

**Transcript of Proceedings - March 08, 2012
Volume 4 - Technical Session**

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Public Service Commission of Wisconsin
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BEFORE THE

PUBLIC SERVICE COMMISSION OF WISCONSIN

JOINT APPLICATION OF DAIRYLAND)	
POWER COOPERATIVE, NORTHERN STATES)	
POWER COMPANY - WISCONSIN, AND)	
WISCONSIN PUBLIC POWER INC., FOR)	
AUTHORITY TO CONSTRUCT AND PLACE)	Docket No.
IN SERVICE 345 kV ELECTRIC)	5-CE-136
TRANSMISSION LINES AND ELECTRIC)	
SUBSTATION FACILITIES FOR THE CAPX)	
TWIN CITIES - ROCHESTER - LA)	
CROSSE PROJECT, LOCATED IN)	
BUFFALO, TREMPLEAU, AND)	
LA CROSSE COUNTIES, WISCONSIN)	

EXAMINER MICHAEL E. NEWMARK, PRESIDING

TRANSCRIPT OF PROCEEDINGS

MARCH 8, 2012

VOLUME 4

TECHNICAL SESSION

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Madison, Wisconsin	EXHIBITS:
9:00 a.m.	Stemrich, 1, Rineer 3-4, Neumeyer 5, Stevenson 20-21

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A P P E A R A N C E S

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1 A P P E A R A N C E S: (Continued)

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1 A P P E A R A N C E S: (Continued)

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(FOR INDEX SEE BACK OF TRANSCRIPT.)

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1 TRANSCRIPT OF PROCEEDINGS (9:00 a.m.)

2 (Discussion held off the record.)

3 EXAMINER NEWMARK: It's our third day of
4 the party session in 05-CE-136. Let me just make
5 sure we have -- all the appearances are the same as
6 we have in writing from the last hearing. We also
7 have additional for -- Mr. Nygaard for CETF, got his
8 slip in.

9 So nobody else?

10 (No response.)

11 EXAMINER NEWMARK: Let's begin. I think
12 we wanted to recall Mr. Stevenson; is that correct?

13 MS. AGRIMONTI: Yes, Your Honor.

14 GRANT STEVENSON, APPLICANT WITNESS, DULY SWORN

15 EXAMINER NEWMARK: Have a seat.

16 FURTHER DIRECT EXAMINATION

17 BY MS. AGRIMONTI:

18 Q Good morning, Mr. Stevenson.

19 A Good morning.

20 Q You were here during the testimony of Mr. Fasick; is
21 that right?

22 A That's correct.

23 Q And Mr. Fasick referenced a project in Connecticut
24 called the Bethel to Norwalk Project. It's a 345
25 underground project in Connecticut.

1 A I remember him referencing Connecticut underground
2 projects. I'm sorry, I don't remember exactly which.

3 Q Okay.

4 A But there are two underground projects related that
5 people often reference when they talk about the
6 Connecticut underground projects.

7 Q What did you do after you heard Mr. Fasick's
8 testimony to research underground projects in
9 Connecticut?

10 A I'm acquainted with Anne Bartosewitz from Northeast
11 Utilities. She's a project director -- and that's
12 their title for project manager -- for one of the two
13 underground projects. There's Bethel-Norwalk and
14 Norwalk-Middletown. I know her. We -- the CapX
15 project managers visited Northeast Utilities back in
16 2008. So I called her to get some clarifying
17 information. She's traveling, and she was able to
18 provide me with a report on one of the two projects.

19 Q All right. And what is your understanding of --
20 let's look at Exhibit 20, the Bethel to Norwalk
21 project, why that project was undergrounded?

22 A Ms. Bartosewitz relayed that it was urban --
23 suburban/urban area with not enough room --
24 right-of-way room for an overhead installation.

25 Q Is Exhibit 20 excerpts from the Bethel to Norwalk

1 project that contains certain cost information that
2 you've highlighted and design information?

3 A Yes. It says schedule 12C application, which is
4 their cost allocation application to their
5 independent system operator in the northeast.

6 Q And did you prepare Stevenson 21?

7 A Yes, I did.

8 Q And what is Stevenson 21 intended to relay?

9 A The information I wanted to convey today is that it's
10 important to consider the design of the underground
11 in relation to its cost.

12 Q And what do you mean by that?

13 A There are columns on this chart, type is the two
14 different styles of underground, either high pressure
15 fluid filled or XLPE Solid Dielectric, but then you
16 also see columns that say cable per phase and cable
17 size and kcmils, which is 1,000 circular mills, which
18 is a measurement of area so you can relate that to
19 the diameter of the copper.

20 Q And you have on here the Avon area estimate that was
21 provided as late filed Exhibit 18 to your testimony.
22 How does this Avon project compare to what would be
23 undergrounded in this project if it had to be
24 undergrounded?

25 A The Avon project would be the same number of cables

1 and same size of cable that this project would need
2 in areas of open trench installation, the areas where
3 Mr. Fasick suggested that would need to be
4 undergrounded in proximity to the Great River Road.

5 MS. AGRIMONTI: Move admission of Exhibits
6 20 and 21.

7 EXAMINER NEWMARK: Any objections?

8 (No response.)

9 EXAMINER NEWMARK: So moved.

10 (Stevenson Exhibit 20-21 received.)

11 MS. AGRIMONTI: I have no further
12 questions.

13 EXAMINER NEWMARK: Okay. Any cross?

14 MS. OVERLAND: I do have some questions.

15 CROSS-EXAMINATION

16 BY MS. OVERLAND:

17 Q Regarding Exhibit 21, I notice you use the Avon as
18 the comparison. Did you look at the Lakeville one as
19 well?

20 A When I prepared this, I didn't have the Lakeville one
21 available yet, but my recollection is it's similar --
22 very similar in cost.

23 Q Okay. And I was trying to find it as we were just
24 speaking now. Do you know how -- so I may have
25 missed something. Do you know what the distinction

1 is? What made the price of this Bethel-Norwalk one
2 lower than the Avon?

3 A Well, for example, if you look -- excuse me. If you
4 look at high pressure fluid filled, and
5 Bethel-Norwalk installed both technologies in
6 their -- in that piece of the project in Connecticut.
7 You'll note that their XLPE cost per mile was \$16.9
8 million in 2005, which is very close to the \$20
9 million in 2010 that our estimate shows.

10 Q Uh-huh.

11 A But one of the key distinctions -- and actually we'll
12 probably hear this next week because I suspect one or
13 two people will mention Connecticut projects. I've
14 heard it in public meetings people saying Connecticut
15 only buries lines, they don't build overhead lines
16 anymore. And Ms. Bartosewitz did not let me finish
17 my sentence when I mentioned that to her. She made
18 it very clear to me they still build more overhead
19 345 than they do underground. This just happened to
20 be a place that they needed to because of limited
21 right-of-way.

22 But it's fewer cables and smaller diameter
23 cables to meet their design requirements. It is one
24 of the key reasons, I believe, that the high
25 pressure fluid filled is significantly less money,

1 less expensive, than our estimate.

2 Q And when you say fewer cables, does that mean fewer
3 cables compared to this design, or fewer cables
4 compared to what?

5 A Well, if you look at Exhibit 21.

6 Q Right.

7 A The first row.

8 Q Cables per feet?

9 A Bethel-Norwalk cables per phase two, cable size
10 2,500, and then look at the first row of CapX Avon
11 high pressure fluid filled three cables, 3,500 kcmil.
12 And this is number of cables per phase.

13 Q Is that a DC line?

14 A No. This is -- there are -- Bethel-Norwalk had a
15 total of six cables. Two each for the three phases.

16 Q Okay.

17 A I chose to list it -- rather than total cables, I
18 listed it as cables per phase.

19 Q Okay.

20 A So multiply by three, and you get the total number of
21 cables.

22 Q Okay. So this has three, and what was the third?
23 What am I missing? You have three cables per phase
24 here?

25 A That's correct.

1 Q What's the third?

2 A I'm sorry. I don't understand what you mean by the
3 third.

4 Q Well, they have two. We have three. What am I
5 missing? They have two cables per phase?

6 A Right.

7 Q And you have three for the Avon?

8 A Correct.

9 MS. AGRIMONTI: Three per phase,
10 Ms. Overland.

11 MS. OVERLAND: Right. Per phase?

12 MS. AGRIMONTI: Uh-huh.

13 THE WITNESS: Total of nine.

14 MS. OVERLAND: That's really six.

15 EXAMINER NEWMARK: Are you asking why is
16 there a different number?

17 MS. OVERLAND: Yes. Right. I don't --
18 I'm missing something here.

19 THE WITNESS: It's a different design,
20 different capacity perhaps.

21 EXAMINER NEWMARK: Voltage is the same.

22 BY MS. OVERLAND:

23 Q Do you have any idea what the capacity of that one
24 was?

25 A No.

1 Q This was something like 3,000 and some change for
2 amps. Do you have any idea?

3 A No, I didn't. I -- my purpose yesterday was knowing
4 that different lines have different designs --

5 Q Uh-huh.

6 A -- I wanted to compare design to cost. I didn't ask
7 about capacity.

8 Q Okay.

9 A But you think about overhead lines, you can pick a
10 number of different conductors for overhead, and you
11 can select a number of different designs for
12 underground as well. The distinction here that I --
13 the clarification I wanted to make is, we can't just
14 look at another company's underground study and
15 conclude things without knowing the design and the
16 type of cables that -- a number and quantity of
17 cables that they had in their design. You need both
18 pieces of information.

19 Q Okay. Would you agree that the Holmen area is a
20 suburban area, at least on the east side of that
21 substation?

22 MS. AGRIMONTI: Your Honor, I'm going to
23 object to the line of questioning here. We're now
24 going outside the scope of simply providing cost
25 estimates and background information on the project

1 that was referenced in Mr. Fasick's testimony. I
2 believe Ms. Overland wants to go into whether
3 undergrounding is appropriate on some other segment
4 of this project.

5 MS. OVERLAND: Your Honor, the reason I
6 bring this up is he said they still build more
7 overhead, there's fewer cables -- no, no, no. Why
8 underground? Urban/suburban area.

9 EXAMINER NEWMARK: Yeah. I remember what
10 he said. Why don't -- go ahead and answer.

11 THE WITNESS: Will you restate the
12 question?

13 MS. OVERLAND: Sure.

14 BY MS. OVERLAND:

15 Q Earlier you had stated that they were building them
16 underground in Connecticut essentially because it was
17 an urban/suburban area, not enough room. Would you
18 agree that east of the substation -- directly east of
19 the substation across the road it's a suburban area?

20 A I would state that Holmen does not have nearly the
21 density of Stanford, Connecticut and Bridgeport,
22 Connecticut, and those sorts of areas. This is the
23 southern tip. This is essentially the extension of
24 the New York City metropolitan area. It's very
25 different densities. Think downtown Minneapolis.

1 Q I'm familiar with the area. I've drove a truck for
2 many years.

3 But would you agree that the Holmen area is
4 a suburban area?

5 A I disagree that the population densities are even
6 close to the same.

7 Q Okay. I was not asking for a comparison. I'll leave
8 it at that. I was not asking for a comparison.

9 Now, the other study, it said that there
10 were generally two that were referenced, and the
11 other one -- two undergroundings in Connecticut that
12 are often referenced, and the other one was
13 Norwalk --

14 MR. THIEL: Middletown.

15 MS. OVERLAND: Middletown, T-O-W-N, I
16 believe.

17 BY MS. OVERLAND:

18 Q Have you looked at that study?

19 A Excuse me. Ms. Bartosewitz provided me -- she's
20 traveling in San Francisco, and she was able to
21 provide Bethel-Norwalk to me. I know about the other
22 project, but I was not able to get sufficient detail.

23 MS. OVERLAND: Okay. Let's see. I would
24 like to have as an item the comparative study for
25 the Norwalk project, which I'm trying to find. I

1 think I can find it during lunch as item 20 for
2 NoCapX for comparative purposes.

3 MS. AGRIMONTI: Your Honor, I object to
4 adding a reference to a document that doesn't exist,
5 at least that can't be identified as we sit here
6 today.

7 MS. OVERLAND: I do believe I will be able
8 to identify it before we're done sitting here today.
9 I can raise it then.

10 EXAMINER NEWMARK: All right. We'll wait
11 and see what you can find. I'm sure there is one.

12 MR. THIEL: Your Honor, we found it, too.
13 It's 24 miles underground.

14 EXAMINER NEWMARK: Okay. Any other
15 questions?

16 BY MS. OVERLAND:

17 Q Oh. Would you agree that there's a statutory
18 requirement in Connecticut regarding undergrounding
19 of transmission lines?

20 A I'm not familiar with the Connecticut siting
21 regulations and their laws.

22 Q Okay. And how do you spell project director Anne --
23 is it Bartosewitz?

24 A Bartosewitz. To the best of my ability, it's
25 B-A-R-T-O-S-E-W-I-C-Z.

1 MS. OVERLAND: Close.

2 B-A-R-T-O-S-E-W-I-C-Z. I'll check it out.

3 No further questions. Thank you.

4 EXAMINER NEWMARK: Other cross?

5 I just have one quick question for you,
6 sir. You mentioned you weren't sure what the
7 capacity for this -- the Bethel line was; is that
8 right?

9 THE WITNESS: That's correct.

10 EXAMINER NEWMARK: Okay.

11 THE WITNESS: It may be in the broader
12 report.

13 EXAMINER NEWMARK: Exactly. I was going
14 to say.

15 MS. OVERLAND: It is.

16 EXAMINER NEWMARK: If the capacity number
17 is in the report, the full report that is excerpted
18 in your Exhibit 20, would you accept that number as
19 the capacity for the project?

20 THE WITNESS: Sure. If they state their
21 capacity, I would have to accept that, yes.

22 EXAMINER NEWMARK: Okay. Great. All
23 right. Thanks.

24 MR. THIEL: Your Honor, to the extent
25 there may be more than one Middletown technical

1 report for some reason, we just offer both parts of
2 it.

3 EXAMINER NEWMARK: Well --

4 MS. THIEL: I just noticed that
5 Ms. Overland's page was different than DOT's page.
6 I don't know why.

7 EXAMINER NEWMARK: Okay. Let's go off the
8 record.

9 (Discussion off the record.)

10 EXAMINER NEWMARK: Okay.

11 MS. CORRELL: We'll call Craig Thompson.

12 MS. OVERLAND: Your Honor, could we get a
13 listing of the order?

14 EXAMINER NEWMARK: Let's go off the
15 record.

16 CRAIG THOMPSON, WDNR WITNESS, DULY SWORN

17 (Discussion off the record.)

18 EXAMINER NEWMARK: Okay.

19 DIRECT EXAMINATION

20 BY MS. CORRELL:

21 Q Good morning, Mr. Thompson.

22 A Good morning.

23 Q Could you please -- state your name and business
24 address for the record, please.

25 A My name is Craig Thompson. I work for Wisconsin

1 Department of Natural Resources. I'm stationed in
2 La Crosse. Business address is 3550 Mormon Coulee
3 Road, La Crosse, Wisconsin 54601.

4 Q Thank you. And are you the same Craig Thompson that
5 has provided both direct and surrebuttal testimony in
6 this matter?

7 A Yes.

8 Q And you provided that testimony in written form.
9 Would you provide the same testimony today if you
10 were to provide it orally?

11 A Yes.

12 Q Thank you. I just have a question. Have you had
13 occasion to conduct field visits or other
14 observations in the area of the Black River bottoms?

15 A I have been in the Black River bottoms many times.
16 I've been stationed in western Wisconsin for 25
17 years, 23 in La Crosse, two years in Eau Claire. But
18 over that period of time, I've had the opportunity to
19 do numerous activities within the Black River
20 bottoms, including vegetation assessments,
21 post-timber management evaluations, breeding bird
22 surveys, habitat assessments, and herptile surveys.

23 MS. CORRELL: Thank you. I will tender
24 Mr. Thompson for cross-examination.

25 EXAMINER NEWMARK: Okay. Questions?

1 MS. HERRING: Yes, Your Honor.

2 CROSS-EXAMINATION

3 BY MS. HERRING:

4 Q Mr. Thompson, do you have copies of your testimony in
5 front of you?

6 A Yes, I do.

7 Q Okay. Let's start by turning to pages 4 and 5 of
8 your direct testimony, and on these pages you
9 describe awards and designations bestowed upon the
10 Black River bottoms; is that correct?

11 A That is correct.

12 Q Are you familiar with Dairyland Power Cooperatives'
13 Alma to Marshland to La Crosse 161 transmission line,
14 also known as the Q1 transmission line?

15 A Yes, I am.

16 Q And are you aware that the Q1 transmission line runs
17 through the Black River bottoms?

18 A Yes, I am.

19 Q And are you aware that that line's been in place
20 since 19 -- approximately 1950?

21 A Yes, I am.

22 Q Would it be fair to say that the Black River bottoms
23 has earned all these awards and designations with the
24 Q1 line in place?

25 A Yes, it is.

1 Q And I assume you're also familiar with the
2 Applicants' proposed Q1-Highway 35 route?

3 A I am.

4 Q And looking at the land that's immediately north of
5 the Applicants' proposed route, do you know whether
6 that land is privately owned?

7 A There is a mosaic of private ownership and public
8 ownership.

9 Q Speaking just to the land that's privately owned,
10 would you agree that there's no restrictions on
11 landowners removing trees or other vegetation from
12 that land along Highway 35?

13 A I believe that there are restrictions based on the
14 county's shoreland zoning requirements that may limit
15 the ability of a landowner to wholesale remove
16 vegetation adjacent to waterways without
17 authorization from the county.

18 Q Let's turn back to page 1 of your direct testimony.
19 You describe your current job responsibilities. So
20 am I correct that you currently serve as the district
21 land program manager responsible for supervising the
22 West Central District? And I'm correct that the West
23 Central District includes the Van Loon Wildlife Area
24 and the larger Black River bottoms area?

25 A Yes, you're correct.

1 Q So in determining the permitability of a transmission
2 project through that area, is it accurate to say that
3 the DNR office in Madison relies heavily on folks
4 like you who are more familiar with the actual
5 topography of that particular area?

6 A It's accurate to say that local experts are routinely
7 relied upon in any situation that requires permitting
8 process, yes.

9 Q And was that the case with this project?

10 A In this particular instance, I'm providing support
11 information for the decision-makers in the Office of
12 Energy.

13 Q In your direct testimony on page 5, you list project
14 impacts such as fragmentation, spread of invasive
15 species, and threat to the EMR. Are these the
16 factors that the DNR relied upon in making its
17 determination that the Q1-Highway 35 route would
18 result in significant adverse impacts?

19 A Those are some of the factors. You know, the
20 overarching factor is that -- numerous designations
21 that this property has in terms of its ecological
22 significance. By any measure, this is an outstanding
23 ecological resource, and I had enumerated earlier in
24 the testimony the fact that the various designations
25 that have been conferred on this area all underscore

1 the importance of it ecologically, not only in terms
2 of the very site specific location of the Black River
3 itself, but from a regional and, in fact, a
4 continental context.

5 And if you look at the Ramsar designation,
6 which is an international designation of importance
7 for wetlands, that is -- that is a designation that
8 actually has an international scope. And in fact,
9 there are only 29 other wetlands in the nation that
10 have this designation.

11 And so in sum total, you know, you're
12 looking at not only specific impacts, the
13 fragmentation, spread of reed canary grass and so on,
14 but you're also taking a much larger view which
15 encompasses all of the additional designations
16 associated with this property, which convey some
17 pretty remarkable status on it.

18 Q Okay. Let's kind of go through some of the factors
19 that you list in your direct testimony. Let's start
20 with the reed canary grass. On pages 6 and 7 you
21 discuss reed canary grass in the existing Q1 line
22 transmission corridor.

23 A Uh-huh.

24 Q Do you agree that the shade from the forest canopy
25 would decrease the prevalence of reed canary grass in

1 shaded areas?

2 A I would agree in a qualified sense. It depends on
3 the density of the shade, which is a direct relation
4 of the density of the canopy. I've seen situations
5 where reed canary grass infestations begin to spread
6 in moderately or even lightly broken canopy within
7 floodplain forest. It's a very aggressive species,
8 and once it takes hold and has the right
9 environmental conditions, it really takes off.

10 And so I don't think it's in my
11 professional judgment to abandon the Q1 and walk away
12 and say it's going to re-vegetate successfully.
13 There's not any certainty associated with that.
14 There's no -- there's no indication in my mind that
15 that's actually going to happen of its own accord.

16 Q So you'd agree that you can find reed canary grass
17 throughout the Black River bottoms area?

18 A Absolutely.

19 Q And approximately what percentage of the Black River
20 bottoms has some reed canary grass?

21 A I can't answer that. I would have to do a more
22 detailed evaluation of the -- of the area in question
23 and then try to render an opinion. At this point I'm
24 not in a position to answer that.

25 Q Would you agree generally that reed canary grass is

1 found in many areas, or it's prevalent in the Black
2 River bottoms?

3 A I -- you know, it depends on what area you're in.
4 Vegetative quality ranges across the bottoms from
5 those areas that have infestations of reed canary
6 grass to areas that don't, and our big concern is
7 that we undertake activities or permit activities, or
8 whatever the case may be, that does not -- so those
9 activities do not encourage the spread or
10 establishment of reed canary grass in areas where it
11 presently doesn't exist.

12 So, yes, it's in the system, but it's not
13 widespread to the extent that it's diminished the
14 overall quality of the entire system that we're
15 taking about.

16 Q Part of your job responsibilities include managing
17 the endangered resources program for the Black River
18 bottoms and the Van Loon Wildlife Area; is that
19 correct?

20 A Yes. And what that entails is I actually supervise
21 the endangered resources program for the district,
22 and the endangered resources program consists of a
23 state natural areas crew which does the hands-on
24 management. It's a crew of three. And it also
25 includes our district ecologist who does ecological

1 assessments and inventory.

2 Q Can you tell me when the last time an EMR was last
3 sited in the west central district that you manage?

4 A Are you speaking specifically to the Van Loon, or are
5 you speaking in all of the west central district?

6 Q I would be speaking specifically to the Van Loon
7 area.

8 A I don't recall when the last record was. I'm sure
9 that we have that information in our database
10 somewhere.

11 Q Would you agree that Highway 35 presents a barrier to
12 the EMR's movement in that area, into the Van Loon
13 area?

14 A No. It depends how you define barrier. A physical
15 barrier is something that actually it prevents an
16 animal from moving from one location to another.
17 Certainly snakes, turtles, and other animals with low
18 disperse and low mobility capability have the ability
19 to cross Highway 35. The question is whether they
20 can do that successfully without being killed by
21 traffic.

22 And I would say that -- so critters can
23 cross. It's whether they can do so successfully and
24 repeatedly. So there's the potential for anything
25 that's crossing Highway 35 to be killed and become a

1 mortality, vehicle-derived mortality, including
2 snakes.

3 Q Based on your opinion, do you believe a power line
4 corridor represents the same type of barrier that
5 you've just described?

6 A Well, again, I don't see State Trunk Highway 35 as a
7 barrier. I see it as a source of fragmentation that
8 has a host of impacts associated with that type of
9 fragmentation. I see any new power line corridor as
10 a similar source of fragmentation that also has
11 specific impacts associated with it.

12 I don't think that the barrier itself -- I
13 don't think a transmission line necessarily poses a
14 barrier to snake movement. Clearly a snake can move
15 through a transmission line corridor if it's
16 vegetated, but there are other impacts associated
17 with the establishment of aggressive non-native
18 vegetation within those corridors that's detrimental
19 to a host of species, including snakes, in the area.

20 Q So based on your testimony, you'd agree with me that
21 once in place, the highway corridor serves as a
22 greater lethal threat to the EMRs' movement than a
23 transmission line?

24 MS. CORRELL: Objection. Relevance. The
25 highway is not being regulated here.

1 EXAMINER NEWMARK: Sustained.

2 BY MS. HERRING:

3 Q Have you reviewed Tom Hillstrom's Exhibit No. 40?

4 A I may have, but I'm not familiar with it being
5 referred to as Exhibit 40.

6 Q Okay. I'm talking about the U.S. Fish and Wildlife
7 Range Wide Extinction Risk Modeling. If you'd like
8 to see a copy --

9 A I have not seen that.

10 Q Have you reviewed Mr. Hillstrom's testimony?

11 A Yes.

12 Q Did you review the exhibits that were attached to his
13 testimony?

14 A I didn't have copies of the exhibits that were
15 attached to his testimony.

16 Q Okay. Would you agree that opening up the forest
17 canopy is a way of enhancing the habitat for the EMR?

18 A Not necessarily. If opening up the forest canopy
19 results in the establishment of aggressive non-native
20 species which provide little food chain support, then
21 in fact that would be detrimental to the EMR.

22 Q Would you agree generally that the EMR prefers sunny
23 areas over shady areas?

24 A The EMR has habitat requirements that span the
25 breadth of those microhabitats that are found within

1 the bottoms. So at certain times of the year it's
2 going to want sunny locations and other times of the
3 year it's going to want shady locations.

4 Q In your opinion what can be done to improve the
5 habitat in the Van Loon area for the EMR?

6 A One of the things that we're doing is restoring
7 within a natural area that has been designated in the
8 north end of the Van Loon, we're restoring the native
9 vegetation that occurs there to provide better
10 conditions for -- what we hope will be better
11 conditions for the Eastern Massasauga Rattlesnake,
12 and that basically entails restoration of a
13 floodplain savanna and a floodplain prairie. But
14 that's all native vegetation.

15 Q So you agree that can happen.

16 MS. CORRELL: Objection. Vague.

17 EXAMINER NEWMARK: Yeah. Sustained.

18 BY HERRING:

19 Q You agree that you can reintroduce native species
20 into the Van Loon area and provide a better habitat
21 for the EMR?

22 A We're not reintroducing native species, they're
23 native species that are already there. So this is an
24 existing sand prairie that is found within the north
25 portion of the Van Loon Wildlife Area, and what we're

1 doing is removing non-native brush and some native
2 brush in order to try to restore the vigor of the
3 prairie. So, no, we're not doing planting in the
4 area. We're trying to recover a much diminished
5 community, which has been found there historically.

6 Q Would installing wildlife passages along Highway 35
7 be a way of increasing the connectivity of the EMR
8 habitat?

9 A It's -- you know, I'm not in a position to comment on
10 that. I don't know if that would be effective or
11 not.

12 Q Can you -- are there any other methods that can be
13 done to improve the habitat other than the one you
14 just spoke of?

15 A Well, I think the most important things that we
16 consider are avoiding negative impacts to the
17 bottoms, whatever form those may take, in order to
18 ensure that additional habitat degradation doesn't
19 occur. And then if there are opportunities for us to
20 restore native plant communities to the point where
21 we feel that they're providing significant value for
22 the species, we would undertake those kind of
23 activities.

24 Q Let's move to page 6 of your direct testimony. And
25 on page 6, I'm looking probably at the top of the

1 page where you discuss that the presence of
2 transmission line structures and lines that exceed
3 treetop heights have the significant potential to
4 serve as a source of mortality for bird strikes for
5 migrating birds. Do you see that?

6 A Yes.

7 Q Generally speaking, how tall are the trees in the Van
8 Loon Wildlife Area?

9 A Based on 2010 forestry reconnaissance data, the
10 height in the area of the powerlines, the canopy
11 height varies from 70 feet to 83 feet.

12 Q So generally taller than 75 feet?

13 A Depends on where are you.

14 Q Depends on the area, I understand.

15 A Perhaps lower than 75 feet.

16 Q Would you agree that most of the structures that the
17 Applicants propose in the Van Loon are around 75 feet
18 tall?

19 A My understanding is, based on Mr. Hillstrom's
20 testimony, that almost all of the structures proposed
21 will be 75 feet tall. However, it's the almost that
22 gives me pause because that indicates to me that
23 there will be structures that will exceed 75 feet in
24 height, and it's important to recognize that it only
25 takes a single structure at the right conditions to

1 result in significant bird mortality. One structure
2 can do that. There have been any number of instances
3 where single towers have had tremendous impacts of
4 migrating birds under foggy conditions. So our
5 concern is that a tower or two or several that exceed
6 canopy height, whatever it might be in the defined
7 area, has the potential to result in bird mortality.

8 Q Would you agree that bird diverters on portions of a
9 line would help mitigate avian impacts?

10 A I'm not an expert in that. I'm not in a position to
11 respond to that.

12 Q Moving to the topic of fragmentation. I'm going to
13 have you look at what's been marked as Hillstrom's
14 Exhibit 41.

15 A Okay.

16 Q And it's on that binder that's right next to you up
17 on the shelf. I believe it's in the smaller one.
18 It's marked with a Post-it Note that says Exhibit 41.

19 EXAMINER NEWMARK: Okay.

20 THE WITNESS: All right.

21 BY MS. HERRING:

22 Q You can sit down if you don't --

23 A I have this with me.

24 Q Oh, you do?

25 A Yes.

1 Q Okay. Do you recognize this document?

2 A I do.

3 Q Can you tell us what it is?

4 A This is a document that I drafted and sent to Pam
5 Rasmussen at Northern States Power that dealt with an
6 NSP 69 kV transmission line rebuild across the Black
7 River bottoms.

8 Q Was a DNR permit issued for this project?

9 A I know DNR approval was given for the project. I
10 don't know if our water regs and zoning staff
11 actually issued a permit for it or not. I'm sure
12 that's something we can look up in the record.

13 Q Okay. Do you recall what analysis the DNR did prior
14 to issuing approval as you stated?

15 A Well, you know, we looked at the fact there was a
16 need to rebuild the transmission line, and then we
17 looked at what we considered to be viable
18 alternatives. It's important to point out in this
19 situation that avoidance, not crossing the Van Loon
20 bottoms in any fashion, was not an alternative that
21 was on the table. It was very clear that if this
22 line was going to be rebuilt, it was going to be
23 crossing the bottoms somewhere. So while our initial
24 preference would have been complete avoidance of the
25 bottoms, we didn't have the opportunity to consider

1 that alternative.

2 So, you know, we looked at -- we sat down
3 with Pam and her staff and looked at various
4 alternatives, and of course what we came up with was
5 a minor reroute of the existing line that still
6 crosses the bottoms to this day.

7 Q Let's turn to the second page of that letter. And on
8 the second to the last paragraph of this letter you
9 write that you believe that the proposed -- sorry.
10 Let me back up.

11 You're the signator to this letter; is that
12 correct?

13 A That's correct.

14 Q You write that the proposed project would provide the
15 opportunity for improving the integrity of an
16 important biological resource. Do you see that?

17 A Yes.

18 Q And turning back to your direct testimony, page --
19 page 6 of your direct testimony, here you testify
20 that removing the Q1 line from the Van Loon Wildlife
21 Area will not minimize or mitigate impacts to the Van
22 Loon area; is that correct?

23 A That is correct.

24 Q So can you explain to me why you recognized the
25 ecological value of removing the 69 line that you

1 testified in that 1993 letter, but you're not willing
2 to recognize the same ecological value of removing
3 the Q1 161 kV line?

4 A The reason I'm not willing to recognize the
5 ecological value of removing the Q1 line is because
6 it's uncertain what the future condition would be
7 after line removal. And what I mean by that is
8 there's a sufficient level of reed canary grass
9 infestation so that passive reforestation, just
10 simply pulling out the line and walking away, there's
11 no certainty that what we're going to get back there
12 is any kind of woody plant community. Or if it does
13 re-vegetate to a woody plant community. That in fact
14 it will be a desirable woody plant community.

15 So that source of fragmentation could
16 theoretically persist for quite some time, in which
17 case even removal of a line hasn't had it -- other
18 than removing the structures themselves has not
19 really resulted in significant benefit to the Van
20 Loon bottoms if it doesn't re-vegetate because you
21 still have that existing source of fragmentation.

22 Q Are you aware that Applicants have proposed
23 reforestation and other mitigation measures once the
24 Q line is removed, that they're not just walking away
25 from that abandoned corridor?

1 A Okay. Yes. And I am familiar with that, and there
2 is still some uncertainty. Having been involved in
3 wetland mitigation and particularly floodplain
4 forested mitigation projects for the agency, there's
5 a great deal of uncertainty in terms of trying to
6 reestablish floodplain forest in areas where you have
7 reed canary grass. Reed canary grass is extremely
8 difficult to eradicate. So the likelihood of the
9 persistence of the species is there, and that has a
10 tendency to gum up the works from a restoration
11 standpoint.

12 In addition, in the area where Q1
13 presently exists, there is a flooding regime that
14 occurs fairly frequently. And if you have young
15 trees, and by young trees I mean saplings or
16 seedlings that are planted, it's not at all out of
17 the realm of possibility that frequent inundation
18 will result in complete or partial mortality of
19 anything that's planted.

20 On top of that, there is a deer browse
21 issue. And that -- the Van Loon bottoms falls within
22 deer management unit 59D. The goal for 59D is 25
23 deer per square mile. We're currently at 35 deer per
24 square mile. So we're above that goal. And what
25 that means is in certain areas we recognize

1 overbrowse by deer. And it's very easy for a deer to
2 walk through the bottoms during winter conditions and
3 find these small trees, which are at head height or
4 lower and simply nip off the top. And you do that
5 repeatedly, and the trees die.

6 So there are a number of factors that can
7 conspire to prevent successful active afforestation
8 within the corridor, and that's why I have reluctance
9 to say I'm sure it's going to be successful because
10 I'm not at all confident that's going to be
11 successful.

12 I've had situations where we had done
13 floodplain forest reestablishment and reed canary
14 grass in other areas in the western district, and
15 they have not been successful for a variety of
16 reasons. Very, very difficult to establish a
17 floodplain forest in an area where you have a
18 significant infestation of reed canary grass.

19 Q When did you first become involved with this -- with
20 the analysis of this transmission project, the
21 permitability of it, if you can recall?

22 A Gosh. It's been a little while. You know, when we
23 knew that -- any time that there's a project that --
24 utility project of any kind of a highway corridor, or
25 whatever the case may be, that has an east/west

1 orientation and has the potential to cross the Van
2 Loon bottoms, we start talking about it.

3 So even as this project was being
4 conceptualized, we said, gosh, right away we've got
5 concerns about the Van Loon and what the impacts
6 might be. In terms of getting down to the
7 nitty-gritty of talking about this in earnest, it's
8 been a year or two now, I think.

9 Q So in your testimony you discuss various concerns
10 that the DNR has regarding the Q1-Highway 35 route,
11 correct?

12 A Yes.

13 Q How many meetings did you have with the Applicants to
14 discuss these concerns that you had?

15 A I have been providing, again, my role as support to
16 existing staff. So the meetings that have transpired
17 have largely been with existing Office of Energy
18 staff, and I've been working with them but not
19 directly with the Applicants.

20 Q But you are the manager of this region, the Van Loon
21 area?

22 A I'm -- you know, I'm not the property manager. I
23 oversee programs that have some level of
24 responsibility within the Van Loon, but our wildlife
25 program actually has direct management responsibility

1 for the Van Loon Wildlife Area, the subject area
2 we're talking about. And I -- the person who
3 oversees the wildlife program for the district is a
4 colleague of mine, so we work very closely together.

5 Q Did you ever discuss your concerns regarding this
6 project and the Van Loon area with any other
7 individuals or other agencies other than the
8 Applicants?

9 A I have not specifically.

10 Q You previously mentioned your colleague. Did your
11 colleague meet with the Applicants, the wildlife
12 manager?

13 A My colleague at the supervisory level that I'm at is
14 Kris Belling, she's the district wildlife supervisor.
15 I don't believe that she has met with the Applicant,
16 and nor have I spoken to Kris about this specific
17 project. We have worked with local staff in the
18 office. The property manager is a different
19 individual, and we have spoken about the project.

20 EXAMINER NEWMARK: You said that was Kris
21 Belling?

22 THE WITNESS: Kris Belling. It's
23 B-E-L-L-I-N-G. She is the district wildlife
24 supervisor who runs the -- manages the entire
25 program for the west central district. She's not

1 been directly involved. However, one of her staff,
2 Ron Lichtie -- and Lichtie is spelled
3 L-I-C-H-T-I-E -- is a wildlife biologist stationed
4 in La Crosse, and he has property manager
5 responsibilities for this property, and we have had
6 discussions with Ron about it. And I know Office of
7 Energy has had discussions with Ron about it as
8 well.

9 BY MS. HERRING:

10 Q So I just want to make sure that the record's clear
11 that you've never had any meetings, phone calls, or
12 e-mails with the Applicants to discuss your concerns;
13 is that correct?

14 A No, I have not.

15 Q Are you aware of when the DNR made its determination
16 that Segment 8B of the Q1-Highway 35 route, which
17 traverses the Black River bottoms, would not be
18 permissible by DNR, at least in their estimation?

19 A You know, I can't give you a date. I am familiar
20 with the fact that there have been -- concerns were
21 expressed by Office of Energy, but I'm going to have
22 to defer to Office of Energy staff in terms of when
23 that actually -- when that conclusion was actually
24 rendered.

25 Q Are you aware of what factors and analysis went into

1 making that conclusion?

2 A Generally speaking. But again, I serve as -- I
3 provide a certain level of expertise with those
4 things that I have expertise with, and those are the
5 comments that I provided to them. And I know they
6 gather a host of other comments from other staff and
7 take all of those into consideration before coming to
8 conclusion.

9 Q To the best -- do you know whether or not the DNR
10 considered relative environmental impacts of other
11 routes when considering the permitability of the
12 Q1-Highway 35 route?

13 A I don't understand your question.

14 Q I'm trying to ask whether or not you looked at the
15 impacts of the other routes and compared them to the
16 impacts of the Q1-Highway 35 route in determining
17 whether or not the Highway 35 route would be
18 permitable by the DNR?

19 A I believe that there has been a full-blown analysis
20 done. My focus has simply been on the Van Loon
21 because that's my area of expertise.

22 Q Do you know whether or not the DNR considered other
23 types of impacts such as upland habitat, impacts to
24 land use, proximity to homes, or costs when
25 determining whether to permit the Q1-Highway 35

1 route?

2 A I would have to defer to Office of Energy staff on
3 that. I don't know.

4 Q To the best of your knowledge, is there any rule or
5 statute that precludes the placement of a
6 transmission line in the Black River bottoms?

7 A Again, not my area of expertise. I'll defer to
8 Office of Energy staff.

9 Q Okay. Have you seen any written analysis supporting
10 the unpermissibility of the Q1-Highway 35 route?

11 A I have not.

12 MS. HERRING: Could I have a second, Your
13 Honor?

14 EXAMINER NEWMARK: Sure.

15 BY HERRING:

16 Q Moving back to when you were discussing avian
17 impacts.

18 A Uh-huh.

19 Q You said -- you referred to a tower that had multiple
20 collisions with birds in the area; is that correct?

21 A Yes.

22 Q Do you know what kind of tower that was?

23 A It was a tall transmission tower that exceeded the
24 height of, I think, whatever would be built in the
25 bottoms. But my point is that any time there's a

1 tall tower, under the right kinds of foggy
2 conditions, you can realize significant bird
3 mortality.

4 Q When you say transmission tower, you don't mean a
5 transmission line structure; is that correct?

6 A That's my understanding. It was a radio tower.

7 Q And are you aware of the approximate height of that
8 tower?

9 A It was in the hundreds of feet.

10 Q So greater -- so 100 or more feet tall; is that
11 correct?

12 A Yes.

13 Q And are you aware of whether or not there are any
14 lights on that tower?

15 A That I don't know.

16 Q Speaking generally, is there any impact that the
17 DNR -- impact to the Black River bottoms by any
18 projects such as a transmission line project or a
19 highway project that the DNR would consider
20 permitable?

21 A That's such a general question. I -- I think the
22 response to that is we would consider things on a
23 case-by-case basis and have to assess the impacts
24 associated with the specifics of whatever is being
25 proposed. So I can't give you a blanket yes to that.

1 MS. HERRING: Nothing further, Your Honor.

2 EXAMINER NEWMARK: Okay. Other cross?

3 MS. OVERLAND: Yes.

4 CROSS-EXAMINATION

5 BY MS. OVERLAND:

6 Q Good morning, Mr. Thompson.

7 A Good morning.

8 Q In your testimony earlier, you had referred to a
9 mosaic of ownership, private and public. That was a
10 rather poetic description. Do you know if there are
11 any private conservation easements in the area?

12 A I don't know if there are private conservation
13 easements in the immediate area. The ownership that
14 the department has is held in fee, so it's a fee
15 simple ownership. And then there are privately held
16 parcels. I don't know if perhaps one of those
17 individuals would have simply put a conservation
18 easement with a nonprofit conservation organization
19 on their property. I don't know that.

20 Q Okay. Do you know if any of the private landowners
21 are participating in any type of state or federal
22 conservation programs?

23 A I don't know that.

24 Q Okay. And you had -- you talk about migrating birds,
25 and you did say that wasn't your area of expertise.

1 What I'm wondering is, do you know if this project
2 will require an incidental take permit?

3 A I would have to refer to our endangered resources
4 staff as it relates to the incidental take permit
5 process, and I believe Shari Koslowsky had testified
6 on that previously.

7 Q Okay. So you don't know?

8 A No. I'm not a position to respond to that.

9 MS. CORRELL: I think the testimony speaks
10 for itself.

11 MS. OVERLAND: Hmm?

12 MS. CORRELL: There's testimony on that
13 issue.

14 MS. OVERLAND: Right. But I was checking
15 with him. He had mentioned birds, so I am just
16 checking with him.

17 I have no further questions.

18 EXAMINER NEWMARK: Okay. Other cross?

19 No?

20 I have a few questions. I was curious. I
21 know you mentioned in the -- what is Hillstrom 41,
22 the letter that you signed regarding a project --
23 NSP project, 1993, and it looks like what was
24 authorized or what was contemplated in the project
25 was the abandonment of structures, of corridors,

1 removal of structures, and it indicates in the
2 letter that they -- the area be allowed to
3 re-vegetate naturally. So that's part of that
4 exhibit, but I would like you to turn to Hillstrom
5 42. I don't know if that's -- that should be in
6 here somewhere. And I was curious, this is the
7 photographs.

8 THE WITNESS: Uh-huh.

9 EXAMINER NEWMARK: Is this the area we're
10 talking about in Exhibit 41?

11 THE WITNESS: Yes.

12 EXAMINER NEWMARK: Okay. So there's a
13 picture in 1993.

14 THE WITNESS: Of the existing corridor.

15 EXAMINER NEWMARK: Okay. And that's after
16 removal of the lines?

17 THE WITNESS: This is pre-removal.

18 EXAMINER NEWMARK: Pre-removal, okay. And
19 then the second page is 19 -- I'm sorry. It must be
20 2010 or 2011?

21 THE WITNESS: 2011.

22 EXAMINER NEWMARK: Okay.

23 THE WITNESS: And this is post-removal.

24 EXAMINER NEWMARK: And I was curious. In
25 your opinion, has there been effective re-vegetation

1 in the area?

2 THE WITNESS: There has been re-vegetation
3 in the area. The question is, the one that you
4 posed, is it effective. I don't know that because
5 I've not had a chance to actually go out and take a
6 look. And in these sorts of situations, the devil
7 is in the details. It's a matter of what species
8 are colonizing these sites.

9 So if you have really good species, high
10 quality native species that have moved in and
11 established themselves in a dominant way, that would
12 be considered a good thing. On the flip side, in
13 these heavily disturbed -- in these sites that have
14 a real history of significant habitat disturbance,
15 and that would be the case for any powerline
16 corridor, it's oftentimes after those sites are left
17 abandoned that you get the really aggressive
18 non-native species which move in because they
19 respond very positively to disturbance. That's
20 equally likely in this instance.

21 And the only way to sort out whether it's
22 a good re-vegetation or a bad re-vegetation from a
23 wildlife habitat standpoint would be to go out and
24 take a look, and I've not had the opportunity to do
25 that.

1 EXAMINER NEWMARK: Okay.

2 THE WITNESS: So, yes. Has it
3 re-vegetated, yes, it has. Is it desirable or
4 undesirable, I can't render an opinion at this
5 point.

6 EXAMINER NEWMARK: I just want to make
7 sure because to me I'll say that it doesn't look
8 like all of it's filled in with trees.

9 THE WITNESS: This is still active
10 corridor --

11 EXAMINER NEWMARK: Okay.

12 THE WITNESS: -- as it continues down this
13 way. So whatever has been removed over here has
14 filled in some kind of woody vegetation, and the
15 question is what kind.

16 EXAMINER NEWMARK: And you can't tell from
17 the picture?

18 THE WITNESS: No, I cannot.

19 EXAMINER NEWMARK: Okay.

20 MS. HERRING: Your Honor, I have a limited
21 number of questions based on your questions.

22 EXAMINER NEWMARK: Sure.

23 RE-CROSS-EXAMINATION

24 BY MS. HERRING:

25 Q Mr. Thompson, you stated that you hadn't done any

1 analysis. Has the DNR that you're aware of done any
2 analysis of the re-vegetation?

3 A Of the abandoned corridor?

4 Q That's correct.

5 A I'm not aware that any has taken place.

6 EXAMINER NEWMARK: Okay.

7 MR. LORENCE: Your Honor, during that
8 exchange there was some pointing of the map and
9 saying this is filled in or still active. Could you
10 describe on the record what that is because
11 otherwise nobody reading this record will know what
12 you were talking to.

13 THE WITNESS: If you turn to Exhibit 42,
14 and there are two maps. The one is a map of -- it's
15 a black-and-white air photo of the Van Loon Wildlife
16 Area that shows an existing transmission line
17 corridor prior to removal.

18 And then if you turn to the next map,
19 which is a Google Earth map in color, you'll see a
20 small sticker on the map that says re-vegetated
21 corridor with an arrow pointing down to it. And the
22 arrow is pointed to an area where the transmission
23 line corridor has been abandoned. And, you know,
24 shortly after abandonment, had you done it -- taken
25 an air photo, you would have still seen an area that

1 was probably very much wide open. And in the time
2 since this air photo was taken, since re-vegetation
3 has been a number of years and there has been
4 vegetation which has occurred so the powerline
5 corridor that was abandoned is not nearly as visible
6 as it was prior to abandonment obviously or even
7 shortly after.

8 MR. LORENCE: But my question is, the area
9 that you're pointing to, is it half the picture?
10 Quarter of the picture?

11 THE WITNESS: It's a very small portion of
12 the picture on the very east side of the existing
13 powerline, which is the northern segment that you
14 can see. So just to the east of where the existing
15 powerline takes a dogleg to the right and then heads
16 down and then dogleg left and then crosses the Van
17 Loon bottoms to the east, there's an area that had
18 previously been powerline corridor that is now
19 re-vegetated.

20 MR. LORENCE: Okay. Thank you.

21 MS. NEKOLA: I have one question.

22 EXAMINER NEWMARK: Yeah.

23 CROSS-EXAMINATION

24 BY MS. NEKOLA:

25 Q Mr. Thompson, have the Applicants proposed a

1 long-term vegetation management program for the
2 Q1-Highway 35 route?

3 A I have not seen something proposed that is considered
4 a long-term management plan.

5 MS. NEKOLA: Okay. Thank you.

6 EXAMINER NEWMARK: Okay. All right.

7 You're excused.

8 MS. CORRELL: I had redirect.

9 EXAMINER NEWMARK: Oh, I'm sorry.

10 MS. CORRELL: Just a couple of questions.

11 REDIRECT EXAMINATION

12 BY MS. CORRELL:

13 Q You were asked several questions regarding DNR's
14 consultation with PSC regarding permitability on
15 Segment 8B and --

16 MS. HERRING: Your Honor, I'm going to
17 object. I don't believe I asked about
18 communications with PSCW staff and the DNR. I asked
19 about communications between the Applicants and DNR.

20 BY MS. CORRELL:

21 Q Okay. You were asked several questions regarding
22 DNR's position regarding permitability of Section 8B.
23 When were you -- have you been consulted prior to the
24 written position that DNR has taken in both e-mails
25 and letters between March 2009, May 2009, March 2010

1 and again in August 2010 and March 2011?

2 A Have I been working with Office of Energy staff?

3 Q Prior to all of those correspondence from the DNR to
4 the Applicants and PSC.

5 A I have been working regularly with Office of Energy
6 staff during -- while those correspondence were being
7 generated.

8 Q Okay. And were you consulted prior to the formation
9 of any of those written correspondence?

10 A Gosh. I'm having a hard time remembering, to be
11 honest with you, but I know that we have had
12 conversations that have gone back and forth, and I
13 have been providing feedback. To the extent that
14 that feedback was incorporated in those positions, I
15 don't know.

16 Q In terms of when the roots were being generated by
17 the Applicants, do you have any recollection of -- I
18 understand that's going back quite a few years, so
19 just a general recollection of any concerns that you
20 raised at that time?

21 A Yes, I do. The primary concern that was raised by
22 myself and others in the office was a crossing of the
23 Van Loon -- of the Black River bottoms. That's
24 always the big concern for us because it's such a
25 significant resource. And again, as I had indicated

1 earlier in my testimony, whenever we see anything
2 that proposes to cross the Van Loon bottoms, whether
3 it be a highway or gas main or transmission line
4 corridor, we have great concern because of the
5 significance of the resource.

6 Q So is it fair to say that that's been a concern of
7 yours for several years?

8 A Yes.

9 Q Okay. And are you aware that the CPCN application
10 has been amended to have an alignment shift north of
11 Highway 35 in terms of what the original Segment 8B
12 was?

13 A Based on Mr. Hillstrom's testimony that I watched two
14 days ago, yes, I am familiar with that.

15 Q And would your position be any different in regard to
16 impacts to the resource based on the alignment or
17 based on the original 8B segment?

18 A No.

19 MS. CORRELL: Thank you.

20 EXAMINER NEWMARK: Okay. You're excused
21 now.

22 THE WITNESS: Thank you.

23 (Witness excused.)

24 EXAMINER NEWMARK: We can start with PSC
25 witnesses.

1 MS. AGRIMONTI: Your Honor, may I
2 interject?

3 EXAMINER NEWMARK: Yes.

4 MS. AGRIMONTI: I have had an opportunity
5 to get a printout of the exhibit that I wished to
6 enter, which will be the next in the King series. I
7 provided it to Ms. Loehr --

8 MS. LOEHR: Loehr. That's okay.

9 MS. AGRIMONTI: -- Ms. Overland, and
10 commission staff. Those are the parties who have
11 signed a confidentiality agreement, and it's a
12 confidential document. I would ask that it be
13 admitted at this time, and we will ERF it under the
14 confidentiality rules and provide a public copy as
15 required.

16 EXAMINER NEWMARK: Okay.

17 MS. LOEHR: Your Honor, I need a little
18 bit more time with it, if we can come back to this.

19 EXAMINER NEWMARK: Okay.

20 MS. NEKOLA: And Ms. Agrimonti, we also
21 signed a confidentiality agreement.

22 MS. AGRIMONTI: Oh. My apologies.

23 MR. LORENCE: Can we go off the record,
24 Your Honor?

25 EXAMINER NEWMARK: Sure.

1 (Discussion off the record.)

2 EXAMINER NEWMARK: Back on the record.

3 KENNETH RINEER, PSC WITNESS, DULY SWORN

4 EXAMINER NEWMARK: Okay. Have a seat.

5 DIRECT EXAMINATION

6 BY MR. LORENCE:

7 Q Can you state your name for the record.

8 A Kenneth C. Rineer.

9 Q And you're the Mr. Rineer that prepared direct and
10 rebuttal testimony in this proceeding; is that
11 correct?

12 A Direct and rebuttal and surrebuttal.

13 Q And surrebuttal, I'm sorry.

14 A Yes, I did.

15 Q And in your testimony, I believe in your direct, you
16 referred to the EIS as Exhibit 1, and you also
17 referred to a list identifying all the component
18 parts of the EIS, and you called that Exhibit 2. Do
19 you recall that?

20 A Yes, I do.

21 Q And it's your understanding today that both the lists
22 we will call Exhibit 1, and it will incorporate by
23 reference all of the EIS by ERF number; is that
24 correct?

25 A Yes.

1 Q And also in your direct testimony you refer to
2 Exhibit 3 being the public comments that we will file
3 into the record in this case. Do you remember that?

4 A Yes.

5 Q And what we're saying today is we will call that now
6 Exhibit 2; is that correct?

7 A Yes.

8 Q And so your testimony should be read with those
9 corrections; is that correct?

10 A Yes.

11 Q And with those corrections, if you were -- is your
12 testimony and exhibits true and correct?

13 A Yes.

14 MR. LORENCE: I believe Mr. Rineer is
15 available for cross.

16 EXAMINER NEWMARK: Okay.

17 MS. AGRIMONTI: No questions, Your Honor.

18 EXAMINER NEWMARK: No, okay. Other
19 questions?

20 MS. OVERLAND: I have questions.

21 EXAMINER NEWMARK: Okay.

22 CROSS-EXAMINATION

23 BY MS. OVERLAND:

24 Q Good morning, Mr. Rineer.

25 A Good morning.

1 Q I know you're in here somewhere. Just a minute.

2 For the most part I'm going to be going
3 over some of the interrogatories that we had sent,
4 and I will ask you for your comments about your
5 testimony. First, I'd like you to talk about
6 coordination with Minnesota agencies and how --
7 first, can you discuss how it was that the Alma
8 crossing became the only crossing offered?

9 A I describe that in the EIS in Chapter 4.

10 Q And that -- the EIS -- the FEIS is somewhat different
11 from the DEIS; is that correct?

12 A Yes.

13 Q Is it typical practice in Wisconsin for there to be
14 only one route option at a crossing?

15 A I need some clarification.

16 Q Okay. There's only one crossing of the Mississippi
17 River. Is it typical for an application to have only
18 one river crossing offered?

19 A There are not many river crossing projects at the
20 PSC, so there is no typical situation.

21 Q Well, for example, the Arrowhead crossed a number of
22 rivers; is that correct?

23 EXAMINER NEWMARK: You mean
24 Arrowhead-Weston?

25 MS. OVERLAND: Arrowhead-Weston line.

1 THE WITNESS: That wasn't my project, but
2 I know it crossed a lot of rivers.

3 BY MS. OVERLAND:

4 Q Right. And in this project, are you aware that in
5 the Minnesota certificate of need there were four
6 river crossings proposed: one in Alma, one in
7 La Crosse, and two near Winona?

8 A Yes.

9 Q And are you aware that the Rural Utilities Service is
10 doing an Environmental Impact Statement on this
11 project?

12 A Yes.

13 Q And are you aware that in that originally there were
14 three river crossings?

15 A I didn't read it too carefully, so don't know.

16 Q Can you repeat that?

17 A I'll say they did talk about multiple river crossings
18 in the RUS EIS.

19 Q And you had said something about was it -- I just
20 couldn't hear. Reading? You didn't read the EIS?

21 A I didn't read it that carefully.

22 Q Have you been coordinating with the Rural Utilities
23 Service on this project?

24 A As much as necessary for the Wisconsin project.

25 Q How much is necessary? Can you explain that?

1 A I think I need a clearer question than that.

2 Q Have you specifically discussed the river crossings
3 with the Rural Utilities Service?

4 A Yes.

5 Q And what was the substance of those discussions?

6 A How they were going to be addressed, and how they
7 were going to be -- well, how they were going to be
8 addressed.

9 Q How is it that the EIS only addresses one of the
10 river crossings?

11 A That's explained in Chapter 4 of the EIS.

12 Q There are statements about it. You're stating that
13 in the EIS it says -- and are you responsible for
14 this part of the EIS?

15 A Yes.

16 Q It says that during the preapplication process for
17 this PSCW docket, the crossings had been winnowed to
18 two at La Crosse or Alma.

19 EXAMINER NEWMARK: And where are you?

20 MS. OVERLAND: I'm on page 44 of the EIS.

21 BY MS. OVERLAND:

22 Q Could you refer to that page, please.

23 A I have it.

24 Q Okay. And that's in the middle just above the 4.3.3,
25 correct?

1 A Yes.

2 Q Okay. There's a statement that says, unless the
3 Minnesota OES, and that would be the Office of Energy
4 Security, determined after its EIS scoping process
5 that the La Crosse crossing should be carried forward
6 in the process, or the Alma crossing was not viable,
7 then the scope of the Minnesota EIS would include the
8 Alma crossing as the only crossing.

9 And it goes on to say, the Wisconsin CPCN
10 process would then concentrate on the project with
11 the Alma crossing as one endpoint.

12 Now, how is it that Wisconsin has the
13 authority to limit it to one crossing?

14 A Project comes in as a transmission project for us.
15 It's usually from Point A to Point B, and this was
16 the agreed upon -- one of the agreed upon points
17 during the preapplication process.

18 Q Agreed upon by who?

19 A Minnesota RUS and Wisconsin staff.

20 Q Are you aware that the Minnesota certificate of need
21 has four river crossings and not one?

22 A No, I'm not aware of -- much of the Minnesota
23 certificate of need except that it exists.

24 Q Are you aware that the Minnesota routing decision has
25 not been made by the Public Utilities Commission?

1 A Yes.

2 Q So on what basis was the Alma decision -- what was
3 the basis for that decision?

4 A The basis for the decision about using Alma as the
5 endpoint for this project is described in detail in
6 the section you've been referring to in the EIS,
7 started with four and now it's one.

8 Q Isn't it a requirement under the Wisconsin
9 Environmental Policy Act and the National
10 Environmental Policy Act to review alternatives?

11 A Yes.

12 Q And is there a review of alternative crossings in
13 this document?

14 A Yes.

15 Q A review of them? Please point it out to me in
16 the --

17 A It's the exact same section that we've been talking
18 about, and it refers to the appendix in the CPCN
19 where the alternatives were all written up, and it
20 refers to the process that occurred among staff from
21 the different agencies.

22 Q Okay. What I'm seeing is on page 43, a listing of
23 alternative crossings, and a section regarding
24 winnowing of crossing alternatives, and then I see a
25 review of the crossing at Alma. Can you point out to

1 me where there is evaluation of the other crossings?
2 A There's no evaluation of the other crossings in this
3 thing, just a review.

4 Q Thank you. There's a statement here, the
5 Minnesota -- okay. We're going back to page 44, just
6 above 4.3.3. The Minnesota OES scoping decision in
7 August 2010 confirmed the Alma crossing as the one to
8 be carried through the two states' review processes.

9 Under what authority does Minnesota OES
10 scoping decision determine anything for the state of
11 Wisconsin?

12 MR. LORENCE: Objection. She's asking for
13 a Minnesota law legal conclusion that this witness
14 can't answer to.

15 EXAMINER NEWMARK: Sustained.

16 MS. OVERLAND: Your Honor, I'm not asking
17 about Minnesota. I'm asking about Wisconsin, and
18 the statement here is about Minnesota's scoping
19 decision determining the two states' review. That's
20 about Wisconsin.

21 EXAMINER NEWMARK: Okay. I think we're
22 hung up with authority though. If you could
23 rephrase. So you're asking him what law -- how does
24 the law in Minnesota apply to Wisconsin?

25 MS. OVERLAND: Well, I'm asking -- I'll

1 rephrase.

2 EXAMINER NEWMARK: Yeah.

3 BY MS. OVERLAND:

4 Q With this sentence, it states that Minnesota's
5 scoping decision confirmed the crossing as one to be
6 carried through the two states' review process.
7 Explain to me how it -- Wisconsin accepted that
8 decision and the basis for it.

9 MR. LORENCE: I'll object. Again, Your
10 Honor, she's asking this witness questions that
11 really are more applicable to the Applicants. The
12 state received an application with this crossing
13 with the application, and the crossings describe why
14 it was made this way, and that's what we received.
15 I don't think this is really an appropriate question
16 for Wisconsin to decide what should be in an
17 Applicants' application.

18 EXAMINER NEWMARK: Okay. Well, we'll let
19 him answer. You can answer.

20 THE WITNESS: May I have the question
21 again then.

22 MS. OVERLAND: Can you read that back,
23 please.

24 (RECORD READ.)

25 THE WITNESS: That decision was made

1 during the preapplication processes for the
2 agencies, and it was made as a cooperation effort
3 between the two states, and it was made with the
4 knowledge that there were issues with the La Crosse
5 crossing that were, in the opinion of the DNR,
6 insurmountable, and issues with the other crossings
7 that Fish and Wildlife determined were
8 insurmountable. So we agreed that we needed to
9 narrow the projects down so that we could get
10 workable applications for transmission projects, and
11 we needed to go through one last hurdle before we
12 agreed to that, and that was the Minnesota OES
13 scoping process.

14 BY MS. OVERLAND:

15 Q And so then as a Wisconsin Public Service Commission
16 staff person, what is your -- your understanding of
17 how an agency environmental review scoping decision
18 affects Wisconsin's review?

19 A You mean another state's agency?

20 Q Right. How is it that another -- explain to me your
21 understanding of how another state's agency's scoping
22 decision affects your work, your review.

23 A I believe I've already explained that.

24 Q I didn't hear it.

25 A Can you ask me a different way then because I believe

1 I already explained that.

2 Q Is it your testimony that as a Wisconsin Public
3 Service Commission staff person charged with
4 environmental review, that you accepted an OES
5 scoping decision as directive towards your review?

6 MR. LORENCE: This has been asked and
7 answered, Your Honor. He's explained that it's been
8 a cooperative discussion between Minnesota and RUS
9 and Wisconsin, and I think we're just repeating the
10 same questions.

11 EXAMINER NEWMARK: Okay. Yeah.
12 Sustained.

13 BY MS. OVERLAND:

14 Q What is your view of Wisconsin's requirements
15 regarding alternative -- alternatives and in this
16 case specifically river crossings?

17 A My view is that Wisconsin staff must follow the
18 statutes and the Power Plant Siting Act and also the
19 Wisconsin Environmental Policy Act.

20 Q Okay. And when you say the Power Plant Siting Act,
21 is that the Minnesota Power Plant Siting Act?

22 A I beg your pardon. It's 196.491 Wisconsin Statutes.

23 Q Thank you. Is it correct Wisconsin does not have a
24 power plant siting act? Is that correct?

25 A I'm sorry. I was loose in the way I spoke of it.

1 It's 196.491, and it's the statute that we use when
2 we're working with certificates of public
3 convenience.

4 Q So is it correct that Wisconsin does not have a power
5 plant siting act?

6 A I --

7 MR. LORENCE: Your Honor, the statutes
8 speak for themselves.

9 EXAMINER NEWMARK: Yeah.

10 MR. LORENCE: 196.491 I can assure
11 Ms. Overland applies both to power plants and
12 transmission lines.

13 MS. OVERLAND: Your Honor, the reason I'm
14 asking that is in Minnesota it's called the Power
15 Plant Siting Act.

16 MR. LORENCE: Your Honor, this is
17 Wisconsin. I don't really think it's relevant what
18 they call it in Minnesota.

19 MS. OVERLAND: Your Honor, he called it
20 the Power Plant Siting Act. He used the term.

21 EXAMINER NEWMARK: Did you mean the
22 Minnesota statutes or the Wisconsin statutes?

23 THE WITNESS: Wisconsin statute is the
24 statute I was talking about.

25 EXAMINER NEWMARK: Go ahead.

1 BY MS. OVERLAND:

2 Q Thank you. On page 45 you're discussing
3 undergrounding. Is this the extent of the evaluation
4 of undergrounding at the river crossing?

5 A The DEIS?

6 Q Yes.

7 A Yes.

8 Q Have you reviewed the U.S. Fish and Wildlife letter
9 regarding undergrounding? No. First, to your
10 knowledge, has the U.S. Fish and Wildlife issued any
11 comments regarding undergrounding at the Mississippi
12 River?

13 A I believe so.

14 Q And have you reviewed those?

15 A I believe I have, long ago.

16 Q Are they in the record?

17 MR. LORENCE: Can we be more specific,
18 Your Honor?

19 EXAMINER NEWMARK: Well --

20 THE WITNESS: The Applicants can say
21 whether they're in the record. I don't know.

22 BY MS. OVERLAND:

23 Q To your knowledge, you have not put U.S. Fish and
24 Wildlife letters in the record?

25 A I have not.

1 EXAMINER NEWMARK: Does this have to do
2 with Hillstrom 48?

3 MS. OVERLAND: That's one of them.

4 BY MS. OVERLAND:

5 Q The Environmental Impact Statement states just above
6 4.4 that for the limited protection of birds and the
7 additional impact on ground level and -- at the
8 ground level and under water, the underground options
9 would be more expensive, about 90 million for 1.3
10 miles, blah, blah, blah.

11 Is it your opinion that undergrounding is
12 too costly?

13 A I'm not authorized to have an opinion on that.

14 Q What undergrounding cost estimates did you consider
15 in writing this on page 45?

16 A I'm sorry?

17 Q What undergrounding cost estimates did you review?

18 EXAMINER NEWMARK: Okay. There's a
19 footnote.

20 THE WITNESS: It's in the footnote, yes.

21 BY MS. OVERLAND:

22 Q And so you only looked at this one feasibility
23 analysis and not any other undergrounding
24 documentation?

25 A There is staff at the agency that are experts on this

1 sort of thing, and I am not one of those.

2 Q So I take it you didn't Google undergrounding?

3 A I was busy working on EIS.

4 Q Another question on 4.4. The EIS lists project
5 endpoint, Briggs Road substation. Does that mean
6 that that is deemed the project endpoint in -- for
7 the purposes of the environmental review?

8 MR. LORENCE: Can you identify a specific
9 site? 4.4 has a number of subsections, and I'm
10 having a hard time following these questions.

11 MS. OVERLAND: It's not too difficult.
12 Excuse me. If you look at page 45, 4.4, I'm
13 discussing the heading here where it says 4.4
14 project endpoint, Briggs Road substation.

15 MR. LORENCE: Thank you. If you had said
16 heading, I would have been able to follow it. Thank
17 you.

18 BY MS. OVERLAND:

19 Q Do you -- do you follow it?

20 A Yeah. I'm there.

21 Q Okay. Does that mean that that is recorded as the
22 project endpoint for this project?

23 A The heading means nothing more than a guideline to
24 reading the EIS.

25 Q Are there other endpoints -- are there other

1 substations regarded as an endpoint for this project?

2 A No.

3 Q Thank you. In your testimony on page 3, line one --
4 that doesn't seem right. It should be your direct.
5 One moment. I have to make sure that that's -- okay.

6 You're discussing the EIS process on your
7 direct, page 3. What type of independent
8 verification did you do of the information received
9 in the -- from the Applicants?

10 A When we receive information from the Applicants for a
11 project, we engage in discussion inside the agency.
12 We visit the project areas. We check the math. We
13 look at maps. We try to compare notes. We compare
14 analyses and photographs and things. So it's case by
15 case.

16 Q Okay. And who -- in some of your discovery you let
17 me know that there was a staff person who is the WEPA
18 coordinator. Who is that person?

19 A Her name is Kathleen Zuelsdorff.

20 Q Zuelsdorff, okay. Has she reviewed the -- I know
21 she's not testifying. Has she reviewed the
22 Environmental Impact Statement?

23 A Yes.

24 Q And has she made any -- given any opinion as to
25 whether it does meet the requirements of WEPA?

1 MR. LORENCE: Your Honor, I could direct
2 Ms. Overland to the first page of the EIS after the
3 cover page where she signed it and does make her
4 statement.

5 EXAMINER NEWMARK: Okay.

6 MS. OVERLAND: Thank you.

7 BY MS. OVERLAND:

8 Q There was a Route 88 option added late in -- well,
9 added later in the process than the application
10 itself. Did the PSC staff notify landowners along
11 that route?

12 A Yes.

13 Q What type of notice did they get?

14 A They got a letter and copies of previous notices that
15 have been out.

16 Q Did they receive notice that they specifically
17 could -- their land could be targeted with a
18 transmission route, like something that specifically
19 let them know that they may be in the path of a
20 route?

21 A That's the purpose of the letter.

22 Q Right. So it did state that?

23 A It's not in the cover letter, but it's in the
24 attachments to that letter.

25 Q Okay. And what was the ERF number on that?

1 A PSC reference number 156913.

2 Q 156912?

3 A -3.

4 Q -3, thank you.

5 MR. LORENCE: Your Honor, would you like
6 us to make that letter an exhibit in this hearing?

7 EXAMINER NEWMARK: If someone requests it.

8 MS. OVERLAND: Sure.

9 EXAMINER NEWMARK: Okay. That can be
10 Rineer 3.

11 (Rineer Exhibit 3 marked.)

12 MS. OVERLAND: I, too, am winnowing. I
13 think I'm almost done. I want to make sure.

14 BY MS. OVERLAND:

15 Q To your knowledge, Mr. Rineer, are all the scenic
16 easements accounted for along 35 -- Highway 35?

17 A How so and by whom?

18 Q In the environmental review, have -- are they -- I
19 know there's a lot of them, and are you confident
20 that they're all accounted for?

21 A No, I'm not.

22 Q So there could be more?

23 A This is a DOT issue, so I'm not so sure.

24 Q Well, you do address scenic easements in your
25 testimony, your rebuttal testimony, and I would think

1 that -- would you agree that aesthetics and digital
2 impact is something to be addressed in the EIS?

3 A I agree.

4 Q Are any steps being taken to assure that -- to look
5 for additional scenic easements that may be -- by PSC
6 staff?

7 A I'm not sure what you're asking.

8 Q Are you -- is the PSC staff -- because there's some
9 question as to whether they're all in -- have been
10 taken into account, is the PSC staff taking some
11 initiative to determine whether there are lurking
12 scenic easements?

13 A PSC staff's relying on the DOT testimony as provided.

14 Q Okay. Has the PSC done any checking to see if there
15 are private conservation easements along Route 35 or
16 in other places along the route?

17 A Yes, we did.

18 Q Okay. And is it correct that there are some on
19 Highway 88?

20 A Yes.

21 Q Are there others?

22 A Yes.

23 Q Roughly -- and that would -- is that information all
24 contained in the EIS?

25 A Yes.

1 MS. OVERLAND: Okay. I have no further
2 questions.

3 EXAMINER NEWMARK: All right. Other
4 questions? Cross questions?

5 MS. NEKOLA: I have one.

6 CROSS-EXAMINATION

7 BY MS. NEKOLA:

8 Q Mr. Rineer, you discuss in your direct testimony on
9 page 4, an apparent contradiction between
10 Mr. Hillstrom's statement and his testimony that all
11 woody vegetation would be cleared for the full
12 right-of-way width and some information that you
13 received in subsequent, I think, data request
14 response indicating that there might be some
15 exceptions to that. Has that been clarified?

16 A Yes.

17 Q That has been resolved, and so what is the -- what is
18 the answer?

19 A The answer I think is in Mr. Hillstrom's response to
20 my direct. He responds to me.

21 Q Okay. All right. Thanks. And with regard to
22 independent environmental monitors, you state in your
23 testimony as well that the Commission has ordered
24 those in the last three, I believe, transmission
25 projects. Is there anything about this particular

1 proposal that you think especially warrants
2 environmental independent monitors?

3 A Yes.

4 Q Can you describe a little bit of what that might be?

5 A There is, of course, the Van Loon. There are issues
6 with hillsides, forests, wetlands on every route.
7 There are issues with farmland, and we expect to hear
8 more concerns from the public. There might be some
9 issues with private enterprise or private -- private
10 property damage or things like that. I mean, that's
11 speaking very broadly, but that's all I can do at
12 this point.

13 MS. NEKOLA: Thank you. That's all.

14 EXAMINER NEWMARK: Other cross?

15 MR. THIEL: Yes.

16 EXAMINER NEWMARK: I just wondered --

17 MR. THIEL: I do.

18 EXAMINER NEWMARK: Sorry. Go ahead.

19 CROSS-EXAMINATION

20 BY MR. THIEL:

21 Q Mr. Rineer, this is Jim Thiel from DOT. Volume 2 of
22 the Final Environmental Impact Statement has
23 extremely useful aerial charts and overlays, and on
24 some of those pages of figures there are notes
25 describing some sources of the information. But is

1 there a location which describes the source of the
2 outlines of all the scenic easements and the route
3 segments? You know, something that defines exactly
4 how you reach the lines on the figures?

5 A Are you asking me whether we put something in the EIS
6 that describes the source for that information?

7 Q Yes. I just haven't been able to locate it.

8 A You probably -- if you haven't located it, I'm not
9 confident that it would be there. We don't have
10 notes on the sources of everything that's in the EIS.
11 The -- I will say the source is the DOT information
12 that was given to our GIS people.

13 Q What about the sources of the Dairyland easements?

14 A I would assume they came from either our transmission
15 database or from the application GIS information.
16 But I'm not the GIS person, so I can't tell you.

17 Q And with regard to the exact location of the various
18 route proposals for the 345 kV line, I know that it
19 was a moving target, frankly, because in late
20 December there was an offer by the Applicants to
21 modify some of them that were not able to be taken
22 into account.

23 But how does anybody -- how can someone
24 tell where those three items overlap? By that I mean
25 all the DOT -- well, it's four. All the DOT

1 right-of-way, which you do not have easements by
2 anybody other than DOT, the DOT scenic easements, the
3 Dairyland easements, and the exact route with the 150
4 to 200-some blowout area of the 345 kV line.

5 A That was a long question. I'm sorry. The beginning
6 of it I think was the question.

7 Q In order to see how they all relate to each other, I
8 don't -- as useful as this is, I don't see that it
9 actually portrays that.

10 A I'm sorry. It's an illustration.

11 Q Pardon me?

12 A The maps in here are illustrations to help understand
13 the project as best we can.

14 Q Okay. That's fine. I didn't know how precise this
15 was expected to be.

16 A It's based on GIS information. That's the limit I
17 can tell you. It's a limit of what I can say.

18 Q It's limited?

19 A The limit of what I can say is that it's based on GIS
20 information that we've received or asked for.

21 Q Do you know who actually put together these
22 figures --

23 A In Volume 2?

24 Q -- that we could consult with?

25 MR. LORENCE: Are you referring to the

1 maps, Mr. Thiel?

2 MR. THIEL: Yes.

3 THE WITNESS: The maps in Volume 2?

4 MR. THIEL: Yes, the maps in Volume 2.

5 THE WITNESS: Who --

6 MR. THIEL: Yeah. So we can learn what
7 they represent precisely, that's all. I mean, we're
8 not trying to challenge anything. We just want to
9 know exactly what they are.

10 THE WITNESS: Well, yes. I mean, we have
11 GIS people at the agency that have access to the
12 files that came into the agency from your agency and
13 the Applicants, yes.

14 MR. THIEL: It might be better if I just
15 give an illustration. Bear with me. I am going to
16 find something that's easy to follow.

17 EXAMINER NEWMARK: Let's go off the record
18 for a second.

19 (Brief break taken.)

20 (Change of reporters.)

21 EXAMINER NEWMARK: Okay. Let's get back.
22 I think Mr. Thiel still had some questions.

23 MR. THIEL: No. I'd just like to make a
24 statement on the record.

25 EXAMINER NEWMARK: Okay. Hang on a

1 second. We're back on the record. Go ahead.

2 MR. THIEL: In an informal discussion with
3 the witness, DOT has resolved its questions
4 regarding the illustrative nature of Volume 2 of the
5 FEIS and the level of precision that is intended by
6 it, and it need not be pursued further.

7 EXAMINER NEWMARK: Okay. So other cross?

8 MR. THIEL: Yes. I still have additional
9 questions.

10 Q Mr. Rineer, I draw your attention to your rebuttal
11 testimony of February 22nd. On page 2, you list the
12 numbers of a potentially unpermissible segment that
13 had been identified previously in the final EIS in a
14 chart labeled Table 12.7-1; is that correct?

15 A Yes.

16 Q And as a result of the Department of Transportation's
17 prefiled testimony, does page 4 represent the fact
18 the DOT actually removed its objections to four
19 segments?

20 A Yes. That's what it reflects.

21 MR. THIEL: I have no further questions.

22 EXAMINER NEWMARK: Okay. Other cross?

23 No?

24 I have a few questions for Mr. Rineer.

25 I'm just wondering, in terms of the independent

1 monitors, in the three projects where independent
2 monitors have been made a part of condition of the
3 CPCN, has an independent monitor ever stopped
4 construction?

5 THE WITNESS: Yes.

6 EXAMINER NEWMARK: Yes, it has happened in
7 the past? Okay. And I was also wondering, I want
8 to make sure that the public comment exhibit
9 contains -- it's a document that was filed early on
10 in the case. It's on ERF. And it's a resolution
11 from the Mississippi River Parkway Commission. I
12 want to make sure we put that in the comment
13 exhibit. And I'll just give the ERF number for the
14 record. It's 144271, resolution of the Commission.

15 There's also the comments from the
16 Wisconsin Mississippi River Parkway Commission,
17 comments on the draft EIS. And as far as I know,
18 the comments for the draft don't go -- usually
19 typically are in the record, but they're mentioned
20 in the final.

21 THE WITNESS: They're recognized in the
22 appendix that deals with comments. That particular
23 document is the first document that was submitted to
24 us way early in the -- before an application came
25 in.

1 EXAMINER NEWMARK: Okay. Right. And so
2 it wouldn't be -- it wasn't submitted during the
3 comment period, so typically wouldn't be in the
4 comment exhibit, but we're going to make sure that
5 it goes in.

6 MS. AGRIMONTI: Your Honor, is that a 2010
7 resolution?

8 EXAMINER NEWMARK: Did I just close it?
9 Hang on. Just a second. Yes, it's dated December
10 18th, 2010.

11 MS. AGRIMONTI: Thank you.

12 EXAMINER NEWMARK: Okay. All right.
13 Thanks.

14 MS. OVERLAND: Your Honor?

15 EXAMINER NEWMARK: Yes.

16 MS. OVERLAND: You raised the question of
17 the Mississippi River Commission -- Parkway
18 Commission. I'm concerned about the U.S. Fish and
19 Wildlife letters regarding the river crossing and if
20 those are all in the record. I'll look it up and
21 try to make sure, but how do we -- I don't think
22 they're all in the record.

23 EXAMINER NEWMARK: Okay. They might be in
24 a variety of places, so we want to avoid
25 duplicating.

1 MS. OVERLAND: Right. I'll spend some
2 time during lunch.

3 EXAMINER NEWMARK: That would be helpful.
4 Yeah. Let's -- I don't really see a problem with
5 them going in the record. So to the extent they're
6 not already there, we can put them in. You know,
7 and if they're ERF'd already, that makes it easier.
8 I'm assuming they're already on ERF by now, but we
9 can deal with it; if we have to, we can redeal with
10 it later.

11 So do we have redirect?

12 MR. LORENCE: No, Your Honor.

13 EXAMINER NEWMARK: Okay. You're excused.
14 Thanks.

15 (Witness excused.)

16 MARILYN WEISS, STAFF WITNESS, DULY SWORN

17 DIRECT EXAMINATION

18 BY MR. LORENCE:

19 Q Can you state your name for the record.

20 A Marilyn Weiss.

21 Q And are you the same Marilyn Weiss that prepared
22 direct testimony in this matter?

23 A Yes.

24 Q And if you were asked those questions today, would
25 your answers be the same?

1 A Yes.

2 MR. LORENCE: Ms. Weiss is available for
3 cross.

4 EXAMINER NEWMARK: Okay. Cross?

5 MS. AGRIMONTI: No questions, Your Honor.

6 CROSS-EXAMINATION

7 BY MS. OVERLAND:

8 Q It will be quick, I think. Good afternoon -- good
9 morning. In your testimony, direct, page 1, line 8,
10 you mention environmental enforcement. Is that --
11 does that also include air permits or is that water
12 type issues, land issues?

13 A Hazardous waste.

14 Q Okay. Thank you. Now, you also reference a
15 Commission order -- a prior Commission order, it's
16 page 2, lines 16 through 18, on the Rockdale-West
17 Middleton docket there regarding impact fees.

18 Did the Commission at that time suggest
19 that that should be applied going forward?

20 A It actually says in their supplemental order on
21 page 4 near the bottom, on a going-forward basis the
22 Commission expects the issue of impact fees to be
23 fully raised and, if contested, argued by the parties
24 in an evidentiary record made in support of or in
25 opposition to a request for a CPCN.

1 Q And so that's what you're doing?

2 A That's it.

3 Q Okay. Got it. And then ultimately how is that cost
4 basis determined? Is it determined after arguments,
5 then the Commission will make a decision about it?

6 A I believe so.

7 MS. OVERLAND: I have no further
8 questions.

9 EXAMINER NEWMARK: Okay. Other cross?
10 No? Redirect?

11 MR. LORENCE: No, Your Honor.

12 EXAMINER NEWMARK: You're excused.

13 (Witness excused.)

14 MS. RAMTHUN: We call Carol Stemrich.

15 CAROL STEMRICH, STAFF WITNESS, DULY SWORN

16 DIRECT EXAMINATION

17 BY MS. RAMTHUN:

18 Q Please state your name.

19 A Carol A. Stemrich.

20 Q And you filed direct testimony in this matter?

21 A Yes.

22 MS. RAMTHUN: Ms. Stemrich is available
23 for cross.

24 MS. AGRIMONTI: Your Honor, I don't have
25 any specific questions for this witness; but she did

1 provide responses to discovery to NoCapX that I
2 think would be only helpful to put in the record,
3 and I'd like to offer them.

4 EXAMINER NEWMARK: Okay. Let's mark that
5 Stemrich 1.

6 (Stemrich Exhibit No. 1 marked.)

7 MS. AGRIMONTI: Ms. Stemrich, I'll ask if
8 these are responses to discovery that you provided
9 in this docket and if they're true and correct
10 copies of the answers that you provided?

11 THE WITNESS: Yes.

12 MS. AGRIMONTI: Move admission of
13 Stemrich 1.

14 EXAMINER NEWMARK: Any objections? These
15 are not on ERF at this point?

16 MS. AGRIMONTI: They are not.

17 MS. OVERLAND: They are.

18 MS. RAMTHUN: They are.

19 MS. OVERLAND: I can tell you which one.
20 Copies have been provided as well to staff.

21 MS. RAMTHUN: They're ERF number 160505.

22 EXAMINER NEWMARK: Okay.

23 THE WITNESS: Actually, I think mine are
24 160502.

25 MS. RAMTHUN: I'm sorry. I was looking at

1 the 01 series. I'm corrected. It wasn't my
2 glasses.

3 EXAMINER NEWMARK: All right. There are
4 no objections? Okay.

5 (Stemrich Exhibit No. 1 received.)

6 MS. OVERLAND: I have no questions. I'm
7 happy.

8 EXAMINER NEWMARK: Anyone else with
9 questions? No? Then you're excused.

10 (Witness excused.)

11 MS. RAMTHUN: We call Mr. Sirohi next.

12 UDAIVIR SINGH SIROHI, STAFF WITNESS, DULY SWORN

13 DIRECT EXAMINATION

14 BY MS. RAMTHUN:

15 Q Please state your name.

16 A Udaivir Singh Sirohi.

17 Q Mr. Sirohi, did you file direct, surrebuttal and
18 sur-surrebutal testimony in this docket?

19 A I did.

20 Q Did you also file Exhibit Nos. 1 and 2, 2
21 confidential and 3?

22 A Yes, I did.

23 (Interruption by the reporter.)

24 Q Let me correct that, 2 confidential and 2 public.
25 Mr. Sirohi, I'm going to refer back to your

1 surrebuttal testimony in this matter starting at
2 about page 19. Did you provide a revised alternate
3 cost and performance comparison analysis?

4 A Surrebuttal page 9?

5 Q 19. I'm sorry. Page --

6 A Page 6 maybe?

7 Q Yes. Page -- it's page 4 of your surrebuttal
8 testimony.

9 A Could I approach?

10 Q Yeah. I was looking at -- it's line 19. And it's
11 page 4. And so it's page 4 of your surrebuttal.

12 A Yes, I have it.

13 Q And you based -- in your surrebuttal, you based that
14 revised comparison analysis on planning level
15 estimates that Grant Stevenson provided in
16 Exhibit 12; is that correct?

17 A Yes.

18 Q And am I correct that subsequently, Mr. Stevenson
19 revised his estimates in Exhibit No. 13?

20 A Yes, he did.

21 Q And in turn, as a result of Exhibit 13, did you
22 review your earlier comparisons?

23 A Yes, I did.

24 Q And as a result of Exhibit 13, have any of the
25 rankings of the transmission line alternatives shown

1 in your surrebuttal testimony changed?

2 A Yes. For Table 3 and 4, the revised costs will not
3 change ranking. The ranking stays same for both
4 tables until the cost climbs to \$432 million.

5 Q And then what happens to the ranking?

6 A The ranking will change. On the -- the alternative B
7 will not remain ranked 1 in Table 3 and 4 if the cost
8 climbs to \$432 million.

9 Q That's the cost of the proposed project?

10 A Yes, ma'am. Alternative B I'm talking about.

11 Q Yes. Then what is ranked number 1?

12 A Which table are you referring to?

13 Q Well, you just said in Tables 3 and 4, alternative B
14 is no longer number 1.

15 A If the cost goes to \$432 million?

16 Q Yes.

17 A Yes. Then the reconductor option will become
18 ranked 1.

19 MS. RAMTHUN: All right. I have no
20 further questions. Mr. Sirohi is available for
21 cross.

22 EXAMINER NEWMARK: Did we verify all his
23 submissions? I don't remember.

24 MS. RAMTHUN: Pardon?

25 EXAMINER NEWMARK: Did he verify all his

1 submissions, all his filings, did he verify those?

2 MS. RAMTHUN: That he did direct,
3 surrebuttal and sur-surrebutal?

4 EXAMINER NEWMARK: And they're true and
5 correct to the best of your knowledge?

6 THE WITNESS: They are true and correct to
7 the best of my knowledge.

8 EXAMINER NEWMARK: I just didn't hear
9 that. And what about his sur-sur, is that not being
10 offered?

11 MS. RAMTHUN: That is. I just didn't -- I
12 haven't offered it yet.

13 Q Mr. Sirohi, yesterday did you file sur-surrebutal
14 testimony?

15 A Yes, I did.

16 Q Mr. Sirohi, if I ask you any of the questions in any
17 of your testimony, your direct, rebuttal -- I'm
18 sorry, direct, surrebuttal and sur-surrebuttal, will
19 your answers be the same today as they were in the
20 testimony?

21 A Yes, they will be the same.

22 MS. RAMTHUN: Mr. Sirohi is available for
23 cross.

24 CROSS-EXAMINATION

25 BY MS. AGRIMONTI:

1 Q Hello.

2 A Yes.

3 Q Mr. Sirohi, I am going to ask a couple of questions
4 on the testimony you just provided because I'm not
5 sure I fully understand the revisions to the table.

6 You mentioned that you had reviewed
7 Mr. Stevenson's number 13. Do you have a copy of
8 that in front of you?

9 A No, I don't.

10 Q Let me get one.

11 A Sure. (Document tendered to the witness.)

12 Q All right. Do you have it now?

13 A Yes, I have it.

14 Q Okay. And when you say that the numbers change when
15 the cost of the proposal reaches -- I'm sorry, what
16 number were you using?

17 A Okay. In Exhibit Stevenson 12, the cost of the
18 proposed project, which is alternative B, was
19 \$388 million. But he revised that cost in his
20 Exhibit 13 to \$393 million. So I'm talking about
21 that now.

22 Q All right. And this is the planning level estimate
23 provided in 12 and 13?

24 A True.

25 Q So the \$5 million additional planning estimate cost

1 in Mr. Stevenson's 13 caused you to re-rank in Tables
2 2 and 4 of your testimony to reverse the project and
3 the reconductor option?

4 A No. I -- could you say the question again.

5 Q Let me try again. All right. Let's look at a
6 specific table, perhaps that will be easier for both
7 of us to follow.

8 A Yes, yes.

9 Q On page 4 of your surrebuttal, you have --

10 A Yes.

11 Q Actually, let's go to Table 5 because you said it was
12 Table 2 and 4 that got altered. So we're looking at
13 Table 2 and you have a ranking; in that case,
14 reconductor is number 1, so that ranking would not
15 change in Table 2?

16 A Yes, it will not change.

17 Q And then if I go to Table 4, which was the other
18 table you talked about, right?

19 A 3 and 4.

20 Q 3 and 4. Okay. Let's start with 3.

21 A Yes.

22 Q In number 3 the reconductor option in the project are
23 tied with a number of 1?

24 A Yes.

25 Q Okay. And is it your testimony that those numbers

1 changed with the 393 number?

2 A No, they don't change I say.

3 Q Perfect.

4 A I said that for 3 and 4, if the cost goes to
5 \$393 million, the ranking will not change.

6 Q Okay. But at some point it does and you gave that
7 number?

8 A Yes. If they exceed because those costs -- if the
9 company revises those costs again and again, and I'm
10 giving a -- the final number that at what level those
11 rankings will change.

12 Q Okay. Can you give me that number again, please.

13 A \$432 million.

14 Q Okay. Thank you. That's what I wasn't following.
15 So if numbers change and the cost of the project is
16 432, we have to re-rank on Table 3 and 4 of your
17 testimony?

18 A You are right.

19 Q Thank you for bearing with me, Mr. Sirohi. That's
20 all I have.

21 A Thank you.

22 EXAMINER NEWMARK: Cross?

23 MS. OVERLAND: Yes.

24 CROSS-EXAMINATION

25 BY MS. OVERLAND:

1 Q Good morning, Mr. Sirohi.

2 A Good morning, ma'am.

3 Q First, as a member of Public Service Commission
4 staff, what is your understanding of what the rapid
5 response team transmission and the fast-tracking of
6 this project means for the PSC?

7 MS. RAMTHUN: Object as outside the scope
8 of his earlier testimony. Also outside this
9 witness's area of expertise.

10 MS. OVERLAND: Is it? I'm trying to find
11 out what this means for this project. Is it outside
12 the scope?

13 EXAMINER NEWMARK: Let's let him answer.

14 THE WITNESS: I didn't hear you. I was --

15 EXAMINER NEWMARK: Oh, you can answer her
16 question, please.

17 A Okay. I think -- could you restate it, please,
18 again.

19 BY MS. OVERLAND:

20 Q Yes. I'd like to know what your understanding is of
21 what the fast-tracking status and the rapid response
22 team for transmissions oversight of this project
23 means to you and the -- in your work in the
24 Commission.

25 A That is a very good question; and I am the public

1 employee, so I have to do my job whenever the
2 information comes and use it. So that is what I will
3 say.

4 Q Has that status had any impact on what you do?

5 A I was fully assigned to this project, so I have been
6 working on it and there were other minor projects and
7 I could also handle those. So I was not disturbed or
8 my schedule was not changed because of the rapid
9 changes.

10 Q So does that mean then that there has been no impact,
11 it hasn't been a concern?

12 A I grew up on a farm, so I can take a lot of things to
13 do.

14 Q Okay. Thank you. In your direct, page 2, lines 6
15 through 7, and I realized I didn't have your
16 sur-surrebutal in here, so... Also, as we go through
17 this, let me know if things have changed in your
18 sur-surrebutal that I'm not taking into account.

19 A Page number 2, ma'am?

20 Q Page number 2, lines 6 through 11, you're discussing
21 project facilities.

22 A Yes, ma'am.

23 Q And your testimony states you agree with the
24 information supplied by the applicants about the
25 design of the proposed transmissions facilities. Did

1 you do independent verification of that information?

2 A Yes, I did. I compared with other projects filed
3 with the Commission and external information which I
4 gathered for my review.

5 Q And then you also state in FEIS Sections 4.2.1 and
6 4.4. Is that correct?

7 A Yes, ma'am.

8 Q And so you're saying you agree with that information?

9 A Yes, I do.

10 Q Okay. And then if you could look at the EIS page 38,
11 Section 4.2.1, it should be -- it was just up there.

12 MS. RAMTHUN: What section? Tell me the
13 page and section.

14 MS. OVERLAND: 38, Section 4.2.1 that he
15 references in his testimony.

16 (Document tendered to the witness.)

17 A Yes, ma'am.

18 Q Okay. One question I have is just an informational
19 type of question. It refers to ACSS/TW.

20 A Yes.

21 Q What does that mean?

22 A I have to check my handbook because I -- at my young
23 age, I sometimes forget the abbreviations. But I
24 think I must have checked it with my handbook and
25 other information I have in things.

1 Q Is that a designation of conductor?

2 A Yeah, that is a designation of a conductor.

3 Q And then, to your knowledge, I mean I notice you talk
4 about the specs of it. Is this a conductor that you
5 would expect to have about 3,000 amps capacity?

6 A Yes. This will be in the range of about 2,000
7 megawatt or so.

8 Q Okay. About 2,000 megawatts or so, so would that be
9 about 3,000-some amps?

10 A That may be.

11 Q And then what do those numbers mean? I mean is that
12 the emergency rating, normal rating, do you have -- ?

13 A I think the -- I think they are summer ratings I
14 should say.

15 Q Do you know if that would also be reflected in the
16 MTEP tables of approved projects?

17 A I'm not the MISO expert, so I was not involved in the
18 MISO --

19 Q So you're not familiar with their description of the
20 projects?

21 A Yes, yes.

22 Q I am -- now I'm struggling with my glasses. And
23 would you agree that because this is -- well, your
24 testimony involves local load. Would you agree that
25 capacity of the line is something that should be

1 considered in determining what type of project is
2 appropriate?

3 A That is true.

4 Q Do you know if that has been addressed in the
5 Environmental Impact Statement?

6 A The capacity of the line?

7 Q Right.

8 A Well, I reviewed the power flow simulations which the
9 company provided. And then based on that, I reviewed
10 whether the capacities they determined were properly
11 addressed when this new project comes on line.

12 Q And is it your opinion that this is an appropriately
13 sized project?

14 A Yes. I'm saying in the final EIS the facilities
15 proposed are properly sized.

16 Q Does that mean it's big enough?

17 A Yes, for the purpose for which I looked at it, they
18 are sufficient.

19 Q Does it -- does this project for local load purposes
20 also potentially provide much more than that which is
21 required for local load?

22 A Yeah. I think I'm concerned about the local area
23 needs only, so it meets the local area needs I will
24 say.

25 Q But regarding local needs, does it also provide more

1 than what local needs could require?

2 A Yeah. It serves local area needs for a very long
3 time. So that is one of the purposes of this
4 project.

5 Q So it could serve much more local need than what is
6 stated?

7 A Yeah. Because in my tables, if you look, you will
8 find then how long does -- each alternative will
9 serve the local area needs. That gives the
10 information.

11 Q Okay. On the FEIS page 38 to 39, you state -- oh,
12 this was your responsibility, right? This part of
13 the EIS, was it?

14 A I don't want to take authorship, but I did write it.

15 Q Okay. I want to be sure I'm talking to the right
16 person here.

17 A Yes.

18 Q You note -- well, the EIS notes on page 39 at the top
19 that the fiber optic would be 36 to 48 fibers. And
20 do you know how many it takes to control a
21 transmission line, how many fibers, roughly?

22 A I don't recall now; but when I reviewed it, I did
23 know.

24 Q Let me go back here just to establish something.
25 Would you agree that fiber optics is often used as

1 communications and controlling for a line?

2 A Yes, that is true.

3 Q And would you agree that there is -- there could be
4 extra fibers, more than what is needed, to control
5 the line within that 36 to 48?

6 A Yeah, it could be. It could be used for some other
7 purposes, but I thought that was reasonable whatever
8 they had there.

9 Q Could that be leased to other parties?

10 A I will not -- I am not expert on that part, so I will
11 not be able to say yes or no.

12 Q Do you know if anyone is -- any of the PSC witnesses
13 have considered that?

14 MS. RAMTHUN: If you know.

15 A I don't know.

16 BY MS. OVERLAND:

17 Q Okay. In the FEIS on page 40, it talks about
18 clearances and minimum heights at mid-span. And what
19 does the -- well, first, is this something that's
20 governed by the National Electric Safety Code?

21 A 44, I think that is the part covered by the -- by Ken
22 Rineer. The crossing, I did not -- if I recall -- I
23 have to consult whether I was part of that writing or
24 not.

25 Q Oh, but it's something you're not, like, familiar

1 with off the top of your head?

2 A No.

3 Q That's okay. It's not that important. And then the
4 FEIS page 45, that would be Section 4.4.

5 A 4.4, ma'am?

6 Q 4.4 where it says project endpoint Briggs Road
7 station.

8 A Yes.

9 Q Does that mean then that -- this is one of the
10 sections you agreed with according to your testimony?

11 A Yes, ma'am. Yes.

12 Q And then does this mean that in your view, the
13 project endpoint is the Briggs Road -- would be the
14 Briggs Road substation?

15 A No. I'm not talking about -- I'm talking here about
16 the substation facilities, whether it should be
17 Briggs Road or something else. I did not go and
18 investigate that. My assignment was limited to the
19 facilities proposed for the substation, are they
20 properly proposed and do they meet the need.

21 Q Okay. And so no other substations were reviewed as a
22 part of this?

23 A Yes, ma'am, yes.

24 Q And so when you were -- if you turn to page 46, if
25 you're looking at whether this would -- I'm not

1 hearing you very well, but I want to make sure I have
2 this right -- whether this would meet the need; is
3 that what you had -- your task was?

4 A Yes.

5 Q Okay. If you look at the drawing of the substation,
6 would you agree that there are lines coming in and
7 coming out?

8 A Yes, I do see it.

9 Q And then do you see in the south -- not the
10 southwest -- the lower left-hand corner where there's
11 a lot of open spaces there?

12 A Yes, ma'am.

13 Q In a substation drawing, what would those open spaces
14 there represent?

15 A I wouldn't be able to tell you.

16 Q Then how did you evaluate -- when you evaluated this
17 substation to determine whether it would meet the
18 need, what did you look at?

19 A I look at the facilities only, ma'am.

20 Q The what? I'm sorry.

21 A What equipment they will be using. What transmission
22 line, transformer and other machine equipment they
23 will need, I only look at that.

24 Q Would you agree that in the lower left-hand section
25 of this drawing -- scale drawing, Figure 4.4-1, that

1 it looks like there's not equipment in that part of
2 it?

3 A I didn't follow you.

4 Q Okay. If you look --

5 MS. RAMTHUN: I have to object. I don't
6 know what part of the figure you're referring to.

7 BY MS. OVERLAND:

8 Q I'm referring to the substation drawing here. Okay?
9 We're this far?

10 MS. RAMTHUN: Right.

11 MS. OVERLAND: Okay.

12 Q And then do you see the boundaries of the
13 substation --

14 A Yes, ma'am.

15 Q -- itself?

16 A Yes.

17 Q And then do you see the space in the lower left-hand
18 corner where there aren't lines coming into it, the
19 part that's there are not lines coming into it?

20 A Yes.

21 Q Do you see that? Would you agree that that would
22 be -- that would mean that there's not equipment in
23 that part of the substation?

24 A Looking at this small size drawing, I cannot make a
25 comment.

1 Q Okay. Let me try another one --

2 A And then I think if that question is directed to the
3 applicants, they can better answer that.

4 Q Okay. And that's true, though, but I can't direct it
5 to the applicants at this point.

6 Would you agree that the lines going into
7 that drawing, the border of the substation, are --
8 represent transmission lines going in?

9 A Yes, ma'am.

10 Q Okay. I'll leave it at that. Also, looking at this,
11 would you agree that the Briggs Road preferred and
12 alternate substations as presented by applicants are
13 contiguous in this location?

14 A I didn't understand that question.

15 Q Would you agree that these substations are right next
16 to each other in their locations as proposed?

17 A I'm not the location expert.

18 Q Okay. In your direct page 2, lines 10 and 11, you're
19 testifying that the facilities and the design are
20 reasonable. That would be at page 2, lines 10 to 11.

21 A Yes, ma'am. Yes.

22 Q What does reasonable mean? Reasonable for what
23 purpose?

24 A For the 345 kV line termination, what facilities are
25 needed connect -- for the 345 kV termination line

1 terminating at that substation connected with other
2 existing facilities.

3 Q Now, in your testimony, tell me if I'm confusing
4 things, but -- and is it still correct -- is it
5 correct that you are concluding that the reconductor
6 option is the least cost option?

7 A Based on table --

8 Q That would be in your sur-surrebutal?

9 A Yeah, I just -- -- yes. That is in my surrebuttal
10 actually.

11 EXAMINER NEWMARK: Surrebuttal.

12 BY MS. OVERLAND:

13 Q And the option C would be the -- what you regard as
14 the least cost option on page 2 of your
15 sur-surrebutal?

16 A Page 2. I think we are having -- are you talking my
17 surrebuttal or sur-surrebutal?

18 Q Sur-surrebutal on the top of page 2.

19 A The Table SS1, ma'am?

20 Q I can't see that part of it. Just a minute.

21 Mine doesn't have a heading on the top of
22 it, maybe it's on the bottom.

23 MS. RAMTHUN: It's Table SS1.

24 BY MS. OVERLAND:

25 Q Okay. It's Table SS1, yes.

1 A Yes.

2 Q Now, if the reconductor option is what you're viewing
3 as the least cost option, how logically is it that
4 the 345 project is -- you're deeming that reasonable?

5 EXAMINER NEWMARK: Is this in testimony?

6 A It is in my testimony and I based it on the cost
7 comparison and load serving needs of the local area.

8 BY MS. OVERLAND:

9 Q If it can be done in another way that is least cost,
10 is it still reasonable?

11 A If it can be done in another way?

12 Q Like reconductoring, as you state --

13 A Yes.

14 Q -- is it still reasonable as a 345?

15 A I'm not getting what you are trying to ask me, so I
16 don't understand.

17 MS. RAMTHUN: Let me interpose an
18 objection. Reasonable for what purpose?

19 MS. OVERLAND: Well, that's what I'm
20 wondering. The testimony doesn't state and
21 that's --

22 A This is -- my testimony is for the local area needs
23 only, ma'am.

24 Q Right.

25 A So I'm saying the reconductor option as shown in

1 Table SS1 is the least cost.

2 Q Right. And you're testifying also in the beginning
3 in your direct page 2 that the project facilities,
4 you've reviewed them, and the design and facilities,
5 you're saying that they're reasonable. So does that
6 change if the reconductor option is the least cost?

7 A There is a distinction here.

8 Q Okay. Please.

9 A Alternatives are analyzed in my testimony also; and
10 the facilities proposed by the applicants were also
11 reviewed because at that time, I cannot say that the
12 applicants should propose this alternative or that
13 alternative. So there is a distinction here. I
14 think I made it clear that I reviewed what they
15 proposed as facilities for 345 kV transmission line
16 project and I reviewed alternatives that can serve
17 the local area needs.

18 Q And those are distinct?

19 A They are distinct.

20 Q Okay.

21 A Yes.

22 Q So then to be clear of what you're saying then,
23 you're saying that the project facilities and design
24 as proposed by the applicants and as reviewed in the
25 EIS, they are reasonable for what they are?

1 A Yes. Suppose if the Commission approves a
2 particular -- if it approves the proposed project.
3 Then I am saying those facilities which are proposed
4 with those -- with 345 kV transmission project are
5 proper.

6 Q Okay. Got it. I needed that separation and
7 distinction. Thank you.

8 A Thank you.

9 Q Now, you had evaluated also, like, reconductoring and
10 lower voltage options?

11 A Yes.

12 Q Did you take into consideration any lower voltage 161
13 lines that are proposed as a part of this project and
14 not -- and others in the southeast Minnesota region
15 that may have an impact on La Crosse?

16 A My analysis was limited to the local area needs which
17 is La Crosse area. So they were not looking -- I was
18 not looking at what happens in Minnesota.

19 Q Okay. Did that take into account the electrical
20 connections in the 161 line in the area that does
21 include Minnesota?

22 A Yes. They were part of the power flow analysis I
23 did.

24 Q So, for example, were -- do you know if the Chester
25 line that is the 161 line that is associated with

1 this project was included in those power flows?

2 A I think applicants could verify that because the
3 models were prepared and filed with us -- that they
4 came from the applicants.

5 Q And I can't go there. So you don't know offhand?

6 A Unless I go back to my desk and look at them, I will
7 not be able to say yes or no.

8 Q Now, on page 3, line 4.

9 A Of my direct?

10 Q Of your direct. You state that modeling was done,
11 performed using a 2012 forecast at summer peak load.
12 And when -- do you know when that model was
13 developed? It's line 4 on page 3 of your direct.

14 A I think that's described in the applicants' filing,
15 ma'am. So I don't recall it, but it is described
16 when it was prepared.

17 Q Do you know if that's the most recent model currently
18 in use?

19 A I cannot say.

20 Q Okay. Then on line 20, the first part, the first
21 phrase there, I want some clarification --

22 A 20?

23 Q Page 3, line 20. And it says that applicants
24 identified the critical N-2 contingency.

25 A Yes.

1 Q Okay. And does that mean that is the critical
2 contingency or is it just they identified a critical
3 contingency? Is it, like, this is the most
4 important?

5 A This is the most important.

6 Q Okay. That's what that means. Were you present for
7 the testimony of Jeff Webb from MISO?

8 A Yes, I was.

9 Q Do we have his... Did you look at the chart that was
10 associated with his testimony? Would that be up
11 there? Would his testimony? Jeff Webb.

12 EXAMINER NEWMARK: No.

13 MS. RAMTHUN: Let me object first as going
14 beyond the scope of his direct and his previously
15 filed testimony.

16 MS. OVERLAND: I don't think so. He's
17 talking about the contingencies in the area. I'm
18 referring to Jeff Webb's chart about the
19 contingencies in the area. It's directly on point.

20 MS. RAMTHUN: All right.

21 EXAMINER NEWMARK: Continue.

22 MS. OVERLAND: May I approach with this?

23 EXAMINER NEWMARK: If you show it to her.

24 MS. OVERLAND: It's that chart there.

25 EXAMINER NEWMARK: So where are you?

1 MS. OVERLAND: The chart on Jeff Webb's
2 testimony, I think it's page 12. I have to run back
3 and look.

4 MS. RAMTHUN: It's Jeff Webb's direct
5 testimony, page 13, Table 1.

6 EXAMINER NEWMARK: Okay.

7 BY MS. OVERLAND:

8 Q Have you looked at that testimony before?

9 A Yes, ma'am.

10 Q Okay. Would you agree that that's a listing of
11 critical N-2 contingencies?

12 A Yes.

13 Q And what is the modeling year of that? Would you
14 agree at the top of the chart there it's 2016?

15 A That is 2016.

16 Q Okay. As you look at that, do you see the
17 Alma-Marshland 161 kV line listed as one of the
18 critical contingencies in the critical contingency
19 column?

20 A That's number 2?

21 Q Under critical contingencies on the left-hand side
22 there.

23 A That is critical facility, ma'am. The contingency
24 event is in the middle column.

25 Q Right. But I'm referring to critical facility. Is

1 it listed there?

2 A Yes.

3 Q Under critical facilities, where -- which line would
4 it be? The line is listed under contingency event,
5 in that column; but under critical facilities, do you
6 see it?

7 A Yes, I do. Column 1.

8 Q What is it that you're seeing that says
9 Alma-Marshland? Are you seeing where it says Genoa
10 number 3 plus Alma-Marshland 161?

11 A Yes. That's the contingency event.

12 Q That's the contingency event, correct?

13 A Yes.

14 Q And critical facility, do you see --

15 A Yes.

16 Q Is it listed -- do you see that listed in the
17 critical facility column?

18 A Critical facility did --

19 MS. RAMTHUN: Let me object. I don't
20 understand the question. I think it was vague. Can
21 you rephrase it?

22 MS. OVERLAND: Very simply.

23 Q Under the critical facility column that is on the
24 left-hand side, is the Alma-Marshland 161 line listed
25 anywhere in that column?

1 A No.

2 Q Okay. Thank you. That's all.

3 On page 4, 4 and going into page 5, you are
4 using the business-as-usual scenario. And what is
5 the basis for that choice, your basis for that
6 choice?

7 A That came from Dr. Urban's testimony who is --

8 Q Doctor which? Oh, Urban.

9 A Yes.

10 Q Okay. So that was her choice?

11 A I won't say her choice, but that's the numbers she
12 gave me.

13 Q Okay. On page 6, lines 4 through 5, about the
14 operation of French Island. You stated that you
15 believed that operation decisions should be based on
16 the applicable restrictions in costs, but then you
17 state that you did not ask for those, for
18 reactivation and operational costs. And why not?

19 A That is French Island 3, ma'am.

20 Q 3.

21 A Yes. I'm talking here about they criticize what we
22 wrote in the final EIS. So I'm rebutting that
23 criticism that the generalities cannot explain the
24 decision of dispatching power plants. The numbers
25 must speak out the -- what are the realities for

1 dispatching a power plant.

2 Q So essentially that they should have disclosed that
3 information?

4 A Yes.

5 Q Okay.

6 A Yes. Or this was described in a manner that involved
7 numbers rather than that this will happen, that will
8 happen.

9 Q Just more specifics and not generalities?

10 A Yes.

11 Q Let's see. And on page 7, I want to clarify, you did
12 question whether -- you questioned the manual that
13 Mr. Webb had referred to, and you did receive that
14 information; is that correct? On page 7,
15 condition 1.

16 A Yes.

17 Q You did receive that?

18 A Ultimately.

19 Q And that was resolved to your satisfaction?

20 A Yes. That's why I described my opinion in my
21 surrebuttal.

22 Q And page 7, on conditions 2 and 3, line 7, you're
23 stating that French Island units 3 and 4 are not
24 operationally restricted; is that your belief?

25 A Yes. That is based on the information applicants

1 provided in one of the data requests to us.

2 Q Would you regard air permit limits even if they're --
3 okay. If an air permit allows X of emissions and the
4 plant would emit X minus whatever, so it's below, and
5 if it never reaches that, would you regard that
6 situation as not being -- not having -- not being
7 operationally restricted?

8 A We spec --

9 MS. RAMTHUN: I'm going to object as
10 overly broad and vague and beyond this witness's
11 expertise.

12 EXAMINER NEWMARK: Sustained.

13 MS. OVERLAND: Actually, I think he knows
14 exactly what I'm talking about. I'll phrase it
15 another way.

16 Q Would you regard air permit limits, even if -- if
17 they're never reached, never violated, as an
18 operational restriction?

19 A That could be true.

20 Q That would be. And so when you say that they're not
21 operationally restricted, would you mean that the air
22 permits have no emissions limits?

23 A We asked a specific question whether DNR or EPA laws
24 have any restriction placed on operation of the
25 French Island plants, and we got an answer no. So

1 that's my reference.

2 Q Do you know how -- are air permits available in
3 Wisconsin publicly? Maybe on the DNR site?

4 A I'm not expert on that.

5 Q Don't know? Okay. Do you know if they have air
6 permits? Just generally.

7 A I will not say definitely yes or no.

8 Q Now, on page 7, lines 16 to 20, you testify that the
9 local transmission system alternative is sufficient
10 to 2024, which is about 12 years out now. How far
11 out do you generally regard forecasts as reliable?

12 A Generally we accept a planning period starting from
13 10 years to 20 years. So when we plan, we look for
14 that planning period.

15 Q Okay. And I'm looking at page 8, Table 3, and I note
16 that you took the interest and inflation rates from
17 Kiplinger, I believe. Well, first, is that correct?

18 A I think it is the citation in my testimony where I
19 took those numbers from.

20 Q Did you do any checking around elsewhere to see if
21 that's a reasonable mortgage rate?

22 A Yes, I subsequently did.

23 Q And you found -- ?

24 A It was in the general range.

25 Q Okay. And how about the inflation rate?

- 1 A That was also in the...
- 2 Q And you did do a little checking around?
- 3 A Yes, I did.
- 4 Q Okay. Thank you. Also, in addressing the
5 reconductor option, was there any consideration of
6 reconductoring the old 345 kV system?
- 7 A I think the applicants have been studying that option
8 since 2006. And they have been upgrading that
9 reconductor option for a long time. I don't recall
10 if there was any reconductoring of 345 kV line. So
11 they were limited to 161 kV line or 69 kV lines.
- 12 Q And you were limited for what reason?
- 13 A This is an option which the applicants have studied
14 for a long time. So this is not an option which I
15 determined that you will need for this project.
- 16 Q Do you have any latitude to come up with options?
- 17 A Yes, I did. That's why there were a couple of
18 alternatives I asked the applicants to evaluate for
19 the -- for me.
- 20 Q Do you know, did you consider and reject potential of
21 a 345 reconductor option?
- 22 A No, I did not.
- 23 Q Okay. Also, I have a question about Exhibit 2 which
24 was the equivalent real annual costs.
- 25 A Yes.

1 Q What's the significance of that to you? I presume
2 you relied on it for your testimony; is that correct?

3 A Yes. The ranking is based on that information,
4 ma'am.

5 Q And is this a process, technique, that you have used
6 in other proceedings as well?

7 A I don't recall. But that's a common practice; if you
8 Google it, you will find resources or where this has
9 been used.

10 Q Okay. Thank you. If you go to your surrebuttal, do
11 you have that up there?

12 A Yes, ma'am.

13 Q Page 2, lines 6 and line 12 -- that doesn't sound
14 right. Hold on a second. This is not right. Just a
15 minute.

16 Okay. Page 2, line 6 and line 12. You're
17 noting that these don't solve all of the transmission
18 system violations. Is it necessary to resolve all of
19 the transmission violations to -- is it necessary to
20 resolve all of them?

21 A Yes, it is necessary when you plan a project.

22 Q Would you agree that if some were resolved and some
23 were not, that may shift what happens with the ones
24 that were not resolved, electrically?

25 A That the electric system may not sustain the load

1 serving capability.

2 Q I don't understand.

3 A It may not serve the load for the particular area.

4 Q I'm not getting it.

5 A Because if you don't do anything and you keep loading
6 those lines which have not -- which have problems,
7 they will get aggravated and then you have to suspend
8 your operation serving particular areas served by
9 those lines.

10 Q But isn't it true that, say, if you had five lines
11 and you upgraded three of them, that the upgrade of
12 those three would have an impact on the remaining
13 lines?

14 A You are right 100 percent.

15 Q Okay. Thank you. I am missing some of my -- I think
16 I didn't save my work last night.

17 Now, alternative A, you're stating that
18 it's not a feasible alternative. Now, wasn't that
19 associated with a 1.9 million rotor cost upgrade?

20 A I think I describe later that if French Island 3 is
21 reactivated, this option may become viable or
22 feasible. But I did not analyze that in my
23 testimony.

24 Q In thinking of if one option changes, that shifts
25 things for everything else. Would you agree that

1 that 1.9 million upgrade in addition to the
2 reconductor option might have a positive impact on
3 local load serving and reliability?

4 A Any resource will help in the reliability.

5 Q And in the cosmic realm of things, is 1.9 million
6 very much money when you're talking about electrical
7 upgrades?

8 MS. RAMTHUN: Object, I have no idea what
9 the cosmic realm is.

10 MS. OVERLAND: I think he does, but I'll
11 rephrase.

12 MR. CULLEN: I think we're in it.

13 BY MS. OVERLAND:

14 Q With all of the money that we're talking about, for
15 example, in your Table S -- whatever -- 1, where
16 we're looking at costs of hundreds of millions of
17 dollars, is a 1.9 million rotor upgrade very much to
18 spend?

19 MS. AGRIMONTI: I'm going to object to the
20 foundation of the question. She's asking the
21 context of that being a viable alternative, and I
22 don't think that's been established.

23 EXAMINER NEWMARK: Sustained.

24 MS. OVERLAND: I think --

25 EXAMINER NEWMARK: No, sustained. Let's

1 move on.

2 MS. OVERLAND: I was looking at it as an
3 addition, not an alternative. Okay. I have no
4 further questions.

5 EXAMINER NEWMARK: Other cross? I just
6 had a quick one for you. And I think I noticed it
7 in the last portion of testimony that you were
8 directed to. So maybe you have it open. I don't
9 have it in front of me. But it was something that
10 dealt with NERC and it said a C contingency, 3
11 contingency. And I'm just curious, I know I'm
12 familiar with N contingencies. And I'm just
13 wondering, when you see C contingencies, what is --
14 is that the same thing?

15 THE WITNESS: That is described in
16 Mr. Webb's testimony. So I borrowed it from there.

17 EXAMINER NEWMARK: But are they
18 synonymous, N and C?

19 THE WITNESS: Yes, they are.

20 EXAMINER NEWMARK: Okay. Thanks.

21 MS. AGRIMONTI: I prom -- can we go off
22 for just a second?

23 EXAMINER NEWMARK: Sure. We'll go off the
24 record.

25 (Discussion off the record.)

1 MS. RAMTHUN: I have no redirect.

2 MS. OVERLAND: I have a question regarding
3 his exhibit that he referenced on -- that was ERF'd.
4 But I don't believe it's an exhibit.

5 MS. RAMTHUN: Which one?

6 MS. OVERLAND: Just a second. I'm pulling
7 it up.

8 EXAMINER NEWMARK: Let's go off the
9 record.

10 (Discussion off the record.)

11 EXAMINER NEWMARK: You're excused.

12 (Witness excused.)

13 EXAMINER NEWMARK: We can go off the
14 record.

15 (Discussion off the record.)

16 (Recess taken from 12:15 to 1:15 p.m.)

17 EXAMINER NEWMARK: Let's get on the
18 record. Let's have Ms. Overland just give us
19 descriptions of a few more items that she'll include
20 in her exhibit. Why don't you go ahead.

21 MS. OVERLAND: Okay. Which number did you
22 want me to start at?

23 EXAMINER NEWMARK: 20.

24 MS. OVERLAND: 20. Okay. 20 would be the
25 U.S. Fish and Wildlife letter dated February 19th,

1 2008. It's a letter to Pam Rasmussen, Xcel Energy,
2 or maybe NSP. And item 21 would be a U.S. Fish and
3 Wildlife letter dated May 4th, 2009, to Tom
4 Hillstrom, also Xcel Energy or NSP, whichever. And
5 item 22 would be a U.S. Fish and Wildlife DEIS
6 comment for the Minnesota docket, that would be
7 docket 08-1474, dated April 29th, 2011.

8 EXAMINER NEWMARK: All right. Okay. Off
9 the record.

10 (Discussion off the record.)

11 EXAMINER NEWMARK: Let's get on record. I
12 just wanted to mention there's been a request that
13 I -- instead of taking that Mississippi Parkway
14 Commission resolution and putting in the public
15 comment exhibit, we're going to make that Rineer
16 Exhibit 4, just so it doesn't get confused with
17 comments that were filed within the comment time
18 frame.

19 (Rineer Exhibit No. 4 was marked.)

20 EXAMINER NEWMARK: And that was 144271. I
21 think that's it.

22 MS. AGRIMONTI: I just wanted to
23 officially move admission of King 15 which is
24 applicants' response to 2CUB request for production
25 number 6. Actually, it's NSPW's response. And that

1 data has been summarized into one sheet which is
2 what is Exhibit 15 that shows the hours that French
3 Island was run for 2010 and '11. And it is
4 confidential.

5 EXAMINER NEWMARK: Okay. Any objections?
6 Okay. That's in.

7 (King Exhibit No. 2 received.)

8 EXAMINER NEWMARK: And we can start with
9 the next staff witness.

10 MS. RAMTHUN: We call Julie Urban.

11 JULIE A. URBAN, STAFF WITNESS, DULY SWORN

12 DIRECT EXAMINATION

13 BY MS. RAMTHUN:

14 Q Would you state your name.

15 A My name is Julie A. Urban.

16 Q And Ms. Urban, did you file direct and rebuttal
17 testimony and one exhibit in this matter?

18 A Yes, I did.

19 Q If I asked you the same questions today that are in
20 your testimony, are your answers the same?

21 A Yes, they are.

22 Q Do you have any corrections to your testimony or
23 exhibit?

24 A No.

25 MS. RAMTHUN: Ms. Urban is available for

1 cross.

2 EXAMINER NEWMARK: Okay. Questions?

3 MS. AGRIMONTI: No, Your Honor.

4 MS. OVERLAND: I do have some.

5 CROSS-EXAMINATION

6 BY MS. OVERLAND:

7 Q Good afternoon.

8 A Afternoon.

9 Q Not too much. I see that I at some point got some of
10 your questions mixed up with Mr. Sirohi's, so I'll do
11 some winnowing here. In your description of your
12 experience, you're talking about working on MTEP
13 processes and other study groups and such. Have you
14 also worked on the JCSP planning?

15 A No, I have not.

16 Q And you're familiar with what JCSP is?

17 A No.

18 Q Have you worked on the Eastern Interconnect
19 Planning --

20 A No, I have not.

21 Q Regarding the MTEP process, it says you've been
22 following. What does following mean?

23 A I participate in the planning advisory committee and
24 participate in the discussions of the future
25 scenarios in the growth rates that are used for the

1 MTEP planning process.

2 Q Okay. Is it mostly a monitoring function?

3 A No, not necessarily. I do actively participate in
4 the discussions with other stakeholders.

5 Q Okay. Thank you. On page 3, line 3, you're looking
6 at load forecasts used by the applicants. And you
7 state it in the singular. Have you looked at one
8 load forecast or several load forecasts?

9 A By the applicant?

10 Q By the applicants.

11 A I would say one load forecast. There have been
12 revisions, a couple revisions from the original
13 forecast that we received. They did a supplemental
14 report and there was a revised forecast.

15 Q When you say supplemental report, would that be the
16 supplemental needs statement?

17 A Correct.

18 Q And when you -- the load forecast you started out
19 with, would that be the one that came in when they
20 first made their application?

21 A That's correct.

22 Q Have you reviewed the 2005 what would be item 5, the
23 technical update from October 2005?

24 A I did. But that was quite a while ago, so I do not
25 remember details.

1 Q Okay. Would you accept, subject to check, that that
2 report is predicated on a 2.49 percent growth rate?

3 A I cannot verify that. I don't remember.

4 Q Okay. Do you have any idea what the growth rate
5 might have --

6 A No.

7 Q Are you familiar with any MISO forecasting
8 guidelines?

9 A I am familiar with the process that they use in MTEP.
10 They look across a number of scenarios which
11 determine growth rates within each of those
12 scenarios, and I'm involved in the discussion of
13 putting together what those scenarios look like and
14 also in advising the OMS on what would be the most
15 likely forecast.

16 Q And what would the O -- oh, there it is. OMS. Okay.
17 Can you explain the relationship between OMS and
18 MISO?

19 A OMS are the regulators within the MISO footprint, and
20 the OMS is the group of regulators. We have working
21 groups that monitor the -- what's going on on the
22 grid. And we advise the MISO board.

23 Q Okay.

24 A I'm sorry, not the MISO board, the OMS board. Excuse
25 me.

- 1 Q Oh, okay. And then does the OMS take positions on --
- 2 A Yes, they do. In the MISO committees, the advisory
3 committee, um-hmm.
- 4 Q Okay. Now, I just wanted to run over, on page 3,
5 lines 10 through 16 -- 17, you're explaining how they
6 came up with their percentage growth rates, or what
7 numbers they used. And so is it correct that there
8 were two levels of forecasting going on: In one NSPW
9 was applying a 1.02 percent growth rate starting in
10 2011, and then on a parallel track Dairyland was
11 averaging their loads and growing it at that rate,
12 and these were happening simul --
- 13 A That is my understanding.
- 14 Q And has anything occurred that would change that view
15 of how they were doing it?
- 16 A Not -- no.
- 17 Q Okay. I'm going to jump over a few pages and take a
18 look at page 6, line 1 and 2. And what is your basis
19 for focusing on this EIA rate compared to the other
20 rates available?
- 21 A I just wanted to cite that as another projection of
22 electricity demand just as a -- for a comparison.
- 23 Q And then that's pretty close to one of the MISO rates
24 of .78, correct?
- 25 A Yes, it is.

1 Q And on the bottom of 6 going into 7, you're stating,
2 you know, given consensus that economic recovery will
3 be slow, does that also say then the position of the
4 PSC is that it would be slow?

5 A I'm not sure if that's the position of the PSC, but
6 that's my position.

7 Q Okay. And would slow mean more in line with the .78
8 percent or is there --

9 A This isn't referring to the U.S. economy as a whole.

10 Q Okay.

11 A That the recovery out of -- the recovery would be
12 somewhat slow. We would expect a slower growth in
13 GDP, for example.

14 Q And then that would be the slower than the
15 business-as-usual scenario?

16 A The business-as-usual scenario does not give us an
17 estimate of what's happening with growth in GDP for
18 the U.S. economy.

19 Q Would that lead you to --

20 A The point of citing slow economic growth would be
21 that if there is slow economic growth, that we would
22 expect a slightly lower growth in electricity demand.

23 Q I'll leave it at that. That's fine. You also
24 reference heavy support for scenario 1 by the MISO
25 stakeholders. And --

1 A Yes.

2 Q -- can you be a little more specific about what that
3 means?

4 A In the MTEP process, they -- the stakeholders vote
5 across four scenarios on which scenario they think is
6 most likely to occur. And the scenario 1, the .78
7 percent annual growth rate, received 51 percent of
8 the stakeholders -- 51 percent of the stakeholders
9 rated that as the most likely scenario of the four
10 scenarios.

11 Q And then you agree that that's the most likely as
12 well?

13 A I would -- I would agree that that's the most likely.
14 But I'm going to temper it a little bit and say as an
15 economist, I will not -- I do not have a perfect
16 crystal ball and I will not say that I think the
17 growth rate will be .78. I think it's much more
18 reasonable to give a range, and that's why I used the
19 range .78 percent to 1.28 percent. For me, that's a
20 reasonable range to expect the growth rate to be in
21 the future.

22 Q And you discuss the Commission's role in assessing
23 the impact on wholesale competition. How do you deal
24 with that -- well, first, wholesale competition, that
25 goes beyond the borders of Wisconsin, right?

1 A That is correct.

2 Q And how do you deal with assessing that if the
3 wholesale competition is leading to use of Wisconsin
4 as a pass-through to places elsewhere? How does that
5 play into your analysis?

6 MS. AGRIMONTI: Objection, facts not in
7 evidence.

8 MS. RAMTHUN: Object because I don't
9 understand the question.

10 EXAMINER NEWMARK: Maybe you lay a
11 foundation for that. If she knows this topic, she
12 might be able to answer.

13 BY MS. OVERLAND:

14 Q First, you're testifying about the Commission's role
15 in assessing the effect of wholesale competition when
16 approving a line. Oh, I see a problem. Okay.

17 MS. RAMTHUN: Is that a question or a
18 comment or --

19 MS. OVERLAND: I'm building. I just made
20 a statement of what her testimony was, and then I
21 realized there was a problem in my logical
22 progression, so I stopped. And now I'm rethinking.

23 Q Okay. On page 8, the question you're responding to
24 is what are the attributes of a new transmission line
25 that will enhance wholesale competition? So, first,

1 is it your testimony that the line from Hampton to
2 La Crosse will enhance wholesale competition on its
3 own?

4 A I would surmise that that would -- there would be
5 increased transferability and perhaps may lower the
6 production costs of electricity for the consumers.

7 Q And will that happen with Hampton to La Crosse
8 without a La Crosse to Madison extension eastward?

9 A That is outside my area of expertise.

10 Q Are you testifying that there would be regional
11 reliability benefits for the Hampton to La Crosse
12 only without the La Crosse to --

13 A That, too, is outside my level of expertise, my area
14 of expertise. I'm not a power engineer.

15 Q Well, you're testifying about enhancing wholesale
16 competition, correct?

17 A Yes. In general, we would expect if you increase
18 transferability, that you're making more options
19 available in terms of generating energy, and you may
20 have -- and that may lower production costs. So in
21 general, we would guess that if you increase
22 transferability, that you would have lower pricing
23 across the grid.

24 Q Okay. And you're talking about increasing
25 transferability from where to where? Transferring --

1 A I am just referring to this in a general sense.

2 Q Okay. But now in this case, we're looking at a
3 specific line from Hampton down to La Crosse. So
4 you're discussing --

5 A And as I say in line 12, that this could allow LDCs
6 to acquire energy with fewer congestion and loss
7 charges in the MISO market; when energy outside is
8 available at prices lower than the cost of generating
9 electricity outside the La Crosse/Winona area, that
10 could benefit electricity consumers in the local
11 area.

12 Q Now, am I correct, though, that you were going to
13 be -- just a minute.

14 Now, Mr. Sirohi was dealing with local
15 load, and then what is it then that you're dealing
16 with? It's -- were you dealing with more regional
17 issues, regional reliability?

18 MS. RAMTHUN: I'll object. Her testimony
19 speaks for itself.

20 EXAMINER NEWMARK: Sustained.

21 BY MS. OVERLAND:

22 Q Moving to your rebuttal. Have you reviewed the
23 capacity validation study? It's Ms. King's
24 Exhibit -- I don't remember which, maybe 14.

25 A No, I have not. Or if I have, I don't recall.

1 MS. OVERLAND: I have no further
2 questions.

3 EXAMINER NEWMARK: Okay. Other questions?

4 MS. AGRIMONTI: I have one follow-up
5 question, Your Honor, if I might.

6 CROSS-EXAMINATION

7 BY MS. AGRIMONTI:

8 Q Ms. Urban, you were talking about the range of .78 to
9 1.28 growth rate. Do you recall that?

10 A Yes.

11 Q Is that testimony for the La Crosse area or were you
12 referring to the MISO footprint?

13 A I felt that using the MTEP growth rates were the best
14 projections available in order to establish bookends
15 for a reasonable range of growth rates. So --

16 Q So is it your -- I'm sorry.

17 A I would say in general, no, they don't necessarily
18 reflect the local need; but I felt that I did not
19 receive sufficient detail to -- detail and
20 explanation to justify a growth rate of 1.46 percent
21 that was submitted by the applicants.

22 Q So is it your testimony then that the best
23 information you have is that for the La Crosse area,
24 this range would be applicable?

25 A I would see that as a reasonable range to expect over

1 the next 20 to 30 years. And, again, I would base
2 that on the historical growth that we have seen in
3 the past in the La Crosse area and the fact that
4 population projections are for a lower growth rate
5 than we've had in the past.

6 Q In the last 20 years, has there been a period where
7 the growth rate has been as low as .78?

8 A Actually, what I did, what drove some of my analysis
9 is looking at the 2002 peak load growth and comparing
10 it to 2010. And the reason I used those two years is
11 because they had similar weather in those years. The
12 peak temperature in 2002 was 94, the peak temperature
13 in 2010 was also 94. And I felt that provided a more
14 accurate trend line than looking at 2002 to 2011.
15 The reason being, again, because the climate was
16 similar in those two years and it would give me a
17 better, long-term trend rate. If I look at that
18 growth rate, it's .75.

19 MS. AGRIMONTI: Okay. Thank you.

20 EXAMINER NEWMARK: Which is "that growth
21 rate," you mean the --

22 THE WITNESS: The average annual growth
23 rate.

24 EXAMINER NEWMARK: For those --

25 THE WITNESS: Over the time period from

1 2002 to 2010. 2011 was a hot year as compared to
2 2010 and 2002.

3 EXAMINER NEWMARK: Okay.

4 CROSS-EXAMINATION

5 BY MS. LOEHR:

6 Q Just a clarifying question in follow-up to your
7 conversation with Ms. Agrimonti. You mentioned that
8 you felt you had not received enough information to
9 support the 1.46 percent of the applicants. Do you
10 still feel that way now?

11 A Yes, I do.

12 MS. LOEHR: Thank you.

13 MS. RAMTHUN: No redirect.

14 EXAMINER NEWMARK: I was just curious, are
15 you familiar with weather normalization?

16 THE WITNESS: Somewhat.

17 EXAMINER NEWMARK: Okay. And it's done --
18 the Commission does use that concept in other
19 dockets, other applications?

20 THE WITNESS: Um-hmm.

21 EXAMINER NEWMARK: Do you know what the
22 purpose of that would be?

23 THE WITNESS: I think that would be to
24 focus on the long-run trend of the increase in
25 demand rather than looking at the static of the

1 changing weather over time.

2 EXAMINER NEWMARK: And do you know how
3 that would be done?

4 THE WITNESS: No, I don't.

5 EXAMINER NEWMARK: No? Okay. Thanks.
6 Any other questions? Okay. You're excused.

7 (Witness excused.)

8 MS. RAMTHUN: Our next witness is Don
9 Neumeyer.

10 DONALD NEUMEYER, STAFF WITNESS, DULY SWORN

11 DIRECT EXAMINATION

12 BY MS. RAMTHUN:

13 Q Mr. Neumeyer, did you file direct testimony and an
14 errata correction of that direct testimony?

15 A Yes, I did.

16 Q Did you file -- also file four exhibits with that
17 testimony?

18 A Yes, I did.

19 Q And if I asked you the questions that are in your
20 testimony today, would your answers be the same?

21 A Yes, they would.

22 Q And did you prepare the exhibits?

23 A Yes, I did prepare those exhibits.

24 Q And any corrections?

25 A None to the exhibits.

1 MS. RAMTHUN: Mr. Neumeyer is available
2 for cross.

3 MS. AGRIMONTI: Your Honor, again, I do
4 not have specific questions, but would like to
5 introduce Mr. Neumeyer's responses to NoCapX's CTCF
6 02 series data requests.

7 EXAMINER NEWMARK: That's Neumeyer --

8 MS. AGRIMONTI: It would be Neumeyer 5.

9 EXAMINER NEWMARK: You're correct.

10 (Neumeyer Exhibit No. 5 marked.)

11 EXAMINER NEWMARK: Any objections?

12 MS. RAMTHUN: No objection.

13 EXAMINER NEWMARK: Okay. So that's in.

14 (Neumeyer Exhibit No. 5 received.)

15 MS. AGRIMONTI: That's all I have, Your
16 Honor.

17 EXAMINER NEWMARK: Any other questions?

18 MS. OVERLAND: I'll have a few, in
19 addition to I want to thank the applicants for doing
20 my work. I appreciate it.

21 MS. SMITH: Was this going to be Exhibit
22 No. --

23 MR. CULLEN: 5.

24 MS. SMITH: Wasn't this previously ERF'd?

25 MS. OVERLAND: Yes, it was.

1 MS. HERRING: We won't file this again,
2 we'll just use that designation.

3 MS. AGRIMONTI: I'm sorry. It is
4 reference 160503.

5 CROSS-EXAMINATION

6 BY MS. OVERLAND:

7 Q Good afternoon.

8 A Good afternoon.

9 Q I'll be cross-referencing so we'll eliminate some of
10 these. I noticed in your C.V. on page 2 that you've
11 done some work on characteristics of new high voltage
12 underground cables. And can you tell me a little
13 about that work?

14 A I'm looking for the word characteristics.

15 Q Maybe it was characterizing is what was meant.

16 MS. RAMTHUN: It's the bottom bullet on
17 page 2 of your C.V., Exhibit 1.

18 THE WITNESS: Oh, thank you. Yes. I
19 have.

20 BY MS. OVERLAND:

21 Q Can you tell me a little about that.

22 A Oh, the high voltage cables have -- underground
23 cables have a lot of different characteristics. And
24 when making assessments for transmission planning,
25 you have to consider all kinds of characteristics,

1 steady state and thermal, length and these things.
2 And so when you integrate them into a system, you
3 have to make sure you have all those things in mind.
4 So I am aware of how those electrical properties have
5 to be managed when you put them into a network.

6 Q And did you have any input on the sections of the EIS
7 regarding undergrounding?

8 A I did not.

9 Q Did you review the undergrounding in this --
10 potential for undergrounding, the proposal in this
11 project?

12 MS. AGRIMONTI: Objection, vague as to
13 proposal.

14 MS. OVERLAND: Sure.

15 Q First, did you review the undergrounding report and
16 cost estimate that the applicants provided in their
17 application?

18 A I did not review that report.

19 Q Have you reviewed, say, Exhibit 18 of the
20 undergrounding report?

21 A Yes.

22 Q You have reviewed that. And is that the Avon or the
23 Lakeville?

24 A I believe it was the Avon.

25 Q Avon, okay. Did you review the Lakeville as well?

1 That would be Exhibit 19, Stevenson 19.

2 A I -- barely. I'm aware it exists. I looked at
3 the -- looked at it very quickly.

4 Q I think I'll leave it at that. Won't go into that.

5 Now, on page 2, lines 1 through 3, of your
6 direct, you're stating that your testimony is
7 focusing on regional -- in part on regional and
8 market issues. Can you explain the regional benefits
9 that this project alone without any extension
10 provides?

11 A The -- when you say -- do you mean the proposal?

12 Q The Hampton to Rochester to La Crosse project.

13 A 345?

14 Q 345, correct.

15 A The SNS showed that that particular project increased
16 the transfer capability into the area, and I'm going
17 to recall like 900-plus megawatts of transfer
18 capability. I don't recall the number, but a sig --
19 really large.

20 Q And would you rate it as bringing it in as a --
21 within the 345 system, it's a radial 345 into the
22 La Crosse area?

23 A As in the date of the installation, it would be
24 radial.

25 Q Is that -- as a radial line, could that lead to

1 system instability?

2 A I saw no evidence in their application.

3 Q Did they discuss the issue?

4 A Their study was -- their engineering study which I
5 looked at seemed to -- no, there was no...

6 Q Would you agree that every engineering study on this
7 project also includes -- engineering study -- a line
8 going eastward from La Crosse?

9 MS. AGRIMONTI: Objection, misstates the
10 facts. It also doesn't identify what studies you're
11 saying -- or asking him to attest to.

12 MS. OVERLAND: I'm asking him regarding
13 the studies he referred to. He used the term
14 "studies" plural. So I'm asking if there is any --
15 okay, let me rephrase it.

16 Q Are there any studies that you reviewed that
17 address -- electrical studies that you reviewed that
18 address the project as a separate unit and not with
19 an extension going eastward from La Crosse?

20 A That was the application.

21 Q Is the application an electrical study?

22 A There is an appendix in the back that has a lot of
23 information. That's my recollection that it had
24 studies.

25 Q Did you review the SNS, the Supplemental Needs Study?

1 A Yes, I did.

2 Q And would you agree that that addresses an extension
3 further east?

4 A It had singular and it had one and two variations to
5 the east.

6 Q Did you review the capacity validation study?

7 A I did not review that in detail, no.

8 Q If you didn't review it in detail, you did review it
9 a little bit?

10 A I know it exists. I know that it exists and it had
11 analysis in it. But I -- I'm just -- I acknowledge
12 it exists.

13 Q So you're saying you would not be able to testify
14 about that?

15 A Not -- no, I could not.

16 Q Okay. If there is a radial line extending into an
17 area bringing power into that area, would that
18 electrically -- would that create congestion?

19 MS. RAMTHUN: I have to object. It's
20 vague and overly broad. What size of a line?

21 MS. OVERLAND: Well, the 345 that we're
22 talking about here that he's testifying about.

23 MS. RAMTHUN: Well, it could be anything.

24 MS. OVERLAND: The Hampton to Rochester to
25 La Crosse 345 kV line. We're talking about coming

1 into the area a radial 345, which he's testified to.

2 MS. AGRIMONTI: I join in the objection.

3 The way the question was phrased by Ms. Overland,
4 it's a hypothetical without a geographical boundary.
5 If she wants to rephrase it to La Crosse, perhaps it
6 would be --

7 MS. OVERLAND: I'll narrow it down.

8 Q When we're looking at this radial 345 line from
9 Hampton to La Crosse via Rochester, would a radial
10 345 tend to produce congestion?

11 A When it increases transfer capability, no. It would
12 tend not to.

13 Q And increasing transfer capability to where?

14 A The study itself designated -- and I don't recall,
15 but it gave the source and sync in the geographic
16 area.

17 Q When you say the study itself, which study?

18 A Oh, the SNS had in a footnote in a paragraph the
19 source and the syncs how that happened.

20 Q Okay. Okay. And then do you presume transfer
21 capability generally to be a benefit?

22 A Yes.

23 Q And what parties benefit? Who receives the benefits?

24 A I believe that question was answered earlier in the
25 transcript by -- I may pronounce his name wrong --

1 Mr. Beuning I believe answered that question, and I
2 agree with his -- it depends on where you are and
3 which party you are and things of that nature. No
4 matter which time -- and Tim Noeldner may have
5 answered that too.

6 Q So what you're saying, that -- do you recall what it
7 was that they said that you're agreeing to?

8 A It depends is what they said. They gave some
9 general -- you can't make a singular statement on a
10 singular line in one place in time. That's what I
11 recall the transcript saying.

12 Q Okay. Well, is part of your job to do the
13 cost/benefit review of a transmission project?

14 A I review the value of the line on a regional basis.

15 Q On a what basis?

16 A Excuse me, I have a little bit of a cold, so if I --
17 if I'm not clear, tell me. I can hear it in my ears
18 better than I'm saying it out loud. Excuse me.

19 I reviewed it on a regional basis,
20 regional.

21 Q How are you defining regional? Can you give us a
22 geographic idea there?

23 A Regional can be in my view above local and out to
24 MISO.

25 Q Okay.

1 A And possibly -- yeah.

2 Q So then is it your testimony that this line would
3 provide a regional benefit in, as you describe,
4 regional?

5 A I thought I said that. I think it --

6 Q Without the addition of a La Crosse line going
7 eastward, that this line alone produces a regional
8 benefit, can you show me --

9 A It would increase the transfer capability.

10 Q Does it increase the transfer capability across the
11 Minnesota/Wisconsin interface?

12 A Yes. I believe that's what the study identified.

13 Q And how do you specifically identify the
14 Minnesota/Wisconsin interface? What lines are we
15 talking there?

16 A You'd -- that was also addressed in someone else's
17 testimony on the -- what they call the
18 Minnesota/Wisconsin inter -- EX exchange. And I
19 think that was Mr. Beuning who kind of gave that
20 definition.

21 Q So you don't know?

22 A I -- it's -- if I -- my definition would be the
23 interface generally runs from -- up from the Teen
24 (phonetic) area and down towards, you know, down past
25 Genoa.

1 Q Are you including the Prairie Island/Byron line in
2 that?

3 A As a part of the interface?

4 Q Yes. The Minnesota/Wisconsin.

5 A It's in the area.

6 Q Are you attributing any costs associated with this
7 increase in transfer capability? You're looking at
8 benefits, you're looking at costs. What types of
9 costs did you consider in this?

10 A The cost I identified in my testimony was the
11 applicants' construction costs.

12 Q Did you include costs of any potential increased
13 emissions benefits?

14 MS. AGRIMONTI: Objection --

15 MS. OVERLAND: I mean emissions, not
16 benefits.

17 MS. AGRIMONTI: I'm sorry, the question is
18 asking what as I understand how the system would
19 operate in reverse. Can you just rephrase it. I'll
20 follow better this time.

21 MS. OVERLAND: Sure.

22 Q Did you consider the costs of any -- did you consider
23 any other costs such as, you know, externalities like
24 potential for increased emissions?

25 A I did not monetize anything else.

1 Q Nothing else? And did you consider the impact on --

2 A I did not monetize anything else. I did consider
3 benefits in the savings in production costs in my
4 comment.

5 Q And costs, are you saying you only considered
6 strictly the costs of the project as laid out by the
7 applicants?

8 A Back to costs, that's correct.

9 Q Right. That's what I'm trying to get at. Now, you
10 state that the 345 -- page 2, lines 9 to 10, you're
11 stating that the 345 and 161 projects would have a
12 load serving capability 750 megawatts.

13 Would you agree that the 335 -- first, does
14 that statement mean that they both could serve a load
15 of 750 megawatts?

16 A The definition was that that's the area load that
17 they were capable of serving.

18 Q And would you agree that a 345 kV line designed and
19 spec'd as this one is could potentially serve a
20 greater load?

21 A I -- no, I don't think so. I accepted the
22 applicants' methodology.

23 Q And so are you saying then that the 345 load serving
24 capability is limited to 750 megawatts?

25 A The design for that area is 750 megawatts for the

1 area.

2 Q Designed for the area or the claimed need for the
3 area?

4 A I didn't understand the last part.

5 MS. RAMTHUN: And I'll object. He just
6 answered it was designed for the area. He didn't
7 say claimed need.

8 MS. OVERLAND: I'll leave it there.
9 That's okay.

10 Q What is the normal rating of the line as proposed for
11 this project, the 345?

12 A I believe the normal rating is slightly over 2,000
13 MVA.

14 Q And would you agree that 2,000 is a little more than
15 750?

16 MS. RAMTHUN: Wait, I have to object
17 because this isn't clear. 2,000 -- I think the
18 question should reflect you're comparing 2,000 MVA
19 to 750 megawatts.

20 MS. OVERLAND: It's easy enough to do.

21 Q Would you agree that megawatts is essentially -- that
22 MVA is essentially MVA (sic), not quite, but almost
23 the same?

24 A It could be, but --

25 Q It's close, right?

1 A Line ratings -- now, line ratings on -- transmission
2 line ratings and -- don't have necessarily -- on an
3 AC system mean that you can get that capacity out of
4 them.

5 Q That's correct, but that's not my question. So would
6 you agree that a 2,000 MVA line could handle -- could
7 likely handle a little more than 750 megawatts?

8 A I don't know that it could in that area, no.

9 Q Do you know that it can't?

10 A This --

11 MS. RAMTHUN: I object, that calls for
12 speculation.

13 EXAMINER NEWMARK: Overruled.

14 MS. RAMTHUN: He said he didn't know if it
15 could.

16 EXAMINER NEWMARK: Overruled. He can
17 answer.

18 A The applicants' study with the 345 design from the
19 west says it can serve 750 megawatts in that area.

20 BY MS. OVERLAND:

21 Q And what do the studies say about increasing transfer
22 capability after an extension is added from La Crosse
23 going east? Doesn't that increase the transfer
24 capability substantially according to these same
25 studies?

1 A That study showed that the transfer capability went
2 up.

3 Q That's right. So then would you agree that it could
4 handle more than 750?

5 A The line enables the load serving area to -- enables
6 the study per planning standards to serve 750
7 megawatts. Their planning standards can be met with
8 that line up to 750 megawatts.

9 Q And when you add a line from La Crosse going east,
10 the line itself, the 345 kV from Hampton to
11 La Crosse, would add transfer capacity -- have
12 increased transfer capacity with an extension; is
13 that not correct?

14 A The extension allows the transfer capability to go
15 up.

16 Q Right. Thank you. On page 2, lines 11 through 14,
17 you talk about the Eau Claire-Arpin special
18 protection system. Can you explain what that is?

19 A I can -- I don't have the exact details of it, and
20 part of it I think is confidential.

21 Q Okay.

22 A But it has -- the area is -- has -- because of the
23 location of generation to the west and generation to
24 the east, there's some special consideration. Under
25 certain operating conditions, you have to be very

1 careful on what kind of flows are allowed under what
2 conditions. And they have to be very careful that
3 they don't let something happen to -- which could put
4 you in -- you know, kind of make the system possibly
5 unstable or not recoverable.

6 Q And does this relate to, for example, the operating
7 guide of -- like 700-some or 800-some megawatts
8 previous to this iteration of a special protection
9 system that was on that same line where they had to
10 limit the capacity of the line?

11 A I -- could you start that question again. I think I
12 got it.

13 Q Sure. Are you familiar with a prior operating -- an
14 operating guide prior to the special protection
15 system?

16 A Right. Yes. It's related to that concept.

17 Q Okay. And so what that does is that limits the flow
18 of -- the MVA or the megawatts on that line?

19 A Right. Correct.

20 Q And is the numerical value of that what's
21 confidential?

22 A I can't -- I don't have access to it, and I can't
23 tell you the components, which or which not
24 confidential. Somebody at Midwest ISO or the
25 operating companies would have to answer that

1 question.

2 Q Okay.

3 EXAMINER NEWMARK: This relates to your
4 Exhibit 2, though, doesn't it? Or no?

5 THE WITNESS: Yes. It does -- it has --
6 there is a relationship.

7 BY MS. OVERLAND:

8 Q Right. And you talk about if the scheme were to be
9 retired, under what circumstances would it be
10 retired?

11 A I don't know the exact circumstances that it could be
12 retired. Back to the components. I am not familiar
13 with the details of the scheme and its attributes.

14 Q Okay. Well, there's -- that table in
15 Exhibit Neumeyer 2, then why is that brought up as an
16 issue, retirement of the system definition -- system
17 if you don't know when or if or how it might be
18 retired?

19 A There is a relationship; and if that scheme were
20 retired, some numbers may be able to be changed under
21 certain conditions. There is a relationship. I
22 don't believe it was defined exactly.

23 Q Now, on page 3, line 18, you're talking about reduced
24 congestion. And this is in a discussion of the MVP
25 projects. So would you agree that, you know,

1 essentially the MVP projects, you're testifying that
2 that will reduce -- the MVP projects as a whole in
3 this case, without singling out any one of them, that
4 would reduce congestion?

5 A I think that's a general statement, that's correct.

6 Q And the MVP projects will come after this project, so
7 that would mean logically that then there is
8 congestion that the MVP projects would relieve? I
9 mean it's circular, but doesn't that mean then that
10 there is congestion that the MVP projects --

11 A Some MVP projects come -- I believe are before this
12 project.

13 Q And on page 4, it is correct that the SO2 is really
14 CO2?

15 A Correct. That was an error.

16 Q And that would be line 13. How will the SO2
17 emissions be reduced?

18 MS. RAMTHUN: You mean CO2?

19 MS. AGRIMONTI: Oh, CO2, yes. It said
20 SO2, so I was looking at that.

21 Q How will those CO2 emissions be reduced, and
22 hopefully some SO2 in the process?

23 A By increasing the transfer capability, you reduce --
24 you allow more economic dispatch -- excuse me. When
25 the line increases the transfer capability, it allows

1 more power to flow more efficiently into the market
2 from the least cost units. And typically in this
3 situation in this area, the -- when you have -- you
4 reduce the congestion, you allow the dispatch, and I
5 think Mr. Beuning kind of answered that, you can
6 reduce -- run more efficient units which reduces
7 fossil consumption, allows more wind. That's how you
8 reduce CO2, gas, whatever.

9 Q How will increasing transfer capacity and even,
10 arguably, increasing wind over those lines, how will
11 that reduce fossil consumption? What -- how will
12 that reduce that?

13 A That's what a multi -- you know, the production cost
14 program does. That's the simulation of the model.
15 It allows more efficient generation to move further
16 into the system.

17 Q Well, if we have a -- imagine a baseline level of
18 generation, and we're adding wind onto it, but not
19 just wind, we're adding transmission to it. But how
20 will anything that's already existing in operation be
21 reduced? What is the mechanism by which you can
22 testify that use of fossil fuels will decrease?

23 A When you have lower congestion, you can lower -- and
24 lower losses, you can run units that are cheaper; and
25 when they're usually cheaper, they're more efficient,

1 so you burn less fuel.

2 Q Typically, as I understand it, coal plants are among
3 the more cheaper resources; would you agree?

4 A Along with hydro and nuclear, yep. Yeah, all three
5 of those are pretty -- and wind.

6 Q All right. And would you agree that there are a lot
7 of coal plants west of La Crosse that are in
8 existence that could very well utilize the capacity
9 of any transmission in the area?

10 A All generation can use the transmission line.

11 Q Right. And a transmission line cannot -- owner
12 cannot discriminate against any type of generation,
13 can it? That's part of the FERC rules; isn't that
14 correct?

15 A The AC system is dispatched by MISO.

16 Q Right. But all -- whatever generation is there, the
17 transmission has to serve it; isn't that correct?

18 MS. AGRIMONTI: Objection, I think this is
19 an incomplete hypothetical. There's a couple of
20 ideas going here with the economic dispatch and firm
21 transmission service that I think are getting
22 bolixed up.

23 MS. OVERLAND: I'm sorry. I'm asking with
24 one question and he's responding with another.

25 Q I'm trying to get to the --

1 EXAMINER NEWMARK: Maybe we can break it
2 down a little.

3 MS. OVERLAND: I'm just wondering if I
4 need to.

5 EXAMINER NEWMARK: Well, there is an
6 objection.

7 MS. OVERLAND: I'll leave that there. I
8 think I have enough to work with.

9 Q Oh, and were you here for Mr. Lehman's testimony
10 about this line?

11 A I read the transcript. I do not recall anything
12 specifically with that name at the moment.

13 Q Okay. Well, would you agree that this project is --
14 that part of it is a baseline reliability project and
15 part of it is an other project?

16 A I believe it was designated as a baseline reliability
17 project by MISO.

18 Q And were you here for Mr. Lehman's testimony about
19 the Hampton to Rochester -- you weren't here.

20 A I read the transcript.

21 Q Okay. And you don't recall the designation of other
22 to about half of this line?

23 MS. AGRIMONTI: Objection, misstates the
24 evidence.

25 MS. OVERLAND: Okay. Let me refer to his

1 testimony.

2 Q First, you're aware this project is not a multi-value
3 project, correct?

4 A I am aware of that, it is not.

5 Q And would you agree, subject to check, that the
6 Hampton-North Rochester segment as well as the two
7 161 lines from North Rochester to the Rochester 161
8 system are participant funded or other?

9 A I would agree the Hampton to Rochester has a
10 different designation.

11 Q Okay. And that is a 345 line, correct?

12 A That is a 345 line.

13 Q Okay. And then that the rest of it would be a BRP?

14 A The Rochester to North La Crosse is a baseline
15 reliability project to my understanding.

16 Q Okay. And on page 5, you're testifying that you
17 don't find the proposed 345 project is unreasonably
18 sized for the existing load and probable futures.
19 Now, when you say existing load, is that where you're
20 referring to the 700-some megawatts?

21 A No.

22 Q What are you referring to?

23 A The load that has been occurring in the area.

24 Q Okay. Then can you be more specific about what that
25 is? You're saying it's not unreasonably sized. What

1 size load are you talking about there?

2 A The load has been -- in the area it's been hitting
3 the 450-plus range. That's the existing load.

4 Q And then probable futures, can you put a number to
5 that?

6 A The probable futures includes load growth over time,
7 probable futures includes other transmission in the
8 upper midwest, and probable futures includes the
9 generation mix changing.

10 Q Can you put numbers on that? The probable futures?

11 A I don't know that I could put a number to it.

12 Q Does Wisconsin have any policy about importing wind
13 from other states to satisfy Wisconsin RPS?

14 A I'm not aware of any locational policy.

15 Q And, like, Minnesota has a policy against importing
16 coal which I think may be changing, but does
17 Wisconsin have any policy, laws or rules regarding
18 importation of fossil fuel energy?

19 A I am not aware of any Wisconsin policy on restricting
20 energy.

21 MS. OVERLAND: I have no further
22 questions.

23 EXAMINER NEWMARK: Other cross?

24 MS. AGRIMONTI: I have one question.

25 CROSS-EXAMINATION

1 BY MS. AGRIMONTI:

2 Q Mr. Neumeyer, there was some discussion about
3 transfer capability. Is it accurate to say that the
4 transfer capability that would be created by this
5 project would inure to the entire interface, not just
6 go across the new transmission line that is being
7 proposed?

8 A That is correct. That is across that interface that
9 I was trying to describe.

10 MS. AGRIMONTI: Thank you.

11 MS. RAMTHUN: No redirect.

12 EXAMINER NEWMARK: All right. You're
13 excused.

14 (Witness excused.)

15 EXAMINER NEWMARK: I think everyone's
16 checked off on my list. Any other witnesses?

17 Okay. Let's get off the record.

18 MR. THIEL: Your Honor, before we get off
19 the record, I mentioned earlier that some of the
20 WisDOT Fasick sur-surrebutal exhibits were not
21 actually identified in ERF so you could find them.

22 EXAMINER NEWMARK: Yeah. And the
23 Commission identifies them on ERF. It will be done
24 after the hearing. So check ERF, it'll be there.
25 All right. Anything else?

1 MR. THIEL: Well, I just want to make sure
2 that all of the exhibits the DOT includes are
3 admitted into evidence including those identified to
4 be added to the record.

5 EXAMINER NEWMARK: Yes. And if we fail to
6 do so, please let us know.

7 MS. OVERLAND: What kind of time frame
8 does that take?

9 EXAMINER NEWMARK: Let's go off the
10 record.

11 (Discussion off the record.)

12 EXAMINER NEWMARK: Let's get on the
13 record. We're adjourned. We'll have the public
14 hearing next week, so I believe we'll see you all
15 there.

16 (The hearing concluded at 2:30 p.m.)
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1 STATE OF WISCONSIN)

2 MILWAUKEE COUNTY)

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4 We, LYNN M. BAYER, RPR, CM, and JENNIFER M.
5 STEIDTMANN, RPR, CRR, with the firm of Gramann Reporting
6 Ltd., 710 North Plankinton Avenue, Suite 710, Milwaukee,
7 Wisconsin, do hereby certify that we reported the
8 foregoing proceedings had on March 8, 2012, and that the
9 same is true and correct in accordance with our original
10 machine shorthand notes taken at said time and place.

11

12

13 Lynn M. Bayer
14 Registered Professional Reporter
15 Certificate of Merit

15

16 Jennifer M. Steidtmann
17 Registered Professional Reporter
18 Certified Realtime Reporter

18

19

20 Dated this March 9, 2012.
21 Milwaukee, Wisconsin.

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