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 --

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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(The following proceedings were had and made of record herein, commencing at 9:04 a.m., Monday, the 30th day of June, 2025:)

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

It is July 30, 2025, at 9:04 a.m. This is the time and date scheduled for a hearing set by the notice of filing and notice of public hearing issued by the North Dakota Public Service Commission on May 8, 2025, for Case Number PU-25-086.

My name is Hope Hogan, and I'm the hearing officer that has been designated for today's hearing. I'm an administrative law judge with the Office of Administrative Hearings.

This hearing is being held today at the Grand Williston Hotel & Conference Center in Williston, North Dakota.

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

Also, there is an attendance sheet that's going around. The Commission would ask that

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everybody please sign the attendance sheet so that we have a record of everybody that has attended today's hearing.

This is a hearing on an application of Basin Electric Power Cooperative for a certificate of site compatibility to construct a 2,490 megawatt combined-cycle gas turbine generator and associated facilities in Wheelock Township, Williams County, North Dakota.

The notice of filing and notice of public hearing specified the following issues to be considered and determined in this matter: Number 1, will the location and operation of the proposed facilities produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?

Is the proposed facility compatible with the environmental preservation and efficient use of resources?

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

I will now ask the parties to make their

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appearance for the record. Ms. Olson, can you please state your appearance for the record and introduce the witnesses you intend to call today.

MS. OLSON: Yes. Good morning. Maggie Olson, senior staff counsel for Basin Electric Power Cooperative.

Today I will call three witnesses. First, Mr. Chris Bauer. He is the project coordinator. Mr. Bauer will discuss the project description, design, construction and operation and the policy criteria.

Next will be Mr. Benjamin Hertz. He is the manager of power supply planning. Mr. Hertz will discuss the project need and benefits.

And then last, I will call Ms. Erin Fox Dukart. She is the director of environmental services and will discuss siting criteria, environmental considerations and permitting requirements.

JUDGE HOGAN: All right. Thank you.

Mr. Johnson, do you want to state your appearance for the record and introduce Commission staff who's appearing with you today.

MR. JOHNSON: Brian Johnson. I'm advisory counsel for the Commission. And with me is Robert

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Frank, and I -- I would ask that he be allowed to ask questions today, if necessary.

JUDGE HOGAN: All right. Thank you.

Testimony from the public will be taken after the completion of Basin's witness testimony. I encourage anyone to take the opportunity to tell the commissioners what you think they should know about this matter. I assure you that what you have to say is important to the Commission and will be considered by the commissioners. If you would like to testify today, I would ask that you please indicate as such on the attendance sheet, just so I have an idea of how many people plan to testify.

If you have any questions about providing testimony today, feel free to ask me during our morning break.

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

COMMISSIONER KRINGSTAD: Thank you.

Good morning, everybody. Happy Monday. Good to see such a full room today.

So as Judge Hogan said, for those of you who haven't been to a hearing like this, I'll just kind of walk you through briefly how we -- how we

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

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

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

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

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JUDGE HOGAN: All right. Then Exhibits 1 through 10 as described will be entered into the record for this matter.

Any other preliminary matters we need to address, Ms. Olson?

MS. OLSON: No, Your Honor.

JUDGE HOGAN: Mr. Johnson?

MR. JOHNSON: No, Your Honor.

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

MS. OLSON: Okay. I call Mr. Chris Bauer.

THE WITNESS: The rug's not cooperating.

JUDGE HOGAN: Good morning.

MR. BAUER: Good morning.

JUDGE HOGAN: I'll have you start by stating your full name for the record.

MR. BAUER: My full name is Christopher Lane Bauer.

JUDGE HOGAN: I'm going to have you pull that mike just a little bit closer because I'm not sure how well it's --

MR. BAUER: My full name is Christopher Lane Bauer.

JUDGE HOGAN: Much better. Thank you.

Can you spell your last name for the

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record.

MR. BAUER: B-a-u-e-r.

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

MR. BAUER: Yes, I do.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you.

Go ahead, Ms. Olson.

MS. OLSON: Thank you.

CHRIS BAUER,

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

EXAMINATION

BY MS. OLSON:

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

A. Good morning. My name is Chris Bauer. I'm employed with Basin Electric Power Cooperative.

Q. What is your position with Basin Electric?

A. I work in the engineering and construction

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department, and I am the supervisor of structural engineering.

Q. Please describe your educational and professional background.

A. I received a bachelor of science degree in civil engineering and a master of science degree in civil engineering from South Dakota School of Mines & Technology in 2002 and 2007. I'm a professional engineer registered in North Dakota, South Dakota, Wyoming, Montana and Minnesota. I began my career as a consulting engineer in 2003.

And since joining Basin Electric in 2014, I have worked on several projects as the structural engineering lead, including new generation projects, and I've also served as a project coordinator on major upgrade and retrofit projects at Basin Electric's existing facilities.

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

A. For this project, I am the project coordinator. I'm responsible for all activities associated with development and execution of the project, including detailed project siting, detailed project scoping, development of the project schedule and the project budget,

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coordinating with project stakeholders, and ultimately developing and executing the construction contracting strategy for the project.

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

A. Yes, I am familiar with the application's contents.

Q. What is the purpose of your testimony today?

A. The purpose of my testimony is to describe the project's development, the project scope, the overall execution plan. I will also address the application of the Commission's policy criteria to the project.

Q. Please describe Basin Electric.

A. Basin Electric is a regional wholesale electric generation and transmission cooperative organized under the laws of North Dakota and headquartered in Bismarck. Basin Electric provides wholesale power to over 130 member cooperatives serving approximately 3 million consumers in nine states.

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

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A. So the project, which will be known as Bison Generation Station, consists of two multi-shaft combined-cycle generation units with an expected capacity of up to 745 megawatts per unit.

Exhibit 1 is a very simplified overall schematic of the combined-cycle power plant. The one -- the one item missing is the air-cooled condenser from the exhibit, but it's a -- it's a good reference for running through how a combined cycle works.

So each unit has an advanced class combustion turbine with a generator. Behind the combustion turbine is a fully fired heat recovery steam generator. There's also a steam turbine and generator to produce additional power and then an air-cooled condenser to condense the steam.

Q. Where is the project site located?

A. Exhibit 2 is a map of the project site. It shows the site as well as relative to existing transmission and gas infrastructure.

The project will be located on a 240-acre site in Wheelock Township purchased by -- by Basin Electric on May 30, 2025. The location is a little over a mile south of Highway 2 between Epping and Wheelock.

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Additionally, Exhibit 3 is a project rendering and then also some photo simulations which basically puts that project rendering in the real world with photos from several vantage points, you know, around the project site. So those are included in Exhibit 3.

Q. Who will the project serve?

A. This project is a network generation resource in the Southwest Power Pool that will serve members throughout Basin Electric's service territory that are within the Southwest Power Pool footprint, which is primarily in the North Central United States.

Specific local members that will be served by this project include Class A member Upper Missouri Power Cooperative and Class C member Mountrail-Williams Electric Cooperative.

Q. Will Basin Electric own the project?

A. Yes, Basin Electric will own the project.

Q. Please describe the project schedule.

A. If the Commission grants a certificate of site compatibility, initial site grading will begin in the middle of August. Pending receipt of the air permit from -- air permit to construct from the North Dakota Department of Environmental Quality,

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deep foundation work would begin in early 2026.

The first unit is planned for commercial operation in February or March of 2029, and then the second unit will be planned for commercial operation about a year after that in March of 2030.

The stagger in commercial operation dates and overall project schedule was developed to reduce the peak construction workforce required to build the project.

Q. What is the estimated project cost?

A. The current cost projection is $3.68 billion for this project.

Q. Now let's turn to the project design. Can you first generally describe the project's primary generation equipment?

A. Yes. And, again, Exhibit 1 is a decent reference for the primary equipment. Each unit, which are identical units, consists of an advanced class combustion turbine and generator. Combustion turbine takes inlet air, compresses it, mixes it with the fuel, and the combustion then drives a generator attached to the turbine. That generated electricity is, ultimately through a step-up transformer, injected into the electric grid.

The exhaust of the combustion turbine goes

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through a heat recovery steam generator, as well as supplemental heat input from duct burners to generate steam. The heat recovery steam generator also includes emission control equipment for the exhaust off the combustion turbine. Ultimately after going through the heat recovery steam generator, the exhaust goes out the stack.

A steam turbine and a generator is also included which receives the steam flows from the heat recovery steam generator and, again, drives the generator and transmits to the grid through a step-up transformer.

After the steam exhausts from the steam turbine, it goes to an air-cooled condenser. The air-cooled condenser turns the steam back to condensate, and that is then recycled back into the heat recovery steam generator in a closed system.

Unlike traditional cooling towers that continuously release water vapor to the atmosphere to cool, the closed system of an air-cooled condenser does not require significant makeup water.

Q. What is the project's expected electrical output?

A. The project is designed to meet variable

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electric demands and -- as low as 150 megawatts or as high as 1,486 megawatts.

Q. Please describe the key associated auxiliary equipment included with the project.

A. Yeah. The key auxiliary equipment for this project includes relatively large powerhouse buildings to enclose the generation equipment. There's a common building which includes our administrative area and offices, as well the control room, warehouse, maintenance shops, as well as a water treatment facility.

Outdoor equipment includes the generator step-up transformers, as well as unit auxiliary transformers. A 230 to 345-kV substation is also included in the project, as well as a natural gas-fired auxiliary boiler.

And there are approximately 55 acres of lined process wastewater evaporation ponds. Two stormwater ponds, one approximately two acres and one approximately three acres. As well as temporary construction and warehousing facilities to facilitate construction of the project.

Q. Why did Basin Electric select advanced class combustion turbines in combined cycle for the project?

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A. Benjamin Hertz will provide additional details for the overall need and some of the conclusions reached by the resource planning folks for this project.

On the development and execution side, our team took the results and their conclusions and actually considered several alternatives in order to validate those conclusions. We considered alternatives that were all natural gas-fired, simple cycle and combined cycle.

Our analysis consisted of capital construction costs, operations and maintenance costs as well as fuel costs. The results of our analysis did conclude that a combined cycle with advanced class combustion turbines was the most economical option.

Basin Electric selected a two-unit plant configuration to balance economics along with plant availability and plant reliability.

Q. What factors contributed to Basin Electric's selection of the project site?

A. Erin Fox Dukart will speak about specific factors on site selection. Again, from a detailed siting, our team looked at over 65 sites in total. Potential sites were considered in Williams,

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Mountrail, McKenzie and Dunn Counties for this project.

Key considerations for this project site included distance to transmission and fuel interconnections, location relative to the forecasted load growth, expected transmission system upgrades for the generator interconnect, and expected dispatch modeling for this resource and our existing resources in the SPP territory.

For a project this size, robust fuel supply and transmission interconnection weighed heavily in the decision-making. An additional benefit of this project site is the proximity to nearby rail sidings for the delivery of large equipment associated with this project.

Q. What is the fuel supply for the project?

A. Natural gas for the project will be transported by WBI Energy. WBI Energy is constructing a new 24-inch diameter steel pipeline lateral to support the project. And the approximate routing of that does show up on Exhibit 2 as well.

The new lateral is expected to be approximately 16 miles long and will be permitted separately by WBI Energy.

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Q. How much water will the project consume and what is the water supply?

A. Water use during construction is primarily for dust control and quality control measures associated with earthwork. Water use during operations would include potable water for employees, makeup water for evaporative cooling, some makeup water for the steam system, and in the event of a fire it would also include fire protection for the facility.

The time-weighted average consumption for the project would be about 61 gallons per minute, and the maximum water consumption would be 235 gallons per minute.

Basin Electric is working with Northwest Rural Water District to supply water for this project, and they have agreed to supply the water, and all these flows have been coordinated with Northwest Rural Water.

Q. Is any new electrical transmission needed for the project?

A. For construction of the project, Basin Electric is working with Mountrail-Williams on temporary construction power as well as essential service backup power long term for the project.

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

Transmission services interconnections will be permitted separately by Basin Electric.

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

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

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

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adjacent properties.

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

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

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

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

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

Q. Turning to construction, how will Basin

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Electric maintain the project site during and after construction?

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

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

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

After construction, areas disturbed to facilitate the construction will be restored. Restoration will include removal of any temporary surfacing, replacement of stockpiled topsoil and reseeding the native grasses. Other reclamation

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

Q. Please briefly describe the construction process.

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

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

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

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

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the southeast corner of the project site. Basin Electric has been working with Montana-Dakota Utilities to reroute that line along our site, however just along the east and south edges instead of running across it at a diagonal. The reroute is expected to be completed later this year.

No existing underground utilities are located on the project site.

Q. What are the project's expected traffic impacts?

A. The project will use measures to minimize disruption and inconvenience to the public. However, possible traffic impacts during construction include transport of large loads to the project site and increased traffic for the construction workforce. Large loads are permitted through the North Dakota Highway Department, and those are being permitted directly by the equipment suppliers to bring on the site.

Basin Electric anticipates equipment suppliers will utilize rail sidings in Wheelock, Epping and Ray, and over-the-road transport will be limited.

Basin Electric has met with the North Dakota Department of Transportation Williston

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District to discuss adding turn lanes at the intersection of 121st Avenue and Highway 2. Based on those discussions, the Department of Transportation was willing to add turn lanes if they followed all Department of Transportation standards and were paid for by Basin Electric.

Additionally, Basin Electric has been meeting with the Wheelock Township board to discuss improving and paving 121st Avenue South from the project site up to Highway 2.

Based on both those discussions, Basin Electric is actively pursuing adding the turn lanes off of Highway 2 as well as the road improvements on 121st Avenue.

Q. What benefits does the project provide to the local economy?

A. The wages and salaries paid to contractors and workers may provide income for residents in the area. Additionally, Basin Electric will have business expenditures for operating supplies and other products and services which would also benefit local businesses.

Once the plant is operational, Basin Electric will pay taxes to Williams County, including a production tax per megawatt based on

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how much electricity is generated annually, and a capacity tax per megawatt based on the power plant's capacity.

Q. What type of labor force will Basin Electric need for the project?

A. The construction workforce will consist of several different skilled trades as well as appropriate supervision and management of the skilled workers. Local labor will be used to the extent practicable and available.

Overall, Basin Electric expects up to 800 skilled workers and up to 200 supervision/management people on site at peak construction activities in 2027.

Q. What housing provisions are required for this type of workforce?

A. According to a housing study commissioned by Basin Electric, some response to increase demand by the local real estate market is expected. During construction, out-of-town workers are expected to use a combination of rental properties, campgrounds and lodging facilities within a 60- to 90-minute drive to the project site.

Basin Electric continues to monitor the dynamic environment of housing in the area as well

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as the dynamic environment of competing projects in the area and working with potential contractors as soon as possible to work on strategies for workforce housing.

As a note, Basin Electric is nearly complete with the project of Pioneer Generation Station, which is approximately 40 miles from this project site which had a peak workforce in August of 2024 of approximately 430 workers without any reported housing impacts.

Q. After construction, how many workers are expected to operate the project?

A. Basin Electric is still in the process of our staffing plan for the project when operational. The current estimate for permanent workforce is approximately 50 full-time employees.

Q. Will Basin Electric be prepared if there are emergency situations?

A. Basin Electric and Burns & McDonnell have established a site-specific safety and health plan for this project. This plan requires all contractors who work on the project to work collaboratively with Basin Electric on development of an emergency action plan for medical emergencies, fire prevention, hazardous material

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and severe weather conditions.
Q. How will Basin Electric ensure workforce safety?
A. Safety is a -- safety performance is a prime consideration with any contractor working with Basin Electric. Basin Electric defines safety performance requirements and responsibilities in the project specific safety and health plan -- safety and health program, and holds each contractor contractually obligated to meet those requirements.
The safety and health program also deals with subcontractors and agents working at the project site. The project safety and health program exceeds the requirements of federal, state and local regulatory agencies.
Q. And now let's talk about a few issues relating to the Commission's policy criteria. First, will any residents be required to relocate due to the project?
A. No residents will be relocated due to the project.
Q. Next, what efforts has Basin Electric made to economize the project's cost of construction and operation?

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A. Basin Electric has an obligation to its members to construct facilities in a way that manages costs while maintaining reliability and safety. By selecting this site for the project, the cost of infrastructure and transmission interconnections was reduced, thereby minimizing the overall project cost.
All materials and services are competitively bid by qualified suppliers and contractors, and the proximity to rail sidings reduces delivery costs for the major materials and equipment. The selection of the advanced class combustion turbines in a combined-cycle configuration maximizes plant efficiency, resulting in lower fuel costs for the electrical output for the life of the facility.
Additionally, Basin Electric maintains its own facilities and minimizes the cost of contracted services for maintaining the facilities.
Q. And what is Basin Electric's approach to labor relations?
A. Basin Electric uses both union and nonunion contractors and maintains an equitable and fair relationship with labor unions.
Q. To conclude your testimony, can you please

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tell us, based on your knowledge of the project, will its construction, operation and maintenance produce minimal adverse effects on the environment and human welfare?
A. Yes. Basin Electric has implemented the Commission's criteria in the project design, siting, construction, which ensures the project will have minimum adverse impacts on the environment and human welfare.
Q. Based on your knowledge of the project, is it compatible with the environmental preservation and the efficient use of natural resources?
A. Yes. The project will be constructed, operated and maintained in a manner to protect the environment and natural resources.
Q. And, finally, based on your knowledge of the project, will it ensure continuing system reliability and integrity needs are met?
A. Yes. The project will be a critical component in ensuring local and regional electrical reliability.
MS. OLSON: Thank you. I have no further questions for Mr. Bauer.
JUDGE HOGAN: Mr. Johnson, any questions?
MR. JOHNSON: None from this -- none for

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this witness, Your Honor.
JUDGE HOGAN: Mr. Frank, any questions?
MR. FRANK: None at this time.
JUDGE HOGAN: Commissioner Kringstad.
COMMISSIONER KRINGSTAD: Yes. Just a couple.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. Thank you, Mr. Bauer. And I'm going to ask some questions and if those need to be held for another witness, just let me know.
A. I will gladly take that opportunity if it's applicable. Yeah.
Q. Okay. So from a -- from a broad perspective, if this permit is approved, would this be the first combined-cycle plant in the state?
A. Yes.
Q. Okay. And you had talked a little bit about -- or actually quite a bit about some of the economic benefits of a plant like this. Are there any other benefits besides economic for a plant like this?
A. Yeah. I think there's a lot of benefits for a plant like this when it comes to not only economics but also flexibility. You know, you see

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as low as 150 megawatts and as high as at 1486. I mean, there's a huge range of flexibility there. It allows the plant to respond to different factors, you know, whether it be wind, you know, load requirements, that type of thing.

Additionally, you are -- you're really maximizing your output for the amount of gas you're burning. So when you look at just overall emissions when you look at combined cycle, the simple cycle, way less overall emissions per megawatt.

Q. It also seems to be like a very efficient way to generate electricity because you're generating it not only from the combustion turbine but also the steam turbine as well.

A. Yeah. I mean, it takes plant efficiencies overall. I mean, it -- I think I have a couple references here because I was curious myself. You know, it takes plant efficiencies from like 38 and a half percent up to like 64 percent. So that's where you're talking about, you know, taking one source of energy, turning it into another and, you know, getting up to 64 percent of that in a combined cycle, especially with the gas turbines specifically we've selected.

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Q. Okay. I know you had said during your testimony that the air-cooled condenser wasn't shown on Exhibit 1, but if I understood your explanation, if we were to put it in Exhibit 1, where it would go essentially is off of the steam turbine and then it would be, like, recycled back into the heat recovery steam generator; is that correct?

A. That is correct. Yeah. And there's a Figure 1.2 in the application that does have it on there as well. It shows it. Yeah, but it comes off the steam turbine and then you pump the condensate back into the heat recovery steam generator.

Q. You talked about how the interconnection for potentially this plant would be the Wheelock substation. If I'm looking at Exhibit 5, I just want to make sure I -- I understand where it's reflected here. So is that essentially that light blue dot just north of like the 45 dBA ring?

A. That is correct. So that's where the 230 would -- would interconnect. So I'm losing track of the exhibit numbers, I'll be honest, but we call it Exhibit 2, if that's the right -- the map that shows the 345 and 230 system.

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Q. Okay.

A. Yeah. So you can see there's a line going north there as well, so that's at that Wheelock substation. The blue is the 230. The red is the 345. So you can see, too, you know, we're -- we're bisecting that 345 line and this is kind of right in the middle of the two, so we have robust interconnection to both the 230 and 345 system.

Q. Okay. Perfect. With the project timeline, the -- the intention is for Unit 1 to come online first and begin generating while Unit 2 is still under construction; correct?

A. Correct. Yep.

Q. And then in the application, I just wanted to verify, so it's on -- it's labeled page 4-21 when it talks about, like, under the Visual Impact section. So it says, "The nearest individual residences to the project are located over 1 mile to the southwest, 1.2 miles to the northeast and 1.3 miles to the northwest."

I just want to verify, are those residences occupied or are they unoccupied structures?

A. The ones to the east are for sure. I would not -- I do not know for sure on the other

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ones. I would have to -- I would have to review that and see.

Q. Okay. So you said the ones to the --

A. I'm sorry. Directly to the west.

Q. Okay. The west are for sure?

A. Again, on the noise map, those ones to the west are the ones that are -- I know are occupied.

Q. Mm-hmm. Okay. Because I do have some questions on sound and the noise map that relate to this, but I think I should hold those for Ms. Fox Dukart; right?

A. Yes, please.

Q. Okay. Sounds good.

You had talked about restoration activities and reclamation activities. Can you give me a little more detail about that process?

A. Yeah. So eventually once we've got the site constructed and got the necessary roads to get at the things we need to, our goal is to get everything back to native grasses outside of that. So, you know, once the laydown area is done, you know, filled back, whatever improvements need to be made to facilitate construction, respread topsoil and go back to native grasses.

Q. Okay. And has Basin Electric established

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like a baseline that it wants to return to for something like this?

A. We have. I mean, it's -- it is everything that we can possibly seed, we will. I'd have to look at the -- the general arrangement in here. So, yeah, essentially on the general arrangement, there is a north entrance and a south entrance and then some roads that wrap around that. Basically if it's not in the substation or inside the roads, the goal is to put it back to native grasses.

Q. Okay. You said the fuel supply for this project is coming from WBI; correct?

A. Correct.

Q. And is that pipeline, that permit, is that a FERC permit?

A. That is FERC jurisdictional --

Q. Jurisdictional.

A. -- from what I understand. Yes.

Q. Okay. Is there an anticipated timeline for a permit like that?

A. It is sometime the first half of next year.

Q. Okay. But the -- has the application been submitted to FERC?

A. So other than coordinating general things

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with WBI, we're -- we're letting them take care of that.

Q. Okay. I have a couple questions related to traffic. Is that --

A. Yep.

Q. -- for you? Okay.

So you covered this on page 11 and 12 of your prefiled testimony, but just help me understand a little further. Who plays what role when we're talking about traffic between, like, the state DOT, the county, the local?

A. So everything we've dealt with to date, just the way it works out, is either it's the DOT with Highway 2 and specifically the folks in the Williston district office or the Wheelock Township because that's a township road that we're on. So those are the two entities we've been coordinating with, just the way it worked out. There weren't any official county roads there. We did visit with the county, and they let us know right away that's a township road and you should be working with the township.

Q. Okay. So the main concerns you talked about were the transportation of large-load equipment and the increase of construction traffic;

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right?

A. Yep.

Q. Any other concerns related to traffic that you've identified?

A. I guess not specifically to traffic or perhaps traffic -- just dust control as well. You know, the timing of actually paving that road and what we would do for dust control measures in between. I think you want to get some of the heavier loads to the site before you actually pave that road, so we -- we anticipate improving the road, leaving it unpaved for a certain amount of time to be determined, and then -- and then pave it closer to completion of the project versus pave a road just to tear it up and repave it. So dust mitigation is another concern with that.

Q. So talk a little more about if -- if those are the main concerns, what mitigation efforts you're looking at to address those?

A. Well, I think the big thing is just improving all the roads from where we see most people getting to the site from. You know, I'm pleased to hear that the DOT was allowing us to put on the turn lanes. Technically, temporary situations like this where you have temporary

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construction traffic do not warrant, you know, turn lanes. It's questionable if long-term operation would ever warrant turn lanes either, but by the time you wait for that, it's too late.

So proactively we're working to actually bid out that work in July to try to get somebody on board and try to get all those improvements made as soon as possible.

Q. Okay. And those improvements are all going to be paid for by Basin Electric --

A. Correct. Yeah.

Q. -- not like state DOT or anything?

A. Nope. All by Basin Electric, included in the project budget. Yep.

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

THE WITNESS: Yep. Thank you.

JUDGE HOGAN: Commissioner Christmann.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. Most of my questions for you I think have been covered. Just maybe a couple holes to fill in.

So you said the gas pipeline is FERC regulated. The transmission lines, I think you --

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excuse me -- I think you said that both the 230 and the 345 are more than a mile, so is it your presumption those would require siting?

A. Correct. Yes. That is the plan.

Q. And when do you anticipate doing that?

A. I would defer that question to Erin Fox Dukart to provide specifics. I do not recall if -- off the top of my heed exactly when we're doing that. We're actively working on it. I'm not sure where we're at on the -- on the status, though.

Q. Okay. And you mentioned the construction force of a thousand. We get applications for various things and people emphasize the construction workforce rather than the permanent FTEs.

A. Yeah.

Q. By the way, I appreciate you also mentioned the expectation for FTEs, so it wasn't misleading. But when people think of up to a thousand people at peak construction, I'm trying to get a time frame for that. Like how long do you think that the construction workforce will be, say, in the 500 to a thousand range?

A. Yeah. Let me -- let me review our housing and labor study here. We do have -- the appendix

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is at -- I know the peak is in 2027. There it is.

So it's actually -- it's actually in the -- in the labor study portion of our housing and labor study in the application. Where we -- we indicate -- and this is -- this is just the craft workforce. This doesn't include the management and supervision. But we had -- 793 was our estimate and that was in August of '27. When we're getting over that 500 mark, it's going to be the end of 2026, and then we would stay over 500 until about January of '29, so --

The -- the stagger on the commercial --

Q. Two and a half years.

A. Yeah. The stagger on the commercial dates, it drags it out a little bit, but it really reduces the peak, so that's why we have that -- that's a larger stagger than normal on a two-unit facility like this, but we recognize that the peak poses quite a few issues and even risks to the project execution style, so -- our execution plan. So we opted to separate those commercial operation dates a little bit more than typical.

Q. Okay. And you mentioned the MDU line that needs to be relocated. I presume that that is also in the budget that Basin Electric will pay for them

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to relocate that like you're doing the highway upgrades?

A. Correct. We -- we have a draft agreement to them and they're supposed to fill in the cost.

Q. Good, because I'd hate to have to approve a rate increase for that.

And I don't know who this is for, but in the plans, and as Commissioner Kringstad noted, this is the first combined-cycle plant for North Dakota, so I guess I don't know what to expect as far as a cooling water pond, but I sure didn't expect 53 acres. Is that just way bigger than necessary because of the lay of the land or is that how much is necessary, or can you just talk about if -- out of this whole site to take up 53 acres for that water pond seems like a lot.

A. Yeah. So -- so Basin Electric does have another combined-cycle down in South Dakota. It's a much smaller, single unit and it handles its water treatment differently. So for this one we have a full water treatment plant to take basically the potable water from Northwest Rural Water and improve it to the point that we can actually put it in through the steam turbine.

So that's the vast majority of the reason

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for the evaporation pond is just to get the higher quality water necessary for a combined cycle.

There's also -- you know, you're sizing something this has to last for the life of the plant. Is it maybe oversized a little? I can't say because that's looking way down the road. And I have good engineers I think making good judgments for long term for the project that say, okay, you know, we're not going to get to a point that, you know, we can't run this plant because our pond is full.

So they do need a certain amount of area to evaporate and maintain water balance. So I guess I trust my team that they're doing a good job, they're looking long term at the facility. That's a goal of Basin Electric is to, you know, create term -- build facilities that are reliable and available long term. But it is large.

Q. Okay. And then not so much a siting factor, but if you'd just provide me some information. We've talked about the peaking plants for years and years, not just Basin's, but around the country with the whole grid, and the fact that, yeah, they ramp up quickly and so they serve an important purses -- important purpose, but they are

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expensive to run.
Would you put it in -- now that you've thoroughly researched and made this decision of desiring to go through with building a modern large-scale cycle plant and you have other modern peaking plants, how would you compare what you expect year in/year out the prices for generating this power to be? Will -- will the cost of this energy be half as much as from your peaking plants, 90 percent as much or how would you compare it?
A. Won't be as good as half as much. And part of that is when you -- when you look at -- you've got to incorporate a combined-cycle plant is a more significant capital investment upfront which you recover long-term.
And so we did a couple of levelized cost electricity analysis versus, you know, simple cycle, combined cycle, different types of combined cycles. You know, it -- unless we were doing it all with, like, recips, we wouldn't be anywhere close to half or whatever.
But there are -- you know, once you get to the combined cycle, they do kind of level out and then it gets to be what are you looking at for capacity, and that's really kind of what -- what

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sets the size. So -- but, yeah, it -- I can't say for sure. It'll -- it'll depend. You know, one analysis here showed a reduction of maybe 25 percent long-term of levelized cost electricity, one versus the other.
Q. And am I right that a lot of that will depend on the demand and whether -- whether this is running at -- at close to full capacity most of the time or whether a lot of time you're -- you're tapered back?
A. Yeah. Well, there's going to be kind of a sweet point in efficiency with a combined-cycle plant, especially one that has a fire heat recovery steam generator, because if you're adding additional heatput into the heat recovery steam generator, you're losing a little bit of efficiency there. And then there's efficiency on the steam turbine curve, and -- you know, so there's a lot that goes into it.
As far as some of the questions, you know, Benjamin Hertz might be able to answer a few other questions as far as how -- how these things operated related to the peakers as well.
COMMISSIONER CHRISTMANN: Okay. I wanted to save the tough ones for Benjamin and Erin anyway

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just so they have to be nervous, so thank you. I have no other questions now.
THE WITNESS: Okay.
JUDGE HOGAN: Commissioner Haugen-Hoffart.
COMMISSIONER HAUGEN-HOFFART: Thank you.

EXAMINATION

BY COMMISSIONER HAUGEN-HOFFART:

Q. We talked about the project schedule and you said -- have talked about expected. Have you identified any barriers or situations where you would not be on your schedule?
A. To date, no, we have not.
Q. Okay. You talked about some of the equipment that is needed. Have you identified any supply chain issues?
A. So far, we've -- we've taken an early equipment procurement strategy to try to mitigate any of those issues. So we -- we locked down all the major generation equipment very early on, the transformers very early on, and then we have Burns & McDonnell doing what I call balance of plant, equipment and materials procurement. Again, early on. It helps feed into engineering and then it also, you know, ensures that those items will get to site in time to support the construction

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schedule. So we've had an early procurement strategy so we haven't had any issues there just yet.
When it comes to the cost of the goods and potential tariffs, that's another thing we're watching, but it doesn't -- doesn't mean it's not going to get here on time. It might just cost more, so --
Q. Right. I won't even ask you about the projected cost. We've already talked about that.
In your -- you brought this up in your testimony that Basin is working with Mountrail-Williams to provide temporary power during construction and essential backup. I know you're working with them. Have you done studies to make sure that the amount of power that's needed, that there's no adverse impacts on the other customers? What did you do there, your partnership there on the backup power?
A. Yeah. So our preconstruction team at Burns & McDonnell put together anticipated load for construction power. They've got electrical engineers that are working directly with the folks at Mountrail-Williams, and they've evaluated and they can serve it. We've paid for them to do it

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now, so -- so that means -- like I said, they'll be working on it here. And the goal is to -- you know, obviously with potential moving dirt this year is to get started on -- on serving the construction power yet this year.

Q. Okay. You talked about MDU's line. How long is that line that you're paying for to relocate, that existing 115?

A. The overall length of it or --

Q. Yeah.

A. -- just the length that we're rerouting.

Q. The length that you're rerouting.

A. Oh, it is very short. I don't have the exact figure.

Q. Oh, okay.

A. I'd have to look at the agreement. I don't have it --

Q. Okay.

A. -- memorized.

Q. You talked about that turn lane that you guys are paying for. Upon completion, will you be removing those turn lanes or will they be permanent?

A. No. They would remain.

Q. Okay.

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A. Yep.

Q. I'm just curious, when you talked about the 50 full-time employees upon completion, can you kind of give us an overview of the skills of those employees that will be at the plant?

A. Yeah. So there will be some administrative staff, including, you know, engineers, environmental compliance. There will be management there, plant manager. There will also be, you know -- we have a significant warehouse there, so there will be, you know, warehouse people. There will be the planners/schedulers who work to get the required work into the work management system Basin Electric uses. There will also be mechanics as well as electrician and instrument techs to do maintenance on those systems.

And then the rest would be operations crews who would have a, you know, lead operator and then a crew below them of a total of about five to six per crew is what we're looking at. And it's 24/7 so they would be, you know, operated 24/7 for the operations folks. The administrative folks would work a more typical schedule, I guess.

Q. Eight to five?

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A. Yeah.

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

JUDGE HOGAN: Any redirect, Ms. Olson?

FURTHER EXAMINATION

BY MS. OLSON:

Q. Just one question.

Mr. Bauer, you referenced the housing and labor study in responding to the commissioners' questions. That's Appendix D to the application; is that correct?

A. That is correct.

Q. Okay. And who prepared that study?

A. HDR. We've worked with HDR to prepare that study.

MS. OLSON: Thank you. No further questions.

JUDGE HOGAN: Mr. Johnson, any other questions?

MR. JOHNSON: No, Your Honor.

JUDGE HOGAN: Mr. Frank?

MR. FRANK: A few, Your Honor.

JUDGE HOGAN: Go ahead.

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EXAMINATION

BY MR. FRANK:

Q. Mr. Bauer, has Basin made any efforts to notify the public regarding the length of the construction activity and possible traffic impacts?

A. Yes. And I -- I believe some of this might get covered later, but I know about it so I can take it. Initially, when we started looking and honing in on this site, we did reach out to the Williams County Commission as well as the City of Ray and City of Epping and then ultimately had an open house in Epping with, you know, showing the overall schedule, talking about the number of workers. Very well-attended open house. I don't have the exact numbers, but it probably doubled Epping's population, I'm guessing, or more for the open house.

But, yeah, very well attended. So we have made efforts to -- to get out in the public and let them know about the project.

Q. Have you made any efforts to have possible alternative routes for local traffic or anything like that?

A. We have not gotten that specific. As far as local traffic goes, it's kind of -- if you --

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when you go to the site, you get there from Highway 2. I mean, most of the traffic will come from Highway 2. I'm sure there's some traffic that will come from other areas. Part of it goes to our strategy on -- on both the housing and labor management, it's working with contractors early on. You know, we've provided our housing and labor study to -- to contractors potentially to work on this site and -- and to get them looking at it as early as possible to come up with plans.

Obviously, if -- if they find a spot where they can house several workers in a certain -- certain location relative to the project site, that would influence traffic. Right? But we haven't gotten that figured out yet.

Q. And as far as details for the dust mitigation plan, would that be you or should I wait for --

A. That would be me.

Q. Just do you plan on having something finalized and filed with the PSC or is that just something you'll be working on and later on finalize the details?

A. We would be working on that later on. Yeah.

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MR. FRANK: Okay. Thank you.

JUDGE HOGAN: Any other commissioner questions?

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

THE WITNESS: Thank you.

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

MS. OLSON: Okay. I call Mr. Benjamin Hertz.

JUDGE HOGAN: Good morning. I'll have you state your full name for the record and spell your last name.

MR. HERTZ: Good morning. My name is Benjamin Jacob Hertz. My last name is spelled H-e-r-t-z.

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

MR. HERTZ: I did.

JUDGE HOGAN: And do you understand what perjury is?

MR. HERTZ: I do.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you.

Go ahead, Ms. Olson.

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BENJAMIN HERTZ,

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

EXAMINATION

BY MS. OLSON:

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

A. My name is Benjamin Hertz. I am employed by Basin Electric Power Cooperative.

Q. What is your position with Basin Electric?

A. I am the manager of power supply planning. My team is responsible for forecasting our members' electric consumption, identifying the need for new resources, evaluating alternatives, and providing recommendations for new resources to align with Basin Electric's forecasted obligations.

Q. Please describe your educational and professional background.

A. I received a bachelor of science degree with a major in mechanical engineering from North Dakota State University in 2006. I am a registered professional engineer in the state of North Dakota. I have worked for Basin Electric since 2014 in engineering and resource planning roles.

Q. What is your role with respect to the

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Bison Generation Station project?

A. My role with respect to the project has been to forecast the project need and to recommend the size, resource type and timing. These were determined by Basin Electric's annual load forecast and power supply planning processes.

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

A. Yes, I am.

Q. What is the purpose of your testimony today?

A. The purpose of my testimony is to provide information related to the project's need. I will provide general information about Basin Electric's load forecasting and power supply planning process.

My testimony, together with the application and other supporting evidence, will demonstrate the project will ensure continuing system reliability and integrity and ensure that energy needs are met in an orderly and timely fashion.

Q. First, let's talk about the need for the project. What is Basin Electric's commitment to North Dakota consumers regarding their electric power supply?

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

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

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

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

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economy that are expected to influence load in the future.

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

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

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

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

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

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

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

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

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

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

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

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

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

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peak load than it has in the past.

Together these impulses reinforce the justification for the Bison Generation Station which will be needed to -- to meet Basin Electric's current and forecasted traditional load growth.

Basin Electric has communicated to its members that in order to serve large loads and data centers forward, that additional resource development will be necessary and these new large loads will need to bear the responsibility for the associated costs.

Q. Did Basin Electric consider alternative solutions to the increased need for generation?

A. Yes. Basin Electric considered a wide variety of demand side and supply side resources when selecting the recommended resource, including renewable energy resources, fossil fuel generation and nuclear technologies.

To help evaluate these alternatives, Basin Electric hired Burns & McDonnell to complete a technology and pricing assessment. Basin Electric performed capacity expansion modeling to determine the most economical solution and ultimately selected an advanced-class combined cycle as the best fit considering all factors, including

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economics and reliability.

Q. What would happen if Basin Electric did not build any new generation?

A. Basin Electric considered other alternatives such as purchasing surplus power from other entities but was unable to locate options from existing resources for the magnitude required. Basin Electric has an obligation to provide firm power and carry sufficient resources necessary to meet its obligations and has concluded that new resources are necessary at this time.

Q. Besides the project, what else is Basin Electric doing to meet electrical demand throughout Basin Electric's footprint?

A. In addition to the project, Basin Electric recently commissioned the Roundup-to-Kummer Ridge 345-kV transmission line in December of 2024 and is in the process of commissioning the Pioneer Generation Station Phase IV currently.

Basin Electric is also developing the Leland Olds Station-to-Tande 345 transmission project which is planned to be energized in late 2026.

These investments represent a significant investment in 345-kV transmission and over 2

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gigawatts of dispatchable generation in just over five years.

Basin Electric has also recently signed power purchase agreements for 250 megawatts of wind, 100 megawatts of battery storage and other short-term capacity purchases in SPP.

Q. Next, let's talk about the project benefits. Will the project benefit the area in which Basin Electric is proposing to construct?

A. The project will provide a benefit to the area by allowing for reliable service -- service to area customers. The project will provide needed energy and capacity to meet Basin Electric's membership obligations, including obligations to local members and the area's oil, gas and other growth sectors.

Q. How does this project support the reliability of the electrical system in this area of northwestern North Dakota and eastern Montana?

A. The project will provide for a significant delivery of energy into the Bakken area. This will reduce the reliance on serving load across the high-voltage transmission system and is expected to reduce the burden on Basin Electric's simple-cycle generators in the area. Through these factors, the

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project is expected to bolster the reliability of the system.

Q. How will this facility's units be dispatched and what is the time frame for that dispatch?

A. The facility's two units will be economically dispatched based on market conditions and local area reliability needed to support the local area. The facility will be notified by the Southwest Power Pool when the units are needed to operate and provided a time when they need to be at a specified generation level.

The units are capable of being online and generating a minimum load in around 25 minutes and achieving full load operation in around four and a half hours from a cold start condition.

Q. Does the project ensure that capacity and energy needs of the area will be fulfilled in an orderly and timely fashion?

A. This project will significantly increase Basin Electric's ability to supply energy capacity in the local area. Basin Electric plans to meet its forecasted capacity and energy needs in an orderly fashion.

Q. Will the project affect Basin Electric's

members' rates?

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

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

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

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

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

JUDGE HOGAN: Mr. Johnson, any questions?

MR. JOHNSON: I do, Your Honor.

EXAMINATION

BY MR. JOHNSON:

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

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

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

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

MR. JOHNSON: Okay. Thank you.

JUDGE HOGAN: Mr. Frank, any questions?

MR. FRANK: Yes, Your Honor.

EXAMINATION

BY MR. FRANK:

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

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

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

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

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

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

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

Q. Okay.

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

MR. FRANK: Okay. Thank you.

JUDGE HOGAN: Commissioner Kringstad.

COMMISSIONER KRINGSTAD: Thank you.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

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

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

Q. A lot of my questions have been asked and answered, so I just have, I think, one follow-up. So you -- you had mentioned in -- or you had referenced Exhibit 4 as part of the prefiled testimony that, you know, shows the -- the projected growth for Basin Electric's footprint.

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

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page 2-9 and 2-10.

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

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

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

JUDGE HOGAN: Commissioner Christmann.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

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

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

A. That's right.

Q. And Southwest Power Pool is a regional

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

A. Yes.

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

A. Yes, I would agree with that.

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

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

Q. It was 2021?

A. I believe so.

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

A. Yeah.

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

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

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

A. Well, in regards to the Bison Generation

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

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

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

Q. So all really are needed?

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

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

JUDGE HOGAN: Sounds good. I can move on?

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COMMISSIONER CHRISTMANN: Yeah. That --

JUDGE HOGAN: Okay. Commissioner Haugen-Hoffart.

EXAMINATION

BY COMMISSIONER HAUGEN-HOFFART:

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

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

Q. Right.

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

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

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

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

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

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

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

A. I could make the request.

COMMISSIONER HAUGEN-HOFFART: Okay. Thank you.

COMMISSIONER CHRISTMANN: I'm just thinking here.

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

FURTHER EXAMINATION

BY COMMISSIONER CHRISTMANN:

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

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typically; right? When a city has a new development that's going to take a few megawatts, everybody helps build it out, and then they help build out the next thing and everyone -- it's a unified thing. And so you would be looking at dealing with these nontraditional huge loads separately; right?

A. That's correct.

Q. But that policy needs approval from the Federal Energy Regulatory Commission, does it not?

A. If that requires a new electric service rate, that -- that may be the case. There may be other ways that it could be handled through contract in aid of construction or security agreements in other forms, but it is certainly possible.

Q. I sort of felt like you were framing this that you have this policy in place, but my understanding is that you're applying to FERC to get this approved as a separate tariff rate; right?

A. That is possible. As I mentioned, there are other avenues where you could achieve risk reductions such as contract in aid of construction or security agreements, and so it's certainly not off the table that a new rate would need to be

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filed on a load-by-load basis, and we're prepared to do so. But in effect there are other ways to mitigate risk.

Q. Did you already take one shot at that? Did you apply to FERC once already and not get approved?

A. Basin Electric has filed a specific rate for a cryptocurrencies type of output, but since that was rejected in some way, shape or form, Basin Electric has been measuring how to proceed forward on those kinds of instances and -- and has worked with its members for the past year or so in order to develop a new framework. But at this point in time, a rate schedule has not been filed.

Q. Okay.

A. But the -- but I could note that the Basin Electric board of directors has resolved to implement a program that will achieve the objectives of -- of existing member ratepayer protection.

COMMISSIONER CHRISTMANN: Thank you. No other questions.

JUDGE HOGAN: Ms. Olson, any redirect?

MS. OLSON: Yes, Your Honor.

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FURTHER EXAMINATION

BY MS. OLSON:

Q. So the Basin board, they approved the large-load policy at the June meeting; is that correct?

A. It was recently approved after -- after much stakeholder work on the process.

Q. And then just to clarify, so if there were no data centers, Basin Electric would still be building the Bison Generation Station project?

A. Yes. We would still be recommending the project.

MS. OLSON: Okay. That's all.

JUDGE HOGAN: Mr. Johnson, any additional questions?

FURTHER EXAMINATION

BY MR. JOHNSON:

Q. I guess one real quickly. Your obligation is to serve all power users, not just residential or -- or smaller businesses or things like that. So when you have to do your planning and everything, you have to factor in for those large loads, data centers and things like that whether Basin agrees with them, disagrees with them, anything like that. You're -- you're doing your

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modeling and forecasting as you're required to do. Would that be a correct statement?

A. It is. We stand by to work with our members on serving large loads and ensuring that new resources can be brought on line to serve them. We stand by to work with all of our members and all their loads just intent on implementing additional risk mitigation.

MR. JOHNSON: Nothing further.

JUDGE HOGAN: Mr. Frank, any additional questions?

MR. FRANK: Yeah, just one question.

FURTHER EXAMINATION

BY MR. FRANK:

Q. In regard to some of the changes that are coming up in SPP, that performance-based accreditation, is that something that -- how far in the future is that going to be implemented, or is it already here for --

A. The performance-based accreditation methodology is in effect the winter of 2026.

Q. 2026.

A. Coming soon.

Q. As far as the analysis that you did. Did this particular resource then fare a little better

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

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

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

A. That is correct.

MR. FRANK: Okay. Thank you.

JUDGE HOGAN: Any other commissioner questions?

COMMISSIONER HAUGEN-HOFFART: I have -- I need clarification.

FURTHER EXAMINATION

BY COMMISSIONER HAUGEN-HOFFART:

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

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

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potential adverse outcomes related to large loads.

COMMISSIONER HAUGEN-HOFFART: Okay. Thank you.

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

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

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

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

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

MS. OLSON: Okay. Erin Fox Dukart.

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

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

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

MS. FOX DUKART: I did.

JUDGE HOGAN: And do you understand what perjury is?

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MS. FOX DUKART: I do.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you. Go ahead, Ms. Olson.

MS. OLSON: Thank you.

ERIN FOX DUKART,

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

EXAMINATION

BY MS. OLSON:

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

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

Q. What is your position with Basin Electric?

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

Q. Please describe your educational and professional background.

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

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Department of Health, Division of Disease Control.

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

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

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

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

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

A. Yes, I am.

Q. What is the purpose of your testimony today?

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

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Conversion and Transmission Facility Siting Act and as well as the Commission's rules and regulations.

My testimony, together with the application and other supporting evidence, will demonstrate that the project will have minimal adverse impacts on the environment and human welfare and that it is compatible with environmental preservation and the efficient use of resources.

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

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

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

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

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

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

Q. Does the project contain any exclusion areas?

A. It does not.

Q. Please describe what an avoidance area is.

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

Q. Does the project contain any avoidance areas?

A. It does not.

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

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

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

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

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

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

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

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

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

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

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

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

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noise criteria provided by the United States Environmental Protection Agency and the American National Standards Institute.

At the most impacted receptor, which is the nearest occupied residence, sound levels are expected to be comparable to the average existing nighttime ambient sound levels and below the average existing daytime levels. Short-duration construction activities will be louder, but not exceptional when compared to normal activities such as active farm equipment and oilfield drilling.

Basin Electric will incorporate standard design sound-mitigation technology in the project as discussed previously in Mr. Bauer's testimony.

Q. Please describe any studies Basin Electric has done to determine sound impacts from the project's operation.

A. Basin Electric's consultant, Burns & McDonnell, conducted a sound study for the project. Sound level measurements were taken to establish an existing ambient sound level in the areas surrounding the project. Operational sound level modeling -- modeling was performed using sound modeling software to determine the expected sound levels due to the project and the associate

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impacts.

The nearest occupied residence is located over a mile southwest of the nearest power block. The modeling indicates that project sound levels at the nearest occupied residential receptor would be approximately 42 A-weighted decibels, which is comparable to the existing environment and aligns with EPA and American National Standards Institute guidelines.

The predicted overall state operational dBA, which do not include contributions from ambient sources, are shown in Exhibit 5, which is a map that was produced by Burns & McDonnell as part of the sound study. Exhibit 5 shows contour lines kind of going out from the project site indicating what the sound levels due to the project would be. R1 through R5 are designated as the occupied residences, so that is where those receptors would be.

Q. Do you expect any significant adverse effect on human health and animal health and safety or plant life?

A. No. We do not expect any significant adverse effects on human health or animal health.

Q. Now I'm going to ask you about some

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additional key issues that you evaluated. First, please describe the cultural and historic resource assessments conducted for the project.

A. Basin Electric, through its consultant, Metcalf, consulted with the North Dakota State Historic Preservation Office regarding survey and testing methodology as well as reporting needs. To assess potential cultural and historic resources, a Class I literature search and a Class III intensive inventory were performed for the entire parcel on which the project will be located.

The Class I literature search was done to identify cultural resources that have been previously documented and to determine if there are any known cultural resources in need of further evaluation.

The Class III intensive inventory is a systematic 100 percent pedestrian field survey, which was done to identify cultural resources in previously unsurveyed areas, to update previously recorded resources, and make recommendations for each cultural resources' eligibility to be considered for the State Registry.

At the North Dakota State Historic Preservation officer's request, Metcalf also

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conducted an expanded Class I evaluation and a Class II windshield survey to examine the potential for historic properties, particularly cemeteries or sacred sites that may be affected by noise levels when the project is operational.

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

A. Montana Metcalf's findings were submitted to the North Dakota State Historic Preservation Office in a report with the recommendation of a finding of no significant sites along with no avoidance required. This report details Metcalf's findings, which included no new cultural resources identified on the parcel where the project will be located.

This report also details archaeologists revisiting three previously identified sites. In May of 2025, the North Dakota State Historic Preservation Office found the report acceptable.

Metcalf's findings on potential auditory impacts were also submitted to the North Dakota State Historic Preservation Office in a report. That report also had the recommendation of a finding of no significant sites. In May of 2025, the North Dakota State Historic Preservation Office

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also found this report acceptable.
Q. Is the project location habitat to any rare or endangered species?
A. No. There are no rare or endangered species habitat located on the project site.
Q. Was there any federal nexus for the project that required compliance with the National Environmental Policy Act, or NEPA?
A. There is no federal nexus and therefore there will not be an environmental impact statement or environmental assessment prepared for the project.
Q. Did Basin Electric incorporate public input during the site selection process?
A. Yes. Basin Electric solicited comments from federal and state agencies as part of the Commission's permitting process. Comments were received from federal, state and local entities.
Basin Electric also informally addressed the Williams County Commission, the Ray City Commission and the Epping City Council in person in September of 2024. Basin Electric also held a public open house in December of 2024 to inform and solicit input on the project from the local residents and communities.

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Prior to that open house, Basin Electric also sent letters to landowners within a two-mile radius from the project to inform them and invite them to the open house.
Q. Has Basin Electric addressed issues raised by other agencies regarding the project?
A. Yes. The agencies' comments varied according to the function and jurisdiction of the agency but generally emphasized a desire to minimize impacts to environmental resources, which Basin Electric has done by incorporating the mitigation measures into the project. Agency concerns were primarily focused on structure heights and anticipated noise levels.
Q. Did any of these agencies express concerns about the project that have not already been addressed?
A. No. All of the agency responses are included in the application in appendix K. Table 5-1 in the application also contains a summary of the comments.
Q. Does the project require county zoning approval?
A. On January 7, 2025, the Williams County Board of County Commissioners approved Basin

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Electric's request to rezone the 240-acre parcel on which the project will be located to heavy industrial. Under Williams County ordinances, an energy conversion facility is a permitted industrial use and, therefore, does not require a conditional use permit.
Q. Does the project require approval from the United States Army Corps of Engineers?
A. No. Field surveys did indicate one field delineated wetland and one upland erosional drainage. Basin Electric requested an approved jurisdictional determination from the Army Corps of Engineers. The Corps of Engineers determined that the wetland and drainage were not jurisdictional waters of the United States.
Q. Are there any additional permits needed to begin construction of the project?
A. There are. An updated stormwater management plan will be required by the Williams County Water Resource District Board. The plan was conditionally approved in June -- on June 18, 2025.
Basin Electric will also be required to obtain the appropriate air permit to construct from the North Dakota Department of Environmental Quality. This project will be considered a major

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facility or project per the prevention of significant deterioration, or PSD, regulations.
This application was submitted to DEQ on February 10, 2025. Basin Electric anticipates receiving this permit by the end of the year. This permit is not required to begin civil work on the site but is required prior to installation of permanent emission source infrastructure.
A solid waste impoundment will be constructed on the site to evaporate wastewater from the facility that also requires a permit from the DEQ division of solid waste. A pre-application was submitted in March of 2025 to DEQ, and Basin Electric will submit a complete permit application later this year. Construction is anticipated on the impoundment to begin in mid-2026 or later after the permit is obtained.
A permit to construct will also be obtained from the North Dakota Department of Water Resources Regulatory Program for the impoundment. The first application for this is anticipated to be submitted later this year.
Basin Electric will obtain site grading and building permits through the Williams County building division, a sewage treatment system plan

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permit through the Upper Missouri District Health Unit, and road approach permits through Wheelock Township. Other permits will include a construction general stormwater permit and overweight and oversize load permits.

Q. How is this project affected by the federal Greenhouse Gas Power Plant Rule?

A. If the Greenhouse Gas Power Plant Rule remains in its current form, it would limit the project to a 40 percent capacity factor. EPA recently issued a proposal to rescind this rule. Basin Electric has modeled the project to comply with whichever rules are in place at the time the project commences operation.

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

A. Yes. Basin Electric conducted a thorough environmental review of the project area to avoid environmentally sensitive areas and areas where there could be adverse impacts to human welfare. Where such areas cannot be avoided completely, Basin Electric is committed to taking appropriate

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measures to minimize any adverse effects.

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

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

MS. OLSON: Thank you. I have no further questions for Ms. Dukart.

JUDGE HOGAN: Mr. Johnson, any questions?

MR. JOHNSON: Just one.

EXAMINATION

BY MR. JOHNSON:

Q. Basin intends to not begin construction until all relative and related permits are in hand; correct?

A. We would anticipate beginning civil work prior to receipt of the air application.

Q. Okay.

A. But any additional work, no.

MR. JOHNSON: Okay. Thank you.

JUDGE HOGAN: Mr. Frank, any questions?

MR. FRANK: Just one, Your Honor.

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EXAMINATION

BY MR. FRANK:

Q. In reaching out to local landowners and residents, the town meetings, I'm just curious if you did a -- kind of a project-by-project approach if, when you reached out to them, did you also talk about the additional need for like a pipeline and the different transmission lines, or was it just mainly concerning this project?

A. Primarily it was concerning the project. I think some of those conversations did occur, though.

MR. FRANK: Okay. Thank you.

JUDGE HOGAN: Commissioner Kringstad.

COMMISSIONER KRINGSTAD: Thank you. Just a couple questions.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. When I was looking through the agency correspondence, you talked about in your prefiled testimony how there are no rare or endangered species? I saw some correspondence from U.S. Fish and Wildlife but I didn't see -- was that resolved?

A. Yeah. The -- there were questions, you know, just regarding the sound and then heights.

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They did have some additional questions regarding the potential transmission lines, like how is it going to interconnect --

Q. Sure.

A. -- and so that has been resolved. And then when we go to permit those transmission lines, we'll have additional conversations at that time.

Q. I see. Okay.

And does the same thing apply with like the military aviation and installation assurance siting --

A. That's correct.

Q. -- clearinghouse? Yep. Okay. Because there's no military --

A. Correct.

Q. -- operations in the area? Okay. Perfect.

You had talked about the State Historical Society a little bit, and one of the things they talked about was -- was areas where sound was at 30 dBA and above. Is that something that you guys have -- have seen before, a request from them related to that?

A. We had not and neither had our consultant. So to resolve that -- I mean, given all of -- the

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

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

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

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

A. Correct.

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

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

Q. Okay. That would be great.

A. Yep.

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

A. Mm-hmm.

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

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

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

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

A. Correct. Yeah, so the --

Q. -- North Dakota specific?

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

Q. Okay.

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

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

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

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

Q. Mm-hmm.

A. -- on a calm day.

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

A. Okay.

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

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

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

JUDGE HOGAN: Commissioner Christmann.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

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

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

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

A. Correct.

Q. Okay. Thank you for --

A. I apologize for the confusion.

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

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

A. It is conditional.

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

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

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

A. Correct.

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

A. Correct.

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

A. Mm-hmm.

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

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

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

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

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

A. That's correct.

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

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

Q. So the -- their proposal to rescind that

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rule would apply to those too?

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

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

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

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

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final rule. And then based upon that, that will be what the final rule is.

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

JUDGE HOGAN: Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: Thank you.

EXAMINATION

BY COMMISSIONER HAUGEN-HOFFART:

Q. You addressed some of this in your testimony and we also -- Mr. Bauer did too, but I want to talk about what -- the public open house in December of 2024 to inform and solicit input on the project from local residents and communities.

A. Mm-hmm.

Q. From that, have those concerns -- I just want to reiterate -- have all those concerns been addressed?

A. They have been.

Q. Okay. And how about potential impact on retail service or transportation facilities? You didn't indicate there would be significant impact, but if there is, have you thought of any solutions?

A. We haven't identified any concerns with that. I don't believe any were, you know, brought to our attention. None of our consultants have

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identified anything, but should something arise, we would absolutely work to mitigate those.

Q. Okay. We received a letter from North Dakota Environmental Quality dated May 29, and it says that the proposed project appears to have the potential to be a source of emissions and may require it to have an air pollution control permit. Do you anticipate any concern on getting that?

A. No. We have submitted the application for that and their staff is currently working through it.

Q. Okay. Just permits in general, do you anticipate any concerns on obtaining any permits --

A. Nope, we do not.

Q. -- that are outstanding?

COMMISSIONER HAUGEN-HOFFART: Okay. No further questions.

JUDGE HOGAN: Ms. Olson, any redirect?

MS. OLSON: Yes, Your Honor.

FURTHER EXAMINATION

BY MS. OLSON:

Q. Ms. Dukart, you talked about the sound study that was completed. Who completed that study for Basin Electric?

A. Burns & McDonnell, our consultant.

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Q. And did a sound engineer complete that study?

A. Yes.

Q. And were the results of that study that the project is expected to be within EPA guidelines?

A. Yes. EPA criteria for rural residential is 48.6 dBA. The -- the modeled project sound levels at the nearest receptor is 42 dBA, which is significantly less than the EPA criteria for rural residences.

Q. And do you know at a sound level of 42 dBA what that might be comparable to?

A. That would be comparable to basically a farm field with a light breeze with some potential bird calls.

MS. OLSON: Okay. Thank you. No further questions.

JUDGE HOGAN: Mr. Johnson, any additional questions?

MR. JOHNSON: No, Your Honor.

JUDGE HOGAN: Mr. Frank?

MR. FRANK: No, Your Honor.

JUDGE HOGAN: Any other commissioner questions?

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All right. Well, thank you.

Just to confirm, that concludes Basin Electric's testimony; correct?

MS. OLSON: That's correct.

JUDGE HOGAN: All right. Then we will move to public testimony. And even if you didn't check "yes" on the -- the sign-in sheet, can I just get a show of hands so that I know how many people want to offer testimony this morning? All right. Great.

Okay. So one by one I'll have you come up and sit in our witness chair up here. Anybody that provides public testimony will be sworn in like our other witnesses. We will also go around the table and see if there's any questions with you -- for you after you provide your statement.

And I'll just note this is an opportunity to provide comments to the Commission. It's not the time to ask the Commission questions that you might have, but your opportunity to provide information to them.

Like our other witnesses, I'll have you state your name and spell your last name for the record. If you are representing a group or an entity, if you want to indicate who you are

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appearing on behalf of, that would be helpful. If you are a landowner that's in the vicinity of this area, if you identify where that is, that would be helpful as well.

I would also ask that you don't repeat previous testimony. If somebody has testified before you that has raised the concerns you have, please just indicate that you have those same concerns.

And then, finally, Commissioner Christmann at the beginning talked about -- talked briefly about the types of things the Commission has jurisdiction over, so I would ask that you please limit your comments to the issues the Commission has jurisdiction over.

So with that in mind, who would like to go first?

MR. KUEHN: Good morning.

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

MR. KUEHN: Certainly. Kristopher, K-r-i-s-t-o-p-h-e-r, Kuehn, K-u-e-h-n.

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

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MR. KUEHN: I did.

JUDGE HOGAN: And do you understand what perjury is?

MR. KUEHN: Yes, ma'am.

(Witness sworn.)

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

KRISTOPHER KUEHN,

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

STATEMENT

BY MR. KUEHN:

MR. KUEHN: So I am the superintendent of the Nesson School District in Ray, North Dakota. I don't have prepared testimony, so just kind of a shotgun blast of my thoughts.

There are tremendous potential impacts to the Nesson School District, all of which I view as being positive in nature. I think the tax implications are enormous as well as the potential for adding enrollment to our school district.

I -- I know the area particularly well. We -- our school district also encompasses the -- kind of the rural communities which will -- which are also going to be served in Wheelock, Epping and

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Springbrook. We service those areas with our bus routes, and so I guess I -- I really don't have any -- anything insightful to offer other than the fact that I just really can't see -- from the school district perspective, I can't see anything negative that could come from the Bison electric generation plant.

So with that, thank you.

JUDGE HOGAN: Thank you.

Ms. Olson, any questions?

MS. OLSON: No, Your Honor.

JUDGE HOGAN: Mr. Johnson?

MR. JOHNSON: No, Your Honor.

JUDGE HOGAN: Mr. Frank?

MR. FRANK: No, Your Honor.

JUDGE HOGAN: Commissioner Kringstad.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. What is the current enrollment of your district?

A. We have approximately 450 students, K through 12.

COMMISSIONER KRINGSTAD: Okay. That's all I have. Thank you.

JUDGE HOGAN: Commissioner Christmann.

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EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. So this makes me curious. What was your peak during the --

A. I -- so this is my -- I've just completed my third year as a superintendent, and in my three years, I think we peaked at 458. And I believe that that was the highest since I've -- I mean, they were never more than 458 students.

Q. So do -- are you in any way worried about -- now I don't have the numbers right in front of me -- I think it was --

A. 40 to 50 employees?

Q. -- 40 to 50 employees, but up to a thousand during construction. I know --

A. Yes. And I -- I visited with --

Q. I know they said a bunch of those are in there working construction for a couple years, bringing a bunch of kids to town, you've got to build facilities or bring in temporary facilities and in two years they're gone, and --

A. That's kind of why I'm here, actually, was to get more information regarding that, and it's kind of an interesting -- this maybe only accelerates those discussions amongst the school --

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

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

MR. KUEHN: Absolutely. Thank you.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

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

MR. KUEHN: Absolutely. Thank you.

JUDGE HOGAN: Thank you.

Who would like to go next? Come on up. Good morning, I'll have you state your full name for the record and spell your last name.

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

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

MR. MAHOWALD: I did.

JUDGE HOGAN: And do you understand what perjury is?

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MR. MAHOWALD: Yes, I do.

(Witness sworn.)

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

JEREMY MAHOWALD,

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

STATEMENT

BY MR. MAHOWALD:

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

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

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

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

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

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

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

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

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

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

Thank you.

JUDGE HOGAN: All right. Thank you.

Ms. Olson, any questions?

MS. OLSON: No, Your Honor.

JUDGE HOGAN: Mr. Johnson?

MR. JOHNSON: No, Your Honor.

JUDGE HOGAN: Mr. Frank?

MR. FRANK: No, Your Honor.

JUDGE HOGAN: Commissioner Kringstad?

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COMMISSIONER KRINGSTAD: No. Thanks for being here.

JUDGE HOGAN: Commissioner Christmann?

EXAMINATION

BY COMMISSIONER CHRISTMANN:

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

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

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

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

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

A. Right.

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

A. You are, and those --

Q. -- or is my terminology wrong?

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

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

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

MR. MAHOWALD: You bet.

COMMISSIONER CHRISTMANN: -- giving your perspective.

JUDGE HOGAN: Commissioner Haugen-Hoffart?

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

MR. MAHOWALD: Thank you.

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

MR. MAHOWALD: I gave it to her.

JUDGE HOGAN: Thank you.

All right. Who would like to go next?

MR. PHELPS: Good morning.

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

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

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

MR. PHELPS: Yes.

JUDGE HOGAN: And do you understand what perjury is?

MR. PHELPS: I do.

(Witness sworn.)

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

NICHOLAS PHELPS,

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

STATEMENT

BY MR. PHELPS:

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

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

We have hundreds of trained millwrights

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and carpenters in the area to support this project. The Bison Generation Station project represents a significant investment in the region's energy infrastructure and will pay -- will play a crucial role in the meeting of growing electricity demand from industrial, manufacturing, data processing, and residential customers from the area, including farms and ranches.

Our millwrights have a proven history of working collaboratively with Basin on previous projects, current projects they have. They come with extensive training, successfully performing essential work on previous projects, contributing to a timely and safe completion of critical infrastructure for the citizens of North Dakota.

We have also met with potential developers involved in this project, many who have demonstrated a track record of hiring skilled trade workers and delivering projects on schedule while maintaining the highest safety standards.

The North Central States Regional Council of Carpenters is committed to supporting projects that enhance regional reliability, affordability and community-focused benefits in the gas-fueled generation industry. We believe the Bison

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Generation Station will create substantial local employment opportunities and drive economic growth throughout the region.

We look forward to continuing our partnership with Basin Electric and contributing to the successful development of this important project.

Thank you.

JUDGE HOGAN: Thank you.

Ms. Olson, any questions?

MS. OLSON: No, Your Honor.

JUDGE HOGAN: Mr. Johnson?

MR. JOHNSON: No, Your Honor.

JUDGE HOGAN: Mr. Frank?

MR. FRANK: No, Your Honor.

JUDGE HOGAN: Commissioner Kringstad?

COMMISSIONER KRINGSTAD: Just one question.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. Do you -- do you have any estimate of like the impact that a potential project like this, like more specifically, could have for your organization?

A. It creates opportunity for the members in

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the area that we have. We had quite a few members working on the Pioneer station, so this is kind of a sister project and kind of keeps that going.

COMMISSIONER KRINGSTAD: Okay. That's all I had. Thanks for being here.

JUDGE HOGAN: Commissioner Christmann.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. Do you have any worries about being able to get the -- the right people here in the area and have housing for them and everything for a project of this scale?

A. You know, like for our portion of it for the skill, I don't see -- foresee, you know, problems with housing or getting the right people in the area for this project.

Q. And are you familiar with the natural gas processing facility that is proposed for over by Trenton in about the same time frame?

A. I'm not.

Q. If -- okay. Then I guess the rest of the question doesn't matter then.

COMMISSIONER CHRISTMANN: Thank you for being here.

MR. PHELPS: Yep.

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JUDGE HOGAN: Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: Thank you.

EXAMINATION

BY COMMISSIONER HAUGEN-HOFFART:

Q. Mr. Phelps, do you live in the area?

A. Fargo area.

Q. Fargo.

So the people that's working on the other one, are they more local or --

A. Yeah.

Q. -- in the state or --

A. More this -- just the western part of the state. So we have two different locals in the state, one out of Fargo and one out of Bismarck.

Q. Okay.

A. Most of the people that would be working on these projects and projects in the past are from the western part of North Dakota.

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

JUDGE HOGAN: Thank you, Mr. Phelps.

THE WITNESS: Thank you.

JUDGE HOGAN: Who would like to go next?

MR. PATRIE: Good morning.

JUDGE HOGAN: Good morning. I'll have you

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

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

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

MR. PATRIE: Yes, I did.

JUDGE HOGAN: And do you understand what perjury is?

MR. PATRIE: Yes, I do.

(Witness sworn.)

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

BILL PATRIE,

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

STATEMENT

BY MR. PATRIE:

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

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rural development director.

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

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

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

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

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

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

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

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

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

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

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

JUDGE HOGAN: Ms. Olson, any questions?

MS. OLSON: No, Your Honor.

JUDGE HOGAN: Mr. Johnson?

MR. JOHNSON: No, Your Honor.

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JUDGE HOGAN: Mr. Frank?
MR. FRANK: No, Your Honor.
JUDGE HOGAN: Commissioner Kringstad?
COMMISSIONER KRINGSTAD: No questions. Thanks for being here.
MR. PATRIE: Yep.
JUDGE HOGAN: Commissioner Christmann?

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. I just want to make use of your history in working with the RECs, though. Would you agree that their decision to do that, as you say to -- to require the -- these nontraditional large loads to be separate, that's more of a nonregulated decision not really for the Public Service Commission to decide other than potentially our role of working with the regional transmission organization to which they belong?

A. Yes, I -- I would agree. But -- but I think the question then for the -- for the commissioners, for you, how do we help develop that -- that -- you still need to have siting requirements for those plants that are going to be built, the stand-alone plants. There's going to be some regulation there of how they build them. So

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you're going to play a role in it somehow.
COMMISSIONER CHRISTMANN: Okay. Thank you for being here today, Bill.
MR. PATRIE: Yeah. Thank you.
COMMISSIONER CHRISTMANN: Good to see you again.
JUDGE HOGAN: Commissioner Haugen-Hoffart.
COMMISSIONER HAUGEN-HOFFART: I have no questions. Thank you, Mr. Patrie.
JUDGE HOGAN: All right. Thank you. If you want to leave a copy of your written comments, I'll take that.
MR. PATRIE: Yes.
JUDGE HOGAN: All right. Who would like to go next?
MR. DELONG: I'm Jody DeLong. D-e-L-o-n-g is how you spell my last name, capital L.
JUDGE HOGAN: And did you hear me go through the penalties for perjury earlier today?
MR. DELONG: Yes, I did.
JUDGE HOGAN: And do you understand what perjury is?
MR. DELONG: Yes, I do.
(Witness sworn.)
JUDGE HOGAN: All right. Thank you. Go

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ahead.

JODY DELONG,

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

STATEMENT

BY MR. DELONG:

MR. DELONG: I'm here representing North Dakota Native Vote as the chairman of the board, and I'm just coming as basically a concerned citizen.

So I have a written statement so I -- there's copies here, so I don't -- I'm not here as an expert in any field or anything. I am here to express my concerns regarding Basin Electric Power Cooperative's application for certificate and site compatibility for the proposed Bison Generation Station. Reviewing the application, it is clear that the scale, cost and projected beneficiaries of this $3.8 billion project raise serious questions about whether the people of North Dakota will benefit from this massive infrastructure expansion.

Basin has yet to provide a transparent financial risk assessment to co-op members, which raises red flags about how this project aligns with its duty to protect member interests. So it seems

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that Basin Electric member-owners will be forced to subsidize this $4 billion gamble through increased electric rates. Making this plant is an extraordinarily expensive gamble for all North Dakotans. At 2.7 million per megawatt, it costs nearly three times more than similar gas plants built in Illinois, Ohio and Pennsylvania within the last decade.

There is no clear explanation of how this $3.8 billion investment will impact local ratepayers or provide long-term benefits such as reduced energy costs or enhanced energy security.

The proposal also comes at a time when communities are already feeling the strain from data centers in North Dakota. In 2023, data centers consumed 15.5 percent of North Dakota's electricity. Their growth is fueling utilities' decisions to delay coal plant retirements and build new gas infrastructure, all while clean energy solutions and efficiency programs are underutilized.

According to a recent analysis from REAMP Network -- and I have a copy of that right here -- this unchecked load growth is already reversing climate solution progress and driving higher rates

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for households.

The proposed 1,490 megawatt plant is enormous by any local standard. To put this into perspective, 1 megawatt can power approximately 750 to a thousand homes, meaning this facility could supply electricity to over a million homes nearly twice the population of the entire state. It would represent over 50 percent of North Dakota's total peak electricity demand and is larger than any coal plant currently operating in the state.

This size alone suggests that the project is not primarily intended to meet local residential or cooperative member needs.

According to the application, the primary justification for this plant is projected load growth largely driven by assumptions that industrial sectors such as data centers, cryptocurrency mining, carbon capture and liquid fuels production. These private ventures are repeatedly cited as key driver of demand, yet the application offers no concrete evidence such as signed contracts, interconnection agreements or site commitments to substantiate these claims.

Basin Electric's own testimony refers only to interest from these sectors, not actual

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commitments. There is no clear detailed load data for local communities, including Williams County and Mountrail-Williams Electric Cooperative, or other cooperatives in North Dakota which would demonstrate an urgent or unmet energy need among residents or agricultural users.

Coincidentally, Basin Electric's leadership has shown a troubling pattern of failed investments and poor transparency. This lack of transparency extends to the economic and public benefit aspects of the project. Basin Electric has confirmed that this project is a factor in its first rate increase since 2016. It is then reasonable to assume that this project is primarily structured to serve large private industrial consumers, with limited assurances of meaningful community advantages.

Another major concern is environmental and public health risks that have been watered down by assurances of following current regulations which are questionable. The facility will include two large anhydrous ammonia tanks, diesel and chemical storage, which will involve -- invoke federal compliance requirements and a sizable wastewater evaporation pond and increased industrial traffic

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during construction.

Use of these hazardous chemicals underline the importance of approving this project without demonstrable and enforceable compliance with the -- to the environment and public health of local communities.

The proposed Bison Generation Station layout consists of two combustion turbine generators, two heat recovery steam generators and two steam turbine generators further raising serious environmental and community risks. Despite higher efficiency compared to simple-cycle plants, this large combined-cycle facility will still emit significant greenhouse gases. The combustion turbines and steam cycle also produce nitrogen oxide, which can further degrade local air quality and increase respiratory illness among nearby residents.

The large-scale operation will require substantial water use for steam generation and cooling, placing additional stress on local water supplies while creating competitive water use with fracing industry in this. This should also raise more concerns about the discharge of heated and potentially contaminated wastewater into the

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environment -- environment.

Given these matters, I ask that the Public Service Commission withhold or delay issuing the certificates of site compatibility until Basin Electric can provide: Clear, local community-level load data demonstrating immediate and unavoidable energy needs; verified contracts or commitments from emerging industrial consumers that reveal the true intentions of upscaling energy loads; transparent analysis showing how the project benefits cooperative members and local residents, not just private emerging sectors; and then enforceable guarantees prioritizing public health, environmental safety and energy access.

It seems that this project is not being built to meet the needs of North Dakotans. It is a pork barrel project that will be an overbuilt and unjustifiable project that risks burdening the public with environmental harm and financial costs to subsidized private industry growth.

Designed to serve speculative and out-of-state owned data centers and cryptocurrency mining operations, industries known for massive electricity and water consumption, noise pollution, and offering very few permanent quality jobs to

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local residents.

The driving force behind this plant is not based on community need. It is not clearly demonstrated how this investment makes financial sense for member-owners. And they certainly haven't asked us if we're willing to foot the bill for a corporate dream of turning North Dakota into a data center playground. This is a dangerous precedent. If you approve this project, you are opening the door to more billion-dollar facilities serving outside interests at our expense, leaving member-owners holding the bag while executives and tech investors cash in.

Thank you for your consideration of these critical issues. And there's copies right there.

JUDGE HOGAN: All right. Thank you.

Ms. Olson, any questions?

MS. OLSON: No, Your Honor.

JUDGE HOGAN: Mr. Johnson?

MR. JOHNSON: No, Your Honor.

JUDGE HOGAN: Mr. Frank?

MR. FRANK: No, Your Honor.

JUDGE HOGAN: Commissioner Kringstad?

COMMISSIONER KRINGSTAD: No questions, but thank you.

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JUDGE HOGAN: Commissioner Christmann?

COMMISSIONER CHRISTMANN: I do, and I promise, the first one's going to be really easy.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. Mr. DeLong, for my notes, I didn't catch your first name.

A. Jody.

Q. Jody.

A. With a Y.

Q. Okay. And then -- so I understand your concerns on -- right now, I mean, I understand both. I'm not talking about the -- like the environmental stuff, but as far as this being built primarily for these emerging kind of loads like data centers. Then sitting here -- I think you were here throughout the morning; correct?

A. Yep.

Q. So did -- did the sworn testimony of Basin Electric's witnesses that they, A, this was something that was being planned really before that blew up, more for oil and gas development such, this along with their transmission projects; and then, B, that -- and I hope I paraphrase this right -- that they plan either through FERC tariffs

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or their own internal policies such as aid to construction to make sure that those data center -- those large emerging loads like that will pay their own way and that this is not for them. Did -- did that testimony give you any comfort?

A. I wouldn't say comfort. It kind of actually rose to more questions because sometimes, like, you heard that, like, it was part of their kind of like -- their future plans. Not really their plans, but expectations maybe of the growth of the industry. But yet it wasn't included within their analysis. So it just kind of seemed to create more confusion, I guess.

COMMISSIONER CHRISTMANN: Okay. Thank you for your feedback and for being here today. Appreciate your time.

MR. DELONG: Do you guys want this copy of the REAMP study?

COMMISSIONER HAUGEN-HOFFART: I have a question.

MR. DELONG: Oh.

COMMISSIONER HAUGEN-HOFFART: I have some questions for you.

MR. DELONG: Oh, yep.

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EXAMINATION

BY COMMISSIONER HAUGEN-HOFFART:

Q. So do you live in this area?

A. I do not. I live in St. John, which is like probably five miles from the Canadian border. It's like in the center of the state.

Q. And so living in St. John, who is -- are you served by a co-op?

A. Yes. North Central, actually.

Q. Okay. Okay. Do you serve on a co-op board?

A. I do not serve on a board.

Q. Okay. I guess Randy -- Randy really addressed my questions to you, if you were here and understanding what Basin presented.

A. Yep.

Q. So you said you have more concerns. Can you enlighten me based on what they said?

A. Well, not more concerns. Just a little bit more confusion. Like I just -- I just -- where I hear them saying that data centers are not factored really into like this -- like it was prior to -- the idea to get this plant was prior to, like, the emergence of data centers or something kind of, but at the same time it just seemed like a

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bit overkill for -- without that factor into the need, I guess.

COMMISSIONER HAUGEN-HOFFART: Okay. I have no further questions. Thank you so much for your time.

MR. DELONG: Thank you, guys.

JUDGE HOGAN: If you'd like -- I know you have written comments, so I'll take a copy of that, and if you want to submit that other document, it's up to you. I'll include it with the --

MR. DELONG: I'll put it right here.

JUDGE HOGAN: -- public testimony. Okay.

MR. DELONG: Thank you. You guys have a great day.

JUDGE HOGAN: Let's see. Good afternoon, I guess. I just looked at my clock, so --

MS. DONAGHY: I was going to say good morning, but good afternoon. My name is Nicole Donaghy. I am the executive director for North Dakota Native Vote and --

JUDGE HOGAN: And can I have you spell your last name?

MS. DONAGHY: That's what I was just going to do. N-i-c-o-l-e D-o-n-a-g-h-y.

JUDGE HOGAN: All right. And did you hear

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me go through the penalties for perjury this morning?

MS. DONAGHY: I did, yes.

JUDGE HOGAN: And do you understand what perjury is?

MS. DONAGHY: I do, yes.

(Witness sworn.)

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

NICOLE DONAGHY,

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

STATEMENT

BY MS. DONAGHY:

MS. DONAGHY: Well, thank you for the opportunity to testify. I do have two pages of testimony that I will submit into the written record. But I really in the interest of time will take, like, the top notes from my testimony to prevent repetitive -- repetition.

So my name is Nicole Donaghy. I'm a lifelong North Dakotan, a rural electric cooperative member, Capital Electric to be specific. I live in Lincoln, North Dakota, and I'm a nonprofit leader committed to supporting healthy,

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resilient communities across our state.

I'm here today to respectfully express concern about the BSG -- or the BGS and to request the Commission require a thorough public risk assessment before moving this project forward.

And in meaning that, I -- going off of the cuff, I am more concerned about rate spikes -- rate spikes when it comes to once this load is increased and how that's going to impact Basin members, and me being served as an electric cooperative member, how this is going to trickle down into the rates.

And so living in Lincoln, being served by Capital Electric, I'm getting a lot of emails about peak -- peak incidents when my rates will increase throughout the day. At first it was one every couple weeks and now it's like every other day.

And so part of my concern as a North Dakotan resident and being served by Basin and through my rural electric cooperative is how this trickle-down effect is going to impact ratepayers.

Another major concern is that this proposed $4 billion gas plant is one of the most expensive in North Dakota's history and is being developed, but largely -- and this is probably repetitive -- not meeting -- is going to meet the

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demand of out-of-state data centers and cryptomining operations.

I believe a more careful evaluation of the environmental and financial risk is necessary. The current project cost of 2.7 million per megawatt is nearly triple the cost of similar plants across the country, like my colleague stated previously. Basin Electric has yet to clearly communicate what portion of the financial risk will fall in member-owners, nor how ratepayers will be protected if the expected industrial demand fails to materialize. This is especially concerning given recent rulings where a federal judge under FERC -- or administrative judge ruled that Basin misallocated nearly half a billion dollars in costs to members through a previous failed project.

As someone who values both innovation and public stewardship, I believe we must pause to ask are we building the right infrastructure for the right reasons and are we protecting our communities in the process?

I ask the Commission to require: Comprehensive, independent risk assessment of this project, including financial, environmental and ratepayer impacts; a public explanation of how

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

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

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

Thank you for your time and your thoughtful consideration.

JUDGE HOGAN: All right. Thank you.

Ms. Olson, any questions?

MS. OLSON: Yes, Your Honor.

EXAMINATION

BY MS. OLSON:

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

A. Since my colleague's testimony is right

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

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

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

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

JUDGE HOGAN: Mr. Johnson, any questions?

EXAMINATION

BY MR. JOHNSON:

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

A. I do understand that, yes.

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

A. I do understand that, yes.

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

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

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member-owners.

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

A. I'm assuming so, yes.

MR. JOHNSON: Okay. No further questions.

JUDGE HOGAN: Mr. Frank, any questions?

MR. FRANK: No, Your Honor.

JUDGE HOGAN: Commissioner Kringstad?

COMMISSIONER KRINGSTAD: No questions. Thanks for being here.

JUDGE HOGAN: Commissioner Christmann.

COMMISSIONER CHRISTMANN: I do. One.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

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

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

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

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

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

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

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

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

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apply the costs, but that the project -- you're not saying that the project is a failure?

A. Oh, no. I -- I guess I did state that out of context -- out of context.

COMMISSIONER CHRISTMANN: Thank you.

MS. DONAGHY: Yes.

JUDGE HOGAN: Commissioner Haugen-Hoffart?

COMMISSIONER HAUGEN-HOFFART: I have no questions. Thank you for your testimony.

MS. DONAGHY: Thank you. And thank you for -- oh, I do have one question before I stand down. We have -- one of my colleagues has written testimony for somebody that cannot be here. Is she allowed to read that to the committee to submit it for the record?

JUDGE HOGAN: I think you can just submit a copy of it and I'll include it with the other public testimony handouts, and the Commission can determine what weight to give those comments seeing that that individual isn't here to testify.

MS. DONAGHY: Okay. I believe we would need an email since it's a digital record.

JUDGE HOGAN: Okay. Do -- has it already been submitted or you need to submit it.

MS. DONAGHY: No. No. It needs to be

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submitted.

JUDGE HOGAN: Okay. So, yes, you can do that.

MS. DONAGHY: Okay. Thank you.

JUDGE HOGAN: Thank you.

All right. Are there others or anybody else that would like to provide public testimony? Last chance. I don't see anybody standing up.

All right. Well, that will bring us to the end of public testimony and the end of our hearing.

So I will just ask if there's any closing remarks from the commissioners, and I'll start with Commissioner Kringstad.

COMMISSIONER KRINGSTAD: Thank you. I'll keep my closing remarks very short.

Once again, I just want to thank everybody for being here today and sticking with us as we went a little bit into the noon hour.

So thanks again, guys. Safe travels home.

JUDGE HOGAN: Commissioner Christmann.

COMMISSIONER CHRISTMANN: Same thing. I appreciate the extra information that we get outside of the -- the application process. And we will study everything and come to a conclusion

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based on the law.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: Thank you.

Thank you to all of you in the public who testified. It's -- it's an opportunity to learn, and sometimes there is some misunderstanding on what the PSC role is and the difference between who we regulate and who we don't regulate.

I hope it's an opportunity that -- beyond sometimes these public hearings, there's an opportunity for more education to go on and people to get their answers.

But these are very important, and we thank you for being here. And safe travels.

JUDGE HOGAN: All right. Thank you.

As far as -- I know that Ms. Fox Dukart was going to follow up on a couple of Commissioner Kringstad's questions, so are we going to do that in a late-filed exhibit?

MS. OLSON: Yes, Your Honor.

JUDGE HOGAN: Okay. And did you want to set a deadline for submitting that?

MS. OLSON: We should be able to have it by, like, next Monday.

JUDGE HOGAN: July 7?

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MS. OLSON: Yeah.

JUDGE HOGAN: Okay. And then is Basin going to submit proposed findings of fact, conclusions of law and a proposed order?

MS. OLSON: Yes, we will.

JUDGE HOGAN: All right. And did you want to set a deadline for that?

MS. OLSON: Let's see. Can I get like two weeks for that?

JUDGE HOGAN: So July 14?

MS. OLSON: Yes.

JUDGE HOGAN: Is that acceptable, Mr. Johnson?

MR. JOHNSON: That's fine with me.

JUDGE HOGAN: All right. Any other matters we need to discuss before we conclude? Ms. Olson, did you have anything?

MS. OLSON: No, Your Honor.

JUDGE HOGAN: Mr. Johnson?

MR. JOHNSON: No, Your Honor.

JUDGE HOGAN: All right. Well, then I will note for the record, it's 12:23 p.m., and that will conclude our hearing for today.

(Concluded at 12:23 p.m., the same day.)

CERTIFICATE OF COURT REPORTER.

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

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

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

Dated at Bismarck, North Dakota, this 22nd day of July, 2025.

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Stephanie A. Smith
Registered Professional Reporter

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