

**STATE OF MINNESOTA
BEFORE THE
PUBLIC UTILITIES COMMISSION**

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|-------------------|--------------|
| Katie Sieben | Chair |
| Dan Lipschultz | Commissioner |
| Matthew Schuerger | Commissioner |
| John Tuma | Commissioner |
| Valerie Means | Commissioner |

In the Matter of the Application of Dodge County Wind, LLC for a Certificate of Need for the Dodge County Wind Project and Associated Facilities in Dodge, Steele, and Olmsted Counties, Minnesota

MPUC Docket No.
IP-6981/CN-17-306

In the Matter of the Application of Dodge County Wind, LLC for a Site Permit for the Dodge County Wind Project and Associated Facilities in Dodge and Steele Counties, Minnesota

MPUC Docket No.
IP-6981/WS-17-307

In the Matter of the Application of Dodge County Wind, LLC for a Route Permit for the 345 kV High-Voltage Transmission Line Associated with the Dodge County Wind Project in Dodge and Olmsted Counties, Minnesota

MPUC Docket No.
IP-6981/TL-17-308

**DODGE COUNTY WIND, LLC’S
REPLY TO LABORERS DISTRICT COUNCIL
OF MINNESOTA AND NORTH DAKOTA’S
MOTION TO COMPEL**

I. Introduction

On July 22, 2019, Laborers District Council of Minnesota and North Dakota (“LIUNA”) filed a Motion to Compel (“Motion”) Dodge County Wind, LLC (“DCW” or “Applicant”) to “fully and completely” respond to its first set of information requests. DCW’s responses were full and complete, providing LIUNA information that exists and is relevant to the proceeding.

Notwithstanding these responses, DCW has also provided LIUNA with high-level information related to worker classifications submitted to the Department of Commerce (“DOC”) prior to the submission of the Motion. Further, in order to provide LIUNA information which is useful for its stated purpose in its Motion of conducting a socioeconomic assessment of variations in local construction employment, DCW attaches hereto indicative information on the use of local versus non-local construction workers, which is subject to and provided without waiving DCW’s original objections.

LIUNA’s Motion sets forth generalized assertions and rhetoric, none of which satisfies its burden in Minn. R. 1400.6700, subp. 2, to compel information that does not exist and is not relevant to the LIUNA’s stated purpose of conducting a socioeconomic assessment of variations in local construction employment. Thus, LIUNA’s Motion should be denied.

II. Reply

Pursuant to Minn. R. 1400.6700, subp. 2, LIUNA has the burden to show the information it seeks to compel is: (1) needed for the proper presentation of LIUNA’s case; (2) not sought for purposes of delay; and (3) warranted, because the issues or amounts in controversy are significant. LIUNA fails to make the requisite showings under Minn. R. 1400.6700, subp. 2, as its Motion (a) sets forth only generalized assertions on the need for information on local hiring without substantiating any of its specific requests; (b) is designed to cause an unspecified delay in the proceeding; and (c) does not articulate an issue or an amount that is in controversy and that is also substantial. Thus, LIUNA has not met its burden to compel information from DCW, and, hence, its Motion should be denied.

A. The information sought by LIUNA is not needed for the proper presentation of its case

LIUNA's seeks to compel DCW to fully and completely respond to each of LIUNA's first set of data requests. Motion at 1. According to LIUNA, the information it seeks is needed to "show . . . local socioeconomic impacts of the proposed project" based on the use of local labor versus non-local labor during construction. *Id.* at 3. LIUNA, however, fails to articulate precisely what information in its first set of information requests it must have to perform the local socioeconomic assessment. For instance, there is not one specific reference in the Motion to any of LIUNA's heavily particularized information requests, and, therefore, LIUNA has failed to show a direct nexus between the heavily particularized information requested and the proposed socioeconomic impact assessment. Instead, the Motion only contains high-level generalized assertions and rhetoric related to the information sought (*Id.* at 3-9), despite the fact that the information it seeks to compel is either (1) heavily detailed and particularized, and, therefore, does not exist; (2) relates to wind and other capital projects outside the jurisdiction of the Commission (LIUNA 1-3(E), 1-4); and/or (3) relates to projects and contracts going back two decades (LIUNA 1-3(E)). The Motion also is not supported by an affidavit from an expert in conducting socioeconomic assessments to demonstrate a need for the information in LIUNA's first set of information requests. Accordingly, LIUNA has failed to meet its burden that any of the information sought in its Motion is needed for the proper presentation of a socioeconomic assessment of the proposed project based on the use of local versus non-local labor during construction.

As further evidence that LIUNA has failed to meet its burden, Attachment 1 is an Affidavit of Jeff Plewes of Charles River Associates, demonstrating that the information sought by LIUNA is not needed to conduct the socioeconomic impact of the project based on the use of

local labor versus non-local labor during construction. As the Affidavit also demonstrates, the information attached as Attachment 2¹ to this Motion provides LIUNA information that is responsive to its articulated need to conduct a socioeconomic impact assessment of variations in local construction employment. Accordingly, LIUNA has the information needed to conduct its socioeconomic impact assessment, and, therefore, the Motion should be denied.²

In addition, LIUNA incorrectly relies on the Commission's decision regarding Flying Cow Wind, LLC's application for a certificate of need.³ LIUNA suggests that the Commission's decision in the FCW Order was a blanket approval of all the detailed information that LIUNA seeks regarding local labor statistics, stating the FCW Order "should demonstrate conclusively that the type of information LIUNA . . . seeks is relevant to this proceeding." Motion at 4. LIUNA is wrong. The FCW Order did not approve specific information requests by LIUNA in that proceeding, nor did it establish with any specificity the issues to be addressed in the contested case proceeding. FCW Order at 3-7. While the Commission indicated that the socioeconomic impacts of labor practices required further development in the record in that proceeding, the Commission specifically authorized the assigned administrative law judge to determine the appropriate issues and scope for the contested case proceeding, and, also, made no ruling that labor practices would be *de facto* relevant in every proceeding involving a wind farm.

¹ The Part A chart in Attachment 2 represents an estimate of the breakdown of local versus non-local workers based solely on an indicative project in rural Minnesota and solely on general experience and not any specific data or information. The information contained in the Part B chart represents an estimate of the breakdown in Contractor's and their subcontractors' workers already employed versus those new hires that would be sourced through a combination of local job fairs, advertising, and existing labor affiliations based solely on general experience. The information in Parts A and B cannot be relied on as a representation of what will occur during the construction of DCW's proposed projects.

² LIUNA also was provided the information that Applicant provided to DOC prior to the filing of its Motion. See DCW Responses to DOC Data Requests 6-9. The information in Attachment 2 expands on that information already provided.

³ Order Deferring Action and Initiating Negotiations; Notice and Order for Hearing; *In the Matter of the Application of Flying Cow Wind, LLC for a Certificate of Need for the up to 152 MW Bitter Root Wind Project and Associated Facilities in Yellow Medicine County, Minnesota*, MPUC Docket No. IP6984/CN-17-676 (January 3, 2019) (the "FCW Order").

Id. at 3. Thus, contrary to LIUNA's assertions, the FCW Order is not precedent that the information sought in this proceeding is relevant.

B. LIUNA's Motion is designed for purposes of delay

LIUNA seeks to delay the proceeding for an unspecified period of time. Motion at 1. LIUNA requests an extension of the deadlines for it to submit pre-filed written testimony, rebuttal testimony, and surrebuttal testimony for an unspecified period of time, pointing to "a logistically challenging August 6 date for the submission of direct testimony." *Id.* at 9. However, LIUNA waited almost six months to serve its first set of information requests, which could have been served any time after it was granted intervenor status on January 10, 2019. Further, LIUNA has had Applicant's pre-filed written testimony since March 1, 2019, and has already benefited from two extensions of the deadline for non-Aapplicant direct testimony, which was originally due on May 1, 2019, extended to July 8, 2019 (by order dated April 18, 2019), and extended again to August 6, 2019 (by order dated July 1, 2019). Instead of serving its information requests early in the proceedings and well in advance of any of the three deadlines for submitting direct testimony, it waited until July 5, 2019 to serve them on the Applicant,⁴ and, thereafter, DCW timely responded to the information requests on July 17, 2019. Accordingly, given LIUNA's dilatoriness in serving discovery close in time to when direct testimony was due, its Motion is designed to delay the proceeding.

Further, any reasonable reading of the information requests reveals that LIUNA is seeking information to serve its commercial interests, not information needed to conduct a socioeconomic impact assessment. Indeed, the Motion is replete with references to its

⁴ LIUNA's second and third set of data requests that seek similar information to the first set were served on the Applicant on July 22, 2019.

commercial interests, such as: “. . . [LIUNA] submitted a discovery request to Applicant seeking additional information on three subjects directly related to our organization’s interest in the construction jobs expected to be created by the project. . . .” (*Id.* at 2); LIUNA seeks “a clear commitment” . . . “to local hiring” (*Id.* at 3); “any competent developer should be able to describe typical labor and subcontracting arrangements for such a project.” These self-interested statements coupled with the timing of the information requests and Motion reveal an intentional attempt to leverage the threat of delay in this proceeding for its own commercial interests. In fact, LIUNA’s email to DCW’s local counsel forewarns that delay could lead to the demise of DCW’s proposed project.⁵ LIUNA’s threats of delay and a demise of the proposed project to compel information to advance its commercial and competitive interests is precisely the tactics the second prong of Minn. R. 1400.6700, subp. 2 is guarding against.

Tellingly, LIUNA’s information requests are similar to that of the Baltimore Washington Construction and Public Employees Laborer’s District Council (“Council”), a union in Maryland. In that case, the Maryland Public Service Commission denied a similar motion to compel from the Council,⁶ based on the Council’s attempt to advance its commercial interests through discovery. Specifically, the Maryland Public Service Commission ruled:

[T]he Council has not shown the relevance of the disputed data requests to the Commission’s review of the base rate application. Rather, the data requests are focused on BGE’s procurement practices for outside contractors that use non-union labor. The Commission finds that much of the data requested is proprietary

⁵ LIUNA email of July 19, 2019 to Andrew Gibbons, attached to the Motion:

I observed that I feared the company’s legal posture risked derailing the process and delaying the Dodge County Wind proceedings, much as your then-client Bitter Root Wind, LLC’s refusal to fulfill similar and reasonable information requests contributed to delays and disruptions that ultimately precipitated the exit of the Bitter Root Wind’s developer and the withdrawal of the Certificate of Need and Site Permit applications for the project.

⁶ *In the matter of the Application of Baltimore Gas and Electric Company for Adjustments to its Gas Base Rates*, Case No. 9484, Order No. 88859 (October 5, 2018), submitted as Attachment 3.

to BGE and disclosure could provide a competitive disadvantage. A utility rate case is not the place to seek information to obtain competitive bidding advantage.

See Attachment 3 at 4.

As was the case in Maryland, LIUNA's information requests are not relevant to the DCW proceeding (*i.e.*, to socioeconomic impacts); instead, LIUNA's information requests seek information in order to obtain a competitive advantage for its members. In fact, a comparison of the Council's information requests to LIUNA's information requests reveals that LIUNA's requests are considerably more specific and detailed, and seek information from over the last two decades. Therefore, LIUNA's requests are even more of an overt attempt to gain information designed to provide a competitive advantage for its members. *See* Attachment 4 (Council's information requests). The fact that LIUNA's information requests are designed to obtain information to advance its commercial and competitive interests, coupled with its (1) submittal of the information requests close in time to the due date for direct testimony; (2) request for an unspecified delay; and (3) comments forewarning the demise of the proposed project, demonstrate that the Motion is intended to threaten and cause delay in the proceeding. Therefore, LIUNA's Motion should be denied.

C. There is no issue or amount in controversy that is significant

LIUNA's Motion simply infers that there are issues or amounts in controversy which are significant. Motion at 3. In fact, DCW has no objections to LIUNA filing testimony on the local socioeconomic issues set forth on page 3, in the second full paragraph, of its Motion. Therefore, no controversy exists. Consequently, LIUNA has failed to make a showing that it has met its burden on the third prong of Minn. R. 1400.6700, subp. 2. Thus, LIUNA's Motion should be denied.

D. DCW's objections should be upheld

LIUNA challenges the objections DCW set forth in its responses to LIUNA's first set of information requests. *Id.* at 4-9. As already established, LIUNA's information requests were submitted to obtain information that would advance its commercial and competitive interests, not to acquire information relevant to this proceeding. As also established, the information sought is not needed to conduct the socioeconomic assessment, for which LIUNA claims it needs the information. *See* Attachment 1.

Further, each of LIUNA's information requests sought detailed and particularized information. For example, LIUNA 1-1 requested:

Please provide a detailed breakdown of the anticipated labor requirements for the Project, including a list of job classifications with a brief description of each job, projected number of workers or work hours required, and any minimum qualifications established by the Company or the Company's Engineering, Procurement and Construction ("EPC") contractor (hereafter "Construction Team") for individuals performing each job (e.g. license, certification, past experience).

As explained in DCW's response to LIUNA 1-1, as well as in response to the similarly detailed and particularized requests, LIUNA 1-2, and 1-3 (D), the information requested does not exist. It is axiomatic that DCW cannot be compelled to produce information that does not exist. Moreover, DCW is not required to speculate as to the lesser amount of detail and specificity that could satisfy LIUNA highly detailed information requests. Any reading of LIUNA's information requests shows it demanded a certain level of detail and specificity. DCW read the words as drafted by LIUNA and responded accordingly. LIUNA's protestations to DCW's objections also ring hollow when considered in light of the purpose of its information requests, which is to leverage this proceeding to obtain information to gain a commercial and competitive advantage for its members. LIUNA's information requests, therefore, are not reasonably

calculated to lead to discovery of evidence that is relevant in this proceeding. Thus, DCW stands by its objections to LIUNA 1-1, 1-2, and 1-3 (D).

DCW answered information requests 1-3(A-C) (related to assessment of local labor and job fairs, etc.) with the information that exists at this time. This is the same answer provided to DOC when asked for similar information. Further, given that the start of construction is projected to be May of 2020, neither DCW or any prospective general contractor will be conducting many of the job fairs or other construction hiring activities until shortly before the commencement of construction, which will not happen until at least next year based on the current schedule for this proceeding. LIUNA itself recognizes that many of the decisions regarding construction labor are not made until the construction process is underway, arguing that quarterly reporting of construction labor is necessary to allow the opportunity to improve local hiring during the course of the project. *See, e.g.,* LIUNA Comments, *In the Matter of the Application of Nobles 2 Power Partners, LLC for a Site Permit for the up to 260 MW Nobles 2 Wind Project and Associated Facilities in Nobles County*, Docket No. IP-6964/WS-17-597 at 2 (September 25, 2018). Therefore, DCW has been fully responsive to 1-3(A-C).

With respect to information request 1-3(E), LIUNA requests that DCW review every engineering, procurement, and construction (“EPC”) contract ever executed by any subsidiary of NextEra Energy Resources, LLC to determine if there is a provision related to local labor set aside. On its face, the request is overly broad, unduly burdensome, and is not limited in time. The information request implicates well over a hundred EPC contracts over the last two decades, which would take hundreds of people hours to collect, review, and make a determination whether they included a local set aside provision. Even if the task of reviewing these EPC contracts was not overly broad and unduly burdensome, there is no relevancy to this proceeding to EPC

contracts that were executed for projects outside of Minnesota. For the two Minnesota project EPC contracts that were recently executed for Lake Benton Wind and Marshall Solar, there was not a local labor set-aside provision in those contracts. With this clarification, which is subject to the original objections, DCW supplements its response to 1-3(E).

LIUNA information request 1-4 seeks detailed and particularized information on completed wind projects in North Dakota, Iowa, and Michigan that have no relevancy to DCW's proposed project in Minnesota. The Minnesota Commission is imposing a local labor reporting requirement in its Site Permits. Hence, DCW is aware that its Site Permit will likely contain the same requirement that was imposed in the Lake Benton Wind Site Permit. DCW is not opposed to such a condition. LIUNA, however, seeks this same information be compelled for projects, which were not constructed or owned by DCW and are beyond the jurisdiction of the Minnesota Commission. In other words, LIUNA's information request 1-4 is an attempt to circumvent the regulatory bodies in North Dakota, Iowa, and Michigan to compel through the Minnesota Commission what has not been ordered in those states. Further, the information sought is burdensome, as the information requested by LIUNA was never collected and maintained in the form requested. For example, LIUNA seeks a breakdown of workers who resided within 150 miles of the project. There were hundreds of workers on these projects, and to go back through records to determine whether or not they resided within 150 miles of the project is estimated to take several hundreds of people hours to perform. Further, DCW cannot be compelled to produce information that does not exist in a format and using a method demanded in the LIUNA information request. Thus, DCW stands by its objections to LIUNA information request 1-4.

Notwithstanding a plain language reading of LIUNA's detailed first set of information requests, DCW did provide LIUNA the same information as was provided to DOC in response to DOC information request 1-7, which provides high-level information on job categories. This information was provided to LIUNA prior to the submission of LIUNA's Motion. Further, in order to provide LIUNA information which is useful for its stated purpose of conducting a socioeconomic assessment of variations in local construction employment, DCW has provided additional information in Attachment 2. The provision of this additional information supplements DCW's responses to LIUNA's first set of requests, and is provided subject to and without waiving the original objections.

III. Conclusion

LIUNA has failed to meet its burden under Minn. R. 1400.6700, subp. 2 to compel information from DCW, and, therefore, its Motion should be denied.

Dated: July 26, 2019

Brian J. Murphy
Managing Attorney
NextEra, Energy Resources, LLC
700 Universe Blvd.
Juno Beach, FL 33408
(561) 694-3814
Brian.J.Murphy@nee.com
Admitted *Pro Hoc Vice*

Respectfully Submitted,

/s/ Andrew Gibbons

Andrew Gibbons
Stinson
50 South Sixth Street
Suite 2600
Minneapolis, Minnesota 55402
(612) 335-1451
andrew.gibbons@stinson.com

Attachment 1

**STATE OF MINNESOTA
BEFORE THE
PUBLIC UTILITIES COMMISSION**

| | |
|-------------------|--------------|
| Katie Sieben | Chair |
| Dan Lipschultz | Commissioner |
| Matthew Schuerger | Commissioner |
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IP-6981/TL-17-308

**AFFIDAVIT OF
JEFF PLEWES**

1. I am a Principal in the Energy Practice at Charles River Associates. I specialize in, among other things, socioeconomic impact assessments of large, capital-intensive energy infrastructure projects, such as the project proposed by Dodge County Wind, LLC (“DCW”). My complete C.V. is attached.
2. I have been engaged by DCW to review the first set of Information Requests from Laborers District Council of Minnesota and North Dakota (“LIUNA”) in the context of whether the information requested is needed for LIUNA to properly present its case as set forth in the LIUNA Motion to Compel Discovery and Extend Deadlines for Submission of Pre-Filed Testimony dated July 22, 2019 (“Motion”):

LIUNA Minnesota & North Dakota intends to show in these proceedings that the local socioeconomic impacts of the proposed project could vary substantially based on Applicant's use of local or non-local labor to fill anticipated construction jobs. We further intend to show that the failure to maximize potential local construction employment benefits could negatively impact local workers, local communities, and public support for the policies and infrastructure investments needed for Minnesota to successfully manage the shift from reliance on fossil fuels to clean energy resources. Finally, we intend to show that it would be both feasible and desirable to Dodge County Wind to be built by a largely local construction workforce.

3. The information requested in LIUNA's first set of information requests is not needed to evaluate socioeconomic impacts of variations in local construction employment, as articulated by LIUNA. The level of detail requested by LIUNA goes well beyond the data requirements for broader socioeconomic impact assessments commonly evaluated for projects similar to that proposed by DCW.
4. I have reviewed the information to be filed as Attachment 2 to the Motion. I consider the information in Attachment 2 responsive to the articulated need of LIUNA to conduct a socioeconomic impact assessment of variations in local construction employment.

DISTRICT OF COLUMBIA)
) ss
)

I, Jeff Plewes, being duly sworn on oath, depose and state that that the statements in my Affidavit on behalf of Dodge County Wind, LLC are true, correct, accurate, and complete to the best of my knowledge, information and belief.


Jeff Plewes

Subscribed and sworn to before me this 25th day of July 2019.


SEAL



Notary Public

My Commission Expires 3/31/21



DISTRICT OF COLUMBIA: SS
SUBSCRIBED AND SWORN TO BEFORE ME
THIS 25th DAY OF July, 2019

NOTARY PUBLIC
My Commission Expires 3/31/21

Jeff Plewes

Principal

Jeff Plewes is a Principal in the Energy Practice of CRA. He specializes in the economic analysis of energy and environmental policy and electricity market design. He has worked with companies throughout the energy sector to help them understand the implications of public policies and regulations on their operations, assets, and investment decisions. Mr. Plewes has led projects for clients in each of the North American competitive electricity markets and for many regulated utility clients, including internationally. Broader areas of focus have included electricity and capacity market strategy, climate policy, resource adequacy, economic impact analysis, and renewable fuels policy. Mr. Plewes supports this work with quantitative analysis using advanced energy and economic modeling tools, both proprietary and third-party.

His recent work includes serving as an expert in litigation regarding electricity charges to a large commercial customer, analyzing energy and capacity market design concepts in several regional power markets, assessing damages in multiple energy litigation cases, authoring multiple papers on the economics of renewable fuels policy, and evaluating economic benefits of renewable energy and other infrastructure projects.

Mr. Plewes has managed many litigation-related engagements and has served as an expert witness in multiple lawyer training programs through the National Institute for Trial Advocacy.

Educational History

MBA, Yale University, School of Management

BS Finance, University of Virginia

Professional History

2007–Present *Principal*, **Charles River Associates**, Washington, DC

Economic Impact Analysis

- For Brookfield Renewable, led the analysis of a variety of economic benefits for a proposed set of hydropower/wind/transmission investments in the Northeast. Authored a report on the benefits for submission in the Massachusetts Clean Energy RFP.
- For a large Eastern US electric utility, led the economic analysis for the largest transmission line proposal since the advent of FERC Order 1000. Helped the company navigate the complexities of interstate and inter-RTO transmission. Created a testimony-quality analysis that examined electricity price, production cost, job and output impacts using power sector and input-output modelling.
- For a consortium of gas pipeline owners in the Northeast, evaluated the gas market, electricity market, and macroeconomic benefits of a proposed pipeline. Led the coordination and integration of three advanced models and the development of presentations and a report.
- For Pepco Holdings, evaluated the economic benefits of several major electric distribution infrastructure projects and programs in Maryland and Washington, DC.

- For a large mining and processing industry association, examined the national economic contributions of the industry and analyzed the economic impact of a proposed change in the federal mining royalty rate.
- For The Fertilizer Institute, developed an economic contribution analysis for the fertilizer manufacturing industry in the US. Performed data analysis using the IMPLAN input-output model and a variety of public data sets. Authored multiple reports that were published and reported on by several news organizations.

Electricity Market Design and Strategy

- For a New York merchant generation owner, analyzed the impact of market developments on capacity prices in NYISO.
- For several large generators in the PJM market, developed value-maximizing bidding strategies for capacity auctions that included performance incentives for the first time. The approach included analysis of likely market outcomes and expectations for generator performance based on technical analysis of past availability.
- For a large solar and energy storage developer, led several studies on multiple capacity markets in the U.S. to determine participation requirements, offer strategies and likely capacity pricing outcomes.
- For a variety of market participants in the Northeastern power markets, supported testimony on capacity market changes, including changes in parameters and the introduction of performance incentives. Presented findings to ISO-NE stakeholders and regularly led analyses for a coalition of generators in PJM.
- For a large Independent Power Producer, prepared testimony for submission to FERC on proposed changes to the PJM capacity market.
- For a large Independent Power Producer (NRG Energy), co-authored a report on the economic impact of resource adequacy issues in Texas. Conducted economic modeling of alternate generation capacity scenarios, one in which ERCOT adopts a capacity market and one where it remains energy-only. Evaluated impacts on the Texas economy.

Energy Litigation

- For an ethanol market participant, evaluating damages in an EPA enforcement case.
- For a major investment fund in Hong Kong, leading analysis for the Industry Expert in a case involving a major solar manufacturing firm.
- For a large generator, supported testimony on a multi-billion dollar litigation case regarding power plant environmental controls and sale-leaseback arrangements.
- For a large Canadian utility, evaluated a competitor's plant outage timing for potential market manipulation. Reviewed electricity market data to identify non-competitive behavior. The competitor was eventually disciplined by the regulator.
- For an oil and gas major, provided litigation support in an environmental matter. Led team of analysts in an expansive literature review on the subject of contingent valuation for damage estimates. Authored summaries of the state of the economics based on thousands of academic studies from around the world.
- For a different oil and gas major, provided litigation support in an environmental matter. Led team of analysts in determining market share in support of expert testimony regarding the client's liability.

Transmission and Renewables

- For a solar developer, evaluated capacity value opportunities in PJM, ISO-NE and NYISO. Evaluated the future capacity opportunities for battery storage.
- For a large Midwestern electric utility, calculated future transmission costs for several complex wind farm investments.
- For several power sector investors and renewable energy developers, evaluated Renewable Energy Credit (REC) prices.

Carbon Policy Analysis

- For the New York Mayor's Office, analyzed the power sector options to meet specific emissions goals through advanced modelling of the Northeast US energy infrastructure under various scenarios. Provided advice on feasible and economic options for both local and imported electricity.
- Supported expert testimony before the US Senate on a national climate policy.
- For an international private equity fund, evaluated investment opportunities in the carbon offset market. Analyzed national and international policy scenarios and identified potential investment risks.

Natural Gas and Oil

- For the Coalition for American Energy Security, authored a study on the economic impacts of U.S. compliance with IMO 2020, an international regulation limiting the sulfur content of marine fuels in international shipping. Led the research and analysis, which included advanced refinery and macroeconomic modeling.
- For Valero Energy and various other refiners, authored or co-authored a variety of studies on the economics of the Renewable Fuels Standard. Serving as primary economics expert for analyzing and publishing comments on policy proposals. The analysis has involved advanced econometrics and statistics.
- For an oil and gas major, conducted an analysis of financial impacts of carbon price volatility and crude price uncertainty on refining margins.
- For the creditors in a major energy sector bankruptcy proceeding, led the enhancement of CRA's gas production model, which will be used for evaluating gas prices in asset valuations going forward.
- For Dow Chemical, evaluated the comparative economics of exporting Liquefied Natural Gas (LNG) versus using the gas for domestic manufacturing. Co-authored a report that was well read in policy circles and throughout the industry. Presented findings in multiple venues, including at the Department of Energy.

Market and Growth Strategy

- For a developing country's State Owned Electric Utility, developed strategies as the client prepared for significant capital expenditures and international climate policy shifts. Developed a variety of reports for executives on subjects related to: generation technology, international climate policies, US partnership opportunities, credit rating implications of capital investments, and monetization of carbon reductions.
- For a Middle East power and water utility, evaluated growth opportunities, both domestic and international. Presented findings to executives and led a workshop on economic value creation.

- Led team of high-level professionals in assessing business processes and technology of the White House, the Office of Management and Budget (OMB), the Council on Environmental Quality (CEQ), and other EOP organizations, as well as the US Navy.

2002 *Consultant*, **JPMorgan Chase**, New York, NY

- Managed the development testing of several releases of a proprietary, multi-asset trading system with a focus on Foreign Exchange (FX), Futures & Options, and OTC trading.

1999–2002 *Consultant*, **Acumen Solutions**, Inc., McLean, VA

- Participated in growing a start-up company into a profitable, 200+ person consulting firm. Consulted on a variety of engagements with several major telecommunications firms.

Publications, Testimony, and Public Reports from Past 10 Years

Books and Book Chapters

Burrows, Plewes, et al. "Do contingent valuation estimates of willingness to pay for non-use environmental goods pass the scope test with adequacy? A review of the evidence from empirical studies in the literature," Chapter in *Contingent Valuation of Environmental Goods*, Edward Elgar Publishing, 2017.

Testimony

Expert Reports of Jeff Plewes, *Telx-New York, LLC v 60 Hudson Owner LLC*, in Supreme Court of the State of New York. Plaintiff damages expert.

Expert Report of Seabron Adamson and Jeff Plewes for Dayton Power and Light before the Public Utility Commission of Ohio regarding Fair Market Valuation of Ohio Solar Renewable Energy Credits, July 2014.

Public Reports and Articles

Plewes and Chang, "Economic Analysis of IMO 2020: The Benefits to the U.S. Economy of Full Participation and Compliance," June 2019.

Plewes, "Improving Outcomes of the Renewable Fuels Standard through a Price Containment Mechanism," website of Fueling American Jobs Coalition, March 2018.

"Unobligated RINs for Renewable Fuel Exports," website of Fueling American Jobs Coalition, October 2017.

Hunger, Plewes, and Kwok. "Navigating PJM's Changing Capacity Market," CRA Energy Practice White Paper, March 2017.

"A Case Study in Capacity Market Design and Considerations for Alberta (MISO case study)," for Alberta Electric System Operator, March 2017.

"Economic Contributions of Pepco's Annual Distribution-Related Capital Expenditures in the District of Columbia," for Pepco Holdings, Inc., December 2016.

"Re-Examining the Pass-Through of RIN Prices to the Prices of Obligated Fuels," Comments to EPA, October 2016. (Docket ID No. EPA-HQ-OAR-2016-0544-0067)

"Economic Modeling of the Clean Power Plan," Presentation at REMI Luncheon, Washington DC, August 2015.

Expert Report of Seabron Adamson and Jeff Plewes for Dayton Power and Light before the Public Utility Commission of Ohio regarding Fair Market Valuation of Ohio Solar Renewable Energy Credits, July 2014.

NYC Mayor's Office, "New York City's Pathways to Deep Carbon Reductions," December 2013. (power sector sections only)

Ditzel and Plewes, "US Manufacturing and LNG Exports: Economic Contributions to the US Economy and Impacts on US Natural Gas Prices," EPA Comments for Dow Chemical, 2013.

Plewes and Hieronymus, "Economic Impact of Inadequate Generation in ERCOT - Comparison of Resource Adequacy Scenarios." submitted in PUCT proceedings, 2013.

"Employment Contributions of an Expanded Undergrounding Program in Support of the Mayor's Power Line Undergrounding Task Force," for Pepco Holdings, Inc., February 2013.

Plewes and Rankin, "Employment Contributions of the Medical Imaging Technology Industry," June 2013.

Plewes, "Economic Contributions of the U.S. Fertilizer Manufacturing Industry," for The Fertilizer Institute, August 2009.

Attachment 2

Attachment 2

Part A

The information contained in the Part A chart represents an estimate of the breakdown of local vs. non-local workers based solely on an indicative project in rural Minnesota and solely on general experience and not any specific data or information. Therefore, the information contained in Part A cannot be relied on as a representation of who DCW or a prospective General Contractor or associated subcontractors will or will not hire for the DCW wind and transmission projects. The actual values will likely not be the same, as actual hiring by the General Contractor and subcontractors will not occur until the early Spring of 2020, and even after that as hiring values change during construction to maintain staffing depending on construction progress.

* Note: "Local" has been assumed to include any worker of the Contractor or their subcontractors that live in MN or within 150 miles of project site.

| Labor Type | Average Headcount | Peak | Approx Source Location | |
|------------------------|-------------------|------|------------------------|---------|
| | | | Non-Local | Local * |
| Windfarm | | | | |
| Laborers | 50-60 | 65 | 70% | 30% |
| Equipment Operators | 30-35 | 41 | 20% | 80% |
| Crane Operators | 5-10 | 12 | 20% | 80% |
| Electricians | 40-50 | 52 | 25% | 75% |
| Supervision/Management | 25-30 | 30 | 60% | 40% |
| Transmission | | | | |
| Equipment Operators | 3-4 | 4 | 30% | 70% |
| Crane Operators | 1-2 | 1 | 50% | 50% |
| Electricians | 20-25 | 25 | 60% | 40% |
| Supervision/Management | 3-5 | 5 | 100% | 0% |

Part B

The information contained in the Part B chart represents an estimate of the breakdown in Contractor's and their subcontractors' workers already employed vs. those new hires that would be sourced through a combination of local job fairs, advertising and existing labor affiliations based solely on general experience. Therefore, the information contained in Part A cannot be relied on as a representation of who DCW or a prospective General Contractor or associated subcontractors will or will not hire for the DCW wind and transmission projects. The actual values will likely not be the same, as actual hiring by the General Contractor and subcontractors will not occur until the early Spring of 2020, and even after that as hiring values change during construction to maintain staffing depending on construction progress. It is also expected that established contractors will already have existing workers employed and that only some portion of their peak crews will need to be augmented with new hires. Most of these new hire positions are not committed beyond the construction period of a project.

| Labor Type | Average Headcount | Peak | Approx Employment status | |
|------------------------|-------------------|------|--------------------------|----------|
| | | | Existing | New Hire |
| Windfarm | | | | |
| Laborers | 50-60 | 65 | 70% | 30% |
| Equipment Operators | 30-35 | 41 | 20% | 80% |
| Crane Operators | 5-10 | 12 | 20% | 80% |
| Electricians | 40-50 | 52 | 25% | 75% |
| Supervision/Management | 25-30 | 30 | 90% | 10% |
| Transmission | | | | |
| Equipment Operators | 3-4 | 4 | 50% | 50% |
| Crane Operators | 1-2 | 1 | 100% | 0% |
| Electricians | 20-25 | 25 | 80% | 20% |
| Supervision/Management | 3-5 | 5 | 90% | 10% |

General Note:

Part A and Part B are not intended to relate in their values, any similarities are coincident. Likewise any interpretation derived from combining the values from Part A and Part B is not intended and can lead to false assumptions. These are simply 2 separate topics, each attempted to be answered separately.

Attachment 3

ORDER NO. 88859

| | | |
|---|--------------------------------------|---|
| IN THE MATTER OF THE APPLICATION OF BALTIMORE GAS AND ELECTRIC COMPANY FOR ADJUSTMENTS TO ITS GAS BASE RATES | * * * * * * * * | BEFORE THE PUBLIC SERVICE COMMISSION OF MARYLAND _____ CASE NO. 9484 _____ |
|---|--------------------------------------|---|

Issue Date: October 5, 2018

On September 6, 2018, the Baltimore Washington Construction and Public Employees Laborers’ District Council (“Council”) filed a Motion to Compel Responses to Data Requests (“Motion to Compel” or “Motion”) from the Baltimore Gas and Electric Company’s (“BGE”). For the reasons explained below, the Council’s Motion to Compel is denied.

In its Motion, the Council requests that the Commission order BGE to respond to certain questions posed by the Council as part of its Data Request No. 1, which was served on BGE on August 10, 2018.¹ The Council notes that several unsuccessful attempts to resolve the dispute have been made. The Council states that BGE has objected to responding to a substantial portion of Data Request No. 1 and that BGE also rejected a proposed solution offered by the Council to resolve the matter.² The Council notes that “[t]he disputed requests generally seek three categories of information: 1.) the identities of outside contractors who perform services and the related contractor costs that

¹ Case No. 9484, Motion to Compel Responses to Data Requests (“Council’s Motion”) filed by Baltimore Washington Construction and Public Employees Laborers’ District Council on September 6, 2018 at 1.

² Council’s Motion at 1.

BGE is seeking to include in rates; 2.) information related to the procurement practices that BGE utilizes to select its outside contractors; and 3.) the identities of contractors whom BGE has qualified or prequalified, including for traffic control.”³

The Council argues that responses to the disputed data requests should be answered because “outside contractor employees play a significant role in BGE’s provision of safe and reliable gas services to the public, including performing essential construction work on [BGE’s] gas distribution lines.”⁴ The Council points out that the “use of outside contractors composes a material portion of the costs of the operations for which BGE is seeking a rate increase.”⁵ Moreover, the Council estimates that approximately 400 of its members are employed with outside contractors who perform skilled work for BGE on gas distribution lines. However, the Council contends that “some non-union contractors performing similar work for BGE are paid substandard wages and are not adequately trained.”⁶

The Council argues that this type of employment practice is detrimental to the quality of work performed and work place safety. Further, the Council argues that “BGE has an obligation to ensure that its outside contractor procurement practices, and ensuing construction activities, are conducted in a manner that best promotes the provision of safe and reliable service.”⁷ Therefore, the Council contends that any order approving the implementation of a rate increase for BGE should be conditioned on ensuring that the Company is implementing sound outside contractor procurement practices. Additionally,

³ *Id.*

⁴ *Id.* at 2.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

on September 25, 2018, the Council’s Attorney contacted the Commission’s Executive Secretary via email and requested that the Commission consider the direct testimony of David L. Allison, filed on September 14, 2018, in support of the Council’s Motion to Compel, as an exhibit or otherwise.

In response to the Council’s Motion to Compel, BGE filed a reply on September 10, 2018.⁸ In its Response, BGE opposes the Motion to Compel on two grounds: (1) the disputed requests were issued for an improper purpose, i.e., to leverage the Commission’s discovery process to obtain information that could be used by the Council and its members to gain a competitive advantage in bidding for future BGE work; and (2) the requests are not relevant to the base rate proceeding.⁹ BGE points out that under Federal Rules of Civil Procedure “a party is not permitted to propound discovery requests for an ‘improper purpose.’ *See* F.R.C.P. 26(g)(1)(B)(ii).”¹⁰ Here, BGE argues that the Council is using that rate case discovery process to do exactly that by seeking “to acquire BGE commercial information in pursuit of the Union’s private business interests.”¹¹ BGE supports its position by pointing out that the Council’s Motion to Compel expresses disparity in pay and training between union workers employed with outside contractors on BGE jobs versus those working for BGE non-union contractors. BGE notes the Council states that “in the Union’s experience” the non-union workers receive “substandard pay” and are “not adequately trained.” However, BGE asserts the Council does not provide any evidence to support its position.

⁸ Case No. 9484 – Response to the Council’s Motion to Compel (Maillog No. 221995) (“BGE Response”).

⁹ BGE Response at 2.

¹⁰ *Id.*

¹¹ *Id.*

BGE also objects to the Motion to Compel because it seeks information internal to BGE such as amounts paid to contractors for particular projects, and BGE's internal procedures or plans for hiring and prequalifying contractors. BGE argues that disclosure of this information would place BGE at a competitive disadvantage and could be harmful to customers.¹²

Finally, BGE argues that the Council's data requests are beyond the scope of discovery of the Commission's review of BGE's base rate application.¹³ BGE points out that a base rate proceeding is generally focused on four areas of public utility rate making: (1) "the enterprise's gross utility revenues under the rate structure examined"; (2) the "operating expenses ... appropriately incurred to produce those gross revenues"; (3) "the base (rate base) on which return should be earned"; (4) "the return to which investors in the utility enterprise are reasonably entitled."¹⁴

While the Commission encourages parties to bring discovery disputes to its attention for resolution, the scope of discovery in the Commission proceedings is limited. Here, the Council has not shown the relevance of the disputed data requests to the Commission's review of the base rate application. Rather, the data requests are focused on BGE's procurement practices for outside contractors that use non-union labor. The Commission finds that much of the data requested is proprietary to BGE and disclosure could provide a competitive disadvantage. A utility rate case is not the place to seek information to obtain competitive bidding advantage. As requested, the Commission has reviewed and considered the direct testimony of David L. Allison on behalf of the

¹² BGE Response at 2.

¹³ BGE Response at 3.

¹⁴ BGE Response at 3 citing *PSC v. BGE*, 273 Md. 357, 360, n.2 (1974).

Council in support of its Motion and we find that the testimony demonstrates the disputed data requests can be litigated during the regular course of this proceeding.

IT IS THEREFORE, this 5th day of October, in the year Two Thousand Eighteen by the Public Service Commission of Maryland,

ORDERED: That Baltimore Washington Construction and Public Employees Laborers' District Council Motion to Compel Responses to Data Requests is denied.

By Direction of the Commission,

/s/ Terry J. Romine

Terry J. Romine
Executive Secretary

Attachment 4

Case No. 9484
Baltimore Gas and Electric Co.
Response to BWLDC Data Request 1
Request Received: 08/10/2018
Response Date: 08/31/2018

Item No.: BWLDC01-14

Please provide copies of any BGE or Exelon documents that describe how construction services are procured from outside construction contractors for STRIDE projects, DIMP or TIMP projects, non-STRIDE safety and reliability projects, or operations and maintenance activities for which the company seeks cost recovery for in this application.

RESPONSE:

BGE objects to Item No. BWLDC01-14 to the extent that such request is interposed for an improper purpose, such as for BWLDC's private business interests. In addition, the requested information is confidential and proprietary to BGE, and its release could provide an unfair competitive advantage to potential bidders of a BGE procurement that could negatively impact the results of the procurement to the ultimate detriment of BGE's customers. BGE further objects to Item No. BWLDC01-14 to the extent that such request calls for the disclosure of information that is not relevant to the subject matter of this proceeding, nor reasonably calculated to lead to the discovery of admissible evidence. The request as written seeks contractor procurement information that is outside the scope of this limited proceeding to review BGE's application for additional revenue and new gas distribution rates. Subject to, and without waiving the foregoing objections, BGE responds to Item No. BWLDC01-14 as follows:

In procuring construction services from outside construction contractors, BGE generally follows the following seven-step procurement process:

1. Develop the sourcing strategy and team
2. Identify necessary supplier qualifications and conduct Request for Information if needed
3. Execute the sourcing event (*i.e.*, create and conduct Request for Proposal)
4. Evaluate bidders
5. Select supplier and conduct negotiations
6. Award the contract
7. Track results and benchmark against market conditions

Case No. 9484
Baltimore Gas and Electric Co.
Response to BWLDC Data Request 1
Request Received: 08/10/2018
Response Date: 08/31/2018

Item No.: BWLDC01-15

Please provide copies of any BGE or Exelon documents containing any cost-benefit analysis or business case for contracting out construction activities for STRIDE projects, DIMP or TIMP projects, non-STRIDE safety and reliability projects, or operations and maintenance activities for which the company seeks cost recovery for in this application.

RESPONSE:

BGE objects to Item No. BWLDC01-15 to the extent that such request is interposed for an improper purpose, such as for BWLDC's private business interests. In addition, the requested information is confidential and proprietary to BGE, and its release could provide an unfair competitive advantage to potential bidders of a BGE procurement that could negatively impact the results of the procurement to the ultimate detriment of BGE's customers. Subject to, and without waiving the foregoing objection, BGE responds to Item No. BWLDC01-15 as follows:

To the extent that Item No. BWLDC01-15 requests production of a template used by BGE to perform a cost-benefit analysis or business case for using contractors instead of employees to perform activities required for BGE projects, no such document exists. Staffing determinations for construction activities are generally made based upon long-term workload projections and the specific scope of work and not on a project-by-project basis. For many gas projects and programs, BGE relies upon a mix of employee and contractor resources to administer, oversee, complete, and inspect construction activities. Typically, oversight activities (*e.g.*, project management and inspection) and critical operations (*e.g.*, emergency leak repairs, advanced metering construction, and mainline connections) are performed by BGE employee resources.

Case No. 9484
Baltimore Gas and Electric Co.
Response to BWLDC Data Request 1
Request Received: 08/10/2018
Response Date: 08/31/2018

Item No.: BWLDC01-16

Please provide copies of any BGE or Exelon documents that describe how traffic control services are procured from outside contractors for which the company seeks cost recovery for in this application.

RESPONSE:

BGE objects to Item No. BWLDC01-16 to the extent that such request is interposed for an improper purpose, such as for BWLDC's private business interests. In addition, the requested information is confidential and proprietary to BGE, and its release could provide an unfair competitive advantage to potential bidders of a BGE procurement that could negatively impact the results of the procurement to the ultimate detriment of BGE's customers. BGE further objects to Item No. BWLDC01-16 to the extent that such request calls for the disclosure of information that is not relevant to the subject matter of this proceeding, nor reasonably calculated to lead to the discovery of admissible evidence. The request as written seeks contractor procurement information that is outside the scope of this limited proceeding to review BGE's application for additional revenue and new gas distribution rates. Subject to, and without waiving the foregoing objections, BGE responds to Item No. BWLDC01-16 as follows:

See BGE's responses to Item Nos. BWLDC01-13 and BWLDC01-14.

Case No. 9484
Baltimore Gas and Electric Co.
Response to BWLDC Data Request 1
Request Received: 08/10/2018
Response Date: 08/31/2018

Item No.: BWLDC01-19

Please provide copies of any BGE or Exelon documents that detail the prequalification process by which outside construction contractors and traffic control contractors are selected to bid on STRIDE projects, DIMP or TIMP projects, non-STRIDE safety and reliability projects, or operations and maintenance activities for which the company seeks cost recovery for in this application.

RESPONSE:

BGE objects to Item No. BWLDC01-19 to the extent that such request is interposed for an improper purpose, such as for BWLDC's private business interests. In addition, the requested information is confidential and proprietary to BGE, and its release could provide an unfair competitive advantage to potential bidders of a BGE procurement that could negatively impact the results of the procurement to the ultimate detriment of BGE's customers. BGE further objects to Item No. BWLDC01-19 to the extent that such request calls for the disclosure of information that is not relevant to the subject matter of this proceeding, nor reasonably calculated to lead to the discovery of admissible evidence. The request as written seeks contractor procurement information that is outside the scope of this limited proceeding to review BGE's application for additional revenue and new gas distribution rates. Subject to, and without waiving the foregoing objections, BGE responds to Item No. BWLDC01-19 as follows:

Please see the response to Item No. BWLDC01-14.

Case No. 9484
Baltimore Gas and Electric Co.
Response to BWLDC Data Request 1
Request Received: 08/10/2018
Response Date: 08/31/2018

Item No.: BWLDC01-20

Please provide copies of any documents used by BGE or Exelon to assess the qualification of outside construction contractors or to compare outside construction contractors as it relates to the contractor's capacity to meet all safety, regulatory, engineering, environmental, legal, manpower, and financial requirements.

RESPONSE:

BGE objects to Item No. BWLDC01-20 to the extent that such request is interposed for an improper purpose, such as for BWLDC's private business interests. In addition, the requested information is confidential and proprietary to BGE, and its release could provide an unfair competitive advantage to potential bidders of a BGE procurement that could negatively impact the results of the procurement to the ultimate detriment of BGE's customers. BGE further objects to Item No. BWLDC01-20 to the extent that such request calls for the disclosure of information that is not relevant to the subject matter of this proceeding, nor reasonably calculated to lead to the discovery of admissible evidence. The request as written seeks contractor procurement information that is outside the scope of this limited proceeding to review BGE's application for additional revenue and new gas distribution rates. Subject to, and without waiving the foregoing objections, BGE responds to Item No. BWLDC01-20 as follows:

Please see the response to Item No. BWLDC01-14.

Case No. 9484
Baltimore Gas and Electric Co.
Response to BWLDC Data Request 1
Request Received: 08/10/2018
Response Date: 08/31/2018

Item No.: BWLDC01-21

Please provide a list of construction contractors that have met these prequalification standards for STRIDE projects, DIMP or TIMP projects, non-STRIDE safety and reliability projects, or operations and maintenance activities for which the company seeks cost recovery for in this application.

RESPONSE:

BGE objects to Item No. BWLDC01-21 to the extent that such request is interposed for an improper purpose, such as for BWLDC's private business interests. In addition, the requested information is confidential and proprietary to BGE, and its release could provide an unfair competitive advantage to potential bidders of a BGE procurement that could negatively impact the results of the procurement to the ultimate detriment of BGE's customers. BGE further objects to Item No. BWLDC01-21 to the extent that such request calls for the disclosure of information that is not relevant to the subject matter of this proceeding, nor reasonably calculated to lead to the discovery of admissible evidence. The request as written seeks construction contractor procurement and qualification information that is outside the scope of this limited proceeding to review BGE's application for additional revenue and new gas distribution rates.

Case No. 9484
Baltimore Gas and Electric Co.
Response to BWLDC Data Request 1
Request Received: 08/10/2018
Response Date: 08/31/2018

Item No.: BWLDC01-22

Please provide copies of any documents used by BGE or Exelon to assess the qualification of traffic control contractors or to compare traffic control contractors as it relates to the contractor's capacity to meet all safety, regulatory, engineering, environmental, legal, manpower, and financial requirements.

RESPONSE:

BGE objects to Item No. BWLDC01-22 to the extent that such request is interposed for an improper purpose, such as for BWLDC's private business interests. In addition, the requested information is confidential and proprietary to BGE, and its release could provide an unfair competitive advantage to potential bidders of a BGE procurement that could negatively impact the results of the procurement to the ultimate detriment of BGE's customers. BGE further objects to Item No. BWLDC01-22 to the extent that such request calls for the disclosure of information that is not relevant to the subject matter of this proceeding, nor reasonably calculated to lead to the discovery of admissible evidence. The request as written seeks traffic control contractor procurement and qualification information that is outside the scope of this limited proceeding to review BGE's application for additional revenue and new gas distribution rates. Subject to, and without waiving the foregoing objections, BGE responds to Item No. BWLDC01-22 as follows:

Please see the response to Item No. BWLDC01-14.

Case No. 9484
Baltimore Gas and Electric Co.
Response to BWLDC Data Request 1
Request Received: 08/10/2018
Response Date: 08/31/2018

Item No.: BWLDC01-23

Please provide a list of traffic control contractors that have met these prequalification standards for construction and maintenance projects for which the company seeks cost recovery for in this application.

RESPONSE:

BGE objects to Item No. BWLDC01-23 to the extent that such request is interposed for an improper purpose, such as for BWLDC's private business interests. In addition, the requested information is confidential and proprietary to BGE, and its release could provide an unfair competitive advantage to potential bidders of a BGE procurement that could negatively impact the results of the procurement to the ultimate detriment of BGE's customers. BGE further objects to Item No. BWLDC01-23 to the extent that such request calls for the disclosure of information that is not relevant to the subject matter of this proceeding, nor reasonably calculated to lead to the discovery of admissible evidence. The request as written seeks traffic control contractor procurement and qualification information that is outside the scope of this limited proceeding to review BGE's application for additional revenue and new gas distribution rates.

Case No. 9484
Baltimore Gas and Electric Co.
Response to BWLDC Data Request 1
Request Received: 08/10/2018
Response Date: 08/31/2018

Item No.: BWLDC01-24

Detail any and all workforce safety, worker compensation (e.g. EMR scores), health and safety, safety and reliability, and environmental metrics, or performance or productivity related metrics used by BGE or Exelon to evaluate outside construction contractors and traffic control contractors.

RESPONSE:

BGE objects to Item No. BWLDC01-24 to the extent that such request is interposed for an improper purpose, such as for BWLDC's private business interests. In addition, the requested information is confidential and proprietary to BGE, and its release could provide an unfair competitive advantage to potential bidders of a BGE procurement that could negatively impact the results of the procurement to the ultimate detriment of BGE's customers. BGE further objects to Item No. BWLDC01-24 to the extent that such request calls for the disclosure of information that is not relevant to the subject matter of this proceeding, nor reasonably calculated to lead to the discovery of admissible evidence. The request as written seeks contractor evaluation, performance, and productivity information that is outside the scope of this limited proceeding to review BGE's application for additional revenue and new gas distribution rates.

**STATE OF MINNESOTA
BEFORE THE
MINNESOTA PUBLIC UTILITIES COMMISSION**

In the Matter of the Application)
of Dodge County Wind, LLC for a)
Certificate of Need for the Dodge) **Docket No. IP-6981/CN-17-306**
County Wind Project and Associated)
Facilities in Dodge, Steele, and)
and Olmsted Counties, Minnesota)

In the Matter of the Application)
of Dodge County Wind, LLC for a)
Site Permit for the Dodge County) **Docket No. IP-6981/WS-17-307**
Wind Project and Associated)
Facilities in Dodge and Steele)
Counties, Minnesota)

In the Matter of the Application)
of Dodge County Wind, LLC for a)
Route Permit for the 345 kV High-) **Docket No. IP-6981/TL-17-308**
Voltage Transmission Line Associated)
with the Dodge County Wind Project)
in Dodge and Olmsted Counties,) ***CERTIFICATE OF SERVICE***
Minnesota)

The undersigned hereby certifies that a true and correct copy of **Dodge County Wind, LLC’s Reply to Laborers District Council of Minnesota and North Dakota’s Motion to Compel** has been served today by e-mail and/or U.S. Mail to the following:

| Name | Email/Address | Delivery Method |
|------------------------------|--|-----------------|
| Generic – Commerce Attorneys | commerce.attorneys@ag.state.mn.us | Electronic |
| Jason Czczok | office@byronfuneralhome.com | Electronic |
| Brenda Davis | Bdavis.asset@gmail.com | Electronic |
| Melissa DeVetter | melissa.devetter@co.dodge.mn.us | Electronic |

| Name | Email/Address | Delivery Method |
|----------------------|--|-----------------|
| Ian Dobson | residential.utilities@ag.state.mn.us | Electronic |
| Dennis Edgar | 66441 240th Ave Kasson, MN 55944 | Paper |
| Sharon Ferguson | sharon.ferguson@state.mn.us | Electronic |
| Andrew Gibbons | andrew.gibbons@stinson.com | Electronic |
| Katherine Hinderlie | katherine.hinderlie@ag.state.mn.us | Electronic |
| Linda Jensen | linda.s.jensen@ag.state.mn.us | Electronic |
| Peter Madsen | peter.madsen@ag.state.mn.us | Electronic |
| Brian Meloy | brian.meloy@stinson.com | Electronic |
| James Mortenson | james.mortenson@state.mn.us | Electronic |
| Brian J. Murphy | Brian.J.Murphy@nee.com | Electronic |
| Carol A. Overland | overland@legalelectric.org | Electronic |
| Gene Peters | gpete1951@aol.com | Electronic |
| Tom Rother | tomr@netmanco.com | Electronic |
| Janet Shaddix Elling | jshaddix@janetshaddix.com | Electronic |
| Mike Weich | Mike.Weich@nexteraenergy.com | Electronic |
| Edward Westin | eawestin@hotmail.com | Electronic |
| Daniel P. Wolf | dan.wolf@state.mn.us | Electronic |

Dated this 26th day of July, 2019

/s/ Joshua M. Feit

Joshua M. Feit