

OTP/MDU 345kV JETx Transmission Line, Case No. PU-25-236

January 8 and 9 Formal Hearing

ND PUBLIC SERVICE COMMISSION

1 STATE OF NORTH DAKOTA Public Service Commission Otter Tail Power Company/ Montana-Dakota Utilities Co. 345kV JETx Transmission Line Siting Application Case No. PU-25-236 TRANSCRIPT OF FORMAL HEARING January 8 and 9, 2026 Bismarck, North Dakota APPEARANCES Commissioners Randy Christmann, Sheri Haugen-Hoffart, and Jill Kringstad CASEY FUREY and ERIK EDISON, Crowley Fleck, PLLP, on behalf of Applicants Otter Tail Power Company and Montana-Dakota Utilities Co. ZACHARY PELHAM, Special Assistant Attorney General Advisory Counsel to the Public Service Commission	1 HEARING OFFICER HOPE HOGAN: All right, we are 2 going to get started. Good morning. Today is January 3 8, 2026, at 8:30 a.m. This is the time and date set by 4 a Notice of Technical Hearing issued by the North Dakota 5 Public Service Commission on November 19, 2025, for a 6 technical hearing in Case No. PU-25-236. 7 My name is Hope Hogan and I am an administrative 8 law judge that has been designated as a hearing officer 9 for today's hearing. 10 This hearing is being held in the Pioneer Room 11 at the State Capitol in Bismarck, North Dakota. I will 12 note that this is a change in location from what was 13 contained on the Notice of Technical Hearing. The 14 Commission has set aside two days for this hearing. We 15 will take regular breaks throughout the day today and 16 try to adjourn today around 5 p.m. or at a time 17 convenient given the flow of our testimony. 18 As we begin, I would ask that everybody please 19 check your cell phones to make sure they're either 20 silenced or turned off so that we don't have cell phone 21 interruptions throughout our hearing today. 22 Also, there's an attendance sheet by the door 23 where you came in this morning. The Commission would 24 ask that everybody sign the attendance sheet so that 25 there's a record of all who attended today's hearing. PAGE 3
2 C O N T E N T S APPLICANTS' WITNESSES JASON WEIERS Direct Examination by MS. FUREY 16 Cross Examination by MR. PELHAM 62 Examination by MR. SCHOCK 102 Questions by Commission 114 Redirect Examination by MS. FUREY 149 Recross Examination by MR. PELHAM 153 Re-Examination by MR. SCHOCK 155 Further Direct Examination by MS. FUREY . 237 Further Cross Examination by MR. PELHAM . 240 Questions by Commission 242 ROBERT FRANK Direct Examination by MS. FUREY 158 Cross Examination by MR. PELHAM 166 Examination by MR. SCHOCK 169 Questions by Commission 172 KEVIN SCHEIDECKER Direct Examination by MR. EDISON 181 Cross Examination by MR. PELHAM 215 Examination by MR. SCHOCK 223 Questions by Commission 226 -----	1 This hearing concerns the applications of Otter 2 Tail Power Company and Montana-Dakota Utilities Company 3 for a certificate of corridor compatibility and route 4 permit concerning approximately 92 miles of a double 5 circuit capable 345kV electric transmission facility and 6 associated facilities in Dickey, LaMoure, and Stutsman 7 Counties, North Dakota. 8 This is a technical hearing only and no public 9 testimony or input will be taken at this hearing. 10 On November 19, the Commission issued a Notice 11 of Filing and a Notice of Public Hearings that scheduled 12 three separate hearings to receive public testimony and 13 input. Those hearings have been scheduled for Monday, 14 January 12th, at 10 a.m. in Ellendale, North Dakota, 15 Wednesday, January 14th, at 9:30 in Edgeley, North 16 Dakota, and Friday, January 16th, at 9 a.m. in 17 Jamestown, North Dakota. 18 The Notice of Technical Hearings specified the 19 following issues to be considered in this proceeding: 20 Will the construction, operation, and 21 maintenance of the facility at the proposed location 22 produce minimal adverse effects on the environment and 23 upon the welfare of the citizens of North Dakota? 24 Is the proposed facility compatible with 25 environmental preservation and the efficient use of PAGE 4

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1 resources? 2 And will construction, operation, and 3 maintenance of the facility at the proposed location 4 minimize adverse human and environmental impact while 5 ensuring continuing system reliability and integrity and 6 ensuring that energy needs are met and fulfilled in an 7 orderly and timely fashion? 8 I'm now going to ask the parties to make their 9 appearance for the record. 10 And I'll start with you, Ms. Furey. Do you want 11 to state your appearance, introduce your co-counsel, and 12 introduce the witnesses you intend to testify today? 13 MS. FUREY: Yes, Your Honor. Thank you. 14 Good morning, Commissioners, as well. Casey 15 Furey with Crowley Fleck, local counsel for the joint 16 Applicants, Otter Tail Power Company and Montana-Dakota 17 Utilities Company. With me at counsel table today is my 18 co-counsel, Erik Edison, also with Crowley Fleck. 19 Today we intend to call three witnesses. Our 20 first witness is Jason Weiers with Otter Tail, manager 21 of transmission policy and contracts. And Mr. Weiers' 22 testimony will include subject matter pertaining to 23 providing a project overview, development history, route 24 selection, facility design, construction, landowner 25 coordination, and benefits. PAGE 5	1 Kringstad. 2 COMMISSIONER KRINGSTAD: Good morning, 3 everybody. Happy New Year. Happy 2026. I appreciate 4 everybody being here today. 5 As Judge Hogan outlined what our plan for today 6 is, is we are just going to focus on the technical 7 portion. So as our notice said, no public input will be 8 taken today. That's what we will be focusing on next 9 week when we are visiting Ellendale, Edgeley, and 10 Jamestown. 11 But, today, what my focus is going to be on is, 12 with a project like this, I think it's important to 13 remember that this is an active, ongoing process. And 14 so today is an opportunity to get the most accurate 15 information about what this case is, what has maybe 16 changed even from when all this paperwork was filed, and 17 just to get the most up-to-date information available. 18 So I know I have a lot of questions. I look forward to 19 a really good hearing today. 20 HEARING OFFICER HOGAN: Thank you. 21 Commissioner Christmann. 22 COMMISSIONER CHRISTMANN: So I would like to 23 explain a little bit, this technical hearing process, 24 because it's new for us. In the past when there's been 25 long linear projects like this, either pipelines or PAGE 7
1 Our second witness today is going to be Robert 2 Frank with Montana-Dakota, director of electric 3 transmission engineering. Mr. Frank will be testifying 4 to Montana-Dakota's role regarding the project, project 5 benefits, and associated project upgrades to 6 Montana-Dakota's substation. 7 Our last witness is Kevin Scheidecker, principal 8 of environmental services with Otter Tail. And 9 Mr. Scheidecker will be testifying to the environmental 10 and cultural studies and surveys that were completed for 11 the project along with the agency coordination. 12 HEARING OFFICER HOGAN: Thank you. 13 Mr. Pelham, do you want to state your appearance 14 for the record and introduce staff who's appearing with 15 you today? 16 MR. PELHAM: Thank you. Good morning, Your 17 Honor. Zachary Pelham on behalf of the Public Service 18 Commission. I'm a special assistant attorney general. 19 To my right is the PSC's public utilities director, 20 Victor Schock. Victor may have some questions today and 21 we ask that he be permitted to ask questions as well. 22 Thank you. 23 HEARING OFFICER HOGAN: All right. Thank you. 24 We'll now hear opening comments from the 25 commissioners. And we'll start with Commissioner PAGE 6	1 transmission lines, not necessarily every county, but we 2 go out to some of the counties so that no one has to 3 travel such huge distances for us to get public 4 testimony. Because we value public testimony. Multiple 5 times that I can think of in the past where local people 6 have brought in things that just wouldn't have been 7 obvious to the developer. And most times a developer 8 does things to work around that issue. And so we value 9 the public testimony. 10 But one thing that was brought to our attention 11 over the years is, because of the requirements of the 12 statutes as they were when we did that, and it was 13 multiple days, each time the company needed to go 14 through all these technical details that need to be on 15 the record because this is a legal proceeding, and 16 people would be frustrated because we would have a 17 hearing out in name-your-town somewhere, and people come 18 and want to testify and get back out and get the cows 19 fed or something, and they have to sit and listen to six 20 or seven hours of the company droning on about technical 21 details. So we went to the Legislature and asked, on 22 these longer projects, for this ability for us to do a 23 technical hearing here or somewhere else, get that done, 24 and then go out and get the public comment and go out to 25 the communities. And so that is the goal. PAGE 8

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1 And so I think, if I'm remembering the order 2 correctly, we will be in Ellendale next Monday and in 3 Edgeley on Wednesday and Jamestown on Friday. So there 4 will be the opportunity for the public comments that I 5 think are part of what makes North Dakota great and 6 something that these commissioners really value. 7 That concludes my comments. 8 HEARING OFFICER HOGAN: All right. Thank you. 9 Commissioner Haugen-Hoffart. 10 COMMISSIONER HAUGEN-HOFFART: Thank you. 11 Good morning, everyone. It's, I think, 12 well-represented in this room as far as the public and 13 the companies that are here. Happy New Year to 14 everyone. I think everything's been covered very well. 15 So look forward to an informative hearing. 16 HEARING OFFICER HOGAN: All right. Thank you. 17 Ms. Furey, it looks like the Applicants prefiled 18 20 exhibits; is that correct? 19 MS. FUREY: That's correct, Your Honor. 20 HEARING OFFICER HOGAN: All right. Mr. Pelham, 21 any objection to admitting those exhibits? 22 MR. PELHAM: No objection. 23 HEARING OFFICER HOGAN: All right. So Exhibits 24 1 through 20 will be admitted into the record. 25 COMMISSIONER CHRISTMANN: Can I ask a question? PAGE 9	1 their website. I would also note that a number of those 2 exhibits are contained under Docket No. 35. 3 All right. Any other preliminary matters we 4 need to address before we move to testimony? 5 Ms. Furey, did you have anything? 6 MS. FUREY: Yes, Your Honor. Just as I 7 mentioned briefly before, I'd just like to address the 8 Applicants' preemption request. 9 On August 8, 2025, the siting application was 10 filed with the Commission. The application included 11 really a two-part request with respect to preemption. 12 It requests the Commission to confirm that, as a result 13 of House Bill 1258 and the corresponding amendments to 14 North Dakota Century Code section 49-22-16, that the 15 Commission has express preemption over local land use 16 and zoning ordinances, regulations and determinations 17 governing electric transmission facilities. So that 18 first part is just a finding that the Commission has 19 express preemption authority. 20 So, essentially, the Applicants ask the 21 Commission to make a finding similar to the Commission's 22 finding in the SCS Carbon pertaining to the preemption 23 language that exists in the Oil and Gas Siting Act under 24 49-22.1-13, because that language has now been copied 25 over into 49-22. PAGE 11
1 HEARING OFFICER HOGAN: Sure. 2 COMMISSIONER CHRISTMANN: So on the exhibits 3 that had already had something that seems very similar 4 prefiled, but I'm looking at especially No. 18, it's 5 over 20 pages, can I get clarification whether anything 6 has changed or not? Because I hate to sit and think 7 that I'm going to spend time going through 20-some pages 8 looking for a change when I've already been through it 9 thoroughly. 10 MS. FUREY: Yes. That's actually a great 11 question, Commissioner, and I do -- when ALJ Hogan 12 offers or allows me an opportunity to provide 13 introductory comments before the witnesses, I plan to 14 walk through our plan with the preemption request and 15 what we're asking from the Commission and how we intend 16 to use Exhibit 18. 17 But just to answer your question right now, 18 nothing has changed in that document. It's literally a 19 copy of what was filed. The reason we're proposing it 20 as an exhibit is because there are some figures in that 21 document, some maps, that we plan to have one of our 22 witnesses testify to. 23 HEARING OFFICER HOGAN: All right, thank you. 24 I would note that the prefiled exhibits are 25 available on the PSC's case docket and available through PAGE 10	1 While the Legislature has now established that 2 the Commission has express preemption authority under 3 49-22, the Applicants have requested that the Commission 4 also enter an additional finding that various local land 5 use zoning ordinances, regulations, and determinations 6 are unreasonably restrictive for regulatory certainty in 7 this proceeding. So that is the second part. So in 8 addition to the express preemption, we also request that 9 certain actions be determined as to be unreasonably 10 restrictive. 11 On December 17, 2025, the Applicants filed a 12 memorandum in support of the preemption request. That 13 has been docketed as Docket No. 33 in the proceeding. 14 And so that memorandum includes both the legal and the 15 factual basis for our request. And so I just want to 16 clarify that while the issuance of a route permit and 17 corridor certificate now expressly preempts local land 18 use and zoning regs under 49-22-16, our witness, Mr. 19 Jason Weiers, will also be testifying to the factual 20 basis supporting a finding that the identified land use 21 zoning regulations, ordinances, and determinations are 22 also unreasonably restrictive. 23 So I do want to draw a distinction. The legal 24 arguments and the legal basis for the preemption request 25 are really outside the scope of our witness's testimony. PAGE 12

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1 Our witness will be focusing on the factual basis for 2 the request. 3 And so our legal basis and legal arguments for 4 the preemption request, we believe, are fully briefed in 5 the memorandum for the Commission's review. And as I 6 previously mentioned, that memorandum has been marked 7 and admitted as Exhibit No. 18. And that's because 8 there are several figures in that document that our 9 witness will be referencing. And so we move for 10 admission, simply for ease of reference, for everyone to 11 have it easily accessible. 12 Additionally, for the record, Your Honor, there 13 are several maps on display in the hearing room today, 14 both in the back of the room and in the front of the 15 room. They mimic each other. There's a complete set in 16 the back and then a complete set up front. Those are 17 not new. They don't depict any new information that 18 hasn't otherwise been filed with the Commission. 19 They're marked as hearing exhibits, and they reflect 20 hearing Exhibits No. 14, 15, 16, and 17. 21 Thank you. 22 HEARING OFFICER HOGAN: All right. Thank you. 23 Mr. Pelham, any preliminary matters you wanted 24 to address? 25 MR. PELHAM: Just briefly, I just want to PAGE 13	1 request to also find the ordinances, the local 2 ordinances, unreasonably restrictive, that decision need 3 not be made today and can be done at a later time as the 4 Commission reviews the entire application as to the 5 siting application. 6 So I think that the procedure that's been 7 presented by Ms. Furey makes sense. It certainly gives 8 anyone the opportunity, staff included as well as 9 commissioners, to ask questions today related to the 10 facts that are going to be presented, related to the 11 argument that the ordinances, local ordinances, are 12 unreasonably restrictive. So those questions should be 13 asked today. But as to the legal aspects of it, I don't 14 hear Ms. Furey say, and I don't think it would be 15 appropriate really to ask the witnesses as to what they 16 think the law means, because that is going to be a legal 17 determination. 18 Thank you. 19 HEARING OFFICER HOGAN: All right. Thank you. 20 Ms. Furey, you can call your first witness. 21 MS. FUREY: Our first witness this morning, Your 22 Honor, is Mr. Jason Weiers. 23 HEARING OFFICER HOGAN: Good morning. I'll have 24 you start by stating your full name for the record and 25 spelling your last name. PAGE 15
1 respond to what Ms. Furey had to say as to the 2 preemption aspect of this case. The way that I -- I 3 agree with the methodology and the procedure that's been 4 proposed and laid out as to the -- what I would call an 5 alternative argument, additional argument, of the 6 Company to -- for asking the Commission to also find the 7 local ordinances related to zoning are unreasonably 8 restrictive. The Company does have a burden to provide 9 facts to support that argument. And as I understand it, 10 that factual aspect, that factual testimony, is going to 11 be provided today by the Company through its witness, 12 its first witness. 13 So in some respects, the Commission, in my 14 opinion, can chew gum and walk at the same time. While 15 the focus today is the siting application, the two 16 binders of applications and other exhibits that have now 17 been admitted and as will be presented by testimony of 18 the Company, the issue of preemption and that legal 19 issue, I would say, is a legal issue. These witnesses 20 are not attorneys. They're not legal experts, so to 21 speak. That has been presented by the Company through 22 its memorandum and is something certainly the Commission 23 can take a look at. No decision on that need be made at 24 this time. 25 Likewise, the issue as to their alternative PAGE 14	1 JASON WEIERS: My name is Jason Weiers. Last 2 name is W-E-I-E-R-S. 3 HEARING OFFICER HOGAN: Mr. Weiers, before you 4 testify this morning, I'm required by law to advise you 5 on the penalties for perjury in the state of North 6 Dakota. 7 Perjury is a class C felony punishable by a 8 maximum fine of \$10,000, a maximum five years' 9 imprisonment, or both. 10 Do you understand what perjury is? 11 JASON WEIERS: Yes. 12 HEARING OFFICER HOGAN: And being advised of the 13 potential penalties for perjury, do you promise to tell 14 the truth in this case today? 15 JASON WEIERS: I do. 16 HEARING OFFICER HOGAN: All right, thank you. 17 Go ahead, Ms. Furey. 18 MS. FUREY: Thank you, Your Honor. 19 <u>JASON WEIERS.</u> 20 being first duly sworn, was examined and testified as 21 follows: 22 DIRECT EXAMINATION 23 BY MS. FUREY: 24 Q. Mr. Weiers, can you please state your name again 25 for the record, by whom you are employed, and your PAGE 16

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1 business address? 2 A. My name is Jason Weiers. I'm employed by Otter 3 Tail Power Company. My business address is 215 South 4 Cascade Street in Fergus Falls, Minnesota. 5 Q. And what is your position with Otter Tail? 6 A. In November of 2025, I transitioned to the role 7 of manager of Transmission Policy and Contracts. I 8 previously held the position of manager of Transmission 9 Project Development at Otter Tail. Over the past three 10 years, as manager of Transmission Project Development, I 11 was responsible to oversee the permitting of 12 transmission projects at the local, state, and federal 13 levels. In addition, I was, and continue to be, 14 responsible for developing agreements that outline the 15 business arrangements for the ownership, development, 16 construction, operations, and maintenance activities 17 related to co-owned transmission projects. 18 Q. And can you please describe your educational and 19 professional background? 20 A. I graduated from North Dakota State University 21 with a bachelor's degree in electrical engineering. I 22 have been employed by Otter Tail since 2000, resulting 23 in over 25 years of experience in the electric utility 24 industry, with more than 22 of those years in electric 25 transmission planning. I am also a registered PAGE 17	1 information filed with the Commission. My colleague, 2 Kevin Scheidecker, will subsequently discuss several 3 environmental-related updates to the project. 4 Q. Have any changes occurred to the project since 5 the application was filed with the Commission? 6 A. Yes. A proposed route adjustment was made to a 7 segment of the project that crosses the James River to 8 accommodate a landowner request. The route adjustment 9 is identified on updated application Figure 1.2-2, map 10 Pages 8 and 9 of 45. 11 Q. Mr. Weiers, can you please turn to hearing 12 Exhibit No. 12? And that's going to be in the small 13 binder in front of you. 14 Does Hearing Exhibit No. 12 depict the updated 15 route segment that you just referenced? 16 A. Yes, it does. 17 Q. Okay. And so just to clarify, Figure 1.2-2 is 18 located in the application. The only map pages to be 19 updated to that maps that -- are map Pages 8 and 9 of 45 20 as reflected in Exhibit 12? 21 A. That is correct. 22 Q. Okay, thank you. 23 What is the purpose of your testimony? 24 A. My testimony provides an overview of the project 25 including its development history, route selection, PAGE 19
1 professional engineer in the state of Minnesota. A copy 2 of my resumé was submitted with my prefiled testimony. 3 Q. And what is your role with respect to the 4 Jamestown to Ellendale 345kV transmission line or JETx 5 Project, which we will refer to throughout this 6 proceeding as the "Project"? 7 A. I am responsible for leading the permitting 8 efforts for the project. Prior to my new role in 9 November of 2025, I was involved in coordinating the 10 various efforts related to routing, engineering, 11 procurement, and construction. I will continue to be 12 responsible for leading the permitting efforts for the 13 project as part of my current role transition at Otter 14 Tail. 15 Q. And are you familiar with the contents of the 16 joint Consolidated Application for a Certificate of 17 Corridor Compatibility and Route Permit for the project 18 which was submitted to the Commission by Otter Tail and 19 Montana-Dakota, the application which is marked as 20 Exhibit No. 1 in this proceeding? 21 A. Yes, I am familiar with the application's 22 contents. 23 Q. And does the application accurately describe the 24 project? 25 A. Yes, along with the supplemental and supporting PAGE 18	1 facility design, construction, landowner coordination, 2 and benefits. 3 Q. Mr. Weiers, can I please have you turn to 4 Exhibit No. 4? 5 You previously submitted prefiled testimony in 6 this matter which has been marked and admitted as 7 Exhibit 4; is that correct? 8 A. Yes, that is correct. 9 Q. Okay. And do the contents of your prefiled 10 written testimony accurately reflect your testimony if 11 given orally today? 12 A. Yes. 13 Q. Okay, thank you. 14 Can you please describe Otter Tail Power 15 Company? 16 A. Otter Tail Power Company is an investor-owned 17 electric utility that generates, transmits, and 18 distributes electricity to approximately 133,700 19 customers across Minnesota, North Dakota, and South 20 Dakota. Otter Tail Power Company is a subsidiary of 21 Otter Tail Corporation and is headquartered in Fergus 22 Falls, Minnesota. 23 Q. And can you please describe Otter Tail Power 24 Company's vision, mission, and values? 25 A. At Otter Tail, our vision is growth and success PAGE 20

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1 for our company and the rural communities we serve. We 2 collaborate and prosper through responsible, resourceful 3 action. We balance community, economic, and 4 environmental commitments always. 5 Our mission is to produce and deliver 6 electricity as reliably, economically, and 7 environmentally responsibly as possible to the balanced 8 benefit of customers, shareholders, and employees and to 9 improve the quality of life in the areas in which we do 10 business. 11 Additionally, at Otter Tail, we make decisions 12 based on our core values of integrity, safety, customer 13 focus, resourcefulness, community, and people. 14 Q. What entities will construct, own, and operate 15 the project? 16 A. Otter Tail and Montana-Dakota will jointly 17 construct, own, and operate the project. 18 Q. And what is Otter Tail's role with respect to 19 the development, construction, and operation of the 20 project? 21 A. Otter Tail is leading the development and 22 construction of the project on behalf of the Applicants, 23 Otter Tail and Montana-Dakota. Once the project is 24 operational, Otter Tail and Montana-Dakota will co-own 25 and operate the project. PAGE 21	1 an outage of transmission facilities at each substation 2 in the future. The third location is at the James River 3 crossing to minimize potential impacts to sensitive 4 environmental areas by avoiding the need to mobilize 5 crews twice in this area. And the last area is the 6 Interstate 94 crossing to avoid future closure of the 7 interstate that would inconvenience the public. The 8 remaining portions of the project will be double 9 circuited at a later time. 10 Q. Why is it necessary to connect Otter Tail's 11 existing Jamestown substation to Montana-Dakota's 12 existing Ellendale substation with a new transmission 13 line? 14 A. The connection has been shown to most 15 effectively address the reliability issues on the 16 heavily constrained 230kV system in eastern North 17 Dakota, eastern South Dakota, and west-central Minnesota 18 that plays a key role in transporting energy into, out 19 of, and through a large geographic area. The project 20 creates a 345kV transmission loop by tying two existing 21 345kV systems together to enable more reliable and 22 economic energy delivery throughout North Dakota and the 23 Midwest. 24 Q. Are there any other facility improvements 25 associated with the project? PAGE 23
1 Q. Can you please describe the project? 2 A. The project will consist of approximately 92 3 miles of new double circuit 345 kilovolt transmission 4 line from Otter Tail's existing Jamestown 345kV 5 substation in Stutsman County to Montana-Dakota's 6 existing Ellendale 345kV substation in Dickey County. 7 The transmission line will have one optical ground wire, 8 one overhead ground wire, and is planned to initially be 9 constructed with one circuit. A second 345kV circuit 10 will be installed in the future when the need arises. 11 In addition to the new high-voltage transmission 12 line, the project also includes a substation expansion 13 at the Jamestown 345kV substation and upgrades within 14 the Ellendale 345kV substation. 15 Q. Can you please describe the Applicants' plans 16 regarding installing a double circuit on the project? 17 A. We have identified approximately three miles in 18 four distinct areas along the route where we will be 19 installing a double circuit during the initial 20 construction in order to help alleviate outage and 21 stringing constraints associated with installing the 22 second circuit. These areas are as follows: 23 At the Jamestown and Ellendale substations, we 24 will be stringing the second circuit initially to 25 minimize reliability issues by avoiding the need to take PAGE 22	1 A. Yes. As I previously mentioned, the project 2 includes a substation expansion at Otter Tail's 3 Jamestown 345kV substation which will be constructed, 4 owned, and operated by Otter Tail. Additionally, the 5 project also includes necessary upgrades within 6 Montana-Dakota's existing Ellendale 345kV substation, 7 which will be constructed, owned, and operated by 8 Montana-Dakota. 9 Q. Please provide a general description of the 10 substation expansion at the Jamestown substation and 11 then the upgrades at the Ellendale substation that are 12 associated with the project. 13 A. The Jamestown 345kV substation will be expanded 14 to change the existing ring bus configuration to a 15 breaker and a half configuration by adding one new row 16 of bus work and breaker positions to the 345kV portion 17 of the substation. The expansion will be on the north 18 side of the existing substation and will require that an 19 existing microwave tower be relocated. The current 20 fenced area of the Jamestown 345kV substation will be 21 expanded to encompass approximately 4.4 acres on 22 existing property owned by Otter Tail. The scope of 23 this work is included within the project siting 24 application. 25 Rob Frank of Montana-Dakota will discuss the PAGE 24

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1 upgrades to the Ellendale 345kV substation in more 2 detail. 3 Q. Where is the project located? 4 A. The project is located in southeast North 5 Dakota, from approximately 5.4 miles north of the city 6 of Jamestown to approximately 1.3 miles west of the city 7 of Ellendale in Stutsman, LaMoure, and Dickey Counties. 8 Q. And can you please explain the meaning of the 9 terms "project route" and a "project corridor" as used 10 in the application and in your testimony today? 11 A. Yes. The project route is the specific location 12 of the centerline of the actual transmission line. 13 Given that the design of the project will primarily use 14 monopole structures, the project route can generally be 15 described as a centerline of the structures. 16 The project corridor is the area around the 17 route consisting of 150 feet in width, generally 18 centered on the route. The project corridor is widened 19 at the endpoint substations to encompass the expansion 20 of the Jamestown substation and where the 345kV 21 transmission line connects to the Ellendale 345kV 22 substation. 23 Q. Where are the project route and project corridor 24 proposed to be located, generally? 25 A. The project route and project corridor are PAGE 25	1 route. 2 Throughout the routing process, the Applicants 3 engaged with landowners along the proposed route and 4 have considered numerous route alternatives, as outlined 5 in Appendix C of the application. 6 Through the siting process, the Applicants have 7 coordinated with landowners, local political 8 subdivisions, state and federal agencies, and other 9 utilities along the project's route. 10 Additional information about coordination with 11 state and federal agencies and how environmental and 12 cultural considerations were considered by the 13 Applicants in the determination of the project route and 14 corridor will be discussed by Kevin Scheidecker. 15 Q. Can you describe the schedule for the project? 16 A. Pending approval of the application, the 17 Applicants currently plan to start construction of the 18 project in the third quarter of 2026 and complete 19 construction and energize the line in the fourth quarter 20 of 2028 with final reclamation activities to occur in 21 2029. 22 Q. What are the estimated costs of the project? 23 A. The estimated total cost to construct the 24 project is approximately \$406 million. 25 Q. Can you please describe the benefits of the PAGE 27
1 proposed to be located around the east side of the city 2 of Jamestown and east of U.S. Highway 281 in Stutsman 3 County. As the project route and project corridor 4 traverses through LaMoure County, it is proposed to be 5 east of the city of Edgeley and U.S. Highway 281. 6 Within Dickey County, the project route and project 7 corridor are proposed to cross over U.S. Highway 281 8 approximately six miles north of the city of Ellendale 9 where it then continues due south into the Ellendale 10 345kV substation. 11 Q. Can you describe how the project's route and 12 corridor were generally selected? 13 A. The Applicants selected the project route and 14 corridor based on a multifaceted approach that 15 considered federal, state, and local requirements, 16 comments received at public meetings, landowner 17 preferences, and analysis of environmental and cultural 18 resource data and surveys. 19 The Applicants utilized a Geographic Information 20 System, or GIS, that was created from information 21 collected from federal, state, and local agencies, 22 stakeholders, landowners, aerial imagery, and multiple 23 on-site field surveys. Using this information, in 24 combination with the Commission's siting criteria, the 25 Applicants refined the route to the current project PAGE 26	1 project to Otter Tail's customers? 2 A. The project offers significant benefits to the 3 local area and the region. With respect to Otter Tail's 4 customers, the project will result in a new transmission 5 line to serve the Jamestown area that will offer 6 additional redundancy and increase system capability. 7 Otter Tail experienced an extreme weather event 8 in the form of an ice storm in December 2023 that 9 resulted in the only two 345kV transmission lines 10 serving the Jamestown area both being out of service 11 simultaneously. At that time, the capability of the 12 existing transmission system was significantly reduced 13 and resulted in large load customers in the Jamestown 14 area being forced to operate at reduced levels in order 15 to maintain grid reliability. 16 Otter Tail experienced the same exact situation 17 twice during the summer of 2025 due to two separate 18 severe weather events that made it challenging to 19 maintain reliable service to the Jamestown area. 20 So, as I stated previously, the project will 21 provide a new transmission line to serve the Jamestown 22 area that will offer additional redundancy and increased 23 system capability to avoid reliability challenges in the 24 future. 25 Q. Please describe the design for the project's PAGE 28

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1 transmission structures. 2 A. The project is designed with primarily double 3 circuit monopole structures. At this time, the project 4 is expected to require 502 transmission structures with 5 spans ranging between 200 to 1,400 feet. Most 6 structures are expected to be 120 to 180 feet tall and 7 will be bolted to concrete drilled pier foundations. 8 Foundation sizes will vary from 7 to 14 feet in diameter 9 and from approximately 25 to 80 feet in depth. 10 Engineering drawings for the project's 11 anticipated transmission structures are located in 12 Appendix D of the application. 13 The single drilled pier foundation will minimize 14 the structure's footprint to limit environmental and 15 landowner disturbances. Structures will be made of 16 weathering steel to minimize glare and visual impacts. 17 Q. Can you please describe the factors that 18 determine the project's structure design? 19 A. The project structure design will vary depending 20 on geological, environmental, or engineering constraints 21 identified during surveying, permitting, and final 22 design. Although the structures are designed to be 23 primarily monopoles that are approximately 120 to 180 24 feet tall, specialty structures such as H-frame or 25 three-pole structures may be used where unique features PAGE 29	1 A. The project's conductor is designed as 2 twisted-pair conductor cable. Twisted-pair conductor 3 consists of two sub-conductor pairs twisted at a 4 predefined distance by the manufacturer to prevent ice 5 from forming on the conductor and provide motion 6 resistance to wind-induced events on transmission lines. 7 Each phase of the transmission line will have two 8 conductor bundles to increase line performance, provide 9 optimal current carrying capacity and reduce losses, 10 corona, and electric and magnetic fields. The 11 conductors will be hung vertically from insulators 12 attached to davit arms on each side of the monopole 13 structure. 14 Q. Please describe the communication line included 15 in the project's design. 16 A. The project will include a communication line 17 consisting of a fiber-optic cable surrounded by steel 18 wires called an optical ground wire. The optical ground 19 wire is installed on the top of the structures and 20 protects the energized conductors from lightning strikes 21 and exchanges information between the endpoint 22 substations and other locations on the transmission 23 system. 24 Q. Did the Applicants consider whether it would be 25 reasonable or feasible to install the transmission line PAGE 31
1 are encountered along the route, such as at substation 2 tie-ins and existing high-voltage transmission line 3 crossings. Topography, conductor sag, and the required 4 ground clearances are all factors used to determine the 5 individual structure heights. 6 Regardless of the features encountered along the 7 route, the project will be designed to meet or exceed 8 the National Electric Safety Code, or NESC, requirements 9 for a 345kV transmission line. 10 Q. What are the minimum clearances over cultivated 11 land, pasture, roads, and other utility lines? 12 A. The project will comply with all applicable NESC 13 requirements for clearances. The Applicants are 14 designing the project to not only comply with the 15 required NESC clearances but also include a buffer for 16 added safety. The resulting clearance from the 17 project's energized conductors to all ground surfaces 18 under all operating conditions will be at least 26 feet. 19 Crossing heights over all utility lines will vary 20 between 9 and 19 feet depending on the voltage and wire 21 type of the utility line being crossed and will be 22 similarly designed to comply with NESC's required 23 clearances plus a safety buffer. 24 Q. Can you please describe the design for the 25 project's conductor? PAGE 30	1 underground? 2 A. Yes, but the Applicants concluded that 3 underground installation is not feasible for this 4 project. While it is common for lower-voltage 5 distribution lines to be buried, it is rare for 6 high-voltage transmission lines to be constructed 7 underground. Undergrounding high-voltage transmission 8 lines is generally not used in the industry except in 9 circumstances and locations where physical circumstances 10 allow for no other option. 11 Underground -- underground transmission is 12 substantially more costly to construct than overhead 13 transmission. Based on the Applicants' estimates, the 14 initial construction costs for undergrounding 15 high-voltage transmission lines are estimated to be 16 between five to 10 times higher than overhead 17 transmission lines. 18 In addition, underground transmission results in 19 greater environmental and land use impacts than overhead 20 transmission during construction due to the need to 21 excavate significantly more earth along the route to 22 install the underground cable. Therefore, no portion of 23 the project is proposed to be constructed as underground 24 transmission. 25 Additional information on why it is not feasible PAGE 32

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1 to construct the project underground can be found in 2 Section 2.3.1 of the application. 3 Q. What standards were used to design the project? 4 A. The project has been designed and will be 5 constructed according to several different applicable 6 codes, standards, and specifications, such as the 7 American Society of Civil Engineers, American Concrete 8 Institute, American Welding Society, International 9 Council on Large Electric Systems, International 10 Electrotechnical Commission, National Electric 11 Manufacturers Association, United States Department of 12 Agriculture Rural Utility Services, and the National 13 Electric Safety Code. 14 Q. What construction activities are associated with 15 the project? 16 A. Initial survey work and geotechnical 17 investigations, or soil borings, will occur prior to 18 construction. Additionally, the corridor will be 19 cleared of vegetation as necessary to safely construct, 20 operate, and maintain the project. 21 Once the survey work and tree clearing is 22 complete, structure foundation holes will be drilled and 23 filled with concrete. Concrete will be delivered to the 24 structure location by ready-mix trucks and poured into 25 the foundation hole with a cure period of no less than PAGE 33	1 Additionally, temporary removal and relocation 2 of existing gates or fences will be coordinated with 3 landowners as necessary. Furthermore, storm water 4 controls and necessary fencing may be installed around 5 environmentally or culturally sensitive areas with 6 temporary signage and flagging to direct construction 7 crews appropriately. 8 The Applicants will provide training to 9 construction personnel on BMPs and overall compliance 10 expectations as well as obtain a compliance inspector to 11 inspect and document compliance with environmental 12 commitments. 13 Q. Are you familiar with the requirements that are 14 set forth in the Commission certification relating to 15 order provisions and tree and shrub mitigation 16 specifications? 17 A. Yes, I am. 18 Q. And does Otter Tail agree to comply with the 19 Commission's certification provisions for the project? 20 A. Yes. JoAnn Thompson, vice president of Asset 21 Management at Otter Tail, who has the authority to bind 22 the company, has executed the certification provisions. 23 A copy of the certification has been filed with the 24 Commission. 25 Q. Mr. Weiers, can you please turn to hearing PAGE 35
1 three weeks. 2 Structure components will be trucked to 3 structure work pads for assembly and will then be 4 erected using a crane to place them on the concrete 5 foundation where they will be bolted on the embedded 6 anchor bolts. After structures are erected, the 7 conductor will be strung between the structures using 8 bucket trucks or helicopters. 9 Following the completion of construction, 10 disturbed areas will be reclaimed, fertilized, and 11 reseeded employing appropriate erosion control measures. 12 Best management practices, or BMPs, will be 13 utilized throughout all phases of construction and 14 reclamation. 15 Q. What are some of the best management practices, 16 or, as you reference, BMPs, that the Applicants 17 anticipate employing during construction and reclamation 18 of the project? 19 A. The Applicants will use a variety of BMPs during 20 construction and reclamation of the project. For 21 example, grading within the project's corridor will only 22 occur if it is necessary at transmission structure work 23 pads, pulling and tensioning sites, and access roads to 24 provide a reasonably level area for construction crews 25 and equipment to safely operate. PAGE 34	1 Exhibit No. 2 in that white binder next to you? 2 Is this a copy of the certification that has 3 been executed by Otter Tail? 4 A. Yes, it is. 5 MS. FUREY: Okay. And, Commissioners, because 6 this is more of a legal matter, I do just want to chime 7 in with a reference. The Applicants do propose one red 8 line to the certification document, and that is 9 reflected in Hearing Exhibit No. 3, is proposed to the 10 second certification provision. 11 And the purpose of that proposed edit is really 12 in consideration of the legislative changes that have 13 occurred to the Siting Act as a result of House Bill 14 1258, and just to clarify that the Company agrees to 15 comply with all applicable rules and regulations of 16 other agencies having jurisdiction and to limit it to 17 that as opposed to tying in other political subdivisions 18 that no longer have that authority under 49-22-16. 19 Q. (BY MS. FUREY) Mr. Weiers, do the Applicants 20 anticipate exceeding the Commission's 50-foot-wide tree 21 and shrub clearance limitation? 22 A. Yes. To comply with applicable reliability 23 standards of the North American Electric Reliability 24 Corporation and ensure the safe and reliable operation 25 of the transmission line, it is expected that clearing PAGE 36

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1 trees and shrubs will exceed the 50-foot-wide tree and 2 shrub clearance limitation in the tree and shrub 3 mitigation specifications established by the Commission. 4 As a result, the Applicants request a modification of 5 the 50-foot clearance limitation. 6 Q. Is winter construction anticipated for the 7 project? 8 A. Yes. Winter construction may be necessary in 9 areas where frozen ground will minimize impacts to 10 wetlands, sensitive soils, and vegetation. The 11 Applicants are requesting approval to conduct topsoil 12 removal in the winter, if necessary. 13 Q. Do the Applicants plan to implement specific 14 BMPs to minimize impacts from winter construction? 15 A. Yes. The Applicants will utilize a variety of 16 best management practices to minimize impacts from 17 winter construction. For example, care will be taken to 18 protect topsoil from mixing with subsoil by segregating 19 topsoil from spoils with vegetative buffers and straw 20 wattles. 21 We have developed a winter construction 22 guideline to outline best management practices for 23 winter construction, which has been filed with the 24 Commission as Exhibit No. 20. 25 Q. How do the Applicants plan to communicate with PAGE 37	1 that will be sent to all landowners along the route 2 prior to construction. In addition, landowners have 3 contact information for the Applicants' right-of-way 4 team members if questions or concerns arise during the 5 course of the project. 6 Q. How will the Applicants promote and ensure 7 workforce safety for construction of maintenance 8 workers? Excuse me. Let me rephrase that question, 9 Mr. Weiers. 10 How will the Applicants promote and ensure 11 workforce safety for both construction and maintenance 12 workers? 13 A. The Applicants will -- excuse me. The 14 Applicants will adhere to industry standards that meet 15 or exceed the National Electric Safety Code and comply 16 with Occupational Safety and Health Administration 17 regulations. Regular safety meetings will be held with 18 contractors during construction and prior to any regular 19 maintenance or inspections after the project goes in 20 service. 21 Q. What steps will be taken to reclaim lands within 22 the project corridor? 23 A. Following construction, disturbed areas will be 24 reclaimed, fertilized, and reseeded according to Natural 25 Resources Conservation Service recommendations, unless PAGE 39
1 landowners along the route during construction and 2 reclamation of the project? 3 A. Following the Commission's decision on the 4 application, the Applicants are planning to send 5 informational packets to all landowners along the route 6 that will include a copy of the relevant documents 7 applicable to the project, as well as contact 8 information for members of the project team. In 9 addition, the Applicants will create and maintain an 10 online map to communicate the status of construction and 11 reclamation activities. 12 Furthermore, members of the Applicants' 13 right-of-way team will continue to communicate with 14 landowners along the route during construction and 15 reclamation activities so that landowners are informed 16 as to when activities are planned on their individual 17 parcels. 18 The Applicants are committed to communicate to 19 landowners along the route for the duration of the 20 project's life. 21 Q. Do the Applicants have a process for handling 22 landowner concerns? 23 A. Yes. The Applicants will include contact 24 information for a project representative and all 25 applicable emergency services in an informational packet PAGE 38	1 otherwise specified by a specific landowner and approved 2 by the Commission. Post-construction reclamation 3 activities will also include employing appropriate 4 erosion controls and reseeded or otherwise stabilizing 5 areas disturbed during construction. Unless otherwise 6 agreed to by the landowner, all construction materials 7 and debris will also be removed from the site once 8 construction is complete. 9 Q. What maintenance activities are anticipated 10 after the project is operational? 11 A. Once the project is operational, access to the 12 project right-of-way is required periodically to perform 13 inspections, conduct maintenance, and, if required, 14 repair damage. Regular maintenance and inspections will 15 be performed during the life of the project in 16 compliance with the applicable reliability standards 17 established by NERC to ensure that the project continues 18 to provide safe and reliable performance. 19 Generally, the Applicants inspect the 20 transmission lines at least once per year. If concerns 21 or problems are found during inspections, repairs will 22 be performed. When necessary, relevant landowners and 23 agencies will be notified prior to repairs being 24 performed. 25 The Jamestown and Ellendale 345kV substations PAGE 40

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1 will be visually inspected monthly to verify that the 2 physical equipment and fence have not been damaged, the 3 gravel is free of weeds and washouts, and the premises 4 are free from trash. Equipment testing will also be 5 done in accordance with NERC reliability standards. If 6 any damage or concerns are identified during inspections 7 or testing, repairs or equipment replacements will be 8 performed as needed. 9 Q. What steps will be taken to control noxious 10 weeds during and after construction? 11 A. A vegetation management plan, or VMP, has been 12 developed to identify and establish procedures to limit 13 the introduction and spread of noxious and invasive 14 weeds during construction and ongoing operations. The 15 VMP is included in Appendix F of the application. In 16 addition, the Applicants will coordinate with local weed 17 boards along the project's route. 18 Further steps taken by the Applicants to control 19 noxious weeds during and after construction of the 20 project, including coordination with applicable weed 21 boards along the project's route, will be addressed by 22 Kevin Scheidecker. 23 Q. Please describe the steps the Applicants will 24 take to minimize impacts to roads and to traffic. 25 A. The project is not expected to cause significant PAGE 41	1 The Applicants will seek to acquire all 2 applicable road haul and access permits. 3 Q. Please describe the steps the Applicants will 4 take to minimize dust during construction. 5 A. The Applicants will implement a dust mitigation 6 plan to minimize impacts to air quality during 7 construction. The dust mitigation plan may include 8 enforcing speed limits on gravel roads and/or the use of 9 water or other dust suppression methods. The Applicants 10 will monitor dust during construction and coordinate 11 with applicable road authorities. 12 Q. What efforts were made to coordinate with 13 landowners along the project corridor during the 14 Applicants' route development? 15 A. Since the early planning stages of the project, 16 the Applicants have been gathering feedback from 17 landowners to assist the Applicants with identifying the 18 best possible route for the project. The Applicants 19 hosted two rounds of public open-house meetings during 20 the route development process in the summer and fall of 21 2023 to gather input from landowners and to help the 22 Applicants refine the initial project study area into 23 the current route and corridor. 24 Following the public open-house meetings, the 25 Applicants' right-of-way team has continued to PAGE 43
1 or prolonged impacts on traffic in any one area because 2 construction will spread out across the approximately 3 92-mile corridor and construction work will be completed 4 over the course of two years. 5 Temporary impacts to roads are anticipated 6 during construction when conductor is being strung over 7 existing roads. Where temporary road closures or 8 rolling roadblocks are required, the disruptions to 9 traffic are anticipated to be short in duration. To the 10 extent that temporary road closures are necessary, the 11 Applicants will coordinate with the applicable road 12 authorities and take the steps necessary to minimize 13 disruptions and ensure that alternative roads are 14 available and clearly marked. 15 No permanent impacts are anticipated for the 16 primarily used roads of Interstate 94, U.S. Highway 281, 17 or State Highways 13, 20, 46. Temporary impacts to the 18 presence of project vehicle traffic are expected to be 19 minimal because construction equipment and material load 20 weights are not anticipated to be any greater than the 21 existing large farm equipment common in the vicinity of 22 this project. In addition, slow-moving construction 23 vehicles are expected to be similar to the movement of 24 farm equipment during planting and harvest seasons and 25 are not likely to cause significant delays. PAGE 42	1 coordinate with individual landowners along the route 2 through telephone calls, text messaging, in-person 3 meetings, virtual meetings, email, and mail. 4 There are currently 283 parcels and 173 unique 5 landowners within the project corridor. All necessary 6 land rights and easements will be secured for properties 7 within the project corridor and for access areas prior 8 to construction beginning on them. 9 Q. And can you please generally summarize the 10 Applicants' right-of-way team's conversations with 11 landowners within the project corridor? 12 A. Sure. The Applicants' right-of-way team made 13 numerous contacts with landowners for the following 14 reasons: to discuss the project generally; to seek 15 consent for survey permission and to coordinate various 16 survey activities; to discuss the proposed route and 17 identify landowner concerns and preferences; to identify 18 route adjustments, where feasible; to discuss 19 anticipated construction activities, preferred access 20 routes, and existing landowner operations; to engage in 21 option and easement negotiations; and to keep landowners 22 updated on the status of the project. 23 The Applicants are committed to continue 24 landowner outreach throughout the construction, 25 reclamation, and operational phases of this project. PAGE 44

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1 Q. Beyond the public open houses and the one-on-one 2 interactions that you just referenced, what other 3 outreach efforts have been made with landowners and 4 interested stakeholders? 5 A. The Applicants identified the importance of 6 keeping the public and interested stakeholders informed 7 about the project status early on in the development of 8 this project. A public outreach program was developed 9 and implemented to provide education and comment 10 opportunities for landowners, agencies, and 11 nongovernment organizations. 12 As part of this public outreach program, the 13 Applicants used several different communication 14 channels. Beyond the open houses and one-on-one 15 interactions with landowners, the Applicants developed 16 and hosted a project-specific website, we set up and 17 hosted a project-specific information phone line, and 18 created and communicated through a project-specific 19 email address. Each of these communication channels 20 allowed landowners and other interested stakeholders to 21 continue to have open two-way communication with the 22 Applicants and will continue to be used throughout the 23 duration of this project. 24 Additionally, the Applicants have either 25 voluntarily, or by invitation, attended local county and PAGE 45	1 restrictive; is that correct? 2 A. Yes, it is. 3 Q. Okay. With respect to the Applicants' request, 4 can you generally describe the land use and zoning 5 ordinances, regulations, and determinations the 6 Applicants believe are unreasonably restrictive? 7 A. Yes. Certain political subdivisions along the 8 project's route have enacted unreasonably restrictive 9 setbacks, they have denied conditional use permits for 10 the project, and/or have adopted moratoriums prohibiting 11 the project from being constructed. 12 Q. And can I please have you turn to the 13 Applicants' memorandum in support of preemption request, 14 which is marked as Exhibit 18? 15 And if the commissioners are using their docket 16 version, it would be Docket No. 33. 17 And I'm sorry, Mr. Weiers, I can't see over 18 those large application binders. Are you there? 19 A. I am there, yes. 20 Q. Okay, wonderful. 21 Are you familiar with this document? 22 A. Yes, I am. I have reviewed the factual 23 representations set forth in this memorandum. 24 Q. And are the factual representations set forth in 25 Exhibit 18 true and complete? PAGE 47
1 township meetings along the project route to provide 2 updates regarding the project. 3 Q. As part of the project's application, the 4 Applicants have requested that the Commission find that, 5 upon the Commission's issuance of a siting certificate 6 and permit for the project, local land use and zoning 7 ordinances, regulations, and determinations are 8 expressly preempted under North Dakota Century Code 9 section 49-22-16; is that correct? 10 A. Yes, it is. 11 Q. Okay. And that request was included in the 12 project application? 13 A. Yes, it was. 14 Q. And is further outlined in the brief that was 15 filed in support of that request in the application? 16 A. Yes. That is correct. 17 Q. Okay. And it's your understanding that you will 18 be discussing the factual basis surrounding the 19 Applicants' second request; is that correct? 20 A. Yes. 21 Q. Okay. And so the second request that was 22 outlined in the project's application relates to a 23 request that the Commission make an additional finding 24 that certain local land use and zoning ordinances, 25 regulations, and determinations are unreasonably PAGE 46	1 A. Yes, to the best of my knowledge. 2 Q. And you testified previously that the project 3 crosses three counties: Stutsman, LaMoure, and Dickey 4 Counties; is that correct? 5 A. Yes, it is. 6 Q. Okay. How many townships does the project 7 cross? 8 A. The project crosses 16 townships. 9 Q. And some political subdivisions have adopted 10 setbacks related to electric transmission lines; is that 11 correct? 12 A. Yes. Some political subdivisions have adopted 13 setbacks from high-voltage transmission lines to 14 occupied residences that are greater than the State's 15 500-foot setback requirement. For example, several 16 townships have adopted a 2,640-foot setback from 17 electric transmission lines to occupied residences. 18 Q. Can you please identify which townships have 19 adopted a 2,640-foot setback? 20 A. Homer, Corwin, and Willowbank Townships have all 21 adopted 2,640-foot setbacks from occupied residences. 22 Q. Did the Applicants attempt to comply with the 23 ordinances that required the 2,640-foot setbacks? 24 A. Yes, we did. The Applicants attempted to comply 25 with the ordinances of Homer and Corwin Townships which PAGE 48

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1 provide that a waiver can be obtained from the 2 landowners that have occupied residences within 2,640 3 feet of the project's route. Due to the infeasibility 4 of achieving a 2,640-foot setback from occupied 5 residences in both of these townships, the Applicants 6 attempted to obtain waivers from landowners but were 7 unsuccessful. In addition, the Applicants requested 8 variances from Corwin and Homer Townships' setback 9 requirement, but the variance requests were denied by 10 both townships as well. 11 Willowbank Township adopted a 2,640-foot setback 12 in June of 2025, several months after the township had 13 already denied the Applicants' conditional use permit 14 for the project. 15 Q. Are Homer and Corwin Townships' 2,640-foot 16 setbacks exempt -- let me rephrase that question. Let's 17 start over there. 18 Do the ordinances of Homer and Corwin Township 19 that otherwise implement a 2,640-foot setback exempt 20 underground transmission lines? 21 A. Yes, they do. 22 Q. Thank you. 23 Is undergrounding the project in Homer and 24 Corwin Townships feasible? 25 A. No, it is not. As I discussed earlier in my PAGE 49	1 A. Commissioners, I'd like to direct your attention 2 to Figure 2 in Exhibit No. 18. 3 Q. And just for reference, that's on Page 8 of the 4 document. 5 A. This figure shows the setback requirement from 6 occupied residences within Homer Township. Homer 7 Township's setback prevents the project or any other 8 high-voltage transmission line from crossing the 9 township from north to south or east to west. The Homer 10 Township setback effectively amounts to a ban on the 11 development of high-voltage transmission lines within 12 the township. 13 Q. What is the impact of Corwin and Willowbank 14 Township's 2,640-foot setback on the project? 15 A. Figures 3 and 4 of Exhibit 18 show the 16 2,640-foot setbacks from occupied residences in Corwin 17 and Homer -- I'm sorry. Figures 3 and 4 of Exhibit 18 18 show the 2,640-foot setbacks from occupied residences in 19 Corwin and Willowbank Townships, respectively. The 20 2,640-foot setbacks significantly constrain available 21 routing areas through these townships and make it nearly 22 impossible to establish a linear route for the project 23 across Corwin and Willowbank Townships. 24 Q. What are the impacts of applying a 2,640-foot 25 setback to the project, generally? PAGE 51
1 testimony, underground transmission is substantially 2 more costly to construct than overhead transmission. 3 This higher construction cost is related to several 4 factors, including but not limited to the use of 5 specialized equipment and labor to bury the transmission 6 line, the type and number of cables, installation of 7 separate conduits within a concrete duct bank, 8 constructing large underground splice boxes 9 approximately every 1,200 feet to complete cable 10 splices, and the need for riser stations along the route 11 to transition from overhead to underground or from 12 underground to overhead. 13 Underground transmission also results in greater 14 environmental and land use impacts than overhead 15 transmission during construction due to the need to 16 excavate significantly more earth along the route to 17 install the underground cable. 18 As a result, complying with the Commission's 19 siting criteria would be more difficult because 20 underground transmission lines require a continuous 21 trench along the route, whereas an overhead transmission 22 line can span over sensitive areas and adjust structure 23 locations. 24 Q. What is the impact of Homer Township's 25 2,640-foot setback on the project? PAGE 50	1 A. First, applying a 2,640-foot setback to the 2 project renders vast swaths of land off limits for 3 transmission line development. Figures 2, 3, and 4 of 4 Exhibit 18, which I previously referenced, show only the 5 constraints imposed by the 2,640-foot setbacks. These 6 maps do not show the additional siting constraints that 7 are imposed by the Commission's exclusion areas, 8 avoidance areas, selection criteria, and policy criteria 9 set forth in the Commission's rules and regulations. 10 These additional constraints further reduce the 11 area where a high-voltage transmission line can be sited 12 and compound the limitations imposed by the 2,640-foot 13 setbacks. Applying these setbacks lengthens routes, 14 which increases costs, environmental impacts, and the 15 number of landowners crossed while jeopardizing a 16 utility's ability to serve the needs of its consumers. 17 Second, for linear transmission line projects, 18 all segments must connect to form a continuous line, 19 which means the application of the 2,640-foot setback 20 has the ability to create or worsen impacts beyond the 21 immediate township. Establishing a route to comply with 22 the setback in one township can alter the route in 23 adjacent townships. That can result in simply shifting 24 impacts in one area and increasing impacts to other 25 areas. PAGE 52

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1 Third, applying a 2,640-foot setback limits the 2 ability to minimize impacts to landowners because homes 3 are typically located along existing roads. To comply 4 with these setbacks, there are instances where the 5 project's route may need to be run through the center of 6 a farm field or pasture, which would increase the 7 hardship on these landowners because routing along 8 existing roads, section or quarter lines, or other 9 utility rights-of-way are no longer feasible. 10 Q. Are the 2,640-foot setbacks unreasonably 11 restrictive? 12 A. Yes. These extreme setbacks would simply shift 13 impacts of the project to other townships and 14 landowners, assuming that these neighboring townships 15 don't adopt their own unreasonably restrictive setbacks 16 or regulations. Complying with these setbacks will 17 result in a longer line, higher cost, and more acres and 18 landowners impacted by the project. 19 Furthermore, the 2,640-foot setbacks conflict 20 with other Commission siting goals and criteria to 21 minimize impacts when siting electric transmission 22 facilities and undermines orderly development of 23 transmission infrastructure. 24 Q. Are there any other local setbacks along the 25 project's route that exceed the State's 500-foot PAGE 53	1 Commission with express PSC preemption for high-voltage 2 transmission lines, 11 of the 16 townships crossed by 3 the project required conditional use permits. Of these 4 11, the Applicants obtained seven, one of which was 5 subsequently revoked. 6 On August 19, 2025, Stutsman County amended its 7 ordinance to require a CUP for high-voltage transmission 8 lines. Of the townships within Stutsman County crossed 9 by the project's route, the county's CUP requirement 10 applies only to Montpelier Township, which does not have 11 retained zoning authority. The Applicants did not apply 12 for a CUP from Stutsman County for the portion of the 13 route that crosses Montpelier Township because Stutsman 14 County CUP requirement was enacted after House Bill 1258 15 became effective. 16 Q. Did any townships deny a conditional use permit 17 or CUP for the project? 18 A. Yes. Willowbank, Wano, Homer, and Corwin 19 Townships all denied CUPs for the project. In addition, 20 Russell Township revoked a CUP that the township had 21 previously granted for the project. 22 Q. What were the reasons stated for the denials of 23 the project CUP applications? 24 A. Willowbank and Wano Townships provided numerous 25 reasons for their CUP denials. However, the reasons PAGE 55
1 setback? 2 A. Yes. On August 19, 2025, Stutsman County 3 adopted a 1,000-foot setback from occupied residences to 4 transmission lines. Stutsman County's basis for 5 adopting the thousand-foot setback is unclear. The 6 Stutsman County setback only applies to Montpelier 7 Township along the project's route. 8 The Applicants believe the Stutsman County 9 setback is also unreasonably restrictive because it is 10 twice as restrictive as the State's existing setback. 11 If the 1,000-foot setback is more broadly applied along 12 the project's route or to other projects, it could 13 ultimately increase impacts on landowners, cultural and 14 natural resources, and negatively impact other siting 15 criteria beyond the townships where the setback applies. 16 However, because the project happens to meet the 17 1,000-foot setback in Montpelier Township, the 18 Commission need not make a determination that the 19 Stutsman County setback is unreasonably restrictive as 20 applied to this project. 21 Q. Did the Applicants apply for any conditional use 22 permits or, as we'll reference them, CUPs for the 23 project? 24 A. Yes. Before House Bill 1258 became effective on 25 August 1, 2025, the legislation that granted the PAGE 54	1 provided related to issues that are outside the scope of 2 the subject matter governed by the townships' ordinances 3 and do not relate to a genuine CUP proceeding with 4 rational zoning considerations. 5 Homer and Corwin Townships did not provide 6 reasons for their CUP denials. 7 The basis for Russell Township's CUP revocation 8 appears to be a filing from Russell Township's attorney 9 to the Commission that seeks to rescind the project's 10 certificate of public convenience and necessity. 11 Q. Are these CUP denials unreasonably restrictive? 12 A. Yes. The CUP denials amount to an unreasonably 13 restrictive application of the township's land use and 14 zoning ordinances and regulations. The denials result 15 in a project-level moratorium and prohibit the project's 16 development within the townships. 17 Q. What are the impacts of the CUP denials on the 18 project? 19 A. As I just mentioned, the CUP denials prohibit 20 the project's development within Willowbank, Wano, 21 Russell, Corwin, and Homer Townships. To reroute around 22 these townships and into adjacent townships would add 23 approximately 12 additional miles to the project's route 24 and result in an incremental cost of approximately 24 25 million more than the cost of the proposed route, making PAGE 56

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1 it unreasonably restrictive on the basis of economics 2 and greater impacts associated with a longer route. The 3 result is a longer line with higher costs and more acres 4 and landowners impacted by the project that simply 5 shifts impacts into neighboring townships which may also 6 adopt similar unreasonably restrictive ordinances, 7 regulations, or permit denials. 8 Q. Have other restrictive local land use and zoning 9 regulations been adopted along the project's route? 10 A. Yes. Wano, Russell, and Willowbank Townships 11 have enacted moratoriums on high-voltage transmission 12 lines, the JETx project itself, and numerous other types 13 of infrastructure projects. These moratoriums were 14 enacted in response to the project and appear to target 15 the project directly. 16 For example, Willowbank initially adopted a 17 moratorium on the JETx project alone before later 18 enacting an additional moratorium on high-voltage 19 transmission lines and other types of projects. A 20 stated purpose of Russell and Wano Townships' 21 moratoriums is to, quote, "obtain more information about 22 the route and safety of the project," end quote, which 23 presumably refers to the JETx project. 24 Q. Are these moratoriums unreasonably restrictive? 25 A. Yes. There is no land use regulation that is PAGE 57	1 project to other townships and landowners, assuming 2 these neighboring townships don't adopt their own 3 unreasonably restrictive ordinances and regulations. 4 As I mentioned earlier, this will cause the 5 project to be longer, impact more acres and landowners, 6 result in higher infrastructure costs, and provide the 7 Applicants with less routing flexibility to minimize 8 impacts. 9 I've already discussed the challenges of 10 undergrounding a high-voltage transmission line and its 11 associated cost impacts. Additionally, undergrounding 12 the project, or even a portion of the project, would 13 require extensive studies to determine if it is even 14 technically feasible for an underground configuration to 15 reliably integrate into a transmission system that is 16 composed primarily of overhead transmission lines. 17 Further details of underground limitations are also 18 included in the application. 19 Likewise, I have discussed the additional 20 project length and estimated cost impacts of attempting 21 to reroute around Willowbank, Wano, Russell, Corwin, and 22 Homer Townships entirely. 23 With respect to needs of consumers, regardless 24 of location, the Commission already determined the 25 project's need in the project Certificate of Public PAGE 59
1 more restrictive than a moratorium. The moratoriums are 2 unreasonably restrictive on their face because they 3 completely prohibit development of the project within 4 Willowbank, Wano, and Russell Townships. 5 Q. What would be the impact of applying these 6 moratoriums to the project? 7 A. Applying these moratoriums to the project would 8 force the project to reroute around Wano, Russell, and 9 Willowbank Townships and all other areas where a 10 moratorium may also be adopted. 11 Allowing such extreme local regulation would 12 greatly increase project costs and create an uncertain 13 and risky regulatory environment for linear 14 infrastructure projects across all of North Dakota. The 15 inevitable result would be longer lines, greater impacts 16 to more acres and landowners, increase costs and risks 17 to the utility's ability to be able to provide reliable 18 power to consumers. 19 Q. Are the setbacks, the CUP denials, and 20 moratoriums you've discussed unreasonably restrictive in 21 view of existing technology, factors of costs or 22 economics, and/or needs of consumers regardless of 23 location? 24 A. Yes. As I previously discussed, the setbacks, 25 CUP denials, and moratoriums simply shift impacts of the PAGE 58	1 Convenience and Necessity proceeding. The setbacks, CUP 2 denials, and moratoriums restricting the project's 3 development are unreasonably restrictive in light of 4 this factor as well. 5 Q. Based on your knowledge of the project, will the 6 project's construction, operation, and maintenance 7 result in minimal adverse impacts on the environment and 8 the citizens of North Dakota? 9 A. Yes. The project has been sited to comply with 10 the Commission's siting criteria as well as to minimize 11 potential impacts to the citizens of North Dakota, 12 existing land uses, infrastructure, and -- and 13 environmental resources. 14 My colleague Kevin Scheidecker discusses the 15 Applicants' environmental studies and surveys for the 16 project in further detail. 17 Additionally, the project will provide 18 significant reliability and economic benefits to the 19 local communities and the state. 20 For these reasons, and as demonstrated in the 21 application, other filings, my testimony, and the 22 testimony of Robert Frank and Kevin Scheidecker, the 23 project will result in minimal adverse impacts. 24 Q. Based on your knowledge of the project, will its 25 construction, operation, and maintenance minimize PAGE 60

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1 adverse impacts while ensuring continuing system 2 reliability and integrity and ensuring that energy needs 3 are met and fulfilled in an orderly and timely fashion? 4 A. Yes. As shown in the application, other 5 filings, my testimony, and the testimony of Robert Frank 6 and Kevin Scheidecker, the project will be constructed, 7 operated, and maintained to minimize adverse impacts 8 while serving as a critical component in ensuring local 9 and regional electric reliability for the combined 10 benefit of customers and businesses throughout North 11 Dakota. 12 Q. Does this conclude your direct testimony? 13 A. Yes. 14 Q. Thank you. 15 HEARING OFFICER HOGAN: Mr. Pelham, any 16 questions? 17 MR. PELHAM: I do have questions. Are we okay 18 on time as far as a break, or because it's -- 19 HEARING OFFICER HOGAN: Yeah, we can take a 20 break before we start questions. 21 MR. PELHAM: That might just break it up a 22 little bit more efficiently just because we'll have 23 questions and the commissioners. And then I would 24 anticipate we'd be able to finish with this witness. 25 HEARING OFFICER HOGAN: Sure. Let's take our PAGE 61	1 permits. I'm just wondering if anything has been done 2 by the company yet on those? 3 A. The Applicants have not started those 4 discussions yet with the local road authorities. 5 Q. What do you anticipate needs to be done? I 6 mean, have you looked at what the requirements are, what 7 the permits are? I know you haven't talked to anyone 8 yet. 9 A. At this point, we haven't started that research. 10 We're very much focused on the siting application at 11 this point in time. But we are committed to looking 12 into those requirements and acquiring all necessary 13 permits prior to construction starting. 14 Q. The application contains a lot of correspondence 15 between the company and local and state agencies and 16 some federal agencies. Are you familiar with those 17 correspondence, those letters? 18 A. Mostly the local agencies that are not related 19 to environmental items. 20 Q. Aside from the zoning issues that you testify 21 to, and we'll get to that in a moment, are there any 22 other issues that are contained in those correspondence 23 in the application that have not been resolved or remain 24 outstanding in terms of things that the company needs -- 25 companies need to do to address concerns of local PAGE 63
1 morning break and we will try to reconvene at 10:15. 2 (Recess) 3 HEARING OFFICER HOGAN: All right. My clock 4 shows it's 10:15 so we're going to get started again. 5 Mr. Pelham, you can proceed with your questions. 6 MR. PELHAM: Thank you, Judge Hogan. 7 CROSS EXAMINATION 8 BY MR. PELHAM: 9 Q. Mr. Weiers, my name is Zach Pelham. We haven't 10 met, but you're here this morning. I appreciate your 11 testimony. I just have some follow-up questions for 12 you. 13 The application indicates the timeline of the 14 project and I just want to confirm it's proposed to 15 begin construction in the third quarter of 2026. Is 16 that still correct? 17 A. That is correct. 18 Q. And it's anticipated or planned to be completed 19 by the end of 2028; is that correct? 20 A. That's our current plan, yes. 21 Q. You mentioned road haul and access permits. And 22 if -- if any of -- and I should say this. If any of my 23 questions are maybe more appropriate for another 24 witness, please just say that. Okay? But you had -- 25 you testified as to acquiring road haul and access PAGE 62	1 entities or state agencies? 2 A. For those non-environmental permits that are -- 3 that are outstanding, as you talked about, the crossing 4 permits, the access permits, those are the only 5 outstanding items from a non-environmental perspective 6 that I'm aware of for the project. 7 Q. Thank you. 8 The application -- and I think your testimony 9 also talked about inspection of the proposed line. And 10 I'm wondering if you could be a little bit more specific 11 as to -- and specifically as to the construction phase. 12 And then we'll get to, you know, if project is approved 13 and is constructed, how that inspection process works. 14 But during the construction phase of the line, 15 what is the procedure for inspections during the 16 construction? 17 A. The inspectors that are hired by the project 18 will be part of the daily plan-of-the-day meetings when 19 construction starts. And they'll be aware of where 20 construction activities will be occurring each and every 21 day. And the job of the inspectors will be to go out 22 and ensure that we are complying with the requirements 23 of the permit issued for this project. 24 Q. And those inspectors, will they be MDU 25 employees, will they be Otter Tail Power employees, or PAGE 64

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1 third parties, or a mix? 2 A. We haven't decided that yet. But, 3 traditionally, in these situations, we have leveraged a 4 third-party contractor. 5 Q. And in terms of whether or not any 6 contractors -- have any contractors been selected for 7 the proposed construction of this line? 8 A. Not at this time. 9 Q. Assuming, and based upon assumptions here, a 10 permit is issued and construction begins, would the 11 companies commit to providing that information as to who 12 the contractor is, who's selected to construct the line, 13 to the Commission? 14 A. If that is something that the Commission 15 desires, we would be willing to share the names of the 16 contractors who are hired for the construction of the 17 project. 18 Q. Well, I mean typically, I mean on a -- on a 19 line, high-voltage construction projects like this, 20 Otter Tail is not going to construct itself, is it? 21 A. We will fulfill the role of -- we will fulfill 22 certain roles on the project construction team, such as 23 project manager. But, generally speaking, you are 24 correct, we would typically hire third-party contractors 25 to construct the project. PAGE 65	1 temporary employees, construction phase, I'm not talking 2 about that, but permanent. Is that -- was that your 3 understanding of my question and then your response? 4 A. Yes, it is. Yep. We -- we actually are looking 5 at the needs for the projects as they enter the 6 construction phase. And part of our employee resource 7 forecast does include some additional employees that 8 will be supporting the construction phase of not only 9 this project, but also future projects that we are 10 currently undertaking. 11 Q. There's at least one river crossing, the James 12 River. Is that more appropriate for the environmental 13 witness, to answer questions on that? 14 A. If you have specific questions on the reroute, 15 I'd be happy to take those, but if you have 16 environmental-related questions, I'd have to defer to 17 Kevin Scheidecker. 18 Q. Sure. 19 And as I understand the reroute, that was 20 landowner-driven. Is that fair to say? 21 A. That is correct. 22 Q. What was the specific concern of the landowner 23 and what was the decision-making process of the company 24 to do the reroute? 25 A. In conversations with the landowner, there was a PAGE 67
1 Q. Do you -- do you know whether or not union or 2 nonunion aspects goes into that decision-making process 3 from the company perspective? 4 A. That will depend upon the contractors who bid on 5 the project. And the contractors will ultimately decide 6 the involvement of union or nonunion labor. But I can 7 report that both Otter Tail and Montana-Dakota Utilities 8 have relationships with the local unions. 9 Q. And you mentioned bids. Has this project been 10 bid -- bid out? 11 A. No aspects of the construction phase have been 12 bid at this point in time. 13 Q. Is it anticipated that this project would add 14 any new employees for Otter Tail Power? 15 A. We do have a resource plan to look at the 16 employee needs for all of our upcoming projects. And we 17 do have plans to hire additional employees. I can't say 18 with 100 percent certainty that it's dedicated solely 19 for this project, but the employees that we do hire are 20 intended to be able to encompass several of the new 21 projects that Otter Tail Power Company is undertaking at 22 this time. 23 Q. And as I understand your answer, sir -- and my 24 question probably wasn't very clear. I'm talking in 25 terms of permanent new employees, not as far as PAGE 66	1 desire to get the proposed route further from an 2 occupied residence. And in working with this landowner, 3 the landowner proposed an alternative route that we took 4 back within the project team. And we looked at that 5 proposed route from an environmental and engineering 6 perspective to determine if there was any fatal flaws 7 with that proposed reroute. We did not see any that 8 violated any of the Commission siting criteria. So we 9 entered into additional landowner discussions. And as a 10 result of that effort, we were able to adopt a reroute 11 at the James River to get further from an occupied 12 residence. 13 Q. And that's the -- is that, at present time, the 14 only reroute that has been proposed by the companies? 15 A. Yes. That's the only reroute that differs from 16 what was submitted with our application back in August. 17 Q. In terms of the analysis of a reroute request 18 from a landowner, I'm wondering if you can take me 19 through the process that Otter Tail and MDU utilized to 20 determine whether or not the reroute request is feasible 21 or not. 22 A. I briefly mentioned this earlier, but I'll just 23 mention it here again. In conversations with 24 landowners, if there was a reroute proposed, we would 25 take that back as a project team and first evaluate that PAGE 68

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1 reroute from an engineering and environmental 2 perspective to determine if that reroute was compatible 3 with all of the Commission siting criteria. 4 If that reroute looked feasible and did not 5 violate the Commission siting criteria, our land-rights 6 team would engage with landowners. Sometimes it would 7 be the same landowner, sometimes it would be neighboring 8 landowners. And if there was general agreement about 9 the reroute, we would adopt it. 10 Q. And in the process, and certainly in the 11 application, there were different routes that were at 12 least reviewed by the company internally, a desktop 13 review analysis done by the company, before arriving at 14 the route that is being sought to have permitted. 15 Can you take us a little bit through the process 16 that Otter Tail, MDU went through in determining what is 17 before the Commission now as far as the proposed route? 18 A. Mr. Pelham, if I could refer you to the 19 application, I'd like to pull a couple figures out to 20 explain the process that we used to develop the route 21 for the project. 22 Q. Absolutely, go ahead. 23 A. I'll be starting with Binder No. 1, in the 24 application and specifically in Appendix A. 25 I'd like to draw your attention to Figure 3.7-1, PAGE 69	1 2023 and gathered feedback from landowners on these 2 proposed corridors to help us in the refinement of a 3 proposed route. 4 After the public open-house meetings that 5 happened in June and July, the Applicants further 6 refined the proposed route into what shows on Figure 7 3.7-4. 8 Again, having conversations with landowners and 9 other interested stakeholders, including agencies, we 10 gathered feedback and ultimately narrowed that corridor 11 into proposed routes shown in Figure 3.7-5. And these 12 proposed routes were included in a second round of 13 public open houses held in September of 2023. 14 After the public open-house meetings occurred, 15 the Applicants started to engage with landowners to talk 16 about their individual parcels and help refine the 17 route. Through this process, we've evaluated a variety 18 of additional route alternatives that are included in 19 Appendix C to the application. 20 I will not go through all the details of 21 Appendix C, but I will refer you to a couple maps that I 22 think are noteworthy. 23 In Appendix C, I'm looking at the route 24 alternatives reviewed and considered, starting on Bates 25 number page 308. 308. PAGE 71
1 which is in Binder No. 1. It's Bates number page 2 JETx00191. 3 Q. Just for clarification, the Bates numbering 4 appears on the very bottom -- extreme bottom right 5 corner of every page; correct? 6 A. That is correct. 7 Just to repeat that again, Bates number is 191. 8 When the project team started development 9 efforts back in early 2023, we started with a broad 10 initial project routing area shown in Figure 3.7-1. 11 This very broad area was approximately 14 miles wide by 12 81 miles long and encompassed both endpoint substations. 13 If you turn the page to Figure 3.7-2, we started 14 to populate our geographic information system with data 15 collected from various agencies and a lot of the aerial 16 imagery that was available that was later digitized into 17 our GIS system. Figure 3.7-2 shows the applicable 18 avoidance, exclusion, selection criteria, and other 19 routing considerations within the Commission's 20 requirements. 21 Using this information, the Applicants developed 22 proposed routing corridors, which are shown on Figure 23 3.7-3. These routing corridors in Figure 3.7-3 were 24 shared with landowners at our first round of public open 25 houses. We had public open houses in June and July of PAGE 70	1 We have identified a variety of different 2 alternatives that were considered. And the diagrams on 3 Bates pages 308, 309, and 310 all represent alternatives 4 by county on which alternatives were reviewed and later 5 removed from consideration due to -- due to a variety of 6 different reasons. 7 Through continued landowner conversations, we 8 have ultimately landed on the proposed route that's 9 included within the application. 10 Q. Thank you for that detailed response, sir. 11 So then on Bates 301 in Appendix 3 -- or rather 12 Appendix C, Bates 301, continuing onto 307, are those 13 considerations that would have been brought out at these 14 public forum meetings and then analyzed by the company 15 as far as route adjustments before a final route was 16 determined and then applied to the Commission? 17 A. Just a quick clarification on that, Mr. Pelham. 18 Bates pages 301 through 306 represent all of the 19 different route alternative areas that were considered. 20 Each of those described route areas corresponds to an 21 area identified on the following figures. 22 But the answer to your question, Mr. Pelham, is 23 that the reasons for the alternatives that were 24 considered and ultimately removed from further 25 consideration are included in our notes column on Bates PAGE 72

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1 pages 301 through 306 that were all considered that 2 ultimately led to the proposed route in the application. 3 Q. And that's really the gist of my question for 4 you, sir, and I think you've answered it, but I'll just 5 ask the question a little bit more directly. 6 There are multiple layers of considerations that 7 were made by the company before the route that we see 8 here today was proposed to the Commission. Fair to say? 9 A. That is correct. 10 Q. That included desktop reviews, looking at 11 avoidance areas, exclusion areas, wetlands, other 12 environmental factors, and including landowner comments, 13 discussions with them at these public hearings or 14 public -- public meetings, rather. Is that fair to say? 15 A. Yes, it is. 16 Q. And how many -- and forgive me if I'm using the 17 terminology incorrectly, public forums, is that -- what 18 do you actually call these? 19 A. Open-house meetings. 20 Q. Open-house meetings, yeah. 21 How many open-house meetings were held? 22 A. If you could just give me a second, I'm going to 23 look back in the application here. 24 Q. Sure. Fair enough. And I know it's in the 25 application. And to the best of your recollection, how PAGE 73	1 provide just the specific process that is utilized by 2 the company to ensuring that topsoil is separated out 3 from subsoil and then, upon completion of a structure, 4 replaced in place so that it's as near as identical 5 condition as it was before the structure being placed. 6 What's the depth of the topsoil that's being removed? 7 What considerations are taken by the company in doing 8 that process? 9 A. That's a question I'll have to rely on my team 10 for. I don't have an answer at this time. 11 Q. Fair enough. Yeah. And I appreciate that 12 response, sir. 13 In the application, it's indicated that, where 14 practical, construction activities will be scheduled 15 during periods when agriculture activities will be 16 minimally affected. And I'm just wondering, sir, if you 17 could expound on that. I mean, what do you intend -- 18 what do the companies intend to do to avoid high 19 agricultural times for construction? 20 A. We'll be coordinating with landowners through 21 the construction process and letting them know when we 22 plan to be on their parcels so that we can, hopefully, 23 coordinate any activities on their parcels so as not to 24 interfere with any activities they have for farming. 25 Q. And the coordination with landowners, PAGE 75
1 many open-houses were held, sir? 2 A. To the best of my recollection, there was eight 3 open-house meetings held between June 2023 and September 4 2023. 5 Q. And do you -- do you recall, to the best of your 6 recollection, sir, where these open-house meetings were 7 held? 8 A. Yes. We focused on the three largest 9 communities within the corridor, which were Jamestown, 10 Edgeley, and Ellendale. 11 Q. In these open houses -- strike that. 12 I want to talk a little bit about the -- and you 13 touched upon it in your testimony, sir, so bear with me 14 if it's somewhat repetitive, but I want you to tell the 15 commissioners the specific process that is utilized by 16 the companies or its contractors in ensuring that 17 topsoil is properly separated out, and then once a 18 structure is put in place, then the topsoil put back 19 into place. 20 A. I'd like to look at my testimony real quick. 21 Q. Fair enough. Yeah. 22 (Pause) 23 A. Okay. Mr. Pelham, can you please repeat your 24 question? 25 Q. Yeah. My question is, is I'd ask that you PAGE 74	1 specifically, sir, do you have a team that is tasked 2 with that? How many individuals? Are they Otter Tail 3 employees? Are they MDU employees? Who is doing that? 4 A. We do have a mix of Otter Tail, MDU, and 5 contracted employees helping us with outreach to 6 landowners. And through this effort, we have been in 7 touch with landowners throughout the development of the 8 project and plan to continue to be in touch with 9 landowners through the construction and operational 10 phases of the project. 11 Q. So specifically -- and I want to delineate out 12 the landowners, the landowners who are directly 13 impacted, in other words, where a structure or some type 14 of component of this proposed line is going to be on 15 their property that they own, and then landowners who 16 are maybe adjacent, does the company separate those two 17 landowners out? Directly impacted and, I suppose, for 18 lack of a better term, indirectly impacted by the 19 project? 20 A. We only focus our communications on landowners 21 who are hosting facilities for the project and those 22 that we have obtained land rights from. 23 Q. And of those landowners, how was it determined 24 who the primary contact was for it? Because oftentimes 25 folks, I mean there might be a trust, there might be one PAGE 76

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1 person in charge, you know, someone may have passed away 2 and maybe it's a personal representative that you're 3 working with. How was that process handled, if you 4 know? 5 A. We've gone through tax records to find the 6 current address and contact information for each parcel, 7 and in the event that we get ahold of a landowner and 8 they indicate that a tenant is potentially renting their 9 property and the landowner has asked us to coordinate 10 with the tenant, we've also coordinated with that tenant 11 where applicable as well. 12 Q. And I believe in the applications it's indicated 13 that there are no irrigation structures on the proposed 14 route; is that correct? Is that your understanding? 15 A. Correct. I understand there is no irrigation 16 along the currently proposed route. 17 Q. How was that determined? 18 A. Typically in those situations, we'll take a look 19 at the aerial imagery and identify where we may think 20 there could be irrigation installed. If there are some 21 areas that look suspicious, we will go out and do some 22 field verification with windshield surveys to confirm 23 what exists out in the field. 24 Q. During construction a landowner has a concern 25 with a third-party contractor, maybe they're -- they're PAGE 77	1 companies will do if this project is approved and it's 2 built? 3 A. Generally speaking, as we think about 4 reclamation activities, our goal is to restore the area 5 in a condition that's equivalent to what it looked like 6 before construction started. And we will do our best to 7 minimize any grading along the project corridor to, 8 hopefully, minimize any disruption to the existing 9 contours that may exist on properties. Once 10 construction is completed, we will reclaim the area that 11 has been disturbed. And we will be working with 12 specific landowners to -- in coordination with the 13 national -- excuse me for just one second. I got to 14 look at my testimony here again. 15 Yeah. So I'm looking at my testimony, Page 14. 16 This is hearing Exhibit No. 4. I'm on Page 14 of my 17 testimony. Question 41 specifically talks about, after 18 construction is completed, we would be reclaiming any 19 disturbed areas. We'd be reseeding those according to 20 Natural Resources Conservation Service recommendations, 21 unless otherwise specified by a specific landowner and 22 approved by the Commission. 23 And I'd also emphasize that these same 24 requirements are part of our certification document that 25 has been signed by both Otter Tail and Montana-Dakota. PAGE 79
1 dissatisfied with something. What's the process for 2 that landowner to handle that situation? 3 A. We do plan to provide each landowner with an 4 informational packet prior to construction starting. 5 And that informational packet will include contact 6 information for a project representative that they can 7 contact with any concerns encountered along -- during 8 the course of the project. In addition, I just want to 9 emphasize that each landowner is also familiar with one 10 of our land agents who's been working with them. And 11 that contact information will continue to be valid 12 throughout the course of construction. 13 Q. And the contact information, to be clear, 14 telephone, email, is that fair to say, that a landowner 15 would have of a company representative? 16 A. Yes. 17 Q. And if this is a question for another person, 18 just let me know, but as far as -- and I kind of already 19 asked it so I think it might be. But the reclamation 20 process, is that something you can provide testimony on 21 or is that perhaps handled by someone else? 22 A. It will depend on the nature of the question. 23 Q. Okay. Well, let's see. Can you -- can you take 24 the commissioners through the process of reclamation? 25 What is -- what is the specifics of reclamation that the PAGE 78	1 Q. The winter construction that has been detailed 2 in, I believe it's Exhibit 20, are you familiar with 3 Exhibit 20, sir? 4 A. I am familiar with its contents, yes. 5 Q. And is winter construction, is that normal for a 6 transmission line, high-voltage transmission line? 7 A. Yes. 8 Q. And when I say "normal," I mean you've been 9 involved in projects where winter construction has 10 occurred? 11 A. Yes. Otter Tail and Montana-Dakota have both 12 done high-voltage transmission projects during winter. 13 Q. And I know that, you know, we've got the winter 14 construction plan. That's Exhibit 20. But I'm just 15 wondering if you can just generally outline the 16 differences that you would -- that you believe, having 17 experience being in projects with winter construction, 18 the differences between a winter construction 19 construct -- winter construction versus, you know, 20 spring. Well, that could be winter as well, I suppose, 21 in these parts, but non-extreme cold, snow conditions. 22 A. Sure. I'd like to refer to Exhibit 20 and just 23 point out a couple nuances between summer construction 24 and winter construction. 25 Q. Thank you. PAGE 80

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1 A. I'll be starting on Page 5 of Exhibit 20. And 2 this talks specifically about soil segregation for 3 winter construction. 4 In the winter we struggle with soil becoming 5 frozen. And, therefore, as we think about winter 6 construction, it's important that we can move the soil 7 or keep it thawed so that it can still be moved. And as 8 part of winter construction, you'll notice on Page 5, as 9 we talk about soil segregation, excavated soil will be 10 loaded in trucks immediately after excavation and hauled 11 off site to keep the soil from freezing. The stockpiled 12 topsoil will be backfilled around the drilled foundation 13 before it freezes in order to mitigate any settling. 14 Insulated blankets may be used on an as-needed basis to 15 prevent topsoil from freezing prior to backfilling. 16 These are practices that would be specific to winter 17 construction. 18 Another aspect of winter construction, as we 19 move to Page 6 of Exhibit 20, is the concrete mix used 20 in the winter is slightly different than concrete mix 21 used in the summer. And what you'll notice here is that 22 the concrete mix on Page 6 under the Drilled Pier 23 Concrete Foundation section talks about using heated 24 aggregate and water that will allow the pouring of the 25 foundations to continue through the winter season. And PAGE 81	1 talking about potentially? 2 A. Yes. To the extent that snow becomes a burden 3 during the construction process, the Applicants would 4 move snow to clear an area for construction activities 5 to occur, and we would be mindful of maintaining that 6 snow on the approved corridor for the project. 7 Q. So then, presumably, at that point in time, if 8 that were happening, there would be an easement and 9 there would be, you know, the ability to do that that 10 would be included in permission from a landowner. 11 But what -- what about, you know, blocking 12 off -- you know, say there's fencing for cattle or 13 something like that. What types of steps are the 14 companies going to be taking to ensure that that extreme 15 snowfall event and the clearing of that snow so to allow 16 winter construction are not impacting the landowner's 17 ability for their livelihood or things that they need to 18 do on their property? 19 A. The key in that situation is to ensure that we 20 continue to have constant communications with landowners 21 to understand their operations and our needs through the 22 construction process. So we would be working with 23 landowners to ensure that, as we stockpile the snow 24 within the corridor, we're not interfering with any of 25 their operations. And to the extent that they raise PAGE 83
1 here, again, we do use insulated blankets in the winter 2 where necessary to prevent the foundations from freezing 3 during the curing process. 4 As we go through other aspects of construction 5 in the winter, if we look at the matting section on Page 6 7 of Exhibit 20, there's also some details of winter 7 construction I'd like to point out. The winter season 8 will dictate access methods that will be used for the 9 project. I'm on Page 7, under matting. The 10 temperatures and the amount of snow will be determining 11 factors on the amount of matting that will be required. 12 And this talks about the frost during winter conditions. 13 If winter construction season consists of lower 14 temperatures and minimal snowfall, the Applicants will 15 be able to utilize less matting because of the 16 additional depth of the frost during these types of 17 winter conditions. 18 Those are some of the key attributes that are 19 specific to winter construction. 20 Q. So in terms of practical, you know, we -- let's 21 say, hypothetically speaking, you know, extreme 22 snowfall, snow cover exists. Have you been involved in 23 projects where snowplows are going out on section lines 24 and plowing off snow so that winter construction can 25 proceed? Is that anticipated here? Is that what we're PAGE 82	1 concerns, we would be doing our best to comply with 2 their concerns to allow their operations to continue 3 uninterrupted. 4 Q. And it's anticipated, I believe, in the 5 application, sir, there's anticipated at this time two 6 winter seasons, potentially, where winter construction 7 would be taking place. Fair to say? 8 A. That is correct. 9 Q. I noted in your testimony that there's a -- 10 there's a somewhat -- it says if necessary, winter 11 construction if necessary. 12 I mean, are we going to see winter construction 13 if this project is approved? Or, I mean, is it going to 14 be necessary for winter construction? 15 A. We do expect winter construction to be necessary 16 for the project. 17 Q. Have any of the engineering plans been completed 18 for the proposed line at this time, do you know? 19 A. Mr. Pelham, I'm going to have you clarify what 20 type of engineering activities you're referring to. 21 Q. Well, I mean specific as to the technical 22 aspects of the -- of the line, the monopoles where the 23 conductor is going to be placed in specific places. I 24 mean, do we have the technical aspects? And -- and I 25 know you said it hasn't been bid out yet, so that's why PAGE 84

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1 I'm kind of asking. I mean, if it hasn't been bid out, 2 maybe that hasn't been completed. But I'm wondering if 3 the technical aspects of the design of the actual line 4 has been completed. 5 A. We have completed a preliminary design for the 6 project, and that is subject to final design and final 7 engineering prior to construction starting. 8 Q. As far as the material of the components, the 9 monopoles, the conductors, I know you -- it's double 10 twisted, I believe is the phrase for conductors, to 11 hopefully minimize galloping events and -- and those 12 types of things with the ice that we have in this -- in 13 this region, certainly in recent time. 14 But I'm wondering if you know what material is 15 anticipated for the monopoles, for, for example, 16 dead-end bodies, jumper cables. I mean, is that known 17 at this time? 18 A. Clearly the application mentions that the poles 19 will be made of steel. So we do know that as a certain 20 fact. As you think about the other assemblies and 21 components of the project itself, we haven't decided at 22 this point if, for example, insulators will be glass or 23 if they'll be polymers. Those are final design details 24 that would be included in an RFP that would be going out 25 for the construction phase of the project. PAGE 85	1 broken down by county. We have the statistics here. 2 In Stutsman County we have secured 77 percent of 3 the land rights, again by landowner, LaMoure County 4 we've acquired 63 percent, Dickey County we've acquired 5 93 percent, resulting in an overall acquisition of 77 6 percent for the entire project. Again, based on the 7 number of unique landowners. 8 Q. Are you able to break that down into a number of 9 landowners? I believe the application and your 10 testimony indicated there's 173 individual landowners or 11 groups of landowners. Are you able to provide that by 12 landowner numbers and then also by the -- well, let's 13 start with that. 14 A. Are you asking me to specify that the 77 percent 15 represents 134 of the 173 landowners? 16 Q. I'm asking you to tell me how many of the 173 17 landowners have easements with the company. 18 A. By county or overall? 19 Q. Overall. 20 A. Overall. The number of landowners that have 21 signed land rights for the project are 134 of a total of 22 173 unique landowners. And, once again, that 23 corresponds to 77 percent overall land rights acquired 24 for the project. 25 Q. And are you able to break that down in terms of PAGE 87
1 Q. Do you know if American steel is going to be 2 used? 3 A. I do not know that question -- the answer to 4 that question. 5 Q. Fair enough. 6 Sir, do you know the -- for purposes of 7 environmental review, cultural studies, whether or not 8 the entire proposed line has been surveyed for those 9 purposes? 10 A. That's a question I'd like to defer to my 11 colleague Kevin Scheidecker. 12 Q. The company previously provided the Commission 13 with documentation showing the current acquisition of 14 easements. Has there been an update since the company 15 has provided that? 16 A. Yes. We do have an update on acquisition 17 status. 18 Q. Is that a document that the company can provide 19 or are you able to provide that through testimony? 20 A. I am prepared to provide that through testimony 21 here today. 22 Q. If you'd provide that update for us, I know the 23 commissioners would appreciate that. 24 A. The current status of land acquisition based on 25 the number of unique landowners along the route is PAGE 86	1 distance, in terms of what that breakdown looks like? 2 A. Yes, I am. Based on the distance for a 92-mile 3 line that's proposed as part of the application, we have 4 secured approximately 71 of the 92 miles representing 76 5 percent of the overall length of the line. 6 Q. In terms of activities to work with landowners 7 who've yet to sign easements, what is being done? 8 A. We are continuing to engage with landowners who 9 are willing to engage with us. For those who have asked 10 to not be contacted any further, we have not continued 11 any of those conversations at this time. 12 Q. I know this is a broad question and I'm just 13 wondering if -- if you are able to provide the 14 commissioners with information as to the reason, for 15 those who've not signed easements, they've been giving 16 to the company for not signing those easements. Is it 17 related to the placement? Is it related to other 18 issues? 19 A. Yes, I can provide a general overview. I have 20 not been directly involved in the conversations with the 21 landowners, but I understand that some of the concerns 22 being raised by landowners include the terms of the 23 individual easement agreements that are being proposed 24 to landowners. There's also been concerns flagged about 25 future infrastructure projects that may be coming after PAGE 88

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1 this project that are unrelated to the project itself. 2 Those are some of the key topics that we've been hearing 3 from landowners through our land rights discussions. 4 Q. Apologize, it's a bit out of order, but I -- as 5 far as back to the construction, has a laydown area been 6 determined? And if it is, I guess I missed that in the 7 application. 8 A. We are considering two laydown yards for the 9 project. I don't have that information readily 10 available as to the status of acquiring those laydown 11 yards. 12 Q. Are you able to provide testimony as to where 13 those two potential laydown areas are located? 14 A. We do have a northern laydown yard identified. 15 The specific location is something that I'd have to 16 check with my team on. 17 Q. Okay. Well, you mentioned two. Are they one 18 northern, one southern? Is that generally -- 19 A. That's generally the description we've been 20 using, yes. 21 Q. Fair enough. 22 I understand that there's -- as to the state 23 setback of 500 feet, there is one waiver, one landowner 24 who has an occupied residence within 500 feet of the 25 proposed line; is that correct? PAGE 89	1 testified to township zoning ordinances are unreasonably 2 restrictive, you testified, sir, that there were 3 attempts to comply with Homer and Corwin Townships to 4 get a waiver. I'm wondering if you could be more 5 specific as to those efforts. What did the company do? 6 Did you talk to someone at the -- at the township? Take 7 us through that process, please. 8 A. The setbacks in Homer and Corwin Township create 9 large areas of the township that are not possible to 10 route through with the 2,640-foot setback. So as part 11 of our CUP applications to both Homer and Corwin 12 Townships, we requested a variance from that setback. 13 When we went to the initial planning and zoning 14 committee meeting to review the CUP applications, the 15 planning and zoning commission, or committee members, 16 have asked us to go out and ask the landowners if they'd 17 be willing to sign a waiver. Following that planning 18 and zoning committee meeting, we did go out and seek 19 waivers from landowners in both Homer and Corwin 20 Townships, and we were unsuccessful in achieving those 21 waivers, in obtaining those waivers. 22 Ultimately, Mr. Pelham, as I reported, Homer and 23 Corwin Township did deny our CUP. 24 Q. And I understand, certainly as exhibited on 25 Exhibit 18 and Figures 2, 3, and 4 as to Willowbank, PAGE 91
1 A. That is correct. 2 Q. And a waiver of that particular landowner has 3 been obtained? 4 A. Yes, it has. And it is included as Appendix B 5 of the application. B as in boy. 6 Q. As far as an analysis done by the company as to 7 potential for other occupied versus unoccupied 8 residences or businesses along the route, can you take 9 us through what was done to determine whether or not a 10 residence or a business was occupied or not? 11 A. Sure. As we started looking at routing 12 opportunities for this project, we started by looking at 13 aerial imagery and identifying structures that were 14 identified through our review of that aerial imagery. 15 When we found buildings that looked to be 16 possibly appropriate for an occupied residence, we 17 performed field verification surveys through going out 18 into the project area and looking at the individual 19 structures to determine if it's an outbuilding or if it 20 was, in fact, an occupied residence. The feedback that 21 was obtained through this process was then digitized 22 into our GIS system for future consideration as we look 23 to refine the routes. 24 Q. Getting to the facts that you provide in your 25 testimony as to the company's position that stated and PAGE 90	1 Corwin and Homer Townships. It's my understanding from 2 your testimony, and you correct me if I'm wrong, but 3 Russell and Wano Townships, they issued moratoriums. 4 Do those townships, Wano and Russell, have 5 setbacks that have been established in their zoning 6 ordinances? If you know. 7 A. Referring to the table in Exhibit 18, I just 8 want to draw your attention to the table that appears on 9 Pages 4 and 5 of Exhibit 18. Wano and Russell Township 10 do not have setbacks that we're aware of. 11 Q. So effectively, even if you were to have 2,640 12 feet, there would be no ability of the company to 13 receive any type of conditional use permit from Russell 14 or Wano Township at present because of the moratorium. 15 Is that your understanding? 16 A. That is correct, Mr. Pelham. It is impossible 17 for us to comply with a moratorium. 18 And in addition to Wano and Russell Township, 19 I'd also emphasize that Willowbank Township also enacted 20 a moratorium. 21 Q. So Willowbank did set a setback of 2,640 feet as 22 well; correct? 23 A. Yes. 24 Q. And then they issued a moratorium in addition to 25 that? PAGE 92

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1 A. That is our understanding, yes. 2 Q. Subsequent to the setback being altered or 3 added, I suppose. 4 A. Correct. And, again, these details are in the 5 table. 6 Q. Yeah, I understand that. I'm just seeking 7 clarification. And I appreciate that. 8 So then I asked you as to Russell and Wano 9 Township, is it possible, to your -- the best of your 10 understanding, from a factual standpoint, can the 11 company even submit a conditional use permit -- seeking 12 a conditional use permit to Willowbank Township with a 13 moratorium in place at present? 14 A. I'm sorry, Mr. Pelham, I got distracted there. 15 Can you repeat the question? 16 Q. Yeah, fair enough. And it probably wasn't a 17 very good question either. So I'm sorry for that, sir. 18 As to Willowbank Township -- and I had asked you 19 as to Wano and Russell, and I understand that both of 20 those, Wano and Russell, have imposed moratoriums. And 21 you correctly directed me to the table indicating that, 22 in addition to those two townships, Willowbank has also 23 provided a moratorium; correct? 24 A. That is correct. 25 Q. But Willowbank at some point in time did set a PAGE 93	1 A. In our conversations, it was my understanding 2 that a large driver for the setback requirements was to 3 minimize visual impacts. 4 Q. So the -- well, that's -- that's what a township 5 official indicated back to the company. That's your 6 understanding, visual impacts? 7 A. That's my understanding. 8 Q. But specific as to safety, though -- and I 9 believe it's in your testimony or I did see it -- as to 10 a safety impact, what specifically is your understanding 11 of what -- the need of a 2,640 setback from an occupied 12 residence from the centerline? Is there any -- in your 13 experience, the need for that amount of setback for 14 safety reasons? 15 A. No, there is not. 16 Q. Are you aware of setbacks for high-voltage 17 transmission lines in other jurisdictions that Otter 18 Tail may operate in that are 2,640 feet? 19 A. No, I am not. 20 Q. What is, best of your ability here as you sit, 21 the -- a setback -- are setbacks generally more than 500 22 feet, which is the state requirement, in your experience 23 for other jurisdictions? 24 A. Other jurisdictions that we work in have no 25 defined setbacks from transmission lines. And I guess PAGE 95
1 2,640 setback prior to the moratorium it issued? 2 A. That is correct. 3 Q. So my question then for you, sir, is, best of 4 your understanding, the company, if it submitted a 5 conditional use permit application to Willowbank 6 Township, because of the moratorium, it would not be 7 approved because of the moratorium. Is that your 8 understanding? 9 A. That is my understanding, yes. 10 Q. So on the -- on the townships, Homer and Corwin, 11 those are the only two townships that have -- in 12 addition to Willowbank, but we'll leave Willowbank 13 out -- Homer and Corwin have 2,640 setbacks, which you 14 applied for CUPS, were denied from both townships, Homer 15 and Corwin? 16 A. That is correct. We first tried to seek a 17 variance from the 2,640 setback. We were then asked to 18 seek waivers, and we were unsuccessful in that effort. 19 And, ultimately, the CUPS in both Homer and Corwin were 20 denied. 21 Q. You mentioned safety as one of the reasons, and 22 I'm not sure which township stated that or provided that 23 to you. Was there any elaboration on that reason or 24 rationale that was provided to the company for a reason 25 for setting the setbacks at 2,640? PAGE 94	1 if you want more detail on that, Mr. Pelham, I'm 2 referring to transmission facilities and permitting that 3 we do in Minnesota and South Dakota. 4 Q. Thank you for that clarification, that's 5 appreciated, and I should ask that. So Minnesota and 6 South Dakota, your experience, do not have 7 state-mandated setbacks for high-voltage transmission 8 lines? 9 A. That is correct. 10 Q. As far as any local ordinances in South Dakota 11 or Minnesota, are you aware of any requirements for 12 setbacks for high-voltage transmission lines? 13 A. I am not. 14 Q. I think I know the answer to this question, but 15 I'm going to ask it anyway, sir. Is it feasible for the 16 companies to do a combination of underground/overhead 17 line to comply with the setbacks or moratoriums that 18 have been put in place by these townships we've been 19 discussing? 20 A. No, it is not. 21 Q. Can you expound on that and just explain why? 22 And, again, I think I know the answer to the question, 23 but I'd like to hear you explain it for me, please. 24 A. Yeah. First of all, the moratorium is a 25 flat-out prohibition on the development of transmission, PAGE 96

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1 high-voltage transmission, whether it's overhead or 2 underground. So regardless of the technology used, the 3 local ordinances that have a moratorium in place would 4 not -- would not allow for underground high-voltage 5 transmission lines either. 6 In terms of integrating underground 7 transmission, high-voltage transmission, one of the 8 largest challenges with installing underground 9 transmission is the ability to keep the conductor cool, 10 from not being damaged during operations. And as a 11 result of installing high-voltage underground cable, we 12 have to use nontraditional techniques such as installing 13 concrete ducts and installing splice volts every 1,200 14 feet to enable a linear continuous transmission line 15 that would be underground. 16 Once again, as I mentioned earlier, we have 17 estimated that underground transmission is approximately 18 five to ten times higher than the equivalent overhead 19 transmission. 20 Q. And would it be fair to say, under my 21 hypothetical question, to comply, underground to 22 overhead, are you aware of any other high-voltage 23 transmission lines that have a hybrid approach where 24 there's some underground, some overhead in terms of 25 zoning requirements? PAGE 97	1 thousand-foot setback that applies only to Montpelier 2 Township because it doesn't have zoning authority, and 3 the county does have zoning authority, Stutsman County, 4 whether or not the company is asking the Commission to 5 make a finding that the Stutsman County 1,000-foot 6 setback is unreasonably restrictive. Is that still 7 being requested? 8 A. We are not requesting a separate finding for the 9 Stutsman County setback -- 10 Q. Thank you. 11 A. -- for this project. 12 Q. I appreciate that. And I also appreciate the 13 fact that you do believe it is unreasonably restrictive. 14 But the fact of the matter is, practically, it's not 15 impacting the project because the proposed line does 16 satisfy that setback, even though you disagree with it. 17 A. That's a fair characterization. Yes. 18 Q. As to Russell Township revoking the CUP that had 19 initially been issued to companies, what was -- what was 20 the discussion, or if there was any, between the 21 company -- companies and Russell Township officials as 22 to its rationale for revoking the CUP. 23 A. Mr. Pelham, if I could just take a quick moment 24 to look at the -- 25 Q. Fair enough. PAGE 99
1 A. I am not familiar with any other situations like 2 that. 3 Q. I don't mean to spend a lot of time on Stutsman 4 County because -- and let me ask you this question 5 first. And my understanding -- and you tell me if I'm 6 wrong in saying this -- as to the Stutsman 1,000-foot 7 setback that's been issued, given the practical effect 8 here of it not impacting the proposed line, there is no 9 request to find that unreasonably restrictive; is that 10 correct? 11 A. Even though the 1,000-foot setback is in place, 12 the Applicants do believe it's still unreasonably 13 restrictive because it's twice as much as the State 14 requirement. But for purposes of the Stutsman County 15 setback, as it applies to this project in Montpelier 16 Township with the currently proposed route, we are not 17 seeking a finding about the Stutsman County ordinance. 18 Q. Are you sure you're not a lawyer? I'm just 19 kidding. That's supposed to be funny. I apologize. 20 I appreciate that explanation, sir, and I don't 21 mean to press this issue, but I just want to be clear, 22 because the Commission has been asked, you know, 23 specifically in the legal briefing that's been 24 presented, so I think we do need to know this because 25 if, you know, spending resources on the analysis of the PAGE 98	1 A. -- appendix? I want to just confirm a couple 2 things here. I'm going to take a quick peek at Appendix 3 M, which has a more comprehensive review of the 4 correspondence between the Applicants and Russell 5 Township officials. 6 (Pause) 7 A. Okay. Mr. Pelham, I'm ready to explain the 8 situation with Russell Township. 9 Q. Okay, go ahead. 10 A. I'm -- I'm in Appendix M of the application, 11 Bates No. 2381, in Binder 2 of the application. 12 Specifically, Appendix M2 has a copy of the 13 correspondence between the Applicants and the local 14 political subdivisions, and we have a record of 15 activities that occurred in Russell Township. 16 And what I'd like to point out on Bates page 17 2381 for Russell Township is that we did initially have 18 a CUP application approved in Russell Township on 19 October 24, 2024. And then as you look towards the 20 bottom of 2381, you'll notice that Russell Township had 21 a meeting on June 17, 2025, on the second to last entry 22 on the table on Bates page 2381. And on June 17, 2025, 23 we understand that the township put forward a moratorium 24 and also acted to revoke the application -- or the CUP 25 that has been granted to the Applicants. PAGE 100

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1 And if you look at the next page on 2382, you'll 2 notice that the activities that happened during that 3 June 17th meeting of the Russell Township officials 4 was -- the outcome of that meeting was communicated to 5 the Applicants on June 30 through a certified letter 6 where they informed the Applicants that they have 7 revoked our CUP that was previously granted. 8 Q. Were there company officials at the -- at the 9 meeting where it was revoked? 10 A. No, we were not there. 11 Q. Why not? 12 A. We were not aware of it and, frankly, were not 13 invited and didn't know that this project was on the 14 agenda. 15 Q. Do you know whether or not it was noticed? The 16 meeting notice, not the result. 17 A. I would have to go back and take a peek. I 18 don't have that answer today. 19 Q. Fair enough. 20 Sir, at the beginning of my question, I asked 21 you about the desktop review, and you took me through, 22 you know, all of the things that the company did to 23 analyze a route before a finished product, at least in 24 large part. Maybe there's some reroutes here and there. 25 There's been at least one here. PAGE 101	1 essentially the additional substation footprint is what 2 you're asking for in addition to that 150-foot wide 3 corridor. And maybe I characterize that in a weird way. 4 So if you have a better way to describe that, please go 5 ahead. 6 A. Yeah. Again, if you wouldn't mind, I'd like to 7 just quickly refer to the application because it's very 8 nicely laid out within the application. And I'm again 9 back to Appendix A of the application that has various 10 figures for the project. 11 Q. Sure. 12 A. And I'll be referring to Figure 1.2-2. That's 13 JETx Bates number 143. 14 As you look at the northern end point of the 15 project, you'll notice on these maps that the yellow 16 outline represents the corridor that's being requested 17 through this proceeding. 18 And at the Jamestown substation, you'll notice 19 that the corridor has been expanded to encompass not 20 only the substation expansion but also the installation 21 of the second circuit that would be entering the 22 substation as a result of this project. 23 Likewise, Victor, if you look at the Ellendale 24 end, and again this would be on Page 45 of 45, Figure 25 1.2-2 on Bates number 187, you'll see the corridor at PAGE 103
1 Would it be fair to say that, in that analysis, 2 did you review local use requirements in determining 3 what your route would -- your line would look like? 4 A. Our primary focus when we route a transmission 5 line like this is to ensure that we meet the siting 6 criteria applicable for North Dakota. And we work 7 closely with landowners to identify the proposed route 8 for a project. The ordinances and regulations of local 9 political subdivisions is something that we would then 10 follow up to comply with based on landowner preferences 11 as well as the compliance with siting criteria 12 established by the State. 13 Q. Sir, I appreciate your testimony this morning. 14 I don't have any other questions for you. Mr. Schock 15 may have some for you, though. 16 EXAMINATION 17 BY MR. SCHOCK: 18 Q. Okay. Probably, similarly, going to hop around 19 a little bit. I want to start out with some of the 20 basic things. And I think a lot of this has been 21 answered, but I just want to kind of confirm. 22 So you're requesting a corridor width of 150 23 feet wide; is that correct? 24 A. That is correct. 25 Q. With the exception of at the two substations, PAGE 102	1 the Ellendale substation has also been expanded beyond 2 the typical 150-foot corridor used for the rest of the 3 line to accommodate the installation of the double 4 circuit into the Ellendale substation. 5 Q. Sure, I can see that within the map. The 6 Ellendale one looks a little bit more straightforward 7 where, as it gets close to that substation, the two 8 circuits kind of split off into separate structures that 9 look to be in -- 10 A. That is correct. 11 Q. -- maybe not exactly 150 feet wide but in 12 that -- that general range. 13 But kind of the main point, though, is outside 14 of the substation end points, the rest of the corridor 15 is requested to be 150 feet wide? 16 A. That is correct. 17 Q. Okay. And so I guess my next one is tree 18 clearing. We've talked about it a little bit earlier. 19 The Commission has a standard of tree clearing width 20 that's allowable is 50 feet unless an exception is 21 granted. And you are requesting that exemption in this 22 case. And there was some specific -- some specificity 23 to it in the application, I think in some of your 24 testimony as well. But I recall -- and somewhere in 25 there, there was a reference to National Electric Safety PAGE 104

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1 Code's requirements. And that was interesting to me 2 because that was the first time I've ever heard that 3 reference when requesting more than 50 foot wide for 4 tree clearing. So I'm curious what National Electric 5 Safety Code has to say relative to tree clearing. 6 A. Respectfully, Victor, I want to just make a 7 quick clarification there. 8 Q. Sure. 9 A. The tree clearing variants being requested by 10 the Applicants is actually the result of the reliability 11 standards that are published by the North American 12 Electric Reliability Corporation, or NERC. 13 Q. Okay. 14 A. Not the National Electric Safety Code. 15 Q. Okay. And maybe I just -- I took the wrong 16 acronym. 17 A. Yeah, yeah. There are clearance requirements 18 between energized conductors and items below that are 19 part of the National Electric Safety Code. 20 Q. Sure. 21 A. But in terms of vegetation clearing within the 22 right-of-way, that's more dictated by the NERC 23 standards. 24 Q. Okay. That's helpful. 25 So what do the NERC standards then say about PAGE 105	1 As you look at Exhibit No. 13, you'll notice 2 there are some red bubbles along the route in certain 3 areas. And those are the areas that represent treed 4 parts of the corridor that would have tree clearing 5 required that is greater than 50 feet wide. 6 Now this information on Exhibit 13 is based on 7 some preliminary information. As we think about final 8 design and additional growth that may happen along the 9 corridor, we're asking for flexibility to be able to 10 exceed that 50-foot requirement for anywhere along the 11 proposed corridor. 12 Q. Okay. So that is the request then, that -- to 13 go up to 150 feet wherever along the corridor, but you 14 would otherwise be willing to commit to the other tree 15 and shrub mitigation specifications. 16 A. That is correct. 17 Q. Okay. And I will say that's historically a 18 little bit different than how we normally do it. We 19 would typically say you can only tree -- clear trees 50 20 feet wide with the exception of these particular areas 21 that were -- and I understand the reason for the 22 request. I just wanted to understand more about the 23 nature of it. I guess I'm just going to sit on that one 24 for right now. Maybe commissioners will have some more 25 questions on it. I just wanted to better understand PAGE 107
1 tree clearing relative to a high-voltage transmission 2 line? 3 A. The NERC standards require that rights-of-way 4 are cleared of vegetation so that they -- so that 5 high-voltage transmission lines can operate reliably and 6 safely. The specific standard is NERC standard 7 FAC-003-5, which requires high-voltage transmission line 8 owners to keep the right-of-way clear and avoid contact 9 with vegetation below. 10 For Otter Tail Power Company and Montana-Dakota 11 Utilities, for 345kV facilities, we've established a 12 150-foot wide clearance zone to comply with the NERC 13 standard. And as a result of our procedures and our 14 compliance obligations with NERC, we are requesting an 15 exemption to be able to clear the full 150-foot 16 right-of-way where necessary. 17 Q. Okay. So would that be anywhere within the 18 route where there is trees in existence or are there 19 just like a couple of spots? I'm just trying to get 20 some feel for how extensive the tree clearing would be. 21 A. I'd like to refer to another exhibit within 22 our -- within our proceeding here. If you take a look 23 at Exhibit No. 13, we do include a map of areas along 24 the proposed route where we do expect to exceed the 25 50-foot clearing requirement by the Commission. PAGE 106	1 what it is you're asking for. 2 Actually, I am going to ask a little bit more 3 about it. So, more generally, is -- is that something 4 that you think -- do you see the NERC standard as being 5 150-foot wide for tree clearing around any 345 line? 6 A. The NERC standard is not specific to the width 7 for a 345kV line. It's left to the individual 8 transmission owners to establish an area for each 9 high-voltage transmission line. For Otter Tail Power 10 Company and Montana-Dakota, we've established that 11 150-foot-wide right-of-way is appropriate to comply with 12 FAC-003 for a 345kV line. 13 Q. Would you see it similarly for a 230kV line? 14 A. Typically, a lower-voltage line would have a 15 narrower right-of-way. 16 Q. Yeah. And -- okay, that's -- that's helpful. 17 Okay. Let's move on to winter construction a 18 little bit. So we have got into this a few times in the 19 past. Most commonly, the Commission says -- has 20 encountered this with pipeline construction, but as I 21 think you've said earlier today, and I would very much 22 agree with, pipeline construction is very different -- 23 very different than power line construction. And 24 historically there's a couple of documents that we have 25 gotten used to referencing for pipeline construction and PAGE 108

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1 winter conditions, and one of those is by NDSU and 2 another by the INGAA, and I forget what that acronym 3 stands for. But those documents, unfortunately, though, 4 primarily talk about pipeline construction. They have 5 some good general guidelines that are at the vein of 6 what we're trying to get after here, which is proper 7 soil segregation, because that's really how you have to 8 start in order to have proper reclamation. 9 So I always want to understand, within your 10 winter construction procedures, where do we start there? 11 And by that, what I mean is how are we going to start 12 out by ensuring the topsoil is segregated? So when they 13 show up on site, are they removing topsoil in a 14 particular size area or are we just kind of setting up 15 the matting and starting to drill a hole? 16 I just want to understand that a little bit 17 better. And if other witnesses are better for this 18 question, that's perfectly fine. 19 A. I can provide a general overview, and maybe if 20 you have further questions, we can get into that later. 21 Generally speaking, for winter construction 22 activities, we would only be excavating areas along the 23 corridor where we would determine that it's necessary 24 for a safe operation of the equipment and the labor. 25 Now, granted, at each foundation location we will be PAGE 109	1 everything is otherwise fine, there's no topography 2 issues or anything like that, when you show up there, 3 ground is properly thawed, how do you go about removing 4 that topsoil as your first step? With what kind of 5 equipment, I guess? 6 A. That specific question I'll have to consult with 7 my team on. 8 Q. Okay. 9 A. Sorry about that. 10 Q. That's okay. Would it be something that -- that 11 you could -- and I guess I'll cover this maybe later, 12 after a future break or something, but it -- would it be 13 more appropriate to update the winter construction 14 procedures that you've filed or just simply a late-filed 15 exhibit to examine that question more in detail? 16 And maybe -- I do have some more winter 17 questions here so maybe we'll -- this will work itself 18 out. I'll just get into the next question. We'll go 19 from there. 20 So an 8-foot-wide by at least 30-foot-deep -- up 21 to 80-foot-deep hole excavates a lot of soil. Where do 22 you take that soil? Like so the topsoil we kind of 23 talked a little bit about. I think you're going to save 24 that and then kind of pile it around the tower. But 25 where does the subsoil go? PAGE 111
1 drilling a hole for the foundation and we will be 2 practicing techniques to keep the topsoil segregated 3 from the subsoil. And one methodology that we can use 4 in the wintertime is to set up an area with mats to keep 5 that topsoil separate from existing soil and make it 6 easier for us to blanket and then later pick up with 7 equipment to put it back around the foundation to 8 backfill later. 9 Q. So do you know what type of equipment would be 10 used? And that makes good sense for how you can ensure 11 the proper segregation. But I just want to understand, 12 once you put the matting down and you thaw out that 13 ground, what equipment would come in and remove that 14 topsoil? Are we talking about a skid steer? Is it just 15 the first kind of couple of feet of the drill bit core? 16 What would be removing the topsoil? 17 A. It would depend on the type of activity being 18 done to remove the topsoil. Are you talking more 19 specifically about drilling a foundation or excavating 20 an area to level off an area for equipment? 21 Q. So I'm not -- like leveling I understand. 22 That's going to kind of be location specific as far as 23 exactly what you have to do. But I'm talking about 24 foundations for the towers themselves. 25 So when you show up on a site for the tower, if PAGE 110	1 A. That would depend on the specific situation. We 2 would -- we would look for areas to put that based on 3 landowner feedback. Or worst case, we may have to 4 stockpile it in our laydown yard, for example, until we 5 can find a home for it later. 6 Q. Okay. But it would be -- you wouldn't be just 7 kind of dumping it along the route as you go. You would 8 find a landowner who would be agreeable to taking that 9 or solve some other kind of problem that you have that 10 can be solved by it. But it wouldn't just be kind of 11 dumped out along the corridor? 12 A. That's not my understanding, no. It would not. 13 Q. Because it is a significant quantity of earth; 14 right? Like, I mean, a 30-foot-deep hole, 8-foot wide, 15 that's I don't know how many cubic yards, but it's more 16 than a couple, two, three, four -- I don't know how many 17 truckloads that would be, but more than one. 18 A. I would agree. It's a lot of soil. 19 Q. Sure. And once that subsoil is removed, you 20 would put in a steel, kind of a rebar and bolt structure 21 into that hole prior to the concrete being poured; is 22 that correct? 23 A. That's correct. There's a rebar cage that 24 reinforces the concrete in addition to an anchor bolt 25 cage. PAGE 112

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1 Q. Sure. And does that go all the way from the 2 point where the tower bolts onto it to the bottom of 3 that hole? 4 A. The reinforced concrete, the rebar cages do fill 5 the majority of that length of the hole. The anchor 6 bolt cages would be varying based on the design for that 7 specific foundation. 8 Q. Sure. And I think the application stated that 9 the shortest -- or the shortest distance beneath the 10 ground that those would go is 30 feet. And I feel like 11 that's the number I recall seeing. 12 A. No. I can verify that very quickly here. I -- 13 I believe we can find that answer. 14 (Pause) 15 A. Victor, I'm on Page 26 of the application, 16 Section 4.1.2. The most shallowest foundation that's 17 specified within the application is 25 feet. And, 18 again, that would all be subject to final engineering 19 based on our soil borings for each location, each 20 structure location. 21 Q. Okay. And the -- and the deepest point for any 22 structure location that you're anticipating, I think -- 23 what was that number? So 25 feet is the shallowest you 24 would go. What is the deepest you would go, that 25 foundation? PAGE 113	1 bit and ask it in a little different way. 2 So, like, what factors or impacts were present 3 in those other routes that you investigated that led you 4 to determine that the current route before us that the 5 companies are proposing has the least amount of impacts 6 or is, like, the best location based on our siting 7 criteria? 8 THE WITNESS: As you look at Appendix C, again 9 I'm referring to the tables that are appearing on the 10 early part of Appendix C, you'll notice some notes about 11 each of the alternatives that were identified. And I'll 12 maybe just quickly reference that here because there's a 13 variety of reasons why specific route alternatives were 14 removed from further consideration. 15 You probably beat me to it here. Actually, I'm 16 in the wrong binder. It's this other one. 17 Commissioner Kringstad, I'm in Appendix C-2 of 18 the application. And what I want to draw your attention 19 to here is the description of -- of the notes for each 20 route alternative. And, generally, as you look at the 21 notes section of each of these particular route 22 alternatives that were evaluated, it'll state in the 23 description why specific routes were removed from 24 further consideration. 25 So just as an example, I'll take a -- I'll take PAGE 115
1 A. The application references 80 feet but -- but, 2 again, that'll be subject to final engineering for each 3 location. 4 Q. Yeah, certainly. Okay. I think we got that 5 one. 6 Do you know approximately what percentage of the 7 corridor has been surveyed for environmental and 8 cultural resources? 9 A. That's a question I'd like to defer to Kevin 10 Scheidecker. 11 Q. Okay. That's perfectly fine. 12 This may be another one for Kevin. Can you 13 speak at all to geologically unstable areas? 14 A. Again, I would refer to Kevin on that one. 15 Q. I think that is all of my questions for right 16 now. 17 A. Thank you. 18 HEARING OFFICER HOGAN: Commissioner Kringstad. 19 COMMISSIONER KRINGSTAD: Thank you. 20 Some of my questions have already been asked and 21 answered, but you had talked a little bit -- or actually 22 we talked quite extensively about, like, alternate 23 corridors and routes that were considered for something 24 like this, and you pointed back to the application, but 25 I maybe just want to go back to that discussion a little PAGE 114	1 a quick look at -- for example, I'm on Bates No. 302 in 2 Appendix C. It's referred to as Page C-3. If you look 3 at the Fried Township reroutes that were evaluated, the 4 closing sentence within this description says "These 5 route alternatives were rejected due to coordination and 6 consensus with landowners on the route alternative 7 selected in this area." 8 And I just want to point out that each one of 9 these specific route alternatives includes a statement 10 as to why these route alternatives were removed from 11 further consideration. 12 If you look at -- again, I'll just draw this out 13 as an example. There was a reroute looked at in Wano 14 Township, and this is on Page C-6 Bates Page 305, and it 15 says, at the end of the notes section here, "These route 16 alternatives were rejected after being denied right of 17 entry on the new parcels that would be affected. These 18 route alternatives would impact -- would shift impacts 19 to new landowners." 20 So within this appendix you will see some of the 21 feedback we received and what led to the proposal for 22 the route within the application. 23 COMMISSIONER KRINGSTAD: Sure. Would you say 24 that there are kind of, like, common themes throughout 25 that you can highlight for us? PAGE 116

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1 THE WITNESS: Yeah. I mentioned this a little 2 bit earlier. Generally as you think about the landowner 3 conversations, and, again, I wasn't directly involved in 4 those but more so just talking with other team members, 5 it's my understanding that the landowners generally were 6 not supportive of the project, they didn't want the 7 infrastructure on their property, they were fearful of 8 what other infrastructure may come after this project. 9 Those are some of the reasons why they were not enamored 10 with some of the routes that we evaluated. 11 COMMISSIONER KRINGSTAD: The application 12 mentions a little bit about other, like, existing 13 infrastructure in the area. Can you tell me and just 14 highlight a little more about what infrastructure is 15 currently present in these areas? 16 THE WITNESS: Are you referring to a specific 17 section in the application or part of my prefiled 18 testimony? 19 COMMISSIONER KRINGSTAD: I think just -- so like 20 in -- I guess in, like, the study area in general, what 21 other existing energy infrastructure is already here? 22 Is it pipelines? Are there other transmission lines? 23 What other energy infrastructure development already 24 exists? 25 THE WITNESS: Yes. There's a fair amount of PAGE 117	1 in a paper, in a newspaper, and saying okay -- one of 2 the things you pointed to is like the impact that some 3 of these winter storms have had. And so I guess if I'm 4 maybe just reading about this in a paper and not very 5 familiar with transmission and everything like that, how 6 I could say, okay, well, so you want to build a new line 7 in the same place where the same storm is going to hit. 8 Why would this line be any different than the other 9 stuff that's there and not also be taken out? 10 Does that make sense? So what would your 11 response be to that? Maybe just for somebody who's a 12 little -- who isn't as familiar with this, maybe a 13 little less technical. 14 THE WITNESS: So just to clarify, Commissioner, 15 your question is really why is this line needed when a 16 weather event could affect this line just as much as any 17 other line that exists? 18 I think it's important to realize in this 19 situation that the JETx project is proposing to bring a 20 new transmission line into the Jamestown area from a 21 different direction. The current 345kV lines that serve 22 the Jamestown area are generally in an east-to-west 23 direction and this particular line comes up from the 24 south. And when you think about weather events, many of 25 them are very small, concentrated areas. And by having PAGE 119
1 existing transmission lines, distribution lines 2 throughout the study area that we considered in 3 developing the route for the project. 4 COMMISSIONER KRINGSTAD: Are there other 5 existing high-voltage transmission lines in the area? 6 THE WITNESS: Yes, there are. 7 COMMISSIONER KRINGSTAD: And are there any 8 other, like, 345kV transmission lines in the area? 9 THE WITNESS: Yes, there is. 10 COMMISSIONER KRINGSTAD: And so how would 11 those -- so the company has experience with lines like 12 this. For, like, this particular area in, like, 13 Stutsman, LaMoure, and Dickey County, would you say that 14 this project that's being proposed has similar impacts 15 to other existing infrastructure? 16 THE WITNESS: I'm not -- Commissioner, I'm not 17 quite sure I would characterize it as impacts, but I 18 would say similar encounters as other projects. Yes, I 19 would say this project is consistent with what we've 20 encountered on other projects. 21 COMMISSIONER KRINGSTAD: So one of the -- one of 22 the things you talked about in your testimony was you 23 touched briefly on, you know, the benefits and the 24 reliability that this project offers. I guess one 25 question I would have is I could see, reading about this PAGE 118	1 the diversity of an alternative transmission path, we 2 expect reliability will be much greater improved. 3 COMMISSIONER KRINGSTAD: And that's where you 4 reference, like, a loop coming in; right? Because if 5 you have a straight line essentially and something 6 happens to that line, it goes down, there's no way for 7 energy to flow now, where, if you have a loop, you could 8 send it essentially the other direction. Is that fair? 9 THE WITNESS: That's fair. A loop provides 10 redundant service. Yep. 11 COMMISSIONER KRINGSTAD: One of the things that 12 was mentioned, I think, with Mr. Pelham, was the thought 13 that this project obviously is being proposed in 14 communities that have a lot of farming activity. So 15 talk to me a little more about how you're going to 16 mitigate any impacts to those communities, specifically 17 during planting and harvest season. 18 THE WITNESS: Commissioner, just to back up a 19 little bit here, I want to emphasize the importance of 20 this landowner coordination because that -- that is 21 something that we -- we work very hard to do, to try to 22 minimize impacts to farming operations. And we have a 23 lot of flexibility in being able to move structure 24 locations to not impede or minimize impacts to farming 25 operations, so when we do establish a route and we look PAGE 120

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1 at structure locations, we can coordinate those with 2 landowners to minimize impacts to their farming 3 operations. 4 Now, when you're talking about specific 5 activities during the farming season, we may be wanting 6 to try to get on a similar parcel as where they're going 7 to be doing tillage work or seeding. And if the farmer 8 has plans to be on that same parcel the same day, we may 9 be able to move our crews to skip that parcel and 10 continue to not impede those farming operations. 11 COMMISSIONER KRINGSTAD: I'm not sure if this is 12 a question for you or another witness, but I have a 13 question related to airports in the application. So 14 it's mentioned that there's no commercial airports or 15 private airstrips that are present within the corridor. 16 We did get some public input that sort of drew to our 17 attention that maybe there are potentially some private 18 airstrips there. So I just wanted to address that a 19 little bit with you or another witness. 20 THE WITNESS: Sure, I -- I'd be willing to -- 21 I'd be happy to try to answer your questions here. 22 So as part of our routing process, we do use a 23 FAA screening tool to identify potential impacts to 24 public airstrips. And as a result of our screening, we 25 didn't identify any public airstrips that would be PAGE 121	1 have been in touch with the landowner. I'm not 2 specifically aware of those details, but I'd have to 3 talk to my team to get more of that information. 4 COMMISSIONER KRINGSTAD: Okay. But you are 5 aware that there has been probably a new one that came 6 up, and it sounds like your team is engaging with that 7 individual? 8 THE WITNESS: Yes. We're aware of the proposed 9 airstrip that was highlighted in the comments and we 10 have been in touch with the individual. I'm just not 11 sure what the last date of correspondence was with this 12 individual. 13 COMMISSIONER KRINGSTAD: Okay. Do you -- and I 14 think some of the reason why these private airstrips are 15 coming up is due to crop dusting and spraying. And so 16 with this proposed project do you foresee any impacts to 17 those operations? And, if so, how is the company 18 proposing to mitigate those? 19 THE WITNESS: There is a -- there's a 20 consideration of crop dusting when we identify the route 21 for these projects. And, again, we seek to try to gain 22 this information during our public open houses or in 23 interactions with landowners. 24 And to the extent that there are concerns with 25 crop dusting, there's a couple different options that we PAGE 123
1 affected by the project. 2 Private airstrips are a little bit different 3 situation. Here, again, we would start by trying to 4 look at the aerial imagery to identify if any private 5 airstrips are present. And if they are, we would go out 6 and field-verify that what we saw in the aerial imagery 7 is, in fact, what appears in the actual field. If those 8 private airstrips appear present, we would want to work 9 with the landowners to identify ways in which we can 10 mitigate concerns. A big part of gathering information 11 on these private airstrips is to hopefully engage with 12 landowners during these public open houses so that we 13 can identify these early and shift the route as needed 14 to avoid impacts on these private airstrips. 15 Just to be specific on the private airstrips 16 referenced in the application, I do want to just clarify 17 that the comments that came into the docket are a 18 private airstrip that was registered with the FAA after 19 we submitted our application. So it's new information 20 since August 8th. 21 COMMISSIONER KRINGSTAD: Okay. And so are you 22 in -- are the companies in coordination, in light of 23 this new information, like, with that landowner to 24 address that concern? 25 THE WITNESS: We have project team members who PAGE 122	1 can work with the landowner on. One methodology to 2 mitigate risk is to change the flight pattern used for 3 aerial spraying so that we can fly parallel with the 4 line rather than perpendicular to it. Other 5 opportunities for us would be to look at modifying the 6 structures to potentially lower the height of the 7 structures. We also have the ability to add some marker 8 balls or something on the conductor themselves to make 9 the line more visible for pilots. 10 COMMISSIONER KRINGSTAD: Can you tell me in the 11 map book where the one residence within 500 feet that 12 you've obtained a waiver from, where that residence is 13 located in our map book? 14 THE WITNESS: Yes. Oh, it's going to be on 15 Appendix A. Please bear with me for just a moment here. 16 Okay. Figure 1 dash -- I'm sorry, Figure 1.2-2. 17 This is Page 7 of 45, or Bates No. 149. 18 This residence is in kind of the top center of 19 the page there. You'll see the yellow buffer 20 representing the 500 feet from the -- from the occupied 21 residence and the proposed route that runs within that 22 boundary. 23 COMMISSIONER KRINGSTAD: Okay, perfect. That 24 was the one I had flagged, but I just wanted to confirm. 25 The application also mentions that there's one PAGE 124

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1 abandoned or unoccupied residence within the corridor. 2 And I think there's a footnote that says that the 3 landowner is going to remove that prior to construction. 4 Is that still accurate? 5 THE WITNESS: Our land rights team has confirmed 6 that building has been removed. 7 COMMISSIONER KRINGSTAD: Okay, it has been 8 removed. So is it -- would that show up in our map book 9 or was it removed, like, prior to these maps being -- 10 THE WITNESS: It was removed prior to the maps 11 being made. 12 COMMISSIONER KRINGSTAD: Okay. So it wouldn't 13 show up on -- 14 THE WITNESS: I was not able to find it in these 15 figures. 16 COMMISSIONER KRINGSTAD: Okay. I think those 17 are all the questions I had. Thank you. 18 THE WITNESS: Thank you. 19 HEARING OFFICER HOGAN: Commissioner Christmann. 20 COMMISSIONER CHRISTMANN: So in those areas 21 where you're going to double circuit across the 22 interstate, across the river, by the substations, and I 23 can't remember if there's one other one, so that's just 24 a segment where there will be some wires strong and 25 tightened and just stop at dead ends there and just hang PAGE 125	1 suggested might be a possibility is speed limits. Who's 2 going to enforce them? 3 THE WITNESS: That's a great question, 4 Commissioner. We would be communicating those speed 5 limits to our construction crews during our daily 6 pre-construction meetings that happen each day. To the 7 extent that people will be violating those and causing 8 excessive dust in the construction area, we will have 9 contact information available for a project 10 representative. So if a landowner is upset with the 11 amount of dust, they can let us know through the contact 12 information provided within their landowner packet. 13 COMMISSIONER CHRISTMANN: Will your contractors 14 have things built into their bids, either deadlines to 15 have work done or incentives to get things done early? 16 THE WITNESS: I'm not familiar with how we draft 17 our contracts so I'd have to check with my team member 18 on that. 19 COMMISSIONER CHRISTMANN: My concern is, and 20 what we've seen elsewhere, you can put a speed limit, 21 but then when they're in a hurry and don't follow it, 22 there's no one to enforce it. Like are you going to 23 contract with LaMoure County or one of the other two 24 counties to have extra deputies out there? I'm just 25 curious how you intend to enforce this. PAGE 127
1 there; correct? 2 THE WITNESS: That is correct. 3 COMMISSIONER CHRISTMANN: Okay. And did I take 4 the right number down? When you were talking about the 5 clearance being a minimum of 26 feet, and then above 6 other power lines, is it 9 feet? 7 THE WITNESS: 9 to 19 -- sorry, Commissioner 8 Chair. It was 9 feet to a maximum of -- 9 COMMISSIONER CHRISTMANN: I was really just 10 concerned about the minimum. 11 THE WITNESS: Yeah. Yeah, it was 9 feet to 19 12 feet. And, again, that'll depend on the voltage, wire 13 size, of the utility line being crossed. Yep. 14 COMMISSIONER CHRISTMANN: Okay. And then from 15 my thought I understood coming into today, and then you 16 confused me a little bit, and now I think I was right in 17 the first place. The corridor you're seeking is 150 18 feet total; right? Not a -- or for a while then I 19 thought I was hearing you say 150 feet from the 20 centerline for a total of 300 feet. But it's 150 foot 21 total; right? 22 THE WITNESS: That is correct. Other than the 23 endpoint substations. 24 COMMISSIONER CHRISTMANN: Okay. You discussed 25 dust mitigation, and one of the things that you PAGE 126	1 THE WITNESS: It is self-policing in a sense, 2 but if -- if there becomes a concern, one possibility 3 would be to have the project potentially hire an 4 inspector to be able to monitor some of these roads. 5 That's not something we've done in the past. But if 6 there is concerns about excessive speeds, violating set 7 speed limits by the project, that would be one 8 possibility we could consider. 9 COMMISSIONER CHRISTMANN: Okay. When you were 10 talking a few moments ago about airstrips, I'm talking 11 about the private airstrips, you referenced -- and I 12 don't know, maybe I've missed something, maybe there's 13 been some public input, comments, more than one 14 regarding airstrips, but I think I'm probably thinking 15 of the same one as you, because I am thinking of one 16 that got registered sometime in 2025, but also on that 17 map it showed another airstrip that has been registered 18 for decades. So they're out there. How far away do you 19 stay from them? 20 Because it really concerned me earlier, on 21 another topic with Mr. Pelham, you said you are 22 interacting with the landowners and sometimes their 23 leaseholders who have these facilities on their 24 property. But if you're right across the road from my 25 airport or my landing strip, are you even communicating PAGE 128

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1 with me? 2 So tell me about your setbacks from these 3 landing strips. 4 THE WITNESS: Sure. Yeah. Just to clarify, 5 Commissioner Christmann, the private airstrip that's 6 subject of the recent comment that came in through the 7 docket is, again, a new development since we filed the 8 application, at least a new development that we've 9 become aware of. Even if it was registered with the FAA 10 ahead of our filing, we didn't become aware of it until 11 after the filing. 12 One thing that I do want to point out in terms 13 of the private airstrip on the other side of the road in 14 this area is that we were in contact with that specific 15 landowner. That landowner has confirmed that he hasn't 16 used that private airstrip since the 1980s and it has no 17 plans to be recommissioned as an airstrip going forward. 18 COMMISSIONER CHRISTMANN: Are there other ones 19 along the way or -- I just don't know because I'm not a 20 pilot. I don't know what kind of a flight setback they 21 need in order to maintain their ability. And if these 22 people have acquired a pilot's license and a plane and 23 do some of their own spraying or just like to travel, 24 it's important to respect that, I think. 25 So what -- how do you -- when you initially PAGE 129	1 the proposed corridor. 2 COMMISSIONER CHRISTMANN: That's a pretty big 3 change, but I got it marked down here now. 4 Okay. I'm going to reference a number of pages 5 because I think I've -- I think I might understand the 6 problem now that I was really concerned -- one of the 7 problems I was really concerned about, but I want to 8 reinforce my understanding. 9 In this application to supersede local 10 ordinances, I'm looking at Pages 8 and 9 on those maps. 11 UNIDENTIFIED SPEAKER: Exhibit 18? 12 COMMISSIONER CHRISTMANN: Yes, Exhibit 18. 13 THE WITNESS: I'm with you. Yep. 14 COMMISSIONER CHRISTMANN: This is going to be 15 kind of a long, drawn-out question so bear with me. 16 THE WITNESS: Sure. 17 COMMISSIONER CHRISTMANN: I look at Pages 8 and 18 9, and if I look at Homer and Corwin Townships, it 19 appears to me one could just kind of make a 20 generalization that there's a fair amount of demand for 21 rural residences outside of the metropolitan area of 22 Jamestown, and that the closer you get to Jamestown, the 23 more residences there are, which might also imply that 24 there's increased land valuation there if someone wants 25 to sell off a parcel and have a spot that's out in the PAGE 131
1 gauged this, you said you researched the existing 2 airstrips, private landing strips, that were there 3 before. How far do you stay away from them? 4 THE WITNESS: We don't have specific criteria 5 that we've identified, and I'm not familiar with any 6 requirements through the FAA standards, but we would 7 look at trying to identify a route that the landowner or 8 the pilot would be comfortable with, and it would really 9 be based on the landowner's feedback regarding safety 10 setbacks. 11 COMMISSIONER CHRISTMANN: Okay. I think in some 12 of your response also to Mr. Pelham, did I write it down 13 right? 134 of 173 landowners are now signed? 14 THE WITNESS: That is correct. 15 COMMISSIONER CHRISTMANN: So Page 29 of the 16 application says there are 162 private landowners. 17 THE WITNESS: Can you refer me to that page 18 again, please? 19 COMMISSIONER CHRISTMANN: Page 29. 20 THE WITNESS: Okay. Yes, Commissioner 21 Christmann, I do see that reference here. I will 22 mention that the number of landowners along the route is 23 dynamic. We do have landowners that are constantly 24 changing through land sales and so forth. What I can 25 confirm is today we have 173 private landowners along PAGE 130	1 quiet away from the metropolitan area to sell a 2 residence. Does that seem like a reasonable assumption? 3 THE WITNESS: Yes, I think that's a fair 4 assumption. 5 COMMISSIONER CHRISTMANN: Okay. Then I'm 6 jumping to -- I can't remember what you call those 7 little page numbers. 8 THE WITNESS: Bates number. Bates. I had to 9 learn that term too when I got involved with this 10 process. 11 COMMISSIONER CHRISTMANN: So 00192. Oh, before 12 you switch to that, I'll just say, when I look at this, 13 I'm wondering, since Homer and Corwin won't let you 14 build, I see very few residences other than the 15 community of Ypsilanti. There are a few, but very few, 16 in that farthest west mile of Winfield and Ypsilanti 17 Townships. And so I was wondering, why don't you go 18 there? But then I look at Page 00192, and it's so small 19 but I see lots of yellow marked kind of along that area 20 that says "Avoid." 21 What's the -- what is there that I'm not seeing 22 on these other maps? 23 THE WITNESS: Commissioner Christmann, I want to 24 point out that the maps that appear in Exhibit 18, 25 specifically Figures 2, 3, and 4, only include the PAGE 132

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1 setbacks from occupied residences. These maps do not 2 represent any of the avoidance or exclusion areas or any 3 other siting criteria that's in place by the Commission. 4 So these maps may show some open areas in these 5 townships, but when you couple that with the Commission 6 siting criteria, it further complicates the ability to 7 get through these townships with this excessive setback 8 from occupied residences. 9 COMMISSIONER CHRISTMANN: And that is my 10 question. On 00192, I see that yellow. I suppose 11 "Avoid" means avoidance areas. What is there? This 12 apparently isn't residences. Or this yellow is further 13 east. I don't know what to make of it. And that is my 14 question. 15 THE WITNESS: I'm going to turn to that page 16 real quick. 17 Okay. Referring to Bates No. 192 in the map 18 that appears on that page, I see what you're referencing 19 here, the yellow areas representing avoidance areas on 20 the east side of these townships that may represent that 21 there could be a possibility to reroute. 22 I want to point out that I may not have the 23 specific details on what these specific avoidance areas 24 are, but I do know that in these areas there is a fair 25 amount of unbroken grasslands that we're trying to avoid PAGE 133	1 have a few 345s but not a lot. And based on the 2 discussion with the two balancing authorities, it sounds 3 like there's going to be a lot more. 4 Since you have chosen to have a higher tree 5 clearing standard for 345s compared to lower-voltage 6 lines, should we have a higher setback from rural 7 residences for 345s than we have for lower-transmission 8 lines? 9 THE WITNESS: Respectfully, Commissioner, yes, I 10 think that's appropriate. As you think about these 11 higher-voltage transmission lines, that's like the 12 interstate highway of the electrical grid. The higher 13 the voltage, the more important the facility is to 14 maintain a reliable system. And we can't afford outages 15 due to vegetation because it's a very simple mitigation 16 that could save a lot of heartache if there's 17 unnecessary interruptions. 18 COMMISSIONER CHRISTMANN: You talked about, I 19 think you said, eight public open houses from June to 20 September of 2023. Does that sound right? 21 THE WITNESS: That was a guess I had based on my 22 best recollection. And I can look deeper into the 23 details in the application if you'd like. 24 COMMISSIONER CHRISTMANN: Is there a difference 25 between open houses and public input sessions? PAGE 135
1 when we're routing this transmission line. 2 In addition to that, rerouting the line to an 3 adjacent township isn't necessarily a feasible 4 alternative when these other townships could enact 5 similarly restrictive ordinances. 6 COMMISSIONER CHRISTMANN: But you don't know if 7 they would, do you? Or have they said they will? 8 THE WITNESS: We've been tracking some of the 9 township activities outside of the proposed corridor, 10 but I don't have specific details on what the townships 11 may be doing immediately east of the proposed townships 12 we're planning to go through. 13 COMMISSIONER CHRISTMANN: I'm going to kind of 14 come back to that in a moment, but I don't want to 15 forget to ask this. You mentioned, when Mr. Schock was 16 asking about tree clearing, if I understood you right, 17 NERC requires, however you said that clearing, and Otter 18 Tail and Montana-Dakota have this 150-foot policy -- 19 THE WITNESS: For 345kV lines. 20 COMMISSIONER CHRISTMANN: -- for 345, but it's 21 less for a low voltage -- for a lower voltage. 22 THE WITNESS: That's correct. 23 COMMISSIONER CHRISTMANN: So I'm just curious, 24 because we've done a good part of the siting of the last 25 half century of lower-voltage transmission lines. We PAGE 134	1 THE WITNESS: We view them one in the same. 2 COMMISSIONER CHRISTMANN: Page 93 of the 3 application -- well, okay, I might see my mistake. It 4 says two rounds of public open-house meetings. And so I 5 was thinking of two. And so you're saying rounds. So 6 you're thinking that it was around eight total, 7 separate? 8 THE WITNESS: Correct. I believe there's five 9 for the first round between June and July, and then 10 another three in September for the second round. 11 COMMISSIONER CHRISTMANN: Okay. I didn't catch 12 the rounds when I first read this. 13 So tell me how you view this differently than my 14 instincts view it. You had two rounds, about eight 15 meetings, of input sessions two and a half years ago. 16 Then last winter, came in and changed the law so you 17 don't need -- so the local ordinances would be 18 superseded, and just never did any more after you got -- 19 hit conflict. Why hasn't there been more of these in 20 the last two and a half years? 21 THE WITNESS: I can reassure you, Commissioner, 22 that landowner discussions have continued and we've been 23 trying to work with landowners to identify routes that 24 may be more accepting to landowners. 25 COMMISSIONER CHRISTMANN: But when you talked to PAGE 136

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1 Mr. Pelham before about these interactions with the 2 landowners where the facility is going to go -- there's 3 a difference between getting the landowner onboard and 4 getting public support. Do the companies recognize 5 that? 6 Because -- and I'll just ask you to -- I'll give 7 you the opportunity to disagree with this if you like. 8 Public support isn't something that you just either have 9 or you don't have. It's something you earn. And if I 10 had had a few public input sessions two years before my 11 elections and then just dropped it, someone else would 12 be sitting here asking questions today. 13 And so don't you think, beyond just the specific 14 landowners, you should be doing more public input work 15 and trying to earn support of the community? 16 THE WITNESS: Public support is very important 17 for the Applicants. And I will point out, as you look 18 at the local efforts to try to gain alignment and 19 support for the project, the Applicants did continue to 20 try to get local permits in place in both Homer and 21 Corwin Townships even after House Bill 1258 had passed. 22 So we continue to have efforts going forward that we're 23 trying to get public support for the project even after 24 the legislation was passed. 25 COMMISSIONER CHRISTMANN: The last thing I want PAGE 137	1 And so what is it about? Is it about hooking up 2 renewables or is it about reliability? 3 THE WITNESS: The project has multiple benefits, 4 Commissioner Christmann, and that's part of the reason 5 why it's classified as a multi-value project. There's 6 both reliability benefits and economic benefits. And if 7 you look back at the application, you'll notice there's 8 been a variety of reliability issues mitigated by the 9 introduction of the JETx project. And if you look 10 further into the economic benefits, there's also 11 benefits identified that identify benefits greater than 12 the cost of the overall portfolio. So it's actually 13 providing multiple benefits. 14 COMMISSIONER CHRISTMANN: But weren't a lot of 15 those benefits reliability issues that are coming in the 16 future that weren't really identified? 17 THE WITNESS: The analysis performed by MISO 18 back in 2020, 2021 that justified these projects looked 19 at a 10-year planning horizon. Given the long lead time 20 to permit and construct these projects, you could almost 21 view those reliability issues as being present day 22 problems. 23 COMMISSIONER CHRISTMANN: I have no other 24 questions, Your Honor. Thank you. 25 HEARING OFFICER HOGAN: Commissioner PAGE 139
1 to ask you about and I -- you bring it up in your 2 application. I don't know that it really is something 3 that our siting policies can deal with, but you've 4 mentioned a few times about reliability issues at 5 Jamestown and reliability issues in general, but this is 6 part of a tranche of projects from the regional 7 transmission organization you joined and it's a part of 8 one of four or five tranches, and the other regional 9 transmission organization in North Dakota has not -- 10 they don't use the word "tranches," but they have a 11 bunch of these coming too. 12 You are here talking about reliability, but this 13 says, and it's what I hear from the balancing 14 authorities, the project, in combination with the other 15 17 projects, will enable a more efficient delivery of 16 energy from low-cost generators. 17 It doesn't sound to me like it's about 18 reliability. It sounds like it's about energy from 19 low-cost generators. And I continue to hear all these 20 references from renewable advocates about, oh, this is 21 the lowest-cost energy. 22 And so, yes, it's low-cost energy to produce a 23 kilowatt, but then we have all these costs and all these 24 landowner issues in order to transmit it to where it's 25 needed. PAGE 138	1 Haugen-Hoffart. 2 COMMISSIONER HAUGEN-HOFFART: Thank you. 3 I am standing between people and lunch so I 4 apologize. This was a setup, huh? 5 I'm first going to go to some questions -- your 6 testimony and questions regarding Appendix C on reroute 7 alternatives. And I'm going to have you go to C-6, the 8 table that you referenced. 9 THE WITNESS: Okay, I'm there. 10 COMMISSIONER HAUGEN-HOFFART: Okay. And route 11 alternative area, I think you gave the first example, 12 right, in your testimony? You read that on Wano 13 Township -- 14 THE WITNESS: Wano Township. Yep. 15 COMMISSIONER HAUGEN-HOFFART: Yep. And you -- 16 you referred us to the notes why an alternative route 17 was not looked at; correct? You've read, under the 18 notes, "Multiple route alternatives were reviewed 19 including the route corridor that was shown in the 20 public open-house meetings in September 2023 and in the 21 Wano Township during landowner discussion." 22 You continue to read; right? 23 THE WITNESS: Yep. 24 COMMISSIONER HAUGEN-HOFFART: Do you want to 25 read the next sentence? PAGE 140

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1 THE WITNESS: Is that the one that starts with 2 "These route alternatives"? 3 "These route alternatives were rejected after 4 being denied right of entry on the new parcels that 5 would be affected. These route alternatives would shift 6 impacts to new landowners." 7 COMMISSIONER HAUGEN-HOFFART: So you're -- is it 8 true -- would it be a correct statement to say that you 9 were looking at route alternatives due to the current 10 landowner feels he/she may be impacted? Correct? 11 So how do you make a determination -- if you're 12 looking at route alternatives by an impacted landowner 13 and you're denying a reroute because of impacted 14 landowners, isn't that the same? 15 THE WITNESS: I just want to clarify, 16 Commissioner Haugen-Hoffart, that when you look at these 17 route alternative areas, it's -- it's encompassing a 18 variety of different route alternatives looked at within 19 these specific areas. 20 So sorry to detract from your point here, but I 21 want to just quickly show you that on the route 22 alternatives reviewed and considered for LaMoure County 23 on Bates Page 309, I just want to point out that, as you 24 think about those comments about Wano Township, it's 25 actually referring to a variety of different route PAGE 141	1 these route alternatives, we'll consider a variety of 2 alternatives. And if the preferred route is -- I'm just 3 going to make up a number -- 10 miles and includes 10 4 landowners, that's viewed differently than a reroute or 5 a route alternative that is 20 miles and impacts 20 6 landowners. 7 COMMISSIONER HAUGEN-HOFFART: I follow that. I 8 guess maybe in the application, when I read it, it was 9 general. I took the general -- 10 THE WITNESS: Yeah. 11 COMMISSIONER HAUGEN-HOFFART: And maybe 12 sometimes it would be beneficial to know that -- more of 13 the detail. I understand by the maps and all that. 14 THE WITNESS: Sure. 15 COMMISSIONER HAUGEN-HOFFART: But I'm just -- I 16 was really concerned about landowner to landowner. How 17 do you choose between -- between that. And what I'm 18 hearing you say is it's deeper than that. It's looking 19 at a bunch of variables. 20 THE WITNESS: Correct, correct. And cost is one 21 of those factors, number of landowners, and, of course, 22 the siting criteria that the Commission -- 23 COMMISSIONER HAUGEN-HOFFART: So when you did 24 that, I mean, was that communicated back to landowners, 25 why alternative routes? Like if I'm the one landowner PAGE 143
1 alternatives that were considered in Wano Township. And 2 you'll notice that the darker gray lines represent the 3 route alternatives considered within each of these 4 areas. 5 So in Wano Township, we had alternatives we 6 considered on the west side of the township, but then 7 you'll see maybe some slight variations to the -- to the 8 proposed routes towards the eastern side of the 9 township. 10 Now, when you look at the comments on Wano 11 Township that we just read together, it's more of a 12 general characterization of all of those route 13 alternatives considered by the Applicants, not any 14 specific route alternative that was looked at. 15 COMMISSIONER HAUGEN-HOFFART: I'm sorry, then 16 I'm not -- I'm not tracking you because you haven't 17 explained how -- I could see other environmental impacts 18 and stuff like that. 19 THE WITNESS: Yeah. 20 COMMISSIONER HAUGEN-HOFFART: But a landowner to 21 a landowner to me is the same thing. 22 THE WITNESS: Yeah. 23 COMMISSIONER HAUGEN-HOFFART: I'm not tracking 24 it. 25 THE WITNESS: Yeah. So generally, as we look at PAGE 142	1 and said, "Please look at a different route," and you 2 come back and you're going to tell me, "We did but they 3 weren't -- you know, we're sticking with this," do you 4 explain it to me on why you're sticking with the 5 original route pattern or route plan? 6 THE WITNESS: The relationships established 7 between our right-of-way team and the landowners would 8 have included a follow-up to the landowner that would 9 have explained why the alternative was not accepted. 10 COMMISSIONER HAUGEN-HOFFART: And that has been 11 done throughout this application? 12 THE WITNESS: That has been our intent, yes. 13 COMMISSIONER HAUGEN-HOFFART: Has it been 14 completed? 15 THE WITNESS: I'd have to check with my 16 right-of-way team. 17 COMMISSIONER HAUGEN-HOFFART: Okay. How would 18 you describe the Applicants' -- MDU and Otter Tail -- 19 relationship with landowners, if you had to describe it? 20 How would an -- overall. 21 THE WITNESS: Overall, I think we have a very 22 good relationship with landowners across our service 23 territory. We're talking about a specific project here 24 where we have encountered some isolated pockets of 25 landowner opposition, but generally speaking, as you PAGE 144

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1 think about Otter Tail and MDU, Montana-Dakota's, 2 relationship with landowners across our service 3 territory, it's viewed very favorably. 4 COMMISSIONER HAUGEN-HOFFART: Okay, thanks. We 5 referenced in your testimony Exhibit 12 and its maps. 6 Are these the most current, updated -- I mean, are these 7 updated in the exhibit book? 8 MS. FUREY: Yes, Commissioner. The maps that -- 9 excuse me -- in that exhibit book reflect the most 10 updated pages that otherwise require changes to the map 11 set in the application. 12 COMMISSIONER HAUGEN-HOFFART: Okay. You touched 13 on the schedule of the project, estimated costs, and the 14 initial engineering design. Based on your preliminary 15 stuff in the design and the time period, do you foresee 16 any supply chain issues or any concerns that may impact 17 your timeline project? 18 THE WITNESS: We have been in touch with 19 suppliers for the necessary materials for this project. 20 We have not committed to any contracts yet with those 21 suppliers so it's too early to tell if we're going to 22 have any impacts to the currently proposed schedule. 23 COMMISSIONER HAUGEN-HOFFART: Okay. In your 24 testimony you went through a lot of standards like the 25 National Electric Safety Code requirements for a 345 PAGE 145	1 particular project -- and, remember, it's a double 2 circuit 345kV line -- but we are looking at generic 3 estimates of, roughly, \$5 million per mile. 4 COMMISSIONER HAUGEN-HOFFART: Okay. Thank you. 5 We talked some about reclaiming the land and 6 working with the landowners prior to construction. Will 7 there be like a baseline of the land so when it's 8 reclaimed, saying this is what it was like, you know, 9 prior to our construction, so there's that communication 10 upfront with the landowners? 11 THE WITNESS: Yes. We'd be working with 12 landowners to identify any concerns they have with the 13 area and make sure that we can comply with any of their 14 concerns. 15 COMMISSIONER HAUGEN-HOFFART: Okay. You haven't 16 gone out for your third-party contractor for this case. 17 We talked about construction in the wintertime. Will 18 one of the requirements be someone having experience 19 with North Dakota climate? 20 THE WITNESS: Yes, that would definitely be a 21 requirement for this project. And I can confidently say 22 that most contractors we've dealt with in the past are 23 familiar with the climate here in North Dakota in 24 winter. 25 COMMISSIONER HAUGEN-HOFFART: Okay. That PAGE 147
1 transmission line. Were pieces of -- was that 2 information talked about in your public meetings, like 3 the standards that you have to follow? 4 THE WITNESS: Trying to think specifically of 5 the boards that we had at the public open houses, and 6 I -- I don't recall specific references to the north -- 7 the NESC requirements, but certainly if questions would 8 have came up from landowners, we would have been 9 equipped to be able to answer those during the public 10 open houses. 11 COMMISSIONER HAUGEN-HOFFART: What is the cost 12 of an overhead 345 line for one mile? To construct one 13 mile of transmission of 345, what's the cost? Can you 14 quantify that for me? 15 THE WITNESS: That's going to depend on a 16 variety of different factors. 17 COMMISSIONER HAUGEN-HOFFART: Give me an 18 average. I mean, you've done the analysis, we have a 19 total. But here's my point. I'm just trying to say, 20 here, one mile costs this and if you go underground it's 21 five to ten times. 22 THE WITNESS: Yeah. 23 COMMISSIONER HAUGEN-HOFFART: So if we have that 24 one mile overhead. 25 THE WITNESS: So very generic estimate for this PAGE 146	1 website that you've established, do you need access or 2 that's just open to the public to look at the 3 transmission project? So if I went online, I could see 4 all the current and up-to-date information? 5 THE WITNESS: That is correct. It's a public 6 website. 7 COMMISSIONER HAUGEN-HOFFART: And that's what 8 you testified on keeping up, if this project is 9 approved, to updating that as far as where work is going 10 to begin or where you're working on? Or is it that 11 detailed? 12 THE WITNESS: That's certainly one -- one avenue 13 we can use. There's other options we can employ as 14 well. But that would be definitely -- that would 15 definitely be an easy tool to use to communicate with 16 landowners. Yes. 17 COMMISSIONER HAUGEN-HOFFART: I have no further 18 questions. 19 HEARING OFFICER HOGAN: All right. I think 20 we'll take our lunch break before we circle back to 21 rebuttal. I know Mr. Weiers indicated checking with his 22 team on a couple things. Maybe that can happen and we 23 can readdress some of that when we come back. 24 So it's 12:31. Let's reconvene at 1:30. 25 (Recess) PAGE 148

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1 REDIRECT EXAMINATION 2 BY MS. FUREY: 3 Q. -- PC is selected for the project, just to 4 clarify, will the Applicants be hiring an EPC contractor 5 for this project? 6 A. No. That is not our intent. 7 Q. Okay. And so what role then does -- you know, 8 do the Applicants intend to fulfill with respect to 9 construction? Is it the intent that Otter Tail would 10 take the lead as essentially the general contractor for 11 the project? 12 A. Yes, that is the intent. 13 Q. Okay. And so then you would be hiring 14 contractors who would be maybe engaging with 15 subcontractors, but there wouldn't be like an EPC 16 overall GC for the projects as maybe other types of 17 generation projects might have; is that correct? 18 A. That is correct. 19 Q. Okay. Thank you. 20 And there were several questions that were asked 21 regarding what is the process for topsoil removal to 22 ensure adequate removal, depth, segregation, and 23 replacement, as well as what type of equipment would be 24 used to remove topsoil. Additionally, there were 25 questions regarding what happens to subsoil. PAGE 149	1 today that implicated both the clearance distinct -- 2 excuse me, the clearance distance requested for this 3 project. And it's my understanding that the Applicants 4 are requesting a 150-foot clearance width for trees and 5 shrubs of the corridor; correct? 6 A. That is correct. 7 Q. Okay. So is that 75 feet on -- on either side 8 of the route? 9 A. That is correct. 10 Q. Okay. And so there was a question -- you 11 received a question that if, because this is a 340kV 12 line, okay, and you are seeking a greater clearance 13 width for tree and shrubs, should 345kV lines also have 14 greater setbacks? 15 A. No. 16 Q. Okay. So I want to break that down. So you 17 initially answered yes, and you started talking about 18 safety and NERC requirements. And so can you please 19 explain the nature of your initial answer? So you -- do 20 you believe it is necessary that when you're siting a 21 345kV line, that you have an increased clearance width 22 for tree and shrubs? Do you believe that is necessary? 23 A. Yes, I do. 24 Q. Why? 25 A. Because when you look at the design PAGE 151
1 Are the Applicants agreeable to filing either an 2 updated winter construction plan to address that topic 3 or an addendum to that document to address those 4 particular questions? 5 A. Yes, we are. 6 Q. Okay. Thank you. 7 There was a lot of discussion today regarding 8 the CUP denials and some of the zoning actions that were 9 taken by political subdivisions such as the moratoriums 10 and the 2,640-foot setback. Is it your opinion that if 11 you cannot route the project through a township entirely 12 because of these restrictions, being moratoriums, 13 restrictive setbacks, and CUP denials, that those zoning 14 actions, regulations, ordinances are unreasonably 15 restrictive? 16 A. Yes. 17 Q. So just to restate, if the result of that is 18 that it leaves an entire township off limits for 19 routing, that is unreasonably restrictive? 20 A. Yes, it is. 21 Q. Okay. And my last question, you received a 22 two-part question earlier and I just wanted to break 23 down that question and then your answers to the 24 question. 25 So you received a two-part question earlier PAGE 150	1 characteristics of a 345kV line, we need the necessary 2 safety across 150-foot-wide area to make sure that the 3 swing of the conductor, for example, doesn't come into 4 contact with vegetation that may be within the 5 right-of-way and, therefore, it's necessary to clear the 6 trees for the full width of the 150 feet to avoid any 7 contact with vegetation that may cause an outage to the 8 transmission line. 9 Q. Okay. So in that same vein, when you're siting 10 a line that is the size of this project, so a 345kV 11 line, do you believe that it is necessary to also 12 increase setbacks from, let's say, occupied residences 13 beyond that of the State's existing 500-foot setback? 14 A. No. 15 Q. Why? 16 A. We believe the 500-foot setback required by the 17 State is sufficient to uphold the public safety and 18 welfare for North Dakota citizens. 19 Q. Okay. And can you please explain the 20 differences and how the setbacks apply? So let's -- and 21 I don't -- and I misspoke there. So it's -- the 22 clearance width is not a setback. So I just want to 23 clarify that for the record. I misspoke. 24 The clearance width that you're requesting, 25 that's across the entire corridor; correct? So that's PAGE 152

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1 75 feet on each side of the route; correct? 2 A. That is correct. For a total of 150-foot width. 3 Q. Okay. When the Applicants evaluate the State's 4 500-foot setback, how is that evaluated? 5 A. That's evaluated based on 500-foot on either 6 side of the proposed centerline of the route. So in 7 effect, the 500-foot setback in place by state statute 8 actually results in 1,000-foot width setback from the 9 centerline of the transmission line. 10 Q. Total; right? 11 A. Total. In total. 12 MS. FUREY: Okay. No further questions. 13 HEARING OFFICER HOGAN: Mr. Pelham, any 14 additional questions? 15 MR. PELHAM: Yes, just briefly. 16 RE-CROSS EXAMINATION 17 BY MR. PELHAM: 18 Q. I just want to follow up on a couple questions 19 you were just asked, Mr. Weiers, as to the 500-foot 20 setback. And I think we can agree the statute says what 21 the statute says so I'm not going to argue with you over 22 that, but I -- you said something interesting to me and 23 you answered that you believe it was sufficient for 24 public safety and welfare. I'm just wondering what it 25 is that Otter Tail or MDU bases that sufficiency on, PAGE 153	1 RE-EXAMINATION 2 BY MR. SCHOCK: 3 Q. I think we had touched on this, or you touched 4 on this with Ms. Furey. The Certification Relating to 5 Order Provisions, you are proposing a relatively small 6 change to the standard terms of that document. Can you 7 speak to that a little bit, or is there someone else who 8 may be best -- 9 A. Are you referring -- I'm sorry, can you please 10 point me to that? 11 Q. Yeah. So that would be Exhibit 2 and 3. And 3 12 probably says it a little bit better than 2 does. 3 13 actually has the red line of what -- like the change 14 you're asking for. 15 MS. FUREY: Victor, I would say that's more of a 16 legal question, and I'm happy to explain why we proposed 17 the edit. 18 MR. SCHOCK: Sure. Go ahead. 19 MS. FUREY: Is now appropriate? 20 MR. SCHOCK: Yeah. Go ahead. 21 MS. FUREY: Okay. Thank you. 22 So the -- and I'm referencing Commissioner's 23 Exhibit 3, certification provision 2. You'll see 24 there's a red line. It's actually blue. The original 25 language read "Company agrees to comply with the PAGE 155
1 that distance? 2 A. We have built several high-voltage transmission 3 projects in the past and we've had the 500-foot 4 requirement in place for as long as I've been at Otter 5 Tail Power, and it's proven to be an effective practice 6 in my past experience. 7 Q. And just to push a little bit more, I mean is 8 it -- you know, and obviously no one expects this to 9 happen and these are not designed for this type of 10 event, but, I mean, is the 500 feet in case the 11 structure falls and it impacts an adjacent building or 12 something like that or is it just 500 feet? I mean, do 13 you have any testimony as to what that public safety 14 element is for the 500 feet? 15 A. I'm not familiar with the background on the 16 justification for the development of the 500-foot 17 setback, but what I can testify to here today is that 18 the 150-foot right-of-way width is sufficient for this 19 345kV line. 20 Q. Thank you, sir. 21 MR. PELHAM: I don't have any other questions. 22 HEARING OFFICER HOGAN: Mr. Schock, any 23 questions? 24 MR. SCHOCK: Just a couple, real quick. 25 PAGE 154	1 applicable rule --" or excuse me. "Company agrees to 2 comply with the rules and regulations of all other 3 agencies having jurisdiction over any phase of the 4 transmission facility including all city, township, and 5 county zoning regulations." 6 We have proposed to strike the end of that 7 sentence and then add in the word "applicable," because 8 as the language currently exists, it does not account 9 for the express preemption that is conferred to the 10 Commission through House Bill 1258, which has now been 11 enacted in the Siting Act. 12 So essentially this doesn't -- this does not 13 change an applicant's obligation to otherwise comply 14 with all applicable rules and regulations that apply to 15 the project. Our concern is that if this change is not 16 made, you would be requiring the Applicants to comply 17 with rules and regulations that are not otherwise 18 applicable to the project. 19 MR. SCHOCK: That's my take on it as well. I 20 just wanted to -- to kind of have that verbalized on the 21 record for the Commission, because generally we do that 22 with any proposed change to the -- those standard terms. 23 I think that is all I have. So thank you. 24 HEARING OFFICER HOGAN: Commissioner Kringstad, 25 any other questions? PAGE 156

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1 COMMISSIONER KRINGSTAD: So just, Casey, to kind 2 of clarify what you just said, even with this proposed 3 change, things that are still within, like, the county 4 and townships' jurisdiction, whether that be, like, road 5 use agreements or things like that, those obviously the 6 companies would still follow? 7 MS. FUREY: Any applicable rule or reg to any -- 8 you know, any entity would still apply under this, but 9 the difference is it has to be applicable; right? It's 10 not a blanket application. 11 COMMISSIONER KRINGSTAD: Thank you. 12 HEARING OFFICER HOGAN: Commissioner Christmann, 13 any other questions? 14 COMMISSIONER CHRISTMANN: No other questions. 15 HEARING OFFICER HOGAN: Commissioner 16 Haugen-Hoffart? 17 COMMISSIONER HAUGEN-HOFFART: No, I do not. 18 HEARING OFFICER HOGAN: All right. Well, you're 19 done, Mr. Weiers. Thank you. 20 THE WITNESS: Thank you. 21 HEARING OFFICER HOGAN: Next witness. 22 MS. FUREY: Our second witness, Your Honor, is 23 Mr. Robert Frank. 24 HEARING OFFICER HOGAN: I'll have you start by 25 stating your full name for the record and spelling your PAGE 157	1 Fourth Street, Bismarck, North Dakota. 2 Q. And what is your position with Montana-Dakota? 3 A. I am the director of Electric Transmission 4 Engineering. I've held this position for the past 11 5 years. In this role, I have leadership responsibility 6 for project management, engineering, design, 7 construction, and maintenance of Montana-Dakota's 8 electric transmission and substation facilities, 9 including property and right-of-way acquisitions. 10 Q. Can you please describe your educational and 11 professional background? 12 A. I'm a licensed professional engineer in the 13 state of North Dakota. I earned a Bachelor of Science 14 degree from North Dakota State University, a Master of 15 Business Administration degree from the University of 16 Mary. 17 I began my career at Montana-Dakota in 2004 as a 18 system protection engineer in the Substation Department. 19 Throughout the next 10 years, I completed several 20 substation and transmission line projects, gaining 21 experience in engineering design, project management, 22 construction management, and real estate transactions. 23 In 2014 I accepted my current position. 24 Prior to joining Montana-Dakota, I worked as an 25 industrial contractor, as a field engineer providing PAGE 159
1 last name. 2 ROBERT FRANK: Robert Frank, F-R-A-N-K. 3 HEARING OFFICER HOGAN: Mr. Frank, were you in 4 the room this morning when I went through the penalties 5 for perjury? 6 ROBERT FRANK: Yes. 7 HEARING OFFICER HOGAN: And do you understand 8 what perjury is? 9 ROBERT FRANK: Yes. 10 HEARING OFFICER HOGAN: And being advised of the 11 potential penalties for perjury, do you promise to tell 12 the truth in this case today? 13 ROBERT FRANK: I do. 14 HEARING OFFICER HOGAN: All right, thank you. 15 Go ahead, Ms. Furey. 16 <u>ROBERT FRANK,</u> 17 being first duly sworn, was examined and testified as 18 follows: 19 DIRECT EXAMINATION 20 BY MS. FUREY: 21 Q. Can you please state your name again for the 22 record, your employer, and your business address? 23 A. Sure. My name is Rob Frank, Robert, or I go by 24 "Rob" typically. I'm employed by Montana-Dakota 25 Utilities Company. My business address is 400 North PAGE 158	1 engineering support to construction crews and performing 2 project management duties. A copy of my resumé is 3 attached to my prefiled testimony. 4 Q. And what is your role with respect to the JETx 5 project? 6 A. I am the project manager for the project within 7 Montana-Dakota. I represented Montana-Dakota throughout 8 the project's development, working alongside the project 9 development team at Otter Tail. I have participated in 10 route development, public landowner meetings, 11 represented the project at local government meetings and 12 hearings, and helped lead the right-of-way acquisition 13 teams. I have worked with Otter Tail on all regulatory 14 filings and permitting requirements. I regularly attend 15 meetings of all project teams within engineering, 16 communications, procurement, and overall project 17 management. 18 Q. And are you familiar with the contents of the 19 project's application which is marked as Exhibit 1 and 20 contained in the two large binders in front of you? 21 A. Yes, I am familiar. 22 Q. What is the purpose of your testimony today? 23 A. My testimony will provide information regarding 24 Montana-Dakota's role with respect to the project and 25 the benefits of the project, both locally and for the PAGE 160

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1 region. I will also provide information about the 2 project upgrades needed at Montana-Dakota's Ellendale 3 345kV substation. 4 Q. You -- actually, I'm going to take a step back 5 here. Can I please have you turn to Exhibit 5? 6 You previously submitted prefiled testimony in 7 this matter; is that correct? 8 A. That is correct. 9 Q. Okay. And is that prefiled testimony marked as 10 Exhibit 5? 11 A. Yes. 12 Q. Okay. Do the contents of your prefiled written 13 testimony accurately reflect your testimony if given 14 orally today? 15 A. Yes. 16 Q. Can you please generally describe Montana-Dakota 17 Utilities Company? 18 A. Montana-Dakota distributes natural gas and 19 generates, transmits, and distributes electricity and 20 provides related services in the northern Great Plains. 21 The company serves more than 145,000 electric customers 22 and over 290,000 natural gas customers in 273 23 communities in North Dakota, South Dakota, Montana, and 24 Wyoming. 25 Q. Please describe Montana-Dakota's mission. PAGE 161	1 Q. What is Montana-Dakota's role with respect to 2 the development, construction, and operation of the 3 project? 4 A. The project interconnects with the existing 5 transmission systems of Montana-Dakota and Otter Tail. 6 Specifically, the project interconnects Montana-Dakota's 7 Ellendale substation and Otter Tail's Jamestown 8 substation. Montana-Dakota and Otter Tail intend to 9 jointly construct and own the project as 10 tenants-in-common with each owning 50 percent. 11 Montana-Dakota and Otter Tail are jointly 12 developing and constructing the project with Otter Tail 13 acting as lead developer and project manager. Project 14 decisions are made as a team with Otter Tail and 15 Montana-Dakota receiving equal votes. When the project 16 is placed in service, Montana-Dakota and Otter Tail will 17 share in the operational responsibilities of the 18 project. 19 Q. Please describe the planned upgrades to 20 Montana-Dakota's Ellendale substation that are necessary 21 for the project. 22 A. Montana-Dakota's Ellendale substation will 23 require the addition of 345kV-rated equipment and 24 components to accommodate the project. The additional 25 facilities will consist of new termination structures, PAGE 163
1 A. Our mission is to, with integrity, deliver value 2 as a leading energy provider and employer of choice. We 3 are committed to serving our customers and communities 4 by providing safe, reliable, and affordable energy 5 services. Our dedication extends beyond utility 6 operations to philanthropic initiatives that foster 7 community growth and well-being. 8 Q. Can you please describe the background to the 9 project? 10 A. Yes. Several generation facilities have 11 interconnected to Montana-Dakota's 230kV system in the 12 last 10 years without any additional significant 13 investment in transmission capacity. Montana-Dakota's 14 transmission system is at capacity and in need of 15 additional transmission interconnections. 16 The Midcontinent Independent System Operator, 17 MISO, has also recognized this lack of transmission 18 capacity and initiated the Long Range Transmission 19 Planning study in 2020 with the objective of providing 20 an orderly and timely transmission expansion plan that 21 results in a transmission system that is reliable, 22 cost-efficient, accessible, and flexible. The project 23 is one of 18 projects being built within MISO's Long 24 Range Transmission Planning Tranche 1 Portfolio approved 25 in the 2021 MISO Transmission Expansion Plan. PAGE 162	1 345kV power circuit breakers, disconnect switches, bus 2 work, structural steel, protection and control systems, 3 and a 345kV shunt reactor. These upgrades will be 4 constructed within the existing fence property of the 5 Ellendale substation and are included in the scope of 6 this application. 7 Q. What are the benefits of the project to the grid 8 generally? 9 A. This project provides regional reliability 10 benefits by alleviating excessive thermal loadings and 11 mitigating several voltage issues in eastern North 12 Dakota. The project will both offer additional 13 redundancy and increased system capability to avoid 14 compromising the reliability of the transmission system. 15 The project will provide additional outlets for North 16 Dakota and South Dakota by tying the two existing 345kV 17 systems together, while also unloading the existing 18 230kV system. 19 Q. What benefits is the project expected to provide 20 to Montana-Dakota's customers? 21 A. The project offers significant reliability 22 benefits to the local area by introducing a new 345kV 23 transmission source into the 345kV systems at Jamestown 24 and at Ellendale specifically. The project will provide 25 benefits to the Ellendale area by creating a looped PAGE 164

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1 345kV system. This allows generation facilities from 2 the west of Ellendale to curtail less for contingencies 3 with a second 345kV outlet. Power quality, specifically 4 voltage stability, is also improved for the area by 5 interconnecting the two 345kV transmission systems. 6 Q. Did the Applicants consider any alternatives to 7 constructing the project? 8 A. Yes. The Applicants considered a no-action 9 alternative but rejected it. Under a no-action 10 alternative, the project would not be constructed and 11 the reliability concerns described above would remain. 12 The Applicants determined this would not serve the needs 13 of their companies or the public generally. In 14 addition, a no-action alternative would be contrary to 15 MISO's long-range transmission planning objectives and 16 the benefits to the grid described earlier in my 17 testimony would not be realized. 18 Q. Are you familiar with the Commission's 19 Certification Relating to Order Provisions and Tree and 20 Shrub Mitigation Specifications? 21 A. Yes. 22 Q. Does Montana-Dakota agree to comply with the 23 Commission's certification provisions? 24 A. Yes. Darcy Neigum, vice president of Energy 25 Supply, of Montana-Dakota, has authority to bind the PAGE 165	1 A. Yes, I was. 2 Q. Given this is a joint application and project, 3 as you testified, that is jointly owned as tenants in 4 common, 50/50, between Otter Tail and MDU, is there 5 anything that you heard in Mr. Weiers' testimony that 6 you'd like to expound upon or elaborate on from MDU's 7 perspective? 8 A. With Otter Tail being the lead project developer 9 and lead construction manager, he tried and, I think, 10 attempted and did a very good job of responding to -- to 11 all of the questions that were asked this morning, and 12 so I -- I don't really know that I have anything. 13 Q. Nothing popped out in your mind as "Oh, well, 14 I'd like to clarify this" or "This could be said a 15 different way," anything like that? 16 A. No, not anything that we haven't -- hadn't 17 discussed prior so... 18 Q. Fair enough. 19 So the role, and you just kind of indicated, and 20 your testimony also indicated, that Otter Tail is going 21 to be leading the construction and then -- then it 22 will -- will it be jointly operated but Otter Tail will 23 have -- will take the lead on the operation of the -- of 24 the proposed line if it's built? 25 A. So Montana-Dakota and Otter Tail will execute PAGE 167
1 company and has executed the certification, and a copy 2 has been filed with the Commission. 3 Q. Mr. Frank, can you please turn to hearing 4 Exhibit No. 2? And is this -- 5 A. Okay. 6 Q. Is this a copy of the certification that has 7 been jointly executed by Otter Tail and by 8 Montana-Dakota? 9 A. Yes, it is. 10 Q. Based on your knowledge of the project, will it 11 ensure continued system reliability and integrity? 12 A. Yes. The project would support existing needs 13 as well as increase transmission capacity and 14 reliability to support future load growth and 15 development. 16 Q. Does this conclude your direct testimony? 17 A. Yes, it does. 18 Q. Thank you. 19 HEARING OFFICER HOGAN: All right. Mr. Pelham, 20 any questions? 21 MR. PELHAM: Yes. Thank you. 22 CROSS EXAMINATION 23 BY MR. PELHAM: 24 Q. Good afternoon, Mr. Frank. You were here for 25 the testimony of Mr. Weiers; correct? PAGE 166	1 ownership agreements and -- and operation and 2 maintenance agreements. And within those agreements, we 3 will jointly agree to roles and responsibilities for 4 ongoing operation maintenance. 5 Q. That was my next question so I appreciate that 6 and -- because my -- then my next question was going to 7 be, if there is an issue, and obviously no one wants an 8 issue or something to happen, who is the Commission to 9 call? And it sounds like that's going to be delineated 10 out in that agreement. 11 A. It is. But -- but I would also say that I think 12 that both companies would be responsible for any -- any 13 needs of the Commission or anything that comes up in the 14 future. 15 Q. And as far as Montana-Dakota Utilities' 16 involvement with the zoning ordinances in the townships 17 that were discussed earlier today, what role did MDU 18 play in that? Was it a supporting role to Otter Tail in 19 that process? Was there more of a role that MDU took as 20 to the zoning issues? 21 A. I would say a lot of it was equally shared among 22 the decisions of acquisition of permits, the decisions 23 to apply for things within all of the different local 24 entities. We both attended a lot of the meetings and 25 hearings and jointly were available for questions, PAGE 168

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1 helped to answer those questions and provide feedback to 2 those that would -- would allow us to. 3 Q. Sir, I don't have any other questions for you. 4 Thank you. 5 THE WITNESS: Thanks. 6 HEARING OFFICER HOGAN: Mr. Schock, any 7 questions? 8 EXAMINATION 9 BY MR. SCHOCK: 10 Q. Just to a little bit better explore the 11 ownership a little bit, Rob. So certainly it's not 12 unique to have a transmission line with multiple owners 13 in North Dakota. We've been around for a long time and 14 there's lots of those kind of agreements going back 15 probably almost 100 years, if not longer. 16 Is it unique that the entire line is a 50/50 17 ownership versus this portion owned by MDU and another 18 portion owned by Otter Tail? 19 A. We've -- we've got multiple agreements with 20 multiple utilities and in all kinds of different ways. 21 Q. Sure. 22 A. A recent project that Otter Tail and MDU own 23 together is the Big Stone South to Ellendale line that 24 we had recently. That's also 50/50 owned. That's been 25 working well and we've had no issues with that project. PAGE 169	1 arrangement between parties and risk. 2 Maybe our legal team would -- 3 Q. She looks like she -- 4 A. -- probably have a better idea. 5 Q. -- has a smile, like she knows. 6 MS. FUREY: I can't speak to the specific 7 contractual agreements that the companies have entered 8 into regarding the -- the ownership nature of the 9 project beyond what our witnesses have otherwise 10 testified to. 11 MR. SCHOCK: Do you know generally the 12 difference in those terms? I don't know. My lawyer is 13 trying to grab the microphone so maybe -- 14 MR. PELHAM: Let me ask you this. I mean, 15 tenants in common versus joint tenants, joint tenant 16 would ordinarily be utilized in the context of, you 17 know, if one party goes away, then that other half goes 18 to that party. Tenants in common would be as a separate 19 ownership. There's 50 percent owned, 50 percent owned. 20 And certainly Ms. Furey indicated that she 21 doesn't have the details on the contractual obligations, 22 but the testimony, as I understand it, and the 23 application is -- is that tenants in common is utilized. 24 So to the extent that there's any difference in 25 that common usage of that term, I think that the PAGE 171
1 But, yes, we have various arrangements with -- 2 Q. So it's not uncommon -- 3 A. -- utilities. 4 Q. -- in any way, neither the ownership nor the -- 5 the manner in which the ownership is? 6 A. No. I don't -- I don't know that it's -- it's 7 anything unique or anything that we can't -- we -- we 8 wouldn't have -- or have issues with working through 9 anything with it. 10 Q. Okay. And then one last question on the 11 ownership piece, and this is a little bit of curiosity. 12 So it's a term that I recall seeing when I signed my 13 mortgage payment -- or not my mortgage payment, my 14 mortgage purchase agreement, tenants in common versus 15 joint tenants. I have no idea what that distinction 16 means. And I'm curious if you could answer the 17 question, what the difference is between joint tenants 18 and tenants in common. 19 A. I don't know that -- I don't know that I would 20 stand up here -- or sit up here and be able to pull that 21 out either, but it's definitely a -- probably more of a 22 real estate term that I've seen in the past as well. 23 So, again, back to a mortgage. And I think it -- I'm 24 just going to speak from my maybe limited knowledge, but 25 just has to do with ownership rights within that PAGE 170	1 Commission would want to know if there's something else 2 intended other than a separate 50 percent ownership by 3 Otter Tail and a separate 50 percent ownership by 4 Montana-Dakota Utilities. 5 MS. FUREY: Mr. Pelham, I would have to revert 6 to the companies to just follow up to get some 7 clarification, but I would be surprised if it's 8 different from the term standard usage. 9 MR. SCHOCK: That was the only question I had. 10 Thank you. 11 HEARING OFFICER HOGAN: Commissioner Kringstad. 12 COMMISSIONER KRINGSTAD: All of my questions 13 have been asked and answered. Thank you. 14 HEARING OFFICER HOGAN: Commissioner Christmann. 15 COMMISSIONER CHRISTMANN: While I gather my 16 thoughts, I'll just tell Victor that I'm sure my 17 mortgage underwriting wife could answer that for us. 18 She's not here so you're out of luck. 19 I guess, Rob, after 13 years of doing this, we 20 sited a lot of electric transmission lines. And I'm at 21 a bit of a loss here, why the support for this is as low 22 as it is. And when I say "support," I mean I'm -- I 23 view that as it is two things. There's landowner 24 support, obviously, but there's also kind of local, 25 public, local government subdivision support. And even PAGE 172

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1 though 1258 probably changes that dynamic, but big 2 projects do have impacts on the neighbors too, and so 3 I've always viewed that as important as well. 4 But is it a matter of compensation? Is it a 5 matter of the amount of effort put forth to gain public 6 support? Why are the amount of easements and the amount 7 of denials from township -- why are the amount of 8 easements so low and the denials from township so high 9 on this project? What do you see as the problem? 10 THE WITNESS: Commissioner Christmann, I'll just 11 -- I'll just say to start, I don't know that where we're 12 at on this project and its -- and the amount of work 13 that we've done and where we're at, that the amount of 14 easements we've acquired is necessarily unusually low 15 with us being in the 70s, 70-some percent that we're 16 at -- what, 76 percent. I think that's pretty typical 17 from -- from what we've had experienced in the past. 18 There's always going to be folks that will wait 19 until you go through a certain amount of permitting 20 before they'll be willing to sign on. So I think we 21 expect that, that there's going to be more once this 22 process completes and we get through -- through this 23 siting proceeding that we're doing here. There's always 24 going to be people that are unwilling to sign property 25 rights over for anything. We see that. PAGE 173	1 I don't have any other questions. 2 HEARING OFFICER HOGAN: Commissioner 3 Haugen-Hoffart. 4 COMMISSIONER HAUGEN-HOFFART: Yeah, I do, just 5 for -- because of this project size and the amount of 6 people involved, I just want to go into a little deeper 7 on your role. Okay, Rob? 8 THE WITNESS: Yes. 9 COMMISSIONER HAUGEN-HOFFART: You indicated with 10 your role to this project, you helped lead the 11 right-of-way acquisition teams. 12 THE WITNESS: Yes. 13 COMMISSIONER HAUGEN-HOFFART: Can you expand 14 upon that for me, please? 15 THE WITNESS: So there -- there was, I guess, 16 leadership within Otter Tail and Montana-Dakota at the 17 beginning of this project that sort of set and directed 18 any of our contract land agents that we had working on 19 the project, discussed the processes that we would use, 20 the agreements that we would use, the -- the different 21 correspondence, the processes that we would -- we would 22 document, conversations, and how we would go about doing 23 that. 24 And so I represented Montana-Dakota in a lot of 25 those discussions and a lot of those initial meetings, PAGE 175
1 And so I don't know that it's necessarily low. 2 I do know that there's been a general acceptance 3 lowering of people of all kinds of projects. I don't -- 4 I don't think it's transmission specifically and I don't 5 think that it's -- it's utility projects. I think 6 there's -- there's a general rejection of a lot of new 7 projects of all kinds. 8 I think some of it, it probably is landowner 9 fatigue. I think some of it's change, people that don't 10 like change. And I think, in this case too, there's 11 some -- maybe still some questions about -- about 12 benefits to individuals and "What do I get out of this?" 13 I think years ago when we were building transmission, a 14 lot of people could see benefits because their power 15 wasn't very good or they didn't have power. And so it 16 was a lot easier for us to build transmission years ago 17 because people could see a direct need and a direct 18 impact. And now it's at a much higher level. And I 19 think it's -- it's a lot more detached from local 20 citizens. 21 COMMISSIONER CHRISTMANN: Thank you for that 22 explanation. I'll look back, and maybe I'm 23 misremembering too where we've been at in some other 24 cases at a similar stage of the game. Thank you for 25 that answer, though. PAGE 174	1 and then also was -- was present at all the public input 2 meetings or open houses, and then, again, continuing 3 through discussions of various route options and the 4 processes that we would go through to determine how we 5 would approach landowners and -- and then work through 6 feedback that was provided back to us as well. 7 COMMISSIONER HAUGEN-HOFFART: How big is your 8 team? How big is a right-of-way acquisition team on a 9 project like this? 10 THE WITNESS: Right away it was quite a few. 11 And then as we would get easements signed and certain 12 groups of parcels with executing an option contract, in 13 this case some of those line agents would then be worked 14 back off the project. And so the -- the number varied 15 between from the beginning of the project to where we're 16 at right now. 17 COMMISSIONER HAUGEN-HOFFART: Was -- your team 18 consisted of all MDU employees, or was there the team -- 19 because this is jointly owned. 20 THE WITNESS: Yep. There was MDU employees, 21 Otter Tail employees, and then a contract consultant -- 22 COMMISSIONER HAUGEN-HOFFART: Okay. 23 THE WITNESS: -- right-of-way agents. 24 COMMISSIONER HAUGEN-HOFFART: So working through 25 this, we talked about -- we heard from Jason about, if PAGE 176

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1 approved, you know, having all these avenues for people 2 to reach out and talk to project managers or if there 3 was concerns and all that. So, meanwhile, you were the 4 lead and had these initial relationships with 5 landowners. 6 Will you continue to be a lead out there in the 7 field? Or tell me how your role is going to progress if 8 this project is approved. 9 THE WITNESS: So we would continue -- there 10 would continue to be a right-of-way acquisition and a 11 right-of-way group that would continue through 12 construction. And so those folks would be out making 13 contacts with landowners, working directly with the 14 construction team and the construction managers to 15 determine where needs were, making sure that landowners 16 were aware, as Mr. Weiers explained, to what is going 17 on, what construction activity is happening and where. 18 And so we'll continue to meet through that. 19 We'll also have folks within MDU working with 20 Otter Tail and the construction groups, contractors 21 during construction as well. And so we're, again, 22 through that, through coordination from all the various 23 entities, making sure that we are aware of what's -- 24 what's needed and what is requested. 25 COMMISSIONER HAUGEN-HOFFART: Okay. So what I PAGE 177	1 occurred over the last 10 years or so. And the way that 2 the MISO interconnection process works is that 3 generators are assigned a certain amount of upgrades 4 based on their needs to interconnect generation. And so 5 there's been small upgrades to existing infrastructure, 6 to existing transmission lines. So we've had 7 reconductor projects that we've had on our 230 system, 8 for example, but it's only enough -- and all the 9 generators pay for is just that incremental increase in 10 capacity in order for their generation project to 11 interconnect. And so beyond that there's really been no 12 increase in -- in transmission capacity. 13 And so that's the role that MISO has now been 14 taking, is to say what is that next large step that we 15 can take in transmission expansion in order to continue 16 to plan and be prepared for future growth in load or 17 generation both. 18 COMMISSIONER HAUGEN-HOFFART: Thank you. That's 19 all the questions I had. 20 HEARING OFFICER HOGAN: Ms. Furey, any redirect? 21 MS. FUREY: No, Your Honor. 22 HEARING OFFICER HOGAN: Mr. Pelham, any other 23 questions? 24 MR. PELHAM: No, Your Honor. 25 HEARING OFFICER HOGAN: Mr. Schock? PAGE 179
1 hear is you started with this project, you're going to 2 continue in your -- your capacity working through it? 3 THE WITNESS: Yes. 4 COMMISSIONER HAUGEN-HOFFART: Right now you 5 indicated on the project MDU has a 230kV system and now 6 you want to replace that with a 345; right? 7 THE WITNESS: No. 8 COMMISSIONER HAUGEN-HOFFART: No. 9 THE WITNESS: We want to add to it. 10 COMMISSIONER HAUGEN-HOFFART: Add to it. 11 THE WITNESS: So the 345 system or this line is 12 now an outlet to the 230 system that we have that's 13 around the Ellendale area. 14 COMMISSIONER HAUGEN-HOFFART: Okay. My mistake. 15 THE WITNESS: So we're seeing a lot of power 16 trying to flow from Bismarck through Ellendale and 17 then -- and then south or north now with this case as we 18 get onto the 345kV system. So it's a way for us to more 19 efficiently transfer power between our system and Otter 20 Tail's and other systems east and south. 21 COMMISSIONER HAUGEN-HOFFART: Okay. Were any 22 technologies looked at to enhance the current 23 transmission system? 24 THE WITNESS: So I kind of talked a little bit 25 about some of the generation additions that have PAGE 178	1 MR. SCHOCK: No, Your Honor. 2 HEARING OFFICER HOGAN: Any other commissioner 3 questions? 4 All right. Thank you, Mr. Frank. 5 THE WITNESS: Thank you. 6 HEARING OFFICER HOGAN: Ms. Furey, you can call 7 your next witness. 8 MS. FUREY: Thank you, Your Honor. Our next 9 witness is Kevin Scheidecker, and direct will be handled 10 by my co-counsel, Erik Edison. 11 HEARING OFFICER HOGAN: Good afternoon. I'll 12 have you start by stating your full name for the record 13 and spelling your last name. 14 KEVIN SCHEIDECKER: Kevin Scheidecker. 15 HEARING OFFICER HOGAN: Can you turn the 16 microphone on? There you go. 17 KEVIN SCHEIDECKER: My name is Kevin 18 Scheidecker. Last name is spelled 19 S-C-H-E-I-D-E-C-K-E-R. 20 HEARING OFFICER HOGAN: Mr. Scheidecker, were 21 you in the room this morning when I went through the 22 penalties for perjury? 23 KEVIN SCHEIDECKER: Yes, Your Honor. 24 HEARING OFFICER HOGAN: And do you understand 25 what perjury is? PAGE 180

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1 KEVIN SCHEIDECKER: Yes. 2 HEARING OFFICER HOGAN: And being advised of the 3 potential penalties for perjury, do you promise to tell 4 the truth in this case today? 5 KEVIN SCHEIDECKER: Yes, Your Honor. 6 HEARING OFFICER HOGAN: All right. Thank you. 7 Go ahead, Mr. Edison. 8 KEVIN SCHEIDECKER. 9 being first duly sworn, was examined and testified as 10 follows: 11 DIRECT EXAMINATION 12 BY MR. EDISON: 13 Q. Mr. Scheidecker, can you please state your 14 employer and your business address? 15 A. Sure. I'm employed by Otter Tail Power Company. 16 My business address is 215 South Cascade Street in 17 Fergus Falls, Minnesota. 18 Q. And what is your position with Otter Tail? 19 A. My title is Principal-Environmental Services. 20 Q. And can you describe your educational and 21 professional background? 22 A. I have a Bachelor of Science degree in 23 biological sciences from North Dakota State University. 24 Early in my career, I worked for the U.S. Fish and 25 Wildlife Service as a biological technician, where I PAGE 181	1 support consists of assisting with the drafting of the 2 project siting application and other environmental 3 permitting documents, as well as managing the 4 consultants responsible for conducting environmental 5 studies and surveys for the project. I also assist with 6 outreach and coordination with local, state, federal, 7 and tribal agencies. Finally, I support planning, 8 approval, and execution of the field survey plans, 9 including surveys for cultural resources, wetlands, 10 threatened and endangered species, and other wildlife 11 and habitat. 12 Q. And are you familiar with the contents of the 13 project siting application? 14 A. Yes, I am familiar with the application's 15 contents. 16 Q. And does the application accurately describe the 17 project? 18 A. Yes, it does. However, my prefiled testimony, 19 which is Exhibit 6, and my oral testimony today will 20 address several updates. As a result of the route 21 adjustment discussed by Jason Weiers that is depicted in 22 Exhibit 12, the project's corridor no longer includes an 23 area of geologic instability which is designated 24 Commission avoidance area. 25 Q. So just to clarify that, with the change, PAGE 183
1 gained experience conducting environmental surveys, 2 coordinating environmental programs, and conducting 3 public outreach. 4 After working for the U.S. Fish and Wildlife 5 Service, I was a technician and then manager for local 6 soil and water conservation districts and also served as 7 the basin coordinator for the Red River Basin 8 Commission. 9 In addition to environmental positions, I was a 10 high school science teacher for several years, and 11 worked in Otter Tail County, Minnesota, in the 12 Assessor's office, initially as an appraiser and then 13 ultimately as the county assessor. 14 Since joining Otter Tail, my work has focused on 15 overseeing and coordinating field survey efforts by 16 environmental consultants, engaging in agency 17 consultation, and supporting the preparation of permit 18 applications for infrastructure projects in multiple 19 states. 20 A copy of my resumé is attached to my prefiled 21 testimony. 22 Q. And what is your role with respect to the JETx 23 project? 24 A. I provide support to the project as a subject 25 matter expert on environmental-related items. My PAGE 182	1 there's no longer any areas of geologic instability? 2 A. None within the corridor. 3 Q. And what is the purpose of your testimony today? 4 A. The purpose of my testimony is to provide an 5 overview of the environmental, cultural, and land use 6 analysis conducted for the project, including the agency 7 consultation and coordination and a summary of studies 8 and surveys that have been or will be conducted. 9 Additionally, my testimony discusses the 10 measures that have been or will be implemented to avoid, 11 minimize, and/or mitigate potential impacts to existing 12 land use and the environment. 13 Q. And I'm going to direct your attention to what's 14 been marked as Exhibit 6 in that exhibit binder in front 15 of you. And this is the testimony that was previously 16 submitted as your prefiled testimony in this matter; is 17 that right? 18 A. Yes, it is. 19 Q. And do the contents of this prefiled testimony 20 in Exhibit 6 accurately reflect your testimony if it 21 were to be given orally here today? 22 A. Yes, it does, with a few minor updates. 23 After the submission of my prefiled testimony, 24 comments from the North Dakota Department of 25 Environmental Quality were submitted in the proceeding PAGE 184

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1 as Docket No. 36, also marked as Exhibit No. 19. The 2 Department made standard recommendations regarding the 3 project, which we will comply with. 4 Second -- and in this case I'll refer you to 5 Exhibit 6, which is my previous testimony, so I can 6 reference it. Then you can make these corrections. A 7 date in the answer to Question 10 of my prefiled 8 testimony needs to be updated. So on Page 4 of Exhibit 9 6 of my prefiled testimony, Line 14 should read "from 10 May 2024" -- that's the change -- "through October 11 2025." So we're changing that first date to May of 12 2024. 13 Secondly, an update is needed to Question 23. 14 So if you would go to Page 10. Lines 18 and 20 on Page 15 10, we want to change the year that currently states 16 "2024" to "2023." And that's in two locations. 17 Q. And just for the record, both of those changes 18 relate to kind of the date ranges some of the surveys 19 for this matter were conducted; right? 20 A. Yeah. So, for example, the -- the stick nest 21 survey was actually done in 2023 instead of 2024. So we 22 wanted to just make sure that was accurate in the 23 record. 24 Q. Can you please describe the environmental 25 analysis that was conducted for this project? PAGE 185	1 and commercially developed areas around the existing 2 substations. 3 Q. What environmental studies and surveys have been 4 conducted for the project? 5 A. The Applicants coordinated with state and 6 federal resource agencies regarding environmental 7 surveys and studies that were completed for the project. 8 The Applicants coordinated with the U.S. Army Corps of 9 Engineers, the U.S. Fish and Wildlife Service, and the 10 North Dakota Game and Fish Department on the project's 11 approach to environmental surveys. 12 The Applicants performed a desktop analysis of 13 wetlands and field wetland delineations. 14 The project received a jurisdictional 15 determination from the U.S. Army Corps of Engineers in 16 January 2025. It is anticipated that a combined Section 17 404 and Section 10 permit application for the James 18 River crossing will be submitted in Q2 of 2026 once the 19 U.S. Army Corps of Engineers has reissued its nationwide 20 permits. 21 The Applicants conducted studies and surveys for 22 biological resources such as eagle stick nest surveys, 23 sharp-tailed grouse lek surveys, and threatened and 24 endangered species habitat evaluations. 25 Q. Please describe the coordination that the PAGE 187
1 A. Before the project's route was selected, 2 environmental and land use data was collected within an 3 approximately 14-mile by 81-mile preliminary routing 4 study area centered around our two end points, the 5 Jamestown substation and the Ellendale substation. Data 6 was collected to identify exclusion and avoidance areas, 7 as well as analyze the Commission's selection and policy 8 considerations. 9 Examples of data collected include existing 10 easements, potentially sensitive habitat features, 11 locations of occupied homes and unoccupied buildings, 12 existing utilities and roadways, and existing land uses. 13 This data was used to refine the project's route and to 14 minimize potential environmental impacts. 15 After the project's initial data collection, 16 environmental studies and surveys were conducted to 17 further refine the project's route and minimize 18 potential environmental impacts from the project. 19 Q. Can you please provide a general description of 20 the project from a land use perspective? 21 A. The project's 150-foot-wide corridor is 22 comprised of approximately 86 percent agricultural land 23 used for cultivated row crops and pastureland. The 24 remaining 14 percent includes wooded areas and tree 25 rows, roadways, seasonal wetlands, and riparian areas, PAGE 186	1 Applicants have done with the North Dakota State 2 Historic Preservation Office or North Dakota SHPO for 3 the project. 4 A. Coordination with the North Dakota State 5 Historic Preservation Office began in the spring of 6 2023. The first meetings with North Dakota SHPO were 7 held in September and October 2023 to discuss the Class 8 I literature review and its results, as well as Class 9 III inventory needs for the project. A series of 10 meetings were held with North Dakota SHPO between 11 February and December of 2024 to discuss the Class III 12 field survey strategy, results, and reporting 13 requirements. 14 From May 2024 through October 2025, field 15 surveys were conducted, and initial and revised 16 Class III reports have been submitted to North Dakota 17 SHPO to incorporate their comments. During this time, 18 coordination has remained ongoing with North Dakota SHPO 19 via telephone, email, and various in-person meetings. 20 The Applicants continue to have ongoing communications 21 with North Dakota SHPO regarding the Class III reports 22 and the schedule for follow-up field surveys. 23 Q. Can you describe the Class I Cultural Resource 24 Study that was conducted for the project? 25 A. The Class I review included a file search of the PAGE 188

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1 North Dakota Cultural Resources Survey data files 2 maintained by North Dakota SHPO, a review of available 3 LiDAR data, and a desktop review of historical and 4 modern aerial imagery to aid in identifying historical 5 farmsteads, understand land use history and potential 6 disturbance, and identifying other potential anomalies 7 that may need to be field surveyed. The study area for 8 the Class I review included a minimum of a half-a-mile 9 buffer from the project centerline or a half a mile on 10 either side of it as of February 2, 2024. Literature 11 search also included one mile beyond the study area. 12 In addition to a review of known cultural 13 resources, a LiDAR analysis was completed for a portion 14 of the Class I study area to supplement the known data 15 and help further inform where a Class III survey should 16 be conducted. 17 The Class I report was submitted to North Dakota 18 SHPO in February 2024. North Dakota SHPO responded to 19 the Class I report in March and April 2024 with 20 recommendations to conduct a Class III survey. Since 21 then, there have been several route shifts to 22 accommodate landowner requests. 23 An updated Class I review was completed in 24 February of 2025 for the project's route at that time 25 and is summarized in the Class III Volume 1 and 2 PAGE 189	1 alignment -- alignment shifts at and near the James 2 River. 3 Within Volumes 1 and 2 of the Class III report, 4 49 new cultural resources and six previously recorded 5 cultural resources were identified within the project 6 corridor. 7 Q. And what is the current status of the cultural 8 reports? 9 A. The Class III reports have been completed for 10 areas that were surveyed and final versions were 11 submitted to North Dakota SHPO; Volume 1 on September 8, 12 2025, and Volume 2 on October 17, 2025. On September 13 26, 2025, and November 14, 2025, the Class III Volumes 1 14 and 2 reports were accepted by North Dakota SHPO as 15 reflected in correspondence from the North Dakota SHPO 16 marked Exhibits 8 and 9. 17 Within the project corridor, approximately 10.5 18 miles remain to be culturally surveyed where right of 19 entry has not been obtained or route changes were made. 20 Prior to construction occurring in those properties, 21 cultural field surveys will be completed, and an 22 addendum to the Class III report, which is Volume 3, 23 will be filed with the North Dakota SHPO for review. A 24 copy of the addendum and the determination from North 25 Dakota SHPO will be filed with the Commission for the PAGE 191
1 reports. The updated Class I review included a file 2 search of the North Dakota Cultural Resources Survey 3 data files maintained by the North Dakota SHPO, review 4 of available LiDAR data, and a desktop review of 5 historical and modern aerial imagery. 6 Q. Please describe the Class III Cultural Resource 7 Survey that was conducted for the project. 8 A. A Class III field survey was conducted where 9 right of entry had been obtained from landowners within 10 a 500-foot-wide survey corridor, or 250 feet on either 11 side of the route centerline, for areas identified in 12 the Class I review and in coordination with North Dakota 13 SHPO. Additional Class III surveys were conducted in 14 areas that had potential for cultural resources that may 15 be affected by temporary and/or permanent ground 16 disturbance. 17 The Class III report has been broken out into 18 three volumes. Volume 1 contains survey results for a 19 majority of the project corridor and is located in the 20 application appendix. Volume 2 contains survey results 21 for three alignment shifts and updates to reflect some 22 structure placement modifications within the corridor. 23 Volume 2 has been filed with the Commission and is 24 marked as Exhibit No. 7. And Volume 3, which is 25 forthcoming, will contain survey results for PAGE 190	1 remaining areas once it's available. 2 Q. I'd like to direct your attention to Exhibit No. 3 11 in that exhibit binder. 4 A. Okay. 5 Q. You mentioned some areas where there's 6 additional cultural resource surveys are required. Does 7 Exhibit No. 11 reflect these areas along the project's 8 corridor or the project's route where Class III cultural 9 surveys remain to be completed? 10 A. Yes. Exhibit 11 represents an update to 11 application Figure 6.7-1 of the application. 12 And I would -- I would ask that the 13 commissioners look at that map in there, if you would, 14 in Exhibit 11, just so that I can clarify what this new 15 map shows as opposed to the -- to the original map in 16 the application. We felt the original map, which showed 17 the same study area, but we highlighted the entire 18 parcel that had not -- had been -- had the survey done 19 on it. So it really misrepresented as the area that 20 needed to be surveyed as being too large. So we thought 21 that it would be better represented by this new map in 22 Exhibit 11, which simply shows our route corridor, and 23 highlighted in red are those portions of the 150-foot 24 corridor that are yet to be surveyed. 25 Q. So just to clarify that, basically this narrows PAGE 192

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1 down what's left to be surveyed, not the entire parcel, 2 but just these kind of sections along the project's 3 route? 4 A. And I think that was really the clarification we 5 wanted to make, is that we do not have remaining surveys 6 of entire parcels, but we are simply needing to do that 7 survey within -- within our corridor on these particular 8 locations. 9 Q. Thank you. 10 Please discuss the Applicants' tribal 11 coordination that was conducted for the project with 12 respect to the cultural resources? 13 A. The Applicants have voluntarily engaged with 14 tribes to seek input on tribal cultural resources. In 15 letters sent in March and September 2023, the Applicants 16 reached out to 15 tribes who may have historical 17 interests in North Dakota. Of the 15 tribes, one tribe 18 has expressed interest in the project, the 19 Sisseton-Wahpeton Oyate of the Lake Traverse 20 Reservation, South Dakota. 21 The Applicants' cultural resource consultant and 22 tribal cultural specialists from the SWO Tribe jointly 23 conducted the Class III cultural resource surveys of the 24 project from May through October 2024. Additionally, 25 the SWO Tribe will be invited to participate in the PAGE 193	1 construction. 2 Q. Please describe the wetland and water body 3 surveys that were conducted for the project. 4 A. A desktop wetland or aquatic resources 5 delineation was completed in January 2024. Field 6 surveys to delineate wetlands within the project 7 corridor were completed between May and September 2024. 8 A field delineation report was finalized and submitted 9 to the U.S. Army Corps of Engineers in December 2024. 10 Q. What are the results of the wetland and water 11 body surveys? 12 A. Field surveys resulted in the identification and 13 mapping of a total of 368 aquatic resources covering 14 approximately 200 acres within the project corridor. 15 The Applicants submitted the field survey results to the 16 U.S. Army Corps of Engineers and received a 17 jurisdictional determination on January 17, 2025, that 18 identified which aquatic resources were determined to be 19 Waters of the United States and subject to U.S. Army 20 Corps of Engineers' oversight. The project is 21 anticipated to result in up to approximately 51.5 acres 22 of temporary impacts and approximately .1 acres of 23 permanent impacts to wetlands. The James River crossing 24 is the only mapped Federal Emergency Management Agency 25 floodplain within the corridor and will require a local PAGE 195
1 remaining field surveys. 2 Q. Will the project avoid impacts to cultural 3 resources? 4 A. Yes. No permanent or temporary impacts to 5 cultural and archaeological resources are anticipated. 6 Project infrastructure has been sited to avoid direct 7 impact to known National Register of Historic 8 Places-eligible historic properties, unevaluated 9 cultural resources, and tribal and cultural heritage 10 resources. 11 Additionally, the project plans to avoid 12 NRHP-eligible historic properties, unevaluated cultural 13 resources, and tribal and cultural heritage resources 14 identified during supplemental survey of the remaining 15 portions of the corridor. 16 In North Dakota SHPO's September 26, 2025, and 17 November 14, 2025, correspondence, North Dakota SHPO 18 concurred with the Volume 1 and 2 report findings that 19 no significant sites will be affected provided the 20 project takes place in the manner and location as 21 described in the documentation, and all borrow comes 22 from -- from an approved source. 23 Additionally, an unanticipated discoveries plan 24 has been developed to define a process to follow if any 25 unanticipated resources are encountered during PAGE 194	1 floodplain permit from the Stutsman County floodplain 2 administrator. 3 With respect to surface water bodies, the 4 project crosses Sevenmile Coulee at five different 5 locations, five creeks, the Maple River, and the James 6 River. The James River is classified as a U.S. Army 7 Corps of Engineers navigable water body and, therefore, 8 is subject to permitting under both Section 10 of the 9 Rivers and Harbors Act with the U.S. Army Corps of 10 Engineers and North Dakota Sovereign Lands Management by 11 North Dakota Department of Water Resources. 12 Q. What is the permitting status for the James 13 River crossing? 14 A. To reduce risk of duplicative reviews or future 15 permit amendments, the Applicants will defer submission 16 of the Section 404, Clean Water Act, and Section 10, 17 Rivers and Harbors Act, permit applications for the 18 project until after the U.S. Army Corps of Engineers 19 completes reauthorization of the nationwide permits, 20 anticipated to occur in March of 2026. 21 The timing of the submission of the Section 404 22 and Section 10 permit applications for the project was 23 discussed at a pre-application meeting with the -- 24 between the Applicants and the U.S. Army Corps of 25 Engineers on October 29, 2025. The U.S. Army Corps of PAGE 196

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1 Engineers approved the Applicants' planned permitting 2 approach at this meeting as well as in November 19, 3 2025, correspondence, which is marked as Exhibit 10. 4 The Applicants have begun preparation of an application 5 for authorization to construct the project within 6 sovereign lands of North Dakota that will be submitted 7 to the North Dakota Department of Water Resources. 8 Q. What avoidance, minimization, and/or mitigation 9 measures do the Applicants plan to implement to mitigate 10 impacts to wetlands and water bodies? 11 A. Transmission line structures will be sited above 12 the ordinary high-water mark of water bodies such as 13 rivers, streams, and lakes. With respect to potential 14 indirect impacts due to construction activities, the 15 Applicants will obtain coverage under the General Permit 16 for Storm Water Discharges Associated with Construction 17 Activities issued by the North Dakota Department of 18 Environmental Quality, which includes the development 19 and implementation of a Storm Water Pollution Prevention 20 Plan, or SWPPP. The SWPPP will outline best management 21 practices to control erosion and sedimentation runoff, 22 and BMPs will be implemented to avoid and/or minimize 23 the potential for sediment to reach surface waters. The 24 Applicants will comply with all permit stipulations as 25 required for the U.S. Army Corps of Engineers Section 10 PAGE 197	1 potential impacts to existing groundwater resources due 2 to construction would be negligible and temporary. 3 Q. Please discuss the Applicants' assessment with 4 respect to the vegetation present within the project 5 corridor and the measures the Applicants will take to -- 6 will take or have taken to avoid, minimize, and/or 7 mitigate adverse impacts. 8 A. Within the corridor, land cover and land use are 9 primarily agriculture. According to the National Land 10 Cover Database, the top three land cover types that are 11 present in the corridor are cultivated cropland at about 12 66 percent of the corridor, hay/pastureland at 20 13 percent of the corridor, and herbaceous land at 6 14 percent of the corridor. All other land cover types 15 account for the remaining approximately -- approximate 16 8 percent of the corridor. 17 A desktop analysis was performed to assess 18 potential grassland habitats within the corridor. 19 Temporary and permanent impacts on unbroken grasslands 20 have been avoided to the extent practicable. The 21 Applicants have performed habitat surveys in 22 consultation with the U.S. Fish and Wildlife Service and 23 North Dakota Game and Fish Department and have avoided 24 placing permanent infrastructure within grasslands to 25 the greatest extent possible. Approximately .2 acres of PAGE 199
1 and the North Dakota Department of Water Resources 2 Sovereign Lands Permit once received. 3 With respect to wetlands, the project has been 4 designed to minimize permanent and temporary impacts to 5 the greatest extent practicable. Based on the current 6 design, potential impacts to jurisdictional wetlands 7 would be within the threshold for authorization under 8 the U.S. Army Corps of Engineers Nationwide Permit 9 program without pre-construction notification. The 10 Applicants will comply with applicable Nationwide Permit 11 requirements to minimize potential wetland impacts. 12 The Applicants receive data from the U.S. Fish 13 and Wildlife Service regarding the location of U.S. Fish 14 and Wildlife Service wetland easements. The project has 15 been designed to avoid all temporary and permanent 16 impacts to wetlands within U.S. Fish and Wildlife 17 Service wetland easements. 18 Additional mitigation measures are discussed in 19 Section 6.11.2 and 6.12.2 of the application. 20 Q. Please discuss the Applicants' efforts to avoid, 21 minimize, and/or mitigate potential impacts to 22 groundwater resources. 23 A. No groundwater resources will be used for 24 construction of the project. Permanent impacts to 25 groundwater resources are not anticipated and any PAGE 198	1 permanent impacts are anticipated from structures to 2 areas categorized as unbroken grasslands within the 3 corridor. Areas temporarily disturbed by the 4 construction activities will be reseeded with an 5 approved native seed mix following coordination with the 6 Natural Resources Conservation Service, landowners, and 7 the Commission as applicable. 8 Prior to beginning construction activities 9 within the corridor, construction equipment and vehicles 10 will be cleaned to prevent the spread of noxious and 11 invasive weeds. Although not required by Stutsman, 12 LaMoure, and Dickey Counties, the Applicants' vegetation 13 management plan, included as Appendix F of the 14 application, will be implemented during construction and 15 reclamation activities to establish protocols for 16 controlling the spread of noxious weeds. In addition, 17 the Applicants will coordinate with local weed boards 18 along the project route. 19 An inventory of trees and shrubs was completed 20 within the corridor where access had been granted during 21 biological and wetland field surveys in 2024. Most of 22 the trees and shrubs in the corridor were planted by 23 landowners and farmers as windbreaks and property line 24 delineators. Prior to any tree removal, a final 25 inventory will be completed. Impacts will be mitigated PAGE 200

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1 by complying with the Commission's tree and shrub 2 mitigation specifications governing replacement. 3 Q. Please describe the Applicants' assessment with 4 respect to wildlife, wildlife habitat, and avian 5 species. 6 A. Studies and surveys for biological resources 7 included: eagle stick nest surveys, sharp-tail grouse 8 lek surveys, and a threatened and endangered species 9 habitat evaluation. 10 The eagle stick nest survey was completed in May 11 2023, and subsequent reports will be completed again in 12 coordination with the U.S. Fish and Wildlife Service for 13 each year there will be planned active construction 14 during the nesting season. 15 A sharp-tail grouse lek survey plan was 16 submitted to the North Dakota Game and Fish Department 17 in March 2024. Surveys were conducted with a report 18 submitted to the North Dakota Game and Fish Department 19 in June 2024. Subsequent lek surveys will be completed 20 in coordination with the North Dakota Game and Fish 21 Department for each year there will be planned active 22 construction during lek season. 23 A threatened and endangered species habitat 24 survey plan was submitted to the U.S. Fish and Wildlife 25 Service in January 2024 with a report completed in PAGE 201	1 no more than seven days prior to construction activities 2 commencing. If an active nest is identified, 3 construction activities will not commence within a 4 minimum buffer, to be determined in coordination with 5 the U.S. Fish and Wildlife Service, around the active 6 nest to avoid impacts to nesting migratory birds. The 7 buffer will be maintained until the nest is verified as 8 abandoned, or the migratory bird nesting season ends. 9 Permanent impacts to avian species will be 10 minimized by the Applicants incorporating relevant Avian 11 Power Line Interaction Committee, or APLIC, suggested 12 practices throughout design, construction, operation, 13 and maintenance of the project. 14 Q. Please discuss the Applicants' assessment 15 related to sharp-tail grouse and the measures the 16 Applicants have taken to avoid, minimize, and/or 17 mitigate adverse impacts to sharp-tail grouse. 18 A. Temporary and permanent impacts to grassland 19 suitable for sharp-tailed grouse nesting habitat are 20 anticipated to be minimal. A lek survey plan was 21 developed in March 2024 and approved by the North Dakota 22 Game and Fish Department in April 2024. Surveys were 23 conducted with a report submitted to the North Dakota 24 Game and Fish in June of 2024. Biologists observed 11 25 leks with six of those being verified as active for the PAGE 203
1 December 2024. The results of these surveys has been 2 used and will continue to inform structure siting along 3 the project's route. 4 Q. Please discuss the Applicants' assessment 5 related to avian species and measures the Applicants 6 have taken to avoid, minimize, and/or mitigate adverse 7 impacts to avian species. 8 A. No significant impacts to eagles and other 9 raptor species are anticipated. Applicants conducted a 10 stick nest survey in 2023 and will complete another 11 survey in the spring prior to the start of each active 12 construction season. In total, 13 stick nests were 13 documented in the 2023 field survey. 14 If a new nest within a U.S. Fish and Wildlife 15 Service-recommended buffer of the corridor is found, 16 active construction will be avoided in that area during 17 the specific species nesting season, or until the nest 18 is abandoned. Alternatively, active construction could 19 continue if a biological monitor could be used in 20 coordination with the U.S. Fish and Wildlife Service. 21 Temporary impacts to migratory birds will be 22 limited to the duration of construction activities and 23 minimized or avoided by conducting a clearing search for 24 nesting migratory birds, with an emphasis on grassland 25 nesting species during the primary nesting season, and PAGE 202	1 2024 season. 2 To mitigate potential impacts, surveys for 3 sharp-tailed grouse leks will be conducted again in the 4 spring prior to the start of each active construction 5 season. To the extent that active leks are identified 6 during surveys, seasonal construction restriction dates 7 will be determined in coordination with the North Dakota 8 Game and Fish Department, which is generally March 15 9 through May 15, and construction will be limited to 10 designated hours during the day that are outside the 11 prime lekking period to avoid impacts. 12 Q. Please discuss Applicants' assessment related to 13 bat species and the measures Applicants have taken to 14 avoid, minimize, and/or mitigate adverse impacts to 15 bats. 16 A. Based on the low amount of forested habitat 17 impacted by the project and no known hibernacula within 18 the corridor, impacts to bat species are anticipated to 19 be negligible. No collision risk associated with the 20 project is anticipated. 21 To mitigate potential impacts, tree removal and 22 trimming will occur from November 1st to April 14th, 23 outside the summer roosting period of concern for bats. 24 Based on consultation with the U.S. Fish and Wildlife 25 Service, if tree removal would need to occur within the PAGE 204

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1 April 15-October 31 time frame, trees greater than 2 3-inch diameter at breast height would be surveyed for 3 suitable habitat prior to removal. 4 Q. Please describe the Applicants' assessment with 5 respect to threatened and endangered species, federally 6 designated critical habitat, and rare and unique 7 resources. 8 A. The Applicants consulted with the U.S. Fish and 9 Wildlife Service, U.S. Army Corps of Engineers, and the 10 North Dakota Game and Fish Department regarding survey 11 plans for the project and received concurrence from 12 these entities regarding the planned survey approach and 13 the Applicants' findings. 14 The Applicants utilized the U.S. Fish and 15 Wildlife Service Information for Planning and 16 Conservation, or IPaC, tool to assess threatened and 17 endangered species that could potentially exist within 18 the corridor. Six species were identified. There is no 19 federally designated critical habitat for any species 20 present within the corridor or study area. 21 Northern long-eared bat was identified as 22 potentially occurring within the corridor. There is no 23 known designated critical habitat for the North Dakota 24 [sic] long-eared bat in North Dakota. Due to the 25 limited potential summer roosting habitat within the PAGE 205	1 the assessments, there are approximately 4.1 acres of 2 field-verified suitable reproductive habitat for the 3 Dakota skipper located within the 150-foot-wide 4 corridor. The project has been sited to avoid permanent 5 impacts to the identified suitable reproductive Dakota 6 skipper habitat. 7 Monarch butterfly was identified as potentially 8 occurring within the corridor. Adverse impacts to the 9 monarch butterfly are not anticipated. The monarch 10 butterfly has been designated as a candidate species 11 rather than being officially listed or proposed for 12 listing under the Endangered Species Act. Because the 13 monarch butterfly is a candidate species, there is no 14 federally designated critical habitat. 15 Areas identified as potentially suitable habitat 16 for the Dakota skipper within the survey area were also 17 evaluated for monarch butterflies. The project has been 18 sited to avoid permanent impacts to identified suitable 19 monarch habitat. 20 Piping plover was identified as potentially 21 occurring within the corridor. No adverse impacts are 22 anticipated to the piping plover. The closest 23 designated critical habitat for the piping plover is 24 located approximately 10 miles from the corridor within 25 the Arrowwood National Wildlife Refuge. No potential PAGE 207
1 corridor and mitigation to remove trees outside of the 2 roosting/maternity season, the species' short migration 3 periods, and no known hibernacula in North Dakota, no 4 impacts to northern long-eared bat are anticipated. 5 Although adverse impacts are not anticipated, the 6 Applicants will avoid impacting potential summer 7 roosting and maternity habitat for the northern 8 long-eared bat to the extent feasible by limiting the 9 period of tree removal from November 1 to April 14, 10 following coordination with the U.S. Fish and Wildlife 11 Service. 12 Dakota skipper was identified as potentially 13 occurring within the corridor. Adverse impacts to the 14 Dakota skipper are not anticipated. The closest 15 designated critical habitat is approximately 50 miles 16 east of the corridor. 17 The U.S. Fish and Wildlife Service has a 18 potential Dakota skipper habitat geospatial file that 19 was provided to the Applicants to help identify areas 20 where the Dakota skipper has the most potential to 21 occur. This data identified 31.2 acres of potential 22 habitat within the project corridor. 23 Biologists completed field assessments between 24 May and September 2024 within areas noted as potential 25 habitat and throughout the project corridor. Based on PAGE 206	1 piping plover habitat was identified within the corridor 2 during a habitat evaluation conducted in 2024, and there 3 were no incidental observations of piping plover during 4 habitat evaluations and other field studies. 5 Rufa red knot was identified as potentially 6 occurring within the corridor. No adverse impacts to 7 the rufa red knot are anticipated. Rufa red knot are a 8 rare occurrence in North Dakota and lack available 9 habitat within the corridor. Furthermore, there is no 10 designated critical habitat in North Dakota and no known 11 stopover habitat for the rufa red knot within the 12 corridor. Likewise, there were no incidental 13 observations of the rufa red knot during habitat 14 evaluations and other field studies conducted in 2024. 15 Whooping crane was identified as potentially 16 occurring within the corridor. No adverse impacts are 17 anticipated to the whooping crane. Habitat evaluations 18 were completed within the corridor in 2024 and there 19 were no incidental observations of whooping crane during 20 habitat evaluations. However, based on the field 21 survey, there is potential whooping crane stopover 22 habitat within the corridor. 23 To reduce the risk of potential avian 24 collisions, the Applicants will incorporate relevant 25 APLIC-suggested practices through the design, PAGE 208

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1 construction, operation, and maintenance of the project. 2 The Applicants, in coordination with the U.S. Fish and 3 Wildlife Service, will also develop a line marking plan 4 that will analyze the project and determine where bird 5 flight diverters should be placed along structure spans 6 to provide visibility and minimize collision risk for 7 whooping crane and other avian species. 8 Q. Let you take a drink of water after that answer. 9 A. Wow, that was a lot of stuff. 10 Q. With respect to environmental studies, are there 11 any additional environmental studies or surveys yet to 12 be conducted for the project? 13 A. Yes. There are 3.8 acres within the corridor 14 that will need to be field surveyed to assess whether 15 suitable Dakota skipper reproductive habitat is present. 16 These surveys will be conducted once access is 17 available. 18 Q. And please discuss the Applicants' assessment 19 related to geologic resources and measures the 20 Applicants will implement to avoid, minimize, and/or 21 mitigate potential impacts? 22 A. The Applicants reviewed North Dakota Geological 23 Survey landslide deposits and the U.S. Geological Survey 24 landslide overview map. A one-mile study area generally 25 centered on the route was evaluated for geologic PAGE 209	1 siting criteria. 2 Q. Are any exclusion areas located within the 3 project corridor? 4 A. Yes. Archaeological and cultural heritage 5 sites, as identified through a Class I literature search 6 and a Class III cultural resources inventory, are 7 present in the corridor. The project has been sited to 8 avoid impacts to these sites. As previously discussed, 9 the Applicants have coordinated appropriate buffers and 10 avoidance with North Dakota SHPO. No additional 11 exclusion areas are located within the project corridor. 12 Q. Are any avoidance areas located within the 13 project corridor? 14 A. Yes. Historical resources as identified through 15 a Class I literature search and a Class III cultural 16 resources inventory are present in the project corridor 17 and will be avoided by the project. The North Dakota 18 SHPO has agreed with the Applicants' proposed buffers 19 and avoidance measures to avoid impacts. 20 There is one occupied residence located within 21 500 feet of the project route. A waiver from this 22 landowner has been obtained and is located in Appendix B 23 of the application. 24 No additional avoidance areas are located within 25 the project corridor. PAGE 211
1 resources. 2 The project corridor is located in an area that 3 has a low susceptibility and low incidence of 4 landslides. There are historic landslide deposits in 5 the study area, but none are located within the 6 corridor. 7 One sand/gravel pit is located within the 8 corridor. The Applicants have coordinated with the 9 landowner to avoid impacts to current and future 10 operations of this pit. 11 The Applicants are not aware of any other 12 extractive resources located within the corridor. 13 Prior to construction, the Applicants will 14 conduct geotechnical soil borings at transmission line 15 structure locations. This information will be 16 incorporated into the structure foundation design to 17 ensure the design is appropriate for all soil 18 conditions. 19 Q. Are you familiar with the Commission's 20 designated exclusion areas, avoidance areas, selection 21 criteria, and policy criteria identified in North Dakota 22 Administrative Code chapter 69-06-08 applicable to the 23 project? 24 A. Yes. The studies and surveys conducted for the 25 project included an assessment of the Commission's PAGE 210	1 Q. Can you address the Applicants' evaluation with 2 respect to the Commission's selection criteria? 3 A. The Applicants anticipate no significant adverse 4 impacts to the Commission's selection criteria. An 5 evaluation of the Commission's selection criteria is 6 located in Section 3.4 of the application. 7 Q. Can you address the Applicants' evaluation with 8 respect to the Commission's policy criteria? 9 A. The Applicants have maximized the benefits set 10 forth in the Commission's policy criteria to the 11 greatest extent possible. An evaluation of the 12 Commission's policy criteria is located in Section 3.5 13 of the application. 14 During construction, environmental inspectors 15 will conduct periodic inspections to monitor 16 construction activities and ensure compliance with the 17 conditions of the siting certificates and other permits. 18 Construction staff will undergo training prior to 19 starting work, such as how to interpret constraint maps, 20 how to recognize certain species like whooping cranes 21 and eagles, and communication protocol if a nest is 22 found. 23 Q. As part of the Applicants' assessment, did the 24 Applicants solicit feedback on the project from the 25 local, state, and federal agencies and entities PAGE 212

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1 designated in Commission rule under North Dakota 2 Administrative Code section 69-06-01-05? 3 A. Yes. Copies of agency correspondence is located 4 in Appendix E of the application. Additional 5 correspondence has occurred with the North Dakota SHPO 6 and the U.S. Army Corps of Engineers since the submittal 7 of the application and has been filed with the 8 Commission. 9 Q. Are there any remaining environmental permits or 10 approvals that are needed for the project? 11 A. Yes. As previously discussed, the joint 12 Section 404/Section 10 permit is in progress with the 13 U.S. Army Corps of Engineers, along with the 401 Water 14 Quality Certification from the North Dakota Department 15 of Environmental Quality, which will be applied for 16 jointly and are currently anticipated to be submitted in 17 Q2 of 2026. 18 A Sovereign Lands Permit is also required for 19 crossing the James River from the North Dakota 20 Department of Water Resources and is anticipated to be 21 submitted in Q2 of 2026. 22 Q. Based on your knowledge of the project, will the 23 project's construction, operation, and maintenance 24 produce minimal adverse effects on the environment and 25 human welfare? PAGE 213	1 back on the record. 2 Mr. Pelham, do you have any questions for Mr. 3 Scheidecker? 4 MR. PELHAM: Thank you. 5 CROSS EXAMINATION 6 BY MR. PELHAM: 7 Q. Good afternoon, sir. Some questions. 8 Is there an unanticipated discovery plan that 9 the company has developed? 10 A. Yes, there is. 11 Q. And do we have the final version of that yet? 12 Or, if not, when is it anticipated? 13 A. We do. And I'm -- I'm not entirely sure if we 14 submit that to the Commission. I'm not sure what the 15 protocol is there. I can't say for sure. But we do 16 have a final version and we have -- have got it in 17 place. 18 Q. Is there any issue with providing that to the 19 Commission? 20 A. I don't think so, but I'll have to -- I'll ask 21 the team and see what normally gets done there. 22 Q. Okay. Native prairie. Do we have any native 23 prairie on this? 24 A. We have some unbroken grassland, yes, which I 25 would consider to be equal to native prairie. PAGE 215
1 A. Yes. As detailed in the application, the 2 project's supplemental filings, and my direct prefiled 3 testimony and the prefiled testimony of Jason Weiers and 4 Robert Frank, the project has been designed to avoid 5 and/or minimize impacts to the greatest extent possible. 6 The Applicants conducted a thorough review of the 7 project to avoid environmentally and culturally 8 sensitive areas and areas where there could be adverse 9 impacts to human welfare. Where such areas cannot be 10 avoided completely, the Applicants are committed to 11 taking appropriate measures to minimize any adverse 12 effects. 13 Q. Based on your knowledge of the project, is it 14 compatible with environmental preservation and the 15 efficient use of resources? 16 A. Yes. The project will be constructed, operated, 17 and maintained in a manner that will protect the 18 environment and natural resources. 19 Q. Thank you, Mr. Scheidecker. I have no further 20 questions for you at this time. 21 HEARING OFFICER HOGAN: All right. I think 22 we'll take our afternoon break before we start 23 questions. Let's reconvene at 3:20. 24 (Recess) 25 HEARING OFFICER HOGAN: Okay. All right, we are PAGE 214	1 Q. Yeah. And that was going to be my question, is 2 the unbroken grassland. And you went through the 3 mitigation and effects on that. I just wanted to 4 clarify that point. 5 The geologic instability, the portion that was 6 rerouted, was there any follow-up or further 7 consultation with the North Dakota Geological Survey 8 related to that -- the reroute area of the -- that had 9 landslide incidents? 10 A. And I may have to ask someone else. I'm not 11 sure that we did a follow-up there. I think once we did 12 the reroute and we moved away from that landslide area, 13 I'm not sure we did any further consultation. But I can 14 certainly ask and find that. 15 Q. Well, and that's fine. I appreciate that. But 16 you -- the company did consult initially with -- 17 A. Yes. 18 Q. -- NDGS; right? 19 A. Yep. 20 Q. And that was identified as a potential area of 21 geologic instability; correct? 22 A. Correct. 23 Q. And then there was a reroute that was done for 24 that particular area? 25 A. Right. Yes. Originally our line was spanning PAGE 216

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1 that area. 2 Q. Okay. Any abandoned mines on the project line? 3 A. Not that I can recall. 4 Q. So to the State Historical Preservation Office, 5 Volume 3 being forthcoming, are you able to be more 6 specific as to what forthcoming would be? 7 A. Sure. And what happened there is really -- it 8 was -- it was nothing more than bad weather hit us. We 9 had gotten the reroute late, and we were prepared to 10 conduct our cultural surveys and get that work all done. 11 And the bad weather hit us right at the worst time. 12 Otherwise, we would have had at least that -- 13 Q. Sure. 14 A. -- that information collected. So we'll have to 15 wait for appropriate weather to conduct that survey. 16 Q. Understood. Okay. 17 A. Yeah. 18 Q. So there's the need to go onto the site 19 locations to conduct further surveys? 20 A. We have some additional areas to survey there. 21 Yep. 22 Q. And it's weather dependent. Fair to say? 23 A. Fair to say, yes. Because you -- if you have 24 any snow cover, it would be almost impossible to do a 25 proper survey. PAGE 217	1 Q. And I guess my question is -- because I know 2 with trust land, they typically don't enter into 3 easement agreements. I know they don't call them 4 easement agreements either but -- until permitting 5 occurs. Do you know if that is being worked on or -- 6 and if you need to check, that's fine too. 7 A. I think it would be best if I could check on 8 some of these details for you and get an answer for you. 9 Q. It was noted in the application as to North 10 Dakota Game and Fish. They have an aquatic habitat 11 program land, and I believe Game and Fish asks for 12 coordination if any structures are placed in those -- 13 those easements. Do you know whether or not there are 14 actually going to be any structures placed on aquatic 15 habitat program land? 16 A. Yes, there are. There -- there's two, and 17 they're referred to in common nomenclature as Save Our 18 Lakes easements. We've been coordinating with the North 19 Dakota Game and Fish all along, and, as you said, 20 they -- they just simply said, "If you're going to place 21 structures, we would like to have some additional 22 information." And -- and they had no problem with that. 23 They were willing to grant us the permission to -- to 24 cross their easement. 25 Q. So fair to say no issues with Game and Fish as PAGE 219
1 Q. As far as -- and I know that SHPO has provided 2 the feedback, and you've done a good job, I think, of 3 providing that in the application and the materials. 4 Any anticipated concerns or -- I mean, is that 5 even -- I don't know if that's really possible or a fair 6 question for you at this point because you haven't 7 completed all of the surveys yet, but -- 8 A. Right. 9 Q. -- are there any areas that are left that -- 10 that perhaps are unique to -- that were unique to this 11 line? 12 A. No, I don't believe so. 13 Q. No trust land, North Dakota Department of Trust 14 Land, was mentioned in the application. And I believe 15 that I know the answer to this question, but I wasn't 16 100 percent clear. Are there -- are there any portions 17 of the line that cross North Dakota Department of Trust 18 Land lands? 19 A. I would have to almost review to my -- refer to 20 my notes. I don't even know if it's in my -- it may be 21 in the application. I could certainly look that up. If 22 there is -- I know there's some mineral trust lands -- 23 Q. Sure. 24 A. -- that are at least in our study area, if not 25 in the corridor. PAGE 218	1 to -- 2 A. No. 3 Q. -- those Save our Lake portions? 4 A. No. 5 Q. Okay. So we have -- we're in Volume 3, back to 6 the SHPO Class III surveys. Is a Volume 4 anticipated? 7 A. That's probably a bit of an unknown, you know. 8 So if we -- if Volume 3 is just going to contain, let's 9 say, information from the James River crossing, we would 10 likely need a Volume 4 because we have additional areas 11 along the corridor that we have yet to survey. So it's 12 going to all depend on timing. And so it is certainly 13 possible to have a Volume 4. 14 Q. And, again, I'm being general here so feel free 15 to correct me. I understand there's about 10.5 miles 16 left to survey; right? 17 A. Yes. That is correct. 18 Q. Class III survey. 19 A. That is correct. 20 Q. And some of that is within and around the James 21 River area. Is that correct? 22 A. That -- that is included in that 10.5 miles. 23 Q. So then aside from the James River area, survey 24 permission is needed still for landowners to complete 25 the survey? PAGE 220

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1 A. We have -- we have some where we do have right 2 of entry and we have permissions, and then we have some 3 where we don't. And we're going to continue to try to 4 work with landowners to get that right of entry, but we 5 don't have it for all those -- for all 10 and a half 6 miles. 7 Q. Do you know approximately -- and if you don't 8 know, don't guess. I don't want you to guess. But do 9 you know, of that 10.5 miles, how many miles of survey 10 that is needed for people that you do not have 11 permission to enter the land? 12 A. Sure. I have my notes, if you don't mind me 13 looking at -- 14 Q. Go ahead. 15 A. -- my notes here. 16 So we have three -- I'll say approximately 3.88 17 miles with right of entry and the remainder of 18 approximately 6.62 miles where we have no access. 19 Q. And presumably that is along the -- I forget 20 which exhibit or -- rather, portion in the application 21 that show -- well, it is -- it's Exhibit 11; is that 22 right? 23 A. Correct. 24 Q. Right. 25 A. Exhibit 11 is a new map that -- PAGE 221	1 A. But as I said, we're going to continue to try to 2 get access to those as long as we can keep trying. 3 Q. And the environmental inspectors that would 4 provide the training to the construction workers on the 5 project -- and if you know, great, if you don't, that's 6 okay -- but do you know who those environmental 7 inspectors would be? Would they be MDU, Otter Tail, or 8 third party? Do you know? 9 A. I don't think at this point we're certain how we 10 would do that. It would not be uncommon for it to be a 11 third-party contracted individual, but we just don't 12 know yet. 13 Q. Thank you, sir. I don't have any other 14 questions for you. 15 HEARING OFFICER HOGAN: Mr. Schock, any 16 questions? 17 MR. SCHOCK: Just a few, I think. 18 EXAMINATION 19 BY MR. SCHOCK: 20 Q. So on the surveys, you covered pretty nicely the 21 split of the cultural areas that you still need surveys 22 to be completed. Is the survey similar for 23 environmental surveys? 24 A. You're referring to the 3.8 acres that we 25 have -- or for other environmental? PAGE 223
1 Q. Right. 2 A. -- we've submitted to reflect those areas that 3 are unsurveyed. 4 Q. Okay. So that's 6.2 with no access is included 5 in that Exhibit 11 -- 6 A. Yep. 7 Q. -- those red areas I see? 8 A. Yes. 9 Q. And presumably it varies. There's not 10 necessarily any rhyme or reason as to the portions that 11 are the six that comprise the 6.2 miles? 12 A. Right. It's not all in one area. It's kind of 13 scattered. 14 Q. Understood. 15 A. Yep. 16 Q. So the Dakota survey -- or, rather, the Dakota 17 skipper survey that is approximately 3 point acres, is 18 that -- that's a situation where access is not granted 19 to the company to do the survey; is that correct? 20 A. That would be similar, yes. 21 Q. Are efforts still being made to work with that 22 landowner to get access? 23 A. Yeah. And I'm not entirely sure it's just a 24 single landowner but I -- 25 Q. I see. PAGE 222	1 Q. For other environmental. 2 A. Sure. 3 Q. So plants and animals, those kinds of things. 4 A. Yeah. And we really don't have any wetland 5 delineations left to do at this point. We're kind of in 6 the process where we're still coordinating with these 7 agencies. There's been times where they've been 8 satisfied with desktop, let's say, but we're just 9 continuing to coordinate with them to see what they're 10 going to require of us yet. So I think really Dakota 11 skipper and the cultural surveys are the two that I can 12 say for certain that we have to get done yet. 13 Q. Okay. Okay. And then I want to talk a little 14 bit about winter construction, explore that a little bit 15 more with you. So I don't know if you heard the 16 exchange that Jason and I had earlier today. I don't 17 know if I was making much sense there in what I was 18 trying to figure out. 19 But, essentially, as you show up to a site for a 20 structure, a transmission structure, under -- and I'd 21 like to talk about both summer and winter construction 22 if we can. So in summer conditions, they would likely 23 put this matting up around the area to avoid compaction 24 of the soils. And then at the site, how would they go 25 about removing the topsoil where that structure is going PAGE 224

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1 to go? 2 A. I'm not sure you're going to like my answer very 3 much, but this is probably a question better answered by 4 our project manager type people that are -- that work on 5 construction. I can probably address some things like 6 reseeding the area and stuff, but I -- I'll be honest. 7 I have not worked really at all on the actual 8 construction part of it and removing that topsoil so... 9 Q. Okay. And that's -- 10 A. Yeah. 11 Q. I'd rather you be honest than guess. 12 A. Yeah. Yeah, I think that would be -- 13 Q. Okay. And then -- so if you don't know summer, 14 you likely don't know winter either. 15 A. I -- probably at the very high level, but -- but 16 probably not to the detail that you'd probably -- that 17 you'd like, I guess. 18 Q. Yeah. 19 MR. EDISON: And I guess I'll interject that 20 perhaps a lot of those issues can be addressed in kind 21 of a late-filed winter construction filing. 22 MR. SCHOCK: Yeah, that would be acceptable, if 23 we can cover how -- how that segregation is going to 24 happen and then -- yeah. I think that -- 25 MR. EDISON: Okay. PAGE 225	1 just from like -- can you explain it maybe from a 2 process level? Is that something that's like ongoing at 3 the federal level? 4 THE WITNESS: With -- with the FAA? 5 COMMISSIONER KRINGSTAD: The FAA, yeah. 6 THE WITNESS: And I don't know -- honestly, I 7 don't know how far our engineers have gotten on that, 8 how much they've done. They -- like -- like I think Mr. 9 Weiers testified to, we -- we know they've done some 10 assessments. I just don't know for sure how many of the 11 structures that they've -- they've done -- 12 COMMISSIONER KRINGSTAD: Okay. 13 THE WITNESS: -- at this point. 14 COMMISSIONER KRINGSTAD: And that's fine. I 15 know we're going to have more hearings next week as 16 well, so that's something we can just circle back to. 17 THE WITNESS: Okay. 18 COMMISSIONER KRINGSTAD: You mentioned in your 19 testimony coordinating with, like, the local weed 20 management boards. Do you know, do any of those require 21 approval or is it just you submit your plan to them? 22 THE WITNESS: I have spoken or reached out to 23 the three weed boards, and, really, the replies that 24 I've got is that they really don't have anything that 25 they require as far as a permit or permissions or PAGE 227
1 MR. SCHOCK: That was really my remaining 2 question, is how the -- how we're going to ensure the 3 topsoil segregation. 4 Q. (BY MR. SCHOCK) And I think since you're kind 5 of a biological guy, you would probably agree with me 6 that topsoil segregation is paramount to ensuring proper 7 reclamation? 8 A. I would agree wholeheartedly with that, yes. 9 Q. Appreciate that. I believe that's all my 10 questions. Thank you. 11 HEARING OFFICER HOGAN: Commissioner Kringstad. 12 COMMISSIONER KRINGSTAD: Just a few because most 13 of mine have been asked and answered. Covered SHPO very 14 well. 15 In the application it mentions potentially 16 having to have, like, FAA determinations of no hazard on 17 certain -- is that just for certain structures? I'm 18 assuming it's not for the entire line; correct? 19 THE WITNESS: And, again, I'm not sure I would 20 be the one to answer that. That's typically our 21 engineering folks. I do know -- again, I could answer 22 at a very high level. I know they've done some 23 assessments of structures. I just don't know that 24 they've done all the structures. 25 COMMISSIONER KRINGSTAD: Okay. But is that -- PAGE 226	1 anything, plans. 2 COMMISSIONER KRINGSTAD: Okay. 3 THE WITNESS: But I did share our vegetation 4 management plan with them. 5 COMMISSIONER KRINGSTAD: Okay. 6 THE WITNESS: Because there is a section in 7 there about noxious weed control. I thought that that 8 would be something we could do, is share that with them. 9 COMMISSIONER KRINGSTAD: Okay. And the three 10 counties that you've shared that with, they found 11 that -- that's all the -- they found that acceptable? 12 They haven't needed any additional information for that? 13 THE WITNESS: So far -- yes. So far they 14 haven't asked for anything above that. 15 COMMISSIONER KRINGSTAD: Okay. And then we got 16 the DEQ correspondence. That, I think, was my last one. 17 I think that answers all my questions. Thank you. 18 HEARING OFFICER HOGAN: Commissioner Christmann. 19 COMMISSIONER CHRISTMANN: That last was my 20 question so I'm making a note here. 21 COMMISSIONER KRINGSTAD: I apologize. I 22 shouldn't steal your thunder. I know how much you like 23 weeds. I shouldn't steal your questions. I'm sorry. 24 COMMISSIONER CHRISTMANN: You mean dislike 25 weeds. PAGE 228

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1 COMMISSIONER KRINGSTAD: Yes. 2 COMMISSIONER CHRISTMANN: Okay. Then beyond 3 that, I just want to clarify. You went through the 4 types of land cover you're crossing. You said 66 5 percent of the route was cultivated; correct? 6 THE WITNESS: Yeah. I'm going to refer to my 7 notes, if that's okay, or my -- just to make sure I have 8 those percentages correct. So bear with me. 9 Even in -- if I can get a page in my testimony 10 here. 11 MR. EDISON: I believe it's at Page 4, question 12 8. Or if you're looking at your pre -- if you're 13 looking at the prefiled, Commissioner, that's it. It's 14 Page 3, Question 8. 15 THE WITNESS: Thank you. 16 Yeah. So -- so, Commissioner, approximately 80 17 percent agricultural land use. That includes cultivated 18 and pasture. I don't think this break -- you may be 19 asking about the question where it was broken down a 20 little bit further later on in my testimony. 21 COMMISSIONER CHRISTMANN: Yeah. It was a 66, 22 26 -- 23 THE WITNESS: Yep. That was later on down. Let 24 me page ahead here a little bit. 25 Here we go. Okay. Top three land cover types PAGE 229	1 THE WITNESS: No, but -- but -- but I have seen 2 a piping plover. So -- so we just had a discussion 3 about should it be plover or plover? I've always said 4 plover so... 5 COMMISSIONER CHRISTMANN: I've always -- I'm on 6 the plover team. 7 THE WITNESS: Are you? 8 COMMISSIONER CHRISTMANN: Yeah. 9 THE WITNESS: All right. Well, I'll have to 10 reassess. 11 COMMISSIONER CHRISTMANN: Thank you. I have no 12 other questions. 13 THE WITNESS: Yes. 14 HEARING OFFICER HOGAN: Commissioner 15 Haugen-Hoffart? 16 COMMISSIONER HAUGEN-HOFFART: My questions have 17 been answered. 18 THE WITNESS: Thank you. 19 HEARING OFFICER HOGAN: Mr. Edison, any 20 redirect? 21 MR. EDISON: No, but I believe that plover and 22 plover are both accepted. And it kind of depends on the 23 region you're at, how they're commonly referred to. 24 No further questions, though. 25 THE WITNESS: A lot of bird people here today. PAGE 231
1 that are present in the corridor are cultivated crop 2 land at approximately 66 percent, hay pasture at 20 3 percent, and herbaceous land at 6 percent. 4 COMMISSIONER CHRISTMANN: And is that like wild 5 trees and shrubs and stuff or what is the other, 6 herbaceous? 7 THE WITNESS: Correct. That would be other 8 things. I would guess -- so what are we totaling here? 9 86 -- 92 percent. That could be -- that could be 10 wetland vegetation. That could be native prairie. That 11 could be anything that's herbaceous. 12 COMMISSIONER CHRISTMANN: Okay. And then what's 13 the 8 percent? 14 THE WITNESS: So, again, if I would go back to a 15 previous one, there were roads -- and, actually, I may 16 have misspoken. I think that all -- that 8 percent also 17 included wetlands possibly. 18 So the problem is, is these numbers that come 19 from the National Land Cover Database don't match 20 exactly with the first ones that I use. They don't come 21 from the same source, so they don't match up exactly. 22 COMMISSIONER CHRISTMANN: And then beyond the 23 weed thing, my only other question was: Have you ever 24 even seen one of those rufa red knots you were talking 25 about? PAGE 230	1 All right. 2 HEARING OFFICER HOGAN: Mr. Pelham, any other 3 questions? 4 MR. PELHAM: I don't. Thank you. 5 HEARING OFFICER HOGAN: Mr. Schock? 6 Any other commissioner questions? 7 All right. That's all the questions for you. 8 Thank you. 9 And does that conclude the planned witness 10 testimony on behalf of the Applicants today? 11 MS. FUREY: It does, Your Honor. 12 I did receive a question from Mr. Pelham 13 previously regarding just the ownership status. If I 14 may, if it would be appropriate for me to just provide a 15 follow-up answer to that particular question. 16 And then we did -- you know, there were some 17 questions in which our team indicated that, you know, we 18 would have to circle back with our team. We can perhaps 19 maybe address those tomorrow or -- you know, I haven't 20 had a chance to touch base with the team so I don't know 21 if it's really realistic for us to be able to just 22 circle up with some of those answers today. 23 HEARING OFFICER HOGAN: Maybe next week. 24 MS. FUREY: Yeah. 25 HEARING OFFICER HOGAN: Yep. Okay. PAGE 232

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1 MS. FUREY: But with respect to the ownership 2 status, the entities will be cotenants, meaning that 3 there will be 50/50 ownership of the entire line. It's 4 not a situation where there are aspects of the project 5 that are specifically owned by one entity except for the 6 substations, right. The substations are individually 7 owned, but the entirety of the project will be owned 8 equally between both applicants. And they -- the 9 definition of cotenants may not necessarily -- tenants 10 in common -- excuse me -- may not necessarily follow the 11 common law definition. That'll be all figured out in 12 the contracts that the parties will enter into. 13 So for purposes of what this means for the 14 project, each entity will own 50 percent of the 15 transmission line. 16 HEARING OFFICER HOGAN: All right. Thank you. 17 Mr. Pelham, anything you believe we need to 18 address this afternoon yet? 19 MR. PELHAM: I don't think so, Judge. I think 20 what was covered was intended to be covered, and we've 21 covered that. So I don't have anything in my mind that 22 needs to be resolved. I mean, certainly we have some 23 late-filed exhibits, but the company will have overnight 24 to discuss that internally. And we do have hearings 25 next week so... PAGE 233	1 legally. And I think the discussion today around rufa 2 red knots and then the question of tenants in common 3 versus joint tenancy is exactly the kind of thing that 4 people don't want to spend their days listening to next 5 week three times over. And so I think, so far, the 6 technical hearing concept probably was a good one. 7 HEARING OFFICER HOGAN: And Commissioner 8 Haugen-Hoffart. 9 COMMISSIONER HAUGEN-HOFFART: I just thank 10 everyone for coming. Those of you who are sitting out 11 there patiently waiting for next week, I look forward to 12 seeing you guys next week and for the company doing a 13 good job on their application. Thank you. Happy New 14 Year, everyone. 15 HEARING OFFICER HOGAN: All right. Thank you. 16 With that, I will note that it's 3:45 p.m. and 17 we will stand in recess in Case No. PU-25-236. 18 (Recessed to January 9, 2026) 19 ----- 20 21 22 23 24 25 PAGE 235
1 HEARING OFFICER HOGAN: All right. And for all 2 the people we have here today and everybody listening, 3 this hearing was scheduled for today and tomorrow, so we 4 will reconvene tomorrow. But it does not appear like 5 there's going to be anything to address tomorrow 6 morning. So I think we will -- that will be a very 7 short hearing. 8 Any closing remarks from the commissioners 9 today? 10 Commissioner Kringstad. 11 COMMISSIONER KRINGSTAD: I'll just say I want to 12 thank everybody who came today. I know, in speaking to 13 some of you, some of you have traveled quite a distance 14 to be here today, and it's been a very full day for all 15 of us. So I just want to express my appreciation for 16 your participation and just engaging in our process. 17 Safe travels home if you are headed home tonight or 18 tomorrow. But, otherwise, I'm sure we'll see some of 19 you next week as well at the rest of our hearings. 20 HEARING OFFICER HOGAN: Commissioner Christmann? 21 COMMISSIONER CHRISTMANN: Well, Your Honor, at 22 the beginning I talked about this new concept of the 23 technical hearing so when we get out in the field the 24 people who come for public testimony don't have to sit 25 and listen to kind of minutiae detail that we have to do PAGE 234	1 HEARING OFFICER HOGAN: All right. Good 2 morning. It's 8:30 so we are going to get started. We 3 are reconvening in PSC Case No. PU-25-236. This is the 4 second day of the technical hearing that's been 5 scheduled for this matter. 6 And just as a reminder, these two days were set 7 aside to go through the Applicants' witnesses. These 8 are not the days that have been set aside for public 9 testimony. We did get through all three of the -- or 10 take testimony from all three of the Applicants' 11 witnesses yesterday. It's my understanding that the 12 Applicant would like to recall one of those witnesses to 13 address a few additional matters. 14 I would note that Commissioner Christmann had a 15 conflict this morning so he is not with us, but he plans 16 to review the recording of the testimony taken this 17 morning and will ask any follow-up questions he has at 18 one of our hearings next week. 19 So with that in mind, Ms. Furey, did you want to 20 recall your witness? 21 MS. FUREY: Yes, Your Honor. Thank you. We 22 would like to recall our first witness from yesterday, 23 Mr. Jason Weiers. 24 HEARING OFFICER HOGAN: Morning, Mr. Weiers. 25 And we went through the penalties for perjury. Do you PAGE 236

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1 recall all that that we went through yesterday? 2 JASON WEIERS: Yes, I do, Your Honor. 3 HEARING OFFICER HOGAN: And since we're on day 4 two, I'll just ask you, with that in mind, do you 5 promise to tell the truth in this matter today? 6 JASON WEIERS: I do. 7 HEARING OFFICER HOGAN: All right. Thank you. 8 Go ahead, Ms. Furey. 9 MS. FUREY: Thank you, Your Honor. 10 <u>JASON WEIERS.</u> 11 having being previously duly sworn, was examined and 12 testified further as follows: 13 FURTHER DIRECT EXAMINATION 14 BY MS. FUREY: 15 Q. Mr. Weiers, there was a question yesterday 16 related to the North Dakota Department of Trust Lands. 17 Are there any North Dakota Department of Trust Lands 18 surface parcels within the project corridor? 19 A. No, there is not. 20 Q. Okay. So just to clarify, as a result, there 21 are no land use agreements or permissions that are 22 otherwise required from the North Dakota Department of 23 Trust Lands; is that correct? 24 A. That is correct. 25 Q. Okay. Thank you. PAGE 237	1 not have a plane registered in his name. 2 Finally, this individual's letter appears to 3 confuse the requirements for a public airport with those 4 of a private airstrip and raises other issues that are 5 unrelated to this siting proceeding. 6 Q. Yesterday, the Applicants were asked if there 7 are applicable setbacks to private airstrips. Do you 8 have additional information you would like to provide? 9 A. Yes. The State of North Dakota does not have 10 regulations or rules that impose clearance limitations 11 for privately-owned airstrips. The state rules and 12 regulations instead govern airports that are, 13 quote/unquote, "open" for public use. 14 Applicants will file eligible structures with 15 the FAA to determine if there is an obstruction. If the 16 FAA determines it causes an obstruction, it does not 17 necessarily prohibit the presence of a line or render 18 the airstrip unusable. In many cases, the FAA concludes 19 that structures may remain in place subject to 20 mitigation measures such as aviation marking and/or 21 lighting or acknowledgment of operational limitations at 22 airstrips. 23 In addition, the FAA doesn't provide a specific 24 clearance distance for transmission lines but requires 25 operators to avoid hazards and plan for safe operations PAGE 239
1 Have the Applicants filed an unanticipated 2 discovery plan with the Commission? 3 A. Yes, we have. And it is included in the 4 appendix as Appendix I. 5 Q. Okay. Are there any comments from your 6 testimony yesterday that you would like to clarify? 7 A. Yes. When responding to questions about the 8 recently filed FAA airstrip submittal by an individual 9 along the route, I responded that the Applicants were 10 not aware of the individual's purported airstrip until 11 after the application was filed. However, after talking 12 further with our right-of-way team, it appears that this 13 individual raised his intention to create an airstrip on 14 his property about eight months after our initial 15 discussions with him and after we had obtained right of 16 entry for his parcel. Originally, the project corridor 17 crossed this individual's property. However, the 18 Applicants adjusted the line to avoid this individual's 19 property. 20 Additionally, it's my understanding that beyond 21 this individual's initial filing for private airstrip 22 with the FAA, that no steps have been taken to construct 23 or otherwise establish a physical airstrip on his 24 property. Based on our team's research, it appears that 25 this individual does not have a pilot's license and does PAGE 238	1 around them. 2 Under 14 CFR Part 137, agricultural aircraft or 3 crop dusters are allowed to fly at low altitudes as 4 necessary to perform the spraying, unlike normal 5 aircraft minimum altitudes, and they must plan 6 operations to ensure safety from obstacles including 7 transmission lines. Pilots must survey the field and 8 hazards before they fly their plane in these areas. 9 Q. Thank you. No further questions. 10 HEARING OFFICER HOGAN: Mr. Pelham, any 11 questions? 12 CROSS EXAMINATION 13 BY MR. PELHAM: 14 Q. Good morning, Mr. Weiers. I'm just wondering as 15 to how you came across the information as to how this 16 individual doesn't have a plane and doesn't have a 17 pilot's license. 18 UNIDENTIFIED SPEAKER: I guess I would like to 19 field that one. So we utilized LexisNexis' 20 comprehensive kind of people search software. There's 21 an FAA plane registration inquiry on there and also a 22 FAA pilot's license inquiry. 23 In addition, we did search the FAA Registered 24 Airmen database, which I believe is -- I believe that's 25 what it's referred to. But it's an FAA public kind of PAGE 240

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1 search -- search inquiry there. 2 Q. And as far as any conversations you've had with 3 this landowner, are you aware of -- has either of the 4 companies had any direct conversations with this 5 individual with the private airstrip? 6 A. Yes. Our right-of-way team has been in touch 7 with this individual starting back in August of 2023. 8 Q. Are you aware of the last communication that 9 your team would have had with this individual? 10 A. In visiting with our team, it appears that the 11 last correspondence with this individual happened in 12 September of 2024. 13 I will mention that our review of recent aerial 14 imagery on the internet does confirm that there has been 15 no activity to physically establish an airstrip on this 16 parcel. 17 Q. If you know, you know, if you don't know, that's 18 okay, but do you know whether or not there are any 19 county or township regulations for private airstrips as 20 far as zoning requirements or anything like that? 21 A. In looking through the township ordinances for 22 the requirements for conditional use permits, I did read 23 through the township ordinances and I did not come 24 across any ordinances applicable to airstrips within the 25 township ordinances. PAGE 241	1 would need to confirm that with the team. 2 COMMISSIONER HAUGEN-HOFFART: Okay. Thank you. 3 HEARING OFFICER HOGAN: Any redirect, Ms. Furey? 4 MS. FUREY: No, Your Honor. 5 HEARING OFFICER HOGAN: All right. Thank you, 6 Mr. Weiers. 7 Any other testimony that the Applicant wanted to 8 provide this morning? 9 MS. FUREY: Not at this time, Your Honor. 10 HEARING OFFICER HOGAN: Any other matters to 11 address this morning? 12 MS. FUREY: I believe we discussed yesterday 13 that the Applicants will file a late-filed exhibit 14 relating to matters associated with just methodology for 15 topsoil segregation, both in the winter months and in 16 non-winter months, as well as a number of other items 17 related to topsoil stripping in winter months, such as 18 types of equipment used. And so we would still plan to 19 file that if the Commission's agreeable as well as 20 Mr. Pelham. 21 HEARING OFFICER HOGAN: Do you anticipate being 22 able to file that next week or before our last hearing? 23 MS. FUREY: I don't know that we'll be able to 24 file it before the last hearing, Your Honor. I just 25 wouldn't want to commit to being able to submit PAGE 243
1 Q. Thank you, Mr. Weiers. I don't have any other 2 questions for you. 3 HEARING OFFICER HOGAN: Mr. Schock, any 4 questions? 5 Commissioner Kringstad? 6 COMMISSIONER KRINGSTAD: No. Thank you for that 7 follow-up. 8 HEARING OFFICER HOGAN: Commissioner 9 Haugen-Hoffart? 10 COMMISSIONER HAUGEN-HOFFART: Good morning. I 11 just want to be clear. You had initial communication 12 with this landowner and, because of his concerns, you 13 moved the line so you're not on his property anymore? 14 THE WITNESS: That's correct. 15 COMMISSIONER HAUGEN-HOFFART: Okay. And so the 16 last communication with him, was it prior to the 17 decision or after the decision on moving it? 18 THE WITNESS: The decision to move the -- I'm 19 sorry, can you repeat that? I just want to make sure I 20 got this clear. 21 COMMISSIONER HAUGEN-HOFFART: When you decided 22 to adjust the route around his parcel of land, was your 23 last communication with him prior to your decision or 24 after? 25 THE WITNESS: I do not want to speculate so I PAGE 242	1 something that soon. 2 HEARING OFFICER HOGAN: Do you want to set a 3 deadline now or do you want to wait till the last 4 hearing date? 5 MS. FUREY: If it's okay if we could wait till 6 the last hearing date, I think that would make the most 7 sense. 8 HEARING OFFICER HOGAN: Sure. Yep. 9 Mr. Pelham, any other issues to address this 10 morning? 11 MR. PELHAM: No, Your Honor. 12 HEARING OFFICER HOGAN: All right. Well, that 13 will conclude our technical hearing for this 14 application. 15 And I will just note that next week we will have 16 three hearings to receive public testimony regarding 17 this application. And, again, those dates are January 18 12th at 10:00 a.m. in Ellendale, January 14th at 9:30 19 a.m. in Edgeley, and January 16th at 9:00 a.m. in 20 Jamestown, North Dakota. The locations for all three of 21 those hearings are contained on the notice of filing and 22 notice of public hearing issued by the Commission and 23 available on the Commission's website. And those 24 hearings will be streamed online as well as our 25 technical hearing the last two days has been. PAGE 244

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1 So, with that, I will note that it is 8:42 a.m.

2 and we will stand in recess in Case No. PU-25-236.

3 Thank you.

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Lisa A. Hulm

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