's more of a complexity just for making sure we have that covered in our construction contract and are coordinating with our transmission planners for the outage in the system when we do that and making sure that's the right time to have an outage.

Q. Okay. You said you made numerous iterations based on landowner feedback. Is that the majority was based on landowner feedback, the changes you made?

A. Yes, in most cases. So we -- we start with two or three major alternatives, and actually on this project we started with just a request for survey permissions without a route just to try to get feedback. We find that you don't get very good responses until you start drawing lines on paper.

And so we have enough data in our internal systems to see where most of the exclusion zones are and where we can't build lines, and so we develop what we think are efficient lines that will meet the two end points. And then we request survey permissions from the landowners, and that's really our opportunity to start talking to them about what do you think about this location? Do

you have other ideas? And that's really a long iterative process. And I like to say it's two steps forward, one step back, and sometimes it's one step forward and three steps back because we -- we just find that we have an area that this is not going to work anymore.

And so it -- and for a project of this -- this scale, it presents a challenge. So for a 20-mile transmission line, there's just fewer options to evaluate compared to how large this one is. So, again, wanted to say the right-of-way team at Basin and our partners at HDR who we consulted with for right-of-way did a great job of reaching out to a significant amount of landowners.

And as you guys know, a transmission line is not an easy sell, you know, anywhere, especially with all the existing infrastructure there.

So, again, I think we did a good job at coming up with a route that meets a solution that's still a pretty economical route but also has taken into account the feedback that we've gotten to date.

Q. Okay.

A. But to your point, I guess, yeah, we track each alternative in our system. We had over 700

miles of specific routes that we evaluated and I think we were up to well over 900 different landowners were contacted about the transmission line, and I think the final number of private landowners on this project is 270, so --

Q. What -- what's the status on easements?

A. I think as of last week we were right at 90 percent and I just heard this morning we're up to 93 percent, so --

Q. Okay. Talk about the foundation of the poles. What -- describe that.

A. Yeah. Great question. So for all the structures on this project, we'll use drilled concrete pier foundations. They vary a lot in diameter and depth depending on really two things, the structure loading, the structure size. And we also get -- we perform a geotechnical investigation where we take soil borings along the entire transmission route and then those individual soil profiles help us with the design for the foundations.

So for a tangent inline structure, for example, that might be an 8-foot diameter concrete pier and they probably generally range 22 to 27 feet in depth. But a 90-degree dead-end

structure would be maybe a 12- or 13-foot diameter, depending on the structure height, and they could be as steep as 35 feet in some cases here.

Q. How long does it take to set one foundation? How many days?

A. Yeah. I think if -- if access is reasonable, they can do sometimes three foundations a day on the project. But, again, when you get to some of those larger dead-end foundations, it might be slower in that case, but -- so in this project they'll likely use multiple foundation crews. We might have up to five operating at any given time.

Q. So how many trucks is that in an area?

A. Yeah. It's -- that's a great question too. I'll -- you know, probably for a tangent structure, that could be as many as eight to ten concrete trucks and even more for those dead-end structures. Yeah.

Q. Okay.

A. Which is probably our -- that's a good question, and it's probably where our largest ground-disturbing activity is is just due to concrete delivery to the sites.

Q. You talked about the -- the construction and that's where I want to stay for a little bit

is -- you talked about the foundation installation, the structural hauling and framing, starting at opposite ends on building it, but let's just focus in one area. You just talked about maybe two foundation teams going on.

During construction, we get a lot of -- we get some concerns on the traffic, sound, dust, a lot of different things. How are you going to mitigate that or what's your construction plan on some of that mitigation, and if there are complaints, how -- how you handle it and have you heard concerns from landowners on the construction?

A. Yeah. Yeah, that's definitely an important part for us to manage, and so as part of this project, again, because of the scale of it, we consult with a company that provides additional -- we call them construction coordinators. We'll probably have up to 9 or 11 full-time staff on behalf of Basin, in addition to our own staff, that will be on site to help manager the contractor. These are important things we bring up in our weekly coordination meetings with the contractor about speed, about safety and about managing dust.

So a lot of it is like what are the conditions? The same thing goes for wet

conditions. We don't want to be driving concrete trucks out on right-of-way when -- after a huge rain because we're going to do a lot of damage to the ground. The contractor will use a lot of matting in a lot of areas that are soft just to prevent. And I think if anyone has reviewed a recent project at Roundup to Kummer Ridge, we used significant matting on that project and -- and did a really good job of avoiding damage to the right-of-way in that -- in that project, so --

Q. So if there is concerns, they go to the project manager? I mean, they're the ones who are going to handle --

A. Yep. So throughout the project, just like now during the routing phase, all the landowners will still have a right-of-way contact, and the right-of-way agent that's been working with them throughout the routing will continue to be involved throughout construction. So they'll have an easy person to contact, and they'll get in touch with either myself and through that the construction coordinator to make sure that we resolve any issues.

Q. Okay. I'm going to ask another question regarding traffic. Is there any concern with the

amount of traffic during construction and available access roads, roads? Any safety concerns there?

A. It's definitely something to manage. Yeah, it's a good question. And I think a lot of work has went into -- to take a step back, you know, we have 162 miles of transmission line. And where it works -- it's the best if we can just drive down the right-of-way in the centerline from structure to structure, but there's a number of ravines in areas that we can't drive through on our centerline.

So in addition to getting the transmission right-of-way, our team's been doing a lot of work with the landowners on identifying off-right-of-way access and the best and safest way to access those structures. And so I think in some areas that's -- that's relatively straightforward and simple and some areas it's still pretty challenging, and we're still working through a couple of areas to try to accommodate landowner concerns just to that question.

We're going to be bringing a lot of concrete trucks into this area, so how can we mitigate that and make sure it's done safely, and if we can offer flagging or additional support, you

know, during those times during construction or moving the access in a way that works. Our challenge is we have to still get there physically somehow, and so trying to do that safely and making sure that we can complete the project is the challenge yet.

Q. Yep. I look at some of those maps and I'm like how are you going to get there.

A. Yeah.

COMMISSIONER HAUGEN-HOFFART: So I think the rest of my questions are for the other witnesses.

THE WITNESS: Very good.

JUDGE HOGAN: Ms. Olson, any redirect?

MS. OLSON: No, Your Honor.

JUDGE HOGAN: Mr. Johnson, any questions?

MR. JOHNSON: No, Your Honor.

JUDGE HOGAN: Mr. Hanson, any other questions?

MR. HANSON: No, Your Honor.

JUDGE HOGAN: Any other commissioner questions? Commissioner Christmann.

FURTHER EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. I was going to save this but you got into

it, so when you said 93 percent easement acquisition, did you mean 93 percent of the 270 landowners or of the 162 miles?

A. Of the 270 landowners.

COMMISSIONER CHRISTMANN: Thank you.

THE WITNESS: Mm-hmm.

JUDGE HOGAN: All right. Thank you, Mr. Nasset.

Ms. Olson, you can call your next witness.

MS. OLSON: Okay. I'll call Mr. Philip Westby.

JUDGE HOGAN: Good morning. I'll have you start by stating your full name for the record and spelling your last name.

THE WITNESS: Good morning. My name is Philip Westby. Last name is W-e-s-t-b-y.

JUDGE HOGAN: And, Mr. Westby, you were in the room previously and did you hear me go through the penalties for perjury?

THE WITNESS: Yes, I did.

JUDGE HOGAN: And do you understand what perjury is?

THE WITNESS: Yes, I do.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you.

Go ahead, Ms. Olson.

MS. OLSON: Thank you, Your Honor.

PHILIP WESTBY,

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

EXAMINATION

BY MS. OLSON:

Q. Good morning. To start, please state your name and employer.

A. My name is Philip Westby and I'm employed by Basin Electric Power Cooperative.

Q. What is your position with Basin Electric?

A. I am the manager of transmission services, and my responsibilities include supervising transmission studies that affect Basin Electric and its customers. As part of this, I complete and review studies that would affect Basin or its members.

Q. Please describe your educational and professional background.

A. I am a licensed professional engineer in the state of North Dakota. I have earned a bachelor's of science degree in computer engineering from North Dakota State University in 2008.

I have been employed with Basin Electric since 2009 in the transmission planning division. I was hired as an electrical engineer and was promoted as the manager of transmission services in April of 2023.

Q. What is your role with respect to this transmission line project?

A. I have been involved in evaluating the need for this project. I oversaw Basin Electric's submission of -- of the Leland Olds to Tande transmission line project proposal in the Southwest Power Pool integrated transmission planning process.

Q. Are you familiar with the contents of Basin Electric's application for this project?

A. Yes, I am.

Q. What is the purpose of your testimony today?

A. The purpose of my testimony is to provide information related to the need for the project. I will provide general information on the SPP transmission planning process and how it applies to this project, as well as Basin Electric's internal needs analysis.

Q. First, let's talk about the Southwest

Power Pool planning process. What is the Southwest Power Pool or SPP?

A. Southwest Power Pool is a regional transmission organization. They've been mandated by the Federal Energy Regulatory Commission to ensure reliable power, adequate transmission infrastructure and a competitive wholesale market of electricity -- excuse me -- and competitive wholesale electricity prices on behalf of its members, including Basin Electric.

As the RTO, SPP is responsible for transmission planning and expansion within the SPP region, which includes the project area as Basin Electric is a member of SPP.

Q. Please generally explain SPP transmission planning.

A. During the SPP transmission planning process, SPP performs reliability, economic and public policy assessments of the transmission system for its region, and it collaborates with stakeholders to identify solutions to the identified transmission needs that their process identifies.

SPP performs its planning process in accordance with the North American Electric

Reliability Corporation, NERC, reliability standards, the SPP tariff and SPP criteria.

Q. Please describe the SPP integrated transmission planning process.

A. Sure. The SPP ITP process is an annual planning cycle that assesses near-term and long-term economic and reliability transmission needs. The ITP produces a ten-year transmission expansion plan each year, combining near-term, ten-year and the NERC planning requirements into one study.

Essentially, the process seeks to target a regional -- reasonable balance between long-term transmission investments and minimizing congestion costs to customers. The ITP works in concert with SPP's existing subregional planning stakeholder processes and continues in parallel with the NERC TPL-001-5 compliance process.

Q. Please describe Basin Electric's role in the integrated transmission planning or ITP process and other studies conducted.

A. Basin Electric works closely with SPP since we're a member of SPP, and through that we provide input on the study scope of each ITP and the assumptions that go into their studies. We

participate in the model building process, so that's building the transmission planning models, and we provide input on any needs that may come out of the process and any constraints that were identified across the system.

As part of that process, Basin Electric provides potential transmission mitigation -- mitigations or fixes for issues that are identified. And SPP will take what we submit and they will also take submissions from other stakeholders and kind of evaluate them all against each other and end up selecting the best ones.

Additionally, Basin Electric -- we have requirements through NERC to perform our annual transmission planning assessment. And up in the Bakken area, since it's been a high-load growth area, we've traditionally annually done two seasonal operating studies for both the summer and winter for the Bakken area to ensure that we can reliably serve the load growth.

Q. What happens once SPP identifies that a transmission project needs to be constructed?

A. Once a transmission project has been identified through the SPP transmission planning process, SPP issues what they call a notice to

construct, and that's issued to a designated transmission owner which in this case is Basin because we own the substations that this project is connecting into.

The notice to construct essentially requires a commitment -- a financial commitment in the near future. And the designated transmission owner under the SPP tariff that receives that notice to construct is required to build the project, so --

Q. Next let's talk about this project's needs and benefits. Which SPP transmission planning process did this project arise out of?

A. So this project came out of the 2021 SPP ITP process.

Q. And what did the 2021 ITP process conclude?

A. The 2021 ITP process had a specific focus area on the Bakken due to that high-load growth that we've been forecasting. The 2021 assessment report, which is included as Exhibit 7, identified a need to provide an additional 345-kV path north of Lake Sakakawea and create a new delivery point on the underlying 115-kV system north of New Town, which is the Crane Creek substation.

The report identified the project's reliability benefits as follows: It creates a 345-kV loop around the north side of Lake Sakakawea between two existing 345-kV substations where no 345-kV transmission exists today. And it provides an alternative connection point at the Crane Creek substation.

In July of 2022 as a result of the 2021 ITP process, SPP issued a notice to construct, number 210652, to Basin Electric directing construction of the project. This NTC, NTC 210652, is included as prefiled Exhibit 8.

Q. Will the project provide any benefits in addition to those identified by SPP?

A. Yes. The project provides several additional benefits. The area north of New Town at the new Crane Creek substation has historically outgrown the capability of the underlying 115-kV system, and as a result there's been an under -- what's called an under-voltage load shedding scheme in place. And that scheme -- it's been there for the past nine years. This scheme is designed to shed load for various system conditions to maintain reliability and ensure that the system doesn't collapse, essentially.

Additionally, this project provides another outlet from the North Dakota coal fields where there's a large amount of generation, both conventional and renewable, and essentially it's giving it another more efficient path to get to the load.

Q. If the project is not built, what would happen to the electrical transmission system in northwestern North Dakota?

A. Basin Electric's recent load forecasts continue to show growth in this region which continues to cause stress to the existing infrastructure. The existing transmission capacity in this region is insufficient, and unless the project is construction -- constructed -- excuse me -- future load growth will be restricted. Transmission congestion will be higher, and the transmission system will be less reliable because there's simply an inability to take needed maintenance on critical circuits.

This is a concern as maintenance outages are a necessity and the inability to take them will result in a less reliable system.

Q. To conclude your testimony, can you please tell us, based on your knowledge of the project,

will it ensure continued system reliability and integrity?

A. Yes, it will. The project will support existing needs and increase transmission system capacity to support the forecasted load growth.

MS. OLSON: Thank you.

I have no further questions for Mr. Westby.

JUDGE HOGAN: All right. Thank you.

Before we start with questions, we're going to take a short break. Let's plan for ten minutes and reconvene at 11:25.

(Recessed at 11:16 a.m. and reconvened at 11:26 a.m.)

JUDGE HOGAN: All right. Mr. Johnson, do you have any questions for Mr. Westby?

MR. JOHNSON: I do not.

JUDGE HOGAN: Mr. Hanson?

MR. HANSON: No, Your Honor.

JUDGE HOGAN: Commissioner Kringstad.

COMMISSIONER KRINGSTAD: Thank you.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. Mr. Westby, just a couple questions. One of the things you mentioned in your prefiled

testimony was about the balance between the long-term transmission investment cost and the congestion cost to customers. So just talk about that a little more and then maybe explain how this project fits into that balance.

A. So as part of the SPP ITP process, SPP gets a number of -- for issues that show up in that process, they get a number of different transmission fixes to try to fix that, and they evaluate them based on cost and then based on a benefit-to-cost ratio, so they try to quantify the benefit each solution would have and then compare that with the cost, and then they ultimately try to pick one with the highest benefit-to-cost ratio.

Q. And then one other piece that you mentioned is that if we talk about this project not being built, you said that the transmission system will be less reliable because of the inability to perform planned maintenance on critical circuits. So tell me a little bit more about that -- about that piece.

A. Sure. If you could pull up Exhibit 1, it's kind of the overview -- high-level overview of the transmission system in North Dakota -- or this upper northwestern part of North Dakota. And I

apologize it's not listed on here, but in the center there's a big flame. That's the Dakota Gasification plant. Right behind that is the Antelope Valley Station, so that's the AVS substation. There's two 345 lines going west to serve western North Dakota, the Antelope Valley to Charlie Creek line and the Antelope Valley to Roundup line.

And from Roundup -- you can see in the Roundup to Kummer Ridge line, which is the line that we just completed in December, that line not being there was causing a lot of congestion. With that line now in service, the congestion has moved and it's moved back to these lines that are going west out of AVS. So we're seeing that congestion today. We saw it in February during the cold spell.

So essentially we needed a third -- a third line out of this coal field area, and it would really be putting all of our eggs in one basket if we brought that line out of AVS. So we really needed it here. It provides additional benefits with the load delivery servicing Crane Creek as well.

So I guess does that answer your question?

Q. Yeah. And speak just a little more about like the maintenance piece of it.

A. Sure. So the Antelope Valley Station, similar to the Leland Olds aging infrastructure that Bobby talked about, there's an effort going on there at Antelope Valley Station. We're having difficulty replacing the equipment there to get the outages on those lines to even replace that aging infrastructure, so that's -- that's a concern.

COMMISSIONER KRINGSTAD: Okay. I don't have any other questions. Thank you.

THE WITNESS: Thank you.

JUDGE HOGAN: Commissioner Christmann.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. One of the things that's been a concern of mine for the last eight or ten years, when we start talking about SPP specifically or RTOs in general and that sort of thing, a lot of the people that have concerns about these things that don't work in this industry, it puts them at an unfair disadvantage. So I want to make a couple statements and ask you if they're correct.

So basically when you're talking about SPP, it is a regional transmission organization

made up of utility companies that chose to join and it generally is -- there's -- it's not whole states but it's companies within states from here and a little bit of Minnesota, down to the northern areas of New Mexico and Texas and Louisiana; right?

A. That's correct.

Q. And that RTO, that one's called SPP. There's another one called MISO to the east. But basically the companies that have joined, like Basin in the case of SPP, you have kind of turned over the operational control of the transmission system to that big RTO for efficiency purposes; correct?

A. That's correct. Yep.

Q. And it saves money for Basin and thus saves money for consumers as well as adding reliability; correct?

A. That is correct.

Q. And then when you mentioned ITP, the -- the integrated transmission process, that -- that's not something that came up to do this project; correct? That is something that is an ongoing process and usually each year there's some more projects added, and -- and this was one of multiple projects that they recommended for enhancing

reliability or reducing costs in general; correct?

A. Yes. Every ITP fixes all the needs for the whole SPP system from North Dakota to Texas and it'll come up with a whole portfolio of projects. This was one project in the portfolio of the 2021 ITP.

COMMISSIONER CHRISTMANN: Okay. Thank you. I just wanted to make sure -- for people that are wondering like why do I have to have another transmission line, my electricity is very solid, I'm happy with it, I hope that helps understand a little bit how these large organizations keep the system going for modern times.

Thank you.

THE WITNESS: Thank you.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: Thank you.

EXAMINATION

BY COMMISSIONER HAUGEN-HOFFART:

Q. Maybe I should have asked this question to the first gentleman, but I know you could answer it too.

A. We'll see.

Q. We talk about the need for this transmission line as -- identified as load growth.

Let's get more detailed into load growth. What -- what are the contributing factors in that? Is it oil and gas? Is it residential, commercial, data centers, crypto? Identify for us what you mean by load growth.

A. So this came out of the 2021 ITP process and that process really started in mid-2019 as far as when you would come up with a load forecast you get in the models and how that whole process shakes out. Each ITP process is about a 30-month process, and the -- the year of that ITP is really the year that it ends, not the year that it starts.

So with that, this forecast was primarily driven by oil and gas growth, really before data centers were really even a thing. Certainly this -- the driving factor, the 2021 ITP did not have any data center growth assumed in it.

Q. So I'm just going to repeat back. Through the ITP process, the load growth is identified primarily oil and gas needs?

A. That's correct.

Q. Okay. And in the ITP process, what information -- do you just present your load forecast to them or what other information goes into the ITP process?

A. There's a lot of information that goes in. It is primarily getting a refreshed load forecast and that's done through our load forecasting group. They go out to our member cooperatives and they ask them, you know, what do you think it's going to be, and that kind of rolls back up into us on the transmission modeling side and that's the piece where we work on the transmission models.

In addition to the load piece, there's also a generation piece. So we have to make assumptions around resources, where they're going to be sited and how they fit in the models. So those are primarily the main things, are going to be the load and the resources.

Q. Okay. In answering a question, you made a statement about replacing equipment an issue. Can you expand upon that more? Is it the equipment is older and they're not manufacturing them anymore? What do you mean by that?

A. With respect to the maintenance, you know, at the Antelope Valley Station, in order to do that maintenance, you have to take an outage of a line for upwards of two to three months, and in order to do that, it's just -- we just can't do it reliably now without a third outlet out of the coal fields,

so --

Q. Sure. But there's no concern on replacing equipment that if you're --

A. Yep.

Q. -- out that --

A. If the equipment fails, we have it ready to replace it, but we would rather do a planned outage than a forced outage.

COMMISSIONER HAUGEN-HOFFART: Right. Okay. Thank you. I have no further questions.

JUDGE HOGAN: Ms. Olson, any redirect?

MS. OLSON: No, Your Honor.

JUDGE HOGAN: Mr. Johnson or Mr. Hanson, any other questions?

MR. JOHNSON: No, Your Honor.

MR. HANSON: No, Your Honor.

JUDGE HOGAN: And any other commissioner questions?

All right. Well, thank you, Mr. Westby.

THE WITNESS: Thank you.

JUDGE HOGAN: Ms. Olson, you can call your next witness.

MS. OLSON: The next witness will be Mr. Ryan King, the environmental coordinator.

JUDGE HOGAN: Good morning. I'll have you

start by stating your full name for the record and spelling your last name.

THE WITNESS: Ryan King, K-i-n-g.

JUDGE HOGAN: And, Mr. King, you were in the room earlier. Did you hear me go through the penalties for perjury?

THE WITNESS: Yes.

JUDGE HOGAN: And do you understand what perjury is?

THE WITNESS: Yes.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you.

Go ahead, Ms. Olson.

RYAN KING,

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

EXAMINATION

BY MS. OLSON:

Q. Good morning. To start, please state your name and employer.

A. My name is Ryan King. I work for Basin Electric Power Cooperative.

Q. What is your position with Basin Electric?

A. I am an environmental coordinator. My responsibilities include facilitating environmental

assessment for new projects and ensuring compliance with environmental laws and permits.

Q. Please describe your educational and professional background.

A. I received a bachelor of science in construction management and a master's of natural resource management from North Dakota State University. I have 12 years of environmental permitting experience. I was hired by Basin Electric in September of 2023, and I've worked on a variety of transmission and energy facility siting projects.

Q. What is your role with respect to this transmission line project?

A. I am overall responsible for the preparation and coordination of environmental analysis of the project within Basin Electric and through our consultants.

Q. Are you familiar with the contents of Basin Electric's application for this project?

A. Yes.

Q. What is the purpose of your testimony today?

A. I will describe the methodology with respect to environmental considerations used to

delineate the proposed project route and corridor and to demonstrate that they are in accordance with the North Dakota Energy Conversion and Transmission Facility Siting Act and the Commission's rules and regulations.

Q. First let's talk about siting criteria. What is an exclusion area?

A. An exclusion area is a geological -- geographical area that must be excluded in the consideration of a route for a transmission facility. An exclusion area may be located within the corridor but cannot be -- cannot exceed more than 50 percent of the corridor width unless there is no reasonable alternative.

Q. Does this project contain any exclusion areas?

A. Yes. The project is in an area within 1,200 feet of the geographical center of two intercontinental ballistic missile launch facilities for which the Commission has previously granted an exemption, as Mr. Nasset has addressed earlier. This exemption is in Appendix I of the original application.

The project route also spans critical habitat of the piping plover, a threatened species

under the Endangered Species Act. This critical habitat is located where the project route crosses the Missouri River at the southern end.

Q. With the presence of this critical habitat, will the project still meet the Commission's exclusion area criteria?

A. Yes, the project will still meet the Commission's criteria for exclusion areas. No structures will be placed within the critical habitat and no construction activities will be -- will take place within this critical habitat. The nearest structure is approximately 53 feet away from this critical habitat.

There was no reasonable alternative for the project that would not cross this Missouri River. And then as I will explain later in my testimony, Basin Electric will take the appropriate measures to mitigate the impacts to piping plover.

Q. What is an avoidance area?

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 are no reasonable alternatives.

Q. Does the project contain any avoidance

areas?

A. Yes. Archeological sites are present within the corridor as identified through a Class I literature review and a Class III cultural resource inventory. The project is also located within 500 feet of five residences.

I want to clarify. In the application it stated that one structure, structure number 436-041, would be located within a geologically unstable area due to structure relocations. This is no longer the case and we will no longer have any structures within these geologically unstable areas.

Q. Why should the Commission approve the project when it includes avoidance areas?

A. While there are archeological sites present within the project corridor, the project has been designed to avoid all of these sites, and a buffer zone has been placed around each site. Temporary fencing will also be installed around each one of these sites during construction to ensure avoidance.

Basin Electric has also obtained waivers from the five landowners that are within 500 feet, and these waivers can be found in Appendix K of the

application.

Q. Next let's talk about your environmental analysis, starting with threatened and endangered species. Did the environmental studies for the project address any concerns for threatened or endangered species?

A. Yes. Basin Electric used the United States Fish and Wildlife Service information for planning and conservation or IPAC tool to identify threatened or endangered species or designated critical habitat within the project area. This tool, along with consultation with the local ecological services office, identified five species: the endangered whooping crane and northern long-eared bat and the threatened Dakota skipper, piping plover and rufa red knot.

Q. First let's talk about the whooping crane. Please describe the findings of Basin Electric's analysis with respect to the whooping crane.

A. The project is located within the migration corridor where 75 percent to 95 percent of the whooping cranes travel. The land use within this area is a mixture of cropland and rangeland with pothole wetlands interspersed. The project counties as a total have 285 verified whooping

crane sightings. And the closest confirmed siting to our project corridor was two adults in 2002, approximately one-half mile from the corridor. During our field surveys, no whooping cranes were spotted.

Q. Please describe the measures that will be taken to protect the whooping crane.

A. During construction, noise and vehicle activity may temporarily cause whooping cranes to divert from the area. If one crane is spotted during construction, all construction will stop and the United -- and the Fish and Wildlife Service will be contacted immediately.

Flight diverters will also be installed per Avian Power Line Interaction Committee, or APLIC, standards, which increase transmission line visibility thus reducing line strikes.

Q. Next let's talk about the northern long-eared bat. Please describe the findings of Basin Electric's analysis with respect to the northern long-eared bat.

A. Prior to any field surveys, a desktop analysis was performed to determine any potential impacts to treed habitat and examine what locations have a higher probability of providing habitat for

the northern long-eared bat.

A 1,000-foot buffer was placed around the project corridor and tree habitat patches that were greater than 10 acres in size were selected as potential northern long-eared bat habitat. This review concluded that approximately 23 locations could provide this northern long-eared bat habitat. During field surveys, no northern long-eared bats were spotted.

Q. Please describe the measures being taken to protect the northern long-eared bat.

A. The project will require a tree clearing at approximately 62 locations which will total approximately 1.54 acres. To reduce the potential to impact the northern long-eared bat at these tree-clearing locations, Basin Electric has committed to conducting these tree-clearing activities outside of the northern long-eared bat active season which is November 1 through March 31.

If localized tree-clearing activities cannot be conducted during this window, we will perform presence or absence surveys and then trees will be removed directly -- or immediately after these surveys.

Q. Next let's talk about the Dakota skipper.

Please describe the findings of Basin Electric's analysis with respect to the Dakota skipper.

A. Yeah. Desktop analysis was performed as well for this species. This -- this assessment was first used to divide the habitat into one of two categories: grassland habitat and unsuitable habitat, which is cropland and large lakes.

The assessment identified approximately 1,822, or 34 percent, of the project route as -- or project corridor as grassland habitat and approximately 3,561, or 66 percent, of the project corridor as being unsuitable.

The field survey was conducted within the identified grassland habitat to determine if suitable habitat was present. And suitable habitat was defined as native grasslands that contained one or more of the primary constituent elements for the Dakota skipper to complete its entire life cycle.

The field survey recorded 61 locations of suitable habitat, totaling approximately 11.69 acres, less than 1 percent of the project corridor. During these field surveys, no Dakota skippers were observed.

Q. Please describe the measures that will be taken to protect the Dakota skipper.

A. Yeah. Basin Electric has designed this project to minimize impacts to suitable habit for the Dakota skipper. This includes siting pole structures and routing access trails around suitable habitat. Temporary fencing will also be installed around each suitable habitat during construction to ensure that construction activities stay out of these areas.

GIS files of these areas will also be shared with our reclamation contractors and Basin Electric's maintenance personnel to continue avoiding these areas for the life of the project.

In addition, Basin Electric has agreed to establish two different buffer zones around these suitable habitats during the Dakota skippers' flight window. The first buffer, a 500-meter avoidance buffer, will be placed around each of those suitable habitats in the flight window, and in this 500-meter buffer existing surface roads and existing access trails can be utilized but no construction activities can take place.

And then we will also establish a one-half-mile buffer where we can travel on existing access roads and we can construct in -- on existing areas that we have begun construction, but

no new areas can be -- can start construction during that flight window. And the flight window is typically 14 days between June 10 and July 25. These dates are adjusted yearly based on the Fish and Wildlife Service observations.

And then if we cannot avoid the habitat during construction, we will have presence and absence surveys conducted by a permitted surveyor.

Q. Now let's talk about the piping plover. Please describe the findings of Basin Electric's analysis with respect to the piping plover.

A. As I explained earlier, the project does span critical habitat for the piping plover over the Missouri River at the southern end of the project. There are also two additional locations where critical habitat falls within one-half mile of the project corridor. During our field surveys, no piping plovers were observed.

Q. Please describe the measures that will be taken to protect the piping plover.

A. Yeah. During the U.S. Fish and Wildlife Service designated period of concern for the piping plover, which is April 15 to August 15, and prior to any construction activities, piping plover absence and presence surveys will be conducted in

these three locations. If nesting birds are observed during these surveys, the U.S. Fish and Wildlife Service will be consulted with to determine the necessary action.

And as -- as goes with whooping crane as well, the flight diverters will be installed per APLIC standards.

Q. Last, let's talk about the rufa red knot. Please describe the findings of Basin Electric's analysis with respect to the rufa red knot.

A. Yeah. The shoreline of the Missouri River does provide stopover habitat for the rufa red knot when they utilize their midcontinental migration route. However, the species is rare and it's not reported every year in North Dakota. The remainder of the project corridor does not have suitable shoreline habitat. Therefore, adverse impacts to the rufa red knot are not anticipated.

Q. Did your analysis consider wetlands and water bodies?

A. Yes.

Q. Please briefly explain the project's potential impacts on these features.

A. The project has been sited to avoid impacts to wetlands and water bodies to the maximum

extent possible. Near the southern end of the project, the transmission line will cross the Missouri River. The project also avoids all permanent impacts to wetlands except for in three locations. Structures 436-214, 436-215 and 436-222 will be placed within delineated wetlands.

And I wanted to clarify again, the application originally stated that two structures would be within wetlands, and then due to some siting adjustments, this will now be three. Permanent wet -- wetland impacts are anticipated to be less than .01 acres.

Q. Please describe the measures that Basin Electric will take to protect wetlands and water bodies.

A. Yeah. Basin Electric is -- we're currently working with the United States Army Corps of Engineers through Section 10 permitting for the crossing of the Missouri River and Section 404 permitting for impacting the previously described wetlands.

Except for those two areas where impacts will be in those wetlands, all field delineated wetlands and water bodies will have temporary fencing installed around them like our other --

like the Dakota skipper areas to ensure construction activities will remain outside of this resource.

Q. Did your analysis consider trees and shrubs?

A. Yes.

Q. Please briefly explain the project's potential impact on trees and shrubs.

A. Overall impacts to trees and shrubs are anticipated to be pretty minimal. Approximately 1.4 acres of trees are present -- or present clearance violations for us right now and will need to be removed in accordance with the National Electric Reliability Council.

For unavoidable tree and shrub impacts during construction operation, Basin Electric will comply with the Commission's tree and shrub mitigation plan, and we will submit a tree and shrub inventory and replacement plan for the Commission's review and approval.

Q. Is Basin Electric requesting the ability to clear trees in areas wider than 50 feet?

A. Yes. To meet NERC requirements, Basin Electric will be requesting to clear trees wider than 50 feet in 13 locations.

Q. And did your analysis consider cultural and historic resources?

A. Yes.

Q. Please briefly describe the cultural and historic resource assessments conducted for this project.

A. Basin Electric, through our consultant Metcalf Archeological Consultants, or Metcalf, consulted with the North Dakota State Historic Preservation Office regarding survey and testing methodology and reporting needs. To assess potential cultural and historic resources, a Class I literature search and a Class III intensive inventory were performed on all areas directly impacted.

Q. Please describe the results of the cultural and historic resource assessments.

A. Metcalf completed the Class I and Class III surveys and submitted two report volumes to the North Dakota SHPO for review. These reports detailed their findings and included archeological sites and site leads, historic archeological sites and site leads, and architectural sites and site leads. Nearly all of the archeological sites and site leads that were found were lithic scatters or

stone circle sites.

The historic archeological sites included abandoned farmsteads, foundations, cultural material scatters and a combination of these.

Metcalf did not identify any architectural sites or site leads during their surveys. In their reports, they recommend that none of the documented cultural resources are eligible for consideration in the State Register -- Registry, and no eligible or unevaluated cultural resources lie within the footprint of the project area. And, therefore, no cultural resources will be impacted by the project's temporary construction activities or permanent operations.

The North Dakota SHPO is currently reviewing both volumes of the reports, and we will notify the Commission when we have received concurrence from them.

Q. Please describe any mitigation efforts being implemented for cultural and historic resources.

A. Yeah. During their surveys, Metcalf documented and mapped each site and site lead and used a testing strategy to assess the cultural resources' significance. No avoidance or

additional research is recommended and as such no mitigation measures will be needed.

Q. Turning to agency coordination, will the project impact existing development plans of federal, state or local agencies or private entities?

A. No. The project will not impact any existing development plans. Our agency and public correspondence as of October of 2024 is included in the application.

Q. Let's talk about Basin Electric's consultation with federal agencies. First, explain your consultation with the U.S. Department of Interior's Bureau of Reclamation.

A. Yeah. The United States Department of Interior's Bureau of Reclamation requires a special use permit for us to cross the McClusky Canal located immediately east of Lake Audubon. Basin Electric submitted this application in August and we received our executed special use permit in November of 2024.

Q. How about the United States Fish and Wildlife Service?

A. Yes. Our -- our project route crosses U.S. Fish and Wildlife-managed grassland easements,

and for those easements the U.S. Fish and Wildlife Service requires a compatibility determination to place structures on these grassland easements. An application has been submitted to them and they are currently reviewing.

Q. How about the Army Corps of Engineers?

A. As I've previously stated, we are working with the Army Corps of Engineers on a Section 10 and 404 permits to cross the Missouri River and to impact those wetlands. An application has been submitted and is being reviewed, and we expect an executed permit the first week of March.

Q. How about the U.S. Air Force?

A. Basin Electric has consulted with the United States Air Force regarding structure placement in relation to their operations. The U.S. Air Force has concluded that the project will have minimum -- minimal impacts on military operations conducted in the area.

Q. Can you please explain the consultation with State agencies to date?

A. Yeah. State agency comments varied according to the function and jurisdiction, but generally emphasized a desire to minimal -- to minimize impacts to environmental resources, which

Basin Electric has done by incorporating the mitigation measures into the project.

Q. Can you please explain the consultation with local agencies to date?

A. Yeah. Overhead transmission lines are a permitted -- are permitted under conditional uses in McLean, Mercer, Mountrail and Ward Counties. Overhead transmission lines are a permitted use in Williams County.

Basin Electric has submitted conditional use permit applications for McLean, Mercer, Mountrail and Ward Counties. To date, approvals have been received by McLean and Mercer Counties. And then applications have been submitted to Mountrail and Ward Counties. To date, we have passed the planning and zoning for Ward County and we are going to the County Commission on March 4.

In Mountrail County they did -- planning and zoning approved our Crane Creek substation application and have tabled our transmission line application until we receive further easement acquisition.

And no special township approvals were needed.

Q. Are there any other outstanding permits or

approvals needed to begin construction of the project?

A. No.

Q. Did Basin Electric evaluate the impacts to public health and welfare, natural resources and the environment that could be expected from the project's location, construction and operation?

A. Yes.

Q. To conclude your testimony, can you please tell us, based on your knowledge of the project, will its construction, operation and maintenance produce minimal adverse effects on the environment and human welfare?

A. Yes. Basin Electric conducted a thorough environmental review of the project area to avoid environmentally sensitive areas and areas that could adversely impact human welfare.

Q. And based on your knowledge of the project, is it compatible with environmental preservation and efficient use of resources?

A. Yes.

MS. OLSON: Thank you.

I have no further questions for Mr. King.

JUDGE HOGAN: Mr. Johnson, any questions?

MR. JOHNSON: Just a couple.

EXAMINATION

BY MR. JOHNSON:

Q. I guess we'll take the easy one first. Is there any outstanding responses from any of the agencies that you haven't received yet?

A. No. You guys have all the agency responses.

Q. Sure. And then going back to the -- the location of the structures near ICBM sites, the DOD or Department of Defense or whatever the agency is, are they okay with the new tower structures and their locations?

A. I would have to defer to Bobby Nasset on that as he has been the one that has spoken with them more recently, but I believe yes.

Q. Okay. And then you stated that we had granted an exception previously for the ICBM within that exclusion area. Are you just assuming that that exemption is going to carry over and -- and -- to this one or do you feel like it's something we need to exempt again with the new project?

A. That exclusion was for this project.

Q. Oh, it was for this project?

A. Yep.

MR. JOHNSON: Okay. My mistake. Thank

you.

JUDGE HOGAN: Mr. Hanson, any questions?

MR. HANSON: No, Your Honor.

JUDGE HOGAN: Commissioner Kringstad?

COMMISSIONER KRINGSTAD: Thank you.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. Ryan, can you talk to me a little more about -- you mentioned like a geologically unstable area, so there was one structure there that's now been moved. Are there any other areas of concern? Sometimes just looking on the maps it -- it seems like maybe there should be more, so I just wanted to double-check.

A. Yeah. As far as geologically unstable areas, no. We've route -- we've routed the structures around them and then all access roads have been avoided too.

Q. Okay. You had mentioned that there were five homesteads with waivers within the 500-foot setback. It appeared from looking at the maps that -- are those homes currently located along an existing -- the existing transmission line that's going to be removed?

A. Yeah. Four of them are and then --

Q. Okay.

A. -- one of them is near our Tande substation.

Q. Okay. I appreciated the update on the local permitting process. So you said in -- in Mountrail that they're sort of tabling it for additional easement acquisition. Do you have any timeline around that or what's the -- what are the next steps with that process?

A. We will just continue to work with the landowners to obtain those easements in that county.

Q. Circling back to the wetland boundaries and how there's going to be three structures placed within there, what did -- tell me a little more about -- did you coordinate with Game and Fish on that and what did they have to say about those areas?

A. Game and Fish in their letter, you know, will always state that they want to have impacts outside of wetlands. These structure locations are along the double-circuit area as well, so these -- there are current towers in this wetland system already. So we were just following the line as it was.

Q. And are you going to take any additional mitigation efforts because of that that we should be aware of?

A. We aren't required to by law, but we will -- you know, during construction they will be matting everything that they can to -- to avoid any further impacts.

Q. Okay. Do you have any -- I know you mentioned that you had submitted some updated reports to SHPO. Any anticipated response time from them on those?

A. Yeah. I have when -- so our last report was submitted February 18 after a couple comments by SHPO to our -- to our consultant, so I guess if they have 30 days from February 18 -- I'm doing the math -- March 15, hopefully.

COMMISSIONER KRINGSTAD: Okay. Perfect.

I think -- I think those are all my questions. Thank you.

JUDGE HOGAN: Commissioner Christmann.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. I was really concerned coming into today about your permits and approvals because there were a lot of them where it just indicated that they

would be applied for before construction. Now, you went through a lot of them. I couldn't keep up checking them all off. It sounds like a lot of them have been applied for and some of those have now been received subsequently.

A. Correct.

Q. So that sounds good, but is -- what this said on those that would be applied for, that they would be applied for prior to construction. What I want to know is will they be received prior to construction?

A. In the areas that we need those permits for, yes.

Q. Okay. Because that probably will be in our order if -- if we choose to approve this -- this certificate.

And there's the conditional use permits and Williams County has -- has a couple other things, but tell me more about your weed management plan.

A. Yeah. Basin Electric develops its own weed management plan now for each project that we do, and once that plan was completed, I submitted those -- that plan to each weed county board for their review and approval.

Q. And how many of them have approved your weed management plan?

A. None of them have provided any comments on it.

Q. How long ago were they submitted?

A. Probably September.

Q. Okay. How -- was it -- was the tone of your submission that -- you know, let me know if you have problems in which case you would assume if they don't get back to you, it's okay, or were you requesting a response either way or how should we take that as far as local approval of county plans? And also -- I guess this is two questions. I'll just give them to you at once. Do any of these county weed boards require you to get their approval before construction?

A. I don't believe so. I didn't ask for their approval per se. I provided them -- and I talked to some of them on the phone and provided them with the plan, and I said reach out with any questions or comments that you may have regarding this plan.

Q. By the next hearing, I will ask this or you can hopefully just provide it. I'd like to know from you under oath whether any of these

counties require that your weed management plan be approved.

A. Okay.

COMMISSIONER CHRISTMANN: I have no other questions. Thank you.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: Thank you.

EXAMINATION

BY COMMISSIONER HAUGEN-HOFFART:

Q. I just want to be clear -- I'm going to go back to your testimony on page 11. On working with federal agencies, is it -- am I correct that on two -- United States Fish and Wildlife, an application has been submitted but approval -- is there anything outstanding?

A. Yes. They have not -- we have not received that approval yet. During the administrative change, they actually were unable to review the project for some period of time, and just last week they were able to start that process again.

Q. Okay. Do you have an anticipated date received?

A. I was told the first week in March is what they're shooting for to open up the public comment

period, which will be a 14-day public comment period. And then after that public comment period, they would address any comments that they do receive and finalize the permit.

Q. And then finalize it?

A. Yes.

Q. Okay. And then the second point, U.S. -- the next one, an application has been submitted and is being reviewed. Can you give me an update on that?

A. For the -- the next one, the Army Corps?

Q. Yep.

A. Yeah. I just spoke with him this week and he is expecting approval the first week of March.

Q. Okay. And those were the only two that were outstanding; correct?

A. Correct.

Q. I know in your testimony you said, "Please describe any mitigation efforts being implemented for cultural and historical resources," and the document said, "No avoidance or additional research is recommended."

And I trust that, but if you come across something as far as questionable cultural or historical resources, what do you do if you're

uncertain?

A. We have an undiscovered -- an unanticipated discovery plan that was provided in the application, Appendix F, so we will follow that protocol, and then we will get our consultant, Metcalf, involved right away.

Q. Okay. Thank you.

My one final question regarding this is did any landowners, counties or any interested party present to Basin any additional exclusion or avoidance or concerns?

A. Not that I'm aware of.

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

JUDGE HOGAN: Ms. Olson, any redirect?

MS. OLSON: No, Your Honor.

JUDGE HOGAN: Mr. Johnson or Mr. Hanson, any additional questions?

MR. JOHNSON: No, Your Honor.

MR. HANSON: No, Your Honor.

JUDGE HOGAN: And any other commissioner questions? All right. Well, thank you, Mr. King.

Ms. Olson, you can call your next witness.

MS. OLSON: I'll call Mr. Nathan Kleyer.

JUDGE HOGAN: All right. Good afternoon,

Mr. Kleyer. I'll have you start by stating your full name for the record and spelling your last name.

THE WITNESS: My name is Nathan Kleyer. My last name is spelled K-l-e-y-e-r.

JUDGE HOGAN: And, Mr. Kleyer, you've been in the room for all of our hearing today. Did you hear me go through the penalties for perjury?

THE WITNESS: Yes, Your Honor.

JUDGE HOGAN: And do you understand what perjury is?

THE WITNESS: Yes.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you.

Go ahead, Ms. Olson.

MS. OLSON: Thank you, Your Honor.

NATHAN KLEYER,

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

EXAMINATION

BY MS. OLSON:

Q. Good morning. To start, please state your name and employer.

A. My name is Nathan Kleyer. I'm employed by Basin Electric Power Cooperative.

Q. What is your position with Basin Electric?

A. I'm a senior property and right-of-way specialist. My responsibilities include overseeing the acquisition of easements and assisting with the coordination for the construction and reclamation of electric transmission lines.

Q. Please describe your professional background.

A. I've worked in land rights within various industries for over 16 years, including 8 years in oil and gas and 5 years with rural water distribution. I have overseen the acquisition of easements and assisted with coordination for the construction and reclamation of hundreds of miles of pipelines in North Dakota and Montana. This will be the fourth transmission line project that I have worked on since becoming employed with Basin Electric in 2022.

Q. What is your role with respect to this transmission line project?

A. I am the property and right-of-way lead for this project. We have also added a team of contracted agents through our right-of-way consultant, HDR Engineering.

My role is to oversee the activity and

progress of these agents and assist where necessary, although I have also been directly involved in negotiations with landowners on this project.

I communicate regularly with Basin Electric staff and other team members to stay informed so that I can provide guidance to achieve the successful outcome of acquiring all necessary land rights. My field presence and interactions with landowners will increase as we move into construction and final reclamation.

Q. Are you familiar with the contents of Basin Electric's application for this project?

A. Yes.

Q. What is the purpose of your testimony today?

A. The purpose of my testimony is to provide information related to Basin Electric's acquisition of right-of-way easements, the project route description and post-construction reclamation activities.

Q. First, let's talk about landowner contacts. Please summarize the right-of-way team's contacts with the landowners within the project corridor.

A. The right-of-way team has contacted or attempted to contact every landowner on the project route. In 2022, the right-of-way team began contacting landowners along the project corridor to introduce the project and seek survey permissions.

In early 2023, we began acquiring options of easements for the project. To date, we have acquired approximately 93 percent of the 270 options or easements needed for the project from private landowners.

Most of our landowner contacts have been made in person. Where in-person contact was not possible, we have contacted -- contacted them by phone or letter. Frequent landowner contacts will continue throughout the construction, reclamation and damage settlement phases of this project.

Q. How does the right-of-way team address landowner requests or comments?

A. The right-of-way team works cooperatively with landowners to try and address their requests or concerns. If a landowner has any questions regarding the route or structure locations, we inform them that those structure locations are preliminary and discuss why those locations were chosen.

Should that landowner desire to shift one or more specific structures or propose -- propose a route adjustment, we discuss that request with Basin Electric engineering staff to see what is feasible and share those results with the landowner.

Q. What types of adjustments has Basin Electric made to address landowner requests?

A. Basin Electric has made shifts in structure locations specific to the route, including accommodations to route the line within or near existing utility corridors, along property lines, within fence lines, spot structures within tree rows, minimize impacts to farming and ranching operations, accommodate spacing for farm equipment sizes, and avoid existing or proposed oil and gas facilities.

Q. Now let's talk about route selection. Are you familiar with the map identified as Exhibit 9 to the prefiled testimony?

A. Yes. If you would open up the maps on Exhibit 9 labeled LOS to Tande 345-kV Transmission Project Route Overview.

Q. And was this map produced by Basin Electric?

A. Yes, it was.

Q. Beginning on the most southern point shown on Segment 1 of Exhibit 9, can you please describe the project route and any significant alternate route segments Basin Electric considered for Segment 1, which is the Leland Olds substation takeoff structure to angle point at structure 436-236?

A. Segment 1 is approximately 42 miles in length. The newly constructed LOS 345-kV substation is the starting point for this segment. This substation is located approximately five miles southeast of Stanton, North Dakota, in Mercer County.

Basin Electric evaluated several routing iterations to get the line from the LOS substation to the north side of Lake Sakakawea. As part of this evaluation, we met with the area coal mining operators to avoid future conflicts. However, as discussed in Bobby Nasset's testimony, the existing transmission congestion and avoidance areas did not feasibly allow for a new transmission circuit.

As a result, we elected to rebuild the existing LOS to Logan 230-kV line corridor as a double-circuit line for approximately 40 miles.

The existing structures will be removed upon project energization.

Q. Please continue with Segment 2, which is structure 436-236 to structure 377-475 or the Mountrail/Ward County line.

A. Segment 2 is approximately 49.8 miles in length. From structure 436-236, the line continues as a single 345-kV circuit west and north towards the new Crane Creek substation. The landscape in this segment is heavily potholed with wetlands posing challenges for structure siting as well as access. Occupied residences, wetland and grassland easements, ICBM launch facilities and existing infrastructure presented further obstacles.

There are two lengths within this segment that run along section lines. Both lengths are along undeveloped section lines and abide by county setbacks. Due to larger field sizes in the area, running along the section line as opposed to the quarter lines allowed us to avoid going through existing fields, reducing agricultural impact.

The project route was selected based on landowner feedback and provided the most effective means of navigating encumbrances.

Q. Please continue with Segment 3, which is

structure 377-475 to structure 378-057.

A. Segment 3 is approximately 37 miles in length. Continuing west, this segment moves towards rougher terrain as well as being heavily impacted by the oil and gas industry.

Of the alternate routes studied, the project route balanced landowner feedback while avoiding impacts to existing infrastructure. Correspondence with oil and gas companies and pipeline operators further helped delineate the route. This served to negate any impact to existing infrastructure and ensure any necessary mitigation measures were addressed.

There is an approximate 7-and-a-half-mile segment in Townships 153 North, Range 89 West and Township 153 North, Range 90 West which was moved a half mile north along a section line to accommodate planned land uses, including future mining. The section line is largely undeveloped and county setbacks are observed. This routing further helped minimize cropland impact.

Continuing west out of the Crane Creek substation, Mountrail-Williams Electric Cooperative's need for the new 115-kilovolt circuit from Crane Creek to Satterthwaite substation made

for an excellent opportunity for Basin Electric to work with its member co-ops in helping reduce impact by coordinating efforts to double-circuit the approximate 11.4-mile portion as discussed in Mr. Nasset's testimony.

Crossing the Little Knife River Valley was our largest hurdle through this portion. Extensive landowner consultation took place, which lead to the angled segment in Township 153 North, Range 92 West.

Q. Please continue with Segment 4, which is structure 378-057 to the Tande substation.

A. Segment 4 is approximately 32.3 miles in length. Landowner and existing industry feedback assisted with the project route through this segment. The project route minimizes impact to cropland, avoids cultural sites and avoids Dakota skipper habitat.

Crossing the White Earth River Valley posed a great challenge due to many avoidance areas in the terrain classified as geologically unstable. This was accomplished through landowner consultation which led to the angled segment in Township 155, Range 94 West.

After getting through the valley, the

chosen route north proved to be the least impactful, allowing us to reach our destination at Tande substation.

Q. Turning to reclamation, what is the role of Basin Electric's right-of-way team in reclaiming the project corridor at the completion of construction?

A. The right-of-way team will oversee the entire reclamation process. A licensed and certified reclamation contractor will report directly to our property and right-of-way team, and we will be on site on a regular basis to monitor progress and make sure reclamation is completed to landowners' and Basin Electric's satisfaction.

Q. Please describe the reclamation practices Basin Electric will follow for the project corridor.

A. Basin Electric will retain a licensed local contractor who specializes in the reclamation techniques required to stabilize the soils to reestablish the growth or cover in the disturbed areas of the project in consultation with the local Natural Resources Conservation offices and Farm Service Agency offices.

In pastureland, our reclamation contractor

will reseed to the same species of grasses present prior to construction unless otherwise directed by the landowner. In Conservation Reserve Program fields, we will replant the cover based on the local FSA office rules and guidance.

On all lands, compaction and grading will be addressed. Any rock brought to the surface while addressing compaction will be picked and taken off site or dumped at a site deemed acceptable by the landowner.

Disturbed areas will be monitored for erosion. Erosion control may include the installation and maintenance of necessary measures for temporary and permanent erosion, sedimentation and dust control as required by the relevant agencies and the landowner. Basin Electric will complete inspection and maintenance to ensure compliance with project reclamation specifications.

We will also work with the landowners regarding tree replacements. This will be done according to the Commission's tree and shrub mitigation plan. Basin Electric will be responsible for weeds by providing weed control within the easement area during construction and reclamation.

Q. How will Basin Electric address landowner concerns during the project's construction, reclamation and operation?

A. All damages associated with our activities will be addressed with the landowner or tenant for settlement at the completion of construction. Basin Electric will compensate landowners for damage to any crops or pasture during construction as well as any prevent-plant situations due to the construction activity.

Landowners will be consulted throughout the reclamation process to ensure successful reclamation has taken place and any outstanding issues have been resolved.

During operation of the transmission line, Basin Electric will continue to reclaim the route corridor and settle any damages caused by maintenance activities.

Q. To conclude your testimony, can you please tell us, based on your knowledge of the project, will its construction, operation and maintenance produce minimal adverse effects on the environment and human welfare?

A. Yes. The project route and corridor were selected to minimize adverse effects to existing

land uses, infrastructure and environmental resources. Basin Electric has and will continue to work with landowners to address any concerns relating to the project's construction, reclamation and operation.

MS. OLSON: Thank you.

I have no further questions for Mr. Kleyer.

JUDGE HOGAN: Mr. Johnson, any questions?

MR. JOHNSON: No questions, Your Honor.

JUDGE HOGAN: Mr. Hanson?

MR. HANSON: No questions, Your Honor.

JUDGE HOGAN: Commissioner Kringstad.

COMMISSIONER KRINGSTAD: Just a couple.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. Thank you, Mr. Kleyer.

I think I'm going to have more questions at our next hearing, so --

A. Okay.

Q. But for this one I know you said that easement acquisitions -- we've talked about how that's up to 93 percent of total landowners. Do you happen to know what percentage of the total route, like line miles --

A. I don't have --

Q. -- you have easements for?

A. -- that off the top of my head, but I can have that at the next hearing.

Q. Okay. That would be great. I'd just be curious.

And then talk to me a little more about your reclamation processes once the -- you know, once a line is energized and in operations, like how long does that go on for. What type of measures or inspections are we talking about at that point?

A. So, typically, when we're ready to begin that process, I will begin having in-person meetings with landowners or tenants to have an on-site look at the property, discuss what I usually do, and if they would prefer something a little different, we will first begin by de-compacting all the compaction. After that point, we will come back and disk and finish disk to final grade, at which point rocks will be picked.

And then at that point, depending on time of year, depending on if it's a crop field or pastureland, it will be reseeded. In some

instances if we are doing this during the growing season, I have landowners that request grass seed to be put down through that corridor in between their crop to prevent weeds from taking place. Happy to do that.

So it begins with a lot of landowner consultation to start working ahead and then coordinate with the reclamation crew to accomplish that.

Q. Okay. Is there sort of like an end date for that? Do you say like we do this up until five years, three years, or is it just sort of as long as the project is -- would be there?

A. So final reclamation should take for a line this size about a full season, full construction season. If there's any outstanding issues beyond that, we're -- we're always going to come back and fix those.

COMMISSIONER KRINGSTAD: Okay. Thank you. That's all the questions I had right now.

JUDGE HOGAN: Commissioner Christmann.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. I presume that one of your missing landowners as far as your percentage of easements

is the North Dakota Department of Trust Lands because they usually don't sign off on those till the end --

A. Correct.

Q. -- is that correct?

And is there a lot of trust land that's being crossed here that is a significant amount of the mileage or --

A. I believe there's only three or four parcels --

Q. Okay.

A. -- so no.

Q. Okay. So when you get back at the next hearing with that percentage, maybe separate that out --

A. Sure.

Q. -- so we know that.

I was intrigued by -- and I kind of lost track of exactly how many spots you mentioned where at landowner requests that there were undeveloped section lines and so you just have it running along the section line. So what do you think of when you say an undeveloped section line? Is that something that cannot be traversed or is that a two-lane track that people actually use?

A. No. So in the first instance on Segment 2, those section lines are virtually undeveloped. There's not much in the way of even two-track section line roads between those. So access in that area is also difficult. There's not a lot of access roads in that area to begin with.

So with that said, those agricultural fields, a lot of them through there, rather than your typical 160-acre field, a quarter, many of them are 320s, so they're like a whole half of a section.

So in that case, rather than going through the quarter line as we would prefer, the section line made more sense here because it will allow us to, A, not cut directly through some of those larger fields, but also minimize our impact as there is still a field split there. So the hope is that we will be able to use some of that for access versus going straight down our corridor.

Q. And part of me appreciates that. I'm grateful that you're working with those landowners and helping them, but you're using some kind of vague language that then kind of concerns me.

A. Okay.

Q. When you say, like, there's not much of a

trail there, well, if it's a trail that a different landowner needs a couple times a year and you shut it off, that's a problem, and so --

A. To be clear, Commissioner, we are still abiding by the section line setbacks, so those trails are still available.

Q. Okay. And -- and the counties where you're requesting the conditional use permits are made aware of these?

A. Correct.

Q. And it's probably then an area that they could never develop into a real county thoroughfare later because you'll be in the way.

A. I don't know that we'll be in the way because we are set back off of that section line.

Q. Okay. But they're -- they're aware of that?

A. Yes, they are.

COMMISSIONER CHRISTMANN: Okay. That's what I wanted to have clarified. Thank you.

No other questions.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: Thank you.

EXAMINATION

BY COMMISSIONER HAUGEN-HOFFART:

Q. In your testimony you said most of the landowner contacts were made in person, but you have a percentage that have been by letter. Are those individuals out-of-state landowners?

A. Yes. For the most part, yeah.

Q. Okay. And they're not responding or have they responded?

A. No, we have. Yep.

Q. Okay.

A. We've been -- we've made contact with all of them.

Q. Okay. You've talked a lot about adjustments you have made, especially regarding landowners' input, concerns. Out of those concerns, would you say the majority of your route adjustments are based on landowner input?

A. Yes. Yeah, it would.

Q. Could you give us a percentage? I mean like -- I know that's very broad, but --

A. So a lot of this is very iterative; right? Like I get what my engineering team would like to see. I then go out and approach these landowners, or my team. We have these discussions with them

and then get their landowner feedback as far as, well, you know, maybe this doesn't work because this is wet half the year and you're not going to get through here or those types of things. So that's -- that's a lot of what creates those adjustments.

Q. Okay. By listening to your testimony, how would you describe Basin's relationship with landowners on this project?

A. Overall, positive. I would. I've had -- we've had a lot of success. You know, we've talked to over 900 landowners throughout 700 miles of route iterations to get to now a point where we have 90 percent of 270 easements. I think -- I think for the most part we have had a pretty positive project experience up to this point.

COMMISSIONER HAUGEN-HOFFART: Okay. I have no further questions. Thank you.

JUDGE HOGAN: Ms. Olson, any redirect?

MS. OLSON: No, Your Honor.

JUDGE HOGAN: Mr. Johnson or Mr. Hanson, any questions?

MR. JOHNSON: No, Your Honor.

MR. HANSON: No, Your Honor.

JUDGE HOGAN: Any other commissioner

questions?

COMMISSIONER CHRISTMANN: I do not.

JUDGE HOGAN: All right. Well, thank you.

And, Ms. Olson, that was your final witness; correct?

MS. OLSON: That's correct, Your Honor.

JUDGE HOGAN: And, Mr. Johnson, the Commission was not going to put any witnesses on; correct?

MR. JOHNSON: No, Your Honor.

JUDGE HOGAN: Okay. And just so I can get an idea of where we go from here, if you want to provide public testimony, can you raise your hand so I know how many people want to provide testimony?

Not very many. Okay.

Is the Commission okay with proceeding with public testimony or would you like to take a lunch break?

COMMISSIONER CHRISTMANN: I'm okay with continuing on.

COMMISSIONER KRINGSTAD: I am as well.

COMMISSIONER CHRISTMANN: Did I only see one hand? Is that --

JUDGE HOGAN: Yes, I only saw one.

And, Ms. Smith, do you need a break?

THE REPORTER: I'm fine.

JUDGE HOGAN: You're good. Okay.

Well, then let's move forward with public testimony. And I'll just kind of go through some guidelines before we get started in case anybody changes their mind.

If you want to provide public testimony and if you just decided you want to, that's fine too. I'll have you come to the witness chair like our other witnesses did. I'll have you state your name for the record. If you're representing an entity or group, if you could identify that for the record, that would be great. You will be sworn in and subject to questions from our whole panel up here, just like you saw the other witnesses.

I would also note that public testimony is an opportunity to provide information to the Commission. It's not an opportunity to question any of the witnesses that have already testified or the commissioners.

And if there is somebody that has already provided the testimony that you would like to say, it's fine to come up and just say you agree with that if you'd like to put that on the record as

well.

So with those thoughts in mind, sir, I'll have you come forward.

Good afternoon.

MR. VIGESAA: Good afternoon. I'm Claire Vigesaa, the executive director of the North Dakota Transmission Authority.

JUDGE HOGAN: And can you spell your last name for me.

MR. VIGESAA: V-i-g-e-s-a-a.

JUDGE HOGAN: And were you in the room earlier when I went through the penalties for perjury?

MR. VIGESAA: Yes, Your Honor.

JUDGE HOGAN: And do you understand what perjury is?

MR. VIGESAA: Yes.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you. Go ahead.

CLAIRE VIGESAA,

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

STATEMENT

BY MR. VIGESAA:

MR. VIGESAA: Your Honor and Chairman Christmann and Commissioners Kringstad and Haugen-Hoffart, I just wanted to share a few comments. And appreciate the detailed presentation that the project sponsor shared, and also specifically appreciated the questions that you posed, Mr. Christmann -- Chairman Christmann, about how this process works with the RTOs.

And I just want to reemphasize that these projects -- we're not an island. North Dakota or Mercer County is not an island. We're part of a larger grid and that there's exhaustive studies that are done to get to this point of a project.

So with that, I'd just like to say that I believe this is an excellent project for increasing our strength of our grid. It's supporting load growth.

And one other thing that I haven't heard today but I feel is a great benefit is that this emanates -- this line emanates from the core dispatchable generation region of our state and our region, so a great help for grid reliability and stability. And also presents opportunities for

expanded generation, not only in coal country or -- or wind, but also in gas generation out in the Bakken.

So with that, Commissioners and Your Honor, I thank you for the opportunity to support this project.

JUDGE HOGAN: All right. Thank you. Hang on, I'm going to ask if there's any questions.

Ms. Olson, any questions?

MS. OLSON: No, Your Honor.

JUDGE HOGAN: Mr. Johnson?

MR. JOHNSON: No, Your Honor.

JUDGE HOGAN: Mr. Hanson?

MR. HANSON: No, Your Honor.

JUDGE HOGAN: Commissioner Kringstad?

COMMISSIONER KRINGSTAD: No.

JUDGE HOGAN: Commissioner Christmann?

COMMISSIONER CHRISTMANN: I'm trying to think of a gotcha question, but --

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. No. Seriously, I know the work that you do at the transmission authority. And can you just elaborate a little bit on going back to what was termed as Storm Uri in 2021 and then there was the

late December 2022 incident as far as -- just kind of describe much better -- because I know you can do it much better than I could -- kind of some of the scares that we have had for serving North Dakota consumers over the years that this would help alleviate.

A. Yeah. Chairman Christmann and Commissioners, the -- like I mentioned earlier and I think this is where you're going, Commissioner Christmann, but we're part of a large grid. So if there's congestion or a breakdown somewhere other than in North Dakota or a great demand and -- or generation that's not able to run, like in the case of Uri gas generation freezing up and so forth, that impacts the amount of power put into the grid. And there -- there is a plan or there is requirements to have excess capacity beyond your generation depending on the season, how much reserve you need to have in place.

But in the case of Uri, that was missed or there wasn't enough power supply to keep the lights on everywhere. And even though that didn't happen in North Dakota, we are part of a larger grid and it required that there was some curtailment for 15 minutes, 20 minutes in that February day. So it

just emphasizes that we are not on our own.

Q. And when we were cutting it that close that we actually had the curtailments, which as you said were minimal, had something -- some accident happened that tripped one of our existing lines, the curtailments could have been huge; correct?

A. Right. And the curtailment -- Western Area Power Administration is the transmission operator for this region, and so they're the ones that flipped the switch. Right? But had they not done that and then the transmission system collapses and you have a blackout, it can take days and weeks to restart the system.

So that event of some minor, depending on whose house it was or whose business it was, those interruptions really saved the grid from collapsing.

COMMISSIONER CHRISTMANN: Okay. Thank you.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: Thank you.

EXAMINATION BY COMMISSIONER HAUGEN-HOFFART:

Q. Thank you for your testimony.

I do have a question for you. We talked

about the past, but I want to talk about studies. I know that there have been like the NERC reliability study that's been done and I know you -- there's a lot more of them that showed that -- the need for transmission. So based on any study or studies, how does this address those studies?

A. Chairman Christmann and Commissioners Hoffart and Kringstad, I think I understand your question, but -- so oftentimes when you look at these transmission and resource adequacy studies, you can -- if -- by increasing the amount of transmission capacity, you can reduce the need for generation because you can get the electrons from -- you don't have to have your generation so local.

I don't know where I'm going with that, but transmission solves grid reliability issues and it also presents the opportunity to move electrons from farther away, a longer distance.

Q. Have -- on the transmission authority, have you guys done any studies on reliability?

A. We've -- Commissioner Haugen-Hoffart, we have done studies on the impact of the greenhouse gas ruling from last year and also the MATS ruling,

and so those studies were really geared towards grid reliability from a generation resource adequacy perspective. So if -- the Biden administration's mission to increase regulations for greenhouse gas or shut down coal, what impact would that have on grid reliability.

And I don't have those right in front of me, but in -- by 2026 and 2029, we were going to be relying on inter -- intermittent generation resources to -- to keep the lights on.

COMMISSIONER HAUGEN-HOFFART: Okay. Thank you. I have no further questions.

JUDGE HOGAN: All right. Well, thank you.

MR. VIGESAA: Thank you.

JUDGE HOGAN: Is there anybody else that would like to provide public testimony? Come on up.

I'll have you start by stating your full name for the record and if you could spell your last name.

MR. PETERSON: Dana Peterson, P-e-t-e-r-s-o-n.

JUDGE HOGAN: And, Mr. Peterson, did you hear me go through the penalties for perjury earlier today?

MR. PETERSON: Yes, I did.

JUDGE HOGAN: And do you understand what perjury is?

MR. PETERSON: Yes, I do.

(Witness sworn.)

DANA PETERSON,

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

STATEMENT

BY MR. PETERSON:

MR. PETERSON: Okay. First thing I want to bring up is I represent -- or I rent the land from a family that is absolutely against this and does not want it on their land so that you know that there is at least one group. And there are other people that don't want it on their land but I guess have gone with it or however you want to word that.

I guess some of the questions I have is they always tell us that everyone's supposed to get the same amount of money per acre. How do we know? You know, there was people that signed up right away. Are they going to get -- if they signed for 5,000 or whatever the number was per acre, are they going to get the same money per acre as the people

that -- like us who are fighting and now they're -- they're saying it's up to $10,000 an acre? Just a question. We don't know. We're just believing what somebody says; right? So I don't know if that's public knowledge or what they do, you know, just to protect everybody so that they all do get the same amount of money.

And then -- I'm trying to figure out how to word this. How does it work for people like this family and myself who are against it? You know, we spend the extra time, Basin spends the extra time and money fighting us, we'll say. Does that come out of the price per acre on this per tower, per acre or whatever on this deal?

And then they say that there's 93 -- 90 to 93 percent of the people have signed up or agreed with this. How do we know? Is that public information again? You know, so that -- are we the last group, the last four or five people that are against this?

And then another question is why did they choose the Leland Olds plant? You know, I know they stuck a bunch of money into it, whether it was millions or billions, to make it work when it seems rather inefficient to me because I'm from that area

originally and, you know, there's never been any real coal there for a long time so it's all shipped in. Seems very inefficient. How is that going to work for the future? If there's more demand out there, do you keep pumping stuff into this same old plant? Wouldn't it make more sense and -- I question everything. Sorry.

So the consumption that's on the other end, how do we really know it's -- you know, are you going to throw out this huge line of amperage or whatever you want to call it hoping that the construction and the oil field keeps growing, or is this just a -- I know it's not a waste of time or money. They wouldn't do that, but what's the real end goal for this? They say it's going to the substation. Is there already enough demand for something this big to go on?

And then for one other guy that I do rent their land, when they talk about de-compacting the soil, how deep do you go? And I don't think one year of weed control is really enough. Some of these weeds that they'll churn up have been there for a long time. Some weeds stay in soil for 20 years. You know, are they going to churn that up and cause us more issues? How do we know?

So I guess that's probably a bunch of questions at one time.

JUDGE HOGAN: All right. And as I mentioned earlier, you know, this process isn't necessarily for the Commission to answer questions --

MR. PETERSON: Right.

JUDGE HOGAN: -- from the public. Perhaps -- I don't want to put them out there, but perhaps some of the Basin representatives could address those after the hearing today.

MR. PETERSON: Okay.

JUDGE HOGAN: But I think it's noteworthy to note those as concerns that you have regarding this matter, so thank you.

Ms. Olson, any questions?

MS. OLSON: Yes, Your Honor.

EXAMINATION

BY MS. OLSON:

Q. Mr. Peterson, who are you a tenant for?

A. It would be Don Bergeson, Wade Bergeson, Vaughan Bergeson and Elizabeth Luft.

MS. OLSON: Thank you. That's all the questions I have.

JUDGE HOGAN: Mr. Johnson, any questions?

MR. JOHNSON: No, Your Honor.

JUDGE HOGAN: Mr. Hanson?

MR. HANSON: No, Your Honor.

JUDGE HOGAN: Commissioner Kringstad?

COMMISSIONER KRINGSTAD: Thank you.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. Thank you, Mr. Peterson, for being here today. I appreciate your testimony.

My question was just do you happen to have the legal description of the areas that you're talking about, like township and range, by chance?

A. Yeah. It would be the -- oh, boy, it goes across Section 18, 19, 20 of 156 -- what is it, 151?

MR. KLEYER: I'm looking, too, right now. 150-85.

MR. PETERSON: 150-85. There we go. Thanks.

COMMISSIONER KRINGSTAD: No further questions. Thank you.

JUDGE HOGAN: Commissioner Christmann.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. Dana, did -- were you here for the -- kind

of the discussion I had with one of the Basin representatives to just clarify how that whole regional transmission or SPP in this case -- how their -- their process takes place with developing these plans? Did you hear that --

A. Mm-hmm.

Q. -- discussion?

And so that was meant as hopefully as good an answer as we can provide because, I mean, it's not our job to --

A. Mm-hmm.

Q. -- justify projects and such, but the reason I brought that up was kind of as an early answer to your questions about like, well, what about this plant and is it needed and such. That's where that planning process starts, and that's just a direction our nation took in the '90s and early 2000s to kind of organize the transmission system.

A. Mm-hmm. I just know that the world --

Q. That's where it gets --

A. Yeah. The world is against coal right now, so -- you know, and we've got natural gas now. We -- the state of North Dakota has natural gas up in that area, the Tioga/Williston. Wouldn't it make more sense to build plants up there? You

know, because my opinion is they're going to shut down most of this coal. It's better now than it was the last four years, but, you know.

JUDGE HOGAN: Any other questions?

COMMISSIONER CHRISTMANN: I have nothing else.

JUDGE HOGAN: Commissioner Haugen-Hoffart?

COMMISSIONER HAUGEN-HOFFART: I have no questions, but thank you so much for your testimony here.

JUDGE HOGAN: All right. Thank you, Mr. Peterson.

Do we have anybody else that wishes to provide public testimony? Last chance.

All right. Seeing none, that will conclude the public testimony portion of our hearing.

As -- as has been mentioned previously, this is the first of two hearings on this case, so before we conclude today, I'll just ask if there's any other items we need to address.

Ms. Olson, did you have anything?

MS. OLSON: No, Your Honor.

JUDGE HOGAN: Mr. Johnson?

MR. JOHNSON: I guess I'd just note that

I've got an outstanding request with Mr. Braaten to get a location for part of their issue. I'll continue to work with them between hearings to get that taken care of, so --

JUDGE HOGAN: All right. And, Mr. Braaten, any other matters you want to address before we conclude?

MR. BRAATEN: No, Your Honor.

JUDGE HOGAN: All right. So we will move to closing remarks from the commissioners.

Commissioner Kringstad.

COMMISSIONER KRINGSTAD: Thank you to everyone for coming today. I appreciated the company's very in-depth informative presentation and also for everyone who came and provided public testimony.

So thank you.

JUDGE HOGAN: Commissioner Christmann.

COMMISSIONER CHRISTMANN: Also appreciate the public that sat through and learned more about what is being proposed for -- for your area.

And I do want to kind of commend landowners in this area because being from across the river where there's been a lot of energy development as well, I know it gets fatiguing for

landowners. And watching this through the SPP process and knowing this was coming for a long time and also having watched some of the other proposed developments, especially in McLean County in recent years, I expected probably a whole lot of public testimony today. And clearly landowners here are working together and yet taking reasonable approaches, if -- if that conclusion can be drawn by the lack of -- of other outside testimony today.

And with the -- the level of landowner fatigue that has been here with energy development over the years, the fact that people are still working together and -- and willing to accommodate what's necessary in exchange for fair treatment -- hopefully that's the case -- hopefully I'm reading the right things into this -- hats off to the people of this area for -- for that.

And maybe we'll hear more at the next hearing. Maybe today was just an off day and lots of people are planning to come to the next hearing. But certainly a sign that we have a lot of very open-minded landowners in the area.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: Thank you.

Like the other two commissioners, I do

appreciate looking out and seeing people here who are very interested in a project, willing to sit through testimony but learn, and I do appreciate that. Thank you for sitting through lunch, too, that we pushed through.

So I'm just going to wish you all the best and enjoy your lunch.

JUDGE HOGAN: All right. Thank you.

I will note for the record it's 12:54 p.m., and we will stand in recess in Case Number PU-24-361.

(Recessed at 12:55 p.m. on Wednesday, the 26th day of February, 2025.)

CERTIFICATE OF COURT REPORTER

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

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

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

Dated at Bismarck, North Dakota, this 7th day of March, 2025.

_____
Stephanie A. Smith
Registered Professional Reporter

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$10,000 [2] - 17:14, 137:2
$360 [1] - 22:19

'

'90s [1] - 141:17

0

01 [1] - 90:12

1

1 [9] - 7:21, 20:8, 21:24, 70:22, 85:19, 86:21, 112:3, 112:6, 112:9
1,000-foot [1] - 85:2
1,200 [1] - 80:18
1,200-foot [1] - 30:8
1,822 [1] - 86:9
1-10 [1] - 5:18
1-141 [1] - 1:13
1.25 [1] - 39:8
1.4 [1] - 91:11
1.54 [1] - 85:14
1.72 [1] - 38:23
10 [7] - 3:5, 6:6, 14:22, 85:4, 88:3, 90:18, 95:8
100 [2] - 2:19, 37:22
101 [1] - 4:13
104 [1] - 4:15
107 [1] - 4:18
109 [1] - 2:20
10:00 [1] - 6:2
11 [5] - 3:7, 21:18, 33:1, 56:18, 104:11
11-mile [1] - 22:4
11.4-mile [1] - 115:4
11.69 [1] - 86:21
115 [3] - 20:21, 32:24, 44:16
115-kilovolt [1] - 114:24
115-kV [14] - 21:8, 21:20, 22:9, 23:22, 24:3, 24:9, 24:11, 24:15, 32:13, 35:1, 35:2, 50:2, 66:24, 67:18
119 [2] - 4:19, 46:23
11:16 [1] - 69:13
11:25 [1] - 69:12
11:26 [1] - 69:14
12 [2] - 55:1, 79:8
121 [1] - 4:20
125 [1] - 4:21
12:54 [1] - 145:10
12:55 [1] - 145:12
13 [2] - 14:19, 91:25
13-foot [1] - 55:1
130 [2] - 5:5, 37:20
131 [1] - 5:6
133 [1] - 5:8
136 [1] - 5:11
139 [1] - 5:12
14 [2] - 5:18, 88:3
14-day [1] - 105:1
14.6 [1] - 14:4
140 [3] - 5:13, 5:14, 37:21
142 [1] - 3:8
143 [2] - 3:9, 3:10
144 [1] - 3:12
146 [1] - 3:15
148 [1] - 30:3
15 [4] - 88:23, 101:16, 132:25
150 [2] - 33:9, 33:23
150-85 [2] - 140:17, 140:18
150-foot-wide [1] - 23:8
151 [1] - 140:15
153 [3] - 114:15, 114:16, 115:9
155 [1] - 115:24
156 [1] - 140:14
16 [1] - 108:10
160-acre [1] - 123:9
162 [4] - 13:14, 14:1, 58:6, 60:3
162-mile [2] - 7:11, 27:25
1717 [2] - 2:7, 18:7
18 [4] - 3:19, 101:13, 101:15, 140:14
19 [3] - 18:22, 46:24, 140:14
195 [1] - 37:22

2

2 [5] - 8:1, 24:1, 113:3, 113:6, 123:2
20 [3] - 132:25, 138:24, 140:14
20-mile [1] - 53:9
200 [1] - 34:5
2000s [1] - 141:18
2002 [1] - 84:2
2005 [1] - 18:20
2008 [1] - 61:25
2009 [1] - 62:2
2021 [10] - 48:11, 66:14, 66:16, 66:18, 66:20, 67:8, 74:5, 75:6, 75:16, 131:25
2022 [6] - 46:1, 48:25, 67:8, 108:18, 110:3, 132:1
2023 [4] - 30:18, 62:5, 79:10, 110:6
2024 [2] - 94:9, 94:21
2025 [6] - 1:18, 6:3, 6:6, 6:10, 145:13, 146:14
2026 [2] - 22:16, 135:8
2029 [1] - 135:8
210652 [2] - 67:10, 67:11
22 [1] - 54:24
223 [1] - 38:11
225 [1] - 38:9
23 [1] - 85:6
230-kV [8] - 20:20, 21:15, 28:16, 29:8, 29:12, 31:22, 51:17, 112:24
25 [2] - 37:10, 88:3
250 [1] - 34:3
26 [3] - 1:18, 6:6, 39:3
26th [2] - 6:3, 145:13
27 [1] - 54:25
270 [5] - 54:5, 60:2, 60:4, 110:8, 126:14
285 [1] - 83:25

3

3 [10] - 8:4, 20:2, 28:8, 28:9, 28:10, 30:25, 38:15, 43:10, 113:25, 114:2
3,561 [1] - 86:11
30 [4] - 6:10, 22:15, 39:5, 101:15
30-month [1] - 75:10
31 [1] - 85:19
32.3 [1] - 115:13
32.5 [1] - 14:3
320s [1] - 123:10
34 [1] - 86:9
345 [4] - 21:15, 21:19, 23:8, 71:5
345-kilovolt [2] - 7:11, 7:15
345-kV [20] - 14:1, 14:2, 20:13, 20:19, 20:24, 22:8, 24:6, 31:11, 31:16, 32:24, 33:8, 34:9, 36:23, 66:22, 67:3, 67:4, 67:5, 111:22, 112:10, 113:8
345/115 [1] - 49:21
345/115-kV [1] - 34:25
345/230-kV [1] - 28:11
345kV [1] - 1:6
35 [1] - 55:3
36 [1] - 39:13
37 [2] - 39:13, 114:2
377 [1] - 27:25
377-475 [2] - 113:4, 114:1
378-057 [2] - 114:1, 115:12

4

4 [6] - 32:8, 38:11, 44:5, 96:17, 115:11, 115:13
4-foot [1] - 39:4
40 [2] - 21:11, 112:25
404 [2] - 90:19, 95:9
408 [1] - 2:12
42 [1] - 112:9
43 [1] - 3:20
436-041 [1] - 82:9
436-214 [1] - 90:5
436-215 [1] - 90:5
436-222 [1] - 90:5
436-236 [3] - 112:8, 113:4, 113:7
46 [1] - 3:21
49 [1] - 27:22
49.8 [1] - 113:6

5

5 [2] - 36:20, 108:11
5,000 [1] - 136:24
50 [4] - 3:23, 80:13, 91:22, 91:25
500 [2] - 82:6, 82:24
500-foot [2] - 29:1, 99:20
500-meter [2] - 87:16, 87:19
53 [2] - 38:14, 81:12
583 [1] - 14:5
58501 [1] - 2:20
58503 [1] - 2:8
58505 [1] - 2:13
59 [1] - 3:24

6

6 [3] - 3:4, 37:4, 39:10
600 [2] - 2:13, 30:9
605 [1] - 38:8
61 [2] - 4:4, 86:19
62 [1] - 85:13
65 [1] - 39:15
66 [1] - 86:11
69 [2] - 4:5, 46:24
6th [1] - 12:24

7

7 [2] - 39:10, 66:21
7-and-a-half-mile [1] - 114:14
70 [1] - 39:15
700 [4] - 25:2, 50:23, 53:25, 126:12
72 [1] - 4:6
74 [1] - 4:7
75 [2] - 43:21, 83:21
78 [1] - 4:10
7th [1] - 146:13

8

8 [2] - 67:12, 108:10
8-foot [1] - 54:23
88 [1] - 1:17
89 [1] - 114:15

9

9 [6] - 14:20, 18:21, 56:18, 111:19, 111:22, 112:3
90 [4] - 54:8, 114:16, 126:14, 137:15
90-degree [2] - 35:17, 54:25
900 [2] - 54:2, 126:12
911 [1] - 41:18
92 [1] - 115:9
93 [7] - 54:9, 60:1, 60:2, 110:8, 119:23, 137:15, 137:16
94 [1] - 115:24
95 [1] - 83:21
98 [1] - 4:11
99 [1] - 4:12

A

a.m [4] - 6:2, 6:6, 69:13, 69:14
abandoned [1] - 93:3
abide [1] - 113:17
abiding [1] - 124:5
ability [2] - 31:9, 91:21
able [8] - 32:21, 32:22, 34:19, 41:7, 43:20, 104:20, 123:18, 132:13
absence [3] - 85:22, 88:8, 88:25
absolutely [1] - 136:13
acceptable [1] - 117:10
access [15] - 40:8, 51:9, 55:6, 58:2, 58:15, 59:2, 87:4, 87:20, 87:24, 99:17, 113:12, 123:4, 123:6, 123:18
accessible [1] - 27:2
accident [1] - 133:4
accommodate [9] - 31:9, 34:20, 38:13, 38:17, 51:18, 58:20, 111:15, 114:17, 144:13
accommodation [1] - 48:1
accommodations [2] - 49:17, 111:11
accomplish [1] - 121:8
accomplished [1] - 115:22
accordance [3] - 63:25, 80:2, 91:13
according [2] - 95:23, 117:21
account [1] - 53:21
accurate [1] - 146:10
achieve [2] - 35:14, 109:7
achieved [1] - 51:4
acquired [1] - 110:8
acquiring [3] - 50:6, 109:8, 110:6
acquisition [7] - 19:11, 60:2, 96:22, 100:7, 108:4, 108:12, 109:18
acquisitions [1] - 119:22
acre [6] - 136:21, 136:24, 136:25, 137:2, 137:13, 137:14
acres [5] - 85:4, 85:14, 86:21, 90:12, 91:11
Act [2] - 80:4, 81:1
action [1] - 89:4
actions [1] - 42:1
active [1] - 85:19
activities [13] - 39:18, 51:23, 81:10, 85:18, 85:20, 87:7, 87:21, 88:24, 91:2, 93:13, 109:21, 118:4, 118:18
activity [4] - 55:22, 84:9, 108:25, 118:10
add [2] - 29:23, 35:5
added [3] - 29:18, 73:24, 108:22
adding [1] - 73:16
addition [7] - 24:13, 27:21, 56:19, 58:12, 67:14, 76:9, 87:13
additional [13] - 31:3, 56:16, 58:25, 66:22, 67:16, 71:22, 88:15, 94:1, 100:7, 101:1, 105:21, 106:10, 106:18
additionally [2] - 65:13, 68:1
address [15] - 9:2, 16:5, 16:15, 18:6, 83:5, 105:3, 110:17, 110:20, 111:8, 118:1, 119:3, 134:6, 139:11, 142:21, 143:6
addressed [4] - 80:21, 114:13, 117:7, 118:5
addresses [1] - 41:18
addressing [1] - 117:8
adds [1] - 39:4
adequacy [2] - 134:11, 135:3
adequate [1] - 63:6
adhere [1] - 25:16
adjacent [5] - 29:10, 34:9, 43:22, 44:23, 45:7
adjusted [2] - 37:15, 88:4
adjustment [1] - 111:3
adjustments [6] - 27:10, 90:10, 111:7, 125:15, 125:18, 126:6
Administration [1] - 133:8
administration's [1] - 135:4
ADMINISTRATIVE [1] - 1:22
administrative [2] - 6:13, 104:18
Administrative [1] - 6:14
admissibility [1] - 16:5
admission [3] - 15:10, 15:13, 16:1
adults [1] - 84:2
adverse [7] - 7:23, 8:6, 42:10, 89:17, 97:12, 118:22, 118:25
adversely [1] - 97:17
advise [1] - 17:11
affect [3] - 38:1, 61:15, 61:17
afternoon [3] - 106:25, 129:4, 129:5
ag [1] - 12:3
agencies [8] - 41:14, 94:5, 94:12, 95:21, 96:4, 98:5, 104:12, 117:16
agency [5] - 94:3, 94:8, 95:22, 98:6, 98:10
Agency [1] - 116:24
agent [2] - 30:22, 57:17
agents [2] - 108:23, 109:1
aging [3] - 34:11, 72:4, 72:8
ago [3] - 34:10, 48:4, 103:5
agree [1] - 128:24
agreed [2] - 87:13, 137:16
agreements [1] - 27:17
agricultural [2] - 113:21, 123:7
ahead [7] - 17:20, 19:2, 61:1, 78:13, 107:15, 121:7, 129:20
aimed [1] - 13:24
Air [5] - 30:5, 30:10, 95:13, 95:15, 95:17
alignment [5] - 22:25, 23:1, 44:5, 51:19, 52:1
alleviate [1] - 132:6
allow [2] - 112:22, 123:14
allowable [1] - 11:15
allowed [2] - 9:14, 113:20
allowing [1] - 116:2
alternate [2] - 112:4, 114:6
alternative [4] - 53:25, 67:6, 80:14, 81:14
alternatives [4] - 26:15, 50:5, 52:13, 81:24
aluminum [1] - 38:21
American [1] - 63:25
amount [8] - 53:14, 58:1, 68:3, 122:7, 132:15, 134:12, 136:21, 137:7
amperage [1] - 138:10
analysis [13] - 62:24, 79:17, 83:3, 83:19, 84:20, 84:23, 86:2, 86:3, 88:11, 89:10, 89:19, 91:4, 92:1
analyze [1] - 36:5
angle [3] - 35:16, 35:17, 112:7
angled [2] - 115:9, 115:23
angles [3] - 35:23, 36:6, 38:2
annual [2] - 64:5, 65:14
annually [1] - 65:17
answer [8] - 15:7, 20:7, 49:9, 71:25, 74:21, 139:5, 141:9, 141:14
answering [1] - 76:15
Antelope [6] - 71:4, 71:6, 71:7, 72:3, 72:6, 76:21
anticipate [1] - 45:11
anticipated [5] - 89:18, 90:11, 91:10, 101:10, 104:22
APLIC [2] - 84:16, 89:7
apologize [1] - 71:1
appearance [4] - 8:12, 8:14, 9:10, 9:18
appeared [1] - 99:21
appearing [1] - 9:20
Appendix [3] - 80:22, 82:25, 106:4
APPLICANT [1] - 2:9
applicant [1] - 81:22
APPLICANT'S [2] - 3:17, 5:16
application [24] - 7:8, 7:9, 13:13, 13:14, 14:10, 14:17, 14:21, 19:14, 62:15, 79:20, 80:23, 82:7, 83:1, 90:8, 94:10, 94:19, 95:4, 95:10, 96:20, 96:21, 104:14, 105:8, 106:4, 109:13
Application [1] - 1:7
applications [2] - 96:11, 96:14
applied [4] - 102:1, 102:4, 102:8, 102:9
applies [1] - 62:22
apply [1] - 51:7
appreciate [6] - 10:23, 130:6, 140:9, 143:19, 145:1, 145:3
appreciated [3] - 100:4, 130:8, 143:13
appreciates [1] - 123:20
approach [1] - 125:24
approaches [1] - 144:8
appropriate [1] - 81:17
approval [10] - 30:14, 48:23, 91:20, 102:25, 103:12, 103:16, 103:18, 104:14, 104:17, 105:14
approvals [4] - 96:12, 96:23,

97:1, 101:24
approve [2] - 82:14, 102:15
approved [7] - 13:20, 30:17, 46:1, 49:4, 96:19, 103:1, 104:2
approximate [2] - 114:14, 115:4
April [2] - 62:5, 88:23
archeological [6] - 82:2, 82:16, 92:21, 92:22, 92:24, 93:2
Archeological [1] - 92:8
architectural [2] - 92:23, 93:5
Area [1] - 133:8
area [58] - 23:3, 27:16, 28:17, 28:24, 30:24, 38:18, 40:2, 43:20, 43:25, 44:4, 45:8, 46:19, 47:7, 49:8, 49:10, 49:12, 53:5, 55:13, 56:4, 58:23, 63:13, 65:16, 65:17, 65:19, 66:19, 67:16, 71:19, 80:7, 80:8, 80:9, 80:11, 80:17, 81:6, 81:19, 81:20, 82:10, 83:11, 83:23, 84:10, 93:11, 95:19, 97:15, 98:18, 99:10, 100:22, 112:18, 113:18, 117:24, 123:5, 123:6, 124:11, 137:25, 141:24, 143:21, 143:23, 144:17, 144:22
areas [41] - 21:10, 26:3, 26:14, 26:18, 30:16, 40:7, 40:11, 43:24, 51:8, 51:10, 57:5, 58:10, 58:16, 58:18, 58:19, 73:4, 80:16, 81:8, 82:1, 82:13, 82:15, 87:8, 87:9, 87:12, 87:25, 88:1, 90:22, 91:1, 91:22, 92:14, 97:16, 99:11, 99:16, 100:18, 102:12, 112:21, 115:20, 116:22, 117:11, 140:11
arise [1] - 66:13
arms [2] - 37:1, 37:2
Army [6] - 44:24, 45:3, 90:17, 95:6, 95:8, 105:11
assemble [1] - 40:21
assess [2] - 92:11, 93:24
assesses [1] - 64:6
assessment [6] - 9:3, 65:15, 66:20, 79:1, 86:4, 86:8
assessments [3] - 63:19, 92:5, 92:17
assigned [3] - 6:12, 23:14, 32:13
assignments [1] - 24:14
assist [1] - 109:1
assisted [2] - 108:13, 115:15
assisting [1] - 108:4
associated [2] - 34:7, 118:4
assume [1] - 103:9
assumed [1] - 75:17
assuming [2] - 15:25, 98:18
assumptions [2] - 64:25, 76:11
assure [2] - 10:11, 10:12
attempted [1] - 110:2
attendance [1] - 6:23
attended [1] - 7:2
attending [1] - 14:16
attention [1] - 28:15
Attorneys [1] - 2:19
Audubon [4] - 20:15, 28:13, 30:20, 94:18
August [2] - 88:23, 94:19
authority [2] - 131:23, 134:21
Authority [1] - 129:7
authorization [1] - 48:21
available [3] - 36:21, 58:1, 124:6
Avenue [4] - 1:17, 2:7, 2:13, 18:7
average [1] - 37:19
Avian [1] - 84:15
avoid [9] - 26:18, 82:18, 88:6, 89:24, 97:15, 101:6, 111:16, 112:19, 113:20
avoidable [1] - 35:24
avoidance [15] - 25:17, 25:19, 40:7, 50:8, 81:19, 81:20, 81:25, 82:15, 82:22, 87:17, 93:25, 105:21, 106:11, 112:21, 115:20
avoided [1] - 99:18
avoiding [5] - 27:4, 27:24, 57:9, 87:12, 114:8
avoids [3] - 90:3, 115:17
AVS [3] - 71:4, 71:15, 71:21
aware [4] - 101:3, 106:12, 124:9, 124:16

B

bachelor [1] - 79:5
bachelor's [1] - 61:23
background [5] - 18:17, 28:16, 61:20, 79:4, 108:8
Bakken [4] - 65:16, 65:19, 66:19, 131:3
balance [4] - 25:8, 64:13, 70:1, 70:5
balanced [1] - 114:7
ballistic [1] - 80:19
Bartelson [1] - 9:21
Base [2] - 30:6, 30:10
based [19] - 12:8, 33:12, 37:15, 42:8, 42:13, 42:17, 52:9, 52:10, 68:25, 70:10, 88:4, 97:10, 97:18, 113:22, 117:4, 118:20, 125:18, 134:5
basin [1] - 82:23
Basin [119] - 1:6, 2:6, 7:9, 8:17, 13:19, 14:19, 15:15, 15:19, 18:6, 18:9, 18:21, 19:14, 19:22, 19:23, 19:25, 21:25, 22:2, 22:3, 22:5, 22:7, 22:10, 23:14, 24:1, 25:4, 27:12, 29:6, 31:1, 32:9, 33:7, 34:15, 35:9, 36:22, 37:5, 38:19, 39:3, 40:6, 41:9, 41:20, 48:23, 49:15, 49:23, 53:12, 56:19, 61:11, 61:12, 61:15, 61:17, 62:1, 62:9, 62:15, 62:23, 63:10, 63:13, 64:19, 64:22, 65:6, 65:13, 66:2, 67:10, 68:10, 73:10, 73:15, 78:21, 78:23, 79:9, 79:17, 79:20, 81:17, 83:7, 83:18, 84:20, 85:16, 86:1, 87:1, 87:10, 87:13, 88:10, 89:9, 90:13, 90:16, 91:16, 91:21, 91:23, 92:7, 94:11, 94:18, 95:14, 96:1, 96:10, 97:4, 97:14, 102:21, 106:10, 107:25, 108:1, 108:17, 109:5, 109:13, 109:18, 111:4, 111:7, 111:9, 111:24, 112:5, 112:15, 115:1, 116:5, 116:14, 116:16, 116:18, 117:16, 117:22, 118:1, 118:7, 118:16, 119:2, 137:11, 139:10, 141:1
Basin's [5] - 10:8, 32:24, 41:22, 42:4, 126:8
basis [1] - 116:12
basket [1] - 71:21
bat [9] - 83:15, 84:19, 84:21, 85:1, 85:5, 85:7, 85:11, 85:15, 85:18
bats [1] - 85:8
become [1] - 45:22
becoming [2] - 46:6, 108:17
beeps [1] - 6:21
BEFORE [1] - 1:22
began [3] - 24:22, 110:3, 110:6
begin [7] - 6:18, 26:15, 97:1, 120:13, 120:14, 120:18, 123:6
beginning [1] - 112:2
begins [1] - 121:6
begun [1] - 87:25
behalf [3] - 9:21, 56:19, 63:9
behind [1] - 71:3
benefit [4] - 70:11, 70:12, 70:14, 130:21
benefit-to-cost [2] - 70:11, 70:14
benefits [9] - 21:1, 21:3, 29:13, 31:3, 66:12, 67:2, 67:13, 67:16, 71:23
Bergeson [3] - 139:21, 139:22
best [9] - 11:24, 12:1, 12:22, 25:22, 46:10, 58:7, 58:15, 65:12, 145:6
better [4] - 44:20, 132:2, 132:3, 142:2
between [12] - 21:9, 22:5, 29:2, 39:23, 49:10, 64:13, 67:4, 70:1, 88:3, 121:3, 123:4, 143:3
beyond [3] - 33:22, 121:17, 132:17
bid [1] - 36:12
Biden [1] - 135:3
big [4] - 49:18, 71:2, 73:12, 138:17
billion [1] - 14:6
billions [1] - 137:24
birds [1] - 89:1
Bismarck [6] - 2:8, 2:13, 2:20, 18:7, 19:25, 146:13
bit [8] - 13:21, 28:6, 29:17, 55:25, 70:20, 73:4, 74:12, 131:24
black [1] - 24:4
blackout [1] - 133:12
blue [2] - 20:19, 28:15
board [3] - 48:22, 48:23, 102:24
boards [1] - 103:15
Bobby [7] - 8:20, 16:25, 17:8, 18:5, 72:5, 98:13, 112:20
BOBBY [2] - 3:18, 17:22
bodies [4] - 89:20, 89:25, 90:15, 90:24
borings [1] - 54:18
Boulevard [1] - 2:13
boundaries [1] - 100:13
box [1] - 7:3
boy [1] - 140:13
BRAATEN [8] - 2:17, 9:19, 10:5, 15:4, 15:17, 15:24, 16:21, 143:8
Braaten [10] - 2:18, 9:17, 9:20, 9:22, 10:2, 15:3, 16:20, 143:1, 143:6
break [5] - 11:7, 11:10, 69:11, 127:19, 128:1
breakdown [1] - 132:11
breakers [2] - 45:23, 45:25
breaks [2] - 10:17, 51:12

Brian [1] - 9:12
BRIAN [1] - 2:11
briefly [3] - 89:22, 91:7, 92:4
bring [3] - 39:22, 56:21, 136:12
bringing [1] - 58:22
broad [1] - 125:21
brochures [1] - 49:7
brought [3] - 71:21, 117:7, 141:13
budget [2] - 19:8, 50:14
buffer [8] - 39:4, 82:19, 85:2, 87:14, 87:16, 87:17, 87:19, 87:23
build [11] - 29:9, 32:22, 35:22, 43:17, 47:22, 51:16, 51:23, 52:1, 52:20, 66:9, 141:25
building [4] - 24:15, 56:3, 65:1, 65:2
built [2] - 68:7, 70:17
bunch [2] - 137:23, 139:1
Bureau [2] - 94:14, 94:16
business [1] - 133:15
BY [25] - 18:2, 43:8, 46:16, 50:22, 59:24, 61:7, 69:23, 72:15, 74:19, 78:18, 98:2, 99:7, 101:22, 104:9, 107:21, 119:16, 121:23, 125:2, 130:2, 131:21, 133:23, 136:10, 139:19, 140:7, 140:24

C

cafe [1] - 12:9
Canal [1] - 94:17
cannot [5] - 80:12, 85:21, 88:6, 122:24
capability [1] - 67:18
capable [1] - 31:15
capacity [4] - 68:13, 69:5, 132:17, 134:13
carbon [1] - 38:22
care [1] - 143:4
carry [1] - 98:19
Case [3] - 1:4, 6:10, 145:10
case [22] - 10:2, 13:18, 14:9, 31:18, 32:22, 33:16, 37:7, 39:7, 39:8, 50:14, 55:10, 66:2, 73:10, 82:11, 103:9, 123:12, 128:6, 132:13, 132:20, 141:3, 142:19, 144:15
cases [6] - 13:19, 13:23, 25:23, 35:24, 52:12, 55:3
categories [1] - 86:6
caused [1] - 118:17
causing [1] - 71:12
cell [2] - 6:19, 6:20
center [3] - 71:2, 75:17, 80:18
centerline [3] - 23:1, 58:8, 58:11
centers [2] - 75:4, 75:15
Central [1] - 27:20
certainly [3] - 51:8, 75:15, 144:21
CERTIFICATE [2] - 3:14, 146:1
certificate [2] - 7:10, 102:16
Certificate [1] - 3:15
certified [1] - 116:10
CERTIFY [2] - 146:5, 146:9
chain [1] - 45:11
chair [1] - 128:10
Chair [1] - 2:3
chairman [2] - 132:7, 134:8
Chairman [2] - 130:3, 130:9
challenge [6] - 45:22, 46:6, 53:8, 59:3, 59:6, 115:20
challenges [2] - 26:6, 113:11
challenging [1] - 58:18
chance [2] - 140:12, 142:14
change [1] - 104:18
changes [4] - 12:15, 31:24, 52:11, 128:7
characteristics [2] - 28:3, 32:5
Charlie [1] - 71:7
check [3] - 6:19, 7:3, 99:14
checking [1] - 102:3
choose [2] - 102:15, 137:22
chose [1] - 73:1
chosen [2] - 110:25, 116:1
Chris [1] - 9:13
CHRISTMANN [21] - 2:3, 11:2, 46:16, 50:15, 59:24, 60:5, 72:15, 74:7, 101:22, 104:4, 121:23, 124:19, 127:2, 127:20, 127:23, 131:18, 131:21, 133:18, 140:24, 142:5, 143:19
Christmann [15] - 11:1, 46:14, 59:22, 72:13, 101:20, 121:21, 130:4, 130:9, 131:17, 132:7, 132:10, 134:8, 140:22, 143:18
Christmann. [6] - 3:21, 4:6, 4:13, 4:20, 5:6, 5:14
Christmann..... [1] - 3:24
Christmann..... [2] - 3:7, 3:10
churn [2] - 138:22, 138:24
circle [1] - 93:1
circling [1] - 100:13
Circuit [1] - 28:11
circuit [49] - 21:14, 21:19, 21:21, 22:4, 22:8, 22:9, 24:8, 24:12, 24:20, 28:6, 28:23, 29:11, 30:20, 31:5, 31:8, 31:10, 32:1, 32:18, 32:23, 32:24, 32:25, 33:2, 36:18, 36:23, 37:6, 37:7, 37:9, 37:11, 37:21, 38:11, 38:15, 43:17, 44:3, 44:23, 45:8, 45:22, 45:25, 47:13, 49:25, 50:2, 51:15, 100:22, 112:22, 112:25, 113:8, 114:24, 115:3
circuited [3] - 47:18, 49:10, 49:12
circuiting [1] - 49:14
circuits [6] - 22:10, 35:3, 44:14, 44:18, 68:20, 70:19
circumstances [1] - 81:23
citizens [1] - 7:24
City [1] - 6:17
civil [4] - 18:10, 18:19, 18:22
Claire [1] - 129:5
CLAIRE [2] - 5:4, 129:21
clarified [1] - 124:20
clarify [3] - 82:7, 90:7, 141:2
class [2] - 23:7, 39:3
Class [7] - 17:13, 82:3, 82:4, 92:12, 92:13, 92:18
classified [1] - 115:21
clear [5] - 40:12, 91:22, 91:24, 104:10, 124:4
clearance [10] - 27:9, 31:11, 33:18, 39:2, 39:5, 39:14, 43:19, 45:5, 91:12
clearances [4] - 36:24, 37:16, 38:24, 51:22
clearing [5] - 40:10, 85:12, 85:16, 85:17, 85:20
clearly [1] - 144:6
close [4] - 20:24, 46:19, 51:19, 133:2
closely [1] - 64:22
closer [1] - 39:15
closest [1] - 84:1
closing [1] - 143:10
Closing [4] - 3:8, 3:9, 3:10, 3:11
co [1] - 115:2
co-ops [1] - 115:2
CO7 [1] - 30:4
CO8 [1] - 30:4
coal [9] - 68:2, 71:19, 76:25, 112:18, 131:1, 135:5, 138:2, 141:21, 142:2
cocounsel [1] - 9:22
Code [1] - 38:4
code [1] - 39:2
cold [1] - 71:16
collaborates [1] - 63:20
collaboration [1] - 49:20
collapse [1] - 67:25
collapses [1] - 133:12
collapsing [1] - 133:17
colleague [2] - 21:1, 25:18
combination [1] - 93:4
combining [2] - 49:24, 64:9
coming [7] - 10:23, 15:5, 23:18, 53:19, 101:23, 143:13, 144:2
commencing [1] - 6:2
commend [1] - 143:22
comment [3] - 104:25, 105:1, 105:2
comments [9] - 10:18, 10:22, 95:22, 101:13, 103:3, 103:21, 105:3, 110:18, 130:6
Comments [5] - 3:5, 3:6, 3:9, 3:10, 3:11
commercial [1] - 75:3
Commission [19] - 2:11, 6:9, 6:15, 6:24, 9:10, 10:11, 10:13, 30:15, 30:17, 32:20, 63:5, 80:20, 82:14, 93:17, 96:17, 127:8, 127:17, 128:19, 139:5
COMMISSION [2] - 1:3, 2:15
Commission's [7] - 25:16, 80:4, 81:6, 81:8, 91:17, 91:20, 117:21
COMMISSIONER [57] - 10:21, 11:2, 13:8, 43:6, 43:8, 46:11, 46:16, 50:15, 50:19, 50:22, 59:10, 59:24, 60:5, 69:21, 69:23, 72:10, 72:15, 74:7, 74:17, 74:19, 77:9, 99:5, 99:7, 101:17, 101:22, 104:4, 104:7, 104:9, 106:13, 119:14, 119:16, 121:19, 121:23, 124:19, 124:23, 125:2, 126:17, 127:2, 127:20, 127:22, 127:23, 131:16, 131:18, 131:21, 133:18, 133:21, 133:23, 135:11, 140:5, 140:7, 140:20, 140:24, 142:5, 142:8, 143:12, 143:19, 144:24
Commissioner [38] - 3:5, 3:6, 3:9, 3:10, 3:11, 3:20, 3:21, 3:22, 3:24, 4:5, 4:6, 4:7, 4:12, 4:13, 4:14, 4:19, 4:20, 4:21, 5:6, 5:7, 5:13, 5:14, 10:20, 43:5, 59:22, 69:20, 99:4, 119:13, 124:4, 131:15, 132:9, 134:23, 140:4, 140:22, 142:7, 143:11, 143:18, 144:23

commissioner [17] - 11:1, 13:7, 14:12, 46:14, 50:18, 59:21, 72:13, 74:16, 77:17, 101:20, 104:6, 106:21, 121:21, 124:22, 126:25, 131:17, 133:20
COMMISSIONERS [1] - 2:2
Commissioners [4] - 130:4, 131:4, 132:8, 134:8
commissioners [7] - 10:10, 10:14, 10:19, 43:1, 128:21, 143:10, 144:25
commitment [2] - 66:6
committed [1] - 85:17
Committee [1] - 84:15
commonly [1] - 22:7
communicate [2] - 11:18, 109:5
communicated [1] - 41:19
communications [2] - 9:7, 11:14
compacting [2] - 120:19, 138:19
compaction [3] - 117:6, 117:8, 120:19
companies [5] - 27:23, 73:1, 73:3, 73:9, 114:9
company [3] - 12:10, 12:19, 56:16
company's [1] - 143:14
compare [1] - 70:12
compared [1] - 53:10
compatibility [2] - 7:10, 95:2
compatible [3] - 8:2, 42:14, 97:19
compensate [1] - 118:7
competitive [2] - 63:7, 63:8
competitively [1] - 36:12
complaints [1] - 56:11
complete [12] - 22:15, 25:3, 32:2, 41:5, 41:21, 41:22, 44:7, 44:13, 59:5, 61:16, 86:18, 117:17
completed [6] - 34:17, 42:2, 71:11, 92:18, 102:23, 116:13
completing [1] - 25:8
completion [5] - 10:8, 31:22, 47:24, 116:6, 118:6
complexity [7] - 29:23, 34:13, 51:2, 51:3, 51:6, 51:14, 52:2
compliance [3] - 64:18, 79:1, 117:18
complication [1] - 30:2
comply [1] - 91:17
components [2] - 20:11, 21:4
composite [1] - 38:22
computer [1] - 61:23
concern [7] - 57:25, 68:21, 72:9, 72:16, 77:2, 88:22, 99:11
concerned [1] - 101:23
concerns [18] - 11:9, 44:25, 45:2, 56:7, 56:12, 57:11, 58:2, 58:20, 72:20, 83:5, 106:11, 110:21, 118:2, 119:3, 123:23, 125:16, 125:17, 139:14
concert [1] - 64:15
conclude [8] - 42:7, 66:17, 68:24, 97:9, 118:19, 142:16, 142:20, 143:7
concluded [2] - 85:6, 95:17
conclusion [1] - 144:8
concrete [6] - 54:14, 54:23, 55:17, 55:23, 57:1, 58:23
concurrence [1] - 93:18
conditional [4] - 96:6, 96:10, 102:17, 124:8
conditions [7] - 33:15, 39:6, 39:11, 39:12, 56:25, 57:1, 67:23
conducted [8] - 64:21, 85:21, 86:13, 88:8, 88:25, 92:5, 95:19, 97:14
conducting [1] - 85:17
conductor [15] - 31:16, 31:21, 33:14, 33:15, 33:17, 33:22, 37:1, 38:2, 38:19, 38:22, 38:23, 39:7, 39:9, 41:1, 45:17
conductors [1] - 45:19
configuration [3] - 24:5, 36:25, 37:9
confirmed [1] - 84:1
conflicts [2] - 27:24, 112:19
confused [1] - 47:15
congestion [9] - 28:18, 64:14, 68:17, 70:3, 71:12, 71:13, 71:15, 112:21, 132:11
connecting [1] - 66:4
connection [1] - 67:6
conservation [1] - 83:9
Conservation [2] - 116:23, 117:3
consider [6] - 13:13, 30:6, 30:12, 89:19, 91:4, 92:1
consideration [2] - 80:10, 93:8
considerations [1] - 79:25
considered [4] - 7:20, 10:13, 81:21, 112:5
consolidating [1] - 24:19
constituent [1] - 86:17
constraints [1] - 65:4
construct [8] - 27:2, 29:10, 48:20, 66:1, 66:5, 66:9, 67:9, 87:24
constructed [7] - 21:18, 24:6, 38:5, 44:11, 65:22, 68:15, 112:10
constructing [1] - 44:19
construction [79] - 7:21, 8:4, 8:22, 19:12, 19:20, 22:13, 26:25, 29:23, 29:24, 34:17, 35:10, 36:11, 39:17, 39:18, 39:22, 40:4, 40:16, 41:11, 41:14, 41:21, 41:25, 42:9, 47:23, 51:2, 51:6, 51:10, 51:23, 52:4, 55:24, 56:6, 56:9, 56:12, 56:17, 57:19, 57:21, 58:1, 59:1, 67:11, 68:15, 79:6, 81:10, 82:21, 84:8, 84:11, 87:7, 87:21, 87:25, 88:1, 88:7, 88:24, 91:2, 91:16, 93:13, 97:1, 97:7, 97:11, 101:5, 102:1, 102:9, 102:11, 103:16, 108:5, 108:14, 109:11, 109:20, 110:15, 116:7, 117:2, 117:24, 118:2, 118:6, 118:8, 118:10, 118:21, 119:4, 121:16, 138:12
construction's [1] - 41:22
consult [1] - 56:16
consultant [4] - 92:7, 101:14, 106:5, 108:24
consultants [1] - 79:18
Consultants [1] - 92:8
consultation [10] - 50:4, 83:12, 94:12, 94:13, 95:20, 96:3, 115:8, 115:23, 116:22, 121:7
consulted [5] - 53:12, 89:3, 92:9, 95:14, 118:11
consumers [3] - 20:3, 73:16, 132:5
consumption [1] - 138:8
Cont'd [2] - 4:1, 5:1
contact [5] - 57:16, 57:20, 110:2, 110:12, 125:12
contacted [6] - 30:10, 54:3, 84:13, 110:1, 110:13
contacting [2] - 48:7, 110:4
contacts [5] - 109:23, 109:24, 110:11, 110:14, 125:4
contain [4] - 33:14, 80:15, 81:25, 146:10
contained [1] - 86:16
contains [1] - 23:4
contents [4] - 19:13, 62:14, 79:19, 109:12
contingency [1] - 50:14
continue [13] - 45:24, 46:4, 57:18, 68:11, 87:11, 100:10, 110:15, 113:3, 113:25, 115:11, 118:16, 119:2, 143:3
continued [1] - 69:1
continues [3] - 64:17, 68:12, 113:7
continuing [5] - 8:7, 42:18, 114:3, 114:22, 127:21
CONTINUING [1] - 19:4
contract [1] - 52:4
contracted [1] - 108:23
contractor [11] - 39:25, 40:18, 41:5, 41:19, 42:3, 56:20, 56:22, 57:4, 116:10, 116:19, 116:25
contractors [2] - 39:20, 87:10
contracts [1] - 45:15
contributing [2] - 50:2, 75:2
control [5] - 73:11, 117:12, 117:15, 117:23, 138:21
controlling [1] - 39:7
convening [1] - 13:13
conventional [1] - 68:4
Conversion [1] - 80:3
cooperate [1] - 32:21
cooperation [2] - 23:20, 32:10
cooperative [1] - 19:24
Cooperative [11] - 1:6, 2:6, 7:9, 8:18, 18:6, 23:21, 27:19, 32:12, 61:11, 78:22, 107:25
Cooperative's [1] - 114:24
cooperatively [1] - 110:19
cooperatives [2] - 20:2, 76:4
coordinate [5] - 27:13, 46:8, 100:16, 121:8
coordinated [1] - 32:15
coordinates [2] - 41:13, 41:15
coordinating [4] - 19:9, 44:24, 52:4, 115:3
coordination [8] - 18:12, 27:16, 32:11, 56:22, 79:16, 94:3, 108:5, 108:13
coordinator [4] - 9:2, 57:22, 77:24, 78:24
coordinators [2] - 41:25, 56:17
core [2] - 38:22, 130:22
Corporation [1] - 64:1
Corps [6] - 44:24, 45:4, 90:17, 95:6, 95:8, 105:11
correct [27] - 10:4, 10:5, 14:22, 31:1, 31:2, 47:19, 48:2, 72:23, 73:6, 73:13, 73:14, 73:17, 73:18, 73:22, 74:1, 75:21, 102:6, 104:12, 105:16, 105:17, 122:4,

122:5, 124:10, 127:5, 127:6, 127:9, 133:6
corrections [1] - 42:2
corrective [1] - 42:1
correctly [1] - 11:5
correspondence [2] - 94:9, 114:9
corridor [31] - 7:10, 22:23, 23:3, 23:5, 29:14, 31:4, 33:6, 33:10, 80:1, 80:12, 80:13, 82:3, 82:17, 83:21, 84:2, 84:3, 85:3, 86:10, 86:12, 86:22, 88:17, 89:16, 109:25, 110:4, 112:24, 116:6, 116:17, 118:17, 118:24, 121:3, 123:19
corridors [2] - 26:13, 111:12
cost [13] - 14:6, 22:17, 22:18, 29:19, 49:3, 49:15, 50:12, 70:2, 70:3, 70:10, 70:11, 70:13, 70:14
costs [4] - 35:10, 36:12, 64:15, 74:1
Council [1] - 91:14
Counsel [2] - 2:7, 2:12
COUNSEL [1] - 2:14
counsel [2] - 8:17, 9:12
Counties [5] - 7:13, 96:7, 96:12, 96:13, 96:15
counties [5] - 26:8, 83:25, 104:1, 106:9, 124:7
country [1] - 131:1
county [10] - 29:4, 29:21, 51:1, 100:12, 102:24, 103:12, 103:15, 113:17, 114:19, 124:12
County [21] - 21:7, 21:12, 26:23, 28:7, 28:13, 34:2, 34:4, 34:24, 49:12, 50:3, 51:11, 51:15, 96:9, 96:16, 96:17, 96:18, 102:18, 112:14, 113:5, 130:13, 144:4
couple [9] - 11:4, 58:19, 69:24, 72:22, 97:25, 101:13, 102:18, 119:14, 124:2
course [1] - 35:23
COURT [1] - 146:1
Court [1] - 3:15
cover [3] - 33:5, 116:21, 117:4
covered [2] - 50:13, 52:3
crane [8] - 40:22, 83:14, 83:17, 83:19, 84:1, 84:7, 84:10, 89:5
Crane [22] - 21:6, 21:17, 21:21, 23:19, 28:3, 30:21, 32:5, 32:12, 32:14, 34:23, 38:7, 38:8, 38:10, 38:14, 66:25, 67:6, 67:17, 71:23, 96:19, 113:9, 114:22, 114:25
cranes [3] - 83:22, 84:4, 84:9
create [1] - 66:23
creates [2] - 67:2, 126:5
Creek [23] - 21:6, 21:18, 21:21, 23:19, 28:4, 30:21, 32:5, 32:12, 32:14, 34:23, 38:7, 38:8, 38:10, 38:14, 66:25, 67:6, 67:17, 71:7, 71:24, 96:19, 113:9, 114:22, 114:25
crew [4] - 40:20, 40:25, 121:8
crews [4] - 39:21, 39:25, 41:23, 55:11
criteria [11] - 9:3, 25:15, 25:16, 25:17, 25:19, 27:9, 50:8, 64:2, 80:6, 81:6, 81:8
critical [12] - 43:16, 68:20, 70:19, 80:24, 81:1, 81:4, 81:9, 81:11, 81:13, 83:11, 88:13, 88:16
crop [2] - 120:24, 121:4
cropland [4] - 83:23, 86:7, 114:21, 115:17
croplands [1] - 25:21
crops [1] - 118:8
cross [6] - 10:3, 20:14, 81:15, 90:2, 94:17, 95:9
cross-examine [1] - 10:3
crossed [1] - 122:7
crosses [2] - 81:2, 94:24
crossing [9] - 27:17, 27:23, 37:14, 38:13, 44:23, 90:19, 115:6, 115:19
crossings [3] - 27:18, 28:1, 38:17
crowd [1] - 13:10
crypto [1] - 75:4
Cty [1] - 1:6
cultivated [2] - 38:25, 47:12
cultural [14] - 82:4, 92:1, 92:4, 92:12, 92:17, 93:3, 93:8, 93:10, 93:12, 93:20, 93:24, 105:20, 105:24, 115:17
curious [1] - 120:6
current [2] - 22:18, 100:23
curtailment [2] - 132:24, 133:7
curtailments [2] - 133:3, 133:6
custom [1] - 36:4
customers [4] - 49:16, 61:16, 64:15, 70:3
cut [1] - 123:15
cutting [1] - 133:2
cycle [2] - 64:6, 86:18

D

DAKOTA [1] - 1:2
Dakota [51] - 1:18, 2:8, 2:13, 2:20, 6:9, 6:17, 7:13, 7:17, 7:25, 17:13, 18:8, 18:19, 18:20, 19:25, 20:25, 48:6, 61:22, 61:24, 68:2, 68:9, 70:24, 70:25, 71:2, 71:6, 74:3, 79:7, 80:3, 83:15, 85:25, 86:2, 86:18, 86:22, 86:25, 87:3, 87:15, 89:15, 91:1, 92:9, 92:20, 93:15, 108:15, 112:13, 115:17, 122:1, 129:6, 130:12, 132:5, 132:12, 132:23, 141:23, 146:13
damage [4] - 57:3, 57:9, 110:16, 118:8
damages [2] - 118:4, 118:17
DANA [2] - 5:9, 136:6
Dana [2] - 135:21, 140:25
data [4] - 52:18, 75:3, 75:14, 75:17
date [11] - 25:1, 27:21, 46:1, 53:22, 95:21, 96:4, 96:12, 96:15, 104:22, 110:7, 121:10
Dated [1] - 146:13
dates [1] - 88:4
davit [2] - 37:1, 37:2
days [6] - 12:3, 45:14, 55:5, 88:3, 101:15, 133:12
de [2] - 120:19, 138:19
de-compacting [2] - 120:19, 138:19
dead [3] - 54:25, 55:9, 55:17
dead-end [3] - 54:25, 55:9, 55:17
deal [1] - 137:14
December [2] - 71:11, 132:1
decided [2] - 31:17, 128:9
decision [4] - 11:24, 12:1, 50:4, 50:8
decisions [1] - 12:22
decrease [1] - 26:24
deemed [1] - 117:9
deep [1] - 138:20
Defense [1] - 98:10
defer [2] - 42:25, 98:13
define [2] - 19:19, 22:24
defined [2] - 29:14, 86:16
definitely [2] - 56:13, 58:3
definition [1] - 34:1
degree [2] - 18:20, 61:23
delayed [1] - 46:1
delineate [2] - 80:1, 114:10
delineated [2] - 90:6, 90:23
delivering [1] - 40:17
delivery [5] - 21:7, 35:1, 55:23, 66:23, 71:23
delta [1] - 36:25
demand [4] - 13:25, 132:12, 138:4, 138:16
demonstrate [1] - 80:2
density [1] - 29:2
depart [1] - 33:2
departed [1] - 30:20
department [2] - 41:6, 46:9
Department [5] - 2:12, 94:13, 94:15, 98:10, 122:1
depth [3] - 54:15, 54:25, 143:14
Derrick [1] - 9:20
DERRICK [1] - 2:17
describe [34] - 18:16, 19:18, 19:19, 19:22, 22:11, 28:2, 32:4, 36:15, 39:18, 54:11, 61:19, 64:3, 64:19, 79:3, 79:24, 83:18, 84:6, 84:19, 85:10, 86:1, 86:24, 88:10, 88:19, 89:9, 90:13, 92:4, 92:16, 93:19, 105:19, 108:7, 112:3, 116:15, 126:8, 132:2
described [1] - 90:20
description [4] - 20:4, 20:5, 109:20, 140:11
design [16] - 8:22, 18:13, 19:9, 19:20, 27:9, 31:8, 31:15, 36:3, 36:14, 36:16, 37:13, 37:24, 38:1, 38:3, 39:4, 54:20
designated [5] - 6:13, 66:1, 66:7, 83:10, 88:22
designed [4] - 31:20, 67:22, 82:18, 87:1
designing [1] - 51:21
Desirae [1] - 9:23
DESIRAE [1] - 2:18
desire [2] - 95:24, 111:1
desktop [3] - 49:2, 84:22, 86:3
destination [1] - 116:2
detail [1] - 21:16
detailed [3] - 75:1, 92:21, 130:6
details [2] - 11:25, 14:9
determination [1] - 95:2
determine [5] - 36:6, 37:24, 84:23, 86:14, 89:4
determined [1] - 7:20
develop [2] - 52:21, 124:12
developing [2] - 23:17, 141:4
development [5] - 18:12, 94:4, 94:8, 143:25, 144:11
developments [1] - 144:4
develops [1] - 102:21
deviation [1] - 47:6

diameter [4] - 38:23, 54:15, 54:23, 55:1
different [15] - 25:2, 26:15, 27:22, 28:1, 36:25, 39:20, 39:21, 39:25, 49:10, 54:2, 56:8, 70:8, 87:14, 120:18, 124:1
difficult [3] - 15:18, 26:22, 123:5
difficulty [2] - 28:22, 72:7
directed [1] - 117:2
directing [1] - 67:10
direction [1] - 141:17
directly [10] - 28:12, 29:10, 34:9, 44:1, 45:7, 85:23, 92:14, 109:2, 116:11, 123:15
director [1] - 129:6
directors [2] - 48:22, 48:23
disadvantage [1] - 72:22
discovery [1] - 106:3
discuss [6] - 8:21, 8:25, 9:6, 110:24, 111:3, 120:16
discussed [3] - 31:6, 112:20, 115:4
discussion [2] - 141:1, 141:7
discussions [1] - 125:25
disk [2] - 120:20
dispatchable [1] - 130:23
distance [4] - 27:25, 29:22, 47:5, 134:20
distribution [3] - 20:22, 28:19, 108:12
disturbance [1] - 25:21
disturbances [1] - 25:10
disturbed [2] - 116:21, 117:11
disturbing [1] - 55:22
divert [1] - 84:10
diverters [2] - 84:14, 89:6
diverting [1] - 47:3
divide [1] - 86:5
division [2] - 26:1, 62:2
DO [2] - 146:5, 146:9
docket [1] - 48:16
document [1] - 105:21
documented [2] - 93:7, 93:23
DOD [1] - 98:9
dollars [1] - 14:6
Don [1] - 139:21
done [14] - 23:20, 40:6, 40:13, 41:3, 58:24, 65:17, 76:3, 96:1, 117:20, 130:15, 133:11, 134:3, 134:22, 134:24
dots [1] - 28:25
double [28] - 21:14, 21:19, 22:4, 24:20, 28:6, 29:11, 31:5, 31:8, 31:10, 32:23, 32:25, 33:2, 37:6, 37:9, 37:21, 38:11, 38:15, 47:13, 47:18, 49:10, 49:12, 49:14, 49:25, 51:15, 99:14, 100:22, 112:25, 115:3
Double [1] - 28:11
double-check [1] - 99:14
double-circuit [23] - 21:14, 21:19, 22:4, 24:20, 28:6, 29:11, 31:5, 31:8, 31:10, 32:23, 32:25, 33:2, 37:6, 37:9, 37:21, 38:11, 38:15, 47:13, 49:25, 51:15, 100:22, 112:25, 115:3
Double-Circuit [1] - 28:11
double-circuited [3] - 47:18, 49:10, 49:12
double-circuiting [1] - 49:14
Douglas [2] - 21:9, 40:2
down [7] - 34:25, 58:8, 73:4, 121:3, 123:19, 135:5, 142:2
drawing [1] - 52:17
drawn [1] - 144:8
drilled [1] - 54:13
drive [2] - 58:8, 58:10
driven [3] - 13:15, 47:8, 75:14
driving [2] - 57:1, 75:16
due [9] - 26:7, 33:21, 55:22, 66:19, 82:10, 90:9, 113:18, 115:20, 118:9
duly [6] - 17:23, 61:4, 78:15, 107:18, 129:22, 136:7
dumped [1] - 117:9
during [37] - 10:17, 11:7, 11:10, 29:24, 41:10, 47:23, 56:6, 57:15, 58:1, 59:1, 63:17, 71:16, 82:21, 84:4, 84:8, 84:11, 85:8, 85:21, 86:22, 87:6, 87:15, 88:2, 88:7, 88:17, 88:21, 89:2, 91:16, 93:6, 93:22, 101:5, 104:17, 117:24, 118:2, 118:8, 118:15, 121:1
dust [3] - 56:7, 56:23, 117:15
duties [1] - 19:7

E

eared [10] - 83:15, 84:19, 84:21, 85:1, 85:5, 85:7, 85:8, 85:11, 85:15, 85:18
early [4] - 22:14, 110:6, 141:13, 141:17
earned [1] - 61:22
Earth [2] - 51:12, 115:19
easement [8] - 23:6, 43:22, 47:25, 60:1, 96:21, 100:7, 117:24, 119:22
easements [16] - 23:8, 50:6, 54:6, 94:25, 95:1, 95:3, 100:11, 108:4, 108:13, 109:19, 110:7, 110:9, 113:13, 120:2, 121:25, 126:14
easier [1] - 51:9
East [3] - 2:7, 2:13, 18:7
east [6] - 20:15, 28:12, 40:2, 48:15, 73:8, 94:18
Easton [1] - 9:22
EASTON [1] - 2:17
easy [3] - 53:16, 57:19, 98:3
ecological [1] - 83:13
economic [3] - 35:25, 63:18, 64:7
economical [2] - 35:13, 53:20
economize [1] - 35:10
edge [2] - 33:18, 40:7
educational [3] - 18:16, 61:19, 79:3
effective [1] - 113:23
effects [5] - 7:23, 42:10, 97:12, 118:22, 118:25
efficiency [1] - 73:12
efficient [6] - 8:3, 29:20, 42:15, 52:21, 68:5, 97:20
effort [1] - 72:5
efforts [8] - 19:9, 19:10, 27:12, 35:9, 93:19, 101:2, 105:19, 115:3
eggs [1] - 71:20
eight [2] - 55:16, 72:17
either [4] - 6:19, 28:19, 57:21, 103:11
elaborate [1] - 131:24
elected [1] - 112:23
Electric [87] - 1:6, 2:6, 7:9, 8:17, 14:19, 18:6, 18:9, 18:21, 19:22, 19:23, 20:1, 21:25, 22:2, 22:3, 22:6, 22:8, 23:21, 27:12, 27:19, 32:9, 32:11, 33:7, 34:16, 35:9, 38:4, 38:19, 39:3, 40:6, 41:9, 41:20, 61:11, 61:12, 61:15, 62:1, 63:10, 63:14, 63:25, 64:22, 65:6, 65:13, 67:10, 78:22, 78:23, 79:10, 79:17, 81:17, 82:23, 83:7, 85:16, 87:1, 87:13, 90:14, 90:16, 91:14, 91:16, 91:21, 91:24, 92:7, 94:19, 95:14, 96:1, 96:10, 97:4, 97:14, 102:21, 107:25, 108:1, 108:18, 109:6, 111:4, 111:8, 111:9, 111:25, 112:5, 112:15, 114:23, 115:1, 116:16, 116:18, 117:16, 117:22, 118:1, 118:7, 118:16, 119:2
electric [4] - 7:11, 19:24, 45:21, 108:6
Electric's [22] - 19:14, 21:20, 25:4, 36:22, 48:24, 62:9, 62:15, 62:23, 64:19, 68:10, 79:20, 83:18, 84:20, 86:1, 87:11, 88:10, 89:9, 94:11, 109:13, 109:18, 116:5, 116:14
electrical [5] - 21:3, 33:18, 43:18, 62:3, 68:8
electricity [3] - 63:8, 63:9, 74:10
electrons [2] - 134:14, 134:19
elements [1] - 86:17
eligible [2] - 93:8, 93:9
Elizabeth [1] - 139:22
emanates [2] - 130:22
emergency [2] - 41:10, 41:14
emphasized [1] - 95:24
emphasizes [1] - 133:1
employ [1] - 39:20
employed [5] - 18:5, 61:10, 62:1, 107:24, 108:17
employer [4] - 18:4, 61:9, 78:20, 107:23
encourage [1] - 10:9
encumbrance [1] - 25:11
encumbrances [1] - 113:24
end [14] - 12:25, 23:15, 52:22, 54:25, 55:9, 55:17, 65:12, 81:3, 88:14, 90:1, 121:10, 122:3, 138:9, 138:15
Endangered [1] - 81:1
endangered [4] - 83:3, 83:6, 83:10, 83:14
ends [2] - 56:3, 75:12
energization [4] - 22:14, 29:11, 42:6, 113:2
energize [2] - 40:14, 44:14
energized [7] - 31:22, 31:25, 34:18, 47:23, 51:17, 51:24, 120:9
Energy [2] - 63:5, 80:3
energy [4] - 8:8, 79:11, 143:24, 144:11
engaging [1] - 14:10
engineer [4] - 18:18, 18:22, 61:21, 62:3
Engineering [1] - 108:24
engineering [5] - 18:10, 18:20, 61:24, 111:4, 125:23
Engineers [3] - 90:18, 95:6, 95:8

enhancing [1] - 73:25
enjoy [2] - 13:4, 145:7
ensure [12] - 14:13, 42:18, 63:6, 65:19, 67:24, 69:1, 82:22, 87:7, 91:1, 114:12, 117:17, 118:12
ensuring [5] - 8:7, 8:8, 13:24, 14:7, 79:1
entire [4] - 22:3, 54:18, 86:18, 116:9
entities [1] - 94:6
entity [1] - 128:13
environment [5] - 7:24, 42:10, 97:6, 97:12, 118:22
environmental [18] - 8:2, 8:6, 9:2, 9:3, 42:14, 77:24, 78:24, 78:25, 79:2, 79:8, 79:16, 79:25, 83:2, 83:4, 95:25, 97:15, 97:19, 119:1
environmentally [1] - 97:16
equipment [7] - 34:12, 72:7, 76:16, 76:17, 77:3, 77:6, 111:15
erect [1] - 40:23
erosion [3] - 117:12, 117:14
especially [6] - 12:3, 14:10, 35:17, 53:16, 125:15, 144:4
essentially [5] - 64:12, 66:5, 67:25, 68:4, 71:18
establish [2] - 87:14, 87:22
estimated [1] - 22:17
estimates [1] - 49:3
evaluate [4] - 53:10, 65:11, 70:10, 97:4
evaluated [3] - 25:2, 54:1, 112:15
evaluating [1] - 62:8
evaluation [1] - 112:18
event [1] - 133:14
everywhere [1] - 132:22
evidence [1] - 15:11
evolved [1] - 12:14
ex [1] - 11:14
exact [1] - 52:1
exactly [2] - 12:13, 122:19
EXAMINATION [23] - 18:1, 43:7, 46:15, 50:21, 59:23, 61:6, 69:22, 72:14, 74:18, 78:17, 98:1, 99:6, 101:21, 104:8, 107:20, 119:15, 121:22, 125:1, 131:20, 133:22, 139:18, 140:6, 140:23
Examination [23] - 3:19, 3:20, 3:21, 3:22, 3:24, 4:4, 4:5, 4:6, 4:7, 4:10, 4:11, 4:12, 4:13, 4:14, 4:18, 4:19, 4:20, 4:21, 5:6, 5:7, 5:12, 5:13, 5:14
examine [2] - 10:3, 84:24
examined [6] - 17:23, 61:4, 78:15, 107:18, 129:22, 136:7
example [2] - 37:6, 54:23
exceed [1] - 80:12
excellent [2] - 115:1, 130:17
except [2] - 90:4, 90:22
exception [3] - 22:4, 51:24, 98:17
excess [1] - 132:17
exchange [1] - 144:14
excluded [1] - 80:9
exclusion [15] - 25:17, 25:19, 26:14, 30:7, 30:16, 52:19, 80:7, 80:8, 80:11, 80:15, 81:6, 81:8, 98:18, 98:22, 106:10
excuse [2] - 63:8, 68:15
executed [2] - 94:20, 95:12
executive [1] - 129:6
exempt [1] - 98:21
exemption [4] - 30:15, 80:21, 80:22, 98:19
exhaustive [1] - 130:14
Exhibit [19] - 5:17, 14:22, 20:8, 21:24, 24:1, 28:8, 28:9, 28:10, 30:25, 32:8, 36:20, 37:4, 43:10, 66:21, 67:12, 70:22, 111:19, 111:22, 112:3
exhibit [5] - 15:14, 20:9, 32:8, 36:19, 36:22
EXHIBITS [1] - 5:16
exhibits [8] - 14:20, 15:1, 15:5, 15:8, 15:13, 15:16, 16:4, 31:12
existing [56] - 18:13, 20:14, 20:16, 20:19, 20:20, 20:21, 21:13, 21:22, 23:22, 24:3, 24:17, 26:21, 28:16, 29:3, 29:5, 29:12, 29:25, 30:9, 34:9, 35:5, 35:7, 43:11, 43:19, 44:1, 45:7, 47:4, 47:11, 47:16, 50:9, 51:20, 53:17, 64:16, 67:4, 68:12, 68:13, 69:4, 87:19, 87:20, 87:24, 87:25, 94:4, 94:8, 99:23, 111:12, 111:16, 112:20, 112:24, 113:1, 113:13, 113:21, 114:8, 114:12, 115:14, 118:25, 133:5
exists [1] - 67:5
expand [2] - 51:2, 76:17
expanded [2] - 35:8, 131:1
expansion [3] - 31:9, 63:12, 64:9
expect [1] - 95:11
expected [2] - 97:6, 144:5
expecting [1] - 105:14
expensive [3] - 13:16, 35:18, 50:1
experience [2] - 79:9, 126:16
explain [9] - 22:22, 63:15, 70:4, 81:16, 89:22, 91:7, 94:12, 95:20, 96:3
explained [1] - 88:12
explored [1] - 29:5
extending [1] - 14:4
extensive [1] - 115:7
extent [2] - 15:6, 90:1
external [1] - 49:5
extra [3] - 50:12, 137:11, 137:12

F

fabrication [1] - 45:16
faced [1] - 51:3
facilitating [1] - 78:25
facilities [8] - 18:13, 18:14, 18:15, 27:13, 27:14, 80:20, 111:17, 113:13
facility [6] - 7:22, 8:1, 8:5, 79:11, 80:11, 81:22
Facility [1] - 80:4
fact [1] - 144:12
factor [1] - 75:16
factors [2] - 37:24, 75:2
fails [1] - 77:6
fair [1] - 144:14
falls [1] - 88:16
familiar [6] - 19:13, 19:15, 62:14, 79:19, 109:12, 111:19
family [2] - 136:13, 137:10
far [11] - 29:20, 43:17, 45:14, 51:3, 75:7, 99:15, 103:12, 105:24, 121:25, 126:1, 132:1
Farm [1] - 116:23
farm [1] - 111:15
farming [1] - 111:14
farmsteads [1] - 93:3
fashion [2] - 8:10, 35:23
fatigue [1] - 144:11
fatiguing [1] - 143:25
feasible [1] - 111:5
feasibly [1] - 112:22
features [1] - 89:23
February [8] - 1:18, 6:3, 6:6, 71:16, 101:13, 101:15, 132:25, 145:13
Federal [1] - 63:5
federal [3] - 94:5, 94:12, 104:12
feedback [14] - 26:17, 29:3, 30:12, 32:19, 47:8, 50:10, 52:9, 52:10, 52:16, 53:21, 113:23, 114:7, 115:14, 126:1
feet [23] - 30:9, 33:9, 33:23, 34:3, 34:5, 37:10, 37:20, 37:21, 37:22, 39:3, 39:5, 39:10, 39:13, 39:15, 43:21, 54:25, 55:3, 80:18, 81:12, 82:6, 82:24, 91:22, 91:25
felony [1] - 17:13
fence [1] - 111:13
fenced [1] - 35:7
fencing [3] - 82:20, 87:5, 90:25
few [4] - 26:3, 29:13, 43:24, 130:5
fewer [2] - 29:18, 53:9
fiber [1] - 38:22
field [16] - 26:1, 71:19, 84:4, 84:22, 85:8, 86:13, 86:19, 86:22, 88:17, 90:23, 109:9, 113:18, 120:24, 123:9, 123:17, 138:12
fields [9] - 26:10, 47:12, 47:13, 68:2, 76:25, 113:21, 117:4, 123:8, 123:16
fighting [2] - 137:1, 137:12
figure [1] - 137:8
filed [2] - 12:16, 30:14
files [1] - 87:9
Filing [2] - 6:8, 7:18
final [8] - 41:24, 51:4, 54:4, 106:8, 109:11, 120:21, 121:14, 127:4
finalize [2] - 105:4, 105:5
finally [3] - 19:11, 36:10, 42:17
financial [1] - 66:6
findings [6] - 83:18, 84:19, 86:1, 88:10, 89:9, 92:21
fine [4] - 17:14, 128:2, 128:9, 128:24
finish [1] - 120:20
Finstad [1] - 24:8
Firm [3] - 2:18, 9:20, 9:23
first [44] - 6:7, 8:19, 12:10, 12:18, 16:23, 16:24, 17:2, 17:23, 20:23, 21:11, 22:22, 23:17, 25:20, 26:12, 28:14, 30:6, 30:10, 36:14, 40:15, 43:15, 47:21, 49:20, 61:4, 62:25, 74:21, 78:15, 80:6, 83:17, 86:5, 87:16, 94:12, 95:12, 98:3, 104:24, 105:14, 107:18, 109:22, 120:18, 123:1, 129:22, 136:7, 136:11, 142:19
Fish [11] - 83:8, 84:12, 88:4, 88:21, 89:2, 94:22, 94:25, 95:1, 100:16, 100:19,

104:13
fit [1] - 76:12
fits [1] - 70:5
five [9] - 17:15, 55:12, 82:6, 82:24, 83:13, 99:20, 112:12, 121:11, 137:19
fix [2] - 70:9, 121:18
fixes [3] - 65:8, 70:9, 74:2
flagging [1] - 58:25
flame [1] - 71:2
flight [6] - 84:14, 87:16, 87:18, 88:2, 89:6
flipped [1] - 133:10
focus [2] - 56:3, 66:18
follow [2] - 106:4, 116:16
followed [1] - 40:22
following [3] - 6:1, 7:19, 100:24
follows [8] - 17:24, 39:22, 61:5, 67:2, 78:16, 107:19, 129:23, 136:8
footprint [1] - 93:11
FOR [3] - 2:9, 2:14, 2:21
Force [5] - 30:6, 30:10, 95:13, 95:15, 95:17
forced [1] - 77:8
forecast [4] - 75:8, 75:13, 75:24, 76:2
forecasted [1] - 69:5
forecasting [2] - 66:20, 76:3
forecasts [1] - 68:10
foregoing [2] - 146:6, 146:10
formal [1] - 48:20
formally [1] - 16:5
forth [1] - 132:14
forward [8] - 10:24, 14:9, 14:17, 46:10, 53:3, 53:4, 128:4, 129:3
foundation [11] - 15:6, 15:11, 15:14, 15:16, 16:1, 40:16, 54:10, 55:5, 55:11, 56:1, 56:5
foundations [6] - 44:9, 54:14, 54:21, 55:7, 55:9, 93:3
four [7] - 8:19, 13:18, 51:25, 99:25, 122:9, 137:19, 142:3
fourth [1] - 108:16
Fourth [1] - 2:20
frame [3] - 29:15, 38:12, 38:15
frames [1] - 29:8
framing [2] - 40:20, 56:2
frankly [1] - 11:23
free [1] - 26:13
freezing [1] - 132:14
frequent [1] - 110:14
front [1] - 135:7
FSA [1] - 117:5
fulfilled [1] - 8:9
full [10] - 17:6, 34:11, 43:22, 56:18, 60:13, 78:1, 107:2, 121:15, 135:18
full-time [1] - 56:18
function [2] - 40:15, 95:23
FURTHER [2] - 59:23, 146:9
future [6] - 31:9, 66:7, 68:16, 112:19, 114:18, 138:4

G

Game [2] - 100:16, 100:19
gas [15] - 26:11, 26:21, 75:3, 75:14, 75:20, 108:11, 111:16, 114:5, 114:9, 131:2, 132:14, 134:25, 135:5, 141:22, 141:23
Gasification [1] - 71:3
gate [1] - 40:8
geared [1] - 135:1
general [9] - 20:5, 23:9, 25:23, 28:2, 32:4, 37:9, 62:21, 72:18, 74:1
General [1] - 2:12
generally [5] - 39:22, 54:24, 63:15, 73:2, 95:24
generating [1] - 14:5
generation [16] - 18:14, 19:24, 34:8, 34:20, 68:3, 76:10, 130:23, 131:1, 131:2, 132:13, 132:14, 132:18, 134:14, 134:15, 135:2, 135:9
gentleman [1] - 74:21
geographical [3] - 80:9, 80:18, 81:20
geological [1] - 80:8
geologically [5] - 82:9, 82:12, 99:9, 99:15, 115:21
geotechnical [1] - 54:17
GIS [1] - 87:9
given [1] - 55:12
goal [7] - 14:12, 22:13, 22:14, 23:21, 48:4, 51:18, 138:15
goals [1] - 25:9
gotcha [1] - 131:19
governed [1] - 38:3
GPS [2] - 41:13, 41:15
grade [1] - 120:21
grading [1] - 117:6
granted [2] - 80:21, 98:17
grass [1] - 121:2
grasses [1] - 117:1
grassland [6] - 86:6, 86:10, 86:14, 94:25, 95:3, 113:12
grasslands [1] - 86:16
grateful [1] - 123:21
GRE [1] - 27:20
great [12] - 13:10, 18:25, 47:7, 53:13, 54:12, 55:14, 115:20, 120:5, 128:14, 130:21, 130:24, 132:12
greater [1] - 85:4
greenhouse [2] - 134:24, 135:5
grid [10] - 130:14, 130:18, 130:24, 132:10, 132:15, 132:23, 133:16, 134:18, 135:2, 135:6
ground [3] - 37:3, 55:22, 57:4
ground-disturbing [1] - 55:22
group [4] - 76:3, 128:13, 136:15, 137:19
growing [2] - 121:1, 138:12
growth [16] - 13:16, 13:25, 65:16, 65:20, 66:19, 68:11, 68:16, 69:5, 74:25, 75:1, 75:5, 75:14, 75:17, 75:19, 116:21, 130:19
guess [13] - 15:4, 15:7, 30:1, 51:7, 53:24, 71:25, 98:3, 101:14, 103:13, 136:17, 136:19, 139:1, 142:25
guidance [2] - 109:7, 117:5
guidelines [1] - 128:6
guy [1] - 138:18
guys [3] - 53:15, 98:6, 134:22

H

H-frame [3] - 29:15, 38:12, 38:15
H-frames [1] - 29:8
habit [1] - 87:2
habitat [28] - 80:25, 81:2, 81:5, 81:10, 81:11, 81:13, 83:11, 84:24, 84:25, 85:3, 85:5, 85:7, 86:5, 86:6, 86:7, 86:10, 86:14, 86:15, 86:20, 87:5, 87:6, 88:6, 88:13, 88:16, 89:12, 89:17, 115:18
habitats [2] - 87:15, 87:18
half [9] - 32:3, 33:1, 34:15, 84:3, 87:23, 88:16, 114:17, 123:10, 126:3
Hall [1] - 6:17
hand [2] - 127:13, 127:24
handful [1] - 33:20
handle [2] - 56:11, 57:13
hang [2] - 18:23, 131:7
HANSON [10] - 43:3, 59:20, 69:19, 77:16, 99:3, 106:20, 119:12, 126:24, 131:14, 140:3
Hanson [11] - 9:13, 43:2, 59:18, 69:18, 77:13, 99:2, 106:17, 119:11, 126:21, 131:13, 140:2
happy [2] - 74:11, 121:5
hard [3] - 14:14, 24:25, 50:6
harder [1] - 35:14
hardware [1] - 31:17
hats [1] - 144:16
HAUGEN [19] - 2:3, 13:8, 50:19, 50:22, 59:10, 74:17, 74:19, 77:9, 104:7, 104:9, 106:13, 124:23, 125:2, 126:17, 133:21, 133:23, 135:11, 142:8, 144:24
Haugen [16] - 3:12, 3:23, 4:7, 4:15, 4:21, 5:8, 13:7, 50:18, 74:16, 104:6, 124:22, 130:5, 133:20, 134:23, 142:7, 144:23
Haugen-Hoffart [10] - 13:7, 50:18, 74:16, 104:6, 124:22, 130:5, 133:20, 134:23, 142:7, 144:23
HAUGEN-HOFFART [19] - 2:3, 13:8, 50:19, 50:22, 59:10, 74:17, 74:19, 77:9, 104:7, 104:9, 106:13, 124:23, 125:2, 126:17, 133:21, 133:23, 135:11, 142:8, 144:24
Haugen-Hoffart..... [5] - 3:23, 4:7, 4:15, 4:21, 5:8
Haugen-Hoffart..... [1] - 3:12
haul [1] - 40:18
hauling [1] - 56:2
hazards [1] - 26:25
HDR [2] - 53:12, 108:24
head [1] - 120:3
headquartered [1] - 19:25
health [1] - 97:5
hear [12] - 11:20, 11:22, 12:12, 12:19, 17:4, 18:24, 60:18, 78:5, 107:8, 135:24, 141:5, 144:18
heard [4] - 12:8, 54:8, 56:12, 130:20
Hearing [2] - 6:8, 7:19
HEARING [1] - 1:12
hearing [30] - 6:12, 6:16, 6:18, 6:21, 7:2, 7:6, 7:8, 7:20, 9:11, 10:3, 10:24, 12:23, 12:25, 13:4, 14:9, 15:10, 15:20, 15:21, 15:25, 16:6, 103:23, 107:7,

119:19, 120:4, 122:14, 139:11, 142:17, 144:19, 144:20
hearings [3] - 6:7, 142:19, 143:3
Hearings [1] - 6:14
heavily [2] - 113:10, 114:4
heavy [1] - 39:8
height [3] - 30:13, 37:20, 55:2
heights [3] - 37:13, 37:19, 37:22
held [2] - 6:16, 49:6
help [6] - 13:18, 41:16, 54:20, 56:20, 130:24, 132:6
helped [2] - 114:10, 114:20
helpful [1] - 28:7
helping [2] - 115:2, 123:22
helps [1] - 74:11
HEREBY [2] - 146:5, 146:9
herein [1] - 6:2
hereinbefore [1] - 146:7
hesitate [1] - 10:17
high [4] - 33:16, 65:16, 66:19, 70:23
high-level [1] - 70:23
high-load [2] - 65:16, 66:19
high-wind [1] - 33:16
higher [4] - 31:19, 32:1, 68:17, 84:25
highest [1] - 70:14
hire [1] - 41:4
hired [2] - 62:3, 79:9
historic [7] - 92:2, 92:5, 92:12, 92:17, 92:22, 93:2, 93:20
Historic [1] - 92:9
historical [2] - 105:20, 105:25
historically [1] - 67:17
history [1] - 23:12
hmm [5] - 50:25, 60:6, 141:6, 141:11, 141:19
HOFFART [19] - 2:3, 13:8, 50:19, 50:22, 59:10, 74:17, 74:19, 77:9, 104:7, 104:9, 106:13, 124:23, 125:2, 126:17, 133:21, 133:23, 135:11, 142:8, 144:24
Hoffart [11] - 13:7, 50:18, 74:16, 104:6, 124:22, 130:5, 133:20, 134:9, 134:23, 142:7, 144:23
Hoffart..... [5] - 3:23, 4:7, 4:15, 4:21, 5:8
Hoffart..... [1] - 3:12
Hogan [1] - 6:11
HOGAN [107] - 1:22, 6:4, 9:8, 9:16, 9:24, 10:6, 11:1, 13:6, 14:18, 14:25, 15:3, 15:12, 15:23, 16:2, 16:9, 16:12, 16:18, 16:20, 16:22, 17:1, 17:5, 17:10, 17:19, 18:23, 42:24, 43:2, 43:5, 46:14, 50:18, 59:14, 59:16, 59:18, 59:21, 60:7, 60:12, 60:17, 60:21, 60:25, 69:9, 69:15, 69:18, 69:20, 72:13, 74:16, 77:11, 77:13, 77:17, 77:21, 77:25, 78:4, 78:8, 78:12, 97:24, 99:2, 99:4, 101:20, 104:6, 106:15, 106:17, 106:21, 106:25, 107:6, 107:10, 107:14, 119:9, 119:11, 119:13, 121:21, 124:22, 126:19, 126:21, 126:25, 127:3, 127:7, 127:11, 127:25, 128:3, 129:8, 129:11, 129:15, 129:19, 131:7, 131:11, 131:13, 131:15, 131:17, 133:20, 135:13, 135:15, 135:23, 136:2, 139:3, 139:8, 139:13, 139:25, 140:2, 140:4, 140:22, 142:4, 142:7, 142:11, 142:24, 143:5, 143:9, 143:18, 144:23, 145:8
Hogan..... [2] - 3:4, 3:8
hold [1] - 37:1
home [1] - 29:2
homes [3] - 26:7, 29:1, 99:22
homesteads [1] - 99:20
honest [1] - 15:7
Honor [44] - 9:19, 11:3, 15:2, 15:4, 16:8, 16:11, 16:17, 16:19, 16:21, 17:3, 17:17, 17:21, 59:15, 59:17, 59:20, 61:2, 69:19, 77:12, 77:15, 77:16, 99:3, 106:16, 106:19, 106:20, 107:9, 107:16, 119:10, 119:12, 126:20, 126:23, 126:24, 127:6, 127:10, 129:14, 130:3, 131:5, 131:10, 131:12, 131:14, 139:17, 140:1, 140:3, 142:23, 143:8
Hook [1] - 24:16
HOPE [1] - 1:22
hope [3] - 13:3, 74:11, 123:17
Hope [1] - 6:11
hopefully [5] - 101:16, 103:24, 141:8, 144:15
hoping [2] - 46:2, 138:11
hours [1] - 12:12
house [3] - 28:21, 47:10, 133:15
huge [3] - 57:2, 133:6, 138:10
human [5] - 8:6, 42:11, 97:13, 97:17, 118:23
hundred [2] - 20:1, 43:21
hundreds [1] - 108:14
hurdle [1] - 115:7

I

ICBM [5] - 30:3, 43:25, 98:9, 98:17, 113:13
ICBMs [2] - 46:19, 46:25
ice [2] - 39:8, 39:9
idea [3] - 7:5, 29:9, 127:12
ideally [1] - 43:17
ideas [2] - 46:7, 53:1
identified [15] - 26:19, 63:22, 65:5, 65:9, 65:24, 66:21, 67:1, 67:14, 74:25, 75:19, 82:3, 83:13, 86:8, 86:14, 111:19
identifies [2] - 63:23, 65:21
identify [6] - 41:25, 63:21, 75:4, 83:9, 93:5, 128:13
identifying [1] - 58:14
Ill [3] - 82:4, 92:13, 92:19
image [2] - 28:25, 47:10
immediately [3] - 84:13, 85:23, 94:18
impact [15] - 8:7, 85:15, 91:8, 94:4, 94:7, 95:10, 97:17, 113:21, 114:11, 114:21, 115:3, 115:16, 123:16, 134:24, 135:5
impacted [3] - 92:15, 93:12, 114:5
impactful [1] - 116:2
impacting [1] - 90:20
impacts [25] - 14:15, 25:9, 25:14, 27:10, 32:16, 49:22, 81:18, 84:24, 87:2, 89:17, 89:23, 89:25, 90:4, 90:11, 90:22, 91:9, 91:15, 95:18, 95:25, 97:4, 100:20, 101:7, 111:14, 114:8, 132:15
implemented [2] - 93:20, 105:19
important [5] - 10:13, 12:9, 25:12, 56:14, 56:21
imprisonment [1] - 17:15
in-depth [1] - 143:14
in-person [2] - 110:12, 120:14
inability [3] - 68:19, 68:22, 70:18
inches [2] - 38:23, 39:8
incident [1] - 132:1
include [10] - 18:11, 21:5, 21:8, 23:1, 34:24, 35:2, 61:14, 78:25, 108:3, 117:12
included [6] - 14:21, 66:21, 67:12, 92:21, 93:2, 94:9
includes [4] - 22:19, 63:13, 82:15, 87:3
including [5] - 28:19, 63:10, 108:10, 111:11, 114:18
inconvenient [1] - 13:1
incorporating [1] - 96:1
increase [4] - 69:4, 84:16, 109:10, 135:4
increasing [2] - 130:17, 134:12
independent [2] - 28:23, 32:18
INDEX [1] - 3:2
indicate [1] - 7:5
indicated [2] - 101:25, 146:8
individual [2] - 40:18, 54:19
individuals [1] - 125:6
industries [1] - 108:10
industry [4] - 33:8, 72:21, 114:5, 115:14
inefficient [2] - 137:25, 138:3
inform [1] - 110:23
information [16] - 10:16, 11:11, 11:13, 11:23, 12:7, 41:7, 43:12, 62:20, 62:21, 75:23, 75:24, 76:1, 83:8, 109:18, 128:18, 137:18
informative [1] - 143:14
informed [1] - 109:7
infrastructure [15] - 26:11, 26:21, 34:11, 34:19, 45:9, 45:21, 53:17, 63:7, 68:13, 72:4, 72:9, 113:14, 114:8, 114:12, 119:1
initiatives [1] - 13:22
inline [1] - 54:22
input [5] - 49:6, 64:24, 65:3, 125:16, 125:18
inspection [1] - 117:17
inspections [2] - 41:24, 120:11
install [1] - 44:12
installation [4] - 40:9, 40:16, 56:1, 117:13
installed [5] - 82:20, 84:14, 87:6, 89:6, 90:25
instance [1] - 123:1
instances [1] - 121:1
instead [1] - 32:17
insufficient [1] - 68:14
integrated [5] - 48:13, 62:12, 64:3, 64:20, 73:20
integrity [3] - 8:8, 42:19,

69:2
intend [1] - 8:15
intended [1] - 33:13
intensive [1] - 92:13
inter [1] - 135:9
Interaction [1] - 84:15
interactions [1] - 109:9
interconnect [3] - 23:23, 24:7, 35:3
interconnections [1] - 34:20
intercontinental [1] - 80:19
interest [1] - 13:11
interested [2] - 106:9, 145:2
interesting [1] - 45:13
interference [1] - 26:20
Interior's [2] - 94:14, 94:16
intermittent [1] - 135:9
internal [2] - 52:18, 62:23
interruptions [1] - 133:16
intersect [1] - 24:7
interspersed [1] - 83:24
Interstate [2] - 2:7, 18:7
intervene [1] - 10:1
INTERVENOR [1] - 2:21
intrigued [1] - 122:18
introduce [3] - 8:14, 9:10, 110:5
inventory [3] - 82:5, 91:19, 92:14
investigation [1] - 54:17
investment [2] - 13:23, 70:2
investments [1] - 64:14
involved [4] - 57:18, 62:8, 106:6, 109:3
IPAC [1] - 83:9
island [2] - 130:12, 130:13
issue [2] - 76:16, 143:2
issued [3] - 6:8, 66:1, 67:9
issues [12] - 7:19, 44:18, 45:11, 48:18, 57:23, 65:8, 65:25, 70:7, 118:14, 121:17, 134:18, 138:25
it'll [5] - 20:13, 21:19, 31:21, 35:1, 74:4
items [3] - 41:25, 45:18, 142:21
iterations [6] - 30:23, 33:4, 36:2, 52:9, 112:16, 126:13
iterative [4] - 24:23, 27:6, 53:2, 125:22
ITP [20] - 64:5, 64:8, 64:15, 64:20, 64:24, 66:15, 66:16, 66:18, 67:9, 70:6, 73:19, 74:2, 74:6, 75:6, 75:10, 75:11, 75:16, 75:19, 75:22, 75:25
itself [1] - 36:9
IV [1] - 14:5

J

January [1] - 6:10
JILL [1] - 2:4
JKT [1] - 9:21
job [4] - 53:13, 53:18, 57:9, 141:10
jobs [1] - 12:4
John [1] - 9:21
JOHNSON [19] - 2:11, 9:12, 15:2, 16:10, 16:19, 42:25, 59:17, 69:17, 77:15, 97:25, 98:2, 98:25, 106:19, 119:10, 126:23, 127:10, 131:12, 140:1, 142:25
Johnson [18] - 9:9, 9:12, 14:25, 16:4, 16:9, 16:18, 42:24, 59:16, 69:15, 77:13, 97:24, 106:17, 119:9, 126:21, 127:7, 131:11, 139:25, 142:24
Johnson..... [1] - 4:11
join [1] - 73:1
joined [1] - 73:9
jointly [1] - 22:5
judge [2] - 6:13, 13:12
Judge [3] - 3:4, 3:8, 8:16
JUDGE [107] - 1:22, 6:4, 9:8, 9:16, 9:24, 10:6, 11:1, 13:6, 14:18, 14:25, 15:3, 15:12, 15:23, 16:2, 16:9, 16:12, 16:18, 16:20, 16:22, 17:1, 17:5, 17:10, 17:19, 18:23, 42:24, 43:2, 43:5, 46:14, 50:18, 59:14, 59:16, 59:18, 59:21, 60:7, 60:12, 60:17, 60:21, 60:25, 69:9, 69:15, 69:18, 69:20, 72:13, 74:16, 77:11, 77:13, 77:17, 77:21, 77:25, 78:4, 78:8, 78:12, 97:24, 99:2, 99:4, 101:20, 104:6, 106:15, 106:17, 106:21, 106:25, 107:6, 107:10, 107:14, 119:9, 119:11, 119:13, 121:21, 124:22, 126:19, 126:21, 126:25, 127:3, 127:7, 127:11, 127:25, 128:3, 129:8, 129:11, 129:15, 129:19, 131:7, 131:11, 131:13, 131:15, 131:17, 133:20, 135:13, 135:15, 135:23, 136:2, 139:3, 139:8, 139:13, 139:25, 140:2, 140:4, 140:22, 142:4, 142:7, 142:11, 142:24, 143:5, 143:9, 143:18, 144:23, 145:8
July [2] - 67:8, 88:3
June [2] - 48:24, 88:3
jurisdiction [1] - 95:23
justify [1] - 141:12

K

K-i-n-g [1] - 78:3
K-l-e-y-e-r [1] - 107:5
keep [9] - 35:13, 35:15, 36:12, 43:16, 74:12, 102:2, 132:21, 135:10, 138:5
keeps [2] - 33:18, 138:12
kind [17] - 11:15, 27:5, 49:16, 65:11, 70:23, 73:10, 76:6, 122:18, 123:22, 123:23, 128:5, 132:1, 132:3, 140:25, 141:13, 141:18, 143:22
king [4] - 44:21, 78:4, 97:23, 106:22
KING [2] - 4:9, 78:14
King [5] - 9:1, 25:18, 77:24, 78:3, 78:21
KLEYER [3] - 4:16, 107:17, 140:16
Kleyer [10] - 9:4, 33:4, 41:7, 106:24, 107:1, 107:4, 107:6, 107:24, 119:8, 119:17
Kleyer's [1] - 30:22
Knife [1] - 115:6
knot [5] - 83:16, 89:8, 89:10, 89:12, 89:18
knowing [1] - 144:2
knowledge [8] - 42:8, 42:13, 42:17, 68:25, 97:10, 97:18, 118:20, 137:5
Kringstad [10] - 10:20, 43:5, 69:20, 99:4, 119:13, 130:4, 131:15, 134:9, 140:4, 143:11
KRINGSTAD [20] - 2:4, 10:21, 43:6, 43:8, 46:11, 69:21, 69:23, 72:10, 99:5, 99:7, 101:17, 119:14, 119:16, 121:19, 127:22, 131:16, 140:5, 140:7, 140:20, 143:12
Kringstad. [2] - 3:5, 3:9
Kringstad.. [5] - 3:20, 4:5, 4:12, 4:19, 5:13
Kummer [3] - 14:3, 57:7, 71:10
kV [2] - 14:3, 20:21

L

labeled [1] - 111:22
lack [1] - 144:9
Lake [10] - 20:15, 24:9, 28:12, 30:19, 48:5, 49:11, 66:23, 67:3, 94:18, 112:17
lakes [1] - 86:7
land [11] - 38:25, 83:22, 108:9, 109:9, 114:18, 119:1, 122:6, 136:12, 136:14, 136:16, 138:19
landowner [33] - 9:6, 47:8, 48:1, 49:16, 52:9, 52:10, 58:20, 109:22, 110:2, 110:11, 110:14, 110:18, 110:21, 111:1, 111:6, 111:8, 113:23, 114:7, 115:8, 115:14, 115:22, 117:3, 117:10, 117:16, 118:1, 118:5, 121:6, 122:20, 124:2, 125:4, 125:18, 126:1, 144:10
landowners [48] - 25:10, 26:16, 27:7, 28:22, 29:4, 29:14, 32:17, 32:20, 36:3, 48:8, 49:7, 50:10, 51:18, 52:23, 53:14, 54:3, 54:5, 56:12, 57:15, 58:14, 60:3, 60:4, 82:24, 100:11, 106:9, 109:3, 109:10, 109:24, 110:4, 110:10, 110:20, 117:19, 118:7, 118:11, 119:3, 119:23, 120:15, 121:2, 121:25, 123:21, 125:6, 125:24, 126:9, 126:12, 143:23, 144:1, 144:6, 144:22
landowners' [2] - 116:14, 125:16
lands [1] - 117:6
Lands [1] - 122:1
landscape [1] - 113:9
lane [1] - 122:24
language [1] - 123:23
large [5] - 53:10, 68:3, 74:12, 86:7, 132:10
largely [1] - 114:19
larger [5] - 55:9, 113:18, 123:16, 130:14, 132:23
largest [2] - 55:21, 115:7
last [23] - 9:4, 17:7, 17:9, 24:24, 27:21, 41:3, 54:7, 60:14, 60:16, 72:17, 78:2, 89:8, 101:12, 104:20, 107:2, 107:5, 129:8, 134:25, 135:20, 137:19, 142:3, 142:14
late [1] - 132:1
launch [2] - 80:19, 113:13
law [3] - 6:13, 17:11, 101:4
Law [4] - 2:18, 2:19, 9:20, 9:23

LAW [1] - 1:22
laws [1] - 79:2
laying [1] - 15:14
lead [5] - 45:17, 45:23, 93:23, 108:21, 115:8
lead-time [1] - 45:17
leads [5] - 92:22, 92:23, 92:24, 92:25, 93:6
learn [1] - 145:3
learned [1] - 143:20
least [3] - 13:18, 116:1, 136:15
led [1] - 115:23
left [1] - 24:2
legal [1] - 140:11
Leland [12] - 7:14, 20:14, 23:15, 29:6, 31:18, 34:8, 38:7, 38:10, 62:10, 72:4, 112:6, 137:22
length [5] - 29:22, 112:10, 113:7, 114:3, 115:14
lengths [3] - 37:25, 113:15, 113:16
less [5] - 68:18, 68:23, 70:18, 86:21, 90:12
letter [3] - 100:19, 110:14, 125:5
letting [1] - 30:7
level [2] - 70:23, 144:10
licensed [4] - 18:18, 61:21, 116:9, 116:18
lie [1] - 93:10
life [2] - 86:18, 87:12
lights [2] - 132:21, 135:10
likely [1] - 55:11
likewise [1] - 7:2
limit [1] - 26:20
Lincoln [1] - 1:17
Line [1] - 84:15
line [110] - 7:12, 14:2, 14:3, 19:5, 20:13, 21:13, 21:19, 23:22, 24:4, 24:9, 24:15, 25:11, 25:24, 25:25, 26:5, 27:1, 27:25, 29:5, 29:6, 29:8, 29:9, 29:10, 29:11, 29:12, 29:25, 30:9, 31:5, 31:18, 31:24, 31:25, 32:4, 32:22, 35:13, 35:15, 35:22, 35:25, 36:17, 37:15, 38:1, 38:2, 39:5, 40:14, 41:13, 41:16, 43:10, 43:11, 43:16, 44:2, 44:11, 44:16, 45:18, 47:4, 47:9, 47:11, 47:16, 47:22, 50:9, 51:16, 51:17, 51:20, 51:24, 53:9, 53:15, 54:4, 58:6, 62:7, 62:11, 71:7, 71:8, 71:10, 71:11, 71:13, 71:19, 71:21, 74:10, 74:25, 76:22, 79:14, 84:16, 84:17, 90:2, 96:20, 99:23, 100:24, 108:16, 108:20, 111:11, 112:16, 112:24, 112:25, 113:5, 113:7, 113:19, 114:17, 114:19, 118:15, 119:25, 120:9, 121:15, 122:22, 122:23, 123:4, 123:13, 123:14, 124:5, 124:15, 130:22, 138:10
linear [1] - 35:23
lines [34] - 20:19, 20:20, 20:21, 20:22, 22:19, 24:6, 26:7, 26:8, 26:9, 26:11, 28:15, 28:16, 28:19, 29:3, 35:21, 39:1, 49:17, 52:17, 52:20, 52:21, 71:5, 71:14, 72:8, 96:5, 96:8, 108:6, 111:13, 113:16, 113:17, 113:20, 122:21, 123:2, 133:5
listed [1] - 71:1
listening [1] - 126:7
literature [2] - 82:4, 92:13
lithic [1] - 92:25
litigation [1] - 9:23
LLLP [1] - 9:21
load [22] - 13:15, 65:16, 65:20, 66:19, 67:20, 67:23, 68:6, 68:10, 68:16, 69:5, 71:23, 74:25, 75:1, 75:5, 75:8, 75:19, 75:23, 76:2, 76:3, 76:9, 76:14, 130:18
loading [1] - 54:16
loads [2] - 31:15, 36:5
local [13] - 35:1, 41:14, 48:8, 49:5, 83:12, 94:5, 96:4, 100:5, 103:12, 116:19, 116:22, 117:5, 134:16
localized [1] - 85:20
locate [3] - 25:13, 48:9, 51:13
located [11] - 7:12, 7:15, 21:6, 80:11, 81:2, 82:5, 82:9, 83:20, 94:18, 99:22, 112:12
location [19] - 7:23, 8:6, 20:6, 23:18, 24:10, 34:4, 34:22, 35:6, 36:4, 36:8, 38:17, 40:1, 41:16, 45:4, 47:14, 52:25, 97:7, 98:9, 143:2
locational [1] - 46:17
locations [20] - 33:20, 34:2, 40:12, 40:19, 45:5, 84:24, 85:6, 85:13, 85:16, 86:19, 88:15, 89:1, 90:5, 91:25, 98:12, 100:21, 110:22, 110:23, 110:24, 111:10
Logan [6] - 28:11, 29:7, 31:4, 31:18, 43:10, 112:24
long-eared [10] - 83:15, 84:19, 84:21, 85:1, 85:5, 85:7, 85:8, 85:11, 85:15, 85:18
long-range [1] - 48:4
long-term [3] - 64:7, 64:13, 70:2
look [8] - 10:24, 14:5, 14:9, 14:14, 14:16, 59:7, 120:16, 134:10
looking [9] - 14:8, 24:25, 26:24, 31:7, 35:21, 99:12, 99:21, 140:16, 145:1
looks [1] - 43:13
loop [4] - 14:1, 20:24, 48:15, 67:3
LOS [9] - 28:3, 28:10, 31:4, 43:10, 44:23, 111:22, 112:10, 112:16, 112:24
lost [1] - 122:18
Louisiana [1] - 73:5
low [1] - 36:13
lower [1] - 39:10
Luft [1] - 139:22
lunch [3] - 127:19, 145:4, 145:7

M

Maggie [1] - 8:16
main [5] - 19:7, 21:1, 35:12, 76:13
maintain [3] - 22:10, 37:17, 67:23
maintenance [17] - 7:22, 8:5, 26:25, 41:23, 42:9, 68:20, 68:21, 70:19, 72:2, 76:20, 76:22, 87:11, 97:11, 117:13, 117:17, 118:18, 118:21
major [3] - 24:22, 40:15, 52:13
majority [6] - 36:17, 43:19, 45:16, 45:18, 52:10, 125:17
manage [4] - 29:24, 43:11, 56:14, 58:3
managed [1] - 94:25
management [7] - 48:24, 79:6, 79:7, 102:19, 102:22, 103:2, 104:1
manager [8] - 8:20, 8:24, 9:23, 19:6, 56:20, 57:12, 61:13, 62:4
managing [2] - 19:8, 56:23
mandated [1] - 63:4
manufacturing [1] - 76:18
map [12] - 20:10, 20:18, 20:21, 21:23, 21:24, 24:1, 24:2, 29:20, 30:3, 32:8, 111:19, 111:24
mapped [1] - 93:23
maps [5] - 46:24, 59:7, 99:12, 99:21, 111:21
March [7] - 85:19, 95:12, 96:17, 101:16, 104:24, 105:14, 146:14
MARGARET [1] - 2:6
mark [1] - 14:22
market [1] - 63:7
master's [1] - 79:6
match [1] - 33:10
material [3] - 31:21, 36:8, 93:4
materials [1] - 36:11
math [1] - 101:16
MATS [1] - 134:25
matter [3] - 10:4, 10:11, 139:15
matters [2] - 16:14, 143:6
matting [3] - 57:5, 57:8, 101:6
max [1] - 39:13
maximum [3] - 17:14, 89:25
McClusky [1] - 94:17
McLean [14] - 1:6, 7:12, 21:12, 27:19, 28:7, 28:13, 34:2, 49:12, 50:3, 51:15, 96:7, 96:11, 96:13, 144:4
mean [7] - 32:18, 57:12, 60:2, 75:4, 76:19, 125:20, 141:9
meaning [1] - 22:22
means [2] - 27:1, 113:24
meant [1] - 141:8
measures [11] - 81:18, 84:6, 85:10, 86:24, 88:19, 90:13, 94:2, 96:2, 114:13, 117:13, 120:11
meet [8] - 27:7, 27:8, 40:3, 50:7, 52:22, 81:5, 81:7, 91:23
meeting [2] - 13:24, 25:8
meetings [4] - 28:21, 56:22, 120:15
meets [1] - 53:19
megawatts [1] - 14:5
member [5] - 20:1, 63:14, 64:23, 76:4, 115:2
members [3] - 61:18, 63:10, 109:6
mention [1] - 21:11
mentioned [17] - 20:12, 24:18, 26:20, 32:9, 32:23, 37:12, 42:4, 69:25, 70:16, 73:19, 99:9, 99:19, 101:9, 122:19, 132:8, 139:4, 142:18
Mercer [7] - 1:6, 7:12, 96:7,

96:11, 96:13, 112:13, 130:13
Mercer-McLean-Ward-Mountrail-Williams [1] - 1:6
met [3] - 8:9, 42:19, 112:18
Metcalf [6] - 92:8, 92:18, 93:5, 93:22, 106:6
methodologies [1] - 39:21
methodology [2] - 79:24, 92:11
Mexico [1] - 73:5
microphone [1] - 17:2
microwave [1] - 21:9
mid [1] - 39:14
mid-2019 [1] - 75:7
mid-span [1] - 39:14
midcontinental [1] - 89:13
might [7] - 28:24, 39:20, 43:20, 44:7, 54:23, 55:9, 55:12
migration [2] - 83:21, 89:13
mile [5] - 34:15, 84:3, 87:23, 88:16, 114:17
mileage [1] - 122:8
miles [23] - 13:14, 14:1, 14:3, 14:4, 21:11, 21:18, 25:2, 33:1, 44:5, 50:23, 51:25, 54:1, 58:6, 60:3, 108:14, 112:9, 112:12, 112:25, 113:6, 114:2, 115:13, 119:25, 126:12
military [1] - 95:18
million [2] - 20:2, 22:19
millions [1] - 137:24
mind [3] - 16:3, 128:7, 129:2
minded [1] - 144:22
mine [1] - 72:17
minimal [8] - 7:23, 42:10, 91:10, 95:18, 95:24, 97:12, 118:22, 133:4
minimize [11] - 8:6, 25:20, 27:10, 32:16, 49:22, 87:2, 95:25, 111:14, 114:21, 118:25, 123:16
minimizes [2] - 25:13, 115:16
minimizing [2] - 25:9, 64:14
minimum [3] - 38:24, 39:2, 95:18
mining [2] - 112:18, 114:18
Minnesota [1] - 73:4
minor [1] - 133:14
Minot [3] - 29:7, 30:5, 30:10
minutes [4] - 12:12, 69:12, 132:25
MISO [1] - 73:8
missed [1] - 132:20
missile [1] - 80:19
missing [1] - 121:24
mission [1] - 135:4
Missouri [8] - 44:22, 81:3, 81:15, 88:14, 89:11, 90:3, 90:19, 95:9
mistake [1] - 98:25
mitigate [3] - 56:9, 58:24, 81:18
mitigation [10] - 56:10, 65:7, 91:18, 93:19, 94:2, 96:2, 101:2, 105:19, 114:13, 117:22
mitigations [1] - 65:8
mixture [1] - 83:23
mobilize [1] - 40:25
model [3] - 33:15, 39:8, 65:1
modeling [1] - 76:7
models [4] - 65:2, 75:9, 76:8, 76:12
modern [1] - 74:13
money [9] - 49:23, 73:15, 73:16, 136:21, 136:25, 137:7, 137:12, 137:23, 138:14
monitor [2] - 46:4, 116:12
monitored [1] - 117:11
monopole [1] - 36:18
monopoles [1] - 36:19
Montana [1] - 108:15
month [1] - 44:6
months [2] - 48:19, 76:23
morning [13] - 6:4, 6:24, 10:21, 13:9, 17:1, 17:11, 54:8, 60:12, 60:15, 61:8, 77:25, 78:19, 107:22
most [14] - 23:7, 26:6, 33:7, 35:24, 50:9, 52:12, 52:19, 110:11, 112:2, 113:23, 125:3, 125:7, 126:15, 142:2
mostly [3] - 49:12, 50:13, 51:15
Mountrail [25] - 1:6, 7:13, 21:7, 21:20, 22:6, 22:9, 23:20, 24:13, 26:22, 27:18, 32:11, 32:13, 32:25, 34:4, 34:24, 49:21, 49:23, 50:1, 51:11, 96:7, 96:12, 96:15, 96:18, 100:6, 114:23
Mountrail-Williams [13] - 21:20, 22:6, 22:9, 23:20, 24:13, 27:18, 32:11, 32:13, 32:25, 49:21, 49:23, 50:1, 114:23
Mountrail/Ward [1] - 113:5
move [8] - 16:15, 33:22, 40:8, 45:24, 109:10, 128:4, 134:19, 143:9
moved [5] - 47:13, 71:13, 71:14, 99:11, 114:16
moves [1] - 114:3
moving [2] - 45:1, 59:2
MR [55] - 2:3, 2:11, 2:17, 2:17, 9:12, 9:19, 10:5, 15:2, 15:4, 15:17, 15:24, 16:10, 16:19, 16:21, 42:25, 43:3, 59:17, 59:20, 69:17, 69:19, 77:15, 77:16, 97:25, 98:2, 98:25, 99:3, 106:19, 106:20, 119:10, 119:12, 126:23, 126:24, 127:10, 129:5, 129:10, 129:14, 129:17, 130:2, 130:3, 131:12, 131:14, 135:14, 135:21, 136:1, 136:4, 136:10, 136:11, 139:7, 139:12, 140:1, 140:3, 140:16, 140:18, 142:25, 143:8
MS [35] - 2:3, 2:4, 2:6, 2:18, 8:16, 14:24, 16:8, 16:17, 16:24, 17:21, 18:2, 19:3, 19:4, 42:21, 59:15, 60:10, 61:2, 61:7, 69:6, 77:12, 77:23, 78:18, 97:22, 106:16, 106:24, 107:16, 107:21, 119:6, 126:20, 127:6, 131:10, 139:17, 139:19, 139:23, 142:23
multiple [2] - 55:11, 73:24
must [1] - 80:9

N

N-a-s-s-e-t [1] - 17:9
name [27] - 6:11, 8:16, 17:7, 17:8, 18:4, 18:5, 60:13, 60:14, 60:15, 60:16, 61:9, 61:10, 78:1, 78:2, 78:20, 78:21, 107:2, 107:3, 107:4, 107:5, 107:23, 107:24, 128:12, 129:9, 135:19, 135:20
Nasset [16] - 8:20, 16:25, 17:1, 17:8, 17:10, 18:3, 18:5, 18:24, 21:24, 28:9, 30:25, 42:23, 43:9, 60:8, 80:21, 98:13
NASSET [2] - 3:18, 17:22
Nasset's [2] - 112:20, 115:5
Nathan [7] - 9:4, 30:21, 33:4, 41:6, 106:24, 107:4, 107:24
NATHAN [2] - 4:16, 107:17
nation [1] - 141:17
National [2] - 38:4, 91:13
native [1] - 86:16
Natural [1] - 116:23
natural [5] - 26:1, 79:6, 97:5, 141:22, 141:23
navigate [1] - 41:16
navigating [1] - 113:24
near [14] - 7:16, 7:17, 20:14, 20:17, 23:22, 29:7, 43:25, 64:6, 64:9, 66:7, 90:1, 98:9, 100:2, 111:12
near-term [2] - 64:6, 64:9
nearest [1] - 81:12
nearly [1] - 92:24
necessarily [1] - 139:5
necessary [7] - 9:14, 89:4, 109:2, 109:8, 114:12, 117:13, 144:14
necessity [1] - 68:22
need [25] - 8:25, 11:11, 11:17, 12:18, 14:15, 16:14, 27:23, 31:23, 31:24, 40:12, 40:13, 43:11, 62:9, 62:20, 66:22, 74:24, 91:12, 98:21, 102:12, 114:24, 128:1, 132:19, 134:5, 134:13, 142:21
needed [9] - 34:11, 68:19, 71:18, 71:22, 94:2, 96:24, 97:1, 110:9, 141:15
needs [15] - 8:8, 11:19, 36:7, 42:19, 62:24, 63:22, 64:8, 65:3, 65:22, 66:11, 69:4, 74:2, 75:20, 92:11, 124:2
negate [1] - 114:11
negotiations [1] - 109:3
NERC [6] - 64:1, 64:10, 64:17, 65:14, 91:23, 134:2
NESC [1] - 39:2
nesting [1] - 89:1
never [2] - 124:12, 138:1
new [29] - 18:13, 20:13, 21:5, 21:7, 21:9, 21:14, 24:15, 24:16, 28:23, 29:9, 32:13, 34:21, 35:2, 35:5, 43:17, 43:21, 43:22, 44:17, 46:7, 66:23, 67:17, 79:1, 88:1, 98:11, 98:21, 112:22, 113:9, 114:24
New [3] - 66:24, 67:16, 73:5
newly [2] - 34:18, 112:10
next [25] - 8:23, 15:20, 15:25, 16:6, 37:4, 46:3, 50:16, 51:16, 60:9, 66:11, 77:22, 77:23, 83:2, 84:18, 85:25, 100:9, 103:23, 105:8, 105:11, 106:23, 119:19, 120:4, 122:13, 144:18, 144:20
nine [1] - 67:22
noise [1] - 84:8
none [3] - 93:7, 103:3, 142:15
normal [2] - 39:10, 39:12
normally [1] - 15:12

NORTH [1] - 1:2
north [13] - 20:16, 30:19, 33:3, 46:25, 49:11, 66:22, 66:24, 67:3, 67:16, 112:17, 113:8, 114:17, 116:1
North [46] - 1:18, 2:8, 2:13, 2:20, 2:20, 6:9, 6:17, 7:13, 7:17, 7:25, 17:13, 18:7, 18:19, 18:20, 19:25, 20:25, 30:3, 48:6, 61:22, 61:24, 63:25, 68:2, 68:9, 70:24, 70:25, 71:6, 74:3, 79:7, 80:3, 89:15, 92:9, 92:20, 93:15, 108:15, 112:13, 114:15, 114:16, 115:9, 122:1, 129:6, 130:12, 132:4, 132:12, 132:23, 141:23, 146:13
northern [12] - 46:25, 73:4, 83:14, 84:18, 84:21, 85:1, 85:5, 85:7, 85:8, 85:11, 85:15, 85:18
northwest [3] - 12:25, 20:25, 48:6
northwestern [2] - 68:9, 70:25
note [4] - 128:17, 139:14, 142:25, 145:9
notes [1] - 146:11
noteworthy [1] - 139:13
nothing [2] - 16:19, 142:5
Notice [4] - 6:7, 6:8, 7:18
notice [6] - 28:25, 48:20, 65:25, 66:5, 66:9, 67:9
notify [1] - 93:17
November [4] - 22:15, 30:17, 85:19, 94:21
NTC [2] - 67:11
number [12] - 7:21, 8:1, 8:4, 25:1, 27:22, 54:4, 58:9, 67:10, 70:7, 70:8, 82:8, 136:24
Number [2] - 6:10, 145:11
numbers [2] - 30:4, 33:25
numerous [1] - 52:8

O

o'clock [1] - 12:17
oath [1] - 103:25
object [1] - 15:9
objection [1] - 15:1
objections [2] - 15:5, 15:21
observations [1] - 88:5
observed [4] - 86:23, 88:18, 89:2, 114:20
obstacles [1] - 113:14
obstructions [1] - 26:13
obtain [1] - 100:11
obtained [1] - 82:23
occupied [1] - 113:12
occur [1] - 40:11
October [1] - 94:9
OF [4] - 1:2, 1:11, 3:2, 146:1
off-right-of-way [1] - 58:14
offer [2] - 15:18, 58:25
Offered [1] - 5:17
office [2] - 83:13, 117:5
Office [2] - 6:14, 92:10
officer [1] - 6:12
offices [2] - 116:23, 116:24
often [1] - 26:10
oftentimes [2] - 42:6, 134:10
oil [10] - 26:10, 26:21, 75:3, 75:14, 75:20, 108:11, 111:16, 114:5, 114:9, 138:12
old [1] - 138:5
older [1] - 76:18
Olds [12] - 7:15, 20:14, 23:15, 29:6, 31:18, 34:8, 38:7, 38:10, 62:10, 72:4, 112:6, 137:22
OLSON [32] - 2:6, 8:16, 14:24, 16:8, 16:17, 16:24, 17:21, 18:2, 19:3, 19:4, 42:21, 59:15, 60:10, 61:2, 61:7, 69:6, 77:12, 77:23, 78:18, 97:22, 106:16, 106:24, 107:16, 107:21, 119:6, 126:20, 127:6, 131:10, 139:17, 139:19, 139:23, 142:23
Olson [23] - 8:13, 8:17, 14:23, 16:3, 16:7, 16:15, 16:22, 17:20, 19:2, 59:14, 60:9, 61:1, 77:11, 77:21, 78:13, 106:15, 106:23, 107:15, 126:19, 127:4, 131:9, 139:16, 142:22
Olson..... [5] - 3:19, 4:4, 4:10, 4:18, 5:12
on-site [1] - 120:16
once [17] - 24:5, 24:21, 30:13, 30:19, 32:12, 33:2, 36:1, 40:24, 41:22, 42:1, 49:4, 65:21, 65:23, 102:23, 103:14, 120:8, 120:9
one [68] - 10:17, 11:4, 11:7, 18:23, 20:25, 21:15, 25:20, 25:21, 30:1, 31:6, 34:4, 37:8, 39:25, 40:1, 43:19, 44:1, 44:9, 44:17, 44:19, 46:18, 46:19, 47:22, 49:18, 49:20, 49:24, 53:3, 53:4, 53:10, 55:4, 56:4, 64:11, 69:24, 70:14, 70:15, 71:20, 72:16, 73:8, 73:24, 74:5, 82:8, 82:21, 84:3, 84:10, 86:5, 86:16, 87:23, 88:16, 98:3, 98:14, 98:20, 99:10, 100:2, 105:8, 105:11, 106:8, 111:1, 119:21, 121:24, 127:24, 127:25, 130:20, 133:5, 136:15, 138:18, 138:20, 139:2, 141:1
one's [1] - 73:7
one-half [2] - 84:3, 88:16
one-half-mile [1] - 87:23
ones [3] - 57:12, 65:12, 133:9
ongoing [1] - 73:22
open [4] - 28:21, 104:25, 111:21, 144:22
open-minded [1] - 144:22
Opening [3] - 3:4, 3:5, 3:6
opening [2] - 10:18, 10:22
operate [2] - 21:13, 27:2
operates [1] - 29:6
operating [6] - 33:14, 39:6, 39:10, 39:12, 55:12, 65:18
operation [11] - 7:21, 8:4, 35:11, 42:9, 91:16, 97:7, 97:11, 118:3, 118:15, 118:21, 119:5
operational [1] - 73:11
operations [5] - 93:14, 95:16, 95:19, 111:15, 120:9
operator [1] - 133:9
operators [2] - 112:19, 114:10
OPGW [1] - 37:3
opinion [1] - 142:1
opportunities [1] - 130:25
opportunity [7] - 10:9, 52:24, 115:1, 128:18, 128:19, 131:5, 134:19
opposed [2] - 49:11, 113:19
opposite [1] - 56:3
ops [1] - 115:2
optimization [1] - 36:10
optimizing [1] - 36:7
option [2] - 29:5, 30:11
options [6] - 25:1, 25:2, 49:3, 53:10, 110:6, 110:9
order [5] - 12:22, 34:1, 76:21, 76:23, 102:15
ordered [1] - 45:25
orderly [1] - 8:9
organization [2] - 63:4, 72:25
organization's [1] - 23:13
organizations [1] - 74:12
organize [1] - 141:18
orientated [1] - 31:11
original [2] - 47:11, 80:23
originally [2] - 90:8, 138:1
originate [1] - 7:14
otherwise [2] - 11:13, 117:2
out-of-state [1] - 125:6
outage [8] - 44:6, 44:9, 44:12, 52:5, 52:7, 76:22, 77:8
outages [7] - 29:24, 34:13, 43:11, 44:8, 44:18, 68:21, 72:8
outcome [1] - 109:8
outgrown [1] - 67:18
outlet [2] - 68:2, 76:25
outreach [1] - 49:5
outside [4] - 85:18, 91:2, 100:21, 144:9
outstanding [8] - 51:5, 96:25, 98:4, 104:15, 105:16, 118:13, 121:16, 143:1
overall [4] - 29:18, 79:15, 91:9, 126:10
overhead [4] - 27:18, 28:18, 96:5, 96:8
oversaw [1] - 62:9
oversee [3] - 42:5, 108:25, 116:8
overseeing [1] - 108:3
overseen [2] - 41:6, 108:12
overview [4] - 8:21, 20:10, 70:23
Overview [1] - 111:23
own [11] - 21:13, 22:2, 22:3, 22:8, 22:9, 25:15, 41:23, 56:19, 66:3, 102:21, 133:1
owned [2] - 22:5, 22:7
owner [2] - 66:2, 66:8

P

P-e-t-e-r-s-o-n [1] - 135:22
p.m [2] - 145:10, 145:12
page [5] - 37:4, 46:23, 46:24, 104:11
Page [27] - 3:3, 3:15, 3:19, 3:20, 3:21, 3:23, 3:24, 4:4, 4:5, 4:6, 4:7, 4:10, 4:11, 4:12, 4:13, 4:15, 4:18, 4:19, 4:20, 4:21, 5:5, 5:6, 5:8, 5:11, 5:12, 5:13, 5:14
pages [1] - 146:10
Pages [1] - 1:13
panel [1] - 128:15
paper [1] - 52:17
Paralegal [1] - 2:18
parallel [2] - 27:5, 64:17
parcels [1] - 122:10
part [20] - 7:6, 23:7, 24:19, 26:6, 37:12, 50:10, 56:14, 61:16, 65:6, 70:6, 70:25,

112:17, 123:20, 125:7, 126:15, 130:13, 132:10, 132:23, 143:2
parte [1] - 11:14
participate [1] - 65:1
participating [1] - 9:11
parties [3] - 8:11, 9:25, 11:12
partners [1] - 53:12
party [1] - 106:10
passed [1] - 96:16
past [3] - 18:21, 67:22, 134:1
pasture [2] - 38:25, 118:8
pastureland [2] - 116:25, 120:25
patches [1] - 85:3
path [2] - 66:22, 68:5
penalties [6] - 17:12, 60:19, 78:6, 107:8, 129:12, 135:24
people [18] - 7:6, 11:5, 13:2, 18:24, 72:19, 74:8, 122:25, 127:14, 136:16, 136:22, 136:25, 137:9, 137:16, 137:19, 144:12, 144:17, 144:20, 145:1
per [9] - 84:15, 89:6, 103:18, 136:21, 136:24, 136:25, 137:13, 137:14
percent [14] - 54:8, 54:9, 60:1, 60:2, 80:13, 83:21, 86:9, 86:11, 86:21, 110:8, 119:23, 126:14, 137:16
percentage [5] - 119:24, 121:25, 122:14, 125:5, 125:20
perfect [2] - 17:5, 101:17
perform [6] - 41:24, 51:22, 54:17, 65:14, 70:19, 85:22
performed [3] - 84:23, 86:3, 92:14
performs [2] - 63:18, 63:24
perhaps [2] - 139:9, 139:10
period [5] - 88:22, 104:19, 105:1, 105:2
perjury [13] - 17:12, 17:13, 17:16, 60:19, 60:22, 78:6, 78:9, 107:8, 107:11, 129:13, 129:16, 135:24, 136:3
permanent [4] - 90:4, 90:11, 93:14, 117:14
permissions [4] - 26:16, 52:15, 52:23, 110:5
permit [6] - 7:11, 94:17, 94:20, 95:12, 96:11, 105:4
permits [8] - 27:24, 79:2, 95:9, 96:25, 101:24, 102:12, 102:17, 124:8
permitted [4] - 88:8, 96:6, 96:8
permitting [5] - 19:10, 79:9, 90:18, 90:20, 100:5
perpendicular [1] - 33:16
person [5] - 57:20, 110:12, 120:14, 125:4
personnel [1] - 87:11
perspective [1] - 135:3
PETERSON [10] - 5:9, 135:21, 136:1, 136:4, 136:6, 136:10, 136:11, 139:7, 139:12, 140:18
Peterson [5] - 135:21, 135:23, 139:20, 140:8, 142:12
Peterson..... [1] - 5:11
petition [1] - 10:1
Phase [1] - 14:4
phase [4] - 36:24, 41:4, 42:5, 57:15
phases [4] - 19:21, 37:1, 39:23, 110:16
Phil [3] - 21:1, 23:11, 48:11
Philip [4] - 8:23, 60:10, 60:16, 61:10
PHILIP [2] - 4:2, 61:3
philosophy [1] - 25:4
phone [3] - 6:21, 103:19, 110:14
phones [1] - 6:19
physical [2] - 21:4, 31:24
physically [1] - 59:3
pick [1] - 70:14
picked [2] - 117:8, 120:22
piece [7] - 12:5, 70:15, 70:21, 72:2, 76:7, 76:9, 76:10
pier [2] - 54:14, 54:24
Pioneer [1] - 14:4
pipeline [1] - 114:10
pipelines [1] - 108:15
piping [10] - 80:25, 81:18, 83:16, 88:9, 88:11, 88:13, 88:18, 88:20, 88:22, 88:24
place [17] - 26:17, 31:21, 34:12, 44:8, 44:10, 45:15, 47:22, 67:21, 81:11, 87:21, 95:3, 115:8, 118:13, 121:4, 132:19, 141:4, 146:7
placed [6] - 81:9, 82:19, 85:2, 87:17, 90:6, 100:14
placement [1] - 95:16
placements [1] - 36:3
placing [2] - 27:6, 31:16
plan [18] - 12:13, 32:20, 56:9, 64:9, 69:11, 91:18, 91:19, 102:20, 102:22, 102:23, 102:24, 103:2, 103:20, 103:22, 104:1, 106:3, 117:22, 132:16
planned [4] - 28:6, 70:19, 77:7, 114:18
planners [1] - 52:5
planning [31] - 8:25, 18:12, 21:2, 39:24, 44:6, 48:7, 48:14, 48:16, 49:13, 62:2, 62:12, 62:22, 63:1, 63:12, 63:16, 63:17, 63:24, 64:4, 64:6, 64:10, 64:16, 64:20, 65:2, 65:15, 65:24, 66:12, 83:9, 96:16, 96:18, 141:16, 144:20
plans [4] - 94:4, 94:8, 103:12, 141:5
plant [7] - 34:10, 34:15, 71:3, 118:9, 137:22, 138:6, 141:15
plants [1] - 141:25
plover [9] - 80:25, 81:18, 83:16, 88:9, 88:11, 88:13, 88:20, 88:23, 88:24
plovers [1] - 88:18
point [20] - 12:16, 15:7, 15:9, 21:8, 44:11, 51:4, 53:24, 66:23, 67:6, 105:7, 112:2, 112:7, 112:11, 120:12, 120:20, 120:21, 120:23, 126:13, 126:16, 130:15
points [3] - 23:15, 24:22, 52:22
pole [2] - 29:15, 87:3
poles [2] - 45:15, 54:11
policy [1] - 63:19
political [1] - 48:8
Pool [4] - 62:12, 63:1, 63:2, 63:3
Pool's [1] - 48:13
portfolio [2] - 74:4, 74:5
portion [3] - 115:4, 115:7, 142:16
posed [2] - 115:20, 130:9
posing [1] - 113:11
position [4] - 18:9, 61:12, 78:23, 108:1
positive [2] - 126:10, 126:16
possible [11] - 11:24, 11:25, 12:1, 12:22, 27:3, 35:15, 35:16, 49:2, 51:19, 90:1, 110:13
post [1] - 109:20
post-construction [1] - 109:20
potential [7] - 65:7, 84:23, 85:5, 85:14, 89:23, 91:8, 92:12
potentially [1] - 11:20
pothole [1] - 83:24
potholed [1] - 113:10
Power [16] - 1:6, 2:6, 7:9, 8:18, 18:6, 27:20, 48:13, 61:11, 62:12, 63:1, 63:2, 63:3, 78:22, 84:15, 107:25, 133:8
power [7] - 14:13, 20:1, 34:10, 49:17, 63:6, 132:15, 132:21
practices [1] - 116:15
prefer [2] - 120:17, 123:13
preferred [1] - 47:9
prefiled [7] - 14:19, 20:8, 23:25, 44:22, 67:12, 69:25, 111:20
preliminary [2] - 16:14, 110:24
preparation [3] - 40:8, 49:2, 79:16
prepared [2] - 15:9, 41:9
preparing [1] - 49:3
presence [5] - 81:4, 85:22, 88:7, 88:25, 109:9
present [9] - 10:2, 75:23, 82:2, 82:17, 86:15, 91:11, 106:10, 117:1
PRESENT [1] - 2:2
presentation [3] - 15:20, 130:6, 143:14
presented [1] - 113:14
presents [3] - 53:8, 130:25, 134:19
preservation [3] - 8:2, 42:15, 97:20
Preservation [1] - 92:10
presume [1] - 121:24
pretty [6] - 45:6, 45:20, 53:20, 58:18, 91:10, 126:15
prevent [3] - 57:6, 118:9, 121:4
prevent-plant [1] - 118:9
previously [10] - 20:12, 32:10, 34:24, 35:20, 60:18, 80:20, 90:20, 95:7, 98:17, 142:18
price [1] - 137:13
prices [1] - 63:9
primarily [5] - 49:15, 75:13, 75:20, 76:2, 76:13
primary [1] - 86:17
priority [1] - 35:12
private [3] - 54:4, 94:5, 110:10
probability [1] - 84:25
problem [1] - 124:3
problems [1] - 103:9
proceeding [3] - 12:6, 12:10, 127:17
PROCEEDINGS [1] - 3:2
proceedings [3] - 6:1, 11:15, 146:6
process [53] - 13:4, 19:20, 24:23, 27:6, 41:12, 44:16,

44:25, 48:14, 53:2, 62:13, 62:22, 63:1, 63:18, 63:22, 63:24, 64:4, 64:5, 64:12, 64:18, 64:20, 65:1, 65:4, 65:6, 65:25, 66:13, 66:15, 66:16, 66:18, 67:9, 70:6, 70:8, 73:20, 73:23, 75:6, 75:7, 75:9, 75:10, 75:19, 75:22, 75:25, 100:5, 100:9, 104:20, 116:9, 118:12, 120:14, 130:10, 139:4, 141:4, 141:16, 144:2
processes [2] - 64:17, 120:8
procurement [2] - 19:11, 46:9
produce [4] - 7:23, 42:9, 97:12, 118:22
produced [7] - 21:25, 24:1, 31:1, 32:9, 37:5, 45:19, 111:24
producers [1] - 12:3
produces [1] - 64:8
productive [1] - 10:24
professional [6] - 18:17, 18:18, 61:20, 61:21, 79:4, 108:7
Professional [2] - 146:4, 146:18
profiles [1] - 54:20
Program [1] - 117:3
progress [2] - 109:1, 116:13
Project [1] - 111:23
project [212] - 7:14, 8:20, 8:21, 8:25, 11:9, 19:5, 19:6, 19:7, 19:9, 19:14, 19:19, 20:4, 20:5, 20:9, 20:12, 20:24, 21:3, 21:5, 22:2, 22:3, 22:12, 22:15, 22:17, 22:23, 22:24, 22:25, 23:3, 23:4, 23:5, 23:6, 23:9, 23:13, 23:15, 23:18, 24:14, 24:16, 24:19, 25:3, 25:5, 25:6, 25:8, 25:9, 25:19, 26:3, 26:5, 27:16, 27:20, 28:3, 28:20, 29:19, 31:23, 32:5, 32:14, 33:6, 33:11, 33:21, 34:7, 34:10, 34:21, 36:11, 37:18, 37:23, 38:1, 38:6, 38:20, 38:21, 39:19, 39:23, 39:24, 40:3, 40:4, 40:11, 40:25, 42:8, 42:14, 42:18, 45:12, 45:25, 46:5, 48:14, 48:22, 49:4, 49:24, 50:13, 51:8, 52:14, 53:7, 54:5, 54:13, 55:8, 55:10, 56:15, 57:7, 57:8, 57:10, 57:12, 57:14, 59:5, 62:7, 62:9, 62:11, 62:15, 62:20, 62:23, 63:13, 65:22, 65:23, 66:3, 66:10, 66:13, 66:14, 67:11, 67:13, 67:15, 68:1, 68:7, 68:15, 68:25, 69:3, 70:5, 70:16, 73:21, 74:5, 79:14, 79:17, 79:20, 80:1, 80:15, 80:17, 80:24, 81:2, 81:5, 81:7, 81:15, 81:25, 82:5, 82:15, 82:17, 83:5, 83:11, 83:20, 83:24, 84:2, 85:3, 85:12, 86:9, 86:10, 86:11, 86:21, 87:2, 87:12, 88:12, 88:15, 88:17, 89:16, 89:24, 90:2, 90:3, 92:6, 93:11, 94:4, 94:7, 94:24, 95:17, 96:2, 97:2, 97:10, 97:15, 97:19, 98:21, 98:22, 98:23, 102:22, 104:19, 108:16, 108:20, 108:22, 109:4, 109:13, 109:19, 109:24, 110:2, 110:4, 110:5, 110:7, 110:9, 110:16, 112:4, 113:2, 113:22, 114:7, 115:15, 115:16, 116:6, 116:16, 116:22, 117:18, 118:20, 118:24, 121:13, 126:9, 126:16, 130:7, 130:15, 130:17, 131:6, 145:2
project's [9] - 35:10, 66:11, 67:1, 89:22, 91:7, 93:13, 97:7, 118:2, 119:4
projections [1] - 22:18
projects [10] - 25:7, 41:18, 46:5, 73:24, 73:25, 74:4, 79:1, 79:12, 130:12, 141:12
promoted [1] - 62:4
property [9] - 9:5, 25:12, 26:1, 34:16, 108:2, 108:21, 111:12, 116:11, 120:16
proposal [1] - 62:11
propose [3] - 27:8, 111:2
proposed [9] - 7:22, 8:1, 8:5, 24:5, 36:15, 80:1, 111:16, 143:21, 144:3
proposing [1] - 38:19
protect [6] - 84:7, 85:11, 86:25, 88:20, 90:14, 137:6
protocol [1] - 106:5
proved [1] - 116:1
provide [25] - 7:3, 15:15, 20:5, 21:7, 33:25, 41:7, 41:12, 62:19, 62:21, 64:24, 65:3, 66:22, 67:13, 85:7, 89:12, 103:24, 109:7, 109:17, 127:13, 127:14, 128:8, 128:18, 135:16, 141:9, 142:14
provided [7] - 103:3, 103:18, 103:19, 106:3, 113:23, 128:23, 143:15
provides [7] - 20:1, 56:16, 65:7, 67:5, 67:15, 68:1, 71:22
providing [3] - 10:15, 84:25, 117:23
PSC [2] - 9:13, 30:7
PU-24-361 [3] - 1:4, 6:10, 145:11
Public [5] - 2:11, 6:8, 6:9, 6:15, 7:18
public [26] - 7:3, 10:7, 12:18, 14:11, 49:6, 50:4, 63:19, 94:8, 97:5, 104:25, 105:1, 105:2, 127:13, 127:18, 128:4, 128:8, 128:17, 135:16, 137:5, 137:17, 139:8, 142:14, 142:16, 143:15, 143:20, 144:5
PUBLIC [3] - 1:3, 2:14, 5:2
pull [2] - 41:1, 70:22
pumping [1] - 138:5
punishable [1] - 17:14
purpose [8] - 19:16, 47:4, 47:6, 62:17, 62:19, 79:22, 109:15, 109:17
purposes [1] - 73:12
pushed [1] - 145:5
put [6] - 9:24, 121:3, 127:8, 128:25, 132:15, 139:9
puts [2] - 26:9, 72:21
putting [3] - 15:19, 43:21, 71:20

Q

quantify [1] - 70:11
quarter [6] - 25:24, 26:5, 35:21, 113:20, 123:9, 123:13
questionable [1] - 105:24
questions [55] - 9:14, 10:15, 11:6, 42:22, 42:24, 46:12, 46:17, 50:16, 59:11, 59:16, 59:19, 59:22, 69:7, 69:10, 69:16, 69:24, 72:11, 77:10, 77:14, 77:18, 97:23, 97:24, 99:2, 101:19, 103:13, 103:21, 104:5, 106:18, 106:22, 110:21, 119:7, 119:9, 119:10, 119:12, 119:18, 121:20, 124:21, 126:18, 126:22, 127:1, 128:15, 130:8, 131:8, 131:9, 135:12, 136:19, 139:2, 139:6, 139:16, 139:24, 139:25, 140:21, 141:14, 142:4, 142:9
quite [1] - 26:3

R

rain [1] - 57:3
raise [1] - 127:13
ranching [2] - 12:3, 111:14
RANDY [1] - 2:3
Range [4] - 114:15, 114:16, 115:9, 115:24
range [4] - 37:22, 48:4, 54:24, 140:12
rangeland [1] - 83:23
rare [1] - 89:14
rather [6] - 10:4, 34:12, 77:7, 123:8, 123:12, 137:25
ratio [2] - 70:11, 70:14
ravines [1] - 58:10
reach [2] - 103:20, 116:2
reaching [1] - 53:13
reading [2] - 13:17, 144:15
ready [5] - 31:25, 40:24, 44:10, 77:6, 120:13
real [3] - 124:12, 138:2, 138:14
really [26] - 12:6, 23:17, 24:25, 26:12, 28:17, 35:21, 35:25, 43:16, 45:17, 48:6, 48:9, 52:24, 53:1, 54:15, 57:9, 71:20, 71:22, 75:7, 75:11, 75:14, 75:15, 101:23, 133:16, 135:1, 138:9, 138:21
reason [1] - 141:13
reasonable [6] - 55:7, 64:13, 80:14, 81:14, 81:24, 144:7
rebuild [2] - 50:9, 112:23
rebuilding [2] - 29:5, 31:4
rebuilt [1] - 34:14
receive [4] - 46:3, 48:20, 96:21, 105:4
received [12] - 18:19, 30:14, 48:23, 79:5, 93:17, 94:20, 96:13, 98:5, 102:5, 102:10, 104:17, 104:23
Received [1] - 5:17
receives [1] - 66:8
recent [3] - 57:7, 68:10, 144:4
recently [1] - 98:15
recess [1] - 145:10
Recessed [2] - 69:13, 145:12
reclaim [1] - 118:16
reclaiming [1] - 116:5
reclamation [25] - 9:7, 41:4, 42:5, 87:10, 108:5, 108:14, 109:11, 109:20, 110:15, 116:4, 116:9, 116:10, 116:13, 116:15, 116:19, 116:25, 117:18, 117:25, 118:3, 118:12, 118:13,

119:4, 120:8, 121:8, 121:14
Reclamation [2] - 94:14, 94:16
recognize [1] - 25:10
recommend [1] - 93:7
recommended [3] - 73:25, 94:1, 105:22
reconstructing [1] - 21:12
reconvene [1] - 69:12
reconvened [1] - 69:13
record [20] - 6:2, 7:1, 8:12, 8:14, 9:10, 9:18, 9:25, 11:12, 11:20, 13:2, 17:7, 60:13, 78:1, 107:2, 128:12, 128:14, 128:25, 135:19, 145:9, 146:7
recorded [2] - 86:19, 146:5
recreational [1] - 26:19
red [6] - 20:18, 83:16, 89:8, 89:10, 89:12, 89:18
redirect [4] - 59:14, 77:11, 106:15, 126:19
reduce [3] - 85:14, 115:2, 134:13
reducing [3] - 74:1, 84:17, 113:21
reemphasize [1] - 130:11
reestablish [1] - 116:21
refer [3] - 16:4, 20:7, 36:20
reference [1] - 32:8
referred [1] - 51:14
reflect [2] - 13:18, 13:21
refrain [1] - 11:16
refreshed [1] - 76:2
regarding [11] - 10:1, 46:19, 57:25, 92:10, 95:15, 103:21, 106:8, 110:22, 117:20, 125:15, 139:14
region [8] - 13:16, 63:13, 63:20, 68:11, 68:14, 130:23, 130:24, 133:9
regional [6] - 19:23, 23:12, 63:3, 64:13, 72:25, 141:3
Register [1] - 93:9
Registered [2] - 146:3, 146:18
Registry [1] - 93:9
regular [1] - 116:12
regularly [1] - 109:5
regulations [2] - 80:5, 135:4
Regulatory [1] - 63:5
related [2] - 62:20, 109:18
relates [1] - 51:15
relating [1] - 119:4
relation [1] - 95:16
relationship [1] - 126:8
relatively [3] - 29:20, 35:14, 58:17
release [2] - 42:3, 47:25
relevant [1] - 117:15
Reliability [2] - 64:1, 91:14
reliability [20] - 8:7, 13:24, 14:7, 14:14, 42:19, 48:18, 63:18, 64:1, 64:7, 67:2, 67:24, 69:1, 73:17, 74:1, 130:24, 134:3, 134:18, 134:22, 135:2, 135:6
reliable [5] - 14:13, 63:6, 68:18, 68:23, 70:18
reliably [2] - 65:20, 76:24
relocations [1] - 82:10
relying [1] - 135:9
remain [2] - 47:22, 91:2
remainder [1] - 89:15
Remarks [2] - 3:4, 3:8
remarks [1] - 143:10
remember [1] - 12:23
remove [2] - 29:12, 47:24
removed [4] - 85:23, 91:13, 99:24, 113:1
renewable [1] - 68:4
rent [2] - 136:12, 138:18
repeat [1] - 75:18
replace [2] - 72:8, 77:7
replacement [2] - 34:11, 91:19
replacements [1] - 117:20
replacing [3] - 72:7, 76:16, 77:2
replant [1] - 117:4
report [5] - 66:21, 67:1, 92:19, 101:12, 116:10
reported [1] - 89:15
Reporter [2] - 146:4, 146:18
REPORTER [2] - 128:2, 146:1
Reporter..... [1] - 3:15
reporting [1] - 92:11
reports [4] - 92:20, 93:7, 93:16, 101:10
represent [1] - 136:12
representatives [2] - 139:10, 141:2
representing [1] - 128:12
request [8] - 6:14, 30:15, 30:17, 52:14, 52:22, 111:3, 121:2, 143:1
requesting [5] - 15:15, 91:21, 91:24, 103:11, 124:8
requests [4] - 110:18, 110:20, 111:8, 122:20
require [5] - 26:8, 29:1, 85:12, 103:15, 104:1
required [7] - 17:11, 40:9, 66:9, 101:4, 116:20, 117:15, 132:24
requirements [4] - 64:10, 65:14, 91:23, 132:17
requires [3] - 66:6, 94:16, 95:2
requiring [1] - 23:6
reroute [1] - 24:11
rerouted [1] - 47:16
rerouting [1] - 47:12
research [2] - 94:1, 105:21
reseed [1] - 117:1
reseeded [1] - 120:25
Reserve [1] - 117:3
reserve [3] - 15:5, 15:21, 132:19
residence [1] - 47:5
residences [2] - 82:6, 113:12
residential [1] - 75:3
resolution [1] - 51:4
resolve [1] - 57:22
resolved [1] - 118:14
resource [7] - 79:7, 82:4, 91:3, 92:5, 92:17, 134:11, 135:2
resources [17] - 8:3, 42:15, 76:11, 76:14, 92:2, 92:12, 93:8, 93:10, 93:12, 93:21, 95:25, 97:5, 97:20, 105:20, 105:25, 119:2, 135:10
Resources [1] - 116:23
resources' [1] - 93:25
respect [11] - 19:5, 62:6, 76:20, 79:13, 79:25, 83:19, 84:20, 86:2, 88:11, 89:10, 108:19
respond [2] - 11:21, 12:20
responded [1] - 125:9
responding [1] - 125:8
response [2] - 101:10, 103:11
responses [3] - 52:17, 98:4, 98:7
responsibilities [4] - 18:11, 61:14, 78:25, 108:3
responsibility [1] - 42:3
responsible [3] - 63:11, 79:15, 117:23
rest [5] - 32:1, 33:3, 44:11, 50:16, 59:11
restart [1] - 133:13
restricted [1] - 68:16
result [4] - 67:8, 67:19, 68:23, 112:23
results [2] - 92:16, 111:5
retain [1] - 116:18
review [11] - 14:17, 15:8, 15:24, 61:17, 82:4, 85:6, 91:20, 92:20, 97:15, 102:25, 104:19
reviewed [3] - 57:6, 95:11, 105:9
reviewing [4] - 49:2, 50:5, 93:16, 95:5
Ridge [3] - 14:3, 57:7, 71:10
right-of-way [33] - 9:5, 19:11, 24:25, 30:22, 33:8, 33:13, 33:17, 33:19, 34:3, 40:7, 41:6, 42:4, 46:18, 53:11, 53:13, 57:2, 57:10, 57:16, 57:17, 58:8, 58:13, 108:2, 108:21, 108:23, 109:19, 109:23, 110:1, 110:3, 110:17, 110:19, 116:5, 116:8, 116:11
rights [2] - 108:9, 109:9
ringing [1] - 6:21
river [5] - 20:15, 21:12, 38:12, 45:6, 143:24
River [10] - 44:22, 81:3, 81:16, 88:14, 89:11, 90:3, 90:19, 95:9, 115:6, 115:19
road [1] - 43:25
roads [8] - 38:25, 58:2, 87:19, 87:24, 99:17, 123:4, 123:6
Robinson [1] - 24:8
rock [1] - 117:7
rocks [1] - 120:21
role [7] - 19:4, 62:6, 64:19, 79:13, 108:19, 108:25, 116:4
rolls [1] - 76:6
room [6] - 43:18, 44:3, 60:18, 78:5, 107:7, 129:11
rougher [1] - 114:4
Roundup [5] - 14:2, 57:7, 71:8, 71:9, 71:10
route [61] - 7:11, 20:15, 22:21, 22:23, 22:24, 23:4, 23:10, 23:18, 24:11, 25:2, 25:24, 26:4, 26:15, 27:5, 28:12, 28:23, 28:24, 29:20, 30:2, 30:20, 32:16, 33:3, 36:1, 37:15, 48:5, 48:7, 50:3, 50:7, 50:11, 52:15, 53:19, 53:20, 54:19, 80:1, 80:10, 80:24, 81:2, 86:9, 89:14, 94:24, 99:16, 109:19, 110:3, 110:22, 111:3, 111:10, 111:11, 111:18, 112:4, 112:5, 113:22, 114:7, 114:11, 115:15, 115:16, 116:1, 118:16, 118:24, 119:25, 125:17, 126:13
Route [1] - 111:23
routed [1] - 99:16
routes [3] - 32:18, 54:1, 114:6
routing [15] - 8:22, 9:7, 19:10, 19:20, 24:22, 25:5, 30:23, 33:4, 49:2, 57:15, 57:18, 81:21, 87:4, 112:15,

114:20
rows [1] - 111:14
RTO [3] - 63:11, 73:7, 73:12
RTOs [2] - 72:18, 130:10
rufa [5] - 83:16, 89:8, 89:10, 89:12, 89:18
rugged [1] - 27:4
rules [2] - 80:4, 117:5
ruling [2] - 134:25
run [2] - 113:16, 132:13
running [2] - 113:19, 122:21
rural [2] - 29:2, 108:11
Ryan [7] - 9:1, 25:18, 45:2, 77:24, 78:3, 78:21, 99:8
RYAN [2] - 4:9, 78:14
Ryder [1] - 21:9

S

safe [1] - 27:2
safely [3] - 51:16, 58:24, 59:4
safest [1] - 58:15
Safety [1] - 38:4
safety [2] - 56:23, 58:2
sag [2] - 39:7, 39:13
sags [1] - 39:9
Sakakawea [5] - 48:5, 49:11, 66:23, 67:3, 112:17
sat [1] - 143:20
satisfaction [1] - 116:14
Satterthwaite [4] - 21:22, 24:17, 32:15, 114:25
save [3] - 49:23, 50:16, 59:25
saved [2] - 29:22, 133:16
saves [2] - 73:15, 73:16
savings [1] - 49:15
saw [3] - 71:16, 127:25, 128:16
scale [2] - 53:8, 56:15
scares [1] - 132:4
scatters [2] - 92:25, 93:4
schedule [3] - 19:8, 22:11, 40:3
schedules [1] - 49:3
scheme [3] - 67:20, 67:21, 67:22
science [2] - 61:23, 79:5
scope [3] - 19:8, 34:6, 64:24
se [1] - 103:18
search [1] - 92:13
season [5] - 85:19, 121:2, 121:15, 121:16, 132:18
seasonal [1] - 65:18
second [4] - 10:3, 18:23, 21:17, 105:7
section [18] - 26:7, 26:8, 26:9, 26:11, 113:16, 113:17, 113:19, 114:17, 114:19, 122:21, 122:22, 122:23, 123:2, 123:4, 123:11, 123:13, 124:5, 124:15
Section [4] - 90:18, 90:19, 95:8, 140:14
sections [1] - 49:14
sedimentation [1] - 117:14
see [16] - 13:10, 20:18, 20:23, 28:17, 29:19, 30:2, 30:6, 30:11, 37:7, 47:10, 52:19, 71:9, 74:23, 111:4, 125:24, 127:23
seed [1] - 121:2
seeing [4] - 48:18, 71:15, 142:15, 145:1
seek [1] - 110:5
seeks [1] - 64:12
Segment [10] - 112:3, 112:6, 112:9, 113:3, 113:6, 113:25, 114:2, 115:11, 115:13, 123:1
segment [21] - 21:17, 22:5, 28:4, 28:5, 28:7, 32:6, 32:7, 33:1, 38:7, 38:9, 38:10, 38:14, 38:16, 112:11, 113:10, 113:15, 114:3, 114:15, 115:9, 115:16, 115:23
segments [3] - 26:4, 35:22, 112:5
select [2] - 26:14, 33:12
selected [12] - 23:10, 24:10, 24:21, 27:5, 32:12, 32:16, 36:1, 37:16, 48:17, 85:4, 113:22, 118:25
selecting [1] - 65:12
selection [3] - 22:21, 23:13, 111:18
sell [1] - 53:16
Senior [1] - 2:7
senior [3] - 8:17, 9:5, 108:2
sense [4] - 20:24, 123:14, 138:6, 141:25
sensitive [1] - 97:16
sent [1] - 49:7
separate [3] - 40:20, 41:5, 122:14
September [2] - 79:10, 103:6
series [1] - 44:7
seriously [1] - 131:22
serve [2] - 65:20, 71:6
served [1] - 114:11
Service [11] - 2:11, 6:9, 6:15, 83:8, 84:12, 88:5, 88:22, 89:3, 94:23, 95:2, 116:24
service [2] - 43:16, 71:13
SERVICE [2] - 1:3, 2:15
services [4] - 8:24, 61:13, 62:4, 83:13
servicing [1] - 71:23
serving [2] - 20:2, 132:4
sessions [1] - 49:6
set [5] - 6:7, 40:22, 40:24, 55:4, 124:15
setback [1] - 99:21
setbacks [6] - 26:8, 29:1, 30:8, 113:18, 114:20, 124:5
settle [1] - 118:17
settlement [2] - 110:16, 118:6
several [10] - 26:14, 28:21, 33:4, 34:10, 35:2, 44:6, 46:2, 48:19, 67:15, 112:15
several-month [1] - 44:6
shakes [1] - 75:9
share [3] - 50:2, 111:5, 130:5
shared [3] - 41:19, 87:10, 130:7
shed [1] - 67:23
shedding [1] - 67:20
sheet [2] - 6:23, 7:1
SHERI [1] - 2:3
shield [1] - 41:1
shift [1] - 111:1
shifts [1] - 111:9
ship [1] - 46:1
shipped [1] - 138:2
shooting [1] - 104:25
shoreline [2] - 89:11, 89:17
short [3] - 35:16, 44:9, 69:11
shorthand [2] - 146:6, 146:11
shortly [1] - 21:16
show [4] - 20:22, 31:12, 68:11, 70:7
showed [1] - 134:4
shown [3] - 21:22, 24:4, 112:2
shows [7] - 13:10, 24:2, 24:4, 24:6, 28:12, 36:22, 81:22
SHPO [4] - 92:20, 93:15, 101:10, 101:14
shrub [4] - 91:15, 91:17, 91:19, 117:21
shrubs [3] - 91:5, 91:8, 91:9
shut [3] - 124:2, 135:5, 142:1
side [13] - 21:15, 21:19, 24:2, 24:4, 30:19, 37:8, 44:1, 44:2, 47:10, 48:5, 67:3, 76:7, 112:17
sides [1] - 31:12
sightings [1] - 84:1
sign [4] - 6:25, 122:2, 144:21
sign-in [1] - 6:25
signed [3] - 136:22, 136:23, 137:16
significance [2] - 26:19, 93:25
significant [8] - 13:15, 25:1, 27:15, 28:17, 53:14, 57:8, 112:4, 122:7
significantly [1] - 35:18
silence [1] - 6:20
similar [5] - 20:9, 37:7, 39:23, 44:15, 72:4
simple [2] - 35:14, 58:17
simpler [1] - 49:20
simply [1] - 68:19
single [10] - 24:3, 28:23, 29:15, 30:20, 32:18, 36:18, 36:23, 37:11, 37:21, 113:8
single-circuit [7] - 28:23, 30:20, 32:18, 36:18, 36:23, 37:11, 37:21
single-pole [1] - 29:15
sit [1] - 145:2
site [20] - 23:22, 25:13, 30:4, 32:12, 32:14, 40:18, 40:21, 56:20, 82:19, 92:22, 92:23, 92:25, 93:6, 93:23, 116:12, 117:9, 120:16
sited [3] - 13:19, 76:12, 89:24
sites [17] - 30:4, 41:17, 43:25, 55:23, 82:2, 82:16, 82:18, 82:21, 92:22, 92:23, 92:24, 93:1, 93:2, 93:6, 98:9, 115:17
siting [10] - 9:3, 13:13, 13:23, 14:4, 79:11, 80:6, 84:1, 87:3, 90:10, 113:11
Siting [2] - 1:7, 80:4
sitting [1] - 145:4
situations [2] - 41:10, 118:9
size [4] - 38:23, 54:16, 85:4, 121:15
sizes [2] - 111:16, 113:18
skipper [8] - 83:15, 85:25, 86:2, 86:18, 86:25, 87:3, 91:1, 115:18
skippers [1] - 86:23
skippers' [1] - 87:15
slower [1] - 55:10
Smith [3] - 128:1, 146:3, 146:17
soft [1] - 57:5
soil [4] - 54:18, 54:19, 138:20, 138:23
soils [1] - 116:20
solid [1] - 74:10
solution [3] - 48:17, 53:19, 70:12
solutions [1] - 63:21
solves [1] - 134:18
sometimes [4] - 12:7, 53:3, 55:7, 99:12
somewhere [1] - 132:11

sorry [3] - 14:19, 30:8, 138:7
sort [4] - 72:19, 100:6, 121:10, 121:12
sound [1] - 56:7
sounds [2] - 102:3, 102:7
south [2] - 24:16, 34:15
southeast [1] - 112:13
southern [4] - 81:3, 88:14, 90:1, 112:2
Southwest [5] - 48:13, 62:11, 62:25, 63:1, 63:3
spacing [1] - 111:15
span [5] - 27:3, 37:25, 39:14, 45:5, 88:13
spans [4] - 29:17, 33:13, 33:22, 80:24
special [4] - 33:21, 94:16, 94:20, 96:23
specialist [3] - 9:6, 46:18, 108:3
specializes [1] - 116:19
species [8] - 80:25, 83:4, 83:6, 83:10, 83:14, 86:4, 89:14, 117:1
Species [1] - 81:1
specific [5] - 36:5, 54:1, 66:18, 111:2, 111:10
specifically [3] - 43:24, 72:18, 130:8
specifications [1] - 117:18
specified [1] - 7:19
speed [1] - 56:23
spell [3] - 71:17, 129:8, 135:19
spelled [2] - 17:9, 107:5
spelling [4] - 17:7, 60:14, 78:2, 107:2
spend [2] - 15:14, 137:11
spends [1] - 137:11
split [2] - 26:2, 123:17
spoken [1] - 98:14
sponsor [1] - 130:7
spot [1] - 111:13
spots [1] - 122:19
spotted [3] - 84:5, 84:10, 85:9
spotting [1] - 36:9
SPP [34] - 48:20, 62:21, 63:2, 63:11, 63:12, 63:14, 63:15, 63:17, 63:18, 63:24, 64:2, 64:3, 64:5, 64:22, 64:23, 65:9, 65:21, 65:24, 65:25, 66:8, 66:12, 66:14, 67:9, 67:14, 70:6, 72:18, 72:25, 73:7, 73:10, 74:3, 141:3, 144:1
SPP's [1] - 64:16
spring [1] - 22:14
stab [1] - 43:15
stability [1] - 130:25
stabilize [1] - 116:20
staff [6] - 8:17, 9:11, 56:18, 56:19, 109:6, 111:4
Staff [1] - 2:7
stake [1] - 40:6
stakeholder [1] - 64:16
stakeholders [3] - 49:6, 63:21, 65:11
staking [1] - 40:5
stand [1] - 145:10
standard [1] - 36:23
standards [3] - 64:2, 84:16, 89:7
Stanton [3] - 7:16, 20:14, 112:13
start [27] - 8:12, 10:19, 12:17, 17:6, 18:3, 20:13, 22:13, 40:4, 48:7, 48:9, 49:19, 51:11, 52:12, 52:17, 52:24, 60:13, 61:8, 69:10, 72:17, 78:1, 78:19, 88:1, 104:20, 107:1, 107:22, 121:7, 135:18
started [6] - 6:5, 49:5, 49:13, 52:14, 75:7, 128:6
starting [6] - 39:25, 40:1, 41:15, 56:2, 83:3, 112:11
starts [3] - 29:6, 75:12, 141:16
STATE [1] - 1:2
State [6] - 18:20, 61:24, 79:7, 92:9, 93:9, 95:21
state [17] - 8:13, 9:9, 9:17, 17:12, 18:3, 18:19, 61:8, 61:22, 78:19, 94:5, 95:22, 100:20, 107:22, 125:6, 128:11, 130:23, 141:23
STATEMENT [2] - 130:1, 136:9
statement [1] - 76:16
Statement [2] - 5:5, 5:11
statements [1] - 72:23
States [6] - 83:8, 90:17, 94:15, 94:22, 95:15, 104:13
states [2] - 73:2, 73:3
stating [5] - 17:6, 60:13, 78:1, 107:1, 135:18
Station [6] - 7:15, 20:14, 71:4, 72:3, 72:6, 76:21
station [1] - 34:8
status [1] - 54:6
stay [5] - 12:20, 55:25, 87:8, 109:6, 138:23
stays [1] - 33:17
steel [5] - 36:8, 36:18, 37:1, 37:2, 45:15
steep [1] - 55:3
step [7] - 23:17, 26:12, 34:25, 47:21, 53:3, 53:4, 58:5
Stephanie [2] - 146:3, 146:17
STEPHEN [1] - 2:17
steps [5] - 25:20, 41:20, 53:3, 53:4, 100:9
Steve [1] - 9:22
still [14] - 34:15, 46:2, 46:8, 53:20, 57:16, 58:18, 58:19, 59:3, 81:5, 81:7, 123:17, 124:4, 124:6, 144:12
stipulate [2] - 15:12, 16:1
stipulation [1] - 9:25
stone [1] - 93:1
stop [1] - 84:11
stopover [1] - 89:12
Storm [1] - 131:25
straight [2] - 35:15, 123:19
straightforward [1] - 58:17
strategy [2] - 46:10, 93:24
Street [1] - 2:20
strength [1] - 130:18
stress [1] - 68:12
strikes [1] - 84:17
stringing [3] - 40:25, 41:3, 44:13
structural [1] - 56:2
structure [53] - 23:2, 33:13, 33:21, 33:24, 35:19, 36:3, 36:5, 36:6, 36:9, 36:16, 36:23, 37:3, 37:6, 37:10, 37:11, 37:13, 37:19, 37:20, 37:24, 40:5, 40:12, 40:19, 41:13, 45:5, 49:25, 54:16, 54:22, 55:1, 55:2, 55:16, 58:9, 81:12, 82:8, 82:10, 95:15, 99:10, 100:21, 110:22, 110:23, 111:10, 112:7, 113:4, 113:7, 113:11, 114:1, 115:12
Structures [1] - 90:5
structures [50] - 22:7, 26:17, 27:7, 27:8, 29:15, 29:16, 29:18, 30:13, 31:10, 31:13, 31:15, 31:20, 35:16, 35:17, 36:4, 38:5, 38:8, 38:9, 38:11, 38:12, 38:15, 38:16, 39:15, 39:16, 40:7, 40:17, 40:21, 40:23, 40:24, 43:22, 44:10, 44:13, 47:25, 51:13, 51:23, 54:13, 55:18, 58:16, 81:9, 82:12, 87:4, 90:8, 95:3, 98:9, 98:11, 99:17, 100:14, 111:2, 111:13, 113:1
stuck [1] - 137:23
studied [1] - 114:6
studies [14] - 61:15, 61:17, 64:21, 64:25, 65:18, 83:4, 130:14, 134:1, 134:6, 134:7, 134:11, 134:22, 134:24, 135:1
study [5] - 49:8, 64:11, 64:24, 134:3, 134:6
stuff [1] - 138:5
sub [3] - 24:12, 34:9, 35:7
subdivisions [1] - 48:8
subject [1] - 128:15
submission [2] - 62:10, 103:8
submissions [1] - 65:10
submit [2] - 65:9, 91:18
submitted [13] - 45:4, 92:19, 94:19, 95:4, 95:11, 96:10, 96:14, 101:9, 101:13, 102:23, 103:5, 104:14, 105:8
subregional [1] - 64:16
subsequently [1] - 102:5
substantial [2] - 13:22, 13:23
substation [38] - 7:15, 7:17, 20:16, 21:5, 21:22, 22:20, 23:19, 23:22, 23:23, 24:5, 24:15, 24:17, 24:18, 24:21, 29:7, 32:15, 34:13, 34:14, 34:18, 34:23, 35:4, 35:5, 66:25, 67:7, 67:17, 71:5, 96:19, 100:3, 112:6, 112:11, 112:12, 112:16, 113:9, 114:23, 114:25, 115:12, 116:3, 138:16
substations [6] - 34:6, 34:7, 41:17, 45:22, 66:3, 67:4
subvoltages [1] - 20:22
success [2] - 25:22, 126:11
successful [2] - 109:8, 118:12
suitable [9] - 86:15, 86:20, 87:2, 87:5, 87:6, 87:15, 87:18, 89:16
Suite [1] - 2:19
summarize [2] - 23:9, 109:23
summarized [1] - 33:23
summer [3] - 22:14, 49:4, 65:18
supervising [1] - 61:14
supervision [1] - 18:12
supervisor [1] - 18:11
supply [2] - 45:11, 132:21
support [4] - 58:25, 69:3, 69:5, 131:5
supporting [2] - 31:16, 130:18
supposed [1] - 136:20
surface [2] - 87:19, 117:7
survey [7] - 26:16, 52:15, 52:23, 86:13, 86:19, 92:10, 110:5
surveyor [1] - 88:8
surveys [13] - 84:4, 84:22,

85:8, 85:22, 85:24, 86:22, 88:8, 88:17, 88:25, 89:2, 92:19, 93:6, 93:22
switch [1] - 133:10
sworn [13] - 17:18, 17:23, 60:24, 61:4, 78:11, 78:15, 107:13, 107:18, 128:14, 129:18, 129:22, 136:5, 136:7
system [33] - 8:7, 13:4, 20:19, 20:20, 20:21, 21:8, 23:24, 24:3, 35:1, 41:23, 42:18, 52:5, 53:25, 63:20, 65:5, 66:24, 67:19, 67:23, 67:24, 68:8, 68:18, 68:23, 69:1, 69:4, 70:17, 70:24, 73:12, 74:3, 74:13, 100:23, 133:11, 133:13, 141:18
systems [1] - 52:19

T

tabled [1] - 96:20
tabling [1] - 100:6
takeoff [1] - 112:7
taller [2] - 29:16, 37:10
Tande [15] - 7:16, 20:16, 23:16, 32:6, 33:3, 35:4, 38:9, 38:14, 38:16, 40:1, 62:10, 100:2, 111:22, 115:12, 116:3
Tande/LOS [1] - 28:10
tangent [3] - 35:18, 54:22, 55:15
target [1] - 64:12
tariff [2] - 64:2, 66:8
tariffs [1] - 46:7
team [15] - 24:25, 31:7, 42:5, 53:11, 108:22, 109:6, 110:1, 110:3, 110:17, 110:19, 116:5, 116:8, 116:11, 125:23, 125:25
team's [2] - 58:13, 109:23
teams [1] - 56:5
techniques [1] - 116:20
temporarily [1] - 84:9
temporary [5] - 82:20, 87:5, 90:24, 93:13, 117:14
ten [6] - 12:17, 55:16, 64:8, 64:10, 69:11, 72:17
ten-year [2] - 64:8, 64:10
tenant [2] - 118:5, 139:20
tenants [1] - 120:15
tension [1] - 38:2
term [5] - 64:6, 64:7, 64:9, 64:13, 70:2
termed [1] - 131:25
terminal [2] - 34:21, 35:6
terminals [1] - 35:2
terminate [1] - 7:16
terms [1] - 22:22
terrain [4] - 27:4, 37:14, 114:4, 115:21
terribly [1] - 13:1
testified [7] - 17:23, 61:4, 78:15, 107:18, 128:20, 129:22, 136:7
testify [7] - 7:6, 13:2, 17:11, 21:2, 25:18, 45:2, 48:12
testifying [1] - 11:6
testimony [48] - 7:4, 10:7, 10:8, 10:16, 16:15, 19:16, 19:18, 23:11, 30:22, 33:5, 33:24, 42:7, 44:22, 50:20, 62:17, 62:19, 68:24, 70:1, 79:22, 81:17, 97:9, 104:11, 105:18, 109:15, 109:17, 111:20, 112:20, 115:5, 118:19, 125:3, 126:7, 127:13, 127:15, 127:18, 128:5, 128:8, 128:17, 128:23, 133:24, 135:16, 140:9, 142:9, 142:14, 142:16, 143:16, 144:6, 144:9, 145:3
testing [2] - 92:10, 93:24
Texas [2] - 73:5, 74:3
that'll [2] - 27:8, 33:10
THE [22] - 2:9, 2:14, 2:21, 17:3, 17:8, 17:17, 46:13, 59:13, 60:6, 60:15, 60:20, 60:23, 72:12, 74:15, 77:20, 78:3, 78:7, 78:10, 107:4, 107:9, 107:12, 128:2
themselves [1] - 39:15
therefore [2] - 89:17, 93:11
they've [1] - 63:4
thinking [2] - 13:17, 48:9
third [5] - 9:1, 14:3, 71:18, 71:19, 76:25
thorough [1] - 97:14
thoroughfare [1] - 124:12
thoughts [2] - 11:4, 129:2
threatened [5] - 80:25, 83:3, 83:5, 83:10, 83:15
three [13] - 24:24, 36:25, 41:17, 52:13, 53:4, 55:7, 76:23, 89:1, 90:4, 90:10, 100:14, 121:12, 122:9
throughout [9] - 6:21, 20:25, 40:11, 57:14, 57:18, 57:19, 110:15, 118:11, 126:12
throw [1] - 138:10
thumbs [1] - 18:25
timeline [1] - 100:8
timely [1] - 8:9
timing [1] - 48:12
Tioga [2] - 7:17, 20:17
Tioga/Williston [1] - 141:24
title [1] - 28:11
today [36] - 6:16, 6:18, 6:22, 7:2, 7:4, 7:7, 8:15, 8:19, 10:4, 10:9, 10:16, 10:17, 10:23, 12:13, 12:23, 13:3, 13:12, 14:8, 15:22, 19:17, 62:18, 67:5, 71:16, 79:23, 101:23, 107:7, 109:16, 130:21, 135:25, 139:11, 140:9, 142:20, 143:13, 144:6, 144:9, 144:19
today's [1] - 9:11
together [2] - 144:7, 144:13
tone [1] - 103:7
took [4] - 48:19, 48:22, 115:8, 141:17
tool [2] - 83:9, 83:12
top [2] - 37:2, 120:3
total [4] - 83:25, 85:13, 119:23, 119:24
totaling [1] - 86:20
touch [1] - 57:20
towards [6] - 12:25, 30:21, 33:3, 113:8, 114:4, 135:1
tower [3] - 21:9, 98:11, 137:14
towers [1] - 100:23
Town [2] - 66:24, 67:16
Township [4] - 30:3, 114:16, 115:9, 115:24
township [2] - 96:23, 140:12
Townships [1] - 114:15
TPL-001-5 [1] - 64:18
track [4] - 53:24, 122:19, 122:25, 123:3
traditional [1] - 51:9
traditionally [1] - 65:17
traffic [3] - 56:7, 57:25, 58:1
trail [2] - 124:1
trails [3] - 87:4, 87:20, 124:6
transcript [1] - 146:11
TRANSCRIPT [1] - 1:11
transformers [2] - 34:25, 45:23
Transmission [3] - 80:3, 111:22, 129:7
transmission [107] - 7:12, 8:24, 8:25, 13:14, 14:2, 18:14, 19:5, 19:24, 20:13, 21:2, 22:19, 22:25, 23:12, 25:7, 25:11, 25:24, 28:18, 29:3, 31:4, 31:5, 35:13, 36:15, 41:23, 44:2, 45:9, 45:18, 48:14, 51:9, 52:5, 53:9, 53:15, 54:3, 54:19, 58:6, 58:12, 61:13, 61:15, 62:2, 62:4, 62:7, 62:11, 62:12, 62:22, 63:4, 63:6, 63:12, 63:15, 63:17, 63:19, 63:22, 64:4, 64:7, 64:8, 64:14, 64:20, 65:2, 65:7, 65:15, 65:22, 65:23, 65:24, 66:2, 66:7, 66:12, 67:5, 68:8, 68:13, 68:17, 68:18, 69:4, 70:2, 70:9, 70:17, 70:24, 72:25, 73:11, 73:20, 74:10, 74:25, 76:7, 76:8, 79:11, 79:14, 80:10, 81:22, 84:16, 90:2, 96:5, 96:8, 96:20, 99:23, 108:6, 108:16, 108:20, 112:21, 112:22, 118:15, 131:23, 133:8, 133:11, 134:5, 134:11, 134:13, 134:18, 134:21, 141:3, 141:18
travel [2] - 83:22, 87:23
traversed [1] - 122:24
treatment [1] - 144:14
tree [12] - 40:10, 85:3, 85:12, 85:16, 85:17, 85:20, 91:15, 91:17, 91:18, 111:14, 117:20, 117:21
tree-clearing [3] - 85:16, 85:17, 85:20
treed [1] - 84:24
trees [8] - 40:12, 85:22, 91:4, 91:8, 91:9, 91:11, 91:22, 91:24
tripped [1] - 133:5
trucks [4] - 55:13, 55:17, 57:2, 58:23
Trust [1] - 122:1
trust [2] - 105:23, 122:6
try [17] - 13:1, 25:12, 25:20, 25:21, 27:10, 32:16, 32:20, 35:25, 36:12, 40:3, 46:22, 52:15, 58:19, 70:9, 70:11, 70:13, 110:20
trying [13] - 15:17, 23:21, 25:7, 27:1, 28:22, 35:13, 35:20, 46:8, 49:22, 51:17, 59:4, 131:18, 137:8
turn [5] - 6:19, 22:21, 23:25, 28:8, 37:4
turned [1] - 73:10
turning [3] - 39:17, 94:3, 116:4
two [38] - 6:7, 21:10, 24:14, 30:3, 30:16, 32:18, 34:2, 34:24, 37:2, 39:24, 45:17, 46:25, 47:12, 52:13, 52:22, 53:2, 54:15, 56:4, 65:17, 67:4, 71:5, 76:23, 80:18, 84:2, 86:5, 87:14, 88:15, 90:8, 90:22, 92:19, 103:13, 104:13, 105:15, 113:15, 122:24, 123:3, 142:19, 144:25
two-lane [1] - 122:24
two-track [1] - 123:3

type [3] - 36:6, 39:7, 120:10
types [2] - 111:7, 126:4
typewritten [1] - 146:10
typical [1] - 123:9
typically [5] - 33:9, 39:9, 40:5, 88:3, 120:13

U

U.S [8] - 88:21, 89:2, 94:13, 94:25, 95:1, 95:13, 95:17, 105:7
ultimately [1] - 70:13
unable [1] - 104:18
unanticipated [1] - 106:3
unavoidable [1] - 91:15
uncertain [1] - 106:1
under [14] - 33:14, 33:15, 39:6, 39:8, 39:12, 44:9, 45:16, 66:8, 67:19, 67:20, 81:1, 81:23, 96:6, 103:25
under-voltage [1] - 67:20
underground [1] - 27:22
underlying [2] - 66:24, 67:18
Underwood [3] - 1:18, 6:17
undeveloped [5] - 113:17, 114:19, 122:20, 122:23, 123:2
undiscovered [1] - 106:2
unevaluated [1] - 93:10
unfair [1] - 72:21
United [7] - 83:7, 84:12, 90:17, 94:15, 94:22, 95:15, 104:13
University [2] - 61:24, 79:8
unless [4] - 68:14, 80:13, 81:22, 117:2
unstable [5] - 82:10, 82:12, 99:9, 99:15, 115:21
unsuitable [3] - 27:4, 86:6, 86:12
up [44] - 12:25, 18:25, 20:16, 23:18, 29:7, 42:6, 44:11, 44:14, 48:6, 49:11, 53:19, 54:2, 54:8, 55:12, 56:18, 56:21, 65:12, 65:15, 70:7, 70:22, 73:1, 73:21, 74:4, 75:8, 76:6, 102:2, 104:25, 111:21, 119:23, 121:11, 126:16, 128:15, 128:24, 132:14, 135:17, 136:12, 136:22, 137:2, 137:16, 138:22, 138:25, 141:13, 141:23, 141:25
update [2] - 100:4, 105:9
updated [2] - 34:19, 101:9
upgrade [2] - 31:18, 31:23
upper [1] - 70:25
upwards [1] - 76:23
Uri [3] - 131:25, 132:14, 132:20
uses [3] - 96:6, 114:18, 119:1
utilities [2] - 27:14, 27:16
utility [8] - 27:17, 27:22, 28:1, 37:14, 38:17, 38:25, 73:1, 111:12
utilize [2] - 34:21, 89:13
utilized [1] - 87:20

V

V-i-g-e-s-a-a [1] - 129:10
vague [1] - 123:23
Valley [9] - 51:12, 71:4, 71:6, 71:7, 72:3, 72:6, 76:21, 115:6, 115:19
valley [1] - 115:25
Van [1] - 24:16
varied [1] - 95:22
variety [2] - 37:18, 79:11
various [2] - 67:23, 108:9
vary [2] - 37:13, 54:14
Vaughan [1] - 139:22
vehicle [1] - 84:8
vendors [1] - 46:9
Verendrye [1] - 27:19
verified [2] - 42:2, 83:25
versus [1] - 123:19
vertical [1] - 37:8
VIGESAA [9] - 5:4, 129:5, 129:10, 129:14, 129:17, 129:21, 130:2, 130:3, 135:14
Vigesaa [1] - 129:6
Vigesaa..... [1] - 5:5
violations [1] - 91:12
virtually [1] - 123:2
visibility [1] - 84:17
visit [1] - 11:8
visited [1] - 29:4
voltage [8] - 23:7, 31:19, 32:1, 33:8, 34:25, 37:10, 39:3, 67:20
VOLUME [1] - 1:13
volumes [2] - 92:19, 93:16

W

W-e-s-t-b-y [1] - 60:16
Wade [1] - 139:21
waive [1] - 15:22
waivers [3] - 82:23, 82:25, 99:20
walk [1] - 30:23
walked [1] - 6:24
WAPA [2] - 27:18, 44:1
WAPA-existing [1] - 44:1
Ward [6] - 1:6, 7:12, 96:7, 96:12, 96:15, 96:16
waste [1] - 138:13
watched [1] - 144:3
watching [1] - 144:1
water [5] - 89:20, 89:25, 90:14, 90:24, 108:11
ways [1] - 25:21
Wednesday [2] - 6:3, 145:12
weed [8] - 102:19, 102:22, 102:24, 103:2, 103:15, 104:1, 117:23, 138:21
weeds [4] - 117:23, 121:4, 138:22, 138:23
week [6] - 54:7, 95:12, 104:20, 104:24, 105:13, 105:14
weekly [1] - 56:22
weeks [1] - 133:13
welcome [1] - 13:3
welfare [6] - 7:24, 42:11, 97:5, 97:13, 97:17, 118:23
west [9] - 20:16, 21:17, 30:20, 47:9, 71:5, 71:15, 113:8, 114:3, 114:22
West [4] - 114:15, 114:16, 115:10, 115:24
WESTBY [2] - 4:2, 61:3
Westby [11] - 8:23, 21:1, 43:14, 60:11, 60:16, 60:17, 61:10, 69:8, 69:16, 69:24, 77:19
Westby's [1] - 23:11
Western [1] - 133:7
western [1] - 71:6
wet [3] - 56:25, 90:11, 126:3
wetland [4] - 90:11, 100:13, 100:23, 113:12
wetlands [14] - 27:3, 83:24, 89:19, 89:25, 90:4, 90:6, 90:9, 90:14, 90:21, 90:23, 90:24, 95:10, 100:21, 113:10
White [2] - 51:11, 115:19
whole [11] - 34:14, 47:12, 51:7, 73:2, 74:3, 74:4, 75:9, 123:10, 128:15, 141:2, 144:5
wholesale [3] - 19:23, 63:7, 63:9
whooping [9] - 83:14, 83:17, 83:19, 83:22, 83:25, 84:4, 84:7, 84:9, 89:5
wide [3] - 33:9, 34:5, 37:18
wider [2] - 91:22, 91:24
width [5] - 33:6, 33:8, 33:9, 34:3, 80:13
Wildlife [9] - 83:8, 84:12, 88:5, 88:21, 89:3, 94:23, 94:25, 95:1, 104:13
Wildlife-managed [1] - 94:25
Williams [17] - 1:6, 7:13, 21:20, 22:6, 22:9, 23:20, 24:13, 27:18, 32:11, 32:13, 32:25, 49:21, 49:23, 50:1, 96:9, 102:18, 114:23
willing [2] - 144:13, 145:2
wind [2] - 33:16, 131:2
window [6] - 49:1, 85:21, 87:16, 87:18, 88:2
winter [1] - 65:19
wire [1] - 37:3
wires [1] - 41:2
wish [3] - 7:3, 7:6, 145:6
wishes [1] - 142:13
Witness [1] - 60:24
WITNESS [18] - 17:3, 17:8, 17:17, 46:13, 59:13, 60:6, 60:15, 60:20, 60:23, 72:12, 74:15, 77:20, 78:3, 78:7, 78:10, 107:4, 107:9, 107:12
witness [15] - 10:8, 16:23, 16:24, 17:18, 50:17, 60:9, 77:22, 77:23, 78:11, 106:23, 107:13, 127:5, 128:10, 129:18, 136:5
WITNESSES [2] - 3:17, 5:2
witnesses [8] - 8:15, 8:19, 10:3, 59:12, 127:8, 128:11, 128:16, 128:20
wondering [1] - 74:9
word [2] - 136:17, 137:9
works [9] - 12:6, 16:8, 45:6, 58:7, 59:2, 64:15, 64:22, 110:19, 130:10
world [2] - 141:19, 141:21

Y

yard [1] - 35:7
year [15] - 42:6, 46:3, 64:8, 64:9, 64:10, 73:23, 75:11, 75:12, 89:15, 120:24, 124:2, 126:3, 134:25, 138:21
yearly [1] - 88:4
years [19] - 17:15, 18:22, 24:24, 34:10, 48:4, 67:22, 72:17, 79:8, 108:10, 108:11, 121:12, 132:5, 138:24, 142:3, 144:5, 144:12
yellow [2] - 20:20, 28:25

Z

ZASTE [1] - 2:18

Zaste [1] - 9:23
zone [2] - 30:7, 82:19
zones [2] - 52:19, 87:14
zoning [2] - 96:16, 96:19