

**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**

**Surrebuttal testimony of Steve Cortina**

**on behalf of LIUNA Minnesota and North Dakota**

**August 15, 2025**

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

3  
4 A. My name is Steve Cortina. I work as a Marketing Representative for LIUNA, the  
5 Laborers International Union of North America, and my business address is 2210  
6 East Broadway Ave, Bismarck, North Dakota 58501.

7  
8 **Q. Have you provided previous testimony in this proceeding?**

9  
10 A. Yes.

11  
12 **Q. What is the purpose of your testimony?**

13  
14 A. The purpose of my testimony is to respond to the rebuttal testimony filed by  
15 Benton Solar, LLC ("NextEra") witness Adam Gracia concerning NextEra's use of  
16 local labor and the differences that I and others have observed between the  
17 company's commitments and public statements and its actual performance.

18  
19 **Q. Mr. Gracia contends that your "emphasis on North Dakota is misplaced**  
20 **given that the Benton Solar project will be sited in Minnesota and subject**  
21 **to a completely different legal framework." How do you respond.**

22  
23 A. I am aware that Minnesota and North Dakota have different siting and reporting  
24 requirements when it comes to use of local labor, but my testimony has nothing  
25 to do with laws and regulations. My testimony is focused on a pattern I have  
26 observed in North Dakota of NextEra representatives saying one thing and the  
27 company doing another in practice, whether the statements were made to  
28 regulators, to the public, or to union members. If a company can't be counted on  
29 to follow through on promises, that's a potential problem for the public and  
30 regulators no matter where they are or what the laws say. Just because North

1 Dakota doesn't require companies to use or report on local labor doesn't mean  
2 it's OK for NextEra to promise to prioritize local labor and not do it.

3  
4 **Q. Do you agree with Mr. Gracia that the difference in local hire results**  
5 **between Minnesota and North Dakota can be explained by specific labor**  
6 **market conditions such as mining and coal plant opportunities, and**  
7 **differences in regulatory and statutory requirements?**

8  
9 A. No. Mr. Gracia provides no evidence that additional qualified local workforce was  
10 not available to work on the company's North Dakota projects because there  
11 were too many competing job opportunities in coal mines and plants or for any  
12 other reason. I was present during the Public Service Commission hearing for  
13 Oliver IV wind, which is located near multiple coal mines and plants, and NextEra  
14 representatives never suggested in their application or in the hearing that this  
15 would be a problem, and neither did anyone else. In fact, it was the exact  
16 opposite – there was testimony from the union and one of our members whose  
17 family works in coal plants that the wind job opportunities are needed because  
18 opportunities in coal have been disappearing.

19  
20 In my previous testimony, I provided direct evidence that skilled workforce is  
21 available, which was supported by additional data from Dr. Franco, none of which  
22 is directly disputed by Mr. Gracia. In my opinion, the company is throwing  
23 excuses against the wall to see what sticks, bringing up supposed barriers that  
24 they never mentioned in their original applications or hearings and that they can't  
25 back up.

26  
27 **Q. Do you agree with Mr. Gracia that the difference in local hire results**  
28 **between Minnesota and North Dakota can be explained by differences in**  
29 **regulatory and statutory requirements?**  
30

1 A. No. Mr. Gracia does not provide a single example of a regulatory or statutory  
2 requirement that would make it more difficult for NextEra to use local labor in  
3 North Dakota, and to my knowledge there are none that would be relevant to  
4 wind energy construction. I know based on my experience working on wind  
5 energy projects that North Dakota does not require that wind energy construction  
6 workers have any special qualifications that aren't required in Minnesota or other  
7 states where use of local workforce is common.

8  
9 The requirements Mr. Gracia points to – local hire reporting and payment of  
10 prevailing wages – are both things NextEra could require contractors to do if the  
11 company had any legitimate intention to boost local hiring. Mr. Gracia seems to  
12 be saying that because North Dakota doesn't require NextEra to provide  
13 transparent reporting or pay fair wages to workers, the company shouldn't be  
14 held accountable for the fact that they have repeatedly said one thing in their  
15 application and hearings, and failed to achieve the promised outcome or make  
16 meaningful efforts when they get the permit. We obviously disagree.

17  
18 **Q. Mr. Gracia contends that you accused the company of “making ‘zero**  
19 **efforts’ and engaging in ‘zero publicity’ about employment opportunities”,**  
20 **but claims that “EPC contractors for Oliver IV engaged in recruiting events**  
21 **in the region.” Do you agree?**

22  
23 A. I do not agree with Mr. Gracia's summary of my testimony, and NextEra has  
24 provided no evidence to support Mr. Gracia's claims. In my direct testimony, I  
25 stated in my testimony that I and the interested members with whom I was  
26 working closely “saw” zero efforts and zero publicity about the project, which  
27 demonstrates that if any efforts were made, they failed to reach existing local  
28 skilled workforce who were not only qualified and interested in working on the  
29 project, but paying close attention.

1 In order to determine whether NextEra or its contractors had made efforts that  
2 escaped our notice, we submitted an information request asking for details on all  
3 such efforts made for Oliver IV and other such wind projects. Based on the  
4 company's response, NextEra had no information on such efforts for Oliver IV a  
5 year after construction began, and the company failed to obtain information on a  
6 single specific local recruitment activity undertaken before or during construction.  
7 Mr. Gracia's claim that the company's contractors engaged in [apparently  
8 multiple] "recruiting events" in the region lacks any detail and is inconsistent with  
9 the information provided in response to LIUNA's information request.

10  
11 In fact, immediately after making this claim, Mr. Gracia admits in a footnote that  
12 NextEra does not collect or maintain any of the information he relies on for his  
13 claim, nor does he provide a source for his new claim that "events" took place  
14 including Blattner's alleged attendance at a single unidentified job fair in  
15 Bismarck. Mr. Gracia also makes general reference to the types of recruitment  
16 undertaken by electrical contractor Brink Constructors but does not indicate that  
17 any of these recruitment activities were specifically undertaken in or around the  
18 Oliver IV project, or in North Dakota at all, during the period in question. Mr.  
19 Gracia's testimony is so vague in both cases that it is not clear if he personally  
20 has any direct knowledge of specific recruiting activities relevant to the project, or  
21 if he is testifying to his assumption that they probably happened.

22  
23 Mr. Gracia's answers are inconsistent with information provided by NextEra in its  
24 response to LIUNA Information Request #3 (Attachment 1). In that response,

25 **[TRADE SECRET DATA BEGINS]** [REDACTED]  
26 [REDACTED]  
27 [REDACTED]  
28 [REDACTED]  
29 [REDACTED]  
30 [REDACTED]  
31 [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED] [TRADE  
6 SECRET DATA ENDS]  
7

8 **Q. Mr. Gracia disputes your claim that NextEra misled LIUNA regarding**  
9 **workforce plans for Oliver IV, stating that “Oliver IV representatives agreed**  
10 **to speak to Oliver IV’s EPC contractors about potential opportunities, but**  
11 **there was no commitment to employ certain percentages of LIUNA**  
12 **members.”**  
13

14 **A.** I disagree. First, unlike me, Mr. Gracia admits he didn’t actually attend the  
15 meeting, and NextEra has not offered anyone who did attend the meeting as a  
16 witness. Maybe if they did we would get to the truth. Second, as I said in my  
17 direct testimony, NextEra did not just offer to talk to their EPC contractor, they  
18 specifically told us that their wind EPC Blattner Construction would work with us  
19 to staff the project with local LIUNA members. They even offered to have Blattner  
20 representatives fly to Bismarck the next day to assure us that their intentions  
21 were honorable. None of those promises were kept. Blattner didn’t meet with us  
22 about the project and they didn’t hire a single local worker through our hiring hall.  
23

24 Third, while I agree that we did not discuss a commitment to employ certain  
25 percentages of LIUNA members, it is because that’s not how it works on any  
26 wind project I have ever seen. Wind energy contractors typically bring a certain  
27 number of experienced key personnel with them and when they work our union,  
28 we fill the rest of the jobs our members are qualified to perform. The percentage  
29 of local union workers varies project by project in North Dakota and Minnesota,  
30 but it has always been much higher than on NextEra’s nonunion projects, and  
31 once their key people are in place, we get to fill the rest of the jobs first before

1 they bring in their own people. If they had given us a chance to fill the jobs and  
2 we couldn't find qualified people, we wouldn't have any complaints, that would be  
3 on us. Instead, they never gave us a chance and hired from out of state,  
4 including workers with no wind construction experience based on what they told  
5 me.

6  
7 **Q. Mr Gracia claims that NextEra did work with the company's transmission**  
8 **contractor to employ LIUNA members? Is this true, and does it answer your**  
9 **objections?**

10  
11 **A.** It is true that NextEra's electrical transmission contractor Brink Constructors  
12 reached out to us but they were only looking for one single laborer with a very  
13 specific set of qualifications to work in their yard. Apparently they were happy  
14 with him because three more were hired on for a couple of months, but that's it.  
15 On a project that was supposed to create 300 construction jobs, hiring one local  
16 laborer to run the electrical yard and three more a couple months later isn't an  
17 effort, it's an insult.

18  
19 It's not just about whether they broke promises to our union. As Dr. Franco points  
20 out in his testimony, they kept telling the Commission and the public in their  
21 application that they expected skilled labor to be available locally for all the "basic  
22 infrastructure and site development needs", and then they turned around and  
23 brought in workers from Texas to do much of that work. The information provided  
24 in the Trade Secret version of NextEra's response to LIUNA Information Request  
25 #1 (Schedule 2) shows that North Dakota workers accounted for **[TRADE**

26 **SECRET DATA BEGINS]** [REDACTED]  
27 [REDACTED]  
28 [REDACTED]

29 **[TRADE SECRET DATA ENDS]** Not only are numbers way below  
30 what they could be, and what they should be if what NextEra put in its  
31 applications were true, but they have been getting worse.

1

2 **Q. Does this conclude your testimony?**

3

4 **A. Yes**