

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Oliver Wind IV, LLC Case No. PU-23-317  
200 MW Oliver Wind IV Energy  
Center-Oliver County  
Siting Application

Oliver Wind IV, LLC Case No. PU-23-318  
345-kV Transmission Line -  
Oliver & Mercer  
Siting Application

TRANSCRIPT OF  
HEARING

Taken At  
Betty Hagel Memorial Civic Center  
312 Lincoln Avenue  
Center, North Dakota  
January 29, 2024

BEFORE THE HON. TIMOTHY J. DAWSON  
-- ADMINISTRATIVE LAW JUDGE --

61 PU-23-317 Filed 02/13/2024 Pages: 342  
January 29, 2024 Hearing Transcript (Full and Condensed)  
Emineth & Associates Court Reporters  
Denise M. Andahl, Reg. Pro. Reporter

**EMINETH & ASSOCIATES**  
**Court Reporters**  
BISMARCK, NORTH DAKOTA  
(701) 255-3513

64 PU-23-318 Filed 02/13/2024 Pages: 342  
January 29, 2024 Hearing Transcript (Full and Condensed)  
Emineth & Associates Court Reporters  
Denise M. Andahl, Reg. Pro. Reporter



**ORIGINAL**

A P P E A R A N C E S

COMMISSIONERS PRESENT:

COMMISSIONER RANDY CHRISTMANN, Chair  
COMMISSIONER SHERI HAUGEN-HOFFART  
COMMISSIONER JULIE FEDORCHAK

-----

MS. CASEY A. FUREY  
MR. ERIK J. EDISON  
Crowley Fleck PLLP  
Attorneys at Law  
100 West Broadway Avenue, Suite 250  
P.O. Box 2798  
Bismarck, North Dakota 58502-2798

- and -

MS. TRACY DAVIS  
NextEra Energy Resources, LLC  
Attorney at Law  
Austin, Texas

FOR THE APPLICANT.

-----

MR. BRIAN L. JOHNSON  
Advisory Counsel  
North Dakota Public Service Commission  
600 East Boulevard Avenue  
Bismarck, North Dakota 58505-0480

FOR THE PUBLIC SERVICE  
COMMISSION.

-----

MR. KEVIN PRANIS  
LIUNA Minnesota and North Dakota  
81 East Little Canada Road  
St. Paul, Minnesota 55117

FOR THE INTERVENOR,  
LIUNA.

-----



## C O N T E N T S

	Page No.
Opening discussion	8
Opening remarks by Commissioner Fedorchak	12
Opening remarks by Commissioner Christmann	14
Opening remarks by Commissioner Haugen-Hoffart	16
-----	
CERTIFICATE OF COURT REPORTER	243
-----	
WITNESSES:	
CLAY CAMERON	
Examination by Ms. Furey	20
Examination by Mr. Johnson	42
Examination by Commissioner Fedorchak	43
Examination by Commissioner Christmann	58
Examination by Commissioner Haugen-Hoffart	83
Examination by Mr. Pranis	88
Examination by Mr. Frank	91
DINA BROWN	
Examination by Ms. Furey	93
Examination by Commissioner Fedorchak	132
Examination by Commissioner Christmann	146
Examination by Commissioner Haugen-Hoffart	150
DARYN KARGES	
Statement by witness	154
Examination by Mr. Johnson	156
Examination by Commissioner Fedorchak	157
Examination by Commissioner Christmann	159
Examination by Commissioner Haugen-Hoffart	161

1	C O N T E N T S (Continued)	
2	LONNIE HENKE	
3	Statement by witness	161
4	Examination by Commissioner Fedorchak	163
5	Examination by Commissioner Christmann	164
6	COLE UECKER	
7	Statement by witness	168
8	Examination by Commissioner Fedorchak	170
9	JESSIE SMITH	
10	Statement by witness	173
11	Examination by Mr. Pranis	174
12	Examination by Commissioner Fedorchak	175
13	JOELENE OPP	
14	Statement by witness	177
15	Examination by Commissioner Fedorchak	180
16	Examination by Commissioner Christmann	186
17	JANET HELBLING	
18	Statement by witness	188
19	Examination by Commissioner Christmann	189
20	JAYAR KINDSVOGEL	
21	Statement by witness	191
22	RICK SCHMIDT	
23	Statement by witness	193
24	Examination by Commissioner Fedorchak	196
25	Examination by Commissioner Christmann	199
	Examination by Commissioner Haugen-Hoffart	201
	KEITH KESSLER	
	Statement by witness	202
	Examination by Ms. Furey	207
	Examination by Commissioner Fedorchak	208
	Examination by Commissioner Christmann	210

1	C O N T E N T S (Continued)		
2	STEVE CORTINA		
3	Examination by Mr. Pranis		213
4	Examination by Commissioner Fedorchak		222
5	Examination by Commissioner Christmann		222
6	KEVIN PRANIS		
7	Statement by witness		224
8	Examination by Commissioner Fedorchak		227
9	MIKE SCOTT		
10	Statement by witness		232
11	JACK JENSEN		
12	Statement by witness		234
13	-----		
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

# C O N T E N T S    (Continued)

## EXHIBITS:

No.	Description	Off'd	Rec'd
1	Wind Project Application	18	18
2	Transmission Project Application	18	18
3	Oliver County Conditional Use Permit	18	18
4	Mercer County Conditional Use Permit	18	18
5	Great River Energy October 18, 2023, correspondence	18	18
6	Basin Electric Power Cooperative October 23, 2023, correspondence	18	18
7	Agency correspondence - NDGF, December 29, 2023	18	18
8	Agency correspondence - NDDA, December 29, 2023	18	18
9	Wildlife Coordination and Mitigation Measures Memo	18	18
10	Supplemental Agency Correspondence Memo	18	18
11	Prefiled testimony of Clay Cameron	18	18
12	Prefiled testimony of Dina Brown	18	18
13	Wind Project - Executed Certification Relating to Order Provisions & Tree and Shrub Mitigation Specifications	18	18
14	Transmission Project - Executed Certification Relating to Order Provisions & Tree and Shrub Mitigation Specifications	18	18

1	C O N T E N T S (Continued)		
2	15	Consolidated Shadow Flicker and Acoustic Assessment Summary	
3		Table and Map	18 18
4	16(a)	Agency Correspondence - NDSHPO January 19, 2024 (2 letters)	18 18
5	16(b)	Agency Correspondence - NDSHPO January 23, 2024 (1 letter)	18 18
6			
7	16(c)	Agency Correspondence - NDSHPO January 25, 2024 (2 letters)	18 18
8			
9	17	Wind Project Application Updated Figure 5 Map - Landowner Participation Status	18 18
10			
11	18	Transmission Project Application Updated Figure 5 Map - Landowner Participation Status	18 18
12			
13	19	Wind Project Hearing Display Map	18 18
14	20	Transmission Project Hearing Display Map	18 18
15	21	January 18, 2024, letter to Robert Frank, PSC, from Mary Kaplan with Detailed Shadow Flicker Modeling Results for Oliver Wind IV Energy Center	18 18
16			
17			
18	22	Prepared statement of Jayar Kindsvogel	192 193
19			
20		Late-filed	
21	23	MOU executed by Department of Ag	240 240
22	24	Rotational speed data	240 240
23	25	Updated information for Oliver and Mercer County Weed Boards	240 240
24	26	Information regarding tax and tax benefits	240 240
25		-----	

1           (The proceedings herein were had and made  
2 of record, commencing at 10:00 a.m., Monday,  
3 January 29, 2024, as follows:)

4           ALJ DAWSON: Good morning. I'm Timothy  
5 Dawson, an administrative law judge designated by  
6 the Office of Administrative Hearings upon the  
7 request of the Public Service Commission to serve  
8 as hearing officer for this hearing.

9           This is North Dakota Public Service  
10 Commission Case Nos. PU-23-317 and 318.

11           Before we begin, please silence or shut  
12 off your cell phones. There should be an  
13 attendance sheet going around. Please sign the  
14 attendance sheet and note whether you are going to  
15 testify or not.

16           This is the hearing on the September 28,  
17 2023, application of Oliver Wind IV, LLC, for a  
18 certificate of site compatibility to construct the  
19 Oliver Wind IV Energy Center consisting of up to 73  
20 wind turbine generators and associated facilities  
21 with a nameplate capacity of up to 200 megawatts in  
22 Oliver County.

23           This is also a hearing on the application  
24 of Oliver Wind IV for a certificate of corridor  
25 compatibility and route permit for the construction



1 of a 345-kV transmission line and associated  
2 facilities. The transmission line project is about  
3 19.5 miles in length to be constructed from the  
4 proposed project to -- in the counties of Oliver  
5 and Mercer.

6 Let the record show that it is January  
7 29th, 2024, and it's 10 a.m. at the Betty Hagel  
8 Memorial Civic Center in Center, North Dakota.  
9 This is the time, date and place set by the notice  
10 of filing and notice of hearing issued by the North  
11 Dakota Public Service Commission on December 13th,  
12 2023.

13 The notice of filing and notice of hearing  
14 for this hearing specified the following issues to  
15 be considered and determined at this hearing. The  
16 issues to be considered in the application for a  
17 certificate of site compatibility for the wind  
18 project and certificate of corridor compatibility  
19 and route permit for the transmission line are:

20 1. Will the location and operation of the  
21 proposed facilities produce minimal effects --  
22 adverse effects on the environment and upon the  
23 welfare of the citizens of North Dakota?

24 Number 2. Are the proposed facilities  
25 compatible with the environmental preservation and

1 efficient use of resources?

2 And number 3. Will the proposed facility  
3 locations minimize adverse human and environmental  
4 impact while ensuring continuing system reliability  
5 and integrity and ensuring that energy needs are  
6 met and fulfilled in an orderly and timely fashion?

7 The first thing we will do is have  
8 appearances. Miss Furey, would you state your  
9 appearance for the record.

10 MS. FUREY: Yes, Your Honor. Thank you.  
11 Good morning. Casey Furey with Crowley Fleck  
12 appearing on behalf of Oliver Wind IV, LLC. With  
13 me at counsel table is Tracy Davis, in-house  
14 counsel with NextEra Energy Resources, LLC, and  
15 also my colleague Erik Edison.

16 Your Honor, we do have two witnesses  
17 planned for today. Our first witness is Clay  
18 Cameron, director of development with NextEra  
19 Energy Resources. Clay will be testifying to  
20 topics including project history, design,  
21 development, landowner and community outreach,  
22 local permitting, compliance with setbacks, project  
23 construction, operation and decommissioning.

24 Our second witness is Dina Brown,  
25 environmental services project manager with

1 NextEra. And Dina will testify regarding the  
2 environmental, wildlife and cultural resource  
3 studies and surveys that were conducted for the  
4 projects as well as with respect to each agency  
5 consultation, sound and the shadow flicker  
6 assessments for the project.

7 ALJ DAWSON: Mr. Pranis, would you make  
8 your appearance and tell us the witnesses you plan  
9 to call today.

10 MR. PRANIS: Thank you. Judge Dawson,  
11 Commissioners, Kevin Pranis on behalf of LIUNA  
12 Minnesota and North Dakota. We represent 14,000  
13 construction laborers across Minnesota and North  
14 Dakota and work on energy and building civil  
15 projects. And I will be presenting, if Your Honor  
16 is willing, briefly on research that a colleague  
17 and I conducted and I have a brief presentation  
18 from Mr. Steve Cortina. But we'll keep ours very  
19 short to allow for public comment.

20 ALJ DAWSON: Mr. Johnson, please state  
21 your appearance for the record.

22 MR. JOHNSON: Sure. Brian Johnson. I am  
23 advisory counsel. With me is Robert Frank,  
24 advisory staff. I would ask that Mr. Frank be  
25 allowed to ask questions if needed. And we do not

1 have any witnesses.

2 MS. FUREY: No objection.

3 ALJ DAWSON: Since there's no objection,  
4 he'll be allowed to ask questions.

5 By show of hands in the audience today,  
6 who plans to provide public testimony at this time?  
7 I'm just trying to get a feel for -- you can change  
8 your mind as the hearing goes on and decide to  
9 testify after you've -- or change and not testify.  
10 But I just want to get a feel for the day and when  
11 we take our breaks and whatnot.

12 Thank you. Make sure you sign in on the  
13 sign-in sheet and I think there's a notation there  
14 for whether you plan on testifying or not.

15 Now we'll have opening comments from the  
16 commissioners. Commissioner Fedorchak.

17 COMMISSIONER FEDORCHAK: Good morning,  
18 everyone. It's great to be here in the center of  
19 North America. It's been a while since I've been  
20 at a siting hearing. I know my colleagues have  
21 been hard at work on a number of things, but I  
22 haven't been at a siting hearing for a while so  
23 it's great to be out and visiting with the public,  
24 hearing about another new energy project.

25 The reality -- what we focus on in these

1 instances, the purpose of our siting is to allow  
2 for orderly development of North Dakota's energy  
3 resources in a way that has minimal impact to the  
4 citizens and the environment. And so those are  
5 kind of the boundaries of this process.

6 It's a legislative directive that we  
7 follow. We don't get to decide whether we like  
8 something or don't like something. We are here  
9 looking at the law and the criteria established by  
10 the law and trying our best to apply that to this  
11 project as we do with every other energy-related  
12 project in the state. It's a balance. There isn't  
13 -- it isn't black and white. It's a balance. And  
14 that's why there's three of us so that you have  
15 different perspectives taking in and looking at all  
16 this evidence and trying to make the best decision  
17 for the state and for the citizens that have to  
18 live with this kind of infrastructure.

19 So really your participation today is an  
20 important part of us getting the best record so  
21 that we can make the best decision. So thank you  
22 for those of you who have taken time, the citizens  
23 who have taken time to be here. Like the judge  
24 said, you don't have to testify. You don't have to  
25 tell us that you're going to ahead of time, but if



1     you decide to at the end, great. We want to hear  
2     from you.

3             And other than that, looking forward to a  
4     productive day. Just be -- for those of you who  
5     haven't been to a hearing before, the company will  
6     go through kind of in a shortened time frame the  
7     sense of what's in these big huge binders. So it  
8     does take a decent amount of time even if it's  
9     consolidated, so we'll get through all of that  
10    information first, we ask questions of them, and  
11    then when we get through all of that we'll have  
12    time for public input. So that process kind of  
13    takes a little while, but you might find it  
14    interesting, so hopefully you'll be able to stay  
15    through the whole thing.

16            So thank you. Look forward to a  
17    productive day.

18            ALJ DAWSON: Commissioner Christmann.

19            COMMISSIONER CHRISTMANN: Yeah,  
20    Commissioner Fedorchak said it well. These siting  
21    cases are just not a matter of whether we like them  
22    or don't like them, support them or don't support  
23    them for the most part. There's a very clear set  
24    of legal guidances for energy infrastructure  
25    siting. And a roomful of people that are opposed



1 to a project, meets all the standards of the siting  
2 law, we still have to approve it. A roomful of  
3 people just loving something but that doesn't meet  
4 the siting requirements, we can't approve that.

5 But we do want to hear from you. And one  
6 thing that I would find very irritating if I was  
7 still in my old life of ranching is that you can't  
8 just come in here and talk, like, okay, the company  
9 is getting paid, why don't you just let us speak  
10 and we can tell you what we think. Well, the  
11 reason for that is because your opinions of this  
12 project based on what you heard at the cafe doesn't  
13 really matter much. What's important is what you  
14 hear today as things might have changed. And so we  
15 need to have the company go first in a public  
16 orderly meeting and then we want to hear from the  
17 people.

18 So sorry about that it takes time and a  
19 lot of information to go through, we ask a lot of  
20 questions, but that's the explanation of why these  
21 things do take time. We come out here. You know,  
22 it would be a lot more convenient for us and  
23 certainly for the company to have these meetings in  
24 Bismarck. We do come out here because we do want  
25 to hear from the people and so we pack everything

1 up and come out here. So please don't get  
2 frustrated by the time delay. We want to hear from  
3 you.

4 The last thing I want to mention is  
5 there's a bigger mention than what you've probably  
6 seen elsewhere up here of the -- at least the  
7 conversion facility. Oh, and back there would be,  
8 I'm sure, the transmission line. So there will  
9 certainly be a break or two before we get to the  
10 public testimony, so if you want to review things  
11 of the wind farm, that's why we require that the  
12 big maps be displayed for the public.

13 With that, I look forward to a good  
14 hearing. Thank you.

15 ALJ DAWSON: Commissioner Haugen-Hoffart.

16 COMMISSIONER HAUGEN-HOFFART: As the  
17 saying goes, they save the best till last; right?  
18 No.

19 Both of my colleagues said it very well.  
20 We are happy to be out here in the community that  
21 this siting case involves. And as I look across  
22 the room, it is so great to see the company have  
23 great representation. I see community members here  
24 from other organizations, the public. There are  
25 local leaders, legislators here. It is a great

1 showing to show that people care on what's going on  
2 in their community.

3 I look forward to a very productive day.  
4 We're all going to -- for some of us it might be a  
5 recap of information, but you as members here are  
6 going to learn a lot about what NextEra plans to do  
7 for this community, or their hopes, but it's also  
8 important that we hear from those who live here on  
9 your thoughts. So I look forward to hearing from  
10 each and every one of you that chooses to get up  
11 and speak. And like you, may we all enjoy our  
12 comfortable chairs.

13 ALJ DAWSON: Are there any preliminary  
14 matters or motions? Miss Furey.

15 MS. FUREY: Yes, Your Honor. Thank you.  
16 Last week we filed a proposed hearing exhibit list  
17 that was marked with proposed Hearing Exhibits 1  
18 through 20. All of those documents have been filed  
19 with the Commission. I've circulated this morning  
20 an updated hearing list. That hearing list doesn't  
21 include any additional documents. The only changes  
22 to that hearing list include the docket numbers for  
23 which the filings were submitted and are docketed  
24 in both cases. So it's just intended to be a  
25 further reference for everyone.

1 I have had the opportunity to consult with  
2 Mr. Johnson and Mr. Pranis regarding our exhibits  
3 and they did indicate that they would be willing to  
4 stipulate to the admission of Oliver Wind IV's  
5 Exhibits 1 through 20.

6 With that, I guess I would move for  
7 admission of Exhibits 1 through 20.

8 ALJ DAWSON: Unless there's an objection,  
9 I am going to mark and admit Exhibits 1 through 20.  
10 Hearing none, they're admitted.

11 MS. FUREY: Thank you, Your Honor. And I  
12 do just have a few additional items. I did want to  
13 note for the record that the notice of hearing for  
14 this proceeding was issued on December 13th. That  
15 notice does state the Oliver Wind IV filed a waiver  
16 application requesting waiver of certain statutory  
17 provisions and administrative rules and then goes  
18 on to list some issues that are to be considered as  
19 part of that waiver application.

20 To clarify, Oliver IV has not filed a  
21 waiver application, so I just wanted everyone to be  
22 on the same page regarding that matter. We did  
23 file a request that the proceedings be consolidated  
24 consistent with Commission precedent, but not an  
25 actual waiver application.

1           The third prelim matter that I'd like to  
2 address is that these hearing maps that are on  
3 display both for the transmission line and for the  
4 wind facility have been filed with the Commission.  
5 PDF copies were submitted. So these maps are the  
6 same hearing display maps that are filed in the  
7 docket and we are going to be referencing these  
8 maps throughout the hearing. They are referenced  
9 as the wind project map that's right -- on either  
10 side of you, Commissioners, is Hearing Exhibit 19  
11 and the transmission project map is Hearing Exhibit  
12 20.

13           The last prelim item that I have is our  
14 two witnesses did file prefiled testimony. That  
15 testimony is in the docket. Mr. Clay Cameron's  
16 prefiled testimony is Exhibit 11 and Dina Brown's  
17 prefiled testimony will be referenced as Exhibit  
18 12. And our intent this morning to be respectful  
19 of everyone's time is to not necessarily read  
20 through that prefiled testimony verbatim but to  
21 really hit the high points on that.

22           And with that, that concludes, Your Honor.  
23 Thank you.

24           ALJ DAWSON: Any other preliminary matters  
25 or motions?



1           It looks like we can go forward. Do you  
2           have any opening statement or a witness to call?

3           MS. FUREY: I have a witness to call, Your  
4           Honor. Mr. Clay Cameron.

5           ALJ DAWSON: Mr. Cameron.

6           MR. CAMERON: Good morning, Your Honor.

7           ALJ DAWSON: Good morning. I'm required  
8           by law to tell you the penalties for perjury in  
9           this state. Perjury is a Class C felony punishable  
10          by a fine of up to \$10,000 or a term of  
11          imprisonment of up to five years, or both.

12          Do you understand what perjury is and the  
13          penalties for it?

14          MR. CAMERON: Yes, Your Honor.

15          (Witness sworn.)

16          ALJ DAWSON: You may begin.

17          MS. FUREY: Thank you.

18                         **CLAY CAMERON,**

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

21   **EXAMINATION**

22          **BY MS. FUREY:**

23                 Q. Mr. Cameron, can you please introduce  
24                 yourself to the Commission?

25                 A. Yes. Clay Cameron, director of



1 development for NextEra Energy Resources. I am  
2 testifying on behalf of the applicant, Oliver Wind  
3 IV, LLC. Oliver Wind IV, LLC, is an indirect,  
4 wholly owned subsidiary of NextEra. In my role I  
5 oversee the development of the Oliver Wind IV  
6 Energy Center and the Oliver Wind IV transmission  
7 project.

8 Q. And can you please briefly describe your  
9 educational and professional background?

10 A. I studied business management at Louisiana  
11 State University. I hold a State of Florida  
12 general contractor's license. I have over 23 years  
13 of experience in project management including  
14 development and federal, state and local permitting  
15 of large construction projects across the country.

16 For the past 13 years with NextEra I've  
17 held various roles pertaining to project  
18 development, engineering and construction  
19 oversight. I have overseen the development of over  
20 500 megawatts of wind projects in North Dakota and  
21 Minnesota and managed construction of over a  
22 thousand megawatts of wind energy projects located  
23 in the U.S. and Canada.

24 Q. Have you testified before the Commission  
25 previously?

1           A.     Yes, I have testified as a witness before  
2     the Commission for other NextEra subsidiary wind  
3     projects in North Dakota including the Emmons-Logan  
4     and Northern Divide wind and transmission projects.  
5     I have also testified as a witness for NextEra in  
6     siting proceedings before other states' public  
7     utilities commissions.

8           Q.     And how many wind projects does NextEra or  
9     its subsidiaries operate in North Dakota?

10          A.     NextEra subsidiaries own and operate 15  
11     wind generation facilities in North Dakota with  
12     approximately 1,615 megawatts of generating  
13     capacity.

14          Q.     And are you familiar with Oliver Wind IV's  
15     siting application for a certificate of site  
16     compatibility and a certificate of corridor  
17     compatibility and route permit relating to the wind  
18     project and the transmission project?

19          A.     Yes.

20          Q.     And are these applications marked as  
21     Hearing Exhibits 1 and 2?

22          A.     Yes.

23          Q.     And to start, can you please provide a  
24     brief overview of the wind project?

25          A.     The wind project is a 200 megawatt

1 encompassing approximately 22,135 acres in Oliver  
2 County west of Center, North Dakota. The project  
3 consists of 73 primary turbines and three alternate  
4 turbine locations. We anticipate utilizing General  
5 Electric 2.82 megawatt turbines.

6 GE 2.82 megawatt turbines have a 292 foot  
7 hub height and a rotor diameter of approximately  
8 417 feet. The total height of the GE 2.82 turbines  
9 is approximately 500 feet from the base of the  
10 tower tip to the upright blade.

11 Oliver IV also requests the flexibility to  
12 use up to five GE 2.52 megawatt turbines. These  
13 are shorter turbines with a smaller rotor diameter  
14 that are available for NextEra to use on the wind  
15 project. The GE 2.52 turbines have a 295-foot hub  
16 height and a rotor diameter of approximately 381  
17 feet, with a total height of approximately 486 feet  
18 from the base of the tower tip to the upright  
19 blade.

20 Additional facilities associated with the  
21 wind project include one operation and maintenance  
22 building, one permanent MET tower and two aircraft  
23 detection lighting system radar systems.

24 Q. And can you please provide a brief  
25 overview of the transmission project?

1           A.     The transmission project is a 345 kilovolt  
2     19.5-mile-long electrical transmission line located  
3     in Oliver County and Mercer County.    The  
4     proposed -- it has a proposed 150-foot-wide  
5     corridor, approximately 121 pole structure  
6     locations ranging from 100 feet to 170 foot tall.  
7     The transmission line originates at the wind  
8     project's proposed collector substation in Oliver  
9     County and terminates at an interconnection with  
10    Basin Electric's new Leland Olds 345 kV substation  
11    that is currently under construction in Mercer  
12    County.

13           Q.     Thank you.   And did you submit prefiled  
14    testimony in the consolidated cases on January  
15    17th?

16           A.     Yes.

17           Q.     And do you have a copy of Exhibit 11 in  
18    front of you?

19           A.     Yes.

20           MS. FUREY:   And, Commissioners, I would  
21    just reference that Exhibit 11 is noted -- as noted  
22    in the hearing exhibit list for the wind facility,  
23    that's going to docket 20 and in the transmission  
24    case, which is PU-23-318, it's docketed as docket  
25    number 22, both the same document.

1 Q. (MS. FUREY CONTINUING) And, Mr. Cameron,  
2 is Exhibit 11 a true and accurate representation of  
3 what your testimony would be if you were to give it  
4 orally before the Commission?

5 A. Yes, it is except for a few minor updates  
6 and corrections that I will subsequently discuss.  
7 In my prefiled testimony at question 13, page 5, I  
8 discussed dropping original turbine number 35 and  
9 activating an alternate turbine location.  
10 Additionally, Attachment 1 to my prefiled testimony  
11 shows some changes to the site plan associated with  
12 the dropped turbine.

13 At the time we made this change, the  
14 adjacent landowner did not wish to sign a  
15 participation agreement. However, after my  
16 prefiled testimony was submitted, Oliver Wind IV  
17 was able to reach a participation agreement with  
18 this landowner, which is now pending final  
19 execution with that landowner. Therefore, Oliver  
20 Wind IV is no longer dropping turbine number 35 or  
21 activating the alternate location and the site plan  
22 will remain as reflected in the original  
23 application.

24 In my prefiled testimony at question 26,  
25 page 9, I discuss setbacks applicable to the



1 project, and I explained that the projects comply  
2 with all applicable local and PSC setbacks.

3 In my testimony I indicated that based on  
4 the GE 2.82 megawatt turbine, the distance to the  
5 nearest participating residence to a turbine is  
6 2,040 feet. This number was included in error.  
7 The nearest participating residence to a turbine is  
8 actually 1,711 feet.

9 Similarly, my prefiled stated that the  
10 distance to the nearest nonparticipating residence  
11 to a turbine is approximately 2,806. However, the  
12 distance to that nearest turbine -- nearest  
13 nonparticipating residence is actually 2,213 feet.

14 With these corrections, the projects  
15 continue to comply with all of the applicable local  
16 and Commission setbacks.

17 Q. Thank you. And so just to be clear, the  
18 prefiled testimony as a result of indicating that  
19 at the time the turbine number 35 was planned to be  
20 dropped, the intent at that time was then to  
21 activating an alt so there were -- it was stated in  
22 your prefiled that there was only then two proposed  
23 alternate turbines as a result; is that correct?

24 A. That is correct.

25 Q. But now the project has reverted back to



1 the three original alts?

2 A. That is correct.

3 Q. Thank you. And has Oliver Wind IV entered  
4 into a purchase power agreement for the wind  
5 project?

6 A. Yes. My prefiled testimony at question  
7 15, page 6, references Oliver Wind IV entered into  
8 two 15-year PPAs with Verizon. Just a minor  
9 clarification. Oliver Wind IV has one 15-year PPA  
10 with Verizon that was initially for 150 megawatts,  
11 but was later amended to include the project's  
12 remaining 50 megawatts.

13 Q. And are there any remaining clarifications  
14 you would like to make to your prefiled testimony?

15 A. Yes. Question 12 on page 5 of my prefiled  
16 testimony states Oliver Wind IV's point of  
17 interconnection for the wind project was originally  
18 located at the existing Basin Electric Leland Olds  
19 230 kV substation and was subsequently changed to  
20 the new Basin Electric Leland Olds 345 substation.

21 To clarify, the interconnection for the  
22 project was always intended to be at Basin's 345 kV  
23 substation. The location of Basin's new substation  
24 was changed. Originally Basin had planned to  
25 constructs its new 345 kV substation in proximity

1 to the existing substation. However, the location  
2 of the new substation shifted one mile south of  
3 that location. This is a minor point of  
4 clarification. It has no material impact on the  
5 project. However, I wanted to clarify the way the  
6 interconnect was described in my prefiled  
7 testimony.

8 Q. And with that, does that conclude the  
9 updates that you have to your prefiled testimony?

10 A. Yes.

11 Q. And does Oliver Wind IV have an  
12 interconnection agreement?

13 A. Yes. The Oliver Wind IV has an executed  
14 generator interconnection agreement with the  
15 Southwest Power Pool and Basin Electric. It's  
16 referenced as GEN-2016-130. Through the  
17 interconnection process, SPP and Basin Electric  
18 performed interconnection studies and confirmed  
19 that the project could be reliably interconnected  
20 to the grid, which is noted in the Facilities Study  
21 Report IFS-2016-002-21. Compared with other wind  
22 generation facilities in North Dakota, the project  
23 related system upgrades necessary to facilitate  
24 interconnection were very low at \$3.6 million.

25 Q. And what makes the wind project site a

1 good location for wind development?

2 A. The project area has an excellent wind  
3 resource and is close to a viable interconnection  
4 point to the grid. Additionally, the project has  
5 strong landowner and community support and is  
6 compatible with the existing land uses in the area.

7 Q. And can you please describe the history of  
8 the projects?

9 A. The wind project originated as a 400  
10 megawatt project concept developed by Red Butte  
11 Wind, LLC. The project was split into 200 megawatt  
12 projects to be developed separately. Oliver Wind  
13 IV consists of the northern portion of the Red  
14 Butte project. This is why some of the agency  
15 correspondence, earlier studies and other filings  
16 may refer to the Red Butte Wind project.

17 Q. Thank you. And can you please explain the  
18 status of land and easement acquisition for the  
19 projects?

20 A. Oliver Wind IV has obtained nearly all of  
21 the land agreements for the wind and transmission  
22 projects and is in the process of finalizing a few  
23 final agreements for each project. Oliver Wind IV  
24 expects to have the final agreements soon and most  
25 of the outstanding agreements have been delivered

1 to the landowners for execution.

2 For the wind project, final participation  
3 agreements are pending with five landowners.

4 For the transmission project, final  
5 participation agreements are pending with four  
6 landowners not including the Great River Energy and  
7 Basin Electric agreements. As I indicated in my  
8 prefiled testimony, Basin Electric and Great River  
9 Energy also own property along the transmission  
10 project. Both Basin Electric and GRE have sent us  
11 letters stating that they will execute agreements  
12 with Oliver Wind IV contingent on the PSC issuing  
13 the siting authorizations in this proceeding.

14 Q. And I'm going to direct your attention to  
15 Exhibits 5 and 6.

16 MS. FUREY: And, Commissioners, Exhibit 5  
17 with respect to the wind case, which is PU-23-317,  
18 that is the Great River Energy letter. That is  
19 documented in the wind case as docket number 20.  
20 Again, we're referencing it as Exhibit No. 5.

21 And then also, Mr. Cameron, with respect  
22 to Exhibit 6, that is the letter from Basin  
23 Electric with respect to the wind case, which is  
24 PU-23-317. That was also docketed as docket entry  
25 number 20.

1 Q. (MS. FUREY CONTINUING) Can I please have  
2 you turn to Exhibits 5 and 6. Are you there?

3 A. Yes.

4 Q. Great. Thank you. Are Exhibits 5 and 6  
5 copies of the notarized correspondence from GRE and  
6 Basin regarding the status of their agreements with  
7 Oliver Wind IV?

8 A. Yes. Basin Electric has indicated that  
9 they will execute an agreement upon the  
10 Commission's approval of the projects. The letter  
11 from GRE states that the easement agreement is  
12 expected within 30 days from October 18th, 2023.  
13 It is our understanding that GRE intends to execute  
14 the agreement once we have PSC approval for the  
15 projects.

16 Q. Thank you. And Oliver Wind IV submitted  
17 updated application Figure Nos. 5 for both projects  
18 which are maps depicting landowner participation --  
19 the landowner participation status for each  
20 project; is that correct?

21 A. Yes.

22 Q. Okay. And are those maps marked as  
23 Exhibits 17 and 18?

24 A. Yes.

25 MS. FUREY: Okay. And just for the



1 record, Commissioners, Exhibit 17 is in the wind  
2 case, PU-23-317, that's docket number 25. And the  
3 same for the updated Figure 5 in the wind case,  
4 that was also docketed as docket number 25.

5 Q. (MS. FUREY CONTINUING) And can I please  
6 have you turn to Exhibit Nos. 17 and 18. Do these  
7 figures accurately represent the current status of  
8 land and easement acquisition you just discussed  
9 for the projects?

10 A. Yes.

11 Q. Thank you. And has Oliver Wind IV secured  
12 local permitting from Oliver and Mercer Counties  
13 for the projects?

14 A. Yes. Oliver County approved both the wind  
15 and transmission projects' conditional use permit  
16 applications in December of 2023. Mercer County  
17 approved the transmission project's CUP application  
18 in November of 2023.

19 Remaining local agreements include Oliver  
20 County building and construction permits, road use  
21 and utility crossing agreements in both Oliver and  
22 Mercer Counties. These will be obtained and filed  
23 with the Commission prior to commencing  
24 construction in the areas for which said permit or  
25 authorization is required.

1           We recently became aware that Oliver  
2   County's CUP for the transmission project contains  
3   a typo stating that the right of way is 115 feet  
4   instead of the 150 foot that was included in the  
5   application. Oliver Wind IV will work with Oliver  
6   County to make the necessary corrections to the  
7   CUP.

8           Q.   And what entities will construct, own and  
9   operate the projects?

10          A.   Oliver Wind IV has engaged experienced  
11   engineering, procurement and construction  
12   contractors, Blattner Company, to construct the  
13   wind facility and Brink Constructors to construct  
14   the wind project substation and transmission  
15   project. NextEra subsidiaries have used Blattner  
16   and Brink on other North Dakota projects. Oliver  
17   Wind IV will own, operate and maintain the  
18   projects.

19          Q.   And what are the projects' estimated  
20   costs?

21          A.   The wind project is estimated to cost  
22   approximately 345 million and the transmission  
23   project is estimated to cost approximately 45  
24   million.

25          Q.   And what is Oliver Wind IV's proposed

1 timeline for construction and operation of the  
2 projects?

3 A. We expect construction to begin in May/  
4 June of 2024 with a commercial operation date of  
5 December of 2024.

6 Q. And if a landowner has concerns during  
7 construction, is there a process for addressing  
8 those concerns?

9 A. Yes. If a landowner has concerns, he or  
10 she can contact the construction manager during  
11 construction and the operations manager after  
12 construction. Oliver Wind IV will send mailers to  
13 landowners within the projects with contact  
14 information for the construction and operation and  
15 maintenance managers once that person is selected.

16 Q. And switching gears slightly, have you  
17 reviewed the testimony filed by LIUNA in this  
18 proceeding?

19 A. Yes, I have.

20 Q. And do you have a response to that  
21 testimony that was docketed in both cases?

22 A. Yes. We understand and appreciate LiUNA's  
23 advocating for the use of local labor. While our  
24 EPC contractors are responsible for hiring the  
25 construction labor for the projects, we commit that

1     our EPCs will hire as much local labor as possible.  
2     We agree with LIUNA that using local labor is good  
3     for the community. It's also good for the project  
4     because it reduces travel and expenses. We look  
5     forward to continuing to work with LIUNA on these  
6     projects.

7           Q.     After the projects are built, how will  
8     Oliver Wind IV monitor and maintain the projects?

9           A.     Oliver Wind IV will have an on-site O&M  
10    staff that will be responsible for the day-to-day  
11    project maintenance. We plan to hire five to eight  
12    long-term employees to operate and maintain the  
13    projects.

14                O&M field duties include performing all  
15    scheduled and unscheduled maintenance, including  
16    periodic operational checks and tests, regular  
17    preventative maintenance on all turbines, related  
18    plant facilities and equipment, safety systems,  
19    controls, instruments and machinery.

20                Oliver Wind IV will install a supervisory  
21    control and data acquisition system of the wind  
22    project. This system will provide continuous  
23    monitoring of the wind project. NextEra's field  
24    production and diagnostic control center located in  
25    Juno Beach, Florida, will monitor the project 24

1 hours a day, seven days a week.

2 Q. And what steps will Oliver Wind IV take to  
3 ensure emergency preparedness for the project and  
4 for the surrounding community?

5 A. The projects will have an emergency  
6 response plan that governs reporting and response  
7 procedures in the event of an emergency. The ERP  
8 will be shared with local emergency response teams  
9 for review and comment, and training will be  
10 coordinated as necessary.

11 Oliver Wind IV personnel will be trained  
12 annually on emergency equipment use, emergency  
13 response and first aid procedures.

14 NextEra has a history of working with  
15 Oliver County for emergency preparedness for wind  
16 projects. There are three existing wind facilities  
17 in Oliver County. Training was provided to local  
18 emergency responders in the past for these projects  
19 and ERPs were developed. Oliver Wind IV has had  
20 preliminary discussions with the county regarding  
21 the ERP for the Oliver IV project.

22 During construction, the EPC contractors,  
23 Blattner and Brink, will coordinate the ERP.  
24 During operations, the projects' O&M manager will  
25 continue coordination of the ERP with local



1 responders.

2 Q. Has Oliver Wind IV engaged in any outreach  
3 with the public in the project areas?

4 A. Oliver Wind IV undertook significant  
5 outreach with the public, landowners and agencies  
6 throughout the history of the projects. Oliver  
7 Wind has hosted multiple landowner dinners and  
8 informational meetings. Oliver Wind IV has worked  
9 closely with county officials. We have other  
10 operating wind farms in Oliver County so we have a  
11 history of working with Oliver County on these  
12 projects.

13 Oliver Wind IV also met with landowners in  
14 and around the projects on various occasions and  
15 has worked with landowners to avoid or minimize  
16 impacts on their property to the extent  
17 practicable.

18 Oliver Wind IV had numerous community  
19 members, businesses and organizations submit  
20 letters of support during the Oliver County  
21 permitting process.

22 Q. And can you please briefly describe the  
23 economic benefits of the projects?

24 A. The project will have positive economic  
25 impacts for the local population, including lease

1 and royalty payments for participating landowners,  
2 new employment opportunities and property and sales  
3 tax revenue.

4 Oliver Wind IV estimates the projects will  
5 provide approximately \$37 million in tax revenue to  
6 Oliver and Mercer Counties over the life of the  
7 project. The projects will also provide over \$30  
8 million in payments to participating landowners  
9 over the life of the projects.

10 These revenues and landowner payments are  
11 also expected to benefit the local economy through  
12 reinvestment in local goods and services.

13 During the multi-year period spent  
14 developing the projects, Oliver Wind IV hired local  
15 environmental and cultural resource consultants to  
16 perform the surveys and studies necessary to site  
17 the projects.

18 Oliver Wind IV has also undertaken a  
19 number of efforts during the projects' development  
20 to support and engage with the local community and  
21 educational organizations, including through  
22 donations to local schools, youth organizations,  
23 extracurricular programs, sports teams,  
24 county-sponsored events and programs, and various  
25 county departments such as local volunteer

1 emergency responders.

2 The projects are expected to create  
3 approximately 300 construction jobs at the peak of  
4 construction.

5 Oliver Wind IV's contractors plan to host  
6 job fairs for the project that may provide  
7 opportunities to local workers.

8 Additionally, the projects will also  
9 create five to eight permanent full-time local  
10 operation and maintenance jobs.

11 Q. And will the wind project be equipped with  
12 an operating aircraft lighting detection system at  
13 the time of the project's operation?

14 A. Yes.

15 Q. And has Oliver Wind IV received all  
16 necessary FAA approvals for the wind facility and  
17 for installation of the ADLS?

18 A. Yes. Oliver Wind IV has received  
19 determinations of no hazard for the wind turbines  
20 and the MET tower locations.

21 Oliver Wind IV has submitted site-specific  
22 approvals to the FAA for the installation of the  
23 ADLS radar. After the initial submission, one of  
24 the ADLS tower locations shifted slightly and the  
25 location is pending approval by the FAA. We

1 anticipate receiving approval prior to  
2 construction.

3 Q. And if Oliver Wind IV subsequently elects  
4 to utilize the potential five GE 2.52 megawatt  
5 turbines that you previously referenced, will this  
6 affect the status of FAA approvals for the wind  
7 project?

8 A. If Oliver Wind IV chooses to utilize these  
9 five turbines, it will not affect the FAA approvals  
10 as the DNHs that were received were for the larger  
11 GE 2.82 turbines.

12 Q. And are you familiar with the Commission's  
13 rules governing decommissioning of wind facilities?

14 A. Yes.

15 Q. And will Oliver Wind IV comply with the  
16 Commission's decommissioning requirements?

17 A. Yes.

18 Q. As part of these requirements, will Oliver  
19 Wind IV place a construction phase decommissioning  
20 financial assurance with the Commission prior to  
21 beginning construction?

22 A. Yes.

23 Q. And will Oliver Wind IV also file a  
24 proposed decommissioning plan and operational phase  
25 decommissioning financial assurance with the

1 Commission prior to facility operations?

2 A. Yes.

3 Q. Does Oliver Wind IV agree to comply with  
4 the Commission's certification relating to order  
5 provisions for both projects?

6 A. Yes. Oliver Wind IV agrees to comply with  
7 the Commission's certification provisions for both  
8 projects. Certifications executed by an authorized  
9 representative of Oliver Wind IV have been filed  
10 with the Commission labeled as Exhibits 13 and 14.

11 Q. Thank you. And in your opinion, will the  
12 projects' location and operation produce minimal  
13 adverse impacts while ensuring continuing system  
14 reliability and ensuring that energy needs are met  
15 and fulfilled in an orderly and timely fashion?

16 A. Yes.

17 Q. And does this conclude your direct  
18 testimony?

19 A. Yes.

20 MS. FUREY: Thank you.

21 ALJ DAWSON: Mr. Pranis, do you have any  
22 questions for this witness?

23 MR. PRANIS: No, Your Honor.

24 ALJ DAWSON: Mr. Johnson?

25 MR. JOHNSON: Just a couple.



**EXAMINATION**

**BY MR. JOHNSON:**

Q. To clarify, for the ADLS system, the radar towers are separate from any other existing wind projects? It's going to be standalone for this project?

A. That is correct.

Q. Okay. And as far as issues that the PSC sees for complaints on wind projects, they're generally sound and shadow flicker. Does the company have avenues or methods to address sound complaints or shadow flicker?

A. Yes. As I stated in my testimony, the O&M operations facility that is the location that if anything arises after commercial operations, that can be filed with the O&M -- the O&M manager at that location.

Q. Sure. And are you aware of what methods are used to mitigate -- let's start with the sound. What's used to mitigate a sound complaint? Is there any technology that can be used or how does that work?

A. Can you repeat your question? I'm sorry.

Q. Sure. If you would receive a complaint about noise from a landowner, participating or not,

1 is there methods that you guys can use to reduce  
2 sound or how do you guys address those?

3 A. Yeah, there is a process that we go  
4 through to -- to address the situation. We review  
5 the situation with that landowner. Sometimes it's  
6 a maintenance issue. If it's related to a sound,  
7 it could be a maintenance issue, so we'll have to  
8 do a full check -- our operations staff will do a  
9 full check to determine exactly what the issue is  
10 causing that sound issue and then figure out what  
11 an applicable plan is to solve that issue.

12 Q. And I would assume the same for shadow  
13 flicker?

14 A. Yeah, the same with shadow flicker.  
15 Correct.

16 MR. JOHNSON: No further questions at this  
17 point.

18 ALJ DAWSON: No questions? Commissioner  
19 Fedorchak.

20 **EXAMINATION**

21 **BY COMMISSIONER FEDORCHAK:**

22 Q. Thank you, Clay. So a few things. On --  
23 let's start with the maps in the layout. I'm  
24 looking at Figure -- Figure 5 of the application,  
25 participating landowners. Do you have that one out

1       there?

2           A.     Is it the wind farm map?

3           Q.     It's the wind farm map, Figure 5 in the  
4       application.

5           A.     Figure 5. I'm sorry.

6           MS. FUREY: Commissioner Fedorchak, there  
7       was an updated Figure 5 that was submitted  
8       recently.

9           COMMISSIONER FEDORCHAK: Where would I  
10      find that?

11          MS. FUREY: That would be in the hearing  
12      exhibit binder that we provided for you, so the  
13      small --

14          COMMISSIONER FEDORCHAK: Which one? Yep.  
15      Which page?

16          MS. FUREY: It's Exhibit 17.

17          Q.     (COMMISSIONER FEDORCHAK CONTINUING) 17.  
18      Okay. So what I liked about Figure 5 was it showed  
19      the participating landowners, like anticipated, so  
20      those are -- okay. So those are the final  
21      agreements pending. There isn't any other  
22      participation -- like aside from the checkered or  
23      the hashed ones on the new map, updated Figure 5,  
24      you don't anticipate additional folks coming  
25      onboard?

1           A.     Commissioner, there may be a couple of  
2 people that could come forward. We are working  
3 with a couple of landowners that were not  
4 originally in the project for a participation  
5 agreement. We reached out to them and we are  
6 meeting with them, a couple of those folks, this  
7 week actually.

8           Q.     Okay. So it looks like based on the  
9 original map, you have converted quite a few of the  
10 ones that you're anticipating. Okay. That's good.  
11 But the ones that are on this map, you feel -- when  
12 you say pending, what do you mean? Is that -- how  
13 should we interpret that?

14          A.     I'm sorry. I couldn't hear the question.

15          Q.     When you say the final agreement is  
16 pending --

17          A.     Yes. They are in for -- they are out for  
18 signature with that landowner. That's what I mean  
19 by "pending."

20          Q.     Okay. So you think it's -- should we  
21 interpret that as 90 percent likely?

22          A.     I would say so, Commissioner, yes. Yeah.

23          Q.     Okay. All right. So you're pretty  
24 certain that those are going to come through?

25          A.     Yes.

1 Q. Is it echoey?

2 A. It is.

3 Q. It is really echoey. Is that the room or  
4 is that -- okay. Sorry. I'm going to have to --  
5 wonder if it would be better if I wasn't using the  
6 mike. Okay. Well, we'll have to just plow  
7 through.

8 On the map, Figure 1 -- let's see. On  
9 section 15 of the exhibit -- exhibit list, it's a  
10 project overview receptor detail. Do you have  
11 that?

12 A. I don't see a Figure 1 -- Exhibit 1.

13 MS. FUREY: Commissioner, are you  
14 referencing Exhibit 17? Is that the map that's  
15 associated with --

16 COMMISSIONER CHRISTMANN: It's in Exhibit  
17 25.

18 MS. FUREY: Oh, excuse me. Exhibit 15,  
19 the map that's associated with the shadow flicker  
20 and acoustic assessment.

21 COMMISSIONER FEDORCHAK: On this 15 of the  
22 exhibit binder.

23 MS. FUREY: That's it. Mr. Cameron, can  
24 you please turn to Exhibit 15, the map that's  
25 included. You've got it; right, Clay?



1 THE WITNESS: Yes.

2 Q. (COMMISSIONER FEDORCHAK CONTINUING) So  
3 when I look at this square -- or this map, I'm most  
4 concerned about the blue circles -- the blue and  
5 white circles that are receptors from a  
6 nonparticipating parcel. Are any of those -- it's  
7 too hard for me to tell and to do the comparison.  
8 Are any of those in the areas that you're expecting  
9 participation?

10 A. No, Commissioner. I believe those are  
11 located outside of the boundary, but if they do  
12 come forward with some type of participation, we  
13 could work with some of those, but we have not to  
14 date.

15 Q. Well, I'm not as worried about the ones  
16 that are outside the boundary, but there are two in  
17 the boundary.

18 A. Yes. So the ones within the boundary,  
19 yes.

20 Q. R097, bottom center kind of with 44  
21 decibels sound.

22 A. Yes, we will work with that landowner if  
23 they come forward with a participation.

24 Q. Are they one of those that you're just  
25 about to sign?

1           A.    I believe so, Commissioner.  I don't  
2   have -- unfortunately, I don't have the names.  I  
3   could get back to you on that.

4           Q.    Okay.  What about the one on the top?

5           A.    Which?

6           Q.    The top center.  It's U145.  Are they also  
7   in negotiations to participate?

8           A.    Yes, I believe that is one of them that  
9   we're working with as well.  I will confirm that,  
10   though, after I just meet with the team to figure  
11   out what the -- the name associated with that  
12   receptor is, if that's acceptable.

13          Q.    Sure.  It doesn't look like it if I'm  
14   comparing the maps correctly, but, yeah, I would  
15   like to know.  Because those both have 40 --  
16   they're 44 dBA.  It's right on the edge of being  
17   compliant.  So I'm interested in their status as  
18   participants.

19                   And then also outside of that, one thing  
20   you didn't mention with Mr. Johnson is the blades  
21   that have the -- the special blades.  They have  
22   some sort of a flare on them that help mitigate  
23   noise.  Are you using those throughout this?

24          A.    Yes.  I believe you're referring to LNTE  
25   blades.  Is that the technical --

1 Q. I'm not sure of the technical term.

2 A. Yeah, it's called low-noise trailing edge,  
3 is what it's called.

4 Q. Yes.

5 A. Yes, we are using those a hundred percent.

6 Q. The whole project has them?

7 A. That's correct.

8 Q. So aside from that, what are your options  
9 for mitigating sound? Turning them off?

10 A. Yeah, they could be curtailed. There is a  
11 software available that GE has that could be used  
12 as well. We could also reduce them to a --  
13 somewhat of a lower performance output that would  
14 also limit the sound as well. It's called NRO.

15 Q. What was that one?

16 A. NRO is what it's referred to in GE world.

17 Q. Okay. That's good to see that they're  
18 coming up with new technologies to help mitigate  
19 some of these issues.

20 Do you have a -- is there any sort of a  
21 measure for how much of a difference those -- give  
22 me the acronym again -- the LRT.

23 A. LNTE.

24 Q. LNTE. How much -- is there a measurement  
25 for how much you can expect the noise to be reduced

1 with them?

2 A. I'm not aware of that, but I do believe we  
3 have people here that could answer that if that  
4 would be acceptable.

5 Q. Or maybe the next witness can have that.  
6 She's going to talk about some of this stuff.

7 A. Correct.

8 Q. Yeah. All right. So zooming out a little  
9 bit more, from a global perspective on this  
10 project, how long have you guys been working on  
11 this one?

12 A. Commissioner, I've been working on this  
13 project for about seven years now.

14 Q. Seven years. Okay.

15 A. Correct.

16 Q. What have been the biggest challenges or  
17 what have been some of the challenges along the  
18 way?

19 A. I think the biggest challenge was -- it  
20 wasn't anything from a land perspective or an  
21 interconnection perspective. It was just finding a  
22 right customer for the project. We've been  
23 marketing this project for quite some time as well.  
24 And it was just based on economics.

25 Q. I see. Is the new -- is the new federal

1 PTCs helped -- has that helped this?

2 A. This project will receive a hundred  
3 percent PTCs from the recently passed IRA, yes.

4 Q. And are those higher than they were in  
5 terms of the dollar value or the amount per  
6 megawatt that you get?

7 A. Yeah, I think the current IRA is .5 cents  
8 a megawatt-hour -- or kilowatt-hour, I'm sorry, and  
9 it's for the first ten years of production where  
10 you receive those. There are some other benefits  
11 in the IRA that were incrementally more tax  
12 benefits if you -- prevailing wage -- if you use  
13 prevailing wage, domestic content for most of the  
14 material that's sourced, there is some incremental  
15 increase in that production tax.

16 Q. Okay. So Verizon is the offtaker. Is  
17 that the same Verizon that we all know as in the  
18 cell phone?

19 A. That is correct.

20 Q. Why are they in this business?

21 A. As you might be aware, Commissioner, a lot  
22 of companies, such as Verizon, Google, Amazon, are  
23 purchasing commercial contracts such as this one  
24 with us. It was -- it was the right time, I guess,  
25 for them. It is our first commercial contract with



1 a nonutility customer in the State of North Dakota.  
2 They felt like they had a need for -- to purchase  
3 this power to fulfill their net zero carbon goals  
4 by a certain date. So that's why we chose to sign  
5 them up on this particular project.

6 Q. And they'll sell it then? They'll market  
7 this power into SPP?

8 A. I don't know what -- I can't divulge --

9 Q. I mean, they can't use it?

10 A. I'm sorry?

11 Q. They're not going to use it right here?

12 A. I don't -- I'm not sure how it works in  
13 their world.

14 Q. I can't think of a facility they have here  
15 that would use this much power.

16 A. Oh, Verizon is a big employer in the State  
17 of North Dakota. Right. They have a big --

18 Q. Right. But they sell phone service.

19 A. The best cell phone service, in my  
20 opinion.

21 Q. So you don't know if they are reselling  
22 this to somebody else?

23 A. I don't. I don't have the terms. I can't  
24 disclose any of those terms.

25 Q. Sure. All right. Interesting. Let's see

1 here.

2 Back to the process here. So what about  
3 your -- the local process, getting the permits from  
4 the county. It looks like you didn't have any  
5 people who voted against it. Was that a pretty  
6 smooth process? Was there much public engagement  
7 in the local process or involvement or opposition?

8 A. We -- we encountered no opposition in both  
9 Mercer and Oliver County during the conditional use  
10 permit process. The last seven years I think the  
11 landowners have been very supportive of this  
12 project. They've been very patient as well. They  
13 were happy to hear that, you know, we're in the  
14 final steps of making this project a reality for  
15 them. And we've had, like I said, just an  
16 overwhelming support from the local communities.

17 Q. Okay. What do you expect the capacity  
18 factor to be here? The capacity factor, what are  
19 you anticipating?

20 A. It's right around -- I can get the exact  
21 number if you want. It's right around mid -- mid  
22 to high 40s.

23 Q. Okay. And have you looked at or are you  
24 exploring the possibility of adding batteries to  
25 this facility or any of yours around here?

1           A.     It's a possibility. We haven't  
2 specifically looked at it for this project, but  
3 every project is an option to be able to do that,  
4 even -- and some of our operating projects as well.

5           Q.     What are the factors that dictate whether  
6 you would or wouldn't do that?

7           A.     It's just a matter of looking at both the  
8 economics and, you know, if the offtaker -- the  
9 current offtaker of those projects is willing to  
10 allow that and if it makes sense.

11          Q.     Okay. Have you talked to the locals at  
12 all or did you talk about that being a possibility  
13 in your local discussions?

14          A.     We've had some initial conversations about  
15 that.

16          Q.     In which --

17          A.     Nothing finalized yet.

18          Q.     Would you have to go back for another  
19 permit for those?

20          A.     Yes, I believe we would have to go back  
21 for an amended permit and then come before you as  
22 well --

23          Q.     Right.

24          A.     -- for another permit so --

25          Q.     Yep. Okay. How are you guys dealing with

1 the non- -- the participating landowners that don't  
2 have a turbine on their site?

3 A. Can you repeat the question, please?

4 Q. Sure. How are you dealing with the  
5 participating landowners that don't host a turbine?

6 A. They -- if they participate in the  
7 project, they do get some form of compensation as  
8 well for participating for the life of the project.

9 Q. And is that -- did you offer everybody  
10 within the footprint those opportunities to  
11 participate?

12 A. Yes, we did. Correct.

13 Q. And those are for the life of the project  
14 as well, not just a one-time payment?

15 A. That is correct.

16 Q. I noticed on the transmission line the --  
17 and maybe there's an updated one that I haven't  
18 found yet or been able to get through. But on the  
19 transmission line there was a fair number of  
20 easements still required and I think you were  
21 updating us earlier on in the hearing, but I was  
22 looking at something else and I might have missed  
23 that. So can you repeat what the status is of the  
24 easements for the transmission line?

25 A. Sure, Commissioner. We have ten parcels

1     that we're still -- are outstanding and not signed,  
2     and those are four -- those are owned by four  
3     different landowners.

4             Q.     And what do you --

5             A.     That does not include the GRE or Basin  
6     parcels, though.

7             COMMISSIONER FEDORCHAK:    Sure.   Casey, I  
8     saw that map somewhere, but now I can't remember  
9     where it was with the outstanding parcels on the  
10    transmission line.   Could you --

11            MS. FUREY:   Yeah.   It's Exhibit 18.

12            Q.     (COMMISSIONER FEDORCHAK CONTINUING)   There  
13    we go.   So then these are still outstanding -- all  
14    of these?

15            A.     That's correct.

16            Q.     That seems like a decent amount on this  
17    relatively short line.

18            A.     Yeah.   A couple of these agreements were  
19    expired, they ran out of the option period, so we  
20    had to re-sign them.   And then some of them were --  
21    there was some conflicting agreements that were  
22    bundled up with Red Butte as well so we had to  
23    change over to some of those agreements so --

24            Q.     Okay.   So you anticipate getting all of  
25    these?



1 A. Yes, we do.

2 Q. Okay. And what would you do if you don't?

3 A. I guess we don't have a project. There's  
4 no issues with getting these remaining agreements  
5 signed.

6 Q. All right. I think only two more  
7 questions. Do you anticipate any winter  
8 construction at all?

9 A. I'm sorry?

10 Q. Do you anticipate any winter construction?

11 A. No. If you approve this project, we  
12 should hopefully start in May or June of this year  
13 and be completed by December.

14 Q. Okay. Do you have a date certain where  
15 you have to start delivering power to the -- to  
16 Verizon?

17 A. Yes, we do. January 1, 2025.

18 Q. Okay. All right. And then my last  
19 question for now is, on the tree and shrub plan I  
20 notice you're going to be limiting a decent number  
21 of windbreaks -- trees and windbreaks, old farm  
22 windbreaks. Do you -- are you aware of and have  
23 you looked at the Commission's newer tree and shrub  
24 plan that is less prescriptive and more focused on  
25 outcomes versus like counting every tree and

1 replacing it and, you know, testing it every year  
2 to see if it's alive? Are you aware of our newer  
3 tree and shrub plan?

4 A. I'm aware of that, Commissioner, but I  
5 would defer to my colleague --

6 Q. Okay.

7 A. -- Dina Brown, to be able to discuss that  
8 in more detail.

9 Q. To talk about how you guys plan your  
10 vision for --

11 A. Correct.

12 Q. -- mitigating a tree?

13 COMMISSIONER FEDORCHAK: Okay. That's it  
14 for me. Thank you.

15 THE WITNESS: Thank you.

16 ALJ DAWSON: Commissioner Christmann.

17 **EXAMINATION**

18 **BY COMMISSIONER CHRISTMANN:**

19 Q. Yeah, I want to reflect to this map that  
20 Commissioner Fedorchak was talking about that in  
21 our stuff is Figure No. 1, docket 25 at one point.  
22 I don't know what other dockets.

23 MS. FUREY: Commissioner, is that the map  
24 that's associated with the consolidated shadow  
25 flicker and acoustic assessment tables that have

1 all the receptors on it?

2 COMMISSIONER CHRISTMANN: Yes.

3 MS. FUREY: Okay. That's Exhibit 15. The  
4 map with 15.

5 Q. (COMMISSIONER CHRISTMANN CONTINUING) So  
6 in the previous questioning residence R97 was  
7 mentioned. I'd like to add to that list -- there's  
8 probably others in here, too, but another one that  
9 just jumps out at me, about two miles further east  
10 of that is residence R101 that is really surrounded  
11 here, too. That one is actually at 45 decibels. I  
12 find it concerning. That's really tight for having  
13 the turbines that close.

14 A. Commissioner, we can get you the update on  
15 that when we get Commissioner Fedorchak's updates  
16 as well. If that's acceptable.

17 Q. Please add that.

18 A. Okay.

19 Q. Then the other one that she talked about I  
20 also had a question on but just a slightly  
21 different question. She talked about kind of  
22 straight up from that number 97 there is U145. Do  
23 you see that one?

24 A. Yes, I see it.

25 Q. So when I look through the tables and --

1 Table 1 is the participating landowners, it's about  
2 a page and a quarter. I don't know how many there  
3 are, probably 40 or 50. They're all listed as R  
4 then a numeral except for that one is U. Is there  
5 something that you're sorting out differently there  
6 or why is that?

7 A. Mr. Chairman, if I could defer to my  
8 colleague, Dina, to be able to give you specifics  
9 on the shadow flicker table, if that's acceptable.

10 Q. And then my other questions on shadow  
11 flicker and stuff will be for Dina?

12 A. That is correct.

13 Q. Then from the application more -- well,  
14 first of all, if I was keeping up quickly enough,  
15 would you repeat the numbers that you gave for the  
16 cost of the two projects. I believe they were  
17 different than the application, but maybe I  
18 misunderstood you.

19 A. Well, the total cost is \$390 million. And  
20 I believe -- if it's not correct in the  
21 application, I'm not --

22 Q. I think you said something different. In  
23 the application I had 316 and 43 and that would  
24 only be -- not even 360.

25 A. Yeah, the application was filed with a

1 different number in there because there were some  
2 cost true-ups on the total capital costs for the  
3 project. That's why the difference is -- it's a  
4 little higher.

5 MS. FUREY: And just if I may state for  
6 the record that as a result of the updated  
7 estimated cost for the project, it did not affect  
8 the filing fees that were submitted to the  
9 Commission for the wind project because they were  
10 capped out at both maxes. But Oliver Wind IV did  
11 subsequently increase its administrative filing fee  
12 for the transmission line as a result of that  
13 update and so that was filed with the Commission.

14 Q. (COMMISSIONER CHRISTMANN CONTINUING)  
15 Outside of the fees, so what is the estimated cost  
16 of the conversion facility and the estimated cost  
17 of the transmission facility?

18 A. The estimated cost for the wind project is  
19 345 million.

20 Q. 3-4-5?

21 A. Yes, sir. Then the transmission line is  
22 45 million.

23 Q. Now, in going through the application,  
24 some things that I wasn't clear on. 22,291 acres,  
25 is that the acreage of this conversion facility map



1 alone or does that include the acreage of the  
2 corridor for the transmission line?

3 A. I'd have to get a clarification, but I  
4 believe that is for the entire projects.

5 Q. You didn't sound real sure of that so  
6 we're going to clarify that later?

7 A. Yes, sir. My apologies. The wind project  
8 encompasses 22,135 acres. We don't -- we don't  
9 list with the transmission line. We'll have to  
10 provide that number.

11 Q. So what did you say the conversion is?

12 A. 22,135.

13 Q. Okay. That's really what I wanted to  
14 know.

15 And then another thing, I just wanted to  
16 make sure that I heard you right. In the  
17 application it said that you had a power purchase  
18 agreement with Verizon for 150 megawatts out of the  
19 200. You said now that's changed and it's for the  
20 full 200?

21 A. That is correct. It was an amendment to  
22 the original PPA.

23 Q. And I guess I'm going to ask, I think, the  
24 same questions as Julie had. Correct me if I'm  
25 wrong, Verizon is not building any facilities here,

1 they don't need this energy and this line, they're  
2 essentially just greenwashing themselves to get  
3 environmental activists off their backs; correct?

4 A. I don't like the term greenwashing, but --  
5 I mean, this is -- you know, this is happening all  
6 over the country where companies, large  
7 corporations, municipalities, universities are  
8 purchasing these type of commercial transactions.

9 Q. I do like the term because I think it's a  
10 pretty accurate description. But so now for them  
11 to greenwash, or whatever term you would prefer,  
12 they're going to be adding -- they and you are  
13 going to be adding 200 megawatts into this  
14 transmission system into the SPP region and they're  
15 not adding any facility that is going to use that  
16 so in essence whenever it's windy, you and they  
17 will be adding 200 megawatts of subsidized energy  
18 that will displace nonsubsidized energy on the  
19 market except for when the demand is real high?

20 A. Commissioner, I appreciate that question  
21 or comment, but I am not aware of this project, you  
22 know, displacing anything on the existing system.  
23 As I stated, the interconnection costs were quite  
24 low for -- historically in North Dakota at \$3.6  
25 million. Other projects have had significant

1 interconnection costs that may affect what you just  
2 spoke about. I can't speak for SPP or Basin. They  
3 provided the studies that allowed for this  
4 generation interconnection at the 345 substation  
5 that Basin is building.

6 Q. That's sort of the way the nation has set  
7 up the grid, kind of we'll take all we can get and  
8 it drives down the costs, but for the ones who  
9 aren't getting the subsidies, after they operate  
10 long enough without being able to sell their power  
11 a vast amount of the time, they close. So that was  
12 my point there, but I think it's clarified.

13 In the application you say you're seeking  
14 a certificate for the project area, not specific  
15 sites; is that correct?

16 A. Correct.

17 Q. Like on the transmission line, as we do  
18 all electric transmission lines and pipelines,  
19 there's a corridor that the applicant gets that is  
20 their easement and they can work on it and stuff  
21 and then within that is a route where the  
22 transmission line goes; correct?

23 A. That is correct.

24 Q. But on the wind farm you're seeking for  
25 approval of this whole footprint, not just where

1 the turbines are located on the map today; correct?

2 A. Correct.

3 Q. I know we've been doing it this way, but  
4 recent cases and feedback and the wind turbine --  
5 the western side of Oliver County that we ended up  
6 with days of hearings and ended up having to be  
7 removed is really causing me concerns about this  
8 whole certification -- or this whole siting process  
9 where we approve the whole footprint as opposed to  
10 the footprint as kind of a corridor, put some  
11 constraints on where you can move them. I'm  
12 concerned about people thinking that this is --  
13 landowners looking at the map and thinking, Oh,  
14 where they're putting that, that's not going to  
15 inconvenience me, but really you could move that  
16 anywhere on here. And so what would you think of  
17 adjusting this a little bit to where these need to  
18 be within some reasonable distance from where it's  
19 been laid out for the public?

20 A. Commissioner, are you talking about  
21 specific turbine locations in the collection and  
22 roads -- and access roads, like relocating them?

23 Q. Correct.

24 A. Well, we've done a pretty extensive siting  
25 process, right, that avoids any kind of -- you

1 know, we adhere to the setbacks for the turbine  
2 locations with -- also with the collection and the  
3 access roads. I don't think there's an opportunity  
4 to move anything. We also have -- from other  
5 projects that we've come before you for the siting,  
6 we've kind of carved out a lot of -- you know, at  
7 one point this boundary was quite large that  
8 encompassed a lot of land. We have learned over  
9 the years of developing projects to carve out some  
10 of the land that's not needed, so I think we're in  
11 a pretty good spot right now. I don't think  
12 there's anything else that we could carve out.

13 Q. So then would you be amenable to making  
14 this site specific instead of project area?

15 MS. FUREY: Commissioners, our  
16 understanding that if Oliver Wind IV intended to  
17 move any turbine locations, that that would  
18 otherwise implicate additional filing requirements  
19 and potentially even notice requirements to the  
20 public depending upon the extent of the changes to  
21 the project.

22 Q. (COMMISSIONER CHRISTMANN CONTINUING)  
23 Okay. You mentioned -- and I guess this is more so  
24 about the transmission line than the wind farm, but  
25 really both because you said you're still getting



1 some easements and you mentioned that you saw no  
2 issues with the outstanding easements. But in the  
3 application it said that you expected the easements  
4 to be completed in October of 2023, which tells me  
5 that you probably felt the same way six months ago.  
6 And so what's the difference here? Why didn't you  
7 meet that original goal by not just a few weeks but  
8 for four months now?

9 A. Commissioner, I believe that was more for  
10 the GRE agreement. We've got already verbal --  
11 we've already worked through all the process with  
12 Great River Energy to obtain that agreement with  
13 them.

14 Q. Well, this was beyond GRE.

15 A. I don't recall that specific information  
16 about obtaining the other land -- private landowner  
17 agreements by October.

18 Q. In Schedule 1.6 in your application you  
19 have a chart and, for instance, it shows starting  
20 construction, May of 2024; completing land  
21 acquisition, October of 2023.

22 A. I guess that was a pretty aggressive goal  
23 for us, but I'm not anticipating any issues with --  
24 like I told Commissioner Fedorchak, the agreements  
25 have already been negotiated. We're just waiting

1 on a final signature from the landowner.

2 Q. Do you have the original application?

3 A. The chart?

4 Q. Would you go to page 1-7, please.

5 MS. FUREY: Is this in the wind  
6 application?

7 COMMISSIONER CHRISTMANN: Pardon me?

8 MS. FUREY: Is this the wind application?

9 COMMISSIONER CHRISTMANN: Yes.

10 MS. FUREY: Exhibit 1. It will be the  
11 wind application binder.

12 Q. (COMMISSIONER CHRISTMANN CONTINUING) Page  
13 1-7.

14 A. Is it Exhibit 1?

15 Q. Section 1, yes.

16 A. Section 1. I'm sorry.

17 Q. Do you got it?

18 A. Yes, sir.

19 Q. Okay. In section 1.9, present and future  
20 natural resource development, go down to that third  
21 paragraph.

22 MS. FUREY: Commissioner Christmann, can I  
23 just ask a question clarifying? I'm in the  
24 application for the wind energy facility and I'm on  
25 -- it doesn't look like this one has a section 1.9.

1 Can I just ask, what is the Bates stamp?

2 COMMISSIONER CHRISTMANN: 1.8.

3 MS. FUREY: Oh, 1.8.

4 COMMISSIONER CHRISTMANN: If I said 9, I  
5 apologize.

6 MS. FUREY: Just to make sure, are we on  
7 the same page? On the bottom right-hand corner is  
8 there a Bates stamp that says 000013?

9 COMMISSIONER CHRISTMANN: Yes.

10 MS. FUREY: Okay. Thank you.

11 Q. (COMMISSIONER CHRISTMANN CONTINUING) In  
12 the third paragraph you say, The Beulah Mine mines  
13 approximately 2.9 million tons of coal annually, it  
14 supplies the Coyote Station south of Beulah in  
15 Mercer County and the Heskett Station north of  
16 Mandan. And I don't know what the parentheses mean  
17 "Commission 2015." Is it your understanding that  
18 those numbers are right?

19 A. I'd have to confirm that, Commissioner,  
20 with the team. I'm --

21 Q. I'm just pointing this out. It concerns  
22 me with your application that you've been working  
23 on for six or seven years because that mine hasn't  
24 been supplying the Coyote Creek plant since 2016  
25 and Heskett is torn down and hasn't been serving

1 that for years. It concerns me with your  
2 thoroughness, we'll tell you that. So you can  
3 respond to that if you like. I'll move on.

4 On the next page you mention there are  
5 parts of seven wind farms in Oliver County and 147  
6 wind turbines; correct?

7 A. Correct.

8 Q. And three of them are operated by NextEra  
9 subsidiaries; correct?

10 A. That is correct.

11 Q. And are those Oliver I, Oliver II, Oliver  
12 III?

13 A. That's correct.

14 Q. And how much of Oliver III is in Oliver  
15 County?

16 A. I'd have to confirm that, Commissioner.  
17 I'd have to confirm that. I believe some -- most  
18 of it was in Morton County, if I remember.

19 Q. I think, too, it's a pretty small amount.  
20 But Oliver I and Oliver II are completely in Oliver  
21 County, I believe; correct?

22 A. That is correct.

23 Q. And so -- and those are 22 and 32  
24 turbines, respectively, so I'm thinking there's  
25 probably 45 or 50 turbines in Oliver County

1 operated by NextEra subsidiaries?

2 A. That sounds correct.

3 Q. How many employees do your subsidiaries  
4 have that live in Oliver County?

5 A. I'd have to confirm that with our  
6 operations staff, if I could. I'm not sure, but I  
7 know they all live here locally. I'm not sure if  
8 they live specifically in Oliver County.

9 Q. Can you get me that answer?

10 A. Yes, sir, I will. Yep.

11 Q. Okay. Now I'm jumping next to section 2.  
12 To what extent does Governor Burgum's goal of net  
13 zero carbon emissions play in this proposal? You  
14 mention it in the second paragraph.

15 A. I believe he mentioned that during -- you  
16 know, early in his term as governor.

17 Q. And then -- but does that play a big  
18 factor in this since you brought it up?

19 A. I would think so.

20 Q. A little later it mentions that  
21 nonrenewables were not considered for this project;  
22 correct?

23 A. What section -- what paragraph is that in,  
24 Commissioner?

25 Q. 2.2.



1 A. That's what it states, correct.

2 Q. So do you -- did you take from Governor  
3 Burgum's statement about net zero carbon emissions  
4 that we are just giving up on other -- on  
5 nonrenewable energy sources?

6 A. I guess we didn't -- I didn't take that  
7 into consideration based on that.

8 Q. And I think you answered this earlier, but  
9 I had a question with it or I'm just going to  
10 double-check and make sure because the sound is not  
11 excellent with the fans and stuff.

12 1,500-foot setback from residences, you  
13 say in the application that that's not a problem.  
14 You said earlier some different distance that was  
15 significantly higher.

16 A. Correct.

17 Q. That's from anyone, even whether they  
18 would have signed a release; correct?

19 A. That is correct.

20 Q. Okay. And the reason I ask was, Oliver  
21 County has a slightly smaller one and if -- if it  
22 had to do with releases, I wanted to make sure -- I  
23 don't know if Oliver County allows releases so  
24 you're covered there.

25 Then -- and you repeated these numbers

1 earlier in your testimony, but down on section 3.9  
2 of section 3, you went through the taxes and  
3 landowner payments and you said 37 million in tax  
4 revenue over 35 years. How much of that is state  
5 tax revenue and how much of it is local property  
6 taxes?

7 A. I don't know the specific breakdowns, but  
8 that estimated tax is revenue that we will have to  
9 pay to the counties. I'm not sure how the breakout  
10 is projected. I can get back to you on that,  
11 though.

12 Q. The 37 is just the county share or --

13 A. No. That is the tax dollars that we are  
14 going to pay over the life of the project.

15 Q. Okay. Yeah, I'd like that breakout. I've  
16 done enough of these, I can anticipate it, we're  
17 going to hear how beneficial this is to the county.  
18 Depending on that breakout, it makes a difference.

19 And that 37 million, that's for both the  
20 wind farm and the transmission line or --

21 A. That is correct.

22 Q. So would you break that out in that way,  
23 too, the state versus county for each separately?

24 A. We can do that, yes, sir. Yeah.

25 Q. And on the county sides I presume the

1 transmission line is going to be -- whatever that  
2 local tax amount is, it will be about proportionate  
3 based on their mileage roughly; correct?

4 A. Correct.

5 Q. In mills and such. And then on the next  
6 page it mentions 30 million in landowner payments  
7 over 30 years. So when you present this to us, why  
8 do you lay out how much taxes you're going to pay  
9 over 35 years and how much landowner payments  
10 you're going to pay in 30?

11 A. I believe that was a typo, Commissioner.  
12 So we base everything on a 30-year projection, so  
13 that's a typo in the application.

14 MS. FUREY: Commissioner, we can confirm  
15 with the team.

16 COMMISSIONER CHRISTMANN: Okay.

17 Q. (COMMISSIONER CHRISTMANN CONTINUING) And  
18 so -- and here's what -- as you're confirming that,  
19 I want you to understand what I'm getting at. In  
20 this application -- and I presume a lot of  
21 interested parties are looking at these things --  
22 you lay out like in the wind farm case how much  
23 your investment is. Now you've updated that  
24 number. And you lay out all these taxes, which if  
25 I were in Oliver County would cause me to believe

1     that that is the taxes on the wind farm. No, some  
2     of that's going to Mercer County. That's also for  
3     the other. In each application you throw out the  
4     total tax number but only the cost for their side.  
5     And so that's why we need to break this out since  
6     you brought this into the application --

7           A.     Understood, yep.

8           Q.     -- the need for clarity.

9                   And now I'm jumping over into section 4.  
10     And so this is what you're updating when you talked  
11     about the GE, and I can't remember what number  
12     turbines you're going to use, but five of them  
13     might be a different one. This said you are  
14     seeking flexibility to decide an appropriate  
15     technology, so you've decided it now. That's the  
16     update; correct?

17          A.     That's correct, yep.

18          Q.     And it goes on to state that the rotor  
19     speed range is 7.4 rotations per minute to 15.7  
20     rotations per minute. Is that still correct for  
21     this technology?

22          A.     If we choose to use the 2.52, is that the  
23     question?

24          Q.     Yes.

25          A.     I'll have to check that. This was based

1 on -- the table was based on the specifications  
2 from the GE 2.82. We'll provide you with the specs  
3 for the 2.52.

4 Q. No. Okay. I answered your question --

5 A. Oh, I'm sorry.

6 Q. -- about that. I'm not concerned about  
7 those up to five 2.52.

8 The rotation range. So what happens if  
9 it's less than 7.4 rotations per minute on the main  
10 technology type? So it's not very windy and it's  
11 only spinning at 6 rotations a minute, what  
12 happens?

13 A. Well, the power output is not the same as  
14 it would be at 7.4 speed range.

15 Q. So does it not produce if it's less than  
16 that or does that mean that it's very low?

17 A. That's a little technical for me to  
18 answer, but I can provide that answer for you if  
19 you'd like.

20 Q. Okay. And maybe more importantly, what  
21 happens if they're spinning at more than 15.7? Is  
22 that when they brake? I don't mean break, fall  
23 apart, but when brakes are applied.

24 A. Yeah, I'd have to -- we'd have to  
25 calculate what that looks like on a meters-per-



1 second rotation. But, yeah, like I said, that's a  
2 technical question. I'd have to get back to you on  
3 that answer if you like.

4 Q. I'd like answers to both, what happens if  
5 it's less and more.

6 I'm surprised I don't know this from our  
7 previous ones, but we've kind of focused on other  
8 things, I guess. What do the ADLS sites consist  
9 of, like how tall of a tower and how big is it?  
10 Can you just kind of describe an ADLS?

11 A. Sure. The total height of an ADLS tower  
12 depends on the terrain; right? So what happens for  
13 DeTect? We employ DeTect to do this analysis.  
14 They do a viewshed analysis of our turbine array  
15 and decide based on the terrain how many ADLS  
16 locations are needed and they factor in the  
17 terrain. It could be hilly or whatever. So that  
18 height depends on those factors that they evaluate.

19 Q. Is that a much smaller thing, though? Is  
20 it -- like the turbine, the hubs are gigantic?

21 A. It's much smaller. I think --

22 Q. In the air.

23 A. I think on Northern Divide we put 70-foot  
24 ADLS towers up and I think Emmons-Logan was a  
25 little bit shorter than that.

1           COMMISSIONER CHRISTMANN: And I'm just  
2 going to take a moment, if I may, Your Honor,  
3 because I hate it when people are talking technical  
4 acronyms all the time, and we have a lot of people  
5 here that are concerned about this project.

6           ADLS is something that I'm proud of  
7 because this Commission was the first state in the  
8 nation that started doing this, I believe, and  
9 kudos to Commissioner Fedorchak who found out about  
10 the technology somewhere before it was even ever  
11 approved by FAA.

12           But what ADLS is is a radar system that we  
13 require in North Dakota, and it's not a hundred  
14 percent effective, I would say, but it detects  
15 airplanes coming close. And the point is so the  
16 lights don't have to flash every minute that it's  
17 dark. We get relieved from the flashing for good  
18 parts of the night. If there's no airplanes  
19 around, it stays off. And when an airplane comes  
20 within a certain distance, they can come back on.

21           Other things tend to pick it up so they're  
22 on still more than I wish they were, but it's been  
23 a big help and I'm proud of this agency, but  
24 especially Commissioner Fedorchak for finding it  
25 and getting us started on that track.

1           Anyway, so now you know what we're talking  
2 about when we say ADLS.

3           Q.     (COMMISSIONER CHRISTMANN CONTINUING) I  
4 think you're going to find out about how many of  
5 your subsidiary's employees are living in Oliver  
6 County; correct?

7           A.     That's correct.

8           Q.     And, again, for that I ask because this is  
9 a county that has had energy development for years  
10 and has a lot of wonderful people living in it. I  
11 used to represent this area in my legislative time.  
12 Those jobs are important, and to the extent they're  
13 displaced by competitors, it's by a lot fewer and  
14 if they're not even going to live here, it's a  
15 concern, I think, to people.

16                  You say in section 6, very bottom of the  
17 page, very last sentence, "Project construction  
18 will not cause additional impacts to leading  
19 industries within the project area." Are you  
20 talking about just the construction or the  
21 operation?

22           A.     I would think that last sentence was meant  
23 for both. Well, it references project construction  
24 so maybe I was wrong in my first statement.

25           Q.     Okay. Then skip a couple pages to 6-3.

1 You have a traffic count there on various  
2 high-traffic roads. Do you see that?

3 A. Yes.

4 Q. Do you know why some of the statistics you  
5 cite are from 2016 and others are 2022? It seems  
6 like we would pick the most current year and stick  
7 with it. Actually 2006, not '16.

8 A. I don't know why it references 2006.

9 Q. On the next page, top of the first full  
10 paragraph, "Project construction requires  
11 approximately 27 miles of new aggregate-surfaced  
12 access roads." Based on any adjustments that  
13 you've made since this application, is that still  
14 current?

15 A. That is still current.

16 Q. Then jump back -- stay in that section,  
17 but go all the way back to page 17 -- 6-17. Are  
18 you there?

19 A. 6- 17, is that what you said?

20 Q. Correct.

21 A. Okay. I'm there.

22 Q. Toward the bottom is a section titled  
23 Mining and Mineral Interests. The first sentence  
24 says that there are no active sand or gravel mines  
25 in the area. Is that accurate?

1           A.    I'd have to double-check with the team to  
2    see if that is a hundred percent accurate and get  
3    back to you on that, but I believe it is.

4           Q.    So where are you going to get aggregate  
5    for 27 miles of new road?

6           A.    I haven't -- so we hire Blattner or Brink  
7    Constructors to be able to source their material  
8    locally if possible. I would have to double-check  
9    with the contractor to see what their plan is to  
10   source material from.

11          Q.    One of the previous questions when I asked  
12   you about whether the impact on other businesses in  
13   the area, you said that was about construction. If  
14   there's no gravel mines in the area and you need  
15   gravel for 27 miles of new road, that's a lot --  
16   that's, you know, in the four figures of semis  
17   being hauled around, that's going to impact others.

18          A.    Agreed.

19          Q.    So it seems like that needs to have been  
20   thought out.

21          A.    Correct.

22          Q.    I think I'm just about out of questions,  
23   but if I understood you correctly earlier, you said  
24   that you have the conditional use permits from  
25   Oliver for both the wind farm and the transmission



1 line and from Mercer for the transmission line;  
2 correct?

3 A. That is correct.

4 Q. But is the Mercer County conditional use  
5 permit hinged on you getting the easements?

6 A. There was no condition on that in the  
7 conditional use permit.

8 Q. I'm looking at docket 18.

9 MS. FUREY: Commissioner, is that docket  
10 18 or Exhibit 18?

11 COMMISSIONER CHRISTMANN: It was docket  
12 18. We received it January 5th.

13 MS. FUREY: The conditional use permit  
14 filing?

15 COMMISSIONER CHRISTMANN: Yes. For the  
16 wind farm it was docket 16 and for the transmission  
17 it was 18.

18 MS. FUREY: Thank you.

19 COMMISSIONER CHRISTMANN: Sorry. I should  
20 have pointed out it was the transmission line.

21 MS. FUREY: Okay. No, not a problem at  
22 all. The CUP application -- or permits that were  
23 filed, Mr. Cameron, those are Exhibits 3 and 4.  
24 And so if we're talking specifically about the  
25 Mercer County conditional use permit, that's going

1 to be Exhibit No. 4.

2 THE WITNESS: Okay.

3 Q. (COMMISSIONER CHRISTMANN CONTINUING) Look  
4 at the last thing before the signatures. It says  
5 conditions, "Proper signatures and notary for the  
6 last two landowners to be in place prior to issuing  
7 the permit." I would say it is conditional and you  
8 seem disagree with me.

9 A. Yeah. My apologies. So I believe that's  
10 mentioned for the GRE and Basin signatures, but I  
11 will confirm with Mercer County on that. Those two  
12 agreements are located right up in Mercer County.

13 COMMISSIONER CHRISTMANN: I don't think I  
14 have any more questions, Your Honor.

15 ALJ DAWSON: Commissioner Haugen-Hoffart.

16 COMMISSIONER HAUGEN-HOFFART: Thank you.

17 **EXAMINATION**

18 **BY COMMISSIONER HAUGEN-HOFFART:**

19 Q. Thank you, Cameron. I know you've been up  
20 there since 10:15 so I appreciate it.

21 I want to go back to what you talked about  
22 the turbines and the flexibility to use up to five  
23 GE 2.52 megawatts. Can you explain, having that  
24 flexibility, when you would use those turbines?

25 A. Yeah. So as you know, we purchase a lot

1 of material and equipment well in advance of  
2 projects coming to fruition. Some of those  
3 turbines were earmarked for another project that is  
4 going to be delayed, so the question was posed to  
5 us if there's flexibility in the siting proceedings  
6 to be able to use those. So that's why we  
7 incorporated those turbines in there.

8 Q. Okay. So you're talking about maybe  
9 supply chain issue when you had that.

10 A. That's correct.

11 Q. So then if you -- let's say you put in  
12 four, then -- four of those turbines that size,  
13 would you still seek to get the other turbines in  
14 and then replace them?

15 A. No, we would not do that. Once they're  
16 installed, we would not change them out with  
17 anything else.

18 Q. Okay. And would you let us know that?

19 A. I believe that would have to come back  
20 before the Commission for an amendment to the  
21 permit; correct?

22 MS. FUREY: There were questions that the  
23 order allow the flexibility to utilize those five  
24 at that lower megawatt range, and so we could  
25 certainly provide notice to the Commission if the

1 five smaller megawatt turbines are ultimately  
2 utilized.

3 COMMISSIONER HAUGEN-HOFFART: Okay. Thank  
4 you. Thanks for that clarification.

5 Q. (COMMISSIONER HAUGEN-HOFFART CONTINUING)  
6 My other question is when I looked at some of these  
7 detailed maps in the application, and some of them  
8 get very busy on not only the site, the turbines,  
9 the alternatives -- you know, your key is very  
10 descriptive. On the one map it talks about the  
11 proposed carbon capture infrastructure and we got  
12 from the Industrial Commission that they responded  
13 to that. But there's a lot of other pipelines on  
14 some of these maps. So my question to you is, do  
15 you reach out to the owners of the pipelines on  
16 these projects and, if so, have you received  
17 correspondence back? Because I didn't see anything  
18 in the application on some of that. So please  
19 clarify for me.

20 A. Yes, Commissioner, great question. So  
21 Marathon Oil, Marathon Petroleum is one of the  
22 pipeline companies that do intersect some of our  
23 infrastructure on our project. We are -- we've  
24 negotiated the agreement, we're waiting on  
25 signatures from both parties on that.

1           In addition, there is approximately ten  
2 other utilities, non-pipeline companies. We have,  
3 I'm going to say, 90 percent of those agreements  
4 already signed and we're waiting on just signature  
5 on a couple of the remaining agreements. And  
6 they're for crossing, right, so we may be crossing  
7 their infrastructure with either a transmission  
8 line or a collection line or road so --

9           MS. FUREY: So just to clarify, Mr.  
10 Cameron, the agreements that you're talking about  
11 are specifically crossing agreements?

12           THE WITNESS: That's correct.

13           MS. FUREY: And those are private  
14 agreements between two entities with respect to the  
15 existing land rights that they have and then your  
16 subsequent use and ability to cross over the areas  
17 where they otherwise have authorizations for their  
18 infrastructure.

19           THE WITNESS: Correct.

20           MS. FUREY: Okay. Thank you.

21           COMMISSIONER HAUGEN-HOFFART: Do we  
22 receive any type of that correspondence to show  
23 that there is good communication between entities,  
24 you know, outlining what the project is doing and  
25 construction dates and just good communication?



1 MS. FUREY: Typically, no, Commissioner,  
2 and the reason is because they are private  
3 agreements so they differ, for example, from like a  
4 permit authorization that's otherwise required. So  
5 it's very similar to like the agreements that a  
6 company would have, let's just say, with a  
7 landowner. Since those are private agreements, the  
8 terms of those aren't included and correspondence  
9 of those discussions aren't included in the docket.  
10 The same thing with respect to the crossing  
11 agreements. Because they're agreements between two  
12 private entities, really is outside the scope of  
13 matters that are considered by the Commission and  
14 so that's why they're not included.

15 COMMISSIONER HAUGEN-HOFFART: And I  
16 understand that. I guess my point was made, and  
17 I'm glad you addressed it, is that there is the  
18 communication going on between the entities to  
19 knowing what's going on and they're aware. We all  
20 have -- everyone has property and equipment to  
21 protect so I'm glad to hear that.

22 I'm just going to ask you just to pause  
23 for a minute. I had a bunch of questions, but I  
24 think most of them have been addressed. I would  
25 just like to take an opportunity to look at some of

1 my questions. Okay?

2 THE WITNESS: Sure.

3 COMMISSIONER HAUGEN-HOFFART: That's all I  
4 have. Thank you.

5 ALJ DAWSON: Ms. Furey, any redirect?

6 MS. FUREY: Not at this time, Your Honor.  
7 We have noted some additional items that the  
8 commissioners had questions about that we'll circle  
9 back up with the team and then if needed to address  
10 later, will do so.

11 ALJ DAWSON: Okay. Well, if there are no  
12 further questions --

13 MR. PRANIS: Your Honor, I have one  
14 question, please.

15 ALJ DAWSON: You do. I'll start with  
16 Mr. Pranis, I guess.

17 MR. PRANIS: Thank you, Your Honor. And  
18 if people wanted to take a break before, I could  
19 wait, but, otherwise, I can just do a couple quick  
20 redirect questions.

21 ALJ DAWSON: We'll take a break shortly.

22 MR. PRANIS: Okay. Thank you.

23 **EXAMINATION**

24 **BY MR. PRANIS:**

25 Q. So I guess the question I wanted to follow

1 up on was Commissioner Christmann's questions,  
2 which I think are important in terms of the use of  
3 this power. And so are you generally familiar with  
4 the process of corporate PPAs, how corporations  
5 like Verizon go to market seeking projects such as  
6 the one that is proposed today?

7 A. Yes, Mr. Pranis, just a little bit.

8 Q. Okay. Well, if you're able to answer this  
9 question. I have less than you, I think,  
10 understanding but a little bit of understanding.  
11 My understanding is that typically when  
12 corporations are going to market seeking this kind  
13 of renewal power for whatever purpose they might  
14 have, you know, to meet their commitments,  
15 et cetera, that often they might say, we're looking  
16 for, say, 400 megawatts of wind or 400 megawatts of  
17 renewable within this regional transmission  
18 organization. They take bids from different  
19 competing developers with different projects. They  
20 pick whichever one they like, lowest cost, whatever  
21 other rationale they have, and award that project.  
22 Is that a fair description of the process?

23 A. I've heard that as the process and I  
24 would -- not knowing a whole lot about it, I would  
25 say that's a fair -- that's a fair assumption.

1           Q.    Okay.  And if -- if this project in North  
2           Dakota were to not be approved or -- you know, is  
3           it your expectation that Verizon would potentially  
4           move on to the next available project within SPP to  
5           meet that similar requirement?

6           A.    I would say that's a fair assumption.

7           Q.    And if that -- if they moved on to a  
8           different competing -- I'm assuming in this case  
9           with Verizon NextEra is potentially competing with  
10          other developers and other projects for -- you  
11          know, to provide that need?

12          A.    I would say that's fair, yeah.

13          Q.    Right.  So your expectation is if this  
14          project were not available to provide that to  
15          Verizon, then Verizon would likely just move on to  
16          the next project which would then inject that power  
17          into the SPP grid so it would have the same impact  
18          in terms of the energy impacts, but you would lose  
19          the jobs, tax revenues, associated lease revenues  
20          here in Minnesota because the project would be  
21          elsewhere?

22          A.    That's correct.

23          MR. PRANIS:  Thank you.  Nothing further.

24          ALJ DAWSON:  Mr. Johnson or Mr. Frank?

25          MR. FRANK:  Thank you, Your Honor.

**EXAMINATION**

**BY MR. FRANK:**

Q. Referring to page -- or section 2.1 in the need analysis of the wind application, on the last paragraph under 2.1, the North Dakota transmission's 2021 power forecast study is referenced that talks about the need in the next 15 years for over 2 gigawatts of capacity generation to fulfill the growth in large industry and commercial uses. In your assessment, considering the 200 megawatt PPA that you have with Verizon, is that going to be -- just as a point of clarification in your assessment, does that still support that need that the North Dakota transmission authority has identified?

A. I would say that's a fair -- a fair assumption, correct.

MR. FRANK: Thank you.

ALJ DAWSON: Any further questions from the commissioners? If there are no further questions -- Miss Furey, any further questions from you?

MS. FUREY: No. No, Your Honor. Thank you.

ALJ DAWSON: With that, then I think you



1 can step down and we will take a break. I think  
2 we'll take our luncheon recess at this time. It  
3 seems a little early, but it's lunchtime. And how  
4 much time would you need to get some of the answers  
5 to those questions? I'm trying to judge the proper  
6 length of lunch.

7 MS. FUREY: Your Honor, at least a half an  
8 hour.

9 ALJ DAWSON: What we will do is we will be  
10 back here ready to go at 40 minutes after the hour,  
11 12:40. We're at recess.

12 (Recess taken at 11:53 a.m. and reconvened  
13 at 12:43 p.m.)

14 ALJ DAWSON: We are back on the record.

15 Miss Furey, how would you like to proceed?

16 MS. FUREY: Thank you, Your Honor. We  
17 would like to call our second witness at this time,  
18 Miss Dina Brown.

19 ALJ DAWSON: Ms. Brown. Ms. Brown, you  
20 were here for my previous admonitions as to perjury  
21 so you understand what perjury is and the penalties  
22 for it?

23 MS. BROWN: Yes, sir, I do.

24 (Witness sworn.)

25 ALJ DAWSON: Miss Furey, you may proceed.

1 MS. FUREY: Thank you, Your Honor.

2 DINA BROWN,

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

5 EXAMINATION

6 BY MS. FUREY:

7 Q. Miss Brown, I know this may be a little  
8 redundant, but can you please introduce yourself to  
9 the Commission?

10 A. My name is Dina Brown and I'm an  
11 environmental services project manager with NextEra  
12 Energy Resources and the environmental lead for the  
13 Oliver Wind IV's wind and transmission projects.

14 I oversaw and managed the third-party  
15 consultants and related environmental studies for  
16 the projects, specifically studies for wetlands,  
17 land use, wildlife, cultural resources,  
18 architectural history and acoustic and shadow  
19 flicker modeling.

20 Q. Thank you. And can you please briefly  
21 describe your educational and professional  
22 background?

23 A. I received a bachelor of science in civil  
24 engineering from Texas A&M University and a master  
25 of science in forest science from Oregon State

1 University. I am also a certified professional  
2 soil scientist.

3 I have over 20 years of environmental  
4 permitting experience as both a consultant and an  
5 environmental engineer in the energy industry.  
6 During that time my primary responsibilities have  
7 included permitting projects on private and public  
8 lands in compliance with federal and state  
9 environmental laws.

10 Q. And are you familiar with the projects'  
11 application and the supporting materials which have  
12 been marked and discussed today as Exhibits 1  
13 through 20?

14 A. Yes.

15 Q. And did you submit prefiled testimony to  
16 the Commission on January 17th?

17 A. Yes.

18 Q. And can you please turn to Exhibit 15. Or  
19 I'm so sorry, Miss Brown. Can you please turn to  
20 Exhibit 12.

21 A. Yes.

22 MS. FUREY: And Exhibit 12, just for the  
23 Commission's reference, is docketed as docket  
24 number 20 in the wind case, PU-23-317.

25 Q. (MS. FUREY CONTINUING) And is Exhibit 12

1 a correct copy of your January 17th prefiled  
2 testimony?

3 A. It is, yes.

4 Q. And is Exhibit 12 a true and accurate  
5 representation of what your testimony would be if  
6 you were to give your testimony orally to the  
7 Commission?

8 A. Yes. However, I do have two updates to my  
9 prefiled testimony. The first update relates to  
10 wetlands. The projects have been sited to avoid  
11 impacts to wetlands to the greatest extent  
12 possible. The wind application states there are  
13 two wetlands planned to be permanently impacted  
14 with permanent impacts of .02 acres. Subsequently  
15 in my prefiled testimony, I explained that due to  
16 the planned drop of turbine 35, only one wetland  
17 will be impacted. As my colleague, Clay Cameron,  
18 explained, turbine number 35 has been incorporated  
19 back into the project's array. Thus, the two  
20 isolated locations of permanent wetland impacts  
21 originally discussed in the wind project's  
22 application remain applicable. However, to  
23 reiterate, permanent impacts to wetlands remain  
24 negligible and total approximately .02 acres or 870  
25 square feet. Temporary impacts to wetlands total

1 .06 acres.

2 The first area is associated with a minor  
3 wetland impact from the access road to turbine 46.  
4 This impact is less than .01 acres. As I discuss  
5 in my prefiled testimony, there is no reasonable  
6 alternative to impacting this wetland and my  
7 testimony in this regard remains applicable.

8 The wetland is located along an existing  
9 quarter-section two-track. To minimize impacts and  
10 working with the landowner, Oliver Wind IV has  
11 sited the access road to turbine 46 along the  
12 existing two-track, which also runs along the edge  
13 of the landowner's agricultural field. The  
14 existing two-track currently intersects the wetland  
15 in this location.

16 Other options explored for this access  
17 road would have required Oliver Wind IV to build  
18 the access road across cropland or unbroken  
19 grassland. However, these options were rejected to  
20 preserve the unbroken grassland, avoid disruption  
21 to the landowner's ongoing agricultural activities  
22 and utilizing the existing two-track.

23 The second area is a minor impact of less  
24 than .01 acres associated with the access road to  
25 turbine 35. There is no reasonable alternative for



1     impacting this wetland. The access road is  
2     designed to take the straightest and shortest path  
3     to the turbine and avoids impacts to unbroken  
4     grasslands as well as neighboring landowners.

5             Other options explored for this access  
6     road would have resulted in significantly greater  
7     land disturbance, approximately four times as long  
8     and about half of that distance would be located in  
9     unbroken grasslands.

10            All remaining permanent and temporary  
11     impacts to wetlands continue to be avoided through  
12     the siting of the project's infrastructure.

13            And the second update relates to cultural  
14     resources. So in my prefiled testimony I explain  
15     that additional cultural resource assessments for  
16     previously unassessed areas of the projects,  
17     specifically Class III cultural resource inventory  
18     reports, were pending before the North Dakota SHPO.  
19     These reports concluded that none of the sites  
20     identified would be impacted by the projects'  
21     temporary construction easement or permanent  
22     infrastructure. Subsequent to the filing of my  
23     testimony, the SHPO concurred with the findings in  
24     our Class III reports in January 19, 2024,  
25     correspondence related to the transmission project

1 and in January 25, 2024, correspondence related to  
2 the wind project. These letters are marked as  
3 Exhibit A and Exhibit C -- 16(c) -- I'm so sorry --  
4 Exhibit 16(a) and 16(c).

5 Q. Thank you, Miss Brown. And are you  
6 familiar with the Commission's siting rules which  
7 are set forth under North Dakota Administrative  
8 Codes Chapter Code 69-06-08?

9 A. Yes.

10 Q. And were both projects evaluated pursuant  
11 to the Commission's siting criteria?

12 A. Yes.

13 Q. And can you please identify generally what  
14 environmental studies and surveys Oliver IV  
15 conducted for the projects?

16 A. In question 9, page 4, of my prefiled  
17 testimony, I identify the specific studies that  
18 were conducted for the projects. These studies  
19 include numerous studies for wildlife, wetlands,  
20 unbroken grasslands, cultural resources, sound and  
21 shadow flicker.

22 Q. And have copies of these studies and  
23 assessments been provided to the Commission?

24 A. Yes. They are in the appendices to the  
25 projects' applications.

1           Q.     Will the projects have minimal adverse  
2 effects on the environment and wildlife?

3           A.     Yes.   Balancing state and local setbacks,  
4 wind resource availability, constructability and  
5 landowner preference, Oliver Wind IV developed the  
6 projects respective of the mitigation hierarchy,  
7 which in order of priority consists of avoiding  
8 impacts, minimizing unavoidable impacts, restoring  
9 impacted areas, and offsetting residual impacts.

10                Avoidance of environmental and wildlife  
11 impacts or excluding certain habitats was our  
12 priority, such as wetlands and native unbroken  
13 grasslands. All turbines have been sited outside  
14 of unbroken grasslands. For any temporarily  
15 impacted areas, we will restore the area to  
16 pre-impact conditions. We feel these measures  
17 effectively result in minimal adverse impacts to  
18 the environment and wildlife. However, as an  
19 additional measure, we have voluntarily committed  
20 to habitat offsets for potential indirect impacts  
21 to grassland birds.

22                Furthermore, in recent correspondence from  
23 the North Dakota Game and Fish Department dated  
24 December 29, 2023, and that's marked as Exhibit 7,  
25 the department acknowledged that Oliver Wind IV has

1 taken several steps to avoid and minimize impacts,  
2 and commended Oliver Wind IV's efforts in this  
3 regard.

4 Through its design and siting of the  
5 projects, Oliver Wind IV has achieved the minimal  
6 adverse impact threshold for wildlife. To address  
7 and further mitigate potential indirect impacts to  
8 grassland birds, Oliver Wind IV is providing  
9 voluntary offsets which has been memorialized in a  
10 memorandum of understanding with the North Dakota  
11 Department of Agriculture.

12 The North Dakota Game and Fish Department  
13 notes in its December 29, 2023, comment letter that  
14 in general with the mitigation agreed to as part of  
15 the memorandum of understanding, the project has  
16 sufficiently offset impacts to wildlife.

17 Q. And in developing the Oliver Wind IV wind  
18 project, did Oliver Wind IV work to address the  
19 environmental and wildlife concerns identified for  
20 the projects by the North Dakota Game and Fish and  
21 the U.S. Fish and Wildlife Service?

22 A. Yes. Oliver Wind IV worked extensively  
23 with the wildlife agencies, and in particular with  
24 the North Dakota Game and Fish Department, to  
25 address their potential concerns.

1 Oliver Wind IV's wildlife coordination and  
2 mitigation measures memorandum provides a detailed  
3 timeline starting in 2019 outlining noteworthy  
4 consultation efforts with both wildlife agencies  
5 and also includes an extensive list of Oliver Wind  
6 IV's proposed mitigation measures for both  
7 projects.

8 Q. And can I please have you turn to Exhibit  
9 No. 9.

10 MS. FUREY: And just for the Commission's  
11 reference, Exhibit 9 was docketed as docket number  
12 13 in the wind facility docket, Case No. PU-23-317.

13 Q. (MS. FUREY CONTINUING) And are you at  
14 Exhibit No. 9?

15 A. I am.

16 Q. Is this exhibit the wildlife coordination  
17 and mitigation measures memorandum that you just  
18 referenced?

19 A. It is.

20 Q. And can you please briefly walk us through  
21 and explain the contents of Exhibit 9?

22 A. Yes. The first three pages of the memo  
23 present a timeline of noteworthy consultation with  
24 North Dakota Game and Fish and the U.S. Fish and  
25 Wildlife Service dating back to July 2019. The



1 consultation expanded to include the North Dakota  
2 Department of Agriculture beginning in November of  
3 2023.

4 Beginning on page 3, the memo lists Oliver  
5 Wind IV's avoidance, minimization and mitigation  
6 measures related to the environment, wetlands,  
7 unbroken grasslands, woodlands, wildlife, avian  
8 species, and threatened and endangered species.  
9 This list continues for several pages.

10 Page 6 references Oliver Wind IV's  
11 coordination with the wildlife agencies and North  
12 Dakota Department of Ag to provide voluntary  
13 offsets for potential indirect impacts to grassland  
14 breeding birds. For reference, the memorandum of  
15 understanding is subsequently referenced in agency  
16 correspondence from North Dakota Game and Fish and  
17 North Dakota Department of Ag dated December 29,  
18 2023, that was filed with the Commission.

19 Attachment A to the memo includes  
20 additional agency correspondence and consultation  
21 with the wildlife agencies and North Dakota  
22 Department of Ag that occurred subsequent to the  
23 applications' filing with the Commission.

24 Q. And can you please provide additional  
25 detail regarding Oliver Wind IV's voluntary

1 commitment to provide habitat offsets?

2 A. Our primary objective is to comply with  
3 the Commission's siting criteria, which Oliver Wind  
4 IV has accomplished through the avoidance,  
5 minimization and restoration measures outlined in  
6 the projects' applications. My prefiled testimony,  
7 which is Exhibit 12, and in Oliver Wind IV's  
8 wildlife coordination and mitigation measures  
9 memorandum, Exhibit 9, in response to concerns  
10 identified by the wildlife agencies regarding  
11 potential indirect impacts to grassland nesting  
12 birds, Oliver Wind IV committed to contributing to  
13 the North Dakota Department of Ag's Environmental  
14 Mitigation Fund to offset 665 acres of grassland  
15 habitat. This commitment is memorialized in a  
16 memorandum of understanding executed between Oliver  
17 Wind IV and the North Dakota Department of  
18 Agriculture. Additional memorandum of  
19 understanding details are contained in North Dakota  
20 Department of Ag correspondence filed with the  
21 Commission on December 29th, 2023, in Exhibit 8.

22 Q. Are the projects anticipated to have  
23 adverse impacts to threatened and endangered  
24 species?

25 A. No. As part of Oliver Wind IV's study of

1 the projects, the U.S. Fish and Wildlife Service  
2 Information for Planning and Conservation, or IPaC,  
3 tool was used to identify threatened or endangered  
4 species or designated critical habitat within the  
5 projects.

6 This tool identified five threatened and  
7 endangered species that could potentially occur  
8 within the projects: The piping plover, which is  
9 listed as threatened; the rufa red knot, again  
10 listed as threatened; the whooping crane, listed as  
11 endangered; the Dakota skipper butterfly, listed as  
12 threatened; and the northern long-eared bat, listed  
13 as endangered. No designated critical habitat for  
14 any threatened or endangered species is located  
15 within the wind project site or the transmission  
16 corridor.

17 As I discuss in my prefiled testimony  
18 beginning on page 6, adverse impacts to these  
19 species are not anticipated.

20 The piping plover and rufa red knot are  
21 water-dependent shorebirds. These projects do not  
22 contain suitable habitat for these species, and  
23 neither of these species were observed during  
24 projects surveys.

25 With respect to whooping cranes, the study

1 showed that there is low potential for interaction  
2 between the projects and whooping cranes in any  
3 given year based on the projects' siting and  
4 mitigation measures. These mitigation measures  
5 include curtailment of wind project operations if a  
6 crane is observed within the wind project or a  
7 one-mile radius, as well as equipping the  
8 transmission project with bird flight diverters  
9 consistent with Avian Power Line Interaction  
10 Committee, or APLIC, suggested practices.

11 For the Dakota skipper, Oliver Wind IV  
12 assessed a survey area of approximately 1,161 acres  
13 in areas where the projects overlapped with areas  
14 of unbroken grasslands to determine if the  
15 potential Dakota skipper habitat occurred within  
16 the projects. The survey area included the current  
17 wind project design, as well as areas previously  
18 considered for development. Within this surveyed  
19 area, Oliver Wind IV identified approximately 0.26  
20 acres of suitable Dakota skipper habitat within the  
21 wind project construction easement and  
22 approximately 0.1 acres of suitable habitat within  
23 the transmission project. The projects have been  
24 sited to avoid surface impacts to suitable habitat.

25 Oliver Wind IV has avoided impacts to



1 suitable Dakota skipper habitat. During  
2 construction all suitable habitat will be fenced  
3 with high-visibility fencing. For construction of  
4 collection lines, we will bore under all suitable  
5 habitat. With respect to the transmission line,  
6 all suitable habitat will be spanned. All other  
7 infrastructure avoids suitable Dakota skipper  
8 habitat.

9 With respect to the northern long-eared  
10 bat, the species was documented in low numbers  
11 during the bat surveys suggesting minimal risk to  
12 northern long-eared bat -- to the northern  
13 long-eared bat from construction and operation of  
14 the projects.

15 Specifically, northern long-eared bats  
16 were detected at two sites during 2019 surveys, at  
17 one site during the 2020 surveys, and not at all  
18 during the 2022 surveys. The habitat type at the  
19 sites where the northern long-eared bats were  
20 detected can be described as forest edge or upland  
21 forest.

22 To minimize potential impacts, all  
23 turbines have been sited greater than a thousand  
24 feet from potential habitat within the range of the  
25 northern long-eared bat following the U.S. Fish and



1 Wildlife Service's recommendations, and the  
2 projects have minimized tree removal to minimize  
3 potential impacts to roosting habitat. During  
4 operations turbines will be curtailed following  
5 U.S. Fish and Wildlife Service recommendations.

6 For these reasons, adverse impacts to  
7 threatened and endangered species are not  
8 anticipated.

9 Q. And will the projects have minimal adverse  
10 impacts on bald and golden eagles?

11 A. Yes, the projects are anticipated to have  
12 minimal adverse effects on bald and golden eagles.  
13 Although bald and golden eagles were observed  
14 during Oliver Wind IV's studies, overall eagle use  
15 was low. The studies did not identify extensive  
16 suitable nesting habitat within the projects. Nest  
17 surveys did not locate eagle nests within the wind  
18 project. One active bald eagle nest was documented  
19 2.4 miles east of the wind project area and 5.1  
20 miles east of the transmission project corridor.

21 To minimize potential impacts, the  
22 transmission project will be outfitted with bird  
23 flight diverters as previously explained. This  
24 will increase visibility of the lines for large  
25 raptors and reduce collision risk. Additionally,

1 to confirm the prior eagle and raptor nest study  
2 results, prior to construction, Oliver Wind IV will  
3 perform a nest survey within the wind project for  
4 non-eagle raptors and eagles and will survey a  
5 two-mile buffer around both projects for eagle  
6 nests.

7 Lastly, all trees requiring clearing (for  
8 example, tree rows) will be surveyed immediately  
9 ahead of construction for the presence of any  
10 raptor nests built after the preconstruction survey  
11 or otherwise previously undetected, which is a  
12 standard NextEra procedure. Any newly found  
13 occupied or active eagle nests will have an  
14 avoidance buffer applied during construction until  
15 the nests become inactive.

16 Q. And will the projects have minimal adverse  
17 impacts to sharp-tailed grouse?

18 A. Yes. Through the projects' design and  
19 siting, the projects are anticipated to have  
20 minimal adverse impact on sharp-tailed grouse.  
21 Sharp-tailed grouse lek surveys were conducted  
22 during two spring seasons. A total of six  
23 sharp-tailed grouse leks were located within or  
24 adjacent to the project area. Most leks were  
25 located within the northeastern portion of the wind

1 project with one along the transmission line.

2 Oliver Wind IV has sited wind turbine  
3 locations at least a half a mile from confirmed  
4 sharp-tailed grouse leks consistent with past  
5 practice in North Dakota and will minimize  
6 construction activities within a half a mile of  
7 known sharp-tailed grouse lek locations during the  
8 lekking and breeding season.

9 On December 29, 2023, the North Dakota  
10 Game and Fish submitted a letter to the Commission,  
11 which is Exhibit 7. In its letter, the Department  
12 of Game and Fish recommends that all turbines in  
13 grasslands, both broken and unbroken, be located  
14 outside of a two-mile buffer from known leks. We  
15 note all Oliver Wind IV turbines have been sited to  
16 avoid direct impacts to unbroken grasslands.  
17 During construction we will implement construction  
18 timing restrictions in grasslands within two miles  
19 of leks as described in the wildlife coordination  
20 and mitigation measures memo marked as Exhibit 9.  
21 In lieu of moving turbines to accommodate a  
22 two-mile setback, Game and Fish recommended that  
23 Oliver Wind IV monitor the known leks for five  
24 years after project construction. Oliver Wind IV  
25 commits to implement this recommendation from North

1 Dakota Game and Fish and will monitor the six  
2 identified leks after project construction.

3 Q. And has Oliver Wind IV obtained all  
4 necessary concurrences related to cultural,  
5 historic and tribal resource assessments from the  
6 projects -- for the projects from SHPO?

7 A. Yes. SHPO consultation is generally  
8 discussed in questions 40 through 45 in my prefiled  
9 testimony, which is pages 18 through 21. SHPO  
10 concurrences were received in various stages for  
11 the projects.

12 Oliver Wind IV conducted a Class I  
13 literature search and a Class II intensive  
14 inventory or field survey for the projects.

15 Portions of the projects were covered  
16 under cultural resource assessments originally  
17 conducted for the Red Butte wind project in 2019  
18 and 2021.

19 The SHPO concurred with the cultural  
20 resource assessments for those surveys in June and  
21 July 2021. Those concurrences are located in  
22 Exhibit 1, Appendices B4 and C5.

23 As I previously explained, remaining  
24 inventories of unassessed areas of the projects  
25 were completed in '22 and 2023. The SHPO recently

1 issued concurrences for the remaining inventories,  
2 which are marked Exhibits 16(a) and 16(c).

3 Oliver Wind also conducted a Class II  
4 reconnaissance inventory of architectural resources  
5 for the wind project. For reference, SHPO  
6 determined a Class II inventory was not required  
7 for the transmission project.

8 The Class II architectural inventory was  
9 completed for the wind project and included a  
10 two-mile radius surrounding all proposed turbines.  
11 Two identified sites, an historic farmhouse and an  
12 abandoned farmstead, both of which are outside of  
13 the wind project site, were determined eligible for  
14 inclusion for the National Register of Historic  
15 Places. SHPO concurred with our National Register  
16 of Historic Places' eligibility recommendation in  
17 the December 2023 correspondence, which is included  
18 in Exhibit 10.

19 In its December 2023 correspondence, SHPO  
20 agreed that the potential indirect impacts to the  
21 sites are minimal and that Oliver Wind IV's  
22 proposed mitigation plan, which consists of  
23 documenting both historic sites to a State Historic  
24 American Building Survey Level III specification,  
25 will be sufficient to offset indirect visual



1 impacts.

2 Q. As part of Oliver Wind IV's coordination  
3 efforts, Oliver Wind IV also reached out to the  
4 National Park Service; is that correct?

5 A. Yes. Throughout the projects'  
6 development, Oliver Wind IV and its predecessors  
7 have voluntarily engaged with personnel at the  
8 National Park Service regarding the Knife River  
9 Indian Villages National Historic Site. This site  
10 is located approximately nine and a half miles  
11 northwest of the closest wind turbine and 3.2 miles  
12 north of the closest transmission structure. This  
13 outreach began as early as 2015, and in May 2023,  
14 Oliver Wind voluntarily reengaged with the Park  
15 Service.

16 Q. And what resulted from Oliver Wind IV's  
17 May 2023 outreach to the Park Service?

18 A. In July 2023, National Park Service  
19 identified possible indirect visual impacts that  
20 the development of the projects may have on views  
21 from Knife River Indian Villages and from Fort  
22 Clark State Historic Site, a separate  
23 archaeological site. Fort Clark State Historic  
24 Site is located 6.8 miles east-northeast of the  
25 closest wind turbine and 1.7 miles east-southeast

1 of the closest transmission structure.

2 Q. And how did Oliver Wind IV respond to the  
3 Park Service's July 2023 comments?

4 A. In response, Oliver Wind IV completed a  
5 viewshed analysis for the projects including  
6 visibility modeling and rendering of the  
7 photographic simulations of the projects from key  
8 observation points.

9 As suggested by the National Park Service,  
10 Oliver Wind IV utilized procedures outlined in the  
11 U.S. Bureau of Land Management visual resources  
12 management handbook to evaluate views toward the  
13 projects from the Knife River Indian Villages and  
14 Fort Clark State Historic Site.

15 The analyses have been provided to the  
16 National Park Service and SHPO. The analyses  
17 concluded the projects will not visually detract  
18 from the viewsheds of Knife River Indian Villages  
19 or Fort Clark State Historic Site because of the  
20 distance of the projects' features and the  
21 similarity of these features with other existing  
22 infrastructure on the landscape, including multiple  
23 existing overhead electric transmission lines, wind  
24 turbines, the stack from the Leland Olds Power  
25 Station and Stanton water tower. For these

1 reasons, the projects will have minimal adverse  
2 indirect visual impact on Knife River Indian  
3 Village and the Fort Clark State Historic Site.

4 Q. And has Oliver Wind IV designed the  
5 projects to ensure that they avoid areas that are  
6 geologically unstable?

7 A. Yes. With respect to the wind project, no  
8 turbines have been located within mapped landslide  
9 deposits. With respect to the transmission  
10 project, mapped landslide deposits within the  
11 project corridor are located between transmission  
12 structures 95 and 96 and between transmission  
13 structures 116 and 117. The transmission project  
14 has been designed to avoid these areas by spanning  
15 these mapped locations. Per the recommendations of  
16 the North Dakota Geological Survey, geologically  
17 unstable areas, i.e., areas mapped as landslide  
18 deposits, have been avoided when selecting  
19 locations for wind towers and transmission line  
20 structures.

21 Q. There are three areas in Figure 16 of the  
22 wind application where it appears that project  
23 collection lines may intersect areas of potential  
24 North Dakota Geological Survey-mapped landslide  
25 deposits; correct?

1           A.     Yes.

2           Q.     Can you please identify these locations  
3           and explain how Oliver Wind IV proposes to avoid  
4           impacts to these areas?

5           A.     Yes.   There are three places in the wind  
6           site plan where collection lines appear to cross  
7           mapped landslide deposit areas.   Oliver Wind IV  
8           will confirm the mapping for the three locations  
9           through field verification prior to construction.  
10          I will address each of these areas.

11                   If you turn to the wind application,  
12          Figure 16.

13          Q.     And, Miss Brown, just to confirm, the  
14          specific page that you're asking the Commission to  
15          turn to, is that marked with a Bates stamp 109 in  
16          the bottom right-hand corner?

17          A.     Yes, that is correct.   So over there on  
18          the left-hand edge of the project -- of the map --  
19          sorry -- and about middle of the page, and the  
20          landslide deposits are mapped in pink.   Collection  
21          in this location appears to cross a mapped  
22          landslide deposit.   However, this is a map scaling  
23          issue.   The collection line at this location avoids  
24          crossing the landslide deposits.

25          Q.     And then with respect to the second

1 location, can you please identify that location and  
2 the Figure 16?

3 A. Sure. It's still on Figure 16, but now if  
4 you turn to 000116, again, the landslide deposits  
5 are shown in pink up on the very top edge of the  
6 map, kind of in the center next to that turbine 63.  
7 In this area the collection line appears to cross a  
8 mapped landslide deposit between turbine 58 and  
9 turbine 63. If this feature is confirmed through  
10 field verification, Oliver Wind IV will either  
11 conduct a geotechnical analysis to determine the  
12 appropriate bore depth to avoid this feature or  
13 reroute the collection line in this area.

14 And then finally still in Figure 16, and  
15 it's Bates-stamped the very next page, 000117, and  
16 it between turbines 60 and 65, again, shown in  
17 pink. Similar to the prior location, Oliver Wind  
18 IV will either bore collection under this feature  
19 or reroute the collection line.

20 Oliver Wind IV will provide the results of  
21 these field verifications to the Commission. If  
22 Oliver Wind IV elects to bore these locations,  
23 Oliver Wind IV will file geotech reports with the  
24 Commission prior to conducting such bores. If  
25 Oliver Wind IV elects to reroute collection in



1 these areas, it will submit certifications to the  
2 Commission for these changes.

3 Q. Thank you. And is Oliver Wind IV  
4 requesting the ability to clear areas wider than 50  
5 feet in some locations within the projects?

6 A. Yes. For the wind project, Oliver Wind IV  
7 is requesting clearance of up to 600 feet in width  
8 for nine turbine locations to accommodate  
9 construction and final turbine placement to remove  
10 obstructions from adjacent tree rows. These  
11 locations are depicted in detail in the wind  
12 application, Exhibit 1, Figure 13.

13 For the transmission project, Oliver Wind  
14 IV is requesting clearance of up to 150 feet wide  
15 consistent with the transmission project's proposed  
16 corridor width. Oliver Wind IV will need to  
17 maintain clearance of the 150-foot transmission  
18 corridor for the safety of the facility  
19 infrastructure and for monitoring purposes.

20 Q. And will Oliver Wind IV comply with the  
21 Commission's tree and shrub mitigation  
22 specifications?

23 A. Yes. Oliver Wind IV will comply with the  
24 Commission's tree and shrub mitigation  
25 specifications and submit a tree and shrub

1 inventory and replacement plan for Commission  
2 review and approval.

3 Q. And has Oliver Wind IV conducted sound and  
4 shadow flicker assessments for the wind project?

5 A. Yes. Oliver Wind IV engaged consultant  
6 AECOM to perform these assessments.

7 Q. And have copies of these assessments been  
8 provided to the Commission?

9 A. Yes. They are located in the wind project  
10 application, Exhibit 1. Specifically, the wind  
11 project's acoustic assessment is located in  
12 Appendix B2 and the shadow flicker assessment is in  
13 Appendix B3.

14 Q. And can you please explain the general  
15 methodology that was used for the acoustic  
16 assessment?

17 A. Yes. The modeling was conducted by a  
18 professional acoustic engineer who specializes in  
19 modeling wind turbine sound. The model generates a  
20 three-dimensional environment using terrain data,  
21 receptors and wind turbine sound sources. The  
22 software calculates the sound from each turbine,  
23 the distance to the receptors, weather conditions,  
24 and interactions with the ground. The modeling  
25 assumes that all turbines are operating in unison

1 at their maximum potential sound level emission and  
2 the predicted project sound levels reported in the  
3 acoustic assessment reflect the overall sound level  
4 at a distance of 100 feet from each receptor  
5 structure. Modeling was conducted using an  
6 industry-standard noise prediction software,  
7 CadnaA, and model configuration was based on the  
8 American National Standards Institute, ANSI, wind  
9 turbine sound modeling standard. This ensures a  
10 conservative predicted worst-case-modeled sound  
11 level at receptors that is not anticipated to be  
12 exceeded when the wind project is operating.

13 Q. And then with respect to the shadow  
14 flicker assessment, can you please explain the  
15 general methodology that was used for that  
16 assessment?

17 A. The shadow flicker modeling was conducted  
18 by a professional who specializes in modeling wind  
19 turbine shadow flicker. The WindPro computer  
20 program was used to conduct the shadow flicker  
21 modeling. This conservative physics-based model  
22 has been used internationally for over 25 years to  
23 model shadow flicker at receptors for wind  
24 projects. It takes into account turbine location,  
25 hub height and rotor diameter. Each receptor is

1 assumed to have windows facing in all directions.  
2 The model assumes that there are no obstructions,  
3 trees or outbuildings between the turbines and the  
4 receptors. The model uses the sun angle, time of  
5 sunrise and sunset to calculate when flicker could  
6 occur at the receptors based on the items above. A  
7 scaling factor is then applied to the results to  
8 account for cloudy days and wind direction. The  
9 result is the annual duration that turbines could  
10 cause shadow flicker at a home.

11 Q. Based on these assessments that you just  
12 discussed, does the wind project comply with the  
13 Commission's 45 dBA sound level criteria and the  
14 Commission's accepted standard of 30 hours per year  
15 of shadow flicker?

16 A. Yes. The results of Oliver Wind IV's  
17 sound and shadow flicker assessments comply.

18 The sound level at all nonparticipating  
19 receptors is predicted to be 44 decibels or less.

20 The maximum predicted shadow flicker for a  
21 nonparticipating receptor is 20 hours per year and  
22 half of all nonparticipating receptors are  
23 predicted to experience zero hours.

24 Q. And on January 25th of this month, did  
25 Oliver Wind IV subsequently file consolidated sound

1 and shadow flicker tables and a corresponding map?

2 A. Yes.

3 Q. And are these tables and the map marked as  
4 Exhibit 15?

5 A. Yes.

6 MS. FUREY: And, again, just for the  
7 Commission's reference, Exhibit 15 was docketed as  
8 docket number 25 in the wind project docket, Case  
9 No. 23-317 -- again, docket number 25, and we're  
10 referencing it as Exhibit 15.

11 Q. (MS. FUREY CONTINUING) And can you please  
12 explain the purpose of these filings?

13 A. The sound and shadow flicker tables and  
14 map were provided to reflect the results of the  
15 assessments in a more simplified and consolidated  
16 manner for ease of viewing.

17 The tables and map contain the most  
18 current participation status of each receptor.

19 Q. And to just clarify further, the  
20 information contained in these consolidated tables  
21 does not contain any new data separate from what  
22 was considered -- or excuse me -- included in the  
23 assessments in the wind application, it just  
24 updates the participation status of the landowners;  
25 is that correct?



1 A. That's correct. Yes.

2 Q. Thank you. On January 26th, PSC staff  
3 requested supplemental information on shadow  
4 flicker to be filed. Is that your understanding?

5 A. Yes.

6 Q. Have you directed your consultants to  
7 prepare this material for filing today?

8 A. Yes. We have prepared Detailed Shadow  
9 Flicker Modeling Results for Oliver Wind IV Energy  
10 Center as Exhibit 21.

11 MS. FUREY: And we're going to distribute  
12 copies of Exhibit 21, Your Honor, at this time.  
13 Thank you.

14 Q. (MS. FUREY CONTINUING) And can you please  
15 identify Exhibit 21? Does this contain the  
16 supplemental materials that were requested by  
17 staff?

18 A. Yes.

19 Q. And can you please explain which  
20 consultant prepared this supplemental data?

21 A. This was prepared by AECOM.

22 Q. Okay. And can you please describe the  
23 material that's contained within Exhibit 21?

24 A. So there's first detailed hourly model  
25 output by receptor, and it includes the alternate

1 turbine locations in the analysis.

2 There's the detailed hourly -- hourly  
3 model output by receptor in graphical format,  
4 including alternate turbine locations.

5 There's detailed hourly model output by  
6 receptor in larger graphical format for the  
7 receptor locations with shadow flicker impacts of  
8 20 hours or greater, including alternate turbine  
9 locations.

10 And then there's finally aerial photograph  
11 showing the obstruction (trees and buildings) not  
12 considered in the shadow flicker assessment near  
13 receptor 101 just as an example.

14 Q. Okay. And is it your understanding that  
15 this information was included as part of the  
16 original assessment, it was just not provided in  
17 the copy of the materials that were originally  
18 submitted in the wind facility's application?

19 A. That is correct. This provides more  
20 detail.

21 MS. FUREY: At this time we would move for  
22 admission into the record of proposed Exhibit --  
23 Hearing Exhibit 21.

24 ALJ DAWSON: Is there any objection?

25 MR. JOHNSON: No objection from staff.

1 ALJ DAWSON: Hearing no objection, the  
2 exhibit is marked as 21 and admitted.

3 Q. (MS. FUREY CONTINUING) If Oliver Wind IV  
4 subsequently elects to utilize the potential five  
5 GE 2.52 megawatt turbines as part of the wind  
6 project's array, will Oliver Wind IV update its  
7 shadow flicker and sound assessments to reflect  
8 this change?

9 A. Yes. Oliver Wind IV would update its  
10 shadow flicker and sound assessments and file  
11 copies of those updates with the Commission.

12 If the five 2.52 megawatt turbines are  
13 utilized, Oliver Wind IV will ensure the wind  
14 project continues to comply with the Commission's  
15 shadow flicker and sound standards.

16 Q. And in your opinion, has Oliver Wind IV  
17 sited the projects in a manner so that their  
18 location and operation will produce minimal adverse  
19 effects on the environment, wildlife and upon the  
20 welfare of the citizens of North Dakota?

21 A. Yes, for the reasons I just discussed and  
22 as outlined in my prefiled testimony and in the  
23 projects' filings.

24 Q. And are there a few additional items that  
25 you would like to address as follow-up following

1 Mr. Clay Cameron's testimony earlier?

2 A. Yes. Yes.

3 Q. So with respect to Hearing Exhibit 15,  
4 which is the consolidated shadow flicker and  
5 acoustic assessment results, there were some  
6 questions regarding the status of certain  
7 receptors, in particular, their participation  
8 status in this project. With respect to receptor  
9 number 159 and U145, can you please explain the  
10 status of those receptors and also just explain  
11 their relationship?

12 A. Sure. Both of those are associated with  
13 the same landowner. And this landowner is not  
14 interested in participating in the project. U145,  
15 the U stands for uninhabited potentially, but we  
16 could not confirm that with the landowner that it  
17 was uninhabited so we left it in the analysis to be  
18 conservative.

19 ALJ DAWSON: Could you repeat those  
20 numbers again for us, the receptor numbers?

21 THE WITNESS: Sure. It's R159 and U145.  
22 And U is potentially uninhabited.

23 Q. (MS. FUREY CONTINUING) But still  
24 included?

25 A. But still included in the analysis because

1 we could not get confirmation from the landowner.  
2 So like I said, to be conservative, they were  
3 included in the analysis.

4 Q. Can you please discuss receptor number 97?

5 A. We've approached that landowner with a  
6 participation agreement and actually are -- we've  
7 got a meeting scheduled with them for next week.

8 Q. To discuss the proposed agreement?

9 A. To discuss the proposed agreement.

10 Q. And then can you please provide additional  
11 information regarding receptor number 101?

12 A. And receptor 101 is -- the participation  
13 agreement is pending. This is the landowner that  
14 is associated with turbine 35 and they recently  
15 approached us to be in the project, and so -- and  
16 we've discussed that we dropped turbine 35 but then  
17 the landowner came back and said they want to be  
18 part of the project so now they're included. So  
19 turbine 35 is included again. So that's this  
20 landowner, receptor 101. So their participation  
21 agreement is pending.

22 Q. Just addressing a few additional items.  
23 There was a question regarding LNTE blades and by  
24 how much that can reduce sound levels. Do you have  
25 additional information to provide regarding that



1 reduction?

2 A. Sure. So the low-noise trailing edge  
3 blades reduces noise by one and a half decibels.

4 Q. And there was a prior comment, I believe,  
5 that all of the blades would utilize this  
6 technology. Do you have any additional updated  
7 information that you would like to provide to the  
8 Commission?

9 A. Yes. And that was an inaccurate  
10 statement. Not 100 percent of the turbines have  
11 this LNTE, low-noise trailing edge design. 85  
12 percent of the turbines will have this LNTE  
13 feature. The remaining turbines don't include that  
14 design parameter because they're sited far enough  
15 away from any receptors that it wasn't warranted.

16 Q. And did you model for that? How did you  
17 -- did you just make that determination or was that  
18 included in modeling?

19 A. That was absolutely modeled by AECOM to be  
20 able to make that determination and design.

21 Q. There was a prior question regarding tree  
22 and shrub mitigation and what is Oliver Wind IV's  
23 planned mitigation proposal for tree and shrub  
24 replacement. Can you please just provide some  
25 additional information regarding what are Oliver

1 Wind IV's plans at this time?

2 A. Sure. And that I think it was in regards  
3 to removing trees, and we are absolutely  
4 coordinating with landowners on those tree removals  
5 and absolutely will be following the Commission's  
6 tree and shrub mitigation plan process and prepare  
7 that plan and submit for approval.

8 Q. So as part of that proposal, is it your  
9 intent to approach the landowners who have tree  
10 removal proposed for their parcels and see if  
11 they're interested in having replacement trees  
12 replaced on their parcels?

13 A. Absolutely.

14 Q. So in the event that they're not  
15 interested in having replacement plantings go on  
16 their parcels, how do you anticipate at this time  
17 addressing those situations?

18 A. So if they don't want -- we're going to  
19 leave it up to the landowners on how they want the  
20 trees replaced. It could be -- and if they don't  
21 want it on their parcel, then we can work with  
22 other landowners to replace the trees on other  
23 parcels within the projects.

24 Q. For the Oliver Wind IV facility, there was  
25 a question regarding how many turbines in that

1 particular facility -- again, the Oliver Wind III  
2 facility that are located in Oliver County.

3 A. And one of 8 -- one of 48 turbines in  
4 Oliver Wind III are located in Oliver County.

5 Q. And then for the Oliver Wind IV project,  
6 are all 73 of the proposed turbines located in  
7 Oliver County?

8 A. All 73 turbines for Oliver Wind IV are  
9 located in Oliver County.

10 Q. There was a question regarding the  
11 existing Oliver facilities and how many employees  
12 of those facilities reside within -- just  
13 essentially where do they reside and whether or not  
14 they reside in Oliver County. Can you provide  
15 additional information?

16 A. Sure. There's ten employees and they  
17 reside in Morton and Burleigh Counties.

18 Q. And then is it correct the Oliver Wind IV  
19 will employ an additional five to eight full-time  
20 employees?

21 A. That is correct, and we anticipate they  
22 will reside in the surrounding area.

23 Q. There was a question requesting additional  
24 information regarding the tax benefits of the  
25 project specifically related to the allocation of

1 tax between the state and the county. Do you have  
2 additional information to provide?

3 A. I have partial information specifically  
4 for the wind farm, and that's a third of the tax  
5 revenue will go to the state and two-thirds will go  
6 to Oliver County.

7 Q. And is it Oliver Wind IV's intent should  
8 the Commission request or would like additional  
9 information regarding the specific monetary amount,  
10 that that can be provided to supplement the record  
11 as a late-filed exhibit?

12 A. Yes. Yes.

13 Q. There was an additional question regarding  
14 one of the tables in the wind facility application.  
15 So if I could please have you turn to the wind  
16 application, which is Exhibit 1, and that's docket  
17 number 1 in the wind case, PU-23-317. And if you  
18 could turn to -- it's Bates-stamped page number 38  
19 and it related to table 6.2.1-1 with respect to  
20 existing daily traffic levels.

21 A. I'm at the table.

22 Q. And there was a question as to why data  
23 was utilized that stems from 2006. It appears that  
24 that is the last entry in the table. Do you see  
25 that?

1 A. I see it, yes.

2 Q. Okay. Do you have additional information  
3 to provide regarding why 2006 data was utilized as  
4 part of this table?

5 A. So this is the most current information  
6 provided by the North Dakota Department of  
7 Transportation, and that's the most recent year  
8 that they have data for that highway, that roadway  
9 segment. So there's two roadway segments that list  
10 2006 and that was the last year that -- that's the  
11 most current information that DOT has for those two  
12 roadway segments.

13 Q. Thank you. Additionally, there were some  
14 questions regarding the acreage of the projects, so  
15 the wind project site and then the transmission  
16 line corridor. Can you please confirm the total  
17 acreage in the projects?

18 A. Sure. And it's correct in the  
19 application, which is Exhibit 1 and Exhibit 2. The  
20 wind acreage is 22,291 acres. And for the  
21 transmission line it's 379 acres.

22 Q. And there was an additional question  
23 regarding rotational speed data, and is it Oliver  
24 Wind IV's intent to file additional information  
25 regarding rotational speed as a late-filed exhibit



1 if the Commission would like to receive that  
2 information?

3 A. Yes.

4 Q. And does that conclude your direct  
5 testimony?

6 A. Yes.

7 MS. FUREY: Thank you.

8 ALJ DAWSON: Mr. Pranis, any questions?

9 MR. PRANIS: None.

10 ALJ DAWSON: Mr. Johnson?

11 MR. JOHNSON: None at this time, Your  
12 Honor.

13 ALJ DAWSON: Commissioner Fedorchak.

14 COMMISSIONER FEDORCHAK: Excellent. Thank  
15 you.

16 **EXAMINATION**

17 **BY COMMISSIONER FEDORCHAK:**

18 Q. Thank you, Dina. Appreciate your  
19 testimony so far. So going through some of the  
20 various categories, I'm trying to decide where to  
21 start.

22 Since we just talked about tree and shrub  
23 plan, I'll go to that first. So on Exhibit 13, the  
24 last page of that is our tree and shrub mitigation  
25 plan specifics. And I don't know if you had the

1 benefit of working with the Commission prior to us  
2 approving this sort of simplified plan, but it used  
3 to be like three or four pages long with a lot of  
4 very specific requirements that required, you know,  
5 a planting of certain percent and a survival rate  
6 of this percent, and we ended up realizing that it  
7 was just a lot of -- a lot of sort of bureaucratic  
8 work for not a lot of benefit and so we stepped  
9 back and said what's the whole point of this.

10 The whole point of a tree and shrub  
11 mitigation plan is to, you know, have trees and  
12 shrubs back in the environment benefiting North  
13 Dakotans, wildlife, et cetera. So rather than just  
14 having companies blindly planting and counting, we  
15 want companies to be intentional about working with  
16 landowners on trees and shrubs and groupings of  
17 plantings that actually have a benefit to them or  
18 to the wildlife or whatever. So a lot of  
19 landowners we've come to realize in western North  
20 Dakota don't necessarily want all of these trees  
21 and shrubs on their land and so companies have had  
22 to get a little more creative and work with  
23 organizations, parks, those, you know, other --  
24 other community groups, et cetera, to try to come  
25 up with these plantings.

1           So I'm just -- this is a little bit of a  
2     lecture perhaps. But I've been disappointed with  
3     the companies that have come back with their plans  
4     and their results because it turns out it's a  
5     little easier to just plant and count. It's harder  
6     to get a little bit more creative and actually  
7     produce results.

8           So I'm just saying, please, in doing this,  
9     do it in the spirit of this proposal. We want  
10    results. If you're going to go to the trouble  
11    of -- and the cost and expense of replacing these  
12    trees, do it thoughtfully, work with the  
13    communities, work with organizations in the  
14    community and figure out a way to do it  
15    someplace -- you know, somewhere in this county or  
16    neighboring counties where it can have an impact.  
17    There's a lot of people who do want trees and  
18    shrubs to help with their -- you know, with  
19    wildlife development or in their parks or in their  
20    golf courses or whatever it might be.

21           We're open to creative solutions, but I'm  
22    really not interested in getting reports about how  
23    many trees you planted and how many survived the  
24    next year. So that's just a little like -- this is  
25    the first case I've had an opportunity to kind of

1 speak directly to the companies about that since  
2 we've kind of come around with this new plan and  
3 seen the results of it, and so I'm hoping that you  
4 guys will get creative and have some real results  
5 on that piece.

6 A. I appreciate your comments, Commissioner.

7 Q. Thank you. All right. So on the sound --  
8 let's see here. Kind of go back to that section.  
9 I think that's section -- Exhibit 15, the tables.  
10 So I'm looking at the participating landowners,  
11 Table 1. So help me understand, what's the  
12 difference between Table 2 and Table 3?

13 A. So Table I --

14 Q. Oh, I'm sorry. Never mind. I know what  
15 it is. I got it.

16 Okay. So on Table 1 -- I'm looking at the  
17 sound models -- and half of the participating  
18 landowners, which I'm less concerned because  
19 they're signed up, so hopefully they thought about  
20 this and know what they're getting into and are  
21 onboard with it. But still half of them are at the  
22 maximum allowable sound at their receptor. I'm  
23 anticipating that some of them might not actually  
24 in the end like that. What sort of options do you  
25 guys have? I mean, this is tough to fix after the

1 fact in my experience.

2 A. Sure. And I hear your concerns, but I do  
3 want to remind the Commission that the 45-decibel  
4 limit is a very conservative limit and it's been  
5 one that's been used in the past -- successfully  
6 used. I know previously it was 55 decibels.

7 Q. It was 50.

8 A. It was 50 decibels.

9 Q. Yeah.

10 A. So now it's 45, and we feel it's a very  
11 protective level to allow folks to have safe,  
12 healthy, normal lives. So we're in agreement with  
13 your 55-decibel --

14 Q. 45.

15 A. -- 45-decibel threshold.

16 Q. Is this -- when you say it's conservative,  
17 in what way? Can you back that up? Are other  
18 states a lot more -- less stringent?

19 A. Other states might not have a threshold at  
20 all so --

21 Q. What do you think -- what would you say is  
22 the most common threshold?

23 A. I'm not aware of anything less -- to be  
24 fair, I work North Dakota so I'm not prepared to  
25 speak to what other states are doing exactly. I



1 just know that it is one of the most conservative  
2 limits.

3 Q. Yeah. I can't speak with authority on how  
4 we compare to other states either, but I recall 45  
5 being somewhat common when we changed it from 50 to  
6 45. Because we didn't do that just, you know, to  
7 be mean.

8 A. Sure.

9 Q. I think we felt it was sort of a best  
10 practice. So --

11 A. Let me -- I would like to let you think  
12 about this. Average room noise is 30 to 50  
13 decibels and a quiet library is 40 decibels. These  
14 numbers helped me think about this. And leaves  
15 rustling are 30 decibels. Moderate snoring is 50  
16 to 60 decibels. So those --

17 Q. I'm going to tell my husband that tonight.

18 A. And ordinary spoken --

19 Q. He's louder than a wind farm.

20 A. And ordinary spoken conversation is 60  
21 decibels. A food blender is 85 decibels. So those  
22 numbers kind of helped me as I was thinking through  
23 this issue.

24 Q. I agree. I just -- this is one of the  
25 challenges that we kind of get feedback on and I'm

1 less concerned about the participating landowners  
2 than the non because the participating landowners  
3 have thought through this and are okay with it.  
4 But that said, it's different when it's a noise you  
5 really can't get away from. So as a follow-up to  
6 this -- and there are much fewer at that level in  
7 the nonparticipating landowners, so -- in fact, you  
8 don't have any at 45, a few at 44. But -- and  
9 it -- I know it drops significantly. Each decibel  
10 is not just like -- by magnitude they grow  
11 exponentially, not just on an even basis per  
12 decibel.

13 What conditions -- to give me some  
14 comfort, you talked about the sound analysis being  
15 very conservative, you know, kind of a worst-case  
16 scenario. Can you talk a little bit more about  
17 what conditions would be needed to sort of mimic  
18 the sound levels that you're mimicking in the test  
19 and how often participants might expect to actually  
20 see those conditions realized?

21 A. So are you asking how did we model it  
22 or --

23 Q. You explained how you modeled it, but you  
24 talked about the modeling being kind of the worst-  
25 case scenario where you've got all the turbines

1 operating at a certain amount. So, I guess, given  
2 that that's the worst-case scenario or the most  
3 conservative modeling, how often might those  
4 conditions actually be realized?

5 A. So in the model the wind would be  
6 blowing -- or the sound would be traveling from all  
7 of the turbines. Can I do a demonstration?

8 Q. Sure, you can.

9 A. So if the microphone is a receptor and the  
10 water bottles are wind turbines, during the  
11 modeling -- not this turbine -- wind is -- in the  
12 model the wind is assumed to be blowing from each  
13 turbine directly at the receptor.

14 Q. Okay.

15 A. But that would never happen because wind  
16 would be blowing this way or in one direction.

17 Q. Mm-hmm.

18 A. So you would only -- the sound would be  
19 coming more predominantly from these turbines and  
20 not these at all.

21 Q. Mm-hmm. So the answer is it could never  
22 be the conditions?

23 A. Correct.

24 Q. Now it makes me think we should be asking  
25 you for the worst-case scenario and an actual

1 scenario that could be realized, because it's hard  
2 to know then what might be a likely scenario. I'm  
3 not talking about now.

4 A. Sure.

5 Q. I'm talking in the future.

6 A. And I want you to have some comfort. I  
7 mean, these are American National Standard  
8 Institute models and they play these scenarios to  
9 develop the models and they measure the sound at  
10 the receptor and adjust the models based on all  
11 these measurements. So I feel like this model that  
12 we're using and the standards that you have set are  
13 very appropriate and protective of North Dakotans.

14 Q. Okay. Well, thank you for that extra  
15 explanation. That's helpful.

16 On this SHPO and National Park Service you  
17 went through the report that you did on the visual  
18 impact and you were reading from it and I couldn't  
19 tell -- in the end you concluded that the visual  
20 impact is not an issue basically. And I couldn't  
21 tell, was that your report's conclusion or was that  
22 a letter from the SHPO and National Park Service?

23 A. So Park Service asked us to perform this  
24 viewshed analysis and we had our consultant, Burns  
25 & McDonnell, do the analysis. Park Service

1 requested that we use U.S. Bureau of Land  
2 Management methods, that's the standard methods,  
3 and so Burns & McDonnell did this analysis. And  
4 based on those results, the viewshed impact is  
5 minimal because of the distance of the projects and  
6 the existing infrastructure on the landscape.

7 So --

8 Q. Sure.

9 A. So they're like little dots on the horizon  
10 because it's so far away.

11 Q. Got it. And the Park Service and SHPO are  
12 fine with it, so they haven't responded?

13 A. So we've provided the results to Park  
14 Service and SHPO. Park Service, they received the  
15 results and have not replied yet. And maybe they  
16 will, maybe they won't. I don't know. They asked  
17 for this and we provided it because we wanted to  
18 work with our neighbors and make sure their  
19 questions were addressed.

20 SHPO is looking at the results and I  
21 expect some kind of input from them. So far just  
22 in their comments to us just in their conversations  
23 with us they're not indicating that there's going  
24 to be any issues.

25 Q. Okay. All right. Thank you for that. So



1 now I just want to talk a little bit about the  
2 wildlife stuff.

3 So regarding the overall consulting with  
4 Game and Fish and the Department of Agriculture, I  
5 just want to make the point, you mentioned in your  
6 testimony that you're meeting all the requirements  
7 of the law or you feel you are, and then kind of  
8 said and then you're going -- and you've consulted  
9 with these agencies in addition to meeting all the  
10 criteria of the law. So consulting with the  
11 agencies is part of the criteria of the law so  
12 that's not separate from that.

13 A. No, no, no, no. So we have been  
14 consulting with the agencies and so what we're  
15 saying is the voluntary offsets that we're  
16 proposing.

17 Q. Right. Yeah, I get that. But I just --  
18 we don't have all the -- all of the law. We can't  
19 decide without consultation with the agencies.

20 A. Right.

21 Q. We depend on their input. So without  
22 that, we can't determine whether an application  
23 meets the criteria of the law or not. So it's just  
24 a little -- maybe it's semantics.

25 A. Okay.

1           Q.     So you got the letter and it -- and I  
2     appreciate all the, you know, documentation of the  
3     conversations back and forth with Game and Fish and  
4     I looked at what Game and Fish has said and it  
5     seems like you've addressed all of their concerns.

6                 I have a couple questions on the letter  
7     from the Department of Agriculture.

8                 Do you have any -- do you anticipate any  
9     ongoing consultation with the Department of  
10    Agriculture as they implement the offsets for your  
11    project, or what's your understanding of what  
12    happens now?

13            A.     I feel like we've had a great relationship  
14    with Game and Fish and with Department of Ag in  
15    collaborating and developing this approach. I  
16    anticipate staying in close communication with them  
17    to see how it's going. So, yes, I do anticipate  
18    that follow-up with them.

19            Q.     You guys are the guinea pigs for this new  
20    approach.

21            A.     See, we don't like that word. We like  
22    pilot test.

23            Q.     Pilots. The pioneers?

24            A.     That's right.

25            Q.     All right. Well, and to some extent,

1 we're all kind of figuring out how to make this  
2 work.

3 A. Absolutely.

4 Q. I think it's -- you know, what you guys  
5 have all done so far is -- has the potential to be  
6 like a win, win, win for everybody, so I'm hoping  
7 that it does go forward in that way.

8 Here's my -- here's what I will say to you  
9 guys as -- as sort of the people with the most --  
10 or the organization with the most to gain and lose  
11 in this. If ultimately what you've come -- paid  
12 for, basically the offsets and the mitigation,  
13 doesn't happen and there aren't results that can be  
14 shown from it, then I anticipate the next time Game  
15 and Fish will -- there's an application, Game and  
16 Fish will come with more concerns. And so I think  
17 it would be easy for a company to kind of get in  
18 the middle of this, be like, okay, now it's up to  
19 Department of Ag, but it's not. I mean, they are  
20 implementing this. But to the extent that they  
21 don't do it in a way that addresses the concerns of  
22 this project that you have mitigated, then it isn't  
23 going to work. So I would encourage your company  
24 to stay very close with Game and Fish -- or with  
25 Game and Fish and with Ag and make sure that this

1 is transparent, how this money is being used,  
2 what's being done, that you can show results that  
3 everybody can see, okay, yeah, this worked. And,  
4 like I said, I'm hopeful that it is much improved  
5 from the past, that it benefits landowners, that it  
6 benefits the Game and Fish in their work and it  
7 benefits you guys with more certainty and that it  
8 all can be just like the right path forward. But I  
9 do think that everyone is going to have to stay  
10 engaged and not be like, okay, that's done. We'll,  
11 you know, move forward on to the next one.

12 Then I would also hope -- like, do you get  
13 a report or what kind of reporting is going to be  
14 included in this?

15 A. So far we have not discussed any kind of  
16 reporting or feedback. Like I said, it's been very  
17 collaborative and there's been a high level of  
18 communication thus far, so I anticipate that going  
19 forward.

20 COMMISSIONER FEDORCHAK: Okay. Well, and  
21 I'll talk with our staff to see if there's any sort  
22 of a reporting mechanism that would be appropriate  
23 for us to include in the order and that could help  
24 trigger that kind of ongoing discussions.

25 All right. I think that's it for me.

1 Thank you.

2 THE WITNESS: Thank you.

3 ALJ DAWSON: Commissioner Christmann.

4 EXAMINATION

5 BY COMMISSIONER CHRISTMANN:

6 Q. Well, I'll begin right there with that --

7 A. Okay.

8 Q. -- MOU --

9 A. Okay.

10 Q. -- business. I was confused and I noticed  
11 it's parsing words, but as the commissioner from  
12 Oklahoma used to say at every single SPP meeting,  
13 words matter. So you testified today, as I  
14 understood you, that you have executed this MOU.  
15 However, on December 19th, the memo that you filed  
16 with us said that you expect to execute the MOU,  
17 and then on December 29th the Ag Commissioner filed  
18 with us and said that over the next few months more  
19 detailed and tailored mitigation plans will be  
20 developed. So I don't know. Is there an MOU or is  
21 there just kind of a plan for maybe, hopefully in  
22 the not too distant future possibly getting done an  
23 MOU?

24 A. I commend the Commissioner on catching a  
25 typo because I caught that same typo, because it



1 did say in the memo it's expected to be executed  
2 when in fact it already had been executed before we  
3 submitted that. So, yes, that is a typo. The MOU  
4 has been executed with Department of Ag. And I  
5 believe in the -- let me make sure I'm referring to  
6 your comments on the Department of Ag's letter.  
7 Let me just make sure I'm understanding that.  
8 That's Exhibit 8 or docket number 15, if I've got  
9 that right. Do I have that right?

10 Q. It's a letter that was written December  
11 29th.

12 A. Okay.

13 Q. And it's our docket number 15 for the wind  
14 farm, 17 for the transmission line.

15 A. And then what statement were you  
16 referencing?

17 Q. The very -- well, the second to the last  
18 paragraph. It says, "Over the next few months more  
19 detailed and tailored mitigation plans will be  
20 developed." That tells me it's not really done.

21 A. So that is referencing more the details  
22 and specifics on the exact mitigation projects that  
23 the Department of Ag is developing, I believe. I  
24 did not prepare this letter, but that's how I  
25 interpret that. The MOU had been executed by that

1 point.

2 Q. Have you ever been updated, are you  
3 familiar with the previous NextEra wind farm from  
4 quite a number of years ago now where the voluntary  
5 mitigation plan that NextEra chose to enter proved  
6 to be quite unpopular with some of the legislators?

7 A. That predates my time at NextEra.

8 Q. So I'll just tell you that there was one  
9 and we took a lot of heat over it and we didn't  
10 even have anything -- it was NextEra's voluntary  
11 mitigation plan. That's really the start of this  
12 whole law where you work with the Ag Commissioner.

13 So I guess my question is so that we're  
14 not caught unsurprised -- we're not caught  
15 surprised if later someone doesn't like whatever  
16 gets done and we don't even know what it was. We  
17 just know that there was an MOU. So have you or  
18 will you file the MOU with us so we know what it  
19 says?

20 A. Absolutely. We're prepared to file the  
21 MOU with you -- MOU with the Commission.

22 COMMISSIONER CHRISTMANN: That will be a  
23 late-filed exhibit then?

24 MS. FUREY: Yes, Commissioner.

25 COMMISSIONER CHRISTMANN: Thank you.

1           Q.     (COMMISSIONER CHRISTMANN CONTINUING)   And  
2     I want to jump to a different topic.   If it got  
3     discussed, I was looking for paperwork and missed  
4     it and that is noxious weed control.   Are there  
5     plans in place for noxious weed control under the  
6     transmission --

7           A.     Sure.   We have prepared a noxious weed  
8     plan.   We've spoken with -- we've worked with the  
9     Oliver County Weed Board in the past so we  
10    anticipate that to be an easy transition, a good  
11    relationship.   Mercer County does not have a weed  
12    board, but we've reached out to them and they said  
13    that they understand what Oliver County does and  
14    that as we get closer to construction, they want to  
15    have conversations on our weed plan and how to best  
16    implement it.

17          Q.     With a great detail of respect, I have to  
18    disagree with you.   I believe Mercer County does  
19    have a weed board --

20          A.     Oh.

21          Q.     -- quite an active one.

22          A.     Okay.   That was not what I was informed  
23    so --

24          Q.     I do not know whether these two  
25    counties -- whether like weed board has to approve

1 your plan or county commission has to approve your  
2 plan or whether there's no approval. Has there  
3 been anything documented in the case that I'm  
4 missing about -- you know, often in cases we will  
5 have something where how their developer is  
6 requiring the contractors to clean up the equipment  
7 traversing from one land --

8 A. We have that noxious weed plan prepared so  
9 we can continue to work with the counties and then  
10 submit what the counties approve or decide.

11 Q. I would like along the way an update of,  
12 A, whether either -- either a county weed board or  
13 a county commission approval of a weed control plan  
14 is necessary in each county. Some counties require  
15 it. Some don't. And then if it is, whether you  
16 have it.

17 A. Okay.

18 COMMISSIONER CHRISTMANN: I have no other  
19 questions, Your Honor.

20 ALJ DAWSON: Commissioner Haugen-Hoffart.

21 COMMISSIONER HAUGEN-HOFFART: Thank you.

22 **EXAMINATION**

23 **BY COMMISSIONER HAUGEN-HOFFART:**

24 Q. I think we should do a sound on the blower  
25 to see how many decibels that is and that would be

1 good comparison to what we're dealing with here.

2 But more of just a statement than a  
3 question. I will echo the other two commissioners'  
4 points regarding this mitigation and MOU, that this  
5 is the first time that we're dealing with it and  
6 it's very important that we get it right. So as we  
7 move forward, there might be -- I was going to  
8 state that if this is something that we approve,  
9 how we can work in the order to follow the money on  
10 this and, again, to do it right so there's no  
11 backlash on it. So as we work through this, I  
12 think we all have to be patient with it, but also  
13 get to the bottom of it and, I'm going to say,  
14 follow the money on how we're going to mitigate  
15 this.

16 The other thing -- maybe it's a question,  
17 but the tree and shrub practices, I know there are  
18 landowners that are taking down shelterbelts  
19 because -- for whatever reason, but in this case a  
20 project is removing shrubs, and how hard is it to  
21 work with -- I'm just curious -- landowners or  
22 communities to replace? Do you find it more likely  
23 that they don't want trees and shrubs replaced and  
24 then you work with other landowners, do they want  
25 it, or communities? I'm just wondering what



1 barriers you've come into on tree and shrub.

2 A. And, Commissioner, I apologize. I haven't  
3 had any experience in working with the landowners  
4 in replacing the trees so stay tuned for that.

5 COMMISSIONER HAUGEN-HOFFART: Okay. I  
6 look forward to that. I'll stay tuned.

7 I have no further questions. Thank you.

8 THE WITNESS: Thank you.

9 ALJ DAWSON: Any redirect?

10 MS. FUREY: No, Your Honor, not at this  
11 time. Thank you.

12 ALJ DAWSON: Okay. Well, if there are no  
13 further questions, we are going to take a small  
14 break for ten minutes and we'll come back at 20  
15 minutes after or shortly thereafter. We're at  
16 recess.

17 (Recess taken at 2:10 p.m. and reconvened  
18 at 2:21 p.m.)

19 ALJ DAWSON: We're back on the record.

20 Ms. Furey, do you have any other  
21 witnesses?

22 MS. FUREY: No, Your Honor.

23 ALJ DAWSON: Commissioner Christmann, were  
24 there people in the audience that needed to speak  
25 before the intervenor because of time limitations?

1                   COMMISSIONER CHRISTMANN: Yes, Your Honor.  
2     A couple people over lunch had mentioned that they  
3     had some other work and they're hoping that it was  
4     going to be maybe right after lunch. I don't know  
5     if other things have changed, but I thought if we  
6     could offer that up if someone does have other  
7     conflicts. It's nice if they can stick around for  
8     the whole hearing, but if -- rather than completely  
9     missing them, if we could potentially give them a  
10    shot here.

11                  ALJ DAWSON: The intervenor has agreed to  
12    allow public testimony to go ahead of the  
13    intervenor just because of the aforementioned  
14    reasons stated by Commissioner Christmann, because  
15    some of the speakers had limited time and needed to  
16    go on to other things today.

17                  So if there's anyone in particular that  
18    has public testimony that they'd like to offer and  
19    they're limited on time, they can come forward and  
20    we'll receive that now. We'll allow those people  
21    to speak as well after the intervenors, and I would  
22    guess the intervenors aren't going to take all that  
23    long. So it's up to you.

24                  Are there any people from the public who  
25    wish to testify? You can come forward, sir.

1                   Were you here for my previous warnings as  
2 to perjury?

3                   MR. KARGES: I was.

4                   ALJ DAWSON: So you understand what  
5 perjury is and the penalties for it?

6                   MR. KARGES: I do.

7                                 **DARYN KARGES,**  
8 being first duly sworn, was examined and testified  
9 as follows:

10                   ALJ DAWSON: Can you please state your  
11 name.

12                   THE WITNESS: Daryn Karges.

13                   ALJ DAWSON: And did you sign in on the  
14 sign-in sheet?

15                   THE WITNESS: Yes, I did.

16                   ALJ DAWSON: Can you spell your name for  
17 me?

18                   THE WITNESS: K-a-r-g-e-s, then Daryn,  
19 D-a-r-y-n.

20                   ALJ DAWSON: And where are you from?

21                   THE WITNESS: We are south of Hazen. Do  
22 you want an address?

23                   ALJ DAWSON: Okay. Well, tell the  
24 commissioners what you need to tell them.

25                   THE WITNESS: Yes. So I guess I hadn't

1 originally planned to speak and then Commissioner  
2 Fedorchak had asked the representation if all  
3 nonparticipating landowners had been contacted or  
4 offered the right to be -- or the right to  
5 participate. And I would say, no, I have not  
6 received a contract at all.

7           When it was Red Butte Wind Farm, I was  
8 doing chores and there was a team of environmental  
9 researchers that was out on my property setting  
10 flags, and so I went up to them and I said, What  
11 are you guys doing? And they said, Well, there's  
12 an underground power line going across the corner  
13 of your land and we are out doing environmental  
14 research for this. And I said, No, there's been  
15 absolutely no contract signed. They haven't even  
16 contacted me yet and you guys are officially  
17 trespassing so you can get off my property until I  
18 have a contract.

19           So then I contacted the representation for  
20 Red Butte and they came out and paid me \$3,500 to  
21 not sue them for trespassing. And then I said, I  
22 am not necessarily opposed to this project, but you  
23 cannot come on my property without a signed lease  
24 agreement. And they said they would get that to  
25 me, and then they never did.

1                    Obviously it's been a white since Red  
2                    Butte was in control of this. But we have not been  
3                    contacted at all to date or had the option to even  
4                    refuse this. So that's pretty much all I have to  
5                    say.

6                    ALJ DAWSON: Miss Furey, do you have any  
7                    questions?

8                    MS. FUREY: No, Your Honor.

9                    ALJ DAWSON: Mr. Pranis?

10                   MR. PRANIS: No, Your Honor.

11                   ALJ DAWSON: Mr. Johnson?

12                   **EXAMINATION**

13                   **BY MR. JOHNSON:**

14                   Q. If I asked you on that map over there to  
15                   point out where your property was, would you be  
16                   able to do that?

17                   A. Yes. It's Section 24. I always forget  
18                   the range, but it's the rectangular piece. I took  
19                   a picture of the map here. Hang on. Be 200 acres  
20                   on Section 24, be the southwest quarter and an 80.  
21                   It runs right along Brady Creek.

22                   Q. Would you mind going over and pointing it  
23                   out so the commissioners can see where it is?

24                   A. [Witness indicates.]

25                   Q. So I guess the best description would be



1 top of the map of the open rectangle. I guess it's  
2 the only fully enclosed open rectangle towards the  
3 top of the project.

4 MR. JOHNSON: Thank you.

5 ALJ DAWSON: Commissioner Fedorchak.

6 **EXAMINATION**

7 **BY COMMISSIONER FEDORCHAK:**

8 Q. Thank you, Daryn. Appreciate you sticking  
9 around and speaking. So do you have an occupied  
10 residence there?

11 A. Yes.

12 Q. You're receptor U145 and R159; do you  
13 know?

14 A. I'm not sure what receptor I am, but I do  
15 know we live there.

16 Q. You didn't know you had a number  
17 associated with your house. It wasn't your  
18 address. Okay. Well, and that was one that we've  
19 talked about because you have, you know, in terms  
20 of the nonparticipating landowners, the sound  
21 levels there are among the highest, just under the  
22 threshold of 45, so that one jumped out at me.

23 Okay. Well, are you interested in  
24 visiting with the company and open to that?

25 A. I am open to it, yes. I just -- you know,

1 I have yet to see a lease so I don't know what  
2 stipulations there would be --

3 Q. Right.

4 A. -- or anything. They truly have just -- I  
5 haven't seen a lease. I do understand the sound  
6 level. If you don't mind me talking a little bit  
7 about that, we rent ground from a landlord that  
8 has -- well, there's over five. I'm not quite sure  
9 how many he actually has on his property. But  
10 looking at that map and seeing where that tower is  
11 in relation to the prevailing northwest winds, when  
12 you're downwind from these things, they are quite  
13 loud.

14 And so our residence would be somewhat  
15 downwind from that quite consistently.

16 Q. Right.

17 A. So that makes sense. But the only thing  
18 that I can understand about us being an uninhabited  
19 is that we used to live in a farmhouse that was  
20 built in the '20s and then we built a new house on  
21 the place. And I did let the surveyors come on and  
22 take a housing location, just a verbal agreement to  
23 let them take our location for that purpose, the  
24 sound and also the environmental location, but we  
25 have never moved off and we built a new house on

1 the same spot.

2 Q. Sometimes if there's -- you know, there's  
3 two -- there's two residences here, one is occupied  
4 clearly and then the other they're saying might be,  
5 so I don't know if you have --

6 A. There's only one residency there now. The  
7 old house we demolished.

8 Q. Sometimes these surveys come from  
9 satellite imagery that is a little outdated. So  
10 not saying that it was. Well, I'm glad that you  
11 attended and we can clear up at least what's  
12 happening with that block of nonparticipating and  
13 we don't get involved at all in the easements with  
14 the -- or the negotiations whatsoever.

15 A. Sure.

16 Q. But hopefully the company will reach out  
17 to you if you're interested and you can go from  
18 there. So thanks for coming, Daryn.

19 A. That would be nice.

20 ALJ DAWSON: Commissioner Christmann.

21 **EXAMINATION**

22 **BY COMMISSIONER CHRISTMANN:**

23 Q. So as I'm looking at this -- I don't know  
24 how closely you looked at that when you pointed it  
25 out.

1           A.     Yes.

2           Q.     So it looks like probably within about a  
3 mile you have two turbines to the west, two to the  
4 east, one to the southwest, one to the southeast  
5 and one to the northeast, so you're kind of  
6 surrounded there.

7           A.     We are right in the middle, yes. I -- we  
8 rent some of that ground that they will be located  
9 on so I'm familiar with the terrain there and also  
10 where they were drilling their soil sample well, so  
11 I'm assuming I kind of know where they're going to  
12 be located.

13          Q.     So even though you're not by this plan  
14 hosting one, you are certainly going to be living  
15 within as much or more than a lot of people who are  
16 actually hosting one on their property; correct?

17          A.     Yes.

18          Q.     It looks like both the unoccupied number  
19 and the R159 show 44 decibels so just one notch  
20 under the limit.

21          A.     Correct. Leaves might be 35 decibels when  
22 they rustle in the wind, but I have yet to hear a  
23 group of leaves a half a mile away, and you can  
24 hear these turbines on a very windy day a half a  
25 mile away.

1 COMMISSIONER CHRISTMANN: I don't have any  
2 other questions. Thank you for staying longer than  
3 you hoped.

4 EXAMINATION

5 BY COMMISSIONER HAUGEN-HOFFART:

6 Q. Daryn, I just have one question. You  
7 might have said it and I didn't hear it. How long  
8 have you lived on that property?

9           A.    I believe I purchased the property in  
10   2002.  It might be 2001, but, yeah, I've lived  
11   there since then.

12 COMMISSIONER HAUGEN-HOFFART: Okay. Thank  
13 you. That's all I had.

14 ALJ DAWSON: If there are no further  
15 questions, and I see none, you may step down.

16 THE WITNESS: Thank you. Thank you,  
17 Commissioners.

18 ALJ DAWSON: Are there any other? Please  
19 come forward.

20                   You were here for my previous warnings as  
21       to perjury so you understand what perjury is and  
22       the penalties for it?

23 MR. HENKE: Yes.

24 LONNIE HENKE,

25 | being first duly sworn, was examined and testified



1 as follows:

2 ALJ DAWSON: Can you state your name for  
3 the record.

4 THE WITNESS: Lonnie Henke.

5 ALJ DAWSON: Can you spell it for me?

6 THE WITNESS: L-o-n-n-i-e H-e-n-k-e.

7 ALJ DAWSON: Did you sign in?

8 THE WITNESS: Yes.

9 ALJ DAWSON: And where are you from?

10 THE WITNESS: Hanover.

11 ALJ DAWSON: You can tell the  
12 commissioners what you want to tell them.

13 THE WITNESS: I wanted to say something  
14 about this project and I wrote it down so I didn't  
15 babble my words. It's very positive. Get my  
16 reading glasses here.

17 I farm and ranch northwest of Hanover and  
18 part of the NextEra wind farm will be located on  
19 the land I operate. I fully support this project,  
20 and the landlords and neighbors I work with have  
21 expressed their support for the project as well.  
22 NextEra personnel have been easy to work with in my  
23 experience.

24 I would also like to point out that the  
25 way compensation is paid to landowners in the

1 project is very fair and done in a way to promote  
2 harmony in the community. That is that every  
3 landowner in the project, even ones without a wind  
4 turbine, get a portion of the compensation. I  
5 would further like to state that I hope this  
6 compensation model is followed in any area of the  
7 state where a wind farm is built in the future. It  
8 is fair and promotes harmony between neighbors and  
9 participants, and I'm excited to be part of the  
10 energy industry in western Oliver County.

11 ALJ DAWSON: Are there any questions from  
12 you, Ms. Furey?

13 MS. FUREY: No, Your Honor.

14 ALJ DAWSON: Mr. Pranis?

15 MR. PRANIS: No.

16 ALJ DAWSON: Mr. Johnson?

17 MR. JOHNSON: No, Your Honor.

18 ALJ DAWSON: Commissioner Fedorchak?

19 **EXAMINATION**

20 **BY COMMISSIONER FEDORCHAK:**

21 Q. Absolutely. Thank you, Lonnie, for being  
22 here. Appreciate it. Even without the elk, I knew  
23 you'd be man of your word.

24 A. Thank you.

25 Q. I agree with you. I think that this model

1     that the company is using to offer payment to  
2     everyone within the footprint is the right one and  
3     it definitely helps. This hasn't been the way it  
4     always has been. It's evolved over time.

5                   Now, with Daryn coming forward and having  
6   not been contacted, and he's kind of right in the  
7   middle, it gives me a little concern that has  
8   everybody had a chance. Have you heard of anybody  
9   else or -- like can we be sure that everyone has  
10  had the chance to be part of this project?

11           A.    I can only say from my landlords and the  
12    neighbors that I talk to regularly, yes.

13 | Q. Yeah. Okay.

14           A.    I don't know how else to answer that.  I  
15    sure wouldn't know for everybody else.

16 COMMISSIONER FEDORCHAK: Right. Well,  
17 public comment isn't over yet so maybe others will  
18 come forward or maybe not. Maybe it's just an  
19 outlier. But, regardless, thank you for being  
20 here, Lonnie. Appreciate it.

21 ALJ DAWSON: Commissioner Christmann.

22 | EXAMINATION

23 BY COMMISSIONER CHRISTMANN:

24 Q. I'll preface it by saying that, Lonnie,  
25 I'm glad I'm not the only one who's evolved to the

1 readers since our old days.

2 Did you look at the map close enough to  
3 tell me your residence number at the place where  
4 you center your operation out of? Not all your  
5 landlords but --

6 A. No. I could do it real fast.

7 Q. Can you come up here and find it? It's  
8 like an R100 kind of a number.

9 A. Top is north; correct?

10 Q. Correct.

11 A. Where is the Hanover road at? Hanover.  
12 We're right here and there's no numbers on these  
13 red dots.

14 COMMISSIONER FEDORCHAK: Like 105 and 157  
15 maybe, it looks like.

16 ALJ DAWSON: Who said that?

17 COMMISSIONER CHRISTMANN: Are there  
18 like -- is there a turbine number close by it that  
19 you could say it's just the one to the north of --

20 THE WITNESS: 34.

21 COMMISSIONER CHRISTMANN: What's that?

22 THE WITNESS: 34.

23 COMMISSIONER FEDORCHAK: Is that to the  
24 east?

25 THE WITNESS: 34 is to the east.

1 COMMISSIONER FEDORCHAK: Yeah. So he's  
2 probably 105 or 157.

3 Q. (COMMISSIONER CHRISTMANN CONTINUING) Kind  
4 of by that -- do you see R157, that little purple  
5 and white circle?

6 COMMISSIONER HAUGEN-HOFFART: Those aren't  
7 there, Randy.

8 ALJ DAWSON: Miss Furey.

9 MS. FUREY: Yeah, I can direct you. If  
10 you wouldn't mind, see that binder that's directly  
11 right in front of you?

12 THE WITNESS: Yes.

13 MS. FUREY: Do you want to turn to tab 15.  
14 There's going to be some charts and you're going to  
15 want to flip past those charts, the map at the back  
16 there.

17 THE WITNESS: Okay.

18 MS. FUREY: The commissioners are asking  
19 you to identify what you think, you know, where  
20 your circle -- your respective circle that would,  
21 you know, potentially represent your residence is  
22 located.

23 THE WITNESS: It looks like 107 and 106,  
24 the right one.

25 MS. FUREY: They thought maybe 105 by



1 turbine 34 because you had previously --

2 ALJ DAWSON: 157.

3 MS. FUREY: 157.

4 THE WITNESS: It says 157 and 105, yes.

5 MS. FUREY: Okay.

6 COMMISSIONER CHRISTMANN: Okay.

7 THE WITNESS: Yeah, that's correct.

8 Q. (COMMISSIONER CHRISTMANN CONTINUING) So  
9 the land just to the west of you there is that  
10 boxed-out area that apparently is a nonparticipant,  
11 that's not yours then?

12 A. Is that a quarter? Yeah, that is not my  
13 land.

14 COMMISSIONER CHRISTMANN: Okay. No other  
15 questions. Thanks, Lonnie.

16 ALJ DAWSON: Commissioner Haugen-Hoffart?

17 COMMISSIONER HAUGEN-HOFFART: Lonnie,  
18 thank you so much for coming and testifying. I  
19 have to say it's nice to listen to someone and they  
20 used the word "harmony" twice. So it's good to  
21 hear that there are some things that work really  
22 well. So, again, thank you for coming. I have no  
23 questions for you.

24 ALJ DAWSON: You may step down.

25 Could you raise your hand if you're in the

1 audience and plan on testifying? Okay. We've got  
2 fiveish. Okay. Do you mind if we -- we'll  
3 continue with public testimony until it's done.  
4 Please come forward.

5 You were here for my previous warnings as  
6 to perjury so you understand what perjury is and  
7 the penalties for it?

8 MR. UECKER: I do.

9 **COLE UECKER,**  
10 being first duly sworn, was examined and testified  
11 as follows:

12 ALJ DAWSON: Can you state your name for  
13 me.

14 THE WITNESS: Cole Uecker.

15 ALJ DAWSON: Spell it.

16 THE WITNESS: U-e-c-k-e-r.

17 ALJ DAWSON: Did you sign in?

18 THE WITNESS: I did.

19 ALJ DAWSON: You can begin your testimony.

20 THE WITNESS: Thank you. My name is Cole  
21 Uecker. I'm a business representative with the  
22 International Union of Operating Engineers with  
23 Local 49. Local 49 is a labor union which  
24 represents heavy equipment operators and mechanics  
25 in North Dakota as well as South Dakota and

1 Minnesota. Our members perform work on a wide  
2 array of energy infrastructure construction and  
3 maintenance projects, including coal plants,  
4 natural gas plants, pipelines, renewables.

5 We support an all-of-the-above approach to  
6 energy infrastructure with one important caveat.  
7 Infrastructure should be built safely by skilled  
8 local workers who are paid a living wage for their  
9 work. This project will put over 300 men and women  
10 to work. Sorry. This project will put over 300  
11 men and women to work. If the project does go  
12 nonunion, these 300 jobs will go to travelers, not  
13 local help. The small communities in this area  
14 have depended on and fed their families on energy  
15 projects that have taken place here in the past 40  
16 years.

17 When it comes to using union trades,  
18 studies have shown that safety and productivity  
19 have increased dramatically. A good example is  
20 with our local trades in this state where we are  
21 accustomed to taking an OSHA safety class every  
22 three years, whereas a nonunion traveler from out  
23 of state does not have the repetitive training as  
24 the trade men and women that live in this area.

25 Unfortunately, based on Local 49's

1 conversations with the contractor that will be  
2 doing this project, they would like to go forward  
3 doing it nonunion. That means many of the jobs  
4 will likely go to out-of-state workers. With the  
5 new tax credits available to project developers,  
6 there is no excuse for the benefits of this project  
7 to be going to -- for them not to be going to local  
8 North Dakota workers.

9 If the project goes union, not only does  
10 Local 49 approve it, but we would also staff it  
11 with local help. If the project continues to lean  
12 on a nonunion and using out-of-state help, we would  
13 encourage the Commission to deny the permit  
14 application.

15 ALJ DAWSON: Miss Furey?

16 MS. FUREY: No questions, Your Honor.

17 ALJ DAWSON: Mr. Pranis?

18 MR. PRANIS: I appreciate the comments and  
19 no questions.

20 ALJ DAWSON: Mr. Johnson?

21 MR. JOHNSON: No, Your Honor.

22 ALJ DAWSON: Commissioner Fedorchak?

23 **EXAMINATION**

24 **BY COMMISSIONER FEDORCHAK:**

25 Q. Thank you, Cole. Appreciate you being

1 here.

2 I fully agree with your emphasis on the  
3 local workers and in-state labor. Help me  
4 understand how -- are there -- is there a limit to  
5 the amount of labor -- nonunion labor available  
6 locally to make that connection that if they don't  
7 use union, it will be out of state? Or help me  
8 understand that.

9 A. So with our experience in dealing with the  
10 contractor that got the project, or others like  
11 this contractor, the workforce in this area --  
12 projects that take place in this area are usually  
13 manned from places like Center, Stanton, Washburn,  
14 Wilton, those areas. Well, those people either  
15 married up with jobs in the local power plants or  
16 like Falkirk and the mining industry, and so if  
17 they're not with these areas, they are usually part  
18 of a union labor force that are waiting to be put  
19 to work from us on projects like this. And so  
20 there isn't a whole lot of nonunion sitting in  
21 Center and the surrounding towns waiting for a  
22 phone call, is what I'm getting at.

23 Q. Got it.

24 A. Make sense? Did I answer it?

25 Q. Yep. Has the contractor already been



1 selected for this project?

2 A. Yes.

3 Q. Are you comfortable with it?

4 A. At this time we are not. We have worked  
5 with that contractor in the past and they did go  
6 union and we provided the manpower for the project  
7 and safely completed the project. And going  
8 forward on this particular project, they decided  
9 to, as we understand it, go nonunion, which means  
10 they bring most of their help, from our  
11 understanding, from places like Oklahoma and Texas  
12 and the southeastern part of the country.

13 COMMISSIONER FEDORCHAK: All right. Thank  
14 you, Cole. Appreciate it.

15 ALJ DAWSON: Commissioner Christmann?

16 COMMISSIONER CHRISTMANN: I think I was  
17 beaten to my question, so thank you for being here,  
18 though, Cole.

19 ALJ DAWSON: Commissioner Haugen-Hoffart?

20 COMMISSIONER HAUGEN-HOFFART: Thank you,  
21 Cole, for participating, but I have no questions.

22 ALJ DAWSON: Thank you. You may step  
23 down.

24 THE WITNESS: Thank everybody for your  
25 time.

1           ALJ DAWSON: Is there any other public  
2 testimony? Please come forward.

3           You were here for my previous warnings as  
4 to perjury so you understand what perjury is and  
5 the penalties for it?

6           MS. SMITH: Yes I do.

7           ALJ DAWSON: You may begin.

8                   **JESSIE SMITH,**  
9 being first duly sworn, was examined and testified  
10 as follows:

11           THE WITNESS: My name is Jessie Smith.  
12 I'm with Local 563, the Laborers Union. We're out  
13 of Bismarck, North Dakota. I'm a resident of  
14 Oliver County and I've been with this union for 25  
15 years.

16           I would also -- like Cole was saying,  
17 would like this project to go union. We do have  
18 safety regulations that the nonunion people, you  
19 know, are not qualified. They just don't -- they  
20 don't follow regulations like the union does. And  
21 I would just like to reiterate that, you know, our  
22 -- we are local, we would like the local work. We  
23 would like to, you know, keep everything local.  
24 And, you know, if it does come down to having  
25 nonunion workers out here, there -- I would say

1     there would be housing issues.  I mean, if you're  
2     concerned about that, I'm not sure.  But that's  
3     about all I have to say, I guess.

4 ALJ DAWSON: Miss Furey?

5 MS. FUREY: No questions.

6 ALJ DAWSON: Mr. Pranis?

7	EXAMINATION
---	-------------

8 BY MR. PRANIS:

9 Q. Thanks, Jessie. Can I ask you, do you  
10 feel like there's enough skilled labor to help  
11 support this project among people who have been  
12 working in energy -- various kinds of energy in  
13 this area?

14 | A. I do, yes.

15 Q. Thanks. And would you be supportive of  
16 the project if NextEra and the contractor  
17 prioritized working with local skilled workforce to  
18 put folks to work on this project?

19	A. Definitely.
----	----------------

20 MR. PRANIS: Thank you very much.

21 ALJ DAWSON: Mr. Johnson?

22 MR. JOHNSON: No, Your Honor.

23 ALJ DAWSON: Commissioner Fedorchak?

24

25

**EXAMINATION**

**BY COMMISSIONER FEDORCHAK:**

Q. Thank you, Jessie. So if I may ask, what's your skill? What's your trade?

A. I'm a laborer.

Q. Okay.

A. So I would help the other trades just get their job done. I would make their job more efficient, I guess, you know, just like -- I guess I'm a helper-of-all-trades.

Q. Jack-of-all-trades. Have you worked on wind farms in the past?

A. I have not, but my husband has.

Q. Okay. Any of the ones that are around here?

A. Yes. He worked at the one outside of New Salem. I'm not sure which one that was, but it was for Michels -- the company Michels.

Q. There is a fair amount of energy development still going on in North Dakota. You mentioned to Kevin that you felt like there's still a strong pool of workers. Could there be any shortages that could be a concern?

A. If there would be, we're able to pool our resources and, you know, make a call in for other

1 union workers out of the area and have them, you  
2 know, come in and support us in the job.

3 COMMISSIONER FEDORCHAK: Got it. Okay.  
4 Thank you.

5 ALJ DAWSON: Commissioner Christmann?

6 COMMISSIONER CHRISTMANN: I don't think I  
7 have any questions, Jessie, but thank you for being  
8 here.

9 But I do want to say, Your Honor, I'm a  
10 little concerned -- I requested that we open up the  
11 public testimony, and Mr. Pranis, who went through  
12 the trouble of intervening on behalf of LIUNA in  
13 the case and is an intervenor participant in the  
14 case, I'm concerned if we go into the labor issues  
15 before he's had a chance to present his case in the  
16 way that he wanted to. So I guess I was thinking  
17 of more some of the ag producers and stuff. So if  
18 labor side of it needs to get going -- I don't know  
19 how you want to handle that. I'm concerned about  
20 upending Mr. Pranis's case. He's been so  
21 respectful and helpful to us.

22 ALJ DAWSON: Commissioner Haugen-Hoffart?

23 COMMISSIONER HAUGEN-HOFFART: Jessie,  
24 thank you for being here. I have no questions.

25 ALJ DAWSON: As soon as the public



1 testimony -- you may step down.

2 As soon as the public testimony portion of  
3 this is over, the intervenor, Mr. Pranis here, will  
4 be able to call witnesses that he has provided  
5 testimony from ahead of time.

6 So especially if you're within the  
7 footprint or near the footprint of the wind farm,  
8 this is your time to speak, so please come forward.

9 I'll also add that I'll allow for public  
10 testimony after the intervenor speaks as well, so  
11 this isn't a one time and you're done for people  
12 that are waiting from LIUNA.

13 Were you here for my previous warnings as  
14 to perjury?

15 MS. OPP: Yes, I was.

16 ALJ DAWSON: So you understand what  
17 perjury is and the penalties for it?

18 MS. OPP: Yes, I do.

19 **JOELENE OPP,**

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

22 ALJ DAWSON: Can you state your name into  
23 the microphone for me.

24 THE WITNESS: Joelene Opp, J-o-e-l-e-n-e  
25 O-p-p.

1 ALJ DAWSON: Did you sign in?

2 THE WITNESS: Yes.

3 ALJ DAWSON: You may begin your testimony.

4 THE WITNESS: Well, we're neighbors to  
5 Lonnie Henke and we do not agree with where one of  
6 the wind turbines is supposed to be put so close to  
7 our property there. And we left a message for him  
8 stating that to re- -- if he would reconsider that.  
9 So he did know that there was neighbors that  
10 weren't all good with it.

11 So we're concerned that it's too close,  
12 that we're high up on a hill where we live and  
13 that's a higher elevation as well, that's just  
14 kitty-corner from us. It's to the west. And that  
15 when sun or anything is, it's going to be all of  
16 that, but then all that noise. And from where our  
17 farm is there -- I've lived there 57 years and I  
18 have kids and grandkids, and I got it passed from  
19 my grandpa to my dad to me and I wanted to have it  
20 for my kids and my grandkids.

21 Well, what we're going to see now is a  
22 huge wind turbine, and you're not going to see the  
23 sunset at all. There won't be nothing like that no  
24 more at all because that wind turbine is going to  
25 be there and it's going to be big because we're

1 high up so then that's high up as well, and they're  
2 big to begin with.

3 So from our vantage point from our home  
4 and stuff and our yard, you will not see the sunset  
5 or anything like that. There won't be anything  
6 like that anymore. We've lived out there, too,  
7 like I said, 57 years, and I wanted to pass it on  
8 to my kids and my grandkids. And if that's what  
9 they're going to have, what do they really want it  
10 for because then we're going to have one of his to  
11 the south of us, too, and just other ones are going  
12 to be really close. I think the sound of that  
13 alone is going to be problematic for us as well as  
14 the location of it.

15 We've asked if somebody would reconsider  
16 or move it. There's cropland to the south of the  
17 other farm that's there as well. There's cropland  
18 that would be back further and that would be out of  
19 that area there, right there for us. And we ask  
20 that somebody would consider that.

21 ALJ DAWSON: Miss Furey?

22 MS. FUREY: No questions.

23 ALJ DAWSON: Mr. Pranis?

24 MR. PRANIS: No, Your Honor.

25 ALJ DAWSON: Mr. Johnson?

1 MR. JOHNSON: No, Your Honor.

2 ALJ DAWSON: Commissioner Fedorchak?

3 EXAMINATION

4 BY COMMISSIONER FEDORCHAK:

5 Q. Okay. Thank you, Joelene. Sorry to do  
6 this, but I'm trying to decide, are you south of  
7 where Lonnie Henke is?

8 A. Right.

9 Q. Okay. So --

10 A. We're that little corner that you guys  
11 were talking about before.

12 Q. Yeah. R097 is your receptor, I'm  
13 guessing.

14 A. Yeah. We didn't --

15 Q. In that book there do you want to turn to  
16 15, in that one. Tab 15, then two sheets back is a  
17 map -- three sheets back from that.

18 A. You said map 15?

19 Q. Tab 15, yeah.

20 A. Tab 15.

21 Q. Then there's -- a few pages back is a map.  
22 There you go. You got to open it up. There.  
23 R097, is that you? I'm on the bottom center.  
24 Because we determined that Lonnie was right  
25 about -- near that.

1           A.     We're to the south of that.   So I can't  
2 really find it here.

3           Q.     I think it's a blue and white receptor,  
4 blue and white circle.

5           A.     If you have it there, I'm sure that's what  
6 it is.   I can't really make out from this map  
7 what -- here's 21st Street, so I know that.

8           ALJ DAWSON:   Please talk into the  
9 microphone.   I can't hear you.

10           THE WITNESS:   I can't -- I can't make out  
11 for sure where it's at here, but --

12           ALJ DAWSON:   There's white boxes with  
13 numbers in them at the top.   If you look at the  
14 center and just R097 or R97.

15           THE WITNESS:   Right here?

16           ALJ DAWSON:   Is that you?

17           THE WITNESS:   This is the number?

18           MS. FUREY:    It would be number R097,  
19 they're asking is that representative of where you  
20 live?   Would that be you?

21           THE WITNESS:   Yes.

22           Q.     (COMMISSIONER FEDORCHAK CONTINUING)   Okay.

23           A.     Sorry it took so long.   I'm sorry.

24           Q.     And you're worried -- so on that map, if  
25 you'd look at that, the turbine you're worried



1 about would be number 23, straight to the west of  
2 you?

3 A. Yes. Yes.

4 Q. I see. And your thought is that it could  
5 be done away with or moved which direction? South?

6 A. It's just kitty-corner. It will be just  
7 kitty-corner from us.

8 Q. Right. But you had a solution, I thought.

9 A. I had what?

10 Q. A solution, someplace that it could be  
11 better.

12 A. We didn't know if -- there's cropland to  
13 the south of where Casey Blum lives, and that's  
14 Lonnie Henke's cropland, too, and if that could  
15 just be moved then there, because it would be  
16 setting about as far back as what it is now.

17 Q. Mm-hmm.

18 A. But then it wouldn't be so close to our  
19 residence and we wouldn't get all that noise and  
20 that flicking and we could maybe see a sunset yet  
21 in our lifetime.

22 Q. So -- okay. Well, thank you, Joelene.  
23 Have you been approached by the company to  
24 participate?

25 A. We got the letter about this meeting and

1     then I called the courthouse and they gave the  
2     Commission number to call and say that I wasn't  
3     happy about this. So then about a few days ago,  
4     then we got a message on our machine from a  
5     representative and then we got -- then he called  
6     back on Saturday and then said, you know, who he  
7     was with. Then we said that we were really  
8     disturbed about where this wind turbine is supposed  
9     to be put and if anybody could help us with it  
10    because we didn't sign up, we don't have  
11    compensation for it, and we don't want compensation  
12    for it, but we didn't sign up for this, but then  
13    our whole property -- and, you know, for our kids,  
14    I could just as well -- just gone.

15         Q.     Yeah.

16         A.     But then as far as where Lonnie is, none  
17    of his -- where his place is and stuff there, he  
18    doesn't have any of the turbines right by him, so  
19    he's going to get this insurance on the land he has  
20    now or what he farms, but all his neighbors have to  
21    deal with it. He doesn't.

22         Q.     Well, and that's the whole idea of the  
23    compensation for people who are --

24         A.     There isn't a compensation when you have  
25    family land like that and you can't even have a

1 view to look out anymore, but that's all you see  
2 right up -- right there.

3 Q. Yeah, I hear you.

4 A. You know, there isn't compensation for  
5 that because that's going to be 50 years. And  
6 would any of you want that? I don't think you  
7 would. If there would be a solution where maybe  
8 they could move that turbine. We're not saying  
9 take all the turbines away.

10 Q. Right.

11 A. We're just saying that that turbine -- so  
12 that turbine doesn't go there.

13 Q. Well, Joelene, I'm really glad you came  
14 today and expressed your concerns and some of your  
15 solutions. If the company meets the requirements  
16 of the setbacks, the sound and those sorts of  
17 things, we can't tell them they have to move that  
18 turbine, but they a lot of times try to accommodate  
19 landowners and concerns and work something out and  
20 at least compensate those who are impacted. So I  
21 hope that the company will visit with you and see  
22 and what can be worked out.

23 A. Could I ask a question? Who determines  
24 where the turbines go? Does the landowner or does  
25 the company?

1           Q.     It's a combination.  It's a negotiation.  
2     And then the state has a role to play, too, you  
3     know, because there's certain areas that they can't  
4     be and they have to meet all the criteria for the  
5     state, too.  So it's kind of a big negotiation, I  
6     think.

7           A.     Where we were determining that cropland  
8     just to the south is still his cropland.  You know,  
9     if all the other ones were okay with that, it just  
10    wouldn't be as close to our residence.  That way we  
11    wouldn't have to deal with that.  You know, that it  
12    would be just a little bit further away, just a  
13    little bit to the south, you know, about a half a  
14    mile or whatever, and he would still have his wind  
15    turbine.

16          Q.     Well, I appreciate your cooperative spirit  
17    and I hope that --

18          A.     I hope somebody helps us because people  
19    that have lived here their our whole life and then  
20    somebody else that can come in and then just put  
21    something there because, okay, now we own this  
22    parcel of land so this is what we're going to do no  
23    matter how it impacts you or your kids or your  
24    grandkids.  And then --

25                COMMISSIONER FEDORCHAK:  Like I said,

1 there's a lot of issues that come into being  
2 where -- you know, to determine exactly where these  
3 turbines are placed, but I think you're on the path  
4 to -- you know, you've expressed your concerns.  
5 You want to be cooperative. Hopefully the company  
6 will work with you on that.

7 THE WITNESS: I hope so.

8 COMMISSIONER FEDORCHAK: So thank you for  
9 being here.

10 ALJ DAWSON: Commissioner Christmann?

11 EXAMINATION

12 BY COMMISSIONER CHRISTMANN:

13 Q. Joeline, I'm not quoting here, but my  
14 recollection is that Ms. Brown, the previous  
15 NextEra witness, I believed she indicated that they  
16 have a meeting scheduled with you next week.

17 | A. What now?

18 Q. I believe she indicated that NextEra has a  
19 meeting scheduled with you next week. Do you  
20 dispute that or disagree with that?

21	A. Sarah?
----	-----------

22 Q. NextEra, the company.

23           A.     Oh, NextEra.  Oh, Kurt Reuther, he just  
24     told us today that he would come out on Wednesday  
25     or whatever.



1 Q. Okay.

2 A. And he's, I guess, with that company, to  
3 see where it's going to be at and, you know,  
4 proximity and stuff because we really -- it's not  
5 good where it's going to be at. Not for us anyway.

6 Q. So you do have that set up so that --

7 A. He just did that when we were sitting back  
8 there and he just -- just today now.

9 COMMISSIONER CHRISTMANN: Okay. Thank  
10 you. No other questions. Appreciate you being  
11 here.

12 ALJ DAWSON: Commissioner Haugen-Hoffart?

13 COMMISSIONER HAUGEN-HOFFART: I don't have  
14 any questions, but thank you for being here,  
15 Joeline.

16 THE WITNESS: Thank you. I hope somebody  
17 can help us.

18 ALJ DAWSON: Thank you. You may step  
19 down.

20 THE WITNESS: Thank you.

21 ALJ DAWSON: Any further testimony from  
22 people in or near the footprint?

23 You were here for my previous warnings as  
24 to perjury, so you understand what perjury is and  
25 the penalties for it?

1 MS. HELBLING: Yes.

2 JANET HELBLING,

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

5 ALJ DAWSON: Would you state your name and  
6 spell it for me.

7 THE WITNESS: Janet Helbling, J-a-n-e-t  
8 H-e-l-b-l-i-n-g.

9 ALJ DAWSON: And where are you from?

10 THE WITNESS: Hanover. Well, north of  
11 Hanover.

12 ALJ DAWSON: You may tell the Commission  
13 what you would like them to hear.

14 THE WITNESS: I guess we've -- we've been  
15 involved with this project of NextEra's since the  
16 beginning, clear back to Red Butte, and we've been  
17 extremely happy with NextEra. And we've had a few  
18 concerns that we've discussed with them and came to  
19 acceptable terms, as far as things like moving a  
20 road to the edge of a field instead of down the  
21 middle of a field and things like that. And I just  
22 wanted to express that we've been so impressed by  
23 them, we call them, they call us back; we've got an  
24 issue, it gets taken care of.

25 And as far as the tax base for Oliver

1 County, I think it's going to be a true blessing  
2 for this community.

3 ALJ DAWSON: Miss Furey?

4 MS. FUREY: Thank you. No questions.

5 ALJ DAWSON: Mr. Pranis?

6 MR. PRANIS: No, Your Honor.

7 ALJ DAWSON: Mr. Johnson?

8 MR. JOHNSON: No, Your Honor.

9 ALJ DAWSON: Commissioner Fedorchak?

10 COMMISSIONER FEDORCHAK: I don't. Thank  
11 you, Janet.

12 ALJ DAWSON: Commissioner Christmann?

13 **EXAMINATION**

14 **BY COMMISSIONER CHRISTMANN:**

15 Q. I think you said you're north of Hanover?

16 A. Correct.

17 Q. How far about?

18 A. Four miles.

19 Q. Four. And then are you right along the  
20 highway or are you into the west a ways?

21 A. We're right to the west of the highway --  
22 or excuse me -- the east of the highway, but our  
23 quarter of land that crossed to the west of 31 has  
24 a tower on it. And then we've got other property  
25 that goes further west.

1 COMMISSIONER CHRISTMANN: Thank you.

2 ALJ DAWSON: Commissioner Haugen-Hoffart?

3 COMMISSIONER HAUGEN-HOFFART: No

4 questions, but thank you for being here.

5 ALJ DAWSON: Please sign the sign-in sheet  
6 there if you haven't. I don't see you on the one I  
7 have, so please do that and you may step down.

8 The next person who wishes to testify may  
9 come forward, and I see a gentleman over there.

10 MR. KINDSVOGEL: My name is Jayar  
11 Kindsvogel. I'd just like to drop off a written  
12 statement.

13 ALJ DAWSON: You can sit down for a  
14 second.

15 MR. KINDSVOGEL: As a local business  
16 owner --

17 ALJ DAWSON: And did you sign the sign-in  
18 sheet?

19 MR. KINDSVOGEL: No, I have not.

20 ALJ DAWSON: You can sign it when you're  
21 done, please. Jayar Kindsvogel. Can you spell  
22 that for me?

23 MR. KINDSVOGEL: First name is J-a-y-a-r.  
24 Last name is K-i-n-d-, as in dog, s-v-, as in  
25 victor, o-g-e-l.

1 ALJ DAWSON: And you were here for my  
2 previous warnings as to perjury so you understand  
3 what perjury is and the penalties for it?

4 MR. KINDSVOGEL: Yes.

5 JAYAR KINDSVOGEL,  
6 being first duly sworn, was examined and testified  
7 as follows:

8 ALJ DAWSON: I will take your statement,  
9 but it's better if you just sum it up or read it or  
10 say a little bit of something about it.

11 THE WITNESS: I do -- I own Center  
12 Machine, Incorporated, here in Center. I do a lot  
13 of work with NextEra. They are extremely  
14 professional, courteous. All their employees that  
15 I've dealt with have been a pleasure to work with.  
16 And I hope this works out for them.

17 ALJ DAWSON: Miss Furey?

18 MS. FUREY: Thank you. No questions.

19 ALJ DAWSON: Mr. Pranis?

20 MR. PRANIS: No questions.

21 ALJ DAWSON: Mr. Johnson?

22 MR. JOHNSON: No, Your Honor.

23 ALJ DAWSON: Commissioner Fedorchak?

24 COMMISSIONER FEDORCHAK: I don't, but  
25 thank you, Jayar, for being here.



1 THE WITNESS: Thank you.

2 ALJ DAWSON: Commissioner Christmann?

3 COMMISSIONER CHRISTMANN: I do not think I  
4 do. I just will say it's great to see people  
5 operating businesses in small North Dakota  
6 communities. So thank you.

7 THE WITNESS: Thank you.

8 ALJ DAWSON: Commissioner Haugen-Hoffart?

9 COMMISSIONER HAUGEN-HOFFART: No  
10 questions, but thank you for being here.

11 ALJ DAWSON: Did you read your statement  
12 or do you want me to take it?

13 THE WITNESS: No, I did not. I can bring  
14 it to you.

15 ALJ DAWSON: Does anyone need to see this  
16 or may I enter it into evidence? Seeing no --

17 MS. FUREY: No objection. I assume that  
18 it's written on behalf of Jayar or his company?

19 ALJ DAWSON: Yep, it's from Jayar. He  
20 signed it. It's his.

21 MS. FUREY: Thank you, Your Honor. No  
22 objection.

23 ALJ DAWSON: With that, I'll enter it into  
24 the record as -- I'll give it a number later.

25 Would the next person wanting to testify

1 please come forward.

2 I'm going to give it No. 22 and it's been  
3 marked and admitted. Is that yours? Do you have  
4 22?

5 MS. FUREY: Yes, Your Honor.

6 ALJ DAWSON: You have 22?

7 MS. FUREY: No.

8 ALJ DAWSON: Your last number is 21?

9 MS. FUREY: Yes, 21.

10 ALJ DAWSON: I just didn't want to double  
11 up.

12 MS. FUREY: We're good with 22.

13 ALJ DAWSON: Hello. You were here for my  
14 previous admonitions as to perjury, so you  
15 understand what it is and the penalties for it?

16 MR. SCHMIDT: Yes, I do.

17 **RICK SCHMIDT,**

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

20 ALJ DAWSON: And your name?

21 THE WITNESS: My name is Rick Schmidt,  
22 R-i-c-k S-c-h-m-i-d-t.

23 ALJ DAWSON: And you signed in?

24 THE WITNESS: Yes. It should be the last  
25 name on one of those sheets --

1 ALJ DAWSON: Okay.

2 THE WITNESS: -- if that helps you.

3 ALJ DAWSON: There you are. You're from  
4 Center?

5 THE WITNESS: Yes.

6 ALJ DAWSON: You may begin your testimony.

7 THE WITNESS: Thank you. Actually just  
8 representing a few different entities here from  
9 within Oliver County. I was actually on the school  
10 board when the first Oliver wind farm came into  
11 Oliver County, and I knew all of the nuances that  
12 when you bring in a new entity into a community all  
13 the things that we had to go through.

14 So starting back in 2006, we basically  
15 went through a lot of this and what the tax  
16 implications might mean to a community. And I  
17 would say that even over the years since 2007 the  
18 group that's proposing the Oliver IV has been  
19 probably the -- I'm going to say by far the most  
20 professional and more -- most out in the public and  
21 talking about what their true vision is about the  
22 projects they're bringing forward.

23 I've also been a lifelong resident of the  
24 county, and I'm not here to speak of any financial  
25 interests. I'm right on the edge of a lot of the

1 wind development in the community, and so it's not  
2 like I'm talking about personal financial gain in  
3 any way. But as a person that's worked with  
4 basically the positive impacts that a wind farm  
5 will bring into a community, I feel that the Oliver  
6 wind farm is a great addition to our community.

7 I did write a statement here earlier that  
8 I submitted to you, but I think when you get into  
9 small communities and our tax revenue becomes very,  
10 very small, I think when you have opportunities to  
11 bring entities like this in, it truly makes it a  
12 huge impact to the way that we can function from a  
13 county standpoint, from a school standpoint.

14 Like I said, I've been on the board now at  
15 the school for 20-some years, I've been an employee  
16 of the State of North Dakota here in Oliver County  
17 for over 30 years, and I've seen how this has  
18 developed and what it's actually meant to our  
19 community. So I really think it's going to be a  
20 great addition here to Oliver County.

21 ALJ DAWSON: Miss Furey?

22 MS. FUREY: No questions. Thank you.

23 ALJ DAWSON: Mr. Pranis?

24 MR. PRANIS: No, Your Honor.

25 ALJ DAWSON: Mr. Johnson?

1 MR. JOHNSON: No, Your Honor.

2 ALJ DAWSON: Commissioner Fedorchak?

3 EXAMINATION

4 BY COMMISSIONER FEDORCHAK:

5 Q. Thank you, Rick. First of all, thanks for  
6 teaching my husband all about weeds and chemicals  
7 to kill them.

8 Secondly, so thank you for coming forward  
9 kind of with a broader perspective on this  
10 development of wind in your county. How many  
11 different facilities do you guys have -- wind  
12 facilities from different entities?

13 A. Well, this will be Oliver IV.

14 Q. But are there other companies you're  
15 dealing with, I guess?

16 A. Actually when they first started, it was  
17 Florida Power & Light. There's been a lot of  
18 transitions over the years, but I know that they  
19 all kind of work together and they all have the  
20 same vision in mind of what they bring to a  
21 community.

22 Q. So NextEra is the only operator you have  
23 here really of the -- in the wind industry?

24 A. Yeah. If I understand it correctly,  
25 that's possibly true, yeah.



1 Q. Okay.

2 A. I know it's changed from Florida Power &  
3 Light to Minnesota Power and there's been a lot of,  
4 you know, juggling. I've actually had a really  
5 close working relationship with the NextEra group.  
6 I would say this group of people that I've had to  
7 work with have been extremely professional and very  
8 enjoyable to work with.

9 Q. And your sense of the community's  
10 support -- you know, the economic impact is one  
11 thing. How about just generally, the impact of  
12 having wind industry and, you know, the towers, the  
13 sight, the sound, all of that? How do you think  
14 that's settled in?

15 A. I think a lot of it is learning it. I've  
16 actually -- where my farm is at is about two miles  
17 from the closest wind tower. I actually go out and  
18 do a lot of land inspections and so I'm right up  
19 close to the wind towers from time to time. I  
20 think a lot of it is -- you know, you'll get used  
21 to it. I know some people might not like the view  
22 of it, but whatever. You know, there's  
23 conversations, you can look out your back door and  
24 some people might not like a power plant, too. I  
25 mean, there's just -- it's all relative and things

1     like that.

2             The one thing I would say that's extremely  
3     positive about NextEra is the fact that just  
4     through conversations they're a believer in the  
5     energy industry as much as they are the wind energy  
6     industry. Oliver County is first noted for coal.  
7     We consider this to be coal country, but I think  
8     that the ability to work together with those  
9     entities is extremely positive because they're not  
10    just basically selling their product. They're  
11    basically here to promote the energy industry.

12            So from, you know, a perspective of  
13    whether the community is in favor of it, I would  
14    say that the vast majority of people are. And if I  
15    can be blunt, the people that aren't are the ones  
16    that have it right next to them and they're not  
17    getting paid. I'm just going to say that's the  
18    reality behind it. What it means for, you know,  
19    revenue for farmers and keeping them in business, I  
20    think, you know, it's all -- it's all a positive.

21           Q.     Good. And then how are the red light --  
22    the red light mitigation, how is that working since  
23    you see it? Are they off ever?

24           A.     You know, I think it's one of those  
25    things. If you live by an airport, they're always

1     blinking, too.  It's just kind of a reality of  
2     having that part of the industry here.  It doesn't  
3     bother me one way or another.

4 Q. Have you noticed it going down, less --  
5 that there's less red lights? Because they should  
6 be off most of the time.

7           A.     I think when they first come out, when you  
8     drive east of Oliver County, you can see the  
9     blinking lights over in Burleigh County, you know,  
10    McLean County. And so when they first come in, I  
11    would say that they were very evident. At this  
12    time I don't -- I don't notice them near as much so  
13    maybe it's just that I'm getting used to it, too.

14 COMMISSIONER FEDORCHAK: Sure. All right.

15 Thank you.

16 ALJ DAWSON: Commissioner Christmann?

17 EXAMINATION

18 BY COMMISSIONER CHRISTMANN:

19 Q. I will just say I think some of those  
20 original like Oliver I and II were not subject to  
21 the ADLS requirement, were they? They're all  
22 blinking this morning.

23               So my question, though, for you is, you  
24       had mentioned the NextEra ones. But like the Bison  
25       wind farms to the southwest of Hannover are also in

1 Oliver County; correct?

2 A. Most of them are, yeah.

3 Q. And then they're going to be doing a late  
4 filing, but you might know the answer and beat them  
5 to it and depending on the answer, I might have  
6 some questions. I asked previously about  
7 whether -- between Mercer and Oliver whether either  
8 or both required approval of weed mitigation plans  
9 by either a weed board or by the county commission.  
10 Do you know whether Oliver has a requirement to  
11 sign off on it or just that they have one or what?

12 A. They don't require it. There's another  
13 entity that is bringing a project into Oliver  
14 County that made the initiative to give the weed  
15 board their plan on what their management is going  
16 to be on weed control and management. But they're  
17 not required to do that under -- under the Oliver  
18 County Weed Control Association.

19 I would say that, you know, basically the  
20 way that I run that program is that it's the  
21 responsibility of a landowner to maintain noxious  
22 weed control no matter if it's an entity like  
23 NextEra or, you know, a farmer. It doesn't make  
24 any difference. If we see a problem, we definitely  
25 notify them and require them to take care of it.

1 COMMISSIONER CHRISTMANN: No other  
2 questions. Thanks, Rick. Good to see you.

3 THE WITNESS: Thank you.

4 ALJ DAWSON: Commissioner Haugen-Hoffart?

5 **EXAMINATION**

6 **BY COMMISSIONER HAUGEN-HOFFART:**

7 Q. Rick, in what capacity have you worked  
8 with NextEra?

9 A. Basically I would say that they were --  
10 they made the initiative to come and talk about  
11 what would be an asset to our community. At that  
12 capacity it was up with the fair board and I would  
13 say they've been tremendous sponsors of running  
14 that event, our 4-H program. They've been --  
15 they're coming and asking us what can they do to  
16 support the community, and I find that rather  
17 refreshing. Instead of us having to go out and  
18 find people, they're coming to us.

19 And so I serve on a lot of different  
20 boards, but I will tell you that they have been a  
21 tremendous supporter of a lot of our -- whether  
22 it's the school, fair board, 4-H council, or even  
23 the community in general, they've been tremendous  
24 about stepping forward and wanting to be a part of  
25 the community.



1           COMMISSIONER HAUGEN-HOFFART:   Okay.   So  
2   that's the only question I have, but I want to say  
3   thank you to you for all your service you do to the  
4   community, especially serving on the school board  
5   and all those.   So thank you.

6           THE WITNESS:   Thank you.

7           ALJ DAWSON:   Thank you.   You may down.

8           THE WITNESS:   I never get that comment  
9   about serving on the weed board, though.   So thank  
10   you.

11          ALJ DAWSON:   Is there any further public  
12   testimony?   I see a man in the back coming forward.

13          You were here for my previous warnings as  
14   to perjury, so you understand what perjury is and  
15   the penalties for it?

16          MR. KESSLER:   Yes, Your Honor.

17                       **KEITH KESSLER,**  
18   being first duly sworn, was examined and testified  
19   as follows:

20          ALJ DAWSON:   Would you state your name and  
21   spell it.

22          THE WITNESS:   Keith Kessler, K-e-i-t-h  
23   K-e-s-s-l-e-r.

24          ALJ DAWSON:   Did you sign in?

25          THE WITNESS:   No, I did not.

1           ALJ DAWSON: Please do before you leave.  
2           You can wait until you're done. You may present  
3           your testimony.

4           THE WITNESS: Well, I have a couple  
5           questions, but I don't know who to ask them to, I  
6           guess, as far as these wind projects, and this one  
7           in particular, as far as where the power is going.  
8           I wasn't here right away this morning. I watched  
9           it on my phone as we were at a medical facility.

10           But, anyway, my understanding is this  
11           power is not staying here, it goes out, there's --  
12           Verizon is buying the power. They're not building  
13           anything new in our area. So we are putting 73  
14           towers in an area and the power is all leaving.  
15           And this county, yeah, I hear a lot about it's  
16           going to bring money into the county, it's tax  
17           dollars, it's revenue, it's all this. That part is  
18           fine and dandy. But the county roads that get  
19           worked over and the shortage of gravel like Randy  
20           said earlier.

21           These roads get beat up enough with the  
22           local traffic and then you start hauling cranes in  
23           at 30 semis for a big crane and they're going to  
24           haul all their aggregate in. And then after the  
25           main construction is done, the maintenance on these

1        towers. Over by us the wind -- they told us when  
2        we're all in here, you're going to have better  
3        roads. Well, that's not what happened. We have  
4        worse roads. It puts a burden on the county  
5        because they don't have enough to keep up with all  
6        the extra maintenance. And they drive too fast,  
7        they drive -- there's three guys working on a wind  
8        tower maintenance and there's three vehicles there.  
9        So it's a lot of extra traffic. It's created some  
10       issues in a lot of the areas.

11                And with that power not staying here,  
12       that's the thing. So if there's places that need  
13       this power, I would prefer they put these wind  
14       towers in their backyard so we don't all have to  
15       look at them and export everything. And I  
16       understand about what it's bringing to the county,  
17       but it's going to cost the county a lot of money  
18       also.

19                Another one of my views is there's -- what  
20       are they going to do with the blades? How are they  
21       going to recycle them? Where are they going put  
22       them? There's hundreds of them already sitting in  
23       the county for years that have not been taken care  
24       of. So we're adding to that. Where are they going  
25       to store them? I mean, there's landfills that

1 don't want them. There's a lot of issues that come  
2 in. It's not just the revenue that the county is  
3 going to take in. There's a lot of things we have  
4 to look at.

5           These models as far as noise and shadow  
6 flicker, I personally have proved both of those  
7 modelings in our area wrong because they had  
8 modelings at 45, 50 decibel -- under 50 decibels.  
9 And we've had them over 90 at our doorstep. The  
10 shadows the same way. They said, oh, these  
11 shadows, 17 hours or 18 hours, whatever the number  
12 is, and they come in over that.

13           And in our case we filed a complaint with  
14 the company. In their easement, in their siting  
15 they're supposed to deal with it immediately. It  
16 doesn't happen.

17           So those are concerns and buyer beware as  
18 far as the landowners' right in this project,  
19 because there's things that show up afterwards that  
20 you don't even think of.

21           Those are some of my points, concerns.  
22 Yeah, there's good points to this thing, but to me  
23 there's more negative that outweighs the good. And  
24 there's a lot of wind towers in Oliver County  
25 already. At my place I can see 34 of them from my

1     doorstep and there's a lot of days there aren't  
2     many of them turning. And when it's cold, none of  
3     them turn for days on end. So we have to have  
4     alternative power to cover that.

5             So those are a lot of issues we are  
6     dealing with. And right now I can only look to the  
7     north and not see any wind towers. And once this  
8     is in, I'll be looking at them every direction.  
9     And the blinking lights, they don't go away. I  
10    have to shut the curtains on my big, nice picture  
11    window to watch television at night. Otherwise,  
12    it's all you see, red lights.

13            And the shadows. As far as shadows go, I  
14    want to touch a little bit more on that. Certain  
15    times -- it's not just your yard. For us you're  
16    out in the hayfield certain times of the morning,  
17    you're raking hay. My wife can't deal with it.  
18    She gets vertigo or whatever she has and she has to  
19    leave the hayfield. So there I sit alone. I  
20    cannot -- and those towers are not on our property,  
21    but those towers will shadow a half a mile plus  
22    into my land. And I have to deal with them. I  
23    don't get paid anything for it. So those are  
24    things that need to be dealt with.

25            And as far as this permit, yeah, they have



1       it in there for the setback, but the setbacks  
2       within the county and the state are not adequate to  
3       protect the citizens of the county or the state.

4           There's research out there from doctors,  
5   scientists, all these specialists, and they say  
6   there's counties in Wisconsin that they won't even  
7   look at a siting like this. They're not allowed  
8   because they say they are dangerous and hazardous  
9   to human health, animal health if you live within  
10   ten miles of that tower. And the long-term effects  
11   of these things, we don't even know what they are.

12           So those are my buyer beware for everybody  
13   that's involved in this. And the getting rid of  
14   blades and everything, I really would like to know  
15   what they're going to do with those. They get to  
16   be an eyesore just as much laying on the ground  
17   stacked up as they do in the air turning. Thank  
18   you.

19 ALJ DAWSON: Miss Furey?

20 EXAMINATION

21 BY MS. FUREY:

22 Q. Just a couple brief questions. Can you  
23 please just describe where you reside? I may have  
24 missed it earlier, but I don't think you previously  
25 stated that.

1           A.     I live in the western part of Oliver  
2     County.

3 Q. And then so just to clarify, are you  
4 located within the wind project boundary or --

5	A.	No.
---	----	-----

6 | Q. -- immediately adjacent?

7 MS. FUREY: Okay. Thank you. No further  
8 questions, Your Honor.

9 ALJ DAWSON: Mr. Pranis?

10 MR. PRANIS: No questions, Your Honor.

11 ALJ DAWSON: Mr. Johnson?

12 MR. JOHNSON: No, Your Honor.

13 ALJ DAWSON: Commissioner Fedorchak?

14 EXAMINATION

15 BY COMMISSIONER FEDORCHAK:

16 Q. Thank you, Keith, for being here.  
17 Appreciate you sharing your thoughts.

18           A couple questions. Have you expressed  
19       your concerns to the locals in the permitting  
20       process? Were you involved in that process at all?

21 A. As far as local landowners?

22 Q. No. So the county has a conditional use  
23 permit they approved. There was a public process  
24 for, you know, involvement with the citizens on  
25 that, concerns. Your local leaders voted

1       unanimously for the conditional use permit for  
2       this. Were you involved in that? Did you express  
3       your concerns there, I guess?

4           A.     No, I did not. I missed that because I  
5       didn't see where it was -- you know, other than  
6       going on the internet site for the county and  
7       keeping up with the agendas, that's about the only  
8       avenue I have to find those meetings and I missed  
9       it. Once I -- I didn't know about it until  
10      afterwards.

11          Q.     Yeah. All right. You mentioned the  
12      counties in Wisconsin. In North Dakota on wind  
13      development, the state defers to the counties. You  
14      can set whatever standards you want and if you  
15      don't want wind development, you can set your laws  
16      accordingly and we defer to you. So that's up to  
17      each county to decide what the citizens there want  
18      in terms of development or setbacks or anything  
19      else.

20                  Regarding the reclamation, and I'll let  
21      Randy talk a little bit more about this because  
22      he's really spearheaded the reclamation program,  
23      but there are significant standards in place before  
24      the company can even turn over a single shovel of  
25      dirt that will require them to have the money and a

1 plan for reclaiming, including the disposal of the  
2 blades. And so we've really -- we probably have  
3 some of the most significant wind reclamation  
4 requirements and laws in the whole country thanks  
5 to Commissioner Christmann.

6 And then -- let's see here. Shoot, lost  
7 my train of thought. But I do appreciate you  
8 showing up today and sharing your experience  
9 because I know you have --

10 Oh, I was going to ask you. Are you a  
11 participant in any of the wind facilities around?  
12 Do you participate in any of them? You said you  
13 aren't in this one, but are you a participant in  
14 other wind projects?

15 A. We had in the past, not by choice.

16 COMMISSIONER FEDORCHAK: Okay. All right.  
17 Thank you, Keith. Appreciate it.

18 ALJ DAWSON: Commissioner Christmann?

19 **EXAMINATION**

20 **BY COMMISSIONER CHRISTMANN:**

21 Q. Yeah, I'm really intrigued by your  
22 comments about disposal because -- thanks, Julie,  
23 but the one flaw in our system is that we've never  
24 been given any staff. And so like if someone is  
25 not disposing of things properly, we would only

1 know about it if someone tells us. And then part  
2 of that is kind of on the Department of  
3 Environmental Quality which oversees landfills and  
4 such, so kind of complicated and no staffing.

5 Is there a laydown yard in Oliver County  
6 of old turbines -- of old blades?

7 A. Yeah, you could call it that. It's just  
8 kind of like a farmer's property, yes. It's not a  
9 secret around here especially in Center.

10 Q. We should know that at some point or DEQ  
11 should because that is not what is supposed to be  
12 happening.

13 COMMISSIONER FEDORCHAK: That's true.

14 COMMISSIONER CHRISTMANN: But, like I say,  
15 it's not like the coal mines where we have  
16 inspectors that go out and make sure things are  
17 being done. We rely on reports.

18 Thank you for being here from someone who  
19 has experience in the area of a wind farm giving us  
20 this information. I appreciate it.

21 THE WITNESS: Thank you for your time.

22 ALJ DAWSON: Commissioner Haugen-Hoffart?

23 COMMISSIONER HAUGEN-HOFFART: I have no  
24 questions, but thank you, Keith, for being here.

25 ALJ DAWSON: Thank you. And please sign



1 the sign-in sheet there for me, right next to you  
2 on your left.

3 THE WITNESS: Thank you.

4 ALJ DAWSON: Are there any further people  
5 from the public who wish to testify? Any further  
6 public testimony?

7 I don't see any right now so we'll move on  
8 to the intervenor. Mr. Pranis, would you like to  
9 call a witness --

10 MR. PRANIS: Yes. Thank you, Your Honor.

11 ALJ DAWSON: -- or offer a statement?

12 MR. PRANIS: If it's all right with Your  
13 Honor, I'll call Mr. Cortina and then I'll briefly  
14 summarize my own research and we'll be done.

15 ALJ DAWSON: I know you were here for my  
16 previous warnings as to perjury, so you understand  
17 what it is and the penalties for it?

18 MR. CORTINA: I do.

19 (Witness sworn.)

20 ALJ DAWSON: You may proceed.

21 MR. PRANIS: Thank you.

22 **STEVE CORTINA,**  
23 being first duly sworn, was examined and testified  
24 as follows:  
25

**EXAMINATION**

**BY MR. PRANIS:**

Q. Mr. Cortina, could you please provide your name and describe your role with the laborers union?

A. My name is Steve Cortina. I am a marketing representative for Great Lakes Regional Organizing Committee, Local 563 out of North Dakota.

My duties here in North Dakota, I monitor projects all over the states. I help dispatch for contractors that need that part of our own union, signatory with us. I help dispatch, I help recruit, I help sign contractors to the union. And I just kind of look at all the projects to make sure they're doing their job safe.

Q. Thanks. And can you just briefly describe your experience in the wind construction industry?

A. Sure. Well, I guess I'll start at the beginning. Before I joined the laborers union, I was the kitchen manager at Applebee's down in Bismarck. I said to myself, hey, I need something else for me and my wife and my kids. I joined the laborers union. I've been a 17-year member of the laborers union. I've been a representative since

1 2012 and just helping out my state right now that I  
2 live in.

3 Q. Thanks. And you're here today with a  
4 number of other members of LIUNA, the laborers  
5 union, is that correct, dressed in orange?

6 A. Yes, I am. As you can see behind me, I  
7 have just a minute number of members here in North  
8 Dakota. They worked in the power plants around  
9 here and other type construction. So they're back  
10 here just hanging out and listening to what  
11 upcoming job do they have going on and how can they  
12 get on it.

13 Q. And, Mr. Cortina, what percentage of the  
14 members in North Dakota would you say have worked  
15 on energy construction projects?

16 A. Here in North Dakota, since I've been in,  
17 I see -- well, how can I say that? Since I've been  
18 in, I've seen three wind farms that went union here  
19 in North Dakota, Sunflower, Tatanka and the one in  
20 New Salem, I think it is. So a good percentage  
21 that I've had on those was -- had to be a good 50  
22 to 70 plus. The ones I've monitored that's been  
23 bringing the people from Oklahoma and Texas, local  
24 under 20 percent. I'd say maybe 15 percent.

25 Q. And then the coal plant work primarily

1 are -- your members you represent work in the coal  
2 plants in North Dakota; is that correct?

3 A. That is correct.

4 Q. And what's the -- I mean, in terms of the  
5 laborers, what's the percentage of local laborers  
6 from North Dakota working in the coal plants?

7 A. 90 percent.

8 Q. And is it true that members -- your  
9 members are currently working on a gas plant for  
10 Basin Cooperative out near Williston?

11 A. Absolutely. So we have -- it's a huge  
12 project called the Pioneer Generation Plant north  
13 of Trenton over by Williston, and I have quite a  
14 bit of laborers up there, have been recruiting up  
15 there, and they're very satisfied. As of right  
16 now, I just not too long ago got an email saying  
17 they want some more people. So my job is to  
18 dispatch some more people up there. I have one of  
19 my representatives out there. When they joined the  
20 union, they don't have projects so --

21 Q. And is it correct that the workforce --  
22 our workforce there is overwhelmingly also North  
23 Dakota local workers on that gas plant project?

24 A. There are -- there's a lot of local people  
25 that want to get back into construction. The

1 oilfield has been down, it's been up. A lot of  
2 people have come out to North Dakota. They see the  
3 opportunity. Like people coming from another  
4 country, they see the opportunity in America.  
5 There's a great opportunity in North Dakota. So  
6 they come out here and try to find that job and  
7 they can't get in so they work these other jobs.  
8 So what we do is kind of talk to people and see if  
9 they want to join the union, kind of get theirselves  
10 in the construction again and they give us a call.  
11 We get calls all the time. I wish everybody could  
12 work for a union, but that's not the way it works.

13 Q. Mr. Cortina, do you believe that there is  
14 capacity with the North Dakota skilled workforce,  
15 not just laborers but other trades, to provide the  
16 majority of labor on pretty much all of these  
17 energy projects that are happening?

18 A. I believe we haven't had no -- no troubles  
19 yet finding workforce. And I'm talking about the  
20 laborers. I can talk about other crafts also. But  
21 I've been going to building trade meetings and talk  
22 about their manpower and talk about the projects.  
23 I've never heard no excuse of we can't find people  
24 at all. When the project comes up, we always find  
25 the people.



1           Q.     And when -- if the bench, let's say, if  
2     the pool of workers, existing union members is  
3     cleared, is it an option to go out and recruit  
4     additional workforce?

5           A.     It is. I've done it myself. Other  
6     representatives in North Dakota have done it. It  
7     hasn't been a big -- I can't say that I haven't  
8     found people because the people was calling me  
9     every day. Construction workers are calling me  
10    every day trying to get on. So there's never been  
11    an issue of finding workers.

12          Q.     And does the union also offer training for  
13    a variety of skills that can be provided? If  
14    there's new workers or even seasoned construction  
15    workers who need specific training, is that  
16    training available?

17          A.     Absolutely. So every year -- we have a  
18    new facility down in Bismarck, the laborers union.  
19    We have an office/training center. So we teach  
20    everything from aerial lift all the way up to torch  
21    cutting, welding. We have quite a bit of training  
22    that comes over there. Multi members have just  
23    been through maybe a safety week, which covers OSHA  
24    30, first aid, CPR, blood pathogen. So we have a  
25    lot of other training that comes through. So when

1 we get a heads-up of what this contractor needs, we  
2 can get the training up here.

3 Q. All right. And, Mr. Cortina, what impact  
4 would you say that these opportunities for local  
5 laborers to get on a big energy project, whether it  
6 be a pipeline or a gas plant or a wind, I mean,  
7 would you describe those as life-changing  
8 opportunities for yourself and other laborers you  
9 know?

10 A. Well, I'll talk about myself. Me joining  
11 a wind project in North Dakota kind of changed my  
12 life. It like gave me an opportunity to exceed,  
13 make good wages, great benefits and to build my  
14 pension -- just to build my pension up. So my  
15 whole deal is somebody gave me the opportunity to  
16 help build myself up and now I just want to give  
17 back to the rest of North Dakotans that don't have  
18 the opportunity.

19 Q. And do you also see that as important in  
20 building North Dakota's skilled construction  
21 workforce, those opportunities to get on to  
22 projects doing scopes of work that workers haven't  
23 previously done?

24 A. Absolutely. I was one of those that  
25 didn't have a bit of construction skills in me, but

1     when I got on that project, the leadership out  
2     there, the foreman, the key guys that the  
3     contractor bring through, those are the ones that  
4     taught me to be that next leader, be that next  
5     foreman. So I've explained this, two or three  
6     months later I'm basically watching that particular  
7     piece of the project because they either go on to  
8     another project or they have to take some time off  
9     so now I'm that skilled laborer out there that's  
10    doing the job.

11        Q.     Mr. Cortina, you have been monitoring wind  
12    construction projects for the past several years.  
13    In the past couple of years, do you believe that  
14    these projects have fully utilized the available  
15    local workforce or that that local skilled  
16    workforce has been underutilized in the industry?

17        A.     I just talk about like the local?

18        Q.     The local. Yes, the skilled local. Do  
19    you think that these projects are fully utilizing  
20    what's available in terms of local workforce or not  
21    fully utilizing what's available?

22        A.     So since I've been in the position I am  
23    right now, I have been to a lot of these hearings  
24    for wind towers. I hear these developers say, yes,  
25    we're going to use local help. And I monitor these

1 wind farms all the time. I go out there. I talk  
2 to the workers out there, I talk to the technicians  
3 out there, and they're all from different places.  
4 I even count license plates. I even count license  
5 plates to see where they come from and the  
6 percentage out there, it's just been really low.  
7 So they don't utilize the manpower and the workers  
8 that we have here because then I ask them. They're  
9 just going out and find out of state.

10 Q. Mr. Cortina, did you hear Mr. Cameron  
11 testify that NextEra's intention is to work with  
12 LIUNA to try to better maximize use of local labor  
13 on these projects?

14 A. Yes, I did. I was very happy. This is a  
15 way to show -- show NextEra that we have the  
16 manpower, we have the skilled manpower in the  
17 state. And once we make that opportunity to get  
18 them construction workers out there, we can show  
19 them that we're going to be the best laborers out  
20 there.

21 Q. And do you believe that there will be  
22 benefits -- what would you say is the benefit to  
23 Oliver County of this project really trying to  
24 maximize its use of local workforce besides the  
25 members who are working on the project?

1           A.     Well, you know, I mean, since I've been  
2     here, I probably handed out my card three times  
3     already to somebody at the gas station, somebody  
4     just outside saying my son needs a job, my son is  
5     19 years old. So I'm already handing out my card  
6     already, just tell them what we're here for. I'm  
7     already recruiting before the job even starts. So  
8     to get them the correct training for this job, I'm  
9     already there. The word passes so quickly around  
10    small towns like this one and I probably receive --  
11    that one, two, three cards I just passed out, I'll  
12    probably receive 10, 11, 12 calls here shortly.

13           Q.     And the last question. Would it be fair  
14    to say that for the LIUNA and for other trades, one  
15    of the strongest concentrations of skilled  
16    workforce is right here in the general Mandan,  
17    Bismarck area and in coal country?

18           A.     It is.

19           MR. PRANIS: Thank you. No further  
20    questions.

21           ALJ DAWSON: Miss Furey?

22           MS. FUREY: No questions. Thank you.

23           ALJ DAWSON: Mr. Johnson?

24           MR. JOHNSON: No questions.

25           ALJ DAWSON: Commissioner Fedorchak?



**EXAMINATION**

**BY COMMISSIONER FEDORCHAK:**

Q. Thank you. Thank you, Steve, for being here. Appreciate it.

So is your message that -- to NextEra that you believe that there are more than enough skilled workers here in North Dakota to complete this job?

A. Yes.

Q. And you think that they are hearing that message?

A. I hope so.

COMMISSIONER FEDORCHAK: All right. Well, thanks for being here. Appreciate it.

ALJ DAWSON: Commissioner Christmann?

**EXAMINATION**

**BY COMMISSIONER CHRISTMANN:**

Q. Steve, I want to jump to another topic similar, though. And I don't think I've ever thought to ask you this at one of our wind farm cases.

So in each of these beyond the surge of construction jobs for a summer, there's a few jobs in O&M that are ongoing. Do you have any familiarity or have you tracked any of that to see how many wind farms, and then if you know anything

1 on NextEra subsidiaries specifically, how good of a  
2 job they do of keeping those people local to the  
3 facility, and do you know anything about whether  
4 they're -- are those ever union jobs as opposed to  
5 nonunion?

6 A. So after it's been built and the company  
7 takes over, I haven't really monitored after that.  
8 I haven't really talked to anybody. It's built,  
9 see what injuries and just kind of move on to the  
10 next upcoming projects that come on.

11 COMMISSIONER CHRISTMANN: Thanks a lot for  
12 your patience today, Steve. Good seeing you.

13 ALJ DAWSON: Commissioner Haugen-Hoffart?

14 COMMISSIONER HAUGEN-HOFFART: Thanks,  
15 Steve, for coming. I have no questions.

16 But I would like to comment on  
17 Mr. Christmann's point on NextEra or some of the  
18 capacity. What I've seen -- I had the privilege to  
19 do a site visit when I first started with NextEra  
20 and I was happy to report that a lot of the  
21 employees were from the local trade school,  
22 Bismarck State College and stuff like that. So I  
23 was very pleased with operations and management  
24 that I've seen on some of these wind farms that I  
25 visited have been locally educated at our

1 institutions and they've been employed there. So  
2 just from my observations, Mr. Christmann.

3 ALJ DAWSON: If there are no further  
4 questions, you may step down.

5 And your intent now, Mr. Pranis, is to  
6 provide some testimony yourself?

7 MR. PRANIS: If you'll allow --

8 ALJ DAWSON: I'll allow it.

9 MR. PRANIS: -- me to present without  
10 questioning myself.

11 ALJ DAWSON: You've heard the warning so  
12 you understand what perjury is and the penalties  
13 for it?

14 MR. PRANIS: Yes, Your Honor.

15 **KEVIN PRANIS,**

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

18 ALJ DAWSON: You may testify.

19 THE WITNESS: Well, I'll make this -- I'll  
20 keep this very brief.

21 We've provided prefiled testimony and an  
22 analysis as we've done in similar projects. And  
23 our best estimate is that we look at the  
24 incremental difference between a project that uses  
25 a majority local labor and majority nonlocal labor

1 based on the job numbers provided by the applicants  
2 and wage data that's available to us. And our best  
3 estimate is close to \$10 million in incremental  
4 difference. So \$10 million more in local economic  
5 activity from the use of a largely local workforce  
6 versus a nonlocal workforce. And as I'm sure  
7 everyone in the audience understands better than I  
8 do, \$10 million is not a small amount of money  
9 especially in a small community, right, in an area  
10 like this. And so -- and that's just one  
11 indication -- or indicator.

12 We heard from Mr. Cortina about the sort  
13 of workforce development impacts there and so that  
14 analysis really tries to look at what's the  
15 potential here. And, frankly, I think what we've  
16 seen as we've documented over the past several  
17 years is real underutilization of local workforce  
18 in the wind industry compared to other parts of the  
19 energy industry or other industries in the state.  
20 And given that there's concern about the coal and  
21 the impacts in coal and given that, there's a real  
22 need to maximize the benefit of North Dakota  
23 resources.

24 We're very excited that NextEra has looked  
25 at this seriously and is really willing to consider

1     it. I think, frankly, what we've sort of said in  
2     wind development, we often heard the same things as  
3     Mr. Cortina said from developers and it felt like  
4     doing the same thing and expecting a different  
5     result was sort of madness. And so it's really  
6     nice to see a developer step up in a way. We've  
7     heard a lot of positive comments about NextEra in  
8     terms of their relationships with landowners.

9             I think them being willing to tackle this  
10    is a chance to show that, you know, we really can  
11    develop that local wind workforce, we don't need to  
12    keep waiting for the next project for folks to do  
13    some local hiring, so we're looking forward to  
14    that.

15            We think that there's significant economic  
16    benefits and we do believe it's important to  
17    preserve -- you know, we're deeply committed to the  
18    coal plants in North Dakota. We do a lot of  
19    fighting in Minnesota to make sure that that's  
20    viable. We fight at the federal level to support  
21    carbon capture investment, but for the members  
22    here, it's important to have diversified sources of  
23    potential employment as well as diversified energy  
24    exports from North Dakota.

25            And so I appreciate the Commission's time.



1 That's really all I have.

2 ALJ DAWSON: Miss Furey?

3 MS. FUREY: No questions. Thank you.

4 ALJ DAWSON: Mr. Johnson?

5 MR. JOHNSON: No, Your Honor.

6 ALJ DAWSON: Commissioner Fedorchak?

7 **EXAMINATION**

8 **BY COMMISSIONER FEDORCHAK:**

9 Q. Thank you, Kevin. First let me lead off  
10 by saying how much I appreciate labor in general's  
11 engagement on energy. It's really, really  
12 important to have the labor professions nationwide  
13 advocating for energy of all sources, in the  
14 building of it and the constructing of the  
15 infrastructure that's needed to provide it because  
16 we're going to need a lot more energy in the future  
17 and it's getting harder and harder to build  
18 anything. So you guys being in the front lines  
19 advocating for this is super-duper important. So  
20 thank you for that.

21 Help me understand. You said NextEra has  
22 kind of come to the table. Are you -- is there  
23 anything formal? Are you going to be getting any  
24 reports from them on their actual hiring of the  
25 local workers? Or tell me more about this

1 commitment that you just described that NextEra has  
2 made and if it's something specific that we can see  
3 a report on.

4 A. Thank you, Commissioner Fedorchak. I  
5 would say that this is -- the conversation is new  
6 enough, it's really been over the past week, and so  
7 there's nothing finalized in terms of -- I think  
8 our understanding of the commitment is there's a  
9 commitment to work together to try to maximize  
10 employment of local workers to get a better result  
11 than has been the sort of baseline. And we have  
12 not discussed sort of reporting metrics. Generally  
13 when we have members working on a project, then we  
14 know -- we can tell people exactly how many because  
15 we keep track of that.

16 And so I think that -- we certainly will  
17 be in a position if we have members working on the  
18 project to say here's how we did, here's how many  
19 people, here's where they came from. But we have  
20 not yet worked out the details of this. I think  
21 there needs to be discussion with the contractor.  
22 We're obviously committed to making sure that the  
23 project is executed safely and economically and so,  
24 you know, that has to -- that really has to involve  
25 a lot of sort of detailed discussions with the

1 contractor to say what are the labor needs, how can  
2 they be filled, where can local workers fill in,  
3 you know, maybe if their plan didn't involve local  
4 workers, where can we start making substitutions  
5 and saying you need people for concrete, we have  
6 people for concrete, like let's start to identify  
7 scopes of work where there's already skilled labor  
8 available and those paychecks can stay here. But  
9 we do not -- you know, we are not beyond just a  
10 conceptual commitment.

11 But what I can say about that is that in  
12 Minnesota we've done a similar thing with NextEra,  
13 very successfully in Minnesota. Minnesota's  
14 commission, as you know, now tracks quarterly, and  
15 looking at those numbers the last two projects  
16 we've built with NextEra and the same contractor  
17 were 40 to 60 percent local workforce compared to  
18 we're seeing more like 10 percent or below here.  
19 And so we know that it's possible to make very  
20 substantial gains when we work together. It's just  
21 a matter of making that decision.

22 Q. So -- and you mentioned that you have  
23 documented underuse of local workforce in the wind  
24 industry in North Dakota. You filed those with us?  
25 Is that part of your prefiled testimony?

1           A.     Yeah, part of the prefiled testimony, we  
2     provided an estimate of -- part of the prefiled  
3     testimony talks about the last two projects. I  
4     think Northern Divide and Aurora Wind were both  
5     under 10 percent local workforce based on our  
6     estimates. Our estimates are based on license  
7     plate counts, but we have reconciled those in  
8     Minnesota and we came within a percentage point, I  
9     believe, of the actual number doing that so we have  
10    pretty good estimates.

11          Q.     So can you also, though, check those? You  
12    said you can check these numbers to your local  
13    hires so --

14          A.     When we're working on a project, we can.  
15    But in those that were not projects where we had  
16    any involvement and so we sort of had to just  
17    observe and --

18          Q.     Got it.

19          A.     -- and document.

20          Q.     All right. Well, please report back if  
21    you have anything more formal that comes of your  
22    negotiations or discussions on this issue with the  
23    company.

24          A.     Thank you.

25                 COMMISSIONER FEDORCHAK: Thanks.

1 ALJ DAWSON: Commissioner Christmann?

2 COMMISSIONER CHRISTMANN: I don't have any  
3 questions, but thanks, Kevin, for being so gracious  
4 to allow some of those ag producers to get on the  
5 road.

6 Your Honor, I think in about maybe seven  
7 minutes the auditor leaves and I need to have a  
8 break to discuss with them plans for leading up and  
9 shutting down this. So I'm wondering if we could  
10 get a little resurvey to see how many more want to  
11 testify -- an estimate so I can figure that out.

12 ALJ DAWSON: You need a break in seven  
13 minutes?

14 COMMISSIONER CHRISTMANN: I need to be in  
15 the auditor's office in less than seven minutes.

16 ALJ DAWSON: Commissioner Haugen-Hoffart?

17 COMMISSIONER HAUGEN-HOFFART: No  
18 questions. Thank you, Kevin.

19 ALJ DAWSON: Is there anyone remaining in  
20 the audience who wishes to testify that's public.  
21 And how long will it take you?

22 MR. SCOTT: Two minutes.

23 ALJ DAWSON: Do you want to take a break  
24 and then do that later?

25 COMMISSIONER CHRISTMANN: The closing is



1 probably going to be like a half-hour or something  
2 typically?

3 ALJ DAWSON: Fifteen minutes. We're going  
4 to take a break right now till four o'clock. We're  
5 at recess till four o'clock.

6 (Recess taken at 3:52 p.m. and reconvened  
7 at 4:05 p.m.)

8 ALJ DAWSON: We're back on the record. Is  
9 there any other public testimony? I saw one hand.  
10 Come on up.

11 MR. SCOTT: Hello.

12 ALJ DAWSON: Hello. Have you been here  
13 for the previous warnings as to perjury so as you  
14 understand what perjury is and the penalties for  
15 it?

16 MR. SCOTT: I do.

17 **MIKE SCOTT,**  
18 being first duly sworn, was examined and testified  
19 as follows:

20 ALJ DAWSON: Did you sign in?

21 THE WITNESS: Yes, I did.

22 ALJ DAWSON: Your name, please.

23 THE WITNESS: Mike Scott, M-i-k-e  
24 S-c-o-t-t.

25 ALJ DAWSON: Okay. You may testify.

1           THE WITNESS: I'm just an area laborer  
2       with the union I've been with eight years. We work  
3       hard and safe consistently. We spend our money  
4       here, we live here, we play here, and it's a good  
5       life, especially if we get the jobs. And that's  
6       what we're counting on you for. And appreciate if  
7       you give us more chances, more work. We all work  
8       all the other industries here and complete them on  
9       time or before. So thank you. That's all I got to  
10      say.

11           ALJ DAWSON: Ms. Furey, any questions?

12           MS. FUREY: No questions.

13           ALJ DAWSON: Mr. Pranis?

14           MR. PRANIS: No. Thanks for being here.

15           ALJ DAWSON: Mr. Johnson?

16           MR. JOHNSON: No questions, Your Honor.

17           ALJ DAWSON: Commissioner Fedorchak?

18           COMMISSIONER FEDORCHAK: Thank you, Mike.

19      I don't have any questions.

20           ALJ DAWSON: Commissioner Christmann?

21           COMMISSIONER CHRISTMANN: Nor do I, Mike,  
22      but thank you for waiting.

23           ALJ DAWSON: Commissioner Haugen-Hoffart?

24           COMMISSIONER HAUGEN-HOFFART: Nor do I.

25      Thank you so much.

1 THE WITNESS: All right. Thank you.

2 ALJ DAWSON: You may step down. Any other  
3 testimony? Yes, please come forward.

4 You were here for my previous warnings as  
5 to perjury so you understand what perjury is and  
6 the penalties for it?

7 MR. JENSEN: I do.

8 **JACK JENSEN,**

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

11 ALJ DAWSON: Your name, sir.

12 THE WITNESS: Jack Jensen.

13 ALJ DAWSON: J-e-n-s --

14 THE WITNESS: J-e-n-s-e-n.

15 ALJ DAWSON: S-e-n. Where are you from,  
16 Jack?

17 THE WITNESS: My residence is Hazen, but  
18 I'm native to the heart of this project.

19 ALJ DAWSON: Well, you may testify.

20 THE WITNESS: Thank you. My testimony is  
21 actually going to be some accolades for the people  
22 I've heard here all day. I'm absolutely  
23 fascinated, thrilled by the fact that we have  
24 regulators like we do who display so much patience  
25 and bring balance to this situation. I think

1 everything has been said as far as testimony for,  
2 some against this project.

3 And in my tired, old mind it's a bit of --  
4 I'm supportive of this or almost anything else if  
5 it economically benefits me. And I should between  
6 the comments put down that this will economically  
7 benefit my family, and I appreciate that.

8 It's also been very easy to work with  
9 NextEra. They're a wonderful company as I have  
10 seen them. And our land will be used for what I  
11 consider a wonderful purpose.

12 And as you can tell by observation, I'm  
13 old. My wife is very young, but I'm old and  
14 between us we have four great-grandchildren. The  
15 economic benefits of this are going to hopefully  
16 educate those four little guys. They're all boys,  
17 by the way. And so it's not going to buy a  
18 Lamborghini for Hazel and I, but we hope it does  
19 some good for these little people and hopefully  
20 they can do some good for the human race.

21 But the testimony that I want on the  
22 record after observing all day is what wonderful  
23 people we have put in a position of making this  
24 decision. And that is all I have to say other than  
25 a very heartfelt thank you to everyone who has

1 spoken today for or against this project. It's  
2 been a great experience for my wife and I. Thank  
3 you.

4 ALJ DAWSON: Miss Furey?

5 MS. FUREY: No questions. Thank you.

6 ALJ DAWSON: Mr. Pranis?

7 MR. PRANIS: Thank you. No questions.

8 ALJ DAWSON: Mr. Johnson?

9 MR. JOHNSON: No, Your Honor.

10 ALJ DAWSON: Commissioner Fedorchak?

11 COMMISSIONER FEDORCHAK: Thank you, Jack,  
12 Mr. Jensen. Appreciate you being here and thank  
13 you for the compliments. I agree it's great to  
14 have the community come forward and say what  
15 they -- you know, say how it impacts, say what the  
16 impacts are, say how they feel about it. It really  
17 helps us do the very best we can. So appreciate  
18 you and your wife being here all day long as well  
19 and for your supportive comments about the process.

20 ALJ DAWSON: Commissioner Christmann?

21 COMMISSIONER CHRISTMANN: Thank you for  
22 those compliments, Mr. Jensen. And I will just say  
23 if people disagree about the quality of our work,  
24 it's because I didn't always listen to my teachers  
25 and mentors throughout my life. To the extent that



1 we do do good work, it's because of you and others  
2 both in and out of my school days who were very  
3 helpful. And thank you for being here.

4 ALJ DAWSON: Commissioner Haugen-Hoffart?

5 COMMISSIONER HAUGEN-HOFFART: Thank you.  
6 Mr. Jensen, thank you for bringing your beautiful  
7 young wife with you. I appreciate that. Your  
8 compliments were well received and very heartfelt,  
9 so thank you. It meant a lot to me and I'm sure my  
10 fellow commissioners as they said.

11 But what makes this work for us is people  
12 like you, all of you who are here today, who show  
13 an interest, who participate. We don't always have  
14 to agree, but we do it respectfully and sometimes  
15 with that disagreement we also learn.

16 So, again, thank you for being here and  
17 your kind words. They truly made not only my day  
18 but my week and I'll take them with me. Thank you.

19 ALJ DAWSON: Thank you. You may step  
20 down.

21 Is there any further public testimony?  
22 Any further public testimony?

23 Seeing none, it's time for closing  
24 remarks. Are there any closing remarks from the  
25 applicant?

1 MS. FUREY: No, Your Honor.

2 ALJ DAWSON: Mr. Pranis?

3 MR. PRANIS: No, Your Honor.

4 ALJ DAWSON: Commissioner Fedorchak?

5 COMMISSIONER FEDORCHAK: I just think  
6 Mr. Jensen sort of summed it up well, so I think  
7 I'm going to leave it at that. Thanks everybody.  
8 Appreciate everyone's patience and participation.

9 ALJ DAWSON: Commissioner Christmann?

10 COMMISSIONER CHRISTMANN: Well said. I  
11 have nothing to add.

12 ALJ DAWSON: Commissioner Haugen-Hoffart?

13 COMMISSIONER HAUGEN-HOFFART: Ditto. I'm  
14 just going to say one thing. May everyone have  
15 safe travels home.

16 ALJ DAWSON: Is there any finishing  
17 matters that we need to discuss as to late-filed  
18 exhibits, as to listing them at least for me? I  
19 have a few stars by things and I just want to make  
20 sure that they're the same as you have starred.

21 MS. FUREY: Yeah, I can run through the  
22 list that I have, Your Honor, if that works.

23 ALJ DAWSON: Please do.

24 MS. FUREY: There was a request for Oliver  
25 Wind IV to file a copy of the memorandum of

1 understanding that was executed with the North  
2 Dakota Department of Ag. We received an additional  
3 request to provide additional rotational speed  
4 data. We have been requested to provide updated  
5 information regarding both the Oliver and Mercer  
6 County Weed Boards.

7 And just as a little note, I think there  
8 was a misunderstanding there. There certainly is a  
9 Mercer County Weed Board. It appears that they do  
10 not have any requirements, but as part of that  
11 late-filed exhibit it will include what the  
12 requirements are for both counties and then the  
13 process to get any approvals from the weed boards  
14 with respect to any filings that are otherwise  
15 required of the applicant.

16 And then the last thing that I have noted,  
17 and just want to confirm whether the information is  
18 still requested by the Commission, relates to tax  
19 information and tax benefits. We did provide that  
20 breakdown between the county and state, but as far  
21 as a dollar amount, we would need to circle up with  
22 our team and submit that information in a  
23 late-filed exhibit if it's still desired from the  
24 Commission.

25 ALJ DAWSON: Is that still desired,

1 Commissioner Christmann? I think you asked for it.

2 COMMISSIONER CHRISTMANN: Well, I think  
3 the answer was that both for the wind farm and for  
4 the transmission line, that it was about --  
5 one-third of that total was to the state and  
6 two-thirds to the counties.

7 MS. FUREY: So that is for the wind  
8 project. The taxes on the transmission line are  
9 allocated differently.

10 COMMISSIONER CHRISTMANN: Maybe we could  
11 get those then.

12 MS. FUREY: Certainly, yes.

13 ALJ DAWSON: Is there anything else that  
14 you remember, Mr. Johnson?

15 MR. JOHNSON: That covers everything that  
16 I had.

17 ALJ DAWSON: Okay. So that would be 23,  
18 24, 25 and 26 as late-filed exhibits, mark them as  
19 such, and I'll admit them when they come in.

20 Is there anything else that we need to  
21 discuss before we close?

22 MS. FUREY: Your Honor, no. We'll submit  
23 a proposed order and then we would like to reserve  
24 the opportunity to file just a posthearing brief if  
25 ultimately decided to do so. But certainly a

1 proposed order will be forthcoming.

2 ALJ DAWSON: Do we have a time by which --  
3 if you're filing a brief, it makes me hard to  
4 schedule the --

5 MS. FUREY: Yeah. I think we are  
6 undecided on a brief and whether that's necessary.  
7 It may be helpful to just kind of us use that  
8 document to kind of summarize some of the  
9 additional information that was filed. But if we  
10 could maybe schedule that three weeks from today.

11 ALJ DAWSON: Okay. The proposed findings  
12 of fact, conclusions of law and order is for three  
13 weeks from today.

14 And before we close this hearing, I'm  
15 going to ask that everybody that can and is able  
16 can grab their chair and help put it away in that  
17 closet. In there there's some racks. I'll wheel  
18 them out and help myself. The help we had lined up  
19 has disappeared so it's us today. Your help would  
20 be appreciated.

21 That being the case, it is 4:17 p.m. on  
22 January 29th, 2024, and the hearing for PU-23-317  
23 and 318 on application of Oliver Wind IV, LLC, for  
24 a certificate of site compatibility and certificate  
25 of corridor compatibility and route permit is



1 closed. And the record is left open for the  
2 late-filed exhibits and the findings of fact,  
3 conclusions of law and perhaps a brief. The  
4 hearing is closed.

5 MS. FUREY: Thank you.

6 (Concluded at 4:18 p.m., the same day.)

7 -----

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

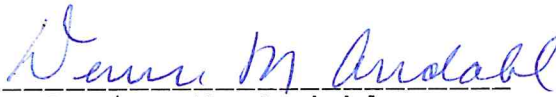
25

## 1 CERTIFICATE OF COURT REPORTER

2  
3 I, Denise M. Andahl, a court reporter,  
4 DO HEREBY CERTIFY that I recorded in  
5 shorthand the foregoing proceedings had and made of  
6 record at the time and place hereinbefore  
7 indicated.

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

12 Bismarck, North Dakota, this 7th day of  
13 February, 2024.

14  
15   
16 \_\_\_\_\_  
Denise M. Andahl  
Court Reporter

17  
18  
19  
20  
21  
22  
23  
24  
25