

South Dakota Public Utilities Commission
 EL13-028 Evidentiary Hearing
 June 10, 2014, 1:00 p.m. (CT)
 Room 414, State Capitol Building, Pierre, South Dakota

Person	Representing/Company/Agency
Gwen Anderson	Daughters
Geraldine Pesall	Self
Gerald Pesall	Self
Dean Mochouse	Self
Dean Mochouse	Self
Tamie Oberle	MDU
Angela Piner	HDR
MAUR HANSON	MDU
Mary Hunt	MDU
Don Kuntz	MDU
Jon Wells	Applicants
Jason Sutton	Applicants
Randall Schuring	Schuring Farms Inc
JON LEMAN	APPLICANT/POWER ENGINEERS
Danny Fredrick	Applicant/POWER Engineers
Jason Weiers	Applicant/Otter Tail Power
Terry Jastrow	Applicant
N. Bob Pesall	Attorney for Gerald Pesall
Melissa Christensen	Applicant / HLT
Al R Koehnig (Al Koehnig)	Applicant
Karen Mostue	Applicant / KLS

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Person

Representing/Company/Agency

Kevin Cummings

KLT/Applicant

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THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE APPLICATION EL13-028
OF MONTANA-DAKOTA UTILITIES CO.
AND OTTER TAIL POWER COMPANY FOR A
PERMIT TO CONSTRUCT THE BIG STONE
SOUTH TO ELLENDALE 345 kV
TRANSMISSION LINE

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Transcript of Proceedings
June 10, 2014
Volume I, pages 1-144

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BEFORE THE PUBLIC UTILITIES COMMISSION

GARY HANSON, CHAIRMAN
CHRIS NELSON, VICE CHAIRMAN
KRISTIE FIEGEN, COMMISSIONER

COMMISSION STAFF

John Smith
Karen Cremer
Greg Rislov
Brian Rounds
Katlyn Gustafson

APPEARANCES

Thomas Welk and Jason Sutton, Applicants
Bob Pesall, Intervener
Randall Schuring, Intervener
Bradley Morehouse, Intervener

Reported By Cheri McComsey Wittler, RPR, CRR

1 TRANSCRIPT OF PROCEEDINGS, held in the
2 above-entitled matter, at the South Dakota State Capitol
3 Building, 500 East Capitol Avenue, Pierre, South Dakota,
4 on the 10th and 11th days of June, 2014.

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	<u>I N D E X</u>				
1					
2	APPLICANT WITNESSES	DIRECT	CROSS	RD	RC
3	Henry Ford	28,223	37,69	91	--
		226	73		
4	Jason Weiers	104	110,129	--	--
			135,137		
5			142		
	Angela Piner	150	154,165	--	--
6	Danny Frederick	170	173,182	188	--
	Jon Leman	189	192,199	219	214,216
7			200,203		217,219
8					
9	PESALL WITNESSES	DIRECT	CROSS	RD	RC
10	Gregory Tylka	228	239,255	273	277
			256		
11	Gerald Pesall	279	287,300	311	--
12					
13	SCHURING WITNESSES	DIRECT	CROSS	RD	RC
14	Randall Schuring	314	317,325	--	--
			327		
15					
16	MOREHOUSE WITNESSES	DIRECT	CROSS	RD	RC
17	Bradley Morehouse	343	349,360	--	--
18					
19	PESALL REBUTTAL	DIRECT	CROSS	RD	RC
	Gregory Tylka	363	364	--	--
	Gerald Pesall	365	--	--	--
20					
21	STAFF WITNESSES	DIRECT	CROSS	RD	RC
22	Brian Rounds	371	384,385	388	--
23					
24					
25					

<u>I N D E X (Continued)</u>				
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2				
3	1 - Application and Attachments	5	11	12
4	1A - Amendment to Application	5	11	12
5	2 - Responses to First Set of Staff Data Requests	5	11	12
6	3 - Responses to Second Set of Staff Data Requests	5	11	12
7	4 - Answers to First Set of Pesall Discovery	5	11	12
8	5 - Answers to Second Set of Pesall Discovery	5	11	12
9	6 - BSSE 9 - Map, Preferred Route	5	11	12
10	7 - Route Change Request Form	5	11	12
11	8 - Pesall First Requested Route Change	5	11	12
12	9 - Route Change Matrix BSSE 29-31 Confidential	5	11	12
13	10 - MISO Tariff Attachment FF	5	11	12
14	11 - Affidavit-Oct. 17 Public Input	5	11	12
15	12 - Affidavit-May 20 Public Input	5	11	12
16	13 - Updated Table of Public Outreach	5	11	12
17	14 - Danny Frederick CV	5	11	12
18	15 - Jon Lemman CV	5	11	12
19	16A - Ford Testimony 4/25/14	5	11	12
20	16B - Ford Rebuttal Testimony 5/9/14	5	11	12
21	16C - Ford Suppl. Rebuttal 5/23/14	5	11	12
22	17 - Weiers Testimony 4/25/14	5	11	12
23	18 - Piner Testimony 4/25/14	5	11	12
24	19 - Frederick Testimony 4/25/14	5	11	12
25	20 - Lemman Testimony 4/25/14	5	11	12
	21A - Pesall Property Photo - North	5	11	12
	21B - Pesall Property Photo - South	5	11	12
	21C - Pesall Aerial Map	5	11	12
	22 - Morehouse & Schuring Aerial Map	5	13	14
	23 - 6/3/14 Draft of Soybean Cyst Nematode Prevention Plan	5	13	14
	24 - PowerPoint-10/17/13 Public Hrg.	5	13	14
	25 - Route Map 6/10/14	5	13	14
	50 - PowerPoint 5/20/14 Public Hrg.	5	13	14
	50A - Revised Maps of Route Changes	5	13	14

I N D E X (Continued)				
1				
2	PESALL EXHIBITS	M	O	R
3	101 - Pesall Direct	5	14	15
	102 - Tylka Direct	5	14	15
4	103 - Tylka CV	5	14	15
	104 - Tylka Surrebuttall	5	14	15
5	105 - 2014 SCN Distribution Map	5	14	15
	106 - 1956 USDA Special Report on SCN	5	14	15
6	107 - 1998 Soybean Digest Special Report on SCN	5	14	15
7	108 - 1996 First Report of SCN in SD	5	14	15
	109 - 2007 SCN University Fact Sheet	5	14	15
8	110 - 1955 SCN Plant Disease Reporter	5	14	15
9				
10	SCHURING EXHIBITS	M	O	R
11	201 - Statutes	5	15	--
	202 - Statutes	5	15	--
12	203 - Statutes	5	15	--
	204 - Statutes	5	15	--
13	205 - Statutes	5	15	--
	206 - Statutes	5	15	--
14				
15	MOREHOUSE EXHIBITS	M	O	R
16	207 - BSSE Overview Peterson Farms Reroute (Preliminary)	342	344	344
17				
18	STAFF EXHIBITS	M	O	R
19	301 - Settlement Stipulation	5	17	17
20				
21				
22				
23	(Applicant Exhibits 1 through 25, 50 and 50A are marked.)			
	(Pesall Exhibits 101 through 110 are marked.)			
24	(Schuring Exhibits 201 through 206 are marked.)			
	(Staff Exhibit 301 is marked.)			
25				

1 CHAIRMAN HANSON: Call the meeting of the
2 South Dakota Public Utilities Commission to order on
3 Docket EL013-028. I appreciate everyone's attendance
4 here this afternoon, and we will get started with a few
5 necessary official comments.

6 In the matter of the Application of
7 Montana-Dakota Utilities Company and Otter Tail Power
8 Company for a permit to construct the Big Stone South to
9 Ellendale 345 kV transmission line.

10 The time is approximately 1:00 p.m. The date
11 is June 10, 2014, and the location of the hearing is
12 Room 414 in the State Capitol Building in Pierre,
13 South Dakota.

14 I am Gary Hanson, Commission Chairman.
15 Commissioners Chris Nelson and Kristie Fiegen are also
16 present. As Chairman I am presiding over this hearing.
17 This hearing was noticed pursuant to the Commission's
18 Order for and Notice of Hearing issued May 13, 2014, and
19 Order Changing Hearing Location issued June 9, 2014.

20 The issue at this hearing is whether
21 Montana-Dakota Utilities Company and Otter Tail Power
22 Company should be granted a permit to construct the
23 Big Stone South to Ellendale 345 kV transmission line in
24 South Dakota.

25 It is the Applicant that has the burden of

1 proof, and under 49-41B-22 that burden of proof is
2 four-fold. First, that the proposed facility will comply
3 with all applicable laws and rules; second, that the
4 facility will not pose a threat of serious injury to the
5 environment, nor to the social and economic condition of
6 the inhabitants or expected inhabitants in the siting
7 area; third, that the facility will not substantially
8 impair the health, safety, or welfare of the inhabitants;
9 and, fourth, that the facility will not unduly interfere
10 with the orderly development of the region, giving due
11 consideration to the views of governing bodies of
12 affected local units of Government.

13 All parties have the right to be present and to
14 be represented by an attorney. All persons testifying
15 will be sworn in and subject to cross-examination by the
16 parties. The Commission's final decision may be appealed
17 by the parties to the State Circuit Court and State
18 Supreme Court.

19 John Smith, the Commission's counsel, will act
20 as Hearing Examiner and will conduct the hearing subject
21 to the Commission's oversight. He may provide
22 recommended rulings on procedural and evidentiary
23 matters. The Commission may overrule its counsel's
24 preliminary rulings throughout the hearing. If not
25 overruled, the preliminary rulings will become final

1 rulings.

2 Please place your cellphones on vibrate. If you
3 are participating telephonically, please mute your
4 phones.

5 This meeting requires the services of a
6 stenographer, and she cannot type two people speaking at
7 the very same time. So do not speak over one another.

8 Additionally, if you read material, please do
9 not read like an auctioneer, which I started to do at the
10 very beginning, but you kept up well.

11 I now turn to Mr. Smith to conduct the hearing.

12 MR. SMITH: Thank you, Chairman Hanson, and
13 welcome, everybody. Let's begin with appearances.

14 Mr. Welk, we'll start with you as the Applicant.

15 MR. WELK: On behalf of the Applicants MDU and
16 Otter Tail Power, Tom Welk and Jason Sutton. Along with
17 me today also behind me is seated Dan Kuntz, corporate
18 counsel for MDU. And as the corporate representative for
19 the Applicants, Mr. Henry Ford is seated at our counsel
20 available.

21 MR. SMITH: Thank you.

22 Mr. Pesall.

23 MR. PESALL: The green light is now greener.
24 Bob Pesall appearing on behalf of Gerald Pesall, seated
25 to my left. Also appearing in our proceedings today

1 should be Gregory Tylka who is seated behind me.

2 MR. SMITH: Thank you.

3 Mr. Schuring.

4 MR. SCHURING: Randy Schuring, present on behalf
5 of Schuring Farms.

6 MR. SMITH: And Mr. Morehouse.

7 MR. MOREHOUSE: Brad Morehouse, present on
8 behalf of myself.

9 MR. SMITH: Okay. Are any other Interveners
10 present in the audience today?

11 To the best of my knowledge, these are the
12 parties that would be here.

13 Okay. Commission Staff.

14 MS. CREMER: Thank you. This is Karen Cremer of
15 Commission Staff, and seated with me is Brian Rounds.

16 MR. SMITH: Thank you.

17 Next I was thinking -- I had heard a rumor about
18 this, but I don't see it appearing here, that there was
19 somebody who was a nonparty that wished to do something
20 or say something here today.

21 Is there such a person who is not a party?

22 Because what I was going to do is before we
23 kicked off the formal hearing is somebody, if he wanted
24 to make comments and it was okay with counsel, to let him
25 do it before we get into the evidentiary phase of this.

1 But I don't see anybody so I'm assuming that's not the
2 case.

3 All right. First I thought -- and, counsel,
4 please disagree if you so choose. I thought perhaps
5 maybe we should right initially deal with admission of
6 the stipulated exhibits.

7 Is that a reasonable course of action?

8 MR. WELK: Yes, Mr. Smith.

9 MR. PESALL: That would be fine.

10 MR. SMITH: Any objection, Mr. Schuring or
11 Morehouse, Staff?

12 No?

13 Okay. Tom, do you want to take over that, you
14 and Mr. Pesall and kind of walk us through that.

15 MR. WELK: Yes, Mr. Smith. I'd be glad to do
16 so.

17 The Applicants, along with Mr. Pesall and also
18 Mr. Schuring and Morehouse, had a prehearing conference
19 with Mr. Smith along with Staff Counsel Karen Cremer and
20 other members of the Staff.

21 We also as a result of that prehearing
22 conference identified exhibits, shared them with one
23 another, and have entered into a stipulation as to
24 certain exhibits. I will go through the Applicant's
25 exhibits.

1 Do all of the Commissioners have a master
2 exhibit list that's been copied and given to you?

3 So I won't read what's described in the exhibit
4 list. And we have given that to the court reporter so I
5 would ask that that be included so I don't have to read
6 through all of these exhibits. I'll go through them by
7 number.

8 My understanding is that we have stipulated on
9 behalf of the Applicants Exhibits 1, 1A, 2, 3, 4, 5, 6,
10 7, 8, 9, 10, 11, 12, 13, 14, 15, 16A, 16B, 16C, 17, 18,
11 19, 20. Those exhibits -- except Mr. Pesall has reserved
12 an objection on Exhibit 1, which is the Application, for
13 Exhibit 4 and Appendix B.

14 So at this time with the reservation Mr. Pesall
15 as to Exhibit 1, I would offer Exhibits 1 through 20.

16 MR. SMITH: Is that a fair statement of your
17 agreement?

18 MR. PESALL: Yes. Mr. Welk's recitation of the
19 agreement is correct.

20 MR. SMITH: Okay. Any objection, Mr. Schuring
21 or Mr. Morehouse?

22 MR. MOREHOUSE: None here.

23 MR. SMITH: Staff okay with that?

24 MS. CREMER: Staff has no objection.

25 MR. SMITH: Okay. With the exception of the two

1 admitted items Exhibit 1 -- Exhibits 1 through 20 are
2 admitted.

3 Do you want to proceed, Tom?

4 MR. WELK: Yes. There are some other exhibits
5 that are not stipulated to, but I would offer them. We
6 have identified also Exhibits 21A, 21B, and 21C that are
7 photographs of Mr. Pesall's property, and we would offer
8 those into evidence at this time.

9 MR. SMITH: Is there an objection?

10 MR. PESALL: No. We don't have any objection.
11 I've reviewed those, and they're accurate.

12 MR. SMITH: Okay.

13 MR. WELK: Any objections from Interveners
14 Morehouse or Schuring?

15 MR. SCHURING: No.

16 MR. SMITH: Exhibits 21A, B, and C are admitted
17 then.

18 MR. WELK: The next Exhibit 22 was premarked,
19 and it depicted Mr. Morehouse and Mr. Schuring's -- an
20 aerial map of their properties in connection with the
21 final route. I also have placed on the Commissioners and
22 provided to counsel Pesall and to the Interveners a new
23 Exhibit 22A, which is really just an addition to 22,
24 which more clearly depicts, I believe, the parcels of
25 Mr. Schuring and the type of easements. And I have

1 shared those with everyone.

2 I would offer Exhibits 22 and 22A.

3 MR. PESALL: For Mr. Pesall's side, there
4 wouldn't be any objection.

5 MR. SMITH: Okay. No objection.

6 Mr. Morehouse or Mr. Schuring, any objection to
7 22 and 22A, the maps?

8 MR. MOREHOUSE: None here.

9 MR. SMITH: Okay. Exhibits 22 and 22A are
10 admitted.

11 MR. WELK: I will also move for admission at
12 this time Exhibit 23, which is the June 3 draft of the
13 Soybean Cyst Nematode Prevention Plan, as well as the
14 PowerPoint presentation for the October 17 public input
15 hearing, which is Exhibit 24, the final route map,
16 Exhibit 25, and the PowerPoint presentation and revised
17 map changes, route changes that are in 50 and 50A.

18 So I'd formally offer 23, 24, 25, 50, and 50A.

19 MR. PESALL: If counsel would stipulate that
20 Mr. Ford will be on the stand and able to answer
21 examination questions about Exhibit 23 and how that was
22 developed at some point during the hearing, we wouldn't
23 have any objection to it being admitted into evidence.

24 MR. WELK: Yes.

25 MR. PESALL: Okay. No objection.

1 MR. SMITH: Mr. Schuring, Mr. Morehouse, any
2 objection?

3 MR. SCHURING: No.

4 MR. SMITH: Staff.

5 MS. CREMER: No objection.

6 MR. SMITH: Okay. Those are admitted.

7 That's 23, 24, 25, 50, and 50A. Am I correct?

8 MR. WELK: Yes, Mr. Hearing Officer. And that
9 concludes the exhibits offered prior to the hearing by
10 the Applicants.

11 MR. SMITH: Okay.

12 Mr. Pesall.

13 MR. PESALL: Thank you, counsel. Under the same
14 agreement through which we had stipulated to the
15 admission of exhibits on behalf of the Applicants,
16 Mr. Pesall is going to be offering 10 exhibits that have
17 already been offered into evidence.

18 The numbers of those exhibits, and they've
19 already been previously marked, are 101, 102, 103, 104,
20 105, 106, 107, 108, 109, and 110.

21 MR. SMITH: Thank you.

22 MR. WELK: No objection from the Applicants to
23 Mr. Pesall's Exhibits 101 through 110.

24 MR. SMITH: Mr. Schuring and Mr. Morehouse, any
25 objection?

1 MR. MOREHOUSE: None here.

2 MR. SCHURING: None.

3 MS. CREMER: No objection.

4 MR. SMITH: Okay. Those Exhibits 101 through
5 110 are admitted.

6 Now we'll turn to Mr. Schuring's exhibits. And
7 I understand we have these mislabeled on our sheet here.
8 Am I correct with that?

9 MR. SCHURING: Yes. That is correct.

10 MR. SMITH: Okay. But it still is Exhibits 201
11 through 206. They're just different.

12 MR. SCHURING: Yes. These are the same six
13 exhibits. If I may, I will give you the correct exhibit
14 number.

15 MR. SMITH: Okay. Thank you.

16 MR. SCHURING: The one that was previously
17 labeled 201 is 202. 202 is 201. 203 is correct. 204 is
18 205. 205 is 206. And 206 is 204.

19 And I would like to offer those exhibits.

20 MR. SMITH: Okay. Thank you.

21 Mr. Welk.

22 MR. WELK: Mr. Hearing Officer, those exhibits
23 that are offered by Mr. Schuring are statutes and
24 regulations of the Commission. Those represent his
25 position, I believe, as to the law. Those are not proper

1 exhibits as a matter of evidence.

2 If he wants to ask the Commission to take
3 judicial notice of these as the law, the Commission can
4 apply what it wants. But technically they're not
5 evidence so I object that they're really the law of the
6 case; they're not evidence.

7 MR. SMITH: Okay. Mr. Pesall, any --

8 MR. PESALL: I think taking judicial notice as
9 recommended by Counsel Welk would probably be the
10 appropriate approach.

11 MR. SMITH: What do you think, Mr. Schuring, if
12 we do that?

13 I mean, you've made us aware of these statutes.
14 But really what evidence is is facts. And what we're
15 talking about here is law. And so really we're bound by
16 that law. It's in the book. We're bound by it.

17 And what judicial notice is is the Commission is
18 just making a commitment that we will acknowledge these
19 statutes, which we all have them right here in front of
20 us anyway, and to the extent they're applicable in the
21 case, they will be applied, okay, if we take judicial
22 notice.

23 MR. SCHURING: That would be fine with me. We
24 just wanted to make sure we called those to your
25 attention.

1 MR. SMITH: Okay. Thank you. And they have
2 been, and we appreciate that.

3 Thoughts from Staff.

4 MS. CREMER: I would agree that you could take
5 judicial notice of them.

6 MR. SMITH: That's what we will do. We will
7 take judicial notice of those along with all the other
8 statutes in 49-41B as well and all of the rules in
9 20-10-22 because they're all applicable in one way or
10 another, or almost all.

11 Okay. With that, then we will move on to Staff.

12 MS. CREMER: Thank you. This is Karen Cremer of
13 Staff. And we have and would offer Staff Exhibit 301,
14 which is the Settlement Stipulation.

15 MR. SMITH: Okay. Thank you.

16 MR. WELK: No objection from Applicants.

17 MR. SMITH: Any objection?

18 MR. PESALL: No objection from Mr. Pesall.

19 MR. SMITH: Mr. Schuring, Mr. Morehouse?

20 MR. MOREHOUSE: Fine with me.

21 MR. SMITH: Okay. Settlement Stipulation is
22 admitted.

23 Okay. I think that concludes the preliminary
24 exhibit introductions; correct, Mr. Welk?

25 MR. WELK: Yes, Mr. Smith.

1 MR. SMITH: Mr. Pesall?

2 MR. PESALL: I believe so.

3 MR. SMITH: And we've dealt with Schuring's.
4 And we're going to have them available and they're going
5 to be part of the case but they will not be evidentiary
6 exhibits.

7 Okay. With that, I'm going to turn to -- unless
8 the parties have something else, another direction you
9 want to go before we commence, first consult with counsel
10 and other parties concerning opening statements.

11 Do you wish to make opening statements? And
12 hopefully we'll keep them relatively brief.

13 MR. WELK: I have a very short opening
14 statement.

15 MR. SMITH: Mr. Pesall, do you want an opening
16 statement?

17 MR. PESALL: Also very short.

18 MR. SMITH: Okay. Do the other parties,
19 Interveners, et cetera, do you want to do your opening
20 statements at the commencement of the hearing, or would
21 you prefer to do them at the commencement of your direct
22 case?

23 MR. PESALL: I think at the commencement of the
24 hearing rather than our case in chief would be fine.

25 MR. SMITH: Okay. Thanks.

1 Mr. Schuring or Mr. Morehouse, do you have
2 opening statements that you wish to make?

3 MR. MOREHOUSE: None here.

4 MR. SCHURING: No.

5 MR. SMITH: Okay. Staff?

6 MS. CREMER: I have comments that I will make
7 about the Settlement Stipulation whenever you want to
8 hear that. But, otherwise, no opening statement.

9 MR. SMITH: Okay. Well, let's consider that --
10 it might be -- I don't know. What do you think,
11 Mr. Welk?

12 MR. WELK: I think they could consider that
13 their opening statement if you want to.

14 MR. SMITH: Okay. Do you want to do that?
15 We'll consider that after the opening statements, should
16 we then, of the two parties, or should we do that first?

17 MS. CREMER: It doesn't matter. It will all
18 come in the same.

19 MR. SMITH: Are you ready, Karen?

20 MS. CREMER: I am.

21 MR. SMITH: Why don't we do that first and deal
22 with the Settlement Stipulation right up front.

23 MS. CREMER: Thank you. This is Karen Cremer of
24 Staff.

25 The Settlement Stipulation reflects the efforts

1 of many individuals working through the issues and
2 ultimately reaching a result that is acceptable to both
3 the Applicant and Staff.

4 Staff filed numerous data requests that the
5 Applicant responded to in a timely manner. We held
6 several settlement discussions to reach the result
7 outlined in the Stipulation.

8 Staff believes we have reached an appropriate
9 balance of all of the various parties' interests, having
10 given careful consideration of all matters in dispute.

11 And I realize everyone has read the Stipulation
12 at this point, and while it's similar to other
13 stipulations, I would like to highlight a few of the
14 issues that are unique to this case.

15 Paragraph 17 of the terms and conditions
16 addresses the soybean cyst nematode issue. Paragraph 32
17 addresses the issue of potential induction of current
18 and/or voltage on fences and metal objects and possible
19 mitigation efforts to eliminate the induction.

20 Paragraph 33 addresses the issue of agricultural
21 navigation communication and the Applicant's agreement to
22 provide landowners assistance in determining mitigation
23 methods.

24 In conclusion, the evidence that will be
25 presented today supports the four elements as found in

1 SDCL 49-41B-22, and as such the Applicant is entitled to
2 a permit to construct as provided in SDCL 49-41B-24.

3 Therefore, Staff would recommend the Commission
4 grant the Joint Motion and approve the attached
5 Stipulation without modification for resolution of all
6 issues subject to this proceeding for Docket EL13-028.

7 Staff is not intending to call any witnesses
8 because of the Settlement Stipulation. However,
9 Brian Rounds is here today and would be available for
10 questions. I'm thinking more like how we do when we
11 discuss settlement stipulations. If you have questions,
12 we can ask him as opposed to putting him under oath.

13 And maybe that would be something you would take
14 up when you actually rule on the Settlement Stipulation.
15 I'm not sure. But he is here and available for
16 questions.

17 Thank you.

18 MR. SMITH: Thank you. I'm assuming the
19 appropriate time for the Commission to consider granting
20 or denying or granting part, et cetera, of the
21 Stipulation would be following the conclusion of the
22 evidentiary portion of the case so they've got the
23 benefit of all the evidence that's been introduced at the
24 time when they decide whether the terms and conditions
25 are adequate or -- is that correct?

1 MS. CREMER: I would agree. It's a Joint
2 Motion, and at that point you can hear the Motion.

3 MR. SMITH: Okay. So we'll have to remember to
4 do that. And I am old so you guys have to remind me. Of
5 course, Tom, you and I are the same age, I think.

6 MR. WELK: But I have the younger person beside
7 me.

8 MR. SMITH: Okay. Any thoughts on that? Is
9 that the appropriate way do you think, Tom, to deal with
10 it?

11 MR. WELK: Yes. I agree.

12 MR. SMITH: It's the way we've done it in the
13 past at the conclusion of the evidence so we have the
14 advantage of that.

15 Mr. Pesall, is that --

16 MR. PESALL: Addressing it at the close of all
17 evidence --

18 MR. SMITH: Yes.

19 MR. PESALL: -- and argument I think would be
20 appropriate.

21 MR. SMITH: Do you guys agree, Mr. Morehouse and
22 Mr. Schuring?

23 MR. MOREHOUSE: I agree.

24 MR. SMITH: That's what we will do. We will
25 hold off ruling on that until everything's done.

1 Okay. I think that concludes that.

2 With that then, we will begin with the
3 Applicant's opening statement. Are you ready to go
4 forward with that at this point, Mr. Welk?

5 MR. WELK: Yes, I am.

6 MR. SMITH: Okay.

7 MR. WELK: Thank you, Mr. Smith, Commissioners,
8 Staff, other interested parties and guests.

9 The Applicants, MDU and Otter Tail, will present
10 evidence today in addition to the evidence already
11 received and presented to the Commission to support
12 issuance of the permit to construct the transmission line
13 sought in this case.

14 The Applicant has submitted an extensive
15 Application, answered detailed discovery requests from
16 Staff and Intervener Gerald Pesall. We filed extensive
17 prefiled testimony along with exhibits that have now been
18 received into evidence.

19 The Commission has conducted three public input
20 hearings, two at Aberdeen and one in Milbank, as required
21 by statute. Besides the statutorily required hearings of
22 the project, the owner has conducted its own public input
23 hearings before the Commission's hearings.

24 In addition, the project has engaged in
25 extensive public outreach program of landowners through

1 personal letters, the website, newsletters, and personal
2 contacts. In addition, the project has undertaken
3 written and oral communications with applicable local,
4 state, federal, and tribal authorities.

5 As General Counsel Smith told you at the last
6 hearing, input hearing, that today is an opportunity for
7 people to present evidence, and today we, the Applicant,
8 will present its case through essentially four engineers
9 and one environmental scientist.

10 For the project Mr. Henry Ford, the project
11 lead, will testify. Danny Frederickson [sic] of Power
12 Engineering will testify regarding the civil engineering
13 aspects of the project. Jon Lemman who you saw in
14 Aberdeen, also of Power, will testify about the
15 electrical engineering issues relating to the project.
16 Jason Weiers of Otter Tail will testify about the demand
17 and the need for the project. In addition, Angela Piner,
18 environmental scientist from HDR, one of the consultants,
19 will be available to discuss the environmental issues of
20 the project, outreach issues to landowners and the
21 public. Mr. Ford will be available to address issues
22 regarding the routing and landowner general issues.

23 Because of the existence of three transcripts
24 and three public hearings, Mr. Ford and the other
25 witnesses will attempt to not repeat what has been

1 previously said but are available for cross-examination
2 to the parties and the Commissioners.

3 As Ms. Cremer indicated, the Staff and the
4 Applicants have reached a negotiated Stipulation
5 regarding the terms, conditions of the permit should the
6 Commission decide to issue the permit that's contained in
7 Exhibit 301, which was filed to the public docket. These
8 conditions are specific and seek to address what the
9 Staff believes are necessary to be addressed in the
10 construction and operation of the line.

11 The only persons that have intervened in this
12 proceeding are three landowners, Mr. Pesall,
13 Mr. Schuring, and Mr. Morehouse. It's noteworthy out of
14 150 to 160 miles in South Dakota only three persons have
15 intervened.

16 Their issues are genuine to them, and the
17 project has tried to address their concerns.
18 Unfortunately, some of their concerns can be addressed
19 and others cannot. However, their concerns today must be
20 addressed by evidence that the project has not met the
21 statutory requirements.

22 The Applicant believes it's met the statutory
23 requirements. We filed the appropriate Application with
24 the necessary information, and the evidence previously
25 produced and will be produced today we believe supports

1 issuance of the permit based upon the terms and
2 conditions that the Commission deems appropriate.

3 MR. SMITH: Thank you, Mr. Welk.

4 Mr. Pesall.

5 MR. PESALL: Thank you.

6 Commissioners, on behalf of Mr. Pesall, the
7 older, I will be speaking in opposition to the issuance
8 of the permit. We are not a party to the Stipulation.
9 We opposed both the Motion that they filed and ultimately
10 the issuance of the Permit under such other terms as
11 might otherwise be suggested.

12 It's our expectation as the evidence is
13 presented over the next hours or days that it will come
14 to light that there are things that make this power line
15 different from every other power line that's ever been
16 constructed. There are unique aspects to this line in
17 particular that will come out as examination goes forward
18 through the Applicant's case in chief.

19 There are also unique aspects to the biology,
20 economy, and sociology of northeastern South Dakota,
21 which we believe the Applicants have completely failed to
22 present or produce any evidence regarding, and we will be
23 bringing those to light as well.

24 With respect to Mr. Pesall's case in chief,
25 there will be two witnesses. Mr. Pesall will be

1 testifying both in his own behalf and as an example of
2 the kinds of farmers over whom this line's route would
3 pass. And also Gregory Tylka from Iowa. He's a Ph.D.
4 with extensive experience in research and analysis in
5 dealing with the soybean cyst nematode, which is one of
6 the great pests that we think this line will exacerbate
7 and be responsible for much of the damage that it would
8 cause if it were allowed to be built.

9 On the basis of those bits of testimony and what
10 we produce through cross-examination, we think it will be
11 wisest for the Commission to deny the permit at least as
12 it is currently applied for.

13 MR. SMITH: Thank you. And I think that
14 concludes our opening statements.

15 Is there any other preliminary business that any
16 counsel thinks we need to deal with right now?

17 MR. WELK: Just to inform the Commissioners,
18 Mr. Smith, that my intent is to have our witnesses
19 provide a short narrative summary, under 15 minutes,
20 summarizing their testimony, and then to allow them to be
21 available for cross-examination.

22 MR. SMITH: Thank you. And that's pretty much
23 what we discussed kind of as the mechanism we'll use, at
24 least for the parties other than the individuals who are
25 in a little different situation.

1 But with that, please call your first witness.
2 MR. WELK: Applicants would call Mr. Henry Ford.
3 HENRY FORD,
4 called as a witness, being first duly sworn in the above
5 cause, testified under oath as follows:

6 DIRECT EXAMINATION

7 BY MR. WELK:

8 Q. Would you please state your name for the record.

9 A. Henry Ford.

10 Q. And, Mr. Ford, have you filed prefiled testimony in
11 this case?

12 A. I have, yes.

13 Q. And that has now been admitted into evidence; is
14 that correct?

15 A. That's correct.

16 Q. Would you please summarize your testimony for the
17 Commission.

18 A. Yes, I would.

19 My name is Henry Ford, as I stated, and my position
20 with Montana-Dakota Utilities is director of transmission
21 development.

22 I received a Bachelor of Science degree in 1977 from
23 North Dakota State University in engineering physics. So
24 I've been with MDU for the past 35 years. And during
25 that 35 years I've really been in a lot of different

1 roles within the company, but I have specifically worked
2 on a lot of transmission projects, including engineering
3 of those projects and management of those projects as
4 it -- in terms of construction.

5 Also in terms of the Big Stone South to Ellendale
6 project itself, I am in the role as project director for
7 the owners. So I'm the -- I'm the face of the project,
8 you could say. I'm the lead owner's representative on
9 the project.

10 Mr. Welk had mentioned we have other witnesses who
11 are going to testify also on this project. And
12 Jason Weiers with Otter Tail Power Company is going to
13 testify specifically to the aspect of the project need
14 and benefits. So he would be the expert in that area,
15 the person to answer questions in that area.

16 Angela Piner with HDR has been our environmental
17 consultant on this project, and she is available to
18 answer questions relating to environmental aspects of the
19 project.

20 Danny Frederick is a civil engineer with Power
21 Engineers. He is responsible for the preliminary line
22 design of the project from a civil standpoint, and so
23 he's available to answer any questions relating to that
24 area.

25 Jon Leman, who is also with Power Engineers, is an

1 electrical engineer, and he is our expert on electrical
2 engineering issues, whether it's EMF or any of those
3 types of issues.

4 So for my testimony let me start off by saying that
5 us as the Applicants, we've previously filed three sets
6 of prefilled testimony. You know I presented at three
7 different public hearings on this project. And so my
8 intention is not to go into any real specific detail on
9 any of that testimony, but I'm going to just plan to talk
10 about a few very specific issues today.

11 Those issues being what was our routing criteria,
12 and how do we stand on the route change requests that
13 have been requested of us. I'll give you just a real
14 quick update on where we stand today as far as option
15 acquisition and talk a little bit about the Soybean Cyst
16 Nematode Mitigation Plan that we have developed for the
17 project and then just give some conclusions at the end of
18 my testimony. So that's going to be the extent of my
19 testimony.

20 So going to routing criteria for the project -- and
21 I know I've talked about this before at these various
22 hearings but thought it was worth kind of reiterating
23 that again for everyone -- we started out the project
24 with eight criteria that we intended to use all the way
25 through the project, both in selecting the ultimate route

1 for the project, which you'll see today, and also in
2 reviewing any requests for reroutes or route changes on
3 the project.

4 So those eight criteria, just very briefly, are
5 minimizing the total length and construction costs for
6 the project, minimizing impacts to humans and human
7 settlements along the route, consideration of affects on
8 public health and safety, offsetting existing right of
9 way, which is roadways or other utility right of way or
10 section lines to minimize impacts to land-based
11 economies, which includes agricultural fields and
12 potentially mine facilities, minimizing effects on
13 archaeological cultural properties and historic
14 resources, minimizing impacts to wetlands, surface
15 waters, and rivers, and minimizing impacts to rare and
16 endangered species and unique natural resources, and,
17 finally, minimizing effects on airports or other types of
18 land use conflicts.

19 So these eight criteria have been our kind of
20 guiding force, you might say, since the beginning of the
21 project as to how we went about selecting a route on this
22 project. The goal of the project was to find a route
23 that gave us the best balance of those criteria.

24 And as I said earlier, any of the route changes that
25 were requested of us, we really went through the same

1 process as the original process to vet out whether or not
2 that route change would meet this same criteria. And so
3 that has been our effort to date.

4 And at the May 20 hearing I talked about five route
5 changes that were significant route changes, significant
6 enough in the sense that we needed to notify additional
7 landowners who had not been notified before, and that was
8 really the reason for the May 20 hearing.

9 I can just give you an update on those particular
10 reroutes that at least as it stands today all but one of
11 those reroutes has been accepted as part of the final
12 reroute -- or final route, excuse me, and the final route
13 we're presenting today as Exhibit 25.

14 The one route change that was not accepted was
15 really just due to lack of landowner support. And really
16 these were the only significant route change requests
17 that we had on our plate or on our table from landowners.
18 So the route that you'll see on your Exhibit 25 is, in
19 our view, the final route for the project, and that is
20 the route that we are going to be requesting a permit be
21 issued against.

22 The other -- of course, based on the Stipulation
23 agreement, there are still chances that there will be
24 additional reroutes, and we will follow the Stipulation
25 agreement as far as any notifications and so forth that

1 are required under the Stipulation for approval of
2 material changes within the route.

3 Then just to give you very briefly the status as it
4 is today on options signed on this project, I can tell
5 you that as of the 3rd of June we have 224 options
6 signed. That equals roughly 60 percent of the total line
7 miles on this project. I know we've executed a few more
8 today. I don't have those reflected in here. But so we
9 continue to make progress on getting options signed on
10 the project.

11 Now in terms of the Soybean Cyst Nematode Mitigation
12 Plan, you know, I admitted right away that when this
13 issue was raised by Mr. Pesall's attorney this was not an
14 issue that the owners of this project or the Applicants
15 here were really aware of.

16 You know, we've built a lot of transmission line
17 throughout this area and throughout Minnesota,
18 North Dakota, Montana. This is an issue that at least
19 has not come up in any particular proceeding or it is not
20 something that we have faced before on a project.

21 So as a result, we had to do a little bit of
22 research right away into this issue. And through that
23 research -- and basically what we did was we consulted
24 with South Dakota State University and their extension
25 service. They're well-aware of this issue, and they were

1 able to give us, I think, some good education on this
2 issue as well as discuss with us what our mitigation plan
3 looks like and kind of give us a little bit of advice
4 there.

5 So as a result of those consultations, what we
6 really have determined here is that within the roughly
7 160, 165 miles of the route in South Dakota -- or
8 throughout the whole project, for that matter, we have
9 determined that what needs to be done is that we need to
10 test each individual cultivated field for the presence of
11 the soybean cyst nematode.

12 So we've committed, you know, within the Stipulation
13 that we will follow this mitigation plan. We will test
14 essentially every cultivated field on this project.
15 Based on the results of that testing, we're going to know
16 something more about kind of the density of this problem
17 within our route. In other words, we'll know if this
18 issue is confined to certain areas on the route, whether
19 it's every other field kind of a situation or whether
20 it's, you know, 10, 15 miles that is clean fields,
21 followed by 10, 15 miles of dirty fields.

22 The reason I say that is because in our
23 investigation we determined there are several ways to
24 mitigate the transference of the nematode from one field
25 to the other. And depending on the density of this issue

1 along the route, that is going to determine what is the
2 best method of mitigation or the best method that we will
3 apply to prevent this spread to the best of our ability
4 from a dirty field to a clean field.

5 There are several methods we're looking at that
6 we've found that other companies have used in other parts
7 of the country where this has been an issue in the past.
8 There are things like cleaning stations that you set up
9 at the edge of a so-called dirty field where you will
10 clean the equipment before they leave that field.
11 Therefore, they'll be clean and ready to go into a
12 noninfected or noncontaminated field and not transfer the
13 nematode.

14 There is also the option of what we call clean
15 crew/dirty crew. What that means is, there again,
16 depending on the density and the distribution of these
17 fields, you could actually set up a crew that only works
18 within the clean fields. They don't ever go into a dirty
19 field and vice versa. You set up a dirty crew that their
20 purpose is to only work within the fields that are
21 contaminated and not cross into a field that is not
22 contaminated.

23 Those are a couple of the real, I think, successful
24 methods that have been used on other projects. There's
25 other possibilities such as matting where you're

1 technically not driving in the field; you're driving on
2 wood matting. And that could be used in certain areas
3 maybe where the field conditions are wet enough that we
4 would have a greater concern of spreading contaminated
5 soils.

6 And, you know, I think there are some other things
7 out there that we've read about in terms of, you know,
8 potential lesser risk in, say, winter months when the
9 ground is frozen, things like that.

10 So our mitigation plan has laid out this process
11 where we do the testing followed by an analysis of those
12 results to determine the best methods of mitigation to
13 use. And those methods could actually vary from one area
14 of the line to another, all dependent on, you know,
15 cost-effectiveness, project efficiencies, and just what
16 is the best method to use in that area.

17 So that's how we intend to proceed in mitigating the
18 nematode issue. That is Exhibit 23 also, and so we can
19 read that. And it's also included in paragraph 17 of the
20 Settlement Stipulation.

21 So with that in mind, I guess, in conclusion I just
22 want to say that based on what we believe our Application
23 has done, what other filed testimony that we have filed
24 in this case, and the conditions in the Settlement
25 statement -- or the Settlement Stipulation itself, we the

1 Applicants believe that we have met our burden of proof
2 and that the project really should be approved for a
3 permit to construct this project.

4 So that ends my testimony. Thank you.

5 MR. SMITH: Mr. Pesall.

6 MR. PESALL: Thank you.

7 CROSS-EXAMINATION

8 BY MR. PESALL:

9 Q. Mr. Ford, you've submitted some fairly extensive
10 prefiled written testimony which has been admitted into
11 evidence. Let's just start with a little about you.

12 Your agree is in engineering physics; is that
13 correct?

14 A. That's correct, yes.

15 Q. And you've worked for Montana-Dakota Utilities ever
16 since?

17 A. Basically, yes.

18 Q. How many years is that now?

19 A. Going on 36 years.

20 Q. Has that work been primarily in the field of
21 constructing, designing, putting in power lines?

22 A. Yes, it has. Although I have been in management of
23 those functions for the last, say, 20 years.

24 Q. Now you don't have degrees in biology or
25 environmental science?

1 A. I do not.

2 Q. That's why you've brought other technicians with you
3 today?

4 A. That is correct.

5 Q. No degree in economics or sociology?

6 A. No.

7 Q. You're not a lawyer?

8 A. Nope.

9 Q. You don't work for MISO?

10 A. No, I do not.

11 Q. Do you do any work for MISO at all?

12 A. I do not. Not in my role, no.

13 Q. Did you have any involvement with any of the MISO
14 studies that are referenced in a lot of the application
15 materials?

16 A. I did not.

17 Q. So if one had questions about those studies
18 themselves, you probably wouldn't be the right person to
19 testify on that?

20 A. That's correct.

21 Q. Directing, I guess, your attention to the prefilled
22 testimony that you've given, this is Exhibit 16A -- I
23 have an electronic copy. I can get you the filed copy,
24 or I see Mr. Welk going for it now.

25 And if I could direct your attention to page 5.

1 A. Okay.

2 Q. There is material there regarding some of the
3 research work that the Applicants have done in putting
4 this, I guess, application together for lack of a better
5 term, consulting studies.

6 The Applicants hired three consulting firms; is that
7 correct?

8 A. Yes. That's correct.

9 Q. And these would be HRD [sic], KLJ, and Power?

10 A. HDR, KLJ, and Power Engineers.

11 Q. Can you briefly tell me what exactly it is Power
12 Engineering did for you?

13 A. Power Engineering was hired specifically to do the
14 preliminary engineering on the project. And what that
15 means is they were the ones that would determine kind of
16 the feasibility of a particular route and do the
17 preliminary structure placements on that route.

18 Q. Now Kadrmas, Lee & Jackson, or KLJ, they also did
19 route selection and right-of-way work?

20 A. Yes. KLJ, their primary role is the right-of-way
21 acquisition and survey work.

22 Q. So the only actual studies that were done on the
23 area with respect to safety, economics would have been
24 done by is it HDR?

25 A. HDR. Correct.

1 Q. Now they did environmental, cultural, and
2 archaeological studies for you; is that correct?

3 A. Yes, they did.

4 Q. None of their studies addressed the soybean cyst
5 nematode?

6 A. No, they did not.

7 Q. And they didn't do an economic study of the area?

8 A. Not that I recall, no.

9 Q. Did they do a safety study as far as the interaction
10 between people farming and the actual poles you want to
11 construct?

12 A. I don't believe so, no.

13 Q. Any sort of a sociological study at all?

14 MR. WELK: Objection to the form of the
15 question. Vague.

16 What is a sociological study?

17 MR. PESALL: Inasmuch as the Applicants are
18 required to prove that there wouldn't be any negative
19 social impact to the inhabitants of the area, a study in
20 that regard.

21 A. I believe there was something in the Application
22 pertaining to that issue.

23 Q. And do you recall which one of your witnesses would
24 be the correct witness to testify about that?

25 A. I think Angela Piner would probably be the

1 testifier.

2 Q. Did HDR or anyone else working with the Applicants
3 do any sort of study the impact the power lines would
4 have on property values?

5 A. We had KLJ do some study on that, yes.

6 Q. Is that included in the Application?

7 A. I believe it is included or referenced in some of
8 the prefiled testimony.

9 Q. And that would have been through witnesses from KLJ?
10 Do you have a witness from KLJ?

11 A. We don't at this particular hearing.

12 Q. Finally, did any of the studies that you conducted
13 address crop insurance and the impact that this project
14 might have?

15 A. I did not, no.

16 Q. Directing your attention to page 10 of your prefiled
17 direct testimony in Exhibit 16A, is it your position that
18 there will be an increase in property tax revenue for the
19 State of South Dakota?

20 A. It is.

21 Q. Does the figure that you use in making that
22 conclusion reflect only the property taxes you expect the
23 project to pay?

24 A. Yes. That's correct.

25 Q. So if there was a loss to the adjoining property

1 values which reduced property taxes by other taxpayers,
2 that wouldn't be accounted for in your figures?

3 A. Correct.

4 Q. Is it accurate that none of the impacted counties
5 have come forward in support of this Application?

6 MR. WELK: Objection to the form of the
7 question.

8 MR. PESALL: I'll withdraw the question.

9 Q. Have you received any communication from the county
10 commissions of Day County, Grant County, Roberts County,
11 Brown County, any of the affected counties in support of
12 this Application?

13 A. We have had communications with all three counties.
14 I can't recall, I guess, whether we've gotten any
15 particular correspondence to that effect.

16 Q. But you have received communications from townships
17 that oppose it?

18 A. Yes. There was a couple that did, yes.

19 Q. So would it be fair to say then that the only units
20 of local government that have spoken to you with an
21 opinion have opposed it?

22 A. In writing, yes.

23 Q. With respect to the line itself, do you anticipate
24 any actual interconnection with other lines between the
25 substations at Ellendale or Big Stone?

1 A. We do not.

2 Q. So if there were any generating facilities or wind
3 towers along the line, you wouldn't anticipate that they
4 would connect to this line?

5 A. Not existing facilities, no.

6 Q. Are you aware of any anticipated facilities that
7 would be connecting to this line?

8 A. Not directly, no.

9 Q. So you can't say that there's anyone out there that
10 plans to build a wind farm and connect to this
11 transmission line?

12 A. I can't say that, no.

13 Q. Directing your attention to page 12 on Exhibit 16A
14 on your direct testimony, you give some comments about
15 the selected route. Is it accurate to say that MISO did
16 not pick this route?

17 A. That's correct.

18 Q. MISO's involvement such as it is, is only to propose
19 a connection between Big Stone and Ellendale?

20 A. That's correct.

21 Q. And the first and primary criteria that the
22 Applicants looked at in selecting the particular route on
23 the Application today is cost; is that correct?

24 A. Would you repeat the question?

25 Q. The primary issue that the Applicants were looking

1 at when deciding on the route you're asking for a permit
2 for today was cost.

3 A. I would disagree with that.

4 Q. That's on every list of criteria, routing criteria,
5 that you've ever published, though, isn't it?

6 A. Well, it's not the primary criteria.

7 Q. Is there a primary criteria?

8 A. I would say not. The goal of the project was to
9 strike the best balance between these eight criteria.

10 Q. Turning your attention to page 14 of your direct
11 testimony, Exhibit 16A, you give some testimony about the
12 right-of-way easements that you're attempting to purchase
13 or negotiate with landowners.

14 Typically you're asking for a 150-foot-wide
15 easement; is that correct?

16 A. Yes. That's correct.

17 Q. And having looked at the project maps, these
18 easements would typically run through fields, typically
19 near a fence line; is that correct?

20 A. Yes and no. I mean, there are a number of locations
21 that are close to fence lines, and others are not.

22 Q. And in putting this route together, the Applicants
23 have typically avoided trying to put the proposed line in
24 the road right of way; is that correct?

25 A. Yes. That's correct.

1 Q. The towers themselves would typically be centered in
2 that right of way about 75 feet from either side?

3 A. Yes. That's correct. Within the power line right
4 of way, yes.

5 Q. How did you come up with that 75 foot figure?

6 A. The width of the right of way is relative to the
7 design of the line. 150 feet, first off, is somewhat
8 typical in the industry for a 345 kV.

9 But ultimately what happens is the line has to be
10 designed so that under any conditions the conductors on
11 the line will remain within that right of way. There are
12 certain conditions where conductor motion occurs, and the
13 150 feet assures that we can maintain proper clearances
14 from those conductors to structures or vegetation that
15 may be outside the right of way.

16 Q. The conductors swing in the wind?

17 A. Yes.

18 Q. Now is it the position of the Applicants then that
19 it's safe to live and work as long as you're 75 feet away
20 from that centerline?

21 A. Yes, it is.

22 Q. What's the average height of the towers?

23 A. Average height, I believe, is around 125 feet,
24 something like that.

25 Q. So if one of those towers fell over, it could reach

1 50 feet outside of the right of way?

2 A. In theory, yes.

3 Q. Directing your attention to page 20 of your prefilled
4 direct examination testimony, Exhibit 16A, you give some
5 testimony about dealing with landowner objections. In
6 fact, you state that you're attempting or the Applicants
7 have attempted to I think the word is work with objecting
8 landowners.

9 By work with, you mean that you've spoken to them;
10 correct?

11 A. Yes.

12 Q. And you attempted to negotiate some sort of an
13 agreement that works for both parties; correct?

14 A. That's correct.

15 Q. But, ultimately, if you can't come up with an
16 agreement that works for both of you, it's your intent to
17 proceed with the project.

18 A. Are you talking about an individual landowner's --

19 Q. Just as a general practice. If you can't reach an
20 agreement with a landowner, you intend to proceed with
21 the project anyway?

22 A. If there are no other options and this individual
23 landowner we can't come to a resolution of their concern,
24 I would say yes, that the project is still going to
25 continue.

1 Q. Now there's virtually no landowner in the state
2 along this route that you couldn't physically route
3 around, is there?

4 MR. WELK: Objection to the form of the
5 question.

6 MR. SMITH: Overruled.

7 A. Would you repeat the question?

8 Q. There isn't any landowner along the route whose
9 property you couldn't physically route around, is there?

10 A. Probably not. I mean, there's every -- there's, you
11 know, an infinite number of line routes.

12 Q. So as a matter of actually constructing a line,
13 there is no situation where you couldn't simply go around
14 an objecting landowner.

15 A. That's -- that's true.

16 Q. The limiting factor then being either other
17 landowners or cost?

18 A. That would be correct, yes. Or it could be one of
19 the other conditions, you know, in the criteria.
20 Historical resources or other.

21 Q. So when you say you're attempting to work with a
22 landowner that doesn't always mean you're going to fix
23 the problem?

24 A. I guess we can't guarantee that we can fix every
25 problem.

1 Q. Further down on page 20 you offer some opinions.
2 These tend to follow the criteria that the Applicants are
3 required to prove by statute. I think they start at
4 about line 18.

5 In that section do you offer an opinion that this
6 project is going to comply with all of the applicable
7 laws and rules?

8 A. Yes, I do.

9 Q. You've stated that you're not a lawyer; correct?

10 A. That's correct.

11 Q. Would you agree that that's a legal conclusion?

12 A. It's an opinion.

13 Q. As a nonlawyer do you really feel qualified to be
14 offering that opinion?

15 A. To the extent I'm able.

16 Q. Is that a yes or a no?

17 A. It's a maybe.

18 Q. All right. The next opinion that you offer in that
19 series is that the facility wouldn't pose serious injury
20 to the environment. When you make that statement you're
21 relying on information that other people have given you;
22 correct?

23 A. That is true.

24 Q. You're specifically relying on the environmental
25 studies that you had some of your other technicians do?

1 A. That's correct.

2 Q. And, again, those didn't address soybean cyst
3 nematodes?

4 A. That's correct.

5 Q. To your knowledge, did any of those address any
6 other potential soilborne pests?

7 A. Not to my knowledge, no.

8 Q. Do you know whether they addressed any weed
9 transmission issues?

10 A. I don't believe so.

11 Q. As far as offering the opinion about serious injury
12 to the environment, would other witnesses probably be
13 more qualified to give that conclusion?

14 A. I don't know that I could answer that.

15 Q. But you're not an environmental scientist yourself?

16 A. I am not.

17 Q. The next opinion that you offer then is whether
18 there would be serious economic injury, you opine that
19 there wouldn't be any serious economic injury; is that
20 correct?

21 A. That's correct.

22 Q. Now, again, your consultants didn't conduct any sort
23 of an economic study of the area, did they?

24 A. What type of study would you have any mind?

25 Q. Did they actually speak to farmers and ask them how

1 the presence of power lines would affect them
2 financially?

3 A. That they did not do, no.

4 Q. Further on then you offer an opinion as to whether
5 the project would impair the local health, safety, and
6 welfare. You indicate in your opinion that it would not
7 cause any serious impairment to local's health, safety,
8 and welfare; is that correct?

9 A. That's correct.

10 Q. Now would you agree that any permanent damage done
11 to a farmer's field does have some impact on his
12 welfare?

13 A. Yes. That would be correct. I would agree.

14 Q. Would you also agree that over the lifetime of this
15 project some accidents between farm equipment or aerial
16 sprayers and the line or the towers are going to happen?

17 A. I don't think I could definitively say they're going
18 to happen.

19 Q. In the event that they did, you would agree that
20 that is another element that would impact the health,
21 safety, and welfare of the people living there, isn't
22 it?

23 A. I'm not sure that I could answer that.

24 Q. Are you aware of situations where individuals have
25 had accidents with power lines?

1 A. Yes.

2 Q. Are you aware of individuals who have crashed
3 airplanes into power lines?

4 A. Yes.

5 Q. Are you aware of situations where farm equipment has
6 collided with power lines and caused damage?

7 A. Yes.

8 Q. And all of these things could happen with respect to
9 the line that's proposed; correct?

10 A. It's possible.

11 Q. Further on in your series of opinions in your
12 testimony you opine that there would be no impairment to
13 the orderly development of the region; is that correct?

14 A. Yes.

15 Q. Would you agree that the primary way that that
16 region of South Dakota has been developed is for
17 agriculture production?

18 A. I don't believe I have that information.

19 Q. Have you been there?

20 A. I've been there, yes.

21 Q. It's mostly farms, isn't it?

22 A. It appears to be, yes.

23 Q. Most of the people you've run into from that area
24 are farmers?

25 A. Yes. That's correct.

1 Q. Most of the people that have come to the public
2 hearings and have asked you long, angry questions over
3 and over again have been farmers?

4 A. That's correct.

5 Q. Would you agree that any activity that has the
6 potential to permanently harm crop production would be an
7 impairment to the development that exists there?

8 A. Restate the question.

9 Q. Would you agree that any development, whether it's a
10 power line or anything else that's likely to impair
11 farmland, is going to have a negative impact on the
12 development in that area of the state?

13 A. Yes. To a degree.

14 Q. If I could turn your attention to your Answers to
15 Gerald Pesall's First Set of Discovery Requests, which is
16 attached as Exhibit 4 to your testimony. It's Exhibit 4
17 in the materials.

18 I'm also going to be referring to the Application in
19 the next couple of questions if you want to have that
20 handy.

21 Do you have Exhibit 4 handy there?

22 A. Yes, I do.

23 Q. Looking at I think it's question No. 2 where you've
24 asked about the project's impacts on land values, do you
25 see that there?

1 A. Yes.

2 Q. In that section do you in your answer reference
3 Application Section 19.1.2?

4 A. Yes.

5 Q. And it's your contention in your answer that there
6 wouldn't be any significant impact to land values; is
7 that correct?

8 A. That's correct.

9 Q. Are you stating in that answer that you don't
10 believe a -- 80 acres of land with a power line across it
11 will have any different value than an identical 80 acres
12 of land without a power line across it?

13 A. Yes.

14 Q. So it's your opinion in this statement that a farmer
15 who is buying that land would pay the same regardless of
16 whether the power line is there or not?

17 A. Yes.

18 Q. In Section 19.1.2 of the Application or any where
19 else in the materials that you've submitted as evidence
20 are there any studies that would support that
21 contention?

22 A. There were some studies that were referenced in some
23 testimony somewhere. I can't recall, though.

24 Q. Turning your attention to that particular section of
25 the Application, though, there aren't any studies

1 referenced there, are there?

2 A. Do you know what page that's on?

3 Q. I don't. It's Section 19.1.2.

4 MR. WELK: Page 72.

5 THE WITNESS: Okay. I'm just about there.

6 A. All right. Sorry.

7 Q. Are there any studies referenced there at all?

8 MR. WELK: Objection. The Application speaks
9 for itself.

10 MR. SMITH: Sustained.

11 Q. Would you have any reference -- any studies that you
12 can reference that would or should have been included in
13 that section?

14 A. I'm sorry. I didn't understand the question.

15 Q. That was a dreadful question. Let me try it again.

16 Are you aware of any studies that in retrospect you
17 would have had included in that section to support the
18 claim that there wouldn't be impact to property values?

19 A. Well, like I said, I'm aware of some studies that
20 were referenced in another part of our testimony, but I
21 can't remember where those were. I think there was three
22 studies. Whether they should have been included in the
23 Application, I guess I'm not probably the person ask
24 that.

25 Q. Do you know who the person to ask that would be?

1 A. We were working through Kadrmas, Lee & Jackson on
2 this question.

3 Q. So any actual analysis would have to come through
4 testimony and report from Kadrmas, Lee & Jackson?

5 A. That's correct.

6 Q. Directing your attention to your answer to question
7 number 3 in Mr. Pesall's First Set of Discovery Requests,
8 which again is Exhibit 4 according to my notes, you were
9 asked about the impact on livestock, and you've offered
10 the opinion in that that there wouldn't be any impact on
11 livestock production; is that correct?

12 A. That's correct.

13 Q. And in support of that you again referenced parts of
14 the Application; is that correct?

15 A. Yes.

16 Q. Turning your attention to the first of the ones that
17 you referenced, which would be 19.2.2, the Application
18 doesn't reference any particular studies to support the
19 claim that there wouldn't be any impact on livestock,
20 does it?

21 MR. WELK: I object to the form of the question.
22 Be more specific. Are you talking about EMF issues or
23 other types of issues?

24 MR. PESALL: Any known issues that would harm
25 livestock due to the close proximity of that line.

1 A. There are no studies referenced.

2 Q. And if any of those studies had been done, would
3 they also have been done by Kadrmas, Lee & Jackson?

4 A. These would have been probably pulled together by
5 HDR.

6 Q. And would be Angela Piner that would be testifying
7 as to that then?

8 A. That's correct.

9 Q. You also reference Section 23.4.5 of the
10 Application. And that section indicates a warning
11 against, for example, refueling equipment within 100 feet
12 of the lines; is that correct?

13 A. Yes, it does.

14 Q. Would you agree then that refueling within 100 feet
15 of the lines is a risk factor for farmers working around
16 this project?

17 A. Yes. It could be.

18 Q. Would you agree that being unable to refuel at or
19 near portions of your property might impact your farm and
20 your livestock operations?

21 A. Yeah. I think so.

22 Q. Are you aware of any studies done by you or anybody
23 who will be testifying that relate to the presence of
24 cochlear implants or pace makers in terms of working
25 under or near these lines?

1 A. Well, there are, I believe, industry studies that
2 exist.

3 Q. Would there be other witnesses that would be
4 appropriate to testify as to that?

5 A. Yes. Jon Leman with Power would be the expert on
6 that.

7 MR. PESALL: Mr. Smith, I see the court reporter
8 is stretching her fingers. Do we want to take a short
9 break?

10 MR. SMITH: I asked her a little while ago, and
11 she said she was still fine.

12 THE COURT REPORTER: I'm fine for a little
13 while.

14 Q. Turning your attention to your Answers to
15 Gerald Pesall's Requests, the first set, Exhibit 4,
16 answer number 5 you were asked whether you had any
17 estimates to the total economic impact of lost
18 productivity and lost property values.

19 Is it your answer that you really don't have that
20 information and aren't required to prepare it?

21 MR. WELK: Objection. The answer speaks for
22 itself.

23 MR. SMITH: I'm going to let you answer it so
24 I'm going to overrule and just let him say what he thinks
25 about that.

1 A. Would you restate the question?

2 Q. As best I can. Is it your position that the
3 Applicants aren't required to prepare information as to
4 the economic impact of lost productivity and lost
5 property values and so, therefore, haven't done so?

6 A. That's correct.

7 Q. When you prepared that answer you were aware of the
8 statutory requirement that the Applicants demonstrate no
9 serious adverse economic impact, weren't you?

10 A. Yes.

11 Q. Turning your attention to Answer No. 7,
12 Gerald Pesall's First Set of Interrogatories, you were
13 asked some questions about quantifying the impact of this
14 line on South Dakota customers; is that correct?

15 A. Yes.

16 Q. Is it fair to say that you only had midwestern
17 regional data available to you and couldn't really answer
18 specific to South Dakota customers?

19 MR. WELK: Objection. That's Mr. Weiers'
20 testimony. We told you those questions go to him.

21 MR. SMITH: Are you okay with that, Mr. Pesall?

22 MR. PESALL: That's fine. I can address that to
23 Mr. Wires.

24 Q. Turning your attention to Answer No. 13, which is a
25 question about game species, would you be comfortable

1 answering some cross-examination on that?

2 A. This would probably be an HDR question.

3 Q. That would be Ms. Piner?

4 A. Yes.

5 Q. Turning your attention to the route selection
6 questions, Nos. 15 and 16, again, this is still in
7 Exhibit 4, would you be the appropriate witness to answer
8 examination about those two questions?

9 A. I believe so, yes.

10 Q. With respect to the alternate routes, you referenced
11 maps which show several different routes; is that
12 correct?

13 A. Yes.

14 Q. And those were some of the initial routes that the
15 owners had considered as possibilities for putting this
16 project together; is that correct?

17 A. Yes, it is.

18 Q. None of those routes came from MISO, did they?

19 A. No, they did not.

20 Q. So at least initially it was believed possible that
21 routes could have been built through Minnesota and
22 North Dakota rather than through the counties in
23 South Dakota that are currently proposed?

24 A. That's correct.

25 Q. Ultimately it was determined among other things that

1 the land in South Dakota was cheaper?

2 A. I don't believe the value of the land was a factor
3 in routing.

4 Q. Are you stating that now that land valuations or the
5 cost of the land was not a consideration in your routing
6 criteria?

7 A. As far as determining the actual land values, that
8 was not a criteria used in analyzing these routes.

9 Q. At least at that point.

10 A. True.

11 Q. It was ultimately considered, however, wasn't it?

12 A. Well, it was considered when we did our land
13 valuation study to determine the easement offer amounts.

14 Q. Directing your attention to Answer No. 17, which
15 references renewable energy standards, would you be the
16 appropriate witness to answer questions for the
17 Applicants on that?

18 A. That would be Jason Weiers.

19 Q. Would Mr. Weiers also be the correct witness for
20 additional information with respect to Answer No. 19
21 regarding the flow of energy along the particular
22 line?

23 A. Yes, he would be.

24 Q. Turning your attention then to Answer No. 20, which
25 relates to insurance liability protection, you were asked

1 whether the Applicants will be maintaining some sort of
2 insurance liability protection, and I believe you
3 testified -- or you stated that you would maintain
4 insurance throughout the construction and operation of
5 the line. Is that still correct?

6 A. Yes, it is.

7 Q. In the event that you cease to maintain the line, do
8 you intend to maintain the insurance indefinitely or
9 remove the line?

10 A. That's really not an issue that's been discussed
11 between the owners. I don't foresee a scenario, I guess,
12 where we would cease to maintain the line.

13 Q. It's your testimony here today that that line would
14 go on forever?

15 A. Well, forever's a long time.

16 Q. The reason I ask is because some of the gentlemen in
17 this room have farms that have been in continuous
18 existence for nearly 150 years, and electricity hasn't
19 been around that long.

20 So is it fair to say that there has been no
21 discussion at all about an exit strategy?

22 A. From our perspective as owners and operators of the
23 line, I guess, we do believe that this line will be in
24 service for 100 years or more.

25 I guess from an industry standard perspective, as an

1 owner of the facility, and I can speak to other
2 facilities that, say, MDU hold, when there comes a time
3 when that facility is no longer used, that line has
4 always been removed, physically removed.

5 Q. And at whose expense has it typically been removed?

6 A. When a line is removed it is -- it is probably at
7 the rate payers' expense.

8 Q. So the customers would ultimately wind up paying for
9 that?

10 A. True. I'm not sure in this case being an MBP
11 project how the ultimate removing -- I think that might
12 be a Jason Weiers question as well.

13 Q. Going on then to question 20, which also relates to
14 insurance, you're asked about handling accidental injury
15 or collision insurance due to the presence of the poles.

16 Now you indicated that the Applicants would carry
17 insurance. Is that an insurance for the Applicants or
18 for people who collide with the poles? Who does that
19 cover?

20 A. It's insurance that would cover ourselves.

21 Q. So you would anticipate if there was a collision
22 between a really big tractor and a really big power line
23 pole, that the Applicants would seek to hold the person
24 who drove into the pole liable?

25 MR. WELK: Objection. Calls for speculation.

1 Hypothetical.

2 MR. SMITH: I'm going to overrule it and let you
3 try to answer it.

4 A. I think each of those would have to be looked at on
5 a case-by-case basis. It comes down to was one party or
6 the other negligent in some way.

7 Q. So if, for example, the line interrupted a GPS
8 signal and resulted in a collision, would your insurance
9 cover damage to the producer?

10 A. I'm not sure that I would be the person to answer
11 that question.

12 Q. You don't know?

13 A. That would probably be litigated.

14 Q. You don't know the answer?

15 A. I don't know the answer.

16 Q. I'd like to turn your attention then to Exhibit 3,
17 which the Applicant's Answers to the Public Utilities
18 data requests.

19 Specifically, Answer No. 3, which I believe relates
20 to overbuilding or relying on existing lines; is that
21 correct?

22 A. Yes.

23 Q. PUC asks whether that would be a reasonable
24 solution, and among the answers as to why it shouldn't,
25 Applicants related that reliability was an issue.

1 Would you be the appropriate witness to answer some
2 questions about that?

3 A. That would probably be Jason Weiers.

4 Q. All right then. Well, turning your attention to the
5 soybean cyst nematode and the mitigation plan, I believe
6 this is Exhibit 23. Do you have that handy?

7 A. Okay.

8 Q. Now that's the entire plan that's been submitted on
9 behalf of the Applicants at this point; is that correct?

10 A. It is correct.

11 Q. So to the extent that any requirements for
12 activities on soybean cyst nematode mitigation could be
13 incorporated into the permit, that's what it would have
14 to reference?

15 A. I'm not sure I understood the question. Would you
16 say that again.

17 Q. Is it your intent as part of the Application to
18 agree to the conditions of that permit but not anything
19 else? Or that plan but not anything else?

20 A. I would almost have to read the Stipulation again to
21 refresh my memory.

22 Q. I'll hold off on that for a minute. The reason that
23 you prepared or that the Applicants prepared that plan is
24 because you learned about the existence of the soybean
25 cyst nematode through discovery in this case; is that

1 correct?

2 A. That is correct.

3 Q. At this point then would you acknowledge that
4 soybean cyst nematode transmission can damage land
5 productivity?

6 A. Yes.

7 Q. And you would acknowledge that it can be transmitted
8 field to field by construction equipment?

9 A. Yes.

10 Q. Now the proposed plan that you have set out in
11 Exhibit 23 at this point doesn't have a specific sampling
12 method articulated, does it?

13 A. No, it does not.

14 Q. It doesn't have a specific cleaning method
15 articulated?

16 A. No.

17 Q. It doesn't address what would happen to water from
18 washing equipment and where that water would go?

19 A. That's true.

20 Q. It doesn't address how the Applicants or their
21 contractors would dispose of the soil excavated to build
22 foundations for these towers?

23 A. It does not.

24 Q. And at this point do the Applicants have any sort of
25 liability or insurance coverage to cover damages in the

1 event that they harm a field by transmitting this during
2 the construction or maintenance of this project?

3 A. I guess I probably couldn't answer that. I'd have
4 to do some research and get back to you on that.

5 Q. To your knowledge have the Applicants or any of your
6 consulting firms done any studies on other potentially
7 similar soilborne pests?

8 A. Not to my knowledge, no.

9 Q. Have they done any studies on the field-to-field
10 transmission of weeds?

11 A. I suspect that is true, but I don't have any
12 firsthand knowledge of that.

13 Q. With respect to the Applicant's plans for road
14 maintenance -- and this isn't in reference to any
15 particular exhibit -- you've discussed the Applicant's
16 obligation to handle road repair and maintenance for
17 damage caused as a result of this project; is that
18 correct?

19 A. That's correct.

20 Q. Is there any party who's been identified that will
21 be responsible for monitoring road damage?

22 A. Not yet, no.

23 Q. Is there any party that's been identified who will
24 be responsible for monitoring the timeliness of the
25 repairs?

1 A. No. Not yet.

2 Q. Is there any liability protection for farmers
3 damaged by the inability to access fields when roads are
4 damaged?

5 A. Well, we are taking out a bond for \$300,000 as part
6 of our Stipulation agreement.

7 Q. And is it your understanding that that bond funding
8 would be available to a farmer who couldn't get his beans
9 in in time because his road was torn up?

10 A. I guess I don't know personally how that bond could
11 be distributed.

12 Q. So you can't say that it is at this point?

13 A. I can't.

14 Q. Mr. Ford, it's true that none of the consulting
15 firms that the Applicants have retained are based in
16 South Dakota, are they?

17 A. No. None of those three consultants are -- by based
18 you mean they're headquartered?

19 Q. Yes.

20 A. That's correct.

21 Q. And, to your knowledge, none of the individual
22 technicians who have been doing work for those companies
23 and for the Applicants are residents of South Dakota?

24 MR. WELK: Objection. Relevancy.

25 MR. SMITH: Sustained.

1 Q. Montana-Dakota Utilities is based out of
2 North Dakota; is that correct?

3 A. That's correct.

4 Q. Otter Tail Power is based out of Minnesota; is that
5 correct?

6 A. That's correct.

7 Q. One of the reasons that this project is being
8 brought forth is to try and meet state renewable energy
9 standards; is that correct?

10 MR. WELK: Objection. That's for Mr. Weiers.

11 MR. SMITH: Is that correct, Mr. Ford, that's
12 Mr. Weiers' area?

13 THE WITNESS: Yes, it is.

14 MR. SMITH: Okay. That's my recollection too.

15 MR. PESALL: That it's for Mr. Weiers?

16 MR. WELK: Yes.

17 MR. SMITH: Yeah. It's just not his area.

18 Q. Based on the Applicant's assessment, is this project
19 likely to create any permanent in-state jobs?

20 A. I don't suspect so, but I wouldn't rule it out.

21 MR. PESALL: That's all the questions I have for
22 Mr. Ford at this point.

23 MR. SMITH: Mr. Schuring, do you have any
24 questions of Mr. Ford?

25 MR. SCHURING: Yes. I have a few questions.

CROSS-EXAMINATION

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BY MR. SCHURING:

Q. Mr. Ford, my questions are going to primarily be concerned with route selection. And you indicated Exhibit 25 was pretty much the final route.

A. That's correct.

Q. Okay. In determination of that route, was any consideration given to the diminishing values of existing facilities on adjacent land?

A. No.

Q. What consideration was given or do you have any concern about the financial hardship or loss of equity that this could impose upon individuals of existing facilities?

MR. WELK: Objection to the form of the question.

MR. SMITH: Were you able to understand where he was getting at? We're talking to a layperson here.

MR. SCHURING: Yes. I apologize. I'm not an attorney.

Q. Was any consideration or do you have any concern what this might do to the value of adjacent existing facilities?

A. Repeat it again. Just one more time.

Q. Okay. I'm not talking about something that I might

1 put an irrigation pivot, I might build a barn.

2 Existing facilities. Do you have any concern or was
3 any consideration given to what financial hardship that
4 might have on those facilities?

5 A. Well, that's kind of two questions, concern or
6 consideration. I think we have concern, but our
7 understanding or evidence is that the impact of land
8 values would be minimal or none.

9 Q. If there was an impact on equity, how would that be
10 resolved?

11 MR. WELK: Objection to the form of the question
12 on equity.

13 Q. If there was an impact on the value if a facility
14 was offered for sale, how would you be concerned?

15 MR. SMITH: Is that better, Tom?

16 MR. WELK: Yes. I'm going to object. It's not
17 relevant.

18 MR. SMITH: I'm going to overrule and let him
19 try to answer.

20 A. Could you repeat it again.

21 Q. Okay. If the land caused devaluation for a loss of
22 equity in a facility, how would you address that
23 concern?

24 Have you addressed that concern at all?

25 A. On this project I don't believe we have, no.

1 Q. If a concern was called to the attention of one of
2 your right-of-way agents and they told the individuals
3 that it would be addressed, have they responded to all of
4 those individuals?

5 MR. WELK: Objection to the relevance of the
6 question.

7 MR. SMITH: Overruled.

8 A. Repeat the question.

9 Q. If a concern was called to the attention of your
10 right-of-way agent about the route and its impact on an
11 existing facility and individuals were told that they
12 would be gotten back to with a response, have your people
13 responded to those individuals?

14 MR. WELK: Objection to the form of the
15 question. We need foundation. Time, place, who was
16 present.

17 MR. SMITH: Can you, Mr. Schuring, provide --

18 MR. SCHURING: Okay.

19 MR. SMITH: Ask him a few questions rather than
20 a big complicated --

21 MR. SCHURING: Okay. I'm not a lawyer. I'm
22 going to get to the heart of it.

23 Q. I was contacted last winter and said I'm not
24 interested in an easement. After we had applied for
25 party status on a teleconference call it was strongly

1 suggested that your people make contact with me.

2 They made contact with me the Friday before the
3 hearing in Aberdeen, and I -- so they did make contact.
4 I asked them about this question. They said I will get
5 back to you. Here we are June 10 at the Application
6 hearing, have not talked to anybody.

7 Is that the response that your agents are giving to
8 the individual landowners that have concerns?

9 A. I don't have any personal knowledge of this
10 particular interaction. And I guess I would say it's not
11 our expectation of how the land agents would handle
12 questions.

13 Q. Were you present at the May 20 hearing in Aberdeen?

14 A. Yes, I was.

15 Q. I did address the same issue there. So if you were
16 listening, you probably heard it.

17 Okay. To move on here, are you aware of any current
18 lawsuits in South Dakota or neighboring states concerning
19 economic hardship that has been caused by construction of
20 a power line on an existing facility?

21 A. I'm not.

22 Q. Okay. There currently is, and I addressed that at
23 the May 20 meeting too in Aberdeen.

24 And what makes you so sure that this project won't
25 devalue existing facilities?

1 A. I guess primarily personally it would be just from
2 my experience on other transmission projects. And in
3 this case in particular probably through our
4 conversations with our right-of-way consultants.

5 Q. If there is -- if there is any devaluation, how
6 would you address that?

7 A. At this point in time I don't know that we could
8 address it. Like I say, we have, you know, 60 percent of
9 the line under option. It would come down to, you know,
10 how that loss of valuation could be proven. I mean, how
11 do we quantify that.

12 You know, I think as owners we would have to consult
13 on this together and come up with a response to that
14 question.

15 Q. Will you please respond to that in the near future?

16 A. We can do that.

17 Q. Okay. Thank you.

18 MR. SMITH: Mr. Morehouse, do you have any
19 questions?

20 MR. MOREHOUSE: Yeah. I just have one.

21 CROSS-EXAMINATION

22 BY MR. MOREHOUSE:

23 Q. Concerning that May 20 meeting in Aberdeen that was
24 brought up to you or proposed different route other than
25 the reroute that would be -- you say that you did the

1 best -- or the company has done the best routing for the
2 least damage and this and that.

3 Was it ever investigated? The route that was
4 proposed in Aberdeen that would go through pasture land
5 there would probably be two or three families affected
6 versus five or seven families, cattle, dairy facilities,
7 irrigation systems.

8 Was there ever anything done to go a different route
9 that was proposed the way we proposed it in Aberdeen?

10 MR. WELK: I'm going to -- can you understand
11 the question?

12 THE WITNESS: Not clearly, no.

13 Q. Did you ever look into an alternate route other than
14 the reroute, you know, that we had proposed in Aberdeen
15 that affected us?

16 There's a better way to go, it looks like to me, and
17 it was brought up to you to check into that. And the
18 reason that I was given before the meeting in Aberdeen
19 was because timeliness of the -- that the PUC allowed
20 things to happen and then, therefore, they told me that
21 there can be additions put on this time.

22 Was anything ever checked into that route that we
23 had proposed in Aberdeen? Was it ever checked into?

24 A. I'm trying to recall what that route was. I'm not
25 sure if I remember what the actual route was. Was this a

1 route that was proposed earlier, or was this a route just
2 proposed at the May 20 hearing?

3 Q. A route that was proposed at the May 20 hearing.

4 A. And that was proposed by you?

5 Q. By me.

6 A. To me specifically?

7 Q. To -- I addressed it to you and to the -- and to the
8 PUC committee.

9 A. Okay.

10 MR. WELK: Can I help you by -- could you
11 describe the route, please.

12 MR. SMITH: Mr. Morehouse, are you talking about
13 the moving it farther south?

14 MR. MOREHOUSE: Yeah. Moving it 2 miles south
15 of us and then Mr. Schuring or myself would not be
16 affected by it with our cattle facilities, and neither
17 would families along the way. Neither would irrigation
18 systems that can be put in this area be affected by it.

19 There's just a lot of things that wouldn't be
20 affected by it if it would be rerouted 2 miles south of
21 me, and it would cost -- as far as I could tell, it would
22 cost the same or less as with going through where you've
23 proposed it already, other than the easements that you
24 probably already obtained. And the easements that you
25 have obtained are going to be mostly the same people in

1 this reroute that I have proposed in Aberdeen so you
2 wouldn't be dealing with different people. They'd
3 probably go forward.

4 A. Yeah. I'm not recalling exactly what that reroute
5 was. I think that, you know, we would certainly be
6 willing to look at it. I just can't recall if KLJ had
7 looked at that route before or if I had any other
8 information on it. I guess I -- at this point I'd have
9 to say I'd have to get back to you on an answer. I
10 don't -- I don't think I have enough information to be
11 able to answer that.

12 Q. I would just hope that before this permanent line is
13 put in that's going to last hundreds of years probably,
14 at least 100 years, that my kids don't ask me or my
15 grandkids don't ask me, well, grandpa why wasn't that
16 line put where there's no people.

17 And it should be put in the very best place. It
18 should be probably looked at, very seriously. And will
19 you do that? Or will you not do that because you've got
20 this line poked right up us anyway?

21 A. I'm sorry. I didn't catch your last comment there.

22 Q. Would you not look into it because you've already
23 got the line determined and you see no further need to
24 put it -- to move it?

25 A. Well --

1 Q. Because of monetary or whatever reasons, legalities.
2 Yes, I was appreciative, if you recall, that they did
3 move it 1,200 feet from my feedlot. But you're still
4 going past my feedlot.

5 And who's to say. Things can change, and then this
6 line is still there. You're not going to want to move
7 it. There is a better route, and you're still going past
8 the Schuring dairy and this route.

9 With our reroute that we proposed you wouldn't be
10 going past either one, and you'd affect very few
11 families. So, therefore, I say that you haven't done
12 your best job placing your route in the best possible
13 place.

14 MR. SMITH: Mr. Morehouse, you're going to get a
15 chance to testify here so right now what we're doing is
16 asking questions. Try to keep them, you know --

17 MR. MOREHOUSE: Thank you. I'm done.

18 MR. SMITH: Okay. Thank you.

19 Staff.

20 MS. CREMER: Staff has nothing. Thank you.

21 MR. SMITH: Okay. Commissioners, do you have
22 any questions at this point, or should we give Cheri a
23 little break here? Should we take a break?

24 Okay. You want to ask them now before we take a
25 break?

1 CHAIRMAN HANSON: No. We can take a break. And
2 I'm going to ask questions. It doesn't matter to me.

3 MR. SMITH: Maybe we should -- so Mr. Welk will
4 have some time to consider your questions as well on his
5 redirect.

6 Tom, you think so?

7 MR. WELK: We're just going to take a break? Is
8 that what you're saying?

9 MR. SMITH: I was saying get the Commissioner
10 questions over --

11 CHAIRMAN HANSON: We can go off the record.

12 (Discussion off the record)

13 MR. SMITH: Commissioners, fire away.

14 CHAIRMAN HANSON: Mr. Ford, I have rather
15 copious notes here as we were going along so I'll try to
16 articulate my questions. And I'll let the other
17 Commissioners ask some questions, and then perhaps I'll
18 ask some additional ones.

19 Mr. Morehouse was just asking -- imparting to
20 you some concerns and asking a question in regard to the
21 movement of the line from his feedlot, which I understand
22 you did on paper.

23 And it seems like the question he was asking
24 which was not answered was are you going to keep the line
25 at the new location, or are you likely to move it back

1 closer to the feedlot again?

2 THE WITNESS: Oh, okay. The reroute that we had
3 most recently had the greatest support for -- I guess
4 I'll put it that way -- which does have the line 1,200
5 feet away from his feedlot, that is the line that we have
6 shown in the exhibit as our final route.

7 So we would not have an intention of moving it
8 to a location that would bring it closer to his feedlot,
9 no.

10 CHAIRMAN HANSON: Thank you for that. On a
11 condition of the permit -- or I haven't prepared those
12 yet. I have some notes as to what I would like to do.

13 You will have a construction manager for the
14 company. And I understand that it's your intent not to
15 work on the property when it is not fit to be worked. Do
16 you have criteria, some benchmarks or some criteria so
17 that we can understand just when you will not work the
18 property? Or is that just a judgment call?

19 THE WITNESS: Well, it is to a great extent, I
20 think, a judgment call. And we haven't really discussed
21 that. Probably won't discuss that until we hire the
22 construction manager themselves. So I'd be kind of
23 speculating at this point.

24 CHAIRMAN HANSON: So you don't have specific
25 criteria at this juncture?

1 THE WITNESS: No.

2 CHAIRMAN HANSON: So that may be something that
3 we would need. If we site this, we will need some
4 specifics on that.

5 Mr. Schuring expressed a concern -- and forgive
6 me. I forgot what it was, but your answer was -- he
7 requested will you do that, and your answer was we can do
8 that.

9 Do you remember the question? I don't.

10 THE WITNESS: I don't either. I think it was
11 looking into the effects on land value. And if there was
12 an impact, how would we propose to handle that.

13 CHAIRMAN HANSON: As opposed to we can do that,
14 will you do that? Is it your intent to do that?

15 THE WITNESS: To do --

16 CHAIRMAN HANSON: Just exactly what you just
17 said.

18 Because it's -- semantics is very important.
19 And when you say you can do something it doesn't mean
20 that you're going to do something.

21 THE WITNESS: Uh-huh.

22 CHAIRMAN HANSON: In other words, is that going
23 to have to be a condition here? Are you agreeing that
24 you will do it?

25 THE WITNESS: I guess I want to be clear as to

1 what we would be agreeing to. Are you saying that if it
2 is determined there are impacts to land value, we would
3 compensate for that? Is that what we're talking about
4 or --

5 CHAIRMAN HANSON: That's a step past what we
6 were talking about. But obviously that's -- that would
7 be a reasonable assumption of the request from a
8 landowner could be compensated for damage to their
9 property in economic terms as well as in physical terms.

10 THE WITNESS: Yeah. I guess what I struggle
11 with a little bit is how we determine if there has been
12 an impact to land value.

13 I guess if there is a -- if the parties can all
14 come up with a methodology, maybe that would serve as an
15 analysis for this.

16 CHAIRMAN HANSON: Do you have existing 345 kV
17 lines that could help with answering a lot of the
18 questions, you know, experience from that you could help
19 to answer a lot of the questions that have been proposed
20 over the public meetings as well as this one, this
21 hearing?

22 THE WITNESS: Yeah. Montana-Dakota does own
23 another 345 kV line in North Dakota. It was actually
24 built I believe it was in about 1982. So at the time
25 that line was sited I don't believe a lot of these

1 questions were thought of. And I'm not aware --

2 CHAIRMAN HANSON: Do you have personal
3 experiences with that line, or are you privy to
4 information pertaining to challenges with that line from
5 a standpoint of GPS or other similar electronic
6 interference that have been discussed here?

7 THE WITNESS: I can tell you that we have never
8 had a complaint about interference with GPS or electronic
9 farming equipment. We have had questions or concerns
10 about induction into fences primarily.

11 CHAIRMAN HANSON: And how was that corrected
12 or --

13 THE WITNESS: Typically we'd go out with the
14 landowner so we could look at what fence, you know,
15 they're talking about. We could take some measurements,
16 determine what kind of induction we're talking about and
17 make some recommendations for how that fence could be
18 grounded.

19 CHAIRMAN HANSON: I recall you discussing that
20 to an extent at one of our public meetings.

21 In regards to the nematode, the soybean cyst
22 nematode, did you contact the Soybean Council and discuss
23 any of the challenges that they had had or their
24 concerns?

25 THE WITNESS: I don't believe the Soybean

1 Council was one that we had contacted. We did -- in
2 Appendix C of the Application, we did make contact with
3 the State -- if you just give me a second here, I think I
4 can find it. To the South Dakota Department of
5 Agriculture and South Dakota Department of Environment
6 and Natural Resources, those two agencies, which I assume
7 maybe would know something about it. At least the
8 Department of Agriculture. Also the U.S. Department of
9 Agriculture was contacted.

10 CHAIRMAN HANSON: My recollection, the Soybean
11 Council was the first to have a publication on it,
12 though, in South Dakota. It was quite a few years ago,
13 and they were talking about it in the southeast part of
14 the country.

15 Would you please contact them and have
16 discussions with the Soybean Council as well?

17 THE WITNESS: (Nods head.)

18 CHAIRMAN HANSON: You spoke of cleaning
19 stations, clean and dirty crews, potential matting.
20 Counsel Pesall got into some specifics in that arena, a
21 number of areas that I'm concerned with. It doesn't --
22 the Exhibit 23 states that it may include some of the
23 cleaning stations, clean and dirty crews, things of that
24 nature.

25 Again, in this particular instance do you have

1 any specific criteria?

2 The verbiage just did not leave me with a great
3 deal of confidence. In fact, again, it states that it
4 may include, that you may include some of these items.

5 THE WITNESS: Yeah. I think as I stated in my
6 testimony, what we feel is critical here in determining
7 the type of mitigation is really the prevalence of the
8 nematode along the route.

9 So if worst-case scenario let's say 100 percent
10 of the route is contaminated, then obviously there really
11 isn't mitigation that would be required.

12 But if we have long stretches of contamination
13 and long stretches of noncontaminated fields, then the
14 clean crew/dirty crew option may actually be the best
15 option to use.

16 The cleaning stations I think would be used more
17 in the situation where we have, what do you want to say,
18 oscillation between clean and dirty fields along the
19 route so that it is potentially impractical to use clean
20 and dirty crews.

21 So I guess the purpose of that language in the
22 plan is that we may as a result of determining the
23 density of the problem eliminate some of those mitigation
24 options. I mean, maybe we end up going to nothing but
25 cleaning stations, let's say, as an example.

1 So I think we wanted to keep all of these
2 options on the table until we can really analyze, you
3 know, the significance of the problem along the route and
4 best determine, you know, how to mitigate.

5 CHAIRMAN HANSON: Just a comment. It would seem
6 that if you do find a nematode cyst, that you would only
7 use dirty crews in those areas and that you would use
8 clean crews in all of the other areas so that there would
9 be no cross-contamination.

10 I have a few other questions, but I will
11 acquiescent to my fellow Commissioners at this juncture.

12 Commissioner Nelson, did you have questions?

13 COMMISSIONER NELSON: Just a couple, Mr. Ford.

14 In your initial comments today you mentioned
15 that of the route alternatives that you were looking at
16 there was only one that ended up being rejected. Is that
17 the Podoll area?

18 THE WITNESS: Yes, it is.

19 COMMISSIONER NELSON: And referencing your
20 June 5 and 6 letter to Mr. and Mrs. Lyle Podoll, you
21 indicated that one of the reasons that you couldn't go
22 with their alternative was that it would place them at
23 odds with landowners on the proposed southern route
24 change.

25 My recollection of Mr. Podoll's commentary at

1 our last meeting in Aberdeen was that he didn't think
2 there was going to be a conflict with those landowners.
3 Your letter indicates otherwise.

4 Can you talk to me about what your experience
5 found with those landowners?

6 THE WITNESS: Essentially I'm going by the
7 information that I have received from KLJ's land agents.
8 But in investigating that southern route, they did come
9 across resistance from a number of landowners along that
10 route. So this is the resistance I'm talking about
11 here.

12 COMMISSIONER NELSON: The last line of your
13 letter you said "We look forward to continuing our
14 discussions." And granted this was just a June 6 letter,
15 but have there been any discussions since June 6 with the
16 Podolls?

17 THE WITNESS: I don't think I can answer that.

18 COMMISSIONER NELSON: Who would be able to
19 answer that?

20 THE WITNESS: Well, we do have some people from
21 KLJ who might be able to answer. They're not on the
22 witness list, but they might still be able to answer that
23 question for you.

24 MR. WELK: Commissioner Nelson, we'll talk to
25 those people at break and see if we can get an answer.

1 They would have been the people.

2 COMMISSIONER NELSON: Excellent. There was a
3 gentleman from the Milbank area in Aberdeen that had some
4 property next to a golf course that he was considering
5 developing. There was concern about that. And my
6 recollection was that you were going to have some
7 additional discussions with him.

8 I'm wondering did those discussions happen, and
9 what was the outcome of that?

10 THE WITNESS: We are continuing discussions with
11 him. It really does revolve around his platting of the
12 property. We've found some plats that he has -- or have
13 been recorded for that property. Those plats don't seem
14 to be a concern for the line. They're further north than
15 where the line is or is being planned.

16 And so we're trying to determine is there
17 another plat or even a stretch plat that he was working
18 on that we weren't aware of. So really those discussions
19 are still ongoing.

20 COMMISSIONER NELSON: Thank you. That's all the
21 questions I have.

22 MR. SMITH: Okay. Commissioner Fiegen.

23 COMMISSIONER FIEGEN: Thank you, Mr. Smith.

24 During the hearings that we had in Pierre -- or
25 the public hearings, there were a couple of them, could

1 you tell me the procedure of your company in how to
2 follow up with the questions or some items that you were
3 going to look into? How do you -- like how do you
4 tabulate all of that and make sure that you've crossed
5 your Ts and dotted your Is on the public hearing
6 questions?

7 THE WITNESS: We had people at the hearing whose
8 sole purpose was to take notes of the hearing and record
9 those questions. Also, of course, once we saw the
10 transcripts of the hearings we reviewed those to make
11 sure that we hadn't missed any of those questions.

12 And then as a project team overall, depending
13 on, you know, what the question was, it was an
14 assignment, whether this is a question that we wanted,
15 say, KLJ to research because it was something to do with,
16 you know, right of way, if it was an engineering or
17 environmental question, you know, we would have that
18 consultant research.

19 And, you know, depending on the question, I
20 guess, we would either ultimately write a letter in
21 answer or potentially, you know, have a face to face with
22 the landowner and try to answer that question.

23 COMMISSIONER FIEGEN: Thank you. As you know,
24 this is really impacting agriculture land, and
25 agriculture is certainly very important to South Dakota.

1 Could you tell me who evaluated your crop insurance and
2 how the construction phase would impact farmers in their
3 averages down the road for crop insurance?

4 THE WITNESS: Yeah. We're still kind of digging
5 into that a little bit. HDR has been assisting us in
6 trying to get an answer for that.

7 So far, though, the answer that we've been
8 hearing -- and it sounds like it potentially varies
9 depending on your policy and how your policy is actually
10 written, but at least in some cases the policy does not,
11 I guess, penalize the landowner for a temporary loss of
12 yield based on construction.

13 And I'm not an expert on this insurance aspect
14 so I don't know exactly what that looks like in the
15 policy or if it's, you know, something you have to
16 specifically request, but from the research that HDR has
17 done, it appears that at least in some cases the impact
18 caused by the temporary construction itself should not be
19 reflected in a reduction in crop insurance.

20 The permanent impacts in terms of the footprint
21 of each tower, you know, the permanent acres that may be
22 taken out of production, those, of course, would have an
23 impact on crop insurance.

24 COMMISSIONER FIEGEN: So we can ask HDR that
25 question. Because, you know, 160 miles and all sorts of

1 different crop insurance policies, we'd want to make sure
2 that's all accurate. And not just vague but accurate for
3 our farmers.

4 Thank you.

5 THE WITNESS: Sure.

6 MR. SMITH: Any other Commissioner questions?

7 CHAIRMAN HANSON: No.

8 MR. SMITH: Okay. I think then we'll go into
9 recess here. What do you think, about a 15-minute break?
10 Why don't we take a 15-minute break. That will be about
11 25 after or so by that clock anyway. So we're in recess.

12 (A short recess is taken)

13 MR. SMITH: We're going to call the hearing back
14 to order. And we had finished with Commissioner
15 questions following cross-examination. And I neglected
16 to mention this, but normally what we then do is we allow
17 some additional cross-examination by the cross-examiners
18 prior to going back to redirect to enable them to
19 address -- in case any -- limited to Commissioner related
20 questions that arose or another Intervener party.

21 So, Mr. Pesall, are you ready to have a go at
22 it, or do you have any questions for Mr. Ford?

23 MR. PESALL: Limited to only what the
24 Commissioners had asked, I don't have any additional
25 questions at this point.

1 MR. SMITH: Okay. That's pretty much it. Any
2 related to the other two Interveners?

3 MR. MOREHOUSE: Nothing here.

4 MR. SMITH: Nothing down there?

5 MR. MOREHOUSE: No.

6 MR. SMITH: Okay, Mr. Welk. I think it's time
7 for Applicant's redirect.

8 MR. WELK: Thank you, Mr. Smith, Commissioners.
9 Some I have some questions relating to the cross, some to
10 the Commissioners' questions themselves.

11 REDIRECT EXAMINATION

12 BY MR. WELK:

13 Q. First of all, to your knowledge, have any counties
14 made any objection to the project regarding the
15 construction?

16 A. To my knowledge, no.

17 Q. Mr. Pesall indicated that there had been some issues
18 relating to a -- some townships. Are the issues that the
19 townships have written, are they any different than the
20 general landowner issues that have been previously
21 addressed and discussed?

22 A. I don't believe so.

23 Q. In front of you is Exhibit No. 4, which is the
24 Pesall Answers to the First Set of Discovery No. 4. And
25 there were some questions asked by Mr. Pesall regarding

1 No. 5 and the economic benefits analyzed for the
2 Application.

3 And I want to go and look at precisely what that
4 says.

5 And it says "State whether the Applicants have
6 prepared any estimates, and, if so, provide those
7 estimates together with facts, studies, or expert
8 opinions from which they are based insofar as the total
9 value for, subparagraph, annual lost productivity, do
10 proposed transmission lines impact on livestock along the
11 entire lengthy line of the proposed line, B, annual lost
12 productivity due to soil compaction and interference with
13 farming operations cause for construction and ongoing
14 maintenance along the entire length of the proposed line
15 and, C, total reduction in real property values along the
16 entire length of the proposed line both for property line
17 under the proposed route and for adjacent property within
18 one half mile?"

19 And would you read into the record what the complete
20 answer is?

21 A. The answer is "As discussed in Sections 14.1.2 and
22 19.2 of the Application, and as indicated in Answers to
23 Interrogatories No. 2, 3, and 4 above, the permanent
24 impact is expected to be minimal. The owners have not
25 prepared annual estimates of lost productivity and no

1 such annual estimates are required to be prepared."

2 Q. I want to ask some questions regarding the total
3 situation that was asked and I promised Commissioner
4 Nelson we would investigate that and talk with the land
5 agents.

6 And the question precisely was since the last
7 hearing has there been any contact with Mr. Podoll about
8 the reroute. And I'd like you to update what the project
9 has done regarding Mr. Podoll's inquiry and statements
10 since the May 20 hearing in Aberdeen.

11 A. Well, during the break I had a little conversation
12 with KLJ just to find out what they had done so far. It
13 doesn't sound like they have had any direct contact with
14 Mr. Podoll, but what they are doing is looking at and
15 contacting landowners on the proposed reroute that he has
16 asked us to look into.

17 So at this time we're talking to those landowners.
18 And I believe Terry said we're also looking at some
19 survey work in there because there are some wetland areas
20 that we have to cross that we need to determine whether
21 it's engineeringly feasible.

22 Q. And, to your knowledge, based upon prior
23 conversations with Mr. Podoll and the landowners in the
24 area, has there been an inconsistency in what Mr. Podoll
25 has said some other landowners would commit to or agreed

1 to than when they're actually talked to by the land
2 agents?

3 MR. PESALL: I'm going to object as calling for
4 hearsay.

5 MR. SMITH: It probably is technically hearsay
6 but you just talked to them and I'm going to let you
7 answer it. If need be, you can call them and inquire
8 directly. I'm just thinking -- and if that's preferable,
9 I guess we can -- we can --

10 MR. WELK: I don't care. I'm trying to get to
11 Commissioner Nelson's answer.

12 MR. SMITH: Right. Yeah. Technically it's
13 hearsay, but I'm going to let you answer it.

14 A. Yeah. I guess, you know, we've been working with
15 Mr. Podoll for some time. And he has on numerous
16 occasions told us that, you know, this particular route
17 is going to work because those landowners are in favor of
18 it. And when we talk to those landowners they say, no,
19 we're not in favor of it.

20 So we get a difference between fact and fiction, I
21 guess you could say, a little bit there. So his opinion
22 has, you know, been that this route should be easy for
23 us, that everyone's on board, and that's not been the
24 case.

25 Q. In the Stipulation, Exhibit 301 that's with the

1 Staff, do you have that in front of you?

2 Was it addressed in the Stipulation about changes to
3 the route from Exhibit 25? One of the paragraphs?

4 A. Yes. I know it was. Let me see if I can find the
5 paragraph, though.

6 Q. Look at 23.

7 A. 23. Yes.

8 Q. And would you read into the record, please, what the
9 Stipulation provides regarding to route changes from
10 Exhibit 25 and into in the future.

11 A. Sure. Paragraph 23 of the Stipulation agreement
12 says that "If it becomes necessary to materially deviate
13 from the described centerline to accommodate engineering
14 and applicable safety and construction requirements based
15 on conditions encountered during construction, all
16 landowners affected by the material deviation and the
17 Commission must be notified in writing at least five
18 working days before the material deviation is expected to
19 occur. Unless otherwise notified by the Commission, the
20 material deviation is deemed approved. For the purposes
21 of this paragraph, the term material deviations shall
22 mean any action or activity outside the reasonable
23 parameters of the permit."

24 Q. And the project is committed to that term and
25 condition?

1 A. Yes. Absolutely.

2 Q. I have to admit that listening to the colloquy
3 between you and Commissioner Hanson and you and
4 Commissioner Fiegen I am uncertain as to what the project
5 is committing to do and what we're trying to solve.

6 First of all, let's deal with the Schuring matter.

7 MR. WELK: And maybe, Commissioner Hanson, you
8 can explain this because I don't think it's clear in the
9 record what we're doing, and I'll get some evidence out
10 of Mr. Schuring that this dairy farm is a quarter of a
11 mile south and the line is not even on his line -- or on
12 his land. The two easements for Mr. Schuring are
13 overhand easements that have nothing to do with the dairy
14 operation.

15 So I am unclear as to what you're asking us to
16 do. And I don't want to leave this hearing not knowing
17 what we're supposed to do to make sure that what you're
18 asking to us do we do.

19 CHAIRMAN HANSON: Certainly. And although I'm
20 not -- neither you or I are here to testify, I appreciate
21 the opportunity to clarify the question that I asked of
22 Mr. Ford.

23 The question from Mr. Schuring was -- was it
24 Mr. Schuring or Morehouse? I thought it was
25 Mr. Morehouse pertaining to that he had made a request

1 for the line to be moved or at least not to be in the
2 close proximity to his -- not a milking operation but a
3 feedlot.

4 MR. WELK: Feedlot.

5 CHAIRMAN HANSON: And it was moved, and it was
6 farther away. And his concern here today was is there a
7 potential for it to be moved back to where it was? And I
8 didn't think that Mr. Ford's answer was clear. So I
9 asked him to make it clear specific as to whether or not
10 it would be likely to be moved back to where it was.

11 I had no reason to believe that it was, but I
12 certainly with the ambiguity of his answer felt that it
13 left that in the mind of the Interveners that potentially
14 it could be.

15 So I asked Mr. Ford that question. And he
16 specifically said that there was no intention to move it.
17 I'm paraphrasing. There would be no intention of moving
18 it back to where it was previously.

19 MR. WELK: The other question I thought we got
20 with Mr. Schuring, and I might have confused it, is
21 whether the project would consider I'll call the word
22 devaluation or damages to an existing facility that was
23 not on the line, i.e., the dairy barn.

24 And I thought we had some discussion about that
25 and whether we would look at that or not. Am I

1 misunderstanding?

2 CHAIRMAN HANSON: I think the answer that,
3 again, Mr. Ford gave was ambiguous and it said we can do
4 that as opposed to we will do that. And I just felt that
5 either he needed to say, no, we're not going to be able
6 to do that, no, that's not within the work product that
7 we plan to do as opposed to saying, yes, we can do that.

8 By saying, yes, we can do that, it seemed to
9 intimate that you might do that but you might not. And
10 so, again, I wanted to clarify that ambiguity.

11 MR. WELK: And let me clarify that further now
12 that I know what you want.

13 Q. Now, Mr. Ford, did you understand Commissioner
14 Hanson's question about looking at the potential
15 devaluation of properties that involved Mr. Schuring that
16 are not on the line itself?

17 And so what I want to be clear in answering the
18 Commissioner's question is what you are agreeing to do on
19 behalf of the project.

20 A. Yeah. I guess as I was answering the question in
21 terms of property valuations, of course, we're looking at
22 the properties that the line is on and the properties
23 that we have to acquire easements from, whether they be
24 standard line easement or an overhang easement.

25 In the case of properties that are, you know, not on

1 the route directly where we don't have to get an
2 easement, I guess we would have no intention of looking
3 at whether there are impacts to land values, you know,
4 beyond the affected -- immediate affected area of the
5 line.

6 CHAIRMAN HANSON: Thank you for that. From my
7 standpoint as Commissioner, I did not -- in case it was
8 inferred, I did not mean to imply in any way that I was
9 advocating a position. I just felt that you needed to
10 clarify and answer the question. Thank you.

11 MR. WELK: And we appreciate the opportunity,
12 Mr. Chairman, to do that.

13 Now with regard to Commissioner Fiegen's
14 question -- and, again, my questions are not to be
15 argumentative but to be more specific because I've talked
16 to Ms. Piner and she's not in a position -- because she
17 wasn't the HDR person that looked into the insurance
18 issue, Commissioner Fiegen. So I don't want you to think
19 there's going to be an answer and there's not.

20 So I want to deal specifically in answering your
21 question of what you want us to do. And I am concerned
22 we're leaving here not knowing what you want to us do
23 because this is more complex than perhaps people realize.
24 Because each landowner has a different carrier, has a
25 different policy. There will be a different policy term.

1 And so what we're getting is general answers,
2 but all of us know, especially lawyers, that insurance is
3 controlled by a contract that's individually issued
4 subject to its exclusions and definitions.

5 So I just want to be clear what you want us to
6 do about this issue so we don't leave your question
7 hanging either.

8 COMMISSIONER FIEGEN: Thank you. I believe it
9 was at both hearings in Aberdeen the question was asked
10 about crop insurance. And a lot of farmers certainly
11 look at that and they look at averages. And maybe we
12 don't all read the fine print of temporary construction.
13 But what I thought I heard, and I'd have to go back and
14 listen to the public hearing, I thought I heard that, you
15 know what, we're going to have to look into that. I'm
16 unaware of what we can do, but we'll have to look into
17 that.

18 So that was my question because I believe that's
19 what Mr. Ford said for sure the second hearing. I can't
20 remember how he answered the first hearing.

21 MR. WELK: Well, that's the -- we are looking
22 into it, and this is what we're finding out. So I want
23 to make sure your question is answered, but it is more
24 complicated than it appears in the beginning.

25 So they have. They have not dropped the ball

1 looking into it, but it's becoming more complex for the
2 reasons I stated. Ms. Piner can't answer those
3 questions.

4 So if you want an answer, I mean, other than
5 going and getting the policies of the individual people
6 which may not be the same carrier at the time of
7 construction and the definitions may change, I just want
8 to make sure -- we are looking into it, but they're not
9 finding a real good answer.

10 As any insurance question comes down what does
11 the policy say, what are the terms and conditions, and
12 what are the exclusions.

13 COMMISSIONER FIEGEN: Sure. And the very first
14 thing I did when I got the Stipulation yesterday, of
15 course, was read through it. But I was certainly looking
16 for the crop insurance in the Stipulation. It's not in
17 the Stipulation.

18 MR. WELK: Is there anything you think we should
19 be doing is what I'm asking other than answer your
20 question generally?

21 COMMISSIONER FIEGEN: Well, as you know, I'm not
22 on the witness stand. So I'm trying to gather
23 information on making a good determination for our
24 landowners in South Dakota.

25 So I will have to evaluate your answer and make

1 a determination of grant, deny, or whatever in the
2 Stipulation.

3 MR. WELK: Well, that's fine. I just want to
4 make sure if you want information, we give it to you. If
5 that's what it is, it is. But that's all we can do right
6 now.

7 But I don't want to have people get up here
8 and not be able to answer your question because they
9 can't.

10 Q. It's a rather simple question, but, you know, when
11 people object to a proposed route, why don't you just go
12 around them and find another route? Why isn't that just
13 a simple way to address the concern?

14 A. Well, it gets back to the routing criteria. And,
15 you know, it doesn't -- it doesn't pay to -- I don't know
16 about the word "pay." But it doesn't work to, you know,
17 move from one landowner's objection to another
18 landowner's objection.

19 In other words, you ultimately do have to find a
20 route that the landowners would support. And, right or
21 wrong, I guess we're looking for majority support.

22 So typically when we have a route area or a section
23 of the route chosen that we're getting good response from
24 all the landowners, if we've got all of that good
25 response to move to another location is kind of --

1 Q. What if you found a new route where there was
2 landowner support? In that instance would you always
3 accept the reroute, even if the landowners would agree to
4 it?

5 A. Well, the landowner acceptance is only one factor
6 again. So we have to look at all the routing criteria,
7 which means they might have a route that looks really
8 good on paper but it has other issues, whether it be
9 archaeological sites, whether it be historical
10 properties, or some NRCS easement or, you know, some of
11 these other encumbrances you could say to the route that
12 would be harder to overcome, I guess I would say.

13 MR. WELK: That's all I have, Mr. Smith and
14 Commissioners.

15 MR. SMITH: Okay. Well, I guess unless there's
16 some additional Commissioner questions or something, you
17 can step down, Mr. Ford.

18 THE WITNESS: Thank you.

19 (The witness is excused.)

20 MR. SMITH: Are you ready to call your next
21 witness?

22 MR. SUTTON: At this time the Applicants would
23 call Jason Weiers.

24

25

1 JASON WEIERS,
2 called as a witness, being first duly sworn in the above
3 cause, testified under oath as follows:

4 DIRECT EXAMINATION

5 BY MR. SUTTON:

6 Q. Could you please state your name for the record.

7 A. Jason Weiers. The last name is spelled W-E-I-E-R-S.

8 Q. Mr. Weiers, have you prepared some prefiled
9 testimony that has been marked and entered into evidence
10 in this matter?

11 A. Yes, I have.

12 Q. Will you please summarize your testimony.

13 A. Sure. As I mentioned, my name is Jason Weiers. I
14 am the manager of delivery planning within Otter Tail
15 Power Company. Within this role I am responsible for
16 transmission project development. I have over 14 years
17 of experience in identifying future transmission needs on
18 the transmission system.

19 I received a Bachelor of Science degree in
20 electrical engineering in 2000 with an emphasis in power
21 from North Dakota State University. I am a registered
22 professional engineer and a member of the Institute of
23 Electrical and Electronic Engineers, as well as serving
24 on several working groups and committees that is involved
25 in transmission planning activities.

1 I have included some prefiled testimony in this
2 case, and my information relates to the need for the
3 Big Stone South to Ellendale project. It discusses the
4 public use and benefits of the project to the residents
5 of South Dakota, as well as what happens if the project
6 is not built.

7 This project was identified by MISO. MISO stands
8 for the Midcontinent Independent System Operator. MISO
9 is a regional transmission organization recognized by the
10 Federal Energy Regulatory Commission. As part of their
11 role as an RTO, MISO is responsible for planning the
12 transmission system to meet the future needs.

13 The Big Stone South to Ellendale project is one of
14 17 different multivalue projects approved by MISO in
15 December of 2011. A map of all 17 MVPs that were
16 approved is included as Exhibit 4 of the Application.

17 The need for the project is really two-fold. First
18 and foremost, the regional need for the project is that
19 it will help enable the reliable delivery of state
20 renewable port standards and goals across MISO, which
21 includes South Dakota. Locally this project is needed to
22 alleviate reliability concerns as future generation is
23 installed.

24 This project was identified in four different
25 studies dating back to 2005. These studies are included

1 in the Application and as Appendices B1 through B4.

2 These studies represent the culmination of an
3 extensive engineering valuation that involved numerous
4 stakeholders. These studies are reasonably relied upon
5 by utilities in South Dakota it to define the future
6 needs on the transmission system. The MVP portfolio
7 provides economic benefits in excess of the costs.

8 There was a line of questioning for Mr. Ford
9 regarding socioeconomic benefits. These were quantified
10 by MISO and were included as part of the MVP study report
11 that's included in the Application as Appendices B1. The
12 project will allow for a future renewable generation
13 element in South Dakota.

14 As part of my prefiled testimony, I included some
15 information regarding current MISO interconnection
16 requests in the Big Stone area that are seeking
17 interconnection to facilities in this area.

18 The project will also improve the reliability of the
19 transmission system and will allow for future flexibility
20 for future generation development, regardless of policy
21 decisions made by federal regulatory agencies.

22 Consequences of this project not being built include
23 not being able to realize the economic benefits that MISO
24 has identified, the existing transmission system here
25 within eastern South Dakota will not be able to provide

1 reliable service to the customers within the state, and
2 furthermore, future wind projects may not be able to be
3 developed in this area if this project is not developed.

4 In conclusion, there is a clear need for the
5 project. The benefits that MISO has identified stretch
6 not only within South Dakota but also across the region.
7 And this project must be constructed to maintain
8 reliability.

9 This concludes the summary of my testimony.

10 MR. SUTTON: Hearing Officer Smith, in light of
11 the testimony from Mr. Weiers, the Applicants would
12 offer -- as part of Exhibit 1, which is the Application,
13 what has not been admitted is Exhibit 4 to that
14 Application and Appendices B1 through 4, which Mr. Weiers
15 testified were reasonably relied upon by regulators in
16 the industry.

17 MR. PESALL: We would object to the admission of
18 those particular documents. Mr. Weiers is not the
19 custodian of those records. He wasn't apparently
20 involved in the preparation of any of those studies. He
21 isn't offering certified copies.

22 There's no connection between Mr. Weiers and
23 MISO. Those records would need to come from some witness
24 from MISO in order to be admissible.

25 MR. SMITH: Do you have a response, Mr. Sutton?

1 Q. Mr. Weiers, can you explain to the Commission what
2 your involvement is in MISO's approval of the MVP
3 projects, please.

4 A. Sure. As a transmission representative of
5 Otter Tail Power Company, a member of MISO, I am heavily
6 involved in the studies that MISO does perform. MISO
7 Staff consults with their member transmission owners on a
8 daily basis to make sure that their models are accurate
9 and to validate that the study results are reasonable.

10 Therefore, I have been involved in these studies
11 from their inception to their conclusion and, therefore,
12 I believe they are reasonably accurate to represent our
13 transmission system.

14 Q. Are the MISO studies available on MISO's website?

15 A. Yes, they are. They are public documents that are
16 available through the MISO website.

17 Q. Have you reviewed Appendices B1 through 4 to confirm
18 that those are true and accurate replications of the
19 actual MISO studies that are publicly available?

20 A. Through my participation in the studies and my
21 review of the final study reports, I do agree with the
22 studies and believe they are accurate.

23 MR. SUTTON: I would reoffer, based upon that
24 evidence, Appendices B1 through 4 of Exhibit 1 and
25 Exhibit 4 attached to Exhibit 1.

1 MR. SMITH: Any further --

2 MR. PESALL: I would stand by the objection.
3 Again, Mr. Weiers, while apparently a qualified engineer,
4 submitted data that MISO allegedly used to prepare these
5 studies, but he is not the keeper of these records.

6 Just because they're published on the internet
7 doesn't mean that they're reliable. You need somebody
8 who's actually involved in order for that information to
9 be admitted into evidence.

10 MR. SMITH: Okay. I think I heard him say he
11 was involved. As to the custodianship, though, I think,
12 I mean, the MVP tariff itself was a lengthy involved FERC
13 proceeding. Those are all actual FERC order and
14 decisional documents. And the MTEP filings under the
15 MISO MVP -- or the FERC MVP approval order are publicly
16 available, official documents filed with FERC.

17 And to me they are what they are. They're
18 official documents that were part of a FERC ordered
19 approval process for MVP projects. And to me they're
20 sufficiently foundationally reliable to warrant admission
21 into evidence. So I'm going to overrule.

22 MR. SUTTON: So for the record, Hearing Officer
23 Smith, are the remaining portions of Exhibit 1 admitted
24 into evidence?

25 MR. SMITH: Yes. Unless the Commissioners want

1 to overrule me. But I checked on the FERC website today,
2 and that's the stuff that's in there in their case
3 database. So they're part of actual FERC proceeding
4 records.

5 MR. SUTTON: No further questions.

6 MR. SMITH: Mr. Pesall.

7 MR. PESALL: Thank you.

8 CROSS-EXAMINATION

9 BY MR. PESALL:

10 Q. Mr. Weiers, you're an electrical engineer from
11 North Dakota; is that right?

12 A. I am an electrical engineer registered in Minnesota.

13 Q. Graduated from?

14 A. North Dakota State University.

15 Q. And you work out of Minnesota now?

16 A. I work in the general office within Fergus Falls,
17 and my responsibilities cover our three-state service
18 territory.

19 Q. You're not an employee of MISO, though?

20 A. I am not an employee of MISO.

21 Q. And, frankly, the questions I was going to ask you
22 about your relationship with MISO have already been
23 answered.

24 MISO membership, that's a voluntary thing; is that
25 right?

1 A. That's correct.

2 Q. So companies that transmit electricity or generate
3 power are not required to be members even if they're in
4 the MISO footprint?

5 A. That's correct.

6 Q. In putting together the plans and the studies that
7 have been admitted into evidence as Appendix B to the
8 Application, are you aware of whether MISO considered the
9 interests of any nonmember producers or transmitters?

10 A. The transmission models used for the planning
11 studies do include non-MISO member systems. So the
12 interconnected nature of the transmission system is
13 factored into their studies.

14 Q. But MISO didn't select the specific route that the
15 Applicants are looking for in this case?

16 A. That is correct. MISO identified a line from
17 Big Stone South to Ellendale as being part of the
18 regional plan.

19 Q. Now as far as the criteria that MISO used in
20 determining whether a route along these lines would be
21 appropriate, primary among those was compliance with
22 state renewable energy mandates; is that correct?

23 A. I guess I'd take objection to the question related
24 to the route. I mean, MISO doesn't identify the route.
25 MISO identifies the project need for Big Stone south and

1 Ellendale.

2 Q. For the purposes of the question, a connection
3 between Big Stone and Ellendale was identified, and one
4 of the primary concerns that caused it to be identified
5 was state renewable energy mandates; correct?

6 A. State renewable energy mandates and objectives in
7 placement within MISO.

8 Q. And the State of Minnesota does have a renewable
9 energy mandate; is that correct?

10 A. That is correct.

11 Q. And what's that mandate?

12 A. The mandate is for a regulated utilities to have
13 25 percent of their energy produced by renewable
14 energy -- I'm sorry. 25 percent of their energy produced
15 by renewable energy sources by the year 2025.

16 Q. And are you aware of what happens if regulated
17 utilities don't meet that requirement?

18 A. I am not aware of the consequences of not meeting
19 that particular requirement.

20 Q. But there would be consequences?

21 A. That would be a response needed by one of our folks
22 in the resource planning area. I am a transmission plan
23 engineer.

24 Q. You testified that the project is necessary in order
25 to ensure reliable service in South Dakota; is that

1 correct?

2 A. That's correct.

3 Q. From the perspective of a electric consumer in
4 South Dakota, what difference will one see once the line
5 is constructed?

6 A. The immediate benefits of the line today are going
7 to be hard to figure out. What we're doing as a planning
8 engineer is identifying the needs in the future.

9 The primary analysis completed by MISO studied two
10 different scenarios, 2021 time frame and a 2026 time
11 frame. Therefore, I can't speculate right now on the
12 impact that the customers in South Dakota will see today
13 as a result of this line.

14 Q. So you're not able to identify any specific benefits
15 that would go into place for customers of South Dakota if
16 this line is built right now?

17 A. I'd like to you restate the question. Are you
18 asking about benefits today or benefits in the future?

19 Q. Yes or no, are you able to identify any specific
20 benefits to an electric customer today?

21 A. I am when the line goes into service in the 2019
22 time frame.

23 Q. What specific benefits is a customer in northeastern
24 South Dakota going to see in 2019 if this line is
25 energized?

1 A. This transmission project will introduce another
2 source into the high voltage grid, which will provide
3 better loading profiles on the system, higher voltage
4 profiles and, therefore, better able to withstand outages
5 of existing facilities and still keep the lights on for
6 customers in eastern South Dakota.

7 Q. Is there a percentage difference in up time that
8 customers are going to see?

9 A. There's many factors that go into the actual
10 reliability performance of a customer, individual
11 customer. What we're talking about here is a high
12 voltage bulk electric system element.

13 There's several other elements downstream of this
14 high voltage grid that can affect a customer's
15 reliability. Therefore, the addition of this particular
16 project may not have a direct correlation on the ultimate
17 consumer, given that there is a lot of factors that
18 happen between the high voltage grid and down to the
19 final distribution point.

20 Q. So given the system as it exists now and the system
21 if it's exists, if the line is built, the average
22 consumer is not like to notice any difference?

23 MR. SUTTON: Object to the form. It's
24 argumentative.

25 MR. SMITH: Overruled. If you can answer it.

1 A. That is incorrect. I was going to say your
2 characterization of the question is not a correct
3 representation of the outcome that we expect through our
4 studies.

5 Q. All right. What exact differences is the average
6 electric customer on Main Street going to see once the
7 line is energized?

8 A. There's several factors that contribute to the
9 reliability of a customer. These factors -- they stem
10 everything from generation availability, transmission
11 availability.

12 Therefore, the expectation is with the addition of
13 this line there will be additional pathways in place for
14 consumers to enjoy better reliability because we have
15 another source available to provide electricity to
16 customers in the event that existing transmission sources
17 are out of service.

18 Q. How much better?

19 A. That cannot be quantified through the course of our
20 studies. We look at benefits on a regional basis, not
21 necessarily on a customer-by-customer basis.

22 Q. So as you sit here today, you cannot tell me any
23 specific benefit that a Main Street customer will see
24 when this line is energized if it's given a permit;
25 true?

1 A. There's several benefits that can be realized.
2 There's several studies that have been done that identify
3 potential overload to facilities that will no longer be
4 overloaded if this project --

5 Q. Can you hear me okay. I'm just asking what a person
6 on Main Street would see as a difference.

7 MR. SUTTON: Objection. That's argumentative.

8 MR. SMITH: Sustained.

9 Q. With respect to the actual use of the line -- let me
10 turn your attention to your testimony, prefiled
11 testimony. This would be about page 19.

12 A. I need to grab that.

13 Q. Please.

14 A. Page 19?

15 Q. I think so. Let me check my own notes so I make
16 sure I'm directing you to the correct place.

17 In that testimony you indicate the general use and
18 direction for the flow of the project. Am I correct in
19 reading that to conclude that the expectation by the
20 Applicants in this case is that electricity will
21 typically be flowing from northwest around Ellendale to
22 southeast around Big Stone?

23 A. Can you point me to a specific line here? Sorry.
24 What you're asking me rings a bell from data.

25 Q. My notes actually refer to both of those so let me

1 just ask you the question. What is the anticipated flow
2 for this line? Is it from Ellendale, North Dakota to
3 Big Stone?

4 A. Based on my knowledge of the transmission system in
5 this area, the typical direction of flow on this line
6 will be from Ellendale down to Big Stone.

7 The transmission system does experience
8 bidirectional flows depending on a variety of factors,
9 whether it be load levels, transfer levels into different
10 regions, or potentially different transmission or
11 generational use. That all influences power flow.

12 Q. And ultimately, based on the studies, much of that
13 electrical flow is going to consumers in the Twin Cities
14 area; is that correct?

15 A. Not necessarily. Each substation that's
16 interconnected on this project either at Ellendale or
17 Big Stone is an opportunity for the power to flow from
18 the high voltage system to the lower voltage system or
19 from the lower voltage system back up to the high voltage
20 system.

21 I liken it to an interstate system where we have the
22 high voltage grid representing the interstate highway and
23 the lower voltage facility being more the secondary
24 streets. Every time there's a substation along the
25 transmission system it acts as an interchange similar to

1 the highway system where electrons can get on or off at
2 the substations and serve local customers or continue on
3 their way to the ultimate load center.

4 Q. Are you able to identify specific generation
5 facilities in North Dakota or around Ellendale that will
6 be contributing to the flow on this line?

7 A. Specifically as an engineering rule of thumb the
8 closer a generator is to the project, the more likely the
9 flow will be on this line.

10 Q. So what facilities around Ellendale would you
11 anticipate connecting to this or contributing to the flow
12 on this line?

13 A. Specifically are you asking about existing
14 facilities or future facilities or --

15 Q. Let's start with existing facilities.

16 A. Sure. Yeah. There's a wind farm very close to
17 Ellendale just west, 180 megawatt wind farm, that will
18 likely be utilizing some of the capacity on this wind
19 farm.

20 There's generation at Big Stone very close to the
21 project. That generation will likely have a flow on
22 this new transmission line given its proximity to this
23 transmission project. Those are the existing
24 facilities.

25 Q. What anticipated facilities?

1 A. As part of my direct testimony in this case I did
2 reference a couple MISO interconnection projects that are
3 currently in cue and being studied for future
4 interconnections in this area.

5 Q. And can you identify those?

6 A. Sure. I'll look here in my testimony. I'd like to
7 point you to page 27 of my prefiled direct testimony on
8 Figure 4. What we show here is a snapshot of the MISO
9 interconnection cue dated March 17, 2014.

10 There's a couple of projects down in the Big Stone
11 area. MISO calls these projects by a certain G or J
12 number for easy reference. You'll see there's one
13 project interconnected right near the Big Stone South
14 substation -- I can't quite read the number if it's G939
15 possibly -- that will be utilizing the facilities
16 associated with this project.

17 Likewise, G736 and J266 are very close to this
18 project. Therefore, I would suspect they would be using
19 capacity created by this line.

20 Q. J266 is what kind of a generating facility?

21 A. The triangles on this map represent wind
22 interconnections.

23 Q. Just so that I'm aware that I'm actually reading the
24 map correctly then, the wind farm in North Dakota that
25 you just previously referenced would be J302?

1 A. That is not correct.

2 Q. Okay. Can you explain that?

3 A. Sure. This map only represents interconnection
4 projects that are currently requested in seeking future
5 interconnection. My prior reference was to an existing
6 wind farm that has already been through the MISO
7 interconnection process and service.

8 Q. I understand the difference now. Thank you.

9 Now just to make sure that I was looking at that map
10 correctly then, there aren't any anticipated
11 interconnects along the route except those in the
12 immediate vicinity of Big Stone or shortly after the
13 route crosses into North Dakota; is that correct?

14 A. Again, the MISO interconnection cue is dynamic.
15 This particular snapshot was taken on March 17 of 2014.
16 In light of recently proposed EPA regulations for carbon
17 legislation, it's very possible that future
18 interconnections could show up in this area given the
19 additional capacity created by this line.

20 Q. Are you aware of any that are anticipated at this
21 point?

22 A. At this point in time working in the transmission
23 planning area of our utility I'm not privy to a lot of
24 details related to future generation projects, several of
25 which are actually developed by third parties.

1 Q. So your answer would be no?

2 A. Currently my only knowledge is based on what's
3 currently in the MISO cue.

4 Q. So your answer would be no?

5 A. I don't have the information to answer the question
6 I guess is what I'm telling you. I only have the
7 information presented to me by MISO.

8 Q. Inasmuch as the route between Big Stone and
9 Ellendale has been identified as an important place to
10 create a connection, MISO hasn't indicated that it needs
11 to go along this route, has it?

12 A. MISO studies only identify the end points. They
13 don't necessarily identify the route.

14 Q. So had the developers selected a route in
15 North Dakota and Minnesota or a different route through
16 South Dakota, it would achieve the same ends?

17 A. Can you clarify what you mean by "developer"?

18 Q. The Applicants.

19 A. The Applicants didn't necessarily choose the end
20 points of the project. The MISO study process and the
21 result --

22 Q. Allow me to repeat the question.

23 Had the Applicants chosen a different route from
24 Big Stone to Ellendale, this project would still serve
25 all of the purposes that MISO is looking for?

1 A. Not necessarily. There are some complications on
2 the electrical transmission system that are exacerbated
3 by different routes chosen for the project.

4 The longer the route the more losses are experienced
5 on the system. The longer the route the more voltage
6 drop between the end points. Therefore, it's usually in
7 the best interest of the transmission system to have the
8 shortest route possible.

9 Q. So shorter route would be preferable to a longer
10 route?

11 A. Preferably, yes.

12 Q. On page 23 of your prefiled testimony you give some
13 explanations regarding the possibility of overbuilding or
14 reconductoring. I'd like to ask you some additional
15 questions about that.

16 Can you briefly summarize for us the reason that the
17 Applicants chose not to either overbuild or reconductor
18 on existing line?

19 A. If you just give me a minute here, I'm going to grab
20 my data response request here. I believe this was in
21 Staff's Data Request Set No. 2 of No. 3 here. Exhibit 3.
22 Specifically No. 3 here.

23 Q. Was that Staff's first data request?

24 A. This is Staff's Second Set of Data Requests,
25 Exhibit 3.

1 Sorry, Mr. Pesall. Now that I have that in front of
2 me, can you repeat your question.

3 Q. I'm asking you to just briefly summarize the reason
4 that the Applicants had elected not to consider
5 overbuilding or reconductoring on an existing route.

6 A. Sure. The data response is highly detailed, and the
7 long and short of it is that overbuilding or
8 reconductoring existing lines could lead to diminished
9 reliability benefits, increases operational challenges,
10 and results in a higher cost.

11 Q. So it's your testimony that it would actually cost
12 more to build the line on an existing route than to build
13 it on a new route?

14 A. That is correct. And in each one of these
15 scenarios, whether overbuilding or reconductoring has
16 different reasons why the costs would be higher.

17 Q. One of the concerns identified was the possibility
18 of having work crews have to work around a hot line while
19 another line was not energized; is that correct?

20 A. That is under the operational challenges portion of
21 my response, yes.

22 Q. Can you just briefly explain what that concern is?

23 A. Sure. Any time you have linemen working your
24 energized conductors we have a concern on the possibility
25 of a flashover or an arc from an energized conductor to a

1 grounded potential. Therefore, we need to be very
2 careful in our maintenance activities when we're working
3 near energized conductors.

4 Q. Wouldn't that same risk exist for anyone conducting
5 any work around one of these power lines?

6 MR. SUTTON: Object to the form. It's vague.
7 Any work where? On the ground? Near the conductor?

8 MR. SMITH: I'm going to overrule, and maybe you
9 can clarify. But I think the general drift of the
10 question you can comprehend.

11 I mean, I'm understanding you as saying work
12 near the conductors themselves, but why don't you go
13 ahead and attempt to clarify that.

14 A. Yeah. We're certainly on track here. I think the
15 specific risk is greater when the linemen are working
16 closer to the energized conductors.

17 So to the extent that we're working on a double
18 circuit line, for example, on the inside phase next to
19 the energized phase there's a greater risk for this
20 potential flashover and risking safety issues with our
21 line personnel.

22 Q. And I understand that the risk would be higher if a
23 person is up on the line. But there is a risk to
24 personnel working at ground level or even in a vehicle
25 underneath the lines themselves, isn't there?

1 A. What kind of risk specifically? Are we still
2 talking about the arc flash issue or a different type of
3 risk?

4 Q. Any safety risk at all that might be different than
5 working in the middle of an open field.

6 A. Along the lines of induced voltage, or what exactly
7 are you getting at here?

8 Q. I'm not getting at anything specific. Are there
9 risks that you take into account?

10 A. Are there risks.

11 Q. For example, in your Application there is an
12 indication that says one ought not to refuel a vehicle
13 within 100 feet of a line.

14 A. Yeah. And I'm going to defer that question to a
15 later witness.

16 Q. Which witness would that be?

17 A. It would be -- I guess at this point I don't know
18 for sure. The project team will have to consult and
19 determine --

20 Q. So you don't feel qualified to answer that
21 question?

22 A. Exactly.

23 Q. Okay. And that's fine. Directing your attention to
24 page 27 of your prefiled testimony.

25 A. Okay.

1 Q. The question asked in your prefiled testimony is
2 what benefits to South Dakota and the region -- "What
3 will be the benefits to South Dakota and the region if
4 the project is constructed?"

5 With respect to the testimony which you've given
6 which goes over the next couple of pages, can you direct
7 me to any particular line as it relates specifically to
8 South Dakota?

9 A. Within the MISO analysis, the analysis was not
10 granular enough to get into a level of detail and
11 quantify the benefits directly for South Dakota. Rather,
12 the benefits were quantified on a geographic basis.

13 Q. So there isn't anything specific to South Dakota in
14 your testimony?

15 A. There is a point in my testimony on page 28 I'll
16 point you to starting on line 19. This gets to the
17 specific benefits of the MVP portfolio of projects to
18 South Dakota.

19 The system wide benefits were evaluated for their
20 distribution within the MISO footprint. Benefits to
21 local resource zone 1 amounted to between 1.6 and 2.9
22 times the overall portfolio costs of local resource
23 zone 1. Zone 1 is compromised of MISO member companies
24 within Minnesota, South Dakota, North Dakota, and parts
25 of Wisconsin and Montana.

1 Q. So that's not specific to South Dakota then?

2 A. Yeah. The MISO benefits were quantified on a
3 geographic basis.

4 Q. On page 31 of your testimony I think around line 17
5 you indicate that the project is necessary to serve a
6 public use. What do you mean when you say necessary to
7 serve a public use?

8 A. Sorry. Can you refer to the line section again on
9 page 31?

10 Q. I think it's page 31, line 17.

11 A. Okay.

12 Q. That's where the question is asked.

13 A. Yes. Yes. The public use reference here is in
14 response to the various benefits that were quantified by
15 MISO, which will result in lower energy cost across the
16 MISO footprint as a result of the construction of the
17 MVPs associated with this portfolio.

18 Q. So you're not anticipating public use necessarily of
19 the Big Stone South to Ellendale line so much as public
20 use of the system as a whole?

21 A. The public use that was quantified by MISO is
22 specific to the 17 MVPs that were studied as part of the
23 port.

24 Q. So when you say necessary to serve a public use
25 you're referring to all 17 proposed MVP projects and not

1 just this one?

2 A. The portfolio is foundational on all 17 projects
3 being built. Without this particular project in place,
4 the benefits identified by MISO are jeopardized.

5 Q. Are you able to quantify the disadvantages or the
6 reduction in benefit to the MVP portfolio if this line
7 alone is not built?

8 A. Well, MISO looked at the overall 17 projects in
9 aggregate. Therefore, I do not have the ability to
10 quantify the impacts of this particular project not being
11 built.

12 Q. So you can't tell us what this would have as far as
13 an effect on the MVP projects located in Iowa, Minnesota,
14 Wisconsin, or I think even parts of Illinois?

15 A. In terms of the impacts, it ain't so much the, you
16 know, other projects in other states. It really gets to
17 the benefits that the overall portfolio offers to the
18 customers within the MISO footprint.

19 Q. Just so I'm sure then, MISO has done no studies to
20 try and quantify specific benefits to specific states?

21 A. That's correct. It's quantified on a geographic
22 basis. And in terms of the MISO quantification, it's
23 done on a local resource zone basis.

24 Q. Are you aware of any other agencies or has your
25 employer conducted any studies state specific?

1 A. In regards to MISO analysis, we have not done any
2 additional studies to break it down on a state-by-state
3 basis. The transmission system is interconnected across
4 all states, and it doesn't necessarily stop at the
5 borders. Therefore, it makes no sense to break it down
6 on a state-by-state basis.

7 Q. From an engineering perspective.

8 A. If you try to match benefits with costs, it makes
9 more sense to use a geographic basis rather than a
10 state-by-state basis.

11 MR. PESALL: I don't think I have any further
12 questions.

13 MR. SMITH: Thank you. Does anybody need a
14 short rest, or can we forge ahead a little bit here?

15 Okay. Mr. Schuring, any cross-examination?

16 MR. SCHURING: Just a couple of questions.

17 CROSS-EXAMINATION

18 BY MR. SCHURING:

19 Q. Mr. Weiers, would you spell your name for me,
20 please.

21 A. Sure. First name Jason, J-A-S-O-N. Last name
22 Weiers, W-E-I-E-R-S.

23 Q. Okay. You had stated in response to the questions
24 of Mr. Pesall that one of the purposes -- or the primary
25 purpose of this line is to get additional energy into the

1 high voltage grid; is that correct?

2 A. There's actually two needs for the project that I
3 highlighted previously. One was the ability to have the
4 state renewable portfolio standards and objectives met
5 throughout the MISO region. That's really the regional
6 benefits.

7 The local benefit is that it does alleviate local
8 reliability concerns as future generation is
9 interconnected.

10 Q. Okay. In lieu of this line, were there any other
11 possibilities to get this -- to accomplish this?

12 A. When MISO evaluated this project it was in tandem
13 with the 16 other projects within the MVP portfolio.

14 Q. Would Minnesota buy power directly from Big Stone
15 Power Plant?

16 A. Currently the way the MISO market operates, you
17 cannot trace electric delivery from a certain generator
18 with certain load. It's all socialized among the
19 interconnected system.

20 Q. Okay. That leads me to my next question then. I
21 just -- I'm just a naive farmer but a little bit of a
22 background here.

23 Once this power is in the grid, I don't know if it's
24 gas generated, dam generated, coal generated, wind
25 generated; is that correct?

1 A. That's correct. All generation contributes to the
2 need on the system.

3 Q. So basically this makes it more palatable for
4 Minnesota then to take power off this grid than it would
5 be to buy it directly from Big Stone to meet their
6 initiative, the renewable initiative?

7 A. Could you repeat the question again?

8 Q. Once this energy is in the grid we don't know how
9 it's produced. To meet the renewable fuels initiative
10 Minnesota would not buy it directly from a coal power
11 plant; correct?

12 By using the grid it makes it more palatable to them
13 to use it because it would meet their initiative then
14 because they don't know how it was generated?

15 A. We can't look at the transmission grid in terms of a
16 state-by-state basis. Each utility plans for its load
17 with its own generation resources. MISO operates a
18 market that delivers least cost energy to a load
19 regardless of where that generation comes from.

20 Q. Is there no place on a shorter route that we could
21 get into this MISO grid in Minnesota?

22 A. There's interconnections all along the state border
23 between the Dakotas and Minnesota. This would just add
24 another interconnection between North Dakota and
25 South Dakota.

1 Q. We could not just directly interconnect into one
2 that's already in existence?

3 A. Are you talking specifically for delivery into
4 Minnesota?

5 Q. Well, the grid goes all over, you indicated. So why
6 couldn't we interconnect closer to Minnesota, closer to
7 the power plant and have no need for this power plant?

8 A. The MISO analysis considered a different set of
9 alternatives as part of this larger MVP portfolio. When
10 we looked at the need on the system the resultant of
11 these studies was a line from Big Stone South to
12 Ellendale.

13 Q. But that need could be met no other way, if we could
14 get the power into the grid with a shorter route into one
15 of the existing interconnects?

16 A. The MISO analysis identifies the end points. They
17 don't get into the specific routing information. That
18 would have been an entirely different project.

19 Q. Well, I guess I have a hard time understanding if we
20 are not dropping off -- are we dropping off any of this
21 power in South Dakota at the present time?

22 A. At the present time this line does not exist.

23 Q. Okay. If the line existed and it was energized,
24 would you be dropping any power off in South Dakota?

25 A. At the substation at each end point there's an

1 opportunity for power to jump onto this line or jump down
2 from this line to a lower voltage grid. And the flow
3 patterns depend on a variety of assumptions.

4 Q. Has anyone signed on to that at the present time?

5 A. Can I ask what you mean when you say "sign on"?

6 Q. You said it's possible for lower voltage to
7 interconnect into it. Has anybody in South Dakota
8 committed to it at this time?

9 A. My reference to the electrical analogy was simply
10 referring to the flow of power from a high voltage grid
11 to a lower voltage grid. It's all based on electrical
12 theory and power taking the least resistive path from
13 generation to load.

14 Q. So there's no commitment at this time?

15 A. No commitment by who, I guess?

16 Q. By any utility in South Dakota.

17 A. I guess I'm still unclear of the question.

18 Q. Okay. My question is simple. Has anybody in
19 South Dakota, day one this line is energized, committed
20 to access power from it? Or contribute power to it?

21 A. As an electric utility operating across
22 North Dakota, South Dakota, Minnesota, Otter Tail has an
23 obligation to serve customers within South Dakota. This
24 project is part of our overall plan to reliably deliver
25 energy to our customers here in South Dakota.

1 Q. Okay I guess I'm going to move on to another
2 question here.

3 You indicated that the shorter the line the less
4 power loss; is that correct?

5 A. Yes.

6 Q. Okay. So from Big Stone to Ellendale, North Dakota
7 the shortest line is diagonally.

8 A. Correct.

9 Q. Okay. Is there any advantage in the construction
10 of the line to have all of these corners in it? Because
11 as you go through Day County, Brown County you're going
12 6 miles, 10 miles, you're making a corner, you know,
13 90 degree corners.

14 As I remember my geometry, I still got so many miles
15 west to go and I still got so many miles north to go, it
16 would seem like it would be simpler to build a straight
17 line going straight west or straight north either from
18 Big Stone going north and going straight west or from
19 Big Stone going straight west and straight north.

20 There is no difference in the length of the line
21 except you have all the additional corners, which to me
22 would add some considerable cost to the construction. Is
23 that not correct?

24 MR. SUTTON: I'm going to object. This is
25 beyond the scope of this witness's testimony. That's

1 line routing issues which is Mr. Ford, not Mr. Weiers.

2 MR. SMITH: I'm going to sustain that. He's not
3 the witness that deals with that.

4 MR. SCHURING: That's fine. I just brought it
5 up because he mentioned it.

6 MR. SMITH: Is that it, Mr. Schuring?

7 MR. SCHURING: That's all I have at this time.
8 Thank you.

9 MR. SMITH: Okay. Mr. Morehouse, anything?

10 CROSS-EXAMINATION

11 BY MR. MOREHOUSE:

12 Q. I just got a question about being you're an
13 electrical engineer, could this power line electrify in
14 some way or have a disadvantage to a fence going
15 underneath it?

16 A. I'll defer that question to Jon Leman.

17 Q. Okay. The other thing I was wondering is being an
18 electrical engineer, maybe you can answer this. Nobody
19 has yet.

20 Why do people within a half a mile of this power
21 line have to be contacted?

22 A. And, again, I want to defer -- that's a statutory
23 requirement here.

24 MR. SMITH: That's the law. That's what the law
25 is. The law requires that everyone within a half a mile

1 be notified. It's just the state statute. That's what
2 it says. It has nothing to do with the project. It's
3 any -- any transmission project of any kind, whether it
4 be an oil pipeline or an electric transmission line,
5 everybody within a half a mile.

6 MR. MOREHOUSE: But to me the laws were maybe
7 made a half mile -- why didn't the law say 2 and a half
8 miles? Why didn't the law say 1,200 feet? We don't know
9 that.

10 MR. SMITH: I don't think anybody in this room
11 can necessarily answer that. That's what whoever drafted
12 the bill wrote in there. I think the thought -- that's
13 been done since I was around here, and I think that was
14 just the thought of that's sort of the distance where
15 people are most affected to where they need direct
16 notice.

17 Because, as you know, notice is also given
18 through repeated publications and other mechanisms as
19 well for people that are farther away, you know.

20 Anyway that's what the law says.

21 MR. MOREHOUSE: Thank you.

22 MR. SMITH: Ms. Cremer, any --

23 MS. CREMER: I do. I have one question.
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CROSS-EXAMINATION

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BY MS. CREMER:

Q. Is this project considered to be a backbone element of the MISO Regional Expansion Plan?

A. Yes.

MS. CREMER: Thank you.

MR. SMITH: Okay. Commissioner questions.

We have to run this to a halt here before 5 o'clock due to a conflict with one of the Commissioners. So if Commissioners don't have too many questions, we'll do that now. Otherwise, let's maybe call it and we'll do that first thing in the morning.

It's your thoughts, Mr. Chairman.

CHAIRMAN HANSON: I think my questions will be shorter than having engaged in that discussion.

MR. SMITH: Okay. I'm getting tired.

CHAIRMAN HANSON: You stated that wind projects in this area may not be developed without the line. Could you tell us -- we assume when you say in this area it's the area of the line.

How close to the line proximity would you imagine that this will enable wind projects to be built?

THE WITNESS: It all comes down to a question of economics for the developer, whether it's more economic

1 to tap into a lower voltage line or build a longer
2 extension line to get to this high voltage facility.
3 It's all dependant on where the wind facility is located
4 in regards to the location of this line or other existing
5 transmission lines.

6 And back to my interstate analogy, adding this
7 high voltage transmission line between Ellendale and
8 Big Stone will essentially unload the lower voltage
9 system, therefore, making it more available for
10 additional load growth or future wind or generation
11 projects.

12 CHAIRMAN HANSON: Certainly. When you say "in
13 this area," you must have some idea with your expertise
14 of how this line will enhance opportunities for new wind
15 generation to go -- to find a load that -- opportunities
16 that would not have existed previously. And I think
17 that's what you were intimating with your statement.

18 I would like to be able to know -- I recognize
19 that as well. However, I would like to know -- I'm not
20 asking you to look at a business model, whether it makes
21 great sense to be 50 miles or 100 miles away from
22 something, but with your experience and your expertise I
23 would think you would have an idea of how this would
24 enhance wind development in South Dakota.

25 So is it likely from that experience that you

1 would say within a mile of this line, within 15 miles,
2 within a window of 40 to 30? I don't know. I'm just
3 looking to see if you have some idea.

4 If you don't, that's fine. If you can't answer,
5 you can't answer.

6 THE WITNESS: Sure. I will offer one comment
7 that I can't correctly answer the question, but, you
8 know, given the interconnected nature of the system, I
9 think the benefits that will be experienced by the lower
10 voltage system by the introduction of this high voltage
11 line will be farther than a person thinks.

12 So I think generally if you would draw a square
13 between Ellendale and Big Stone South and encompass
14 northeastern South Dakota, I think generally that would
15 be the immediate area of benefit for future wind
16 interconnections.

17 CHAIRMAN HANSON: Thank you.

18 MR. SMITH: Other Commissioner questions?

19 COMMISSIONER NELSON: Just trying to clarify one
20 of the questions that Mr. Schuring asked and I'm not sure
21 we got a good answer on.

22 The Big Stone South substation that this line
23 will terminate at, what other lines come into that
24 substation, and who owns those lines?

25 THE WITNESS: The Big Stone South substation is

1 actually being developed as part of another MVP project
2 from Big Stone down to Brookings. In 2017 we expect to
3 energize the Big Stone South substation which will have
4 two 230 kV lines interconnecting to it from the Big Stone
5 plant substation, a 345 line coming in from Ellendale as
6 well as a 345 line coming in from Brookings.

7 So in the end there will be two 345 kV
8 connections and two 230 kV connections that are currently
9 planned.

10 COMMISSIONER NELSON: Thank you.

11 CHAIRMAN HANSON: Commissioner Fiegen? I see
12 no -- Gary, no other questions?

13 Okay. Well, I think we're going to recess. And
14 I don't know. What do you think? We originally
15 scheduled this to commence at 8:00 in the morning. Is it
16 the wish of the Commission to utilize 8:00 as our
17 starting time?

18 CHAIRMAN HANSON: 8:05.

19 MR. SMITH: Okay. Any other thoughts on that?
20 It's taken a little longer here than I thought it was
21 going to, and so maybe we should get started relatively
22 early.

23 Mr. Welk.

24 MR. WELK: Let me ask a scheduling question. If
25 it looks like we can finish tomorrow, will it be the

1 inclination of the Commission to try to finish, or do you
2 want to -- people have commitments that, look, we'll go
3 over to the next day because we're scheduled?

4 We've got a lot of people here, a lot of
5 schedules, and we're going to be at your pleasure, what
6 you want to do.

7 COMMISSIONER FIEGEN: I was planning on going
8 through the night.

9 MR. SMITH: Into tomorrow? Yeah. Well, we
10 can't. The Chairman has a conflict so we're done.

11 COMMISSIONER FIEGEN: Tomorrow.

12 MR. SMITH: Tomorrow. Yeah. I would just as
13 soon if we think we can get done, just forging on ahead
14 and get done. Unless somebody here has a conflict.

15 I'm not hearing anything. I think just probably
16 a lot of people the sooner you can get back to your own
17 homes the better.

18 MR. WELK: Is Mr. Weiers finished? We can start
19 with a new witness?

20 MR. PESALL: I think I might have one or two
21 follow-up questions based on what the Commissioners have
22 asked.

23 MR. SMITH: You're not going to have any
24 redirect? Okay. Well, how many questions do you have?
25 If you just have a couple --

1 MR. PESALL: Right now one.

2 MR. SMITH: Okay. Why don't we just take you
3 now and we'll be done with him and we can let him step
4 down.

5 Thank you, Jason.

6 MR. WELK: That's not derogatory.

7 RE CROSS-EXAMINATION

8 BY MR. PESALL:

9 Q. The only question I had, and this is follow up from
10 the Commissioners, is with respect to the Big Stone
11 substation, which as the day has gone on has become
12 reasonably difficult to say without stumbling, there are
13 four lines in total, two from the Big Stone Power Plant,
14 one from Ellendale, North Dakota, and one from Brookings;
15 that is right?

16 A. That's correct.

17 Q. So there aren't any step downs to provide
18 residential or business services to consumers at that
19 point?

20 A. The existing plan has provisions for future
21 expansion to allow for that. Currently what's planned is
22 just the 345 and 230 kV interconnections.

23 MR. PESALL: No other questions.

24 MR. SMITH: Thank you. You may step down.

25 (The witness is excused.)

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MR. SMITH: Okay. We're going to go into recess until -- we'll reconvene at 8:00 in the morning.

(The hearing is in recess at 4:45 p.m.)

1 STATE OF SOUTH DAKOTA)

2 :SS CERTIFICATE

3 COUNTY OF SULLY)

4

5 I, CHERI MCCOMSEY WITTLER, a Registered
6 Professional Reporter, Certified Realtime Reporter and
7 Notary Public in and for the State of South Dakota:

8 DO HEREBY CERTIFY that as the duly-appointed
9 shorthand reporter, I took in shorthand the proceedings
10 had in the above-entitled matter on the 10th and 11th
11 days of June, 2014, and that the attached is a true and
12 correct transcription of the proceedings so taken.

13 Dated at Onida, South Dakota this 30th day of
14 June, 2014.

15

16

17

18 Cheri McComsey Wittler,
19 Notary Public and
20 Registered Professional Reporter
21 Certified Realtime Reporter

21

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