

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 --

2 COMMISSIONERS PRESENT:

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

5 -----

6 MS. MARGARET I. OLSON
Basin Electric Power Cooperative
7 Office of General Counsel
1717 East Interstate Avenue
8 Bismarck, North Dakota 58503

9 FOR THE APPLICANT.

10 -----

11 MR. BRIAN L. JOHNSON
Public Service Commission
12 General Counsel
Department 408
13 600 East Boulevard Avenue
Bismarck, North Dakota 58505

15 GENERAL COUNSEL FOR THE
PUBLIC SERVICE
COMMISSION.

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1 (The following proceedings were had and
2 made of record herein, commencing at 9:04 a.m.,
3 Friday, the 4th day of April, 2025:)
4 JUDGE HOGAN: All right. Good morning.
5 We are going to get started. It's 9:04 a.m. on
6 April 4, 2025. This is the third of three hearings
7 set by notice of public hearing issued by the North
8 Dakota Public Service Commission on March 5, 2025,
9 for Case Number PU-24-361.
10 My name is Hope Hogan and I'm the hearing
11 officer that's been designated for today's hearing.
12 I'm an administrative law judge designated by the
13 Office of Administrative Hearings upon the request
14 of the Public Service Commission.
15 This hearing is being held today at the
16 Mountrail County South Complex in Stanley, North
17 Dakota.
18 As we begin our hearing today, I'd kindly
19 ask everybody to check your cell phones to make
20 sure they're either silenced or turned off so that
21 we don't have cell phone interruptions during our
22 hearing today.
23 There is an attendance sheet at the -- on
24 the table by the main door there. The Commission
25 would ask that everybody sign in so that there's a

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1 record of anybody who -- or everybody that attended
2 today's hearing.
3 Two previous hearings was held -- were
4 held on this application in Underwood, North
5 Dakota, on February 26 and March 31, 2025.
6 This hearing concerns an application of
7 Basin Electric Power Cooperative for a certificate
8 of corridor and compatibility and route permit for
9 a 162-mile 345-kilovolt electric transmission line
10 located in Mercer, McLean, Ward, Mountrail and
11 Williams County, North Dakota. The project will
12 originate at the Leland Olds Station 345-kilovolt
13 substation near Stanton, North Dakota, and will
14 terminate at the Tande 345-kilovolt substation near
15 Tioga, North Dakota.
16 The notice of filing -- filing and notice
17 of public hearing specified the following issues to
18 be considered and determined at this hearing:
19 Number 1, will the construction, operation
20 and maintenance of the facility at the proposed
21 location produce minimal adverse effects on the
22 environment and upon the welfare of the citizens of
23 North Dakota?
24 Is the proposed facility compatible with
25 the environmental preservation and the efficient

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

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1 assessment and siting criteria.
2 And, finally, Mr. Nathan Kleyer. He is a
3 senior property right-of-way specialist and will
4 discuss landowner communications, routing and
5 reclamation.
6 JUDGE HOGAN: All right. Thank you.
7 Mr. Johnson, do you want to state your
8 appearance for the record and introduce Commission
9 staff that's participating in our hearing today.
10 MR. JOHNSON: Sure, Your Honor. Brian
11 Johnson, legal counsel for the Public Service
12 Commission. With me today is Chris Hanson. And I
13 do ask that he be allowed to ask questions today if
14 necessary.
15 JUDGE HOGAN: All right. Thank you.
16 Testimony from the public will be taken at
17 the completion of Basin's witness testimony. I
18 encourage you to take this opportunity to tell the
19 Commission anything you think they should know
20 about this application or matter. I assure you
21 that what you have to say will be considered and is
22 important to the Commission.
23 There is a box on the attendance sheet to
24 check if you would like to testify today. That
25 just gives me a general idea of how many people

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

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

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

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

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

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

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

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

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

7 So thank you again for being here today.

8 JUDGE HOGAN: Thank you.

9 Commissioner Christmann.

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

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

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

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

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

17 JUDGE HOGAN: Thank you.

18 Commissioner Haugen-Hoffart.

19 COMMISSIONER HAUGEN-HOFFART: Thank you.

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

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

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1 the recording of the two other hearings we had and
 2 the questions that we asked and the responses
 3 received, so you're more than welcome to do that.
 4 But I hope some of you that are here we
 5 can hear from on this project. So thank you for
 6 being here and thank you, Stanley, for welcoming
 7 us.
 8 JUDGE HOGAN: Thank you.
 9 All right. We previously admitted 15
 10 exhibits offered by Basin Electric. It's my
 11 understanding there's two additional exhibits to be
 12 offered this morning, Exhibit 16, which is a
 13 right-of-way acquisition summary, and Exhibit 17,
 14 which is a letter from North Dakota Trust Lands.
 15 Is that correct, Ms. Olson?
 16 MS. OLSON: Yes, Your Honor.
 17 JUDGE HOGAN: And, Mr. Johnson, any
 18 objection to those exhibits?
 19 MR. JOHNSON: No objection.
 20 JUDGE HOGAN: All right. Exhibits 16 and
 21 17 will be admitted. And I will also note that
 22 these two exhibits -- maybe not yet, but the first
 23 15 are available in the Commission docket, and as
 24 soon as 16 and 17 are submitted to the Commission,
 25 they as well will be posted to their docket and

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1 available online from the Commission's website.
 2 Ms. Olson, any other preliminary matters
 3 you want to address before we get started?
 4 MS. OLSON: No, Your Honor.
 5 JUDGE HOGAN: Mr. Johnson?
 6 MR. JOHNSON: No issues, Your Honor.
 7 JUDGE HOGAN: All right. Then, Ms. Olson,
 8 you can call your first witness.
 9 MS. OLSON: Okay. I'll call Mr. Bobby
 10 Nasset.
 11 JUDGE HOGAN: Good morning. I'll have you
 12 start by stating your full name for the record and
 13 spelling your last name.
 14 THE WITNESS: Good morning. My name is
 15 Bobby Nasset, N-a-s-s-e-t.
 16 JUDGE HOGAN: Mr. Nasset, before you
 17 testify this morning, I'm required by law to advise
 18 you on the penalties for perjury in the state of
 19 North Dakota. Perjury is a Class C felony
 20 punishable by a maximum fine of \$10,000, a maximum
 21 five years imprisonment or both. Do you understand
 22 what perjury is?
 23 THE WITNESS: I do, Your Honor.
 24 (Witness sworn.)
 25 JUDGE HOGAN: All right. Thank you.

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1 Go ahead, Ms. Olson.
 2 **BOBBY NASSET,**
 3 being first duly sworn, was examined and testified
 4 as follows:
 5 **EXAMINATION**
 6 **BY MS. OLSON:**
 7 Q. Good morning. To start, please state your
 8 name and employer.
 9 A. Good morning. My name is Bobby Nasset. I
 10 am employed by Basin Electric Power Cooperative,
 11 and our address is 1717 East Interstate Avenue in
 12 Bismarck, North Dakota.
 13 Q. What is your position with Basin Electric?
 14 A. I'm the civil engineering supervisor at
 15 Basin Electric. My responsibilities include
 16 planning, design and coordination for our
 17 transmission and generation facilities.
 18 Q. Please describe your educational and
 19 professional background.
 20 A. I'm a licensed professional engineer in
 21 North Dakota and graduated from North Dakota State
 22 in 2005 with a degree in civil engineering. And I
 23 have been employed with Basin Electric for 9 years
 24 and for 19 years as a civil engineer.
 25 Q. What is your role with respect to this

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1 transmission line project?
 2 A. I'm the project manager, so I'm
 3 responsible for managing the project budget, the
 4 schedule, and coordinating the project efforts
 5 between our various teams for routing, right-of-way
 6 acquisition, engineering, material procurement,
 7 permitting and construction.
 8 Q. Are you familiar with the contents of
 9 Basin Electric's application for this project?
 10 A. Yes.
 11 Q. What is the purpose of your testimony
 12 today?
 13 A. In my testimony today I will define the
 14 project and describe our design and routing
 15 processes to date as well as go over the
 16 construction sequence for the project.
 17 Q. Please describe Basin Electric.
 18 A. Basin Electric is a regional wholesale
 19 electric generation and transmission cooperative
 20 headquartered in Bismarck, North Dakota. Basin
 21 Electric provides power to over 100 member
 22 cooperatives serving approximately 3 million
 23 consumers.
 24 Q. Let's talk about the project description.
 25 Please provide a general description of the project

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1 and its location.

2 **A.** So for this answer, if you could reference

3 prefiled Exhibit 1. It's a map of the overall

4 project, which is similar to the map that we have

5 off to the right for those watching there.

6 This project starts at our existing Leland

7 Olds Station near Stanton, North Dakota. It is a

8 new 345-kV transmission line. It crosses the

9 Missouri River. It routes east around Lake

10 Audubon, and then north and west it makes its way

11 to the existing Tande substation near Tioga, North

12 Dakota.

13 If you review that map, you can see the --

14 the other red lines in the background. Just wanted

15 to point out that that's the existing 345-kV

16 transmission system. So what this project

17 essentially does is completes a 345-kV loop

18 throughout northwest and north central North

19 Dakota.

20 There's just several components I was

21 going to summarize here quickly that are part of

22 this project. So the Tande substation is an

23 existing sub, but we will have to construct a new

24 terminal at that location.

25 We also have a new substation that's part

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1 of this project called Crane Creek down next to

2 Highway 8 here in Mountrail County. So Crane Creek

3 will be a new greenfield 345/115-kV substation and

4 will allow for a delivery node into the

5 Mountrail-Williams 115-kV system.

6 This project will also include a microwave

7 tower between Ryder and Douglas.

8 And then the Leland Olds substation was a

9 recently reconstructed substation as part of an

10 aging infrastructure project as Basin, so the

11 terminal at that sub is already ready for this

12 transmission line.

13 Once we get across the river in McLean

14 County, I also wanted to point out that the first

15 40 miles of this line will be constructed as a

16 double-circuit transmission line. One circuit will

17 be this 345-kV line. The other will be

18 reconstructing an existing 230-kV line that goes

19 from Leland Olds Station to our Logan sub near

20 Minot.

21 And then the final component I wanted to

22 mention was at the Crane Creek substation, we are

23 also going to be building double-circuit from that

24 sub west over to the existing Satterthwaite

25 substation, which is owned and operated by

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1 Mountrail-Williams. One side of this circuit will

2 have our line and the other one will be

3 Mountrail-Williams' 115-kV circuit from Crane Creek

4 to Satterthwaite.

5 **Q.** Will Basin Electric own the project?

6 **A.** Yeah. Basin Electric will own the entire

7 project with the exception of that 11.4 miles,

8 which will be jointly owned by Mountrail-Williams

9 and Basin Electric.

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

11 project.

12 **A.** Our hope is to start construction as soon

13 as possible this spring or early summer with

14 pending approval of all permits with the goal of

15 completing the work by November of 2026.

16 **Q.** What is the estimated project cost?

17 **A.** The projection currently is 360 million.

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

19 Can you first explain the meaning of the terms

20 "project route" and "project corridor."

21 **A.** The project route is defined as the

22 centerline of the transmission line facility. It

23 includes the structures. And the project corridor

24 that we're defining for this project will be the

25 land where the designated route is established

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1 within, and that will match the easement width for

2 the project.

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

4 route was selected.

5 **A.** When the -- when the project was first

6 assigned to the project team, we had the two

7 project end points at Leland Olds Station and at

8 Tande. The first step was to identify locations

9 for the Crane Creek substation. We wanted that to

10 be located close to an existing 115-kV line to

11 minimize the transmission interconnection distance.

12 So the site that we selected works well

13 for interconnecting into an existing circuit, the

14 Finstad to Robinson Lake circuit owned by

15 Mountrail-Williams, and it also works very well for

16 two new 115-kV lines that Mountrail-Williams has to

17 build into this new substation. One will come from

18 New Town, and then the other will be that

19 double-circuit one that I mentioned over to the

20 Satterthwaite substation.

21 So once that substation site was selected,

22 we began the routing process which was setting up a

23 large study area to evaluate different route

24 alternatives. And through that process over the

25 last two and a half years, we evaluated over

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1 700 miles of different route options and made
 2 numerous iterations on the route based on feedback
 3 from landowners.
 4 Q. What was Basin Electric's philosophy when
 5 routing the project?
 6 A. So the philosophy we use when we're
 7 selecting a route is first to comply with the
 8 Commission's avoidance and exclusion criteria, so
 9 we initially set up a map where we identify all the
 10 areas we cannot build transmission lines.
 11 And then we're attempting to minimize
 12 distribution with cultivated croplands. In some
 13 cases this worked really well when we followed
 14 along half section lines or quarter lines where
 15 there's already a natural property division.
 16 We wanted to avoid areas with identified
 17 recreational significance and then limit
 18 interference with oil and gas development and other
 19 utilities, which became much more challenging here
 20 in Mountrail County. So a lot of the section lines
 21 have homes as well as well pads and pipelines in
 22 those areas.
 23 Our other goal is to decrease construction
 24 and maintenance hazards, so basically avoiding
 25 areas that are less suitable for -- for

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1 construction operation that have difficult access.
 2 And then finally once we have these routes
 3 identified, it's really an iterative process with
 4 the landowners to see where we can get an alignment
 5 that is acceptable to them as well as adjusting
 6 structure locations to minimize their impacts.
 7 Q. What opportunities did landowners have to
 8 provide input on the route selection?
 9 A. So prior to the route selection, we
 10 evaluated this large general area and corridors for
 11 potential transmission routes and then we used a
 12 parcel database that we had to identify and put
 13 together a large landowner list.
 14 Each landowner was mailed the project
 15 brochure and -- which included an introduction to
 16 the project, Basin and right-of-way agents' contact
 17 information and a request for survey permissions.
 18 Initially we sent around 665 letters out
 19 to landowners, but throughout the routing process
 20 we eventually mailed that to over 1,000 different
 21 landowners in the study area.
 22 Also in October of 2022, we hosted three
 23 public open house meetings. These were held in
 24 Underwood, Ryder and here in Stanley, in fact, in
 25 this same building. So each of those meetings were

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1 publicly advertised. There was also project
 2 information and contact information on Basin
 3 Electric's website.
 4 And then just throughout the routing
 5 process we received lots of feedback from
 6 landowners as we made adjustments to the route, not
 7 just for identifying the alignment but also for
 8 structure locations and even the access to the
 9 transmission line. There was a lot of work and
 10 landowner coordination with that.
 11 Q. Please summarize the current right-of-way
 12 acquisition.
 13 A. So to date we have 269 landowners on the
 14 project, and of those 256 have signed easements, so
 15 approximately 95 percent. Yeah, and if you could
 16 reference the new Exhibit 16, it's a table I'm
 17 referencing here.
 18 So for the private landowners, that --
 19 that route length is approximately 156 miles, and
 20 we've secured 151 miles of that or about
 21 97 percent. And then we also have approximately 5
 22 miles of the project route that will be on North
 23 Dakota State Trust Land.
 24 Q. What efforts has Basin Electric made to
 25 coordinate facilities with utilities?

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1 A. On this project there's been significant
 2 coordination with -- with the area utilities. We
 3 have crossing agreements with a lot of the overhead
 4 utilities such as WAPA, Mountrail-Williams,
 5 Verendrye Electric, McLean Electric and Central
 6 Power and GRE. In addition, we have contacted 49
 7 different underground utility companies to get
 8 crossing permits. And we have -- in 161 miles, we
 9 have 377 crossing permits on this project.
 10 Q. What efforts has Basin Electric made to
 11 economize the project's costs of construction and
 12 operation?
 13 A. So during the routing process while we
 14 were trying to find an acceptable route for
 15 landowners, the -- the way we try to minimize our
 16 costs for the project are really quite simple.
 17 It's to try to keep the line as short as possible
 18 and as straight as possible. Because we're using
 19 self-supporting structures at all our corner
 20 structures, there's no guy wires. Those end up
 21 being very expensive structures.
 22 So trying to minimize the amount of
 23 90-degree turns in a line saves money. So that's a
 24 balancing act we have with the landowners as we're
 25 developing the route.

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

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

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

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

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

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1 overhead ground wire.

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

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

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

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

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

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

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

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

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

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

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1 Tree clearing can really happen throughout
 2 the construction process.

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

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

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

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

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

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

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

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

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.

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

18 A. Yes.

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

22 A. Yes.

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

25 JUDGE HOGAN: Mr. Johnson, any questions?

232

1 MR. JOHNSON: No questions, Your Honor.
 2 JUDGE HOGAN: Mr. Hanson?
 3 MR. HANSON: One quick question.

EXAMINATION

4 **BY MR. HANSON:**

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

9 A. Yeah. Typically for the tangent
 10 structures, the diameter will range from 6 to
 11 8 feet and then the depths would be 22 to 28 feet.
 12 So we do procure a geotechnical investigation prior
 13 to the foundation design, so we'll design each of
 14 those foundations based on site-specific soil
 15 parameters. They can vary. And then based on the
 16 structure height, it usually has a larger base is
 17 why there's variance in the diameter.

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

23 MR. HANSON: No further questions.

24 JUDGE HOGAN: Commissioner Kringstad.

233

1 COMMISSIONER KRINGSTAD: Thank you.

EXAMINATION

2 **BY COMMISSIONER KRINGSTAD:**

3 Q. I just have one question.

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

9 A. To this point? I think -- so for the most
 10 part we've got all of the biological survey
 11 complete -- and Ryan King will be able to get the
 12 exact specifics, but we've been working to complete
 13 the archeological survey, and to date that's
 14 97 percent complete.

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

21 Q. Okay.

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

23 Yeah.

24 COMMISSIONER KRINGSTAD: Okay. That's all

234

1 the questions I had. Thank you.

2 JUDGE HOGAN: Commissioner Christmann.

EXAMINATION

3 **BY COMMISSIONER CHRISTMANN:**

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

9 A. I could try them.

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

15 A. Right.

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

19 A. Mm-hmm.

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

22 A. Yeah.

23 Q. -- the difference there?

24 A. So the chart you have is just for the

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1 transmission line only. So those eight parcels
 2 have transmission line alignment on it. We do have
 3 three additional parcels that have access on them.
 4 So basically to access the transmission line --
 5 Q. Okay.
 6 A. -- through that State property.
 7 So actually, in addition -- to clarify on
 8 that, on this chart, this is only the transmission
 9 line. We do have additional parcels with private
 10 landowners as well for access to the transmission
 11 line in some locations.
 12 Q. Okay. And as far as conditional use
 13 permits with either counties or townships, are
 14 those for you or someone else?
 15 A. So those have been led by Ryan King, but I
 16 can give a status update on those as well.
 17 Q. Okay.
 18 A. We've received the approval from Mercer
 19 County, McLean County and Ward County. We
 20 submitted the CUP to Mountrail County. There's
 21 really three actions there. They approved our
 22 laydown yard, they approved the substation, and
 23 they tabled the transmission line. So they didn't
 24 not approve the transmission line, just tabled it
 25 pending the completion of our easements in

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1 Mountrail County.
 2 Q. So where does that leave you? Does that
 3 mean that in order to get a conditional use permit
 4 from Mountrail County you need a hundred percent
 5 of -- of voluntary easements?
 6 A. That's my understanding of the county's
 7 position. So we -- we are still in active
 8 negotiation with the remaining landowners in
 9 Mountrail County and hoping to secure a few more of
 10 those, and then we plan to attend the next planning
 11 and zoning meeting in Mountrail County later this
 12 month to try to make the case that our line is now
 13 final and that we've met the requirements of the
 14 conditional use permit, which would allow us to at
 15 least begin construction on the areas that we do
 16 have easements acquired.
 17 For this project, almost -- I guess we
 18 have it here -- 65 miles of the project are within
 19 Mountrail County, and so a lot of that's available
 20 for construction is where we'd want to start as
 21 well. But it's something we'll have to work
 22 through with the county on.
 23 Q. And when -- does the county commission do
 24 that or is that a decision that's left to like a
 25 planning and zoning board or something like that or

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1 who makes that decision in Mountrail County?
 2 A. My understanding in this case it's the
 3 planning and zoning board would make the decision.
 4 Q. And do you know, do they make those
 5 decisions kind of on a case-by-case basis or do
 6 they have an ordinance that says that, that no one
 7 can get a conditional use permit without a hundred
 8 percent of the easements?
 9 A. I'm not aware of it being an ordinance.
 10 We have seen it on past projects as well that that
 11 has been a requirement, but on that project we had
 12 all of our easements and so it -- we were able to
 13 get approval. So we'll find out, I think, as we
 14 move to the next meeting what our next steps can be
 15 and our options.
 16 It's a large line. It's going to take a
 17 long time to construct, and so obviously we want to
 18 start as soon as possible. There are other areas
 19 on the project that we could start construction on
 20 while we get that resolved as that may be, but
 21 we're hoping that we can come to an agreement with
 22 the county here.
 23 Q. And is it still your construction plan --
 24 and maybe you said this. I wasn't really thinking
 25 of it at the time. Is it still your intention to

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1 start construction here as soon as spring and
 2 summer make it possible and you have the proper
 3 permitting?
 4 A. Correct. Yep. At the completion of all
 5 the permitting, we're already receiving material
 6 and a contractor has been secured, so we'll start
 7 as soon as we're able to.
 8 In our contract we have a date selected to
 9 start in June, but if the permits are finished
 10 before that, which we're very close, we would start
 11 earlier, if possible.
 12 Q. Okay. And just -- I was writing fast but
 13 just to make sure I got it right, you said Mercer,
 14 McLean and Ward Counties have already granted CUP
 15 or whatever --
 16 A. Correct.
 17 Q. -- approval process they have, so those
 18 are done.
 19 A. Correct.
 20 Q. And Williams County does not require that?
 21 A. Correct. Yeah.
 22 COMMISSIONER CHRISTMANN: Okay. No other
 23 questions. Thank you.
 24 JUDGE HOGAN: Commissioner Haugen-Hoffart.
 25

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1 EXAMINATION

2 BY COMMISSIONER HAUGEN-HOFFART:

3 Q. Yes. I do have a question.

4 You did outline for us that you plan on

5 starting in the spring --

6 A. Mm-hmm.

7 Q. -- and you hope completion is done by

8 November 30, 2026, and you estimated the cost to be

9 360 million. My question for you is regarding the

10 timeline of the project and the cost, with all the

11 imposed tariffs do you foresee any issues with

12 supply chain or any concern with the completion of

13 the project if there is impacts?

14 A. Yes. Very good question. And that's

15 definitely something we're spending a lot of time

16 with both our vendors and our -- our procurement

17 department. So far we're not seeing disruptions in

18 supply, but we are already seeing disruptions in

19 cost. And so I do have the projected cost that's

20 based on the contracts that we have, but a lot of

21 those contracts are indexed on raw material costs.

22 So steel prices since January of this year

23 are already up 25 percent, and because we've

24 already been fabricating steel for this project,

25 we've received a lot of that and we've been

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1 protected on the parts that we've already

2 fabricated, but we will probably have some cost

3 exposure for the increased cost for the parts that

4 we're still getting delivered here for the next

5 several months.

6 The conductor is the same way. That's

7 nearly all aluminum. Our conductor is manufactured

8 in the U.S., but they do have to source aluminum

9 from outside of the U.S., so that is also subject

10 to -- to the tariffs.

11 So we have been working with the vendors.

12 I think they've been waiting for -- for more

13 clarity in the law, and we'll just continue to make

14 adjustments there and try to protect ourselves.

15 It does -- it does bring in some

16 uncertainty, though, for the project costs, for

17 sure.

18 Q. Can you think of any other uncertainties

19 that this project may bring forth? You know, you

20 went through the exclusions and all that; you have

21 no concerns. We've talked tariffs. But is there

22 anything else that your team is discussing?

23 A. Yeah. We call this the risks and

24 mitigations for the project. So we have quite a

25 few that could still -- during construction there's

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1 always -- you know, it takes careful construction

2 management. Weather, if we have a very difficult

3 winter coming up, that can present challenges just

4 with the schedule in completing the project.

5 Occasionally there's some areas that are going to

6 be difficult for foundation construction. So in

7 those times you might have to redo a foundation.

8 So that's more of a cost and schedule risk.

9 But I think with the project plan that we

10 have in place and the due diligence with both the

11 landowners and the project team and the contractor,

12 we've worked together to come up with a schedule

13 and a sequence that we -- we have most of the risks

14 mitigated for construction itself. And I think

15 making sure that we have the material on time is

16 probably the biggest risk to the schedule at this

17 point.

18 Q. And weather.

19 A. Correct.

20 Q. Hopefully we can get some good moisture so

21 we're not dealing with wildfires.

22 A. Right. Yeah. It's challenging this time

23 of year starting in May and June sometimes is not

24 the best for foundations. In fact, a lot of times

25 we'll have to wait to start just to avoid doing

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1 damage to the right-of-way. And then, yeah, dry

2 weather has its own risks too.

3 And then once -- we're planning on

4 constructing through the '25-'26 winter as well, so

5 hoping for good weather then.

6 COMMISSIONER HAUGEN-HOFFART: I have no

7 further questions. Thank you.

8 JUDGE HOGAN: Ms. Olson, any redirect?

9 MS. OLSON: No, Your Honor.

10 JUDGE HOGAN: Mr. Johnson, any questions?

11 MR. JOHNSON: No, Your Honor.

12 JUDGE HOGAN: Mr. Hanson?

13 MR. HANSON: No, Your Honor.

14 JUDGE HOGAN: Any other commissioner

15 questions? No.

16 All right. Thank you, Mr. Nasset.

17 THE WITNESS: Thank you.

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

19 next witness.

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

21 Westby.

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

23 start by stating your full name for the record and

24 spelling your last name.

25 THE WITNESS: Good morning. My name is

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1 Philip Westby, W-e-s-t-b-y.
 2 JUDGE HOGAN: And, Mr. Westby, did you
 3 hear me go through the penalties for perjury
 4 earlier?
 5 THE WITNESS: Yes, I did.
 6 JUDGE HOGAN: And do you understand what
 7 perjury is?
 8 THE WITNESS: Yes, I do.
 9 (Witness sworn.)
 10 JUDGE HOGAN: All right. Thank you.
 11 Go ahead, Ms. Olson.
 12 **PHILIP WESTBY,**
 13 being first duly sworn, was examined and testified
 14 as follows:
 15 **EXAMINATION**
 16 **BY MS. OLSON:**
 17 Q. Good morning. To start, please state your
 18 name and employer.
 19 A. My name is Philip Westby, and I'm employed
 20 by Basin Electric Power Cooperative.
 21 Q. What is your position with Basin Electric?
 22 A. I am the manager of transmission services.
 23 My responsibilities include supervising
 24 transmission studies that affect Basin Electric and
 25 its customers. As part of this, I complete and

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1 review any studies that would affect Basin Electric
 2 or its customers.
 3 Q. Please describe your educational and
 4 professional background.
 5 A. I am a licensed professional engineer in
 6 the state of North Dakota. I earned a bachelor's
 7 of science degree in computer engineering from
 8 North Dakota State University in 2008. I have been
 9 employed by Basin Electric since 2009 in the
 10 transmission planning division.
 11 I was hired as an electrical engineer and
 12 was promoted to manager of transmission services in
 13 April of 2023.
 14 Q. What is your role with respect to this
 15 transmission line project?
 16 A. I have been involved in evaluating the
 17 need for the project and oversaw Basin Electric's
 18 submission of this project in the Southwest Power
 19 Pool integrated transmission planning process.
 20 Q. Are you familiar with the contents of
 21 Basin Electric's application for this project?
 22 A. Yes, I am.
 23 Q. What is the purpose of your testimony
 24 today?
 25 A. The purpose of my testimony is to provide

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1 information related to the need for the project. I
 2 will provide general information on the SPP
 3 transmission planning process and how it applies to
 4 this project, as well as Basin Electric's own needs
 5 analysis.
 6 Q. First, let's talk about the Southwest
 7 Power Pool planning process. What is the Southwest
 8 Power Pool or SPP?
 9 A. Sure. SPP is a regional transmission
 10 organization mandated by the Federal Energy
 11 Regulatory Commission to ensure reliable supplies
 12 of power, adequate transmission infrastructure and
 13 competitive wholesale electricity prices on behalf
 14 of its members, of which Basin Electric is a member
 15 of Southwest Power Pool.
 16 As the RTO, SPP is responsible for
 17 transmission planning and expansion within the
 18 region, which includes this project area.
 19 Q. Please generally explain SPP transmission
 20 planning.
 21 A. Sure. During the SPP transmission
 22 planning process, SPP performs reliability
 23 analysis, economic and public policy assessments of
 24 the transmission system for its region, and it
 25 collaborates with stakeholders to identify

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1 transmission solutions to ensure that the system
 2 can remain reliable.
 3 And, additionally, SPP performs its
 4 planning process in accordance with the North
 5 American Electric Reliability Corporation, the SPP
 6 tariff and SPP criteria.
 7 Q. Please describe the SPP integrated
 8 transmission planning process.
 9 A. So the integrated transmission planning
 10 process is an annual planning cycle that assesses
 11 near and long-term economic and reliability
 12 transmission needs. The ITP produces a ten-year
 13 transmission expansion plan combining near term,
 14 ten-year and NERC transmission planning assessments
 15 into one study.
 16 The process seeks to target a reasonable
 17 balance between long-term transmission investments
 18 and congestion costs to customers.
 19 Q. Please describe Basin Electric's role in
 20 the integrated transmission planning process and
 21 other studies conducted.
 22 A. Sure. Basin Electric is a member of SPP
 23 and therefore we're a stakeholder in the process.
 24 So we work closely in this process. We provide
 25 input on the study scope and assumptions. We

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

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

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

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

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

20 A. This particular project came out of the
 21 2021 integrated transmission planning process.

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

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

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1 assessment, which is included as a prefilled
 2 Exhibit 7, identified a need to provide an
 3 additional 345-kV path north of Lake Sakakawea and
 4 create a new delivery point on the underlying
 5 115-kV system north of New Town.

6 The report identified the project's
 7 reliability benefits as follows: This project
 8 creates a 345-kV loop around the north side of Lake
 9 Sakakawea between two existing 345-kV substations
 10 where no 345-kV transmission exists today, and it
 11 provides an alternate connection point near Crane
 12 Creek between the load-serving 115 network and the
 13 345 network.

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

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

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

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

5 Additionally, it -- it provides another
 6 efficient path for coal generation -- or the
 7 generation near the coal fields, the Antelope
 8 Valley and Leland Olds Station. There's -- there's
 9 both conventional and renewable generation there.

10 It's just an efficient path for it to get up to the
 11 coal -- the Bakken area.

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

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

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

25 A. Yes. The project will continue to support

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

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

6 JUDGE HOGAN: Mr. Johnson, any questions?

7 MR. JOHNSON: No, Your Honor.

8 JUDGE HOGAN: Mr. Hanson?

9 MR. HANSON: Yeah. One quick question.

10 **EXAMINATION**

11 **BY MR. HANSON:**

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

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

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

2 So when you have a breaker fail on a

3 substation, it can end up tripping multiple

4 elements or multiple circuits, I guess. So that's

5 really all the ITP is looking at.

6 But in real life, there's outages on the

7 system and you can be in N-1, N-2, N-3 conditions

8 in real life, so it's important to have extra

9 transmission to support those unforeseen events, I

10 guess.

11 MR. HANSON: No further questions.

12 JUDGE HOGAN: Commissioner Kringstad.

13 COMMISSIONER KRINGSTAD: No questions.

14 Thank you.

15 JUDGE HOGAN: Commissioner Christmann.

16 **EXAMINATION**

17 **BY COMMISSIONER CHRISTMANN:**

18 Q. I think I know the answers to a couple of

19 these, but I'd like you to explain a couple of

20 things on the record --

21 A. Okay.

22 Q. -- so that it's not just me throwing out

23 my opinion later on when I'm asked.

24 The -- you said this is part of SPP's 2021

25 integrated transmission planning process; correct?

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1 A. That's correct.

2 Q. And in 2021, that kind of precedes -- not

3 that it wasn't discussed at the time a little, but

4 it precedes the -- the magnitude of discussions

5 we're having nowadays about data processing and

6 that sort of thing; right? So actually the load

7 growth future potentially has grown since 2021.

8 A. That's correct. You know, actually the

9 2021 assessment, kind of the actual study piece of

10 that happens within the 2021 time frame, but the

11 study cycle is a 30-month process. And when we're

12 putting in the load forecast, that's actually

13 happening in probably late 2019. So this was a

14 load forecast that was really pre-COVID.

15 So, yeah, it's way before data centers.

16 But about that 2021 time frame is when data centers

17 kind of became a thing, so --

18 Q. So there's the growth of data centers that

19 would potentially make it seem like the demand for

20 this is even more important, but now explain to

21 people why on the flip side the new very large

22 natural gas generation plant that Basin has

23 announced at Epping doesn't eliminate the need for

24 this.

25 A. Yeah. So that generation plant hasn't

253

1 been in the models either, but once it's put in the

2 models, you're still going to have need for this

3 line, you know, not only -- you may even be

4 exporting that generation which you might need the

5 line for that, but in addition to that -- I guess

6 could you rephrase the question? I'm --

7 Q. Help people to under -- help someone who

8 is concerned that building this will mean that

9 Basin doesn't build that power plant anymore, that

10 this alleviates the need for it, unless I'm wrong

11 that this does eliminate the need for it, but I

12 don't think you --

13 A. No. I mean, I don't think we can count on

14 generation running a hundred percent of the time.

15 Transmission is 99.9 percent reliable or -- I don't

16 think you'll see that reliability out of a

17 generation station, so --

18 Q. So you're projecting the need for this and

19 the generation plant; correct?

20 A. That's correct. We're still continuing to

21 see load growth and we see that in future ITP

22 studies, so --

23 COMMISSIONER CHRISTMANN: No other

24 questions. Thank you.

25 JUDGE HOGAN: Commissioner Haugen-Hoffart.

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1 COMMISSIONER HAUGEN-HOFFART: I just have

2 one.

3 **EXAMINATION**

4 **BY COMMISSIONER HAUGEN-HOFFART:**

5 Q. When you talk about load growth, you

6 talked about the study was pre-COVID, pre data

7 centers, but now you're talking about current load

8 growth. Explain that, what all you -- what all you

9 look at, what is entailed in that load growth.

10 A. Yeah. So I guess I'm not the load

11 forecaster at Basin, but my understanding is the

12 load forecasting team will go out to the

13 membership. In this project area, that would be

14 Mountrail-Williams, that will be Verendrye

15 Electric, McLean, and they will kind of start with

16 those guys and they'll -- they'll get the

17 boots-on-the-ground view of what's happening in the

18 area and they kind of roll that back up and we roll

19 that into the transmission model.

20 And that's really why they're doing these

21 studies every year because -- because those

22 forecasts change. You know, assumptions change,

23 forecasts change. Now we have -- like Commissioner

24 Christmann said, now we have data centers. So

25 those are all being added and everything's

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1 changing, and now we have a newly announced
 2 generation station that needs to get added to the
 3 models.
 4 So there's a lot of things changing, but
 5 with respect to the forecasts, you know, I think I
 6 see oil growth still. A lot of it -- as these
 7 wells get older, they output more gas. That gas
 8 needs to be processed. Those are big electric
 9 loads. And then we're seeing some unique things
 10 with what they might be doing with oil.
 11 You guys have seen the Cerilon Plant.
 12 That's a big electrical load that I'm aware of, and
 13 then I think we will see some data centers
 14 sprinkled around potentially. I know there's one
 15 already existing, so --
 16 COMMISSIONER HAUGEN-HOFFART: Okay. Thank
 17 you.
 18 THE WITNESS: Thank you.
 19 JUDGE HOGAN: Ms. Olson, any redirect?
 20 MS. OLSON: Just a follow-up question.
 21 **FURTHER EXAMINATION**
 22 **BY MS. OLSON:**
 23 Q. Mr. Westby, can you explain even with the
 24 new gas plant at Epping, will this transmission
 25 line still help with reliability and integrity of

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1 the system?
 2 A. Absolutely. You need this injection in
 3 this area north of New Town to ensure the system
 4 can be reliable; that we can remove the under
 5 voltage load shedding scheme that's currently in
 6 place.
 7 MS. OLSON: Thank you. I don't have
 8 anything further.
 9 JUDGE HOGAN: Mr. Johnson?
 10 MR. JOHNSON: No, Your Honor.
 11 JUDGE HOGAN: Mr. Hanson?
 12 MR. HANSON: No, Your Honor.
 13 JUDGE HOGAN: Any other commissioner
 14 questions?
 15 All right. Thank you, Mr. Westby.
 16 THE WITNESS: Thank you.
 17 JUDGE HOGAN: Ms. Olson, you can call your
 18 next witness.
 19 MS. OLSON: Okay. I'll call Mr. Ryan
 20 King.
 21 JUDGE HOGAN: Good morning. I'll have you
 22 start by stating your full name for the record and
 23 spelling your last name.
 24 THE WITNESS: Ryan King, K-i-n-g.
 25 JUDGE HOGAN: And, Mr. King, did you hear

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1 me go through the penalties for perjury earlier?
 2 THE WITNESS: I did.
 3 JUDGE HOGAN: And do you understand what
 4 perjury is?
 5 THE WITNESS: Yes.
 6 (Witness sworn.)
 7 JUDGE HOGAN: All right. Thank you.
 8 Go ahead, Ms. Olson.
 9 **RYAN KING,**
 10 being first duly sworn, was examined and testified
 11 as follows:
 12 **EXAMINATION**
 13 **BY MS. OLSON:**
 14 Q. Good morning. To start, please state your
 15 name and employer.
 16 A. Hi. Good morning. My name is Ryan King.
 17 I work for Basin Electric Power Cooperative.
 18 Q. What is your position with Basin Electric?
 19 A. I'm an environmental coordinator. My
 20 responsibilities include facilitating environmental
 21 assessments for new projects and then ensuring
 22 compliance with environmental laws and permits.
 23 Q. Please describe your educational and
 24 professional background.
 25 A. I received a bachelor of science in

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1 construction management and a master's of natural
 2 resource management from North Dakota State
 3 University. I have 12 years of environmental
 4 permitting experience. I was hired by Basin in
 5 September of 2023 and have worked on multiple
 6 energy transmission and conversion facility sites.
 7 Q. What is your role with respect to this
 8 transmission line project?
 9 A. I'm responsible for the overall
 10 preparation and coordination of the environmental
 11 analysis within Basin and through our consultants.
 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. I'll describe the methodology with
 18 consideration to our environmental factors used to
 19 delineate the proposed project corridor and route
 20 and to demonstrate that they are in accordance with
 21 the North Dakota Energy Conversion and Transmission
 22 Facility Siting Act and the Commission's rules and
 23 regulations.
 24 Q. First, let's talk about siting criteria.
 25 What is an exclusion area?

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1 **A.** Exclusion area is a geographical area that
 2 must be excluded in the consideration of a route
 3 for a transmission facility. An exclusion area can
 4 be within the project corridor but cannot exceed
 5 more than 50 percent of the width unless there is
 6 no reasonable alternative.
 7 **Q.** Does the project contain any exclusion
 8 areas?
 9 **A.** Yes. The project route is within an area
 10 within 1200 feet of two ICBM launch facilities for
 11 which the Commission has granted us an exemption
 12 for. I believe that's in Appendix I of the
 13 application.
 14 And then the project route also spans
 15 designated critical habitat for piping plover,
 16 which is a threatened species under the Endangered
 17 Species Act, that's along the Missouri River on the
 18 southern end of our project.
 19 **Q.** With the presence of this critical
 20 habitat, will the project still meet the
 21 Commission's exclusion area criteria?
 22 **A.** Yes. The project still will meet that
 23 exclusion criteria. There was no real alternative
 24 for this project that did not cross the Missouri
 25 River. No structures or construction activity will

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1 be placed within this critical habitat. The
 2 closest structure is actually 53 feet away, and we
 3 will have fencing along that area.
 4 **Q.** What is an avoidance area?
 5 **A.** An avoidance area is a geographical area
 6 that may not be considered in the routing of a
 7 transmission facility unless the applicant can show
 8 that there are no reasonable alternatives.
 9 **Q.** Does the project contain any avoidance
 10 areas?
 11 **A.** Yes. There are archeological sites
 12 present within the project corridor as identified
 13 through a Class I literature search and a Class III
 14 intensive survey. And the project is also located
 15 within 500 feet of five residences.
 16 **Q.** Why should the Commission approve the
 17 project when it includes avoidance areas?
 18 **A.** While there are archeological sites
 19 present within the corridor, the project has been
 20 designed to avoid all these sites, and buffer zones
 21 will be placed around each one of these sites to
 22 ensure that construction activities do avoid them.
 23 And then Basin has obtained a waiver from
 24 the five landowners that we are within 500 feet
 25 from, and those waivers can be found in Appendix K

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1 of the 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 used the Fish and Wildlife --
 8 United States Fish and Wildlife Service IPAC tool
 9 to identify threatened and endangered species or
 10 critical habitat that may be within our project
 11 area. So that and consultation with the local
 12 ecological services office identified five species
 13 that could be impacted by the project.
 14 These species are the endangered whooping
 15 crane and northern long-eared bat and the
 16 threatened Dakota skipper, piping plover and rufa
 17 red knot.
 18 **Q.** First let's talk about the whooping crane.
 19 Please describe the findings of Basin Electric's
 20 analysis with respect to the whooping crane.
 21 **A.** The project's located within the migratory
 22 corridor for the whooping crane that 75 percent to
 23 95 percent of whooping cranes travel. The project
 24 counties have 285 verified whooping crane sightings
 25 since the United States Fish and Wildlife started

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1 counting these. The closest one to the project
 2 corridor was a pair in 2022 which were
 3 approximately a half mile from the project
 4 corridor.
 5 During all of our field surveys, no
 6 whooping cranes were spotted.
 7 **Q.** Please describe the measures that will be
 8 taken to protect the whooping crane.
 9 **A.** Noise and vehicle activity during
 10 construction may temporarily divert whooping cranes
 11 from the area. If a whooping crane is spotted
 12 within one mile of construction activity, all that
 13 activity will halt and we will immediately contact
 14 the Fish and Wildlife Service to determine next
 15 steps.
 16 And then flight diverters will be
 17 installed on a hundred percent of the line per
 18 APLIC standards. These flight diverters increase
 19 the line visibility, then reducing risk strikes.
 20 **Q.** Next let's talk about the northern
 21 long-eared bat. Please describe the findings of
 22 Basin Electric's analysis with respect to the
 23 northern long-eared bat.
 24 **A.** Yep. Prior to conducting any field
 25 surveys, we did a desktop analysis of the project

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1 area. We put a thousand-foot buffer on the project
 2 route and looked at eight areas that had ten acres
 3 or more of treed habitat. This concluded about
 4 23 acres of potential northern long-eared bat
 5 habitat within the project corridor. And then
 6 during field surveys, no long-eared bats were
 7 identified.

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

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

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

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

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1 analysis with respect to the Dakota skipper.

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

8 The field surveys were then conducted
 9 within these grassland habitats to determine if
 10 suitable habitat of the Dakota skipper was present.
 11 And then those field surveys recorded 61 locations
 12 of suitable habitat that total approximately
 13 11.69 acres, which is less than 1 percent of the
 14 project route.

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

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

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

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

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

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

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

24 During any field surveys, no piping plover
 25 were observed.

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

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

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

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

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

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

24 Q. Did your analysis consider wetlands and
 25 water bodies?

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1 **A.** Yes.

2 **Q.** Please briefly explain the project's

3 potential impacts on these features.

4 **A.** Yeah. We -- we site the project to avoid

5 impacts to wetlands and water bodies to the maximum

6 extent possible. Near the southern end, like I

7 said, we do cross the Missouri River and then we

8 also do have impacts to wetlands. We have three

9 structures that will be placed within a wetland.

10 Those structures are 436-214, 436-215 and 436-222.

11 The permanent wetland impacts in those areas are

12 proposed to 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.** We've been working with the Army Corps of

17 Engineers for Section 10 and 404 approvals for the

18 Missouri River crossing and the wetland impacts.

19 Except for those two wetlands that will be

20 impacted, we will be placing temporary fencing

21 around the wetlands to ensure that construction

22 activities do remain outside.

23 **Q.** Did your analysis consider trees and

24 shrubs?

25 **A.** Yes.

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1 **Q.** Please briefly explain the project's

2 potential impact on trees and shrubs.

3 **A.** We're anticipating the overall impacts to

4 tree and shrubs to be minimal. Approximately

5 1.54 acres of trees present clearance violations to

6 the proposed line and will need to be removed.

7 For any unavoidable tree and shrub impacts

8 during the construction or operation of this line,

9 we will comply with the Commission's tree and shrub

10 mitigation specifications, and we will be

11 submitting a tree and shrub inventory and

12 replacement plan to the Commission for their review

13 and approval.

14 **Q.** Is Basin Electric requesting the ability

15 to clear trees in areas wider than 50 feet?

16 **A.** Yes. We will be requesting to clear trees

17 wider than 50 feet in 13 locations.

18 **Q.** And did your analysis consider cultural

19 and historic resources?

20 **A.** Yes.

21 **Q.** Please briefly describe the cultural and

22 historic resources -- resource assessments

23 conducted for the project.

24 **A.** Basin Electric through our cultural

25 consultant, Metcalf Archeological Consultants,

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1 consulted with the North Dakota State Historic

2 Preservation Office on -- regarding survey and

3 testing methodology and then reporting

4 requirements. To assess the potential historic

5 resources in the area, they recommended a Class I

6 literature search and a Class III intensive survey.

7 **Q.** Please describe the results of the

8 cultural and historic resource assessments.

9 **A.** Metcalf completed the Class I and Class

10 III inventories and submitted two report volumes.

11 These report volumes cover 96.4 percent of the

12 project corridor. They submitted these for North

13 Dakota SHPO review. And these reports detailed

14 their findings.

15 The reports then recommended that none of

16 the documented cultural resources are eligible for

17 the consideration in the State Register, and no

18 eligible or unevaluated cultural resources lies

19 within the footprint of the project and therefore

20 no cultural resources will be impacted by the

21 project's construction activities or permanent

22 operations.

23 And then as of yesterday, actually, North

24 Dakota SHPO has sent us a letter that they have

25 agreed with the reports and determined that for

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1 that 96.4 percent of the project route that has

2 been surveyed, that there are no significant sites

3 that will be affected.

4 **Q.** Please describe any mitigation efforts

5 being implemented for cultural and historic

6 resources.

7 **A.** Yeah. So during the Class III surveys,

8 Metcalf documented each site and then mapped each

9 site, then used the appropriate testing strategy to

10 assess the cultural resources' significance.

11 No avoidance or additional research is

12 recommended, and as such, no mitigation

13 requirements will be required.

14 And then in their letter, North Dakota

15 SHPO did not recommend any mitigation requirements.

16 **Q.** Turning to agency coordination. Will the

17 project impact existing development plans of

18 federal, state or local agencies or private

19 entities?

20 **A.** No. The project will not impact any

21 existing development plans.

22 **Q.** Let's talk about Basin Electric's

23 consultation with federal agencies. First, explain

24 your consultation with the United States Department

25 of Interior's Bureau of Reclamation.

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1 **A.** Yeah. The Bureau of Reclamation required
 2 a special use permit to cross the McClusky Canal.
 3 We submitted that application and we received an
 4 executed special use permit on November 6 of 2024.
 5 **Q.** How about the United States Fish and
 6 Wildlife Service?
 7 **A.** Yeah. The Fish and Wildlife Service
 8 requires a compatibility determination for
 9 structures being located within grassland easements
 10 which they manage. We have submitted that
 11 application and it is currently within a 30-day
 12 comment period which is set to end April 17.
 13 **Q.** How about the United States Army Corps of
 14 Engineers?
 15 **A.** Yeah. As I've previously said, we've been
 16 working with the Army Corps of Engineers for the
 17 river crossing and the impacts to wetlands through
 18 their Section 10 and 404 approvals. Again, we
 19 submitted that application and we received their
 20 approval on February 28 of 2025.
 21 **Q.** How about the Air Force?
 22 **A.** So we sent shapefiles to the Air Force
 23 regarding -- so that they can see structure
 24 placement in relation to their operations. They
 25 concluded that the project will have minimal

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1 impacts to their military operations in the area.
 2 **Q.** And how about the Federal Aviation
 3 Administration?
 4 **A.** Yeah. Again, we -- we consulted with the
 5 FAA regarding structure locations and heights.
 6 They determined that all structures have been --
 7 will have a determination of no hazard to air
 8 navigation.
 9 **Q.** Can you please explain the consultation
 10 with state agencies to date.
 11 **A.** Yeah. State agency comments varied based
 12 on function and then their jurisdiction, but
 13 ultimately they all pretty much desired a minimal
 14 impact to environmental resources, which Basin
 15 Electric has done by incorporating certain
 16 mitigation measures to the project.
 17 **Q.** Can you please explain the consultation
 18 with local agencies to date.
 19 **A.** Yeah. As Mr. Nasset has kind of went
 20 through already, we have submitted conditional use
 21 permits for all the counties that require them,
 22 McLean, Mercer, Mountrail and Ward. Williams
 23 County does not require it, as transmission lines
 24 are a permitted use.
 25 We have received approvals from McLean,

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1 Mercer and Ward County, and Mountrail County has
 2 tabled the application pending easement
 3 acquisition.
 4 **Q.** Do you have any updates on county weed
 5 board approvals following the first hearing?
 6 **A.** I do. I contacted each weed board again
 7 and asked if they required any specific approvals.
 8 None of them did. However, I did submit our
 9 project-specific weed management plan to each
 10 county and did receive approvals from them.
 11 **Q.** Are there any other outstanding permits or
 12 approvals needed to begin construction of the
 13 project?
 14 **A.** No.
 15 **Q.** Did Basin Electric evaluate the impacts to
 16 public health and welfare, natural resources and
 17 the environment that could be expected from the
 18 project's location, construction and operation?
 19 **A.** Yes.
 20 **Q.** To conclude your testimony, can you please
 21 tell us, based on your knowledge of the project,
 22 will its construction, operation and maintenance
 23 produce minimal adverse effects on the environment
 24 and human welfare?
 25 **A.** Yes. Basin has conducted a thorough

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1 environmental review of the project area to avoid
 2 environmentally sensitive areas and areas that
 3 could be adverse impacts to human welfare.
 4 **Q.** And based on your knowledge of the
 5 project, is it compatible with the environmental
 6 preservation and efficient use of resources?
 7 **A.** Yes.
 8 MS. OLSON: Thank you.
 9 I have no further questions for Mr. King.
 10 JUDGE HOGAN: Mr. Johnson, any questions?
 11 MR. JOHNSON: No, Your Honor.
 12 JUDGE HOGAN: Mr. Hanson?
 13 MR. HANSON: No, Your Honor.
 14 JUDGE HOGAN: Commissioner Kringstad.
 15 COMMISSIONER KRINGSTAD: I have a couple.
 16 **EXAMINATION**
 17 **BY COMMISSIONER KRINGSTAD:**
 18 **Q.** You answered -- you answered some in your
 19 testimony, so thank you for that. I just wanted to
 20 follow up on a couple things.
 21 So we talked through the five different
 22 endangered and threatened species and how you
 23 conducted field surveys on those. Were those
 24 surveys done during, like, the active time for all
 25 of those species?

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1 A. Yes.

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

4 A. Yes.

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

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

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

13 Q. Okay.

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

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

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

1 studies?

2 **A.** No. Western Ecological Systems, our

3 consultant, does.

4 **Q.** Okay. Okay. I was just curious who does

5 them and --

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

7 **Q.** Oh, yeah. How long do field studies take?

8 I mean, you talked about there's times when they're

9 migrating to make sure there's no impact, but

10 overall, about how long does it take to conduct a

11 field study?

12 **A.** This is a -- I mean, a rather large line

13 so they were out most of last summer.

14 **Q.** Oh, wow.

15 **A.** You know, depending on how many reroutes

16 and access routes we have too, but, yeah, this was

17 a pretty -- pretty involved project so they were

18 out there quite a bit.

19 COMMISSIONER HAUGEN-HOFFART: Okay. Thank

20 you. I have no further questions.

21 JUDGE HOGAN: Ms. Olson, any redirect?

22 MS. OLSON: No, Your Honor.

23 JUDGE HOGAN: Mr. Johnson?

24 MR. JOHNSON: No, Your Honor.

25 JUDGE HOGAN: Mr. Hanson?

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

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

6 A. No.

7 Q. No.

8 You're putting new structures up.

9 A. Correct.

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

12 JUDGE HOGAN: Commissioner Christmann.

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

17 JUDGE HOGAN: All right. Commissioner
18 Haugen-Hoffart.

19 **EXAMINATION**

20 **BY COMMISSIONER HAUGEN-HOFFART:**

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

23 A. Okay.

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

1 MR. HANSON: No, Your Honor.
2 JUDGE HOGAN: Any other commissioner
3 questions?
4 All right. Thank you, Mr. King.
5 We're going to take our morning break.
6 We'll take about a 15-minute break and try to
7 reconvene at 10:40.
8 (Recessed at 10:25 a.m. and reconvened at
9 10:42 a.m.)
10 JUDGE HOGAN: All right. Ms. Olson, you
11 can call your next witness.
12 MS. OLSON: I'll call Mr. Nathan Kleyer.
13 JUDGE HOGAN: Good morning. I'll have you
14 start by stating your full name for the record and
15 spelling your last name.
16 THE WITNESS: Hi. My name is Nathan
17 Kleyer, K-I-e-y-e-r.
18 JUDGE HOGAN: Mr. Kleyer, did you hear me
19 go through the penalties for perjury earlier this
20 morning?
21 THE WITNESS: Yes, Your Honor.
22 JUDGE HOGAN: And do you understand what
23 perjury is?
24 THE WITNESS: Yes.
25 (Witness sworn.)

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1 JUDGE HOGAN: All right. Thank you.
 2 Go ahead, Ms. Olson.
 3 **NATHAN KLEYER,**
 4 being first duly sworn, was examined and testified
 5 as follows:

EXAMINATION

7 **BY MS. OLSON:**

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

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

12 Q. What is your position with Basin Electric?

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

18 Q. Please describe your professional
 19 background.

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

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

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

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

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

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

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

25 A. Yes.

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1 Q. What is the purpose of your testimony
 2 today?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 However, as discussed in Mr. Nasset's
 20 prefiled testimony, the existing transmission
 21 congestion and avoidance areas did not feasibly
 22 allow for a new transmission circuit. As a result,
 23 we elected to rebuild the existing LOS to Logan
 24 230-kV line corridor as a double-circuit line for
 25 approximately 40 miles. The existing structures

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1 will be removed upon project energization.

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

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

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

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

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

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

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

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1 avoiding impacts to existing infrastructure.

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

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

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

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

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

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

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1 completed to landowners' and Basin Electric's
 2 satisfaction.
 3 Q. Please describe the reclamation practices
 4 Basin Electric will follow for the project
 5 corridor.
 6 A. Basin Electric will retain a licensed
 7 local contractor who specializes in the reclamation
 8 techniques required to stabilize the soils to
 9 reestablish the growth or cover in the disturbed
 10 areas of the project in consultation with the local
 11 NRCS and FSA offices.
 12 In pastureland, our reclamation contractor
 13 will re-seed to the same species of grasses present
 14 prior to construction unless otherwise directed by
 15 the landowner.
 16 In CRP fields, we will replant the cover
 17 based on local FSA office rules and guidance.
 18 On all lands, compaction and grading will
 19 be addressed. Any rock, 4 inches in size or
 20 larger, brought to the surface while addressing
 21 compaction will be picked and taken off site or
 22 dumped at a site deemed acceptable by the
 23 landowner.
 24 Disturbed areas will be monitored for
 25 erosion. Erosion control may include the

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1 installation and maintenance of necessary measures
 2 for temporary and permanent erosion, sedimentation
 3 and dust control as required by relevant agencies
 4 and the landowner.
 5 Basin Electric will complete inspection
 6 and maintenance to ensure compliance with the
 7 project reclamation specifications.
 8 We will also work with landowners
 9 regarding tree replacements. This will be done
 10 according to the Commission's tree and shrub
 11 mitigation plan.
 12 Basin Electric will be responsible for
 13 weeds by providing weed control within the easement
 14 area during construction and reclamation.
 15 Q. How will Basin Electric address landowner
 16 concerns during the project's construction,
 17 reclamation and operation?
 18 A. All damages associated with our activities
 19 will be addressed with the landowner for settlement
 20 at the completion of construction. Basin Electric
 21 will compensate landowners for damages to any crops
 22 or pasture during construction, as well as any
 23 prevent-plant situations due to the construction
 24 activity.
 25 Landowners will be consulted throughout

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1 the reclamation process to ensure successful
 2 reclamation has taken place and any outstanding
 3 issues have been resolved.
 4 During operation of the transmission line,
 5 Basin Electric will continue to reclaim the route
 6 corridor and settle any damages caused by
 7 maintenance activities.
 8 Q. To conclude your testimony, can you please
 9 tell us, based on your knowledge of the project,
 10 will its construction, operation and maintenance
 11 produce minimal adverse effects on the environment
 12 and human welfare?
 13 A. Yes. The project route and corridor were
 14 selected to minimize adverse effects to existing
 15 land use, infrastructure and environmental
 16 resources. Basin Electric has and will continue to
 17 work with landowners to address any concerns
 18 relating to the project's construction, reclamation
 19 and operation.
 20 MS. OLSON: Thank you. I have no further
 21 questions for Mr. Kleyer.
 22 JUDGE HOGAN: Mr. Johnson, any questions?
 23 MR. JOHNSON: No questions, Your Honor.
 24 JUDGE HOGAN: Mr. Hanson?
 25 MR. HANSON: No, Your Honor.

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1 JUDGE HOGAN: Commissioner Kringstad.
 2 COMMISSIONER KRINGSTAD: Just a couple.
 3 **EXAMINATION**
 4 **BY COMMISSIONER KRINGSTAD:**
 5 Q. We've -- we've talked about the
 6 right-of-way acquisition and we have an updated
 7 exhibit on that. For the parcels that you're still
 8 waiting to get acquisition on, have you -- have
 9 those been surveyed? Have you been able to have
 10 access to survey them?
 11 A. So I think the answer that we got before
 12 still stands. We would have had the -- which one,
 13 the -- yeah.
 14 Q. Okay. Perfect.
 15 And then can you just -- from the
 16 reclamation side, you said this is kind of your
 17 fourth transmission project that you've done at --
 18 with Basin; right?
 19 A. Yep.
 20 Q. Okay. So is it fair to say that one of
 21 the main reclamation issues is like minimizing
 22 compaction and erosion both, like, during and after
 23 construction?
 24 A. Yep.
 25 Q. So can you just expand on how you -- how

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1 you address and mitigate those issues a little more
 2 for me?
 3 **A.** So a few different ways. You know, really
 4 it becomes trying to minimize the lane in which we
 5 are using to access between those structure
 6 locations. Your largest impact is generally seen
 7 where those structures are, right, because they're
 8 working around it, getting it set.
 9 So really the main way is to minimize the
 10 contractors from using the entire right-of-way as a
 11 travel corridor and really just sticking to our
 12 main accesses.
 13 Addressing that, you know, the first step
 14 is really to get in and rip that compaction up, and
 15 at that point, you know -- and that may take a few
 16 passes, depending on your compaction level. I also
 17 coordinate with landowners. At times they'll want
 18 me to rip a little deeper, they'll want me to rip a
 19 little shallower. That's just part of that
 20 process.
 21 And then it becomes getting through with a
 22 disc once or twice, coming in, picking that rock,
 23 getting that out of there, and then coming back and
 24 really final disking that to get back to grade and
 25 either re-seed or be farmed again.

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1 COMMISSIONER KRINGSTAD: Okay. That's
 2 helpful. Thank you.
 3 JUDGE HOGAN: Commissioner Christmann.
 4 **EXAMINATION**
 5 **BY COMMISSIONER CHRISTMANN:**
 6 **Q.** Among the 14 private landowners from whom
 7 you've not secured easements, are you in contact
 8 with all of them or are some of these just
 9 addresses from far away that have been
 10 nonresponsive?
 11 **A.** So just off the top of my head, there is
 12 one family -- or one parcel that has, I think, over
 13 40 individual owners. Some of those we have not
 14 been able to contact yet but we have made contact
 15 and are in continuous contact with every -- with a
 16 level of ownership within each and every parcel.
 17 COMMISSIONER CHRISTMANN: No other
 18 questions. Thank you.
 19 JUDGE HOGAN: Commissioner Haugen-Hoffart.
 20 **EXAMINATION**
 21 **BY COMMISSIONER HAUGEN-HOFFART:**
 22 **Q.** I just have one.
 23 You referenced CRP fields. Isn't --
 24 aren't there strict federal guidelines with CRP on
 25 that? Do you -- did you have to get anything else

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1 besides a signed easement from the landowner?
 2 **A.** We do have to get confirmation from those
 3 landowners. We do have to get a copy of those
 4 agreements.
 5 **Q.** Okay. And you have those?
 6 **A.** Yes.
 7 COMMISSIONER HAUGEN-HOFFART: Okay. No
 8 further questions.
 9 JUDGE HOGAN: Ms. Olson, any redirect?
 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: Any other commissioner
 16 questions?
 17 All right. Thank you, Mr. Kleyer.
 18 THE WITNESS: Thank you.
 19 JUDGE HOGAN: Ms. Olson, any other
 20 witnesses?
 21 MS. OLSON: No, Your Honor.
 22 JUDGE HOGAN: All right. Well, that
 23 brings us to the public testimony portion of our
 24 hearing. By a show of hands, is there anyone who
 25 wishes to address the Commission today? If not, I

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1 won't go through instructions, but if we have
 2 somebody that wants to address the Commission, now
 3 would be the chance.
 4 All right. Seeing none, I think that
 5 brings us to the end of our hearing. And just to
 6 confirm, I did not note anything for any type of
 7 late-filed exhibits.
 8 Mr. Johnson, did you have anything?
 9 MR. JOHNSON: I don't believe I have
 10 anything.
 11 JUDGE HOGAN: All right. And, Ms. Olson,
 12 will you be filing proposed findings of fact,
 13 conclusions of law and a proposed order?
 14 MS. OLSON: Yes, Your Honor.
 15 JUDGE HOGAN: And do you want to set a
 16 deadline for filing that?
 17 MS. OLSON: I -- we should have those
 18 within one week.
 19 JUDGE HOGAN: So April 11?
 20 MS. OLSON: Yes. That works.
 21 JUDGE HOGAN: Okay. So I'll set a
 22 deadline of April 11 for the filing of those.
 23 Any other matters you want to address this
 24 morning, Ms. Olson?
 25 MS. OLSON: No, Your Honor.

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1 JUDGE HOGAN: Mr. Johnson, did you have
 2 anything?
 3 MR. JOHNSON: None from me, Your Honor.
 4 JUDGE HOGAN: All right. Then we will
 5 take closing remarks from the commissioners.
 6 Commissioner Kringstad.
 7 COMMISSIONER KRINGSTAD: I'll keep mine
 8 very short. Thank you all for coming and safe
 9 travels home and have a good weekend.
 10 JUDGE HOGAN: Commissioner Christmann.
 11 COMMISSIONER CHRISTMANN: Also, I expected
 12 probably a few more people here today, but for
 13 those of you who did come out, I know we have
 14 some -- some local people here and I appreciate you
 15 coming and -- and gathering information from our
 16 hearing process.
 17 I guess I always look at these as
 18 opportunities for us to gather the information that
 19 we need to make the best decision possible, but
 20 hopefully it also allows other people to use our
 21 hearing process to gather the information that they
 22 need as well.
 23 So thank you.
 24 JUDGE HOGAN: Commissioner Haugen-Hoffart.
 25 COMMISSIONER HAUGEN-HOFFART: Thank you.

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1 It was great seeing a lot of you. And I
 2 want to really thank Basin when we -- with that
 3 missed notification in the paper, working with us
 4 so we could get this rescheduled so promptly. So a
 5 sincere thank you on that and working with the
 6 staff and the staff doing a good job too.
 7 So wishing everyone safe travels and hope
 8 to see you soon.
 9 JUDGE HOGAN: All right. Thank you.
 10 I will note for the record, it's
 11 11:02 a.m., and that will conclude our last hearing
 12 for Public Service Commission Case PU-24-361.
 13 (Concluded at 11:03 a.m., Friday, the 4th
 14 day of April, 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 18th
 14 day of April, 2025.
 15
 16
 17
 18 Stephanie A. Smith
 Registered Professional Reporter
 19
 20
 21
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 25

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