STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Harmony Storage, LLC	**:**	
Harmony Storage Project - Cass County	**:**	**Case No.**
Siting Application	**:**	**PU-26-284**

TRANSCRIPT OF

PUBLIC HEARING

Taken At
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Casselton, North Dakota
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(APPEARANCES AS NOTED HEREIN)

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Emineth & Associates Court Reporters
Stephanie A. Smith, Reg. Pro. Reporter

A P P E A R A N C E S

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COMMISSIONER JILL KRINGSTAD

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Exhibit No.	Offered	Received
1-9	16	17

PUBLIC EXHIBITS

Exhibit No.	Offered	Received
10	162	163

(The following proceedings were had and made of record herein, commencing at 10:01 a.m., Friday, the 23rd day of October, 2026:)

JUDGE HOGAN: All right. My watch shows ten o'clock, so we are going to get started. Good morning. It is October 23, 2026, this is the time and date set by the notice of filing and notice of public hearing issued by the North Dakota Public Service Commission on September 9, 2026, for Case Number PU-26-284.

My name is Hope Hogan, and I am the hearing officer that has been designated for today's hearing. My role is to make sure our hearing runs smoothly today, but I am not a decision-maker for this case.

This hearing is being held at the Days Inn Hotel & Governor's Waterpark in Casselton, North Dakota. As we begin our hearing today, I'd please ask everybody to check your cell phones to make sure they're either turned off or silenced so that we don't have cell phone interruptions during our hearing today.

There is an attendance sheet that is being passed around. If you haven't signed that yet, the Commission would ask that you please sign that so

that they have a record of everyone who attended today's hearing.

This is a hearing on the application of Harmony Storage, LLC, for a certificate of site compatibility for a 200 megawatt battery energy storage system located in Harmony Township in Cass County, North Dakota.

The notice of filing and notice of public hearing specified the following issues to be considered and determined in this matter: Number 1, will the construction, operation and maintenance of the proposed facilities at the proposed location produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?

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

And, number 3, will the construction, operation and maintenance of the proposed facility at the proposed location minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

I'm now going to ask the parties to state their appearance for the record, and I will start with counsel for the applicant. If you could please state your appearance for the record and introduce the witnesses you intend to call today.

MS. SMITH: Certainly. Good morning. I am Mollie Smith with Fredrikson & Byron. I have with me as cocounsel Bridget Duffus.

We will have two witnesses today. Andrew Larson. Andrew will speak to the technical parts of the facility and will also address construction, decommissioning, operations. We have Maddy Doeden, who is going to focus more on the site analysis that was done for the project.

JUDGE HOGAN: All right. Thank you.

And, Mr. Iversen, will you state your appearance for the record and introduce Commission staff who's appearing with you today.

MR. IVERSEN: My name is Travis Iversen, counsel for the Public Service Commission. I -- I have Robert Frank with me here today. He may have some questions for some witnesses.

JUDGE HOGAN: All right. Thank you.

Testimony from the public will be taken after the completion of the applicant's witnesses

today. I encourage you to take this opportunity to tell the commissioners anything you think they should know about this matter. I assure you that what you have to say is important to the Commission and will be considered by the Commission.

I know the sign-in sheet did ask whether or not you intend to testify, and I appreciate you for indicating that. That just gives me an idea for planning purposes for today's hearing on how many people intend to testify. You're not held to that either way, yes or no. If you change your mind one way or the other, that's fine. But can I also ask by a show of hands how many people would like to testify today?

All right. Thank you. I appreciate that. If you have questions about providing information to the Commission today, please feel free to ask me during one of our breaks.

We'll now take opening comments from the commissioners, and I'll start with Commissioner Kringstad.

COMMISSIONER KRINGSTAD: Good morning, everybody. Thank you for being here today. We have a packed house. I see a couple people standing. I guess we'll kind of do this -- at

least like in my church, if you scoot in and if you guys have spots near you, just kind of raise your hand so if people need to sit, they can. Thank you for -- for that.

Okay. I think Judge Hogan kind of outlined our process today. Just kind of want to provide a little more clarity. So we're going to hear from the company first, from their two witnesses, and we do that so both we as the Commission and you guys as the public hear the most up-to-date information. Okay? There may be some things since this application got submitted to us in July that have changed a little bit, and so we want to make sure that we have the most up-to-date information and that you guys know as well.

And then once we hear from the company and ask some questions of them, that's really why we're here is to hear directly from you. I always say there's only so much I can get from -- from these binders of paper, but there always seems to be something when we come and get to the public input portion of our meeting that we wouldn't know or the company maybe wouldn't know because we don't live in this area, and you guys do and you guys know that -- know this area best and how this proposed

project -- there may be impacts that we're not aware of.

So if there is anything that you should know, please -- or that we should know, please come forward. I promise it's -- it's not overly formal. Okay, the judge will swear you in, but that's it. It's not going to be heavy grilling. You don't need prepared statements or anything like that. We really just want to hear what you have to say because that helps us make the best decision that we can under the laws before us.

So thank you all for being here today.

JUDGE HOGAN: All right. And as you can see, Commissioner Christmann is not with us in person today, but we do have him streaming. So, Commissioner Christmann, did you have any opening comments?

COMMISSIONER CHRISTMANN: A couple. And, first of all, I want to just add something to what Commissioner Kringstad just said because recently I've heard a little bit of feedback or complaint about the public not going first, and Jill kind of explained that, but I also want to emphasize we're a quasi-judicial agency, which differentiates us from pretty much all the other state agencies. And

this is a legal proceeding, and so unlike when you maybe go to your county commission and you throw in your opinion about something and sit down and that's that, here you're under oath and subject to cross-examination.

And so that's one of the values of letting the company go first so that when you're testifying, you know if you're testifying on something that used to be the situation but the company has changed the application or whether you are on point, and so I know it's an inconvenience, but it is the way we need to proceed legally.

The other thing I want to say because in the almost 14 years on the Commission, I've prided myself as not missing events, and I am very sorry about not being there in Casselton with you all, but I want to assure you that I had every intention of being there. I also made a commitment a long time ago to attend another event in western North Dakota, and there was a postponement that was not their fault. Some things didn't arrive on time so they had to postpone it, and when we set this hearing for this date, literally that afternoon I got back to my desk and found out that the new date that was selected for this other event is this

afternoon. So at that point it was out of my control.

So I will be on here until shortly after noon, at which point -- and participating, but we also do record these, and on events when a commissioner has had to miss in the past, as at least I've always committed, I will review the recording of this thoroughly, and we can go back to the company with more questions if there are questions that I have that weren't asked by anyone else. They are subject to having to answer that before we release a decision.

So thank you for everyone's time. Look forward to hearing the testimony.

JUDGE HOGAN: All right. Thank you.

Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: Good morning. It's good to see a full house. So if you're in the hall and you're listening and you want to testify, please feel free to come in when we get to that part.

I want to give a welcome to Representative Gary Lee that's here and Jonathan Warrey. It's good to see our representatives in the audience and hearing what is going on in their area.

One of the things that I want to bring up is I -- this agency is transparent. So if you want to go read this whole case, there's the initial application and then the exhibit information --

SOUND TECHNICIAN: Your mike.

COMMISSIONER HAUGEN-HOFFART: Oh, sorry.

-- it's on there, but you can go to our website and view the whole docket, and it's Case Number PU-26-284. So you can see everything that we have. You can read the whole application and review the exhibits. Yesterday when I looked, there was 27 items docketed, so it won't be a full day maybe, but I just want you to be aware of the transparency that we have.

This is our third battery storage case before the PSC. As we get more and more of these, we get more involved in them, so some of this today you'll see that we'll really -- I know I have concerns when it comes to the emergency plan, what does that look like, the response and other stuff.

So I look forward to a very informative hearing.

JUDGE HOGAN: All right. Thank you.

So the applicant filed prefiled exhibits labeled 1 through 9, including Exhibits 8A -- or 8A

and 9A; is that correct, Ms. Smith?

MS. SMITH: That is correct.

JUDGE HOGAN: All right. And any objection to those exhibits, Mr. Iversen?

MR. IVERSEN: No objection.

JUDGE HOGAN: All right.

MR. IVERSEN: No objection.

JUDGE HOGAN: Then those exhibits will be entered into the record.

Are there any other preliminary matters we need to address before we move to testimony? Ms. Smith, did you have anything?

MS. SMITH: I would just note we do have a copy of the exhibits and the -- and the application. We just didn't want to put them someplace that would trip somebody up. So if anybody wants to see them, we have a copy that you can look at.

JUDGE HOGAN: All right. Thank you.

Mr. Iversen, any other preliminary matters you would like to address?

MR. IVERSEN: No other preliminary matters.

JUDGE HOGAN: Okay. Then, Ms. Smith, you can call your first witness.

MS. SMITH: Andrew Larson.

JUDGE HOGAN: Good morning. Is your microphone on there?

MR. LARSON: I believe so.

JUDGE HOGAN: All right. Sounds like it. I'll have you start by stating your full name for the record and spelling your last name.

MR. LARSON: Andrew James Larson, L-a-r-s-o-n.

JUDGE HOGAN: Mr. Larson, before you testify this morning, I'm required by law to advise you on the penalties for perjury in the state of North Dakota. Perjury is a Class C felony, punishable by a maximum fine of $10,000, a maximum five years' imprisonment or both. Do you understand what perjury is?

MR. LARSON: Yes.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you.

Go ahead, Ms. Smith.

MS. SMITH: Thank you.

ANDREW LARSON,

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

EXAMINATION

BY MS. SMITH:

Q. Could you tell the PSC what your position is with Geronimo Power?

A. I'm a principal energy storage engineer.

Q. And please provide an overview of your education and your work history.

A. I have an associate's of applied science degree in electrical technology from NDSCS, the North Dakota State College of Science, as well as a bachelor's of science in engineering -- electrical engineering technology and a master's of technology from Purdue University.

I have over ten years of experience as an engineer and extensive experience with energy storage. And I am pleased to be working on this project as it brings me back to my home state of North Dakota.

Q. And I'm going to ask you to pull your mike a little bit towards you just to make sure -- it may be just me and how the --

A. Is this better?

Q. Yeah. That's better. Thank you.

Did you file prefiled testimony in this matter on October 14, 2026?

A. Yes.

Q. And is that prefiled testimony and your résumé identified as Exhibits 9 and 9A?

A. Yes.

Q. What topics do you cover in your prefiled testimony?

A. In the prefiled testimony, I covered an overview of the project's design -- design and components, discussed the results of the sound modeling analysis conducted for the project, and gave an overview of the project's construction, operation and decommissioning.

Q. What is the storage capacity of the project?

A. The project is an up-to 200-megawatt battery energy storage system, or BESS, with a four-hour duration to total 800 megawatt hours.

Q. Where and how will the project interconnect to the electric grid?

A. The project will interconnect the electric grid at Northern States Power's existing Bison substation via the Harmony Solar project's collection substation and transmission line. These facilities are all located just across the street from the project. The Harmony Solar project is

currently under construction, and the collection substation is anticipated to be operational by the end of October 2028.

Q. Has Harmony Storage executed a generator interconnection agreement for the project?

A. Yes. Harmony Storage executed its surplus generator interconnection agreement with the Midcontinent Independent Transmission System Operator, or MISO, and Northern States Power, which is the local transmission owner. That was on June 23, 2026.

Q. What is a surplus generator interconnection agreement?

A. A surplus GIA is an agreement that's tied to and limited by a separate generator interconnection agreement. In this case, the Harmony Solar project has a GIA with MISO and Northern States Power for up to 200 megawatts. And Harmony Storage has a surplus GIA that is subordinate to Harmony Solar's GIA, which means that collectively the Harmony Solar and Harmony Storage projects can inject a total of 200 megawatts at the point of interconnection.

Q. Could you explain how the project will connect to the Harmony Solar project's collection

substation?

A. The project's underground electrical collection system will extend from the project's medium voltage transformers to the Harmony Solar project's collection substation. The Harmony Solar project's collection substation will undergo minor modifications to accommodate the project's collection that will enable the bidirectional flow of energy to and from the project from both the electric grid and the Harmony Solar project's substation.

Q. Please provide an overview of how the project will store and dispatch energy.

A. The project will receive and store electrical power generated from two sources. First, excess energy available on the existing electric grid. When the grid has excess energy, for example during periods of low demand, the project's batteries may be charged from the electric grid and stored by the project for later dispatch onto the grid.

Second, surplus -- surplus generation from the Harmony Solar project. When the Harmony Solar project has surplus generation, for example, energy in excess of what the Harmony Solar project can

inject into the grid per its GIA, this surplus energy could be pulled from the Harmony Solar project's collection substation and stored by the project for later dispatch onto the grid.

Q. When would the project charge from or to the grid?

A. Harmony Storage will provide information to MISO about the project's capabilities, limitations and pricing curves for charging and discharging. When the grid requires additional energy, the project will receive a signal from MISO prompting it to dispatch the stored energy or charge from the grid.

Q. Let's discuss the components of the energy storage system, and I think to help orient us, can you turn to your prefiled testimony, which is Exhibit 9? I'll wait till you get there.

And we're going to be looking at the three images on pages 5, 6 and 7. Are you there?

A. Yes.

Q. Using those images to help orient us, how are the storage system cabinets arranged or grouped?

A. As shown in Image 3 on page 7 of my prefiled testimony, the energy storage system

cabinets are clustered in groups of four with two on either side of a transformer that then connects to the collection system.

Q. And then if we reference Image 1, which is on page 5, can you describe the battery modules located within those cabinets?

A. Within the energy storage cabinets themselves, individual lithium-ion battery cells are connected to form battery modules, which can be seen in black on the right of the image. The battery modules are located on self-supporting racks and electrically connected. In turn, the racks are connected in parallel to provide the total BESS power rating. Each battery module has an associated battery management system that is contin -- that continuously monitors and regulates critical parameters.

Each battery module also has a power conversion system, also known as an inverter, that converts direct current to alternating current suit -- suitable for grid integration.

Q. Has Harmony Storage identified the battery type it plans to use for the project?

A. Yes. The Harmony Storage plans to use the Tesla Megapack 3.

Q. And that is what's depicted in your prefiled testimony as well?

A. That's correct.

Q. Let's talk about how the energy stored by the project would travel to the grid. When the batteries discharge energy, where does it go first?

A. The battery modules are connected to a common busbar, which in turn connects to a medium voltage transformer located outside of and adjacent to the cabinets.

Q. And then if you'll look at Image 2 on page 6 of your prefiled testimony, it shows a busbar connector assembly. Are those the connections between the internal busbar you were talking about and the external medium voltage transformer via the switch guard -- or switchgear that is shown on the image?

A. Yes. That's correct.

Q. What are the Tesla field communicator and the bus connector assembly that are also shown on the Image 2?

A. The busbar connector assembly is a rigid cable connecting the internal busbar and the MV transformer. The Tesla field communicator is an industrial computer that controls a particular

cluster, like the clusters shown on Image 3 on page 7, those groups of four.

Q. So let's turn now to Exhibit 2.

A. I'm there.

Q. Referencing that exhibit, can you explain where the energy would go after it leaves the transformer at those clusters?

A. The energy would enter the collection substation, which travels underground to the Harmony Solar project collector substation. On Exhibit 2, the collection sub -- system is in red and extends north of the project's fenced-in area and then turns to go into the Harmony Solar collector -- collector substation, which is the gray area to the west across 162nd Avenue.

Q. And just to confirm, I think you said collector substation initially. You meant the collection system for the BESS; is that accurate?

A. Yes.

Q. And from the Harmony Solar project collector substation, the energy would then be transmitted to the point of connection at the Bison substation via a short tie line; is that accurate?

A. Yes. On Exhibit 2, the existing Bison substation is the light gray area directly west of

the project and south of the Harmony Solar collector substation.

Q. If energy were sent from the grid to the project, it would travel in a reverse route; is that correct?

A. Yes. That's correct.

Q. And if the energy is transmitted from Harmony Solar project to the storage project, it would be the same except the energy would originate at the solar facility; is that correct?

A. Yes.

Q. What monitoring and safety systems will the project have?

A. The project will have a supervisory control and data acquisition system, or SCADA system, that will relay information regarding the project to our 24/7 control center, which is located in Geronimo Power's offices in Bloomington, Minnesota. The 24/7 control center also has access to cameras to visually monitor the site.

This SCADA system will relay information regarding system performance, including the -- if the system is not operating correctly. The project battery modules will also be equipped with a monitoring system that will allow remote detection,

isolation and shutdown in the event of an emergency. And there's also a separate fire monitoring system with -- that provides an additional layer of detection and response.

Q. In the application and in your prefiled testimony, you discuss battery augmentation. What is battery augmentation?

A. BESS projects are sized to meet a certain nameplate capacity at the start of operation. However, as batteries naturally degrade over time, their capacity and efficiency decrease. To offset that decrease, you can augment or add batteries to maintain nameplate capacity.

Q. Is battery augmentation planned for this project?

A. Based on current designs, the project is anticipated to have minimal augmentation. If needed, augmentation could occur after approximately year seven of operations, depending on the actual degradation as measured by annual capacity tests and from routine inspections.

Q. Has Harmony Storage accounted for this potential battery augmentation in the layout and the analysis presented in the application?

A. Yes.

Q. If battery augmentation were implemented, would the project's nameplate capacity change?

A. No.

Q. So let's talk about the sound analysis that was conducted for the project. What components of the project emit sound?

A. That would be the cooling fans on the BESS units, the energy storage system cabinets themselves, and the medium transformer -- medium voltage transformers.

Q. In your prefiled testimony, you summarized the results of the sound modeling analysis that's conducted for the project. Is the sound modeling analysis report provided in Appendix D to the application, which is Exhibit 1?

A. Yes.

Q. Let's discuss the receptors that are included in the report.

A. The sound modeling report provides sound levels at the three closest inhabited residences to the project. There were no community buildings within one mile of the project area.

Q. And there are two other inhabited residences located within one mile of the project area that are shown on the figures provided with

the application and on the figure provided as Exhibit 2; is that correct?

A. Yes.

Q. Was sound modeling conducted for those two residences even though they weren't included in the sound report?

A. Yes.

Q. Are the modeled sound levels for all five inhabited residences, included -- including those two that we just discussed, provided in the project receptor chart, which is marked as Exhibit 3?

A. Yes.

Q. Did the sound modeling analysis account for potential future battery augmentation?

A. Yes. To be conservative, the modeling was concluded -- was conducted for two scenarios to account for potential of battery augmentation. One, the first year of operation; and, two, the last year of operation, assuming the maximum potential battery augmentation.

Q. For the benefit of those that are present or listening to the hearing, does the Public Service Commission have a sound requirement for energy storage systems such as this project?

A. No.

Q. Does Harmony Township have a sound requirement for energy storage systems?

A. Yes. Sound from a BESS may not exceed 45 A-weighted decibels within 100 feet of an inhabited residence or community building absent a waiver.

Q. Based on the results of the sound modeling in both scenarios, does the project comply with the township's sound requirement?

A. Yes.

Q. Could you walk us through the typical sequencing of project construction?

A. Sure. First, the site preparation includes grading and minor earthworks to support the installation of storm water management systems. Next, we would construct laydown areas and set up temporary jobsite trailers as well as install fencing. Then we would construct the access roads, install underground collection systems and install pile foundations for the containers and electrical system.

Next we'd install the containers themselves, along with the battery modules and other internal and external electrical equipment needed to relay energy between the underground collection system and the battery modules.

Finally, we would install downlighting for safety and security throughout the site and put crushed rock around and between the foundations.

Once construction is complete, we would restore any temporarily disturbed areas, including seeding the storm water management basins.

Q. And talking about the foundations, just to clarify that a bit, what are pile foundations?

A. Pile foundations are piles or piers driven into the ground that will support a rated load.

Q. And so for this project, you're not planning to pour a concrete foundation. You're planning to use those piers that you were just describing?

A. That's correct.

Q. Are you planning to do winter construction?

A. We plan to assemble equipment during the winter, but we do not anticipate doing any earthwork.

Q. How is construction of this project anticipated to line up with the construction of the Harmony Solar project?

A. We expect construction of the project and the Harmony Solar project to be completed around

the same time with this project going on -- going online shortly after the solar project.

Q. Will the project be designed, constructed and operated in compliance with all applicable federal, state and local regulations?

A. Yes.

Q. And there's a draft emergency response plan provided in Appendix C to the application; is that correct?

A. Yes.

Q. Will Harmony Storage coordinate with local first responders on development of the final emergency response plan that is specific to this project?

A. Yes.

Q. For the benefit of everyone that's listening, does the Public Service Commission have decommissioning rules for energy storage systems such as this project?

A. No.

Q. Has Harmony Storage committed to comply with the Public Service Commission's decommissioning requirements, including financial assurance, for solar energy conversion facilities for this project?

A. Yes.

Q. With the exception of any updates that we talked about today, if I asked you the questions that are in your prefiled testimony, would your answers be the same?

A. Yes.

MS. SMITH: I have no further questions.

JUDGE HOGAN: Mr. Iversen, any questions?

MR. IVERSEN: I will first defer to Robert Frank.

MR. FRANK: Yeah, a few questions, Your Honor.

EXAMINATION

BY MR. FRANK:

Q. Just to follow up on the generation interconnection agreement that is -- that Harmony has received that's subordinate to Harmony Storage. Is that -- subordinate to the Harmony Solar, was it dependent on Harmony Solar getting the generation interconnection agreement or was it separated?

A. By the nature of a surplus agreement, then, yes, it would be dependent on the solar agreement.

Q. Okay. And Harmony Solar has that generation interconnection agreement?

A. Yes.

Q. Okay. Is that a typical arrangement for energy storage or is this something because the -- the way that it's set up as far as feeding into the solar -- Harmony Solar's collection substation first and then going to the point of interconnection at Bison or is this -- is this atypical?

A. This is typical of many energy storage projects.

Q. Okay. Very good.

Concerning the augmentation, you said that this is minimum augmentation required. Is that due to -- namely due to the design or is it the battery type that you are -- or that will be put in, or is it a bit of both?

A. I would say a bit of both. Given the battery types that are available and what we chose for this project, it was then designed to meet the expected market requirements and expected life of a project of this size in this area.

Q. Okay. Do you think there -- are there any issues with the Tesla Megapack 3 with, say, recycling or has that gotten better or is that about the same as previous battery types or other

ones that are out there?

A. The -- this battery type in this model, which would be lithium ferrophosphate batteries, has no particular concerns with recycling and there's an established recycling chain.

MR. FRANK: All right. I think that's all for me right now. Thank you.

MR. IVERSEN: I have a few questions as well.

EXAMINATION

BY MR. IVERSEN:

Q. And if this is a better question for Ms. Doeden, please let me know, but --

So on the fire safety, the question I have is dealing with lithium fires. Is it fair to say that it's different than just a -- a different fire, let's say a field fire from a farming incident; correct?

A. Yes. Battery fires would be different than other types of fires, like a grass fire.

Q. And I understand that you -- Harmony will be working with local fire departments and collaborating together on that, but do you have any specifics as to what that looks like? I mean, what sorts of equipment or training would be necessary

to deal with a lithium fire, especially one of this -- considering we've got a facility of this size, it's not the same as a phone battery catching on fire.

A. So a system -- an energy storage system designed to modern standards, which have changed over the last several years, includes a lot of regulation and design that limits the transmission of any kind of event, including fire from one cell to another, one module to another, and one container to another.

So while, yes, it would be different than a cell phone specifically, if there was a cell in the -- in the container that had an event, including fire, it would be limited to one or a small number of cells.

Q. Okay. And I believe you stated that there was a fire suppression system already put into place and has a pretty quick response period; correct?

A. There is a fire monitoring system that has a very fast response. Yes.

Q. Okay. So that system, it monitors the fire. It's not going to -- it -- it won't put it out immediately, though, correct, but it informs

you that a fire is occurring? Correct?

A. Yeah. Fire or other events in the system. Mostly it would be monitoring temperature, and if the temperature were of any concern, it would automatically shut down the system.

Q. All right. Thank you.

A. And notify us.

MR. IVERSEN: Thank you. No further questions.

JUDGE HOGAN: Commissioner Kringstad.

COMMISSIONER KRINGSTAD: Yes.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. With -- so my first question is on the kind of battery. So this Tesla Megapack 3, is that -- so I think you said it's a lithium ferrophosphate battery?

A. Lithium ferrophosphate battery.

Q. Ferrophosphate. Okay.

Is that different than like a lithium-ion battery or are those two terms the same?

A. It's a kind of lithium-ion battery.

Q. It's a kind. Okay.

Has -- can you just give me a little more detail about that specific Tesla battery? Because,

you know, Commissioner Haugen-Hoffart said this is our third battery storage case. I think this is the first time that we've seen this particular kind of battery, so it's new to us. So can you just give us, you know, any applicable details about this particular battery type?

A. Sure. And to be clear, you're asking about the battery chemistry, lithium ferrophosphate or lithium iron batteries?

Q. Yeah. And just the Tesla -- you know, the Tesla battery in general.

A. Sure. So the -- the Tesla Megapack 3 uses lithium ferrophosphate/lithium iron batteries, and they are the most commonly used batteries in energy storage and are rapidly becoming the most commonly used batteries in electric vehicles.

Q. Okay. Has -- has the company used these types of batteries before in other projects?

A. Yes. We've been operating several other projects -- the oldest one is now more than four years old -- with the same battery chemistry.

Q. And there hasn't been any performance issues or anything like that that we should be aware of or that we should attempt to mitigate?

A. No. In the tens of thousands of -- or

hundreds of thousands of cells in our systems, we've had no incidences or safety concerns regarding the cells or the modules.

Q. Have -- are any of these projects that you're talking about in applicable climates to North Dakota, meaning -- you know, I think about we get really, really frigid cold, harsh winters. We also can have very, very extreme heat. And, you know, do you have any examples of how this particular battery operates under those conditions? Have there been any concerns there?

A. The energy storage system has a built-in heating and cooling system, and while there are no existing batteries of this size, to my knowledge, in North Dakota, there are similar systems in Canada and other temperate climates. Most likely one of the closest would be in Ontario that would have a similar climate. Also Minnesota.

Q. That's helpful. Thank you.

We had talked about -- and we're -- we're using these terms so I just want to level set a little bit for those who won't -- who aren't as familiar. So when we're talking about a cell, that -- is it fair to say that's kind of almost like a chip; right? Like it looks like a big

computer chip essentially? Would that --

A. It's -- it would be very similar to the cell in consumer electronics, so a cell like in a cell phone, a tablet, a laptop. That would be an individual cell.

Q. Cell. Okay.

And so then cells are grouped into modules, which are just bigger boxes or clusters of cells; right?

A. That's correct. Usually in a steel case.

Q. In a steel case.

And multiple -- there's modules in a rack; right? Is that what you're referring to as --

A. Correct.

Q. -- kind of the steel cases, the rack -- a rack or a -- it kind of just looks like a big computer shelf?

A. May I clarify?

Q. Yeah.

A. So a module is a steel case with cells in it. A rack is a grouping of modules.

Q. Modules. Okay.

And then the racks -- there's multiple racks in either a cabinet or sometimes we call it like the big container?

A. Yes. Or cabinet container. Used interchangeably. That's correct.

Q. Okay. So knowing that, I think the -- it says in the application that you're looking at 264 initial cabinets with up to 50 for augmentation. Do you have -- is there a standard amount of, you know, racks in each container, modules -- or modules in each rack, cells in each module?

A. Yes. For -- for a particular manufacturer, so in this case the Tesla Megapack 3, has a defined number of modules.

Q. Okay. Do you happen to know offhand what those are?

A. I don't have the number specifically offhand, but the images in my prefiled direct testimony, page 5, showing on the right, one container that's open, the black and yellow or black and orange modules, that is an accurate representation of --

Q. It is.

A. -- an open system.

Q. Okay. Thank you. That's -- that's very helpful.

You touched on this a little bit with Mr. Iversen, but can you go into a little more

detail about -- you had said, you know, the battery modules, they have -- they have the SCADA system overall, but then the battery modules have some things that -- there are some safety mechanisms that help protect in isolation. You also said, you know, there's a -- there's a fire monitoring system that monitors temperature, can shut down. Can you just provide more detail, sort of -- what I'm looking for overall is to connect what safety and monitoring systems exist and how they function and are applicable kind of at each of those levels that we just walked through: the cell, the module, the rack, the container.

A. Yes. So the SCADA system includes all data on site and all connected intelligent devices --

Q. Mm-hmm.

A. -- so that includes all of the information all the way down to the module level.

But starting at the cells, the cells themselves are just kind of a dumb component. The modules -- each module has infrastructure inside it that is able to automatically disconnect that module in the case of any kind of concern, which would be automatically detected and done by the

controller in that module. And then the racks have the same ability to disconnect a rack, and then the containers have the ability to disconnect a container. And the clusters with their Tesla controller have the ability to disconnect a cluster.

So at all of those levels, the system can automatically detect something and shut down.

Q. And so the thought is essentially -- if I'm understanding that correctly, the thought is it's monitoring to basically see if there's temperature issues, essentially saying, hey, this could be overheating, has the possibility to ignite, and obviously we don't want it to ignite.

A. Yes. So there -- there is temperature sensing. There's also voltage, current and other sensing for each module. And the goal would be to avoid even getting hot to a point that the -- that the cells can't manage. But, yes, also in the event of a cell or module that's reached a thermal limit that would be considered questionable or unsafe, it would also detect that.

Q. Okay. Is there -- so that's all the detection for it. Is there any type of prevention where if there would be an event -- and maybe you

can speak to how likely it would be -- an event where there was an issue, you couldn't shut down in time and it ignited, is there any safety or prevention within any of these systems that would isolate it or prevent, you know, it from spreading? Can you speak to that a little bit, including, again, you know, how likely that would be?

A. Yes. So the -- in the event of -- the chance of, like, an actual flame or fire as we would commonly think of it in everyday life is very unlikely. But in the event of very high temperatures or flame, there are separators between groups of cells and between modules and between containers. It's a little bit like the sheetrock in your house that prevents a fire from moving from one room to another.

Q. Okay. Okay. That's helpful. Thank you for walking through that with me.

You did -- I appreciated you kind of taking us step-by-step, if this is approved, how, you know, you would do the grading, the laydown, the access roads, kind of the timeline for how that construction would work. I thought that was helpful.

Do you know, are you planning to do this

work, you know, during planting season, harvesting season? What's your timeline there?

A. Yes. There likely would be work happening through the year. As I mentioned, no groundwork during the winter is expected or planned, but, otherwise, yes, we would -- we would be working throughout the year.

Q. So with all of the things that you outlined, can you just go into a little more detail, again, if this project moves forward, what the local community could expect with these activities as far as, you know, increased traffic, dust, anything like that, and then what mitigation efforts would be applicable?

A. I will give a brief overview of that --

Q. Sure.

A. -- and if there are additional questions, my colleague Maddy Doeden might be able to answer that as well.

Q. Yeah. Perfect.

A. Okay. So I mentioned that, first, the site preparation would include grading and minor earthwork. During that grading, there would be equipment brought in on usually semitrucks to the area to do that earthwork, and then the -- the

earthwork would be -- would be, I guess, impact to -- visibility to the community is simply that they'd see it. Similar with construction and laydown yards.

It's only when we get to the -- the delivery of equipment to the site that there would be a notable increase in traffic -- of course there would be some construction traffic, but then a notable increase when deliveries start, and so they might see trucks rolling through on a somewhat regular basis on the approved roads.

Q. And I believe in the application it talked about a road use agreement. Can you speak to that?

A. My colleague Maddy --

Q. Is that -- Maddy could --

A. -- would be better --

Q. Okay.

A. -- set up to speak to that.

Q. That's perfectly fine.

Have -- have you hired a general contractor for this project, or who would that be?

A. The -- the EPC is -- my apologies. I work with several projects, and at the moment I cannot recall the name.

Q. But you have hired one?

A. Yes.

Q. Do they -- if you could get us that name, I think that would be helpful.

A. Yes.

Q. I would just be curious, you know, do they have experience in North Dakota? Do you have experience with them?

A. Yes. It's one of our trusted partners, and I will confirm, but I do believe they have plenty of experience in North Dakota.

Q. Okay. Can you speak to a little bit -- because sometimes what we hear with these -- with other projects that come before us that do get approved is then when the contractors or subcontractors specifically come in, there's some sort of unanticipated issues in the community. And so can you speak to -- and then, you know, we'll get calls from the public saying, hey, you know, this incident happened or this incident happened, and we're kind of being more reactive instead of proactive.

So can you speak to how the company sort of holds contractors or subcontractors accountable to, you know, the rules and requirements that the PSC has set, that the local townships and

governments have set? Speak to that a little bit, if you could.

A. Yeah. First, I think it's important to note that the project will have, and the solar project already has, construction managers on site interacting with the public, reaching out to make sure there are no concerns like that. But if a concern were to happen, are you -- you're asking specifically about road use; is that correct?

Q. I mean, it could be things like -- it's been things like road use agreements. It's been things about, you know, if there's cultural or historical sites occasionally. You know, those -- those boundaries that are set up aren't adhered to. So it can be a wide variety of things. You know, tree and shrub clearing, anything like that. So just kind of all the requirements that have to be met under whether it's our requirements from a state level or, you know, local requirements like road use.

A. As in -- in referencing the legal or permitting aspects of that, I will leave that to our counsel and to Maddy. But for the construction itself, I can speak to that.

Oftentimes, when there is some kind of

concern with the public, especially for road use or construction traffic unintentionally using the incorrect roads, we often work to put out signs or additional signage, as well as make sure that all of our deliveries have updated paperwork and everything is on par for making sure that the correct roads are used, that the correct weights are adhered to, et cetera.

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

Sorry. I just want to make a couple notes. That I'll save for counsel.

I have some questions about the coordination that the company's had with emergency services, you know, local first responders and fire officials. Is that something you're prepared to answer or is that better suited for the next witness?

A. I can speak to what's typical on a project. I can't speak to the specific conversations that have been -- that have been had with the fire departments and --

Q. In this --

A. -- responders.

Q. -- particular one. Okay. I'll just queue that up, I think, for the -- for the next witness

then.

Do you know -- on page 29 of the application, it mentions, you know, an EMF study. Did the -- do you know if the company did a formal study for this project?

A. Could you direct me to that?

Q. I think it's page 29 of the original application. And so I think it's on page 29, it's section 6.3.2.1, and so it just sort of talks about EMF in general. So I was just curious if the company did more formal study on this project.

A. One moment.

Q. Okay.

A. As discussed in the application, it's anticipated that the EMF would be minimal and so no EMF-specific study will be performed. However, the site will perform a harmonics study, which studies electrical noise. It's the kind of noise that could create that EMF. So by studying the harmonics, we know that there would or wouldn't be an abnormal amount of EMF.

Q. So -- and the harmonics study is different than the sound study that we've talked about?

A. Correct. That is electrical noise as opposed to audible noise.

Q. Is that something that when that study is conducted and concluded that the company would submit to the Commission?

A. It can be.

Q. Okay. That would be helpful.

MS. SMITH: So a condition to the permit is what you're thinking?

COMMISSIONER KRINGSTAD: Yeah.

MS. SMITH: Okay.

Q. (COMMISSIONER KRINGSTAD CONTINUING) Okay. I have a question about the local permitting requirement. Is that a question for you or the next witness?

A. Which local permitting requirement?

Q. The -- the township permit.

A. Is this regarding noise or another subject?

Q. Nope. Just -- I think in the application -- and I don't have the page -- oops -- I don't recall if it was in your prefiled testimony or the next witness about a conditional use permit from the township and about how that's not applicable.

MS. SMITH: Yeah, that -- I can probably take it as a legal, if that's okay. It's a

permitted use under the zoning ordinance because it's associated with a facility -- a generation facility that has a CUP, which is the Harmony Solar project. So it's a permitted use under the ordinance.

COMMISSIONER KRINGSTAD: And does the -- does Harmony Township agree with that kind of legal determination as well?

MS. SMITH: They adopted the ordinance amendment to make it a permitted use. Yes.

COMMISSIONER KRINGSTAD: Do you know if there was -- so for this particular storage project, was there any, you know, follow-up or written correspondence about this is coming, it's -- it's covered and they agreed with that?

MS. SMITH: Whether they agree or not, I can't speak to, but I -- it's a permitted use under the ordinance, which means it's allowed and there isn't a reason that it wouldn't go forward under that use. It's just like any other permitted use that's authorized in an ordinance. There isn't a need to confirm that it's authorized once it's stated. That's the purpose of the ordinance.

COMMISSIONER KRINGSTAD: Even if it's in a, you know, different -- the -- because this

proposed storage is, you know, in a different location --

MS. SMITH: Correct.

COMMISSIONER KRINGSTAD: -- than the --

MS. SMITH: It has --

COMMISSIONER KRINGSTAD: -- solar.

MS. SMITH: -- nothing to do with the location as long as it's in the ag district, which it is.

COMMISSIONER KRINGSTAD: And then I think just one kind of last legal question. There were -- I saw the signed certification related to order provisions, and there were no changes.

MS. SMITH: There were no changes. Correct.

COMMISSIONER KRINGSTAD: Okay. Thank you for that confirmation.

I think those were all of my questions. Thank you.

MR. LARSON: Thank you.

JUDGE HOGAN: Commissioner Christmann, did you have any questions?

COMMISSIONER CHRISTMANN: I do. And I want to start with that last and just make sure I understood Mollie correctly. That the ordinance

that exists, this falls under, so they really don't need anything from Harmony Township, but could that be changed by Harmony Township before this starts construction because I know there's been talk of that?

MS. SMITH: I can't speculate as to what may or may not happen by the township, but I can say that the position of the company is that they've taken steps to vest rights under the existing ordinance.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. Okay. Then -- so back to the witness again now. Would you go to Figure 6 in the application, please. Nope. I'm sorry. I got the wrong one there. Page 24 of the -- of the main part of the application.

So it mentions doing these inspections one to two times per week. Is that adequate? I would almost think a multimillion dollar facility would be inspected like multiple times per day. So does it just sit empty the whole rest of the time and, like a power line, it just sits out there and works or what?

A. The site will be monitored 24/7 both

internally and visually. Can you direct me to the specific line you're referencing?

Q. Page 24, up in the very top paragraph there, it says, "One to two workers will inspect the site approximately one to two times per week."

A. Those types of inspections would involve inspecting for things like if air filters are plugged or things like that. So that is a more detailed inspection than I think of than what you're thinking of where we would visually inspect the site -- not just daily, multiple times per day -- and confirm any visitors to and from the site.

So visual and maintenance -- or personnel inspections continuously, as well as continuously monitored using that data at our 24/7 site with alarms and other automatic notifications.

Q. Got it. Okay. And then Appendix C, the second page. Just let me know when you get to there. No, I'm sorry, not the second page. It's -- yes, it is the second page.

So it says that there will be a plant manager and three to five technicians. So I'm -- you know, like, four to six people, but it also does at the end of the paragraph mention supporting

the solar site as well. Earlier on page 14 of the application, it says up to two or three employees.

So is that the situation that they're not really defined as specifically on this or specifically on the solar site and so is that why the discrepancy between two to three in one place and four to six in another?

A. Yes. That addresses the general nature of the difference.

Q. Okay.

A. The plant manager in particular would be split between both.

Q. And the local approvals and everything, those fall under you, except for fire related fall under the other witness or --

A. In general, local approvals would be Maddy Doeden or -- or counsel.

Q. Okay. So then go to page 20 of the application, please. And underneath the PSC section in there, the bottom row, and then the third column, the projected compliance, it says here, "The nearest residence to an aboveground project component is 5,000 feet"; correct?

A. I think I might be looking at the wrong figure. My apologies. Could you direct me to that

again? Page 20.

Q. Page 20, Table 3.4-1.

A. Yes.

Q. And then the -- the third row and the -- also the third column, the project compliance, it has to do with aboveground project components, and it says, "The nearest residence to an aboveground project component," which is fencing, "is 5,000 feet away."

Is that correct?

A. I believe that's correct. Yes.

Q. On page 32, it says, "The closest residence to the project is .72 miles away," which is certainly less than 5,000, and then on the map, I think it shows them as being less than 5,000 too. So I'm just trying to get to the bottom of exactly what it is or if it's even really been measured.

A. Yes, I think that I -- I see what you're pointing out and, yes, 5,000 feet. I think you're correct that that is a mistake.

Q. The 5,000 is a mistake. It's really the -- on page 32 the .72 miles, which is about 3800 feet; correct?

MS. SMITH: Actually, I think -- can I direct you to your Exhibit 3? Because I think

we're getting confused between numbers. But Exhibit 3 has the specific distances from the project fence and from the project perimeter to those residences. So just want to make sure we're all on the same page.

Q. (COMMISSIONER CHRISTMANN CONTINUING) So Exhibit 3 is the one to go by?

MS. SMITH: Correct. And I think, in part, it's a difference on how it's speaking, whether it's speaking to the project fence, to the facilities within the fence and to the area itself.

Q. (COMMISSIONER CHRISTMANN CONTINUING) Okay. This project is like 74 acres, but elsewhere it mentions that -- I don't know what it was -- 12 or 13 acres will be fenced in. The remainder of that can -- once construction is done, can continue to be farmed with the adjacent property or something then, or what happens to those other 60-plus acres?

A. Maddy Doeden would be better prepared to answer that question.

Q. Okay. I kind of got confused on whose territory some of these different questions fall under.

Oh, you mentioned the interconnection

agreement with MISO.

A. Yes.

Q. On page 6 of your application, it says that you're in the process of finalizing the interconnection agreement, but I believe you said earlier that that was completed on June 23, although this application was filed two and a half weeks later and it said it's in the process. So which is it?

MS. SMITH: I think he's looking at the application there.

COMMISSIONER CHRISTMANN: Yes.

MR. LARSON: Yeah. Yes.

MS. SMITH: Right.

Q. (COMMISSIONER CHRISTMANN CONTINUING) Do you see where I'm talking about on page 6? Well, the first paragraph is a partial carryover, and then another paragraph, and then the third paragraph.

A. "In the process of finalizing its generator interconnection agreement." Yes, I see that.

Q. And this was from July 10, and then you testified that on June 23 you finalized it. Did I misunderstand that? Is this in the process or do

you have an interconnection agreement?

A. We have an interconnection agreement.

Q. Okay. And you say -- I'm on page 7 now, right -- I'm in the middle of the second line on the top of the page. "In general, alternative energy sources provide lower cost per megawatt hour than conventional sources."

And I will grant you that when it's producing, it is cheap. Is it -- I mean you fairly -- I appreciate this -- point out "in general," but is it also fair to say that there are some of us who argue that increased -- that there are increased costs, then, for the electricity during times when the alternative sources aren't producing and so there is really debate about this? It's not just a hard-and-fast rule that the more alternatives we have, the cheaper it's going to be; correct?

A. I hear your concern.

Q. Okay. And Game and Fish and U.S. Wildlife, that is also Maddy; correct?

A. Yes.

Q. Would you go to Figure 2, please.

A. I'm there.

Q. Let me know when you're there.

A. I am.

Q. Okay. The area that's gray above -- to the north of the Bison substation -- and I think you kind of hit on this, but I just want to make sure I'm understanding correctly. That is not a part of this application. That is actually already in the solar site; is that correct?

A. That's correct.

Q. Okay. And then to Figure 6, please. And are you -- just tell me when you're there.

A. I'm there.

Q. Okay. So you have the -- the very heart of it where -- the little square that's labeled Bison.

A. Yes.

Q. And a little bit above that, going east to west, is a red line with little squares along it. That is the 345-kV line, right, according to the legend?

A. Yes.

Q. Okay. But from where it says Bison going straight west and then also another one going southeasterly are just straight red lines without the dots, and I don't see that in the legend. What -- what are those red lines?

A. I also don't see that in the legend. I believe it may be a printing mistake.

MS. SMITH: Yeah. We're just realizing that the online version does not show those lines but for some reason the printed version does, and so we aren't certain why, but those lines shouldn't be on there. And if you'd like, we're happy to provide printouts. The electronic version is correct, but we're happy to provide printouts with those removed.

COMMISSIONER CHRISTMANN: You've explained -- unless someone else wants it, you've explained it now, so it's not really bothering me too much.

MS. SMITH: Yeah. We haven't been actually able to figure it out. We noticed it yesterday and had the same question, so it seems to be some kind of discrepancy in the underlying data. So we don't know why those are on there, but we'll look into it and see what we can find out.

COMMISSIONER CHRISTMANN: So you just held me in suspense all this time thinking I was the only one who couldn't figure it out?

MS. SMITH: We're in suspense too. We're not sure -- we're not sure what those are, but

we'll see what we can figure out.

COMMISSIONER CHRISTMANN: Okay. I believe the rest of my questions are for the other witness. Thank you.

MR. LARSON: Thank you.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: I think the explanation is it's soon Halloween.

EXAMINATION

BY COMMISSIONER HAUGEN-HOFFART:

Q. How are you doing, Andrew?

A. I'm doing great. Thanks for asking. And how are you?

Q. Good.

So, you know, we've talked about the Tesla Megapack 3, and I know that -- I said that this is our third. Can you walk me through like why you chose -- be more specific on why you chose the Tesla Megapack battery versus others when you referenced there's numerous other batteries.

A. Sure. The company has -- Geronimo Power has various standards as to what we would accept as -- for technology, for energy storage and all of the other technologies that we have. So first the criteria is does it meet our internal requirements

for safety and -- and any other concerns.

And then, of course, pricing of the equipment is one of the concerns, and then -- and obviously the -- any local requirements or climate requirements. And so after all of the concerns were applied, there were really only a couple, maybe three options available. We evaluated each of those manufacturers and determined that Tesla would be the best fit for this project.

Q. When you talk about Geronimo's standards, are you saying that Geronimo's standards are higher than the standards you have to comply with federally or statewide? Explain Geronimo's standards.

A. Sure. So the main standard for energy storage in particular would be NFPA 855, the standard that addresses energy storage safety and reliability. That standard would allow many different chemistries. Some of those battery chemistries are chemistries that we would not consider because they may have had more concerns in the past than we would like to support.

So in that particular regard, yes, our -- our company standard eliminates some of the options that would be available under federal standards.

Q. Where is the Tesla battery manufactured?

A. It's -- they have several sites. It's manufactured in the U.S., generally California, New Mexico. I believe also they're now capable of manufacturing in Texas.

Q. Okay. Thank you.

We've talked a little bit about the protection. On Exhibit 9, page 8, line 141, you just talk about, "The PCS consists of an inverter, protection" -- "protection equipment." It's in the small binder. Exhibit 9, page 8.

A. Okay. Exhibit 9, page 8.

Q. Line 141 -- 140 and 141 --

A. Okay.

Q. -- where you talk about the protection equipment. Is there anything else that we haven't discussed that you want to talk about the protection equipment regarding this project?

A. I'm happy to get into more details of the multiple complicated protection systems that we have, but I feel that this is a good overview.

Q. Okay. Do you deal with the storm water management?

A. No.

Q. Nope. That's Maddy. Okay.

When you talked about the sound monitoring and you indicated that there were two residents or three residents. Were those residents notified regarding the sound modeling you did and the results?

A. I believe the residences were visited, but I'll let Maddy address that.

Q. Okay. Okay. Thank you.

The monitoring remotely, the location is in Bloomington, Minnesota, and we talked about shared staffing between Harmony Solar and Harmony Storage. Can you go into more detail what that looks like? You indicated that the project manager will be half and half, but -- and you described the hours, like Monday through Friday and the time.

With a project like this, talk about the joint staffing. And then my other question is, granted, it's monitored 24/7 from Bloomington and it has the capability of shutting down, but if -- talk about -- and you want the staff to be local -- this is getting to be really loaded.

A. I'm ready for it.

Q. And the response time. Talk about, number one, first the staffing, and then if they're not on site, time off, and the monitoring system and they

have to respond, what's the response time?

A. Sure. So typically on our sites -- so staff has not been hired for this project yet. But typically the plant manager lives very nearby, and several of the other permanent staff also live nearby. And they do have a -- a way to make sure that there is someone always on call locally.

But they do work normal eight-to-five shifts or perhaps a little bit earlier in the day. And -- and during off hours, at night, for example, there may not be anybody at the site specifically, but it is being monitored remotely and there is a contact list of who to call in order if some kind of issue were to happen at the site.

I believe there was more to your question.

Q. Yeah. Can you explain the -- just more of the relationship between Harmony Solar and Harmony Storage when it comes to staffing?

A. Yes. So as mentioned, the project, the plant manager would -- would be splitting time between the two projects. The -- each project has significantly different aspects, and these are usually technical people who specialize in a particular aspect. So we might hire someone who is capable of working on the inverters specifically

and they might then share time between both, or we might hire someone who is specific to BESS or specific to solar and then they might not be splitting much time between the two.

Q. Okay. Would you look at recruiting someone who has worked with the Tesla batteries to be on site --

A. So --

Q. -- or available to be one of the staff members?

A. Either are options, but in this case it's the most likely scenario that we would contract with Tesla. Tesla or other manufacturers who -- who would help us set up a system in this area have all stated that this would have a -- they would hire someone locally under their own contract to support this system.

Q. Okay. Regarding the emergency response and anything regarding the toxic gases, would that be Maddy or you?

A. It would be me.

Q. Okay. If -- you talked about, you know, potentially the toxic gas and the response. What would be the response area for if there had to be an evacuation? The application says one mile. Is

that so?

A. Can you point me to where you're looking at?

Q. I'll sure try. It is in the application, Appendix C, page 6, at the very top. It says, "If gases or smoke are observed leaving a BESS unit, the area should be evacuated as the vented gases are likely flammable and could ignite unexpectedly."

How big is the area? And I thought I read somewhere it was one mile.

A. I believe you're looking at -- for the one mile, is that under 5.2.2, Site Evacuation for --

Q. Mm-hmm.

A. -- for Potential Evacuation?

Q. I'm -- yes. I'm saying what's the parameter if there had to be an evacuation? Are we looking at a mile?

A. Yes. So the -- so the site evacuation for potential evacuation lists the situations -- the situations under which that could happen, which is unrelated to the reference about gases. So this is capacity threatened, personnel safety or if Cass County were to reach out to us and ask us to evacuate, as opposed to your question about the

BESS, 3.3.3.

Q. Yep.

A. So I'll point out that this is a draft. An emergency response plan can't be fully correct until all technology is selected and constructed and it's evaluated with the project as a whole as built. And as a draft, it includes information about many possible energy storage systems that could have been built, including other chemistries. In the event that this particular system or most of the lithium systems that we would build, if there was concern -- or if there was a high temperature event, we would know about it before something was visible.

And so this is referencing broadly energy storage systems, and in systems with less monitoring perhaps from the outside, the first visible indication would be those gases. In this system, that is addressed by other -- other safety systems.

With that context, how can I best answer your question?

Q. You answered it.

A. Okay.

Q. And I think -- I understand that this is a

draft --

A. Mm-hmm.

Q. -- and -- but this is right now the only hearing, and we have a lot of people --

A. Of course.

Q. -- here from the public. So when I look at if an evacuation happened, you're looking at, let's just say hypothetically, a parameter of one mile -- and I think Maddy would be able to answer this more -- is how would the community be advised? You know, I'm just looking at a communication plan, so I think we'll refer that to Maddy on -- on what I'm trying to get at.

A. Sure. And I can -- I can -- may I provide additional context?

Q. Yep.

A. So under 3.3.3 --

Q. Yep.

A. -- the area is, although not listed here, about 50 feet from the unit under -- under question. So personnel would leave the BESS site itself, you know, or portions of it.

Q. Okay.

MS. SMITH: Commissioner, I think the one mile is coming from 6.1, and it's just a

notification. It's in that same document, Appendix --

COMMISSIONER HAUGEN-HOFFART: Yep.

MS. SMITH: Yeah. So just so everybody's on the same page, I think it was one mile for notifications if there was an event using the information in the ERP.

COMMISSIONER HAUGEN-HOFFART: Okay.

MS. SMITH: So not a -- not an evacuation, but a notification.

COMMISSIONER HAUGEN-HOFFART: Notification. So the communication on 6.1 is a notification.

MS. SMITH: (Nods head.)

COMMISSIONER HAUGEN-HOFFART: Okay. Now I've lost my -- okay. The rest of my questions are for Maddy. Thank you.

MR. LARSON: Thank you.

JUDGE HOGAN: All right. Ms. Smith, any redirect?

FURTHER EXAMINATION

BY MS. SMITH:

Q. I just want to go back to the last conversation that we're having. Can you talk a little bit about this system and would you expect

gases or flames or anything to leave a container?

A. In an event like that, we would expect that we would pick up the heat or other concerns with internal equipment and that -- that the chemical breakdown wouldn't reach that point.

It is possible for any battery, including those in personal electronics, to reach a point where some gas is -- leaves the battery cell. But in this case, there -- the detection systems would already be aware of that. And if a gas left the cell, it's highly unlikely that it would make it past the first containment, the second containment or the third containment out into the environment.

Q. So there are multiple levels of containment to ensure that gases are not reaching the outside of the container itself?

A. That's correct.

MS. SMITH: Okay. I have no further questions.

JUDGE HOGAN: Mr. Iversen, any other questions?

MR. IVERSEN: No additional questions.

JUDGE HOGAN: Mr. Frank?

MR. FRANK: No additional questions. Thank you.

JUDGE HOGAN: Any other commissioner questions?

COMMISSIONER CHRISTMANN: I do not, Your Honor.

JUDGE HOGAN: Okay. Thank you.

All right. That's all the questions for you, Mr. Larson. Thank you.

MR. LARSON: Thank you.

JUDGE HOGAN: I think we will take a ten-minute break while we switch out witnesses. So we'll have them switch spots, and we will reconvene at 11:40.

(Recessed at 11:31 a.m. and reconvened at 11:43 a.m.)

JUDGE HOGAN: All right. We are going to get started again, if everybody wants to make their way back to their chairs.

Ms. Smith, do you want to formally call your next witness?

MS. DUFFUS: We call Maddy Doeden.

JUDGE HOGAN: Oh, I apologize. Sorry, Ms. Duffus.

MS. DUFFUS: That's okay.

JUDGE HOGAN: All right. Ms. Doeden, I'll have you start by stating your name for the record

and spelling your last name.

MS. DOEDEN: It's Maddy Doeden.

JUDGE HOGAN: Yeah, pull that mike closer, I think, so we can hear you.

MS. DOEDEN: Can you hear me?

JUDGE HOGAN: Yeah, that's better. Thank you.

MS. DOEDEN: Okay. It's Maddy Doeden, D-o-e-d-e-n.

JUDGE HOGAN: And, Ms. Doeden, did you hear me go through the penalties for perjury earlier?

MS. DOEDEN: Yes.

JUDGE HOGAN: And do you understand what perjury is?

MS. DOEDEN: Yes.

(Witness sworn.)

JUDGE HOGAN: All right. Thank you.

Go ahead, Ms. Duffus.

MADDY DOEDEN,

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

EXAMINATION

BY MS. DUFFUS:

Q. Good morning, Maddy.

A. Good morning.

Q. Can you please tell the Commission what your position is with Geronimo Power?

A. I'm a senior developer of late-stage projects.

Q. And please provide an overview of your education and work history.

A. I have a bachelor of arts degree in environmental studies and legal studies from the University of Wisconsin-Madison. And my experience with Geronimo Power is in leading planning and risk management efforts for energy infrastructure projects.

Q. Did you file prefiled testimony in this matter on October 14, 2026?

A. Yes.

Q. And is that prefiled testimony and your résumé identified as Exhibits 8 and 8A?

A. Yes.

Q. And what topics do you cover in your prefiled testimony?

A. My prefiled testimony provides an overview of the project's development history, including site selection, stakeholder coordination, environmental and land use analysis conducted for

the project and agency coordination and consultation. I also discuss the project's compliance with siting requirements.

Q. Will Harmony Storage, LLC, construct, own and operate the project?

A. Yes.

Q. And what is Geronimo Power's connection to Harmony Storage, LLC?

A. Harmony Storage is a wholly owned subsidiary of Geronimo Power, and Geronimo Power is assisting Harmony Storage with development of the project.

Q. Please discuss Geronimo Power's experience in the renewable energy industry.

A. Geronimo Power is a utility-scale renewable energy development company headquartered in Bloomington, Minnesota. Geronimo Power has developed over 3,500 megawatts of solar, wind or energy storage projects that are either under construction or operational.

Q. What factors make the project area a good site for an energy storage project?

A. A key factor for selecting the site for the project was the proximity to the Harmony Solar project, which is being developed by Harmony Solar

ND, LLC, also a subsidiary of Geronimo Power. By utilizing the Harmony Solar project's substation and interconnection facilities, Harmony Storage has minimized the project's overall footprint while delivering additional grid value through energy storage for both the Harmony Solar project and the electric grid.

Additionally, Harmony Storage selected this specific project area based on the landowner's willingness to lease the site, compatibility with existing land uses and resources, and minimal potential impact on human and environmental resources.

Q. Has Harmony Storage obtained the necessary property rights to construct the project within the project area?

A. Harmony Storage has a lease agreement and a purchase option with a private landowner covering the entirety of the project area. Additionally, Harmony Storage will enter into a shared facilities agreement with Harmony Solar to connect the project to the Harmony Solar project's collection substation.

Q. And has Harmony Storage identified an off-taker for the project?

A. We are in late-stage negotiations with an off-taker for the combined Harmony Solar project and Harmony Storage project.

Q. Okay. Let's turn to Exhibit 2. Okay. Does that figure show the project area, layout, occupied residences within one mile of the project area, setbacks, wetlands and floodplains?

A. Yes.

MS. DUFFUS: I'll just note that Exhibit 2 is in the back if anyone wants to reference it.

Q. (MS. DUFFUS CONTINUING) So now I'm going to have you look at Exhibit 3. Is that a chart summarizing information pertaining to the occupied residences around the project area?

A. Yes.

Q. And does the chart in Exhibit 3 list the distance from each residence to the project area and to the project's fenced perimeter as well as the modeled sound levels?

A. Yes.

Q. Can you please discuss the review conducted by Harmony Storage to identify occupied residences and community buildings around the project?

A. A member of our team drove the site and

the surrounding area to look at structures to determine if they may be occupied residences, and unless we could confirm if a structure was unoccupied, we treated the structure as an occupied residence for purposes of setbacks and for the sound analysis. We did not identify any community buildings within one mile of the project area.

Q. Okay. Still looking at Exhibit 3, what is the shortest distance between the project and an occupied residence?

A. Residence R01 is the -- is the closest occupied residence to the project, and it is located approximately 4,000 feet from the project area and approximately 4,800 feet from the perimeter fence.

Q. And for reference, what is the occupied residence setback for the project per the PSC and Harmony Township requirements?

A. The PSC setback requirement is 500 feet, unless waived by the owner of the residence, and the township's setback requirement is three-quarters of a mile, which is 3,900-ish feet, unless waived by the owner of the residence.

Q. So the project -- project's components, the perimeter fence, is set back from occupied

residences is a distance that is much greater than the required setbacks; right?

A. Yes.

Q. Can you please provide a general description of the project site from a land use perspective?

A. The majority of the project area is cultivated crops, with the remaining land within road rights-of-way. The project area is also adjacent to the Harmony Solar project's collection substation and the existing Bison substation.

Q. What was the overall approach to the environmental analysis of the project area?

A. We analyzed the project area and a study area consisting of a one-mile buffer around the project area. We initially conducted a desktop analysis to identify exclusion and avoidance areas, as well as other potentially sensitive resources.

Utilizing desktop information. We conducted site-specific field surveys, including a wetland and water body survey, a cultural resource survey, and a survey to evaluate the presence of potential habitat for federally listed species.

Q. And are the estimated land requirements for the project outlined in Table 35-1 of the

application, which is on pages 21 and 22 of the application?

A. Yes.

Q. And in that table, are separate estimates provided for the area within the fenced perimeter of the project and for the remainder of the project area?

A. Yes.

Q. So based on the preliminary design, what are the impact estimates for the project components within the fenced area?

A. A total of approximately 12 acres will be located within the fenced perimeter. Of this, approximately 10 acres will host project facilities on a gravel pad. The remaining approximately 2 and a half acres will be storm water basins that will be revegetated following construction.

Q. And what are the impact estimates outside the fenced area?

A. Of the land outside of the fenced perimeter, approximately a tenth of an acre of access roads will be constructed. Other project facilities outside of the fenced perimeter include underground electrical collection lines. These areas will be revegetated after construction.

Q. So what is the overall estimate -- estimated footprint of the project components?

A. Overall, approximately 10 acres will host permanent project facilities for the life of the project.

Q. And following construction, will noncropland areas temporarily impacted by construction be reclaimed and reseeded in accordance with the project's vegetation management plan unless otherwise specified by the landowner and approved by the PSC? And for reference, the VMP is Appendix E to the application.

A. Yes.

Q. Will any portion of the project area not used for project components be available for use as cropland?

A. Yes.

Q. Let's turn to wetlands. Are wetlands identified in Figures 3 and 7 of the application and in the figure marked as Exhibit 2?

A. Yes, they are.

Q. How has Harmony Storage considered wetlands in the project design?

A. We designed the project to avoid permanent and temporary impacts to wetland. There are no

wetlands located within the fenced perimeter. Access roads on the outside of the fenced perimeter will avoid wetlands. And where there is a wetland adjacent to 162nd Avenue, we will bore the collection -- electrical collection cables under the wetlands and road, thereby avoiding impacts.

Q. And are floodplains also identified on Figures 3 and 7 in the application and in the figure marked Exhibit 2?

A. Yes.

Q. How has Harmony Storage considered floodplains in siting the project?

A. We sited project facilities to avoid the FEMA 100-year floodplain on the eastern edge of the project area, and no impacts are anticipated.

Q. So turning to wildlife and habitat, can you please discuss the results of the U.S. Fish and Wildlife Service Information for Planning and Consultation, or IPaC, tool that was run for the project?

A. Yeah. The IPaC review indicated that no designated critical habitat is present within the project area. Two species proposed for federal listing have the potential to occur within the project area: the Monarch butterfly and Suckley's

cuckoo bumble bee.

Q. Please discuss the wildlife and habitat field survey that was conducted for the project?

A. In October of 2025, our consultant conducted a field survey to evaluate potential habitat for the Monarch butterfly and bumble bee, as well as a field review for eagle nests.

Q. So please discuss the results of that field survey with respect to the bumble bee and the Monarch butterfly?

A. Neither species were observed during the field visit. No potentially suitable habitat for the bumble bee was identified. Potentially suitable habitat for the -- potentially suitable Monarch butterfly habitat is limited to roads and ditches and areas adjacent to water resources, as the majority of the project area is disturbed.

Q. And were any eagle or raptor nests observed during the field review?

A. No trees or forested areas are present within the project area. No eagle or raptor nests were observed within the project area or from public rights-of-way in the vicinity of the project during the October 2025 field visit.

Q. So based on the analysis conducted, is the

project anticipated to adversely affect protected wildlife species?

A. No.

Q. Did Harmony Storage consult with the State Historical Society of North Dakota regarding archeological and architectural resource investigations?

A. Yes. We conducted a Class I literature search for the project area, plus a one-mile buffer for archeological resources and quarter-mile buffer for architectural resources. We also conducted a Class III cultural resources inventory of the project area.

Q. And are the Class I and Class III results provided in the report that has been marked as Exhibit 4?

A. Yes.

Q. And have those survey results been submitted to the State Historical Society?

A. Yes. The report was submitted to the State Historical Society on August 7, 2026.

Q. Did the State Historical Society provide a letter accepting the report dated August 31, 2026? And that letter is included in Exhibit 5, specifically, the second letter in Exhibit 5, since

there are two August 31 letters.

A. Yes.

Q. What were the results of the Class III survey work?

A. One archeological site that is unevaluated for National Register of Historic Places eligibility was identified within the project area.

Q. Did the State Historical Society recommend a 50-foot buffer around the site in its second August 31 letter, which is actually the first in the Exhibit 5?

A. Yes.

Q. And does the project avoid that identified site by the recommended 50-foot buffer?

A. Yes.

Q. And will Harmony Storage have procedures in place to address previously unidentified cultural resources encountered during construction?

A. Yes. We have developed an unanticipated discoveries plan.

Q. And was a copy of the unanticipated discoveries plan provided to the State Historical Society with the Class III report that is Exhibit 4?

A. Yes.

Q. Can you give me an overview of some of the project's benefits?

A. Yeah. There are direct economic benefits to the landowner as well as to the community in the form of property tax revenue, which is expected to be approximately $1.1 million over the life of the project.

Additional project benefits are temporary construction employment, in addition to long-term operations employment, as well as increased spending and revenue in the project vicinity due to increased demand for lodging, food, supplies, fuel, gas, et cetera.

Q. Has Harmony Storage committed to obtaining all required federal, state and local permits for the project?

A. Yes.

Q. And will Harmony Storage coordinate with all applicable road authorities?

A. Yes. Harmony Solar has a road use agreement with Harmony Township, and the plan is to amend that agreement to include the Harmony Storage project. The proposed road use agreement amendment is currently before Harmony Township.

Q. Did Harmony Storage contact all agencies

and entities identified in North Dakota Administrative Code Section 69-06-01-05 prior to filing its application?

A. Yes.

Q. And is the agency correspondence that was received prior to filing the application summarized in Section 8 and included in Appendix J to the application?

A. Yes.

Q. Was correspondence regarding the project between the filing of the application and the filing of prefiled testimony?

A. Yes. We received correspondence from the State Historical Society, as discussed earlier. We also received correspondence from the Natural Resource Conservation Service, NRCS; North Dakota Department of Agricultural and the Cass County Weed Board regarding the project's vegetation management plan and associated weed control measures.

Q. And are copies of that additional correspondence provided in Exhibits 5 and 6?

A. Yes.

Q. And with respect to the project's vegetation management plan, does the VMP address, among other things, seed mix and seeding

specifications as well as noxious weed control measures?

A. Yes.

Q. And did the NRCS, North Dakota Department of Agriculture, and Cass County Weed Board review the project's VMP?

A. Yes. The NRCS had one minor clarifying edit to the name of a plant species. This edit will be incorporated into our vegetation management plan. And the North Dakota Department of Agriculture and Cass County Weed Board had no comments.

Q. Can you please look at what has been marked as Exhibit 7. Is this the signed certification relating to order provisions for energy conversion facility siting with accompanying tree and shrub mitigation specifications?

A. Yes.

Q. Who signed this certification on behalf of Harmony Storage?

A. Nathan Franzen, who is the executive vice president of Geronimo Power.

Q. Does Mr. Franzen have authority to bind Harmony Storage with respect to adhering to the certification?

A. Yes.

Q. And are there any trees or shrubs in the project area?

A. No, there are not.

Q. Thanks.

In your prefiled testimony, you discussed the project's compliance with the PSC's siting criteria. Are any exclusion areas present in the project area?

A. No.

Q. Are any avoidance areas present in the project area?

A. Yes. Three avoidance areas are present.

Q. So let's first discuss historic resources not designated as exclusion areas. How is Harmony Storage avoiding potential impacts?

A. We sited project facilities to avoid the one archeological site located within the project area.

Q. And with respect to floodplains, how is Harmony Storage avoiding potential impacts?

A. We sited project facilities to avoid the FEMA 100-year floodplain on the eastern edge of the project area.

Q. And now with respect to woodlands and

wetlands, you stated that there aren't any trees or shrubs in the project area; correct?

A. Yes.

Q. And how is Harmony Storage avoiding potential impacts to wetlands?

A. We designed the project to avoid permanent and temporary impacts to wetlands.

Q. Will any significant adverse effects resulting from the location, construction and operation of the project as they relate to the PSC's selection criteria be at an acceptable minimum or managed and maintained at an acceptable minimum?

A. Yes.

Q. Were the policy criteria set forth in the PSC's rules considered and utilized to the extent possible by Harmony Storage when designing the project?

A. Yes.

Q. And were the factors set forth in North Dakota Century Code Section 49-22-09 considered by Harmony Storage when designing the project?

A. Yes.

Q. And have you identified an EPC contractor?

A. Yes, we have.

Q. Can you tell us who that is?
A. Yep. It's Burns & McDonnell.
Q. Okay. And do they have experience constructing projects in North Dakota?
A. They do. They are our EPC for Harmony Solar.
Q. And do they have experience constructing battery storage facilities as well?
A. Yes, they do.
Q. Okay. And do your contracts with your contractors and subcontractors require compliance with all applicable rules and permit conditions?
A. Yes.
Q. Thank you.
So based on the analysis conducted by Harmony Storage, will construction of the project produce minimal adverse human and environmental effects?
A. Yes.
Q. And with the exception of any updates provided in your testimony today, if I asked you the same questions in your prefiled testimony, would your answers be the same?
A. Yes.
MS. DUFFUS: Thank you. No further

questions.

JUDGE HOGAN: Mr. Iversen, any questions.

MR. IVERSEN: Yes, I believe just one.

JUDGE HOGAN: Turn your microphone.

MR. IVERSEN: Sorry about that.

EXAMINATION

BY MR. IVERSEN:

Q. Just one question for you.

A. Mm-hmm.

Q. So you stated regarding the wetlands that are close to the project site, the intent was to -- for any run cables that will or may need to go through the area, you were planning to, I guess, drill under those, bore under it to avoid having direct contact with wetlands?

A. Yes. That's accurate.

Q. Okay. And is -- is that the industry standard or something specialized for this area?

A. That's the industry standard.

Q. About how deep does that go?

A. I do not have that information in front of me.

Q. Okay. Understood.

And as far as the information went, there weren't any other -- besides the butterflies and I

think the bumble bee, there weren't any other endangered species to be worried about here; correct?

A. That's correct.

MR. IVERSEN: All right. No further questions.

JUDGE HOGAN: Mr. Frank, any questions?

EXAMINATION

BY MR. FRANK:

Q. Yeah, Ms. Doeden, you testified that the -- there's a -- the Harmony Solar road use agreement will be amended to include Harmony Storage. I was curious, the Harmony Solar road use agreement, was that put in place prior to the load pass permitting system that Cass County adopted, or can you give me some insight into how that relates to that?

A. I am not aware of the Cass County load pass. We implemented the road use agreement with Harmony Township prior to construction commencing for the Harmony Solar project.

MR. FRANK: Okay. All right. And I guess there's an open question there. My understanding is that Cass County has adopted in May 2026 the load pass permitting system which supersedes the

township, but I can follow up on that. Thank you.

MS. SMITH: I -- I think, Rob, my understanding is that whatever the county adopts, it's also adopted by the township. Whether they have load pass or a separate system, I think Cass County used to have an individual system that still applied within the townships, but now they have load pass, which would apply within the townships, if that makes sense.

MR. FRANK: And so that's not being used at this point because of the prior -- the Harmony Solar agreement was prior to load pass being adopted?

MS. SMITH: The agreement doesn't vary the obligation to comply with overweight/oversize. It basically says we will obtain whatever is required for oversize/overweight. So it doesn't supersede anything or change anything that's required in law. It adapts to what is required by law.

MR. FRANK: Okay. Perfect. Thank you.

JUDGE HOGAN: Commissioner Kringstad?

COMMISSIONER KRINGSTAD: Just a couple.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. So I want to start with kind of the

coordination between -- that this proposed project has had, specifically on the emergency service side of things. So can you speak about, you know, what kind of outreach has happened to, you know, fire officials, local first responders on this specific storage project?

A. Yeah. I would like to note, too, that once we get closer to construction, we'll have a lot more designated meetings with emergency first responders.

But so far, we have conducted outreach to local authorities. We held an informal open house in January of this year, to which they were all invited to. And we have done some individual outreach. Many of the local authorities that we have reached out to have commented saying that, you know, we can continue discussions as the project actualizes a little bit more.

Q. Okay. So they -- so you have not only outreached, but you have met and had some dialogue with the emergency services and the local fire department?

A. Yes. We've met with local first responders specific to the Harmony Solar project, but we've met those teams specific to the storage

project. Again, much of their response was that once the project comes closer to construction, we can start to have more discussions.

Q. But isn't there different considerations -- I mean, I can appreciate that you've met about the solar project, but in my mind there's very different emergency response considerations when you're talking an event at a solar versus an event at the storage facility?

A. Absolutely. And in meeting with them, we will definitely talk about emergency response as it specifically relates to Harmony Storage.

Q. I guess the thing that I sometimes struggle with a little bit is kind of the timing of some of these things because, in my mind, again, when we talk about being kind of essentially proactive instead of reactive, if we go through this whole process and ultimately make the decision to grant approval, has the local, you know, emergency response really gotten a say?

Because at that point it's basically if they have concerns that need to be raised or they need specialized equipment or they need anything like that, I mean, I think you could argue it's sort of -- we're kind of past the point of no

return; right?

So how are you gathering and getting, you know, their feedback and their concerns so it can be incorporated into this project and any potential issues can be mitigated before we've gone too far in this process?

A. Yeah. I think that our approach has always been to prioritize safety with the local first responders, and regardless of when the permit -- if the permit is issued, we will continue to coordinate with them, not only up and to construction but throughout construction and beyond into operations.

But, additionally, you know, we will continue to reach out to them and offer meetings, informational hearings, education sessions, et cetera. It's just that in the instances where we have reached out, the local authorities have stated that they will meet with us once the project comes closer to construction.

Q. Okay. And -- but do you know, if this project moves forward, if they need any specialized equipment in order to respond to an event at the storage facility specifically?

A. In discussions with them, we will

absolutely discuss their response and specialized equipment. And if specialized equipment is needed, our company in the past has offered to provide that equipment.

Q. Okay. I think, again, I'll just reiterate that maybe the company wants to consider kind of taking a different approach because, again, how -- if we want to hear the concerns and address any impacts, those need to be done upfront, kind of not in response to something that's already happened. So I'll just leave it at that.

Thank you for following up on the general contractor. I think all my questions were answered there.

You had heard my discussion with the previous witness kind of regarding, you know, the construction processes and what that would look like for local residents. I guess, is there any -- anything additional you'd like to add to that that we should be aware of and the local community should be aware of?

A. I would just note that across all of our projects, we -- we establish a local project manager point person for the project and communicate that very clearly and widespread

throughout the community so that if concerns do arise, the community members know exactly who they can contact and -- and how to reach them.

And additionally, you know, we have on-site project facilities during construction that the public is able to -- you know, construction trailers that the public is able to come to and ask questions. We'll have staff there.

Q. Okay. You mentioned -- and I saw the additional correspondence with the Cass County Weed Board. Does that -- does your weed management plan require approval from the weed board or do they just need to review it?

A. They just need to review it, and they had no comments that they provided.

COMMISSIONER KRINGSTAD: Okay. And then I think you answered my question about anticipated removal of trees and shrubs, so I think that's all I had. Thank you.

MS. DOEDEN: Thanks.

JUDGE HOGAN: Commissioner Christmann, any questions?

COMMISSIONER CHRISTMANN: Yes, I do.

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. And there's one area that I came into this confused and I thought I had gotten straightened out, and now I'm kind of confused again. The -- page 47 of the application, if you would go there. And tell me when you're there because I can't see you.

A. Oh, sorry. Yes.

Q. Okay. So on the top set of information, the bottom grouping, though, under Harmony Township, I see Building Permits, Access Permits, Utility Permits, Oversize/Overweight Permits, all things that may be required it says in your application. Then I thought I understood earlier that -- that Harmony Township's ordinance permitted this use so you don't need any approvals.

And that rang a bell with me at Docket 2, which came out later in July from Bridget, that said basically that it's authorized. But now you talked about still getting road use agreements. So I don't know really what it is that you need from Harmony Township yet as opposed to what all is covered.

A. The site permit itself for Harmony Storage

is what is covered in the ordinance amendment that Harmony -- that Harmony Township adopted, granting that projects associated with already permitted renewable energy facilities are considered a permitted use. There are additional kind of ancillary permits that may or may not be required, such as, you know, a road use agreement, which is a side agreement outside of a site permit, and those will be arranged with the township.

Q. Okay. And where I'm from in North Dakota, we don't have organized townships, so sometimes it's hard for me to really get my head around how that works because our county organization is just much larger geographically.

So you're on the south side of Section 12, so in my mind going south, you're 3 miles from the next township; right?

A. I don't have that information explicitly in front of me.

Q. Well, I'm pretty sure I'm right.

A. Okay.

Q. And so somewhere in here it said that Mayville is -- I think it was 4.2 miles from this facility. Does that sound right?

A. Mapleton?

Q. Mapleton, yes. I'm sorry.
A. Yes. That sounds about right.
Q. And so Mapleton is in a different township; correct?
A. I believe -- yeah, I don't know. I don't know that I can speak to it specifically.
Q. Okay. Well, just in case I'm right, I'm going to ask you a couple more questions on the topic.
Because I'm not so familiar with township governance, is there a township fire department that Harmony Township has?
A. There is -- the township utilizes Mapleton and Casselton's fire departments.
Q. Okay. So that's more like what I'm familiar with here where the communities have a community fire department or a rural fire department that's almost the same thing, but there are some --
A. Mm-hmm.
Q. -- distinguishing parts. And a lot of the funding comes from the population base who are in the community, which in this case are not in the township that is approving this; right?
A. Sorry. Can you restate the question?

Q. So since this will rely on Mapleton and Casselton's rural fire departments, which get a lot of their tax base from the people in Mapleton and Casselton --

A. Mm-hmm.

Q. -- it's fair to say that those are in different townships and so they don't really have much say in what Harmony Township approves as far as a permit?

A. I would say that when we have informal hearings and opportunities for the public to comment in, you know, hearings, that we welcome comments from residents of Mapleton and Casselton and surrounding communities and are always open to hearing, you know, their feedback on the project.

Q. And I'm going to Appendix C here now. Tell me when you're there on pages 5 and 6.

A. All right. I'm there.

Q. So kind of the minimal part I'll just briefly touch on. On page 5 under Electrical Equipment, in the third line it says, "Water shall not be sprayed on burning electrical equipment."

But then jumping over to page 6, in that sentence that's carried over from the previous page, it says, "The area should be evacuated as the

venting gases are likely flammable and could ignite unexpectedly."

Then I'm jumping down into the next paragraph, "The on-site -- "on-scene incident commander and/or County Emergency Management Director shall make the decision of how to respond to the emergency incident. Water" -- again, like with the electrical equipment -- "water shall not be sprayed on the BESS units." And later on in there, starting in the middle of the fourth line, "The equipment shall be left to self-consume to reduce the risk to personnel."

From what I'm understanding here is if we permit this and you build it, in your discussion earlier, you're talking about you're going to be working with them. But it sounds like they're kind of subservient to you. It sounds to me like you're telling them you let this thing burn, even though it's only 4 miles from your community. And Mr. Larson said he's from North Dakota, so predominant winds in North Dakota are usually northwest and blowing right at Mapleton. What do they really have to say about this, the fire responders?

A. The -- like I said before, we work very

closely with the local first responders, and although this emergency response plan does state, you know, some protocols, those are more industrywide standards to first prioritize the safety of personnel and the construction workers that may be on site or personnel around the site.

But, again, we will prioritize working with the local first responders to develop a comprehensive plan that works for them and -- and, you know, meets all of the project needs.

Q. But so then I'm jumping back to on page 47, and you don't need to go there, but that's that list of all local approvals that you need.

A. Sorry, can you --

Q. Basically, you -- you, for the most part, have the approval, except the road use agreement, from Harmony Township, but the fire department that's going to have the risk and the work is out of that and there is really no approval needed from the fire department; correct?

A. Yeah. To my understanding, the fire departments are not a regulated authority that needs to approve the project. However, our company is committed to safety and transparency and working with the local communities and local authorities to

ensure safety for these projects.

Q. Okay. I think I understand the situation, but I find it concerning.

I think -- you know, you talked about the -- about 60-plus acres that is outside the actual facility itself that will be reclaimed. Is that going to be available, would you expect, to neighboring farmers or something then to rent or is that going to be a situation where you just turn it to grass and mow it?

A. We have not determined the specifics at this time, but the remaining -- I don't know the exact number off the top of my head, but 60 or 70 acres will be returned or available to be returned to cropland.

Q. Okay. And then I have one more clarification, and it may even have come out in a subsequent filing. But what is the status with North Dakota Game and Fish and U.S. Fish and Wildlife Service? Have they signed off on this? Are you still working with them or negotiating anything or -- I kind of have lost track of the status with them.

A. Yeah. I'm going to turn to, I think it's -- it's the last appendix in our application

that documents our correspondence with North Dakota Game and Fish. Let me find the page.

Okay. They -- they don't have -- I don't have page numbers, but it's more towards the back of the correspondence. But to answer your question, we have had correspondence with North Dakota Game and Fish. They have reviewed our project and proposed plans. They provided recommendations in their -- in their response to the project, and the project complies with applicable recommendations.

Q. I'm sorry. Because I'm remote, you said you will comply with their recommendations? Is that what you said?

A. With the recommendations that are applicable to our site. Yes.

COMMISSIONER CHRISTMANN: Okay. Thank you. I have no other questions.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: Thank you.

EXAMINATION

BY COMMISSIONER HAUGEN-HOFFART:

Q. Maddy, what is -- what is the life of this project?

A. As stated in our permit application, the

expected life is approximately 30 years.

Q. And the cost of this project?

A. I believe it's around 250 --

Q. Million.

A. -- million. 249 million.

Q. Yeah. Okay. 249.

A. Okay.

Q. We hadn't talked about that, and I think sometimes that's good to know.

A. Yeah.

Q. I just -- I know we've talked a lot about emergency planning. I -- I'm disappointed that we don't have more information from the community on their concerns regarding this project, safety concerns, response, et cetera. We have a roomful of people, so it will be interesting to hear from the community perspective on how they feel.

As you guys like regulatory certainty with us, the communities where projects like this come into, they also like certainty and information. And I agree with Commissioner Kringstad, I feel like you guys are behind the eight ball on this.

So I'm going to ask you a question based on something that you said. That you had informal hearings, so at those informal hearings, what were

some of the public concerns regarding this project and how have you addressed them?

MS. SMITH: Commissioner, I -- can I just say I think there's some confusion here. What was testified to by Maddy is that they reached out to the emergency response folks, talked with them specifically about BESS, and they said come back to us when you are further along in the project and we will coordinate with you on specifics.

What I'm hearing here is that everybody thinks they didn't reach out, and they did. And so I want to make it clear it isn't for lack of trying to get coordination. It's that they preferred to wait until later on when -- in project development to have that outreach.

And I know -- I only am saying this because I know Maddy's tried two or three times to say it and it wasn't coming across, and I don't want her to take the brunt of any concerns that anyone has. I would rather take the brunt of that, so --

COMMISSIONER HAUGEN-HOFFART: Thanks for the clarification, but it goes beyond the fire department and those. What about the general public?

MS. SMITH: Okay.

COMMISSIONER HAUGEN-HOFFART: That's what I'm trying to get at.

MS. SMITH: Okay.

Q. (COMMISSIONER HAUGEN-HOFFART CONTINUING) There's the general public here. So what has been the concerns from the general public regarding safety and response to this project, and how have you addressed them?

A. Regarding the January informal open house that we held, I do want to inform you that we invited the community to that open house. We've had additional meetings with the community since -- since then in which we've talked about project details and also held one-on-one meetings with individuals in the community about the project.

I was not at the January open house meeting nor a part of the individual one-on-one meetings with landowners, so I cannot speak to specific concerns that our team has heard from residents.

But what I can say is I know that any battery-related emergencies and fires is a concern when it comes to BESS projects, and our company is committed to working with the local authorities to

properly ensure that we have the plans in place.

Q. I respect that. You've said that point four times.

I'm going to ask you about the public. How are you coordinating with the public in the area regarding emergency response? Now, I understand the plan is in a draft. I'm just asking you met with the public and you -- obviously you're not the person. You weren't there so you can't answer. I'm just -- I'm going to say it --

MS. SMITH: Commissioner, how about if we offer to have somebody come speak that was at the meetings, because I think we have somebody in the room. It's just -- it's just not Maddy. So if that's what you would like to have, we will have somebody come speak to that. I need to -- I'd need to talk to somebody at a break to confirm who was at the meetings. Would that be helpful?

COMMISSIONER HAUGEN-HOFFART: Well, maybe the public will -- if we have public comment and there's concerns, then I might ask that person to come up.

MS. SMITH: Well, I think we're going to call them because I don't want this to be a concern, so we will plan to call someone once I

know who that individual is.

COMMISSIONER HAUGEN-HOFFART: Okay. Thank you. I appreciate that.

Maddy, I'm done. Thank you so much.

JUDGE HOGAN: Ms. Smith -- or I'm sorry -- Ms. Duffus, any redirect?

MS. DUFFUS: No, Your Honor.

JUDGE HOGAN: Mr. Iversen, any other questions?

MR. IVERSEN: Yes, briefly.

JUDGE HOGAN: Can you turn on your mike.

MR. IVERSEN: Yes. Sorry.

FURTHER EXAMINATION

BY MR. IVERSEN:

Q. Ms. Doeden, so this -- does -- does Geronimo have -- well, I guess how much experience is there in setting up these energy storage facilities? This isn't your guys' first rodeo on an energy storage facility; correct?

A. That's correct.

Q. And are you specifically familiar with how public outreach has gone on other projects, you know, not inside North Dakota, but I mean is this a process -- is there a protocol, is it something that's been -- you have locked down for a couple

years now, or is it still rather new?

A. Can you ask the -- are you --

Q. So -- yeah. I should direct that question a little bit better.

So the commissioners had some questions about the outreach to not just the public but also emergency response. I imagine you guys have done that with other projects similar to this; correct?

A. Yes. That's a standard for our projects.

Q. Okay. So there is -- there is a protocol that you guys have set up for this at this point; correct?

A. For local outreach?

Q. Yes.

A. Yes.

MR. IVERSEN: Okay. Just wanted to clarify that. Thank you.

MS. DOEDEN: Yeah.

JUDGE HOGAN: Mr. Frank, any other questions?

MR. FRANK: No, Your Honor.

JUDGE HOGAN: Any other commissioner -- Commissioner Kringstad.

COMMISSIONER KRINGSTAD: Yeah, just one.

FURTHER EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. And if -- if this is a more appropriate question for the next witness that may be coming, that's fine.

Maybe what would be helpful to me, Maddy, if you know, is like when we talk about these initial meetings, okay -- and maybe I should have asked you for more detail. On these initial meetings with local first responders, can you give me more detail about what -- what was talked about there? So was it -- was it just this -- we're proposing this project and they said, okay, talk to us later? Was it this was the project, this is what it is, these are the concerns? Was there more of a dialogue there?

That, I think -- if you know the answers to that, I think that would maybe help everybody in the room kind of get more clarity.

A. What I can say about those meetings is that we brought in battery experts to speak to battery safety, specifically fire incidents and other battery safety concerns. We invited the public to those meetings as well as the local first responders, and to my knowledge, the local first

responders did not come to those meetings.

COMMISSIONER KRINGSTAD: Okay. Thank you for that.

JUDGE HOGAN: And just because I can't see you, Commissioner Christmann, did you have any other questions?

COMMISSIONER CHRISTMANN: No other questions, Your Honor.

JUDGE HOGAN: All right. Thank you.

All right. That's all the questions for you, Ms. Doeden. Thank you.

MS. DOEDEN: Thanks.

JUDGE HOGAN: All right. Can I get a show of hands of how many people want to provide public testimony? Just two, three?

COMMISSIONER HAUGEN-HOFFART: Raise them high. There's some back there.

UNIDENTIFIED SPEAKER: Four back here too.

JUDGE HOGAN: Four. Okay.

We have one more witness and five to seven for public testimony. Do we want to take a lunch break rather than going through?

COMMISSIONER KRINGSTAD: I think we should go till one, at least, because that's when Commissioner Christmann has to get off.

JUDGE HOGAN: Okay. Do you have another witness?

MS. SMITH: Yeah. So we have Matt Woolery who can speak to some of the public open houses, and actually Andrew was also there from an emergency response perspective, so we'll just have them come up so they can address your questions. So Matt Woolery.

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

MR. WOOLERY: Hi there. My name is Matthew Woolery, development manager for early-stage project with Geronimo Power. Woolery is spelled W-o-o-l-e-r-y.

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

MR. WOOLERY: Yes.

JUDGE HOGAN: And do you understand what perjury is?

MR. WOOLERY: Yes.

(Witness sworn.)

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

MATTHEW WOOLERY,

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

EXAMINATION

BY MS. SMITH:

Q. So, Matt, could you first describe what you have done as far as community outreach specific to the BESS project?

A. Yeah. So we've engaged the township -- Harmony Township back in September 2025 initially introducing the battery storage project in unison with the Harmony Solar project that's now under construction.

Q. Matt, I'm going to tell you you're going to have to slow down or you're going to have an angry person next to you --

A. Sorry.

Q. -- and you don't want that.

A. Thank you. Thank you.

Q. So, yeah, just take -- take a breath and slow down a little bit. So let's start back with your response.

A. Yeah. So we, the Geronimo Power team, originally introduced the battery storage project back in September 2025 at the Harmony Township

public meeting. Harmony Township at the time had monthly public meetings, and since then we have been attending those somewhat and have been listed on the agenda for battery storage so -- discussing that.

And in addition to the township board, members -- or community members from the township also were there to ask questions. And as Maddy had mentioned, we also had hosted an open house in January of 2026 at the Mapleton Community Center.

Some of the main concerns that we had heard were the use of agricultural land for battery storage, road use, as well as sound, and then the technology itself and its safety too. And at the open house, I think Andrew was able to talk to safety better than I might have been.

Q. And in addition to the open house, have you had any outreach to folks in the community or offered one-on-one engagement?

A. Yes. We have met one-on-one with quite a few folks in proximity to the battery storage facility within one mile.

Q. And were there any additional concerns beyond those that you've already talked about that were raised during those meetings?

A. No. Those were the main concerns.

Q. And as far as addressing those concerns, is the intent as far as the ag land, the bulk of the site, if it's not used for the actual project, will be available to be cropland again?

A. Correct. Yes.

Q. And you're committed to coordination with -- continued coordination because you've already had outreach with the emergency response in finalizing an emergency response plan that's specific to this project and their needs?

A. Yes.

Q. And sound -- in the sound report, we've confirmed that sound levels are 40 or below at the nearby residences?

A. Yes.

Q. Is there any other concerns you're aware of that have not been addressed by the company?

A. Not to my knowledge.

MS. SMITH: Okay. I don't have any more questions for Matt, and we'll probably have Andrew speak to the specifics on emergency response.

JUDGE HOGAN: Mr. Iversen, any questions?

MR. IVERSEN: No questions.

JUDGE HOGAN: Mr. Frank?

MR. FRANK: No questions, Your Honor.

JUDGE HOGAN: Commissioner Kringstad?

COMMISSIONER KRINGSTAD: You said you're going to call Andrew back to talk?

MS. SMITH: Yes.

COMMISSIONER KRINGSTAD: Okay. I think I'll just save my questions for him. Thank you for that.

JUDGE HOGAN: Commissioner Christmann, any questions?

EXAMINATION

BY COMMISSIONER CHRISTMANN:

Q. I'll ask this, and if -- if it needs to go to the -- to Andrew, just tell me.

I'm sure you were in the room and heard my questions to the previous witness about really what say do the fire departments, who are outside of the township, have in this? The township and then the state regulatory agency gives approvals for a building project and they're the ones left to deal with what sounds like it could be pretty dangerous fires. And so what -- I'm looking for specific reactions that you're getting regarding firefighting and safety.

A. Can you repeat the question? I guess what

is the ask?

Q. What -- what are you hearing in your public meetings from the local fire departments, and can we be comfortable that you're making them aware of the things that I had read to the previous witness about, you know, you can't spray water on here, there's toxins, the area should be evacuated, and they're left trying to fight a fire on the neighbor's land and they're not supposed to be there?

A. Thank you.

Yes, so we've been in active coordination with the Casselton Fire Department. And just as a correction, the Casselton Fire Department --

MS. SMITH: Matt, slow down.

MR. WOOLERY: Sorry.

The Casselton Fire Department is the sole responder to Harmony Township. Mapleton Fire Department just covers the city of Mapleton. We have coordinated with both of them, originally meeting with the Mapleton fire chief, I think it was fall of 2025, and having active coordination with the Casselton Fire Department.

Most recently, they had a meeting, I believe two weeks ago. I had asked one of the

officers if we could attend the meeting, and they said due to the recent emergency action plan meeting that we presented to the Casselton Fire Department specifically for Harmony Solar, they wanted to wait on that as it -- right now as I'm sure you're aware, it's harvest and a lot of the volunteers were a little bit busy.

So that's something that we will dutifully follow up on, continued coordination. So getting into, I think, the details of what concerns they might have is something that we will actively pursue.

COMMISSIONER CHRISTMANN: Okay. Thank you.

MS. SMITH: And, Matt, I had one more question, if I may.

FURTHER EXAMINATION

BY MS. SMITH:

Q. Taxes for this project, do the taxes -- even though there's taxes that are paid to the township, are there also taxes distributed to fire departments and others throughout the county?

A. Yes.

Q. So, in fact, some of the tax revenue for this project will go to the fire departments that

would be serving the area?

A. Yes.

MS. SMITH: Okay. No further questions.

JUDGE HOGAN: Commissioner Haugen-Hoffart?

COMMISSIONER HAUGEN-HOFFART: Thanks.

EXAMINATION

BY COMMISSIONER HAUGEN-HOFFART:

Q. Matt, I appreciated you coming up here and talking about the open houses, and you referenced a lot of additional one-on-one. I'm focusing on the public concerns. Okay. As you said, use of ag land, sound. We've addressed it here that the ag land will be returned to cropland. We talked about the sound study and all that.

My question for you is if they were concerned with the public, what did Geronimo do prior to this meeting to address those public concerns? How did you respond to the public? Did you go back to those that had one-on-one concerns and talk to them if it was at an open house? Were they addressed there? That's what I'm getting at. What were the public concerns and how did you address the public?

A. Yeah. So any questions that would arise -- for example, if it was the sound, you

know, once we had the sound study, we would follow up with them and show them, you know, this is the sound. And, you know, prior to my experience with Geronimo, I wasn't too familiar with sound levels. So giving equivalents that, you know, this is what this sound level, the 45 decibels or the 40 decibel, which would be at the nearest receptor, we would give those equivalents as well, too, to try to appease those concerns and show them that we are meeting the requirements set forth by the township.

Q. So you would say that all the public concerns that have been brought up have been addressed or at least explained?

A. I would say explained. I don't want to speak for the township residents, but we have continued to try to follow up with them. So as they are welcoming us to follow up with them, we will, and we'll take those one-on-one meetings as we have in the past and will continue to do so.

COMMISSIONER HAUGEN-HOFFART: Okay. Thank you.

MS. SMITH: Apologies, I did not mean to cut you off, Commissioner Haugen-Hoffart. I was like -- I thought we were at the end of the commissioners, so I apologize for asking my

follow-up question before you.

COMMISSIONER HAUGEN-HOFFART: No worries. No worries.

JUDGE HOGAN: All right. Any other questions for Mr. Woolery? All right. Seeing none, thank you.

MR. WOOLERY: Thank you.

MS. SMITH: So we will call back up Andrew Larson to address emergency response.

JUDGE HOGAN: Sure. Yep. Go ahead.

ANDREW LARSON,

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

FURTHER EXAMINATION

BY MS. SMITH:

Q. And you know you're still under oath; correct?

A. Yes.

Q. Okay. Andrew, you heard some of the questions that were asked about emergency response. I want to take us back to some of your earlier testimony about the safety of the system itself. And, first of all, what is the likelihood of a fire or gas release outside of the container?

A. Fire, flame or gas release outside of the

energy storage containers themselves is very unlikely.

Q. And within the container, is that in part because within the container there are those redundant barriers to stop it?

A. Yes. That's correct.

Q. And is there also gravel all the way around the edge of the site?

A. Yes.

Q. And on the exterior of the fence, would it be mowed to ensure that you're trying to prevent anything from reaching the facility or vice versa?

A. Yes, according to our vegetation management plan.

Q. And if there were an emergency, let's talk through some of the questions that Commissioner Christmann had about how you would respond. So the water concern, what would water be used on-site for in the event of an emergency at one of the containers?

A. Yes. So the manufacturer's instructions, the training provided by a third-party energy storage fire specialist and the general response normally applied in situations like this -- energy storage, electric vehicles and other similar

situations -- is to provide a cover water spray to adjacent equipment. That is just to avoid any spread of a fire or creation of a flame.

Q. So the -- would that be de-energized equipment?

A. Most likely, by that time the equipment would have been de-energized, but that is rainproof, waterproof equipment, so it is totally fine to get a water spray.

Q. So because it's already an outside container, you're saying it already gets rained on, it gets snow, so it's already protected against water infiltrating into the container?

A. That's correct.

Q. And as far as making -- coordinating and making decisions on how to respond to a fire, will the local first responders know in advance how to respond to an incident at the facility?

A. Yes. So fire training will be offered not only to the -- the fire departments that we expect to respond, but all area fire departments will be invited to our fire training before operation of the plant and on an ongoing basis.

Q. And so will it be up to them to decide how to operate once there is an incident?

A. So in conjunction with the fire training specific to energy storage and batteries, we will work with those fire departments that we do expect to respond to come up with -- to revise our emergency response plan and come up with a specific fire plan for that -- that fire department that they feel comfortable doing in the light of the training that we would provide.

Q. And is the reality that if there were a -- an incident in the container, it would be left to burn out that particular container?

A. Yes. If cells inside an energy storage container were to catch fire, they -- those cells would be allowed to burn. That may or may not be visible from the outside of the container. Likely it would not. And so there may be smoke damage inside the container, but those cells would -- would burn out.

Q. And is the container then itself a mechanism to prevent fire from spreading outside of the facility?

A. That's correct. It's one of the multiple layers of fireproofing.

Q. And so is there -- I'm going to take that back and let that -- let that be. I think you've

answered my question enough there.

As far as equipment, is there any specialized equipment required in order to respond to a facility such as a BESS?

A. According to the manufacturers of the energy storage equipment and to the fire specialists that we have brought in and will continue to bring in, no special equipment is needed.

Q. Okay. And if -- if something were identified that they would like to have, is that something that Harmony Storage would be willing to provide?

A. Yes.

MS. SMITH: Okay. I have no further questions.

JUDGE HOGAN: Mr. Iversen, any questions?

MR. IVERSEN: No further questions.

JUDGE HOGAN: Mr. Frank?

MR. FRANK: No questions, Your Honor.

JUDGE HOGAN: Commissioner Kringstad.

FURTHER EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. Thank you for that explanation.

When you say -- you talked about how if in

an unlikely event -- and I understand it's unlikely, but I think for us, we want -- we want to make sure we talk about it so we've kind of planned for any scenario. Right? You said that there would be smoke kind of contained to the cabinet or the container. I seem to recall from the previous battery storage cases that we had that this aspect of flames -- right? -- like flames and flaming embers, is that something that would ever be anticipated for a fire at a BESS unit potentially?

A. With a modern energy storage system like we are building, that is not expected to happen. However, the fire training that we provide covers all cases, including older energy storage systems that could have burst into flames like that.

Q. So can you -- can you explain why that's not likely to be flammable? Because that -- that is what -- with full disclosure, that's what we've heard at other BESS hearings, as well, is the notion of kind of like flames and flaming embers isn't really applicable, but can you just explain why? Because, I guess --

A. Yes.

Q. -- to me initially that feels a little counterintuitive. So can you just explain why?

A. Yes. Previously I used the analogy of sheetrock in a modern home that would prevent fire from moving from one room to another. Continuing that analogy, old log cabins, old wooden structures, the kinds of buildings that resulted in the Fargo fire many, many, many years ago, they -- there were no standards to prevent the spread of fire and it caused major problems.

And so similarly in energy storage, many of the very early systems had no standards to follow. BESS practices had not been created. Now national standards like NFPA 855 regulate the design of the system to avoid any kind of fire spread. So if a fire happens, it will be contained to a very small area, a small group of cells.

Q. And so, again, I think Commissioner Christmann was getting at this a little, is -- even if it's contained in there, is there a risk that flames get out of the container or embers get out of the container and are blown by the wind and are, you know, ignited outside of the fence line and now suddenly we have essentially a moving fire?

A. While the spread of fire in any kind of fire is -- is difficult to predict, no, it's not expected, though the fire department would be

trained on how to make sure that that doesn't spread, which is the purpose of the cooling spray.

COMMISSIONER KRINGSTAD: Okay. And I -- I think I will just reiterate from -- from my perspective, this -- this follow-up has been helpful. I guess the way that I look at it, whenever we're talking about types of projects, depending on the type of project, there's kind of unique considerations that sort of bubble to the top. And for battery storage, I would say that because of the unique nature of fire and fire response, that that's kind of one that rises to the top.

So I -- you know, Maddy -- I think that's why we were kind of really digging into this is because I understand what's been said about, you know, no, there's no -- there's no sign-offs, essentially, from local entities. You know, I heard Maddy say there was an open house, emergency response was invited, but they just weren't able to connect. That's fine.

But in situations where kind of that's maybe a higher-level issue, I would say, again, going back to being proactive, kind of taking those extra steps to say, okay, we have the battery

experts here, we're hoping -- you know, we did what we could to connect them with the first responders, it didn't work. Do we need to do that before to bring them in upfront? And, again, not that we have to solve every problem, but so it's, in my mind, very well-known and transparent to everybody this is new, these are the issues, do you have any concerns. We can get those upfront and then we can -- we don't have to solve them right away. Again, it's harvesttime. We don't have to solve them right now, but then they're at least known upfront and we can work towards resolving them at the back end.

What we don't want is we don't want to be, in my mind, forcing things upon people that once it's there, they would have said, oh, had I known this upfront, I would have responded differently.

So that's just kind of my take on it. This has been helpful, I think, to understand a little more about what happened and why it happened and how we're working towards this.

So thank you.

JUDGE HOGAN: Commissioner Christmann, any questions?

COMMISSIONER CHRISTMANN: Not really, Your

Honor, but I would like to point out for the -- the public in the room that as I -- if they didn't hear me earlier, I have another event so I have to sign off here in just a couple minutes, but, please, believe me, I will be thorough in listening to the recording, watching it to hear the public comments because they do concern me.

The only other thing, then, I want to say is that while I don't have any more questions, I will just throw this concern out in case the respondent wants to comment on it or the -- the witness wants to comment on it, this still does concern me that we have a township approving a project and then the project developer telling the fire department how they're going to have to handle this project if the worst case happens. And, yeah, we don't anticipate the worst case, but responsible people prepare for the worst case, and then they're left in kind of this subservient role of someone else approved it and we have to live with it. And if the developer tells them that this is how they have to do things, they're just stuck doing it.

And this is how the law is. I know that. I -- it just does concern me that these fire departments don't have more say.

MS. SMITH: Go ahead.

MR. LARSON: Thank you for your comments. And if you have to leave, I will continue to address my comments to you.

Q. (COMMISSIONER CHRISTMANN CONTINUING) Please.

A. Thank you, Chairman Christmann -- Commissioner Christmann.

I do want to point out that according to federal standards, we do have obligations to the -- the local authorities. Oftentimes, that would be a fire marshal. So, yes, this will be built to the -- to federal standards that include fire regulation and make sure that the system can be addressed by a fire department.

And we continue to work with the fire department to -- to make sure that they are aware of the concerns and have the appropriate training and have what they need to fight any kind of fire or other emergencies for this system.

COMMISSIONER CHRISTMANN: Okay. No other questions, Your Honor.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: Thank you.

FURTHER EXAMINATION

BY COMMISSIONER HAUGEN-HOFFART:

Q. Andrew, I appreciate you coming back up here and addressing some of these questions.

Just based on something that you said regarding let things burn out, the cells, you -- let it burn out, then I suppose it's -- can I assume that that is no longer in use? It will have to be disposed of?

A. Yes. That's correct.

Q. So how do you -- how would you handle that disposal?

A. Yeah. So during the construction, commissioning or operation of the site, a damaged cell -- damaged for any reason, fire or other reasons -- is recycled in cooperation with the manufacturer. And so in a -- in some kind of temperature-related event, we would, again, be notified by the system that something has happened, that various components have automatically shut down, and that if it is a high enough temperature to be of serious concern, that either the local technicians should respond to that appropriately or that a system has already called a fire-monitoring company who then calls the fire department on our

behalf and that they have been dispatched and are on their way if it was that severe.

The -- the fire department likely would come and monitor or be available with us, according to our -- the agreed-upon ERP and, if necessary, provide a water spray.

Once the system tells us that the temperature has dropped down or in some kind of catastrophe, if it even ever happened, if the system couldn't respond and tell us what the internal temperatures are, using external temperature sensors -- a thermal camera, for example -- we would wait until the temperatures have gone low enough; the fire department is on their way -- or may leave the site because the temperatures are now no longer a concern; and then we would wait for the manufacturer to send a representative who would do a thorough inspection of the system to -- not only to make sure that the system is safe but also investigate how and why it happened.

Once everything is determined safe, the -- the module under -- the module with the problem would be removed. One module is the minimum equipment size that can be replaced. So if there's

no smoke damage or no other concerns, that would be removed, a new one would be replaced, the system would be tested and brought back up into service, but that module then would go to the manufacturer so that they can figure out what happened in there.

After they've done any inspections or testing on that module, it would be recycled through one of many national lithium recycling companies.

COMMISSIONER HAUGEN-HOFFART: Thank you for the very thorough explanation. I have no further questions.

MS. SMITH: Commissioner, I was going to let you know Andrew was at the open houses as well if you had questions specific to what members of the public asked. I didn't clarify that in my questions, but I wanted you to have access to him.

COMMISSIONER HAUGEN-HOFFART: Okay. Yep.

Q. (COMMISSIONER HAUGEN-HOFFART CONTINUING) Well, meanwhile, you were at the open houses. This was asked of Matt, too, but what were the public concerns and have you addressed them and then how did you communicate back to those who had concerns?

A. Yes. So I was at the January open house held in the Mapleton Community Center, as well as

two of the town hall meetings where I was specifically brought in to answer any questions about energy storage, energy storage safety, energy storage emergencies response.

For the -- for the members -- the board members of the town hall as well as the public, as well as -- or the residents of the township and all other community members that came, we did have a variety of people who showed up to those three events that I attended. That included, of course, township board members, residents of the township, and -- and also included residents from adjacent townships and other -- elsewhere in the county and state officials.

I received a variety of questions. And I will point out that at the January open house, I was accompanied by a member of our energy storage emergency response consultant, who was there to answer questions as well.

The questions that he and I answered at the January open house and that I answered at the two town hall meetings included questions -- basic questions about energy storage, included questions about fire, and included questions about fire response and other emergency response.

I gave answers similar to what I gave both -- to all three of the commissioners today. After my answers and/or answers from our consultant, there were no further questions or follow-ups, though we did offer and extend that we would be back and we would be happy to answer more questions if any come up.

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

MR. LARSON: Thank you.

JUDGE HOGAN: Ms. Smith, any redirect?

MS. SMITH: No.

JUDGE HOGAN: Any more questions, Mr. Iversen?

MR. IVERSEN: No.

JUDGE HOGAN: Mr. Frank.

MR. FRANK: No, Your Honor.

JUDGE HOGAN: Any other commissioner questions? No?

All right. Thank you.

MR. LARSON: Thank you.

JUDGE HOGAN: Does that conclude the applicant's witnesses?

MS. SMITH: It does. We would reserve the ability to recall as needed to address questions at

the end.

JUDGE HOGAN: Sure.

It's 1:05. I'm guessing we have about an hour of public testimony. Do we want to take a lunch break or thoughts?

MS. SMITH: We're good if you guys want to keep going.

COMMISSIONER KRINGSTAD: So I don't want to keep the public waiting, because I don't want to lose people by breaking for lunch and then not having them come back. At the same time, I know that we've been at this now for several hours, so I want to be respectful if you guys need -- need lunch as well. No? Should we just --

JUDGE HOGAN: Okay. Nobody's jumping up.

COMMISSIONER HAUGEN-HOFFART: I am seeing head nods to continue.

JUDGE HOGAN: Stephanie, do you want a short break?

THE REPORTER: A short one.

COMMISSIONER KRINGSTAD: Yeah. I think let's take a short --

JUDGE HOGAN: Let's take a short --

COMMISSIONER KRINGSTAD: -- five, ten minutes and then come back.

JUDGE HOGAN: Yeah, let's shoot for about a ten-minute break, and then we'll come back and move to public testimony.

(Recessed at 1:07 p.m. and reconvened at 1:16 p.m.)

JUDGE HOGAN: All right. We are going to get started again, if everybody wants to make their way back to their chairs.

All right. As I mentioned, we're now going to move to public testimony. If you'd like to provide public testimony, I'll have you come up one by one and you'll take a seat in the witness chair. You will be sworn in and then allowed to make your statement. After you've concluded your statement, we will go around the room and see if there's any questions for you.

If you are representing a group or entity, please note that for the commissioners. Likewise, if you consider yourself an impacted landowner, if you want to let the commissioners know that as well, as long as -- as well as where your land is located. That's helpful as well.

This is your opportunity to make a statement to the commissioners. It's not the time to ask questions to the applicant or the

commissioners. As it was mentioned earlier, this is an administrative hearing, so we do have a certain procedure that we must follow today.

Likewise, we would ask that you do not repeat previous testimony. If somebody has already provided that testimony, it's sufficient to just indicate that you agree with that prior testimony.

And, finally, I'd ask that you please limit your comments to five to ten minutes. If you're approaching ten minutes, I'm going to ask you to try to wrap up your comments.

So with that, I'll ask for a volunteer to go first. Oh, wow, come on up. Usually there's a very long pause after I state that.

MR. RUST: We've got some farmwork to do.

JUDGE HOGAN: All right. Can I get your full name, and if you'd want to spell your last name.

MR. RUST: Yes. My name is Perry Rust, R-u-s-t, and I am an affected landowner.

JUDGE HOGAN: All right. Hang on. I've got to swear you in.

MR. RUST: Okay.

JUDGE HOGAN: Did you hear me go through the penalties for perjury this morning?

MR. RUST: I did.

JUDGE HOGAN: And do you understand what perjury is?

MR. RUST: Yes, I do.

(Witness sworn.)

JUDGE HOGAN: And do you have a green light in front of your mike there?

MR. RUST: Yeah, it's on, isn't it?

JUDGE HOGAN: Okay.

MR. RUST: I think I just need to move it a bit.

JUDGE HOGAN: Yeah. That's a lot better. Thank you.

MR. RUST: Yeah, there you go.

JUDGE HOGAN: Go ahead.

PERRY RUST,

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

STATEMENT

BY MR. RUST:

MR. RUST: Okay. Well, my name is Perry Rust, and I farm with my brother Dale and his wife, Jerri. We are in Harmony Township. We have approximately 440 acres in the affected area and two farmsteads, which my brother Jerri and his --

or brother Dale and Jerri live on one, and then we have another one that we bought for my nephew so he could build his home there, and that has now gone away.

All this property is less than a mile from the battery storage area. And as I look at the posters, I'm a little confused because if a mile is the reference, then the radiuses that I see are a little wrong because it should be the radius from the battery to the farmstead. And my brother's farmstead is directly up center. That's his. Our other farmstead is directly down at the five o'clock -- about five o'clock. So one mile, maybe, close, but we are that. I'll move on.

I -- I urge the Commission to evaluate the cumulative infrastructure domino effect that's happening across our townships rather than just viewing this application in isolation.

In 2019, this Commission approved the initial 1662-acre solar footprint by a 2-to-1 vote, legally justifying it because the footprint was deemed a negligible impact representing just .17 percent of Cass County prime farmland.

My question to myself is why was the metric of Cass County farmland used, not the metric

of the state, the metric of the United States, but why wasn't it used for Harmony Township?

The reality on the ground today is no longer negligible, the battery storage serving as an industrial magnet for a massive compounding expansion. First, phase two solar has been presented and people are signing up.

MS. SMITH: I'm going to object to anything that's outside of this particular battery storage facility and is speculative.

JUDGE HOGAN: I'll note the objection, but I'm going to allow him to provide his comments.

MR. RUST: If I may, it is important because during the township meetings I went to, a second battery storage was going to be proposed for phase two.

It's there to power additional infrastructure that the companies are going to do and there is a conditional use permit done.

But the -- the solar boundaries are starting to expand, and we understand that more now solar and probably a second battery storage has crossed into an additional township. It was Rush River.

And then, third, even though it might not

be pertaining but it does, my quarter of land is directly north of the lower farmstead. It's the green piece and then there's two little 80s, and Minnkota Power bought the two 80s for their -- I believe they're called natural gas turbines. And so, again, it's helped to promote all the energy needed.

And then just yesterday -- and this does pertain -- Geronimo people came into our office. My people are instructed to not let anyone talk to me or my brother. They came in unannounced, packets, they left them, and they're offering to buy out the two farmsteads in some kind of lease agreement on the farmland. That we largely just left on the desk.

So when you figure out all what's going on, this is going to complete a full energy footprint of nearly 6,000 total acres of the best land in Cass County. And within Harmony Township alone, we're not sure because we don't know all the numbers, but we think it's going to take up at least half of the mass -- land mass within Harmony Township.

And what happens is these piecemeals is approved by developers to bypass the strict intent

of North Dakota prime farmland production use.

And my concerns, they extend way beyond the numbers of acres involved. I mean, the Commission should, and you are, you know, completing and getting more reliable information.

But operational noise -- one of the things we talked about is the noise studies have been done, but what was -- what was it? Was it done when it was minus 20? Was it done with the wind? Was it -- we don't know. And so these studies, we don't know how biased, if they're biased. We don't know.

I just know two nights ago I sat on my patio talking with my partner, and about half a mile away we could hear people talking. They're talking. In between us is a shelterbelt and a bunch of houses. And, of course, I live two miles or less from the Harwood project.

Operational noise, low frequency -- which I haven't seen a lot of study on that -- fire, explosion, everything that you people are asking, you know, which is so good to hear today.

One of the things that I'm concerned about is -- if we can continue to farm the land if things get developed and farmland is used for solar or

what else -- is our drainage. Agricultural drainage is really important. We need to ask our neighbors if we can drain across it. It's so important that my quarter of land and my two additional farmers that I know very well, when we tile that land, they ask, Can we go with you? And I say, Heck, yeah. It helps me save money.

Well, guess what? It's going to get developed, and if that tile gets perforated, I will have my whole tile on my quarter ruined. It fills up with dirt. So we have to mitigate that. Minnkota said don't worry about it. We'll see.

I can go on with all the things that are going on, but I so appreciate you coming to Casselton today, to see the people behind me that are the farmers, they are the affected people. It means a lot.

So under your siting mandate, you have the authority and the obligation to protect our agricultural economy. And I ask the Commission to simply pause approvals until we can demand comprehensive, cumulative review of this entire scope. And when that is done, then we can move on.

NDSU, Moorhead State -- or Minnesota State University, I would like to see three universities

independently study everything, the economic development or I prefer to say economic loss or economic undistributions changing it. It's huge. We've not seen any of the marketing side of actually the economic loss. It's huge too, but you don't see it yet.

I thank you again. I so appreciate you coming here.

JUDGE HOGAN: Thank you. Ms. Duffus, any questions?

MS. DUFFUS: No questions. Thank you for your time.

JUDGE HOGAN: Mr. Iversen?

MR. IVERSEN: No questions.

JUDGE HOGAN: Mr. Frank?

MR. FRANK: No questions.

JUDGE HOGAN: Commissioner Kringstad?

COMMISSIONER KRINGSTAD: Just one.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. So, first of all, Perry, thank you for coming up first. We always need an icebreaker, so thank you for being our icebreaker here today. And I know you said you had -- you had farmwork to get back to, so thank you for sitting through our

hearing. I'm not going to keep you long, but I just -- I just want to -- to make sure that I have myself acclimated.

You've pointed to this back here (indicating), so that's Exhibit --

A. The same as this one.

Q. -- 2. Yep, over there. So that's Exhibit 2. And I think it's in -- it's in the small book on your left.

A. I can just --

Q. Okay. So I just --

A. I can go up and point.

Q. I just want to make sure, is it R --

A. Oh, yes, there we go.

Q. -- R01 and R03 are the properties you're talking about?

A. No. R01 is my brother's.

Q. Okay.

A. R03 is the other farmstead that we purchased. My nephew was going to buy it. He needed to move out of Fargo.

Q. Okay.

A. He hated it. And now that's not going to happen.

Q. And that's R03?

A. R03.

Q. So -- and so R03 is one that -- that is land that you own?

A. Correct. Correct.

Q. Okay.

A. And understand that if I wanted to say -- if I wanted to in the future build a house, you know, somewhere on my property, that's not going to happen. If I wanted to spread my ashes and -- have my kids spread my ashes on that property, I'm not going to let them now. It's in my will. It affects us.

COMMISSIONER KRINGSTAD: Okay. Thank you for -- thank you for that clarification and thank you for your testimony.

MR. RUST: You're welcome. Thank you again.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

EXAMINATION

BY COMMISSIONER HAUGEN-HOFFART:

Q. Yeah. Perry, where is your residence? R01 is your brother.

A. Nope. Nope. I -- I -- I own land. My brother lives there.

Q. Okay.

A. I live north of Fargo on the Red River, and on the sign-up sheet my address is there. But it's less -- just under two miles from the Harmony -- or the Harwood data center.

And what we are witnessing on the construction side is -- well, I'll give you an example. You talk about pilings that they're going to put on this battery storage -- because I asked that at the meeting because I believe -- I believe you were there, which was good, and they didn't know, but we knew that -- at that time we thought they were putting 3,000 pilings in. It turns out -- this is for the Harwood -- so 3,000 pilings. For about, I don't know, 18 months, all we heard was boom, boom, boom. It's 3,000 pilings per building.

And the noise -- you ever heard pilings going in? It's not music. It's not a symphony. And for about, I want to say, a year or maybe two, that's all we heard. Sundays were quiet. And I think they took off Saturday afternoon.

COMMISSIONER HAUGEN-HOFFART: Okay. Perry, I have no further questions, but thank you so much for your time.

MR. RUST: Thank you so much.

JUDGE HOGAN: Thank you, Mr. Rust.

Who would like to go next? Come on up.

MR. GROMMESH: Hello.

JUDGE HOGAN: Hi.

MR. GROMMESH: I'm Gary Grommesh. I am a Harmony Township resident. I don't --

JUDGE HOGAN: Hang on. I've got to swear you in. Well, first, I'd like you to spell your last name for me.

MR. GROMMESH: G-r-o-m-m-e-s-h.

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

MR. GROMMESH: Yes.

JUDGE HOGAN: And do you understand what perjury is?

MR. GROMMESH: Yes.

(Witness sworn.)

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

GARY GROMMESH,

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

STATEMENT

BY MR. GROMMESH:

MR. GROMMESH: I was originally going to

come in and talk about some of the --

JUDGE HOGAN: Hang on one second. Did you give us some handouts for --

MR. GROMMESH: I did.

JUDGE HOGAN: Yep. Should we hand those out?

MR. GROMMESH: You -- yeah, go ahead. There's -- I'm going to deviate from it because it's changed since I've been here.

JUDGE HOGAN: That's fine.

MR. IVERSEN: It's four of these and one --

MR. GROMMESH: That's the *Cass County Reporter*. I guess at this point what I want you guys to actually read is the article that was written by Angela Kolden about some timing issues with this permit that I don't really want --

MS. SMITH: I'm going to object to anything that goes into this. The -- there is no -- currently nothing pending. This is a final decision by the township commission, and it's outside the jurisdiction of the Commission to weigh in on matters related to the township's permitted use approval of the project.

MR. GROMMESH: And that's fine. All I ask

is read the article.

JUDGE HOGAN: I want to hear his testimony and then we'll circle back to the handouts.

MR. GROMMESH: So I -- I wasn't going to -- I was going to go into it, and then as things went on, I wasn't going into it. I thought just read the article. That'll explain kind of what -- what I have an issue with.

But, Sheri, you were wondering about, you know, people's involvement, and that's why I'm really testifying now.

The first date I learned about anything with -- with Geronimo, the solar, everything, the first day that I found out was July 2. And I'm not one for, you know, keeping up, reading the newspaper or anything, so probably not a big surprise that I was a little late coming up to speed. But that was the first date that I found out about it.

Then I started attending the township meetings, hearing what's going on, saw the new commission come in and everything that was going out -- going on with the board.

Once the moratorium was announced, then there was -- now, I'm not sure if there wasn't

possibly some other information in the *Reporter* before that, but once the moratorium came on, then the advertising and the *Reporter* started coming in. All the invites, you know, for the open houses started coming, and I was just -- I was wondering, well, you knew this was coming, why didn't -- two things, why didn't the Harmony Township board contact its residents saying we've got some interesting stuff coming on, you know, maybe you want to come to some of the earlier meetings that we all missed out on.

And then the same goes for Geronimo. I feel like they could have approached us a long time ago saying this is coming. And I started going to the open houses, trying to get the information, trying to come up to speed, trying to look at the ordinance and looking at the timing of everything.

And the one comment that I can't get out of my head was when I talked to a certain representative from Geronimo, I specifically put it to them, you know, why didn't you come to us before? And they said, quote, It doesn't work too well for us. They want to keep -- he didn't say this part, but I'm inferring at this point that they want to keep us in the dark until it's too

late to do anything and to get organized.

So that's -- that's pretty much all that I have to say at this point.

JUDGE HOGAN: And then as far as -- I know you have this article you handed out. It looks like it's from October 21, *Cass County Reporter*, and then this handout has one attached to it. Looks like it's a different one.

MR. GROMMESH: Yeah. It's not the one on the front page. It's --

JUDGE HOGAN: Yep.

MR. GROMMESH: -- internal. It's says, Township zoning amendment requires -- or raises questions prior to the state PSC hearing. And that just came out yesterday.

JUDGE HOGAN: Sure. And, I mean, importance for the Commission? I mean, this is just -- well, you tell me why you think that's important for the commissioners.

MR. GROMMESH: Well, it was just how it was done. So the application was filed on July 10. Harmony Township adopted a zoning ordinance -- or zoning amendment that the application relied on 11 days later, on July 21. The applicant's -- the applicant's counsel then wrote this Commission on

July 28 asserting that their project is permitted under -- or use under that amendment.

So basically they submitted a -- a permit that at the time they couldn't attach it to the solar, the battery -- this battery. They attached it onto the existing one, but at the time they did that, they couldn't do that because the amendment wasn't in yet, if I got that right.

So that was -- that was the concern, it was a timing issue. And Harmony Township, we're trying to be very careful that we do things right. Yesterday we canceled a meeting because a notice that we tried to get into Fargo was delayed and then it was only 13 days instead of the 15. So we canceled that meeting, so we're trying to do things right.

And I think this kind of falls under the same philosophy that they should be doing things right. I guess that's -- that's what I have to say.

JUDGE HOGAN: Okay. Ms. Smith, I -- normally handouts during public testimony, I usually put them together and mark them as an exhibit, but they're labeled as public testimony handouts as part of their statements they made as a

part of public testimony. So with that, is there objection to having them included in that manner?

MS. SMITH: Yes, if they're used for purposes of trying to make a decision on the -- this application because they aren't relevant to this decision itself. I understand -- I understand now what is -- the concern is that we filed the PSC application before the amendment at the township level, which we acknowledge. That's not -- because they're two separate things, and I think that's why I don't want it to create some sort of confusion in the record that filing the application -- we had the legal authority to file the application when we did under the PSC's requirements. So I don't want it to create some sort of confusion in the record.

JUDGE HOGAN: And I'm -- we've noted those objections. I'm going to admit them in the procedure I mentioned, and I think certainly the Commission is going to acknowledge the scope of their jurisdiction and what they don't. So I think that's sufficient.

With that said, any questions, Ms. Smith?

MS. SMITH: I don't have any questions, no.

JUDGE HOGAN: Mr. Iversen?

MR. IVERSEN: No questions.

JUDGE HOGAN: Mr. Frank?

MR. FRANK: No questions, Your Honor.

JUDGE HOGAN: Commissioner Kringstad?

COMMISSIONER KRINGSTAD: Just a couple.

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. Gary, just to clarify, are you a member of the Harmony Township board?

A. No.

Q. Okay. I wasn't -- I wasn't sure. Based on -- based on how you were talking, I'm like, I -- I just want to clarify.

A. I've been there and learning.

Q. Okay. Just participating.

A. My cousin John is on -- on the board.

Q. Okay. Okay. So one of the things that you said in your testimony is the notion of, you know, that Geronimo could have come sooner. So help me understand. If they would have come sooner, why would you have liked that? Because there were things at like the local level you don't feel like are resolved? There's still questions you have that aren't resolved? What would going sooner have accomplished?

A. It was -- it was the fact that, you know, they're -- they're filing their permit and, you know, most people don't know the process. I thought, oh, my gosh, how is this -- how is this happening? I didn't know about it. So, I mean, it was kind of a -- a freak-out moment. So it was just that -- you know, it would have been nice if they would have said, you know, we're thinking about coming to your town and, you know, starting the dialogue early.

Q. Okay. And -- and I hear that and that's helpful. So do you feel -- so now that you do know, are there still issues from your perspective that are unresolved?

A. Yes. There's things that I've read with the sound ordinance. I've talked to the experts. I've expressed my views on -- on possible changes we might make if we get to that point. I've talked to the -- the people that know the generators that are going to be put in out there. They've stated that there were going to be 220. And then at Grand Farms I went and asked some more questions saying how do you come up with that number, because one individual said, well, that was the max that we could have. And then at the Grand -- the open

forums, it was like, well, it's what we need. We could have fewer; we could have more.

But when they do their sound studies, that was the number that they -- they chose to do in the sound study, and that was because that would cover the data center energy capacity if everything went dark, supposedly. I'm not an expert. I don't know if that's true. That's what I heard.

Q. Okay. So -- so if I'm understanding, still kind of some unresolved questions from your part at the local -- at your local level as far as your local ordinances and how they apply to this project; is that fair?

A. I don't know -- you know, I'm no expert. I'm not on the board.

Q. Yeah.

A. I've been trying to read through them, understand them, so I'm by no means an expert or even know what I'm doing yet. But I am trying to learn. I'm not an expert. The board has had turnover. The lawyer has been turned over.

So, you know, we need some time to -- to get things in place and get people up to speed. So that was kind of the purpose of the moratorium that we were proposing. I don't know where that's going

to land. I don't know who that's going to be with, if it's -- you know, I won't go any further on that. That's not my decision. So that's it.

COMMISSIONER KRINGSTAD: Okay. Thank you.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: Gary, thank you for your testimony. I really don't have a question. I just want to say thank you. And I just want to emphasize that when we look at this case, we have -- we look at just this case. And I understand the person before you asked us to look wholistically, but I just want to say we have to look at this case on our siting and the evidence that comes before us.

MR. GROMMESH: Yep. So just -- so I ask you to just read that article. And if you're okay with how it was handled, I just want to make sure that you guys were aware of -- of what was found. If you're -- if you're fine with how the permit came in, the amendment was done and everything else, then, you know, it's your decision.

COMMISSIONER HAUGEN-HOFFART: And, Gary, I want you to know we hear you.

MR. GROMMESH: Thank you.

COMMISSIONER HAUGEN-HOFFART: Thank you.

JUDGE HOGAN: All right. Thank you.

MR. GROMMESH: Yep.

JUDGE HOGAN: Who would like to go next?

All right. Can I get your name.

MR. LAUER: Wyatt Lauer, L-a-u-e-r.

JUDGE HOGAN: All right. And did you hear me go through the penalties for perjury?

MR. LAUER: I did.

JUDGE HOGAN: And do you understand what perjury is?

MR. LAUER: I do.

(Witness sworn.)

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

WYATT LAUER,

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

STATEMENT

BY MR. LAUER:

MR. LAUER: All right. My name is Wyatt Lauer. I'm a construction manager with Burns & McDonnell. We are the EPC contractor for the Harmony Solar project. We're also working with Geronimo Power on the early design for the Harmony Storage project.

So I just wanted to touch a little bit on a handful of the community impacts that we have -- right? -- with projects like this.

So this is a fully -- this will be a fully union project, so we're -- we're working with all of the local unions in the Fargo metro area. So we're developing newer premises. We're developing new craft people to come into the industry to learn how to do construction jobs.

Between the solar, the storage, we'd have over 200 people for roughly six months or so at that peak on our projects, employing those people -- as many local people as we can that we can get through the industry.

We also do our best to do as much give-back to the communities as we can. On similar projects like this, we've done golf tournaments, shooting tournaments, popular -- in places like Fargo, and we've seen upwards of $40,000 to STEM programs in communities that we've given back on an individual project.

So there's real benefits to communities that just us as Burns & McDonnell, the contractor, are providing, along with our partners in the union trades and suppliers.

We're also supplying a lot of American domestic material. So outside of just the Fargo region, we're developing a lot of U.S. jobs by using only domestic material. So there's a real benefit to the U.S. economy here as well.

JUDGE HOGAN: All right. Thank you.

Ms. Smith -- or I'm sorry.

MS. SMITH: I can take it.

JUDGE HOGAN: Okay.

MS. SMITH: No. No questions. Thank you.

JUDGE HOGAN: All right. Mr. Iversen?

EXAMINATION

BY MR. IVERSEN:

Q. Wyatt, just very briefly.

A. Yeah.

Q. Mr. Lauer, you said that you work for a construction -- local construction company?

A. So we're a -- we're a national firm.

Q. Okay. All right. So -- and you've been doing some construction in the area for quite some time then; correct?

A. Yeah. Our firm is -- is familiar with North Dakota.

Q. All right. And so it seems like your testimony was largely based upon having positive

impacts on the community. Just based upon your own experience, what do you believe are, I guess, the citizens' primary concerns, at least on the construction side of things? Have you heard any specific concerns from any of the citizens on how construction -- construction is impacting the locals?

A. For this specific project, I have not heard specific concerns. I would leave that to the Geronimo team to address concerns with the community.

MR. IVERSEN: No further questions, then. Thank you.

JUDGE HOGAN: Mr. Frank, any questions?

MR. FRANK: No, Your Honor.

JUDGE HOGAN: Commissioner Kringstad?

COMMISSIONER KRINGSTAD: I don't have any questions. Thank you for your testimony.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

EXAMINATION

BY COMMISSIONER HAUGEN-HOFFART:

Q. Mr. Lauer, you said you were right now representing the -- representing Harmony Solar; correct?

A. I said we are currently under construction

at Harmony Solar, and we are working with Geronimo on the initial design of Harmony Storage.

Q. So you're under construction. So you started when?

A. August of 2026.

COMMISSIONER HAUGEN-HOFFART: Okay. That's what I wanted. Thank you. No further questions.

JUDGE HOGAN: All right. Thank you, Mr. Lauer.

MR. LAUER: Thank you.

JUDGE HOGAN: Who would like to go next?

COMMISSIONER KRINGSTAD: And while he's walking up, I will say we have more seats in the room, so if people are still in the back or outside, if you want to come in, there's probably space.

JUDGE HOGAN: All right. Can I get your name?

MR. PYLE: Brian Pyle, P-y-l-e.

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

MR. PYLE: Yes, I did.

JUDGE HOGAN: And do you understand what perjury is?

MR. PYLE: Yes.

(Witness sworn.)

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

BRIAN PYLE,

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

STATEMENT

BY MR. PYLE:

MR. PYLE: Okay. I'm with the Northern Midwest Regional Council of Carpenters, and I am a resident of West Fargo.

The Northern Midwest Regional Council of Carpenters is here in support of Harmony Storage, LLC's application for certificate of site compatibility for the proposed 200-megawatt power energy storage systems in Harmony Township.

We represent skilled carpenters across North Dakota and the Upper Midwest. Our members build and maintain the energy and infrastructure projects that our communities and businesses depend on. We support responsible energy investments that create high-quality construction work, use a trained and safety-focused workforce and provide durable benefits to our local communities.

The proposed facility can be constructed, operated and maintained with minimal effects on the environment and the welfare of North Dakota citizens. The project is proposed on a relatively compact 12-acre site near already existing energy infrastructure. This helps minimize the land disturbance and avoids unnecessary infrastructure.

The project also must comply with applicable permitting requirements, safety codes and operational standards designed to protect the neighboring residents, workers and the surrounding environment.

The Northern Midwest Regional Council of Carpenters respectfully urges the Commission to find the Harmony Solar -- or Storage project satisfies the applicable siting criteria and to grant Harmony Storage, LLC, the certificate of site compatibility.

JUDGE HOGAN: All right. Thank you.

Any questions, Ms. Smith?

MS. SMITH: No questions. Thank you.

JUDGE HOGAN: Mr. Iversen?

MR. IVERSEN: No questions.

JUDGE HOGAN: Mr. Frank?

MR. FRANK: No questions.

JUDGE HOGAN: Commissioner Kringstad?

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. Just one. Any -- any relation to Representative Brandy Pyle?

A. Nope.

Q. No?

A. No.

Q. Really?

A. I'm on the East Coast, my family was.

COMMISSIONER KRINGSTAD: Oh, okay. Well, now I know. Okay. So much for my two degrees of North Dakota separation. Okay. Thank you for your testimony.

JUDGE HOGAN: Commissioner Haugen-Hoffart?

COMMISSIONER HAUGEN-HOFFART: Brian, just wait. Thank you for your testimony. I have no questions.

MR. PYLE: Okay. Thanks.

JUDGE HOGAN: Thank you.

Who would like to go next?

I'll have you state your name for the record.

MR. EHLERT: Jason Ehlert, E-h-l-e-r-t.

JUDGE HOGAN: And, Mr. Ehlert, did you

hear me go through the penalties for perjury earlier?

MR. EHLERT: Yes, I did.

JUDGE HOGAN: And do you understand what perjury is?

MR. EHLERT: Yes, I do.

(Witness sworn.)

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

JASON EHLERT,

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

STATEMENT

BY MR. EHLERT:

MR. EHLERT: Thank you, Commissioners. Jason Ehlert. I'm with the Building Trades Unions here in the state of North Dakota. We are an organization representing 15 different unions across the state, everything from foundation to finish.

We work in industries as civil, highway, heavy commercial construction and industrial construction. Our members have been -- we've been chartered since 1966, and our members have built the infrastructure across North Dakota for many of

those decades, heavily invested in a lot of power and energy generation, which we are very proud to be a part of.

Here in support of the battery storage project with Harmony Solar. This will put a lot of our members -- the opportunities to work. One of our main vehicles to train up new people into the industry is through apprenticeship programs where we do a lot of recruitment within the high schools and young people and adult learners, maybe change-of-career people through either apprenticeships, like I talked about, registered with the Department of Labor, also through pre-apprenticeship programs of the selected unions, and we also have an apprenticeship-readiness program that we have started with some tribal organizations.

Here in support. And I'll stand for any questions.

JUDGE HOGAN: All right. Thank you.

Any questions?

MS. SMITH: No. Thank you.

JUDGE HOGAN: Mr. Iversen, any questions?

EXAMINATION

BY MR. IVERSEN:

Q. Mr. Ehlert, do you have any sort of estimate as -- as to how -- I guess, how many union members do you think might be -- just an estimate -- might be involved in the construction project?

A. For the Harmony Solar [sic] project, we have not heard a determination yet. For the solar project itself is 200 workers that have been requested through -- with Burns & McDonnell and their contractor, AZCO. For future developments, it is potentially thousands of opportunities.

Q. Okay. And through the union, I -- would most of the workforce be somewhat local?

A. Well, just to clarify, the Building Trades Unions is an organization. We -- we -- our union members make up the building trades. But, yes, for future projects, there would be local members on the project. We -- we define local members in North Dakota. We have close to about 2500 union members in the state.

But obviously construction is always going to be very mobile. You can look at the tri-state area -- Minnesota, North Dakota -- the mantra of

the building trades is have tools, will travel.

Q. All right. And you say future projects. That's including this one or just not including this one, just subsequent ones?

A. Yes, it could be this one, and also the development that is being proposed for North Dakota across the state. It -- it is a great time to be looking at the skilled trades.

MR. IVERSEN: Thank you very much. No further questions.

JUDGE HOGAN: Mr. Frank, any questions?

MR. FRANK: No, Your Honor.

JUDGE HOGAN: Commissioner Kringstad?

COMMISSIONER KRINGSTAD: I don't have any questions. Thank you for your testimony, Jason.

JUDGE HOGAN: Commissioner Haugen-Hoffart?

COMMISSIONER HAUGEN-HOFFART: Jason, thank you for your testimony. No questions.

JUDGE HOGAN: All right. Thank you.

MR. EHLERT: Thank you.

JUDGE HOGAN: Who would like to go next? Anyone else?

Come on up, sir.

MR. JOHNSON: Good afternoon.

JUDGE HOGAN: Good afternoon. I'll have

you state your name for the record.

MR. JOHNSON: My name is Michael D. Johnson, standard spelling, J-o-h-n-s-o-n.

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

MR. JOHNSON: I did indeed.

JUDGE HOGAN: And do you understand what perjury is?

MR. JOHNSON: I certainly do.

(Witness sworn.)

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

MICHAEL JOHNSON,

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

STATEMENT

BY MR. JOHNSON:

MR. JOHNSON: I'm here in support of the project, and I need you to understand I represent the Johnson Family Trust. And part of our trust is, as it happens, one quarter of land in Harmony Township, and it is the quarter that we're actually addressing right now with this specific project where the battery storage would be located.

We've worked with Geronimo on and off for at least, I'm going to say, ten years in terms of establishing the -- the initial project with the solar and over the last now, I'm going to say, about 18 months discussing the possibility of the battery location -- battery storage location on our property.

I have to say that Geronimo has been an absolutely upstanding citizen in terms of dealing with them in all regards. They've been forthright in all of our dealings. They've kept me apprised of each of their -- their prospective projects, and they've just been awfully good to work with.

You know, I had -- earlier it seemed as though there was some implication that they were slow in responding or they weren't offering information, but to me as a landowner, they were very, very good.

And I -- I don't have anything prepared, but I just wanted to establish for you folks that they have been really good to work with.

JUDGE HOGAN: All right. Thank you.

Any questions, Ms. Smith?

MS. SMITH: No. No questions. Thanks.

JUDGE HOGAN: Mr. Iversen?

MR. IVERSEN: No questions. Thank you.
JUDGE HOGAN: Mr. Frank?
MR. FRANK: No questions, Your Honor.
JUDGE HOGAN: Commissioner Kringstad?
COMMISSIONER KRINGSTAD: No questions. Thank you, Mr. Johnson, for your testimony. Again, you don't have to have anything prepared, so appreciate you coming up and talking to us. I'm not going to ask if you are related to any Johnsons because we've already been here long enough, so --
MR. JOHNSON: Most all of them.
COMMISSIONER KRINGSTAD: -- I'm going to let you go. So thank you.
MR. JOHNSON: And with a name like Michael Johnson, I'm related to lots of them.
JUDGE HOGAN: Commissioner Haugen-Hoffart.
COMMISSIONER HAUGEN-HOFFART: Michael -- Michael, what about me?
MR. JOHNSON: Oh, I -- I didn't realize that. I thought everybody was done.
COMMISSIONER HAUGEN-HOFFART: I'm going to have to move. Well, I know a Michael Johnson from Rugby, but thank you for doing the D.
MR. JOHNSON: Absolutely.
COMMISSIONER HAUGEN-HOFFART: I -- I

appreciate you coming up as the landowner where this project is going to be and giving us your viewpoint.

I have no questions for you, but I really want to say thank you for coming up here.

MR. JOHNSON: Thank you.

JUDGE HOGAN: All right. Thank you, Mr. Johnson.

Is there anyone else that would like to provide testimony?

All right. Good afternoon. Can I get your name?

MR. BURCHILL: Dustin Burchill.

JUDGE HOGAN: Do you want to spell your last name?

MR. BURCHILL: B-u-r-c-h-i-l-l.

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

MR. BURCHILL: Yes.

JUDGE HOGAN: And do you understand what perjury is?

MR. BURCHILL: Yes.

(Witness sworn.)

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

DUSTIN BURCHILL,

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

STATEMENT

BY MR. BURCHILL:

MR. BURCHILL: My only comment was I think it was Andrew Larson that had talked about community outreach and mentioned town halls. I just want to make sure that that wasn't confused with regular township meetings.

I did look back at some of our notes. There was a meeting in December 2025 where he was present. They had a presentation -- Geronimo gave presentation on BESS system. Presentation included fire suppression, noise concerns and size of battery packs. After discussion, no new business and they adjourned.

There were four township supervisors there. One, two, three, four -- five or six Geronimo people. There was two residents that were not either on the board or from Geronimo.

So not saying anything other than just to point out that the residents were -- and all our faults -- not aware and shame on all of us.

There may have -- there may have been town

halls. I don't know. But from the township meetings, I think that's what maybe was what he referred to.

And that's all I have.

JUDGE HOGAN: All right. Any questions from the applicant?

MS. SMITH: No, I don't have any questions. Thanks.

JUDGE HOGAN: Mr. Iversen?

MR. IVERSEN: No questions.

JUDGE HOGAN: Mr. Frank?

MR. FRANK: No questions.

JUDGE HOGAN: Commissioner Kringstad?

EXAMINATION

BY COMMISSIONER KRINGSTAD:

Q. Just one. Dustin, just to clarify to make sure I understand what you were referring to when you said, you know, there was -- there was a meeting where there were only kind of two residents, that that was the -- that was the township meeting --

A. Right.

Q. -- that you were talking about?

A. Right.

Q. Okay. And you weren't aware of the

earlier town hall one -- town hall in January that he referenced?

A. That one I'm not saying did or didn't happen.

Q. Sure. But you just -- you personally didn't --

A. I didn't know any of it.

Q. Okay.

A. But I just wanted to make sure that we're not mixing up town hall with township regular meetings that, if you live in North Dakota, you know most people don't go to.

COMMISSIONER KRINGSTAD: Okay. Thank you for that clarification, Dustin.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

EXAMINATION

BY COMMISSIONER HAUGEN-HOFFART:

Q. And just for clarification, you were at that December '25?

A. I was not.

Q. You were not.

A. I'm just looking at the notes from the meeting.

COMMISSIONER HAUGEN-HOFFART: At the minutes. Okay. Thank you. No further questions.

JUDGE HOGAN: Thank you.

MR. BURCHILL: Thank you.

JUDGE HOGAN: Anyone else who wants to provide testimony?

All right. Seeing none, that brings us to the end of our public testimony portion of our hearing.

Any rebuttal from the applicant?

MS. SMITH: No, I don't think so.

JUDGE HOGAN: All right. Then we will move to closing remarks from the commissioners, and we'll start with Commissioner Kringstad.

COMMISSIONER KRINGSTAD: Well, thank you, everybody. I'm not going to keep you guys any longer because I know that we've -- we've been going at this for about four hours now at this point.

But just really wanted again to reiterate thank you all for being here, for being part of our process. I know that you, you know, guys all have families and jobs and probably a lot of other things that you could be doing and yet you chose to come here and be part of our process, and I know that I certainly appreciate it. I hope it was valuable for all of you as well.

Thank you to everybody for your testimony. That's always helpful. And safe travels and have a good weekend. Thank you.

JUDGE HOGAN: Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: Yeah. Thank you guys for coming, and for those who got up and testified, it's good -- good to hear from the locals.

Some people have asked me a question, and because this is an open case, we as commissioners cannot talk about it, but I know I referred people to our staff to ask questions. I encourage that if people have a question regarding a case, to contact our office and they can talk to you about the process and any questions that you may have. They're very accessible.

I just -- again, this case is -- it's new to a community, it's new to North Dakota. A lot of information is new and requires a wealth of information so we understand what is going to happen, how it's going to happen, pros, cons, et cetera.

So I appreciate your time. Again, this docket is accessible to you by doing a case search. You guys can read it for your enjoyment like we

have. And if you -- and there's other cases out there. Everything is open to the public as far as information.

So, again, thank you. Safe travels.

JUDGE HOGAN: All right. Thank you.

I did not note any request for late-filed information.

MS. SMITH: No. We have the noted request for the condition, and we will include that in our proposed findings, and we would plan to have that in in the next three weeks. Let's see. What are we at?

JUDGE HOGAN: Three weeks would be November 13.

MS. SMITH: Yeah. November 13.

JUDGE HOGAN: Is that deadline acceptable?

MR. FRANK: Well, can we back up?

MR. IVERSEN: We just needed to back up for a moment. We wanted to confirm -- so, the harmonics study, the electrical noise, has that been submitted or is that not submitted yet?

MS. SMITH: Yeah. We would do that as a preconstruction filing because I think -- if that works, because, yeah, we'd want to make sure that it aligns with the final ultimate constructed

design.

MR. IVERSEN: Okay. Thank you.

MS. SMITH: Yeah.

JUDGE HOGAN: And November 13, is that acceptable for the proposed findings?

MR. IVERSEN: Yes.

JUDGE HOGAN: Okay. Any other matters we need to address that were missed, Mr. Iversen?

MR. IVERSEN: No, Your Honor.

JUDGE HOGAN: Okay. Anything else, Ms. Smith?

MS. SMITH: No, Your Honor.

JUDGE HOGAN: All right. Well, then I will note for the record it's 2:06 p.m., and that will conclude our hearing for Case Number PU-26-284.

(Concluded at 2:06 p.m., the same day.)

CERTIFICATE OF COURT REPORTER

I, Stephanie A. Smith, a Registered Professional Reporter,

DO HEREBY CERTIFY that I recorded in shorthand the foregoing proceedings had and made of record at the time and place hereinbefore indicated.

I DO HEREBY FURTHER CERTIFY that the foregoing typewritten pages contain an accurate transcript of my shorthand notes then and there taken.

Dated at Bismarck, North Dakota, this 9th day of November, 2026.

_____
Stephanie A. Smith
Registered Professional Reporter

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