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 III - (Pages 203-297)

Taken At
8103 61st Street Northwest
Stanley, North Dakota
April 4, 2025

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

A P P E A R A N C E S

COMMISSIONERS PRESENT:

MR. RANDY CHRISTMANN, Chair
MS. SHERI HAUGEN-HOFFART
MS. JILL KRINGSTAD

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(The following proceedings were had and made of record herein, commencing at 9:04 a.m., Friday, the 4th day of April, 2025:)

JUDGE HOGAN: All right. Good morning. We are going to get started. It's 9:04 a.m. on April 4, 2025. This is the third of three hearings set by notice of public hearing issued by the North Dakota Public Service Commission on March 5, 2025, for Case Number PU-24-361.

My name is Hope Hogan and I'm the hearing officer that's been designated for today's hearing. I'm an administrative law judge designated by the Office of Administrative Hearings upon the request of the Public Service Commission.

This hearing is being held today at the Mountrail County South Complex in Stanley, North Dakota.

As we begin our hearing today, I'd kindly ask everybody to check your cell phones to make sure they're either silenced or turned off so that we don't have cell phone interruptions during our hearing today.

There is an attendance sheet at the -- on the table by the main door there. The Commission would ask that everybody sign in so that there's a

record of anybody who -- or everybody that attended today's hearing.

Two previous hearings was held -- were held on this application in Underwood, North Dakota, on February 26 and March 31, 2025.

This hearing concerns an application of Basin Electric Power Cooperative for a certificate of corridor and compatibility and route permit for a 162-mile 345-kilovolt electric transmission line located in Mercer, McLean, Ward, Mountrail and Williams County, North Dakota. The project will originate at the Leland Olds Station 345-kilovolt substation near Stanton, North Dakota, and will terminate at the Tande 345-kilovolt substation near Tioga, North Dakota.

The notice of filing -- filing and notice of public hearing specified the following issues to be considered and determined at this hearing:

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

Is the proposed facility compatible with the environmental preservation and the efficient

use of resources?

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

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

MS. OLSON: Thank you. Maggie Olson, senior staff counsel for Basin Electric Power Cooperative.

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

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

Third, Mr. Ryan King, environmental coordinator. He will address environmental

assessment and siting criteria.

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

JUDGE HOGAN: All right. Thank you.

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

MR. JOHNSON: Sure, Your Honor. Brian Johnson, legal counsel for the Public Service Commission. With me today is Chris Hanson. And I do ask that he be allowed to ask questions today if necessary.

JUDGE HOGAN: All right. Thank you.

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

There is a box on the attendance sheet to check if you would like to testify today. That just gives me a general idea of how many people

intend to testify. I don't hold you to it one way or the other. So if you change your mind and don't want to testify or do, that's fine as well. I will have additional instructions about public testimony when we get to that portion of our hearing. But if you do have any questions, don't hesitate to talk to me at our morning break.

We'll now take opening comments from the commissioners, and I'll start with Commissioner Kringstad.

COMMISSIONER KRINGSTAD: Well, good morning. I appreciate everybody coming out today. I know that this is -- this is our second time attempting to come here, and so I just want to -- want to explain a little bit about our process and -- and sort of why we had to reschedule our -- our initial hearing and couldn't come out as we originally intended.

So when we -- when we walk through the siting process, we -- what we are doing is basically following the laws that the legislature has put forward, and so there's -- it's all pretty prescriptive in the law about the factors that the company has to meet, what we have to consider, what we can and cannot consider when we make our

decision. And part of that involves the process that we have to go through, and part of that says that before we come and hold a public hearing, that it needs to be noticed in a newspaper twice.

And, unfortunately, what happened is one of those notices was missed and therefore had we come when we originally intended and wanted to, we wouldn't have been able to follow the law. So, unfortunately, we had to postpone that initial hearing and reschedule, so that's why we're here today. I appreciate that everybody was still able to -- to come out.

But as -- as the judge said, this is -- this is the third time, basically, that we -- we as a Commission will be hearing information about this project. So we've had two opportunities in Underwood and now one here today to ask the company questions. So if -- if you're kind of sitting in the crowd and thinking, wow, they -- they really don't have much to say, this is the third time we've been able to ask them questions. So at least for me I may have new ones, but some of our questions may have already been answered.

So we're going to hear from the company first, and then after that it will be opened up for

public testimony, which to me is one of the main reasons why we are here is so if you have thoughts, questions, concerns, please come up, share them with us. It's something that we need that information as we're -- we're going through this process and making our decision.

So thank you again for being here today.

JUDGE HOGAN: Thank you.

Commissioner Christmann.

COMMISSIONER CHRISTMANN: About all I would add to that is it's not our agency's job or responsibility to push a project like this over the finish line to get it done, and it's not our job or responsibility to be a foot in the door to stop them either. Our job is to make sure that if something is going to be built that meets the siting requirements so it requires a certificate, that it is being constructed in accordance with the law. That's our role.

And so as Commissioner Kringstad mentioned, we've had a couple opportunities already so I don't have a lot of questions today. I have a couple yet, follow-ups. But in carrying out our responsibility to make sure that a project follows the law if it's built, we make the best decision

when we have all the information that we can get, and that involves coming out and hearing from folks.

So for anyone who's here from the public that has comments, there are times in these siting cases when people have brought forward situations that should be addressed and, you know, something detoured or a particular action taken to mitigate impacts for things that the company nor us would have had any way of knowing were there, but the local people brought it forward.

And so we look forward to that kind of feedback. If anyone has anything that they feel we should know, we always look forward to hearing from them because it helps us to do our job to the best extent possible.

JUDGE HOGAN: Thank you.

Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: Thank you.

Good morning, everyone. It's good to see a lot of familiar faces, even you, Bob. Good to see you.

But both of the commissioners did a good explanation on this case. I just want to add one thing that in this docket you can go and listen to

the recording of the two other hearings we had and the questions that we asked and the responses received, so you're more than welcome to do that.

But I hope some of you that are here we can hear from on this project. So thank you for being here and thank you, Stanley, for welcoming us.

JUDGE HOGAN: Thank you.

All right. We previously admitted 15 exhibits offered by Basin Electric. It's my understanding there's two additional exhibits to be offered this morning, Exhibit 16, which is a right-of-way acquisition summary, and Exhibit 17, which is a letter from North Dakota Trust Lands.

Is that correct, Ms. Olson?

MS. OLSON: Yes, Your Honor.

JUDGE HOGAN: And, Mr. Johnson, any objection to those exhibits?

MR. JOHNSON: No objection.

JUDGE HOGAN: All right. Exhibits 16 and 17 will be admitted. And I will also note that these two exhibits -- maybe not yet, but the first 15 are available in the Commission docket, and as soon as 16 and 17 are submitted to the Commission, they as well will be posted to their docket and

available online from the Commission's website.

Ms. Olson, any other preliminary matters you want to address before we get started?

MS. OLSON: No, Your Honor.

JUDGE HOGAN: Mr. Johnson?

MR. JOHNSON: No issues, Your Honor.

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

MS. OLSON: Okay. I'll call Mr. Bobby Nasset.

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

THE WITNESS: Good morning. My name is Bobby Nasset, N-a-s-s-e-t.

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

THE WITNESS: I do, Your Honor.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you.

Go ahead, Ms. Olson.

BOBBY NASSET,

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

EXAMINATION

BY MS. OLSON:

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

A. Good morning. My name is Bobby Nasset. I am employed by Basin Electric Power Cooperative, and our address is 1717 East Interstate Avenue in Bismarck, North Dakota.

Q. What is your position with Basin Electric?

A. I'm the civil engineering supervisor at Basin Electric. My responsibilities include planning, design and coordination for our transmission and generation facilities.

Q. Please describe your educational and professional background.

A. I'm a licensed professional engineer in North Dakota and graduated from North Dakota State in 2005 with a degree in civil engineering. And I have been employed with Basin Electric for 9 years and for 19 years as a civil engineer.

Q. What is your role with respect to this

transmission line project?

A. I'm the project manager, so I'm responsible for managing the project budget, the schedule, and coordinating the project efforts between our various teams for routing, right-of-way acquisition, engineering, material procurement, permitting and construction.

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

A. Yes.

Q. What is the purpose of your testimony today?

A. In my testimony today I will define the project and describe our design and routing processes to date as well as go over the construction sequence for the project.

Q. Please describe Basin Electric.

A. Basin Electric is a regional wholesale electric generation and transmission cooperative headquartered in Bismarck, North Dakota. Basin Electric provides power to over 100 member cooperatives serving approximately 3 million consumers.

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

and its location.

A. So for this answer, if you could reference prefiled Exhibit 1. It's a map of the overall project, which is similar to the map that we have off to the right for those watching there.

This project starts at our existing Leland Olds Station near Stanton, North Dakota. It is a new 345-kV transmission line. It crosses the Missouri River. It routes east around Lake Audubon, and then north and west it makes its way to the existing Tande substation near Tioga, North Dakota.

If you review that map, you can see the -- the other red lines in the background. Just wanted to point out that that's the existing 345-kV transmission system. So what this project essentially does is completes a 345-kV loop throughout northwest and north central North Dakota.

There's just several components I was going to summarize here quickly that are part of this project. So the Tande substation is an existing sub, but we will have to construct a new terminal at that location.

We also have a new substation that's part

of this project called Crane Creek down next to Highway 8 here in Mountrail County. So Crane Creek will be a new greenfield 345/115-kV substation and will allow for a delivery node into the Mountrail-Williams 115-kV system.

This project will also include a microwave tower between Ryder and Douglas.

And then the Leland Olds substation was a recently reconstructed substation as part of an aging infrastructure project as Basin, so the terminal at that sub is already ready for this transmission line.

Once we get across the river in McLean County, I also wanted to point out that the first 40 miles of this line will be constructed as a double-circuit transmission line. One circuit will be this 345-kV line. The other will be reconstructing an existing 230-kV line that goes from Leland Olds Station to our Logan sub near Minot.

And then the final component I wanted to mention was at the Crane Creek substation, we are also going to be building double-circuit from that sub west over to the existing Satterthwaite substation, which is owned and operated by

Mountrail-Williams. One side of this circuit will have our line and the other one will be Mountrail-Williams' 115-kV circuit from Crane Creek to Satterthwaite.

Q. Will Basin Electric own the project?

A. Yeah. Basin Electric will own the entire project with the exception of that 11.4 miles, which will be jointly owned by Mountrail-Williams and Basin Electric.

Q. Please describe the schedule for the project.

A. Our hope is to start construction as soon as possible this spring or early summer with pending approval of all permits with the goal of completing the work by November of 2026.

Q. What is the estimated project cost?

A. The projection currently is 360 million.

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

A. The project route is defined as the centerline of the transmission line facility. It includes the structures. And the project corridor that we're defining for this project will be the land where the designated route is established

within, and that will match the easement width for the project.

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

A. When the -- when the project was first assigned to the project team, we had the two project end points at Leland Olds Station and at Tande. The first step was to identify locations for the Crane Creek substation. We wanted that to be located close to an existing 115-kV line to minimize the transmission interconnection distance.

So the site that we selected works well for interconnecting into an existing circuit, the Finstad to Robinson Lake circuit owned by Mountrail-Williams, and it also works very well for two new 115-kV lines that Mountrail-Williams has to build into this new substation. One will come from New Town, and then the other will be that double-circuit one that I mentioned over to the Satterthwaite substation.

So once that substation site was selected, we began the routing process which was setting up a large study area to evaluate different route alternatives. And through that process over the last two and a half years, we evaluated over

700 miles of different route options and made numerous iterations on the route based on feedback from landowners.

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

A. So the philosophy we use when we're selecting a route is first to comply with the Commission's avoidance and exclusion criteria, so we initially set up a map where we identify all the areas we cannot build transmission lines.

And then we're attempting to minimize distribution with cultivated croplands. In some cases this worked really well when we followed along half section lines or quarter lines where there's already a natural property division.

We wanted to avoid areas with identified recreational significance and then limit interference with oil and gas development and other utilities, which became much more challenging here in Mountrail County. So a lot of the section lines have homes as well as well pads and pipelines in those areas.

Our other goal is to decrease construction and maintenance hazards, so basically avoiding areas that are less suitable for -- for

construction operation that have difficult access.

And then finally once we have these routes identified, it's really an iterative process with the landowners to see where we can get an alignment that is acceptable to them as well as adjusting structure locations to minimize their impacts.

Q. What opportunities did landowners have to provide input on the route selection?

A. So prior to the route selection, we evaluated this large general area and corridors for potential transmission routes and then we used a parcel database that we had to identify and put together a large landowner list.

Each landowner was mailed the project brochure and -- which included an introduction to the project, Basin and right-of-way agents' contact information and a request for survey permissions.

Initially we sent around 665 letters out to landowners, but throughout the routing process we eventually mailed that to over 1,000 different landowners in the study area.

Also in October of 2022, we hosted three public open house meetings. These were held in Underwood, Ryder and here in Stanley, in fact, in this same building. So each of those meetings were

publicly advertised. There was also project information and contact information on Basin Electric's website.

And then just throughout the routing process we received lots of feedback from landowners as we made adjustments to the route, not just for identifying the alignment but also for structure locations and even the access to the transmission line. There was a lot of work and landowner coordination with that.

Q. Please summarize the current right-of-way acquisition.

A. So to date we have 269 landowners on the project, and of those 256 have signed easements, so approximately 95 percent. Yeah, and if you could reference the new Exhibit 16, it's a table I'm referencing here.

So for the private landowners, that -- that route length is approximately 156 miles, and we've secured 151 miles of that or about 97 percent. And then we also have approximately 5 miles of the project route that will be on North Dakota State Trust Land.

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

A. On this project there's been significant coordination with -- with the area utilities. We have crossing agreements with a lot of the overhead utilities such as WAPA, Mountrail-Williams, Verendrye Electric, McLean Electric and Central Power and GRE. In addition, we have contacted 49 different underground utility companies to get crossing permits. And we have -- in 161 miles, we have 377 crossing permits on this project.

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

A. So during the routing process while we were trying to find an acceptable route for landowners, the -- the way we try to minimize our costs for the project are really quite simple. It's to try to keep the line as short as possible and as straight as possible. Because we're using self-supporting structures at all our corner structures, there's no guy wires. Those end up being very expensive structures.

So trying to minimize the amount of 90-degree turns in a line saves money. So that's a balancing act we have with the landowners as we're developing the route.

Once the route is selected, there's a lot of optimization that goes into the structure placement. We're trying to use the terrain to our advantage. You know, placing structures on higher points can help save material and costs, and just making the structures more accessible to construction can also save cost.

Ultimately, all our materials and construction services are competitively bid. And we also have a lot of ongoing projects and are able to competitively bid and combine these projects for advantages with volume pricing.

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

A. For this question, I'd refer you to Exhibits 5 and 6, which just show a diagram of the single-circuit structure and the double-circuit structure. They're also shown on the retractable here to the right.

For the majority of the line, we'll use standard steel monopoles with what we call a delta configuration, so that's three steel davit arms for each of the conductor phases, and then two overhead steel davit arms for optical ground wire and just

overhead ground wire.

The double-circuit structures will have six steel davit arms for the conductor in a vertical configuration.

On this project, the heights range pretty dramatically depending on the requirements of the terrain. So we have some very high existing double-circuit lines that we have to cross. We have heights up to 195 feet in those cases. But on average, the structure height throughout the project is around 130 feet. And the typical -- typical spans are around 1,000 feet, but they may range from as small as 200 feet near our substations up to 1800 feet on this project.

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

A. In total, we'll have 830 structures. There'll be 605 from Leland Olds to Crane Creek, and of those, 223 of them will be double-circuit structures. We will have 6 H-frames in this section. I just wanted to correct that. In our previous written testimony, we listed that number as 4. We've got 6 H-frame structures. They're all on Basin Electric property as we navigate line crossings near the Leland Olds Station.

And then on the Crane Creek to Tande segment, we have 225 structures, 53 of those are double-circuit, and then also 3 H-frame structures again near the Tande substation on Basin Electric's property.

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

A. For this project we will be using a composite carbon fiber conductor core with aluminum. And the conductor size is 1.72 inches in diameter.

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

A. On this project we expect the contractor to use multiple crews and be working in multiple areas of the line at one time. But the initial phases usually follow these steps here: We'll start with structure staking and field staking for both the structures, the right-of-way. They'll stake access and also stake any avoidance areas to make sure that's visible to keep contractors out of those locations.

We'll next move into gate installation and access preparation.

Tree clearing can really happen throughout the construction process.

And then the main construction phases, we'll start with foundation installation. Every one of our structures will have drilled concrete pier foundations.

That will be followed by a crew that hauls structures out to each structure site and then a framing crew that will assemble each structure at the site.

And then the setting crew brings the crane behind that crew to set each structure on the foundation.

Once we have enough structures set, we'll have a conductor stringing crew that will start, and that's the final construction phase.

Once the line is strung, we'll begin the reclamation phase, and that can last into the next year and is typically done by a separate contractor managed by Basin Electric.

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

A. So our transmission maintenance staff as well as our engineers and project team will perform a final inspection of the project, really

throughout as they're finishing up the stringing, to identify any items that require corrective action. And once those corrections have been verified and the project is complete, the contractor will be released from further responsibility. At that point, Basin Electric's right-of-way team will oversee the reclamation work.

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

A. Yes.

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

A. Yes.

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

A. Yes.

MS. OLSON: Thank you. I have no further questions for Mr. Nasset.

JUDGE HOGAN: Mr. Johnson, any questions?

MR. JOHNSON: No questions, Your Honor.

JUDGE HOGAN: Mr. Hanson?

MR. HANSON: One quick question.

EXAMINATION

BY MR. HANSON:

Q. Discussing the base of the different structures, could you describe the width and the depth of the concrete bases for the various different types of structures?

A. Yeah. Typically for the tangent structures, the diameter will range from 6 to 8 feet and then the depths would be 22 to 28 feet. So we do procure a geotechnical investigation prior to the foundation design, so we'll design each of those foundations based on site-specific soil parameters. They can vary. And then based on the structure height, it usually has a larger base is why there's variance in the diameter.

The -- the dead-ends, we call them, the large angle structures are much larger. They range from 9 feet up to 14 feet on this project in diameter and in the 30- to 36-foot depth range on this project.

MR. HANSON: No further questions.

JUDGE HOGAN: Commissioner Kringstad.

COMMISSIONER KRINGSTAD: Thank you.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. I just have one question.

During your testimony, you mentioned reaching out to landowners initially for survey access as part of like the right-of-way acquisition. How -- how much of the route has been surveyed?

A. To this point? I think -- so for the most part we've got all of the biological survey complete -- and Ryan King will be able to get the exact specifics, but we've been working to complete the archeological survey, and to date that's 97 percent complete.

So what happened is we -- we have survey permissions and then got that all complete by November. We made a couple of very minor reroutes to accommodate some landowners here in January and just waiting for the snow to clear so we can complete those surveys on those sections.

Q. Okay.

A. So most of the project has been surveyed. Yeah.

COMMISSIONER KRINGSTAD: Okay. That's all

the questions I had. Thank you.

JUDGE HOGAN: Commissioner Christmann.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. I had kind of -- I had kind of a series of questions about the right-of-way numbers, but Exhibit 16 actually clarified a lot of it. But I have one or two more. Should those be addressed to you or Mr. Kleyer, though?

A. I could try them.

Q. Okay. When I look at this and it indicates that with the Department of Trust Lands -- and for anyone from the public that is here, the Department of Trust Lands I don't think ever signs these easements until --

A. Right.

Q. -- all of this process is done so that they're separate. It's not unusual. But it indicates that there are 8 in Mountrail County.

A. Mm-hmm.

Q. And then in Exhibit 17 when I look at that list, there's 11. What's --

A. Yeah.

Q. -- the difference there?

A. So the chart you have is just for the

transmission line only. So those eight parcels have transmission line alignment on it. We do have three additional parcels that have access on them. So basically to access the transmission line --

Q. Okay.

A. -- through that State property.

So actually, in addition -- to clarify on that, on this chart, this is only the transmission line. We do have additional parcels with private landowners as well for access to the transmission line in some locations.

Q. Okay. And as far as conditional use permits with either counties or townships, are those for you or someone else?

A. So those have been led by Ryan King, but I can give a status update on those as well.

Q. Okay.

A. We've received the approval from Mercer County, McLean County and Ward County. We submitted the CUP to Mountrail County. There's really three actions there. They approved our laydown yard, they approved the substation, and they tabled the transmission line. So they didn't not approve the transmission line, just tabled it pending the completion of our easements in

Mountrail County.

Q. So where does that leave you? Does that mean that in order to get a conditional use permit from Mountrail County you need a hundred percent of -- of voluntary easements?

A. That's my understanding of the county's position. So we -- we are still in active negotiation with the remaining landowners in Mountrail County and hoping to secure a few more of those, and then we plan to attend the next planning and zoning meeting in Mountrail County later this month to try to make the case that our line is now final and that we've met the requirements of the conditional use permit, which would allow us to at least begin construction on the areas that we do have easements acquired.

For this project, almost -- I guess we have it here -- 65 miles of the project are within Mountrail County, and so a lot of that's available for construction is where we'd want to start as well. But it's something we'll have to work through with the county on.

Q. And when -- does the county commission do that or is that a decision that's left to like a planning and zoning board or something like that or

who makes that decision in Mountrail County?

A. My understanding in this case it's the planning and zoning board would make the decision.

Q. And do you know, do they make those decisions kind of on a case-by-case basis or do they have an ordinance that says that, that no one can get a conditional use permit without a hundred percent of the easements?

A. I'm not aware of it being an ordinance. We have seen it on past projects as well that that has been a requirement, but on that project we had all of our easements and so it -- we were able to get approval. So we'll find out, I think, as we move to the next meeting what our next steps can be and our options.

It's a large line. It's going to take a long time to construct, and so obviously we want to start as soon as possible. There are other areas on the project that we could start construction on while we get that resolved as that may be, but we're hoping that we can come to an agreement with the county here.

Q. And is it still your construction plan -- and maybe you said this. I wasn't really thinking of it at the time. Is it still your intention to

start construction here as soon as spring and summer make it possible and you have the proper permitting?

A. Correct. Yep. At the completion of all the permitting, we're already receiving material and a contractor has been secured, so we'll start as soon as we're able to.

In our contract we have a date selected to start in June, but if the permits are finished before that, which we're very close, we would start earlier, if possible.

Q. Okay. And just -- I was writing fast but just to make sure I got it right, you said Mercer, McLean and Ward Counties have already granted CUP or whatever --

A. Correct.

Q. -- approval process they have, so those are done.

A. Correct.

Q. And Williams County does not require that?

A. Correct. Yeah.

COMMISSIONER CHRISTMANN: Okay. No other questions. Thank you.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

EXAMINATION

BY COMMISSIONER HAUGEN-HOFFART:

Q. Yes. I do have a question.

You did outline for us that you plan on starting in the spring --

A. Mm-hmm.

Q. -- and you hope completion is done by November 30, 2026, and you estimated the cost to be 360 million. My question for you is regarding the timeline of the project and the cost, with all the imposed tariffs do you foresee any issues with supply chain or any concern with the completion of the project if there is impacts?

A. Yes. Very good question. And that's definitely something we're spending a lot of time with both our vendors and our -- our procurement department. So far we're not seeing disruptions in supply, but we are already seeing disruptions in cost. And so I do have the projected cost that's based on the contracts that we have, but a lot of those contracts are indexed on raw material costs.

So steel prices since January of this year are already up 25 percent, and because we've already been fabricating steel for this project, we've received a lot of that and we've been

protected on the parts that we've already fabricated, but we will probably have some cost exposure for the increased cost for the parts that we're still getting delivered here for the next several months.

The conductor is the same way. That's nearly all aluminum. Our conductor is manufactured in the U.S., but they do have to source aluminum from outside of the U.S., so that is also subject to -- to the tariffs.

So we have been working with the vendors. I think they've been waiting for -- for more clarity in the law, and we'll just continue to make adjustments there and try to protect ourselves.

It does -- it does bring in some uncertainty, though, for the project costs, for sure.

Q. Can you think of any other uncertainties that this project may bring forth? You know, you went through the exclusions and all that; you have no concerns. We've talked tariffs. But is there anything else that your team is discussing?

A. Yeah. We call this the risks and mitigations for the project. So we have quite a few that could still -- during construction there's

always -- you know, it takes careful construction management. Weather, if we have a very difficult winter coming up, that can present challenges just with the schedule in completing the project. Occasionally there's some areas that are going to be difficult for foundation construction. So in those times you might have to redo a foundation. So that's more of a cost and schedule risk.

But I think with the project plan that we have in place and the due diligence with both the landowners and the project team and the contractor, we've worked together to come up with a schedule and a sequence that we -- we have most of the risks mitigated for construction itself. And I think making sure that we have the material on time is probably the biggest risk to the schedule at this point.

Q. And weather.

A. Correct.

Q. Hopefully we can get some good moisture so we're not dealing with wildfires.

A. Right. Yeah. It's challenging this time of year starting in May and June sometimes is not the best for foundations. In fact, a lot of times we'll have to wait to start just to avoid doing

damage to the right-of-way. And then, yeah, dry weather has its own risks too.

And then once -- we're planning on constructing through the '25-'26 winter as well, so hoping for good weather then.

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

JUDGE HOGAN: Ms. Olson, any redirect?

MS. OLSON: No, Your Honor.

JUDGE HOGAN: Mr. Johnson, any questions?

MR. JOHNSON: No, Your Honor.

JUDGE HOGAN: Mr. Hanson?

MR. HANSON: No, Your Honor.

JUDGE HOGAN: Any other commissioner questions? No.

All right. Thank you, Mr. Nasset.

THE WITNESS: Thank you.

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

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

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

THE WITNESS: Good morning. My name is

Philip Westby, W-e-s-t-b-y.

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

THE WITNESS: Yes, I did.

JUDGE HOGAN: And do you understand what perjury is?

THE WITNESS: Yes, I do.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you.

Go ahead, Ms. Olson.

PHILIP WESTBY,

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

EXAMINATION

BY MS. OLSON:

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

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

Q. What is your position with Basin Electric?

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

review any studies that would affect Basin Electric or its customers.

Q. Please describe your educational and professional background.

A. I am a licensed professional engineer in the state of North Dakota. I earned a bachelor's of science degree in computer engineering from North Dakota State University in 2008. I have been employed by Basin Electric since 2009 in the transmission planning division.

I was hired as an electrical engineer and was promoted to manager of transmission services in April of 2023.

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

A. I have been involved in evaluating the need for the project and oversaw Basin Electric's submission of this project in the Southwest Power Pool integrated transmission planning process.

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

A. Yes, I am.

Q. What is the purpose of your testimony today?

A. The purpose of my testimony is to provide

information related to the need for the project. I will provide general information on the SPP transmission planning process and how it applies to this project, as well as Basin Electric's own needs analysis.

Q. First, let's talk about the Southwest Power Pool planning process. What is the Southwest Power Pool or SPP?

A. Sure. SPP is a regional transmission organization mandated by the Federal Energy Regulatory Commission to ensure reliable supplies of power, adequate transmission infrastructure and competitive wholesale electricity prices on behalf of its members, of which Basin Electric is a member of Southwest Power Pool.

As the RTO, SPP is responsible for transmission planning and expansion within the region, which includes this project area.

Q. Please generally explain SPP transmission planning.

A. Sure. During the SPP transmission planning process, SPP performs reliability analysis, economic and public policy assessments of the transmission system for its region, and it collaborates with stakeholders to identify

transmission solutions to ensure that the system can remain reliable.

And, additionally, SPP performs its planning process in accordance with the North American Electric Reliability Corporation, the SPP tariff and SPP criteria.

Q. Please describe the SPP integrated transmission planning process.

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

The process seeks to target a reasonable balance between long-term transmission investments and congestion costs to customers.

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

A. Sure. Basin Electric is a member of SPP and therefore we're a stakeholder in the process. So we work closely in this process. We provide input on the study scope and assumptions. We

participate in the model building to ensure the model is accurate. And we provide input on any needs and constraints that have been identified throughout the process.

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

A. Once a transmission project has been identified through the SPP transmission planning process, SPP issues what they call a notice to construct to a designated transmission owner for an approved transmission expansion project.

This notice to construct requires a financial commitment to whoever they issue that notice to construct to. And, therefore, that person -- if they accept the notice to construct, they are required to build the project.

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

A. This particular project came out of the 2021 integrated transmission planning process.

Q. And what did the 2021 integrated transmission planning process conclude?

A. The ITP had a special focus area in the Bakken due to the large load growth. The 2021 ITP

assessment, which is included as a prefiled Exhibit 7, identified a need to provide an additional 345-kV path north of Lake Sakakawea and create a new delivery point on the underlying 115-kV system north of New Town.

The report identified the project's reliability benefits as follows: This project creates a 345-kV loop around the north side of Lake Sakakawea between two existing 345-kV substations where no 345-kV transmission exists today, and it provides an alternate connection point near Crane Creek between the load-serving 115 network and the 345 network.

As a result of this, in July 2022, SPP issued a notice to construct, number 200652, to Basin Electric directing construction of the project. This notice to construct is included as prefiled Exhibit 8.

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

A. Yes. The project provides additional benefits. The -- you know, historically this area north of New Town has seen substantial load growth and there's been an under voltage load shedding scheme in the area that will -- is set up to shed

load for various contingencies if they were to happen. They haven't happened yet, but this project is building up the area so we can remove that under voltage load shedding scheme.

Additionally, it -- it provides another efficient path for coal generation -- or the generation near the coal fields, the Antelope Valley and Leland Olds Station. There's -- there's both conventional and renewable generation there. It's just an efficient path for it to get up to the coal -- the Bakken area.

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

A. If the project's not built, you know, we're going to have to limit load in the area. You know, there's been a -- recent load forecasts continue to show growth in the area, and the transmission capacity is insufficient to support that without infrastructure being built.

Q. To conclude your testimony, can you please tell us, based on your knowledge of the project, will it ensure continued system reliability and integrity?

A. Yes. The project will continue to support

the -- the existing system and will allow for a continued load growth to meet the ten-year planning horizon.

MS. OLSON: Thank you. I have no further questions for Mr. Westby.

JUDGE HOGAN: Mr. Johnson, any questions?

MR. JOHNSON: No, Your Honor.

JUDGE HOGAN: Mr. Hanson?

MR. HANSON: Yeah. One quick question.

EXAMINATION

BY MR. HANSON:

Q. If you could, one thing that I find that people find difficult to understand is when they're building it out, there isn't a -- necessarily an inability to deliver electricity but there's also some of the N-1 and the N-1-1 contingencies. So when they're doing the ITP, could you briefly describe that -- they build to, like, those standards in order to have like a backup plan and like that, just for kind of a layperson.

A. Yeah, I can try. So the SPP ITP is only going to look at certain contingencies, what we would call them, and you mentioned N-1. So they really only look at N-1s and they look at some breaker fail events on only the EHV, extra high

voltage, system which would be the 345-kV system.

So when you have a breaker fail on a substation, it can end up tripping multiple elements or multiple circuits, I guess. So that's really all the ITP is looking at.

But in real life, there's outages on the system and you can be in N-1, N-2, N-3 conditions in real life, so it's important to have extra transmission to support those unforeseen events, I guess.

MR. HANSON: No further questions.

JUDGE HOGAN: Commissioner Kringstad.

COMMISSIONER KRINGSTAD: No questions. Thank you.

JUDGE HOGAN: Commissioner Christmann.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. I think I know the answers to a couple of these, but I'd like you to explain a couple of things on the record --

A. Okay.

Q. -- so that it's not just me throwing out my opinion later on when I'm asked.

The -- you said this is part of SPP's 2021 integrated transmission planning process; correct?

A. That's correct.

Q. And in 2021, that kind of precedes -- not that it wasn't discussed at the time a little, but it precedes the -- the magnitude of discussions we're having nowadays about data processing and that sort of thing; right? So actually the load growth future potentially has grown since 2021.

A. That's correct. You know, actually the 2021 assessment, kind of the actual study piece of that happens within the 2021 time frame, but the study cycle is a 30-month process. And when we're putting in the load forecast, that's actually happening in probably late 2019. So this was a load forecast that was really pre-COVID.

So, yeah, it's way before data centers. But about that 2021 time frame is when data centers kind of became a thing, so --

Q. So there's the growth of data centers that would potentially make it seem like the demand for this is even more important, but now explain to people why on the flip side the new very large natural gas generation plant that Basin has announced at Epping doesn't eliminate the need for this.

A. Yeah. So that generation plant hasn't

been in the models either, but once it's put in the models, you're still going to have need for this line, you know, not only -- you may even be exporting that generation which you might need the line for that, but in addition to that -- I guess could you rephrase the question? I'm --

Q. Help people to under -- help someone who is concerned that building this will mean that Basin doesn't build that power plant anymore, that this alleviates the need for it, unless I'm wrong that this does eliminate the need for it, but I don't think you --

A. No. I mean, I don't think we can count on generation running a hundred percent of the time. Transmission is 99.9 percent reliable or -- I don't think you'll see that reliability out of a generation station, so --

Q. So you're projecting the need for this and the generation plant; correct?

A. That's correct. We're still continuing to see load growth and we see that in future ITP studies, so --

COMMISSIONER CHRISTMANN: No other questions. Thank you.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: I just have one.

EXAMINATION

BY COMMISSIONER HAUGEN-HOFFART:

Q. When you talk about load growth, you talked about the study was pre-COVID, pre data centers, but now you're talking about current load growth. Explain that, what all you -- what all you look at, what is entailed in that load growth.

A. Yeah. So I guess I'm not the load forecaster at Basin, but my understanding is the load forecasting team will go out to the membership. In this project area, that would be Mountrail-Williams, that will be Verendrye Electric, McLean, and they will kind of start with those guys and they'll -- they'll get the boots-on-the-ground view of what's happening in the area and they kind of roll that back up and we roll that into the transmission model.

And that's really why they're doing these studies every year because -- because those forecasts change. You know, assumptions change, forecasts change. Now we have -- like Commissioner Christmann said, now we have data centers. So those are all being added and everything's

changing, and now we have a newly announced generation station that needs to get added to the models.

So there's a lot of things changing, but with respect to the forecasts, you know, I think I see oil growth still. A lot of it -- as these wells get older, they output more gas. That gas needs to be processed. Those are big electric loads. And then we're seeing some unique things with what they might be doing with oil.

You guys have seen the Cerilon Plant. That's a big electrical load that I'm aware of, and then I think we will see some data centers sprinkled around potentially. I know there's one already existing, so --

COMMISSIONER HAUGEN-HOFFART: Okay. Thank you.

THE WITNESS: Thank you.

JUDGE HOGAN: Ms. Olson, any redirect?

MS. OLSON: Just a follow-up question.

FURTHER EXAMINATION

BY MS. OLSON:

Q. Mr. Westby, can you explain even with the new gas plant at Epping, will this transmission line still help with reliability and integrity of

the system?

A. Absolutely. You need this injection in this area north of New Town to ensure the system can be reliable; that we can remove the under voltage load shedding scheme that's currently in place.

MS. OLSON: Thank you. I don't have anything further.

JUDGE HOGAN: Mr. Johnson?

MR. JOHNSON: No, Your Honor.

JUDGE HOGAN: Mr. Hanson?

MR. HANSON: No, Your Honor.

JUDGE HOGAN: Any other commissioner questions?

All right. Thank you, Mr. Westby.

THE WITNESS: Thank you.

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

MS. OLSON: Okay. I'll call Mr. Ryan King.

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

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

JUDGE HOGAN: And, Mr. King, did you hear

me go through the penalties for perjury earlier?

THE WITNESS: I did.

JUDGE HOGAN: And do you understand what perjury is?

THE WITNESS: Yes.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you.

Go ahead, Ms. Olson.

RYAN KING,

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

EXAMINATION

BY MS. OLSON:

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

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

Q. What is your position with Basin Electric?

A. I'm an environmental coordinator. My responsibilities include facilitating environmental assessments for new projects and then ensuring compliance with environmental laws and permits.

Q. Please describe your educational and professional background.

A. I received a bachelor of science in

construction management and a master's of natural resource management from North Dakota State University. I have 12 years of environmental permitting experience. I was hired by Basin in September of 2023 and have worked on multiple energy transmission and conversion facility sites.

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

A. I'm responsible for the overall preparation and coordination of the environmental analysis within Basin and through our consultants.

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

A. Yes.

Q. What is the purpose of your testimony today?

A. I'll describe the methodology with consideration to our environmental factors used to delineate the proposed project corridor and route and to demonstrate that they are in accordance with the North Dakota Energy Conversion and Transmission Facility Siting Act and the Commission's rules and regulations.

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

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

Q. Does the project contain any exclusion areas?

A. Yes. The project route is within an area within 1200 feet of two ICBM launch facilities for which the Commission has granted us an exemption for. I believe that's in Appendix I of the application.

And then the project route also spans designated critical habitat for piping plover, which is a threatened species under the Endangered Species Act, that's along the Missouri River on the southern end of our project.

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

A. Yes. The project still will meet that exclusion criteria. There was no real alternative for this project that did not cross the Missouri River. No structures or construction activity will

be placed within this critical habitat. The closest structure is actually 53 feet away, and we will have fencing along that area.

Q. What is an avoidance area?

A. An avoidance area is a geographical area that may not be considered in the routing of a transmission facility unless the applicant can show that there are no reasonable alternatives.

Q. Does the project contain any avoidance areas?

A. Yes. There are archeological sites present within the project corridor as identified through a Class I literature search and a Class III intensive survey. And the project is also located within 500 feet of five residences.

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

A. While there are archeological sites present within the corridor, the project has been designed to avoid all these sites, and buffer zones will be placed around each one of these sites to ensure that construction activities do avoid them.

And then Basin has obtained a waiver from the five landowners that we are within 500 feet from, and those waivers can be found in Appendix K

of the application.

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

A. Yes. Basin used the Fish and Wildlife -- United States Fish and Wildlife Service IPAC tool to identify threatened and endangered species or critical habitat that may be within our project area. So that and consultation with the local ecological services office identified five species that could be impacted by the project.

These species are the endangered whooping crane and northern long-eared bat and the threatened Dakota skipper, piping plover and rufa red knot.

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

A. The project's located within the migratory corridor for the whooping crane that 75 percent to 95 percent of whooping cranes travel. The project counties have 285 verified whooping crane sightings since the United States Fish and Wildlife started

counting these. The closest one to the project corridor was a pair in 2022 which were approximately a half mile from the project corridor.

During all of our field surveys, no whooping cranes were spotted.

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

A. Noise and vehicle activity during construction may temporarily divert whooping cranes from the area. If a whooping crane is spotted within one mile of construction activity, all that activity will halt and we will immediately contact the Fish and Wildlife Service to determine next steps.

And then flight diverters will be installed on a hundred percent of the line per APLIC standards. These flight diverters increase the line visibility, then reducing risk strikes.

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

A. Yep. Prior to conducting any field surveys, we did a desktop analysis of the project

area. We put a thousand-foot buffer on the project route and looked at eight areas that had ten acres or more of treed habitat. This concluded about 23 acres of potential northern long-eared bat habitat within the project corridor. And then during field surveys, no long-eared bats were identified.

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

A. Yeah. The project will require tree clearing activities within 62 locations that total approximately 1.54 acres. This is for structure placement APLIC -- or NERC standards or access roads.

And so to reduce the potential to impact the northern long-eared bat, we have agreed to conduct our tree-clearing activities outside of their active range -- or active season, so we'll be conducting these clearing activities from November 1 to March 31. And if we cannot clear trees within this buffer -- or within this time period, we will conduct presence and absence surveys prior to.

Q. Next let's talk about the Dakota skipper. Please describe the findings of Basin Electric's

analysis with respect to the Dakota skipper.

A. Yeah. Again, before any field surveys, we did a desktop analysis of the project corridor and we divided the habitat into two basic habitat groups, which would be grassland habitat and unsuitable habitat, which would be cropland or any other areas that have been disturbed.

The field surveys were then conducted within these grassland habitats to determine if suitable habitat of the Dakota skipper was present. And then those field surveys recorded 61 locations of suitable habitat that total approximately 11.69 acres, which is less than 1 percent of the project route.

And then during these field surveys, no Dakota skippers were observed.

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

A. Yeah. So we will be placing temporary fencing around all of these suitable habitat locations to ensure that construction activities stay out. These areas will also be in Basin Electric's GIS files, so any maintenance activities for the life of the project will stay out of these areas.

Then during the Dakota skipper flight period, which is typically between June 10 and July 25, we will be placing two additional buffer zones around each suitable habitat. First buffer zone will be a 500-meter area where in this area during the flight period, we can travel on existing surface roads but we cannot travel on unsurfaced roads and we cannot conduct any construction activity.

And then the second buffer zone will be a half-mile buffer zone where we can travel on surfaced and previously disturbed unsurfaced roads and continue construction within areas we've began, but we cannot create any new access roads or new construction areas.

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

A. Yeah. As I've said, at the southern end of this project we do cross critical habitat, the Missouri River. There are also two additional locations where critical habitat lies within one-half mile of the project corridor.

During any field surveys, no piping plover were observed.

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

A. Yeah. The U.S. Fish and Wildlife Service has designated a period of concern for the piping plover in North Dakota, which is April 15 to August 15.

Prior to construction in these areas, we will be conducting presence or absence surveys, and if nesting birds are found within these areas, we will contact the Fish and Wildlife Service to determine next steps.

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

A. Yeah. The Missouri River shoreline does provide stopover habitat for the rufa red knot, but they're -- it's a species that's pretty rare in North Dakota and not observed every year.

The remainder of the project corridor does not have suitable stopover habitat for the red knot, so impacts to the red knot are not anticipated.

Q. Did your analysis consider wetlands and water bodies?

A. Yes.

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

A. Yeah. We -- we site the project to avoid impacts to wetlands and water bodies to the maximum extent possible. Near the southern end, like I said, we do cross the Missouri River and then we also do have impacts to wetlands. We have three structures that will be placed within a wetland. Those structures are 436-214, 436-215 and 436-222. The permanent wetland impacts in those areas are proposed to be less than .01 acres.

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

A. We've been working with the Army Corps of Engineers for Section 10 and 404 approvals for the Missouri River crossing and the wetland impacts. Except for those two wetlands that will be impacted, we will be placing temporary fencing around the wetlands to ensure that construction activities do remain outside.

Q. Did your analysis consider trees and shrubs?

A. Yes.

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

A. We're anticipating the overall impacts to tree and shrubs to be minimal. Approximately 1.54 acres of trees present clearance violations to the proposed line and will need to be removed.

For any unavoidable tree and shrub impacts during the construction or operation of this line, we will comply with the Commission's tree and shrub mitigation specifications, and we will be submitting a tree and shrub inventory and replacement plan to the Commission for their review and approval.

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

A. Yes. We will be requesting to clear trees wider than 50 feet in 13 locations.

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

A. Yes.

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

A. Basin Electric through our cultural consultant, Metcalf Archeological Consultants,

consulted with the North Dakota State Historic Preservation Office on -- regarding survey and testing methodology and then reporting requirements. To assess the potential historic resources in the area, they recommended a Class I literature search and a Class III intensive survey.

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

A. Metcalf completed the Class I and Class III inventories and submitted two report volumes. These report volumes cover 96.4 percent of the project corridor. They submitted these for North Dakota SHPO review. And these reports detailed their findings.

The reports then recommended that none of the documented cultural resources are eligible for the consideration in the State Register, and no eligible or unevaluated cultural resources lies within the footprint of the project and therefore no cultural resources will be impacted by the project's construction activities or permanent operations.

And then as of yesterday, actually, North Dakota SHPO has sent us a letter that they have agreed with the reports and determined that for

that 96.4 percent of the project route that has been surveyed, that there are no significant sites that will be affected.

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

A. Yeah. So during the Class III surveys, Metcalf documented each site and then mapped each site, then used the appropriate testing strategy to assess the cultural resources' significance.

No avoidance or additional research is recommended, and as such, no mitigation requirements will be required.

And then in their letter, North Dakota SHPO did not recommend any mitigation requirements.

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

A. No. The project will not impact any existing development plans.

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

A. Yeah. The Bureau of Reclamation required a special use permit to cross the McClusky Canal. We submitted that application and we received an executed special use permit on November 6 of 2024.

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

A. Yeah. The Fish and Wildlife Service requires a compatibility determination for structures being located within grassland easements which they manage. We have submitted that application and it is currently within a 30-day comment period which is set to end April 17.

Q. How about the United States Army Corps of Engineers?

A. Yeah. As I've previously said, we've been working with the Army Corps of Engineers for the river crossing and the impacts to wetlands through their Section 10 and 404 approvals. Again, we submitted that application and we received their approval on February 28 of 2025.

Q. How about the Air Force?

A. So we sent shapefiles to the Air Force regarding -- so that they can see structure placement in relation to their operations. They concluded that the project will have minimal

impacts to their military operations in the area.

Q. And how about the Federal Aviation Administration?

A. Yeah. Again, we -- we consulted with the FAA regarding structure locations and heights. They determined that all structures have been -- will have a determination of no hazard to air navigation.

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

A. Yeah. State agency comments varied based on function and then their jurisdiction, but ultimately they all pretty much desired a minimal impact to environmental resources, which Basin Electric has done by incorporating certain mitigation measures to the project.

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

A. Yeah. As Mr. Nasset has kind of went through already, we have submitted conditional use permits for all the counties that require them, McLean, Mercer, Mountrail and Ward. Williams County does not require it, as transmission lines are a permitted use.

We have received approvals from McLean,

Mercer and Ward County, and Mountrail County has tabled the application pending easement acquisition.

Q. Do you have any updates on county weed board approvals following the first hearing?

A. I do. I contacted each weed board again and asked if they required any specific approvals. None of them did. However, I did submit our project-specific weed management plan to each county and did receive approvals from them.

Q. Are there any other outstanding permits or approvals needed to begin construction of the project?

A. No.

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

A. Yes.

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

A. Yes. Basin has conducted a thorough

environmental review of the project area to avoid environmentally sensitive areas and areas that could be adverse impacts to human welfare.

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

A. Yes.

MS. OLSON: Thank you.

I have no further questions for Mr. King.

JUDGE HOGAN: Mr. Johnson, any questions?

MR. JOHNSON: No, Your Honor.

JUDGE HOGAN: Mr. Hanson?

MR. HANSON: No, Your Honor.

JUDGE HOGAN: Commissioner Kringstad.

COMMISSIONER KRINGSTAD: I have a couple.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. You answered -- you answered some in your testimony, so thank you for that. I just wanted to follow up on a couple things.

So we talked through the five different endangered and threatened species and how you conducted field surveys on those. Were those surveys done during, like, the active time for all of those species?

A. Yes.

Q. Okay. And then you said you got the letter from State Historical Society yesterday.

A. Yes.

Q. Okay. Perfect. We will watch for that.

When you're doing the tree clearing, what are you doing to minimize the width of the cuts to trees?

A. So I'd have to let Mr. Nasset speak to how he develops -- how he gets the areas that do need to be cleared, but what I get from him is areas that are uncompliant with the NERC standards.

Q. Okay.

A. So then we give our consultant those areas and we do a tree and shrub inventory within those areas, and then we, I guess, try to just stay as minimal as possible through those areas and not clear ones that we don't need to.

Q. And then when we -- you mentioned that there's a couple structures that are going to be located in the -- in wetland areas, and I apologize if you said this at prior hearings. Are there structures already existing in those wetland locations?

A. Yeah. Those are in the areas -- it's

right around Lake Audubon where we are double-circuiting, so it's directly adjacent to those existing structures.

Q. Okay. So are you going to be reusing the existing structures?

A. No.

Q. No.

You're putting new structures up.

A. Correct.

COMMISSIONER KRINGSTAD: Okay. I think that was all the questions I had. Thank you.

JUDGE HOGAN: Commissioner Christmann.

COMMISSIONER CHRISTMANN: Your Honor, I think since Mr. King beat me to my question and testified that all the counties have approved the weed management plan, I have no other questions.

JUDGE HOGAN: All right. Commissioner Haugen-Hoffart.

EXAMINATION

BY COMMISSIONER HAUGEN-HOFFART:

Q. Yeah. I am curious about field studies today.

A. Okay.

Q. So do you go out and do them or do you have a team that goes out and does the field

studies?

A. No. Western Ecological Systems, our consultant, does.

Q. Okay. Okay. I was just curious who does them and --

A. I used to in my previous life, but --

Q. Oh, yeah. How long do field studies take? I mean, you talked about there's times when they're migrating to make sure there's no impact, but overall, about how long does it take to conduct a field study?

A. This is a -- I mean, a rather large line so they were out most of last summer.

Q. Oh, wow.

A. You know, depending on how many reroutes and access routes we have too, but, yeah, this was a pretty -- pretty involved project so they were out there quite a bit.

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

JUDGE HOGAN: Ms. Olson, any redirect?

MS. OLSON: No, Your Honor.

JUDGE HOGAN: Mr. Johnson?

MR. JOHNSON: No, Your Honor.

JUDGE HOGAN: Mr. Hanson?

MR. HANSON: No, Your Honor.

JUDGE HOGAN: Any other commissioner questions?

All right. Thank you, Mr. King.

We're going to take our morning break. We'll take about a 15-minute break and try to reconvene at 10:40.

(Recessed at 10:25 a.m. and reconvened at 10:42 a.m.)

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

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

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

THE WITNESS: Hi. My name is Nathan Kleyer, K-l-e-y-e-r.

JUDGE HOGAN: Mr. Kleyer, did you hear me go through the penalties for perjury earlier this morning?

THE WITNESS: Yes, Your Honor.

JUDGE HOGAN: And do you understand what perjury is?

THE WITNESS: Yes.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you.

Go ahead, Ms. Olson.

NATHAN KLEYER,

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

EXAMINATION

BY MS. OLSON:

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

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

Q. What is your position with Basin Electric?

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

Q. Please describe your professional background.

A. I have worked in land rights within various industries for over 16 years, including 8 years in oil and gas and 5 years with rural water distribution. I have overseen the acquisition of easements and assisted with coordination for the construction and reclamation of hundreds of miles

of pipelines in North Dakota and Montana. This will be the fourth transmission line project I have worked on since becoming employed by Basin Electric in 2022.

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

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

My role is to oversee the activity and progress of these agents and assist where necessary, although I have also been directly involved in negotiations with landowners on the project.

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

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

A. Yes.

Q. What is the purpose of your testimony today?

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

Q. First, let's talk about landowner contacts. Do you have any update to the State lands acquisition process following the first hearing?

A. Yes. We had a call with Kayla Spangelo of the North Dakota Department of Trust Lands on March 14 to go over our applications. All required documentation is currently under their review. NDDTL has since provided a letter confirming the right-of-way process is under way for application numbers R-10163 and R-10164 concerning all State trust lands parcels in McLean and Mountrail Counties as seen in Exhibit 17.

In total, there's approximately five miles of state trust lands on this route affecting 13 parcels, which in this case parcel meaning a quarter section, with 8 parcels in Mountrail County and 5 parcels in McLean.

Q. Please summarize the right-of-way's team contact with the landowners within the project corridor.

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

In early 2023, we began acquiring options of easements for the project. To date, we have acquired 95 percent of approximately 270 easements or options of easement needed for the project from private landowners.

Most of our landowner contacts were made in person. Where in-person contact was not possible, we have contacted landowners by phone or letter.

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

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

A. The right-of-way team works cooperatively with landowners to try to address their requests or concerns. If a landowner has any questions

regarding the route or structure locations, we let them know that those structure locations are preliminary and discuss why those locations were chosen.

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

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

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

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

A. Yes. Exhibit 9 includes a series of maps going over the route.

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

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

Basin Electric evaluated several routing iterations to get the line from the LOS substation to the north side of Lake Sakakawea. As part of this evaluation, we met with the area coal mining operators to avoid future conflicts.

However, as discussed in Mr. Nasset's prefiled testimony, the existing transmission congestion and avoidance areas did not feasibly allow for a new transmission circuit. As a result, we elected to rebuild the existing LOS to Logan 230-kV line corridor as a double-circuit line for approximately 40 miles. The existing structures

will be removed upon project energization.

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

A. Segment 2 is approximately 49.8 miles in length. From structure 436-236, the line continues as a single 345-kV circuit west and north towards the new Crane Creek substation.

The landscape in this segment is heavily potholed with wetlands, posing challenges for structure siting and access. Occupied residences, wetlands and grassland easements, intercontinental ballistic missile sites and existing infrastructure presented further obstacles.

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

Q. Please continue with Segment 3, which is structure 377-475 to structure 378-057.

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

Of the alternate routes studied, the project route balanced landowner feedback, while

avoiding impacts to existing infrastructure.

Correspondence with oil and gas companies and pipeline operators further helped delineate this route. This served to negate any impact to existing infrastructure and ensure any necessary mitigation measures were addressed.

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

A. Segment 4 is approximately 32.3 miles in length. Landowner and existing industry feedback assisted with the project route through this segment.

The project route minimizes impact to cropland, avoids cultural sites and avoids Dakota skipper habitat.

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

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

completed to landowners' and Basin Electric's satisfaction.

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

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

In pastureland, our reclamation contractor will re-seed to the same species of grasses present prior to construction unless otherwise directed by the landowner.

In CRP fields, we will replant the cover based on local FSA office rules and guidance.

On all lands, compaction and grading will be addressed. Any rock, 4 inches in size or larger, brought to the surface while addressing compaction will be picked and taken off site or dumped at a site deemed acceptable by the landowner.

Disturbed areas will be monitored for erosion. Erosion control may include the

installation and maintenance of necessary measures for temporary and permanent erosion, sedimentation and dust control as required by relevant agencies and the landowner.

Basin Electric will complete inspection and maintenance to ensure compliance with the project reclamation specifications.

We will also work with landowners regarding tree replacements. This will be done according to the Commission's tree and shrub mitigation plan.

Basin Electric will be responsible for weeds by providing weed control within the easement area during construction and reclamation.

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

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

Landowners will be consulted throughout

the reclamation process to ensure successful reclamation has taken place and any outstanding issues have been resolved.

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

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

A. Yes. The project route and corridor were selected to minimize adverse effects to existing land use, infrastructure and environmental resources. Basin Electric has and will continue to work with landowners to address any concerns relating to the project's construction, reclamation and operation.

MS. OLSON: Thank you. I have no further questions for Mr. Kleyer.

JUDGE HOGAN: Mr. Johnson, any questions?

MR. JOHNSON: No questions, Your Honor.

JUDGE HOGAN: Mr. Hanson?

MR. HANSON: No, Your Honor.

JUDGE HOGAN: Commissioner Kringstad.

COMMISSIONER KRINGSTAD: Just a couple.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. We've -- we've talked about the right-of-way acquisition and we have an updated exhibit on that. For the parcels that you're still waiting to get acquisition on, have you -- have those been surveyed? Have you been able to have access to survey them?

A. So I think the answer that we got before still stands. We would have had the -- which one, the -- yeah.

Q. Okay. Perfect.

And then can you just -- from the reclamation side, you said this is kind of your fourth transmission project that you've done at -- with Basin; right?

A. Yep.

Q. Okay. So is it fair to say that one of the main reclamation issues is like minimizing compaction and erosion both, like, during and after construction?

A. Yep.

Q. So can you just expand on how you -- how

you address and mitigate those issues a little more for me?

A. So a few different ways. You know, really it becomes trying to minimize the lane in which we are using to access between those structure locations. Your largest impact is generally seen where those structures are, right, because they're working around it, getting it set.

So really the main way is to minimize the contractors from using the entire right-of-way as a travel corridor and really just sticking to our main accesses.

Addressing that, you know, the first step is really to get in and rip that compaction up, and at that point, you know -- and that may take a few passes, depending on your compaction level. I also coordinate with landowners. At times they'll want me to rip a little deeper, they'll want me to rip a little shallower. That's just part of that process.

And then it becomes getting through with a disc once or twice, coming in, picking that rock, getting that out of there, and then coming back and really final disking that to get back to grade and either re-seed or be farmed again.

COMMISSIONER KRINGSTAD: Okay. That's helpful. Thank you.

JUDGE HOGAN: Commissioner Christmann.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. Among the 14 private landowners from whom you've not secured easements, are you in contact with all of them or are some of these just addresses from far away that have been nonresponsive?

A. So just off the top of my head, there is one family -- or one parcel that has, I think, over 40 individual owners. Some of those we have not been able to contact yet but we have made contact and are in continuous contact with every -- with a level of ownership within each and every parcel.

COMMISSIONER CHRISTMANN: No other questions. Thank you.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

EXAMINATION

BY COMMISSIONER HAUGEN-HOFFART:

Q. I just have one.

You referenced CRP fields. Isn't -- aren't there strict federal guidelines with CRP on that? Do you -- did you have to get anything else

besides a signed easement from the landowner?

A. We do have to get confirmation from those landowners. We do have to get a copy of those agreements.

Q. Okay. And you have those?

A. Yes.

COMMISSIONER HAUGEN-HOFFART: Okay. No further questions.

JUDGE HOGAN: Ms. Olson, any redirect?

MS. OLSON: No, Your Honor.

JUDGE HOGAN: Mr. Johnson?

MR. JOHNSON: No, Your Honor.

JUDGE HOGAN: Mr. Hanson?

MR. HANSON: No, Your Honor.

JUDGE HOGAN: Any other commissioner questions?

All right. Thank you, Mr. Kleyer.

THE WITNESS: Thank you.

JUDGE HOGAN: Ms. Olson, any other witnesses?

MS. OLSON: No, Your Honor.

JUDGE HOGAN: All right. Well, that brings us to the public testimony portion of our hearing. By a show of hands, is there anyone who wishes to address the Commission today? If not, I

won't go through instructions, but if we have somebody that wants to address the Commission, now would be the chance.

All right. Seeing none, I think that brings us to the end of our hearing. And just to confirm, I did not note anything for any type of late-filed exhibits.

Mr. Johnson, did you have anything?

MR. JOHNSON: I don't believe I have anything.

JUDGE HOGAN: All right. And, Ms. Olson, will you be filing proposed findings of fact, conclusions of law and a proposed order?

MS. OLSON: Yes, Your Honor.

JUDGE HOGAN: And do you want to set a deadline for filing that?

MS. OLSON: I -- we should have those within one week.

JUDGE HOGAN: So April 11?

MS. OLSON: Yes. That works.

JUDGE HOGAN: Okay. So I'll set a deadline of April 11 for the filing of those.

Any other matters you want to address this morning, Ms. Olson?

MS. OLSON: No, Your Honor.

JUDGE HOGAN: Mr. Johnson, did you have anything?

MR. JOHNSON: None from me, Your Honor.

JUDGE HOGAN: All right. Then we will take closing remarks from the commissioners. Commissioner Kringstad.

COMMISSIONER KRINGSTAD: I'll keep mine very short. Thank you all for coming and safe travels home and have a good weekend.

JUDGE HOGAN: Commissioner Christmann.

COMMISSIONER CHRISTMANN: Also, I expected probably a few more people here today, but for those of you who did come out, I know we have some -- some local people here and I appreciate you coming and -- and gathering information from our hearing process.

I guess I always look at these as opportunities for us to gather the information that we need to make the best decision possible, but hopefully it also allows other people to use our hearing process to gather the information that they need as well.

So thank you.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: Thank you.

It was great seeing a lot of you. And I want to really thank Basin when we -- with that missed notification in the paper, working with us so we could get this rescheduled so promptly. So a sincere thank you on that and working with the staff and the staff doing a good job too.

So wishing everyone safe travels and hope to see you soon.

JUDGE HOGAN: All right. Thank you.

I will note for the record, it's 11:02 a.m., and that will conclude our last hearing for Public Service Commission Case PU-24-361.

(Concluded at 11:03 a.m., Friday, the 4th day of April, 2025.)

CERTIFICATE OF COURT REPORTER

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

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

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

Dated at Bismarck, North Dakota, this 18th day of April, 2025.

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Stephanie A. Smith
Registered Professional Reporter

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