

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Oliver Wind IV, LLC Case No. PU-23-317
200 MW Oliver Wind IV Energy
Center-Oliver County
Siting Application

Oliver Wind IV, LLC Case No. PU-23-318
345-kV Transmission Line -
Oliver & Mercer
Siting Application

TRANSCRIPT OF
HEARING

Taken At
Betty Hagel Memorial Civic Center
312 Lincoln Avenue
Center, North Dakota
January 29, 2024

BEFORE THE HON. TIMOTHY J. DAWSON
-- ADMINISTRATIVE LAW JUDGE --

2

1 A P P E A R A N C E S

2 COMMISSIONERS PRESENT:

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COMMISSIONER SHERI HAUGEN-HOFFART
4 COMMISSIONER JULIE FEDORCHAK

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1	C O N T E N T S (Continued)	
2	LONNIE HENKE	
3	Statement by witness	161
	Examination by Commissioner Fedorchak	163
4	Examination by Commissioner Christmann	164
5	COLE UECKER	
6	Statement by witness	168
	Examination by Commissioner Fedorchak	170
7	JESSIE SMITH	
8	Statement by witness	173
9	Examination by Mr. Pranis	174
	Examination by Commissioner Fedorchak	175
10	JOELENE OPP	
11	Statement by witness	177
12	Examination by Commissioner Fedorchak	180
	Examination by Commissioner Christmann	186
13	JANET HELBLING	
14	Statement by witness	188
15	Examination by Commissioner Christmann	189
16	JAYAR KINDSVOGEL	
17	Statement by witness	191
18	RICK SCHMIDT	
19	Statement by witness	193
	Examination by Commissioner Fedorchak	196
20	Examination by Commissioner Christmann	199
	Examination by Commissioner	
21	Haugen-Hoffart	201
22	KEITH KESSLER	
23	Statement by witness	202
	Examination by Ms. Furey	207
24	Examination by Commissioner Fedorchak	208
	Examination by Commissioner Christmann	210
25		

1	C O N T E N T S (Continued)	
2	STEVE CORTINA	
3	Examination by Mr. Pranis	213
	Examination by Commissioner Fedorchak	222
4	Examination by Commissioner Christmann	222
5	KEVIN PRANIS	
6	Statement by witness	224
	Examination by Commissioner Fedorchak	227
7	MIKE SCOTT	
8	Statement by witness	232
9	JACK JENSEN	
10	Statement by witness	234
11	-----	
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 C O N T E N T S (Continued)

2 EXHIBITS:

3	No.	Description	Off'd	Rec'd
4	1	Wind Project Application	18	18
5	2	Transmission Project Application	18	18
6	3	Oliver County Conditional Use Permit	18	18
7	4	Mercer County Conditional Use Permit	18	18
8	5	Great River Energy October 18, 2023, correspondence	18	18
9	6	Basin Electric Power Cooperative October 23, 2023, correspondence	18	18
10	7	Agency correspondence - NDGF, December 29, 2023	18	18
11	8	Agency correspondence - NDDA, December 29, 2023	18	18
12	9	Wildlife Coordination and Mitigation Measures Memo	18	18
13	10	Supplemental Agency Correspondence Memo	18	18
14	11	Prefiled testimony of Clay Cameron	18	18
15	12	Prefiled testimony of Dina Brown	18	18
16	13	Wind Project - Executed Certification Relating to Order Provisions & Tree and Shrub Mitigation Specifications	18	18
17	14	Transmission Project - Executed Certification Relating to Order Provisions & Tree and Shrub Mitigation Specifications	18	18
18				
19				
20				
21				
22				
23				
24				
25				

1		C O N T E N T S (Continued)		
2	15	Consolidated Shadow Flicker and Acoustic Assessment Summary		
3		Table and Map	18	18
4	16(a)	Agency Correspondence - NDSHPO January 19, 2024 (2 letters)	18	18
5				
6	16(b)	Agency Correspondence - NDSHPO January 23, 2024 (1 letter)	18	18
7				
8	16(c)	Agency Correspondence - NDSHPO January 25, 2024 (2 letters)	18	18
9				
10	17	Wind Project Application Updated Figure 5 Map - Landowner Participation Status	18	18
11				
12	18	Transmission Project Application Updated Figure 5 Map - Landowner Participation Status	18	18
13				
14	19	Wind Project Hearing Display Map	18	18
15				
16	20	Transmission Project Hearing Display Map	18	18
17				
18	21	January 18, 2024, letter to Robert Frank, PSC, from Mary Kaplan with Detailed Shadow Flicker Modeling Results for Oliver Wind IV Energy Center	18	18
19				
20	22	Prepared statement of Jayar Kindsvogel	192	193
21				
22		Late-filed		
23	23	MOU executed by Department of Ag	240	240
24				
25	24	Rotational speed data	240	240
26				
27	25	Updated information for Oliver and Mercer County Weed Boards	240	240
28				
29	26	Information regarding tax and tax benefits	240	240
30		-----		

<p style="text-align: center;">8</p> <p>1 (The proceedings herein were had and made 2 of record, commencing at 10:00 a.m., Monday, 3 January 29, 2024, as follows:) 4 ALJ DAWSON: Good morning. I'm Timothy 5 Dawson, an administrative law judge designated by 6 the Office of Administrative Hearings upon the 7 request of the Public Service Commission to serve 8 as hearing officer for this hearing. 9 This is North Dakota Public Service 10 Commission Case Nos. PU-23-317 and 318. 11 Before we begin, please silence or shut 12 off your cell phones. There should be an 13 attendance sheet going around. Please sign the 14 attendance sheet and note whether you are going to 15 testify or not. 16 This is the hearing on the September 28, 17 2023, application of Oliver Wind IV, LLC, for a 18 certificate of site compatibility to construct the 19 Oliver Wind IV Energy Center consisting of up to 73 20 wind turbine generators and associated facilities 21 with a nameplate capacity of up to 200 megawatts in 22 Oliver County. 23 This is also a hearing on the application 24 of Oliver Wind IV for a certificate of corridor 25 compatibility and route permit for the construction</p>	<p style="text-align: center;">10</p> <p>1 efficient use of resources? 2 And number 3. Will the proposed facility 3 locations minimize adverse human and environmental 4 impact while ensuring continuing system reliability 5 and integrity and ensuring that energy needs are 6 met and fulfilled in an orderly and timely fashion? 7 The first thing we will do is have 8 appearances. Miss Furey, would you state your 9 appearance for the record. 10 MS. FUREY: Yes, Your Honor. Thank you. 11 Good morning. Casey Furey with Crowley Fleck 12 appearing on behalf of Oliver Wind IV, LLC. With 13 me at counsel table is Tracy Davis, in-house 14 counsel with NextEra Energy Resources, LLC, and 15 also my colleague Erik Edison. 16 Your Honor, we do have two witnesses 17 planned for today. Our first witness is Clay 18 Cameron, director of development with NextEra 19 Energy Resources. Clay will be testifying to 20 topics including project history, design, 21 development, landowner and community outreach, 22 local permitting, compliance with setbacks, project 23 construction, operation and decommissioning. 24 Our second witness is Dina Brown, 25 environmental services project manager with</p>
<p style="text-align: center;">9</p> <p>1 of a 345-kV transmission line and associated 2 facilities. The transmission line project is about 3 19.5 miles in length to be constructed from the 4 proposed project to -- in the counties of Oliver 5 and Mercer. 6 Let the record show that it is January 7 29th, 2024, and it's 10 a.m. at the Betty Hagel 8 Memorial Civic Center in Center, North Dakota. 9 This is the time, date and place set by the notice 10 of filing and notice of hearing issued by the North 11 Dakota Public Service Commission on December 13th, 12 2023. 13 The notice of filing and notice of hearing 14 for this hearing specified the following issues to 15 be considered and determined at this hearing. The 16 issues to be considered in the application for a 17 certificate of site compatibility for the wind 18 project and certificate of corridor compatibility 19 and route permit for the transmission line are: 20 1. Will the location and operation of the 21 proposed facilities produce minimal effects -- 22 adverse effects on the environment and upon the 23 welfare of the citizens of North Dakota? 24 Number 2. Are the proposed facilities 25 compatible with the environmental preservation and</p>	<p style="text-align: center;">11</p> <p>1 NextEra. And Dina will testify regarding the 2 environmental, wildlife and cultural resource 3 studies and surveys that were conducted for the 4 projects as well as with respect to each agency 5 consultation, sound and the shadow flicker 6 assessments for the project. 7 ALJ DAWSON: Mr. Pranis, would you make 8 your appearance and tell us the witnesses you plan 9 to call today. 10 MR. PRANIS: Thank you. Judge Dawson, 11 Commissioners, Kevin Pranis on behalf of LIUNA 12 Minnesota and North Dakota. We represent 14,000 13 construction laborers across Minnesota and North 14 Dakota and work on energy and building civil 15 projects. And I will be presenting, if Your Honor 16 is willing, briefly on research that a colleague 17 and I conducted and I have a brief presentation 18 from Mr. Steve Cortina. But we'll keep ours very 19 short to allow for public comment. 20 ALJ DAWSON: Mr. Johnson, please state 21 your appearance for the record. 22 MR. JOHNSON: Sure. Brian Johnson. I am 23 advisory counsel. With me is Robert Frank, 24 advisory staff. I would ask that Mr. Frank be 25 allowed to ask questions if needed. And we do not</p>

<p style="text-align: right;">12</p> <p>1 have any witnesses.</p> <p>2 MS. FUREY: No objection.</p> <p>3 ALJ DAWSON: Since there's no objection,</p> <p>4 he'll be allowed to ask questions.</p> <p>5 By show of hands in the audience today,</p> <p>6 who plans to provide public testimony at this time?</p> <p>7 I'm just trying to get a feel for -- you can change</p> <p>8 your mind as the hearing goes on and decide to</p> <p>9 testify after you've -- or change and not testify.</p> <p>10 But I just want to get a feel for the day and when</p> <p>11 we take our breaks and whatnot.</p> <p>12 Thank you. Make sure you sign in on the</p> <p>13 sign-in sheet and I think there's a notation there</p> <p>14 for whether you plan on testifying or not.</p> <p>15 Now we'll have opening comments from the</p> <p>16 commissioners. Commissioner Fedorchak.</p> <p>17 COMMISSIONER FEDORCHAK: Good morning,</p> <p>18 everyone. It's great to be here in the center of</p> <p>19 North America. It's been a while since I've been</p> <p>20 at a siting hearing. I know my colleagues have</p> <p>21 been hard at work on a number of things, but I</p> <p>22 haven't been at a siting hearing for a while so</p> <p>23 it's great to be out and visiting with the public,</p> <p>24 hearing about another new energy project.</p> <p>25 The reality -- what we focus on in these</p>	<p style="text-align: right;">14</p> <p>1 you decide to at the end, great. We want to hear</p> <p>2 from you.</p> <p>3 And other than that, looking forward to a</p> <p>4 productive day. Just be -- for those of you who</p> <p>5 haven't been to a hearing before, the company will</p> <p>6 go through kind of in a shortened time frame the</p> <p>7 sense of what's in these big huge binders. So it</p> <p>8 does take a decent amount of time even if it's</p> <p>9 consolidated, so we'll get through all of that</p> <p>10 information first, we ask questions of them, and</p> <p>11 then when we get through all of that we'll have</p> <p>12 time for public input. So that process kind of</p> <p>13 takes a little while, but you might find it</p> <p>14 interesting, so hopefully you'll be able to stay</p> <p>15 through the whole thing.</p> <p>16 So thank you. Look forward to a</p> <p>17 productive day.</p> <p>18 ALJ DAWSON: Commissioner Christmann.</p> <p>19 COMMISSIONER CHRISTMANN: Yeah,</p> <p>20 Commissioner Fedorchak said it well. These siting</p> <p>21 cases are just not a matter of whether we like them</p> <p>22 or don't like them, support them or don't support</p> <p>23 them for the most part. There's a very clear set</p> <p>24 of legal guidances for energy infrastructure</p> <p>25 siting. And a roomful of people that are opposed</p>
<p style="text-align: right;">13</p> <p>1 instances, the purpose of our siting is to allow</p> <p>2 for orderly development of North Dakota's energy</p> <p>3 resources in a way that has minimal impact to the</p> <p>4 citizens and the environment. And so those are</p> <p>5 kind of the boundaries of this process.</p> <p>6 It's a legislative directive that we</p> <p>7 follow. We don't get to decide whether we like</p> <p>8 something or don't like something. We are here</p> <p>9 looking at the law and the criteria established by</p> <p>10 the law and trying our best to apply that to this</p> <p>11 project as we do with every other energy-related</p> <p>12 project in the state. It's a balance. There isn't</p> <p>13 -- it isn't black and white. It's a balance. And</p> <p>14 that's why there's three of us so that you have</p> <p>15 different perspectives taking in and looking at all</p> <p>16 this evidence and trying to make the best decision</p> <p>17 for the state and for the citizens that have to</p> <p>18 live with this kind of infrastructure.</p> <p>19 So really your participation today is an</p> <p>20 important part of us getting the best record so</p> <p>21 that we can make the best decision. So thank you</p> <p>22 for those of you who have taken time, the citizens</p> <p>23 who have taken time to be here. Like the judge</p> <p>24 said, you don't have to testify. You don't have to</p> <p>25 tell us that you're going to ahead of time, but if</p>	<p style="text-align: right;">15</p> <p>1 to a project, meets all the standards of the siting</p> <p>2 law, we still have to approve it. A roomful of</p> <p>3 people just loving something but that doesn't meet</p> <p>4 the siting requirements, we can't approve that.</p> <p>5 But we do want to hear from you. And one</p> <p>6 thing that I would find very irritating if I was</p> <p>7 still in my old life of ranching is that you can't</p> <p>8 just come in here and talk, like, okay, the company</p> <p>9 is getting paid, why don't you just let us speak</p> <p>10 and we can tell you what we think. Well, the</p> <p>11 reason for that is because your opinions of this</p> <p>12 project based on what you heard at the cafe doesn't</p> <p>13 really matter much. What's important is what you</p> <p>14 hear today as things might have changed. And so we</p> <p>15 need to have the company go first in a public</p> <p>16 orderly meeting and then we want to hear from the</p> <p>17 people.</p> <p>18 So sorry about that it takes time and a</p> <p>19 lot of information to go through, we ask a lot of</p> <p>20 questions, but that's the explanation of why these</p> <p>21 things do take time. We come out here. You know,</p> <p>22 it would be a lot more convenient for us and</p> <p>23 certainly for the company to have these meetings in</p> <p>24 Bismarck. We do come out here because we do want</p> <p>25 to hear from the people and so we pack everything</p>

<p style="text-align: right;">16</p> <p>1 up and come out here. So please don't get 2 frustrated by the time delay. We want to hear from 3 you.</p> <p>4 The last thing I want to mention is 5 there's a bigger mention than what you've probably 6 seen elsewhere up here of the -- at least the 7 conversion facility. Oh, and back there would be, 8 I'm sure, the transmission line. So there will 9 certainly be a break or two before we get to the 10 public testimony, so if you want to review things 11 of the wind farm, that's why we require that the 12 big maps be displayed for the public.</p> <p>13 With that, I look forward to a good 14 hearing. Thank you.</p> <p>15 ALJ DAWSON: Commissioner Haugen-Hoffart. 16 COMMISSIONER HAUGEN-HOFFART: As the 17 saying goes, they save the best till last; right? 18 No.</p> <p>19 Both of my colleagues said it very well. 20 We are happy to be out here in the community that 21 this siting case involves. And as I look across 22 the room, it is so great to see the company have 23 great representation. I see community members here 24 from other organizations, the public. There are 25 local leaders, legislators here. It is a great</p>	<p style="text-align: right;">18</p> <p>1 I have had the opportunity to consult with 2 Mr. Johnson and Mr. Pranis regarding our exhibits 3 and they did indicate that they would be willing to 4 stipulate to the admission of Oliver Wind IV's 5 Exhibits 1 through 20.</p> <p>6 With that, I guess I would move for 7 admission of Exhibits 1 through 20.</p> <p>8 ALJ DAWSON: Unless there's an objection, 9 I am going to mark and admit Exhibits 1 through 20. 10 Hearing none, they're admitted.</p> <p>11 MS. FUREY: Thank you, Your Honor. And I 12 do just have a few additional items. I did want to 13 note for the record that the notice of hearing for 14 this proceeding was issued on December 13th. That 15 notice does state the Oliver Wind IV filed a waiver 16 application requesting waiver of certain statutory 17 provisions and administrative rules and then goes 18 on to list some issues that are to be considered as 19 part of that waiver application.</p> <p>20 To clarify, Oliver IV has not filed a 21 waiver application, so I just wanted everyone to be 22 on the same page regarding that matter. We did 23 file a request that the proceedings be consolidated 24 consistent with Commission precedent, but not an 25 actual waiver application.</p>
<p style="text-align: right;">17</p> <p>1 showing to show that people care on what's going on 2 in their community.</p> <p>3 I look forward to a very productive day. 4 We're all going to -- for some of us it might be a 5 recap of information, but you as members here are 6 going to learn a lot about what NextEra plans to do 7 for this community, or their hopes, but it's also 8 important that we hear from those who live here on 9 your thoughts. So I look forward to hearing from 10 each and every one of you that chooses to get up 11 and speak. And like you, may we all enjoy our 12 comfortable chairs.</p> <p>13 ALJ DAWSON: Are there any preliminary 14 matters or motions? Miss Furey.</p> <p>15 MS. FUREY: Yes, Your Honor. Thank you. 16 Last week we filed a proposed hearing exhibit list 17 that was marked with proposed Hearing Exhibits 1 18 through 20. All of those documents have been filed 19 with the Commission. I've circulated this morning 20 an updated hearing list. That hearing list doesn't 21 include any additional documents. The only changes 22 to that hearing list include the docket numbers for 23 which the filings were submitted and are docketed 24 in both cases. So it's just intended to be a 25 further reference for everyone.</p>	<p style="text-align: right;">19</p> <p>1 The third prelim matter that I'd like to 2 address is that these hearing maps that are on 3 display both for the transmission line and for the 4 wind facility have been filed with the Commission. 5 PDF copies were submitted. So these maps are the 6 same hearing display maps that are filed in the 7 docket and we are going to be referencing these 8 maps throughout the hearing. They are referenced 9 as the wind project map that's right -- on either 10 side of you, Commissioners, is Hearing Exhibit 19 11 and the transmission project map is Hearing Exhibit 12 20.</p> <p>13 The last prelim item that I have is our 14 two witnesses did file prefiled testimony. That 15 testimony is in the docket. Mr. Clay Cameron's 16 prefiled testimony is Exhibit 11 and Dina Brown's 17 prefiled testimony will be referenced as Exhibit 18 12. And our intent this morning to be respectful 19 of everyone's time is to not necessarily read 20 through that prefiled testimony verbatim but to 21 really hit the high points on that.</p> <p>22 And with that, that concludes, Your Honor. 23 Thank you.</p> <p>24 ALJ DAWSON: Any other preliminary matters 25 or motions?</p>

<p style="text-align: right;">20</p> <p>1 It looks like we can go forward. Do you</p> <p>2 have any opening statement or a witness to call?</p> <p>3 MS. FUREY: I have a witness to call, Your</p> <p>4 Honor. Mr. Clay Cameron.</p> <p>5 ALJ DAWSON: Mr. Cameron.</p> <p>6 MR. CAMERON: Good morning, Your Honor.</p> <p>7 ALJ DAWSON: Good morning. I'm required</p> <p>8 by law to tell you the penalties for perjury in</p> <p>9 this state. Perjury is a Class C felony punishable</p> <p>10 by a fine of up to \$10,000 or a term of</p> <p>11 imprisonment of up to five years, or both.</p> <p>12 Do you understand what perjury is and the</p> <p>13 penalties for it?</p> <p>14 MR. CAMERON: Yes, Your Honor.</p> <p>15 (Witness sworn.)</p> <p>16 ALJ DAWSON: You may begin.</p> <p>17 MS. FUREY: Thank you.</p> <p>18 CLAY CAMERON,</p> <p>19 being first duly sworn, was examined and testified</p> <p>20 as follows:</p> <p>21 EXAMINATION</p> <p>22 BY MS. FUREY:</p> <p>23 Q. Mr. Cameron, can you please introduce</p> <p>24 yourself to the Commission?</p> <p>25 A. Yes. Clay Cameron, director of</p>	<p style="text-align: right;">22</p> <p>1 A. Yes, I have testified as a witness before</p> <p>2 the Commission for other NextEra subsidiary wind</p> <p>3 projects in North Dakota including the Emmons-Logan</p> <p>4 and Northern Divide wind and transmission projects.</p> <p>5 I have also testified as a witness for NextEra in</p> <p>6 siting proceedings before other states' public</p> <p>7 utilities commissions.</p> <p>8 Q. And how many wind projects does NextEra or</p> <p>9 its subsidiaries operate in North Dakota?</p> <p>10 A. NextEra subsidiaries own and operate 15</p> <p>11 wind generation facilities in North Dakota with</p> <p>12 approximately 1,615 megawatts of generating</p> <p>13 capacity.</p> <p>14 Q. And are you familiar with Oliver Wind IV's</p> <p>15 siting application for a certificate of site</p> <p>16 compatibility and a certificate of corridor</p> <p>17 compatibility and route permit relating to the wind</p> <p>18 project and the transmission project?</p> <p>19 A. Yes.</p> <p>20 Q. And are these applications marked as</p> <p>21 Hearing Exhibits 1 and 2?</p> <p>22 A. Yes.</p> <p>23 Q. And to start, can you please provide a</p> <p>24 brief overview of the wind project?</p> <p>25 A. The wind project is a 200 megawatt</p>
<p style="text-align: right;">21</p> <p>1 development for NextEra Energy Resources. I am</p> <p>2 testifying on behalf of the applicant, Oliver Wind</p> <p>3 IV, LLC. Oliver Wind IV, LLC, is an indirect,</p> <p>4 wholly owned subsidiary of NextEra. In my role I</p> <p>5 oversee the development of the Oliver Wind IV</p> <p>6 Energy Center and the Oliver Wind IV transmission</p> <p>7 project.</p> <p>8 Q. And can you please briefly describe your</p> <p>9 educational and professional background?</p> <p>10 A. I studied business management at Louisiana</p> <p>11 State University. I hold a State of Florida</p> <p>12 general contractor's license. I have over 23 years</p> <p>13 of experience in project management including</p> <p>14 development and federal, state and local permitting</p> <p>15 of large construction projects across the country.</p> <p>16 For the past 13 years with NextEra I've</p> <p>17 held various roles pertaining to project</p> <p>18 development, engineering and construction</p> <p>19 oversight. I have overseen the development of over</p> <p>20 500 megawatts of wind projects in North Dakota and</p> <p>21 Minnesota and managed construction of over a</p> <p>22 thousand megawatts of wind energy projects located</p> <p>23 in the U.S. and Canada.</p> <p>24 Q. Have you testified before the Commission</p> <p>25 previously?</p>	<p style="text-align: right;">23</p> <p>1 encompassing approximately 22,135 acres in Oliver</p> <p>2 County west of Center, North Dakota. The project</p> <p>3 consists of 73 primary turbines and three alternate</p> <p>4 turbine locations. We anticipate utilizing General</p> <p>5 Electric 2.82 megawatt turbines.</p> <p>6 GE 2.82 megawatt turbines have a 292 foot</p> <p>7 hub height and a rotor diameter of approximately</p> <p>8 417 feet. The total height of the GE 2.82 turbines</p> <p>9 is approximately 500 feet from the base of the</p> <p>10 tower tip to the upright blade.</p> <p>11 Oliver IV also requests the flexibility to</p> <p>12 use up to five GE 2.52 megawatt turbines. These</p> <p>13 are shorter turbines with a smaller rotor diameter</p> <p>14 that are available for NextEra to use on the wind</p> <p>15 project. The GE 2.52 turbines have a 295-foot hub</p> <p>16 height and a rotor diameter of approximately 381</p> <p>17 feet, with a total height of approximately 486 feet</p> <p>18 from the base of the tower tip to the upright</p> <p>19 blade.</p> <p>20 Additional facilities associated with the</p> <p>21 wind project include one operation and maintenance</p> <p>22 building, one permanent MET tower and two aircraft</p> <p>23 detection lighting system radar systems.</p> <p>24 Q. And can you please provide a brief</p> <p>25 overview of the transmission project?</p>

<p style="text-align: right;">24</p> <p>1 A. The transmission project is a 345 kilovolt 2 19.5-mile-long electrical transmission line located 3 in Oliver County and Mercer County. The 4 proposed -- it has a proposed 150-foot-wide 5 corridor, approximately 121 pole structure 6 locations ranging from 100 feet to 170 foot tall. 7 The transmission line originates at the wind 8 project's proposed collector substation in Oliver 9 County and terminates at an interconnection with 10 Basin Electric's new Leland Olds 345 kV substation 11 that is currently under construction in Mercer 12 County. 13 Q. Thank you. And did you submit prefiled 14 testimony in the consolidated cases on January 15 17th? 16 A. Yes. 17 Q. And do you have a copy of Exhibit 11 in 18 front of you? 19 A. Yes. 20 MS. FUREY: And, Commissioners, I would 21 just reference that Exhibit 11 is noted -- as noted 22 in the hearing exhibit list for the wind facility, 23 that's going to docket 20 and in the transmission 24 case, which is PU-23-318, it's docketed as docket 25 number 22, both the same document.</p>	<p style="text-align: right;">26</p> <p>1 project, and I explained that the projects comply 2 with all applicable local and PSC setbacks. 3 In my testimony I indicated that based on 4 the GE 2.82 megawatt turbine, the distance to the 5 nearest participating residence to a turbine is 6 2,040 feet. This number was included in error. 7 The nearest participating residence to a turbine is 8 actually 1,711 feet. 9 Similarly, my prefiled stated that the 10 distance to the nearest nonparticipating residence 11 to a turbine is approximately 2,806. However, the 12 distance to that nearest turbine -- nearest 13 nonparticipating residence is actually 2,213 feet. 14 With these corrections, the projects 15 continue to comply with all of the applicable local 16 and Commission setbacks. 17 Q. Thank you. And so just to be clear, the 18 prefiled testimony as a result of indicating that 19 at the time the turbine number 35 was planned to be 20 dropped, the intent at that time was then to 21 activating an alt so there were -- it was stated in 22 your prefiled that there was only then two proposed 23 alternate turbines as a result; is that correct? 24 A. That is correct. 25 Q. But now the project has reverted back to</p>
<p style="text-align: right;">25</p> <p>1 Q. (MS. FUREY CONTINUING) And, Mr. Cameron, 2 is Exhibit 11 a true and accurate representation of 3 what your testimony would be if you were to give it 4 orally before the Commission? 5 A. Yes, it is except for a few minor updates 6 and corrections that I will subsequently discuss. 7 In my prefiled testimony at question 13, page 5, I 8 discussed dropping original turbine number 35 and 9 activating an alternate turbine location. 10 Additionally, Attachment 1 to my prefiled testimony 11 shows some changes to the site plan associated with 12 the dropped turbine. 13 At the time we made this change, the 14 adjacent landowner did not wish to sign a 15 participation agreement. However, after my 16 prefiled testimony was submitted, Oliver Wind IV 17 was able to reach a participation agreement with 18 this landowner, which is now pending final 19 execution with that landowner. Therefore, Oliver 20 Wind IV is no longer dropping turbine number 35 or 21 activating the alternate location and the site plan 22 will remain as reflected in the original 23 application. 24 In my prefiled testimony at question 26, 25 page 9, I discuss setbacks applicable to the</p>	<p style="text-align: right;">27</p> <p>1 the three original alts? 2 A. That is correct. 3 Q. Thank you. And has Oliver Wind IV entered 4 into a purchase power agreement for the wind 5 project? 6 A. Yes. My prefiled testimony at question 7 15, page 6, references Oliver Wind IV entered into 8 two 15-year PPAs with Verizon. Just a minor 9 clarification. Oliver Wind IV has one 15-year PPA 10 with Verizon that was initially for 150 megawatts, 11 but was later amended to include the project's 12 remaining 50 megawatts. 13 Q. And are there any remaining clarifications 14 you would like to make to your prefiled testimony? 15 A. Yes. Question 12 on page 5 of my prefiled 16 testimony states Oliver Wind IV's point of 17 interconnection for the wind project was originally 18 located at the existing Basin Electric Leland Olds 19 230 kV substation and was subsequently changed to 20 the new Basin Electric Leland Olds 345 substation. 21 To clarify, the interconnection for the 22 project was always intended to be at Basin's 345 kV 23 substation. The location of Basin's new substation 24 was changed. Originally Basin had planned to 25 constructs its new 345 kV substation in proximity</p>

<p style="text-align: right;">28</p> <p>1 to the existing substation. However, the location</p> <p>2 of the new substation shifted one mile south of</p> <p>3 that location. This is a minor point of</p> <p>4 clarification. It has no material impact on the</p> <p>5 project. However, I wanted to clarify the way the</p> <p>6 interconnect was described in my prefiled</p> <p>7 testimony.</p> <p>8 Q. And with that, does that conclude the</p> <p>9 updates that you have to your prefiled testimony?</p> <p>10 A. Yes.</p> <p>11 Q. And does Oliver Wind IV have an</p> <p>12 interconnection agreement?</p> <p>13 A. Yes. The Oliver Wind IV has an executed</p> <p>14 generator interconnection agreement with the</p> <p>15 Southwest Power Pool and Basin Electric. It's</p> <p>16 referenced as GEN-2016-130. Through the</p> <p>17 interconnection process, SPP and Basin Electric</p> <p>18 performed interconnection studies and confirmed</p> <p>19 that the project could be reliably interconnected</p> <p>20 to the grid, which is noted in the Facilities Study</p> <p>21 Report IFS-2016-002-21. Compared with other wind</p> <p>22 generation facilities in North Dakota, the project</p> <p>23 related system upgrades necessary to facilitate</p> <p>24 interconnection were very low at \$3.6 million.</p> <p>25 Q. And what makes the wind project site a</p>	<p style="text-align: right;">30</p> <p>1 to the landowners for execution.</p> <p>2 For the wind project, final participation</p> <p>3 agreements are pending with five landowners.</p> <p>4 For the transmission project, final</p> <p>5 participation agreements are pending with four</p> <p>6 landowners not including the Great River Energy and</p> <p>7 Basin Electric agreements. As I indicated in my</p> <p>8 prefiled testimony, Basin Electric and Great River</p> <p>9 Energy also own property along the transmission</p> <p>10 project. Both Basin Electric and GRE have sent us</p> <p>11 letters stating that they will execute agreements</p> <p>12 with Oliver Wind IV contingent on the PSC issuing</p> <p>13 the siting authorizations in this proceeding.</p> <p>14 Q. And I'm going to direct your attention to</p> <p>15 Exhibits 5 and 6.</p> <p>16 MS. FUREY: And, Commissioners, Exhibit 5</p> <p>17 with respect to the wind case, which is PU-23-317,</p> <p>18 that is the Great River Energy letter. That is</p> <p>19 documented in the wind case as docket number 20.</p> <p>20 Again, we're referencing it as Exhibit No. 5.</p> <p>21 And then also, Mr. Cameron, with respect</p> <p>22 to Exhibit 6, that is the letter from Basin</p> <p>23 Electric with respect to the wind case, which is</p> <p>24 PU-23-317. That was also docketed as docket entry</p> <p>25 number 20.</p>
<p style="text-align: right;">29</p> <p>1 good location for wind development?</p> <p>2 A. The project area has an excellent wind</p> <p>3 resource and is close to a viable interconnection</p> <p>4 point to the grid. Additionally, the project has</p> <p>5 strong landowner and community support and is</p> <p>6 compatible with the existing land uses in the area.</p> <p>7 Q. And can you please describe the history of</p> <p>8 the projects?</p> <p>9 A. The wind project originated as a 400</p> <p>10 megawatt project concept developed by Red Butte</p> <p>11 Wind, LLC. The project was split into 200 megawatt</p> <p>12 projects to be developed separately. Oliver Wind</p> <p>13 IV consists of the northern portion of the Red</p> <p>14 Butte project. This is why some of the agency</p> <p>15 correspondence, earlier studies and other filings</p> <p>16 may refer to the Red Butte Wind project.</p> <p>17 Q. Thank you. And can you please explain the</p> <p>18 status of land and easement acquisition for the</p> <p>19 projects?</p> <p>20 A. Oliver Wind IV has obtained nearly all of</p> <p>21 the land agreements for the wind and transmission</p> <p>22 projects and is in the process of finalizing a few</p> <p>23 final agreements for each project. Oliver Wind IV</p> <p>24 expects to have the final agreements soon and most</p> <p>25 of the outstanding agreements have been delivered</p>	<p style="text-align: right;">31</p> <p>1 Q. (MS. FUREY CONTINUING) Can I please have</p> <p>2 you turn to Exhibits 5 and 6. Are you there?</p> <p>3 A. Yes.</p> <p>4 Q. Great. Thank you. Are Exhibits 5 and 6</p> <p>5 copies of the notarized correspondence from GRE and</p> <p>6 Basin regarding the status of their agreements with</p> <p>7 Oliver Wind IV?</p> <p>8 A. Yes. Basin Electric has indicated that</p> <p>9 they will execute an agreement upon the</p> <p>10 Commission's approval of the projects. The letter</p> <p>11 from GRE states that the easement agreement is</p> <p>12 expected within 30 days from October 18th, 2023.</p> <p>13 It is our understanding that GRE intends to execute</p> <p>14 the agreement once we have PSC approval for the</p> <p>15 projects.</p> <p>16 Q. Thank you. And Oliver Wind IV submitted</p> <p>17 updated application Figure Nos. 5 for both projects</p> <p>18 which are maps depicting landowner participation --</p> <p>19 the landowner participation status for each</p> <p>20 project; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And are those maps marked as</p> <p>23 Exhibits 17 and 18?</p> <p>24 A. Yes.</p> <p>25 MS. FUREY: Okay. And just for the</p>

<p style="text-align: right;">32</p> <p>1 record, Commissioners, Exhibit 17 is in the wind 2 case, PU-23-317, that's docket number 25. And the 3 same for the updated Figure 5 in the wind case, 4 that was also docketed as docket number 25. 5 Q. (MS. FUREY CONTINUING) And can I please 6 have you turn to Exhibit Nos. 17 and 18. Do these 7 figures accurately represent the current status of 8 land and easement acquisition you just discussed 9 for the projects? 10 A. Yes. 11 Q. Thank you. And has Oliver Wind IV secured 12 local permitting from Oliver and Mercer Counties 13 for the projects? 14 A. Yes. Oliver County approved both the wind 15 and transmission projects' conditional use permit 16 applications in December of 2023. Mercer County 17 approved the transmission project's CUP application 18 in November of 2023. 19 Remaining local agreements include Oliver 20 County building and construction permits, road use 21 and utility crossing agreements in both Oliver and 22 Mercer Counties. These will be obtained and filed 23 with the Commission prior to commencing 24 construction in the areas for which said permit or 25 authorization is required.</p>	<p style="text-align: right;">34</p> <p>1 timeline for construction and operation of the 2 projects? 3 A. We expect construction to begin in May/ 4 June of 2024 with a commercial operation date of 5 December of 2024. 6 Q. And if a landowner has concerns during 7 construction, is there a process for addressing 8 those concerns? 9 A. Yes. If a landowner has concerns, he or 10 she can contact the construction manager during 11 construction and the operations manager after 12 construction. Oliver Wind IV will send mailers to 13 landowners within the projects with contact 14 information for the construction and operation and 15 maintenance managers once that person is selected. 16 Q. And switching gears slightly, have you 17 reviewed the testimony filed by LIUNA in this 18 proceeding? 19 A. Yes, I have. 20 Q. And do you have a response to that 21 testimony that was docketed in both cases? 22 A. Yes. We understand and appreciate LIUNA's 23 advocating for the use of local labor. While our 24 EPC contractors are responsible for hiring the 25 construction labor for the projects, we commit that</p>
<p style="text-align: right;">33</p> <p>1 We recently became aware that Oliver 2 County's CUP for the transmission project contains 3 a typo stating that the right of way is 115 feet 4 instead of the 150 foot that was included in the 5 application. Oliver Wind IV will work with Oliver 6 County to make the necessary corrections to the 7 CUP. 8 Q. And what entities will construct, own and 9 operate the projects? 10 A. Oliver Wind IV has engaged experienced 11 engineering, procurement and construction 12 contractors, Blattner Company, to construct the 13 wind facility and Brink Constructors to construct 14 the wind project substation and transmission 15 project. NextEra subsidiaries have used Blattner 16 and Brink on other North Dakota projects. Oliver 17 Wind IV will own, operate and maintain the 18 projects. 19 Q. And what are the projects' estimated 20 costs? 21 A. The wind project is estimated to cost 22 approximately 345 million and the transmission 23 project is estimated to cost approximately 45 24 million. 25 Q. And what is Oliver Wind IV's proposed</p>	<p style="text-align: right;">35</p> <p>1 our EPCs will hire as much local labor as possible. 2 We agree with LIUNA that using local labor is good 3 for the community. It's also good for the project 4 because it reduces travel and expenses. We look 5 forward to continuing to work with LIUNA on these 6 projects. 7 Q. After the projects are built, how will 8 Oliver Wind IV monitor and maintain the projects? 9 A. Oliver Wind IV will have an on-site O&M 10 staff that will be responsible for the day-to-day 11 project maintenance. We plan to hire five to eight 12 long-term employees to operate and maintain the 13 projects. 14 O&M field duties include performing all 15 scheduled and unscheduled maintenance, including 16 periodic operational checks and tests, regular 17 preventative maintenance on all turbines, related 18 plant facilities and equipment, safety systems, 19 controls, instruments and machinery. 20 Oliver Wind IV will install a supervisory 21 control and data acquisition system of the wind 22 project. This system will provide continuous 23 monitoring of the wind project. NextEra's field 24 production and diagnostic control center located in 25 Juno Beach, Florida, will monitor the project 24</p>

<p style="text-align: right;">36</p> <p>1 hours a day, seven days a week.</p> <p>2 Q. And what steps will Oliver Wind IV take to</p> <p>3 ensure emergency preparedness for the project and</p> <p>4 for the surrounding community?</p> <p>5 A. The projects will have an emergency</p> <p>6 response plan that governs reporting and response</p> <p>7 procedures in the event of an emergency. The ERP</p> <p>8 will be shared with local emergency response teams</p> <p>9 for review and comment, and training will be</p> <p>10 coordinated as necessary.</p> <p>11 Oliver Wind IV personnel will be trained</p> <p>12 annually on emergency equipment use, emergency</p> <p>13 response and first aid procedures.</p> <p>14 NextEra has a history of working with</p> <p>15 Oliver County for emergency preparedness for wind</p> <p>16 projects. There are three existing wind facilities</p> <p>17 in Oliver County. Training was provided to local</p> <p>18 emergency responders in the past for these projects</p> <p>19 and ERPs were developed. Oliver Wind IV has had</p> <p>20 preliminary discussions with the county regarding</p> <p>21 the ERP for the Oliver IV project.</p> <p>22 During construction, the EPC contractors,</p> <p>23 Blattner and Brink, will coordinate the ERP.</p> <p>24 During operations, the projects' O&M manager will</p> <p>25 continue coordination of the ERP with local</p>	<p style="text-align: right;">38</p> <p>1 and royalty payments for participating landowners,</p> <p>2 new employment opportunities and property and sales</p> <p>3 tax revenue.</p> <p>4 Oliver Wind IV estimates the projects will</p> <p>5 provide approximately \$37 million in tax revenue to</p> <p>6 Oliver and Mercer Counties over the life of the</p> <p>7 project. The projects will also provide over \$30</p> <p>8 million in payments to participating landowners</p> <p>9 over the life of the projects.</p> <p>10 These revenues and landowner payments are</p> <p>11 also expected to benefit the local economy through</p> <p>12 reinvestment in local goods and services.</p> <p>13 During the multi-year period spent</p> <p>14 developing the projects, Oliver Wind IV hired local</p> <p>15 environmental and cultural resource consultants to</p> <p>16 perform the surveys and studies necessary to site</p> <p>17 the projects.</p> <p>18 Oliver Wind IV has also undertaken a</p> <p>19 number of efforts during the projects' development</p> <p>20 to support and engage with the local community and</p> <p>21 educational organizations, including through</p> <p>22 donations to local schools, youth organizations,</p> <p>23 extracurricular programs, sports teams,</p> <p>24 county-sponsored events and programs, and various</p> <p>25 county departments such as local volunteer</p>
<p style="text-align: right;">37</p> <p>1 responders.</p> <p>2 Q. Has Oliver Wind IV engaged in any outreach</p> <p>3 with the public in the project areas?</p> <p>4 A. Oliver Wind IV undertook significant</p> <p>5 outreach with the public, landowners and agencies</p> <p>6 throughout the history of the projects. Oliver</p> <p>7 Wind has hosted multiple landowner dinners and</p> <p>8 informational meetings. Oliver Wind IV has worked</p> <p>9 closely with county officials. We have other</p> <p>10 operating wind farms in Oliver County so we have a</p> <p>11 history of working with Oliver County on these</p> <p>12 projects.</p> <p>13 Oliver Wind IV also met with landowners in</p> <p>14 and around the projects on various occasions and</p> <p>15 has worked with landowners to avoid or minimize</p> <p>16 impacts on their property to the extent</p> <p>17 practicable.</p> <p>18 Oliver Wind IV had numerous community</p> <p>19 members, businesses and organizations submit</p> <p>20 letters of support during the Oliver County</p> <p>21 permitting process.</p> <p>22 Q. And can you please briefly describe the</p> <p>23 economic benefits of the projects?</p> <p>24 A. The project will have positive economic</p> <p>25 impacts for the local population, including lease</p>	<p style="text-align: right;">39</p> <p>1 emergency responders.</p> <p>2 The projects are expected to create</p> <p>3 approximately 300 construction jobs at the peak of</p> <p>4 construction.</p> <p>5 Oliver Wind IV's contractors plan to host</p> <p>6 job fairs for the project that may provide</p> <p>7 opportunities to local workers.</p> <p>8 Additionally, the projects will also</p> <p>9 create five to eight permanent full-time local</p> <p>10 operation and maintenance jobs.</p> <p>11 Q. And will the wind project be equipped with</p> <p>12 an operating aircraft lighting detection system at</p> <p>13 the time of the project's operation?</p> <p>14 A. Yes.</p> <p>15 Q. And has Oliver Wind IV received all</p> <p>16 necessary FAA approvals for the wind facility and</p> <p>17 for installation of the ADLS?</p> <p>18 A. Yes. Oliver Wind IV has received</p> <p>19 determinations of no hazard for the wind turbines</p> <p>20 and the MET tower locations.</p> <p>21 Oliver Wind IV has submitted site-specific</p> <p>22 approvals to the FAA for the installation of the</p> <p>23 ADLS radar. After the initial submission, one of</p> <p>24 the ADLS tower locations shifted slightly and the</p> <p>25 location is pending approval by the FAA. We</p>

<p style="text-align: right;">40</p> <p>1 anticipate receiving approval prior to</p> <p>2 construction.</p> <p>3 Q. And if Oliver Wind IV subsequently elects</p> <p>4 to utilize the potential five GE 2.52 megawatt</p> <p>5 turbines that you previously referenced, will this</p> <p>6 affect the status of FAA approvals for the wind</p> <p>7 project?</p> <p>8 A. If Oliver Wind IV chooses to utilize these</p> <p>9 five turbines, it will not affect the FAA approvals</p> <p>10 as the DNHs that were received were for the larger</p> <p>11 GE 2.82 turbines.</p> <p>12 Q. And are you familiar with the Commission's</p> <p>13 rules governing decommissioning of wind facilities?</p> <p>14 A. Yes.</p> <p>15 Q. And will Oliver Wind IV comply with the</p> <p>16 Commission's decommissioning requirements?</p> <p>17 A. Yes.</p> <p>18 Q. As part of these requirements, will Oliver</p> <p>19 Wind IV place a construction phase decommissioning</p> <p>20 financial assurance with the Commission prior to</p> <p>21 beginning construction?</p> <p>22 A. Yes.</p> <p>23 Q. And will Oliver Wind IV also file a</p> <p>24 proposed decommissioning plan and operational phase</p> <p>25 decommissioning financial assurance with the</p>	<p style="text-align: right;">42</p> <p>EXAMINATION</p> <p>1 BY MR. JOHNSON:</p> <p>2 Q. To clarify, for the ADLS system, the radar</p> <p>3 towers are separate from any other existing wind</p> <p>4 projects? It's going to be standalone for this</p> <p>5 project?</p> <p>6 A. That is correct.</p> <p>7 Q. Okay. And as far as issues that the PSC</p> <p>8 sees for complaints on wind projects, they're</p> <p>9 generally sound and shadow flicker. Does the</p> <p>10 company have avenues or methods to address sound</p> <p>11 complaints or shadow flicker?</p> <p>12 A. Yes. As I stated in my testimony, the O&M</p> <p>13 operations facility that is the location that if</p> <p>14 anything arises after commercial operations, that</p> <p>15 can be filed with the O&M -- the O&M manager at</p> <p>16 that location.</p> <p>17 Q. Sure. And are you aware of what methods</p> <p>18 are used to mitigate -- let's start with the sound.</p> <p>19 What's used to mitigate a sound complaint? Is</p> <p>20 there any technology that can be used or how does</p> <p>21 that work?</p> <p>22 A. Can you repeat your question? I'm sorry.</p> <p>23 Q. Sure. If you would receive a complaint</p> <p>24 about noise from a landowner, participating or not,</p> <p>25</p>
<p style="text-align: right;">41</p> <p>1 Commission prior to facility operations?</p> <p>2 A. Yes.</p> <p>3 Q. Does Oliver Wind IV agree to comply with</p> <p>4 the Commission's certification relating to order</p> <p>5 provisions for both projects?</p> <p>6 A. Yes. Oliver Wind IV agrees to comply with</p> <p>7 the Commission's certification provisions for both</p> <p>8 projects. Certifications executed by an authorized</p> <p>9 representative of Oliver Wind IV have been filed</p> <p>10 with the Commission labeled as Exhibits 13 and 14.</p> <p>11 Q. Thank you. And in your opinion, will the</p> <p>12 projects' location and operation produce minimal</p> <p>13 adverse impacts while ensuring continuing system</p> <p>14 reliability and ensuring that energy needs are met</p> <p>15 and fulfilled in an orderly and timely fashion?</p> <p>16 A. Yes.</p> <p>17 Q. And does this conclude your direct</p> <p>18 testimony?</p> <p>19 A. Yes.</p> <p>20 MS. FUREY: Thank you.</p> <p>21 ALJ DAWSON: Mr. Pranis, do you have any</p> <p>22 questions for this witness?</p> <p>23 MR. PRANIS: No, Your Honor.</p> <p>24 ALJ DAWSON: Mr. Johnson?</p> <p>25 MR. JOHNSON: Just a couple.</p>	<p style="text-align: right;">43</p> <p>1 is there methods that you guys can use to reduce</p> <p>2 sound or how do you guys address those?</p> <p>3 A. Yeah, there is a process that we go</p> <p>4 through to -- to address the situation. We review</p> <p>5 the situation with that landowner. Sometimes it's</p> <p>6 a maintenance issue. If it's related to a sound,</p> <p>7 it could be a maintenance issue, so we'll have to</p> <p>8 do a full check -- our operations staff will do a</p> <p>9 full check to determine exactly what the issue is</p> <p>10 causing that sound issue and then figure out what</p> <p>11 an applicable plan is to solve that issue.</p> <p>12 Q. And I would assume the same for shadow</p> <p>13 flicker?</p> <p>14 A. Yeah, the same with shadow flicker.</p> <p>15 Correct.</p> <p>16 MR. JOHNSON: No further questions at this</p> <p>17 point.</p> <p>18 ALJ DAWSON: No questions? Commissioner</p> <p>19 Fedorchak.</p> <p>20 EXAMINATION</p> <p>21 BY COMMISSIONER FEDORCHAK:</p> <p>22 Q. Thank you, Clay. So a few things. On --</p> <p>23 let's start with the maps in the layout. I'm</p> <p>24 looking at Figure -- Figure 5 of the application,</p> <p>25 participating landowners. Do you have that one out</p>

<p>44</p> <p>1 there?</p> <p>2 A. Is it the wind farm map?</p> <p>3 Q. It's the wind farm map, Figure 5 in the</p> <p>4 application.</p> <p>5 A. Figure 5. I'm sorry.</p> <p>6 MS. FUREY: Commissioner Fedorchak, there</p> <p>7 was an updated Figure 5 that was submitted</p> <p>8 recently.</p> <p>9 COMMISSIONER FEDORCHAK: Where would I</p> <p>10 find that?</p> <p>11 MS. FUREY: That would be in the hearing</p> <p>12 exhibit binder that we provided for you, so the</p> <p>13 small --</p> <p>14 COMMISSIONER FEDORCHAK: Which one? Yep.</p> <p>15 Which page?</p> <p>16 MS. FUREY: It's Exhibit 17.</p> <p>17 Q. (COMMISSIONER FEDORCHAK CONTINUING) 17.</p> <p>18 Okay. So what I liked about Figure 5 was it showed</p> <p>19 the participating landowners, like anticipated, so</p> <p>20 those are -- okay. So those are the final</p> <p>21 agreements pending. There isn't any other</p> <p>22 participation -- like aside from the checkered or</p> <p>23 the hashed ones on the new map, updated Figure 5,</p> <p>24 you don't anticipate additional folks coming</p> <p>25 onboard?</p>	<p>46</p> <p>1 Q. Is it echoey?</p> <p>2 A. It is.</p> <p>3 Q. It is really echoey. Is that the room or</p> <p>4 is that -- okay. Sorry. I'm going to have to --</p> <p>5 wonder if it would be better if I wasn't using the</p> <p>6 mike. Okay. Well, we'll have to just plow</p> <p>7 through.</p> <p>8 On the map, Figure 1 -- let's see. On</p> <p>9 section 15 of the exhibit -- exhibit list, it's a</p> <p>10 project overview receptor detail. Do you have</p> <p>11 that?</p> <p>12 A. I don't see a Figure 1 -- Exhibit 1.</p> <p>13 MS. FUREY: Commissioner, are you</p> <p>14 referencing Exhibit 17? Is that the map that's</p> <p>15 associated with --</p> <p>16 COMMISSIONER CHRISTMANN: It's in Exhibit</p> <p>17 25.</p> <p>18 MS. FUREY: Oh, excuse me. Exhibit 15,</p> <p>19 the map that's associated with the shadow flicker</p> <p>20 and acoustic assessment.</p> <p>21 COMMISSIONER FEDORCHAK: On this 15 of the</p> <p>22 exhibit binder.</p> <p>23 MS. FUREY: That's it. Mr. Cameron, can</p> <p>24 you please turn to Exhibit 15, the map that's</p> <p>25 included. You've got it; right, Clay?</p>
<p>45</p> <p>1 A. Commissioner, there may be a couple of</p> <p>2 people that could come forward. We are working</p> <p>3 with a couple of landowners that were not</p> <p>4 originally in the project for a participation</p> <p>5 agreement. We reached out to them and we are</p> <p>6 meeting with them, a couple of those folks, this</p> <p>7 week actually.</p> <p>8 Q. Okay. So it looks like based on the</p> <p>9 original map, you have converted quite a few of the</p> <p>10 ones that you're anticipating. Okay. That's good.</p> <p>11 But the ones that are on this map, you feel -- when</p> <p>12 you say pending, what do you mean? Is that -- how</p> <p>13 should we interpret that?</p> <p>14 A. I'm sorry. I couldn't hear the question.</p> <p>15 Q. When you say the final agreement is</p> <p>16 pending --</p> <p>17 A. Yes. They are in for -- they are out for</p> <p>18 signature with that landowner. That's what I mean</p> <p>19 by "pending."</p> <p>20 Q. Okay. So you think it's -- should we</p> <p>21 interpret that as 90 percent likely?</p> <p>22 A. I would say so, Commissioner, yes. Yeah.</p> <p>23 Q. Okay. All right. So you're pretty</p> <p>24 certain that those are going to come through?</p> <p>25 A. Yes.</p>	<p>47</p> <p>1 THE WITNESS: Yes.</p> <p>2 Q. (COMMISSIONER FEDORCHAK CONTINUING) So</p> <p>3 when I look at this square -- or this map, I'm most</p> <p>4 concerned about the blue circles -- the blue and</p> <p>5 white circles that are receptors from a</p> <p>6 nonparticipating parcel. Are any of those -- it's</p> <p>7 too hard for me to tell and to do the comparison.</p> <p>8 Are any of those in the areas that you're expecting</p> <p>9 participation?</p> <p>10 A. No, Commissioner. I believe those are</p> <p>11 located outside of the boundary, but if they do</p> <p>12 come forward with some type of participation, we</p> <p>13 could work with some of those, but we have not to</p> <p>14 date.</p> <p>15 Q. Well, I'm not as worried about the ones</p> <p>16 that are outside the boundary, but there are two in</p> <p>17 the boundary.</p> <p>18 A. Yes. So the ones within the boundary,</p> <p>19 yes.</p> <p>20 Q. RO97, bottom center kind of with 44</p> <p>21 decibels sound.</p> <p>22 A. Yes, we will work with that landowner if</p> <p>23 they come forward with a participation.</p> <p>24 Q. Are they one of those that you're just</p> <p>25 about to sign?</p>

48

1 **A. I believe so, Commissioner. I don't**
2 **have -- unfortunately, I don't have the names. I**
3 **could get back to you on that.**

4 **Q. Okay. What about the one on the top?**

5 **A. Which?**

6 **Q. The top center. It's U145. Are they also**
7 **in negotiations to participate?**

8 **A. Yes, I believe that is one of them that**
9 **we're working with as well. I will confirm that,**
10 **though, after I just meet with the team to figure**
11 **out what the -- the name associated with that**
12 **receptor is, if that's acceptable.**

13 **Q. Sure. It doesn't look like it if I'm**
14 **comparing the maps correctly, but, yeah, I would**
15 **like to know. Because those both have 40 --**
16 **they're 44 dBA. It's right on the edge of being**
17 **compliant. So I'm interested in their status as**
18 **participants.**

19 **And then also outside of that, one thing**
20 **you didn't mention with Mr. Johnson is the blades**
21 **that have the -- the special blades. They have**
22 **some sort of a flare on them that help mitigate**
23 **noise. Are you using those throughout this?**

24 **A. Yes. I believe you're referring to LNTE**
25 **blades. Is that the technical --**

49

1 **Q. I'm not sure of the technical term.**

2 **A. Yeah, it's called low-noise trailing edge,**
3 **is what it's called.**

4 **Q. Yes.**

5 **A. Yes, we are using those a hundred percent.**

6 **Q. The whole project has them?**

7 **A. That's correct.**

8 **Q. So aside from that, what are your options**
9 **for mitigating sound? Turning them off?**

10 **A. Yeah, they could be curtailed. There is a**
11 **software available that GE has that could be used**
12 **as well. We could also reduce them to a --**
13 **somewhat of a lower performance output that would**
14 **also limit the sound as well. It's called NRO.**

15 **Q. What was that one?**

16 **A. NRO is what it's referred to in GE world.**

17 **Q. Okay. That's good to see that they're**
18 **coming up with new technologies to help mitigate**
19 **some of these issues.**

20 **Do you have a -- is there any sort of a**
21 **measure for how much of a difference those -- give**
22 **me the acronym again -- the LRT.**

23 **A. LNTE.**

24 **Q. LNTE. How much -- is there a measurement**
25 **for how much you can expect the noise to be reduced**

50

1 with them?

2 **A. I'm not aware of that, but I do believe we**
3 **have people here that could answer that if that**
4 **would be acceptable.**

5 **Q. Or maybe the next witness can have that.**
6 **She's going to talk about some of this stuff.**

7 **A. Correct.**

8 **Q. Yeah. All right. So zooming out a little**
9 **bit more, from a global perspective on this**
10 **project, how long have you guys been working on**
11 **this one?**

12 **A. Commissioner, I've been working on this**
13 **project for about seven years now.**

14 **Q. Seven years. Okay.**

15 **A. Correct.**

16 **Q. What have been the biggest challenges or**
17 **what have been some of the challenges along the**
18 **way?**

19 **A. I think the biggest challenge was -- it**
20 **wasn't anything from a land perspective or an**
21 **interconnection perspective. It was just finding a**
22 **right customer for the project. We've been**
23 **marketing this project for quite some time as well.**
24 **And it was just based on economics.**

25 **Q. I see. Is the new -- is the new federal**

51

1 PTCs helped -- has that helped this?

2 **A. This project will receive a hundred**
3 **percent PTCs from the recently passed IRA, yes.**

4 **Q. And are those higher than they were in**
5 **terms of the dollar value or the amount per**
6 **megawatt that you get?**

7 **A. Yeah, I think the current IRA is .5 cents**
8 **a megawatt-hour -- or kilowatt-hour, I'm sorry, and**
9 **it's for the first ten years of production where**
10 **you receive those. There are some other benefits**
11 **in the IRA that were incrementally more tax**
12 **benefits if you -- prevailing wage -- if you use**
13 **prevailing wage, domestic content for most of the**
14 **material that's sourced, there is some incremental**
15 **increase in that production tax.**

16 **Q. Okay. So Verizon is the offtaker. Is**
17 **that the same Verizon that we all know as in the**
18 **cell phone?**

19 **A. That is correct.**

20 **Q. Why are they in this business?**

21 **A. As you might be aware, Commissioner, a lot**
22 **of companies, such as Verizon, Google, Amazon, are**
23 **purchasing commercial contracts such as this one**
24 **with us. It was -- it was the right time, I guess,**
25 **for them. It is our first commercial contract with**

52

1 a nonutility customer in the State of North Dakota.
 2 They felt like they had a need for -- to purchase
 3 this power to fulfill their net zero carbon goals
 4 by a certain date. So that's why we chose to sign
 5 them up on this particular project.
 6 Q. And they'll sell it then? They'll market
 7 this power into SPP?
 8 A. I don't know what -- I can't divulge --
 9 Q. I mean, they can't use it?
 10 A. I'm sorry?
 11 Q. They're not going to use it right here?
 12 A. I don't -- I'm not sure how it works in
 13 their world.
 14 Q. I can't think of a facility they have here
 15 that would use this much power.
 16 A. Oh, Verizon is a big employer in the State
 17 of North Dakota. Right. They have a big --
 18 Q. Right. But they sell phone service.
 19 A. The best cell phone service, in my
 20 opinion.
 21 Q. So you don't know if they are reselling
 22 this to somebody else?
 23 A. I don't. I don't have the terms. I can't
 24 disclose any of those terms.
 25 Q. Sure. All right. Interesting. Let's see

53

1 here.
 2 Back to the process here. So what about
 3 your -- the local process, getting the permits from
 4 the county. It looks like you didn't have any
 5 people who voted against it. Was that a pretty
 6 smooth process? Was there much public engagement
 7 in the local process or involvement or opposition?
 8 A. We -- we encountered no opposition in both
 9 Mercer and Oliver County during the conditional use
 10 permit process. The last seven years I think the
 11 landowners have been very supportive of this
 12 project. They've been very patient as well. They
 13 were happy to hear that, you know, we're in the
 14 final steps of making this project a reality for
 15 them. And we've had, like I said, just an
 16 overwhelming support from the local communities.
 17 Q. Okay. What do you expect the capacity
 18 factor to be here? The capacity factor, what are
 19 you anticipating?
 20 A. It's right around -- I can get the exact
 21 number if you want. It's right around mid -- mid
 22 to high 40s.
 23 Q. Okay. And have you looked at or are you
 24 exploring the possibility of adding batteries to
 25 this facility or any of yours around here?

54

1 A. It's a possibility. We haven't
 2 specifically looked at it for this project, but
 3 every project is an option to be able to do that,
 4 even -- and some of our operating projects as well.
 5 Q. What are the factors that dictate whether
 6 you would or wouldn't do that?
 7 A. It's just a matter of looking at both the
 8 economics and, you know, if the offtaker -- the
 9 current offtaker of those projects is willing to
 10 allow that and if it makes sense.
 11 Q. Okay. Have you talked to the locals at
 12 all or did you talk about that being a possibility
 13 in your local discussions?
 14 A. We've had some initial conversations about
 15 that.
 16 Q. In which --
 17 A. Nothing finalized yet.
 18 Q. Would you have to go back for another
 19 permit for those?
 20 A. Yes, I believe we would have to go back
 21 for an amended permit and then come before you as
 22 well --
 23 Q. Right.
 24 A. -- for another permit so --
 25 Q. Yep. Okay. How are you guys dealing with

55

1 the non- -- the participating landowners that don't
 2 have a turbine on their site?
 3 A. Can you repeat the question, please?
 4 Q. Sure. How are you dealing with the
 5 participating landowners that don't host a turbine?
 6 A. They -- if they participate in the
 7 project, they do get some form of compensation as
 8 well for participating for the life of the project.
 9 Q. And is that -- did you offer everybody
 10 within the footprint those opportunities to
 11 participate?
 12 A. Yes, we did. Correct.
 13 Q. And those are for the life of the project
 14 as well, not just a one-time payment?
 15 A. That is correct.
 16 Q. I noticed on the transmission line the --
 17 and maybe there's an updated one that I haven't
 18 found yet or been able to get through. But on the
 19 transmission line there was a fair number of
 20 easements still required and I think you were
 21 updating us earlier on in the hearing, but I was
 22 looking at something else and I might have missed
 23 that. So can you repeat what the status is of the
 24 easements for the transmission line?
 25 A. Sure, Commissioner. We have ten parcels

<p>56</p> <p>1 that we're still -- are outstanding and not signed, 2 and those are four -- those are owned by four 3 different landowners. 4 Q. And what do you -- 5 A. That does not include the GRE or Basin 6 parcels, though. 7 COMMISSIONER FEDORCHAK: Sure. Casey, I 8 saw that map somewhere, but now I can't remember 9 where it was with the outstanding parcels on the 10 transmission line. Could you -- 11 MS. FUREY: Yeah. It's Exhibit 18. 12 Q. (COMMISSIONER FEDORCHAK CONTINUING) There 13 we go. So then these are still outstanding -- all 14 of these? 15 A. That's correct. 16 Q. That seems like a decent amount on this 17 relatively short line. 18 A. Yeah. A couple of these agreements were 19 expired, they ran out of the option period, so we 20 had to re-sign them. And then some of them were -- 21 there was some conflicting agreements that were 22 bundled up with Red Butte as well so we had to 23 change over to some of those agreements so -- 24 Q. Okay. So you anticipate getting all of 25 these?</p>	<p>58</p> <p>1 replacing it and, you know, testing it every year 2 to see if it's alive? Are you aware of our newer 3 tree and shrub plan? 4 A. I'm aware of that, Commissioner, but I 5 would defer to my colleague -- 6 Q. Okay. 7 A. -- Dina Brown, to be able to discuss that 8 in more detail. 9 Q. To talk about how you guys plan your 10 vision for -- 11 A. Correct. 12 Q. -- mitigating a tree? 13 COMMISSIONER FEDORCHAK: Okay. That's it 14 for me. Thank you. 15 THE WITNESS: Thank you. 16 ALJ DAWSON: Commissioner Christmann. 17 EXAMINATION 18 BY COMMISSIONER CHRISTMANN: 19 Q. Yeah, I want to reflect to this map that 20 Commissioner Fedorchak was talking about that in 21 our stuff is Figure No. 1, docket 25 at one point. 22 I don't know what other dockets. 23 MS. FUREY: Commissioner, is that the map 24 that's associated with the consolidated shadow 25 flicker and acoustic assessment tables that have</p>
<p>57</p> <p>1 A. Yes, we do. 2 Q. Okay. And what would you do if you don't? 3 A. I guess we don't have a project. There's 4 no issues with getting these remaining agreements 5 signed. 6 Q. All right. I think only two more 7 questions. Do you anticipate any winter 8 construction at all? 9 A. I'm sorry? 10 Q. Do you anticipate any winter construction? 11 A. No. If you approve this project, we 12 should hopefully start in May or June of this year 13 and be completed by December. 14 Q. Okay. Do you have a date certain where 15 you have to start delivering power to the -- to 16 Verizon? 17 A. Yes, we do. January 1, 2025. 18 Q. Okay. All right. And then my last 19 question for now is, on the tree and shrub plan I 20 notice you're going to be limiting a decent number 21 of windbreaks -- trees and windbreaks, old farm 22 windbreaks. Do you -- are you aware of and have 23 you looked at the Commission's newer tree and shrub 24 plan that is less prescriptive and more focused on 25 outcomes versus like counting every tree and</p>	<p>59</p> <p>1 all the receptors on it? 2 COMMISSIONER CHRISTMANN: Yes. 3 MS. FUREY: Okay. That's Exhibit 15. The 4 map with 15. 5 Q. (COMMISSIONER CHRISTMANN CONTINUING) So 6 in the previous questioning residence R97 was 7 mentioned. I'd like to add to that list -- there's 8 probably others in here, too, but another one that 9 just jumps out at me, about two miles further east 10 of that is residence R101 that is really surrounded 11 here, too. That one is actually at 45 decibels. I 12 find it concerning. That's really tight for having 13 the turbines that close. 14 A. Commissioner, we can get you the update on 15 that when we get Commissioner Fedorchak's updates 16 as well. If that's acceptable. 17 Q. Please add that. 18 A. Okay. 19 Q. Then the other one that she talked about I 20 also had a question on but just a slightly 21 different question. She talked about kind of 22 straight up from that number 97 there is U145. Do 23 you see that one? 24 A. Yes, I see it. 25 Q. So when I look through the tables and --</p>

<p style="text-align: right;">60</p> <p>1 Table 1 is the participating landowners, it's about 2 a page and a quarter. I don't know how many there 3 are, probably 40 or 50. They're all listed as R 4 then a numeral except for that one is U. Is there 5 something that you're sorting out differently there 6 or why is that?</p> <p>7 A. Mr. Chairman, if I could defer to my 8 colleague, Dina, to be able to give you specifics 9 on the shadow flicker table, if that's acceptable.</p> <p>10 Q. And then my other questions on shadow 11 flicker and stuff will be for Dina?</p> <p>12 A. That is correct.</p> <p>13 Q. Then from the application more -- well, 14 first of all, if I was keeping up quickly enough, 15 would you repeat the numbers that you gave for the 16 cost of the two projects. I believe they were 17 different than the application, but maybe I 18 misunderstood you.</p> <p>19 A. Well, the total cost is \$390 million. And 20 I believe -- if it's not correct in the 21 application, I'm not --</p> <p>22 Q. I think you said something different. In 23 the application I had 316 and 43 and that would 24 only be -- not even 360.</p> <p>25 A. Yeah, the application was filed with a</p>	<p style="text-align: right;">62</p> <p>1 alone or does that include the acreage of the 2 corridor for the transmission line?</p> <p>3 A. I'd have to get a clarification, but I 4 believe that is for the entire projects.</p> <p>5 Q. You didn't sound real sure of that so 6 we're going to clarify that later?</p> <p>7 A. Yes, sir. My apologies. The wind project 8 encompasses 22,135 acres. We don't -- we don't 9 list with the transmission line. We'll have to 10 provide that number.</p> <p>11 Q. So what did you say the conversion is?</p> <p>12 A. 22,135.</p> <p>13 Q. Okay. That's really what I wanted to 14 know.</p> <p>15 And then another thing, I just wanted to 16 make sure that I heard you right. In the 17 application it said that you had a power purchase 18 agreement with Verizon for 150 megawatts out of the 19 200. You said now that's changed and it's for the 20 full 200?</p> <p>21 A. That is correct. It was an amendment to 22 the original PPA.</p> <p>23 Q. And I guess I'm going to ask, I think, the 24 same questions as Julie had. Correct me if I'm 25 wrong, Verizon is not building any facilities here,</p>
<p style="text-align: right;">61</p> <p>1 different number in there because there were some 2 cost true-ups on the total capital costs for the 3 project. That's why the difference is -- it's a 4 little higher.</p> <p>5 MS. FUREY: And just if I may state for 6 the record that as a result of the updated 7 estimated cost for the project, it did not affect 8 the filing fees that were submitted to the 9 Commission for the wind project because they were 10 capped out at both maxes. But Oliver Wind IV did 11 subsequently increase its administrative filing fee 12 for the transmission line as a result of that 13 update and so that was filed with the Commission.</p> <p>14 Q. (COMMISSIONER CHRISTMANN CONTINUING) 15 Outside of the fees, so what is the estimated cost 16 of the conversion facility and the estimated cost 17 of the transmission facility?</p> <p>18 A. The estimated cost for the wind project is 19 345 million.</p> <p>20 Q. 3-4-5?</p> <p>21 A. Yes, sir. Then the transmission line is 22 45 million.</p> <p>23 Q. Now, in going through the application, 24 some things that I wasn't clear on. 22,291 acres, 25 is that the acreage of this conversion facility map</p>	<p style="text-align: right;">63</p> <p>1 they don't need this energy and this line, they're 2 essentially just greenwashing themselves to get 3 environmental activists off their backs; correct?</p> <p>4 A. I don't like the term greenwashing, but -- 5 I mean, this is -- you know, this is happening all 6 over the country where companies, large 7 corporations, municipalities, universities are 8 purchasing these type of commercial transactions.</p> <p>9 Q. I do like the term because I think it's a 10 pretty accurate description. But so now for them 11 to greenwash, or whatever term you would prefer, 12 they're going to be adding -- they and you are 13 going to be adding 200 megawatts into this 14 transmission system into the SPP region and they're 15 not adding any facility that is going to use that 16 so in essence whenever it's windy, you and they 17 will be adding 200 megawatts of subsidized energy 18 that will displace nonsubsidized energy on the 19 market except for when the demand is real high?</p> <p>20 A. Commissioner, I appreciate that question 21 or comment, but I am not aware of this project, you 22 know, displacing anything on the existing system. 23 As I stated, the interconnection costs were quite 24 low for -- historically in North Dakota at \$3.6 25 million. Other projects have had significant</p>

<p style="text-align: right;">64</p> <p>1 interconnection costs that may affect what you just 2 spoke about. I can't speak for SPP or Basin. They 3 provided the studies that allowed for this 4 generation interconnection at the 345 substation 5 that Basin is building.</p> <p>6 Q. That's sort of the way the nation has set 7 up the grid, kind of we'll take all we can get and 8 it drives down the costs, but for the ones who 9 aren't getting the subsidies, after they operate 10 long enough without being able to sell their power 11 a vast amount of the time, they close. So that was 12 my point there, but I think it's clarified.</p> <p>13 In the application you say you're seeking 14 a certificate for the project area, not specific 15 sites; is that correct?</p> <p>16 A. Correct.</p> <p>17 Q. Like on the transmission line, as we do 18 all electric transmission lines and pipelines, 19 there's a corridor that the applicant gets that is 20 their easement and they can work on it and stuff 21 and then within that is a route where the 22 transmission line goes; correct?</p> <p>23 A. That is correct.</p> <p>24 Q. But on the wind farm you're seeking for 25 approval of this whole footprint, not just where</p>	<p style="text-align: right;">66</p> <p>1 know, we adhere to the setbacks for the turbine 2 locations with -- also with the collection and the 3 access roads. I don't think there's an opportunity 4 to move anything. We also have -- from other 5 projects that we've come before you for the siting, 6 we've kind of carved out a lot of -- you know, at 7 one point this boundary was quite large that 8 encompassed a lot of land. We have learned over 9 the years of developing projects to carve out some 10 of the land that's not needed, so I think we're in 11 a pretty good spot right now. I don't think 12 there's anything else that we could carve out.</p> <p>13 Q. So then would you be amenable to making 14 this site specific instead of project area?</p> <p>15 MS. FUREY: Commissioners, our 16 understanding that if Oliver Wind IV intended to 17 move any turbine locations, that that would 18 otherwise implicate additional filing requirements 19 and potentially even notice requirements to the 20 public depending upon the extent of the changes to 21 the project.</p> <p>22 Q. (COMMISSIONER CHRISTMANN CONTINUING) 23 Okay. You mentioned -- and I guess this is more so 24 about the transmission line than the wind farm, but 25 really both because you said you're still getting</p>
<p style="text-align: right;">65</p> <p>1 the turbines are located on the map today; correct?</p> <p>2 A. Correct.</p> <p>3 Q. I know we've been doing it this way, but 4 recent cases and feedback and the wind turbine -- 5 the western side of Oliver County that we ended up 6 with days of hearings and ended up having to be 7 removed is really causing me concerns about this 8 whole certification -- or this whole siting process 9 where we approve the whole footprint as opposed to 10 the footprint as kind of a corridor, put some 11 constraints on where you can move them. I'm 12 concerned about people thinking that this is -- 13 landowners looking at the map and thinking, Oh, 14 where they're putting that, that's not going to 15 inconvenience me, but really you could move that 16 anywhere on here. And so what would you think of 17 adjusting this a little bit to where these need to 18 be within some reasonable distance from where it's 19 been laid out for the public?</p> <p>20 A. Commissioner, are you talking about 21 specific turbine locations in the collection and 22 roads -- and access roads, like relocating them?</p> <p>23 Q. Correct.</p> <p>24 A. Well, we've done a pretty extensive siting 25 process, right, that avoids any kind of -- you</p>	<p style="text-align: right;">67</p> <p>1 some easements and you mentioned that you saw no 2 issues with the outstanding easements. But in the 3 application it said that you expected the easements 4 to be completed in October of 2023, which tells me 5 that you probably felt the same way six months ago. 6 And so what's the difference here? Why didn't you 7 meet that original goal by not just a few weeks but 8 for four months now?</p> <p>9 A. Commissioner, I believe that was more for 10 the GRE agreement. We've got already verbal -- 11 we've already worked through all the process with 12 Great River Energy to obtain that agreement with 13 them.</p> <p>14 Q. Well, this was beyond GRE.</p> <p>15 A. I don't recall that specific information 16 about obtaining the other land -- private landowner 17 agreements by October.</p> <p>18 Q. In Schedule 1.6 in your application you 19 have a chart and, for instance, it shows starting 20 construction, May of 2024; completing land 21 acquisition, October of 2023.</p> <p>22 A. I guess that was a pretty aggressive goal 23 for us, but I'm not anticipating any issues with -- 24 like I told Commissioner Fedorchak, the agreements 25 have already been negotiated. We're just waiting</p>

<p style="text-align: right;">68</p> <p>1 on a final signature from the landowner.</p> <p>2 Q. Do you have the original application?</p> <p>3 A. The chart?</p> <p>4 Q. Would you go to page 1-7, please.</p> <p>5 MS. FUREY: Is this in the wind</p> <p>6 application?</p> <p>7 COMMISSIONER CHRISTMANN: Pardon me?</p> <p>8 MS. FUREY: Is this the wind application?</p> <p>9 COMMISSIONER CHRISTMANN: Yes.</p> <p>10 MS. FUREY: Exhibit 1. It will be the</p> <p>11 wind application binder.</p> <p>12 Q. (COMMISSIONER CHRISTMANN CONTINUING) Page</p> <p>13 1-7.</p> <p>14 A. Is it Exhibit 1?</p> <p>15 Q. Section 1, yes.</p> <p>16 A. Section 1. I'm sorry.</p> <p>17 Q. Do you got it?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Okay. In section 1.9, present and future</p> <p>20 natural resource development, go down to that third</p> <p>21 paragraph.</p> <p>22 MS. FUREY: Commissioner Christmann, can I</p> <p>23 just ask a question clarifying? I'm in the</p> <p>24 application for the wind energy facility and I'm on</p> <p>25 -- it doesn't look like this one has a section 1.9.</p>	<p style="text-align: right;">70</p> <p>1 that for years. It concerns me with your</p> <p>2 thoroughness, we'll tell you that. So you can</p> <p>3 respond to that if you like. I'll move on.</p> <p>4 On the next page you mention there are</p> <p>5 parts of seven wind farms in Oliver County and 147</p> <p>6 wind turbines; correct?</p> <p>7 A. Correct.</p> <p>8 Q. And three of them are operated by NextEra</p> <p>9 subsidiaries; correct?</p> <p>10 A. That is correct.</p> <p>11 Q. And are those Oliver I, Oliver II, Oliver</p> <p>12 III?</p> <p>13 A. That's correct.</p> <p>14 Q. And how much of Oliver III is in Oliver</p> <p>15 County?</p> <p>16 A. I'd have to confirm that, Commissioner.</p> <p>17 I'd have to confirm that. I believe some -- most</p> <p>18 of it was in Morton County, if I remember.</p> <p>19 Q. I think, too, it's a pretty small amount.</p> <p>20 But Oliver I and Oliver II are completely in Oliver</p> <p>21 County, I believe; correct?</p> <p>22 A. That is correct.</p> <p>23 Q. And so -- and those are 22 and 32</p> <p>24 turbines, respectively, so I'm thinking there's</p> <p>25 probably 45 or 50 turbines in Oliver County</p>
<p style="text-align: right;">69</p> <p>1 Can I just ask, what is the Bates stamp?</p> <p>2 COMMISSIONER CHRISTMANN: 1.8.</p> <p>3 MS. FUREY: Oh, 1.8.</p> <p>4 COMMISSIONER CHRISTMANN: If I said 9, I</p> <p>5 apologize.</p> <p>6 MS. FUREY: Just to make sure, are we on</p> <p>7 the same page? On the bottom right-hand corner is</p> <p>8 there a Bates stamp that says 000013?</p> <p>9 COMMISSIONER CHRISTMANN: Yes.</p> <p>10 MS. FUREY: Okay. Thank you.</p> <p>11 Q. (COMMISSIONER CHRISTMANN CONTINUING) In</p> <p>12 the third paragraph you say, The Beulah Mine mines</p> <p>13 approximately 2.9 million tons of coal annually, it</p> <p>14 supplies the Coyote Station south of Beulah in</p> <p>15 Mercer County and the Heskett Station north of</p> <p>16 Mandan. And I don't know what the parentheses mean</p> <p>17 "Commission 2015." Is it your understanding that</p> <p>18 those numbers are right?</p> <p>19 A. I'd have to confirm that, Commissioner,</p> <p>20 with the team. I'm --</p> <p>21 Q. I'm just pointing this out. It concerns</p> <p>22 me with your application that you've been working</p> <p>23 on for six or seven years because that mine hasn't</p> <p>24 been supplying the Coyote Creek plant since 2016</p> <p>25 and Heskett is torn down and hasn't been serving</p>	<p style="text-align: right;">71</p> <p>1 operated by NextEra subsidiaries?</p> <p>2 A. That sounds correct.</p> <p>3 Q. How many employees do your subsidiaries</p> <p>4 have that live in Oliver County?</p> <p>5 A. I'd have to confirm that with our</p> <p>6 operations staff, if I could. I'm not sure, but I</p> <p>7 know they all live here locally. I'm not sure if</p> <p>8 they live specifically in Oliver County.</p> <p>9 Q. Can you get me that answer?</p> <p>10 A. Yes, sir, I will. Yep.</p> <p>11 Q. Okay. Now I'm jumping next to section 2.</p> <p>12 To what extent does Governor Burgum's goal of net</p> <p>13 zero carbon emissions play in this proposal? You</p> <p>14 mention it in the second paragraph.</p> <p>15 A. I believe he mentioned that during -- you</p> <p>16 know, early in his term as governor.</p> <p>17 Q. And then -- but does that play a big</p> <p>18 factor in this since you brought it up?</p> <p>19 A. I would think so.</p> <p>20 Q. A little later it mentions that</p> <p>21 nonrenewables were not considered for this project;</p> <p>22 correct?</p> <p>23 A. What section -- what paragraph is that in,</p> <p>24 Commissioner?</p> <p>25 Q. 2.2.</p>

<p style="text-align: right;">72</p> <p>1 A. That's what it states, correct.</p> <p>2 Q. So do you -- did you take from Governor</p> <p>3 Burgum's statement about net zero carbon emissions</p> <p>4 that we are just giving up on other -- on</p> <p>5 nonrenewable energy sources?</p> <p>6 A. I guess we didn't -- I didn't take that</p> <p>7 into consideration based on that.</p> <p>8 Q. And I think you answered this earlier, but</p> <p>9 I had a question with it or I'm just going to</p> <p>10 double-check and make sure because the sound is not</p> <p>11 excellent with the fans and stuff.</p> <p>12 1,500-foot setback from residences, you</p> <p>13 say in the application that that's not a problem.</p> <p>14 You said earlier some different distance that was</p> <p>15 significantly higher.</p> <p>16 A. Correct.</p> <p>17 Q. That's from anyone, even whether they</p> <p>18 would have signed a release; correct?</p> <p>19 A. That is correct.</p> <p>20 Q. Okay. And the reason I ask was, Oliver</p> <p>21 County has a slightly smaller one and if -- if it</p> <p>22 had to do with releases, I wanted to make sure -- I</p> <p>23 don't know if Oliver County allows releases so</p> <p>24 you're covered there.</p> <p>25 Then -- and you repeated these numbers</p>	<p style="text-align: right;">74</p> <p>1 transmission line is going to be -- whatever that</p> <p>2 local tax amount is, it will be about proportionate</p> <p>3 based on their mileage roughly; correct?</p> <p>4 A. Correct.</p> <p>5 Q. In mills and such. And then on the next</p> <p>6 page it mentions 30 million in landowner payments</p> <p>7 over 30 years. So when you present this to us, why</p> <p>8 do you lay out how much taxes you're going to pay</p> <p>9 over 35 years and how much landowner payments</p> <p>10 you're going to pay in 30?</p> <p>11 A. I believe that was a typo, Commissioner.</p> <p>12 So we base everything on a 30-year projection, so</p> <p>13 that's a typo in the application.</p> <p>14 MS. FUREY: Commissioner, we can confirm</p> <p>15 with the team.</p> <p>16 COMMISSIONER CHRISTMANN: Okay.</p> <p>17 Q. (COMMISSIONER CHRISTMANN CONTINUING) And</p> <p>18 so -- and here's what -- as you're confirming that,</p> <p>19 I want you to understand what I'm getting at. In</p> <p>20 this application -- and I presume a lot of</p> <p>21 interested parties are looking at these things --</p> <p>22 you lay out like in the wind farm case how much</p> <p>23 your investment is. Now you've updated that</p> <p>24 number. And you lay out all these taxes, which if</p> <p>25 I were in Oliver County would cause me to believe</p>
<p style="text-align: right;">73</p> <p>1 earlier in your testimony, but down on section 3.9</p> <p>2 of section 3, you went through the taxes and</p> <p>3 landowner payments and you said 37 million in tax</p> <p>4 revenue over 35 years. How much of that is state</p> <p>5 tax revenue and how much of it is local property</p> <p>6 taxes?</p> <p>7 A. I don't know the specific breakdowns, but</p> <p>8 that estimated tax is revenue that we will have to</p> <p>9 pay to the counties. I'm not sure how the breakout</p> <p>10 is projected. I can get back to you on that,</p> <p>11 though.</p> <p>12 Q. The 37 is just the county share or --</p> <p>13 A. No. That is the tax dollars that we are</p> <p>14 going to pay over the life of the project.</p> <p>15 Q. Okay. Yeah, I'd like that breakout. I've</p> <p>16 done enough of these, I can anticipate it, we're</p> <p>17 going to hear how beneficial this is to the county.</p> <p>18 Depending on that breakout, it makes a difference.</p> <p>19 And that 37 million, that's for both the</p> <p>20 wind farm and the transmission line or --</p> <p>21 A. That is correct.</p> <p>22 Q. So would you break that out in that way,</p> <p>23 too, the state versus county for each separately?</p> <p>24 A. We can do that, yes, sir. Yeah.</p> <p>25 Q. And on the county sides I presume the</p>	<p style="text-align: right;">75</p> <p>1 that that is the taxes on the wind farm. No, some</p> <p>2 of that's going to Mercer County. That's also for</p> <p>3 the other. In each application you throw out the</p> <p>4 total tax number but only the cost for their side.</p> <p>5 And so that's why we need to break this out since</p> <p>6 you brought this into the application --</p> <p>7 A. Understood, yep.</p> <p>8 Q. -- the need for clarity.</p> <p>9 And now I'm jumping over into section 4.</p> <p>10 And so this is what you're updating when you talked</p> <p>11 about the GE, and I can't remember what number</p> <p>12 turbines you're going to use, but five of them</p> <p>13 might be a different one. This said you are</p> <p>14 seeking flexibility to decide an appropriate</p> <p>15 technology, so you've decided it now. That's the</p> <p>16 update; correct?</p> <p>17 A. That's correct, yep.</p> <p>18 Q. And it goes on to state that the rotor</p> <p>19 speed range is 7.4 rotations per minute to 15.7</p> <p>20 rotations per minute. Is that still correct for</p> <p>21 this technology?</p> <p>22 A. If we choose to use the 2.52, is that the</p> <p>23 question?</p> <p>24 Q. Yes.</p> <p>25 A. I'll have to check that. This was based</p>

<p style="text-align: right;">76</p> <p>1 on -- the table was based on the specifications</p> <p>2 from the GE 2.82. We'll provide you with the specs</p> <p>3 for the 2.52.</p> <p>4 Q. No. Okay. I answered your question --</p> <p>5 A. Oh, I'm sorry.</p> <p>6 Q. -- about that. I'm not concerned about</p> <p>7 those up to five 2.52.</p> <p>8 The rotation range. So what happens if</p> <p>9 it's less than 7.4 rotations per minute on the main</p> <p>10 technology type? So it's not very windy and it's</p> <p>11 only spinning at 6 rotations a minute, what</p> <p>12 happens?</p> <p>13 A. Well, the power output is not the same as</p> <p>14 it would be at 7.4 speed range.</p> <p>15 Q. So does it not produce if it's less than</p> <p>16 that or does that mean that it's very low?</p> <p>17 A. That's a little technical for me to</p> <p>18 answer, but I can provide that answer for you if</p> <p>19 you'd like.</p> <p>20 Q. Okay. And maybe more importantly, what</p> <p>21 happens if they're spinning at more than 15.7? Is</p> <p>22 that when they brake? I don't mean break, fall</p> <p>23 apart, but when brakes are applied.</p> <p>24 A. Yeah, I'd have to -- we'd have to</p> <p>25 calculate what that looks like on a meters-per-</p>	<p style="text-align: right;">78</p> <p>1 COMMISSIONER CHRISTMANN: And I'm just</p> <p>2 going to take a moment, if I may, Your Honor,</p> <p>3 because I hate it when people are talking technical</p> <p>4 acronyms all the time, and we have a lot of people</p> <p>5 here that are concerned about this project.</p> <p>6 ADLS is something that I'm proud of</p> <p>7 because this Commission was the first state in the</p> <p>8 nation that started doing this, I believe, and</p> <p>9 kudos to Commissioner Fedorchak who found out about</p> <p>10 the technology somewhere before it was even ever</p> <p>11 approved by FAA.</p> <p>12 But what ADLS is is a radar system that we</p> <p>13 require in North Dakota, and it's not a hundred</p> <p>14 percent effective, I would say, but it detects</p> <p>15 airplanes coming close. And the point is so the</p> <p>16 lights don't have to flash every minute that it's</p> <p>17 dark. We get relieved from the flashing for good</p> <p>18 parts of the night. If there's no airplanes</p> <p>19 around, it stays off. And when an airplane comes</p> <p>20 within a certain distance, they can come back on.</p> <p>21 Other things tend to pick it up so they're</p> <p>22 on still more than I wish they were, but it's been</p> <p>23 a big help and I'm proud of this agency, but</p> <p>24 especially Commissioner Fedorchak for finding it</p> <p>25 and getting us started on that track.</p>
<p style="text-align: right;">77</p> <p>1 second rotation. But, yeah, like I said, that's a</p> <p>2 technical question. I'd have to get back to you on</p> <p>3 that answer if you like.</p> <p>4 Q. I'd like answers to both, what happens if</p> <p>5 it's less and more.</p> <p>6 I'm surprised I don't know this from our</p> <p>7 previous ones, but we've kind of focused on other</p> <p>8 things, I guess. What do the ADLS sites consist</p> <p>9 of, like how tall of a tower and how big is it?</p> <p>10 Can you just kind of describe an ADLS?</p> <p>11 A. Sure. The total height of an ADLS tower</p> <p>12 depends on the terrain; right? So what happens for</p> <p>13 DeTect? We employ DeTect to do this analysis.</p> <p>14 They do a viewshed analysis of our turbine array</p> <p>15 and decide based on the terrain how many ADLS</p> <p>16 locations are needed and they factor in the</p> <p>17 terrain. It could be hilly or whatever. So that</p> <p>18 height depends on those factors that they evaluate.</p> <p>19 Q. Is that a much smaller thing, though? Is</p> <p>20 it -- like the turbine, the hubs are gigantic?</p> <p>21 A. It's much smaller. I think --</p> <p>22 Q. In the air.</p> <p>23 A. I think on Northern Divide we put 70-foot</p> <p>24 ADLS towers up and I think Emmons-Logan was a</p> <p>25 little bit shorter than that.</p>	<p style="text-align: right;">79</p> <p>1 Anyway, so now you know what we're talking</p> <p>2 about when we say ADLS.</p> <p>3 Q. (COMMISSIONER CHRISTMANN CONTINUING) I</p> <p>4 think you're going to find out about how many of</p> <p>5 your subsidiary's employees are living in Oliver</p> <p>6 County; correct?</p> <p>7 A. That's correct.</p> <p>8 Q. And, again, for that I ask because this is</p> <p>9 a county that has had energy development for years</p> <p>10 and has a lot of wonderful people living in it. I</p> <p>11 used to represent this area in my legislative time.</p> <p>12 Those jobs are important, and to the extent they're</p> <p>13 displaced by competitors, it's by a lot fewer and</p> <p>14 if they're not even going to live here, it's a</p> <p>15 concern, I think, to people.</p> <p>16 You say in section 6, very bottom of the</p> <p>17 page, very last sentence, "Project construction</p> <p>18 will not cause additional impacts to leading</p> <p>19 industries within the project area." Are you</p> <p>20 talking about just the construction or the</p> <p>21 operation?</p> <p>22 A. I would think that last sentence was meant</p> <p>23 for both. Well, it references project construction</p> <p>24 so maybe I was wrong in my first statement.</p> <p>25 Q. Okay. Then skip a couple pages to 6-3.</p>

<p style="text-align: right;">80</p> <p>1 You have a traffic count there on various 2 high-traffic roads. Do you see that? 3 A. Yes. 4 Q. Do you know why some of the statistics you 5 cite are from 2016 and others are 2022? It seems 6 like we would pick the most current year and stick 7 with it. Actually 2006, not '16. 8 A. I don't know why it references 2006. 9 Q. On the next page, top of the first full 10 paragraph, "Project construction requires 11 approximately 27 miles of new aggregate-surfaced 12 access roads." Based on any adjustments that 13 you've made since this application, is that still 14 current? 15 A. That is still current. 16 Q. Then jump back -- stay in that section, 17 but go all the way back to page 17 -- 6-17. Are 18 you there? 19 A. 6- 17, is that what you said? 20 Q. Correct. 21 A. Okay. I'm there. 22 Q. Toward the bottom is a section titled 23 Mining and Mineral Interests. The first sentence 24 says that there are no active sand or gravel mines 25 in the area. Is that accurate?</p>	<p style="text-align: right;">82</p> <p>1 line and from Mercer for the transmission line; 2 correct? 3 A. That is correct. 4 Q. But is the Mercer County conditional use 5 permit hinged on you getting the easements? 6 A. There was no condition on that in the 7 conditional use permit. 8 Q. I'm looking at docket 18. 9 MS. FUREY: Commissioner, is that docket 10 18 or Exhibit 18? 11 COMMISSIONER CHRISTMANN: It was docket 12 18. We received it January 5th. 13 MS. FUREY: The conditional use permit 14 filing? 15 COMMISSIONER CHRISTMANN: Yes. For the 16 wind farm it was docket 16 and for the transmission 17 it was 18. 18 MS. FUREY: Thank you. 19 COMMISSIONER CHRISTMANN: Sorry. I should 20 have pointed out it was the transmission line. 21 MS. FUREY: Okay. No, not a problem at 22 all. The CUP application -- or permits that were 23 filed, Mr. Cameron, those are Exhibits 3 and 4. 24 And so if we're talking specifically about the 25 Mercer County conditional use permit, that's going</p>
<p style="text-align: right;">81</p> <p>1 A. I'd have to double-check with the team to 2 see if that is a hundred percent accurate and get 3 back to you on that, but I believe it is. 4 Q. So where are you going to get aggregate 5 for 27 miles of new road? 6 A. I haven't -- so we hire Blattner or Brink 7 Constructors to be able to source their material 8 locally if possible. I would have to double-check 9 with the contractor to see what their plan is to 10 source material from. 11 Q. One of the previous questions when I asked 12 you about whether the impact on other businesses in 13 the area, you said that was about construction. If 14 there's no gravel mines in the area and you need 15 gravel for 27 miles of new road, that's a lot -- 16 that's, you know, in the four figures of semis 17 being hauled around, that's going to impact others. 18 A. Agreed. 19 Q. So it seems like that needs to have been 20 thought out. 21 A. Correct. 22 Q. I think I'm just about out of questions, 23 but if I understood you correctly earlier, you said 24 that you have the conditional use permits from 25 Oliver for both the wind farm and the transmission</p>	<p style="text-align: right;">83</p> <p>1 to be Exhibit No. 4. 2 THE WITNESS: Okay. 3 Q. (COMMISSIONER CHRISTMANN CONTINUING) Look 4 at the last thing before the signatures. It says 5 conditions, "Proper signatures and notary for the 6 last two landowners to be in place prior to issuing 7 the permit." I would say it is conditional and you 8 seem disagree with me. 9 A. Yeah. My apologies. So I believe that's 10 mentioned for the GRE and Basin signatures, but I 11 will confirm with Mercer County on that. Those two 12 agreements are located right up in Mercer County. 13 COMMISSIONER CHRISTMANN: I don't think I 14 have any more questions, Your Honor. 15 ALJ DAWSON: Commissioner Haugen-Hoffart. 16 COMMISSIONER HAUGEN-HOFFART: Thank you. 17 EXAMINATION 18 BY COMMISSIONER HAUGEN-HOFFART: 19 Q. Thank you, Cameron. I know you've been up 20 there since 10:15 so I appreciate it. 21 I want to go back to what you talked about 22 the turbines and the flexibility to use up to five 23 GE 2.52 megawatts. Can you explain, having that 24 flexibility, when you would use those turbines? 25 A. Yeah. So as you know, we purchase a lot</p>

<p style="text-align: right;">84</p> <p>1 of material and equipment well in advance of</p> <p>2 projects coming to fruition. Some of those</p> <p>3 turbines were earmarked for another project that is</p> <p>4 going to be delayed, so the question was posed to</p> <p>5 us if there's flexibility in the siting proceedings</p> <p>6 to be able to use those. So that's why we</p> <p>7 incorporated those turbines in there.</p> <p>8 Q. Okay. So you're talking about maybe</p> <p>9 supply chain issue when you had that.</p> <p>10 A. That's correct.</p> <p>11 Q. So then if you -- let's say you put in</p> <p>12 four, then -- four of those turbines that size,</p> <p>13 would you still seek to get the other turbines in</p> <p>14 and then replace them?</p> <p>15 A. No, we would not do that. Once they're</p> <p>16 installed, we would not change them out with</p> <p>17 anything else.</p> <p>18 Q. Okay. And would you let us know that?</p> <p>19 A. I believe that would have to come back</p> <p>20 before the Commission for an amendment to the</p> <p>21 permit; correct?</p> <p>22 MS. FUREY: There were questions that the</p> <p>23 order allow the flexibility to utilize those five</p> <p>24 at that lower megawatt range, and so we could</p> <p>25 certainly provide notice to the Commission if the</p>	<p style="text-align: right;">86</p> <p>1 In addition, there is approximately ten</p> <p>2 other utilities, non-pipeline companies. We have,</p> <p>3 I'm going to say, 90 percent of those agreements</p> <p>4 already signed and we're waiting on just signature</p> <p>5 on a couple of the remaining agreements. And</p> <p>6 they're for crossing, right, so we may be crossing</p> <p>7 their infrastructure with either a transmission</p> <p>8 line or a collection line or road so --</p> <p>9 MS. FUREY: So just to clarify, Mr.</p> <p>10 Cameron, the agreements that you're talking about</p> <p>11 are specifically crossing agreements?</p> <p>12 THE WITNESS: That's correct.</p> <p>13 MS. FUREY: And those are private</p> <p>14 agreements between two entities with respect to the</p> <p>15 existing land rights that they have and then your</p> <p>16 subsequent use and ability to cross over the areas</p> <p>17 where they otherwise have authorizations for their</p> <p>18 infrastructure.</p> <p>19 THE WITNESS: Correct.</p> <p>20 MS. FUREY: Okay. Thank you.</p> <p>21 COMMISSIONER HAUGEN-HOFFART: Do we</p> <p>22 receive any type of that correspondence to show</p> <p>23 that there is good communication between entities,</p> <p>24 you know, outlining what the project is doing and</p> <p>25 construction dates and just good communication?</p>
<p style="text-align: right;">85</p> <p>1 five smaller megawatt turbines are ultimately</p> <p>2 utilized.</p> <p>3 COMMISSIONER HAUGEN-HOFFART: Okay. Thank</p> <p>4 you. Thanks for that clarification.</p> <p>5 Q. (COMMISSIONER HAUGEN-HOFFART CONTINUING)</p> <p>6 My other question is when I looked at some of these</p> <p>7 detailed maps in the application, and some of them</p> <p>8 get very busy on not only the site, the turbines,</p> <p>9 the alternatives -- you know, your key is very</p> <p>10 descriptive. On the one map it talks about the</p> <p>11 proposed carbon capture infrastructure and we got</p> <p>12 from the Industrial Commission that they responded</p> <p>13 to that. But there's a lot of other pipelines on</p> <p>14 some of these maps. So my question to you is, do</p> <p>15 you reach out to the owners of the pipelines on</p> <p>16 these projects and, if so, have you received</p> <p>17 correspondence back? Because I didn't see anything</p> <p>18 in the application on some of that. So please</p> <p>19 clarify for me.</p> <p>20 A. Yes, Commissioner, great question. So</p> <p>21 Marathon Oil, Marathon Petroleum is one of the</p> <p>22 pipeline companies that do intersect some of our</p> <p>23 infrastructure on our project. We are -- we've</p> <p>24 negotiated the agreement, we're waiting on</p> <p>25 signatures from both parties on that.</p>	<p style="text-align: right;">87</p> <p>1 MS. FUREY: Typically, no, Commissioner,</p> <p>2 and the reason is because they are private</p> <p>3 agreements so they differ, for example, from like a</p> <p>4 permit authorization that's otherwise required. So</p> <p>5 it's very similar to like the agreements that a</p> <p>6 company would have, let's just say, with a</p> <p>7 landowner. Since those are private agreements, the</p> <p>8 terms of those aren't included and correspondence</p> <p>9 of those discussions aren't included in the docket.</p> <p>10 The same thing with respect to the crossing</p> <p>11 agreements. Because they're agreements between two</p> <p>12 private entities, really is outside the scope of</p> <p>13 matters that are considered by the Commission and</p> <p>14 so that's why they're not included.</p> <p>15 COMMISSIONER HAUGEN-HOFFART: And I</p> <p>16 understand that. I guess my point was made, and</p> <p>17 I'm glad you addressed it, is that there is the</p> <p>18 communication going on between the entities to</p> <p>19 knowing what's going on and they're aware. We all</p> <p>20 have -- everyone has property and equipment to</p> <p>21 protect so I'm glad to hear that.</p> <p>22 I'm just going to ask you just to pause</p> <p>23 for a minute. I had a bunch of questions, but I</p> <p>24 think most of them have been addressed. I would</p> <p>25 just like to take an opportunity to look at some of</p>

<p style="text-align: right;">88</p> <p>1 my questions. Okay?</p> <p>2 THE WITNESS: Sure.</p> <p>3 COMMISSIONER HAUGEN-HOFFART: That's all I</p> <p>4 have. Thank you.</p> <p>5 ALJ DAWSON: Ms. Furey, any redirect?</p> <p>6 MS. FUREY: Not at this time, Your Honor.</p> <p>7 We have noted some additional items that the</p> <p>8 commissioners had questions about that we'll circle</p> <p>9 back up with the team and then if needed to address</p> <p>10 later, will do so.</p> <p>11 ALJ DAWSON: Okay. Well, if there are no</p> <p>12 further questions --</p> <p>13 MR. PRANIS: Your Honor, I have one</p> <p>14 question, please.</p> <p>15 ALJ DAWSON: You do. I'll start with</p> <p>16 Mr. Pranis, I guess.</p> <p>17 MR. PRANIS: Thank you, Your Honor. And</p> <p>18 if people wanted to take a break before, I could</p> <p>19 wait, but, otherwise, I can just do a couple quick</p> <p>20 redirect questions.</p> <p>21 ALJ DAWSON: We'll take a break shortly.</p> <p>22 MR. PRANIS: Okay. Thank you.</p> <p>23 EXAMINATION</p> <p>24 BY MR. PRANIS:</p> <p>25 Q. So I guess the question I wanted to follow</p>	<p style="text-align: right;">90</p> <p>1 Q. Okay. And if -- if this project in North</p> <p>2 Dakota were to not be approved or -- you know, is</p> <p>3 it your expectation that Verizon would potentially</p> <p>4 move on to the next available project within SPP to</p> <p>5 meet that similar requirement?</p> <p>6 A. I would say that's a fair assumption.</p> <p>7 Q. And if that -- if they moved on to a</p> <p>8 different competing -- I'm assuming in this case</p> <p>9 with Verizon NextEra is potentially competing with</p> <p>10 other developers and other projects for -- you</p> <p>11 know, to provide that need?</p> <p>12 A. I would say that's fair, yeah.</p> <p>13 Q. Right. So your expectation is if this</p> <p>14 project were not available to provide that to</p> <p>15 Verizon, then Verizon would likely just move on to</p> <p>16 the next project which would then inject that power</p> <p>17 into the SPP grid so it would have the same impact</p> <p>18 in terms of the energy impacts, but you would lose</p> <p>19 the jobs, tax revenues, associated lease revenues</p> <p>20 here in Minnesota because the project would be</p> <p>21 elsewhere?</p> <p>22 A. That's correct.</p> <p>23 MR. PRANIS: Thank you. Nothing further.</p> <p>24 ALJ DAWSON: Mr. Johnson or Mr. Frank?</p> <p>25 MR. FRANK: Thank you, Your Honor.</p>
<p style="text-align: right;">89</p> <p>1 up on was Commissioner Christmann's questions,</p> <p>2 which I think are important in terms of the use of</p> <p>3 this power. And so are you generally familiar with</p> <p>4 the process of corporate PPAs, how corporations</p> <p>5 like Verizon go to market seeking projects such as</p> <p>6 the one that is proposed today?</p> <p>7 A. Yes, Mr. Pranis, just a little bit.</p> <p>8 Q. Okay. Well, if you're able to answer this</p> <p>9 question. I have less than you, I think,</p> <p>10 understanding but a little bit of understanding.</p> <p>11 My understanding is that typically when</p> <p>12 corporations are going to market seeking this kind</p> <p>13 of renewal power for whatever purpose they might</p> <p>14 have, you know, to meet their commitments,</p> <p>15 et cetera, that often they might say, we're looking</p> <p>16 for, say, 400 megawatts of wind or 400 megawatts of</p> <p>17 renewable within this regional transmission</p> <p>18 organization. They take bids from different</p> <p>19 competing developers with different projects. They</p> <p>20 pick whichever one they like, lowest cost, whatever</p> <p>21 other rationale they have, and award that project.</p> <p>22 Is that a fair description of the process?</p> <p>23 A. I've heard that as the process and I</p> <p>24 would -- not knowing a whole lot about it, I would</p> <p>25 say that's a fair -- that's a fair assumption.</p>	<p style="text-align: right;">91</p> <p>1 EXAMINATION</p> <p>2 BY MR. FRANK:</p> <p>3 Q. Referring to page -- or section 2.1 in the</p> <p>4 need analysis of the wind application, on the last</p> <p>5 paragraph under 2.1, the North Dakota</p> <p>6 transmission's 2021 power forecast study is</p> <p>7 referenced that talks about the need in the next 15</p> <p>8 years for over 2 gigawatts of capacity generation</p> <p>9 to fulfill the growth in large industry and</p> <p>10 commercial uses. In your assessment, considering</p> <p>11 the 200 megawatt PPA that you have with Verizon, is</p> <p>12 that going to be -- just as a point of</p> <p>13 clarification in your assessment, does that still</p> <p>14 support that need that the North Dakota</p> <p>15 transmission authority has identified?</p> <p>16 A. I would say that's a fair -- a fair</p> <p>17 assumption, correct.</p> <p>18 MR. FRANK: Thank you.</p> <p>19 ALJ DAWSON: Any further questions from</p> <p>20 the commissioners? If there are no further</p> <p>21 questions -- Miss Furey, any further questions from</p> <p>22 you?</p> <p>23 MS. FUREY: No. No, Your Honor. Thank</p> <p>24 you.</p> <p>25 ALJ DAWSON: With that, then I think you</p>

92

1 can step down and we will take a break. I think
2 we'll take our luncheon recess at this time. It
3 seems a little early, but it's lunchtime. And how
4 much time would you need to get some of the answers
5 to those questions? I'm trying to judge the proper
6 length of lunch.

7 MS. FUREY: Your Honor, at least a half an
8 hour.

9 ALJ DAWSON: What we will do is we will be
10 back here ready to go at 40 minutes after the hour,
11 12:40. We're at recess.

12 (Recess taken at 11:53 a.m. and reconvened
13 at 12:43 p.m.)

14 ALJ DAWSON: We are back on the record.
15 Miss Furey, how would you like to proceed?

16 MS. FUREY: Thank you, Your Honor. We
17 would like to call our second witness at this time,
18 Miss Dina Brown.

19 ALJ DAWSON: Ms. Brown. Ms. Brown, you
20 were here for my previous admonitions as to perjury
21 so you understand what perjury is and the penalties
22 for it?

23 MS. BROWN: Yes, sir, I do.
24 (Witness sworn.)

25 ALJ DAWSON: Miss Furey, you may proceed.

93

1 MS. FUREY: Thank you, Your Honor.

2 **DINA BROWN,**
3 being first duly sworn, was examined and testified
4 as follows:

5 **EXAMINATION**

6 **BY MS. FUREY:**

7 Q. Miss Brown, I know this may be a little
8 redundant, but can you please introduce yourself to
9 the Commission?

10 A. My name is Dina Brown and I'm an
11 environmental services project manager with NextEra
12 Energy Resources and the environmental lead for the
13 Oliver Wind IV's wind and transmission projects.

14 I oversaw and managed the third-party
15 consultants and related environmental studies for
16 the projects, specifically studies for wetlands,
17 land use, wildlife, cultural resources,
18 architectural history and acoustic and shadow
19 flicker modeling.

20 Q. Thank you. And can you please briefly
21 describe your educational and professional
22 background?

23 A. I received a bachelor of science in civil
24 engineering from Texas A&M University and a master
25 of science in forest science from Oregon State

94

1 **University. I am also a certified professional**
2 **soil scientist.**

3 I have over 20 years of environmental
4 permitting experience as both a consultant and an
5 environmental engineer in the energy industry.
6 During that time my primary responsibilities have
7 included permitting projects on private and public
8 lands in compliance with federal and state
9 environmental laws.

10 Q. And are you familiar with the projects'
11 application and the supporting materials which have
12 been marked and discussed today as Exhibits 1
13 through 20?

14 A. Yes.

15 Q. And did you submit prefiled testimony to
16 the Commission on January 17th?

17 A. Yes.

18 Q. And can you please turn to Exhibit 15. Or
19 I'm so sorry, Miss Brown. Can you please turn to
20 Exhibit 12.

21 A. Yes.

22 MS. FUREY: And Exhibit 12, just for the
23 Commission's reference, is docketed as docket
24 number 20 in the wind case, PU-23-317.

25 Q. (MS. FUREY CONTINUING) And is Exhibit 12

95

1 a correct copy of your January 17th prefiled
2 testimony?

3 A. It is, yes.

4 Q. And is Exhibit 12 a true and accurate
5 representation of what your testimony would be if
6 you were to give your testimony orally to the
7 Commission?

8 A. Yes. However, I do have two updates to my
9 prefiled testimony. The first update relates to
10 wetlands. The projects have been sited to avoid
11 impacts to wetlands to the greatest extent
12 possible. The wind application states there are
13 two wetlands planned to be permanently impacted
14 with permanent impacts of .02 acres. Subsequently
15 in my prefiled testimony, I explained that due to
16 the planned drop of turbine 35, only one wetland
17 will be impacted. As my colleague, Clay Cameron,
18 explained, turbine number 35 has been incorporated
19 back into the project's array. Thus, the two
20 isolated locations of permanent wetland impacts
21 originally discussed in the wind project's
22 application remain applicable. However, to
23 reiterate, permanent impacts to wetlands remain
24 negligible and total approximately .02 acres or 870
25 square feet. Temporary impacts to wetlands total

<p style="text-align: right;">96</p> <p>1 .06 acres.</p> <p>2 The first area is associated with a minor</p> <p>3 wetland impact from the access road to turbine 46.</p> <p>4 This impact is less than .01 acres. As I discuss</p> <p>5 in my prefiled testimony, there is no reasonable</p> <p>6 alternative to impacting this wetland and my</p> <p>7 testimony in this regard remains applicable.</p> <p>8 The wetland is located along an existing</p> <p>9 quarter-section two-track. To minimize impacts and</p> <p>10 working with the landowner, Oliver Wind IV has</p> <p>11 sited the access road to turbine 46 along the</p> <p>12 existing two-track, which also runs along the edge</p> <p>13 of the landowner's agricultural field. The</p> <p>14 existing two-track currently intersects the wetland</p> <p>15 in this location.</p> <p>16 Other options explored for this access</p> <p>17 road would have required Oliver Wind IV to build</p> <p>18 the access road across cropland or unbroken</p> <p>19 grassland. However, these options were rejected to</p> <p>20 preserve the unbroken grassland, avoid disruption</p> <p>21 to the landowner's ongoing agricultural activities</p> <p>22 and utilizing the existing two-track.</p> <p>23 The second area is a minor impact of less</p> <p>24 than .01 acres associated with the access road to</p> <p>25 turbine 35. There is no reasonable alternative for</p>	<p style="text-align: right;">98</p> <p>1 and in January 25, 2024, correspondence related to</p> <p>2 the wind project. These letters are marked as</p> <p>3 Exhibit A and Exhibit C -- 16(c) -- I'm so sorry --</p> <p>4 Exhibit 16(a) and 16(c).</p> <p>5 Q. Thank you, Miss Brown. And are you</p> <p>6 familiar with the Commission's siting rules which</p> <p>7 are set forth under North Dakota Administrative</p> <p>8 Codes Chapter Code 69-06-08?</p> <p>9 A. Yes.</p> <p>10 Q. And were both projects evaluated pursuant</p> <p>11 to the Commission's siting criteria?</p> <p>12 A. Yes.</p> <p>13 Q. And can you please identify generally what</p> <p>14 environmental studies and surveys Oliver IV</p> <p>15 conducted for the projects?</p> <p>16 A. In question 9, page 4, of my prefiled</p> <p>17 testimony, I identify the specific studies that</p> <p>18 were conducted for the projects. These studies</p> <p>19 include numerous studies for wildlife, wetlands,</p> <p>20 unbroken grasslands, cultural resources, sound and</p> <p>21 shadow flicker.</p> <p>22 Q. And have copies of these studies and</p> <p>23 assessments been provided to the Commission?</p> <p>24 A. Yes. They are in the appendices to the</p> <p>25 projects' applications.</p>
<p style="text-align: right;">97</p> <p>1 impacting this wetland. The access road is</p> <p>2 designed to take the straightest and shortest path</p> <p>3 to the turbine and avoids impacts to unbroken</p> <p>4 grasslands as well as neighboring landowners.</p> <p>5 Other options explored for this access</p> <p>6 road would have resulted in significantly greater</p> <p>7 land disturbance, approximately four times as long</p> <p>8 and about half of that distance would be located in</p> <p>9 unbroken grasslands.</p> <p>10 All remaining permanent and temporary</p> <p>11 impacts to wetlands continue to be avoided through</p> <p>12 the siting of the project's infrastructure.</p> <p>13 And the second update relates to cultural</p> <p>14 resources. So in my prefiled testimony I explain</p> <p>15 that additional cultural resource assessments for</p> <p>16 previously unassessed areas of the projects,</p> <p>17 specifically Class III cultural resource inventory</p> <p>18 reports, were pending before the North Dakota SHPO.</p> <p>19 These reports concluded that none of the sites</p> <p>20 identified would be impacted by the projects'</p> <p>21 temporary construction easement or permanent</p> <p>22 infrastructure. Subsequent to the filing of my</p> <p>23 testimony, the SHPO concurred with the findings in</p> <p>24 our Class III reports in January 19, 2024,</p> <p>25 correspondence related to the transmission project</p>	<p style="text-align: right;">99</p> <p>1 Q. Will the projects have minimal adverse</p> <p>2 effects on the environment and wildlife?</p> <p>3 A. Yes. Balancing state and local setbacks,</p> <p>4 wind resource availability, constructability and</p> <p>5 landowner preference, Oliver Wind IV developed the</p> <p>6 projects respective of the mitigation hierarchy,</p> <p>7 which in order of priority consists of avoiding</p> <p>8 impacts, minimizing unavoidable impacts, restoring</p> <p>9 impacted areas, and offsetting residual impacts.</p> <p>10 Avoidance of environmental and wildlife</p> <p>11 impacts or excluding certain habitats was our</p> <p>12 priority, such as wetlands and native unbroken</p> <p>13 grasslands. All turbines have been sited outside</p> <p>14 of unbroken grasslands. For any temporarily</p> <p>15 impacted areas, we will restore the area to</p> <p>16 pre-impact conditions. We feel these measures</p> <p>17 effectively result in minimal adverse impacts to</p> <p>18 the environment and wildlife. However, as an</p> <p>19 additional measure, we have voluntarily committed</p> <p>20 to habitat offsets for potential indirect impacts</p> <p>21 to grassland birds.</p> <p>22 Furthermore, in recent correspondence from</p> <p>23 the North Dakota Game and Fish Department dated</p> <p>24 December 29, 2023, and that's marked as Exhibit 7,</p> <p>25 the department acknowledged that Oliver Wind IV has</p>

<p style="text-align: right;">100</p> <p>1 taken several steps to avoid and minimize impacts, 2 and commended Oliver Wind IV's efforts in this 3 regard.</p> <p>4 Through its design and siting of the 5 projects, Oliver Wind IV has achieved the minimal 6 adverse impact threshold for wildlife. To address 7 and further mitigate potential indirect impacts to 8 grassland birds, Oliver Wind IV is providing 9 voluntary offsets which has been memorialized in a 10 memorandum of understanding with the North Dakota 11 Department of Agriculture.</p> <p>12 The North Dakota Game and Fish Department 13 notes in its December 29, 2023, comment letter that 14 in general with the mitigation agreed to as part of 15 the memorandum of understanding, the project has 16 sufficiently offset impacts to wildlife.</p> <p>17 Q. And in developing the Oliver Wind IV wind 18 project, did Oliver Wind IV work to address the 19 environmental and wildlife concerns identified for 20 the projects by the North Dakota Game and Fish and 21 the U.S. Fish and Wildlife Service?</p> <p>22 A. Yes. Oliver Wind IV worked extensively 23 with the wildlife agencies, and in particular with 24 the North Dakota Game and Fish Department, to 25 address their potential concerns.</p>	<p style="text-align: right;">102</p> <p>1 consultation expanded to include the North Dakota 2 Department of Agriculture beginning in November of 3 2023.</p> <p>4 Beginning on page 3, the memo lists Oliver 5 Wind IV's avoidance, minimization and mitigation 6 measures related to the environment, wetlands, 7 unbroken grasslands, woodlands, wildlife, avian 8 species, and threatened and endangered species. 9 This list continues for several pages.</p> <p>10 Page 6 references Oliver Wind IV's 11 coordination with the wildlife agencies and North 12 Dakota Department of Ag to provide voluntary 13 offsets for potential indirect impacts to grassland 14 breeding birds. For reference, the memorandum of 15 understanding is subsequently referenced in agency 16 correspondence from North Dakota Game and Fish and 17 North Dakota Department of Ag dated December 29, 18 2023, that was filed with the Commission.</p> <p>19 Attachment A to the memo includes 20 additional agency correspondence and consultation 21 with the wildlife agencies and North Dakota 22 Department of Ag that occurred subsequent to the 23 applications' filing with the Commission.</p> <p>24 Q. And can you please provide additional 25 detail regarding Oliver Wind IV's voluntary</p>
<p style="text-align: right;">101</p> <p>1 Oliver Wind IV's wildlife coordination and 2 mitigation measures memorandum provides a detailed 3 timeline starting in 2019 outlining noteworthy 4 consultation efforts with both wildlife agencies 5 and also includes an extensive list of Oliver Wind 6 IV's proposed mitigation measures for both 7 projects.</p> <p>8 Q. And can I please have you turn to Exhibit 9 No. 9.</p> <p>10 MS. FUREY: And just for the Commission's 11 reference, Exhibit 9 was docketed as docket number 12 13 in the wind facility docket, Case No. PU-23-317.</p> <p>13 Q. (MS. FUREY CONTINUING) And are you at 14 Exhibit No. 9?</p> <p>15 A. I am.</p> <p>16 Q. Is this exhibit the wildlife coordination 17 and mitigation measures memorandum that you just 18 referenced?</p> <p>19 A. It is.</p> <p>20 Q. And can you please briefly walk us through 21 and explain the contents of Exhibit 9?</p> <p>22 A. Yes. The first three pages of the memo 23 present a timeline of noteworthy consultation with 24 North Dakota Game and Fish and the U.S. Fish and 25 Wildlife Service dating back to July 2019. The</p>	<p style="text-align: right;">103</p> <p>1 commitment to provide habitat offsets?</p> <p>2 A. Our primary objective is to comply with 3 the Commission's siting criteria, which Oliver Wind 4 IV has accomplished through the avoidance, 5 minimization and restoration measures outlined in 6 the projects' applications. My prefiled testimony, 7 which is Exhibit 12, and in Oliver Wind IV's 8 wildlife coordination and mitigation measures 9 memorandum, Exhibit 9, in response to concerns 10 identified by the wildlife agencies regarding 11 potential indirect impacts to grassland nesting 12 birds, Oliver Wind IV committed to contributing to 13 the North Dakota Department of Ag's Environmental 14 Mitigation Fund to offset 665 acres of grassland 15 habitat. This commitment is memorialized in a 16 memorandum of understanding executed between Oliver 17 Wind IV and the North Dakota Department of 18 Agriculture. Additional memorandum of 19 understanding details are contained in North Dakota 20 Department of Ag correspondence filed with the 21 Commission on December 29th, 2023, in Exhibit 8.</p> <p>22 Q. Are the projects anticipated to have 23 adverse impacts to threatened and endangered 24 species?</p> <p>25 A. No. As part of Oliver Wind IV's study of</p>

<p style="text-align: right;">104</p> <p>1 the projects, the U.S. Fish and Wildlife Service 2 Information for Planning and Conservation, or IPaC, 3 tool was used to identify threatened or endangered 4 species or designated critical habitat within the 5 projects. 6 This tool identified five threatened and 7 endangered species that could potentially occur 8 within the projects: The piping plover, which is 9 listed as threatened; the rufa red knot, again 10 listed as threatened; the whooping crane, listed as 11 endangered; the Dakota skipper butterfly, listed as 12 threatened; and the northern long-eared bat, listed 13 as endangered. No designated critical habitat for 14 any threatened or endangered species is located 15 within the wind project site or the transmission 16 corridor. 17 As I discuss in my prefiled testimony 18 beginning on page 6, adverse impacts to these 19 species are not anticipated. 20 The piping plover and rufa red knot are 21 water-dependent shorebirds. These projects do not 22 contain suitable habitat for these species, and 23 neither of these species were observed during 24 projects surveys. 25 With respect to whooping cranes, the study</p>	<p style="text-align: right;">106</p> <p>1 suitable Dakota skipper habitat. During 2 construction all suitable habitat will be fenced 3 with high-visibility fencing. For construction of 4 collection lines, we will bore under all suitable 5 habitat. With respect to the transmission line, 6 all suitable habitat will be spanned. All other 7 infrastructure avoids suitable Dakota skipper 8 habitat. 9 With respect to the northern long-eared 10 bat, the species was documented in low numbers 11 during the bat surveys suggesting minimal risk to 12 northern long-eared bat -- to the northern 13 long-eared bat from construction and operation of 14 the projects. 15 Specifically, northern long-eared bats 16 were detected at two sites during 2019 surveys, at 17 one site during the 2020 surveys, and not at all 18 during the 2022 surveys. The habitat type at the 19 sites where the northern long-eared bats were 20 detected can be described as forest edge or upland 21 forest. 22 To minimize potential impacts, all 23 turbines have been sited greater than a thousand 24 feet from potential habitat within the range of the 25 northern long-eared bat following the U.S. Fish and</p>
<p style="text-align: right;">105</p> <p>1 showed that there is low potential for interaction 2 between the projects and whooping cranes in any 3 given year based on the projects' siting and 4 mitigation measures. These mitigation measures 5 include curtailment of wind project operations if a 6 crane is observed within the wind project or a 7 one-mile radius, as well as equipping the 8 transmission project with bird flight diverters 9 consistent with Avian Power Line Interaction 10 Committee, or APLIC, suggested practices. 11 For the Dakota skipper, Oliver Wind IV 12 assessed a survey area of approximately 1,161 acres 13 in areas where the projects overlapped with areas 14 of unbroken grasslands to determine if the 15 potential Dakota skipper habitat occurred within 16 the projects. The survey area included the current 17 wind project design, as well as areas previously 18 considered for development. Within this surveyed 19 area, Oliver Wind IV identified approximately 0.26 20 acres of suitable Dakota skipper habitat within the 21 wind project construction easement and 22 approximately 0.1 acres of suitable habitat within 23 the transmission project. The projects have been 24 sited to avoid surface impacts to suitable habitat. 25 Oliver Wind IV has avoided impacts to</p>	<p style="text-align: right;">107</p> <p>1 Wildlife Service's recommendations, and the 2 projects have minimized tree removal to minimize 3 potential impacts to roosting habitat. During 4 operations turbines will be curtailed following 5 U.S. Fish and Wildlife Service recommendations. 6 For these reasons, adverse impacts to 7 threatened and endangered species are not 8 anticipated. 9 Q. And will the projects have minimal adverse 10 impacts on bald and golden eagles? 11 A. Yes, the projects are anticipated to have 12 minimal adverse effects on bald and golden eagles. 13 Although bald and golden eagles were observed 14 during Oliver Wind IV's studies, overall eagle use 15 was low. The studies did not identify extensive 16 suitable nesting habitat within the projects. Nest 17 surveys did not locate eagle nests within the wind 18 project. One active bald eagle nest was documented 19 2.4 miles east of the wind project area and 5.1 20 miles east of the transmission project corridor. 21 To minimize potential impacts, the 22 transmission project will be outfitted with bird 23 flight diverters as previously explained. This 24 will increase visibility of the lines for large 25 raptors and reduce collision risk. Additionally,</p>

<p style="text-align: right;">108</p> <p>1 to confirm the prior eagle and raptor nest study</p> <p>2 results, prior to construction, Oliver Wind IV will</p> <p>3 perform a nest survey within the wind project for</p> <p>4 non-eagle raptors and eagles and will survey a</p> <p>5 two-mile buffer around both projects for eagle</p> <p>6 nests.</p> <p>7 Lastly, all trees requiring clearing (for</p> <p>8 example, tree rows) will be surveyed immediately</p> <p>9 ahead of construction for the presence of any</p> <p>10 raptor nests built after the preconstruction survey</p> <p>11 or otherwise previously undetected, which is a</p> <p>12 standard NextEra procedure. Any newly found</p> <p>13 occupied or active eagle nests will have an</p> <p>14 avoidance buffer applied during construction until</p> <p>15 the nests become inactive.</p> <p>16 Q. And will the projects have minimal adverse</p> <p>17 impacts to sharp-tailed grouse?</p> <p>18 A. Yes. Through the projects' design and</p> <p>19 siting, the projects are anticipated to have</p> <p>20 minimal adverse impact on sharp-tailed grouse.</p> <p>21 Sharp-tailed grouse lek surveys were conducted</p> <p>22 during two spring seasons. A total of six</p> <p>23 sharp-tailed grouse leks were located within or</p> <p>24 adjacent to the project area. Most leks were</p> <p>25 located within the northeastern portion of the wind</p>	<p style="text-align: right;">110</p> <p>1 Dakota Game and Fish and will monitor the six</p> <p>2 identified leks after project construction.</p> <p>3 Q. And has Oliver Wind IV obtained all</p> <p>4 necessary concurrences related to cultural,</p> <p>5 historic and tribal resource assessments from the</p> <p>6 projects -- for the projects from SHPO?</p> <p>7 A. Yes. SHPO consultation is generally</p> <p>8 discussed in questions 40 through 45 in my prefiled</p> <p>9 testimony, which is pages 18 through 21. SHPO</p> <p>10 concurrences were received in various stages for</p> <p>11 the projects.</p> <p>12 Oliver Wind IV conducted a Class I</p> <p>13 literature search and a Class II intensive</p> <p>14 inventory or field survey for the projects.</p> <p>15 Portions of the projects were covered</p> <p>16 under cultural resource assessments originally</p> <p>17 conducted for the Red Butte wind project in 2019</p> <p>18 and 2021.</p> <p>19 The SHPO concurred with the cultural</p> <p>20 resource assessments for those surveys in June and</p> <p>21 July 2021. Those concurrences are located in</p> <p>22 Exhibit 1, Appendices B4 and C5.</p> <p>23 As I previously explained, remaining</p> <p>24 inventories of unassessed areas of the projects</p> <p>25 were completed in '22 and 2023. The SHPO recently</p>
<p style="text-align: right;">109</p> <p>1 project with one along the transmission line.</p> <p>2 Oliver Wind IV has sited wind turbine</p> <p>3 locations at least a half a mile from confirmed</p> <p>4 sharp-tailed grouse leks consistent with past</p> <p>5 practice in North Dakota and will minimize</p> <p>6 construction activities within a half a mile of</p> <p>7 known sharp-tailed grouse lek locations during the</p> <p>8 lekking and breeding season.</p> <p>9 On December 29, 2023, the North Dakota</p> <p>10 Game and Fish submitted a letter to the Commission,</p> <p>11 which is Exhibit 7. In its letter, the Department</p> <p>12 of Game and Fish recommends that all turbines in</p> <p>13 grasslands, both broken and unbroken, be located</p> <p>14 outside of a two-mile buffer from known leks. We</p> <p>15 note all Oliver Wind IV turbines have been sited to</p> <p>16 avoid direct impacts to unbroken grasslands.</p> <p>17 During construction we will implement construction</p> <p>18 timing restrictions in grasslands within two miles</p> <p>19 of leks as described in the wildlife coordination</p> <p>20 and mitigation measures memo marked as Exhibit 9.</p> <p>21 In lieu of moving turbines to accommodate a</p> <p>22 two-mile setback, Game and Fish recommended that</p> <p>23 Oliver Wind IV monitor the known leks for five</p> <p>24 years after project construction. Oliver Wind IV</p> <p>25 commits to implement this recommendation from North</p>	<p style="text-align: right;">111</p> <p>1 issued concurrences for the remaining inventories,</p> <p>2 which are marked Exhibits 16(a) and 16(c).</p> <p>3 Oliver Wind also conducted a Class II</p> <p>4 reconnaissance inventory of architectural resources</p> <p>5 for the wind project. For reference, SHPO</p> <p>6 determined a Class II inventory was not required</p> <p>7 for the transmission project.</p> <p>8 The Class II architectural inventory was</p> <p>9 completed for the wind project and included a</p> <p>10 two-mile radius surrounding all proposed turbines.</p> <p>11 Two identified sites, an historic farmhouse and an</p> <p>12 abandoned farmstead, both of which are outside of</p> <p>13 the wind project site, were determined eligible for</p> <p>14 inclusion for the National Register of Historic</p> <p>15 Places. SHPO concurred with our National Register</p> <p>16 of Historic Places' eligibility recommendation in</p> <p>17 the December 2023 correspondence, which is included</p> <p>18 in Exhibit 10.</p> <p>19 In its December 2023 correspondence, SHPO</p> <p>20 agreed that the potential indirect impacts to the</p> <p>21 sites are minimal and that Oliver Wind IV's</p> <p>22 proposed mitigation plan, which consists of</p> <p>23 documenting both historic sites to a State Historic</p> <p>24 American Building Survey Level III specification,</p> <p>25 will be sufficient to offset indirect visual</p>

<p style="text-align: right;">112</p> <p>1 impacts.</p> <p>2 Q. As part of Oliver Wind IV's coordination</p> <p>3 efforts, Oliver Wind IV also reached out to the</p> <p>4 National Park Service; is that correct?</p> <p>5 A. Yes. Throughout the projects'</p> <p>6 development, Oliver Wind IV and its predecessors</p> <p>7 have voluntarily engaged with personnel at the</p> <p>8 National Park Service regarding the Knife River</p> <p>9 Indian Villages National Historic Site. This site</p> <p>10 is located approximately nine and a half miles</p> <p>11 northwest of the closest wind turbine and 3.2 miles</p> <p>12 north of the closest transmission structure. This</p> <p>13 outreach began as early as 2015, and in May 2023,</p> <p>14 Oliver Wind voluntarily reengaged with the Park</p> <p>15 Service.</p> <p>16 Q. And what resulted from Oliver Wind IV's</p> <p>17 May 2023 outreach to the Park Service?</p> <p>18 A. In July 2023, National Park Service</p> <p>19 identified possible indirect visual impacts that</p> <p>20 the development of the projects may have on views</p> <p>21 from Knife River Indian Villages and from Fort</p> <p>22 Clark State Historic Site, a separate</p> <p>23 archaeological site. Fort Clark State Historic</p> <p>24 Site is located 6.8 miles east-northeast of the</p> <p>25 closest wind turbine and 1.7 miles east-southeast</p>	<p style="text-align: right;">114</p> <p>1 reasons, the projects will have minimal adverse</p> <p>2 indirect visual impact on Knife River Indian</p> <p>3 Village and the Fort Clark State Historic Site.</p> <p>4 Q. And has Oliver Wind IV designed the</p> <p>5 projects to ensure that they avoid areas that are</p> <p>6 geologically unstable?</p> <p>7 A. Yes. With respect to the wind project, no</p> <p>8 turbines have been located within mapped landslide</p> <p>9 deposits. With respect to the transmission</p> <p>10 project, mapped landslide deposits within the</p> <p>11 project corridor are located between transmission</p> <p>12 structures 95 and 96 and between transmission</p> <p>13 structures 116 and 117. The transmission project</p> <p>14 has been designed to avoid these areas by spanning</p> <p>15 these mapped locations. Per the recommendations of</p> <p>16 the North Dakota Geological Survey, geologically</p> <p>17 unstable areas, i.e., areas mapped as landslide</p> <p>18 deposits, have been avoided when selecting</p> <p>19 locations for wind towers and transmission line</p> <p>20 structures.</p> <p>21 Q. There are three areas in Figure 16 of the</p> <p>22 wind application where it appears that project</p> <p>23 collection lines may intersect areas of potential</p> <p>24 North Dakota Geological Survey-mapped landslide</p> <p>25 deposits; correct?</p>
<p style="text-align: right;">113</p> <p>1 of the closest transmission structure.</p> <p>2 Q. And how did Oliver Wind IV respond to the</p> <p>3 Park Service's July 2023 comments?</p> <p>4 A. In response, Oliver Wind IV completed a</p> <p>5 viewshed analysis for the projects including</p> <p>6 visibility modeling and rendering of the</p> <p>7 photographic simulations of the projects from key</p> <p>8 observation points.</p> <p>9 As suggested by the National Park Service,</p> <p>10 Oliver Wind IV utilized procedures outlined in the</p> <p>11 U.S. Bureau of Land Management visual resources</p> <p>12 management handbook to evaluate views toward the</p> <p>13 projects from the Knife River Indian Villages and</p> <p>14 Fort Clark State Historic Site.</p> <p>15 The analyses have been provided to the</p> <p>16 National Park Service and SHPO. The analyses</p> <p>17 concluded the projects will not visually detract</p> <p>18 from the viewsheds of Knife River Indian Villages</p> <p>19 or Fort Clark State Historic Site because of the</p> <p>20 distance of the projects' features and the</p> <p>21 similarity of these features with other existing</p> <p>22 infrastructure on the landscape, including multiple</p> <p>23 existing overhead electric transmission lines, wind</p> <p>24 turbines, the stack from the Leland Olds Power</p> <p>25 Station and Stanton water tower. For these</p>	<p style="text-align: right;">115</p> <p>1 A. Yes.</p> <p>2 Q. Can you please identify these locations</p> <p>3 and explain how Oliver Wind IV proposes to avoid</p> <p>4 impacts to these areas?</p> <p>5 A. Yes. There are three places in the wind</p> <p>6 site plan where collection lines appear to cross</p> <p>7 mapped landslide deposit areas. Oliver Wind IV</p> <p>8 will confirm the mapping for the three locations</p> <p>9 through field verification prior to construction.</p> <p>10 I will address each of these areas.</p> <p>11 If you turn to the wind application,</p> <p>12 Figure 16.</p> <p>13 Q. And, Miss Brown, just to confirm, the</p> <p>14 specific page that you're asking the Commission to</p> <p>15 turn to, is that marked with a Bates stamp 109 in</p> <p>16 the bottom right-hand corner?</p> <p>17 A. Yes, that is correct. So over there on</p> <p>18 the left-hand edge of the project -- of the map --</p> <p>19 sorry -- and about middle of the page, and the</p> <p>20 landslide deposits are mapped in pink. Collection</p> <p>21 in this location appears to cross a mapped</p> <p>22 landslide deposit. However, this is a map scaling</p> <p>23 issue. The collection line at this location avoids</p> <p>24 crossing the landslide deposits.</p> <p>25 Q. And then with respect to the second</p>

<p style="text-align: right;">116</p> <p>1 location, can you please identify that location and 2 the Figure 16? 3 A. Sure. It's still on Figure 16, but now if 4 you turn to 000116, again, the landslide deposits 5 are shown in pink up on the very top edge of the 6 map, kind of in the center next to that turbine 63. 7 In this area the collection line appears to cross a 8 mapped landslide deposit between turbine 58 and 9 turbine 63. If this feature is confirmed through 10 field verification, Oliver Wind IV will either 11 conduct a geotechnical analysis to determine the 12 appropriate bore depth to avoid this feature or 13 reroute the collection line in this area. 14 And then finally still in Figure 16, and 15 it's Bates-stamped the very next page, 000117, and 16 it between turbines 60 and 65, again, shown in 17 pink. Similar to the prior location, Oliver Wind 18 IV will either bore collection under this feature 19 or reroute the collection line. 20 Oliver Wind IV will provide the results of 21 these field verifications to the Commission. If 22 Oliver Wind IV elects to bore these locations, 23 Oliver Wind IV will file geotech reports with the 24 Commission prior to conducting such bores. If 25 Oliver Wind IV elects to reroute collection in</p>	<p style="text-align: right;">118</p> <p>1 inventory and replacement plan for Commission 2 review and approval. 3 Q. And has Oliver Wind IV conducted sound and 4 shadow flicker assessments for the wind project? 5 A. Yes. Oliver Wind IV engaged consultant 6 AECOM to perform these assessments. 7 Q. And have copies of these assessments been 8 provided to the Commission? 9 A. Yes. They are located in the wind project 10 application, Exhibit 1. Specifically, the wind 11 project's acoustic assessment is located in 12 Appendix B2 and the shadow flicker assessment is in 13 Appendix B3. 14 Q. And can you please explain the general 15 methodology that was used for the acoustic 16 assessment? 17 A. Yes. The modeling was conducted by a 18 professional acoustic engineer who specializes in 19 modeling wind turbine sound. The model generates a 20 three-dimensional environment using terrain data, 21 receptors and wind turbine sound sources. The 22 software calculates the sound from each turbine, 23 the distance to the receptors, weather conditions, 24 and interactions with the ground. The modeling 25 assumes that all turbines are operating in unison</p>
<p style="text-align: right;">117</p> <p>1 these areas, it will submit certifications to the 2 Commission for these changes. 3 Q. Thank you. And is Oliver Wind IV 4 requesting the ability to clear areas wider than 50 5 feet in some locations within the projects? 6 A. Yes. For the wind project, Oliver Wind IV 7 is requesting clearance of up to 600 feet in width 8 for nine turbine locations to accommodate 9 construction and final turbine placement to remove 10 obstructions from adjacent tree rows. These 11 locations are depicted in detail in the wind 12 application, Exhibit 1, Figure 13. 13 For the transmission project, Oliver Wind 14 IV is requesting clearance of up to 150 feet wide 15 consistent with the transmission project's proposed 16 corridor width. Oliver Wind IV will need to 17 maintain clearance of the 150-foot transmission 18 corridor for the safety of the facility 19 infrastructure and for monitoring purposes. 20 Q. And will Oliver Wind IV comply with the 21 Commission's tree and shrub mitigation 22 specifications? 23 A. Yes. Oliver Wind IV will comply with the 24 Commission's tree and shrub mitigation 25 specifications and submit a tree and shrub</p>	<p style="text-align: right;">119</p> <p>1 at their maximum potential sound level emission and 2 the predicted project sound levels reported in the 3 acoustic assessment reflect the overall sound level 4 at a distance of 100 feet from each receptor 5 structure. Modeling was conducted using an 6 industry-standard noise prediction software, 7 CadnaA, and model configuration was based on the 8 American National Standards Institute, ANSI, wind 9 turbine sound modeling standard. This ensures a 10 conservative predicted worst-case-modeled sound 11 level at receptors that is not anticipated to be 12 exceeded when the wind project is operating. 13 Q. And then with respect to the shadow 14 flicker assessment, can you please explain the 15 general methodology that was used for that 16 assessment? 17 A. The shadow flicker modeling was conducted 18 by a professional who specializes in modeling wind 19 turbine shadow flicker. The WindPro computer 20 program was used to conduct the shadow flicker 21 modeling. This conservative physics-based model 22 has been used internationally for over 25 years to 23 model shadow flicker at receptors for wind 24 projects. It takes into account turbine location, 25 hub height and rotor diameter. Each receptor is</p>

120

1 assumed to have windows facing in all directions.
 2 The model assumes that there are no obstructions,
 3 trees or outbuildings between the turbines and the
 4 receptors. The model uses the sun angle, time of
 5 sunrise and sunset to calculate when flicker could
 6 occur at the receptors based on the items above. A
 7 scaling factor is then applied to the results to
 8 account for cloudy days and wind direction. The
 9 result is the annual duration that turbines could
 10 cause shadow flicker at a home.
 11 Q. Based on these assessments that you just
 12 discussed, does the wind project comply with the
 13 Commission's 45 dBA sound level criteria and the
 14 Commission's accepted standard of 30 hours per year
 15 of shadow flicker?
 16 A. Yes. The results of Oliver Wind IV's
 17 sound and shadow flicker assessments comply.
 18 The sound level at all nonparticipating
 19 receptors is predicted to be 44 decibels or less.
 20 The maximum predicted shadow flicker for a
 21 nonparticipating receptor is 20 hours per year and
 22 half of all nonparticipating receptors are
 23 predicted to experience zero hours.
 24 Q. And on January 25th of this month, did
 25 Oliver Wind IV subsequently file consolidated sound

121

1 and shadow flicker tables and a corresponding map?
 2 A. Yes.
 3 Q. And are these tables and the map marked as
 4 Exhibit 15?
 5 A. Yes.
 6 MS. FUREY: And, again, just for the
 7 Commission's reference, Exhibit 15 was docketed as
 8 docket number 25 in the wind project docket, Case
 9 No. 23-317 -- again, docket number 25, and we're
 10 referencing it as Exhibit 15.
 11 Q. (MS. FUREY CONTINUING) And can you please
 12 explain the purpose of these filings?
 13 A. The sound and shadow flicker tables and
 14 map were provided to reflect the results of the
 15 assessments in a more simplified and consolidated
 16 manner for ease of viewing.
 17 The tables and map contain the most
 18 current participation status of each receptor.
 19 Q. And to just clarify further, the
 20 information contained in these consolidated tables
 21 does not contain any new data separate from what
 22 was considered -- or excuse me -- included in the
 23 assessments in the wind application, it just
 24 updates the participation status of the landowners;
 25 is that correct?

122

1 A. That's correct. Yes.
 2 Q. Thank you. On January 26th, PSC staff
 3 requested supplemental information on shadow
 4 flicker to be filed. Is that your understanding?
 5 A. Yes.
 6 Q. Have you directed your consultants to
 7 prepare this material for filing today?
 8 A. Yes. We have prepared Detailed Shadow
 9 Flicker Modeling Results for Oliver Wind IV Energy
 10 Center as Exhibit 21.
 11 MS. FUREY: And we're going to distribute
 12 copies of Exhibit 21, Your Honor, at this time.
 13 Thank you.
 14 Q. (MS. FUREY CONTINUING) And can you please
 15 identify Exhibit 21? Does this contain the
 16 supplemental materials that were requested by
 17 staff?
 18 A. Yes.
 19 Q. And can you please explain which
 20 consultant prepared this supplemental data?
 21 A. This was prepared by AECOM.
 22 Q. Okay. And can you please describe the
 23 material that's contained within Exhibit 21?
 24 A. So there's first detailed hourly model
 25 output by receptor, and it includes the alternate

123

1 turbine locations in the analysis.
 2 There's the detailed hourly -- hourly
 3 model output by receptor in graphical format,
 4 including alternate turbine locations.
 5 There's detailed hourly model output by
 6 receptor in larger graphical format for the
 7 receptor locations with shadow flicker impacts of
 8 20 hours or greater, including alternate turbine
 9 locations.
 10 And then there's finally aerial photograph
 11 showing the obstruction (trees and buildings) not
 12 considered in the shadow flicker assessment near
 13 receptor 101 just as an example.
 14 Q. Okay. And is it your understanding that
 15 this information was included as part of the
 16 original assessment, it was just not provided in
 17 the copy of the materials that were originally
 18 submitted in the wind facility's application?
 19 A. That is correct. This provides more
 20 detail.
 21 MS. FUREY: At this time we would move for
 22 admission into the record of proposed Exhibit --
 23 Hearing Exhibit 21.
 24 ALJ DAWSON: Is there any objection?
 25 MR. JOHNSON: No objection from staff.

124

1 ALJ DAWSON: Hearing no objection, the
 2 exhibit is marked as 21 and admitted.
 3 Q. (MS. FUREY CONTINUING) If Oliver Wind IV
 4 subsequently elects to utilize the potential five
 5 GE 2.52 megawatt turbines as part of the wind
 6 project's array, will Oliver Wind IV update its
 7 shadow flicker and sound assessments to reflect
 8 this change?
 9 A. Yes. Oliver Wind IV would update its
 10 shadow flicker and sound assessments and file
 11 copies of those updates with the Commission.
 12 If the five 2.52 megawatt turbines are
 13 utilized, Oliver Wind IV will ensure the wind
 14 project continues to comply with the Commission's
 15 shadow flicker and sound standards.
 16 Q. And in your opinion, has Oliver Wind IV
 17 sited the projects in a manner so that their
 18 location and operation will produce minimal adverse
 19 effects on the environment, wildlife and upon the
 20 welfare of the citizens of North Dakota?
 21 A. Yes, for the reasons I just discussed and
 22 as outlined in my prefiled testimony and in the
 23 projects' filings.
 24 Q. And are there a few additional items that
 25 you would like to address as follow-up following

125

1 Mr. Clay Cameron's testimony earlier?
 2 A. Yes. Yes.
 3 Q. So with respect to Hearing Exhibit 15,
 4 which is the consolidated shadow flicker and
 5 acoustic assessment results, there were some
 6 questions regarding the status of certain
 7 receptors, in particular, their participation
 8 status in this project. With respect to receptor
 9 number 159 and U145, can you please explain the
 10 status of those receptors and also just explain
 11 their relationship?
 12 A. Sure. Both of those are associated with
 13 the same landowner. And this landowner is not
 14 interested in participating in the project. U145,
 15 the U stands for uninhabited potentially, but we
 16 could not confirm that with the landowner that it
 17 was uninhabited so we left it in the analysis to be
 18 conservative.
 19 ALJ DAWSON: Could you repeat those
 20 numbers again for us, the receptor numbers?
 21 THE WITNESS: Sure. It's R159 and U145.
 22 And U is potentially uninhabited.
 23 Q. (MS. FUREY CONTINUING) But still
 24 included?
 25 A. But still included in the analysis because

126

1 we could not get confirmation from the landowner.
 2 So like I said, to be conservative, they were
 3 included in the analysis.
 4 Q. Can you please discuss receptor number 97?
 5 A. We've approached that landowner with a
 6 participation agreement and actually are -- we've
 7 got a meeting scheduled with them for next week.
 8 Q. To discuss the proposed agreement?
 9 A. To discuss the proposed agreement.
 10 Q. And then can you please provide additional
 11 information regarding receptor number 101?
 12 A. And receptor 101 is -- the participation
 13 agreement is pending. This is the landowner that
 14 is associated with turbine 35 and they recently
 15 approached us to be in the project, and so -- and
 16 we've discussed that we dropped turbine 35 but then
 17 the landowner came back and said they want to be
 18 part of the project so now they're included. So
 19 turbine 35 is included again. So that's this
 20 landowner, receptor 101. So their participation
 21 agreement is pending.
 22 Q. Just addressing a few additional items.
 23 There was a question regarding LNTE blades and by
 24 how much that can reduce sound levels. Do you have
 25 additional information to provide regarding that

127

1 reduction?
 2 A. Sure. So the low-noise trailing edge
 3 blades reduces noise by one and a half decibels.
 4 Q. And there was a prior comment, I believe,
 5 that all of the blades would utilize this
 6 technology. Do you have any additional updated
 7 information that you would like to provide to the
 8 Commission?
 9 A. Yes. And that was an inaccurate
 10 statement. Not 100 percent of the turbines have
 11 this LNTE, low-noise trailing edge design. 85
 12 percent of the turbines will have this LNTE
 13 feature. The remaining turbines don't include that
 14 design parameter because they're sited far enough
 15 away from any receptors that it wasn't warranted.
 16 Q. And did you model for that? How did you
 17 -- did you just make that determination or was that
 18 included in modeling?
 19 A. That was absolutely modeled by AECOM to be
 20 able to make that determination and design.
 21 Q. There was a prior question regarding tree
 22 and shrub mitigation and what is Oliver Wind IV's
 23 planned mitigation proposal for tree and shrub
 24 replacement. Can you please just provide some
 25 additional information regarding what are Oliver

<p style="text-align: right;">128</p> <p>1 Wind IV's plans at this time?</p> <p>2 A. Sure. And that I think it was in regards</p> <p>3 to removing trees, and we are absolutely</p> <p>4 coordinating with landowners on those tree removals</p> <p>5 and absolutely will be following the Commission's</p> <p>6 tree and shrub mitigation plan process and prepare</p> <p>7 that plan and submit for approval.</p> <p>8 Q. So as part of that proposal, is it your</p> <p>9 intent to approach the landowners who have tree</p> <p>10 removal proposed for their parcels and see if</p> <p>11 they're interested in having replacement trees</p> <p>12 replaced on their parcels?</p> <p>13 A. Absolutely.</p> <p>14 Q. So in the event that they're not</p> <p>15 interested in having replacement plantings go on</p> <p>16 their parcels, how do you anticipate at this time</p> <p>17 addressing those situations?</p> <p>18 A. So if they don't want -- we're going to</p> <p>19 leave it up to the landowners on how they want the</p> <p>20 trees replaced. It could be -- and if they don't</p> <p>21 want it on their parcel, then we can work with</p> <p>22 other landowners to replace the trees on other</p> <p>23 parcels within the projects.</p> <p>24 Q. For the Oliver Wind IV facility, there was</p> <p>25 a question regarding how many turbines in that</p>	<p style="text-align: right;">130</p> <p>1 tax between the state and the county. Do you have</p> <p>2 additional information to provide?</p> <p>3 A. I have partial information specifically</p> <p>4 for the wind farm, and that's a third of the tax</p> <p>5 revenue will go to the state and two-thirds will go</p> <p>6 to Oliver County.</p> <p>7 Q. And is it Oliver Wind IV's intent should</p> <p>8 the Commission request or would like additional</p> <p>9 information regarding the specific monetary amount,</p> <p>10 that that can be provided to supplement the record</p> <p>11 as a late-filed exhibit?</p> <p>12 A. Yes. Yes.</p> <p>13 Q. There was an additional question regarding</p> <p>14 one of the tables in the wind facility application.</p> <p>15 So if I could please have you turn to the wind</p> <p>16 application, which is Exhibit 1, and that's docket</p> <p>17 number 1 in the wind case, PU-23-317. And if you</p> <p>18 could turn to -- it's Bates-stamped page number 38</p> <p>19 and it related to table 6.2.1-1 with respect to</p> <p>20 existing daily traffic levels.</p> <p>21 A. I'm at the table.</p> <p>22 Q. And there was a question as to why data</p> <p>23 was utilized that stems from 2006. It appears that</p> <p>24 that is the last entry in the table. Do you see</p> <p>25 that?</p>
<p style="text-align: right;">129</p> <p>1 particular facility -- again, the Oliver Wind III</p> <p>2 facility that are located in Oliver County.</p> <p>3 A. And one of 8 -- one of 48 turbines in</p> <p>4 Oliver Wind III are located in Oliver County.</p> <p>5 Q. And then for the Oliver Wind IV project,</p> <p>6 are all 73 of the proposed turbines located in</p> <p>7 Oliver County?</p> <p>8 A. All 73 turbines for Oliver Wind IV are</p> <p>9 located in Oliver County.</p> <p>10 Q. There was a question regarding the</p> <p>11 existing Oliver facilities and how many employees</p> <p>12 of those facilities reside within -- just</p> <p>13 essentially where do they reside and whether or not</p> <p>14 they reside in Oliver County. Can you provide</p> <p>15 additional information?</p> <p>16 A. Sure. There's ten employees and they</p> <p>17 reside in Morton and Burleigh Counties.</p> <p>18 Q. And then is it correct the Oliver Wind IV</p> <p>19 will employ an additional five to eight full-time</p> <p>20 employees?</p> <p>21 A. That is correct, and we anticipate they</p> <p>22 will reside in the surrounding area.</p> <p>23 Q. There was a question requesting additional</p> <p>24 information regarding the tax benefits of the</p> <p>25 project specifically related to the allocation of</p>	<p style="text-align: right;">131</p> <p>1 A. I see it, yes.</p> <p>2 Q. Okay. Do you have additional information</p> <p>3 to provide regarding why 2006 data was utilized as</p> <p>4 part of this table?</p> <p>5 A. So this is the most current information</p> <p>6 provided by the North Dakota Department of</p> <p>7 Transportation, and that's the most recent year</p> <p>8 that they have data for that highway, that roadway</p> <p>9 segment. So there's two roadway segments that list</p> <p>10 2006 and that was the last year that -- that's the</p> <p>11 most current information that DOT has for those two</p> <p>12 roadway segments.</p> <p>13 Q. Thank you. Additionally, there were some</p> <p>14 questions regarding the acreage of the projects, so</p> <p>15 the wind project site and then the transmission</p> <p>16 line corridor. Can you please confirm the total</p> <p>17 acreage in the projects?</p> <p>18 A. Sure. And it's correct in the</p> <p>19 application, which is Exhibit 1 and Exhibit 2. The</p> <p>20 wind acreage is 22,291 acres. And for the</p> <p>21 transmission line it's 379 acres.</p> <p>22 Q. And there was an additional question</p> <p>23 regarding rotational speed data, and is it Oliver</p> <p>24 Wind IV's intent to file additional information</p> <p>25 regarding rotational speed as a late-filed exhibit</p>

<p style="text-align: right;">132</p> <p>1 if the Commission would like to receive that 2 information? 3 A. Yes. 4 Q. And does that conclude your direct 5 testimony? 6 A. Yes. 7 MS. FUREY: Thank you. 8 ALJ DAWSON: Mr. Pranis, any questions? 9 MR. PRANIS: None. 10 ALJ DAWSON: Mr. Johnson? 11 MR. JOHNSON: None at this time, Your 12 Honor. 13 ALJ DAWSON: Commissioner Fedorchak. 14 COMMISSIONER FEDORCHAK: Excellent. Thank 15 you. 16 EXAMINATION 17 BY COMMISSIONER FEDORCHAK: 18 Q. Thank you, Dina. Appreciate your 19 testimony so far. So going through some of the 20 various categories, I'm trying to decide where to 21 start. 22 Since we just talked about tree and shrub 23 plan, I'll go to that first. So on Exhibit 13, the 24 last page of that is our tree and shrub mitigation 25 plan specifics. And I don't know if you had the</p>	<p style="text-align: right;">134</p> <p>1 So I'm just -- this is a little bit of a 2 lecture perhaps. But I've been disappointed with 3 the companies that have come back with their plans 4 and their results because it turns out it's a 5 little easier to just plant and count. It's harder 6 to get a little bit more creative and actually 7 produce results. 8 So I'm just saying, please, in doing this, 9 do it in the spirit of this proposal. We want 10 results. If you're going to go to the trouble 11 of -- and the cost and expense of replacing these 12 trees, do it thoughtfully, work with the 13 communities, work with organizations in the 14 community and figure out a way to do it 15 someplace -- you know, somewhere in this county or 16 neighboring counties where it can have an impact. 17 There's a lot of people who do want trees and 18 shrubs to help with their -- you know, with 19 wildlife development or in their parks or in their 20 golf courses or whatever it might be. 21 We're open to creative solutions, but I'm 22 really not interested in getting reports about how 23 many trees you planted and how many survived the 24 next year. So that's just a little like -- this is 25 the first case I've had an opportunity to kind of</p>
<p style="text-align: right;">133</p> <p>1 benefit of working with the Commission prior to us 2 approving this sort of simplified plan, but it used 3 to be like three or four pages long with a lot of 4 very specific requirements that required, you know, 5 a planting of certain percent and a survival rate 6 of this percent, and we ended up realizing that it 7 was just a lot of -- a lot of sort of bureaucratic 8 work for not a lot of benefit and so we stepped 9 back and said what's the whole point of this. 10 The whole point of a tree and shrub 11 mitigation plan is to, you know, have trees and 12 shrubs back in the environment benefiting North 13 Dakotans, wildlife, et cetera. So rather than just 14 having companies blindly planting and counting, we 15 want companies to be intentional about working with 16 landowners on trees and shrubs and groupings of 17 plantings that actually have a benefit to them or 18 to the wildlife or whatever. So a lot of 19 landowners we've come to realize in western North 20 Dakota don't necessarily want all of these trees 21 and shrubs on their land and so companies have had 22 to get a little more creative and work with 23 organizations, parks, those, you know, other -- 24 other community groups, et cetera, to try to come 25 up with these plantings.</p>	<p style="text-align: right;">135</p> <p>1 speak directly to the companies about that since 2 we've kind of come around with this new plan and 3 seen the results of it, and so I'm hoping that you 4 guys will get creative and have some real results 5 on that piece. 6 A. I appreciate your comments, Commissioner. 7 Q. Thank you. All right. So on the sound -- 8 let's see here. Kind of go back to that section. 9 I think that's section -- Exhibit 15, the tables. 10 So I'm looking at the participating landowners, 11 Table 1. So help me understand, what's the 12 difference between Table 2 and Table 3? 13 A. So Table 1 -- 14 Q. Oh, I'm sorry. Never mind. I know what 15 it is. I got it. 16 Okay. So on Table 1 -- I'm looking at the 17 sound models -- and half of the participating 18 landowners, which I'm less concerned because 19 they're signed up, so hopefully they thought about 20 this and know what they're getting into and are 21 onboard with it. But still half of them are at the 22 maximum allowable sound at their receptor. I'm 23 anticipating that some of them might not actually 24 in the end like that. What sort of options do you 25 guys have? I mean, this is tough to fix after the</p>

136

1 fact in my experience.

2 **A. Sure. And I hear your concerns, but I do**
3 **want to remind the Commission that the 45-decibel**
4 **limit is a very conservative limit and it's been**
5 **one that's been used in the past -- successfully**
6 **used. I know previously it was 55 decibels.**

7 Q. It was 50.

8 **A. It was 50 decibels.**

9 Q. Yeah.

10 **A. So now it's 45, and we feel it's a very**
11 **protective level to allow folks to have safe,**
12 **healthy, normal lives. So we're in agreement with**
13 **your 55-decibel --**

14 Q. 45.

15 **A. -- 45-decibel threshold.**

16 Q. Is this -- when you say it's conservative,
17 in what way? Can you back that up? Are other
18 states a lot more -- less stringent?

19 **A. Other states might not have a threshold at**
20 **all so --**

21 Q. What do you think -- what would you say is
22 the most common threshold?

23 **A. I'm not aware of anything less -- to be**
24 **fair, I work North Dakota so I'm not prepared to**
25 **speak to what other states are doing exactly. I**

137

1 **just know that it is one of the most conservative**
2 **limits.**

3 Q. Yeah. I can't speak with authority on how
4 we compare to other states either, but I recall 45
5 being somewhat common when we changed it from 50 to
6 45. Because we didn't do that just, you know, to
7 be mean.

8 **A. Sure.**

9 Q. I think we felt it was sort of a best
10 practice. So --

11 **A. Let me -- I would like to let you think**
12 **about this. Average room noise is 30 to 50**
13 **decibels and a quiet library is 40 decibels. These**
14 **numbers helped me think about this. And leaves**
15 **rustling are 30 decibels. Moderate snoring is 50**
16 **to 60 decibels. So those --**

17 Q. I'm going to tell my husband that tonight.

18 **A. And ordinary spoken --**

19 Q. He's louder than a wind farm.

20 **A. And ordinary spoken conversation is 60**
21 **decibels. A food blender is 85 decibels. So those**
22 **numbers kind of helped me as I was thinking through**
23 **this issue.**

24 Q. I agree. I just -- this is one of the
25 challenges that we kind of get feedback on and I'm

138

1 less concerned about the participating landowners
2 than the non because the participating landowners
3 have thought through this and are okay with it.
4 But that said, it's different when it's a noise you
5 really can't get away from. So as a follow-up to
6 this -- and there are much fewer at that level in
7 the nonparticipating landowners, so -- in fact, you
8 don't have any at 45, a few at 44. But -- and
9 it -- I know it drops significantly. Each decibel
10 is not just like -- by magnitude they grow
11 exponentially, not just on an even basis per
12 decibel.

13 What conditions -- to give me some
14 comfort, you talked about the sound analysis being
15 very conservative, you know, kind of a worst-case
16 scenario. Can you talk a little bit more about
17 what conditions would be needed to sort of mimic
18 the sound levels that you're mimicking in the test
19 and how often participants might expect to actually
20 see those conditions realized?

21 **A. So are you asking how did we model it**
22 **or --**

23 Q. You explained how you modeled it, but you
24 talked about the modeling being kind of the worst-
25 case scenario where you've got all the turbines

139

1 operating at a certain amount. So, I guess, given
2 that that's the worst-case scenario or the most
3 conservative modeling, how often might those
4 conditions actually be realized?

5 **A. So in the model the wind would be**
6 **blowing -- or the sound would be traveling from all**
7 **of the turbines. Can I do a demonstration?**

8 Q. Sure, you can.

9 **A. So if the microphone is a receptor and the**
10 **water bottles are wind turbines, during the**
11 **modeling -- not this turbine -- wind is -- in the**
12 **model the wind is assumed to be blowing from each**
13 **turbine directly at the receptor.**

14 Q. Okay.

15 **A. But that would never happen because wind**
16 **would be blowing this way or in one direction.**

17 Q. Mm-hmm.

18 **A. So you would only -- the sound would be**
19 **coming more predominantly from these turbines and**
20 **not these at all.**

21 Q. Mm-hmm. So the answer is it could never
22 be the conditions?

23 **A. Correct.**

24 Q. Now it makes me think we should be asking
25 you for the worst-case scenario and an actual

<p style="text-align: right;">140</p> <p>1 scenario that could be realized, because it's hard</p> <p>2 to know then what might be a likely scenario. I'm</p> <p>3 not talking about now.</p> <p>4 A. Sure.</p> <p>5 Q. I'm talking in the future.</p> <p>6 A. And I want you to have some comfort. I</p> <p>7 mean, these are American National Standard</p> <p>8 Institute models and they play these scenarios to</p> <p>9 develop the models and they measure the sound at</p> <p>10 the receptor and adjust the models based on all</p> <p>11 these measurements. So I feel like this model that</p> <p>12 we're using and the standards that you have set are</p> <p>13 very appropriate and protective of North Dakotans.</p> <p>14 Q. Okay. Well, thank you for that extra</p> <p>15 explanation. That's helpful.</p> <p>16 On this SHPO and National Park Service you</p> <p>17 went through the report that you did on the visual</p> <p>18 impact and you were reading from it and I couldn't</p> <p>19 tell -- in the end you concluded that the visual</p> <p>20 impact is not an issue basically. And I couldn't</p> <p>21 tell, was that your report's conclusion or was that</p> <p>22 a letter from the SHPO and National Park Service?</p> <p>23 A. So Park Service asked us to perform this</p> <p>24 viewshed analysis and we had our consultant, Burns</p> <p>25 & McDonnell, do the analysis. Park Service</p>	<p style="text-align: right;">142</p> <p>1 now I just want to talk a little bit about the</p> <p>2 wildlife stuff.</p> <p>3 So regarding the overall consulting with</p> <p>4 Game and Fish and the Department of Agriculture, I</p> <p>5 just want to make the point, you mentioned in your</p> <p>6 testimony that you're meeting all the requirements</p> <p>7 of the law or you feel you are, and then kind of</p> <p>8 said and then you're going -- and you've consulted</p> <p>9 with these agencies in addition to meeting all the</p> <p>10 criteria of the law. So consulting with the</p> <p>11 agencies is part of the criteria of the law so</p> <p>12 that's not separate from that.</p> <p>13 A. No, no, no, no. So we have been</p> <p>14 consulting with the agencies and so what we're</p> <p>15 saying is the voluntary offsets that we're</p> <p>16 proposing.</p> <p>17 Q. Right. Yeah, I get that. But I just --</p> <p>18 we don't have all the -- all of the law. We can't</p> <p>19 decide without consultation with the agencies.</p> <p>20 A. Right.</p> <p>21 Q. We depend on their input. So without</p> <p>22 that, we can't determine whether an application</p> <p>23 meets the criteria of the law or not. So it's just</p> <p>24 a little -- maybe it's semantics.</p> <p>25 A. Okay.</p>
<p style="text-align: right;">141</p> <p>1 requested that we use U.S. Bureau of Land</p> <p>2 Management methods, that's the standard methods,</p> <p>3 and so Burns & McDonnell did this analysis. And</p> <p>4 based on those results, the viewshed impact is</p> <p>5 minimal because of the distance of the projects and</p> <p>6 the existing infrastructure on the landscape.</p> <p>7 So --</p> <p>8 Q. Sure.</p> <p>9 A. So they're like little dots on the horizon</p> <p>10 because it's so far away.</p> <p>11 Q. Got it. And the Park Service and SHPO are</p> <p>12 fine with it, so they haven't responded?</p> <p>13 A. So we've provided the results to Park</p> <p>14 Service and SHPO. Park Service, they received the</p> <p>15 results and have not replied yet. And maybe they</p> <p>16 will, maybe they won't. I don't know. They asked</p> <p>17 for this and we provided it because we wanted to</p> <p>18 work with our neighbors and make sure their</p> <p>19 questions were addressed.</p> <p>20 SHPO is looking at the results and I</p> <p>21 expect some kind of input from them. So far just</p> <p>22 in their comments to us just in their conversations</p> <p>23 with us they're not indicating that there's going</p> <p>24 to be any issues.</p> <p>25 Q. Okay. All right. Thank you for that. So</p>	<p style="text-align: right;">143</p> <p>1 Q. So you got the letter and it -- and I</p> <p>2 appreciate all the, you know, documentation of the</p> <p>3 conversations back and forth with Game and Fish and</p> <p>4 I looked at what Game and Fish has said and it</p> <p>5 seems like you've addressed all of their concerns.</p> <p>6 I have a couple questions on the letter</p> <p>7 from the Department of Agriculture.</p> <p>8 Do you have any -- do you anticipate any</p> <p>9 ongoing consultation with the Department of</p> <p>10 Agriculture as they implement the offsets for your</p> <p>11 project, or what's your understanding of what</p> <p>12 happens now?</p> <p>13 A. I feel like we've had a great relationship</p> <p>14 with Game and Fish and with Department of Ag in</p> <p>15 collaborating and developing this approach. I</p> <p>16 anticipate staying in close communication with them</p> <p>17 to see how it's going. So, yes, I do anticipate</p> <p>18 that follow-up with them.</p> <p>19 Q. You guys are the guinea pigs for this new</p> <p>20 approach.</p> <p>21 A. See, we don't like that word. We like</p> <p>22 pilot test.</p> <p>23 Q. Pilots. The pioneers?</p> <p>24 A. That's right.</p> <p>25 Q. All right. Well, and to some extent,</p>

<p style="text-align: right;">144</p> <p>1 we're all kind of figuring out how to make this</p> <p>2 work.</p> <p>3 A. Absolutely.</p> <p>4 Q. I think it's -- you know, what you guys</p> <p>5 have all done so far is -- has the potential to be</p> <p>6 like a win, win, win for everybody, so I'm hoping</p> <p>7 that it does go forward in that way.</p> <p>8 Here's my -- here's what I will say to you</p> <p>9 guys as -- as sort of the people with the most --</p> <p>10 or the organization with the most to gain and lose</p> <p>11 in this. If ultimately what you've come -- paid</p> <p>12 for, basically the offsets and the mitigation,</p> <p>13 doesn't happen and there aren't results that can be</p> <p>14 shown from it, then I anticipate the next time Game</p> <p>15 and Fish will -- there's an application, Game and</p> <p>16 Fish will come with more concerns. And so I think</p> <p>17 it would be easy for a company to kind of get in</p> <p>18 the middle of this, be like, okay, now it's up to</p> <p>19 Department of Ag, but it's not. I mean, they are</p> <p>20 implementing this. But to the extent that they</p> <p>21 don't do it in a way that addresses the concerns of</p> <p>22 this project that you have mitigated, then it isn't</p> <p>23 going to work. So I would encourage your company</p> <p>24 to stay very close with Game and Fish -- or with</p> <p>25 Game and Fish and with Ag and make sure that this</p>	<p style="text-align: right;">146</p> <p>1 Thank you.</p> <p>2 THE WITNESS: Thank you.</p> <p>3 ALJ DAWSON: Commissioner Christmann.</p> <p>4 EXAMINATION</p> <p>5 BY COMMISSIONER CHRISTMANN:</p> <p>6 Q. Well, I'll begin right there with that --</p> <p>7 A. Okay.</p> <p>8 Q. -- MOU --</p> <p>9 A. Okay.</p> <p>10 Q. -- business. I was confused and I noticed</p> <p>11 it's parsing words, but as the commissioner from</p> <p>12 Oklahoma used to say at every single SPP meeting,</p> <p>13 words matter. So you testified today, as I</p> <p>14 understood you, that you have executed this MOU.</p> <p>15 However, on December 19th, the memo that you filed</p> <p>16 with us said that you expect to execute the MOU,</p> <p>17 and then on December 29th the Ag Commissioner filed</p> <p>18 with us and said that over the next few months more</p> <p>19 detailed and tailored mitigation plans will be</p> <p>20 developed. So I don't know. Is there an MOU or is</p> <p>21 there just kind of a plan for maybe, hopefully in</p> <p>22 the not too distant future possibly getting done an</p> <p>23 MOU?</p> <p>24 A. I commend the Commissioner on catching a</p> <p>25 typo because I caught that same typo, because it</p>
<p style="text-align: right;">145</p> <p>1 is transparent, how this money is being used,</p> <p>2 what's being done, that you can show results that</p> <p>3 everybody can see, okay, yeah, this worked. And,</p> <p>4 like I said, I'm hopeful that it is much improved</p> <p>5 from the past, that it benefits landowners, that it</p> <p>6 benefits the Game and Fish in their work and it</p> <p>7 benefits you guys with more certainty and that it</p> <p>8 all can be just like the right path forward. But I</p> <p>9 do think that everyone is going to have to stay</p> <p>10 engaged and not be like, okay, that's done. We'll,</p> <p>11 you know, move forward on to the next one.</p> <p>12 Then I would also hope -- like, do you get</p> <p>13 a report or what kind of reporting is going to be</p> <p>14 included in this?</p> <p>15 A. So far we have not discussed any kind of</p> <p>16 reporting or feedback. Like I said, it's been very</p> <p>17 collaborative and there's been a high level of</p> <p>18 communication thus far, so I anticipate that going</p> <p>19 forward.</p> <p>20 COMMISSIONER FEDORCHAK: Okay. Well, and</p> <p>21 I'll talk with our staff to see if there's any sort</p> <p>22 of a reporting mechanism that would be appropriate</p> <p>23 for us to include in the order and that could help</p> <p>24 trigger that kind of ongoing discussions.</p> <p>25 All right. I think that's it for me.</p>	<p style="text-align: right;">147</p> <p>1 did say in the memo it's expected to be executed</p> <p>2 when in fact it already had been executed before we</p> <p>3 submitted that. So, yes, that is a typo. The MOU</p> <p>4 has been executed with Department of Ag. And I</p> <p>5 believe in the -- let me make sure I'm referring to</p> <p>6 your comments on the Department of Ag's letter.</p> <p>7 Let me just make sure I'm understanding that.</p> <p>8 That's Exhibit 8 or docket number 15, if I've got</p> <p>9 that right. Do I have that right?</p> <p>10 Q. It's a letter that was written December</p> <p>11 29th.</p> <p>12 A. Okay.</p> <p>13 Q. And it's our docket number 15 for the wind</p> <p>14 farm, 17 for the transmission line.</p> <p>15 A. And then what statement were you</p> <p>16 referencing?</p> <p>17 Q. The very -- well, the second to the last</p> <p>18 paragraph. It says, "Over the next few months more</p> <p>19 detailed and tailored mitigation plans will be</p> <p>20 developed." That tells me it's not really done.</p> <p>21 A. So that is referencing more the details</p> <p>22 and specifics on the exact mitigation projects that</p> <p>23 the Department of Ag is developing, I believe. I</p> <p>24 did not prepare this letter, but that's how I</p> <p>25 interpret that. The MOU had been executed by that</p>

<p style="text-align: right;">148</p> <p>1 point.</p> <p>2 Q. Have you ever been updated, are you</p> <p>3 familiar with the previous NextEra wind farm from</p> <p>4 quite a number of years ago now where the voluntary</p> <p>5 mitigation plan that NextEra chose to enter proved</p> <p>6 to be quite unpopular with some of the legislators?</p> <p>7 A. That predates my time at NextEra.</p> <p>8 Q. So I'll just tell you that there was one</p> <p>9 and we took a lot of heat over it and we didn't</p> <p>10 even have anything -- it was NextEra's voluntary</p> <p>11 mitigation plan. That's really the start of this</p> <p>12 whole law where you work with the Ag Commissioner.</p> <p>13 So I guess my question is so that we're</p> <p>14 not caught unsurprised -- we're not caught</p> <p>15 surprised if later someone doesn't like whatever</p> <p>16 gets done and we don't even know what it was. We</p> <p>17 just know that there was an MOU. So have you or</p> <p>18 will you file the MOU with us so we know what it</p> <p>19 says?</p> <p>20 A. Absolutely. We're prepared to file the</p> <p>21 MOU with you -- MOU with the Commission.</p> <p>22 COMMISSIONER CHRISTMANN: That will be a</p> <p>23 late-filed exhibit then?</p> <p>24 MS. FUREY: Yes, Commissioner.</p> <p>25 COMMISSIONER CHRISTMANN: Thank you.</p>	<p style="text-align: right;">150</p> <p>1 your plan or county commission has to approve your</p> <p>2 plan or whether there's no approval. Has there</p> <p>3 been anything documented in the case that I'm</p> <p>4 missing about -- you know, often in cases we will</p> <p>5 have something where how their developer is</p> <p>6 requiring the contractors to clean up the equipment</p> <p>7 traversing from one land --</p> <p>8 A. We have that noxious weed plan prepared so</p> <p>9 we can continue to work with the counties and then</p> <p>10 submit what the counties approve or decide.</p> <p>11 Q. I would like along the way an update of,</p> <p>12 A, whether either -- either a county weed board or</p> <p>13 a county commission approval of a weed control plan</p> <p>14 is necessary in each county. Some counties require</p> <p>15 it. Some don't. And then if it is, whether you</p> <p>16 have it.</p> <p>17 A. Okay.</p> <p>18 COMMISSIONER CHRISTMANN: I have no other</p> <p>19 questions, Your Honor.</p> <p>20 ALJ DAWSON: Commissioner Haugen-Hoffart.</p> <p>21 COMMISSIONER HAUGEN-HOFFART: Thank you.</p> <p>22 EXAMINATION</p> <p>23 BY COMMISSIONER HAUGEN-HOFFART:</p> <p>24 Q. I think we should do a sound on the blower</p> <p>25 to see how many decibels that is and that would be</p>
<p style="text-align: right;">149</p> <p>1 Q. (COMMISSIONER CHRISTMANN CONTINUING) And</p> <p>2 I want to jump to a different topic. If it got</p> <p>3 discussed, I was looking for paperwork and missed</p> <p>4 it and that is noxious weed control. Are there</p> <p>5 plans in place for noxious weed control under the</p> <p>6 transmission --</p> <p>7 A. Sure. We have prepared a noxious weed</p> <p>8 plan. We've spoken with -- we've worked with the</p> <p>9 Oliver County Weed Board in the past so we</p> <p>10 anticipate that to be an easy transition, a good</p> <p>11 relationship. Mercer County does not have a weed</p> <p>12 board, but we've reached out to them and they said</p> <p>13 that they understand what Oliver County does and</p> <p>14 that as we get closer to construction, they want to</p> <p>15 have conversations on our weed plan and how to best</p> <p>16 implement it.</p> <p>17 Q. With a great detail of respect, I have to</p> <p>18 disagree with you. I believe Mercer County does</p> <p>19 have a weed board --</p> <p>20 A. Oh.</p> <p>21 Q. -- quite an active one.</p> <p>22 A. Okay. That was not what I was informed</p> <p>23 so --</p> <p>24 Q. I do not know whether these two</p> <p>25 counties -- whether like weed board has to approve</p>	<p style="text-align: right;">151</p> <p>1 good comparison to what we're dealing with here.</p> <p>2 But more of just a statement than a</p> <p>3 question. I will echo the other two commissioners'</p> <p>4 points regarding this mitigation and MOU, that this</p> <p>5 is the first time that we're dealing with it and</p> <p>6 it's very important that we get it right. So as we</p> <p>7 move forward, there might be -- I was going to</p> <p>8 state that if this is something that we approve,</p> <p>9 how we can work in the order to follow the money on</p> <p>10 this and, again, to do it right so there's no</p> <p>11 backlash on it. So as we work through this, I</p> <p>12 think we all have to be patient with it, but also</p> <p>13 get to the bottom of it and, I'm going to say,</p> <p>14 follow the money on how we're going to mitigate</p> <p>15 this.</p> <p>16 The other thing -- maybe it's a question,</p> <p>17 but the tree and shrub practices, I know there are</p> <p>18 landowners that are taking down shelterbelts</p> <p>19 because -- for whatever reason, but in this case a</p> <p>20 project is removing shrubs, and how hard is it to</p> <p>21 work with -- I'm just curious -- landowners or</p> <p>22 communities to replace? Do you find it more likely</p> <p>23 that they don't want trees and shrubs replaced and</p> <p>24 then you work with other landowners, do they want</p> <p>25 it, or communities? I'm just wondering what</p>

<p style="text-align: right;">152</p> <p>1 barriers you've come into on tree and shrub.</p> <p>2 A. And, Commissioner, I apologize. I haven't</p> <p>3 had any experience in working with the landowners</p> <p>4 in replacing the trees so stay tuned for that.</p> <p>5 COMMISSIONER HAUGEN-HOFFART: Okay. I</p> <p>6 look forward to that. I'll stay tuned.</p> <p>7 I have no further questions. Thank you.</p> <p>8 THE WITNESS: Thank you.</p> <p>9 ALJ DAWSON: Any redirect?</p> <p>10 MS. FUREY: No, Your Honor, not at this</p> <p>11 time. Thank you.</p> <p>12 ALJ DAWSON: Okay. Well, if there are no</p> <p>13 further questions, we are going to take a small</p> <p>14 break for ten minutes and we'll come back at 20</p> <p>15 minutes after or shortly thereafter. We're at</p> <p>16 recess.</p> <p>17 (Recess taken at 2:10 p.m. and reconvened</p> <p>18 at 2:21 p.m.)</p> <p>19 ALJ DAWSON: We're back on the record.</p> <p>20 Ms. Furey, do you have any other</p> <p>21 witnesses?</p> <p>22 MS. FUREY: No, Your Honor.</p> <p>23 ALJ DAWSON: Commissioner Christmann, were</p> <p>24 there people in the audience that needed to speak</p> <p>25 before the intervenor because of time limitations?</p>	<p style="text-align: right;">154</p> <p>1 Were you here for my previous warnings as</p> <p>2 to perjury?</p> <p>3 MR. KARGES: I was.</p> <p>4 ALJ DAWSON: So you understand what</p> <p>5 perjury is and the penalties for it?</p> <p>6 MR. KARGES: I do.</p> <p>7 DARYN KARGES,</p> <p>8 being first duly sworn, was examined and testified</p> <p>9 as follows:</p> <p>10 ALJ DAWSON: Can you please state your</p> <p>11 name.</p> <p>12 THE WITNESS: Daryn Karges.</p> <p>13 ALJ DAWSON: And did you sign in on the</p> <p>14 sign-in sheet?</p> <p>15 THE WITNESS: Yes, I did.</p> <p>16 ALJ DAWSON: Can you spell your name for</p> <p>17 me?</p> <p>18 THE WITNESS: K-a-r-g-e-s, then Daryn,</p> <p>19 D-a-r-y-n.</p> <p>20 ALJ DAWSON: And where are you from?</p> <p>21 THE WITNESS: We are south of Hazen. Do</p> <p>22 you want an address?</p> <p>23 ALJ DAWSON: Okay. Well, tell the</p> <p>24 commissioners what you need to tell them.</p> <p>25 THE WITNESS: Yes. So I guess I hadn't</p>
<p style="text-align: right;">153</p> <p>1 COMMISSIONER CHRISTMANN: Yes, Your Honor.</p> <p>2 A couple people over lunch had mentioned that they</p> <p>3 had some other work and they're hoping that it was</p> <p>4 going to be maybe right after lunch. I don't know</p> <p>5 if other things have changed, but I thought if we</p> <p>6 could offer that up if someone does have other</p> <p>7 conflicts. It's nice if they can stick around for</p> <p>8 the whole hearing, but if -- rather than completely</p> <p>9 missing them, if we could potentially give them a</p> <p>10 shot here.</p> <p>11 ALJ DAWSON: The intervenor has agreed to</p> <p>12 allow public testimony to go ahead of the</p> <p>13 intervenor just because of the aforementioned</p> <p>14 reasons stated by Commissioner Christmann, because</p> <p>15 some of the speakers had limited time and needed to</p> <p>16 go on to other things today.</p> <p>17 So if there's anyone in particular that</p> <p>18 has public testimony that they'd like to offer and</p> <p>19 they're limited on time, they can come forward and</p> <p>20 we'll receive that now. We'll allow those people</p> <p>21 to speak as well after the intervenors, and I would</p> <p>22 guess the intervenors aren't going to take all that</p> <p>23 long. So it's up to you.</p> <p>24 Are there any people from the public who</p> <p>25 wish to testify? You can come forward, sir.</p>	<p style="text-align: right;">155</p> <p>1 originally planned to speak and then Commissioner</p> <p>2 Fedorchak had asked the representation if all</p> <p>3 nonparticipating landowners had been contacted or</p> <p>4 offered the right to be -- or the right to</p> <p>5 participate. And I would say, no, I have not</p> <p>6 received a contract at all.</p> <p>7 When it was Red Butte Wind Farm, I was</p> <p>8 doing chores and there was a team of environmental</p> <p>9 researchers that was out on my property setting</p> <p>10 flags, and so I went up to them and I said, What</p> <p>11 are you guys doing? And they said, Well, there's</p> <p>12 an underground power line going across the corner</p> <p>13 of your land and we are out doing environmental</p> <p>14 research for this. And I said, No, there's been</p> <p>15 absolutely no contract signed. They haven't even</p> <p>16 contacted me yet and you guys are officially</p> <p>17 trespassing so you can get off my property until I</p> <p>18 have a contract.</p> <p>19 So then I contacted the representation for</p> <p>20 Red Butte and they came out and paid me \$3,500 to</p> <p>21 not sue them for trespassing. And then I said, I</p> <p>22 am not necessarily opposed to this project, but you</p> <p>23 cannot come on my property without a signed lease</p> <p>24 agreement. And they said they would get that to</p> <p>25 me, and then they never did.</p>

156

1 Obviously it's been a white since Red
 2 Butte was in control of this. But we have not been
 3 contacted at all to date or had the option to even
 4 refuse this. So that's pretty much all I have to
 5 say.
 6 ALJ DAWSON: Miss Furey, do you have any
 7 questions?
 8 MS. FUREY: No, Your Honor.
 9 ALJ DAWSON: Mr. Pranis?
 10 MR. PRANIS: No, Your Honor.
 11 ALJ DAWSON: Mr. Johnson?
 12 **EXAMINATION**
 13 **BY MR. JOHNSON:**
 14 Q. If I asked you on that map over there to
 15 point out where your property was, would you be
 16 able to do that?
 17 A. Yes. It's Section 24. I always forget
 18 the range, but it's the rectangular piece. I took
 19 a picture of the map here. Hang on. Be 200 acres
 20 on Section 24, be the southwest quarter and an 80.
 21 It runs right along Brady Creek.
 22 Q. Would you mind going over and pointing it
 23 out so the commissioners can see where it is?
 24 A. [Witness indicates.]
 25 Q. So I guess the best description would be

157

1 top of the map of the open rectangle. I guess it's
 2 the only fully enclosed open rectangle towards the
 3 top of the project.
 4 MR. JOHNSON: Thank you.
 5 ALJ DAWSON: Commissioner Fedorchak.
 6 **EXAMINATION**
 7 **BY COMMISSIONER FEDORCHAK:**
 8 Q. Thank you, Daryn. Appreciate you sticking
 9 around and speaking. So do you have an occupied
 10 residence there?
 11 A. Yes.
 12 Q. You're receptor U145 and R159; do you
 13 know?
 14 A. I'm not sure what receptor I am, but I do
 15 know we live there.
 16 Q. You didn't know you had a number
 17 associated with your house. It wasn't your
 18 address. Okay. Well, and that was one that we've
 19 talked about because you have, you know, in terms
 20 of the nonparticipating landowners, the sound
 21 levels there are among the highest, just under the
 22 threshold of 45, so that one jumped out at me.
 23 Okay. Well, are you interested in
 24 visiting with the company and open to that?
 25 A. I am open to it, yes. I just -- you know,

158

1 I have yet to see a lease so I don't know what
 2 stipulations there would be --
 3 Q. Right.
 4 A. -- or anything. They truly have just -- I
 5 haven't seen a lease. I do understand the sound
 6 level. If you don't mind me talking a little bit
 7 about that, we rent ground from a landlord that
 8 has -- well, there's over five. I'm not quite sure
 9 how many he actually has on his property. But
 10 looking at that map and seeing where that tower is
 11 in relation to the prevailing northwest winds, when
 12 you're downwind from these things, they are quite
 13 loud.
 14 And so our residence would be somewhat
 15 downwind from that quite consistently.
 16 Q. Right.
 17 A. So that makes sense. But the only thing
 18 that I can understand about us being an uninhabited
 19 is that we used to live in a farmhouse that was
 20 built in the '20s and then we built a new house on
 21 the place. And I did let the surveyors come on and
 22 take a housing location, just a verbal agreement to
 23 let them take our location for that purpose, the
 24 sound and also the environmental location, but we
 25 have never moved off and we built a new house on

159

1 the same spot.
 2 Q. Sometimes if there's -- you know, there's
 3 two -- there's two residences here, one is occupied
 4 clearly and then the other they're saying might be,
 5 so I don't know if you have --
 6 A. There's only one residency there now. The
 7 old house we demolished.
 8 Q. Sometimes these surveys come from
 9 satellite imagery that is a little outdated. So
 10 not saying that it was. Well, I'm glad that you
 11 attended and we can clear up at least what's
 12 happening with that block of nonparticipating and
 13 we don't get involved at all in the easements with
 14 the -- or the negotiations whatsoever.
 15 A. Sure.
 16 Q. But hopefully the company will reach out
 17 to you if you're interested and you can go from
 18 there. So thanks for coming, Daryn.
 19 A. That would be nice.
 20 ALJ DAWSON: Commissioner Christmann.
 21 **EXAMINATION**
 22 **BY COMMISSIONER CHRISTMANN:**
 23 Q. So as I'm looking at this -- I don't know
 24 how closely you looked at that when you pointed it
 25 out.

<p style="text-align: right;">160</p> <p>1 A. Yes.</p> <p>2 Q. So it looks like probably within about a</p> <p>3 mile you have two turbines to the west, two to the</p> <p>4 east, one to the southwest, one to the southeast</p> <p>5 and one to the northeast, so you're kind of</p> <p>6 surrounded there.</p> <p>7 A. We are right in the middle, yes. I -- we</p> <p>8 rent some of that ground that they will be located</p> <p>9 on so I'm familiar with the terrain there and also</p> <p>10 where they were drilling their soil sample well, so</p> <p>11 I'm assuming I kind of know where they're going to</p> <p>12 be located.</p> <p>13 Q. So even though you're not by this plan</p> <p>14 hosting one, you are certainly going to be living</p> <p>15 within as much or more than a lot of people who are</p> <p>16 actually hosting one on their property; correct?</p> <p>17 A. Yes.</p> <p>18 Q. It looks like both the unoccupied number</p> <p>19 and the R159 show 44 decibels so just one notch</p> <p>20 under the limit.</p> <p>21 A. Correct. Leaves might be 35 decibels when</p> <p>22 they rustle in the wind, but I have yet to hear a</p> <p>23 group of leaves a half a mile away, and you can</p> <p>24 hear these turbines on a very windy day a half a</p> <p>25 mile away.</p>	<p style="text-align: right;">162</p> <p>1 as follows:</p> <p>2 ALJ DAWSON: Can you state your name for</p> <p>3 the record.</p> <p>4 THE WITNESS: Lonnie Henke.</p> <p>5 ALJ DAWSON: Can you spell it for me?</p> <p>6 THE WITNESS: L-o-n-n-i-e H-e-n-k-e.</p> <p>7 ALJ DAWSON: Did you sign in?</p> <p>8 THE WITNESS: Yes.</p> <p>9 ALJ DAWSON: And where are you from?</p> <p>10 THE WITNESS: Hanover.</p> <p>11 ALJ DAWSON: You can tell the</p> <p>12 commissioners what you want to tell them.</p> <p>13 THE WITNESS: I wanted to say something</p> <p>14 about this project and I wrote it down so I didn't</p> <p>15 babble my words. It's very positive. Get my</p> <p>16 reading glasses here.</p> <p>17 I farm and ranch northwest of Hanover and</p> <p>18 part of the NextEra wind farm will be located on</p> <p>19 the land I operate. I fully support this project,</p> <p>20 and the landlords and neighbors I work with have</p> <p>21 expressed their support for the project as well.</p> <p>22 NextEra personnel have been easy to work with in my</p> <p>23 experience.</p> <p>24 I would also like to point out that the</p> <p>25 way compensation is paid to landowners in the</p>
<p style="text-align: right;">161</p> <p>1 COMMISSIONER CHRISTMANN: I don't have any</p> <p>2 other questions. Thank you for staying longer than</p> <p>3 you hoped.</p> <p>4 EXAMINATION</p> <p>5 BY COMMISSIONER HAUGEN-HOFFART:</p> <p>6 Q. Daryn, I just have one question. You</p> <p>7 might have said it and I didn't hear it. How long</p> <p>8 have you lived on that property?</p> <p>9 A. I believe I purchased the property in</p> <p>10 2002. It might be 2001, but, yeah, I've lived</p> <p>11 there since then.</p> <p>12 COMMISSIONER HAUGEN-HOFFART: Okay. Thank</p> <p>13 you. That's all I had.</p> <p>14 ALJ DAWSON: If there are no further</p> <p>15 questions, and I see none, you may step down.</p> <p>16 THE WITNESS: Thank you. Thank you,</p> <p>17 Commissioners.</p> <p>18 ALJ DAWSON: Are there any other? Please</p> <p>19 come forward.</p> <p>20 You were here for my previous warnings as</p> <p>21 to perjury so you understand what perjury is and</p> <p>22 the penalties for it?</p> <p>23 MR. HENKE: Yes.</p> <p>24 LONNIE HENKE,</p> <p>25 being first duly sworn, was examined and testified</p>	<p style="text-align: right;">163</p> <p>1 project is very fair and done in a way to promote</p> <p>2 harmony in the community. That is that every</p> <p>3 landowner in the project, even ones without a wind</p> <p>4 turbine, get a portion of the compensation. I</p> <p>5 would further like to state that I hope this</p> <p>6 compensation model is followed in any area of the</p> <p>7 state where a wind farm is built in the future. It</p> <p>8 is fair and promotes harmony between neighbors and</p> <p>9 participants, and I'm excited to be part of the</p> <p>10 energy industry in western Oliver County.</p> <p>11 ALJ DAWSON: Are there any questions from</p> <p>12 you, Ms. Furey?</p> <p>13 MS. FUREY: No, Your Honor.</p> <p>14 ALJ DAWSON: Mr. Pranis?</p> <p>15 MR. PRANIS: No.</p> <p>16 ALJ DAWSON: Mr. Johnson?</p> <p>17 MR. JOHNSON: No, Your Honor.</p> <p>18 ALJ DAWSON: Commissioner Fedorchak?</p> <p>19 EXAMINATION</p> <p>20 BY COMMISSIONER FEDORCHAK:</p> <p>21 Q. Absolutely. Thank you, Lonnie, for being</p> <p>22 here. Appreciate it. Even without the elk, I knew</p> <p>23 you'd be man of your word.</p> <p>24 A. Thank you.</p> <p>25 Q. I agree with you. I think that this model</p>

<p style="text-align: right;">164</p> <p>1 that the company is using to offer payment to</p> <p>2 everyone within the footprint is the right one and</p> <p>3 it definitely helps. This hasn't been the way it</p> <p>4 always has been. It's evolved over time.</p> <p>5 Now, with Daryn coming forward and having</p> <p>6 not been contacted, and he's kind of right in the</p> <p>7 middle, it gives me a little concern that has</p> <p>8 everybody had a chance. Have you heard of anybody</p> <p>9 else or -- like can we be sure that everyone has</p> <p>10 had the chance to be part of this project?</p> <p>11 A. I can only say from my landlords and the</p> <p>12 neighbors that I talk to regularly, yes.</p> <p>13 Q. Yeah. Okay.</p> <p>14 A. I don't know how else to answer that. I</p> <p>15 sure wouldn't know for everybody else.</p> <p>16 COMMISSIONER FEDORCHAK: Right. Well,</p> <p>17 public comment isn't over yet so maybe others will</p> <p>18 come forward or maybe not. Maybe it's just an</p> <p>19 outlier. But, regardless, thank you for being</p> <p>20 here, Lonnie. Appreciate it.</p> <p>21 ALJ DAWSON: Commissioner Christmann.</p> <p>22 EXAMINATION</p> <p>23 BY COMMISSIONER CHRISTMANN:</p> <p>24 Q. I'll preface it by saying that, Lonnie,</p> <p>25 I'm glad I'm not the only one who's evolved to the</p>	<p style="text-align: right;">166</p> <p>1 COMMISSIONER FEDORCHAK: Yeah. So he's</p> <p>2 probably 105 or 157.</p> <p>3 Q. (COMMISSIONER CHRISTMANN CONTINUING) Kind</p> <p>4 of by that -- do you see R157, that little purple</p> <p>5 and white circle?</p> <p>6 COMMISSIONER HAUGEN-HOFFART: Those aren't</p> <p>7 there, Randy.</p> <p>8 ALJ DAWSON: Miss Furey.</p> <p>9 MS. FUREY: Yeah, I can direct you. If</p> <p>10 you wouldn't mind, see that binder that's directly</p> <p>11 right in front of you?</p> <p>12 THE WITNESS: Yes.</p> <p>13 MS. FUREY: Do you want to turn to tab 15.</p> <p>14 There's going to be some charts and you're going to</p> <p>15 want to flip past those charts, the map at the back</p> <p>16 there.</p> <p>17 THE WITNESS: Okay.</p> <p>18 MS. FUREY: The commissioners are asking</p> <p>19 you to identify what you think, you know, where</p> <p>20 your circle -- your respective circle that would,</p> <p>21 you know, potentially represent your residence is</p> <p>22 located.</p> <p>23 THE WITNESS: It looks like 107 and 106,</p> <p>24 the right one.</p> <p>25 MS. FUREY: They thought maybe 105 by</p>
<p style="text-align: right;">165</p> <p>1 readers since our old days.</p> <p>2 Did you look at the map close enough to</p> <p>3 tell me your residence number at the place where</p> <p>4 you center your operation out of? Not all your</p> <p>5 landlords but --</p> <p>6 A. No. I could do it real fast.</p> <p>7 Q. Can you come up here and find it? It's</p> <p>8 like an R100 kind of a number.</p> <p>9 A. Top is north; correct?</p> <p>10 Q. Correct.</p> <p>11 A. Where is the Hanover road at? Hanover.</p> <p>12 We're right here and there's no numbers on these</p> <p>13 red dots.</p> <p>14 COMMISSIONER FEDORCHAK: Like 105 and 157</p> <p>15 maybe, it looks like.</p> <p>16 ALJ DAWSON: Who said that?</p> <p>17 COMMISSIONER CHRISTMANN: Are there</p> <p>18 like -- is there a turbine number close by it that</p> <p>19 you could say it's just the one to the north of --</p> <p>20 THE WITNESS: 34.</p> <p>21 COMMISSIONER CHRISTMANN: What's that?</p> <p>22 THE WITNESS: 34.</p> <p>23 COMMISSIONER FEDORCHAK: Is that to the</p> <p>24 east?</p> <p>25 THE WITNESS: 34 is to the east.</p>	<p style="text-align: right;">167</p> <p>1 turbine 34 because you had previously --</p> <p>2 ALJ DAWSON: 157.</p> <p>3 MS. FUREY: 157.</p> <p>4 THE WITNESS: It says 157 and 105, yes.</p> <p>5 MS. FUREY: Okay.</p> <p>6 COMMISSIONER CHRISTMANN: Okay.</p> <p>7 THE WITNESS: Yeah, that's correct.</p> <p>8 Q. (COMMISSIONER CHRISTMANN CONTINUING) So</p> <p>9 the land just to the west of you there is that</p> <p>10 boxed-out area that apparently is a nonparticipant,</p> <p>11 that's not yours then?</p> <p>12 A. Is that a quarter? Yeah, that is not my</p> <p>13 land.</p> <p>14 COMMISSIONER CHRISTMANN: Okay. No other</p> <p>15 questions. Thanks, Lonnie.</p> <p>16 ALJ DAWSON: Commissioner Haugen-Hoffart?</p> <p>17 COMMISSIONER HAUGEN-HOFFART: Lonnie,</p> <p>18 thank you so much for coming and testifying. I</p> <p>19 have to say it's nice to listen to someone and they</p> <p>20 used the word "harmony" twice. So it's good to</p> <p>21 hear that there are some things that work really</p> <p>22 well. So, again, thank you for coming. I have no</p> <p>23 questions for you.</p> <p>24 ALJ DAWSON: You may step down.</p> <p>25 Could you raise your hand if you're in the</p>

<p style="text-align: right;">168</p> <p>1 audience and plan on testifying? Okay. We've got 2 fiveish. Okay. Do you mind if we -- we'll 3 continue with public testimony until it's done. 4 Please come forward. 5 You were here for my previous warnings as 6 to perjury so you understand what perjury is and 7 the penalties for it? 8 MR. UECKER: I do. 9 COLE UECKER, 10 being first duly sworn, was examined and testified 11 as follows: 12 ALJ DAWSON: Can you state your name for 13 me. 14 THE WITNESS: Cole Uecker. 15 ALJ DAWSON: Spell it. 16 THE WITNESS: U-e-c-k-e-r. 17 ALJ DAWSON: Did you sign in? 18 THE WITNESS: I did. 19 ALJ DAWSON: You can begin your testimony. 20 THE WITNESS: Thank you. My name is Cole 21 Uecker. I'm a business representative with the 22 International Union of Operating Engineers with 23 Local 49. Local 49 is a labor union which 24 represents heavy equipment operators and mechanics 25 in North Dakota as well as South Dakota and</p>	<p style="text-align: right;">170</p> <p>1 conversations with the contractor that will be 2 doing this project, they would like to go forward 3 doing it nonunion. That means many of the jobs 4 will likely go to out-of-state workers. With the 5 new tax credits available to project developers, 6 there is no excuse for the benefits of this project 7 to be going to -- for them not to be going to local 8 North Dakota workers. 9 If the project goes union, not only does 10 Local 49 approve it, but we would also staff it 11 with local help. If the project continues to lean 12 on a nonunion and using out-of-state help, we would 13 encourage the Commission to deny the permit 14 application. 15 ALJ DAWSON: Miss Furey? 16 MS. FUREY: No questions, Your Honor. 17 ALJ DAWSON: Mr. Pranis? 18 MR. PRANIS: I appreciate the comments and 19 no questions. 20 ALJ DAWSON: Mr. Johnson? 21 MR. JOHNSON: No, Your Honor. 22 ALJ DAWSON: Commissioner Fedorchak? 23 EXAMINATION 24 BY COMMISSIONER FEDORCHAK: 25 Q. Thank you, Cole. Appreciate you being</p>
<p style="text-align: right;">169</p> <p>1 Minnesota. Our members perform work on a wide 2 array of energy infrastructure construction and 3 maintenance projects, including coal plants, 4 natural gas plants, pipelines, renewables. 5 We support an all-of-the-above approach to 6 energy infrastructure with one important caveat. 7 Infrastructure should be built safely by skilled 8 local workers who are paid a living wage for their 9 work. This project will put over 300 men and women 10 to work. Sorry. This project will put over 300 11 men and women to work. If the project does go 12 nonunion, these 300 jobs will go to travelers, not 13 local help. The small communities in this area 14 have depended on and fed their families on energy 15 projects that have taken place here in the past 40 16 years. 17 When it comes to using union trades, 18 studies have shown that safety and productivity 19 have increased dramatically. A good example is 20 with our local trades in this state where we are 21 accustomed to taking an OSHA safety class every 22 three years, whereas a nonunion traveler from out 23 of state does not have the repetitive training as 24 the trade men and women that live in this area. 25 Unfortunately, based on Local 49's</p>	<p style="text-align: right;">171</p> <p>1 here. 2 I fully agree with your emphasis on the 3 local workers and in-state labor. Help me 4 understand how -- are there -- is there a limit to 5 the amount of labor -- nonunion labor available 6 locally to make that connection that if they don't 7 use union, it will be out of state? Or help me 8 understand that. 9 A. So with our experience in dealing with the 10 contractor that got the project, or others like 11 this contractor, the workforce in this area -- 12 projects that take place in this area are usually 13 manned from places like Center, Stanton, Washburn, 14 Wilton, those areas. Well, those people either 15 married up with jobs in the local power plants or 16 like Falkirk and the mining industry, and so if 17 they're not with these areas, they are usually part 18 of a union labor force that are waiting to be put 19 to work from us on projects like this. And so 20 there isn't a whole lot of nonunion sitting in 21 Center and the surrounding towns waiting for a 22 phone call, is what I'm getting at. 23 Q. Got it. 24 A. Make sense? Did I answer it? 25 Q. Yep. Has the contractor already been</p>

<p style="text-align: right;">172</p> <p>1 selected for this project?</p> <p>2 A. Yes.</p> <p>3 Q. Are you comfortable with it?</p> <p>4 A. At this time we are not. We have worked</p> <p>5 with that contractor in the past and they did go</p> <p>6 union and we provided the manpower for the project</p> <p>7 and safely completed the project. And going</p> <p>8 forward on this particular project, they decided</p> <p>9 to, as we understand it, go nonunion, which means</p> <p>10 they bring most of their help, from our</p> <p>11 understanding, from places like Oklahoma and Texas</p> <p>12 and the southeastern part of the country.</p> <p>13 COMMISSIONER FEDORCHAK: All right. Thank</p> <p>14 you, Cole. Appreciate it.</p> <p>15 ALJ DAWSON: Commissioner Christmann?</p> <p>16 COMMISSIONER CHRISTMANN: I think I was</p> <p>17 beaten to my question, so thank you for being here,</p> <p>18 though, Cole.</p> <p>19 ALJ DAWSON: Commissioner Haugen-Hoffart?</p> <p>20 COMMISSIONER HAUGEN-HOFFART: Thank you,</p> <p>21 Cole, for participating, but I have no questions.</p> <p>22 ALJ DAWSON: Thank you. You may step</p> <p>23 down.</p> <p>24 THE WITNESS: Thank everybody for your</p> <p>25 time.</p>	<p style="text-align: right;">174</p> <p>1 there would be housing issues. I mean, if you're</p> <p>2 concerned about that, I'm not sure. But that's</p> <p>3 about all I have to say, I guess.</p> <p>4 ALJ DAWSON: Miss Furey?</p> <p>5 MS. FUREY: No questions.</p> <p>6 ALJ DAWSON: Mr. Pranis?</p> <p>7 EXAMINATION</p> <p>8 BY MR. PRANIS:</p> <p>9 Q. Thanks, Jessie. Can I ask you, do you</p> <p>10 feel like there's enough skilled labor to help</p> <p>11 support this project among people who have been</p> <p>12 working in energy -- various kinds of energy in</p> <p>13 this area?</p> <p>14 A. I do, yes.</p> <p>15 Q. Thanks. And would you be supportive of</p> <p>16 the project if NextEra and the contractor</p> <p>17 prioritized working with local skilled workforce to</p> <p>18 put folks to work on this project?</p> <p>19 A. Definitely.</p> <p>20 MR. PRANIS: Thank you very much.</p> <p>21 ALJ DAWSON: Mr. Johnson?</p> <p>22 MR. JOHNSON: No, Your Honor.</p> <p>23 ALJ DAWSON: Commissioner Fedorchak?</p> <p>24</p> <p>25</p>
<p style="text-align: right;">173</p> <p>1 ALJ DAWSON: Is there any other public</p> <p>2 testimony? Please come forward.</p> <p>3 You were here for my previous warnings as</p> <p>4 to perjury so you understand what perjury is and</p> <p>5 the penalties for it?</p> <p>6 MS. SMITH: Yes I do.</p> <p>7 ALJ DAWSON: You may begin.</p> <p>8 JESSIE SMITH,</p> <p>9 being first duly sworn, was examined and testified</p> <p>10 as follows:</p> <p>11 THE WITNESS: My name is Jessie Smith.</p> <p>12 I'm with Local 563, the Laborers Union. We're out</p> <p>13 of Bismarck, North Dakota. I'm a resident of</p> <p>14 Oliver County and I've been with this union for 25</p> <p>15 years.</p> <p>16 I would also -- like Cole was saying,</p> <p>17 would like this project to go union. We do have</p> <p>18 safety regulations that the nonunion people, you</p> <p>19 know, are not qualified. They just don't -- they</p> <p>20 don't follow regulations like the union does. And</p> <p>21 I would just like to reiterate that, you know, our</p> <p>22 -- we are local, we would like the local work. We</p> <p>23 would like to, you know, keep everything local.</p> <p>24 And, you know, if it does come down to having</p> <p>25 nonunion workers out here, there -- I would say</p>	<p style="text-align: right;">175</p> <p>1 EXAMINATION</p> <p>2 BY COMMISSIONER FEDORCHAK:</p> <p>3 Q. Thank you, Jessie. So if I may ask,</p> <p>4 what's your skill? What's your trade?</p> <p>5 A. I'm a laborer.</p> <p>6 Q. Okay.</p> <p>7 A. So I would help the other trades just get</p> <p>8 their job done. I would make their job more</p> <p>9 efficient, I guess, you know, just like -- I guess</p> <p>10 I'm a helper-of-all-trades.</p> <p>11 Q. Jack-of-all-trades. Have you worked on</p> <p>12 wind farms in the past?</p> <p>13 A. I have not, but my husband has.</p> <p>14 Q. Okay. Any of the ones that are around</p> <p>15 here?</p> <p>16 A. Yes. He worked at the one outside of New</p> <p>17 Salem. I'm not sure which one that was, but it was</p> <p>18 for Michels -- the company Michels.</p> <p>19 Q. There is a fair amount of energy</p> <p>20 development still going on in North Dakota. You</p> <p>21 mentioned to Kevin that you felt like there's still</p> <p>22 a strong pool of workers. Could there be any</p> <p>23 shortages that could be a concern?</p> <p>24 A. If there would be, we're able to pool our</p> <p>25 resources and, you know, make a call in for other</p>

176

1 union workers out of the area and have them, you
 2 know, come in and support us in the job.
 3 COMMISSIONER FEDORCHAK: Got it. Okay.
 4 Thank you.
 5 ALJ DAWSON: Commissioner Christmann?
 6 COMMISSIONER CHRISTMANN: I don't think I
 7 have any questions, Jessie, but thank you for being
 8 here.
 9 But I do want to say, Your Honor, I'm a
 10 little concerned -- I requested that we open up the
 11 public testimony, and Mr. Pranis, who went through
 12 the trouble of intervening on behalf of LIUNA in
 13 the case and is an intervenor participant in the
 14 case, I'm concerned if we go into the labor issues
 15 before he's had a chance to present his case in the
 16 way that he wanted to. So I guess I was thinking
 17 of more some of the ag producers and stuff. So if
 18 labor side of it needs to get going -- I don't know
 19 how you want to handle that. I'm concerned about
 20 upending Mr. Pranis's case. He's been so
 21 respectful and helpful to us.
 22 ALJ DAWSON: Commissioner Haugen-Hoffart?
 23 COMMISSIONER HAUGEN-HOFFART: Jessie,
 24 thank you for being here. I have no questions.
 25 ALJ DAWSON: As soon as the public

177

1 testimony -- you may step down.
 2 As soon as the public testimony portion of
 3 this is over, the intervenor, Mr. Pranis here, will
 4 be able to call witnesses that he has provided
 5 testimony from ahead of time.
 6 So especially if you're within the
 7 footprint or near the footprint of the wind farm,
 8 this is your time to speak, so please come forward.
 9 I'll also add that I'll allow for public
 10 testimony after the intervenor speaks as well, so
 11 this isn't a one time and you're done for people
 12 that are waiting from LIUNA.
 13 Were you here for my previous warnings as
 14 to perjury?
 15 MS. OPP: Yes, I was.
 16 ALJ DAWSON: So you understand what
 17 perjury is and the penalties for it?
 18 MS. OPP: Yes, I do.
 19 **JOELENE OPP,**
 20 being first duly sworn, was examined and testified
 21 as follows:
 22 ALJ DAWSON: Can you state your name into
 23 the microphone for me.
 24 THE WITNESS: Joeline Opp, J-o-e-l-e-n-e
 25 O-p-p.

178

1 ALJ DAWSON: Did you sign in?
 2 THE WITNESS: Yes.
 3 ALJ DAWSON: You may begin your testimony.
 4 THE WITNESS: Well, we're neighbors to
 5 Lonnie Henke and we do not agree with where one of
 6 the wind turbines is supposed to be put so close to
 7 our property there. And we left a message for him
 8 stating that to re- -- if he would reconsider that.
 9 So he did know that there was neighbors that
 10 weren't all good with it.
 11 So we're concerned that it's too close,
 12 that we're high up on a hill where we live and
 13 that's a higher elevation as well, that's just
 14 kitty-corner from us. It's to the west. And that
 15 when sun or anything is, it's going to be all of
 16 that, but then all that noise. And from where our
 17 farm is there -- I've lived there 57 years and I
 18 have kids and grandkids, and I got it passed from
 19 my grandpa to my dad to me and I wanted to have it
 20 for my kids and my grandkids.
 21 Well, what we're going to see now is a
 22 huge wind turbine, and you're not going to see the
 23 sunset at all. There won't be nothing like that no
 24 more at all because that wind turbine is going to
 25 be there and it's going to be big because we're

179

1 high up so then that's high up as well, and they're
 2 big to begin with.
 3 So from our vantage point from our home
 4 and stuff and our yard, you will not see the sunset
 5 or anything like that. There won't be anything
 6 like that anymore. We've lived out there, too,
 7 like I said, 57 years, and I wanted to pass it on
 8 to my kids and my grandkids. And if that's what
 9 they're going to have, what do they really want it
 10 for because then we're going to have one of his to
 11 the south of us, too, and just other ones are going
 12 to be really close. I think the sound of that
 13 alone is going to be problematic for us as well as
 14 the location of it.
 15 We've asked if somebody would reconsider
 16 or move it. There's cropland to the south of the
 17 other farm that's there as well. There's cropland
 18 that would be back further and that would be out of
 19 that area there, right there for us. And we ask
 20 that somebody would consider that.
 21 ALJ DAWSON: Miss Furey?
 22 MS. FUREY: No questions.
 23 ALJ DAWSON: Mr. Pranis?
 24 MR. PRANIS: No, Your Honor.
 25 ALJ DAWSON: Mr. Johnson?

<p style="text-align: right;">180</p> <p>1 MR. JOHNSON: No, Your Honor.</p> <p>2 ALJ DAWSON: Commissioner Fedorchak?</p> <p>3 EXAMINATION</p> <p>4 BY COMMISSIONER FEDORCHAK:</p> <p>5 Q. Okay. Thank you, Joelene. Sorry to do</p> <p>6 this, but I'm trying to decide, are you south of</p> <p>7 where Lonnie Henke is?</p> <p>8 A. Right.</p> <p>9 Q. Okay. So --</p> <p>10 A. We're that little corner that you guys</p> <p>11 were talking about before.</p> <p>12 Q. Yeah. RO97 is your receptor, I'm</p> <p>13 guessing.</p> <p>14 A. Yeah. We didn't --</p> <p>15 Q. In that book there do you want to turn to</p> <p>16 15, in that one. Tab 15, then two sheets back is a</p> <p>17 map -- three sheets back from that.</p> <p>18 A. You said map 15?</p> <p>19 Q. Tab 15, yeah.</p> <p>20 A. Tab 15.</p> <p>21 Q. Then there's -- a few pages back is a map.</p> <p>22 There you go. You got to open it up. There.</p> <p>23 RO97, is that you? I'm on the bottom center.</p> <p>24 Because we determined that Lonnie was right</p> <p>25 about -- near that.</p>	<p style="text-align: right;">182</p> <p>1 about would be number 23, straight to the west of</p> <p>2 you?</p> <p>3 A. Yes. Yes.</p> <p>4 Q. I see. And your thought is that it could</p> <p>5 be done away with or moved which direction? South?</p> <p>6 A. It's just kitty-corner. It will be just</p> <p>7 kitty-corner from us.</p> <p>8 Q. Right. But you had a solution, I thought.</p> <p>9 A. I had what?</p> <p>10 Q. A solution, someplace that it could be</p> <p>11 better.</p> <p>12 A. We didn't know if -- there's cropland to</p> <p>13 the south of where Casey Blum lives, and that's</p> <p>14 Lonnie Henke's cropland, too, and if that could</p> <p>15 just be moved then there, because it would be</p> <p>16 setting about as far back as what it is now.</p> <p>17 Q. Mm-hmm.</p> <p>18 A. But then it wouldn't be so close to our</p> <p>19 residence and we wouldn't get all that noise and</p> <p>20 that flicking and we could maybe see a sunset yet</p> <p>21 in our lifetime.</p> <p>22 Q. So -- okay. Well, thank you, Joelene.</p> <p>23 Have you been approached by the company to</p> <p>24 participate?</p> <p>25 A. We got the letter about this meeting and</p>
<p style="text-align: right;">181</p> <p>1 A. We're to the south of that. So I can't</p> <p>2 really find it here.</p> <p>3 Q. I think it's a blue and white receptor,</p> <p>4 blue and white circle.</p> <p>5 A. If you have it there, I'm sure that's what</p> <p>6 it is. I can't really make out from this map</p> <p>7 what -- here's 21st Street, so I know that.</p> <p>8 ALJ DAWSON: Please talk into the</p> <p>9 microphone. I can't hear you.</p> <p>10 THE WITNESS: I can't -- I can't make out</p> <p>11 for sure where it's at here, but --</p> <p>12 ALJ DAWSON: There's white boxes with</p> <p>13 numbers in them at the top. If you look at the</p> <p>14 center and just RO97 or R97.</p> <p>15 THE WITNESS: Right here?</p> <p>16 ALJ DAWSON: Is that you?</p> <p>17 THE WITNESS: This is the number?</p> <p>18 MS. FUREY: It would be number RO97,</p> <p>19 they're asking is that representative of where you</p> <p>20 live? Would that be you?</p> <p>21 THE WITNESS: Yes.</p> <p>22 Q. (COMMISSIONER FEDORCHAK CONTINUING) Okay.</p> <p>23 A. Sorry it took so long. I'm sorry.</p> <p>24 Q. And you're worried -- so on that map, if</p> <p>25 you'd look at that, the turbine you're worried</p>	<p style="text-align: right;">183</p> <p>1 then I called the courthouse and they gave the</p> <p>2 Commission number to call and say that I wasn't</p> <p>3 happy about this. So then about a few days ago,</p> <p>4 then we got a message on our machine from a</p> <p>5 representative and then we got -- then he called</p> <p>6 back on Saturday and then said, you know, who he</p> <p>7 was with. Then we said that we were really</p> <p>8 disturbed about where this wind turbine is supposed</p> <p>9 to be put and if anybody could help us with it</p> <p>10 because we didn't sign up, we don't have</p> <p>11 compensation for it, and we don't want compensation</p> <p>12 for it, but we didn't sign up for this, but then</p> <p>13 our whole property -- and, you know, for our kids,</p> <p>14 I could just as well -- just gone.</p> <p>15 Q. Yeah.</p> <p>16 A. But then as far as where Lonnie is, none</p> <p>17 of his -- where his place is and stuff there, he</p> <p>18 doesn't have any of the turbines right by him, so</p> <p>19 he's going to get this insurance on the land he has</p> <p>20 now or what he farms, but all his neighbors have to</p> <p>21 deal with it. He doesn't.</p> <p>22 Q. Well, and that's the whole idea of the</p> <p>23 compensation for people who are --</p> <p>24 A. There isn't a compensation when you have</p> <p>25 family land like that and you can't even have a</p>

<p style="text-align: right;">184</p> <p>1 view to look out anymore, but that's all you see</p> <p>2 right up -- right there.</p> <p>3 Q. Yeah, I hear you.</p> <p>4 A. You know, there isn't compensation for</p> <p>5 that because that's going to be 50 years. And</p> <p>6 would any of you want that? I don't think you</p> <p>7 would. If there would be a solution where maybe</p> <p>8 they could move that turbine. We're not saying</p> <p>9 take all the turbines away.</p> <p>10 Q. Right.</p> <p>11 A. We're just saying that that turbine -- so</p> <p>12 that turbine doesn't go there.</p> <p>13 Q. Well, Joelene, I'm really glad you came</p> <p>14 today and expressed your concerns and some of your</p> <p>15 solutions. If the company meets the requirements</p> <p>16 of the setbacks, the sound and those sorts of</p> <p>17 things, we can't tell them they have to move that</p> <p>18 turbine, but they a lot of times try to accommodate</p> <p>19 landowners and concerns and work something out and</p> <p>20 at least compensate those who are impacted. So I</p> <p>21 hope that the company will visit with you and see</p> <p>22 and what can be worked out.</p> <p>23 A. Could I ask a question? Who determines</p> <p>24 where the turbines go? Does the landowner or does</p> <p>25 the company?</p>	<p style="text-align: right;">186</p> <p>1 there's a lot of issues that come into being</p> <p>2 where -- you know, to determine exactly where these</p> <p>3 turbines are placed, but I think you're on the path</p> <p>4 to -- you know, you've expressed your concerns.</p> <p>5 You want to be cooperative. Hopefully the company</p> <p>6 will work with you on that.</p> <p>7 THE WITNESS: I hope so.</p> <p>8 COMMISSIONER FEDORCHAK: So thank you for</p> <p>9 being here.</p> <p>10 ALJ DAWSON: Commissioner Christmann?</p> <p>11 EXAMINATION</p> <p>12 BY COMMISSIONER CHRISTMANN:</p> <p>13 Q. Joelene, I'm not quoting here, but my</p> <p>14 recollection is that Ms. Brown, the previous</p> <p>15 NextEra witness, I believed she indicated that they</p> <p>16 have a meeting scheduled with you next week.</p> <p>17 A. What now?</p> <p>18 Q. I believe she indicated that NextEra has a</p> <p>19 meeting scheduled with you next week. Do you</p> <p>20 dispute that or disagree with that?</p> <p>21 A. Sarah?</p> <p>22 Q. NextEra, the company.</p> <p>23 A. Oh, NextEra. Oh, Kurt Reuther, he just</p> <p>24 told us today that he would come out on Wednesday</p> <p>25 or whatever.</p>
<p style="text-align: right;">185</p> <p>1 Q. It's a combination. It's a negotiation.</p> <p>2 And then the state has a role to play, too, you</p> <p>3 know, because there's certain areas that they can't</p> <p>4 be and they have to meet all the criteria for the</p> <p>5 state, too. So it's kind of a big negotiation, I</p> <p>6 think.</p> <p>7 A. Where we were determining that cropland</p> <p>8 just to the south is still his cropland. You know,</p> <p>9 if all the other ones were okay with that, it just</p> <p>10 wouldn't be as close to our residence. That way we</p> <p>11 wouldn't have to deal with that. You know, that it</p> <p>12 would be just a little bit further away, just a</p> <p>13 little bit to the south, you know, about a half a</p> <p>14 mile or whatever, and he would still have his wind</p> <p>15 turbine.</p> <p>16 Q. Well, I appreciate your cooperative spirit</p> <p>17 and I hope that --</p> <p>18 A. I hope somebody helps us because people</p> <p>19 that have lived here their our whole life and then</p> <p>20 somebody else that can come in and then just put</p> <p>21 something there because, okay, now we own this</p> <p>22 parcel of land so this is what we're going to do no</p> <p>23 matter how it impacts you or your kids or your</p> <p>24 grandkids. And then --</p> <p>25 COMMISSIONER FEDORCHAK: Like I said,</p>	<p style="text-align: right;">187</p> <p>1 Q. Okay.</p> <p>2 A. And he's, I guess, with that company, to</p> <p>3 see where it's going to be at and, you know,</p> <p>4 proximity and stuff because we really -- it's not</p> <p>5 good where it's going to be at. Not for us anyway.</p> <p>6 Q. So you do have that set up so that --</p> <p>7 A. He just did that when we were sitting back</p> <p>8 there and he just -- just today now.</p> <p>9 COMMISSIONER CHRISTMANN: Okay. Thank</p> <p>10 you. No other questions. Appreciate you being</p> <p>11 here.</p> <p>12 ALJ DAWSON: Commissioner Haugen-Hoffart?</p> <p>13 COMMISSIONER HAUGEN-HOFFART: I don't have</p> <p>14 any questions, but thank you for being here,</p> <p>15 Joelene.</p> <p>16 THE WITNESS: Thank you. I hope somebody</p> <p>17 can help us.</p> <p>18 ALJ DAWSON: Thank you. You may step</p> <p>19 down.</p> <p>20 THE WITNESS: Thank you.</p> <p>21 ALJ DAWSON: Any further testimony from</p> <p>22 people in or near the footprint?</p> <p>23 You were here for my previous warnings as</p> <p>24 to perjury, so you understand what perjury is and</p> <p>25 the penalties for it?</p>

188

1 MS. HELBLING: Yes.

2 **JANET HELBLING,**

3 being first duly sworn, was examined and testified

4 as follows:

5 ALJ DAWSON: Would you state your name and

6 spell it for me.

7 THE WITNESS: Janet Helbling, J-a-n-e-t

8 H-e-l-b-l-i-n-g.

9 ALJ DAWSON: And where are you from?

10 THE WITNESS: Hanover. Well, north of

11 Hanover.

12 ALJ DAWSON: You may tell the Commission

13 what you would like them to hear.

14 THE WITNESS: I guess we've -- we've been

15 involved with this project of NextEra's since the

16 beginning, clear back to Red Butte, and we've been

17 extremely happy with NextEra. And we've had a few

18 concerns that we've discussed with them and came to

19 acceptable terms, as far as things like moving a

20 road to the edge of a field instead of down the

21 middle of a field and things like that. And I just

22 wanted to express that we've been so impressed by

23 them, we call them, they call us back; we've got an

24 issue, it gets taken care of.

25 And as far as the tax base for Oliver

189

1 County, I think it's going to be a true blessing

2 for this community.

3 ALJ DAWSON: Miss Furey?

4 MS. FUREY: Thank you. No questions.

5 ALJ DAWSON: Mr. Pranis?

6 MR. PRANIS: No, Your Honor.

7 ALJ DAWSON: Mr. Johnson?

8 MR. JOHNSON: No, Your Honor.

9 ALJ DAWSON: Commissioner Fedorchak?

10 COMMISSIONER FEDORCHAK: I don't. Thank

11 you, Janet.

12 ALJ DAWSON: Commissioner Christmann?

13 **EXAMINATION**

14 **BY COMMISSIONER CHRISTMANN:**

15 Q. I think you said you're north of Hanover?

16 A. Correct.

17 Q. How far about?

18 A. Four miles.

19 Q. Four. And then are you right along the

20 highway or are you into the west a ways?

21 A. We're right to the west of the highway --

22 or excuse me -- the east of the highway, but our

23 quarter of land that crossed to the west of 31 has

24 a tower on it. And then we've got other property

25 that goes further west.

190

1 COMMISSIONER CHRISTMANN: Thank you.

2 ALJ DAWSON: Commissioner Haugen-Hoffart?

3 COMMISSIONER HAUGEN-HOFFART: No

4 questions, but thank you for being here.

5 ALJ DAWSON: Please sign the sign-in sheet

6 there if you haven't. I don't see you on the one I

7 have, so please do that and you may step down.

8 The next person who wishes to testify may

9 come forward, and I see a gentleman over there.

10 MR. KINDSVOGEL: My name is Jayar

11 Kindsvogel. I'd just like to drop off a written

12 statement.

13 ALJ DAWSON: You can sit down for a

14 second.

15 MR. KINDSVOGEL: As a local business

16 owner --

17 ALJ DAWSON: And did you sign the sign-in

18 sheet?

19 MR. KINDSVOGEL: No, I have not.

20 ALJ DAWSON: You can sign it when you're

21 done, please. Jayar Kindsvogel. Can you spell

22 that for me?

23 MR. KINDSVOGEL: First name is J-a-y-a-r.

24 Last name is K-i-n-d-, as in dog, s-v-, as in

25 victor, o-g-e-l.

191

1 ALJ DAWSON: And you were here for my

2 previous warnings as to perjury so you understand

3 what perjury is and the penalties for it?

4 MR. KINDSVOGEL: Yes.

5 **JAYAR KINDSVOGEL,**

6 being first duly sworn, was examined and testified

7 as follows:

8 ALJ DAWSON: I will take your statement,

9 but it's better if you just sum it up or read it or

10 say a little bit of something about it.

11 THE WITNESS: I do -- I own Center

12 Machine, Incorporated, here in Center. I do a lot

13 of work with NextEra. They are extremely

14 professional, courteous. All their employees that

15 I've dealt with have been a pleasure to work with.

16 And I hope this works out for them.

17 ALJ DAWSON: Miss Furey?

18 MS. FUREY: Thank you. No questions.

19 ALJ DAWSON: Mr. Pranis?

20 MR. PRANIS: No questions.

21 ALJ DAWSON: Mr. Johnson?

22 MR. JOHNSON: No, Your Honor.

23 ALJ DAWSON: Commissioner Fedorchak?

24 COMMISSIONER FEDORCHAK: I don't, but

25 thank you, Jayar, for being here.

192

1 THE WITNESS: Thank you.
 2 ALJ DAWSON: Commissioner Christmann?
 3 COMMISSIONER CHRISTMANN: I do not think I
 4 do. I just will say it's great to see people
 5 operating businesses in small North Dakota
 6 communities. So thank you.
 7 THE WITNESS: Thank you.
 8 ALJ DAWSON: Commissioner Haugen-Hoffart?
 9 COMMISSIONER HAUGEN-HOFFART: No
 10 questions, but thank you for being here.
 11 ALJ DAWSON: Did you read your statement
 12 or do you want me to take it?
 13 THE WITNESS: No, I did not. I can bring
 14 it to you.
 15 ALJ DAWSON: Does anyone need to see this
 16 or may I enter it into evidence? Seeing no --
 17 MS. FUREY: No objection. I assume that
 18 it's written on behalf of Jayar or his company?
 19 ALJ DAWSON: Yep, it's from Jayar. He
 20 signed it. It's his.
 21 MS. FUREY: Thank you, Your Honor. No
 22 objection.
 23 ALJ DAWSON: With that, I'll enter it into
 24 the record as -- I'll give it a number later.
 25 Would the next person wanting to testify

193

1 please come forward.
 2 I'm going to give it No. 22 and it's been
 3 marked and admitted. Is that yours? Do you have
 4 22?
 5 MS. FUREY: Yes, Your Honor.
 6 ALJ DAWSON: You have 22?
 7 MS. FUREY: No.
 8 ALJ DAWSON: Your last number is 21?
 9 MS. FUREY: Yes, 21.
 10 ALJ DAWSON: I just didn't want to double
 11 up.
 12 MS. FUREY: We're good with 22.
 13 ALJ DAWSON: Hello. You were here for my
 14 previous admonitions as to perjury, so you
 15 understand what it is and the penalties for it?
 16 MR. SCHMIDT: Yes, I do.
 17 **RICK SCHMIDT,**
 18 being first duly sworn, was examined and testified
 19 as follows:
 20 ALJ DAWSON: And your name?
 21 THE WITNESS: My name is Rick Schmidt,
 22 R-i-c-k S-c-h-m-i-d-t.
 23 ALJ DAWSON: And you signed in?
 24 THE WITNESS: Yes. It should be the last
 25 name on one of those sheets --

194

1 ALJ DAWSON: Okay.
 2 THE WITNESS: -- if that helps you.
 3 ALJ DAWSON: There you are. You're from
 4 Center?
 5 THE WITNESS: Yes.
 6 ALJ DAWSON: You may begin your testimony.
 7 THE WITNESS: Thank you. Actually just
 8 representing a few different entities here from
 9 within Oliver County. I was actually on the school
 10 board when the first Oliver wind farm came into
 11 Oliver County, and I knew all of the nuances that
 12 when you bring in a new entity into a community all
 13 the things that we had to go through.
 14 So starting back in 2006, we basically
 15 went through a lot of this and what the tax
 16 implications might mean to a community. And I
 17 would say that even over the years since 2007 the
 18 group that's proposing the Oliver IV has been
 19 probably the -- I'm going to say by far the most
 20 professional and more -- most out in the public and
 21 talking about what their true vision is about the
 22 projects they're bringing forward.
 23 I've also been a lifelong resident of the
 24 county, and I'm not here to speak of any financial
 25 interests. I'm right on the edge of a lot of the

195

1 wind development in the community, and so it's not
 2 like I'm talking about personal financial gain in
 3 any way. But as a person that's worked with
 4 basically the positive impacts that a wind farm
 5 will bring into a community, I feel that the Oliver
 6 wind farm is a great addition to our community.
 7 I did write a statement here earlier that
 8 I submitted to you, but I think when you get into
 9 small communities and our tax revenue becomes very,
 10 very small, I think when you have opportunities to
 11 bring entities like this in, it truly makes it a
 12 huge impact to the way that we can function from a
 13 county standpoint, from a school standpoint.
 14 Like I said, I've been on the board now at
 15 the school for 20-some years, I've been an employee
 16 of the State of North Dakota here in Oliver County
 17 for over 30 years, and I've seen how this has
 18 developed and what it's actually meant to our
 19 community. So I really think it's going to be a
 20 great addition here to Oliver County.
 21 ALJ DAWSON: Miss Furey?
 22 MS. FUREY: No questions. Thank you.
 23 ALJ DAWSON: Mr. Pranis?
 24 MR. PRANIS: No, Your Honor.
 25 ALJ DAWSON: Mr. Johnson?

<p style="text-align: right;">196</p> <p>1 MR. JOHNSON: No, Your Honor.</p> <p>2 ALJ DAWSON: Commissioner Fedorchak?</p> <p>3 EXAMINATION</p> <p>4 BY COMMISSIONER FEDORCHAK:</p> <p>5 Q. Thank you, Rick. First of all, thanks for</p> <p>6 teaching my husband all about weeds and chemicals</p> <p>7 to kill them.</p> <p>8 Secondly, so thank you for coming forward</p> <p>9 kind of with a broader perspective on this</p> <p>10 development of wind in your county. How many</p> <p>11 different facilities do you guys have -- wind</p> <p>12 facilities from different entities?</p> <p>13 A. Well, this will be Oliver IV.</p> <p>14 Q. But are there other companies you're</p> <p>15 dealing with, I guess?</p> <p>16 A. Actually when they first started, it was</p> <p>17 Florida Power & Light. There's been a lot of</p> <p>18 transitions over the years, but I know that they</p> <p>19 all kind of work together and they all have the</p> <p>20 same vision in mind of what they bring to a</p> <p>21 community.</p> <p>22 Q. So NextEra is the only operator you have</p> <p>23 here really of the -- in the wind industry?</p> <p>24 A. Yeah. If I understand it correctly,</p> <p>25 that's possibly true, yeah.</p>	<p style="text-align: right;">198</p> <p>1 like that.</p> <p>2 The one thing I would say that's extremely</p> <p>3 positive about NextEra is the fact that just</p> <p>4 through conversations they're a believer in the</p> <p>5 energy industry as much as they are the wind energy</p> <p>6 industry. Oliver County is first noted for coal.</p> <p>7 We consider this to be coal country, but I think</p> <p>8 that the ability to work together with those</p> <p>9 entities is extremely positive because they're not</p> <p>10 just basically selling their product. They're</p> <p>11 basically here to promote the energy industry.</p> <p>12 So from, you know, a perspective of</p> <p>13 whether the community is in favor of it, I would</p> <p>14 say that the vast majority of people are. And if I</p> <p>15 can be blunt, the people that aren't are the ones</p> <p>16 that have it right next to them and they're not</p> <p>17 getting paid. I'm just going to say that's the</p> <p>18 reality behind it. What it means for, you know,</p> <p>19 revenue for farmers and keeping them in business, I</p> <p>20 think, you know, it's all -- it's all a positive.</p> <p>21 Q. Good. And then how are the red light --</p> <p>22 the red light mitigation, how is that working since</p> <p>23 you see it? Are they off ever?</p> <p>24 A. You know, I think it's one of those</p> <p>25 things. If you live by an airport, they're always</p>
<p style="text-align: right;">197</p> <p>1 Q. Okay.</p> <p>2 A. I know it's changed from Florida Power &</p> <p>3 Light to Minnesota Power and there's been a lot of,</p> <p>4 you know, juggling. I've actually had a really</p> <p>5 close working relationship with the NextEra group.</p> <p>6 I would say this group of people that I've had to</p> <p>7 work with have been extremely professional and very</p> <p>8 enjoyable to work with.</p> <p>9 Q. And your sense of the community's</p> <p>10 support -- you know, the economic impact is one</p> <p>11 thing. How about just generally, the impact of</p> <p>12 having wind industry and, you know, the towers, the</p> <p>13 sight, the sound, all of that? How do you think</p> <p>14 that's settled in?</p> <p>15 A. I think a lot of it is learning it. I've</p> <p>16 actually -- where my farm is at is about two miles</p> <p>17 from the closest wind tower. I actually go out and</p> <p>18 do a lot of land inspections and so I'm right up</p> <p>19 close to the wind towers from time to time. I</p> <p>20 think a lot of it is -- you know, you'll get used</p> <p>21 to it. I know some people might not like the view</p> <p>22 of it, but whatever. You know, there's</p> <p>23 conversations, you can look out your back door and</p> <p>24 some people might not like a power plant, too. I</p> <p>25 mean, there's just -- it's all relative and things</p>	<p style="text-align: right;">199</p> <p>1 blinking, too. It's just kind of a reality of</p> <p>2 having that part of the industry here. It doesn't</p> <p>3 bother me one way or another.</p> <p>4 Q. Have you noticed it going down, less --</p> <p>5 that there's less red lights? Because they should</p> <p>6 be off most of the time.</p> <p>7 A. I think when they first come out, when you</p> <p>8 drive east of Oliver County, you can see the</p> <p>9 blinking lights over in Burleigh County, you know,</p> <p>10 McLean County. And so when they first come in, I</p> <p>11 would say that they were very evident. At this</p> <p>12 time I don't -- I don't notice them near as much so</p> <p>13 maybe it's just that I'm getting used to it, too.</p> <p>14 COMMISSIONER FEDORCHAK: Sure. All right.</p> <p>15 Thank you.</p> <p>16 ALJ DAWSON: Commissioner Christmann?</p> <p>17 EXAMINATION</p> <p>18 BY COMMISSIONER CHRISTMANN:</p> <p>19 Q. I will just say I think some of those</p> <p>20 original like Oliver I and II were not subject to</p> <p>21 the ADLS requirement, were they? They're all</p> <p>22 blinking this morning.</p> <p>23 So my question, though, for you is, you</p> <p>24 had mentioned the NextEra ones. But like the Bison</p> <p>25 wind farms to the southwest of Hannover are also in</p>

<p style="text-align: right;">200</p> <p>1 Oliver County; correct?</p> <p>2 A. Most of them are, yeah.</p> <p>3 Q. And then they're going to be doing a late</p> <p>4 filing, but you might know the answer and beat them</p> <p>5 to it and depending on the answer, I might have</p> <p>6 some questions. I asked previously about</p> <p>7 whether -- between Mercer and Oliver whether either</p> <p>8 or both required approval of weed mitigation plans</p> <p>9 by either a weed board or by the county commission.</p> <p>10 Do you know whether Oliver has a requirement to</p> <p>11 sign off on it or just that they have one or what?</p> <p>12 A. They don't require it. There's another</p> <p>13 entity that is bringing a project into Oliver</p> <p>14 County that made the initiative to give the weed</p> <p>15 board their plan on what their management is going</p> <p>16 to be on weed control and management. But they're</p> <p>17 not required to do that under -- under the Oliver</p> <p>18 County Weed Control Association.</p> <p>19 I would say that, you know, basically the</p> <p>20 way that I run that program is that it's the</p> <p>21 responsibility of a landowner to maintain noxious</p> <p>22 weed control no matter if it's an entity like</p> <p>23 NextEra or, you know, a farmer. It doesn't make</p> <p>24 any difference. If we see a problem, we definitely</p> <p>25 notify them and require them to take care of it.</p>	<p style="text-align: right;">202</p> <p>1 COMMISSIONER HAUGEN-HOFFART: Okay. So</p> <p>2 that's the only question I have, but I want to say</p> <p>3 thank you to you for all your service you do to the</p> <p>4 community, especially serving on the school board</p> <p>5 and all those. So thank you.</p> <p>6 THE WITNESS: Thank you.</p> <p>7 ALJ DAWSON: Thank you. You may down.</p> <p>8 THE WITNESS: I never get that comment</p> <p>9 about serving on the weed board, though. So thank</p> <p>10 you.</p> <p>11 ALJ DAWSON: Is there any further public</p> <p>12 testimony? I see a man in the back coming forward.</p> <p>13 You were here for my previous warnings as</p> <p>14 to perjury, so you understand what perjury is and</p> <p>15 the penalties for it?</p> <p>16 MR. KESSLER: Yes, Your Honor.</p> <p>17 KEITH KESSLER,</p> <p>18 being first duly sworn, was examined and testified</p> <p>19 as follows:</p> <p>20 ALJ DAWSON: Would you state your name and</p> <p>21 spell it.</p> <p>22 THE WITNESS: Keith Kessler, K-e-i-t-h</p> <p>23 K-e-s-s-l-e-r.</p> <p>24 ALJ DAWSON: Did you sign in?</p> <p>25 THE WITNESS: No, I did not.</p>
<p style="text-align: right;">201</p> <p>1 COMMISSIONER CHRISTMANN: No other</p> <p>2 questions. Thanks, Rick. Good to see you.</p> <p>3 THE WITNESS: Thank you.</p> <p>4 ALJ DAWSON: Commissioner Haugen-Hoffart?</p> <p>5 EXAMINATION</p> <p>6 BY COMMISSIONER HAUGEN-HOFFART:</p> <p>7 Q. Rick, in what capacity have you worked</p> <p>8 with NextEra?</p> <p>9 A. Basically I would say that they were --</p> <p>10 they made the initiative to come and talk about</p> <p>11 what would be an asset to our community. At that</p> <p>12 capacity it was up with the fair board and I would</p> <p>13 say they've been tremendous sponsors of running</p> <p>14 that event, our 4-H program. They've been --</p> <p>15 they're coming and asking us what can they do to</p> <p>16 support the community, and I find that rather</p> <p>17 refreshing. Instead of us having to go out and</p> <p>18 find people, they're coming to us.</p> <p>19 And so I serve on a lot of different</p> <p>20 boards, but I will tell you that they have been a</p> <p>21 tremendous supporter of a lot of our -- whether</p> <p>22 it's the school, fair board, 4-H council, or even</p> <p>23 the community in general, they've been tremendous</p> <p>24 about stepping forward and wanting to be a part of</p> <p>25 the community.</p>	<p style="text-align: right;">203</p> <p>1 ALJ DAWSON: Please do before you leave.</p> <p>2 You can wait until you're done. You may present</p> <p>3 your testimony.</p> <p>4 THE WITNESS: Well, I have a couple</p> <p>5 questions, but I don't know who to ask them to, I</p> <p>6 guess, as far as these wind projects, and this one</p> <p>7 in particular, as far as where the power is going.</p> <p>8 I wasn't here right away this morning. I watched</p> <p>9 it on my phone as we were at a medical facility.</p> <p>10 But, anyway, my understanding is this</p> <p>11 power is not staying here, it goes out, there's --</p> <p>12 Verizon is buying the power. They're not building</p> <p>13 anything new in our area. So we are putting 73</p> <p>14 towers in an area and the power is all leaving.</p> <p>15 And this county, yeah, I hear a lot about it's</p> <p>16 going to bring money into the county, it's tax</p> <p>17 dollars, it's revenue, it's all this. That part is</p> <p>18 fine and dandy. But the county roads that get</p> <p>19 worked over and the shortage of gravel like Randy</p> <p>20 said earlier.</p> <p>21 These roads get beat up enough with the</p> <p>22 local traffic and then you start hauling cranes in</p> <p>23 at 30 semis for a big crane and they're going to</p> <p>24 haul all their aggregate in. And then after the</p> <p>25 main construction is done, the maintenance on these</p>

<p style="text-align: center;">204</p> <p>1 towers. Over by us the wind -- they told us when 2 we're all in here, you're going to have better 3 roads. Well, that's not what happened. We have 4 worse roads. It puts a burden on the county 5 because they don't have enough to keep up with all 6 the extra maintenance. And they drive too fast, 7 they drive -- there's three guys working on a wind 8 tower maintenance and there's three vehicles there. 9 So it's a lot of extra traffic. It's created some 10 issues in a lot of the areas. 11 And with that power not staying here, 12 that's the thing. So if there's places that need 13 this power, I would prefer they put these wind 14 towers in their backyard so we don't all have to 15 look at them and export everything. And I 16 understand about what it's bringing to the county, 17 but it's going to cost the county a lot of money 18 also. 19 Another one of my views is there's -- what 20 are they going to do with the blades? How are they 21 going to recycle them? Where are they going put 22 them? There's hundreds of them already sitting in 23 the county for years that have not been taken care 24 of. So we're adding to that. Where are they going 25 to store them? I mean, there's landfills that</p>	<p style="text-align: center;">206</p> <p>1 doorstep and there's a lot of days there aren't 2 many of them turning. And when it's cold, none of 3 them turn for days on end. So we have to have 4 alternative power to cover that. 5 So those are a lot of issues we are 6 dealing with. And right now I can only look to the 7 north and not see any wind towers. And once this 8 is in, I'll be looking at them every direction. 9 And the blinking lights, they don't go away. I 10 have to shut the curtains on my big, nice picture 11 window to watch television at night. Otherwise, 12 it's all you see, red lights. 13 And the shadows. As far as shadows go, I 14 want to touch a little bit more on that. Certain 15 times -- it's not just your yard. For us you're 16 out in the hayfield certain times of the morning, 17 you're raking hay. My wife can't deal with it. 18 She gets vertigo or whatever she has and she has to 19 leave the hayfield. So there I sit alone. I 20 cannot -- and those towers are not on our property, 21 but those towers will shadow a half a mile plus 22 into my land. And I have to deal with them. I 23 don't get paid anything for it. So those are 24 things that need to be dealt with. 25 And as far as this permit, yeah, they have</p>
<p style="text-align: center;">205</p> <p>1 don't want them. There's a lot of issues that come 2 in. It's not just the revenue that the county is 3 going to take in. There's a lot of things we have 4 to look at. 5 These models as far as noise and shadow 6 flicker, I personally have proved both of those 7 modelings in our area wrong because they had 8 modelings at 45, 50 decibel -- under 50 decibels. 9 And we've had them over 90 at our doorstep. The 10 shadows the same way. They said, oh, these 11 shadows, 17 hours or 18 hours, whatever the number 12 is, and they come in over that. 13 And in our case we filed a complaint with 14 the company. In their easement, in their siting 15 they're supposed to deal with it immediately. It 16 doesn't happen. 17 So those are concerns and buyer beware as 18 far as the landowners' right in this project, 19 because there's things that show up afterwards that 20 you don't even think of. 21 Those are some of my points, concerns. 22 Yeah, there's good points to this thing, but to me 23 there's more negative that outweighs the good. And 24 there's a lot of wind towers in Oliver County 25 already. At my place I can see 34 of them from my</p>	<p style="text-align: center;">207</p> <p>1 it in there for the setback, but the setbacks 2 within the county and the state are not adequate to 3 protect the citizens of the county or the state. 4 There's research out there from doctors, 5 scientists, all these specialists, and they say 6 there's counties in Wisconsin that they won't even 7 look at a siting like this. They're not allowed 8 because they say they are dangerous and hazardous 9 to human health, animal health if you live within 10 ten miles of that tower. And the long-term effects 11 of these things, we don't even know what they are. 12 So those are my buyer beware for everybody 13 that's involved in this. And the getting rid of 14 blades and everything, I really would like to know 15 what they're going to do with those. They get to 16 be an eyesore just as much laying on the ground 17 stacked up as they do in the air turning. Thank 18 you. 19 ALJ DAWSON: Miss Furey? 20 EXAMINATION 21 BY MS. FUREY: 22 Q. Just a couple brief questions. Can you 23 please just describe where you reside? I may have 24 missed it earlier, but I don't think you previously 25 stated that.</p>

<p style="text-align: right;">208</p> <p>1 A. I live in the western part of Oliver 2 County. 3 Q. And then so just to clarify, are you 4 located within the wind project boundary or -- 5 A. No. 6 Q. -- immediately adjacent? 7 MS. FUREY: Okay. Thank you. No further 8 questions, Your Honor. 9 ALJ DAWSON: Mr. Pranis? 10 MR. PRANIS: No questions, Your Honor. 11 ALJ DAWSON: Mr. Johnson? 12 MR. JOHNSON: No, Your Honor. 13 ALJ DAWSON: Commissioner Fedorchak? 14 EXAMINATION 15 BY COMMISSIONER FEDORCHAK: 16 Q. Thank you, Keith, for being here. 17 Appreciate you sharing your thoughts. 18 A couple questions. Have you expressed 19 your concerns to the locals in the permitting 20 process? Were you involved in that process at all? 21 A. As far as local landowners? 22 Q. No. So the county has a conditional use 23 permit they approved. There was a public process 24 for, you know, involvement with the citizens on 25 that, concerns. Your local leaders voted</p>	<p style="text-align: right;">210</p> <p>1 plan for reclaiming, including the disposal of the 2 blades. And so we've really -- we probably have 3 some of the most significant wind reclamation 4 requirements and laws in the whole country thanks 5 to Commissioner Christmann. 6 And then -- let's see here. Shoot, lost 7 my train of thought. But I do appreciate you 8 showing up today and sharing your experience 9 because I know you have -- 10 Oh, I was going to ask you. Are you a 11 participant in any of the wind facilities around? 12 Do you participate in any of them? You said you 13 aren't in this one, but are you a participant in 14 other wind projects? 15 A. We had in the past, not by choice. 16 COMMISSIONER FEDORCHAK: Okay. All right. 17 Thank you, Keith. Appreciate it. 18 ALJ DAWSON: Commissioner Christmann? 19 EXAMINATION 20 BY COMMISSIONER CHRISTMANN: 21 Q. Yeah, I'm really intrigued by your 22 comments about disposal because -- thanks, Julie, 23 but the one flaw in our system is that we've never 24 been given any staff. And so like if someone is 25 not disposing of things properly, we would only</p>
<p style="text-align: right;">209</p> <p>1 unanimously for the conditional use permit for 2 this. Were you involved in that? Did you express 3 your concerns there, I guess? 4 A. No, I did not. I missed that because I 5 didn't see where it was -- you know, other than 6 going on the internet site for the county and 7 keeping up with the agendas, that's about the only 8 avenue I have to find those meetings and I missed 9 it. Once I -- I didn't know about it until 10 afterwards. 11 Q. Yeah. All right. You mentioned the 12 counties in Wisconsin. In North Dakota on wind 13 development, the state defers to the counties. You 14 can set whatever standards you want and if you 15 don't want wind development, you can set your laws 16 accordingly and we defer to you. So that's up to 17 each county to decide what the citizens there want 18 in terms of development or setbacks or anything 19 else. 20 Regarding the reclamation, and I'll let 21 Randy talk a little bit more about this because 22 he's really spearheaded the reclamation program, 23 but there are significant standards in place before 24 the company can even turn over a single shovel of 25 dirt that will require them to have the money and a</p>	<p style="text-align: right;">211</p> <p>1 know about it if someone tells us. And then part 2 of that is kind of on the Department of 3 Environmental Quality which oversees landfills and 4 such, so kind of complicated and no staffing. 5 Is there a laydown yard in Oliver County 6 of old turbines -- of old blades? 7 A. Yeah, you could call it that. It's just 8 kind of like a farmer's property, yes. It's not a 9 secret around here especially in Center. 10 Q. We should know that at some point or DEQ 11 should because that is not what is supposed to be 12 happening. 13 COMMISSIONER FEDORCHAK: That's true. 14 COMMISSIONER CHRISTMANN: But, like I say, 15 it's not like the coal mines where we have 16 inspectors that go out and make sure things are 17 being done. We rely on reports. 18 Thank you for being here from someone who 19 has experience in the area of a wind farm giving us 20 this information. I appreciate it. 21 THE WITNESS: Thank you for your time. 22 ALJ DAWSON: Commissioner Haugen-Hoffart? 23 COMMISSIONER HAUGEN-HOFFART: I have no 24 questions, but thank you, Keith, for being here. 25 ALJ DAWSON: Thank you. And please sign</p>

<p style="text-align: right;">212</p> <p>1 the sign-in sheet there for me, right next to you</p> <p>2 on your left.</p> <p>3 THE WITNESS: Thank you.</p> <p>4 ALJ DAWSON: Are there any further people</p> <p>5 from the public who wish to testify? Any further</p> <p>6 public testimony?</p> <p>7 I don't see any right now so we'll move on</p> <p>8 to the intervenor. Mr. Pranis, would you like to</p> <p>9 call a witness --</p> <p>10 MR. PRANIS: Yes. Thank you, Your Honor.</p> <p>11 ALJ DAWSON: -- or offer a statement?</p> <p>12 MR. PRANIS: If it's all right with Your</p> <p>13 Honor, I'll call Mr. Cortina and then I'll briefly</p> <p>14 summarize my own research and we'll be done.</p> <p>15 ALJ DAWSON: I know you were here for my</p> <p>16 previous warnings as to perjury, so you understand</p> <p>17 what it is and the penalties for it?</p> <p>18 MR. CORTINA: I do.</p> <p>19 (Witness sworn.)</p> <p>20 ALJ DAWSON: You may proceed.</p> <p>21 MR. PRANIS: Thank you.</p> <p>22 STEVE CORTINA,</p> <p>23 being first duly sworn, was examined and testified</p> <p>24 as follows:</p> <p>25</p>	<p style="text-align: right;">214</p> <p>1 2012 and just helping out my state right now that I</p> <p>2 live in.</p> <p>3 Q. Thanks. And you're here today with a</p> <p>4 number of other members of LIUNA, the laborers</p> <p>5 union, is that correct, dressed in orange?</p> <p>6 A. Yes, I am. As you can see behind me, I</p> <p>7 have just a minute number of members here in North</p> <p>8 Dakota. They worked in the power plants around</p> <p>9 here and other type construction. So they're back</p> <p>10 here just hanging out and listening to what</p> <p>11 upcoming job do they have going on and how can they</p> <p>12 get on it.</p> <p>13 Q. And, Mr. Cortina, what percentage of the</p> <p>14 members in North Dakota would you say have worked</p> <p>15 on energy construction projects?</p> <p>16 A. Here in North Dakota, since I've been in,</p> <p>17 I see -- well, how can I say that? Since I've been</p> <p>18 in, I've seen three wind farms that went union here</p> <p>19 in North Dakota, Sunflower, Tatanka and the one in</p> <p>20 New Salem, I think it is. So a good percentage</p> <p>21 that I've had on those was -- had to be a good 50</p> <p>22 to 70 plus. The ones I've monitored that's been</p> <p>23 bringing the people from Oklahoma and Texas, local</p> <p>24 under 20 percent. I'd say maybe 15 percent.</p> <p>25 Q. And then the coal plant work primarily</p>
<p style="text-align: right;">213</p> <p>1 EXAMINATION</p> <p>2 BY MR. PRANIS:</p> <p>3 Q. Mr. Cortina, could you please provide your</p> <p>4 name and describe your role with the laborers</p> <p>5 union?</p> <p>6 A. My name is Steve Cortina. I am a</p> <p>7 marketing representative for Great Lakes Regional</p> <p>8 Organizing Committee, Local 563 out of North</p> <p>9 Dakota.</p> <p>10 My duties here in North Dakota, I monitor</p> <p>11 projects all over the states. I help dispatch for</p> <p>12 contractors that need that part of our own union,</p> <p>13 signatory with us. I help dispatch, I help</p> <p>14 recruit, I help sign contractors to the union. And</p> <p>15 I just kind of look at all the projects to make</p> <p>16 sure they're doing their job safe.</p> <p>17 Q. Thanks. And can you just briefly describe</p> <p>18 your experience in the wind construction industry?</p> <p>19 A. Sure. Well, I guess I'll start at the</p> <p>20 beginning. Before I joined the laborers union, I</p> <p>21 was the kitchen manager at Applebee's down in</p> <p>22 Bismarck. I said to myself, hey, I need something</p> <p>23 else for me and my wife and my kids. I joined the</p> <p>24 laborers union. I've been a 17-year member of the</p> <p>25 laborers union. I've been a representative since</p>	<p style="text-align: right;">215</p> <p>1 are -- your members you represent work in the coal</p> <p>2 plants in North Dakota; is that correct?</p> <p>3 A. That is correct.</p> <p>4 Q. And what's the -- I mean, in terms of the</p> <p>5 laborers, what's the percentage of local laborers</p> <p>6 from North Dakota working in the coal plants?</p> <p>7 A. 90 percent.</p> <p>8 Q. And is it true that members -- your</p> <p>9 members are currently working on a gas plant for</p> <p>10 Basin Cooperative out near Williston?</p> <p>11 A. Absolutely. So we have -- it's a huge</p> <p>12 project called the Pioneer Generation Plant north</p> <p>13 of Trenton over by Williston, and I have quite a</p> <p>14 bit of laborers up there, have been recruiting up</p> <p>15 there, and they're very satisfied. As of right</p> <p>16 now, I just not too long ago got an email saying</p> <p>17 they want some more people. So my job is to</p> <p>18 dispatch some more people up there. I have one of</p> <p>19 my representatives out there. When they joined the</p> <p>20 union, they don't have projects so --</p> <p>21 Q. And is it correct that the workforce --</p> <p>22 our workforce there is overwhelmingly also North</p> <p>23 Dakota local workers on that gas plant project?</p> <p>24 A. There are -- there's a lot of local people</p> <p>25 that want to get back into construction. The</p>

<p style="text-align: right;">216</p> <p>1 oilfield has been down, it's been up. A lot of 2 people have come out to North Dakota. They see the 3 opportunity. Like people coming from another 4 country, they see the opportunity in America. 5 There's a great opportunity in North Dakota. So 6 they come out here and try to find that job and 7 they can't get in so they work these other jobs. 8 So what we do is kind of talk to people and see if 9 they want to join the union, kind of get theirself 10 in the construction again and they give us a call. 11 We get calls all the time. I wish everybody could 12 work for a union, but that's not the way it works. 13 Q. Mr. Cortina, do you believe that there is 14 capacity with the North Dakota skilled workforce, 15 not just laborers but other trades, to provide the 16 majority of labor on pretty much all of these 17 energy projects that are happening? 18 A. I believe we haven't had no -- no troubles 19 yet finding workforce. And I'm talking about the 20 laborers. I can talk about other crafts also. But 21 I've been going to building trade meetings and talk 22 about their manpower and talk about the projects. 23 I've never heard no excuse of we can't find people 24 at all. When the project comes up, we always find 25 the people.</p>	<p style="text-align: right;">218</p> <p>1 we get a heads-up of what this contractor needs, we 2 can get the training up here. 3 Q. All right. And, Mr. Cortina, what impact 4 would you say that these opportunities for local 5 laborers to get on a big energy project, whether it 6 be a pipeline or a gas plant or a wind, I mean, 7 would you describe those as life-changing 8 opportunities for yourself and other laborers you 9 know? 10 A. Well, I'll talk about myself. Me joining 11 a wind project in North Dakota kind of changed my 12 life. It like gave me an opportunity to exceed, 13 make good wages, great benefits and to build my 14 pension -- just to build my pension up. So my 15 whole deal is somebody gave me the opportunity to 16 help build myself up and now I just want to give 17 back to the rest of North Dakotans that don't have 18 the opportunity. 19 Q. And do you also see that as important in 20 building North Dakota's skilled construction 21 workforce, those opportunities to get on to 22 projects doing scopes of work that workers haven't 23 previously done? 24 A. Absolutely. I was one of those that 25 didn't have a bit of construction skills in me, but</p>
<p style="text-align: right;">217</p> <p>1 Q. And when -- if the bench, let's say, if 2 the pool of workers, existing union members is 3 cleared, is it an option to go out and recruit 4 additional workforce? 5 A. It is. I've done it myself. Other 6 representatives in North Dakota have done it. It 7 hasn't been a big -- I can't say that I haven't 8 found people because the people was calling me 9 every day. Construction workers are calling me 10 every day trying to get on. So there's never been 11 an issue of finding workers. 12 Q. And does the union also offer training for 13 a variety of skills that can be provided? If 14 there's new workers or even seasoned construction 15 workers who need specific training, is that 16 training available? 17 A. Absolutely. So every year -- we have a 18 new facility down in Bismarck, the laborers union. 19 We have an office/training center. So we teach 20 everything from aerial lift all the way up to torch 21 cutting, welding. We have quite a bit of training 22 that comes over there. Multi members have just 23 been through maybe a safety week, which covers OSHA 24 30, first aid, CPR, blood pathogen. So we have a 25 lot of other training that comes through. So when</p>	<p style="text-align: right;">219</p> <p>1 when I got on that project, the leadership out 2 there, the foreman, the key guys that the 3 contractor bring through, those are the ones that 4 taught me to be that next leader, be that next 5 foreman. So I've explained this, two or three 6 months later I'm basically watching that particular 7 piece of the project because they either go on to 8 another project or they have to take some time off 9 so now I'm that skilled laborer out there that's 10 doing the job. 11 Q. Mr. Cortina, you have been monitoring wind 12 construction projects for the past several years. 13 In the past couple of years, do you believe that 14 these projects have fully utilized the available 15 local workforce or that that local skilled 16 workforce has been underutilized in the industry? 17 A. I just talk about like the local? 18 Q. The local. Yes, the skilled local. Do 19 you think that these projects are fully utilizing 20 what's available in terms of local workforce or not 21 fully utilizing what's available? 22 A. So since I've been in the position I am 23 right now, I have been to a lot of these hearings 24 for wind towers. I hear these developers say, yes, 25 we're going to use local help. And I monitor these</p>

<p style="text-align: right;">220</p> <p>1 wind farms all the time. I go out there. I talk 2 to the workers out there, I talk to the technicians 3 out there, and they're all from different places. 4 I even count license plates. I even count license 5 plates to see where they come from and the 6 percentage out there, it's just been really low. 7 So they don't utilize the manpower and the workers 8 that we have here because then I ask them. They're 9 just going out and find out of state. 10 Q. Mr. Cortina, did you hear Mr. Cameron 11 testify that NextEra's intention is to work with 12 LIUNA to try to better maximize use of local labor 13 on these projects? 14 A. Yes, I did. I was very happy. This is a 15 way to show -- show NextEra that we have the 16 manpower, we have the skilled manpower in the 17 state. And once we make that opportunity to get 18 them construction workers out there, we can show 19 them that we're going to be the best laborers out 20 there. 21 Q. And do you believe that there will be 22 benefits -- what would you say is the benefit to 23 Oliver County of this project really trying to 24 maximize its use of local workforce besides the 25 members who are working on the project?</p>	<p style="text-align: right;">222</p> <p>1 EXAMINATION 2 BY COMMISSIONER FEDORCHAK: 3 Q. Thank you. Thank you, Steve, for being 4 here. Appreciate it. 5 So is your message that -- to NextEra that 6 you believe that there are more than enough skilled 7 workers here in North Dakota to complete this job? 8 A. Yes. 9 Q. And you think that they are hearing that 10 message? 11 A. I hope so. 12 COMMISSIONER FEDORCHAK: All right. Well, 13 thanks for being here. Appreciate it. 14 ALJ DAWSON: Commissioner Christmann? 15 EXAMINATION 16 BY COMMISSIONER CHRISTMANN: 17 Q. Steve, I want to jump to another topic 18 similar, though. And I don't think I've ever 19 thought to ask you this at one of our wind farm 20 cases. 21 So in each of these beyond the surge of 22 construction jobs for a summer, there's a few jobs 23 in O&M that are ongoing. Do you have any 24 familiarity or have you tracked any of that to see 25 how many wind farms, and then if you know anything</p>
<p style="text-align: right;">221</p> <p>1 A. Well, you know, I mean, since I've been 2 here, I probably handed out my card three times 3 already to somebody at the gas station, somebody 4 just outside saying my son needs a job, my son is 5 19 years old. So I'm already handing out my card 6 already, just tell them what we're here for. I'm 7 already recruiting before the job even starts. So 8 to get them the correct training for this job, I'm 9 already there. The word passes so quickly around 10 small towns like this one and I probably receive -- 11 that one, two, three cards I just passed out, I'll 12 probably receive 10, 11, 12 calls here shortly. 13 Q. And the last question. Would it be fair 14 to say that for the LIUNA and for other trades, one 15 of the strongest concentrations of skilled 16 workforce is right here in the general Mandan, 17 Bismarck area and in coal country? 18 A. It is. 19 MR. PRANIS: Thank you. No further 20 questions. 21 ALJ DAWSON: Miss Furey? 22 MS. FUREY: No questions. Thank you. 23 ALJ DAWSON: Mr. Johnson? 24 MR. JOHNSON: No questions. 25 ALJ DAWSON: Commissioner Fedorchak?</p>	<p style="text-align: right;">223</p> <p>1 on NextEra subsidiaries specifically, how good of a 2 job they do of keeping those people local to the 3 facility, and do you know anything about whether 4 they're -- are those ever union jobs as opposed to 5 nonunion? 6 A. So after it's been built and the company 7 takes over, I haven't really monitored after that. 8 I haven't really talked to anybody. It's built, 9 see what injuries and just kind of move on to the 10 next upcoming projects that come on. 11 COMMISSIONER CHRISTMANN: Thanks a lot for 12 your patience today, Steve. Good seeing you. 13 ALJ DAWSON: Commissioner Haugen-Hoffart? 14 COMMISSIONER HAUGEN-HOFFART: Thanks, 15 Steve, for coming. I have no questions. 16 But I would like to comment on 17 Mr. Christmann's point on NextEra or some of the 18 capacity. What I've seen -- I had the privilege to 19 do a site visit when I first started with NextEra 20 and I was happy to report that a lot of the 21 employees were from the local trade school, 22 Bismarck State College and stuff like that. So I 23 was very pleased with operations and management 24 that I've seen on some of these wind farms that I 25 visited have been locally educated at our</p>

<p style="text-align: right;">224</p> <p>1 institutions and they've been employed there. So</p> <p>2 just from my observations, Mr. Christmann.</p> <p>3 ALJ DAWSON: If there are no further</p> <p>4 questions, you may step down.</p> <p>5 And your intent now, Mr. Pranis, is to</p> <p>6 provide some testimony yourself?</p> <p>7 MR. PRANIS: If you'll allow --</p> <p>8 ALJ DAWSON: I'll allow it.</p> <p>9 MR. PRANIS: -- me to present without</p> <p>10 questioning myself.</p> <p>11 ALJ DAWSON: You've heard the warning so</p> <p>12 you understand what perjury is and the penalties</p> <p>13 for it?</p> <p>14 MR. PRANIS: Yes, Your Honor.</p> <p>15 KEVIN PRANIS,</p> <p>16 being first duly sworn, was examined and testified</p> <p>17 as follows:</p> <p>18 ALJ DAWSON: You may testify.</p> <p>19 THE WITNESS: Well, I'll make this -- I'll</p> <p>20 keep this very brief.</p> <p>21 We've provided prefiled testimony and an</p> <p>22 analysis as we've done in similar projects. And</p> <p>23 our best estimate is that we look at the</p> <p>24 incremental difference between a project that uses</p> <p>25 a majority local labor and majority nonlocal labor</p>	<p style="text-align: right;">226</p> <p>1 it. I think, frankly, what we've sort of said in</p> <p>2 wind development, we often heard the same things as</p> <p>3 Mr. Cortina said from developers and it felt like</p> <p>4 doing the same thing and expecting a different</p> <p>5 result was sort of madness. And so it's really</p> <p>6 nice to see a developer step up in a way. We've</p> <p>7 heard a lot of positive comments about NextEra in</p> <p>8 terms of their relationships with landowners.</p> <p>9 I think them being willing to tackle this</p> <p>10 is a chance to show that, you know, we really can</p> <p>11 develop that local wind workforce, we don't need to</p> <p>12 keep waiting for the next project for folks to do</p> <p>13 some local hiring, so we're looking forward to</p> <p>14 that.</p> <p>15 We think that there's significant economic</p> <p>16 benefits and we do believe it's important to</p> <p>17 preserve -- you know, we're deeply committed to the</p> <p>18 coal plants in North Dakota. We do a lot of</p> <p>19 fighting in Minnesota to make sure that that's</p> <p>20 viable. We fight at the federal level to support</p> <p>21 carbon capture investment, but for the members</p> <p>22 here, it's important to have diversified sources of</p> <p>23 potential employment as well as diversified energy</p> <p>24 exports from North Dakota.</p> <p>25 And so I appreciate the Commission's time.</p>
<p style="text-align: right;">225</p> <p>1 based on the job numbers provided by the applicants</p> <p>2 and wage data that's available to us. And our best</p> <p>3 estimate is close to \$10 million in incremental</p> <p>4 difference. So \$10 million more in local economic</p> <p>5 activity from the use of a largely local workforce</p> <p>6 versus a nonlocal workforce. And as I'm sure</p> <p>7 everyone in the audience understands better than I</p> <p>8 do, \$10 million is not a small amount of money</p> <p>9 especially in a small community, right, in an area</p> <p>10 like this. And so -- and that's just one</p> <p>11 indication -- or indicator.</p> <p>12 We heard from Mr. Cortina about the sort</p> <p>13 of workforce development impacts there and so that</p> <p>14 analysis really tries to look at what's the</p> <p>15 potential here. And, frankly, I think what we've</p> <p>16 seen as we've documented over the past several</p> <p>17 years is real underutilization of local workforce</p> <p>18 in the wind industry compared to other parts of the</p> <p>19 energy industry or other industries in the state.</p> <p>20 And given that there's concern about the coal and</p> <p>21 the impacts in coal and given that, there's a real</p> <p>22 need to maximize the benefit of North Dakota</p> <p>23 resources.</p> <p>24 We're very excited that NextEra has looked</p> <p>25 at this seriously and is really willing to consider</p>	<p style="text-align: right;">227</p> <p>1 That's really all I have.</p> <p>2 ALJ DAWSON: Miss Furey?</p> <p>3 MS. FUREY: No questions. Thank you.</p> <p>4 ALJ DAWSON: Mr. Johnson?</p> <p>5 MR. JOHNSON: No, Your Honor.</p> <p>6 ALJ DAWSON: Commissioner Fedorchak?</p> <p>7 EXAMINATION</p> <p>8 BY COMMISSIONER FEDORCHAK:</p> <p>9 Q. Thank you, Kevin. First let me lead off</p> <p>10 by saying how much I appreciate labor in general's</p> <p>11 engagement on energy. It's really, really</p> <p>12 important to have the labor professions nationwide</p> <p>13 advocating for energy of all sources, in the</p> <p>14 building of it and the constructing of the</p> <p>15 infrastructure that's needed to provide it because</p> <p>16 we're going to need a lot more energy in the future</p> <p>17 and it's getting harder and harder to build</p> <p>18 anything. So you guys being in the front lines</p> <p>19 advocating for this is super-duper important. So</p> <p>20 thank you for that.</p> <p>21 Help me understand. You said NextEra has</p> <p>22 kind of come to the table. Are you -- is there</p> <p>23 anything formal? Are you going to be getting any</p> <p>24 reports from them on their actual hiring of the</p> <p>25 local workers? Or tell me more about this</p>

<p style="text-align: right;">228</p> <p>1 commitment that you just described that NextEra has 2 made and if it's something specific that we can see 3 a report on. 4 A. Thank you, Commissioner Fedorchak. I 5 would say that this is -- the conversation is new 6 enough, it's really been over the past week, and so 7 there's nothing finalized in terms of -- I think 8 our understanding of the commitment is there's a 9 commitment to work together to try to maximize 10 employment of local workers to get a better result 11 than has been the sort of baseline. And we have 12 not discussed sort of reporting metrics. Generally 13 when we have members working on a project, then we 14 know -- we can tell people exactly how many because 15 we keep track of that. 16 And so I think that -- we certainly will 17 be in a position if we have members working on the 18 project to say here's how we did, here's how many 19 people, here's where they came from. But we have 20 not yet worked out the details of this. I think 21 there needs to be discussion with the contractor. 22 We're obviously committed to making sure that the 23 project is executed safely and economically and so, 24 you know, that has to -- that really has to involve 25 a lot of sort of detailed discussions with the</p>	<p style="text-align: right;">230</p> <p>1 A. Yeah, part of the prefilled testimony, we 2 provided an estimate of -- part of the prefilled 3 testimony talks about the last two projects. I 4 think Northern Divide and Aurora Wind were both 5 under 10 percent local workforce based on our 6 estimates. Our estimates are based on license 7 plate counts, but we have reconciled those in 8 Minnesota and we came within a percentage point, I 9 believe, of the actual number doing that so we have 10 pretty good estimates. 11 Q. So can you also, though, check those? You 12 said you can check these numbers to your local 13 hires so -- 14 A. When we're working on a project, we can. 15 But in those that were not projects where we had 16 any involvement and so we sort of had to just 17 observe and -- 18 Q. Got it. 19 A. -- and document. 20 Q. All right. Well, please report back if 21 you have anything more formal that comes of your 22 negotiations or discussions on this issue with the 23 company. 24 A. Thank you. 25 COMMISSIONER FEDORCHAK: Thanks.</p>
<p style="text-align: right;">229</p> <p>1 contractor to say what are the labor needs, how can 2 they be filled, where can local workers fill in, 3 you know, maybe if their plan didn't involve local 4 workers, where can we start making substitutions 5 and saying you need people for concrete, we have 6 people for concrete, like let's start to identify 7 scopes of work where there's already skilled labor 8 available and those paychecks can stay here. But 9 we do not -- you know, we are not beyond just a 10 conceptual commitment. 11 But what I can say about that is that in 12 Minnesota we've done a similar thing with NextEra, 13 very successfully in Minnesota. Minnesota's 14 commission, as you know, now tracks quarterly, and 15 looking at those numbers the last two projects 16 we've built with NextEra and the same contractor 17 were 40 to 60 percent local workforce compared to 18 we're seeing more like 10 percent or below here. 19 And so we know that it's possible to make very 20 substantial gains when we work together. It's just 21 a matter of making that decision. 22 Q. So -- and you mentioned that you have 23 documented underuse of local workforce in the wind 24 industry in North Dakota. You filed those with us? 25 Is that part of your prefilled testimony?</p>	<p style="text-align: right;">231</p> <p>1 ALJ DAWSON: Commissioner Christmann? 2 COMMISSIONER CHRISTMANN: I don't have any 3 questions, but thanks, Kevin, for being so gracious 4 to allow some of those ag producers to get on the 5 road. 6 Your Honor, I think in about maybe seven 7 minutes the auditor leaves and I need to have a 8 break to discuss with them plans for leading up and 9 shutting down this. So I'm wondering if we could 10 get a little resurvey to see how many more want to 11 testify -- an estimate so I can figure that out. 12 ALJ DAWSON: You need a break in seven 13 minutes? 14 COMMISSIONER CHRISTMANN: I need to be in 15 the auditor's office in less than seven minutes. 16 ALJ DAWSON: Commissioner Haugen-Hoffart? 17 COMMISSIONER HAUGEN-HOFFART: No 18 questions. Thank you, Kevin. 19 ALJ DAWSON: Is there anyone remaining in 20 the audience who wishes to testify that's public. 21 And how long will it take you? 22 MR. SCOTT: Two minutes. 23 ALJ DAWSON: Do you want to take a break 24 and then do that later? 25 COMMISSIONER CHRISTMANN: The closing is</p>

232	234
<p>1 probably going to be like a half-hour or something</p> <p>2 typically?</p> <p>3 ALJ DAWSON: Fifteen minutes. We're going</p> <p>4 to take a break right now till four o'clock. We're</p> <p>5 at recess till four o'clock.</p> <p>6 (Recess taken at 3:52 p.m. and reconvened</p> <p>7 at 4:05 p.m.)</p> <p>8 ALJ DAWSON: We're back on the record. Is</p> <p>9 there any other public testimony? I saw one hand.</p> <p>10 Come on up.</p> <p>11 MR. SCOTT: Hello.</p> <p>12 ALJ DAWSON: Hello. Have you been here</p> <p>13 for the previous warnings as to perjury so as you</p> <p>14 understand what perjury is and the penalties for</p> <p>15 it?</p> <p>16 MR. SCOTT: I do.</p> <p>17 MIKE SCOTT,</p> <p>18 being first duly sworn, was examined and testified</p> <p>19 as follows:</p> <p>20 ALJ DAWSON: Did you sign in?</p> <p>21 THE WITNESS: Yes, I did.</p> <p>22 ALJ DAWSON: Your name, please.</p> <p>23 THE WITNESS: Mike Scott, M-i-k-e</p> <p>24 S-c-o-t-t.</p> <p>25 ALJ DAWSON: Okay. You may testify.</p>	<p>1 THE WITNESS: All right. Thank you.</p> <p>2 ALJ DAWSON: You may step down. Any other</p> <p>3 testimony? Yes, please come forward.</p> <p>4 You were here for my previous warnings as</p> <p>5 to perjury so you understand what perjury is and</p> <p>6 the penalties for it?</p> <p>7 MR. JENSEN: I do.</p> <p>8 JACK JENSEN,</p> <p>9 being first duly sworn, was examined and testified</p> <p>10 as follows:</p> <p>11 ALJ DAWSON: Your name, sir.</p> <p>12 THE WITNESS: Jack Jensen.</p> <p>13 ALJ DAWSON: J-e-n-s --</p> <p>14 THE WITNESS: J-e-n-s-e-n.</p> <p>15 ALJ DAWSON: S-e-n. Where are you from,</p> <p>16 Jack?</p> <p>17 THE WITNESS: My residence is Hazen, but</p> <p>18 I'm native to the heart of this project.</p> <p>19 ALJ DAWSON: Well, you may testify.</p> <p>20 THE WITNESS: Thank you. My testimony is</p> <p>21 actually going to be some accolades for the people</p> <p>22 I've heard here all day. I'm absolutely</p> <p>23 fascinated, thrilled by the fact that we have</p> <p>24 regulators like we do who display so much patience</p> <p>25 and bring balance to this situation. I think</p>
233	235
<p>1 THE WITNESS: I'm just an area laborer</p> <p>2 with the union I've been with eight years. We work</p> <p>3 hard and safe consistently. We spend our money</p> <p>4 here, we live here, we play here, and it's a good</p> <p>5 life, especially if we get the jobs. And that's</p> <p>6 what we're counting on you for. And appreciate if</p> <p>7 you give us more chances, more work. We all work</p> <p>8 all the other industries here and complete them on</p> <p>9 time or before. So thank you. That's all I got to</p> <p>10 say.</p> <p>11 ALJ DAWSON: Ms. Furey, any questions?</p> <p>12 MS. FUREY: No questions.</p> <p>13 ALJ DAWSON: Mr. Pranis?</p> <p>14 MR. PRANIS: No. Thanks for being here.</p> <p>15 ALJ DAWSON: Mr. Johnson?</p> <p>16 MR. JOHNSON: No questions, Your Honor.</p> <p>17 ALJ DAWSON: Commissioner Fedorchak?</p> <p>18 COMMISSIONER FEDORCHAK: Thank you, Mike.</p> <p>19 I don't have any questions.</p> <p>20 ALJ DAWSON: Commissioner Christmann?</p> <p>21 COMMISSIONER CHRISTMANN: Nor do I, Mike,</p> <p>22 but thank you for waiting.</p> <p>23 ALJ DAWSON: Commissioner Haugen-Hoffart?</p> <p>24 COMMISSIONER HAUGEN-HOFFART: Nor do I.</p> <p>25 Thank you so much.</p>	<p>1 everything has been said as far as testimony for,</p> <p>2 some against this project.</p> <p>3 And in my tired, old mind it's a bit of --</p> <p>4 I'm supportive of this or almost anything else if</p> <p>5 it economically benefits me. And I should between</p> <p>6 the comments put down that this will economically</p> <p>7 benefit my family, and I appreciate that.</p> <p>8 It's also been very easy to work with</p> <p>9 NextEra. They're a wonderful company as I have</p> <p>10 seen them. And our land will be used for what I</p> <p>11 consider a wonderful purpose.</p> <p>12 And as you can tell by observation, I'm</p> <p>13 old. My wife is very young, but I'm old and</p> <p>14 between us we have four great-grandchildren. The</p> <p>15 economic benefits of this are going to hopefully</p> <p>16 educate those four little guys. They're all boys,</p> <p>17 by the way. And so it's not going to buy a</p> <p>18 Lamborghini for Hazel and I, but we hope it does</p> <p>19 some good for these little people and hopefully</p> <p>20 they can do some good for the human race.</p> <p>21 But the testimony that I want on the</p> <p>22 record after observing all day is what wonderful</p> <p>23 people we have put in a position of making this</p> <p>24 decision. And that is all I have to say other than</p> <p>25 a very heartfelt thank you to everyone who has</p>

<p style="text-align: right;">236</p> <p>1 spoken today for or against this project. It's 2 been a great experience for my wife and I. Thank 3 you. 4 ALJ DAWSON: Miss Furey? 5 MS. FUREY: No questions. Thank you. 6 ALJ DAWSON: Mr. Pranis? 7 MR. PRANIS: Thank you. No questions. 8 ALJ DAWSON: Mr. Johnson? 9 MR. JOHNSON: No, Your Honor. 10 ALJ DAWSON: Commissioner Fedorchak? 11 COMMISSIONER FEDORCHAK: Thank you, Jack, 12 Mr. Jensen. Appreciate you being here and thank 13 you for the compliments. I agree it's great to 14 have the community come forward and say what 15 they -- you know, say how it impacts, say what the 16 impacts are, say how they feel about it. It really 17 helps us do the very best we can. So appreciate 18 you and your wife being here all day long as well 19 and for your supportive comments about the process. 20 ALJ DAWSON: Commissioner Christmann? 21 COMMISSIONER CHRISTMANN: Thank you for 22 those compliments, Mr. Jensen. And I will just say 23 if people disagree about the quality of our work, 24 it's because I didn't always listen to my teachers 25 and mentors throughout my life. To the extent that</p>	<p style="text-align: right;">238</p> <p>1 MS. FUREY: No, Your Honor. 2 ALJ DAWSON: Mr. Pranis? 3 MR. PRANIS: No, Your Honor. 4 ALJ DAWSON: Commissioner Fedorchak? 5 COMMISSIONER FEDORCHAK: I just think 6 Mr. Jensen sort of summed it up well, so I think 7 I'm going to leave it at that. Thanks everybody. 8 Appreciate everyone's patience and participation. 9 ALJ DAWSON: Commissioner Christmann? 10 COMMISSIONER CHRISTMANN: Well said. I 11 have nothing to add. 12 ALJ DAWSON: Commissioner Haugen-Hoffart? 13 COMMISSIONER HAUGEN-HOFFART: Ditto. I'm 14 just going to say one thing. May everyone have 15 safe travels home. 16 ALJ DAWSON: Is there any finishing 17 matters that we need to discuss as to late-filed 18 exhibits, as to listing them at least for me? I 19 have a few stars by things and I just want to make 20 sure that they're the same as you have starred. 21 MS. FUREY: Yeah, I can run through the 22 list that I have, Your Honor, if that works. 23 ALJ DAWSON: Please do. 24 MS. FUREY: There was a request for Oliver 25 Wind IV to file a copy of the memorandum of</p>
<p style="text-align: right;">237</p> <p>1 we do do good work, it's because of you and others 2 both in and out of my school days who were very 3 helpful. And thank you for being here. 4 ALJ DAWSON: Commissioner Haugen-Hoffart? 5 COMMISSIONER HAUGEN-HOFFART: Thank you. 6 Mr. Jensen, thank you for bringing your beautiful 7 young wife with you. I appreciate that. Your 8 compliments were well received and very heartfelt, 9 so thank you. It meant a lot to me and I'm sure my 10 fellow commissioners as they said. 11 But what makes this work for us is people 12 like you, all of you who are here today, who show 13 an interest, who participate. We don't always have 14 to agree, but we do it respectfully and sometimes 15 with that disagreement we also learn. 16 So, again, thank you for being here and 17 your kind words. They truly made not only my day 18 but my week and I'll take them with me. Thank you. 19 ALJ DAWSON: Thank you. You may step 20 down. 21 Is there any further public testimony? 22 Any further public testimony? 23 Seeing none, it's time for closing 24 remarks. Are there any closing remarks from the 25 applicant?</p>	<p style="text-align: right;">239</p> <p>1 understanding that was executed with the North 2 Dakota Department of Ag. We received an additional 3 request to provide additional rotational speed 4 data. We have been requested to provide updated 5 information regarding both the Oliver and Mercer 6 County Weed Boards. 7 And just as a little note, I think there 8 was a misunderstanding there. There certainly is a 9 Mercer County Weed Board. It appears that they do 10 not have any requirements, but as part of that 11 late-filed exhibit it will include what the 12 requirements are for both counties and then the 13 process to get any approvals from the weed boards 14 with respect to any filings that are otherwise 15 required of the applicant. 16 And then the last thing that I have noted, 17 and just want to confirm whether the information is 18 still requested by the Commission, relates to tax 19 information and tax benefits. We did provide that 20 breakdown between the county and state, but as far 21 as a dollar amount, we would need to circle up with 22 our team and submit that information in a 23 late-filed exhibit if it's still desired from the 24 Commission. 25 ALJ DAWSON: Is that still desired,</p>

<p style="text-align: right;">240</p> <p>1 Commissioner Christmann? I think you asked for it.</p> <p>2 COMMISSIONER CHRISTMANN: Well, I think</p> <p>3 the answer was that both for the wind farm and for</p> <p>4 the transmission line, that it was about --</p> <p>5 one-third of that total was to the state and</p> <p>6 two-thirds to the counties.</p> <p>7 MS. FUREY: So that is for the wind</p> <p>8 project. The taxes on the transmission line are</p> <p>9 allocated differently.</p> <p>10 COMMISSIONER CHRISTMANN: Maybe we could</p> <p>11 get those then.</p> <p>12 MS. FUREY: Certainly, yes.</p> <p>13 ALJ DAWSON: Is there anything else that</p> <p>14 you remember, Mr. Johnson?</p> <p>15 MR. JOHNSON: That covers everything that</p> <p>16 I had.</p> <p>17 ALJ DAWSON: Okay. So that would be 23,</p> <p>18 24, 25 and 26 as late-filed exhibits, mark them as</p> <p>19 such, and I'll admit them when they come in.</p> <p>20 Is there anything else that we need to</p> <p>21 discuss before we close?</p> <p>22 MS. FUREY: Your Honor, no. We'll submit</p> <p>23 a proposed order and then we would like to reserve</p> <p>24 the opportunity to file just a posthearing brief if</p> <p>25 ultimately decided to do so. But certainly a</p>	<p style="text-align: right;">242</p> <p>1 closed. And the record is left open for the</p> <p>2 late-filed exhibits and the findings of fact,</p> <p>3 conclusions of law and perhaps a brief. The</p> <p>4 hearing is closed.</p> <p>5 MS. FUREY: Thank you.</p> <p>6 (Concluded at 4:18 p.m., the same day.)</p> <p>7 -----</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">241</p> <p>1 proposed order will be forthcoming.</p> <p>2 ALJ DAWSON: Do we have a time by which --</p> <p>3 if you're filing a brief, it makes me hard to</p> <p>4 schedule the --</p> <p>5 MS. FUREY: Yeah. I think we are</p> <p>6 undecided on a brief and whether that's necessary.</p> <p>7 It may be helpful to just kind of us use that</p> <p>8 document to kind of summarize some of the</p> <p>9 additional information that was filed. But if we</p> <p>10 could maybe schedule that three weeks from today.</p> <p>11 ALJ DAWSON: Okay. The proposed findings</p> <p>12 of fact, conclusions of law and order is for three</p> <p>13 weeks from today.</p> <p>14 And before we close this hearing, I'm</p> <p>15 going to ask that everybody that can and is able</p> <p>16 can grab their chair and help put it away in that</p> <p>17 closet. In there there's some racks. I'll wheel</p> <p>18 them out and help myself. The help we had lined up</p> <p>19 has disappeared so it's us today. Your help would</p> <p>20 be appreciated.</p> <p>21 That being the case, it is 4:17 p.m. on</p> <p>22 January 29th, 2024, and the hearing for PU-23-317</p> <p>23 and 318 on application of Oliver Wind IV, LLC, for</p> <p>24 a certificate of site compatibility and certificate</p> <p>25 of corridor compatibility and route permit is</p>	<p style="text-align: right;">243</p> <p>1 CERTIFICATE OF COURT REPORTER</p> <p>2</p> <p>3 I, Denise M. Andahl, a court reporter,</p> <p>4 DO HEREBY CERTIFY that I recorded in</p> <p>5 shorthand the foregoing proceedings had and made of</p> <p>6 record at the time and place hereinbefore</p> <p>7 indicated.</p> <p>8 I DO HEREBY FURTHER CERTIFY that the</p> <p>9 foregoing typewritten pages contain an accurate</p> <p>10 transcript of my shorthand notes then and there</p> <p>11 taken.</p> <p>12 Bismarck, North Dakota, this 7th day of</p> <p>13 February, 2024.</p> <p>14</p> <p>15 _____</p> <p>16 Denise M. Andahl</p> <p>17 Court Reporter</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p>\$</p> <p>\$10 [3] - 225:3, 225:4, 225:8 \$10,000 [1] - 20:10 \$3,500 [1] - 155:20 \$30 [1] - 38:7 \$37 [1] - 38:5 \$390 [1] - 60:19</p>	<p>10:15 [1] - 83:20 11 [6] - 6:18, 19:16, 24:17, 24:21, 25:2, 221:12 115 [1] - 33:3 116 [1] - 114:13 117 [1] - 114:13 11:53 [1] - 92:12 12 [10] - 3:4, 6:19, 19:18, 27:15, 94:20, 94:22, 94:25, 95:4, 103:7, 221:12 121 [1] - 24:5 12:40 [1] - 92:11 12:43 [1] - 92:13 13 [7] - 6:20, 21:16, 25:7, 41:10, 101:12, 117:12, 132:23 132 [1] - 3:18 13th [2] - 9:11, 18:14 14 [3] - 3:5, 6:23, 41:10 14,000 [1] - 11:12 146 [1] - 3:19 147 [1] - 70:5 15 [25] - 7:2, 22:10, 27:7, 46:9, 46:18, 46:21, 46:24, 59:3, 59:4, 91:7, 94:18, 121:4, 121:7, 121:10, 125:3, 135:9, 147:8, 147:13, 166:13, 180:16, 180:18, 180:19, 180:20, 214:24 15-year [2] - 27:8, 27:9 15.7 [2] - 75:19, 76:21 150 [5] - 3:20, 27:10, 33:4, 62:18, 117:14 150-foot [1] - 117:17 150-foot-wide [1] - 24:4 154 [1] - 3:22 156 [1] - 3:22 157 [6] - 3:23, 165:14, 166:2, 167:2, 167:3, 167:4 159 [2] - 3:23, 125:9 16 [7] - 3:6, 82:16, 114:21, 115:12, 116:2, 116:3, 116:14 16(a) [3] - 7:4, 98:4, 111:2 16(b) [1] - 7:5 16(c) [2] - 7:7, 98:3 16(c) [2] - 98:4, 111:2 161 [2] - 3:24, 4:3 163 [1] - 4:3 164 [1] - 4:4 168 [1] - 4:6 17 [11] - 7:8, 31:23, 32:1, 32:6, 44:16, 44:17, 46:14, 80:17, 80:19, 147:14, 205:11 17-year [1] - 213:24 170 [2] - 4:6, 24:6 173 [1] - 4:8</p>	<p>174 [1] - 4:9 175 [1] - 4:9 177 [1] - 4:11 17th [3] - 24:15, 94:16, 95:1 18 [59] - 6:4, 6:5, 6:6, 6:8, 6:9, 6:9, 6:11, 6:12, 6:14, 6:15, 6:17, 6:18, 6:19, 6:22, 6:24, 7:3, 7:4, 7:6, 7:7, 7:9, 7:10, 7:11, 7:12, 7:14, 7:15, 7:17, 31:23, 32:6, 56:11, 82:8, 82:10, 82:12, 82:17, 110:9, 205:11 180 [1] - 4:12 186 [1] - 4:12 188 [1] - 4:14 189 [1] - 4:15 18th [1] - 31:12 19 [5] - 7:4, 7:12, 19:10, 97:24, 221:5 19.5 [1] - 9:3 19.5-mile-long [1] - 24:2 191 [1] - 4:17 192 [1] - 7:18 193 [2] - 4:19, 7:18 196 [1] - 4:19 199 [1] - 4:20 19th [1] - 146:15</p>	<p>2007 [1] - 194:17 201 [1] - 4:21 2012 [1] - 214:1 2015 [2] - 69:17, 112:13 2016 [2] - 69:24, 80:5 2019 [4] - 101:3, 101:25, 106:16, 110:17 202 [1] - 4:23 2020 [1] - 106:17 2021 [3] - 91:6, 110:18, 110:21 2022 [2] - 80:5, 106:18 2023 [24] - 6:9, 6:11, 6:12, 6:14, 8:17, 9:12, 31:12, 32:16, 32:18, 67:4, 67:21, 99:24, 100:13, 102:3, 102:18, 103:21, 109:9, 110:25, 111:17, 111:19, 112:13, 112:17, 112:18, 113:3 2024 [14] - 1:20, 7:4, 7:6, 7:7, 7:15, 8:3, 9:7, 34:4, 34:5, 67:20, 97:24, 98:1, 241:22, 243:13 2025 [1] - 57:17 207 [1] - 4:23 208 [1] - 4:24 21 [10] - 7:15, 110:9, 122:10, 122:12, 122:15, 122:23, 123:23, 124:2, 193:8, 193:9 210 [1] - 4:24 213 [1] - 5:3 21st [1] - 181:7 22 [7] - 7:18, 24:25, 70:23, 193:2, 193:4, 193:6, 193:12 22,135 [3] - 23:1, 62:8, 62:12 22,291 [2] - 61:24, 131:20 222 [2] - 5:3, 5:4 224 [1] - 5:6 227 [1] - 5:6 23 [6] - 6:11, 7:6, 7:20, 21:12, 182:1, 240:17 23-317 [1] - 121:9 230 [1] - 27:19 232 [1] - 5:8 234 [1] - 5:10 24 [5] - 7:21, 35:25, 156:17, 156:20, 240:18 240 [8] - 7:20, 7:21, 7:23, 7:24 243 [1] - 3:8 25 [12] - 7:7, 7:22, 32:2, 32:4, 46:17, 58:21, 98:1, 119:22, 121:8, 121:9, 173:14, 240:18 250 [1] - 2:8 25th [1] - 120:24 26 [3] - 7:24, 25:24, 240:18</p>
<p>'16 [1] - 80:7 '20s [1] - 158:20 '22 [1] - 110:25</p> <p>0</p> <p>0.1 [1] - 105:22 0.26 [1] - 105:19 000013 [1] - 69:8 000116 [1] - 116:4 000117 [1] - 116:15 01 [2] - 96:4, 96:24 02 [2] - 95:14, 95:24 06 [1] - 96:1</p>	<p>1</p> <p>1 [28] - 6:4, 7:6, 9:20, 17:17, 18:5, 18:7, 18:9, 22:21, 25:10, 46:8, 46:12, 57:17, 58:21, 60:1, 68:10, 68:14, 68:15, 68:16, 94:12, 110:22, 117:12, 118:10, 130:16, 130:17, 131:19, 135:11, 135:16 1,161 [1] - 105:12 1,500-foot [1] - 72:12 1,615 [1] - 22:12 1,711 [1] - 26:8 1-7 [2] - 68:4, 68:13 1.6 [1] - 67:18 1.7 [1] - 112:25 1.8 [2] - 69:2, 69:3 1.9 [2] - 68:19, 68:25 10 [6] - 6:16, 9:7, 111:18, 221:12, 229:18, 230:5 100 [4] - 2:8, 24:6, 119:4, 127:10 101 [4] - 123:13, 126:11, 126:12, 126:20 105 [4] - 165:14, 166:2, 166:25, 167:4 106 [1] - 166:23 107 [1] - 166:23 109 [1] - 115:15 10:00 [1] - 8:2</p>	<p>2</p> <p>2 [9] - 6:5, 7:4, 7:7, 9:24, 22:21, 71:11, 91:8, 131:19, 135:12 2,040 [1] - 26:6 2,213 [1] - 26:13 2,806 [1] - 26:11 2.1 [2] - 91:3, 91:5 2.2 [1] - 71:25 2.4 [1] - 107:19 2.52 [9] - 23:12, 23:15, 40:4, 75:22, 76:3, 76:7, 83:23, 124:5, 124:12 2.82 [6] - 23:5, 23:6, 23:8, 26:4, 40:11, 76:2 2.9 [1] - 69:13 20 [17] - 3:12, 7:13, 17:18, 18:5, 18:7, 18:9, 19:12, 24:23, 30:19, 30:25, 94:3, 94:13, 94:24, 120:21, 123:8, 152:14, 214:24 20-some [1] - 195:15 200 [10] - 1:6, 8:21, 22:25, 29:11, 62:19, 62:20, 63:13, 63:17, 91:11, 156:19 2001 [1] - 161:10 2002 [1] - 161:10 2006 [6] - 80:7, 80:8, 130:23, 131:3, 131:10, 194:14</p>	<p>2007 [1] - 194:17 201 [1] - 4:21 2012 [1] - 214:1 2015 [2] - 69:17, 112:13 2016 [2] - 69:24, 80:5 2019 [4] - 101:3, 101:25, 106:16, 110:17 202 [1] - 4:23 2020 [1] - 106:17 2021 [3] - 91:6, 110:18, 110:21 2022 [2] - 80:5, 106:18 2023 [24] - 6:9, 6:11, 6:12, 6:14, 8:17, 9:12, 31:12, 32:16, 32:18, 67:4, 67:21, 99:24, 100:13, 102:3, 102:18, 103:21, 109:9, 110:25, 111:17, 111:19, 112:13, 112:17, 112:18, 113:3 2024 [14] - 1:20, 7:4, 7:6, 7:7, 7:15, 8:3, 9:7, 34:4, 34:5, 67:20, 97:24, 98:1, 241:22, 243:13 2025 [1] - 57:17 207 [1] - 4:23 208 [1] - 4:24 21 [10] - 7:15, 110:9, 122:10, 122:12, 122:15, 122:23, 123:23, 124:2, 193:8, 193:9 210 [1] - 4:24 213 [1] - 5:3 21st [1] - 181:7 22 [7] - 7:18, 24:25, 70:23, 193:2, 193:4, 193:6, 193:12 22,135 [3] - 23:1, 62:8, 62:12 22,291 [2] - 61:24, 131:20 222 [2] - 5:3, 5:4 224 [1] - 5:6 227 [1] - 5:6 23 [6] - 6:11, 7:6, 7:20, 21:12, 182:1, 240:17 23-317 [1] - 121:9 230 [1] - 27:19 232 [1] - 5:8 234 [1] - 5:10 24 [5] - 7:21, 35:25, 156:17, 156:20, 240:18 240 [8] - 7:20, 7:21, 7:23, 7:24 243 [1] - 3:8 25 [12] - 7:7, 7:22, 32:2, 32:4, 46:17, 58:21, 98:1, 119:22, 121:8, 121:9, 173:14, 240:18 250 [1] - 2:8 25th [1] - 120:24 26 [3] - 7:24, 25:24, 240:18</p>

<div>26th [1] - 122:2</div> <div>27 [3] - 80:11, 81:5, 81:15</div> <div>2798 [1] - 2:8</div> <div>28 [1] - 8:16</div> <div>29 [8] - 1:20, 6:12, 6:14, 8:3, 99:24, 100:13, 102:17, 109:9</div> <div>292 [1] - 23:6</div> <div>295-foot [1] - 23:15</div> <div>29th [5] - 9:7, 103:21, 146:17, 147:11, 241:22</div> <div>2:10 [1] - 152:17</div> <div>2:21 [1] - 152:18</div>	<div>229:17</div> <div>400 [3] - 29:9, 89:16</div> <div>40s [1] - 53:22</div> <div>417 [1] - 23:8</div> <div>42 [1] - 3:13</div> <div>43 [2] - 3:13, 60:23</div> <div>44 [5] - 47:20, 48:16, 120:19, 138:8, 160:19</div> <div>45 [13] - 33:23, 59:11, 61:22, 70:25, 110:8, 120:13, 136:10, 136:14, 137:4, 137:6, 138:8, 157:22, 205:8</div> <div>45-decibel [2] - 136:3, 136:15</div> <div>46 [2] - 96:3, 96:11</div> <div>48 [1] - 129:3</div> <div>486 [1] - 23:17</div> <div>49 [3] - 168:23, 170:10</div> <div>49's [1] - 169:25</div> <div>4:05 [1] - 232:7</div> <div>4:17 [1] - 241:21</div> <div>4:18 [1] - 242:6</div>	<div>137:20, 229:17</div> <div>600 [2] - 2:17, 117:7</div> <div>63 [2] - 116:6, 116:9</div> <div>65 [1] - 116:16</div> <div>665 [1] - 103:14</div> <div>69-06-08 [1] - 98:8</div>	<div>163:21, 215:11, 217:17, 218:24, 234:22</div> <div>acceptable [5] - 48:12, 50:4, 59:16, 60:9, 188:19</div> <div>accepted [1] - 120:14</div> <div>access [10] - 65:22, 66:3, 80:12, 96:3, 96:11, 96:16, 96:18, 96:24, 97:1, 97:5</div> <div>accolades [1] - 234:21</div> <div>accommodate [3] - 109:21, 117:8, 184:18</div> <div>accomplished [1] - 103:4</div> <div>accordingly [1] - 209:16</div> <div>account [2] - 119:24, 120:8</div> <div>accurate [6] - 25:2, 63:10, 80:25, 81:2, 95:4, 243:9</div> <div>accurately [1] - 32:7</div> <div>accustomed [1] - 169:21</div> <div>achieved [1] - 100:5</div> <div>acknowledged [1] - 99:25</div> <div>acoustic [8] - 46:20, 58:25, 93:18, 118:11, 118:15, 118:18, 119:3, 125:5</div> <div>Acoustic [1] - 7:2</div> <div>acquisition [4] - 29:18, 32:8, 35:21, 67:21</div> <div>acreage [5] - 61:25, 62:1, 131:14, 131:17, 131:20</div> <div>acres [15] - 23:1, 61:24, 62:8, 95:14, 95:24, 96:1, 96:4, 96:24, 103:14, 105:12, 105:20, 105:22, 131:20, 131:21, 156:19</div> <div>acronym [1] - 49:22</div> <div>acronyms [1] - 78:4</div> <div>activating [3] - 25:9, 25:21, 26:21</div> <div>active [4] - 80:24, 107:18, 108:13, 149:21</div> <div>activists [1] - 63:3</div> <div>activities [2] - 96:21, 109:6</div> <div>activity [1] - 225:5</div> <div>actual [4] - 18:25, 139:25, 227:24, 230:9</div> <div>add [4] - 59:7, 59:17, 177:9, 238:11</div> <div>adding [6] - 53:24, 63:12, 63:13, 63:15, 63:17, 204:24</div> <div>addition [4] - 86:1, 142:9, 195:6, 195:20</div> <div>additional [31] - 17:21, 18:12, 23:20, 44:24, 66:18, 79:18, 88:7, 97:15, 99:19, 102:20, 102:24, 103:18, 124:24, 126:10, 126:22, 126:25, 127:6, 127:25, 129:15, 129:19, 129:23, 130:2, 130:8, 130:13, 131:2, 131:22, 131:24,</div>
3		7	
<div>3 [6] - 6:6, 10:2, 73:2, 82:23, 102:4, 135:12</div> <div>3-4-5 [1] - 61:20</div> <div>3.2 [1] - 112:11</div> <div>3.6 [2] - 28:24, 63:24</div> <div>3.9 [1] - 73:1</div> <div>30 [10] - 31:12, 74:6, 74:7, 74:10, 120:14, 137:12, 137:15, 195:17, 203:23, 217:24</div> <div>30-year [1] - 74:12</div> <div>300 [4] - 39:3, 169:9, 169:10, 169:12</div> <div>31 [1] - 189:23</div> <div>312 [1] - 1:19</div> <div>316 [1] - 60:23</div> <div>318 [2] - 8:10, 241:23</div> <div>32 [1] - 70:23</div> <div>34 [5] - 165:20, 165:22, 165:25, 167:1, 205:25</div> <div>345 [8] - 24:1, 24:10, 27:20, 27:22, 27:25, 33:22, 61:19, 64:4</div> <div>345-kV [2] - 1:9, 9:1</div> <div>35 [12] - 25:8, 25:20, 26:19, 73:4, 74:9, 95:16, 95:18, 96:25, 126:14, 126:16, 126:19, 160:21</div> <div>360 [1] - 60:24</div> <div>37 [3] - 73:3, 73:12, 73:19</div> <div>379 [1] - 131:21</div> <div>38 [1] - 130:18</div> <div>381 [1] - 23:16</div> <div>3:52 [1] - 232:6</div>	<div>5</div> <div>5 [19] - 6:9, 7:9, 7:11, 25:7, 27:15, 30:15, 30:16, 30:20, 31:2, 31:4, 31:17, 32:3, 43:24, 44:3, 44:5, 44:7, 44:18, 44:23, 51:7</div> <div>5.1 [1] - 107:19</div> <div>50 [13] - 27:12, 60:3, 70:25, 117:4, 136:7, 136:8, 137:5, 137:12, 137:15, 184:5, 205:8, 214:21</div> <div>500 [2] - 21:20, 23:9</div> <div>55 [1] - 136:6</div> <div>55-decibel [1] - 136:13</div> <div>55117 [1] - 2:22</div> <div>563 [2] - 173:12, 213:8</div> <div>57 [2] - 178:17, 179:7</div> <div>58 [2] - 3:14, 116:8</div> <div>58502-2798 [1] - 2:9</div> <div>58505-0480 [1] - 2:17</div> <div>5th [1] - 82:12</div>	<div>8</div> <div>8 [5] - 3:3, 6:13, 103:21, 129:3, 147:8</div> <div>80 [1] - 156:20</div> <div>81 [1] - 2:22</div> <div>83 [1] - 3:15</div> <div>85 [2] - 127:11, 137:21</div> <div>870 [1] - 95:24</div> <div>88 [1] - 3:15</div>	
	5	9	
	<div>5 [19] - 6:9, 7:9, 7:11, 25:7, 27:15, 30:15, 30:16, 30:20, 31:2, 31:4, 31:17, 32:3, 43:24, 44:3, 44:5, 44:7, 44:18, 44:23, 51:7</div> <div>5.1 [1] - 107:19</div> <div>50 [13] - 27:12, 60:3, 70:25, 117:4, 136:7, 136:8, 137:5, 137:12, 137:15, 184:5, 205:8, 214:21</div> <div>500 [2] - 21:20, 23:9</div> <div>55 [1] - 136:6</div> <div>55-decibel [1] - 136:13</div> <div>55117 [1] - 2:22</div> <div>563 [2] - 173:12, 213:8</div> <div>57 [2] - 178:17, 179:7</div> <div>58 [2] - 3:14, 116:8</div> <div>58502-2798 [1] - 2:9</div> <div>58505-0480 [1] - 2:17</div> <div>5th [1] - 82:12</div>	<div>9</div> <div>9 [10] - 6:15, 25:25, 69:4, 98:16, 101:9, 101:11, 101:14, 101:21, 103:9, 109:20</div> <div>90 [4] - 45:21, 86:3, 205:9, 215:7</div> <div>91 [1] - 3:16</div> <div>93 [1] - 3:18</div> <div>95 [1] - 114:12</div> <div>96 [1] - 114:12</div> <div>97 [2] - 59:22, 126:4</div>	
		A	
	6	A	
	<div>6 [11] - 6:10, 27:7, 30:15, 30:22, 31:2, 31:4, 76:11, 79:16, 80:19, 102:10, 104:18</div> <div>6-17 [1] - 80:17</div> <div>6-3 [1] - 79:25</div> <div>6.2.1-1 [1] - 130:19</div> <div>6.8 [1] - 112:24</div> <div>60 [4] - 116:16, 137:16,</div>	<div>A</div> <div>A&M [1] - 93:24</div> <div>a.m [3] - 8:2, 9:7, 92:12</div> <div>abandoned [1] - 111:12</div> <div>ability [3] - 86:16, 117:4, 198:8</div> <div>able [15] - 14:14, 25:17, 54:3, 55:18, 58:7, 60:8, 64:10, 81:7, 84:6, 89:8, 127:20, 156:16, 175:24, 177:4, 241:15</div> <div>absolutely [12] - 127:19, 128:3, 128:5, 128:13, 144:3, 148:20, 155:15,</div>	
4			
<div>4 [5] - 6:7, 75:9, 82:23, 83:1, 98:16</div> <div>4-H [2] - 201:14, 201:22</div> <div>40 [7] - 48:15, 60:3, 92:10, 110:8, 137:13, 169:15,</div>			

<p>217:4, 239:2, 239:3, 241:9</p> <p>additionally [5] - 25:10, 29:4, 39:8, 107:25, 131:13</p> <p>address [12] - 19:2, 42:11, 43:2, 43:4, 88:9, 100:6, 100:18, 100:25, 115:10, 124:25, 154:22, 157:18</p> <p>addressed [4] - 87:17, 87:24, 141:19, 143:5</p> <p>addresses [1] - 144:21</p> <p>addressing [3] - 34:7, 126:22, 128:17</p> <p>adequate [1] - 207:2</p> <p>adhere [1] - 66:1</p> <p>adjacent [4] - 25:14, 108:24, 117:10, 208:6</p> <p>adjust [1] - 140:10</p> <p>adjusting [1] - 65:17</p> <p>adjustments [1] - 80:12</p> <p>ADLS [13] - 39:17, 39:23, 39:24, 42:3, 77:8, 77:10, 77:11, 77:15, 77:24, 78:6, 78:12, 79:2, 199:21</p> <p>administrative [3] - 8:5, 18:17, 61:11</p> <p>ADMINISTRATIVE [1] - 1:23</p> <p>Administrative [2] - 8:6, 98:7</p> <p>admission [3] - 18:4, 18:7, 123:22</p> <p>admit [2] - 18:9, 240:19</p> <p>admitted [3] - 18:10, 124:2, 193:3</p> <p>admonitions [2] - 92:20, 193:14</p> <p>advance [1] - 84:1</p> <p>adverse [15] - 9:22, 10:3, 41:13, 99:1, 99:17, 100:6, 103:23, 104:18, 107:6, 107:9, 107:12, 108:16, 108:20, 114:1, 124:18</p> <p>advisory [2] - 11:23, 11:24</p> <p>Advisory [1] - 2:16</p> <p>advocating [3] - 34:23, 227:13, 227:19</p> <p>AECOM [3] - 118:6, 122:21, 127:19</p> <p>aerial [2] - 123:10, 217:20</p> <p>affect [4] - 40:6, 40:9, 61:7, 64:1</p> <p>mentioned [1] - 153:13</p> <p>afterwards [2] - 205:19, 209:10</p> <p>Ag [13] - 7:20, 102:12, 102:17, 102:22, 103:20, 143:14, 144:19, 144:25, 146:17, 147:4, 147:23, 148:12, 239:2</p> <p>ag [2] - 176:17, 231:4</p> <p>Ag's [2] - 103:13, 147:6</p> <p>agencies [10] - 37:5, 100:23,</p>	<p>101:4, 102:11, 102:21, 103:10, 142:9, 142:11, 142:14, 142:19</p> <p>Agency [6] - 6:12, 6:13, 6:16, 7:4, 7:5, 7:7</p> <p>agency [5] - 11:4, 29:14, 78:23, 102:15, 102:20</p> <p>agendas [1] - 209:7</p> <p>aggregate [3] - 80:11, 81:4, 203:24</p> <p>aggregate-surfaced [1] - 80:11</p> <p>aggressive [1] - 67:22</p> <p>ago [4] - 67:5, 148:4, 183:3, 215:16</p> <p>agree [8] - 35:2, 41:3, 137:24, 163:25, 171:2, 178:5, 236:13, 237:14</p> <p>agreed [4] - 81:18, 100:14, 111:20, 153:11</p> <p>agreement [22] - 25:15, 25:17, 27:4, 28:12, 28:14, 31:9, 31:11, 31:14, 45:5, 45:15, 62:18, 67:10, 67:12, 85:24, 126:6, 126:8, 126:9, 126:13, 126:21, 136:12, 155:24, 158:22</p> <p>agreements [29] - 29:21, 29:23, 29:24, 29:25, 30:3, 30:5, 30:7, 30:11, 31:6, 32:19, 32:21, 44:21, 56:18, 56:21, 56:23, 57:4, 67:17, 67:24, 83:12, 86:3, 86:5, 86:10, 86:11, 86:14, 87:3, 87:5, 87:7, 87:11</p> <p>agrees [1] - 41:6</p> <p>agricultural [2] - 96:13, 96:21</p> <p>Agriculture [6] - 100:11, 102:2, 103:18, 142:4, 143:7, 143:10</p> <p>ahead [4] - 13:25, 108:9, 153:12, 177:5</p> <p>aid [2] - 36:13, 217:24</p> <p>air [2] - 77:22, 207:17</p> <p>aircraft [2] - 23:22, 39:12</p> <p>airplane [1] - 78:19</p> <p>airplanes [2] - 78:15, 78:18</p> <p>airport [1] - 198:25</p> <p>alive [1] - 58:2</p> <p>ALJ [212] - 8:4, 11:7, 11:20, 12:3, 14:18, 16:15, 17:13, 18:8, 19:24, 20:5, 20:7, 20:16, 41:21, 41:24, 43:18, 58:16, 83:15, 88:5, 88:11, 88:15, 88:21, 90:24, 91:19, 91:25, 92:9, 92:14, 92:19, 92:25, 123:24, 124:1, 125:19, 132:8, 132:10, 132:13, 146:3, 150:20,</p>	<p>152:9, 152:12, 152:19, 152:23, 153:11, 154:4, 154:10, 154:13, 154:16, 154:20, 154:23, 156:6, 156:9, 156:11, 157:5, 159:20, 161:14, 161:18, 162:2, 162:5, 162:7, 162:9, 162:11, 163:11, 163:14, 163:16, 163:18, 164:21, 165:16, 166:8, 167:2, 167:16, 167:24, 168:12, 168:15, 168:17, 168:19, 170:15, 170:17, 170:20, 170:22, 172:15, 172:19, 172:22, 173:1, 173:7, 174:4, 174:6, 174:21, 174:23, 176:5, 176:22, 176:25, 177:16, 177:22, 178:1, 178:3, 179:21, 179:23, 179:25, 180:2, 181:8, 181:12, 181:16, 186:10, 187:12, 187:18, 187:21, 188:5, 188:9, 188:12, 189:3, 189:5, 189:7, 189:9, 189:12, 190:2, 190:5, 190:13, 190:17, 190:20, 191:1, 191:8, 191:17, 191:19, 191:21, 191:23, 192:2, 192:8, 192:11, 192:15, 192:19, 192:23, 193:6, 193:8, 193:10, 193:13, 193:20, 193:23, 194:1, 194:3, 194:6, 195:21, 195:23, 195:25, 196:2, 199:16, 201:4, 202:7, 202:11, 202:20, 202:24, 203:1, 207:19, 208:9, 208:11, 208:13, 210:18, 211:22, 211:25, 212:4, 212:11, 212:15, 212:20, 221:21, 221:23, 221:25, 222:14, 223:13, 224:3, 224:8, 224:11, 224:18, 227:2, 227:4, 227:6, 231:1, 231:12, 231:16, 231:19, 231:23, 232:3, 232:8, 232:12, 232:20, 232:22, 232:25, 233:11, 233:13, 233:15, 233:17, 233:20, 233:23, 234:2, 234:11, 234:13, 234:15, 234:19, 236:4, 236:6, 236:8, 236:10, 236:20, 237:4, 237:19, 238:2, 238:4, 238:9, 238:12, 238:16, 238:23, 239:25, 240:13, 240:17, 241:2, 241:11</p> <p>all-of-the-above [1] - 169:5</p> <p>allocated [1] - 240:9</p> <p>allocation [1] - 129:25</p>	<p>allow [11] - 11:19, 13:1, 54:10, 84:23, 136:11, 153:12, 153:20, 177:9, 224:7, 224:8, 231:4</p> <p>allowable [1] - 135:22</p> <p>allowed [4] - 11:25, 12:4, 64:3, 207:7</p> <p>allows [1] - 72:23</p> <p>almost [1] - 235:4</p> <p>alone [3] - 62:1, 179:13, 206:19</p> <p>alt [1] - 26:21</p> <p>alternate [7] - 23:3, 25:9, 25:21, 26:23, 122:25, 123:4, 123:8</p> <p>alternative [3] - 96:6, 96:25, 206:4</p> <p>alternatives [1] - 85:9</p> <p>alts [1] - 27:1</p> <p>Amazon [1] - 51:22</p> <p>amenable [1] - 66:13</p> <p>amended [2] - 27:11, 54:21</p> <p>amendment [2] - 62:21, 84:20</p> <p>America [2] - 12:19, 216:4</p> <p>American [3] - 111:24, 119:8, 140:7</p> <p>amount [12] - 14:8, 51:5, 56:16, 64:11, 70:19, 74:2, 130:9, 139:1, 171:5, 175:19, 225:8, 239:21</p> <p>analyses [2] - 113:15, 113:16</p> <p>analysis [15] - 77:13, 77:14, 91:4, 113:5, 116:11, 123:1, 125:17, 125:25, 126:3, 138:14, 140:24, 140:25, 141:3, 224:22, 225:14</p> <p>Andahl [2] - 243:3, 243:15</p> <p>angle [1] - 120:4</p> <p>animal [1] - 207:9</p> <p>annual [1] - 120:9</p> <p>annually [2] - 36:12, 69:13</p> <p>ANSI [1] - 119:8</p> <p>answer [12] - 50:3, 71:9, 76:18, 77:3, 89:8, 139:21, 164:14, 171:24, 200:4, 200:5, 240:3</p> <p>answered [2] - 72:8, 76:4</p> <p>answers [2] - 77:4, 92:4</p> <p>anticipate [15] - 23:4, 40:1, 44:24, 56:24, 57:7, 57:10, 73:16, 128:16, 129:21, 143:8, 143:16, 143:17, 144:14, 145:18, 149:10</p> <p>anticipated [7] - 44:19, 103:22, 104:19, 107:8, 107:11, 108:19, 119:11</p> <p>anticipating [4] - 45:10, 53:19, 67:23, 135:23</p> <p>anyway [3] - 79:1, 187:5,</p>
--	--	--	---

<p>203:10</p> <p>apart [1] - 76:23</p> <p>APLIC [1] - 105:10</p> <p>apologies [2] - 62:7, 83:9</p> <p>apologize [2] - 69:5, 152:2</p> <p>appear [1] - 115:6</p> <p>appearance [3] - 10:9, 11:8, 11:21</p> <p>appearances [1] - 10:8</p> <p>appearing [1] - 10:12</p> <p>appendices [1] - 98:24</p> <p>Appendices [1] - 110:22</p> <p>Appendix [2] - 118:12, 118:13</p> <p>Applebee's [1] - 213:21</p> <p>applicable [6] - 25:25, 26:2, 26:15, 43:11, 95:22, 96:7</p> <p>applicant [4] - 21:2, 64:19, 237:25, 239:15</p> <p>APPLICANT [1] - 2:13</p> <p>applicants [1] - 225:1</p> <p>application [56] - 8:17, 8:23, 9:16, 18:16, 18:19, 18:21, 18:25, 22:15, 25:23, 31:17, 32:17, 33:5, 43:24, 44:4, 60:13, 60:17, 60:21, 60:23, 60:25, 61:23, 62:17, 64:13, 67:3, 67:18, 68:2, 68:6, 68:8, 68:11, 68:24, 69:22, 72:13, 74:13, 74:20, 75:3, 75:6, 80:13, 82:22, 85:7, 85:18, 91:4, 94:11, 95:12, 95:22, 114:22, 115:11, 117:12, 118:10, 121:23, 123:18, 130:14, 130:16, 131:19, 142:22, 144:15, 170:14, 241:23</p> <p>Application [6] - 1:7, 1:10, 6:4, 6:5, 7:8, 7:10</p> <p>applications [4] - 22:20, 32:16, 98:25, 103:6</p> <p>applications' [1] - 102:23</p> <p>applied [3] - 76:23, 108:14, 120:7</p> <p>apply [1] - 13:10</p> <p>appreciate [28] - 34:22, 63:20, 83:20, 132:18, 135:6, 143:2, 157:8, 163:22, 164:20, 170:18, 170:25, 172:14, 185:16, 187:10, 208:17, 210:7, 210:17, 211:20, 222:4, 222:13, 226:25, 227:10, 233:6, 235:7, 236:12, 236:17, 237:7, 238:8</p> <p>appreciated [1] - 241:20</p> <p>approach [4] - 128:9, 143:15, 143:20, 169:5</p> <p>approached [3] - 126:5, 126:15, 182:23</p>	<p>appropriate [4] - 75:14, 116:12, 140:13, 145:22</p> <p>approval [10] - 31:10, 31:14, 39:25, 40:1, 64:25, 118:2, 128:7, 150:2, 150:13, 200:8</p> <p>approvals [5] - 39:16, 39:22, 40:6, 40:9, 239:13</p> <p>approve [9] - 15:2, 15:4, 57:11, 65:9, 149:25, 150:1, 150:10, 151:8, 170:10</p> <p>approved [5] - 32:14, 32:17, 78:11, 90:2, 208:23</p> <p>approving [1] - 133:2</p> <p>archaeological [1] - 112:23</p> <p>architectural [3] - 93:18, 111:4, 111:8</p> <p>area [36] - 29:2, 29:6, 64:14, 66:14, 79:11, 79:19, 80:25, 81:13, 81:14, 96:2, 96:23, 99:15, 105:12, 105:16, 105:19, 107:19, 108:24, 116:7, 116:13, 129:22, 163:6, 167:10, 169:13, 169:24, 171:11, 171:12, 174:13, 176:1, 179:19, 203:13, 203:14, 205:7, 211:19, 221:17, 225:9, 233:1</p> <p>areas [26] - 32:24, 37:3, 47:8, 86:16, 97:16, 99:9, 99:15, 105:13, 105:17, 110:24, 114:5, 114:14, 114:17, 114:21, 114:23, 115:4, 115:7, 115:10, 117:1, 117:4, 171:14, 171:17, 185:3, 204:10</p> <p>arises [1] - 42:15</p> <p>array [4] - 77:14, 95:19, 124:6, 169:2</p> <p>aside [2] - 44:22, 49:8</p> <p>assessed [1] - 105:12</p> <p>Assessment [1] - 7:2</p> <p>assessment [13] - 46:20, 58:25, 91:10, 91:13, 118:11, 118:12, 118:16, 119:3, 119:14, 119:16, 123:12, 123:16, 125:5</p> <p>assessments [15] - 11:6, 97:15, 98:23, 110:5, 110:16, 110:20, 118:4, 118:6, 118:7, 120:11, 120:17, 121:15, 121:23, 124:7, 124:10</p> <p>asset [1] - 201:11</p> <p>associated [14] - 8:20, 9:1, 23:20, 25:11, 46:15, 46:19, 48:11, 58:24, 90:19, 96:2, 96:24, 125:12, 126:14, 157:17</p>	<p>Association [1] - 200:18</p> <p>assume [2] - 43:12, 192:17</p> <p>assumed [2] - 120:1, 139:12</p> <p>assumes [2] - 118:25, 120:2</p> <p>assuming [2] - 90:8, 160:11</p> <p>assumption [3] - 89:25, 90:6, 91:17</p> <p>assurance [2] - 40:20, 40:25</p> <p>attachment [1] - 102:19</p> <p>Attachment [1] - 25:10</p> <p>attendance [2] - 8:13, 8:14</p> <p>attended [1] - 159:11</p> <p>attention [1] - 30:14</p> <p>Attorney [1] - 2:12</p> <p>Attorneys [1] - 2:7</p> <p>audience [5] - 12:5, 152:24, 168:1, 225:7, 231:20</p> <p>auditor [1] - 231:7</p> <p>auditor's [1] - 231:15</p> <p>Aurora [1] - 230:4</p> <p>Austin [1] - 2:12</p> <p>authority [2] - 91:15, 137:3</p> <p>authorization [2] - 32:25, 87:4</p> <p>authorizations [2] - 30:13, 86:17</p> <p>authorized [1] - 41:8</p> <p>availability [1] - 99:4</p> <p>available [12] - 23:14, 49:11, 90:4, 90:14, 170:5, 171:5, 217:16, 219:14, 219:20, 219:21, 225:2, 229:8</p> <p>avenue [1] - 209:8</p> <p>Avenue [3] - 1:19, 2:8, 2:17</p> <p>avenues [1] - 42:11</p> <p>average [1] - 137:12</p> <p>avian [1] - 102:7</p> <p>Avian [1] - 105:9</p> <p>avoid [10] - 37:15, 95:10, 96:20, 100:1, 105:24, 109:16, 114:5, 114:14, 115:3, 116:12</p> <p>avoidance [4] - 99:10, 102:5, 103:4, 108:14</p> <p>avoided [3] - 97:11, 105:25, 114:18</p> <p>avoiding [1] - 99:7</p> <p>avoids [4] - 65:25, 97:3, 106:7, 115:23</p> <p>award [1] - 89:21</p> <p>aware [10] - 33:1, 42:18, 50:2, 51:21, 57:22, 58:2, 58:4, 63:21, 87:19, 136:23</p>	<p>babble [1] - 162:15</p> <p>bachelor [1] - 93:23</p> <p>background [2] - 21:9, 93:22</p> <p>backlash [1] - 151:11</p> <p>backs [1] - 63:3</p> <p>backyard [1] - 204:14</p> <p>balance [3] - 13:12, 13:13, 234:25</p> <p>balancing [1] - 99:3</p> <p>bald [4] - 107:10, 107:12, 107:13, 107:18</p> <p>barriers [1] - 152:1</p> <p>base [4] - 23:9, 23:18, 74:12, 188:25</p> <p>based [21] - 15:12, 26:3, 45:8, 50:24, 72:7, 74:3, 75:25, 76:1, 77:15, 80:12, 105:3, 119:7, 119:21, 120:6, 120:11, 140:10, 141:4, 169:25, 225:1, 230:5, 230:6</p> <p>baseline [1] - 228:11</p> <p>Basin [18] - 6:10, 24:10, 27:18, 27:20, 27:24, 28:15, 28:17, 30:7, 30:8, 30:10, 30:22, 31:6, 31:8, 56:5, 64:2, 64:5, 83:10, 215:10</p> <p>Basin's [2] - 27:22, 27:23</p> <p>basis [1] - 138:11</p> <p>bat [6] - 104:12, 106:10, 106:11, 106:12, 106:13, 106:25</p> <p>Bates [5] - 69:1, 69:8, 115:15, 116:15, 130:18</p> <p>Bates-stamped [2] - 116:15, 130:18</p> <p>bats [2] - 106:15, 106:19</p> <p>batteries [1] - 53:24</p> <p>Beach [1] - 35:25</p> <p>beat [2] - 200:4, 203:21</p> <p>beaten [1] - 172:17</p> <p>beautiful [1] - 237:6</p> <p>became [1] - 33:1</p> <p>become [1] - 108:15</p> <p>becomes [1] - 195:9</p> <p>BEFORE [1] - 1:23</p> <p>began [1] - 112:13</p> <p>begin [9] - 8:11, 20:16, 34:3, 146:6, 168:19, 173:7, 178:3, 179:2, 194:6</p> <p>beginning [6] - 40:21, 102:2, 102:4, 104:18, 188:16, 213:20</p> <p>behalf [5] - 10:12, 11:11, 21:2, 176:12, 192:18</p> <p>behind [2] - 198:18, 214:6</p> <p>believer [1] - 198:4</p> <p>below [1] - 229:18</p> <p>bench [1] - 217:1</p> <p>beneficial [1] - 73:17</p>
B			
<p>B2 [1] - 118:12</p> <p>B3 [1] - 118:13</p> <p>B4 [1] - 110:22</p>			

benefit [7] - 38:11, 133:1, 133:8, 133:17, 220:22, 225:22, 235:7 benefiting [1] - 133:12 benefits [15] - 7:24, 37:23, 51:10, 51:12, 129:24, 145:5, 145:6, 145:7, 170:6, 218:13, 220:22, 226:16, 235:5, 235:15, 239:19 best [13] - 13:10, 13:16, 13:20, 13:21, 16:17, 52:19, 137:9, 149:15, 156:25, 220:19, 224:23, 225:2, 236:17 better [7] - 46:5, 182:11, 191:9, 204:2, 220:12, 225:7, 228:10 Betty [2] - 1:19, 9:7 between [19] - 86:14, 86:23, 87:11, 87:18, 103:16, 105:2, 114:11, 114:12, 116:8, 116:16, 120:3, 130:1, 135:12, 163:8, 200:7, 224:24, 235:5, 235:14, 239:20 Beulah [2] - 69:12, 69:14 beware [2] - 205:17, 207:12 beyond [3] - 67:14, 222:21, 229:9 bids [1] - 89:18 big [14] - 14:7, 16:12, 52:16, 52:17, 71:17, 77:9, 78:23, 178:25, 179:2, 185:5, 203:23, 206:10, 217:7, 218:5 bigger [1] - 16:5 biggest [2] - 50:16, 50:19 binder [4] - 44:12, 46:22, 68:11, 166:10 binders [1] - 14:7 bird [2] - 105:8, 107:22 birds [4] - 99:21, 100:8, 102:14, 103:12 Bismarck [9] - 2:9, 2:17, 15:24, 173:13, 213:22, 217:18, 221:17, 223:22, 243:12 Bison [1] - 199:24 bit [19] - 50:9, 65:17, 77:25, 89:7, 89:10, 134:1, 134:6, 138:16, 142:1, 158:6, 185:12, 185:13, 191:10, 206:14, 209:21, 215:14, 217:21, 218:25, 235:3 black [1] - 13:13 blade [2] - 23:10, 23:19 blades [10] - 48:20, 48:21, 48:25, 126:23, 127:3, 127:5, 204:20, 207:14, 210:2, 211:6	Blattner [4] - 33:12, 33:15, 36:23, 81:6 blender [1] - 137:21 blessing [1] - 189:1 blindly [1] - 133:14 blinking [4] - 199:1, 199:9, 199:22, 206:9 block [1] - 159:12 blood [1] - 217:24 blower [1] - 150:24 blowing [3] - 139:6, 139:12, 139:16 blue [4] - 47:4, 181:3, 181:4 Blum [1] - 182:13 blunt [1] - 198:15 Board [2] - 149:9, 239:9 board [12] - 149:12, 149:19, 149:25, 150:12, 194:10, 195:14, 200:9, 200:15, 201:12, 201:22, 202:4, 202:9 Boards [2] - 7:23, 239:6 boards [2] - 201:20, 239:13 book [1] - 180:15 bore [4] - 106:4, 116:12, 116:18, 116:22 bores [1] - 116:24 bother [1] - 199:3 bottles [1] - 139:10 bottom [7] - 47:20, 69:7, 79:16, 80:22, 115:16, 151:13, 180:23 Boulevard [1] - 2:17 boundaries [1] - 13:5 boundary [6] - 47:11, 47:16, 47:17, 47:18, 66:7, 208:4 Box [1] - 2:8 boxed [1] - 167:10 boxed-out [1] - 167:10 boxes [1] - 181:12 boys [1] - 235:16 Brady [1] - 156:21 brake [1] - 76:22 brakes [1] - 76:23 break [12] - 16:9, 73:22, 75:5, 76:22, 88:18, 88:21, 92:1, 152:14, 231:8, 231:12, 231:23, 232:4 breakdown [1] - 239:20 breakdowns [1] - 73:7 breakout [3] - 73:9, 73:15, 73:18 breaks [1] - 12:11 breeding [2] - 102:14, 109:8 BRIAN [1] - 2:15 Brian [1] - 11:22 brief [9] - 11:17, 22:24, 23:24, 207:22, 224:20, 240:24, 241:3, 241:6,	242:3 briefly [7] - 11:16, 21:8, 37:22, 93:20, 101:20, 212:13, 213:17 bring [9] - 172:10, 192:13, 194:12, 195:5, 195:11, 196:20, 203:16, 219:3, 234:25 bringing [5] - 194:22, 200:13, 204:16, 214:23, 237:6 Brink [4] - 33:13, 33:16, 36:23, 81:6 broader [1] - 196:9 Broadway [1] - 2:8 broken [1] - 109:13 brought [2] - 71:18, 75:6 Brown [12] - 6:19, 10:24, 58:7, 92:18, 92:19, 93:7, 93:10, 94:19, 98:5, 115:13, 186:14 BROWN [3] - 3:17, 92:23, 93:2 Brown's [1] - 19:16 buffer [3] - 108:5, 108:14, 109:14 build [5] - 96:17, 218:13, 218:14, 218:16, 227:17 Building [1] - 111:24 building [9] - 11:14, 23:22, 32:20, 62:25, 64:5, 203:12, 216:21, 218:20, 227:14 buildings [1] - 123:11 built [10] - 35:7, 108:10, 158:20, 158:25, 163:7, 169:7, 223:6, 223:8, 229:16 bunch [1] - 87:23 bundled [1] - 56:22 burden [1] - 204:4 Bureau [2] - 113:11, 141:1 bureaucratic [1] - 133:7 Burgum's [2] - 71:12, 72:3 Burleigh [2] - 129:17, 199:9 Burns [2] - 140:24, 141:3 business [8] - 21:10, 51:20, 146:10, 168:21, 190:15, 198:19 businesses [3] - 37:19, 81:12, 192:5 busy [1] - 85:8 Butte [9] - 29:10, 29:14, 29:16, 56:22, 110:17, 155:7, 155:20, 156:2, 188:16 butterfly [1] - 104:11 buy [1] - 235:17 buyer [2] - 205:17, 207:12 buying [1] - 203:12 BY [33] - 20:22, 42:2, 43:21,	58:18, 83:18, 88:24, 91:2, 93:6, 132:17, 146:5, 150:23, 156:13, 157:7, 159:22, 161:5, 163:20, 164:23, 170:24, 174:8, 175:2, 180:4, 186:12, 189:14, 196:4, 199:18, 201:6, 207:21, 208:15, 210:20, 213:2, 222:2, 222:16, 227:8 <hr/> <h3 style="text-align: center;">C</h3> <hr/> C5 [1] - 110:22 CadnaA [1] - 119:7 cafe [1] - 15:12 calculate [2] - 76:25, 120:5 calculates [1] - 118:22 CAMERON [4] - 3:11, 20:6, 20:14, 20:18 Cameron [14] - 6:18, 10:18, 20:4, 20:5, 20:23, 20:25, 25:1, 30:21, 46:23, 82:23, 83:19, 86:10, 95:17, 220:10 Cameron's [2] - 19:15, 125:1 Canada [2] - 2:22, 21:23 cannot [2] - 155:23, 206:20 capacity [9] - 8:21, 22:13, 53:17, 53:18, 91:8, 201:7, 201:12, 216:14, 223:18 capital [1] - 61:2 capped [1] - 61:10 capture [2] - 85:11, 226:21 carbon [5] - 52:3, 71:13, 72:3, 85:11, 226:21 card [2] - 221:2, 221:5 cards [1] - 221:11 care [4] - 17:1, 188:24, 200:25, 204:23 carve [2] - 66:9, 66:12 carved [1] - 66:6 Case [5] - 1:6, 1:8, 8:10, 101:12, 121:8 case [25] - 16:21, 24:24, 30:17, 30:19, 30:23, 32:2, 32:3, 74:22, 90:8, 94:24, 119:10, 130:17, 134:25, 138:15, 138:25, 139:2, 139:25, 150:3, 151:19, 176:13, 176:14, 176:15, 176:20, 205:13, 241:21 cases [7] - 14:21, 17:24, 24:14, 34:21, 65:4, 150:4, 222:20 Casey [3] - 10:11, 56:7, 182:13 CASEY [1] - 2:6 catching [1] - 146:24
--	--	---	--

<p>categories [1] - 132:20</p> <p>caught [3] - 146:25, 148:14</p> <p>causing [2] - 43:10, 65:7</p> <p>caveat [1] - 169:6</p> <p>cell [3] - 8:12, 51:18, 52:19</p> <p>Center [16] - 1:7, 1:19, 1:20, 7:17, 8:19, 9:8, 21:6, 23:2, 122:10, 171:13, 171:21, 191:11, 191:12, 194:4, 211:9</p> <p>center [9] - 12:18, 35:24, 47:20, 48:6, 116:6, 165:4, 180:23, 181:14, 217:19</p> <p>Center-Oliver [1] - 1:7</p> <p>cents [1] - 51:7</p> <p>certain [12] - 18:16, 45:24, 52:4, 57:14, 78:20, 99:11, 125:6, 133:5, 139:1, 185:3, 206:14, 206:16</p> <p>certainly [8] - 15:23, 16:9, 84:25, 160:14, 228:16, 239:8, 240:12, 240:25</p> <p>certainty [1] - 145:7</p> <p>certificate [9] - 8:18, 8:24, 9:17, 9:18, 22:15, 22:16, 64:14, 241:24</p> <p>CERTIFICATE [2] - 3:8, 243:1</p> <p>certification [3] - 41:4, 41:7, 65:8</p> <p>Certification [2] - 6:21, 6:23</p> <p>certifications [2] - 41:8, 117:1</p> <p>certified [1] - 94:1</p> <p>CERTIFY [2] - 243:4, 243:8</p> <p>cetera [3] - 89:15, 133:13, 133:24</p> <p>chain [1] - 84:9</p> <p>Chair [1] - 2:3</p> <p>chair [1] - 241:16</p> <p>chairman [1] - 60:7</p> <p>chairs [1] - 17:12</p> <p>challenge [1] - 50:19</p> <p>challenges [3] - 50:16, 50:17, 137:25</p> <p>chance [4] - 164:8, 164:10, 176:15, 226:10</p> <p>chances [1] - 233:7</p> <p>change [6] - 12:7, 12:9, 25:13, 56:23, 84:16, 124:8</p> <p>changed [8] - 15:14, 27:19, 27:24, 62:19, 137:5, 153:5, 197:2, 218:11</p> <p>changes [4] - 17:21, 25:11, 66:20, 117:2</p> <p>changing [1] - 218:7</p> <p>Chapter [1] - 98:8</p> <p>chart [2] - 67:19, 68:3</p> <p>charts [2] - 166:14, 166:15</p> <p>check [8] - 43:8, 43:9, 72:10,</p>	<p>75:25, 81:1, 81:8, 230:11, 230:12</p> <p>checkered [1] - 44:22</p> <p>checks [1] - 35:16</p> <p>chemicals [1] - 196:6</p> <p>choice [1] - 210:15</p> <p>choose [1] - 75:22</p> <p>chooses [2] - 17:10, 40:8</p> <p>chores [1] - 155:8</p> <p>chose [2] - 52:4, 148:5</p> <p>Christmann [33] - 3:5, 3:14, 3:19, 3:23, 4:4, 4:12, 4:15, 4:20, 4:24, 5:4, 14:18, 58:16, 68:22, 146:3, 152:23, 153:14, 159:20, 164:21, 172:15, 176:5, 186:10, 189:12, 192:2, 199:16, 210:5, 210:18, 222:14, 224:2, 231:1, 233:20, 236:20, 238:9, 240:1</p> <p>CHRISTMANN [60] - 2:3, 14:19, 46:16, 58:18, 59:2, 59:5, 61:14, 66:22, 68:7, 68:9, 68:12, 69:2, 69:4, 69:9, 69:11, 74:16, 74:17, 78:1, 79:3, 82:11, 82:15, 82:19, 83:3, 83:13, 146:5, 148:22, 148:25, 149:1, 150:18, 153:1, 159:22, 161:1, 164:23, 165:17, 165:21, 166:3, 167:6, 167:8, 167:14, 172:16, 176:6, 186:12, 187:9, 189:14, 190:1, 192:3, 199:18, 201:1, 210:20, 211:14, 222:16, 223:11, 231:2, 231:14, 231:25, 233:21, 236:21, 238:10, 240:2, 240:10</p> <p>Christmann's [2] - 89:1, 223:17</p> <p>circle [6] - 88:8, 166:5, 166:20, 181:4, 239:21</p> <p>circles [2] - 47:4, 47:5</p> <p>circulated [1] - 17:19</p> <p>cite [1] - 80:5</p> <p>citizens [8] - 9:23, 13:4, 13:17, 13:22, 124:20, 207:3, 208:24, 209:17</p> <p>Civic [2] - 1:19, 9:8</p> <p>civil [2] - 11:14, 93:23</p> <p>clarification [5] - 27:9, 28:4, 62:3, 85:4, 91:13</p> <p>clarifications [1] - 27:13</p> <p>clarified [1] - 64:12</p> <p>clarify [9] - 18:20, 27:21, 28:5, 42:3, 62:6, 85:19, 86:9, 121:19, 208:3</p> <p>clarifying [1] - 68:23</p>	<p>clarity [1] - 75:8</p> <p>Clark [5] - 112:22, 112:23, 113:14, 113:19, 114:3</p> <p>class [1] - 169:21</p> <p>Class [8] - 20:9, 97:17, 97:24, 110:12, 110:13, 111:3, 111:6, 111:8</p> <p>Clay [10] - 6:18, 10:17, 10:19, 19:15, 20:4, 20:25, 43:22, 46:25, 95:17, 125:1</p> <p>CLAY [2] - 3:11, 20:18</p> <p>clean [1] - 150:6</p> <p>clear [6] - 14:23, 26:17, 61:24, 117:4, 159:11, 188:16</p> <p>clearance [3] - 117:7, 117:14, 117:17</p> <p>cleared [1] - 217:3</p> <p>clearing [1] - 108:7</p> <p>clearly [1] - 159:4</p> <p>close [18] - 29:3, 59:13, 64:11, 78:15, 143:16, 144:24, 165:2, 165:18, 178:6, 178:11, 179:12, 182:18, 185:10, 197:5, 197:19, 225:3, 240:21, 241:14</p> <p>closed [2] - 242:1, 242:4</p> <p>closely [2] - 37:9, 159:24</p> <p>closer [1] - 149:14</p> <p>closest [5] - 112:11, 112:12, 112:25, 113:1, 197:17</p> <p>closet [1] - 241:17</p> <p>closing [3] - 231:25, 237:23, 237:24</p> <p>cloudy [1] - 120:8</p> <p>coal [12] - 69:13, 169:3, 198:6, 198:7, 211:15, 214:25, 215:1, 215:6, 221:17, 225:20, 225:21, 226:18</p> <p>Code [1] - 98:8</p> <p>Codes [1] - 98:8</p> <p>cold [1] - 206:2</p> <p>COLE [2] - 4:5, 168:9</p> <p>Cole [7] - 168:14, 168:20, 170:25, 172:14, 172:18, 172:21, 173:16</p> <p>collaborating [1] - 143:15</p> <p>collaborative [1] - 145:17</p> <p>colleague [5] - 10:15, 11:16, 58:5, 60:8, 95:17</p> <p>colleagues [2] - 12:20, 16:19</p> <p>collection [13] - 65:21, 66:2, 86:8, 106:4, 114:23, 115:6, 115:20, 115:23, 116:7, 116:13, 116:18, 116:19, 116:25</p> <p>collector [1] - 24:8</p> <p>College [1] - 223:22</p>	<p>collision [1] - 107:25</p> <p>combination [1] - 185:1</p> <p>comfort [2] - 138:14, 140:6</p> <p>comfortable [2] - 17:12, 172:3</p> <p>coming [15] - 44:24, 49:18, 78:15, 84:2, 139:19, 159:18, 164:5, 167:18, 167:22, 196:8, 201:15, 201:18, 202:12, 216:3, 223:15</p> <p>commencing [2] - 8:2, 32:23</p> <p>commend [1] - 146:24</p> <p>commended [1] - 100:2</p> <p>comment [8] - 11:19, 36:9, 63:21, 100:13, 127:4, 164:17, 202:8, 223:16</p> <p>comments [10] - 12:15, 113:3, 135:6, 141:22, 147:6, 170:18, 210:22, 226:7, 235:6, 236:19</p> <p>commercial [6] - 34:4, 42:15, 51:23, 51:25, 63:8, 91:10</p> <p>COMMISSION [2] - 1:3, 2:19</p> <p>commission [4] - 150:1, 150:13, 200:9, 229:14</p> <p>Commission [50] - 2:16, 8:7, 8:10, 9:11, 17:19, 18:24, 19:4, 20:24, 21:24, 22:2, 25:4, 26:16, 32:23, 40:20, 41:1, 41:10, 61:9, 61:13, 69:17, 78:7, 84:20, 84:25, 85:12, 87:13, 93:9, 94:16, 95:7, 98:23, 102:18, 102:23, 103:21, 109:10, 115:14, 116:21, 116:24, 117:2, 118:1, 118:8, 124:11, 127:8, 130:8, 132:1, 133:1, 136:3, 148:21, 170:13, 183:2, 188:12, 239:18, 239:24</p> <p>Commission's [19] - 31:10, 40:12, 40:16, 41:4, 41:7, 57:23, 94:23, 98:6, 98:11, 101:10, 103:3, 117:21, 117:24, 120:13, 120:14, 121:7, 124:14, 128:5, 226:25</p> <p>Commissioner [113] - 3:4, 3:5, 3:6, 3:13, 3:14, 3:14, 3:18, 3:19, 3:19, 3:23, 3:23, 3:24, 4:3, 4:4, 4:6, 4:9, 4:12, 4:12, 4:15, 4:19, 4:20, 4:20, 4:24, 4:24, 5:3, 5:4, 5:6, 14:20, 45:22, 47:10, 48:1, 50:12, 51:21, 55:25, 58:4, 58:16, 58:20, 58:23, 59:14, 59:15, 63:20, 65:20, 67:9, 67:24, 68:22, 69:19, 70:16, 71:24, 74:11,</p>
---	--	---	---

<p>74:14, 78:9, 78:24, 82:9, 83:15, 85:20, 87:1, 89:1, 132:13, 135:6, 146:3, 146:17, 146:24, 148:12, 148:24, 150:20, 152:2, 152:23, 153:14, 155:1, 157:5, 159:20, 163:18, 164:21, 167:16, 170:22, 172:15, 172:19, 174:23, 176:5, 176:22, 180:2, 186:10, 187:12, 189:9, 189:12, 190:2, 191:23, 192:2, 192:8, 196:2, 199:16, 201:4, 208:13, 210:5, 210:18, 211:22, 221:25, 222:14, 223:13, 227:6, 228:4, 231:1, 231:16, 233:17, 233:20, 233:23, 236:10, 236:20, 237:4, 238:4, 238:9, 238:12, 240:1</p> <p>commissioner [8] - 12:16, 14:18, 16:15, 43:18, 44:6, 45:1, 46:13, 146:11</p> <p>COMMISSIONER [131] - 2:3, 2:3, 2:4, 12:17, 14:19, 16:16, 43:21, 44:9, 44:14, 44:17, 46:16, 46:21, 47:2, 56:7, 56:12, 58:13, 58:18, 59:2, 59:5, 61:14, 66:22, 68:7, 68:9, 68:12, 69:2, 69:4, 69:9, 69:11, 74:16, 74:17, 78:1, 79:3, 82:11, 82:15, 82:19, 83:3, 83:13, 83:16, 83:18, 85:3, 85:5, 86:21, 87:15, 88:3, 132:14, 132:17, 145:20, 146:5, 148:22, 148:25, 149:1, 150:18, 150:21, 150:23, 152:5, 153:1, 157:7, 159:22, 161:1, 161:5, 161:12, 163:20, 164:16, 164:23, 165:14, 165:17, 165:21, 165:23, 166:1, 166:3, 166:6, 167:6, 167:8, 167:14, 167:17, 170:24, 172:13, 172:16, 172:20, 175:2, 176:3, 176:6, 176:23, 180:4, 181:22, 185:25, 186:8, 186:12, 187:9, 187:13, 189:10, 189:14, 190:1, 190:3, 191:24, 192:3, 192:9, 196:4, 199:14, 199:18, 201:1, 201:6, 202:1, 208:15, 210:16, 210:20, 211:13, 211:14, 211:23, 222:2, 222:12, 222:16, 223:11, 223:14, 227:8, 230:25, 231:2, 231:14, 231:17, 231:25, 233:18,</p>	<p>233:21, 233:24, 236:11, 236:21, 237:5, 238:5, 238:10, 238:13, 240:2, 240:10</p> <p>Commissioners [6] - 11:11, 19:10, 24:20, 30:16, 32:1, 161:17</p> <p>COMMISSIONERS [1] - 2:2</p> <p>commissioners [9] - 12:16, 66:15, 88:8, 91:20, 154:24, 156:23, 162:12, 166:18, 237:10</p> <p>commissioners' [1] - 151:3</p> <p>commissions [1] - 22:7</p> <p>commit [1] - 34:25</p> <p>commitment [6] - 103:1, 103:15, 228:1, 228:8, 228:9, 229:10</p> <p>commitments [1] - 89:14</p> <p>commits [1] - 109:25</p> <p>committed [4] - 99:19, 103:12, 226:17, 228:22</p> <p>Committee [2] - 105:10, 213:8</p> <p>common [2] - 136:22, 137:5</p> <p>communication [5] - 86:23, 86:25, 87:18, 143:16, 145:18</p> <p>communities [7] - 53:16, 134:13, 151:22, 151:25, 169:13, 192:6, 195:9</p> <p>community [29] - 10:21, 16:20, 16:23, 17:2, 17:7, 29:5, 35:3, 36:4, 37:18, 38:20, 133:24, 134:14, 163:2, 189:2, 194:12, 194:16, 195:1, 195:5, 195:6, 195:19, 196:21, 198:13, 201:11, 201:16, 201:23, 201:25, 202:4, 225:9, 236:14</p> <p>community's [1] - 197:9</p> <p>companies [10] - 51:22, 63:6, 85:22, 86:2, 133:14, 133:15, 133:21, 134:3, 135:1, 196:14</p> <p>Company [1] - 33:12</p> <p>company [26] - 14:5, 15:8, 15:15, 15:23, 16:22, 42:11, 87:6, 144:17, 144:23, 157:24, 159:16, 164:1, 175:18, 182:23, 184:15, 184:21, 184:25, 186:5, 186:22, 187:2, 192:18, 205:14, 209:24, 223:6, 230:23, 235:9</p> <p>compare [1] - 137:4</p> <p>compared [3] - 28:21, 225:18, 229:17</p> <p>comparing [1] - 48:14</p>	<p>comparison [2] - 47:7, 151:1</p> <p>compatibility [8] - 8:18, 8:25, 9:17, 9:18, 22:16, 22:17, 241:24, 241:25</p> <p>compatible [2] - 9:25, 29:6</p> <p>compensate [1] - 184:20</p> <p>compensation [9] - 55:7, 162:25, 163:4, 163:6, 183:11, 183:23, 183:24, 184:4</p> <p>competing [3] - 89:19, 90:8, 90:9</p> <p>competitors [1] - 79:13</p> <p>complaint [3] - 42:20, 42:24, 205:13</p> <p>complaints [2] - 42:9, 42:12</p> <p>complete [2] - 222:7, 233:8</p> <p>completed [6] - 57:13, 67:4, 110:25, 111:9, 113:4, 172:7</p> <p>completely [2] - 70:20, 153:8</p> <p>completing [1] - 67:20</p> <p>compliance [2] - 10:22, 94:8</p> <p>compliant [1] - 48:17</p> <p>complicated [1] - 211:4</p> <p>compliments [3] - 236:13, 236:22, 237:8</p> <p>comply [11] - 26:1, 26:15, 40:15, 41:3, 41:6, 103:2, 117:20, 117:23, 120:12, 120:17, 124:14</p> <p>computer [1] - 119:19</p> <p>concentrations [1] - 221:15</p> <p>concept [1] - 29:10</p> <p>conceptual [1] - 229:10</p> <p>concern [4] - 79:15, 164:7, 175:23, 225:20</p> <p>concerned [11] - 47:4, 65:12, 76:6, 78:5, 135:18, 138:1, 174:2, 176:10, 176:14, 176:19, 178:11</p> <p>concerning [1] - 59:12</p> <p>concerns [22] - 34:6, 34:8, 34:9, 65:7, 69:21, 70:1, 100:19, 100:25, 103:9, 136:2, 143:5, 144:16, 144:21, 184:14, 184:19, 186:4, 188:18, 205:17, 205:21, 208:19, 208:25, 209:3</p> <p>conclude [3] - 28:8, 41:17, 132:4</p> <p>concluded [4] - 97:19, 113:17, 140:19, 242:6</p> <p>concludes [1] - 19:22</p> <p>conclusion [1] - 140:21</p> <p>conclusions [2] - 241:12, 242:3</p> <p>concrete [2] - 229:5, 229:6</p> <p>concurred [3] - 97:23,</p>	<p>110:19, 111:15</p> <p>concurrences [4] - 110:4, 110:10, 110:21, 111:1</p> <p>condition [1] - 82:6</p> <p>Conditional [2] - 6:6, 6:7</p> <p>conditional [10] - 32:15, 53:9, 81:24, 82:4, 82:7, 82:13, 82:25, 83:7, 208:22, 209:1</p> <p>conditions [8] - 83:5, 99:16, 118:23, 138:13, 138:17, 138:20, 139:4, 139:22</p> <p>conduct [2] - 116:11, 119:20</p> <p>conducted [12] - 11:3, 11:17, 98:15, 98:18, 108:21, 110:12, 110:17, 111:3, 118:3, 118:17, 119:5, 119:17</p> <p>conducting [1] - 116:24</p> <p>configuration [1] - 119:7</p> <p>confirm [13] - 48:9, 69:19, 70:16, 70:17, 71:5, 74:14, 83:11, 108:1, 115:8, 115:13, 125:16, 131:16, 239:17</p> <p>confirmation [1] - 126:1</p> <p>confirmed [3] - 28:18, 109:3, 116:9</p> <p>confirming [1] - 74:18</p> <p>conflicting [1] - 56:21</p> <p>conflicts [1] - 153:7</p> <p>confused [1] - 146:10</p> <p>connection [1] - 171:6</p> <p>Conservation [1] - 104:2</p> <p>conservative [9] - 119:10, 119:21, 125:18, 126:2, 136:4, 136:16, 137:1, 138:15, 139:3</p> <p>consider [4] - 179:20, 198:7, 225:25, 235:11</p> <p>consideration [1] - 72:7</p> <p>considered [8] - 9:15, 9:16, 18:18, 71:21, 87:13, 105:18, 121:22, 123:12</p> <p>considering [1] - 91:10</p> <p>consist [1] - 77:8</p> <p>consistent [4] - 18:24, 105:9, 109:4, 117:15</p> <p>consistently [2] - 158:15, 233:3</p> <p>consisting [1] - 8:19</p> <p>consists [4] - 23:3, 29:13, 99:7, 111:22</p> <p>consolidated [8] - 14:9, 18:23, 24:14, 58:24, 120:25, 121:15, 121:20, 125:4</p> <p>Consolidated [1] - 7:2</p> <p>constraints [1] - 65:11</p> <p>construct [4] - 8:18, 33:8,</p>
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33:12, 33:13
constructability [1] - 99:4
constructed [1] - 9:3
constructing [1] - 227:14
construction [63] - 8:25,
 10:23, 11:13, 21:15, 21:18,
 21:21, 24:11, 32:20, 32:24,
 33:11, 34:1, 34:3, 34:7,
 34:10, 34:11, 34:12, 34:14,
 34:25, 36:22, 39:3, 39:4,
 40:2, 40:19, 40:21, 57:8,
 57:10, 67:20, 79:17, 79:20,
 79:23, 80:10, 81:13, 86:25,
 97:21, 105:21, 106:2,
 106:3, 106:13, 108:2,
 108:9, 108:14, 109:6,
 109:17, 109:24, 110:2,
 115:9, 117:9, 149:14,
 169:2, 203:25, 213:18,
 214:9, 214:15, 215:25,
 216:10, 217:9, 217:14,
 218:20, 218:25, 219:12,
 220:18, 222:22
Constructors [2] - 33:13,
 81:7
constructs [1] - 27:25
consult [1] - 18:1
consultant [4] - 94:4, 118:5,
 122:20, 140:24
consultants [3] - 38:15,
 93:15, 122:6
consultation [8] - 11:5,
 101:4, 101:23, 102:1,
 102:20, 110:7, 142:19,
 143:9
consulted [1] - 142:8
consulting [3] - 142:3,
 142:10, 142:14
contact [2] - 34:10, 34:13
contacted [5] - 155:3,
 155:16, 155:19, 156:3,
 164:6
contain [5] - 104:22, 121:17,
 121:21, 122:15, 243:9
contained [3] - 103:19,
 121:20, 122:23
contains [1] - 33:2
content [1] - 51:13
contents [1] - 101:21
contingent [1] - 30:12
continue [5] - 26:15, 36:25,
 97:11, 150:9, 168:3
Continued [4] - 4:1, 5:1, 6:1,
 7:1
continues [3] - 102:9,
 124:14, 170:11
continuing [3] - 10:4, 35:5,
 41:13
CONTINUING [25] - 25:1,
 31:1, 32:5, 44:17, 47:2,

56:12, 59:5, 61:14, 66:22,
 68:12, 69:11, 74:17, 79:3,
 83:3, 85:5, 94:25, 101:13,
 121:11, 122:14, 124:3,
 125:23, 149:1, 166:3,
 167:8, 181:22
continuous [1] - 35:22
contract [4] - 51:25, 155:6,
 155:15, 155:18
contractor [12] - 81:9, 170:1,
 171:10, 171:11, 171:25,
 172:5, 174:16, 218:1,
 219:3, 228:21, 229:1,
 229:16
contractor's [1] - 21:12
contractors [7] - 33:12,
 34:24, 36:22, 39:5, 150:6,
 213:12, 213:14
contracts [1] - 51:23
contributing [1] - 103:12
control [8] - 35:21, 35:24,
 149:4, 149:5, 150:13,
 156:2, 200:16, 200:22
Control [1] - 200:18
controls [1] - 35:19
convenient [1] - 15:22
conversation [2] - 137:20,
 228:5
conversations [7] - 54:14,
 141:22, 143:3, 149:15,
 170:1, 197:23, 198:4
conversion [4] - 16:7, 61:16,
 61:25, 62:11
converted [1] - 45:9
cooperative [2] - 185:16,
 186:5
Cooperative [2] - 6:10,
 215:10
coordinate [1] - 36:23
coordinated [1] - 36:10
coordinating [1] - 128:4
Coordination [1] - 6:15
coordination [7] - 36:25,
 101:1, 101:16, 102:11,
 103:8, 109:19, 112:2
copies [6] - 19:5, 31:5,
 98:22, 118:7, 122:12,
 124:11
copy [4] - 24:17, 95:1,
 123:17, 238:25
corner [7] - 69:7, 115:16,
 155:12, 178:14, 180:10,
 182:6, 182:7
corporate [1] - 89:4
corporations [3] - 63:7, 89:4,
 89:12
correct [80] - 26:23, 26:24,
 27:2, 31:20, 42:7, 43:15,
 49:7, 50:7, 50:15, 51:19,
 55:12, 55:15, 56:15, 58:11,

60:12, 60:20, 62:21, 62:24,
 63:3, 64:15, 64:16, 64:22,
 64:23, 65:1, 65:2, 65:23,
 70:6, 70:7, 70:9, 70:10,
 70:13, 70:21, 70:22, 71:2,
 71:22, 72:1, 72:16, 72:18,
 72:19, 73:21, 74:3, 74:4,
 75:16, 75:17, 75:20, 79:6,
 79:7, 80:20, 81:21, 82:2,
 82:3, 84:10, 84:21, 86:12,
 86:19, 90:22, 91:17, 95:1,
 112:4, 114:25, 115:17,
 121:25, 122:1, 123:19,
 129:18, 129:21, 131:18,
 139:23, 160:16, 160:21,
 165:9, 165:10, 167:7,
 189:16, 200:1, 214:5,
 215:2, 215:3, 215:21,
 221:8
corrections [3] - 25:6, 26:14,
 33:6
correctly [3] - 48:14, 81:23,
 196:24
correspondence [17] - 6:9,
 6:11, 6:12, 6:13, 29:15,
 31:5, 85:17, 86:22, 87:8,
 97:25, 98:1, 99:22, 102:16,
 102:20, 103:20, 111:17,
 111:19
Correspondence [4] - 6:17,
 7:4, 7:5, 7:7
corresponding [1] - 121:1
corridor [14] - 8:24, 9:18,
 22:16, 24:5, 62:2, 64:19,
 65:10, 104:16, 107:20,
 114:11, 117:16, 117:18,
 131:16, 241:25
CORTINA [3] - 5:2, 212:18,
 212:22
Cortina [11] - 11:18, 212:13,
 213:3, 213:6, 214:13,
 216:13, 218:3, 219:11,
 220:10, 225:12, 226:3
cost [13] - 33:21, 33:23,
 60:16, 60:19, 61:2, 61:7,
 61:15, 61:16, 61:18, 75:4,
 89:20, 134:11, 204:17
costs [5] - 33:20, 61:2,
 63:23, 64:1, 64:8
council [1] - 201:22
counsel [3] - 10:13, 10:14,
 11:23
Counsel [1] - 2:16
count [4] - 80:1, 134:5, 220:4
Counties [4] - 32:12, 32:22,
 38:6, 129:17
counties [12] - 9:4, 73:9,
 134:16, 149:25, 150:9,
 150:10, 150:14, 207:6,
 209:12, 209:13, 239:12,

240:6
counting [3] - 57:25, 133:14,
 233:6
country [7] - 21:15, 63:6,
 172:12, 198:7, 210:4,
 216:4, 221:17
counts [1] - 230:7
county [34] - 36:20, 37:9,
 38:24, 38:25, 53:4, 73:12,
 73:17, 73:23, 73:25, 79:9,
 130:1, 134:15, 150:1,
 150:12, 150:13, 150:14,
 194:24, 195:13, 196:10,
 200:9, 203:15, 203:16,
 203:18, 204:4, 204:16,
 204:17, 204:23, 205:2,
 207:2, 207:3, 208:22,
 209:6, 209:17, 239:20
County [68] - 1:7, 6:6, 6:7,
 7:23, 8:22, 23:2, 24:3,
 24:9, 24:12, 32:14, 32:16,
 32:20, 33:6, 36:15, 36:17,
 37:10, 37:11, 37:20, 53:9,
 65:5, 69:15, 70:5, 70:15,
 70:18, 70:21, 70:25, 71:4,
 71:8, 72:21, 72:23, 74:25,
 75:2, 79:6, 82:4, 82:25,
 83:11, 83:12, 129:2, 129:4,
 129:7, 129:9, 129:14,
 130:6, 149:9, 149:11,
 149:13, 149:18, 163:10,
 173:14, 189:1, 194:9,
 194:11, 195:16, 195:20,
 198:6, 199:8, 199:9,
 199:10, 200:1, 200:14,
 200:18, 205:24, 208:2,
 211:5, 220:23, 239:6,
 239:9
County's [1] - 33:2
county-sponsored [1] -
 38:24
couple [14] - 41:25, 45:1,
 45:3, 45:6, 56:18, 79:25,
 86:5, 88:19, 143:6, 153:2,
 203:4, 207:22, 208:18,
 219:13
courses [1] - 134:20
Court [1] - 243:16
COURT [2] - 3:8, 243:1
court [1] - 243:3
courteous [1] - 191:14
courthouse [1] - 183:1
cover [1] - 206:4
covered [2] - 72:24, 110:15
covers [2] - 217:23, 240:15
Coyote [2] - 69:14, 69:24
CPR [1] - 217:24
crafts [1] - 216:20
crane [3] - 104:10, 105:6,
 203:23

cranes [3] - 104:25, 105:2, 203:22
create [2] - 39:2, 39:9
created [1] - 204:9
creative [4] - 133:22, 134:6, 134:21, 135:4
credits [1] - 170:5
Creek [2] - 69:24, 156:21
criteria [8] - 13:9, 98:11, 103:3, 120:13, 142:10, 142:11, 142:23, 185:4
critical [2] - 104:4, 104:13
cropland [7] - 96:18, 179:16, 179:17, 182:12, 182:14, 185:7, 185:8
cross [4] - 86:16, 115:6, 115:21, 116:7
crossed [1] - 189:23
crossing [6] - 32:21, 86:6, 86:11, 87:10, 115:24
Crowley [2] - 2:7, 10:11
cultural [10] - 11:2, 38:15, 93:17, 97:13, 97:15, 97:17, 98:20, 110:4, 110:16, 110:19
CUP [4] - 32:17, 33:2, 33:7, 82:22
curious [1] - 151:21
current [10] - 32:7, 51:7, 54:9, 80:6, 80:14, 80:15, 105:16, 121:18, 131:5, 131:11
curtailed [2] - 49:10, 107:4
curtailment [1] - 105:5
curtains [1] - 206:10
customer [2] - 50:22, 52:1
cutting [1] - 217:21

D

D-a-r-y-n [1] - 154:19
dad [1] - 178:19
daily [1] - 130:20
DAKOTA [1] - 1:2
Dakota [85] - 1:20, 2:9, 2:16, 2:17, 2:21, 8:9, 9:8, 9:11, 9:23, 11:12, 11:14, 21:20, 22:3, 22:9, 22:11, 23:2, 28:22, 33:16, 52:1, 52:17, 63:24, 78:13, 90:2, 91:5, 91:14, 97:18, 98:7, 99:23, 100:10, 100:12, 100:20, 100:24, 101:24, 102:1, 102:12, 102:16, 102:17, 102:21, 103:13, 103:17, 103:19, 104:11, 105:11, 105:15, 105:20, 106:1, 106:7, 109:5, 109:9, 110:1, 114:16, 114:24, 124:20,

131:6, 133:20, 136:24, 168:25, 170:8, 173:13, 175:20, 192:5, 195:16, 209:12, 213:9, 213:10, 214:8, 214:14, 214:16, 214:19, 215:2, 215:6, 215:23, 216:2, 216:5, 216:14, 217:6, 218:11, 222:7, 225:22, 226:18, 226:24, 229:24, 239:2, 243:12
Dakota's [2] - 13:2, 218:20
Dakotans [3] - 133:13, 140:13, 218:17
dandy [1] - 203:18
dangerous [1] - 207:8
dark [1] - 78:17
Daryn [6] - 154:12, 154:18, 157:8, 159:18, 161:6, 164:5
DARYN [2] - 3:21, 154:7
data [11] - 7:21, 35:21, 118:20, 121:21, 122:20, 130:22, 131:3, 131:8, 131:23, 225:2, 239:4
date [6] - 9:9, 34:4, 47:14, 52:4, 57:14, 156:3
dated [2] - 99:23, 102:17
dates [1] - 86:25
dating [1] - 101:25
DAVIS [1] - 2:11
Davis [1] - 10:13
Dawson [2] - 8:5, 11:10
DAWSON [213] - 1:23, 8:4, 11:7, 11:20, 12:3, 14:18, 16:15, 17:13, 18:8, 19:24, 20:5, 20:7, 20:16, 41:21, 41:24, 43:18, 58:16, 83:15, 88:5, 88:11, 88:15, 88:21, 90:24, 91:19, 91:25, 92:9, 92:14, 92:19, 92:25, 123:24, 124:1, 125:19, 132:8, 132:10, 132:13, 146:3, 150:20, 152:9, 152:12, 152:19, 152:23, 153:11, 154:4, 154:10, 154:13, 154:16, 154:20, 154:23, 156:6, 156:9, 156:11, 157:5, 159:20, 161:14, 161:18, 162:2, 162:5, 162:7, 162:9, 162:11, 163:11, 163:14, 163:16, 163:18, 164:21, 165:16, 166:8, 167:2, 167:16, 167:24, 168:12, 168:15, 168:17, 168:19, 170:15, 170:17, 170:20, 170:22, 172:15, 172:19, 172:22, 173:1, 173:7, 174:4, 174:6, 174:21,

174:23, 176:5, 176:22, 176:25, 177:16, 177:22, 178:1, 178:3, 179:21, 179:23, 179:25, 180:2, 181:8, 181:12, 181:16, 186:10, 187:12, 187:18, 187:21, 188:5, 188:9, 188:12, 189:3, 189:5, 189:7, 189:9, 189:12, 190:2, 190:5, 190:13, 190:17, 190:20, 191:1, 191:8, 191:17, 191:19, 191:21, 191:23, 192:2, 192:8, 192:11, 192:15, 192:19, 192:23, 193:6, 193:8, 193:10, 193:13, 193:20, 193:23, 194:1, 194:3, 194:6, 195:21, 195:23, 195:25, 196:2, 199:16, 201:4, 202:7, 202:11, 202:20, 202:24, 203:1, 207:19, 208:9, 208:11, 208:13, 210:18, 211:22, 211:25, 212:4, 212:11, 212:15, 212:20, 221:21, 221:23, 221:25, 222:14, 223:13, 224:3, 224:8, 224:11, 224:18, 227:2, 227:4, 227:6, 231:1, 231:12, 231:16, 231:19, 231:23, 232:3, 232:8, 232:12, 232:20, 232:22, 232:25, 233:11, 233:13, 233:15, 233:17, 233:20, 233:23, 234:2, 234:11, 234:13, 234:15, 234:19, 236:4, 236:6, 236:8, 236:10, 236:20, 237:4, 237:19, 238:2, 238:4, 238:9, 238:12, 238:16, 238:23, 239:25, 240:13, 240:17, 241:2, 241:11
day-to-day [1] - 35:10
days [9] - 31:12, 36:1, 65:6, 120:8, 165:1, 183:3, 206:1, 206:3, 237:2
dba [2] - 48:16, 120:13
deal [6] - 183:21, 185:11, 205:15, 206:17, 206:22, 218:15
dealing [7] - 54:25, 55:4, 151:1, 151:5, 171:9, 196:15, 206:6
dealt [2] - 191:15, 206:24
December [17] - 6:12, 6:14, 9:11, 18:14, 32:16, 34:5, 57:13, 99:24, 100:13, 102:17, 103:21, 109:9, 111:17, 111:19, 146:15, 146:17, 147:10

decent [3] - 14:8, 56:16, 57:20
decibel [3] - 138:9, 138:12, 205:8
decibels [16] - 47:21, 59:11, 120:19, 127:3, 136:6, 136:8, 137:13, 137:15, 137:16, 137:21, 150:25, 160:19, 160:21, 205:8
decide [10] - 12:8, 13:7, 14:1, 75:14, 77:15, 132:20, 142:19, 150:10, 180:6, 209:17
decided [3] - 75:15, 172:8, 240:25
decision [4] - 13:16, 13:21, 229:21, 235:24
decommissioning [6] - 10:23, 40:13, 40:16, 40:19, 40:24, 40:25
deeply [1] - 226:17
defer [3] - 58:5, 60:7, 209:16
defers [1] - 209:13
definitely [3] - 164:3, 174:19, 200:24
delay [1] - 16:2
delayed [1] - 84:4
delivered [1] - 29:25
delivering [1] - 57:15
demand [1] - 63:19
demolished [1] - 159:7
demonstration [1] - 139:7
Denise [2] - 243:3, 243:15
deny [1] - 170:13
Department [24] - 7:20, 99:23, 100:11, 100:12, 100:24, 102:2, 102:12, 102:17, 102:22, 103:13, 103:17, 103:20, 109:11, 131:6, 142:4, 143:7, 143:9, 143:14, 144:19, 147:4, 147:6, 147:23, 211:2, 239:2
department [1] - 99:25
departments [1] - 38:25
depended [1] - 169:14
dependent [1] - 104:21
depicted [1] - 117:11
depicting [1] - 31:18
deposit [3] - 115:7, 115:22, 116:8
deposits [7] - 114:9, 114:10, 114:18, 114:25, 115:20, 115:24, 116:4
depth [1] - 116:12
DEQ [1] - 211:10
describe [10] - 21:8, 29:7, 37:22, 77:10, 93:21, 122:22, 207:23, 213:4, 213:17, 218:7

<p>described [4] - 28:6, 106:20, 109:19, 228:1</p> <p>description [3] - 63:10, 89:22, 156:25</p> <p>Description [1] - 6:3</p> <p>descriptive [1] - 85:10</p> <p>design [7] - 10:20, 100:4, 105:17, 108:18, 127:11, 127:14, 127:20</p> <p>designated [3] - 8:5, 104:4, 104:13</p> <p>designed [3] - 97:2, 114:4, 114:14</p> <p>desired [2] - 239:23, 239:25</p> <p>detail [6] - 46:10, 58:8, 102:25, 117:11, 123:20, 149:17</p> <p>detailed [8] - 85:7, 101:2, 122:24, 123:2, 123:5, 146:19, 147:19, 228:25</p> <p>Detailed [2] - 7:16, 122:8</p> <p>details [3] - 103:19, 147:21, 228:20</p> <p>DeTect [2] - 77:13</p> <p>detected [2] - 106:16, 106:20</p> <p>detection [2] - 23:23, 39:12</p> <p>detects [1] - 78:14</p> <p>determination [2] - 127:17, 127:20</p> <p>determinations [1] - 39:19</p> <p>determine [5] - 43:9, 105:14, 116:11, 142:22, 186:2</p> <p>determined [4] - 9:15, 111:6, 111:13, 180:24</p> <p>determines [1] - 184:23</p> <p>determining [1] - 185:7</p> <p>detract [1] - 113:17</p> <p>develop [2] - 140:9, 226:11</p> <p>developed [7] - 29:10, 29:12, 36:19, 99:5, 146:20, 147:20, 195:18</p> <p>developer [2] - 150:5, 226:6</p> <p>developers [5] - 89:19, 90:10, 170:5, 219:24, 226:3</p> <p>developing [5] - 38:14, 66:9, 100:17, 143:15, 147:23</p> <p>development [24] - 10:18, 10:21, 13:2, 21:1, 21:5, 21:14, 21:18, 21:19, 29:1, 38:19, 68:20, 79:9, 105:18, 112:6, 112:20, 134:19, 175:20, 195:1, 196:10, 209:13, 209:15, 209:18, 225:13, 226:2</p> <p>diagnostic [1] - 35:24</p> <p>diameter [4] - 23:7, 23:13, 23:16, 119:25</p> <p>dictate [1] - 54:5</p> <p>differ [1] - 87:3</p>	<p>difference [8] - 49:21, 61:3, 67:6, 73:18, 135:12, 200:24, 224:24, 225:4</p> <p>different [19] - 13:15, 56:3, 59:21, 60:17, 60:22, 61:1, 72:14, 75:13, 89:18, 89:19, 90:8, 138:4, 149:2, 194:8, 196:11, 196:12, 201:19, 220:3, 226:4</p> <p>differently [2] - 60:5, 240:9</p> <p>dimensional [1] - 118:20</p> <p>DINA [2] - 3:17, 93:2</p> <p>Dina [10] - 6:19, 10:24, 11:1, 19:16, 58:7, 60:8, 60:11, 92:18, 93:10, 132:18</p> <p>dinners [1] - 37:7</p> <p>direct [5] - 30:14, 41:17, 109:16, 132:4, 166:9</p> <p>directed [1] - 122:6</p> <p>direction [4] - 120:8, 139:16, 182:5, 206:8</p> <p>directions [1] - 120:1</p> <p>directive [1] - 13:6</p> <p>directly [3] - 135:1, 139:13, 166:10</p> <p>director [2] - 10:18, 20:25</p> <p>dirt [1] - 209:25</p> <p>disagree [4] - 83:8, 149:18, 186:20, 236:23</p> <p>disagreement [1] - 237:15</p> <p>disappeared [1] - 241:19</p> <p>disappointed [1] - 134:2</p> <p>disclose [1] - 52:24</p> <p>discuss [11] - 25:6, 25:25, 58:7, 96:4, 104:17, 126:4, 126:8, 126:9, 231:8, 238:17, 240:21</p> <p>discussed [12] - 25:8, 32:8, 94:12, 95:21, 110:8, 120:12, 124:21, 126:16, 145:15, 149:3, 188:18, 228:12</p> <p>discussion [2] - 3:3, 228:21</p> <p>discussions [6] - 36:20, 54:13, 87:9, 145:24, 228:25, 230:22</p> <p>dispatch [3] - 213:11, 213:13, 215:18</p> <p>displace [1] - 63:18</p> <p>displaced [1] - 79:13</p> <p>displacing [1] - 63:22</p> <p>display [3] - 19:3, 19:6, 234:24</p> <p>Display [2] - 7:12, 7:14</p> <p>displayed [1] - 16:12</p> <p>disposal [2] - 210:1, 210:22</p> <p>disposing [1] - 210:25</p> <p>dispute [1] - 186:20</p> <p>disruption [1] - 96:20</p> <p>distance [11] - 26:4, 26:10,</p>	<p>26:12, 65:18, 72:14, 78:20, 97:8, 113:20, 118:23, 119:4, 141:5</p> <p>distant [1] - 146:22</p> <p>distribute [1] - 122:11</p> <p>disturbance [1] - 97:7</p> <p>disturbed [1] - 183:8</p> <p>ditto [1] - 238:13</p> <p>diversified [2] - 226:22, 226:23</p> <p>diverters [2] - 105:8, 107:23</p> <p>Divide [3] - 22:4, 77:23, 230:4</p> <p>divulge [1] - 52:8</p> <p>DNHs [1] - 40:10</p> <p>DO [2] - 243:4, 243:8</p> <p>docket [24] - 17:22, 19:7, 19:15, 24:23, 24:24, 30:19, 30:24, 32:2, 32:4, 58:21, 82:8, 82:9, 82:11, 82:16, 87:9, 94:23, 101:11, 101:12, 121:8, 121:9, 130:16, 147:8, 147:13</p> <p>docketed [8] - 17:23, 24:24, 30:24, 32:4, 34:21, 94:23, 101:11, 121:7</p> <p>dockets [1] - 58:22</p> <p>doctors [1] - 207:4</p> <p>document [3] - 24:25, 230:19, 241:8</p> <p>documentation [1] - 143:2</p> <p>documented [6] - 30:19, 106:10, 107:18, 150:3, 225:16, 229:23</p> <p>documenting [1] - 111:23</p> <p>documents [2] - 17:18, 17:21</p> <p>dog [1] - 190:24</p> <p>dollar [2] - 51:5, 239:21</p> <p>dollars [2] - 73:13, 203:17</p> <p>domestic [1] - 51:13</p> <p>donations [1] - 38:22</p> <p>done [23] - 65:24, 73:16, 144:5, 145:2, 145:10, 146:22, 147:20, 148:16, 163:1, 168:3, 175:8, 177:11, 182:5, 190:21, 203:2, 203:25, 211:17, 212:14, 217:5, 217:6, 218:23, 224:22, 229:12</p> <p>door [1] - 197:23</p> <p>doorstep [2] - 205:9, 206:1</p> <p>DOT [1] - 131:11</p> <p>dots [2] - 141:9, 165:13</p> <p>double [4] - 72:10, 81:1, 81:8, 193:10</p> <p>double-check [3] - 72:10, 81:1, 81:8</p> <p>down [26] - 64:8, 68:20, 69:25, 73:1, 92:1, 151:18,</p>	<p>161:15, 162:14, 167:24, 172:23, 173:24, 177:1, 187:19, 188:20, 190:7, 190:13, 199:4, 202:7, 213:21, 216:1, 217:18, 224:4, 231:9, 234:2, 235:6, 237:20</p> <p>downwind [2] - 158:12, 158:15</p> <p>dramatically [1] - 169:19</p> <p>dressed [1] - 214:5</p> <p>drilling [1] - 160:10</p> <p>drive [3] - 199:8, 204:6, 204:7</p> <p>drives [1] - 64:8</p> <p>drop [2] - 95:16, 190:11</p> <p>dropped [3] - 25:12, 26:20, 126:16</p> <p>dropping [2] - 25:8, 25:20</p> <p>drops [1] - 138:9</p> <p>due [1] - 95:15</p> <p>duly [15] - 20:19, 93:3, 154:8, 161:25, 168:10, 173:9, 177:20, 188:3, 191:6, 193:18, 202:18, 212:23, 224:16, 232:18, 234:9</p> <p>duper [1] - 227:19</p> <p>duration [1] - 120:9</p> <p>during [23] - 34:6, 34:10, 36:22, 36:24, 37:20, 38:13, 38:19, 53:9, 71:15, 94:6, 104:23, 106:1, 106:11, 106:16, 106:17, 106:18, 107:3, 107:14, 108:14, 108:22, 109:7, 109:17, 139:10</p> <p>duties [2] - 35:14, 213:10</p>
E			
			<p>eagle [7] - 107:14, 107:17, 107:18, 108:1, 108:4, 108:5, 108:13</p> <p>eagles [4] - 107:10, 107:12, 107:13, 108:4</p> <p>eared [7] - 104:12, 106:9, 106:12, 106:13, 106:15, 106:19, 106:25</p> <p>early [3] - 71:16, 92:3, 112:13</p> <p>earmarked [1] - 84:3</p> <p>ease [1] - 121:16</p> <p>easement [7] - 29:18, 31:11, 32:8, 64:20, 97:21, 105:21, 205:14</p> <p>easements [7] - 55:20, 55:24, 67:1, 67:2, 67:3, 82:5, 159:13</p> <p>easier [1] - 134:5</p>

East [2] - 2:17, 2:22
east [10] - 59:9, 107:19, 107:20, 112:24, 112:25, 160:4, 165:24, 165:25, 189:22, 199:8
east-northeast [1] - 112:24
east-southeast [1] - 112:25
easy [4] - 144:17, 149:10, 162:22, 235:8
echo [1] - 151:3
echoey [2] - 46:1, 46:3
economic [6] - 37:23, 37:24, 197:10, 225:4, 226:15, 235:15
economically [3] - 228:23, 235:5, 235:6
economics [2] - 50:24, 54:8
economy [1] - 38:11
edge [10] - 48:16, 49:2, 96:12, 106:20, 115:18, 116:5, 127:2, 127:11, 188:20, 194:25
EDISON [1] - 2:6
Edison [1] - 10:15
educate [1] - 235:16
educated [1] - 223:25
educational [3] - 21:9, 38:21, 93:21
effective [1] - 78:14
effectively [1] - 99:17
effects [6] - 9:21, 9:22, 99:2, 107:12, 124:19, 207:10
efficient [2] - 10:1, 175:9
efforts [4] - 38:19, 100:2, 101:4, 112:3
eight [4] - 35:11, 39:9, 129:19, 233:2
either [11] - 19:9, 86:7, 116:10, 116:18, 137:4, 150:12, 171:14, 200:7, 200:9, 219:7
electric [2] - 64:18, 113:23
Electric [11] - 6:10, 23:5, 27:18, 27:20, 28:15, 28:17, 30:7, 30:8, 30:10, 30:23, 31:8
Electric's [1] - 24:10
electrical [1] - 24:2
elects [4] - 40:3, 116:22, 116:25, 124:4
elevation [1] - 178:13
eligibility [1] - 111:16
eligible [1] - 111:13
elk [1] - 163:22
elsewhere [2] - 16:6, 90:21
email [1] - 215:16
emergency [9] - 36:3, 36:5, 36:7, 36:8, 36:12, 36:15, 36:18, 39:1
emission [1] - 119:1

emissions [2] - 71:13, 72:3
Emmons [2] - 22:3, 77:24
Emmons-Logan [2] - 22:3, 77:24
emphasis [1] - 171:2
employ [2] - 77:13, 129:19
employed [1] - 224:1
employee [1] - 195:15
employees [8] - 35:12, 71:3, 79:5, 129:11, 129:16, 129:20, 191:14, 223:21
employer [1] - 52:16
employment [3] - 38:2, 226:23, 228:10
enclosed [1] - 157:2
encompassed [1] - 66:8
encompasses [1] - 62:8
encompassing [1] - 23:1
encountered [1] - 53:8
encourage [2] - 144:23, 170:13
end [4] - 14:1, 135:24, 140:19, 206:3
endangered [8] - 102:8, 103:23, 104:3, 104:7, 104:11, 104:13, 104:14, 107:7
ended [3] - 65:5, 65:6, 133:6
energy [34] - 10:5, 11:14, 12:24, 13:2, 13:11, 14:24, 21:22, 41:14, 63:1, 63:17, 63:18, 68:24, 72:5, 79:9, 90:18, 94:5, 163:10, 169:2, 169:6, 169:14, 174:12, 175:19, 198:5, 198:11, 214:15, 216:17, 218:5, 225:19, 226:23, 227:11, 227:13, 227:16
Energy [15] - 1:6, 2:11, 6:9, 7:17, 8:19, 10:14, 10:19, 21:1, 21:6, 30:6, 30:9, 30:18, 67:12, 93:12, 122:9
energy-related [1] - 13:11
engage [1] - 38:20
engaged [5] - 33:10, 37:2, 112:7, 118:5, 145:10
engagement [2] - 53:6, 227:11
engineer [2] - 94:5, 118:18
engineering [3] - 21:18, 33:11, 93:24
Engineers [1] - 168:22
enjoy [1] - 17:11
enjoyable [1] - 197:8
ensure [3] - 36:3, 114:5, 124:13
ensures [1] - 119:9
ensuring [4] - 10:4, 10:5, 41:13, 41:14
enter [3] - 148:5, 192:16,

192:23
entered [2] - 27:3, 27:7
entire [1] - 62:4
entities [9] - 33:8, 86:14, 86:23, 87:12, 87:18, 194:8, 195:11, 196:12, 198:9
entity [3] - 194:12, 200:13, 200:22
entry [2] - 30:24, 130:24
environment [8] - 9:22, 13:4, 99:2, 99:18, 102:6, 118:20, 124:19, 133:12
Environmental [2] - 103:13, 211:3
environmental [18] - 9:25, 10:3, 10:25, 11:2, 38:15, 63:3, 93:11, 93:12, 93:15, 94:3, 94:5, 94:9, 98:14, 99:10, 100:19, 155:8, 155:13, 158:24
EPC [2] - 34:24, 36:22
EPCs [1] - 35:1
equipment [6] - 35:18, 36:12, 84:1, 87:20, 150:6, 168:24
equipped [1] - 39:11
equipping [1] - 105:7
Erik [1] - 10:15
ERIK [1] - 2:6
ERP [4] - 36:7, 36:21, 36:23, 36:25
ERPs [1] - 36:19
error [1] - 26:6
especially [6] - 78:24, 177:6, 202:4, 211:9, 225:9, 233:5
essence [1] - 63:16
essentially [2] - 63:2, 129:13
established [1] - 13:9
estimate [4] - 224:23, 225:3, 230:2, 231:11
estimated [8] - 33:19, 33:21, 33:23, 61:7, 61:15, 61:16, 61:18, 73:8
estimates [4] - 38:4, 230:6, 230:10
et [3] - 89:15, 133:13, 133:24
evaluate [2] - 77:18, 113:12
evaluated [1] - 98:10
event [3] - 36:7, 128:14, 201:14
events [1] - 38:24
evidence [2] - 13:16, 192:16
evident [1] - 199:11
evolved [2] - 164:4, 164:25
exact [2] - 53:20, 147:22
exactly [4] - 43:9, 136:25, 186:2, 228:14
examination [1] - 3:12
EXAMINATION [33] - 20:21, 42:1, 43:20, 58:17, 83:17,

88:23, 91:1, 93:5, 132:16, 146:4, 150:22, 156:12, 157:6, 159:21, 161:4, 163:19, 164:22, 170:23, 174:7, 175:1, 180:3, 186:11, 189:13, 196:3, 199:17, 201:5, 207:20, 208:14, 210:19, 213:1, 222:1, 222:15, 227:7
Examination [32] - 3:13, 3:13, 3:14, 3:14, 3:15, 3:16, 3:18, 3:18, 3:19, 3:19, 3:22, 3:23, 3:23, 3:24, 4:3, 4:4, 4:6, 4:9, 4:9, 4:12, 4:12, 4:15, 4:19, 4:20, 4:20, 4:23, 4:24, 4:24, 5:3, 5:3, 5:4, 5:6
examined [15] - 20:19, 93:3, 154:8, 161:25, 168:10, 173:9, 177:20, 188:3, 191:6, 193:18, 202:18, 212:23, 224:16, 232:18, 234:9
example [4] - 87:3, 108:8, 123:13, 169:19
exceed [1] - 218:12
exceeded [1] - 119:12
excellent [2] - 29:2, 72:11
Excellent [1] - 132:14
except [3] - 25:5, 60:4, 63:19
excited [2] - 163:9, 225:24
excluding [1] - 99:11
excuse [5] - 46:18, 121:22, 170:6, 189:22, 216:23
execute [4] - 19:11, 31:9, 31:13, 146:16
Executed [2] - 6:20, 6:23
executed [11] - 7:20, 28:13, 41:8, 103:16, 146:14, 147:1, 147:2, 147:4, 147:25, 228:23, 239:1
execution [2] - 25:19, 30:1
Exhibit [62] - 19:10, 19:11, 19:16, 19:17, 24:17, 24:21, 25:2, 30:16, 30:20, 30:22, 32:1, 32:6, 44:16, 46:12, 46:14, 46:16, 46:18, 46:24, 56:11, 59:3, 68:10, 68:14, 82:10, 83:1, 94:18, 94:20, 94:22, 94:25, 95:4, 98:3, 98:4, 99:24, 101:8, 101:11, 101:14, 101:21, 103:7, 103:9, 103:21, 109:11, 109:20, 110:22, 111:18, 117:12, 118:10, 121:4, 121:7, 121:10, 122:10, 122:12, 122:15, 122:23, 123:22, 123:23, 125:3, 130:16, 131:19, 132:23, 135:9, 147:8

<p>exhibit [13] - 17:16, 24:22, 44:12, 46:9, 46:22, 101:16, 124:2, 130:11, 131:25, 148:23, 239:11, 239:23</p> <p>EXHIBITS [1] - 6:2</p> <p>Exhibits [13] - 17:17, 18:5, 18:7, 18:9, 22:21, 30:15, 31:2, 31:4, 31:23, 41:10, 82:23, 94:12, 111:2</p> <p>exhibits [4] - 18:2, 238:18, 240:18, 242:2</p> <p>existing [17] - 27:18, 28:1, 29:6, 36:16, 42:4, 63:22, 86:15, 96:8, 96:12, 96:14, 96:22, 113:21, 113:23, 129:11, 130:20, 141:6, 217:2</p> <p>expanded [1] - 102:1</p> <p>expect [6] - 34:3, 49:25, 53:17, 138:19, 141:21, 146:16</p> <p>expectation [2] - 90:3, 90:13</p> <p>expected [5] - 31:12, 38:11, 39:2, 67:3, 147:1</p> <p>expecting [2] - 47:8, 226:4</p> <p>expects [1] - 29:24</p> <p>expense [1] - 134:11</p> <p>expenses [1] - 35:4</p> <p>experience [11] - 21:13, 94:4, 120:23, 136:1, 152:3, 162:23, 171:9, 210:8, 211:19, 213:18, 236:2</p> <p>experienced [1] - 33:10</p> <p>expired [1] - 56:19</p> <p>explain [11] - 29:17, 83:23, 97:14, 101:21, 115:3, 118:14, 119:14, 121:12, 122:19, 125:9, 125:10</p> <p>explained [7] - 26:1, 95:15, 95:18, 107:23, 110:23, 138:23, 219:5</p> <p>explanation [2] - 15:20, 140:15</p> <p>explored [2] - 96:16, 97:5</p> <p>exploring [1] - 53:24</p> <p>exponentially [1] - 138:11</p> <p>export [1] - 204:15</p> <p>exports [1] - 226:24</p> <p>express [2] - 188:22, 209:2</p> <p>expressed [4] - 162:21, 184:14, 186:4, 208:18</p> <p>extensive [3] - 65:24, 101:5, 107:15</p> <p>extensively [1] - 100:22</p> <p>extent [8] - 37:16, 66:20, 71:12, 79:12, 95:11, 143:25, 144:20, 236:25</p> <p>extra [3] - 140:14, 204:6, 204:9</p> <p>extracurricular [1] - 38:23</p>	<p>extremely [5] - 188:17, 191:13, 197:7, 198:2, 198:9</p> <p>eyesore [1] - 207:16</p> <p style="text-align: center;">F</p> <p>FAA [6] - 39:16, 39:22, 39:25, 40:6, 40:9, 78:11</p> <p>facilitate [1] - 28:23</p> <p>facilities [16] - 8:20, 9:2, 9:21, 9:24, 22:11, 23:20, 28:22, 35:18, 36:16, 40:13, 62:25, 129:11, 129:12, 196:11, 196:12, 210:11</p> <p>Facilities [1] - 28:20</p> <p>facility [24] - 10:2, 16:7, 19:4, 24:22, 33:13, 39:16, 41:1, 42:14, 52:14, 53:25, 61:16, 61:17, 61:25, 63:15, 68:24, 101:12, 117:18, 128:24, 129:1, 129:2, 130:14, 203:9, 217:18, 223:3</p> <p>facility's [1] - 123:18</p> <p>facing [1] - 120:1</p> <p>fact [7] - 136:1, 138:7, 147:2, 198:3, 234:23, 241:12, 242:2</p> <p>factor [5] - 53:18, 71:18, 77:16, 120:7</p> <p>factors [2] - 54:5, 77:18</p> <p>fair [15] - 55:19, 89:22, 89:25, 90:6, 90:12, 91:16, 136:24, 163:1, 163:8, 175:19, 201:12, 201:22, 221:13</p> <p>fairs [1] - 39:6</p> <p>Falkirk [1] - 171:16</p> <p>fall [1] - 76:22</p> <p>familiar [7] - 22:14, 40:12, 89:3, 94:10, 98:6, 148:3, 160:9</p> <p>familiarity [1] - 222:24</p> <p>families [1] - 169:14</p> <p>family [2] - 183:25, 235:7</p> <p>fans [1] - 72:11</p> <p>far [23] - 42:8, 127:14, 132:19, 141:10, 141:21, 144:5, 145:15, 145:18, 182:16, 183:16, 188:19, 188:25, 189:17, 194:19, 203:6, 203:7, 205:5, 205:18, 206:13, 206:25, 208:21, 235:1, 239:20</p> <p>farm [28] - 16:11, 44:2, 44:3, 57:21, 64:24, 66:24, 73:20, 74:22, 75:1, 81:25, 82:16, 130:4, 137:19, 147:14, 148:3, 162:17, 162:18, 163:7, 177:7, 178:17, 179:17, 194:10, 195:4, 195:6, 197:16, 211:19, 222:19, 240:3</p> <p>Farm [1] - 155:7</p> <p>farmer [1] - 200:23</p> <p>farmer's [1] - 211:8</p> <p>farmers [1] - 198:19</p> <p>farmhouse [2] - 111:11, 158:19</p> <p>farms [9] - 37:10, 70:5, 175:12, 183:20, 199:25, 214:18, 220:1, 222:25, 223:24</p> <p>farmstead [1] - 111:12</p> <p>fascinated [1] - 234:23</p> <p>fashion [2] - 10:6, 41:15</p> <p>fast [2] - 165:6, 204:6</p> <p>favor [1] - 198:13</p> <p>feature [4] - 116:9, 116:12, 116:18, 127:13</p> <p>features [2] - 113:20, 113:21</p> <p>February [1] - 243:13</p> <p>fed [1] - 169:14</p> <p>federal [4] - 21:14, 50:25, 94:8, 226:20</p> <p>FEDORCHAK [42] - 2:4, 12:17, 43:21, 44:9, 44:14, 44:17, 46:21, 47:2, 56:7, 56:12, 58:13, 132:14, 132:17, 145:20, 157:7, 163:20, 164:16, 165:14, 165:23, 166:1, 170:24, 172:13, 175:2, 176:3, 180:4, 181:22, 185:25, 186:8, 189:10, 191:24, 196:4, 199:14, 208:15, 210:16, 211:13, 222:2, 222:12, 227:8, 230:25, 233:18, 236:11, 238:5</p> <p>Fedorchak [37] - 3:4, 3:13, 3:18, 3:23, 4:3, 4:6, 4:9, 4:12, 4:19, 4:24, 5:3, 5:6, 12:16, 14:20, 43:19, 44:6, 58:20, 67:24, 78:9, 78:24, 132:13, 155:2, 157:5, 163:18, 170:22, 174:23, 180:2, 189:9, 191:23, 196:2, 208:13, 221:25, 227:6, 228:4, 233:17, 236:10, 238:4</p> <p>Fedorchak's [1] - 59:15</p> <p>fee [1] - 61:11</p> <p>feedback [3] - 65:4, 137:25, 145:16</p> <p>fees [2] - 61:8, 61:15</p> <p>feet [15] - 23:8, 23:9, 23:17, 24:6, 26:6, 26:8, 26:13, 33:3, 95:25, 106:24, 117:5, 117:7, 117:14, 119:4</p> <p>fellow [1] - 237:10</p>	<p>felony [1] - 20:9</p> <p>felt [5] - 52:2, 67:5, 137:9, 175:21, 226:3</p> <p>fenced [1] - 106:2</p> <p>fencing [1] - 106:3</p> <p>few [17] - 18:12, 25:5, 29:22, 43:22, 45:9, 67:7, 124:24, 126:22, 138:8, 146:18, 147:18, 180:21, 183:3, 188:17, 194:8, 222:22, 238:19</p> <p>fewer [2] - 79:13, 138:6</p> <p>field [9] - 35:14, 35:23, 96:13, 110:14, 115:9, 116:10, 116:21, 188:20, 188:21</p> <p>fifteen [1] - 232:3</p> <p>fight [1] - 226:20</p> <p>fighting [1] - 226:19</p> <p>figure [4] - 43:10, 48:10, 134:14, 231:11</p> <p>Figure [20] - 7:9, 7:11, 31:17, 32:3, 43:24, 44:3, 44:5, 44:7, 44:18, 44:23, 46:8, 46:12, 58:21, 114:21, 115:12, 116:2, 116:3, 116:14, 117:12</p> <p>figures [2] - 32:7, 81:16</p> <p>figuring [1] - 144:1</p> <p>file [11] - 18:23, 19:14, 40:23, 116:23, 120:25, 124:10, 131:24, 148:18, 148:20, 238:25, 240:24</p> <p>filed [30] - 7:19, 17:16, 17:18, 18:15, 18:20, 19:4, 19:6, 32:22, 34:17, 41:9, 42:16, 60:25, 61:13, 82:23, 102:18, 103:20, 122:4, 130:11, 131:25, 146:15, 146:17, 148:23, 205:13, 229:24, 238:17, 239:11, 239:23, 240:18, 241:9, 242:2</p> <p>filing [11] - 9:10, 9:13, 61:8, 61:11, 66:18, 82:14, 97:22, 102:23, 122:7, 200:4, 241:3</p> <p>filings [5] - 17:23, 29:15, 121:12, 124:23, 239:14</p> <p>fill [1] - 229:2</p> <p>filled [1] - 229:2</p> <p>final [10] - 25:18, 29:23, 29:24, 30:2, 30:4, 44:20, 45:15, 53:14, 68:1, 117:9</p> <p>finalized [2] - 54:17, 228:7</p> <p>finalizing [1] - 29:22</p> <p>finally [2] - 116:14, 123:10</p> <p>financial [4] - 40:20, 40:25, 194:24, 195:2</p> <p>findings [3] - 97:23, 241:11,</p>
---	---	--

<p>242:2</p> <p>fine [3] - 20:10, 141:12, 203:18</p> <p>finishing [1] - 238:16</p> <p>first [42] - 10:7, 10:17, 14:10, 15:15, 20:19, 36:13, 51:9, 51:25, 60:14, 78:7, 79:24, 80:9, 80:23, 93:3, 95:9, 96:2, 101:22, 122:24, 132:23, 134:25, 151:5, 154:8, 161:25, 168:10, 173:9, 177:20, 188:3, 190:23, 191:6, 193:18, 194:10, 196:16, 198:6, 199:7, 199:10, 202:18, 212:23, 217:24, 223:19, 224:16, 232:18, 234:9</p> <p>First [2] - 196:5, 227:9</p> <p>Fish [24] - 99:23, 100:12, 100:20, 100:21, 100:24, 101:24, 102:16, 104:1, 106:25, 107:5, 109:10, 109:12, 109:22, 110:1, 142:4, 143:3, 143:4, 143:14, 144:15, 144:16, 144:24, 144:25, 145:6</p> <p>five [18] - 20:11, 23:12, 30:3, 35:11, 39:9, 40:4, 40:9, 75:12, 76:7, 83:22, 84:23, 85:1, 104:6, 109:23, 124:4, 124:12, 129:19, 158:8</p> <p>fiveish [1] - 168:2</p> <p>fix [1] - 135:25</p> <p>flags [1] - 155:10</p> <p>flare [1] - 48:22</p> <p>flash [1] - 78:16</p> <p>flashing [1] - 78:17</p> <p>flaw [1] - 210:23</p> <p>Fleck [2] - 2:7, 10:11</p> <p>flexibility [6] - 23:11, 75:14, 83:22, 83:24, 84:5, 84:23</p> <p>Flicker [3] - 7:2, 7:16, 122:9</p> <p>flicker [33] - 11:5, 42:10, 42:12, 43:13, 43:14, 46:19, 58:25, 60:9, 60:11, 93:19, 98:21, 118:4, 118:12, 119:14, 119:17, 119:19, 119:20, 119:23, 120:5, 120:10, 120:15, 120:17, 120:20, 121:1, 121:13, 122:4, 123:7, 123:12, 124:7, 124:10, 124:15, 125:4, 205:6</p> <p>flicking [1] - 182:20</p> <p>flight [2] - 105:8, 107:23</p> <p>flip [1] - 166:15</p> <p>Florida [4] - 21:11, 35:25, 196:17, 197:2</p> <p>focus [1] - 12:25</p> <p>focused [2] - 57:24, 77:7</p>	<p>folks [5] - 44:24, 45:6, 136:11, 174:18, 226:12</p> <p>follow [8] - 13:7, 88:25, 124:25, 138:5, 143:18, 151:9, 151:14, 173:20</p> <p>follow-up [3] - 124:25, 138:5, 143:18</p> <p>followed [1] - 163:6</p> <p>following [5] - 9:14, 106:25, 107:4, 124:25, 128:5</p> <p>follows [16] - 8:3, 20:20, 93:4, 154:9, 162:1, 168:11, 173:10, 177:21, 188:4, 191:7, 193:19, 202:19, 212:24, 224:17, 232:19, 234:10</p> <p>food [1] - 137:21</p> <p>foot [3] - 23:6, 24:6, 33:4</p> <p>footprint [8] - 55:10, 64:25, 65:9, 65:10, 164:2, 177:7, 187:22</p> <p>FOR [3] - 2:13, 2:18, 2:23</p> <p>force [1] - 171:18</p> <p>forecast [1] - 91:6</p> <p>foregoing [2] - 243:5, 243:9</p> <p>foreman [2] - 219:2, 219:5</p> <p>forest [3] - 93:25, 106:20, 106:21</p> <p>forget [1] - 156:17</p> <p>form [1] - 55:7</p> <p>formal [2] - 227:23, 230:21</p> <p>format [2] - 123:3, 123:6</p> <p>Fort [5] - 112:21, 112:23, 113:14, 113:19, 114:3</p> <p>forth [2] - 98:7, 143:3</p> <p>forthcoming [1] - 241:1</p> <p>forward [35] - 14:3, 14:16, 16:13, 17:3, 17:9, 20:1, 35:5, 45:2, 47:12, 47:23, 144:7, 145:8, 145:11, 145:19, 151:7, 152:6, 153:19, 153:25, 161:19, 164:5, 164:18, 168:4, 170:2, 172:8, 173:2, 177:8, 190:9, 193:1, 194:22, 196:8, 201:24, 202:12, 226:13, 234:3, 236:14</p> <p>four [15] - 30:5, 56:2, 67:8, 81:16, 84:12, 97:7, 133:3, 189:18, 189:19, 232:4, 232:5, 235:14, 235:16</p> <p>frame [1] - 14:6</p> <p>FRANK [3] - 90:25, 91:2, 91:18</p> <p>frank [1] - 11:24</p> <p>Frank [4] - 3:16, 7:15, 11:23, 90:24</p> <p>frankly [2] - 225:15, 226:1</p> <p>front [3] - 24:18, 166:11, 227:18</p>	<p>fruition [1] - 84:2</p> <p>frustrated [1] - 16:2</p> <p>fulfill [2] - 52:3, 91:9</p> <p>fulfilled [2] - 10:6, 41:15</p> <p>full [6] - 39:9, 43:8, 43:9, 62:20, 80:9, 129:19</p> <p>full-time [2] - 39:9, 129:19</p> <p>fully [6] - 157:2, 162:19, 171:2, 219:14, 219:19, 219:21</p> <p>function [1] - 195:12</p> <p>Fund [1] - 103:14</p> <p>Furey [25] - 3:12, 3:18, 4:23, 10:8, 10:11, 17:14, 88:5, 91:21, 92:15, 92:25, 152:20, 156:6, 163:12, 166:8, 170:15, 174:4, 179:21, 189:3, 191:17, 195:21, 207:19, 221:21, 227:2, 233:11, 236:4</p> <p>FUREY [99] - 2:6, 10:10, 12:2, 17:15, 18:11, 20:3, 20:17, 20:22, 24:20, 25:1, 30:16, 31:1, 31:25, 32:5, 41:20, 44:6, 44:11, 44:16, 46:13, 46:18, 46:23, 56:11, 58:23, 59:3, 61:5, 66:15, 68:5, 68:8, 68:10, 68:22, 69:3, 69:6, 69:10, 74:14, 82:9, 82:13, 82:18, 82:21, 84:22, 86:9, 86:13, 86:20, 87:1, 88:6, 91:23, 92:7, 92:16, 93:1, 93:6, 94:22, 94:25, 101:10, 101:13, 121:6, 121:11, 122:11, 122:14, 123:21, 124:3, 125:23, 132:7, 148:24, 152:10, 152:22, 156:8, 163:13, 166:9, 166:13, 166:18, 166:25, 167:3, 167:5, 170:16, 174:5, 179:22, 181:18, 189:4, 191:18, 192:17, 192:21, 193:5, 193:7, 193:9, 193:12, 195:22, 207:21, 208:7, 221:22, 227:3, 233:12, 236:5, 238:1, 238:21, 238:24, 240:7, 240:12, 240:22, 241:5, 242:5</p> <p>FURTHER [1] - 243:8</p> <p>furthermore [1] - 99:22</p> <p>future [5] - 68:19, 140:5, 146:22, 163:7, 227:16</p>	<p>Game [19] - 99:23, 100:12, 100:20, 100:24, 101:24, 102:16, 109:10, 109:12, 109:22, 110:1, 142:4, 143:3, 143:4, 143:14, 144:14, 144:15, 144:24, 144:25, 145:6</p> <p>gas [5] - 169:4, 215:9, 215:23, 218:6, 221:3</p> <p>GE [13] - 23:6, 23:8, 23:12, 23:15, 26:4, 40:4, 40:11, 49:11, 49:16, 75:11, 76:2, 83:23, 124:5</p> <p>gears [1] - 34:16</p> <p>GEN-2016-130 [1] - 28:16</p> <p>general [6] - 21:12, 100:14, 118:14, 119:15, 201:23, 221:16</p> <p>General [1] - 23:4</p> <p>general's [1] - 227:10</p> <p>generally [6] - 42:10, 89:3, 98:13, 110:7, 197:11, 228:12</p> <p>generates [1] - 118:19</p> <p>generating [1] - 22:12</p> <p>Generation [1] - 215:12</p> <p>generation [4] - 22:11, 28:22, 64:4, 91:8</p> <p>generator [1] - 28:14</p> <p>generators [1] - 8:20</p> <p>gentleman [1] - 190:9</p> <p>Geological [2] - 114:16, 114:24</p> <p>geologically [2] - 114:6, 114:16</p> <p>geotech [1] - 116:23</p> <p>geotechnical [1] - 116:11</p> <p>gigantic [1] - 77:20</p> <p>gigawatts [1] - 91:8</p> <p>given [5] - 105:3, 139:1, 210:24, 225:20, 225:21</p> <p>glad [5] - 87:17, 87:21, 159:10, 164:25, 184:13</p> <p>glasses [1] - 162:16</p> <p>global [1] - 50:9</p> <p>goal [3] - 67:7, 67:22, 71:12</p> <p>goals [1] - 52:3</p> <p>golden [3] - 107:10, 107:12, 107:13</p> <p>golf [1] - 134:20</p> <p>goods [1] - 38:12</p> <p>Google [1] - 51:22</p> <p>governing [1] - 40:13</p> <p>Governor [2] - 71:12, 72:2</p> <p>governor [1] - 71:16</p> <p>governs [1] - 36:6</p> <p>grab [1] - 241:16</p> <p>gracious [1] - 231:3</p> <p>grandchildren [1] - 235:14</p> <p>grandkids [4] - 178:18,</p>
		G	
		<p>gain [2] - 144:10, 195:2</p> <p>gains [1] - 229:20</p>	

<p>178:20, 179:8, 185:24 grandpa [1] - 178:19 graphical [2] - 123:3, 123:6 grassland [7] - 96:19, 96:20, 99:21, 100:8, 102:13, 103:11, 103:14 grasslands [10] - 97:4, 97:9, 98:20, 99:13, 99:14, 102:7, 105:14, 109:13, 109:16, 109:18 gravel [4] - 80:24, 81:14, 81:15, 203:19 GRE [8] - 30:10, 31:5, 31:11, 31:13, 56:5, 67:10, 67:14, 83:10 Great [6] - 6:9, 30:6, 30:8, 30:18, 67:12, 213:7 great [18] - 12:18, 12:23, 14:1, 16:22, 16:23, 16:25, 31:4, 85:20, 143:13, 149:17, 192:4, 195:6, 195:20, 216:5, 218:13, 235:14, 236:2, 236:13 great-grandchildren [1] - 235:14 greater [3] - 97:6, 106:23, 123:8 greatest [1] - 95:11 greenwash [1] - 63:11 greenwashing [2] - 63:2, 63:4 grid [4] - 28:20, 29:4, 64:7, 90:17 ground [4] - 118:24, 158:7, 160:8, 207:16 group [4] - 160:23, 194:18, 197:5, 197:6 groupings [1] - 133:16 groups [1] - 133:24 grouse [6] - 108:17, 108:20, 108:21, 108:23, 109:4, 109:7 grow [1] - 138:10 growth [1] - 91:9 guess [27] - 18:6, 51:24, 57:3, 62:23, 66:23, 67:22, 72:6, 77:8, 87:16, 88:16, 88:25, 139:1, 148:13, 153:22, 154:25, 156:25, 157:1, 174:3, 175:9, 176:16, 187:2, 188:14, 196:15, 203:6, 209:3, 213:19 guessing [1] - 180:13 guidances [1] - 14:24 guinea [1] - 143:19 guys [19] - 43:1, 43:2, 50:10, 54:25, 58:9, 135:4, 135:25, 143:19, 144:4, 144:9, 145:7, 155:11, 155:16,</p>	<p>180:10, 196:11, 204:7, 219:2, 227:18, 235:16</p> <p style="text-align: center;">H</p> <p>H-e-l-b-l-i-n-g [1] - 188:8 H-e-n-k-e [1] - 162:6 habitat [19] - 99:20, 103:1, 103:15, 104:4, 104:13, 104:22, 105:15, 105:20, 105:22, 105:24, 106:1, 106:2, 106:5, 106:6, 106:8, 106:18, 106:24, 107:3, 107:16 habitats [1] - 99:11 Hagel [2] - 1:19, 9:7 half [14] - 92:7, 97:8, 109:3, 109:6, 112:10, 120:22, 127:3, 135:17, 135:21, 160:23, 160:24, 185:13, 206:21, 232:1 half-hour [1] - 232:1 hand [5] - 69:7, 115:16, 115:18, 167:25, 232:9 handbook [1] - 113:12 handed [1] - 221:2 handing [1] - 221:5 handle [1] - 176:19 hands [1] - 12:5 hang [1] - 156:19 hanging [1] - 214:10 Hannover [1] - 199:25 Hanover [7] - 162:10, 162:17, 165:11, 188:10, 188:11, 189:15 happy [6] - 16:20, 53:13, 183:3, 188:17, 220:14, 223:20 hard [6] - 12:21, 47:7, 140:1, 151:20, 233:3, 241:3 harder [3] - 134:5, 227:17 harmony [3] - 163:2, 163:8, 167:20 hashed [1] - 44:23 hate [1] - 78:3 HAUGEN [29] - 2:3, 16:16, 83:16, 83:18, 85:3, 85:5, 86:21, 87:15, 88:3, 150:21, 150:23, 152:5, 161:5, 161:12, 166:6, 167:17, 172:20, 176:23, 187:13, 190:3, 192:9, 201:6, 202:1, 211:23, 223:14, 231:17, 233:24, 237:5, 238:13 Haugen [21] - 3:6, 3:15, 3:20, 3:24, 4:21, 16:15, 83:15, 150:20, 167:16, 172:19, 176:22, 187:12, 190:2, 192:8, 201:4, 211:22,</p>	<p>223:13, 231:16, 233:23, 237:4, 238:12 HAUGEN-HOFFART [29] - 2:3, 16:16, 83:16, 83:18, 85:3, 85:5, 86:21, 87:15, 88:3, 150:21, 150:23, 152:5, 161:5, 161:12, 166:6, 167:17, 172:20, 176:23, 187:13, 190:3, 192:9, 201:6, 202:1, 211:23, 223:14, 231:17, 233:24, 237:5, 238:13 Haugen-Hoffart [21] - 3:6, 3:15, 3:20, 3:24, 4:21, 16:15, 83:15, 150:20, 167:16, 172:19, 176:22, 187:12, 190:2, 192:8, 201:4, 211:22, 223:13, 231:16, 233:23, 237:4, 238:12 haul [1] - 203:24 hauled [1] - 81:17 hauling [1] - 203:22 hay [1] - 206:17 hayfield [2] - 206:16, 206:19 hazard [1] - 39:19 hazardous [1] - 207:8 Hazel [1] - 235:18 Hazen [2] - 154:21, 234:17 heads [1] - 218:1 heads-up [1] - 218:1 health [2] - 207:9 healthy [1] - 136:12 hear [22] - 14:1, 15:5, 15:14, 15:16, 15:25, 16:2, 17:8, 45:14, 53:13, 73:17, 87:21, 136:2, 160:22, 160:24, 161:7, 167:21, 181:9, 184:3, 188:13, 203:15, 219:24, 220:10 heard [10] - 15:12, 62:16, 89:23, 164:8, 216:23, 224:11, 225:12, 226:2, 226:7, 234:22 HEARING [1] - 1:14 Hearing [8] - 7:12, 7:13, 17:17, 19:10, 19:11, 22:21, 123:23, 125:3 hearing [33] - 8:8, 8:16, 8:23, 9:10, 9:13, 9:14, 9:15, 12:8, 12:20, 12:22, 12:24, 14:5, 16:14, 17:9, 17:16, 17:20, 17:22, 18:10, 18:13, 19:2, 19:6, 19:8, 24:22, 44:11, 55:21, 124:1, 153:8, 222:9, 241:14, 241:22, 242:4 hearings [2] - 65:6, 219:23 Hearings [1] - 8:6 heart [1] - 234:18</p>	<p>heartfelt [2] - 235:25, 237:8 heat [1] - 148:9 heavy [1] - 168:24 height [7] - 23:7, 23:8, 23:16, 23:17, 77:11, 77:18, 119:25 HELBLING [3] - 4:13, 188:1, 188:2 Helbling [1] - 188:7 held [1] - 21:17 hello [3] - 193:13, 232:11, 232:12 help [27] - 48:22, 49:18, 78:23, 134:18, 135:11, 145:23, 169:13, 170:11, 170:12, 171:3, 171:7, 172:10, 174:10, 175:7, 183:9, 187:17, 213:11, 213:13, 213:14, 218:16, 219:25, 227:21, 241:16, 241:18, 241:19 helped [4] - 51:1, 137:14, 137:22 helper [1] - 175:10 helper-of-all-trades [1] - 175:10 helpful [4] - 140:15, 176:21, 237:3, 241:7 helping [1] - 214:1 helps [4] - 164:3, 185:18, 194:2, 236:17 HENKE [3] - 4:2, 161:23, 161:24 Henke [3] - 162:4, 178:5, 180:7 Henke's [1] - 182:14 HEREBY [2] - 243:4, 243:8 herein [1] - 8:1 hereinbefore [1] - 243:6 Heskett [2] - 69:15, 69:25 hierarchy [1] - 99:6 high [9] - 19:21, 53:22, 63:19, 80:2, 106:3, 145:17, 178:12, 179:1 high-traffic [1] - 80:2 high-visibility [1] - 106:3 higher [4] - 51:4, 61:4, 72:15, 178:13 highest [1] - 157:21 highway [4] - 131:8, 189:20, 189:21, 189:22 hill [1] - 178:12 hilly [1] - 77:17 hinged [1] - 82:5 hire [3] - 35:1, 35:11, 81:6 hired [1] - 38:14 hires [1] - 230:13 hiring [3] - 34:24, 226:13, 227:24 historic [3] - 110:5, 111:11,</p>
---	---	--	---

<p>111:23 Historic [9] - 111:14, 111:16, 111:23, 112:9, 112:22, 112:23, 113:14, 113:19, 114:3 historically [1] - 63:24 history [6] - 10:20, 29:7, 36:14, 37:6, 37:11, 93:18 hit [1] - 19:21 hmm [3] - 139:17, 139:21, 182:17 HOFFART [29] - 2:3, 16:16, 83:16, 83:18, 85:3, 85:5, 86:21, 87:15, 88:3, 150:21, 150:23, 152:5, 161:5, 161:12, 166:6, 167:17, 172:20, 176:23, 187:13, 190:3, 192:9, 201:6, 202:1, 211:23, 223:14, 231:17, 233:24, 237:5, 238:13 Hoffart [21] - 3:6, 3:15, 3:20, 3:24, 4:21, 16:15, 83:15, 150:20, 167:16, 172:19, 176:22, 187:12, 190:2, 192:8, 201:4, 211:22, 223:13, 231:16, 233:23, 237:4, 238:12 hold [1] - 21:11 home [3] - 120:10, 179:3, 238:15 HON [1] - 1:23 Honor [58] - 10:10, 10:16, 11:15, 17:15, 18:11, 19:22, 20:4, 20:6, 20:14, 41:23, 78:2, 83:14, 88:6, 88:13, 88:17, 90:25, 91:23, 92:7, 92:16, 93:1, 122:12, 132:12, 150:19, 152:10, 152:22, 153:1, 156:8, 156:10, 163:13, 163:17, 170:16, 170:21, 174:22, 176:9, 179:24, 180:1, 189:6, 189:8, 191:22, 192:21, 193:5, 195:24, 196:1, 202:16, 208:8, 208:10, 208:12, 212:10, 212:13, 224:14, 227:5, 231:6, 233:16, 236:9, 238:1, 238:3, 238:22, 240:22 hope [10] - 145:12, 163:5, 184:21, 185:17, 185:18, 186:7, 187:16, 191:16, 222:11, 235:18 hoped [1] - 161:3 hopeful [1] - 145:4 hopefully [8] - 14:14, 57:12, 135:19, 146:21, 159:16, 186:5, 235:15, 235:19 hopes [1] - 17:7</p>	<p>hoping [3] - 135:3, 144:6, 153:3 horizon [1] - 141:9 host [2] - 39:5, 55:5 hosted [1] - 37:7 hosting [2] - 160:14, 160:16 hour [5] - 51:8, 92:8, 92:10, 232:1 hourly [4] - 122:24, 123:2, 123:5 hours [7] - 36:1, 120:14, 120:21, 120:23, 123:8, 205:11 house [5] - 10:13, 157:17, 158:20, 158:25, 159:7 housing [2] - 158:22, 174:1 hub [3] - 23:7, 23:15, 119:25 hubs [1] - 77:20 huge [4] - 14:7, 178:22, 195:12, 215:11 human [3] - 10:3, 207:9, 235:20 hundred [4] - 49:5, 51:2, 78:13, 81:2 hundreds [1] - 204:22 husband [3] - 137:17, 175:13, 196:6</p>	<p>impacting [2] - 96:6, 97:1 impacts [46] - 37:16, 37:25, 41:13, 79:18, 90:18, 95:11, 95:14, 95:20, 95:23, 95:25, 96:9, 97:3, 97:11, 99:8, 99:9, 99:11, 99:17, 99:20, 100:1, 100:7, 100:16, 102:13, 103:11, 103:23, 104:18, 105:24, 105:25, 106:22, 107:3, 107:6, 107:10, 107:21, 108:17, 109:16, 111:20, 112:1, 112:19, 115:4, 123:7, 185:23, 195:4, 225:13, 225:21, 236:15, 236:16 implement [4] - 109:17, 109:25, 143:10, 149:16 implementing [1] - 144:20 implicate [1] - 66:18 implications [1] - 194:16 important [12] - 13:20, 15:13, 17:8, 79:12, 89:2, 151:6, 169:6, 218:19, 226:16, 226:22, 227:12, 227:19 importantly [1] - 76:20 impressed [1] - 188:22 imprisonment [1] - 20:11 improved [1] - 145:4 in-house [1] - 10:13 in-state [1] - 171:3 inaccurate [1] - 127:9 inactive [1] - 108:15 include [14] - 17:21, 17:22, 23:21, 27:11, 32:19, 35:14, 56:5, 62:1, 98:19, 102:1, 105:5, 127:13, 145:23, 239:11 included [19] - 26:6, 33:4, 46:25, 87:8, 87:9, 87:14, 94:7, 105:16, 111:9, 111:17, 121:22, 123:15, 125:24, 125:25, 126:3, 126:18, 126:19, 127:18, 145:14 includes [3] - 101:5, 102:19, 122:25 including [13] - 10:20, 21:13, 22:3, 30:6, 35:15, 37:25, 38:21, 113:5, 113:22, 123:4, 123:8, 169:3, 210:1 inclusion [1] - 111:14 inconvenience [1] - 65:15 Incorporated [1] - 191:12 incorporated [2] - 84:7, 95:18 increase [3] - 51:15, 61:11, 107:24 increased [1] - 169:19 incremental [3] - 51:14, 224:24, 225:3</p>	<p>incrementally [1] - 51:11 Indian [5] - 112:9, 112:21, 113:13, 113:18, 114:2 indicate [1] - 18:3 indicated [6] - 26:3, 30:7, 31:8, 186:15, 186:18, 243:7 indicates [1] - 156:24 indicating [2] - 26:18, 141:23 indication [1] - 225:11 indicator [1] - 225:11 indirect [9] - 21:3, 99:20, 100:7, 102:13, 103:11, 111:20, 111:25, 112:19, 114:2 Industrial [1] - 85:12 industries [3] - 79:19, 225:19, 233:8 industry [16] - 91:9, 94:5, 119:6, 163:10, 171:16, 196:23, 197:12, 198:5, 198:6, 198:11, 199:2, 213:18, 219:16, 225:18, 225:19, 229:24 industry-standard [1] - 119:6 Information [2] - 7:24, 104:2 information [29] - 7:22, 14:10, 15:19, 17:5, 34:14, 67:15, 121:20, 122:3, 123:15, 126:11, 126:25, 127:7, 127:25, 129:15, 129:24, 130:2, 130:3, 130:9, 131:2, 131:5, 131:11, 131:24, 132:2, 211:20, 239:5, 239:17, 239:19, 239:22, 241:9 informational [1] - 37:8 informed [1] - 149:22 infrastructure [16] - 13:18, 14:24, 85:11, 85:23, 86:7, 86:18, 97:12, 97:22, 106:7, 113:22, 117:19, 141:6, 169:2, 169:6, 169:7, 227:15 initial [2] - 39:23, 54:14 initiative [2] - 200:14, 201:10 inject [1] - 90:16 injuries [1] - 223:9 input [3] - 14:12, 141:21, 142:21 inspections [1] - 197:18 inspectors [1] - 211:16 install [1] - 35:20 installation [2] - 39:17, 39:22 installed [1] - 84:16 instance [1] - 67:19 instances [1] - 13:1 instead [4] - 33:4, 66:14, 188:20, 201:17</p>
--	---	---	---

Institute [2] - 119:8, 140:8 institutions [1] - 224:1 instruments [1] - 35:19 insurance [1] - 183:19 integrity [1] - 10:5 intended [3] - 17:24, 27:22, 66:16 intends [1] - 31:13 intensive [1] - 110:13 intent [6] - 19:18, 26:20, 128:9, 130:7, 131:24, 224:5 intention [1] - 220:11 intentional [1] - 133:15 interaction [1] - 105:1 Interaction [1] - 105:9 interactions [1] - 118:24 interconnect [1] - 28:6 interconnected [1] - 28:19 interconnection [13] - 24:9, 27:17, 27:21, 28:12, 28:14, 28:17, 28:18, 28:24, 29:3, 50:21, 63:23, 64:1, 64:4 interest [1] - 237:13 interested [8] - 48:17, 74:21, 125:14, 128:11, 128:15, 134:22, 157:23, 159:17 interesting [2] - 14:14, 52:25 Interests [1] - 80:23 interests [1] - 194:25 International [1] - 168:22 internationally [1] - 119:22 internet [1] - 209:6 interpret [3] - 45:13, 45:21, 147:25 intersect [2] - 85:22, 114:23 intersects [1] - 96:14 intervening [1] - 176:12 INTERVENOR [1] - 2:23 intervenor [7] - 152:25, 153:11, 153:13, 176:13, 177:3, 177:10, 212:8 intervenors [2] - 153:21, 153:22 intrigued [1] - 210:21 introduce [2] - 20:23, 93:8 inventories [2] - 110:24, 111:1 inventory [6] - 97:17, 110:14, 111:4, 111:6, 111:8, 118:1 investment [2] - 74:23, 226:21 involve [2] - 228:24, 229:3 involved [5] - 159:13, 188:15, 207:13, 208:20, 209:2 involvement [3] - 53:7, 208:24, 230:16 involves [1] - 16:21	IPaC [1] - 104:2 IRA [3] - 51:3, 51:7, 51:11 irritating [1] - 15:6 isolated [1] - 95:20 issue [12] - 43:6, 43:7, 43:9, 43:10, 43:11, 84:9, 115:23, 137:23, 140:20, 188:24, 217:11, 230:22 issued [3] - 9:10, 18:14, 111:1 issues [15] - 9:14, 9:16, 18:18, 42:8, 49:19, 57:4, 67:2, 67:23, 141:24, 174:1, 176:14, 186:1, 204:10, 205:1, 206:5 issuing [2] - 30:12, 83:6 item [1] - 19:13 items [5] - 18:12, 88:7, 120:6, 124:24, 126:22 IV [121] - 1:6, 1:6, 1:8, 7:17, 8:17, 8:19, 8:24, 10:12, 18:15, 18:20, 21:3, 21:5, 21:6, 23:11, 25:16, 25:20, 27:3, 27:7, 27:9, 28:11, 28:13, 29:13, 29:20, 29:23, 30:12, 31:7, 31:16, 32:11, 33:5, 33:10, 33:17, 34:12, 35:8, 35:9, 35:20, 36:2, 36:11, 36:19, 36:21, 37:2, 37:4, 37:8, 37:13, 37:18, 38:4, 38:14, 38:18, 39:15, 39:18, 39:21, 40:3, 40:8, 40:15, 40:19, 40:23, 41:3, 41:6, 41:9, 61:10, 66:16, 96:10, 96:17, 98:14, 99:5, 99:25, 100:5, 100:8, 100:17, 100:18, 100:22, 103:4, 103:12, 103:17, 105:11, 105:19, 105:25, 108:2, 109:2, 109:15, 109:23, 109:24, 110:3, 110:12, 112:3, 112:6, 113:2, 113:4, 113:10, 114:4, 115:3, 115:7, 116:10, 116:18, 116:20, 116:22, 116:23, 116:25, 117:3, 117:6, 117:14, 117:16, 117:20, 117:23, 118:3, 118:5, 120:25, 122:9, 124:3, 124:6, 124:9, 124:13, 124:16, 128:24, 129:5, 129:8, 129:18, 194:18, 196:13, 238:25, 241:23 IV's [23] - 18:4, 22:14, 27:16, 33:25, 39:5, 93:13, 100:2, 101:1, 101:6, 102:5, 102:10, 102:25, 103:7, 103:25, 107:14, 111:21, 112:2, 112:16, 120:16,	127:22, 128:1, 130:7, 131:24 <hr/> J <hr/> J-a-y-a-r [1] - 190:23 J-e-n-s-e-n [1] - 234:14 jack [1] - 175:11 Jack [3] - 234:12, 234:16, 236:11 JACK [2] - 5:9, 234:8 jack-of-all-trades [1] - 175:11 Janet [2] - 188:7, 189:11 JANET [3] - 4:13, 188:2, 188:7 January [17] - 1:20, 7:4, 7:6, 7:7, 7:15, 8:3, 9:6, 24:14, 57:17, 82:12, 94:16, 95:1, 97:24, 98:1, 120:24, 122:2, 241:22 Jayar [5] - 7:18, 190:10, 191:25, 192:18, 192:19 JAYAR [2] - 4:16, 191:5 jayar [1] - 190:21 JENS [1] - 234:13 JENSEN [3] - 5:9, 234:7, 234:8 Jensen [5] - 234:12, 236:12, 236:22, 237:6, 238:6 Jessie [5] - 173:11, 174:9, 175:3, 176:7, 176:23 JESSIE [2] - 4:7, 173:8 job [15] - 39:6, 175:8, 176:2, 213:16, 214:11, 215:17, 216:6, 219:10, 221:4, 221:7, 221:8, 222:7, 223:2, 225:1 jobs [12] - 39:3, 39:10, 79:12, 90:19, 169:12, 170:3, 171:15, 216:7, 222:22, 223:4, 233:5 JOELENE [3] - 4:10, 177:19, 177:24 Joelene [6] - 177:24, 180:5, 182:22, 184:13, 186:13, 187:15 JOHNSON [22] - 2:15, 11:22, 41:25, 42:2, 43:16, 123:25, 132:11, 156:13, 157:4, 163:17, 170:21, 174:22, 180:1, 189:8, 191:22, 196:1, 208:12, 221:24, 227:5, 233:16, 236:9, 240:15 Johnson [23] - 3:13, 3:22, 11:20, 11:22, 18:2, 41:24, 48:20, 90:24, 132:10, 156:11, 163:16, 170:20,	174:21, 179:25, 189:7, 191:21, 195:25, 208:11, 221:23, 227:4, 233:15, 236:8, 240:14 join [1] - 216:9 joined [3] - 213:20, 213:23, 215:19 joining [1] - 218:10 JUDGE [1] - 1:23 Judge [1] - 11:10 judge [3] - 8:5, 13:23, 92:5 juggling [1] - 197:4 Julie [2] - 62:24, 210:22 JULIE [1] - 2:4 July [4] - 101:25, 110:21, 112:18, 113:3 jump [3] - 80:16, 149:2, 222:17 jumped [1] - 157:22 jumping [2] - 71:11, 75:9 jumps [1] - 59:9 June [3] - 34:4, 57:12, 110:20 Juno [1] - 35:25
			<hr/> K <hr/> K-e-s-s-l-e-r [1] - 202:23 Kaplan [1] - 7:16 Karges [1] - 154:12 KARGES [5] - 3:21, 154:3, 154:6, 154:7, 154:18 keep [6] - 11:18, 173:23, 204:5, 224:20, 226:12, 228:15 keeping [4] - 60:14, 198:19, 209:7, 223:2 Keith [4] - 202:22, 208:16, 210:17, 211:24 KEITH [3] - 4:22, 202:17, 202:22 Kessler [1] - 202:22 KESSLER [3] - 4:22, 202:16, 202:17 Kevin [5] - 11:11, 175:21, 227:9, 231:3, 231:18 KEVIN [3] - 2:21, 5:5, 224:15 key [3] - 85:9, 113:7, 219:2 kids [6] - 178:18, 178:20, 179:8, 183:13, 185:23, 213:23 kill [1] - 196:7 kilovolt [1] - 24:1 kilowatt [1] - 51:8 kilowatt-hour [1] - 51:8 Kind [1] - 135:8 kind [49] - 13:5, 13:18, 14:6, 14:12, 47:20, 59:21, 64:7, 65:10, 65:25, 66:6, 77:7,

77:10, 89:12, 116:6, 134:25, 135:2, 137:22, 137:25, 138:15, 138:24, 141:21, 142:7, 144:1, 144:17, 145:13, 145:15, 145:24, 146:21, 160:5, 160:11, 164:6, 165:8, 166:3, 185:5, 196:9, 196:19, 199:1, 211:2, 211:4, 211:8, 213:15, 216:8, 216:9, 218:11, 223:9, 227:22, 237:17, 241:7, 241:8 KIND [1] - 190:24 kinds [1] - 174:12 Kindsvogel [3] - 7:18, 190:11, 190:21 KINDSVOGEL [7] - 4:16, 190:10, 190:15, 190:19, 190:23, 191:4, 191:5 kitchen [1] - 213:21 kitty [3] - 178:14, 182:6, 182:7 kitty-corner [3] - 178:14, 182:6, 182:7 Knife [5] - 112:8, 112:21, 113:13, 113:18, 114:2 knot [2] - 104:9, 104:20 knowing [2] - 87:19, 89:24 known [3] - 109:7, 109:14, 109:23 kudos [1] - 78:9 Kurt [1] - 186:23 kV [4] - 24:10, 27:19, 27:22, 27:25	97:7, 133:21, 150:7, 155:13, 162:19, 167:9, 167:13, 183:19, 183:25, 185:22, 189:23, 197:18, 206:22, 235:10 Land [2] - 113:11, 141:1 landfills [2] - 204:25, 211:3 landlord [1] - 158:7 landlords [3] - 162:20, 164:11, 165:5 Landowner [2] - 7:9, 7:11 landowner [34] - 10:21, 25:14, 25:18, 25:19, 29:5, 31:18, 31:19, 34:6, 34:9, 37:7, 38:10, 42:25, 43:5, 45:18, 47:22, 67:16, 68:1, 73:3, 74:6, 74:9, 87:7, 96:10, 99:5, 125:13, 125:16, 126:1, 126:5, 126:13, 126:17, 126:20, 163:3, 184:24, 200:21 landowner's [2] - 96:13, 96:21 landowners [43] - 30:1, 30:3, 30:6, 34:13, 37:5, 37:13, 37:15, 38:1, 38:8, 43:25, 44:19, 45:3, 53:11, 55:1, 55:5, 56:3, 60:1, 65:13, 83:6, 97:4, 121:24, 128:4, 128:9, 128:19, 128:22, 133:16, 133:19, 135:10, 135:18, 138:1, 138:2, 138:7, 145:5, 151:18, 151:21, 151:24, 152:3, 155:3, 157:20, 162:25, 184:19, 208:21, 226:8 landowners' [1] - 205:18 lands [1] - 94:8 landscape [2] - 113:22, 141:6 landslide [10] - 114:8, 114:10, 114:17, 114:24, 115:7, 115:20, 115:22, 115:24, 116:4, 116:8 large [5] - 21:15, 63:6, 66:7, 91:9, 107:24 largely [1] - 225:5 larger [2] - 40:10, 123:6 last [22] - 16:4, 16:17, 17:16, 19:13, 53:10, 57:18, 79:17, 79:22, 83:4, 83:6, 91:4, 130:24, 131:10, 132:24, 147:17, 190:24, 193:8, 193:24, 221:13, 229:15, 230:3, 239:16 lastly [1] - 108:7 Late [1] - 7:19 late [9] - 130:11, 131:25, 148:23, 200:3, 238:17, 239:11, 239:23, 240:18, 242:2 Late-filed [1] - 7:19 late-filed [8] - 130:11, 131:25, 148:23, 238:17, 239:11, 239:23, 240:18, 242:2 law [13] - 8:5, 13:9, 13:10, 15:2, 20:8, 142:7, 142:10, 142:11, 142:18, 142:23, 148:12, 241:12, 242:3 Law [2] - 2:7, 2:12 LAW [1] - 1:23 laws [3] - 94:9, 209:15, 210:4 lay [3] - 74:8, 74:22, 74:24 laydown [1] - 211:5 laying [1] - 207:16 layout [1] - 43:23 lead [2] - 93:12, 227:9 leader [1] - 219:4 leaders [2] - 16:25, 208:25 leadership [1] - 219:1 leading [2] - 79:18, 231:8 lean [1] - 170:11 learn [2] - 17:6, 237:15 learned [1] - 66:8 learning [1] - 197:15 lease [5] - 37:25, 90:19, 155:23, 158:1, 158:5 least [6] - 16:6, 92:7, 109:3, 159:11, 184:20, 238:18 leave [4] - 128:19, 203:1, 206:19, 238:7 leaves [4] - 137:14, 160:21, 160:23, 231:7 leaving [1] - 203:14 lecture [1] - 134:2 left [5] - 115:18, 125:17, 178:7, 212:2, 242:1 left-hand [1] - 115:18 legal [1] - 14:24 legislative [2] - 13:6, 79:11 legislators [2] - 16:25, 148:6 lek [2] - 108:21, 109:7 lekking [1] - 109:8 leks [7] - 108:23, 108:24, 109:4, 109:14, 109:19, 109:23, 110:2 Leland [4] - 24:10, 27:18, 27:20, 113:24 length [2] - 9:3, 92:6 less [15] - 57:24, 76:9, 76:15, 77:5, 89:9, 96:4, 96:23, 120:19, 135:18, 136:18, 136:23, 138:1, 199:4, 199:5, 231:15 letter [15] - 7:6, 7:15, 30:18, 30:22, 31:10, 100:13, 109:10, 109:11, 140:22, 143:1, 143:6, 147:6, 147:10, 147:24, 182:25	letters [5] - 7:4, 7:7, 30:11, 37:20, 98:2 Level [1] - 111:24 level [10] - 119:1, 119:3, 119:11, 120:13, 120:18, 136:11, 138:6, 145:17, 158:6, 226:20 levels [5] - 119:2, 126:24, 130:20, 138:18, 157:21 library [1] - 137:13 license [4] - 21:12, 220:4, 230:6 lieu [1] - 109:21 life [11] - 15:7, 38:6, 38:9, 55:8, 55:13, 73:14, 185:19, 218:7, 218:12, 233:5, 236:25 life-changing [1] - 218:7 lifelong [1] - 194:23 lifetime [1] - 182:21 lift [1] - 217:20 Light [2] - 196:17, 197:3 light [2] - 198:21, 198:22 lighting [2] - 23:23, 39:12 lights [5] - 78:16, 199:5, 199:9, 206:9, 206:12 likely [5] - 45:21, 90:15, 140:2, 151:22, 170:4 limit [5] - 49:14, 136:4, 160:20, 171:4 limitations [1] - 152:25 limited [2] - 153:15, 153:19 limiting [1] - 57:20 limits [1] - 137:2 Lincoln [1] - 1:19 line [40] - 9:1, 9:2, 9:19, 16:8, 19:3, 24:2, 24:7, 55:16, 55:19, 55:24, 56:10, 56:17, 61:12, 61:21, 62:2, 62:9, 63:1, 64:17, 64:22, 66:24, 73:20, 74:1, 82:1, 82:20, 86:8, 106:5, 109:1, 114:19, 115:23, 116:7, 116:13, 116:19, 131:16, 131:21, 147:14, 155:12, 240:4, 240:8 Line [2] - 1:9, 105:9 lined [1] - 241:18 lines [7] - 64:18, 106:4, 107:24, 113:23, 114:23, 115:6, 227:18 list [13] - 17:16, 17:20, 17:22, 18:18, 24:22, 46:9, 59:7, 62:9, 101:5, 102:9, 131:9, 238:22 listed [6] - 60:3, 104:9, 104:10, 104:11, 104:12 listen [2] - 167:19, 236:24 listening [1] - 214:10 listing [1] - 238:18
L		
labeled [1] - 41:10 labor [20] - 34:23, 34:25, 35:1, 35:2, 168:23, 171:3, 171:5, 171:18, 174:10, 176:14, 176:18, 216:16, 220:12, 224:25, 227:10, 227:12, 229:1, 229:7 laborer [3] - 175:5, 219:9, 233:1 laborers [15] - 11:13, 213:4, 213:20, 213:24, 213:25, 214:4, 215:5, 215:14, 216:15, 216:20, 217:18, 218:5, 218:8, 220:19 Laborers [1] - 173:12 laid [1] - 65:19 Lakes [1] - 213:7 Lamborghini [1] - 235:18 land [25] - 29:6, 29:18, 29:21, 32:8, 50:20, 66:8, 66:10, 67:16, 67:20, 86:15, 93:17,		

lists [1] - 102:4**literature** [1] - 110:13**LIUNA** [11] - 2:21, 2:24, 11:11, 34:17, 35:2, 35:5, 176:12, 177:12, 214:4, 220:12, 221:14**LiUNA's** [1] - 34:22**live** [16] - 13:18, 17:8, 71:4, 71:7, 71:8, 79:14, 157:15, 158:19, 169:24, 178:12, 181:20, 198:25, 207:9, 208:1, 214:2, 233:4**lived** [5] - 161:8, 161:10, 178:17, 179:6, 185:19**lives** [2] - 136:12, 182:13**living** [4] - 79:5, 79:10, 160:14, 169:8**LLC** [10] - 1:6, 1:8, 2:11, 8:17, 10:12, 10:14, 21:3, 29:11, 241:23**LNTE** [6] - 48:24, 49:23, 49:24, 126:23, 127:11, 127:12**local** [75] - 10:22, 16:25, 21:14, 26:2, 26:15, 32:12, 32:19, 34:23, 35:1, 35:2, 36:8, 36:17, 36:25, 37:25, 38:11, 38:12, 38:14, 38:20, 38:22, 38:25, 39:7, 39:9, 53:3, 53:7, 53:16, 54:13, 73:5, 74:2, 99:3, 168:23, 169:8, 169:13, 169:20, 170:7, 170:11, 171:3, 171:15, 173:22, 173:23, 174:17, 190:15, 203:22, 208:21, 208:25, 214:23, 215:5, 215:23, 215:24, 218:4, 219:15, 219:17, 219:18, 219:20, 219:25, 220:12, 220:24, 223:2, 223:21, 224:25, 225:4, 225:5, 225:17, 226:11, 226:13, 227:25, 228:10, 229:2, 229:3, 229:17, 229:23, 230:5, 230:12**Local** [5] - 168:23, 169:25, 170:10, 173:12, 213:8**locally** [4] - 71:7, 81:8, 171:6, 223:25**locals** [2] - 54:11, 208:19**locate** [1] - 107:17**located** [29] - 21:22, 24:2, 27:18, 35:24, 47:11, 65:1, 83:12, 96:8, 97:8, 104:14, 108:23, 108:25, 109:13, 110:21, 112:10, 112:24, 114:8, 114:11, 118:9, 118:11, 129:2, 129:4, 129:6, 129:9, 160:8, 160:12, 162:18, 166:22,

208:4

location [23] - 9:20, 25:9, 25:21, 27:23, 28:1, 28:3, 29:1, 39:25, 41:12, 42:14, 42:17, 96:15, 115:21, 115:23, 116:1, 116:17, 119:24, 124:18, 158:22, 158:23, 158:24, 179:14**locations** [24] - 10:3, 23:4, 24:6, 39:20, 39:24, 65:21, 66:2, 66:17, 77:16, 95:20, 109:3, 109:7, 114:15, 114:19, 115:2, 115:8, 116:22, 117:5, 117:8, 117:11, 123:1, 123:4, 123:7, 123:9**Logan** [2] - 22:3, 77:24**long-eared** [7] - 104:12, 106:9, 106:12, 106:13, 106:15, 106:19, 106:25**long-term** [2] - 35:12, 207:10**Lonnie** [11] - 162:4, 163:21, 164:20, 164:24, 167:15, 167:17, 178:5, 180:7, 180:24, 182:14, 183:16**LONNIE** [3] - 4:2, 161:24, 162:6**look** [25] - 14:16, 16:13, 16:21, 17:3, 17:9, 35:4, 47:3, 48:13, 59:25, 68:25, 83:3, 87:25, 152:6, 165:2, 181:13, 181:25, 184:1, 197:23, 204:15, 205:4, 206:6, 207:7, 213:15, 224:23, 225:14**looked** [7] - 53:23, 54:2, 57:23, 85:6, 143:4, 159:24, 225:24**looking** [19] - 13:9, 13:15, 14:3, 43:24, 54:7, 55:22, 65:13, 74:21, 82:8, 89:15, 135:10, 135:16, 141:20, 149:3, 158:10, 159:23, 206:8, 226:13, 229:15**looks** [8] - 20:1, 45:8, 53:4, 76:25, 160:2, 160:18, 165:15, 166:23**lose** [2] - 90:18, 144:10**lost** [1] - 210:6**loud** [1] - 158:13**louder** [1] - 137:19**Louisiana** [1] - 21:10**loving** [1] - 15:3**low** [10] - 28:24, 49:2, 63:24, 76:16, 105:1, 106:10, 107:15, 127:2, 127:11, 220:6**low-noise** [3] - 49:2, 127:2, 127:11**lower** [2] - 49:13, 84:24**lowest** [1] - 89:20**LRT** [1] - 49:22**lunch** [3] - 92:6, 153:2, 153:4**luncheon** [1] - 92:2**lunchtime** [1] - 92:3**M****machine** [1] - 183:4**Machine** [1] - 191:12**machinery** [1] - 35:19**madness** [1] - 226:5**magnitude** [1] - 138:10**mailers** [1] - 34:12**main** [2] - 76:9, 203:25**maintain** [5] - 33:17, 35:8, 35:12, 117:17, 200:21**maintenance** [12] - 23:21, 34:15, 35:11, 35:15, 35:17, 39:10, 43:6, 43:7, 169:3, 203:25, 204:6, 204:8**majority** [4] - 198:14, 216:16, 224:25**man** [2] - 163:23, 202:12**managed** [2] - 21:21, 93:14**Management** [2] - 113:11, 141:2**management** [6] - 21:10, 21:13, 113:12, 200:15, 200:16, 223:23**manager** [7] - 10:25, 34:10, 34:11, 36:24, 42:16, 93:11, 213:21**managers** [1] - 34:15**Mandan** [2] - 69:16, 221:16**manned** [1] - 171:13**manner** [2] - 121:16, 124:17**manpower** [5] - 172:6, 216:22, 220:7, 220:16**Map** [5] - 7:3, 7:9, 7:11, 7:12, 7:14**map** [38] - 19:9, 19:11, 44:2, 44:3, 44:23, 45:9, 45:11, 46:8, 46:14, 46:19, 46:24, 47:3, 56:8, 58:19, 58:23, 59:4, 61:25, 65:1, 65:13, 85:10, 115:18, 115:22, 116:6, 121:1, 121:3, 121:14, 121:17, 156:14, 156:19, 157:1, 158:10, 165:2, 166:15, 180:17, 180:18, 180:21, 181:6, 181:24**mapped** [9] - 114:8, 114:10, 114:15, 114:17, 114:24, 115:7, 115:20, 115:21, 116:8**mapping** [1] - 115:8**maps** [11] - 16:12, 19:2, 19:5,

19:6, 19:8, 31:18, 31:22, 43:23, 48:14, 85:7, 85:14

Marathon [2] - 85:21**mark** [2] - 18:9, 240:18**marked** [12] - 17:17, 22:20, 31:22, 94:12, 98:2, 99:24, 109:20, 111:2, 115:15, 121:3, 124:2, 193:3**market** [4] - 52:6, 63:19, 89:5, 89:12**marketing** [2] - 50:23, 213:7**married** [1] - 171:15**Mary** [1] - 7:15**master** [1] - 93:24**material** [7] - 28:4, 51:14, 81:7, 81:10, 84:1, 122:7, 122:23**materials** [3] - 94:11, 122:16, 123:17**matter** [9] - 14:21, 15:13, 18:22, 19:1, 54:7, 146:13, 185:23, 200:22, 229:21**matters** [4] - 17:14, 19:24, 87:13, 238:17**maxes** [1] - 61:10**maximize** [4] - 220:12, 220:24, 225:22, 228:9**maximum** [3] - 119:1, 120:20, 135:22**McDonnell** [2] - 140:25, 141:3**McLean** [1] - 199:10**mean** [18] - 45:12, 45:18, 52:9, 63:5, 69:16, 76:16, 76:22, 135:25, 137:7, 140:7, 144:19, 174:1, 194:16, 197:25, 204:25, 215:4, 218:6, 221:1**means** [3] - 170:3, 172:9, 198:18**meant** [3] - 79:22, 195:18, 237:9**measure** [3] - 49:21, 99:19, 140:9**measurement** [1] - 49:24**measurements** [1] - 140:11**Measures** [1] - 6:15**measures** [10] - 99:16, 101:2, 101:6, 101:17, 102:6, 103:5, 103:8, 105:4, 109:20**mechanics** [1] - 168:24**mechanism** [1] - 145:22**medical** [1] - 203:9**meet** [6] - 15:3, 48:10, 67:7, 89:14, 90:5, 185:4**meeting** [9] - 15:16, 45:6, 126:7, 142:6, 142:9, 146:12, 182:25, 186:16, 186:19

meetings [4] - 15:23, 37:8, 209:8, 216:21 meets [3] - 15:1, 142:23, 184:15 megawatt [15] - 22:25, 23:5, 23:6, 23:12, 26:4, 29:10, 29:11, 40:4, 51:6, 51:8, 84:24, 85:1, 91:11, 124:5, 124:12 megawatt-hour [1] - 51:8 megawatts [12] - 8:21, 21:20, 21:22, 22:12, 27:10, 27:12, 62:18, 63:13, 63:17, 83:23, 89:16 member [1] - 213:24 members [16] - 16:23, 17:5, 37:19, 169:1, 214:4, 214:7, 214:14, 215:1, 215:8, 215:9, 217:2, 217:22, 220:25, 226:21, 228:13, 228:17 Memo [2] - 6:15, 6:17 memo [6] - 101:22, 102:4, 102:19, 109:20, 146:15, 147:1 memorandum [9] - 100:10, 100:15, 101:2, 101:17, 102:14, 103:9, 103:16, 103:18, 238:25 Memorial [2] - 1:19, 9:8 memorialized [2] - 100:9, 103:15 men [3] - 169:9, 169:11, 169:24 mention [5] - 16:4, 16:5, 48:20, 70:4, 71:14 mentioned [11] - 59:7, 66:23, 67:1, 71:15, 83:10, 142:5, 153:2, 175:21, 199:24, 209:11, 229:22 mentions [2] - 71:20, 74:6 mentors [1] - 236:25 Mercer [23] - 1:9, 6:7, 7:23, 9:5, 24:3, 24:11, 32:12, 32:16, 32:22, 38:6, 53:9, 69:15, 75:2, 82:1, 82:4, 82:25, 83:11, 83:12, 149:11, 149:18, 200:7, 239:5, 239:9 message [4] - 178:7, 183:4, 222:5, 222:10 met [3] - 10:6, 37:13, 41:14 MET [2] - 23:22, 39:20 meters [1] - 76:25 meters-per [1] - 76:25 methodology [2] - 118:15, 119:15 methods [5] - 42:11, 42:18, 43:1, 141:2 metrics [1] - 228:12	Michels [2] - 175:18 microphone [3] - 139:9, 177:23, 181:9 mid [2] - 53:21 middle [5] - 115:19, 144:18, 160:7, 164:7, 188:21 might [24] - 14:13, 15:14, 17:4, 51:21, 55:22, 75:13, 89:13, 89:15, 134:20, 135:23, 136:19, 138:19, 139:3, 140:2, 151:7, 159:4, 160:21, 161:7, 161:10, 194:16, 197:21, 197:24, 200:4, 200:5 mike [1] - 46:6 Mike [3] - 232:23, 233:18, 233:21 MIKE [3] - 5:7, 232:17, 232:23 mile [13] - 28:2, 105:7, 108:5, 109:3, 109:6, 109:14, 109:22, 111:10, 160:3, 160:23, 160:25, 185:14, 206:21 mileage [1] - 74:3 miles [15] - 9:3, 59:9, 80:11, 81:5, 81:15, 107:19, 107:20, 109:18, 112:10, 112:11, 112:24, 112:25, 189:18, 197:16, 207:10 million [16] - 28:24, 33:22, 33:24, 38:5, 38:8, 60:19, 61:19, 61:22, 63:25, 69:13, 73:3, 73:19, 74:6, 225:3, 225:4, 225:8 mills [1] - 74:5 mimic [1] - 138:17 mimicking [1] - 138:18 mind [8] - 12:8, 135:14, 156:22, 158:6, 166:10, 168:2, 196:20, 235:3 Mine [1] - 69:12 mine [1] - 69:23 Mineral [1] - 80:23 mines [4] - 69:12, 80:24, 81:14, 211:15 minimal [15] - 9:21, 13:3, 41:12, 99:1, 99:17, 100:5, 106:11, 107:9, 107:12, 108:16, 108:20, 111:21, 114:1, 124:18, 141:5 minimization [2] - 102:5, 103:5 minimize [8] - 10:3, 37:15, 96:9, 100:1, 106:22, 107:2, 107:21, 109:5 minimized [1] - 107:2 minimizing [1] - 99:8 Mining [1] - 80:23 mining [1] - 171:16	Minnesota [12] - 2:21, 2:22, 11:12, 11:13, 21:21, 90:20, 169:1, 197:3, 226:19, 229:12, 229:13, 230:8 Minnesota's [1] - 229:13 minor [5] - 25:5, 27:8, 28:3, 96:2, 96:23 minute [7] - 75:19, 75:20, 76:9, 76:11, 78:16, 87:23, 214:7 minutes [8] - 92:10, 152:14, 152:15, 231:7, 231:13, 231:15, 231:22, 232:3 Miss [12] - 10:8, 17:14, 91:21, 92:15, 92:18, 92:25, 94:19, 98:5, 115:13, 179:21, 221:21, 227:2 miss [10] - 93:7, 156:6, 166:8, 170:15, 174:4, 189:3, 191:17, 195:21, 207:19, 236:4 missed [5] - 55:22, 149:3, 207:24, 209:4, 209:8 missing [2] - 150:4, 153:9 misunderstanding [1] - 239:8 misunderstood [1] - 60:18 mitigate [6] - 42:19, 42:20, 48:22, 49:18, 100:7, 151:14 mitigated [1] - 144:22 mitigating [2] - 49:9, 58:12 mitigation [27] - 99:6, 100:14, 101:2, 101:6, 101:17, 102:5, 103:8, 105:4, 109:20, 111:22, 117:21, 117:24, 127:22, 127:23, 128:6, 132:24, 133:11, 144:12, 146:19, 147:19, 147:22, 148:5, 148:11, 151:4, 198:22, 200:8 Mitigation [4] - 6:15, 6:22, 6:24, 103:14 model [16] - 118:19, 119:7, 119:21, 119:23, 120:2, 120:4, 122:24, 123:3, 123:5, 127:16, 138:21, 139:5, 139:12, 140:11, 163:6, 163:25 modeled [3] - 119:10, 127:19, 138:23 modeling [14] - 93:19, 113:6, 118:17, 118:19, 118:24, 119:5, 119:9, 119:17, 119:18, 119:21, 127:18, 138:24, 139:3, 139:11 Modeling [2] - 7:16, 122:9 modelings [2] - 205:7, 205:8 models [5] - 135:17, 140:8, 140:9, 140:10, 205:5	moderate [1] - 137:15 moment [1] - 78:2 Monday [1] - 8:2 monetary [1] - 130:9 money [8] - 145:1, 151:9, 151:14, 203:16, 204:17, 209:25, 225:8, 233:3 monitor [6] - 35:8, 35:25, 109:23, 110:1, 213:10, 219:25 monitored [2] - 214:22, 223:7 monitoring [3] - 35:23, 117:19, 219:11 month [1] - 120:24 months [5] - 67:5, 67:8, 146:18, 147:18, 219:6 morning [10] - 8:4, 10:11, 12:17, 17:19, 19:18, 20:6, 20:7, 199:22, 203:8, 206:16 Morton [2] - 70:18, 129:17 most [23] - 14:23, 29:24, 47:3, 51:13, 70:17, 80:6, 87:24, 108:24, 121:17, 131:5, 131:7, 131:11, 136:22, 137:1, 139:2, 144:9, 144:10, 172:10, 194:19, 194:20, 199:6, 200:2, 210:3 motions [2] - 17:14, 19:25 MOU [13] - 7:20, 146:8, 146:14, 146:16, 146:20, 146:23, 147:3, 147:25, 148:17, 148:18, 148:21, 151:4 move [16] - 18:6, 65:11, 65:15, 66:4, 66:17, 70:3, 90:4, 90:15, 123:21, 145:11, 151:7, 179:16, 184:8, 184:17, 212:7, 223:9 moved [4] - 90:7, 158:25, 182:5, 182:15 moving [2] - 109:21, 188:19 MR [70] - 2:6, 2:15, 2:21, 11:10, 11:22, 20:6, 20:14, 41:23, 41:25, 42:2, 43:16, 88:13, 88:17, 88:22, 88:24, 90:23, 91:2, 91:18, 123:25, 132:9, 132:11, 154:3, 156:10, 156:13, 157:4, 161:23, 163:15, 163:17, 168:8, 170:18, 170:21, 174:8, 174:20, 174:22, 179:24, 180:1, 189:6, 189:8, 190:10, 190:23, 191:4, 191:20, 191:22, 193:16, 195:24, 196:1,
--	---	--	--

<p>202:16, 208:10, 208:12, 212:10, 212:12, 212:18, 212:21, 213:2, 221:19, 221:24, 224:7, 224:9, 224:14, 227:5, 231:22, 232:11, 232:16, 233:14, 233:16, 234:7, 236:7, 236:9, 238:3, 240:15</p> <p>MS [105] - 2:6, 2:11, 10:10, 12:2, 17:15, 18:11, 20:3, 20:17, 20:22, 24:20, 25:1, 30:16, 31:1, 31:25, 32:5, 41:20, 44:6, 44:11, 44:16, 46:13, 46:18, 46:23, 56:11, 58:23, 59:3, 61:5, 66:15, 68:5, 68:8, 68:10, 68:22, 69:3, 69:6, 69:10, 74:14, 82:9, 82:13, 82:18, 82:21, 84:22, 86:9, 86:13, 86:20, 87:1, 88:6, 91:23, 92:7, 92:16, 92:23, 93:1, 93:6, 94:22, 94:25, 101:10, 101:13, 121:6, 121:11, 122:11, 122:14, 123:21, 124:3, 125:23, 132:7, 148:24, 152:10, 152:22, 156:8, 163:13, 166:9, 166:13, 166:18, 166:25, 167:3, 167:5, 170:16, 173:6, 174:5, 177:15, 177:18, 179:22, 181:18, 188:1, 189:4, 191:18, 192:17, 192:21, 193:5, 193:7, 193:9, 193:12, 195:22, 207:21, 208:7, 221:22, 227:3, 233:12, 236:5, 238:1, 238:21, 238:24, 240:7, 240:12, 240:22, 241:5, 242:5</p> <p>multi [2] - 38:13, 217:22</p> <p>multi-year [1] - 38:13</p> <p>multiple [2] - 37:7, 113:22</p> <p>municipalities [1] - 63:7</p> <p>MW [1] - 1:6</p>	<p>112:9, 112:18, 113:9, 113:16, 119:8, 140:7, 140:16, 140:22</p> <p>nationwide [1] - 227:12</p> <p>native [2] - 99:12, 234:18</p> <p>natural [2] - 68:20, 169:4</p> <p>NDDA [1] - 6:13</p> <p>NDGF [1] - 6:12</p> <p>NDSHPO [3] - 7:4, 7:5, 7:7</p> <p>near [6] - 123:12, 177:7, 180:25, 187:22, 199:12, 215:10</p> <p>nearest [5] - 26:5, 26:7, 26:10, 26:12</p> <p>nearly [1] - 29:20</p> <p>necessarily [3] - 19:19, 133:20, 155:22</p> <p>necessary [8] - 28:23, 33:6, 36:10, 38:16, 39:16, 110:4, 150:14, 241:6</p> <p>need [30] - 15:15, 52:2, 63:1, 65:17, 75:5, 75:8, 81:14, 90:11, 91:4, 91:7, 91:14, 92:4, 117:16, 154:24, 192:15, 204:12, 206:24, 213:12, 213:22, 217:15, 225:22, 226:11, 227:16, 229:5, 231:7, 231:12, 231:14, 238:17, 239:21, 240:20</p> <p>needed [8] - 11:25, 66:10, 77:16, 88:9, 138:17, 152:24, 153:15, 227:15</p> <p>needs [8] - 10:5, 41:14, 81:19, 176:18, 218:1, 221:4, 228:21, 229:1</p> <p>negative [1] - 205:23</p> <p>negligible [1] - 95:24</p> <p>negotiated [2] - 67:25, 85:24</p> <p>negotiation [2] - 185:1, 185:5</p> <p>negotiations [3] - 48:7, 159:14, 230:22</p> <p>neighboring [2] - 97:4, 134:16</p> <p>neighbors [7] - 141:18, 162:20, 163:8, 164:12, 178:4, 178:9, 183:20</p> <p>nest [4] - 107:16, 107:18, 108:1, 108:3</p> <p>nesting [2] - 103:11, 107:16</p> <p>nests [5] - 107:17, 108:6, 108:10, 108:13, 108:15</p> <p>net [3] - 52:3, 71:12, 72:3</p> <p>never [9] - 135:14, 139:15, 139:21, 155:25, 158:25, 202:8, 210:23, 216:23, 217:10</p> <p>New [2] - 175:16, 214:20</p> <p>new [25] - 12:24, 24:10,</p>	<p>27:20, 27:23, 27:25, 28:2, 38:2, 44:23, 49:18, 50:25, 80:11, 81:5, 81:15, 121:21, 135:2, 143:19, 158:20, 158:25, 170:5, 194:12, 203:13, 217:14, 217:18, 228:5</p> <p>newer [2] - 57:23, 58:2</p> <p>newly [1] - 108:12</p> <p>next [26] - 50:5, 70:4, 71:11, 74:5, 80:9, 90:4, 90:16, 91:7, 116:6, 116:15, 126:7, 134:24, 144:14, 145:11, 146:18, 147:18, 186:16, 186:19, 190:8, 192:25, 198:16, 212:1, 219:4, 223:10, 226:12</p> <p>NextEra [50] - 2:11, 10:14, 10:18, 11:1, 17:6, 21:1, 21:4, 21:16, 22:2, 22:5, 22:8, 22:10, 23:14, 33:15, 36:14, 70:8, 71:1, 90:9, 93:11, 108:12, 148:3, 148:5, 148:7, 162:18, 162:22, 174:16, 186:15, 186:18, 186:22, 186:23, 188:17, 191:13, 196:22, 197:5, 198:3, 199:24, 200:23, 201:8, 220:15, 222:5, 223:1, 223:17, 223:19, 225:24, 226:7, 227:21, 228:1, 229:12, 229:16, 235:9</p> <p>NextEra's [4] - 35:23, 148:10, 188:15, 220:11</p> <p>nice [5] - 153:7, 159:19, 167:19, 206:10, 226:6</p> <p>night [2] - 78:18, 206:11</p> <p>nine [2] - 112:10, 117:8</p> <p>noise [13] - 42:25, 48:23, 49:2, 49:25, 119:6, 127:2, 127:3, 127:11, 137:12, 138:4, 178:16, 182:19, 205:5</p> <p>non [4] - 55:1, 86:2, 108:4, 138:2</p> <p>non-eagle [1] - 108:4</p> <p>non-pipeline [1] - 86:2</p> <p>none [8] - 18:10, 97:19, 132:9, 132:11, 161:15, 183:16, 206:2, 237:23</p> <p>nonlocal [2] - 224:25, 225:6</p> <p>nonparticipant [1] - 167:10</p> <p>nonparticipating [10] - 26:10, 26:13, 47:6, 120:18, 120:21, 120:22, 138:7, 155:3, 157:20, 159:12</p> <p>nonrenewable [1] - 72:5</p> <p>nonrenewables [1] - 71:21</p> <p>nonsubsidized [1] - 63:18</p>	<p>nonunion [10] - 169:12, 169:22, 170:3, 170:12, 171:5, 171:20, 172:9, 173:18, 173:25, 223:5</p> <p>nonutility [1] - 52:1</p> <p>normal [1] - 136:12</p> <p>NORTH [1] - 1:2</p> <p>north [8] - 69:15, 112:12, 165:9, 165:19, 188:10, 189:15, 206:7, 215:12</p> <p>North [84] - 1:20, 2:9, 2:16, 2:17, 2:21, 8:9, 9:8, 9:10, 9:23, 11:12, 11:13, 12:19, 13:2, 21:20, 22:3, 22:9, 22:11, 23:2, 28:22, 33:16, 52:1, 52:17, 63:24, 78:13, 90:1, 91:5, 91:14, 97:18, 98:7, 99:23, 100:10, 100:12, 100:20, 100:24, 101:24, 102:1, 102:11, 102:16, 102:17, 102:21, 103:13, 103:17, 103:19, 109:5, 109:9, 109:25, 114:16, 114:24, 124:20, 131:6, 133:12, 133:19, 136:24, 140:13, 168:25, 170:8, 173:13, 175:20, 192:5, 195:16, 209:12, 213:8, 213:10, 214:7, 214:14, 214:16, 214:19, 215:2, 215:6, 215:22, 216:2, 216:5, 216:14, 217:6, 218:11, 218:17, 218:20, 222:7, 225:22, 226:18, 226:24, 229:24, 239:1, 243:12</p> <p>northeast [2] - 112:24, 160:5</p> <p>northeastern [1] - 108:25</p> <p>northern [8] - 29:13, 104:12, 106:9, 106:12, 106:15, 106:19, 106:25</p> <p>Northern [3] - 22:4, 77:23, 230:4</p> <p>northwest [3] - 112:11, 158:11, 162:17</p> <p>Nos [3] - 8:10, 31:17, 32:6</p> <p>notarized [1] - 31:5</p> <p>notary [1] - 83:5</p> <p>notation [1] - 12:13</p> <p>notch [1] - 160:19</p> <p>note [4] - 8:14, 18:13, 109:15, 239:7</p> <p>noted [6] - 24:21, 28:20, 88:7, 198:6, 239:16</p> <p>notes [2] - 100:13, 243:10</p> <p>noteworthy [2] - 101:3, 101:23</p> <p>nothing [5] - 54:17, 90:23, 178:23, 228:7, 238:11</p> <p>notice [10] - 9:9, 9:10, 9:13,</p>
N			
<p>name [21] - 48:11, 93:10, 154:11, 154:16, 162:2, 168:12, 168:20, 173:11, 177:22, 188:5, 190:10, 190:23, 190:24, 193:20, 193:21, 193:25, 202:20, 213:4, 213:6, 232:22, 234:11</p> <p>nameplate [1] - 8:21</p> <p>names [1] - 48:2</p> <p>nation [2] - 64:6, 78:8</p> <p>National [12] - 111:14, 111:15, 112:4, 112:8,</p>	<p>112:9, 112:18, 113:9, 113:16, 119:8, 140:7, 140:16, 140:22</p> <p>nationwide [1] - 227:12</p> <p>native [2] - 99:12, 234:18</p> <p>natural [2] - 68:20, 169:4</p> <p>NDDA [1] - 6:13</p> <p>NDGF [1] - 6:12</p> <p>NDSHPO [3] - 7:4, 7:5, 7:7</p> <p>near [6] - 123:12, 177:7, 180:25, 187:22, 199:12, 215:10</p> <p>nearest [5] - 26:5, 26:7, 26:10, 26:12</p> <p>nearly [1] - 29:20</p> <p>necessarily [3] - 19:19, 133:20, 155:22</p> <p>necessary [8] - 28:23, 33:6, 36:10, 38:16, 39:16, 110:4, 150:14, 241:6</p> <p>need [30] - 15:15, 52:2, 63:1, 65:17, 75:5, 75:8, 81:14, 90:11, 91:4, 91:7, 91:14, 92:4, 117:16, 154:24, 192:15, 204:12, 206:24, 213:12, 213:22, 217:15, 225:22, 226:11, 227:16, 229:5, 231:7, 231:12, 231:14, 238:17, 239:21, 240:20</p> <p>needed [8] - 11:25, 66:10, 77:16, 88:9, 138:17, 152:24, 153:15, 227:15</p> <p>needs [8] - 10:5, 41:14, 81:19, 176:18, 218:1, 221:4, 228:21, 229:1</p> <p>negative [1] - 205:23</p> <p>negligible [1] - 95:24</p> <p>negotiated [2] - 67:25, 85:24</p> <p>negotiation [2] - 185:1, 185:5</p> <p>negotiations [3] - 48:7, 159:14, 230:22</p> <p>neighboring [2] - 97:4, 134:16</p> <p>neighbors [7] - 141:18, 162:20, 163:8, 164:12, 178:4, 178:9, 183:20</p> <p>nest [4] - 107:16, 107:18, 108:1, 108:3</p> <p>nesting [2] - 103:11, 107:16</p> <p>nests [5] - 107:17, 108:6, 108:10, 108:13, 108:15</p> <p>net [3] - 52:3, 71:12, 72:3</p> <p>never [9] - 135:14, 139:15, 139:21, 155:25, 158:25, 202:8, 210:23, 216:23, 217:10</p> <p>New [2] - 175:16, 214:20</p> <p>new [25] - 12:24, 24:10,</p>	<p>27:20, 27:23, 27:25, 28:2, 38:2, 44:23, 49:18, 50:25, 80:11, 81:5, 81:15, 121:21, 135:2, 143:19, 158:20, 158:25, 170:5, 194:12, 203:13, 217:14, 217:18, 228:5</p> <p>newer [2] - 57:23, 58:2</p> <p>newly [1] - 108:12</p> <p>next [26] - 50:5, 70:4, 71:11, 74:5, 80:9, 90:4, 90:16, 91:7, 116:6, 116:15, 126:7, 134:24, 144:14, 145:11, 146:18, 147:18, 186:16, 186:19, 190:8, 192:25, 198:16, 212:1, 219:4, 223:10, 226:12</p> <p>NextEra [50] - 2:11, 10:14, 10:18, 11:1, 17:6, 21:1, 21:4, 21:16, 22:2, 22:5, 22:8, 22:10, 23:14, 33:15, 36:14, 70:8, 71:1, 90:9, 93:11, 108:12, 148:3, 148:5, 148:7, 162:18, 162:22, 174:16, 186:15, 186:18, 186:22, 186:23, 188:17, 191:13, 196:22, 197:5, 198:3, 199:24, 200:23, 201:8, 220:15, 222:5, 223:1, 223:17, 223:19, 225:24, 226:7, 227:21, 228:1, 229:12, 229:16, 235:9</p> <p>NextEra's [4] - 35:23, 148:10, 188:15, 220:11</p> <p>nice [5] - 153:7, 159:19, 167:19, 206:10, 226:6</p> <p>night [2] - 78:18, 206:11</p> <p>nine [2] - 112:10, 117:8</p> <p>noise [13] - 42:25, 48:23, 49:2, 49:25, 119:6, 127:2, 127:3, 127:11, 137:12, 138:4, 178:16, 182:19, 205:5</p> <p>non [4] - 55:1, 86:2, 108:4, 138:2</p> <p>non-eagle [1] - 108:4</p> <p>non-pipeline [1] - 86:2</p> <p>none [8] - 18:10, 97:19, 132:9, 132:11, 161:15, 183:16, 206:2, 237:23</p> <p>nonlocal [2] - 224:25, 225:6</p> <p>nonparticipant [1] - 167:10</p> <p>nonparticipating [10] - 26:10, 26:13, 47:6, 120:18, 120:21, 120:22, 138:7, 155:3, 157:20, 159:12</p> <p>nonrenewable [1] - 72:5</p> <p>nonrenewables [1] - 71:21</p> <p>nonsubsidized [1] - 63:18</p>	<p>nonunion [10] - 169:12, 169:22, 170:3, 170:12, 171:5, 171:20, 172:9, 173:18, 173:25, 223:5</p> <p>nonutility [1] - 52:1</p> <p>normal [1] - 136:12</p> <p>NORTH [1] - 1:2</p> <p>north [8] - 69:15, 112:12, 165:9, 165:19, 188:10, 189:15, 206:7, 215:12</p> <p>North [84] - 1:20, 2:9, 2:16, 2:17, 2:21, 8:9, 9:8, 9:10, 9:23, 11:12, 11:13, 12:19, 13:2, 21:20, 22:3, 22:9, 22:11, 23:2, 28:22, 33:16, 52:1, 52:17, 63:24, 78:13, 90:1, 91:5, 91:14, 97:18, 98:7, 99:23, 100:10, 100:12, 100:20, 100:24, 101:24, 102:1, 102:11, 102:16, 102:17, 102:21, 103:13, 103:17, 103:19, 109:5, 109:9, 109:25, 114:16, 114:24, 124:20, 131:6, 133:12, 133:19, 136:24, 140:13, 168:25, 170:8, 173:13, 175:20, 192:5, 195:16, 209:12, 213:8, 213:10, 214:7, 214:14, 214:16, 214:19, 215:2, 215:6, 215:22, 216:2, 216:5, 216:14, 217:6, 218:11, 218:17, 218:20, 222:7, 225:22, 226:18, 226:24, 229:24, 239:1, 243:12</p> <p>northeast [2] - 112:24, 160:5</p> <p>northeastern [1] - 108:25</p> <p>northern [8] - 29:13, 104:12, 106:9, 106:12, 106:15, 106:19, 106:25</p> <p>Northern [3] - 22:4, 77:23, 230:4</p> <p>northwest [3] - 112:11, 158:11, 162:17</p> <p>Nos [3] - 8:10, 31:17, 32:6</p> <p>notarized [1] - 31:5</p> <p>notary [1] - 83:5</p> <p>notation [1] - 12:13</p> <p>notch [1] - 160:19</p> <p>note [4] - 8:14, 18:13, 109:15, 239:7</p> <p>noted [6] - 24:21, 28:20, 88:7, 198:6, 239:16</p> <p>notes [2] - 100:13, 243:10</p> <p>noteworthy [2] - 101:3, 101:23</p> <p>nothing [5] - 54:17, 90:23, 178:23, 228:7, 238:11</p> <p>notice [10] - 9:9, 9:10, 9:13,</p>

18:13, 18:15, 57:20, 66:19, 84:25, 199:12 noticed [3] - 55:16, 146:10, 199:4 notify [1] - 200:25 November [2] - 32:18, 102:2 noxious [5] - 149:4, 149:5, 149:7, 150:8, 200:21 NRO [2] - 49:14, 49:16 nuances [1] - 194:11 number [50] - 9:24, 10:2, 12:21, 24:25, 25:8, 25:20, 26:6, 26:19, 30:19, 30:25, 32:2, 32:4, 38:19, 53:21, 55:19, 57:20, 59:22, 61:1, 62:10, 74:24, 75:4, 75:11, 94:24, 95:18, 101:11, 121:8, 121:9, 125:9, 126:4, 126:11, 130:17, 130:18, 147:8, 147:13, 148:4, 157:16, 160:18, 165:3, 165:8, 165:18, 181:17, 181:18, 182:1, 183:2, 192:24, 193:8, 205:11, 214:4, 214:7, 230:9 numbers [14] - 17:22, 60:15, 69:18, 72:25, 106:10, 125:20, 137:14, 137:22, 165:12, 181:13, 225:1, 229:15, 230:12 numeral [1] - 60:4 numerous [2] - 37:18, 98:19	occasions [1] - 37:14 occupied [3] - 108:13, 157:9, 159:3 occur [2] - 104:7, 120:6 occurred [2] - 102:22, 105:15 October [6] - 6:9, 6:11, 31:12, 67:4, 67:17, 67:21 OF [4] - 1:2, 1:13, 3:8, 243:1 Off'd [1] - 6:3 offer [6] - 55:9, 153:6, 153:18, 164:1, 212:11, 217:12 offered [1] - 155:4 Office [1] - 8:6 office [1] - 231:15 office/training [1] - 217:19 officer [1] - 8:8 officially [1] - 155:16 officials [1] - 37:9 offset [3] - 100:16, 103:14, 111:25 offsets [7] - 99:20, 100:9, 102:13, 103:1, 142:15, 143:10, 144:12 offsetting [1] - 99:9 oftaker [3] - 51:16, 54:8, 54:9 often [5] - 89:15, 138:19, 139:3, 150:4, 226:2 Oil [1] - 85:21 oilfield [1] - 216:1 Oklahoma [3] - 146:12, 172:11, 214:23 old [10] - 15:7, 57:21, 159:7, 165:1, 211:6, 221:5, 235:3, 235:13 Olds [4] - 24:10, 27:18, 27:20, 113:24 Oliver [220] - 1:6, 1:6, 1:7, 1:8, 1:9, 6:6, 7:17, 7:22, 8:17, 8:19, 8:22, 8:24, 9:4, 10:12, 18:4, 18:15, 18:20, 21:2, 21:3, 21:5, 21:6, 22:14, 23:1, 23:11, 24:3, 24:8, 25:16, 25:19, 27:3, 27:7, 27:9, 27:16, 28:11, 28:13, 29:12, 29:20, 29:23, 30:12, 31:7, 31:16, 32:11, 32:12, 32:14, 32:19, 32:21, 33:1, 33:5, 33:10, 33:16, 33:25, 34:12, 35:8, 35:9, 35:20, 36:2, 36:11, 36:15, 36:17, 36:19, 36:21, 37:2, 37:4, 37:6, 37:8, 37:10, 37:11, 37:13, 37:18, 37:20, 38:4, 38:6, 38:14, 38:18, 39:5, 39:15, 39:18, 39:21, 40:3, 40:8, 40:15, 40:18, 40:23, 41:3, 41:6, 41:9, 53:9, 61:10, 65:5, 66:16, 70:5, 70:11, 70:14, 70:20, 70:25, 71:4, 71:8, 72:20, 72:23, 74:25, 79:5, 81:25, 93:13, 96:10, 96:17, 98:14, 99:5, 99:25, 100:2, 100:5, 100:8, 100:17, 100:18, 100:22, 101:1, 101:5, 102:4, 102:10, 102:25, 103:3, 103:7, 103:12, 103:16, 103:25, 105:11, 105:19, 105:25, 107:14, 108:2, 109:2, 109:15, 109:23, 109:24, 110:3, 110:12, 111:3, 111:21, 112:2, 112:3, 112:6, 112:14, 112:16, 113:2, 113:4, 113:10, 114:4, 115:3, 115:7, 116:10, 116:17, 116:20, 116:22, 116:23, 116:25, 117:3, 117:6, 117:13, 117:16, 117:20, 117:23, 118:3, 118:5, 120:16, 120:25, 122:9, 124:3, 124:6, 124:9, 124:13, 124:16, 127:22, 127:25, 128:24, 129:1, 129:2, 129:4, 129:5, 129:7, 129:8, 129:9, 129:11, 129:14, 129:18, 130:6, 130:7, 131:23, 149:9, 149:13, 163:10, 173:14, 188:25, 194:9, 194:10, 194:11, 194:18, 195:5, 195:16, 195:20, 196:13, 198:6, 199:8, 199:20, 200:1, 200:7, 200:10, 200:13, 200:17, 205:24, 208:1, 211:5, 220:23, 238:24, 239:5, 241:23 on-site [1] - 35:9 onboard [2] - 44:25, 135:21 once [6] - 31:14, 34:15, 84:15, 206:7, 209:9, 220:17 one [95] - 15:5, 17:10, 23:21, 23:22, 27:9, 28:2, 39:23, 43:25, 44:14, 47:24, 48:4, 48:8, 48:19, 49:15, 50:11, 51:23, 55:14, 55:17, 58:21, 59:8, 59:11, 59:19, 59:23, 60:4, 66:7, 68:25, 72:21, 75:13, 81:11, 85:10, 85:21, 88:13, 89:6, 89:20, 95:16, 105:7, 106:17, 107:18, 109:1, 127:3, 129:3, 130:14, 136:5, 137:1, 137:24, 139:16, 145:11, 148:8, 149:21, 150:7, 157:18, 157:22, 159:3, 159:6, 160:4, 160:5, 160:14, 160:16, 160:19, 161:6, 164:2, 164:25, 165:19, 166:24, 169:6, 175:16, 175:17, 177:11, 178:5, 179:10, 180:16, 190:6, 193:25, 197:10, 198:2, 198:24, 199:3, 200:11, 203:6, 204:19, 210:13, 210:23, 214:19, 215:18, 218:24, 221:10, 221:11, 221:14, 222:19, 225:10, 232:9, 238:14, 240:5 one-mile [1] - 105:7 one-third [1] - 240:5 one-time [1] - 55:14 ones [15] - 44:23, 45:10, 45:11, 47:15, 47:18, 64:8, 77:7, 163:3, 175:14, 179:11, 185:9, 198:15, 199:24, 214:22, 219:3 ongoing [4] - 96:21, 143:9, 145:24, 222:23 open [8] - 134:21, 157:1, 157:2, 157:24, 157:25, 176:10, 180:22, 242:1 opening [2] - 12:15, 20:2 Opening [4] - 3:3, 3:4, 3:5, 3:6 operate [7] - 22:9, 22:10, 33:9, 33:17, 35:12, 64:9, 162:19 operated [2] - 70:8, 71:1 operating [7] - 37:10, 39:12, 54:4, 118:25, 119:12, 139:1, 192:5 Operating [1] - 168:22 operation [13] - 9:20, 10:23, 23:21, 34:1, 34:4, 34:14, 39:10, 39:13, 41:12, 79:21, 106:13, 124:18, 165:4 operational [2] - 35:16, 40:24 operations [10] - 34:11, 36:24, 41:1, 42:14, 42:15, 43:8, 71:6, 105:5, 107:4, 223:23 operator [1] - 196:22 operators [1] - 168:24 opinion [3] - 41:11, 52:20, 124:16 opinions [1] - 15:11 OPP [4] - 4:10, 177:15, 177:18, 177:19 Opp [1] - 177:24 opportunities [7] - 38:2, 39:7, 55:10, 195:10, 218:4, 218:8, 218:21 opportunity [12] - 18:1, 66:3, 87:25, 134:25, 216:3,
O	
O&M [7] - 35:9, 35:14, 36:24, 42:13, 42:16, 222:23 o'clock [2] - 232:4, 232:5 o-g-e-l [1] - 190:25 O-p-p [1] - 177:25 objection [8] - 12:2, 12:3, 18:8, 123:24, 123:25, 124:1, 192:17, 192:22 objective [1] - 103:2 observation [2] - 113:8, 235:12 observations [1] - 224:2 observe [1] - 230:17 observed [3] - 104:23, 105:6, 107:13 observing [1] - 235:22 obstruction [1] - 123:11 obstructions [2] - 117:10, 120:2 obtain [1] - 67:12 obtained [3] - 29:20, 32:22, 110:3 obtaining [1] - 67:16 obviously [2] - 156:1, 228:22	

<p>216:4, 216:5, 218:12, 218:15, 218:18, 220:17, 240:24</p> <p>opposed [4] - 14:25, 65:9, 155:22, 223:4</p> <p>opposition [2] - 53:7, 53:8</p> <p>option [4] - 54:3, 56:19, 156:3, 217:3</p> <p>options [5] - 49:8, 96:16, 96:19, 97:5, 135:24</p> <p>orally [2] - 25:4, 95:6</p> <p>orange [1] - 214:5</p> <p>Order [2] - 6:21, 6:23</p> <p>order [8] - 41:4, 84:23, 99:7, 145:23, 151:9, 240:23, 241:1, 241:12</p> <p>orderly [4] - 10:6, 13:2, 15:16, 41:15</p> <p>ordinary [2] - 137:18, 137:20</p> <p>Oregon [1] - 93:25</p> <p>organization [2] - 89:18, 144:10</p> <p>organizations [6] - 16:24, 37:19, 38:21, 38:22, 133:23, 134:13</p> <p>Organizing [1] - 213:8</p> <p>original [9] - 25:8, 25:22, 27:1, 45:9, 62:22, 67:7, 68:2, 123:16, 199:20</p> <p>originally [7] - 27:17, 27:24, 45:4, 95:21, 110:16, 123:17, 155:1</p> <p>originated [1] - 29:9</p> <p>originates [1] - 24:7</p> <p>OSHA [2] - 169:21, 217:23</p> <p>otherwise [7] - 66:18, 86:17, 87:4, 88:19, 108:11, 206:11, 239:14</p> <p>out-of-state [2] - 170:4, 170:12</p> <p>outbuildings [1] - 120:3</p> <p>outcomes [1] - 57:25</p> <p>outdated [1] - 159:9</p> <p>outfitted [1] - 107:22</p> <p>outlier [1] - 164:19</p> <p>outlined [3] - 103:5, 113:10, 124:22</p> <p>outlining [2] - 86:24, 101:3</p> <p>output [5] - 49:13, 76:13, 122:25, 123:3, 123:5</p> <p>outreach [5] - 10:21, 37:2, 37:5, 112:13, 112:17</p> <p>outside [10] - 47:11, 47:16, 48:19, 61:15, 87:12, 99:13, 109:14, 111:12, 175:16, 221:4</p> <p>outstanding [5] - 29:25, 56:1, 56:9, 56:13, 67:2</p> <p>outweighs [1] - 205:23</p> <p>overall [3] - 107:14, 119:3,</p>	<p>142:3</p> <p>overhead [1] - 113:23</p> <p>overlapped [1] - 105:13</p> <p>oversaw [1] - 93:14</p> <p>oversee [1] - 21:5</p> <p>overseen [1] - 21:19</p> <p>oversees [1] - 211:3</p> <p>oversight [1] - 21:19</p> <p>overview [3] - 22:24, 23:25, 46:10</p> <p>overwhelming [1] - 53:16</p> <p>overwhelmingly [1] - 215:22</p> <p>own [8] - 22:10, 30:9, 33:8, 33:17, 185:21, 191:11, 212:14, 213:12</p> <p>owned [2] - 21:4, 56:2</p> <p>owner [1] - 190:16</p> <p>owners [1] - 85:15</p> <p style="text-align: center;">P</p> <p>p.m [7] - 92:13, 152:17, 152:18, 232:6, 232:7, 241:21, 242:6</p> <p>P.O [1] - 2:8</p> <p>pack [1] - 15:25</p> <p>Page [1] - 3:2</p> <p>page [25] - 18:22, 25:7, 25:25, 27:7, 27:15, 44:15, 60:2, 68:4, 68:12, 69:7, 70:4, 74:6, 79:17, 80:9, 80:17, 91:3, 98:16, 102:4, 102:10, 104:18, 115:14, 115:19, 116:15, 130:18, 132:24</p> <p>pages [7] - 79:25, 101:22, 102:9, 110:9, 133:3, 180:21, 243:9</p> <p>paid [7] - 15:9, 144:11, 155:20, 162:25, 169:8, 198:17, 206:23</p> <p>paperwork [1] - 149:3</p> <p>paragraph [7] - 68:21, 69:12, 71:14, 71:23, 80:10, 91:5, 147:18</p> <p>parameter [1] - 127:14</p> <p>parcel [3] - 47:6, 128:21, 185:22</p> <p>parcels [7] - 55:25, 56:6, 56:9, 128:10, 128:12, 128:16, 128:23</p> <p>pardon [1] - 68:7</p> <p>parentheses [1] - 69:16</p> <p>Park [15] - 112:4, 112:8, 112:14, 112:17, 112:18, 113:3, 113:9, 113:16, 140:16, 140:22, 140:23, 140:25, 141:11, 141:13, 141:14</p>	<p>parks [2] - 133:23, 134:19</p> <p>parsing [1] - 146:11</p> <p>part [28] - 13:20, 14:23, 18:19, 40:18, 100:14, 103:25, 112:2, 123:15, 124:5, 126:18, 128:8, 131:4, 142:11, 162:18, 163:9, 164:10, 171:17, 172:12, 199:2, 201:24, 203:17, 208:1, 211:1, 213:12, 229:25, 230:1, 230:2, 239:10</p> <p>partial [1] - 130:3</p> <p>participant [3] - 176:13, 210:11, 210:13</p> <p>participants [3] - 48:18, 138:19, 163:9</p> <p>participate [7] - 48:7, 55:6, 55:11, 155:5, 182:24, 210:12, 237:13</p> <p>participating [17] - 26:5, 26:7, 38:1, 38:8, 42:25, 43:25, 44:19, 55:1, 55:5, 55:8, 60:1, 125:14, 135:10, 135:17, 138:1, 138:2, 172:21</p> <p>Participation [2] - 7:9, 7:11</p> <p>participation [19] - 13:19, 25:15, 25:17, 30:2, 30:5, 31:18, 31:19, 44:22, 45:4, 47:9, 47:12, 47:23, 121:18, 121:24, 125:7, 126:6, 126:12, 126:20, 238:8</p> <p>particular [8] - 52:5, 100:23, 125:7, 129:1, 153:17, 172:8, 203:7, 219:6</p> <p>parties [2] - 74:21, 85:25</p> <p>parts [3] - 70:5, 78:18, 225:18</p> <p>party [1] - 93:14</p> <p>pass [1] - 179:7</p> <p>passed [3] - 51:3, 178:18, 221:11</p> <p>passes [1] - 221:9</p> <p>past [15] - 21:16, 36:18, 109:4, 136:5, 145:5, 149:9, 166:15, 169:15, 172:5, 175:12, 210:15, 219:12, 219:13, 225:16, 228:6</p> <p>path [3] - 97:2, 145:8, 186:3</p> <p>pathogen [1] - 217:24</p> <p>patience [3] - 223:12, 234:24, 238:8</p> <p>patient [2] - 53:12, 151:12</p> <p>Paul [1] - 2:22</p> <p>pause [1] - 87:22</p> <p>pay [4] - 73:9, 73:14, 74:8, 74:10</p> <p>paychecks [1] - 229:8</p> <p>payment [2] - 55:14, 164:1</p>	<p>payments [6] - 38:1, 38:8, 38:10, 73:3, 74:6, 74:9</p> <p>PDF [1] - 19:5</p> <p>peak [1] - 39:3</p> <p>penalties [16] - 20:8, 20:13, 92:21, 154:5, 161:22, 168:7, 173:5, 177:17, 187:25, 191:3, 193:15, 202:15, 212:17, 224:12, 232:14, 234:6</p> <p>pending [11] - 25:18, 30:3, 30:5, 39:25, 44:21, 45:12, 45:16, 45:19, 97:18, 126:13, 126:21</p> <p>pension [2] - 218:14</p> <p>people [57] - 14:25, 15:3, 15:17, 15:25, 17:1, 45:2, 50:3, 53:5, 65:12, 78:3, 78:4, 79:10, 79:15, 88:18, 134:17, 144:9, 152:24, 153:2, 153:20, 153:24, 160:15, 171:14, 173:18, 174:11, 177:11, 183:23, 185:18, 187:22, 192:4, 197:6, 197:21, 197:24, 198:14, 198:15, 201:18, 212:4, 214:23, 215:17, 215:18, 215:24, 216:2, 216:3, 216:8, 216:23, 216:25, 217:8, 223:2, 228:14, 228:19, 229:5, 229:6, 234:21, 235:19, 235:23, 236:23, 237:11</p> <p>per [9] - 51:5, 75:19, 75:20, 76:9, 76:25, 114:15, 120:14, 120:21, 138:11</p> <p>percent [16] - 45:21, 49:5, 51:3, 78:14, 81:2, 86:3, 127:10, 127:12, 133:5, 133:6, 214:24, 215:7, 229:17, 229:18, 230:5</p> <p>percentage [5] - 214:13, 214:20, 215:5, 220:6, 230:8</p> <p>perform [5] - 38:16, 108:3, 118:6, 140:23, 169:1</p> <p>performance [1] - 49:13</p> <p>performed [1] - 28:18</p> <p>performing [1] - 35:14</p> <p>perhaps [2] - 134:2, 242:3</p> <p>period [2] - 38:13, 56:19</p> <p>periodic [1] - 35:16</p> <p>perjury [28] - 20:8, 20:9, 20:12, 92:20, 92:21, 154:2, 154:5, 161:21, 168:6, 173:4, 177:14, 177:17, 187:24, 191:2, 191:3, 193:14, 202:14, 212:16, 224:12, 232:13, 232:14, 234:5</p>
--	---	--	---

<p>permanent [7] - 23:22, 39:9, 95:14, 95:20, 95:23, 97:10, 97:21</p> <p>permanently [1] - 95:13</p> <p>permit [21] - 8:25, 9:19, 22:17, 32:15, 32:24, 53:10, 54:19, 54:21, 54:24, 82:5, 82:7, 82:13, 82:25, 83:7, 84:21, 87:4, 170:13, 206:25, 208:23, 209:1, 241:25</p> <p>Permit [2] - 6:6, 6:8</p> <p>permits [4] - 32:20, 53:3, 81:24, 82:22</p> <p>permitting [7] - 10:22, 21:14, 32:12, 37:21, 94:4, 94:7, 208:19</p> <p>person [4] - 34:15, 190:8, 192:25, 195:3</p> <p>personal [1] - 195:2</p> <p>personally [1] - 205:6</p> <p>personnel [3] - 36:11, 112:7, 162:22</p> <p>perspective [5] - 50:9, 50:20, 50:21, 196:9, 198:12</p> <p>perspectives [1] - 13:15</p> <p>pertaining [1] - 21:17</p> <p>Petroleum [1] - 85:21</p> <p>phase [2] - 40:19, 40:24</p> <p>phone [5] - 51:18, 52:18, 52:19, 171:22, 203:9</p> <p>phones [1] - 8:12</p> <p>photograph [1] - 123:10</p> <p>photographic [1] - 113:7</p> <p>physics [1] - 119:21</p> <p>physics-based [1] - 119:21</p> <p>pick [3] - 78:21, 80:6, 89:20</p> <p>picture [2] - 156:19, 206:10</p> <p>piece [3] - 135:5, 156:18, 219:7</p> <p>pigs [1] - 143:19</p> <p>pilot [1] - 143:22</p> <p>pilots [1] - 143:23</p> <p>pink [3] - 115:20, 116:5, 116:17</p> <p>Pioneer [1] - 215:12</p> <p>pioneers [1] - 143:23</p> <p>pipeline [3] - 85:22, 86:2, 218:6</p> <p>pipelines [4] - 64:18, 85:13, 85:15, 169:4</p> <p>pipng [2] - 104:8, 104:20</p> <p>place [12] - 9:9, 40:19, 83:6, 149:5, 158:21, 165:3, 169:15, 171:12, 183:17, 205:25, 209:23, 243:6</p> <p>placed [1] - 186:3</p> <p>placement [1] - 117:9</p> <p>Places [1] - 111:15</p> <p>places [5] - 115:5, 171:13,</p>	<p>172:11, 204:12, 220:3</p> <p>Places' [1] - 111:16</p> <p>plan [38] - 11:8, 12:14, 25:11, 25:21, 35:11, 36:6, 39:5, 40:24, 43:11, 57:19, 57:24, 58:3, 58:9, 81:9, 111:22, 115:6, 118:1, 128:6, 128:7, 132:23, 132:25, 133:2, 133:11, 135:2, 146:21, 148:5, 148:11, 149:8, 149:15, 150:1, 150:2, 150:8, 150:13, 160:13, 168:1, 200:15, 210:1, 229:3</p> <p>planned [7] - 10:17, 26:19, 27:24, 95:13, 95:16, 127:23, 155:1</p> <p>Planning [1] - 104:2</p> <p>plans [9] - 12:6, 17:6, 128:1, 134:3, 146:19, 147:19, 149:5, 200:8, 231:8</p> <p>Plant [1] - 215:12</p> <p>plant [8] - 35:18, 69:24, 134:5, 197:24, 214:25, 215:9, 215:23, 218:6</p> <p>planted [1] - 134:23</p> <p>planting [2] - 133:5, 133:14</p> <p>plantings [3] - 128:15, 133:17, 133:25</p> <p>plants [7] - 169:3, 169:4, 171:15, 214:8, 215:2, 215:6, 226:18</p> <p>plate [1] - 230:7</p> <p>plates [2] - 220:4, 220:5</p> <p>play [5] - 71:13, 71:17, 140:8, 185:2, 233:4</p> <p>pleased [1] - 223:23</p> <p>pleasure [1] - 191:15</p> <p>PLLP [1] - 2:7</p> <p>plover [2] - 104:8, 104:20</p> <p>plow [1] - 46:6</p> <p>plus [2] - 206:21, 214:22</p> <p>point [20] - 27:16, 28:3, 29:4, 43:17, 58:21, 64:12, 66:7, 78:15, 87:16, 91:12, 133:9, 133:10, 142:5, 148:1, 156:15, 162:24, 179:3, 211:10, 223:17, 230:8</p> <p>pointed [2] - 82:20, 159:24</p> <p>pointing [2] - 69:21, 156:22</p> <p>points [5] - 19:21, 113:8, 151:4, 205:21, 205:22</p> <p>pole [1] - 24:5</p> <p>Pool [1] - 28:15</p> <p>pool [3] - 175:22, 175:24, 217:2</p> <p>population [1] - 37:25</p> <p>portion [4] - 29:13, 108:25, 163:4, 177:2</p> <p>portions [1] - 110:15</p>	<p>posed [1] - 84:4</p> <p>position [3] - 219:22, 228:17, 235:23</p> <p>positive [7] - 37:24, 162:15, 195:4, 198:3, 198:9, 198:20, 226:7</p> <p>possibility [3] - 53:24, 54:1, 54:12</p> <p>possible [5] - 35:1, 81:8, 95:12, 112:19, 229:19</p> <p>possibly [2] - 146:22, 196:25</p> <p>posthearing [1] - 240:24</p> <p>potentially [1] - 153:9</p> <p>potential [19] - 40:4, 99:20, 100:7, 100:25, 102:13, 103:11, 105:1, 105:15, 106:22, 106:24, 107:3, 107:21, 111:20, 114:23, 119:1, 124:4, 144:5, 225:15, 226:23</p> <p>potentially [7] - 66:19, 90:3, 90:9, 104:7, 125:15, 125:22, 166:21</p> <p>Power [7] - 6:10, 28:15, 105:9, 113:24, 196:17, 197:2, 197:3</p> <p>power [23] - 27:4, 52:3, 52:7, 52:15, 57:15, 62:17, 64:10, 76:13, 89:3, 89:13, 90:16, 91:6, 155:12, 171:15, 197:24, 203:7, 203:11, 203:12, 203:14, 204:11, 204:13, 206:4, 214:8</p> <p>PPA [3] - 27:9, 62:22, 91:11</p> <p>PPAs [2] - 27:8, 89:4</p> <p>practicable [1] - 37:17</p> <p>practice [2] - 109:5, 137:10</p> <p>practices [2] - 105:10, 151:17</p> <p>PRANIS [32] - 2:21, 5:5, 11:10, 41:23, 88:13, 88:17, 88:22, 88:24, 90:23, 132:9, 156:10, 163:15, 170:18, 174:8, 174:20, 179:24, 189:6, 191:20, 195:24, 208:10, 212:10, 212:12, 212:21, 213:2, 221:19, 224:7, 224:9, 224:14, 224:15, 233:14, 236:7, 238:3</p> <p>Pranis [26] - 3:15, 4:9, 5:3, 11:7, 11:11, 18:2, 41:21, 88:16, 89:7, 132:8, 156:9, 163:14, 170:17, 174:6, 176:11, 177:3, 179:23, 189:5, 191:19, 195:23, 208:9, 212:8, 224:5, 233:13, 236:6, 238:2</p> <p>Pranis's [1] - 176:20</p> <p>pre [1] - 99:16</p>	<p>pre-impact [1] - 99:16</p> <p>precedent [1] - 18:24</p> <p>preconstruction [1] - 108:10</p> <p>predates [1] - 148:7</p> <p>predecessors [1] - 112:6</p> <p>predicted [5] - 119:2, 119:10, 120:19, 120:20, 120:23</p> <p>prediction [1] - 119:6</p> <p>predominantly [1] - 139:19</p> <p>preface [1] - 164:24</p> <p>prefer [2] - 63:11, 204:13</p> <p>preference [1] - 99:5</p> <p>Prefiled [2] - 6:18, 6:19</p> <p>prefiled [33] - 19:14, 19:16, 19:17, 19:20, 24:13, 25:7, 25:10, 25:16, 25:24, 26:9, 26:18, 26:22, 27:6, 27:14, 27:15, 28:6, 28:9, 30:8, 94:15, 95:1, 95:9, 95:15, 96:5, 97:14, 98:16, 103:6, 104:17, 110:8, 124:22, 224:21, 229:25, 230:1, 230:2</p> <p>prelim [2] - 19:1, 19:13</p> <p>preliminary [3] - 17:13, 19:24, 36:20</p> <p>prepare [3] - 122:7, 128:6, 147:24</p> <p>Prepared [1] - 7:18</p> <p>prepared [7] - 122:8, 122:20, 122:21, 136:24, 148:20, 149:7, 150:8</p> <p>preparedness [2] - 36:3, 36:15</p> <p>prescriptive [1] - 57:24</p> <p>presence [1] - 108:9</p> <p>present [6] - 68:19, 74:7, 101:23, 176:15, 203:2, 224:9</p> <p>PRESENT [1] - 2:2</p> <p>presentation [1] - 11:17</p> <p>presenting [1] - 11:15</p> <p>preservation [1] - 9:25</p> <p>preserve [2] - 96:20, 226:17</p> <p>presume [2] - 73:25, 74:20</p> <p>pretty [10] - 45:23, 53:5, 63:10, 65:24, 66:11, 67:22, 70:19, 156:4, 216:16, 230:10</p> <p>prevailing [3] - 51:12, 51:13, 158:11</p> <p>preventative [1] - 35:17</p> <p>previous [18] - 59:6, 77:7, 81:11, 92:20, 148:3, 154:1, 161:20, 168:5, 173:3, 177:13, 186:14, 187:23, 191:2, 193:14, 202:13, 212:16, 232:13, 234:4</p> <p>previously [12] - 21:25, 40:5,</p>
---	--	---	---

<p>97:16, 105:17, 107:23, 108:11, 110:23, 136:6, 167:1, 200:6, 207:24, 218:23</p> <p>primarily [1] - 214:25</p> <p>primary [3] - 23:3, 94:6, 103:2</p> <p>prioritized [1] - 174:17</p> <p>priority [2] - 99:7, 99:12</p> <p>private [6] - 67:16, 86:13, 87:2, 87:7, 87:12, 94:7</p> <p>privilege [1] - 223:18</p> <p>problem [3] - 72:13, 82:21, 200:24</p> <p>problematic [1] - 179:13</p> <p>procedure [1] - 108:12</p> <p>procedures [3] - 36:7, 36:13, 113:10</p> <p>proceed [3] - 92:15, 92:25, 212:20</p> <p>proceeding [3] - 18:14, 30:13, 34:18</p> <p>proceedings [5] - 8:1, 18:23, 22:6, 84:5, 243:5</p> <p>process [24] - 13:5, 14:12, 28:17, 29:22, 34:7, 37:21, 43:3, 53:2, 53:3, 53:6, 53:7, 53:10, 65:8, 65:25, 67:11, 89:4, 89:22, 89:23, 128:6, 208:20, 208:23, 236:19, 239:13</p> <p>procurement [1] - 33:11</p> <p>produce [5] - 9:21, 41:12, 76:15, 124:18, 134:7</p> <p>producers [2] - 176:17, 231:4</p> <p>product [1] - 198:10</p> <p>production [3] - 35:24, 51:9, 51:15</p> <p>productive [3] - 14:4, 14:17, 17:3</p> <p>productivity [1] - 169:18</p> <p>professional [8] - 21:9, 93:21, 94:1, 118:18, 119:18, 191:14, 194:20, 197:7</p> <p>professions [1] - 227:12</p> <p>program [4] - 119:20, 200:20, 201:14, 209:22</p> <p>programs [2] - 38:23, 38:24</p> <p>Project [10] - 6:4, 6:5, 6:20, 6:23, 7:8, 7:10, 7:12, 7:13, 79:17, 80:10</p> <p>project [207] - 9:2, 9:4, 9:18, 10:20, 10:22, 10:25, 11:6, 12:24, 13:11, 13:12, 15:1, 15:12, 19:9, 19:11, 21:7, 21:13, 21:17, 22:18, 22:24, 22:25, 23:2, 23:15, 23:21, 23:25, 24:1, 26:1, 26:25,</p>	<p>27:5, 27:17, 27:22, 28:5, 28:19, 28:22, 28:25, 29:2, 29:4, 29:9, 29:10, 29:11, 29:14, 29:16, 29:23, 30:2, 30:4, 30:10, 31:20, 33:2, 33:14, 33:15, 33:21, 33:23, 35:3, 35:11, 35:22, 35:23, 35:25, 36:3, 36:21, 37:3, 37:24, 38:7, 39:6, 39:11, 40:7, 42:6, 45:4, 46:10, 49:6, 50:10, 50:13, 50:22, 50:23, 51:2, 52:5, 53:12, 53:14, 54:2, 54:3, 55:7, 55:8, 55:13, 57:3, 57:11, 61:3, 61:7, 61:9, 61:18, 62:7, 63:21, 64:14, 66:14, 66:21, 71:21, 73:14, 78:5, 79:19, 79:23, 84:3, 85:23, 86:24, 89:21, 90:1, 90:4, 90:14, 90:16, 90:20, 93:11, 97:25, 98:2, 100:15, 100:18, 104:15, 105:5, 105:6, 105:8, 105:17, 105:21, 105:23, 107:18, 107:19, 107:20, 107:22, 108:3, 108:24, 109:1, 109:24, 110:2, 110:17, 111:5, 111:7, 111:9, 111:13, 114:7, 114:10, 114:11, 114:13, 114:22, 115:18, 117:6, 117:13, 118:4, 118:9, 119:2, 119:12, 120:12, 121:8, 124:14, 125:8, 125:14, 126:15, 126:18, 129:5, 129:25, 131:15, 143:11, 144:22, 151:20, 155:22, 157:3, 162:14, 162:19, 162:21, 163:1, 163:3, 164:10, 169:9, 169:10, 169:11, 170:2, 170:5, 170:6, 170:9, 170:11, 171:10, 172:1, 172:6, 172:7, 172:8, 173:17, 174:11, 174:16, 174:18, 188:15, 200:13, 205:18, 208:4, 215:12, 215:23, 216:24, 218:5, 218:11, 219:1, 219:7, 219:8, 220:23, 220:25, 224:24, 226:12, 228:13, 228:18, 228:23, 230:14, 234:18, 235:2, 236:1, 240:8</p> <p>project's [10] - 24:8, 27:11, 32:17, 39:13, 95:19, 95:21, 97:12, 117:15, 118:11, 124:6</p> <p>projected [1] - 73:10</p> <p>projection [1] - 74:12</p> <p>projects [134] - 11:4, 11:15, 21:15, 21:20, 21:22, 22:3,</p>	<p>22:4, 22:8, 26:1, 26:14, 29:8, 29:12, 29:19, 29:22, 31:10, 31:15, 31:17, 32:9, 32:13, 33:9, 33:16, 33:18, 34:2, 34:13, 34:25, 35:6, 35:7, 35:8, 35:13, 36:5, 36:16, 36:18, 37:6, 37:12, 37:14, 37:23, 38:4, 38:7, 38:9, 38:14, 38:17, 39:2, 39:8, 41:5, 41:8, 42:5, 42:9, 54:4, 54:9, 60:16, 62:4, 63:25, 66:5, 66:9, 84:2, 85:16, 89:5, 89:19, 90:10, 93:13, 93:16, 94:7, 95:10, 97:16, 98:10, 98:15, 98:18, 99:1, 99:6, 100:5, 100:20, 101:7, 103:22, 104:1, 104:5, 104:8, 104:21, 104:24, 105:2, 105:13, 105:16, 105:23, 106:14, 107:2, 107:9, 107:11, 107:16, 108:5, 108:16, 108:19, 110:6, 110:11, 110:14, 110:15, 110:24, 112:20, 113:5, 113:7, 113:13, 113:17, 114:1, 114:5, 117:5, 119:24, 124:17, 128:23, 131:14, 131:17, 141:5, 147:22, 169:3, 169:15, 171:12, 171:19, 194:22, 203:6, 210:14, 213:11, 213:15, 214:15, 215:20, 216:17, 216:22, 218:22, 219:12, 219:14, 219:19, 220:13, 223:10, 224:22, 229:15, 230:3, 230:15</p> <p>projects [14] - 32:15, 33:19, 36:24, 38:19, 41:12, 94:10, 97:20, 98:25, 103:6, 105:3, 108:18, 112:5, 113:20, 124:23</p> <p>promote [2] - 163:1, 198:11</p> <p>promotes [1] - 163:8</p> <p>Proper [1] - 83:5</p> <p>proper [1] - 92:5</p> <p>properly [1] - 210:25</p> <p>property [18] - 30:9, 37:16, 38:2, 73:5, 87:20, 155:9, 155:17, 155:23, 156:15, 158:9, 160:16, 161:8, 161:9, 178:7, 183:13, 189:24, 206:20, 211:8</p> <p>proportionate [1] - 74:2</p> <p>proposal [4] - 71:13, 127:23, 128:8, 134:9</p> <p>proposed [26] - 9:4, 9:21, 9:24, 10:2, 17:16, 17:17, 24:4, 24:8, 26:22, 33:25, 40:24, 85:11, 89:6, 101:6,</p>	<p>111:10, 111:22, 117:15, 123:22, 126:8, 126:9, 128:10, 129:6, 240:23, 241:1, 241:11</p> <p>proposes [1] - 115:3</p> <p>proposing [2] - 142:16, 194:18</p> <p>protect [2] - 87:21, 207:3</p> <p>protective [2] - 136:11, 140:13</p> <p>proud [2] - 78:6, 78:23</p> <p>proved [2] - 148:5, 205:6</p> <p>provide [31] - 12:6, 22:23, 23:24, 35:22, 38:5, 38:7, 39:6, 62:10, 76:2, 76:18, 84:25, 90:11, 90:14, 102:12, 102:24, 103:1, 116:20, 126:10, 126:25, 127:7, 127:24, 129:14, 130:2, 131:3, 213:3, 216:15, 224:6, 227:15, 239:3, 239:4, 239:19</p> <p>provided [18] - 36:17, 44:12, 64:3, 98:23, 113:15, 118:8, 121:14, 123:16, 130:10, 131:6, 141:13, 141:17, 172:6, 177:4, 217:13, 224:21, 225:1, 230:2</p> <p>provides [2] - 101:2, 123:19</p> <p>providing [1] - 100:8</p> <p>Provisions [2] - 6:21, 6:24</p> <p>provisions [3] - 18:17, 41:5, 41:7</p> <p>proximity [2] - 27:25, 187:4</p> <p>PSC [6] - 7:15, 26:2, 30:12, 31:14, 42:8, 122:2</p> <p>PTCs [2] - 51:1, 51:3</p> <p>PU-23-317 [9] - 1:6, 8:10, 30:17, 30:24, 32:2, 94:24, 101:12, 130:17, 241:22</p> <p>PU-23-318 [2] - 1:8, 24:24</p> <p>public [34] - 11:19, 12:6, 12:23, 14:12, 15:15, 16:10, 16:12, 16:24, 22:6, 37:3, 37:5, 53:6, 65:19, 66:20, 94:7, 153:12, 153:18, 153:24, 164:17, 168:3, 173:1, 176:11, 176:25, 177:2, 177:9, 194:20, 202:11, 208:23, 212:5, 212:6, 231:20, 232:9, 237:21, 237:22</p> <p>PUBLIC [2] - 1:3, 2:18</p> <p>Public [4] - 2:16, 8:7, 8:9, 9:11</p> <p>punishable [1] - 20:9</p> <p>purchase [4] - 27:4, 52:2, 62:17, 83:25</p> <p>purchased [1] - 161:9</p> <p>purchasing [2] - 51:23, 63:8</p>
---	--	--	--

<p>purple [1] - 166:4</p> <p>purpose [5] - 13:1, 89:13, 121:12, 158:23, 235:11</p> <p>purposes [1] - 117:19</p> <p>pursuant [1] - 98:10</p> <p>put [15] - 65:10, 77:23, 84:11, 169:9, 169:10, 171:18, 174:18, 178:6, 183:9, 185:20, 204:13, 204:21, 235:6, 235:23, 241:16</p> <p>puts [1] - 204:4</p> <p>putting [2] - 65:14, 203:13</p>	<p style="text-align: center;">R</p> <p>R100 [1] - 165:8</p> <p>R101 [1] - 59:10</p> <p>R157 [1] - 166:4</p> <p>R159 [3] - 125:21, 157:12, 160:19</p> <p>R97 [2] - 59:6, 181:14</p> <p>race [1] - 235:20</p> <p>racks [1] - 241:17</p> <p>radar [4] - 23:23, 39:23, 42:3, 78:12</p> <p>radius [2] - 105:7, 111:10</p> <p>raise [1] - 167:25</p> <p>raking [1] - 206:17</p> <p>ran [1] - 56:19</p> <p>ranch [1] - 162:17</p> <p>ranching [1] - 15:7</p> <p>RANDY [1] - 2:3</p> <p>Randy [3] - 166:7, 203:19, 209:21</p> <p>range [6] - 75:19, 76:8, 76:14, 84:24, 106:24, 156:18</p> <p>ranging [1] - 24:6</p> <p>raptor [2] - 108:1, 108:10</p> <p>raptors [2] - 107:25, 108:4</p> <p>rate [1] - 133:5</p> <p>rather [3] - 133:13, 153:8, 201:16</p> <p>rational [1] - 89:21</p> <p>re [2] - 56:20, 178:8</p> <p>re-sign [1] - 56:20</p> <p>reach [3] - 25:17, 85:15, 159:16</p> <p>reached [3] - 45:5, 112:3, 149:12</p> <p>read [3] - 19:19, 191:9, 192:11</p> <p>readers [1] - 165:1</p> <p>reading [2] - 140:18, 162:16</p> <p>ready [1] - 92:10</p> <p>real [6] - 62:5, 63:19, 135:4, 165:6, 225:17, 225:21</p> <p>reality [4] - 12:25, 53:14, 198:18, 199:1</p> <p>realize [1] - 133:19</p> <p>realized [3] - 138:20, 139:4, 140:1</p> <p>realizing [1] - 133:6</p> <p>really [44] - 13:19, 15:13, 19:21, 46:3, 59:10, 59:12, 62:13, 65:7, 65:15, 66:25, 87:12, 134:22, 138:5, 147:20, 148:11, 167:21, 179:9, 179:12, 181:2, 181:6, 183:7, 184:13, 187:4, 195:19, 196:23, 197:4, 207:14, 209:22,</p>	<p>210:2, 210:21, 220:6, 220:23, 223:7, 223:8, 225:14, 225:25, 226:5, 226:10, 227:1, 227:11, 228:6, 228:24, 236:16</p> <p>reason [4] - 15:11, 72:20, 87:2, 151:19</p> <p>reasonable [3] - 65:18, 96:5, 96:25</p> <p>reasons [4] - 107:6, 114:1, 124:21, 153:14</p> <p>Rec'd [1] - 6:3</p> <p>recap [1] - 17:5</p> <p>receive [8] - 42:24, 51:2, 51:10, 86:22, 132:1, 153:20, 221:10, 221:12</p> <p>received [11] - 39:15, 39:18, 40:10, 82:12, 85:16, 93:23, 110:10, 141:14, 155:6, 237:8, 239:2</p> <p>receiving [1] - 40:1</p> <p>recent [3] - 65:4, 99:22, 131:7</p> <p>recently [5] - 33:1, 44:8, 51:3, 110:25, 126:14</p> <p>receptor [25] - 46:10, 48:12, 119:4, 119:25, 120:21, 121:18, 122:25, 123:3, 123:6, 123:7, 123:13, 125:8, 125:20, 126:4, 126:11, 126:12, 126:20, 135:22, 139:9, 139:13, 140:10, 157:12, 157:14, 180:12, 181:3</p> <p>receptors [13] - 47:5, 59:1, 118:21, 118:23, 119:11, 119:23, 120:4, 120:6, 120:19, 120:22, 125:7, 125:10, 127:15</p> <p>recess [4] - 92:2, 92:11, 152:16, 232:5</p> <p>Recess [3] - 92:12, 152:17, 232:6</p> <p>reclaiming [1] - 210:1</p> <p>reclamation [3] - 209:20, 209:22, 210:3</p> <p>recollection [1] - 186:14</p> <p>recommendation [2] - 109:25, 111:16</p> <p>recommendations [3] - 107:1, 107:5, 114:15</p> <p>recommended [1] - 109:22</p> <p>recommends [1] - 109:12</p> <p>reconciled [1] - 230:7</p> <p>reconnaissance [1] - 111:4</p> <p>reconsider [2] - 178:8, 179:15</p> <p>reconvened [3] - 92:12, 152:17, 232:6</p> <p>record [18] - 8:2, 9:6, 10:9,</p>	<p>11:21, 13:20, 18:13, 32:1, 61:6, 92:14, 123:22, 130:10, 152:19, 162:3, 192:24, 232:8, 235:22, 242:1, 243:6</p> <p>recorded [1] - 243:4</p> <p>recruit [2] - 213:14, 217:3</p> <p>recruiting [2] - 215:14, 221:7</p> <p>rectangle [2] - 157:1, 157:2</p> <p>rectangular [1] - 156:18</p> <p>recycle [1] - 204:21</p> <p>Red [9] - 29:10, 29:13, 29:16, 56:22, 110:17, 155:7, 155:20, 156:1, 188:16</p> <p>red [7] - 104:9, 104:20, 165:13, 198:21, 198:22, 199:5, 206:12</p> <p>redirect [3] - 88:5, 88:20, 152:9</p> <p>reduce [4] - 43:1, 49:12, 107:25, 126:24</p> <p>reduced [1] - 49:25</p> <p>reduces [2] - 35:4, 127:3</p> <p>reduction [1] - 127:1</p> <p>redundant [1] - 93:8</p> <p>reengaged [1] - 112:14</p> <p>refer [1] - 29:16</p> <p>reference [7] - 17:25, 24:21, 94:23, 101:11, 102:14, 111:5, 121:7</p> <p>referenced [7] - 19:8, 19:17, 28:16, 40:5, 91:7, 101:18, 102:15</p> <p>references [4] - 27:7, 79:23, 80:8, 102:10</p> <p>referencing [6] - 19:7, 30:20, 46:14, 121:10, 147:16, 147:21</p> <p>referred [1] - 49:16</p> <p>referring [3] - 48:24, 91:3, 147:5</p> <p>reflect [4] - 58:19, 119:3, 121:14, 124:7</p> <p>reflected [1] - 25:22</p> <p>refreshing [1] - 201:17</p> <p>refuse [1] - 156:4</p> <p>regard [2] - 96:7, 100:3</p> <p>regarding [28] - 7:24, 11:1, 18:2, 18:22, 31:6, 36:20, 102:25, 103:10, 112:8, 125:6, 126:11, 126:23, 126:25, 127:21, 127:25, 128:25, 129:10, 129:24, 130:9, 130:13, 131:3, 131:14, 131:23, 131:25, 142:3, 151:4, 209:20, 239:5</p> <p>regardless [1] - 164:19</p> <p>regards [1] - 128:2</p> <p>region [1] - 63:14</p>
<p style="text-align: center;">Q</p> <p>qualified [1] - 173:19</p> <p>Quality [1] - 211:3</p> <p>quality [1] - 236:23</p> <p>quarter [5] - 60:2, 96:9, 156:20, 167:12, 189:23</p> <p>quarter-section [1] - 96:9</p> <p>quarterly [1] - 229:14</p> <p>questioning [2] - 59:6, 224:10</p> <p>questions [76] - 11:25, 12:4, 14:10, 15:20, 41:22, 43:16, 43:18, 57:7, 60:10, 62:24, 81:11, 81:22, 83:14, 84:22, 87:23, 88:1, 88:8, 88:12, 88:20, 89:1, 91:19, 91:21, 92:5, 110:8, 125:6, 131:14, 132:8, 141:19, 143:6, 150:19, 152:7, 152:13, 156:7, 161:2, 161:15, 163:11, 167:15, 167:23, 170:16, 170:19, 172:21, 174:5, 176:7, 176:24, 179:22, 187:10, 187:14, 189:4, 190:4, 191:18, 191:20, 192:10, 195:22, 200:6, 201:2, 203:5, 207:22, 208:8, 208:10, 208:18, 211:24, 221:20, 221:22, 221:24, 223:15, 224:4, 227:3, 231:3, 231:18, 233:11, 233:12, 233:16, 233:19, 236:5, 236:7</p> <p>quick [1] - 88:19</p> <p>quickly [2] - 60:14, 221:9</p> <p>quiet [1] - 137:13</p> <p>quite [12] - 45:9, 50:23, 63:23, 66:7, 148:4, 148:6, 149:21, 158:8, 158:12, 158:15, 215:13, 217:21</p> <p>quoting [1] - 186:13</p>			

<p>regional [1] - 89:17</p> <p>Regional [1] - 213:7</p> <p>Register [2] - 111:14, 111:15</p> <p>regular [1] - 35:16</p> <p>regularly [1] - 164:12</p> <p>regulations [2] - 173:18, 173:20</p> <p>regulators [1] - 234:24</p> <p>reinvestment [1] - 38:12</p> <p>reiterate [2] - 95:23, 173:21</p> <p>rejected [1] - 96:19</p> <p>related [11] - 13:11, 28:23, 35:17, 43:6, 93:15, 97:25, 98:1, 102:6, 110:4, 129:25, 130:19</p> <p>relates [3] - 95:9, 97:13, 239:18</p> <p>relating [2] - 22:17, 41:4</p> <p>Relating [2] - 6:21, 6:23</p> <p>relation [1] - 158:11</p> <p>relationship [4] - 125:11, 143:13, 149:11, 197:5</p> <p>relationships [1] - 226:8</p> <p>relative [1] - 197:25</p> <p>relatively [1] - 56:17</p> <p>release [1] - 72:18</p> <p>releases [2] - 72:22, 72:23</p> <p>reliability [2] - 10:4, 41:14</p> <p>reliably [1] - 28:19</p> <p>relieved [1] - 78:17</p> <p>relocating [1] - 65:22</p> <p>rely [1] - 211:17</p> <p>remain [3] - 25:22, 95:22, 95:23</p> <p>remaining [10] - 27:12, 27:13, 32:19, 57:4, 86:5, 97:10, 110:23, 111:1, 127:13, 231:19</p> <p>remains [1] - 96:7</p> <p>remarks [5] - 3:4, 3:5, 3:6, 237:24</p> <p>remember [4] - 56:8, 70:18, 75:11, 240:14</p> <p>remind [1] - 136:3</p> <p>removal [2] - 107:2, 128:10</p> <p>removals [1] - 128:4</p> <p>remove [1] - 117:9</p> <p>removed [1] - 65:7</p> <p>removing [2] - 128:3, 151:20</p> <p>rendering [1] - 113:6</p> <p>renewable [1] - 89:17</p> <p>renewables [1] - 169:4</p> <p>renewal [1] - 89:13</p> <p>rent [2] - 158:7, 160:8</p> <p>repeat [5] - 42:23, 55:3, 55:23, 60:15, 125:19</p> <p>repeated [1] - 72:25</p> <p>repetitive [1] - 169:23</p> <p>replace [3] - 84:14, 128:22,</p>	<p>151:22</p> <p>replaced [3] - 128:12, 128:20, 151:23</p> <p>replacement [4] - 118:1, 127:24, 128:11, 128:15</p> <p>replacing [3] - 58:1, 134:11, 152:4</p> <p>replied [1] - 141:15</p> <p>Report [1] - 28:21</p> <p>report [5] - 140:17, 145:13, 223:20, 228:3, 230:20</p> <p>report's [1] - 140:21</p> <p>reported [1] - 119:2</p> <p>REPORTER [2] - 3:8, 243:1</p> <p>reporter [1] - 243:3</p> <p>Reporter [1] - 243:16</p> <p>reporting [5] - 36:6, 145:13, 145:16, 145:22, 228:12</p> <p>reports [7] - 97:18, 97:19, 97:24, 116:23, 134:22, 211:17, 227:24</p> <p>represent [5] - 11:12, 32:7, 79:11, 166:21, 215:1</p> <p>representation [5] - 16:23, 25:2, 95:5, 155:2, 155:19</p> <p>representative [6] - 41:9, 168:21, 181:19, 183:5, 213:7, 213:25</p> <p>representatives [2] - 215:19, 217:6</p> <p>representing [1] - 194:8</p> <p>represents [1] - 168:24</p> <p>request [5] - 8:7, 18:23, 130:8, 238:24, 239:3</p> <p>requested [6] - 122:3, 122:16, 141:1, 176:10, 239:4, 239:18</p> <p>requesting [5] - 18:16, 117:4, 117:7, 117:14, 129:23</p> <p>requests [1] - 23:11</p> <p>require [6] - 16:11, 78:13, 150:14, 200:12, 200:25, 209:25</p> <p>required [10] - 20:7, 32:25, 55:20, 87:4, 96:17, 111:6, 133:4, 200:8, 200:17, 239:15</p> <p>requirement [3] - 90:5, 199:21, 200:10</p> <p>requirements [11] - 15:4, 40:16, 40:18, 66:18, 66:19, 133:4, 142:6, 184:15, 210:4, 239:10, 239:12</p> <p>requires [1] - 80:10</p> <p>requiring [2] - 108:7, 150:6</p> <p>reroute [3] - 116:13, 116:19, 116:25</p> <p>research [4] - 11:16, 155:14, 207:4, 212:14</p>	<p>researchers [1] - 155:9</p> <p>reselling [1] - 52:21</p> <p>reserve [1] - 240:23</p> <p>reside [6] - 129:12, 129:13, 129:14, 129:17, 129:22, 207:23</p> <p>residence [13] - 26:5, 26:7, 26:10, 26:13, 59:6, 59:10, 157:10, 158:14, 165:3, 166:21, 182:19, 185:10, 234:17</p> <p>residences [2] - 72:12, 159:3</p> <p>residency [1] - 159:6</p> <p>resident [2] - 173:13, 194:23</p> <p>residual [1] - 99:9</p> <p>resource [10] - 11:2, 29:3, 38:15, 68:20, 97:15, 97:17, 99:4, 110:5, 110:16, 110:20</p> <p>Resources [5] - 2:11, 10:14, 10:19, 21:1, 93:12</p> <p>resources [9] - 10:1, 13:3, 93:17, 97:14, 98:20, 111:4, 113:11, 175:25, 225:23</p> <p>respect [18] - 11:4, 30:17, 30:21, 30:23, 86:14, 87:10, 104:25, 106:5, 106:9, 114:7, 114:9, 115:25, 119:13, 125:3, 125:8, 130:19, 149:17, 239:14</p> <p>respectful [2] - 19:18, 176:21</p> <p>respectfully [1] - 237:14</p> <p>respective [2] - 99:6, 166:20</p> <p>respectively [1] - 70:24</p> <p>respond [2] - 70:3, 113:2</p> <p>responded [2] - 85:12, 141:12</p> <p>responders [3] - 36:18, 37:1, 39:1</p> <p>response [7] - 34:20, 36:6, 36:8, 36:13, 103:9, 113:4</p> <p>responsibilities [1] - 94:6</p> <p>responsibility [1] - 200:21</p> <p>responsible [2] - 34:24, 35:10</p> <p>rest [1] - 218:17</p> <p>restoration [1] - 103:5</p> <p>restore [1] - 99:15</p> <p>restoring [1] - 99:8</p> <p>restrictions [1] - 109:18</p> <p>result [8] - 26:18, 26:23, 61:6, 61:12, 99:17, 120:9, 226:5, 228:10</p> <p>resulted [2] - 97:6, 112:16</p> <p>Results [2] - 7:16, 122:9</p> <p>results [17] - 108:2, 116:20, 120:7, 120:16, 121:14, 125:5, 134:4, 134:7, 134:10, 135:3, 135:4,</p>	<p>141:4, 141:13, 141:15, 141:20, 144:13, 145:2</p> <p>resurvey [1] - 231:10</p> <p>Reuther [1] - 186:23</p> <p>revenue [10] - 38:3, 38:5, 73:4, 73:5, 73:8, 130:5, 195:9, 198:19, 203:17, 205:2</p> <p>revenues [3] - 38:10, 90:19</p> <p>reverted [1] - 26:25</p> <p>review [4] - 16:10, 36:9, 43:4, 118:2</p> <p>reviewed [1] - 34:17</p> <p>Rick [4] - 193:21, 196:5, 201:2, 201:7</p> <p>RICK [3] - 4:18, 193:17, 193:22</p> <p>rid [1] - 207:13</p> <p>right-hand [2] - 69:7, 115:16</p> <p>rights [1] - 86:15</p> <p>risk [2] - 106:11, 107:25</p> <p>River [10] - 6:9, 30:6, 30:8, 30:18, 67:12, 112:8, 112:21, 113:13, 113:18, 114:2</p> <p>RO97 [5] - 47:20, 180:12, 180:23, 181:14, 181:18</p> <p>road [14] - 32:20, 81:5, 81:15, 86:8, 96:3, 96:11, 96:17, 96:18, 96:24, 97:1, 97:6, 165:11, 188:20, 231:5</p> <p>Road [1] - 2:22</p> <p>roads [9] - 65:22, 66:3, 80:2, 80:12, 203:18, 203:21, 204:3, 204:4</p> <p>roadway [3] - 131:8, 131:9, 131:12</p> <p>Robert [2] - 7:15, 11:23</p> <p>role [3] - 21:4, 185:2, 213:4</p> <p>roles [1] - 21:17</p> <p>room [3] - 16:22, 46:3, 137:12</p> <p>roomful [2] - 14:25, 15:2</p> <p>roosting [1] - 107:3</p> <p>rotation [2] - 76:8, 77:1</p> <p>Rotational [1] - 7:21</p> <p>rotational [3] - 131:23, 131:25, 239:3</p> <p>rotations [4] - 75:19, 75:20, 76:9, 76:11</p> <p>rotor [5] - 23:7, 23:13, 23:16, 75:18, 119:25</p> <p>roughly [1] - 74:3</p> <p>route [5] - 8:25, 9:19, 22:17, 64:21, 241:25</p> <p>rows [2] - 108:8, 117:10</p> <p>royalty [1] - 38:1</p> <p>rufa [2] - 104:9, 104:20</p> <p>rules [3] - 18:17, 40:13, 98:6</p>
--	---	---	--

<p>run [2] - 200:20, 238:21 running [1] - 201:13 runs [2] - 96:12, 156:21 rustle [1] - 160:22 rustling [1] - 137:15</p>	<p>secondly [1] - 196:8 secret [1] - 211:9 Section [2] - 156:17, 156:20 section [17] - 46:9, 68:15, 68:16, 68:19, 68:25, 71:11, 71:23, 73:1, 73:2, 75:9, 79:16, 80:16, 80:22, 91:3, 96:9, 135:8, 135:9 secured [1] - 32:11 see [64] - 16:22, 16:23, 46:8, 46:12, 49:17, 50:25, 52:25, 58:2, 59:23, 59:24, 80:2, 81:2, 81:9, 85:17, 128:10, 130:24, 131:1, 135:8, 138:20, 143:17, 143:21, 145:3, 145:21, 150:25, 156:23, 158:1, 161:15, 166:4, 166:10, 178:21, 178:22, 179:4, 182:4, 182:20, 184:1, 184:21, 187:3, 190:6, 190:9, 192:4, 192:15, 198:23, 199:8, 200:24, 201:2, 202:12, 205:25, 206:7, 206:12, 209:5, 210:6, 212:7, 214:6, 214:17, 216:2, 216:4, 216:8, 218:19, 220:5, 222:24, 223:9, 226:6, 228:2, 231:10 seeing [5] - 158:10, 192:16, 223:12, 229:18, 237:23 seek [1] - 84:13 seeking [5] - 64:13, 64:24, 75:14, 89:5, 89:12 seem [1] - 83:8 sees [1] - 42:9 segment [1] - 131:9 segments [2] - 131:9, 131:12 selected [2] - 34:15, 172:1 selecting [1] - 114:18 sell [3] - 52:6, 52:18, 64:10 selling [1] - 198:10 semantics [1] - 142:24 semis [2] - 81:16, 203:23 send [1] - 34:12 sense [5] - 14:7, 54:10, 158:17, 171:24, 197:9 sent [1] - 30:10 sentence [3] - 79:17, 79:22, 80:23 separate [4] - 42:4, 112:22, 121:21, 142:12 separately [2] - 29:12, 73:23 September [1] - 8:16 seriously [1] - 225:25 serve [2] - 8:7, 201:19 service [3] - 52:18, 52:19, 202:3 SERVICE [2] - 1:3, 2:18 Service [22] - 2:16, 8:7, 8:9,</p>	<p>9:11, 100:21, 101:25, 104:1, 107:5, 112:4, 112:8, 112:15, 112:17, 112:18, 113:9, 113:16, 140:16, 140:22, 140:23, 140:25, 141:11, 141:14 Service's [2] - 107:1, 113:3 services [3] - 10:25, 38:12, 93:11 serving [3] - 69:25, 202:4, 202:9 set [8] - 9:9, 14:23, 64:6, 98:7, 140:12, 187:6, 209:14, 209:15 setback [3] - 72:12, 109:22, 207:1 setbacks [9] - 10:22, 25:25, 26:2, 26:16, 66:1, 99:3, 184:16, 207:1, 209:18 setting [2] - 155:9, 182:16 settled [1] - 197:14 seven [9] - 36:1, 50:13, 50:14, 53:10, 69:23, 70:5, 231:6, 231:12, 231:15 several [4] - 100:1, 102:9, 219:12, 225:16 Shadow [3] - 7:2, 7:16, 122:8 shadow [33] - 11:5, 42:10, 42:12, 43:12, 43:14, 46:19, 58:24, 60:9, 60:10, 93:18, 98:21, 118:4, 118:12, 119:13, 119:17, 119:19, 119:20, 119:23, 120:10, 120:15, 120:17, 120:20, 121:1, 121:13, 122:3, 123:7, 123:12, 124:7, 124:10, 124:15, 125:4, 205:5, 206:21 shadows [4] - 205:10, 205:11, 206:13 share [1] - 73:12 shared [1] - 36:8 sharing [2] - 208:17, 210:8 sharp [6] - 108:17, 108:20, 108:21, 108:23, 109:4, 109:7 sharp-tailed [6] - 108:17, 108:20, 108:21, 108:23, 109:4, 109:7 sheet [7] - 8:13, 8:14, 12:13, 154:14, 190:5, 190:18, 212:1 sheets [3] - 180:16, 180:17, 193:25 shelterbelts [1] - 151:18 SHERI [1] - 2:3 shifted [2] - 28:2, 39:24 shoot [1] - 210:6 shorebirds [1] - 104:21 short [2] - 11:19, 56:17</p>	<p>shortage [1] - 203:19 shortages [1] - 175:23 shortened [1] - 14:6 shorter [2] - 23:13, 77:25 shortest [1] - 97:2 shorthand [2] - 243:5, 243:10 shortly [3] - 88:21, 152:15, 221:12 shot [1] - 153:10 shovel [1] - 209:24 show [12] - 9:6, 12:5, 17:1, 86:22, 145:2, 160:19, 205:19, 220:15, 220:18, 226:10, 237:12 showed [2] - 44:18, 105:1 showing [3] - 17:1, 123:11, 210:8 shown [4] - 116:5, 116:16, 144:14, 169:18 shows [2] - 25:11, 67:19 SHPO [16] - 97:18, 97:23, 110:6, 110:7, 110:9, 110:19, 110:25, 111:5, 111:15, 111:19, 113:16, 140:16, 140:22, 141:11, 141:14, 141:20 Shrub [2] - 6:21, 6:24 shrub [14] - 57:19, 57:23, 58:3, 117:21, 117:24, 117:25, 127:22, 127:23, 128:6, 132:22, 132:24, 133:10, 151:17, 152:1 shrubs [6] - 133:12, 133:16, 133:21, 134:18, 151:20, 151:23 shut [2] - 8:11, 206:10 shutting [1] - 231:9 side [4] - 19:10, 65:5, 75:4, 176:18 sides [1] - 73:25 sight [1] - 197:13 sign [25] - 8:13, 12:12, 12:13, 25:14, 47:25, 52:4, 56:20, 154:13, 154:14, 162:7, 168:17, 178:1, 183:10, 183:12, 190:5, 190:17, 190:20, 200:11, 202:24, 211:25, 212:1, 213:14, 232:20 sign-in [5] - 12:13, 154:14, 190:5, 190:17, 212:1 signatory [1] - 213:13 signature [3] - 45:18, 68:1, 86:4 signatures [4] - 83:4, 83:5, 83:10, 85:25 signed [9] - 56:1, 57:5, 72:18, 86:4, 135:19, 155:15, 155:23, 192:20,</p>
<p>S</p> <p>S-c-h-m-i-d-t [1] - 193:22 S-c-o-t-t [1] - 232:24 s-e-n [1] - 234:15 safe [4] - 136:11, 213:16, 233:3, 238:15 safely [3] - 169:7, 172:7, 228:23 safety [6] - 35:18, 117:18, 169:18, 169:21, 173:18, 217:23 Salem [2] - 175:17, 214:20 sales [1] - 38:2 sample [1] - 160:10 sand [1] - 80:24 Sarah [1] - 186:21 satellite [1] - 159:9 satisfied [1] - 215:15 Saturday [1] - 183:6 save [1] - 16:17 saw [3] - 56:8, 67:1, 232:9 scaling [2] - 115:22, 120:7 scenario [6] - 138:16, 138:25, 139:2, 139:25, 140:1, 140:2 scenarios [1] - 140:8 Schedule [1] - 67:18 schedule [2] - 241:4, 241:10 scheduled [4] - 35:15, 126:7, 186:16, 186:19 Schmidt [1] - 193:21 SCHMIDT [3] - 4:18, 193:16, 193:17 school [7] - 194:9, 195:13, 195:15, 201:22, 202:4, 223:21, 237:2 schools [1] - 38:22 science [3] - 93:23, 93:25 scientist [1] - 94:2 scientists [1] - 207:5 scope [1] - 87:12 scopes [2] - 218:22, 229:7 Scott [1] - 232:23 SCOTT [5] - 5:7, 231:22, 232:11, 232:16, 232:17 search [1] - 110:13 season [1] - 109:8 seasoned [1] - 217:14 seasons [1] - 108:22 second [9] - 10:24, 71:14, 77:1, 92:17, 96:23, 97:13, 115:25, 147:17, 190:14</p>			

<p>193:23</p> <p>significant [5] - 37:4, 63:25, 209:23, 210:3, 226:15</p> <p>significantly [3] - 72:15, 97:6, 138:9</p> <p>silence [1] - 8:11</p> <p>similar [6] - 87:5, 90:5, 116:17, 222:18, 224:22, 229:12</p> <p>similarity [1] - 113:21</p> <p>similarly [1] - 26:9</p> <p>simplified [2] - 121:15, 133:2</p> <p>simulations [1] - 113:7</p> <p>single [2] - 146:12, 209:24</p> <p>sit [2] - 190:13, 206:19</p> <p>site [22] - 8:18, 9:17, 22:15, 25:11, 25:21, 28:25, 35:9, 38:16, 39:21, 55:2, 66:14, 85:8, 104:15, 106:17, 111:13, 112:9, 112:23, 115:6, 131:15, 209:6, 223:19, 241:24</p> <p>Site [6] - 112:9, 112:22, 112:24, 113:14, 113:19, 114:3</p> <p>site-specific [1] - 39:21</p> <p>sited [9] - 95:10, 96:11, 99:13, 105:24, 106:23, 109:2, 109:15, 124:17, 127:14</p> <p>sites [8] - 64:15, 77:8, 97:19, 106:16, 106:19, 111:11, 111:21, 111:23</p> <p>Siting [2] - 1:7, 1:10</p> <p>siting [24] - 12:20, 12:22, 13:1, 14:20, 14:25, 15:1, 15:4, 16:21, 22:6, 22:15, 30:13, 65:8, 65:24, 66:5, 84:5, 97:12, 98:6, 98:11, 100:4, 103:3, 105:3, 108:19, 205:14, 207:7</p> <p>sitting [3] - 171:20, 187:7, 204:22</p> <p>situation [3] - 43:4, 43:5, 234:25</p> <p>situations [1] - 128:17</p> <p>six [4] - 67:5, 69:23, 108:22, 110:1</p> <p>size [1] - 84:12</p> <p>skill [1] - 175:4</p> <p>skilled [12] - 169:7, 174:10, 174:17, 216:14, 218:20, 219:9, 219:15, 219:18, 220:16, 221:15, 222:6, 229:7</p> <p>skills [2] - 217:13, 218:25</p> <p>skip [1] - 79:25</p> <p>skipper [6] - 104:11, 105:11, 105:15, 105:20, 106:1, 106:7</p>	<p>slightly [4] - 34:16, 39:24, 59:20, 72:21</p> <p>small [10] - 44:13, 70:19, 152:13, 169:13, 192:5, 195:9, 195:10, 221:10, 225:8, 225:9</p> <p>smaller [5] - 23:13, 72:21, 77:19, 77:21, 85:1</p> <p>SMITH [3] - 4:7, 173:6, 173:8</p> <p>Smith [1] - 173:11</p> <p>smooth [1] - 53:6</p> <p>snoring [1] - 137:15</p> <p>software [3] - 49:11, 118:22, 119:6</p> <p>soil [2] - 94:2, 160:10</p> <p>solution [3] - 182:8, 182:10, 184:7</p> <p>solutions [2] - 134:21, 184:15</p> <p>solve [1] - 43:11</p> <p>someone [6] - 148:15, 153:6, 167:19, 210:24, 211:1, 211:18</p> <p>someplace [2] - 134:15, 182:10</p> <p>sometimes [4] - 43:5, 159:2, 159:8, 237:14</p> <p>somewhat [3] - 49:13, 137:5, 158:14</p> <p>somewhere [3] - 56:8, 78:10, 134:15</p> <p>son [2] - 221:4</p> <p>soon [3] - 29:24, 176:25, 177:2</p> <p>sorry [19] - 15:18, 42:23, 44:5, 45:14, 46:4, 51:8, 52:10, 57:9, 68:16, 76:5, 82:19, 94:19, 98:3, 115:19, 135:14, 169:10, 180:5, 181:23</p> <p>sort [18] - 48:22, 49:20, 64:6, 133:2, 133:7, 135:24, 137:9, 138:17, 144:9, 145:21, 225:12, 226:1, 226:5, 228:11, 228:12, 228:25, 230:16, 238:6</p> <p>sorting [1] - 60:5</p> <p>sorts [1] - 184:16</p> <p>sound [47] - 11:5, 42:10, 42:11, 42:19, 42:20, 43:2, 43:6, 43:10, 47:21, 49:9, 49:14, 62:5, 72:10, 98:20, 118:3, 118:19, 118:21, 118:22, 119:1, 119:2, 119:3, 119:9, 119:10, 120:13, 120:17, 120:18, 120:25, 121:13, 124:7, 124:10, 124:15, 126:24, 135:7, 135:17, 135:22, 138:14, 138:18, 139:6,</p>	<p>139:18, 140:9, 150:24, 157:20, 158:5, 158:24, 179:12, 184:16, 197:13</p> <p>sounds [1] - 71:2</p> <p>source [2] - 81:7, 81:10</p> <p>sourced [1] - 51:14</p> <p>sources [4] - 72:5, 118:21, 226:22, 227:13</p> <p>south [11] - 28:2, 69:14, 154:21, 179:11, 179:16, 180:6, 181:1, 182:5, 182:13, 185:8, 185:13</p> <p>South [1] - 168:25</p> <p>southeast [2] - 112:25, 160:4</p> <p>southeastern [1] - 172:12</p> <p>Southwest [1] - 28:15</p> <p>southwest [3] - 156:20, 160:4, 199:25</p> <p>spanned [1] - 106:6</p> <p>spanning [1] - 114:14</p> <p>speakers [1] - 153:15</p> <p>speaking [1] - 157:9</p> <p>speaks [1] - 177:10</p> <p>spearheaded [1] - 209:22</p> <p>special [1] - 48:21</p> <p>specialists [1] - 207:5</p> <p>specializes [2] - 118:18, 119:18</p> <p>species [11] - 102:8, 103:24, 104:4, 104:7, 104:14, 104:19, 104:22, 104:23, 106:10, 107:7</p> <p>specific [12] - 39:21, 64:14, 65:21, 66:14, 67:15, 73:7, 98:17, 115:14, 130:9, 133:4, 217:15, 228:2</p> <p>specifically [11] - 54:2, 71:8, 82:24, 86:11, 93:16, 97:17, 106:15, 118:10, 129:25, 130:3, 223:1</p> <p>specification [1] - 111:24</p> <p>Specifications [2] - 6:22, 6:24</p> <p>specifications [3] - 76:1, 117:22, 117:25</p> <p>specifics [3] - 60:8, 132:25, 147:22</p> <p>specified [1] - 9:14</p> <p>specs [1] - 76:2</p> <p>speed [6] - 7:21, 75:19, 76:14, 131:23, 131:25, 239:3</p> <p>spell [6] - 154:16, 162:5, 168:15, 188:6, 190:21, 202:21</p> <p>spend [1] - 233:3</p> <p>spent [1] - 38:13</p> <p>spinning [2] - 76:11, 76:21</p> <p>spirit [2] - 134:9, 185:16</p> <p>split [1] - 29:11</p>	<p>spoken [4] - 137:18, 137:20, 149:8, 236:1</p> <p>sponsored [1] - 38:24</p> <p>sponsors [1] - 201:13</p> <p>sports [1] - 38:23</p> <p>spot [2] - 66:11, 159:1</p> <p>SPP [7] - 28:17, 52:7, 63:14, 64:2, 90:4, 90:17, 146:12</p> <p>spring [1] - 108:22</p> <p>square [2] - 47:3, 95:25</p> <p>St [1] - 2:22</p> <p>stack [1] - 113:24</p> <p>stacked [1] - 207:17</p> <p>staff [10] - 11:24, 35:10, 43:8, 71:6, 122:2, 122:17, 123:25, 145:21, 170:10, 210:24</p> <p>staffing [1] - 211:4</p> <p>stages [1] - 110:10</p> <p>stamp [3] - 69:1, 69:8, 115:15</p> <p>stamped [2] - 116:15, 130:18</p> <p>standalone [1] - 42:5</p> <p>standard [5] - 108:12, 119:6, 119:9, 120:14, 141:2</p> <p>Standard [1] - 140:7</p> <p>Standards [1] - 119:8</p> <p>standards [5] - 15:1, 124:15, 140:12, 209:14, 209:23</p> <p>standpoint [2] - 195:13</p> <p>stands [1] - 125:15</p> <p>Stanton [2] - 113:25, 171:13</p> <p>starred [1] - 238:20</p> <p>stars [1] - 238:19</p> <p>start [12] - 22:23, 42:19, 43:23, 57:12, 57:15, 88:15, 132:21, 148:11, 203:22, 213:19, 229:4, 229:6</p> <p>started [4] - 78:8, 78:25, 196:16, 223:19</p> <p>starting [3] - 67:19, 101:3, 194:14</p> <p>starts [1] - 221:7</p> <p>state [42] - 10:8, 11:20, 13:12, 13:17, 18:15, 20:9, 21:14, 61:5, 73:4, 73:23, 75:18, 78:7, 94:8, 99:3, 130:1, 130:5, 151:8, 154:10, 162:2, 163:5, 163:7, 168:12, 169:20, 169:23, 170:4, 170:12, 171:3, 171:7, 177:22, 185:2, 185:5, 188:5, 202:20, 207:2, 207:3, 209:13, 214:1, 220:9, 220:17, 225:19, 239:20, 240:5</p> <p>STATE [1] - 1:2</p> <p>State [13] - 21:11, 52:1, 52:16, 93:25, 111:23,</p>
--	--	---	--

112:22, 112:23, 113:14, 113:19, 114:3, 195:16, 223:22 statement [12] - 7:18, 20:2, 72:3, 79:24, 127:10, 147:15, 151:2, 190:12, 191:8, 192:11, 195:7, 212:11 Statement [12] - 3:22, 4:3, 4:6, 4:8, 4:11, 4:14, 4:17, 4:19, 4:23, 5:6, 5:8, 5:10 states [9] - 27:16, 31:11, 72:1, 95:12, 136:18, 136:19, 136:25, 137:4, 213:11 states' [1] - 22:6 stating [3] - 30:11, 33:3, 178:8 station [1] - 221:3 Station [3] - 69:14, 69:15, 113:25 statistics [1] - 80:4 status [12] - 29:18, 31:6, 31:19, 32:7, 40:6, 48:17, 55:23, 121:18, 121:24, 125:6, 125:8, 125:10 Status [2] - 7:9, 7:11 statutory [1] - 18:16 stay [7] - 14:14, 80:16, 144:24, 145:9, 152:4, 152:6, 229:8 staying [4] - 143:16, 161:2, 203:11, 204:11 stays [1] - 78:19 stems [1] - 130:23 step [11] - 92:1, 161:15, 167:24, 172:22, 177:1, 187:18, 190:7, 224:4, 226:6, 234:2, 237:19 stepped [1] - 133:8 stepping [1] - 201:24 steps [3] - 36:2, 53:14, 100:1 Steve [6] - 11:18, 213:6, 222:3, 222:17, 223:12, 223:15 STEVE [2] - 5:2, 212:22 stick [2] - 80:6, 153:7 sticking [1] - 157:8 still [24] - 15:2, 15:7, 55:20, 56:1, 56:13, 66:25, 75:20, 78:22, 80:13, 80:15, 84:13, 91:13, 116:3, 116:14, 125:23, 125:25, 135:21, 175:20, 175:21, 185:8, 185:14, 239:18, 239:23, 239:25 stipulate [1] - 18:4 stipulations [1] - 158:2 store [1] - 204:25 straight [2] - 59:22, 182:1	straightest [1] - 97:2 Street [1] - 181:7 stringent [1] - 136:18 strong [2] - 29:5, 175:22 strongest [1] - 221:15 structure [4] - 24:5, 112:12, 113:1, 119:5 structures [3] - 114:12, 114:13, 114:20 studied [1] - 21:10 studies [15] - 11:3, 28:18, 29:15, 38:16, 64:3, 93:15, 93:16, 98:14, 98:17, 98:18, 98:19, 98:22, 107:14, 107:15, 169:18 study [4] - 91:6, 103:25, 104:25, 108:1 Study [1] - 28:20 stuff [11] - 50:6, 58:21, 60:11, 64:20, 72:11, 142:2, 176:17, 179:4, 183:17, 187:4, 223:22 subject [1] - 199:20 submission [1] - 39:23 submit [9] - 24:13, 37:19, 94:15, 117:1, 117:25, 128:7, 150:10, 239:22, 240:22 submitted [11] - 17:23, 19:5, 25:16, 31:16, 39:21, 44:7, 61:8, 109:10, 123:18, 147:3, 195:8 subsequent [3] - 86:16, 97:22, 102:22 subsequently [8] - 25:6, 27:19, 40:3, 61:11, 95:14, 102:15, 120:25, 124:4 subsidiaries [7] - 22:9, 22:10, 33:15, 70:9, 71:1, 71:3, 223:1 subsidiary [2] - 21:4, 22:2 subsidiary's [1] - 79:5 subsides [1] - 64:9 subsidized [1] - 63:17 substantial [1] - 229:20 substation [11] - 24:8, 24:10, 27:19, 27:20, 27:23, 27:25, 28:1, 28:2, 33:14, 64:4 substitutions [1] - 229:4 successfully [2] - 136:5, 229:13 sue [1] - 155:21 sufficient [1] - 111:25 sufficiently [1] - 100:16 suggested [2] - 105:10, 113:9 suggesting [1] - 106:11 suitable [10] - 104:22, 105:20, 105:22, 105:24, 106:1, 106:2, 106:4, 106:6,	106:7, 107:16 Suite [1] - 2:8 sum [1] - 191:9 summarize [2] - 212:14, 241:8 Summary [1] - 7:2 summed [1] - 238:6 summer [1] - 222:22 sun [2] - 120:4, 178:15 Sunflower [1] - 214:19 sunrise [1] - 120:5 sunset [4] - 120:5, 178:23, 179:4, 182:20 super [1] - 227:19 super-duper [1] - 227:19 supervisory [1] - 35:20 supplement [1] - 130:10 Supplemental [1] - 6:16 supplemental [3] - 122:3, 122:16, 122:20 supplies [1] - 69:14 supply [1] - 84:9 supplying [1] - 69:24 support [15] - 14:22, 29:5, 37:20, 38:20, 53:16, 91:14, 162:19, 162:21, 169:5, 174:11, 176:2, 197:10, 201:16, 226:20 supporter [1] - 201:21 supporting [1] - 94:11 supportive [4] - 53:11, 174:15, 235:4, 236:19 supposed [4] - 178:6, 183:8, 205:15, 211:11 surface [1] - 105:24 surfaced [1] - 80:11 surge [1] - 222:21 surprised [2] - 77:6, 148:15 surrounded [2] - 59:10, 160:6 surrounding [4] - 36:4, 111:10, 129:22, 171:21 survey [6] - 105:12, 105:16, 108:3, 108:4, 108:10, 110:14 Survey [3] - 111:24, 114:16, 114:24 Survey-mapped [1] - 114:24 surveyed [2] - 105:18, 108:8 surveyors [1] - 158:21 surveys [12] - 11:3, 38:16, 98:14, 104:24, 106:11, 106:16, 106:17, 106:18, 107:17, 108:21, 110:20, 159:8 survival [1] - 133:5 survived [1] - 134:23 SV [1] - 190:24 switching [1] - 34:16	sworn [18] - 20:15, 20:19, 92:24, 93:3, 154:8, 161:25, 168:10, 173:9, 177:20, 188:3, 191:6, 193:18, 202:18, 212:19, 212:23, 224:16, 232:18, 234:9 system [12] - 10:4, 23:23, 28:23, 35:21, 35:22, 39:12, 41:13, 42:3, 63:14, 63:22, 78:12, 210:23 systems [2] - 23:23, 35:18
T			
tab [4] - 166:13, 180:16, 180:19, 180:20 Table [7] - 7:3, 60:1, 135:11, 135:12, 135:13, 135:16 table [8] - 10:13, 60:9, 76:1, 130:19, 130:21, 130:24, 131:4, 227:22 tables [9] - 58:25, 59:25, 121:1, 121:3, 121:13, 121:17, 121:20, 130:14, 135:9 tackle [1] - 226:9 tailed [6] - 108:17, 108:20, 108:21, 108:23, 109:4, 109:7 tailored [2] - 146:19, 147:19 talks [3] - 85:10, 91:7, 230:3 tall [2] - 24:6, 77:9 Tatanka [1] - 214:19 taught [1] - 219:4 tax [23] - 7:24, 7:24, 38:3, 38:5, 51:11, 51:15, 73:3, 73:5, 73:8, 73:13, 74:2, 75:4, 90:19, 129:24, 130:1, 130:4, 170:5, 188:25, 194:15, 195:9, 203:16, 239:18, 239:19 taxes [6] - 73:2, 73:6, 74:8, 74:24, 75:1, 240:8 teach [1] - 217:19 teachers [1] - 236:24 teaching [1] - 196:6 team [7] - 48:10, 69:20, 74:15, 81:1, 88:9, 155:8, 239:22 teams [2] - 36:8, 38:23 technical [5] - 48:25, 49:1, 76:17, 77:2, 78:3 technicians [1] - 220:2 technologies [1] - 49:18 technology [6] - 42:21, 75:15, 75:21, 76:10, 78:10, 127:6 television [1] - 206:11 temporarily [1] - 99:14			

<p>temporary [3] - 95:25, 97:10, 97:21</p> <p>ten [6] - 51:9, 55:25, 86:1, 129:16, 152:14, 207:10</p> <p>tend [1] - 78:21</p> <p>term [8] - 20:10, 35:12, 49:1, 63:4, 63:9, 63:11, 71:16, 207:10</p> <p>terminates [1] - 24:9</p> <p>terms [13] - 51:5, 52:23, 52:24, 87:8, 89:2, 90:18, 157:19, 188:19, 209:18, 215:4, 219:20, 226:8, 228:7</p> <p>terrain [5] - 77:12, 77:15, 77:17, 118:20, 160:9</p> <p>test [2] - 138:18, 143:22</p> <p>testified [19] - 20:19, 21:24, 22:1, 22:5, 93:3, 146:13, 154:8, 161:25, 168:10, 173:9, 177:20, 188:3, 191:6, 193:18, 202:18, 212:23, 224:16, 232:18, 234:9</p> <p>testify [15] - 8:15, 11:1, 12:9, 13:24, 153:25, 190:8, 192:25, 212:5, 220:11, 224:18, 231:11, 231:20, 232:25, 234:19</p> <p>testifying [5] - 10:19, 12:14, 21:2, 167:18, 168:1</p> <p>testimony [75] - 6:18, 6:19, 12:6, 16:10, 19:14, 19:15, 19:16, 19:17, 19:20, 24:14, 25:3, 25:7, 25:10, 25:16, 25:24, 26:3, 26:18, 27:6, 27:14, 27:16, 28:7, 28:9, 30:8, 34:17, 34:21, 41:18, 42:13, 73:1, 94:15, 95:2, 95:5, 95:6, 95:9, 95:15, 96:5, 96:7, 97:14, 97:23, 98:17, 103:6, 104:17, 110:9, 124:22, 125:1, 132:5, 132:19, 142:6, 153:12, 153:18, 168:3, 168:19, 173:2, 176:11, 177:1, 177:2, 177:5, 177:10, 178:3, 187:21, 194:6, 202:12, 203:3, 212:6, 224:6, 224:21, 229:25, 230:1, 230:3, 232:9, 234:3, 234:20, 235:1, 235:21, 237:21, 237:22</p> <p>testing [1] - 58:1</p> <p>tests [1] - 35:16</p> <p>Texas [4] - 2:12, 93:24, 172:11, 214:23</p> <p>THE [77] - 1:23, 2:13, 2:18, 2:23, 47:1, 58:15, 83:2,</p>	<p>86:12, 86:19, 88:2, 125:21, 146:2, 152:8, 154:12, 154:15, 154:18, 154:21, 154:25, 161:16, 162:4, 162:6, 162:8, 162:10, 162:13, 165:20, 165:22, 165:25, 166:12, 166:17, 166:23, 167:4, 167:7, 168:14, 168:16, 168:18, 168:20, 172:24, 173:11, 177:24, 178:2, 178:4, 181:10, 181:15, 181:17, 181:21, 186:7, 187:16, 187:20, 188:7, 188:10, 188:14, 191:11, 192:1, 192:7, 192:13, 193:21, 193:24, 194:2, 194:5, 194:7, 201:3, 202:6, 202:8, 202:22, 202:25, 203:4, 211:21, 212:3, 224:19, 232:21, 232:23, 233:1, 234:1, 234:12, 234:14, 234:17, 234:20</p> <p>themselves [1] - 216:9</p> <p>themselves [1] - 63:2</p> <p>thereafter [1] - 152:15</p> <p>therefore [1] - 25:19</p> <p>they've [5] - 53:12, 201:13, 201:14, 201:23, 224:1</p> <p>thinking [5] - 65:12, 65:13, 70:24, 137:22, 176:16</p> <p>third [6] - 19:1, 68:20, 69:12, 93:14, 130:4, 240:5</p> <p>third-party [1] - 93:14</p> <p>thirds [2] - 130:5, 240:6</p> <p>thoroughness [1] - 70:2</p> <p>thoughtfully [1] - 134:12</p> <p>thoughts [2] - 17:9, 208:17</p> <p>thousand [2] - 21:22, 106:23</p> <p>threatened [9] - 102:8, 103:23, 104:3, 104:6, 104:9, 104:10, 104:12, 104:14, 107:7</p> <p>three [21] - 13:14, 23:3, 27:1, 36:16, 70:8, 101:22, 114:21, 115:5, 115:8, 118:20, 133:3, 169:22, 180:17, 204:7, 204:8, 214:18, 219:5, 221:2, 221:11, 241:10, 241:12</p> <p>three-dimensional [1] - 118:20</p> <p>threshold [5] - 100:6, 136:15, 136:19, 136:22, 157:22</p> <p>thrilled [1] - 234:23</p> <p>throughout [5] - 19:8, 37:6, 48:23, 112:5, 236:25</p> <p>throw [1] - 75:3</p> <p>tight [1] - 59:12</p>	<p>timeline [3] - 34:1, 101:3, 101:23</p> <p>timely [2] - 10:6, 41:15</p> <p>timing [1] - 109:18</p> <p>Timothy [1] - 8:4</p> <p>TIMOTHY [1] - 1:23</p> <p>tip [2] - 23:10, 23:18</p> <p>tired [1] - 235:3</p> <p>titled [1] - 80:22</p> <p>today [22] - 10:17, 11:9, 12:5, 13:19, 15:14, 65:1, 89:6, 94:12, 122:7, 146:13, 153:16, 184:14, 186:24, 187:8, 210:8, 214:3, 223:12, 236:1, 237:12, 241:10, 241:13, 241:19</p> <p>together [4] - 196:19, 198:8, 228:9, 229:20</p> <p>tonight [1] - 137:17</p> <p>tons [1] - 69:13</p> <p>took [3] - 148:9, 156:18, 181:23</p> <p>tool [2] - 104:3, 104:6</p> <p>top [8] - 48:4, 48:6, 80:9, 116:5, 157:1, 157:3, 165:9, 181:13</p> <p>topic [2] - 149:2, 222:17</p> <p>topics [1] - 10:20</p> <p>torch [1] - 217:20</p> <p>torn [1] - 69:25</p> <p>total [11] - 23:8, 23:17, 60:19, 61:2, 75:4, 77:11, 95:24, 95:25, 108:22, 131:16, 240:5</p> <p>touch [1] - 206:14</p> <p>tough [1] - 135:25</p> <p>toward [2] - 80:22, 113:12</p> <p>towards [1] - 157:2</p> <p>tower [13] - 23:10, 23:18, 23:22, 39:20, 39:24, 77:9, 77:11, 113:25, 158:10, 189:24, 197:17, 204:8, 207:10</p> <p>towers [13] - 42:4, 77:24, 114:19, 197:12, 197:19, 203:14, 204:1, 204:14, 205:24, 206:7, 206:20, 206:21, 219:24</p> <p>towns [2] - 171:21, 221:10</p> <p>track [6] - 78:25, 96:9, 96:12, 96:14, 96:22, 228:15</p> <p>tracked [1] - 222:24</p> <p>tracks [1] - 229:14</p> <p>Tracy [1] - 10:13</p> <p>TRACY [1] - 2:11</p> <p>trade [4] - 169:24, 175:4, 216:21, 223:21</p> <p>trades [7] - 169:17, 169:20, 175:7, 175:10, 175:11, 216:15, 221:14</p>	<p>traffic [5] - 80:1, 80:2, 130:20, 203:22, 204:9</p> <p>trailing [3] - 49:2, 127:2, 127:11</p> <p>train [1] - 210:7</p> <p>trained [1] - 36:11</p> <p>training [10] - 36:9, 36:17, 169:23, 217:12, 217:15, 217:16, 217:21, 217:25, 218:2, 221:8</p> <p>transactions [1] - 63:8</p> <p>transcript [1] - 243:10</p> <p>TRANSCRIPT [1] - 1:13</p> <p>transition [1] - 149:10</p> <p>transitions [1] - 196:18</p> <p>Transmission [5] - 1:9, 6:5, 6:23, 7:10, 7:13</p> <p>transmission [72] - 9:1, 9:2, 9:19, 16:8, 19:3, 19:11, 21:6, 22:4, 22:18, 23:25, 24:1, 24:2, 24:7, 24:23, 29:21, 30:4, 30:9, 32:15, 32:17, 33:2, 33:14, 33:22, 55:16, 55:19, 55:24, 56:10, 61:12, 61:17, 61:21, 62:2, 62:9, 63:14, 64:17, 64:18, 64:22, 66:24, 73:20, 74:1, 81:25, 82:1, 82:16, 82:20, 86:7, 89:17, 91:15, 93:13, 97:25, 104:15, 105:8, 105:23, 106:5, 107:20, 107:22, 109:1, 111:7, 112:12, 113:1, 113:23, 114:9, 114:11, 114:12, 114:13, 114:19, 117:13, 117:15, 117:17, 131:15, 131:21, 147:14, 149:6, 240:4, 240:8</p> <p>transmission's [1] - 91:6</p> <p>transparent [1] - 145:1</p> <p>Transportation [1] - 131:7</p> <p>travel [1] - 35:4</p> <p>traveler [1] - 169:22</p> <p>travelers [1] - 169:12</p> <p>traveling [1] - 139:6</p> <p>travels [1] - 238:15</p> <p>traversing [1] - 150:7</p> <p>Tree [2] - 6:21, 6:24</p> <p>tree [21] - 57:19, 57:23, 57:25, 58:3, 58:12, 107:2, 108:8, 117:10, 117:21, 117:24, 117:25, 127:21, 127:23, 128:4, 128:6, 128:9, 132:22, 132:24, 133:10, 151:17, 152:1</p> <p>trees [16] - 57:21, 108:7, 120:3, 123:11, 128:3, 128:11, 128:20, 128:22, 133:11, 133:16, 133:20, 134:12, 134:17, 134:23,</p>
---	--	---	--

151:23, 152:4
tremendous [3] - 201:13,
 201:21, 201:23
Trenton [1] - 215:13
trespassing [2] - 155:17,
 155:21
tribal [1] - 110:5
tries [1] - 225:14
trigger [1] - 145:24
trouble [2] - 134:10, 176:12
troubles [1] - 216:18
true [8] - 25:2, 61:2, 95:4,
 189:1, 194:21, 196:25,
 211:13, 215:8
true-ups [1] - 61:2
truly [3] - 158:4, 195:11,
 237:17
try [5] - 133:24, 184:18,
 216:6, 220:12, 228:9
trying [8] - 12:7, 13:10,
 13:16, 92:5, 132:20, 180:6,
 217:10, 220:23
tuned [2] - 152:4, 152:6
turbine [60] - 8:20, 23:4,
 25:8, 25:9, 25:12, 25:20,
 26:4, 26:5, 26:7, 26:11,
 26:12, 26:19, 55:2, 55:5,
 65:4, 65:21, 66:1, 66:17,
 77:14, 77:20, 95:16, 95:18,
 96:3, 96:11, 96:25, 97:3,
 109:2, 112:11, 112:25,
 116:6, 116:8, 116:9, 117:8,
 117:9, 118:19, 118:21,
 118:22, 119:9, 119:19,
 119:24, 123:1, 123:4,
 123:8, 126:14, 126:16,
 126:19, 139:11, 139:13,
 163:4, 165:18, 167:1,
 178:22, 178:24, 181:25,
 183:8, 184:8, 184:11,
 184:12, 184:18, 185:15
turbines [61] - 23:3, 23:5,
 23:6, 23:8, 23:12, 23:13,
 23:15, 26:23, 35:17, 39:19,
 40:5, 40:9, 40:11, 59:13,
 65:1, 70:6, 70:24, 70:25,
 75:12, 83:22, 83:24, 84:3,
 84:7, 84:12, 84:13, 85:1,
 85:8, 99:13, 106:23, 107:4,
 109:12, 109:15, 109:21,
 111:10, 113:24, 114:8,
 116:16, 118:25, 120:3,
 120:9, 124:5, 124:12,
 127:10, 127:12, 127:13,
 128:25, 129:3, 129:6,
 129:8, 138:25, 139:7,
 139:10, 139:19, 160:3,
 160:24, 178:6, 183:18,
 184:9, 184:24, 186:3,
 211:6

turn [15] - 31:2, 32:6, 46:24,
 94:18, 94:19, 101:8,
 115:11, 115:15, 116:4,
 130:15, 130:18, 166:13,
 180:15, 206:3, 209:24
turning [3] - 49:9, 206:2,
 207:17
turns [1] - 134:4
twice [1] - 167:20
two [46] - 10:16, 16:9, 19:14,
 23:22, 26:22, 27:8, 47:16,
 57:6, 59:9, 60:16, 83:6,
 83:11, 86:14, 87:11, 95:8,
 95:13, 95:19, 96:9, 96:12,
 96:14, 96:22, 106:16,
 108:5, 108:22, 109:14,
 109:18, 109:22, 111:10,
 111:11, 130:5, 131:9,
 131:11, 149:24, 151:3,
 159:3, 160:3, 180:16,
 197:16, 219:5, 221:11,
 229:15, 230:3, 231:22,
 240:6
two-mile [4] - 108:5, 109:14,
 109:22, 111:10
two-thirds [2] - 130:5, 240:6
two-track [4] - 96:9, 96:12,
 96:14, 96:22
type [6] - 47:12, 63:8, 76:10,
 86:22, 106:18, 214:9
typewritten [1] - 243:9
typically [3] - 87:1, 89:11,
 232:2
typo [6] - 33:3, 74:11, 74:13,
 146:25, 147:3

U

U-e-c-k-e-r [1] - 168:16
U.S. [8] - 21:23, 100:21,
 101:24, 104:1, 106:25,
 107:5, 113:11, 141:1
U145 [6] - 48:6, 59:22, 125:9,
 125:14, 125:21, 157:12
UECKER [3] - 4:5, 168:8,
 168:9
Uecker [2] - 168:14, 168:21
ultimately [3] - 85:1, 144:11,
 240:25
unanimously [1] - 209:1
unassessed [2] - 97:16,
 110:24
unavoidable [1] - 99:8
unbroken [11] - 96:18, 96:20,
 97:3, 97:9, 98:20, 99:12,
 99:14, 102:7, 105:14,
 109:13, 109:16
undecided [1] - 241:6
under [14] - 24:11, 91:5,

98:7, 106:4, 110:16,
 116:18, 149:5, 157:21,
 160:20, 200:17, 205:8,
 214:24, 230:5
underground [1] - 155:12
understood [3] - 75:7, 81:23,
 146:14
undertaken [1] - 38:18
undertook [1] - 37:4
underuse [1] - 229:23
underutilization [1] - 225:17
underutilized [1] - 219:16
undetected [1] - 108:11
unfortunately [2] - 48:2,
 169:25
uninhabited [4] - 125:15,
 125:17, 125:22, 158:18
Union [2] - 168:22, 173:12
union [26] - 168:23, 169:17,
 170:9, 171:7, 171:18,
 172:6, 173:14, 173:17,
 173:20, 176:1, 213:5,
 213:12, 213:14, 213:20,
 213:24, 213:25, 214:5,
 214:18, 215:20, 216:9,
 216:12, 217:2, 217:12,
 217:18, 223:4, 233:2
unison [1] - 118:25
universities [1] - 63:7
University [3] - 21:11, 93:24,
 94:1
unless [1] - 18:8
unoccupied [1] - 160:18
unpopular [1] - 148:6
unscheduled [1] - 35:15
unstable [2] - 114:6, 114:17
unsurprised [1] - 148:14
up [81] - 8:19, 8:21, 16:1,
 16:6, 17:10, 20:10, 20:11,
 23:12, 49:18, 52:5, 56:22,
 59:22, 60:14, 64:7, 65:5,
 65:6, 71:18, 72:4, 76:7,
 77:24, 78:21, 83:12, 83:19,
 83:22, 88:9, 89:1, 116:5,
 117:7, 117:14, 124:25,
 128:19, 133:6, 133:25,
 135:19, 136:17, 138:5,
 143:18, 144:18, 150:6,
 153:6, 153:23, 155:10,
 159:11, 165:7, 171:15,
 176:10, 178:12, 179:1,
 180:22, 183:10, 183:12,
 184:2, 187:6, 191:9,
 193:11, 197:18, 201:12,
 203:21, 204:5, 205:19,
 207:17, 209:7, 209:16,
 210:8, 215:14, 215:18,
 216:1, 216:24, 217:20,
 218:1, 218:2, 218:14,
 218:16, 226:6, 231:8,

232:10, 238:6, 239:21,
 241:18
upcoming [2] - 214:11,
 223:10
update [8] - 59:14, 61:13,
 75:16, 95:9, 97:13, 124:6,
 124:9, 150:11
updated [11] - 17:20, 31:17,
 32:3, 44:7, 44:23, 55:17,
 61:6, 74:23, 127:6, 148:2,
 239:4
Updated [3] - 7:8, 7:11, 7:22
updates [6] - 25:5, 28:9,
 59:15, 95:8, 121:24,
 124:11
updating [2] - 55:21, 75:10
upending [1] - 176:20
upgrades [1] - 28:23
upland [1] - 106:20
upright [2] - 23:10, 23:18
ups [1] - 61:2
uses [4] - 29:6, 91:10, 120:4,
 224:24
utilities [2] - 22:7, 86:2
utility [1] - 32:21
utilize [6] - 40:4, 40:8, 84:23,
 124:4, 127:5, 220:7
utilized [6] - 85:2, 113:10,
 124:13, 130:23, 131:3,
 219:14
utilizing [4] - 23:4, 96:22,
 219:19, 219:21

V

value [1] - 51:5
vantage [1] - 179:3
variety [1] - 217:13
various [7] - 21:17, 37:14,
 38:24, 80:1, 110:10,
 132:20, 174:12
vast [2] - 64:11, 198:14
vehicles [1] - 204:8
verbal [2] - 67:10, 158:22
verbatim [1] - 19:20
verification [2] - 115:9,
 116:10
verifications [1] - 116:21
Verizon [16] - 27:8, 27:10,
 51:16, 51:17, 51:22, 52:16,
 57:16, 62:18, 62:25, 89:5,
 90:3, 90:9, 90:15, 91:11,
 203:12
versus [3] - 57:25, 73:23,
 225:6
vertigo [1] - 206:18
viable [2] - 29:3, 226:20
victor [1] - 190:25
view [2] - 184:1, 197:21

viewing [1] - 121:16 views [3] - 112:20, 113:12, 204:19 viewshed [4] - 77:14, 113:5, 140:24, 141:4 viewsheds [1] - 113:18 Village [1] - 114:3 Villages [4] - 112:9, 112:21, 113:13, 113:18 visibility [3] - 106:3, 107:24, 113:6 vision [3] - 58:10, 194:21, 196:20 visit [2] - 184:21, 223:19 visited [1] - 223:25 visiting [2] - 12:23, 157:24 visual [6] - 111:25, 112:19, 113:11, 114:2, 140:17, 140:19 visually [1] - 113:17 voluntarily [3] - 99:19, 112:7, 112:14 voluntary [6] - 100:9, 102:12, 102:25, 142:15, 148:4, 148:10 volunteer [1] - 38:25 voted [2] - 53:5, 208:25	200:18, 239:6, 239:9 weed [17] - 149:4, 149:5, 149:7, 149:11, 149:15, 149:19, 149:25, 150:8, 150:12, 150:13, 200:8, 200:9, 200:14, 200:16, 200:22, 202:9, 239:13 weeds [1] - 196:6 week [9] - 17:16, 36:1, 45:7, 126:7, 186:16, 186:19, 217:23, 228:6, 237:18 weeks [3] - 67:7, 241:10, 241:13 welding [1] - 217:21 welfare [2] - 9:23, 124:20 West [1] - 2:8 west [9] - 23:2, 160:3, 167:9, 178:14, 182:1, 189:20, 189:21, 189:23, 189:25 western [4] - 65:5, 133:19, 163:10, 208:1 wetland [7] - 95:16, 95:20, 96:3, 96:6, 96:8, 96:14, 97:1 wetlands [10] - 93:16, 95:10, 95:11, 95:13, 95:23, 95:25, 97:11, 98:19, 99:12, 102:6 whatnot [1] - 12:11 whatsoever [1] - 159:14 wheel [1] - 241:17 whereas [1] - 169:22 whichever [1] - 89:20 white [7] - 13:13, 47:5, 156:1, 166:5, 181:3, 181:4, 181:12 whole [17] - 14:15, 49:6, 64:25, 65:8, 65:9, 89:24, 133:9, 133:10, 148:12, 153:8, 171:20, 183:13, 183:22, 185:19, 210:4, 218:15 wholly [1] - 21:4 whooping [3] - 104:10, 104:25, 105:2 wide [2] - 117:14, 169:1 wider [1] - 117:4 width [2] - 117:7, 117:16 wife [6] - 206:17, 213:23, 235:13, 236:2, 236:18, 237:7 wildlife [24] - 11:2, 93:17, 98:19, 99:2, 99:10, 99:18, 100:6, 100:16, 100:19, 100:23, 101:1, 101:4, 101:16, 102:7, 102:11, 102:21, 103:8, 103:10, 109:19, 124:19, 133:13, 133:18, 134:19, 142:2 Wildlife [6] - 6:15, 100:21, 101:25, 104:1, 107:1,	107:5 willing [5] - 11:16, 18:3, 54:9, 225:25, 226:9 Williston [2] - 215:10, 215:13 Wilton [1] - 171:14 win [3] - 144:6 Wind [151] - 1:6, 1:6, 1:8, 6:4, 6:20, 7:8, 7:12, 7:17, 8:17, 8:19, 8:24, 10:12, 18:4, 18:15, 21:2, 21:3, 21:5, 21:6, 22:14, 25:16, 25:20, 27:3, 27:7, 27:9, 27:16, 28:11, 28:13, 29:11, 29:12, 29:16, 29:20, 29:23, 30:12, 31:7, 31:16, 32:11, 33:5, 33:10, 33:17, 33:25, 34:12, 35:8, 35:9, 35:20, 36:2, 36:11, 36:19, 37:2, 37:4, 37:7, 37:8, 37:13, 37:18, 38:4, 38:14, 38:18, 39:5, 39:15, 39:18, 39:21, 40:3, 40:8, 40:15, 40:19, 40:23, 41:3, 41:6, 41:9, 61:10, 66:16, 93:13, 96:10, 96:17, 99:5, 99:25, 100:2, 100:5, 100:8, 100:17, 100:18, 100:22, 101:1, 101:5, 102:5, 102:10, 102:25, 103:3, 103:7, 103:12, 103:17, 103:25, 105:11, 105:19, 105:25, 107:14, 108:2, 109:2, 109:15, 109:23, 109:24, 110:3, 110:12, 111:3, 111:21, 112:2, 112:3, 112:6, 112:14, 112:16, 113:2, 113:4, 113:10, 114:4, 115:3, 115:7, 116:10, 116:17, 116:20, 116:22, 116:23, 116:25, 117:3, 117:6, 117:13, 117:16, 117:20, 117:23, 118:3, 118:5, 120:16, 120:25, 122:9, 124:3, 124:6, 124:9, 124:13, 124:16, 127:22, 128:1, 128:24, 129:1, 129:4, 129:5, 129:8, 129:18, 130:7, 131:24, 155:7, 230:4, 238:25, 241:23 wind [183] - 8:20, 9:17, 16:11, 19:4, 19:9, 21:20, 21:22, 22:2, 22:4, 22:8, 22:11, 22:17, 22:24, 22:25, 23:14, 23:21, 24:7, 24:22, 27:4, 27:17, 28:21, 28:25, 29:1, 29:2, 29:9, 29:21, 30:2, 30:17, 30:19, 30:23, 32:1, 32:3, 32:14, 33:13, 33:14, 33:21, 35:21, 35:23,	36:15, 36:16, 37:10, 39:11, 39:16, 39:19, 40:6, 40:13, 42:4, 42:9, 44:2, 44:3, 61:9, 61:18, 62:7, 64:24, 65:4, 66:24, 68:5, 68:8, 68:11, 68:24, 70:5, 70:6, 73:20, 74:22, 75:1, 81:25, 82:16, 89:16, 91:4, 93:13, 94:24, 95:12, 95:21, 98:2, 99:4, 100:17, 101:12, 104:15, 105:5, 105:6, 105:17, 105:21, 107:17, 107:19, 108:3, 108:25, 109:2, 110:17, 111:5, 111:9, 111:13, 112:11, 112:25, 113:23, 114:7, 114:19, 114:22, 115:5, 115:11, 117:6, 117:11, 118:4, 118:9, 118:10, 118:19, 118:21, 119:8, 119:12, 119:18, 119:23, 120:8, 120:12, 121:8, 121:23, 123:18, 124:5, 124:13, 130:4, 130:14, 130:15, 130:17, 131:15, 131:20, 137:19, 139:5, 139:10, 139:11, 139:12, 139:15, 147:13, 148:3, 160:22, 162:18, 163:3, 163:7, 175:12, 177:7, 178:6, 178:22, 178:24, 183:8, 185:14, 194:10, 195:1, 195:4, 195:6, 196:10, 196:11, 196:23, 197:12, 197:17, 197:19, 198:5, 199:25, 203:6, 204:1, 204:7, 204:13, 205:24, 206:7, 208:4, 209:12, 209:15, 210:3, 210:11, 210:14, 211:19, 213:18, 214:18, 218:6, 218:11, 219:11, 219:24, 220:1, 222:19, 222:25, 223:24, 225:18, 226:2, 226:11, 229:23, 240:3, 240:7 windbreaks [3] - 57:21, 57:22 window [1] - 206:11 windows [1] - 120:1 WindPro [1] - 119:19 winds [1] - 158:11 windy [3] - 63:16, 76:10, 160:24 winter [2] - 57:7, 57:10 Wisconsin [2] - 207:6, 209:12 wish [5] - 25:14, 78:22, 153:25, 212:5, 216:11 wishes [2] - 190:8, 231:20
W			
wage [4] - 51:12, 51:13, 169:8, 225:2 wages [1] - 218:13 wait [2] - 88:19, 203:2 waiting [8] - 67:25, 85:24, 86:4, 171:18, 171:21, 177:12, 226:12, 233:22 waiver [5] - 18:15, 18:16, 18:19, 18:21, 18:25 walk [1] - 101:20 warning [1] - 224:11 warnings [11] - 154:1, 161:20, 168:5, 173:3, 177:13, 187:23, 191:2, 202:13, 212:16, 232:13, 234:4 warranted [1] - 127:15 Washburn [1] - 171:13 watch [1] - 206:11 watched [1] - 203:8 watching [1] - 219:6 water [3] - 104:21, 113:25, 139:10 water-dependent [1] - 104:21 ways [1] - 189:20 weather [1] - 118:23 Wednesday [1] - 186:24 Weed [5] - 7:23, 149:9,	200:18, 239:6, 239:9 weed [17] - 149:4, 149:5, 149:7, 149:11, 149:15, 149:19, 149:25, 150:8, 150:12, 150:13, 200:8, 200:9, 200:14, 200:16, 200:22, 202:9, 239:13 weeds [1] - 196:6 week [9] - 17:16, 36:1, 45:7, 126:7, 186:16, 186:19, 217:23, 228:6, 237:18 weeks [3] - 67:7, 241:10, 241:13 welding [1] - 217:21 welfare [2] - 9:23, 124:20 West [1] - 2:8 west [9] - 23:2, 160:3, 167:9, 178:14, 182:1, 189:20, 189:21, 189:23, 189:25 western [4] - 65:5, 133:19, 163:10, 208:1 wetland [7] - 95:16, 95:20, 96:3, 96:6, 96:8, 96:14, 97:1 wetlands [10] - 93:16, 95:10, 95:11, 95:13, 95:23, 95:25, 97:11, 98:19, 99:12, 102:6 whatnot [1] - 12:11 whatsoever [1] - 159:14 wheel [1] - 241:17 whereas [1] - 169:22 whichever [1] - 89:20 white [7] - 13:13, 47:5, 156:1, 166:5, 181:3, 181:4, 181:12 whole [17] - 14:15, 49:6, 64:25, 65:8, 65:9, 89:24, 133:9, 133:10, 148:12, 153:8, 171:20, 183:13, 183:22, 185:19, 210:4, 218:15 wholly [1] - 21:4 whooping [3] - 104:10, 104:25, 105:2 wide [2] - 117:14, 169:1 wider [1] - 117:4 width [2] - 117:7, 117:16 wife [6] - 206:17, 213:23, 235:13, 236:2, 236:18, 237:7 wildlife [24] - 11:2, 93:17, 98:19, 99:2, 99:10, 99:18, 100:6, 100:16, 100:19, 100:23, 101:1, 101:4, 101:16, 102:7, 102:11, 102:21, 103:8, 103:10, 109:19, 124:19, 133:13, 133:18, 134:19, 142:2 Wildlife [6] - 6:15, 100:21, 101:25, 104:1, 107:1,	107:5 willing [5] - 11:16, 18:3, 54:9, 225:25, 226:9 Williston [2] - 215:10, 215:13 Wilton [1] - 171:14 win [3] - 144:6 Wind [151] - 1:6, 1:6, 1:8, 6:4, 6:20, 7:8, 7:12, 7:17, 8:17, 8:19, 8:24, 10:12, 18:4, 18:15, 21:2, 21:3, 21:5, 21:6, 22:14, 25:16, 25:20, 27:3, 27:7, 27:9, 27:16, 28:11, 28:13, 29:11, 29:12, 29:16, 29:20, 29:23, 30:12, 31:7, 31:16, 32:11, 33:5, 33:10, 33:17, 33:25, 34:12, 35:8, 35:9, 35:20, 36:2, 36:11, 36:19, 37:2, 37:4, 37:7, 37:8, 37:13, 37:18, 38:4, 38:14, 38:18, 39:5, 39:15, 39:18, 39:21, 40:3, 40:8, 40:15, 40:19, 40:23, 41:3, 41:6, 41:9, 61:10, 66:16, 93:13, 96:10, 96:17, 99:5, 99:25, 100:2, 100:5, 100:8, 100:17, 100:18, 100:22, 101:1, 101:5, 102:5, 102:10, 102:25, 103:3, 103:7, 103:12, 103:17, 103:25, 105:11, 105:19, 105:25, 107:14, 108:2, 109:2, 109:15, 109:23, 109:24, 110:3, 110:12, 111:3, 111:21, 112:2, 112:3, 112:6, 112:14, 112:16, 113:2, 113:4, 113:10, 114:4, 115:3, 115:7, 116:10, 116:17, 116:20, 116:22, 116:23, 116:25, 117:3, 117:6, 117:13, 117:16, 117:20, 117:23, 118:3, 118:5, 120:16, 120:25, 122:9, 124:3, 124:6, 124:9, 124:13, 124:16, 127:22, 128:1, 128:24, 129:1, 129:4, 129:5, 129:8, 129:18, 130:7, 131:24, 155:7, 230:4, 238:25, 241:23 wind [183] - 8:20, 9:17, 16:11, 19:4, 19:9, 21:20, 21:22, 22:2, 22:4, 22:8, 22:11, 22:17, 22:24, 22:25, 23:14, 23:21, 24:7, 24:22, 27:4, 27:17, 28:21, 28:25, 29:1, 29:2, 29:9, 29:21, 30:2, 30:17, 30:19, 30:23, 32:1, 32:3, 32:14, 33:13, 33:14, 33:21, 35:21, 35:23,	36:15, 36:16, 37:10, 39:11, 39:16, 39:19, 40:6, 40:13, 42:4, 42:9, 44:2, 44:3, 61:9, 61:18, 62:7, 64:24, 65:4, 66:24, 68:5, 68:8, 68:11, 68:24, 70:5, 70:6, 73:20, 74:22, 75:1, 81:25, 82:16, 89:16, 91:4, 93:13, 94:24, 95:12, 95:21, 98:2, 99:4, 100:17, 101:12, 104:15, 105:5, 105:6, 105:17, 105:21, 107:17, 107:19, 108:3, 108:25, 109:2, 110:17, 111:5, 111:9, 111:13, 112:11, 112:25, 113:23, 114:7, 114:19, 114:22, 115:5, 115:11, 117:6, 117:11, 118:4, 118:9, 118:10, 118:19, 118:21, 119:8, 119:12, 119:18, 119:23, 120:8, 120:12, 121:8, 121:23, 123:18, 124:5, 124:13, 130:4, 130:14, 130:15, 130:17, 131:15, 131:20, 137:19, 139:5, 139:10, 139:11, 139:12, 139:15, 147:13, 148:3, 160:22, 162:18, 163:3, 163:7, 175:12, 177:7, 178:6, 178:22, 178:24, 183:8, 185:14, 194:10, 195:1, 195:4, 195:6, 196:10, 196:11, 196:23, 197:12, 197:17, 197:19, 198:5, 199:25, 203:6, 204:1, 204:7, 204:13, 205:24, 206:7, 208:4, 209:12, 209:15, 210:3, 210:11, 210:14, 211:19, 213:18, 214:18, 218:6, 218:11, 219:11, 219:24, 220:1, 222:19, 222:25, 223:24, 225:18, 226:2, 226:11, 229:23, 240:3, 240:7 windbreaks [3] - 57:21, 57:22 window [1] - 206:11 windows [1] - 120:1 WindPro [1] - 119:19 winds [1] - 158:11 windy [3] - 63:16, 76:10, 160:24 winter [2] - 57:7, 57:10 Wisconsin [2] - 207:6, 209:12 wish [5] - 25:14, 78:22, 153:25, 212:5, 216:11 wishes [2] - 190:8, 231:20

Witness [1] - 92:24 witness [26] - 3:22, 4:3, 4:6, 4:8, 4:11, 4:14, 4:17, 4:19, 4:23, 5:6, 5:8, 5:10, 10:17, 10:24, 20:2, 20:3, 20:15, 22:1, 22:5, 41:22, 50:5, 92:17, 156:24, 186:15, 212:9, 212:19 WITNESS [73] - 47:1, 58:15, 83:2, 86:12, 86:19, 88:2, 125:21, 146:2, 152:8, 154:12, 154:15, 154:18, 154:21, 154:25, 161:16, 162:4, 162:6, 162:8, 162:10, 162:13, 165:20, 165:22, 165:25, 166:12, 166:17, 166:23, 167:4, 167:7, 168:14, 168:16, 168:18, 168:20, 172:24, 173:11, 177:24, 178:2, 178:4, 181:10, 181:15, 181:17, 181:21, 186:7, 187:16, 187:20, 188:7, 188:10, 188:14, 191:11, 192:1, 192:7, 192:13, 193:21, 193:24, 194:2, 194:5, 194:7, 201:3, 202:6, 202:8, 202:22, 202:25, 203:4, 211:21, 212:3, 224:19, 232:21, 232:23, 233:1, 234:1, 234:12, 234:14, 234:17, 234:20 witnesses [6] - 10:16, 11:8, 12:1, 19:14, 152:21, 177:4 WITNESSES [1] - 3:10 women [3] - 169:9, 169:11, 169:24 wonder [1] - 46:5 wonderful [4] - 79:10, 235:9, 235:11, 235:22 wondering [2] - 151:25, 231:9 woodlands [1] - 102:7 word [4] - 143:21, 163:23, 167:20, 221:9 words [4] - 146:11, 146:13, 162:15, 237:17 workers [23] - 39:7, 169:8, 170:4, 170:8, 171:3, 173:25, 175:22, 176:1, 215:23, 217:2, 217:9, 217:11, 217:14, 217:15, 218:22, 220:2, 220:7, 220:18, 222:7, 227:25, 228:10, 229:2, 229:4 workforce [21] - 171:11, 174:17, 215:21, 215:22, 216:14, 216:19, 217:4, 218:21, 219:15, 219:16, 219:20, 220:24, 221:16,	225:5, 225:6, 225:13, 225:17, 226:11, 229:17, 229:23, 230:5 works [4] - 52:12, 191:16, 216:12, 238:22 world [2] - 49:16, 52:13 worried [3] - 47:15, 181:24, 181:25 worse [1] - 204:4 worst [5] - 119:10, 138:15, 138:24, 139:2, 139:25 worst-case [3] - 138:15, 139:2, 139:25 worst-case-modeled [1] - 119:10 write [1] - 195:7 written [3] - 147:10, 190:11, 192:18 wrote [1] - 162:14
Y	
yard [3] - 179:4, 206:15, 211:5 year [11] - 38:13, 57:12, 58:1, 80:6, 105:3, 120:14, 120:21, 131:7, 131:10, 134:24, 217:17 years [35] - 20:11, 21:12, 21:16, 50:13, 50:14, 51:9, 53:10, 66:9, 69:23, 70:1, 73:4, 74:7, 74:9, 79:9, 91:8, 94:3, 109:24, 119:22, 148:4, 169:16, 169:22, 173:15, 178:17, 179:7, 184:5, 194:17, 195:15, 195:17, 196:18, 204:23, 219:12, 219:13, 221:5, 225:17, 233:2 young [2] - 235:13, 237:7 yourself [4] - 20:24, 93:8, 218:8, 224:6 youth [1] - 38:22	
Z	
zero [4] - 52:3, 71:13, 72:3, 120:23 zooming [1] - 50:8	