

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 --

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APPLICANT'S EXHIBITS

17

Exhibit No.

Offered

Received

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 1-10

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1 (The following proceedings were had and
2 made of record herein, commencing at 10:00 a.m.,
3 Wednesday, the 26th day of February, 2025:)
4 JUDGE HOGAN: All right. Good morning.
5 We are going to get started.
6 It's February 26, 2025, at 10 a.m. This
7 is the first of two hearings set by the Notice of
8 Filing and Notice of Public Hearing issued by the
9 North Dakota Public Service Commission on
10 January 30, 2025, in Case Number PU-24-361.
11 My name is Hope Hogan, and I have been
12 assigned as the hearing officer for this hearing.
13 I'm an administrative law judge designated by the
14 Office of Administrative Hearings upon the request
15 of the Public Service Commission.
16 This hearing is being held today at the
17 Underwood City Hall in Underwood, North Dakota. As
18 we begin our hearing today, I'd ask that everybody
19 please check their cell phones to either turn them
20 off or silence them so that we don't have cell
21 phone beeps and ringing throughout our hearing
22 today.
23 There is an attendance sheet by the --
24 where you walked in this morning. The Commission
25 would ask that everybody please sign that sign-in

7

1 sheet so that they have a record of everybody that
2 attended our hearing today. Likewise, there's a
3 box on there to check if you wish to provide public
4 testimony today, and I'd ask that you please
5 indicate that so that I have an idea of how many
6 people wish to testify as part of our hearing
7 today.
8 This is a hearing on the application of
9 Basin Electric Power Cooperative. The application
10 is for a certificate of corridor compatibility and
11 route permit for a 162-mile 345-kilovolt electric
12 transmission line located in Mercer, McLean, Ward,
13 Mountrail and Williams Counties, North Dakota.
14 The project will originate at the Leland
15 Olds Station, a 345-kilovolt substation located
16 near Stanton, and will terminate at the Tande
17 substation near Tioga, North Dakota.
18 The Notice of Filing and Notice of Public
19 Hearing specified the following issues to be
20 considered and determined at this hearing:
21 Number 1, will the construction, operation
22 and maintenance of the facility at the proposed
23 location produce minimal adverse effects on the
24 environment and upon the welfare of the citizens of
25 North Dakota?

8

1 Number 2, is the proposed facility
2 compatible with the environmental preservation and
3 efficient use of resources?
4 Number 3, will the construction, operation
5 and maintenance of the facility at the proposed
6 location minimize adverse human and environmental
7 impact while ensuring continuing system reliability
8 and integrity and ensuring that the energy needs
9 are met and fulfilled in an orderly and timely
10 fashion?
11 I'm now going to ask the parties to make
12 their appearance for our record, and I'll start
13 with you, Ms. Olson. Do you want to state your
14 appearance for the record and introduce the
15 witnesses you intend to call today?
16 MS. OLSON: Yes, Judge. My name is Maggie
17 Olson. I'm senior staff counsel for Basin Electric
18 Power Cooperative.
19 Today I will call four witnesses. First,
20 I'll call Mr. Bobby Nasset, the project manager.
21 He will discuss the project overview and project
22 design, routing and construction.
23 Next, I will call Mr. Philip Westby. He
24 is the manager of transmission services. He will
25 discuss transmission planning and the project need.

9

1 Third, I will call Mr. Ryan King. He is
2 the environmental coordinator. He will address
3 environmental assessment and siting criteria.
4 And, last, I will call Mr. Nathan Kleyer.
5 He is a senior property and right-of-way
6 specialist. He will discuss landowner
7 communications, routing and reclamation.
8 JUDGE HOGAN: All right. Thank you.
9 Mr. Johnson, do you want to state your
10 appearance for the record and introduce Commission
11 staff who's participating in today's hearing?
12 MR. JOHNSON: Brian Johnson, counsel for
13 the PSC. With me is Chris Hanson. And I would ask
14 that, if necessary, he be allowed to ask questions
15 as well.
16 JUDGE HOGAN: All right. Thank you.
17 And, Mr. Braaten, can you please state
18 your appearance for the record?
19 MR. BRAATEN: Yes. Thank you, Your Honor.
20 Derrick Braaten, Braaten Law Firm, appearing on
21 behalf of JKT, LLLP, and John Bartelson. Along
22 with me is my cocounsel, Steve Easton, with Braaten
23 Law Firm and my litigation manager, Desirae Zaste.
24 JUDGE HOGAN: And just to put it on the
25 record, the parties did have a stipulation

10

1 regarding the petition to intervene that,
 2 Mr. Braaten, you'd present your case and
 3 cross-examine witnesses at the second hearing in
 4 this matter rather than today; is that correct?
 5 MR. BRAATEN: That's correct.
 6 JUDGE HOGAN: All right. Thank you.
 7 Testimony from the public will be taken
 8 after the completion of Basin's witness testimony
 9 today. I encourage you to take the opportunity to
 10 tell the commissioners anything you think the
 11 Commission should know about this matter. I assure
 12 that -- I assure you that what you have to say is
 13 important to the Commission and will be considered
 14 by the commissioners.
 15 If you have any questions about providing
 16 information or testimony today, please do not
 17 hesitate to ask me during one of our breaks today.
 18 It's now time for opening comments from
 19 the commissioners, and we'll start with
 20 Commissioner Kringstad.
 21 COMMISSIONER KRINGSTAD: Good morning,
 22 everyone. I don't have a lot of opening comments,
 23 but just appreciate everybody coming out today and
 24 look forward to a productive hearing.
 25 Thanks.

11

1 JUDGE HOGAN: Commissioner Christmann.
 2 COMMISSIONER CHRISTMANN: Thank you, Your
 3 Honor.
 4 So a couple of thoughts. One of the
 5 things that you just said, and correctly, if people
 6 had questions about testifying or something, they
 7 can ask you during a break. But one of the things
 8 that we can't do or that -- is visit with you about
 9 your concerns about the project or things like that
 10 during the break.
 11 We need to get all of our information on
 12 the record so that the parties know what
 13 information we're getting. Otherwise, it's what is
 14 called ex parte communications, and so that's just
 15 not allowable in these kind of proceedings. And so
 16 we would just ask you to refrain from that. You
 17 need to -- if you have something that you want to
 18 communicate with us, that's why we're here. We
 19 want you to do that, but it needs to be on the
 20 record so everyone can hear it and potentially
 21 respond to it.
 22 With that, as I said, we want to hear from
 23 you because, frankly, getting as much information
 24 as possible is how we make the best decision
 25 possible. If we don't know the details, we can't

12

1 make the best decision possible.
 2 And so I say that and so I know from my
 3 ranching days, especially for ag producers but
 4 others with jobs or something, you know, you
 5 probably want to come in, say your piece and go.
 6 That's really not the way it works in a proceeding
 7 like this because then sometimes the information we
 8 would get from you is based on what you heard at
 9 the cafe or something like that. So it's important
 10 to have this proceeding, have the company go first.
 11 I don't know how long that will take, but it's not
 12 minutes. It's probably hours. And then you hear
 13 exactly what the plan is today because this thing
 14 has evolved.
 15 We've had changes along the way and since
 16 that have been filed, and so that is the point of
 17 why we start this at, what, ten o'clock and don't
 18 let the public go first. We -- we need to have you
 19 hear from the company, but we ask that you make a
 20 day of it, stay and respond if you have things that
 21 you feel that we should know. That's why we're
 22 here, in order to make the best decisions possible,
 23 is this hearing today, and I don't remember -- I
 24 think it's the 6th or something like that we have
 25 another hearing up towards the northwest end so to

13

1 try and make it not terribly inconvenient for
 2 people to come and testify on the record.
 3 With that, welcome today, and I hope you
 4 enjoy the process of -- of this hearing system that
 5 we have.
 6 JUDGE HOGAN: Thank you.
 7 Commissioner Haugen-Hoffart.
 8 COMMISSIONER HAUGEN-HOFFART: Thank you.
 9 Good morning, everyone, and it's good to
 10 see a great crowd here. That shows a lot of
 11 interest.
 12 The judge went over that today we're
 13 convening to consider a siting application for
 14 162 miles of transmission, and in the application
 15 it says that this is driven by significant load
 16 growth in the region and it is very expensive.
 17 And as I was thinking about reading this
 18 case, I couldn't help but reflect on at least four
 19 other cases Basin has had before us sited and
 20 approved. And I went back and I just -- I just
 21 want to reflect on that for a little bit because
 22 their prior initiatives have been substantial -- or
 23 prior siting cases have been substantial investment
 24 aimed at ensuring reliability and meeting the
 25 demand growth.

14

1 And it was a 345-kV loop, 162 miles.

2 Another 345-kV transmission line from Roundup to

3 Kummer Ridge, 32.5 miles. A third kV line

4 extending 14.6 miles in the siting of Pioneer Phase

5 IV generating 583 megawatts. If you look at the

6 cost of those, it's over a billion dollars on

7 ensuring reliability.

8 So today we're here looking at another

9 case. And I look forward to hearing the details of

10 this application and especially engaging with the

11 public.

12 As your commissioner, it is our goal to

13 ensure we have reliable power. So we're going to

14 look hard at that, on the reliability, and the

15 impacts it has and the need.

16 So thank you for attending, and I look

17 forward to a review of this application.

18 JUDGE HOGAN: All right. Thank you.

19 Basin Electric prefilled 13 -- I'm sorry --

20 9 exhibits, and I believe there's also the

21 application which wasn't included in that which I'm

22 going to mark as Exhibit 10. Is that correct,

23 Ms. Olson?

24 MS. OLSON: Yes, it is.

25 JUDGE HOGAN: All right. Mr. Johnson, any

15

1 objection to the exhibits?

2 MR. JOHNSON: No, Your Honor.

3 JUDGE HOGAN: And, Mr. Braaten?

4 MR. BRAATEN: I guess, Your Honor, I would

5 reserve objections for when the exhibits are coming

6 in to the extent there's, you know, no foundation

7 at this point if -- I guess the honest answer is I

8 haven't had time to review these exhibits at this

9 point and so I'm not prepared to object or not as

10 to their admission right now without hearing the

11 evidence or the foundation.

12 JUDGE HOGAN: Normally we stipulate to

13 admission of the exhibits so that we don't have to

14 spend time laying foundation for each exhibit. So

15 are you requesting that Basin does provide a

16 foundation for each of the exhibits?

17 MR. BRAATEN: So I'm not trying to be

18 difficult. Maybe what I could offer is that my

19 understanding is that Basin would be putting on the

20 same presentation at the next hearing, and so if I

21 can just reserve objections until that hearing,

22 then I'll just waive them for today.

23 JUDGE HOGAN: Okay.

24 MR. BRAATEN: And I will review them prior

25 to the next hearing, and assuming there's

16

1 foundation, then I will stipulate to admission.

2 JUDGE HOGAN: Okay. Well, with that in

3 mind, maybe, Ms. Olson, you can -- and,

4 Mr. Johnson, you can refer to the exhibits, but we

5 will not formally address admissibility till the

6 next hearing.

7 Does that work, Ms. Olson?

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

9 JUDGE HOGAN: Mr. Johnson?

10 MR. JOHNSON: That should be okay, Your

11 Honor.

12 JUDGE HOGAN: Okay. All right. We will

13 do that.

14 Any other preliminary matters we need to

15 address before we move to testimony? Ms. Olson,

16 did you have anything?

17 MS. OLSON: No, Your Honor.

18 JUDGE HOGAN: Mr. Johnson?

19 MR. JOHNSON: Nothing, Your Honor.

20 JUDGE HOGAN: Mr. Braaten?

21 MR. BRAATEN: No, Your Honor.

22 JUDGE HOGAN: All right. Then, Ms. Olson,

23 you can call your first witness.

24 MS. OLSON: Okay. My first witness will

25 be Mr. Bobby Nasset.

17

1 JUDGE HOGAN: Good morning, Mr. Nasset.

2 My first question is is your microphone on?

3 THE WITNESS: Yes, Your Honor. Can you

4 hear me?

5 JUDGE HOGAN: Yes, I can. Perfect.

6 I'll have you start by stating your full

7 name for the record and spelling your last name.

8 THE WITNESS: My name is Bobby Nasset.

9 Last is spelled N-a-s-s-e-t.

10 JUDGE HOGAN: And, Mr. Nasset, before you

11 testify this morning, I'm required by law to advise

12 you on the penalties for perjury in the state of

13 North Dakota. Perjury is a Class C felony,

14 punishable by a maximum fine of \$10,000, a maximum

15 five years imprisonment or both. Do you understand

16 what perjury is?

17 THE WITNESS: Yes, Your Honor.

18 (Witness sworn.)

19 JUDGE HOGAN: All right. Thank you.

20 Go ahead, Ms. Olson.

21 MS. OLSON: Thank you, Your Honor.

22 **BOBBY NASSET,**

23 being first duly sworn, was examined and testified

24 as follows:

25

18

EXAMINATION

1 BY MS. OLSON:

2 Q. Mr. Nasset, to start, please state your

3 name and employer.

4 A. My name is Bobby Nasset. I'm employed

5 with Basin Electric Power Cooperative. Our address

6 is 1717 East Interstate Avenue in Bismarck, North

7 Dakota.

8 Q. What is your position with Basin Electric?

9 A. I'm the civil -- civil engineering

10 supervisor, so my responsibilities include

11 planning, development, coordination and supervision

12 of design for new and existing facilities, both for

13 our generation facilities and transmission

14 facilities.

15 Q. Please describe your educational and

16 professional background.

17 A. So I'm a professional licensed engineer in

18 the state of North Dakota. I received my civil

19 engineering degree from North Dakota State in 2005.

20 And I have worked for Basin Electric for the past 9

21 years and for 19 years as a civil engineer.

22 JUDGE HOGAN: Hang on one second. Are --

23 the people in the back, can you hear Mr. Nasset

24 okay? All right. I'm getting thumbs up. Great.

19

1 Thank you.

2 Go ahead, Ms. Olson.

3 MS. OLSON: Thank you.

4 Q. (MS. OLSON CONTINUING) What is your role

5 with respect to this transmission line project?

6 A. So I'm the project manager for this

7 project, so my main duties for this will be

8 managing the scope and schedule and budget for the

9 project, as well as coordinating the design efforts

10 and routing, along with our permitting efforts,

11 right-of-way acquisition, procurement, and finally

12 construction.

13 Q. Are you familiar with the contents of

14 Basin Electric's application for this project?

15 A. Yes, I am familiar.

16 Q. What is the purpose of your testimony

17 today?

18 A. In my testimony I will describe the

19 project and define the project, describe our

20 routing and design process and the construction

21 phases.

22 Q. Please describe Basin Electric.

23 A. So Basin Electric is a regional wholesale

24 electric generation transmission cooperative

25 headquartered in Bismarck, North Dakota. Basin

20

1 Electric provides power to over a hundred member

2 cooperatives serving approximately 3 million

3 consumers.

4 Q. Let's talk about the project description.

5 Please provide a general description of the project

6 and its location.

7 A. So for this answer if you could refer to

8 the prefiled Exhibit 1. I'll just talk through

9 that exhibit, and it's very similar to the project

10 overview map here on the right.

11 I'll go through each of the components for

12 this. So as previously mentioned, this project is

13 a new 345-kV transmission line. It'll start at our

14 existing Leland Olds Station near Stanton, cross

15 the river, route east around Lake Audubon and then

16 north and west up to our existing Tande substation

17 which is near Tioga.

18 So on that map you'll see that the red

19 lines are the existing 345-kV system, the blue

20 lines is the existing 230-kV system and the yellow

21 lines is the existing 115 kV system. This map

22 doesn't show subvoltages or distribution lines.

23 So the first thing you'll see is that this

24 project will, in a sense, close the 345-kV loop

25 throughout northwest North Dakota and its one of

21

1 its main benefits. My colleague Phil Westby will

2 testify more about the transmission planning and

3 electrical benefits of the project.

4 But for the physical components of the

5 project, it will also include a new substation

6 called Crane Creek that will be located in

7 Mountrail County. It will provide a new delivery

8 point into the 115-kV system. It will include a

9 new microwave tower between Douglas and Ryder.

10 And then two other areas I wanted to

11 mention would be the first 40 miles across the

12 river in McLean County we'll be reconstructing an

13 existing line that we own and operate as a

14 double-circuit. So we'll have the new circuit,

15 345, on one side and 230-kV on the other. And

16 we'll go into that in more detail shortly.

17 And then a second segment west of Crane

18 Creek for 11 miles will also be constructed as a

19 double-circuit line. It'll be a 345 on our side

20 and a 115-kV for Mountrail-Williams Electric's

21 circuit. And that will go from Crane Creek to the

22 existing Satterthwaite substation as shown on the

23 map.

24 Q. Mr. Nasset, for Exhibit 1, is that a map

25 produced by Basin Electric?

22

1 **A.** It is.

2 **Q.** Will Basin Electric own this project?

3 **A.** Basin Electric will own the entire project

4 with the exception of that 11-mile double-circuit

5 segment. That will be jointly owned between Basin

6 Electric and Mountrail-Williams Electric. The

7 structures will be commonly owned, and then Basin

8 Electric will own the 345-kV circuit and

9 Mountrail-Williams will own the 115-kV circuit.

10 However, Basin will maintain both circuits.

11 **Q.** Please describe the schedule for the

12 project.

13 **A.** Our goal is to start construction this

14 spring or early summer. Our energization goal

15 would be to complete the project by November 30,

16 2026.

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

18 **A.** Our current cost projections are

19 \$360 million. That includes the transmission lines

20 and the substation work.

21 **Q.** Now let's turn to the route selection.

22 Can you first explain the meaning of the terms

23 "project route" and "project corridor"?

24 **A.** So we'll define the project route for this

25 project as the transmission alignment or the

23

1 centerline of the alignment which would include its

2 structure.

3 The project corridor will be the area that

4 contains the project route. And for this project,

5 the project corridor will be the same as the

6 easement that we're requiring for the project. At

7 this voltage class we use, for the most part,

8 150-foot-wide easements for a 345.

9 **Q.** Please summarize how the general project

10 route was selected.

11 **A.** So in Phil Westby's testimony, he'll go

12 through the history of the regional transmission

13 organization's selection of this project, and so

14 when that's assigned to Basin, we already have the

15 end points of this project at Leland Olds and at

16 Tande.

17 So the first step really in developing our

18 route for the project was coming up with a location

19 of the Crane Creek substation. So that work was

20 done in cooperation with Mountrail-Williams

21 Electric Cooperative with the goal of trying to

22 site that substation near an existing 115-kV line

23 so we could interconnect our substation with their

24 system.

25 If you could turn to the prefilled

24

1 Exhibit 2 which is a map produced by Basin, this is

2 just a map -- the left side of it shows the

3 existing system where there's just a single 115-kV

4 line shown in black and then the right side shows

5 the proposed configuration once our substation is

6 constructed. It shows how the 345-kV lines would

7 interconnect, then how we would intersect the

8 circuit which is called the Finstad to Robinson

9 Lake 115-kV line.

10 So we selected this location to make sure

11 there wasn't a long route to reroute that 115-kV

12 circuit into the sub.

13 In addition to that, Mountrail-Williams

14 also has two other project assignments. They're

15 building a new 115-kV line from this substation to

16 the south to Van Hook and then another new project

17 from this substation to the existing Satterthwaite

18 substation, which I mentioned we'll be

19 consolidating that onto our project as part of a

20 double-circuit.

21 Once that substation was selected, we then

22 had our major points and we began the routing

23 process. This is a long iterative process. We've

24 been working on this for the last three years. The

25 right-of-way team has worked really hard at looking

25

1 at a significant number of options. To date, we've

2 evaluated over 700 miles of different route options

3 to complete this project.

4 **Q.** What was Basin Electric's philosophy when

5 routing the project?

6 **A.** For this project and for all of our

7 transmission projects, we're trying to find the

8 balance of completing the project and meeting the

9 project goals while minimizing all the impacts and

10 disturbances to landowners. We recognize that a

11 transmission line is an encumbrance on the

12 property, so it's very important for us to try to

13 site and locate it in a way that minimizes those

14 impacts.

15 So we have our own criteria as well as the

16 Commission's criteria that we have to adhere to:

17 your avoidance and exclusion criteria. My

18 colleague Ryan King will testify further on the

19 avoidance and exclusion criteria on this project.

20 One of our first steps is try to minimize

21 disturbance to croplands. One of the ways we try

22 to do this and maybe where we have our best success

23 in general, not in all cases, but it's if we find a

24 quarter line that we can route the transmission

25 line along, just because a lot of times that's

26

1 already a natural property division or a field
 2 split.
 3 So on this project for quite a few areas
 4 we did find good segments where we could route the
 5 project on a quarter line.
 6 For the most part we have more challenges
 7 on the section lines just due to there's more homes
 8 along section lines, the counties require setbacks
 9 from the section lines which puts us further into
 10 fields often, and there's also a lot more oil and
 11 gas infrastructure along the section lines.
 12 So the first step is really to find those
 13 corridors that are free of obstructions or
 14 exclusion areas, and then we select several
 15 different route alternatives and begin talking to
 16 landowners about survey permissions and getting
 17 feedback on where we can place structures.
 18 We also like to avoid areas with
 19 identified recreational significance. As I
 20 mentioned, we want to limit interference with
 21 existing oil and gas infrastructure, which gets
 22 much more difficult as you get into Mountrail
 23 County.
 24 And then we're also looking to decrease
 25 construction and maintenance hazards, which usually

27

1 just means trying to make sure the line is
 2 accessible and safe to construct and to operate.
 3 We'll span wetlands when possible and then
 4 avoiding rugged or unsuitable terrain. And then as
 5 the route is selected, kind of in parallel with
 6 that, it's an iterative process of also placing the
 7 structures. We'll work -- meet with landowners
 8 where we propose structures that'll work and meet
 9 our design and clearance criteria and then make
 10 adjustments, again, to try to minimize the impacts
 11 where they'll be at.
 12 Q. What efforts has Basin Electric made to
 13 coordinate with facilities -- to coordinate
 14 facilities with utilities?
 15 A. So we have -- we have made significant
 16 project coordination with the area utilities. We
 17 have a lot of utility crossing agreements. We have
 18 overhead crossings with WAPA, Mountrail-Williams
 19 Electric Cooperative, Verendrye, McLean Electric,
 20 Central Power and GRE on this project.
 21 In addition, we have to date -- our last
 22 number was 49 different underground utility
 23 companies that we need to work with on crossing
 24 permits and avoiding conflicts. And this is a
 25 162-mile line. In that distance we have 377

28

1 different utility crossings, so --
 2 Q. Please describe the general
 3 characteristics of the project for the LOS to Crane
 4 Creek segment.
 5 A. So for this segment, I did want to talk a
 6 little bit about how we planned that double-circuit
 7 segment in McLean County, and it may be helpful to
 8 turn to Exhibit 3.
 9 Q. And, Mr. Nasset, what is Exhibit 3?
 10 A. So Exhibit 3 is the LOS to Tande/LOS to
 11 Logan 345/230-kV Double-Circuit is the title and
 12 shows the route basically directly east of Lake
 13 Audubon in McLean County.
 14 So the first thing I just wanted to call
 15 to your attention is the -- the blue lines in the
 16 background are the existing 230-kV lines. And you
 17 can see already this area has really significant
 18 overhead transmission congestion. This is not
 19 including distribution lines either.
 20 And so we had initially in the project
 21 several open house meetings, meetings with
 22 landowners, and had a lot of difficulty in trying
 23 to route and find a new independent single-circuit
 24 route in this area. The other thing you might
 25 notice in this image are the yellow dots are all

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1 homes that require 500-foot setbacks as well.
 2 So between the rural home density and the
 3 existing transmission lines and the feedback we got
 4 both from the county and landowners, we visited and
 5 explored the option of rebuilding an existing line.
 6 So Basin operates a line that starts at Leland Olds
 7 and goes up to our Logan substation near Minot.
 8 It's a 230-kV line with H-frames currently. And
 9 the idea would be we would build our new line
 10 directly adjacent to that line and construct it as
 11 a double-circuit line, and then upon energization,
 12 remove the existing 230-kV line.
 13 This had a few benefits in that we already
 14 had a defined corridor. For landowners, they're
 15 going from H-frame structures to single-pole
 16 structures, even though they will be taller. And
 17 these spans will be a little bit longer, too, so
 18 there will be fewer structures overall. It added
 19 cost to the project, but as you can see from this
 20 map, the route is also relatively efficient as far
 21 as getting through this county, so we feel like we
 22 saved length and distance with this.
 23 It will add some construction complexity
 24 during construction. We'll have to manage outages
 25 on that existing line.

30

1 But there is one other, I guess,
 2 complication with this route is if you see on the
 3 map in Township 148 North, there are two ICBM
 4 sites. The site numbers are CO7 and CO8.
 5 And so those -- we worked with Minot Air
 6 Force Base first to see if they would consider
 7 letting us -- that's a PSC exclusion zone -- I'm
 8 sorry -- so 1,200-foot setbacks from those. Our
 9 existing line is only 600 feet away.
 10 So we first contacted Minot Air Force Base
 11 to see if they'd be -- if this would be an option
 12 that they would consider. They had feedback on the
 13 height of the structures. And then once we
 14 received their approval, we filed with the
 15 Commission a request for an exemption from this
 16 exclusion just for these two areas, and the
 17 Commission approved that request in November of
 18 2023.
 19 Once we got to the north side of Lake
 20 Audubon, we departed west to a single-circuit route
 21 towards Crane Creek. And I'll have -- Nathan
 22 Kleyer's testimony, our right-of-way agent, will
 23 walk through some of the routing iterations in that
 24 area.
 25 Q. And, Mr. Nasset, Exhibit 3, that was also

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1 produced by Basin; is that correct?
 2 A. That's correct.
 3 Q. Are there any additional benefits to
 4 rebuilding the LOS to Logan transmission corridor
 5 as a double-circuit transmission line?
 6 A. Yeah. One of the things we discussed as a
 7 team, again, as we were looking at how we would
 8 design the double-circuit is whether or not to
 9 accommodate the ability for future expansion. So
 10 because of the way the double-circuit structures
 11 are orientated, we already have 345-kV clearance on
 12 both sides, and later I'll show some exhibits of
 13 those structures as well.
 14 And so the -- the question was whether to
 15 design the structures for the loads capable of
 16 supporting 345-kV and placing conductor and
 17 hardware for that, and we decided to do that in
 18 case we ever upgrade the Leland Olds to Logan line
 19 to a higher voltage.
 20 So the structures will be designed, the
 21 conductor and material will be in place. It'll be
 22 energized at 230-kV upon completion of this
 23 project, but if we ever do need to upgrade the
 24 line, there won't need to be any physical changes
 25 on the line. So it will be ready to be energized

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1 at a higher voltage if the rest of the circuit was
 2 complete.
 3 Q. Now let's talk about the other half of the
 4 line. Can you please describe the general
 5 characteristics of the project from the Crane Creek
 6 to Tande segment.
 7 A. And for this segment I have another
 8 exhibit you could reference, Exhibit 4. It's a map
 9 produced by Basin Electric. And I mentioned this
 10 previously, too, but again in cooperation and
 11 coordination with Mountrail-Williams Electric
 12 Cooperative, once the Crane Creek site was selected
 13 and Mountrail-Williams was assigned a new 115-kV
 14 project to get from the Crane Creek site to
 15 Satterthwaite substation, we coordinated on the
 16 route that we selected to try to minimize impacts
 17 here again on the landowners. Instead of having
 18 two independent single-circuit routes -- I mean,
 19 this is feedback we've gotten from -- from this
 20 Commission and from landowners is to try to plan
 21 and cooperate where we're able to.
 22 In this case we're able to build that line
 23 also as double-circuit. Like I mentioned, the
 24 345-kV will be Basin's circuit and then the 115
 25 will be Mountrail-Williams. The double-circuit

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1 segment is approximately 11 and a half miles.
 2 Again, once we depart the double-circuit,
 3 the rest of the route north towards Tande had
 4 several routing iterations, and Nathan Kleyer will
 5 cover that in his testimony as well.
 6 Q. What is the project corridor width?
 7 A. So for Basin Electric and for most of the
 8 industry at 345-kV voltage, the right-of-way width
 9 is typically 150 feet wide, and that's the width
 10 that we used as well and that'll match the corridor
 11 for this project.
 12 The way we select that is based on the
 13 structure spans. The right-of-way is intended to
 14 contain the conductor under all operating
 15 conditions. So we model the conductor under a
 16 perpendicular high-wind case and make sure that
 17 that conductor stays within the right-of-way and
 18 keeps electrical clearance to the edge of the
 19 right-of-way at all times.
 20 So there are a handful of locations on
 21 this project due to a special structure or very
 22 long spans where the conductor would move beyond
 23 150 feet, and so I have those just summarized in my
 24 testimony here. I can give you the structure
 25 numbers, and then we'll provide those, you know,

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1 for definition in the order.

2 But we have two locations in McLean County

3 where the right-of-way width will be 250 feet and

4 then one location in Mountrail County where it will

5 be 200 feet wide.

6 Q. How about substations? What is the scope

7 of work associated with the project substations?

8 A. So at Leland Olds generation station,

9 there was an existing 345-kV sub directly adjacent

10 to the power plant. Several years ago that project

11 needed full aging infrastructure replacement of

12 equipment, and then rather than doing that in place

13 in that substation and the outages and complexity

14 that had, we rebuilt the whole substation about a

15 mile and a half south of the plant still on Basin

16 Electric property.

17 So that construction just completed, so

18 that is a newly energized substation. It now has

19 all of its infrastructure updated and was also able

20 to accommodate other generation interconnections.

21 So this project will use -- utilize a new terminal

22 at that location.

23 The Crane Creek substation I talked about

24 previously in Mountrail County will include two

25 345/115-kV transformers to step the voltage down

35

1 for local delivery to the 115-kV system. It'll

2 also include several new 115-kV terminals for new

3 circuits to interconnect.

4 And then the Tande substation is an

5 existing substation. We will have to add a new

6 terminal at that location, but it will be within

7 the existing fenced yard, so that sub will not have

8 to be expanded.

9 Q. What efforts has Basin Electric made to

10 economize the project's costs of construction and

11 operation?

12 A. So the main -- the main priority for

13 trying to keep the transmission line economical --

14 it's relatively simple but harder to achieve -- is

15 to keep the line as straight as possible and as

16 short as possible. So the angle structures,

17 especially 90-degree angle structures, are

18 significantly more expensive than a tangent

19 structure.

20 So like I talked previously about trying

21 to find quarter lines, we're really looking for

22 long segments where we can build the line in a

23 linear fashion without too many angles. Of course,

24 that's not avoidable in most cases, but that's --

25 that's really how we try to make the line economic.

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1 And then once the route is selected and

2 we're working through the iterations with the

3 landowners on structure placements, we design a lot

4 of the structures custom for that location. So we

5 analyze the loads for that specific structure or

6 its angles to determine the type of structure that

7 needs to be there so that we're -- we're optimizing

8 how much material and steel is at that location.

9 And so the structure spotting itself is an

10 optimization. And then, finally, all of the

11 materials and construction for the project are

12 competitively bid as a way to try to keep costs

13 low.

14 Q. Now let's talk about design. First, can

15 you please describe the proposed transmission

16 structure design?

17 A. Yes. So for the majority of the line, we

18 will use single-circuit monopole -- steel

19 monopoles. And I have another exhibit. If you

20 could refer to Exhibit 5, if you have that

21 available.

22 So this exhibit shows Basin Electric's

23 standard single-circuit 345-kV structure and the

24 phase clearances that we have. So we call this a

25 delta configuration, so it has three different

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1 steel davit arms that hold the conductor phases and

2 then two steel davit arms at the top of the

3 structure for OPGW and ground wire.

4 Exhibit 6, if you turn to the next page --

5 both of these were produced by Basin -- is the

6 example of a double-circuit structure. So you can

7 see it's similar, but in this case each circuit

8 will now be on one side in a vertical

9 configuration. In general, a double-circuit

10 structure at this voltage is about 25 feet taller

11 than a single-circuit structure.

12 So again, as I mentioned, as part of the

13 design, the structure heights will vary depending

14 on the terrain, if we're crossing a utility, and

15 they're adjusted based on the line route that we've

16 selected and the clearances that we have to

17 maintain.

18 On this project we have a wide variety of

19 structure heights. We have -- the average

20 structure height is around 130 feet for a

21 single-circuit and 140 feet for the double-circuit.

22 But heights range from 100 to 195 feet on the

23 project.

24 Q. What factors determine structure design?

25 A. So the span lengths that we use for the

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1 project affect the design as well as the line
 2 angles and the line tension from the conductor, and
 3 then all of the design that we do is governed by
 4 the National Electric Safety Code.
 5 Q. How many structures will be constructed
 6 for this project?
 7 A. On the Leland Olds to Crane Creek segment,
 8 there are 605 structures, and on the Crane Creek to
 9 Tande segment, there are 225 structures. So out of
 10 that on the Leland Olds to Crane Creek segment, we
 11 have 223 double-circuit structures. We also have 4
 12 H-frame structures. Those are just at the river
 13 crossing to accommodate that crossing. And then on
 14 the Crane Creek to Tande segment we have 53
 15 double-circuit structures, and we have 3 H-frame
 16 structures on that segment right at the Tande
 17 location to accommodate utility crossings in that
 18 area.
 19 Q. What conductor is Basin Electric proposing
 20 to use for the project?
 21 A. For this project we're using an aluminum
 22 conductor with a composite carbon fiber core. The
 23 conductor size is 1.72 inches in diameter.
 24 Q. What are the minimum clearances over
 25 cultivated land, pasture, roads and other utility

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1 lines?
 2 A. The minimum clearance from the NESC code
 3 is 26 feet at this voltage class. Basin Electric
 4 adds a 4-foot buffer to that and so we design the
 5 line for 30 feet of clearance. However, that's
 6 under all operating conditions, and so with this
 7 conductor type, the controlling case for sag would
 8 be under a heavy ice case, so we model 1.25 inches
 9 of ice on the conductor, and that typically sags
 10 about 6 or 7 feet lower than normal operating
 11 conditions.
 12 So under normal operating conditions at
 13 max sag, you'd have around 36 to 37 feet of
 14 clearance at mid-span. The clearance at the
 15 structures themselves is closer to 65 or 70 feet at
 16 the structures.
 17 Q. Turning to construction, can you please
 18 describe the construction activities for the
 19 project?
 20 A. So different contractors might employ
 21 different methodologies for how many crews they
 22 bring on, but generally the construction follows
 23 similar phases between each project. And I think
 24 on this project we're planning on using two
 25 different contractor crews, maybe one starting at

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1 the Tande location and one starting maybe around
 2 that Douglas area and both of them working east to
 3 try to meet the project schedule that we have.
 4 But the project construction will start
 5 out with structure staking. Typically that would
 6 be done by Basin Electric. We'll stake the
 7 structures, the right-of-way edge, avoidance areas.
 8 And then we'll move into access preparation, gate
 9 installation where it's required.
 10 And then tree clearing is something that
 11 can occur throughout the project. Some areas we
 12 need to clear trees for structure locations, but a
 13 lot of that doesn't need to be done until we go to
 14 energize the line.
 15 The first major function of -- of
 16 construction would be the foundation installation.
 17 And then we'll be delivering structures to the
 18 site, and the contractor will haul each individual
 19 structure to the structure locations. They'll have
 20 a separate crew called the framing crew that will
 21 assemble the structures at each site, and then
 22 they'll be followed by the crane that will set and
 23 erect each of the structures.
 24 Once enough structures are set and ready,
 25 the stringing crew would mobilize to the project,

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1 and then they'll pull the conductor and shield
 2 wires.
 3 After stringing is done and -- the last
 4 phase would be reclamation. We usually hire a
 5 separate contractor to complete that, and that's
 6 overseen by our right-of-way department, and Nathan
 7 Kleyer will be able to provide more information on
 8 that as well.
 9 Q. Will Basin Electric be prepared if there
 10 are emergency situations during or after
 11 construction?
 12 A. Yes. So our process is we provide the
 13 line and the GPS coordinates of each structure to
 14 local emergency agencies prior to construction
 15 starting. So they'll have GPS coordinates to any
 16 location on the line to help navigate to those
 17 sites. And also the -- the three substations on
 18 the projects all have 911 addresses. Those will be
 19 shared and communicated to the contractor.
 20 Q. What steps will Basin Electric take when
 21 construction is complete?
 22 A. So once construction's complete, Basin's
 23 own transmission system maintenance crews will
 24 perform final inspections and they -- along with
 25 our construction coordinators to identify any items

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1 that have corrective actions. And once those
 2 corrections have been completed and verified, we'll
 3 release the contractor from responsibility.
 4 And as I mentioned, Basin's right-of-way
 5 team will then oversee the reclamation phase, which
 6 oftentimes may be up to a year after energization.
 7 Q. To conclude your testimony, can you please
 8 tell us based on your knowledge of the project will
 9 its construction, operation and maintenance produce
 10 minimal adverse effects on the environment and
 11 human welfare?
 12 A. Yes.
 13 Q. And based on your knowledge of the
 14 project, is it compatible with the environmental
 15 preservation and efficient use of resources?
 16 A. Yes.
 17 Q. And, finally, based on your knowledge of
 18 the project, will it ensure continuing system
 19 reliability and integrity needs are met?
 20 A. Yes.
 21 MS. OLSON: Thank you.
 22 I have no further questions for
 23 Mr. Nasset.
 24 JUDGE HOGAN: Mr. Johnson, any questions?
 25 MR. JOHNSON: No. I'll defer to the

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1 commissioners.
 2 JUDGE HOGAN: Mr. Hanson?
 3 MR. HANSON: No, not at this time. Thank
 4 you.
 5 JUDGE HOGAN: Commissioner Kringstad?
 6 COMMISSIONER KRINGSTAD: Thank you.
 7 **EXAMINATION**
 8 **BY COMMISSIONER KRINGSTAD:**
 9 Q. Mr. Nasset, when you were talking about --
 10 on Exhibit 3 with the LOS to Logan line and the
 11 need to manage outages on the existing line, can
 12 you give me a little more information about what
 13 that looks like? And maybe that's more of a
 14 Mr. Westby question, but --
 15 A. I can take a stab at it first. So, yeah,
 16 it's really critical to keep that line in service.
 17 So ideally we wanted to build this new circuit far
 18 enough away that we have room in electrical
 19 clearance to the existing one, and for the majority
 20 of that area we were able to do that, so we might
 21 be 75 or a hundred feet away. So we're putting new
 22 structures -- it's a full new easement adjacent to
 23 that.
 24 But there are a few areas, specifically
 25 the area near the ICBM sites, where we have a road

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1 directly on one side and then a WAPA-existing
 2 transmission line on the other side where there's
 3 just no room for another circuit there.
 4 And so in that area we will have to take,
 5 like, 4 miles that are right on the same alignment
 6 and we're planning for a several-month outage to
 7 complete that work. It might be a series of
 8 outages. So they could go and place the
 9 foundations under one short outage, and then when
 10 we have the structures ready in place and then the
 11 rest of the line is constructed up to that point,
 12 we'll take a longer outage, install all of those
 13 structures and complete the stringing. That way we
 14 can energize both circuits back up right away.
 15 Q. And is -- is that going to be a similar
 16 process for the 115 line as well?
 17 A. On that one, since they're both new
 18 circuits, there won't be any issues for outages for
 19 constructing that one. Yep.
 20 Q. This may be -- may be a better question
 21 for Mr. King, but when you talk about in your
 22 prefiled testimony the -- the Missouri River
 23 crossing that's adjacent to the LOS circuit and
 24 coordinating with the Army Corps, have there been
 25 any -- any concerns there? How's that process

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1 moving along?
 2 A. Yeah. No concerns, and Ryan will testify
 3 on this, too, but we've been working with the Army
 4 Corps on that location. We've submitted our
 5 structure locations, the span and the clearance
 6 from the -- from the river. It works pretty well
 7 because it's directly adjacent to that existing
 8 circuit, so it's already an area where we have
 9 transmission infrastructure. Yep. Good question.
 10 Q. Okay. And then are there -- do you
 11 anticipate any supply chain issues with this
 12 project at all?
 13 A. It's always getting more interesting these
 14 days. You know, so far we have all of our
 15 contracts in place, and so our steel poles are
 16 under fabrication currently and a majority of the
 17 conductor. Those are the two really long lead-time
 18 items for the transmission line. A majority of the
 19 conductors have already been produced, so we feel
 20 pretty good about that.
 21 The electric infrastructure at the
 22 substations has become a challenge, so circuit
 23 breakers and transformers -- the lead times on
 24 those continue to move out. I know we -- we
 25 ordered these circuit breakers when the project was

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1 approved in 2022 and the ship date has been delayed
 2 several times, and so now we're hoping to still
 3 receive those next year.
 4 So we continue to monitor that. Not just
 5 for this project, but for all of our projects right
 6 now, it is becoming a challenge, and as you know,
 7 there's new ideas about tariffs and things like
 8 that, too, so we're still trying to coordinate with
 9 our vendors on -- and our procurement department on
 10 the best strategy forward for that.
 11 COMMISSIONER KRINGSTAD: Okay. I think
 12 those are all my questions. Thank you.
 13 THE WITNESS: Thank you.
 14 JUDGE HOGAN: Commissioner Christmann.
 15 **EXAMINATION**
 16 **BY COMMISSIONER CHRISTMANN:**
 17 Q. Do you want all the locational questions
 18 to go to the right-of-way specialist? I have one
 19 regarding the area very close to one of those ICBMs
 20 that you talked about, so I don't know if this
 21 question should go to you or him.
 22 A. I can give it a try.
 23 Q. Okay. On -- on page 119 -- or, no,
 24 page -- page 19 of 69 of the maps, and this is just
 25 north of -- of the northern -- of the two ICBMs you

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1 talked about.
 2 A. Okay.
 3 Q. But here you are diverting away from the
 4 existing line. And is the purpose of that to get a
 5 longer distance to that residence or is there some
 6 other purpose to this deviation?
 7 A. Yeah. Great question. In this area, this
 8 was driven by landowner feedback. So they
 9 wanted -- they preferred the line to be on the west
 10 side of their house. You can see from the image
 11 the existing line or the original line goes through
 12 two cultivated fields. So by rerouting the whole
 13 double-circuit, we moved it out of those fields in
 14 that location.
 15 Q. Oh, okay. I had that confused. So the --
 16 the existing line will be rerouted over onto --
 17 A. Yeah. So --
 18 Q. It will be double-circuited?
 19 A. Correct. Yep.
 20 Q. Okay.
 21 A. So the first -- the first step will be to
 22 build this line and that one will remain in place
 23 and energized during construction, and then upon
 24 completion we'll go back and remove all those
 25 structures and release that easement.

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1 Q. So this is a landowner accommodation?
 2 A. Correct.
 3 Q. And then -- so besides just, you know,
 4 probably many years ago a long-range goal of having
 5 the route around each side of Lake Sakakawea to get
 6 up to northwest North Dakota, when did you really
 7 start planning this route and maybe contacting the
 8 local political subdivisions and landowners and
 9 really start thinking about where you would locate
 10 it?
 11 A. Yeah. Well, probably in 2021 -- and Phil
 12 will -- will testify to the timing of this, but
 13 through Southwest Power Pool's integrated
 14 transmission planning process, this project which
 15 we've called the east loop for a long time -- and
 16 it has been on the planning docket for a long
 17 time -- was selected as a solution to a lot of the
 18 reliability issues we're seeing.
 19 So after that it took several months to
 20 receive the formal notice to construct from SPP.
 21 That gives us authorization to take that to our
 22 board of directors. So we took the project to the
 23 board of directors and received approval from Basin
 24 Electric's management in, I believe it was, June of
 25 2022.

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1 So in that window, we were doing more just
 2 desktop preparation and reviewing possible routing
 3 options and preparing cost estimates and schedules.
 4 And then once the project was approved, that summer
 5 is when we started external outreach to local
 6 stakeholders and held public input sessions. We
 7 sent brochures out to landowners that were in the
 8 study area at that time.
 9 Q. Okay. And then tell me if the answer is
 10 different between the -- the double-circuited area
 11 up north of Lake Sakakawea as opposed to the
 12 double-circuited area mostly here in McLean County,
 13 but when you started planning this, the
 14 double-circuiting sections, are those like
 15 primarily cost savings for Basin and for the
 16 customers or is that kind of landowner
 17 accommodations so there's not so many power lines,
 18 we'll just have one big one?
 19 A. Yeah. Well, maybe I'll start with the --
 20 the simpler one first would be the collaboration
 21 with Mountrail-Williams for that 345/115. That to
 22 us was just trying to minimize impacts and it does
 23 save both Basin and Mountrail-Williams some money
 24 because you're combining this into one project.
 25 So even though a double-circuit structure

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1 is more expensive, Mountrail-Williams is
 2 contributing their share for the 115-kV circuit.
 3 For the route in McLean County, that was a
 4 decision, again after a lot of public consultation
 5 and reviewing other alternatives, that we were
 6 going to have a very hard time acquiring easements
 7 and finding a route that could meet our, you know,
 8 avoidance criteria that we made the decision to
 9 rebuild that existing line and got, for the most
 10 part, very good feedback from the landowners for
 11 that route.
 12 So that's a lot of extra cost to this
 13 project that we mostly covered with just
 14 contingency budget, you know, in this case.
 15 COMMISSIONER CHRISTMANN: Okay. I think
 16 the rest of my questions I'll save for the next
 17 witness. Thank you.
 18 JUDGE HOGAN: Commissioner Haugen-Hoffart.
 19 COMMISSIONER HAUGEN-HOFFART: Yeah. Thank
 20 you for your testimony.
 21 **EXAMINATION**
 22 **BY COMMISSIONER HAUGEN-HOFFART:**
 23 Q. I'm going to go back to this 700 miles
 24 initially --
 25 A. Mm-hmm.

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1 Q. -- and you talked about in this county
 2 construction complexity. Can you expand more on
 3 that as far as the complexity you faced in the
 4 resolution that was achieved? And the final point
 5 to that question or -- what is outstanding?
 6 A. So the complexity of the construction, I
 7 guess, you know, will apply to the -- the whole
 8 project. There are certainly areas that are much
 9 easier to access and very traditional transmission
 10 construction. But we do have areas in, you know,
 11 Mountrail County where we start to get into White
 12 Earth Valley breaks where there's just a little
 13 more work on where we can locate structures.
 14 The complexity I referred to earlier in
 15 McLean County for the double-circuit mostly relates
 16 to how do we build this line safely right next to
 17 an energized 230-kV line. Again, we're trying to
 18 accommodate landowners. The goal will be to have
 19 that alignment be as close as possible to the
 20 existing line.
 21 So for that we're just -- we're designing
 22 clearances, making sure that we can perform the
 23 construction activities and build those structures
 24 while that line is energized with the exception of
 25 the four miles we talked about where we have to

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1 build it in the exact same alignment.
 2 So that's more of a complexity just for
 3 making sure we have that covered in our
 4 construction contract and are coordinating with our
 5 transmission planners for the outage in the system
 6 when we do that and making sure that's the right
 7 time to have an outage.
 8 Q. Okay. You said you made numerous
 9 iterations based on landowner feedback. Is that
 10 the majority was based on landowner feedback, the
 11 changes you made?
 12 A. Yes, in most cases. So we -- we start
 13 with two or three major alternatives, and actually
 14 on this project we started with just a request for
 15 survey permissions without a route just to try to
 16 get feedback. We find that you don't get very good
 17 responses until you start drawing lines on paper.
 18 And so we have enough data in our internal
 19 systems to see where most of the exclusion zones
 20 are and where we can't build lines, and so we
 21 develop what we think are efficient lines that will
 22 meet the two end points. And then we request
 23 survey permissions from the landowners, and that's
 24 really our opportunity to start talking to them
 25 about what do you think about this location? Do

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1 you have other ideas? And that's really a long
 2 iterative process. And I like to say it's two
 3 steps forward, one step back, and sometimes it's
 4 one step forward and three steps back because we --
 5 we just find that we have an area that this is not
 6 going to work anymore.
 7 And so it -- and for a project of this --
 8 this scale, it presents a challenge. So for a
 9 20-mile transmission line, there's just fewer
 10 options to evaluate compared to how large this one
 11 is. So, again, wanted to say the right-of-way team
 12 at Basin and our partners at HDR who we consulted
 13 with for right-of-way did a great job of reaching
 14 out to a significant amount of landowners.
 15 And as you guys know, a transmission line
 16 is not an easy sell, you know, anywhere, especially
 17 with all the existing infrastructure there.
 18 So, again, I think we did a good job at
 19 coming up with a route that meets a solution that's
 20 still a pretty economical route but also has taken
 21 into account the feedback that we've gotten to
 22 date.
 23 Q. Okay.
 24 A. But to your point, I guess, yeah, we track
 25 each alternative in our system. We had over 700

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1 miles of specific routes that we evaluated and I
 2 think we were up to well over 900 different
 3 landowners were contacted about the transmission
 4 line, and I think the final number of private
 5 landowners on this project is 270, so --
 6 Q. What -- what's the status on easements?
 7 A. I think as of last week we were right at
 8 90 percent and I just heard this morning we're up
 9 to 93 percent, so --
 10 Q. Okay. Talk about the foundation of the
 11 poles. What -- describe that.
 12 A. Yeah. Great question. So for all the
 13 structures on this project, we'll use drilled
 14 concrete pier foundations. They vary a lot in
 15 diameter and depth depending on really two things,
 16 the structure loading, the structure size. And we
 17 also get -- we perform a geotechnical investigation
 18 where we take soil borings along the entire
 19 transmission route and then those individual soil
 20 profiles help us with the design for the
 21 foundations.
 22 So for a tangent inline structure, for
 23 example, that might be an 8-foot diameter concrete
 24 pier and they probably generally range 22 to
 25 27 feet in depth. But a 90-degree dead-end

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1 structure would be maybe a 12- or 13-foot diameter,
 2 depending on the structure height, and they could
 3 be as steep as 35 feet in some cases here.
 4 Q. How long does it take to set one
 5 foundation? How many days?
 6 A. Yeah. I think if -- if access is
 7 reasonable, they can do sometimes three foundations
 8 a day on the project. But, again, when you get to
 9 some of those larger dead-end foundations, it might
 10 be slower in that case, but -- so in this project
 11 they'll likely use multiple foundation crews. We
 12 might have up to five operating at any given time.
 13 Q. So how many trucks is that in an area?
 14 A. Yeah. It's -- that's a great question
 15 too. I'll -- you know, probably for a tangent
 16 structure, that could be as many as eight to ten
 17 concrete trucks and even more for those dead-end
 18 structures. Yeah.
 19 Q. Okay.
 20 A. Which is probably our -- that's a good
 21 question, and it's probably where our largest
 22 ground-disturbing activity is is just due to
 23 concrete delivery to the sites.
 24 Q. You talked about the -- the construction
 25 and that's where I want to stay for a little bit

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1 is -- you talked about the foundation installation,
 2 the structural hauling and framing, starting at
 3 opposite ends on building it, but let's just focus
 4 in one area. You just talked about maybe two
 5 foundation teams going on.
 6 During construction, we get a lot of -- we
 7 get some concerns on the traffic, sound, dust, a
 8 lot of different things. How are you going to
 9 mitigate that or what's your construction plan on
 10 some of that mitigation, and if there are
 11 complaints, how -- how you handle it and have you
 12 heard concerns from landowners on the construction?
 13 A. Yeah. Yeah, that's definitely an
 14 important part for us to manage, and so as part of
 15 this project, again, because of the scale of it, we
 16 consult with a company that provides additional --
 17 we call them construction coordinators. We'll
 18 probably have up to 9 or 11 full-time staff on
 19 behalf of Basin, in addition to our own staff, that
 20 will be on site to help manager the contractor.
 21 These are important things we bring up in our
 22 weekly coordination meetings with the contractor
 23 about speed, about safety and about managing dust.
 24 So a lot of it is like what are the
 25 conditions? The same thing goes for wet

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1 conditions. We don't want to be driving concrete
 2 trucks out on right-of-way when -- after a huge
 3 rain because we're going to do a lot of damage to
 4 the ground. The contractor will use a lot of
 5 matting in a lot of areas that are soft just to
 6 prevent. And I think if anyone has reviewed a
 7 recent project at Roundup to Kummer Ridge, we used
 8 significant matting on that project and -- and did
 9 a really good job of avoiding damage to the
 10 right-of-way in that -- in that project, so --
 11 Q. So if there is concerns, they go to the
 12 project manager? I mean, they're the ones who are
 13 going to handle --
 14 A. Yep. So throughout the project, just like
 15 now during the routing phase, all the landowners
 16 will still have a right-of-way contact, and the
 17 right-of-way agent that's been working with them
 18 throughout the routing will continue to be involved
 19 throughout construction. So they'll have an easy
 20 person to contact, and they'll get in touch with
 21 either myself and through that the construction
 22 coordinator to make sure that we resolve any
 23 issues.
 24 Q. Okay. I'm going to ask another question
 25 regarding traffic. Is there any concern with the

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1 amount of traffic during construction and available
 2 access roads, roads? Any safety concerns there?
 3 **A.** It's definitely something to manage.
 4 Yeah, it's a good question. And I think a lot of
 5 work has went into -- to take a step back, you
 6 know, we have 162 miles of transmission line. And
 7 where it works -- it's the best if we can just
 8 drive down the right-of-way in the centerline from
 9 structure to structure, but there's a number of
 10 ravines in areas that we can't drive through on our
 11 centerline.
 12 So in addition to getting the transmission
 13 right-of-way, our team's been doing a lot of work
 14 with the landowners on identifying off-right-of-way
 15 access and the best and safest way to access those
 16 structures. And so I think in some areas that's --
 17 that's relatively straightforward and simple and
 18 some areas it's still pretty challenging, and we're
 19 still working through a couple of areas to try to
 20 accommodate landowner concerns just to that
 21 question.
 22 We're going to be bringing a lot of
 23 concrete trucks into this area, so how can we
 24 mitigate that and make sure it's done safely, and
 25 if we can offer flagging or additional support, you

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1 know, during those times during construction or
 2 moving the access in a way that works. Our
 3 challenge is we have to still get there physically
 4 somehow, and so trying to do that safely and making
 5 sure that we can complete the project is the
 6 challenge yet.
 7 **Q.** Yep. I look at some of those maps and I'm
 8 like how are you going to get there.
 9 **A.** Yeah.
 10 COMMISSIONER HAUGEN-HOFFART: So I think
 11 the rest of my questions are for the other
 12 witnesses.
 13 THE WITNESS: Very good.
 14 JUDGE HOGAN: Ms. Olson, any redirect?
 15 MS. OLSON: No, Your Honor.
 16 JUDGE HOGAN: Mr. Johnson, any questions?
 17 MR. JOHNSON: No, Your Honor.
 18 JUDGE HOGAN: Mr. Hanson, any other
 19 questions?
 20 MR. HANSON: No, Your Honor.
 21 JUDGE HOGAN: Any other commissioner
 22 questions? Commissioner Christmann.
 23 **FURTHER EXAMINATION**
 24 **BY COMMISSIONER CHRISTMANN:**
 25 **Q.** I was going to save this but you got into

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1 it, so when you said 93 percent easement
 2 acquisition, did you mean 93 percent of the 270
 3 landowners or of the 162 miles?
 4 **A.** Of the 270 landowners.
 5 COMMISSIONER CHRISTMANN: Thank you.
 6 THE WITNESS: Mm-hmm.
 7 JUDGE HOGAN: All right. Thank you,
 8 Mr. Nasset.
 9 Ms. Olson, you can call your next witness.
 10 MS. OLSON: Okay. I'll call Mr. Philip
 11 Westby.
 12 JUDGE HOGAN: Good morning. I'll have you
 13 start by stating your full name for the record and
 14 spelling your last name.
 15 THE WITNESS: Good morning. My name is
 16 Philip Westby. Last name is W-e-s-t-b-y.
 17 JUDGE HOGAN: And, Mr. Westby, you were in
 18 the room previously and did you hear me go through
 19 the penalties for perjury?
 20 THE WITNESS: Yes, I did.
 21 JUDGE HOGAN: And do you understand what
 22 perjury is?
 23 THE WITNESS: Yes, I do.
 24 (Witness sworn.)
 25 JUDGE HOGAN: All right. Thank you.

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1 Go ahead, Ms. Olson.
 2 MS. OLSON: Thank you, Your Honor.
 3 **PHILIP WESTBY,**
 4 being first duly sworn, was examined and testified
 5 as follows:
 6 **EXAMINATION**
 7 **BY MS. OLSON:**
 8 **Q.** Good morning. To start, please state your
 9 name and employer.
 10 **A.** My name is Philip Westby and I'm employed
 11 by Basin Electric Power Cooperative.
 12 **Q.** What is your position with Basin Electric?
 13 **A.** I am the manager of transmission services,
 14 and my responsibilities include supervising
 15 transmission studies that affect Basin Electric and
 16 its customers. As part of this, I complete and
 17 review studies that would affect Basin or its
 18 members.
 19 **Q.** Please describe your educational and
 20 professional background.
 21 **A.** I am a licensed professional engineer in
 22 the state of North Dakota. I have earned a
 23 bachelor's of science degree in computer
 24 engineering from North Dakota State University in
 25 2008.

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1 I have been employed with Basin Electric
 2 since 2009 in the transmission planning division.
 3 I was hired as an electrical engineer and was
 4 promoted as the manager of transmission services in
 5 April of 2023.
 6 Q. What is your role with respect to this
 7 transmission line project?
 8 A. I have been involved in evaluating the
 9 need for this project. I oversaw Basin Electric's
 10 submission of -- of the Leland Olds to Tande
 11 transmission line project proposal in the Southwest
 12 Power Pool integrated transmission planning
 13 process.
 14 Q. Are you familiar with the contents of
 15 Basin Electric's application for this project?
 16 A. Yes, I am.
 17 Q. What is the purpose of your testimony
 18 today?
 19 A. The purpose of my testimony is to provide
 20 information related to the need for the project. I
 21 will provide general information on the SPP
 22 transmission planning process and how it applies to
 23 this project, as well as Basin Electric's internal
 24 needs analysis.
 25 Q. First, let's talk about the Southwest

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1 Power Pool planning process. What is the Southwest
 2 Power Pool or SPP?
 3 A. Southwest Power Pool is a regional
 4 transmission organization. They've been mandated
 5 by the Federal Energy Regulatory Commission to
 6 ensure reliable power, adequate transmission
 7 infrastructure and a competitive wholesale market
 8 of electricity -- excuse me -- and competitive
 9 wholesale electricity prices on behalf of its
 10 members, including Basin Electric.
 11 As the RTO, SPP is responsible for
 12 transmission planning and expansion within the SPP
 13 region, which includes the project area as Basin
 14 Electric is a member of SPP.
 15 Q. Please generally explain SPP transmission
 16 planning.
 17 A. During the SPP transmission planning
 18 process, SPP performs reliability, economic and
 19 public policy assessments of the transmission
 20 system for its region, and it collaborates with
 21 stakeholders to identify solutions to the
 22 identified transmission needs that their process
 23 identifies.
 24 SPP performs its planning process in
 25 accordance with the North American Electric

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1 Reliability Corporation, NERC, reliability
 2 standards, the SPP tariff and SPP criteria.
 3 Q. Please describe the SPP integrated
 4 transmission planning process.
 5 A. Sure. The SPP ITP process is an annual
 6 planning cycle that assesses near-term and
 7 long-term economic and reliability transmission
 8 needs. The ITP produces a ten-year transmission
 9 expansion plan each year, combining near-term,
 10 ten-year and the NERC planning requirements into
 11 one study.
 12 Essentially, the process seeks to target a
 13 regional -- reasonable balance between long-term
 14 transmission investments and minimizing congestion
 15 costs to customers. The ITP works in concert with
 16 SPP's existing subregional planning stakeholder
 17 processes and continues in parallel with the NERC
 18 TPL-001-5 compliance process.
 19 Q. Please describe Basin Electric's role in
 20 the integrated transmission planning or ITP process
 21 and other studies conducted.
 22 A. Basin Electric works closely with SPP
 23 since we're a member of SPP, and through that we
 24 provide input on the study scope of each ITP and
 25 the assumptions that go into their studies. We

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1 participate in the model building process, so
 2 that's building the transmission planning models,
 3 and we provide input on any needs that may come out
 4 of the process and any constraints that were
 5 identified across the system.
 6 As part of that process, Basin Electric
 7 provides potential transmission mitigation --
 8 mitigations or fixes for issues that are
 9 identified. And SPP will take what we submit and
 10 they will also take submissions from other
 11 stakeholders and kind of evaluate them all against
 12 each other and end up selecting the best ones.
 13 Additionally, Basin Electric -- we have
 14 requirements through NERC to perform our annual
 15 transmission planning assessment. And up in the
 16 Bakken area, since it's been a high-load growth
 17 area, we've traditionally annually done two
 18 seasonal operating studies for both the summer and
 19 winter for the Bakken area to ensure that we can
 20 reliably serve the load growth.
 21 Q. What happens once SPP identifies that a
 22 transmission project needs to be constructed?
 23 A. Once a transmission project has been
 24 identified through the SPP transmission planning
 25 process, SPP issues what they call a notice to

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1 construct, and that's issued to a designated
 2 transmission owner which in this case is Basin
 3 because we own the substations that this project is
 4 connecting into.
 5 The notice to construct essentially
 6 requires a commitment -- a financial commitment in
 7 the near future. And the designated transmission
 8 owner under the SPP tariff that receives that
 9 notice to construct is required to build the
 10 project, so --
 11 Q. Next let's talk about this project's needs
 12 and benefits. Which SPP transmission planning
 13 process did this project arise out of?
 14 A. So this project came out of the 2021 SPP
 15 ITP process.
 16 Q. And what did the 2021 ITP process
 17 conclude?
 18 A. The 2021 ITP process had a specific focus
 19 area on the Bakken due to that high-load growth
 20 that we've been forecasting. The 2021 assessment
 21 report, which is included as Exhibit 7, identified
 22 a need to provide an additional 345-kV path north
 23 of Lake Sakakawea and create a new delivery point
 24 on the underlying 115-kV system north of New Town,
 25 which is the Crane Creek substation.

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1 The report identified the project's
 2 reliability benefits as follows: It creates a
 3 345-kV loop around the north side of Lake Sakakawea
 4 between two existing 345-kV substations where no
 5 345-kV transmission exists today. And it provides
 6 an alternative connection point at the Crane Creek
 7 substation.
 8 In July of 2022 as a result of the 2021
 9 ITP process, SPP issued a notice to construct,
 10 number 210652, to Basin Electric directing
 11 construction of the project. This NTC, NTC 210652,
 12 is included as prefilled Exhibit 8.
 13 Q. Will the project provide any benefits in
 14 addition to those identified by SPP?
 15 A. Yes. The project provides several
 16 additional benefits. The area north of New Town at
 17 the new Crane Creek substation has historically
 18 outgrown the capability of the underlying 115-kV
 19 system, and as a result there's been an under --
 20 what's called an under-voltage load shedding scheme
 21 in place. And that scheme -- it's been there for
 22 the past nine years. This scheme is designed to
 23 shed load for various system conditions to maintain
 24 reliability and ensure that the system doesn't
 25 collapse, essentially.

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1 Additionally, this project provides
 2 another outlet from the North Dakota coal fields
 3 where there's a large amount of generation, both
 4 conventional and renewable, and essentially it's
 5 giving it another more efficient path to get to the
 6 load.
 7 Q. If the project is not built, what would
 8 happen to the electrical transmission system in
 9 northwestern North Dakota?
 10 A. Basin Electric's recent load forecasts
 11 continue to show growth in this region which
 12 continues to cause stress to the existing
 13 infrastructure. The existing transmission capacity
 14 in this region is insufficient, and unless the
 15 project is construction -- constructed -- excuse
 16 me -- future load growth will be restricted.
 17 Transmission congestion will be higher, and the
 18 transmission system will be less reliable because
 19 there's simply an inability to take needed
 20 maintenance on critical circuits.
 21 This is a concern as maintenance outages
 22 are a necessity and the inability to take them will
 23 result in a less reliable system.
 24 Q. To conclude your testimony, can you please
 25 tell us, based on your knowledge of the project,

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1 will it ensure continued system reliability and
 2 integrity?
 3 A. Yes, it will. The project will support
 4 existing needs and increase transmission system
 5 capacity to support the forecasted load growth.
 6 MS. OLSON: Thank you.
 7 I have no further questions for
 8 Mr. Westby.
 9 JUDGE HOGAN: All right. Thank you.
 10 Before we start with questions, we're
 11 going to take a short break. Let's plan for ten
 12 minutes and reconvene at 11:25.
 13 (Recessed at 11:16 a.m. and reconvened at
 14 11:26 a.m.)
 15 JUDGE HOGAN: All right. Mr. Johnson, do
 16 you have any questions for Mr. Westby?
 17 MR. JOHNSON: I do not.
 18 JUDGE HOGAN: Mr. Hanson?
 19 MR. HANSON: No, Your Honor.
 20 JUDGE HOGAN: Commissioner Kringstad.
 21 COMMISSIONER KRINGSTAD: Thank you.
 22 **EXAMINATION**
 23 **BY COMMISSIONER KRINGSTAD:**
 24 Q. Mr. Westby, just a couple questions. One
 25 of the things you mentioned in your prefilled

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1 testimony was about the balance between the
 2 long-term transmission investment cost and the
 3 congestion cost to customers. So just talk about
 4 that a little more and then maybe explain how this
 5 project fits into that balance.
 6 **A.** So as part of the SPP ITP process, SPP
 7 gets a number of -- for issues that show up in that
 8 process, they get a number of different
 9 transmission fixes to try to fix that, and they
 10 evaluate them based on cost and then based on a
 11 benefit-to-cost ratio, so they try to quantify the
 12 benefit each solution would have and then compare
 13 that with the cost, and then they ultimately try to
 14 pick one with the highest benefit-to-cost ratio.
 15 **Q.** And then one other piece that you
 16 mentioned is that if we talk about this project not
 17 being built, you said that the transmission system
 18 will be less reliable because of the inability to
 19 perform planned maintenance on critical circuits.
 20 So tell me a little bit more about that -- about
 21 that piece.
 22 **A.** Sure. If you could pull up Exhibit 1,
 23 it's kind of the overview -- high-level overview of
 24 the transmission system in North Dakota -- or this
 25 upper northwestern part of North Dakota. And I

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1 apologize it's not listed on here, but in the
 2 center there's a big flame. That's the Dakota
 3 Gasification plant. Right behind that is the
 4 Antelope Valley Station, so that's the AVS
 5 substation. There's two 345 lines going west to
 6 serve western North Dakota, the Antelope Valley to
 7 Charlie Creek line and the Antelope Valley to
 8 Roundup line.
 9 And from Roundup -- you can see in the
 10 Roundup to Kummer Ridge line, which is the line
 11 that we just completed in December, that line not
 12 being there was causing a lot of congestion. With
 13 that line now in service, the congestion has moved
 14 and it's moved back to these lines that are going
 15 west out of AVS. So we're seeing that congestion
 16 today. We saw it in February during the cold
 17 spell.
 18 So essentially we needed a third -- a
 19 third line out of this coal field area, and it
 20 would really be putting all of our eggs in one
 21 basket if we brought that line out of AVS. So we
 22 really needed it here. It provides additional
 23 benefits with the load delivery servicing Crane
 24 Creek as well.
 25 So I guess does that answer your question?

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1 **Q.** Yeah. And speak just a little more about
 2 like the maintenance piece of it.
 3 **A.** Sure. So the Antelope Valley Station,
 4 similar to the Leland Olds aging infrastructure
 5 that Bobby talked about, there's an effort going on
 6 there at Antelope Valley Station. We're having
 7 difficulty replacing the equipment there to get the
 8 outages on those lines to even replace that aging
 9 infrastructure, so that's -- that's a concern.
 10 COMMISSIONER KRINGSTAD: Okay. I don't
 11 have any other questions. Thank you.
 12 THE WITNESS: Thank you.
 13 JUDGE HOGAN: Commissioner Christmann.
 14 **EXAMINATION**
 15 **BY COMMISSIONER CHRISTMANN:**
 16 **Q.** One of the things that's been a concern of
 17 mine for the last eight or ten years, when we start
 18 talking about SPP specifically or RTOs in general
 19 and that sort of thing, a lot of the people that
 20 have concerns about these things that don't work in
 21 this industry, it puts them at an unfair
 22 disadvantage. So I want to make a couple
 23 statements and ask you if they're correct.
 24 So basically when you're talking about
 25 SPP, it is a regional transmission organization

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1 made up of utility companies that chose to join and
 2 it generally is -- there's -- it's not whole states
 3 but it's companies within states from here and a
 4 little bit of Minnesota, down to the northern areas
 5 of New Mexico and Texas and Louisiana; right?
 6 **A.** That's correct.
 7 **Q.** And that RTO, that one's called SPP.
 8 There's another one called MISO to the east. But
 9 basically the companies that have joined, like
 10 Basin in the case of SPP, you have kind of turned
 11 over the operational control of the transmission
 12 system to that big RTO for efficiency purposes;
 13 correct?
 14 **A.** That's correct. Yep.
 15 **Q.** And it saves money for Basin and thus
 16 saves money for consumers as well as adding
 17 reliability; correct?
 18 **A.** That is correct.
 19 **Q.** And then when you mentioned ITP, the --
 20 the integrated transmission process, that -- that's
 21 not something that came up to do this project;
 22 correct? That is something that is an ongoing
 23 process and usually each year there's some more
 24 projects added, and -- and this was one of multiple
 25 projects that they recommended for enhancing

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1 reliability or reducing costs in general; correct?

2 **A.** Yes. Every ITP fixes all the needs for

3 the whole SPP system from North Dakota to Texas and

4 it'll come up with a whole portfolio of projects.

5 This was one project in the portfolio of the 2021

6 ITP.

7 COMMISSIONER CHRISTMANN: Okay. Thank

8 you. I just wanted to make sure -- for people that

9 are wondering like why do I have to have another

10 transmission line, my electricity is very solid,

11 I'm happy with it, I hope that helps understand a

12 little bit how these large organizations keep the

13 system going for modern times.

14 Thank you.

15 THE WITNESS: Thank you.

16 JUDGE HOGAN: Commissioner Haugen-Hoffart.

17 COMMISSIONER HAUGEN-HOFFART: Thank you.

18 **EXAMINATION**

19 **BY COMMISSIONER HAUGEN-HOFFART:**

20 **Q.** Maybe I should have asked this question to

21 the first gentleman, but I know you could answer it

22 too.

23 **A.** We'll see.

24 **Q.** We talk about the need for this

25 transmission line as -- identified as load growth.

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1 Let's get more detailed into load growth. What --

2 what are the contributing factors in that? Is it

3 oil and gas? Is it residential, commercial, data

4 centers, crypto? Identify for us what you mean by

5 load growth.

6 **A.** So this came out of the 2021 ITP process

7 and that process really started in mid-2019 as far

8 as when you would come up with a load forecast you

9 get in the models and how that whole process shakes

10 out. Each ITP process is about a 30-month process,

11 and the -- the year of that ITP is really the year

12 that it ends, not the year that it starts.

13 So with that, this forecast was primarily

14 driven by oil and gas growth, really before data

15 centers were really even a thing. Certainly

16 this -- the driving factor, the 2021 ITP did not

17 have any data center growth assumed in it.

18 **Q.** So I'm just going to repeat back. Through

19 the ITP process, the load growth is identified

20 primarily oil and gas needs?

21 **A.** That's correct.

22 **Q.** Okay. And in the ITP process, what

23 information -- do you just present your load

24 forecast to them or what other information goes

25 into the ITP process?

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1 **A.** There's a lot of information that goes in.

2 It is primarily getting a refreshed load forecast

3 and that's done through our load forecasting group.

4 They go out to our member cooperatives and they ask

5 them, you know, what do you think it's going to be,

6 and that kind of rolls back up into us on the

7 transmission modeling side and that's the piece

8 where we work on the transmission models.

9 In addition to the load piece, there's

10 also a generation piece. So we have to make

11 assumptions around resources, where they're going

12 to be sited and how they fit in the models. So

13 those are primarily the main things, are going to

14 be the load and the resources.

15 **Q.** Okay. In answering a question, you made a

16 statement about replacing equipment an issue. Can

17 you expand upon that more? Is it the equipment is

18 older and they're not manufacturing them anymore?

19 What do you mean by that?

20 **A.** With respect to the maintenance, you know,

21 at the Antelope Valley Station, in order to do that

22 maintenance, you have to take an outage of a line

23 for upwards of two to three months, and in order to

24 do that, it's just -- we just can't do it reliably

25 now without a third outlet out of the coal fields,

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1 so --

2 **Q.** Sure. But there's no concern on replacing

3 equipment that if you're --

4 **A.** Yep.

5 **Q.** -- out that --

6 **A.** If the equipment fails, we have it ready

7 to replace it, but we would rather do a planned

8 outage than a forced outage.

9 COMMISSIONER HAUGEN-HOFFART: Right.

10 Okay. Thank you. I have no further questions.

11 JUDGE HOGAN: Ms. Olson, any redirect?

12 MS. OLSON: No, Your Honor.

13 JUDGE HOGAN: Mr. Johnson or Mr. Hanson,

14 any other questions?

15 MR. JOHNSON: No, Your Honor.

16 MR. HANSON: No, Your Honor.

17 JUDGE HOGAN: And any other commissioner

18 questions?

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

20 THE WITNESS: Thank you.

21 JUDGE HOGAN: Ms. Olson, you can call your

22 next witness.

23 MS. OLSON: The next witness will be

24 Mr. Ryan King, the environmental coordinator.

25 JUDGE HOGAN: Good morning. I'll have you

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1 start by stating your full name for the record and
 2 spelling your last name.
 3 THE WITNESS: Ryan King, K-i-n-g.
 4 JUDGE HOGAN: And, Mr. King, you were in
 5 the room earlier. Did you hear me go through the
 6 penalties for perjury?
 7 THE WITNESS: Yes.
 8 JUDGE HOGAN: And do you understand what
 9 perjury is?
 10 THE WITNESS: Yes.
 11 (Witness sworn.)
 12 JUDGE HOGAN: All right. Thank you.
 13 Go ahead, Ms. Olson.
 14 **RYAN KING,**
 15 being first duly sworn, was examined and testified
 16 as follows:
 17 **EXAMINATION**
 18 **BY MS. OLSON:**
 19 Q. Good morning. To start, please state your
 20 name and employer.
 21 A. My name is Ryan King. I work for Basin
 22 Electric Power Cooperative.
 23 Q. What is your position with Basin Electric?
 24 A. I am an environmental coordinator. My
 25 responsibilities include facilitating environmental

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1 assessment for new projects and ensuring compliance
 2 with environmental laws and permits.
 3 Q. Please describe your educational and
 4 professional background.
 5 A. I received a bachelor of science in
 6 construction management and a master's of natural
 7 resource management from North Dakota State
 8 University. I have 12 years of environmental
 9 permitting experience. I was hired by Basin
 10 Electric in September of 2023, and I've worked on a
 11 variety of transmission and energy facility siting
 12 projects.
 13 Q. What is your role with respect to this
 14 transmission line project?
 15 A. I am overall responsible for the
 16 preparation and coordination of environmental
 17 analysis of the project within Basin Electric and
 18 through our consultants.
 19 Q. Are you familiar with the contents of
 20 Basin Electric's application for this project?
 21 A. Yes.
 22 Q. What is the purpose of your testimony
 23 today?
 24 A. I will describe the methodology with
 25 respect to environmental considerations used to

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1 delineate the proposed project route and corridor
 2 and to demonstrate that they are in accordance with
 3 the North Dakota Energy Conversion and Transmission
 4 Facility Siting Act and the Commission's rules and
 5 regulations.
 6 Q. First let's talk about siting criteria.
 7 What is an exclusion area?
 8 A. An exclusion area is a geological --
 9 geographical area that must be excluded in the
 10 consideration of a route for a transmission
 11 facility. An exclusion area may be located within
 12 the corridor but cannot be -- cannot exceed more
 13 than 50 percent of the corridor width unless there
 14 is no reasonable alternative.
 15 Q. Does this project contain any exclusion
 16 areas?
 17 A. Yes. The project is in an area within
 18 1,200 feet of the geographical center of two
 19 intercontinental ballistic missile launch
 20 facilities for which the Commission has previously
 21 granted an exemption, as Mr. Nasset has addressed
 22 earlier. This exemption is in Appendix I of the
 23 original application.
 24 The project route also spans critical
 25 habitat of the piping plover, a threatened species

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1 under the Endangered Species Act. This critical
 2 habitat is located where the project route crosses
 3 the Missouri River at the southern end.
 4 Q. With the presence of this critical
 5 habitat, will the project still meet the
 6 Commission's exclusion area criteria?
 7 A. Yes, the project will still meet the
 8 Commission's criteria for exclusion areas. No
 9 structures will be placed within the critical
 10 habitat and no construction activities will be --
 11 will take place within this critical habitat. The
 12 nearest structure is approximately 53 feet away
 13 from this critical habitat.
 14 There was no reasonable alternative for
 15 the project that would not cross this Missouri
 16 River. And then as I will explain later in my
 17 testimony, Basin Electric will take the appropriate
 18 measures to mitigate the impacts to piping plover.
 19 Q. What is an avoidance area?
 20 A. An avoidance area is a geographical area
 21 that may not be considered in the routing of a
 22 transmission facility unless the applicant shows
 23 that under the circumstances there are no
 24 reasonable alternatives.
 25 Q. Does the project contain any avoidance

82

1 areas?

2 **A.** Yes. Archeological sites are present

3 within the corridor as identified through a Class I

4 literature review and a Class III cultural resource

5 inventory. The project is also located within

6 500 feet of five residences.

7 I want to clarify. In the application it

8 stated that one structure, structure number

9 436-041, would be located within a geologically

10 unstable area due to structure relocations. This

11 is no longer the case and we will no longer have

12 any structures within these geologically unstable

13 areas.

14 **Q.** Why should the Commission approve the

15 project when it includes avoidance areas?

16 **A.** While there are archeological sites

17 present within the project corridor, the project

18 has been designed to avoid all of these sites, and

19 a buffer zone has been placed around each site.

20 Temporary fencing will also be installed around

21 each one of these sites during construction to

22 ensure avoidance.

23 Basin Electric has also obtained waivers

24 from the five landowners that are within 500 feet,

25 and these waivers can be found in Appendix K of the

83

1 application.

2 **Q.** Next let's talk about your environmental

3 analysis, starting with threatened and endangered

4 species. Did the environmental studies for the

5 project address any concerns for threatened or

6 endangered species?

7 **A.** Yes. Basin Electric used the United

8 States Fish and Wildlife Service information for

9 planning and conservation or IPAC tool to identify

10 threatened or endangered species or designated

11 critical habitat within the project area. This

12 tool, along with consultation with the local

13 ecological services office, identified five

14 species: the endangered whooping crane and northern

15 long-eared bat and the threatened Dakota skipper,

16 piping plover and rufa red knot.

17 **Q.** First let's talk about the whooping crane.

18 Please describe the findings of Basin Electric's

19 analysis with respect to the whooping crane.

20 **A.** The project is located within the

21 migration corridor where 75 percent to 95 percent

22 of the whooping cranes travel. The land use within

23 this area is a mixture of cropland and rangeland

24 with pothole wetlands interspersed. The project

25 counties as a total have 285 verified whooping

84

1 crane sightings. And the closest confirmed siting

2 to our project corridor was two adults in 2002,

3 approximately one-half mile from the corridor.

4 During our field surveys, no whooping cranes were

5 spotted.

6 **Q.** Please describe the measures that will be

7 taken to protect the whooping crane.

8 **A.** During construction, noise and vehicle

9 activity may temporarily cause whooping cranes to

10 divert from the area. If one crane is spotted

11 during construction, all construction will stop and

12 the United -- and the Fish and Wildlife Service

13 will be contacted immediately.

14 Flight diverters will also be installed

15 per Avian Power Line Interaction Committee, or

16 APLIC, standards, which increase transmission line

17 visibility thus reducing line strikes.

18 **Q.** Next let's talk about the northern

19 long-eared bat. Please describe the findings of

20 Basin Electric's analysis with respect to the

21 northern long-eared bat.

22 **A.** Prior to any field surveys, a desktop

23 analysis was performed to determine any potential

24 impacts to treed habitat and examine what locations

25 have a higher probability of providing habitat for

85

1 the northern long-eared bat.

2 A 1,000-foot buffer was placed around the

3 project corridor and tree habitat patches that were

4 greater than 10 acres in size were selected as

5 potential northern long-eared bat habitat. This

6 review concluded that approximately 23 locations

7 could provide this northern long-eared bat habitat.

8 During field surveys, no northern long-eared bats

9 were spotted.

10 **Q.** Please describe the measures being taken

11 to protect the northern long-eared bat.

12 **A.** The project will require a tree clearing

13 at approximately 62 locations which will total

14 approximately 1.54 acres. To reduce the potential

15 to impact the northern long-eared bat at these

16 tree-clearing locations, Basin Electric has

17 committed to conducting these tree-clearing

18 activities outside of the northern long-eared bat

19 active season which is November 1 through March 31.

20 If localized tree-clearing activities

21 cannot be conducted during this window, we will

22 perform presence or absence surveys and then trees

23 will be removed directly -- or immediately after

24 these surveys.

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

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1 Please describe the findings of Basin Electric's
 2 analysis with respect to the Dakota skipper.
 3 **A.** Yeah. Desktop analysis was performed as
 4 well for this species. This -- this assessment was
 5 first used to divide the habitat into one of two
 6 categories: grassland habitat and unsuitable
 7 habitat, which is cropland and large lakes.
 8 The assessment identified approximately
 9 1,822, or 34 percent, of the project route as -- or
 10 project corridor as grassland habitat and
 11 approximately 3,561, or 66 percent, of the project
 12 corridor as being unsuitable.
 13 The field survey was conducted within the
 14 identified grassland habitat to determine if
 15 suitable habitat was present. And suitable habitat
 16 was defined as native grasslands that contained one
 17 or more of the primary constituent elements for the
 18 Dakota skipper to complete its entire life cycle.
 19 The field survey recorded 61 locations of
 20 suitable habitat, totaling approximately
 21 11.69 acres, less than 1 percent of the project
 22 corridor. During these field surveys, no Dakota
 23 skippers were observed.
 24 **Q.** Please describe the measures that will be
 25 taken to protect the Dakota skipper.

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1 **A.** Yeah. Basin Electric has designed this
 2 project to minimize impacts to suitable habit for
 3 the Dakota skipper. This includes siting pole
 4 structures and routing access trails around
 5 suitable habitat. Temporary fencing will also be
 6 installed around each suitable habitat during
 7 construction to ensure that construction activities
 8 stay out of these areas.
 9 GIS files of these areas will also be
 10 shared with our reclamation contractors and Basin
 11 Electric's maintenance personnel to continue
 12 avoiding these areas for the life of the project.
 13 In addition, Basin Electric has agreed to
 14 establish two different buffer zones around these
 15 suitable habitats during the Dakota skippers'
 16 flight window. The first buffer, a 500-meter
 17 avoidance buffer, will be placed around each of
 18 those suitable habitats in the flight window, and
 19 in this 500-meter buffer existing surface roads and
 20 existing access trails can be utilized but no
 21 construction activities can take place.
 22 And then we will also establish a
 23 one-half-mile buffer where we can travel on
 24 existing access roads and we can construct in -- on
 25 existing areas that we have begun construction, but

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1 no new areas can be -- can start construction
 2 during that flight window. And the flight window
 3 is typically 14 days between June 10 and July 25.
 4 These dates are adjusted yearly based on the Fish
 5 and Wildlife Service observations.
 6 And then if we cannot avoid the habitat
 7 during construction, we will have presence and
 8 absence surveys conducted by a permitted surveyor.
 9 **Q.** Now let's talk about the piping plover.
 10 Please describe the findings of Basin Electric's
 11 analysis with respect to the piping plover.
 12 **A.** As I explained earlier, the project does
 13 span critical habitat for the piping plover over
 14 the Missouri River at the southern end of the
 15 project. There are also two additional locations
 16 where critical habitat falls within one-half mile
 17 of the project corridor. During our field surveys,
 18 no piping plovers were observed.
 19 **Q.** Please describe the measures that will be
 20 taken to protect the piping plover.
 21 **A.** Yeah. During the U.S. Fish and Wildlife
 22 Service designated period of concern for the piping
 23 plover, which is April 15 to August 15, and prior
 24 to any construction activities, piping plover
 25 absence and presence surveys will be conducted in

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1 these three locations. If nesting birds are
 2 observed during these surveys, the U.S. Fish and
 3 Wildlife Service will be consulted with to
 4 determine the necessary action.
 5 And as -- as goes with whooping crane as
 6 well, the flight diverters will be installed per
 7 APLIC standards.
 8 **Q.** Last, let's talk about the rufa red knot.
 9 Please describe the findings of Basin Electric's
 10 analysis with respect to the rufa red knot.
 11 **A.** Yeah. The shoreline of the Missouri River
 12 does provide stopover habitat for the rufa red knot
 13 when they utilize their midcontinental migration
 14 route. However, the species is rare and it's not
 15 reported every year in North Dakota. The remainder
 16 of the project corridor does not have suitable
 17 shoreline habitat. Therefore, adverse impacts to
 18 the rufa red knot are not anticipated.
 19 **Q.** Did your analysis consider wetlands and
 20 water bodies?
 21 **A.** Yes.
 22 **Q.** Please briefly explain the project's
 23 potential impacts on these features.
 24 **A.** The project has been sited to avoid
 25 impacts to wetlands and water bodies to the maximum

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1 extent possible. Near the southern end of the
 2 project, the transmission line will cross the
 3 Missouri River. The project also avoids all
 4 permanent impacts to wetlands except for in three
 5 locations. Structures 436-214, 436-215 and 436-222
 6 will be placed within delineated wetlands.
 7 And I wanted to clarify again, the
 8 application originally stated that two structures
 9 would be within wetlands, and then due to some
 10 siting adjustments, this will now be three.
 11 Permanent wet -- wetland impacts are anticipated to
 12 be less than .01 acres.
 13 Q. Please describe the measures that Basin
 14 Electric will take to protect wetlands and water
 15 bodies.
 16 A. Yeah. Basin Electric is -- we're
 17 currently working with the United States Army Corps
 18 of Engineers through Section 10 permitting for the
 19 crossing of the Missouri River and Section 404
 20 permitting for impacting the previously described
 21 wetlands.
 22 Except for those two areas where impacts
 23 will be in those wetlands, all field delineated
 24 wetlands and water bodies will have temporary
 25 fencing installed around them like our other --

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1 like the Dakota skipper areas to ensure
 2 construction activities will remain outside of this
 3 resource.
 4 Q. Did your analysis consider trees and
 5 shrubs?
 6 A. Yes.
 7 Q. Please briefly explain the project's
 8 potential impact on trees and shrubs.
 9 A. Overall impacts to trees and shrubs are
 10 anticipated to be pretty minimal. Approximately
 11 1.4 acres of trees are present -- or present
 12 clearance violations for us right now and will need
 13 to be removed in accordance with the National
 14 Electric Reliability Council.
 15 For unavoidable tree and shrub impacts
 16 during construction operation, Basin Electric will
 17 comply with the Commission's tree and shrub
 18 mitigation plan, and we will submit a tree and
 19 shrub inventory and replacement plan for the
 20 Commission's review and approval.
 21 Q. Is Basin Electric requesting the ability
 22 to clear trees in areas wider than 50 feet?
 23 A. Yes. To meet NERC requirements, Basin
 24 Electric will be requesting to clear trees wider
 25 than 50 feet in 13 locations.

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1 Q. And did your analysis consider cultural
 2 and historic resources?
 3 A. Yes.
 4 Q. Please briefly describe the cultural and
 5 historic resource assessments conducted for this
 6 project.
 7 A. Basin Electric, through our consultant
 8 Metcalf Archeological Consultants, or Metcalf,
 9 consulted with the North Dakota State Historic
 10 Preservation Office regarding survey and testing
 11 methodology and reporting needs. To assess
 12 potential cultural and historic resources, a Class
 13 I literature search and a Class III intensive
 14 inventory were performed on all areas directly
 15 impacted.
 16 Q. Please describe the results of the
 17 cultural and historic resource assessments.
 18 A. Metcalf completed the Class I and Class
 19 III surveys and submitted two report volumes to the
 20 North Dakota SHPO for review. These reports
 21 detailed their findings and included archeological
 22 sites and site leads, historic archeological sites
 23 and site leads, and architectural sites and site
 24 leads. Nearly all of the archeological sites and
 25 site leads that were found were lithic scatters or

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1 stone circle sites.
 2 The historic archeological sites included
 3 abandoned farmsteads, foundations, cultural
 4 material scatters and a combination of these.
 5 Metcalf did not identify any architectural
 6 sites or site leads during their surveys. In their
 7 reports, they recommend that none of the documented
 8 cultural resources are eligible for consideration
 9 in the State Register -- Registry, and no eligible
 10 or unevaluated cultural resources lie within the
 11 footprint of the project area. And, therefore, no
 12 cultural resources will be impacted by the
 13 project's temporary construction activities or
 14 permanent operations.
 15 The North Dakota SHPO is currently
 16 reviewing both volumes of the reports, and we will
 17 notify the Commission when we have received
 18 concurrence from them.
 19 Q. Please describe any mitigation efforts
 20 being implemented for cultural and historic
 21 resources.
 22 A. Yeah. During their surveys, Metcalf
 23 documented and mapped each site and site lead and
 24 used a testing strategy to assess the cultural
 25 resources' significance. No avoidance or

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

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

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

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

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

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

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

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

6 Q. How about the Army Corps of Engineers?

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

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

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

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

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

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

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

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

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

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

23 And no special township approvals were
24 needed.

25 Q. Are there any other outstanding permits or

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1 approvals needed to begin construction of the
2 project?

3 A. No.

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

8 A. Yes.

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

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

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

21 A. Yes.

22 MS. OLSON: Thank you.

23 I have no further questions for Mr. King.

24 JUDGE HOGAN: Mr. Johnson, any questions?

25 MR. JOHNSON: Just a couple.

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1 **EXAMINATION**

2 **BY MR. JOHNSON:**

3 Q. I guess we'll take the easy one first. Is

4 there any outstanding responses from any of the

5 agencies that you haven't received yet?

6 A. No. You guys have all the agency

7 responses.

8 Q. Sure. And then going back to the -- the

9 location of the structures near ICBM sites, the DOD

10 or Department of Defense or whatever the agency is,

11 are they okay with the new tower structures and

12 their locations?

13 A. I would have to defer to Bobby Nasset on

14 that as he has been the one that has spoken with

15 them more recently, but I believe yes.

16 Q. Okay. And then you stated that we had

17 granted an exception previously for the ICBM within

18 that exclusion area. Are you just assuming that

19 that exemption is going to carry over and -- and --

20 to this one or do you feel like it's something we

21 need to exempt again with the new project?

22 A. That exclusion was for this project.

23 Q. Oh, it was for this project?

24 A. Yep.

25 MR. JOHNSON: Okay. My mistake. Thank

1 Q. Okay.

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

3 substation.

4 Q. Okay. I appreciated the update on the

5 local permitting process. So you said in -- in

6 Mountrail that they're sort of tabling it for

7 additional easement acquisition. Do you have any

8 timeline around that or what's the -- what are the

9 next steps with that process?

10 A. We will just continue to work with the

11 landowners to obtain those easements in that

12 county.

13 Q. Circling back to the wetland boundaries

14 and how there's going to be three structures placed

15 within there, what did -- tell me a little more

16 about -- did you coordinate with Game and Fish on

17 that and what did they have to say about those

18 areas?

19 A. Game and Fish in their letter, you know,

20 will always state that they want to have impacts

21 outside of wetlands. These structure locations are

22 along the double-circuit area as well, so these --

23 there are current towers in this wetland system

24 already. So we were just following the line as it

25 was.

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101

1 you.

2 JUDGE HOGAN: Mr. Hanson, any questions?

3 MR. HANSON: No, Your Honor.

4 JUDGE HOGAN: Commissioner Kringstad?

5 COMMISSIONER KRINGSTAD: Thank you.

6 **EXAMINATION**

7 **BY COMMISSIONER KRINGSTAD:**

8 Q. Ryan, can you talk to me a little more

9 about -- you mentioned like a geologically unstable

10 area, so there was one structure there that's now

11 been moved. Are there any other areas of concern?

12 Sometimes just looking on the maps it -- it seems

13 like maybe there should be more, so I just wanted

14 to double-check.

15 A. Yeah. As far as geologically unstable

16 areas, no. We've route -- we've routed the

17 structures around them and then all access roads

18 have been avoided too.

19 Q. Okay. You had mentioned that there were

20 five homesteads with waivers within the 500-foot

21 setback. It appeared from looking at the maps

22 that -- are those homes currently located along an

23 existing -- the existing transmission line that's

24 going to be removed?

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

1 Q. And are you going to take any additional

2 mitigation efforts because of that that we should

3 be aware of?

4 A. We aren't required to by law, but we

5 will -- you know, during construction they will be

6 matting everything that they can to -- to avoid any

7 further impacts.

8 Q. Okay. Do you have any -- I know you

9 mentioned that you had submitted some updated

10 reports to SHPO. Any anticipated response time

11 from them on those?

12 A. Yeah. I have when -- so our last report

13 was submitted February 18 after a couple comments

14 by SHPO to our -- to our consultant, so I guess if

15 they have 30 days from February 18 -- I'm doing the

16 math -- March 15, hopefully.

17 COMMISSIONER KRINGSTAD: Okay. Perfect.

18 I think -- I think those are all my

19 questions. Thank you.

20 JUDGE HOGAN: Commissioner Christmann.

21 **EXAMINATION**

22 **BY COMMISSIONER CHRISTMANN:**

23 Q. I was really concerned coming into today

24 about your permits and approvals because there were

25 a lot of them where it just indicated that they

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1 would be applied for before construction. Now, you
 2 went through a lot of them. I couldn't keep up
 3 checking them all off. It sounds like a lot of
 4 them have been applied for and some of those have
 5 now been received subsequently.
 6 **A.** Correct.
 7 **Q.** So that sounds good, but is -- what this
 8 said on those that would be applied for, that they
 9 would be applied for prior to construction. What I
 10 want to know is will they be received prior to
 11 construction?
 12 **A.** In the areas that we need those permits
 13 for, yes.
 14 **Q.** Okay. Because that probably will be in
 15 our order if -- if we choose to approve this --
 16 this certificate.
 17 And there's the conditional use permits
 18 and Williams County has -- has a couple other
 19 things, but tell me more about your weed management
 20 plan.
 21 **A.** Yeah. Basin Electric develops its own
 22 weed management plan now for each project that we
 23 do, and once that plan was completed, I submitted
 24 those -- that plan to each weed county board for
 25 their review and approval.

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1 **Q.** And how many of them have approved your
 2 weed management plan?
 3 **A.** None of them have provided any comments on
 4 it.
 5 **Q.** How long ago were they submitted?
 6 **A.** Probably September.
 7 **Q.** Okay. How -- was it -- was the tone of
 8 your submission that -- you know, let me know if
 9 you have problems in which case you would assume if
 10 they don't get back to you, it's okay, or were you
 11 requesting a response either way or how should we
 12 take that as far as local approval of county plans?
 13 And also -- I guess this is two questions. I'll
 14 just give them to you at once. Do any of these
 15 county weed boards require you to get their
 16 approval before construction?
 17 **A.** I don't believe so. I didn't ask for
 18 their approval per se. I provided them -- and I
 19 talked to some of them on the phone and provided
 20 them with the plan, and I said reach out with any
 21 questions or comments that you may have regarding
 22 this plan.
 23 **Q.** By the next hearing, I will ask this or
 24 you can hopefully just provide it. I'd like to
 25 know from you under oath whether any of these

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1 counties require that your weed management plan be
 2 approved.
 3 **A.** Okay.
 4 COMMISSIONER CHRISTMANN: I have no other
 5 questions. Thank you.
 6 JUDGE HOGAN: Commissioner Haugen-Hoffart.
 7 COMMISSIONER HAUGEN-HOFFART: Thank you.
 8 **EXAMINATION**
 9 **BY COMMISSIONER HAUGEN-HOFFART:**
 10 **Q.** I just want to be clear -- I'm going to go
 11 back to your testimony on page 11. On working with
 12 federal agencies, is it -- am I correct that on
 13 two -- United States Fish and Wildlife, an
 14 application has been submitted but approval -- is
 15 there anything outstanding?
 16 **A.** Yes. They have not -- we have not
 17 received that approval yet. During the
 18 administrative change, they actually were unable to
 19 review the project for some period of time, and
 20 just last week they were able to start that process
 21 again.
 22 **Q.** Okay. Do you have an anticipated date
 23 received?
 24 **A.** I was told the first week in March is what
 25 they're shooting for to open up the public comment

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1 period, which will be a 14-day public comment
 2 period. And then after that public comment period,
 3 they would address any comments that they do
 4 receive and finalize the permit.
 5 **Q.** And then finalize it?
 6 **A.** Yes.
 7 **Q.** Okay. And then the second point, U.S. --
 8 the next one, an application has been submitted and
 9 is being reviewed. Can you give me an update on
 10 that?
 11 **A.** For the -- the next one, the Army Corps?
 12 **Q.** Yep.
 13 **A.** Yeah. I just spoke with him this week and
 14 he is expecting approval the first week of March.
 15 **Q.** Okay. And those were the only two that
 16 were outstanding; correct?
 17 **A.** Correct.
 18 **Q.** I know in your testimony you said, "Please
 19 describe any mitigation efforts being implemented
 20 for cultural and historical resources," and the
 21 document said, "No avoidance or additional research
 22 is recommended."
 23 And I trust that, but if you come across
 24 something as far as questionable cultural or
 25 historical resources, what do you do if you're

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1 uncertain?

2 **A.** We have an undiscovered -- an

3 unanticipated discovery plan that was provided in

4 the application, Appendix F, so we will follow that

5 protocol, and then we will get our consultant,

6 Metcalf, involved right away.

7 **Q.** Okay. Thank you.

8 My one final question regarding this is

9 did any landowners, counties or any interested

10 party present to Basin any additional exclusion or

11 avoidance or concerns?

12 **A.** Not that I'm aware of.

13 COMMISSIONER HAUGEN-HOFFART: Okay. Thank

14 you. That's all I have.

15 JUDGE HOGAN: Ms. Olson, any redirect?

16 MS. OLSON: No, Your Honor.

17 JUDGE HOGAN: Mr. Johnson or Mr. Hanson,

18 any additional questions?

19 MR. JOHNSON: No, Your Honor.

20 MR. HANSON: No, Your Honor.

21 JUDGE HOGAN: And any other commissioner

22 questions? All right. Well, thank you, Mr. King.

23 Ms. Olson, you can call your next witness.

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

25 JUDGE HOGAN: All right. Good afternoon,

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1 Mr. Kleyer. I'll have you start by stating your

2 full name for the record and spelling your last

3 name.

4 THE WITNESS: My name is Nathan Kleyer.

5 My last name is spelled K-I-e-y-e-r.

6 JUDGE HOGAN: And, Mr. Kleyer, you've been

7 in the room for all of our hearing today. Did you

8 hear me go through the penalties for perjury?

9 THE WITNESS: Yes, Your Honor.

10 JUDGE HOGAN: And do you understand what

11 perjury is?

12 THE WITNESS: Yes.

13 (Witness sworn.)

14 JUDGE HOGAN: All right. Thank you.

15 Go ahead, Ms. Olson.

16 MS. OLSON: Thank you, Your Honor.

17 **NATHAN KLEYER,**

18 being first duly sworn, was examined and testified

19 as follows:

20 **EXAMINATION**

21 **BY MS. OLSON:**

22 **Q.** Good morning. To start, please state your

23 name and employer.

24 **A.** My name is Nathan Kleyer. I'm employed by

25 Basin Electric Power Cooperative.

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1 **Q.** What is your position with Basin Electric?

2 **A.** I'm a senior property and right-of-way

3 specialist. My responsibilities include overseeing

4 the acquisition of easements and assisting with the

5 coordination for the construction and reclamation

6 of electric transmission lines.

7 **Q.** Please describe your professional

8 background.

9 **A.** I've worked in land rights within various

10 industries for over 16 years, including 8 years in

11 oil and gas and 5 years with rural water

12 distribution. I have overseen the acquisition of

13 easements and assisted with coordination for the

14 construction and reclamation of hundreds of miles

15 of pipelines in North Dakota and Montana. This

16 will be the fourth transmission line project that I

17 have worked on since becoming employed with Basin

18 Electric in 2022.

19 **Q.** What is your role with respect to this

20 transmission line project?

21 **A.** I am the property and right-of-way lead

22 for this project. We have also added a team of

23 contracted agents through our right-of-way

24 consultant, HDR Engineering.

25 My role is to oversee the activity and

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1 progress of these agents and assist where

2 necessary, although I have also been directly

3 involved in negotiations with landowners on this

4 project.

5 I communicate regularly with Basin

6 Electric staff and other team members to stay

7 informed so that I can provide guidance to achieve

8 the successful outcome of acquiring all necessary

9 land rights. My field presence and interactions

10 with landowners will increase as we move into

11 construction and final reclamation.

12 **Q.** Are you familiar with the contents of

13 Basin Electric's application for this project?

14 **A.** Yes.

15 **Q.** What is the purpose of your testimony

16 today?

17 **A.** The purpose of my testimony is to provide

18 information related to Basin Electric's acquisition

19 of right-of-way easements, the project route

20 description and post-construction reclamation

21 activities.

22 **Q.** First, let's talk about landowner

23 contacts. Please summarize the right-of-way team's

24 contacts with the landowners within the project

25 corridor.

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1 **A.** The right-of-way team has contacted or
 2 attempted to contact every landowner on the project
 3 route. In 2022, the right-of-way team began
 4 contacting landowners along the project corridor to
 5 introduce the project and seek survey permissions.
 6 In early 2023, we began acquiring options
 7 of easements for the project. To date, we have
 8 acquired approximately 93 percent of the 270
 9 options or easements needed for the project from
 10 private landowners.
 11 Most of our landowner contacts have been
 12 made in person. Where in-person contact was not
 13 possible, we have contacted -- contacted them by
 14 phone or letter. Frequent landowner contacts will
 15 continue throughout the construction, reclamation
 16 and damage settlement phases of this project.
 17 **Q.** How does the right-of-way team address
 18 landowner requests or comments?
 19 **A.** The right-of-way team works cooperatively
 20 with landowners to try and address their requests
 21 or concerns. If a landowner has any questions
 22 regarding the route or structure locations, we
 23 inform them that those structure locations are
 24 preliminary and discuss why those locations were
 25 chosen.

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1 Should that landowner desire to shift one
 2 or more specific structures or propose -- propose a
 3 route adjustment, we discuss that request with
 4 Basin Electric engineering staff to see what is
 5 feasible and share those results with the
 6 landowner.
 7 **Q.** What types of adjustments has Basin
 8 Electric made to address landowner requests?
 9 **A.** Basin Electric has made shifts in
 10 structure locations specific to the route,
 11 including accommodations to route the line within
 12 or near existing utility corridors, along property
 13 lines, within fence lines, spot structures within
 14 tree rows, minimize impacts to farming and ranching
 15 operations, accommodate spacing for farm equipment
 16 sizes, and avoid existing or proposed oil and gas
 17 facilities.
 18 **Q.** Now let's talk about route selection. Are
 19 you familiar with the map identified as Exhibit 9
 20 to the prefiled testimony?
 21 **A.** Yes. If you would open up the maps on
 22 Exhibit 9 labeled LOS to Tande 345-kV Transmission
 23 Project Route Overview.
 24 **Q.** And was this map produced by Basin
 25 Electric?

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1 **A.** Yes, it was.
 2 **Q.** Beginning on the most southern point shown
 3 on Segment 1 of Exhibit 9, can you please describe
 4 the project route and any significant alternate
 5 route segments Basin Electric considered for
 6 Segment 1, which is the Leland Olds substation
 7 takeoff structure to angle point at structure
 8 436-236?
 9 **A.** Segment 1 is approximately 42 miles in
 10 length. The newly constructed LOS 345-kV
 11 substation is the starting point for this segment.
 12 This substation is located approximately five miles
 13 southeast of Stanton, North Dakota, in Mercer
 14 County.
 15 Basin Electric evaluated several routing
 16 iterations to get the line from the LOS substation
 17 to the north side of Lake Sakakawea. As part of
 18 this evaluation, we met with the area coal mining
 19 operators to avoid future conflicts. However, as
 20 discussed in Bobby Nasset's testimony, the existing
 21 transmission congestion and avoidance areas did not
 22 feasibly allow for a new transmission circuit.
 23 As a result, we elected to rebuild the
 24 existing LOS to Logan 230-kV line corridor as a
 25 double-circuit line for approximately 40 miles.

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1 The existing structures will be removed upon
 2 project energization.
 3 **Q.** Please continue with Segment 2, which is
 4 structure 436-236 to structure 377-475 or the
 5 Mountrail/Ward County line.
 6 **A.** Segment 2 is approximately 49.8 miles in
 7 length. From structure 436-236, the line continues
 8 as a single 345-kV circuit west and north towards
 9 the new Crane Creek substation. The landscape in
 10 this segment is heavily potholed with wetlands
 11 posing challenges for structure siting as well as
 12 access. Occupied residences, wetland and grassland
 13 easements, ICBM launch facilities and existing
 14 infrastructure presented further obstacles.
 15 There are two lengths within this segment
 16 that run along section lines. Both lengths are
 17 along undeveloped section lines and abide by county
 18 setbacks. Due to larger field sizes in the area,
 19 running along the section line as opposed to the
 20 quarter lines allowed us to avoid going through
 21 existing fields, reducing agricultural impact.
 22 The project route was selected based on
 23 landowner feedback and provided the most effective
 24 means of navigating encumbrances.
 25 **Q.** Please continue with Segment 3, which is

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1 structure 377-475 to structure 378-057.

2 **A.** Segment 3 is approximately 37 miles in

3 length. Continuing west, this segment moves

4 towards rougher terrain as well as being heavily

5 impacted by the oil and gas industry.

6 Of the alternate routes studied, the

7 project route balanced landowner feedback while

8 avoiding impacts to existing infrastructure.

9 Correspondence with oil and gas companies and

10 pipeline operators further helped delineate the

11 route. This served to negate any impact to

12 existing infrastructure and ensure any necessary

13 mitigation measures were addressed.

14 There is an approximate 7-and-a-half-mile

15 segment in Townships 153 North, Range 89 West and

16 Township 153 North, Range 90 West which was moved a

17 half mile north along a section line to accommodate

18 planned land uses, including future mining. The

19 section line is largely undeveloped and county

20 setbacks are observed. This routing further helped

21 minimize cropland impact.

22 Continuing west out of the Crane Creek

23 substation, Mountrail-Williams Electric

24 Cooperative's need for the new 115-kilovolt circuit

25 from Crane Creek to Satterthwaite substation made

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1 for an excellent opportunity for Basin Electric to

2 work with its member co-ops in helping reduce

3 impact by coordinating efforts to double-circuit

4 the approximate 11.4-mile portion as discussed in

5 Mr. Nasset's testimony.

6 Crossing the Little Knife River Valley was

7 our largest hurdle through this portion. Extensive

8 landowner consultation took place, which lead to

9 the angled segment in Township 153 North, Range 92

10 West.

11 **Q.** Please continue with Segment 4, which is

12 structure 378-057 to the Tande substation.

13 **A.** Segment 4 is approximately 32.3 miles in

14 length. Landowner and existing industry feedback

15 assisted with the project route through this

16 segment. The project route minimizes impact to

17 cropland, avoids cultural sites and avoids Dakota

18 skipper habitat.

19 Crossing the White Earth River Valley

20 posed a great challenge due to many avoidance areas

21 in the terrain classified as geologically unstable.

22 This was accomplished through landowner

23 consultation which led to the angled segment in

24 Township 155, Range 94 West.

25 After getting through the valley, the

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1 chosen route north proved to be the least

2 impactful, allowing us to reach our destination at

3 Tande substation.

4 **Q.** Turning to reclamation, what is the role

5 of Basin Electric's right-of-way team in reclaiming

6 the project corridor at the completion of

7 construction?

8 **A.** The right-of-way team will oversee the

9 entire reclamation process. A licensed and

10 certified reclamation contractor will report

11 directly to our property and right-of-way team, and

12 we will be on site on a regular basis to monitor

13 progress and make sure reclamation is completed to

14 landowners' and Basin Electric's satisfaction.

15 **Q.** Please describe the reclamation practices

16 Basin Electric will follow for the project

17 corridor.

18 **A.** Basin Electric will retain a licensed

19 local contractor who specializes in the reclamation

20 techniques required to stabilize the soils to

21 reestablish the growth or cover in the disturbed

22 areas of the project in consultation with the local

23 Natural Resources Conservation offices and Farm

24 Service Agency offices.

25 In pastureland, our reclamation contractor

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1 will reseed to the same species of grasses present

2 prior to construction unless otherwise directed by

3 the landowner. In Conservation Reserve Program

4 fields, we will replant the cover based on the

5 local FSA office rules and guidance.

6 On all lands, compaction and grading will

7 be addressed. Any rock brought to the surface

8 while addressing compaction will be picked and

9 taken off site or dumped at a site deemed

10 acceptable by the landowner.

11 Disturbed areas will be monitored for

12 erosion. Erosion control may include the

13 installation and maintenance of necessary measures

14 for temporary and permanent erosion, sedimentation

15 and dust control as required by the relevant

16 agencies and the landowner. Basin Electric will

17 complete inspection and maintenance to ensure

18 compliance with project reclamation specifications.

19 We will also work with the landowners

20 regarding tree replacements. This will be done

21 according to the Commission's tree and shrub

22 mitigation plan. Basin Electric will be

23 responsible for weeds by providing weed control

24 within the easement area during construction and

25 reclamation.

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1 Q. How will Basin Electric address landowner
2 concerns during the project's construction,
3 reclamation and operation?
4 A. All damages associated with our activities
5 will be addressed with the landowner or tenant for
6 settlement at the completion of construction.
7 Basin Electric will compensate landowners for
8 damage to any crops or pasture during construction
9 as well as any prevent-plant situations due to the
10 construction activity.
11 Landowners will be consulted throughout
12 the reclamation process to ensure successful
13 reclamation has taken place and any outstanding
14 issues have been resolved.
15 During operation of the transmission line,
16 Basin Electric will continue to reclaim the route
17 corridor and settle any damages caused by
18 maintenance activities.
19 Q. To conclude your testimony, can you please
20 tell us, based on your knowledge of the project,
21 will its construction, operation and maintenance
22 produce minimal adverse effects on the environment
23 and human welfare?
24 A. Yes. The project route and corridor were
25 selected to minimize adverse effects to existing

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1 land uses, infrastructure and environmental
2 resources. Basin Electric has and will continue to
3 work with landowners to address any concerns
4 relating to the project's construction, reclamation
5 and operation.
6 MS. OLSON: Thank you.
7 I have no further questions for
8 Mr. Kleyer.
9 JUDGE HOGAN: Mr. Johnson, any questions?
10 MR. JOHNSON: No questions, Your Honor.
11 JUDGE HOGAN: Mr. Hanson?
12 MR. HANSON: No questions, Your Honor.
13 JUDGE HOGAN: Commissioner Kringstad.
14 COMMISSIONER KRINGSTAD: Just a couple.
15 **EXAMINATION**
16 **BY COMMISSIONER KRINGSTAD:**
17 Q. Thank you, Mr. Kleyer.
18 I think I'm going to have more questions
19 at our next hearing, so --
20 A. Okay.
21 Q. But for this one I know you said that
22 easement acquisitions -- we've talked about how
23 that's up to 93 percent of total landowners. Do
24 you happen to know what percentage of the total
25 route, like line miles --

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1 A. I don't have --
2 Q. -- you have easements for?
3 A. -- that off the top of my head, but I can
4 have that at the next hearing.
5 Q. Okay. That would be great. I'd just be
6 curious.
7 And then talk to me a little more about
8 your reclamation processes once the -- you know,
9 once a line is energized and in operations, like
10 how long does that go on for. What type of
11 measures or inspections are we talking about at
12 that point?
13 A. So, typically, when we're ready to begin
14 that process, I will begin having in-person
15 meetings with landowners or tenants to have an
16 on-site look at the property, discuss what I
17 usually do, and if they would prefer something a
18 little different, we will first begin by
19 de-compacting all the compaction. After that
20 point, we will come back and disk and finish disk
21 to final grade, at which point rocks will be
22 picked.
23 And then at that point, depending on time
24 of year, depending on if it's a crop field or
25 pastureland, it will be reseeded. In some

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1 instances if we are doing this during the growing
2 season, I have landowners that request grass seed
3 to be put down through that corridor in between
4 their crop to prevent weeds from taking place.
5 Happy to do that.
6 So it begins with a lot of landowner
7 consultation to start working ahead and then
8 coordinate with the reclamation crew to accomplish
9 that.
10 Q. Okay. Is there sort of like an end date
11 for that? Do you say like we do this up until five
12 years, three years, or is it just sort of as long
13 as the project is -- would be there?
14 A. So final reclamation should take for a
15 line this size about a full season, full
16 construction season. If there's any outstanding
17 issues beyond that, we're -- we're always going to
18 come back and fix those.
19 COMMISSIONER KRINGSTAD: Okay. Thank you.
20 That's all the questions I had right now.
21 JUDGE HOGAN: Commissioner Christmann.
22 **EXAMINATION**
23 **BY COMMISSIONER CHRISTMANN:**
24 Q. I presume that one of your missing
25 landowners as far as your percentage of easements

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1 is the North Dakota Department of Trust Lands
 2 because they usually don't sign off on those till
 3 the end --
 4 **A.** Correct.
 5 **Q.** -- is that correct?
 6 And is there a lot of trust land that's
 7 being crossed here that is a significant amount of
 8 the mileage or --
 9 **A.** I believe there's only three or four
 10 parcels --
 11 **Q.** Okay.
 12 **A.** -- so no.
 13 **Q.** Okay. So when you get back at the next
 14 hearing with that percentage, maybe separate that
 15 out --
 16 **A.** Sure.
 17 **Q.** -- so we know that.
 18 I was intrigued by -- and I kind of lost
 19 track of exactly how many spots you mentioned where
 20 at landowner requests that there were undeveloped
 21 section lines and so you just have it running along
 22 the section line. So what do you think of when you
 23 say an undeveloped section line? Is that something
 24 that cannot be traversed or is that a two-lane
 25 track that people actually use?

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1 **A.** No. So in the first instance on Segment
 2 2, those section lines are virtually undeveloped.
 3 There's not much in the way of even two-track
 4 section line roads between those. So access in
 5 that area is also difficult. There's not a lot of
 6 access roads in that area to begin with.
 7 So with that said, those agricultural
 8 fields, a lot of them through there, rather than
 9 your typical 160-acre field, a quarter, many of
 10 them are 320s, so they're like a whole half of a
 11 section.
 12 So in that case, rather than going through
 13 the quarter line as we would prefer, the section
 14 line made more sense here because it will allow us
 15 to, A, not cut directly through some of those
 16 larger fields, but also minimize our impact as
 17 there is still a field split there. So the hope is
 18 that we will be able to use some of that for access
 19 versus going straight down our corridor.
 20 **Q.** And part of me appreciates that. I'm
 21 grateful that you're working with those landowners
 22 and helping them, but you're using some kind of
 23 vague language that then kind of concerns me.
 24 **A.** Okay.
 25 **Q.** When you say, like, there's not much of a

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1 trail there, well, if it's a trail that a different
 2 landowner needs a couple times a year and you shut
 3 it off, that's a problem, and so --
 4 **A.** To be clear, Commissioner, we are still
 5 abiding by the section line setbacks, so those
 6 trails are still available.
 7 **Q.** Okay. And -- and the counties where
 8 you're requesting the conditional use permits are
 9 made aware of these?
 10 **A.** Correct.
 11 **Q.** And it's probably then an area that they
 12 could never develop into a real county thoroughfare
 13 later because you'll be in the way.
 14 **A.** I don't know that we'll be in the way
 15 because we are set back off of that section line.
 16 **Q.** Okay. But they're -- they're aware of
 17 that?
 18 **A.** Yes, they are.
 19 COMMISSIONER CHRISTMANN: Okay. That's
 20 what I wanted to have clarified. Thank you.
 21 No other questions.
 22 JUDGE HOGAN: Commissioner Haugen-Hoffart.
 23 COMMISSIONER HAUGEN-HOFFART: Thank you.
 24
 25

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1 **EXAMINATION**
 2 **BY COMMISSIONER HAUGEN-HOFFART:**
 3 **Q.** In your testimony you said most of the
 4 landowner contacts were made in person, but you
 5 have a percentage that have been by letter. Are
 6 those individuals out-of-state landowners?
 7 **A.** Yes. For the most part, yeah.
 8 **Q.** Okay. And they're not responding or have
 9 they responded?
 10 **A.** No, we have. Yep.
 11 **Q.** Okay.
 12 **A.** We've been -- we've made contact with all
 13 of them.
 14 **Q.** Okay. You've talked a lot about
 15 adjustments you have made, especially regarding
 16 landowners' input, concerns. Out of those
 17 concerns, would you say the majority of your route
 18 adjustments are based on landowner input?
 19 **A.** Yes. Yeah, it would.
 20 **Q.** Could you give us a percentage? I mean
 21 like -- I know that's very broad, but --
 22 **A.** So a lot of this is very iterative; right?
 23 Like I get what my engineering team would like to
 24 see. I then go out and approach these landowners,
 25 or my team. We have these discussions with them

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1 and then get their landowner feedback as far as,
 2 well, you know, maybe this doesn't work because
 3 this is wet half the year and you're not going to
 4 get through here or those types of things. So
 5 that's -- that's a lot of what creates those
 6 adjustments.
 7 Q. Okay. By listening to your testimony, how
 8 would you describe Basin's relationship with
 9 landowners on this project?
 10 A. Overall, positive. I would. I've had --
 11 we've had a lot of success. You know, we've talked
 12 to over 900 landowners throughout 700 miles of
 13 route iterations to get to now a point where we
 14 have 90 percent of 270 easements. I think -- I
 15 think for the most part we have had a pretty
 16 positive project experience up to this point.
 17 COMMISSIONER HAUGEN-HOFFART: Okay. I
 18 have no further questions. Thank you.
 19 JUDGE HOGAN: Ms. Olson, any redirect?
 20 MS. OLSON: No, Your Honor.
 21 JUDGE HOGAN: Mr. Johnson or Mr. Hanson,
 22 any questions?
 23 MR. JOHNSON: No, Your Honor.
 24 MR. HANSON: No, Your Honor.
 25 JUDGE HOGAN: Any other commissioner

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1 questions?
 2 COMMISSIONER CHRISTMANN: I do not.
 3 JUDGE HOGAN: All right. Well, thank you.
 4 And, Ms. Olson, that was your final
 5 witness; correct?
 6 MS. OLSON: That's correct, Your Honor.
 7 JUDGE HOGAN: And, Mr. Johnson, the
 8 Commission was not going to put any witnesses on;
 9 correct?
 10 MR. JOHNSON: No, Your Honor.
 11 JUDGE HOGAN: Okay. And just so I can get
 12 an idea of where we go from here, if you want to
 13 provide public testimony, can you raise your hand
 14 so I know how many people want to provide
 15 testimony?
 16 Not very many. Okay.
 17 Is the Commission okay with proceeding
 18 with public testimony or would you like to take a
 19 lunch break?
 20 COMMISSIONER CHRISTMANN: I'm okay with
 21 continuing on.
 22 COMMISSIONER KRINGSTAD: I am as well.
 23 COMMISSIONER CHRISTMANN: Did I only see
 24 one hand? Is that --
 25 JUDGE HOGAN: Yes, I only saw one.

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1 And, Ms. Smith, do you need a break?
 2 THE REPORTER: I'm fine.
 3 JUDGE HOGAN: You're good. Okay.
 4 Well, then let's move forward with public
 5 testimony. And I'll just kind of go through some
 6 guidelines before we get started in case anybody
 7 changes their mind.
 8 If you want to provide public testimony
 9 and if you just decided you want to, that's fine
 10 too. I'll have you come to the witness chair like
 11 our other witnesses did. I'll have you state your
 12 name for the record. If you're representing an
 13 entity or group, if you could identify that for the
 14 record, that would be great. You will be sworn in
 15 and subject to questions from our whole panel up
 16 here, just like you saw the other witnesses.
 17 I would also note that public testimony is
 18 an opportunity to provide information to the
 19 Commission. It's not an opportunity to question
 20 any of the witnesses that have already testified or
 21 the commissioners.
 22 And if there is somebody that has already
 23 provided the testimony that you would like to say,
 24 it's fine to come up and just say you agree with
 25 that if you'd like to put that on the record as

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1 well.
 2 So with those thoughts in mind, sir, I'll
 3 have you come forward.
 4 Good afternoon.
 5 MR. VIGESAA: Good afternoon. I'm Claire
 6 Vigesaa, the executive director of the North Dakota
 7 Transmission Authority.
 8 JUDGE HOGAN: And can you spell your last
 9 name for me.
 10 MR. VIGESAA: V-i-g-e-s-a-a.
 11 JUDGE HOGAN: And were you in the room
 12 earlier when I went through the penalties for
 13 perjury?
 14 MR. VIGESAA: Yes, Your Honor.
 15 JUDGE HOGAN: And do you understand what
 16 perjury is?
 17 MR. VIGESAA: Yes.
 18 (Witness sworn.)
 19 JUDGE HOGAN: All right. Thank you. Go
 20 ahead.
 21 **CLAIRE VIGESAA,**
 22 being first duly sworn, was examined and testified
 23 as follows:
 24
 25

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1 STATEMENT

2 BY MR. VIGESAA:

3 MR. VIGESAA: Your Honor and Chairman

4 Christmann and Commissioners Kringstad and

5 Haugen-Hoffart, I just wanted to share a few

6 comments. And appreciate the detailed presentation

7 that the project sponsor shared, and also

8 specifically appreciated the questions that you

9 posed, Mr. Christmann -- Chairman Christmann, about

10 how this process works with the RTOs.

11 And I just want to reemphasize that these

12 projects -- we're not an island. North Dakota or

13 Mercer County is not an island. We're part of a

14 larger grid and that there's exhaustive studies

15 that are done to get to this point of a project.

16 So with that, I'd just like to say that I

17 believe this is an excellent project for increasing

18 our strength of our grid. It's supporting load

19 growth.

20 And one other thing that I haven't heard

21 today but I feel is a great benefit is that this

22 emanates -- this line emanates from the core

23 dispatchable generation region of our state and our

24 region, so a great help for grid reliability and

25 stability. And also presents opportunities for

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1 expanded generation, not only in coal country or --

2 or wind, but also in gas generation out in the

3 Bakken.

4 So with that, Commissioners and Your

5 Honor, I thank you for the opportunity to support

6 this project.

7 JUDGE HOGAN: All right. Thank you. Hang

8 on, I'm going to ask if there's any questions.

9 Ms. Olson, any questions?

10 MS. OLSON: No, Your Honor.

11 JUDGE HOGAN: Mr. Johnson?

12 MR. JOHNSON: No, Your Honor.

13 JUDGE HOGAN: Mr. Hanson?

14 MR. HANSON: No, Your Honor.

15 JUDGE HOGAN: Commissioner Kringstad?

16 COMMISSIONER KRINGSTAD: No.

17 JUDGE HOGAN: Commissioner Christmann?

18 COMMISSIONER CHRISTMANN: I'm trying to

19 think of a gotcha question, but --

20 EXAMINATION

21 BY COMMISSIONER CHRISTMANN:

22 Q. No. Seriously, I know the work that you

23 do at the transmission authority. And can you just

24 elaborate a little bit on going back to what was

25 termed as Storm Uri in 2021 and then there was the

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1 late December 2022 incident as far as -- just kind

2 of describe much better -- because I know you can

3 do it much better than I could -- kind of some of

4 the scares that we have had for serving North

5 Dakota consumers over the years that this would

6 help alleviate.

7 A. Yeah. Chairman Christmann and

8 Commissioners, the -- like I mentioned earlier and

9 I think this is where you're going, Commissioner

10 Christmann, but we're part of a large grid. So if

11 there's congestion or a breakdown somewhere other

12 than in North Dakota or a great demand and -- or

13 generation that's not able to run, like in the case

14 of Uri gas generation freezing up and so forth,

15 that impacts the amount of power put into the grid.

16 And there -- there is a plan or there is

17 requirements to have excess capacity beyond your

18 generation depending on the season, how much

19 reserve you need to have in place.

20 But in the case of Uri, that was missed or

21 there wasn't enough power supply to keep the lights

22 on everywhere. And even though that didn't happen

23 in North Dakota, we are part of a larger grid and

24 it required that there was some curtailment for

25 15 minutes, 20 minutes in that February day. So it

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1 just emphasizes that we are not on our own.

2 Q. And when we were cutting it that close

3 that we actually had the curtailments, which as you

4 said were minimal, had something -- some accident

5 happened that tripped one of our existing lines,

6 the curtailments could have been huge; correct?

7 A. Right. And the curtailment -- Western

8 Area Power Administration is the transmission

9 operator for this region, and so they're the ones

10 that flipped the switch. Right? But had they not

11 done that and then the transmission system

12 collapses and you have a blackout, it can take days

13 and weeks to restart the system.

14 So that event of some minor, depending on

15 whose house it was or whose business it was, those

16 interruptions really saved the grid from

17 collapsing.

18 COMMISSIONER CHRISTMANN: Okay. Thank

19 you.

20 JUDGE HOGAN: Commissioner Haugen-Hoffart.

21 COMMISSIONER HAUGEN-HOFFART: Thank you.

22 EXAMINATION

23 BY COMMISSIONER HAUGEN-HOFFART:

24 Q. Thank you for your testimony.

25 I do have a question for you. We talked

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1 about the past, but I want to talk about studies.
 2 I know that there have been like the NERC
 3 reliability study that's been done and I know
 4 you -- there's a lot more of them that showed
 5 that -- the need for transmission. So based on any
 6 study or studies, how does this address those
 7 studies?
 8 **A.** Chairman Christmann and Commissioners
 9 Hoffart and Kringstad, I think I understand your
 10 question, but -- so oftentimes when you look at
 11 these transmission and resource adequacy studies,
 12 you can -- if -- by increasing the amount of
 13 transmission capacity, you can reduce the need for
 14 generation because you can get the electrons
 15 from -- you don't have to have your generation so
 16 local.
 17 I don't know where I'm going with that,
 18 but transmission solves grid reliability issues and
 19 it also presents the opportunity to move electrons
 20 from farther away, a longer distance.
 21 **Q.** Have -- on the transmission authority,
 22 have you guys done any studies on reliability?
 23 **A.** We've -- Commissioner Haugen-Hoffart, we
 24 have done studies on the impact of the greenhouse
 25 gas ruling from last year and also the MATS ruling,

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1 and so those studies were really geared towards
 2 grid reliability from a generation resource
 3 adequacy perspective. So if -- the Biden
 4 administration's mission to increase regulations
 5 for greenhouse gas or shut down coal, what impact
 6 would that have on grid reliability.
 7 And I don't have those right in front of
 8 me, but in -- by 2026 and 2029, we were going to be
 9 relying on inter -- intermittent generation
 10 resources to -- to keep the lights on.
 11 COMMISSIONER HAUGEN-HOFFART: Okay. Thank
 12 you. I have no further questions.
 13 JUDGE HOGAN: All right. Well, thank you.
 14 MR. VIGESAA: Thank you.
 15 JUDGE HOGAN: Is there anybody else that
 16 would like to provide public testimony? Come on
 17 up.
 18 I'll have you start by stating your full
 19 name for the record and if you could spell your
 20 last name.
 21 MR. PETERSON: Dana Peterson,
 22 P-e-t-e-r-s-o-n.
 23 JUDGE HOGAN: And, Mr. Peterson, did you
 24 hear me go through the penalties for perjury
 25 earlier today?

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1 MR. PETERSON: Yes, I did.
 2 JUDGE HOGAN: And do you understand what
 3 perjury is?
 4 MR. PETERSON: Yes, I do.
 5 (Witness sworn.)
 6 **DANA PETERSON,**
 7 being first duly sworn, was examined and testified
 8 as follows:
 9 **STATEMENT**
 10 **BY MR. PETERSON:**
 11 MR. PETERSON: Okay. First thing I want
 12 to bring up is I represent -- or I rent the land
 13 from a family that is absolutely against this and
 14 does not want it on their land so that you know
 15 that there is at least one group. And there are
 16 other people that don't want it on their land but I
 17 guess have gone with it or however you want to word
 18 that.
 19 I guess some of the questions I have is
 20 they always tell us that everyone's supposed to get
 21 the same amount of money per acre. How do we know?
 22 You know, there was people that signed up right
 23 away. Are they going to get -- if they signed for
 24 5,000 or whatever the number was per acre, are they
 25 going to get the same money per acre as the people

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1 that -- like us who are fighting and now they're --
 2 they're saying it's up to \$10,000 an acre? Just a
 3 question. We don't know. We're just believing
 4 what somebody says; right? So I don't know if
 5 that's public knowledge or what they do, you know,
 6 just to protect everybody so that they all do get
 7 the same amount of money.
 8 And then -- I'm trying to figure out how
 9 to word this. How does it work for people like
 10 this family and myself who are against it? You
 11 know, we spend the extra time, Basin spends the
 12 extra time and money fighting us, we'll say. Does
 13 that come out of the price per acre on this per
 14 tower, per acre or whatever on this deal?
 15 And then they say that there's 93 -- 90 to
 16 93 percent of the people have signed up or agreed
 17 with this. How do we know? Is that public
 18 information again? You know, so that -- are we the
 19 last group, the last four or five people that are
 20 against this?
 21 And then another question is why did they
 22 choose the Leland Olds plant? You know, I know
 23 they stuck a bunch of money into it, whether it was
 24 millions or billions, to make it work when it seems
 25 rather inefficient to me because I'm from that area

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

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

18 And then for one other guy that I do rent
19 their land, when they talk about de-compacting the
20 soil, how deep do you go? And I don't think one
21 year of weed control is really enough. Some of
22 these weeds that they'll churn up have been there
23 for a long time. Some weeds stay in soil for
24 20 years. You know, are they going to churn that
25 up and cause us more issues? How do we know?

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

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

7 MR. PETERSON: Right.

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

12 MR. PETERSON: Okay.

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

16 Ms. Olson, any questions?

17 MS. OLSON: Yes, Your Honor.

EXAMINATION

19 BY MS. OLSON:

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

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

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

25 JUDGE HOGAN: Mr. Johnson, any questions?

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1 MR. JOHNSON: No, Your Honor.

2 JUDGE HOGAN: Mr. Hanson?

3 MR. HANSON: No, Your Honor.

4 JUDGE HOGAN: Commissioner Kringstad?

5 COMMISSIONER KRINGSTAD: Thank you.

EXAMINATION

7 BY COMMISSIONER KRINGSTAD:

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

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

13 A. Yeah. It would be the -- oh, boy, it goes
14 across Section 18, 19, 20 of 156 -- what is it,
15 151?

16 MR. KLEYER: I'm looking, too, right now.
17 150-85.

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

20 COMMISSIONER KRINGSTAD: No further
21 questions. Thank you.

22 JUDGE HOGAN: Commissioner Christmann.

EXAMINATION

24 BY COMMISSIONER CHRISTMANN:

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

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

6 A. Mm-hmm.

7 Q. -- discussion?

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

11 A. Mm-hmm.

12 Q. -- justify projects and such, but the
13 reason I brought that up was kind of as an early
14 answer to your questions about like, well, what
15 about this plant and is it needed and such. That's
16 where that planning process starts, and that's just
17 a direction our nation took in the '90s and early
18 2000s to kind of organize the transmission system.

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

20 Q. That's where it gets --

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

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1 know, because my opinion is they're going to shut
 2 down most of this coal. It's better now than it
 3 was the last four years, but, you know.
 4 JUDGE HOGAN: Any other questions?
 5 COMMISSIONER CHRISTMANN: I have nothing
 6 else.
 7 JUDGE HOGAN: Commissioner Haugen-Hoffart?
 8 COMMISSIONER HAUGEN-HOFFART: I have no
 9 questions, but thank you so much for your testimony
 10 here.
 11 JUDGE HOGAN: All right. Thank you,
 12 Mr. Peterson.
 13 Do we have anybody else that wishes to
 14 provide public testimony? Last chance.
 15 All right. Seeing none, that will
 16 conclude the public testimony portion of our
 17 hearing.
 18 As -- as has been mentioned previously,
 19 this is the first of two hearings on this case, so
 20 before we conclude today, I'll just ask if there's
 21 any other items we need to address.
 22 Ms. Olson, did you have anything?
 23 MS. OLSON: No, Your Honor.
 24 JUDGE HOGAN: Mr. Johnson?
 25 MR. JOHNSON: I guess I'd just note that

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1 I've got an outstanding request with Mr. Braaten to
 2 get a location for part of their issue. I'll
 3 continue to work with them between hearings to get
 4 that taken care of, so --
 5 JUDGE HOGAN: All right. And,
 6 Mr. Braaten, any other matters you want to address
 7 before we conclude?
 8 MR. BRAATEN: No, Your Honor.
 9 JUDGE HOGAN: All right. So we will move
 10 to closing remarks from the commissioners.
 11 Commissioner Kringstad.
 12 COMMISSIONER KRINGSTAD: Thank you to
 13 everyone for coming today. I appreciated the
 14 company's very in-depth informative presentation
 15 and also for everyone who came and provided public
 16 testimony.
 17 So thank you.
 18 JUDGE HOGAN: Commissioner Christmann.
 19 COMMISSIONER CHRISTMANN: Also appreciate
 20 the public that sat through and learned more about
 21 what is being proposed for -- for your area.
 22 And I do want to kind of commend
 23 landowners in this area because being from across
 24 the river where there's been a lot of energy
 25 development as well, I know it gets fatiguing for

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1 landowners. And watching this through the SPP
 2 process and knowing this was coming for a long time
 3 and also having watched some of the other proposed
 4 developments, especially in McLean County in recent
 5 years, I expected probably a whole lot of public
 6 testimony today. And clearly landowners here are
 7 working together and yet taking reasonable
 8 approaches, if -- if that conclusion can be drawn
 9 by the lack of -- of other outside testimony today.
 10 And with the -- the level of landowner
 11 fatigue that has been here with energy development
 12 over the years, the fact that people are still
 13 working together and -- and willing to accommodate
 14 what's necessary in exchange for fair treatment --
 15 hopefully that's the case -- hopefully I'm reading
 16 the right things into this -- hats off to the
 17 people of this area for -- for that.
 18 And maybe we'll hear more at the next
 19 hearing. Maybe today was just an off day and lots
 20 of people are planning to come to the next hearing.
 21 But certainly a sign that we have a lot of very
 22 open-minded landowners in the area.
 23 JUDGE HOGAN: Commissioner Haugen-Hoffart.
 24 COMMISSIONER HAUGEN-HOFFART: Thank you.
 25 Like the other two commissioners, I do

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1 appreciate looking out and seeing people here who
 2 are very interested in a project, willing to sit
 3 through testimony but learn, and I do appreciate
 4 that. Thank you for sitting through lunch, too,
 5 that we pushed through.
 6 So I'm just going to wish you all the best
 7 and enjoy your lunch.
 8 JUDGE HOGAN: All right. Thank you.
 9 I will note for the record it's
 10 12:54 p.m., and we will stand in recess in Case
 11 Number PU-24-361.
 12 (Recessed at 12:55 p.m. on Wednesday, the
 13 26th day of February, 2025.)
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1 CERTIFICATE OF COURT REPORTER

2

3 I, Stephanie A. Smith, a Registered

4 Professional Reporter,

5 DO HEREBY CERTIFY that I recorded in

6 shorthand the foregoing proceedings had and made of

7 record at the time and place hereinbefore

8 indicated.

9 I DO HEREBY FURTHER CERTIFY that the

10 foregoing typewritten pages contain an accurate

11 transcript of my shorthand notes then and there

12 taken.

13 Dated at Bismarck, North Dakota, this 7th

14 day of March, 2025.

15

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Stephanie A. Smith

18 Registered Professional Reporter

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