

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITING EVALUATION COUNCIL

IN THE MATTER OF THE)
APPLICATION OF:)
)
)
SCOUT CLEAN ENERGY, LLC, FOR) NO. EF-210011
)
HORSE HEAVEN WIND FARM, LLC,)
)
Applicant.)

DEPOSITION UPON ORAL EXAMINATION OF
DAVID KOBUS
Benton County Public Services Building (Large
Conference Room)
102206 E Wiser Parkway
Kennewick, WA 99336

FRIDAY, JULY 21, 2023
11:05 A.M.

TAKEN AT THE INSTANCE OF THE APPLICANT

REPORTED BY:
MONNA J. NICKESON, RPR, CRR, CCR, CSR CA 14430
TRI-CITIES COURT REPORTER SERVICE, LLC.
509.942.8477
MONNA@TRICITIESREPORTING.COM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES:

FOR THE INTERVENER TRI-CITIES C.A.R.E.S.:

LAW OFFICE OF J. RICHARD ARMBURU, PLLC
Attorney at Law
705 2nd Avenue, Suite 1300
Seattle, WA 98104
BY: J. RICHARD ARMBURU, ESQ.

FOR THE INTERVENER BENTON COUNTY:

MENKE JACKSON BEYER
807 North 39th Avenue
Yakima WA 98902
BY: KENNETH HARPER, ESQ. - via Zoom
AZIZA FOSTER, ESQ.
Email: Kharper@mjbe.com
zfoster@mjbe.com

FOR THE THE ENVIRONMENT:

Office of the Attorney General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
Counsel for the Environment
BY: Sarah Reyneveld, Asst. Attorney General
Via Zoom
Email: Sarah.Reyneveld@atg.wa.gov

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES (continued):

FOR SCOUT CLEAN ENERGY:

STOEL RIVES LLP
Attorneys at Law
760 SW Ninth Avenue, Suite 3000
Portland, OR 97205
BY: WILLA B. PERLMUTTER, ESQ.
EMILY SCHIMELPFENIG, ESQ. - via Zoom
Email: Willa.perlmutter@stoel.com

FOR THE YAKIMA NATION:

Shona Voelckers, Esq.
Jessica Houston, Esq.
401 Fort Road
Toppenish, Wa 98948
Email: Shona@yakamanation-olc.org

ALSO PRESENT:

Paul Krupin
Pat Landess - via Zoom
Karen Brun - via Zoom
Pam Minelli - via Zoom
Carole Cohe - via Zoom

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

IN RE: SCOUT CLEAN ENERGY
CASE NO. EF-210011
FRIDAY, JULY 21, 2023

WITNESS: DAVID KOBUS	PAGE
EXAMINATION BY MR. ARAMBURU:	5
EXAMINATION BY MS. VOELCKERS:	138
EXAMINATION BY MS. FOSTER:	192
EXAMINATION BY MR. ARAMBURU:	211

EXHIBITS

NUMBER	DESCRIPTION	PAGE
Exhibit 1	Horse Heaven Wind Farm Updated ASC Redline	11
Exhibit 2	Letter from Mr. Ritter to EFSEC 1/31/2022	175

1 BE IT REMEMBERED that on FRIDAY,
2 JULY 21, 2023, at 11:05 A.M., the
3 deposition of DAVID KOBUS was taken before
4 Monna J. Nickeson, Certified Realtime
5 Reporter, Registered Professional Reporter,
6 Certified Livenote Reporter, Certified
7 Court Reporter (WA 3322), Certified
8 Shorthand Reporter (ID 1045), (OR 16-0441),
9 (CA 14430), the following proceedings took
10 place:

11 DAVID KOBUS

12 having been first duly sworn to tell the truth, the
13 whole truth, and nothing but the truth,
14 testified as follows:

15 EXAMINATION

16 BY MR. ARAMBURU:

17 Q. Mr. Kobus, would you state your full
18 name and business address?

19 A. David Kobus, D-a-v-i-d, K-o-b-u-s.
20 My business address is 1385 Cortland Avenue,
21 Richland, Washington.

22 Q. I'm Richard Aramburu. I'm the
23 attorney for Tri-Cities C.A.R.E.S, one of the
24 intervenors in the EFSEC proceeding. We're
25 here today to take your deposition.

1 Have you ever had your deposition
2 taken before?

3 A. No, I have not.

4 Q. Okay. Let me just, and with
5 permission of your counsel, try to talk about
6 some ground rules as we go through the
7 deposition.

8 So, first of all, we can't talk over
9 each other because the court reporter has
10 difficulty taking down both of us speaking at
11 the same time. So if you will allow me to --
12 even though you may think you know the answer
13 before I finish it, let me finish my question,
14 and then we'll give you time to finish your
15 answer. So let's not talk over each other,
16 okay?

17 And if you don't understand the
18 question that's being asked to you, let me know
19 right away, and I'll try to reformulate the
20 question, put it in clearer terms, but please
21 let me know. We don't want to have any
22 confusion later on.

23 This deposition will be transcribed.
24 It may be used for various purposes. It may be
25 used as a part of the EFSEC proceedings. So

1 you should consider the things that you're
2 saying today may become a part of the record
3 before EFSEC.

4 You're not permitted under the
5 rules, the Civil Rules for Superior Court, to
6 confer with your counsel after I have asked you
7 a question. You can't ask her, so what do you
8 think of the question, how should I answer,
9 those kinds of things. Outside of that, you
10 can confer with her as you like.

11 We're starting at 11:00 today. If
12 you need a break at any time, you just let me
13 know and we'll do that. I would like to do
14 this in one fell swoop, so to speak, if we can,
15 but let's -- we'll see how it goes.

16 I understand counsel for Benton
17 County and for Yakima will also have questions
18 for you as time goes by.

19 So do you understand those kind of
20 parameters we're talking about?

21 A. I do.

22 Q. Okay. Okay. Well, let's get
23 started, then.

24 I don't know a great deal about you,
25 Mr. Kobus. Could you tell us your education

1 and background professional experience?

2 A. Sure. Education-wise, I have a
3 bachelor's in nuclear technology and a master's
4 in engineering management. My background is I
5 worked for -- well, I was in the Navy for eight
6 and a half years in the Navy nuclear program.

7 Then came to work -- well, I worked
8 in the nuclear industry, ultimately came to
9 work for Energy Northwest here, and held
10 various positions out at the nuclear plant.
11 And eventually transitioned into being their
12 project manager, developer for renewable energy
13 projects. And ended up developing the Nine
14 Canyon Wind Project, which was built in three
15 phases, permitted through the county.

16 And then, after leaving Energy
17 Northwest, I was in the financial services
18 industry for a while. And then, eventually,
19 hired on with Scout Clean Energy, and am now
20 the project manager for the Horse Heaven Clean
21 Energy Center.

22 Q. And when did you come to work for
23 Scout?

24 A. 2018.

25 Q. And you indicated -- were you the

1 project manager for the Nine Canyon project?

2 A. I was. Developer, project manager,
3 yes.

4 Q. And are you a licensed professional
5 engineer?

6 A. I am not.

7 Q. Before you came to work for Scout,
8 had you worked -- outside of Nine Canyon, had
9 you worked on any other projects in the Horse
10 Heaven Hills, wind projects?

11 A. Not in the Horse Heaven Hills, no.
12 But for Energy Northwest, I was developing
13 projects all over the Pacific Northwest for
14 them. Some -- one was sold to Avista, and
15 others just did not come to fruition.

16 Q. Okay. And do you recall a Columbia
17 project in the Horse Heaven Hills?

18 A. Sure. It's the first time I met my
19 CEO, Michael Rucker. He was working for
20 Clipper Windpower and was marketing a project
21 that they were trying to develop on the BLM
22 land initially is where they started trying to
23 develop.

24 And so we were looking at and
25 engaged for, you know, many weeks trying to see

1 if that project was something that Energy
2 Northwest was willing to partner up, so to
3 speak, with Clipper Windpower to build a wind
4 project there.

5 Q. What's the time frame of that?

6 A. That would have been 2010, somewhere
7 around 2009, 2010.

8 Q. And where was -- and that was the
9 Columbia project, correct? Is that what we're
10 talking about, the same thing?

11 A. Yeah, that's what was the name of it
12 at that time. Yeah.

13 Q. And give me a general geographic
14 description of the Columbia project.

15 A. Well --

16 Q. You might do it in relation to
17 this -- the project we're here. Is it part of
18 it, some of it, is it --

19 A. It's part of it, but the Columbia
20 project also included the BLM land, which is
21 the higher ground which goes over towards
22 Benton City and over to Chandler Butte. And
23 that was about the extent of it.

24 I actually had wind leases west of
25 that on that same ridge line for Energy

1 Northwest. And so I was looking at combining
2 the project I was developing further west with
3 what Clipper was developing along the BLM area
4 and partially on what now is part of the Horse
5 Heaven leasehold that we're trying to develop.

6 Q. And was the Columbia project -- is
7 the land for the Columbia project now part of
8 the -- this project?

9 A. My understanding is yes. I know one
10 landowner that was part of Columbia that we
11 have a lease with. But, you know, to be honest
12 with you, I really don't remember what was all
13 in the Columbia footprint.

14 Q. Okay. Thank you. Thank you.

15 So, today, we're going to have a
16 number of questions about the updated ASC. And
17 I have put in front of you what's been marked
18 as Exhibit 1 for this deposition.

19 (Exhibit 1 was identified.)

20 BY MR. ARAMBURU:

21 Q. And I will represent to you and to
22 your counsel that we downloaded this paper copy
23 from the EFSEC website, and we have downloaded
24 the redline version of the amended ASC.

25 MR. ARAMBURU: And, Counsel, is

1 there any objection to this document being
2 used by the witness?

3 MS. PERLMUTTER: No. Based on your
4 representation that it was -- that it's the
5 document you downloaded from the EFSEC
6 website, we're good to go.

7 BY MR. ARAMBURU:

8 Q. And you also notice when you open it
9 that it's double-sided, so we're trying to save
10 a little paper here.

11 So we have a number of questions
12 about the amended ASC, as I will refer to it.
13 And can you tell me who wrote the document?

14 A. Yeah, sure. It was Tetra Tech was
15 our primary contributor who prepared the
16 redline under my guidance.

17 Q. Okay. So we have redline portions
18 of the document, and those were amended from
19 the original February 2021 application; is that
20 correct?

21 A. Correct, yes.

22 Q. And who wrote the original
23 application?

24 A. Tetra Tech did as well under my
25 guidance.

1 Q. And were any portions of the
2 application that were written by anyone else,
3 other than Tetra Tech?

4 A. There were contributors to it, like,
5 various section -- for example, the wildlife
6 section, Western Ecosystems contributed to
7 that. And then there were various functional
8 areas within Tetra Tech that also contributed
9 expertise related to various sections in the
10 document.

11 Q. And did you write any sections of
12 the document yourself?

13 A. There may have been paragraphs or
14 sections, like, for example, looking at
15 alternatives to the proposal we were making and
16 describing -- you know, being the initial
17 author of describing what those alternatives
18 were and how they were evaluated.

19 And then, from that point on, it was
20 a collaborative effort from the team that, you
21 know, any of us could have added redlines and
22 scrubbed content that was provided by Tetra
23 Tech.

24 But -- so there were a few sections
25 that I was the original author. For the most

1 part, I relied on Tetra Tech to author the
2 majority of it because of their extensive
3 expertise in, you know, many projects,
4 different regions, and having a lot of talent
5 readily available to contribute that
6 information.

7 Q. Okay. I don't want to put words in
8 your mouth, and feel free to disagree with my
9 characterization.

10 Would it be fair to call you the
11 editor of the document?

12 A. It would. I had the last word on
13 it.

14 Q. Okay. Okay. Good. Good.

15 Now, did the lawyers review the
16 document?

17 A. Yes, absolutely.

18 Q. And did the lawyers write -- I'm
19 talking about lawyers, counsel for Scout, did
20 the lawyers write any sections of the
21 amended -- of the updated ASC?

22 MS. PERLMUTTER: I'm going to object
23 on the grounds -- on privilege grounds.
24 You don't have to answer that question.

25 MR. ARAMBURU: Counsel, I'm simply

1 asking whether lawyers did it. I'm not
2 asking for particulars regarding what the
3 lawyers did. I'm simply asking whether the
4 lawyers were involved. I think that's a
5 fair question.

6 MS. PERLMUTTER: It calls for work
7 product, but you can answer.

8 THE WITNESS: Okay. There were
9 contributions in the form of redlines. I
10 do not recall any original authoring
11 material.

12 BY MR. ARAMBURU:

13 Q. Okay. So if we look through here,
14 some of the redline provisions could have been
15 authored by lawyers?

16 A. Yeah. You know, we approached this
17 at a team effort. We wanted to make sure that
18 we had, you know, the best available
19 information to fully capture what we believed
20 was a document that, you know, in our attempt
21 would be, you know, above reproach and, you
22 know, best available that EFSEC has seen.

23 Q. Let me -- as kind of an example
24 here, there's a section in the document about
25 land use. And that's -- I'm going to use those

1 today as well, Mr. Kobus.

2 A. Yeah. Give me a page number.

3 Q. So what we've done is we've divided
4 up into the sections 1, 2, 3, 4. So this
5 would -- we're now looking at page 2-7.

6 A. Okay.

7 Q. And towards the bottom of that page,
8 under section 2.1.3, there's a reference to
9 land use and zoning ordinances; do you see
10 that?

11 A. Yes.

12 Q. And then it goes on to the next
13 page.

14 A. Okay.

15 Q. Do you know who wrote that?

16 A. I am certain Tetra Tech wrote the
17 basic draft, and then I know I probably diddled
18 with it a bit as well, redlined, you know.

19 Q. And you generally described the
20 nature of the process in drafting and
21 finalizing --

22 A. Yes.

23 Q. -- the amended ASC.

24 Was there any input from any
25 potential purchasers of the project to the

1 updated ASC?

2 MS. PERLMUTTER: Object as to --

3 THE WITNESS: No.

4 MS. PERLMUTTER: Object as to form.

5 You can answer the question.

6 THE WITNESS: No.

7 BY MR. ARAMBURU:

8 Q. And were any utilities consulted
9 about the content of the ASC?

10 A. You know, we -- in marketing the
11 project, we market to any potential offtaker,
12 any potential purchaser, for the entire time we
13 develop these projects.

14 And so we had many, many
15 conversations with regional utilities,
16 commercial and industrial potential offtakers.
17 I even had conversations with Benton PUD.

18 And so, in the process, we consider
19 designing the project and developing it so it
20 is the most attractive type of project that we
21 can put together for that mass market to try
22 and capture the best fit offtaker for the
23 project. But in no uncertain terms, there's no
24 input from potential offtakers in this
25 document.

1 Q. Okay. You indicated that you had a
2 conversation with someone from Benton PUD?

3 A. Correct.

4 Q. And can you tell me who that was?

5 A. Rick Dunn.

6 Q. And can you tell me the nature of
7 the conversation?

8 A. We were, at one point, considering
9 utilizing right-of-way easements that they have
10 for their system, and the possibility of
11 co-locating transmission lines in their
12 easements, as well as the possibility of
13 engaging in -- I forget the exact terminology
14 for it, but a cooperative agreement where we
15 could work together in finding ways that we
16 could collaborate on the project relative to
17 the infrastructure and relative to potential
18 interest that the PUD might have to become part
19 of it.

20 Q. Can you be a little more specific
21 about was there -- well, let me ask this
22 question.

23 A. I offered them a draft agreement
24 that said, here's what we can do for you.
25 Here's what you can do for us. Here's what

1 we'll offer to pay you for your service.

2 Please sign or tell me what change you'd make.

3 Q. And what --

4 A. It was to that extent.

5 Q. Excuse me. I'm violating my own
6 rule here.

7 MS. PERLMUTTER: Happens all the
8 time.

9 BY MR. ARAMBURU:

10 Q. And was that an agreement to acquire
11 the entire project?

12 A. No, no. At that point, it was an
13 agreement to work together on potential
14 infrastructure sharing and finding the most
15 optimal economical way to interconnect the
16 project with the Bonneville grid.

17 Q. So you were going to possibly share
18 Benton County easements?

19 A. Sure. I'll give you an example.
20 The City of Richland and Benton County were
21 working together to supply or provide a high
22 voltage transmission line in the Dallas Road
23 area.

24 And the City of Richland built the
25 line to a terminus and it was never energized.

1 So it's a 115 high voltage line sitting out
2 there alongside the highway. Was a great
3 opportunity for us to potentially co-locate
4 transmission to be able to interconnect with
5 the Bonneville grid.

6 And it did not become fruitful. The
7 PUD chose not to work with us on it. The City
8 of Richland indicated that if we could do
9 something with the PUD, then they'd maybe be
10 interested and talk to us about it. But the
11 PUD kind of changed their whole approach after
12 that.

13 Q. So was there ever a proposal to
14 acquire power from Benton PUD?

15 A. Yes.

16 Q. And what was the nature of that
17 proposal?

18 A. That, you know, offtakes available,
19 you know. If you're interested, we'd be
20 willing to talk about it.

21 Q. My question was, was there ever
22 discussion that Scout would buy power from
23 Benton PUD?

24 A. Well, for sure. And those
25 discussions are ongoing and continue because,

1 you know, understand that when we locate a
2 collector substation in a utility territory,
3 we're going want backup service from the local
4 distribution system in the event we become
5 disconnected from the grid.

6 We're going to need power to run the
7 SCADA, you know, keep all the metering
8 energized, run the air conditioners. We also
9 need back feed service from the grid to power
10 the heaters and oil pumps and those sorts of
11 things when there's no wind on the system.

12 And so the way Bonneville
13 orchestrates those contracts is that we
14 actually sign up to interconnect with the grid,
15 but then we also have to have an agreement with
16 the PUD to provide that back feed service.
17 Because Bonneville won't deal directly with us,
18 it has to go through the local PUD.

19 So, in fact, if at the end of the
20 month we net -- actually haven't drawn power
21 from the grid in the form of back feed, we have
22 to pay the PUD for that. And so that's ongoing
23 for the life of the project.

24 And we also have crossing agreements
25 that we're going to have to have with the PUD.

1 We're going to cross their distribution. We're
2 actually going to have to bury and reroute some
3 of their distribution so that it is -- we have
4 the appropriate setbacks and meet their
5 criteria for proximity to their infrastructure.

6 So it's an ongoing relationship.
7 And I've been working -- Pat, in fact, and I,
8 have been meeting with the PUD, and we have --
9 the next step in our process is that I have to
10 offer them an easement agreement and designate
11 everywhere where we're going to cross or have
12 to move their infrastructure.

13 Q. So has there been discussions with
14 the PUD to acquire power from them to use for,
15 for example, the batteries?

16 MS. PERLMUTTER: Objection. Asked
17 and answered. You can answer.

18 THE WITNESS: Yeah, one of the
19 things with the battery storage portion of
20 the system is you have the option of
21 charging it from the output of the wind
22 project, charging it from the solar
23 project, or charging it from the grid.

24 And so we discussed and entertained
25 those options with the PUD to see if they

1 would be interested in providing grid
2 charge power for the batteries in the event
3 that, you know, they need to be charged and
4 there isn't adequate solar available at the
5 time or there isn't adequate wind
6 generation at the time.

7 BY MR. ARAMBURU:

8 Q. So was there ever a calculation of
9 the expected energy that might be acquired on
10 an average basis from Benton for the purpose of
11 that recharging of the batteries?

12 A. Not recharging of the batteries, no.
13 We -- we did have calculations and had
14 discussions about the backup station service
15 that would be needed.

16 But when it came to the battery, the
17 PUD indicated that they didn't believe -- well,
18 first, they didn't have the energy to do it.
19 They didn't have the power supply to do it.
20 And they didn't believe that they could acquire
21 it from Bonneville to do it. And so the
22 discussions ended at that point because we
23 didn't see a success path.

24 Q. So if you don't get this energy from
25 Benton, where are you going get it?

1 A. We either -- from the output of the
2 wind project, from the solar, or from the
3 offtake utility. That's actually -- see, with
4 the battery, the way that will work in the
5 marketplace is, we will allow them to dispatch
6 it, and then we just have a tolling agreement
7 that, you know, pays us for the amount of
8 dispatch they utilize.

9 And the ideal situation is, you
10 know, they're going to take transmission from
11 the project, and when they need to charge the
12 battery, they would just decrement some of that
13 transmission to provide grid charge for the
14 battery through their contractual arrangements
15 with Bonneville. That's the optimal way.

16 I mean, with the PUD, I was just
17 thinking, you know, maybe they'd want to get
18 into that business, and, you know, have a
19 potential revenue stream, but it isn't proving
20 to be viable.

21 Q. So the alternative to that is to get
22 it from BPA (indecipherable).

23 (The Court Reporter requested
24 clarification.)

25

1 BY MR. ARAMBURU:

2 Q. Get it from BPA through the grid.

3 A. No. BPA has indicated they will not
4 supply it, but they'll wheel it. I mean,
5 that's what BPA generally does is, they have an
6 open access transmission tariff where they
7 allow utilities and IPPs like we are to
8 interconnect with the grid, and then you
9 contract for who you're sending power to or who
10 you're getting power from, and then you pay
11 Bonneville for the wheeling on their system.

12 So they're responsible for the
13 reliability of the system. They may provide
14 you balancing services that are required, you
15 know, to maintain grid stability. But
16 Bonneville doesn't sell power.

17 They are -- they're fully
18 contracted. They may be able to sell power to
19 the wholesale markets when they have excess.
20 But, you know, generally Bonneville is just the
21 wheeler. They're the grid interconnect and the
22 grid manager.

23 Q. I understand the concept of a
24 wheeling agreement with Bonneville, but who
25 would be the source of the power that would be

1 wheeled to this project to take care of
2 batteries, for example?

3 A. The offtaker.

4 Q. Who is the offtaker?

5 A. We don't -- we don't have an
6 offtaker identified yet.

7 Q. Is it likely that we're going have
8 an offtaker identified within the next year?

9 A. Let me answer the question this way.
10 It's challenging to market a large
11 commercial-scale energy project and finance it
12 without a permit.

13 And an offtaker, this is, you know,
14 a risky scenario bringing on new generation,
15 period. And, clearly, if you don't have a
16 permit -- if you don't have a permit to build
17 the project, it's difficult for an offtaker to
18 make commitments.

19 And so until we get that permit,
20 it's not very likely that we're going to have
21 that offtake identified.

22 Q. As I understand the situation, that
23 Scout is actively marketing this project now to
24 utilities, to various --

25 A. Anybody who will listen. I'm sorry,

1 I interrupted. I'm sorry.

2 Q. That's fine.

3 So there is an active marketing
4 project -- or effort ongoing, even though
5 there's no license from EFSEC?

6 A. That's correct.

7 Q. And I just had a couple of questions
8 here that I'm -- I'm confused about in the ASC,
9 and perhaps you can just help me clarify here.

10 A. Sure.

11 Q. On page 285 -- 2-85. I think it's
12 here. Costs. It says the cost of the project
13 would be \$1.727 billion; is that correct?

14 A. Yes.

15 Q. Is that whether you build the 244
16 turbine version or the 150 version?

17 A. The best response I can give you to
18 that is, you know, at the time we originally,
19 you know, developed the application, we were
20 looking at the most likely equipment that would
21 have the best fit and the best economics for
22 the project.

23 And so, you know, in response, my
24 belief is that represents the ideal turbine for
25 the project, which still remains the ideal

1 turbine for the project, and that's the 244,
2 smaller platform equipment.

3 Q. Okay. And I noticed that this cost
4 was not -- was not updated.

5 So are these costs from February of
6 2021?

7 A. Yes. And they're no longer
8 accurate. Tremendous things have happened in
9 the market, inflation, supply constraints,
10 changes that the manufacturers are making in
11 actually how they market turbines.

12 But, you know, we have an exclusive
13 arrangement with General Electric associated
14 with this particular project development. And
15 so the expectation there is that we will use
16 General Electric equipment unless we can
17 demonstrate that there is a more economically
18 viable available, as high a quality model of
19 turbine that can be built and delivered in the
20 timeframe we need for the project.

21 And then, at that point, we would,
22 you know, pursue legal challenge to that
23 exclusivity if we deemed it necessary.

24 Q. Let me understand what's going on
25 here.

1 So at the moment, Scout has a
2 contract with GE?

3 A. No, no contract.

4 Q. I'm sorry.

5 A. We have exclusivity. We're
6 obligated with exclusivity.

7 Q. Exclusivity --

8 A. Yeah.

9 Q. -- with GE to buy a GE turbine?

10 A. Yes.

11 Q. And you would -- that is considered
12 to be a binding contract, then, correct?

13 A. The exclusivity aspect of it.

14 Q. Okay.

15 A. Let me explain a little bit more.

16 Q. And you don't have to. I want you
17 to fully answer the questions that are put to
18 you, Mr. Kobus.

19 And you've been kind of extending
20 the answers, and I'm happy to have you do that,
21 and I want you to answer your questions fully.
22 But I sense somehow that a little bit we're
23 going off.

24 A. Well, I don't want to waste
25 anybody's time if it's not information you want

1 to hear. I just want to explain, you're asking
2 for terms such as, do we have a contract with
3 GE? No, we have not procured turbines from GE.
4 Do we have an obligation from a prior
5 arrangement that gives them exclusivity? Yes,
6 we do.

7 Q. Okay. Okay. And so you indicated
8 in your previous answer that the cost estimate
9 found on page 2-85 of the amended ASC is
10 probably too small?

11 A. Too small.

12 Q. And do you have any information to
13 give us about how much too small it is?

14 A. Well, the greatest component of the
15 cost of the project is the turbines, the
16 turbine supply. And the way the current market
17 is, every time we ask GE for a price update, it
18 has an escalator on it.

19 So, you know, this was a '21 price
20 basis. In fact, for the redline, we didn't
21 even update it because we know it's out of date
22 and it's going to change likely the next time
23 we ask GE for a price update.

24 I mean, that's just how this market
25 works. And the components supply, the material

1 supply, the fundamental commodities have
2 escalated up and gone down just in the last six
3 months.

4 Q. Okay. I understand the answer.

5 And on a general basis, is this
6 10 percent wrong, 20 percent wrong? Order of
7 magnitude, if you can. If you can.

8 A. I can't answer that.

9 Q. GE also makes the bigger turbines,
10 don't they?

11 A. Yes, they do.

12 Q. And on the construction side of
13 things, have you updated estimates for the
14 construction side?

15 A. We continue to update estimates and
16 we continue to work with vendors, you know, for
17 example, the EPC-type vendors that we've been
18 engaged with. We try and update -- refresh our
19 request for proposals related to the balance of
20 plant cost for the project, which are also a
21 major -- one of the major components of the
22 ultimate cost.

23 Q. Okay. Someone may be reading this
24 deposition and doesn't know --

25 A. Sure.

1 Q. -- what EPC is. Could you define
2 that?

3 A. That's engineer procure construct.
4 And so those are the type of contractors that,
5 you know, they come in, they provide
6 engineering for the balance of the plan. They
7 work with the turbine supplier which is a
8 separate contract. The turbine supply
9 agreement is separate.

10 But it's EPC contractor who arranges
11 and erects and constructs the project. So
12 they're like the general contractor. If you
13 were to go out and build a building, they'd be
14 the general contractor that you hire even
15 though you may be buying a Butler building.
16 That's a similar analogy.

17 Q. Would it be fair to characterize it
18 as a sort of design build contract, EPC?

19 A. Yeah, elements of it. We don't
20 design in-house, but we do have design
21 capability internally within the company. And
22 they're actually the ones that work with the
23 contractors we hire.

24 And we have other consultants that
25 we bring in as well. Like the electrical

1 design is done by a separate consultant.

2 That's even prior to letting the EPC contract.

3 Q. So the current preferred plan is
4 244 turbines?

5 A. Up to 244.

6 Q. Okay.

7 A. We're permitting the maximum extent
8 we believe we can optimally site on that
9 project.

10 Q. And I don't mean to be facetious in
11 any manner, but the plan for 244 turbines maxes
12 out the project, is that for to say?

13 A. We will -- we will not go more than
14 244, but we cannot build more than 235 because
15 we have an agreement with the Department of
16 Defense that's -- it's called a mitigation
17 agreement. We're in the viewshed of the fossil
18 Oregon NORAD facility.

19 And so they've -- as part of the
20 mitigation response team, they evaluated our
21 turbine layouts and have indicated places where
22 we had to reduce the number of turbines. So
23 we've -- we have an agreement with them where
24 we could not build more than 235.

25 Q. And is the 235 turbine layout shown

1 in the amended ASC?

2 A. No, because we want to permit all
3 244 so we have the flexibility as we optimize
4 this project, until we get to the point where
5 we pull the trigger on the construction, we
6 need all of those locations available.

7 I don't know what I'm going to lose
8 in the next week for something to pop up that
9 says, that's too much cut and fill. We can't
10 build that one. You got to use one of the
11 others that you got on the bench, and replace
12 it.

13 So I've got to have all 244 sites
14 permitted so I have that flexibility to build
15 the optimal, most suitable project for whoever
16 the ultimate offtake entity is, or entities.
17 It could be more.

18 Q. Okay.

19 A. Or we could sell the project to
20 somebody. I mean, all these things are on the
21 table. It's what developers do. I mean, we're
22 a private developer. We're trying to satisfy a
23 market. And, you know, as opportunities come
24 available, we'll evaluate them to the fullest.

25 Q. So the change from the 244 to the

1 235, which is the maximum, is that -- that does
2 not identify specific turbines. It just says
3 you can't have more than 244, is that the way
4 the arrangement is?

5 A. The 235 turbines that we can build
6 are precisely identified by coordinates in the
7 mitigation agreement, yes, and that's publicly
8 available.

9 Q. Okay. So that's where I'd go to
10 look for that?

11 A. Yeah, yeah.

12 Q. Okay. So I want to go back a little
13 bit of the history of the project.

14 I understand you got involved in
15 2016?

16 A. 2018.

17 Q. 2018?

18 A. Yes.

19 Q. Okay. And what was the project when
20 you got involved?

21 A. When I got involved, it was a
22 250-megawatt project intending to interconnect
23 at Red Mountain.

24 Q. And 250?

25 A. 250 megawatts of wind, yes.

1 Q. Of wind only?

2 A. Yes.

3 Q. And that was in 2018?

4 A. That was in 2018, yes.

5 Q. And was that a viable project?

6 MS. PERLMUTTER: Objection as to
7 form. You can answer.

8 THE WITNESS: Every iteration we
9 have in the development of the project is
10 intended to get it to the most viable state
11 we can.

12 As it turns out, you know, we never
13 did have a success path to interconnect at
14 Red Mountain, and that's why we gave up
15 that interconnection request.

16 BY MR. ARAMBURU:

17 Q. That was a BPA connection?

18 A. Yeah, yeah.

19 Q. And what was wrong with Red
20 Mountain?

21 A. We -- how do I say it? It was
22 challenging to get all of the easements that
23 were required to get our gen-tie installed from
24 the project site to actually to the Red
25 Mountain substation.

1 In the interim, we were competing
2 against another wind developer that had leases
3 and interconnections in the queue interspersed
4 with our leases on the project site.

5 And, ultimately, we worked with that
6 competitor, acquired their assets, acquired two
7 interconnection queue positions that they had
8 for the 230 kV line on the east and the 500 kV
9 line on the west, which made the 115 kV
10 interconnect no longer viable because now the
11 project had expanded to be -- well, I think at
12 that stage it was 850 megawatts at that time.

13 Q. Okay.

14 A. But, you know, our job as developers
15 is we're continuing to finesse and optimize and
16 make this more attractive for an offtake
17 market. And so we're constantly working.
18 That's my job, is to look for ways to make this
19 better, to make it more attractive, to make it
20 more economical.

21 Q. So there was capacity at the Red
22 Mountain substation to take the 250 turbine
23 project?

24 A. Yes, yes.

25 Q. Who was with the competitor?

1 A. WPD Incorporated. In fact, we have
2 an ongoing -- similar to exclusivity with GE,
3 have an ongoing contract obligation with them
4 as a result of acquiring those assets.

5 Q. Which include leases?

6 A. I'm sorry?

7 Q. Which include leases, land leases?

8 A. No. With WPD, we've acquired all of
9 the land lease that we desire. And they've
10 given up the ones we didn't desire. And so,
11 yes, we're the only ones out there that have
12 leases, that I know of.

13 Q. So just to backtrack a little bit.

14 When you came on board in 2018, the
15 project that was then under consideration was a
16 250 megawatt wind project?

17 A. Yes.

18 Q. So, then, what was the next
19 iteration of the project?

20 A. Well, the next iteration was to
21 acquire leases from WPD and this eastern
22 interconnection that they had that was in the
23 queue for 250 megawatts.

24 But then, since we had more assets,
25 more ability to interconnect, we added another

1 100 megawatt interconnect request to use up the
2 remaining available capacity on the 230 kV side
3 of the project. So that then went up to 350
4 megawatts.

5 Q. That was all wind?

6 A. Yes. At the time, that was all
7 wind.

8 Q. And did you take over a queue
9 position --

10 A. Yes.

11 Q. -- from them?

12 A. Two of them.

13 Q. Two of them?

14 A. Yeah.

15 Q. A 250 megawatt and a 100 megawatt?

16 A. No. We filed the 100 on our own.
17 You can file and terminate and file
18 interconnect requests to your heart's content.

19 So we acquired their 250. We then
20 filed for another 100 megawatts of wind. And
21 then we filed for another 300 megawatt of
22 solar. And then we filed for another
23 100 megawatt of solar overbuild.

24 Q. Okay. I don't mean to interrupt
25 you. I was just trying to get a consecutive

1 arrangement here.

2 So 250 to begin with?

3 A. Yes.

4 Q. Then we go from 250 plus 100. And
5 then what's the next iteration after that?

6 A. The next iteration after that was to
7 file a 300 megawatt solar. So that would make
8 it 650 megawatts of interconnection on the
9 230 kV system.

10 Q. And that was east or west?

11 A. That was the east side.

12 Q. Okay. So 350 of wind and 300 of
13 solar?

14 A. Yes.

15 Q. And was there a layout for that
16 project? I mean, was there a design --

17 A. It's in the -- it's in the
18 application for site certification, yes.

19 Q. Okay. Okay. So that adds up to
20 650, then?

21 A. Yes.

22 Q. Then what was the next iteration of
23 the project?

24 A. We filed for 100 megawatts of solar
25 overbuild.

1 Q. Okay.

2 A. Want me to explain that?

3 Q. Yes. And what do you mean by
4 overbuild?

5 A. It means that we're interconnecting
6 100 megawatts, but it's not -- it's not in
7 increasing the amount of transmitted energy on
8 the system. It's literally behind the meter.

9 So it says you can never exceed
10 350 megawatts on the system. But you have
11 100 megawatts of solar that if, say, the wind
12 dies down, then you can interject that into the
13 system as long as you maintain below
14 350 megawatts. So that's -- available
15 transmission capacity is the terminology that's
16 used.

17 Q. So in various places in the
18 application you use the term "grid injection
19 capacity"?

20 A. Yes.

21 Q. Is that what we're talking about?

22 A. Grid injection capacity is kind of
23 the term that relates to what you can inject
24 into the system and have it go where you
25 desire.

1 Q. So why is there a grid injection
2 capacity? What causes that to happen?

3 A. That's the capability of the
4 Bonneville system. It has limitations. I
5 mean, wires have limits. Bonneville has to
6 manage reliability on the grid, so they have to
7 maintain the electrical characteristics of
8 everybody that's interconnected with the grid.
9 And so they do a lot of study to determine, you
10 know, how much can be inter -- injected at any
11 point in the system.

12 Q. And any hope that you can get your
13 overbuild into the system?

14 MS. PERLMUTTER: Objection as to
15 form. You can answer.

16 THE WITNESS: We don't need to.
17 It's overbuild.

18 BY MR. ARAMBURU:

19 Q. Okay.

20 A. You inject it whenever you drop
21 below 350 megawatts injection, you can use some
22 of that overbuild. Let me just go through.
23 Let's say, you know, the wind is blowing, we're
24 generating 350 megawatts injection of wind on
25 the east side, and the wind starts to die down.

1 Okay. The solar's there and
2 available. It's daytime. We can just start
3 injecting the solar to maintain 350 megawatts,
4 even though the wind has died down.

5 Q. So over the course of a year, what
6 period of time in percentages, perhaps, would
7 you not be able to use the full capacity, the
8 full nameplate capacity and interject it into
9 the grid?

10 MS. PERLMUTTER: Objection. Calls
11 for speculation. You can answer.

12 THE WITNESS: You know, that's kind
13 of a commercial concern. That's -- I mean,
14 that's the intellectual property that,
15 we're trying to market this project, and
16 we're designing various components of it to
17 optimize the output relative to the
18 climatic conditions that are here.

19 And we spend a lot of effort to make
20 sure those numbers are ideal. And we work
21 with our potential offtakers -- I mean,
22 that's why we did the 100 megawatts
23 overbuild was in response to an offtaker's
24 desire to be able to optimize the
25 transition on the grid.

1 And what I mean by that is, if you
2 have 350 megawatts of wind, you've got have
3 350 megawatts of capacity. Well, what
4 happens when the wind stops blowing? You
5 still have that obligation. You're still
6 paying for that capacity on the system.

7 So what if you could add solar that
8 would ramp up using that same contractual
9 capacity to use it when the wind is not?
10 You're optimizing your system.

11 And the same thing goes for battery
12 storage. The intent is to optimize it so
13 when you've got solar, when you've got that
14 excess solar that's there and able to
15 generate, you can divert it to charge the
16 battery without using the transmission
17 system.

18 And so all of these things work
19 together to optimize the project for the
20 eventual offtaker.

21 BY MR. ARAMBURU:

22 Q. I understand that.

23 And who was the offtaker that wanted
24 the 100 overbuild, the 100 megawatts overbuild?

25 A. I can't answer that.

1 MS. PERLMUTTER: You tell me. If
2 that's confidential, then I'm going to
3 object and ask him not to respond.

4 THE WITNESS: It's confidential
5 negotiations. I'm not at liberty to say
6 that.

7 BY MR. ARAMBURU:

8 Q. Are these ongoing negotiations now?

9 A. Yes.

10 Q. My question to you is without regard
11 to an offtaker or purchaser of the project.

12 My question to you is, you've
13 described a scenario by which wind slows down,
14 but the sun keeps shining just like it's
15 shining out today?

16 A. Yeah.

17 Q. And then you can ramp up the sun to
18 take account of the declining production from
19 your wind turbines, correct?

20 A. Exactly. You got it. You got.

21 Q. Okay. Now, my question to you is,
22 how often does that happen? What period of
23 time over the year? Is this 10 percent of the
24 year, 20 percent of the year, 50 percent of the
25 year? How often does this happen?

1 A. Frequently.

2 Q. Well, I mean, but can you help me
3 with some sort of quantification if you would,
4 Mr. Kobus?

5 A. I would rather refrain from it
6 because we're still optimizing the project. I
7 mean, we don't know what size the batteries are
8 going to be. You know, we know what size the
9 solar is going to be, but that is our
10 intellectual property. That's what we do for a
11 living.

12 Q. But these are mathematical
13 calculations, are they not? These are
14 calculations that you make?

15 A. I have to know the exact conditions
16 of what size the battery is, what time of year
17 that you're talking about, to, you know, be
18 able to determine what that optimization level
19 is. But bottom line, I can't spout it off, off
20 the cuff. If I said a number, I'd be wrong.

21 Q. Why?

22 A. Because -- you said this is a big
23 document. And I'm the project manager for this
24 site, and I have to know a little bit about
25 everything. So I can be a few questions deep

1 on anything, but I don't have all those numbers
2 at my -- on the tip of my tongue.

3 Q. Okay. But there are certain times
4 of the year when the overbuild for solar or the
5 overbuild for wind, correct? There's an
6 overbuild for wind?

7 A. Yes.

8 Q. Okay. Both of those might be
9 optimized when one or the other declines in
10 production?

11 A. Correct. Well, the overbuild on the
12 wind is a bit different.

13 Q. Explain why.

14 A. The overbuild on the wind is, from
15 the point of generation to the actual point of
16 delivery to the grid, there's electrical
17 losses.

18 And so, with the wind, you can
19 technically have those overbuilt turbines
20 functioning all the time because all they're
21 doing is making up for the losses between your
22 nameplate generation and what's actually
23 getting injected into the grid.

24 Q. I'm sorry, doesn't that depend on
25 the length of the transmission?

1 A. It depends on all things electrical
2 related to the project. There could be
3 turbines on one side of the project generating
4 fairly strongly and on the other side not.

5 So it's just, you know, a dynamic
6 where you have the overbuild design to be the
7 desired amount to make up for the average
8 electrical losses on the project. But
9 recognize you can never exceed your available
10 injection capacity.

11 Q. Okay. But you're talking about line
12 losses, right?

13 A. Yeah.

14 Q. That's, what, 3, 4 percent at most?

15 A. That's probably a fairly good
16 number, yeah.

17 Q. But you're not overbuilding because
18 you're losing 3 or 4 percent on the
19 transmission, are you?

20 A. Oh, yes, we are.

21 Q. That's the sole reason for
22 overbuild?

23 A. Oh, yes.

24 MS. PERLMUTTER: Objection.

25 Mischaracterizes his testimony. But you

1 can answer.

2 THE WITNESS: Yes. We have other
3 projects within the Scout portfolio that we
4 have overbuilt turbines for that exact
5 reason, and it works quite well.

6 BY MR. ARAMBURU:

7 Q. So if you get to a situation where
8 the grid can no longer take power because
9 you've reached grid injection capacity, then at
10 that point, whatever solar energy is being
11 produced or turbine energy is being produced
12 isn't doing anything, is it?

13 A. We have -- we will have what's
14 called a park controller for the output of
15 project that will make sure you don't exceed
16 your injection limit for the grid. And it will
17 ramp back on any generators as necessary to
18 remain below that maximum injection capacity.

19 Q. Okay. So if you've reached grid
20 injection capacity, and you've got -- do you
21 turn off the turbines, then? Is that what you
22 do?

23 A. No. They're ramped back. I mean,
24 you have the ability to dial back the
25 generation of any turbine, individually or as

1 an entire park.

2 Q. Okay. And you do that by changing
3 pitch of the blades; is that right?

4 A. Generally, yeah. Yeah.

5 Q. Okay. We were going through the
6 project here, and you've been very helpful with
7 trying to provide a bit of a kind of continuum
8 here.

9 So I think we're at the point of
10 350 wind, 300 solar, 650 total megawatts.

11 A. Okay. I thought we were at the
12 point of 350 wind, 300 solar, 100 solar.

13 Q. Okay. Okay.

14 A. Overbuild, 100 overbuild.

15 Q. And if I'm trying to put words in
16 your mouth, Mr. Kobus, tell me to stop, okay?

17 A. All right.

18 Q. So now we're up to it looks like, if
19 my math is right, 750?

20 A. Of generation, yes.

21 Q. Okay.

22 A. I mean, it can actually be more than
23 that because the solar generation is based on
24 the inverter, the nameplate rating of the
25 inverter.

1 I can actually have more solar
2 panels than the nameplate rating of the
3 inverter to increase efficiency of the
4 operative project.

5 Because the sun doesn't shine all
6 the time. And so we actually optimize the
7 number of solar panels. So if you're looking
8 at nameplate solar panels, that can actually
9 even be higher.

10 That's a difficulty with evaluating
11 it this way is that, you know, these are
12 parameters related to our agreements with
13 Bonneville, which is a federal power marketer.
14 And, you know, the State's just concerned that
15 you meet Bonneville's criteria. And so, you
16 know, we're designing the project with that in
17 mind.

18 But the key parameters are what we
19 say in the application for site certification,
20 and that's the nameplate capacity of the wind
21 and the nameplate capacity of inverters.

22 Q. I'm going to really try to simplify
23 this, and if you don't agree with me, tell me.

24 BPA doesn't care how many turbines
25 you build, how many solar panels you put, or

1 anything else, as long as you don't try to put
2 more than a certain amount into the grid?

3 A. That's not true.

4 Q. Okay. Why am I wrong?

5 A. BPA has to manage the electrical
6 characteristics of the grid and maintain
7 reliability for everyone that's interconnected.
8 I can't overbuild any more than four turbines
9 because that's what we filed in our
10 interconnection application.

11 So BPA cares very much. In fact,
12 they care that the turbines we interconnect are
13 state of the art technology and have certain
14 electrical control characteristics that meet
15 their criteria for grid reliability. So, yes,
16 of course, Bonneville cares.

17 Q. But their principle concern is that
18 a solar farm, wind farm, hybrid project doesn't
19 try to inject into the system more than a
20 certain amount?

21 MS. PERLMUTTER: Objection as to
22 foundation. But you can answer if you can.

23 THE WITNESS: They will assure that
24 we do not inject more than we are
25 contractually allowed, and they'll require

1 us to have devices associated with the
2 project that control that.

3 BY MR. ARAMBURU:

4 Q. Okay. Okay. Now, I think we're up
5 to around 750. Now, what's the next step in
6 the continuum of the project?

7 A. We terminated the 300 megawatt
8 interconnection request on the east side.

9 Q. Why was that?

10 A. We discovered that when Bonneville
11 was doing their feasibility studies, that what
12 they would have required to do for the network
13 would have been extremely costly. And we
14 decided that it would not have been in the best
15 interest of our potential offtake market to
16 shoulder that kind of cost.

17 Q. So you forgot about the 350, then?

18 MS. PERLMUTTER: Objection. Form.
19 You can answer.

20 THE WITNESS: The 350 is still
21 there. This is the extra 300 solar that we
22 added and then terminated.

23 BY MR. ARAMBURU:

24 Q. Okay. But as I understand it,
25 the -- you terminated the -- your position in

1 the queue for the 350?

2 A. No. For the 300.

3 Q. Oh, for the 300. Excuse me.

4 A. The extra 300 solar. Every one of
5 these interconnects is a precise application
6 document and a precise queue position and, you
7 know, meets all of Bonneville's tariff
8 requirements related to it.

9 So they manage the queue. And so if
10 you put in 300 and then terminate it, it
11 doesn't affect anything else in the queue. You
12 just terminated your queue position for that
13 300 desired injection.

14 Q. Somebody else moves up?

15 A. In this case, anybody could file,
16 but there wasn't capacity to do it because, as
17 I said, when we had our feasibility study, it
18 was determined that the network upgrades that
19 would be required -- well, I don't want to
20 repeat myself, so...

21 Q. Network upgrades on the BPA side?

22 A. On the BPA side would be very
23 expensive, yes.

24 Q. So has a decision been made now
25 between the 244 smaller turbines and the

1 150 larger turbines? Is that a corporate
2 decision made as of now?

3 A. No. We -- that will be a
4 last-minute determination when we go to the
5 turbine supplier and negotiate for the turbine
6 that we desire to have.

7 Q. So there's interconnect proposals
8 that have been made to BPA, am I correct about
9 that?

10 A. Yeah.

11 Q. For the whole project?

12 A. Yes.

13 Q. And what's the status of those?

14 A. We have -- we're at the E&P
15 agreement stage for both interconnections,
16 which means Bonneville is doing engineering and
17 procurement that we have funded to advance the
18 design of the projects, culminating in a large
19 generator interconnection agreement once we
20 have unappealable permit available.

21 Q. And when do you expect the decision
22 on the interconnect with BPA?

23 A. At the point we have an unappealable
24 permit.

25 Q. If you got your permit today, would

1 you get the approval from the interconnect --
2 large interconnect agreement with BPA?

3 A. Within a very short period of time,
4 yes.

5 Q. I understand from the application
6 that they're going through a NEPA review
7 process?

8 A. Yes, yeah.

9 Q. And when will that be complete?

10 MS. PERLMUTTER: Objection.

11 Foundation. You can answer if you know.

12 THE WITNESS: Typically, it's the
13 last thing they do before issuing the large
14 generator interconnect agreement.

15 BY MR. ARAMBURU:

16 Q. Okay. And then I gather from
17 reading the application, sometime or another,
18 batteries were added to this thing?

19 A. Yes, battery storage.

20 Q. And when did that happen?

21 A. When we added the solar. It was a
22 solar battery. So it was a hybridization that
23 was done at the same time.

24 Q. Okay. And reading the application,
25 it looks to me that there's 300 megawatts of

1 batteries in two -- and 1550 in each place, am
2 I right about that?

3 A. Yes. We intended -- we have two
4 points of interconnection. And so, to optimize
5 the project, we wanted the solar and the
6 battery to be clustered by the interconnection
7 to minimize the amount of wires to make it as
8 cost effective as possible.

9 Because we didn't know where
10 Bonneville was actually going to finally decide
11 where the western interconnect would be, we had
12 to have a redundant part of the application to
13 cover whichever decision Bonneville would make
14 so that we wouldn't have to add it to the
15 application later on in the process, which
16 would, you know, be an increased impact
17 environmentally, so...

18 Q. So I don't see any drawings or
19 designs or any engineering for the battery
20 project. Is that ongoing that?

21 A. That is ongoing, yes.

22 Q. But it's not here, is it? Here --
23 I'm sorry, here as in the updated amended site
24 application?

25 A. There's as much in there about the

1 battery as I believe there is about solar and
2 wind.

3 Q. Okay. Well, we have locations for
4 the turbines.

5 A. And the type of battery technology
6 that's available in the market, the size of
7 battery that we are anticipating using.

8 Q. And the batteries are going to be
9 lithium ions?

10 A. That's the most commercially viable
11 economical technology on the market today.
12 However, it's going to be whatever the offtaker
13 desires. The offtaker could step up and say, I
14 want eight hour batteries, or I want a flow
15 battery of a different technology, and we would
16 scramble to accommodate that, if necessary, do
17 an amendment to our SCA, and a supplemental
18 EIS, if necessary, to accommodate it.

19 Q. So let me understand that scenario.
20 Scout would build the project to the
21 specifications of the offtake, is that the way
22 it works?

23 A. We would attempt to design the
24 project to meet their specifications, but we'd
25 have to permit it. We'd have to adjust our

1 permitting to incorporate it.

2 Q. So would it be more than
3 300 megawatts for batteries?

4 MS. PERLMUTTER: Objection.
5 Speculation. You can answer.

6 THE WITNESS: We don't intend to
7 increase the size of the batteries, no.

8 BY MR. ARAMBURU:

9 Q. And I read in the application that
10 the size of the area for the batteries is
11 six acres; is that right?

12 A. Could be if we build the largest
13 amount we were contemplating, yes.

14 Q. But as we're sitting here today and
15 we're thinking about whether this ought to be
16 approved or not, we should assume two battery
17 locations with 150 megawatts each, correct?

18 A. That's correct.

19 THE COURT REPORTER: Can we take a
20 break?

21 MR. ARAMBURU: Yes.

22 (A recess was taken.)

23 BY MR. ARAMBURU:

24 Q. Mr. Kobus, we're back on the record
25 now. I want to have you turn to page 2-15 of

1 the amended ASC. So there's -- under
2 section 2.3, there's some redline language that
3 was added here.

4 Was that something you were
5 responsible for?

6 A. Yes, I was.

7 Q. So do I have the right person as the
8 one who wrote it?

9 A. Yes, yes.

10 Q. Okay. Wonderful, wonderful. Okay.

11 And so why was the redline put in?
12 What was the change that was necessary? Can
13 you explain?

14 MS. PERLMUTTER: Objection. The
15 document speaks for itself. You can
16 answer.

17 THE WITNESS: There were two things
18 that were going on, one with Bonneville and
19 one with EFSEC staff. The EFSEC staff
20 exchange was when EFSEC was going to
21 publish the -- their notice, their SEPA
22 notice for having to do an EIS --

23 BY MR. ARAMBURU:

24 Q. Let me interrupt you.

25 A determination of significance,

1 would that be the document?

2 A. Yes.

3 Q. Okay. Excuse me for the
4 interruption.

5 A. Yeah. And I had an exchange with
6 Amy Hafkemeyer at EFSEC about the concept of
7 nameplate capacity. That, you know, I had
8 discovered that, you know, for example, on the
9 solar, if the application materials say
10 nameplate capacity, it depends on whether it's
11 the solar inverters or the solar modules
12 themselves, which as I said earlier, could add
13 up to a larger amount of generation potential
14 than the inverter itself. And so we were
15 clarifying the terminology related to nameplate
16 capacity so it was clear that you could
17 overbuild.

18 What was happening with Bonneville
19 is, Bonneville was, you know, maintaining the
20 policy of the inverter nameplate for solar, but
21 they were also saying that you could not
22 overbuild wind.

23 And so we engaged in further
24 conversation with Bonneville and eventually
25 came to the understanding -- we got to the

1 right person in Bonneville, and came to
2 understand that you could overbuild the wind,
3 you just have to have a separate interconnect
4 to do it. You have to spell out how many
5 turbines, what type of turbines that you would
6 use to be able to overbuild the wind.

7 So at that point it was clear we had
8 to change the terminology so that it supported
9 the fact that you could do overbuild of both
10 solar panels and wind turbines.

11 And so this redline was an intent to
12 just bring together all of that mutual
13 understanding that occurred between us and
14 EFSEC and Bonneville at the time.

15 Q. Well, let's stick with page 2-15.

16 A. Sure.

17 Q. You indicated that you could
18 overbuild, wind turbines -- push solar off to
19 the side for a second -- overbuild wind
20 turbines even though -- okay.

21 You could overbuild wind turbines,
22 but BPA had to know how these wind turbines
23 were going to get -- these overbuilt turbines
24 were going to get on the system.

25 A. Yeah.

1 Q. And have you provided that
2 information to them?

3 A. Yes. We filed an interconnection
4 request to add four turbines, four additional
5 turbines of the same kind of turbine to the
6 project configuration.

7 Q. Okay. And so over onto page --

8 A. Just can I clarify one thing?

9 Q. Okay.

10 A. These four overbuild turbines are
11 part of the 235. They're not four additional
12 that we're slamming out there. Okay. They
13 would be part of the 235 that we're allowed to
14 build.

15 Q. Okay.

16 A. We would just configure the site so
17 that whatever was injecting on the east side
18 had those four additional turbines injecting
19 there, so they wouldn't be available to inject
20 on the west side.

21 Q. Okay. And more capacity in the east
22 side substation than the west?

23 MS. PERLMUTTER: Objection as to
24 form. You can answer if you can.

25 THE WITNESS: On the east side per

1 the interconnect applications we have in
2 the queue, we have the ability to interject
3 350 megawatts of wind turbines, plus four
4 more or -- or 13.6 more megawatts above
5 that 350 as overbuild.

6 BY MR. ARAMBURU:

7 Q. Let me have you look at page 2-15,
8 the second full paragraph.

9 A. Okay.

10 Q. Is this something you wrote?

11 A. Well, again, it's -- working with
12 Tetra Tech, I contributed, you know, editorial,
13 yes.

14 Q. So I'm reading this, and it says
15 that the transmitted the two -- two
16 transmission lines, two interconnections, one
17 east, one west.

18 A. Okay.

19 Q. And 650 megawatts of nameplate
20 generating capacity could interconnect at the
21 Bofer Canyon substation.

22 A. Correct.

23 Q. But that's limited to the
24 350 megawatts injection capacity, right?

25 A. That's actually an error. I need to

1 fix that.

2 Q. Okay.

3 A. Because at that time, the 650 was
4 the 350 wind plus that additional 350 solar,
5 which we subsequently terminated.

6 Q. So this is incorrect?

7 A. Yeah, this is incorrect. I need to
8 fix that.

9 Q. So tell me how we can fix it.

10 A. We can only inject -- per our
11 current interconnection request, we can inject
12 350 megawatts on that 230 kV system.

13 Q. That's what it says.

14 A. It says up to 650.

15 Q. Well, it says up to 650 --

16 A. Could interconnect. It says up to
17 650 could interconnect, but that it's limited
18 to 350 injection capacity. While, if we were
19 doing 650, we would need 650 of injection
20 capacity.

21 Q. But you don't have 650, you only
22 have 350?

23 A. Wind only we have 350, and we
24 terminated the interconnection for the
25 300 solar. So I could tomorrow file a new one

1 for that 350 solar and be within my, you know,
2 EFSEC permitting bounds, but we don't intend to
3 do that.

4 Q. So, I'm sorry, the way I read the
5 sentence, and this appears to be your sentence,
6 so I want to make sure we get it right.

7 It says up to 650 megawatts of
8 nameplate generating capacity, limited to
9 350 megawatts grid injection capacity, could go
10 to the planned 230 kV Bofer substation.

11 So as I understand it, we have
12 650 megawatts of nameplate generating capacity
13 that can be hooked up to the system, but the
14 most you can do is 350. That's the way I read
15 that sentence.

16 A. Well, that is correct. That's the
17 most we can do, yeah.

18 Q. Okay. Good.

19 Now, so that -- so that sentence is
20 fine?

21 A. Yeah, that's true. At this point in
22 time, that's fine. We terminated the extra
23 300.

24 Q. Then it says, up to 350 megawatts of
25 nameplate generating capacity, grid injection

1 capacity, could interconnect to the BPA 500 kV
2 Webber Canyon substation.

3 But that doesn't say whether that's
4 wind or solar.

5 A. No. You said up to 350, but it's up
6 to 500 is what it says. Up to 500 megawatts.

7 Q. As I read the sentence, and I don't
8 want to argue with you, Mr. Kobus, but as I
9 read the sentence, it says that 350 nameplate
10 generating capacity could be wind or solar. It
11 doesn't separate it --

12 A. I'm sorry, you've lost me. Are you
13 on second full paragraph on 2-16?

14 Q. I'm on the third sentence:
15 Up to 500 megawatts of nameplate
16 generating capacity/grid interconnect.

17 A. Correct. I'm with you.

18 Q. But that doesn't say that that's
19 wind or solar or combination of the two, just
20 500 megawatts, period.

21 A. Okay.

22 Q. Is that right?

23 A. That's what it reads, yes.

24 Q. And is that correct? Have I got it
25 right?

1 A. At the time we updated it, that was
2 correct. Originally, this was a 500 megawatt
3 interconnection request for wind, but we
4 subsequently did material modification and
5 evaluation and it is now 340 megawatts of wind
6 and 160 megawatts of solar, per those --

7 Q. So is this information correct or
8 not?

9 A. This is the application information,
10 yes.

11 Q. Okay. We don't need to correct
12 this, this isn't wrong?

13 A. No, it doesn't need to be corrected.
14 But we've filed another interconnect request
15 for another 100 megawatts of solar there. So
16 if you look in the queue, we have 600 megawatts
17 of interconnect request right now at that 500
18 kV.

19 Q. So let me go over and let's talk
20 about solar now, if we may. And look over on
21 page 2-49 of the application.

22 A. Okay. I am there.

23 Q. And it's paper, Mr. Kobus, my
24 goodness.

25 A. Yeah.

1 Q. Down in the second paragraph --

2 A. Slick paper, too.

3 Q. We had it printed thickly so it
4 wouldn't bleed through.

5 A. Yeah.

6 Q. Second paragraph talks about solar
7 arrays --

8 A. Yes.

9 Q. -- and nameplate generation
10 capacity. And then there would be -- first
11 sentence says micrositing factors, solar
12 technology. Then it says:

13 Nameplate generation capacity of
14 solar arrays may be greater than --

15 (The Court Reporter requested
16 clarification.)

17 BY MR. ARAMBURU:

18 Q. We'll start that sentence over
19 again.

20 The nameplate generation capacity of
21 the solar arrays may be greater than the
22 maximum grid injection capacity, but will be
23 limited to the maximum grid injection capacity
24 as a function of the AC ratings of the
25 inverters.

1 Is that right?

2 A. Yes.

3 Q. Okay. So what's the maximum grid
4 generation -- you refer to maximum grid
5 injection capacity here. What is that number?

6 A. Well, the purpose of this sentence
7 is to state what I've already related to you
8 about that the solar arrays, the modules, can
9 actually be greater than the inverter capacity.
10 And so our interconnect is limited to the
11 inverter nameplate rating. That's what that's
12 intended to say.

13 Q. I'm going to try to make this
14 simple, and correct me if I'm wrong.

15 The solar panels can create all the
16 generation that you want, but what actually is
17 produced and goes into the grid is limited by
18 the inverter?

19 A. Correct.

20 Q. And how much of -- how much more
21 nameplate capacity of the panels would there be
22 than the inverter capacity?

23 A. That's a design parameter we're
24 still optimizing.

25 Q. I mean, in general terms, 5 percent,

1 2 percent, 20 percent?

2 A. 20.

3 Q. 20 percent?

4 A. Yeah.

5 Q. Okay. Can you buy a different
6 inverter and get it to produce more power?

7 A. Sure.

8 Q. So as we go through this process and
9 we're looking at these turbines, can you tell
10 me what the output of each individual turbine
11 is that's located on your maps?

12 MS. PERLMUTTER: Objection to form.

13 Answer if you can.

14 THE WITNESS: The smaller size
15 turbine?

16 BY MR. ARAMBURU:

17 Q. Well, let's say bigger size. We'll
18 talk about the 244 smaller turbine arrangement.

19 A. Okay.

20 Q. Is there data available that
21 predicts the amount of generation that comes
22 from each turbine as shown on your drawing that
23 locates the turbine?

24 MS. PERLMUTTER: Renew the
25 objection. You can still answer.

1 THE WITNESS: It's the nameplate
2 capacity of the turbine itself. If at the
3 time we submitted the application we had a
4 3 megawatt model versus a 6 megawatt model.
5 Now, that 3 megawatt model is likely to be
6 a 3.4 megawatt turbine, and that is its
7 limit, 3.4 megawatts.

8 BY MR. ARAMBURU:

9 Q. Okay. I think I misspoke --

10 A. Okay.

11 Q. -- when I did my question. Let's go
12 at it again.

13 The -- can you predict, let's say,
14 for a 3 megawatt turbine that's located in each
15 part of the site, how much power would actually
16 come from that, given wind parameters, other
17 parameters for the property?

18 MS. PERLMUTTER: Object as to form.

19 You can answer if you can.

20 THE WITNESS: Depends on the wind
21 how much it's generating. It can't
22 generate more than 3.4 megawatts.

23 BY MR. ARAMBURU:

24 Q. But let me put it this way.

25 Is your assumption when you give us

1 this drawing that shows all the wind turbines,
2 and I know they're going to be moved around,
3 but the assumption is each one of these
4 turbines is going produce the same amount of
5 power?

6 A. Well, they're not going to be moved
7 around. The micrositing corridors are the
8 micrositing corridors.

9 Q. Okay. We'll leave that out of the
10 question.

11 A. Okay.

12 Q. We'll leave that out of the
13 question.

14 A. Okay. Can you repeat the --

15 Q. Is the assumption, the operating
16 assumption when you locate these turbines on
17 the map, that each one of them is going to be
18 equal in production to every other one?

19 A. They're all going to be different.

20 Q. And --

21 A. But they can't exceed 3.4 megawatts.

22 Q. I understand that.

23 But do you have information that
24 might indicate which of the turbines would be
25 better producers than other turbines?

1 A. Yes, we do. That's how we cited the
2 turbines on the site originally is, you look
3 for the highest wind spot and you put a dot
4 there. So I want that turbine, that's the
5 highest one.

6 Then you fill out the site and force
7 rank the turbines based on their production
8 potential. And when you get to the maximum
9 injection capacity you can inject, the rest of
10 the turbines are on the bench because they're
11 lower producers.

12 Q. Okay. But is that data, is that --
13 does that data exist for the individual
14 turbines?

15 A. Well, yeah, we create that data.
16 That's the intellectual property that gives us
17 our competitive advantage.

18 Q. Okay. I understand your position on
19 that, but that data does exist?

20 A. Well, we're marketing a project so,
21 of course, we're going to analyze it to the
22 fullest extent, yes.

23 Q. I'm not trying to get into marketing
24 or proprietary interest or anything of that
25 nature.

1 A. Okay.

2 Q. My question is simple.

3 Is the data available by which we
4 could look at each turbine to see what its
5 production is?

6 MS. PERLMUTTER: Objection as to
7 form. You can answer it if you can.

8 THE WITNESS: I cannot answer it,
9 and the reason I cannot answer it is we
10 have obligations with the turbine suppliers
11 that we will not disclose their power
12 curves, period.

13 MS. PERLMUTTER: If I may, for a
14 second. My objection was to form because
15 of the question available. I think you
16 guys are talking cross purposes.

17 If your question is, does data
18 exist, there's one answer. If your
19 response is, can I disclose the data,
20 that's a different answer.

21 Now I'll let it to you guys to
22 figure out what you want to do.

23 BY MR. ARAMBURU:

24 Q. It was the first question, does this
25 data exist, no matter proprietary, secret,

1 triple X secret?

2 A. Yes.

3 Q. Okay. And that would be data for
4 each turbine?

5 A. I mean, we wouldn't be flying blind
6 designing a project without knowing that
7 information. The data exists and it's our
8 competitive advantage.

9 Q. I understand. It was not intended
10 to be a disparaging question. I just want to
11 know whether the data exists or not.

12 A. Okay.

13 Q. I read some information about the
14 impacts of wakes from one turbine on the next
15 downstream turbine. Are you familiar with that
16 concept?

17 A. Yes, I am.

18 Q. And so other people who may be
19 reading this for the first time, what is the
20 wake effect?

21 A. Well, the wake effect is that every
22 turbine has an influence on the wind that goes
23 past it because it extracts energy and it
24 creates turbulence.

25 Just like, you know, a boat on the

1 river. There's a wake of stirred-up water that
2 is there after the boat leaves, and it makes
3 waves and reverberates and eventually
4 dissipates.

5 With turbines, there's a wake effect
6 that influences that downstream wind. And so
7 when you design a project, you make sure you
8 have certain distance between turbines on a
9 string and between subsequent strings of
10 turbines to make sure that that wake has
11 adequately dissipated so it doesn't have a
12 dominant effect on the performance of the
13 turbine that's just downwind of it.

14 Q. And was the wake effect studied for
15 either the 244 turbine or the 150 turbine
16 project?

17 MS. PERLMUTTER: Objection as to
18 form. You can answer if you can.

19 THE WITNESS: The layout of the site
20 is precisely that way to make sure that the
21 wake effects are minimized to the extent
22 necessary to maintain the performance of
23 the turbines that we desire.

24 BY MR. ARAMBURU:

25 Q. I understand that was the intention.

1 What engineering or design was done
2 to assess the wake effect of the turbines?

3 MS. PERLMUTTER: Object as to form.
4 You can answer if you can.

5 THE WITNESS: We know the wind
6 resource profile. We know the performance
7 characteristics of a given wind turbine.
8 We model them together to come up with what
9 we believe the production profile is for
10 the site.

11 BY MR. ARAMBURU:

12 Q. I understand that.

13 But is there a specific modeling
14 that takes into account the wake turbulence?

15 A. Our internal modeling, yes, it does.
16 Yeah, we have to know that. Yeah.

17 Q. And that was done for this project?

18 A. Of course, yes.

19 Q. And did you have Greg Poulos do that
20 work?

21 A. We do it internally, and then we
22 also have independent evaluators that do it.
23 So, you know, Greg Poulos is affiliated with
24 ArcVera. And so ArcVera is our second check of
25 our internal assessments, yes.

1 Q. And did ArcVera run a model to
2 assess the effect of wake turbulence on
3 downstream turbines?

4 MS. PERLMUTTER: Objection.

5 Foundation. You can answer if you can.

6 THE WITNESS: On our turbines, yes.

7 BY MR. ARAMBURU:

8 Q. And when was that done?

9 A. It's continually done on a frequent
10 basis. Every time we change the layout we
11 reevaluate it.

12 Q. And in my readings, it appears that
13 Mr. Poulos has been active in the community
14 talking about the impacts of wake turbulence.
15 Are you familiar with that work?

16 A. Yes, yeah.

17 Q. And was that model that he was
18 talking about in those studies been applied to
19 this project?

20 A. I do not know what model you're
21 referring to. I'm sure my resource manager
22 would, but I don't keep up with the different
23 names and vintages of the software.

24 Q. Okay.

25 A. I might add that the turbine

1 supplier as well restricts how close you can
2 have turbines to each other.

3 Q. Why does the turbine supplier care?

4 MS. PERLMUTTER: Objection.

5 Foundation. You can answer if you can.

6 THE WITNESS: Because the loading,
7 the mechanical loading on the turbine, is
8 affected by wakes as well.

9 So it's not just production. It's
10 the structural integrity and the -- they
11 have to warrant it to last a period of
12 time. And so in order to honor the
13 warranty, they have to make sure you're not
14 overloading the turbines by exposing them
15 to a greater wake.

16 BY MR. ARAMBURU:

17 Q. Let me try to make it simple, and
18 disagree with me if you like.

19 There are two concerns with wake
20 turbulence. One is, you're robbing the
21 downstream turbine of wind, affecting its
22 efficiency, and you're also creating
23 turbulence.

24 A. No. That is the same thing.

25 Q. Okay.

1 A. The two concerns are the impacts of
2 the turbulence on the downstream turbines, plus
3 the mechanical loading that occurs from that
4 turbulence.

5 Q. So I understand.

6 The wind is now uneven, it's not a
7 linear path?

8 A. Right.

9 Q. We've got a bunch of wind that's
10 running around like that, and that may put
11 additional pressures on the downstream turbine,
12 and so the manufacturers want to assess that;
13 is that right?

14 A. Exactly, yeah.

15 Q. Okay. Okay.

16 A. You got it.

17 Q. See, we're going to agree on
18 something.

19 A. Yeah.

20 MS. PERLMUTTER: Excuse me if I
21 throw up for a moment.

22 BY MR. ARAMBURU:

23 Q. Let's turn to page 2-103. I
24 understand that the proposal is to phase this
25 project?

1 A. When we were initially conceiving
2 how to permit this, we wanted to accomplish two
3 main things. Number one is, we wanted to
4 permit it all at once because we wanted to
5 assure that for all of the stakeholder concerns
6 out there, that we are putting forth the
7 maximum extent of what we conceive we can
8 develop in this -- in Benton County.

9 And so at the time, the
10 interconnections were on separate paths in the
11 Bonneville evaluation system. We didn't know
12 which interconnect was going to get built
13 first, east or west.

14 So it could have been that we were
15 thinking of Phase 1 initially, but the Phase 2
16 interconnect became federalized and got built,
17 and we wanted to shift to then starting on
18 Phase 2 first.

19 We also conceived that maybe we
20 could build the whole thing all at once. But
21 in the application, we had to accommodate all
22 of those concepts, but at the end of the day,
23 we had to make sense of it, too, so that people
24 can understand it.

25 But the decision as to how we build

1 the project, whether phasing, all at once, will
2 in large part be determined by the turbine
3 supply. You know, turbine suppliers are
4 changing how they commit their production
5 capacity.

6 And so the turbines, we may not be
7 able to get all the turbines in a single
8 season. We may not be able to get all the
9 craft people that we need to construct it all
10 in the same season.

11 You know, it's the concept where if
12 it takes so long to do something with ten
13 people, adding ten more can cut it in half, no,
14 that isn't how it works. But, also, we don't
15 know if the craft capacity is going to be
16 available at the time that we need them. They
17 could be building a solar project in
18 Yakima County and Benton County at the same
19 time, as well as a wind project in Oregon.

20 And so until we get to the final
21 throes after we get an unappealable permit and
22 actually start the contracting process and the
23 financing process, we won't know for sure how
24 this is going to be staged.

25 Q. Okay. Well, I've been reading table

1 2.15-1, and seeing that as the phases that
2 would be followed. Is that table still
3 accurate?

4 A. Yeah. Relatively speaking, yeah.

5 Q. So I have not seen a drawing or a
6 map of where Phase 1 is. Can you tell me where
7 Phase 1 is?

8 A. It can change.

9 Q. Well --

10 A. The concept at the time we did this,
11 you can see Phase 1 says 230 kV, right? So
12 it's turbines and solar and battery in
13 proximity to the 230 kV point of
14 interconnection.

15 Q. But right now, I don't see a map
16 that shows where Phase 1 and Phase 2 is; is
17 that correct?

18 A. It hasn't been determined yet.

19 Q. Would it be fair to say that one is
20 east and one is west?

21 A. That's where the 230 kV interconnect
22 is on the east, yeah. You can say that, yeah.

23 Q. So Phase 1 on the -- I'm trying to
24 figure out --

25 A. Okay.

1 Q. -- because we're working towards the
2 hearing where we are here.

3 A. Yeah.

4 Q. So the battery system, Phase 1,
5 150 megawatts of battery.

6 A. Yeah.

7 Q. Phase 2-A another 150 --

8 A. Yeah.

9 Q. -- megawatts. But Phase 2-B, the
10 alternative, has no batteries in it at all.

11 A. Because the only reason phase --
12 alternative B exists is as an all wind
13 alternative. That's why there's no battery on
14 alternate B.

15 Q. Okay.

16 A. There's only two phases that were
17 contemplated, but Phase 2 was portrayed as one
18 with battery and one with no battery.

19 Q. Phase 2?

20 A. Phase 2, yeah.

21 Q. Okay. And why wouldn't you do
22 batteries for the wind project?

23 A. Well, we're optimizing the project
24 for the interest of the offtakers. They may
25 not want the battery portion of the

1 hybridization.

2 Q. They may not want either of them?

3 A. There's potential that no one wants
4 the battery, in which case, we just wouldn't
5 build it.

6 Q. It becomes a very different project,
7 though, without the battery, doesn't it?

8 MS. PERLMUTTER: Objection as to
9 form.

10 THE WITNESS: Not really. The
11 battery optimizes it, but it's a great
12 project without the battery.

13 BY MR. ARAMBURU:

14 Q. So over on page 2-102, Phase 2 A and
15 B, one includes 10.2 miles of transmission and
16 the other one has 19. What's the difference?

17 A. There's a keyword in there called
18 intertie. It says:

19 Up to 19.4 miles of 230 kV intertie
20 between the east substation and the west
21 substation.

22 Q. Okay.

23 A. And on Phase 2 alternative A, it's
24 10.2 miles of 230 kV gen-tie from the
25 intermediate substation to the step-up

1 substation. And -- well, you can read it.

2 Q. So gen-tie is a transmission line?

3 A. Yeah. Gen-tie is from the generator
4 to tie into the transmission system, yes.

5 Q. Okay. And then how do we get to the
6 19 on the second one?

7 A. Because we have initially designed
8 in an intertie between the east side of the
9 project and the west side of the project.

10 Q. And that's Phase 2-B?

11 A. That's where it's depicted, yes.

12 Q. That's 2-B?

13 A. Yeah.

14 Q. Okay. Page 2-103 says:

15 The turbine supplier and EPC
16 contractor would be selected during the EFSEC
17 ASC review process.

18 Is that an accurate statement? Do
19 you see where I'm pointing you, Mr. Kobus?

20 A. No, I don't, but --

21 Q. Okay. It's --

22 A. So the intention is that we would
23 have the project permitted as considered in the
24 application. And then we would select the
25 turbine supply, the solar supply, the EPC

1 contractor. And we have an obligation to
2 provide the final design of the site before we
3 start construction. In fact, we -- currently,
4 the DEIS says we have to do it 180 days prior
5 to the start of construction.

6 Q. Okay. But this says it would be
7 selected during the review process. Is that
8 going to happen? We're in the review process
9 now.

10 A. Yeah. And we'll be in the review
11 process until the SCA is approved by the
12 governor.

13 Q. The question is, is that process, is
14 that selection process ongoing now?

15 A. We're constantly working with the
16 turbine suppliers, the solar suppliers, all the
17 equipment suppliers.

18 Q. So I've also looked at the schedule
19 here of construction, which is broken down into
20 two phases.

21 A. Yes.

22 Q. Appears to me to be a pretty
23 aggressive schedule working beginning just a
24 few months after the ASC is approved; is that
25 right?

1 A. That's -- that's correct.

2 Q. Is that the current plan, to build
3 it that quickly?

4 A. We're going to build it absolutely
5 as quickly as we can get started.

6 Q. Okay.

7 A. But we're going to need to finance
8 it first.

9 Q. But it's not financed now?

10 A. No. We don't have a permit. So you
11 can't finance something that doesn't have a
12 permit.

13 Q. Look at page 2-118, please. Very
14 last sentence on that page, would you read
15 that? You can read it to yourself.

16 A. Okay.

17 Q. Is that an accurate statement today?

18 A. Absolutely.

19 Q. You say there that it's:

20 Favorable for regional utilities as
21 it is coincident with peak loading demand.

22 Does this represent your
23 conversation with regional utilities?

24 A. Absolutely.

25 Q. And who would those utilities be?

1 A. All utilities in the region.

2 Q. Like?

3 A. Avista, Portland Sound Energy,
4 Portland General, Benton PUD. Anybody that has
5 a demand for clean energy.

6 Q. And are these utilities ready to
7 purchase the output?

8 MS. PERLMUTTER: Objection.

9 Foundation. Answer if you can.

10 THE WITNESS: It's -- there are
11 press releases constantly about the
12 procurement activities of the regional
13 utilities. You can find exactly what they
14 want based on active RFPs that are
15 currently in existence. You can follow
16 their IRPs, which are publicly available,
17 that actually forecast what their demands
18 are going to be and where they're going to
19 get it and what they think their best
20 viable resource is for them.

21 And we are trying to optimize and
22 formulate this project to meet that
23 evolving demand.

24 BY MR. ARAMBURU:

25 Q. I understand that.

1 But in terms of regional utilities,
2 is there any regional utility that indicates
3 they want to buy the output of this project?

4 A. Is there any that indicate -- yes.

5 Q. How many?

6 A. All of them.

7 Q. All of them are interested in buying
8 the output?

9 A. Plus -- plus C&Is. There's a high
10 demand right now for clean energy. There's
11 going to be shortages in the very near future.
12 There's going to be slim pickings as to what's
13 available to meet those demands. And the
14 closer, the better. The closer we are to the
15 load, the desired market, the better. They all
16 want it. They're clamoring for it.

17 Q. If I was to call PSE this afternoon
18 and ask them whether they want to buy the
19 output of this project, what would they say?

20 MS. PERLMUTTER: Objection. Calls
21 for speculation. And also on foundation.
22 You can answer if you can.

23 THE WITNESS: I can't answer that.
24 They change their minds every day. I'm
25 sorry. They have procurement cycles and

1 they're a regulated utility. They have to
2 follow the rules on how to procure new
3 resources.

4 BY MR. ARAMBURU:

5 Q. Has PSE issued an RFP for a project
6 this size?

7 A. Oh, yeah. They just closed one, in
8 fact. And they've said they're working on
9 another.

10 Q. Okay. The second part of your
11 sentence says that it's a commercially viable
12 site, favorable for utilities, as it is
13 coincident with peak loading demand.

14 Could you explain that?

15 A. The loading demands in the Pacific
16 Northwest are winter. So there are peak winter
17 loading demands. This region is a storm-driven
18 climate. So when the winter storms come in and
19 when the spring storms come in as the seasons
20 change, that's when we get our peak generation.

21 You know, as opposed to a gorge
22 project per se, is more predominantly summer,
23 summer peaking. This is winter peaking, and
24 that's when the utilities' loads peak the
25 largest.

1 So the generation profile of this
2 project is a very good match for the load
3 profile that the utilities have to serve.

4 Q. Well, is it not the case that
5 particularly wind during cold times in the
6 Tri-Cities doesn't blow for days and days?

7 A. There are times it doesn't blow for
8 days and days, that's right.

9 Q. So that's not coincident with peak
10 loading demand, is it?

11 A. Sure is. Because when it does blow,
12 there's a lot of it available. It's an
13 intermittent resource. It generates when the
14 wind blows, correct.

15 MR. ARAMBURU: So it's 1 o'clock.

16 Maybe we --

17 MS. PERLMUTTER: Off the record.

18 (A recess was taken.)

19 BY MR. ARAMBURU:

20 Q. We're back on the record so everyone
21 can hear.

22 Now I'd like you to turn over to
23 2-118.

24 A. Okay.

25 Q. Exhibit 1, or the updated ASC.

1 A. Yes.

2 Q. Section -- paragraph 2.22 is the
3 analysis of alternatives. And it says:

4 The application shall include
5 analysis of alternatives for site, route, and
6 other major elements of the proposal.

7 And there's a page or two here.
8 Goes over to page 121, about alternatives?

9 Did you have any hand in writing
10 this?

11 A. Yes.

12 Q. Did you write it? Are you the
13 author?

14 A. I initiated it, yes. But then it
15 was a team effort, like the entire document.

16 Q. And I have not seen in the ASC or in
17 this particular section of the updated ASC an
18 alternate site layout with fewer turbines; is
19 that correct?

20 A. That's correct.

21 Q. And why isn't -- why haven't you
22 presented a project that has an alternative for
23 site?

24 A. I mean, the ASC explains why we
25 didn't. But it was EFSEC's choice as to how

1 they were going to evaluate alternatives, and
2 they chose the no alternative, and then the two
3 turbine options for the proposed alternative.
4 That was an EFSEC decision. We didn't --
5 couldn't influence that.

6 Q. So the two alternative turbines were
7 the 244 and the 150 layouts?

8 A. That's correct.

9 Q. So who at EFSEC told you that's the
10 way it's going to be?

11 A. EFSEC staff. So the official is
12 Sonia Bumpus.

13 Q. Is she the one that told you that?

14 A. She's the one that made the
15 decision. And then, you know, we had many
16 conversations about it. We have staff calls
17 regularly with EFSEC.

18 They're not required to evaluate
19 alternatives. It's an option, they're not
20 required.

21 Q. Well, let's not get into a legal
22 argument over that.

23 A. Okay.

24 Q. I just want to know what's actually
25 happening here.

1 So the original ASC, which was
2 February of 2021, as I recall?

3 A. Yeah, yeah.

4 Q. Contained pretty -- a lot of the
5 same language, but some further explanation
6 with the updates.

7 A. Right.

8 Q. So did EFSEC staff tell you you
9 didn't have to consider alternatives before
10 February of '21?

11 A. No.

12 MS. PERLMUTTER: Objection as to
13 form. It's unclear as to -- if you can
14 answer, go ahead.

15 BY MR. ARAMBURU:

16 Q. Well, let me clarify the question.
17 Let's not have questions that are out of order.

18 You indicated you were told by EFSEC
19 staff that you didn't have to consider options
20 other than the 244, 150, correct?

21 A. When they were ready to complete the
22 DEIS they made that determination and informed
23 us of it.

24 Q. Okay. But this was done before --

25 A. Yeah, this was --

1 Q. -- the DEIS was started?

2 A. I don't believe they need to
3 evaluate alternatives, and so we wrote this
4 accordingly.

5 Q. Okay. But was this part of the
6 application done in concert with EFSEC staff?

7 A. No. This was our application for
8 site certification. And we evaluated the
9 alternatives as we deemed necessary.

10 Q. Okay. But EFSEC staff said you did
11 not have to consider a smaller project; is that
12 correct?

13 A. They ultimately came to that
14 decision when they were finalizing the draft
15 EIS.

16 Q. Was that in consultation with you?

17 A. They independently came to that
18 decision.

19 Q. Well, was this discussed in
20 communications, in conversations with EFSEC
21 staff?

22 A. I'm certain I've told them what I
23 just told you, that I don't believe we're
24 obligated to evaluate alternatives. It doesn't
25 make sense to evaluate alternatives. We need

1 to permit the optimal project and be nimble to
2 continue to optimize it until we actually are
3 to the point where we're ready to finance the
4 project.

5 Q. I understand the business objectives
6 that are here, and I appreciate what you're
7 telling me.

8 The question is, when did EFSEC
9 staff tell you that you didn't have to consider
10 alternatives? When were those conversations?

11 A. What EFSEC told us is that they
12 determined that the only alternatives that need
13 to be evaluated are the no alternative and the
14 proposal, with the exception that the proposal
15 would be the two turbine option alternatives.

16 Q. So the original ASC came in, was
17 filed on February -- in February of 2021 --

18 A. Right.

19 Q. -- is that correct?

20 A. Right.

21 Q. Did you have those conversations
22 with EFSEC about the alternatives prior to
23 filing the application?

24 MS. PERLMUTTER: Objection as to
25 form. You can answer.

1 THE WITNESS: I'm sure I told them,
2 we don't think you need to evaluate
3 alternatives.

4 BY MR. ARAMBURU:

5 Q. So was it your request that they not
6 be considered?

7 A. I can't request that. They're the
8 decision-maker.

9 Q. I understand they're the
10 decision-maker, but you can also ask them to do
11 things, and I don't think you're shy about
12 that.

13 So did you ask them to not consider
14 any alternatives?

15 A. No, I did not make a request that
16 said, please do not consider alternatives. I
17 said, you make the decision as you see fit.

18 Q. And was that decision made for the
19 ASC and for the DEIS, for both of the
20 documents?

21 A. No, no.

22 MS. PERLMUTTER: Object as to form.
23 Go ahead, you can answer.

24 THE WITNESS: It wasn't the decision
25 until the DEIS came out.

1 BY MR. ARAMBURU:

2 Q. Well, but this document came out --
3 the original document here updated now --

4 A. Yeah.

5 Q. -- with new language, that came out
6 in February of '21. The draft impact statement
7 didn't come out until December of '22.

8 A. This is our document. We created
9 this, and we updated it in the image that we
10 expect to be permitted for. And EFSEC's
11 responsible for their independent environmental
12 impact statement and determination of what
13 alternatives would be evaluated. They made
14 their choice. We submitted our application as
15 you see it.

16 Q. But your application doesn't contain
17 any discussion of alternatives other than no
18 action or the 244, 150?

19 A. What's required by EFSEC is what's
20 in this analysis of alternatives.

21 Q. Did you present this analysis to
22 EFSEC as consistent with
23 WAC (indecipherable) --

24 (The Court Reporter requested
25 clarification.)

1 BY MR. ARAMBURU:

2 Q. Did you go to EFSEC and ask -- and
3 present to EFSEC draft language in compliance
4 with WAC 463-60-296 and ask them to approve it?

5 MS. PERLMUTTER: Objection as to
6 form. And calls for a legal conclusion.
7 If you can answer it, you can.

8 THE WITNESS: We submitted the
9 document to them and asked them to process
10 it. That's -- I mean, that's the form it
11 took. I did not request them to not
12 evaluate alternatives. I likely told them,
13 you don't need to, because that's what I
14 believe.

15 BY MR. ARAMBURU:

16 Q. Okay.

17 A. I can read WACs, too, just like
18 anybody else.

19 Q. Okay. So that's your reading of the
20 WAC 463-60-296?

21 A. I think it's EFSEC's, too.

22 Q. Okay. Now --

23 A. Well, that was speculating. I
24 probably shouldn't have done that.

25 Q. Okay. So you're very determined to

1 talk about only what I'm going to call the 244,
2 150 options. We understand what those are?

3 A. That's what I want to permit, yeah.
4 I need that flexibility.

5 Q. Okay. Now, why can't we do half
6 that project?

7 MS. PERLMUTTER: Objection.

8 BY MR. ARAMBURU:

9 Q. What's wrong with that?

10 MS. PERLMUTTER: Object as to form.
11 And calls for speculation. But you can
12 answer.

13 THE WITNESS: We need to be able to
14 get an offtaker for this project. One of
15 the key factors in determining the
16 economics of the project is the economy of
17 scale.

18 So we need to build it -- you know,
19 if we could add any more turbines that
20 would increase the overall average capacity
21 factor, we would do that because that
22 improves the economics.

23 So we've built it out to the extent
24 we believe maintains a viable, desirable,
25 competitive offering for our marketplace.

1 And so anything we do to knock off turbines
2 is changing that economy of scale and
3 making it less economic.

4 BY MR. ARAMBURU:

5 Q. Well, I don't understand the
6 difference of economy of scale. We've got a
7 certain number of turbines here. We've got a
8 certain -- they can be cut in half.

9 What's the economy of scale? Why
10 isn't the option of half the turbines something
11 that can be explored?

12 MS. PERLMUTTER: Object as to form.
13 You can answer.

14 THE WITNESS: I know every
15 combination of turbines versus
16 infrastructure cost. We've evaluated the
17 full spectrum over and over and over
18 exhaustively.

19 And you have to accept that there is
20 economy of scale when you have a certain
21 basic economic infrastructure cost. And so
22 the more generation you can pile onto it,
23 the cheaper that generation per unit is
24 going to be.

25 That's -- this is our business.

1 This is what we do to develop projects that
2 the market will prefer.

3 BY MR. ARAMBURU:

4 Q. Well, for example, Phase 1 of the
5 project --

6 A. Yes.

7 Q. -- on page 2-101, if you would like
8 to refer to it.

9 A. Okay.

10 Q. Phase 1 and Phase 2, right?

11 A. Yes.

12 Q. Why don't we just build Phase 1 of
13 the project? What are the economies of scale
14 that prevent you from just building that
15 project?

16 A. Scout has been investing
17 considerable time and capital in building the
18 largest project we can bring to market because
19 that's what makes us successful.

20 So the commercial case for this site
21 is to build absolutely as much as we can to
22 satisfy the market need. So any whittling away
23 that we do of anything that generates as a part
24 of this mix is hurting our prospects.

25 Q. Well, I understand that there are

1 certain sunk costs of wages and engineering and
2 various other things, salaries of people that
3 have already been spent for this project.

4 A. Uh-huh.

5 Q. But just in terms of Phase 1, it
6 consists of turbines on the east side, consists
7 of a substation on the east side, a battery
8 operation --

9 A. Yeah.

10 Q. -- on the east side, substation,
11 some connections, and a large generation
12 request of BPA.

13 Why isn't that a standalone project?

14 MS. PERLMUTTER: Objection. Asked
15 and answered. If you can answer it, you
16 can.

17 THE WITNESS: We have no interest in
18 tying our hands behind our back and
19 limiting the competitiveness and the
20 ultimate revenue potential of this project
21 for our company. Why would we shoot
22 ourselves in the foot and make it smaller?

23 BY MR. ARAMBURU:

24 Q. Could you --

25 A. That's not our business.

1 Q. I understand that Scout is in the
2 business of selling wind turbines, solar, et
3 cetera.

4 A. Yeah.

5 Q. I understand that.

6 A. Yeah, yeah.

7 Q. My question is, if you built
8 Phase 1, would somebody buy it?

9 MS. PERLMUTTER: Objection. Calls
10 for speculation. And asked and answered.
11 You can answer.

12 THE WITNESS: I would believe there
13 might be somebody out there that just wants
14 Phase 1.

15 BY MR. ARAMBURU:

16 Q. Okay. And so why isn't then Phase 1
17 an alternative to this project that avoids
18 certain environmental impacts, cultural
19 impacts, impacts --

20 A. Because it doesn't meet our needs.

21 Q. If that's the reason then --

22 A. We're a private developer. We want
23 to build as much capacity to meet the market
24 need in the Pacific Northwest as we can
25 possibly do. That what makes us survive and

1 prosper, right?

2 Q. Okay. I understand the objectives.
3 I don't have disagreement with them.

4 But you've indicated to me that
5 there's a really high demand for renewable
6 projects now.

7 A. The entire thing, yep, and more.
8 There's not enough to meet the demand.

9 Q. So to use the vernacular, people are
10 snapping them up? Disagree with that?

11 A. No, that doesn't --

12 Q. Okay.

13 A. That doesn't meet it. Because
14 there's a long, long process in negotiations to
15 get to the point where you ultimately come to a
16 completed offtake agreement with an entity.
17 And it takes years. I mean look at how long
18 we've been developing this. I mean, it takes
19 years.

20 So when it's ready, when we have our
21 permit in hand, we've got a good chance of
22 winning a market bid for it.

23 Q. But there are projects that are much
24 smaller than this that are being developed and
25 sold either to commercial entities or to

1 utilities; isn't that true?

2 MS. PERLMUTTER: Objection.

3 THE WITNESS: That is true. Sorry.

4 MS. PERLMUTTER: Objection.

5 Argumentative. You can answer.

6 THE WITNESS: Yeah, there are small
7 projects, there are big projects. We're a
8 big project builder.

9 BY MR. ARAMBURU:

10 Q. I want to go back and talk about the
11 batteries a little bit.

12 A. Sure.

13 Q. The batteries, as I understand, are
14 a bit of a latecomer to this project?

15 A. We chose -- when batteries started
16 becoming commercially feasible, when the
17 technology evolved and the prices dropped where
18 it started to get in the ballpark of something
19 that would be interesting to our offtake
20 market -- and like I say, we converse with our
21 offtakers all the time, and they're telling us,
22 this is what we desire.

23 You're probably not familiar with
24 the Wheatridge Project, which was built, you
25 know, 30 miles south of Umatilla. That was one

1 of the first hybrid projects in the region.

2 We saw that happening. We conversed
3 with our market and they said, yeah, we're
4 looking at wanting hybrid, you know, if you can
5 make the economics work.

6 So we evaluate the heck out of it
7 and get ourselves to a point where we feel we
8 have something that is competitive in the
9 market.

10 And there is interest in the
11 batteries by some utilities, but whether we
12 build it or not will depend on what the market
13 will bear.

14 Q. So would you say that the project as
15 a whole would have commercial viability without
16 the batteries?

17 MS. PERLMUTTER: Objection. Calls
18 for speculation. And lack of foundation.
19 But you can answer.

20 THE WITNESS: The batteries add an
21 optimization element, but it's in the eye
22 of the beholder, in this case, the market,
23 whether it's advantageous for them or not.

24 And also understand, it may not be
25 advantageous for a party today, but

1 ten years from now it might be. So I want
2 it in there. I want it permitted so
3 ten years from now, if that market
4 develops, I can build it.

5 BY MR. ARAMBURU:

6 Q. Okay. And so what -- so it was
7 decided that the batteries, there would be one
8 on each side of the project?

9 A. Well, you couple the batteries
10 ideally with solar. Because you know solar
11 only generates when the sun shines. And so,
12 since it's not generating at night, it would be
13 nice to have an option. And it's, you know, an
14 optimization technique to add the storage.

15 So you can phase shift the
16 generation of the solar from the daytime when
17 the sun's shining to like a high peak time when
18 the sun goes down.

19 (Telephone interruption.)

20 THE WITNESS: That's typically how
21 utilities use it in the current market is,
22 they'll use the solar to charge it, and
23 then they'll dispatch it sometime later
24 when there is no solar and they still have
25 peak needs.

1 BY MR. ARAMBURU:

2 Q. Okay. So have you estimated the
3 amount of time it would take for the solar or
4 for the batteries to discharge into the grid?

5 A. Just like your car battery, it
6 depends on how long you're cranking it as to
7 how long it's going to last. It'll be
8 dispatched. So if it's a four-hour battery, it
9 means if you're dispatching it at maximum
10 capacity, it'll last four hours.

11 Q. How long does it take to charge?

12 A. Depends on what you're charging it
13 with. You can charge it pretty quick or can
14 you charge it all day long. You optimize it.

15 Q. What's your experience of batteries?

16 A. I have -- well, every car I've had
17 has one. I know how they work. It's very
18 similar.

19 Q. I'm not talking about car batteries,
20 Mr. Kobus. I'm talking about commercial-grade
21 lithium-ion batteries of 150 megawatts.

22 What experience do you have with
23 anything -- with lithium-ion batteries at that
24 scale?

25 A. I've studied the heck out of it, and

1 I have very good experts that support me with
2 any demand or question I desire. And the
3 manufacturers are more than eager to tell us
4 all the technical details we need.

5 And we're evaluating -- we have a
6 whole group that we've hired at Scout that
7 knows batteries and knows what to do with them.

8 Q. Okay. So are there some reports
9 about the operation of the battery --

10 (The Court Reporter requested
11 clarification.)

12 BY MR. ARAMBURU:

13 Q. Are there any reports that have been
14 done with regard to the operations of the
15 batteries?

16 MS. PERLMUTTER: Objection.

17 Foundation and form.

18 You can answer, if you can.

19 THE WITNESS: We have lots of
20 information from the manufacturers --

21 BY MR. ARAMBURU:

22 Q. And do you --

23 A. -- on how they work, yeah.

24 Q. And do you have a manufacturer for
25 the batteries that has been selected?

1 A. Same as for solar and wind turbines.
2 We're constantly evaluating the market and
3 looking at available technology and price
4 points. And when the time comes, I'll
5 guarantee you we're going to choose the most
6 optimal arrangement and manufacturer at the
7 time.

8 Q. But it may be that the operator
9 doesn't need the batteries?

10 A. Yeah.

11 MS. PERLMUTTER: Objection as to
12 form. You can answer.

13 THE WITNESS: It may be we don't
14 build it on the first buildout, that it'll
15 be five years from now before we decide to
16 put the batteries in and upgrade the
17 project. But I got to have it in here to
18 do that, so...

19 BY MR. ARAMBURU:

20 Q. But if one's analyzing the project
21 now, one should consider the batteries are a
22 part of it?

23 MS. PERLMUTTER: Objection. Form
24 and foundation. You can answer.

25 THE WITNESS: Our market looks at

1 all of these optimizations constantly.
2 They're constantly evaluating what's
3 optimal, and it changes literally from day
4 to day.

5 So today, right now, I can't tell
6 you what our first buildout is going to
7 look like because I can't tell you who the
8 offtaker is. We haven't selected our
9 equipment, so I can't tell you what brand
10 name of battery we're going have. We may
11 have a six-hour battery. We may have an
12 eight-hour battery. I can't tell you right
13 now. I would if I could, but we have to be
14 nimble. We have to keep this flexible.

15 BY MR. ARAMBURU:

16 Q. So for people looking at it and
17 talking about the application and whether EFSEC
18 ought to grant a permit for this, we go with
19 the current technology, which is lithium-ion
20 four-hour batteries?

21 MS. PERLMUTTER: Objection.

22 Foundation. You can answer.

23 THE WITNESS: No. We go with
24 150 megawatt battery potential. We can
25 build up to 150 megawatts of battery at

1 each point of interconnection.

2 BY MR. ARAMBURU:

3 Q. No, I understand you're going buy a
4 lot of batteries.

5 A. Yeah.

6 Q. But we're basically talking about
7 four-hour lithium-ion batteries, correct?

8 A. Not necessarily. I mean, that was
9 our target at the time we last updated the ASC.
10 I don't know what it's going to turn out.

11 Q. Well --

12 A. I want to do the most optimal. I
13 want to sell the most of this project that I
14 can to meet regional needs for clean energy.
15 That's what this is all about. That's what we
16 need to do.

17 Q. Okay. I understand that.

18 A. Yes.

19 Q. The question is, for people who are
20 assessing the project now, we're not going to
21 base that on something 15 or 20 years from now
22 when the batteries may be bigger or longer or
23 different composition.

24 We need to do it on the basis of
25 what's currently commercially available; isn't

1 that correct?

2 MS. PERLMUTTER: Objection. Form
3 and foundation. You can answer, if you
4 can.

5 THE WITNESS: We have what we need
6 to tell EFSEC. They can make a decision on
7 what's in here.

8 BY MR. ARAMBURU:

9 Q. Okay. Good.

10 So in connection with the discussion
11 of batteries is this question of water for the
12 project.

13 A. (Witness nodded head up and down.)

14 Q. And I understand -- I'm, again,
15 looking at the application, page 2-86 talks
16 about water supply.

17 Have you been involved in assessing
18 and getting water rights for the project?

19 A. I'm the key person doing that, yes.

20 Q. You're the one?

21 A. Yes.

22 Q. Okay. Okay. And I understand from
23 reading the document that drilling a well and
24 getting water from a well on the site is not
25 feasible.

1 A. Not true.

2 Q. Well, the --

3 A. There are wells out there.

4 Q. I understand that. I'm not talking
5 about those wells.

6 A. But if you want to go dig dry holes
7 to try and see if you can get water, no thanks.
8 No thanks.

9 Q. So as I understand, that no new
10 water rights are anticipated for this project.
11 You're not going to be getting new water rights
12 to provide for water for the project.

13 A. Not true. We will have rights for
14 whatever water supply we need, and contract for
15 the project. And we have that identified, and
16 it's perfectly valid.

17 Q. Page 1-10 under energy and natural
18 resources, it says:

19 No new water rights are anticipated
20 to be necessary for the use of local off-site
21 water resources.

22 Is that correct?

23 MS. PERLMUTTER: Objection as to
24 form. You can answer, if you can.

25 THE WITNESS: This update indicated

1 we do not need to obtain new water rights.

2 We have water supply potential that has
3 water rights.

4 BY MR. ARAMBURU:

5 Q. And what's that?

6 A. Appendix -- which -- the one in
7 there that identifies the Port of Walla Walla
8 agreement.

9 Q. Okay. So that's what you're relying
10 on?

11 A. We may find others.

12 Q. Okay. Has an investigation been
13 made of other water suppliers for the project
14 other than the Port of Walla Walla?

15 A. I've been working on it for two
16 years. In fact, we originally thought we
17 would -- the most convenient and obvious would
18 be Kennewick. They have a huge water --
19 municipal water system, and they were selling
20 water to anybody that applied and checked out a
21 water meter. And then they decided to change
22 their policy and say, no, we're going to keep
23 it for only within the city limits.

24 Q. Okay. So --

25 A. That's too bad. That was water

1 literally right next to the project.

2 Q. Not available now, though?

3 A. Not available now.

4 Q. And have you talked to other water
5 districts or water utilities about getting
6 water?

7 A. Almost all of them, yeah.

8 Q. And has anybody else other than the
9 Port of Walla Walla said they will provide
10 water?

11 A. Yes. We've turned down suppliers of
12 water.

13 Q. Okay. And where would those be?

14 A. Locally, yeah.

15 Q. Locally?

16 A. I'm not going to name parties that
17 we're in negotiations with.

18 Q. But you don't have a signed
19 agreement water right for any of those parties,
20 do you?

21 A. From Port of Walla Walla, yeah.

22 Q. Yeah.

23 But not the other ones you're
24 talking about?

25 A. No, I don't -- I don't have signed

1 agreements.

2 Q. And --

3 A. You know a lot of agreements don't
4 get signed until they're needed, right? You
5 sign them just in time when you've found the
6 optimal source and the most economic and best
7 opportunity for you.

8 Q. That's the way business works?

9 A. Yeah.

10 Q. So let's look over page 2-150,
11 please.

12 A. Boy, this is a big document. Okay.
13 I'm there.

14 Q. Under statement of compliance on
15 that page.

16 A. Yes.

17 Q. The first sentence reads:

18 Construction and operation of the
19 project would comply with certain sections of
20 the Benton County code.

21 And the last one listed there is:

22 Minimum standard -- minimum
23 standards fire flows, water mains, fire
24 hydrants, and roads.

25 Do you see that?

1 A. Yes.

2 Q. Did you write this?

3 A. No. Tetra Tech wrote this.

4 Q. And has the project -- can the
5 project meet these requirements?

6 A. I'm absolutely convinced we can.

7 Q. And what would be the source of
8 water for the minimum fire flows, water mains,
9 fire hydrants, roads, et cetera, particularly
10 for the batteries?

11 MS. PERLMUTTER: Objection to form.
12 And asked and answered. But you can
13 answer, if you can.

14 THE WITNESS: The batteries may not
15 have water suppression. They're not
16 required to.

17 BY MR. ARAMBURU:

18 Q. Okay. But I'm asking about the
19 minimum standard fire flows.

20 What information can you provide me
21 that those fire flows are being met?

22 A. The standards are not going to
23 expect you to have water available when there's
24 no hydrants. So, obviously, you have to have
25 some capability to get the water to where it's

1 needed. So I'm absolutely convinced we can
2 meet the standards. We just said that here.

3 Q. No, I understand what you've said
4 here.

5 My question is, where are -- where
6 are the drawings, where are the specifications,
7 where are the other materials that indicate
8 these minimum standards can be met?

9 A. In the section of the ASC where it
10 addresses water. It addresses it in various
11 places.

12 Q. I understand, and I've read through
13 a lot of the document, but I have seen no
14 drawings. I've seen no standards. I've seen
15 nothing about fire hydrants. And I've seen
16 nothing about the --

17 A. There will be no fire hydrants.
18 There is no water service out there. We have
19 to have contracted sources of water. We do not
20 intend to drill our own wells.

21 We will have water storage at the
22 site because we'll need water for domestic
23 needs as well in normal operation on a daily
24 basis. We will rely on Benton County Fire
25 Services in the event of an emergency.

1 Q. Well, if there was a fire up there
2 now, what would be the source of water for
3 extinguishing it?

4 MS. PERLMUTTER: Objection.

5 Foundation. Calls for speculation. You
6 can answer.

7 THE WITNESS: Well, I can answer
8 it's BC-1, Benton County Number 1.

9 BY MR. ARAMBURU:

10 Q. And how much water do they have
11 available to fight a fire?

12 MS. PERLMUTTER: Objection. Lack of
13 foundation. Answer if you can.

14 THE WITNESS: I don't know what
15 their equipment -- current equipment is. I
16 know they have water tankers, I've seen
17 them out fighting fires.

18 They have interagency agreements
19 where, if they need more, they can get it
20 from BC-2, they can get it from
21 Walla Walla, they can get it from any of
22 the local fire departments. They will meet
23 the need.

24 BY MR. ARAMBURU:

25 Q. So on page 2-151, there's further

1 discussion of water. Could you turn over
2 there?

3 A. Sure.

4 Q. And about two-thirds of the way down
5 that first paragraph --

6 A. Okay.

7 Q. -- there are two sentences that say:

8 Proof of water availability is

9 addressed in section 3.3 of this ASC.

10 Automatic sprinkler systems would be installed

11 in the project O&M building and in the BESS

12 containers per BCC 3.04.041.

13 Do you see that sentence?

14 A. Yes.

15 Q. And so is it the intention of Scout

16 to put automatic sprinkler systems in the BESS

17 operations?

18 A. Yeah. I mean, that's our statement.

19 Q. And how big are these? How big are

20 the battery operations?

21 A. We haven't procured the battery yet,

22 so I really can't answer you.

23 Q. As best I can see, it's six acres of

24 battery.

25 A. Well, they're modularized

1 containers. They're self-contained. I mean,
2 I've seen them down at the Wheatridge facility
3 and there they have the suppression, it's just
4 not connected to anything.

5 We're going to have the same thing.
6 We're going to have modules, like C bands,
7 they'll be modularized components that you
8 build together whatever size you need.

9 Q. What's the source of water for the
10 automatic sprinkler systems that you mentioned
11 here on page 151?

12 A. I don't have an answer for you at
13 the moment.

14 Q. Well, there isn't any, isn't that
15 the case?

16 MS. PERLMUTTER: Objection.

17 Argumentative.

18 THE WITNESS: I just don't know what
19 the plan is. We haven't procured it yet.

20 BY MR. ARAMBURU:

21 Q. Are you aware the fire dangers with
22 lithium-ion batteries?

23 A. Yes, yeah.

24 Q. And what are those dangers?

25 A. They can have internal faults that

1 cause them to burn.

2 Q. And have you seen lithium-ion fires?
3 Have you seen any videos of them?

4 A. I've seen pictures of Teslas burning
5 up, sure. Is this a Tesla? I don't know if
6 we're going buy Tesla batteries. I don't know
7 that answer. They might be the best one in the
8 market.

9 Q. You're not going to buy Tesla car
10 batteries, are you?

11 A. Tesla makes batteries for battery
12 storage for commercial utility projects. Yes,
13 they do.

14 Q. I understand that they do, but do
15 you understand what the fire dangers of those
16 batteries are in a commercial setting on
17 six acres of property?

18 A. We will negotiate with the
19 manufacturer to make sure we meet all standards
20 for the batteries that we procure for the site.
21 And so they will be safe as the technology is
22 available.

23 Q. I understand they will be.

24 What will be the source of water to
25 fight a fire at the batteries?

1 A. Benton County 1.

2 Q. Okay.

3 A. Well, it's Benton County 2 at the
4 west site because that's over in Benton
5 County 2 territory. So Benton County 2.

6 Q. Okay. So if I go to Benton -- have
7 you asked Benton County about their ability to
8 fight a six-acre battery fire up on the
9 plateau?

10 A. Yes. Talked -- spoke with the fire
11 marshal myself.

12 Q. What did he say?

13 A. He said, I don't have time for this.
14 I'm sorry, that's what he said. He won't
15 answer phone calls anymore. So talk to the
16 Benton County fire marshal.

17 Q. So the answer is, you haven't gotten
18 approval --

19 A. Benton County will be the provider
20 of emergency services. They're going to have
21 to figure it out.

22 Q. But you have not gotten approval
23 from the Benton County fire marshal for the
24 plans for this six-acre battery operation, have
25 you?

1 A. We do not have our emergency plan
2 approved through the county, no. That will
3 likely be a condition of our site certification
4 agreement. That's how that works.

5 Q. Are you familiar with the concept of
6 thermal runaway in lithium-ion batteries?

7 A. I believe I understand. That's what
8 I meant by internal faults that can occur.

9 Q. And you're aware that this is a
10 fast-moving fire?

11 A. Yeah.

12 Q. Very fast, correct?

13 A. Within the battery, yeah. Not away
14 from the battery.

15 Q. Are you familiar with the concept of
16 repropagation of fires in lithium-ion
17 batteries?

18 A. I believe that's a concern, yeah.
19 You have to watch it.

20 Q. Have to keep water on it for days at
21 a time, don't you?

22 A. I can't say for sure. This is
23 commercially available technology, right. This
24 is state of the art. We're going after state
25 of the art lithium-ion batteries, if that's

1 what we install at the site.

2 We will get the best batteries
3 available in the market, and they will be
4 demonstrably safe and they'll be warranted.
5 And I'll guarantee you Benton County will make
6 sure that they have the emergency services
7 capability they need to support this project.

8 Q. You guarantee that they will?

9 A. They have to. That's their
10 responsibility.

11 Q. That sounds like a legal conclusion
12 to me.

13 MS. PERLMUTTER: You don't have to
14 answer that.

15 THE WITNESS: Okay.

16 BY MR. ARAMBURU:

17 Q. So we had a little trouble copying
18 page -- this is actually page 2-126. And when
19 we copied it, we got a couple of holes through,
20 but this is what it looks like. It's your --

21 A. Yes, okay.

22 Q. Do you see that?

23 A. Yeah.

24 Q. Can you find that there in the
25 material? Yeah, I think it's up -- yeah, I

1 think it's right here. Right there.

2 Can you turn that over? That's what
3 talks about the Benton County fire marshal?

4 A. Yes.

5 Q. Okay. And there's a hole through it
6 there, but it refers to Benton County code and
7 International Fire Code?

8 A. Yes.

9 Q. And have you investigated the
10 requirements for fighting lithium-ion fires
11 that are found in the International Fire Code?

12 A. Yes.

13 Q. You have.

14 It says a permit may be required for
15 the Benton County fire marshal in accordance
16 with International Fire Code; do you see that?

17 A. Yes.

18 Q. And have you secured that permit?

19 A. No.

20 Q. Have you received a commitment from
21 the Benton County fire marshal to issue such a
22 permit?

23 A. No. We engaged with him and, as I
24 said, he indicated he didn't have time to deal
25 with it.

1 Q. And then there's another sentence
2 after that that was recently added, which says:

3 If necessary, the applicant would
4 obtain these permits in coordination with
5 EFSEC.

6 Do you see that?

7 A. Yes. EFSEC has preemptive authority
8 to issue the permits themselves.

9 Q. So if you can't get it from the
10 Benton County fire marshal, you're going to ask
11 EFSEC to issue the permit?

12 A. Absolutely. It's a benefit of going
13 to EFSEC, it's a one-stop shop.

14 MS. PERLMUTTER: Wait until there's
15 a question pending.

16 THE WITNESS: Oh, sorry.

17 MS. PERLMUTTER: That's okay.

18 You're doing great.

19 BY MR. ARAMBURU:

20 Q. I'd like you to look at page 4-33,
21 and the very last sentence.

22 A. Got it.

23 Q. Last two sentences:

24 Lithium-ion battery storage may pose
25 a risk of fire and explosion due to the

1 tendency for lithium-ion batteries to overheat.

2 Do you see that?

3 A. Yes.

4 Q. Did you assist in writing this?

5 A. I reviewed it, yes.

6 Q. And do you think that's an accurate
7 statement?

8 A. I believe it is.

9 Q. And what is FPRF, which is the end
10 of that sentence?

11 A. I would have to look at the
12 references to identify that acronym. I'm not
13 exactly sure offhand what it stands for.

14 Q. And then it says:

15 If lithium-ion batteries are exposed
16 to abnormal heat, electrolyte products may
17 vaporize and be vented from the cells. This
18 vented electrolyte is flammable and may ignite
19 on contact with an ignition source.

20 Is that an accurate statement?

21 A. I believe it, yeah.

22 Q. And what water is currently planned
23 to be applied to the extinguishment of a fire
24 that's discussed here?

25 MS. PERLMUTTER: Objection. Asked

1 and answered. You can answer if you can.

2 THE WITNESS: Well, I remember we
3 just went through a bit ago where we said
4 we were going to have fire suppression for
5 the batteries. So whatever water supply is
6 required to make that operational is what
7 it'll end up being.

8 BY MR. ARAMBURU:

9 Q. Do you know what the minimum fire
10 flows are that are required for industrial
11 commercial operations in Benton County?

12 MS. PERLMUTTER: Objection.

13 Foundation. I'm sorry. Objection. Form.
14 You can answer, if you can.

15 THE WITNESS: Not offhand, no.

16 BY MR. ARAMBURU:

17 Q. Getting near the end here. Give
18 me -- I know. I know, you can barely wait.

19 MR. ARAMBURU: Let's go off the
20 record for a second.

21 (A recess was taken.)

22 BY MR. ARAMBURU:

23 Q. A couple of questions.

24 You have been -- have you been the
25 principal contact for the applicant with EFSEC

1 and EFSEC staff?

2 A. Yes.

3 Q. And how long has that been going on?

4 A. Since, we -- since, well, prior --
5 just prior to filing our permit and getting
6 ready to file it, and then since, I've been the
7 principal contact.

8 Now, that being said, every now and
9 then, if there's large files, I'll have Tetra
10 Tech do a manage file transfer to EFSEC, but
11 that's at my authorization and it's considered
12 coming from me when I authorize that, so...

13 Q. So as I understand the record, the
14 first contacts with EFSEC were in the fall of
15 2020. Does that comport with your chronology?

16 A. That would be -- yeah, that would be
17 the timeframe where we were deliberating
18 whether to do the county permit process or the
19 EFSEC process, yeah.

20 Q. And during that period of time,
21 let's say, through the fall of 2020, you were
22 involved at that time?

23 A. Absolutely, yeah.

24 Q. And through 2021.

25 Was there conversations with EFSEC

1 about the content of the environmental impact
2 statements?

3 A. No.

4 Q. And have you had contact with them
5 about the content of the impact statements?

6 A. Well, when we initially filed our
7 application, we had conducted a SEPA analysis.
8 And, you know, in our belief, we felt we could
9 meet the criteria for mitigated determination
10 of nonsignificance.

11 And then, after we filed for the
12 expedited permitting process, we later decided
13 to rescind that application and agreed with
14 EFSEC that we would support them preparing an
15 environmental impact statement.

16 Q. And so there was interactions, then,
17 between EFSEC and Scout staff, including
18 yourself?

19 A. Yeah, because we had to -- we had to
20 request them to declare that it would need an
21 environmental impact statement. Because
22 they're the ones that are responsible for that
23 determination and they're the ones that
24 prepare, or have an independent expert prepare
25 the environmental impact statement.

1 Q. And as I understand it, the
2 independent expert is being paid by Scout?

3 A. Oh, yes. EFSEC is entirely on
4 our -- our -- we have to pay -- we have to pay
5 a certain share of EFSEC's normal costs, plus
6 we have to pay everything specific to this
7 application.

8 Q. The comment period for the draft
9 impact statement ended February 1st of this
10 year. Are you aware of that?

11 A. Yes.

12 Q. Have you been working with EFSEC
13 concerning the preparation of the final impact
14 statement?

15 A. They're doing it. We're -- we filed
16 comments on the DEIS for what we would expect
17 them to consider to change or incorporate in
18 the final EIS, but that's all in the record.

19 Q. Have there been further
20 communications regarding the final impact
21 statement?

22 A. Only through data requests where
23 they're actually asking us for things that they
24 feel they need in order to make the
25 determinations they need for the final EIS,

1 yes.

2 Q. Has EFSEC indicated to you when they
3 expect to issue the final impact statement?

4 A. When we asked to extend the EFSEC
5 process to the point of a final document that's
6 ready to be provided to the governor, we
7 discussed that the final EIS would be part of
8 that record that they create, along with the
9 site certification agreement that would go
10 along with that.

11 So I don't know exactly -- exactly
12 when the final EIS is going to be completed.

13 Q. Have you asked them?

14 A. Oh, yeah.

15 Q. And what did they say?

16 A. It depends. They still are doing
17 evaluations. And those were documented in the
18 recent data requests 7 and 8. We've provided
19 information, and we still owe them a document
20 for data request 7.

21 Q. What's that?

22 A. The transportation impact analysis.

23 Q. Okay. And is there going to be any
24 additional visual impact analysis provided?

25 A. We did do additional, and it has

1 been provided in response to data request 7.

2 Q. And that's been provided to EFSEC
3 staff?

4 A. Yeah, it's on the docket.

5 Q. Okay.

6 A. In fact, the Yakima Nation have
7 requested some points of interest that --
8 identified points of interest for us to do
9 visual simulations, which we did.

10 MR. ARAMBURU: Okay. I think that's
11 all the questions I have right now. Thank
12 you, Mr. Kobus.

13 EXAMINATION

14 BY MS. VOELCKERS:

15 Q. Hello, again, Mr. Kobus. I'm
16 Shona Voelckers from the Yakima Nation. Same
17 ground rules apply, of course, to this
18 conversation. And as I'm sure you expect, I'm
19 going to jump around a bit.

20 A. Okay.

21 Q. Does Exhibit 1 reflect any efforts
22 by Scout to avoid impacts to the Yakima
23 Nation's traditional cultural properties?

24 A. The intention is that we desire to
25 know what those impacts are, and have, in fact,

1 requested those to be identified to the fullest
2 extent.

3 For those we've heard and evaluated,
4 we've actually made an attempt to redesign the
5 project in consideration of those. And our
6 intent is to continue to work with the Yakima
7 Nation to come to hopefully an agreeable
8 compromise.

9 Q. Are those attempts reflected
10 anywhere in Exhibit 1?

11 A. I'm going to say not. I don't think
12 they are.

13 Q. Have you reviewed the confidential
14 TCP report submitted into the adjudication
15 record by Jessica Lally?

16 A. The most recent, yes.

17 Q. It was just recently because --

18 A. Yeah.

19 Q. The -- but the report itself?

20 A. Yeah.

21 Q. Does Exhibit 1 reflect any efforts
22 by Scout to minimize impacts to the Yakima
23 Nation's traditional cultural properties?

24 A. We have continued to maintain the
25 fullest extent of the development of the

1 project, and have not yet reduced impacts.

2 There are settlement discussions in
3 progress with the parties associated with the
4 permit. We do intend to mark up the document
5 as part of the post-adjudication redline to
6 make those concessions in accordance with those
7 settlement agreements that, you know, we would
8 like to have done prior to the end of
9 adjudication.

10 Q. So as we sit here today, there's
11 nothing within Exhibit 1 that reflects an
12 effort by Scout to minimize impacts to Yakima
13 Nation's traditional cultural properties,
14 correct?

15 A. (No verbal response.)

16 Q. Is it fair to say those efforts have
17 not been yet incorporated into the application?

18 MS. PERLMUTTER: Objection. Form.
19 You can answer, if you can.

20 THE WITNESS: I need to back up a
21 step.

22 BY MS. VOELCKERS:

23 Q. Sure.

24 A. I was attempting to engage with
25 Jessica Lally literally the first week I

1 started working for Scout back in 2018.

2 There was some information available
3 that indicated Webber Canyon was important to
4 the Yakima Nation. And we did pull back and
5 allowed additional margin related to Webber
6 Canyon because we knew that to be the case.

7 But recent discussions, no, they
8 have not been incorporated into the application
9 as it stands today.

10 Q. So as we sit here today, just so I'm
11 clear, there isn't something in Exhibit 1 that
12 you could point me to right now that reflects
13 an effort by Scout to minimize impacts to TCP?

14 MS. PERLMUTTER: Objection. It's
15 been asked and answered -- asked and
16 answered. But you can respond.

17 THE WITNESS: There has been an
18 effort all along to attempt to optimally
19 design the project and not load up the west
20 end of it because we know that there are
21 important TCPs there.

22 You know, as it stands, there's also
23 airspace restrictions that kept us away
24 from the west as well. But, you know, I
25 have to admit that in what we applied for,

1 there, yes, there was consideration for
2 Yakima TCPs.

3 BY MS. VOELCKERS:

4 Q. But there's nothing -- I just want
5 to make sure I understand your answer clearly
6 to my question.

7 There's nothing that we could point
8 to today as we sit here that demonstrates
9 Scout's efforts to minimize impacts to Yakima
10 Nation traditional cultural properties?

11 MS. PERLMUTTER: Objection. Asked
12 and answered. You can answer again.

13 THE WITNESS: The only thing I could
14 point to -- well, I can't point to, but the
15 only thing I can respond with is, there are
16 things we intentionally didn't include in
17 consideration of Yakima TCPs.

18 BY MS. VOELCKERS:

19 Q. But it's no to my question on
20 whether that is reflected in Exhibit 1 as a
21 document?

22 A. Not as a document, no.

23 Q. So that's not reflected in the
24 application that EFSEC has, that's knowledge
25 that you hold personally?

1 A. And it's in the layout of the
2 project. As I said, there are things we could
3 have done that we chose not to.

4 Q. And have you provided information
5 about what you could have done that you chose
6 not to?

7 MS. PERLMUTTER: Objection as to
8 form. You can answer.

9 THE WITNESS: At that stage of the
10 project, we had a letter from the Yakima
11 Nation that said, we will not converse with
12 the applicant until it is part of the EFSEC
13 process, and we will consult government to
14 government. And so that was when
15 conversation ceased.

16 BY MS. VOELCKERS:

17 Q. Okay. So is there anything external
18 to the exhibit in front of you that you could
19 point to that documents that?

20 A. They're confidential. No, I
21 couldn't point to them. They're part of
22 ongoing settlement negotiations.

23 Q. And you're aware that there's not an
24 active settlement negotiation as of today,
25 correct?

1 A. I wouldn't put it that way. I would
2 say we've made a proposal that was rejected and
3 not countered. But I would say we're still
4 intending to negotiate, and we've requested to
5 do that, and our intention is to continue to
6 try.

7 Q. But it does take two parties to
8 continue a settlement discussion, correct?

9 MS. PERLMUTTER: Objection.

10 Argumentative. You can answer.

11 THE WITNESS: Yeah, we would like
12 the Yakima Nation to come to the table.
13 Yeah.

14 BY MS. VOELCKERS:

15 Q. And does Exhibit 1 reflect any
16 efforts by Scout to mitigate impacts to Yakima
17 Nation's traditional cultural properties?

18 MS. PERLMUTTER: Objection. Asked
19 and answered. Answer if you can, or you
20 want to answer again.

21 BY MS. VOELCKERS:

22 Q. I'm going to clarify my question. I
23 have not asked about mitigation yet.

24 So does Exhibit 1 reflect any
25 efforts by Scout to mitigate impacts to Yakima

1 Nation's traditional cultural properties?

2 A. I believe we've offered very robust
3 mitigation that benefits Yakima Nation as well,
4 yes.

5 Q. That mitigates impacts to
6 traditional cultural properties?

7 A. I believe so, yeah.

8 Q. And how do you understand me to be
9 using that term?

10 A. I understand that the identification
11 of traditional cultural properties is a complex
12 concept. And with, you know, all respect to
13 the Yakima Nation, we need that articulated to
14 the fullest extent. And that's what we hope to
15 come to the table with, and have precise,
16 concise conversations about things that are
17 possible.

18 You know, but declaring the whole
19 thing is a TCP that's unmitigable doesn't help.

20 Q. So I just want to make sure I'm not
21 using terms that we're not clear on.

22 Do you know what I mean when I say,
23 "legendary sites"?

24 A. Yes.

25 Q. And you know what I mean when I say,

1 monumental sites"?

2 A. Not real clear on the distinction
3 between the two.

4 Q. How do you understand me to be using
5 the words, "legendary sites"?

6 A. Sites that the Yakima Nation
7 believes since creation have been utilized and
8 passed down from generation to generation what
9 the significance is and how they've been
10 utilized and what their value is to the
11 culture.

12 Q. Okay. And you said you reviewed
13 Jessica Lally's TCP report that generally
14 summarizes --

15 A. Yes.

16 Q. -- the project's impact to TCPs?

17 A. Yes.

18 Q. So based upon your review of that,
19 is it fair to say that there isn't anything in
20 Exhibit 1 that contains commitments by Scout to
21 mitigate impacts to Yakima Nation's traditional
22 cultural properties that have been identified
23 by Jessica Lally?

24 MS. PERLMUTTER: Objection to form.

25 You can answer, if you can.

1 THE WITNESS: Well, my understanding
2 is the mitigation is no wind turbines on
3 Horse Heaven Hill. So I can't work with
4 that. So the site has to be permitted in
5 accordance with EFSEC and, you know, we're
6 asking for the current infrastructure
7 that's in the application.

8 BY MS. VOELCKERS:

9 Q. You mentioned the discussion between
10 Scout and Yakima Nation about any -- about
11 alterations to the project design --

12 A. Yes.

13 Q. -- that were proposed.

14 Have you discussed any alterations
15 to the project design contained in Exhibit 1
16 with anyone else outside Scout and your legal
17 counsel?

18 MS. PERLMUTTER: Objection. Form
19 and foundation. You can answer.

20 THE WITNESS: We are negotiating a
21 settlement with counsel for the
22 environment.

23 BY MS. VOELCKERS:

24 Q. And is any of that discussion
25 reflected within Exhibit 1?

1 A. No.

2 Q. Is any of that discussion reflected
3 in any materials available to EFSEC right now?

4 A. The settlement negotiations, we're
5 intending to keep them confidential until it's
6 executed. We have provided our version of that
7 to the AG and it's under review.

8 Q. Which is consistent with how some
9 negotiations work. I'm not trying to suggest
10 it's wrong.

11 But I'm just trying to confirm that
12 there's isn't anything that EFSEC has to review
13 to incorporate any project design changes in
14 their review of the application today?

15 MS. PERLMUTTER: Objection. Form
16 and foundation. You can answer.

17 THE WITNESS: In recent discussions
18 with EFSEC we've told them we are preparing
19 the results of the current status of
20 project changes, of infrastructure changes,
21 and that will be forthcoming.

22 BY MS. VOELCKERS:

23 Q. Okay. So they're aware that it's
24 coming?

25 A. Yes.

1 Q. And do those project changes include
2 anything besides what you've been discussing
3 with counsel for the environment?

4 A. We have not discussed any of the
5 negotiations or proposals with the Yakima
6 Nation with any other parties. That was
7 confidential with Yakima Nation.

8 Q. Okay. But the project designs that
9 you -- putting that aside, right, we'll move on
10 from that.

11 A. Okay.

12 Q. Is there any other project design
13 that you are currently contemplating aside from
14 what has been proposed in confidential
15 conversations with Ms. Reyneveld?

16 A. Yes.

17 Q. And what are those other design
18 alterations?

19 MS. PERLMUTTER: Objection. Form.

20 You can answer, if you can.

21 THE WITNESS: Until we submit them
22 to EFSEC, they're still a work in progress.

23 BY MS. VOELCKERS:

24 Q. Have they been shared externally
25 outside of Scout?

1 A. Just with our team, just with our
2 legal and technical consultants.

3 Q. Okay. So you've discussed different
4 design alterations than what's in Exhibit 1,
5 but they've not been shared external to Scout
6 and legal counsel?

7 A. Correct. We're waiting for all the
8 parties, all things to progress as they should
9 until the time we're ready to identify them.

10 Q. Okay. So EFSEC staff does not have
11 them?

12 A. No, they do not.

13 Q. And EFSEC's counsel does not have
14 them?

15 MS. PERLMUTTER: Objection as to
16 form. You mean council or counsel?

17 MS. VOELCKERS: Thank you. We'll
18 take both in turn.

19 BY MS. VOELCKERS:

20 Q. EFSEC's legal counsel doesn't have
21 them?

22 A. To my knowledge, that's correct.

23 Q. And the council that will decide and
24 make a recommendation to the governor, the
25 EFSEC council, not legal counsel, they don't

1 have a copy of any of the project designs that
2 are being discussed?

3 A. Yeah. Just to be clear, we don't
4 interface with the council, only through the
5 monthly meetings or if they do a tour of the
6 site. That's the only interface we have with
7 council members.

8 Q. Okay. I appreciate the
9 clarification.

10 So then to be clear, as we go into
11 an adjudication hearing, the material that they
12 have in front of them is Exhibit 1?

13 A. Correct.

14 Q. Without alterations to the design?

15 MS. PERLMUTTER: I'm going to object
16 as to form when you say that they have in
17 front of them. We've just been talking
18 about at least two entities. So if you
19 could clarify that, that would be good.

20 BY MS. VOELCKERS:

21 Q. Well, I'm going to take it as whole
22 entity. EFSEC as an entity, staff, legal
23 counsel, everyone.

24 As we sit here today, they only have
25 the project design contained in Exhibit 1 in

1 front of you?

2 A. That's correct.

3 Q. When do you anticipate giving them
4 the proposed design alterations?

5 MS. PERLMUTTER: Objection to form
6 and foundation. You can answer.

7 THE WITNESS: I have to defer to
8 legal counsel on that as to how that's
9 going to be unveiled in the EFSEC
10 adjudication.

11 BY MS. VOELCKERS:

12 Q. Okay. So it's a legal strategy on
13 when that information is available?

14 A. Yes, yes.

15 Q. I'm not going to get into a whole
16 back-and-forth on the lack of alternatives
17 because I think that was covered a lot, but I
18 do want to just understand kind of can versus
19 can't in terms of what could be possible.

20 So -- and I understand there's a lot
21 of, you know, economic interest, business
22 interest. That's your job, not mine.

23 But can the project move forward
24 without the solar field?

25 MS. PERLMUTTER: Objection to form.

1 THE WITNESS: It's possible. Is it
2 optimal? No.

3 BY MS. VOELCKERS:

4 Q. Can the project move forward without
5 the northwest solar field, same answer?

6 MS. PERLMUTTER: Objection. Form
7 and foundation. You can answer.

8 THE WITNESS: Same answer.

9 BY MS. VOELCKERS:

10 Q. Can the project move forward without
11 the southwest solar field?

12 MS. PERLMUTTER: Objection. Form
13 and foundation.

14 THE WITNESS: Same answer, yeah.

15 BY MS. VOELCKERS:

16 Q. Can the project move forward without
17 any solar fields?

18 MS. PERLMUTTER: Same objection.
19 Form and foundation.

20 THE WITNESS: Same answer, yes.

21 BY MS. VOELCKERS:

22 Q. So is it fair to say that the solar
23 portion of the project is what moves it towards
24 optimal, but the solar fields themselves are
25 not necessary for the project?

1 MS. PERLMUTTER: Objection. Form.

2 THE WITNESS: It's in the eye of the
3 beholder as far as the offtake potential.
4 If they say they want 100 megawatts solar
5 overbuild on the east side, we're going to
6 try and make it work.

7 And so, you know, we have a market
8 we intend to meet. And we want to optimize
9 and make this as big as we can, of course,
10 we're within the constraints of what's in
11 the application. But that's our business
12 is bringing the market what they need.

13 BY MS. VOELCKERS:

14 Q. Could you market the project without
15 the solar fields?

16 A. It's possible, but not optimal.

17 Q. Understood. Okay. We can move on
18 from that part.

19 A. Yeah.

20 Q. I heard a couple of times from you
21 today that Scout has ongoing discussions with
22 potential offtakers, correct?

23 A. That's correct.

24 Q. Offtaker is the right word?

25 A. Yes.

1 Q. Okay. And it sounded like, but
2 correct me if I'm wrong, those discussions have
3 gone so far as to have potential oftakers make
4 requests about the project design; is that
5 correct?

6 A. That's correct. The oftakers
7 identify what's desired to meet their needs,
8 and then we attempt, where possible, to
9 structure the project if we want to meet their
10 need.

11 There's -- I mean, there's a whole
12 spectrum, there's a whole smorgasbord of things
13 that you can do to optimize and. The first one
14 that has the best deal relative to our bids,
15 we'll be happy with.

16 Q. So is it fair to say than an
17 oftaker could make a suggestion or request
18 that's kind of further out from what others are
19 asking, so you might not honor that request?

20 MS. PERLMUTTER: Objection as to
21 form. You can answer.

22 THE WITNESS: We might not be able
23 to honor that request. So we would say,
24 this is what we can do and this is what
25 it'll cost.

1 BY MS. VOELCKERS:

2 Q. Because you're getting input from
3 multiple oftakers, so you can balance that
4 input?

5 A. Sure, sure. I mean it's no secret,
6 you know, Atlas Agro is trying to build a
7 fertilizer plant in Richland. They're going to
8 need power. They have to have clean energy.
9 And there's very unique needs that they have
10 given where they are, where they're
11 interconnecting, and the demand that they need
12 to provide for that facility.

13 And so they're likely to engage with
14 us and say, we want you to do this, and if you
15 do it, then we will sign an agreement.

16 Q. How many potential oftakers, you
17 don't have to be exact here, but, in general,
18 how many potential oftakers have provided
19 input on the project design contained in
20 Exhibit 1?

21 MS. PERLMUTTER: Objection to form.
22 You can answer.

23 THE WITNESS: I'm going to say, to
24 the best of my knowledge, none. Because
25 our application was created in our concept

1 of what the market's going to desire.

2 And we pushed the bubble out to get
3 the maximum flexibility. And then our
4 intent is to remain as nimble as possible
5 to be able to optimize to eventually sell
6 the maximum extent of the energy from this
7 project that we can.

8 BY MS. VOELCKERS:

9 Q. Have you made enough progress with a
10 potential offtaker to have any sort of
11 agreement that's contingent on the project
12 being permitted?

13 MS. PERLMUTTER: Objection as to
14 form. You can answer.

15 THE WITNESS: No. They will not --
16 they have indicated they -- no one wants to
17 agree to procure something without a
18 permit. They have to have certainty. They
19 have to have line of sight certainty on
20 that permit.

21 BY MS. VOELCKERS:

22 Q. Right. But earlier, you discussed
23 an exclusivity agreement with a turbine
24 provider. Do you have any agreement with a
25 potential offtaker --

1 (The Court Reporter requested
2 clarification.)

3 BY MS. VOELCKERS:

4 Q. Do you have any tentative agreements
5 with potential offtaker or offtakers that
6 commits them to purchasing the project once it
7 is permitted?

8 A. No.

9 Q. And you talked now and earlier about
10 optimal project.

11 A. Yes.

12 Q. And I just want to be clear, when
13 you're using "optimal" today, you mean optimal
14 economically?

15 A. That's correct. Well, I need
16 embellish that a little bit. Optimization also
17 includes lowest environmental impact, most
18 efficient and reliable interconnection to the
19 grid. All of that figures into the
20 optimization. You know, it has to be minimized
21 to the extent practical related to the SEPA
22 criteria.

23 Q. As you sit here today, is it your
24 testimony that the project is designed to have
25 the lowest environmental impact?

1 A. We specifically chose this site for
2 its low relative environmental impact. And
3 we've done everything practical to design the
4 site to minimize that impact, avoid where
5 necessary, and, in fact, provide mitigation for
6 where it can't be avoided.

7 Q. And when you say that you are
8 providing mitigation where something can't be
9 avoided, you're referring to environmental
10 impacts, correct?

11 A. Correct.

12 Q. And if you're saying that
13 something -- environmental impact can't be
14 avoided, is that, it can't be avoided and the
15 project still exists, or it can't be avoided
16 for the optimal project?

17 A. It can't be avoided as a project
18 exists. For example, we're going to have
19 one acre of permanent impact to shrub step. We
20 can't avoid it.

21 (The Court Reporter requested
22 clarification.)

23 THE WITNESS: To shrub step habitat,
24 and we can't avoid it. So I've got to
25 mitigate for that one acre of permanent

1 impact.

2 BY MS. VOELCKERS:

3 Q. Why can't you avoid it?

4 A. It would be economically infeasible
5 to, you know, for example, route a conductor --
6 a whole series of conductors several miles
7 around a one-acre shrub step impact.

8 So we believe that we can mitigate,
9 onsite is preferred, and we do have a site
10 identified in our habitation mitigation plan,
11 but that's a case where it would just be
12 unreasonable to avoid that one acre. And, you
13 know, we feel that's acceptable.

14 Q. Unreasonable, but not impossible?

15 A. Right.

16 Q. So is it fair to say that when the
17 Exhibit 1 discusses avoidance of environmental
18 impacts and says that something cannot be
19 avoided, does that really mean that it's
20 unreasonable from a business perspective to
21 avoid that impact?

22 A. That's what it means, yes.

23 Q. Okay. Thank you.

24 You talked about the benefit of
25 going to EFSEC, and I think you used the term

1 "one stop shop"?

2 A. Correct.

3 Q. I would certainly agree that by
4 going to EFSEC you're saving administrative
5 burden by applying to them rather than multiple
6 regulators.

7 My question, though, is about your
8 understanding. Is it your understanding that
9 EFSEC can override all other permitting
10 entities with oversight of the project?

11 MS. PERLMUTTER: Objection. Calls
12 for a legal conclusion. And irrelevant.
13 You can answer.

14 THE WITNESS: EFSEC has preemptive
15 authority.

16 BY MS. VOELCKERS:

17 Q. Even over permits required under
18 federal law?

19 A. No, they cannot preempt federal.

20 Q. And what about permits required
21 under state law, apart from Benton County's own
22 regulations?

23 MS. PERLMUTTER: I'm going to object
24 on foundation grounds. Calls for legal
25 conclusion. And it is also specifically

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

one of the issues that have been excluded from the adjudication by Judge Torem.

(The Court Reporter requested clarification.)

MS. PERLMUTTER: By Judge Torem, T-o-r-e-m.

MS. VOELCKERS: State law permitting has been excluded?

MS. PERLMUTTER: Preemption of local -- preemption of local land use plans or ordinances.

BY MS. VOELCKERS:

Q. So is it your understanding that EFSEC can override or preempt state law requirements outside of those local-induced regulations?

MS. PERLMUTTER: Same objection.

THE WITNESS: I believe they could go through the process it would take to do that. I don't think they would, but that's personal opinion.

For example, the new lighting reduction, we are going to comply with that fully. And we would desire EFSEC to agree with us with that.

Asked about preemption L22
"comply"
one person heard this as "we are going to fight that fully"
that person RECORDED it, she and her husband hear the same thing.

25

1 BY MS. VOELCKERS:

2 Q. You said you've been working on the
3 water supply for the project for a couple of
4 years now.

5 A. Yeah.

6 Q. Is it fair to say it's been hard to
7 find water in this area?

8 MS. PERLMUTTER: Objection. Form.
9 You can answer it.

10 THE WITNESS: No, it's not hard.

11 BY MS. VOELCKERS:

12 Q. It's not hard to find extra water?

13 MS. PERLMUTTER: Objection. Asked
14 and answered. You can answer it. And to
15 form.

16 THE WITNESS: There are water
17 sources available. I'll give you an
18 example. The Welch's grape juice plant in
19 Kennewick, they've got a tremendous well
20 there. And it's not under contract.
21 Somebody owns it. It's not available to
22 us.

23 BY MS. VOELCKERS:

24 Q. Is it fair to say that you have to
25 find water to purchase for the project?

1 A. Anything other than drilling your
2 own hole, you have to purchase, yeah.

3 Q. And drilling your own hole is not
4 necessarily an option?

5 MS. PERLMUTTER: Objection. Form.
6 You can answer.

7 THE WITNESS: It's too risky to
8 drill wells up on the site. If you look
9 over the landscape, you'll see farmers that
10 have green trees and you'll see farmers
11 that don't. The ones with green trees have
12 wells. The others don't.

13 BY MS. VOELCKERS:

14 Q. I guess what I'm getting at is that
15 it's not easy to find new water sources that
16 have not already been appropriated by someone
17 else?

18 MS. PERLMUTTER: Objection as to
19 form. Asked and answered. You can answer.

20 THE WITNESS: Well, anybody that has
21 substantial water resource is in the
22 business of making revenue from it.

23 BY MS. VOELCKERS:

24 Q. By selling it?

25 A. By selling it, yeah.

1 Q. To folks that need it for new
2 development?

3 MS. PERLMUTTER: Objection.

4 Foundation and form. You can answer.

5 THE WITNESS: Irrigators. There's
6 lots of wells up there for irrigators.

7 BY MS. VOELCKERS:

8 Q. Are you aware that new commercial
9 development cannot be permitted until an
10 applicant has demonstrated available water to
11 support the development?

12 MS. PERLMUTTER: Objection.

13 Relevance. You can answer.

14 THE WITNESS: Well, it sounds
15 reasonable.

16 BY MS. VOELCKERS:

17 Q. Both for construction and operation
18 of the development, right?

19 A. Yeah, sounds reasonable.

20 Q. And you know that under EFSEC's own
21 regulations, projects are required to
22 demonstrate legally available water in support
23 of their applications?

24 MS. PERLMUTTER: Objection. Calls
25 for a legal conclusion. You can answer, if

1 you can.

2 THE WITNESS: As part of our
3 application process, yes, we have to answer
4 the questions, where is your water coming
5 from?

6 BY MS. VOELCKERS:

7 Q. Is it fair to say that you
8 understand that you would have to answer that
9 question whether you were going through the
10 county permitting process or EFSEC?

11 A. I believe that would be true, yeah.

12 Q. Prior to obtaining a permit?

13 MS. PERLMUTTER: Objection. Form.
14 You can answer.

15 THE WITNESS: Identifying the source
16 prior to obtaining your permit, yeah.

17 BY MS. VOELCKERS:

18 Q. Yeah. And to be clear, I'm not
19 talking about any contracts. I'm just talking
20 about demonstrating available water.

21 You understand that you have to
22 demonstrate that there's water available for
23 the project?

24 MS. PERLMUTTER: Objection. Calls
25 for a legal conclusion. You can answer it.

1 THE WITNESS: We would not get to
2 this stage in our development without
3 having a line of sight on water supply.
4 Not only one, but multiple, so we have
5 contingencies. And we're going to continue
6 to go after the cheapest one that's most
7 convenient to the site.

8 BY MS. VOELCKERS:

9 Q. Was that a "yes" to my question,
10 though?

11 A. I think it was.

12 Q. If we could turn to page 2-87 of
13 Exhibit 1.

14 A. Okay.

15 Q. Sorry, I lost my page here. Just
16 take a sec.

17 So the bottom of page 2-87 talks
18 about construction water supply, and then it
19 continues on page 2-88. So if we could turn
20 there. Middle of third line down, it says --
21 are you there?

22 A. Yes.

23 Q. It says:

24 As an alternative to the City of
25 Kennewick, the project may source water from

1 either another local off-site public utility,
2 private irrigator, or wells. As an example,
3 refer to the Port Walla Walla availability of
4 water for hire letter in Appendix J.

5 A. Yes.

6 Q. So that refers to Appendix J as an
7 example.

8 A. Yes.

9 Q. Do you have any other letters from
10 other potential water sources that would
11 demonstrate legally available water for the
12 project?

13 MS. PERLMUTTER: Objection. Calls
14 for a legal conclusion. But you can
15 answer.

16 THE WITNESS: We are in negotiations
17 with other parties. Do I have a signed
18 agreement? No.

19 BY MS. VOELCKERS:

20 Q. And there isn't any other documents
21 to share at this time that demonstrate
22 available water for the project?

23 MS. PERLMUTTER: Objection. Form.
24 And I think asked and answered. You can
25 answer.

1 THE WITNESS: I'm sorry, could you
2 ask it again?

3 BY MS. VOELCKERS:

4 Q. There aren't any other documents
5 that could be shared at this time that would
6 show additional available water for the
7 project?

8 MS. PERLMUTTER: Repeat the
9 objection. You can answer.

10 THE WITNESS: We have a land use
11 license with Department of Natural
12 Resources for an existing well site.
13 That's a public record.

14 BY MS. VOELCKERS:

15 Q. Where would I find that publicly?

16 A. I'm sure it's available by request
17 from Department of Natural Resources. I mean,
18 I can provide it to you.

19 Q. You can provide it?

20 A. Yeah, yeah.

21 Q. Okay. Any other documents?

22 MS. PERLMUTTER: Objection. Form.
23 You can respond.

24 THE WITNESS: No.

25

1 BY MS. VOELCKERS:

2 Q. Does the land use license agreement
3 with DNR cover construction water or operation
4 water?

5 A. The land use license is to use that
6 portion of state land. And the intended
7 purpose is to reactivate a well that exists
8 there, but we have to negotiate the terms, and
9 that is a work in progress.

10 Q. So the well is not currently being
11 used to exercise a water right?

12 A. Not current, no.

13 Q. So is it possible you might need to
14 go to ecology to resolve any -- to use that
15 well, to determine if it has a valid water
16 right?

17 MS. PERLMUTTER: Objection. Form.
18 And calls for speculation. But you can
19 answer, if you can.

20 THE WITNESS: Department of Natural
21 Resources has assured us they have water
22 rights that can be transferred to
23 reactivate that well.

24 BY MS. VOELCKERS:

25 Q. That's what I was going to ask.

1 Thank you.

2 A. Okay. We have water solved. I
3 shouldn't have --

4 Q. Is it solved or are you working on
5 it?

6 A. We're working on it. We believe --
7 well, Port of Walla Walla in a pinch, yeah.
8 They have ample water.

9 Q. I'm not disagreeing with your use of
10 the word "solved." I'm just trying to
11 understand what is held within your knowledge
12 at Scout and what is available to the rest us
13 to understand in terms of the source of the
14 water for the project.

15 A. I'm speaking to publicly available
16 documents. We have the agreement with the
17 Port of Walla Walla and we have a land use
18 license with Department of Natural Resources.

19 Q. And you understand that to cover all
20 water needs for the project?

21 A. It is --

22 MS. PERLMUTTER: Objection. Form.
23 Go ahead.

24 THE WITNESS: Yeah. Construction
25 and operational needs, yeah, for the life

1 of the project.

2 BY MS. VOELCKERS:

3 Q. Have you had any conversations with
4 EFSEC staff in this back-and-forth on the FEIS
5 about how to provide that information so they
6 can analyze the impacts of the project on water
7 resources?

8 THE WITNESS: Yes. I've had
9 conversations with them about what we have
10 provided in the ASC redline as believing
11 that satisfies the requirements for a
12 permit application for water supply for the
13 full term of the project.

14 BY MS. VOELCKERS:

15 Q. EFSEC staff have not requested
16 additional information from you regarding the
17 water supply for the project at this time?

18 MS. PERLMUTTER: Objection. Form.
19 You can answer.

20 THE WITNESS: Correct. They have
21 not. They feel they have enough. They've
22 said to me they have what they need.

23 BY MS. VOELCKERS:

24 Q. Based upon Appendix J?

25 MS. PERLMUTTER: Objection. Form

1 and foundation.

2 THE WITNESS: That's correct. I'm
3 not going to give EFSEC the land use
4 license for DNR because it's not an
5 agreement to lease the well. So I have to
6 get that done before I can notify EFSEC.

7 BY MS. VOELCKERS:

8 Q. And to be clear, Appendix J isn't a
9 water use agreement, correct?

10 A. Yes, it is a water use agreement.

11 Q. It's an agreement, a commitment to a
12 certain amount of water?

13 A. Yes, it is.

14 MS. PERLMUTTER: Objection. Form.
15 And argumentative.

16 THE WITNESS: It is an agreement.
17 Now, we'll have to negotiate what upgrades
18 are necessary in order to do that and who
19 pays for it.

20 But they've -- that letter is a
21 statement of capability to provide what
22 we've identified as our need for the life
23 of the project.

24 BY MS. VOELCKERS:

25 Q. A statement of capability, right?

1 A. Yeah, yeah. That's what's required.

2 Q. But not a water use agreement in
3 term of the specifics of what Scout will be
4 paying for or what improvements Scout will be
5 making in exchange for a specific amount of
6 water?

7 MS. PERLMUTTER: Objection. Form.
8 And argumentative. You can answer.

9 THE WITNESS: That's correct. We
10 have not inked out that final agreement for
11 all of the terms necessary to be able to
12 access that water.

13 BY MS. VOELCKERS:

14 Q. Appendix J only references water for
15 construction activities. Have you had
16 additional conversations with the Port of
17 Walla Walla about their ability to provide
18 water for operations?

19 A. It's part and parcel, all the same,
20 yeah.

21 Q. Was that just an accidental omission
22 from the letter in Appendix J?

23 MS. PERLMUTTER: Objection.
24 Foundation. You can answer.

25 THE WITNESS: Well, the letter was

1 their words. We say in our application
2 that it applies to water for construction
3 and operations.

4 BY MS. VOELCKERS:

5 Q. And I think the letter speaks for
6 itself, to be fair. So I'm not going to ask
7 you again to guess. And I think the ASC speaks
8 for itself in terms of your position.

9 But has there been a discussion
10 between Scout and Port of Walla Walla about
11 whether or not they have sufficient water for
12 full operation of the project?

13 A. Yes. I had personal discussions
14 with them myself. The operational needs for
15 water are very small. In fact, in order to
16 have the most impactful case in the ASC we said
17 we might need three panel washes a year. Well,
18 we might need zero.

19 MS. VOELCKERS: I have an exhibit.

20 (Exhibit 2 was identified.)

21 MS. VOELCKERS: I'm going to have to
22 apologize for those on the Zoom. If you'd
23 like, I can email this to you. It was also
24 provided for Mr. Ritter's deposition. It
25 is a letter from Mr. Ritter to EFSEC dated

1 January 31st, 2022.

2 Do folks need me to email a copy of
3 that? Okay. Not hearing anything on the
4 Zoom.

5 BY MS. VOELCKERS:

6 Q. Mr. Kobus, I'm going to direct your
7 attention to the second page.

8 A. Okay.

9 Q. And I know you've been in a lot of
10 conversations with WDFW over the years.

11 But look at that last statement
12 before the map.

13 A. Okay.

14 Q. It refers to a meeting in February
15 of 2022 between WDFW, EFSEC, and the applicant.

16 Do you recall if you were at that
17 meeting?

18 A. Yes, I was.

19 Q. Do you recall being provided a copy
20 of this figure in front of you?

21 A. Yes, I was.

22 Q. Did Scout make any alterations to
23 the project design in response to the February
24 2022 meeting?

25 A. Yes, we have committed to

1 alterations in the design relative to
2 discussions in this meeting. We have not
3 literally agreed to avoid the red circles
4 entirely.

5 Q. What alterations were made?

6 A. We've changed the routing of
7 overhead cables that -- to not go across
8 canyons, to go around. We've moved turbines
9 back from some of the canyons that were of
10 interest to WDFW for, you know, raptor use
11 areas or ferruginous hawk areas.

12 I mean, ultimately, we're in
13 settlement negotiations to reduce even further
14 with the CFE. But, you know, what we've
15 indicated to WDFW is that their recommendations
16 related to ferruginous hawk are premature.
17 They're not relative to publish peer-reviewed
18 documents and not part of the guidelines --
19 existing guidelines related to ferruginous hawk
20 mitigation -- avoidance and mitigation.

21 Q. And by -- yes?

22 MS. PERLMUTTER: Go ahead. I'm just
23 warning him I'm about to object.

24 BY MS. VOELCKERS:

25 Q. And by guidelines, are you referring

1 to the 2009 wind turbine guidelines?

2 MS. PERLMUTTER: I'm going to make a
3 standing objection that this really is
4 outside the scope of the Yakima Nation's
5 participation. I'm not going to instruct
6 him not to answer. We don't need to get a
7 ruling. But your questions are now subject
8 to an ongoing objection.

9 MS. VOELCKERS: I'm going to clarify
10 the objection. Your objection is that the
11 impacts of ferruginous hawks are not
12 relative to the Yakima Nation's concerns?

13 MS. PERLMUTTER: I am -- per the
14 second prehearing order by Judge Torem, it
15 says:

16 Except as it directly pertains to
17 Yakima Nation's legendary, monumental, or
18 burial sites per the WACs, Yakima Nation
19 shall limit its participation and
20 coordinate its presentation of evidence
21 relating to visual impacts, light and glare
22 with the county, and counsel for the
23 environment, who shall jointly take lead
24 party status for that issue, and coordinate
25 presentation of evidence regarding

1 recreation or recreational land use,
2 transportation, and road safety issues with
3 the county who's the lead party on those
4 issues.

5 As I say, I'm not going to instruct
6 him not to answer, but I do object to this
7 entire line.

8 MS. VOELCKERS: And to be clear, the
9 objection is that questions about the
10 ferruginous hawk impacts are inconsistent
11 with what you just read?

12 MS. PERLMUTTER: That's correct.

13 BY MS. VOELCKERS:

14 Q. You referenced guidelines. Were you
15 referring to the 2009 wind turbine guidelines?

16 A. That's correct. That's the latest
17 available.

18 Q. Guidance?

19 A. WDFW -- well, wind power guidelines,
20 that is the latest version, official version.

21 Q. And when you referred to
22 peer-reviewed articles, what did you mean by
23 that?

24 A. All of this information was
25 predicated on information Jim Watson had

1 provided, which was not in peer-reviewed
2 documents. To my knowledge, still is not.

3 Q. So is it -- is it fair to say that
4 the majority of the turbines identified in this
5 figure are still sighted within the red-circled
6 port use areas?

7 MS. PERLMUTTER: Objection. Form.

8 You can answer.

9 THE WITNESS: They're consistent
10 with what's in our updated redline
11 application, yes.

12 BY MS. VOELCKERS:

13 Q. So Scout has not removed any portion
14 of the corridor siting areas in response to the
15 February 2022 meeting?

16 A. Well, I'm trying to be very clear.
17 As we talked about various concepts and we were
18 working towards resolving issuing related to
19 ferruginous hawk and related to raptor use
20 areas, with respect to what WDFW has provided,
21 we have provided comments to the DEIS that, you
22 know, are very clear that, you know, if
23 ferruginous hawks occupy a nest site, we will
24 be responsive to that occurring. We're not
25 going to take turbines away for a

1 20-year-year-old nest site that doesn't even
2 exhibit any of twigs remaining that were part
3 of that nest.

4 Q. And why not?

5 A. Because the hawks aren't using the
6 nest. You know, if -- well, as you can see,
7 you know, there are more nest sites out here
8 than they've identified in these three core
9 areas. So they're not even saying avoid.

10 They're also drawing perfect circles
11 around agricultural fields which, you know, we
12 all know the ferruginous hawks aren't foraging
13 in the middle of the wheat fields.

14 And it's just an impractical,
15 idealistic extent. We're not going to respond
16 to that kind of conjecture and that kind of
17 scenario where they say that you can't use half
18 of the project site because one time many years
19 ago there might have been a nest there.

20 We do our own surveys. There has
21 been no ferruginous hawk occupied nests for the
22 last two years anywhere near here.

23 Q. And when you say impracticable -- or
24 impractical, you're talking about from a
25 business perspective, right?

1 A. Yeah. That's -- we don't have to
2 recover the species. We just have to build the
3 best project with reasonable mitigation.

4 Q. It's not your job to recover the
5 species?

6 A. It's no one's job to recover the
7 species --

8 Q. It's not WDFW's --

9 (Parties speaking simultaneously.)

10 BY MS. VOELCKERS:

11 Q. It's not WDFW's job?

12 MS. PERLMUTTER: Objection.

13 Argumentative. Lack of foundation. Calls
14 for speculation. If you can answer, you
15 can.

16 THE WITNESS: Oh, I believe WDFW is
17 very interested in recovering the species.
18 That's why they designate it as endangered.

19 But you cannot recover the species
20 on the back of the next project that comes
21 along. It's unreasonable.

22 BY MS. VOELCKERS:

23 Q. And so just so I'm clear, because
24 you did talk about some things that were done
25 in response.

1 There are no turbines moved outside
2 of these red exclusionary areas in response to
3 WDFW's recommendations in February of 2020?

4 MS. PERLMUTTER: Objection. Form.

5 And asked and answered. You can answer it.

6 THE WITNESS: Remains to be seen.

7 We're still in the process of optimizing
8 the project site. And there may be
9 turbines that we decide not to construct in
10 the first buildout of the project that are
11 in those red circles. But as I say, it's a
12 work in progress.

13 BY MS. VOELCKERS:

14 Q. So, then, is it fair to say that the
15 work in progress may mean that there is
16 additional avoidance of impacts to ferruginous
17 hawks based upon development of the project
18 after the permit is issued?

19 MS. PERLMUTTER: Objection. Form.

20 Asked and answered. You can answer.

21 THE WITNESS: That is my intention,

22 yes.

23 BY MS. VOELCKERS:

24 Q. Based upon business goals to
25 optimize the project?

1 MS. PERLMUTTER: I'm sorry?

2 BY MS. VOELCKERS:

3 Q. Based upon business goals to
4 optimize the project?

5 A. We are continuing to evaluate the
6 layout. And there are likely to be cases where
7 deciding not to build a particular turbine site
8 has various benefits, visual benefits, wildlife
9 benefits, and other benefits that would make us
10 decide not to build a particular turbine. But
11 I can't, at this stage, identify what those
12 are. And based on legal counsel, wait for the
13 right time.

14 THE COURT REPORTER: Is there a good
15 time for a break?

16 MS. VOELCKERS: Yeah. I only have a
17 few questions, but I'm happy to take a
18 break.

19 THE COURT REPORTER: No, go ahead.

20 MS. VOELCKERS: I just want to make
21 a few statements for the record.

22 BY MS. VOELCKERS:

23 Q. As we sit here today, do you have
24 any reason to dispute a statement that the
25 ferruginous hawk --

1 (A recess was taken.)

2 BY MS. VOELCKERS:

3 Q. Just a few more questions for me.

4 If I were to represent to you today,
5 which I am, that the ferruginous hawk is a
6 treaty reserved resource of the Yakima Nation,
7 would you have any basis on which to dispute my
8 statement?

9 A. No, I wouldn't have any.

10 Q. If I were to represent to you today
11 that the ferruginous hawk is an integral
12 element of at least one traditional cultural
13 property identified within Jessica Lally's TCP
14 report, would you have any basis on which to
15 dispute me?

16 MS. PERLMUTTER: Objection. Form
17 and foundation. You can answer it, if you
18 can.

19 THE WITNESS: I mean, I can't recall
20 exactly what was said about it, but I can
21 tell you that we have the best available
22 science on the ferruginous hawk. We do
23 surveys. We've committed to do them
24 annually.

25 We know that there are no occupied

1 nests within the last two years on the
2 site. And beyond that, I can't recall
3 precisely what was said about it in her
4 exhibit.

5 BY MS. VOELCKERS:

6 Q. So as we sit here today, you have no
7 reason to dispute the statement that I'm making
8 on the record, which is that the ferruginous
9 hawk is an integral element of at least one
10 traditional cultural property of the Yakima
11 Nation?

12 MS. PERLMUTTER: Objection. Form
13 and foundation. If you can answer it, you
14 can.

15 THE WITNESS: I have no reason to
16 dispute it.

17 BY MS. VOELCKERS:

18 Q. I'd like to turn back to the
19 Exhibit 1, page 2-8.

20 A. Okay.

21 Q. And it's actually the next page, but
22 it doesn't have a page number.

23 My understanding is that these are
24 the DNR parcels in the vicinity of the project?

25 (The Court Reporter requested

1 clarification.)

2 BY MS. VOELCKERS:

3 Q. In the vicinity of the project; is
4 that correct?

5 MS. PERLMUTTER: Objection. Form
6 and foundation.

7 THE WITNESS: But I can answer?

8 MS. PERLMUTTER: Yeah, sorry.

9 THE WITNESS: Yeah, that's how we
10 designate the DNR state trust lands, with
11 the blue.

12 BY MS. VOELCKERS:

13 Q. You referenced earlier land use
14 agreement with DNR for one of the wells that
15 they have on a parcel.

16 A. Yes.

17 Q. Is that parcel included on this
18 page?

19 A. No.

20 Q. How far away from the project site
21 is the parcel that's the subject of the land
22 use agreement with DNR?

23 MS. PERLMUTTER: Objection. Form.
24 You can answer. Sorry.

25

1 BY MS. VOELCKERS:

2 Q. The land use agreement that you
3 referenced earlier today?

4 MS. PERLMUTTER: Repeat the
5 objection. You can answer.

6 THE WITNESS: It is this blue you
7 see just off the very edge.

8 BY MS. VOELCKERS:

9 Q. This one?

10 A. Right here.

11 Q. Right here?

12 A. Yeah.

13 Q. So west of the project?

14 A. West of the project.

15 Q. Okay. Thanks. Okay.

16 A. It's two miles west of Highway 221
17 on Sellards Road.

18 MR. ARAMBURU: Could I ask, on our
19 official exhibit, that you put a little red
20 dot or little arrow next to that for us?
21 Would that be possible?

22 THE WITNESS: Sure.

23 MR. ARAMBURU: I don't mean to
24 interrupt here, but...

25 THE WITNESS: Do you have --

1 MS. PERLMUTTER: Actually, no. It's
2 a fountain pen.

3 THE WITNESS: (Witness complied.)
4 I'll put an asterisk by it right there.
5 How's that? You can see it?

6 BY MS. VOELCKERS:

7 Q. Yes.

8 A. It's called Gould well, G-o-u-l-d.
9 I'm hesitant to talk about it because we don't
10 have an agreement and it's not in the ASC and
11 it's not within our site control. It's going
12 to be part of our amendment process
13 post-adjudication.

14 Q. And I think I heard earlier that it
15 is an ongoing process in terms of the water?

16 A. Yes.

17 Q. But you can provide that land use
18 license?

19 A. I can provide the land use license.

20 Q. And you plan to amend the ASC again?

21 A. As negotiations progress -- well,
22 first of all, we do have to amend the ASC
23 post-adjudication, okay. And we may have
24 subsequent amendments to it after that. So at
25 the appropriate time, when negotiations come to

1 fruition and lease agreements are executed with
2 DNR, then the intention would be to certainly
3 include that within the impacted area for the
4 project.

5 Q. And when you say we have to amend it
6 after the adjudication, it being the ASC --

7 A. Yeah.

8 Q. -- do you mean after the
9 recommendation of the council, between when the
10 adjudication ends and the recommendation is --
11 can you be more specific about your
12 understanding of the timeline for additional
13 updates to the ASC?

14 MS. PERLMUTTER: Objection as to
15 form and foundation. But you can answer.

16 THE WITNESS: My understanding is
17 EFSEC deliberations require the results of
18 adjudication and the corresponding redline
19 of the application for commitments that
20 were made during the adjudication process.

21 So the council, when they do their
22 deliberations, they have to have that
23 available to them.

24 BY MS. VOELCKERS:

25 Q. So those updates would be made

1 before the council is finished deliberating so
2 they would have that information?

3 MS. PERLMUTTER: Objection. Form.
4 Foundation. And asked and answered. You
5 can answer.

6 THE WITNESS: I'm going to have to
7 change my answer because DNR keeps
8 insisting that they will not execute
9 agreements until the final EIS is available
10 because they will point to the final EIS as
11 their SEPA process for land use decisions.

12 And so I can say for certainty that
13 that has to occur first. So the final EIS
14 is going to have to come out before we can
15 amend it to include this.

16 BY MS. VOELCKERS:

17 Q. Okay. And this is my first time in
18 an EFSEC proceeding, so my knowledge is based
19 upon how SEPA normally works at the county
20 level.

21 How will the information about the
22 water source of the project be incorporated in
23 the FEIS if the ASC is not updated before the
24 FEIS is issued?

25 A. They're going to have to deliberate

1 on what's in there now. They can't deliberate
2 on promises. They're going to have to
3 deliberate on what's in the application at the
4 time they review it.

5 MS. VOELCKERS: I might have
6 questions depending on what else is asked
7 today, but I don't at this time.

8 MS. FOSTER: This is Ms. Beyer.

9 EXAMINATION

10 BY MS. FOSTER:

11 Q. Good afternoon, Ms. Kobus. My name
12 is Z Foster. I'm an attorney for Benton
13 County. Hope to make this a little bit shorter
14 for you, but all the same rules apply. You're
15 still under oath. Let's not try to talk over
16 each other.

17 A. I understand.

18 Q. Perfect.

19 So you said earlier that you have an
20 agreement with the Department of Defense; is
21 that correct?

22 A. Yes.

23 Q. And in that agreement, you had to
24 specify via GPS coordinates as to the location
25 of each turbine, correct?

1 A. That's correct. Those are
2 consistent with our filings with FAA for
3 determinations.

4 Q. Okay. So you, throughout the course
5 of the deposition today, you mentioned, you
6 know, the project layout may change or you may
7 change the layout. What do you mean when you
8 say that?

9 A. Change the micrositing.

10 Q. What do you mean when you say
11 "change the micrositing"?

12 A. Well, when we prepared the
13 application, we didn't know precisely where we
14 would end up pinpointing where the turbines
15 would be because there's a lot of things that
16 can influence their precise placement.

17 So what we did is everywhere there
18 was a turbine, we expanded the micrositing to
19 include a 500-foot area, wherever there was
20 infrastructure, we expanded it to 200 feet, so
21 that we would have flexibility within those
22 micrositing corridors.

23 So the application is very
24 conservative in that it includes those entire
25 micrositing corridors even though there's

1 only -- could be just one wire underground in a
2 200-foot wide area for the length of that
3 conductor placement.

4 Q. Okay. So to clarify, then, when
5 you're talking about changing the layout,
6 you're not talking about changing the placement
7 of the turbines?

8 MS. PERLMUTTER: Objection as to
9 form. But you can answer.

10 THE WITNESS: It could include the
11 turbines, but the intent is to not move the
12 turbines outside of the micrositing
13 corridor because then we have to change the
14 micrositing corridor, which is an increase
15 in impact.

16 BY MS. FOSTER:

17 Q. Right. I understand that.

18 What I'm trying to get at, though,
19 is if you change the coordinates of the
20 turbines, do you have to go back and get an
21 amended agreement with the DOD?

22 A. You do have some degree of freedom
23 that you can move the turbines. With DOD, it
24 was 190 feet of flexibility. With FAA, it's
25 one arc second.

1 Q. So let's go just based off the
2 assumption that the turbines are going to be
3 located in the general vicinity of your last
4 DOD agreement. Actually, I'm going to pause on
5 that one.

6 How many property owners do you
7 currently have lease agreements with?

8 A. I believe the number's around 40.

9 Q. Do you have lease agreements with
10 property owners that won't host a turbine or
11 the supporting infrastructure?

12 MS. PERLMUTTER: Objection to form.

13 You can answer.

14 THE WITNESS: We have one lease
15 agreement where we added a section and a
16 half of property that they did not want
17 turbines on. So we agreed to add the
18 property, but added the condition that
19 turbines could not be on that one and a
20 half section.

21 BY MS. FOSTER:

22 Q. But, otherwise, if you have a lease
23 agreement with a property owner, some portion
24 of the Horse Heaven Wind Farm, be it a turbine,
25 a battery, a solar array, or supporting

1 infrastructure, will be going through that
2 property?

3 A. There are some leases we have that,
4 no, we may not, and we'll likely give up those
5 leases. So we have more leases than
6 infrastructure.

7 Q. It just depends on the ultimate
8 layout?

9 A. It depends on the ultimate layout,
10 yes.

11 Q. Do you know -- and this is where
12 we're going back to based upon the most recent
13 application to the DOD where you specified the
14 turbine layout.

15 A. Yes.

16 Q. Do you know about how many parcels
17 will house turbines?

18 MS. PERLMUTTER: Objection as to
19 form. You can answer.

20 THE WITNESS: I don't know the
21 parcel count. I mean, we've got some
22 landowners that have 7,000 acres, we've got
23 others that have 700 under lease. I mean,
24 I -- and a section of land could have
25 several parcels on it, so...

1 BY MS. FOSTER:

2 Q. Exactly. That's what I'm getting
3 at.

4 You don't know how many turbines are
5 going to be per parcel?

6 A. I know per siting restrictions you
7 generally can't get more than four turbines on
8 a full section of land. But parcel-wise,
9 parcels can be subdivided. And, I guess,
10 it's using the parcel term is what's difficult
11 to answer. Because in our ASC, we have every
12 single parcel identified. Every single legal
13 parcel.

14 Q. Right.

15 A. Yeah.

16 Q. In your conception, how many acres
17 is a section of land?

18 MS. PERLMUTTER: Objection.

19 THE WITNESS: 640 acres. A section
20 of land is 640 acres.

21 BY MS. FOSTER:

22 Q. So it's possible that one parcel,
23 talking boundaries here, one parcel can
24 encapsulate more than 640 acres?

25 MS. PERLMUTTER: Objection.

1 Foundation.

2 THE WITNESS: No. County -- the way
3 the counties identify parcels, it's section
4 by section, and some sections can be
5 subdivided.

6 MS. FOSTER: Just, Ms. Perlmutter, I
7 would appreciate it if you just leave your
8 objections to the form of my question.

9 BY MS. FOSTER:

10 Q. So going back to you.

11 So your testimony, then, is that you
12 cannot have a parcel larger than 640 acres?

13 A. That's how the parcels are
14 identified legally, yes.

15 Q. Okay. So, then, I'm trying to just
16 get a firm count here.

17 So your testimony would be that at
18 max for one parcel could maximum have four
19 turbines on it?

20 A. A section of land.

21 Q. Right. But --

22 A. Not a parcel. It doesn't make sense
23 to talk about parcels because a parcel can be
24 five acres on a section of land. And then, of
25 course, there's other parcels that make up the

1 full 640.

2 But generally by the restrictions of
3 turbine placement, you can only squeeze four
4 turbines on a section of land which could be a
5 single parcel.

6 Q. Is it your understanding that the
7 Horse Heaven Wind Farm project will need to
8 comply with Benton County's conditional use
9 permit criteria?

10 MS. PERLMUTTER: Objection. Calls
11 for a legal conclusion. And relevancy.
12 You can answer.

13 THE WITNESS: We already have a
14 ruling.

15 BY MS. FOSTER:

16 Q. What's your --

17 A. That we are in compliance with land
18 use requirements.

19 Q. Are you referring to council order
20 number 883?

21 A. Yes.

22 Q. So it's your understanding that that
23 order stands for the proposition that you
24 comply with Benton County's conditional use
25 permit criteria?

1 MS. PERLMUTTER: Objection.
2 Relevance. And calls for a legal
3 conclusion.

4 MS. FOSTER: Once again,
5 Ms. Perlmutter, I'm going to ask you that
6 limit the speaking objections. You may
7 object to the form of my question.

8 MS. PERLMUTTER: I'll make my
9 objections.

10 THE WITNESS: The land use
11 consistency states that we are consistent
12 with the process the county utilizes for
13 conditional use permits.

14 We identified our compliance in the
15 ASC to every single one of those CUP
16 criteria in existence when we filed our
17 application.

18 BY MS. FOSTER:

19 Q. So it's your understanding that
20 EFSEC has already ruled that Scout is in
21 compliance with Benton County's conditional use
22 permit criteria?

23 MS. PERLMUTTER: Objection. Asked
24 and answered. You can answer.

25 THE WITNESS: No, I disagree. We

1 are consistent. We have a ruling that says
2 we are consistent. But EFSEC can preempt
3 county requirements.

4 BY MS. FOSTER:

5 Q. I think we may be talking over each
6 other here. I agree that -- with you that the
7 order says that you're consistent.

8 However, doesn't the order also
9 state that one of -- or I should say,
10 doesn't -- isn't one of the issues for this
11 adjudication whether or not the project
12 complies with Benton County's conditional use
13 permit criteria?

14 MS. PERLMUTTER: Objection.

15 Argumentative. And calls for a legal
16 conclusion. You can answer.

17 THE WITNESS: One of the issues
18 is -- yes, that is one of the issues. And
19 we would anticipate if the County has
20 conditions to place on the project, they
21 will work through EFSEC to make those
22 known.

23 BY MS. FOSTER:

24 Q. So it's your understanding of how a
25 conditional use -- how this process works that

1 the only steps left are to condition the
2 project?

3 A. That's correct.

4 Q. So you do not believe that there can
5 be a finding that the project does not comply
6 with the conditional use permit criteria?

7 A. That is my belief, yes.

8 Q. Are you -- are you familiar with the
9 conditional use permit criteria?

10 A. Oh, yes.

11 Q. So if I said to you that one of the
12 criteria if we sum it up is essentially
13 compatibility with permitted uses, you would
14 agree with me on that?

15 A. Yes.

16 Q. This is where I think the parcel
17 question -- why we're talking about parcels.

18 Because as we've been discussing,
19 like you said, there can be smaller parcels
20 than 640 acres, correct?

21 A. Correct.

22 Q. Are you aware of the average parcel
23 size for the land that you hold leases with for
24 the -- of the landowners that you hold leases
25 with?

1 A. Never tried to calculate it.

2 Q. Okay.

3 A. It's immaterial.

4 Q. Why is it immaterial?

5 A. Because you follow the legal
6 description for the property, and it is what it
7 is. I mean, it's -- if a parcel size is
8 smaller and a different owner, it could have
9 different restrictions on it or different
10 setback applications to it. But we deal with
11 legal property descriptions.

12 Q. Don't you think the parcel size is
13 important to determine how many turbines you're
14 putting on one parcel?

15 MS. PERLMUTTER: Objection.

16 Argumentative. You can answer if you can.

17 THE WITNESS: It's immaterial. You
18 determine what your buildable area is to
19 place turbines, and then you put them in
20 desired places relative to all of the
21 criteria you're trying to meet relative to
22 placing those turbines, and it falls out
23 where it falls out.

24 It's immaterial what parcel it's on.
25 You follow the criteria for desired

1 setbacks associated with the parcel.

2 When we filed this application, we
3 believe we were in compliance with the
4 conditional use criteria. And we actually
5 stated everywhere we were in compliance and
6 how we were in compliance.

7 And that's still the case. We're
8 maintaining that. We have not asked EFSEC
9 for preemption of what the CUP criteria
10 were at the time we filed our application.

11 BY MS. FOSTER:

12 Q. So are you aware of the use --
13 vaguely aware of the just outright permitted
14 uses -- I'm going to take a step back here.

15 Do you know the zoning designation
16 for the land upon which the Horse Heaven Wind
17 Farm is located?

18 A. Sure, GMA Ag.

19 Q. And are you just vaguely aware of
20 the outright permitted uses in the GMA Ag land?

21 MS. PERLMUTTER: Objection. Form
22 and foundation. I'm sorry, form --
23 objection as to form.

24 THE WITNESS: Very aware, yes.

25

1 BY MS. FOSTER:

2 Q. So if I represented to you that, in
3 general, most uses within the GMA Ag lands have
4 about one to three structures per parcel, would
5 you have any reason to dispute me on that?

6 A. No, I wouldn't.

7 Q. Okay. So if we're comparing -- so
8 if we're looking at compatibility, right, which
9 is size and scope, in effect, doesn't it then
10 become very important what the parcel size is
11 because we want to compare how many structures
12 the Horse Heaven Wind Farm is putting on a
13 parcel versus how many structures are in a
14 traditional permitted use?

15 MS. PERLMUTTER: Objection. Calls
16 for a legal conclusion. Also, irrelevant.
17 But you can answer.

18 THE WITNESS: It's immaterial. I
19 mean, as identified with the Nine Canyon
20 project, the assessors determined that the
21 space the turbines occupy has no effect on
22 zoning at all.

23 BY MS. FOSTER:

24 Q. We're not talking about zoning,
25 Mr. Kobus. I'm talking about number of

1 structures per parcel.

2 A. There is no criteria for number of
3 structures per parcel.

4 Q. So you think that has no relevancy
5 to a compatibility determination?

6 MS. PERLMUTTER: Objection.

7 Argumentative. You can answer.

8 THE WITNESS: I don't believe it
9 does.

10 BY MS. FOSTER:

11 Q. What is your conception of a
12 compatibility determination?

13 MS. PERLMUTTER: Objection.

14 Relevancy. You can answer.

15 THE WITNESS: Wind projects were a
16 permitted use when we filed our application
17 on GMA Ag lands. In fact, GMA Ag lands are
18 a priority for placement of wind turbines
19 because they've already despoiled the land
20 to the maximum extent. All that can grow
21 there is what they plant. It's the perfect
22 place to put wind turbines.

23 BY MS. FOSTER:

24 Q. Wind turbines were permitted use?

25 A. Absolutely.

1 Q. Don't you mean they were a
2 conditional use?

3 A. Absolutely.

4 Q. Is it your conception that a
5 permitted use is the same thing as a
6 conditional use?

7 MS. PERLMUTTER: Objection.
8 Relevance.

9 THE WITNESS: No, they're different.
10 BY MS. FOSTER:

11 Q. Then why did you did say wind
12 turbines were a permitted use?

13 MS. PERLMUTTER: Objection.
14 Argumentative. You can answer the
15 question.

16 THE WITNESS: I think it's a silly
17 distinction you're trying to make. Sorry.

18 BY MS. FOSTER:

19 Q. That's -- no, that's fair.

20 Is the conditional use has to
21 satisfy conditions, right?

22 A. That's right. That's what it means,
23 conditional use.

24 Q. And a permitted use is just allowed
25 outright?

1 A. Outright. You can do it --

2 Q. So you --

3 (Parties speaking simultaneously.)

4 (The Court Reporter requested
5 clarification.)

6 THE WITNESS: I understand what an
7 outright permitted use is. Like minor
8 solar is an example of an outright
9 permitted use on GMA Ag lands.

10 BY MS. FOSTER:

11 Q. And to you, a use that is allowed
12 with conditions and use that is allowed --
13 permitted outright, that's a minor distinction?

14 A. No, I didn't say that. I said --

15 MS. PERLMUTTER: Objection.

16 (The Court Reporter requested
17 clarification.)

18 MS. PERLMUTTER: Argumentative. You
19 can answer.

20 THE WITNESS: Permitted use is
21 permitted use. If then you want to talk
22 about the distinction between outright
23 permitted and conditional, I fully
24 understand what that means.

25 But, in general, when I say wind

1 turbines were a permitted use, that's a
2 true statement. So, I guess, I don't
3 understand what you're trying to get at.
4 So maybe if you could rephrase.

5 BY MS. FOSTER:

6 Q. Well, you said that wind -- I mean,
7 I don't want to be testifying here, but I could
8 submit to you that if you look at the Benton
9 County code in effect at the time at which you
10 submitted your application, if you looked under
11 the permitted uses, would you have found a wind
12 turbines farm?

13 A. Not a farm, no. Individual -- I
14 think it was up to two turbines at the time.
15 But more than that, in essence, a wind farm
16 required a conditional use permit. No question
17 about it.

18 Q. Okay. I think we've gone to a good
19 understanding on that. So I don't mean to
20 repeat myself, but I just want to make sure
21 that we're clear.

22 When looking at the project as a
23 whole, you could not tell me a general idea of
24 wind turbines per parcels?

25 A. No. As I said, my thumb rule is you

1 can generally put four wind turbines on a
2 section of land, which is 640 acres.

3 Q. And is -- okay.

4 Is the Horse Heaven Wind Farm, in
5 general, following your rule of, will there be
6 four wind turbines per section?

7 MS. PERLMUTTER: I'm going to
8 object. Mischaracterizes testimony. But
9 answer as best you can.

10 THE WITNESS: I don't know of any
11 that have more than four. I know of a lot
12 of sections that have four. And there's a
13 lot that have less. And I don't -- I don't
14 understand the distinction.

15 BY MS. FOSTER:

16 Q. Well, in general, could you tell me
17 the average wind turbines per section?

18 MS. PERLMUTTER: Objection. Asked
19 and answered.

20 THE WITNESS: I can't.

21 BY MS. FOSTER:

22 Q. You can't. Okay.

23 MS. FOSTER: I think that is all the
24 questions I have for you today, Mr. Kobus.
25 Thank you.

EXAMINATION

1
2 BY MR. ARAMBURU:

3 Q. Just a couple of follow-up
4 questions. Would you turn to page --

5 THE COURT REPORTER: Can you come
6 down here?

7 MR. ARAMBURU: I'm sorry.

8 THE WITNESS: 2-18, right?

9 BY MR. ARAMBURU:

10 Q. Yes. Excuse me. 2-156 -- excuse
11 me, 158.

12 A. I'm there.

13 Q. The number two criteria for
14 conditional use permits in Benton County is set
15 forth at the bottom of page 2-158, you see
16 that?

17 A. Yes.

18 Q. Do you believe that a six-acre,
19 150-megawatt lithium-ion battery installation
20 would endanger the health, safety, and welfare
21 of the surrounding community to an extent
22 greater than that associated with other
23 permitted uses?

24 A. I absolutely believe that's the
25 case, it will not.

1 Q. And that's despite the fact that
2 you've indicated that lithium-ion batteries are
3 subject to fires and --

4 A. Everything is subject to fire. It's
5 a reasonable risk for the technology.

6 Q. But have you considered whether --

7 A. They built these batteries at City
8 of Richland sites just recently. These are
9 commercially available technology, and they are
10 safe. They are not unreasonable danger to the
11 health and safety of the public.

12 Q. Has the National Fire Protection
13 Association adopted new guidelines for
14 lithium-ion fires?

15 MS. PERLMUTTER: Objection.

16 Foundation. You can answer, if you can.

17 THE WITNESS: I understand there's
18 evolution of the NFPA requirements, but
19 we're not obligated to follow every new
20 requirement that evolved since our permit
21 application.

22 We identify the standards that were
23 available at the time of our application,
24 and that's what we follow.

25

1 BY MR. ARAMBURU:

2 Q. And up in this area, the GMAA area,
3 right, generally allows agricultural?

4 A. Correct.

5 Q. Generally allows farmhouses?

6 A. Correct.

7 Q. Agricultural sales of products?

8 A. True.

9 Q. All those things?

10 A. (Witness nodded head up and down.)

11 Q. Is this more or -- is six-acre
12 lithium-ion battery going to endanger the
13 health and safety of the people up there more
14 or less than those uses?

15 A. This will not be accessible to the
16 general public. So, no, it won't endanger
17 them.

18 Q. And if there's a runaway fire that
19 starts a fire in crop land up there, will that
20 be a greater impact on the people than the uses
21 that are there now?

22 MS. PERLMUTTER: Objection to
23 foundation. You can answer, if you can.

24 THE WITNESS: I can't speculate on
25 how big a fire's going to be.

1 BY MR. ARAMBURU:

2 Q. But --

3 A. Nobody can. These are
4 self-contained units that have structural steel
5 that contains these batteries. And, I mean,
6 yeah, things can melt, but it's not common.
7 It's a rare event. So I have no qualms about
8 that we will not materially endanger.

9 Q. Have you seen the videos of the
10 fire -- the lithium-ion fire that lasted for
11 four days down in Glendale, California?

12 A. I can neither confirm nor deny that
13 I've seen that video.

14 Q. Are you aware that there was water
15 on that fire for four continuous days and
16 didn't put it out?

17 MS. PERLMUTTER: Objection.

18 Foundation. Answer if you can.

19 THE WITNESS: I'll believe you, if
20 that's what you say. I don't know.

21 BY MR. ARAMBURU:

22 Q. Well, have you made an investigation
23 to determine whether or not this six acres of
24 lithium-ion batteries poses a greater threat to
25 people in the community than the

1 agricultural --

2 A. We've gone on record saying we
3 comply. That's what this document is telling
4 you.

5 Q. Yeah, I understand what you said.

6 A. Okay. We were on record saying we
7 comply. And I'm personally affirming that I
8 believe it, so...

9 MR. ARAMBURU: Okay. Thank you.

10 MS. PERLMUTTER: I have no
11 questions.

12 MS. FOSTER: I have no questions.

13 MS. VOELCKERS: I have no further
14 questions.

15 MR. ARAMBURU: Just one more thing,
16 which is not a question.

17 There was mention during -- I think
18 it was your question, Shona, concerning the
19 land use permit for the DNR property.

20 THE WITNESS: Yeah, yeah.

21 MR. ARAMBURU: Counsel, could you
22 distribute that to the parties so we have
23 it and we not let it go?

24 MS. PERLMUTTER: I certainly can't
25 do it now.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. ARAMBURU: Oh, no. I'm not asking now. But within a few days.

MS. PERLMUTTER: We've received the request. I don't anticipate a problem, but that's not my call. We'll take it under advisement. I don't expect a problem.

MR. ARAMBURU: And a few days is just fine. Thank you.

(THEREUPON, the deposition of DAVID KOBUS concluded at 4:35 p.m.)

(SIGNATURE RESERVED)

C E R T I F I C A T E

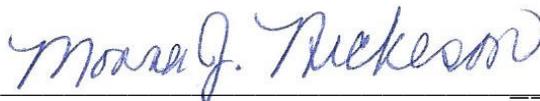
I, MONNA J. NICKESON, CCR, CSR, CLR, RPR, CRR, the undersigned Certified Court Reporter, authorized to administer oaths and affirmations in and for the states of Washington (3322), Oregon (16-0441), Idaho (1045), and California (14430), do hereby certify:

That the sworn testimony and/or proceedings, a transcript of which is attached, was given before me at the time and place stated therein; that the witness was duly sworn or affirmed to testify to the truth; that the testimony and/or proceedings were stenographically recorded by me and transcribed under my supervision. That the foregoing transcript contains a full, true, and accurate record of all the testimony and/or proceedings occurring at the time and place stated in the transcript.

That I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the cause.

IN WITNESS WHEREOF I have set my hand on

July 26, 2023.



MONNA J. NICKESON, CCR, CSR, CLR, RPR, CRR

\$	150-megawatt [1] - 211:19	200-foot [1] - 194:2	54:10, 54:13, 56:25, 59:3, 65:25, 66:23	705 [1] - 2:4
\$1.727 [1] - 27:13	151 [1] - 125:11	2000 [1] - 2:13	3000 [1] - 3:4	750 [2] - 50:19, 53:5
'	1550 [1] - 57:1	2009 [3] - 10:7, 178:1, 179:15	31st [1] - 176:1	760 [1] - 3:4
'21 [3] - 30:19, 96:10, 100:6	158 [1] - 211:11	2010 [2] - 10:6, 10:7	3322 [2] - 5:7, 218:5	8
'22 [1] - 100:7	16-0441 [2] - 5:8, 218:6	2016 [1] - 35:15	340 [1] - 68:5	8 [1] - 137:18
1	160 [1] - 68:6	2018 [7] - 8:24, 35:16, 35:17, 36:3, 36:4, 38:14, 141:1	350 [29] - 39:3, 40:12, 41:10, 41:14, 42:21, 42:24, 43:3, 44:2, 44:3, 50:10, 50:12, 53:17, 53:20, 54:1, 64:3, 64:5, 64:24, 65:4, 65:12, 65:18, 65:22, 65:23, 66:1, 66:9, 66:14, 66:24, 67:5, 67:9	800 [1] - 2:13
1 [40] - 4:10, 11:18, 11:19, 16:4, 82:15, 84:6, 84:7, 84:11, 84:16, 84:23, 85:4, 93:15, 93:25, 104:4, 104:10, 104:12, 105:5, 106:8, 106:14, 106:16, 123:8, 127:1, 138:21, 139:10, 139:21, 140:11, 141:11, 142:20, 144:15, 144:24, 146:20, 147:15, 147:25, 150:4, 151:12, 151:25, 156:20, 160:17, 167:13, 186:19	175 [1] - 4:11	2020 [3] - 134:15, 134:21, 183:3	39th [1] - 2:8	807 [1] - 2:8
1-10 [1] - 117:17	180 [1] - 88:4	2021 [5] - 12:19, 28:6, 96:2, 98:17, 134:24	4	850 [1] - 37:12
1/31/2022 [1] - 4:11	19 [2] - 86:16, 87:6	2022 [4] - 176:1, 176:15, 176:24, 180:15	4 [3] - 16:4, 48:14, 48:18	883 [1] - 199:20
10 [2] - 31:6, 45:23	19.4 [1] - 86:19	2023 [5] - 1:15, 4:3, 5:2, 217:23, 218:22	4-33 [1] - 131:20	9
10.2 [2] - 86:15, 86:24	190 [1] - 194:24	21 [3] - 1:15, 4:3, 5:2	40 [1] - 195:8	97205 [1] - 3:4
100 [16] - 39:1, 39:15, 39:16, 39:20, 39:23, 40:4, 40:24, 41:6, 41:11, 43:22, 44:24, 50:12, 50:14, 68:15, 154:4	192 [1] - 4:6	211 [1] - 4:6	401 [1] - 3:9	98104 [1] - 2:5
102206 [1] - 1:13	1st [1] - 136:9	221 [1] - 188:16	463-60-296 [2] - 101:4, 101:20	98104-3188 [1] - 2:14
1045 [2] - 5:8, 218:6	2	230 [10] - 37:8, 39:2, 40:9, 65:12, 66:10, 84:11, 84:13, 84:21, 86:19, 86:24	4:35 [1] - 216:10	98902 [1] - 2:9
11 [1] - 4:10	2 [16] - 4:11, 16:4, 71:1, 82:15, 82:18, 84:16, 85:17, 85:19, 85:20, 86:14, 86:23, 104:10, 127:3, 127:5, 175:20	235 [7] - 33:14, 33:24, 33:25, 35:1, 35:5, 63:11, 63:13	5	98948 [1] - 3:10
115 [2] - 20:1, 37:9	2-101 [1] - 104:7	244 [17] - 27:15, 28:1, 33:4, 33:5, 33:11, 33:14, 34:3, 34:13, 34:25, 35:3, 54:25, 71:18, 77:15, 95:7, 96:20, 100:18, 102:1	5 [2] - 4:5, 70:25	99336 [1] - 1:13
11:00 [1] - 7:11	2-102 [1] - 86:14	250 [9] - 35:24, 35:25, 37:22, 38:16, 38:23, 39:15, 39:19, 40:2, 40:4	50 [1] - 45:24	A
11:05 [2] - 1:15, 5:2	2-103 [2] - 81:23, 87:14	250-megawatt [1] - 35:22	500 [8] - 37:8, 67:1, 67:6, 67:15, 67:20, 68:2, 68:17	A.M [2] - 1:15, 5:2
121 [1] - 94:8	2-118 [2] - 89:13, 93:23	26 [1] - 218:22	500-foot [1] - 193:19	ability [5] - 38:25, 49:24, 64:2, 127:7, 174:17
13.6 [1] - 64:4	2-126 [1] - 129:18	285 [1] - 27:11	509.942.8477 [1] - 1:23	able [13] - 20:4, 25:18, 43:7, 43:24, 44:14, 46:18, 62:6, 83:7, 83:8, 102:13, 155:22, 157:5, 174:11
1300 [1] - 2:4	2-15 [3] - 59:25, 62:15, 64:7	3	6	abnormal [1] - 132:16
138 [1] - 4:5	2-150 [1] - 120:10	3 [6] - 16:4, 48:14, 48:18, 72:4, 72:5, 72:14	6 [1] - 72:4	absolutely [12] - 14:17, 89:4, 89:18, 89:24, 104:21, 121:6, 122:1, 131:12, 134:23, 206:25, 207:3, 211:24
1385 [1] - 5:20	2-151 [1] - 123:25	3.04.041 [1] - 124:12	600 [1] - 68:16	AC [1] - 69:24
14430 [3] - 1:22, 5:9, 218:6	2-156 [1] - 211:10	3.3 [1] - 124:9	640 [7] - 197:19, 197:20, 197:24, 198:12, 199:1, 202:20, 210:2	accept [1] - 103:19
15 [1] - 115:21	2-158 [1] - 211:15	3.4 [4] - 72:6, 72:7, 72:22, 73:21	650 [13] - 40:8, 40:20, 50:10, 64:19, 65:3, 65:14, 65:15, 65:17, 65:19, 65:21, 66:7, 66:12	acceptable [1] - 160:13
150 [13] - 27:16, 55:1, 59:17, 77:15, 85:5, 85:7, 95:7, 96:20, 100:18, 102:2, 111:21, 114:24, 114:25	2-16 [1] - 67:13	30 [1] - 108:25	7	access [2] - 25:6, 174:12
	2-18 [1] - 211:8	300 [16] - 39:21, 40:7, 40:12, 50:10, 50:12, 53:7, 53:21, 54:2, 54:3, 54:4,	7 [3] - 137:18, 137:20, 138:1	accessible [1] - 213:15
	2-49 [1] - 68:21		7,000 [1] - 196:22	accidental [1] - 174:21
	2-7 [1] - 16:5		700 [1] - 196:23	accommodate [3] - 58:16, 58:18, 82:21
	2-8 [1] - 186:19			accomplish [1] - 82:2
	2-85 [2] - 27:11, 30:9			accordance [3] - 130:15, 140:6, 147:5
	2-86 [1] - 116:15			accordingly [1] - 97:4
	2-87 [2] - 167:12, 167:17			account [2] - 45:18, 78:14
	2-88 [1] - 167:19			
	2-A [1] - 85:7			
	2-B [3] - 85:9, 87:10, 87:12			
	2.1.3 [1] - 16:8			
	2.15-1 [1] - 84:1			
	2.22 [1] - 94:2			
	2.3 [1] - 60:2			
	20 [6] - 31:6, 45:24, 115:21			
	20-year-year-old [1] - 181:1			
	200 [1] - 193:20			

<p>accurate [7] - 28:8, 84:3, 87:18, 89:17, 132:6, 132:20, 218:15</p> <p>acquire [5] - 19:10, 20:14, 22:14, 23:20, 38:21</p> <p>acquired [5] - 23:9, 37:6, 38:8, 39:19</p> <p>acquiring [1] - 38:4</p> <p>acre [8] - 127:8, 127:24, 159:19, 159:25, 160:7, 160:12, 211:18, 213:11</p> <p>acres [13] - 59:11, 124:23, 126:17, 196:22, 197:16, 197:19, 197:20, 197:24, 198:12, 198:24, 202:20, 210:2, 214:23</p> <p>acronym [1] - 132:12</p> <p>action [1] - 100:18</p> <p>active [4] - 27:3, 79:13, 90:14, 143:24</p> <p>actively [1] - 26:23</p> <p>activities [2] - 90:12, 174:15</p> <p>actual [1] - 47:15</p> <p>add [9] - 44:7, 57:14, 61:12, 63:4, 79:25, 102:19, 109:20, 110:14, 195:17</p> <p>added [9] - 13:21, 38:25, 53:22, 56:18, 56:21, 60:3, 131:2, 195:15, 195:18</p> <p>adding [1] - 83:13</p> <p>additional [13] - 63:4, 63:11, 63:18, 65:4, 81:11, 137:24, 137:25, 141:5, 169:6, 172:16, 174:16, 183:16, 190:12</p> <p>address [2] - 5:18, 5:20</p> <p>addressed [1] - 124:9</p> <p>addresses [2] - 122:10</p> <p>adds [1] - 40:19</p> <p>adequate [2] - 23:4, 23:5</p> <p>adequately [1] - 77:11</p> <p>adjudication [13] - 139:14, 140:5, 140:9, 151:11, 152:10, 162:2, 189:13, 189:23, 190:6,</p>	<p>190:10, 190:18, 190:20, 201:11</p> <p>adjust [1] - 58:25</p> <p>administer [1] - 218:4</p> <p>administrative [1] - 161:4</p> <p>admit [1] - 141:25</p> <p>adopted [1] - 212:13</p> <p>advance [1] - 55:17</p> <p>advantage [2] - 74:17, 76:8</p> <p>advantageous [2] - 109:23, 109:25</p> <p>advisement [1] - 216:6</p> <p>affect [1] - 54:11</p> <p>affected [1] - 80:8</p> <p>affecting [1] - 80:21</p> <p>affiliated [1] - 78:23</p> <p>affirmations [1] - 218:4</p> <p>affirmed [1] - 218:11</p> <p>affirming [1] - 215:7</p> <p>afternoon [2] - 91:17, 192:11</p> <p>Ag [6] - 204:18, 204:20, 205:3, 206:17, 208:9</p> <p>AG [1] - 148:7</p> <p>aggressive [1] - 88:23</p> <p>ago [2] - 133:3, 181:19</p> <p>agree [7] - 51:23, 81:17, 157:17, 161:3, 162:24, 201:6, 202:14</p> <p>agreeable [1] - 139:7</p> <p>agreed [3] - 135:13, 177:3, 195:17</p> <p>agreement [46] - 18:14, 18:23, 19:10, 19:13, 21:15, 22:10, 24:6, 25:24, 32:9, 33:15, 33:17, 33:23, 35:7, 55:15, 55:19, 56:2, 56:14, 107:16, 118:8, 119:19, 128:4, 137:9, 156:15, 157:11, 157:23, 157:24, 168:18, 170:2, 171:16, 173:5, 173:9, 173:10, 173:11, 173:16, 174:2, 174:10, 187:14, 187:22, 188:2, 189:10, 192:20, 192:23, 194:21, 195:4, 195:15, 195:23</p>	<p>agreements [11] - 21:24, 51:12, 120:1, 120:3, 123:18, 140:7, 158:4, 190:1, 191:9, 195:7, 195:9</p> <p>agricultural [4] - 181:11, 213:3, 213:7, 215:1</p> <p>Agro [1] - 156:6</p> <p>ahead [5] - 96:14, 99:23, 171:23, 177:22, 184:19</p> <p>air [1] - 21:8</p> <p>airspace [1] - 141:23</p> <p>allow [3] - 6:11, 24:5, 25:7</p> <p>allowed [6] - 52:25, 63:13, 141:5, 207:24, 208:11, 208:12</p> <p>allows [2] - 213:3, 213:5</p> <p>almost [1] - 119:7</p> <p>alongside [1] - 20:2</p> <p>ALSO [1] - 3:12</p> <p>alterations [9] - 147:11, 147:14, 149:18, 150:4, 151:14, 152:4, 176:22, 177:1, 177:5</p> <p>alternate [2] - 85:14, 94:18</p> <p>alternative [12] - 24:21, 85:10, 85:12, 85:13, 86:23, 94:22, 95:2, 95:3, 95:6, 98:13, 106:17, 167:24</p> <p>alternatives [24] - 13:15, 13:17, 94:3, 94:5, 94:8, 95:1, 95:19, 96:9, 97:3, 97:9, 97:24, 97:25, 98:10, 98:12, 98:15, 98:22, 99:3, 99:14, 99:16, 100:13, 100:17, 100:20, 101:12, 152:16</p> <p>amend [4] - 189:20, 189:22, 190:5, 191:15</p> <p>amended [10] - 11:24, 12:12, 12:18, 14:21, 16:23, 30:9, 34:1, 57:23, 60:1, 194:21</p> <p>amendment [2] - 58:17, 189:12</p> <p>amendments [1] - 189:24</p> <p>amount [13] - 24:7, 41:7, 48:7, 52:2, 52:20, 57:7, 59:13,</p>	<p>61:13, 71:21, 73:4, 111:3, 173:12, 174:5</p> <p>ample [1] - 171:8</p> <p>Amy [1] - 61:6</p> <p>analogy [1] - 32:16</p> <p>analysis [7] - 94:3, 94:5, 100:20, 100:21, 135:7, 137:22, 137:24</p> <p>analyze [2] - 74:21, 172:6</p> <p>analyzing [1] - 113:20</p> <p>AND [2] - 217:2, 217:23</p> <p>annually [1] - 185:24</p> <p>answer [137] - 6:12, 6:15, 7:8, 14:24, 15:7, 17:5, 22:17, 26:9, 29:17, 29:21, 30:8, 31:4, 31:8, 36:7, 42:15, 43:11, 44:25, 49:1, 52:22, 53:19, 56:11, 59:5, 60:16, 63:24, 71:13, 71:25, 72:19, 75:7, 75:8, 75:9, 75:18, 75:20, 77:18, 78:4, 79:5, 80:5, 90:9, 91:22, 91:23, 96:14, 98:25, 99:23, 101:7, 102:12, 103:13, 105:15, 106:11, 108:5, 109:19, 112:18, 113:12, 113:24, 114:22, 116:3, 117:24, 121:13, 123:6, 123:7, 123:13, 124:22, 125:12, 126:7, 127:15, 127:17, 129:14, 133:1, 133:14, 140:19, 142:5, 142:12, 143:8, 144:10, 144:19, 144:20, 146:25, 147:19, 148:16, 149:20, 152:6, 153:5, 153:7, 153:8, 153:14, 153:20, 155:21, 156:22, 157:14, 161:13, 163:9, 163:14, 164:6, 164:19, 165:4, 165:13, 165:25, 166:3, 166:8, 166:14, 166:25, 168:15, 168:25, 169:9, 170:19, 172:19, 174:8, 174:24, 178:6, 179:6, 180:8, 182:14,</p>	<p>183:5, 183:20, 185:17, 186:13, 187:7, 187:24, 188:5, 190:15, 191:5, 191:7, 194:9, 195:13, 196:19, 197:11, 199:12, 200:24, 201:16, 203:16, 205:17, 206:7, 206:14, 207:14, 208:19, 210:9, 212:16, 213:23, 214:18</p> <p>answered [17] - 22:17, 105:15, 106:10, 121:12, 133:1, 141:15, 141:16, 142:12, 144:19, 163:14, 164:19, 168:24, 183:5, 183:20, 191:4, 200:24, 210:19</p> <p>answers [1] - 29:20</p> <p>anticipate [3] - 152:3, 201:19, 216:4</p> <p>anticipated [2] - 117:10, 117:19</p> <p>anticipating [1] - 58:7</p> <p>apart [1] - 161:21</p> <p>apologize [1] - 175:22</p> <p>APPEARANCES [2] - 2:1, 3:1</p> <p>appendix [1] - 118:6</p> <p>Appendix [6] - 168:4, 168:6, 172:24, 173:8, 174:14, 174:22</p> <p>Applicant [1] - 1:8</p> <p>applicant [5] - 131:3, 133:25, 143:12, 165:10, 176:15</p> <p>APPLICANT [1] - 1:18</p> <p>application [56] - 12:19, 12:23, 13:2, 27:19, 40:18, 41:18, 51:19, 52:10, 54:5, 56:5, 56:17, 56:24, 57:12, 57:15, 57:24, 59:9, 61:9, 68:9, 68:21, 72:3, 82:21, 87:24, 94:4, 97:6, 97:7, 98:23, 100:14, 100:16, 114:17, 116:15, 135:7, 135:13, 136:7, 140:17, 141:8, 142:24, 147:7, 148:14, 154:11,</p>
--	--	--	---	--

<p>156:25, 166:3, 172:12, 175:1, 180:11, 190:19, 192:3, 193:13, 193:23, 196:13, 200:17, 204:2, 204:10, 206:16, 209:10, 212:21, 212:23</p> <p>APPLICATION [1] - 1:4</p> <p>applications [3] - 64:1, 165:23, 203:10</p> <p>applied [4] - 79:18, 118:20, 132:23, 141:25</p> <p>applies [1] - 175:2</p> <p>apply [2] - 138:17, 192:14</p> <p>applying [1] - 161:5</p> <p>appreciate [3] - 98:6, 151:8, 198:7</p> <p>approach [1] - 20:11</p> <p>approached [1] - 15:16</p> <p>appropriate [2] - 22:4, 189:25</p> <p>appropriated [1] - 164:16</p> <p>approval [3] - 56:1, 127:18, 127:22</p> <p>approve [1] - 101:4</p> <p>approved [4] - 59:16, 88:11, 88:24, 128:2</p> <p>Aramburu [1] - 5:22</p> <p>ARAMBURU [84] - 4:5, 4:6, 5:16, 11:20, 11:25, 12:7, 14:25, 15:12, 17:7, 19:9, 23:7, 25:1, 36:16, 42:18, 44:21, 45:7, 49:6, 53:3, 53:23, 56:15, 59:8, 59:21, 59:23, 60:23, 64:6, 69:17, 71:16, 72:8, 72:23, 75:23, 77:24, 78:11, 79:7, 80:16, 81:22, 86:13, 90:24, 92:4, 93:15, 93:19, 96:15, 99:4, 100:1, 101:1, 101:15, 102:8, 103:4, 104:3, 105:23, 106:15, 108:9, 110:5, 111:1, 112:12, 112:21, 113:19, 114:15, 115:2, 116:8, 118:4, 121:17, 123:9, 123:24, 125:20, 129:16, 131:19, 133:8, 133:16,</p>	<p>133:19, 133:22, 138:10, 188:18, 188:23, 211:2, 211:7, 211:9, 213:1, 214:1, 214:21, 215:9, 215:15, 215:21, 216:1, 216:7</p> <p>arc [1] - 194:25</p> <p>ArcVera [3] - 78:24, 79:1</p> <p>area [10] - 11:3, 19:23, 59:10, 163:7, 190:3, 193:19, 194:2, 203:18, 213:2</p> <p>areas [8] - 13:8, 177:11, 180:6, 180:14, 180:20, 181:9, 183:2</p> <p>argue [1] - 67:8</p> <p>argument [1] - 95:22</p> <p>argumentative [11] - 108:5, 125:17, 144:10, 173:15, 174:8, 182:13, 201:15, 203:16, 206:7, 207:14, 208:18</p> <p>ARMBURU [2] - 2:3, 2:5</p> <p>arrangement [6] - 28:13, 30:5, 35:4, 40:1, 71:18, 113:6</p> <p>arrangements [1] - 24:14</p> <p>arranges [1] - 32:10</p> <p>array [1] - 195:25</p> <p>arrays [4] - 69:7, 69:14, 69:21, 70:8</p> <p>arrow [1] - 188:20</p> <p>art [3] - 52:13, 128:24, 128:25</p> <p>articles [1] - 179:22</p> <p>articulated [1] - 145:13</p> <p>ASC [35] - 4:10, 11:16, 11:24, 12:12, 14:21, 16:23, 17:1, 17:9, 27:8, 30:9, 34:1, 60:1, 87:17, 88:24, 93:25, 94:16, 94:17, 94:24, 96:1, 98:16, 99:19, 115:9, 122:9, 124:9, 172:10, 175:7, 175:16, 189:10, 189:20, 189:22, 190:6, 190:13, 191:23, 197:11, 200:15</p> <p>aside [2] - 149:9, 149:13</p> <p>aspect [1] - 29:13</p>	<p>assess [3] - 78:2, 79:2, 81:12</p> <p>assessing [2] - 115:20, 116:17</p> <p>assessments [1] - 78:25</p> <p>assessors [1] - 205:20</p> <p>assets [3] - 37:6, 38:4, 38:24</p> <p>assist [1] - 132:4</p> <p>associated [5] - 28:13, 53:1, 140:3, 204:1, 211:22</p> <p>Association [1] - 212:13</p> <p>Asst [1] - 2:15</p> <p>assume [1] - 59:16</p> <p>assumption [5] - 72:25, 73:3, 73:15, 73:16, 195:2</p> <p>assure [2] - 52:23, 82:5</p> <p>assured [1] - 170:21</p> <p>asterisk [1] - 189:4</p> <p>AT [1] - 1:18</p> <p>Atlas [1] - 156:6</p> <p>attached [1] - 218:9</p> <p>attempt [5] - 15:20, 58:23, 139:4, 141:18, 155:8</p> <p>attempting [1] - 140:24</p> <p>attempts [1] - 139:9</p> <p>attention [1] - 176:7</p> <p>Attorney [3] - 2:4, 2:13, 2:15</p> <p>attorney [2] - 5:23, 192:12</p> <p>Attorneys [1] - 3:3</p> <p>attractive [3] - 17:20, 37:16, 37:19</p> <p>author [4] - 13:17, 13:25, 14:1, 94:13</p> <p>authored [1] - 15:15</p> <p>authoring [1] - 15:10</p> <p>authority [2] - 131:7, 161:15</p> <p>authorization [1] - 134:11</p> <p>authorize [1] - 134:12</p> <p>authorized [1] - 218:4</p> <p>automatic [3] - 124:10, 124:16, 125:10</p> <p>availability [2] - 124:8, 168:3</p> <p>available [53] - 14:5,</p>	<p>15:18, 15:22, 20:18, 23:4, 28:18, 34:6, 34:24, 35:8, 39:2, 41:14, 43:2, 48:9, 55:20, 58:6, 63:19, 71:20, 75:3, 75:15, 83:16, 90:16, 91:13, 93:12, 113:3, 115:25, 119:2, 119:3, 121:23, 123:11, 126:22, 128:23, 129:3, 141:2, 148:3, 152:13, 163:17, 163:21, 165:10, 165:22, 166:20, 166:22, 168:11, 168:22, 169:6, 169:16, 171:12, 171:15, 179:17, 185:21, 190:23, 191:9, 212:9, 212:23</p> <p>Avenue [5] - 2:4, 2:8, 2:13, 3:4, 5:20</p> <p>average [5] - 23:10, 48:7, 102:20, 202:22, 210:17</p> <p>Avista [2] - 9:14, 90:3</p> <p>avoid [9] - 138:22, 159:4, 159:20, 159:24, 160:3, 160:12, 160:21, 177:3, 181:9</p> <p>avoidance [2] - 160:17, 177:20</p> <p>avoided [7] - 159:6, 159:9, 159:14, 159:15, 159:17, 160:19</p> <p>avoids [1] - 106:17</p> <p>aware [12] - 125:21, 128:9, 136:10, 143:23, 148:23, 165:8, 202:22, 204:12, 204:13, 204:19, 204:24, 214:14</p> <p>AZIZA [1] - 2:10</p>	<p>balance [3] - 31:19, 32:6, 156:3</p> <p>balancing [1] - 25:14</p> <p>ballpark [1] - 108:18</p> <p>bands [1] - 125:6</p> <p>barely [1] - 133:18</p> <p>base [1] - 115:21</p> <p>based [13] - 12:3, 50:23, 74:7, 90:14, 146:18, 172:24, 183:17, 183:24, 184:3, 184:12, 191:18, 195:1, 196:12</p> <p>basic [2] - 16:17, 103:21</p> <p>basis [8] - 23:10, 30:20, 31:5, 79:10, 115:24, 122:24, 185:7, 185:14</p> <p>batteries [59] - 22:15, 23:2, 23:11, 23:12, 26:2, 46:7, 56:18, 57:1, 58:8, 58:14, 59:3, 59:7, 59:10, 85:10, 85:22, 108:11, 108:13, 108:15, 109:11, 109:16, 109:20, 110:7, 110:9, 111:4, 111:15, 111:19, 111:21, 111:23, 112:7, 112:15, 112:25, 113:9, 113:16, 113:21, 114:20, 115:4, 115:7, 115:22, 116:11, 121:10, 121:14, 125:22, 126:6, 126:10, 126:11, 126:16, 126:20, 126:25, 128:6, 128:17, 128:25, 129:2, 132:1, 132:15, 133:5, 212:2, 212:7, 214:5, 214:24</p> <p>battery [49] - 22:19, 23:16, 24:4, 24:12, 24:14, 44:11, 44:16, 46:16, 56:19, 56:22, 57:6, 57:19, 58:1, 58:5, 58:7, 58:15, 59:16, 84:12, 85:4, 85:5, 85:13, 85:18, 85:25, 86:4, 86:7, 86:11, 86:12, 105:7, 111:5, 111:8, 112:9, 114:10, 114:11, 114:12, 114:24, 114:25, 124:20, 124:21, 124:24,</p>
B				
<p>bachelor's [1] - 8:3</p> <p>back-and-forth [2] - 152:16, 172:4</p> <p>background [2] - 8:1, 8:4</p> <p>backtrack [1] - 38:13</p> <p>backup [2] - 21:3, 23:14</p> <p>bad [1] - 118:25</p>				

<p>126:11, 127:8, 127:24, 128:13, 128:14, 131:24, 195:25, 211:19, 213:12</p> <p>BC-1 [1] - 123:8 BC-2 [1] - 123:20 BCC [1] - 124:12 BE [2] - 5:1, 217:2 bear [1] - 109:13 became [1] - 82:16 become [5] - 7:2, 18:18, 20:6, 21:4, 205:10 becomes [1] - 86:6 becoming [1] - 108:16 BEFORE [2] - 1:1, 217:23 begin [1] - 40:2 beginning [1] - 88:23 behind [2] - 41:8, 105:18 beholder [2] - 109:22, 154:3 belief [3] - 27:24, 135:8, 202:7 believes [1] - 146:7 below [4] - 41:13, 42:21, 49:18, 217:4 bench [2] - 34:11, 74:10 benefit [2] - 131:12, 160:24 benefits [5] - 145:3, 184:8, 184:9 BENTON [1] - 2:7 Benton [4] - 1:12, 7:16, 10:22, 17:17, 18:2, 19:18, 19:20, 20:14, 20:23, 23:10, 23:25, 82:8, 83:18, 90:4, 120:20, 122:24, 123:8, 127:1, 127:3, 127:4, 127:5, 127:6, 127:7, 127:16, 127:19, 127:23, 129:5, 130:3, 130:6, 130:15, 130:21, 131:10, 133:11, 161:21, 192:12, 199:8, 199:24, 200:21, 201:12, 209:8, 211:14 BESS [2] - 124:11, 124:16 best [17] - 15:18, 15:22, 17:22, 27:17, 27:21, 53:14, 90:19, 120:6, 124:23, 126:7,</p>	<p>129:2, 155:14, 156:24, 182:3, 185:21, 210:9 better [4] - 37:19, 73:25, 91:14, 91:15 between [14] - 47:21, 54:25, 62:13, 77:8, 77:9, 86:20, 87:8, 135:17, 146:3, 147:9, 175:10, 176:15, 190:9, 208:22 BEYER [1] - 2:8 Beyer [1] - 192:8 beyond [1] - 186:2 bid [1] - 107:22 bids [1] - 155:14 big [8] - 46:22, 108:7, 108:8, 120:12, 124:19, 154:9, 213:25 bigger [3] - 31:9, 71:17, 115:22 billion [1] - 27:13 binding [1] - 29:12 bit [14] - 16:18, 29:15, 29:22, 35:13, 38:13, 46:24, 47:12, 50:7, 108:11, 108:14, 133:3, 138:19, 158:16, 192:13 blades [1] - 50:3 bleed [1] - 69:4 blind [1] - 76:5 BLM [3] - 9:21, 10:20, 11:3 blow [3] - 93:6, 93:7, 93:11 blowing [2] - 42:23, 44:4 blows [1] - 93:14 blue [2] - 187:11, 188:6 board [1] - 38:14 boat [2] - 76:25, 77:2 Bofer [2] - 64:21, 66:10 Bonneville [25] - 19:16, 20:5, 21:12, 21:17, 23:21, 24:15, 25:11, 25:16, 25:20, 25:24, 42:4, 42:5, 51:13, 52:16, 53:10, 55:16, 57:10, 57:13, 60:18, 61:18, 61:19, 61:24, 62:1, 62:14, 82:11 Bonneville's [2] - 51:15, 54:7 bottom [4] - 16:7, 46:19, 167:17, 211:15 boundaries [1] -</p>	<p>197:23 bounds [1] - 66:2 boy [1] - 120:12 BPA [16] - 24:22, 25:2, 25:3, 25:5, 36:17, 51:24, 52:5, 52:11, 54:21, 54:22, 55:8, 55:22, 56:2, 62:22, 67:1, 105:12 brand [1] - 114:9 break [4] - 7:12, 59:20, 184:15, 184:18 bring [3] - 32:25, 62:12, 104:18 bringing [2] - 26:14, 154:12 broken [1] - 88:19 Brun [1] - 3:14 bubble [1] - 157:2 build [32] - 10:3, 26:16, 27:15, 32:13, 32:18, 33:14, 33:24, 34:10, 34:14, 35:5, 51:25, 58:20, 59:12, 63:14, 82:20, 82:25, 86:5, 89:2, 89:4, 102:18, 104:12, 104:21, 106:23, 109:12, 110:4, 113:14, 114:25, 125:8, 156:6, 182:2, 184:7, 184:10 buildable [1] - 203:18 builder [1] - 108:8 building [6] - 32:13, 32:15, 83:17, 104:14, 104:17, 124:11 Building [1] - 1:12 buildout [3] - 113:14, 114:6, 183:10 built [9] - 8:14, 19:24, 28:19, 82:12, 82:16, 102:23, 106:7, 108:24, 212:7 Bumpus [1] - 95:12 bunch [1] - 81:9 burden [1] - 161:5 burial [1] - 178:18 burn [1] - 126:1 burning [1] - 126:4 bury [1] - 22:2 business [15] - 5:18, 5:20, 24:18, 98:5, 103:25, 105:25, 106:2, 120:8, 152:21, 154:11, 160:20, 164:22, 181:25, 183:24, 184:3 but.. [1] - 188:24</p>	<p>Butler [1] - 32:15 Butte [1] - 10:22 buy [9] - 20:22, 29:9, 71:5, 91:3, 91:18, 106:8, 115:3, 126:6, 126:9 buying [2] - 32:15, 91:7 BY [166] - 1:21, 2:5, 2:9, 2:15, 3:5, 4:5, 4:5, 4:6, 4:6, 5:16, 11:20, 12:7, 15:12, 17:7, 19:9, 23:7, 25:1, 36:16, 42:18, 44:21, 45:7, 49:6, 53:3, 53:23, 56:15, 59:8, 59:23, 60:23, 64:6, 69:17, 71:16, 72:8, 72:23, 75:23, 77:24, 78:11, 79:7, 80:16, 81:22, 86:13, 90:24, 92:4, 93:19, 96:15, 99:4, 100:1, 101:1, 101:15, 102:8, 103:4, 104:3, 105:23, 106:15, 108:9, 110:5, 111:1, 112:12, 112:21, 113:19, 114:15, 115:2, 116:8, 118:4, 121:17, 123:9, 123:24, 125:20, 129:16, 131:19, 133:8, 133:16, 133:22, 138:14, 140:22, 142:3, 142:18, 143:16, 144:14, 144:21, 147:8, 147:23, 148:22, 149:23, 150:19, 151:20, 152:11, 153:3, 153:9, 153:15, 153:21, 154:13, 156:1, 157:8, 157:21, 158:3, 160:2, 161:16, 162:12, 163:1, 163:11, 163:23, 164:13, 164:23, 165:7, 165:16, 166:6, 166:17, 167:8, 168:19, 169:3, 169:14, 170:1, 170:24, 172:2, 172:14, 172:23, 173:7, 173:24, 174:13, 175:4, 176:5, 177:24, 179:13, 180:12, 182:10, 182:22, 183:13, 183:23, 184:2,</p>	<p>184:22, 185:2, 186:5, 186:17, 187:2, 187:12, 188:1, 188:8, 189:6, 190:24, 191:16, 192:10, 194:16, 195:21, 197:1, 197:21, 198:9, 199:15, 200:18, 201:4, 201:23, 204:11, 205:1, 205:23, 206:10, 206:23, 207:10, 207:18, 208:10, 209:5, 210:15, 210:21, 211:2, 211:9, 213:1, 214:1, 214:21</p>
C				
<p>C&I [1] - 91:9 C.A.R.E.S [2] - 2:2, 5:23 CA [2] - 1:22, 5:9 cables [1] - 177:7 calculate [1] - 203:1 calculation [1] - 23:8 calculations [3] - 23:13, 46:13, 46:14 California [2] - 214:11, 218:6 cannot [8] - 33:14, 75:8, 75:9, 160:18, 161:19, 165:9, 182:19, 198:12 Canyon [8] - 8:14, 9:1, 9:8, 64:21, 67:2, 141:3, 141:6, 205:19 canyons [2] - 177:8, 177:9 capability [6] - 32:21, 42:3, 121:25, 129:7, 173:21, 173:25 capacity [48] - 37:21, 39:2, 41:15, 41:19, 41:22, 42:2, 43:7, 43:8, 44:3, 44:6, 44:9, 48:10, 49:9, 49:18, 49:20, 51:20, 51:21, 54:16, 61:7, 61:10, 61:16, 63:21, 64:20, 64:24, 65:18, 65:20, 66:8, 66:9, 66:12, 66:25, 67:1, 67:10, 69:10, 69:13, 69:20, 69:22, 69:23, 70:5, 70:9, 70:21, 70:22, 72:2, 74:9, 83:5, 83:15, 102:20, 106:23, 111:10 capacity/grid [1] -</p>				

<p>67:16 capital [1] - 104:17 capture [2] - 15:19, 17:22 car [4] - 111:5, 111:16, 111:19, 126:9 care [4] - 26:1, 51:24, 52:12, 80:3 cares [2] - 52:11, 52:16 Carole [1] - 3:15 case [11] - 54:15, 86:4, 93:4, 104:20, 109:22, 125:15, 141:6, 160:11, 175:16, 204:7, 211:25 CASE [1] - 4:2 cases [1] - 184:6 causes [1] - 42:2 CCR [3] - 1:22, 218:2, 218:24 ceased [1] - 143:15 cells [1] - 132:17 Center [1] - 8:21 CEO [1] - 9:19 certain [15] - 16:16, 47:3, 52:2, 52:13, 52:20, 77:8, 97:22, 103:7, 103:8, 103:20, 105:1, 106:18, 120:19, 136:5, 173:12 certainly [3] - 161:3, 190:2, 215:24 certainty [3] - 157:18, 157:19, 191:12 certification [5] - 40:18, 51:19, 97:8, 128:3, 137:9 Certified [5] - 5:4, 5:6, 5:7, 218:3 certify [1] - 218:7 cetera [2] - 106:3, 121:9 CFE [1] - 177:14 challenge [1] - 28:22 challenging [2] - 26:10, 36:22 chance [1] - 107:21 Chandler [1] - 10:22 change [18] - 19:2, 30:22, 34:25, 60:12, 62:8, 79:10, 84:8, 91:24, 92:20, 118:21, 136:17, 191:7, 193:6, 193:7, 193:9, 193:11, 194:13, 194:19 changed [2] - 20:11, 177:6 changes [7] - 28:10,</p>	<p>114:3, 148:13, 148:20, 149:1, 217:3 CHANGES [1] - 217:2 changing [5] - 50:2, 83:4, 103:2, 194:5, 194:6 characteristics [4] - 42:7, 52:6, 52:14, 78:7 characterization [1] - 14:9 characterize [1] - 32:17 charge [8] - 23:2, 24:11, 24:13, 44:15, 110:22, 111:11, 111:13, 111:14 charged [1] - 23:3 charging [4] - 22:21, 22:22, 22:23, 111:12 cheaper [1] - 103:23 cheapest [1] - 167:6 check [1] - 78:24 checked [1] - 118:20 choice [2] - 94:25, 100:14 choose [1] - 113:5 chose [6] - 20:7, 95:2, 108:15, 143:3, 143:5, 159:1 chronology [1] - 134:15 circled [1] - 180:5 circles [3] - 177:3, 181:10, 183:11 cited [1] - 74:1 Cities [2] - 5:23, 93:6 CITIES [2] - 1:22, 2:2 City [6] - 10:22, 19:20, 19:24, 20:7, 167:24, 212:7 city [1] - 118:23 Civil [1] - 7:5 clamoring [1] - 91:16 clarification [11] - 24:24, 69:16, 100:25, 112:11, 151:9, 158:2, 159:22, 162:4, 187:1, 208:5, 208:17 clarify [7] - 27:9, 63:8, 96:16, 144:22, 151:19, 178:9, 194:4 clarifying [1] - 61:15 Clean [2] - 8:19, 8:20 CLEAN [3] - 1:6, 3:2, 4:2 clean [4] - 90:5, 91:10, 115:14, 156:8 clear [15] - 61:16,</p>	<p>62:7, 141:11, 145:21, 146:2, 151:3, 151:10, 158:12, 166:18, 173:8, 179:8, 180:16, 180:22, 182:23, 209:21 clearer [1] - 6:20 clearly [2] - 26:15, 142:5 climate [1] - 92:18 climatic [1] - 43:18 Clipper [3] - 9:20, 10:3, 11:3 close [1] - 80:1 closed [1] - 92:7 closer [2] - 91:14 CLR [2] - 218:2, 218:24 clustered [1] - 57:6 co [2] - 18:11, 20:3 co-locate [1] - 20:3 co-locating [1] - 18:11 Code [3] - 130:7, 130:11, 130:16 code [3] - 120:20, 130:6, 209:9 Cohe [1] - 3:15 coincident [3] - 89:21, 92:13, 93:9 cold [1] - 93:5 collaborate [1] - 18:16 collaborative [1] - 13:20 collector [1] - 21:2 Columbia [8] - 9:16, 10:9, 10:14, 10:19, 11:6, 11:7, 11:10, 11:13 combination [2] - 67:19, 103:15 combining [1] - 11:1 coming [3] - 134:12, 148:24, 166:4 comment [1] - 136:8 comments [2] - 136:16, 180:21 commercial [11] - 17:16, 26:11, 43:13, 104:20, 107:25, 109:15, 111:20, 126:12, 126:16, 133:11, 165:8 commercial-grade [1] - 111:20 commercial-scale [1] - 26:11 commercially [6] - 58:10, 92:11, 108:16,</p>	<p>115:25, 128:23, 212:9 COMMISSION [1] - 217:25 commit [1] - 83:4 commitment [2] - 130:20, 173:11 commitments [3] - 26:18, 146:20, 190:19 commits [1] - 158:6 committed [2] - 176:25, 185:23 commodities [1] - 31:1 common [1] - 214:6 communications [2] - 97:20, 136:20 community [3] - 79:13, 211:21, 214:25 company [2] - 32:21, 105:21 compare [1] - 205:11 comparing [1] - 205:7 compatibility [4] - 202:13, 205:8, 206:5, 206:12 competing [1] - 37:1 competitive [4] - 74:17, 76:8, 102:25, 109:8 competitiveness [1] - 105:19 competitor [2] - 37:6, 37:25 complete [2] - 56:9, 96:21 completed [2] - 107:16, 137:12 complex [1] - 145:11 compliance [8] - 101:3, 120:14, 199:17, 200:14, 200:21, 204:3, 204:5, 204:6 complied [1] - 189:3 complies [1] - 201:12 comply [7] - 120:19, 162:23, 199:8, 199:24, 202:5, 215:3, 215:7 component [1] - 30:14 components [4] - 30:25, 31:21, 43:16, 125:7 comport [1] - 134:15 composition [1] - 115:23 compromise [1] -</p>	<p>139:8 conceive [1] - 82:7 conceived [1] - 82:19 conceiving [1] - 82:1 concept [9] - 25:23, 61:6, 76:16, 83:11, 84:10, 128:5, 128:15, 145:12, 156:25 conception [3] - 197:16, 206:11, 207:4 concepts [2] - 82:22, 180:17 concern [3] - 43:13, 52:17, 128:18 concerned [1] - 51:14 concerning [2] - 136:13, 215:18 concerns [4] - 80:19, 81:1, 82:5, 178:12 concert [1] - 97:6 concessions [1] - 140:6 concite [1] - 145:16 concluded [1] - 216:10 conclusion [11] - 101:6, 129:11, 161:12, 161:25, 165:25, 166:25, 168:14, 199:11, 200:3, 201:16, 205:16 condition [3] - 128:3, 195:18, 202:1 conditional [16] - 199:8, 199:24, 200:13, 200:21, 201:12, 201:25, 202:6, 202:9, 204:4, 207:2, 207:6, 207:20, 207:23, 208:23, 209:16, 211:14 conditioners [1] - 21:8 conditions [5] - 43:18, 46:15, 201:20, 207:21, 208:12 conducted [1] - 135:7 conductor [2] - 160:5, 194:3 conductors [1] - 160:6 confer [2] - 7:6, 7:10 Conference [1] - 1:12 confidential [7] - 45:2, 45:4, 139:13, 143:20, 148:5, 149:7,</p>
---	---	---	--	---

<p>149:14 configuration [1] - 63:6 configure [1] - 63:16 confirm [2] - 148:11, 214:12 confused [1] - 27:8 confusion [1] - 6:22 conjecture [1] - 181:16 connected [1] - 125:4 connection [2] - 36:17, 116:10 connections [1] - 105:11 consecutive [1] - 39:25 conservative [1] - 193:24 consider [10] - 7:1, 17:18, 96:9, 96:19, 97:11, 98:9, 99:13, 99:16, 113:21, 136:17 considerable [1] - 104:17 consideration [4] - 38:15, 139:5, 142:1, 142:17 considered [5] - 29:11, 87:23, 99:6, 134:11, 212:6 considering [1] - 18:8 consistency [1] - 200:11 consistent [8] - 100:22, 148:8, 180:9, 193:2, 200:11, 201:1, 201:2, 201:7 consists [2] - 105:6 constantly [6] - 37:17, 88:15, 90:11, 113:2, 114:1, 114:2 constraints [2] - 28:9, 154:10 construct [3] - 32:3, 83:9, 183:9 construction [13] - 31:12, 31:14, 34:5, 88:3, 88:5, 88:19, 120:18, 165:17, 167:18, 170:3, 171:24, 174:15, 175:2 constructs [1] - 32:11 consult [1] - 143:13 consultant [1] - 33:1 consultants [2] - 32:24, 150:2</p>	<p>consultation [1] - 97:16 consulted [1] - 17:8 contact [4] - 132:19, 133:25, 134:7, 135:4 contacts [1] - 134:14 contain [1] - 100:16 contained [7] - 96:4, 125:1, 147:15, 151:25, 156:19, 214:4, 217:19 containers [2] - 124:12, 125:1 contains [3] - 146:20, 214:5, 218:15 contemplated [1] - 85:17 contemplating [2] - 59:13, 149:13 content [5] - 13:22, 17:9, 39:18, 135:1, 135:5 contingencies [1] - 167:5 contingent [1] - 157:11 continually [1] - 79:9 continue [8] - 20:25, 31:15, 31:16, 98:2, 139:6, 144:5, 144:8, 167:5 continued [2] - 3:1, 139:24 continues [1] - 167:19 continuing [2] - 37:15, 184:5 continuous [1] - 214:15 continuum [2] - 50:7, 53:6 contract [11] - 25:9, 29:2, 29:3, 29:12, 30:2, 32:8, 32:18, 33:2, 38:3, 117:14, 163:20 contracted [2] - 25:18, 122:19 contracting [1] - 83:22 contractor [5] - 32:10, 32:12, 32:14, 87:16, 88:1 contractors [2] - 32:4, 32:23 contracts [2] - 21:13, 166:19 contractual [2] - 24:14, 44:8 contractually [1] -</p>	<p>52:25 contribute [1] - 14:5 contributed [3] - 13:6, 13:8, 64:12 contributions [1] - 15:9 contributor [1] - 12:15 contributors [1] - 13:4 control [3] - 52:14, 53:2, 189:11 controller [1] - 49:14 convenient [2] - 118:17, 167:7 conversation [6] - 18:2, 18:7, 61:24, 89:23, 138:18, 143:15 conversations [13] - 17:15, 17:17, 95:16, 97:20, 98:10, 98:21, 134:25, 145:16, 149:15, 172:3, 172:9, 174:16, 176:10 converse [2] - 108:20, 143:11 conversed [1] - 109:2 convinced [2] - 121:6, 122:1 cooperative [1] - 18:14 coordinate [2] - 178:20, 178:24 coordinates [3] - 35:6, 192:24, 194:19 coordination [1] - 131:4 copied [1] - 129:19 copy [4] - 11:22, 151:1, 176:2, 176:19 copying [1] - 129:17 core [1] - 181:8 corporate [1] - 55:1 correct [67] - 10:9, 12:20, 12:21, 18:3, 27:6, 27:13, 29:12, 45:19, 47:5, 47:11, 55:8, 59:17, 59:18, 64:22, 66:16, 67:17, 67:24, 68:2, 68:7, 68:11, 70:14, 70:19, 84:17, 89:1, 93:14, 94:19, 94:20, 95:8, 96:20, 97:12, 98:19, 115:7, 116:1, 117:22, 128:12, 140:14, 143:25, 144:8, 150:7, 150:22, 151:13, 152:2, 154:22,</p>	<p>154:23, 155:2, 155:5, 155:6, 158:15, 159:10, 159:11, 161:2, 172:20, 173:2, 173:9, 174:9, 179:12, 179:16, 187:4, 192:21, 192:25, 193:1, 202:3, 202:20, 202:21, 213:4, 213:6, 217:20 corrected [1] - 68:13 CORRECTIONS [1] - 217:5 corrections [1] - 217:20 corresponding [1] - 190:18 corridor [3] - 180:14, 194:13, 194:14 corridors [4] - 73:7, 73:8, 193:22, 193:25 Cortland [1] - 5:20 cost [11] - 27:12, 28:3, 30:8, 30:15, 31:20, 31:22, 53:16, 57:8, 103:16, 103:21, 155:25 costly [1] - 53:13 costs [4] - 27:12, 28:5, 105:1, 136:5 council [9] - 150:16, 150:23, 150:25, 151:4, 151:7, 190:9, 190:21, 191:1, 199:19 COUNCIL [1] - 1:2 counsel [20] - 6:5, 7:6, 7:16, 11:22, 14:19, 14:25, 147:17, 147:21, 149:3, 150:6, 150:13, 150:16, 150:20, 150:25, 151:23, 152:8, 178:22, 184:12, 215:21, 218:19 Counsel [2] - 2:14, 11:25 count [2] - 196:21, 198:16 countered [1] - 144:3 counties [1] - 198:3 County [29] - 1:12, 7:17, 19:18, 19:20, 82:8, 83:18, 120:20, 122:24, 123:8, 127:1, 127:3, 127:5, 127:7, 127:16, 127:19, 127:23, 129:5, 130:3, 130:6, 130:15, 130:21, 131:10,</p>	<p>133:11, 192:13, 201:19, 209:9, 211:14 county [10] - 8:15, 128:2, 134:18, 166:10, 178:22, 179:3, 191:19, 198:2, 200:12, 201:3 COUNTY [1] - 2:7 County's [5] - 161:21, 199:8, 199:24, 200:21, 201:12 couple [7] - 27:7, 110:9, 129:19, 133:23, 154:20, 163:3, 211:3 course [8] - 43:5, 52:16, 74:21, 78:18, 138:17, 154:9, 193:4, 198:25 Court [13] - 5:7, 7:5, 24:23, 69:15, 100:24, 112:10, 158:1, 159:21, 162:3, 186:25, 208:4, 208:16, 218:3 COURT [5] - 1:22, 59:19, 184:14, 184:19, 211:5 court [1] - 6:9 cover [3] - 57:13, 170:3, 171:19 covered [1] - 152:17 craft [2] - 83:9, 83:15 cranking [1] - 111:6 create [3] - 70:15, 74:15, 137:8 created [2] - 100:8, 156:25 creates [1] - 76:24 creating [1] - 80:22 creation [1] - 146:7 criteria [19] - 22:5, 51:15, 52:15, 135:9, 158:22, 199:9, 199:25, 200:16, 200:22, 201:13, 202:6, 202:9, 202:12, 203:21, 203:25, 204:4, 204:9, 206:2, 211:13 crop [1] - 213:19 cross [3] - 22:1, 22:11, 75:16 crossing [1] - 21:24 CRR [3] - 1:22, 218:3, 218:24 CSR [3] - 1:22, 218:2, 218:24 cuff [1] - 46:20</p>
---	--	--	---	---

<p>culminating [1] - 55:18</p> <p>cultural [12] - 106:18, 138:23, 139:23, 140:13, 142:10, 144:17, 145:1, 145:6, 145:11, 146:22, 185:12, 186:10</p> <p>culture [1] - 146:11</p> <p>CUP [2] - 200:15, 204:9</p> <p>current [10] - 30:16, 33:3, 65:11, 89:2, 110:21, 114:19, 123:15, 147:6, 148:19, 170:12</p> <p>curves [1] - 75:12</p> <p>cut [3] - 34:9, 83:13, 103:8</p> <p>cycles [1] - 91:25</p>	<p>55:2, 55:21, 57:13, 82:25, 95:4, 95:15, 97:14, 97:18, 99:8, 99:10, 99:17, 99:18, 99:24, 116:6</p> <p>decision-maker [2] - 99:8, 99:10</p> <p>decisions [1] - 191:11</p> <p>declare [2] - 135:20, 217:18</p> <p>declaring [1] - 145:18</p> <p>declines [1] - 47:9</p> <p>declining [1] - 45:18</p> <p>decrement [1] - 24:12</p> <p>deemed [2] - 28:23, 97:9</p> <p>deep [1] - 46:25</p> <p>Defense [2] - 33:16, 192:20</p> <p>defer [1] - 152:7</p> <p>define [1] - 32:1</p> <p>degree [1] - 194:22</p> <p>DEIS [7] - 88:4, 96:22, 97:1, 99:19, 99:25, 136:16, 180:21</p> <p>deliberate [3] - 191:25, 192:1, 192:3</p> <p>deliberating [2] - 134:17, 191:1</p> <p>deliberations [2] - 190:17, 190:22</p> <p>delivered [1] - 28:19</p> <p>delivery [1] - 47:16</p> <p>demand [10] - 89:21, 90:5, 90:23, 91:10, 92:13, 93:10, 107:5, 107:8, 112:2, 156:11</p> <p>demands [4] - 90:17, 91:13, 92:15, 92:17</p> <p>demonstrably [1] - 129:4</p> <p>demonstrate [5] - 28:17, 165:22, 166:22, 168:11, 168:21</p> <p>demonstrated [1] - 165:10</p> <p>demonstrates [1] - 142:8</p> <p>demonstrating [1] - 166:20</p> <p>deny [1] - 214:12</p> <p>department [1] - 170:20</p> <p>Department [5] - 33:15, 169:11, 169:17, 171:18,</p>	<p>192:20</p> <p>departments [1] - 123:22</p> <p>depicted [1] - 87:11</p> <p>DEPOSITION [1] - 1:11</p> <p>deposition [11] - 5:3, 5:25, 6:1, 6:7, 6:23, 11:18, 31:24, 175:24, 193:5, 216:9, 217:19</p> <p>described [2] - 16:19, 45:13</p> <p>describing [2] - 13:16, 13:17</p> <p>DESCRIPTION [1] - 4:9</p> <p>description [2] - 10:14, 203:6</p> <p>descriptions [1] - 203:11</p> <p>design [27] - 32:18, 32:20, 33:1, 40:16, 48:6, 55:18, 58:23, 70:23, 77:7, 78:1, 88:2, 141:19, 147:11, 147:15, 148:13, 149:12, 149:17, 150:4, 151:14, 151:25, 152:4, 155:4, 156:19, 159:3, 176:23, 177:1</p> <p>designate [3] - 22:10, 182:18, 187:10</p> <p>designation [1] - 204:15</p> <p>designed [2] - 87:7, 158:24</p> <p>designing [4] - 17:19, 43:16, 51:16, 76:6</p> <p>designs [3] - 57:19, 149:8, 151:1</p> <p>desirable [1] - 102:24</p> <p>desire [11] - 38:9, 38:10, 41:25, 43:24, 55:6, 77:23, 108:22, 112:2, 138:24, 157:1, 162:24</p> <p>desired [7] - 48:7, 54:13, 91:15, 155:7, 203:20, 203:25, 217:3</p> <p>desires [1] - 58:13</p> <p>despite [1] - 212:1</p> <p>despoiled [1] - 206:19</p> <p>details [1] - 112:4</p> <p>determination [8] - 55:4, 60:25, 96:22, 100:12, 135:9,</p>	<p>135:23, 206:5, 206:12</p> <p>determinations [2] - 136:25, 193:3</p> <p>determine [6] - 42:9, 46:18, 170:15, 203:13, 203:18, 214:23</p> <p>determined [6] - 54:18, 83:2, 84:18, 98:12, 101:25, 205:20</p> <p>determining [1] - 102:15</p> <p>develop [6] - 9:21, 9:23, 11:5, 17:13, 82:8, 104:1</p> <p>developed [2] - 27:19, 107:24</p> <p>developer [5] - 8:12, 9:2, 34:22, 37:2, 106:22</p> <p>developers [2] - 34:21, 37:14</p> <p>developing [6] - 8:13, 9:12, 11:2, 11:3, 17:19, 107:18</p> <p>development [9] - 28:14, 36:9, 139:25, 165:2, 165:9, 165:11, 165:18, 167:2, 183:17</p> <p>develops [1] - 110:4</p> <p>devices [1] - 53:1</p> <p>dial [1] - 49:24</p> <p>diddled [1] - 16:17</p> <p>die [1] - 42:25</p> <p>died [1] - 43:4</p> <p>dies [1] - 41:12</p> <p>difference [2] - 86:16, 103:6</p> <p>different [14] - 14:4, 47:12, 58:15, 71:5, 73:19, 75:20, 79:22, 86:6, 115:23, 150:3, 203:8, 203:9, 207:9</p> <p>difficult [2] - 26:17, 197:10</p> <p>difficulty [2] - 6:10, 51:10</p> <p>dig [1] - 117:6</p> <p>direct [1] - 176:6</p> <p>directly [2] - 21:17, 178:16</p> <p>disagree [4] - 14:8, 80:18, 107:10, 200:25</p> <p>disagreeing [1] - 171:9</p> <p>disagreement [1] - 107:3</p> <p>discharge [1] - 111:4</p> <p>disclose [2] - 75:11, 75:19</p>	<p>disconnected [1] - 21:5</p> <p>discovered [2] - 53:10, 61:8</p> <p>discussed [9] - 22:24, 97:19, 132:24, 137:7, 147:14, 149:4, 150:3, 151:2, 157:22</p> <p>discusses [1] - 160:17</p> <p>discussing [2] - 149:2, 202:18</p> <p>discussion [9] - 20:22, 100:17, 116:10, 124:1, 144:8, 147:9, 147:24, 148:2, 175:9</p> <p>discussions [11] - 20:25, 22:13, 23:14, 23:22, 140:2, 141:7, 148:17, 154:21, 155:2, 175:13, 177:2</p> <p>disparaging [1] - 76:10</p> <p>dispatch [3] - 24:5, 24:8, 110:23</p> <p>dispatched [1] - 111:8</p> <p>dispatching [1] - 111:9</p> <p>dispute [6] - 184:24, 185:7, 185:15, 186:7, 186:16, 205:5</p> <p>dissipated [1] - 77:11</p> <p>dissipates [1] - 77:4</p> <p>distance [1] - 77:8</p> <p>distinction [5] - 146:2, 207:17, 208:13, 208:22, 210:14</p> <p>distribute [1] - 215:22</p> <p>distribution [3] - 21:4, 22:1, 22:3</p> <p>districts [1] - 119:5</p> <p>divert [1] - 44:15</p> <p>divided [1] - 16:3</p> <p>DNR [9] - 170:3, 173:4, 186:24, 187:10, 187:14, 187:22, 190:2, 191:7, 215:19</p> <p>docket [1] - 138:4</p> <p>document [29] - 12:1, 12:5, 12:13, 12:18, 13:10, 13:12, 14:11, 14:16, 15:20, 15:24, 17:25, 46:23, 54:6, 60:15, 61:1,</p>
D				
<p>daily [1] - 122:23</p> <p>Dallas [1] - 19:22</p> <p>danger [1] - 212:10</p> <p>dangers [3] - 125:21, 125:24, 126:15</p> <p>data [16] - 71:20, 74:12, 74:13, 74:15, 74:19, 75:3, 75:17, 75:19, 75:25, 76:3, 76:7, 76:11, 136:22, 137:18, 137:20, 138:1</p> <p>date [2] - 30:21, 217:4</p> <p>dated [1] - 175:25</p> <p>DAVID [8] - 1:11, 4:4, 5:3, 5:11, 5:19, 216:9, 217:18, 217:22</p> <p>David [1] - 5:19</p> <p>days [10] - 88:4, 93:6, 93:8, 128:20, 214:11, 214:15, 216:2, 216:7</p> <p>daytime [2] - 43:2, 110:16</p> <p>deal [5] - 7:24, 21:17, 130:24, 155:14, 203:10</p> <p>December [1] - 100:7</p> <p>decide [5] - 57:10, 113:15, 150:23, 183:9, 184:10</p> <p>decided [4] - 53:14, 110:7, 118:21, 135:12</p> <p>deciding [1] - 184:7</p> <p>decision [15] - 54:24,</p>	<p>97:9</p> <p>deep [1] - 46:25</p> <p>Defense [2] - 33:16, 192:20</p> <p>defer [1] - 152:7</p> <p>define [1] - 32:1</p> <p>degree [1] - 194:22</p> <p>DEIS [7] - 88:4, 96:22, 97:1, 99:19, 99:25, 136:16, 180:21</p> <p>deliberate [3] - 191:25, 192:1, 192:3</p> <p>deliberating [2] - 134:17, 191:1</p> <p>deliberations [2] - 190:17, 190:22</p> <p>delivered [1] - 28:19</p> <p>delivery [1] - 47:16</p> <p>demand [10] - 89:21, 90:5, 90:23, 91:10, 92:13, 93:10, 107:5, 107:8, 112:2, 156:11</p> <p>demands [4] - 90:17, 91:13, 92:15, 92:17</p> <p>demonstrably [1] - 129:4</p> <p>demonstrate [5] - 28:17, 165:22, 166:22, 168:11, 168:21</p> <p>demonstrated [1] - 165:10</p> <p>demonstrates [1] - 142:8</p> <p>demonstrating [1] - 166:20</p> <p>deny [1] - 214:12</p> <p>department [1] - 170:20</p> <p>Department [5] - 33:15, 169:11, 169:17, 171:18,</p>	<p>192:20</p> <p>departments [1] - 123:22</p> <p>depicted [1] - 87:11</p> <p>DEPOSITION [1] - 1:11</p> <p>deposition [11] - 5:3, 5:25, 6:1, 6:7, 6:23, 11:18, 31:24, 175:24, 193:5, 216:9, 217:19</p> <p>described [2] - 16:19, 45:13</p> <p>describing [2] - 13:16, 13:17</p> <p>DESCRIPTION [1] - 4:9</p> <p>description [2] - 10:14, 203:6</p> <p>descriptions [1] - 203:11</p> <p>design [27] - 32:18, 32:20, 33:1, 40:16, 48:6, 55:18, 58:23, 70:23, 77:7, 78:1, 88:2, 141:19, 147:11, 147:15, 148:13, 149:12, 149:17, 150:4, 151:14, 151:25, 152:4, 155:4, 156:19, 159:3, 176:23, 177:1</p> <p>designate [3] - 22:10, 182:18, 187:10</p> <p>designation [1] - 204:15</p> <p>designed [2] - 87:7, 158:24</p> <p>designing [4] - 17:19, 43:16, 51:16, 76:6</p> <p>designs [3] - 57:19, 149:8, 151:1</p> <p>desirable [1] - 102:24</p> <p>desire [11] - 38:9, 38:10, 41:25, 43:24, 55:6, 77:23, 108:22, 112:2, 138:24, 157:1, 162:24</p> <p>desired [7] - 48:7, 54:13, 91:15, 155:7, 203:20, 203:25, 217:3</p> <p>desires [1] - 58:13</p> <p>despite [1] - 212:1</p> <p>despoiled [1] - 206:19</p> <p>details [1] - 112:4</p> <p>determination [8] - 55:4, 60:25, 96:22, 100:12, 135:9,</p>	<p>135:23, 206:5, 206:12</p> <p>determinations [2] - 136:25, 193:3</p> <p>determine [6] - 42:9, 46:18, 170:15, 203:13, 203:18, 214:23</p> <p>determined [6] - 54:18, 83:2, 84:18, 98:12, 101:25, 205:20</p> <p>determining [1] - 102:15</p> <p>develop [6] - 9:21, 9:23, 11:5, 17:13, 82:8, 104:1</p> <p>developed [2] - 27:19, 107:24</p> <p>developer [5] - 8:12, 9:2, 34:22, 37:2, 106:22</p> <p>developers [2] - 34:21, 37:14</p> <p>developing [6] - 8:13, 9:12, 11:2, 11:3, 17:19, 107:18</p> <p>development [9] - 28:14, 36:9, 139:25, 165:2, 165:9, 165:11, 165:18, 167:2, 183:17</p> <p>develops [1] - 110:4</p> <p>devices [1] - 53:1</p> <p>dial [1] - 49:24</p> <p>diddled [1] - 16:17</p> <p>die [1] - 42:25</p> <p>died [1] - 43:4</p> <p>dies [1] - 41:12</p> <p>difference [2] - 86:16, 103:6</p> <p>different [14] - 14:4, 47:12, 58:15, 71:5, 73:19, 75:20, 79:22, 86:6, 115:23, 150:3, 203:8, 203:9, 207:9</p> <p>difficult [2] - 26:17, 197:10</p> <p>difficulty [2] - 6:10, 51:10</p> <p>dig [1] - 117:6</p> <p>direct [1] - 176:6</p> <p>directly [2] - 21:17, 178:16</p> <p>disagree [4] - 14:8, 80:18, 107:10, 200:25</p> <p>disagreeing [1] - 171:9</p> <p>disagreement [1] - 107:3</p> <p>discharge [1] - 111:4</p> <p>disclose [2] - 75:11, 75:19</p>	<p>disconnected [1] - 21:5</p> <p>discovered [2] - 53:10, 61:8</p> <p>discussed [9] - 22:24, 97:19, 132:24, 137:7, 147:14, 149:4, 150:3, 151:2, 157:22</p> <p>discusses [1] - 160:17</p> <p>discussing [2] - 149:2, 202:18</p> <p>discussion [9] - 20:22, 100:17, 116:10, 124:1, 144:8, 147:9, 147:24, 148:2, 175:9</p> <p>discussions [11] - 20:25, 22:13, 23:14, 23:22, 140:2, 141:7, 148:17, 154:21, 155:2, 175:13, 177:2</p> <p>disparaging [1] - 76:10</p> <p>dispatch [3] - 24:5, 24:8, 110:23</p> <p>dispatched [1] - 111:8</p> <p>dispatching [1] - 111:9</p> <p>dispute [6] - 184:24, 185:7, 185:15, 186:7, 186:16, 205:5</p> <p>dissipated [1] - 77:11</p> <p>dissipates [1] - 77:4</p> <p>distance [1] - 77:8</p> <p>distinction [5] - 146:2, 207:17, 208:13, 208:22, 210:14</p> <p>distribute [1] - 215:22</p> <p>distribution [3] - 21:4, 22:1, 22:3</p> <p>districts [1] - 119:5</p> <p>divert [1] - 44:15</p> <p>divided [1] - 16:3</p> <p>DNR [9] - 170:3, 173:4, 186:24, 187:10, 187:14, 187:22, 190:2, 191:7, 215:19</p> <p>docket [1] - 138:4</p> <p>document [29] - 12:1, 12:5, 12:13, 12:18, 13:10, 13:12, 14:11, 14:16, 15:20, 15:24, 17:25, 46:23, 54:6, 60:15, 61:1,</p>

<p>94:15, 100:2, 100:3, 100:8, 101:9, 116:23, 120:12, 122:13, 137:5, 137:19, 140:4, 142:21, 142:22, 215:3</p> <p>documented [1] - 137:17</p> <p>documents [8] - 99:20, 143:19, 168:20, 169:4, 169:21, 171:16, 177:18, 180:2</p> <p>DOD [4] - 194:21, 194:23, 195:4, 196:13</p> <p>domestic [1] - 122:22</p> <p>dominant [1] - 77:12</p> <p>done [17] - 16:3, 33:1, 56:23, 78:1, 78:17, 79:8, 79:9, 96:24, 97:6, 101:24, 112:14, 140:8, 143:3, 143:5, 159:3, 173:6, 182:24</p> <p>dot [2] - 74:3, 188:20</p> <p>double [1] - 12:9</p> <p>double-sided [1] - 12:9</p> <p>down [18] - 6:10, 31:2, 41:12, 42:25, 43:4, 45:13, 69:1, 88:19, 110:18, 116:13, 119:11, 124:4, 125:2, 146:8, 167:20, 211:6, 213:10, 214:11</p> <p>downloaded [3] - 11:22, 11:23, 12:5</p> <p>downstream [6] - 76:15, 77:6, 79:3, 80:21, 81:2, 81:11</p> <p>downwind [1] - 77:13</p> <p>draft [6] - 16:17, 18:23, 97:14, 100:6, 101:3, 136:8</p> <p>drafting [1] - 16:20</p> <p>drawing [4] - 71:22, 73:1, 84:5, 181:10</p> <p>drawings [3] - 57:18, 122:6, 122:14</p> <p>drawn [1] - 21:20</p> <p>drill [2] - 122:20, 164:8</p> <p>drilling [3] - 116:23, 164:1, 164:3</p> <p>driven [1] - 92:17</p> <p>drop [1] - 42:20</p> <p>dropped [1] - 108:17</p> <p>dry [1] - 117:6</p>	<p>due [1] - 131:25</p> <p>duly [2] - 5:12, 218:11</p> <p>Dunn [1] - 18:5</p> <p>during [6] - 87:16, 88:7, 93:5, 134:20, 190:20, 215:17</p> <p>dynamic [1] - 48:5</p>	<p>80:22</p> <p>efficient [1] - 158:18</p> <p>effort [8] - 13:20, 15:17, 27:4, 43:19, 94:15, 140:12, 141:13, 141:18</p> <p>efforts [6] - 138:21, 139:21, 140:16, 142:9, 144:16, 144:25</p> <p>EFSEC [80] - 4:11, 5:24, 6:25, 7:3, 11:23, 12:5, 15:22, 27:5, 60:19, 60:20, 61:6, 62:14, 66:2, 87:16, 95:4, 95:9, 95:11, 95:17, 96:8, 96:18, 97:6, 97:10, 97:20, 98:8, 98:11, 98:22, 100:19, 100:22, 101:2, 101:3, 114:17, 116:6, 131:5, 131:7, 131:11, 131:13, 133:25, 134:1, 134:10, 134:14, 134:19, 134:25, 135:14, 135:17, 136:3, 136:12, 137:2, 137:4, 138:2, 142:24, 143:12, 147:5, 148:3, 148:12, 148:18, 149:22, 150:10, 150:25, 151:22, 152:9, 160:25, 161:4, 161:9, 161:14, 162:14, 162:24, 166:10, 172:4, 172:15, 173:3, 173:6, 175:25, 176:15, 190:17, 191:18, 200:20, 201:2, 201:21, 204:8</p> <p>EFSEC's [7] - 94:25, 100:10, 101:21, 136:5, 150:13, 150:20, 165:20</p> <p>eight [3] - 8:5, 58:14, 114:12</p> <p>eight-hour [1] - 114:12</p> <p>EIS [10] - 58:18, 60:22, 97:15, 136:18, 136:25, 137:7, 137:12, 191:9, 191:10, 191:13</p> <p>either [5] - 24:1, 77:15, 86:2, 107:25, 168:1</p> <p>Electric [2] - 28:13, 28:16</p> <p>electrical [7] - 32:25,</p>	<p>42:7, 47:16, 48:1, 48:8, 52:5, 52:14</p> <p>electrolyte [2] - 132:16, 132:18</p> <p>element [3] - 109:21, 185:12, 186:9</p> <p>elements [2] - 32:19, 94:6</p> <p>email [2] - 175:23, 176:2</p> <p>Email [4] - 2:10, 2:16, 3:6, 3:10</p> <p>embellish [1] - 158:16</p> <p>emergency [4] - 122:25, 127:20, 128:1, 129:6</p> <p>EMILY [1] - 3:5</p> <p>encapsulate [1] - 197:24</p> <p>end [8] - 21:19, 82:22, 132:9, 133:7, 133:17, 140:8, 141:20, 193:14</p> <p>endanger [4] - 211:20, 213:12, 213:16, 214:8</p> <p>endangered [1] - 182:18</p> <p>ended [3] - 8:13, 23:22, 136:9</p> <p>ends [1] - 190:10</p> <p>energized [2] - 19:25, 21:8</p> <p>ENERGY [4] - 1:2, 1:6, 3:2, 4:2</p> <p>energy [15] - 8:12, 23:9, 23:18, 23:24, 26:11, 41:7, 49:10, 49:11, 76:23, 90:5, 91:10, 115:14, 117:17, 156:8, 157:6</p> <p>Energy [8] - 8:9, 8:16, 8:19, 8:21, 9:12, 10:1, 10:25, 90:3</p> <p>engage [2] - 140:24, 156:13</p> <p>engaged [4] - 9:25, 31:18, 61:23, 130:23</p> <p>engaging [1] - 18:13</p> <p>engineer [2] - 9:5, 32:3</p> <p>engineering [6] - 8:4, 32:6, 55:16, 57:19, 78:1, 105:1</p> <p>entertained [1] - 22:24</p> <p>entire [7] - 17:12, 19:11, 50:1, 94:15, 107:7, 179:7, 193:24</p>	<p>entirely [2] - 136:3, 177:4</p> <p>entities [4] - 34:16, 107:25, 151:18, 161:10</p> <p>entity [4] - 34:16, 107:16, 151:22</p> <p>environment [3] - 147:22, 149:3, 178:23</p> <p>ENVIRONMENT [1] - 2:12</p> <p>Environment [1] - 2:14</p> <p>environmental [12] - 100:11, 106:18, 135:1, 135:15, 135:21, 135:25, 158:17, 158:25, 159:2, 159:9, 159:13, 160:17</p> <p>environmentally [1] - 57:17</p> <p>EPC [7] - 31:17, 32:1, 32:10, 32:18, 33:2, 87:15, 87:25</p> <p>EPC-type [1] - 31:17</p> <p>equal [1] - 73:18</p> <p>equipment [7] - 27:20, 28:2, 28:16, 88:17, 114:9, 123:15</p> <p>erects [1] - 32:11</p> <p>ERRATA [1] - 217:1</p> <p>error [1] - 64:25</p> <p>escalated [1] - 31:2</p> <p>escalator [1] - 30:18</p> <p>Esq [2] - 3:8, 3:9</p> <p>ESQ [5] - 2:5, 2:9, 2:10, 3:5, 3:5</p> <p>essence [1] - 209:15</p> <p>essentially [1] - 202:12</p> <p>estimate [1] - 30:8</p> <p>estimated [1] - 111:2</p> <p>estimates [2] - 31:13, 31:15</p> <p>et [2] - 106:2, 121:9</p> <p>evaluate [10] - 34:24, 95:1, 95:18, 97:3, 97:24, 97:25, 99:2, 101:12, 109:6, 184:5</p> <p>evaluated [7] - 13:18, 33:20, 97:8, 98:13, 100:13, 103:16, 139:3</p> <p>evaluating [4] - 51:10, 112:5, 113:2, 114:2</p> <p>EVALUATION [1] - 1:2</p> <p>evaluation [2] - 68:5,</p>
--	--	--	---	--

<p>82:11 evaluations [1] - 137:17 evaluators [1] - 78:22 event [5] - 21:4, 23:2, 122:25, 214:7, 218:20 eventual [1] - 44:20 eventually [5] - 8:11, 8:18, 61:24, 77:3, 157:5 everywhere [3] - 22:11, 193:17, 204:5 evidence [2] - 178:20, 178:25 evolution [1] - 212:18 evolved [2] - 108:17, 212:20 evolving [1] - 90:23 exact [4] - 18:13, 46:15, 49:4, 156:17 exactly [8] - 45:20, 81:14, 90:13, 132:13, 137:11, 185:20, 197:2 EXAMINATION [10] - 1:11, 4:5, 4:5, 4:6, 4:6, 5:15, 138:13, 192:9, 211:1, 217:3 example [16] - 13:5, 13:14, 15:23, 19:19, 22:15, 26:2, 31:17, 61:8, 104:4, 159:18, 160:5, 162:22, 163:18, 168:2, 168:7, 208:8 exceed [4] - 41:9, 48:9, 49:15, 73:21 except [1] - 178:16 exception [1] - 98:14 excess [2] - 25:19, 44:14 exchange [3] - 60:20, 61:5, 174:5 excluded [2] - 162:1, 162:8 exclusionary [1] - 183:2 exclusive [1] - 28:12 exclusivity [8] - 28:23, 29:5, 29:6, 29:7, 29:13, 30:5, 38:2, 157:23 excuse [6] - 19:5, 54:3, 61:3, 81:20, 211:10 execute [1] - 191:8 executed [2] - 148:6, 190:1</p>	<p>exercise [1] - 170:11 exhaustively [1] - 103:18 exhibit [5] - 143:18, 175:19, 181:2, 186:4, 188:19 Exhibit [24] - 4:10, 4:11, 11:18, 11:19, 93:25, 138:21, 139:10, 139:21, 140:11, 141:11, 142:20, 144:15, 144:24, 146:20, 147:15, 147:25, 150:4, 151:12, 151:25, 156:20, 160:17, 167:13, 175:20, 186:19 EXHIBITS [1] - 4:8 exist [4] - 74:13, 74:19, 75:18, 75:25 existence [2] - 90:15, 200:16 existing [2] - 169:12, 177:19 exists [6] - 76:7, 76:11, 85:12, 159:15, 159:18, 170:7 expanded [3] - 37:11, 193:18, 193:20 expect [7] - 55:21, 100:10, 121:23, 136:16, 137:3, 138:18, 216:6 expectation [1] - 28:15 expected [1] - 23:9 expedited [1] - 135:12 expensive [1] - 54:23 experience [3] - 8:1, 111:15, 111:22 expert [2] - 135:24, 136:2 expertise [2] - 13:9, 14:3 experts [1] - 112:1 EXPIRES [1] - 217:25 explain [6] - 29:15, 30:1, 41:2, 47:13, 60:13, 92:14 explains [1] - 94:24 explanation [1] - 96:5 explored [1] - 103:11 explosion [1] - 131:25 exposed [1] - 132:15</p>	<p>exposing [1] - 80:14 extend [1] - 137:4 extending [1] - 29:19 extensive [1] - 14:2 extent [15] - 10:23, 19:4, 33:7, 74:22, 77:21, 82:7, 102:23, 139:2, 139:25, 145:14, 157:6, 158:21, 181:15, 206:20, 211:21 external [2] - 143:17, 150:5 externally [1] - 149:24 extinguishing [1] - 123:3 extinguishment [1] - 132:23 extra [4] - 53:21, 54:4, 66:22, 163:12 extracts [1] - 76:23 extremely [1] - 53:13 eye [2] - 109:21, 154:2</p> <p style="text-align: center;">F</p> <p>FAA [2] - 193:2, 194:24 facetious [1] - 33:10 FACILITY [1] - 1:2 facility [3] - 33:18, 125:2, 156:12 fact [15] - 21:19, 22:7, 30:20, 38:1, 52:11, 62:9, 88:3, 92:8, 118:16, 138:6, 138:25, 159:5, 175:15, 206:17, 212:1 factor [1] - 102:21 factors [2] - 69:11, 102:15 fair [16] - 14:10, 15:5, 32:17, 84:19, 140:16, 146:19, 153:22, 155:16, 160:16, 163:6, 163:24, 166:7, 175:6, 180:3, 183:14, 207:19 fairly [2] - 48:4, 48:15 fall [2] - 134:14, 134:21 falls [2] - 203:22, 203:23 familiar [6] - 76:15, 79:15, 108:23, 128:5, 128:15, 202:8 far [3] - 154:3, 155:3,</p>	<p>187:20 FARM [1] - 1:7 farm [5] - 52:18, 209:12, 209:13, 209:15 Farm [6] - 4:10, 195:24, 199:7, 204:17, 205:12, 210:4 farmers [2] - 164:9, 164:10 farmhouses [1] - 213:5 fast [2] - 128:10, 128:12 fast-moving [1] - 128:10 faults [2] - 125:25, 128:8 favorable [2] - 89:20, 92:12 feasibility [2] - 53:11, 54:17 feasible [2] - 108:16, 116:25 February [12] - 12:19, 28:5, 96:2, 96:10, 98:17, 100:6, 136:9, 176:14, 176:23, 180:15, 183:3 federal [3] - 51:13, 161:18, 161:19 federalized [1] - 82:16 feed [3] - 21:9, 21:16, 21:21 feet [2] - 193:20, 194:24 FEIS [3] - 172:4, 191:23, 191:24 fell [1] - 7:14 felt [1] - 135:8 ferruginous [15] - 177:11, 177:16, 177:19, 178:11, 179:10, 180:19, 180:23, 181:12, 181:21, 183:16, 184:25, 185:5, 185:11, 185:22, 186:8 fertilizer [1] - 156:7 few [8] - 13:24, 46:25, 88:24, 184:17, 184:21, 185:3, 216:2, 216:7 fewer [1] - 94:18 field [3] - 152:24, 153:5, 153:11 fields [5] - 153:17, 153:24, 154:15, 181:11, 181:13</p>	<p>Fifth [1] - 2:13 fight [3] - 123:11, 126:25, 127:8 fighting [2] - 123:17, 130:10 figure [5] - 75:22, 84:24, 127:21, 176:20, 180:5 figures [1] - 158:19 file [7] - 39:17, 40:7, 54:15, 65:25, 134:6, 134:10 filed [16] - 39:16, 39:20, 39:21, 39:22, 40:24, 52:9, 63:3, 68:14, 98:17, 135:6, 135:11, 136:15, 200:16, 204:2, 204:10, 206:16 files [1] - 134:9 filing [2] - 98:23, 134:5 filings [1] - 193:2 fill [2] - 34:9, 74:6 final [14] - 83:20, 88:2, 136:13, 136:18, 136:20, 136:25, 137:3, 137:5, 137:7, 137:12, 174:10, 191:9, 191:10, 191:13 finalizing [2] - 16:21, 97:14 finally [1] - 57:10 finance [4] - 26:11, 89:7, 89:11, 98:3 financed [1] - 89:9 financial [2] - 8:17, 218:20 financing [1] - 83:23 fine [4] - 27:2, 66:20, 66:22, 216:8 finesse [1] - 37:15 finish [3] - 6:13, 6:14 finished [1] - 191:1 fire [33] - 120:23, 121:8, 121:9, 121:19, 121:21, 122:15, 122:17, 123:1, 123:11, 123:22, 125:21, 126:15, 126:25, 127:8, 127:10, 127:16, 127:23, 128:10, 130:3, 130:15, 130:21, 131:10, 131:25, 132:23, 133:4, 133:9, 212:4, 213:18, 213:19, 214:10, 214:15 Fire [5] - 122:24,</p>
--	---	---	---	--

<p>130:7, 130:11, 130:16, 212:12 fire's [1] - 213:25 fires [6] - 123:17, 126:2, 128:16, 130:10, 212:3, 212:14 firm [1] - 198:16 first [22] - 5:12, 6:8, 9:18, 23:18, 69:10, 75:24, 76:19, 82:13, 82:18, 89:8, 109:1, 113:14, 114:6, 120:17, 124:5, 134:14, 140:25, 155:13, 183:10, 189:22, 191:13, 191:17 fit [3] - 17:22, 27:21, 99:17 five [2] - 113:15, 198:24 fix [3] - 65:1, 65:8, 65:9 flammable [1] - 132:18 flexibility [6] - 34:3, 34:14, 102:4, 157:3, 193:21, 194:24 flexible [1] - 114:14 flow [1] - 58:14 flows [5] - 120:23, 121:8, 121:19, 121:21, 133:10 flying [1] - 76:5 folks [2] - 165:1, 176:2 follow [7] - 90:15, 92:2, 203:5, 203:25, 211:3, 212:19, 212:24 follow-up [1] - 211:3 followed [1] - 84:2 following [2] - 5:9, 210:5 follows [1] - 5:14 foot [1] - 105:22 footprint [1] - 11:13 FOR [6] - 1:6, 2:2, 2:7, 2:12, 3:2, 3:7 foraging [1] - 181:12 force [1] - 74:6 forecast [1] - 90:17 foregoing [2] - 217:19, 218:14 FOREGOING [1] - 217:3 forget [1] - 18:13 forgot [1] - 53:17 form [73] - 15:9, 17:4, 21:21, 36:7, 42:15, 53:18, 63:24,</p>	<p>71:12, 72:18, 75:7, 75:14, 77:18, 78:3, 86:9, 96:13, 98:25, 99:22, 101:6, 101:10, 102:10, 103:12, 112:17, 113:12, 113:23, 116:2, 117:24, 121:11, 133:13, 140:18, 143:8, 146:24, 147:18, 148:15, 149:19, 150:16, 151:16, 152:5, 152:25, 153:12, 153:19, 154:1, 155:21, 156:21, 157:14, 163:8, 163:15, 164:5, 164:19, 165:4, 166:13, 168:23, 169:22, 171:22, 172:18, 172:25, 173:14, 174:7, 180:7, 183:4, 185:16, 186:12, 187:5, 187:23, 190:15, 191:3, 194:9, 195:12, 196:19, 198:8, 200:7, 204:21, 204:22, 204:23 Form [3] - 153:6, 170:17, 183:19 FORM [1] - 217:2 formulate [1] - 90:22 Fort [1] - 3:9 forth [4] - 82:6, 152:16, 172:4, 211:15 forthcoming [1] - 148:21 forward [4] - 152:23, 153:4, 153:10, 153:16 fossil [1] - 33:17 Foster [1] - 192:12 FOSTER [28] - 2:10, 4:6, 192:8, 192:10, 194:16, 195:21, 197:1, 197:21, 198:6, 198:9, 199:15, 200:4, 200:18, 201:4, 201:23, 204:11, 205:1, 205:23, 206:10, 206:23, 207:10, 207:18, 208:10, 209:5, 210:15, 210:21, 210:23, 215:12 foundation [35] - 52:22, 56:11, 79:5, 80:5, 90:9, 91:21, 109:18, 112:17,</p>	<p>113:24, 114:22, 116:3, 123:5, 123:13, 133:13, 147:19, 148:16, 152:6, 153:7, 153:13, 153:19, 161:24, 165:4, 173:1, 174:24, 182:13, 185:17, 186:13, 187:6, 190:15, 191:4, 198:1, 204:22, 212:16, 213:23, 214:18 fountain [1] - 189:2 four [20] - 52:8, 63:4, 63:10, 63:11, 63:18, 64:3, 111:8, 111:10, 114:20, 115:7, 197:7, 198:18, 199:3, 210:1, 210:6, 210:11, 210:12, 214:11, 214:15 four-hour [3] - 111:8, 114:20, 115:7 FPRF [1] - 132:9 frame [1] - 10:5 free [1] - 14:8 freedom [1] - 194:22 frequent [1] - 79:9 frequently [1] - 46:1 FRIDAY [3] - 1:15, 4:3, 5:1 front [6] - 11:17, 143:18, 151:12, 151:17, 152:1, 176:20 fruitful [1] - 20:6 fruition [2] - 9:15, 190:1 full [11] - 5:17, 43:7, 43:8, 64:8, 67:13, 103:17, 172:13, 175:12, 197:8, 199:1, 218:15 fullest [5] - 34:24, 74:22, 139:1, 139:25, 145:14 fully [6] - 15:19, 25:17, 29:17, 29:21, 162:24, 208:23 function [1] - 69:24 functional [1] - 13:7 functioning [1] - 47:20 fundamental [1] - 31:1 funded [1] - 55:17 future [1] - 91:11</p>	<p>gather [1] - 56:16 GE [9] - 29:2, 29:9, 30:3, 30:17, 30:23, 31:9, 38:2 gen [4] - 36:23, 86:24, 87:2, 87:3 gen-tie [4] - 36:23, 86:24, 87:2, 87:3 General [5] - 2:13, 2:15, 28:13, 28:16, 90:4 general [13] - 10:13, 31:5, 32:12, 32:14, 70:25, 156:17, 195:3, 205:3, 208:25, 209:23, 210:5, 210:16, 213:16 generally [10] - 16:19, 25:5, 25:20, 50:4, 146:13, 197:7, 199:2, 210:1, 213:3, 213:5 generate [2] - 44:15, 72:22 generates [3] - 93:13, 104:23, 110:11 generating [10] - 42:24, 48:3, 64:20, 66:8, 66:12, 66:25, 67:10, 67:16, 72:21, 110:12 generation [22] - 23:6, 26:14, 47:15, 47:22, 49:25, 50:20, 50:23, 61:13, 69:9, 69:13, 69:20, 70:4, 70:16, 71:21, 92:20, 93:1, 103:22, 103:23, 105:11, 110:16, 146:8 generator [3] - 55:19, 56:14, 87:3 generators [1] - 49:17 geographic [1] - 10:13 given [5] - 38:10, 72:16, 78:7, 156:10, 218:10 glare [1] - 178:21 Glendale [1] - 214:11 GMA [6] - 204:18, 204:20, 205:3, 206:17, 208:9 GMAA [1] - 213:2 goals [2] - 183:24, 184:3 goodness [1] - 68:24 gorge [1] - 92:21 Gould [1] - 189:8 government [2] -</p>	<p>143:13, 143:14 governor [3] - 88:12, 137:6, 150:24 GPS [1] - 192:24 grade [1] - 111:20 grant [1] - 114:18 grape [1] - 163:18 great [4] - 7:24, 20:2, 86:11, 131:18 greater [7] - 69:14, 69:21, 70:9, 80:15, 211:22, 213:20, 214:24 greatest [1] - 30:14 green [2] - 164:10, 164:11 Greg [2] - 78:19, 78:23 grid [39] - 19:16, 20:5, 21:5, 21:9, 21:14, 21:21, 22:23, 23:1, 24:13, 25:2, 25:8, 25:15, 25:21, 25:22, 41:18, 41:22, 42:1, 42:6, 42:8, 43:9, 43:25, 47:16, 47:23, 49:8, 49:9, 49:16, 49:19, 52:2, 52:6, 52:15, 66:9, 66:25, 69:22, 69:23, 70:3, 70:4, 70:17, 111:4, 158:19 ground [3] - 6:6, 10:21, 138:17 grounds [3] - 14:23, 161:24 group [1] - 112:6 grow [1] - 206:20 guarantee [3] - 113:5, 129:5, 129:8 guess [4] - 164:14, 175:7, 197:9, 209:2 guidance [3] - 12:16, 12:25, 179:18 guidelines [8] - 177:18, 177:19, 177:25, 178:1, 179:14, 179:15, 179:19, 212:13 guys [2] - 75:16, 75:21</p>
H				
<p>habitat [1] - 159:23 habitation [1] - 160:10 Hafkemeyer [1] - 61:6 half [8] - 8:6, 83:13,</p>				
G				
G-o-u-l-d [1] - 189:8				

<p>102:5, 103:8, 103:10, 181:17, 195:16, 195:20</p> <p>hand [3] - 94:9, 107:21, 218:21</p> <p>hands [1] - 105:18</p> <p>happy [3] - 29:20, 155:15, 184:17</p> <p>hard [3] - 163:6, 163:10, 163:12</p> <p>HARPER [1] - 2:9</p> <p>hawk [11] - 177:11, 177:16, 177:19, 179:10, 180:19, 181:21, 184:25, 185:5, 185:11, 185:22, 186:9</p> <p>hawks [5] - 178:11, 180:23, 181:5, 181:12, 183:17</p> <p>head [2] - 116:13, 213:10</p> <p>health [3] - 211:20, 212:11, 213:13</p> <p>hear [2] - 30:1, 93:21</p> <p>heard [3] - 139:3, 154:20, 189:14</p> <p>hearing [3] - 85:2, 151:11, 176:3</p> <p>heart's [1] - 39:18</p> <p>heat [1] - 132:16</p> <p>heaters [1] - 21:10</p> <p>Heaven [12] - 4:10, 8:20, 9:10, 9:11, 9:17, 11:5, 147:3, 195:24, 199:7, 204:16, 205:12, 210:4</p> <p>HEAVEN [1] - 1:7</p> <p>heck [2] - 109:6, 111:25</p> <p>held [2] - 8:9, 171:11</p> <p>hello [1] - 138:15</p> <p>help [3] - 27:9, 46:2, 145:19</p> <p>helpful [1] - 50:6</p> <p>hereby [2] - 217:18, 218:7</p> <p>hesitant [1] - 189:9</p> <p>high [6] - 19:21, 20:1, 28:18, 91:9, 107:5, 110:17</p> <p>higher [2] - 10:21, 51:9</p> <p>highest [2] - 74:3, 74:5</p> <p>Highway [1] - 188:16</p> <p>highway [1] - 20:2</p> <p>Hill [1] - 147:3</p> <p>Hills [3] - 9:10, 9:11, 9:17</p>	<p>hire [3] - 32:14, 32:23, 168:4</p> <p>hired [2] - 8:19, 112:6</p> <p>history [1] - 35:13</p> <p>hold [3] - 142:25, 202:23, 202:24</p> <p>hole [3] - 130:5, 164:2, 164:3</p> <p>holes [2] - 117:6, 129:19</p> <p>honest [1] - 11:11</p> <p>honor [3] - 80:12, 155:19, 155:23</p> <p>hooked [1] - 66:13</p> <p>hope [3] - 42:12, 145:14, 192:13</p> <p>hopefully [1] - 139:7</p> <p>HORSE [1] - 1:7</p> <p>Horse [12] - 4:10, 8:20, 9:9, 9:11, 9:17, 11:4, 147:3, 195:24, 199:7, 204:16, 205:12, 210:4</p> <p>host [1] - 195:10</p> <p>hour [6] - 58:14, 111:8, 114:11, 114:12, 114:20, 115:7</p> <p>hours [1] - 111:10</p> <p>house [2] - 32:20, 196:17</p> <p>Houston [1] - 3:9</p> <p>huge [1] - 118:18</p> <p>hurting [1] - 104:24</p> <p>hybrid [3] - 52:18, 109:1, 109:4</p> <p>hybridization [2] - 56:22, 86:1</p> <p>hydrants [5] - 120:24, 121:9, 121:24, 122:15, 122:17</p>	<p>175:20, 180:4, 181:8, 185:13, 197:12, 198:14, 200:14, 205:19</p> <p>identifies [1] - 118:7</p> <p>identify [7] - 35:2, 132:12, 150:9, 155:7, 184:11, 198:3, 212:22</p> <p>identifying [1] - 166:15</p> <p>ignite [1] - 132:18</p> <p>ignition [1] - 132:19</p> <p>image [1] - 100:9</p> <p>immaterial [5] - 203:3, 203:4, 203:17, 203:24, 205:18</p> <p>impact [26] - 57:16, 100:6, 100:12, 135:1, 135:5, 135:15, 135:21, 135:25, 136:9, 136:13, 136:20, 137:3, 137:22, 137:24, 146:16, 158:17, 158:25, 159:2, 159:4, 159:13, 159:19, 160:1, 160:7, 160:21, 194:15, 213:20</p> <p>impacted [1] - 190:3</p> <p>impactful [1] - 175:16</p> <p>impacts [24] - 76:14, 79:14, 81:1, 106:18, 106:19, 138:22, 138:25, 139:22, 140:1, 140:12, 141:13, 142:9, 144:16, 144:25, 145:5, 146:21, 159:10, 160:18, 172:6, 178:11, 178:21, 179:10, 183:16</p> <p>important [4] - 141:3, 141:21, 203:13, 205:10</p> <p>impossible [1] - 160:14</p> <p>impracticable [1] - 181:23</p> <p>impractical [2] - 181:14, 181:24</p> <p>improvements [1] - 174:4</p> <p>improves [1] - 102:22</p> <p>IN [5] - 1:4, 4:2, 217:2, 218:21</p> <p>in-house [1] - 32:20</p> <p>include [9] - 38:5,</p>	<p>38:7, 94:4, 142:16, 149:1, 190:3, 191:15, 193:19, 194:10</p> <p>included [2] - 10:20, 187:17</p> <p>includes [3] - 86:15, 158:17, 193:24</p> <p>including [1] - 135:17</p> <p>inconsistent [1] - 179:10</p> <p>incorporate [3] - 59:1, 136:17, 148:13</p> <p>incorporated [3] - 140:17, 141:8, 191:22</p> <p>Incorporated [1] - 38:1</p> <p>incorrect [2] - 65:6, 65:7</p> <p>increase [4] - 51:3, 59:7, 102:20, 194:14</p> <p>increased [1] - 57:16</p> <p>increasing [1] - 41:7</p> <p>indecipherable [1] - 100:23</p> <p>indecipherable [1] - 24:22</p> <p>independent [4] - 78:22, 100:11, 135:24, 136:2</p> <p>independently [1] - 97:17</p> <p>indicate [3] - 73:24, 91:4, 122:7</p> <p>indicated [18] - 8:25, 18:1, 20:8, 23:17, 25:3, 30:7, 33:21, 62:17, 96:18, 107:4, 117:25, 130:24, 137:2, 141:3, 157:16, 177:15, 212:2, 217:4</p> <p>indicates [1] - 91:2</p> <p>individual [3] - 71:10, 74:13, 209:13</p> <p>individually [1] - 49:25</p> <p>induced [1] - 162:15</p> <p>industrial [2] - 17:16, 133:10</p> <p>industry [2] - 8:8, 8:18</p> <p>infeasible [1] - 160:4</p> <p>inflation [1] - 28:9</p> <p>influence [3] - 76:22, 95:5, 193:16</p> <p>influences [1] - 77:6</p> <p>information [22] - 14:6, 15:19, 29:25, 30:12, 63:2, 68:7, 68:9, 73:23, 76:7,</p>	<p>76:13, 112:20, 121:20, 137:19, 141:2, 143:4, 152:13, 172:5, 172:16, 179:24, 179:25, 191:2, 191:21</p> <p>informed [1] - 96:22</p> <p>infrastructure [12] - 18:17, 19:14, 22:5, 22:12, 103:16, 103:21, 147:6, 148:20, 193:20, 195:11, 196:1, 196:6</p> <p>initial [1] - 13:16</p> <p>initiated [1] - 94:14</p> <p>inject [8] - 41:23, 42:20, 52:19, 52:24, 63:19, 65:10, 65:11, 74:9</p> <p>injected [2] - 42:10, 47:23</p> <p>injecting [3] - 43:3, 63:17, 63:18</p> <p>injection [20] - 41:18, 41:22, 42:1, 42:21, 42:24, 48:10, 49:9, 49:16, 49:18, 49:20, 54:13, 64:24, 65:18, 65:19, 66:9, 66:25, 69:22, 69:23, 70:5, 74:9</p> <p>inked [1] - 174:10</p> <p>input [5] - 16:24, 17:24, 156:2, 156:4, 156:19</p> <p>insisting [1] - 191:8</p> <p>install [1] - 129:1</p> <p>installation [1] - 211:19</p> <p>installed [2] - 36:23, 124:10</p> <p>INSTANCE [1] - 1:18</p> <p>instruct [2] - 178:5, 179:5</p> <p>integral [2] - 185:11, 186:9</p> <p>integrity [1] - 80:10</p> <p>intellectual [3] - 43:14, 46:10, 74:16</p> <p>intend [5] - 59:6, 66:2, 122:20, 140:4, 154:8</p> <p>intended [5] - 36:10, 57:3, 70:12, 76:9, 170:6</p> <p>intending [3] - 35:22, 144:4, 148:5</p> <p>intent [5] - 44:12, 62:11, 139:6, 157:4, 194:11</p>
I				
	<p>ID [1] - 5:8</p> <p>Idaho [1] - 218:6</p> <p>idea [1] - 209:23</p> <p>ideal [4] - 24:9, 27:24, 27:25, 43:20</p> <p>idealistic [1] - 181:15</p> <p>ideally [1] - 110:10</p> <p>identification [1] - 145:10</p> <p>identified [19] - 11:19, 26:6, 26:8, 26:21, 35:6, 117:15, 138:8, 139:1, 146:22, 160:10, 173:22,</p>			

<p>intention [7] - 77:25, 87:22, 124:15, 138:24, 144:5, 183:21, 190:2</p> <p>intentionally [1] - 142:16</p> <p>inter [1] - 42:10</p> <p>interactions [1] - 135:16</p> <p>interagency [1] - 123:18</p> <p>interconnect [31] - 19:15, 20:4, 21:14, 25:8, 25:21, 35:22, 36:13, 37:10, 38:25, 39:1, 39:18, 52:12, 55:7, 55:22, 56:1, 56:2, 56:14, 57:11, 62:3, 64:1, 64:20, 65:16, 65:17, 67:1, 67:16, 68:14, 68:17, 70:10, 82:12, 82:16, 84:21</p> <p>interconnected [2] - 42:8, 52:7</p> <p>interconnecting [2] - 41:5, 156:11</p> <p>interconnection [16] - 36:15, 37:7, 38:22, 40:8, 52:10, 53:8, 55:19, 57:4, 57:6, 63:3, 65:11, 65:24, 68:3, 84:14, 115:1, 158:18</p> <p>interconnections [4] - 37:3, 55:15, 64:16, 82:10</p> <p>interconnects [1] - 54:5</p> <p>interest [12] - 18:18, 53:15, 74:24, 85:24, 105:17, 109:10, 138:7, 138:8, 152:21, 152:22, 177:10, 218:20</p> <p>interested [5] - 20:10, 20:19, 23:1, 91:7, 182:17</p> <p>interesting [1] - 108:19</p> <p>interface [2] - 151:4, 151:6</p> <p>interim [1] - 37:1</p> <p>interject [3] - 41:12, 43:8, 64:2</p> <p>intermediate [1] - 86:25</p> <p>intermittent [1] - 93:13</p> <p>internal [4] - 78:15,</p>	<p>78:25, 125:25, 128:8</p> <p>internally [2] - 32:21, 78:21</p> <p>International [3] - 130:7, 130:11, 130:16</p> <p>interrupt [3] - 39:24, 60:24, 188:24</p> <p>interrupted [1] - 27:1</p> <p>interruption [2] - 61:4, 110:19</p> <p>interspersed [1] - 37:3</p> <p>intertie [3] - 86:18, 86:19, 87:8</p> <p>INTERVENER [2] - 2:2, 2:7</p> <p>intervenors [1] - 5:24</p> <p>inverter [10] - 50:24, 50:25, 51:3, 61:14, 61:20, 70:9, 70:11, 70:18, 70:22, 71:6</p> <p>inverters [3] - 51:21, 61:11, 69:25</p> <p>investigated [1] - 130:9</p> <p>investigation [2] - 118:12, 214:22</p> <p>investing [1] - 104:16</p> <p>involved [6] - 15:4, 35:14, 35:20, 35:21, 116:17, 134:22</p> <p>ion [19] - 111:21, 111:23, 114:19, 115:7, 125:22, 126:2, 128:6, 128:16, 128:25, 130:10, 131:24, 132:1, 132:15, 211:19, 212:2, 212:14, 213:12, 214:10, 214:24</p> <p>ions [1] - 58:9</p> <p>IPPs [1] - 25:7</p> <p>IRPs [1] - 90:16</p> <p>irrelevant [2] - 161:12, 205:16</p> <p>irrigator [1] - 168:2</p> <p>irrigators [2] - 165:5, 165:6</p> <p>issue [5] - 130:21, 131:8, 131:11, 137:3, 178:24</p> <p>issued [3] - 92:5, 183:18, 191:24</p> <p>issues [6] - 162:1, 179:2, 179:4, 201:10, 201:17, 201:18</p> <p>issuing [2] - 56:13,</p>	<p>180:18</p> <p>IT [1] - 5:1</p> <p>it'll [5] - 111:7, 111:10, 113:14, 133:7, 155:25</p> <p>iteration [6] - 36:8, 38:19, 38:20, 40:5, 40:6, 40:22</p> <p>itself [6] - 60:15, 61:14, 72:2, 139:19, 175:6, 175:8</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>JACKSON [1] - 2:8</p> <p>January [1] - 176:1</p> <p>Jessica [6] - 3:9, 139:15, 140:25, 146:13, 146:23, 185:13</p> <p>Jim [1] - 179:25</p> <p>job [6] - 37:14, 37:18, 152:22, 182:4, 182:6, 182:11</p> <p>jointly [1] - 178:23</p> <p>Judge [3] - 162:2, 162:5, 178:14</p> <p>juice [1] - 163:18</p> <p>July [1] - 218:22</p> <p>JULY [3] - 1:15, 4:3, 5:2</p> <p>jump [1] - 138:19</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>K-o-b-u-s [1] - 5:19</p> <p>Karen [1] - 3:14</p> <p>keep [6] - 21:7, 79:22, 114:14, 118:22, 128:20, 148:5</p> <p>keeps [2] - 45:14, 191:7</p> <p>KENNETH [1] - 2:9</p> <p>Kennewick [4] - 1:13, 118:18, 163:19, 167:25</p> <p>kept [1] - 141:23</p> <p>key [3] - 51:18, 102:15, 116:19</p> <p>keyword [1] - 86:17</p> <p>kharpert@mjbe.com [1] - 2:10</p> <p>kind [13] - 7:19, 15:23, 20:11, 29:19, 41:22, 43:12, 50:7, 53:16, 63:5, 152:18, 155:18, 181:16</p> <p>kinds [1] - 7:9</p> <p>knock [1] - 103:1</p> <p>knowing [1] - 76:6</p>	<p>knowledge [6] - 142:24, 150:22, 156:24, 171:11, 180:2, 191:18</p> <p>known [1] - 201:22</p> <p>knows [2] - 112:7</p> <p>Kobus [18] - 5:17, 5:19, 7:25, 16:1, 29:18, 46:4, 50:16, 59:24, 67:8, 68:23, 87:19, 111:20, 138:12, 138:15, 176:6, 192:11, 205:25, 210:24</p> <p>KOBUS [7] - 1:11, 4:4, 5:3, 5:11, 216:10, 217:18, 217:22</p> <p>Krupin [1] - 3:13</p> <p>kV [14] - 37:8, 37:9, 39:2, 40:9, 65:12, 66:10, 67:1, 68:18, 84:11, 84:13, 84:21, 86:19, 86:24</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>lack [4] - 109:18, 123:12, 152:16, 182:13</p> <p>Lally [3] - 139:15, 140:25, 146:23</p> <p>Lally's [2] - 146:13, 185:13</p> <p>land [37] - 9:22, 10:20, 11:7, 15:25, 16:9, 38:7, 38:9, 162:10, 169:10, 170:2, 170:5, 170:6, 171:17, 173:3, 179:1, 187:13, 187:21, 188:2, 189:17, 189:19, 191:11, 196:24, 197:8, 197:17, 197:20, 198:20, 198:24, 199:4, 199:17, 200:10, 202:23, 204:16, 204:20, 206:19, 210:2, 213:19, 215:19</p> <p>Landess [1] - 3:13</p> <p>landowner [1] - 11:10</p> <p>landowners [2] - 196:22, 202:24</p> <p>lands [5] - 187:10, 205:3, 206:17, 208:9</p> <p>landscape [1] - 164:9</p> <p>language [4] - 60:2,</p>	<p>96:5, 100:5, 101:3</p> <p>large [7] - 26:10, 55:18, 56:2, 56:13, 83:2, 105:11, 134:9</p> <p>Large [1] - 1:12</p> <p>larger [3] - 55:1, 61:13, 198:12</p> <p>largest [3] - 59:12, 92:25, 104:18</p> <p>last [16] - 14:12, 31:2, 55:4, 56:13, 80:11, 89:14, 111:7, 111:10, 115:9, 120:21, 131:21, 131:23, 176:11, 181:22, 186:1, 195:3</p> <p>last-minute [1] - 55:4</p> <p>lasted [1] - 214:10</p> <p>latecomer [1] - 108:14</p> <p>latest [2] - 179:16, 179:20</p> <p>LAW [1] - 2:3</p> <p>law [4] - 161:18, 161:21, 162:7, 162:14</p> <p>Law [2] - 2:4, 3:3</p> <p>lawyers [8] - 14:15, 14:18, 14:19, 14:20, 15:1, 15:3, 15:4, 15:15</p> <p>layout [13] - 33:25, 40:15, 77:19, 79:10, 94:18, 143:1, 184:6, 193:6, 193:7, 194:5, 196:8, 196:9, 196:14</p> <p>layouts [2] - 33:21, 95:7</p> <p>lead [2] - 178:23, 179:3</p> <p>lease [9] - 11:11, 38:9, 173:5, 190:1, 195:7, 195:9, 195:14, 195:22, 196:23</p> <p>leasehold [1] - 11:5</p> <p>leases [13] - 10:24, 37:2, 37:4, 38:5, 38:7, 38:12, 38:21, 196:3, 196:5, 202:23, 202:24</p> <p>least [3] - 151:18, 185:12, 186:9</p> <p>leave [3] - 73:9, 73:12, 198:7</p> <p>leaves [1] - 77:2</p> <p>leaving [1] - 8:16</p> <p>left [1] - 202:1</p> <p>legal [25] - 28:22, 95:21, 101:6, 129:11, 147:16, 150:2, 150:6, 150:20, 150:25, 151:22, 152:8,</p>
--	---	---	---	--

<p>152:12, 161:12, 161:24, 165:25, 166:25, 168:14, 184:12, 197:12, 199:11, 200:2, 201:15, 203:5, 203:11, 205:16</p> <p>legally [3] - 165:22, 168:11, 198:14</p> <p>legendary [3] - 145:23, 146:5, 178:17</p> <p>length [2] - 47:25, 194:2</p> <p>less [3] - 103:3, 210:13, 213:14</p> <p>Letter [1] - 4:11</p> <p>letter [7] - 143:10, 168:4, 173:20, 174:22, 174:25, 175:5, 175:25</p> <p>letters [1] - 168:9</p> <p>letting [1] - 33:2</p> <p>level [2] - 46:18, 191:20</p> <p>liberty [1] - 45:5</p> <p>license [8] - 27:5, 169:11, 170:2, 170:5, 171:18, 173:4, 189:18, 189:19</p> <p>licensed [1] - 9:4</p> <p>life [3] - 21:23, 171:25, 173:22</p> <p>light [1] - 178:21</p> <p>lighting [1] - 162:22</p> <p>likely [10] - 26:7, 26:20, 27:20, 30:22, 72:5, 101:12, 128:3, 156:13, 184:6, 196:4</p> <p>limit [4] - 49:16, 72:7, 178:19, 200:6</p> <p>limitations [1] - 42:4</p> <p>limited [6] - 64:23, 65:17, 66:8, 69:23, 70:10, 70:17</p> <p>limiting [1] - 105:19</p> <p>limits [2] - 42:5, 118:23</p> <p>line [13] - 10:25, 19:22, 19:25, 20:1, 37:8, 37:9, 46:19, 48:11, 87:2, 157:19, 167:3, 167:20, 179:7</p> <p>linear [1] - 81:7</p> <p>lines [2] - 18:11, 64:16</p> <p>listed [1] - 120:21</p> <p>listen [1] - 26:25</p> <p>literally [5] - 41:8, 114:3, 119:1, 140:25, 177:3</p>	<p>lithium [20] - 58:9, 111:21, 111:23, 114:19, 115:7, 125:22, 126:2, 128:6, 128:16, 128:25, 130:10, 131:24, 132:1, 132:15, 211:19, 212:2, 212:14, 213:12, 214:10, 214:24</p> <p>lithium-ion [19] - 111:21, 111:23, 114:19, 115:7, 125:22, 126:2, 128:6, 128:16, 128:25, 130:10, 131:24, 132:1, 132:15, 211:19, 212:2, 212:14, 213:12, 214:10, 214:24</p> <p>Livenote [1] - 5:6</p> <p>living [1] - 46:11</p> <p>LLC [3] - 1:6, 1:7, 1:22</p> <p>LLP [1] - 3:3</p> <p>In [1] - 217:6</p> <p>load [3] - 91:15, 93:2, 141:19</p> <p>loading [8] - 80:6, 80:7, 81:3, 89:21, 92:13, 92:15, 92:17, 93:10</p> <p>loads [1] - 92:24</p> <p>local [8] - 21:3, 21:18, 117:20, 123:22, 162:10, 162:15, 168:1</p> <p>local-induced [1] - 162:15</p> <p>locally [2] - 119:14, 119:15</p> <p>locate [3] - 20:3, 21:1, 73:16</p> <p>located [4] - 71:11, 72:14, 195:3, 204:17</p> <p>locates [1] - 71:23</p> <p>locating [1] - 18:11</p> <p>location [1] - 192:24</p> <p>locations [3] - 34:6, 58:3, 59:17</p> <p>look [17] - 15:13, 35:10, 37:18, 64:7, 68:16, 68:20, 74:2, 75:4, 89:13, 107:17, 114:7, 120:10, 131:20, 132:11, 164:8, 176:11, 209:8</p> <p>looked [2] - 88:18, 209:10</p> <p>looking [13] - 9:24,</p>	<p>11:1, 13:14, 16:5, 27:20, 51:7, 71:9, 109:4, 113:3, 114:16, 116:15, 205:8, 209:22</p> <p>looks [4] - 50:18, 56:25, 113:25, 129:20</p> <p>lose [1] - 34:7</p> <p>losing [1] - 48:18</p> <p>losses [4] - 47:17, 47:21, 48:8, 48:12</p> <p>lost [2] - 67:12, 167:15</p> <p>low [1] - 159:2</p> <p>lower [1] - 74:11</p> <p>lowest [2] - 158:17, 158:25</p>	<p>53:15, 58:6, 58:11, 91:15, 104:2, 104:18, 104:22, 106:23, 107:22, 108:20, 109:3, 109:9, 109:12, 109:22, 110:3, 110:21, 113:2, 113:25, 126:8, 129:3, 154:7, 154:12, 154:14</p> <p>market's [1] - 157:1</p> <p>marketer [1] - 51:13</p> <p>marketing [6] - 9:20, 17:10, 26:23, 27:3, 74:20, 74:23</p> <p>marketplace [2] - 24:5, 102:25</p> <p>markets [1] - 25:19</p> <p>marshal [7] - 127:11, 127:16, 127:23, 130:3, 130:15, 130:21, 131:10</p> <p>mass [1] - 17:21</p> <p>master's [1] - 8:3</p> <p>match [1] - 93:2</p> <p>material [5] - 15:11, 30:25, 68:4, 129:25, 151:11</p> <p>materially [1] - 214:8</p> <p>materials [3] - 61:9, 122:7, 148:3</p> <p>math [1] - 50:19</p> <p>mathematical [1] - 46:12</p> <p>matter [2] - 75:25, 218:19</p> <p>MATTER [1] - 1:4</p> <p>max [1] - 198:18</p> <p>maxes [1] - 33:11</p> <p>maximum [14] - 33:7, 35:1, 49:18, 69:22, 69:23, 70:3, 70:4, 74:8, 82:7, 111:9, 157:3, 157:6, 198:18, 206:20</p> <p>ME [1] - 217:23</p> <p>mean [50] - 24:16, 25:4, 30:24, 33:10, 34:20, 34:21, 39:24, 40:16, 41:3, 42:5, 43:13, 43:21, 44:1, 46:2, 46:7, 49:23, 50:22, 70:25, 76:5, 94:24, 101:10, 107:17, 107:18, 115:8, 124:18, 125:1, 145:22, 145:25, 150:16, 155:11, 156:5, 158:13, 160:19, 169:17, 177:12, 179:22,</p>	<p>183:15, 185:19, 188:23, 190:8, 193:7, 193:10, 196:21, 196:23, 203:7, 205:19, 207:1, 209:6, 209:19, 214:5</p> <p>means [6] - 41:5, 55:16, 111:9, 160:22, 207:22, 208:24</p> <p>meant [1] - 128:8</p> <p>mechanical [2] - 80:7, 81:3</p> <p>meet [20] - 22:4, 51:15, 52:14, 58:24, 90:22, 91:13, 106:20, 106:23, 107:8, 107:13, 115:14, 121:5, 122:2, 123:22, 126:19, 135:9, 154:8, 155:7, 155:9, 203:21</p> <p>meeting [6] - 22:8, 176:14, 176:17, 176:24, 177:2, 180:15</p> <p>meetings [1] - 151:5</p> <p>meets [1] - 54:7</p> <p>megawatt [15] - 38:16, 39:1, 39:15, 39:21, 39:23, 40:7, 53:7, 68:2, 72:4, 72:5, 72:6, 72:14, 114:24</p> <p>megawatts [46] - 35:25, 37:12, 38:23, 39:4, 39:20, 40:8, 40:24, 41:6, 41:10, 41:11, 41:14, 42:21, 42:24, 43:3, 43:22, 44:2, 44:3, 44:24, 50:10, 56:25, 59:3, 59:17, 64:3, 64:4, 64:19, 64:24, 65:12, 66:7, 66:9, 66:12, 66:24, 67:6, 67:15, 67:20, 68:5, 68:6, 68:15, 68:16, 72:7, 72:22, 73:21, 85:5, 85:9, 111:21, 114:25, 154:4</p> <p>melt [1] - 214:6</p> <p>members [1] - 151:7</p> <p>MENKE [1] - 2:8</p> <p>mention [1] - 215:17</p> <p>mentioned [3] - 125:10, 147:9, 193:5</p> <p>met [3] - 9:18, 121:21, 122:8</p> <p>meter [2] - 41:8, 118:21</p> <p>metering [1] - 21:7</p> <p>Michael [1] - 9:19</p> <p>micrositing [10] -</p>
M				
<p>MADE [1] - 217:2</p> <p>magnitude [1] - 31:7</p> <p>main [1] - 82:3</p> <p>mains [2] - 120:23, 121:20</p> <p>maintain [7] - 25:15, 41:13, 42:7, 43:3, 52:6, 77:22, 139:24</p> <p>maintaining [2] - 61:19, 204:8</p> <p>maintains [1] - 102:24</p> <p>major [3] - 31:21, 94:6</p> <p>majority [2] - 14:2, 180:4</p> <p>maker [2] - 99:8, 99:10</p> <p>manage [4] - 42:6, 52:5, 54:9, 134:10</p> <p>management [1] - 8:4</p> <p>manager [7] - 8:12, 8:20, 9:1, 9:2, 25:22, 46:23, 79:21</p> <p>manner [1] - 33:11</p> <p>manufacturer [3] - 112:24, 113:6, 126:19</p> <p>manufacturers [4] - 28:10, 81:12, 112:3, 112:20</p> <p>map [4] - 73:17, 84:6, 84:15, 176:12</p> <p>maps [1] - 71:11</p> <p>margin [1] - 141:5</p> <p>mark [1] - 140:4</p> <p>marked [1] - 11:17</p> <p>market [33] - 17:11, 17:21, 26:10, 28:9, 28:11, 30:16, 30:24, 34:23, 37:17, 43:15,</p>				

<p>69:11, 73:7, 73:8, 193:9, 193:11, 193:18, 193:22, 193:25, 194:12, 194:14 middle [2] - 167:20, 181:13 might [16] - 10:16, 18:18, 23:9, 47:8, 73:24, 79:25, 106:13, 110:1, 126:7, 155:19, 155:22, 170:13, 175:17, 175:18, 181:19, 192:5 miles [6] - 86:15, 86:19, 86:24, 108:25, 160:6, 188:16 mind [1] - 51:17 minds [1] - 91:24 mine [1] - 152:22 Minelli [1] - 3:14 minimize [6] - 57:7, 139:22, 140:12, 141:13, 142:9, 159:4 minimized [2] - 77:21, 158:20 minimum [6] - 120:22, 121:8, 121:19, 122:8, 133:9 minor [2] - 208:7, 208:13 minute [1] - 55:4 mischaracterizes [2] - 48:25, 210:8 misspoke [1] - 72:9 mitigate [5] - 144:16, 144:25, 146:21, 159:25, 160:8 mitigated [1] - 135:9 mitigates [1] - 145:5 mitigation [12] - 33:16, 33:20, 35:7, 144:23, 145:3, 147:2, 159:5, 159:8, 160:10, 177:20, 182:3 mix [1] - 104:24 model [8] - 28:18, 72:4, 72:5, 78:8, 79:1, 79:17, 79:20 modeling [2] - 78:13, 78:15 modification [1] - 68:4 modularized [2] - 124:25, 125:7 modules [3] - 61:11, 70:8, 125:6 moment [3] - 29:1, 81:21, 125:13 Monna [1] - 5:4</p>	<p>MONNA [3] - 1:22, 218:2, 218:24 MONNA@TRICITIESREPORTING.COM [1] - 1:23 month [1] - 21:20 monthly [1] - 151:5 months [2] - 31:3, 88:24 monumental [2] - 146:1, 178:17 most [21] - 13:25, 17:20, 19:14, 27:20, 34:15, 36:10, 48:14, 58:10, 66:14, 66:17, 113:5, 115:12, 115:13, 118:17, 120:6, 139:16, 158:17, 167:6, 175:16, 196:12, 205:3 Mountain [5] - 35:23, 36:14, 36:20, 36:25, 37:22 mouth [2] - 14:8, 50:16 move [9] - 22:12, 149:9, 152:23, 153:4, 153:10, 153:16, 154:17, 194:11, 194:23 moved [4] - 73:2, 73:6, 177:8, 183:1 moves [2] - 54:14, 153:23 moving [1] - 128:10 MR [84] - 4:5, 4:6, 5:16, 11:20, 11:25, 12:7, 14:25, 15:12, 17:7, 19:9, 23:7, 25:1, 36:16, 42:18, 44:21, 45:7, 49:6, 53:3, 53:23, 56:15, 59:8, 59:21, 59:23, 60:23, 64:6, 69:17, 71:16, 72:8, 72:23, 75:23, 77:24, 78:11, 79:7, 80:16, 81:22, 86:13, 90:24, 92:4, 93:15, 93:19, 96:15, 99:4, 100:1, 101:1, 101:15, 102:8, 103:4, 104:3, 105:23, 106:15, 108:9, 110:5, 111:1, 112:12, 112:21, 113:19, 114:15, 115:2, 116:8, 118:4, 121:17, 123:9, 123:24, 125:20, 129:16, 131:19, 133:8, 133:16,</p>	<p>133:19, 133:22, 138:10, 188:18, 188:23, 211:2, 211:7, 211:9, 213:1, 214:1, 214:21, 215:9, 215:15, 215:21, 216:1, 216:7 MS [256] - 4:5, 4:6, 12:3, 14:22, 15:6, 17:2, 17:4, 19:7, 22:16, 36:6, 42:14, 43:10, 45:1, 48:24, 52:21, 53:18, 56:10, 59:4, 60:14, 63:23, 71:12, 71:24, 72:18, 75:6, 75:13, 77:17, 78:3, 79:4, 80:4, 81:20, 86:8, 90:8, 91:20, 93:17, 96:12, 98:24, 99:22, 101:5, 102:7, 102:10, 103:12, 105:14, 106:9, 108:2, 108:4, 109:17, 112:16, 113:11, 113:23, 114:21, 116:2, 117:23, 121:11, 123:4, 123:12, 125:16, 129:13, 131:14, 131:17, 132:25, 133:12, 138:14, 140:18, 140:22, 141:14, 142:3, 142:11, 142:18, 143:7, 143:16, 144:9, 144:14, 144:18, 144:21, 146:24, 147:8, 147:18, 147:23, 148:15, 148:22, 149:19, 149:23, 150:15, 150:17, 150:19, 151:15, 151:20, 152:5, 152:11, 152:25, 153:3, 153:6, 153:9, 153:12, 153:15, 153:18, 153:21, 154:1, 154:13, 155:20, 156:1, 156:21, 157:8, 157:13, 157:21, 158:3, 160:2, 161:11, 161:16, 161:23, 162:5, 162:7, 162:9, 162:12, 162:17, 163:1, 163:8, 163:11, 163:13, 163:23, 164:5, 164:13, 164:18, 164:23, 165:3, 165:7, 165:12,</p>	<p>165:16, 165:24, 166:6, 166:13, 166:17, 166:24, 167:8, 168:13, 168:19, 168:23, 169:3, 169:8, 169:14, 169:22, 170:1, 170:17, 170:24, 171:22, 172:2, 172:14, 172:18, 172:23, 172:25, 173:7, 173:14, 173:24, 174:7, 174:13, 174:23, 175:4, 175:19, 175:21, 176:5, 177:22, 177:24, 178:2, 178:9, 178:13, 179:8, 179:12, 179:13, 180:7, 180:12, 182:10, 182:12, 182:22, 183:4, 183:13, 183:19, 183:23, 184:1, 184:2, 184:16, 184:20, 184:22, 185:2, 185:16, 186:5, 186:12, 186:17, 187:2, 187:5, 187:8, 187:12, 187:23, 188:1, 188:4, 188:8, 189:1, 189:6, 190:14, 190:24, 191:3, 191:16, 192:5, 192:8, 192:10, 194:8, 194:16, 195:12, 195:21, 196:18, 197:1, 197:18, 197:21, 197:25, 198:6, 198:9, 199:10, 199:15, 200:1, 200:4, 200:8, 200:18, 200:23, 201:4, 201:14, 201:23, 203:15, 204:11, 204:21, 205:1, 205:15, 205:23, 206:6, 206:10, 206:13, 206:23, 207:7, 207:10, 207:13, 207:18, 208:10, 208:15, 208:18, 209:5, 210:7, 210:15, 210:18, 210:21, 210:23, 212:15, 213:22, 214:17, 215:10, 215:12, 215:13, 215:24, 216:3 multiple [3] - 156:3, 161:5, 167:4</p>	<p>municipal [1] - 118:19 mutual [1] - 62:12 MY [1] - 217:25</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>name [5] - 5:18, 10:11, 114:10, 119:16, 192:11 nameplate [23] - 43:8, 47:22, 50:24, 51:2, 51:8, 51:20, 51:21, 61:7, 61:10, 61:15, 61:20, 64:19, 66:8, 66:12, 66:25, 67:9, 67:15, 69:9, 69:13, 69:20, 70:11, 70:21, 72:1 names [1] - 79:23 NATION [1] - 3:7 Nation [16] - 138:6, 138:16, 139:7, 141:4, 142:10, 143:11, 144:12, 145:3, 145:13, 146:6, 147:10, 149:6, 149:7, 178:18, 185:6, 186:11 Nation's [9] - 138:23, 139:23, 140:13, 144:17, 145:1, 146:21, 178:4, 178:12, 178:17 National [1] - 212:12 Natural [4] - 169:11, 169:17, 170:20, 171:18 natural [1] - 117:17 nature [4] - 16:20, 18:6, 20:16, 74:25 Navy [2] - 8:5, 8:6 near [3] - 91:11, 133:17, 181:22 necessarily [2] - 115:8, 164:4 necessary [13] - 28:23, 49:17, 58:16, 58:18, 60:12, 77:22, 97:9, 117:20, 131:3, 153:25, 159:5, 173:18, 174:11 need [57] - 7:12, 21:6, 21:9, 23:3, 24:11, 28:20, 34:6, 42:16, 64:25, 65:7, 65:19, 68:11, 68:13, 83:9, 83:16, 89:7, 97:2, 97:25, 98:12, 99:2, 101:13, 102:4, 102:13, 102:18,</p>
---	---	---	--	---

<p>104:22, 106:24, 112:4, 113:9, 115:16, 115:24, 116:5, 117:14, 118:1, 122:22, 123:19, 123:23, 125:8, 129:7, 135:20, 136:24, 136:25, 140:20, 145:13, 154:12, 155:10, 156:8, 156:11, 158:15, 165:1, 170:13, 172:22, 173:22, 175:17, 175:18, 176:2, 178:6, 199:7</p> <p>needed [3] - 23:15, 120:4, 122:1</p> <p>needs [9] - 106:20, 110:25, 115:14, 122:23, 155:7, 156:9, 171:20, 171:25, 175:14</p> <p>negotiate [5] - 55:5, 126:18, 144:4, 170:8, 173:17</p> <p>negotiating [1] - 147:20</p> <p>negotiation [1] - 143:24</p> <p>negotiations [12] - 45:5, 45:8, 107:14, 119:17, 143:22, 148:4, 148:9, 149:5, 168:16, 177:13, 189:21, 189:25</p> <p>NEPA [1] - 56:6</p> <p>nest [6] - 180:23, 181:1, 181:3, 181:6, 181:7, 181:19</p> <p>nests [2] - 181:21, 186:1</p> <p>net [1] - 21:20</p> <p>network [3] - 53:12, 54:18, 54:21</p> <p>never [5] - 19:25, 36:12, 41:9, 48:9, 203:1</p> <p>new [14] - 26:14, 65:25, 92:2, 100:5, 117:9, 117:11, 117:19, 118:1, 162:22, 164:15, 165:1, 165:8, 212:13, 212:19</p> <p>next [16] - 16:12, 22:9, 26:8, 30:22, 34:8, 38:18, 38:20, 40:5, 40:6, 40:22, 53:5, 76:14, 119:1, 182:20, 186:21,</p>	<p>188:20</p> <p>NFPA [1] - 212:18</p> <p>nice [1] - 110:13</p> <p>NICKESON [3] - 1:22, 218:2, 218:24</p> <p>Nickerson [1] - 5:4</p> <p>night [1] - 110:12</p> <p>nimble [3] - 98:1, 114:14, 157:4</p> <p>Nine [4] - 8:13, 9:1, 9:8, 205:19</p> <p>Ninth [1] - 3:4</p> <p>NO [2] - 1:6, 4:2</p> <p>nobody [1] - 214:3</p> <p>none [1] - 156:24</p> <p>nonsignificance [1] - 135:10</p> <p>NORAD [1] - 33:18</p> <p>normal [2] - 122:23, 136:5</p> <p>normally [1] - 191:19</p> <p>North [1] - 2:8</p> <p>Northwest [8] - 8:9, 8:17, 9:12, 9:13, 10:2, 11:1, 92:16, 106:24</p> <p>northwest [1] - 153:5</p> <p>Notary [1] - 217:25</p> <p>NOTE [1] - 217:3</p> <p>nothing [6] - 5:13, 122:15, 122:16, 140:11, 142:4, 142:7</p> <p>notice [3] - 12:8, 60:21, 60:22</p> <p>noticed [1] - 28:3</p> <p>notify [1] - 173:6</p> <p>noting [1] - 217:20</p> <p>nuclear [4] - 8:3, 8:6, 8:8, 8:10</p> <p>number [15] - 11:16, 12:11, 16:2, 33:22, 46:20, 48:16, 51:7, 70:5, 82:3, 103:7, 186:22, 199:20, 205:25, 206:2, 211:13</p> <p>Number [1] - 123:8</p> <p>NUMBER [1] - 4:9</p> <p>number's [1] - 195:8</p> <p>numbers [2] - 43:20, 47:1</p>	<p>151:15, 161:23, 177:23, 179:6, 200:7, 210:8</p> <p>objection [124] - 12:1, 22:16, 36:6, 42:14, 43:10, 48:24, 52:21, 53:18, 56:10, 59:4, 60:14, 63:23, 71:12, 71:25, 75:6, 75:14, 77:17, 79:4, 80:4, 86:8, 90:8, 91:20, 96:12, 98:24, 101:5, 102:7, 105:14, 106:9, 108:2, 108:4, 109:17, 112:16, 113:11, 113:23, 114:21, 116:2, 117:23, 121:11, 123:4, 123:12, 125:16, 132:25, 133:12, 133:13, 140:18, 141:14, 142:11, 143:7, 144:9, 144:18, 146:24, 147:18, 148:15, 149:19, 150:15, 152:5, 152:25, 153:6, 153:12, 153:18, 154:1, 155:20, 156:21, 157:13, 161:11, 162:17, 163:8, 163:13, 164:5, 164:18, 165:3, 165:12, 165:24, 166:13, 166:24, 168:13, 168:23, 169:9, 169:22, 170:17, 171:22, 172:18, 172:25, 173:14, 174:7, 174:23, 178:3, 178:8, 178:10, 179:9, 180:7, 182:12, 183:4, 183:19, 185:16, 186:12, 187:5, 187:23, 188:5, 190:14, 191:3, 194:8, 195:12, 196:18, 197:18, 197:25, 199:10, 200:1, 200:23, 201:14, 203:15, 204:21, 204:23, 205:15, 206:6, 206:13, 207:7, 207:13, 208:15, 210:18, 212:15, 213:22, 214:17</p> <p>objections [3] - 198:8, 200:6, 200:9</p> <p>objectives [2] - 98:5, 107:2</p>	<p>obligated [3] - 29:6, 97:24, 212:19</p> <p>obligation [4] - 30:4, 38:3, 44:5, 88:1</p> <p>obligations [1] - 75:10</p> <p>obtain [2] - 118:1, 131:4</p> <p>obtaining [2] - 166:12, 166:16</p> <p>obvious [1] - 118:17</p> <p>obviously [1] - 121:24</p> <p>occupied [2] - 181:21, 185:25</p> <p>occupy [2] - 180:23, 205:21</p> <p>occur [2] - 128:8, 191:13</p> <p>occurred [1] - 62:13</p> <p>occurring [2] - 180:24, 218:16</p> <p>occurs [1] - 81:3</p> <p>OF [7] - 1:1, 1:4, 1:4, 1:11, 1:18, 2:3, 217:23</p> <p>off-site [2] - 117:20, 168:1</p> <p>offer [2] - 19:1, 22:10</p> <p>offered [2] - 18:23, 145:2</p> <p>offering [1] - 102:25</p> <p>offhand [2] - 132:13, 133:15</p> <p>OFFICE [1] - 2:3</p> <p>Office [1] - 2:13</p> <p>official [3] - 95:11, 179:20, 188:19</p> <p>oftake [9] - 24:3, 26:21, 34:16, 37:16, 53:15, 58:21, 107:16, 108:19, 154:3</p> <p>oftaker [20] - 17:11, 17:22, 26:3, 26:4, 26:6, 26:8, 26:13, 26:17, 44:20, 44:23, 45:11, 58:12, 58:13, 102:14, 114:8, 154:24, 155:17, 157:10, 157:25, 158:5</p> <p>oftaker's [1] - 43:23</p> <p>oftakers [12] - 17:16, 17:24, 43:21, 85:24, 108:21, 154:22, 155:3, 155:6, 156:3, 156:16, 156:18, 158:5</p> <p>oftakes [1] - 20:18</p> <p>often [2] - 45:22, 45:25</p>	<p>oil [1] - 21:10</p> <p>olc.org [1] - 3:10</p> <p>omission [1] - 174:21</p> <p>once [6] - 55:19, 82:4, 82:20, 83:1, 158:6, 200:4</p> <p>one [80] - 5:23, 7:14, 9:14, 11:9, 18:8, 22:18, 31:21, 34:10, 47:9, 48:3, 54:4, 60:8, 60:18, 60:19, 63:8, 64:16, 64:17, 65:25, 73:3, 73:17, 73:18, 74:5, 75:18, 76:14, 80:20, 82:3, 84:19, 84:20, 85:17, 85:18, 86:3, 86:15, 86:16, 87:6, 92:7, 95:13, 95:14, 102:14, 108:25, 110:7, 111:17, 113:21, 116:20, 118:6, 120:21, 126:7, 131:13, 155:13, 157:16, 159:19, 159:25, 160:7, 160:12, 161:1, 162:1, 167:4, 167:6, 181:18, 185:12, 186:9, 187:14, 188:9, 194:1, 194:25, 195:5, 195:14, 195:19, 197:22, 197:23, 198:18, 200:15, 201:9, 201:10, 201:17, 201:18, 202:11, 203:14, 205:4, 215:15</p> <p>one's [2] - 113:20, 182:6</p> <p>one-acre [1] - 160:7</p> <p>one-stop [1] - 131:13</p> <p>ones [7] - 32:22, 38:10, 38:11, 119:23, 135:22, 135:23, 164:11</p> <p>ongoing [14] - 20:25, 21:22, 22:6, 27:4, 38:2, 38:3, 45:8, 57:20, 57:21, 88:14, 143:22, 154:21, 178:8, 189:15</p> <p>onsite [1] - 160:9</p> <p>open [2] - 12:8, 25:6</p> <p>operating [1] - 73:15</p> <p>operation [8] - 105:8, 112:9, 120:18, 122:23, 127:24, 165:17, 170:3, 175:12</p>
O				
<p>O&M [1] - 124:11</p> <p>o'clock [1] - 93:15</p> <p>oath [1] - 192:15</p> <p>oaths [1] - 218:4</p> <p>object [15] - 14:22, 17:2, 17:4, 45:3, 72:18, 78:3, 99:22, 102:10, 103:12,</p>				

<p>operational [3] - 133:6, 171:25, 175:14</p> <p>operations [6] - 112:14, 124:17, 124:20, 133:11, 174:18, 175:3</p> <p>operative [1] - 51:4</p> <p>operator [1] - 113:8</p> <p>opinion [1] - 162:21</p> <p>opportunities [1] - 34:23</p> <p>opportunity [2] - 20:3, 120:7</p> <p>opposed [1] - 92:21</p> <p>optimal [15] - 19:15, 24:15, 34:15, 98:1, 113:6, 114:3, 115:12, 120:6, 153:2, 153:24, 154:16, 158:10, 158:13, 159:16</p> <p>optimally [2] - 33:8, 141:18</p> <p>optimization [5] - 46:18, 109:21, 110:14, 158:16, 158:20</p> <p>optimizations [1] - 114:1</p> <p>optimize [16] - 34:3, 37:15, 43:17, 43:24, 44:12, 44:19, 51:6, 57:4, 90:21, 98:2, 111:14, 154:8, 155:13, 157:5, 183:25, 184:4</p> <p>optimized [1] - 47:9</p> <p>optimizes [1] - 86:11</p> <p>optimizing [5] - 44:10, 46:6, 70:24, 85:23, 183:7</p> <p>option [6] - 22:20, 95:19, 98:15, 103:10, 110:13, 164:4</p> <p>options [4] - 22:25, 95:3, 96:19, 102:2</p> <p>OR [2] - 3:4, 5:8</p> <p>ORAL [2] - 1:11, 217:3</p> <p>orchestrates [1] - 21:13</p> <p>order [11] - 31:6, 80:12, 96:17, 136:24, 173:18, 175:15, 178:14, 199:19, 199:23, 201:7, 201:8</p> <p>ordinances [2] - 16:9, 162:11</p> <p>Oregon [3] - 33:18, 83:19, 218:5</p> <p>original [7] - 12:19,</p>	<p>12:22, 13:25, 15:10, 96:1, 98:16, 100:3</p> <p>originally [4] - 27:18, 68:2, 74:2, 118:16</p> <p>otherwise [1] - 195:22</p> <p>ought [2] - 59:15, 114:18</p> <p>ourselves [2] - 105:22, 109:7</p> <p>output [9] - 22:21, 24:1, 43:17, 49:14, 71:10, 90:7, 91:3, 91:8, 91:19</p> <p>outright [8] - 204:13, 204:20, 207:25, 208:1, 208:7, 208:8, 208:13, 208:22</p> <p>outside [8] - 7:9, 9:8, 147:16, 149:25, 162:15, 178:4, 183:1, 194:12</p> <p>overall [1] - 102:20</p> <p>overbuild [30] - 39:23, 40:25, 41:4, 42:13, 42:17, 42:22, 43:23, 44:24, 47:4, 47:5, 47:6, 47:11, 47:14, 48:6, 48:22, 50:14, 52:8, 61:17, 61:22, 62:2, 62:6, 62:9, 62:18, 62:19, 62:21, 63:10, 64:5, 154:5</p> <p>overbuilding [1] - 48:17</p> <p>overbuilt [3] - 47:19, 49:4, 62:23</p> <p>overhead [1] - 177:7</p> <p>overheat [1] - 132:1</p> <p>overloading [1] - 80:14</p> <p>override [2] - 161:9, 162:14</p> <p>oversight [1] - 161:10</p> <p>owe [1] - 137:19</p> <p>own [8] - 19:5, 39:16, 122:20, 161:21, 164:2, 164:3, 165:20, 181:20</p> <p>owner [2] - 195:23, 203:8</p> <p>owners [2] - 195:6, 195:10</p> <p>owns [1] - 163:21</p>	<p>Pacific [3] - 9:13, 92:15, 106:24</p> <p>PAGE [2] - 4:4, 4:9</p> <p>page [39] - 16:2, 16:5, 16:7, 16:13, 27:11, 30:9, 59:25, 62:15, 63:7, 64:7, 68:21, 81:23, 86:14, 87:14, 89:13, 89:14, 94:7, 94:8, 104:7, 116:15, 117:17, 120:10, 120:15, 123:25, 125:11, 129:18, 131:20, 167:12, 167:15, 167:17, 167:19, 176:7, 186:19, 186:21, 186:22, 187:18, 211:4, 211:15</p> <p>paid [1] - 136:2</p> <p>Pam [1] - 3:14</p> <p>panel [1] - 175:17</p> <p>panels [7] - 51:2, 51:7, 51:8, 51:25, 62:10, 70:15, 70:21</p> <p>paper [4] - 11:22, 12:10, 68:23, 69:2</p> <p>paragraph [6] - 64:8, 67:13, 69:1, 69:6, 94:2, 124:5</p> <p>paragraphs [1] - 13:13</p> <p>parameter [1] - 70:23</p> <p>parameters [5] - 7:20, 51:12, 51:18, 72:16, 72:17</p> <p>parcel [29] - 174:19, 187:15, 187:17, 187:21, 196:21, 197:5, 197:8, 197:10, 197:12, 197:13, 197:22, 197:23, 198:12, 198:18, 198:22, 198:23, 199:5, 202:16, 202:22, 203:7, 203:12, 203:14, 203:24, 204:1, 205:4, 205:10, 205:13, 206:1, 206:3</p> <p>parcel-wise [1] - 197:8</p> <p>parcels [11] - 186:24, 196:16, 196:25, 197:9, 198:3, 198:13, 198:23, 198:25, 202:17, 202:19, 209:24</p> <p>park [2] - 49:14, 50:1</p> <p>Parkway [1] - 1:13</p>	<p>part [29] - 6:25, 7:2, 10:17, 10:19, 11:4, 11:7, 11:10, 14:1, 18:18, 33:19, 57:12, 63:11, 63:13, 72:15, 83:2, 92:10, 97:5, 104:23, 113:22, 137:7, 140:5, 143:12, 143:21, 154:18, 166:2, 174:19, 177:18, 181:2, 189:12</p> <p>partially [1] - 11:4</p> <p>participation [2] - 178:5, 178:19</p> <p>particular [4] - 28:14, 94:17, 184:7, 184:10</p> <p>particularly [2] - 93:5, 121:9</p> <p>particulars [1] - 15:2</p> <p>parties [8] - 119:16, 119:19, 140:3, 144:7, 149:6, 150:8, 168:17, 215:22</p> <p>Parties [2] - 182:9, 208:3</p> <p>partner [1] - 10:2</p> <p>party [4] - 109:25, 178:24, 179:3, 218:18</p> <p>passed [1] - 146:8</p> <p>past [1] - 76:23</p> <p>Pat [2] - 3:13, 22:7</p> <p>path [3] - 23:23, 36:13, 81:7</p> <p>paths [1] - 82:10</p> <p>Paul [1] - 3:13</p> <p>pause [1] - 195:4</p> <p>pay [6] - 19:1, 21:22, 25:10, 136:4, 136:6</p> <p>paying [2] - 44:6, 174:4</p> <p>pays [2] - 24:7, 173:19</p> <p>peak [8] - 89:21, 92:13, 92:16, 92:20, 92:24, 93:9, 110:17, 110:25</p> <p>peaking [2] - 92:23</p> <p>peer [3] - 177:17, 179:22, 180:1</p> <p>peer-reviewed [3] - 177:17, 179:22, 180:1</p> <p>pen [1] - 189:2</p> <p>penalty [1] - 217:18</p> <p>pending [1] - 131:15</p> <p>people [11] - 76:18, 82:23, 83:9, 83:13, 105:2, 107:9, 114:16, 115:19, 213:13, 213:20, 214:25</p>	<p>per [16] - 63:25, 65:10, 68:6, 92:22, 103:23, 124:12, 178:13, 178:18, 197:5, 197:6, 205:4, 206:1, 206:3, 209:24, 210:6, 210:17</p> <p>percent [11] - 31:6, 45:23, 45:24, 48:14, 48:18, 70:25, 71:1, 71:3</p> <p>percentages [1] - 43:6</p> <p>perfect [3] - 181:10, 192:18, 206:21</p> <p>perfectly [1] - 117:16</p> <p>performance [3] - 77:12, 77:22, 78:6</p> <p>perhaps [2] - 27:9, 43:6</p> <p>period [9] - 26:15, 43:6, 45:22, 56:3, 67:20, 75:12, 80:11, 134:20, 136:8</p> <p>perjury [1] - 217:19</p> <p>PERLMUTTER [151] - 3:5, 12:3, 14:22, 15:6, 17:2, 17:4, 19:7, 22:16, 36:6, 42:14, 43:10, 45:1, 48:24, 52:21, 53:18, 56:10, 59:4, 60:14, 63:23, 71:12, 71:24, 72:18, 75:6, 75:13, 77:17, 78:3, 79:4, 80:4, 81:20, 86:8, 90:8, 91:20, 93:17, 96:12, 98:24, 99:22, 101:5, 102:7, 102:10, 103:12, 105:14, 106:9, 108:2, 108:4, 109:17, 112:16, 113:11, 113:23, 114:21, 116:2, 117:23, 121:11, 123:4, 123:12, 125:16, 129:13, 131:14, 131:17, 132:25, 133:12, 140:18, 141:14, 142:11, 143:7, 144:9, 144:18, 146:24, 147:18, 148:15, 149:19, 150:15, 151:15, 152:5, 152:25, 153:6, 153:12, 153:18, 154:1, 155:20, 156:21, 157:13, 161:11, 161:23,</p>
	P			
	p.m [1] - 216:10			

<p>162:5, 162:9, 162:17, 163:8, 163:13, 164:5, 164:18, 165:3, 165:12, 165:24, 166:13, 166:24, 168:13, 168:23, 169:8, 169:22, 170:17, 171:22, 172:18, 172:25, 173:14, 174:7, 174:23, 177:22, 178:2, 178:13, 179:12, 180:7, 182:12, 183:4, 183:19, 184:1, 185:16, 186:12, 187:5, 187:8, 187:23, 188:4, 189:1, 190:14, 191:3, 194:8, 195:12, 196:18, 197:18, 197:25, 199:10, 200:1, 200:8, 200:23, 201:14, 203:15, 204:21, 205:15, 206:6, 206:13, 207:7, 207:13, 208:15, 208:18, 210:7, 210:18, 212:15, 213:22, 214:17, 215:10, 215:24, 216:3</p> <p>Perlmutter [2] - 198:6, 200:5</p> <p>permanent [2] - 159:19, 159:25</p> <p>permission [1] - 6:5</p> <p>permit [40] - 26:12, 26:16, 26:19, 34:2, 55:20, 55:24, 55:25, 58:25, 82:2, 82:4, 83:21, 89:10, 89:12, 98:1, 102:3, 107:21, 114:18, 130:14, 130:18, 130:22, 131:11, 134:5, 134:18, 140:4, 157:18, 157:20, 166:12, 166:16, 172:12, 183:18, 199:9, 199:25, 200:22, 201:13, 202:6, 202:9, 209:16, 212:20, 215:19</p> <p>permits [6] - 131:4, 131:8, 161:17, 161:20, 200:13, 211:14</p> <p>permitted [28] - 7:4, 8:15, 34:14, 87:23, 100:10, 110:2, 147:4, 157:12, 158:7, 165:9,</p>	<p>202:13, 204:13, 204:20, 205:14, 206:16, 206:24, 207:5, 207:12, 207:24, 208:7, 208:9, 208:13, 208:20, 208:21, 208:23, 209:1, 209:11, 211:23</p> <p>permitting [7] - 33:7, 59:1, 66:2, 135:12, 161:9, 162:7, 166:10</p> <p>person [3] - 60:7, 62:1, 116:19</p> <p>personal [2] - 162:21, 175:13</p> <p>personally [2] - 142:25, 215:7</p> <p>perspective [2] - 160:20, 181:25</p> <p>pertains [1] - 178:16</p> <p>Pg [1] - 217:6</p> <p>phase [3] - 81:24, 85:11, 110:15</p> <p>Phase [26] - 82:15, 82:18, 84:6, 84:7, 84:11, 84:16, 84:23, 85:4, 85:7, 85:9, 85:17, 85:19, 85:20, 86:14, 86:23, 87:10, 104:4, 104:10, 104:12, 105:5, 106:8, 106:14, 106:16</p> <p>phases [4] - 8:15, 84:1, 85:16, 88:20</p> <p>phasing [1] - 83:1</p> <p>phone [1] - 127:15</p> <p>pickings [1] - 91:12</p> <p>pictures [1] - 126:4</p> <p>pile [1] - 103:22</p> <p>pinch [1] - 171:7</p> <p>pinpointing [1] - 193:14</p> <p>pitch [1] - 50:3</p> <p>place [7] - 5:10, 57:1, 201:20, 203:19, 206:22, 218:10, 218:17</p> <p>placement [5] - 193:16, 194:3, 194:6, 199:3, 206:18</p> <p>places [4] - 33:21, 41:17, 122:11, 203:20</p> <p>placing [1] - 203:22</p> <p>plan [8] - 32:6, 33:3, 33:11, 89:2, 125:19, 128:1, 160:10, 189:20</p> <p>planned [2] - 66:10, 132:22</p> <p>plans [2] - 127:24, 162:10</p>	<p>plant [5] - 8:10, 31:20, 156:7, 163:18, 206:21</p> <p>plateau [1] - 127:9</p> <p>platform [1] - 28:2</p> <p>PLLC [1] - 2:3</p> <p>plus [7] - 40:4, 64:3, 65:4, 81:2, 91:9, 136:5</p> <p>point [28] - 13:19, 18:8, 19:12, 23:22, 28:21, 34:4, 42:11, 47:15, 49:10, 50:9, 50:12, 55:23, 62:7, 66:21, 84:13, 98:3, 107:15, 109:7, 115:1, 137:5, 141:12, 142:7, 142:14, 143:19, 143:21, 191:10</p> <p>pointing [1] - 87:19</p> <p>points [4] - 57:4, 113:4, 138:7, 138:8</p> <p>policy [2] - 61:20, 118:22</p> <p>pop [1] - 34:8</p> <p>Port [9] - 118:7, 118:14, 119:9, 119:21, 168:3, 171:7, 171:17, 174:16, 175:10</p> <p>port [1] - 180:6</p> <p>portfolio [1] - 49:3</p> <p>portion [6] - 22:19, 85:25, 153:23, 170:6, 180:13, 195:23</p> <p>portions [2] - 12:17, 13:1</p> <p>Portland [3] - 3:4, 90:3, 90:4</p> <p>portrayed [1] - 85:17</p> <p>pose [1] - 131:24</p> <p>poses [1] - 214:24</p> <p>position [6] - 39:9, 53:25, 54:6, 54:12, 74:18, 175:8</p> <p>positions [2] - 8:10, 37:7</p> <p>possibility [2] - 18:10, 18:12</p> <p>possible [10] - 57:8, 145:17, 152:19, 153:1, 154:16, 155:8, 157:4, 170:13, 188:21, 197:22</p> <p>possibly [2] - 19:17, 106:25</p> <p>post [3] - 140:5, 189:13, 189:23</p> <p>post-adjudication [3] - 140:5, 189:13,</p>	<p>189:23</p> <p>potential [25] - 16:25, 17:11, 17:12, 17:16, 17:24, 18:17, 19:13, 24:19, 43:21, 53:15, 61:13, 74:8, 86:3, 105:20, 114:24, 118:2, 154:3, 154:22, 155:3, 156:16, 156:18, 157:10, 157:25, 158:5, 168:10</p> <p>potentially [1] - 20:3</p> <p>Poulos [3] - 78:19, 78:23, 79:13</p> <p>power [21] - 20:14, 20:22, 21:6, 21:9, 21:20, 22:14, 23:2, 23:19, 25:9, 25:10, 25:16, 25:18, 25:25, 49:8, 51:13, 71:6, 72:15, 73:5, 75:11, 156:8, 179:19</p> <p>practical [2] - 158:21, 159:3</p> <p>precise [4] - 54:5, 54:6, 145:15, 193:16</p> <p>precisely [4] - 35:6, 77:20, 186:3, 193:13</p> <p>predicated [1] - 179:25</p> <p>predict [1] - 72:13</p> <p>predicts [1] - 71:21</p> <p>predominantly [1] - 92:22</p> <p>preempt [3] - 161:19, 162:14, 201:2</p> <p>preemption [3] - 162:9, 162:10, 204:9</p> <p>preemptive [2] - 131:7, 161:14</p> <p>prefer [1] - 104:2</p> <p>preferred [2] - 33:3, 160:9</p> <p>prehearing [1] - 178:14</p> <p>premature [1] - 177:16</p> <p>preparation [1] - 136:13</p> <p>prepare [2] - 135:24</p> <p>prepared [2] - 12:15, 193:12</p> <p>preparing [2] - 135:14, 148:18</p> <p>present [2] - 100:21, 101:3</p> <p>PRESENT [1] - 3:12</p> <p>presentation [2] - 178:20, 178:25</p> <p>presented [1] - 94:22</p>	<p>press [1] - 90:11</p> <p>pressures [1] - 81:11</p> <p>pretty [3] - 88:22, 96:4, 111:13</p> <p>prevent [1] - 104:14</p> <p>previous [1] - 30:8</p> <p>price [4] - 30:17, 30:19, 30:23, 113:3</p> <p>prices [1] - 108:17</p> <p>primary [1] - 12:15</p> <p>principal [2] - 133:25, 134:7</p> <p>principle [1] - 52:17</p> <p>printed [1] - 69:3</p> <p>priority [1] - 206:18</p> <p>private [3] - 34:22, 106:22, 168:2</p> <p>privilege [1] - 14:23</p> <p>problem [2] - 216:4, 216:6</p> <p>proceeding [2] - 5:24, 191:18</p> <p>proceedings [5] - 5:9, 6:25, 218:9, 218:13, 218:16</p> <p>process [31] - 16:20, 17:18, 22:9, 56:7, 57:15, 71:8, 83:22, 83:23, 87:17, 88:7, 88:8, 88:11, 88:13, 88:14, 101:9, 107:14, 134:18, 134:19, 135:12, 137:5, 143:13, 162:19, 166:3, 166:10, 183:7, 189:12, 189:15, 190:20, 191:11, 200:12, 201:25</p> <p>procure [4] - 32:3, 92:2, 126:20, 157:17</p> <p>procured [3] - 30:3, 124:21, 125:19</p> <p>procurement [3] - 55:17, 90:12, 91:25</p> <p>produce [2] - 71:6, 73:4</p> <p>produced [3] - 49:11, 70:17</p> <p>producers [2] - 73:25, 74:11</p> <p>product [1] - 15:7</p> <p>production [8] - 45:18, 47:10, 73:18, 74:7, 75:5, 78:9, 80:9, 83:4</p> <p>products [2] - 132:16, 213:7</p> <p>Professional [1] - 5:5</p> <p>professional [2] -</p>
--	--	---	--	---

<p>8:1, 9:4 profile [4] - 78:6, 78:9, 93:1, 93:3 program [1] - 8:6 progress [8] - 140:3, 149:22, 150:8, 157:9, 170:9, 183:12, 183:15, 189:21 project [215] - 8:12, 8:20, 9:1, 9:2, 9:17, 9:20, 10:1, 10:4, 10:9, 10:14, 10:17, 10:20, 11:2, 11:6, 11:7, 11:8, 16:25, 17:11, 17:19, 17:20, 17:23, 18:16, 19:11, 19:16, 21:23, 22:22, 22:23, 24:2, 24:11, 26:1, 26:11, 26:17, 26:23, 27:4, 27:12, 27:22, 27:25, 28:1, 28:14, 28:20, 30:15, 31:20, 32:11, 33:9, 33:12, 34:4, 34:15, 34:19, 35:13, 35:19, 35:22, 36:5, 36:9, 36:24, 37:4, 37:11, 37:23, 38:15, 38:16, 38:19, 39:3, 40:16, 40:23, 43:15, 44:19, 45:11, 46:6, 46:23, 48:2, 48:3, 48:8, 49:15, 50:6, 51:4, 51:16, 52:18, 53:2, 53:6, 55:11, 57:5, 57:20, 58:20, 58:24, 63:6, 74:20, 76:6, 77:7, 77:16, 78:17, 79:19, 81:25, 83:1, 83:17, 83:19, 85:22, 85:23, 86:6, 86:12, 87:9, 87:23, 90:22, 91:3, 91:19, 92:5, 92:22, 93:2, 94:22, 97:11, 98:1, 98:4, 102:6, 102:14, 102:16, 104:5, 104:13, 104:15, 104:18, 105:3, 105:13, 105:20, 106:17, 108:8, 108:14, 109:14, 110:8, 113:17, 113:20, 115:13, 115:20, 116:12, 116:18, 117:10, 117:12, 117:15, 118:13, 119:1, 120:19, 121:4, 121:5, 124:11, 129:7, 139:5, 140:1, 141:19, 143:2, 143:10, 147:11,</p>	<p>147:15, 148:13, 148:20, 149:1, 149:8, 149:12, 151:1, 151:25, 152:23, 153:4, 153:10, 153:16, 153:23, 153:25, 154:14, 155:4, 155:9, 156:19, 157:7, 157:11, 158:6, 158:10, 158:24, 159:15, 159:16, 159:17, 161:10, 163:3, 163:25, 166:23, 167:25, 168:12, 168:22, 169:7, 171:14, 171:20, 172:1, 172:6, 172:13, 172:17, 173:23, 175:12, 176:23, 181:18, 182:3, 182:20, 183:8, 183:10, 183:17, 183:25, 184:4, 186:24, 187:3, 187:20, 188:13, 188:14, 190:4, 191:22, 193:6, 199:7, 201:11, 201:20, 202:2, 202:5, 205:20, 209:22 Project [2] - 8:14, 108:24 project's [1] - 146:16 projects [17] - 8:13, 9:9, 9:10, 9:13, 14:3, 17:13, 49:3, 55:18, 104:1, 107:6, 107:23, 108:7, 109:1, 126:12, 165:21, 206:15 promises [1] - 192:2 proof [1] - 124:8 properties [9] - 138:23, 139:23, 140:13, 142:10, 144:17, 145:1, 145:6, 145:11, 146:22 property [16] - 43:14, 46:10, 72:17, 74:16, 126:17, 185:13, 186:10, 195:6, 195:10, 195:16, 195:18, 195:23, 196:2, 203:6, 203:11, 215:19 proposal [8] - 13:15, 20:13, 20:17, 81:24, 94:6, 98:14, 144:2 proposals [3] - 31:19, 55:7, 149:5 proposed [4] - 95:3,</p>	<p>147:13, 149:14, 152:4 proposition [1] - 199:23 proprietary [2] - 74:24, 75:25 prospects [1] - 104:24 prosper [1] - 107:1 Protection [1] - 212:12 provide [19] - 19:21, 21:16, 24:13, 25:13, 32:5, 50:7, 88:2, 117:12, 119:9, 121:20, 156:12, 159:5, 169:18, 169:19, 172:5, 173:21, 174:17, 189:17, 189:19 provided [16] - 13:22, 63:1, 137:6, 137:18, 137:24, 138:1, 138:2, 143:4, 148:6, 156:18, 172:10, 175:24, 176:19, 180:1, 180:20, 180:21 provider [2] - 127:19, 157:24 providing [2] - 23:1, 159:8 proving [1] - 24:19 provisions [1] - 15:14 proximity [2] - 22:5, 84:13 PSE [2] - 91:17, 92:5 Public [2] - 1:12, 217:25 public [4] - 168:1, 169:13, 212:11, 213:16 publicly [4] - 35:7, 90:16, 169:15, 171:15 publish [2] - 60:21, 177:17 PUD [18] - 17:17, 18:2, 18:18, 20:7, 20:9, 20:11, 20:14, 20:23, 21:16, 21:18, 21:22, 21:25, 22:8, 22:14, 22:25, 23:17, 24:16, 90:4 pull [2] - 34:5, 141:4 pumps [1] - 21:10 purchase [3] - 90:7, 163:25, 164:2 purchaser [2] - 17:12, 45:11 purchasers [1] -</p>	<p>16:25 purchasing [1] - 158:6 purpose [3] - 23:10, 70:6, 170:7 purposes [2] - 6:24, 75:16 pursue [1] - 28:22 push [1] - 62:18 pushed [1] - 157:2 put [22] - 6:20, 11:17, 14:7, 17:21, 29:17, 50:15, 51:25, 52:1, 54:10, 60:11, 72:24, 74:3, 81:10, 113:16, 124:16, 144:1, 188:19, 189:4, 203:19, 206:22, 210:1, 214:16 putting [4] - 82:6, 149:9, 203:14, 205:12</p>	<p>ratings [1] - 69:24 RE [1] - 4:2 reached [2] - 49:9, 49:19 reactivate [2] - 170:7, 170:23 Read [1] - 217:6 read [13] - 59:9, 66:4, 66:14, 67:7, 67:9, 76:13, 87:1, 89:14, 89:15, 101:17, 122:12, 179:11, 217:19 readily [1] - 14:5 reading [8] - 31:23, 56:17, 56:24, 64:14, 76:19, 83:25, 101:19, 116:23 readings [1] - 79:12 reads [2] - 67:23, 120:17 Reads [1] - 217:6 ready [7] - 90:6, 96:21, 98:3, 107:20, 134:6, 137:6, 150:9 real [1] - 146:2 really [7] - 11:12, 51:22, 86:10, 107:5, 124:22, 160:19, 178:3 Realtime [1] - 5:4 reason [9] - 48:21, 49:5, 75:9, 85:11, 106:21, 184:24, 186:7, 186:15, 205:5 Reason [1] - 217:6 reasonable [4] - 165:15, 165:19, 182:3, 212:5 received [2] - 130:20, 216:3 recent [5] - 137:18, 139:16, 141:7, 148:17, 196:12 recently [3] - 131:2, 139:17, 212:8 recess [4] - 59:22, 93:18, 133:21, 185:1 recharging [2] - 23:11, 23:12 recognize [1] - 48:9 recommendation [3] - 150:24, 190:9, 190:10 recommendations [2] - 177:15, 183:3 record [15] - 7:2, 59:24, 93:17, 93:20, 133:20, 134:13, 136:18, 137:8, 139:15, 169:13,</p>
Q				
<p>quality [1] - 28:18 qualms [1] - 214:7 quantification [1] - 46:3 questions [21] - 7:17, 11:16, 12:11, 27:7, 29:17, 29:21, 46:25, 96:17, 133:23, 138:11, 166:4, 178:7, 179:9, 184:17, 185:3, 192:6, 210:24, 211:4, 215:11, 215:12, 215:14 queue [11] - 37:3, 37:7, 38:23, 39:8, 54:1, 54:6, 54:9, 54:11, 54:12, 64:2, 68:16 quick [1] - 111:13 quickly [2] - 89:3, 89:5 quite [1] - 49:5</p>				
R				
<p>ramp [3] - 44:8, 45:17, 49:17 ramped [1] - 49:23 rank [1] - 74:7 raptor [2] - 177:10, 180:19 rare [1] - 214:7 rather [2] - 46:5, 161:5 rating [3] - 50:24, 51:2, 70:11</p>				

<p>184:21, 186:8, 215:2, 215:6, 218:15</p> <p>recorded [1] - 218:13</p> <p>recover [4] - 182:2, 182:4, 182:6, 182:19</p> <p>recovering [1] - 182:17</p> <p>recreation [1] - 179:1</p> <p>recreational [1] - 179:1</p> <p>red [5] - 177:3, 180:5, 183:2, 183:11, 188:19</p> <p>Red [5] - 35:23, 36:14, 36:19, 36:24, 37:21</p> <p>red-circled [1] - 180:5</p> <p>redesign [1] - 139:4</p> <p>Redline [1] - 4:10</p> <p>redline [12] - 11:24, 12:16, 12:17, 15:14, 30:20, 60:2, 60:11, 62:11, 140:5, 172:10, 180:10, 190:18</p> <p>redlined [1] - 16:18</p> <p>redlines [2] - 13:21, 15:9</p> <p>reduce [2] - 33:22, 177:13</p> <p>reduced [1] - 140:1</p> <p>reduction [1] - 162:23</p> <p>redundant [1] - 57:12</p> <p>reevaluate [1] - 79:11</p> <p>refer [4] - 12:12, 70:4, 104:8, 168:3</p> <p>reference [1] - 16:8</p> <p>referenced [3] - 179:14, 187:13, 188:3</p> <p>references [2] - 132:12, 174:14</p> <p>referred [1] - 179:21</p> <p>referring [5] - 79:21, 159:9, 177:25, 179:15, 199:19</p> <p>refers [3] - 130:6, 168:6, 176:14</p> <p>reflect [4] - 138:21, 139:21, 144:15, 144:24</p> <p>reflected [5] - 139:9, 142:20, 142:23, 147:25, 148:2</p> <p>reflects [2] - 140:11, 141:12</p>	<p>reformulate [1] - 6:19</p> <p>refrain [1] - 46:5</p> <p>refresh [1] - 31:18</p> <p>regard [2] - 45:10, 112:14</p> <p>regarding [4] - 15:2, 136:20, 172:16, 178:25</p> <p>region [3] - 90:1, 92:17, 109:1</p> <p>regional [7] - 17:15, 89:20, 89:23, 90:12, 91:1, 91:2, 115:14</p> <p>regions [1] - 14:4</p> <p>Registered [1] - 5:5</p> <p>regularly [1] - 95:17</p> <p>regulated [1] - 92:1</p> <p>regulations [3] - 161:22, 162:16, 165:21</p> <p>regulators [1] - 161:6</p> <p>rejected [1] - 144:2</p> <p>related [14] - 13:9, 31:19, 48:2, 51:12, 54:8, 61:15, 70:7, 141:5, 158:21, 177:16, 177:19, 180:18, 180:19, 218:18</p> <p>relates [1] - 41:23</p> <p>relating [1] - 178:21</p> <p>relation [1] - 10:16</p> <p>relationship [1] - 22:6</p> <p>relative [10] - 18:16, 18:17, 43:17, 155:14, 159:2, 177:1, 177:17, 178:12, 203:20, 203:21</p> <p>relatively [1] - 84:4</p> <p>releases [1] - 90:11</p> <p>relevance [3] - 165:13, 200:2, 207:8</p> <p>relevancy [3] - 199:11, 206:4, 206:14</p> <p>reliability [4] - 25:13, 42:6, 52:7, 52:15</p> <p>reliable [1] - 158:18</p> <p>relied [1] - 14:1</p> <p>rely [1] - 122:24</p> <p>relying [1] - 118:9</p> <p>remain [2] - 49:18, 157:4</p> <p>remaining [2] - 39:2, 181:2</p> <p>remains [2] - 27:25, 183:6</p> <p>remember [2] -</p>	<p>11:12, 133:2</p> <p>REMEMBERED [1] - 5:1</p> <p>removed [1] - 180:13</p> <p>renew [1] - 71:24</p> <p>renewable [2] - 8:12, 107:5</p> <p>repeat [5] - 54:20, 73:14, 169:8, 188:4, 209:20</p> <p>rephrase [1] - 209:4</p> <p>replace [1] - 34:11</p> <p>report [4] - 139:14, 139:19, 146:13, 185:14</p> <p>REPORTED [1] - 1:21</p> <p>reporter [1] - 6:9</p> <p>Reporter [16] - 5:5, 5:6, 5:7, 5:8, 24:23, 69:15, 100:24, 112:10, 158:1, 159:21, 162:3, 186:25, 208:4, 208:16, 218:3</p> <p>REPORTER [5] - 1:22, 59:19, 184:14, 184:19, 211:5</p> <p>reports [2] - 112:8, 112:13</p> <p>represent [4] - 11:21, 89:22, 185:4, 185:10</p> <p>representation [1] - 12:4</p> <p>represented [1] - 205:2</p> <p>represents [1] - 27:24</p> <p>reproach [1] - 15:21</p> <p>repropagation [1] - 128:16</p> <p>request [22] - 31:19, 36:15, 39:1, 53:8, 63:4, 65:11, 68:3, 68:14, 68:17, 99:5, 99:7, 99:15, 101:11, 105:12, 135:20, 137:20, 138:1, 155:17, 155:19, 155:23, 169:16, 216:4</p> <p>REQUESTED [1] - 217:2</p> <p>requested [14] - 24:23, 69:15, 100:24, 112:10, 138:7, 139:1, 144:4, 158:1, 159:21, 162:3, 172:15, 186:25, 208:4, 208:16</p> <p>requests [4] - 39:18,</p>	<p>136:22, 137:18, 155:4</p> <p>require [2] - 52:25, 190:17</p> <p>required [16] - 25:14, 36:23, 53:12, 54:19, 95:18, 95:20, 100:19, 121:16, 130:14, 133:6, 133:10, 161:17, 161:20, 165:21, 174:1, 209:16</p> <p>requirement [1] - 212:20</p> <p>requirements [8] - 54:8, 121:5, 130:10, 162:15, 172:11, 199:18, 201:3, 212:18</p> <p>reroute [1] - 22:2</p> <p>rescind [1] - 135:13</p> <p>RESERVED [1] - 216:11</p> <p>reserved [1] - 185:6</p> <p>resolve [1] - 170:14</p> <p>resolving [1] - 180:18</p> <p>resource [6] - 78:6, 79:21, 90:20, 93:13, 164:21, 185:6</p> <p>Resources [4] - 169:12, 169:17, 170:21, 171:18</p> <p>resources [4] - 92:3, 117:18, 117:21, 172:7</p> <p>respect [2] - 145:12, 180:20</p> <p>respond [5] - 45:3, 141:16, 142:15, 169:23, 181:15</p> <p>response [11] - 27:17, 27:23, 33:20, 43:23, 75:19, 138:1, 140:15, 176:23, 180:14, 182:25, 183:2</p> <p>responsibility [1] - 129:10</p> <p>responsible [4] - 25:12, 60:5, 100:11, 135:22</p> <p>responsive [1] - 180:24</p> <p>rest [2] - 74:9, 171:12</p> <p>restrictions [4] - 141:23, 197:6, 199:2, 203:9</p> <p>restricts [1] - 80:1</p> <p>result [1] - 38:4</p> <p>results [2] - 148:19, 190:17</p> <p>revenue [3] - 24:19, 105:20, 164:22</p>	<p>reverberates [1] - 77:3</p> <p>review [11] - 14:15, 56:6, 87:17, 88:7, 88:8, 88:10, 146:18, 148:7, 148:12, 148:14, 192:4</p> <p>reviewed [6] - 132:5, 139:13, 146:12, 177:17, 179:22, 180:1</p> <p>Reyneveld [2] - 2:15, 149:15</p> <p>RFP [1] - 92:5</p> <p>RFPs [1] - 90:14</p> <p>RICHARD [2] - 2:3, 2:5</p> <p>Richard [1] - 5:22</p> <p>Richland [6] - 5:21, 19:20, 19:24, 20:8, 156:7, 212:8</p> <p>Rick [1] - 18:5</p> <p>ridge [1] - 10:25</p> <p>right-of-way [1] - 18:9</p> <p>rights [8] - 116:18, 117:10, 117:11, 117:13, 117:19, 118:1, 118:3, 170:22</p> <p>risk [2] - 131:25, 212:5</p> <p>risky [2] - 26:14, 164:7</p> <p>Ritter [2] - 4:11, 175:25</p> <p>Ritter's [1] - 175:24</p> <p>river [1] - 77:1</p> <p>RIVES [1] - 3:3</p> <p>Road [3] - 3:9, 19:22, 188:17</p> <p>road [1] - 179:2</p> <p>roads [2] - 120:24, 121:9</p> <p>robbing [1] - 80:20</p> <p>robust [1] - 145:2</p> <p>Room [1] - 1:12</p> <p>route [2] - 94:5, 160:5</p> <p>routing [1] - 177:6</p> <p>RPR [3] - 1:22, 218:2, 218:24</p> <p>Rucker [1] - 9:19</p> <p>rule [3] - 19:6, 209:25, 210:5</p> <p>ruled [1] - 200:20</p> <p>Rules [1] - 7:5</p> <p>rules [5] - 6:6, 7:5, 92:2, 138:17, 192:14</p> <p>ruling [3] - 178:7, 199:14, 201:1</p> <p>run [3] - 21:6, 21:8,</p>
--	---	---	---	--

<p>79:1 runaway [2] - 128:6, 213:18 running [1] - 81:10</p>	<p>se [1] - 92:22 season [2] - 83:8, 83:10 seasons [1] - 92:19 Seattle [2] - 2:5, 2:14 sec [1] - 167:16 second [13] - 62:19, 64:8, 67:13, 69:1, 69:6, 75:14, 78:24, 87:6, 92:10, 133:20, 176:7, 178:14, 194:25 secret [3] - 75:25, 76:1, 156:5 section [23] - 13:5, 13:6, 15:24, 16:8, 60:2, 94:2, 94:17, 122:9, 124:9, 195:15, 195:20, 196:24, 197:8, 197:17, 197:19, 198:3, 198:4, 198:20, 198:24, 199:4, 210:2, 210:6, 210:17 sections [9] - 13:9, 13:11, 13:14, 13:24, 14:20, 16:4, 120:19, 198:4, 210:12 secured [1] - 130:18 see [28] - 7:15, 9:25, 16:9, 22:25, 23:23, 24:3, 57:18, 75:4, 81:17, 84:11, 84:15, 87:19, 99:17, 100:15, 117:7, 120:25, 124:13, 124:23, 129:22, 130:16, 131:6, 132:2, 164:9, 164:10, 181:6, 188:7, 189:5, 211:15 seeing [1] - 84:1 select [1] - 87:24 selected [4] - 87:16, 88:7, 112:25, 114:8 selection [1] - 88:14 self [2] - 125:1, 214:4 self-contained [2] - 125:1, 214:4 sell [5] - 25:16, 25:18, 34:19, 115:13, 157:5 Sellards [1] - 188:17 selling [4] - 106:2, 118:19, 164:24, 164:25 sending [1] - 25:9 sense [4] - 29:22, 82:23, 97:25, 198:22 sentence [17] - 66:5, 66:15, 66:19, 67:7, 67:9, 67:14, 69:11,</p>	<p>69:18, 70:6, 89:14, 92:11, 120:17, 124:13, 131:1, 131:21, 132:10 sentences [2] - 124:7, 131:23 SEPA [5] - 60:21, 135:7, 158:21, 191:11, 191:19 separate [6] - 32:8, 32:9, 33:1, 62:3, 67:11, 82:10 series [1] - 160:6 serve [1] - 93:3 SERVICE [1] - 1:22 service [6] - 19:1, 21:3, 21:9, 21:16, 23:14, 122:18 services [4] - 8:17, 25:14, 127:20, 129:6 Services [2] - 1:12, 122:25 set [2] - 211:14, 218:21 setback [1] - 203:10 setbacks [2] - 22:4, 204:1 setting [1] - 126:16 settlement [8] - 140:2, 140:7, 143:22, 143:24, 144:8, 147:21, 148:4, 177:13 several [2] - 160:6, 196:25 shall [3] - 94:4, 178:19, 178:23 share [3] - 19:17, 136:5, 168:21 shared [3] - 149:24, 150:5, 169:5 sharing [1] - 19:14 SHEET [1] - 217:1 shift [2] - 82:17, 110:15 shine [1] - 51:5 shines [1] - 110:11 shining [3] - 45:14, 45:15, 110:17 Shona [3] - 3:8, 138:16, 215:18 shona@ yakamanation [1] - 3:10 shona@ yakamanation-olc. org [1] - 3:10 shoot [1] - 105:21 shop [2] - 131:13, 161:1 short [1] - 56:3</p>	<p>shortages [1] - 91:11 shorter [1] - 192:13 Shorthand [1] - 5:8 shoulder [1] - 53:16 show [1] - 169:6 shown [2] - 33:25, 71:22 shows [2] - 73:1, 84:16 shrub [3] - 159:19, 159:23, 160:7 shy [1] - 99:11 side [22] - 31:12, 31:14, 39:2, 40:11, 42:25, 48:3, 48:4, 53:8, 54:21, 54:22, 62:19, 63:17, 63:20, 63:22, 63:25, 87:8, 87:9, 105:6, 105:7, 105:10, 110:8, 154:5 sided [1] - 12:9 sight [2] - 157:19, 167:3 sighted [1] - 180:5 sign [5] - 19:2, 21:14, 120:5, 156:15, 217:3 SIGNATURE [1] - 216:11 signed [4] - 119:18, 119:25, 120:4, 168:17 significance [2] - 60:25, 146:9 silly [1] - 207:16 similar [3] - 32:16, 38:2, 111:18 simple [3] - 70:14, 75:2, 80:17 simplify [1] - 51:22 simply [2] - 14:25, 15:3 simulations [1] - 138:9 simultaneously [2] - 182:9, 208:3 single [5] - 83:7, 197:12, 199:5, 200:15 sit [7] - 140:10, 141:10, 142:8, 151:24, 158:23, 184:23, 186:6 site [45] - 33:8, 36:24, 37:4, 40:18, 46:24, 51:19, 57:23, 63:16, 72:15, 74:2, 74:6, 77:19, 78:10, 88:2, 92:12, 94:5, 94:18, 94:23, 97:8, 104:20, 116:24, 117:20, 122:22,</p>	<p>126:20, 127:4, 128:3, 129:1, 137:9, 147:4, 151:6, 159:1, 159:4, 160:9, 164:8, 167:7, 168:1, 169:12, 180:23, 181:1, 181:18, 183:8, 184:7, 186:2, 187:20, 189:11 sites [8] - 34:13, 145:23, 146:1, 146:5, 146:6, 178:18, 181:7, 212:8 SITING [1] - 1:2 siting [2] - 180:14, 197:6 sitting [2] - 20:1, 59:14 situation [3] - 24:9, 26:22, 49:7 six [10] - 31:2, 59:11, 114:11, 124:23, 126:17, 127:8, 127:24, 211:18, 213:11, 214:23 six-acre [4] - 127:8, 127:24, 211:18, 213:11 six-hour [1] - 114:11 size [15] - 46:7, 46:8, 46:16, 58:6, 59:7, 59:10, 71:14, 71:17, 92:6, 125:8, 202:23, 203:7, 203:12, 205:9, 205:10 slamming [1] - 63:12 slick [1] - 69:2 slim [1] - 91:12 slows [1] - 45:13 small [5] - 30:10, 30:11, 30:13, 108:6, 175:15 smaller [9] - 28:2, 54:25, 71:14, 71:18, 97:11, 105:22, 107:24, 202:19, 203:8 smorgasbord [1] - 155:12 snapping [1] - 107:10 so.. [6] - 54:20, 57:17, 113:18, 134:12, 196:25, 215:8 software [1] - 79:23 solar [74] - 22:22, 23:4, 24:2, 39:22, 39:23, 40:7, 40:13, 40:24, 41:11, 43:3, 44:7, 44:13, 44:14, 46:9, 47:4, 49:10, 50:10, 50:12, 50:23,</p>
S				
<p>safe [3] - 126:21, 129:4, 212:10 safety [4] - 179:2, 211:20, 212:11, 213:13 salaries [1] - 105:2 sales [1] - 213:7 Sarah [1] - 2:15 Sarah.Reyneveld@ atg.wa.gov [1] - 2:16 satisfies [1] - 172:11 satisfy [3] - 34:22, 104:22, 207:21 save [1] - 12:9 saving [1] - 161:4 saw [1] - 109:2 SCA [2] - 58:17, 88:11 SCADA [1] - 21:7 scale [8] - 26:11, 102:17, 103:2, 103:6, 103:9, 103:20, 104:13, 111:24 scenario [4] - 26:14, 45:13, 58:19, 181:17 schedule [2] - 88:18, 88:23 SCHIMELPFENIG [1] - 3:5 science [1] - 185:22 scope [2] - 178:4, 205:9 SCOUT [3] - 1:6, 3:2, 4:2 Scout [35] - 8:19, 8:23, 9:7, 14:19, 20:22, 26:23, 29:1, 49:3, 58:20, 104:16, 106:1, 112:6, 124:15, 135:17, 136:2, 138:22, 139:22, 140:12, 141:1, 141:13, 144:16, 144:25, 146:20, 147:10, 147:16, 149:25, 150:5, 154:21, 171:12, 174:3, 174:4, 175:10, 176:22, 180:13, 200:20 Scout's [1] - 142:9 scramble [1] - 58:16 scrubbed [1] - 13:22</p>	<p>se [1] - 92:22 season [2] - 83:8, 83:10 seasons [1] - 92:19 Seattle [2] - 2:5, 2:14 sec [1] - 167:16 second [13] - 62:19, 64:8, 67:13, 69:1, 69:6, 75:14, 78:24, 87:6, 92:10, 133:20, 176:7, 178:14, 194:25 secret [3] - 75:25, 76:1, 156:5 section [23] - 13:5, 13:6, 15:24, 16:8, 60:2, 94:2, 94:17, 122:9, 124:9, 195:15, 195:20, 196:24, 197:8, 197:17, 197:19, 198:3, 198:4, 198:20, 198:24, 199:4, 210:2, 210:6, 210:17 sections [9] - 13:9, 13:11, 13:14, 13:24, 14:20, 16:4, 120:19, 198:4, 210:12 secured [1] - 130:18 see [28] - 7:15, 9:25, 16:9, 22:25, 23:23, 24:3, 57:18, 75:4, 81:17, 84:11, 84:15, 87:19, 99:17, 100:15, 117:7, 120:25, 124:13, 124:23, 129:22, 130:16, 131:6, 132:2, 164:9, 164:10, 181:6, 188:7, 189:5, 211:15 seeing [1] - 84:1 select [1] - 87:24 selected [4] - 87:16, 88:7, 112:25, 114:8 selection [1] - 88:14 self [2] - 125:1, 214:4 self-contained [2] - 125:1, 214:4 sell [5] - 25:16, 25:18, 34:19, 115:13, 157:5 Sellards [1] - 188:17 selling [4] - 106:2, 118:19, 164:24, 164:25 sending [1] - 25:9 sense [4] - 29:22, 82:23, 97:25, 198:22 sentence [17] - 66:5, 66:15, 66:19, 67:7, 67:9, 67:14, 69:11,</p>	<p>69:18, 70:6, 89:14, 92:11, 120:17, 124:13, 131:1, 131:21, 132:10 sentences [2] - 124:7, 131:23 SEPA [5] - 60:21, 135:7, 158:21, 191:11, 191:19 separate [6] - 32:8, 32:9, 33:1, 62:3, 67:11, 82:10 series [1] - 160:6 serve [1] - 93:3 SERVICE [1] - 1:22 service [6] - 19:1, 21:3, 21:9, 21:16, 23:14, 122:18 services [4] - 8:17, 25:14, 127:20, 129:6 Services [2] - 1:12, 122:25 set [2] - 211:14, 218:21 setback [1] - 203:10 setbacks [2] - 22:4, 204:1 setting [1] - 126:16 settlement [8] - 140:2, 140:7, 143:22, 143:24, 144:8, 147:21, 148:4, 177:13 several [2] - 160:6, 196:25 shall [3] - 94:4, 178:19, 178:23 share [3] - 19:17, 136:5, 168:21 shared [3] - 149:24, 150:5, 169:5 sharing [1] - 19:14 SHEET [1] - 217:1 shift [2] - 82:17, 110:15 shine [1] - 51:5 shines [1] - 110:11 shining [3] - 45:14, 45:15, 110:17 Shona [3] - 3:8, 138:16, 215:18 shona@ yakamanation [1] - 3:10 shona@ yakamanation-olc. org [1] - 3:10 shoot [1] - 105:21 shop [2] - 131:13, 161:1 short [1] - 56:3</p>	<p>shortages [1] - 91:11 shorter [1] - 192:13 Shorthand [1] - 5:8 shoulder [1] - 53:16 show [1] - 169:6 shown [2] - 33:25, 71:22 shows [2] - 73:1, 84:16 shrub [3] - 159:19, 159:23, 160:7 shy [1] - 99:11 side [22] - 31:12, 31:14, 39:2, 40:11, 42:25, 48:3, 48:4, 53:8, 54:21, 54:22, 62:19, 63:17, 63:20, 63:22, 63:25, 87:8, 87:9, 105:6, 105:7, 105:10, 110:8, 154:5 sided [1] - 12:9 sight [2] - 157:19, 167:3 sighted [1] - 180:5 sign [5] - 19:2, 21:14, 120:5, 156:15, 217:3 SIGNATURE [1] - 216:11 signed [4] - 119:18, 119:25, 120:4, 168:17 significance [2] - 60:25, 146:9 silly [1] - 207:16 similar [3] - 32:16, 38:2, 111:18 simple [3] - 70:14, 75:2, 80:17 simplify [1] - 51:22 simply [2] - 14:25, 15:3 simulations [1] - 138:9 simultaneously [2] - 182:9, 208:3 single [5] - 83:7, 197:12, 199:5, 200:15 sit [7] - 140:10, 141:10, 142:8, 151:24, 158:23, 184:23, 186:6 site [45] - 33:8, 36:24, 37:4, 40:18, 46:24, 51:19, 57:23, 63:16, 72:15, 74:2, 74:6, 77:19, 78:10, 88:2, 92:12, 94:5, 94:18, 94:23, 97:8, 104:20, 116:24, 117:20, 122:22,</p>	<p>126:20, 127:4, 128:3, 129:1, 137:9, 147:4, 151:6, 159:1, 159:4, 160:9, 164:8, 167:7, 168:1, 169:12, 180:23, 181:1, 181:18, 183:8, 184:7, 186:2, 187:20, 189:11 sites [8] - 34:13, 145:23, 146:1, 146:5, 146:6, 178:18, 181:7, 212:8 SITING [1] - 1:2 siting [2] - 180:14, 197:6 sitting [2] - 20:1, 59:14 situation [3] - 24:9, 26:22, 49:7 six [10] - 31:2, 59:11, 114:11, 124:23, 126:17, 127:8, 127:24, 211:18, 213:11, 214:23 six-acre [4] - 127:8, 127:24, 211:18, 213:11 six-hour [1] - 114:11 size [15] - 46:7, 46:8, 46:16, 58:6, 59:7, 59:10, 71:14, 71:17, 92:6, 125:8, 202:23, 203:7, 203:12, 205:9, 205:10 slamming [1] - 63:12 slick [1] - 69:2 slim [1] - 91:12 slows [1] - 45:13 small [5] - 30:10, 30:11, 30:13, 108:6, 175:15 smaller [9] - 28:2, 54:25, 71:14, 71:18, 97:11, 105:22, 107:24, 202:19, 203:8 smorgasbord [1] - 155:12 snapping [1] - 107:10 so.. [6] - 54:20, 57:17, 113:18, 134:12, 196:25, 215:8 software [1] - 79:23 solar [74] - 22:22, 23:4, 24:2, 39:22, 39:23, 40:7, 40:13, 40:24, 41:11, 43:3, 44:7, 44:13, 44:14, 46:9, 47:4, 49:10, 50:10, 50:12, 50:23,</p>

<p>51:1, 51:7, 51:8, 51:25, 52:18, 53:21, 54:4, 56:21, 56:22, 57:5, 58:1, 61:9, 61:11, 61:20, 62:10, 62:18, 65:4, 65:25, 66:1, 67:4, 67:10, 67:19, 68:6, 68:15, 68:20, 69:6, 69:11, 69:14, 69:21, 70:8, 70:15, 83:17, 84:12, 87:25, 88:16, 106:2, 110:10, 110:16, 110:22, 110:24, 111:3, 113:1, 152:24, 153:5, 153:11, 153:17, 153:22, 153:24, 154:4, 154:15, 195:25, 208:8</p> <p>solar's [1] - 43:1</p> <p>sold [2] - 9:14, 107:25</p> <p>sole [1] - 48:21</p> <p>solved [3] - 171:2, 171:4, 171:10</p> <p>someone [3] - 18:2, 31:23, 164:16</p> <p>sometime [2] - 56:17, 110:23</p> <p>somewhere [1] - 10:6</p> <p>Sonia [1] - 95:12</p> <p>sorry [2] - 26:25, 27:1, 29:4, 38:6, 47:24, 57:23, 66:4, 67:12, 91:25, 108:3, 127:14, 131:16, 133:13, 167:15, 169:1, 184:1, 187:8, 187:24, 204:22, 207:17, 211:7</p> <p>sort [3] - 32:18, 46:3, 157:10</p> <p>sorts [1] - 21:10</p> <p>Sound [1] - 90:3</p> <p>sounded [1] - 155:1</p> <p>sounds [3] - 129:11, 165:14, 165:19</p> <p>source [11] - 25:25, 120:6, 121:7, 123:2, 125:9, 126:24, 132:19, 166:15, 167:25, 171:13, 191:22</p> <p>sources [4] - 122:19, 163:17, 164:15, 168:10</p> <p>south [1] - 108:25</p> <p>southwest [1] - 153:11</p>	<p>space [1] - 205:21</p> <p>speaking [6] - 6:10, 84:4, 171:15, 182:9, 200:6, 208:3</p> <p>speaks [3] - 60:15, 175:5, 175:7</p> <p>species [5] - 182:2, 182:5, 182:7, 182:17, 182:19</p> <p>specific [6] - 18:20, 35:2, 78:13, 136:6, 174:5, 190:11</p> <p>specifically [2] - 159:1, 161:25</p> <p>specifications [3] - 58:21, 58:24, 122:6</p> <p>specifics [1] - 174:3</p> <p>specified [1] - 196:13</p> <p>specify [1] - 192:24</p> <p>spectrum [2] - 103:17, 155:12</p> <p>speculate [1] - 213:24</p> <p>speculating [1] - 101:23</p> <p>speculation [9] - 43:11, 59:5, 91:21, 102:11, 106:10, 109:18, 123:5, 170:18, 182:14</p> <p>spell [1] - 62:4</p> <p>spend [1] - 43:19</p> <p>spent [1] - 74:3</p> <p>spot [1] - 46:19</p> <p>spring [1] - 92:19</p> <p>sprinkler [3] - 124:10, 124:16, 125:10</p> <p>squeeze [1] - 199:3</p> <p>stability [1] - 25:15</p> <p>staff [17] - 60:19, 95:11, 95:16, 96:8, 96:19, 97:6, 97:10, 97:21, 98:9, 134:1, 135:17, 138:3, 150:10, 151:22, 172:4, 172:15</p> <p>stage [5] - 37:12, 55:15, 143:9, 167:2, 184:11</p> <p>staged [1] - 83:24</p> <p>stakeholder [1] - 82:5</p> <p>standalone [1] - 105:13</p> <p>standard [2] - 120:22, 121:19</p> <p>standards [7] -</p>	<p>120:23, 121:22, 122:2, 122:8, 122:14, 126:19, 212:22</p> <p>standing [1] - 178:3</p> <p>stands [4] - 132:13, 141:9, 141:22, 199:23</p> <p>start [5] - 43:2, 69:18, 83:22, 88:3, 88:5</p> <p>started [7] - 7:23, 9:22, 89:5, 97:1, 108:15, 108:18, 141:1</p> <p>starting [2] - 7:11, 82:17</p> <p>starts [2] - 42:25, 213:19</p> <p>state [12] - 5:17, 36:10, 52:13, 70:7, 128:24, 161:21, 162:7, 162:14, 170:6, 187:10, 201:9</p> <p>STATE [1] - 1:1</p> <p>State's [1] - 51:14</p> <p>statement [22] - 87:18, 89:17, 100:6, 100:12, 120:14, 124:18, 132:7, 132:20, 135:15, 135:21, 135:25, 136:9, 136:14, 136:21, 137:3, 173:21, 173:25, 176:11, 184:24, 185:8, 186:7, 209:2</p> <p>statements [3] - 135:2, 135:5, 184:21</p> <p>states [2] - 200:11, 218:5</p> <p>station [1] - 23:14</p> <p>status [3] - 55:13, 148:19, 178:24</p> <p>steel [1] - 214:4</p> <p>stenographically [1] - 218:13</p> <p>step [9] - 22:9, 53:5, 58:13, 86:25, 140:21, 159:19, 159:23, 160:7, 204:14</p> <p>step-up [1] - 86:25</p> <p>steps [1] - 202:1</p> <p>stick [1] - 62:15</p> <p>still [19] - 27:25, 44:5, 46:6, 53:20, 70:24, 71:25, 84:2, 110:24, 137:16, 137:19, 144:3, 149:22, 159:15, 180:2, 180:5, 183:7, 192:15, 204:7</p> <p>stirred [1] - 77:1</p>	<p>stirred-up [1] - 77:1</p> <p>STOEL [1] - 3:3</p> <p>stop [3] - 50:16, 131:13, 161:1</p> <p>stops [1] - 44:4</p> <p>storage [7] - 22:19, 44:12, 56:19, 110:14, 122:21, 126:12, 131:24</p> <p>storm [1] - 92:17</p> <p>storm-driven [1] - 92:17</p> <p>storms [2] - 92:18, 92:19</p> <p>strategy [1] - 152:12</p> <p>stream [1] - 24:19</p> <p>string [1] - 77:9</p> <p>strings [1] - 77:9</p> <p>strongly [1] - 48:4</p> <p>structural [2] - 80:10, 214:4</p> <p>structure [1] - 155:9</p> <p>structures [5] - 205:4, 205:11, 205:13, 206:1, 206:3</p> <p>studied [2] - 77:14, 111:25</p> <p>studies [2] - 53:11, 79:18</p> <p>study [2] - 42:9, 54:17</p> <p>subdivided [2] - 197:9, 198:5</p> <p>subject [4] - 178:7, 187:21, 212:3, 212:4</p> <p>submit [2] - 149:21, 209:8</p> <p>submitted [5] - 72:3, 100:14, 101:8, 139:14, 209:10</p> <p>SUBSCRIBED [1] - 217:23</p> <p>subsequent [2] - 77:9, 189:24</p> <p>subsequently [2] - 65:5, 68:4</p> <p>SUBSTANCE [1] - 217:2</p> <p>substantial [1] - 164:21</p> <p>substation [13] - 21:2, 36:25, 37:22, 63:22, 64:21, 66:10, 67:2, 86:20, 86:21, 86:25, 87:1, 105:7, 105:10</p> <p>success [2] - 23:23, 36:13</p> <p>successful [1] - 104:19</p>	<p>sufficient [1] - 175:11</p> <p>suggest [1] - 148:9</p> <p>suggestion [1] - 155:17</p> <p>suitable [1] - 34:15</p> <p>Suite [3] - 2:4, 2:13, 3:4</p> <p>sum [1] - 202:12</p> <p>summarizes [1] - 146:14</p> <p>summer [2] - 92:22, 92:23</p> <p>sun [5] - 45:14, 45:17, 51:5, 110:11, 110:18</p> <p>sun's [1] - 110:17</p> <p>sunk [1] - 105:1</p> <p>Superior [1] - 7:5</p> <p>supervision [1] - 218:14</p> <p>supplemental [1] - 58:17</p> <p>supplier [5] - 32:7, 55:5, 80:1, 80:3, 87:15</p> <p>suppliers [7] - 75:10, 83:3, 88:16, 88:17, 118:13, 119:11</p> <p>supply [20] - 19:21, 23:19, 25:4, 28:9, 30:16, 30:25, 31:1, 32:8, 83:3, 87:25, 116:16, 117:14, 118:2, 133:5, 163:3, 167:3, 167:18, 172:12, 172:17</p> <p>support [5] - 112:1, 129:7, 135:14, 165:11, 165:22</p> <p>supported [1] - 62:8</p> <p>supporting [2] - 195:11, 195:25</p> <p>suppression [3] - 121:15, 125:3, 133:4</p> <p>surrounding [1] - 211:21</p> <p>surveys [2] - 181:20, 185:23</p> <p>survive [1] - 106:25</p> <p>SW [1] - 3:4</p> <p>swoop [1] - 7:14</p> <p>SWORN [1] - 217:23</p> <p>sworn [3] - 5:12, 218:8, 218:11</p> <p>system [25] - 18:10, 21:4, 21:11, 22:20, 25:11, 25:13, 40:9, 41:8, 41:10, 41:13, 41:24, 42:4, 42:11,</p>
---	---	---	--	---

<p>42:13, 44:6, 44:10, 44:17, 52:19, 62:24, 65:12, 66:13, 82:11, 85:4, 87:4, 118:19 systems [3] - 124:10, 124:16, 125:10</p>	<p>18:13, 41:15, 61:15, 62:8 terminus [1] - 19:25 terms [13] - 6:20, 17:23, 30:2, 70:25, 91:1, 105:5, 145:21, 152:19, 170:8, 171:13, 174:11, 175:8, 189:15 territory [2] - 21:2, 127:5 Tesla [4] - 126:5, 126:6, 126:9, 126:11 Teslas [1] - 126:4 testified [1] - 5:14 testify [1] - 218:12 testifying [1] - 209:7 testimony [10] - 48:25, 158:24, 198:11, 198:17, 210:8, 217:19, 217:20, 218:8, 218:12, 218:16 Tetra [10] - 12:14, 12:24, 13:3, 13:8, 13:22, 14:1, 16:16, 64:12, 121:3, 134:9 THE [147] - 1:1, 1:4, 1:18, 2:2, 2:7, 2:12, 3:7, 15:8, 17:3, 17:6, 22:18, 36:8, 42:16, 43:12, 45:4, 49:2, 52:23, 53:20, 56:12, 59:6, 59:19, 60:17, 63:25, 71:14, 72:1, 72:20, 75:8, 77:19, 78:5, 79:6, 80:6, 86:10, 90:10, 91:23, 99:1, 99:24, 101:8, 102:13, 103:14, 105:17, 106:12, 108:3, 108:6, 109:20, 110:20, 112:19, 113:13, 113:25, 114:23, 116:5, 117:25, 121:14, 123:7, 123:14, 125:18, 129:15, 131:16, 133:2, 133:15, 140:20, 141:17, 142:13, 143:9, 144:11, 147:1, 147:20, 148:17, 149:21, 152:7, 153:1, 153:8, 153:14, 153:20, 154:2, 155:22, 156:23, 157:15, 159:23, 161:14, 162:18, 163:10, 163:16,</p>	<p>164:7, 164:20, 165:5, 165:14, 166:2, 166:15, 167:1, 168:16, 169:1, 169:10, 169:24, 170:20, 171:24, 172:8, 172:20, 173:2, 173:16, 174:9, 174:25, 180:9, 182:16, 183:6, 183:21, 184:14, 184:19, 185:19, 186:15, 187:7, 187:9, 188:6, 188:22, 188:25, 189:3, 190:16, 191:6, 194:10, 195:14, 196:20, 197:19, 198:2, 199:13, 200:10, 200:25, 201:17, 203:17, 204:24, 205:18, 206:8, 206:15, 207:9, 207:16, 208:6, 208:20, 210:10, 210:20, 211:5, 211:8, 212:17, 213:24, 214:19, 215:20, 217:3 themselves [3] - 61:12, 131:8, 153:24 therein [2] - 217:19, 218:10 THEREUPON [1] - 216:9 thermal [1] - 128:6 they've [10] - 33:19, 38:9, 92:8, 146:9, 150:5, 163:19, 172:21, 173:20, 181:8, 206:19 thickly [1] - 69:3 thinking [3] - 24:17, 59:15, 82:15 third [2] - 67:14, 167:20 thirds [1] - 124:4 THIS _____ DAY [1] - 217:23 threat [1] - 214:24 three [4] - 8:14, 175:17, 181:8, 205:4 throes [1] - 83:21 throughout [1] - 193:4 throw [1] - 81:21 thumb [1] - 209:25 tie [5] - 36:23, 86:24, 87:2, 87:3, 87:4 timeframe [2] - 28:20, 134:17</p>	<p>timeline [1] - 190:12 tip [1] - 47:2 today [30] - 5:25, 7:2, 7:11, 11:15, 16:1, 45:15, 55:25, 58:11, 59:14, 89:17, 109:25, 114:5, 140:10, 141:9, 141:10, 142:8, 143:24, 148:14, 151:24, 154:21, 158:13, 158:23, 184:23, 185:4, 185:10, 186:6, 188:3, 192:7, 193:5, 210:24 together [8] - 17:21, 18:15, 19:13, 19:21, 44:19, 62:12, 78:8, 125:8 tolling [1] - 24:6 tomorrow [1] - 65:25 tongue [1] - 47:2 took [2] - 5:9, 101:11 toppenish [1] - 3:10 Torem [3] - 162:2, 162:5, 178:14 total [1] - 50:10 tour [1] - 151:5 towards [5] - 10:21, 16:7, 85:1, 153:23, 180:18 traditional [12] - 138:23, 139:23, 140:13, 142:10, 144:17, 145:1, 145:6, 145:11, 146:21, 185:12, 186:10, 205:14 transcribed [2] - 6:23, 218:14 TRANSCRIPT [1] - 217:3 transcript [4] - 217:20, 218:9, 218:15, 218:17 transfer [1] - 134:10 transferred [1] - 170:22 transition [1] - 43:25 transitioned [1] - 8:11 transmission [14] - 18:11, 19:22, 20:4, 24:10, 24:13, 25:6, 41:15, 44:16, 47:25, 48:19, 64:16, 86:15, 87:2, 87:4 transmitted [2] - 41:7, 64:15 transportation [2] - 137:22, 179:2</p>	<p>treaty [1] - 185:6 trees [2] - 164:10, 164:11 tremendous [2] - 28:8, 163:19 TRI [2] - 1:22, 2:2 Tri [2] - 5:23, 93:6 TRI-CITIES [2] - 1:22, 2:2 Tri-Cities [2] - 5:23, 93:6 tried [1] - 203:1 trigger [1] - 34:5 triple [1] - 76:1 trouble [1] - 129:17 true [1] - 52:3, 66:21, 108:1, 108:3, 117:1, 117:13, 166:11, 209:2, 213:8, 217:19, 218:15 trust [1] - 187:10 truth [4] - 5:12, 5:13, 218:12 try [13] - 6:5, 6:19, 17:21, 31:18, 51:22, 52:1, 52:19, 70:13, 80:17, 117:7, 144:6, 154:6, 192:15 trying [23] - 9:21, 9:22, 9:25, 11:5, 12:9, 34:22, 39:25, 43:15, 50:7, 50:15, 74:23, 84:23, 90:21, 148:9, 148:11, 156:6, 171:10, 180:16, 194:18, 198:15, 203:21, 207:17, 209:3 turbine [58] - 27:16, 27:24, 28:1, 28:19, 29:9, 30:16, 32:7, 32:8, 33:21, 33:25, 37:22, 49:11, 49:25, 55:5, 63:5, 71:10, 71:15, 71:18, 71:22, 71:23, 72:2, 72:6, 72:14, 74:4, 75:4, 75:10, 76:4, 76:14, 76:15, 76:22, 77:13, 77:15, 78:7, 79:25, 80:3, 80:7, 80:21, 81:11, 83:2, 83:3, 87:15, 87:25, 88:16, 95:3, 98:15, 157:23, 178:1, 179:15, 184:7, 184:10, 192:25, 193:18, 195:10, 195:24, 196:14, 199:3 turbines [101] - 28:11, 30:3, 30:15, 31:9, 33:4, 33:11,</p>
T				
<p>T-o-r-e-m [1] - 162:6 table [5] - 34:21, 83:25, 84:2, 144:12, 145:15 TAKEN [1] - 1:18 talent [1] - 14:4 talks [4] - 69:6, 116:15, 130:3, 167:17 tankers [1] - 123:16 target [1] - 115:9 tariff [2] - 25:6, 54:7 TCP [5] - 139:14, 141:13, 145:19, 146:13, 185:13 TCPs [4] - 141:21, 142:2, 142:17, 146:16 team [5] - 13:20, 15:17, 33:20, 94:15, 150:1 Tech [10] - 12:14, 12:24, 13:3, 13:8, 13:23, 14:1, 16:16, 64:12, 121:3, 134:10 technical [2] - 112:4, 150:2 technically [1] - 47:19 technique [1] - 110:14 technology [13] - 8:3, 52:13, 58:5, 58:11, 58:15, 69:12, 108:17, 113:3, 114:19, 126:21, 128:23, 212:5, 212:9 Telephone [1] - 110:19 ten [4] - 83:12, 83:13, 110:1, 110:3 tendency [1] - 132:1 tentative [1] - 158:4 term [7] - 41:18, 41:23, 145:9, 160:25, 172:13, 174:3, 197:10 terminate [2] - 39:17, 54:10 terminated [7] - 53:7, 53:22, 53:25, 54:12, 65:5, 65:24, 66:22 terminology [4] -</p>				

<p>33:22, 35:2, 35:5, 45:19, 47:19, 48:3, 49:4, 49:21, 51:24, 52:8, 52:12, 54:25, 55:1, 58:4, 62:5, 62:10, 62:18, 62:20, 62:21, 62:22, 62:23, 63:4, 63:5, 63:10, 63:18, 64:3, 71:9, 73:1, 73:4, 73:16, 73:24, 73:25, 74:2, 74:7, 74:10, 74:14, 77:5, 77:8, 77:10, 77:23, 78:2, 79:3, 79:6, 80:2, 80:14, 81:2, 83:6, 83:7, 84:12, 94:18, 95:6, 102:19, 103:1, 103:7, 103:10, 103:15, 105:6, 106:2, 113:1, 147:2, 177:8, 180:4, 180:25, 183:1, 183:9, 193:14, 194:7, 194:11, 194:12, 194:20, 194:23, 195:2, 195:17, 195:19, 196:17, 197:4, 197:7, 198:19, 199:4, 203:13, 203:19, 203:22, 205:21, 206:18, 206:22, 206:24, 207:12, 209:1, 209:12, 209:14, 209:24, 210:1, 210:6, 210:17</p> <p>turbulence [8] - 76:24, 78:14, 79:2, 79:14, 80:20, 80:23, 81:2, 81:4</p> <p>turn [12] - 49:21, 59:25, 81:23, 93:22, 115:10, 124:1, 130:2, 150:18, 167:12, 167:19, 186:18, 211:4</p> <p>turned [1] - 119:11</p> <p>turns [1] - 36:12</p> <p>twigs [1] - 181:2</p> <p>two [32] - 37:6, 39:12, 39:13, 57:1, 57:3, 59:16, 60:17, 64:15, 64:16, 67:19, 80:19, 81:1, 82:2, 85:16, 88:20, 94:7, 95:2, 95:6, 98:15, 118:15, 124:4, 124:7, 131:23, 144:7, 146:3, 151:18, 181:22, 186:1, 188:16, 209:14, 211:13</p>	<p>two-thirds [1] - 124:4</p> <p>tying [1] - 105:18</p> <p>type [5] - 17:20, 31:17, 32:4, 58:5, 62:5</p> <p>typically [2] - 56:12, 110:20</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>ultimate [5] - 31:22, 34:16, 105:20, 196:7, 196:9</p> <p>ultimately [5] - 8:8, 37:5, 97:13, 107:15, 177:12</p> <p>Umatilla [1] - 108:25</p> <p>unappealable [3] - 55:20, 55:23, 83:21</p> <p>uncertain [1] - 17:23</p> <p>unclear [1] - 96:13</p> <p>under [19] - 7:4, 12:16, 12:24, 16:8, 38:15, 60:1, 117:17, 120:14, 148:7, 161:17, 161:21, 163:20, 165:20, 192:15, 196:23, 209:10, 216:5, 217:18, 218:14</p> <p>underground [1] - 194:1</p> <p>undersigned [1] - 218:3</p> <p>understood [1] - 154:17</p> <p>uneven [1] - 81:6</p> <p>unique [1] - 156:9</p> <p>unit [1] - 103:23</p> <p>units [1] - 214:4</p> <p>unless [1] - 28:16</p> <p>unmitigable [1] - 145:19</p> <p>unreasonable [5] - 160:12, 160:14, 160:20, 182:21, 212:10</p> <p>unveiled [1] - 152:9</p> <p>up [60] - 8:13, 10:2, 16:4, 21:14, 31:2, 33:5, 34:8, 36:14, 38:10, 39:1, 39:3, 40:19, 44:8, 45:17, 47:21, 48:7, 50:18, 53:4, 54:14, 58:13, 61:13, 65:14, 65:15, 65:16, 66:7, 66:13, 66:24, 67:5, 67:6, 67:15, 77:1, 78:8,</p>	<p>79:22, 81:21, 86:19, 86:25, 107:10, 114:25, 116:13, 123:1, 126:5, 127:8, 129:25, 133:7, 140:4, 140:20, 141:19, 164:8, 165:6, 193:14, 196:4, 198:25, 202:12, 209:14, 211:3, 213:2, 213:10, 213:13, 213:19</p> <p>update [6] - 30:17, 30:21, 30:23, 31:15, 31:18, 117:25</p> <p>Updated [1] - 4:10</p> <p>updated [14] - 11:16, 14:21, 17:1, 28:4, 31:13, 57:23, 68:1, 93:25, 94:17, 100:3, 100:9, 115:9, 180:10, 191:23</p> <p>updates [3] - 96:6, 190:13, 190:25</p> <p>upgrade [1] - 113:16</p> <p>upgrades [3] - 54:18, 54:21, 173:17</p> <p>UPON [1] - 1:11</p> <p>uses [8] - 202:13, 204:14, 204:20, 205:3, 209:11, 211:23, 213:14, 213:20</p> <p>utilities [17] - 17:8, 17:15, 25:7, 26:24, 89:20, 89:23, 89:25, 90:1, 90:6, 90:13, 91:1, 92:12, 93:3, 108:1, 109:11, 110:21, 119:5</p> <p>utilities' [1] - 92:24</p> <p>utility [6] - 21:2, 24:3, 91:2, 92:1, 126:12, 168:1</p> <p>utilize [1] - 24:8</p> <p>utilized [2] - 146:7, 146:10</p> <p>utilizes [1] - 200:12</p> <p>utilizing [1] - 18:9</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>vaguely [2] - 204:13, 204:19</p> <p>valid [2] - 117:16, 170:15</p> <p>value [1] - 146:10</p> <p>vaporize [1] - 132:17</p> <p>various [12] - 6:24, 8:10, 13:5, 13:7, 13:9, 26:24, 41:17, 43:16,</p>	<p>105:2, 122:10, 180:17, 184:8</p> <p>vendors [2] - 31:16, 31:17</p> <p>vented [2] - 132:17, 132:18</p> <p>verbal [1] - 140:15</p> <p>vernacular [1] - 107:9</p> <p>version [6] - 11:24, 27:16, 148:6, 179:20</p> <p>versus [4] - 72:4, 103:15, 152:18, 205:13</p> <p>via [8] - 2:9, 2:15, 3:5, 3:13, 3:14, 3:14, 3:15, 192:24</p> <p>viability [1] - 109:15</p> <p>viable [9] - 24:20, 28:18, 36:5, 36:10, 37:10, 58:10, 90:20, 92:11, 102:24</p> <p>vicinity [3] - 186:24, 187:3, 195:3</p> <p>video [1] - 214:13</p> <p>videos [2] - 126:3, 214:9</p> <p>viewshed [1] - 33:17</p> <p>vintages [1] - 79:23</p> <p>violating [1] - 19:5</p> <p>visual [4] - 137:24, 138:9, 178:21, 184:8</p> <p>Voelckers [2] - 3:8, 138:16</p> <p>VOELCKERS [79] - 4:5, 138:14, 140:22, 142:3, 142:18, 143:16, 144:14, 144:21, 147:8, 147:23, 148:22, 149:23, 150:17, 150:19, 151:20, 152:11, 153:3, 153:9, 153:15, 153:21, 154:13, 156:1, 157:8, 157:21, 158:3, 160:2, 161:16, 162:7, 162:12, 163:1, 163:11, 163:23, 164:13, 164:23, 165:7, 165:16, 166:6, 166:17, 167:8, 168:19, 169:3, 169:14, 170:1, 170:24, 172:2, 172:14, 172:23, 173:7, 173:24, 174:13, 175:4, 175:19, 175:21, 176:5, 177:24, 178:9,</p>	<p>179:8, 179:13, 180:12, 182:10, 182:22, 183:13, 183:23, 184:2, 184:16, 184:20, 184:22, 185:2, 186:5, 186:17, 187:2, 187:12, 188:1, 188:8, 189:6, 190:24, 191:16, 192:5, 215:13</p> <p>voidance [1] - 183:16</p> <p>voltage [2] - 19:22, 20:1</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>Wa [1] - 3:10</p> <p>WA [5] - 1:13, 2:5, 2:9, 2:14, 5:7</p> <p>WAC [3] - 100:23, 101:4, 101:20</p> <p>WACs [2] - 101:17, 178:18</p> <p>wages [1] - 105:1</p> <p>wait [3] - 131:14, 133:18, 184:12</p> <p>waiting [1] - 150:7</p> <p>wake [13] - 76:20, 76:21, 77:1, 77:5, 77:10, 77:14, 77:21, 78:2, 78:14, 79:2, 79:14, 80:15, 80:19</p> <p>wakes [2] - 76:14, 80:8</p> <p>Walla [20] - 118:7, 118:14, 119:9, 119:21, 123:21, 168:3, 171:7, 171:17, 174:17, 175:10</p> <p>wants [3] - 86:3, 106:13, 157:16</p> <p>warning [1] - 177:23</p> <p>warrant [1] - 80:11</p> <p>warranted [1] - 129:4</p> <p>warranty [1] - 80:13</p> <p>washes [1] - 175:17</p> <p>WASHINGTON [1] - 1:1</p> <p>Washington [2] - 5:21, 218:5</p> <p>waste [1] - 29:24</p> <p>watch [1] - 128:19</p> <p>water [94] - 77:1, 116:11, 116:16, 116:18, 116:24, 117:7, 117:10, 117:11, 117:12, 117:14, 117:19, 117:21, 118:1, 118:2,</p>
---	--	---	--	---

<p>118:3, 118:13, 118:18, 118:19, 118:20, 118:21, 118:25, 119:4, 119:5, 119:6, 119:10, 119:12, 119:19, 120:23, 121:8, 121:15, 121:23, 121:25, 122:10, 122:18, 122:19, 122:21, 122:22, 123:2, 123:10, 123:16, 124:1, 124:8, 125:9, 126:24, 128:20, 132:22, 133:5, 163:3, 163:7, 163:12, 163:16, 163:25, 164:15, 164:21, 165:10, 165:22, 166:4, 166:20, 166:22, 167:3, 167:18, 167:25, 168:4, 168:10, 168:11, 168:22, 169:6, 170:3, 170:4, 170:11, 170:15, 170:21, 171:2, 171:8, 171:14, 171:20, 172:6, 172:12, 172:17, 173:9, 173:10, 173:12, 174:2, 174:6, 174:12, 174:14, 174:18, 175:2, 175:11, 175:15, 189:15, 191:22, 214:14</p> <p>Watson [1] - 179:25 waves [1] - 77:3 ways [2] - 18:15, 37:18</p> <p>WDFW [7] - 176:10, 176:15, 177:10, 177:15, 179:19, 180:20, 182:16</p> <p>WDFW's [3] - 182:8, 182:11, 183:3</p> <p>Webber [3] - 67:2, 141:3, 141:5</p> <p>website [2] - 11:23, 12:6</p> <p>week [2] - 34:8, 140:25</p> <p>weeks [1] - 9:25</p> <p>Welch's [1] - 163:18</p> <p>welfare [1] - 211:20</p> <p>wells [8] - 117:3, 117:5, 122:20, 164:8, 164:12, 165:6, 168:2, 187:14</p>	<p>west [17] - 10:24, 11:2, 37:9, 40:10, 63:20, 63:22, 64:17, 82:13, 84:20, 86:20, 87:9, 127:4, 141:19, 141:24, 188:13, 188:14, 188:16</p> <p>western [1] - 57:11</p> <p>Western [1] - 13:6</p> <p>wheat [1] - 181:13</p> <p>Wheatridge [2] - 108:24, 125:2</p> <p>wheel [1] - 25:4</p> <p>wheeled [1] - 26:1</p> <p>wheeler [1] - 25:21</p> <p>wheeling [2] - 25:11, 25:24</p> <p>WHEREOF [1] - 218:21</p> <p>whichever [1] - 57:13</p> <p>whittling [1] - 104:22</p> <p>whole [13] - 5:13, 20:11, 55:11, 82:20, 109:15, 112:6, 145:18, 151:21, 152:15, 155:11, 155:12, 160:6, 209:23</p> <p>wholesale [1] - 25:19</p> <p>wide [1] - 194:2</p> <p>wildlife [2] - 13:5, 184:8</p> <p>WILLA [1] - 3:5</p> <p>Willa.perlmutter@ stael.com [1] - 3:6</p> <p>willing [2] - 10:2, 20:20</p> <p>WIND [1] - 1:7</p> <p>wind [86] - 9:10, 10:3, 10:24, 21:11, 22:21, 23:5, 24:2, 35:25, 36:1, 37:2, 38:16, 39:5, 39:7, 39:20, 40:12, 41:11, 42:23, 42:24, 42:25, 43:4, 44:2, 44:4, 44:9, 45:13, 45:19, 47:5, 47:6, 47:12, 47:14, 47:18, 50:10, 50:12, 51:20, 52:18, 58:2, 61:22, 62:2, 62:6, 62:10, 62:18, 62:19, 62:21, 62:22, 64:3, 65:4, 65:23, 67:4, 67:10, 67:19, 68:3, 68:5, 72:16, 72:20, 73:1, 74:3, 76:22, 77:6, 78:5, 78:7, 80:21, 81:6, 81:9, 83:19, 85:12, 85:22,</p>	<p>93:5, 93:14, 106:2, 113:1, 147:2, 178:1, 179:15, 179:19, 206:15, 206:18, 206:22, 206:24, 207:11, 208:25, 209:6, 209:11, 209:15, 209:24, 210:1, 210:6, 210:17</p> <p>Wind [7] - 4:10, 8:14, 195:24, 199:7, 204:16, 205:12, 210:4</p> <p>Windpower [2] - 9:20, 10:3</p> <p>winning [1] - 107:22</p> <p>winter [4] - 92:16, 92:18, 92:23</p> <p>wire [1] - 194:1</p> <p>wires [2] - 42:5, 57:7</p> <p>wise [2] - 8:2, 197:8</p> <p>Wiser [1] - 1:13</p> <p>Witness [3] - 116:13, 189:3, 213:10</p> <p>WITNESS [134] - 4:4, 15:8, 17:3, 17:6, 22:18, 36:8, 42:16, 43:12, 45:4, 49:2, 52:23, 53:20, 56:12, 59:6, 60:17, 63:25, 71:14, 72:1, 72:20, 75:8, 77:19, 78:5, 79:6, 80:6, 86:10, 90:10, 91:23, 99:1, 99:24, 101:8, 102:13, 103:14, 105:17, 106:12, 108:3, 108:6, 109:20, 110:20, 112:19, 113:13, 113:25, 114:23, 116:5, 117:25, 121:14, 123:7, 123:14, 125:18, 129:15, 131:16, 133:2, 133:15, 140:20, 141:17, 142:13, 143:9, 144:11, 147:1, 147:20, 148:17, 149:21, 152:7, 153:1, 153:8, 153:14, 153:20, 154:2, 155:22, 156:23, 157:15, 159:23, 161:14, 162:18, 163:10, 163:16, 164:7, 164:20, 165:5, 165:14, 166:2, 166:15, 167:1, 168:16, 169:1, 169:10, 169:24,</p>	<p>170:20, 171:24, 172:8, 172:20, 173:2, 173:16, 174:9, 174:25, 180:9, 182:16, 183:6, 183:21, 185:19, 186:15, 187:7, 187:9, 188:6, 188:22, 188:25, 189:3, 190:16, 191:6, 194:10, 195:14, 196:20, 197:19, 198:2, 199:13, 200:10, 200:25, 201:17, 203:17, 204:24, 205:18, 206:8, 206:15, 207:9, 207:16, 208:6, 208:20, 210:10, 210:20, 211:8, 212:17, 213:24, 214:19, 215:20, 218:21</p> <p>witness [2] - 12:2, 218:11</p> <p>wonderful [2] - 60:10</p> <p>word [3] - 14:12, 154:24, 171:10</p> <p>words [4] - 14:7, 50:15, 146:5, 175:1</p> <p>works [8] - 30:25, 49:5, 58:22, 83:14, 120:8, 128:4, 191:19, 201:25</p> <p>WPD [3] - 38:1, 38:8, 38:21</p> <p>write [5] - 13:11, 14:18, 14:20, 94:12, 121:2</p> <p>writing [2] - 94:9, 132:4</p> <p>written [1] - 13:2</p> <p>wrote [8] - 12:13, 12:22, 16:15, 16:16, 60:8, 64:10, 97:3, 121:3</p>	<p>178:12, 178:17, 178:18, 185:6, 186:10</p> <p>YAKIMA [1] - 3:7</p> <p>year [10] - 26:8, 43:5, 45:23, 45:24, 45:25, 46:16, 47:4, 136:10, 175:17</p> <p>years [13] - 8:6, 107:17, 107:19, 110:1, 110:3, 113:15, 115:21, 118:16, 163:4, 176:10, 181:18, 181:22, 186:1</p> <p>yourself [3] - 13:12, 89:15, 135:18</p>
Z				
<p>zero [1] - 175:18</p> <p>zfooster@mjbe.com [1] - 2:11</p> <p>zoning [4] - 16:9, 204:15, 205:22, 205:24</p> <p>Zoom [9] - 2:9, 2:15, 3:5, 3:13, 3:14, 3:14, 3:15, 175:22, 176:4</p>				
Y				
<p>Yakima [30] - 2:9, 7:17, 83:18, 138:6, 138:16, 138:22, 139:6, 139:22, 140:12, 141:4, 142:2, 142:9, 142:17, 143:10, 144:12, 144:16, 144:25, 145:3, 145:13, 146:6, 146:21, 147:10, 149:5, 149:7, 178:4,</p>				