

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Basin Electric Power Cooperative :
PrairieWinds ND 1 : Case No. PU-26-164
Project - Ward County :
Siting Application :**

**TRANSCRIPT OF
PUBLIC HEARING**

**Taken At
2400 Tenth Street Southwest
Minot, North Dakota
August 20, 2026**

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

A P P E A R A N C E S**COMMISSIONERS PRESENT:**

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COMMISSIONER SHERI HAUGEN-HOFFART
COMMISSIONER JILL KRINGSTAD

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FOR THE PUBLIC SERVICE
COMMISSION.

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APPLICANT'S EXHIBITS

<u>Exhibit No.</u>	<u>Offered</u>	<u>Received</u>
1-6	16	16

1 (The following proceedings were had and
2 made of record herein, commencing at 9:01 a.m.,
3 Thursday, the 20th day of August, 2026:)

4 JUDGE HOGAN: All right. Good morning.
5 We are going to get started. Today is August 20,
6 2026, at 9 a.m.

7 This is the hearing set by the notice of
8 filing and notice of public hearing issued by the
9 North Dakota Public Service Commission on July 7,
10 2026, for Case Number PU-26-164.

11 My name is Hope Hogan, and I have been
12 designated as the hearing officer for today's
13 hearing. This hearing it being held at the Sleep
14 Inn & Suites Conference Center in Minot, North
15 Dakota.

16 As we begin our hearing today, I'd ask
17 that everyone please check your cell phones to make
18 sure they're turned off or silenced so that we
19 don't have cell phone interruptions during our
20 hearing today.

21 We'll also be passing around an attendance
22 sheet. The Commission would ask that everybody
23 please sign the attendance sheet so that there's a
24 record of all who attended this hearing.

25 This is a hearing on an application of

1 Basin Electric Power Cooperative to amend the 2009
2 order and certificate to remove the 1.5 megawatt
3 per turbine and the 115.5-megawatt facility
4 restrictions. Basin proposes to remove the
5 existing turbines and upgrade them to 1.6-megawatt
6 turbines with a total facility capacity of up to
7 128 megawatts. This project will not affect the
8 layout or expand the site boundary. The project is
9 located in Ward County, approximately 24 miles
10 south of Minot, as shown on the map attached to the
11 notice of hearing, and I believe there's a map on
12 display in our hearing room as well today.

13 The notice of filing and notice of public
14 hearing specified the following issues to be
15 considered and determined at this time hearing:

16 Number 1, will the construction, operation
17 and maintenance of the proposed facility at the
18 proposed location produce minimal adverse effects
19 on the environment and upon the welfare of the
20 citizens of North Dakota?

21 Number 2, is the proposed facility
22 compatible with environmental preservation and the
23 efficient use of resources?

24 And number 3, will the construction,
25 operation and maintenance of the proposed facility

1 at the proposed location minimize adverse human and
2 environmental impact while ensuring continuing
3 system reliability and integrity and ensuring that
4 energy needs are met and fulfilled in an orderly
5 and timely fashion?

6 I'm now going to ask the parties to make
7 their appearance for the record, and I'll start
8 with the applicant. Mr. Edison, do you want to
9 note your appearance for the record and introduce
10 your cocounsel and witnesses you intend to call
11 today?

12 MR. EDISON: Yes. Good morning, Your
13 Honor and Commissioners. My name is Erik Edison
14 with the Crowley Fleck law firm in Bismarck, local
15 counsel for Basin Electric Power Cooperative. With
16 me at -- with me at counsel table is Casey Furey
17 also with the Crowley Fleck law firm.

18 Today we intend to call two witnesses.
19 The first witness is Kyle Weisbeck, director of
20 mechanical engineering and project sponsor for the
21 PrairieWinds ND 1 repower project. Mr. Weisbeck
22 will discuss the existence of the existing wind
23 project and discuss the planned upgraded project,
24 including local permitting and landowner
25 coordination.

1 Our next witness will be Ryan King,
2 environmental coordinator for Basin Electric.
3 Mr. King will discuss the environmental and
4 regulatory compliance for the repower project and
5 the mitigation measures incorporate -- incorporated
6 for the project.

7 JUDGE HOGAN: Thank you. Mr. Martens, do
8 you want to note your appearance for the record and
9 introduce Commission staff who's appearing with you
10 today?

11 MR. MARTENS: Yes. Thank you. Good
12 morning. I'll back that up a little bit. Good
13 morning. Chris Martens, special assistant attorney
14 general, general counsel for the North Dakota
15 Public Service Commission. Seated to my left is
16 Mr. Chris Hanson, PSC staff. I would ask during
17 today's proceedings that he also be able to ask
18 questions of the witnesses.

19 JUDGE HOGAN: All right. Thank you.

20 Testimony from the public will be taken
21 after the completion of Basin's witness testimony.
22 I encourage you to take this opportunity to tell
23 the commissioners anything you think they should
24 know about this matter. I assure you that what you
25 have to say is important to the Commission and will

1 be considered.

2 If you would like to testify today, I'd
3 ask that you please mark that on the attendance
4 sheet. That just gives me an idea of how many
5 people would like to testify for planning purposes.
6 If you have any questions about providing testimony
7 today, please don't hesitate to talk to me during
8 our morning break.

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

12 COMMISSIONER KRINGSTAD: Thank you.

13 Well, welcome everybody. It's good to be
14 here today. As Judge Hogan said, just to kind of
15 give a little recap of what we're going to expect
16 today, this is a repower project for a wind farm.
17 We received this application at the PSC in May and
18 it's now August.

19 So first what we're going to do is have
20 the company come forward, walk through this for us,
21 give us any updates from what we might have
22 originally received, let us know anything that's
23 pertinent that's happened between when we got this
24 application, the work that they've been doing with
25 local entities up till now. So we're going to get

1 the most up-to-date information on the project.

2 And then I would say the real reason why
3 we're here, after that then we'll move into the
4 public -- public testimony, public comment piece of
5 this. And I know that this is a case that has
6 garnered some attention at our office. We -- we
7 got requests specifically to come out here and hold
8 a hearing on this, so that's truly why we're here.

9 And so if there's anything that you feel
10 is important to know, please come forward. I
11 always also like to say that the other benefit that
12 I see about holding these hearings and coming here
13 and listening to all of you is it also gives the
14 chance for the community and the company to be in
15 the same room. So if you guys have questions, the
16 company reps are right over there, and if there's
17 any -- you know, I see people looking at displays.
18 If there's questions that you have, I'm always
19 hopeful that having people in the same room
20 gives -- gives you guys the chance to kind of
21 resolve questions that you may have in real time.
22 So hopefully that happens as well.

23 But thanks again for being here today.

24 JUDGE HOGAN: Thank you.

25 Commissioner Christmann.

1 COMMISSIONER CHRISTMANN: I'll probably
2 just reiterate, Your Honor, a little bit, that -- I
3 guess reemphasize is a better word the point about
4 coming out to -- to the community. At PSC it's
5 something we believe really strongly, and it would
6 certainly be more convenient for us to have a
7 hearing in Bismarck, and in this case with the
8 company headquartered in Bismarck, it would
9 obviously be more convenient for them too.

10 But over -- I've been doing this a pretty
11 long time already, and over the case of siting
12 hearings there have been a number of times when the
13 public has come forward with something that really
14 only the local people would know about and it
15 wasn't even a shot at the developer of a pipeline
16 or power line or wind farm or something; it was
17 something that nobody except the people who lived
18 there would even know about.

19 And so there's a lot of value in this, and
20 we want to take advantage of all the information we
21 can to make sure that the siting processes reach
22 the best possible results to minimize adverse
23 impacts, and that is the core of the siting laws,
24 minimizing adverse impacts.

25 The one other thing I'll just highlight

1 and -- being an ag producer before this and
2 especially when we're in August and it's combining
3 season and people with other careers, too, other
4 than agriculture, but I know there's often a
5 feeling like, okay, they schedule this at nine
6 o'clock. Why don't they let us talk first so we
7 can go home and get to our work and the company can
8 wait.

9 And there's a very good reason for that.
10 We take the company first because of the fact that
11 we value your comments. If there's been changes in
12 this or things that weren't a hundred percent clear
13 in the application, if you had the opportunity to
14 review it on our website, your response is more
15 valuable to us if it's on point of what they
16 present to us today, because this is the real
17 information we're going to base a decision on.
18 Your response to something you heard at the cafe a
19 few weeks ago that isn't even what they're applying
20 for really doesn't help us any.

21 And so it is important for the company to
22 go first. We'll ask them our questions, and then
23 we need the public's response and information based
24 on that.

25 Thank you.

1 JUDGE HOGAN: Thank you.

2 Commissioner Haugen-Hoffart.

3 COMMISSIONER HAUGEN-HOFFART: Thank you.

4 Good morning, everyone. It's good to be
5 in Minot. I'm not going to reiterate what the
6 other two commissioners said, but I do want to talk
7 a little bit about transparency. For those of you
8 who don't know, on our North Dakota Public Service
9 Commission website, you can go and do a case
10 search, and this case search on this case is
11 PU-26-164. And you can go in and read the filing
12 that they put and any correspondence that has been
13 associated with that case.

14 So we're very open and transparent on what
15 Basin has submitted to us, and you as the public
16 are invited to go -- you can go at any time and
17 search that case and see what has been filed with
18 it.

19 And I'm just going to reference the prior
20 case because this is a repower. That was PU-08-75.
21 You can go look at that case and read the final
22 order that was presented on that case.

23 So we are an open and transparent agency
24 where, therefore, the public is invited to go to
25 our website and see the filing. So that's just a

1 reference.

2 And I look forward to hearing from the
3 company and the public on any issues that might be
4 with this case. Thank you.

5 JUDGE HOGAN: All right. Thank you.

6 It's my understanding that Basin has
7 prefiled six exhibits; is that correct, Mr. Edison?

8 MR. EDISON: Yes, Your Honor. We've
9 prefiled five of them and then we've distributed a
10 last one today.

11 JUDGE HOGAN: All right. And it's my
12 understanding there's a stipulation to admit those
13 exhibits today; correct, Mr. Martens?

14 MR. MARTENS: Yes, Your Honor, we are
15 stipulating in that.

16 JUDGE HOGAN: All right. So Exhibits 1
17 through 6 will be admitted into the record. I
18 would note that those exhibits are available on the
19 docket, as well, on the Commission website. 6
20 might not be there yet, but it will be filed --
21 when it's filed with the Commission, it will be
22 uploaded in the docket as well.

23 All right.

24 MR. EDISON: Just for clarification for
25 those in the room, Exhibit 6 is just a copy of this

1 map over here.

2 JUDGE HOGAN: All right. Thank you.

3 It's my understanding that the applicant
4 would like to make some introductory comments.

5 MS. FUREY: Yes, Your Honor. Good
6 morning. Casey Furey.

7 Just wanted to briefly walk through the
8 filings that have been submitted to provide some
9 clarification. The filings look slightly different
10 from what is typically submitted with a siting
11 application because the project was previously
12 sited, so this siting application was filed with
13 the Commission as part of the original project's
14 siting.

15 And then with respect to the proposed
16 upgrade activities, the Commission's siting act
17 includes a process under 49-22-03-04, and that's
18 the certification process. And I know the
19 Commission's familiar with that process, but
20 essentially it provides that a permittee can submit
21 a certification affidavit for certain improvements
22 to existing facilities as well as to either
23 increase or decrease the capacity of a project.

24 And so an applicant that has an existing
25 certificate from the Commission can submit a filing

1 under the certification process to be allowed to
2 conduct those types of activities. In support of
3 that certification, an assessment was also filed
4 describing the activities and providing, you know,
5 an environmental assessment with respect to
6 potential impacts. And so that -- that is the
7 filing why we're here to discuss today is the
8 certification filing.

9 With respect to the amendment request, the
10 amendment request was submitted to essentially
11 update certain provisions in the existing order
12 that otherwise serve as a potential cap with
13 respect to the generation -- the nameplate
14 capacity.

15 And so to clarify, it's the Commission's
16 current practice that when certificates are issued
17 for projects, you do not limit by way of the
18 certificate the -- the nameplate capacity of a
19 facility. You don't include a cap in that
20 certificate that is issued. Similar to the order
21 provisions in current orders that the Commission
22 issues, you don't include language that -- that
23 prohibits a facility from otherwise increasing the
24 nameplate capacity.

25 And so the amendment request is simply

1 effectively like a housekeeping request to
2 otherwise just remove those references in the
3 original -- in the original order.

4 Thank you.

5 JUDGE HOGAN: All right. Thank you.

6 Mr. Martens, any other preliminary matters
7 you would like to address?

8 MR. MARTENS: No, Your Honor.

9 JUDGE HOGAN: All right. Then you can
10 call your first witness, Mr. Edison.

11 MR. EDISON: We'll call Kyle Weisbeck.

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

15 MR. WEISBECK: Kyle Weisbeck,
16 W-e-i-s-b-e-c-k.

17 JUDGE HOGAN: And, Mr. Weisbeck, before
18 you testify today, I'm required by law to advise
19 you on the penalties for perjury in the state of
20 North Dakota. Perjury is a Class C felony,
21 punishable by a maximum fine of \$10,000, a maximum
22 five years' imprisonment or both.

23 Do you understand what perjury is?

24 MR. WEISBECK: Yes.

25 (Witness sworn.)

1 JUDGE HOGAN: All right. Thank you. Go
2 ahead, Mr. Edison.

3 KYLE WEISBECK,
4 having been first duly sworn, was examined and
5 testified as follows:

6 EXAMINATION

7 BY MR. EDISON:

8 Q. Please state your name, employer and
9 business address.

10 A. My name is Kyle Weisbeck. I am employed
11 by Basin Electric Power Cooperative as director of
12 mechanical engineering. My business address is
13 1717 East Interstate Avenue, Bismarck, North
14 Dakota.

15 Q. In what capacity are you providing your
16 testimony today?

17 A. I am providing this testimony on behalf of
18 Basin Electric in my role as the project sponsor
19 for the PrairieWinds North Dakota 1 repower
20 project, the upgrade project. Basin Electric has
21 submitted a certification for activities associated
22 with the upgrade project in an application
23 requesting an amendment to the Commission's
24 August 12, 2009, findings of fact, conclusions of
25 law, and order and certificate of site

1 compatibility number 14, Case Number PU-08-075,
2 also the 2009 order, issued for the PrairieWinds
3 North Dakota 1 wind energy facility in Ward County,
4 North Dakota.

5 Q. Please describe your educational
6 background and professional experience.

7 A. I received a bachelor's degree in
8 mechanical engineering from North Dakota State
9 University in 2013. I joined Basin Electric in
10 2014 as a mechanical engineer. I have been a
11 licensed professional engineer since 2018. I have
12 worked for Basin for 12 years, and my current
13 position with Basin Electric is director of
14 mechanical engineering.

15 In my career, I have served as a project
16 manager for multiple large capital and plant
17 maintenance projects, and I have most recently been
18 serving in advisory roles for new generation and
19 large capital projects.

20 Q. What is your role with respect to the
21 upgrade project?

22 A. I serve the upgrade project as a project
23 sponsor and the direct supervisor of the project
24 manager, involved in the decision-making and
25 project execution processes providing management

1 oversight and technical support.

2 Q. Are you familiar with the contents of
3 Basin Electric's certification for the upgrade
4 project as well as the application to amend the
5 2009 order?

6 A. Yes. I am familiar with the contents of
7 the certification document and the application to
8 amend the 2009 order.

9 Q. Are there any corrections to the
10 certification and application?

11 A. Yes. The application and certification
12 documents state that the upgrade project will
13 increase the total nameplate generating capacity of
14 the facility to 128 megawatts. That number should
15 be 123.2 megawatts. I also have an update to a
16 setback that I will discuss later.

17 Q. What is the purpose of your testimony
18 today?

19 A. My testimony provides an overview of the
20 upgrade project, including the history of the
21 existing wind project, the planned repower and
22 upgrades, interconnection, local permitting,
23 landowner coordination and benefits.

24 Q. Can you describe the history of the
25 existing wind project?

1 A. In March of 2009, Basin Electric submitted
2 a siting application for the PrairieWinds North
3 Dakota 1 project located in Ward County, North
4 Dakota. The siting application was for
5 construction, maintenance and operation of a
6 115.5-megawatt wind facility consisting of 77
7 General Electric, or GE, 1.5-megawatt wind
8 turbines.

9 On August 12, 2009, the Commission issued
10 the 2009 order granting Basin Electric certificate
11 of site compatibility number 14, the certificate,
12 for the wind facility. Construction of the wind
13 facility began in 2009 and commercial operations
14 commenced in late 2009.

15 Q. Can you describe the upgrade project?

16 A. The upgrade project consists of removing
17 and replacing components of the existing GE
18 1.5-megawatt turbines with GE 1.6-megawatt
19 generator technology using the GE Verona repowering
20 kits. The upgrades to each turbine include
21 replacing the existing 35-meter, or 115-foot,
22 blades with the new 45-meter, or 148-foot, blades,
23 replacing the hub, main shaft, main bearing
24 assembly, gearbox and a generator refurbishment.

25 The existing steel towers and foundations

1 from the existing project will be reused and there
2 will be no new turbine locations. The upgrade
3 project will occur entirely within the previously
4 certified site boundary for the existing project.

5 The upgrade project will increase the
6 maximum turbine height by 32.8 feet and increase
7 the maximum output of each turbine by
8 0.1 megawatts. The nameplate capacity of the
9 existing project will increase to approximately
10 123.2 megawatts, but the maximum operational output
11 will remain the same, pursuant to the existing
12 interconnection agreement.

13 Currently, there are five turbines that
14 are offline due to maintenance needs. These
15 turbines will also be repaired by the upgrade
16 project.

17 The upgrade project will require portions
18 of existing access roads to be temporarily widened
19 to accommodate delivery and staging of equipment
20 and components. A temporary laydown yard will be
21 used during construction of the upgraded
22 components. The temporary laydown yard, which is
23 located entirely on Basin Electric's owned
24 property, was previously used during the original
25 construction.

1 Q. Have there been any changes to the upgrade
2 project's design since Basin Electric filed its
3 certification with the Commission?

4 A. There have been no changes to the upgrade
5 project's design since the certification was filed
6 with the Commission.

7 Q. Can you describe the purpose of Basin
8 Electric's filings for the upgrade project.

9 A. The Commission already issued the existing
10 project a certificate of site compatibility for its
11 construction and operation. Because the upgrade
12 project includes various improvements to the
13 existing project, including an increase to the
14 nameplate capacity, Basin Electric submitted a
15 certification for these activities pursuant to the
16 Commission's certification process.

17 In addition to the certification filing,
18 Basin Electric submitted an application for
19 amendment requesting the Commission amend the
20 existing project's 2009 order and certificate to
21 remove the capacity limitations that were
22 originally included, consistent with the
23 Commission's current practice.

24 For reference, the existing project's 2009
25 order express -- expressly authorized Basin

1 Electric to site and construct up to
2 115.5 megawatts of wind turbines. The certificate
3 issued for the existing project limited the
4 facility to 77 1.5-megawatt wind turbine
5 generators. Basin Electric's request asks the
6 Commission to amend the 2009 order and certificate
7 to remove these limitations.

8 Q. What are the benefits of the upgrade
9 project?

10 A. The upgrades will result in a more
11 efficient power curve and will provide increased
12 generation at lower wind speeds compared to the
13 existing turbines. In addition, the upgrade
14 project will extend the life of the existing
15 project 20 years from the date of repowering.

16 Q. And what are the upgrade project's
17 estimated costs?

18 A. The upgrade project is estimated to cost
19 approximately \$200 million.

20 Q. Will the upgrade project require any
21 additional land or easement acquisitions?

22 A. No. Basin Electric has all land
23 agreements necessary for the upgrade project. The
24 upgrade project will be constructed entirely within
25 the previously designated site, and turbine and

1 other permanent infrastructure locations will
2 remain the same.

3 As part of the upgrade project, Basin
4 Electric has voluntarily offered all participating
5 landowners, as well as all nonparticipating
6 landowners within a half mile of the facility
7 turbines, a construction inconvenience payment for
8 the upgrade project.

9 Q. Does the upgrade project involve any
10 changes to the existing project's electrical
11 collection system or collection substation?

12 A. No.

13 Q. Will there be any changes to the project's
14 interconnection arrangements?

15 A. No.

16 Q. What is the proposed timeline for
17 construction and operation of the project?

18 A. Subject to receipt of the Commission's
19 approval and other necessary permits, Basin
20 Electric currently anticipates beginning
21 construction of the upgrade project in 2026 and
22 placing the project into commercial operations by
23 Q4 of 2027.

24 Q. Please provide a brief overview of the
25 project's construction process.

1 A. Activities associated with the upgrade
2 project will occur entirely within the site
3 designated by the Commission in the 2009 order.
4 The upgrade project will consist of removing and
5 replacing the existing turbine blades, hub and
6 gearbox. Once removed, the existing blades will be
7 cut on-site to fit into legal load
8 transportation-sized pieces. The cut blades will
9 be transported to a recycling facility. No blades
10 will be deposited in a landfill.

11 Prior to installing the upgrade equipment,
12 existing roads will be improved to accommodate
13 heavy vehicle traffic during construction. Road
14 improvements will include adding approximately 4
15 inches of aggregate to the road surfaces. Where
16 required, turning radii will be widened to
17 accommodate deliveries. These improvements will be
18 limited to existing roads.

19 In September of 2025 in Case Number
20 PU-25-253, Basin Electric submitted a temporary
21 construction variance that requested authorization
22 to commence the above-described roadwork associated
23 with the upgrade project. On September 24, 2025,
24 the Commission approved the temporary variance
25 request.

1 Basin Electric later requested an
2 amendment to the temporary variance request to
3 permit temporary road and approach widening,
4 additional aggregate placement and grading of
5 temporary work spaces. On June 11, 2026, the
6 Commission approved the amendment to the temporary
7 variance request.

8 Q. How will topsoil removal be handled during
9 construction?

10 A. Localized topsoil removal and stockpiling
11 may occur around each turbine location. Measures
12 to control erosion will be implemented during
13 construction. Once construction is complete,
14 decompaction will occur as needed and stockpiled
15 topsoil will be respread and revegetated following
16 the Natural Resources Conservation Service
17 guidelines and/or landowner requests. No adverse
18 impacts to soils are expected as a result of the
19 upgrade project.

20 Q. During construction, how many temporary
21 construction jobs is the upgrade project
22 anticipated to create?

23 A. The upgrade project will create around 150
24 temporary construction jobs, with much of that
25 labor pulled from the local unions and surrounding

1 area.

2 Q. How does Basin Electric plan to mitigate
3 impacts during construction?

4 A. Basin Electric will be in communication
5 with Ward County and its affected residents on
6 construction activities to minimize impacts. A
7 haul use agreement, or HUA, with Ward County,
8 included under the approved conditional use permit,
9 or CUP, requires Basin Electric to maintain the
10 roads during construction per the county's
11 standards.

12 After construction is complete, the HUA
13 requires that Basin Electric restore the roads to a
14 standard above their original state prior to
15 construction.

16 The construction contractor will develop a
17 detailed schedule, including when specific turbines
18 are set to be upgraded. Basin Electric will
19 communicate with the affected landowners ahead of
20 time to mitigate impacts.

21 Q. Does Basin Electric have a process for
22 coordinating with landowners if a landowner has any
23 concerns during or after construction?

24 A. Prior to construction, all landowners
25 within the upgrade project will receive contact

1 information for Basin Electric's upgrade project
2 team. Additionally, post-construction reclamation
3 concerns may be directed to Basin Electric's
4 right-of-way department.

5 Q. Please describe the setbacks applicable to
6 the upgrade project.

7 A. When the 2009 order and certificate were
8 issued, the Commission did not have designated
9 setbacks in statute or rule for wind facilities.
10 The Commission's current setbacks, adopted after
11 the existing project was sited, do not apply.
12 However, as part of the siting process for the
13 existing project, Basin Electric generally
14 maintained certain setbacks from residences,
15 transmission lines, roads and railroads as
16 voluntary mitigation measures.

17 Q. Has Basin Electric assessed the upgrade
18 project under the Commission's current setbacks?

19 A. Yes. Basin Electric has assessed the
20 upgrade project pursuant to the Commission's
21 current setback criteria. However, these setbacks
22 did not exist when the facility was sited. For
23 informational purposes, a table summarizing the
24 upgrade project and the Commission's current
25 setbacks was provided in my prefiled testimony.

1 Q. Can you discuss the Commission's current
2 setback of 1.1 times turbine height from an
3 inter -- from interstate or state roadway
4 right-of-ways?

5 A. One turbine, Turbine D50, does not meet
6 this setback. This setback did not exist at the
7 time of the existing project's construction. As
8 originally constructed, Turbine D50 did not meet
9 this setback. Basin Electric sent a notice letter
10 to the North Dakota Department of Transportation,
11 also the North Dakota DOT, informing the North
12 Dakota DOT about the upgrade project.

13 On January 27, 2026, the North Dakota DOT
14 sent a letter to Basin stating the upgrade project
15 should have no adverse effects on the North Dakota
16 Department of Transportation highways. A copy of
17 the North Dakota DOT letter is located in Appendix
18 G to the certification.

19 Q. Can you discuss the Commission's current
20 setback of 1.1 times turbine height plus 75 feet
21 from the centerline of county or maintained
22 township roadways?

23 A. Four turbines, Turbines A09, A16, B24 and
24 E74, are located within the setback area of roads
25 maintained by Ward County. This Commission setback

1 did not exist at the time of the existing project's
2 construction. As originally constructed, all four
3 turbines did not meet the current setback. Ward
4 County is aware of the upgrade project and has
5 issued a CUP to Basin authorizing the upgrade
6 activities.

7 Q. Can you discuss the Commission setback of
8 1.1 times turbine height from 115-kilovolt or
9 higher transmission line right-of-ways?

10 A. One turbine, Turbine A09, does not meet
11 this setback. This setback did not exist at the
12 time of the existing project's construction. As
13 originally constructed, the existing project did
14 not meet this setback. This transmission line is
15 owned by Western Area Power Administration, or
16 WAPA. Basin Electric is working with WAPA to
17 obtain a waiver or acknowledgment regarding the
18 upgrade project.

19 Q. Can you discuss the Commission's setback
20 of 1.1 times turbine height from the property line
21 of nonparticipating landowners?

22 A. The application identified five turbines
23 within this setback. After further review, two of
24 the turbine locations, Turbine C42 and C43, meet
25 the setback. Three turbines, B19, B31 and D52, are

1 within the property line setback. This setback did
2 not exist at the time of the existing project's
3 construction. As originally constructed, these
4 turbines did not meet the current setback.

5 Although setbacks enacted by the
6 Commission subsequent to the siting of the existing
7 project do not apply, Basin Electric has
8 voluntarily sought waivers from the affected
9 landowners. Currently, one of those waivers is
10 partially signed. Another waiver is in discussion
11 with the North Dakota Trust Land. They have
12 indicated that they have no concerns at this time,
13 but they may not be able to sign a waiver, so we
14 are working with them to get an agreement. The
15 last landowner Basin is still in discussions with.

16 Q. What is the status of local permitting for
17 the upgrade project?

18 A. In March of 2026, Basin Electric submitted
19 a CUP application to Ward County for the upgrade
20 project. On July 7, 2026, the Ward County Board of
21 Commissioners approved the upgrade project's CUP.
22 A copy of the Ward County CUP is filed as Hearing
23 Exhibit 5.

24 Q. Did Basin Electric coordinate with
25 townships regarding the upgrade project?

1 A. Yes. Although there were no township
2 permits required for the upgrade project, Basin
3 Electric consulted with the townships regarding the
4 upgrade project. Basin Electric's correspondence
5 with the townships is included in Appendix G.

6 Q. Will the upgrade project comply with
7 Federal Aviation Administration, or FAA,
8 requirements?

9 A. Yes. The wind turbines must comply with
10 FAA lighting and marking requirements. The wind
11 project has not yet received FAA determinations of
12 no hazard for the wind turbine locations.
13 Determinations of no hazard remain needed for all
14 turbine locations. Basin Electric will obtain
15 determinations of no hazard before installing
16 longer blades on turbines for which the
17 authorizations remain outstanding.

18 Q. Can you discuss the personnel that will be
19 involved in operating and maintaining the facility
20 once the upgrade project is complete?

21 A. The existing project employs eight
22 full-time employees to operate and maintain the
23 facility. This number is expected to be unchanged
24 by the upgrade project, but the upgrade will extend
25 the life of the facility and the employment of

1 these full-time employees.

2 Q. What monitoring and maintenance are
3 necessary for the facility after the upgrade
4 project is complete?

5 A. Facility staff will continue to monitor
6 and maintain the turbines throughout the upgrade
7 project and after its completion. Each turbine
8 requires scheduled maintenance activities
9 throughout the year. Examples of turbine
10 maintenance include greasing bearings, torquing
11 bolts, changing filters, base bolt testing,
12 transformer oil testing and general cleaning
13 practices.

14 The turbine sites are also maintained by
15 the facility employees and inspected after
16 significant weather events, such as a severe
17 thunderstorm to check for lightning strikes and
18 potential road repairs. Facility employees inspect
19 each turbine site up to three to four times per
20 month.

21 Instrumentation within each turbine on
22 multiple components relays data back to the control
23 room on-site providing real time information on the
24 status of each turbine.

25 Q. How has Basin Electric implemented

1 emergency preparedness for the existing project and
2 will that continue after the upgrade project is
3 completed?

4 A. Basin Electric has conducted emergency
5 responders' meetings on site with local fire
6 departments, ambulance services, sheriff and state
7 patrol. The meetings are to discuss safety
8 processes, coordinating responses and resources for
9 possible incidents at the wind farm.

10 A responder meeting will be scheduled
11 prior to the repower project with the contractors
12 being present to make the local responders aware of
13 upcoming traffic and added site changes.

14 Q. Will Basin Electric continue to comply
15 with the Commission's 2009 order and the associated
16 certification related to order provisions
17 previously executed for the existing project?

18 A. Yes. Basin Electric will continue to
19 comply with the requirements set forth in the
20 Commission's 2009 order and certification relating
21 to order provisions executed by Basin Electric for
22 the existing project.

23 Q. Will the upgrade project's location and
24 operation produce minimal adverse effects on the
25 environment and on the citizens of North Dakota?

Additionally, the upgrade project will provide benefits to the local community and the state. For these reasons, and as demonstrated through the certification, application, supporting filings and my testimony, the upgrade project will produce minimal adverse effects.

MR. EDISON: Thank you, Mr. Weisbeck. I have no further questions at this time.

JUDGE HOGAN: Mr. Martens, any questions?

MR. MARTENS: Yes, Your Honor.

BY MR. MARTENS:

Q. Just a couple. You mentioned the convene -- construction inconvenience payments. Is that a separate category from, say, any negotiations? And again, I'm not looking for specific details of those negotiations, but negotiations for, I guess, the waivers or variances

1 that you mentioned you were seeking voluntarily.

2 A. Yes. So the inconvenience payments during
3 our original construction easements offered a
4 one-time payment for the original construction of
5 the wind farm. Basin voluntarily offered a similar
6 one-time payment, or the inconvenience payment, for
7 the repowering construction to align with our
8 cooperative member, First Mindset. Basin Electric
9 extended this voluntary payment to nonparticipating
10 landowners within a half mile of the wind turbines
11 as well due to the increased construction noise,
12 traffic and dust.

13 Q. Okay. So noise, traffic and dust, you
14 mentioned those are the expected impacts you're --
15 you're seeking to mitigate there, then?

16 A. Correct.

17 Q. Okay. With regard to the discussions with
18 the -- I can't remember which turbine it was, I'm
19 sorry, but the state trust land discussion. You
20 said they're not going to be able to sign. Is that
21 just, I guess, an authority concern or could you
22 just expound on that a little bit?

23 A. In our discussions with the North Dakota
24 Trust Lands, they've indicated they may not have
25 the authority to sign an actual waiver, so we are

1 working with them on a written agreement, similar
2 to what we have from the DOT.

3 MR. MARTENS: Chris, do you have any --

4 MR. HANSON: No, I have no questions.

5 MR. MARTENS: Thank you, Your Honor.

6 JUDGE HOGAN: Commissioner Kringstad.

7 **EXAMINATION**

8 **BY COMMISSIONER KRINGSTAD:**

9 Q. Just a couple. So, first of all, I think
10 I want to start here just because this is -- with
11 this proposed project, we were getting feedback in
12 our office from the community -- from some members
13 of the community about some activities that were
14 happening within the proposed project area. So can
15 you just speak to what activities were happening in
16 the proposed project area, what they were, what
17 approvals you had to get before you did those?
18 Walk us through that process a little bit.

19 A. Commissioner, the concerns or the work
20 that we've done that you're referencing was in --
21 pursuant to our first temporary HUA with Ward
22 County and our amendment sought through the PSC to
23 do the initial road aggregate and then the work in
24 our laydown yard to get our laydown yard prepped
25 for the project.

1 Covered under that initial HUA was this
2 stretch of gravel road from the highway to our
3 facility, and then the work that was done to date
4 has been road grading on that stretch of road and
5 then our laydown yard on Basin's property.

6 Q. And so that work, you said, was
7 coordinated and approved through the county;
8 correct?

9 A. Correct.

10 Q. Okay. So -- and that's one thing about
11 our process that I just want to clarify is we have
12 our process, but the locals also still have their
13 process -- processes and control with projects like
14 this. And one area that we don't have jurisdiction
15 over is when it comes to road use and road use
16 agreements.

17 So that all happened at the county level.
18 You coordinated with the counties, got approval
19 from the counties. The counties set whatever
20 restrictions or limitations that they felt were
21 appropriate knowing their local area, and then you
22 came to us essentially for a temporary variance
23 where we essentially acknowledged the work that was
24 done by the local entities. Would you say that's
25 fair?

1 A. Correct.

2 Q. Okay. You -- I appreciated the updates
3 that you gave us on the project schedule as far as
4 if approved, you're looking to do some construction
5 this year. Are you planning to do winter
6 construction?

7 A. Commissioner, it's our current intention
8 that if we're able to receive all the permitting,
9 we would move forward with construction this fall.
10 We would pause construction during the winter and
11 resume construction in the spring.

12 We may look at doing up-tower construction
13 in the winter if we are able to do all of the
14 groundwork prior to winter construction. So we
15 would not be disturbing any ground during the
16 winter. It would only be up-tower construction if
17 we are able to get to that point prior to winter.

18 Q. Okay. Do you -- so would you anticipate,
19 even if it's up-tower, like filing like a winter
20 construction plan at all with us?

21 A. At this time, we don't anticipate doing
22 winter construction. We've worked with our
23 contractor to lay out a schedule that allows us to
24 do all of the construction within the 2027
25 timeline --

1 Q. Mm-hmm.

2 A. -- and avoid winter construction. We
3 would have to revisit that with the team, depending
4 on when all of our permits are in place.

5 Q. And if -- if you were to get far enough
6 along -- I just want to make sure I understand --
7 to do, you said, like no ground construction in the
8 winter but something else. What -- what would the
9 local community -- what would they expect to see if
10 that were occurring?

11 A. In respect to the up-tower construction,
12 that would be removal of the blades, the hub, the
13 drive train and then flying the new components back
14 up to the top of the tower and installing them.

15 Q. And so would all of that be -- when you're
16 talking about removing blades, are you removing
17 blades and placing them on the ground? Are you
18 transporting them to an alternate site so they
19 could possibly expect an increase in traffic?

20 A. The same construction plan would be in
21 place. The blades would be removed from the tower,
22 they would be cut on site to be legal load size --
23 or legal transportation-size loads and then hauled
24 off-site.

25 Q. Tell me a little more -- I know you

1 mentioned in your testimony about the recycling
2 plans on this proposed project.

3 A. Commissioner, the blades are -- our
4 intention with the blades is the blades will be cut
5 with a wet saw on-site to capture fiberglass
6 material during cutting. The blades are then
7 hauled to a recycling facility in Tulsa, Oklahoma.
8 The most common type of recycling is grinding the
9 blades back to fibers used in concrete
10 strengthening or is used as a fuel aid in the
11 cement kilns.

12 Q. Do you know -- I just -- I know we hear in
13 the news sometimes about recycling plants that are
14 kind of here one second, gone the next, and then,
15 you know, the blades have never actually been
16 recycled. So do you know for this company in
17 Tulsa, have they been -- are they a fairly
18 established company, are they a newer company?

19 A. The company in Tulsa is a company our
20 contractor's been using for years to do the blade
21 recycling.

22 Q. Did you get any type of assurance back
23 from them essentially saying that the blades have
24 been fully recycled and they're not just
25 essentially relocated down to Tulsa, Oklahoma, and

1 sitting there?

2 A. I don't know that offhand. I would have
3 to review that with my team on what our contract
4 states on whether we get assurance back or not.

5 Q. Has -- has Basin selected the contractor
6 that would be doing this potential work?

7 A. Yes. We have a contractor hired. It is
8 Mortenson Construction.

9 Q. Has Basin used that vendor before for
10 proposed projects?

11 A. We have not worked with Mortenson in the
12 past on a wind project.

13 Q. You said you haven't used them on a wind
14 project. Have you used them on other projects?

15 A. Not that I'm aware of. Not in my time
16 with Basin.

17 Q. Okay. Are they a local company, like to
18 North Dakota I should say, a North Dakota company?

19 A. They are a Minnesota-based company. They
20 have done a fair amount of wind projects and
21 repowering projects in North Dakota.

22 Q. Okay. I'm trying to -- I guess one of
23 the -- one of the questions I always have when we
24 go through a hearing like this is companies talk to
25 us about their contractor. You know, we go through

1 our whole process, and then the contractor -- the
2 project gets approval, it's starting to be
3 constructed and some type of issue may arise, and
4 the feedback sometimes we get from our office is,
5 well, you know, a landowner or a local resident has
6 a concern. They talked to the contractor and the
7 contractor kind of says, Well, that's the company.
8 So we, you know, try to help facilitate, engaging
9 the company, and then the response we get back is,
10 Well, that's the contractor.

11 So I just -- can you maybe walk through a
12 little bit kind of how you view the -- the
13 company/contractor relationship, who has kind of
14 ultimate authority, the oversight that you have
15 over your contractor to make sure that, you know,
16 all the assurances that you're giving us on how
17 this would work are executed?

18 A. Yes. So, Commissioner, Basin's intention
19 or Basin's plan with this construction is we will
20 have a construction coordinator on site during
21 construction to oversee the contractor. The
22 contractor will also have their lead employees on
23 site as well.

24 If an incident were to arise where a
25 landowner consulted the contractor and the

1 contractor said it was not their problem, our
2 construction coordinator would also be there to
3 handle that issue, and we would expect the
4 contractor to bring any concerns to us regardless
5 of the matter if they can answer the question or
6 not.

7 Q. Thank you. That's helpful. All right. I
8 do just want to walk through to make sure I
9 understand -- starting on page 7 of your prefiled
10 testimony, when we're talking about the setback
11 here.

12 So, you know, the first one we mentioned
13 is the setback from an interstate highway, when it
14 was originally constructed, it didn't meet that
15 setback. There was coordination with DOT, and I
16 saw that in the application stating that there's no
17 adverse effects. But I guess did -- was DOT aware
18 that this setback wasn't in compliance when they
19 made that assertion?

20 A. Commissioner, it's my understanding that
21 we conveyed that information to the DOT and they
22 provided the response that is attached in
23 Exhibit 1, Appendix G.

24 Q. And is that the -- is that the same with
25 the setback in regards to the county or township

1 road, the four turbines that don't meet the
2 setback? Kind of the same thing was -- I know Ward
3 County approved the conditional use permit, but
4 were they aware of these setback issues?

5 A. I wasn't privy to those conversations. My
6 colleague, Mr. King, may be able to speak to those
7 as he was involved in working with the county.

8 Q. Okay. I can follow up with him.

9 And then you mentioned that you're
10 coordinating with WAPA for a waiver in regards to
11 the transmission line. If that -- if that waiver
12 isn't received, what is the company's proposal to
13 address that?

14 A. Commissioner, as I stated, those setbacks
15 weren't around when the original project was sited.
16 It's Basin's understanding or position that they do
17 not apply as the tower's already there. In our
18 discussions with WAPA, very similar to the North
19 Dakota Trust Lands, they don't know that they have
20 the ability to sign a waiver, but they are -- we
21 are working with them on a written agreement
22 similar to what we have from the North Dakota DOT
23 acknowledging that we're within the setback and
24 that it is of no concern to them.

25 Q. Okay. I know you stated in your testimony

1 that it's your position those setbacks don't apply.
2 I think that's maybe more of a legal issue I'll
3 leave up to the lawyers. I don't -- I don't know
4 that I see it that way. I mean, I would agree that
5 they probably don't apply if the project isn't
6 being modified, but since you're asking for it to
7 be modified, that's where, you know, I have -- I
8 just have some more questions. But like I said, I
9 understand that that's probably more of a question
10 for the attorneys and not necessarily your area of
11 expertise, so I'm not going to pepper you with
12 questions there.

13 And I guess you -- I appreciated the
14 update of, you know, where you're at as far as the
15 nonparticipating landowners and achieving waivers.
16 Again, if you -- if for whatever reason, whether
17 it's through Department of Trust Lands or some of
18 these nonparticipating landowners that these
19 waivers aren't received, what is the company's
20 proposal moving forward?

21 A. Again, I would have to refer back to our
22 current position is the waivers aren't required for
23 us to repower. We're voluntarily seeking the
24 waivers to be in compliance with the Commission's
25 current setbacks.

1 We've reached out to Commission staff in
2 the past for clarification on this. We didn't
3 receive the clarification, which is why we
4 voluntarily went forward with trying to procure
5 these waivers to maintain compliance with the
6 existing setbacks. I would have to visit with my
7 team if it is to be required that we need the
8 waivers on what our plan of action would be.

9 Q. Okay. And I don't -- I don't have the
10 exact page number here, but I thought it was
11 written somewhere in the application that if
12 waivers -- I just wanted to clarify because if
13 waivers weren't granted, that then they wouldn't
14 upgrade the equipment on that affected turbine.

15 A. So the statement you're referring to is --
16 I mean, it addresses Basin's plan if we're -- if we
17 have to -- if the Commission's stance is we have to
18 obtain the waivers in order to be able to repower
19 the turbines, we would likely look at a different
20 avenue of potentially not repowering the turbines.

21 Q. And I do -- I think just one more set of
22 questions around FAA approval. I know you touched
23 on that a little bit in your testimony, but I don't
24 know, is that a more appropriate question for the
25 next witness?

1 A. I can speak to that.

2 Q. Okay. So can you just give us an update
3 on where we're -- where that process is at?

4 A. So we -- we filed the FAA -- to the FAA
5 for determinations of no hazards this spring. That
6 process has been delayed longer than we -- we
7 anticipated.

8 Q. Mm-hmm.

9 A. We have a notification from Minot Air
10 Force Base that they have completed their review
11 and have no concerns with the project. That was
12 also stated at a Ward County planning and zoning
13 meeting by an individual from Minot Air Force Base.
14 We're currently in discussions with the DOW on the
15 status of this application and expect to hear
16 something soon.

17 Q. Okay. Because I know -- I think in the
18 initial application it talked about that there's 11
19 different business lines that have to go through
20 FAA approval. So is -- you know, is just
21 Department of War the only one that's outstanding,
22 so do you have like 10 out of 11?

23 A. Our current understanding is we have 10 of
24 11.

25 Q. Of 11.

1 A. We're only waiting on Department of War.

2 Q. Okay. And then I -- I wasn't on the
3 Commission or working as staff when this original
4 application came through, so can you just clarify
5 for me, does the current site have light mitigating
6 technology on it?

7 A. Commissioner, the current site does have
8 light mitigating technology on it. However, with
9 the Minot Air Force Base, we do have a waiver so
10 that those lights blink all the time, that way it's
11 not -- they are not proximity lights as most of the
12 new lighting is.

13 Q. Okay. And is -- is that -- is it your
14 opinion that those agreements and processes would
15 hold if this proposed project moves forward, or is
16 that something that has to be kind of readdressed
17 and relooked at?

18 A. I can't address that situation. I guess I
19 haven't been in those discussions. I'd have to
20 visit with my team on that.

21 Q. Okay. Yeah, that's -- and I don't know
22 the answer to that either. That's why I'm asking.
23 So maybe that's something to follow up on --

24 A. Okay.

25 Q. -- just to make sure everything's clear.

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

3 JUDGE HOGAN: Commissioner Christmann.

4

EXAMINATION

5 BY COMMISSIONER CHRISTMANN:

6 Q. So my easy question, I think, for you is
7 you said that the height will increase 32.8 feet.
8 What is going to be the height of them moving
9 forward?

10 A. Commissioner, the total height of the
11 turbine, I believe -- and I don't have the number
12 directly in front of me, but if you refer to the
13 table that was in my prefiled testimony, I believe
14 the height is roughly 4 hundred and -- I'm going to
15 say 430 feet.

16 Q. Okay. And then I have some questions on
17 these setbacks too, and so I apologize if you've
18 already answered them, but if you did, I didn't
19 understand it well. So I guess I have to phrase it
20 in my own way maybe.

21	A. Okay.
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22 Q. So, first of all, I'm going to just put
23 these all together. When I'm talking about the
24 setbacks, I'm talking the -- the Highway 83
25 turbine, the county road setbacks, the WAPA line

1 setback and then some property line setbacks.

2 As I heard and previously read your
3 prefiled testimony, as well as Mr. King's, and
4 going through the application, I was kind of
5 getting bounceback that we don't need waivers, but
6 we're getting waivers and we have all the landowner
7 approvals that we need. And so that -- that part
8 especially about you have all of them that we need,
9 does that mean that you voluntarily sought them and
10 you have them all now, or is that kind of a nicer
11 way of saying we have all that we need because we
12 don't need any but we're still voluntarily just
13 trying to get some?

14 A. Commissioner, I think what you're
15 referencing in our application on the voluntary
16 waivers that we have all that we need will be
17 covered under the -- I think we're referring to the
18 noise and shadow flicker that'll be covered in my
19 colleague, Mr. King's testimony for voluntary
20 waivers there for nonparticipating landowners.

21 The setback waivers that we're working on
22 voluntarily, we started addressing those recently
23 in order to comply with the Commission after we
24 didn't receive the clarification on whether they
25 would be required or not. We sought that

1 clarification and in the meantime started going and
2 trying to procure these waivers just to be in
3 compliance, if necessary.

4 Q. So on question 14 when you said, "Basin
5 Electric has all land agreements necessary," that
6 was talking about the light -- or sound issues that
7 Mr. King's going to talk about?

8 A. Correct. And to that, I mean, it is
9 Basin's position that these setback waivers don't
10 apply so, therefore, we would have the waivers we
11 need.

12 MR. EDISON: Commission Christmann, just
13 to clarify, I think the part you're referring to
14 was meant to refer that they have all the easements
15 needed for construction and not necessarily the
16 setbacks.

17 Q. (COMMISSIONER CHRISTMANN CONTINUING)
18 Okay. So now just to address the necessity of them
19 a little bit, when -- when I look at the
20 Administrative Code, 69-06-08-01, and then number
21 2(5), it indicates that we can grant a variance on
22 that nonparticipating landowner on setbacks, but --
23 and then so that specifically mentioned that we can
24 grant that variance.

25 But when it comes to the nearest edge of a

1 state roadway or the transmission line, I don't see
2 anything in here that allows us to even do a
3 variance of it. So are you relying on the fact
4 that because it was sited before -- before the rule
5 went into effect, that's the case, or I'm just not
6 seeing how we can do a variance on those even if
7 they -- even if they do a variance, I don't know
8 how we can.

9 MS. FUREY: Commissioner, that's more of a
10 legal question and I'm happy to maybe just chime in
11 with some initial thoughts, and we have talked with
12 PSC counsel about, you know, addressing this
13 potentially after the proceedings since it's more
14 of a legal issue, but I'm happy to just walk
15 through at a high level the position there.

16 With respect to the current setbacks,
17 there's no language that exists in the current
18 criteria or in the siting act that contains
19 retroactive application. So, typically, if you're
20 going to have something that's going to apply to,
21 you know, like a restriction, it would have
22 retroactive language expressly within the criteria,
23 and so that doesn't exist here.

24 Just as further reference, the
25 certification language in the siting act, so this

1 is under 49-22-03-04, when it sets forth the
2 requirements that an applicant comply with for a
3 certification filing, it requires that an applicant
4 certify that they comply with all applicable rules
5 and provisions of a Commission order. And so we
6 believe that that language means that the
7 applicable rules or those that existed at the time
8 that the project was sited.

9 What is unique to this particular project
10 are that these turbines that do not currently meet
11 the existing criteria, they -- they don't meet the
12 current criteria as it stands today. This is not
13 an instance of where the proposed blade change
14 would otherwise cause the noncompliance. The tower
15 locations don't currently comply.

16 With respect to your question regarding
17 variances, the Commission has previously issued
18 variances for a repower with respect to existing
19 criteria, so there is precedent before the
20 Commission with respect to doing that. We don't
21 have clear precedent from the Commission on their
22 position regarding this issue, but there is
23 precedent with respect to variances being granted
24 for -- for the setbacks.

25 And I'm happy to follow up with PSC

1 counsel after the proceeding and to provide that
2 precedent and citations.

3 COMMISSIONER CHRISTMANN: And I will say I
4 think, too, the -- I don't know that it's
5 necessarily a matter of -- of the merits as it is
6 just making sure we're following the law, so I am
7 glad to take that up, you know, after the hearing.
8 I don't think that's what probably most of the
9 public are interested in it, and, yeah, it is
10 definitely a legal issue that I'm trying to figure
11 out here.

12 And I think that actually concludes my
13 questions. Most of them are already answered --
14 or, yeah, already answered.

15 JUDGE HOGAN: All right. Commissioner
16 Haugen-Hoffart.

17 **EXAMINATION**

18 **BY COMMISSIONER HAUGEN-HOFFART:**

19 Q. Good morning. Just a couple. A lot of
20 mine have been answered, and I'm not going to talk
21 to you about setbacks.

22 You indicated in your prefiled testimony
23 and here on page 6 of your testimony about Basin
24 Electric will communicate with the affected
25 landowners ahead of time to mitigate impacts. Can

1 you tell me more about that communication, how
2 you're going to communicate to them? Is it letter,
3 email, phone calls? Just what's your communication
4 plan?

5 A. Commissioner, we've reached out to all
6 participating landowners last fall. Our
7 right-of-way team called all participating
8 landowners to notify them about the project. We've
9 then issued -- since then have issued letters to
10 all the nonparticipating as part of the
11 inconvenience offer for the construction in the --
12 in the upgrade project area.

13 It is our intention that during
14 construction, we would utilize our resources with
15 our contractor to identify, you know, what turbines
16 we may be working on in the coming week. We would
17 then notify -- call the landowners, notify them
18 that we will be working in their area within the
19 next week, and then be in communication with them
20 through our construction managers on site.

21 Q. So let me rephrase. Like when you start
22 construction, things move very quickly, so the
23 communication landowners can anticipate will be a
24 telephone call?

25 A. Correct.

1 Q. Okay. Thank you.

2 You touched on something and I know
3 it's -- you -- those blades that are not working
4 right now, they will be fixed during the
5 repowering, if granted. That just -- if -- just
6 for the record, if a turbine goes down and you have
7 blades on the ground due to whatever reason, how do
8 you handle that as a company? Because with the
9 windstorms, we've seen a lot of turbines down.
10 What's your policy on handling turbines that aren't
11 working?

12 A. Commissioner, my -- my reference in my
13 testimony to turbines that are offline currently
14 are due to driveline failures in the turbines.

15 Q. Mm-hmm.

16 A. I don't know -- I myself don't know our
17 policy on if a tower was to fall over, I think is
18 what you're referring to.

19 Q. Correct.

20 A. I would have to visit with our legal team
21 and our environmental team on that.

22 Q. Okay. Do you have -- just an overview,
23 does Basin have a decommissioning plan on record
24 for this wind farm?

25 A. Commissioner, we filed a decommissioning

1 plan/financial assurance with the PSC in 2019. The
2 repowering wouldn't change the scope of that
3 decommissioning plan. And then we would intend to
4 maintain compliance with the Commission's rules on
5 updating that when necessary.

6 Q. Okay. Can you just give an overview --
7 just an overview on what that decommissioning plan
8 is and what it means?

9 A. In regards to what is in the
10 decommissioning plan, I can't speak to that. I
11 was --

12 Q. The intent of it.

13 A. -- not a part of it.

14 The intent of it is to ensure that when
15 the towers reach the end of their usable life, we
16 would remove the towers and restore the property
17 back to whatever type of land it is, whether that
18 be agricultural, grassland, et cetera.

19 Q. So you'd reclaim that land then?

20 A. Correct.

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

23 JUDGE HOGAN: Mr. Edison, any redirect?

24 MR. MARTENS: I'll have one too.

25 MR. EDISON: Just one question quick to

1 clarify.

2

FURTHER EXAMINATION

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BY MR. EDISON:

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Q. With respect to the DOT, they just -- you informed -- you testified you informed them about that project and they sent that letter. There's no formal agreement or anything; right? They just sent the letter saying, hey, we don't anticipate any adverse impacts to any of our roads or highways?

11

A. That is correct.

12

MR. EDISON: I have no further.

13

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JUDGE HOGAN: Mr. Martens, any other questions?

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MR. MARTENS: Just briefly, Your Honor. And, first, I appreciate Ms. Furey's willingness to kind of help us sort through language that is ever asked to be evolved for these situations. I will say I -- I may take a different, at this time, perspective of "applicable" in that phrase, but that again is a legal discussion.

22

FURTHER EXAMINATION

23

BY MR. MARTENS:

24

25

Q. Focusing on the certification route we're in, there's a lot of emphasis on effect of the

1 construction. Repower is construction as defined.
2 So with regard to the transmission line, can you --
3 I guess I'll just ask this way: So are you saying
4 there -- based on this construction, there will be
5 no effect on that transmission line as an exclusion
6 or avoidance zone?

7 A. With regard to our construction plan, I
8 believe what you're asking is will construction
9 affect the transmission --

10 Q. I guess --

11 A. -- line.

12 Q. -- for clarification -- sorry, didn't mean
13 to interrupt him, ma'am -- I would consider the
14 repower construction, because repower specifically
15 is defined as a construction activity. So would
16 either the construction leading up to the repower
17 or the actual repower itself have any effect on
18 that transmission line?

19 A. It is my understanding it wouldn't change
20 what the current tower location affects the
21 transmission line. The only affect to the
22 transmission line would be if the tower were to
23 fall over.

24 Q. Kind of along the same vein then, I guess
25 going back to your discussions with regard to the

1 Highway 83 right-of-way, has there been any
2 concerns addressed regarding the effect on the
3 roadway itself, safety or otherwise?

4 A. I have not been privy to those
5 discussions, but we are outside of the right-of-way
6 of the highway. The -- the issue would be if the
7 tower were to fall over in the specific direction
8 from the base of the turbine, it would reach the
9 roadway.

10 Q. And I'm assuming your assessment's
11 probably the same for any of the county roads in
12 question?

13 A. Correct.

14 MR. MARTENS: Thank you, sir. No further
15 questions.

16 JUDGE HOGAN: Mr. Hanson, any questions?

17 MR. HANSON: No further questions.

18 JUDGE HOGAN: All right. Commissioner
19 Christmann, I know you have another question.

20 COMMISSIONER CHRISTMANN: Thanks, Your
21 Honor. Yes, I did miss one thing.

22 **FURTHER EXAMINATION**
23 **BY COMMISSIONER CHRISTMANN:**

24 Q. You mentioned Mortenson Construction being
25 the contractor, but Basin would have a construction

1 manager on site. So in your agreement with
2 Mortenson, do you require their employees and their
3 subcontractors and such to maintain any specific
4 speed limits on rural roads or to do any dust
5 mitigation measures or anything like that?

6 A. Commissioner, within our conditional use
7 permit and haul use agreements with Ward County, we
8 are required to apply mag chloride to road
9 intersections in front of --

10 Q. Apply what?

11 A. Mag chloride. It's a solution for dust
12 control.

13 -- to all the gravel roads at
14 intersections and in front of residences.

15 As far as the speed limit of our
16 contractors, we would adhere to all the county and
17 state requirements or laws on -- on speed. We
18 don't have anything specific in our contract to
19 that.

20 COMMISSIONER CHRISTMANN: Thank you.

21 JUDGE HOGAN: Are there other commissioner
22 questions? All right. Thank you, Mr. Weisbeck.

23 We are going to take our morning break.
24 It's 10:15 right now. We will reconvene at 10:30.

25 (Recessed at 10:16 a.m. and reconvened at

1 10:31 a.m.)

2 JUDGE HOGAN: All right. Mr. Edison, do
3 you want to call your next witness?

4 MR. EDISON: Yes. Next we will call Ryan
5 King.

6 JUDGE HOGAN: All right. I'll have you
7 start by stating your full name for the record and
8 spelling your last name.

9 MR. KING: Ryan -- Ryan King, K-i-n-g.

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

12 MR. KING: I did.

13 JUDGE HOGAN: And do you understand what
14 perjury is?

15 MR. KING: Yes.

16 (Witness sworn.)

17 JUDGE HOGAN: All right. Thank you.

18 Go ahead, Mr. Edison.

19 **RYAN KING,**

20 having been first duly sworn, was examined and
21 testified as follows:

22 **EXAMINATION**

23 **BY MR. EDISON:**

24 Q. Please state your name, employer, and
25 business address.

1 A. My name is Ryan King. I'm employed by
2 Basin Electric Power Cooperative as an
3 environmental coordinator. My business address is
4 1717 East Interstate Avenue, Bismarck, North
5 Dakota.

6 Q. In what capacity are you providing your
7 testimony today?

8 A. I am providing this testimony on behalf of
9 Basin Electric Power Cooperative as an
10 environmental coordinator. Basin Electric has
11 submitted a certification for activities associated
12 with the upgrade project and an application
13 requesting an amendment to the Commission's 2009
14 order for the existing project.

15 Q. Can you briefly describe your educational
16 background and professional experience?

17 A. I have a bachelor's of science in
18 construction management and a -- and a master's of
19 natural resources management from North Dakota
20 State University. I have 13 years of environmental
21 permitting experience. I was hired by Basin
22 Electric in September of 2023 and have worked on a
23 variety of transmission and energy conversion
24 siting applications.

25 Q. What is your role with respect to the

1 upgrade project?

2 A. I'm responsible for the overall
3 preparation and coordination of the environmental
4 analysis for the upgrade project within Basin
5 Electric and through our consultants.

6 Q. Are you familiar with the contents of
7 Basin Electric's certification for the upgrade
8 project as well as the application to amend the
9 2009 order?

10 A. Yes, I am familiar with those documents.

11 Q. Can you briefly summarize the purpose of
12 your testimony today?

13 A. I will testify regarding Basin Electric's
14 environmental and regulatory compliance and the
15 avoidance, minimization and mitigation measures
16 that were implemented for the upgrade project. My
17 testimony and supporting evidence demonstrate that
18 the project will have minimal environmental and
19 human effects and meet the Commission's siting
20 criteria.

21 Q. Do you have any updates to make regarding
22 the upgrade project?

23 A. Yes. In the certification, it states that
24 there will be no wetland impacts as a result of the
25 upgrade project. After further review of the

1 turning radii and approaches to allow for some
2 large deliveries, seven wetlands will be
3 temporarily impacted during construction. These
4 minor temporary impacts to wetlands will only occur
5 along ditches along existing roads.

6 Q. Can you clarify the change in height
7 caused by the upgrade project?

8 A. Yeah. The upgrade project's new height
9 would be 421.8 feet.

10 Q. And can you describe the environmental
11 studies and site assessments filed as part of the
12 project's certification?

13 A. Yeah. Basin conducted the following
14 studies in support of the certification: The
15 Natural Resources Inventory Report, which is
16 included a federally listed species and habitat
17 evaluation and a wetlands and other bodies mapping
18 report; and then as well as a sound study and a
19 shadow flicker analysis.

20 Q. Are there any additional environmental
21 studies or surveys yet to be completed for the
22 upgrade project?

23 A. No. All environmental studies have been
24 completed.

25 Q. Can you describe Basin Electric's

1 assessment regarding threatened and endangered
2 species and designated critical habitat occurring
3 in the upgrade project?

4 A. Basin Electric use the United States Fish
5 and Wildlife Service Information for Planning and
6 Conservation tool, the IPAC tool, to identify
7 threatened or endangered species within the project
8 that have the potential to occur within the project
9 area. This tool identified five threatened and
10 endangered species that could potentially occur
11 within the project area: the endangered northern
12 long-eared bat and whooping crane and the
13 endangered piping plover, rufa red knot and Dakota
14 skipper. No designated critical habitat was
15 identified for threatened or endangered species
16 within the project area.

17 Q. What are the results of Basin Electric's
18 analysis regarding the northern long-eared bat?

19 A. Potential northern long-eared bat roosting
20 and foraging habitat within the survey area is
21 limited, accounting for less than 0.2 percent of
22 the upgrade project area and consists of trees
23 associated with homestead shelterbelts and small
24 patches of forest.

25 These areas are small and fragmented on

1 the landscape and, therefore, provide limited
2 low-quality roosting habitat for the northern
3 long-eared bat.

4 To further reduce the potential for
5 impacts to the northern long-eared bat, no tree
6 clearing would occur between April 15 and October
7 31, which is their active period. Adverse impacts
8 to the northern long-eared bat are not anticipated.

9 Q. What are the results of Basin Electric's
10 analysis regarding the whooping crane?

11 A. A field survey conducted in November of
12 2025 documented 16.31 acres of potentially suitable
13 stopover habitat, including freshwater emergent
14 wetlands and freshwater ponds that are within the
15 survey area. No whooping crane observations were
16 made during -- or were documented within the survey
17 area. Therefore, adverse impacts to whooping
18 cranes from the repowering construction are not
19 anticipated.

20 To continue our current practices, during
21 construction and operation, if a whooping crane is
22 spotted within one mile of the project area, all
23 activities will cease and the U.S. Fish and
24 Wildlife Service will be notified.

25 Q. What are the results of Basin Electric's

1 analysis regarding Dakota skipper?

2 A. There is no U.S. Fish and Wildlife Service
3 designated critical habitat for the Dakota skipper
4 within the upgrade project. The survey area did
5 contain potentially suitable habitat and dispersal
6 habitat, totaling approximately 28 percent of the
7 survey area.

8 Due to the presence of suitable habitat,
9 the Dakota skipper may have potential to be present
10 within the survey area. However, anticipated
11 impacts to suitable habitat are minimal and only
12 anticipated within the temporary disturbance areas.
13 No adverse impacts to the Dakota skipper are
14 anticipated.

15 Q. What are the results of Basin Electric's
16 analysis regarding piping plover?

17 A. The nearest designated critical habitat
18 for the piping plover is Rush Lake, which is
19 located approximately 3.85 miles west of the survey
20 area. Small areas of potential suitable stopover
21 habitat does exist within the survey area.
22 However, no wetlands will be permanently affected
23 from construction activities. Thus, adverse
24 impacts to piping plover are not anticipated.

25 Q. What are the results of Basin Electric's

1 analysis regarding rufa red knot?

2 A. Designated critical habitat for the rufa
3 red knot is not located within the survey area.
4 The survey area does not contain potential
5 shoreline habitat suitable for migrating rufa red
6 knots, so adverse impacts to the rufa red knots are
7 not anticipated.

8 Q. Can you describe Basin Electric's
9 coordination with North Dakota Game and Fish
10 Department and the U.S. Fish and Wildlife Service
11 regarding the upgrade project?

12 A. Agency letters were sent to both North
13 Dakota Game and Fish and the United States Fish and
14 Wildlife Service. The North Dakota Game and Fish
15 did not respond or identify any concerns for the
16 upgrade project. The -- Basin Electric did
17 coordinate with the United States Fish and Wildlife
18 Service regarding potential wetland impacts and
19 avoiding -- avoiding the U.S. Fish and Wildlife
20 Service-managed wetland easements.

21 Q. Will the upgrade project exclude areas
22 where animal or plant species that are unique --
23 unique or rare to the state would be irreversibly
24 damaged?

25 A. Yes. The upgrade project utilizes

1 foundations and towers that are existing and will
2 be constructed entirely within the previously
3 disturbed site. As such, the land use associated
4 with the upgrade project is largely unchanged, and
5 areas where animal and plant species that are
6 unique or rare to the state are not anticipated to
7 be impacted.

8 Q. Has Basin Electric conducted an evaluation
9 of the upgrade project's potential impacts to
10 wetlands?

11 A. Yes. Basin Electric contracted Western
12 EcoSystems Technology, or WEST, to conduct a
13 desktop review of wetlands and water body features
14 within the upgrade project area. Additionally,
15 WEST conducted a field survey to verify these
16 wetland and water body locations and sizes.

17 Q. Are impacts to wetlands associated with
18 the upgrade project anticipated?

19 A. Yes. To allow for large deliveries, minor
20 temporary impacts to seven wetlands will occur,
21 totaling approximately 0.14 acres. These minor
22 temporary impacts all occur within ditches along
23 roadsides. A map attached as Exhibit 1 does depict
24 these seven locations where these temporary impacts
25 will occur.

1 Q. Has Basin Electric assessed whether there
2 are any reasonable alternatives to avoid the
3 temporary wetlands?

4 A. Yes. Basin Electric assessed potential
5 alternatives and determined that there was no
6 reasonable alternative to avoid these wetland
7 impacts. As previously stated, the 0.14 acres of
8 temporary impacts all occur within ditches along
9 existing roadways and approaches. These temporary
10 impacts are all associated with turning radii that
11 needs to be expanded. The alternate would be to
12 build longer access roads around these wetlands
13 that would increase impacts to agricultural lands
14 and other previously undisturbed areas.

15 Q. Has the upgrade project avoided areas that
16 are geologically unstable?

17 A. Yes. By utilizing existing foundations
18 and towers, the upgrade project will avoid areas
19 that are geologically unstable.

20 Q. Please briefly explain the upgrade
21 project's potential impacts on woodlands?

22 A. The upgrade project lacks large contiguous
23 woodlands and adverse impacts to woodlands are not
24 anticipated.

25 Q. Can you explain the upgrade project's

1 potential impact on trees and shrubs?

2 A. While not anticipated, trees may need to
3 be trimmed or removed for large deliveries, and
4 that would be on an as-needed base. If trees do
5 need to be removed, Basin Electric would comply
6 with the Commission's tree and shrub mitigation
7 specifications, and an inventory and replacement
8 plan would be submitted to the Commission for
9 approval. Adverse impacts to trees and shrubs are
10 not anticipated.

11 Q. Please describe existing land use within
12 the upgrade project area.

13 A. The upgrade project is located in rural
14 North Dakota in an area predominantly comprised of
15 cultivated land, hay lands, pasture lands and
16 grasslands.

17 Q. Will the upgrade project avoid and
18 minimize impacts to grasslands?

19 A. The upgrade project will remain within
20 areas previously disturbed by the original
21 construction and impacts to grasslands are
22 anticipated to be minimal.

23 Q. Will temporarily disturbed areas be
24 restored?

25 A. Yes. Basin Electric will restore

1 temporarily disturbed areas in compliance with
2 applicable portions of the Commission's 2009 order.

3 Q. Can you briefly describe the cultural and
4 historic resource assessments conducted for the
5 upgrade project?

6 A. Basin Electric contracted Metcalf
7 Archeological Consultants, or Metcalf, to conduct a
8 Class III cultural resources inventory and a Class
9 II reconnaissance survey for the upgrade project.
10 The architectural Class II reconnaissance survey
11 comprised of -- all areas within 2 miles of
12 existing turbines. And the Class III pedestrian
13 survey was conducted in areas around turbines and
14 access roads.

15 Q. Is there any additional cultural or
16 historic resource work that still needs to be
17 completed?

18 A. Yes. There are cultural sites within the
19 planned temporary work space around the turbines.
20 Eight of these sites are posing a concern for the
21 construction purposes, four of which we have
22 discussed with SHPO and we know will need to be
23 avoided. However, Metcalf is working with the
24 North Dakota State Historic Preservation Office,
25 SHPO, to determine if recommended buffer zones can

1 be worked within or minimized, provided that a
2 culture monitor is present during ground clearing
3 activities.

4 And, additionally, Metcalf will conduct
5 further evaluative testing on the other four sites
6 to determine the state historic site registry
7 eligibility and potentially work within those site
8 boundaries.

9 Basin and Metcalf has submitted a testing
10 plan to North Dakota SHPO, which they are reviewing
11 that plan, and Basin will provide the Commission
12 with any correspondence from SHPO that we do
13 receive.

14 Q. Will the upgrade project avoid impacts to
15 the identified cultural and historic sites?

16 A. Yes. All cultural resources that are
17 eligible or unevaluated for significance will be
18 avoided during construction with appropriate
19 buffers and fences. No impacts to eligible or
20 unevaluated cultural resources are anticipated.

21 Q. Does Basin Electric have procedures in
22 place to address previously unidentified cultural
23 resources that may be encountered during
24 construction?

25 A. Yes. An unanticipated discovery plan will

1 be implemented to guide activities if cultural
2 resources are identified during construction.

3 Q. Can you describe the results of the sound
4 study that was conducted for the upgrade project?

5 A. When the existing project was permitted,
6 the Commission had no codified sound regulations
7 applicable to wind facilities. Specifically, the
8 Commission's current avoidance area requiring sound
9 levels within 100 feet of an inhabited residence to
10 not exceed 45 decibels had not been enacted.

11 Basin Electric engaged Burns & McDonnell
12 to conduct a sound study for the upgrade project.
13 Modeling of the upgrade project concluded that 40
14 receptors would have sound levels exceeding
15 45 decibels at 100 feet from the receptor. After
16 reviewing the receptors, 17 were either -- were
17 determined to either be duplicate or noninhabited
18 residences, leaving 23 inhabited residences over
19 the 45-decibel limit at 100 feet.

20 Currently, for the existing project, 18 of
21 these 23 are either at or above the 45-decibel
22 limit. Basin Electric's existing easements already
23 permit sound levels that are anticipated for the
24 upgrade project, and Basin Electric has received --
25 has obtained all 11 waivers from nonparticipating

1 landowners with an exceedance.

2 Q. Please describe the results of the shadow
3 flicker and assessment that was done for the
4 upgrade project.

5 A. When the existing project was permitted,
6 the Commission did not specifically address shadow
7 flicker. The Commission now assesses wind energy
8 conversion facilities under the generally accepted
9 industry standard of no more than 30 hours per year
10 of shadow flicker at an occupied residence.

11 Basin Electric engaged Burns & McDonnell
12 to conduct a shadow flicker analysis for the
13 upgrade project. The shadow flicker analysis
14 identified one nonparticipating receptor as
15 exceeding 30 hours per year of shadow flicker. And
16 although shadow flicker was not assessed as part of
17 the original existing project siting, Basin
18 Electric has obtained a waiver from that
19 nonparticipating landowner.

20 Q. Will the upgrade project continue to
21 comply with the Commission's exclusion and
22 avoidance criteria that was in effect at the time
23 the project was sited?

24 A. Yes. The upgrade project is governed by
25 the Commission's exclusion and avoidance criteria

1 in effect in 2009 when the order was issued. With
2 the exception of the minor temporary wetland
3 impacts, the upgrade project will continue to
4 comply with this criteria. As previously
5 discussed, there are no reasonable alternatives to
6 avoid these temporary impacts.

7 Q. Will there be any changes to the lighting
8 for the project turbines?

9 A. The Department of War has indicated that
10 they would like the lighting requirements to remain
11 the same as they -- as they are currently.

12 Q. Are you familiar with the Commission's
13 current exclusion and avoidance area criteria
14 identified in Section 69-06-08-01 of the North
15 Dakota administrative code?

16 A. Yes. The studies and surveys conducted
17 for the upgrade project include an assessment of
18 the Commission's current criteria.

19 Q. Under the Commission's current siting
20 criteria, are there any exclusion areas located
21 within the upgrade project?

22 A. Yes. Archeological sites are present
23 within the upgrade project area. However, no
24 eligible or unevaluated sites will be impacted by
25 construction activities. The other exclusion areas

1 located within the site are associated with the
2 statutory setback requirements that were detailed
3 in Mr. Weisbeck's testimony.

4 Q. Under the Commission's current siting
5 criteria, are there any avoidance areas located
6 within the upgrade project?

7 A. Yes. The wetlands I discussed and then
8 the areas where, due to the operation of the
9 upgrade project, sound levels within the hundred
10 feet of a receptor would be over 45 decibels.

11 Q. Are there any remaining local, state or
12 federal environmental permits or approvals needed
13 for the upgrade project?

14 A. Yes. We are still awaiting the no hazard
15 determinations from the Federal Aviation
16 Administration and the -- the new SHPO concurrence
17 letter that is for the additional work that was to
18 be completed.

19 Q. Will the upgrade activities continue to
20 comply with the order and certificate previously
21 issued for the existing project?

22 A. Yes.

23 Q. Has Basin Electric designed the upgrade
24 project to avoid, minimize and mitigate
25 environmental impacts to the greatest extent

1 possible?

2 A. Yes.

3 Q. Has Basin Electric sited the upgrade
4 project in a manner so that the location and
5 operation will produce minimal adverse effects on
6 the environment, wildlife and upon -- upon the
7 welfare of the citizens of North Dakota?

8 A. Yes.

9 Q. Is the upgrade project compatible with the
10 environmental preservation and the efficient use of
11 resources?

12 A. Yes.

13 MR. EDISON: Thank you, Mr. King. I have
14 no further questions at this time.

15 JUDGE HOGAN: Mr. Martens, any questions?

16 MR. MARTENS: Yes. Thank you.

17 **EXAMINATION**

18 **BY MR. MARTENS:**

19 Q. Thank you, Mr. King. Just one question.
20 I'm going to go to the discussion with regard to
21 the sound study and the
22 participating/nonparticipating residents -- or
23 landowners. Excuse me. So just going to restate
24 some of your testimony to make sure I'm
25 understanding. So basically we're talking about 23

1 inhabited residents at play here that you're
2 addressing?

3 A. Correct.

4 Q. 11 nonparticipating landowners and 12
5 participating. You have all waivers from all
6 nonparticipating landowners, all 11; is that
7 correct?

8 A. Correct.

9 Q. Okay. And then looks like you say here
10 you have 9 of 12 of the participating. Is that
11 still accurate?

12 A. That is. And our current easements, as
13 I --

14 Q. That's -- yeah.

15 A. -- stated, do have provisions that we are
16 in compliance with the new ones.

17 Q. Excellent. And that's what I want to get
18 at. So the easements are already in place with
19 those participating landowners. They've already
20 agreed in those easements to --

21 A. Yes.

22 Q. -- sound levels that are within the 45 --
23 or exceed the 45 dBA?

24 A. Correct.

25 MR. MARTENS: Okay. Thank you.

1 Appreciate it.

2 JUDGE HOGAN: Mr. Hanson, any questions?

3 MR. HANSON: No, Your Honor.

4 JUDGE HOGAN: Commissioner Kringstad.

5 EXAMINATION

6 BY COMMISSIONER KRINGSTAD:

7 Q. Yes. Okay. When I kind of look through
8 the agency correspondence, there's some, I guess,
9 that kind of stand out to me as maybe missing from
10 what we typically see respond. I mean, I know the
11 company sends out notification per our laws and
12 rules to a pretty wide and extensive list of
13 agencies and not everybody responds all the time,
14 but there -- there were some I just wanted to
15 follow up on because typically we do get a
16 response.

17 Can you tell me a little more about -- I
18 don't see like DEQ's in here. I know those have
19 maybe been coming in later, I think. In some other
20 cases that they kind of come in last minute, but
21 did you have any correspondence with Department of
22 Environmental Quality on this?

23 A. No, they did not respond.

24 Q. Okay. And you said Game and Fish didn't
25 respond, which again I find a little unusual. Did

1 you have any follow-up with them?

2 A. We did not. And, you know, given this
3 project is a lesser scope than a greenfield siting
4 project, I wonder if this plays into account.

5 Q. Okay. Do you know whether it was with --
6 with Game and Fish and U.S. Fish and Wildlife -- I
7 know you mentioned that there was kind of a change
8 from the original application. Originally the
9 application said no impact to wetlands and now
10 there is some temporary impact to wetlands.

11 When that correspondence was happening
12 between, you know, reaching out to Game and Fish or
13 U.S. Fish and Wildlife, were they aware of these
14 new temporary impacts to wetlands?

15 A. I had lengthy discussions with the Fish
16 and Wildlife Service specifically for their managed
17 wetland easements and clarifying which basins were
18 under their protection versus not. So that
19 correspondence was pretty in depth back-and-forth,
20 you know, providing which wetlands we can impact
21 versus which ones we cannot, and those seven that
22 we will impact or would impact do comply with the
23 Service.

24 Q. Okay. Okay. That's helpful to know that
25 they -- so it sounds like they were -- U.S. Fish

1 and Wildlife was aware of those --

2 A. Correct.

3 Q. -- temporary -- okay. Thank you.

4 I noticed in the application you had some
5 correspondence with the forest service, and they --
6 it looks like the last correspondence in May that
7 we had when this was submitted just sort of said,
8 yeah, we'll review this in 30 days and get back to
9 you. Did they -- did you ever get any feedback
10 from the forest service --

11 A. I never did.

12 Q. -- after that? Okay.

13 You mentioned in your testimony the
14 correspondence that you're having with the State
15 Historic Preservation Office. When you mention
16 having like a cultural monitor on site, just to
17 clarify, is that something that the company would
18 potentially provide or would that cultural monitor
19 come from SHPO?

20 A. The cultural monitor would come from
21 Metcalf --

22 Q. Would come from Metcalf.

23 A. -- our consultant.

24 Q. Okay. So that would be a Basin
25 consultant.

1 Okay. Do you have any idea when -- like a
2 timeline of when you may have a response from SHP0?

3 A. The testing -- I don't have the exact date
4 that the testing plan was submitted. Technically,
5 they do have 30 days to respond. We're probably
6 within week three or four of that 30 days, so we
7 are expecting something soon. And then as soon as
8 we do get approval there, Metcalf will go conduct
9 that fieldwork.

10 Q. Okay. And I did just kind of have a
11 question in general around buffers and fencing.
12 Because we hear this a lot on potential projects
13 that, you know, companies certify to us that
14 they're going to comply with buffers and fencing.
15 Usually that goes well, but basically we have
16 instances where, you know, a contractor -- despite
17 them being buffered and fenced, the contractor
18 just -- they're disregarded, right, and something
19 happens and then we have to address it on the back
20 end. The problem with that is usually what we're
21 addressing then is there's no really saving that
22 artifact, right, like the artifact's gone.

23 So can you just talk about a little bit
24 how you communicate with the contractors and
25 subcontractors and make sure that they're aware of

1 these rules and that essentially what the company
2 is certifying actually happens and follows through
3 with?

4 A. Yeah. We've been in extensive
5 conversations with our contractor, Mortenson, about
6 these sites. We do have a project GIS that is
7 shared with them and we've shared the files, you
8 know, through Google Earth, through shapefiles,
9 multiple ways. So these sites will be fenced, and
10 then we are additionally going to be having Metcalf
11 verify these fencing and staking locations. And
12 then if needed, we will have Metcalf go during the
13 project as well -- you know, as they're conducting
14 those monitoring for those other sites, they'll go
15 to the other locations where it is fenced just to
16 verify, hey, it's been a couple months that this is
17 still up in place and the fencing and roping is
18 still in place.

19 Q. Do you know, like -- I know a lot of times
20 on projects like this they maybe have daily safety
21 meetings or check-in meetings. Is that something
22 that's sort of reiterated and reemphasized during
23 those meetings that, hey, you know, this has been
24 fenced for a couple months. This is why it's
25 fenced. We're now moving into this area and you

1 need to be aware of this. Or are those things, do
2 you know, that are reiterated during meetings like
3 that?

4 A. Yeah, we do that on like a lot of our
5 transmission projects, and while I haven't
6 specifically talked to our team about that, I
7 definitely will to include that in their daily
8 tailgate meetings that, hey, we're working on
9 Turbine A09 and it has a cultural site here. Let's
10 be mindful of it.

11 Q. Okay. Thank you. That's helpful.

12 I really appreciated the information that
13 you provided us regarding the coordination that you
14 had with the townships, and I know the previous
15 witness testified to this. But since it sounds
16 like you maybe had more coordination, just -- are
17 there any outstanding issues at the township level
18 that you're aware of?

19 A. No.

20 Q. With the sound study, can you just
21 clarify, you know, for me and for the rest of the
22 public, when you talked about doing the sound study
23 and you selected 40 different receptors,
24 essentially 40 areas that you wanted to evaluate
25 for the impact to sound, were those 40 receptors

1 like inhabited structures? Is that how they were
2 chosen? How did you determine where you wanted to
3 put a receptor to analyze for sound impacts?

4 A. Yeah. So we asked Ward County for their
5 E911 data to get residence locations, and then that
6 40 -- since not every 911 location is a home, we
7 were able to say, hey, this is -- I think one was a
8 substation, one was -- must have been a temporary
9 worksite for something else just in the middle of a
10 field. So we were able to remove 17 of those, or
11 there was, you know, multiple homes right next to
12 each other. So we were just able to remove some of
13 those because they were either duplicate or not a
14 residence.

15 Q. Okay. And just to clarify on the FAA
16 piece, you said that you -- Department of War has
17 gotten back to you on the lighting mitigation, but
18 you're still waiting for them as far as the notice
19 of nonhazard?

20 A. Correct.

21 Q. Okay. There is one more I know I had. I
22 think the previous witness indicated that you maybe
23 received additional correspondence from Minot --
24 Minot Air Force Base that they reviewed it and
25 didn't have any concerns. If you have any

1 correspondence -- I always just think if you get
2 additional correspondence and could submit that
3 after the fact for the record, it's just always
4 good for us to have for the public to be able to
5 see that -- especially in this case, that the Air
6 Force base did respond and didn't have any
7 concerns. So if there's something you could follow
8 up with afterwards and submit, I think that would
9 be helpful.

10 I did notice -- it looks like when you
11 responded with the Aeronautics Commission, they
12 recommended coordination with Minot International
13 Airport and Garrison Airport. Did you have any
14 additional follow-up with those entities?

15 A. Yes, I did. I contacted both of those
16 airports and neither of them had concerns. And,
17 again, we can provide that.

18 Q. Okay. Yeah. That would be helpful. And
19 then I think my last question is you mentioned in
20 your testimony about geologically unstable areas
21 and how those wouldn't be impacted. I just wanted
22 to verify. Did you send correspondence to the
23 geological survey for this project?

24 A. Yes.

25 Q. Okay. And there just was no response?

1	A. Correct.
---	-------------

2 Q. Do you -- do you know if there -- if they
3 had a response in the original application from
4 2009 to verify that the original -- that these
5 original towers that we're talking about, that none
6 of them were placed on geologically unstable areas?

7 A. I would have to go look at that 2008
8 application.

9 COMMISSIONER KRINGSTAD: Okay. I think
10 those are all my questions. Thank you.

11 JUDGE HOGAN: Commissioner Christmann.

12

EXAMINATION

13 BY COMMISSIONER CHRISTMANN:

14 Q. So just for clarification, first off, in
15 the original application, Appendix B is the shadow
16 flicker analysis; correct?

17 A. The original or the upgrade? I guess the
18 original I'm talking like 2008.

19 Q. The orig -- in this case, yes.

20 A. Yes. Appendix B is the shadow flicker
21 analysis.

22 Q. Okay. So to get -- so that we're on the
23 same page, then A is the sound study?

24	A. Correct.
----	-------------

25 Q. And then I go in about five or six pages

1 and I see this page Appendix B, Sound Level Results
2 by Receptor. And so I guess that's my point, I'm
3 talking about this Appendix B, not the other
4 Appendix B?

5 A. You're talking Appendix B of Appendix A.

6 Q. Right. I -- I could have simplified this
7 if I'd have thought of that explanation. So, yes,
8 Appendix B of Appendix A.

9 A. Yes.

10 Q. And I was looking for something else at
11 the time that now you've subsequently answered, so
12 you might have kind of answered this to
13 Mr. Martens, but I'm just going to go through it
14 again to make sure I under -- that I have it right.

15 So you originally identified 40 receptors
16 that would be over 45 decibels and then you
17 determined that 17 of those were either duplicates
18 or --

19 A. Not a residence.

20 Q. -- or, yeah, not a residence. Okay. So
21 duplicates, that's two houses on one farm or
22 something like that; right?

23 A. Or sometimes they were just overlaid.
24 Maybe that E911 got called in twice.

25 Q. Okay. So that leaves 23. So I had marked

1 these off. I think I came up with in the upper 30s
2 of nonparticipating that were over 45. So that was
3 probably that original -- that 40 count and I just
4 missed a couple.

5 Can this table be a late filing that shows
6 which of all these are the inhabited residences and
7 then which -- I guess this already shows whether
8 they're participating or not participating, but
9 could we get that so we know which are those 23?

10 A. Yes. So just update the table and remove
11 those 17 duplicates is what you're asking?

12 Q. Yes.

13 A. Yeah, we can do that.

14 Q. Not necessarily remove them, but indicate
15 which are which or something like that.

16 A. Yeah, we can do that.

17 Q. Okay. And then out of those 23, then, you
18 said that 11 are nonparticipating but they have all
19 signed waivers?

20 A. Correct.

21 Q. 12 are participating and so you don't
22 really need a waiver?

23 A. Correct.

24 Q. Okay. But when I went through these --
25 and I might be off by one or two, but not by

1 nine -- I only saw about three participants on here
2 that were over 45.

3 A. Yeah. I mean without taking the time
4 to -- to look --

5 Q. So that -- I guess that's what I want to
6 narrow down. It's just -- I believe you. I
7 just -- the testimony -- unless I did a poor job of
8 researching this, I think it kind of conflicts. So
9 I think we need a new table. But I'd like to have
10 shown on there which are the 23 out of the 35 or 40
11 that are actually not inhabited residences, and
12 among those, which are participants and which are
13 not participants, please.

14 A. Yep. We can get that to you.

15 COMMISSIONER CHRISTMANN: Thank you. I
16 don't have any other questions, Your Honor.

17 JUDGE HOGAN: Commissioner Haugen-Hoffart.

18 COMMISSIONER HAUGEN-HOFFART: All my
19 questions have been answered. Thank you.

20 JUDGE HOGAN: Mr. Edison, any redirect?

21 MR. EDISON: No redirect, Your Honor.

22 JUDGE HOGAN: Mr. Martens, any further
23 questions?

24 MR. MARTENS: No, Your Honor. Thank you.

25 JUDGE HOGAN: Mr. Hanson?

1 MR. HANSON: No, Your Honor.

2 JUDGE HOGAN: Commissioner Kringstad.

3 **FURTHER EXAMINATION**

4 **BY COMMISSIONER KRINGSTAD:**

5 Q. I just have one follow-up from my line of
6 questioning because I think I asked my question
7 poorly, so I want to verify that for the record.

8 When I said the 40 receptors that you
9 evaluated, I just want to clarify, those were the
10 40 receptors that had sound more than 45 dBA. But
11 there is a full analysis -- I think to Commissioner
12 Christmann's point, there is a full analysis in
13 this application of 250 different receptors; is
14 that accurate?

15 A. Correct. That 250 was provided within
16 our -- the project area that we gave Ward County.

17 COMMISSIONER KRINGSTAD: Okay. Yep.
18 That's all I had. Thank you. Like I said, I asked
19 that question poorly. It was a misleading
20 question, so thank you.

21 JUDGE HOGAN: Any other commissioner
22 questions?

23 All right. Thank you, Mr. King.

24 And does that conclude the applicant's
25 testimony?

1 MR. EDISON: Yes, Your Honor.

2 JUDGE HOGAN: All right. Great.

3 We will then move to public testimony. If
4 you'd like to provide public testimony today, I'll
5 have you come to our witness table one at a time.
6 You will be sworn in like the other witnesses. You
7 can then provide your statement. And like with our
8 other witnesses, we'll go around the room to see if
9 there's any questions for you regarding testimony.

10 I'll have you start by stating your name
11 for the record. If you represent a group or an
12 entity, please identify that group and your
13 relationship with the group. And if you're
14 representing yourself and you're a landowner, if
15 you want to provide where you live, that would be
16 helpful as well.

17 Please note that this is an opportunity to
18 provide information to the Commission. It's not
19 provided for you to ask them questions. They won't
20 be entertaining any questions today. Likewise,
21 there's no need to repeat testimony that's been
22 provided by somebody else. You can just indicate
23 that you agree with the previous testimony.

24 So do I have a volunteer to go first?

25 MR. FAUL: I'll go first.

1 JUDGE HOGAN: All right. Thanks. Come on
2 up.

3 MR. FAUL: So my name's Kabriel Faul.
4 I --

5 JUDGE HOGAN: Hang on.

6 MR. FAUL: Oops. Sorry.

7 JUDGE HOGAN: Can you spell your last
8 name?

9 MR. FAUL: F-a-u-l.

10 JUDGE HOGAN: And, Mr. Faul, did you hear
11 me go through the penalties for perjury earlier?

12 MR. FAUL: Yes, I did.

13 JUDGE HOGAN: And do you understand what
14 perjury is?

15 MR. FAUL: Yes.

16 (Witness sworn.)

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

19 **KABRIEL FAUL,**
20 having been first duly sworn, was examined and
21 testified as follows:

22 **STATEMENT**

23 **BY MR. FAUL:**

24 MR. FAUL: So I family farm with my dad.
25 I guess he currently is -- his name is Kenneth

1 Faul. He has three wind towers currently on his
2 property. I currently have property with three
3 wind towers on my properties that I own for
4 farmland. And I currently farm around three other
5 wind towers that I rent from other local
6 landowners, so --

7 But, anyway, I guess my -- I'm up here to
8 actually be for the wind towers. They've always
9 been good to deal with for me. I know I've ran
10 into some issues in the past where I've had a road
11 damage due to our, you know, high rainfall. I
12 guess when I've reached out, they did get it fixed.
13 In the past I've had water dammed up by a road that
14 I actually called and asked them to correct in the
15 past. They have fixed it for me.

16 I guess for me, I have -- I'm trying to
17 have our farm go into the future here. I've got
18 three kids that currently are in school today, and
19 I look at this as a partnership with them -- with
20 Basin. I hope that in the future that, you know,
21 them as well, my kids, will be in a partnership
22 with Basin as well.

23 For the landowners that probably have some
24 disputes, I guess maybe a couple more phone calls,
25 conversations wouldn't hurt. I'm not looking to

1 make any enemies with the neighbors here, but for
2 me and for myself, I don't see an issue with going
3 ahead with the wind towers.

4 I know there is some projects in the past
5 that have happened not by the wind towers. Let's
6 just say across the highway there, I farm some land
7 on the other side of the highway on a county road
8 that leads to Nelson Carlson, and there was a bunch
9 of gravel trucks there running nonstop here
10 yesterday. One broke down on the side of the road,
11 and that road is just trashed, so I can see where
12 some of these concerns are from.

13 My grain bin site lies right in between
14 the highway and to the site for the wind towers.
15 They did a great job of fixing that road up,
16 actually, in my mind this spring, and they did lay
17 down stuff for dust so the dust control was really
18 good in my location right there, and my grain bin
19 site is literally right off the highway there.

20 So for me, I don't see that some of these
21 issues that -- some of the concerns they have. I'm
22 not speaking into their concerns. I'm just
23 speaking to my past and my experience with them.

24 So I guess I support them fully. And
25 maybe what I recommend is for those that do have

1 some issues, maybe a biannual get-together to sit
2 down with Basin and go through some of the concerns
3 with something that actually is going to fix
4 whatever the concerns they have.

5 But for me, we pretty much farm around
6 one-tenth of the -- of the wind towers you guys
7 have out there today, and I don't see the issues
8 that maybe some people are seeing right now.

9 I do know that sometimes when we do get
10 rain -- we're going through a drought for the past
11 eight years, this has actually supported us, but
12 when we do get rain, we're getting 2 inches of rain
13 at a time or, you know, an inch in 15 minutes and
14 we do have some road erosion, but I look in my
15 parents' yard, same things there. I look at my own
16 place, same thing there. And they do get it fixed,
17 but it's just maybe sometimes other people think it
18 should get fixed right away. It does take time to
19 get that stuff fixed.

20 I'd like to say you guys have -- Basin has
21 helped us -- my parents financially for the past
22 how many years since they've started, and I look
23 forward to Basin helping me financially for the
24 next many years. Farming right now kind of sucks.
25 I'm not going to lie. It's the highest inputs

1 we've ever put in this year. We've been in an
2 eight-year drought. Commodity prices suck. And
3 we're pretty much living on a prayer every time to
4 get rain to even get the crop out there, so any
5 extra income that we can generate to keep the
6 family farm going would be very beneficial and we
7 appreciate it.

8 One thing that I teach my kids is
9 stewardship of the land, even though it's not ours
10 sometimes. If we rent it, we take care of that
11 land just as good as we take care of our own land.
12 And I expect the same with Basin. From what I hear
13 this morning, they have that commitment. As long
14 as they follow that commitment, I don't have an
15 issue with that. Right?

16 So I look forward to handing my generation
17 off to the next kids and the following all the way
18 up. So -- and my three kids are still in school --
19 high school, and they kind of tell Dad what's going
20 on now already, but I love that, the fact that I
21 can hand that off to the next generation.

22 So that's my piece, so --

23 JUDGE HOGAN: All right. Thank you.

24 Mr. Edison, any questions?

25 MR. EDISON: No questions. Thank you.

1 JUDGE HOGAN: Mr. Martens?

2 MR. MARTENS: Yes.

3 EXAMINATION

4 BY MR. MARTENS:

5 Q. Mr. Faul, appreciate your testimony.
6 Appreciate you being here. You mentioned a road
7 that presently you think looks a little trashed?

8 A. Yep.

9 Q. Would you be willing to just after you're
10 finished today or at a break, if you have time to
11 stick around, or if not, we can give you a card,
12 and just --

13 A. Yes, if I can get --

14 Q. -- let us know where that is?

15 A. -- get back to work, but, yeah, it's the
16 highway -- it's the gravel road that runs from the
17 Highway 83 to the lake -- or north Carlson road and
18 they've got those gravel pits back there. I can
19 literally only drive my truck 15 miles an hour in a
20 semi and it's literally shaking apart. So that --
21 that's a trashed road. And I can see where these
22 guys are concerned about that because sometimes
23 that stuff happens a lot of times and nobody's
24 addressing it. So I get that.

25 But if you guys commit to saying what

1 they're going to do, I trust that because I've seen
2 that already this spring so far, and the
3 condition -- they made that road actually better so
4 far.

5 MR. MARTENS: Thank you, sir.

6 MR. FAUL: Thank you.

7 MR. MARTENS: No further questions, Your
8 Honor.

9 JUDGE HOGAN: Mr. Hanson, any questions?

10 MR. HANSON: If you are around, I'd like
11 to touch base with you and just kind of show me on
12 the map where your farms are located and
13 everything.

14 MR. FAUL: You bet.

15 MR. HANSON: Thank you.

16 JUDGE HOGAN: Commissioner Kringstad.

17 COMMISSIONER KRINGSTAD: No questions, but
18 just want to express my gratitude, first of all,
19 for going first. I know that's --

20 MR. FAUL: Yep.

21 COMMISSIONER KRINGSTAD: -- always scary,
22 so thank you for kind of breaking the ice there.

23 MR. FAUL: Yep.

24 COMMISSIONER KRINGSTAD: Thank you for
25 your testimony. I know you have a lot of very good

1 work to do, so I appreciate you taking time out of
2 your day to come and talk to us. And if your kids
3 were like my kids -- I don't know if it's the first
4 day of school up here. It's the first day of
5 school in Bismarck --

6 MR. FAUL: It is.

7 COMMISSIONER KRINGSTAD: -- so I know you
8 had a lot going on today in your life, both
9 professionally and personally, so just thank you
10 really for being here.

11 MR. FAUL: You're welcome.

12 JUDGE HOGAN: Commissioner Christmann.

13 **EXAMINATION**

14 **BY COMMISSIONER CHRISTMANN:**

15 Q. Kind of talking to not only you, Kabriel,
16 but anyone else who publicly testifies, so just so
17 you know, like, this recording is part of a public
18 record.

19 A. Yep.

20 Q. You've already stated your name.

21 A. Yeah.

22 Q. Are you -- it's nice if people will give
23 us the legal description of their place so that if
24 something comes up we know where it is on the map.

25 A. Yep. So one mile off 289th is my grain

1 bin site. And I don't know the address off the top
2 of my head there for that.

3 Q. Is there like a quarter and section and
4 township and range?

5 A. Oh, I'd have to have it in front of me, I
6 guess.

7 Q. Oh, okay.

8 A. I'm sorry. But, yeah, one mile -- so off
9 of Highway 83 on 289th Avenue, my grain bin site is
10 one mile to the east there, right on that
11 intersection there.

12 COMMISSIONER HAUGEN-HOFFART: Thank you.

13 MR. FAUL: Sorry.

14 JUDGE HOGAN: Commissioner Haugen-Hoffart.

15 COMMISSIONER HAUGEN-HOFFART: Kabriel,
16 thank you for your testimony. I have no questions,
17 and wishing your kids and all of you a great school
18 year.

19 MR. FAUL: Thank you.

20 JUDGE HOGAN: Thank you so much.

21 MR. FAUL: Yep. Good to go?

22 JUDGE HOGAN: Yep. Yep. You're free to
23 go. Thank you.

24 All right. Who would like to go next?

25 MR. DOLL: Good morning.

1 JUDGE HOGAN: Morning. Can I get your
2 name?

3 MR. DOLL: My name is Bradley Doll,
4 D-o-l-l.

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

7 MR. DOLL: Yes, I did.

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

10 THE WITNESS: Yes, I do.

11 (Witness sworn.)

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

14 **BRADLEY DOLL,**
15 having been first duly sworn, was examined and
16 testified as follows:

17 **STATEMENT**

18 **BY MR. DOLL:**

19 MR. DOLL: Thank you. As I said, my name
20 is Brad. I'm the general manager at Verendrye
21 Electric. Verendrye Electric has approximately
22 17,000 member owners in the immediate vicinity, and
23 this building in particular is served by Verendrye
24 Electric. They're one of our member owners.

25 Verendrye is also one of the -- I believe

1 the number is 138 cooperative systems that owns
2 Basin Electric, so, you know, that's our interest
3 in that is Basin is our power provider.

4 One of biggest concerns all of us member
5 systems share is meeting our future energy demands
6 and providing reliability to our members. We put a
7 lot of effort into forecasting our future loads and
8 our future demands. You know, that's why we're
9 here today, to meet our future energy needs. We're
10 not looking at today. I'm looking at ten years
11 down the road.

12 The process starts with member systems
13 like Verendrye and all of the other member systems
14 in Basin Electric that we do a load forecast. We
15 project our load. It's -- we put a lot of effort
16 into. It's a scientific study, but this just
17 projects what our energy demands will be into
18 the -- into the future.

19 This wind power -- this wind farm
20 repowering will extend the life of some of our
21 existing generation sources and add -- as a benefit
22 will add a small amount of capacity to the existing
23 facility. Without this upgrade, attrition will
24 slowly render this wind farm obsolete and new
25 generation will need to be added at a much higher

1 cost to our members.

2 You know, it's a -- the electric grid is a
3 big, complicated system, but from my members'
4 perspective, we have a really diverse membership.
5 We -- anywhere from a billboard, to apartments, to
6 residences, to farms, to industrial facilities,
7 medical facilities, military installations. Each
8 of these members have different needs.

9 Some members really harp on us about
10 reliability. They -- they need reliability. Some
11 members want affordability. This project kind of
12 does both. It brings reliability to the system and
13 affordability to the system.

14 So that's all I have.

15 JUDGE HOGAN: All right. Thank you.

16 Mr. Edison, any questions?

17 MR. EDISON: No questions. Thank you.

18 JUDGE HOGAN: Mr. Martens?

19 MR. MARTENS: No questions. Thank you,
20 Mr. Doll.

21 JUDGE HOGAN: Mr. Hanson?

22 MR. HANSON: No, Your Honor.

23 JUDGE HOGAN: Commissioner Kringstad.

24 COMMISSIONER KRINGSTAD: No questions.

25 Thanks for your testimony.

1 JUDGE HOGAN: Commissioner Christmann.

2 EXAMINATION

3 BY COMMISSIONER CHRISTMANN:

4 Q. I just do have to inquire, Mr. Doll. I
5 understand how it adds affordability because when
6 it's windy, this is very cheap energy at that
7 moment. But if it had -- if the weather forecasts
8 have been wrong and it wouldn't have been windy
9 that day, there clearly must be something else to
10 back it up. So how does it add to the reliability?

11 A. It provides -- you know, in my mind -- I'm
12 not speaking for Basin Electric. I'm not a
13 generation engineer. In my simple mind, wind works
14 well with natural gas generation. The generation
15 turbines can ramp up and down. We have a lot of
16 natural gas in this state, and let's use it.
17 Let's -- let's utilize our resources. Let's make
18 the most of our existing facilities that we have.

19 COMMISSIONER CHRISTMANN: Thank you.

20 JUDGE HOGAN: Commissioner Haugen-Hoffart.

21 EXAMINATION

22 BY COMMISSIONER HAUGEN-HOFFART:

23 Q. Yeah, I have a question for you. As the
24 general manager, we're seeing members, ratepayers
25 get more involved, and it could be, as you alluded

1 to, some diversity on what they expect on
2 reliability, affordability, not in my backyard, I
3 mean, an entourage of things. How do you as a
4 general manager or in the energy industry educate
5 or inform on your roles and responsibilities and
6 meeting -- trying to meet those demands when you
7 have such diversity? Because, let's face it,
8 social media is out there --

9 A. Mm-hmm.

10 Q. -- and it's not always accurate. So what
11 responsibility do you have as an industry to talk
12 about reliability and affordability?

13 A. Some of the things we do is we have member
14 meetings. We have key accounts meetings. Our
15 employees are informed. We're out in the -- I live
16 in Minot. We're out in the communities and we
17 talk. And I'm always willing to answer questions
18 and talk to people, and a lot of our employees do
19 the same thing as well. It's -- you've got to chip
20 at them one at a time.

21 COMMISSIONER HAUGEN-HOFFART: Okay. Thank
22 you. I appreciate it.

23 JUDGE HOGAN: All right. Thank you,
24 Mr. Doll.

25 Who would like to go next? Good morning.

1 Can I get your name?

2 MR. FJELDAHL: My name is John Fjeldahl,
3 and I am --

4 JUDGE HOGAN: Can you spell your last
5 name.

6 MR. FJELDAHL: F-j-e-l-d-a-h-l.

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

9 MR. FJELDAHL: Yes, I did.

10 JUDGE HOGAN: And do you understand what
11 perjury is?

12 MR. FJELDAHL: Yes, I do.

13 (Witness sworn.)

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

16 **JOHN FJELDAHL,**
17 having been first duly sworn, was examined and
18 testified as follows:

19 **STATEMENT**

20 **BY MR. FJELDAHL:**

21 MR. FJELDAHL: The reason I'm speaking --
22 I'll keep it brief -- I talked to Commissioner
23 Christmann a little bit in the break and thought
24 I'd bring it up here. I am a member of the Ward
25 County Commission and currently am chairman. And

1 when this project come up, we got -- I received
2 calls, as well as some other members of the
3 Commission, about the activity going on in the area
4 of this project.

5 And just -- I know you can't answer a
6 question, but it seemed to me we needed a better
7 understanding of the permitting process and what
8 goes first and how everything works together so
9 that our community can be informed as best we can.
10 A previous speaker, somebody was asked -- asked him
11 how do you keep the public informed, and the County
12 Commission is one of those entities that the
13 earlier information comes, the better. So even
14 though we're not -- I don't live in the area of
15 this, I live in the western part of the county, we
16 are still -- as an elected representative, people
17 expect us to be aware of these kinds of projects
18 when they come about.

19 So I don't know if it's the process or if
20 we can improve things at the county level or there
21 can be some tweaking of the mechanisms so that this
22 can flow in a better manner. It seems like this
23 site was approved, like you said, back quite a few
24 years ago, so maybe there was something missing as
25 far as being able to alert the public more to it

1 when you have a repower like you do versus when the
2 original site was placed.

3 So with that, if you have any questions,
4 I'll try and answer them.

5 JUDGE HOGAN: All right. Mr. Edison, any
6 questions?

7 MR. EDISON: I don't have any questions.
8 Thank you.

9 JUDGE HOGAN: Mr. Martens.

10 **EXAMINATION**

11 **BY MR. MARTENS:**

12 Q. Yes, sir, just to clarify. So you're --
13 as a commissioner in your county, you would be
14 interested in, I guess, how the information about
15 an actual proposed project could flow to you; is
16 that -- am I correct in understanding your
17 testimony, sir?

18 A. Well, how it came to my attention was they
19 were doing earthwork preparing for laydown areas in
20 this project prior to our knowledge of the project
21 happening. That's what got the community in that
22 area alerted to us, wondering what was going on.

23 Q. So when we get something, how can you find
24 out what we're getting sooner is what you're
25 saying?

1 A. Yeah. If there's -- if there's a
2 framework that can be put in place to -- I mean, I
3 spoke with one of the -- one of your -- one of the
4 staff of PSC about it as well as I believe other
5 people did as well, and if there's something we can
6 do at the county level, I'm all for doing that to
7 improve that. But if there's something the PSC can
8 do to give a better framework of timelines so
9 people aren't so surprised.

10 I know the people that have wind towers on
11 their property were alerted well before. It's the
12 ones that travel in and out of the area that became
13 concerned about what's going on, and those areas
14 are affected by our roads, township roads, county
15 roads and those things.

16 MR. MARTENS: Thank you, sir. No further
17 questions.

18 JUDGE HOGAN: Mr. Hanson.

19

EXAMINATION

20 BY MR. HANSON:

21 Q. Yes. I was the one that you actually
22 spoke to, and so thank you for the information that
23 you provided early on trying to get some of the
24 clarification on what was going on and all that.

25 But I did want to ask after that

1 initial -- you know, some of the issues that were
2 brought up and then they went -- Basin went through
3 the permitting process, how has that -- how has
4 that experience been after the initial
5 conversations when Basin got engaged?

6 A. It's been much better. I -- I would have
7 to thank them for the time they've spent. They've,
8 I believe, come to some meetings -- they didn't
9 necessarily have to -- but trying to address what I
10 brought to your attention.

11 Q. And from your official position, their
12 performance has met the issues that you felt were
13 brought up?

14 A. As far as the Commission level, I think
15 they've -- much better. Yes. I -- there's still
16 issues out there that citizens of the county
17 probably have, but that's up for this meeting, I
18 guess, but --

19 MR. HANSON: Okay. Thank you.

20 MR. FJELDAHL: Thank you.

21 JUDGE HOGAN: Commissioner Kringstad.

22 **EXAMINATION**

23 **BY COMMISSIONER KRINGSTAD:**

24 Q. Thank you for your -- first of all, thank
25 you for your testimony today. Thank you for

1 reaching out to our office when this first came up.
2 I know it was something that staff was working very
3 hard on keeping all of us informed of the issues
4 that were happening here -- or I should say the
5 concerns that you guys had.

6 Is it -- so just to make sure it's clear
7 for me in my mind, it would be -- are you saying it
8 would be helpful to know when they're going to be
9 potentially doing -- doing work in the county --
10 again, knowing that they probably had from a
11 project a very, very long time ago had access to
12 these sites and could be doing them, but the public
13 just didn't know that this was going to be
14 happening. Is that fair -- is that like a fair
15 representation of the concern?

16 A. Yeah, I believe so. I'll try and explain
17 as briefly as I can. What I see happening is
18 people that aren't necessarily property owners that
19 have a wind tower on them are living right next to
20 one, for instance, driving the roads that both the
21 townships and county maintain and stuff, seeing
22 concern about additional traffic and not what was
23 going on. I believe this kind of was in March or
24 sometime this year, maybe, they stated when this
25 process started. But I talked to our planning and

1 zoning administrator to make sure I'm saying this
2 right, but there was activity going on before we
3 knew.

4 I sit on the planning and zoning board as
5 well as being chairman of the Commission, and it
6 seemed to -- if there's some way to address that to
7 make this a more comfortable process for not only
8 the people that have towers placed on their
9 property but the people driving through the areas,
10 with -- in the world we live in today, the more of
11 that the better.

12 I don't know if I answered your question
13 there, but I don't know if there's -- if there is,
14 we weren't aware of it -- of a timeline that -- of
15 who comes first. And when you site these projects,
16 I know the site has to be approved first, but there
17 was activity going on on an existing site that was
18 unusual to the people --

19 Q. Sure.

20 A. -- traveling through there, and only
21 probably the people that knew about it at the time
22 was wind tower property owners.

23 Q. Okay. Yes. Thank you. That's -- that's
24 helpful. I'm just trying to make sure it's clear
25 in my mind sort of like what problem we're trying

1 to solve, so --

2 A. Well, then if you can answer the question,
3 which comes first.

4 COMMISSIONER KRINGSTAD: Okay. Thank you.

5 JUDGE HOGAN: Commissioner Christmann.

6 **EXAMINATION**

7 **BY COMMISSIONER CHRISTMANN:**

8 Q. I've got to -- I'm -- this is an
9 interesting question because before doing this when
10 I ranched between Beulah and Hazen, right -- my
11 place is split in two by Highway 200, and I
12 sometimes felt the same frustration, although it's
13 not dust, it's just high volume. All of a sudden
14 some construction project starts somewhere and
15 maybe there was a couple week period where I can't
16 even haul hay anymore the highway's so busy. But,
17 you know, I don't get notifications either that
18 something's going to be going on like that.

19 And so I'm not sure -- do you have an idea
20 of what we could do better so that when some -- you
21 know, clearly the -- just going back to the
22 existing facility, when something would happen
23 where they needed to do some work, they have a
24 permit. That's what they're supposed to do to keep
25 the lights on. Do you have ideas of how local

1 governments should be notified and at what levels
2 so that then the local governments can notify the
3 neighborhood? I just don't know -- I recognize the
4 problem. I don't know what to do about it.

5 A. Well, I -- I don't know if I've got the
6 perfect answer for that. I'm just raising the
7 question that maybe we need to have a better way to
8 address it. What happened, to be honest with you,
9 at the planning and zoning commission when this
10 discussion came up, and a lot of the individuals
11 representing Basin were at that meeting as well,
12 and it was a pretty contentious meeting from people
13 both that have wind towers on their property and
14 those that didn't affected by these things.

15 And one of the things that came to my mind
16 in all these types of projects like this is
17 landowner ownership changes hands and it has over
18 the past 15 years. So you have a different group
19 of people being affected by something that have no
20 lease. I don't know how that process went with the
21 notification for those people, but if they're new
22 to this, it's alarming when they see a lot of
23 traffic going through.

24 Like you said, in a rural area and if
25 things are changing and dirt's being moved and all

1 this stuff, and we at the Commission at that point
2 in time had no way to answer when people would call
3 us, what's going on here. So if that process has
4 to be tweaked in order for dirt to be moved or
5 whatever, if there's a timeline that can be put in
6 place -- I know that's probably asking a lot and
7 not everybody's going to pay attention, but at
8 least the local governments, whether it be
9 townships or county officials, should be notified
10 before that starts happening, in my opinion.

11 And we're in a different world than we
12 were 20 years ago when this all happened, so people
13 are way more sensitive, I believe. I don't -- I
14 probably didn't answer your question there well,
15 but the process is -- I don't know when your
16 application started, but it apparently started
17 before we were given notice of it. Is that fair to
18 say?

19 COMMISSIONER CHRISTMANN: I don't remember
20 the date of it either, but it is good food for
21 thought. I appreciate that, and I appreciate
22 you -- you spending your morning with us and being
23 here today, and I'll also say I appreciate your
24 willingness to serve the rest of your constituents
25 in Ward County. Thanks.

1 JUDGE HOGAN: Commissioner Haugen-Hoffart.

2 COMMISSIONER HAUGEN-HOFFART: Yeah. John,
3 thank you for bringing that up. I mean, since I've
4 been on the Commission, communication has always
5 been an issue, like, whose responsibility is it to
6 communicate and when and who do you communicate to?
7 Participating landowners, nonparticipating
8 landowners, communities, it's a very valid point.
9 I -- my suggestion is, you know, back on the
10 utilities that when I ask -- I mean, you're going
11 into that community and affecting them. Who needs
12 to know? And it's communication. You can mandate
13 us to do something, you know. Do we want to get
14 into a regulatory oversight, you know, mandate that
15 this is this and all that? I don't know if that's
16 the answer. But it's communication.

17 And like you said, we're living in a
18 different world now. Things change. We have
19 landowners that are out of state versus, you know,
20 renters and all that. A challenge to all of us.
21 It's a new day, it's a new era, and how are we
22 going to communicate? That means all of us with
23 each other.

24 So if we can answer that, we'll take it on
25 the road and make a lot of money. So -- but I

1 think we all have a responsibility, but I'm going
2 to challenge the utilities that they have to think
3 outside the box and who are they impacting? So
4 thank you.

5 MR. FJELDAHL: Thank you.

6 JUDGE HOGAN: Thank you for your
7 testimony.

8 All right. Who would like to go next?

9 MR. HONCHAROFF: Hello.

10 JUDGE HOGAN: Good morning. Can I get
11 your name.

12 MR. HONCHAROFF: Jason Honcharoff.

13 JUDGE HOGAN: And do you want to spell
14 your last name?

15 MR. HONCHAROFF: H-o-n-c-h-a-r-o-f-f.

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

18 MR. HONCHAROFF: Yes.

19 JUDGE HOGAN: And do you understand what
20 perjury is?

21 MR. HONCHAROFF: Yes.

22 (Witness sworn.)

23 JUDGE HOGAN: Thank you. Go ahead.
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JASON HONCHAROFF,

having been first duly sworn, was examined and
testified as follows:

STATEMENT

BY MR. HONCHAROFF:

MR. HONCHAROFF: All right. I'm also
speaking on behalf of Ruth Honcharoff, who is my
mother.

The first question that I have is between
participating members and nonparticipating members.
I have been told by Basin -- we have three wind
towers on our land and one adjacent to our house
that is not on our land -- that she is a
participating member in the whole wind tower
project, but I don't really agree with that because
we never signed a lease agreement for the whole
project. We signed a lease agreement for those
three wind towers. Which brings up the next issue,
the fourth wind tower that's not on our land is the
one that will be causing sound issues over the
45 decibels.

We never signed anything for that wind
tower, so how can we be a participating member of
that wind tower when we never signed anything for
that wind tower? So she has not signed the noise

1 waiver and does not plan to, which brings us back
2 to the 45-decibel levels that was implemented after
3 these wind towers went up.

4 So as the wind tower stands now, it makes
5 noise and it's there, but once they improve it,
6 it's going to make more noise, which would be
7 against what the Public Service Commission's put in
8 place. So I do not believe without signing that
9 waiver they can upgrade that one.

10 And also looking at the lease agreement,
11 the lease agreements were very, very vague and
12 there's not a lot of landowner protection, you
13 know, so that's kind of -- I don't know what to do
14 about it because I didn't sign the lease, but I'm
15 the one who's going to have to be dealing with it
16 as the land changes hands and right now as she's
17 getting older.

18 So that kind of goes to what I have to
19 say.

20 JUDGE HOGAN: All right. Thank you.

21 Mr. Edison, any questions?

22 MR. EDISON: I don't have any questions.
23 Thank you.

24 JUDGE HOGAN: Mr. Martens?
25

EXAMINATION

BY MR. MARTENS:

Q. Yes, sir. Would you be willing to share with us the property location? It doesn't have to be on the record if you prefer to keep it confidential.

A. The address?

Q. It could be address, land description, whatever you prefer.

A. 4300 317th Avenue Southeast, Max, North Dakota 58759.

MR. MARTENS: Thank you, sir. No further questions, Your Honor.

JUDGE HOGAN: Mr. Hanson?

MR. HANSON: No further questions.

JUDGE HOGAN: Commissioner Kringstad.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. So just -- just to make sure I'm connecting what you're saying kind of to what was testified earlier. So from what was testified earlier, I believe -- and counsel can correct me if I'm wrong, but what was testified to in regard to sound is the existing participating landowners all signed --

1 COMMISSIONER KRINGSTAD: Okay. Maybe I'll
2 just have our counsel summarize.

3 MR. MARTENS: It's my understanding,
4 Commissioner, that from the testimony that of the
5 participating landowners, they have waivers from 9
6 of the 12. Counsel's free to correct me if I
7 misstate anything. And then that their easements
8 in place covered -- that were already in place
9 prior to this already covered the dBA levels that
10 are being discussed.

11 Counsel, am I summarizing that correctly?

12 MR. EDISON: Yeah. That's correct. I
13 believe that the testimony was that the existing
14 lease and easement agreements with participating
15 owners already allow the sound that's predicted to
16 happen from the project and that they've obtained
17 waivers from all nonparticipating, but they are
18 also offering an additional waiver agreement to
19 participating landowners, just as part of their
20 co-op, you know, mission.

21 MR. HONCHAROFF: See, that's where I think
22 she falls into two categories.

23 Q. (COMMISSIONER KRINGSTAD CONTINUING)

24 Mm-hmm.

25 A. She's a participating landowner on her

1 three wind towers. She is a nonparticipating
2 landowner on that fourth wind tower that's not on
3 her land that she has never signed a lease for.
4 That will be above the 45 decibels of noise. See
5 what I'm saying?

6 Q. Mm-hmm.

7 A. So when the State put into effect the
8 45 decibels, they're claiming that because she is a
9 participant of the whole project, which she never
10 signed any lease for, that grants them -- they
11 don't need a waiver for it, which I disagree with.
12 Also, the State has put in, you know, the
13 45-decibel limit in 2014 after the 2009 lease
14 agreement, which is fine, but if they upgrade them,
15 I would assume that the 2014 45-decibel limit would
16 take effect when they upgrade them. So my question
17 is does the lease agreement cover the whole program
18 or just the three or whatever wind towers you
19 signed for your land?

20 COMMISSIONER KRINGSTAD: And I -- okay.
21 Thank you for bringing this to our attention.

22 MR. HONCHAROFF: Okay.

23 JUDGE HOGAN: Commissioner Christmann.
24
25

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. Then moving beyond that, you said, if -- if I'm stating it correctly, that the lease agreements are very vague and don't provide a lot of protections. Like what kind of protection -- outside of the noise, what are you --

A. When you --

Q. -- what's missing?

A. -- read the lease agreement, it is very vague and open to interpretation. And as a small landowner and family, I would have to go to a lawyer to interpretate [sic] and spend a lot of time and money to get clarification on some of these things. And Basin Electric, being a larger corporation, can interpret and just say a lot of stuff because there's nothing that says they can't, but it's pretty wide open to what they can and can't do. And I wish I was there, you know, when all this was set up, but I'm not. But now the next generation, you know, coming up, I think we're going to have more issues down the road, which probably can be solved. But do you see my concern?

Q. Yeah. I'm wondering, though, if there's anything that has happened or that you foresee

1 happening, like specifically?

2 A. The noise -- the noise -- if you read the
3 noise section, it almost contradicts itself on how
4 it's written, and it's hard to interpret what the
5 noise levels are supposed to be on the lease
6 agreement for the ones that we have signed, which
7 brings me back to the
8 participating/nonparticipating member on this
9 fourth wind tower that's --

10 Q. But beyond the noise, was there any other
11 activities that you are --

12 A. Not as of yet. But the one -- buildings
13 that are constructed on the leased lands is another
14 one that kind of brought me -- if -- if I was to
15 build something, Basin Electric would almost have
16 the authority to approve or deny it, but it's very
17 vague, and I'm just concerned about a lot of
18 wording there.

19 Q. Okay.

20 MR. EDISON: I think we're kind of wading
21 into issues with the actual easement contract with
22 this landowner, and I don't think those are before
23 the Commission.

24 Q. (COMMISSIONER CHRISTMANN CONTINUING)
25 And -- and that's what I was clarifying, whether it

1 was things like that, or whether it had to do with
2 like the --

3 A. But the noise one is kind of what brought
4 me to look at more of everything.

5 Q. Okay.

6 A. You know, so I really would like some
7 clarification on the participating
8 member/nonparticipating member, because I consider
9 myself a nonparticipating member because I didn't
10 sign the lease, but I'm living on the farmstead,
11 you know, that is included in the lease. So my mom
12 would be a participating member, but does that go
13 beyond the three wind towers of her lease?

14 COMMISSIONER CHRISTMANN: Yeah. I
15 understand your point.

16 MR. HONCHAROFF: Okay.

17 COMMISSIONER CHRISTMANN: Thank you for
18 being -- Jason; right?

19 MR. HONCHAROFF: Yep.

20 COMMISSIONER CHRISTMANN: Thanks for being
21 here, Jason.

22 COMMISSIONER HAUGEN-HOFFART: Jason, just
23 a minute. Thank you for your testimony. I'm glad
24 there was a clarification on what's in our
25 jurisdiction regarding easements. It's not in

1 ours. But I believe there's an outstanding legal
2 issue that is going to be addressed regarding
3 waivers and some of that legality, so that is being
4 addressed. And were you -- were you clear on what
5 they were going to address on that? If not, I'll
6 ask Mr. Martens to recap.

7 MR. MARTENS: I'll just say I understand
8 what -- what his concerns are, and to the extent
9 that they are relevant to these proceedings, I'm
10 sure counsel and I will discuss it.

11 COMMISSIONER HAUGEN-HOFFART: I have no
12 further questions.

13 JUDGE HOGAN: All right. Thank you for
14 your testimony.

15 MR. HONCHAROFF: All right. Thank you.

16 JUDGE HOGAN: Who would like to go next?

17 MR. LEE: My name is Brian Lee.

18 JUDGE HOGAN: Is it -- do you just want to
19 spell your last name for the record?

20 MR. LEE: L-e-e.

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

23 MR. LEE: I did not. I was not here at
24 the beginning of the meeting.

25 JUDGE HOGAN: All right. Before you

1 provide testimony, I do have to advise you on the
2 penalties for perjury. Perjury is a Class C
3 felony, punishable by a maximum fine of \$10,000, a
4 maximum five years imprisonment, or both. Do you
5 understand what perjury is?

6 MR. LEE: Yes, I do.

7 (Witness sworn.)

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

10 **BRIAN LEE,**

11 having been first duly sworn, was examined and
12 testified as follows:

13 **STATEMENT**

14 **BY MR. LEE:**

15 MR. LEE: So the issue of communication
16 with this project, I was one of the people that had
17 brought this up to Commissioner Fjeldahl of the
18 activity that was going on in the area. So what my
19 concern was at the time is that there was no
20 permitting in place, they weren't aware of it, and
21 they were starting to move large amounts of gravel
22 on the road in which Basin did say that they had a
23 road use in place. That road use was not in place
24 at the time. They did, after this was brought up,
25 get the road use in place to properly come into --

1 as John said, they were working with them in order
2 to get it in place, but at the time they started to
3 haul the gravel on the road, it was not in place
4 and they did not have magnesium chloride on the
5 road at the time, and so it was creating large
6 amounts of dust in the area. And so I was the one
7 that had communicated with John.

8 And then also I had talked with Basin
9 Electric about it, and Dusty is the contact at
10 Basin, which I talked to and also made them aware
11 of it. And then also talked to the PSC about it at
12 the time.

13 And so I guess communication in these
14 projects is very key, and it's -- it is a problem
15 because not only just in the -- like the wind tower
16 projects but also in data centers and in
17 transmission lines and stuff, it's a challenging
18 part because a lot of times the public is not
19 notified of it or know of it and then the project
20 starts and things happen. So that's the
21 challenging part.

22 And I think one of the issues that was
23 driving this project so hard for Basin was the tax
24 credit was going to sunset at the end of '27 and
25 they had a deadline of, I believe, the end of June

1 or July that they had to start the project, and so
2 I believe that that's what was pushing them.

3 And since that time period, that was
4 challenged in court and that sunseting is now on
5 hold for the 30 percent tax credit from the federal
6 government. So that was a driving factor in there.

7 And then my other part of it that I've
8 been participating with is with other landowners,
9 and Jason is one of them that I have been helping
10 them navigate these things, both at the county
11 level and then also asking questions of the PSC as
12 far as what are their rights, what are not their
13 rights, and I've had good interactions with the PSC
14 as far as getting answers of how to address this
15 and the process and all that.

16 So the towers that I'd like to talk about
17 that they said -- I believe if I'm correct, Basin
18 had stated that all non-land participating owners
19 had signed off on the variances that were needed.
20 And so tower E71, which is on -- next to Joe
21 Miller's house -- and I just talked to him to
22 verify that he did not sign off on a variance
23 because he is within the buffer zone, which is now,
24 I believe, 1470 feet. And so he bought this
25 property and the easement came with the property.

1 And he is -- he has not signed the new easement nor
2 does he want to sign the new easement. So he is a
3 nonparticipating landowner, and there's a tower
4 within the buffer zone of his house that has both
5 shadow flicker and it has sound prob -- sound
6 variations. I've been at his house, I've sat there
7 and seen the effects of this.

8 Another participating landowner that had a
9 land change over is tower number D55, and his name
10 is Bobby Rydberg. Also have been in communication
11 with him, and that is on his property. It
12 transferred from his family to -- he is now the
13 caretaker of that, and he wishes -- he does not
14 want the tower on his property anymore, and that's
15 an actual tower. It's not a buffer zone. That's
16 actually his.

17 And then Jason, who was up here
18 representing his mom, Ruth Honcharoff, she is tower
19 number E75, and that's the one that's in the buffer
20 zone for them for sound. That is a
21 nonparticipating that they've been asked to sign
22 off on.

23 And then the other tower is tower E73,
24 which is Loren and Tammy Delzer, and they are --
25 that would be a nonparticipating tower for them.

1 They are also a participating member that has a
2 tower, which is E74, which is on their property but
3 does not affect their residence, but E73 affects
4 their residence, and they have chosen -- which I
5 also confirmed with them ten minutes ago -- they
6 have not signed off on that variance for that tower
7 also.

8 So my -- my part in this is to help these
9 people navigate this so -- because it's a -- it's a
10 big deal. There's a lot of stuff that comes with
11 it. So I've been trying to help them to say you
12 have rights, you have protection.

13 So on these particular towers where there
14 are variances, I would highly recommend -- I don't
15 know what you -- I know I see you guys participate
16 and go to coal mines and different places to see
17 what's going on there. I would highly recommend
18 taking and looking at these sites and going and
19 visit these places so that you can see how they
20 affect the people that are affected by this and
21 where they live.

22 And the other part -- to these people who
23 have asked me and I've talked with and met with,
24 the other part of it is they've experienced this
25 for 16 years, and I think that's a very key part to

1 the towers that they're requesting to not be in a
2 buffer zone or affecting sound at their residence
3 or shadow flicker. I think that's very important
4 because they've had 16 years of experiencing this.
5 And what they're saying is that we don't want
6 another 20 years of this or we don't want this to
7 be transferred to our family members or it affects
8 our property values.

9 So I think those are very important issues
10 that would need to be addressed and to be looked at
11 that I think are very, very important to the aspect
12 of how this committee can help protect the
13 landowners and also for a good project as far as
14 the people that have to reside and live in the
15 area.

16 So that's, I guess, my comments I'd like
17 to say about that.

18 JUDGE HOGAN: All right. Thank you.

19 Mr. Edison, any questions?

20 MR. EDISON: I don't have any questions.
21 Thank you.

22 JUDGE HOGAN: Mr. Martens?

23 MR. MARTENS: No questions, but thank you
24 for just providing those tower locations.

25 MR. LEE: Yes.

1 JUDGE HOGAN: Mr. Hanson?

2 MR. HANSON: I might get some details from
3 you afterwards, if I could, on what you were
4 discussing.

5 MR. LEE: Sure. Yep.

6 MR. HANSON: Thank you.

7 JUDGE HOGAN: Commissioner Kringstad.

8 COMMISSIONER KRINGSTAD: No questions.
9 Thanks for your testimony.

10 JUDGE HOGAN: Commissioner Christmann.

11 COMMISSIONER CHRISTMANN: I think you
12 covered it pretty well. I don't have any
13 questions. Thanks, though.

14 MR. LEE: Yep.

15 JUDGE HOGAN: Commissioner Haugen-Hoffart.

16 COMMISSIONER HAUGEN-HOFFART: Brian, thank
17 you for the detailed testimony.

18 MR. LEE: Yes.

19 COMMISSIONER HAUGEN-HOFFART: I appreciate
20 it.

21 JUDGE HOGAN: All right. Thank you for
22 your testimony.

23 Can I have you state your name for the
24 record and spell your last name?

25 MR. SAMSON: Travis Samson, S-a-m-s-o-n.

1 JUDGE HOGAN: Mr. Samson, did you hear me
2 go through the penalties for perjury?

3 MR. SAMSON: Yes.

4 JUDGE HOGAN: And you understand what
5 perjury is?

6 MR. SAMSON: Yes.

7 JUDGE HOGAN: All right.

8 (Witness sworn.)

9 MR. SAMSON: Yes.

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

12 **TRAVIS SAMSON,**
13 having been first duly sworn, was examined and
14 testified as follows:

15 **STATEMENT**

16 **BY MR. SAMSON:**

17 MR. SAMSON: I got three turbines on my
18 family's land and then we got the one turbine
19 that's on -- right next to our farm that's on the
20 neighbor's land. That's Turbine D51. Our farm
21 sits on Section 9 and Section 8 and Section 4 where
22 some of these turbines are, and we're on the west
23 side of 83. We live in Rushville Township and our
24 township's unorganized, and with all this heavy
25 truck traffic, we don't get no road maintenance

1 from the Ward County that much. And I'm wondering
2 if Ward -- if the Ward County's going to make the
3 Basin Electric fix all the roads for them or put
4 new culverts in, because some of these culverts are
5 old and they're already caving down. And if we get
6 these heavy trucks on these township roads, they're
7 going to hurt the roads and everything, and I want
8 to know who's fixing it and who's paying for it.

9 And then the Turbine D51 that's next to
10 our farm, my dad did sign the -- the lease to get
11 that \$5,000 for noise, but I think that \$5,000 for
12 the noise should be every year because that's
13 pretty close to our yard, and I got to -- and I got
14 splitting headaches from sometimes hearing that
15 noise sometimes as it is now. And if it goes
16 louder, I'm going to get headaches worse. And I
17 think we should see that \$5,000 every year for the
18 next I don't know how many years that it's going to
19 be up there for.

20 And they're not really talking to us.
21 Because I found out this spring that they were
22 doing this project. We never got -- because the
23 bank owns the turbines on our land, and I don't
24 know if they went to talk to the bank behind our
25 backs or nothing, because we just found out about

1 it this spring, me and my dad. So we're not really
2 being contacted by anybody from Basin Electric.

3 So that's my say.

4 JUDGE HOGAN: All right. Thank you.

5 Mr. Edison, any questions?

6 MR. EDISON: No questions. Thank you.

7 JUDGE HOGAN: Mr. Martens?

8 MR. MARTENS: No questions. Thank you for
9 being here, sir.

10 JUDGE HOGAN: Mr. Hanson?

11 MR. HANSON: No, Your Honor.

12 JUDGE HOGAN: Commissioner Kringstad.

13 COMMISSIONER KRINGSTAD: No questions.

14 Thank you for giving those locations so we can look
15 into it.

16 JUDGE HOGAN: Commissioner Christmann.

17 COMMISSIONER CHRISTMANN: No questions.

18 Thank you.

19 COMMISSIONER HAUGEN-HOFFART: No
20 questions. Thank you.

21 JUDGE HOGAN: All right. Thank you.

22 Are there others that want to provide
23 testimony?

24 MR. KABANUCK: Good morning.

25 JUDGE HOGAN: Morning. I'll have you

1 state your full name for the record and spell your
2 last name.

3 MR. KABANUCK: Kim W. Kabanuck. Last name
4 is K-a-b, as in "boy," a-n-u-c-k.

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

7 MR. KABANUCK: Yes, I did.

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

10 MR. KABANUCK: Yes.

11 (Witness sworn.)

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

14 **KIM KABANUCK,**
15 having been first duly sworn, was examined and
16 testified as follows:

17 **STATEMENT**

18 **BY MR. KABANUCK:**

19 MR. KABANUCK: Yeah, my -- my yard is
20 located on Outlot 1 of Section 22-151-83. I guess
21 I'd be -- I guess I'm just kind of here because,
22 you know, it's a -- it's due to -- it's property
23 rights is kind of the issue. I'm just a hair less
24 than a half mile from Turbine Number D60, and it's
25 directly west of my yard, and it does affect me

1 with the -- with the shadow flicker and the noise.

2 Basin Electric refers to me and several of
3 my neighbors as nonparticipating landowners, and I
4 guess that's probably true. But when you have all
5 the negative effects from them, you are somewhat
6 actually a participating landowner, and I guess I
7 would just consider myself to be an unpaid
8 participating landowner.

9 So I guess this -- this turbine is located
10 on -- it would be the west half of the southwest
11 quarter. And I think the noise is louder and the
12 hours of the shadow flicker are more than what
13 the -- them studies showed.

14 And from reading through the studies, I
15 just -- I just kind of wonder if -- how a study
16 done on a computer can be really that accurate
17 when -- I mean, my house is -- I guess they call it
18 receptor number 100, but how are they -- what is on
19 my property that's actually being monitored so they
20 can, you know, tell what the noise and what the
21 shadow flicker is? I guess that's kind of -- I
22 just -- when I see that, I kind of question how
23 that can be actually used as legitimate numbers.

24 It seems like after 16 years of these wind
25 turbines being there, they should have some kind

1 of -- have been able to do some kind of actual
2 on-site test, and I'm pretty -- and if this is
3 approved, I think it would be nice if the use
4 permit would require that so that if they do get
5 above the 45-decibel noise level, that something
6 should be done about it.

7 And I guess when I've done my own tests
8 with my little -- it's not an accurate test meter
9 probably -- I've been up to as high as 47 decibels
10 and I was a hundred feet from my house at that
11 time. So it just seems like there should be a
12 better -- better test of the noise and the flicker.

13 They tell me that I have two hours of
14 flicker each year, and I think that's definitely
15 more than that. I guess if -- like one of the
16 witnesses said earlier, they would welcome anyone
17 to come and -- come to their place and experience
18 it for themselves, so anybody that wants to come to
19 my place is welcome too.

20 And -- so I guess that's just kind of my
21 testimony on like the test. And I don't -- and
22 there was a couple things I didn't quite
23 understand. It says that if you're within
24 770 meters of these turbines, that it's relevant,
25 so I'm not sure really what the relevant means, if

1 you're supposed to be getting some kind of waiver
2 on that too.

3 And same with the noise. If it's within
4 one and a half the height of the turbine, I think I
5 heard, and I know my regular property is, I think,
6 within that -- that distance from the -- this one
7 turbine. So it just seems like not really clear
8 what the setback is as far as if it should be a
9 waiver signed for the farmland property or just my
10 outlot there.

11 And I was -- I was offered a waiver or
12 a -- I guess it was called a -- I received a letter
13 that -- for the inconvenience that was going to be
14 offered. A voluntary impact payment it was called.
15 I didn't feel it was enough, and I kind of agree
16 with Mr. Samson that the payment should kind of be
17 every year. And I propose that -- maybe a
18 thousand -- a thousand dollars for a 20-year
19 project would be reasonable. And I guess I don't
20 really expect to get one, but I just think it
21 should be -- it would be nice if in the future
22 these projects would require things like that in
23 these -- in these conditional use permits because
24 it's really been an inconvenience for 16 years now
25 and it's going to be another 20 or more. I

1 probably won't be around at that time, but somebody
2 will.

3 And -- and I guess then way back when they
4 start these, one of the selling points is always
5 that it's going to lower the cost of your
6 electricity. And I checked the price I was paying
7 back in 2009, and today it's 40 percent more than
8 it was then, so it didn't lower cost for me.

9 And just last spring, Verendrye sent a
10 letter out saying that the rates were going to
11 raise 9.4 percent. Verendrye said they knew they
12 had to raise their rates because Basin Electric
13 announced a significant increase in their rates for
14 a second year in a row. Verendrye also stated in
15 the letter that unfortunately Basin has told them
16 that there may be another rate increase coming in
17 2027. And I believe this will continue year after
18 year from now on because it just seems like it's
19 kind of on a -- on a -- headed that way, so --

20 I guess I'd just -- I guess I'm just here
21 hoping that somehow I could get some kind of
22 compensation for the inconvenience that I've been
23 going through with this. And, I mean, they did
24 send a letter and I turned it down, so I guess I'm
25 probably -- I don't really expect to get another

1 one, so I guess that's all I have to say.

2 JUDGE HOGAN: All right. Thank you.

3 Mr. Edison, any questions?

4 MR. EDISON: No questions. Thank you.

5 JUDGE HOGAN: Mr. Martens?

6 MR. MARTENS: No questions. I will

7 concede the -- the language of

8 participating/nonparticipating seems somewhat

9 callus, but I'm going to have to -- to say that's

10 the fault of our legislature, though. That's the

11 language in the law. So, you know, if you have

12 suggestions, we can always approach that.

13 MR. KABANUCK: What was that again? I

14 didn't quite hear.

15 MR. MARTENS: The idea -- the language

16 nonparticipating/participating, that's the language

17 in the law, so I'll -- I'll have to cover for Basin

18 on that one. They're not choosing to call people

19 that. That's just what our legislature decided to

20 call it, so -- but I do appreciate you being here.

21 MR. KABANUCK: And I did kind of -- was

22 interested in Mr. Christmann's comments about the

23 23 and the 12 and all that. That was just -- that

24 was kind of unclear to me as well, so hopefully

25 that'll get cleared up.

1 And would you be able to go on the PSC
2 site and find all these -- once they do send you
3 the clarified ones or --

4 MR. MARTENS: You can -- you can always go
5 to our site to look for any cases going on.
6 There's a public-facing docket system. You can
7 also go -- there's a portion of our -- of our site
8 that actually breaks down our legal authority for
9 each area that we have jurisdiction over. So
10 things like leases and easements aren't going to be
11 in there, but if you wanted to look at siting laws
12 or laws related to what we're talking about today,
13 you could look right there and it'll take you to
14 the statute.

15 MR. KABANUCK: Would I be able to find out
16 the ones that were -- you know, considered relevant
17 for the waivers and for the noise? Is that on
18 there?

19 MR. MARTENS: Again, we don't get into the
20 actual negotiation of waivers, but it does say when
21 they are required to have waivers. Yes.

22 MR. KABANUCK: All right. I guess that's
23 all I can say.

24 JUDGE HOGAN: Hang on. I'm going to see
25 if there's any more questions of you.

1 MR. KABANUCK: What's that?

2 JUDGE HOGAN: I'm going to ask if there's
3 any more questions --

4 MR. KABANUCK: Oh, okay.

5 JUDGE HOGAN: -- so hang on.

6 Mr. Hanson?

7 MR. HANSON: No, Your Honor.

8 JUDGE HOGAN: Commissioner Kringstad.

9 **EXAMINATION**

10 **BY COMMISSIONER KRINGSTAD:**

11 Q. First of all, I just want to say thank
12 you. I know you were -- you formally reached out
13 to us and --

14 A. Yes, I did.

15 Q. -- requested this hearing, so I just want
16 to say thank you for your participation in this
17 process. Sometimes, you know, we send out
18 notification on these things and nobody responds
19 and then we move forward with our process and then
20 afterwards hear feedback. So thank you for
21 engaging in this process.

22 I was -- I was curious, when you talk
23 about the issues that you're having with sound or
24 shadow flicker, have you brought those current
25 concerns to Basin at all to be resolved, to have

1 any dialogue about if there's any mitigation
2 measures that they could take for you there?

3 A. I did write them a letter last July, kind
4 of mentioned these things. And one thing I forgot
5 to mention earlier, there's been two times where
6 they've broke down. I don't remember what year
7 that was, but it was for about a week and there was
8 a scraping sound, so there was something
9 mechanical. And I called them that time and they
10 came out and took care of it.

11 And then the next time it was just -- it
12 sounded like a major windstorm just outside my
13 house and all -- you know, that was 24 hours a day
14 because something was wrong. I didn't call them
15 and just -- it was like probably two, three weeks,
16 and they finally did get out there and took care of
17 it, and the crane came out later and they fixed
18 whatever the problem was and so they took care of
19 it that time.

20 But, yeah, and then I didn't catch the
21 name of the person that called me back on that
22 letter, but they said there's really nothing they
23 could do for me at that time anyway, so --

24 So the only positive thing I've really
25 gotten is when they sent this other one about the

1 inconvenience. And I'm not sure -- I misunderstood
2 that probably to mean that it's inconvenience from
3 now till the end of the project, but I think it
4 was -- I think from what I heard earlier today, it
5 sounds like it's just for the construction period.

6 COMMISSIONER KRINGSTAD: And, I mean, I
7 will say -- and I think both attorneys have
8 mentioned this, but, again, we -- we are limited in
9 what we can cover as far as easement terms and
10 everything like that. You know, we -- we hear a
11 lot of feedback about property rights and landowner
12 rights, and from that perspective it's like what
13 you guys are talking about is a negotiated contract
14 between you, a landowner, and a company that us as
15 the government doesn't get involved in.

16 So -- but, yes, thank you for the -- your
17 description and the information you provided on --
18 on the towers. That's helpful. Thank you.

19 JUDGE HOGAN: Commissioner Christmann.

20 EXAMINATION

21 BY COMMISSIONER CHRISTMANN:

22 Q. So as we await the updated version of that
23 noise study or, I guess, technically Appendix B of
24 Appendix A, did you say you were at receptor 100?

25 A. Yeah, that's what I -- I think Janet Gray

1 sent me a letter saying that -- in that letter it
2 said I was receptor 100.

3 Q. Because on my chart it shows them -- I
4 suppose it just shows all three-digit numbers and
5 started with something that starts as a 1, but mine
6 are listed at 101 through 250, so --

7 A. I'd have to -- I can double-check it, but
8 I'm pretty sure it was number 100.

9 Q. But you said it's in Section 22 of 151-83?

10 A. Yeah.

11 COMMISSIONER CHRISTMANN: Okay. We'll
12 find it.

13 JUDGE HOGAN: Commissioner Haugen-Hoffart.

14 COMMISSIONER HAUGEN-HOFFART: I have no
15 questions, Kim. Thank you.

16 JUDGE HOGAN: Thank you for your
17 testimony.

18 MR. KABANUCK: Yeah, you're welcome.

19 JUDGE HOGAN: Is there anybody else that
20 wants to provide testimony.

21 Hi, can I get your full name and if you
22 want to spell your last name.

23 MR. FISHER: My name is Jay Fisher.

24 JUDGE HOGAN: Do you want to spell your
25 last name for the record.

1 MR. FISHER: F-i-s-h-e-r.

2 JUDGE HOGAN: Mr. Fisher, did you hear me
3 go through the penalties for perjury?

4 MR. FISHER: Yes, I did.

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

7 MR. FISHER: Yes, I do.

8 (Witness sworn.)

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

11 JAY FISHER,
12 having been first duly sworn, was examined and
13 testified as follows:

14 STATEMENT

15 BY MR. FISHER:

16 MR. FISHER: Well, I'm here to let you
17 know that I'm a representative for District 5, so I
18 am part of the state and I guess I'm part of the
19 problem where laws get written and we pass them,
20 and I'm going to be careful and try not to perjure
21 myself here, but I'm also a candidate running for
22 the Senate. So I'm a glutton for punishment, I
23 guess, to pass these laws that my children and
24 grandchildren and landowners live with: noise and
25 the intermittent -- my grandchildren ride horse,

1 and when the wind blade comes around and it scares
2 the horses, so there are just some things that are
3 no economic value can pay for what's gone on.

4 So I -- and we're going into special
5 session and I'm running unopposed, so I will sit in
6 the Senate and pass some more bad laws and good
7 laws and unintended consequences that I've learned
8 of the 1,000 that are introduced.

9 But I just wanted to -- I am here because
10 the world is run by those who show up and will
11 struggle with these things. When I very first ran
12 to be an elected official, I was -- one of my -- my
13 platforms was to avoid government overreach. And
14 then I hear all the time we want local control, and
15 I believe very strongly in that. The township,
16 county, county commissions, we should pass these
17 things and we should hear about it ahead of time so
18 we can have hearings and listen and all of that.
19 So I still am sorry to say I'm part of the problem.

20 But I thank you for coming here to this
21 community to have this kind of hearing. There's
22 been some other more local controls that have not
23 done that. They have some hearings in rooms that
24 are too small, and so I appreciate it and I'm
25 thankful.

1 Now as elected, I'll try to do the very
2 best to work with you and help make better laws
3 that are clearer for more understanding.

4 New information that came -- that I heard,
5 the -- the plan is to use mag chloride. There's
6 better products than that. That is a salt, and
7 there's five different species that we're trying to
8 avoid damage for the EPA. There is a product out
9 there -- in full disclosure I represent one, but
10 it's clear for the water flea and the rainbow trout
11 and it doesn't cause any damage. So for some
12 mitigation to this wetland, there's a product
13 called Dust Hold Pro that can -- for laydown yards
14 and roads, and I'll be available to help with some
15 of the positive things that we can help and
16 mitigate. So that's one.

17 The other new issue is that you sign
18 contracts with major contractors, but often it's
19 the subcontractor and the sub-subcontractor, it's
20 that young 23-year-old that drives too fast and
21 leaves gates open. The animals get out and they
22 cause damage. And some small companies have been
23 really good about mitigating that pain. Some
24 larger ones have not been so forthcoming with that.

25 So that's something that I would like

1 to -- to have reach on with the sub-subcontractor
2 and then the early information of what's going on.

3 But I stand for questions.

4 JUDGE HOGAN: All right. Thank you.

5 Mr. Edison, any questions?

6 MR. EDISON: I don't have any questions.

7 Thank you.

8 JUDGE HOGAN: Mr. Martens.

9 **EXAMINATION**

10 **BY MR. MARTENS:**

11 Q. Representative Fisher, would you agree
12 with the statement that us lawyers sometimes do our
13 fair share to turn good laws into bad laws?

14 A. Well, there's unintended consequences when
15 we pass some things, and so thank you. We'll just
16 keep on to make the best better. In the model of
17 the 4-H, to make the best better.

18 JUDGE HOGAN: Mr. Hanson?

19 MR. HANSON: No questions.

20 JUDGE HOGAN: Commissioner Kringstad.

21 COMMISSIONER KRINGSTAD: I don't have any
22 questions. Just thank you for being here, for the
23 work that you do outside of this room, but I always
24 appreciate when legislators come, and whether they
25 testify in front of us or they're just here to also

1 hear the concerns from the public because, again,
2 we have to operate within our jurisdiction. Some
3 things we can't change, but maybe you could. So
4 thank you for being here and hearing what they have
5 to say as well.

6 JUDGE HOGAN: Commissioner Christmann.

7 COMMISSIONER CHRISTMANN: So I don't have
8 any questions for you, but I just also want to
9 reiterate I've -- I worked with you when I was in
10 the legislature and on SBARE and you were still
11 working full-time yet at the extension, and -- and
12 then your time in the legislature, and it's --
13 you're one of the studious ones who gathers
14 information and makes tough decisions, and I
15 appreciate that and appreciate your service to your
16 constituents.

17 Since I have worked with you, I'm going to
18 also take the opportunity to steal from your time a
19 moment because I want to say this before
20 Mr. Kabanuck might leave, in case he's thinking of
21 leaving. When I said that the numbers start with
22 101, I was corrected by somebody that they do, in
23 fact, start with 001. And I will argue all day
24 that it's the poor lighting, not my vision, that
25 caused that mistake. But either way, it does start

1 with 1 and number 100 is clearly in here.

2 So -- but again, thanks for your service,
3 Jay, and thanks for being here and providing
4 feedback. I'm particularly interested -- I know on
5 other projects we've heard of chloride being used,
6 and I'm really curious about potential better
7 products. Thank you.

8 MR. FISHER: Happy to provide that.

9 JUDGE HOGAN: Commissioner Haugen-Hoffart.

10 COMMISSIONER HAUGEN-HOFFART:

11 Representative Fisher, thank you for being here.
12 It says a lot when representatives are here when we
13 come out to communities so they can hear what's
14 going on firsthand. And thank you for taking
15 ownership in the laws, you know, that -- we're not
16 the policymakers. We are the enforcers, and for
17 you to sit and hear what we hear, what things we
18 don't have jurisdiction over and things we do have
19 jurisdiction over, there's a lot of education that
20 needs to go on regarding what we have jurisdiction
21 over and what we don't.

22 But times are changing and changing very
23 quickly in this industry, so it behooves all of us
24 to be informed and engaged. So, again, I can't say
25 thank you enough for being here and listening to it

1 and being involved.

2 Thank you.

3 JUDGE HOGAN: All right. Thank you.

4 MR. FISHER: Thank you.

5 JUDGE HOGAN: Is there anyone else that
6 wants to provide testimony today?

7 All right. Then that will conclude the
8 public testimony portion of our hearing. So now
9 let's talk about after-hearing filings that
10 Applicant intends to submit. I know there was a
11 request for one late-filed exhibit and then it
12 sounded like you were planning to provide some
13 other materials to the Commission.

14 MR. EDISON: Specifically for late-filed,
15 I just have the updated sound study table that
16 Commissioner Christmann requested. And then I
17 don't know if it would be a late-filed, but we had
18 a request to submit any updated agency
19 correspondence as well.

20 JUDGE HOGAN: Sure. And do we want to set
21 a deadline for those submissions?

22 MR. EDISON: 30 days should work for
23 those.

24 JUDGE HOGAN: Okay. And do you intend to
25 file proposed findings of fact and a proposed

1 order?

2 MR. EDISON: Yes, Your Honor.

3 JUDGE HOGAN: Same deadline?

4 MR. EDISON: Yes.

5 JUDGE HOGAN: Are those deadlines
6 appropriate, Mr. Martens?

7 MR. MARTENS: They work for us, Your
8 Honor.

9 JUDGE HOGAN: All right. And any other
10 things or documents you noted that needed to be
11 filed?

12 MR. MARTENS: None that I've noted that
13 need to be filed, Your Honor.

14 JUDGE HOGAN: Okay. All right. We'll
15 then take closing remarks from the commissioners,
16 and we'll start with Commissioner Kringstad.

17 COMMISSIONER KRINGSTAD: I'm going to keep
18 mine very brief because I know it's in the middle
19 of lunchtime and we've held you all over, and I
20 don't like to get in between anybody and their next
21 meal.

22 So -- but truly, thank you all for coming
23 out, participating in our process, whether you just
24 listened from the audience, engaged with the
25 company or came forward and provided direct

1 testimony to us. I always say there's -- there's
2 only so much that we can capture from all the paper
3 that we get and we analyze, but truly this is kind
4 of where the rubber meets the road.

5 So thank you all for your testimony today
6 and for being here.

7 JUDGE HOGAN: Commissioner Christmann.

8 COMMISSIONER CHRISTMANN: Not very much to
9 add. I think we got some good witnesses, provided
10 some good information and feedback, and there will
11 be thorough evaluation. And at the end of the day,
12 we'll do our best to follow the law and make the
13 best possible decision.

14 JUDGE HOGAN: Commissioner Haugen-Hoffart.

15 COMMISSIONER HAUGEN-HOFFART: Yeah.

16 Thanks to everyone who participated and provided us
17 with their concerns. We appreciate that.

18 I also want to say thank you for
19 acknowledging our staff; that it is our goal when
20 we have inquiries to answer them properly but also
21 to provide the information on which we're governed
22 by. So thank you, and I want to acknowledge our
23 staff for being so responsive. Take care.

24 JUDGE HOGAN: All right. And I'll just
25 ask if there's any other matters that need to be

1 addressed before we conclude. Mr. Edison?

2 MR. EDISON: No, Your Honor.

3 JUDGE HOGAN: All right. Mr. Martens?

4 MR. MARTENS: No, Your Honor.

5 JUDGE HOGAN: Okay. Then I will note that
6 it's 12:26 p.m. and that'll conclude our hearing
7 for Case PU-26-164.

8 (Concluded at 12:27 p.m., the same day.)

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1 CERTIFICATE OF COURT REPORTER
2

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

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

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

13 Dated at Bismarck, North Dakota, this 4th
14 day of September, 2026.
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17 _____
18 Stephanie A. Smith
19 Registered Professional Reporter
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