

Why I am against HB1258

House Bill 1258 was introduced by Rep. Brandenburg in response to Stutsman and LaMoure county township's efforts to protect their citizens from high voltage power lines, wind farms, solar farms and AI data centers.

- 1.) Ottertail and MDU have NOT been honest or transparent with the landowners, counties, townships or the Public Service Commission concerning their JetX Jamestown to Ellendale powerline project. Reference Stutsman County public meetings with county commission, MDU and Ottertail, LaMoure county townships Wano and Willowbank public meetings with MDU and Ottertail.
- 2.) Public Service Commission Chairman, Randy Christman said in his letter of dissent and I quote, "Throughout the last seven months the explanation has remained vague." "Perhaps this project is a necessity, but there have been multiple opportunities for the applicants to answer more questions and provide more detail. They have not done so. Until better justification is provided this Certificate should be denied." See Attachment.
- 3.) So now state legislators are sponsoring legislation that enables corporate takings of private property and seeks to take away any local government control. This is unconstitutional and will be challenged in court on many points including due process and the takings clause of the Fifth amendment.
- 4.) So I would like to ask you honorable Senators, why has this legislative session been part of the most intense effort ever, by you, our representatives, to introduce bills that will take away property rights and severely limit or eliminate county and township government in favor of Corporate interests? I can only draw one conclusion from all this. Someone or some entity has an agenda for our state, and they must take away property rights from the citizens, and eliminate local government to accomplish their goals.

Tim Leppert, District 28

DISSENT

Commissioner Randy Christmann

November 20, 2024

**Ottertail Power Co. / Montana-Dakota Utilities
Joint Application for CPCN
345 kV Transmission Line**

Case No. PU-24-91

The Certificate of Public Convenience and Necessity for Otter Tail Power Company's and Montana-Dakota Utilities Co.'s 345 kV transmission line from Ellendale to Jamestown should be denied. The applicants have not met their burden to show the necessity for this investment.

This project is one of eighteen being pushed by MISO, the Regional Transmission Organization where OTP and MDU hold membership. The original application (Docket #1) indicates the cost of this project to be approximately \$440 million. It is part of a combination of 18 projects throughout the Midwest known as MISO's Tranche #1. The combined costs for these projects are allocated throughout the region. Tranche #1 is estimated to total over \$10 billion.

Among the benefits emphasized in the application are improved reliability, congestion and fuel savings, improved distribution of renewable energy, and reduced carbon emissions.

Docket #13, filed June 26, 2024, indicates the cost for Tranche #1 will be about \$5.75 / month for the average OTP residential customer and about \$3.15 / month for the average MDU customer for forty years.

The joint application was received February 29, 2024. An Informal Hearing was held in July. Commission Work Sessions followed in August and October. During this entire time the applicants and MISO had opportunities to provide more and better information.

Throughout the last seven months the explanation has remained vague. MISO's long term transmission study is cited which shows dozens of voltage and thermal problems that this project would relieve. However, the vast majority of the problems are forward looking, meaning they do not exist yet. It will be future actions that will cause most of these problems. No clear information is provided that allows us to determine who will be causing these future actions, whether they are preventable, nor whether they are realistic. One of the few examples provided of the coming changes that would create the need for this transmission is 800 megawatts of solar electric generation, but much of that even appears to be conjecture because no information is provided regarding who would build these nor where they would be built.

One key factor that is known about the future of transmission in this area is a large new load near Ellendale, ND that is already partially operational and partially under development. We know this facility has already relieved congestion in this area of the state. MISO refuses to update their Tranche #1 study, which is more than two years old, or even take this new load into consideration.

Adding costs of this significance to North Dakota ratepayers deserves careful scrutiny. Perhaps this project is a necessity, but there have been multiple opportunities for the applicants to answer more questions and provide more detail. They have not done so. Until better justification is provided this Certificate should be denied.



Randy Christmann, Commissioner