

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Case No. PU-25-086

Basin Electric Power Cooperative :
Bison Generation Station - Williams County :
Siting Application :

TRANSCRIPT OF
HEARING

Taken At
3601 Second Avenue West
Williston, North Dakota
June 30, 2025

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

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A P P E A R A N C E S

COMMISSIONERS PRESENT:

COMMISSIONER RANDY CHRISTMANN, Chair
COMMISSIONER SHERI HAUGEN-HOFFART
COMMISSIONER JILL KRINGSTAD

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FOR THE APPLICANT.

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GENERAL COUNSEL FOR THE
PUBLIC SERVICE
COMMISSION.

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

APPLICANT'S EXHIBITS

<u>Exhibit No.</u>	<u>Offered</u>	<u>Received</u>
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1 (The following proceedings were had and
 2 made of record herein, commencing at 9:04 a.m.,
 3 Monday, the 30th day of June, 2025:)
 4 JUDGE HOGAN: All right. Good morning.
 5 We are going to get started.
 6 It is July 30, 2025, at 9:04 a.m. This is
 7 the time and date scheduled for a hearing set by
 8 the notice of filing and notice of public hearing
 9 issued by the North Dakota Public Service
 10 Commission on May 8, 2025, for Case Number
 11 PU-25-086.
 12 My name is Hope Hogan, and I'm the hearing
 13 officer that has been designated for today's
 14 hearing. I'm an administrative law judge with the
 15 Office of Administrative Hearings.
 16 This hearing is being held today at the
 17 Grand Williston Hotel & Conference Center in
 18 Williston, North Dakota.
 19 As we begin today, I'd ask that everybody
 20 please check your cell phones to make sure they're
 21 either silenced or turned off so that we don't have
 22 cell phone interruptions as we move through our
 23 hearings -- hearing today.
 24 Also, there is an attendance sheet that's
 25 going around. The Commission would ask that

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1 everybody please sign the attendance sheet so that
 2 we have a record of everybody that has attended
 3 today's hearing.
 4 This is a hearing on an application of
 5 Basin Electric Power Cooperative for a certificate
 6 of site compatibility to construct a 2,490 megawatt
 7 combined-cycle gas turbine generator and associated
 8 facilities in Wheelock Township, Williams County,
 9 North Dakota.
 10 The notice of filing and notice of public
 11 hearing specified the following issues to be
 12 considered and determined in this matter: Number
 13 1, will the location and operation of the proposed
 14 facilities produce minimal adverse effects on the
 15 environment and upon the welfare of the citizens of
 16 North Dakota?
 17 Is the proposed facility compatible with
 18 the environmental preservation and efficient use of
 19 resources?
 20 And, number 3, will the proposed facility
 21 location minimize adverse human and environmental
 22 impact while ensuring continuing system reliability
 23 and integrity and ensuring that energy needs are
 24 met and fulfilled in an orderly and timely fashion?
 25 I will now ask the parties to make their

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1 appearance for the record. Ms. Olson, can you
 2 please state your appearance for the record and
 3 introduce the witnesses you intend to call today.
 4 MS. OLSON: Yes. Good morning. Maggie
 5 Olson, senior staff counsel for Basin Electric
 6 Power Cooperative.
 7 Today I will call three witnesses. First,
 8 Mr. Chris Bauer. He is the project coordinator.
 9 Mr. Bauer will discuss the project description,
 10 design, construction and operation and the policy
 11 criteria.
 12 Next will be Mr. Benjamin Hertz. He is
 13 the manager of power supply planning. Mr. Hertz
 14 will discuss the project need and benefits.
 15 And then last, I will call Ms. Erin Fox
 16 Dukart. She is the director of environmental
 17 services and will discuss siting criteria,
 18 environmental considerations and permitting
 19 requirements.
 20 JUDGE HOGAN: All right. Thank you.
 21 Mr. Johnson, do you want to state your
 22 appearance for the record and introduce Commission
 23 staff who's appearing with you today.
 24 MR. JOHNSON: Brian Johnson. I'm advisory
 25 counsel for the Commission. And with me is Robert

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1 Frank, and I -- I would ask that he be allowed to
 2 ask questions today, if necessary.
 3 JUDGE HOGAN: All right. Thank you.
 4 Testimony from the public will be taken
 5 after the completion of Basin's witness testimony.
 6 I encourage anyone to take the opportunity to tell
 7 the commissioners what you think they should know
 8 about this matter. I assure you that what you have
 9 to say is important to the Commission and will be
 10 considered by the commissioners. If you would like
 11 to testify today, I would ask that you please
 12 indicate as such on the attendance sheet, just so I
 13 have an idea of how many people plan to testify.
 14 If you have any questions about providing
 15 testimony today, feel free to ask me during our
 16 morning break.
 17 We'll now take opening comments from the
 18 commissioners, and we'll start with Commissioner
 19 Kringstad.
 20 COMMISSIONER KRINGSTAD: Thank you.
 21 Good morning, everybody. Happy Monday.
 22 Good to see such a full room today.
 23 So as Judge Hogan said, for those of you
 24 who haven't been to a hearing like this, I'll just
 25 kind of walk you through briefly how we -- how we

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1 run these and how it works and why.
 2 So as she said, first we're going to hear
 3 from the company. We'll hear from three witnesses.
 4 And the reason why we do that is just so all of us
 5 in this room can be up to date on the most accurate
 6 status of the project, so to speak. There's times
 7 that, you know, as the company's still working
 8 through this and working with locals to resolve
 9 some issues or just make this the best application
 10 that it can be, some things change. And so we'll
 11 hear the most updated information that we can. And
 12 then at the end -- and the commissioners will ask
 13 them questions so we have a full understanding of
 14 the project as well.
 15 And then after that, we're going to open
 16 it up for public input. And as Judge Hogan said, I
 17 really encourage anybody who has any input to
 18 please come up and share with us. That's truly why
 19 we're here. We're here to hear from all of you
 20 just because there's only -- I always say there's
 21 only so much that we can glean from all the paper.
 22 So thank you all again for being here, and
 23 I look forward to a productive hearing.
 24 JUDGE HOGAN: Commissioner Christmann.
 25 COMMISSIONER CHRISTMANN: Maybe just to

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1 kind of reiterate that but phrased a little bit
 2 differently. Also, I think -- we all welcome you
 3 here, and, you know, it really would be probably
 4 more convenient for us and for a company based in
 5 Bismarck to have a hearing like this in Bismarck,
 6 but the reason we're out here is because we value
 7 the opinions from the people close by.
 8 And our job in this is not to make sure
 9 that this gets approved or to try and stop it. Our
 10 job is to do the right thing based on the law, and
 11 we can make that best possible decision when we
 12 have the best information, and that involves people
 13 who live in the area. And so that's why we come
 14 out to the -- to somewhere near the area where
 15 something is going to be constructed because we
 16 want your information.
 17 However, we don't have as much flexibility
 18 in -- in the kinds of things we base our decisions
 19 on in a case like this as, say, a local zoning
 20 board might where they can really base their
 21 decisions on factors that are pretty broad. We
 22 have a limited set of things that we by law
 23 evaluate, and -- and Judge Hogan read those off.
 24 And other things -- and I bring this up
 25 because I've seen some -- some comments out and

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1 about on all kinds of different topics. Those
 2 aren't our subject matter. And so if -- that
 3 just is not for this hearing. Our hearing is to
 4 discuss things that fall into the factors that
 5 Judge Hogan read off, and so that's what we'll have
 6 to base our decision on. Those are the only things
 7 that the law allows us to base our decision on.
 8 And so we -- we look forward to hearing
 9 the information from the company. The other thing
 10 is, you know, you may have heard things uptown or
 11 in the newspapers or something, on the radio about
 12 the case that has changed, and that's the other
 13 reason why we have these -- these hearings and just
 14 don't go by the paperwork, because as the project
 15 is evolving, the companies oftentimes make changes
 16 to their project in order to solve problems that
 17 they hear about.
 18 And so what you hear today is what the
 19 application is, not necessarily what you heard
 20 uptown or on the radio or in the newspaper.
 21 So look forward to the hearing and look
 22 forward to hearing from the public after.
 23 JUDGE HOGAN: Thank you.
 24 Commissioner Haugen-Hoffart.
 25 COMMISSIONER HAUGEN-HOFFART: Good

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1 morning, everyone. It's good to see a full room,
 2 and that's all I have. Let's get this started.
 3 JUDGE HOGAN: All right. Thank you.
 4 So as far as exhibits, Basin prefiled five
 5 exhibits which are available on the PSC -- the
 6 docket -- the PSC docket which you can access
 7 through their website. Basin also filed testimony
 8 for its three witnesses. I've labeled that
 9 prefiled testimony, Mr. Bauer's as Exhibit 6,
 10 Mr. Hertz as Exhibit 7 and Ms. Dukart's as
 11 Exhibit 8.
 12 This morning Basin also submitted the
 13 certification relating to order provisions. I have
 14 labeled that as Exhibit 9 and have labeled the
 15 application as Exhibit 10.
 16 Ms. Olson, any corrections to my list of
 17 exhibits?
 18 MS. OLSON: No, Your Honor.
 19 JUDGE HOGAN: And are you willing to
 20 stipulate to admission, I assume?
 21 MS. OLSON: Yes.
 22 JUDGE HOGAN: And, Mr. Johnson, any
 23 corrections, and are you willing to stipulate?
 24 MR. JOHNSON: No corrections and I will
 25 stipulate.

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1 JUDGE HOGAN: All right. Then Exhibits 1
2 through 10 as described will be entered into the
3 record for this matter.
4 Any other preliminary matters we need to
5 address, Ms. Olson?
6 MS. OLSON: No, Your Honor.
7 JUDGE HOGAN: Mr. Johnson?
8 MR. JOHNSON: No, Your Honor.
9 JUDGE HOGAN: All right. Then, Ms. Olson,
10 you can call your first witness.
11 MS. OLSON: Okay. I call Mr. Chris Bauer.
12 THE WITNESS: The rug's not cooperating.
13 JUDGE HOGAN: Good morning.
14 MR. BAUER: Good morning.
15 JUDGE HOGAN: I'll have you start by
16 stating your full name for the record.
17 MR. BAUER: My full name is Christopher
18 Lane Bauer.
19 JUDGE HOGAN: I'm going to have you pull
20 that mike just a little bit closer because I'm not
21 sure how well it's --
22 MR. BAUER: My full name is Christopher
23 Lane Bauer.
24 JUDGE HOGAN: Much better. Thank you.
25 Can you spell your last name for the

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1 record.
2 MR. BAUER: B-a-u-e-r.
3 JUDGE HOGAN: And, Mr. Bauer, before you
4 testify this morning, I'm required by law to advise
5 you on the penalties for perjury in the state of
6 North Dakota. Perjury is a Class C felony
7 punishable by a maximum fine of \$10,000, a maximum
8 five years' imprisonment or both. Do you
9 understand what perjury is?
10 MR. BAUER: Yes, I do.
11 (Witness sworn.)
12 JUDGE HOGAN: All right. Thank you.
13 Go ahead, Ms. Olson.
14 MS. OLSON: Thank you.
15 **CHRIS BAUER,**
16 being first duly sworn, was examined and testified
17 as follows:
18 **EXAMINATION**
19 **BY MS. OLSON:**
20 Q. Good morning. To start, please state your
21 name and employer.
22 A. Good morning. My name is Chris Bauer.
23 I'm employed with Basin Electric Power Cooperative.
24 Q. What is your position with Basin Electric?
25 A. I work in the engineering and construction

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1 department, and I am the supervisor of structural
2 engineering.
3 Q. Please describe your educational and
4 professional background.
5 A. I received a bachelor of science degree in
6 civil engineering and a master of science degree in
7 civil engineering from South Dakota School of Mines
8 & Technology in 2002 and 2007. I'm a professional
9 engineer registered in North Dakota, South Dakota,
10 Wyoming, Montana and Minnesota. I began my career
11 as a consulting engineer in 2003.
12 And since joining Basin Electric in 2014,
13 I have worked on several projects as the structural
14 engineering lead, including new generation
15 projects, and I've also served as a project
16 coordinator on major upgrade and retrofit projects
17 at Basin Electric's existing facilities.
18 Q. What is your role with respect to the
19 Bison Generation Station project?
20 A. For this project, I am the project
21 coordinator. I'm responsible for all activities
22 associated with development and execution of the
23 project, including detailed project siting,
24 detailed project scoping, development of the
25 project schedule and the project budget,

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1 coordinating with project stakeholders, and
2 ultimately developing and executing the
3 construction contracting strategy for the project.
4 Q. Are you familiar with the contents of
5 Basin Electric's application for this project?
6 A. Yes, I am familiar with the application's
7 contents.
8 Q. What is the purpose of your testimony
9 today?
10 A. The purpose of my testimony is to describe
11 the project's development, the project scope, the
12 overall execution plan. I will also address the
13 application of the Commission's policy criteria to
14 the project.
15 Q. Please describe Basin Electric.
16 A. Basin Electric is a regional wholesale
17 electric generation and transmission cooperative
18 organized under the laws of North Dakota and
19 headquartered in Bismarck. Basin Electric provides
20 wholesale power to over 130 member cooperatives
21 serving approximately 3 million consumers in nine
22 states.
23 Q. Let's talk about the project description.
24 Please provide a general description of the project
25 and its location.

20

1 **A.** So the project, which will be known as
 2 Bison Generation Station, consists of two
 3 multi-shaft combined-cycle generation units with an
 4 expected capacity of up to 745 megawatts per unit.
 5 Exhibit 1 is a very simplified overall
 6 schematic of the combined-cycle power plant. The
 7 one -- the one item missing is the air-cooled
 8 condenser from the exhibit, but it's a -- it's a
 9 good reference for running through how a combined
 10 cycle works.
 11 So each unit has an advanced class
 12 combustion turbine with a generator. Behind the
 13 combustion turbine is a fully fired heat recovery
 14 steam generator. There's also a steam turbine and
 15 generator to produce additional power and then an
 16 air-cooled condenser to condense the steam.
 17 **Q.** Where is the project site located?
 18 **A.** Exhibit 2 is a map of the project site.
 19 It shows the site as well as relative to existing
 20 transmission and gas infrastructure.
 21 The project will be located on a 240-acre
 22 site in Wheelock Township purchased by -- by Basin
 23 Electric on May 30, 2025. The location is a little
 24 over a mile south of Highway 2 between Epping and
 25 Wheelock.

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1 Additionally, Exhibit 3 is a project
 2 rendering and then also some photo simulations
 3 which basically puts that project rendering in the
 4 real world with photos from several vantage points,
 5 you know, around the project site. So those are
 6 included in Exhibit 3.
 7 **Q.** Who will the project serve?
 8 **A.** This project is a network generation
 9 resource in the Southwest Power Pool that will
 10 serve members throughout Basin Electric's service
 11 territory that are within the Southwest Power Pool
 12 footprint, which is primarily in the North Central
 13 United States.
 14 Specific local members that will be served
 15 by this project include Class A member Upper
 16 Missouri Power Cooperative and Class C member
 17 Mountrail-Williams Electric Cooperative.
 18 **Q.** Will Basin Electric own the project?
 19 **A.** Yes, Basin Electric will own the project.
 20 **Q.** Please describe the project schedule.
 21 **A.** If the Commission grants a certificate of
 22 site compatibility, initial site grading will begin
 23 in the middle of August. Pending receipt of the
 24 air permit from -- air permit to construct from the
 25 North Dakota Department of Environmental Quality,

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1 deep foundation work would begin in early 2026.
 2 The first unit is planned for commercial
 3 operation in February or March of 2029, and then
 4 the second unit will be planned for commercial
 5 operation about a year after that in March of 2030.
 6 The stagger in commercial operation dates
 7 and overall project schedule was developed to
 8 reduce the peak construction workforce required to
 9 build the project.
 10 **Q.** What is the estimated project cost?
 11 **A.** The current cost projection is
 12 \$3.68 billion for this project.
 13 **Q.** Now let's turn to the project design. Can
 14 you first generally describe the project's primary
 15 generation equipment?
 16 **A.** Yes. And, again, Exhibit 1 is a decent
 17 reference for the primary equipment. Each unit,
 18 which are identical units, consists of an advanced
 19 class combustion turbine and generator. Combustion
 20 turbine takes inlet air, compresses it, mixes it
 21 with the fuel, and the combustion then drives a
 22 generator attached to the turbine. That generated
 23 electricity is, ultimately through a step-up
 24 transformer, injected into the electric grid.
 25 The exhaust of the combustion turbine goes

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1 through a heat recovery steam generator, as well as
 2 supplemental heat input from duct burners to
 3 generate steam. The heat recovery steam generator
 4 also includes emission control equipment for the
 5 exhaust off the combustion turbine. Ultimately
 6 after going through the heat recovery steam
 7 generator, the exhaust goes out the stack.
 8 A steam turbine and a generator is also
 9 included which receives the steam flows from the
 10 heat recovery steam generator and, again, drives
 11 the generator and transmits to the grid through a
 12 step-up transformer.
 13 After the steam exhausts from the steam
 14 turbine, it goes to an air-cooled condenser. The
 15 air-cooled condenser turns the steam back to
 16 condensate, and that is then recycled back into the
 17 heat recovery steam generator in a closed system.
 18 Unlike traditional cooling towers that
 19 continuously release water vapor to the atmosphere
 20 to cool, the closed system of an air-cooled
 21 condenser does not require significant makeup
 22 water.
 23 **Q.** What is the project's expected electrical
 24 output?
 25 **A.** The project is designed to meet variable

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1 electric demands and -- as low as 150 megawatts or
 2 as high as 1,486 megawatts.
 3 Q. Please describe the key associated
 4 auxiliary equipment included with the project.
 5 A. Yeah. The key auxiliary equipment for
 6 this project includes relatively large powerhouse
 7 buildings to enclose the generation equipment.
 8 There's a common building which includes our
 9 administrative area and offices, as well the
 10 control room, warehouse, maintenance shops, as well
 11 as a water treatment facility.
 12 Outdoor equipment includes the generator
 13 step-up transformers, as well as unit auxiliary
 14 transformers. A 230 to 345-kV substation is also
 15 included in the project, as well as a natural
 16 gas-fired auxiliary boiler.
 17 And there are approximately 55 acres of
 18 lined process wastewater evaporation ponds. Two
 19 stormwater ponds, one approximately two acres and
 20 one approximately three acres. As well as
 21 temporary construction and warehousing facilities
 22 to facilitate construction of the project.
 23 Q. Why did Basin Electric select advanced
 24 class combustion turbines in combined cycle for the
 25 project?

25

1 A. Benjamin Hertz will provide additional
 2 details for the overall need and some of the
 3 conclusions reached by the resource planning folks
 4 for this project.
 5 On the development and execution side, our
 6 team took the results and their conclusions and
 7 actually considered several alternatives in order
 8 to validate those conclusions. We considered
 9 alternatives that were all natural gas-fired,
 10 simple cycle and combined cycle.
 11 Our analysis consisted of capital
 12 construction costs, operations and maintenance
 13 costs as well as fuel costs. The results of our
 14 analysis did conclude that a combined cycle with
 15 advanced class combustion turbines was the most
 16 economical option.
 17 Basin Electric selected a two-unit plant
 18 configuration to balance economics along with plant
 19 availability and plant reliability.
 20 Q. What factors contributed to Basin
 21 Electric's selection of the project site?
 22 A. Erin Fox Dukart will speak about specific
 23 factors on site selection. Again, from a detailed
 24 siting, our team looked at over 65 sites in total.
 25 Potential sites were considered in Williams,

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1 Mountrail, McKenzie and Dunn Counties for this
 2 project.
 3 Key considerations for this project site
 4 included distance to transmission and fuel
 5 interconnections, location relative to the
 6 forecasted load growth, expected transmission
 7 system upgrades for the generator interconnect, and
 8 expected dispatch modeling for this resource and
 9 our existing resources in the SPP territory.
 10 For a project this size, robust fuel
 11 supply and transmission interconnection weighed
 12 heavily in the decision-making. An additional
 13 benefit of this project site is the proximity to
 14 nearby rail sidings for the delivery of large
 15 equipment associated with this project.
 16 Q. What is the fuel supply for the project?
 17 A. Natural gas for the project will be
 18 transported by WBI Energy. WBI Energy is
 19 constructing a new 24-inch diameter steel pipeline
 20 lateral to support the project. And the
 21 approximate routing of that does show up on
 22 Exhibit 2 as well.
 23 The new lateral is expected to be
 24 approximately 16 miles long and will be permitted
 25 separately by WBI Energy.

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1 Q. How much water will the project consume
 2 and what is the water supply?
 3 A. Water use during construction is primarily
 4 for dust control and quality control measures
 5 associated with earthwork. Water use during
 6 operations would include potable water for
 7 employees, makeup water for evaporative cooling,
 8 some makeup water for the steam system, and in the
 9 event of a fire it would also include fire
 10 protection for the facility.
 11 The time-weighted average consumption for
 12 the project would be about 61 gallons per minute,
 13 and the maximum water consumption would be
 14 235 gallons per minute.
 15 Basin Electric is working with Northwest
 16 Rural Water District to supply water for this
 17 project, and they have agreed to supply the water,
 18 and all these flows have been coordinated with
 19 Northwest Rural Water.
 20 Q. Is any new electrical transmission needed
 21 for the project?
 22 A. For construction of the project, Basin
 23 Electric is working with Mountrail-Williams on
 24 temporary construction power as well as essential
 25 service backup power long term for the project.

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1 As far as once the project is operational,
 2 interconnections to both the 230-kilovolt system
 3 and 345-kilovolt system are planned. The 230-kV
 4 interconnect will be two 230 lines running from the
 5 project site a little over a mile north to the
 6 existing Wheelock substation. The 345-kV
 7 interconnect will be done by bisecting an existing
 8 345-kV line, again approximately a little over a
 9 mile south of the project site.

10 Transmission services interconnections
 11 will be permitted separately by Basin Electric.

12 **Q.** How does the project's lighting design
 13 limit impacts to neighboring properties?

14 **A.** The project does require exterior lighting
 15 for both the safety of our workers and security of
 16 the site. This includes both the generation site
 17 and the substation. Exterior lighting is designed
 18 in accordance with the Illumination Engineering
 19 Society and OSHA recommended illuminance levels
 20 only.

21 Outdoor fixtures will be installed where
 22 only needed for safety and security, and the level
 23 of lighting will only be for those purposes. Light
 24 fixtures will be shielded and directed downward to
 25 minimize light visible from adjacent -- from

29

1 adjacent properties.

2 **Q.** How will Basin Electric limit the
 3 project's noise impacts?

4 **A.** Due to the winter conditions in the area,
 5 most of the equipment is actually located indoors
 6 which provides significant noise mitigation. Main
 7 sources outside include transformers, the fuel gas
 8 heaters, the air-cooled condensers, cooling water
 9 heat exchangers, as well as the inlet to the
 10 combustion turbine and the stack. Portions of the
 11 steam piping and vents are also located outside of
 12 the building.

13 Equipment manufacturers are contractually
 14 required to meet sound level guarantees for their
 15 equipment. Those -- those values are below the
 16 values included in -- below the values included in
 17 the noise study completed for this project.

18 Basin Electric continues to monitor all
 19 equipment purchased for the project and assure that
 20 the noise guarantees are below those in the sound
 21 study.

22 Erin Fox Dukart will speak more -- will
 23 speak -- will provide more details on the sound
 24 study in her testimony.

25 **Q.** Turning to construction, how will Basin

30

1 Electric maintain the project site during and after
 2 construction?

3 **A.** Basin Electric has partnered with Burns &
 4 McDonnell to perform engineering, procure materials
 5 and then also assist with construction management
 6 of the project. We've also contracted with Ray
 7 Farmers Union to provide weed control for the
 8 project until construction begins.

9 So Basin Electric will maintain a presence
 10 at the project site during construction and will
 11 require all construction contractors to meet Basin
 12 Electric's corporate standards.

13 During construction, contractors will
 14 limit ground disturbance to the extent feasible and
 15 use necessary erosion control measures, including
 16 silt fence, rock checks, flow diverters, mulching,
 17 temporary seeding, mesh fabric overlay to control
 18 runoff to the stormwater ponds. Basin Electric
 19 will continue weed control efforts during
 20 construction as well.

21 After construction, areas disturbed to
 22 facilitate the construction will be restored.
 23 Restoration will include removal of any temporary
 24 surfacing, replacement of stockpiled topsoil and
 25 reseeded the native grasses. Other reclamation

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1 activities include removing and disposing of debris
 2 and dismantling any temporary construction
 3 facilities.

4 **Q.** Please briefly describe the construction
 5 process.

6 **A.** Once initial site grading is complete, we
 7 will begin deep foundations. Once the deep
 8 foundations are complete, the concrete foundations
 9 would start after that, followed by installation of
 10 the primary generation equipment as well as the
 11 structural steel. After that, building enclosure,
 12 electrical work and auxiliary equipment
 13 installation would follow.

14 The general construction sequence is to
 15 complete the common area, Unit 1 and then Unit 2.
 16 Then clean up with the final site grading and
 17 finishing. This is an orderly process basically
 18 constructing the project from the south side of the
 19 site to the north side of the site.

20 **Q.** Are there any existing pipelines or other
 21 infrastructure on the project site that will need
 22 to be located?

23 **A.** Yes. There is an existing 115-kilovolt
 24 transmission line owned and operated by
 25 Montana-Dakota Utilities that currently runs across

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1 the southeast corner of the project site. Basin
 2 Electric has been working with Montana-Dakota
 3 Utilities to reroute that line along our site,
 4 however just along the east and south edges instead
 5 of running across it at a diagonal. The reroute is
 6 expected to be completed later this year.
 7 No existing underground utilities are
 8 located on the project site.
 9 Q. What are the project's expected traffic
 10 impacts?
 11 A. The project will use measures to minimize
 12 disruption and inconvenience to the public.
 13 However, possible traffic impacts during
 14 construction include transport of large loads to
 15 the project site and increased traffic for the
 16 construction workforce. Large loads are permitted
 17 through the North Dakota Highway Department, and
 18 those are being permitted directly by the equipment
 19 suppliers to bring on the site.
 20 Basin Electric anticipates equipment
 21 suppliers will utilize rail sidings in Wheelock,
 22 Epping and Ray, and over-the-road transport will be
 23 limited.
 24 Basin Electric has met with the North
 25 Dakota Department of Transportation Williston

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1 District to discuss adding turn lanes at the
 2 intersection of 121st Avenue and Highway 2. Based
 3 on those discussions, the Department of
 4 Transportation was willing to add turn lanes if
 5 they followed all Department of Transportation
 6 standards and were paid for by Basin Electric.
 7 Additionally, Basin Electric has been
 8 meeting with the Wheelock Township board to discuss
 9 improving and paving 121st Avenue South from the
 10 project site up to Highway 2.
 11 Based on both those discussions, Basin
 12 Electric is actively pursuing adding the turn lanes
 13 off of Highway 2 as well as the road improvements
 14 on 121st Avenue.
 15 Q. What benefits does the project provide to
 16 the local economy?
 17 A. The wages and salaries paid to contractors
 18 and workers may provide income for residents in the
 19 area. Additionally, Basin Electric will have
 20 business expenditures for operating supplies and
 21 other products and services which would also
 22 benefit local businesses.
 23 Once the plant is operational, Basin
 24 Electric will pay taxes to Williams County,
 25 including a production tax per megawatt based on

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1 how much electricity is generated annually, and a
 2 capacity tax per megawatt based on the power
 3 plant's capacity.
 4 Q. What type of labor force will Basin
 5 Electric need for the project?
 6 A. The construction workforce will consist of
 7 several different skilled trades as well as
 8 appropriate supervision and management of the
 9 skilled workers. Local labor will be used to the
 10 extent practicable and available.
 11 Overall, Basin Electric expects up to 800
 12 skilled workers and up to 200
 13 supervision/management people on site at peak
 14 construction activities in 2027.
 15 Q. What housing provisions are required for
 16 this type of workforce?
 17 A. According to a housing study commissioned
 18 by Basin Electric, some response to increase demand
 19 by the local real estate market is expected.
 20 During construction, out-of-town workers are
 21 expected to use a combination of rental properties,
 22 campgrounds and lodging facilities within a 60- to
 23 90-minute drive to the project site.
 24 Basin Electric continues to monitor the
 25 dynamic environment of housing in the area as well

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1 as the dynamic environment of competing projects in
 2 the area and working with potential contractors as
 3 soon as possible to work on strategies for
 4 workforce housing.
 5 As a note, Basin Electric is nearly
 6 complete with the project of Pioneer Generation
 7 Station, which is approximately 40 miles from this
 8 project site which had a peak workforce in August
 9 of 2024 of approximately 430 workers without any
 10 reported housing impacts.
 11 Q. After construction, how many workers are
 12 expected to operate the project?
 13 A. Basin Electric is still in the process of
 14 our staffing plan for the project when operational.
 15 The current estimate for permanent workforce is
 16 approximately 50 full-time employees.
 17 Q. Will Basin Electric be prepared if there
 18 are emergency situations?
 19 A. Basin Electric and Burns & McDonnell have
 20 established a site-specific safety and health plan
 21 for this project. This plan requires all
 22 contractors who work on the project to work
 23 collaboratively with Basin Electric on development
 24 of an emergency action plan for medical
 25 emergencies, fire prevention, hazardous material

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1 and severe weather conditions.

2 Q. How will Basin Electric ensure workforce
3 safety?

4 A. Safety is a -- safety performance is a
5 prime consideration with any contractor working
6 with Basin Electric. Basin Electric defines safety
7 performance requirements and responsibilities in
8 the project specific safety and health plan --
9 safety and health program, and holds each
10 contractor contractually obligated to meet those
11 requirements.

12 The safety and health program also deals
13 with subcontractors and agents working at the
14 project site. The project safety and health
15 program exceeds the requirements of federal, state
16 and local regulatory agencies.

17 Q. And now let's talk about a few issues
18 relating to the Commission's policy criteria.

19 First, will any residents be required to relocate
20 due to the project?

21 A. No residents will be relocated due to the
22 project.

23 Q. Next, what efforts has Basin Electric made
24 to economize the project's cost of construction and
25 operation?

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1 A. Basin Electric has an obligation to its
2 members to construct facilities in a way that
3 manages costs while maintaining reliability and
4 safety. By selecting this site for the project,
5 the cost of infrastructure and transmission
6 interconnections was reduced, thereby minimizing
7 the overall project cost.

8 All materials and services are
9 competitively bid by qualified suppliers and
10 contractors, and the proximity to rail sidings
11 reduces delivery costs for the major materials and
12 equipment. The selection of the advanced class
13 combustion turbines in a combined-cycle
14 configuration maximizes plant efficiency, resulting
15 in lower fuel costs for the electrical output for
16 the life of the facility.

17 Additionally, Basin Electric maintains its
18 own facilities and minimizes the cost of contracted
19 services for maintaining the facilities.

20 Q. And what is Basin Electric's approach to
21 labor relations?

22 A. Basin Electric uses both union and
23 nonunion contractors and maintains an equitable and
24 fair relationship with labor unions.

25 Q. To conclude your testimony, can you please

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1 tell us, based on your knowledge of the project,
2 will its construction, operation and maintenance
3 produce minimal adverse effects on the environment
4 and human welfare?

5 A. Yes. Basin Electric has implemented the
6 Commission's criteria in the project design,
7 siting, construction, which ensures the project
8 will have minimum adverse impacts on the
9 environment and human welfare.

10 Q. Based on your knowledge of the project, is
11 it compatible with the environmental preservation
12 and the efficient use of natural resources?

13 A. Yes. The project will be constructed,
14 operated and maintained in a manner to protect the
15 environment and natural resources.

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

19 A. Yes. The project will be a critical
20 component in ensuring local and regional electrical
21 reliability.

22 MS. OLSON: Thank you. I have no further
23 questions for Mr. Bauer.

24 JUDGE HOGAN: Mr. Johnson, any questions?

25 MR. JOHNSON: None from this -- none for

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1 this witness, Your Honor.

2 JUDGE HOGAN: Mr. Frank, any questions?

3 MR. FRANK: None at this time.

4 JUDGE HOGAN: Commissioner Kringstad.

5 COMMISSIONER KRINGSTAD: Yes. Just a
6 couple.

7 EXAMINATION

8 **BY COMMISSIONER KRINGSTAD:**

9 Q. Thank you, Mr. Bauer. And I'm going to
10 ask some questions and if those need to be held for
11 another witness, just let me know.

12 A. I will gladly take that opportunity if
13 it's applicable. Yeah.

14 Q. Okay. So from a -- from a broad
15 perspective, if this permit is approved, would this
16 be the first combined-cycle plant in the state?

17 A. Yes.

18 Q. Okay. And you had talked a little bit
19 about -- or actually quite a bit about some of the
20 economic benefits of a plant like this. Are there
21 any other benefits besides economic for a plant
22 like this?

23 A. Yeah. I think there's a lot of benefits
24 for a plant like this when it comes to not only
25 economics but also flexibility. You know, you see

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1 as low as 150 megawatts and as high as at 1486. I
 2 mean, there's a huge range of flexibility there.
 3 It allows the plant to respond to different
 4 factors, you know, whether it be wind, you know,
 5 load requirements, that type of thing.
 6 Additionally, you are -- you're really
 7 maximizing your output for the amount of gas you're
 8 burning. So when you look at just overall
 9 emissions when you look at combined cycle, the
 10 simple cycle, way less overall emissions per
 11 megawatt.
 12 Q. It also seems to be like a very efficient
 13 way to generate electricity because you're
 14 generating it not only from the combustion turbine
 15 but also the steam turbine as well.
 16 A. Yeah. I mean, it takes plant efficiencies
 17 overall. I mean, it -- I think I have a couple
 18 references here because I was curious myself. You
 19 know, it takes plant efficiencies from like 38 and
 20 a half percent up to like 64 percent. So that's
 21 where you're talking about, you know, taking one
 22 source of energy, turning it into another and, you
 23 know, getting up to 64 percent of that in a
 24 combined cycle, especially with the gas turbines
 25 specifically we've selected.

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1 Q. Okay. I know you had said during your
 2 testimony that the air-cooled condenser wasn't
 3 shown on Exhibit 1, but if I understood your
 4 explanation, if we were to put it in Exhibit 1,
 5 where it would go essentially is off of the steam
 6 turbine and then it would be, like, recycled back
 7 into the heat recovery steam generator; is that
 8 correct?
 9 A. That is correct. Yeah. And there's a
 10 Figure 1.2 in the application that does have it on
 11 there as well. It shows it. Yeah, but it comes
 12 off the steam turbine and then you pump the
 13 condensate back into the heat recovery steam
 14 generator.
 15 Q. You talked about how the interconnection
 16 for potentially this plant would be the Wheelock
 17 substation. If I'm looking at Exhibit 5, I just
 18 want to make sure I -- I understand where it's
 19 reflected here. So is that essentially that light
 20 blue dot just north of like the 45 dBA ring?
 21 A. That is correct. So that's where the 230
 22 would -- would interconnect. So I'm losing track
 23 of the exhibit numbers, I'll be honest, but we call
 24 it Exhibit 2, if that's the right -- the map that
 25 shows the 345 and 230 system.

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1 Q. Okay.
 2 A. Yeah. So you can see there's a line going
 3 north there as well, so that's at that Wheelock
 4 substation. The blue is the 230. The red is the
 5 345. So you can see, too, you know, we're -- we're
 6 bisecting that 345 line and this is kind of right
 7 in the middle of the two, so we have robust
 8 interconnection to both the 230 and 345 system.
 9 Q. Okay. Perfect. With the project
 10 timeline, the -- the intention is for Unit 1 to
 11 come online first and begin generating while Unit 2
 12 is still under construction; correct?
 13 A. Correct. Yep.
 14 Q. And then in the application, I just wanted
 15 to verify, so it's on -- it's labeled page 4-21
 16 when it talks about, like, under the Visual Impact
 17 section. So it says, "The nearest individual
 18 residences to the project are located over 1 mile
 19 to the southwest, 1.2 miles to the northeast and
 20 1.3 miles to the northwest."
 21 I just want to verify, are those
 22 residences occupied or are they unoccupied
 23 structures?
 24 A. The ones to the east are for sure. I
 25 would not -- I do not know for sure on the other

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1 ones. I would have to -- I would have to review
 2 that and see.
 3 Q. Okay. So you said the ones to the --
 4 A. I'm sorry. Directly to the west.
 5 Q. Okay. The west are for sure?
 6 A. Again, on the noise map, those ones to the
 7 west are the ones that are -- I know are occupied.
 8 Q. Mm-hmm. Okay. Because I do have some
 9 questions on sound and the noise map that relate to
 10 this, but I think I should hold those for Ms. Fox
 11 Dukart; right?
 12 A. Yes, please.
 13 Q. Okay. Sounds good.
 14 You had talked about restoration
 15 activities and reclamation activities. Can you
 16 give me a little more detail about that process?
 17 A. Yeah. So eventually once we've got the
 18 site constructed and got the necessary roads to get
 19 at the things we need to, our goal is to get
 20 everything back to native grasses outside of that.
 21 So, you know, once the laydown area is done, you
 22 know, filled back, whatever improvements need to be
 23 made to facilitate construction, respread topsoil
 24 and go back to native grasses.
 25 Q. Okay. And has Basin Electric established

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1 like a baseline that it wants to return to for
 2 something like this?
 3 **A.** We have. I mean, it's -- it is everything
 4 that we can possibly seed, we will. I'd have to
 5 look at the -- the general arrangement in here.
 6 So, yeah, essentially on the general arrangement,
 7 there is a north entrance and a south entrance and
 8 then some roads that wrap around that. Basically
 9 if it's not in the substation or inside the roads,
 10 the goal is to put it back to native grasses.
 11 **Q.** Okay. You said the fuel supply for this
 12 project is coming from WBI; correct?
 13 **A.** Correct.
 14 **Q.** And is that pipeline, that permit, is that
 15 a FERC permit?
 16 **A.** That is FERC jurisdictional --
 17 **Q.** Jurisdictional.
 18 **A.** -- from what I understand. Yes.
 19 **Q.** Okay. Is there an anticipated timeline
 20 for a permit like that?
 21 **A.** It is sometime the first half of next
 22 year.
 23 **Q.** Okay. But the -- has the application been
 24 submitted to FERC?
 25 **A.** So other than coordinating general things

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1 with WBI, we're -- we're letting them take care of
 2 that.
 3 **Q.** Okay. I have a couple questions related
 4 to traffic. Is that --
 5 **A.** Yep.
 6 **Q.** -- for you? Okay.
 7 So you covered this on page 11 and 12 of
 8 your prefiled testimony, but just help me
 9 understand a little further. Who plays what role
 10 when we're talking about traffic between, like, the
 11 state DOT, the county, the local?
 12 **A.** So everything we've dealt with to date,
 13 just the way it works out, is either it's the DOT
 14 with Highway 2 and specifically the folks in the
 15 Williston district office or the Wheelock Township
 16 because that's a township road that we're on. So
 17 those are the two entities we've been coordinating
 18 with, just the way it worked out. There weren't
 19 any official county roads there. We did visit with
 20 the county, and they let us know right away that's
 21 a township road and you should be working with the
 22 township.
 23 **Q.** Okay. So the main concerns you talked
 24 about were the transportation of large-load
 25 equipment and the increase of construction traffic;

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1 right?
 2 **A.** Yep.
 3 **Q.** Any other concerns related to traffic that
 4 you've identified?
 5 **A.** I guess not specifically to traffic or
 6 perhaps traffic -- just dust control as well. You
 7 know, the timing of actually paving that road and
 8 what we would do for dust control measures in
 9 between. I think you want to get some of the
 10 heavier loads to the site before you actually pave
 11 that road, so we -- we anticipate improving the
 12 road, leaving it unpaved for a certain amount of
 13 time to be determined, and then -- and then pave it
 14 closer to completion of the project versus pave a
 15 road just to tear it up and repave it. So dust
 16 mitigation is another concern with that.
 17 **Q.** So talk a little more about if -- if those
 18 are the main concerns, what mitigation efforts
 19 you're looking at to address those?
 20 **A.** Well, I think the big thing is just
 21 improving all the roads from where we see most
 22 people getting to the site from. You know, I'm
 23 pleased to hear that the DOT was allowing us to put
 24 on the turn lanes. Technically, temporary
 25 situations like this where you have temporary

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1 construction traffic do not warrant, you know, turn
 2 lanes. It's questionable if long-term operation
 3 would ever warrant turn lanes either, but by the
 4 time you wait for that, it's too late.
 5 So proactively we're working to actually
 6 bid out that work in July to try to get somebody on
 7 board and try to get all those improvements made as
 8 soon as possible.
 9 **Q.** Okay. And those improvements are all
 10 going to be paid for by Basin Electric --
 11 **A.** Correct. Yeah.
 12 **Q.** -- not like state DOT or anything?
 13 **A.** Nope. All by Basin Electric, included in
 14 the project budget. Yep.
 15 COMMISSIONER KRINGSTAD: Okay. I think
 16 that's all I had. Thank you.
 17 THE WITNESS: Yep. Thank you.
 18 JUDGE HOGAN: Commissioner Christmann.
 19 **EXAMINATION**
 20 **BY COMMISSIONER CHRISTMANN:**
 21 **Q.** Most of my questions for you I think have
 22 been covered. Just maybe a couple holes to fill
 23 in.
 24 So you said the gas pipeline is FERC
 25 regulated. The transmission lines, I think you --

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1 excuse me -- I think you said that both the 230 and
 2 the 345 are more than a mile, so is it your
 3 presumption those would require siting?
 4 **A.** Correct. Yes. That is the plan.
 5 **Q.** And when do you anticipate doing that?
 6 **A.** I would defer that question to Erin Fox
 7 Dukart to provide specifics. I do not recall if --
 8 off the top of my head exactly when we're doing
 9 that. We're actively working on it. I'm not sure
 10 where we're at on the -- on the status, though.
 11 **Q.** Okay. And you mentioned the construction
 12 force of a thousand. We get applications for
 13 various things and people emphasize the
 14 construction workforce rather than the permanent
 15 FTEs.
 16 **A.** Yeah.
 17 **Q.** By the way, I appreciate you also
 18 mentioned the expectation for FTEs, so it wasn't
 19 misleading. But when people think of up to a
 20 thousand people at peak construction, I'm trying to
 21 get a time frame for that. Like how long do you
 22 think that the construction workforce will be, say,
 23 in the 500 to a thousand range?
 24 **A.** Yeah. Let me -- let me review our housing
 25 and labor study here. We do have -- the appendix

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1 is at -- I know the peak is in 2027. There it is.
 2 So it's actually -- it's actually in
 3 the -- in the labor study portion of our housing
 4 and labor study in the application. Where we -- we
 5 indicate -- and this is -- this is just the craft
 6 workforce. This doesn't include the management and
 7 supervision. But we had -- 793 was our estimate
 8 and that was in August of '27. When we're getting
 9 over that 500 mark, it's going to be the end of
 10 2026, and then we would stay over 500 until about
 11 January of '29, so --
 12 The -- the stagger on the commercial --
 13 **Q.** Two and a half years.
 14 **A.** Yeah. The stagger on the commercial
 15 dates, it drags it out a little bit, but it really
 16 reduces the peak, so that's why we have that --
 17 that's a larger stagger than normal on a two-unit
 18 facility like this, but we recognize that the peak
 19 poses quite a few issues and even risks to the
 20 project execution style, so -- our execution plan.
 21 So we opted to separate those commercial operation
 22 dates a little bit more than typical.
 23 **Q.** Okay. And you mentioned the MDU line that
 24 needs to be relocated. I presume that that is also
 25 in the budget that Basin Electric will pay for them

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1 to relocate that like you're doing the highway
 2 upgrades?
 3 **A.** Correct. We -- we have a draft agreement
 4 to them and they're supposed to fill in the cost.
 5 **Q.** Good, because I'd hate to have to approve
 6 a rate increase for that.
 7 And I don't know who this is for, but in
 8 the plans, and as Commissioner Kringstad noted,
 9 this is the first combined-cycle plant for North
 10 Dakota, so I guess I don't know what to expect as
 11 far as a cooling water pond, but I sure didn't
 12 expect 53 acres. Is that just way bigger than
 13 necessary because of the lay of the land or is that
 14 how much is necessary, or can you just talk about
 15 if -- out of this whole site to take up 53 acres
 16 for that water pond seems like a lot.
 17 **A.** Yeah. So -- so Basin Electric does have
 18 another combined-cycle down in South Dakota. It's
 19 a much smaller, single unit and it handles its
 20 water treatment differently. So for this one we
 21 have a full water treatment plant to take basically
 22 the potable water from Northwest Rural Water and
 23 improve it to the point that we can actually put it
 24 in through the steam turbine.
 25 So that's the vast majority of the reason

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1 for the evaporation pond is just to get the higher
 2 quality water necessary for a combined cycle.
 3 There's also -- you know, you're sizing
 4 something this has to last for the life of the
 5 plant. Is it maybe oversized a little? I can't
 6 say because that's looking way down the road. And
 7 I have good engineers I think making good judgments
 8 for long term for the project that say, okay, you
 9 know, we're not going to get to a point that, you
 10 know, we can't run this plant because our pond is
 11 full.
 12 So they do need a certain amount of area
 13 to evaporate and maintain water balance. So I
 14 guess I trust my team that they're doing a good
 15 job, they're looking long term at the facility.
 16 That's a goal of Basin Electric is to, you know,
 17 create term -- build facilities that are reliable
 18 and available long term. But it is large.
 19 **Q.** Okay. And then not so much a siting
 20 factor, but if you'd just provide me some
 21 information. We've talked about the peaking plants
 22 for years and years, not just Basin's, but around
 23 the country with the whole grid, and the fact that,
 24 yeah, they ramp up quickly and so they serve an
 25 important purposes -- important purpose, but they are

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1 now, so -- so that means -- like I said, they'll be
 2 working on it here. And the goal is to -- you
 3 know, obviously with potential moving dirt this
 4 year is to get started on -- on serving the
 5 construction power yet this year.
 6 Q. Okay. You talked about MDU's line. How
 7 long is that line that you're paying for to
 8 relocate, that existing 115?
 9 A. The overall length of it or --
 10 Q. Yeah.
 11 A. -- just the length that we're rerouting.
 12 Q. The length that you're rerouting.
 13 A. Oh, it is very short. I don't have the
 14 exact figure.
 15 Q. Oh, okay.
 16 A. I'd have to look at the agreement. I
 17 don't have it --
 18 Q. Okay.
 19 A. -- memorized.
 20 Q. You talked about that turn lane that you
 21 guys are paying for. Upon completion, will you be
 22 removing those turn lanes or will they be
 23 permanent?
 24 A. No. They would remain.
 25 Q. Okay.

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1 A. Yep.
 2 Q. I'm just curious, when you talked about
 3 the 50 full-time employees upon completion, can you
 4 kind of give us an overview of the skills of those
 5 employees that will be at the plant?
 6 A. Yeah. So there will be some
 7 administrative staff, including, you know,
 8 engineers, environmental compliance. There will be
 9 management there, plant manager. There will also
 10 be, you know -- we have a significant warehouse
 11 there, so there will be, you know, warehouse
 12 people. There will be the planners/schedulers who
 13 work to get the required work into the work
 14 management system Basin Electric uses. There will
 15 also be mechanics as well as electrician and
 16 instrument techs to do maintenance on those
 17 systems.
 18 And then the rest would be operations
 19 crews who would have a, you know, lead operator and
 20 then a crew below them of a total of about five to
 21 six per crew is what we're looking at. And it's
 22 24/7 so they would be, you know, operated 24/7 for
 23 the operations folks. The administrative folks
 24 would work a more typical schedule, I guess.
 25 Q. Eight to five?

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1 A. Yeah.
 2 COMMISSIONER HAUGEN-HOFFART: Okay. Thank
 3 you. I have no further questions.
 4 JUDGE HOGAN: Any redirect, Ms. Olson?
 5 **FURTHER EXAMINATION**
 6 **BY MS. OLSON:**
 7 Q. Just one question.
 8 Mr. Bauer, you referenced the housing and
 9 labor study in responding to the commissioners'
 10 questions. That's Appendix D to the application;
 11 is that correct?
 12 A. That is correct.
 13 Q. Okay. And who prepared that study?
 14 A. HDR. We've worked with HDR to prepare
 15 that study.
 16 MS. OLSON: Thank you. No further
 17 questions.
 18 JUDGE HOGAN: Mr. Johnson, any other
 19 questions?
 20 MR. JOHNSON: No, Your Honor.
 21 JUDGE HOGAN: Mr. Frank?
 22 MR. FRANK: A few, Your Honor.
 23 JUDGE HOGAN: Go ahead.
 24
 25

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EXAMINATION
 2 **BY MR. FRANK:**
 3 Q. Mr. Bauer, has Basin made any efforts to
 4 notify the public regarding the length of the
 5 construction activity and possible traffic impacts?
 6 A. Yes. And I -- I believe some of this
 7 might get covered later, but I know about it so I
 8 can take it. Initially, when we started looking
 9 and honing in on this site, we did reach out to the
 10 Williams County Commission as well as the City of
 11 Ray and City of Epping and then ultimately had an
 12 open house in Epping with, you know, showing the
 13 overall schedule, talking about the number of
 14 workers. Very well-attended open house. I don't
 15 have the exact numbers, but it probably doubled
 16 Epping's population, I'm guessing, or more for the
 17 open house.
 18 But, yeah, very well attended. So we have
 19 made efforts to -- to get out in the public and let
 20 them know about the project.
 21 Q. Have you made any efforts to have possible
 22 alternative routes for local traffic or anything
 23 like that?
 24 A. We have not gotten that specific. As far
 25 as local traffic goes, it's kind of -- if you --

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1 when you go to the site, you get there from Highway
 2 2. I mean, most of the traffic will come from
 3 Highway 2. I'm sure there's some traffic that will
 4 come from other areas. Part of it goes to our
 5 strategy on -- on both the housing and labor
 6 management, it's working with contractors early on.
 7 You know, we've provided our housing and labor
 8 study to -- to contractors potentially to work on
 9 this site and -- and to get them looking at it as
 10 early as possible to come up with plans.
 11 Obviously, if -- if they find a spot where
 12 they can house several workers in a certain --
 13 certain location relative to the project site, that
 14 would influence traffic. Right? But we haven't
 15 gotten that figured out yet.
 16 Q. And as far as details for the dust
 17 mitigation plan, would that be you or should I wait
 18 for --
 19 A. That would be me.
 20 Q. Just do you plan on having something
 21 finalized and filed with the PSC or is that just
 22 something you'll be working on and later on
 23 finalize the details?
 24 A. We would be working on that later on.
 25 Yeah.

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1 MR. FRANK: Okay. Thank you.
 2 JUDGE HOGAN: Any other commissioner
 3 questions?
 4 All right. Well, thank you, Mr. Bauer.
 5 THE WITNESS: Thank you.
 6 JUDGE HOGAN: Ms. Olson, you can call your
 7 next witness.
 8 MS. OLSON: Okay. I call Mr. Benjamin
 9 Hertz.
 10 JUDGE HOGAN: Good morning. I'll have you
 11 state your full name for the record and spell your
 12 last name.
 13 MR. HERTZ: Good morning. My name is
 14 Benjamin Jacob Hertz. My last name is spelled
 15 H-e-r-t-z.
 16 JUDGE HOGAN: Mr. Hertz, did you hear me
 17 go through the penalties for perjury earlier?
 18 MR. HERTZ: I did.
 19 JUDGE HOGAN: And do you understand what
 20 perjury is?
 21 MR. HERTZ: I do.
 22 (Witness sworn.)
 23 JUDGE HOGAN: All right. Thank you.
 24 Go ahead, Ms. Olson.
 25

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1 **BENJAMIN HERTZ,**
 2 being first duly sworn, was examined and testified
 3 as follows:
 4 **EXAMINATION**
 5 **BY MS. OLSON:**
 6 Q. Good morning. To start, please state your
 7 name and employer.
 8 A. My name is Benjamin Hertz. I am employed
 9 by Basin Electric Power Cooperative.
 10 Q. What is your position with Basin Electric?
 11 A. I am the manager of power supply planning.
 12 My team is responsible for forecasting our members'
 13 electric consumption, identifying the need for new
 14 resources, evaluating alternatives, and providing
 15 recommendations for new resources to align with
 16 Basin Electric's forecasted obligations.
 17 Q. Please describe your educational and
 18 professional background.
 19 A. I received a bachelor of science degree
 20 with a major in mechanical engineering from North
 21 Dakota State University in 2006. I am a registered
 22 professional engineer in the state of North Dakota.
 23 I have worked for Basin Electric since 2014 in
 24 engineering and resource planning roles.
 25 Q. What is your role with respect to the

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1 Bison Generation Station project?
 2 A. My role with respect to the project has
 3 been to forecast the project need and to recommend
 4 the size, resource type and timing. These were
 5 determined by Basin Electric's annual load forecast
 6 and power supply planning processes.
 7 Q. Are you familiar with the contents of
 8 Basin Electric's application for this project?
 9 A. Yes, I am.
 10 Q. What is the purpose of your testimony
 11 today?
 12 A. The purpose of my testimony is to provide
 13 information related to the project's need. I will
 14 provide general information about Basin Electric's
 15 load forecasting and power supply planning process.
 16 My testimony, together with the
 17 application and other supporting evidence, will
 18 demonstrate the project will ensure continuing
 19 system reliability and integrity and ensure that
 20 energy needs are met in an orderly and timely
 21 fashion.
 22 Q. First, let's talk about the need for the
 23 project. What is Basin Electric's commitment to
 24 North Dakota consumers regarding their electric
 25 power supply?

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1 **A.** Basin Electric is contractually obligated
 2 to meet the supplemental power requirements of its
 3 rural electric cooperatives above their allocation
 4 from the Western Area Power Administration, WAPA.
 5 These North Dakota members include Class A
 6 generation members Upper Missouri Power
 7 Cooperative, Central Electric Power Cooperative --
 8 or Electric Cooperative, and Class C member
 9 Mountrail-Williams Electric Cooperative which
 10 serves members in western North Dakota and around
 11 the project site.

12 **Q.** How did Basin Electric determine the need
 13 for the project?

14 **A.** The need for the project was determined
 15 through Basin Electric's load forecasting and power
 16 supply planning processes. This includes an annual
 17 load forecast, which is a cooperative effort
 18 between distribution members, generation and
 19 transmission members and Basin Electric for its
 20 entire service territory.

21 Basin Electric collects direct electric --
 22 or electric sales and survey information from its
 23 members, along with several sources of demographic
 24 and econometric information. Basin then develops
 25 econometric models to identify the factors in the

65

1 economy that are expected to influence load in the
 2 future.

3 Basin Electric uses these models to
 4 forecast its member load into the future and then
 5 compares that to the resources in its current
 6 portfolio.

7 **Q.** Please describe the results of the load
 8 forecast and power supply planning forecast that
 9 informed the need for the project?

10 **A.** Basin Electric's 2024 load forecast was
 11 approved by the Basin Electric board of directors
 12 in January 2024. The subsequent power supply
 13 planning process compared the results to the load
 14 forecast to Basin Electric's existing generation
 15 fleet and power purchase agreements. The
 16 difference in the load forecast plus losses and
 17 reserves and existing and committed generation
 18 resources identified that additional resources will
 19 be needed in the Southwest Power Pool region in
 20 order to meet growing demand and provide an
 21 adequate supply of capacity.

22 For additional reference, see Exhibit 4,
 23 which is a paragraph showing -- which is a graph
 24 showing the forecasted SPP load and capability for
 25 Basin Electric. This exhibit shows the gap between

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1 its existing resources in the bars and the
 2 forecasted load obligation lines shown above.

3 This quantified deficiency is forecasted
 4 to occur in the late 2020s and is expected to grow
 5 over time.

6 Basin Electric then implemented capacity
 7 expansion modeling in order to determine the most
 8 economic means to provide resources to meet the
 9 forecasted need. This modeling process was
 10 performed with updated performance and pricing
 11 information from a wide spectrum of resource types.

12 As a result of this analysis, Basin
 13 Electric's resource planning recommendation was to
 14 begin the development of a large combined-cycle
 15 facility. And as a result, this project received
 16 board approval late in 2024.

17 Since the 2024 load forecast and the
 18 resulting project recommendation, Basin Electric
 19 has experienced a number of relevant impulses.
 20 First is that Basin Electric has been approached
 21 with a great number more of large load requests
 22 throughout its cooperative service territory.
 23 These requests sum to multiple orders of magnitude
 24 more than Basin Electric's current peak sales
 25 today.

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1 In response to this influx of large load
 2 interest, Basin Electric has been working with its
 3 member-owner stakeholders to develop a large-load
 4 commercial program. This program has been designed
 5 to protect Basin Electric's existing member
 6 ratepayers as these nontraditional loads can drive
 7 significant investments in generation and
 8 transmission infrastructure.

9 This program will require large loads
 10 requesting service to bear financial responsibility
 11 for the new resources needed to serve them.
 12 Essentially, Basin Electric has resolved to plan
 13 for new large loads and data centers separately
 14 from its traditional load growth.

15 Second is that through its 2025 load
 16 forecast, Basin Electric is now forecasting higher
 17 levels of traditional nonlarge load growth. Much
 18 of this is due to oil and gas-related activity in
 19 this region.

20 And the third is the Southwest Power Pool
 21 has implemented a two-season resource adequacy
 22 structure with a substantially higher planning
 23 reserve margin in the winter season. These changes
 24 will require Basin Electric to carry higher levels
 25 of resource reserves, more power plant, above its

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1 peak load than it has in the past.

2 Together these impulses reinforce the

3 justification for the Bison Generation Station

4 which will be needed to -- to meet Basin Electric's

5 current and forecasted traditional load growth.

6 Basin Electric has communicated to its

7 members that in order to serve large loads and data

8 centers forward, that additional resource

9 development will be necessary and these new large

10 loads will need to bear the responsibility for the

11 associated costs.

12 Q. Did Basin Electric consider alternative

13 solutions to the increased need for generation?

14 A. Yes. Basin Electric considered a wide

15 variety of demand side and supply side resources

16 when selecting the recommended resource, including

17 renewable energy resources, fossil fuel generation

18 and nuclear technologies.

19 To help evaluate these alternatives, Basin

20 Electric hired Burns & McDonnell to complete a

21 technology and pricing assessment. Basin Electric

22 performed capacity expansion modeling to determine

23 the most economical solution and ultimately

24 selected an advanced-class combined cycle as the

25 best fit considering all factors, including

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1 economics and reliability.

2 Q. What would happen if Basin Electric did

3 not build any new generation?

4 A. Basin Electric considered other

5 alternatives such as purchasing surplus power from

6 other entities but was unable to locate options

7 from existing resources for the magnitude required.

8 Basin Electric has an obligation to provide firm

9 power and carry sufficient resources necessary to

10 meet its obligations and has concluded that new

11 resources are necessary at this time.

12 Q. Besides the project, what else is Basin

13 Electric doing to meet electrical demand throughout

14 Basin Electric's footprint?

15 A. In addition to the project, Basin Electric

16 recently commissioned the Roundup-to-Kummer Ridge

17 345-kV transmission line in December of 2024 and is

18 in the process of commissioning the Pioneer

19 Generation Station Phase IV currently.

20 Basin Electric is also developing the

21 Leland Olds Station-to-Tande 345 transmission

22 project which is planned to be energized in late

23 2026.

24 These investments represent a significant

25 investment in 345-kV transmission and over 2

70

1 gigawatts of dispatchable generation in just over

2 five years.

3 Basin Electric has also recently signed

4 power purchase agreements for 250 megawatts of

5 wind, 100 megawatts of battery storage and other

6 short-term capacity purchases in SPP.

7 Q. Next, let's talk about the project

8 benefits. Will the project benefit the area in

9 which Basin Electric is proposing to construct?

10 A. The project will provide a benefit to the

11 area by allowing for reliable service -- service to

12 area customers. The project will provide needed

13 energy and capacity to meet Basin Electric's

14 membership obligations, including obligations to

15 local members and the area's oil, gas and other

16 growth sectors.

17 Q. How does this project support the

18 reliability of the electrical system in this area

19 of northwestern North Dakota and eastern Montana?

20 A. The project will provide for a significant

21 delivery of energy into the Bakken area. This will

22 reduce the reliance on serving load across the

23 high-voltage transmission system and is expected to

24 reduce the burden on Basin Electric's simple-cycle

25 generators in the area. Through these factors, the

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1 project is expected to bolster the reliability of

2 the system.

3 Q. How will this facility's units be

4 dispatched and what is the time frame for that

5 dispatch?

6 A. The facility's two units will be

7 economically dispatched based on market conditions

8 and local area reliability needed to support the

9 local area. The facility will be notified by the

10 Southwest Power Pool when the units are needed to

11 operate and provided a time when they need to be at

12 a specified generation level.

13 The units are capable of being online and

14 generating a minimum load in around 25 minutes and

15 achieving full load operation in around four and a

16 half hours from a cold start condition.

17 Q. Does the project ensure that capacity and

18 energy needs of the area will be fulfilled in an

19 orderly and timely fashion?

20 A. This project will significantly increase

21 Basin Electric's ability to supply energy capacity

22 in the local area. Basin Electric plans to meet

23 its forecasted capacity and energy needs in an

24 orderly fashion.

25 Q. Will the project affect Basin Electric's

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1 members' rates?

2 **A.** This project, along with other forecasted
3 capital expenditures to maintain reliable service
4 in addition to inflationary pressures and power
5 market dynamics, is driving the need for higher
6 rates. For the first time since 2016, Basin
7 Electric raised its average wholesale member rate
8 in 2025 to \$63.43 per megawatt hour, or
9 approximately by 6 and a half percent.

10 Basin Electric has selected this resource
11 as its lowest evaluated alternative to meet its
12 members' future obligations and to minimize rate
13 impacts. Basin Electric also maintains an open
14 dialogue with its members regarding current and
15 future rate trajectory.

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

20 **A.** Yes. This project represents a new
21 flagship resource for the Basin Electric
22 membership. It will be capable of providing a
23 long-term baseload supply of energy into the area
24 that can also be delivered across Basin Electric's
25 service territory in SPP.

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1 MS. OLSON: Thank you. I have no further
2 questions for Mr. Hertz.

3 JUDGE HOGAN: Mr. Johnson, any questions?

4 MR. JOHNSON: I do, Your Honor.

5 **EXAMINATION**

6 **BY MR. JOHNSON:**

7 **Q.** You were talking about the study on load
8 and you mentioned something that data centers were
9 separate from your modeling or whatever. Am I
10 getting that correct, or were they all lumped in
11 together?

12 **A.** In the past, Basin Electric has tried to
13 accommodate loads brought forth through the
14 membership in addition to its econometric load
15 forecast. Basin Electric has resolved to separate
16 those processes on a go-forward basis to ensure
17 that the loads we are forecasting are backed by
18 best econometric practices and that large loads are
19 planned for in a separate manner and to ensure that
20 resources are aligned with those. It takes --
21 takes less prediction out of what sort of large
22 loads will come and separates them into separate
23 planning processes.

24 **Q.** So the need for this is not based on data
25 centers coming into the area at all?

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1 **A.** No. Basin Electric views the Bison
2 Generation Station as being an important network
3 load to serve our current load and our forecasted
4 traditional load growth. We view data centers and
5 other large loads as -- as -- will be driving the
6 need for additional resources yet.

7 MR. JOHNSON: Okay. Thank you.

8 JUDGE HOGAN: Mr. Frank, any questions?

9 MR. FRANK: Yes, Your Honor.

10 **EXAMINATION**

11 **BY MR. FRANK:**

12 **Q.** Mr. Hertz, looking at the alternatives
13 when you're doing the modeling for which resource
14 to choose, is -- does the modeling take into
15 consideration any combination of different
16 resources or did it pretty much just determine that
17 this much baseload was needed? Did you look at a
18 combination of smaller units with --

19 **A.** Yes. And the model will accommodate
20 combinations and permutations of different resource
21 types. And in addition to this resource, Basin
22 Electric has taken some other actions, but in this
23 case it -- we found it most efficient to select a
24 larger resource given the needs we see forward.

25 **Q.** Okay. Then to follow up on Mr. Johnson's

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1 question, as far as the large loads that pertain to
2 the data centers that are -- they are within the
3 load forecast that we see within the application;
4 is that correct?

5 **A.** They are. This basis was the 2024 load
6 forecast. This is some amount of large load
7 forecasted at this time, but in Basin's 2025 load
8 forecast and where we'll be moving forward, they
9 would not be considered as part of that process.

10 **Q.** So within the SPP looking out where you're
11 inadequate in the capacity in energy, that is -- it
12 shows on those charts that you are now adequate in
13 the future. So is there -- I'm just trying to
14 square with -- and maybe I misunderstood your
15 statement before where the -- you said that this
16 will be -- this Bison unit will be used just to
17 satisfy the traditional load, but doesn't the SPP
18 inadequacy still reflect the data center load or is
19 that -- and you said you needed additional or is
20 that not all inclusive?

21 **A.** In our -- in our planning processes
22 forward, if we are to adopt a large load into
23 our -- into our planning, it would need to be
24 paired with resources at that time.

25 **Q.** Okay.

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1 **A.** So Basin Electric's load forecast forward
2 is the reflection of our existing load and our
3 current traditional load growth trajectory, and as
4 such, Bison -- the Bison Generation Station will be
5 used to serve that load forward.

6 MR. FRANK: Okay. Thank you.

7 JUDGE HOGAN: Commissioner Kringstad.

8 COMMISSIONER KRINGSTAD: Thank you.

9 **EXAMINATION**

10 **BY COMMISSIONER KRINGSTAD:**

11 Q. Mr. Hertz, has anyone ever told you you
12 have a really good name for working in the electric
13 industry?

14 A. I've -- I've heard.

15 Q. A lot of my questions have been asked and
16 answered, so I just have, I think, one follow-up.

17 So you -- you had mentioned in -- or you had
18 referenced Exhibit 4 as part of the prefiled
19 testimony that, you know, shows the -- the
20 projected growth for Basin Electric's footprint.

21 I do want to go back to the original
22 application, on page 2-9, because just it appears
23 to me that that's the very similar graph to
24 Exhibit 4. It just also overlays the potential of
25 this resource possibly coming online, both on

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1 page 2-9 and 2-10.

2 My question was it still -- can you talk
3 about how you're planning to address the possible
4 forecasted shortfalls in, like, '27 and '28 that
5 are projected to still exist?

6 A. Sure. In addition to monitoring its load
7 forecasts forward, which can change on a
8 year-by-year basis, Basin Electric is pursuing
9 shorter-term capacity purchases to address the
10 near-term deficiencies.

11 COMMISSIONER KRINGSTAD: Okay. I think
12 that's all I had. Thank you.

13 JUDGE HOGAN: Commissioner Christmann.

14 **EXAMINATION**

15 **BY COMMISSIONER CHRISTMANN:**

16 Q. I'm getting to a question on this case,
17 but for the sake of people who are maybe here to
18 hear something specific about cultural resources or
19 something like that and don't work in the electric
20 industry all the time, I just want to set up some
21 information actually for them too.

22 But Basin Electric is member of Southwest
23 Power Pool; right?

24 A. That's right.

25 Q. And Southwest Power Pool is a regional

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1 transmission organization that covers parts of
2 states from here down to, like, northern New Mexico
3 and Texas and Louisiana; correct?

4 A. Yes.

5 Q. And kind of the main purpose of that
6 affiliation is to run the bulk power system in a
7 way that each utility doesn't have to have so much
8 reserves built up so that when a power plant has to
9 be worked on or something, you can't serve your
10 people or you just have duplicates setting around,
11 you can share. That's the purpose of the RTOs;
12 right?

13 A. Yes, I would agree with that.

14 Q. Okay. So, now, you mentioned a few
15 transmission lines that are in the process, the
16 Leland Olds to Tande, the Roundup to Kummer Ridge,
17 and the one at -- connecting to the Pioneer peaking
18 plants. Those were -- Basin actually had notices
19 to construct from SPP to do those projects;
20 correct?

21 A. Yes. That is correct. They were -- they
22 were advanced through the 2021 integrated
23 transmission planning effort from SPP.

24 Q. It was 2021?

25 A. I believe so.

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1 Q. That's my recollection, too, but I wasn't
2 sure.

3 A. Yeah.

4 Q. And you also have -- and I don't really
5 know if this is one or two notices, but there's
6 kind of a joint -- there's two power lines coming
7 down to Tande from the north as well that -- that
8 you have a notice to construct; right?

9 A. There are some additional integrated
10 transmission plan phases that are spurring some new
11 projects in more recent times. I'm not as well
12 versed on those projects in particular, but I'm
13 happy to follow up.

14 Q. Okay. So here's my real point. SPP has
15 called for all this transmission in order to get
16 generation flowing into or around this area of
17 rapid development in northwest North Dakota. How
18 do those 2021 notices to construct and Basin's
19 decision to build this much baseload power
20 interact? Was this made after those and with the
21 assumption that those would all be built, or do
22 some of those potentially replace the need for this
23 or does this replace the need for that? Explain
24 how these all work together.

25 A. Well, in regards to the Bison Generation

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1 Station, Basin did -- did know and was planning for
2 transmission upgrades in the area, including the
3 two that are under construction now. And it was
4 through the action of those plants -- or those
5 transmission projects that enabled a suitable
6 and -- and -- and optimal location for this
7 resource at this time.

8 So in a sense, everything works together
9 in phases. Once the transmission's available, that
10 may -- that may open up more opportunities for --
11 for generation and enable a location that can
12 operate at a high-capacity factor and deliver
13 energy across the system.

14 So in regards to those initial projects
15 and this generation station, it was the
16 transmission that enabled this site to be an
17 optimal location for Basin Electric.

18 Q. So all really are needed?

19 A. Certainly -- certainly important to work
20 together to deliver effectively and reliably across
21 our system.

22 COMMISSIONER CHRISTMANN: Your Honor, can
23 I come back when I -- I had another one, but it's
24 escaping me right at the moment.

25 JUDGE HOGAN: Sounds good. I can move on?

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1 COMMISSIONER CHRISTMANN: Yeah. That --
2 JUDGE HOGAN: Okay. Commissioner
3 Haugen-Hoffart.

EXAMINATION

5 **BY COMMISSIONER HAUGEN-HOFFART:**

6 Q. I'm sorry to keep bringing this up. I
7 want to talk about the growing demand that you
8 referenced. And you mentioned large load interest,
9 oil and gas production, you know, need increased,
10 and the third one was SPP reserves. In the
11 priority, I understood that the oil and gas and the
12 SPP reserves were the priority; correct?

13 A. Well, in our -- in our traditional load
14 forecast, oil and gas happens kind of meter by
15 meter, location by location, not in 100,
16 1,000-megawatt chunks. So that is a load that we
17 pick up in our traditional load forecast. And the
18 reserve margins are an obligation.

19 Q. Right.

20 A. We need to meet those regardless of -- of
21 load forecast outcomes.

22 Q. So then explain to me if you get a large
23 load data center interest that you've referenced,
24 how do you handle that within -- in a -- compared
25 to the oil and gas and the reserve margin?

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1 A. Because of the size and the impact these
2 large loads have, we need to plan for those
3 resources with those -- for those loads and new
4 resources simultaneously so that new resources,
5 transmission upgrades can be done in phase with
6 those loads. That's why we have adopted a separate
7 planning process to ensure that if a very large
8 load wants to enter the system, that there's a
9 robust plan for new resources to be able to serve
10 it and any transmission upgrades in advance of that
11 load coming online.

12 Q. So let's say you approve it. Let's just
13 do a 200-megawatt data center. What's your plan to
14 communicate that to the members and the community
15 and stuff, but communication in -- that you can
16 meet that load, that there's no adverse impact?

17 A. Sure. Well, also understanding there will
18 be a local member distribution co-op. We'll be the
19 wholesale member, but I'll follow that. We could
20 describe the studies that will be performed in
21 order to show that the load can be safely
22 interconnected. Studies that can be performed that
23 new generation can be brought online in phase.
24 And -- and a schedule for how that can be done in a
25 safe and timely manner, along with also explaining

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1 to our members how appropriate security
2 arrangements will be in place to ensure that our
3 existing ratepayers are not impacted by any adverse
4 outcome where if the load doesn't come to fruition
5 or investments were made, that we've been secured
6 from those outcomes.

7 Q. Okay. One last question. I'm a UND grad.
8 Can you change the name of the --

9 A. I could make the request.

10 COMMISSIONER HAUGEN-HOFFART: Okay. Thank
11 you.

12 COMMISSIONER CHRISTMANN: I'm just
13 thinking here.

14 COMMISSIONER HAUGEN-HOFFART: He forgot
15 what he -- I'm just -- that was just a little
16 humor.

FURTHER EXAMINATION

18 **BY COMMISSIONER CHRISTMANN:**

19 Q. So on the topic you were just discussing
20 with Commissioner Haugen-Hoffart was the other
21 question that I had forgotten. I'm excited about
22 your concept of these large -- large nontraditional
23 loads would pay the cost for their generation and
24 transmission. With the traditional loads, that's
25 not the way the utility systems have run, though,

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1 typically; right? When a city has a new
 2 development that's going to take a few megawatts,
 3 everybody helps build it out, and then they help
 4 build out the next thing and everyone -- it's a
 5 unified thing. And so you would be looking at
 6 dealing with these nontraditional huge loads
 7 separately; right?
 8 **A.** That's correct.
 9 **Q.** But that policy needs approval from the
 10 Federal Energy Regulatory Commission, does it not?
 11 **A.** If that requires a new electric service
 12 rate, that -- that may be the case. There may be
 13 other ways that it could be handled through
 14 contract in aid of construction or security
 15 agreements in other forms, but it is certainly
 16 possible.
 17 **Q.** I sort of felt like you were framing this
 18 that you have this policy in place, but my
 19 understanding is that you're applying to FERC to
 20 get this approved as a separate tariff rate; right?
 21 **A.** That is possible. As I mentioned, there
 22 are other avenues where you could achieve risk
 23 reductions such as contract in aid of construction
 24 or security agreements, and so it's certainly not
 25 off the table that a new rate would need to be

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1 filed on a load-by-load basis, and we're prepared
 2 to do so. But in effect there are other ways to
 3 mitigate risk.
 4 **Q.** Did you already take one shot at that?
 5 Did you apply to FERC once already and not get
 6 approved?
 7 **A.** Basin Electric has filed a specific rate
 8 for a cryptocurrencies type of output, but since
 9 that was rejected in some way, shape or form, Basin
 10 Electric has been measuring how to proceed forward
 11 on those kinds of instances and -- and has worked
 12 with its members for the past year or so in order
 13 to develop a new framework. But at this point in
 14 time, a rate schedule has not been filed.
 15 **Q.** Okay.
 16 **A.** But the -- but I could note that the Basin
 17 Electric board of directors has resolved to
 18 implement a program that will achieve the
 19 objectives of -- of existing member ratepayer
 20 protection.
 21 COMMISSIONER CHRISTMANN: Thank you. No
 22 other questions.
 23 JUDGE HOGAN: Ms. Olson, any redirect?
 24 MS. OLSON: Yes, Your Honor.
 25

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FURTHER EXAMINATION

1
 2 **BY MS. OLSON:**
 3 **Q.** So the Basin board, they approved the
 4 large-load policy at the June meeting; is that
 5 correct?
 6 **A.** It was recently approved after -- after
 7 much stakeholder work on the process.
 8 **Q.** And then just to clarify, so if there were
 9 no data centers, Basin Electric would still be
 10 building the Bison Generation Station project?
 11 **A.** Yes. We would still be recommending the
 12 project.
 13 MS. OLSON: Okay. That's all.
 14 JUDGE HOGAN: Mr. Johnson, any additional
 15 questions?
 16 **FURTHER EXAMINATION**
 17 **BY MR. JOHNSON:**
 18 **Q.** I guess one real quickly. Your obligation
 19 is to serve all power users, not just residential
 20 or -- or smaller businesses or things like that.
 21 So when you have to do your planning and
 22 everything, you have to factor in for those large
 23 loads, data centers and things like that whether
 24 Basin agrees with them, disagrees with them,
 25 anything like that. You're -- you're doing your

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1 modeling and forecasting as you're required to do.
 2 Would that be a correct statement?
 3 **A.** It is. We stand by to work with our
 4 members on serving large loads and ensuring that
 5 new resources can be brought on line to serve them.
 6 We stand by to work with all of our members and all
 7 their loads just intent on implementing additional
 8 risk mitigation.
 9 MR. JOHNSON: Nothing further.
 10 JUDGE HOGAN: Mr. Frank, any additional
 11 questions?
 12 MR. FRANK: Yeah, just one question.
 13 **FURTHER EXAMINATION**
 14 **BY MR. FRANK:**
 15 **Q.** In regard to some of the changes that are
 16 coming up in SPP, that performance-based
 17 accreditation, is that something that -- how far in
 18 the future is that going to be implemented, or is
 19 it already here for --
 20 **A.** The performance-based accreditation
 21 methodology is in effect the winter of 2026.
 22 **Q.** 2026.
 23 **A.** Coming soon.
 24 **Q.** As far as the analysis that you did. Did
 25 this particular resource then fare a little better

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1 in regard to when those -- putting those new
2 accreditations into the modeling?

3 **A.** SPP has provided fleet average
4 performance-based accreditation results and
5 combined cycles are of a very high degree of
6 capacity accreditation relating -- indicating
7 strong performance across SPP.

8 **Q.** Okay. And so that played into the part
9 for choosing this resource, then, that it added a
10 potential benefit to mitigate that risk of the
11 changing environment for SPP?

12 **A.** That is correct.

13 **MR. FRANK:** Okay. Thank you.

14 **JUDGE HOGAN:** Any other commissioner
15 questions?

16 **COMMISSIONER HAUGEN-HOFFART:** I have -- I
17 need clarification.

18 **FURTHER EXAMINATION**

19 **BY COMMISSIONER HAUGEN-HOFFART:**

20 **Q.** What was approved that you said at the
21 board in June?

22 **A.** Basin Electric approved the large-load
23 commercial program directing staff to implement
24 risk mitigation practices to protect Basin
25 Electric's existing member ratepayers from

1 **MS. FOX DUKART:** I do.

2 (Witness sworn.)

3 **JUDGE HOGAN:** All right. Thank you.

4 Go ahead, Ms. Olson.

5 **MS. OLSON:** Thank you.

6 **ERIN FOX DUKART,**

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

9 **EXAMINATION**

10 **BY MS. OLSON:**

11 **Q.** Good morning. To start, can you please
12 state your name and employer?

13 **A.** My name is Erin Fox Dukart. I'm employed
14 by Basin Electric Power Cooperative.

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

16 **A.** I'm the director of environmental
17 services. My team is responsible for permitting
18 new facilities and maintaining compliance for
19 existing facilities.

20 **Q.** Please describe your educational and
21 professional background.

22 **A.** I received a bachelor of science degree
23 with a major in biology from the University of
24 North Dakota in 2002. From 2002 to 2008, I worked
25 as an epidemiologist for the North Dakota State

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1 potential adverse outcomes related to large loads.

2 **COMMISSIONER HAUGEN-HOFFART:** Okay. Thank
3 you.

4 **JUDGE HOGAN:** All right. Thank you,
5 Mr. Hertz.

6 We're going to take our morning break.
7 Let's -- we will reconvene at 11 o'clock.

8 (Recessed at 10:45 a.m. and reconvened at
9 11:01 a.m.)

10 **JUDGE HOGAN:** All right. We are going to
11 get started again.

12 Ms. Olson, if you want to call your next
13 witness.

14 **MS. OLSON:** Okay. Erin Fox Dukart.

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

18 **MS. FOX DUKART:** My name is Erin Fox
19 Dukart. My last name is spelled F-o-x D-u-k-a-r-t.

20 **JUDGE HOGAN:** And, Ms. Fox Dukart, did you
21 hear me go through the penalties for perjury
22 earlier?

23 **MS. FOX DUKART:** I did.

24 **JUDGE HOGAN:** And do you understand what
25 perjury is?

1 Department of Health, Division of Disease Control.

2 I was hired by Basin Electric in October
3 of 2008 and since that time have worked on a
4 variety of transmission and energy conversion
5 facility siting applications.

6 **Q.** What is your role with respect to the
7 Bison Generation Station project?

8 **A.** I am responsible for the preparation and
9 coordination of the environmental analysis of the
10 project within Basin Electric through our
11 consultant, Burns & McDonnell, who is based in
12 Kansas City, Missouri.

13 This involved working with an
14 interdisciplinary consultant team, contacting and
15 meeting with public officials, coordinating
16 activities with other Basin Electric departments,
17 and reviewing and coordinating reports supporting
18 the application.

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

21 **A.** Yes, I am.

22 **Q.** What is the purpose of your testimony
23 today?

24 **A.** My testimony will demonstrate that the
25 project complies with the North Dakota Energy

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1 Conversion and Transmission Facility Siting Act and
 2 as well as the Commission's rules and regulations.
 3 My testimony, together with the
 4 application and other supporting evidence, will
 5 demonstrate that the project will have minimal
 6 adverse impacts on the environment and human
 7 welfare and that it is compatible with
 8 environmental preservation and the efficient use of
 9 resources.

10 Q. First, let's follow up on a couple of the
 11 commissioners' questions for the previous
 12 witnesses. For the new transmission lines that
 13 will connect the project, when do you anticipate
 14 submitting those applications?

15 A. We anticipate that those applications will
 16 be submitted later this year or early in 2026,
 17 dependent on easement acquisition and final route
 18 design.

19 Q. And for the existing MDU line that is
 20 being relocated, how long is that reroute?

21 A. So currently the line is about 2,000 --
 22 just over 2,000 feet on our property, and the
 23 reroute length will be less than 3,000 feet, the
 24 entirety of which will be on Basin Electric
 25 property.

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1 Q. Now let's talk about exclusion and
 2 avoidance areas. Please describe what an exclusion
 3 area is.

4 A. An exclusion area is a geographical area
 5 that must be excluded in the consideration of a
 6 site for an energy conversion facility. Exclusion
 7 areas include a variety of areas such as designated
 8 national or state parks, historic sites,
 9 grasslands, wildlife refuges and locations near
 10 intercontinental ballistic missile sites.

11 Q. Does the project contain any exclusion
 12 areas?

13 A. It does not.

14 Q. Please describe what an avoidance area is.

15 A. An avoidance area is a geographical area
 16 that may not be approved as a site for an energy
 17 conversion facility unless the applicant shows that
 18 under the circumstances there is no reasonable
 19 alternative.

20 Q. Does the project contain any avoidance
 21 areas?

22 A. It does not.

23 Q. Next let's talk about the site selection
 24 criteria. What do the Commission's rules require
 25 regarding site selection criteria?

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1 A. Under the Commission's rules, an applicant
 2 for a certificate of site compatibility must
 3 demonstrate that it has considered the selection
 4 criteria and taken necessary steps to ensure that
 5 any significant adverse effects resulting from the
 6 location, construction and operation of the
 7 facility will be minimal.

8 Q. Did Basin Electric undertake any studies
 9 or investigations to determine if the project
 10 satisfies the selection criteria?

11 A. Basin Electric contracted with Western
 12 EcoSystems Technology, Incorporated, to conduct
 13 field surveys to identify natural resources such as
 14 wetlands, grasslands and protected habitat on the
 15 project site. Basin Electric also contracted with
 16 Metcalf Archaeology Consultants to conduct a Class
 17 I existing information inventory and a Class III
 18 pedestrian field survey of the entire project site.

19 Additionally, at the request of the North
 20 Dakota State Historic Preservation Office staff,
 21 Metcalf also conducted a Class II sound study in
 22 relation to potential cultural resources.

23 Q. Will any adverse effects on agricultural
 24 production and family farms and ranches be kept to
 25 an acceptable minimum?

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1 A. There are no farmsteads or irrigation
 2 within the approximately 240-acre parcel of
 3 cropland that Basin Electric -- Basin Electric
 4 purchased for the project. Agriculture and oil
 5 development-related infrastructure dominate the
 6 land use in the project's vicinity.

7 Given the vast amount of agricultural
 8 activity and lands in Williams County, the amount
 9 of land permanently removed from agricultural
 10 production for the project would be negligible.

11 Q. Is there any anticipated impact on surface
 12 drainage patterns or groundwater flow patterns,
 13 including aquifers?

14 A. No. There is only one small temporary
 15 wetland and one small drainage located on the
 16 project property. There are no major streams near
 17 the site. Construction would not affect
 18 groundwater resources which are only found at
 19 considerable depths in the project area.

20 Q. Do you anticipate any significant adverse
 21 impacts to sound-sensitive land uses?

22 A. No. Noise levels due to the operation of
 23 the project are expected to have minimal impact on
 24 nearby properties. Under normal operation, sound
 25 levels are expected to be below the recommended

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1 noise criteria provided by the United States
 2 Environmental Protection Agency and the American
 3 National Standards Institute.
 4 At the most impacted receptor, which is
 5 the nearest occupied residence, sound levels are
 6 expected to be comparable to the average existing
 7 nighttime ambient sound levels and below the
 8 average existing daytime levels. Short-duration
 9 construction activities will be louder, but not
 10 exceptional when compared to normal activities such
 11 as active farm equipment and oilfield drilling.
 12 Basin Electric will incorporate standard
 13 design sound-mitigation technology in the project
 14 as discussed previously in Mr. Bauer's testimony.
 15 Q. Please describe any studies Basin Electric
 16 has done to determine sound impacts from the
 17 project's operation.
 18 A. Basin Electric's consultant, Burns &
 19 McDonnell, conducted a sound study for the project.
 20 Sound level measurements were taken to establish an
 21 existing ambient sound level in the areas
 22 surrounding the project. Operational sound level
 23 modeling -- modeling was performed using sound
 24 modeling software to determine the expected sound
 25 levels due to the project and the associate

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1 impacts.
 2 The nearest occupied residence is located
 3 over a mile southwest of the nearest power block.
 4 The modeling indicates that project sound levels at
 5 the nearest occupied residential receptor would be
 6 approximately 42 A-weighted decibels, which is
 7 comparable to the existing environment and aligns
 8 with EPA and American National Standards Institute
 9 guidelines.
 10 The predicted overall state operational
 11 dBA, which do not include contributions from
 12 ambient sources, are shown in Exhibit 5, which is a
 13 map that was produced by Burns & McDonnell as part
 14 of the sound study. Exhibit 5 shows contour lines
 15 kind of going out from the project site indicating
 16 what the sound levels due to the project would be.
 17 R1 through R5 are designated as the occupied
 18 residences, so that is where those receptors would
 19 be.
 20 Q. Do you expect any significant adverse
 21 effect on human health and animal health and safety
 22 or plant life?
 23 A. No. We do not expect any significant
 24 adverse effects on human health or animal health.
 25 Q. Now I'm going to ask you about some

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1 additional key issues that you evaluated. First,
 2 please describe the cultural and historic resource
 3 assessments conducted for the project.
 4 A. Basin Electric, through its consultant,
 5 Metcalf, consulted with the North Dakota State
 6 Historic Preservation Office regarding survey and
 7 testing methodology as well as reporting needs. To
 8 assess potential cultural and historic resources, a
 9 Class I literature search and a Class III intensive
 10 inventory were performed for the entire parcel on
 11 which the project will be located.
 12 The Class I literature search was done to
 13 identify cultural resources that have been
 14 previously documented and to determine if there are
 15 any known cultural resources in need of further
 16 evaluation.
 17 The Class III intensive inventory is a
 18 systematic 100 percent pedestrian field survey,
 19 which was done to identify cultural resources in
 20 previously unsurveyed areas, to update previously
 21 recorded resources, and make recommendations for
 22 each cultural resources' eligibility to be
 23 considered for the State Registry.
 24 At the North Dakota State Historic
 25 Preservation officer's request, Metcalf also

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1 conducted an expanded Class I evaluation and a
 2 Class II windshield survey to examine the potential
 3 for historic properties, particularly cemeteries or
 4 sacred sites that may be affected by noise levels
 5 when the project is operational.
 6 Q. Please describe the results of the
 7 cultural and historic resource assessments.
 8 A. Montana Metcalf's findings were submitted
 9 to the North Dakota State Historic Preservation
 10 Office in a report with the recommendation of a
 11 finding of no significant sites along with no
 12 avoidance required. This report details Metcalf's
 13 findings, which included no new cultural resources
 14 identified on the parcel where the project will be
 15 located.
 16 This report also details archaeologists
 17 revisiting three previously identified sites. In
 18 May of 2025, the North Dakota State Historic
 19 Preservation Office found the report acceptable.
 20 Metcalf's findings on potential auditory
 21 impacts were also submitted to the North Dakota
 22 State Historic Preservation Office in a report.
 23 That report also had the recommendation of a
 24 finding of no significant sites. In May of 2025,
 25 the North Dakota State Historic Preservation Office

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1 also found this report acceptable.

2 Q. Is the project location habitat to any

3 rare or endangered species?

4 A. No. There are no rare or endangered

5 species habitat located on the project site.

6 Q. Was there any federal nexus for the

7 project that required compliance with the National

8 Environmental Policy Act, or NEPA?

9 A. There is no federal nexus and therefore

10 there will not be an environmental impact statement

11 or environmental assessment prepared for the

12 project.

13 Q. Did Basin Electric incorporate public

14 input during the site selection process?

15 A. Yes. Basin Electric solicited comments

16 from federal and state agencies as part of the

17 Commission's permitting process. Comments were

18 received from federal, state and local entities.

19 Basin Electric also informally addressed

20 the Williams County Commission, the Ray City

21 Commission and the Epping City Council in person in

22 September of 2024. Basin Electric also held a

23 public open house in December of 2024 to inform and

24 solicit input on the project from the local

25 residents and communities.

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1 Prior to that open house, Basin Electric

2 also sent letters to landowners within a two-mile

3 radius from the project to inform them and invite

4 them to the open house.

5 Q. Has Basin Electric addressed issues raised

6 by other agencies regarding the project?

7 A. Yes. The agencies' comments varied

8 according to the function and jurisdiction of the

9 agency but generally emphasized a desire to

10 minimize impacts to environmental resources, which

11 Basin Electric has done by incorporating the

12 mitigation measures into the project. Agency

13 concerns were primarily focused on structure

14 heights and anticipated noise levels.

15 Q. Did any of these agencies express concerns

16 about the project that have not already been

17 addressed?

18 A. No. All of the agency responses are

19 included in the application in appendix K. Table

20 5-1 in the application also contains a summary of

21 the comments.

22 Q. Does the project require county zoning

23 approval?

24 A. On January 7, 2025, the Williams County

25 Board of County Commissioners approved Basin

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1 Electric's request to rezone the 240-acre parcel on

2 which the project will be located to heavy

3 industrial. Under Williams County ordinances, an

4 energy conversion facility is a permitted

5 industrial use and, therefore, does not require a

6 conditional use permit.

7 Q. Does the project require approval from the

8 United States Army Corps of Engineers?

9 A. No. Field surveys did indicate one field

10 delineated wetland and one upland erosional

11 drainage. Basin Electric requested an approved

12 jurisdictional determination from the Army Corps of

13 Engineers. The Corps of Engineers determined that

14 the wetland and drainage were not jurisdictional

15 waters of the United States.

16 Q. Are there any additional permits needed to

17 begin construction of the project?

18 A. There are. An updated stormwater

19 management plan will be required by the Williams

20 County Water Resource District Board. The plan was

21 conditionally approved in June -- on June 18, 2025.

22 Basin Electric will also be required to

23 obtain the appropriate air permit to construct from

24 the North Dakota Department of Environmental

25 Quality. This project will be considered a major

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1 facility or project per the prevention of

2 significant deterioration, or PSD, regulations.

3 This application was submitted to DEQ on

4 February 10, 2025. Basin Electric anticipates

5 receiving this permit by the end of the year. This

6 permit is not required to begin civil work on the

7 site but is required prior to installation of

8 permanent emission source infrastructure.

9 A solid waste impoundment will be

10 constructed on the site to evaporate wastewater

11 from the facility that also requires a permit from

12 the DEQ division of solid waste. A pre-application

13 was submitted in March of 2025 to DEQ, and Basin

14 Electric will submit a complete permit application

15 later this year. Construction is anticipated on

16 the impoundment to begin in mid-2026 or later after

17 the permit is obtained.

18 A permit to construct will also be

19 obtained from the North Dakota Department of Water

20 Resources Regulatory Program for the impoundment.

21 The first application for this is anticipated to be

22 submitted later this year.

23 Basin Electric will obtain site grading

24 and building permits through the Williams County

25 building division, a sewage treatment system plan

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1 permit through the Upper Missouri District Health
 2 Unit, and road approach permits through Wheelock
 3 Township. Other permits will include a
 4 construction general stormwater permit and
 5 overweight and oversize load permits.
 6 Q. How is this project affected by the
 7 federal Greenhouse Gas Power Plant Rule?
 8 A. If the Greenhouse Gas Power Plant Rule
 9 remains in its current form, it would limit the
 10 project to a 40 percent capacity factor. EPA
 11 recently issued a proposal to rescind this rule.
 12 Basin Electric has modeled the project to comply
 13 with whichever rules are in place at the time the
 14 project commences operation.
 15 Q. To conclude your testimony, can you please
 16 tell us, based on your knowledge of the project,
 17 will its construction, operation and maintenance
 18 produce minimal adverse effects on the environment
 19 and human welfare?
 20 A. Yes. Basin Electric conducted a thorough
 21 environmental review of the project area to avoid
 22 environmentally sensitive areas and areas where
 23 there could be adverse impacts to human welfare.
 24 Where such areas cannot be avoided completely,
 25 Basin Electric is committed to taking appropriate

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1 measures to minimize any adverse effects.
 2 Q. And based on your knowledge of the
 3 project, is it compatible with the environment
 4 preservation and the efficient use of resources?
 5 A. Yes. The project will be constructed,
 6 operated and maintained in a manner to protect the
 7 environment and natural resources.
 8 MS. OLSON: Thank you. I have no further
 9 questions for Ms. Dukart.
 10 JUDGE HOGAN: Mr. Johnson, any questions?
 11 MR. JOHNSON: Just one.
 12 **EXAMINATION**
 13 **BY MR. JOHNSON:**
 14 Q. Basin intends to not begin construction
 15 until all relative and related permits are in hand;
 16 correct?
 17 A. We would anticipate beginning civil work
 18 prior to receipt of the air application.
 19 Q. Okay.
 20 A. But any additional work, no.
 21 MR. JOHNSON: Okay. Thank you.
 22 JUDGE HOGAN: Mr. Frank, any questions?
 23 MR. FRANK: Just one, Your Honor.
 24
 25

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EXAMINATION
 2 **BY MR. FRANK:**
 3 Q. In reaching out to local landowners and
 4 residents, the town meetings, I'm just curious if
 5 you did a -- kind of a project-by-project approach
 6 if, when you reached out to them, did you also talk
 7 about the additional need for like a pipeline and
 8 the different transmission lines, or was it just
 9 mainly concerning this project?
 10 A. Primarily it was concerning the project.
 11 I think some of those conversations did occur,
 12 though.
 13 MR. FRANK: Okay. Thank you.
 14 JUDGE HOGAN: Commissioner Kringstad.
 15 COMMISSIONER KRINGSTAD: Thank you. Just
 16 a couple questions.
 17 **EXAMINATION**
 18 **BY COMMISSIONER KRINGSTAD:**
 19 Q. When I was looking through the agency
 20 correspondence, you talked about in your prefiled
 21 testimony how there are no rare or endangered
 22 species? I saw some correspondence from U.S. Fish
 23 and Wildlife but I didn't see -- was that resolved?
 24 A. Yeah. The -- there were questions, you
 25 know, just regarding the sound and then heights.

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1 They did have some additional questions regarding
 2 the potential transmission lines, like how is it
 3 going to interconnect --
 4 Q. Sure.
 5 A. -- and so that has been resolved. And
 6 then when we go to permit those transmission lines,
 7 we'll have additional conversations at that time.
 8 Q. I see. Okay.
 9 And does the same thing apply with like
 10 the military aviation and installation assurance
 11 siting --
 12 A. That's correct.
 13 Q. -- clearinghouse? Yep. Okay. Because
 14 there's no military --
 15 A. Correct.
 16 Q. -- operations in the area? Okay.
 17 Perfect.
 18 You had talked about the State Historical
 19 Society a little bit, and one of the things they
 20 talked about was -- was areas where sound was at 30
 21 dBA and above. Is that something that you guys
 22 have -- have seen before, a request from them
 23 related to that?
 24 A. We had not and neither had our consultant.
 25 So to resolve that -- I mean, given all of -- the

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1 fact that Highway 2 is right there, which is a
 2 significant sound source and a lot of oil and gas
 3 activity, we did have some concerns whether or not
 4 their dBA was reasonable given that area. So we
 5 did have further conversations with them, and
 6 that's why our consultant provided that -- that
 7 Class II, and so we -- we sent them the study
 8 methodology. They approved it and then we
 9 completed it.

10 Q. Okay. And did you have -- it sounds like
 11 you and I sort of had similar questions. I was
 12 just curious where like the 30 dBA came from,
 13 because to me that just seemed quite low. So I was
 14 just curious if you knew the methodology about
 15 why -- why it was that particular number.

16 A. I think their staff just kind of Googled
 17 it, was the response that we got, and I think that
 18 this is just kind of a new area for a lot of
 19 agencies, so we're all kind of finding our way.

20 Q. Okay. So speaking of sound, I do want to
 21 dig into that a little bit. So on the sound map,
 22 it looked like there were five receptors, and did
 23 you say that -- why those five were selected is
 24 because they were occupied residences?

25 A. Correct.

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1 Q. Okay. I just want to clarify because
 2 earlier in the application it talked about how
 3 there was a residence 1.2 miles northeast of the
 4 project, and it just doesn't appear that there's a
 5 receptor in that area, so I was curious why that
 6 was.

7 A. I'm not sure. I will have to follow back
 8 up on that with you.

9 Q. Okay. That would be great.

10 A. Yep.

11 Q. And then with -- with the inputs that were
 12 used for this model, I know that can be a little
 13 tricky because what we're -- what we're talking
 14 about is potential sound impacts for a facility
 15 that doesn't exist yet --

16 A. Mm-hmm.

17 Q. -- right? So a lot of this is based on
 18 certain assumptions. So talk to me a little bit
 19 about the inputs that were used for this -- for the
 20 sound study model.

21 A. So we had our consultant set up the sound
 22 modeling parameters, and that would include ground
 23 absorption, the amount of reflection. And with all
 24 of that we assumed that everybody was, you know,
 25 basically in a worst case -- all of those were

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1 worst case. So the -- the chance of all of those
 2 happening would be very rare, but we wanted to look
 3 at it from a worst-case perspective. And then the
 4 expected acoustical design or those inputs are --
 5 are in Table 4.2, and so those are based on the
 6 equipment that would be on site and operational
 7 based on engineering design.

8 Q. Okay. So -- so you said that this
 9 wasn't -- the inputs that you used were not like an
 10 industry standard. They were meant to be worst
 11 case for --

12 A. Correct. Yeah, so the --

13 Q. -- North Dakota specific?

14 A. -- parameters were set up to be worst
 15 case --

16 Q. Okay.

17 A. -- so that would -- you know, how much of
 18 it is reflected back, at what heights were we
 19 looking at the site -- or the receptors, and then
 20 the inputs themselves were -- were worst case based
 21 on operation and what the technical and engineering
 22 design of that particular piece of equipment was.

23 Q. Okay. Because, like, one of the inputs I
 24 was curious about is it talked about how, like, the
 25 atmosphere conditions that you were -- that were

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1 modeled were assumed to be like a calm day, and I
 2 guess to me -- again, I'm not a sound engineer by
 3 any means, but to me in my mind, my worst-case
 4 scenario for something here would be like a
 5 windy -- like a windy day where sound is being
 6 carried direct -- like in the direction directly to
 7 one of the receptors. So, like, I was just trying
 8 to reconcile that in my mind why the model was
 9 maybe talking about something that was calm when to
 10 me a worst-case scenario would be --

11 A. Was that for the ambient monitoring or for
 12 the modeling? Because I -- I know the ambient
 13 monitoring was done --

14 Q. Mm-hmm.

15 A. -- on a calm day.

16 Q. It talks about -- like in the sound study
 17 on page 4-1, it just talks about how -- like when
 18 we're talking about the input parameters, that the
 19 modeled atmospheric conditions were assumed to be
 20 calm.

21 A. Okay.

22 Q. So to me, I took that as like that was an
 23 input to the model, unless I misunderstood.

24 A. I would have to check with our sound
 25 engineer, but I will.

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1 COMMISSIONER KRINGSTAD: Okay. I think
2 those are all the questions I had. Thanks.

3 JUDGE HOGAN: Commissioner Christmann.

4 **EXAMINATION**

5 **BY COMMISSIONER CHRISTMANN:**

6 Q. So starting with SHPO, you mentioned
7 their -- I thought you said May approval, but the
8 letter I'm looking at is June 4 and it is
9 determining that there's no significant sites
10 affected for this project provided one specific
11 site is avoided, and I believe that that specific
12 site is a historical farmstead. Is that --

13 A. Yes. And I -- that was an additional
14 request that they were working on as part of the
15 cultural work that is being done for the
16 transmission lines. It's on the other side of
17 the -- of the road from this parcel.

18 Q. Okay. So that's just for the transmission
19 line.

20 A. Correct.

21 Q. Okay. Thank you for --

22 A. I apologize for the confusion.

23 Q. And this you mentioned, but I just don't
24 really understand what I should do with it. The --
25 the approval from the Williams County water board

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1 is not really a final approval. It's just sort of
2 conditional or something like that?

3 A. It is conditional.

4 Q. So what does that mean? What are they
5 waiting on or what do you have to do to -- to
6 really be approved there?

7 A. We are finalizing the design of all of the
8 stormwater management ponds, and so once that is
9 done, that will be resubmitted to them. And we are
10 expecting full approval by the end of the year.

11 Q. Okay. So it's not like they had problems
12 with your plan. You just --

13 A. Correct.

14 Q. -- aren't that far with it yet?

15 A. Correct.

16 Q. Okay. And then, lastly, and this is
17 probably the thing that really concerns me the most
18 for you. The air quality permits that you need --

19 A. Mm-hmm.

20 Q. -- is this feasible under the current EPA
21 rules if it could only run at 40 percent capacity?

22 A. Mr. Hertz' team has looked at that, and
23 if -- if this plant is just -- is limited to
24 40 percent capacity factor, does it still make
25 sense? Is this still a good resource? And for us

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1 it still is. We believe that those -- those rules
2 that are repealing will be finalized by the end of
3 the year.

4 When we looked at the air permitting,
5 though, we did model it at eight-seven sixty as
6 well as a 40 percent capacity factor so that the
7 DEQ has all of that information when they're making
8 their determination on that permit.

9 Q. And my understanding in the past has been
10 sometimes when we're really, really short of
11 generation, there's been at times when a lot of the
12 peaking plants are actually limited by the feds by
13 the number of hours they can run per year and so
14 they're sitting there available ready to go, just
15 not allowed to go.

16 A. That's correct.

17 Q. And is that the same rule as this -- as
18 the rule that would require this to stay at
19 40 percent capacity or are those two different
20 things?

21 A. The one that would -- the rule that would
22 limit this to 40 percent capacity is an updated
23 version of the rule that currently limits some of
24 our peakers.

25 Q. So the -- their proposal to rescind that

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1 rule would apply to those too?

2 A. Yes. The current EPA proposed rule has --
3 it has two sections. Their main proposal would
4 actually determine that greenhouse gases from
5 electric-generating utilities are not significant
6 contributors to the worldwide greenhouse gas
7 numbers, in which case that would rescind the rule
8 that would limit this to 40 percent capacity
9 factor. It would also rescind the previous rules
10 that would currently limit some of our peaking
11 units.

12 There is an alternate proposal to that
13 rule as well which looks at basically phase one of
14 what was previously finalized based on what EPA
15 believes to be the current state of the technology.
16 However, given the heat input of this particular
17 unit under that alternate proposal, it would still
18 be limited to 40 percent capacity factor.

19 Q. Is legislation needed to rescind that rule
20 or is that executive order kinds of things?

21 A. Well, it's currently out for public
22 comment, so the public is -- has the ability to
23 provide comments to the EPA. Basin Electric will
24 be submitting comments on that rule. And then at
25 that time EPA can make that -- they can issue a

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1 final rule. And then based upon that, that will be
 2 what the final rule is.
 3 COMMISSIONER CHRISTMANN: Okay. Thank
 4 you. No other questions.
 5 JUDGE HOGAN: Commissioner Haugen-Hoffart.
 6 COMMISSIONER HAUGEN-HOFFART: Thank you.
 7 **EXAMINATION**
 8 **BY COMMISSIONER HAUGEN-HOFFART:**
 9 Q. You addressed some of this in your
 10 testimony and we also -- Mr. Bauer did too, but I
 11 want to talk about what -- the public open house in
 12 December of 2024 to inform and solicit input on the
 13 project from local residents and communities.
 14 A. Mm-hmm.
 15 Q. From that, have those concerns -- I just
 16 want to reiterate -- have all those concerns been
 17 addressed?
 18 A. They have been.
 19 Q. Okay. And how about potential impact on
 20 retail service or transportation facilities? You
 21 didn't indicate there would be significant impact,
 22 but if there is, have you thought of any solutions?
 23 A. We haven't identified any concerns with
 24 that. I don't believe any were, you know, brought
 25 to our attention. None of our consultants have

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1 identified anything, but should something arise, we
 2 would absolutely work to mitigate those.
 3 Q. Okay. We received a letter from North
 4 Dakota Environmental Quality dated May 29, and it
 5 says that the proposed project appears to have the
 6 potential to be a source of emissions and may
 7 require it to have an air pollution control permit.
 8 Do you anticipate any concern on getting that?
 9 A. No. We have submitted the application for
 10 that and their staff is currently working through
 11 it.
 12 Q. Okay. Just permits in general, do you
 13 anticipate any concerns on obtaining any permits --
 14 A. Nope, we do not.
 15 Q. -- that are outstanding?
 16 COMMISSIONER HAUGEN-HOFFART: Okay. No
 17 further questions.
 18 JUDGE HOGAN: Ms. Olson, any redirect?
 19 MS. OLSON: Yes, Your Honor.
 20 **FURTHER EXAMINATION**
 21 **BY MS. OLSON:**
 22 Q. Ms. Dukart, you talked about the sound
 23 study that was completed. Who completed that study
 24 for Basin Electric?
 25 A. Burns & McDonnell, our consultant.

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1 Q. And did a sound engineer complete that
 2 study?
 3 A. Yes.
 4 Q. And were the results of that study that
 5 the project is expected to be within EPA
 6 guidelines?
 7 A. Yes. EPA criteria for rural residential
 8 is 48.6 dBA. The -- the modeled project sound
 9 levels at the nearest receptor is 42 dBA, which is
 10 significantly less than the EPA criteria for rural
 11 residences.
 12 Q. And do you know at a sound level of 42 dBA
 13 what that might be comparable to?
 14 A. That would be comparable to basically a
 15 farm field with a light breeze with some potential
 16 bird calls.
 17 MS. OLSON: Okay. Thank you. No further
 18 questions.
 19 JUDGE HOGAN: Mr. Johnson, any additional
 20 questions?
 21 MR. JOHNSON: No, Your Honor.
 22 JUDGE HOGAN: Mr. Frank?
 23 MR. FRANK: No, Your Honor.
 24 JUDGE HOGAN: Any other commissioner
 25 questions?

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1 All right. Well, thank you.
 2 Just to confirm, that concludes Basin
 3 Electric's testimony; correct?
 4 MS. OLSON: That's correct.
 5 JUDGE HOGAN: All right. Then we will
 6 move to public testimony. And even if you didn't
 7 check "yes" on the -- the sign-in sheet, can I just
 8 get a show of hands so that I know how many people
 9 want to offer testimony this morning? All right.
 10 Great.
 11 Okay. So one by one I'll have you come up
 12 and sit in our witness chair up here. Anybody that
 13 provides public testimony will be sworn in like our
 14 other witnesses. We will also go around the table
 15 and see if there's any questions with you -- for
 16 you after you provide your statement.
 17 And I'll just note this is an opportunity
 18 to provide comments to the Commission. It's not
 19 the time to ask the Commission questions that you
 20 might have, but your opportunity to provide
 21 information to them.
 22 Like our other witnesses, I'll have you
 23 state your name and spell your last name for the
 24 record. If you are representing a group or an
 25 entity, if you want to indicate who you are

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1 appearing on behalf of, that would be helpful. If
 2 you are a landowner that's in the vicinity of this
 3 area, if you identify where that is, that would be
 4 helpful as well.
 5 I would also ask that you don't repeat
 6 previous testimony. If somebody has testified
 7 before you that has raised the concerns you have,
 8 please just indicate that you have those same
 9 concerns.
 10 And then, finally, Commissioner Christmann
 11 at the beginning talked about -- talked briefly
 12 about the types of things the Commission has
 13 jurisdiction over, so I would ask that you please
 14 limit your comments to the issues the Commission
 15 has jurisdiction over.
 16 So with that in mind, who would like to go
 17 first?
 18 MR. KUEHN: Good morning.
 19 JUDGE HOGAN: Good morning. I'll ask you
 20 start by stating your full name for the record and
 21 spelling your last name.
 22 MR. KUEHN: Certainly. Kristopher,
 23 K-r-i-s-t-o-p-h-e-r, Kuehn, K-u-e-h-n.
 24 JUDGE HOGAN: Mr. Kuehn, did you hear me
 25 go through the penalties for perjury this morning?

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1 MR. KUEHN: I did.
 2 JUDGE HOGAN: And do you understand what
 3 perjury is?
 4 MR. KUEHN: Yes, ma'am.
 5 (Witness sworn.)
 6 JUDGE HOGAN: All right. Thank you. Good
 7 ahead.
 8 **KRISTOPHER KUEHN,**
 9 being first duly sworn, was examined and testified
 10 as follows:
 11 **STATEMENT**
 12 **BY MR. KUEHN:**
 13 MR. KUEHN: So I am the superintendent of
 14 the Nesson School District in Ray, North Dakota. I
 15 don't have prepared testimony, so just kind of a
 16 shotgun blast of my thoughts.
 17 There are tremendous potential impacts to
 18 the Nesson School District, all of which I view as
 19 being positive in nature. I think the tax
 20 implications are enormous as well as the potential
 21 for adding enrollment to our school district.
 22 I -- I know the area particularly well.
 23 We -- our school district also encompasses the --
 24 kind of the rural communities which will -- which
 25 are also going to be served in Wheelock, Epping and

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1 Springbrook. We service those areas with our bus
 2 routes, and so I guess I -- I really don't have
 3 any -- anything insightful to offer other than the
 4 fact that I just really can't see -- from the
 5 school district perspective, I can't see anything
 6 negative that could come from the Bison electric
 7 generation plant.
 8 So with that, thank you.
 9 JUDGE HOGAN: Thank you.
 10 Ms. Olson, any questions?
 11 MS. OLSON: No, Your Honor.
 12 JUDGE HOGAN: Mr. Johnson?
 13 MR. JOHNSON: No, Your Honor.
 14 JUDGE HOGAN: Mr. Frank?
 15 MR. FRANK: No, Your Honor.
 16 JUDGE HOGAN: Commissioner Kringstad.
 17 **EXAMINATION**
 18 **BY COMMISSIONER KRINGSTAD:**
 19 Q. What is the current enrollment of your
 20 district?
 21 A. We have approximately 450 students, K
 22 through 12.
 23 COMMISSIONER KRINGSTAD: Okay. That's all
 24 I have. Thank you.
 25 JUDGE HOGAN: Commissioner Christmann.

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1 **EXAMINATION**
 2 **BY COMMISSIONER CHRISTMANN:**
 3 Q. So this makes me curious. What was your
 4 peak during the --
 5 A. I -- so this is my -- I've just completed
 6 my third year as a superintendent, and in my three
 7 years, I think we peaked at 458. And I believe
 8 that that was the highest since I've -- I mean,
 9 they were never more than 458 students.
 10 Q. So do -- are you in any way worried
 11 about -- now I don't have the numbers right in
 12 front of me -- I think it was --
 13 A. 40 to 50 employees?
 14 Q. -- 40 to 50 employees, but up to a
 15 thousand during construction. I know --
 16 A. Yes. And I -- I visited with --
 17 Q. I know they said a bunch of those are in
 18 there working construction for a couple years,
 19 bringing a bunch of kids to town, you've got to
 20 build facilities or bring in temporary facilities
 21 and in two years they're gone, and --
 22 A. That's kind of why I'm here, actually, was
 23 to get more information regarding that, and it's
 24 kind of an interesting -- this maybe only
 25 accelerates those discussions amongst the school --

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1 within the school board because we -- we have some
 2 facility needs that this may kind of urge us in --
 3 there are parts of the facility that really need to
 4 be, if not completely demolished, renovated, and so
 5 this only has a potential to accelerate those
 6 discussions.

7 COMMISSIONER CHRISTMANN: Okay. Thank you
 8 for being here, Mr. Kuehn.

9 MR. KUEHN: Absolutely. Thank you.

10 JUDGE HOGAN: Commissioner Haugen-Hoffart.

11 COMMISSIONER HAUGEN-HOFFART: I have no
 12 questions, but thank you for your testimony.

13 MR. KUEHN: Absolutely. Thank you.

14 JUDGE HOGAN: Thank you.

15 Who would like to go next? Come on up.

16 Good morning, I'll have you state your full name
 17 for the record and spell your last name.

18 MR. MAHOWALD: Good morning. My name is
 19 Jeremy Michael Mahowald, last name M-a-h-o-w-a-l-d.

20 JUDGE HOGAN: And did you hear me go
 21 through the penalties for perjury earlier this
 22 morning?

23 MR. MAHOWALD: I did.

24 JUDGE HOGAN: And do you understand what
 25 perjury is?

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1 MR. MAHOWALD: Yes, I do.
 2 (Witness sworn.)

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

5 **JEREMY MAHOWALD,**
 6 being first duly sworn, was examined and testified
 7 as follows:

8 **STATEMENT**

9 **BY MR. MAHOWALD:**

10 MR. MAHOWALD: I hope I'm not repeating
 11 too much of what was said and I heard what you just
 12 said, so I'll -- I'm just taking it from a
 13 different perspective. And I'm here to -- my name
 14 is Jeremy Mahowald, general manager of Upper
 15 Missouri G. & T. in Sidney, Montana.

16 I'm here to offer support of the
 17 construction of Basin's generation station, seeking
 18 siting approval today in Wheelock Township in
 19 Williams County, North Dakota, which would -- which
 20 would provide the 1490 megawatts of needed firm
 21 generation capacity to our region.

22 So Upper Missouri G. & T. Electric
 23 Cooperative, Inc., doing business as Upper Missouri
 24 Power Cooperative, is a transmission cooperative
 25 based in Sidney, Montana, offering wholesale

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1 electricity from Basin Electric and the Western
 2 Area Power Administration to its 11 Class C member
 3 cooperatives in western North Dakota and eastern
 4 Montana. There's five co-ops in North Dakota and
 5 six in Montana. Upper Missouri is Basin Electric's
 6 largest and continued fastest-growing Class A
 7 member system, most of which has been driven by gas
 8 and oil production, its associated pipelines and
 9 ancillary services across the Bakken.

10 The approval and completion of this Bison
 11 Generation Station is necessary to meet our
 12 ten-year load forecasts of our members, as well as
 13 meeting the new requirements by the Southwest Power
 14 Pool that Ben talked about for a greater reserve
 15 capacity, called planning reserve margins, to
 16 uphold our firm requirements when the wind isn't
 17 blowing and to strengthen our total system
 18 reliability.

19 The Bison Generation Station will serve
 20 the organic growth of our membership much due to
 21 the load growth in western North Dakota. We do
 22 expect new growth in data and technology; however,
 23 it's important, as has been mentioned, that these
 24 loads will not be served by Bison station and
 25 instead addressed in a new large load program with

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1 their resources paid for by those large load
 2 companies and not paid for by our existing
 3 ratepayers.

4 So we work with Basin to carefully and
 5 continually plan and assess our power requirement
 6 needs. It's important that infrastructure
 7 additions and improvements are made to meet the
 8 demands of growth and to maintain continued
 9 reliability to the residents, ranchers and all the
 10 industry already developed in our region.

11 The addition of this generation is
 12 important to protect the electric reliability of
 13 our region and will help us meet the needs of North
 14 Dakota for decades to come.

15 So Upper Missouri strongly supports the
 16 development and construction of this station.

17 Thank you.

18 JUDGE HOGAN: All right. Thank you.

19 Ms. Olson, any questions?

20 MS. OLSON: No, Your Honor.

21 JUDGE HOGAN: Mr. Johnson?

22 MR. JOHNSON: No, Your Honor.

23 JUDGE HOGAN: Mr. Frank?

24 MR. FRANK: No, Your Honor.

25 JUDGE HOGAN: Commissioner Kringstad?

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1 COMMISSIONER KRINGSTAD: No. Thanks for
2 being here.

3 JUDGE HOGAN: Commissioner Christmann?

4 **EXAMINATION**

5 **BY COMMISSIONER CHRISTMANN:**

6 Q. I'm curious, Jeremy, from your perspective
7 working as closely as you do with the distribution
8 co-ops and I'm sure in frequent communication with
9 others around the country, how is Basin Electric's
10 new policy of making these new nontraditional large
11 loads to take on the costs of their -- their
12 service when they seem to set up -- the ones that
13 I'm familiar with, it seems like from the point
14 when you hear about them as a concept to when
15 they're operational is months or, you know, maybe a
16 year, something like that. And here we are talking
17 about adding generation for -- when is this
18 supposed to be -- like 2030. Is that going to just
19 rule out those kinds of things in the area or --

20 A. We're very curious about that ourselves.
21 I mean, we -- we know there's a lot of interest in
22 our region, but it isn't going to be quick,
23 especially if they're very large facilities.
24 They're going to have to be built just like Bison,
25 anything that's needed for them, and so it's not

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1 going to be a months' or yearlong process, unless
2 some of them bring their own generation, and even
3 then, you know, how much are they really going to
4 carve off? It is going to take some time.

5 Q. And if they brought in their own
6 generation, how would that apply, then, to your
7 distribution co-ops if -- I guess let me rephrase
8 the question.

9 I want to know if I'm understanding the
10 right terminology. If someone comes in and says
11 they're going to provide their own generation off
12 the grid, that would tell me they're going to have
13 their generation, and if their generation doesn't
14 work, neither does their facility.

15 A. Right.

16 Q. But if they say we're going to have our
17 own generation and it's going to be behind the
18 meter, to me that says when their generation
19 doesn't work, the rest of the system needs to have
20 some capacity sitting there available to serve
21 them. Am I phrasing that correctly --

22 A. You are, and those --

23 Q. -- or is my terminology wrong?

24 A. -- those are all concerns that would have
25 to be addressed and exactly how that -- how that

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1 would be set up. And as Ben had mentioned, there's
2 going to be some pretty strict study processes that
3 happen in the beginning from SPP, from Basin, from
4 WAPA just to make sure whatever they're planning to
5 do will not disrupt the system and all the
6 residents that we serve and all the rest of the oil
7 and gas industry we serve.

8 COMMISSIONER CHRISTMANN: Okay. Thanks a
9 lot for coming to town today, Jeremy, and --

10 MR. MAHOWALD: You bet.

11 COMMISSIONER CHRISTMANN: -- giving your
12 perspective.

13 JUDGE HOGAN: Commissioner Haugen-Hoffart?

14 COMMISSIONER HAUGEN-HOFFART: Thanks,
15 Jeremy. I have no questions.

16 MR. MAHOWALD: Thank you.

17 JUDGE HOGAN: And if you have a copy of
18 that, I'll --

19 MR. MAHOWALD: I gave it to her.

20 JUDGE HOGAN: Thank you.

21 All right. Who would like to go next?

22 MR. PHELPS: Good morning.

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

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1 MR. PHELPS: Nicholas Phelps, P-h-e-l-p-s.

2 JUDGE HOGAN: And did you hear me go
3 through the penalties for perjury earlier today?

4 MR. PHELPS: Yes.

5 JUDGE HOGAN: And do you understand what
6 perjury is?

7 MR. PHELPS: I do.

8 (Witness sworn.)

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

11 **NICHOLAS PHELPS,**

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

14 **STATEMENT**

15 **BY MR. PHELPS:**

16 MR. PHELPS: So, like I said, my name is
17 Nicholas Phelps. I'm a business representative of
18 the North Central States Regional Council of
19 Carpenters.

20 On behalf of the carpenters, I'm pleased
21 to express our strong support for this Basin
22 Electric project. It's going to create a lot of
23 opportunities for our members across the state for
24 work.

25 We have hundreds of trained millwrights

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1 and carpenters in the area to support this project.
 2 The Bison Generation Station project represents a
 3 significant investment in the region's energy
 4 infrastructure and will pay -- will play a crucial
 5 role in the meeting of growing electricity demand
 6 from industrial, manufacturing, data processing,
 7 and residential customers from the area, including
 8 farms and ranches.
 9 Our millwrights have a proven history of
 10 working collaboratively with Basin on previous
 11 projects, current projects they have. They come
 12 with extensive training, successfully performing
 13 essential work on previous projects, contributing
 14 to a timely and safe completion of critical
 15 infrastructure for the citizens of North Dakota.
 16 We have also met with potential developers
 17 involved in this project, many who have
 18 demonstrated a track record of hiring skilled trade
 19 workers and delivering projects on schedule while
 20 maintaining the highest safety standards.
 21 The North Central States Regional Council
 22 of Carpenters is committed to supporting projects
 23 that enhance regional reliability, affordability
 24 and community-focused benefits in the gas-fueled
 25 generation industry. We believe the Bison

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1 Generation Station will create substantial local
 2 employment opportunities and drive economic growth
 3 throughout the region.
 4 We look forward to continuing our
 5 partnership with Basin Electric and contributing to
 6 the successful development of this important
 7 project.
 8 Thank you.
 9 JUDGE HOGAN: Thank you.
 10 Ms. Olson, any questions?
 11 MS. OLSON: No, Your Honor.
 12 JUDGE HOGAN: Mr. Johnson?
 13 MR. JOHNSON: No, Your Honor.
 14 JUDGE HOGAN: Mr. Frank?
 15 MR. FRANK: No, Your Honor.
 16 JUDGE HOGAN: Commissioner Kringstad?
 17 COMMISSIONER KRINGSTAD: Just one
 18 question.
 19 **EXAMINATION**
 20 **BY COMMISSIONER KRINGSTAD:**
 21 Q. Do you -- do you have any estimate of like
 22 the impact that a potential project like this, like
 23 more specifically, could have for your
 24 organization?
 25 A. It creates opportunity for the members in

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1 the area that we have. We had quite a few members
 2 working on the Pioneer station, so this is kind of
 3 a sister project and kind of keeps that going.
 4 COMMISSIONER KRINGSTAD: Okay. That's all
 5 I had. Thanks for being here.
 6 JUDGE HOGAN: Commissioner Christmann.
 7 **EXAMINATION**
 8 **BY COMMISSIONER CHRISTMANN:**
 9 Q. Do you have any worries about being able
 10 to get the -- the right people here in the area and
 11 have housing for them and everything for a project
 12 of this scale?
 13 A. You know, like for our portion of it for
 14 the skill, I don't see -- foresee, you know,
 15 problems with housing or getting the right people
 16 in the area for this project.
 17 Q. And are you familiar with the natural gas
 18 processing facility that is proposed for over by
 19 Trenton in about the same time frame?
 20 A. I'm not.
 21 Q. If -- okay. Then I guess the rest of the
 22 question doesn't matter then.
 23 COMMISSIONER CHRISTMANN: Thank you for
 24 being here.
 25 MR. PHELPS: Yep.

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1 JUDGE HOGAN: Commissioner Haugen-Hoffart.
 2 COMMISSIONER HAUGEN-HOFFART: Thank you.
 3 **EXAMINATION**
 4 **BY COMMISSIONER HAUGEN-HOFFART:**
 5 Q. Mr. Phelps, do you live in the area?
 6 A. Fargo area.
 7 Q. Fargo.
 8 So the people that's working on the other
 9 one, are they more local or --
 10 A. Yeah.
 11 Q. -- in the state or --
 12 A. More this -- just the western part of the
 13 state. So we have two different locals in the
 14 state, one out of Fargo and one out of Bismarck.
 15 Q. Okay.
 16 A. Most of the people that would be working
 17 on these projects and projects in the past are from
 18 the western part of North Dakota.
 19 COMMISSIONER HAUGEN-HOFFART: Okay. Thank
 20 you. I have no further questions.
 21 JUDGE HOGAN: Thank you, Mr. Phelps.
 22 THE WITNESS: Thank you.
 23 JUDGE HOGAN: Who would like to go next?
 24 MR. PATRIE: Good morning.
 25 JUDGE HOGAN: Good morning. I'll have you

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

3 MR. PATRIE: Bill Patrie. The last name
4 is P-a-t-r-i-e.

5 JUDGE HOGAN: And did you hear me go
6 through the penalties for perjury earlier today?

7 MR. PATRIE: Yes, I did.

8 JUDGE HOGAN: And do you understand what
9 perjury is?

10 MR. PATRIE: Yes, I do.
11 (Witness sworn.)

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

14 **BILL PATRIE,**

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

17 **STATEMENT**

18 **BY MR. PATRIE:**

19 MR. PATRIE: Commissioners, good morning
20 and thank you for host -- hosting this
21 conversation. I'm a member of the Dakota Resource
22 Council and I'm also a 30-year -- 33-year member
23 of -- of Capital Electric in Bismarck. And I
24 worked for 16 years for the North Dakota
25 Association of Rural Electric Cooperatives as a

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1 rural development director.

2 Ironically, I was the economic development
3 director for the state of North Dakota when Basin
4 Electric bought Dakota Gas Company, so I've got a
5 long history of working with Basin Electric. I
6 appreciate the hard work everybody's put in to
7 create this project. And a copy of my remarks I'll
8 make available to you.

9 But I want to skip to the -- the issue
10 that brought me here. As a member of -- of Capital
11 Electric Cooperative, I've watched the wholesale
12 power costs to Capital Electric through Central
13 Power go up and up. And then I watched the news
14 releases about data centers and the questions that
15 have all been -- already been raised. And
16 borrowing nearly \$4 billion by Basin Electric comes
17 with a huge cost of interest, legal fees, just
18 these enormous project costs to potentially serve
19 fairly narrow purchasers of that power.

20 And I just wanted to simply suggest what's
21 been talked about earlier. Several states have
22 already identified what are called micro grids and
23 the possibility of one of two things. Either make
24 sure we have a way for those large users to pay
25 those -- their share of those construction costs,

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1 to take that burden off of -- off of Basin Electric
2 and all the other organizations associated, or
3 establish a microgrid where they provide their own
4 power. And that -- that still has to meet all the
5 codes, but I think that idea -- and West Virginia,
6 Utah and Oklahoma have already played around with
7 that kind of legislation, and I think it has a real
8 benefit to -- to the state of North Dakota.

9 First, if that is in compliance with all
10 the electrical codes and those stand-alone
11 facilities have the ability to sell back to the
12 grid, it does increase the supply of power
13 potentially to -- to the grid, and it takes that
14 burden off of -- off the grid generators like
15 Basin.

16 Secondly, a model of distributed power
17 rather than big central stations has been talked
18 about for years and years, and I think it makes
19 sense to have more smaller generators spread across
20 the area than -- than simply single large
21 generators, just from a modeling point of view.

22 And as many of you know, in 2021 I lost
23 power on Capital Electric's lines and I called Paul
24 Fitterer and he didn't know why. He was shut off
25 by Western Area Power Administration because of the

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1 ice storms in Texas through SPP and they have a
2 contract with WAPA.

3 Well, if -- if you have some way of
4 distributing the generation more locally, as we
5 would in this case, yes, we believe in sharing that
6 power and sometimes we might receive that power,
7 but we need to distribute it in a way that it's not
8 all dependent that one big plant could go down and
9 shut down the whole system.

10 So I think looking into that opportunity
11 really makes sense here. If we fail that -- and
12 that takes time to develop and I understand that
13 it's complicated, but I really would encourage
14 Basin to work with their distribution cooperatives.
15 We need to have those aid to construction projects
16 in place for members like me to look at and say I'm
17 not financing something that could go out of
18 business tomorrow and they're paying their fair
19 share.

20 That concludes my testimony. I'd be glad
21 to answer questions.

22 JUDGE HOGAN: Ms. Olson, any questions?

23 MS. OLSON: No, Your Honor.

24 JUDGE HOGAN: Mr. Johnson?

25 MR. JOHNSON: No, Your Honor.

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1 JUDGE HOGAN: Mr. Frank?

2 MR. FRANK: No, Your Honor.

3 JUDGE HOGAN: Commissioner Kringstad?

4 COMMISSIONER KRINGSTAD: No questions.

5 Thanks for being here.

6 MR. PATRIE: Yep.

7 JUDGE HOGAN: Commissioner Christmann?

8 **EXAMINATION**

9 **BY COMMISSIONER CHRISTMANN:**

10 Q. I just want to make use of your history in

11 working with the RECs, though. Would you agree

12 that their decision to do that, as you say to -- to

13 require the -- these nontraditional large loads to

14 be separate, that's more of a nonregulated decision

15 not really for the Public Service Commission to

16 decide other than potentially our role of working

17 with the regional transmission organization to

18 which they belong?

19 A. Yes, I -- I would agree. But -- but I

20 think the question then for the -- for the

21 commissioners, for you, how do we help develop

22 that -- that -- you still need to have siting

23 requirements for those plants that are going to be

24 built, the stand-alone plants. There's going to be

25 some regulation there of how they build them. So

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1 you're going to play a role in it somehow.

2 COMMISSIONER CHRISTMANN: Okay. Thank you

3 for being here today, Bill.

4 MR. PATRIE: Yeah. Thank you.

5 COMMISSIONER CHRISTMANN: Good to see you

6 again.

7 JUDGE HOGAN: Commissioner Haugen-Hoffart.

8 COMMISSIONER HAUGEN-HOFFART: I have no

9 questions. Thank you, Mr. Patrie.

10 JUDGE HOGAN: All right. Thank you. If

11 you want to leave a copy of your written comments,

12 I'll take that.

13 MR. PATRIE: Yes.

14 JUDGE HOGAN: All right. Who would like

15 to go next?

16 MR. DELONG: I'm Jody DeLong. D-e-L-o-n-g

17 is how you spell my last name, capital L.

18 JUDGE HOGAN: And did you hear me go

19 through the penalties for perjury earlier today?

20 MR. DELONG: Yes, I did.

21 JUDGE HOGAN: And do you understand what

22 perjury is?

23 MR. DELONG: Yes, I do.

24 (Witness sworn.)

25 JUDGE HOGAN: All right. Thank you. Go

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1 ahead.

2 **JODY DELONG,**

3 being first duly sworn, was examined and testified

4 as follows:

5 **STATEMENT**

6 **BY MR. DELONG:**

7 MR. DELONG: I'm here representing North

8 Dakota Native Vote as the chairman of the board,

9 and I'm just coming as basically a concerned

10 citizen.

11 So I have a written statement so I --

12 there's copies here, so I don't -- I'm not here as

13 an expert in any field or anything. I am here to

14 express my concerns regarding Basin Electric Power

15 Cooperative's application for certificate and site

16 compatibility for the proposed Bison Generation

17 Station. Reviewing the application, it is clear

18 that the scale, cost and projected beneficiaries of

19 this \$3.8 billion project raise serious questions

20 about whether the people of North Dakota will

21 benefit from this massive infrastructure expansion.

22 Basin has yet to provide a transparent

23 financial risk assessment to co-op members, which

24 raises red flags about how this project aligns with

25 its duty to protect member interests. So it seems

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1 that Basin Electric member-owners will be forced to

2 subsidize this \$4 billion gamble through increased

3 electric rates. Making this plant is an

4 extraordinarily expensive gamble for all North

5 Dakotans. At 2.7 million per megawatt, it costs

6 nearly three times more than similar gas plants

7 built in Illinois, Ohio and Pennsylvania within the

8 last decade.

9 There is no clear explanation of how this

10 \$3.8 billion investment will impact local

11 ratepayers or provide long-term benefits such as

12 reduced energy costs or enhanced energy security.

13 The proposal also comes at a time when

14 communities are already feeling the strain from

15 data centers in North Dakota. In 2023, data

16 centers consumed 15.5 percent of North Dakota's

17 electricity. Their growth is fueling utilities'

18 decisions to delay coal plant retirements and build

19 new gas infrastructure, all while clean energy

20 solutions and efficiency programs are

21 underutilized.

22 According to a recent analysis from REAMP

23 Network -- and I have a copy of that right here --

24 this unchecked load growth is already reversing

25 climate solution progress and driving higher rates

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1 for households.

2 The proposed 1,490 megawatt plant is

3 enormous by any local standard. To put this into

4 perspective, 1 megawatt can power approximately 750

5 to a thousand homes, meaning this facility could

6 supply electricity to over a million homes nearly

7 twice the population of the entire state. It would

8 represent over 50 percent of North Dakota's total

9 peak electricity demand and is larger than any coal

10 plant currently operating in the state.

11 This size alone suggests that the project

12 is not primarily intended to meet local residential

13 or cooperative member needs.

14 According to the application, the primary

15 justification for this plant is projected load

16 growth largely driven by assumptions that

17 industrial sectors such as data centers,

18 cryptocurrency mining, carbon capture and liquid

19 fuels production. These private ventures are

20 repeatedly cited as key driver of demand, yet the

21 application offers no concrete evidence such as

22 signed contracts, interconnection agreements or

23 site commitments to substantiate these claims.

24 Basin Electric's own testimony refers only

25 to interest from these sectors, not actual

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1 commitments. There is no clear detailed load data

2 for local communities, including Williams County

3 and Mountrail-Williams Electric Cooperative, or

4 other cooperatives in North Dakota which would

5 demonstrate an urgent or unmet energy need among

6 residents or agricultural users.

7 Coincidentally, Basin Electric's

8 leadership has shown a troubling pattern of failed

9 investments and poor transparency. This lack of

10 transparency extends to the economic and public

11 benefit aspects of the project. Basin Electric has

12 confirmed that this project is a factor in its

13 first rate increase since 2016. It is then

14 reasonable to assume that this project is primarily

15 structured to serve large private industrial

16 consumers, with limited assurances of meaningful

17 community advantages.

18 Another major concern is environmental and

19 public health risks that have been watered down by

20 assurances of following current regulations which

21 are questionable. The facility will include two

22 large anhydrous ammonia tanks, diesel and chemical

23 storage, which will involve -- invoke federal

24 compliance requirements and a sizable wastewater

25 evaporation pond and increased industrial traffic

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1 during construction.

2 Use of these hazardous chemicals underline

3 the importance of approving this project without

4 demonstrable and enforceable compliance with the --

5 to the environment and public health of local

6 communities.

7 The proposed Bison Generation Station

8 layout consists of two combustion turbine

9 generators, two heat recovery steam generators and

10 two steam turbine generators further raising

11 serious environmental and community risks. Despite

12 higher efficiency compared to simple-cycle plants,

13 this large combined-cycle facility will still emit

14 significant greenhouse gases. The combustion

15 turbines and steam cycle also produce nitrogen

16 oxide, which can further degrade local air quality

17 and increase respiratory illness among nearby

18 residents.

19 The large-scale operation will require

20 substantial water use for steam generation and

21 cooling, placing additional stress on local water

22 supplies while creating competitive water use with

23 fracing industry in this. This should also raise

24 more concerns about the discharge of heated and

25 potentially contaminated wastewater into the

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1 environment -- environment.

2 Given these matters, I ask that the Public

3 Service Commission withhold or delay issuing the

4 certificates of site compatibility until Basin

5 Electric can provide: Clear, local community-level

6 load data demonstrating immediate and unavoidable

7 energy needs; verified contracts or commitments

8 from emerging industrial consumers that reveal the

9 true intentions of upscaling energy loads;

10 transparent analysis showing how the project

11 benefits cooperative members and local residents,

12 not just private emerging sectors; and then

13 enforceable guarantees prioritizing public health,

14 environmental safety and energy access.

15 It seems that this project is not being

16 built to meet the needs of North Dakotans. It is a

17 pork barrel project that will be an overbuilt and

18 unjustifiable project that risks burdening the

19 public with environmental harm and financial costs

20 to subsidized private industry growth.

21 Designed to serve speculative and

22 out-of-state owned data centers and cryptocurrency

23 mining operations, industries known for massive

24 electricity and water consumption, noise pollution,

25 and offering very few permanent quality jobs to

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1 local residents.
 2 The driving force behind this plant is not
 3 based on community need. It is not clearly
 4 demonstrated how this investment makes financial
 5 sense for member-owners. And they certainly
 6 haven't asked us if we're willing to foot the bill
 7 for a corporate dream of turning North Dakota into
 8 a data center playground. This is a dangerous
 9 precedent. If you approve this project, you are
 10 opening the door to more billion-dollar facilities
 11 serving outside interests at our expense, leaving
 12 member-owners holding the bag while executives and
 13 tech investors cash in.
 14 Thank you for your consideration of these
 15 critical issues. And there's copies right there.
 16 JUDGE HOGAN: All right. Thank you.
 17 Ms. Olson, any questions?
 18 MS. OLSON: No, Your Honor.
 19 JUDGE HOGAN: Mr. Johnson?
 20 MR. JOHNSON: No, Your Honor.
 21 JUDGE HOGAN: Mr. Frank?
 22 MR. FRANK: No, Your Honor.
 23 JUDGE HOGAN: Commissioner Kringstad?
 24 COMMISSIONER KRINGSTAD: No questions, but
 25 thank you.

1 or their own internal policies such as aid to
 2 construction to make sure that those data center --
 3 those large emerging loads like that will pay their
 4 own way and that this is not for them. Did -- did
 5 that testimony give you any comfort?
 6 **A.** I wouldn't say comfort. It kind of
 7 actually rose to more questions because sometimes,
 8 like, you heard that, like, it was part of their
 9 kind of like -- their future plans. Not really
 10 their plans, but expectations maybe of the growth
 11 of the industry. But yet it wasn't included within
 12 their analysis. So it just kind of seemed to
 13 create more confusion, I guess.
 14 COMMISSIONER CHRISTMANN: Okay. Thank you
 15 for your feedback and for being here today.
 16 Appreciate your time.
 17 MR. DELONG: Do you guys want this copy of
 18 the REAMP study?
 19 COMMISSIONER HAUGEN-HOFFART: I have a
 20 question.
 21 MR. DELONG: Oh.
 22 COMMISSIONER HAUGEN-HOFFART: I have some
 23 questions for you.
 24 MR. DELONG: Oh, yep.
 25

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1 JUDGE HOGAN: Commissioner Christmann?
 2 COMMISSIONER CHRISTMANN: I do, and I
 3 promise, the first one's going to be really easy.
 4 **EXAMINATION**
 5 **BY COMMISSIONER CHRISTMANN:**
 6 **Q.** Mr. DeLong, for my notes, I didn't catch
 7 your first name.
 8 **A.** Jody.
 9 **Q.** Jody.
 10 **A.** With a Y.
 11 **Q.** Okay. And then -- so I understand your
 12 concerns on -- right now, I mean, I understand
 13 both. I'm not talking about the -- like the
 14 environmental stuff, but as far as this being built
 15 primarily for these emerging kind of loads like
 16 data centers. Then sitting here -- I think you
 17 were here throughout the morning; correct?
 18 **A.** Yep.
 19 **Q.** So did -- did the sworn testimony of Basin
 20 Electric's witnesses that they, A, this was
 21 something that was being planned really before that
 22 blew up, more for oil and gas development such,
 23 this along with their transmission projects; and
 24 then, B, that -- and I hope I paraphrase this
 25 right -- that they plan either through FERC tariffs

1 **EXAMINATION**
 2 **BY COMMISSIONER HAUGEN-HOFFART:**
 3 **Q.** So do you live in this area?
 4 **A.** I do not. I live in St. John, which is
 5 like probably five miles from the Canadian border.
 6 It's like in the center of the state.
 7 **Q.** And so living in St. John, who is -- are
 8 you served by a co-op?
 9 **A.** Yes. North Central, actually.
 10 **Q.** Okay. Okay. Do you serve on a co-op
 11 board?
 12 **A.** I do not serve on a board.
 13 **Q.** Okay. I guess Randy -- Randy really
 14 addressed my questions to you, if you were here and
 15 understanding what Basin presented.
 16 **A.** Yep.
 17 **Q.** So you said you have more concerns. Can
 18 you enlighten me based on what they said?
 19 **A.** Well, not more concerns. Just a little
 20 bit more confusion. Like I just -- I just -- where
 21 I hear them saying that data centers are not
 22 factored really into like this -- like it was prior
 23 to -- the idea to get this plant was prior to,
 24 like, the emergence of data centers or something
 25 kind of, but at the same time it just seemed like a

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1 bit overkill for -- without that factor into the
 2 need, I guess.
 3 COMMISSIONER HAUGEN-HOFFART: Okay. I
 4 have no further questions. Thank you so much for
 5 your time.
 6 MR. DELONG: Thank you, guys.
 7 JUDGE HOGAN: If you'd like -- I know you
 8 have written comments, so I'll take a copy of that,
 9 and if you want to submit that other document, it's
 10 up to you. I'll include it with the --
 11 MR. DELONG: I'll put it right here.
 12 JUDGE HOGAN: -- public testimony. Okay.
 13 MR. DELONG: Thank you. You guys have a
 14 great day.
 15 JUDGE HOGAN: Let's see. Good afternoon,
 16 I guess. I just looked at my clock, so --
 17 MS. DONAGHY: I was going to say good
 18 morning, but good afternoon. My name is Nicole
 19 Donaghy. I am the executive director for North
 20 Dakota Native Vote and --
 21 JUDGE HOGAN: And can I have you spell
 22 your last name?
 23 MS. DONAGHY: That's what I was just going
 24 to do. N-i-c-o-l-e D-o-n-a-g-h-y.
 25 JUDGE HOGAN: All right. And did you hear

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1 me go through the penalties for perjury this
 2 morning?
 3 MS. DONAGHY: I did, yes.
 4 JUDGE HOGAN: And do you understand what
 5 perjury is?
 6 MS. DONAGHY: I do, yes.
 7 (Witness sworn.)
 8 JUDGE HOGAN: All right. Thank you. Go
 9 ahead.
 10 **NICOLE DONAGHY,**
 11 being first duly sworn, was examined and testified
 12 as follows:
 13 **STATEMENT**
 14 **BY MS. DONAGHY:**
 15 MS. DONAGHY: Well, thank you for the
 16 opportunity to testify. I do have two pages of
 17 testimony that I will submit into the written
 18 record. But I really in the interest of time will
 19 take, like, the top notes from my testimony to
 20 prevent repetitive -- repetition.
 21 So my name is Nicole Donaghy. I'm a
 22 lifelong North Dakotan, a rural electric
 23 cooperative member, Capital Electric to be
 24 specific. I live in Lincoln, North Dakota, and I'm
 25 a nonprofit leader committed to supporting healthy,

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1 resilient communities across our state.
 2 I'm here today to respectfully express
 3 concern about the BSG -- or the BGS and to request
 4 the Commission require a thorough public risk
 5 assessment before moving this project forward.
 6 And in meaning that, I -- going off of the
 7 cuff, I am more concerned about rate spikes -- rate
 8 spikes when it comes to once this load is increased
 9 and how that's going to impact Basin members, and
 10 me being served as an electric cooperative member,
 11 how this is going to trickle down into the rates.
 12 And so living in Lincoln, being served by
 13 Capital Electric, I'm getting a lot of emails about
 14 peak -- peak incidents when my rates will increase
 15 throughout the day. At first it was one every
 16 couple weeks and now it's like every other day.
 17 And so part of my concern as a North
 18 Dakotan resident and being served by Basin and
 19 through my rural electric cooperative is how this
 20 trickle-down effect is going to impact ratepayers.
 21 Another major concern is that this
 22 proposed \$4 billion gas plant is one of the most
 23 expensive in North Dakota's history and is being
 24 developed, but largely -- and this is probably
 25 repetitive -- not meeting -- is going to meet the

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1 demand of out-of-state data centers and
 2 cryptomining operations.
 3 I believe a more careful evaluation of the
 4 environmental and financial risk is necessary. The
 5 current project cost of 2.7 million per megawatt is
 6 nearly triple the cost of similar plants across the
 7 country, like my colleague stated previously.
 8 Basin Electric has yet to clearly communicate what
 9 portion of the financial risk will fall in
 10 member-owners, nor how ratepayers will be protected
 11 if the expected industrial demand fails to
 12 materialize. This is especially concerning given
 13 recent rulings where a federal judge under FERC --
 14 or administrative judge ruled that Basin
 15 misallocated nearly half a billion dollars in costs
 16 to members through a previous failed project.
 17 As someone who values both innovation and
 18 public stewardship, I believe we must pause to ask
 19 are we building the right infrastructure for the
 20 right reasons and are we protecting our communities
 21 in the process?
 22 I ask the Commission to require:
 23 Comprehensive, independent risk assessment of this
 24 project, including financial, environmental and
 25 ratepayer impacts; a public explanation of how

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1 Basin plans to protect co-op members from stranded
2 assets or rising utility costs; and a clear plan
3 forward -- or a clear plan for robust member
4 engagement and community transparency before moving
5 forward.

6 And I get that this hearing today is part
7 of that process, but as a large -- Basin serves all
8 of North Dakota.

9 This decision will shape our state's
10 energy future for decades. We need to be sure it's
11 a future built on accountability, sustainability
12 and shared benefit, not just speed or market
13 speculation.

14 Thank you for your time and your
15 thoughtful consideration.

16 JUDGE HOGAN: All right. Thank you.

17 Ms. Olson, any questions?

18 MS. OLSON: Yes, Your Honor.

19 **EXAMINATION**

20 **BY MS. OLSON:**

21 Q. Good morning. You mentioned that this
22 project was more expensive than similar plants in
23 other areas of the country. Could you identify
24 which plants you're referencing?

25 A. Since my colleague's testimony is right

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1 here, I believe he stated Illinois, Ohio and
2 Pennsylvania.

3 Q. Okay. And do you have specific plants,
4 projects in those states?

5 A. With the appendix that Mr. DeLong
6 delivered, there is a report that states that.

7 MS. OLSON: Okay. Thank you. That's all.

8 JUDGE HOGAN: Mr. Johnson, any questions?

9 **EXAMINATION**

10 **BY MR. JOHNSON:**

11 Q. Are you aware that cooperatives have
12 fought long and hard to not be regulated by the PSC
13 when it comes to rates?

14 A. I do understand that, yes.

15 Q. Do you understand that the PSC does not
16 regulate rates?

17 A. I do understand that, yes.

18 Q. So do you understand that by coming to ask
19 us to look into rates for something we don't
20 regulate doesn't really work very well?

21 A. I do understand that, yes, but I also
22 think that it should be part of the plan and
23 accountability and transparency to member-owners to
24 have that included in the application so that there
25 is that clear line of communication for

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1 member-owners.

2 Q. Okay. So that would be between members,
3 their cooperatives and Basin?

4 A. I'm assuming so, yes.

5 MR. JOHNSON: Okay. No further questions.

6 JUDGE HOGAN: Mr. Frank, any questions?

7 MR. FRANK: No, Your Honor.

8 JUDGE HOGAN: Commissioner Kringstad?

9 COMMISSIONER KRINGSTAD: No questions.

10 Thanks for being here.

11 JUDGE HOGAN: Commissioner Christmann.

12 COMMISSIONER CHRISTMANN: I do. One.

13 **EXAMINATION**

14 **BY COMMISSIONER CHRISTMANN:**

15 Q. You mentioned Basin Electric being found
16 to have misappropriated costs from a failed
17 project, and whether there was miss -- you know,
18 regarding -- I'm not -- I don't need to discuss who
19 should have paid for that, but what was the failed
20 project?

21 A. I believe it was Dakota Gasification
22 Company and --

23 Q. Has Dakota Gasification been providing
24 hundreds, depending on how you count the mining,
25 maybe more than a thousand of North Dakota's best

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1 jobs for over four decades and producing natural
2 gas at times when it's needed the most and
3 producing fertilizer for farmers right here in
4 America instead of from around the world that has
5 to be imported? Is that the failed project you
6 mean?

7 A. Providing jobs and creating a robust
8 economy does not justify misappropriating
9 spending -- or misappropriation of member-owners'
10 money that they built.

11 Q. And I said not to -- not to debate the
12 misappropriation part, but you said a failed
13 project. And I just don't understand how something
14 that has provided over four decades of tremendous
15 pay and high-benefit jobs right here in North
16 Dakota -- I don't understand how that's a failed
17 project.

18 A. The failure is -- lies in the lack of
19 accountability that Basin is giving toward its
20 members. The failure lies in utilizing funds that
21 were given in trust and breaking the trust of
22 member-owners of Basin Electric.

23 Q. So am I understanding right that while you
24 said the misappropriation of a failed project, did
25 you really mean that they failed to appropriately

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1 apply the costs, but that the project -- you're not
 2 saying that the project is a failure?
 3 **A.** Oh, no. I -- I guess I did state that out
 4 of context -- out of context.
 5 COMMISSIONER CHRISTMANN: Thank you.
 6 MS. DONAGHY: Yes.
 7 JUDGE HOGAN: Commissioner Haugen-Hoffart?
 8 COMMISSIONER HAUGEN-HOFFART: I have no
 9 questions. Thank you for your testimony.
 10 MS. DONAGHY: Thank you. And thank you
 11 for -- oh, I do have one question before I stand
 12 down. We have -- one of my colleagues has written
 13 testimony for somebody that cannot be here. Is she
 14 allowed to read that to the committee to submit it
 15 for the record?
 16 JUDGE HOGAN: I think you can just submit
 17 a copy of it and I'll include it with the other
 18 public testimony handouts, and the Commission can
 19 determine what weight to give those comments seeing
 20 that that individual isn't here to testify.
 21 MS. DONAGHY: Okay. I believe we would
 22 need an email since it's a digital record.
 23 JUDGE HOGAN: Okay. Do -- has it already
 24 been submitted or you need to submit it.
 25 MS. DONAGHY: No. No. It needs to be

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1 submitted.
 2 JUDGE HOGAN: Okay. So, yes, you can do
 3 that.
 4 MS. DONAGHY: Okay. Thank you.
 5 JUDGE HOGAN: Thank you.
 6 All right. Are there others or anybody
 7 else that would like to provide public testimony?
 8 Last chance. I don't see anybody standing up.
 9 All right. Well, that will bring us to
 10 the end of public testimony and the end of our
 11 hearing.
 12 So I will just ask if there's any closing
 13 remarks from the commissioners, and I'll start with
 14 Commissioner Kringstad.
 15 COMMISSIONER KRINGSTAD: Thank you. I'll
 16 keep my closing remarks very short.
 17 Once again, I just want to thank everybody
 18 for being here today and sticking with us as we
 19 went a little bit into the noon hour.
 20 So thanks again, guys. Safe travels home.
 21 JUDGE HOGAN: Commissioner Christmann.
 22 COMMISSIONER CHRISTMANN: Same thing. I
 23 appreciate the extra information that we get
 24 outside of the -- the application process. And we
 25 will study everything and come to a conclusion

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1 based on the law.
 2 JUDGE HOGAN: Commissioner Haugen-Hoffart.
 3 COMMISSIONER HAUGEN-HOFFART: Thank you.
 4 Thank you to all of you in the public who
 5 testified. It's -- it's an opportunity to learn,
 6 and sometimes there is some misunderstanding on
 7 what the PSC role is and the difference between who
 8 we regulate and who we don't regulate.
 9 I hope it's an opportunity that -- beyond
 10 sometimes these public hearings, there's an
 11 opportunity for more education to go on and people
 12 to get their answers.
 13 But these are very important, and we thank
 14 you for being here. And safe travels.
 15 JUDGE HOGAN: All right. Thank you.
 16 As far as -- I know that Ms. Fox Dukart
 17 was going to follow up on a couple of Commissioner
 18 Kringstad's questions, so are we going to do that
 19 in a late-filed exhibit?
 20 MS. OLSON: Yes, Your Honor.
 21 JUDGE HOGAN: Okay. And did you want to
 22 set a deadline for submitting that?
 23 MS. OLSON: We should be able to have it
 24 by, like, next Monday.
 25 JUDGE HOGAN: July 7?

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1 MS. OLSON: Yeah.
 2 JUDGE HOGAN: Okay. And then is Basin
 3 going to submit proposed findings of fact,
 4 conclusions of law and a proposed order?
 5 MS. OLSON: Yes, we will.
 6 JUDGE HOGAN: All right. And did you want
 7 to set a deadline for that?
 8 MS. OLSON: Let's see. Can I get like two
 9 weeks for that?
 10 JUDGE HOGAN: So July 14?
 11 MS. OLSON: Yes.
 12 JUDGE HOGAN: Is that acceptable,
 13 Mr. Johnson?
 14 MR. JOHNSON: That's fine with me.
 15 JUDGE HOGAN: All right. Any other
 16 matters we need to discuss before we conclude?
 17 Ms. Olson, did you have anything?
 18 MS. OLSON: No, Your Honor.
 19 JUDGE HOGAN: Mr. Johnson?
 20 MR. JOHNSON: No, Your Honor.
 21 JUDGE HOGAN: All right. Well, then I
 22 will note for the record, it's 12:23 p.m., and that
 23 will conclude our hearing for today.
 24 (Concluded at 12:23 p.m., the same day.)
 25

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 22nd
14 day of July, 2025.

15

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Stephanie A. Smith
Registered Professional Reporter

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