

Before the Office of Administrative Hearings

**Laborers District Council of Minnesota and North Dakota
(LIUNA Minnesota and North Dakota)**

**In the Matter of the Application of Benton Solar, LLC for Site Permits
and a Route Permit a 100 MW Solar Energy Generating System, a 100
MW Battery Energy Storage System, and associated High-Voltage
Transmission Line in Benton County, Minnesota.**

PUC Docket Numbers: IP7115/GS-23-423, ESS-24-283 and TL-23-425

Pre-filed testimony of Steve Cortina

on behalf of LIUNA Minnesota and North Dakota

July 18, 2025

Q. Please state your name, the name of your employer, and your business address.

- A. My name is Steve Cortina. I work as a Marketing Representative for LIUNA, the Laborers International Union of North America, and my business address is 2210 East Broadway Ave, Bismarck, North Dakota 58501.

Q. What is the purpose of your testimony?

- A. The purpose of my testimony is, first, to explain clean energy construction jobs, how they are filled, and why access to jobs is important to local workers; second, to discuss how the workforce practices of NextEra and other clean energy developers impact workers and communities; and third, to discuss NextEra's track record in North Dakota when it comes to creation of job opportunities to local workers and following through on commitments to prioritize local labor.

Q. What is your role with LIUNA?

- A. I have worked as a Marketing Representative with the LIUNA Great Lakes Region Organizing Committee since 2012, and I am also an 18-year member of LIUNA Local 563.

My responsibilities as a Marketing Representative include recruiting new apprentices and journeymen, signing up contractors with the union, helping to dispatch members to construction jobs, monitoring construction activity, investigating problems, and advocating for local construction jobs that provide good wages and benefits and a safe workplace. I spend a lot of my time talking to union and nonunion workers and contractors, and visiting construction sites.

Q. What experience did you have in the clean energy construction industry prior to taking your current position?

- A. I spent five years working as a Laborer and Foreman for a large wind energy construction contractor, M A Mortenson Construction, beginning in 2007. I started off in the wind projects as a local hand on the Tatanka Wind Farm. I helped build that project from the ground up.

By the time I left Mortenson in 2012, I was a foreman responsible for four to five crews that did everything from grouting to tower cleaning to washing to mechanical completion.

After that, I traveled with Mortenson and worked on other wind projects around the country. I have worked on wind projects as a local hand, and as a traveler, and I've worked on both union and nonunion projects. I would say that I worked on almost a dozen wind energy construction projects during my career.

Q. Since you took your position as a LIUNA Marketing Representative, what has been your involvement in the clean energy industry?

- A. I helped to recruit workers for Sunflower Wind, which was another big wind project in North Dakota that put a lot of local Laborers and other crafts to work, and I am also helping to staff the repowering of Border Wind for Xcel which is occurring this summer. I also monitor renewable energy construction projects and talk to construction workers and technicians about their jobs, their pay and benefits, and whether they are staying safe on the jobs. I often talk to superintendents or whoever is in charge of projects to find out how they are going and if they are looking for personnel. Finally, I attend public meetings and hearings to learn about upcoming projects and to testify about what I know.

Q. How did you get your start in the clean energy construction industry?

- A. I had very little construction experience when I got a job on Tatanka. I had worked on wash-downs at a local power plant for about four months, and before that I was a kitchen manager at Applebees.

I was called out to the job because my name was on my union's out-of-work list. They asked me about my experience, and they put me out in one of the most basic positions out there. By the time the project was done, I was a lead guy.

Q. How significant was that first clean energy job opportunity to your career and your ability to make a living?

- A. Getting on that Tatanka project made all the difference for me and my family. I kept gaining skills and experience during the project because I was mentored by the leaders out there, foremen and lead guys who taught me. They added to the safety and skills training I received through the union. They showed me how the projects work and how to do the work correctly.

I served for 6 years in the United States Air Force which is how I came to live in North Dakota. I was honorably discharged in 1999, but when I came out, there weren't a lot of good jobs available. What I made in the kitchen wasn't enough for my family. It wasn't until I started working wind projects that I made enough to support my family, plus I had health care and I started building up my pension. I wouldn't be in my current job if it weren't for that first job on Tatanka.

My son has done the same thing, working in the wind industry. Right out of high school, he got on the Sunflower wind project, which was another project that hired local workers. The guys out there loved him, and before you know it, he was one of their regular hands.

He was traveling with M A Mortenson. I wish he could have stayed with them or even stayed around here helping to build the North Dakota Energy Sector, but it's not feasible for him because not enough wind projects are hiring local workers. Also, being at a young age he wasn't used to traveling that far away by himself.

Q. Do you know other local workers who were able to advance their careers by working as local hands on clean energy construction projects?

- A. Yes I do. Our union put about 30 locals to work on the Tatanka project. Many of them are still working construction and would love a chance to work on another wind farm.

Q. What does your union think about the use of local workers on clean energy construction projects in North Dakota?

- A. We think the clean energy industry has not put enough local people to work on construction projects, and that's hurting the local economy. It's hurting local workers. When you put local workers first, you're creating jobs and opportunity for North Dakotans which is what most of these projects claim they're going to do. You're also helping our economy because local workers are going to spend their money close to home. Finally, every time you put a local worker with construction or even wind experience to work, it is that much less pressure on the experienced company hands to cover all the projects a company has going on.

Q. You have indicated that you worked on wind projects both as a local hand and as a traveler. How did that affect your local spending?

- A. When I worked on Tatanka, of course I was living at home in Bismarck and spending pretty much my whole paycheck in North Dakota whether I was paying my mortgage or buying meat in Wishek on my way back from work. Of course, when I was on the road, I still got to pay my bills back home. My next project after Tatanka was in Montana and I had expenses out there, but I also had to pay for my house back home, my son, my wife.

When you're traveling on a wind project, you usually get two checks: your hourly check and your per diem allowance. I always tried to live on my per diem and send my hourly check home.

Q. In your experience, did most of your co-workers also tend to spend their per diem in the local area and send their paychecks home?

- A. Yes, most of the guys I worked with tried not to spend their paycheck when they were on the road. You would always have some guys who dipped into their own pockets and other guys who tried to save some of their per diem to take home, but most of us used

per diem as money to live on and the paycheck as money to take home. We did a survey of members who travel for work, and most of them said the same thing.

Q. How do you determine how much of the construction work on a clean energy project is being performed by local workers?

- A. If the project is union and it's in my area, I know all my Laborers that are out there because we either sent them out, or if they're company hands, I meet them when I go on the job. Our collective bargaining agreement for wind projects lets contractors bring key employees, but the rest have to come from the local union, so part of our job is to make sure at least half of their Laborers are local. Usually it ends up being a lot more than half, even in North Dakota where you don't have as many local workers as you do in Minnesota. I also find out who's on the project by talking to the representatives of other crafts like the Ironworkers and the Operating Engineers.

If I don't have any members on the project, I usually try to talk to the workers to find out where they're from, and I check the license plates on the personal vehicles. License plates are a good way to tell where workers are from because they almost always drive to the project from where they live.

You get some travelers who will get a ride to work with other guys they're staying with, so you will probably miss a few travelers by counting license plates. But most of the workers I worked with and talk to drive their own vehicles to work, and the state on the license plate says is where they live.

Q. What would be your estimate of the share or percent of local and out-of-state workers that worked on the Tatanka project where you started your career in the wind industry?

- A. Tatanka was a pretty big project, around 120 towers, in North Dakota and South Dakota. For Laborers, we had about six crews of five or six workers per crew between concrete, dirt, grout, tower cleaning, so that's about 30 or 36 in total, we had around 20 or 25 local members out there. Then there were a lot of Operators, Ironworkers, and Millwrights, so in total we probably had about 225 or 250 craft workers, and I would say a good 150 of them were local.

Q. You also mentioned that Sunflower employed local workers. What would be your estimate of the local share of workforce on that project?

- A. Since I used to work for Mortenson, which built the project, I was in good communication with their superintendent. I dispatched Laborers out there and visited the project. I would say local workers made up a majority, maybe 60% of the crews, not just Laborers but all the crafts.

Q. What do energy jobs mean for your members, their families, and the communities where they live?

- A. A large majority of our North Dakota members support themselves and their families by building and maintaining power plants and pipelines, and we have done that work for generations. Coal plants in particular need maintenance year in and year out, and they're a main source of income for hundreds of our members.

A member working at Coal Creek or another coal plant today is earning about \$30 per hour in pay for straight time, and an additional \$19 an hour goes to pay for full family health coverage and a pension so they can retire with dignity before their body is too broken down to work. Additionally, for every Laborer, you have four or five other crafts like Boilermakers, Pipefitters and Ironworkers earning similar wages and benefits. That's hundreds of jobs right there.

When you consider all the middle-class jobs in plant operations in the mines and all the related services, you're looking at a huge impact on the communities where our members live and the state as a whole.

Q. You described monitoring other wind energy projects in North Dakota. Do you have an estimate of the share of wind farm construction that has been performed by North Dakotans on NextEra Energy Resources projects in your state?

- A. I would say less than 10 percent overall based on the projects I have seen and the workers I have talked with. I monitored construction activities and put together estimates of local workforce for three NextEra construction projects in North Dakota: Emmons-Logan Wind in 2019, Northern Divide Wind in 2020, and Oliver IV Wind in 2024. For each project, my co-worker Evan Whiteford and I observed the project, reached out to workers, and made at least one count of all the license plates on workers' personal vehicles to figure out where they were from.

From the license plates, I estimate that about 6% of construction workers at Emmons-Logan, between 8% and 9% of workers at Northern Divide, and 5% of workers at the Oliver IV project were from North Dakota and the rest were from all over the country but the majority we identified were from Texas. Based we saw, it looks like NextEra created almost 10 times more construction jobs for Texas workers than they did for North Dakota workers..

Q. Do you believe the primary reason that NextEra projects employed so few local workers is that there are not enough qualified local workers available to perform the work?

- A. No, I don't. First, we have qualified local workers in North Dakota just like we do in Minnesota, and NextEra could have put a lot more of us to work. I worked on Tatanka and I helped to recruit local Laborers for Sunflower Wind, so I have seen it first-hand. Both of those projects were in rural areas of North Dakota and both hired mostly local workers. I also know that NextEra created a lot of jobs for local workers in rural areas of Minnesota when they chose contractors that were willing to use local union labor.

We have built big wind and pipeline projects with mostly local workers in North Dakota even when unemployment was low, because there are plenty of workers out there who want a better career, including some who would like to get back in the wind industry. If there were more projects we wouldn't have any problem recruiting more workers, that's what we do.

Second, I have never seen NextEra or the company's contractors make any real effort to hire local in North Dakota, even when they promised to prioritize local construction workforce and make recruitment efforts. We have a lot of contractors based in North Dakota or working there that try to recruit local workers: they buy radio and targeted digital ads, they post on gas station bill boards and even advertise in restrooms, they put ads in the local newspaper, and they post local jobs on Indeed – sometimes all of the above. I've never seen or talked to a member who had seen a single ad or posting for a job on one of those wind projects. We were watching closely with Oliver IV because the company made big promises and we have a lot of members who live in the area but we saw zero efforts and zero publicity about construction job opportunities.

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We heard the same excuses in Minnesota a few years ago, with developers talking about how these are rural areas and unemployment is low and this is specialized work. Then project owners started having to report numbers and were being held accountable by the Public Utilities Commission, and we suddenly saw projects where the workforce was 50%, 60%, over 70% local and the developers stopped making excuses.

Q. Do you believe that NextEra has been straightforward with the public and regulators in North Dakota about their workforce plans and impacts?

- A. No. I think what NextEra has done is a bait and switch. They promote the construction jobs as a big local benefit of the project when they're trying to get a green light to build it. They make it sound like it's going to create a lot of jobs for local workers and they're

going to put local workers first. But when it's time to build all that goes out the window. They say in their applications that they think most or all of the basic infrastructure and site construction will be done by local workers. They say that hiring local workers will be a priority for their contractors and that they're going to do recruitment. They tell communities the projects will create hundreds of jobs, but I have never seen them mention that hardly any of those jobs will actually be available to locals.

NextEra also specifically misled our union and the public and even the Public Service Commissioners about how they were going to handle workforce for construction of the Oliver IV project.

Q. What commitments did you personally hear NextEra representatives make for Oliver IV?

- A. On January 28, 2025, the night before the public hearing for Oliver IV, NextEra asked my supervisor Kevin Pranis and myself to a dinner meeting in Bismarck, North Dakota to talk about the project. When we arrived, we met several representatives of NextEra, including Charlie Gauger, who identified himself as the head of wind construction and Clay Cameron, the company's development director for the project who I believe we had met before at the Northern Divide hearing. There were also a couple of other NextEra staff there including a lawyer whose name I don't remember.

We didn't really know what to expect, because we had been sharing our concerns with the company and they didn't seem willing to do anything about it. But almost as soon as we sat down, Clay gave us the good news – they said that their EPC contractor was going to work with us to put our local LIUNA members to work on the project. Clay also said representatives for the EPC contractor weren't able to join us that night, but could fly in the next night to meet about working together on the project. Kevin told them that wasn't necessary because both the contractor and the leader of the Local Union that covers North Dakota were based in Minnesota so it would probably be more convenient for the contractor to do the meeting there.

Kevin told them that while we haven't always agreed they had always been straight with us in the past so we didn't need to be convinced, we would take their word. I specifically remember him saying their "word is gold" because we couldn't imagine them lying to us about something so important. After that, we had dinner and talked about the industry, including a big, complicated project that Charlie was leading in Wyoming involving very large turbines and dangerous winds. Before we left, Kevin asked Clay if it was OK for us to talk publicly about the agreement to put local LIUNA members to work, and he said it was.

During the hearing, Kevin talked about the agreement and the Commissioners seemed happy to hear that the project would employ local workers. Commissioner Julie

Fedorchak talked about the importance of the participation of skilled trades in energy projects and asked for updates on how NextEra and LIUNA were working together. Clay was one of the witnesses. He said “We understand and appreciate LIUNA’s advocating for use of local labor” and “look forward to continuing to work with LIUNA on these projects”, and he never said anything to suggest there was a different plan.

After the hearing it all fell apart, but not right away. For a while we and our members thought NextEra’s contractor was going to put them to work, and NextEra representatives made it sound like the plan was still on track, but by late spring we realized that the contractor wasn’t talking to us, and nobody from NextEra would give us a straight answer.

Q. What advantage did NextEra get by promising that their EPC contractor would work with LIUNA and not following through?

- A. NextEra got our support in a hearing that could have been very difficult because the project is in the heart of Coal Country where there has been a lot of opposition to wind energy because of how it affects coal plants. We have seen other projects in Coal Country fail because of local opposition from people who are concerned about losing their jobs. If the community realized the project was barely going to employ any local workers, there might have been more opposition and the permit might have been delayed or denied. By telling us their EPC contractor would put our members to work, they got our members’ support at the hearing so it looked like more regular working people actually supported the project.

Q. How do your members feel about what’s happening with clean energy and NextEra specifically?

- A. Our members are frustrated because they have been shut out of the clean energy economy, even though our organization has supported clean energy and fought against local policies designed to stop renewable development. Our members are the people that helped keep the lights on for generations, and now they feel like they’re being shoved to the side.

We surveyed our North Dakota members on energy, and even though 90 percent work at coal plants or on pipeline projects, a large majority would support wind projects *as long as they are putting local people to work*. At the same time, they are sick and tired of watching coal plants where they work get replaced by wind farms built by workers from places like Texas. They understand that the world is changing, they just want a chance to put their skills to work.

When NextEra built Northern Divide, it felt like a big slap in the face because they brought in out-of-state workers even though lots of North Dakota construction workers were unemployed because of COVID. Oliver IV felt even worse because it happened right in the middle of North Dakota “Coal Country” where a lot of our members are looking at possibly losing their livelihoods in coal plants but they still supported the project because they thought they would get a chance to make a living in clean energy. It was also worse because they feel like NextEra directly lied to them by saying they would work with the union to staff the project and didn’t follow through. It will be hard to get the trust back for wind and solar because they feel like the companies that own the coal plants care more about what happens to them than companies like NextEra.

The worst part is our members aren’t just watching this happen -- a lot of the time they are forced to help pay for these projects through their utility bills. For example, a lot of our members are customers of co-ops that get their power from Basin Electric, so they will end up paying for projects like Northern Divide that were built with almost all out-of-state workforce. Our members are so frustrated that they have started to protest against the companies participating in these projects.¹

Q. Does this conclude your testimony?

A. Yes

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<https://northdakotamonitor.com/2024/09/02/labor-union-objects-to-north-dakota-wind-project-staffed-by-out-of-state-workers/>