

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

January 14, 2026, 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 PUBLIC HEARING January 14, 2026 Edgeley, 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 HOGAN: Good morning. I think 2 we're going to get started. My watch shows that it's 3 9:31 a.m. Today is January 14, 2026. This is the time 4 and date set by a Notice of Filing and Notice of Public 5 Hearing issued by the North Dakota Public Service 6 Commission on November 19, 2025, for a hearing in Case 7 No. PU-25-236. This hearing is being held today at the 8 Edgeley Armory in Edgeley, North Dakota. 9 My name is Hope Hogan and I have been designated 10 as the hearing officer for today's hearing. I will 11 ensure that today's hearing runs in an orderly fashion, 12 but I am not a decision-maker in this case. 13 As we begin our hearing today, I'd ask that 14 everybody please check your cell phones to make sure 15 they're either silenced or turned off so that we don't 16 have cell phone interruptions throughout our hearing 17 today. 18 There should be an attendance sheet somewhere 19 or -- yep, getting passed around. Great. The 20 Commission would ask that everybody sign the attendance 21 sheet so that there's a record of everyone who attended 22 today's hearing. There's also boxes on there to check 23 if you plan to testify today. You're not bound by what 24 you check on that sheet. It just kind of gives me an 25 idea of how many people we're going to have that are PAGE 3
2 C O N T E N T S APPLICANTS' WITNESS JASON WEIERS Direct Examination by MS. FUREY 14 Cross Examination by MR. PELHAM 30 Examination by MR. SCHOCK 32 Questions by Commission 33 ----- PUBLIC TESTIMONY JOHN FIEBIGER 46 MIKE BRANDENBURG 61 RICHARD LONG 79 WAYNE WALD 87 CODY RUPP 105 LUCAS WALD 120 RICHARD SCHLOSSER . . . 134 TIM LEPPERT 142 STEVE RUPP 159 LEON WESTERHAUSEN . . . 170 JANE COLEMAN 185 SUSAN LONG 189 SANDRA RUPP 201 BRANDON SCHWEIGERT . . 211 JOEL LEPPERT 217 JOEL HAMAR 225 TIM GEINERT 228 -----	1 going to testify today and it helps me to determine when 2 we take breaks and move through our hearing this 3 morning. 4 This is the second of three public hearings 5 scheduled regarding a joint application of Otter Tail 6 Power Company and Montana-Dakota Utility Company for a 7 certificate of corridor compatibility and route permit 8 concerning approximately 92 miles of double circuit 9 capable 345kV electric transmission facility and 10 associated facilities in Dickey, LaMoure, and Stutsman 11 Counties, North Dakota. 12 This hearing has been scheduled to focus 13 primarily on the portions of the project in LaMoure 14 County. We will have one additional public hearing this 15 Friday on January 16th in Jamestown, North Dakota. And 16 we previously had a hearing two days ago, on Monday, in 17 Ellendale. 18 The Notice of Filing and Notice of Public 19 Hearing specified the following issues to be considered 20 in this proceeding: 21 Will construction, operation, and maintenance of 22 the facility at the proposed location produce minimal 23 adverse effects on the environment and upon the welfare 24 of the citizens of North Dakota? 25 Will the proposed facility be compatible with PAGE 4

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1 environmental preservation and the efficient use of 2 resources? 3 And will the construction, operation, and 4 maintenance of the facility at the proposed location 5 minimize adverse human and environmental impacts while 6 ensuring continuing system reliability and integrity and 7 ensuring that energy needs are met and fulfilled in an 8 orderly and timely fashion? 9 The Commission had a technical hearing on this 10 application last week, on January 8th and 9th, at which 11 time the Applicant thoroughly went through the proposed 12 project. Today we'll start the hearing with a short 13 summary of the project and any county-specific 14 information from the Applicant. Then we will move to 15 public testimony. 16 I encourage you to take this opportunity to tell 17 the commissioners anything you think they should know 18 about this matter. I assure you that what you have to 19 say is important to the Commission and will be 20 considered by the Commission. 21 Just so I can get a gauge, by a show of hands, 22 could you please raise your hand if you plan to testify 23 today in this hearing? 24 All right. Thank you. 25 And you're not bound by whether or not you raise PAGE 5	1 general brief overview of the project. 2 HEARING OFFICER HOGAN: All right. Thank you. 3 Mr. Pelham, would you like to state your 4 appearance for the record and introduce staff that's 5 appearing with you this morning? 6 MR. PELHAM: Thank you. Good morning, Your 7 Honor. Zachary Pelham. I'm a special assistant 8 attorney general representing the Public Service 9 Commission. At counsel table to my right is the PSC's 10 Public Utilities director, Victor Schock. Victor may 11 have questions to ask today as well. Thank you. 12 HEARING OFFICER HOGAN: All right. Thank you. 13 We'll now take opening comments from the 14 commissioners, and we will start with Commissioner 15 Kringstad. 16 COMMISSIONER KRINGSTAD: Well, good morning, 17 everybody. Thank you for having us here today. As 18 Judge Hogan said, if some of you have been to our 19 hearings before, what we're going to do today is maybe a 20 little different than some of our hearings in the past, 21 but we're hopeful that it's different in a good way. 22 Usually when we would have a hearing like this, we'd 23 hear from the company first, hear from all their 24 witnesses, ask a lot of questions, and that portion of 25 it would sometimes take most of the day. And so we were PAGE 7
1 your hand. So if you decide later that you want to 2 testify, that's completely fine. Depending on the 3 amount of people who do choose to testify today, I may 4 limit duration of the public testimony. 5 The goal today is to have a safe and orderly 6 hearing in which many voices are given an opportunity to 7 be heard. Further instructions regarding public 8 testimony will be given once we get to that portion of 9 our hearing. If you do have any questions about 10 testifying, don't hesitate to ask me during our morning 11 break this morning. 12 I'm now going to have the parties make their 13 appearance for the record. 14 Ms. Furey, do you want to state your name for 15 the record, introduce your co-counsel, and introduce the 16 witnesses you intend to call today? 17 MS. FUREY: Yes. Good morning, Your Honor, 18 Commissioners. Casey Furey with Crowley Fleck, local 19 counsel for the joint Applicants, Otter Tail Power 20 Company and Montana-Dakota Utilities Company. With me 21 at counsel table is my co-counsel, Erik Edison with 22 Crowley Fleck. 23 Similar to the public hearing that was held on 24 Monday, we do intend to only call one witness this 25 morning, Mr. Jason Weiers with Otter Tail, to provide a PAGE 6	1 asking you guys to sit through a very long day, several 2 hours of testimony, before we had the opportunity to 3 hear directly from you. 4 And last legislative session, there was a law 5 change that allowed us to have a technical hearing prior 6 to coming here. And so, like Judge Hogan said, we held 7 that hearing in Bismarck last week, heard from three 8 company witnesses, asked a lot of questions, and that 9 hearing took about seven hours. And then on Monday we 10 were in Ellendale for public input and had another two 11 and a half hours of testimony and input there. 12 And so all of those -- all of those hearings 13 have been recorded, and they're available on our 14 website, or they will be if they're not already up. But 15 if you are interested in those, those are available for 16 you to listen to and review. 17 But today what we are really here for is to hear 18 from you directly. I always say that it doesn't matter 19 how many questions we ask or how many binders we go 20 through and read, there's always -- there always seems 21 to be something when we come that's brought forward in 22 these hearings that we wouldn't be aware of if it wasn't 23 brought forward here. So your input here really does 24 help us make the best decision that we can. 25 And I will also just say if -- if there are PAGE 8

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1 questions that any of you have on the project, I 2 would -- I'm always hopeful that this provides an 3 opportunity for you guys to ask them, either during a 4 break or after the hearing, to some of the company 5 representatives in the back. So I'm always hopeful that 6 this provides an opportunity, not just for us to hear 7 from you, but for there to be some effective dialogue 8 around this as well and to get some questions answered. 9 So thank you all for being here today. I look 10 forward to hearing from you. 11 HEARING OFFICER HOGAN: Thank you. 12 Commissioner Christmann. 13 COMMISSIONER CHRISTMANN: Thanks, Your Honor. 14 And I'll just take off on the example that was just 15 given a little bit more of why we come out and why we 16 want to hear from the public on projects like this. 17 And one of my favorite examples from my very 18 early days on the Commission, and I know -- I don't 19 think there's any scoria down here in these three 20 counties, but I think most of you all know what it is 21 that we have out in the western half of the state with 22 scoria. And there was a pipeline project, and one 23 landowner came in and just said, you know, he's got this 24 scoria hill that's been there for, you know, the entire 25 time the land's been in their family. And with all the PAGE 9	1 for it. 2 Well, North Dakota, the regional transmission 3 organizations don't follow state lines. It's whatever 4 utility joins which one. And North Dakota is in two. 5 So most of the co-ops in North Dakota are in SPP and 6 most of the investor-owned utilities are in MISO. 7 So I represent us at SPP, and we have a very, 8 very key strategic meeting on Friday that got scheduled 9 after this was scheduled, and so I really need to 10 participate in that. So I'm going to miss the hearing 11 at Jamestown on Friday. And there were a number of 12 people that talked on Monday and referenced that they 13 were going to talk again today or Friday or both. And 14 so I just want to point out on Friday I will not be 15 there in Jamestown. However, I will review the 16 recording of it. So I will hear it, but I won't be 17 there to ask any questions of you or anything like that. 18 So just wanted everyone to be as aware of that as 19 possible and understand why I won't be there. 20 HEARING OFFICER HOGAN: Thank you. 21 Commissioner Haugen-Hoffart. 22 COMMISSIONER HAUGEN-HOFFART: Thank you. 23 Good morning, everyone. It's good to see a 24 roomful. That shows this project has a lot of interest. 25 And you're not here to hear me talk. You want to talk. PAGE 11
1 oil development, they knew that they were on the verge 2 of being able to sell that for a good price, and now the 3 pipeline's going to go right through the middle of it 4 and ruin their chance to sell their scoria. And there 5 just had been poor communications between the company 6 and that landowner. And I think it was even before we 7 got to the end of the day, the company announced that 8 they were going to formally put in a little alteration 9 in the route and go around that hill. And, you know, 10 they didn't care; it just was a miscommunication. And 11 so the public hearing process was able to solve that and 12 both sides were pleased and the landowner got to sell 13 their scoria. 14 So getting out and hearing from the people who 15 know the lay of the land, understand what's going on, 16 understand future development projects that may or may 17 not be available is really important to us and that's 18 why we're here. 19 The other thing I want to point out is I think 20 most people are somewhat familiar with the concept of 21 the regional transmission organizations that our utility 22 companies are in. And some of it involves this 23 particular project because this transmission line has 24 been called for by MISO, one of those regional 25 transmission organizations, saying that there's a need PAGE 10	1 So that's all I have to say. And just, if you didn't 2 raise your hand and, as time goes on, you want to speak, 3 feel free to come up and speak. Thank you. 4 HEARING OFFICER HOGAN: All right. Thank you. 5 I would also note that we have entered into the 6 record for this case already 21 exhibits and they are 7 available on the docket for this case. That's available 8 through the PSC's website. 9 As mentioned, the audio from the technical 10 hearing, I believe, is already posted to the docket. 11 The audio for the Ellendale hearing will be posted as 12 well, but I don't think it's up quite yet. It might 13 take a little more time to get that docketed. 14 So, with that, Ms. Furey, do you have any other 15 preliminary matters you would like to address? 16 MS. FUREY: Just briefly, Your Honor. I'd note 17 that there are maps that are located around the room. 18 These are the same maps that were displayed at the 19 public hearing on Monday as well as at the Commission's 20 technical hearings. They correspond to hearing Exhibits 21 No. 14, 15, 16, and 17. But other than that -- 22 HEARING OFFICER HOGAN: All right. Thank you. 23 And, Mr. Pelham, any preliminary matters you 24 want to address? 25 MR. PELHAM: No, Your Honor. PAGE 12

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1 HEARING OFFICER HOGAN: Okay. Then, Ms. Furey, 2 you can call your witness. 3 MS. FUREY: Our witness this morning is Mr. 4 Jason Weiers. 5 HEARING OFFICER HOGAN: Good morning, 6 Mr. Weiers. I'll have you start by stating your full 7 name for the record and spelling your last name. 8 JASON WEIERS: My name is Jason Weiers. Last 9 name is spelled W-E-I-E-R-S. 10 HEARING OFFICER HOGAN: I know we've gone 11 through this a couple times in the last couple weeks, 12 but I am going to go through the penalties for perjury 13 in the state of North Dakota. 14 Perjury is a class C felony, punishable by a 15 maximum fine of \$10,000, a maximum five years' 16 imprisonment, or both. 17 Do you understand what perjury is? 18 JASON WEIERS: Yes, I do, Your Honor. 19 HEARING OFFICER HOGAN: Being advised of the 20 potential penalties for perjury, do you promise to tell 21 the truth in this case today? 22 JASON WEIERS: I do. 23 HEARING OFFICER HOGAN: All right. Thank you. 24 Go ahead, Ms. Furey. 25 MS. FUREY: Thank you, Your Honor. PAGE 13	1 projects. 2 Q. Can you please describe your educational and 3 professional background? 4 A. I graduated from North Dakota State University 5 with a bachelor's degree in electrical engineering. I 6 have been employed by Otter Tail since 2000, resulting 7 in over 25 years of experience in the electric utility 8 industry with more than 22 of those years in electric 9 transmission planning. I am also a registered 10 professional engineer in the state of Minnesota. 11 A copy of my resumé was submitted with my 12 pre-filed testimony in this proceeding. 13 Q. What is your role with respect to the 14 Jamestown-to-Ellendale 345kV transmission line project 15 and are you familiar with the contents of the project 16 siting application? 17 A. I am responsible for leading the permitting 18 efforts for the project. Prior to my new role in 19 November of 2025, I was involved in coordinating the 20 various efforts related to routing, engineering, 21 procurement, and construction. I am familiar with the 22 project siting application submitted in this proceeding 23 and will continue to be responsible for leading the 24 permitting efforts for the project as part of my current 25 role transition at Otter Tail. PAGE 15
1 <u>JASON WEIERS,</u> 2 being first duly sworn, was examined and testified as 3 follows: 4 DIRECT EXAMINATION 5 BY MS. FUREY: 6 Q. Can you please state your name again for the 7 record, by whom you are employed, and your business 8 address? 9 A. My name is Jason Weiers. I'm employed by Otter 10 Tail Power Company. And my business address is 215 11 South Cascade Street in Fergus Falls, Minnesota. 12 Q. What is your position with Otter Tail? 13 A. In November of 2025, I transitioned to the role 14 of manager of Trans- -- I transitioned to the role of 15 manager of Transmission Policy and Contracts. I 16 previously held the position of manager of Transmission 17 Project Development at Otter Tail. 18 Over the past three years, as manager of 19 Transmission Project Development, I was responsible for 20 overseeing the permitting of transmission projects at 21 local, state, and federal levels. In addition, I was, 22 and continue to be, responsible for developing 23 agreements that outline the business arrangements for 24 ownership, development, construction, operations, and 25 maintenance activities related to co-owned transmission PAGE 14	1 Q. Does the application accurately describe the 2 project? 3 A. Yes, along with the supplemental and supporting 4 information that has been filed with the Commission and 5 the Applicants' testimony provided to the Commission 6 during the January 8th and 9th technical hearings. 7 Q. Have any changes occurred to the project since 8 the application was filed with the Commission? 9 A. Yes. A proposed route adjustment was made to a 10 segment of the project that crosses the James River to 11 accommodate a landowner request. Documentation 12 reflecting this alignment shift has been filed with the 13 Commission and was discussed at the January 8th 14 technical hearing. 15 Q. Please describe the project. 16 A. The project will consist of approximately 92 17 miles of double circuit 345-kilovolt transmission line 18 from Otter Tail's existing Jamestown 345kV substation 19 located approximately 5.4 miles north of the city of 20 Jamestown in Stutsman County to Montana-Dakota's 21 existing Ellendale 345kV substation located 22 approximately 1.3 miles west of the city of Ellendale in 23 Dickey County. 24 The transmission line will initially be 25 constructed with one circuit. As I discussed during PAGE 16

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1 my -- during the project's technical hearings, there are 2 four discrete areas representing approximately 3 percent 3 of the overall project route that will be double 4 circuited during initial construction to minimize 5 impacts. 6 Q. What is the purpose of connecting Otter Tail's 7 existing Jamestown substation to Montana-Dakota's 8 existing Ellendale substation with a new 345kV 9 transmission line? 10 A. The connection has been shown to most 11 effectively address the reliability issues on the 12 heavily-constrained 230kV transmission system in eastern 13 North Dakota, eastern South Dakota, and west central 14 Minnesota that plays a key role in transporting energy 15 into, out of, and through a large geographic area. The 16 project creates a 345kV transmission loop by tying two 17 existing 345kV systems together to enable more reliable 18 and economic energy delivery throughout North Dakota and 19 the Midwest. 20 Q. Are there any other facility improvements that 21 are associated with the project? 22 A. Yes. The project, as described within the 23 application, includes a substation expansion at Otter 24 Tail's existing Jamestown 345kV substation as well as 25 upgrades within Montana-Dakota's existing Ellendale PAGE 17	1 Applicants have considered numerous route alternatives 2 as outlined in Appendix C of the application. 3 Additional information about coordination with 4 state and federal agencies and how environmental and 5 cultural considerations were considered by the 6 Applicants in the development of the project's route and 7 corridor is contained in the application and the 8 prefiled and oral testimony of Kevin Scheidecker, a 9 principal environmental services employee at Otter Tail 10 Power. 11 Q. Can you describe the project schedule? 12 A. Following the Commission's decision on the 13 application, the Applicants currently plan to start 14 construction of the project in the third quarter of 15 2026. All necessary land rights and easements will be 16 secured for parcels within the project corridor prior to 17 construction beginning on them. The Applicants plan to 18 complete construction and energize the line in the 19 fourth quarter of 2028 with final reclamation activities 20 to occur in 2029. 21 Q. Can you describe the benefits of the project to 22 Otter Tail and Montana-Dakota's customers? 23 A. In addition to regional benefits, the project 24 offers significant reliability benefits to the local 25 area by introducing a new 345kV transmission source into PAGE 19
1 345kV substation. 2 Q. Can you describe how the project's location was 3 generally selected? 4 A. The Applicants selected the project's location 5 based on a multifaceted approach that considered 6 federal, state, and local requirements, comments 7 received at public open-house meetings, landowner 8 preferences, and analysis of environmental and cultural 9 resources data from desktop and field surveys. 10 Using this information, in combination with the 11 Commission siting criteria, the Applicant started with a 12 broad initial study area that encompassed both endpoint 13 substations that was first refined into proposed 14 corridors, then proposed routes, and finally the current 15 project route. 16 Through the route development process, the 17 Applicants hosted two rounds of public open-house 18 meetings in the summer and fall of 2023 to gather input 19 from landowners. Following the public open-house 20 meetings, the Applicants' right-of-way team has 21 continued to coordinate with individual landowners 22 crossed by the route through telephone calls, text 23 messaging, in-person meetings, virtual meetings, email, 24 and mail. Through this exhaustive route development 25 process, in collaboration with landowners, the PAGE 18	1 the 345kV substations at Jamestown and Ellendale. With 2 respect to Otter Tail's customers, the project will 3 result in a new transmission line to serve the Jamestown 4 area that will offer additional redundancy and increased 5 system capability. 6 Otter Tail experienced an extreme weather event 7 in the form of an ice storm in December of 2023 that 8 resulted in the only two 345kV transmission lines 9 serving the Jamestown area both being out of service 10 simultaneously. At that time, the capability of the 11 transmission system was significantly reduced and 12 resulted in large-load customers in the Jamestown area 13 being forced to operate at reduced levels in order to 14 maintain grid reliability. 15 Otter Tail experienced this same exact situation 16 twice during the summer of 2025 due to two separate 17 severe weather events that made it challenging to 18 maintain reliable service to the Jamestown area. 19 Commissioner Christmann, in response to your 20 questions from Monday's public hearing, one of those 21 weather events that occurred this past summer happened 22 on June 20, 2025, and the event resulted in load 23 restrictions for customers that lasted approximately 29 24 hours. The second weather event occurred on August 8, 25 2025, with customers forced to operate at reduced levels PAGE 20

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1 for approximately 24 hours after the event. Both of 2 those events resulted in damage to 345kV structures that 3 each took several weeks to fully repair before the 4 system was restored to its normal operating condition. 5 The project is designed to minimize these types of 6 similar reliability challenges in the future. 7 As Robert Frank, director of Electric 8 Transmission Engineering at Montana-Dakota, testified at 9 the Commission's technical hearings, the project 10 benefits Montana-Dakota's electric customers by creating 11 a looped 345kV system. More specifically, the project 12 allows generation facilities from the west of Ellendale 13 to curtail less for contingencies with a second 345kV 14 transmission outlet at Ellendale. Furthermore, power 15 quality, specifically voltage stability, is also 16 improved for the area by interconnecting the two 345kV 17 transmission systems together. 18 Q. Did the Applicants consider whether it would be 19 reasonable or feasible to install the transmission line 20 underground? 21 A. Yes, but the Applicants concluded that 22 underground installation is not feasible for this 23 project. While it is common for lower voltage 24 distribution lines to be buried, it is rare for 25 high-voltage transmission lines to be constructed PAGE 21	1 Additionally, the corridor will be cleared of vegetation 2 as necessary to safely construct, operate, and maintain 3 the project. 4 Once the survey work and tree clearing is 5 complete, structure foundation holes will be drilled and 6 filled with concrete. Concrete will be delivered to the 7 structure location by ready-mix trucks and poured into 8 the foundation hole. Structure components will be 9 trucked to structure work pads for assembly and will 10 then be erected using a crane to place them on the 11 concrete foundation where they will be bolted to an 12 embedded anchor bolt. After structures are erected, the 13 conductor will be strung between the structures using 14 bucket trucks or helicopters. 15 Q. What steps will be taken to reclaim lands within 16 the project's corridor? 17 A. Following construction, disturbed areas will be 18 reclaimed, fertilized, and reseeded according to Natural 19 Resources Conservation Service, or NRCS, recommendations 20 unless specified by a specific landowner and approved by 21 the Commission. Post-construction reclamation 22 activities will also include employing appropriate 23 erosion controls and reseeded or otherwise stabilizing 24 areas disturbed by construction. Unless otherwise 25 agreed to by the landowner, all construction material PAGE 23
1 underground. Undergrounding high-voltage transmission 2 is generally not used in the industry except in 3 circumstances and locations where physical constraints 4 allow for no other option. 5 Underground transmission is substantially more 6 costly to construct than overhead transmission. Based 7 on the Applicants' estimates, the initial construction 8 cost for undergrounding high-voltage transmission lines 9 is estimated to be between five to 10 times higher than 10 overhead transmission lines. 11 In addition, underground transmission results in 12 greater environmental and land use impacts than overhead 13 transmission during construction due to the need to 14 excavate significantly more earth along the route to 15 install the underground cable, making it more difficult 16 to comply with the Commission siting criteria. 17 Therefore, no portion of the project is proposed to be 18 constructed as underground transmission. 19 Additional limitations confirming why it is not 20 feasible to construct this project underground can be 21 found in Section 2.3.1 of the application. 22 Q. What construction activities are associated with 23 the project? 24 A. Initial survey work and geotechnical soil 25 investigations will occur prior to construction. PAGE 22	1 and debris will also be removed from the site once 2 construction is complete. 3 Q. Is winter construction anticipated for this 4 project? 5 A. Yes. Winter construction will be utilized which 6 will minimize landowner impacts and impacts to wetlands, 7 sensitive soils, and vegetation. The Applicants have 8 provided additional information about procedures that 9 they will be following when performing construction 10 activities during winter conditions in a winter 11 construction plan and in the technical hearings that 12 were held on January 8. The Applicants will be 13 supplementing their winter construction plan to address 14 questions from the Commission during the technical 15 hearings. 16 Q. What maintenance activities are anticipated 17 after the project is operational? 18 A. Once the project is operational, access to the 19 project's right-of-way is required periodically to 20 perform inspections, conduct maintenance, and, if 21 required, repair damaged equipment. Regular maintenance 22 and inspections will be performed during the life of the 23 project in compliance with applicable reliability 24 standards established by the North American Electric 25 Reliability Corporation, or NERC. PAGE 24

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1 Q. Can you please describe the steps the Applicants 2 will take to minimize impacts to roads and to traffic? 3 A. The Applicants are committed to minimize impacts 4 to roads. Consistent with the Applicants' past projects 5 and the Commission certification requirements, the 6 Applicants will take steps to ensure the condition of 7 the roads impacted by the project is as good or better 8 than before construction of the project started. 9 The project is not expected to cause significant 10 or prolonged impacts on traffic in any one area of the 11 project because construction will be spread out across 12 the approximately 92-mile corridor and construction work 13 will be completed over the course of two years. 14 Temporary impacts due to the presence of project 15 vehicle traffic are expected to be minimal because 16 slow-moving construction vehicles are expected to be 17 similar to the movement of farm equipment during 18 planting and harvest seasons and are not likely to cause 19 significant delays. 20 Temporary impacts to traffic are anticipated to 21 be minimal during construction when conductor is being 22 strung over existing roads. Where temporary road 23 closures are required, the disruptions to traffic are 24 anticipated to be short in duration. To the extent that 25 temporary road closures are necessary, the Applicants PAGE 25	1 applicable to the project as well as contact information 2 for members of the project team. In addition, the 3 Applicants will create and maintain an online map to 4 communicate the status of construction and reclamation 5 activities. 6 Furthermore, members of the Applicants' 7 right-of-way team will continue to communicate with 8 landowners crossed by the route during construction and 9 reclamation activities so that landowners are informed 10 as to when activities are planned on their individual 11 parcels. 12 The Applicants are committed to communicate with 13 landowners crossed by the route for the duration of the 14 project's life. 15 Q. Do the Applicants have a process for handling 16 landowner concerns? 17 A. Yes. The Applicants will include contact 18 information for a project representative and all 19 applicable emergency services in an informational packet 20 that will be sent to all landowners crossed by the route 21 prior to construction. In addition, landowners have 22 contact information for the Applicants' right-of-way 23 team members if questions or concerns arise during the 24 course of the project. 25 Q. Can you please briefly discuss the environmental PAGE 27
1 will coordinate with the applicable road authorities and 2 take steps to minimize disruptions and ensure 3 alternative roads are available and clearly marked. 4 Q. Please describe the steps Applicants will take 5 to minimize dust during construction. 6 A. The Applicants will implement a dust mitigation 7 plan to minimize impacts during construction. The dust 8 mitigation plan may include enforcing speed limits on 9 gravel roads and/or the use of water or other dust 10 suppression methods. 11 Q. What steps will be taken by the Applicants to 12 minimize the spread of weeds during and after 13 construction? 14 A. The Applicants have developed a vegetation 15 management plan which is included in Appendix F of the 16 application to identify and establish procedures to 17 limit the introduction and spread of weeds during 18 construction and ongoing operations of the project. 19 Q. How do the Applicants plan to communicate with 20 landowners crossed by the route during construction and 21 reclamation? 22 A. Following the Commission's decision on the 23 application, the Applicants are planning to send 24 informational packets to all landowners crossed by the 25 route that will include a copy of the relevant documents PAGE 26	1 and cultural studies and surveys the Applicants have 2 completed for the project? 3 A. As Kevin Scheidecker testified to at the 4 Commission's technical hearings, before the project's 5 route was selected, environmental and land use data was 6 collected from various sources to conduct a desktop 7 analysis to identify exclusion and avoidance areas as 8 well as to analyze the Commission's selection and policy 9 considerations. 10 After the initial data collection and 11 evaluation, the Applicants perform field surveys to 12 delineate wetlands, identify biological resources such 13 as eagle stick nests, sharp-tailed grouse lekking areas, 14 and evaluate the presence of threatened and endangered 15 species and their associated habitat. 16 In addition, the Applicants have conducted a 17 literature review including associated field surveys for 18 cultural resources in coordination with the Sisseton 19 Wahpeton Oyate Tribe. 20 Through this extensive effort, the Applicants 21 have coordinated with numerous agencies such as the U.S. 22 Army Corps of Engineers, the U.S. Fish and Wildlife 23 Service, North Dakota Game and Fish Department, and the 24 North Dakota State Historic Preservation Office on the 25 Applicants' approach to and the results from PAGE 28

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1 environmental and cultural surveys. The information 2 collected from the surveys, in addition to the 3 coordination with federal and state agencies, were used 4 to guide the development and identification of the 5 project's route. 6 Additional information regarding the 7 environmental and cultural studies and surveys completed 8 for the project, along with the status of environmental 9 permitting, is discussed in detail within the 10 application, the Applicants' supplemental filing, and 11 through the Applicants' testimony at the Commission's 12 technical hearings. 13 Q. Will the project's construction, operation, and 14 maintenance minimize adverse human and environmental 15 impacts while ensuring continuing system reliability and 16 integrity and ensuring the energy needs are met and 17 fulfilled in an orderly and timely fashion? 18 A. Yes. As shown in the application, other 19 filings, and through the Applicants' testimony at the 20 Commission's technical hearings, the project will be 21 constructed, operated, and maintained to minimize 22 adverse human and environmental impacts while serving as 23 a critical component in ensuring local and regional 24 electric reliability for the combined benefit of 25 customers and businesses in North Dakota. PAGE 29	1 people dedicated to monitoring speed limits. As we've 2 talked on Monday, a lot of this is self-policing. 3 So to the extent that there are concerns about 4 speed limits not being followed, it's possible that we 5 could employ some special positions or resources, if 6 necessary, in order to ensure that people are following 7 the posted speed limits. And that would be at the -- at 8 the project level. 9 Q. Sir, you've been involved in other transmission 10 line projects for Otter Tail Power in the past; correct? 11 A. That is correct. 12 Q. I'm just wondering, in your past experience, if 13 you've had any -- if you haven't, that's fine, let me 14 know -- have there been, to the best of your 15 recollection, issues with excessive speeding on gravel 16 roads creating dust and then complaints from adjacent 17 landowners? 18 A. Through my past experience with Otter Tail's 19 past projects, I am not aware of any past problems with 20 dust. 21 Q. In terms of addressing it, though, 22 hypothetically speaking, if a concern is brought through 23 one of the contact numbers that are provided to 24 landowners in the community, what is the process that 25 Otter Tail or MDU would have in terms of addressing a PAGE 31
1 Q. Does this conclude your direct testimony for 2 today? 3 A. Yes. 4 Q. Thank you. 5 HEARING OFFICER HOGAN: Mr. Pelham, any 6 questions? 7 MR. PELHAM: Thank you. 8 CROSS EXAMINATION 9 BY MR. PELHAM: 10 Q. Mr. Weiers, a couple questions just from some of 11 the comments that were made at the Ellendale hearing as 12 to the company's plans for road maintenance and ensuring 13 the roads are properly maintained and then also for dust 14 mitigation. 15 And I know you testified and I know I've asked 16 you at the prior hearings, but one of the commonalities 17 I felt at the hearing was what is the company actually 18 going to do to enforce, for example, speed limits to 19 reduce dust? I mean, is there someone at the company 20 that is going to be overseeing contractors who are going 21 to be trucking in various materials to the project if 22 it's built? 23 A. Through our construction process, we typically 24 have construction managers that oversee construction 25 activities. We haven't traditionally had specific PAGE 30	1 concern for excessive dust or excessive speeding on a 2 township or a county road? 3 A. It would really depend on the situation at that 4 point in time. I think one of the very first things we 5 would have to do is assess the situation and understand 6 exactly what's causing the problem. Perhaps we need to 7 increase the frequency of how often we're applying dust 8 suppression methods to the road to ensure that dust is 9 maintained within acceptable levels. 10 So it really will depend on the situation when 11 that -- when that contact or comment would arise. 12 Q. Sir, I don't have any other questions for you 13 today. Thank you. 14 HEARING OFFICER HOGAN: Mr. Schock, any 15 questions? 16 EXAMINATION 17 BY MR. SCHOCK: 18 Q. At this time you would intend to obtain all road 19 use agreement -- agreements that are necessary from 20 either counties or townships, whichever is applicable, 21 throughout the project; is that correct? 22 A. The Applicants are committed to acquire all 23 applicable road use agreements prior to utilizing the 24 roads within that jurisdiction. 25 Q. And that would include any potential conditions PAGE 32

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1 that they may put on it such as -- I guess I'm not quite 2 sure, I don't run any townships so I don't know what 3 they may put on there. But if they had kind of a 4 requirement to build up a particular road and then take 5 it back to its original condition, you would be willing 6 to put that in place as well? 7 A. We will coordinate with the road use authorities 8 in each of the various jurisdictions. Those 9 conversations haven't started at this point in time yet 10 so it's unclear at this point what types of conditions 11 may be applied through those types of agreements. At 12 this point, I cannot speculate if we can or cannot 13 comply with those requirements because we haven't gotten 14 into those conversations yet. 15 Q. Okay. But, overall, your position at this 16 point, though, is you would intend to comply with all of 17 those at this point with knowing what you know? 18 A. Our objective would be to comply with all 19 conditions placed upon the road use agreements, assuming 20 that they are not unreasonably restrictive. 21 Q. Okay. I have no other questions. Thank you. 22 HEARING OFFICER HOGAN: Commissioner Kringstad. 23 COMMISSIONER KRINGSTAD: I just wanted to 24 clarify to make sure I wrote this down correctly. So in 25 response to following up to what Commissioner Christmann PAGE 33	1 THE WITNESS: We do have a brief update to 2 provide to the commissioners regarding land rights 3 status. 4 COMMISSIONER KRINGSTAD: Okay. 5 THE WITNESS: Based on the number of landowners 6 along the project's route, the overall percentage of 7 land rights acquired has not changed. It's 77 percent 8 of the overall project route by landowner has been 9 acquired. 10 In response to Commissioner Christmann's 11 question on Monday, we do have some additional detail 12 about the remaining landowners that are yet to be 13 signed. Based on our right-of-way agents' notes, of the 14 remaining 39 unsigned landowners, we estimate that 15 approximately 41 percent of these landowners, or 16 approximately 16 landowners, are still in negotiations, 17 several of which have indicated that they are waiting 18 for a PSC decision in this proceeding; 10 percent of the 19 landowners, or 4 landowners, have been nonresponsive; 20 and 49 percent, or 19 landowners, have asked us to stop 21 contacting them. 22 COMMISSIONER KRINGSTAD: I think those are all 23 my questions. Thank you. 24 HEARING OFFICER HOGAN: Commissioner Christmann. 25 COMMISSIONER CHRISTMANN: I can't always write PAGE 35
1 had asked at the last hearing, you said that there were 2 two events, one on June 20 for 29 hours and then August 3 8 for 24 hours. Did I write that down correctly? 4 THE WITNESS: That is correct. And, 5 Commissioner Kringstad, if I could just confirm or add a 6 little more color with that. This was the duration in 7 which we were able to release the load restrictions for 8 the customers within the area. 9 COMMISSIONER KRINGSTAD: Okay. 10 THE WITNESS: I want to emphasize that the 11 system wasn't fully restored for several weeks after the 12 event. And it was in -- it was in the 29 hours on the 13 June 20th event and the 24 hours for the August 8th 14 event that we had to impose some operating restrictions 15 on large-load customers within this area. 16 COMMISSIONER KRINGSTAD: Okay. And then I did 17 just want to follow up because I know through this 18 application the company has submitted just an exhibit 19 that kind of outlines the status of easement 20 acquisition. And during our hearing in Ellendale, a 21 question was raised about whether or not that was 22 accurate, that maybe things have changed in regards to, 23 like, the new calendar year. So I just want to ensure 24 that the information that has been submitted in regards 25 to easement acquisition that we have is accurate. PAGE 34	1 fast enough. The 49 percent with the no contact 2 requests, what was the total of that? 3 THE WITNESS: 49 percent equates to 19 4 landowners. 5 COMMISSIONER CHRISTMANN: 19. Okay. I'm going 6 to come back to the easement stuff in a little bit, but 7 I want to ask a couple of other things first. 8 You mentioned NERC, the North American Electric 9 Reliability Corporation. So you spelled out what it is, 10 but I don't think a vast swath of the public understands 11 what it is. So I'm going to ask you some things that I 12 think I know the answer, but I want you to affirm. 13 FERC, the Federal Energy Regulatory Council or 14 Commission, is a federal agency with five members 15 appointed by the President and confirmed by the Senate; 16 correct? 17 THE WITNESS: I'm not aware of how many FERC 18 commissioners there are, but I can confirm FERC is a 19 federal agency, yes. 20 COMMISSIONER CHRISTMANN: And FERC oversees and 21 provides tariffs for regional transmission organizations 22 like MISO and SPP; correct? 23 THE WITNESS: FERC requires regional 24 transmission organizations like MISO to have tariffs. I 25 don't believe FERC itself has a tariff. I think they PAGE 36

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1 entrust that with the RTOs. 2 COMMISSIONER CHRISTMANN: You're correct. 3 And FERC -- getting back to NERC, that's a 4 private organization that FERC has retained to provide 5 warnings and things like that regarding reliability of 6 the power system; correct? 7 THE WITNESS: Commissioner Christmann, it's my 8 understanding that FERC has entrusted NERC with 9 developing and upholding the reliability standards in 10 place here within North Dakota -- or North America. 11 COMMISSIONER CHRISTMANN: Yep. And so NERC 12 isn't, like, somehow associated with the -- you know, 13 working for the utilities or something like that. They 14 are separated and doing reliability assessments? 15 THE WITNESS: That is correct. Across all of 16 North America. 17 COMMISSIONER CHRISTMANN: And did you -- did you 18 stay for the public testimony part of the day on Monday? 19 THE WITNESS: Yes, I did. 20 COMMISSIONER CHRISTMANN: So did you hear a 21 number of people mention, like, "This thing runs from 22 the substation by Ellendale to the substation in 23 Jamestown. Doesn't do me any good at" whatever their 24 town was? You heard that? 25 THE WITNESS: Yes, I did. PAGE 37	1 THE WITNESS: Yes, that is possible. 2 COMMISSIONER CHRISTMANN: Okay. So when you 3 keep saying that the Jamestown area with these 4 reliability issues, how are you defining the area? Did 5 that include people five miles out of town? Who all is 6 impacted by the reliability issues that you claim to be 7 helping to provide solutions for? 8 THE WITNESS: First and foremost, Commissioner, 9 I think it's important to realize that the grid is 10 interconnected all throughout the eastern 11 interconnection and we all rely on a common transmission 12 system. 13 As you think about the facilities in the 14 Jamestown area, we have a Jamestown 345kV substation 15 which is the endpoint of this project. And at that 16 substation there's transformation that happens from 345 17 to 115kV and further from 115kV down to 41.6kV. And 18 those are all transmission level voltages for Otter Tail 19 Power Company. These lower voltage transmission lines 20 serve a very broad area around the Jamestown area and 21 they will all be benefited from a new 345kV connection 22 into the Jamestown substation. 23 As you think about the direct path of power flow 24 in this area, specifically Otter Tail Power has a 25 transformation at the Jamestown substation that steps PAGE 39
1 COMMISSIONER CHRISTMANN: So I want to give you 2 a chance to lay out for people, when you connect large 3 substations like that, they're part of the bulk power 4 system that utilities like yourselves have turned over 5 operational control to the regional transmission 6 organizations; correct? 7 THE WITNESS: Yes, they are. 8 COMMISSIONER CHRISTMANN: And do you, as Otter 9 Tail Power specifically, you don't have -- you have some 10 of your own power generation, you have some of your own 11 transmission, but you don't have a direct line from your 12 generation to your customer and nothing else gets onto 13 someone else's. That bulk power system is all kind of 14 shared; correct? 15 THE WITNESS: Yes. The bulk power system is 16 interconnected in several locations among numerous 17 utilities. 18 COMMISSIONER CHRISTMANN: So one of your 19 communities that Otter Tail serves is getting power 20 that, in some places, is coming over transmission lines 21 that are owned by a different utility company; correct? 22 THE WITNESS: That is possible. Yes. 23 COMMISSIONER CHRISTMANN: And even back and 24 forth between cooperatives and investor-owned utilities 25 at times; correct? PAGE 38	1 down to 41.6kV, as I mentioned earlier, and that 2 transmission line serves a very broad geographic area 3 south of Jamestown here. And as you look at that 41.6kV 4 line, it actually starts in Jamestown and ends in Oakes, 5 North Dakota, and picks up several different communities 6 along the way and many of the rural electric utility 7 customers along the way. In looking at the 41.6kV 8 configuration in this area, there are certain 9 cooperative loads that benefit just as much from Otter 10 Tail Power customers out of the communities along this 11 41.6kV line. 12 And what I can mention, after looking at system 13 maps, is that the cooperative customers at the Amoco 14 substation, Medina substation, Gackle substation, Judd 15 substation, those cooperative customers are served from 16 the very same 41.6kV line that Otter Tail Power 17 customers and communities are served off of. 18 So what I want to emphasize is that we all rely 19 on a common transmission system and we're all 20 interconnected together. So as we add a new line like 21 the Jamestown-to-Ellendale 345kV line, it truly does 22 benefit customers of both Otter Tail, the co-ops in the 23 area, not to mention all of the benefits that come from 24 the connection at Ellendale and the customers down on 25 the Montana-Dakota end of this project. PAGE 40

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1 COMMISSIONER CHRISTMANN: Now I want to ask some 2 questions that I don't know the answer to. 3 On Thursday or Friday, one of those days when we 4 had the technical hearings, I don't remember if it was 5 you or if it was the subsequent witness, Rob Frank, I 6 asked something to the effect of why is your easement 7 acquisition coming along so slowly? Was that you or 8 Rob? Do you recall? 9 THE WITNESS: I believe that was Rob Frank. 10 COMMISSIONER CHRISTMANN: Okay. But you heard 11 the answer? 12 THE WITNESS: Yes, I did. 13 COMMISSIONER CHRISTMANN: And it was 14 something -- tell me if I'm wrong. Was it something to 15 the effect that it's actually pretty normal and 16 landowner fatigue and kind of a real strong desire to 17 protect landowner rights is making it harder, but this 18 is pretty normal status? 19 THE WITNESS: I believe that is what I heard. 20 COMMISSIONER CHRISTMANN: So what do you think 21 he was basing normal on? I looked at a large 345 line 22 that we sited last spring, and when we had the hearing, 23 they had 97 percent of the easements acquired. You're 24 at, I forget now, what, 70 -- 25 THE WITNESS: 77 percent. PAGE 41	1 choosing, being selective. I just looked at outside of 2 little things that are a couple miles, you know, some 3 recent larger siting cases that we've had. 4 Have you compared and contrasted with some of 5 the other utility companies to look at compensation 6 rates or negotiation practices or something to see why 7 you're not at the level of the other ones that I 8 mentioned? 9 THE WITNESS: No, Commissioner, I have not done 10 that research, not directly. 11 COMMISSIONER CHRISTMANN: Okay. And I think all 12 my other questions are answered at this time. Thanks. 13 THE WITNESS: Thank you. 14 HEARING OFFICER HOGAN: Commissioner 15 Haugen-Hoffart. 16 COMMISSIONER HAUGEN-HOFFART: Thank you. 17 Jason, I have no follow-up questions for you at 18 this time. 19 HEARING OFFICER HOGAN: Ms. Furey, any redirect? 20 MS. FUREY: No, Your Honor. 21 HEARING OFFICER HOGAN: Mr. Pelham, any other 22 questions? 23 MR. PELHAM: No, Your Honor. 24 HEARING OFFICER HOGAN: Mr. Schock? 25 Any other commissioner questions? PAGE 43
1 COMMISSIONER CHRISTMANN: We have a couple 2 coming up. They're 230, they're not 345, they're 230s, 3 but they're still two months away from the hearing, and 4 one's at 88 percent and one's at 89 percent. So I'm 5 going to reask the question. Why are you struggling 6 with easement acquisition? Or if you still believe that 7 you're at a normal pace, tell me based -- what you base 8 that on? 9 THE WITNESS: Commissioner Christmann, we feel 10 that 77 percent of land rights is a significant number 11 for a project of this size that involves this many 12 miles. 13 Recalling back to the testimony of Rob Frank 14 last week in Bismarck, I agree with the statements made 15 by Rob that, in general, across the state there seems to 16 be greater opposition to all types of new infrastructure 17 projects across the state, more so than we've seen in 18 the past. And as you think about that opposition across 19 the state and apply it to the Jamestown-Ellendale 20 project, we have encountered some isolated pockets of 21 landowners that have opposition to the project. But 22 overall we're feeling very good right now with the 77 23 percent that have been acquired. 24 COMMISSIONER CHRISTMANN: Have you done anything 25 with other -- like I said -- and I wasn't picking and PAGE 42	1 All right. Thank you, Mr. Weiers. 2 All right. We will now move to the public 3 testimony portion of our hearing. Like with Mr. Weiers, 4 if you would like to offer testimony today, I'm going to 5 have you come and sit in our witness chair. You will be 6 sworn in, and after you testify, we will go around the 7 room for any questions for you. 8 If you are representing a group or entity, 9 please identify that group and state your relationship 10 to the group. If you are a landowner within the project 11 area, if you could let us know that and the location of 12 your property. The commissioners are always interested 13 in that information. 14 If you have written materials to hand out, while 15 there's no rule you can't read them, I can assure you 16 that any written materials are read so there's no 17 obligation that you read those materials today for our 18 hearing. 19 I would also note that we had several people on 20 Monday indicating they were going to come and testify 21 again, and you're certainly welcome to do that, but we 22 would ask that you please don't repeat the testimony 23 that you provided in Ellendale. All these hearings are 24 part of the same one hearing. So what you have 25 previously testified to is in the record and part of PAGE 44

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1 this case as a whole. 2 I would note that this is an evidentiary 3 hearing. It's not an opportunity to ask the Applicants 4 or the commissioners questions. It's your opportunity 5 to provide information to the Commission. 6 We would ask that testimony be factual and to 7 the point and ask that you try to avoid being redundant. 8 If somebody previously has stated your concerns or 9 information, feel free to just say you agree with those 10 comments or information. 11 All right. And we had -- I think we'll be okay 12 on time, but I would ask that you please try to keep 13 your testimony to 5 to 10 minutes just so that we can 14 get through everybody's testimony today. 15 So, with that, is there somebody that's willing 16 to go first this morning? 17 It usually takes a lot longer for somebody to 18 stand up so thank you. 19 All right. Is that microphone on? You should 20 have a green light where it says "push." Got it? 21 JOHN FIEBIGER: Everything is working now. 22 HEARING OFFICER HOGAN: All right. Perfect. 23 I'll have you state your name for the record and spell 24 your last name. 25 JOHN FIEBIGER: John Fiebiger, F-I-E-B-I-G-E-R. PAGE 45	1 You know, first thing I asked him is, it's 2 written in there, \$6,400 an acre is what you get for 3 your farmland. And I asked him, how come don't they do 4 that on a -- you know, if you got farmland that's along 5 the James River Valley, your farm is probably only worth 6 \$1,000 an acre. And if you're living somewhere where 7 your farm is worth \$10,000 an acre, that's a big -- they 8 said, well, they just average it all out. 9 MS. FUREY: Your Honor, we would object to any 10 discussion regarding compensation as being outside the 11 scope of this proceeding and subject to the terms of the 12 contract between the landowners and the respective 13 companies. 14 HEARING OFFICER HOGAN: All right. Maybe if we 15 want to -- 16 JOHN FIEBIGER: Okay. 17 HEARING OFFICER HOGAN: The Commission doesn't 18 really have jurisdiction -- 19 JOHN FIEBIGER: Yeah, I know that's -- 20 HEARING OFFICER HOGAN: -- over any of the 21 easements or contracting so -- 22 JOHN FIEBIGER: I know that. That's a federal 23 court issue. I know that. 24 HEARING OFFICER HOGAN: All right. Thank you. 25 JOHN FIEBIGER: I'll skip that part, the PAGE 47
1 HEARING OFFICER HOGAN: And did you hear me go 2 through the penalties for perjury earlier? 3 JOHN FIEBIGER: Yeah, I did. 4 HEARING OFFICER HOGAN: And do you understand 5 what perjury is? 6 JOHN FIEBIGER: Yes, I do. 7 HEARING OFFICER HOGAN: And being advised of the 8 potential penalties for perjury, do you promise to tell 9 the truth in this case today? 10 JOHN FIEBIGER: Yes, I do. 11 HEARING OFFICER HOGAN: All right. Thank you. 12 Go ahead. 13 <u>JOHN FIEBIGER,</u> 14 being first duly sworn, testified as follows: 15 JOHN FIEBIGER: They told me to make eight 16 copies, so I got seven copies. Can I hand them out? 17 HEARING OFFICER HOGAN: Yep. If you just want 18 to hand them to Mr. Schock, he can pass them out. 19 JOHN FIEBIGER: These first four -- I already 20 submitted these documents online to the PSC, so I know 21 this had been mentioned in my case because I'm the one 22 with the airport. I got these. I'm part of the -- I'm 23 part of the -- they send out the packets in the mail to 24 me. I was part of the original place where they -- they 25 moved it over. PAGE 46	1 damages. I wanted -- well, I guess that isn't relevant 2 either. 3 I'll skip right to the plane part then. The FAA 4 does not require a plane to be registered or need to 5 have a pilot's license in order to have an active 6 runway. Anybody can -- if you got farmland or any kind 7 of land, you can go to the FAA and you can apply for a 8 runway. You don't have to be a pilot or have a plane 9 registered. 10 And I do have a letter, page 6 of the documents. 11 Sign that with -- they wouldn't let me -- give me a -- 12 put my runway on the map because you got to have a -- a 13 letter of agreement between the two parties that -- 14 these airports are pretty close together. So after I 15 got that, it was approved -- it was approved in, I think 16 -- well, it's on one of the back last pages on there. 17 From the FAA is 18 -- page 18, 19, 20, and 21 are FAA 18 documents that shows it was approved. It was submitted 19 on August -- or April 19, 2024, the application was 20 filed. 21 And the runway, there was some discussion, they 22 can't see no runway out there. Well, the runway was 23 done already when the earth was created, I guess, 24 because there's nothing needs to be done. It's a 25 private runway. You don't have to -- you don't need to PAGE 48

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1 do anything. There's no markings need to be done. It's 2 what the FAA says about a private runway. They -- 3 you're supposed to use the guide for a public. There's 4 no -- it's not mandatory. And there was no grass at 5 that time. 6 The contract is -- well, let's see here. Farm 7 contract here. Oh, page 22. That'd be the -- page 22 8 is the last page, I guess. Yeah, page 22. I 9 couldn't -- I couldn't apply any sooner to the FAA 10 because they require grass for a runway and I didn't 11 have no grass. So that's the year they seeded it. It 12 states in there it was seeded. The whole farm is 13 alfalfa. 14 And this runway, it doesn't need to be marked 15 because it's -- you've got a 300-foot-wide runway by 16 4,800 feet. So you don't -- if you can't find that 17 runway, then, well, that's pretty bad. You shouldn't be 18 flying a plane, I guess. And 7480-1 is completed. It's 19 listed as operational by the FAA. And that's about all 20 I got to say on the runway part. 21 And as far as -- I seen there was some 22 discussion -- I think the PSC, at one of the hearings, 23 said something about 26 feet clearance, but I don't 24 really have enough time to see what the clearance is. 25 But in, like, 1980, or '79 or '81, I moved a metal PAGE 49	1 The last -- everything that Jason Weir [sic] 2 said was correct, I guess. The last contact I had was 3 in September when I told them the runway was -- I had 4 the FAA approval already. In August, I believe, it was 5 approved. And I told them -- I give them my dollar 6 amount I want. I never heard -- that was the last 7 contact I ever had. So that's about all I got to say 8 so... 9 HEARING OFFICER HOGAN: All right. Thank you. 10 Ms. Furey, any questions? 11 MS. FUREY: No questions, Your Honor. 12 HEARING OFFICER HOGAN: Mr. Pelham, any 13 questions? 14 MR. PELHAM: Yeah. 15 Thanks for being here this morning, 16 Mr. Fiebiger. I have some questions for you. And we 17 spoke briefly before the hearing today. I understand -- 18 did you listen to the technical hearing in Bismarck? 19 JOHN FIEBIGER: Yeah. I listened to both. 20 MR. PELHAM: Okay. And I think that there was 21 some testimony related to this airstrip and related to 22 you specifically. Did you hear that testimony? 23 JOHN FIEBIGER: Yeah, I did. I heard all that. 24 MR. PELHAM: And what I'm wondering is, is I 25 think it was represented to the Commission, and I'm PAGE 51
1 structure, and it was 18 feet tall, down the road and I 2 cleared all the lines that were there. But the OSHA 3 requirements are 10 feet above anything that you put out 4 there. So that makes it 28 feet. 5 I'm just wondering if it's -- if this is going 6 to be enough clearance because some of the -- I suppose 7 the commissioners know that some of these power lines 8 have been built in North Dakota. The 345s, like from 9 Basin, they got 30 and all the way up to 35 feet of 10 clearance. And I'm not sure if this line is going to 11 have enough clearance. That's -- should be aware of 12 that, I guess. That's about all I got to say on the 13 matter, I guess. 14 All the -- all the documents are the same except 15 for the last, I think, seven pages that I originally 16 submitted. So it's got my farm where it's laid out. 17 It's all on -- farm map is on -- page 7 is my aerial map 18 so... 19 They wanted to put the power line on my end, cut 20 out the trees. They leave you with a few trees. It 21 makes it really hard to come with a sprayer, fly down a 22 mile over trees and go up over the line and come down 23 and get on the end. So I had put in I wanted damages. 24 I submitted a lot of damage. I put my dollar amount as 25 quite a bit higher. But then after that I never heard. PAGE 50	1 going to ask you to see if it was correct or not, but 2 there was some research that the company had done about 3 whether or not you had a pilot license. 4 JOHN FIEBIGER: No, I don't have no pilot 5 license. 6 MR. PELHAM: Okay. All right. 7 JOHN FIEBIGER: I stated that you don't -- to 8 get an airport, you don't have to have a pilot's 9 license. 10 MR. PELHAM: Sure. And then there was also some 11 testimony that there -- that you didn't own a plane 12 either. Is that -- 13 JOHN FIEBIGER: No, I don't have a plane. 14 MR. PELHAM: Okay. All right. 15 JOHN FIEBIGER: But even if I do have one, I'll 16 have an ultralight. And ultralights don't need to be 17 registered and you don't need a pilot license so... 18 MR. PELHAM: Yeah. I just wanted to make sure 19 what they had told the Commission was accurate. Since 20 you're here, I figured ask the source; right? 21 JOHN FIEBIGER: That's right. 22 MR. PELHAM: And as far as the airstrip -- and I 23 appreciate the information you provided the Commission 24 here today. The timing was questioned a bit too. And I 25 just want to ask you about the timing of when you PAGE 52

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1 applied for the airstrip on your property. I understand 2 the other gentleman's airstrip is not on property you 3 own; correct? 4 JOHN FIEBIGER: No. That's further 5 (indiscernible). 6 MR. PELHAM: So when did you first apply? 7 JOHN FIEBIGER: April 19, 2024. It's listed 8 right in these sheets here. 9 MR. PELHAM: Yeah. And I thought I had saw 10 that, but I just wanted to make sure. 11 Then as far as the purpose of the airstrip, what 12 do you anticipate using this airstrip for? 13 JOHN FIEBIGER: Well, I'm just going to use it 14 to fly planes, I guess. I had gone to the Stutsman 15 County commission. They said -- in their article, it 16 says, well, if you want an airport, you got to pay a 17 \$100 fee to have an airport on your farm. And then when 18 I asked them, they said, well, you got to read up on 19 top. If it's used for farm purposes, you -- anything in 20 that ordinance in Stutsman County doesn't apply if it's 21 considered farm use. So you don't have to -- there's no 22 requirement through Stutsman County. Montpelier 23 Township doesn't have no -- 24 MR. PELHAM: Sure. So you went through that 25 process. But I'm just wondering, so is it the intent PAGE 53	1 about that specifically? 2 JOHN FIEBIGER: The pole, the -- let's see here. 3 Page 15. I drew the -- you can see the pole 4 comes right on the end of the runway. 5 MR. PELHAM: I see. 6 JOHN FIEBIGER: It's on the other side of the 7 road now. 8 MR. PELHAM: Right. Was there any discussion 9 with the company as far as -- well, let me ask you this 10 first. Does the proposed line, is it proposed to be on 11 any property that you own? 12 JOHN FIEBIGER: No. That's not -- that's on the 13 other side. 14 MR. PELHAM: So it's on your neighbor's 15 property. 16 JOHN FIEBIGER: Yeah. That's on the other side. 17 MR. PELHAM: I see. 18 JOHN FIEBIGER: That's not mine. 19 MR. PELHAM: And did you -- what conversations 20 did you have with the company, either Otter Tail or MDU, 21 related to the airstrip? 22 JOHN FIEBIGER: I never had any. After -- after 23 I gave him my proposal for the dollar amount, and I 24 told -- I think it was Jason Veal (phonetic) or 25 something like Jason Veal was out, and I told him that PAGE 55
1 then to be able to land crop dusters? Is that -- 2 JOHN FIEBIGER: No. I just want to fly around. 3 MR. PELHAM: I'm sorry, I didn't catch that. 4 JOHN FIEBIGER: I just want to fly around with a 5 plane. 6 MR. PELHAM: I see. So you fly ultralights. 7 JOHN FIEBIGER: Yeah. 8 MR. PELHAM: I see. All right. 9 JOHN FIEBIGER: But I'm not going to do no crop 10 dusting out there. I'm not getting into that big. 11 MR. PELHAM: Okay. 12 JOHN FIEBIGER: And another thing I guess I 13 should say. I'm not going to fly a Concorde either, 14 because when you fill out this form, you got to put down 15 on -- for FAA what type of airplane you're going to use. 16 If you would have put down I want to fly a Concorde -- 17 Concorde out there, I'm sure they would have said, "We 18 can't approve this." 19 MR. PELHAM: I would think that as well. 20 In terms of the location of the proposed line 21 compared to where this airstrip is located, and I 22 understand that it -- you believe it impacts your 23 ability to fly in and out. 24 JOHN FIEBIGER: Yeah, the pole -- 25 MR. PELHAM: Could you tell us a little bit more PAGE 54	1 it was going to be an airport there, and he wrote all 2 the numbers down so... And that was the last contact. 3 MR. PELHAM: You communicated with them, but 4 they didn't respond. 5 JOHN FIEBIGER: No, nobody ever responded. 6 MR. PELHAM: Is that correct? 7 JOHN FIEBIGER: No, I never heard no response. 8 MR. PELHAM: Okay. 9 JOHN FIEBIGER: But The FAA has got a 20 to 1 10 imagery surface that you're supposed to follow. 11 MR. PELHAM: Have you communicated at all with 12 the FAA related to the airstrip in comparison to where 13 the line is at? 14 JOHN FIEBIGER: No, I didn't. 15 MR. PELHAM: Okay. 16 JOHN FIEBIGER: Once it's approved, that's -- 17 that's -- it's your -- if they say it's okay to fly, you 18 can fly it. 19 MR. PELHAM: You didn't go to them and say, 20 "Hey, I got this approved, and then they're building 21 this transmission line"? 22 JOHN FIEBIGER: No, I didn't do that. 23 MR. PELHAM: You didn't go to the FAA with that 24 information? 25 JOHN FIEBIGER: I don't see no need to do that. PAGE 56

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1 MR. PELHAM: Yeah. And I'm just asking. We 2 attorneys like to ask a lot of questions. 3 So as I understand it, your primary concern is 4 the line -- you had testified as to cutting some trees 5 down that you owned? 6 JOHN FIEBIGER: Well, that's one. If they would 7 have put it on my side, then they got -- 8 MR. PELHAM: I see. So no one's cutting any 9 trees down on your property? 10 JOHN FIEBIGER: Doesn't look like it anyways. 11 MR. PELHAM: Okay. 12 JOHN FIEBIGER: Because they moved it. 13 MR. PELHAM: Okay. What do you do to maintain 14 the airstrip? 15 JOHN FIEBIGER: Well, you don't really have to 16 do anything except you got to mow it off. 17 MR. PELHAM: Okay. So you mow it off? 18 JOHN FIEBIGER: There's no requirements to do 19 anything except you -- 20 MR. PELHAM: Okay. 21 JOHN FIEBIGER: In the years before, I couldn't 22 do anything because it was corn and soybeans. And I 23 don't know. If you put down corn and soybeans on FAA, 24 if they're going to like that, you know. It says it's 25 got to be grass. PAGE 57	1 JOHN FIEBIGER: Well, that's the edge of the 2 slough there. 3 COMMISSIONER CHRISTMANN: So a plane can land 4 and go through that? 5 JOHN FIEBIGER: Well, that's why I put it on. I 6 guess if the FAA would have said can't land in a slough, 7 they would have -- 8 COMMISSIONER CHRISTMANN: Okay. 9 JOHN FIEBIGER: You could go further west, too, 10 but you got towers in my yard. I suppose if I get too 11 far west, the FAA would look at that and say that you 12 ain't got enough clearance. 13 COMMISSIONER CHRISTMANN: And then this other 14 one you don't have to address if you don't want to, it's 15 just my curiosity related to my former colleague, former 16 Senator Tom Fiebiger. 17 JOHN FIEBIGER: No, I don't know him. 18 COMMISSIONER CHRISTMANN: Oh, okay. 19 HEARING OFFICER HOGAN: Commissioner 20 Haugen-Hoffart. 21 COMMISSIONER HAUGEN-HOFFART: John, thank you 22 for your testimony. My questions have been answered. 23 HEARING OFFICER HOGAN: All right. That's all 24 the questions we have for you. Thank you. 25 JOHN FIEBIGER: Should mention I put a contract PAGE 59
1 MR. PELHAM: I think that would be kind of 2 difficult. 3 JOHN FIEBIGER: They asked about that, and they 4 said, well, alfalfa, they're going to call that grass 5 so... 6 MR. PELHAM: Sure. Thank you, Mr. Fiebiger. I 7 don't have any other questions for you. Mr. Schock may. 8 MR. SCHOCK: I don't have any questions. Thank 9 you. 10 HEARING OFFICER HOGAN: Commissioner Kringstad. 11 COMMISSIONER KRINGSTAD: Just one question to 12 clarify. So have you -- since you put this airstrip in 13 on your property, have you ever used it? 14 JOHN FIEBIGER: Not yet. 15 COMMISSIONER KRINGSTAD: Not yet. Okay. I 16 think all my other questions were answered. Thank you. 17 HEARING OFFICER HOGAN: Commissioner Christmann. 18 COMMISSIONER CHRISTMANN: When I look at this 19 map on page 15, I mean, I acknowledge it's hard to tell 20 on a -- 21 JOHN FIEBIGER: Yeah, I know. 22 COMMISSIONER CHRISTMANN: -- black and white 23 map, but it looks like about a third of the way in from 24 the east, like it's going right over a -- right through 25 a pond. PAGE 58	1 in, it's in that information there, what's going -- 2 what's going to come if this gets passed. It's from the 3 power company, so if anybody's just interested. 4 HEARING OFFICER HOGAN: All right. Thank you. 5 Who would like to go next? 6 Good morning. I'll have you state your full 7 name for the record and spell your last name. 8 MIKE BRANDENBURG: My full name is Mike 9 Brandenburg, and to spell my last name is 10 B-R-A-N-D-E-N-B-U-R-G. 11 HEARING OFFICER HOGAN: And, Mr. Brandenburg, 12 did you hear me go through the penalties for perjury 13 earlier? 14 MIKE BRANDENBURG: Yes, I did. 15 HEARING OFFICER HOGAN: And do you understand 16 what perjury is? 17 MIKE BRANDENBURG: Yes, I do. 18 HEARING OFFICER HOGAN: And being advised of the 19 potential penalties for perjury, do you promise to tell 20 the truth in this case today? 21 MIKE BRANDENBURG: Yes, I will tell the truth. 22 HEARING OFFICER HOGAN: All right. Thank you. 23 Go ahead. 24 25 PAGE 60

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1 <u>MIKE BRANDENBURG.</u> 2 being first duly sworn, testified as follows: 3 MIKE BRANDENBURG: Okay. Thank you. 4 And for the Commission, I have a couple of 5 exhibits to present for -- the record, and I have two, 6 but I'm just going to read one of them because they kind 7 of go over each other. 8 But the thing that I want to bring out too is 9 that I have a testimony here from not only myself but 10 Senator Terry Wanzek. There is an email in here from 11 Senator Terry Wanzek supporting this testimony that I'm 12 presenting today and Senator Cole Conley from Jamestown 13 who, on Friday, will testify and -- his support for 14 this -- this letter that I'm reading to the Commission. 15 So, with that, I'll go ahead and get started. 16 And, Commissioners, my name is Mike Brandenburg. 17 I am a corn and soybean farmer right here in Edgeley, 18 North Dakota. I represent District 28 in the North 19 Dakota House of Representatives. I'm presenting this 20 testimony on behalf of myself, Terry Wanzek, who 21 represents District 29 in the North Dakota Senate, and 22 Cole Conley who represents District 12 in the North 23 Dakota State Senate. 24 Like most of the people in this room, I came 25 from a multigenerational farming family. The PAGE 61	1 customers. Like my farm and my constituents' farms, 2 much of this understanding comes from the service -- my 3 service on the Energy Development and Transmission 4 Committee over the past 20 years-plus, including during 5 the current '25-'26 interim where transmission planning, 6 cooperative impacts, system reliability have been 7 reoccurring and detailed areas of focus. What I have 8 learned, that a significant amount of rural electric 9 cooperatives' loads already depend on the transmission 10 system that JETx strengthens. 11 Otter Tail Power owns and operates a 12 41.6-kilovolt transmission system south of Jamestown 13 that serves both Otter Tail customers and rural electric 14 cooperative customers. These are called bilateral 15 agreements. Cooperative substations that depend on this 16 include Gackle, Judd, Millarton, Medina, and Amoco, 17 serving members of Dakota Valley Electric and Northern 18 Plains Electric. While these substations carry town 19 names, they serve large rural areas made up mostly of 20 farms and farmsteads. 21 Through my research, I have learned that over 22 the past three years approximately 20 percent -- 20 23 percent of the total energy served on this 41.6kV system 24 has gone to cooperative loads. Those are cooperative 25 members, many of them farmers, who already rely on this PAGE 63
1 Brandenburg family has been in farming in this part of 2 the state since the early 1900s. I live and work on the 3 land with my family, and like farmers across the region, 4 we depend on reliable electric infrastructure every 5 single day. 6 I appreciate the opportunity to speak today in 7 support of the Jamestown-to-Ellendale transmission 8 project, also known as JETx. 9 I want to be very clear why I'm here today. 10 This project is not just about investor-owned utilities 11 and their customers. This project is about all the 12 farmers. JETx directly benefits electric cooperatives 13 and the farmers they serve. It strengthens the 14 reliability and resiliency of the entire electric system 15 in southeastern and south central North Dakota. 16 As a farmer, I understand risk. Weather, 17 markets, input costs are things that we live with every 18 day. But one risk we should not accept is unreliable 19 electricity, especially in a region that depends on 20 power for irrigation, grain handling, ethanol 21 production, soybean crushing, livestock operation, and 22 rural communities. 23 While I have supported this project, I have done 24 so on my own research to better understand how JETx 25 affects the cooperative-served loads and rural PAGE 62	1 infrastructure today. 2 I have also learned that this entire 41.6kV 3 system is served from the Jamestown 345 substation, 4 which is the endpoint of the JETx project, and JETx 5 introduces a new high-voltage source into that 6 substation, adding redundancy and resiliency that does 7 not exist today. 8 We have all seen what happens when redundancy is 9 missing. Through my review of system performances, I 10 learned that during extreme weather events both existing 11 345kV lines feeding Jamestown were out of service on 12 opposite sides of the substation. Had JETx been in 13 place, reliability performance would have been improved 14 during those events. 15 For us farmers that matters. Grain dryers do 16 not care whether the power comes from the investor-owned 17 utility or cooperative. When the power goes out, the 18 losses are real and immediate. 19 As I continued to look into this issue, I also 20 learned that all customers, investor-owned and 21 cooperative alike, rely on common transmission systems. 22 Any time a new transmission line is added at this 23 voltage level, it creates additional pathways for power 24 to flow where it is needed and when needed, and 25 improving reliability for everybody. PAGE 64

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1 As a part of this research, I've also learned 2 that MDU has 99 interconnection points within the rural 3 electric cooperative across its territory, which 4 encompasses Montana, North Dakota, and South Dakota. In 5 this region alone, MDU has five interconnections with 6 Dakota Valley Electric on its 41.6kV system at Ashley, 7 Ellendale, Forbes, Fredonia, and Kulm. These facilities 8 are tied into a higher-voltage transmission at Ellendale 9 and Wishek, and JETx is the missing link of this part of 10 the transmission system. Based on MDU's summer and 11 winter peak transmission models over the past year, 12 approximately 15 percent of that power is served -- is 13 attributed to the rural electric cooperative demand, 14 reflecting a level of rural electric cooperatives' 15 reliance similar to what numbers I have described on the 16 Otter Tail system shown. This is how a transmission is 17 supposed to work: shared infrastructure, shared 18 benefits, shared reliability. 19 I also want to briefly address the statutory 20 questions before the Commission. Transmission lines 21 like JETx are -- are designed, routed, and built under 22 some of the most rigorous environmental and land-use 23 standards in the state. These projects are reviewed 24 corridor-wide, not piece by piece. They avoid residents 25 where possible, minimize impacts to farmland, are PAGE 65	1 and future ethanol plants, which are being talked about 2 in this area, soybean crushing plants, which are being 3 talked about in this area, and strengthens commodity 4 prices, the grain elevators that serve the farm 5 communities that this line would support, processing 6 facilities, livestock operations, rural homes, and 7 businesses. 8 We have learned from experience, whether it is 9 ethanol plants, soybean crush plants, transmission 10 lines, or our own farm operations, that waiting too long 11 to invest in infrastructure costs us far more in the 12 long run. 13 JETx strengthens reliability for both the IOUs 14 and the cooperative-served loads, adds redundancy for 15 the entire regional grid, and ensures that farmers have 16 the dependable electricity we need to compete and 17 succeed. 18 For these reasons, I respectfully urge the 19 Commission to approve the Jamestown-to-Ellendale 20 transmission project. 21 Thank you for your time and service to the 22 people of North Dakota. 23 And I've signed it and dated it. And I have 24 Terry's -- well, I have it here to submit. And I would 25 stand for any questions from the commissioners. PAGE 67
1 subject to ongoing oversight. 2 Construction, operation, and maintenance of the 3 JETx project -- JETx project as proposed will produce 4 minimal adverse effects on the environment and upon the 5 welfare of the citizens of North Dakota. The proposed 6 facility is compatible with environmental preservation 7 and efficient use of resources. 8 In addition, construction, operation, and 9 maintenance of the facility as proposed will minimize 10 adverse human and environmental impact while ensuring 11 continuing system reliability and integrity and ensure 12 that energy needs are met and fulfilled in an orderly 13 and timely fashion. 14 From a landowner's perspective, I would rather 15 see one properly planned high-voltage line than 16 continued strain on an aging infrastructure that was 17 never designed to handle today's loads or tomorrow's 18 growth. 19 If farmers are doing well, everyone is doing 20 well. That has always been true in North Dakota. Right 21 now, with commodity prices where they are, farmers need 22 as much support as we can get. Infrastructure is one of 23 the ways we can support agriculture, and reliable 24 transmission helps when we need it most. 25 Reliable transmission supports ethanol plants PAGE 66	1 HEARING OFFICER HOGAN: All right. Thank you. 2 Ms. Furey, any questions? 3 MS. FUREY: No questions. 4 HEARING OFFICER HOGAN: Mr. Pelham. 5 MR. PELHAM: Thanks for your testimony. I don't 6 have any questions for you, though. 7 HEARING OFFICER HOGAN: Mr. Schock? 8 MR. SCHOCK: No questions, Your Honor. 9 HEARING OFFICER HOGAN: Commissioner Kringstad. 10 COMMISSIONER KRINGSTAD: Thank you. 11 Thank you for your testimony. Thank you for 12 your service, your public service. 13 I did just have one question. I'm guessing 14 that, you know, from your constituents, you're probably 15 hearing a wide variety of opinions on this project just 16 like we are. Is that fair? 17 MIKE BRANDENBURG: Yes. Commissioner Kringstad, 18 these are my friends and my neighbors and, you know, 19 some of them -- everybody has the right to have an 20 opinion. I have mine, they have theirs. And I think 21 there's a lot of information out there that -- you know, 22 that they feel it's not going to help at all. They feel 23 that this line doesn't do one thing for them. And so 24 that's why I dug into how much of the power coming from 25 the IOUs and the bilateral agreements go to the PAGE 68

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1 cooperatives, because it's a -- it's a balancing act of 2 everybody working together. 3 Basin is strong on generation, Otter Tail and 4 MDU are strong on transmission, and the cooperative 5 system is strong on distribution. All -- all three of 6 those things are partnerships that I've seen in the past 7 20 years come together, then they're working together 8 fine. It's something that has to provide, because us 9 farmers have bigger dryers, we have bigger bins, we have 10 more irrigation, especially over in the Oakes area where 11 there's a lot of irrigation, as well as the James Valley 12 area. The loads keep -- they're going to get bigger. 13 And so the need for more power is there. 14 And, seriously, there is more talk about ethanol 15 plants in this area as well as soybean crush plants. I 16 can't get into detail on that, but I'm just telling you 17 that it's going on. And this transmission line will 18 beef up that power so that those people that are talking 19 about coming and building those plants -- because if 20 they don't have the power to support that, those soybean 21 crush plant or an ethanol plant, it's not going to 22 happen. And that's -- those are some of the real 23 factors that are happening. 24 COMMISSIONER KRINGSTAD: So from your 25 constituents, have you heard and can share with us some PAGE 69	1 HEARING OFFICER HOGAN: Commissioner Christmann. 2 COMMISSIONER CHRISTMANN: When I was asking 3 Mr. Weiers to explain the impacts outside of the ends of 4 this transmission line, I didn't mean to be stealing 5 your thunder, but I've expressed some dissatisfaction 6 last week at the technical hearing with the amount of 7 community engagement that's happened, which was mostly 8 two and a half years ago already. And then we heard it 9 firsthand on Monday from people. 10 And I haven't made my decision -- actually, our 11 siting decision doesn't really have to do with the need 12 so much as opposed to the environmental things. But 13 between that dialogue, responding to my questions, and 14 then you coming up, I'm not sure why you are the one 15 explaining to people why there's this perception of the 16 need for this. 17 But here's my real question for you, because you 18 explained it better, I think, than the company did. But 19 why haven't I heard anything from those cooperatives 20 that you were just saying, you know, so need this for 21 reliability and it's going to bring development into 22 their areas? I don't recall on this -- and someone can 23 correct me if I'm wrong. I don't recall hearing from 24 Dakota Valley Electric, from Northern Plains Electric, 25 nor from the North Dakota RECs. So what should I make PAGE 71
1 of the feedback that you're getting about, like 2 throughout this process, are there things that the 3 company could have done differently to improve it? 4 MIKE BRANDENBURG: Well, I would -- I would 5 think that communication has been there but there's a 6 group that -- and some of them are waiting for you to 7 make a decision too. I'm just -- I mean, I sit out at 8 the C-store out there where all the wise men go, you 9 know, and have coffee in the morning. That's where we 10 go. 11 And a lot of them are just waiting to see what 12 the PSC does. That's some of the feedback from some of 13 them. Some of them, they hate it, they're never going 14 to sign, and they're completely against it and they 15 won't listen to -- well, they won't even talk about it. 16 And some of them understand how important it is. And -- 17 and there's some -- there's some bullying going on too 18 by some of the neighbors where they just -- you know 19 people -- you've got the silent majority out there that 20 wants to step forward. You know, people are married and 21 this -- or there's a land deal here or there's something 22 else that's tied together with these families and -- and 23 that's part of the problem right now. 24 COMMISSIONER KRINGSTAD: No further questions. 25 Thank you. PAGE 70	1 of that? 2 MIKE BRANDENBURG: Okay, Commissioner, that's a 3 loaded question, but I'm going to try to answer it as 4 politely as I can, because I am a member of Dakota 5 Valley co-op and they service me very well. 6 And I've asked, you know, the co-ops to step up 7 to the plate. I understand last week that Zac Smith did 8 submit a letter of support for the -- the project and -- 9 but we still have this atmosphere from the past. And 10 I'm -- you know, I'm in the legislature and I can 11 remember when we dealt with the territorial integrity 12 days and everybody came to town. And then we came -- 13 when we come to the need for power and we had to start 14 working together. And we do. I mean, we have a little 15 skirmish here and there. 16 When the AI center came in down in Ellendale, I 17 was right there defending Dakota Valley because they 18 were in their territory. And they even filed a case 19 with you guys and then they got a deal worked out. It's 20 confidential. Same thing with the one in Jamestown. 21 It's confidential. And that's the way it should be. 22 They should be able to work it out within themselves. 23 The co-ops have been apprehensive to step 24 forward because you still got some of that atmosphere 25 from some of the board members who are carrying this PAGE 72

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1 territorial integrity. I've been to 50 annual meetings 2 with Capital Electric, KEM Electric, Dakota Valley. I 3 haven't been to Northern Plains because it's not my 4 territory or my district. But never once -- and this is 5 a point that I'll say: Never once have I ever heard 6 anybody say at the annual meeting that they get power to 7 service some of their load from Otter Tail or MDU or any 8 of the IOUs. 9 And I'll just -- for the people that are my 10 friends and neighbors that are listening right now, a 11 perfect example is when you go to Jamestown and you go 12 just a couple miles -- that would be three miles, the 13 Millarton turnoff, there's a substation there and it 14 says Central Power. Central Power services the co-op 15 system, but the line going across the road comes off of 16 that 41.6kV line, which is Otter Tail's line. 17 And they have these bilateral agreements all 18 across the state. There's quite a few of them in this 19 area with IOUs and the co-ops servicing the co-ops. But 20 you go to the western part of the state and you have a 21 lot of the co-ops servicing the cities. So in different 22 areas, these bilateral agreements. 23 The reason they did that was so that you don't 24 have to have additional costs to the members to put up 25 more transmission, which is unnecessary when it's PAGE 73	1 and where they feel right now, they don't feel there's 2 any benefit to them. And I think you've heard them say 3 that, they feel like they're not getting any benefit, 4 but they are. 5 COMMISSIONER CHRISTMANN: Thank you for that. 6 You have a good day and appreciate you being here. 7 HEARING OFFICER HOGAN: Commissioner 8 Haugen-Hoffart. 9 COMMISSIONER HAUGEN-HOFFART: I have a couple 10 questions. You touched on tomorrow's growth and you 11 reference, like, ethanol plants. Can you elaborate on 12 that? I mean, is it just business or are you -- do you 13 have some, with your research, residential? 14 MIKE BRANDENBURG: No. I -- Commissioner 15 Haugen -- Sheri Haugen-Hoffart, I can talk a little bit, 16 but I got to be a little bit careful too. 17 I think there's no secret that they've been 18 looking at an ethanol plant over in Oakes for many, many 19 years and that -- that discussion is now going on again. 20 Gevo, they're out there walking around. 21 We've got Cenex Harvest States right here in 22 Edgeley and they own 250 acres right south of town. One 23 of their biggest discussion they're having right now is 24 where they're going to put soybean crush plants. We 25 don't know if this will be the spot, but this could be PAGE 75
1 already there and it -- it helps -- and that all kind of 2 happened, you know, when MISO came about and SPP came 3 about and they -- you know, they switched from the 4 regional transmission organizations to the MISO and SPP 5 as well as the other ones that are happening. 6 And so that's the part of -- and I brought it up 7 the last Energy Transmission Committee meeting up at 8 Beulah, when we were up -- or not Beulah. Great River. 9 The message coming from SPP could be better because it 10 is easier for -- put transmission on -- on projects that 11 are being put up by Basin or the co-ops because those 12 are the landowners that they know they feel that -- 13 they're feeling a benefit from it. 14 When it comes from the IOUs, MDU and Otter Tail, 15 you have the farming community that feels that they're 16 being run over because they're not getting any benefit 17 from it when they really are getting some benefit from 18 it. Because the Otter Tail line, 20 percent of that 19 line is servicing Dakota Valley and Northern Plains. 20 The MDU line, 15 percent of that line is servicing 21 Dakota Valley. 22 This is reality that we got to talk about more 23 so that the people that are objecting to the 24 transmission line that's being proposed for the future 25 of this area understand that there is a benefit to them PAGE 74	1 an area if the power is here, that you got to have those 2 load transmission power to do that. 3 The soybean crush plant that's up at Spiritwood 4 and as well as the ethanol plant and as well as the coal 5 plant there too, the need for power there, they want to 6 do some expansion up there. 7 There's many, many farmers here that haul their 8 corn to the ethanol plant up at Spiritwood as well as 9 the local elevator here in Edgeley as well as over in 10 Verona, and it's kind of the trade area, Oakes. These 11 facilities are getting bigger and bigger and the need 12 for power is more and more. 13 And that -- and the crops, you know, we're 14 raising -- you know, 10 years ago -- well, maybe 20 15 years ago, we struggled to raise 100-bushel corn. Now 16 we're raising 200-bushel corn. And with the technology 17 and what's going on, that corn could even be larger. 18 And the grain handling facilities that are needed to 19 deal with that takes more power. And without the 20 transmission upgrade to have that more power, these 21 things that are going to happen will not happen. 22 So that's probably best I could say without 23 getting too deep into it. Yes, there are -- there are 24 projects being looked at in this area. 25 COMMISSIONER HAUGEN-HOFFART: Okay. My last PAGE 76

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1 question has to do with you did extensive research and 2 presented regarding the benefits. This is a MDU-Otter 3 Tail line, but also referenced how the cooperatives, 4 through their bilateral agreements, are served. And you 5 made a statement that you've gone to RECs' annual 6 meetings and they don't talk anything about that. 7 My question to you is: Have you ever heard 8 Otter Tail or MDU say about their bilateral agreements 9 and serving the co-ops? So it goes both ways; right? 10 MIKE BRANDENBURG: Commissioner, absolutely. 11 And that's why I want to make sure I'm not saying 12 anything bad about Dakota Valley or any of the other 13 co-ops because it goes both ways. Both of them have 14 been quiet on this. 15 And to be honest with you, until -- and actually 16 what happened was we had a five-county commission 17 meeting here in Edgeley this summer. And I've been on 18 the Energy and Transmission Committee. I understand it 19 pretty good. And I was trying to explain to them how, 20 you know, we share power with MISO and SPP, especially 21 in North Dakota. And -- and they basically called me a 22 liar. I may get things mixed up, but I don't lie, just 23 so you know. 24 And I really thought after that I got to find 25 out, because I know there's these agreements and what's PAGE 77	1 HEARING OFFICER HOGAN: All right. We are going 2 to continue with our public testimony. 3 I'll have you state your full name for the 4 record and spell your last name. 5 RICHARD LONG: Is this on? Okay. My name is 6 Richard Long, L-O-N-G. 7 HEARING OFFICER HOGAN: And, Mr. Long, did you 8 hear me go through the penalties for perjury earlier? 9 RICHARD LONG: I did. 10 HEARING OFFICER HOGAN: And do you understand 11 what perjury is? 12 RICHARD LONG: I do. 13 HEARING OFFICER HOGAN: And being advised of the 14 potential penalties for perjury, do you promise to tell 15 the truth in this case today? 16 RICHARD LONG: I do. 17 HEARING OFFICER HOGAN: All right. Thank you. 18 Go ahead. 19 <u>RICHARD LONG,</u> 20 being first duly sworn, testified as follows: 21 RICHARD LONG: I live in Berlin, North Dakota. 22 I'm a landowner in LaMoure County. And I'm here today 23 because I oppose the JETx high-voltage transmission 24 line. 25 My property was -- I told you on Monday, if we PAGE 79
1 going on between the co-ops and the IOUs and everybody. 2 Because, you know, like I said earlier, you know, 3 Basin's strong on generation and Otter Tail and MDU is 4 strong in transmission and the co-op system is strong on 5 distribution. All three of them are a huge part to the 6 success of the power we have in this state. 7 So, you know, as I leave, you know, with the 8 questions, I want to make sure I never offended the 9 co-ops because I'm not. I'm just stating the facts that 10 I learned by going through this. Because, sincerely, 11 the local people here don't know that. And -- and -- 12 well, now they do. 13 COMMISSIONER HAUGEN-HOFFART: You clarified, the 14 bottom-line communication goes both ways. 15 MIKE BRANDENBURG: Yep. 16 COMMISSIONER HAUGEN-HOFFART: I have no further 17 questions. 18 HEARING OFFICER HOGAN: All right. Thank you, 19 Mr. Brandenburg. I will take copies of your handouts. 20 UNIDENTIFIED SPEAKER: Can we take, like, a 21 five-minute break or not? 22 HEARING OFFICER HOGAN: We're going to take our 23 morning break. Let's take about a 15-minute break. 24 We'll try to reconvene at 11:30. 25 (Recess) PAGE 78	1 truly believed this line was going to help a neighbor 2 who needed electricity, we would have no problem 3 allowing it to cross our land. But when a project 4 threatens to wreck our townships for -- and our county 5 for corporate gain, we will fight for what is right. 6 I believe this line is not being built for grid 7 reliability. I would like to explain why by directing 8 your attention to some maps we made. 9 These are plat maps showing signed and recorded 10 easements obtained from the Recorder's offices. And we 11 could have certainly missed some. The different colors 12 represent various corporations. For example, in LaMoure 13 County, blue, orange, and pink indicate wind easements, 14 while yellow is solar. 15 If I add up the amount of land in yellow here 16 and multiply that by what Stellar Renewables quoted us 17 as paying, it would come to several million dollars per 18 year. The person who owns the lion's share of this land 19 has the same last name as the guy who introduced and got 20 legislation passed that could take away our right to 21 vote on whether we want this high-voltage JETx line. 22 The red line goes from Applied Digital on one 23 end to Applied Digital on the other. And we're supposed 24 to believe this is for grid reliability. 25 We were told by Otter Tail and MDU that MISO PAGE 80

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1 gave the directive to build this line. From what I 2 understand, MISO gathers information from these 3 companies before making that decision. I asked Otter 4 Tail what information they gave MISO, and they would not 5 give it to me. I have to wonder what information they 6 fed MISO to get that directive. 7 Chairman Christmann, at last Thursday's 8 technical hearing when you asked on several occasions 9 why public support was unusually low, my answer is this: 10 When landowners feel they are being deceived, they are 11 not going to support this or any project. 12 I urge you to listen to the people who live 13 here, respect local control, establish true need before 14 routes, and do not sacrifice rural North Dakota under 15 the advice of big corporations. 16 Thank you. 17 HEARING OFFICER HOGAN: All right. Thank you. 18 Ms. Furey, any questions? 19 MS. FUREY: No questions. 20 HEARING OFFICER HOGAN: Mr. Pelham. 21 MR. PELHAM: I don't have any additional 22 questions for Mr. Long. Thank you. 23 HEARING OFFICER HOGAN: Mr. Schock. 24 MR. SCHOCK: I just have a couple clarifying. 25 So the map that you were just showing, I think PAGE 81	1 information is, you know, being acquired by the 2 Commission just as a record of the oral comments that 3 were provided, we don't object. But to the extent that 4 this would be considered evidence or treated as evidence 5 in this proceeding, we would object. 6 You know, the status of encumbrances by various 7 lease agreements related to other projects are 8 completely outside the scope of this proceeding and not 9 relevant to the Commission's decision in this 10 proceeding. So we do believe it confuses the issues 11 that are currently before the Commission and then, just 12 again, objecting on grounds of relevancy. 13 HEARING OFFICER HOGAN: All right. The 14 objection is noted for the record. 15 We did speak with Mr. Long before his testimony. 16 They are going to submit a copy of those documents just 17 in support of his testimony, which will be included in 18 the exhibit for the public testimony handouts. So all 19 right. Thank you. 20 Commissioner Kringstad, any questions? 21 COMMISSIONER KRINGSTAD: I do just have one. 22 And I thought of this question after you gave your 23 testimony on Monday so I'm glad you came back up again 24 so I could ask it, but it's similar to the question I 25 asked Representative Brandenburg, was, having gone PAGE 83
1 you're going to be sending that to me this week or next 2 week, and we'll include it as part of your -- your 3 testimony. 4 Would you -- the different colors on there, I 5 just want to understand a little bit better about what 6 they're indicating. 7 Okay. So the red line on the map is clearly the 8 proposed route that you've identified. Then you made 9 reference to the areas in blue, orange, yellow, and 10 there's some pink on there as well. Can you tell me 11 what those different colors indicate? 12 RICHARD LONG: Pink is North Dakota Wind III, 13 Blue is Invenergy, Orange is Boulevard Associates, and 14 the yellow is just solar. I didn't put any name of a 15 company. 16 MR. SCHOCK: Sure. And none of those are 17 projects that are constructed as of today, they're -- 18 they're ones that are probably in the planning stages? 19 RICHARD LONG: Correct. 20 MR. SCHOCK: Okay. I think that's all my 21 questions for now. Thank you. 22 MS. FUREY: Your Honor? 23 HEARING OFFICER HOGAN: Yes. 24 MS. FUREY: Just want to note for the record, to 25 the extent that this is -- like copies of the PAGE 82	1 through this experience and gone through this process, 2 from your perspective, what could the company have done 3 differently to improve it? 4 RICHARD LONG: I think they could have been more 5 forthright with what was all going on. I do not believe 6 that they had no idea that this was out there. And we 7 asked them on several occasions, "Does this line go 8 straight through, no ons, no offs?" If we have the 9 easements like this out there that have been signed, I 10 just can't imagine these companies have not talked to 11 MDU and Otter Tail or them communicated otherwise, or 12 had this made some decision? Have they -- have they 13 told MISO this, which is why they're saying you guys 14 need to build a transmission line? 15 And in my opinion, I think, if these guys want a 16 transmission line, they should build it, not us pay for 17 the transmission line. 18 COMMISSIONER KRINGSTAD: No further questions. 19 Thank you. 20 HEARING OFFICER HOGAN: Commissioner Christmann. 21 COMMISSIONER CHRISTMANN: For my clarity there, 22 is the bottom of the -- the red line, that's down at 23 Ellendale. So what I'm seeing on those four sheets, is 24 that the entire length of the transmission line or -- 25 RICHARD LONG: This is just LaMoure County. PAGE 84

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1 COMMISSIONER CHRISTMANN: Oh, this is just 2 LaMoure County. Okay. 3 RICHARD LONG: And I'm not -- I'm not saying 4 that we got all of the easements. It was a lot of 5 research to try and do. I just wanted to paint the 6 picture what is out there. And we had no idea about it 7 when they wanted to -- wanted us to sign up for the 8 easements for the transmission line. 9 COMMISSIONER CHRISTMANN: And I've been through 10 the maps and stuff. A lot of the things had to do with 11 townships, but a lot of things had to do just with the 12 project. And I was looking at what appeared to be farms 13 or residences and things like that. 14 Where is Edgeley in LaMoure? Just so I have a 15 better perspective. 16 RICHARD LONG: Right here. 17 COMMISSIONER CHRISTMANN: Okay. I will just say 18 that took a lot of work. And when we talk about wanting 19 to hear from the public, you know, we can't please 20 everybody all the time, I will say I -- when someone 21 from the public goes through this amount of work to make 22 sure we have all the information possible, it is just 23 something that I really appreciate. 24 So I don't know who your partner was there that 25 appeared to be helping or who all participated, but PAGE 85	1 what perjury is? 2 WAYNE WALD: Yes. 3 HEARING OFFICER HOGAN: Being advised of the 4 potential penalties for perjury, do you promise to tell 5 the truth in this case today? 6 WAYNE WALD: Yes. 7 HEARING OFFICER HOGAN: All right. And just for 8 everyone's information, Mr. Wald handed out his comments 9 during the break so you should have those by your chairs 10 there. 11 Go ahead, Mr. Wald. 12 <u>WAYNE WALD.</u> 13 being first duly sworn, testified as follows: 14 WAYNE WALD: The -- the first four pages are my 15 testimony and they're separated by paper clips. The 16 back eight pages I will refer to in my testimony. 17 Good morning, Commissioners and staff. My name 18 is Wayne Wald. I serve as a Wano Township supervisor 19 and a LaMoure County commissioner. I'm not here 20 representing the county. I'm here representing Wano 21 Township and my constituents. 22 I attended the technical hearing last week in 23 Bismarck and read The Bismarck Tribune's article about 24 it the next day. I would like to address and clarify 25 some things that were brought up at the hearing. PAGE 87
1 thank you for putting such effort into your -- into your 2 desire. 3 RICHARD LONG: Thank you. 4 HEARING OFFICER HOGAN: Commissioner 5 Haugen-Hoffart. 6 COMMISSIONER HAUGEN-HOFFART: One question. 7 Have you done this for the other counties? 8 RICHARD LONG: Yes. We have Dickey County, and 9 it looks a lot like that. Stutsman County is so large 10 and so many townships that we didn't feel like -- we ran 11 out of time and didn't feel like we could get an 12 accurate picture there. 13 COMMISSIONER HAUGEN-HOFFART: Okay. Thank you. 14 I have no further questions. 15 HEARING OFFICER HOGAN: All right. Thank you, 16 Mr. Long. 17 RICHARD LONG: Thank you. 18 HEARING OFFICER HOGAN: All right. 19 I'll have you state your full name for the 20 record and spell your last name. 21 WAYNE WALD: Wayne Wald, W-A-L-D. 22 HEARING OFFICER HOGAN: Mr. Wald, did you hear 23 me go through the penalties for perjury earlier? 24 WAYNE WALD: I did. 25 HEARING OFFICER HOGAN: And do you understand PAGE 86	1 First off, moratoriums. A moratorium is a 2 temporary prohibition of an activity. It's a policy 3 review to allow governments time to study land use or 4 other regulations before allowing development. In our 5 comprehensive plan, it states that "as conditions 6 change, so should the plan." Placing a moratorium will 7 give us time we need to study future developments and to 8 modify our comprehensive plan and zoning regulations to 9 new development coming into our township that we have 10 not addressed before. These developments are coming at 11 us very fast. We aren't just making decisions of where 12 to add gravel to roads and which culverts to replace. 13 Mr. Weiers said the moratoriums appear to target 14 the project directly. Yes, we did place a moratorium on 15 high-voltage transmission lines, but we also placed 16 moratoriums on wind, solar, battery storage, carbon 17 capture, and other potential energy-related development 18 coming into our township. Moratoriums don't stop 19 development, they pause it. 20 Now I'd like to address our conditional use 21 permit meetings. OTP referred to MISO many times and we 22 asked for representation from MISO but received none. 23 Speaking of MISO, Julie Fedorchak was a PSC 24 commissioner and an advisory board member of MISO at the 25 same time and voted to grant the Certificate of Public PAGE 88

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1 Convenience and Necessity to OTP and MDU, which many 2 feel was a conflict of interest. Also, we never had an 3 MDU representative at our CUP meetings. I asked Shauna 4 Laber why they don't put it on the other side of 281, 5 and she said there is too much resistance from the 6 people. 7 To clarify our reasons for the CUP denial, I've 8 provided you with a copy of the Wano Township CUP denial 9 letter, which would be the first two pages of the 10 handouts. 11 I also asked about road damage and repairs. 12 They said before construction starts, they will take 13 videos of the road and make sure the roads look like 14 they did before construction began. I asked, "How? By 15 adding some gravel?" What about the integrity of the 16 base of the road which could cause unforeseen issues in 17 the future? Yeah, I could spray paint over rust and 18 make it look nice, but it's still rust underneath. 19 Grid reliability is the reason they gave for the 20 purpose of this line and that it was a non-stop line 21 from north of Jamestown to Ellendale with nothing being 22 tied into it. 23 Before these meetings of the JETx line, wind 24 development landmen were trying to get easements for 25 wind towers, and landowners -- and landowners asked the PAGE 89	1 OTP and MDU are limited liability companies along with 2 all wind and solar companies. By permitting this line, 3 it would put the liability on the landowner and their 4 insurance companies. If this line or development is 5 forced onto landowners, especially during eminent domain 6 situations, the companies take no responsibility. If a 7 tornado, hailstorm, or windstorm come through, who's 8 going to be reliable for cleanup? Not the companies. 9 The landowners. It has been happening that insurance 10 companies are dropping landowners with energy 11 infrastructure on their land and saying they are not 12 insurable. How can landowners be forced with this 13 liability when they didn't want it in the first place? 14 OTP landmen were also lying to landowners. For 15 instance, they told two neighboring landowners that "The 16 other neighbor signed up so you should too." These two 17 neighbors were upset with each other because they 18 supposedly signed easements, which, in turn, neither 19 signed them and, thankfully, both refused to sign them. 20 They also went after nonresident and absentee 21 landowners first to get signed easements. We have a 22 landlord in Florida that they visited, trying to get a 23 signed easement. She didn't sign it, and she said they 24 were not very happy when they left. 25 Wano Township has no resident landowners signed PAGE 91
1 landmen, "How are you going to get the power out of 2 here?" And they said -- they said, "There's going to be 3 a transmission line to the east that we will tie into." 4 I heard this from two of my neighbors that were 5 approached by wind tower developers. These wind tower 6 developers knew about the transmission line before we 7 did, and they made it sound like it was all approved and 8 going in. Also, a neighboring landowner was contacted 9 about selling land so a substation can be built beside 10 the proposed transmission line. 11 Now it seems to us this line isn't about grid 12 reliability but about tying in so-called renewable 13 energy. They have been selling this as grid reliability 14 and to relieve congestion that does not exist. It is 15 future development coming that they didn't want us to 16 find out about. 17 And if you could refer to the next page and two 18 pages in the handout. I have a copy of a projected 144 19 wind tower project known as Wallflower Wind Farm, and in 20 the summary of terms it lists the interconnection as 21 Jamestown to Ellendale 345, which another reason -- 22 which is another reason why we believe OTP has 23 misinformed us about grid reliability and it being a 24 non-stop, no-other-connection line. 25 Liability was also brought up at our meetings. PAGE 90	1 up for JETx, only nonresidents. Why should we let 2 nonresidents decide what our township looks like? They 3 only care about the money. They don't have to look at 4 this line or live around it. 5 And the next two documents in the handout. OTP 6 stated at last week's hearings that they have completed 7 the line from Big Stone South to Ellendale. Minnesota 8 is transitioning to renewable energy. There has been 9 talk that they need this power line and renewable energy 10 connected to it so OTP can connect to Big Stone 11 transmission line and continue to run the Big Stone coal 12 plant. 13 With renewable energy on the same transmission 14 line, OTP can now sell so-called energy -- green energy 15 to Minnesota. They won't know if it's wind, solar, or 16 coal energy, but they can sell it as green energy. We 17 all know renewable energy isn't reliable, but coal is. 18 This line will not benefit North Dakota, but it will 19 make -- it will take advantage of North Dakota and 20 benefit Minnesota to fix their self-made energy 21 problems. 22 Also, at the hearing last week, it was talked 23 about how they will coordinate with landowners to 24 minimize impacts during farming operations. They stated 25 the landowner will get a packet of contacts and PAGE 92

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1 information to address issues. If the landowner is from 2 another state, they will most likely throw that packet 3 away. They should be giving this information to the 4 farmers and ranchers renting the land to resolve and 5 address issues during construction unless it is a 6 resident landowner. 7 This project is stated to be 92 miles and cost 8 406 million, which comes to, roughly, 4.4 million per 9 mile. Mr. Weiers said about 5 million per mile at the 10 technical hearing. It was also stated by Mr. Weiers to 11 route around these townships would add 12 miles to the 12 project and increase the cost by 24 million. That comes 13 to 2 million per mile to route around these townships. 14 Why would these 12 miles be less than half the cost per 15 mile to construct versus the original 92 miles? 16 Something isn't making sense here. Commissioner 17 Christmann said in a November 20, 2024, hearing that the 18 numbers don't add up. 19 If you can please reference to the next four 20 pages, please. 21 OTP has an easement one mile west of 281 already 22 where they could bury their low-voltage line and 23 construct this high-voltage transmission line, but Mike 24 Brandenburg doesn't want that. He wants the towers and 25 solar panels that pay annually. This current easement PAGE 93	1 introduce retroactive bills in mid-session to override 2 local control because he fears his personal gain is 3 being jeopardized? Willowbank Township was the first 4 township to deny the CUP on January 22, 2025, and Mike 5 Brandenburg amended House Bill 1258 on January 27th, 6 2025, to go retroactive January 1st, 2025. He also 7 tried to pass a law to take away Prairie Dog funding 8 away from counties and townships, hindering energy 9 development. Mike Brandenburg and District 28 are 10 representing corporate companies and corporate gains and 11 they don't want to talk to their constituents that have 12 elected them to office. Last time I checked, the 13 highest level of local control starts with the lowest 14 form of government. 15 Thank you for your patience and time, and I 16 stand for any questions. 17 HEARING OFFICER HOGAN: All right. Thank you. 18 Ms. Furey, any questions? 19 MS. FUREY: No questions, Your Honor, but I do 20 just want to -- excuse me, sorry for doing that right 21 into the mic. I apologize. But I do just want to 22 object to two issues, and I recognize that your comments 23 are kind of all together in this single document, but 24 I'm going to just kind of break down the two objections. 25 It seems like a lot of the scope of the PAGE 95
1 OTP has is on Mike Brandenburg's property in Nora 2 Township where he serves as a township board supervisor 3 and the township is not zoned. I don't think it would 4 get much easier than that to construct this line there. 5 If you look at the handouts, there's a lot of 6 Brandenburg land signed up for wind and solar. There is 7 a reason Mike is pushing for this line. Also check with 8 the Secretary of State and see how much money these 9 developers have given Mike. It is very troubling. 10 There was discussion of unreasonable setbacks 11 also. 500 feet was said to be the State setback for 12 high-voltage power lines, which is also the same setback 13 for a gravel pit in our township. This State setback 14 was last looked at by the PSC in 1983. After 40-plus 15 years, this should probably be revisited and updated. 16 Who is to make the determination that they are 17 unreasonable? Of course a company would deem these 18 unreasonable if it doesn't work for them. They are 19 coming into our townships, our land, and our private 20 property, but they want to tell us what we can and can't 21 do. I believe the State recommendations for setbacks 22 are to provide residents without zoning or regulations 23 some protection, not to override local regulations. 24 Why have township boards and county 25 commissioners if legislators like Mike Brandenburg PAGE 94	1 comments, at least that we've had thus far, and I 2 anticipate that we may hear the remainder of the day, 3 really are attempting to get to the issue of need for 4 this project. The North Dakota Supreme Court, in a 1983 5 case, Nebraska Public Power, concluded that the PSC does 6 not have authority or duty to determine need, and 7 further, that the Commission acted properly in that 8 particular case by controlling the siting proceeding to 9 suppress such evidence. 10 So we would just ask that any discussion that 11 really the underlying purpose is to get to the issue of 12 need not be considered or addressed because it is not 13 relevant to the determinations and considerations that 14 the Commission needs to make. 15 The second objection is with respect to, -- I 16 believe in the packet further on there's additional maps 17 similar to what we saw from the prior individual that 18 provided public comment, you know, asserting that there 19 are various easements across the county related to other 20 projects. It looks like there's, you know, additional 21 maybe development information from other wind projects, 22 other types of generation projects. 23 We would object to that information even coming 24 in through the public comment process and being docketed 25 in the proceeding because it is irrelevant to the issues PAGE 96

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1 that the Commission is to consider in this proceeding. 2 It relates to other entities that are not a part of this 3 proceeding and separate projects generally. 4 HEARING OFFICER HOGAN: All right. Thank you. 5 Your objections are noted for the record. 6 As with the materials provided by Mr. Long, 7 these will be included in, I think it's -- I think we're 8 at Exhibit 22, which will be the handouts that are 9 received during public comments today. 10 All right. Mr. Pelham, any questions? 11 MR. PELHAM: I do. 12 Good morning, Mr. -- is it still morning? Oh, 13 it's 12 noon. Good afternoon, Mr. Wald. Thanks for 14 your testimony. 15 As far as the conditional use permit denial 16 letter and the explanation that you provided in your 17 materials, I don't see a date on there. Do you know 18 when that was sent? 19 WAYNE WALD: I believe it was the 29th of 20 January. 21 MR. PELHAM: Of 2025? 22 WAYNE WALD: 2025. No, sorry. That's when we 23 denied it. And a letter was sent the 27th of February. 24 MR. PELHAM: Of '25. 25 WAYNE WALD: '25, to Otter Tail. PAGE 97	1 south half of section 9 we also rent. 2 MR. SCHOCK: The south half of section 9 as 3 well? 4 WAYNE WALD: Yes, sir. 5 MR. SCHOCK: Okay. I didn't have it in my notes 6 from yesterday and I didn't -- and both of those you 7 rent? 8 WAYNE WALD: Yes, sir. 9 MR. SCHOCK: And the comments, are you 10 submitting those on behalf of yourself or as the 11 township supervisor? I just want to -- just for clarity 12 purposes. Or maybe it's both, which is okay. 13 WAYNE WALD: Probably both. 14 MR. SCHOCK: Okay. 15 WAYNE WALD: Both, yeah. 16 MR. SCHOCK: I don't think I have any other 17 questions. Thank you. 18 HEARING OFFICER HOGAN: Commissioner Kringstad. 19 COMMISSIONER KRINGSTAD: I do have one question, 20 but before I get into that, I just kind of want to 21 clarify one thing from your testimony. So thank you for 22 providing this. This is a lot of really good detail. 23 When you talk about MISO and being a member of 24 the MISO advisory board, I just want to explain that a 25 little more and kind of what that means. PAGE 99
1 MR. PELHAM: I see. All right. And you agree 2 with me right now, and you -- you kind of went through 3 the moratorium, and I won't ask you the legal aspects, 4 but would you agree with me, though, that if a company 5 wanting to get a conditional use permit in Wano Township 6 tomorrow and came in with an application, because of the 7 moratorium, they wouldn't be able to get a permit at 8 this time; is that correct? 9 WAYNE WALD: That is correct. If it falls with 10 -- under our moratoriums. 11 MR. PELHAM: Sure. And I'm just wondering, are 12 there -- are there other high-voltage transmission lines 13 in Wano Township? 14 WAYNE WALD: There is not. 15 MR. PELHAM: Thank you, sir. I don't have any 16 other questions for you. 17 HEARING OFFICER HOGAN: Mr. Schock, any 18 questions? 19 MR. SCHOCK: I think on Monday you referenced 20 you own section 9 of township -- or northeast quarter of 21 section 9. Sorry. 22 WAYNE WALD: No, I do not own it. I rent it. 23 MR. SCHOCK: Okay. That you rent. Okay. 24 WANE WALD: Yes. It should be the northeast 25 quarter of section -- yes, section 9. Yes. And the PAGE 98	1 So each -- we've talked throughout this hearing 2 a lot about how our state is part of two regional 3 transmission organizations, SPP and MISO. And each of 4 those organizations has representatives or allows 5 representation from state regulators at those entities. 6 So within SPP it's referred to as the RSC, or the 7 Regional State Committee. And like Chair Christmann 8 said, he's a member there. And at MISO it's called OMS, 9 or the Organization of MISO States. 10 And you're correct that Commissioner Fedorchak 11 was the representative to MISO, and now I'm in that 12 role. 13 And so when you are at MISO, you're there to 14 represent, as a state regulator, your state and your 15 state perspective. And MISO has different -- they call 16 them boards. The best analogy I could give is it's kind 17 of like a legislative process with, like, committees. 18 So to say that, like, if you're on the advisory board 19 and you're a member of that board, it's like being a 20 member of, say, like, the energy committee at the 21 legislature. So you're still there representing your 22 state as a state regulator. And that advisory board has 23 many different members. So it has state regulators, it 24 has employees of MISO, it has, you know, different 25 members of industry and developers. PAGE 100

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1 And so the point of that is to just make sure -- 2 and why, you know, members of PSCs would be there is to 3 make sure that there is that balance, right. So, like, 4 they're not just hearing from utility companies and 5 developers, that they're hearing from state regulators. 6 So I just want to clarify in case there's some 7 confusion that, like, if you're on -- if you're listed 8 as, like, a member of the advisory board, at least from 9 MISO, I won't speak to SPP, but that doesn't mean that, 10 like, you're in any way, shape, or form an employee of 11 MISO. It just means that you're representing as a state 12 regulator in that capacity. So thank you for letting me 13 have some time to explain that. 14 But I did want to ask you, and this is not to be 15 a broken record, but this is kind of my question of the 16 day. Because I really want to hear your -- the 17 perspective from you guys, especially, you know, with 18 you renting land down here and being involved in the 19 township. Through this process, what -- from your 20 perspective, what could the company have done 21 differently to improve this and make this better? 22 WAYNE WALD: First of all, they could have had 23 the public -- I mean, we're a rural farming community. 24 Could have had the meetings not during harvest would 25 have helped a lot so people could have attended. PAGE 101	1 We talked -- you brought up communication, that 2 you as landowners didn't know, inappropriate time, you 3 know, due to your farming and need to get it done when 4 the weather's right. 5 So as a township supervisor or when you had 6 meetings on, let's say, the moratoriums and all that, 7 did you notice your meetings and the agenda on what's 8 going to be discussed? 9 WAYNE WALD: We did. 10 COMMISSIONER HAUGEN-HOFFART: Okay. There was a 11 question about that at the technical hearing so I wanted 12 it for the rest -- 13 WAYNE WALD: Yes. Our township meetings were 14 published in the paper under the notices for two weeks. 15 COMMISSIONER HAUGEN-HOFFART: Okay. Did you 16 reach out to the companies, Otter Tail and MDU, to let 17 them know? 18 WAYNE WALD: We did not. 19 COMMISSIONER HAUGEN-HOFFART: Okay. 20 WAYNE WALD: Because they seemed to know 21 everything that was going on when we were having other 22 meetings. 23 COMMISSIONER HAUGEN-HOFFART: Okay. Thank you. 24 I have no further questions. 25 HEARING OFFICER HOGAN: Commissioner Christmann. PAGE 103
1 COMMISSIONER KRINGSTAD: Okay. 2 WAYNE WALD: And we did not know about some of 3 the meetings that they had because we weren't notified. 4 I mean -- and so, yeah, landowners where this is 5 proposed, they got a letter in a different state, in 6 California. Well, the people living here and the 7 residents didn't know anything about the meetings to 8 have any input. 9 The township was -- never got a letter that they 10 were going to have these meetings as a township. We 11 just got -- and they actually put in the notice in the 12 paper that they told us when we were going to have the 13 meetings. We were never notified with them. 14 COMMISSIONER KRINGSTAD: I don't have any other 15 questions. Thank you for your testimony again. 16 HEARING OFFICER HOGAN: Commissioner Christmann. 17 COMMISSIONER CHRISTMANN: Your Honor, I think I 18 have only one question, but I need to find something in 19 my book. Could I defer? 20 HEARING OFFICER HOGAN: Sure. 21 Commissioner Haugen-Hoffart. 22 COMMISSIONER HAUGEN-HOFFART: Thank you. 23 Thanks, Wayne, for your testimony and for your 24 service to the township, being the supervisor, and also 25 to the county commission. I appreciate that. PAGE 102	1 COMMISSIONER CHRISTMANN: In your maps, Wayne, 2 the green line going up and down, is that where the -- 3 where the line is supposed to be built? Or what is the 4 green line? 5 WAYNE WALD: It depends. There's three maps 6 with a green line. It says on top the two for JETx 7 where it goes through Wano and Willowbank, and the other 8 one is the current Otter Tail power line easement that 9 they already have a line constructed on, a low-voltage 10 line. 11 COMMISSIONER CHRISTMANN: Okay. That's what was 12 confusing me. I'm looking at this like this isn't where 13 this goes, but no. 14 Okay. And then my only other thing is just a 15 detail. For the record -- I was so focused on that map 16 now, I lost the beginning of your testimony. On the 17 first page, a little more than halfway to the bottom, it 18 says that you asked Shauna Laber why they don't put it 19 on the other side of Highway 281, and they said there's 20 too much resistance. 21 Would you clarify for our record who Shauna 22 Laber is? 23 WAYNE WALD: She is a representative -- I'm not 24 sure her position, but she is from Otter Tail. And she 25 did attend our conditional use permit hearings with the PAGE 104

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1 township. 2 COMMISSIONER CHRISTMANN: Thank you. 3 HEARING OFFICER HOGAN: All right. Thank you, 4 Mr. Wald. 5 WAYNE WALD: Thank you. 6 HEARING OFFICER HOGAN: Who would like to go 7 next? 8 Okay. All right, I'll have you state your name 9 for the record and spell your last name. 10 CODY RUPP: My name is Cody Rupp, R-U-P-P. 11 HEARING OFFICER HOGAN: Mr. Rupp, did you hear 12 me go through the penalties for perjury this morning? 13 CODY RUPP: Yes, I did. 14 HEARING OFFICER HOGAN: And do you understand 15 what perjury is? 16 CODY RUPP: Yes, I do. 17 HEARING OFFICER HOGAN: And being advised of the 18 potential penalties for perjury, do you promise to tell 19 the truth in this case today? 20 CODY RUPP: Yes, I do. 21 HEARING OFFICER HOGAN: All right. Thank you. 22 Go ahead. 23 <u>CODY RUPP.</u> 24 being first duly sworn, testified as follows: 25 CODY RUPP: My name is Cody Rupp. I'm a farmer PAGE 105	1 easement, and they were notified on the September 14th 2 of 2023 meeting. 3 I'm also a supervisor on the Wano Township 4 board. On January 29, 2025, Wano Township held the 5 conditional use permit meeting. After three hours of 6 discussion, residents and landowners kept getting the 7 same three excuses from Otter Tail when people would ask 8 for them to reroute. They continue to claim that they 9 have already done 90-plus reroutes on this project. So 10 is there a limit on reroutes? Work with us. 11 Then they would say they follow their GIS 12 software for the best routes. Is the GIS program aware 13 that we do aerial spraying through this field? 14 When possible reroute suggestions were brought 15 up by other landowners, they would say this is too much 16 cost and they didn't want to move the line at this point 17 with how far they were along. They did say they could 18 do some minor adjustments in the field, though. 19 Based on this situation, the Wano Township board 20 had but no choice to deny the CUP. We had to protect 21 our landowners and residents along with the reasons that 22 Wayne had just listed. 23 Coincidentally, though, at the same time, House 24 Bill 1258 was amended and passed to go retroactive to 25 January 1st, 2025. PAGE 107
1 in Wano Township. My father and I farm a 125-acre 2 field. This is in Wano Township, section 16. It's the 3 north piece where JETx has a transmission pole and line 4 planned to be located. This is a unique field because 5 it is rectangular shape. It goes 1,200 feet north and 6 south and 5,200 feet east and west. The transmission 7 line runs north and south through the field, cutting it 8 in half. 9 Here's where my concern is with that. Like 10 Otter Tail Power Company, I also want to plan 10 years 11 ahead in my farm operation. I have taken interest in 12 foliar feeding my crops with drone spraying. Just last 13 year we had that exact field aerial sprayed east to 14 west. A transmission line through that field will 15 basically eliminate my future of having aerial spraying 16 done, whether it's by plane or drone. But if we do 17 still try rolling the dice in aerial spraying with a 18 transmission line running through that field, who is 19 going to pay for the increase in the insurance premium 20 that I have no choice but to take? What about 21 autonomous tractors that are on the horizon, because the 22 lack of manpower in farm operations is a big concern 23 right now. 24 Me and my family had to make the decision. We 25 made the decision that we aren't interested in a JETx PAGE 106	1 On April 2nd, 2025, Wano Township held a special 2 meeting where we had to give Otter Tail an explanation 3 for this denial. This is where things started to make 4 more sense. A list of questions were given to Otter 5 Tail Power Company. We wanted more information provided 6 and looked into by them. 7 Here is a basic list of some of the questions 8 that we were wanting. We wanted handout information on 9 visual scenic effects because of transmission lines. We 10 wanted to know about health effects for living or 11 operating near these transmission lines. The impacts 12 that it has on farm machinery with GPS or liability for 13 any damages. We wanted updated land value. Their 14 studies were old values that have changed greatly in the 15 last three years. We wanted them to visit with their 16 land agents about some of the language in these 17 easements. We wanted to know, is Otter Tail an LLC? 18 Who is responsible for cleaning the debris from a 19 natural disaster? How are farmers compensated for any 20 losses in their crop and to their actual production 21 history, their APH, which is a 10-year history to every 22 farmer? 23 We had a video recording from this meeting, and 24 I watched it and there was one part of it that stuck out 25 to me. PAGE 108

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1 These are the words from Chris Koch: "So, 2 Jason, for us to get answers to all those questions, how 3 long do you think it would take for something like that 4 if we were to -- this -- you know, this type of meeting 5 is something that is the best to bring this information 6 back. This is where the questions came from. How long 7 do you think it would take to get the answers to those 8 questions here today?" 9 Jason Weiers replied: "And I think in a few 10 weeks we can try to put together some thoughts around 11 some of these points raised today and send those back to 12 Wayne," who is the Wano Township supervisor. 13 There was a little talk between two members of 14 our township about House Bill 1258, to which Chris Koch 15 replied: "If it does get passed, would you still be 16 okay with us coming back and answering these questions, 17 though?" 18 Five people among our group replied, "Yes. Oh, 19 yeah. Uh-huh. Yep." 20 Two days later, on April 4th, 2025, House Bill 21 1258 passed. Wano Township never received the answers 22 to our questions or the information that we requested. 23 We received no further communication from Otter Tail 24 Power Company. 25 Otter Tail Power Company had no intentions to PAGE 109	1 have the full -- the full handout. I did receive a copy 2 of the comprehensive plan and the -- and then the zoning 3 regulation. I just wanted to make sure -- 4 CODY RUPP: No. That was just a one page. I 5 must have had an extra. 6 MS. FUREY: Oh, okay. Just wanted to make sure 7 that what you read was a part of the -- 8 CODY RUPP: I ran out of two ink cartridges and 9 a -- 10 MS. FUREY: -- the handout. 11 CODY RUPP: -- bundle of paper last night. 12 MS. FUREY: No. Thank you. Thank you for 13 clarifying. 14 CODY RUPP: A lot of printing. 15 MS. FUREY: I do appreciate that. 16 Just a few brief questions for you. 17 CODY RUPP: Sure. 18 MS. FUREY: The denial of this CUP application, 19 that was when? 20 CODY RUPP: Wayne just gave that answer. 21 February -- I forgot what he said and I -- I'm not sure. 22 I don't know. 23 MS. FUREY: April 2025 ring a bell? 24 CODY RUPP: That's when we had to do a follow-up 25 to give an explanation for it. PAGE 111
1 work with us. Why put in all this extra time and money 2 to work on rerouting in Wano when they knew that they 3 had House Bill 1258 as their joker card in the back 4 pocket? They now have the power to bulldoze through 5 townships. And, to top it off, they labeled Wano 6 Township as unwilling to cooperate. 7 We're the good people here. We continue to ask 8 these questions on sleepless nights. Is this how House 9 Bill 1258 was intended to be used? Is this project more 10 so to connect Applied Digital from Ellendale to 11 Jamestown? Why does JETx need a double circuiting 345 12 now all of a sudden? We don't, but Applied Digital does 13 in order to qualify as a real estate investment trust. 14 They need a minimum of 2 gigawatts to qualify, and they 15 have a goal of reaching 5 gigawatts by 2030, 2031. Is 16 it for them more than us? Is this an example of 17 backdoor eminent domain being used? 18 A lot of these questions keep us awake at night. 19 I'm open to questions. 20 HEARING OFFICER HOGAN: Thank you. 21 Ms. Furey, any questions. 22 MS. FUREY: Just a few. And I just want to 23 clarify. I received a written document that -- it says 24 "I'm here on behalf of Wano Township." I received two 25 copies of this. So I just wanted to make sure that I PAGE 110	1 MS. FUREY: When was the moratorium put in place 2 on high-voltage transmission lines? 3 CODY RUPP: That was in June. 4 MS. FUREY: End of July 2025? 5 CODY RUPP: Oh, yeah. Yep, yep, yep. Was it 6 July 29? Don't quote me but, yeah, end of July. 7 MS. FUREY: That's correct. Okay. Thank you. 8 No further questions. 9 HEARING OFFICER HOGAN: Mr. Pelham, any 10 questions? 11 MR. PELHAM: Good afternoon, Mr. Rupp. I have 12 some questions about your -- the property that you own. 13 Can you detail to the Commission what type of 14 conversations that you would have had with the company 15 related to potential rerouting on your property, if any? 16 CODY RUPP: And I just want to clarify, I don't 17 own it. I'm just in a trust. 18 MR. PELHAM: I see. So the trust -- do you have 19 any knowledge as to negotiations that the trust would 20 have had with the company as far as the proposed line? 21 CODY RUPP: We -- we had suggestions. And being 22 me as a landowner involved -- or I shouldn't say 23 landowner but an active farmer with that piece of ground 24 and on this township board, where we really started 25 seeing a red flag is there is alternative areas that we PAGE 112

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1 feel were suitable. Were those other landowners ever 2 contacted? We don't know that. So, personally, I don't 3 think so. I think it goes into everything where I 4 feel -- it goes through our Wano Township almost a 5 perfectly straight line. It's -- and it goes through 6 some very beautiful farm ground to make their job a lot 7 easier. 8 MR. PELHAM: So in terms of specifically as 9 to -- as to the property that the trust owns that you 10 have an interest in, was there ever any discussion about 11 moving the line on a less-intrusive area of the property 12 that's owned by the trust? 13 CODY RUPP: It doesn't really work. I asked my 14 mother who was also involved with it. There was 15 possibly another location, but where that was, I said 16 that would be even worse, in my opinion. 17 MR. PELHAM: I see. Okay. All right. Thank 18 you sir. I don't have any other questions for you. 19 CODY RUPP: Thank you. 20 HEARING OFFICER HOGAN: Mr. Schock, any 21 questions? 22 MR. SCHOCK: I was handing your handouts out 23 when you were talking about which parcel you own. 24 CODY RUPP: I kind of figured when I said that. 25 Wano Township -- PAGE 113	1 follow-up. When you were giving testimony, I apologize 2 if I missed this, you mentioned a gentleman a couple 3 times, Chris Koch. 4 CODY RUPP: Yes. 5 COMMISSIONER KRINGSTAD: Is he on the township 6 board? 7 CODY RUPP: Oh, sorry. He's involved with Otter 8 Tail Power Company. 9 COMMISSIONER KRINGSTAD: Oh, okay. 10 CODY RUPP: He's -- I -- I can't remember. He's 11 kind of like the -- almost like a planner of all this. 12 He engineers. I don't -- I shouldn't say. 13 COMMISSIONER KRINGSTAD: Okay. Okay. But just 14 someone from -- 15 CODY RUPP: Yeah, Otter Tail. 16 COMMISSIONER KRINGSTAD: Okay, perfect. I just 17 wanted to make sure. 18 CODY RUPP: He just kind of took the charge with 19 all of this stuff, you know, coming to us and listening 20 to what we had to say and going from there with it. 21 COMMISSIONER KRINGSTAD: Okay. Thank you. 22 Thank you for that clarification. 23 I think I had kind of similar questions as Mr. 24 Pelham did about, you know, potential reroutes and 25 things like that, but you answered those. So thank you PAGE 115
1 MR. SCHOCK: So it's section 16, Wano Township, 2 which is 134-63. Is it the entirety of that section or 3 is it just the -- 4 CODY RUPP: The north field there. 5 MR. SCHOCK: North field. 6 CODY RUPP: There's a north portion. It's an 7 awkward, it's a correction, so... 8 MR. SCHOCK: That's what I was just going to 9 say. It looks like -- 10 CODY RUPP: Yep. 11 MR. SCHOCK: -- it's a larger-than-normal 12 section so it's probably a correction line. So just the 13 north parcel of that section. 14 CODY RUPP: Yep. 15 MR. SCHOCK: And one other kind of clarifying 16 piece. So your written testimony indicates you're here 17 on behalf of Wano Township. Would you say you're here 18 on behalf of Wano Township and yourself, kind of similar 19 to Mr. Wald? 20 CODY RUPP: Yes. 21 MR. SCHOCK: Okay. I think that's all the 22 questions I have. Thank you. 23 CODY RUPP: Thank you. 24 HEARING OFFICER HOGAN: Commissioner Kringstad. 25 COMMISSIONER KRINGSTAD: Just one quick PAGE 114	1 so much. 2 CODY RUPP: Thank you. 3 HEARING OFFICER HOGAN: Commissioner Christmann. 4 COMMISSIONER CHRISTMANN: You seem to be the 5 perfect person to answer a question that I've had for a 6 long time when it comes to aerial spraying. Before this 7 job, when I was raising cattle, I used to be out baling 8 or cutting hay or something, and I'd watch my neighbor's 9 land being aerial sprayed. And where the section line 10 divides us, it's a much-lower voltage and, admittedly, 11 much -- not as tall of structures as this. This is a 12 line that connects Beulah and Hazen, and it's on my side 13 of the section line, but just barely. 14 And I always wondered why they always spray in 15 the direction so that he had to lift up real quick when 16 he got to the end. He'd do the whole field. Now, I 17 always assumed that along the way he made a pass or two 18 going the other way diagonally with the power line for 19 whatever he might have missed when he jumped up with the 20 plane at the end. But bottom line is my neighbor was a 21 very good farmer and he got it done and there weren't 22 weed problems. 23 I know it's more trouble, but why can't you 24 aerial spray with the transmission line there? I 25 acknowledge the extra effort it takes. But are you PAGE 116

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1 feeling like it just can't be done or -- I'm not getting 2 that. 3 CODY RUPP: You know, when you kind of follow 4 some of the farm accidents that do happen with -- we 5 have a guy in Edgeley that did aerial spraying and so 6 experienced and stuff still just happens. And that's 7 not something that we want to live with if we hired 8 somebody and it happened to us or if I took on -- I've 9 been very interested in drone spraying myself. 10 What happens if something goes wrong? Because I 11 keep researching, and all the concerns about autonomous 12 tractors and the -- the GPS malfunctions when you get 13 too close. What happens if I go and damage a 14 transmission line? I don't know the cost but I've heard 15 it's just like, as soon as the damage is done, it 16 doesn't take long till you're in six digits' worth of 17 damage. How am I going to pay for that? And, 18 therefore, then I got to go to plan ahead, go to my 19 insurance company and say I got to cover myself, but for 20 how much? Because the more I want to cover myself, 21 there goes my premium. What do I do? It's a loss-loss. 22 COMMISSIONER CHRISTMANN: Okay. Thank you for 23 explaining that. 24 CODY RUPP: Thank you. 25 HEARING OFFICER HOGAN: Commissioner PAGE 117	1 coverage. 2 COMMISSIONER HAUGEN-HOFFART: Okay. Thank you. 3 No further questions. 4 CODY RUPP: Thank you. 5 HEARING OFFICER HOGAN: All right. Thank you, 6 Mr. Rupp. 7 All right. Who wants to go next? 8 LUCAS WALD: Good morning, Commissioners. I got 9 a few files here just to -- 10 HEARING OFFICER HOGAN: Okay. I'll have you 11 start by stating your full name for the record and 12 spelling your last name. 13 LUCAS WALD: Yes. My name is Lucas Wald from 14 Edgeley, North Dakota. W-A-L-D. I -- 15 HEARING OFFICER HOGAN: Hang on, I got to swear 16 you in first. 17 LUCAS WALD: Okay. 18 HEARING OFFICER HOGAN: Okay. Did you hear me 19 go through the penalties for perjury? 20 LUCAS WALD: Yes. 21 HEARING OFFICER HOGAN: And do you understand 22 what perjury is? 23 LUCAS WALD: Yes. 24 HEARING OFFICER HOGAN: And being advised of the 25 potential penalties for perjury, do you promise to tell PAGE 119
1 Haugen-Hoffart. 2 COMMISSIONER HAUGEN-HOFFART: I'm going to take 3 a step off of that. When you just said the increase in 4 insurance, you brought it up earlier in your testimony 5 and then you just referenced it now -- 6 CODY RUPP: Yep. 7 COMMISSIONER HAUGEN-HOFFART: Have you talked to 8 your insurance company about, if a transmission line is 9 on your property, the cost? 10 CODY RUPP: Right. That, I haven't. I -- so I 11 don't know if there is anything. I've actually never 12 been asked that question because -- and our Wano 13 Township doesn't have any transmission lines going 14 through it. But I'm not sure if that's something that 15 changes our -- our rates. I don't know. 16 COMMISSIONER HAUGEN-HOFFART: How about you 17 personally? I mean, with your farming practice and you 18 indicated that your rates would go up. Have you talked 19 individually with your insurance company regarding -- 20 CODY RUPP: No, no. I've -- I've just -- all I 21 know is I've increased my liability coverage in the 22 past, and as I do, as you increase it, there goes your 23 premium up too with it. So if I have a transmission 24 line going through, like I said, the cost of damage to 25 that would be devastating so I have to have secure PAGE 118	1 the truth in this case today? 2 LUCAS WALD: Yes. 3 HEARING OFFICER HOGAN: All right. Thank you. 4 <u>LUCAS WALD.</u> 5 being first duly sworn, testified as follows: 6 LUCAS WALD: Okay. I am a resident landowner. 7 If you want my deals here, I -- on contract for deed, 8 the northwest quarter section 28, township 134 north, 63 9 west. I -- like I said, I have that on contract for 10 deed. And then I -- also, my mom has the northwest 11 quarter section 33, township 134 north, range 63, 12 southwest quarter section 21, township 134 north, range 13 63 west, And then northwest quarter section 21, township 14 134 north, range 63 west. So I have one quarter on 15 contract for deed and my mom owns three quarters that is 16 affected by this JETx power line. 17 Like I said, my name is Lucas Wald and I am 18 speaking in opposition of the Otter Tail-MDU JETx 19 transmission line project. My mom, Debra, and I are 20 landowners who are directly affected by the JETx line. 21 My mom is an elderly widow living on the family 22 farm northeast of Edgeley, and I built our home just 23 down the road from her where my wife, Jill, and I are 24 raising our young family. This farm has been our family 25 farm since the early 1930s. My sons or daughter will PAGE 120

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1 likely be the fourth generation on our farm. My home is 2 a half mile from the JETx line so I wasn't directly 3 affected initially. 4 In the beginning of September 2023, I became 5 aware of survey -- survey permits being acquired by the 6 JETx line. I first heard of the JETx line when my 7 landlords, who are elderly siblings from California whom 8 I rented a quarter of land from at the time, reached out 9 to me. They sent me a text saying they have been 10 getting requests from JETx representatives to permit to 11 survey and were wondering how it would affect my farming 12 operation. I told them I had not heard about it yet and 13 I would do some investigating and confer with my 14 neighbors. At this time, we were just beginning to 15 receive information about informal open-house meetings 16 Otter Tail and MDU were having in our area. 17 It was about two months later, in early November 18 2023, that my mom received information for a survey 19 permit and was contacted by an Otter Tail land agent to 20 get the survey permit signed. It was around the same 21 time that my mom was also contacted by NextEra Energy. 22 We did not know at the time, but what NextEra came with 23 later was a contract for her to sign a purchase for her 24 farmland for a substation that would be constructed 25 adjacent to the JETx transmission line. Then a PAGE 121	1 occurred in December of '23, January, February, March, 2 and April '24. My mom saved all the voicemails which 3 depict quite a timeline. Over that span of time, my mom 4 dealt with five different agents between Otter Tail, 5 MDU, and NextEra. They were harassing her by sending 6 multiple agents and making numerous phone calls and 7 intimidating her by sitting outside of her home while 8 calling and waiting. 9 Then in early May of '24 my out-of-state 10 landlords sent me a text wondering what I thought about 11 the JETx easement contract. I told them I had not seen 12 an easement contract yet. They then sent me a copy of 13 the contract they had received in April 2024 to review. 14 I then asked my mom if she had received a JETx easement 15 contract and she said she had not yet, only phone calls 16 to discuss it or about wanting to meet to discuss it. 17 Then eventually my mom received an easement 18 contract by mail in mid July 2024 that I compared with 19 the contract my landlords had sent to me and asked my 20 opinion of it. 21 I read through them both and realized this was 22 not a contract any landowner who values their landowner 23 rights should sign. There is language that gives them 24 total control of your land. There is a clause in the 25 contract in which Otter Tail, MDU, without the consent PAGE 123
1 transmission line would cut through her land to connect 2 to the wind generation to the west of us. 3 So for the following month and a half there was 4 an Otter Tail-MDU land agent calling and stopping by, 5 attempting to get a survey signed and a Next Era 6 representative calling and stopping by to speak with my 7 mom on multiple occasions. Both would even sit outside 8 of her home and try to call her and would sit and wait. 9 During this time my mom spoke with me and told me, "Son, 10 you have to take over for me on this." 11 Keep in mind, this was early on and it was 12 getting to the point already where she didn't know who 13 was representing who or what between JETx, HDR, Otter 14 Tail, MDU, and NextEra, and was just getting worn down 15 physically, mentally, and emotionally. 16 After this, I met with the Otter Tail-MDU survey 17 representative and we declined the survey permit because 18 it was pretty vague, and since we declined it, they used 19 drones instead. We also ignored NextEra just because we 20 discussed it as a farm family and we weren't interested 21 at the time. It then went quiet. Or so I thought. 22 Little did I know until more recently, over the 23 next several months, a different land agent from HDR 24 Engineering made numerous calls regarding meetings to 25 discuss the JETx easement contract with my mom. This PAGE 122	1 of landowners, can sell, assign, transfer, convey, grant 2 a sub-easement, encumber, mortgage, pledge, grant a lien 3 upon and/or security interest in all or any parts of its 4 rights, titles, and interests in this agreement, the 5 option, the easement, and the electric line facilities. 6 The landowner essentially forfeits all rights of that 7 land. 8 MS. FUREY: Your Honor, I previously just lodged 9 an objection to comments along similar grounds with 10 respect to the terms and substance of the easement 11 agreements as being outside the scope of this 12 proceeding, and so, for similar reasons, I would also 13 object to comments offered into the record discussing 14 the easement's terms and the legal effect as well. 15 LUCAS WALD: Okay. I would also like to object 16 to her objection. 17 HEARING OFFICER HOGAN: Okay, hang on, hang on. 18 The Commission has no jurisdiction over the easement or 19 the contracting of those so -- 20 LUCAS WALD: So I can continue with that, 21 though; right? 22 HEARING OFFICER HOGAN: Well, I'd ask that you 23 skip the parts about the terms of the easement or 24 anything like that because that's outside the 25 jurisdiction -- PAGE 124

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1 LUCAS WALD: But I'm trying to paint a picture 2 on my behalf so you guys have the whole story of maybe 3 why we didn't sign easements with Otter Tail. 4 HEARING OFFICER HOGAN: You can certainly 5 summarize that but -- 6 LUCAS WALD: Okay. Well, I did summarize -- 7 HEARING OFFICER HOGAN: -- let's not talk about 8 specific provisions from the easement. 9 LUCAS WALD: Okay. It was just one paragraph so 10 I summarized it pretty much so -- all right. Anyways, I 11 was pretty well done with that so... 12 Okay. After reviewing the contracts and 13 discussing them at length with my landlords, they 14 decided it was time to sell the quarter of land that my 15 family had been renting from them since the 1930s. They 16 told me they knew the land would be in good hands and 17 that what needed to be taken care of would be. We 18 entered a contract for deed on that quarter in March of 19 '25, and from that point forward the JETx Line became my 20 concern as a landowner also. 21 More recently, my mom received an easement 22 contract for a 2.5 mile transmission line and 25-acre 23 land purchase option to support the transmission line 24 infrastructure and wind farm easement from NextEra in 25 August 2025. PAGE 125	1 opposition of local district representatives and 2 senators pushing through laws that erode landowner 3 property rights and limit local township control. We 4 are in opposition of a transmission line that has not 5 proven benefit or necessity to justify it. We are in 6 opposition of for-profit corporate gain at local 7 landowners' and ratepayers' expense. 8 The current proposed JETx transmission line 9 route will span three quarters of my mom's and one 10 quarter of my land, and we deserve to have our voice be 11 heard and our property rights honored. As a farm 12 family, we are stewards of our land and it is our duty 13 to protect it. 14 Thank you for your time and consideration. I 15 will sit for questions. 16 HEARING OFFICER HOGAN: Thank you, Mr. Wald. 17 And you passed out one handout and there's only one copy 18 of it, so could you just describe what you passed out? 19 LUCAS WALD: Okay. That -- that is just a list 20 of questions provided by our Wano Township board. And I 21 guess I was designated with just putting it into -- into 22 the record for you guys to review. 23 HEARING OFFICER HOGAN: All right. Great. 24 Thank you. 25 Ms. Furey, any questions? PAGE 127
1 She received another easement contract from 2 Otter Tail, MDU for the JETx transmission line in 3 mid-October 2025. 4 Shortly after, in late October 2025, she 5 received a letter from Stellar Renewable Power stating 6 that, due to the new transmission line, the 7 Jamestown-to-Ellendale transmission line, being 8 constructed on or near your property, your land is now 9 in an optimal location for solar development and they 10 are interested -- and they are interested in contracting 11 her property long term or purchase her property. 12 This project has been poorly executed from the 13 beginning and Otter Tail, MDU have lost credibility and 14 clearly lack transparency regarding the purpose of this 15 transmission line. 16 We are not in opposition of completing a grid 17 and the transmission of energy. We are in opposition of 18 Otter Tail, MDU JETx project representatives lying to, 19 harassing, manipulating, and deceiving local farmers 20 into signing egregious contracts that give them full 21 control of their farmland generate -- or full control of 22 their farmland, generational farmland that has been in 23 many families for close to or over a hundred years. We 24 are in opposition of obtaining a certificate of public 25 convenience and necessity unlawfully. We are in PAGE 126	1 MS. FUREY: No questions, Your Honor. 2 HEARING OFFICER HOGAN: Mr. Pelham, any 3 questions? 4 MR. PELHAM: I do. 5 As far as, Mr. Wald, the -- you mentioned the 6 Wano Township, are you on the township board? 7 LUCAS WALD: I am just recently Wan- -- or Wano 8 Township zoning supervisor. 9 MR. PELHAM: I see. All right. So are you also 10 here on behalf of Wano Township or -- 11 LUCAS WALD: No, I'm not. I just handed in -- 12 MR. PELHAM: Sure. 13 LUCAS WALD: Just -- I'm here on behalf of 14 myself. 15 MR. PELHAM: Fair enough. Thank you. 16 I'm wondering specifically, now that you've 17 entered into a contract for deed for that quarter 18 section of property, have you had -- and I know you 19 talked about your mom having contact with Otter Tail, 20 MDU. Have you had yourself direct contact with agents 21 of Otter Tail or MDU on the proposed line? 22 LUCAS WALD: Yes. I have had an easement sent 23 to me in both landowner -- or they -- they get it and 24 then I get it now that I'm on the contract for deed. 25 MR. PELHAM: Sure. I'm just wondering if you PAGE 128

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1 could describe to the Commission what type of 2 communication. I mean, have you had telephone calls? 3 Have you had someone come to your house, talk to you? 4 LUCAS WALD: Yes. I guess when they first 5 started coming, it was -- it was surveyed by Otter Tail, 6 whoever it was, if it was HDR running the surveys. They 7 called, they stopped by my mom's house, and at that 8 next -- at the same time NextEra was also. They 9 actually kind of started a little earlier but -- so, 10 anyways, yep, they -- they came, they stopped, and then 11 finally, like I said in my -- my speech here, that, you 12 know, after so many times, then I finally took over. 13 And then I met with the survey guy at my mom's request 14 and, you know, I told him what she was thinking. Deny. 15 And then she's had multiple phone calls too. We've got 16 a pretty long list of messages and voicemail saved and 17 so... 18 MR. PELHAM: So in terms of your property, I 19 mean is the issue -- and I understand what you all 20 outlined and you testified to today, but are there 21 specific issues as far as the route location of the 22 proposed line on your property that you have issues with 23 that you were able to communicate with Otter Tail on, 24 just unwilling to modify anything, or is it more of what 25 you were testifying to today? PAGE 129	1 They don't answer anything for us. They just kind of 2 tell. They almost come across as this is going to go 3 through one way or another. And you just -- you just -- 4 where do you want it? I mean, we can -- we can move it 5 a little for you but, you know, you're not going to stop 6 a transmission line. That's kind of the attitude that 7 happens down here. 8 So, you know, and that's in those meetings of 9 our Wano Township, that's kind of where I first kind of 10 really got a good -- good notion of what Otter Tail is 11 about. And, yeah, we -- how can we make a good decision 12 between the contracts -- which I would never sign. I 13 would never sign it the way it was written up. 14 And we just didn't get any story. Just like you 15 guys here, without knowing that all this development to 16 the west, well, you don't have the whole story. I mean, 17 they can point out that, well, this isn't relevant to 18 this proceeding. But where are we supposed to be heard 19 on this? 20 You know, you can tell by those maps, they spent 21 hours upon hours figuring that out and looking up those 22 public easements and, well, that paints a pretty good 23 picture for me. 24 MR. PELHAM: Thank you, sir. I don't have any 25 other questions for you. Appreciate that. PAGE 131
1 LUCAS WALD: Well, I guess for -- as you can see 2 in our Wano township, that line didn't move at all. But 3 I guess we kind of -- we got so far kind of into it, and 4 right -- right off the bat, you know, she was having 5 issues with kind of being harassed about it. 6 So then really we didn't have much conversation 7 about route -- rerouting because then, you know, 8 eventually we went to those conditional use permit 9 meetings in townships where we actually had an actual 10 meeting where people sat around and could ask questions. 11 You know, unlike the first informal meetings, it was 12 kind of like a meet-and-greet where they had over 20 13 representatives there bringing people here and there. 14 Where we're in a farming community. Here's the kind of 15 meetings we have where we can discuss, we can speak, 16 discuss and, you know, most time people from the crowd 17 could ask questions. Those are the kind of meetings we 18 consider meetings. 19 And, in reality, this is the first time I think 20 my voice has been heard. All I've had to rely on is 21 what Otter Tail's been saying. I've listened to your 22 PSC working sessions. I've listened to the informal 23 meetings you've had. And they skirt around answers to 24 your questions. 25 Well, imagine what they do to us down here. PAGE 130	1 HEARING OFFICER HOGAN: Mr. Schock, any 2 questions? 3 Commissioner Kringstad? 4 COMMISSIONER KRINGSTAD: I just want to verify 5 for my own notes, because I couldn't quite write as fast 6 as you were giving the descriptions to me. So I have 7 the northwest quarter of section 28. 8 LUCAS WALD: Yep. 9 COMMISSIONER KRINGSTAD: The northwest quarter 10 of section 33. 11 LUCAS WALD: Yep. 12 COMMISSIONER KRINGSTAD: The southwest quarter 13 of section 21. 14 LUCAS WALD: Yep. 15 COMMISSIONER KRINGSTAD: And then the northwest 16 quarter of what section? 17 LUCAS WALD: Section 21. 18 COMMISSIONER KRINGSTAD: Section 21 again. 19 Okay. That's what I originally was going to write and 20 then I second-guessed myself. 21 Okay. And so you must be Debra's -- 22 LUCAS WALD: Yes. 23 COMMISSIONER KRINGSTAD: -- son; right? 24 Okay. She mentioned that you would be here. So 25 just to clarify and make sure, my notes from what she PAGE 132

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1 had -- or my notes from her testimony earlier in the 2 week, she also mentioned a section 20 that -- 3 LUCAS WALD: Okay. Section -- 4 COMMISSIONER KRINGSTAD: The whole section of 5 section 20 is what I have in my notes. 6 LUCAS WALD: Okay. Section 20 is on a proposed 7 NextEra contract. 8 COMMISSIONER KRINGSTAD: I see. Okay. 9 LUCAS WALD: So this line runs across all these 10 quarters on the east side of their quarter. 11 COMMISSIONER KRINGSTAD: Sure. Okay. So that 12 is -- 13 LUCAS WALD: Yeah. 14 COMMISSIONER KRINGSTAD: -- separate land for a 15 separate project? 16 LUCAS WALD: Yep. 17 COMMISSIONER KRINGSTAD: Okay. Perfect. Thank 18 you for that clarification and for your testimony. 19 HEARING OFFICER HOGAN: Commissioner Christmann. 20 COMMISSIONER CHRISTMANN: I don't think I do. 21 But thanks for being here, though. 22 LUCAS WALD: Thanks. 23 HEARING OFFICER HOGAN: Commissioner 24 Haugen-Hoffart. 25 COMMISSIONER HAUGEN-HOFFART: No, I have no PAGE 133	1 not prepared to come up and testify or speak to you this 2 morning. 3 By the way, welcome to Edgeley and appreciate 4 your interaction with the public and the landowners and 5 those of us who are impacted. We appreciate that. And 6 members of the Applicants and the PSC staff, thank you 7 for showing up. 8 Previous testimony sort of compelled me to step 9 up and speak. Full disclosure, I am a former director 10 of a co-op, our local co-op, Dakota Valley Electric, 11 which we are an offtaker of I believe it's seven 12 substations. We're a forty-one six kV system. And I 13 guess I just want to tell, for lack of a better 14 terminology, the rest of the story with respect to 15 those -- our reliance on those facilities that are owned 16 by IOUs. 17 And I'm sort of going back in history here so 18 pardon my memory; it's pretty good, but it's short. So 19 understanding full well the PSC's, you know, sort of 20 mandate and legislation is to deal with duplication of 21 services which, of course, impacts every ratepayer. 22 Correct? I think I'm right on that. 23 So those substations were probably there long 24 before Dakota Valley or James Valley back in the day 25 was -- was a -- was a co-op and started to serve farmers PAGE 135
1 questions. Thank you for your testimony. 2 LUCAS WALD: Thank you. 3 HEARING OFFICER HOGAN: All right. Thank you, 4 Mr. Wald. 5 All right. I'll have you state your name for 6 the record and spell your last name. 7 RICHARD SCHLOSSER: Richard Schlosser, 8 S-C-H-L-O-S-S-E-R. 9 HEARING OFFICER HOGAN: And did you hear me go 10 through the penalties for perjury this morning? 11 RICHARD SCHLOSSER: Yes. 12 HEARING OFFICER HOGAN: And do you understand 13 what perjury is? 14 RICHARD SCHLOSSER: Yes. 15 HEARING OFFICER HOGAN: And being advised of the 16 potential penalties for perjury, do you promise to tell 17 the truth in this case today? 18 RICHARD SCHLOSSER: Yes. 19 HEARING OFFICER HOGAN: All right. Thank you. 20 Go ahead. 21 RICHARD SCHLOSSER: I'll do my best. 22 HEARING OFFICER HOGAN: All right. 23 <u>RICHARD SCHLOSSER,</u> 24 being first duly sworn, testified as follows: 25 RICHARD SCHLOSSER: I -- full disclosure, I was PAGE 134	1 in the mid-'40s. So rather than to duplicate services, 2 we delivered power through our co-op system to those 3 substations that went onto our forty-one six kV system, 4 which is for the benefit of the ratepayers. 5 And just to show some of the -- I know previous 6 testimony by one of the proponents was of our heavy 7 reliance on this new system which will, you know, create 8 a lot of reliability for Dakota Valley, just to point 9 out -- and these are peak numbers in a peak month. In 10 December, a high-demand month, this is the peak at -- on 11 the MDU system of which we are an offtaker, in the 12 Fredonia sub, 1 megawatt; Ellendale sub, 2.3 megawatts; 13 Forbes sub, 1.9 megawatts; Otter Tail Power system in 14 Gackle, the Gackle sub, 1.6 megawatts; Judd, .7; and 15 Millarton, 2.6 megawatts; Kulm sub, zero. That's on the 16 MDU system. 17 Now I just visited with our manager. And, full 18 disclosure, I used to be on the board. I'm not -- been 19 on that board; I retired about six years ago. So I'm 20 not up to speed on all the recent demand and all the 21 capacity that we need to serve our load here or if 22 there's new load that is going to require more -- more 23 load as the previous proponent had talked about. 24 He said, in my opinion, these are not big loads 25 on a 41kV -- forty-one six kV system, and I do not see PAGE 136

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1 this line increasing Dakota Valley's -- having a major 2 impact on Dakota Valley's reliability as we are on this 3 41.6kV system. It is a good high-voltage transmission 4 system, yes, but good for, you know, other systems. 5 I asked if -- what our peak demand was, and 6 that's 110 megawatts. So our reliance on those in a 7 peak demand month is less than 8 percent, just doing 8 back-of-the-envelope numbers. Is that enough to harm 9 our reliability or to meet any future growth? We have 10 other substations that probably can meet that demand. 11 Or if that demand is so large, we don't come to the PSC 12 and contest it because we probably can't serve it 13 because we probably don't have the capacity. Should we 14 have the capacity? We are a forty-one kV system. 15 And I guess the second point I would like to 16 make is previous testimony I -- I see -- and there may 17 be some objections to my comments here. I just 18 completed my 50th harvest. I know I don't look that 19 old, but I spent 50 years farming and been an advocate, 20 as Commissioner Christmann knows, I've showed up at the 21 Legislature advocating on behalf of family farms and 22 private landowners. 23 What I see in that map that was presented by 24 Mr. Long, in my township where we farm, there are only 25 three sections of land that have no proposed development PAGE 137	1 development with food security? And you all know that, 2 under the present farm bill, it is a food security issue 3 also. 85 percent of the title is nutrition. Where do 4 we begin to really ask the tough questions of how far do 5 we take development? 6 And I apologize, I don't have any written -- I 7 did not -- I did not plan to be here. And I do know 8 Commissioner Hoffart from previous -- another life, 9 which we -- and we've been involved in the energy 10 industry quite some time. 11 Right, Commissioner? 12 COMMISSIONER HAUGEN-HOFFART: Correct. 13 RICHARD SCHLOSSER: So I -- I apologize for not 14 having -- sort of doing an impromptu thing. And as 15 William Shakespeare said, "Brevity is the soul of wit." 16 And hopefully I was brief so -- 17 HEARING OFFICER HOGAN: All right. Thank you. 18 Hang on. We're going to see if there's any questions 19 for you. 20 Ms. Furey, any questions? 21 MS. FUREY: No questions. 22 HEARING OFFICER HOGAN: Mr. Pelham. 23 MR. PELHAM: I don't. Thank you. 24 HEARING OFFICER HOGAN: Mr. Schock. 25 MR. SCHOCK: Do you have any -- do you live or PAGE 139
1 of energy conversion systems, facilities. Now I don't 2 agree, they're probably not all going to be accepted on 3 all those sections of land. 4 Several years ago I had looked into putting our 5 land into farm preservation, American Farm Preservation. 6 And I did some research on this, and, in 2022, every day 7 of every year there were 2,000 acres of farmland lost to 8 development. 9 Now, okay, I understand we do need -- we do need 10 reliability that the Applicants have suggested here and 11 it's great for the grid. And the grid, of course, is 12 not just poles and lines, as we all know. It is the 13 generation, it is the distribution system, it is the 14 transmission system. One can't do, as the proponent 15 said, without the other. 16 But I hope you take into consideration, as 17 Commissioner Christmann has said several times, of that 18 farmland that is being taken out of production because 19 of some of this development, whether it's solar farms or 20 substations or facilities that are being large 21 energy-using facilities that are being supplied with 22 energy. And I -- I just am seriously concerned about 23 that. 2,000 acres a day on -- these are 2022 numbers -- 24 on 390 million acres USDA considers farmland. 25 Where is the tipping point of when we balance PAGE 138	1 own any property nearby this project? 2 RICHARD SCHLOSSER: Thank you for the question. 3 I forgot to say that. I was at one time impacted, and 4 they did adjust, and I thank them for that, for moving 5 the power line away from my residence. As previous 6 testimony was, 500-foot setback, I don't know all the 7 details and the engineering of this, but I'm -- it 8 concerns me if it sits -- if that line is too close to a 9 residence. So they accommodated, they accommodated the 10 move, and I appreciate that. Otherwise, I would not 11 have signed a contract. 12 MR. SCHOCK: So they originally proposed to be 13 on your property. You asked them to move -- 14 RICHARD SCHLOSSER: On two parcels of our 15 property. And they accommodated that. 16 MR. SCHOCK: Would you be willing to tell me 17 what -- what parcels? Township, range, section. 18 RICHARD SCHLOSSER: That would be in Russell 19 Township, section -- northwest section of 29. 20 MR. SCHOCK: 29 Russell? Okay. 21 RICHARD SCHLOSSER: And the other parcel was 22 section -- the northwest section of 34 in Russell 23 Township. 24 And so far as what I can tell from the map, they 25 haven't put a stake down on any of my property. PAGE 140

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1 MR. SCHOCK: Okay. I think that's all I have. 2 Thank you. 3 HEARING OFFICER HOGAN: Commissioner Kringstad. 4 COMMISSIONER KRINGSTAD: No questions. Just 5 thank you. And just to -- you don't have to have 6 written testimony. I just want to be clear for 7 everybody. You don't have to have anything written in 8 order to come up here. So what you did is perfectly 9 fine. Impromptu works just as well. So thank you. 10 HEARING OFFICER HOGAN: Commissioner Christmann. 11 COMMISSIONER CHRISTMANN: I'll also just say no 12 apology necessary. You still got it. You -- even 13 without notes or preparation, you still got your point 14 across very clearly. 15 RICHARD SCHLOSSER: Well, thank you. 16 HEARING OFFICER HOGAN: Commissioner 17 Haugen-Hoffart. 18 COMMISSIONER HAUGEN-HOFFART: Thank you, 19 Richard. And it's good to see you again. 20 RICHARD SCHLOSSER: Yeah, good to see you. 21 COMMISSIONER HAUGEN-HOFFART: No questions. 22 HEARING OFFICER HOGAN: All right. Thank you. 23 RICHARD SCHLOSSER: Thank you. 24 HEARING OFFICER HOGAN: I'll have you start by 25 stating your name for the record and spelling your last PAGE 141	1 49-22 siting docket for the proposed 345kV Jamestown 2 Ellendale to -- Jamestown-to-Ellendale line. Russell 3 Township has submitted written filings in this docket, 4 including a limited objection on need, a response to the 5 Applicants' HB 1258 zoning preemption request, and 6 questions for the record. 7 The Commission previously issued a CPCN for this 8 same project in Docket PU-24-91 under Chapter 49-03. 9 That CPCN was noticed by publication, and Russell 10 Township did not receive direct notice. The Commission 11 -- the Commission's June 18th, 2025, order leaving the 12 CPCN in place is now under judicial review in Burleigh 13 County District Court, Case No. 08-2025-CV-02068. 14 Russell Township's request today is 15 straightforward in this 49-22 siting document. The 16 Commission should not treat the prior CPCN as conclusive 17 proof of need. The Commission should require any 18 need-related showing in this record and issue a final 19 decision with findings and reasons based on the evidence 20 presented here. 21 Russell Township's limited objection to reliance 22 on PU-24-91 CPCN as proof of need and reservation of 23 rights. Russell Township submits this limited objection 24 for the record in the PSC Docket PU-25-236 -- 25 MS. FUREY: Your Honor -- PAGE 143
1 name. 2 TIM LEPPERT: My name is Tim Leppert, 3 L-E-P-P-E-R-T. 4 HEARING OFFICER HOGAN: Mr. Leppert, did you 5 hear me go through the penalties for perjury earlier? 6 TIM LEPPERT: Yes, I did. 7 HEARING OFFICER HOGAN: And do you understand 8 what perjury is? 9 TIM LEPPERT: Yes, I do. 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 TIM LEPPERT: Yes, I do. 14 HEARING OFFICER HOGAN: All right. Thank you. 15 Go ahead. 16 <u>TIM LEPPERT,</u> 17 being first duly sworn, testified as follows: 18 TIM LEPPERT: Got to get my paperwork sorted out 19 here. 20 Well, I'm here today representing here Russell 21 Township. So I'll say, I guess, good afternoon. My 22 name is Tim Leppert, Russell Township zoning 23 administrator. I'm here on behalf of Russell Township. 24 What I presented to you there as part of 25 docket -- this is PSC Docket PU-25-236, the Chapter PAGE 142	1 I'm sorry to interrupt, Mr. Leppert. 2 I guess I would just state that, you know, since 3 the township isn't a party to this proceeding, they 4 don't have the ability to lodge objections in this 5 proceeding. To the extent that the Commission wants to 6 accept these, what I would consider to be public 7 comments in the record, as it has done for the other 8 entities and individuals that have come up and provided 9 them, that's one thing, but we would -- we, number one, 10 don't believe they need to be read into the record, and, 11 second, would object to them because the entity does not 12 have party status in this proceeding. 13 HEARING OFFICER HOGAN: Mr. Leppert, you passed 14 out these documents and they will become part of the 15 record and the Commission's going to review them and 16 read through them. 17 Perhaps you could maybe just kind of summarize 18 the township's objections rather than reading through 19 these documents. I think that would be more helpful for 20 the commissioners. 21 TIM LEPPERT: Madam Judge, if I might speak. 22 Thank you. 23 The townships have never had a say before this 24 day. We've never had a say in front of the PSC or 25 anybody. This is our opportunity as townships to PAGE 144

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1 represent the townships' view. I will respectfully 2 object and ask to read them, but I understand for time 3 limit on this, but I -- we've never had a say here. The 4 townships have never had an opportunity, not once. 5 This is the problem with this whole process. We 6 didn't get a notice before you guys voted on granting 7 them the CPCN. The townships were never notified. 8 There was a simple notice in the newspapers. And I 9 looked and I checked. Your office directed the 10 newspaper to specifically not put it in the public 11 notice section but to put it in the news section. Most 12 people in my township don't even get the local paper. 13 This was never -- we have no notice of this. 14 There was -- Mr. Weiers, the other day, 15 insinuated in his testimony under oath that Russell 16 Township did not publish our June 17th meeting in the 17 paper, in the local record. I have copies of those 18 newspaper notices here today. That is our invitation to 19 them to come to the meeting. As much notice as they 20 gave us, we gave to everybody also. We complied with 21 the law. And I -- I guess I'm kind of -- I kind of 22 resent the statement by Mr. Weiers insinuating that we 23 didn't, without them even checking probably. I don't 24 know if they did or not. They just made the statement. 25 This is our only say, the township's only say. PAGE 145	1 township board that actually makes those decisions -- 2 they can't issue a conditional use permit unless those 3 standards are met. 4 Well, now, so here comes House Bill 1258. We 5 believe this law to be unconstitutional. It's going to 6 be challenged in court. That's what's going to happen. 7 You cannot take away townships' rights to regulate 8 industry. And these legislators that have done this, we 9 have found out -- and I'll be submitting testimony in 10 Jamestown to prove that they've done this for financial 11 gain. I have the proof. I have the easements. They've 12 signed easements. 13 And for Otter Tail to say that it's a separate 14 issue, it isn't a separate issue. We've got a consent 15 agreement, and I'll be putting that out in Jamestown, 16 between Otter Tail, MDU, and Spiritwood Solar LLC. They 17 have a consent agreement to take that power from that 18 solar field and put it on the JETx line. It's mentioned 19 in the consent agreement. This is not a power line 20 being built for connecting the grid. 21 It's ironic that there's a data center in 22 Ellendale where the transmission line ends in a 23 substation and a crypto mining facility north of 24 Jamestown next to a substation there. And now you've 25 seen the maps. PAGE 147
1 And they object as our zoning being 2 unreasonable. I brought our comprehensive plan and 3 zoning ordinance today. This was established in 2011. 4 Most of the townships and -- and Russell Township's 5 zoning goes back that far. I checked in our adjoining 6 townships in the adjoining counties. Some of theirs 7 goes back to 1979. They claim our zoning is 8 unreasonable. These ordinances have been in place 9 sometimes for almost 40 years or 40 years-plus. 10 What's unreasonable here? That the township 11 people want to protect themselves? Yes. We placed 12 two-year moratoriums on these projects because we wanted 13 questions answered about safety. We are updating our 14 zoning ordinance as our comprehensive plan, which is 15 recorded in the local courthouse. It's a legal 16 document. This is a certified copy. We are updating 17 our ordinances as of right now. We've already had our 18 first meeting here to start the process. It's to 19 upgrade our zoning. 20 So what is unreasonable about townships wanting 21 to protect its citizens? Our comprehensive -- I mean, 22 our zoning ordinance in the section back -- has a 23 standard section under issuing conditional use permits. 24 If those standards aren't met, we as township 25 officers -- and I'm just a zoning person so it's the PAGE 146	1 And now I'm going to produce this document 2 Friday, a consent agreement between them and Solar -- 3 Spiritwood Solar LLC, a corporation out of Connecticut. 4 They've signed an agreement to put the power on the JETx 5 line. 6 I guess that's about all I have to say about it, 7 but I'll stand for questions if you have any questions. 8 HEARING OFFICER HOGAN: Ms. Furey, do you have 9 any questions? 10 MS. FUREY: Just one, Your Honor. 11 Mr. Leppert, so Russell Township had initially 12 issued the project a CUP and then subsequently enacted a 13 moratorium and then revoked the CUP. Is your testimony 14 today that the public notices that are in this document 15 that state Russell Township is hereby giving notice that 16 Russell Township board will hold a special meeting 17 pertaining to updating its comprehensive plan and zoning 18 ordinances, that this constitutes notice of revocation 19 of a CUP -- 20 TIM LEPPERT: To our -- 21 MS. FUREY: -- and moratorium adoption? 22 TIM LEPPERT: To our understanding, and we're 23 just lay people, that's our understanding, that it's 24 under zoning and -- under zoning ordinances and updating 25 and that. Yes, to our understanding that's -- that's PAGE 148

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1 what we understand. 2 MS. FUREY: No further questions. 3 HEARING OFFICER HOGAN: Mr. Pelham, any 4 questions? 5 MR. PELHAM: Thanks again for being here and 6 testifying, Mr. Leppert. 7 I'd asked you some questions in Ellendale. Just 8 a little bit more as to the moratorium. And, again, I 9 think I asked you and you testified today that you had 10 questions on safety. I'm just wondering if you could 11 elaborate on that. 12 TIM LEPPERT: In the working session meetings, 13 the voltage and the wattage of this power line was 14 discussed at length. And one of your people, I can't 15 remember his name -- trying to pull this out of memory 16 here -- mentioned that this was going to be a 4,000 17 megawatt power line when it was completed. That was an 18 employee of the PSC. He was asked a question and -- and 19 that was referred, a 4,000 megawatt power line. 20 MR. PELHAM: So that's -- 21 TIM LEPPERT: We have a concern about the safety 22 of that, how close it's going to be to people's 23 residences, what's that going to do to farmers farming 24 under this? 25 We have spoken with people around the country PAGE 149	1 centers, solar, and wind. And so we are -- had our 2 first reading of those proposed amendments and additions 3 to our zoning ordinances and also updates to our 4 comprehensive plan. 5 MR. PELHAM: Thank you, sir. I don't have any 6 other questions for you. 7 HEARING OFFICER HOGAN: Mr. Schock, any 8 questions? 9 MR. SCHOCK: Just wanted to clarify a little bit 10 on the 4,000 megawatt reference. I'm pretty sure I 11 didn't say that, but it's very likely our engineer said 12 that. As far as I know, that doesn't sound -- 13 TIM LEPPERT: It was either the engineer -- I 14 can't remember directly. I should have brought those 15 with me today for reference, but it was either -- is 16 there a -- I'm trying to think of his name -- Chris 17 Hanson? 18 MR. SCHOCK: Yes, there is. 19 TIM LEPPERT: I think it was him, if I remember 20 right. I can't remember. I think it was in the October 21 17th hearings. 22 MR. SCHOCK: Sure. And, honestly, the number 23 doesn't sound inaccurate to me. It's a kind of a 24 different scale, though. So 345 kilovolts, and then the 25 megawatts is really the amount of energy that can flow PAGE 151
1 that have happened to park machinery under these 2 high-voltage power lines and they've lost all of their 3 computer data on their GPS on their planters, on their 4 combines. They went to start the combine the next 5 morning and tried to recall the data and there's no 6 data. Planters, the same way. A lot of that data is 7 very important with people trying to do, you know, the 8 new innovative planting procedures that are being done. 9 So farming has become high tech and it -- it is 10 interfered with, with EMF. 11 MR. PELHAM: You mentioned that there was a 12 first meeting at Russell Township for updating the 13 condition -- updating the zoning ordinances for 14 conditional use permits. Are you able to tell the 15 Commission what the plan of the township is? I mean, 16 how many meetings are anticipated? What's the status of 17 things after the first meeting? 18 TIM LEPPERT: So we had our first zoning 19 updating meeting on January 2nd. I'm correct -- I think 20 that's correct. What we are doing is we are -- we 21 targeted four things that we knew that were coming and 22 that we knew that the industry would want us to, you 23 know, do our work quickly on so we would accommodate 24 everybody. And we took a look and we chose four 25 different things: high-voltage power lines, data PAGE 150	1 across it. It seems like it's similar and very related 2 but they're -- 3 TIM LEPPERT: It was mentioned as that. I 4 remember that quote from there. 5 MR. SCHOCK: So, yes, I'm -- off the top of my 6 head, I don't know that 4,000 megawatts is the exact 7 number, but it doesn't sound inaccurate to me, is all I 8 wanted to kind of clarify. But it does not change the 9 voltage level to anything beyond three -- 10 TIM LEPPERT: I was just handed this. Let me 11 get my glasses out here. 12 MR. SCHOCK: Sure, sure. 13 TIM LEPPERT: This is small print. Where is it 14 here? 15 Oh, yeah, here it is. All right. The JETx 16 project will also -- this is -- I should go back and get 17 you the proper reference here of when this was for the 18 record. Working session, August 8th. 19 All right. The JETx project will also 20 accommodate new generation in North Dakota. I'll just 21 mention, as part of MISO studies of these future 22 conditions, they add about 4,500 megawatts of new 23 generation in North Dakota. And this line will 24 accommodate that future generation development. 25 This is one section, but there was another PAGE 152

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1 section later that specifically mentions the amount of 2 what it's able to generate here. If I could find that. 3 That's another -- 4 MR. SCHOCK: And that's okay. I'm not disputing 5 anything of what you said whatsoever. I just wanted to 6 kind of clarify. It's a different measurement. 7 TIM LEPPERT: Sure. 8 MR. SCHOCK: So if a 345-kilovolt line is 9 ultimately what ends up being permitted and built, they 10 can't increase the voltage level of that line without 11 approval from the Commission and a changing likely of 12 the engineering of the entire thing. It's just 13 something I kind of wanted to clarify. Whether it flows 14 10 megawatts or 3,000 megawatts, it's still the same 15 voltage level. 16 TIM LEPPERT: Sure, sure. 17 MR. SCHOCK: Just wanted to clarify that. No 18 further questions. Thank you. 19 HEARING OFFICER HOGAN: Commissioner Kringstad. 20 COMMISSIONER KRINGSTAD: Again, going back to my 21 notes on Monday, I have noted that you own land here in 22 LaMoure County; correct? 23 TIM LEPPERT: Yes. And I -- I'm prepared to 24 tell you today -- 25 COMMISSIONER KRINGSTAD: Okay, sounds good. I PAGE 153	1 Russell Township not getting direct notice of the CPCN 2 meeting. 3 TIM LEPPERT: That's correct. 4 COMMISSIONER CHRISTMANN: And then shortly after 5 mentioned something about PSC staff, the newspapers 6 publishing it in the news section and not the public 7 notices section. 8 TIM LEPPERT: I found a directive in the PSC 9 filings stating that to the LaMoure County Chronicle. 10 COMMISSIONER CHRISTMANN: So the part about not 11 getting notice means that it was in the news section, 12 not the -- 13 TIM LEPPERT: That's correct. That's correct. 14 COMMISSIONER CHRISTMANN: Okay. Thank you. 15 HEARING OFFICER HOGAN: Commissioner 16 Haugen-Hoffart. 17 COMMISSIONER HAUGEN-HOFFART: Thank you. Good 18 to see you again. 19 TIM LEPPERT: Thank you. 20 COMMISSIONER HAUGEN-HOFFART: At the beginning, 21 I just want to comment, we hear you about being heard. 22 And you feel this is the first opportunity, we hear 23 that. That's why we come out here. So, with that being 24 said, what would you like to see different? 25 TIM LEPPERT: Transparency. PAGE 155
1 wanted to follow up on that piece because that -- that's 2 what I had for my notes, and I think it's open-ended 3 because you -- 4 TIM LEPPERT: Yes. 5 COMMISSIONER KRINGSTAD: -- had said you were 6 going to talk about that today, so... 7 TIM LEPPERT: Northeast quarter of section 20, 8 Russell Township. 9 COMMISSIONER KRINGSTAD: Okay. And I haven't -- 10 I won't keep you in suspense while I flip through to 11 that map, but that particular section is impacted by 12 this project? 13 TIM LEPPERT: Yes. It's coming down the west 14 quarter line. 15 COMMISSIONER KRINGSTAD: Okay. 16 TIM LEPPERT: The west side of our property. 17 COMMISSIONER KRINGSTAD: Okay. 18 TIM LEPPERT: Right there. 19 COMMISSIONER KRINGSTAD: Perfect. I will find 20 it in that book. That's the only question I had. Thank 21 you. 22 TIM LEPPERT: Thank you. 23 HEARING OFFICER HOGAN: Commissioner Christmann. 24 COMMISSIONER CHRISTMANN: One thing where I 25 didn't keep up with you earlier on, you mentioned about PAGE 154	1 COMMISSIONER HAUGEN-HOFFART: I mean, that's 2 broad. 3 TIM LEPPERT: It is. It is. 4 COMMISSIONER HAUGEN-HOFFART: That's very broad. 5 TIM LEPPERT: We would like to hear or hear -- 6 we'd like the townships to be included in this. 7 COMMISSIONER HAUGEN-HOFFART: So going back to 8 the CPCN, like you're saying "we," maybe the PSC, the 9 Applicant should notify the townships that this is going 10 on? 11 TIM LEPPERT: Correct. 12 COMMISSIONER HAUGEN-HOFFART: Okay. I just 13 wanted -- 14 TIM LEPPERT: And I would add one request. 15 Please don't plan these meetings in the spring when 16 we're trying to plant or in harvest time. And that's 17 what happened here. It's very difficult for the people 18 to come out. This is their livelihood. We farm. And 19 we're -- remember this about the townships. We're 20 volunteers here. This isn't a fun job. Somebody's got 21 to do it. 22 COMMISSIONER HAUGEN-HOFFART: Yeah. 23 TIM LEPPERT: We're the only ones. There's very 24 few resident landowners left in our township. 25 And I'll make this statement too, as Mr. Wald PAGE 156

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1 did about Wano Township. Not one resident landowner 2 signed a JETx lease. Not one. They were all absentee 3 landowners. None of them came and asked us the impact 4 of this, what it's going to do to us. 5 COMMISSIONER HAUGEN-HOFFART: Well, I just want 6 to also say, what you guys are expressing here today we 7 hear throughout a lot of our applications. Our process 8 depends on when the applicant comes before us and when 9 we viewed it as complete on the scheduling. And we do 10 recognize -- 11 TIM LEPPERT: I think there needs to be a better 12 effort made by all parties interested in contacting the 13 people. These so-called open-house meetings that Otter 14 Tail had here, I didn't even know about them. My 15 brother and my nephews went to them. 16 And it was not an open format meeting like we're 17 having here today. Not anything of the kind. It was 18 Otter Tail landmen trying to split up neighbors from 19 talking to each other and taking them aside and trying 20 to get them to sign a contract. That's what my brothers 21 told me. I witnessed it at a NextEra. That's a wind 22 developer. Same thing there. 23 There needs to be a public dialogue. We've 24 heard so much -- how would I say it? It's 25 disinformation from Otter Tail about this line. It's PAGE 157	1 (Recess) 2 HEARING OFFICER HOGAN: All right. We will 3 continue with public testimony. 4 Sir, can I have you state your name for the 5 record and spell your last name? 6 STEVE RUPP: My name is Steve Rupp, R-U-P-P. 7 HEARING OFFICER HOGAN: Mr. Rupp, were you in 8 the room this morning when I went through the penalties 9 for perjury? 10 STEVE RUPP: Yes, I was. 11 HEARING OFFICER HOGAN: And do you understand 12 what perjury is? 13 STEVE RUPP: Yes, I do. 14 HEARING OFFICER HOGAN: And being advised of the 15 potential penalties for perjury, do you promise to tell 16 the truth in this case today? 17 STEVE RUPP: Yes, I do. 18 HEARING OFFICER HOGAN: All right. Thank you. 19 Go ahead. 20 <u>STEVE RUPP.</u> 21 being first duly sworn, testified as follows: 22 STEVE RUPP: Okay. Well, good afternoon, 23 Chairman Christmann, Commissioner Haugen-Hoffart, and 24 Commissioner Kringstad, and attending counsel. 25 I had written this up with a lot of my thoughts PAGE 159
1 one story one day, another story another day. 2 They told us repeatedly at many of these 3 meetings, the people asked them -- because the people 4 suspected that there were going to be other things 5 coming into our community. Because we'd heard about 6 this. We asked them specifically many times, "Is there 7 going to be renewables or whatever hooked onto this 8 power line?" They vehemently denied that. They said, 9 and I quote Chris Koch, the Otter Tail representative, 10 he said no ons, no offs. A straight through line from 11 Jamestown to Ellendale substations. He stated that. 12 And many people in this audience will testify to that, 13 and they're going to say that. 14 COMMISSIONER HAUGEN-HOFFART: Thank you. Thank 15 you, Tim. I have no further questions. 16 HEARING OFFICER HOGAN: All right. Thank you, 17 Mr. Leppert. 18 TIM LEPPERT: Thank you. 19 HEARING OFFICER HOGAN: By show of hands, can I 20 see how many more people want to testify? 21 I'm wondering if we should take a break, a lunch 22 break. Half an hour? I think we're going to take a 23 lunch break before we continue. So let's -- what time 24 is it? About 2:00. It's 1:23. Okay. We will 25 reconvene at 2:00. PAGE 158	1 over the last few days, but at the effort to not be 2 redundant, so many of these things have been talked 3 about already this morning so I'm going to chop up this 4 talk. I'll probably be referencing some of my writing. 5 So if I'm not smooth in my presentation, bear with me. 6 But I am Steve Rupp and I am a third generation 7 farmer from Wano Township, and I'm here today to testify 8 against the proposed JETx power line. I have been 9 farming since 1979 and so, like Richard Schlosser has 50 10 harvests under his belt, I got 46, so I'm going to catch 11 him. 12 But, anyway, my wife and I had made a promise to 13 my father right before he died that we would never 14 mortgage our land or sell an acre of our land. And to 15 this day, even despite the pressure from loan officers 16 and lending institutions during the dirty '80s, we've 17 held onto that promise. Our land has no price on it. 18 It's our heritage. Our son Cody, who you met earlier 19 this morning, he farms with us, but he has a son, 20 Robbie, who talks of little else than growing up to 21 become a fifth generation farmer. So we're trying to 22 save our land from certain developments that we deem in 23 our minds unnecessary. 24 Anyway, Otter Tail Power met with our township 25 and surrounding townships over the past year. But then PAGE 160

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1 suddenly I became aware of a lot of things that, in my 2 mind, seemed untrue or certain key points were being 3 left out and I needed to start asking questions, and 4 they really didn't care to divulge so many things. 5 One, I was finally able to continue to ask the 6 question to one of the Otter Tail representatives, "What 7 about this power line? Can it be sold or traded or 8 anything else?" And his answer was "No." I came to 9 find out under further investigation -- my further 10 investigation tells me that, yes, these easements can be 11 sold and traded. 12 So then at the next meeting I asked the 13 question, "Well, what about something else, like maybe a 14 pipeline that might go through this easement, or 15 whatever? Otter Tail Power representative answered 16 that -- 17 MS. FUREY: (Inaudible) 18 HEARING OFFICER HOGAN: Can you try the other 19 one? I just want to make sure we get -- 20 MS. FUREY: Is this better? 21 HEARING OFFICER HOGAN: Yeah. Thank you. 22 MS. FUREY: Just want to note, consistent with 23 our prior objections to discussions regarding the terms 24 of the easement as being not relevant to this 25 proceeding, outside the scope of considerations that the PAGE 161	1 talk of the substations. 2 So, anyway, the next point I'd like to make is 3 they had been after my neighbor, Debra Wald, to buy land 4 -- or not necessarily Otter Tail Power, but one of the 5 planned projects was after Debra Wald to buy land for a 6 substation. She refuses. 7 I am named in a revocable trust. I have a 8 nonresident landowner from California who allows me to 9 make a lot of her business decisions for her. I make 10 all the agricultural decisions for her. So I have power 11 of attorney for her. 12 She presented me with this letter that I would 13 like to share portions of it with you to stay brief: 14 "My name is Josh Bond. I'm a land representative 15 working with NextEra Energy --" 16 MS. FUREY: Your Honor, I would object as this 17 is not relevant to this proceeding. A letter from 18 another company regarding, presumably, a separate 19 project is outside the scope of information that's 20 currently before the Commission. 21 HEARING OFFICER HOGAN: Is it about this 22 project? 23 STEVE RUPP: Let me jump to the third paragraph 24 and you'll see exactly why this is relevant. And it's a 25 short paragraph, and it says "Please see the enclosed PAGE 163
1 Commission is to look at when assessing a siting 2 application. 3 HEARING OFFICER HOGAN: So, Mr. Rupp, kind of 4 what I've told others, you can talk about the easements 5 generally, but I'd ask that you refrain from talking 6 about any specific provisions contained in those 7 easements. And I don't know -- I don't think you were 8 quite there and I don't know that you were planning to 9 do that, but that's kind of what I would -- 10 STEVE RUPP: And I wasn't going to go into any 11 more specifics. I just wanted to give an example of 12 what -- some of my research started to bring up all 13 these red flags and questions. 14 HEARING OFFICER HOGAN: Sure. 15 STEVE RUPP: So anyway, then I came to find out 16 that there's six tranches planned. This was tranche 17 number one. So, anyway, that -- I'll leave that subject 18 go. 19 But after an Otter Tail Power presentation on 20 the dry erase board in front of the one classroom where 21 we were meeting, I was acknowledged to ask a question, 22 and I asked this of them: "You drew a couple little 23 substations in red. So how many substations are really 24 planned along this project?" Gentleman raised his hands 25 and said, "Zero." Now, you and I, we all know of the PAGE 162	1 map of your property. You will notice the purple line 2 which is the planned JETx route." 3 Again, NextEra is planning to purchase property 4 along this line and hook into the JETx line. So that 5 tells me they're trying to buy substations to plug into 6 this line. So I feel this is relevant. 7 But I'll leave the letter at that. I just 8 wanted to make the Commission aware of that letter. 9 Okay. 10 Also, I'm not about just saying I don't want to 11 look out a window at something like this, but what I'm 12 worried about is losing valuable farmland. All my life 13 I've heard that the American farmer needs to feed the 14 world. Well, I'll give you one quick example. 15 In the year 2000, the United States imported 191 16 million bushels of soybeans. Now, in 2024, that 191 17 million bushels has grown to 985 million bushels. As 18 stated by Richard Schlosser, we are losing farmland at 19 an alarming rate every day of the year. I don't know. 20 When you look at corn and other foodstuffs for our 21 country, it gets even scarier. Where do we go from 22 here? 23 So, yes, we're trying to protect our land. And 24 in the words -- I'll quote Sarah Vogel in an interview 25 when she said that this land needs to stay in the PAGE 164

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1 control of those who live and work here. 2 I also wanted to talk about the construction 3 project just so briefly. There is a 150-foot easement 4 path. I question whether they could even work within 5 the scope of that because they need -- they got a lot of 6 huge equipment. They need cranes to pull the wires. 7 They need to dig footings and everything. 8 Now, Mr. Weiers talked of the township roads and 9 how they wanted to be careful of them and -- and be a 10 good neighbor. But the weight of these side dump trucks 11 that are going to haul gravel and the ones that are 12 going to haul cement -- I was a township officer for 27 13 years. I know that the subsurface of these roads cannot 14 handle this type of traffic. That is a true and -- true 15 fact. So, with that being said, then they would run 16 these fields to dump their product within these dug 17 footings. There is going to be a compaction layer that 18 I could never ever get rid of. I don't care how hard I 19 tried. 20 But, lastly, and I will try to keep this brief, 21 I'm more worried about weather. Mother Nature. This is 22 not being talked about. Mr. Weiers talked about the 23 December 2023 ice storm in Stutsman County and the 24 problems that caused. Well, I got news for him. That 25 same ice storm hit LaMoure County maybe even worse than PAGE 165	1 their answer was no. A downed power line fire is a 2 manmade event. It is not an act of God. It is not 3 insurable. 4 On that note -- I don't mean to carry on. I'm 5 just going to close my presentation at that and I'm open 6 for any questions. 7 HEARING OFFICER HOGAN: Ms. Furey, any 8 questions? 9 MS. FUREY: No questions. 10 HEARING OFFICER HOGAN: Mr. Pelham. 11 MR. PELHAM: Sir, your wife testified on Monday 12 and she gave general descriptions of the property that 13 you farm. Are you able to provide us with legal 14 descriptions? 15 STEVE RUPP: I can cover that. But what I'm 16 going to ask of you, do you want the land descriptions 17 of the land that's affected -- 18 MR. PELHAM: Yes. 19 STEVE RUPP: -- all the land we farm? 20 MR. PELHAM: The land that's affected directly 21 by the line that they're wanting to go through your 22 property, if you have that, sir. 23 STEVE RUPP: Yes. The north half of Valley 24 Township in Dickey County, southwest quarter of section 25 33, Willowbank Township, north half, section 16, Wano PAGE 167
1 it did Stutsman County. If this JETx power line would 2 have been constructed, the damage, the downed lines, the 3 outage would have been just as bad. And -- excuse me. 4 And another worry I have about that is what 5 about the time of repair and the time of reclamation 6 after some of these repair projects are done? I guess, 7 you know, downed power lines can cause fires just like 8 the Ray, North Dakota, fire in October 6th of 2024. 9 Three farmsteads were obliterated, two people were 10 killed, hundreds of livestock, 30,549 acres were burnt 11 up. 12 If that's my cornfield, I'll tell you what 13 happens there. The damage that's done there goes way 14 deeper than what you would see if you drive by. I get a 15 zero yield for that corn. That zero yield goes on my 16 APH, my actual production history, for the next 10 17 years. When it lowers that, my ability to collect in 18 case of a weather event is decreased. My insurance 19 premiums per acre go up on that land because I have a 20 poor yield. 21 But not only that, I checked with my insurance 22 company and I asked about the insurance for that. Can I 23 get insurance liability against any of this, whether I 24 would hit one of their poles, one of their poles do 25 damage to me, or burn up half the countryside? And PAGE 166	1 Township, and depending on which map I look at, 2 potentially southwest quarter of section 4, Wano 3 Township. 4 MR. PELHAM: Thanks. And what was the section 5 for the Valley Township, the north half? 6 STEVE RUPP: Five. 7 MR. PELHAM: Five. Okay. Thank you. 8 So for these -- these particular properties that 9 you own, you farm those? 10 STEVE RUPP: Yes, I do. 11 MR. PELHAM: Are you able -- can you tell the 12 commissioners what type of contact that you had with the 13 company in terms of attempts, any attempts at all, of 14 addressing any specific concerns you had as to the line 15 going through those properties? 16 STEVE RUPP: I've had very little. I did have 17 -- the letter I was reading, that gentleman had stopped 18 by our farm. I'd had phone calls from him. I've been 19 told by one landowner that we've asked them to stop 20 contacting us and her. 21 MR. PELHAM: Okay. So in terms of any specific 22 reroutes or anything like that, is there -- are there 23 any discussions that have taken place between you and 24 the company as to those specifics, if any? 25 STEVE RUPP: Not me so much as my wife, Sandra. PAGE 168

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1 She's been very active in talking with them. 2 MR. PELHAM: Thank you, sir. I appreciate it. 3 I don't have any other questions for you. 4 HEARING OFFICER HOGAN: Mr. Schock, any 5 questions? 6 MR. SCHOCK: The parcels that you listed, you or 7 your wife own those parcels or rent -- 8 STEVE RUPP: Them are all rented properties 9 there. 10 MR. SCHOCK: Okay. That's all the questions I 11 have. Thank you. 12 HEARING OFFICER HOGAN: Commissioner Kringstad. 13 STEVE RUPP: The only thing I'd like to add, 14 sir, is that I do have power of attorney for some of 15 that property. 16 MR. SCHOCK: Okay. 17 COMMISSIONER KRINGSTAD: All of my questions 18 have already been answered. Thank you for your 19 testimony. 20 HEARING OFFICER HOGAN: Commissioner Christmann. 21 COMMISSIONER CHRISTMANN: I think I'm good too. 22 Thank you. 23 HEARING OFFICER HOGAN: Commissioner 24 Haugen-Hoffart. 25 COMMISSIONER HAUGEN-HOFFART: No questions, but PAGE 169	1 the voltage, the higher the EMF. 2 Power companies have a lot of information out 3 there that says it's very low EMF. That agrees with 4 other findings that I found. They say there is no link 5 between EMFs and child leukemia, brain cancers, and some 6 adult leukemia and brain cancers. Others say there is a 7 direct link in their studies. 8 One study that I looked at stated that if you're 9 within 1,500 feet of a high-voltage transmission line 10 and you're considering to buy a house in that area, you 11 should have an EMF study done. They said as you move 12 away from it, it greatly reduces. They said if you're 13 buying a house that's three quarters of a mile away from 14 a transmission line, no study is needed, no link. 15 You can find as many for it as against it. 16 Really makes it indecisive. I found a British study 17 that says there's a direct link to these cancers 18 starting at 600 meters and increasing to 500 meters and 19 up as you get closer. 20 600 meters is 1,968.5 feet. They say 2,640 is 21 unreasonable. I don't think so. What is it, 700 feet 22 difference? Maybe it doesn't concern a lot of people. 23 I have cancer. I live with cancer. Anything 24 that causes cancer scares me. I'm not scared to die. 25 And if cancer kills me, it's part of life. Everybody PAGE 171
1 thank you for your testimony. Appreciate it. 2 HEARING OFFICER HOGAN: Thank you, Mr. Rupp. 3 Good afternoon. I'll have you start by stating 4 your full name for the record and spelling your last 5 name. 6 LEON WESTERHAUSEN: Leon Westerhausen, 7 W-E-S-T-E-R-H-A-U-S-E-N. 8 HEARING OFFICER HOGAN: Did you hear me go 9 through the penalties for perjury this morning? 10 LEON WESTERHAUSEN: Yes, I did. 11 HEARING OFFICER HOGAN: And do you understand 12 what perjury is? 13 LEON WESTERHAUSEN: Yes, I do. 14 HEARING OFFICER HOGAN: Being advised of the 15 potential penalties for perjury, do you promise to tell 16 the truth in this case today? 17 LEON WESTERHAUSEN: Yes, I do. 18 HEARING OFFICER HOGAN: All right. Thank you. 19 Go ahead. 20 <u>LEON WESTERHAUSEN.</u> 21 being first duly sworn, testified as follows: 22 LEON WESTERHAUSEN: Today I'm bringing up a few 23 concerns that I have relating to health, and it's EMFs. 24 When you research on EMF, electromagnetic fields, it 25 occurs when electricity passes along a wire. The higher PAGE 170	1 will die someday. But other people, young people, 2 should they be exposed to this? 20 years from now, 3 maybe there'll be a new study and says, "Whoa, we didn't 4 know about these EMFs. Our studies weren't complete." 5 We've all heard studies on eggs cause 6 cholesterol. Now they say, "No, it doesn't." We don't 7 know in the future. But I believe we should look at the 8 safety factor. Is a little lighter -- a little extra 9 distance safer? I would say so. Is it worth it? Any 10 extra level of safety is worth it. 11 Now I'd like to speak on grid reliability. We 12 continuously hear the same story, that this JETx line is 13 to provide reliability to Jamestown and the grid, and 14 then they also say strengthen the grid. Most people, 15 when they heard that it's to provide reliability to 16 Jamestown, and with the comments that follow, they would 17 have had power in the ice storm of December '23. 18 I think Jamestown would have had power in the 19 storm of '23 had an extra large load not been applied to 20 the grid. And I base this on the fact that, when I 21 research, Jamestown uses 30 to 35 megawatt. The peaking 22 plant, which was put in place on the east side of 23 Jamestown, in case of power outages, that they could 24 power the city, produces up to 45 megawatt. Seems to me 25 Jamestown should have been with power because the line PAGE 172

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1 was coming in from the west. Spiritwood energy plant 2 has Great River Energy power plant that produces up to 3 99 megawatt. Electricity flows in both directions. I 4 believe electricity could have been purchased to come in 5 from the east. The line, remember, was down on the 6 west. 7 We had power outages in '25. There was, I 8 believe, two incidences. They've been talked about. 9 They said they got the one incident up in 29 hours and 10 one was a little less than that. 11 The one I remember that was down the longest 12 occurred on Friday night. We went to church Sunday 13 morning and there was no power at the church. So I told 14 my wife, I said, "Well, let's drive out to the 15 substation and see if that has power." Could not tell 16 if Applied Digital was running, but I did notice on the 17 east side of the road, which appears to be the line 18 coming into Jamestown, was severed from flying debris. 19 There was metal laying in the ditch and field. Why was 20 that not restored Saturday morning or Friday night? 21 That would have powered most of the area other than 22 where the trees have brought -- taken down lines in 23 town. There would have been some houses out of power. 24 This reliability I think everybody is counting 25 on when they say reliability to the grid, Jamestown PAGE 173	1 Tail. Otter Tail is -- joined a collaboration between 2 our company, which is Otter Tail, because it had the 3 Otter Tail up the top -- it didn't come out on my 4 letter -- Great River Energy, Minnesota Power, Missouri 5 River Energy on behalf of Western Minnesota Municipal 6 Power Agency, and Xcel Energy. And then they go on to 7 what I had just said. And then the disturbing part of 8 this comes where, The project will help us achieve our 9 company's plans to meet our requirements to deliver 100 10 percent carbon free electricity by 2040. 11 Big Stone brings power up to Ellendale on a 12 345kV line. If we combine the JETx line from Jamestown 13 to Ellendale, it's going to tie into that 345 line, I'm 14 sure, coming from Big Stone. Then as they continue, 15 they'll be putting a line in to Minnesota. 16 And here's another one. Thanks to the foresight 17 and collaboration long-range planning of many 18 stakeholders over the past two decades. Been working on 19 this for 20 years. This isn't something that's coming 20 up after JETx. This was in the planning before JETx. 21 Mr. Christmann, you've asked why is there not 22 support, why is there not greater support for this, and 23 what they could do to better it? The lack of support 24 comes from hidden agendas not being open, not telling 25 the whole story. I wouldn't call it a lie as in a lie, PAGE 175
1 would have had power. When they're talking the grid, 2 they're not just talking power lines to Jamestown. 3 They're talking the grid which powers -- MISO powers up 4 several states to the east, and I believe it even goes 5 up maybe into Canada. Does it really give them more 6 reliability without more generation? When they say 7 strengthen, are they talking more generation? 8 I asked Otter Tail people at some of the 9 meetings who's generating the power? All you're doing 10 is moving it from point A to point B. You're not 11 strengthening the grid. You're providing more 12 reliability to a town that already has probably 13 significant enough reliability. Not many outages occur. 14 The grid supplies my power, I'm sure. I get 15 power right here, from Edgeley. December of '23 we were 16 without power four times for five to 10 minutes. Enough 17 time to switch the direction of the power and we were 18 back up. 19 I have a letter -- I shouldn't say a letter. I 20 said an article that talks about -- Asian bugs, I 21 guess -- Big Stone to Alexandria project. MISO's 22 connected. It's part of their plan Tranche 1. It talks 23 about this project 2020 and they put up dual circuitry 24 along 94 in 2010 and 2015 with more into Minnesota 25 beginning in '25 to '27 and -- excuse me, I said Otter PAGE 174	1 but it's a lie of omission. When asked, they kind of 2 sidestepped that a little bit and give you a broader 3 answer. 4 Mr. Christmann asked Mr. Weiers on Thursday at 5 Bismarck, "Is this JETx line to provide reliability or 6 to add cheaper green energy?" I believe I got that 7 right. Mr. Weiers paused for several seconds and said 8 multi-benefit, did not deny that it was to pick up 9 renewable energy and, yes, it would provide reliability 10 to the big grid. 11 The big grid, as I said earlier, states east of 12 us up into Canada, the MISO grid. And, really, the 13 shortage of electricity that they need to strengthen is 14 due to their own fault of shutting down coal plants. 15 Every project we do, every acre of concrete 16 that's poured, every footpad for a -- for a post, every 17 footpad for a tower takes away green growth, vegetation. 18 And then we wonder why we have to talk about carbon 19 capture. Nature has a very good way of healing itself. 20 Ozone is replaced by lightning. Carbon is used by 21 plants to give off oxygen. 22 We also have the food factor that's been brought 23 up. Every acre we take out of food production causes a 24 increase in price of food, causes an increase to the 25 price of the acres of land that the farmers can rent or PAGE 176

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1 buy. So, yes, we have a great impact. 2 We hear more in these meetings that I sat 3 through on protecting eagle nests, roof red knot -- is 4 that it? But very little on the impact of human life. 5 We don't care how close it is. We throw those figures 6 away, say it's insignificant, it's no big deal. These 7 studies have only been around for a short period of time 8 when you look at the life of the world. We find new 9 things every day. 10 If this line has to go through -- which I don't 11 think is really needed, that's beside the point. If 12 this line has to go through, can you at least give us 13 the distances that provide it to be safe? 14 We have had action, 1258. It only deals with 15 transmission lines, specifically with transmission 16 lines. And it was introduced. And at the committee 17 hearing it was given a no vote. At the Senate meeting 18 -- or voting, it was passed. We had 250 signatures at 19 the Senate vote. We had the back of the room lined with 20 people and we had the hall full. Each senator had a 21 piece of paper with 250 signatures. 22 Senator Wanzek, Senator Erbele, I think his 23 name's pronounced, from District 28, looked at their 24 desks, grabbed the paper, crumpled it up and threw it 25 away. Mr. Wanzek got up and said, "There's only a few PAGE 177	1 little slighted like that, that I'm a lower class 2 person. My concerns don't matter. 3 Representative Brandenburg basically called us a 4 bunch of ignorants. They don't understand. I think we 5 understand. I think we understand clearly. 6 I don't think our answers from Otter Tail were 7 met straightforward and 100 percent truthful because of 8 the hidden agenda. Outright lies? No. Avoidance of 9 the issue? Extremely. How do you trust somebody like 10 that? How can you put your trust in somebody who won't 11 tell you the whole story? You have to spend hours and 12 hours and hours researching. 13 I've been working on this since the fall of '23. 14 Been to several meetings. As I said, I was at the 15 committee hearing on 1258 and the Senate vote, in 16 Bismarck for two days. I've been to all these meetings 17 down here in Edgeley, other areas following it, and the 18 same thing comes up. I think they need better excuses 19 for avoiding an area than to say landowner opposition, 20 because we're all landowners. 21 The route I gave them, the route that I drew in 22 through Winfield and Ypsilanti Township, would have 23 cleared every residence by 2,640 feet except two. One 24 of them would have had to give it a variance to move in 25 closer. The whole distance between the two were about PAGE 179
1 people that are against this project." Another senator 2 got up. I do not believe -- I don't have his name. I 3 thought he was probably from the Valley City area maybe, 4 I'm not sure. He said, "This paper has 250 signatures. 5 I think it's more than just a few people." 6 You may think in the state of North Dakota 250 7 people isn't very many people, but when you look at 250 8 people just based in the line of this -- corridor for 9 this line, it's a lot of people. It's a small area. 10 They should be heard. 11 I gave a different route to Otter Tail. They 12 basically said, "We looked at it. Not going to do it." 13 It happened to go through a county commissioner land 14 into Mr. Wanzek's land, Mr. Craig Headland, a 15 representative's land. I was told by Chris Koch that 16 they couldn't do it because it was Indian artifacts. 17 Quite frankly, in North Dakota, I don't think you'd find 18 a place that didn't have any. They lived here for a 19 long time. Levi Taylor told me -- he was the county 20 commissioner -- he says Game and Wildlife easements. 21 Wildlife says they work with him. 22 But do you know what the reason was? And it's 23 in your folders. They declined Winfield Township 24 because of landowner opposition. I would like to know 25 who's more important in Winfield than me. I feel a PAGE 178	1 just shy a mile. So 2,640 feet at a half mile, one 2 would have to give or the other. That's one variance 3 for two townships. Corwin alone would require seven 4 variances to follow the 2,640. 5 Winfield and Ypsi are straight south of where 6 they're at by the Spiritwood power station. Why did 7 they come west, zigzag down through Homer and Corwin, 8 work their way back to the east and then back west to 9 Ellendale? Landowner opposition. No other reason 10 given. 11 Please be very careful and studious in planning 12 this siting project. Make it the least impact to the 13 most people. There's a map, a very thin line showing 14 the corridor, and at the top it gives the colors, and 15 one of them was yellow and the yellow said "avoid." 16 I looked at that map, I looked at several 17 others, trying to figure out where exactly these yellow 18 dots were. Really hard to see what size the yellow dots 19 are because it's such a small amount of a picture. Very 20 tiny. Could it be certain people's land that we have to 21 avoid? Or is there another reason? 22 I feel quite important. I can walk on water, in 23 the wintertime in North Dakota, that is. But I feel as 24 important as anybody else. I don't think I should have 25 the inconvenience, the safety hazards, forced upon me PAGE 180

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1 because somebody else doesn't want it. I think it needs 2 to follow reason. I think there needs to be a reason to 3 move it to another location rather than proceed in a 4 more linear line. 5 Jamestown could develop and grow. And with the 6 close proximity of Homer and Corwin Township, and 7 already with the amount of residents, it's an area that 8 could be developed into a larger community. We should 9 maybe respect that. We should maybe hold that over the 10 importance of staying off somebody's property that has 11 no other reason. 12 I went on long enough. I'd like to thank 13 everybody for listening. I saw some people maybe 14 leaning to doze off. I'm kind of boring but -- 15 HEARING OFFICER HOGAN: All right. I'm going to 16 ask if there's any questions for you. 17 Ms. Furey, any questions? 18 MS. FUREY: No questions. 19 HEARING OFFICER HOGAN: Mr. Pelham? 20 MR. PELHAM: I don't have any questions. Thank 21 you for your testimony, sir. 22 HEARING OFFICER HOGAN: Mr. Schock? 23 MR. SCHOCK: No questions. Thank you. 24 HEARING OFFICER HOGAN: Commissioner Kringstad. 25 COMMISSIONER KRINGSTAD: No questions. Thank PAGE 181	1 initially started at a mile. It was seen as being 2 unreasonable. So in order to work with them, we stated 3 2,640 feet. As I stated earlier, the British study says 4 there's side effects at 600 meters. 2,640 is not a 5 whole lot farther than that. And as I stated, is a 6 little extra safety too much? Is it being unreasonable? 7 And as far as taxes, when they say it's this 8 much and then it's going to be that much, that occurs 9 every year. My taxes went up 300 percent. 10 COMMISSIONER CHRISTMANN: Okay. No other 11 questions. 12 HEARING OFFICER HOGAN: Commissioner 13 Haugen-Hoffart. 14 COMMISSIONER HAUGEN-HOFFART: I just have maybe 15 one comment and I want to get your feedback to it. At 16 the technical hearing, I asked Jason about the one table 17 where it went through -- he read something and then we 18 go about that -- it was like landowner versus landowner. 19 LEON WESTERHAUSEN: That's correct. 20 COMMISSIONER HAUGEN-HOFFART: And do you recall 21 his explanation to me? And there for a while he was 22 explaining, and I said, "I'm still not tracking you." 23 But do you recall that? 24 LEON WESTERHAUSEN: I recall some of it, yes. 25 COMMISSIONER HAUGEN-HOFFART: What's your PAGE 183
1 you. 2 HEARING OFFICER HOGAN: Commissioner Christmann. 3 COMMISSIONER CHRISTMANN: I want to inquire 4 about one part. You didn't go on long about it, but the 5 point is strong. You said something to the effect that 6 why not put in the longer setback. Tell me how you 7 would view that concept in general, not just for this 8 specific case that you care passionately about, but the 9 North Dakota Legislature has put in a setback from 10 electric transmission lines of a minimum of 500 feet 11 without a waiver. 12 So if the state agencies just come along and 13 say, like, "Well, okay, the law is 500, but we're going 14 to go 1,000 or we're going to go 2,640," and then the 15 next agency says, "Well, this law says this, but we 16 think it would be better if it said something else," and 17 so that's what they enforce. And maybe the tax 18 commissioner says, "Your income tax rate is this, but I 19 think it would be better if I charged this." 20 Where do -- how do you anticipate this 21 developing if we start just creating our own law? Even 22 if we kind of agree -- I say "if" -- if we agree that it 23 should be a bigger setback, but the law is this, how do 24 we justify ignoring the law? 25 LEON WESTERHAUSEN: Well, Mr. Christmann, we PAGE 182	1 overview on that -- on his response? 2 LEON WESTERHAUSEN: I thought he was very picky 3 on how he chose his words. I don't think he answered it 4 correctly. I shouldn't say "correctly." I don't think 5 he answered it completely. As I recall, he went into 6 something else and kind of sidestepped the 7 landowner-to-landowner scale. 8 COMMISSIONER HAUGEN-HOFFART: Which part don't 9 you think he answered correctly? 10 LEON WESTERHAUSEN: I corrected that on 11 "correctly." He sidestepped it. 12 COMMISSIONER HAUGEN-HOFFART: Okay. 13 LEON WESTERHAUSEN: He went into something else 14 rather than just try to explain why one landowner had 15 more clout than the other. 16 COMMISSIONER HAUGEN-HOFFART: Okay. Thank you. 17 No further questions. 18 LEON WESTERHAUSEN: Thank you. 19 HEARING OFFICER HOGAN: All right. Thank you, 20 sir. 21 LEON WESTERHAUSEN: Thank you all for listening. 22 HEARING OFFICER HOGAN: All right. Who wants to 23 go next? 24 All right. I'll have you state your name for 25 the record and spell your last name. PAGE 184

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1 JANE COLEMAN: Jane Coleman, C-O-L-E-M-A-N. 2 HEARING OFFICER HOGAN: Ms. Coleman, did you 3 hear me go through the penalties for perjury earlier 4 today? 5 JANE COLEMAN: Yes, I did. 6 HEARING OFFICER HOGAN: And do you understand 7 what perjury is? 8 JANE COLEMAN: Yes, I do. 9 HEARING OFFICER HOGAN: And being advised of the 10 potential penalties for perjury, do you promise to tell 11 the truth in this case today? 12 JANE COLEMAN: I do. 13 HEARING OFFICER HOGAN: All right. Thank you. 14 Go ahead. 15 <u>JANE COLEMAN,</u> 16 being first duly sworn, testified as follows: 17 JANE COLEMAN: All right. I really don't have 18 any other good points to make. I've heard so many good 19 ones this afternoon from our other townships and 20 everything. Honestly, I just wanted to make sure you 21 guys all got our -- our ordinance and our zoning. I'm 22 from Willowbank Township. 23 And I did want to make the one comment that we 24 did -- on June 11th, we updated our zoning ordinance to 25 2,640 feet for the transmission line. And I would PAGE 185	1 half mile away from where it's proposed to go. 2 MR. SCHOCK: Okay. No other questions. Thank 3 you. 4 HEARING OFFICER HOGAN: Commissioner Kringstad. 5 COMMISSIONER KRINGSTAD: I don't have any 6 questions. Thank you. 7 HEARING OFFICER HOGAN: Commissioner Christmann. 8 COMMISSIONER CHRISTMANN: I made a note on the 9 same question once or twice on Monday, but I don't 10 remember which townships, but they're in my notes. I'll 11 just take the opportunity to clarify now because I don't 12 think Willowbank was one where I asked this. 13 You had -- what is your -- do you have the 14 2,640-foot setback or do you have the moratorium? 15 JANE COLEMAN: We have the setback and we also 16 have a moratorium. 17 COMMISSIONER CHRISTMANN: Okay. And do you have 18 an ordinance -- okay. That's on transmission. Do you 19 have an ordinance regarding generation like wind farms 20 or solar farms? 21 JANE COLEMAN: Yes, we do. We actually put a 22 setback at two miles on that. And that's also included 23 in our moratorium. 24 COMMISSIONER CHRISTMANN: I was just wanting to 25 clarify because sometimes there's confusion about, oh, PAGE 187
1 really hope that maybe the State would look at that and 2 change the 500 feet to farther away. 3 Other than that, I really don't have any other 4 comments. Everybody made such good ones. Everything I 5 was going to say has already been said. 6 HEARING OFFICER HOGAN: All right. Thank you. 7 I'm just going to ask if there's any questions for you. 8 Ms. Furey, any questions? 9 MS. FUREY: No questions. 10 HEARING OFFICER HOGAN: Mr. Pelham. 11 MR. PELHAM: Good afternoon, Ms. Coleman. 12 Just -- I think I know the answer to the question, but 13 are you providing this testimony on behalf of Willowbank 14 Township? Are you a supervisor there? 15 JANE COLEMAN: I am the clerk there. 16 MR. PELHAM: You're a clerk. Okay. All right. 17 And just so you're aware, the Commission's 18 ability to change any setbacks, that only the 19 Legislature can -- can change the setbacks. So thank 20 you. No other questions. 21 HEARING OFFICER HOGAN: Mr. Schock, any 22 questions? 23 MR. SCHOCK: Do you have any property that's 24 impacted directly by the -- by the project? 25 JANE COLEMAN: No, I do not. I would live about PAGE 186	1 we have a -- we have an ordinance on something and not 2 everyone draws that distinction between transmission and 3 generation. So thank you. 4 HEARING OFFICER HOGAN: Commissioner 5 Haugen-Hoffart. 6 COMMISSIONER HAUGEN-HOFFART: Jane, thank you 7 for your testimony. I have no questions. 8 HEARING OFFICER HOGAN: All right. Thank you, 9 Ms. Coleman. 10 All right, I'll have you state your name for the 11 record and spell your last name. 12 SUSAN LONG: Susan Long, L-O-N-G. 13 HEARING OFFICER HOGAN: Ms. Long, did you hear 14 me go through the penalties for perjury earlier? 15 SUSAN LONG: Yes. 16 HEARING OFFICER HOGAN: Do you understand what 17 perjury is? 18 SUSAN LONG: Yes. 19 HEARING OFFICER HOGAN: And being advised of the 20 potential penalties for perjury, do you promise to tell 21 the truth in this case today? 22 SUSAN LONG: Yes. 23 HEARING OFFICER HOGAN: All right. Thank you. 24 Go ahead. 25 SUSAN LONG: Put an R between my name, please. PAGE 188

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1 There's two Susan Longs from Berlin. 2 HEARING OFFICER HOGAN: Okay. Thank you. 3 SUSAN LONG: And three Susan Longs in our 4 family. 5 HEARING OFFICER HOGAN: Popular name. 6 SUSAN LONG: It is. Big family. 7 <u>SUSAN LONG.</u> 8 being first duly sworn, testified as follows: 9 SUSAN LONG: I am Susan R. Long. My husband, 10 Richard, and I farm and ranch near Berlin, land that has 11 been in the Long family for a good long time. Testimony 12 today is in opposition of the JETx high voltage line. 13 Since JETx entered our lives, we learned it as 14 imperative to secure our agricultural heritage, 15 communicate more with our neighbors, and protect private 16 property rights, especially for resident landowners. 17 It's troubling to see the future of our rural 18 communities shaped by absentee landowners who do not 19 live or raise families here, contribute to our 20 communities, or rely on this land for their daily 21 livelihoods. Not only are they signing easements for 22 the JETx high-voltage line, but as the two county maps 23 indicate, wind, solar, battery storage, and more, 24 decisions that permanently alter our landscape. 25 As an example, Richard and I own three quarters PAGE 189	1 with 1258 as he testified in favor of it and ultimately 2 against the landowners. Now we, the landowners, are 3 supposed to believe Otter Tail Power has our best 4 interests at heart? You can see why trust became a 5 concern. 6 Living near high-voltage transmission lines 7 raise legitimate health concerns, a topic that seems 8 glossed over in all prior conversations. A basic Google 9 search shows numerous studies that examine potential 10 risks associated with long-term exposure to 11 electromagnetic fields, including possible links to 12 sleep disturbance -- disturbances, stress-related 13 symptoms, and other health issues, including childhood 14 leukemia. 15 I read Otter Tail's EMF handout. Are we really 16 gullible enough to believe a 345kV line, which never 17 shuts off, emits no more EMFs than a microwave oven or a 18 vacuum cleaner? While scientific debate continues, the 19 lack of certainty should not justify placing these lines 20 dangerously close to homes. 21 Families should not be expected to live with 22 unanswered questions and unnecessary fears about their 23 long-term health and safety. When families are told to 24 trust assurances while losing control over their 25 property, skepticism is a rational response and trust PAGE 191
1 along the proposed route in Wano and Willowbank 2 Townships. If we sign the easement, a high-voltage 3 transmission line consisting of 150- to 180-foot 4 structures will be placed a mere 500 feet from Leighton 5 Carow's house. He was here today. I'm not sure if he 6 still is. The absentee landowner to the east signed in 7 2024. Leighton was not contacted, does not receive any 8 compensation, nor does he have a say in the matter at 9 all. His options will be to live with it for the rest 10 of his life or move. 11 The current 500-foot setback from an inhabited 12 residence is outdated and inadequate for modern 13 high-voltage transmission lines. These standards were 14 established in 1983 before the scale and voltage of 15 today's transmission infrastructure. As technology and 16 understanding evolve, regulation should too. A 17 one-size-fits-all setback fails to protect residents 18 from visual noise and health impacts. 500 feet does not 19 feel like protection. It feels negligent. 20 At last Thursday's technical hearing, HB 1258 21 was referred to on many occasions. In the discussions, 22 Mr. Weiers and team had dissected every single setback, 23 zoning ordinance, moratorium, CUP denial, and deemed 24 them all unreasonable. And there was zero negotiating 25 or meeting in the middle. Mr. Weiers is very familiar PAGE 190	1 remains severed. 2 Who owns the view? Do rural residents have any 3 say in what they see out their picture windows, even 4 when that view extends miles beyond their property 5 lines? Will the expansion of high-voltage lines and 6 large-scale energy infrastructure force rural residents 7 to leave, especially those facing any health concerns? 8 Should farmers and ranchers who have the most remarkable 9 outdoor offices in the world be required to hear, see, 10 and work around industrial energy developments seven 11 days a week, 365 days a year? I have yet to know of 12 anyone who wants to work or live closer to a 13 high-voltage transmission line or under an 800-foot wind 14 tower. 15 These burdened properties often experience 16 decreased land values. Buyers are less willing to 17 purchase land with easements or purchase homes near 18 large towers or power lines, and land sales reflect that 19 reality. This loss of value directly affects family 20 wealth, retirement plans, etc. 21 After seeing these maps of signed and recorded 22 easements, Rich and I felt shocked, overwhelmed, and a 23 bit defeated. He even suggested throwing his hands up, 24 maybe we should just sign it all up. I told him he can 25 sign, but they'll need my signature too, and I won't PAGE 192

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1 give it. And here are several reasons why. 2 The first, because I do not measure wealth by 3 material things. Our standing joke is "How much money 4 does it take to get to heaven anyway?" What we value 5 most is leaving a legacy -- leaving a legacy for our 6 children whom we raised here, a legacy where our 7 children's children will not wonder why we left them to 8 dismantle all of this 50 to 100 years from now. 9 Second, I value stepping outside and 10 experiencing the quiet beauty and the unbroken horizons 11 of our surrounding North Dakota prairie landscape, 12 watching our cattle herd and horses graze, hearing the 13 Cottonwood Creek rushing through our pasture while 14 enjoying a quiet morning cup of coffee on the back deck, 15 witnessing the abundance of wildlife, white-tailed deer, 16 eagles, geese, pheasants, fox, and more. I value 17 listening to songbirds and watching spectacular sunrises 18 and sunsets. This is what fulfills me. 19 Third, easements are not written for landowners' 20 benefits, company -- often giving companies full control 21 over our land, both above and below ground, for up to 99 22 years, slipping in the term "perpetual," meaning 23 forever. Transmission line easements are permanent. 24 Once granted, they severely limit how land can be used, 25 restricting farming practices, building options, PAGE 193	1 transmission line feels less like shared progress and 2 more like extraction, using our land along with the 3 ratepayers' money to benefit corporate interests. 4 During one of the meetings I listened to, Chair 5 Christmann said these are costs that ratepayers are 6 going to be paying for 40 years. People that aren't 7 even born yet. Let that sink in. 8 A truly sustainable energy future must also be 9 democratic, rooted in consent rather than coercion, 10 especially when landowners were misled into signing 11 easements under false claims that everyone else already 12 had. Trust was broken yet again. Lawmakers need to 13 respond to the will of the people, not the wallets of 14 industry. People are not property and communities are 15 not commodities. It is always concerning when the 16 rights of a few are imposed on the rights of many. 17 We've been led to believe the transmission line 18 is a necessary infrastructure project to strengthen the 19 grid and improve reliability. We are 100 percent in 20 favor of that. Now imagine how deceived we are all 21 going to be when wind, solar, battery storage, 22 substations, additional transmission lines, or even 23 another data center is interconnected to the JETx line 24 when we were told no ons, no offs. 25 We already talked about a letter about Stellar PAGE 195
1 drainage, and future developments. Landowners lose 2 control over portions of their property forever, even 3 though they remain responsible for taxes and the 4 liability. Those are terms I can't agree with. 5 If I sign the JETx easement, the artery that 6 connects it all, I would feel complicit in part for 7 everything that is certain to follow. The JETx line 8 would permanently compromise the beauty and character of 9 the prairie landscape, replacing open horizons with 10 steel towers, access roads, and industrial equipment, 11 ultimately placing a heavy burden on rural roads and 12 bridges, leaving townships and taxpayers responsible for 13 long-term maintenance and safety issues. 14 Shoot, I'm missing a page. This is what happens 15 when I review stuff. 16 When transmission lines move in, they pave the 17 way for further industrialization, transforming quiet 18 rural areas into energy corridors. Many residents, 19 including Rich and I, simply do not want to live in an 20 industrial zone, and we should not be forced to. Once 21 energy infrastructure is put in place, we will never get 22 back what we take for granted. 23 Renewable energy and grid upgrades can support a 24 responsible future only when pursued with honesty, 25 transparency, and genuine consent. The JETx PAGE 194	1 Renewables. They too contacted us saying our land was 2 in the optimal area to tie into the JETx line for solar. 3 So there was that trust issue again. 4 The JETx line is not just a power line. It is a 5 permanent industrial footprint imposed on rural 6 communities without everyone's consent. It is filed 7 under the wrong regulatory framework, justified by 8 misleading claims, and driven by interests that do not 9 align with those of local residents. The risks to 10 health, property rights, local infrastructure such as 11 roads and bridges, and the rural way of life far 12 outweigh any promised benefits. 13 Finally, I will address one of the PSC's 14 questions regarding whether the line will produce 15 minimal adverse effects upon the welfare of the citizens 16 of North Dakota. The following was written at 2 a.m. 17 following last Thursday's technical hearing during yet 18 another sleepless night. 19 We've heard discussion about the regulatory and 20 technical dynamics of the JETx line, the proposed route, 21 and viewed thousands of pages of documents, including 22 the impacts on the environment and wildlife, but nobody 23 seems to take into account the emotional aspects that 24 landowners carry when projects such as this one shows 25 up, the huge mental toll on our health and wellbeing, PAGE 196

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1 our minds and our bodies, human, emotional, and 2 psychological impacts that are -- that aren't found 3 neatly on a spreadsheet. Stress such as sleep 4 disturbances, fatigue, headaches and/or migraines, 5 anxiety, high blood pressure, burnout, just to name a 6 few. All because we said no. 7 Thank you for your time. 8 HEARING OFFICER HOGAN: All right. Thank you. 9 Ms. Furey, any questions? 10 MS. FUREY: No questions. 11 HEARING OFFICER HOGAN: Mr. Pelham. 12 MR. PELHAM: Yes. 13 Good afternoon, Ms. Long. Thank you for your 14 detailed testimony in providing that. 15 I am wondering if -- and I know we heard from 16 your husband earlier. Did you have any contact with 17 anyone at MDU or Otter Tail related to the proposed 18 line? 19 SUSAN LONG: Yes, we've had contact with them. 20 MR. PELHAM: Not "we." You. 21 SUSAN LONG: Oh, me? 22 MR. PELHAM: If you've had any contact with 23 them. 24 SUSAN LONG: I mean, just the meetings that we 25 attend -- that we attended. I guess -- PAGE 197	1 SUSAN LONG: He's a farmer from the area, so for 2 him to move would be pretty hard. 3 COMMISSIONER KRINGSTAD: Okay. 4 SUSAN LONG: He takes care of his elderly -- or 5 watches over his elderly mother. 6 COMMISSIONER KRINGSTAD: Okay. And he's also 7 impacted by this project? 8 SUSAN LONG: Well, it'll be placed 500 feet from 9 his road. 10 COMMISSIONER KRINGSTAD: Okay. 11 SUSAN LONG: Or from his house. Excuse me. His 12 house. 13 COMMISSIONER KRINGSTAD: Okay. Okay. And I -- 14 yes, you did say that. I just wanted to clarify who 15 that was for my notes. 16 SUSAN LONG: And the resident -- or the absentee 17 landowner to the east did sign the easement already 18 so -- and that is where it's straight east of his house. 19 COMMISSIONER KRINGSTAD: Okay. You had also 20 talked about -- you'd mentioned about how there was 21 little negotiation. Were you referring to, you know, 22 like, adjusting the route to this project or were you 23 speaking about like this -- when it came to, like, the 24 setback distance? 25 SUSAN LONG: I was talking about the setback PAGE 199
1 MR. PELHAM: Sure. 2 SUSAN LONG: -- Richard would tend to get the 3 phone calls. 4 MR. PELHAM: Sure. 5 SUSAN LONG: They didn't have my number or -- 6 MR. PELHAM: Yeah. And -- 7 SUSAN LONG: -- call me. 8 MR. PELHAM: Yeah. And I was just -- I didn't 9 want to assume that you hadn't talked to them directly. 10 So if Richard had talked to them -- and I think we asked 11 him about that. But I appreciate your testimony. No 12 questions. Thank you. 13 HEARING OFFICER HOGAN: Mr. Schock. 14 MR. SCHOCK: No questions. Thank you. 15 HEARING OFFICER HOGAN: Commissioner Kringstad. 16 COMMISSIONER KRINGSTAD: Just a couple. 17 I thought I heard you mention early on your 18 testimony, did you say like a person's name? Was that 19 Leighton? 20 SUSAN LONG: Leighton Carow. 21 COMMISSIONER KRINGSTAD: Okay. And can you tell 22 me more about who that is? 23 SUSAN LONG: He owns a little chunk of land in 24 the corner of land that we own along Highway 13. 25 COMMISSIONER KRINGSTAD: Okay. PAGE 198	1 distance and probably more referring to when Jason was 2 asked about the 500-foot setback or a thousand-foot 3 setback and would they consider the thousand, and he 4 said no, because it's twice the allowed amount, during 5 Thursday's hearing. 6 COMMISSIONER KRINGSTAD: Okay. Perfect. Those 7 are all my questions. Thank you for your testimony. 8 HEARING OFFICER HOGAN: Commissioner Christmann. 9 COMMISSIONER CHRISTMANN: I don't have any 10 questions, but just a comment. You're a very good 11 writer. I hope you use that. 12 SUSAN LONG: Oh, my gosh. I've rewritten and 13 rewritten a hundred times. I'll just tell you that. 14 COMMISSIONER CHRISTMANN: You do very well. 15 SUSAN LONG: Thank you. 16 HEARING OFFICER HOGAN: Commissioner 17 Haugen-Hoffart. 18 COMMISSIONER HAUGEN-HOFFART: Susan R., thank 19 you for your testimony. I have no further questions. 20 SUSAN LONG: Thank you. 21 HEARING OFFICER HOGAN: Thank you. 22 Who would like to go next? 23 All right. I'll have you state your full name 24 for the record and spell your last name. 25 SANDRA RUPP: Sandra Rupp, R-U-P-P. PAGE 200

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1 HEARING OFFICER HOGAN: And, Ms. Rupp, did you 2 hear me go through the penalties for perjury earlier 3 today? 4 SANDRA RUPP: I did. 5 HEARING OFFICER HOGAN: And do you understand 6 what perjury is? 7 SANDRA RUPP: I do. 8 HEARING OFFICER HOGAN: And being advised of the 9 potential penalties for perjury, do you promise to tell 10 the truth in this case today? 11 SANDRA RUPP: I do. 12 HEARING OFFICER HOGAN: All right. Thank you. 13 Go ahead. 14 <u>SANDRA RUPP.</u> 15 being first duly sworn, testified as follows: 16 SANDRA RUPP: Okay. I want to try to make this 17 quick because we are all getting down there, but when I 18 left Monday's hearing, I was asked a couple of questions 19 so I wanted to at least address those. 20 Commissioner Haugen-Hoffart, you'd asked me if I 21 attended the open-house meeting. And I do have what I 22 received for that round of open meetings that were held 23 in September. I have no idea where the spring meeting 24 invites are. And I do collect a lot of things and I 25 just couldn't find them. So that's what I had. PAGE 201	1 than a public survey. Who really benefited from those 2 meetings? JETx had all the data of where they would be 3 challenged with their route siting. 4 And what did JETx do to meet that challenge? 5 Well, certainly they did say that they had changed some 6 lines and they made some adjustments. But what they 7 really did was found a way to introduce House Bill 1258. 8 I attended two township meetings. I listened to 9 the JETx team. As we all know, there were some CUPs, 10 conditional use permits, that were denied. 11 Following one of those meetings, a member of 12 Jason Weiers' team asked me, he said, "What can we do to 13 turn things around?" My response -- we were so close to 14 where the Senate was going to hear House Bill 1258. And 15 my response was "Back down from House Bill 1258." 16 You've heard it. I'm going to say it again. 17 House Bill 1258 came out of committee with a do-not pass 18 recommendation. However, our elected were swayed by the 19 lobbyists. 20 Now, in closing, this is going to be trying to 21 tie everything in. I'm going to close with some 22 comments that Jason Weiers made on Monday's hearing and 23 then a little bit of what was also addressed was the 24 dust and how we can control that dust. Mr. Weiers 25 stated that -- and I hope I have this right -- that once PAGE 203
1 And when I attended that meeting here in 2 Edgeley, I walked in thinking that I would walk into a 3 room like this. It's a room I'm familiar with. So when 4 I entered the door, I expected that large room. But I 5 was greeted at the door and I looked around and it had 6 been completely changed into a cubicle-style setting. 7 You know, it kind of reminded me when I was addressed, 8 when I looked at everybody around, and I thought, "This 9 looks like a room full of used car salesman stations." 10 I was totally greeted kindly. They were very 11 well dressed. I was led to a space, and the JETx agent 12 asked me where I was located on the site map. It was 13 very private, even though it was in a setting where 14 there were a lot of other people. But this was just 15 about where I was on that site map or land that we rent 16 on that site map. 17 I did hand out just a little something here to 18 all of you to understand the meaning of an open, public 19 meeting, and it shows some bullet points, and then to 20 understand the meaning of a public survey, and it also 21 shows bullet points. 22 Now, I'm not going to go through and read all of 23 these. You can see them. We've had a long enough day 24 here. But to shorten that up, I firmly believe that 25 those two rounds of public meetings were nothing more PAGE 202	1 construction starts, JETx is going to work with local 2 agencies. 3 You know, I did ask the question, you know, 4 where's the water going to come from? But, you know, 5 thinking more, the bigger question here today is, you 6 know, again -- because I think you addressed it right 7 after Mr. Weiers had his testimony about the dust 8 control. Who are they going to use? What's their plan? 9 You know, which -- do they have something that they 10 would follow? 11 And basically, in a nutshell, Mr. Weiers 12 answered that with a very reactive approach. "We are 13 going to assess that. We will contact somebody if we 14 need to." 15 So try to picture this. I'm a proactive person. 16 I'm the truck driver. I'm very proactive. I want those 17 roads in good shape before I take my trucks out. 18 Because if we're going to be reactive people 19 during construction, here's what's going to happen. The 20 dust is going to be unbearable. Right now I'm still 21 trying to understand where they're going to get the 22 manpower to do that. Maybe they can. 23 But if there is a reactive approach, time is 24 money. My trucks are sitting out there. Other farmers' 25 trucks are sitting out there. And the next thing you PAGE 204

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1 know, we have to wait for an assessment? They want to 2 assess the situation? And then call who? And then how 3 long is it going to take that who to line up product, 4 whether it's a water truck or whether it's a chemical? 5 Or let's talk law enforcement. Maybe there's so 6 much dust out there that we have to have law enforcement 7 out there. Well, I can tell you right now, folks, the 8 LaMoure County law enforcement, they are strapped. 9 Should it be their problem? 10 Reactive versus proactive. We need a plan for 11 construction. 12 I attended the hearing in Bismarck last week. 13 In the early part of Jason Weiers' testimony, he asked 14 the North Dakota Public Service Commission to exercise 15 House Bill 1258. Boy, wouldn't that make it easy? You 16 exercise House Bill 1258, get this all slipped 17 underneath and get this applied, approve that route, 18 that slips this project right back into the fast track. 19 Mr. Weiers also asked for the PSC to supersede 20 any moratoriums that were set by these townships that 21 you heard today, and you'll probably hear more on it 22 tomorrow -- or Friday. Excuse me. And what is the 23 purpose of a moratorium? I had the explanation that was 24 already answered. Wouldn't those moratoriums allow for 25 problem solving, healthy community planning? They can PAGE 205	1 SANDRA RUPP: Is it possible before I stop? 2 HEARING OFFICER HOGAN: Go ahead. 3 SANDRA RUPP: I just want to make sure that with 4 this other handout I gave you, the descriptions of the 5 land that we rent, and I have it all on there, affected, 6 yada yada yada, but I also want to have this in the 7 record, that as per a phone conversation on January 6th 8 of 2026, at 1:48 p.m., with landowner representatives 9 Teri Priesler, Teri Priesler informed me that to help 10 us, they, Teri and Dave, her husband, along with the 11 owner, had JETx include a non-use agreement of gravel 12 road and bridge during the construction in Willowbank 13 Township that goes south from intersection 87th Avenue 14 and 76th Street. That is in the contract. 15 So that puts a lot of burden -- I know that 16 truck route. I'm -- I specifically talked about that 17 truck route with the dust and some concerns I had. That 18 truck route isn't the best truck route, to begin with. 19 But now with the agreement with the landowner to not 20 allow the use of that road during construction, the road 21 that will be used is even worse yet. It gets now the 22 brunt of the heavy trucks, the cement trucks. 23 And the equipment that Jason Weiers referred to 24 that will stay in pace with the agriculture equipment 25 that we have, how many of you have ever seen cement PAGE 207
1 talk about the dust control issues that I presented in 2 these hearings. Township boards can be very 3 resourceful. I want to say that again. Township boards 4 can be very resourceful. 5 As a sidenote, during the LaMoure County floods 6 of 2009, 2010, 2011, I served as Wano's Township 7 supervisor. The lion's share of work with FEMA, along 8 with bringing outside contractors and doing the grunt 9 work, was on my shoulders all three years. And, again, 10 we are volunteers. 11 So wouldn't that township board be the local 12 agency that Jason Weiers was maybe referring to when he 13 told you that he would lean on local agencies? 14 After hearing the testimonies of townships 15 during these hearings, how well do you think JETx 16 project team has done with setting the stage for future 17 working relationships of our local agencies, our 18 township boards? 19 I'll stand for questions. 20 HEARING OFFICER HOGAN: Ms. Furey, any 21 questions? 22 MS. FUREY: No questions. 23 SANDRA RUPP: Oh, could I just say one more 24 thing? 25 HEARING OFFICER HOGAN: Yep. PAGE 206	1 trucks come through and they go as fast as farm 2 equipment? It's not going to happen. The trucks are 3 not going to be relative to farm equipment. 4 I'll stand for questions now. I apologize for 5 taking more time. 6 HEARING OFFICER HOGAN: Ms. Furey, any 7 questions? 8 MS. FUREY: No questions, Your Honor. 9 HEARING OFFICER HOGAN: Mr. Pelham. 10 MR. PELHAM: Thanks for your testimony, 11 Ms. Rupp. I don't have any questions for you today. 12 SANDRA RUPP: Thank you. 13 HEARING OFFICER HOGAN: Mr. Schock. 14 MR. SCHOCK: Just to clarify, the parcels that 15 you listed, is it the entirety of those sections? 16 SANDRA RUPP: No. If you look, I have in there 17 that it is portions we farm within. My husband gave -- 18 if you want the half by quarter by whatever, whatever, 19 you did get that from my husband on the record. But 20 this map or this -- this here -- 21 MR. SCHOCK: Okay. 22 SANDRA RUPP: -- clearly states that in section 23 5, 132 north, 63, Bauder Trust, Valley Township, rented 24 land -- 25 MR. SCHOCK: Okay. PAGE 208

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1 SANDRA RUPP: -- affected and signed with JETx 2 with this -- 3 MR. SCHOCK: Okay. I didn't look back at my 4 notes from your husband. I did already have that so -- 5 SANDRA RUPP: Okay. 6 MR. SCHOCK: Thank you. I have no other 7 questions. 8 SANDRA RUPP: Okay. Thank you. 9 HEARING OFFICER HOGAN: Commissioner Kringstad. 10 COMMISSIONER KRINGSTAD: Just to clarify, I have 11 noted that your husband also mentioned a section 4. 12 SANDRA RUPP: Section 4 is questionable. 13 Section 4 was originally in the design. 14 COMMISSIONER KRINGSTAD: I see. Okay. 15 SANDRA RUPP: And I did talk to the landowner. 16 Unfortunately, she is very sick. And I did ask if that 17 line has changed. She could not confirm. But when I 18 look at the JETx map that is currently up, it looks like 19 it has moved, which would not affect the land that we 20 farm, which is why I left it out. 21 COMMISSIONER KRINGSTAD: Okay. Thank you for 22 that clarification. 23 SANDRA RUPP: Thank you for -- I mean, you guys 24 are sharp. You pay attention. 25 COMMISSIONER KRINGSTAD: Or take good notes. PAGE 209	1 potential penalties for perjury, do you promise to tell 2 the truth in this case today? 3 BRANDON SCHWEIGERT: Yep. 4 HEARING OFFICER HOGAN: All right. Thank you. 5 Go ahead. 6 <u>BRANDON SCHWEIGERT,</u> 7 being first duly sworn, testified as follows: 8 BRANDON SCHWEIGERT: I'm the owner of southwest 9 33-134-63. Line is proposed to go on the east side of 10 that quarter. 11 2024 there was a rain event that Otter Tail was 12 on the south side of. Caused significant damage to five 13 poles that they have. I called it in. Actually, I 14 called Dakota Valley. I know they know who to contact. 15 I didn't have that number on me. So I called a lineman 16 from Dakota Valley, contacted him, told him there's a 17 pole just dangling and five -- four other ones are 18 cracked. 19 Next morning there was five, six Otter Tail 20 trucks out there on that section line. Never was 21 notified that they'd probably go access my land, which 22 is fine, they can, whatever it is to fix, because I 23 understand you need power, you need to fix. 24 So they actually went into our waist-high beans, 25 drove on them after a three-inch rain, tracked it all PAGE 211
1 SANDRA RUPP: Yes, you do. 2 HEARING OFFICER HOGAN: Commissioner Christmann. 3 COMMISSIONER CHRISTMANN: I got all my questions 4 in on Monday, so thank you. 5 SANDRA RUPP: Okay. Thank you. 6 HEARING OFFICER HOGAN: Commissioner 7 Haugen-Hoffart. 8 COMMISSIONER HAUGEN-HOFFART: No questions, but 9 thank you for your -- 10 SANDRA RUPP: Okay. Thank you. And I get to be 11 the closer for two, but I can assure you, you won't see 12 me on Friday. 13 HEARING OFFICER HOGAN: Is there anyone else 14 that wants to provide testimony today? 15 Good afternoon. I don't think I've ever seen a 16 duo come up to testify so... 17 BRANDON SCHWEIGERT: Group effort. Brandon 18 Schweigert, S-C-H-W-E-I-G-E-R-T. 19 HEARING OFFICER HOGAN: Mr. Schweigert, did you 20 hear me go through the penalties for perjury earlier? 21 BRANDON SCHWEIGERT: I'm aware. 22 HEARING OFFICER HOGAN: And you understand what 23 perjury is? 24 BRANDON SCHWEIGERT: Yes. 25 HEARING OFFICER HOGAN: And being advised of the PAGE 210	1 up, which is fine. I mean, whatever. 2 Usually when we have issues amongst the 3 neighborhood of damages like that, we do try to make 4 amends, whether it's our cattle or our equipment or 5 whatever. So you'd think Otter Tail probably would have 6 maybe reached out to me, asked what would it be, what 7 would it take, what would make me happy? I never heard 8 a word. Not one word was spoken. Nobody called me. 9 Nobody contacted me. Nobody said a thing about the 10 damage to my crop. My only livelihood. My wife is a 11 housewife. I'm the only one to provide. So just go 12 drive in your crop. So I never said nothing. Why 13 should I call and beg and ask them for a dollar? 14 We had a meeting last winter at the school about 15 this. I brought it up to Otter Tail, that I'm kind of 16 opposed to this, because what happens when future things 17 may happen with weather? Weather is getting horrific. 18 You can't downplay the weather. 19 After our meeting -- forget her name, I 20 apologize. She is present in the room. She would 21 probably, hopefully, testify that she did come up to me. 22 She said that -- what would it make it right to make 23 this go away? After how many months, now you want to 24 make it right? Just because I made a big stink? Just 25 doesn't sound fair at all. I said, "What would make it PAGE 212

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1 good and right for me? Don't put it on my property." 2 That's all I got to say. I waited this whole 3 thing out to say ten seconds. 4 HEARING OFFICER HOGAN: All right. Ms. Furey, 5 any questions? 6 MS. FUREY: No questions. 7 HEARING OFFICER HOGAN: Mr. Pelham. 8 MR. PELHAM: Good afternoon, Mr. Schweigert. I 9 didn't catch the section. 134-63 southwest quarter -- 10 BRANDON SCHWEIGERT: Southwest 33. 11 MR. PELHAM: Oh, 33. Gotcha. Okay. 12 And as far as you mentioned the open house that 13 you attended -- 14 BRANDON SCHWEIGERT: It was more of a township 15 interaction. 16 MR. PELHAM: Oh, I see. 17 BRANDON SCHWEIGERT: It wasn't a big hoopla. 18 Wasn't notified of any of these open houses earlier that 19 would have maybe entertained our ideas. I guess I never 20 heard them. This was more of -- it's starting to 21 already zero in. They're starting to move in. Then I 22 was notified by the neighbors you better come to this 23 meeting. 24 MR. PELHAM: So it was a township meeting. Was 25 it like a conditional use permit or -- if you know. PAGE 213	1 times. Plenty of literature in the mail. 2 MR. PELHAM: Sure. 3 BRANDON SCHWEIGERT: Constant. Even they wanted 4 to meet in person. They'd come and drive the farm. 5 They'd be out there. They were around all the time. 6 I'd call it harassment. But then when you want to 7 settle on something, boohoo, nobody hears a word about 8 that. I mean, come on. 9 So if I want something, I'll pursue it and I'll 10 be right in somebody's face, probably just the same way 11 they are. But you got to have your ducks in a row when 12 something happens too and be there. Just like the 13 circumstance with them damaging my crop. 14 MR. PELHAM: Was there any, for lack of a better 15 word, negotiation as far as the location of the proposed 16 line on your property, an area that -- that you're 17 asking for a reroute, or anything like that? 18 BRANDON SCHWEIGERT: No. I'm a hard no. I say 19 just move it west over towards Brandenburg's land. 20 That's my honest opinion. 21 MR. PELHAM: I appreciate that. 22 BRANDON SCHWEIGERT: And he -- where'd he go? I 23 mean, I'm sitting here with a kid, a baby, and he's -- 24 he's gone because he's got bigger stuff? I mean, you 25 really got to look this through, you three. PAGE 215
1 BRANDON SCHWEIGERT: I'm not the brightest. I 2 don't know what we were all doing. We were talking 3 about zoning. 4 MR. PELHAM: Sure. 5 BRANDON SCHWEIGERT: It was a couple Otter Tail 6 guys that -- there's about four of them that came. We 7 had it at the school. 8 MR. PELHAM: Okay. Which township again? 9 BRANDON SCHWEIGERT: Wano. 10 MR. PELHAM: Wano. 11 BRANDON SCHWEIGERT: Somebody would -- would 12 truly verify why we were there, but we -- I was there, 13 present. So I apologize to my township and to you guys. 14 I don't know why I was there, but I was there. 15 MR. PELHAM: The important thing is you were 16 there; right? 17 BRANDON SCHWEIGERT: Well, I apologize. 18 MR. PELHAM: As far as the communications -- and 19 you mentioned the communications you had with the 20 representative of Otter Tail trying to resolve the crop 21 damage issue. Specific as to the proposed line through 22 your property, what communications have you had with 23 Otter Tail or MDU? 24 BRANDON SCHWEIGERT: Well, they knew my number 25 for that. I mean, they've called numerous, numerous PAGE 214	1 MR. PELHAM: All right. Thank you, sir. I 2 don't have any other questions for you. 3 HEARING OFFICER HOGAN: Mr. Schock, any 4 questions? 5 MR. SCHOCK: No questions. 6 HEARING OFFICER HOGAN: Commissioner Kringstad? 7 COMMISSIONER KRINGSTAD: No questions. Thank 8 you for staying. 9 HEARING OFFICER HOGAN: Commissioner Christmann. 10 COMMISSIONER CHRISTMANN: No questions. But I 11 just hope, regardless of whatever happens down here, 12 that someday he can be here feeding the world too. 13 BRANDON SCHWEIGERT: Well, a lot of it will 14 depend on what you decide. 15 COMMISSIONER HAUGEN-HOFFART: I have no 16 questions, but thank you for your testimony. 17 HEARING OFFICER HOGAN: Thank you, sir. 18 All right. Is there anyone else that wants to 19 provide testimony this afternoon? 20 I'll have you state your name for the record and 21 spell your last name, please. 22 JOEL LEPPERT: My name is Joel Leppert. That's 23 L-E-P-P-E-R-T. 24 HEARING OFFICER HOGAN: Mr. Leppert, did you 25 hear me go through the penalties for perjury earlier? PAGE 216

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1 JOEL LEPPERT: Yes, I did. 2 HEARING OFFICER HOGAN: And do you understand 3 what perjury is? 4 JOEL LEPPERT: Yes. 5 HEARING OFFICER HOGAN: And being advised of the 6 potential penalties for perjury, do you promise to tell 7 the truth in this case today? 8 JOEL LEPPERT: Yes. 9 HEARING OFFICER HOGAN: All right. Thank you. 10 Go ahead. 11 <u>JOEL LEPPERT.</u> 12 being first duly sworn, testified as follows: 13 JOEL LEPPERT: Okay. First of all, my name is 14 Joel Leppert. I've lived my entire life in Russell 15 Township, LaMoure County, North Dakota, and I grew up 16 doing almost everything on our farm. That's in Russell 17 Township. And for the last 29 years I've been 18 supervisor of Russell Township. 19 And to follow up on Sandy, I remember I got 20 thrown into this in 1997. That year was about as bad as 21 the 2009, '10, and '11 all put together, as far as 22 damage to roads and whatever, major snowstorms, rain 23 events, or whatever. And my main concern is the damage 24 that's possibly, and more likely, going to happen to our 25 roads and the dust. PAGE 217	1 zoning. But I was the one with a neighbor farmer that I 2 mentioned and another older gentleman, we put in zoning 3 in April 2011. So I want that clarified, that we have 4 zoning. Some people are trying to say that we don't 5 have zoning and it doesn't mean anything. Well, if it 6 doesn't, then we -- 7 But, anyway, as far as safety, what this 8 project, no matter how big, we don't even know what it 9 is yet, on or about October, November, just two days 10 before Thanksgiving of 2023, there was a survey crew. 11 And I was not present. I didn't know this. Nobody 12 notified me that they were going to do any surveying. 13 There was no project. We knew the JETx project was in 14 the area, but no one contacted me, the chairman of 15 Russell Township supervisor board, about any surveying 16 taking place. 17 They were trying to survey, I believe, on -- 18 this JETx power line was going to come across our 19 property, mainly section 21. So this -- the survey 20 crew -- and they were -- I did not see this guy, but my 21 niece lives approximately a mile and a half east where 22 they were doing this surveying. And they came in the 23 yard and they wouldn't leave until -- they were trying 24 to find out who the owners of the property were. They 25 had obtained permission from the personal representative PAGE 219
1 And another reason I say about dust is, in 2005, 2 a major upgrade of 281 was done during the summer. And 3 they used quite a length of our Russell Township road 4 and, of course, County Road 163 as well. And the first 5 few days, probably a week, maybe more, the dust 6 generated by these, I don't know how many side dumps, 7 whatever, belly dumps, trucks, it was so bad that you 8 could not see anything. There were no water trucks 9 then. Then they did finally bring water trucks. It 10 wasn't really enough, but it did help. 11 And the -- it would be 64th Street going west on 12 Russell Township, it didn't damage that bad, but 163 13 from that corner of 64th Street up to the gravel pit on 14 35, junction of 163, 35 where the dirt gravel was being 15 hauled, they destroyed that in two places. They had to 16 bring in graders and payloaders to fix it. 17 But they did not fix Russell Township 64th 18 Street until the chairman of the board at that time, his 19 name was Wayne Heinrich, and myself stood over in the 20 corner of the end of that road where it meets Glenmore 21 Township, and we argued and argued for a long time. 22 "You fix that road the way it was, where you left." 23 They weren't going to do it. So then it did get done. 24 Now some more about safety. And this was 25 brought to my attention, that we did not even have PAGE 218	1 of their old neighbor to go on his land. But nobody 2 told me anything about this. 3 And my brother, he proceeded to find out who 4 they were. And the main guy of the survey crew told his 5 name. I can't remember his name, but he was 6 representing JETx. So he told them, "You can survey all 7 you want, but don't you come on our property." 8 So then I didn't -- like I said, I had no 9 witness of this. But they went over onto 163 and went 10 one mile north and they proceeded to drill, I would say 11 it was a 16-inch hole, because I had to fill it up, 12 right in the middle of the road, and it was quite deep. 13 The first thing I said, "Who in the world is 14 drilling a hole?" These township roads, Russell 15 Township roads, are my -- I've been taking care of them 16 for 30 years almost, 29 years, especially the last few. 17 I'm pretty proud of these roads. 18 Well, anyway, they drilled this hole. My 19 brother hit this hole. It was right dead center. I 20 kind of understand surveying a little bit. And what 21 they had done was -- they didn't bother to put the dirt 22 back in the hole. They filled it up with snow that, in 23 the meantime, had melted off because it was warm. This 24 is just before Thanksgiving 2023, before the ice storm 25 on Christmas Day in -- in December 26, '23. PAGE 220

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1 So to alleviate this road hazard that they -- 2 163 is our main artery north-south in Russell Township, 3 Wano Township. All the big farmers use 163. And so I 4 said, "I can't leave this hole here." Like a dummy, I 5 didn't take any pictures. I got phones. I just 6 don't -- because I didn't really know what was going on. 7 I would say this hole was about two feet at least. 8 So I had to drive all the way home and get a 9 shovel. And this -- at the time I saw it, the ground 10 was freezing, and I scraped as much as I could. This is 11 why nobody had any trouble, because I made sure. Again, 12 I watch these roads. I know them. I know these roads. 13 I know them by heart. But I did fill it up, because my 14 brother did hit it. He was actually the one that told 15 me about it. 16 So more safety. These roads. I know the roads, 17 every one. This project, as big as it is -- I have 32 18 miles of roads. This project is going to use almost 19 every one of them. And they are not that great. They 20 are good. I will admit I have taken fairly good road -- 21 or care of these roads, it's my responsibility, make 22 sure the gravel and the culverts. And, like I said, 23 1997 it started. I was in on all the FEMA, 2009, '10, 24 '11, '19. So I know the roads. They are good, but 25 they're not good enough. PAGE 221	1 I've lived here all my life. 63 years. I literally 2 grew up on a tractor; five, six years old, driving a 3 tractor. 4 And the unique thing about Russell and Wano 5 townships, there are no big power lines running through 6 them, only the ones that we need. They serve us well. 7 Some of them have been put underground from tornadoes 8 that I saw completely destroy. When you think of a 9 giant weed eater, and that's like two miles of power 10 wires swinging around like a flail weed eater out 11 amongst corn stalks and wheat and whatever. Trees. And 12 this is just a small tornado. 13 I do not want to see a power line where I grew 14 up. I don't see it now. It's to the north. I remember 15 that one being built. I don't want to look at it. And 16 I -- that's all I have. 17 HEARING OFFICER HOGAN: All right. 18 Ms. Furey, any questions? 19 MS. FUREY: No questions. 20 HEARING OFFICER HOGAN: Mr. Pelham. 21 MR. PELHAM: Thanks for your testimony, sir. I 22 don't have any questions for you. 23 HEARING OFFICER HOGAN: Mr. Schock. 24 MR. SCHOCK: No questions. Thank you. 25 HEARING OFFICER HOGAN: Commissioner Kringstad. PAGE 223
1 What I would say is what we started out with the 2 experience of this JETx, whoever this was hired to do 3 this surveying, and it was a survey crew, they sure 4 haven't started off very good. 5 What happens when -- I know pouring concrete, 6 these trucks are not going to be moving slow. You pour 7 concrete, it's -- you're pouring concrete, you're coming 8 as fast as you can. You don't wait around. 9 HEARING OFFICER HOGAN: Any other -- go ahead. 10 JOEL LEPPERT: Also, my son, he's a pilot. He 11 doesn't only have one airplane, he's got three. Yeah. 12 His plan is to build an airstrip. I told him that. 13 "You need to build an airstrip so you don't have to run 14 to Edgeley all the time." And now -- and I like to 15 see -- I like airplanes. I never got into it myself, 16 but I like to see him, especially when him and his 17 friend come flying around. 18 The power wires now we have to deal with are 35 19 feet high. Maybe not even that. 20, 25 feet high. Now 20 this thing is 150 feet high. I says, "You're going to 21 have to just learn how to fly higher or either go 22 underneath them." He's not going to stop flying. 23 HEARING OFFICER HOGAN: Any other testimony 24 you'd like to offer, Mr. Leppert? 25 JOEL LEPPERT: I guess, you know, like I said, PAGE 222	1 COMMISSIONER KRINGSTAD: I just wanted to 2 clarify. I thought you mentioned section 21. Is 3 that -- that's not your property; right? That was just 4 where there were -- 5 JOEL LEPPERT: Yes. 6 COMMISSIONER KRINGSTAD: -- issues with the 7 road? 8 JOEL LEPPERT: Yes. 9 COMMISSIONER KRINGSTAD: Okay. Thank you. 10 HEARING OFFICER HOGAN: Commissioner Christmann. 11 COMMISSIONER CHRISTMANN: No questions. 12 HEARING OFFICER HOGAN: Commissioner 13 Haugen-Hoffart. 14 COMMISSIONER HAUGEN-HOFFART: No questions, but 15 thank you for your testimony. 16 HEARING OFFICER HOGAN: Great. Thank you, sir. 17 Is there anyone else that wants to provide 18 testimony? 19 State your full name for the record and spell 20 your last name. 21 JOEL HAMAR: I'm Joel Hamar, last name 22 H-A-M-A-R. 23 HEARING OFFICER HOGAN: And, Mr. Hamar, did you 24 hear me go through the penalties for perjury earlier? 25 JOEL HAMAR: Yes, I did. PAGE 224

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1 HEARING OFFICER HOGAN: And do you understand 2 what perjury is? 3 JOEL HAMAR: I do. 4 HEARING OFFICER HOGAN: And being advised of the 5 potential penalties for perjury, do you promise to tell 6 the truth in this case today? 7 JOEL HAMAR: I do. 8 HEARING OFFICER HOGAN: All right. Thank you. 9 Go ahead. 10 <u>JOEL HAMAR,</u> 11 being first duly sworn, testified as follows: 12 JOEL HAMAR: I just want to bring your attention 13 to a testimony that was made this afternoon. There was 14 a little bit of a part that was left out and it was -- 15 we were told about ethanol plants and soybean plants 16 that are coming possibly to the area that this line is 17 necessary for. 18 Very important part that was left out of that is 19 a place that's two and a half miles from my farm, and 20 that's Applied Digital Data Center. I don't know if 21 this was left out on purpose or not, but it's the end of 22 this line. And I just want you to have that in the 23 record because it was not stated that that's where that 24 is. 25 Okay. Thank you. PAGE 225	1 COMMISSIONER KRINGSTAD: No questions. Thank 2 you. 3 HEARING OFFICER HOGAN: Commissioner Christmann. 4 COMMISSIONER CHRISTMANN: None. Thank you. 5 HEARING OFFICER HOGAN: Commissioner 6 Haugen-Hoffart. 7 COMMISSIONER CHRISTMANN: No questions. Thank 8 you so much. 9 JOEL HAMAR: Thank you for your time. 10 HEARING OFFICER HOGAN: Thank you, Mr. Hamar. 11 Anyone else that wants to provide testimony? 12 I'll have you state your full name for the 13 record and spell your last name. 14 TIM GEINERT: My name is Tim, T-I-M, Geinert, 15 G-E-I-N-E-R-T. 16 HEARING OFFICER HOGAN: Did you hear me go 17 through the penalties for perjury earlier? 18 TIM GEINERT: Yes. 19 HEARING OFFICER HOGAN: Do you understand what 20 perjury is? 21 TIM GEINERT: Yes. 22 HEARING OFFICER HOGAN: Being advised of the 23 potential penalties for perjury, do you promise to tell 24 the truth in this case today? 25 TIM GEINERT: Yes, I do. PAGE 227
1 HEARING OFFICER HOGAN: All right. Thank you. 2 Ms. Furey, any questions? 3 MS. FUREY: No questions. 4 HEARING OFFICER HOGAN: Mr. Pelham. 5 MR. PELHAM: I don't. Thank you. 6 HEARING OFFICER HOGAN: Mr. Schock. 7 MR. SCHOCK: Do you have property in the project 8 area for this? 9 JOEL HAMAR: I rent a quarter of land from a 10 landowner that I -- I'm not positive because I 11 haven't -- I know the neighbor landowner signed on. I 12 don't know if they signed -- if he signed on, that they 13 split the quarter line. I didn't think it was any of my 14 business at that time. 15 MR. SCHOCK: Sure. Would you be able to provide 16 the township, range, section of that parcel? 17 JOEL HAMAR: I did that for you yesterday. 18 MR. SCHOCK: Okay. 19 JOEL HAMAR: You looked it up for me. 20 MR. SCHOCK: Okay. Thank you. 21 JOEL HAMAR: Reluctant to give all these 22 descriptions out of properties because all of a sudden 23 in our area that land gets sold, picked up by someone 24 else. 25 HEARING OFFICER HOGAN: Commissioner Kringstad? PAGE 226	1 HEARING OFFICER HOGAN: All right. Thank you. 2 Go ahead. 3 <u>TIM GEINERT,</u> 4 being first duly sworn, testified as follows: 5 TIM GEINERT: So I am here to talk a little bit 6 about townships specifically, give a little 7 understanding of why township officers feel the way they 8 do, why they take their jobs so seriously. 9 Very similarly to what your jobs are, to deal 10 with the tasks that are in front of you to the best of 11 your ability, township officers are tasked with doing 12 the best they can for the residents and for the 13 infrastructure within their townships, within their 36 14 square miles. And very similarly to people that live in 15 other communities, the needs and the desires of those 16 people change from township to township by the lay of 17 the land, by the people's backgrounds, by how close they 18 live together, how close they live to each other. 19 And one of the things that's really important 20 about townships that so many people in our state don't 21 understand, so many people in our government don't 22 understand, is the amount of money is only one of the 23 problems, that townships are dramatically underfunded. 24 You know, if the Upper Great Plains Transportation 25 Institute recommends three inches of gravel every five PAGE 228

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1 years on a town's gravel road, townships are limited to 2 either 18 or 36 mills. And in my township, it would 3 take 85 mills just to provide that gravel. 4 And the reason I bring that up and why that's 5 important is haul road agreements are required now by 6 law for a project like this. The roads are probably not 7 quite good enough the way they are now because of the 8 way townships are underfunded. Then you -- if you take 9 a haul road agreement and you -- and you insist, ask a 10 contractor to abide by that agreement -- one of the 11 things that's very interesting about townships, the only 12 enforcement a township has is to hire an attorney. 13 They're already short of money. If someone breaks a 14 zoning ordinance, the only recourse a township has is to 15 hire an attorney and take them to civil court. 16 So if you're looking at a township with a 30 or 17 a 35 or a \$40,000-a-year budget and you have to hire an 18 attorney for enforcement, the facts of life are, is if 19 there's -- if you're dealing with a corporation that has 20 a good amount of legal counsel on staff or they have a 21 good amount of money available to them, you haven't got 22 a chance. So that's why townships tend to get a little 23 defensive, because they don't really have a lot of 24 backup in the law. 25 I want to make one comment about a -- there was PAGE 229	1 HEARING OFFICER HOGAN: Thank you. 2 Ms. Furey, any questions? 3 MS. FUREY: No questions. 4 HEARING OFFICER HOGAN: Mr. Pelham? 5 MR. PELHAM: Yeah. Thanks for your testimony, 6 sir. I see you got a badge on. Are you with an 7 association testifying? 8 TIM GEINERT: Yes. I apologize. 9 MR. PELHAM: That's okay. 10 TIM GEINERT: I am the district director for 11 this area of the state in the North Dakota Township 12 Officers Association. I am also the clerk/treasurer for 13 Mikkelson Township, which is here in LaMoure County. 14 MR. PELHAM: Okay. And you mentioned the 15 township that you are in. Which township do you -- do 16 you live in any areas of the project that are proposed 17 here? 18 TIM GEINERT: No. 19 MR. PELHAM: Okay. 20 TIM GEINERT: I'm only here to talk about what 21 townships are about. 22 MR. PELHAM: I appreciate that clarification, 23 sir. I don't have any other questions for you. 24 HEARING OFFICER HOGAN: Mr. Schock, any 25 questions? PAGE 231
1 testimony given that a landowner had in their contract 2 that a certain length of road could not be used if they 3 were going to sign the easement. In all honesty, I -- a 4 landowner doesn't have the authority to do that. I 5 think that would be unenforceable. And I fear that -- 6 that someone entering into a contract like that on the 7 sake of the -- on the -- for the sake of the township, I 8 don't think that would be enforceable. And so as good 9 as that sounds on the surface, I think that if a lawyer 10 wanted to, I think they could undo that. 11 And I know that variable ordinances are a 12 frustration to -- to a lot of people, to a lot of 13 entities. 14 And, Commissioner Christmann, you made the 15 comment that, you know, that -- you know, how -- what's 16 it like if somebody just dictates to you what the 17 ordinance would be? And that's -- that's kind of what 18 townships are upset about right now, about what the 19 Legislature has done with townships, with officers that 20 do the best they can by the people -- for the people 21 that they represent, and then being told that -- that 22 they don't have the authority to do that, that they -- 23 that their wishes can be overridden. 24 And those are my concerns. And I -- and I -- I 25 will end with that. Thank you. PAGE 230	1 MR. SCHOCK: No questions. Thank you. 2 HEARING OFFICER HOGAN: Commissioner Kringstad. 3 COMMISSIONER KRINGSTAD: No questions. Thank 4 you for sharing that with us. 5 HEARING OFFICER HOGAN: Commissioner Christmann. 6 COMMISSIONER CHRISTMANN: No questions. Thank 7 you. 8 HEARING OFFICER HOGAN: Commissioner 9 Haugen-Hoffart. 10 COMMISSIONER HAUGEN-HOFFART: No questions, but 11 thank you for your testimony. 12 TIM GEINERT: Thank you for letting me. 13 HEARING OFFICER HOGAN: Thank you, sir. 14 Is there anyone else that would like to provide 15 testimony? 16 All right. Seeing none, that brings us to the 17 end of our hearing for today. I'll just ask if there's 18 any other matters we need to address before we conclude. 19 Ms. Furey, did you have anything? 20 MS. FUREY: I don't, Your Honor. 21 HEARING OFFICER HOGAN: Mr. Pelham? 22 MR. PELHAM: No, Your Honor. 23 HEARING OFFICER HOGAN: All right. And I'll 24 just ask if there's any closing remarks that the 25 commissioners want to offer. PAGE 232

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1 And start with you, Commissioner Kringstad.
2 COMMISSIONER KRINGSTAD: I'll just keep it very
3 short. Thank you all for being here today. I know that
4 it has been a very long day. You've sat through a lot.
5 But thank you for being here and participating in our
6 process. I really appreciate it.
7 HEARING OFFICER HOGAN: Commissioner Christmann.
8 COMMISSIONER CHRISTMANN: I'll keep it even
9 shorter. Thank you.
10 HEARING OFFICER HOGAN: Commissioner
11 Haugen-Hoffart.
12 COMMISSIONER HAUGEN-HOFFART: Thank you. Thank
13 you and safe travels home.
14 HEARING OFFICER HOGAN: All right. I will just
15 note that our final public hearing will be this Friday,
16 January 16th, in Jamestown, North Dakota. And I believe
17 we begin at 9:00.
18 I'll note for the record that it's 3:54 p.m.,
19 and we will stand in recess in Case No. PU-25-236.
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CERTIFICATE OF TRANSCRIPTIONIST

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Dated this date of October 2, 2026.

Lisa A. Hulm

LISA A. HULM, CET-783

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