			3
		1	APPEARANCES (continued):
1	1 BEFORE THE STATE OF WASHINGTON	10:51 2	FOR SCOUT CLEAN ENERGY:
2	ENERGY FACILITY SITING EVALUATION COUNCIL		
3		3	STOEL RIVES LLP Attorneys at Law
4	IN THE MATTER OF THE)	4	760 SW Ninth Avenue, Suite 3000
5	APPLICATION OF:)	5	Portland, OR 97205 BY: WILLA B. PERLMUTTER, ESQ.
6) SCOUT CLEAN ENERGY, LLC, FOR) NO. EF-210011		EMILY SCHIMELPFENIG, ESQ via Zoom
7) HORSE HEAVEN WIND FARM, LLC,)	6	Email: Willa.perlmutter@stoel.com
8) Applicant.)	7	
9		8	FOR THE YAKIMA NATION:
10			Shona Voelckers, Esq.
11	DEPOSITION UPON ORAL EXAMINATION OF	9	Jessica Houston, Esq. 401 Fort Road
12	DAVID KOBUS Benton County Public Services Building (Large	10	Toppenish, Wa 98948
13	Conference Room) 102206 E Wiser Parkway	44	Email: Shona@yakamanation-olc.org
14	Kennewick, WA 99336	11	
15	FRIDAY, JULY 21, 2023	12	ALSO PRESENT:
16	11:05 A.M.	13	Paul Krupin
17			Pat Landess - via Zoom
18	TAKEN AT THE INSTANCE OF THE APPLICANT	14	Karen Brun - via Zoom Pam Minelli - via Zoom
10	THE ALL THE INCLUSES OF THE ALL TOWN	15	Carole Cohe - via Zoom
20		16	
20		17	
22	REPORTED BY: MONNA J. NICKESON, RPR, CRR, CCR, CSR CA 14430	18 19	
23	TRI-CITIES COURT REPORTER SERVICE, LLC. 509.942.8477	20	
24	MONNA@TRICITIESREPORTING.COM	21 22	
25		23	
		24 25	
	TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477	25	TRI-CITIES COURT REPORTING SERVICE, LLC
	2		509.942.8477
1	APPEARANCES:	1	4 I N D E X
			I N D E X
2		2	I N D E X IN RE: SCOUT CLEAN ENERGY CASE NO. EF-210011
	APPEARANCES:	2	I N D E X IN RE: SCOUT CLEAN ENERGY
2	APPEARANCES: FOR THE INTERVENER TRI-CITIES C.A.R.E.S.: LAW OFFICE OF J. RICHARD ARMBURU, PLLC Attorney at Law	2	I N D E X IN RE: SCOUT CLEAN ENERGY CASE NO. EF-210011
2 3	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	2 3 4	I N D E X IN RE: SCOUT CLEAN ENERGY CASE NO. EF-210011 FRIDAY, JULY 21, 2023 WITNESS: DAVID KOBUS PAGE
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	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	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	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 Updated11 ASC Redline Exhibit 2 Letter from Mr. Ritter to EFSEC 175
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	5		7
1	BE IT REMEMBERED that on FRIDAY,	11:07 1	you should consider the things that you're
2	JULY 21, 2023, at 11:05 A.M., the	11:07 2	
3	deposition of DAVID KOBUS was taken before	11:07 2	
4	Monna J. Nickeson, Certified Realtime	11:07 3	You're not permitted under the
- - -	Reporter, Registered Professional Reporter,	11:07 5	rules, the Civil Rules for Superior Court, to
6	Certified Livenote Reporter, Certified	11:07 6	confer with your counsel after I have asked you
7	Court Reporter (WA 3322), Certified	11:07 7	
8	Shorthand Reporter (ID 1045), (OR 16-0441),	11:07 8	think of the question, how should I answer,
9	(CA 14430), the following proceedings took	11:07 9	those kinds of things. Outside of that, you
10	place:	11:07 1 0	
10	DAVID KOBUS	11:07 10	-
12	having been first duly sworn to tell the truth, the	11:07 11	We're starting at 11:00 today. If you need a break at any time, you just let me
12	whole truth, and nothing but the truth,	11:07 12	know and we'll do that. I would like to do
13	testified as follows:		
	EXAMINATION	11:07 14	
15		11:07 15	5
16	BY MR. ARAMBURU:	11:07 16	I understand counsel for Benton
11:05 17	Q. Mr. Kobus, would you state your full	11:08 17	, ,
11:05 18 11:05 19	name and business address?	11:08 18	for you as time goes by.
	A. David Kobus, D-a-v-i-d, K-o-b-u-s.	11:08 19	So do you understand those kind of
11:05 20	My business address is 1385 Cortland Avenue,	11:08 20	parameters we're talking about?
11:05 21	Richland, Washington.	11:08 21	A. I do.
11:05 22	Q. I'm Richard Aramburu. I'm the	11:08 22	Q. Okay. Okay. Well, let's get
11:05 23	attorney for Tri-Cities C.A.R.E.S, one of the	11:08 23	started, then.
11:06 24	intervenors in the EFSEC proceeding. We're	11:08 24	I don't know a great deal about you,
11:06 25	here today to take your deposition.	11:08 25	, ,
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
			0
44.00	6	44.00	8
11:06 1	Have you ever had your deposition	11:08 1	and background professional experience?
11:06 2	Have you ever had your deposition taken before?	11:08 2	and background professional experience? A. Sure. Education-wise, I have a
11:06 2 11:06 3	Have you ever had your deposition taken before? A. No, I have not.	11:08 2 11:08 3	 and background professional experience? A. Sure. Education-wise, I have a bachelor's in nuclear technology and a master's
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11:06 2 11:06 3 11:06 4 11:06 5 11:06 6 11:06 7 11:06 8 11:06 9 11:06 10 11:06 11 11:06 12 11:06 13 11:06 14 11:06 15 11:06 16 11:06 17 11:06 18 11:06 20 11:06 21 11:06 21	 Have you ever had your deposition taken before? A. No, I have not. Q. Okay. Let me just, and with permission of your counsel, try to talk about some ground rules as we go through the deposition. So, first of all, we can't talk over each other because the court reporter has difficulty taking down both of us speaking at the same time. So if you will allow me to even though you may think you know the answer before I finish it, let me finish my question, and then we'll give you time to finish your answer. So let's not talk over each other, okay? And if you don't understand the question that's being asked to you, let me know right away, and I'll try to reformulate the question, put it in clearer terms, but please let me know. We don't want to have any confusion later on. 	11:08 2 11:08 3 11:08 4 11:08 5 11:08 6 11:08 7 11:08 7 11:08 8 11:08 9 11:08 10 11:08 11 11:09 12 11:09 13 11:09 14 11:09 15 11:09 16 11:09 17 11:09 18 11:09 20 11:09 21 11:09 21	 and background professional experience? A. Sure. Education-wise, I have a bachelor's in nuclear technology and a master's in engineering management. My background is I worked for well, I was in the Navy for eight and a half years in the Navy nuclear program. Then came to work well, I worked in the nuclear industry, ultimately came to work for Energy Northwest here, and held various positions out at the nuclear plant. And eventually transitioned into being their project manager, developer for renewable energy projects. And ended up developing the Nine Canyon Wind Project, which was built in three phases, permitted through the county. And then, after leaving Energy Northwest, I was in the financial services industry for a while. And then, eventually, hired on with Scout Clean Energy, and am now the project manager for the Horse Heaven Clean
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11:06 2 11:06 3 11:06 4 11:06 5 11:06 6 11:06 7 11:06 8 11:06 9 11:06 10 11:06 11 11:06 12 11:06 13 11:06 14 11:06 15 11:06 16 11:06 17 11:06 18 11:06 20 11:06 21 11:06 21	 Have you ever had your deposition taken before? A. No, I have not. Q. Okay. Let me just, and with permission of your counsel, try to talk about some ground rules as we go through the deposition. So, first of all, we can't talk over each other because the court reporter has difficulty taking down both of us speaking at the same time. So if you will allow me to even though you may think you know the answer before I finish it, let me finish my question, and then we'll give you time to finish your answer. So let's not talk over each other, okay? Mnd if you don't understand the question, put it in clearer terms, but please let me know. We don't want to have any confusion later on. This deposition will be transcribed. It may be used for various purposes. It may be 	11:08 2 11:08 3 11:08 4 11:08 5 11:08 6 11:08 7 11:08 7 11:08 8 11:08 9 11:08 10 11:08 11 11:09 12 11:09 13 11:09 14 11:09 15 11:09 16 11:09 17 11:09 18 11:09 20 11:09 21 11:09 21	 and background professional experience? A. Sure. Education-wise, I have a bachelor's in nuclear technology and a master's in engineering management. My background is I worked for well, I was in the Navy for eight and a half years in the Navy nuclear program. Then came to work well, I worked in the nuclear industry, ultimately came to work for Energy Northwest here, and held various positions out at the nuclear plant. And eventually transitioned into being their project manager, developer for renewable energy projects. And ended up developing the Nine Canyon Wind Project, which was built in three phases, permitted through the county. And then, after leaving Energy Northwest, I was in the financial services industry for a while. And then, eventually, hired on with Scout Clean Energy, and am now the project manager for the Horse Heaven Clean Energy Center. Q. And when did you come to work for
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11:06 2 11:06 3 11:06 4 11:06 5 11:06 6 11:06 7 11:06 7 11:06 8 11:06 10 11:06 11 11:06 12 11:06 13 11:06 14 11:06 15 11:06 16 11:06 17 11:06 18 11:06 20 11:06 21 11:06 22 11:07 23 11:07 24	 Have you ever had your deposition taken before? A. No, I have not. Q. Okay. Let me just, and with permission of your counsel, try to talk about some ground rules as we go through the deposition. So, first of all, we can't talk over each other because the court reporter has difficulty taking down both of us speaking at the same time. So if you will allow me to even though you may think you know the answer before I finish it, let me finish my question, and then we'll give you time to finish your answer. So let's not talk over each other, okay? Mnd if you don't understand the question, put it in clearer terms, but please let me know. We don't want to have any confusion later on. This deposition will be transcribed. It may be used for various purposes. It may be 	11:08 2 11:08 3 11:08 4 11:08 5 11:08 6 11:08 7 11:08 7 11:08 7 11:08 9 11:08 10 11:08 11 11:09 12 11:09 13 11:09 14 11:09 15 11:09 16 11:09 17 11:09 18 11:09 20 11:09 21 11:09 22 11:09 23 11:09 24	 and background professional experience? A. Sure. Education-wise, I have a bachelor's in nuclear technology and a master's in engineering management. My background is I worked for well, I was in the Navy for eight and a half years in the Navy nuclear program. Then came to work well, I worked in the nuclear industry, ultimately came to work for Energy Northwest here, and held various positions out at the nuclear plant. And eventually transitioned into being their project manager, developer for renewable energy projects. And ended up developing the Nine Canyon Wind Project, which was built in three phases, permitted through the county. And then, after leaving Energy Northwest, I was in the financial services industry for a while. And then, eventually, hired on with Scout Clean Energy, and am now the project manager for the Horse Heaven Clean Energy Center. Q. And when did you come to work for Scout? A. 2018.

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11:09 1	project manager for the Nine Canyon project?	11:12 1	Northwest. And so I was looking at combining
11:09 2	A. I was. Developer, project manager,	11:12 2	the project I was developing further west with
11:09 3	yes.	11:12 3	what Clipper was developing along the BLM area
11:09 4	Q. And are you a licensed professional	11:12 4	and partially on what now is part of the Horse
11:09 5	engineer?	11:12 5	Heaven leasehold that we're trying to develop.
11:09 6	A. Lam not.	11:12 6	Q. And was the Columbia project is
11:09 7	Q. Before you came to work for Scout,	11:12 7	the land for the Columbia project now part of
11:10 8	had you worked outside of Nine Canyon, had	11:12 8	the this project?
11:10 9	you worked on any other projects in the Horse	11:12 9	A. My understanding is yes. I know one
11:10 10	Heaven Hills, wind projects?	11:12 10	landowner that was part of Columbia that we
11:10 11	A. Not in the Horse Heaven Hills, no.	11:12 11	have a lease with. But, you know, to be honest
11:10 12	But for Energy Northwest, I was developing	11:12 12	with you, I really don't remember what was all
11:10 13	projects all over the Pacific Northwest for	11:13 13	in the Columbia footprint.
11:10 14	them. Some one was sold to Avista, and	11:13 14	Q. Okay. Thank you. Thank you.
11:10 15	others just did not come to fruition.	11:13 15	So, today, we're going to have a
11:10 16	Q. Okay. And do you recall a Columbia	11:13 16	number of questions about the updated ASC. And
11:10 17	project in the Horse Heaven Hills?	11:13 17	I have put in front of you what's been marked
11:10 18	A. Sure. It's the first time I met my	11:13 18	as Exhibit 1 for this deposition.
11:10 19	CEO, Michael Rucker. He was working for	11:13 19	(Exhibit 1 was identified.)
11:10 20	Clipper Windpower and was marketing a project	11:13 20	BY MR. ARAMBURU:
11:10 21	that they were trying to develop on the BLM	11:13 21	Q. And I will represent to you and to
11:10 22	land initially is where they started trying to	11:13 22	your counsel that we downloaded this paper copy
11:10 23	develop.	11:13 23	from the EFSEC website, and we have downloaded
11:10 24	And so we were looking at and	11:13 24	the redline version of the amended ASC.
11:10 25	engaged for, you know, many weeks trying to see	11:13 25	MR. ARAMBURU: And, Counsel, is
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	10		12
11:11 1	if that project was something that Energy	11:13 1	there any objection to this document being
11:11 2	Northwest was willing to partner up, so to	11:13 2	used by the witness?
11:11 3	speak, with Clipper Windpower to build a wind	11:13 3	MS. PERLMUTTER: No. Based on your
11:11 4	project there.	11:13 4	representation that it was that it's the
11:11 5	Q. What's the time frame of that?	11:13 5	document you downloaded from the EFSEC
11:11 6	A. That would have been 2010, somewhere	11:13 6	website, we're good to go.
11:11 7	around 2009, 2010.	11:13 7	BY MR. ARAMBURU:
11:11 8	Q. And where was and that was the	11:13 8	Q. And you also notice when you open it
11:11 9	Columbia project, correct? Is that what we're	11:13 9	that it's double-sided, so we're trying to save
11:11 10	talking about, the same thing?	11:13 10	a little paper here.
11:11 11	A. Yeah, that's what was the name of it	11:14 11	So we have a number of questions
11:11 12	at that time. Yeah.	11:14 12	about the amended ASC, as I will refer to it.
11:11 13	Q. And give me a general geographic	11:14 13	And can you tell me who wrote the document?
11:11 14	description of the Columbia project.	11:14 14	A. Yeah, sure. It was Tetra Tech was
11:11 15	A. Well	11:14 15	our primary contributor who prepared the
11:11 16	Q. You might do it in relation to	11:14 16	redline under my guidance.
11:11 17	this the project we're here. Is it part of	11:14 17	Q. Okay. So we have redline portions
11:11 18	it, some of it, is it	11:14 18	of the document, and those were amended from
11:11 19	A. It's part of it, but the Columbia	11:14 19	the original February 2021 application; is that
11:11 20	project also included the BLM land, which is	11:14 20	correct?
11:11 21	the higher ground which goes over towards	11:14 21	A. Correct, yes.
		14.44 22	Q. And who wrote the original
11:12 22	Benton City and over to Chandler Butte. And	11:14 22	
	Benton City and over to Chandler Butte. And that was about the extent of it.	11:14 22 11:14 23	application?
11:12 22	-		<u> </u>
11:12 22 11:12 23	that was about the extent of it.	11:14 23	application?
11:12 22 11:12 23 11:12 24	that was about the extent of it. I actually had wind leases west of	11:14 23 11:14 24	application? A. Tetra Tech did as well under my
11:122211:122311:1224	that was about the extent of it. I actually had wind leases west of that on that same ridge line for Energy	11:14 23 11:14 24	application? A. Tetra Tech did as well under my guidance.

	10		45
11.14	13	11.17 4	15 asking whether lawyers did it. I'm not
11:14 1	Q. And were any portions of the application that were written by anyone else,	11:17 1 11:17 2	asking whether lawyers did it. I'm not
11:14 2			asking for particulars regarding what the
11:14 3	other than Tetra Tech?	11:17 3	lawyers did. I'm simply asking whether the
11:14 4	A. There were contributors to it, like,	11:17 4	lawyers were involved. I think that's a
11:14 5	various section for example, the wildlife	11:17 5	fair question.
11:14 6	section, Western Ecosystems contributed to	11:17 6	MS. PERLMUTTER: It calls for work
11:15 7	that. And then there were various functional	11:17 7	product, but you can answer.
11:15 8	areas within Tetra Tech that also contributed	11:17 8	THE WITNESS: Okay. There were
11:15 9	expertise related to various sections in the	11:17 9	contributions in the form of redlines. I
11:15 10	document.	11:17 10	do not recall any original authoring
11:15 11	Q. And did you write any sections of	11:17 11	material.
11:15 12	the document yourself?	11:17 12	BY MR. ARAMBURU:
11:15 13	A. There may have been paragraphs or	11:17 13	Q . Okay. So if we look through here,
11:15 14	sections, like, for example, looking at	11:17 14	some of the redline provisions could have been
11:15 15	alternatives to the proposal we were making and	11:17 15	authored by lawyers?
11:15 16	describing you know, being the initial	11:17 16	A. Yeah. You know, we approached this
11:15 17	author of describing what those alternatives	11:17 17	at a team effort. We wanted to make sure that
11:15 18	were and how they were evaluated.	11:17 18	we had, you know, the best available
11:15 19	And then, from that point on, it was	11:18 19	information to fully capture what we believed
11:15 20	a collaborative effort from the team that, you	11:18 20	was a document that, you know, in our attempt
11:16 21	know, any of us could have added redlines and	11:18 21	would be, you know, above reproach and, you
11:16 22	scrubbed content that was provided by Tetra	11:18 22	know, best available that EFSEC has seen.
11:16 23	Tech.	11:18 23	Q. Let me as kind of an example
11:16 24	But so there were a few sections	11:18 24	here, there's a section in the document about
11:16 25	that I was the original author. For the most	11:18 25	land use. And that's I'm going to use those
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	14		16
11:16 1	part, I relied on Tetra Tech to author the	11:18 1	today as well, Mr. Kobus.
11:16 2	majority of it because of their extensive	11:18 2	A. Yeah. Give me a page number.
11:16 2 11:16 3	majority of it because of their extensive expertise in, you know, many projects,	11:18 2 11:18 3	A. Yeah. Give me a page number.Q. So what we've done is we've divided
11:16 2 11:16 3 11:16 4	majority of it because of their extensive expertise in, you know, many projects, different regions, and having a lot of talent	11:18211:18311:184	 A. Yeah. Give me a page number. Q. So what we've done is we've divided up into the sections 1, 2, 3, 4. So this
11:16211:16311:16411:165	majority of it because of their extensive expertise in, you know, many projects, different regions, and having a lot of talent readily available to contribute that	11:18211:18311:18411:185	 A. Yeah. Give me a page number. Q. So what we've done is we've divided up into the sections 1, 2, 3, 4. So this would we're now looking at page 2-7.
11:16 2 11:16 3 11:16 4 11:16 5 11:16 6	majority of it because of their extensive expertise in, you know, many projects, different regions, and having a lot of talent readily available to contribute that information.	11:18 2 11:18 3 11:18 4 11:18 5 11:19 6	 A. Yeah. Give me a page number. Q. So what we've done is we've divided up into the sections 1, 2, 3, 4. So this would we're now looking at page 2-7. A. Okay.
11:16 2 11:16 3 11:16 4 11:16 5 11:16 6 11:16 7	majority of it because of their extensive expertise in, you know, many projects, different regions, and having a lot of talent readily available to contribute that information. Q. Okay. I don't want to put words in	11:18 2 11:18 3 11:18 4 11:18 5 11:19 6 11:19 7	 A. Yeah. Give me a page number. Q. So what we've done is we've divided up into the sections 1, 2, 3, 4. So this would we're now looking at page 2-7. A. Okay. Q. And towards the bottom of that page,
11:16 2 11:16 3 11:16 4 11:16 5 11:16 6 11:16 7 11:16 8	 majority of it because of their extensive expertise in, you know, many projects, different regions, and having a lot of talent readily available to contribute that information. Q. Okay. I don't want to put words in your mouth, and feel free to disagree with my 	11:18 2 11:18 3 11:18 4 11:18 5 11:19 6 11:19 7 11:19 8	 A. Yeah. Give me a page number. Q. So what we've done is we've divided up into the sections 1, 2, 3, 4. So this would we're now looking at page 2-7. A. Okay. Q. And towards the bottom of that page, under section 2.1.3, there's a reference to
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11:16 2 11:16 3 11:16 4 11:16 5 11:16 6 11:16 7 11:16 8 11:16 9 11:16 10	 majority of it because of their extensive expertise in, you know, many projects, different regions, and having a lot of talent readily available to contribute that information. Q. Okay. I don't want to put words in your mouth, and feel free to disagree with my characterization. Would it be fair to call you the 	11:18 2 11:18 3 11:18 4 11:19 6 11:19 7 11:19 8 11:19 9 11:19 10	 A. Yeah. Give me a page number. Q. So what we've done is we've divided up into the sections 1, 2, 3, 4. So this would we're now looking at page 2-7. A. Okay. Q. And towards the bottom of that page, under section 2.1.3, there's a reference to land use and zoning ordinances; do you see that?
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11:16 2 11:16 3 11:16 4 11:16 5 11:16 6 11:16 7 11:16 8 11:16 10 11:16 11 11:16 12 11:16 13 11:16 14 11:16 15 11:17 16 11:17 17 11:17 18 11:17 20	 majority of it because of their extensive expertise in, you know, many projects, different regions, and having a lot of talent readily available to contribute that information. Q. Okay. I don't want to put words in your mouth, and feel free to disagree with my characterization. Would it be fair to call you the editor of the document? A. It would. I had the last word on it. Q. Okay. Okay. Good. Good. Now, did the lawyers review the document? A. Yes, absolutely. Q. And did the lawyers write I'm talking about lawyers, counsel for Scout, did the lawyers write any sections of the 	11:18 2 11:18 3 11:18 4 11:18 5 11:19 6 11:19 7 11:19 7 11:19 7 11:19 10 11:19 12 11:19 12 11:19 12 11:19 13 11:19 14 11:19 15 11:19 16 11:19 17 11:19 18 11:19 19 11:19 20	 A. Yeah. Give me a page number. Q. So what we've done is we've divided up into the sections 1, 2, 3, 4. So this would we're now looking at page 2-7. A. Okay. Q. And towards the bottom of that page, under section 2.1.3, there's a reference to land use and zoning ordinances; do you see that? A. Yes. Q. And then it goes on to the next page. A. Okay. Q. Do you know who wrote that? A. I am certain Tetra Tech wrote the basic draft, and then I know I probably diddled with it a bit as well, redlined, you know. Q. And you generally described the nature of the process in drafting and
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11:16211:16311:16411:16511:16611:16711:161011:161111:161211:161311:161411:171611:171611:171711:171911:172011:172111:172211:1723	 majority of it because of their extensive expertise in, you know, many projects, different regions, and having a lot of talent readily available to contribute that information. Q. Okay. I don't want to put words in your mouth, and feel free to disagree with my characterization. Would it be fair to call you the editor of the document? A. It would. I had the last word on it. Q. Okay. Okay. Good. Good. Now, did the lawyers review the document? A. Yes, absolutely. Q. And did the lawyers write I'm talking about lawyers, counsel for Scout, did the lawyers write any sections of the amended of the updated ASC? MS. PERLMUTTER: I'm going to object on the grounds on privilege grounds. 	11:18 2 11:18 3 11:18 4 11:19 6 11:19 7 11:19 7 11:19 7 11:19 8 11:19 10 11:19 12 11:19 12 11:19 13 11:19 14 11:19 15 11:19 16 11:19 17 11:19 18 11:19 19 11:19 20 11:19 21 11:19 22 11:19 23	 A. Yeah. Give me a page number. Q. So what we've done is we've divided up into the sections 1, 2, 3, 4. So this would we're now looking at page 2-7. A. Okay. Q. And towards the bottom of that page, under section 2.1.3, there's a reference to land use and zoning ordinances; do you see that? A. Yes. Q. And then it goes on to the next page. A. Okay. Q. Do you know who wrote that? A. I am certain Tetra Tech wrote the basic draft, and then I know I probably diddled with it a bit as well, redlined, you know. Q. And you generally described the nature of the process in drafting and finalizing A. Yes. Q the amended ASC.
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11::16211::16311::16411::16511::16611::16711::161011::161211::161311::161311::161511::171611::171711::171811::172011::172111:172311:1724	 majority of it because of their extensive expertise in, you know, many projects, different regions, and having a lot of talent readily available to contribute that information. Q. Okay. I don't want to put words in your mouth, and feel free to disagree with my characterization. Would it be fair to call you the editor of the document? A. It would. I had the last word on it. Q. Okay. Okay. Good. Good. Now, did the lawyers review the document? A. Yes, absolutely. Q. And did the lawyers write I'm talking about lawyers, counsel for Scout, did the lawyers write any sections of the amended of the updated ASC? MS. PERLMUTTER: I'm going to object on the grounds on privilege grounds. You don't have to answer that question. 	11:18 2 11:18 3 11:18 4 11:19 6 11:19 7 11:19 7 11:19 7 11:19 9 11:19 10 11:19 11 11:19 12 11:19 13 11:19 14 11:19 15 11:19 16 11:19 17 11:19 18 11:19 20 11:19 21 11:19 23 11:19 24	 A. Yeah. Give me a page number. Q. So what we've done is we've divided up into the sections 1, 2, 3, 4. So this would we're now looking at page 2-7. A. Okay. Q. And towards the bottom of that page, under section 2.1.3, there's a reference to land use and zoning ordinances; do you see that? A. Yes. Q. And then it goes on to the next page. A. Okay. Q. Do you know who wrote that? A. I am certain Tetra Tech wrote the basic draft, and then I know I probably diddled with it a bit as well, redlined, you know. Q. And you generally described the nature of the process in drafting and finalizing A. Yes. Q the amended ASC. Was there any input from any

		1	
	17		19
11:19 1	updated ASC?	11:22 1	we'll offer to pay you for your service.
11:19 2	MS. PERLMUTTER: Object as to	11:22 2	Please sign or tell me what change you'd make.
11:19 3	THE WITNESS: No.	3	Q. And what
11:19 4	MS. PERLMUTTER: Object as to form.	11:23 4	A. It was to that extent.
11:19 5	You can answer the question.	11:23 5	Q. Excuse me. I'm violating my own
11:19 6	THE WITNESS: No.	11:23 6	rule here.
11:19 7	BY MR. ARAMBURU:	11:23 7	MS. PERLMUTTER: Happens all the
11:19 8	Q. And were any utilities consulted	11:23 8	time.
11:20 9	about the content of the ASC?	11:23 9	BY MR. ARAMBURU:
11:20 10	A. You know, we in marketing the	11:23 10	Q. And was that an agreement to acquire
11:20 11 11:20 12	project, we market to any potential offtaker,	11:23 11 11:23 12	the entire project?
11:20 12	any potential purchaser, for the entire time we	11:23 12 11:23 13	A. No, no. At that point, it was an
11:20 13	develop these projects. And so we had many, many	11:23 13	agreement to work together on potential infrastructure sharing and finding the most
11:20 14	conversations with regional utilities,	11:23 14	optimal economical way to interconnect the
11:20 15	commercial and industrial potential offtakers.	11:23 15	project with the Bonneville grid.
11:20 17	I even had conversations with Benton PUD.	11:23 10	Q. So you were going to possibly share
11:20 17		11:23 17	Benton County easements?
11:20 10	And so, in the process, we consider designing the project and developing it so it	11:23 10 11:23 19	A. Sure. I'll give you an example.
11:20 19 11:21 20	is the most attractive type of project that we	11:23 19 11:23 20	The City of Richland and Benton County were
11:21 20	can put together for that mass market to try	11:23 20	working together to supply or provide a high
11:21 21	and capture the best fit offtaker for the	11:23 21	voltage transmission line in the Dallas Road
11:21 22	project. But in no uncertain terms, there's no	11:23 22	area.
11:21 23	input from potential offtakers in this	11:23 23	And the City of Richland built the
11:21 25	document.	11:23 24	line to a terminus and it was never energized.
11.21 20	TRI-CITIES COURT REPORTING SERVICE, LLC	11.20 20	TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	18		20
11:21 1	18 Q. Okay. You indicated that you had a	11:24 1	20 So it's a 115 high voltage line sitting out
11:21 1 11:21 2	Q. Okay. You indicated that you had a	11:24 1 11:24 2	So it's a 115 high voltage line sitting out
		11:24 1 11:24 2 11:24 3	
11:21 2	Q. Okay. You indicated that you had a conversation with someone from Benton PUD?A. Correct.	11:24 2 11:24 3	So it's a 115 high voltage line sitting out there alongside the highway. Was a great
11:21 2 11:21 3	Q. Okay. You indicated that you had a conversation with someone from Benton PUD?A. Correct.	11:24 2 11:24 3	So it's a 115 high voltage line sitting out there alongside the highway. Was a great opportunity for us to potentially co-locate
11:21211:21311:214	 Q. Okay. You indicated that you had a conversation with someone from Benton PUD? A. Correct. Q. And can you tell me who that was? 	11:24211:24311:244	So it's a 115 high voltage line sitting out there alongside the highway. Was a great opportunity for us to potentially co-locate transmission to be able to interconnect with
11:21211:21311:21411:215	 Q. Okay. You indicated that you had a conversation with someone from Benton PUD? A. Correct. Q. And can you tell me who that was? A. Rick Dunn. 	11:24211:24311:24411:245	So it's a 115 high voltage line sitting out there alongside the highway. Was a great opportunity for us to potentially co-locate transmission to be able to interconnect with the Bonneville grid.
11:21 2 11:21 3 11:21 4 11:21 5 11:21 6	 Q. Okay. You indicated that you had a conversation with someone from Benton PUD? A. Correct. Q. And can you tell me who that was? A. Rick Dunn. Q. And can you tell me the nature of 	11:24211:24311:24411:24511:246	So it's a 115 high voltage line sitting out there alongside the highway. Was a great opportunity for us to potentially co-locate transmission to be able to interconnect with the Bonneville grid. And it did not become fruitful. The
11:21 2 11:21 3 11:21 4 11:21 5 11:21 6 11:21 7	 Q. Okay. You indicated that you had a conversation with someone from Benton PUD? A. Correct. Q. And can you tell me who that was? A. Rick Dunn. Q. And can you tell me the nature of the conversation? 	11:24211:24311:24411:24511:24611:247	So it's a 115 high voltage line sitting out there alongside the highway. Was a great opportunity for us to potentially co-locate transmission to be able to interconnect with the Bonneville grid. And it did not become fruitful. The PUD chose not to work with us on it. The City
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11:21211:21311:21411:21511:21611:21711:21811:21911:211011:221211:221311:221311:221411:221511:221611:221711:221811:222011:222111:222211:222311:2224	 Q. Okay. You indicated that you had a conversation with someone from Benton PUD? A. Correct. Q. And can you tell me who that was? A. Rick Dunn. Q. And can you tell me the nature of the conversation? A. We were, at one point, considering utilizing right-of-way easements that they have for their system, and the possibility of co-locating transmission lines in their easements, as well as the possibility of engaging in I forget the exact terminology for it, but a cooperative agreement where we could work together in finding ways that we could collaborate on the project relative to the infrastructure and relative to potential interest that the PUD might have to become part of it. Q. Can you be a little more specific about was there well, let me ask this question. A. I offered them a draft agreement that said, here's what we can do for you. 	11:24211:24311:24411:24511:24611:24711:24911:241011:241211:241311:241411:241511:241611:241711:241811:252011:252111:252311:2524	So it's a 115 high voltage line sitting out there alongside the highway. Was a great opportunity for us to potentially co-locate transmission to be able to interconnect with the Bonneville grid. And it did not become fruitful. The PUD chose not to work with us on it. The City of Richland indicated that if we could do something with the PUD, then they'd maybe be interested and talk to us about it. But the PUD kind of changed their whole approach after that. Q. So was there ever a proposal to acquire power from Benton PUD? A. Yes. Q. And what was the nature of that proposal? A. That, you know, offtakes available, you know. If you're interested, we'd be willing to talk about it. Q. My question was, was there ever discussion that Scout would buy power from Benton PUD? A. Well, for sure. And those

		1	
	21		23
11:25 1	you know, understand that when we locate a	11:28 1	would be interested in providing grid
11:25 2	collector substation in a utility territory,	11:28 2	charge power for the batteries in the event
11:25 3	we're going want backup service from the local	11:28 3	that, you know, they need to be charged and
11:25 4	distribution system in the event we become	11:28 4	there isn't adequate solar available at the
11:25 5	disconnected from the grid.	11:28 5	time or there isn't adequate wind
11:25 6	We're going to need power to run the	11:28 6	generation at the time.
11:25 7	SCADA, you know, keep all the metering	11:28 7	BY MR. ARAMBURU:
11:25 8	energized, run the air conditioners. We also	11:28 8	Q. So was there ever a calculation of
11:25 9	need back feed service from the grid to power	11:28 9	the expected energy that might be acquired on
11:25 10	the heaters and oil pumps and those sorts of	11:28 10	an average basis from Benton for the purpose of
11:25 11	things when there's no wind on the system.	11:28 11	that recharging of the batteries?
11:26 12	And so the way Bonneville	11:28 12	A. Not recharging of the batteries, no.
11:26 13	orchestrates those contracts is that we	11:28 13	We we did have calculations and had
11:26 14	actually sign up to interconnect with the grid,	11:28 14	discussions about the backup station service
11:26 15	but then we also have to have an agreement with	11:28 15	that would be needed.
11:26 16	the PUD to provide that back feed service.	11:29 16	But when it came to the battery, the
11:26 17	Because Bonneville won't deal directly with us,	11:29 17	PUD indicated that they didn't believe well,
11:26 18	it has to go through the local PUD.	11:29 18	first, they didn't have the energy to do it.
11:26 19	So, in fact, if at the end of the	11:29 19	They didn't have the power supply to do it.
11:26 20	month we net actually haven't drawn power	11:29 20	And they didn't believe that they could acquire
11:26 21	from the grid in the form of back feed, we have	11:29 21	it from Bonneville to do it. And so the
11:26 22	to pay the PUD for that. And so that's ongoing	11:29 22	discussions ended at that point because we
11:26 23	for the life of the project.	11:29 23	didn't see a success path.
11:26 24	And we also have crossing agreements	11:29 24	Q. So if you don't get this energy from
11:26 25	that we're going to have to have with the PUD.	11:29 25	Benton, where are you going get it?
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	509.942.8477 22		509.942.8477 24
11:26 1	22	11:29 1	24
11:26 1 11:26 2		11:29 1 11:29 2	24
	22 We're going to cross their distribution. We're	-	24 A. We either from the output of the
11:26 2	22 We're going to cross their distribution. We're actually going to have to bury and reroute some of their distribution so that it is we have	11:29 2	24 A. We either from the output of the wind project, from the solar, or from the offtake utility. That's actually see, with
11:26 2 11:26 3	22 We're going to cross their distribution. We're actually going to have to bury and reroute some of their distribution so that it is we have the appropriate setbacks and meet their	11:29 2 11:29 3	24 A. We either from the output of the wind project, from the solar, or from the offtake utility. That's actually see, with the battery, the way that will work in the
11:26211:26311:274	22 We're going to cross their distribution. We're actually going to have to bury and reroute some of their distribution so that it is we have the appropriate setbacks and meet their criteria for proximity to their infrastructure.	11:29211:29311:294	24 A. We either from the output of the wind project, from the solar, or from the offtake utility. That's actually see, with the battery, the way that will work in the marketplace is, we will allow them to dispatch
11:26211:26311:27411:275	22 We're going to cross their distribution. We're actually going to have to bury and reroute some of their distribution so that it is we have the appropriate setbacks and meet their criteria for proximity to their infrastructure. So it's an ongoing relationship.	11:29211:29311:29411:295	A. We either from the output of the wind project, from the solar, or from the offtake utility. That's actually see, with the battery, the way that will work in the marketplace is, we will allow them to dispatch it, and then we just have a tolling agreement
11:26 2 11:26 3 11:27 4 11:27 5 11:27 6	22 We're going to cross their distribution. We're actually going to have to bury and reroute some of their distribution so that it is we have the appropriate setbacks and meet their criteria for proximity to their infrastructure.	11:29211:29311:29411:29511:296	24 A. We either from the output of the wind project, from the solar, or from the offtake utility. That's actually see, with the battery, the way that will work in the marketplace is, we will allow them to dispatch
11:26 2 11:26 3 11:27 4 11:27 5 11:27 6 11:27 7	22 We're going to cross their distribution. We're actually going to have to bury and reroute some of their distribution so that it is we have the appropriate setbacks and meet their criteria for proximity to their infrastructure. So it's an ongoing relationship. And I've been working Pat, in fact, and I,	11:29211:29311:29411:29511:29611:297	A. We either from the output of the wind project, from the solar, or from the offtake utility. That's actually see, with the battery, the way that will work in the marketplace is, we will allow them to dispatch it, and then we just have a tolling agreement that, you know, pays us for the amount of
11:26 2 11:26 3 11:27 4 11:27 5 11:27 6 11:27 7 11:27 8	22 We're going to cross their distribution. We're actually going to have to bury and reroute some of their distribution so that it is we have the appropriate setbacks and meet their criteria for proximity to their infrastructure. So it's an ongoing relationship. And I've been working Pat, in fact, and I, have been meeting with the PUD, and we have	11:29 2 11:29 3 11:29 4 11:29 5 11:29 6 11:29 7 11:30 8	A. We either from the output of the wind project, from the solar, or from the offtake utility. That's actually see, with the battery, the way that will work in the marketplace is, we will allow them to dispatch it, and then we just have a tolling agreement that, you know, pays us for the amount of dispatch they utilize.
11:26 2 11:26 3 11:27 4 11:27 5 11:27 6 11:27 7 11:27 8 11:27 9	22 We're going to cross their distribution. We're actually going to have to bury and reroute some of their distribution so that it is we have the appropriate setbacks and meet their criteria for proximity to their infrastructure. So it's an ongoing relationship. And I've been working Pat, in fact, and I, have been meeting with the PUD, and we have the next step in our process is that I have to	11:29 2 11:29 3 11:29 4 11:29 5 11:29 6 11:29 7 11:30 8 11:30 9	A. We either from the output of the wind project, from the solar, or from the offtake utility. That's actually see, with the battery, the way that will work in the marketplace is, we will allow them to dispatch it, and then we just have a tolling agreement that, you know, pays us for the amount of dispatch they utilize. And the ideal situation is, you
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11:26 2 11:26 3 11:27 4 11:27 5 11:27 6 11:27 7 11:27 8 11:27 9 11:27 10 11:27 11 11:27 11	22 We're going to cross their distribution. We're actually going to have to bury and reroute some of their distribution so that it is we have the appropriate setbacks and meet their criteria for proximity to their infrastructure. So it's an ongoing relationship. And I've been working Pat, in fact, and I, have been meeting with the PUD, and we have the next step in our process is that I have to offer them an easement agreement and designate everywhere where we're going to cross or have to move their infrastructure.	11:29 2 11:29 3 11:29 4 11:29 5 11:29 6 11:29 7 11:30 8 11:30 9 11:30 10 11:30 11 11:30 12	A. We either from the output of the wind project, from the solar, or from the offtake utility. That's actually see, with the battery, the way that will work in the marketplace is, we will allow them to dispatch it, and then we just have a tolling agreement that, you know, pays us for the amount of dispatch they utilize. And the ideal situation is, you know, they're going to take transmission from the project, and when they need to charge the battery, they would just decrement some of that
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11:30 1	BY MR. ARAMBURU:	11:33 1	l interrupted. I'm sorry.
11:30 1	Q. Get it from BPA through the grid.	11:33 2	Q. That's fine.
11:30 3	A. No. BPA has indicated they will not	11:33 3	So there is an active marketing
11:30 4	supply it, but they'll wheel it. I mean,	11:33 4	project or effort ongoing, even though
11:30 5	that's what BPA generally does is, they have an	11:33 5	there's no license from EFSEC?
11:30 6	open access transmission tariff where they	11:33 6	A. That's correct.
11:30 7	allow utilities and IPPs like we are to	11:33 7	Q. And I just had a couple of questions
11:31 8	interconnect with the grid, and then you	11:33 8	here that I'm I'm confused about in the ASC,
11:31 9	contract for who you're sending power to or who	11:33 9	and perhaps you can just help me clarify here.
11:31 10	you're getting power from, and then you pay	11:33 10	A. Sure.
11:31 11	Bonneville for the wheeling on their system.	11:33 11	Q . On page 285 2-85. I think it's
11:31 12	So they're responsible for the	11:34 12	here. Costs. It says the cost of the project
11:31 13	reliability of the system. They may provide	11:34 13	would be \$1.727 billion; is that correct?
11:31 14	you balancing services that are required, you	11:34 14	A. Yes.
11:31 15	know, to maintain grid stability. But	11:34 15	Q. Is that whether you build the 244
11:31 16	Bonneville doesn't sell power.	11:34 16	turbine version or the 150 version?
11:31 17	They are they're fully	11:34 17	A. The best response I can give you to
11:31 18	contracted. They may be able to sell power to	11:35 18	that is, you know, at the time we originally,
11:31 19	the wholesale markets when they have excess.	11:35 19	you know, developed the application, we were
11:31 20	But, you know, generally Bonneville is just the	11:35 20	looking at the most likely equipment that would
11:31 21	wheeler. They're the grid interconnect and the	11:35 21	have the best fit and the best economics for
11:31 22	grid manager.	11:35 22	the project.
11:31 23	Q. I understand the concept of a	11:35 23	And so, you know, in response, my
11:31 24	wheeling agreement with Bonneville, but who	11:35 24	belief is that represents the ideal turbine for
11:32 25	would be the source of the power that would be	11:35 25	the project, which still remains the ideal
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	26		28
11:32 1	26 wheeled to this project to take care of	11:35 1	28 turbine for the project, and that's the 244,
11:32 1 11:32 2		11:35 1 11:35 2	
	wheeled to this project to take care of		turbine for the project, and that's the 244,
11:32 2	wheeled to this project to take care of batteries, for example?	11:35 2	turbine for the project, and that's the 244, smaller platform equipment.
11:32 2 11:32 3	wheeled to this project to take care of batteries, for example? A. The offtaker.	11:35 2 11:35 3	turbine for the project, and that's the 244, smaller platform equipment. Q. Okay. And I noticed that this cost
11:32211:32311:324	 wheeled to this project to take care of batteries, for example? A. The offtaker. Q. Who is the offtaker? 	11:35211:35311:354	 turbine for the project, and that's the 244, smaller platform equipment. Q. Okay. And I noticed that this cost was not was not updated.
11:32 2 11:32 3 11:32 4 11:32 5	<pre>wheeled to this project to take care of batteries, for example? A. The offtaker. Q. Who is the offtaker? A. We don't we don't have an offtaker identified yet. Q. Is it likely that we're going have</pre>	11:35211:35311:35411:355	 turbine for the project, and that's the 244, smaller platform equipment. Q. Okay. And I noticed that this cost was not was not updated. So are these costs from February of 2021? A. Yes. And they're no longer
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11:32 2 11:32 3 11:32 4 11:32 5 11:32 6 11:32 7 11:32 8 11:32 9 11:32 10 11:32 11	 wheeled to this project to take care of batteries, for example? A. The offtaker. Q. Who is the offtaker? A. We don't we don't have an offtaker identified yet. Q. Is it likely that we're going have an offtaker identified within the next year? A. Let me answer the question this way. It's challenging to market a large commercial-scale energy project and finance it 	11:35 2 11:35 3 11:35 4 11:35 5 11:35 6 11:35 7 11:36 8 11:36 9 11:36 10 11:36 11	 turbine for the project, and that's the 244, smaller platform equipment. Q. Okay. And I noticed that this cost was not was not updated. So are these costs from February of 2021? A. Yes. And they're no longer accurate. Tremendous things have happened in the market, inflation, supply constraints, changes that the manufacturers are making in actually how they market turbines.
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11:32211:32311:32411:32511:32611:32711:32811:321011:321111:321211:321311:321411:321511:321611:331811:332011:332111:3322	 wheeled to this project to take care of batteries, for example? A. The offtaker. Q. Who is the offtaker? A. We don't we don't have an offtaker identified yet. Q. Is it likely that we're going have an offtaker identified within the next year? A. Let me answer the question this way. It's challenging to market a large commercial-scale energy project and finance it without a permit. And an offtaker, this is, you know, a risky scenario bringing on new generation, period. And, clearly, if you don't have a permit to build the project, it's difficult for an offtaker to make commitments. And so until we get that permit, it's not very likely that we're going to have that offtake identified. Q. As I understand the situation, that 	11:35 2 11:35 3 11:35 4 11:35 5 11:35 6 11:35 7 11:35 7 11:35 7 11:36 8 11:36 10 11:36 11 11:36 12 11:36 13 11:36 14 11:36 15 11:36 16 11:36 17 11:36 18 11:36 19 11:36 21 11:36 22	 turbine for the project, and that's the 244, smaller platform equipment. Q. Okay. And I noticed that this cost was not was not updated. So are these costs from February of 2021? A. Yes. And they're no longer accurate. Tremendous things have happened in the market, inflation, supply constraints, changes that the manufacturers are making in actually how they market turbines. But, you know, we have an exclusive arrangement with General Electric associated with this particular project development. And so the expectation there is that we will use General Electric equipment unless we can demonstrate that there is a more economically viable available, as high a quality model of turbine that can be built and delivered in the timeframe we need for the project.
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11:32211:32311:32411:32511:32611:32711:32811:321011:321111:321211:321311:321411:321511:321611:331811:332011:332111:332211:332311:332311:3324	 wheeled to this project to take care of batteries, for example? A. The offtaker. Q. Who is the offtaker? A. We don't we don't have an offtaker identified yet. Q. Is it likely that we're going have an offtaker identified within the next year? A. Let me answer the question this way. It's challenging to market a large commercial-scale energy project and finance it without a permit. And an offtaker, this is, you know, a risky scenario bringing on new generation, period. And, clearly, if you don't have a permit to build the project, it's difficult for an offtaker to make commitments. And so until we get that permit, it's not very likely that we're going to have that offtake identified. Q. As I understand the situation, that Scout is actively marketing this project now to utilities, to various 	11:35 2 11:35 3 11:35 4 11:35 5 11:35 6 11:35 7 11:35 7 11:35 7 11:36 8 11:36 10 11:36 12 11:36 12 11:36 13 11:36 14 11:36 15 11:36 16 11:36 16 11:36 17 11:36 18 11:36 20 11:36 21 11:36 22 11:37 23 11:37 24	 turbine for the project, and that's the 244, smaller platform equipment. Q. Okay. And I noticed that this cost was not was not updated. So are these costs from February of 2021? A. Yes. And they're no longer accurate. Tremendous things have happened in the market, inflation, supply constraints, changes that the manufacturers are making in actually how they market turbines. But, you know, we have an exclusive arrangement with General Electric associated with this particular project development. And so the expectation there is that we will use General Electric equipment unless we can demonstrate that there is a more economically viable available, as high a quality model of turbine that can be built and delivered in the timeframe we need for the project. And then, at that point, we would, you know, pursue legal challenge to that exclusivity if we deemed it necessary. Q. Let me understand what's going on
11:32211:32311:32411:32511:32611:32711:32811:321011:321111:321211:321311:321411:321511:321611:331911:332011:332111:332211:3323	 wheeled to this project to take care of batteries, for example? A. The offtaker. Q. Who is the offtaker? A. We don't we don't have an offtaker identified yet. Q. Is it likely that we're going have an offtaker identified within the next year? A. Let me answer the question this way. It's challenging to market a large commercial-scale energy project and finance it without a permit. And an offtaker, this is, you know, a risky scenario bringing on new generation, period. And, clearly, if you don't have a permit to build the project, it's difficult for an offtaker to make commitments. And so until we get that permit, it's not very likely that we're going to have that offtake identified. Q. As I understand the situation, that Scout is actively marketing this project now to utilities, to various A. Anybody who will listen. I'm sorry, 	11:35 2 11:35 3 11:35 4 11:35 5 11:35 6 11:35 7 11:36 8 11:37 7 11:36 10 11:36 12 11:36 12 11:36 12 11:36 13 11:36 14 11:36 15 11:36 16 11:36 17 11:36 18 11:36 19 11:36 20 11:36 21 11:36 22 11:37 23	 turbine for the project, and that's the 244, smaller platform equipment. Q. Okay. And I noticed that this cost was not was not updated. So are these costs from February of 2021? A. Yes. And they're no longer accurate. Tremendous things have happened in the market, inflation, supply constraints, changes that the manufacturers are making in actually how they market turbines. But, you know, we have an exclusive arrangement with General Electric associated with this particular project development. And so the expectation there is that we will use General Electric equipment unless we can demonstrate that there is a more economically viable available, as high a quality model of turbine that can be built and delivered in the timeframe we need for the project. And then, at that point, we would, you know, pursue legal challenge to that exclusivity if we deemed it necessary. Q. Let me understand what's going on here.
11:32211:32311:32411:32511:32611:32711:32811:321011:321111:321211:321311:321411:321511:321611:331811:332011:332111:332211:332311:332311:3324	 wheeled to this project to take care of batteries, for example? A. The offtaker. Q. Who is the offtaker? A. We don't we don't have an offtaker identified yet. Q. Is it likely that we're going have an offtaker identified within the next year? A. Let me answer the question this way. It's challenging to market a large commercial-scale energy project and finance it without a permit. And an offtaker, this is, you know, a risky scenario bringing on new generation, period. And, clearly, if you don't have a permit to build the project, it's difficult for an offtaker to make commitments. And so until we get that permit, it's not very likely that we're going to have that offtake identified. Q. As I understand the situation, that Scout is actively marketing this project now to utilities, to various 	11:35 2 11:35 3 11:35 4 11:35 5 11:35 6 11:35 7 11:35 7 11:35 7 11:36 8 11:36 10 11:36 12 11:36 12 11:36 13 11:36 14 11:36 15 11:36 16 11:36 16 11:36 17 11:36 18 11:36 20 11:36 21 11:36 22 11:37 23 11:37 24	 turbine for the project, and that's the 244, smaller platform equipment. Q. Okay. And I noticed that this cost was not was not updated. So are these costs from February of 2021? A. Yes. And they're no longer accurate. Tremendous things have happened in the market, inflation, supply constraints, changes that the manufacturers are making in actually how they market turbines. But, you know, we have an exclusive arrangement with General Electric associated with this particular project development. And so the expectation there is that we will use General Electric equipment unless we can demonstrate that there is a more economically viable available, as high a quality model of turbine that can be built and delivered in the timeframe we need for the project. And then, at that point, we would, you know, pursue legal challenge to that exclusivity if we deemed it necessary. Q. Let me understand what's going on

	29		31
11:37 1	So at the moment, Scout has a	11:39 1	supply, the fundamental commodities have
11:37 1	contract with GE?	11:39 1	escalated up and gone down just in the last six
11:37 2		_	months.
	A. No, no contract.		
11:37 4	Q. I'm sorry.	_	Q. Okay. I understand the answer.
11:37 5	A. We have exclusivity. We're	11:40 5	And on a general basis, is this
11:37 6	obligated with exclusivity.	11:40 6	10 percent wrong, 20 percent wrong? Order of
11:37 7	Q. Exclusivity	11:40 7	magnitude, if you can. If you can.
11:37 8	A. Yeah.	11:40 8	A. I can't answer that.
11:37 9	Q with GE to buy a GE turbine?	11:40 9	Q. GE also makes the bigger turbines,
11:37 10	A. Yes.	11:40 10	don't they?
11:37 11	Q. And you would that is considered	11:40 11	A. Yes, they do.
11:37 12	to be a binding contract, then, correct?	11:40 12	Q. And on the construction side of
11:37 13	A. The exclusivity aspect of it.	11:40 13	things, have you updated estimates for the
11:37 14	Q. Okay.	11:40 14	construction side?
11:37 15	A. Let me explain a little bit more.	11:40 15	A. We continue to update estimates and
11:37 16	Q. And you don't have to. I want you	11:40 16	we continue to work with vendors, you know, for
11:37 17	to fully answer the questions that are put to	11:40 17	example, the EPC-type vendors that we've been
11:37 18	you, Mr. Kobus.	11:40 18	engaged with. We try and update refresh our
11:37 19	And you've been kind of extending	11:41 19	request for proposals related to the balance of
11:37 20	the answers, and I'm happy to have you do that,	11:41 20	plant cost for the project, which are also a
11:38 21	and I want you to answer your questions fully.	11:41 21	major one of the major components of the
11:38 22	But I sense somehow that a little bit we're	11:41 22	ultimate cost.
11:38 23	going off.	11:41 23	Q. Okay. Someone may be reading this
11:38 24	A. Well, I don't want to waste	11:41 24	deposition and doesn't know
11:38 25	anybody's time if it's not information you want	25	A. Sure.
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	30		32
11:38 1	30 to hear. I just want to explain, you're asking	11:41 1	32 Q what EPC is. Could you define
11:38 1 11:38 2		11:41 1 11:41 2	
_	to hear. I just want to explain, you're asking		Q what EPC is. Could you define
11:38 2	to hear. I just want to explain, you're asking for terms such as, do we have a contract with	11:41 2 11:41 3	Q. what EPC is. Could you define that?
11:38 2 11:38 3	to hear. I just want to explain, you're asking for terms such as, do we have a contract with GE? No, we have not procured turbines from GE.	11:41 2 11:41 3	 Q what EPC is. Could you define that? A. That's engineer procure construct.
11:38 2 11:38 3 11:38 4	to hear. I just want to explain, you're asking for terms such as, do we have a contract with GE? No, we have not procured turbines from GE. Do we have an obligation from a prior	11:41 2 11:41 3 11:41 4	 Q what EPC is. Could you define that? A. That's engineer procure construct. And so those are the type of contractors that,
11:38211:38311:38411:385	to hear. I just want to explain, you're asking for terms such as, do we have a contract with GE? No, we have not procured turbines from GE. Do we have an obligation from a prior arrangement that gives them exclusivity? Yes, we do.	11:41 2 11:41 3 11:41 4 11:41 5	 Q what EPC is. Could you define that? A. That's engineer procure construct. And so those are the type of contractors that, you know, they come in, they provide engineering for the balance of the plan. They
11:38 2 11:38 3 11:38 4 11:38 5 11:38 6	to hear. I just want to explain, you're asking for terms such as, do we have a contract with GE? No, we have not procured turbines from GE. Do we have an obligation from a prior arrangement that gives them exclusivity? Yes, we do.	11:41 2 11:41 3 11:41 4 11:41 5 11:41 6	 Q what EPC is. Could you define that? A. That's engineer procure construct. And so those are the type of contractors that, you know, they come in, they provide
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11:38 2 11:38 3 11:38 4 11:38 5 11:38 6 11:38 7 11:38 8	to hear. I just want to explain, you're asking for terms such as, do we have a contract with GE? No, we have not procured turbines from GE. Do we have an obligation from a prior arrangement that gives them exclusivity? Yes, we do. Q. Okay. Okay. And so you indicated	11:41 2 11:41 3 11:41 4 11:41 5 11:41 6 11:41 7 11:41 8	 Q what EPC is. Could you define that? A. That's engineer procure construct. And so those are the type of contractors that, you know, they come in, they provide engineering for the balance of the plan. They work with the turbine supplier which is a
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11:38 2 11:38 3 11:38 4 11:38 5 11:38 6 11:38 7 11:38 7 11:38 9 11:38 10 11:38 11 11:38 11 11:38 11 11:38 12 11:38 13 11:39 14	 to hear. I just want to explain, you're asking for terms such as, do we have a contract with GE? No, we have not procured turbines from GE. Do we have an obligation from a prior arrangement that gives them exclusivity? Yes, we do. Q. Okay. Okay. And so you indicated in your previous answer that the cost estimate found on page 2-85 of the amended ASC is probably too small? A. Too small. Q. And do you have any information to give us about how much too small it is? A. Well, the greatest component of the 	11:41 2 11:41 3 11:41 4 11:41 5 11:41 6 11:41 7 11:41 8 11:41 9 11:41 10 11:41 11 11:42 12 11:42 13 11:42 14	 Q what EPC is. Could you define that? A. That's engineer procure construct. And so those are the type of contractors that, you know, they come in, they provide engineering for the balance of the plan. They work with the turbine supplier which is a separate contract. The turbine supply agreement is separate. But it's EPC contractor who arranges and erects and constructs the project. So they're like the general contractor. If you were to go out and build a building, they'd be the general contractor that you hire even
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11:42 1	design is done by a separate consultant.	11:45 1	235, which is the maximum, is that that does
11:42 2	That's even prior to letting the EPC contract.	11:45 2	not identify specific turbines. It just says
11:42 3	Q. So the current preferred plan is	11:45 3	you can't have more than 244, is that the way
11:43 4	244 turbines?	11:45 4	the arrangement is?
11:43 5	A. Up to 244.	11:45 5	A. The 235 turbines that we can build
11:43 6	Q . Okay.	11:46 6	are precisely identified by coordinates in the
11:43 7	A. We're permitting the maximum extent	11:46 7	mitigation agreement, yes, and that's publicly
11:43 8	we believe we can optimally site on that	11:46 8	available.
11:43 9	project.	11:46 9	Q. Okay. So that's where I'd go to
11:43 10	Q. And I don't mean to be facetious in	11:46 10	look for that?
11:43 11	any manner, but the plan for 244 turbines maxes	11:46 11	A. Yeah, yeah.
11:43 12	out the project, is that for to say?	11:46 12	Q. Okay. So I want to go back a little
11:43 13	A. We will we will not go more than	11:46 13	bit of the history of the project.
11:43 14	244, but we cannot build more than 235 because	11:46 14	I understand you got involved in
11:43 15	we have an agreement with the Department of	11:46 15	2016?
11:43 16	Defense that's it's called a mitigation	11:46 16	A. 2018.
11:43 17	agreement. We're in the viewshed of the fossil	11:46 17	Q. 2018?
11:43 18	Oregon NORAD facility.	11:46 18	A. Yes.
11:43 19	And so they've as part of the	11:46 19	Q. Okay. And what was the project when
11:43 20	mitigation response team, they evaluated our	11:46 20	you got involved?
11:43 21	turbine layouts and have indicated places where	11:46 21	A. When I got involved, it was a
11:44 22	we had to reduce the number of turbines. So	11:46 22	250-megawatt project intending to interconnect
11:44 23	we've we have an agreement with them where	11:46 23	at Red Mountain.
11:44 24	we could not build more than 235.	11:46 24	Q. And 250?
11:44 25	Q. And is the 235 turbine layout shown	11:46 25	A. 250 megawatts of wind, yes.
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	34		36
11:44 1	in the amended ASC?	11:46 1	Q. Of wind only?
11:44 2	A. No, because we want to permit all	11:46 2	Q. Of wind only?A. Yes.
11:44 2 11:44 3	A. No, because we want to permit all 244 so we have the flexibility as we optimize	11:46 2 11:46 3	Q. Of wind only?A. Yes.Q. And that was in 2018?
11:44 2 11:44 3 11:44 4	A. No, because we want to permit all 244 so we have the flexibility as we optimize this project, until we get to the point where	11:46211:46311:464	 Q. Of wind only? A. Yes. Q. And that was in 2018? A. That was in 2018, yes.
11:44 2 11:44 3 11:44 4 11:44 5	A. No, because we want to permit all 244 so we have the flexibility as we optimize this project, until we get to the point where we pull the trigger on the construction, we	11:46211:46311:46411:465	 Q. Of wind only? A. Yes. Q. And that was in 2018? A. That was in 2018, yes. Q. And was that a viable project?
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11:44 2 11:44 3 11:44 4 11:44 5 11:44 6 11:44 7	 A. No, because we want to permit all 244 so we have the flexibility as we optimize this project, until we get to the point where we pull the trigger on the construction, we need all of those locations available. I don't know what I'm going to lose 	11:46 2 11:46 3 11:46 4 11:46 5 11:46 6 11:46 7	 Q. Of wind only? A. Yes. Q. And that was in 2018? A. That was in 2018, yes. Q. And was that a viable project? MS. PERLMUTTER: Objection as to form. You can answer.
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11:44 2 11:44 3 11:44 4 11:44 5 11:44 6 11:44 7 11:44 7 11:44 9 11:44 10 11:44 10 11:45 13 11:45 14 11:45 15 11:45 16 11:45 17 11:45 18 11:45 20 11:45 21 11:45 21 11:45 23 11:45 24	 A. No, because we want to permit all 244 so we have the flexibility as we optimize this project, until we get to the point where we pull the trigger on the construction, we need all of those locations available. I don't know what I'm going to lose in the next week for something to pop up that says, that's too much cut and fill. We can't build that one. You got to use one of the others that you got on the bench, and replace it. So I've got to have all 244 sites permitted so I have that flexibility to build the optimal, most suitable project for whoever the ultimate offtake entity is, or entities. It could be more. Q. Okay. A. Or we could sell the project to somebody. I mean, all these things are on the table. It's what developers do. I mean, we're a private developer. We're trying to satisfy a market. And, you know, as opportunities come available, we'll evaluate them to the fullest. 	11:46 2 11:46 3 11:46 4 11:46 5 11:46 6 11:47 8 11:47 9 11:47 10 11:47 11 11:47 12 11:47 13 11:47 14 11:47 15 11:47 16 11:47 17 11:47 18 11:47 20 11:47 21 11:47 23 11:48 24	 Q. Of wind only? A. Yes. Q. And that was in 2018? A. That was in 2018, yes. Q. And was that a viable project? MS. PERLMUTTER: Objection as to form. You can answer. THE WITNESS: Every iteration we have in the development of the project is intended to get it to the most viable state we can. As it turns out, you know, we never did have a success path to interconnect at Red Mountain, and that's why we gave up that interconnection request. BY MR. ARAMBURU: Q. That was a BPA connection? A. Yeah, yeah. Q. And what was wrong with Red Mountain? A. We how do I say it? It was challenging to get all of the easements that were required to get our gen-tie installed from the project site to actually to the Red

1146 1 In the Interform, we were competting 1151 1 100 megawatt interconnection queues to use up the 1148 2 against another wind developer that had bases 1151 2 remaining available capacity on the 230 kV side 1148 4 with our leases on the project site. 1151 4 0 0.500 hdt then went up to 350 1148 6 competitor, acquired their assets, acquired how 1151 6 A. Yes. At the time, that was all 1149 1 incon the west, which made the 115 kV 1151 6 A. Yes. At the time, that was all 1141 1 project had expanded to be well. I think at 1151 7 from them? 1149 4 A. But, you know, our job as developers 1151 0 A. Yes. 1149 1 acquired heiz commic. 1151 0 A 250 megawatt and a 100 megawatt? 1149 1 actic continuing to finesse and optimize and 1151 0 A 250 megawatt and a 100 megawatt? 1149 1 actic continuing to finesse and optimize and 1151 1 1400 1149 1 actic contake in more attractive,	_	37		39
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11:50 16 250 megawatt wind project? 11:52 16 project? I mean, was there a design 11:50 17 A. Yes. 11:52 17 A. It's in the it's in the 11:50 18 Q. So, then, what was the next 11:52 18 application for site certification, yes. 11:50 19 iteration of the project? 11:52 19 Q. Okay. Okay. So that adds up to 11:50 20 A. Well, the next iteration was to 11:52 20 650, then?	11:49411:49511:49611:49711:50811:50911:501011:501111:501211:5013	 as a result of acquiring those assets. Q. Which include leases? A. I'm sorry? Q. Which include leases, land leases? A. No. With WPD, we've acquired all of the land lease that we desire. And they've given up the ones we didn't desire. And so, yes, we're the only ones out there that have leases, that I know of. Q. So just to backtrack a little bit. 	11:52 4 11:52 5 11:52 6 11:52 7 11:52 8 11:52 9 11:52 10 11:52 11 11:52 11 11:52 11 11:52 12 11:52 13	 Q. Then we go from 250 plus 100. And then what's the next iteration after that? A. The next iteration after that was to file a 300 megawatt solar. So that would make it 650 megawatts of interconnection on the 230 kV system. Q. And that was east or west? A. That was the east side. Q. Okay. So 350 of wind and 300 of solar?
11:50 17 A. Yes. 11:52 17 A. It's in the it's in the 11:50 18 Q. So, then, what was the next 11:52 18 application for site certification, yes. 11:50 19 iteration of the project? 11:52 19 Q. Okay. Okay. So that adds up to 11:50 20 A. Well, the next iteration was to 11:52 20 650, then?	11:49411:49511:49611:49711:50811:50911:501011:501111:501211:501311:5014	 as a result of acquiring those assets. Q. Which include leases? A. I'm sorry? Q. Which include leases, land leases? A. No. With WPD, we've acquired all of the land lease that we desire. And they've given up the ones we didn't desire. And so, yes, we're the only ones out there that have leases, that I know of. Q. So just to backtrack a little bit. When you came on board in 2018, the 	11:52 4 11:52 5 11:52 6 11:52 7 11:52 8 11:52 9 11:52 10 11:52 11 11:52 12 11:52 12 11:52 13 11:52 14	 Q. Then we go from 250 plus 100. And then what's the next iteration after that? A. The next iteration after that was to file a 300 megawatt solar. So that would make it 650 megawatts of interconnection on the 230 kV system. Q. And that was east or west? A. That was the east side. Q. Okay. So 350 of wind and 300 of solar? A. Yes.
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11:50 19 iteration of the project? 11:52 19 Q. Okay. Okay. So that adds up to 11:50 20 A. Well, the next iteration was to 11:52 20 650, then?	11:49411:49511:49611:50811:50911:501011:501111:501211:501311:501411:501511:5016	 as a result of acquiring those assets. Q. Which include leases? A. I'm sorry? Q. Which include leases, land leases? A. No. With WPD, we've acquired all of the land lease that we desire. And they've given up the ones we didn't desire. And so, yes, we're the only ones out there that have leases, that I know of. Q. So just to backtrack a little bit. When you came on board in 2018, the project that was then under consideration was a 250 megawatt wind project? 	11:52411:52511:52611:52711:52811:521011:521111:521211:521311:521411:521511:5216	 Q. Then we go from 250 plus 100. And then what's the next iteration after that? A. The next iteration after that was to file a 300 megawatt solar. So that would make it 650 megawatts of interconnection on the 230 kV system. Q. And that was east or west? A. That was the east side. Q. Okay. So 350 of wind and 300 of solar? A. Yes. Q. And was there a layout for that project? I mean, was there a design
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11:50 21 acquire leases from WPD and this eastern 11:52 21 A. Yes.	11:49411:49511:49611:49711:50811:50911:501011:501111:501211:501311:501411:501511:501611:501711:501811:5019	 as a result of acquiring those assets. Q. Which include leases? A. I'm sorry? Q. Which include leases, land leases? A. No. With WPD, we've acquired all of the land lease that we desire. And they've given up the ones we didn't desire. And so, yes, we're the only ones out there that have leases, that I know of. Q. So just to backtrack a little bit. When you came on board in 2018, the project that was then under consideration was a 250 megawatt wind project? A. Yes. Q. So, then, what was the next iteration of the project? 	11:52411:52511:52611:52711:52811:52911:521011:521111:521211:521311:521411:521511:521611:521711:521811:5219	 Q. Then we go from 250 plus 100. And then what's the next iteration after that? A. The next iteration after that was to file a 300 megawatt solar. So that would make it 650 megawatts of interconnection on the 230 kV system. Q. And that was east or west? A. That was the east side. Q. Okay. So 350 of wind and 300 of solar? A. Yes. Q. And was there a layout for that project? I mean, was there a design A. It's in the it's in the application for site certification, yes. Q. Okay. Okay. So that adds up to
11:50 22 interconnection that they had that was in the 11:53 22 Q. Then what was the next iteration of	11:49411:49511:49611:49711:50811:50911:501011:501111:501211:501311:501411:501511:501611:501711:501811:5019	 as a result of acquiring those assets. Q. Which include leases? A. I'm sorry? Q. Which include leases, land leases? A. No. With WPD, we've acquired all of the land lease that we desire. And they've given up the ones we didn't desire. And so, yes, we're the only ones out there that have leases, that I know of. Q. So just to backtrack a little bit. When you came on board in 2018, the project that was then under consideration was a 250 megawatt wind project? A. Yes. Q. So, then, what was the next iteration of the project? 	11:52411:52511:52611:52711:52811:52911:521011:521111:521211:521311:521411:521511:521611:521711:521811:5219	 Q. Then we go from 250 plus 100. And then what's the next iteration after that? A. The next iteration after that was to file a 300 megawatt solar. So that would make it 650 megawatts of interconnection on the 230 kV system. Q. And that was east or west? A. That was the east side. Q. Okay. So 350 of wind and 300 of solar? A. Yes. Q. And was there a layout for that project? I mean, was there a design A. It's in the it's in the application for site certification, yes. Q. Okay. Okay. So that adds up to
11:50 23 queue for 250 megawatts. 11:53 23 the project?	11:49411:49511:49611:49711:50811:50911:501011:501111:501211:501311:501411:501511:501611:501711:501811:502011:5021	 as a result of acquiring those assets. Q. Which include leases? A. I'm sorry? Q. Which include leases, land leases? A. No. With WPD, we've acquired all of the land lease that we desire. And they've given up the ones we didn't desire. And so, yes, we're the only ones out there that have leases, that I know of. Q. So just to backtrack a little bit. When you came on board in 2018, the project that was then under consideration was a 250 megawatt wind project? A. Yes. Q. So, then, what was the next iteration of the project? A. Well, the next iteration was to acquire leases from WPD and this eastern 	11:52 4 11:52 5 11:52 6 11:52 7 11:52 8 11:52 9 11:52 10 11:52 11 11:52 12 11:52 13 11:52 14 11:52 15 11:52 16 11:52 17 11:52 18 11:52 19 11:52 20 11:52 21	 Q. Then we go from 250 plus 100. And then what's the next iteration after that? A. The next iteration after that was to file a 300 megawatt solar. So that would make it 650 megawatts of interconnection on the 230 kV system. Q. And that was east or west? A. That was the east side. Q. Okay. So 350 of wind and 300 of solar? A. Yes. Q. And was there a layout for that project? I mean, was there a design A. It's in the it's in the application for site certification, yes. Q. Okay. Okay. So that adds up to 650, then? A. Yes.
11:50 24But then, since we had more assets,11:53 24A.We filed for 100 megawatts of solar	11:49411:49511:49611:49711:50811:50911:501011:501111:501211:501311:501411:501511:501611:501711:501811:502011:502111:5022	 as a result of acquiring those assets. Q. Which include leases? A. I'm sorry? Q. Which include leases, land leases? A. No. With WPD, we've acquired all of the land lease that we desire. And they've given up the ones we didn't desire. And so, yes, we're the only ones out there that have leases, that I know of. Q. So just to backtrack a little bit. When you came on board in 2018, the project that was then under consideration was a 250 megawatt wind project? A. Yes. Q. So, then, what was the next iteration of the project? A. Well, the next iteration was to acquire leases from WPD and this eastern interconnection that they had that was in the 	11:52 4 11:52 5 11:52 6 11:52 7 11:52 8 11:52 9 11:52 10 11:52 11 11:52 12 11:52 13 11:52 14 11:52 15 11:52 16 11:52 17 11:52 18 11:52 19 11:52 20 11:52 21 11:53 22	 Q. Then we go from 250 plus 100. And then what's the next iteration after that? A. The next iteration after that was to file a 300 megawatt solar. So that would make it 650 megawatts of interconnection on the 230 kV system. Q. And that was east or west? A. That was the east side. Q. Okay. So 350 of wind and 300 of solar? A. Yes. Q. And was there a layout for that project? I mean, was there a design A. It's in the it's in the application for site certification, yes. Q. Okay. Okay. So that adds up to 650, then? A. Yes. Q. Then what was the next iteration of
11:50 25 more ability to interconnect, we added another 11:53 25 overbuild.	11:49411:49511:49611:49711:50811:50911:501011:501111:501211:501311:501411:501511:501611:501711:501811:502011:502111:502211:5023	 as a result of acquiring those assets. Q. Which include leases? A. I'm sorry? Q. Which include leases, land leases? A. No. With WPD, we've acquired all of the land lease that we desire. And they've given up the ones we didn't desire. And so, yes, we're the only ones out there that have leases, that I know of. Q. So just to backtrack a little bit. When you came on board in 2018, the project that was then under consideration was a 250 megawatt wind project? A. Yes. Q. So, then, what was the next iteration of the project? A. Well, the next iteration was to acquire leases from WPD and this eastern interconnection that they had that was in the queue for 250 megawatts. 	11:52 4 11:52 5 11:52 6 11:52 7 11:52 8 11:52 9 11:52 10 11:52 11 11:52 12 11:52 13 11:52 14 11:52 15 11:52 16 11:52 17 11:52 18 11:52 20 11:52 21 11:53 22 11:53 23	 Q. Then we go from 250 plus 100. And then what's the next iteration after that? A. The next iteration after that was to file a 300 megawatt solar. So that would make it 650 megawatts of interconnection on the 230 kV system. Q. And that was east or west? A. That was the east side. Q. Okay. So 350 of wind and 300 of solar? A. Yes. Q. And was there a layout for that project? I mean, was there a design A. It's in the it's in the application for site certification, yes. Q. Okay. Okay. So that adds up to 650, then? A. Yes. Q. Then what was the next iteration of the project?
TRI-CITIES COURT REPORTING SERVICE, LLC TRI-CITIES COURT REPORTING SERVICE, LLC	11:49411:49511:49611:49711:50811:50911:501011:501111:501211:501311:501411:501511:501611:501711:501811:502011:502111:502211:502311:5024	 as a result of acquiring those assets. Q. Which include leases? A. I'm sorry? Q. Which include leases, land leases? A. No. With WPD, we've acquired all of the land lease that we desire. And they've given up the ones we didn't desire. And so, yes, we're the only ones out there that have leases, that I know of. Q. So just to backtrack a little bit. When you came on board in 2018, the project that was then under consideration was a 250 megawatt wind project? A. Yes. Q. So, then, what was the next iteration of the project? A. Well, the next iteration was to acquire leases from WPD and this eastern interconnection that they had that was in the queue for 250 megawatts. But then, since we had more assets, 	11:52411:52511:52611:52711:52811:52911:521011:521111:521211:521311:521411:521511:521611:521711:521811:521911:522011:522111:532211:532311:5324	 Q. Then we go from 250 plus 100. And then what's the next iteration after that? A. The next iteration after that was to file a 300 megawatt solar. So that would make it 650 megawatts of interconnection on the 230 kV system. Q. And that was east or west? A. That was the east side. Q. Okay. So 350 of wind and 300 of solar? A. Yes. Q. And was there a layout for that project? I mean, was there a design A. It's in the it's in the application for site certification, yes. Q. Okay. Okay. So that adds up to 650, then? A. Yes. Q. Then what was the next iteration of the project? A. We filed for 100 megawatts of solar
509.942.8477 509.942.8477	11:49411:49511:49611:49711:50811:50911:501011:501111:501211:501311:501411:501511:501611:501711:501811:502011:502111:502211:502311:5024	 as a result of acquiring those assets. Q. Which include leases? A. I'm sorry? Q. Which include leases, land leases? A. No. With WPD, we've acquired all of the land lease that we desire. And they've given up the ones we didn't desire. And so, yes, we're the only ones out there that have leases, that I know of. Q. So just to backtrack a little bit. When you came on board in 2018, the project that was then under consideration was a 250 megawatt wind project? A. Yes. Q. So, then, what was the next iteration of the project? A. Well, the next iteration was to acquire leases from WPD and this eastern interconnection that they had that was in the queue for 250 megawatts. But then, since we had more assets, more ability to interconnect, we added another 	11:52411:52511:52611:52711:52811:52911:521011:521111:521211:521311:521411:521511:521611:521711:521811:521911:522011:522111:532211:532311:5324	 Q. Then we go from 250 plus 100. And then what's the next iteration after that? A. The next iteration after that was to file a 300 megawatt solar. So that would make it 650 megawatts of interconnection on the 230 kV system. Q. And that was east or west? A. That was the east side. Q. Okay. So 350 of wind and 300 of solar? A. Yes. Q. And was there a layout for that project? I mean, was there a design A. It's in the it's in the application for site certification, yes. Q. Okay. Okay. So that adds up to 650, then? A. Yes. Q. Then what was the next iteration of the project? A. We filed for 100 megawatts of solar overbuild.

	41		43
11:53 1	Q . Okay.	11:55 1	Okay. The solar's there and
11:53 2	A. Want me to explain that?	11:55 2	available. It's daytime. We can just start
11:53 3	Q. Yes. And what do you mean by	11:55 3	injecting the solar to maintain 350 megawatts,
11:53 4	overbuild?	11:55 4	even though the wind has died down.
11:53 5	A. It means that we're interconnecting	11:55 5	Q . So over the course of a year, what
11:53 6	100 megawatts, but it's not it's not in	11:56 6	period of time in percentages, perhaps, would
11:53 7	increasing the amount of transmitted energy on	11:56 7	you not be able to use the full capacity, the
11:53 8	the system. It's literally behind the meter.	11:56 8	full nameplate capacity and interject it into
11:53 9	So it says you can never exceed	11:56 9	the grid?
11:53 10	350 megawatts on the system. But you have	11:56 10	MS. PERLMUTTER: Objection. Calls
11:53 11	100 megawatts of solar that if, say, the wind	11:56 11	for speculation. You can answer.
11:53 12	dies down, then you can interject that into the	11:56 12	THE WITNESS: You know, that's kind
11:53 13	system as long as you maintain below	11:56 12	of a commercial concern. That's I mean,
11:54 14	350 megawatts. So that's available	11:56 14	that's the intellectual property that,
11:54 15	transmission capacity is the terminology that's	11:56 15	we're trying to market this project, and
11:54 16	used.	11:56 16	we're designing various components of it to
11:54 17	Q. So in various places in the	11:56 17	optimize the output relative to the
11:54 18	application you use the term "grid injection	11:56 18	climatic conditions that are here.
11:54 19	capacity"?	11:56 19	And we spend a lot of effort to make
11:54 20	A. Yes.	11:56 20	sure those numbers are ideal. And we work
11:54 21	Q. Is that what we're talking about?	11:56 21	with our potential offtakers I mean,
11:54 21	A. Grid injection capacity is kind of	11:57 22	that's why we did the 100 megawatts
11:54 23	the term that relates to what you can inject	11:57 23	overbuild was in response to an offtaker's
11:54 24	into the system and have it go where you	11:57 23	desire to be able to optimize the
11:54 25	desire.	11:57 25	transition on the grid.
11.34 20	TRI-CITIES COURT REPORTING SERVICE, LLC	11.57 20	TRI-CITIES COURT REPORTING SERVICE, LLC
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11:54 1	42 Q So why is there a grid injection	11:57 1	44
11:54 1 11:54 2	Q. So why is there a grid injection	11:57 1 11:57 2	44 And what I mean by that is, if you
11:54 2	Q. So why is there a grid injectioncapacity? What causes that to happen?	11:57 1 11:57 2 11:57 3	44 And what I mean by that is, if you have 350 megawatts of wind, you've got have
11:54 2 11:54 3	Q. So why is there a grid injectioncapacity? What causes that to happen?A. That's the capability of the	11:57 2 11:57 3	44 And what I mean by that is, if you have 350 megawatts of wind, you've got have 350 megawatts of capacity. Well, what
11:54 2 11:54 3 11:54 4	 Q. So why is there a grid injection capacity? What causes that to happen? A. That's the capability of the Bonneville system. It has limitations. I 	11:57 2 11:57 3 11:57 4	44 And what I mean by that is, if you have 350 megawatts of wind, you've got have 350 megawatts of capacity. Well, what happens when the wind stops blowing? You
11:54211:54311:54411:545	 Q. So why is there a grid injection capacity? What causes that to happen? A. That's the capability of the Bonneville system. It has limitations. I mean, wires have limits. Bonneville has to 	11:57211:57311:57411:575	44 And what I mean by that is, if you have 350 megawatts of wind, you've got have 350 megawatts of capacity. Well, what happens when the wind stops blowing? You still have that obligation. You're still
11:54211:54311:54411:54511:546	 Q. So why is there a grid injection capacity? What causes that to happen? A. That's the capability of the Bonneville system. It has limitations. I mean, wires have limits. Bonneville has to manage reliability on the grid, so they have to 	11:57 2 11:57 3 11:57 4 11:57 5 11:57 6	44 And what I mean by that is, if you have 350 megawatts of wind, you've got have 350 megawatts of capacity. Well, what happens when the wind stops blowing? You still have that obligation. You're still paying for that capacity on the system.
11:54 2 11:54 3 11:54 4 11:54 5 11:54 6	 Q. So why is there a grid injection capacity? What causes that to happen? A. That's the capability of the Bonneville system. It has limitations. I mean, wires have limits. Bonneville has to manage reliability on the grid, so they have to maintain the electrical characteristics of 	11:57 2 11:57 3 11:57 4 11:57 5 11:57 6	44 And what I mean by that is, if you have 350 megawatts of wind, you've got have 350 megawatts of capacity. Well, what happens when the wind stops blowing? You still have that obligation. You're still paying for that capacity on the system. So what if you could add solar that
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11:54211:54311:54411:54511:54611:54711:54811:551011:551111:551211:551311:551411:551611:551611:551911:552011:552111:552211:552311:5524	 Q. So why is there a grid injection capacity? What causes that to happen? A. That's the capability of the Bonneville system. It has limitations. I mean, wires have limits. Bonneville has to manage reliability on the grid, so they have to maintain the electrical characteristics of everybody that's interconnected with the grid. And so they do a lot of study to determine, you know, how much can be inter injected at any point in the system. Q. And any hope that you can get your overbuild into the system? MS. PERLMUTTER: Objection as to form. You can answer. THE WITNESS: We don't need to. It's overbuild. BY MR. ARAMBURU: Q. Okay. A. You inject it whenever you drop below 350 megawatts injection, you can use some of that overbuild. Let me just go through. Let's say, you know, the wind is blowing, we're generating 350 megawatts injection of wind on 	11:57 2 11:57 3 11:57 4 11:57 5 11:57 6 11:57 7 11:57 8 11:57 9 11:57 10 11:57 12 11:57 12 11:57 13 11:57 14 11:57 16 11:58 17 11:58 19 11:58 20 11:58 21 11:58 23 11:58 23 11:58 24	44 And what I mean by that is, if you have 350 megawatts of wind, you've got have 350 megawatts of capacity. Well, what happens when the wind stops blowing? You still have that obligation. You're still paying for that capacity on the system. So what if you could add solar that would ramp up using that same contractual capacity to use it when the wind is not? You're optimizing your system. And the same thing goes for battery storage. The intent is to optimize it so when you've got solar, when you've got that excess solar that's there and able to generate, you can divert it to charge the battery without using the transmission system. And so all of these things work together to optimize the project for the eventual offtaker. BY MR. ARAMBURU: Q. I understand that. And who was the offtaker that wanted the 100 overbuild, the 100 megawatts overbuild?

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11:58 1	MS. PERLMUTTER: You tell me. If	12:00 1	on anything, but I don't have all those numbers
11:58 2	that's confidential, then I'm going to	12:00 1	at my on the tip of my tongue.
11:58 3	object and ask him not to respond.	12:00 2 12:00 3	Q. Okay. But there are certain times
11:58 4	THE WITNESS: It's confidential	12:00 3	of the year when the overbuild for solar or the
11:58 5	negotiations. I'm not at liberty to say	12:00 4	overbuild for wind, correct? There's an
11:58 6	that.	12:00 5	overbuild for wind?
11:58 7	BY MR. ARAMBURU:	12:00 0	A. Yes.
11:58 8	Q. Are these ongoing negotiations now?	12:00 7	Q. Okay. Both of those might be
11:58 9	A. Yes.	12:00 9	optimized when one or the other declines in
11:58 10	Q. My question to you is without regard	12:00 9	production?
11:58 11	to an offtaker or purchaser of the project.	12:01 10	A. Correct. Well, the overbuild on the
11:58 12	My question to you is, you've	12:01 12	wind is a bit different.
11:58 13	described a scenario by which wind slows down,	12:01 12	Q. Explain why.
11:58 14	but the sun keeps shining just like it's	12:01 10	A. The overbuild on the wind is, from
11:58 15	shining out today?	12:01 15	the point of generation to the actual point of
11:58 16	A. Yeah.	12:01 16	delivery to the grid, there's electrical
11:58 17	Q. And then you can ramp up the sun to	12:01 10 12:01 17	losses.
11:58 18	take account of the declining production from	12:01 17	And so, with the wind, you can
11:58 19	your wind turbines, correct?	12:01 10	technically have those overbuilt turbines
11:59 20	A. Exactly. You got it. You got.	12:01 19	functioning all the time because all they're
11:59 20	Q. Okay. Now, my question to you is,	12:01 20	doing is making up for the losses between your
11:59 22	how often does that happen? What period of	12:01 21	nameplate generation and what's actually
11:59 23	time over the year? Is this 10 percent of the	12:01 23	getting injected into the grid.
11:59 24	year, 20 percent of the year, 50 percent of the	12:01 24	Q. I'm sorry, doesn't that depend on
11:59 25	year? How often does this happen?	12:01 25	the length of the transmission?
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	46		48
11:59 1	46 A. Frequently.	12:01 1	48 A. It depends on all things electrical
11:59 1 11:59 2		12:01 1 12:01 2	
	A. Frequently.	-	A. It depends on all things electrical
11:59 2	A. Frequently.Q. Well, I mean, but can you help me	12:01 2 12:01 3	A. It depends on all things electrical related to the project. There could be
11:59 2 11:59 3	 A. Frequently. Q. Well, I mean, but can you help me with some sort of quantification if you would, 	12:01 2 12:01 3	A. It depends on all things electrical related to the project. There could be turbines on one side of the project generating
11:59211:59311:594	 A. Frequently. Q. Well, I mean, but can you help me with some sort of quantification if you would, Mr. Kobus? 	12:01212:01312:014	A. It depends on all things electrical related to the project. There could be turbines on one side of the project generating fairly strongly and on the other side not.
11:59211:59311:59411:595	 A. Frequently. Q. Well, I mean, but can you help me with some sort of quantification if you would, Mr. Kobus? A. I would rather refrain from it 	12:01212:01312:01412:025	A. It depends on all things electrical related to the project. There could be turbines on one side of the project generating fairly strongly and on the other side not. So it's just, you know, a dynamic
11:59 2 11:59 3 11:59 4 11:59 5 11:59 6	 A. Frequently. Q. Well, I mean, but can you help me with some sort of quantification if you would, Mr. Kobus? A. I would rather refrain from it because we're still optimizing the project. I 	12:01 2 12:01 3 12:01 4 12:02 5 12:02 6	A. It depends on all things electrical related to the project. There could be turbines on one side of the project generating fairly strongly and on the other side not. So it's just, you know, a dynamic where you have the overbuild design to be the
11:59 2 11:59 3 11:59 4 11:59 5 11:59 6 11:59 7 11:59 8 11:59 9	 A. Frequently. Q. Well, I mean, but can you help me with some sort of quantification if you would, Mr. Kobus? A. I would rather refrain from it because we're still optimizing the project. I mean, we don't know what size the batteries are going to be. You know, we know what size the solar is going to be, but that is our 	12:01 2 12:01 3 12:02 5 12:02 6 12:02 7 12:02 8 12:02 9	A. It depends on all things electrical related to the project. There could be turbines on one side of the project generating fairly strongly and on the other side not. So it's just, you know, a dynamic where you have the overbuild design to be the desired amount to make up for the average electrical losses on the project. But recognize you can never exceed your available
11:59 2 11:59 3 11:59 4 11:59 5 11:59 6 11:59 7 11:59 8 11:59 9 11:59 10	 A. Frequently. Q. Well, I mean, but can you help me with some sort of quantification if you would, Mr. Kobus? A. I would rather refrain from it because we're still optimizing the project. I mean, we don't know what size the batteries are going to be. You know, we know what size the solar is going to be, but that is our intellectual property. That's what we do for a 	12:01 2 12:01 3 12:02 5 12:02 6 12:02 7 12:02 8 12:02 9 12:02 10	A. It depends on all things electrical related to the project. There could be turbines on one side of the project generating fairly strongly and on the other side not. So it's just, you know, a dynamic where you have the overbuild design to be the desired amount to make up for the average electrical losses on the project. But recognize you can never exceed your available injection capacity.
11:59 2 11:59 3 11:59 4 11:59 5 11:59 6 11:59 7 11:59 8 11:59 9 11:59 10 11:59 11	 A. Frequently. Q. Well, I mean, but can you help me with some sort of quantification if you would, Mr. Kobus? A. I would rather refrain from it because we're still optimizing the project. I mean, we don't know what size the batteries are going to be. You know, we know what size the solar is going to be, but that is our intellectual property. That's what we do for a living. 	12:01 2 12:01 3 12:02 5 12:02 6 12:02 7 12:02 8 12:02 9 12:02 10 12:02 11	 A. It depends on all things electrical related to the project. There could be turbines on one side of the project generating fairly strongly and on the other side not. So it's just, you know, a dynamic where you have the overbuild design to be the desired amount to make up for the average electrical losses on the project. But recognize you can never exceed your available injection capacity. Q. Okay. But you're talking about line
11:59 2 11:59 3 11:59 4 11:59 5 11:59 6 11:59 7 11:59 8 11:59 9 11:59 10 11:59 11 11:59 11 11:59 11 11:59 11	 A. Frequently. Q. Well, I mean, but can you help me with some sort of quantification if you would, Mr. Kobus? A. I would rather refrain from it because we're still optimizing the project. I mean, we don't know what size the batteries are going to be. You know, we know what size the solar is going to be, but that is our intellectual property. That's what we do for a living. Q. But these are mathematical 	12:01 2 12:01 3 12:02 5 12:02 6 12:02 7 12:02 8 12:02 9 12:02 10 12:02 11 12:02 12	 A. It depends on all things electrical related to the project. There could be turbines on one side of the project generating fairly strongly and on the other side not. So it's just, you know, a dynamic where you have the overbuild design to be the desired amount to make up for the average electrical losses on the project. But recognize you can never exceed your available injection capacity. Q. Okay. But you're talking about line losses, right?
11:59 2 11:59 3 11:59 4 11:59 5 11:59 6 11:59 7 11:59 8 11:59 9 11:59 10 11:59 11 11:59 11 11:59 11 11:59 12 11:59 13	 A. Frequently. Q. Well, I mean, but can you help me with some sort of quantification if you would, Mr. Kobus? A. I would rather refrain from it because we're still optimizing the project. I mean, we don't know what size the batteries are going to be. You know, we know what size the solar is going to be, but that is our intellectual property. That's what we do for a living. Q. But these are mathematical calculations, are they not? These are 	12:01 2 12:01 3 12:02 5 12:02 6 12:02 7 12:02 8 12:02 9 12:02 10 12:02 11 12:02 12 12:02 13	 A. It depends on all things electrical related to the project. There could be turbines on one side of the project generating fairly strongly and on the other side not. So it's just, you know, a dynamic where you have the overbuild design to be the desired amount to make up for the average electrical losses on the project. But recognize you can never exceed your available injection capacity. Q. Okay. But you're talking about line losses, right? A. Yeah.
11:59211:59311:59411:59511:59611:59711:59811:591011:591111:591211:591311:5914	 A. Frequently. Q. Well, I mean, but can you help me with some sort of quantification if you would, Mr. Kobus? A. I would rather refrain from it because we're still optimizing the project. I mean, we don't know what size the batteries are going to be. You know, we know what size the solar is going to be, but that is our intellectual property. That's what we do for a living. Q. But these are mathematical calculations, are they not? These are calculations that you make? 	12:01 2 12:01 3 12:02 5 12:02 6 12:02 7 12:02 8 12:02 9 12:02 10 12:02 11 12:02 12 12:02 13 12:02 14	 A. It depends on all things electrical related to the project. There could be turbines on one side of the project generating fairly strongly and on the other side not. So it's just, you know, a dynamic where you have the overbuild design to be the desired amount to make up for the average electrical losses on the project. But recognize you can never exceed your available injection capacity. Q. Okay. But you're talking about line losses, right? A. Yeah. Q. That's, what, 3, 4 percent at most?
11:59211:59311:59411:59511:59611:59711:59811:591011:591111:591211:591311:591411:5915	 A. Frequently. Q. Well, I mean, but can you help me with some sort of quantification if you would, Mr. Kobus? A. I would rather refrain from it because we're still optimizing the project. I mean, we don't know what size the batteries are going to be. You know, we know what size the solar is going to be, but that is our intellectual property. That's what we do for a living. Q. But these are mathematical calculations, are they not? These are calculations that you make? A. I have to know the exact conditions 	12:01 2 12:01 3 12:02 5 12:02 6 12:02 7 12:02 8 12:02 9 12:02 10 12:02 11 12:02 12 12:02 13 12:02 14 12:02 15	 A. It depends on all things electrical related to the project. There could be turbines on one side of the project generating fairly strongly and on the other side not. So it's just, you know, a dynamic where you have the overbuild design to be the desired amount to make up for the average electrical losses on the project. But recognize you can never exceed your available injection capacity. Q. Okay. But you're talking about line losses, right? A. Yeah. Q. That's, what, 3, 4 percent at most? A. That's probably a fairly good
11:59211:59311:59411:59511:59611:59711:59811:591011:591111:591211:591311:591411:591511:5916	 A. Frequently. Q. Well, I mean, but can you help me with some sort of quantification if you would, Mr. Kobus? A. I would rather refrain from it because we're still optimizing the project. I mean, we don't know what size the batteries are going to be. You know, we know what size the solar is going to be, but that is our intellectual property. That's what we do for a living. Q. But these are mathematical calculations, are they not? These are calculations that you make? A. I have to know the exact conditions of what size the battery is, what time of year 	12:01 2 12:01 3 12:02 5 12:02 6 12:02 7 12:02 7 12:02 9 12:02 10 12:02 12 12:02 12 12:02 12 12:02 12 12:02 13 12:02 14 12:02 15 12:02 16	 A. It depends on all things electrical related to the project. There could be turbines on one side of the project generating fairly strongly and on the other side not. So it's just, you know, a dynamic where you have the overbuild design to be the desired amount to make up for the average electrical losses on the project. But recognize you can never exceed your available injection capacity. Q. Okay. But you're talking about line losses, right? A. Yeah. Q. That's, what, 3, 4 percent at most? A. That's probably a fairly good number, yeah.
11:59211:59311:59411:59511:59611:59711:59811:591011:591111:591211:591311:591411:591511:591612:0017	 A. Frequently. Q. Well, I mean, but can you help me with some sort of quantification if you would, Mr. Kobus? A. I would rather refrain from it because we're still optimizing the project. I mean, we don't know what size the batteries are going to be. You know, we know what size the solar is going to be, but that is our intellectual property. That's what we do for a living. Q. But these are mathematical calculations, are they not? These are calculations that you make? A. I have to know the exact conditions of what size the battery is, what time of year that you're talking about, to, you know, be 	12:01 2 12:01 3 12:02 5 12:02 6 12:02 7 12:02 8 12:02 9 12:02 10 12:02 11 12:02 12 12:02 13 12:02 15 12:02 16 12:02 17	 A. It depends on all things electrical related to the project. There could be turbines on one side of the project generating fairly strongly and on the other side not. So it's just, you know, a dynamic where you have the overbuild design to be the desired amount to make up for the average electrical losses on the project. But recognize you can never exceed your available injection capacity. Q. Okay. But you're talking about line losses, right? A. Yeah. Q. That's, what, 3, 4 percent at most? A. That's probably a fairly good number, yeah. Q. But you're not overbuilding because
11:59 2 11:59 3 11:59 4 11:59 5 11:59 6 11:59 7 11:59 8 11:59 9 11:59 10 11:59 11 11:59 12 11:59 13 11:59 14 11:59 15 11:59 16 12:00 17 12:00 18	 A. Frequently. Q. Well, I mean, but can you help me with some sort of quantification if you would, Mr. Kobus? A. I would rather refrain from it because we're still optimizing the project. I mean, we don't know what size the batteries are going to be. You know, we know what size the solar is going to be, but that is our intellectual property. That's what we do for a living. Q. But these are mathematical calculations, are they not? These are calculations that you make? A. I have to know the exact conditions of what size the battery is, what time of year that you're talking about, to, you know, be able to determine what that optimization level 	12:01 2 12:01 3 12:02 5 12:02 6 12:02 7 12:02 8 12:02 9 12:02 10 12:02 11 12:02 12 12:02 13 12:02 13 12:02 15 12:02 16 12:02 17 12:02 18	 A. It depends on all things electrical related to the project. There could be turbines on one side of the project generating fairly strongly and on the other side not. So it's just, you know, a dynamic where you have the overbuild design to be the desired amount to make up for the average electrical losses on the project. But recognize you can never exceed your available injection capacity. Q. Okay. But you're talking about line losses, right? A. Yeah. Q. That's, what, 3, 4 percent at most? A. That's probably a fairly good number, yeah. Q. But you're not overbuilding because you're losing 3 or 4 percent on the
11:59211:59311:59411:59511:59611:59711:59811:591011:591011:591211:591311:591411:591511:591612:001812:0019	 A. Frequently. Q. Well, I mean, but can you help me with some sort of quantification if you would, Mr. Kobus? A. I would rather refrain from it because we're still optimizing the project. I mean, we don't know what size the batteries are going to be. You know, we know what size the solar is going to be, but that is our intellectual property. That's what we do for a living. Q. But these are mathematical calculations, are they not? These are calculations that you make? A. I have to know the exact conditions of what size the battery is, what time of year that you're talking about, to, you know, be able to determine what that optimization level is. But bottom line, I can't spout it off, off 	12:01 2 12:01 3 12:02 5 12:02 6 12:02 7 12:02 7 12:02 9 12:02 10 12:02 12 12:02 12 12:02 13 12:02 14 12:02 15 12:02 16 12:02 18 12:02 19	 A. It depends on all things electrical related to the project. There could be turbines on one side of the project generating fairly strongly and on the other side not. So it's just, you know, a dynamic where you have the overbuild design to be the desired amount to make up for the average electrical losses on the project. But recognize you can never exceed your available injection capacity. Q. Okay. But you're talking about line losses, right? A. Yeah. Q. That's, what, 3, 4 percent at most? A. That's probably a fairly good number, yeah. Q. But you're not overbuilding because you're losing 3 or 4 percent on the transmission, are you?
11:59211:59311:59411:59511:59611:59711:59811:591011:591011:591111:591211:591311:591411:591511:591612:001712:001912:0020	 A. Frequently. Q. Well, I mean, but can you help me with some sort of quantification if you would, Mr. Kobus? A. I would rather refrain from it because we're still optimizing the project. I mean, we don't know what size the batteries are going to be. You know, we know what size the solar is going to be, but that is our intellectual property. That's what we do for a living. Q. But these are mathematical calculations, are they not? These are calculations that you make? A. I have to know the exact conditions of what size the battery is, what time of year that you're talking about, to, you know, be able to determine what that optimization level is. But bottom line, I can't spout it off, off the cuff. If I said a number, I'd be wrong. 	12:01 2 12:01 3 12:02 5 12:02 6 12:02 7 12:02 7 12:02 9 12:02 10 12:02 12 12:02 12 12:02 13 12:02 14 12:02 15 12:02 16 12:02 17 12:02 18 12:02 19 12:02 20	 A. It depends on all things electrical related to the project. There could be turbines on one side of the project generating fairly strongly and on the other side not. So it's just, you know, a dynamic where you have the overbuild design to be the desired amount to make up for the average electrical losses on the project. But recognize you can never exceed your available injection capacity. Q. Okay. But you're talking about line losses, right? A. Yeah. Q. That's, what, 3, 4 percent at most? A. That's probably a fairly good number, yeah. Q. But you're not overbuilding because you're losing 3 or 4 percent on the transmission, are you? A. Oh, yes, we are.
11:59 2 11:59 3 11:59 4 11:59 5 11:59 6 11:59 7 11:59 8 11:59 9 11:59 10 11:59 11 11:59 12 11:59 13 11:59 14 11:59 15 11:59 16 12:00 17 12:00 19 12:00 20 12:00 21	 A. Frequently. Q. Well, I mean, but can you help me with some sort of quantification if you would, Mr. Kobus? A. I would rather refrain from it because we're still optimizing the project. I mean, we don't know what size the batteries are going to be. You know, we know what size the solar is going to be, but that is our intellectual property. That's what we do for a living. Q. But these are mathematical calculations, are they not? These are calculations that you make? A. I have to know the exact conditions of what size the battery is, what time of year that you're talking about, to, you know, be able to determine what that optimization level is. But bottom line, I can't spout it off, off the cuff. If I said a number, I'd be wrong. Q. Why? 	12:01 2 12:01 3 12:02 5 12:02 6 12:02 7 12:02 7 12:02 9 12:02 10 12:02 11 12:02 12 12:02 13 12:02 14 12:02 15 12:02 16 12:02 18 12:02 19 12:02 20 12:02 21	 A. It depends on all things electrical related to the project. There could be turbines on one side of the project generating fairly strongly and on the other side not. So it's just, you know, a dynamic where you have the overbuild design to be the desired amount to make up for the average electrical losses on the project. But recognize you can never exceed your available injection capacity. Q. Okay. But you're talking about line losses, right? A. Yeah. Q. That's, what, 3, 4 percent at most? A. That's probably a fairly good number, yeah. Q. But you're not overbuilding because you're losing 3 or 4 percent on the transmission, are you? A. Oh, yes, we are. Q. That's the sole reason for
11:59211:59311:59411:59511:59611:59711:59811:591011:591011:591211:591311:591411:591511:591612:001712:001812:002012:002112:0022	 A. Frequently. Q. Well, I mean, but can you help me with some sort of quantification if you would, Mr. Kobus? A. I would rather refrain from it because we're still optimizing the project. I mean, we don't know what size the batteries are going to be. You know, we know what size the solar is going to be, but that is our intellectual property. That's what we do for a living. Q. But these are mathematical calculations, are they not? These are calculations that you make? A. I have to know the exact conditions of what size the battery is, what time of year that you're talking about, to, you know, be able to determine what that optimization level is. But bottom line, I can't spout it off, off the cuff. If I said a number, I'd be wrong. Q. Why? A. Because you said this is a big 	12:01 2 12:01 3 12:02 5 12:02 6 12:02 7 12:02 7 12:02 8 12:02 10 12:02 11 12:02 12 12:02 13 12:02 14 12:02 15 12:02 16 12:02 18 12:02 19 12:02 20 12:02 21	 A. It depends on all things electrical related to the project. There could be turbines on one side of the project generating fairly strongly and on the other side not. So it's just, you know, a dynamic where you have the overbuild design to be the desired amount to make up for the average electrical losses on the project. But recognize you can never exceed your available injection capacity. Q. Okay. But you're talking about line losses, right? A. Yeah. Q. That's, what, 3, 4 percent at most? A. That's probably a fairly good number, yeah. Q. But you're not overbuilding because you're losing 3 or 4 percent on the transmission, are you? A. Oh, yes, we are. Q. That's the sole reason for overbuild?
11:59211:59311:59411:59511:59611:59711:59811:591011:591111:591211:591311:591411:591511:591612:001712:001812:002012:002112:002212:0023	 A. Frequently. Q. Well, I mean, but can you help me with some sort of quantification if you would, Mr. Kobus? A. I would rather refrain from it because we're still optimizing the project. I mean, we don't know what size the batteries are going to be. You know, we know what size the solar is going to be, but that is our intellectual property. That's what we do for a living. Q. But these are mathematical calculations, are they not? These are calculations that you make? A. I have to know the exact conditions of what size the battery is, what time of year that you're talking about, to, you know, be able to determine what that optimization level is. But bottom line, I can't spout it off, off the cuff. If I said a number, I'd be wrong. Q. Why? A. Because you said this is a big document. And I'm the project manager for this 	12:01 2 12:01 3 12:02 5 12:02 6 12:02 7 12:02 7 12:02 8 12:02 10 12:02 12 12:02 12 12:02 12 12:02 13 12:02 14 12:02 15 12:02 16 12:02 17 12:02 18 12:02 20 12:02 21 12:02 22 12:02 23	 A. It depends on all things electrical related to the project. There could be turbines on one side of the project generating fairly strongly and on the other side not. So it's just, you know, a dynamic where you have the overbuild design to be the desired amount to make up for the average electrical losses on the project. But recognize you can never exceed your available injection capacity. Q. Okay. But you're talking about line losses, right? A. Yeah. Q. That's, what, 3, 4 percent at most? A. That's probably a fairly good number, yeah. Q. But you're not overbuilding because you're losing 3 or 4 percent on the transmission, are you? A. Oh, yes, we are. Q. That's the sole reason for overbuild? A. Oh, yes.
11:59211:59311:59411:59511:59611:59711:59811:591011:591111:591211:591311:591411:591511:591612:001712:002012:002112:002212:002312:0024	 A. Frequently. Q. Well, I mean, but can you help me with some sort of quantification if you would, Mr. Kobus? A. I would rather refrain from it because we're still optimizing the project. I mean, we don't know what size the batteries are going to be. You know, we know what size the solar is going to be, but that is our intellectual property. That's what we do for a living. Q. But these are mathematical calculations, are they not? These are calculations that you make? A. I have to know the exact conditions of what size the battery is, what time of year that you're talking about, to, you know, be able to determine what that optimization level is. But bottom line, I can't spout it off, off the cuff. If I said a number, I'd be wrong. Q. Why? A. Because you said this is a big document. And I'm the project manager for this site, and I have to know a little bit about 	12:01 2 12:01 3 12:02 5 12:02 6 12:02 7 12:02 7 12:02 9 12:02 10 12:02 11 12:02 12 12:02 13 12:02 14 12:02 16 12:02 16 12:02 18 12:02 20 12:02 21 12:02 22 12:02 23 12:02 23	 A. It depends on all things electrical related to the project. There could be turbines on one side of the project generating fairly strongly and on the other side not. So it's just, you know, a dynamic where you have the overbuild design to be the desired amount to make up for the average electrical losses on the project. But recognize you can never exceed your available injection capacity. Q. Okay. But you're talking about line losses, right? A. Yeah. Q. That's, what, 3, 4 percent at most? A. That's probably a fairly good number, yeah. Q. But you're not overbuilding because you're losing 3 or 4 percent on the transmission, are you? A. Oh, yes, we are. Q. That's the sole reason for overbuild? A. Oh, yes. MS. PERLMUTTER: Objection.
11:59211:59311:59411:59511:59611:59711:59811:591011:591111:591211:591311:591411:591511:591612:001712:001812:002012:002112:002212:0023	 A. Frequently. Q. Well, I mean, but can you help me with some sort of quantification if you would, Mr. Kobus? A. I would rather refrain from it because we're still optimizing the project. I mean, we don't know what size the batteries are going to be. You know, we know what size the solar is going to be, but that is our intellectual property. That's what we do for a living. Q. But these are mathematical calculations, are they not? These are calculations that you make? A. I have to know the exact conditions of what size the battery is, what time of year that you're talking about, to, you know, be able to determine what that optimization level is. But bottom line, I can't spout it off, off the cuff. If I said a number, I'd be wrong. Q. Why? A. Because you said this is a big document. And I'm the project manager for this site, and I have to know a little bit about everything. So I can be a few questions deep 	12:01 2 12:01 3 12:02 5 12:02 6 12:02 7 12:02 7 12:02 8 12:02 10 12:02 12 12:02 12 12:02 12 12:02 13 12:02 14 12:02 15 12:02 16 12:02 17 12:02 18 12:02 20 12:02 21 12:02 22 12:02 23	 A. It depends on all things electrical related to the project. There could be turbines on one side of the project generating fairly strongly and on the other side not. So it's just, you know, a dynamic where you have the overbuild design to be the desired amount to make up for the average electrical losses on the project. But recognize you can never exceed your available injection capacity. Q. Okay. But you're talking about line losses, right? A. Yeah. Q. That's, what, 3, 4 percent at most? A. That's probably a fairly good number, yeah. Q. But you're not overbuilding because you're losing 3 or 4 percent on the transmission, are you? A. Oh, yes, we are. Q. That's the sole reason for overbuild? A. Oh, yes. MS. PERLMUTTER: Objection. Mischaracterizes his testimony. But you
11:59211:59311:59411:59511:59611:59711:59811:591011:591111:591211:591311:591411:591511:591612:001712:002012:002112:002212:002312:0024	 A. Frequently. Q. Well, I mean, but can you help me with some sort of quantification if you would, Mr. Kobus? A. I would rather refrain from it because we're still optimizing the project. I mean, we don't know what size the batteries are going to be. You know, we know what size the solar is going to be, but that is our intellectual property. That's what we do for a living. Q. But these are mathematical calculations, are they not? These are calculations that you make? A. I have to know the exact conditions of what size the battery is, what time of year that you're talking about, to, you know, be able to determine what that optimization level is. But bottom line, I can't spout it off, off the cuff. If I said a number, I'd be wrong. Q. Why? A. Because you said this is a big document. And I'm the project manager for this site, and I have to know a little bit about 	12:01 2 12:01 3 12:02 5 12:02 6 12:02 7 12:02 7 12:02 9 12:02 10 12:02 11 12:02 12 12:02 13 12:02 14 12:02 16 12:02 16 12:02 18 12:02 20 12:02 21 12:02 22 12:02 23 12:02 23	 A. It depends on all things electrical related to the project. There could be turbines on one side of the project generating fairly strongly and on the other side not. So it's just, you know, a dynamic where you have the overbuild design to be the desired amount to make up for the average electrical losses on the project. But recognize you can never exceed your available injection capacity. Q. Okay. But you're talking about line losses, right? A. Yeah. Q. That's, what, 3, 4 percent at most? A. That's probably a fairly good number, yeah. Q. But you're not overbuilding because you're losing 3 or 4 percent on the transmission, are you? A. Oh, yes, we are. Q. That's the sole reason for overbuild? A. Oh, yes. MS. PERLMUTTER: Objection.

	49		51
12:02 1	can answer.	12:05 1	I can actually have more solar
12:02 2	THE WITNESS: Yes. We have other	12:05 2	panels than the nameplate rating of the
12:02 3	projects within the Scout portfolio that we	12:05 3	inverter to increase efficiency of the
12:02 4	have overbuilt turbines for that exact	12:05 4	operative project.
12:02 5	reason, and it works quite well.	12:05 5	Because the sun doesn't shine all
12:02 6	BY MR. ARAMBURU:	12:05 6	the time. And so we actually optimize the
12:02 7	Q. So if you get to a situation where	12:05 7	number of solar panels. So if you're looking
12:03 8	the grid can no longer take power because	12:05 8	at nameplate solar panels, that can actually
12:03 9	you've reached grid injection capacity, then at	12:05 9	even be higher.
12:03 10	that point, whatever solar energy is being	12:05 10	That's a difficulty with evaluating
12:03 11	produced or turbine energy is being produced	12:05 11	it this way is that, you know, these are
12:03 12	isn't doing anything, is it?	12:05 12	parameters related to our agreements with
12:03 13	A. We have we will have what's	12:06 13	Bonneville, which is a federal power marketer.
12:03 14	called a park controller for the output of	12:06 14	And, you know, the State's just concerned that
12:03 15	project that will make sure you don't exceed	12:06 15	you meet Bonneville's criteria. And so, you
12:03 16	your injection limit for the grid. And it will	12:06 16	know, we're designing the project with that in
12:03 17	ramp back on any generators as necessary to	12:06 17	mind.
12:03 18	remain below that maximum injection capacity.	12:06 18	But the key parameters are what we
12:03 19	Q. Okay. So if you've reached grid	12:06 19	say in the application for site certification,
12:03 20	injection capacity, and you've got do you	12:06 20	and that's the nameplate capacity of the wind
12:03 21	turn off the turbines, then? Is that what you	12:06 21	and the nameplate capacity of inverters.
12:03 22	do?	12:06 22	Q. I'm going to really try to simplify
12:03 23	A. No. They're ramped back. I mean,	12:06 23	this, and if you don't agree with me, tell me.
12:04 24	you have the ability to dial back the	12:06 24	BPA doesn't care how many turbines
12:04 25	generation of any turbine, individually or as	12:06 25	you build, how many solar panels you put, or
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	E0		F0
12:04 1	50 Solution park	12:06 1	52
12:04 1	an entire park.	12:06 1	anything else, as long as you don't try to put
12:04 2	an entire park. Q. Okay. And you do that by changing	12:06 2	anything else, as long as you don't try to put more than a certain amount into the grid?
12:04 2 12:04 3	an entire park. Q. Okay. And you do that by changing pitch of the blades; is that right?	12:06 2 12:06 3	anything else, as long as you don't try to putmore than a certain amount into the grid?A. That's not true.
12:04 2 12:04 3 12:04 4	 an entire park. Q. Okay. And you do that by changing pitch of the blades; is that right? A. Generally, yeah. Yeah. 	12:06 2 12:06 3 12:06 4	 anything else, as long as you don't try to put more than a certain amount into the grid? A. That's not true. Q. Okay. Why am I wrong?
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12:04 2 12:04 3 12:04 4 12:04 5 12:04 6	 an entire park. Q. Okay. And you do that by changing pitch of the blades; is that right? A. Generally, yeah. Yeah. Q. Okay. We were going through the project here, and you've been very helpful with 	12:06212:06312:06412:06512:066	 anything else, as long as you don't try to put more than a certain amount into the grid? A. That's not true. Q. Okay. Why am I wrong? A. BPA has to manage the electrical characteristics of the grid and maintain
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12:04212:04312:04412:04512:04712:04812:04912:041012:041212:041312:041412:041512:051712:051812:052012:052112:052212:052312:0524	 an entire park. Q. Okay. And you do that by changing pitch of the blades; is that right? A. Generally, yeah. Yeah. Q. Okay. We were going through the project here, and you've been very helpful with trying to provide a bit of a kind of continuum here. So I think we're at the point of 350 wind, 300 solar, 650 total megawatts. A. Okay. I thought we were at the point of 350 wind, 300 solar, 100 solar. Q. Okay. Okay. A. Overbuild, 100 overbuild. Q. And if I'm trying to put words in your mouth, Mr. Kobus, tell me to stop, okay? A. All right. Q. So now we're up to it looks like, if my math is right, 750? A. Of generation, yes. Q. Okay. A. I mean, it can actually be more than that because the solar generation is based on the inverter, the nameplate rating of the 	12:06 2 12:06 3 12:06 4 12:06 5 12:07 7 12:07 8 12:07 9 12:07 10 12:07 12 12:07 13 12:07 14 12:07 16 12:07 18 12:07 20 12:07 21 12:07 22 12:07 23 12:08 24	 anything else, as long as you don't try to put more than a certain amount into the grid? A. That's not true. Q. Okay. Why am I wrong? A. BPA has to manage the electrical characteristics of the grid and maintain reliability for everyone that's interconnected. I can't overbuild any more than four turbines because that's what we filed in our interconnection application. So BPA cares very much. In fact, they care that the turbines we interconnect are state of the art technology and have certain electrical control characteristics that meet their criteria for grid reliability. So, yes, of course, Bonneville cares. Q. But their principle concern is that a solar farm, wind farm, hybrid project doesn't try to inject into the system more than a certain amount? MS. PERLMUTTER: Objection as to foundation. But you can answer if you can. THE WITNESS: They will assure that we do not inject more than we are
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12:04212:04312:04412:04512:04712:04812:04912:041012:041212:041312:041412:041512:051712:051812:052012:052112:052212:052312:0524	 an entire park. Q. Okay. And you do that by changing pitch of the blades; is that right? A. Generally, yeah. Yeah. Q. Okay. We were going through the project here, and you've been very helpful with trying to provide a bit of a kind of continuum here. So I think we're at the point of 350 wind, 300 solar, 650 total megawatts. A. Okay. I thought we were at the point of 350 wind, 300 solar, 100 solar. Q. Okay. Okay. A. Overbuild, 100 overbuild. Q. And if I'm trying to put words in your mouth, Mr. Kobus, tell me to stop, okay? A. All right. Q. So now we're up to it looks like, if my math is right, 750? A. Of generation, yes. Q. Okay. A. I mean, it can actually be more than that because the solar generation is based on the inverter, the nameplate rating of the 	12:06 2 12:06 3 12:06 4 12:06 5 12:07 7 12:07 8 12:07 9 12:07 10 12:07 12 12:07 13 12:07 14 12:07 16 12:07 18 12:07 20 12:07 21 12:07 22 12:07 23 12:08 24	 anything else, as long as you don't try to put more than a certain amount into the grid? A. That's not true. Q. Okay. Why am I wrong? A. BPA has to manage the electrical characteristics of the grid and maintain reliability for everyone that's interconnected. I can't overbuild any more than four turbines because that's what we filed in our interconnection application. So BPA cares very much. In fact, they care that the turbines we interconnect are state of the art technology and have certain electrical control characteristics that meet their criteria for grid reliability. So, yes, of course, Bonneville cares. Q. But their principle concern is that a solar farm, wind farm, hybrid project doesn't try to inject into the system more than a certain amount? MS. PERLMUTTER: Objection as to foundation. But you can answer if you can. THE WITNESS: They will assure that we do not inject more than we are

	53		55
12:08 1	us to have devices associated with the	12:10 1	150 larger turbines? Is that a corporate
12:08 2	project that control that.	12:10 1	decision made as of now?
12:08 3	BY MR. ARAMBURU:	12:11 2	A. No. We that will be a
12:08 3	Q. Okay. Okay. Now, I think we're up	12:11 3	last-minute determination when we go to the
12:08 4	to around 750. Now, what's the next step in	12:11 4 12:11 5	_
12:08 5	the continuum of the project?	12:11 5	turbine supplier and negotiate for the turbine that we desire to have.
12:08 7	A. We terminated the 300 megawatt	12:11 0	Q. So there's interconnect proposals
12:08 8	interconnection request on the east side.	12:11 7	that have been made to BPA, am I correct about
12:08 9	Q. Why was that?	12:11 0	that?
12:08 9	A. We discovered that when Bonneville	12:11 9	A. Yeah.
12:08 10		12:11 10	
12:08 11 12:08 12	was doing their feasibility studies, that what	12:11 11 12:11 12	Q. For the whole project?A. Yes.
12:08 12 12:08 13	they would have required to do for the network	12:11 12 12:11 13	
	would have been extremely costly. And we	12:11 13 12:11 14	
12:09 14 12:09 15	decided that it would not have been in the best	12:11 14 12:11 15	A. We have we're at the E&P
	interest of our potential offtake market to		agreement stage for both interconnections,
12:09 16 12:09 17	shoulder that kind of cost.	12:11 16 12:11 17	which means Bonneville is doing engineering and
	Q. So you forgot about the 350, then?		procurement that we have funded to advance the
12:09 18 12:09 19	MS. PERLMUTTER: Objection. Form.	12:11 18 12:11 19	design of the projects, culminating in a large
12:09 19 12:09 20	You can answer. THE WITNESS: The 350 is still	12:11 19 12:11 20	generator interconnection agreement once we
12:09 20 12:09 21	there. This is the extra 300 solar that we	12:11 20 12:12 21	have unappealable permit available.
12:09 21 12:09 22	added and then terminated.	12:12 21 12:12 22	Q. And when do you expect the decision on the interconnect with BPA?
12:09 22 12:09 23	BY MR. ARAMBURU:	12:12 22 12:12 23	
12:09 23 12:09 24	Q. Okay. But as I understand it,	12:12 23 12:12 24	A. At the point we have an unappealable permit.
12:09 24 12:09 25	the you terminated the your position in	12:12 24 12:12 25	Q . If you got your permit today, would
12.09 20	TRI-CITIES COURT REPORTING SERVICE, LLC	12.12 20	TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	54		56
12:09 1	54 the queue for the 3502	12·12 1	56
12:09 1 12:09 2	the queue for the 350?	12:12 1	you get the approval from the interconnect
12:09 2	the queue for the 350? A. No. For the 300.	12:12 2	you get the approval from the interconnect large interconnect agreement with BPA?
12:09 2 12:09 3	the queue for the 350?A. No. For the 300.Q. Oh, for the 300. Excuse me.	12:12 2 12:12 3	you get the approval from the interconnectlarge interconnect agreement with BPA?A. Within a very short period of time,
12:09 2 12:09 3 12:09 4	 the queue for the 350? A. No. For the 300. Q. Oh, for the 300. Excuse me. A. The extra 300 solar. Every one of 	12:12212:12312:124	 you get the approval from the interconnect large interconnect agreement with BPA? A. Within a very short period of time, yes.
12:09 2 12:09 3	 the queue for the 350? A. No. For the 300. Q. Oh, for the 300. Excuse me. A. The extra 300 solar. Every one of these interconnects is a precise application 	12:12 2 12:12 3	 you get the approval from the interconnect large interconnect agreement with BPA? A. Within a very short period of time, yes. Q. I understand from the application
12:09212:09312:09412:095	 the queue for the 350? A. No. For the 300. Q. Oh, for the 300. Excuse me. A. The extra 300 solar. Every one of these interconnects is a precise application document and a precise queue position and, you 	12:12212:12312:12412:125	 you get the approval from the interconnect large interconnect agreement with BPA? A. Within a very short period of time, yes.
12:09212:09312:09412:09512:096	 the queue for the 350? A. No. For the 300. Q. Oh, for the 300. Excuse me. A. The extra 300 solar. Every one of these interconnects is a precise application 	12:12 2 12:12 3 12:12 4 12:12 5 12:12 6	 you get the approval from the interconnect large interconnect agreement with BPA? A. Within a very short period of time, yes. Q. I understand from the application that they're going through a NEPA review
12:09 2 12:09 3 12:09 4 12:09 5 12:09 6 12:09 7	 the queue for the 350? A. No. For the 300. Q. Oh, for the 300. Excuse me. A. The extra 300 solar. Every one of these interconnects is a precise application document and a precise queue position and, you know, meets all of Bonneville's tariff 	12:12 2 12:12 3 12:12 4 12:12 5 12:12 6 12:12 7	 you get the approval from the interconnect large interconnect agreement with BPA? A. Within a very short period of time, yes. Q. I understand from the application that they're going through a NEPA review process?
12:09 2 12:09 3 12:09 4 12:09 5 12:09 6 12:09 7 12:10 8	 the queue for the 350? A. No. For the 300. Q. Oh, for the 300. Excuse me. A. The extra 300 solar. Every one of these interconnects is a precise application document and a precise queue position and, you know, meets all of Bonneville's tariff requirements related to it. 	12:12 2 12:12 3 12:12 4 12:12 5 12:12 6 12:12 7 12:12 8	 you get the approval from the interconnect large interconnect agreement with BPA? A. Within a very short period of time, yes. Q. I understand from the application that they're going through a NEPA review process? A. Yes, yeah.
12:09212:09312:09412:09512:09612:09712:10812:109	 the queue for the 350? A. No. For the 300. Q. Oh, for the 300. Excuse me. A. The extra 300 solar. Every one of these interconnects is a precise application document and a precise queue position and, you know, meets all of Bonneville's tariff requirements related to it. So they manage the queue. And so if 	12:12 2 12:12 3 12:12 4 12:12 5 12:12 6 12:12 7 12:12 8 12:12 9	 you get the approval from the interconnect large interconnect agreement with BPA? A. Within a very short period of time, yes. Q. I understand from the application that they're going through a NEPA review process? A. Yes, yeah. Q. And when will that be complete?
12:09 2 12:09 3 12:09 4 12:09 5 12:09 6 12:09 7 12:10 8 12:10 9 12:10 10	 the queue for the 350? A. No. For the 300. Q. Oh, for the 300. Excuse me. A. The extra 300 solar. Every one of these interconnects is a precise application document and a precise queue position and, you know, meets all of Bonneville's tariff requirements related to it. So they manage the queue. And so if you put in 300 and then terminate it, it 	12:12 2 12:12 3 12:12 4 12:12 5 12:12 6 12:12 7 12:12 8 12:12 9 12:12 10	 you get the approval from the interconnect large interconnect agreement with BPA? A. Within a very short period of time, yes. Q. I understand from the application that they're going through a NEPA review process? A. Yes, yeah. Q. And when will that be complete? MS. PERLMUTTER: Objection.
12:09212:09312:09412:09512:09612:09712:10812:10912:101012:1011	 the queue for the 350? A. No. For the 300. Q. Oh, for the 300. Excuse me. A. The extra 300 solar. Every one of these interconnects is a precise application document and a precise queue position and, you know, meets all of Bonneville's tariff requirements related to it. So they manage the queue. And so if you put in 300 and then terminate it, it doesn't affect anything else in the queue. You 	12:12 2 12:12 3 12:12 4 12:12 5 12:12 6 12:12 7 12:12 8 12:12 9 12:12 10 12:12 11	 you get the approval from the interconnect large interconnect agreement with BPA? A. Within a very short period of time, yes. Q. I understand from the application that they're going through a NEPA review process? A. Yes, yeah. Q. And when will that be complete? MS. PERLMUTTER: Objection. Foundation. You can answer if you know.
12:09212:09312:09412:09512:09612:09712:10812:101012:101112:1012	 the queue for the 350? A. No. For the 300. Q. Oh, for the 300. Excuse me. A. The extra 300 solar. Every one of these interconnects is a precise application document and a precise queue position and, you know, meets all of Bonneville's tariff requirements related to it. So they manage the queue. And so if you put in 300 and then terminate it, it doesn't affect anything else in the queue. You just terminated your queue position for that 	12:12 2 12:12 3 12:12 4 12:12 5 12:12 6 12:12 7 12:12 8 12:12 9 12:12 10 12:12 11 12:12 12	 you get the approval from the interconnect large interconnect agreement with BPA? A. Within a very short period of time, yes. Q. I understand from the application that they're going through a NEPA review process? A. Yes, yeah. Q. And when will that be complete? MS. PERLMUTTER: Objection. Foundation. You can answer if you know. THE WITNESS: Typically, it's the
12:09212:09312:09412:09512:09612:09712:10812:101012:101112:101212:101212:101212:1013	 the queue for the 350? A. No. For the 300. Q. Oh, for the 300. Excuse me. A. The extra 300 solar. Every one of these interconnects is a precise application document and a precise queue position and, you know, meets all of Bonneville's tariff requirements related to it. So they manage the queue. And so if you put in 300 and then terminate it, it doesn't affect anything else in the queue. You just terminated your queue position for that 300 desired injection. 	12:12 2 12:12 3 12:12 4 12:12 5 12:12 6 12:12 7 12:12 8 12:12 9 12:12 10 12:12 12 12:12 13	 you get the approval from the interconnect large interconnect agreement with BPA? A. Within a very short period of time, yes. Q. I understand from the application that they're going through a NEPA review process? A. Yes, yeah. Q. And when will that be complete? MS. PERLMUTTER: Objection. Foundation. You can answer if you know. THE WITNESS: Typically, it's the last thing they do before issuing the large
12:09212:09312:09412:09512:09612:09712:10812:101012:101012:101112:101212:101312:1014	 the queue for the 350? A. No. For the 300. Q. Oh, for the 300. Excuse me. A. The extra 300 solar. Every one of these interconnects is a precise application document and a precise queue position and, you know, meets all of Bonneville's tariff requirements related to it. So they manage the queue. And so if you put in 300 and then terminate it, it doesn't affect anything else in the queue. You just terminated your queue position for that 300 desired injection. Q. Somebody else moves up? 	12:12 2 12:12 3 12:12 4 12:12 5 12:12 6 12:12 7 12:12 8 12:12 9 12:12 10 12:12 11 12:12 12 12:12 13 12:12 14	 you get the approval from the interconnect large interconnect agreement with BPA? A. Within a very short period of time, yes. Q. I understand from the application that they're going through a NEPA review process? A. Yes, yeah. Q. And when will that be complete? MS. PERLMUTTER: Objection. Foundation. You can answer if you know. THE WITNESS: Typically, it's the last thing they do before issuing the large generator interconnect agreement.
12:09212:09312:09412:09512:09612:09712:10812:101012:101112:101212:101312:101412:1015	 the queue for the 350? A. No. For the 300. Q. Oh, for the 300. Excuse me. A. The extra 300 solar. Every one of these interconnects is a precise application document and a precise queue position and, you know, meets all of Bonneville's tariff requirements related to it. So they manage the queue. And so if you put in 300 and then terminate it, it doesn't affect anything else in the queue. You just terminated your queue position for that 300 desired injection. Q. Somebody else moves up? A. In this case, anybody could file, 	12:12 2 12:12 3 12:12 4 12:12 5 12:12 6 12:12 7 12:12 8 12:12 9 12:12 10 12:12 12 12:12 13 12:12 14 12:12 15	 you get the approval from the interconnect large interconnect agreement with BPA? A. Within a very short period of time, yes. Q. I understand from the application that they're going through a NEPA review process? A. Yes, yeah. Q. And when will that be complete? MS. PERLMUTTER: Objection. Foundation. You can answer if you know. THE WITNESS: Typically, it's the last thing they do before issuing the large generator interconnect agreement. BY MR. ARAMBURU:
12:09212:09312:09412:09512:09612:09712:10812:101012:101112:101212:101312:101412:101512:1016	 the queue for the 350? A. No. For the 300. Q. Oh, for the 300. Excuse me. A. The extra 300 solar. Every one of these interconnects is a precise application document and a precise queue position and, you know, meets all of Bonneville's tariff requirements related to it. So they manage the queue. And so if you put in 300 and then terminate it, it doesn't affect anything else in the queue. You just terminated your queue position for that 300 desired injection. Q. Somebody else moves up? A. In this case, anybody could file, but there wasn't capacity to do it because, as 	12:12 2 12:12 3 12:12 4 12:12 5 12:12 6 12:12 7 12:12 8 12:12 10 12:12 11 12:12 12 12:12 13 12:12 14 12:12 15 12:12 16	 you get the approval from the interconnect large interconnect agreement with BPA? A. Within a very short period of time, yes. Q. I understand from the application that they're going through a NEPA review process? A. Yes, yeah. Q. And when will that be complete? MS. PERLMUTTER: Objection. Foundation. You can answer if you know. THE WITNESS: Typically, it's the last thing they do before issuing the large generator interconnect agreement. BY MR. ARAMBURU: Q. Okay. And then I gather from
12:09212:09312:09412:09512:09612:09712:10812:101012:101112:101212:101312:101412:101512:101612:1017	 the queue for the 350? A. No. For the 300. Q. Oh, for the 300. Excuse me. A. The extra 300 solar. Every one of these interconnects is a precise application document and a precise queue position and, you know, meets all of Bonneville's tariff requirements related to it. So they manage the queue. And so if you put in 300 and then terminate it, it doesn't affect anything else in the queue. You just terminated your queue position for that 300 desired injection. Q. Somebody else moves up? A. In this case, anybody could file, but there wasn't capacity to do it because, as I said, when we had our feasibility study, it 	12:12 2 12:12 3 12:12 4 12:12 5 12:12 6 12:12 7 12:12 7 12:12 9 12:12 10 12:12 12 12:12 13 12:12 14 12:12 15 12:12 16 12:12 17	 you get the approval from the interconnect large interconnect agreement with BPA? A. Within a very short period of time, yes. Q. I understand from the application that they're going through a NEPA review process? A. Yes, yeah. Q. And when will that be complete? MS. PERLMUTTER: Objection. Foundation. You can answer if you know. THE WITNESS: Typically, it's the last thing they do before issuing the large generator interconnect agreement. BY MR. ARAMBURU: Q. Okay. And then I gather from reading the application, sometime or another,
12:09212:09312:09412:09512:09612:09712:10812:101012:101112:101212:101312:101412:101512:101612:101712:1018	 the queue for the 350? A. No. For the 300. Q. Oh, for the 300. Excuse me. A. The extra 300 solar. Every one of these interconnects is a precise application document and a precise queue position and, you know, meets all of Bonneville's tariff requirements related to it. So they manage the queue. And so if you put in 300 and then terminate it, it doesn't affect anything else in the queue. You just terminated your queue position for that 300 desired injection. Q. Somebody else moves up? A. In this case, anybody could file, but there wasn't capacity to do it because, as I said, when we had our feasibility study, it was determined that the network upgrades that 	12:12 2 12:12 3 12:12 4 12:12 5 12:12 6 12:12 7 12:12 8 12:12 9 12:12 10 12:12 11 12:12 13 12:12 13 12:12 14 12:12 15 12:12 16 12:12 17 12:12 18	 you get the approval from the interconnect large interconnect agreement with BPA? A. Within a very short period of time, yes. Q. I understand from the application that they're going through a NEPA review process? A. Yes, yeah. Q. And when will that be complete? MS. PERLMUTTER: Objection. Foundation. You can answer if you know. THE WITNESS: Typically, it's the last thing they do before issuing the large generator interconnect agreement. BY MR. ARAMBURU: Q. Okay. And then I gather from reading the application, sometime or another, batteries were added to this thing?
12:09212:09312:09412:09512:09612:09712:10812:101012:101112:101212:101312:101412:101512:101612:101712:101812:1019	 the queue for the 350? A. No. For the 300. Q. Oh, for the 300. Excuse me. A. The extra 300 solar. Every one of these interconnects is a precise application document and a precise queue position and, you know, meets all of Bonneville's tariff requirements related to it. So they manage the queue. And so if you put in 300 and then terminate it, it doesn't affect anything else in the queue. You just terminated your queue position for that 300 desired injection. Q. Somebody else moves up? A. In this case, anybody could file, but there wasn't capacity to do it because, as I said, when we had our feasibility study, it was determined that the network upgrades that would be required well, I don't want to 	12:12 2 12:12 3 12:12 4 12:12 5 12:12 6 12:12 7 12:12 8 12:12 10 12:12 11 12:12 12 12:12 13 12:12 14 12:12 15 12:12 16 12:12 18 12:12 19	 you get the approval from the interconnect large interconnect agreement with BPA? A. Within a very short period of time, yes. Q. I understand from the application that they're going through a NEPA review process? A. Yes, yeah. Q. And when will that be complete? MS. PERLMUTTER: Objection. Foundation. You can answer if you know. THE WITNESS: Typically, it's the last thing they do before issuing the large generator interconnect agreement. BY MR. ARAMBURU: Q. Okay. And then I gather from reading the application, sometime or another, batteries were added to this thing? A. Yes, battery storage.
12:09212:09312:09412:09612:09712:10812:101012:101112:101212:101312:101412:101512:101612:101712:101812:102012:102112:102112:1021	 the queue for the 350? A. No. For the 300. Q. Oh, for the 300. Excuse me. A. The extra 300 solar. Every one of these interconnects is a precise application document and a precise queue position and, you know, meets all of Bonneville's tariff requirements related to it. So they manage the queue. And so if you put in 300 and then terminate it, it doesn't affect anything else in the queue. You just terminated your queue position for that 300 desired injection. Q. Somebody else moves up? A. In this case, anybody could file, but there wasn't capacity to do it because, as I said, when we had our feasibility study, it was determined that the network upgrades that would be required well, I don't want to repeat myself, so 	12:12 2 12:12 3 12:12 4 12:12 5 12:12 7 12:12 7 12:12 7 12:12 12 12:12 10 12:12 12 12:12 12 12:12 13 12:12 14 12:12 15 12:12 16 12:12 17 12:12 18 12:12 19 12:12 20	 you get the approval from the interconnect large interconnect agreement with BPA? A. Within a very short period of time, yes. Q. I understand from the application that they're going through a NEPA review process? A. Yes, yeah. Q. And when will that be complete? MS. PERLMUTTER: Objection. Foundation. You can answer if you know. THE WITNESS: Typically, it's the last thing they do before issuing the large generator interconnect agreement. BY MR. ARAMBURU: Q. Okay. And then I gather from reading the application, sometime or another, batteries were added to this thing? A. Yes, battery storage. Q. And when did that happen?
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			50
10.10	57	10.15 4	59
12:13 1	batteries in two and 1550 in each place, am	12:15 1	permitting to incorporate it.
12:13 2	I right about that?	12:16 2	Q. So would it be more than
12:13 3	A. Yes. We intended we have two	12:16 3	300 megawatts for batteries?
12:13 4	points of interconnection. And so, to optimize	12:16 4	MS. PERLMUTTER: Objection.
12:13 5	the project, we wanted the solar and the	12:16 5	Speculation. You can answer.
12:13 6	battery to be clustered by the interconnection	12:16 6	THE WITNESS: We don't intend to
12:13 7	to minimize the amount of wires to make it as	12:16 7	increase the size of the batteries, no.
12:13 8	cost effective as possible.	12:16 8	BY MR. ARAMBURU:
12:13 9	Because we didn't know where	12:16 9	Q. And I read in the application that
12:13 10	Bonneville was actually going to finally decide	12:16 10	the size of the area for the batteries is
12:13 11	where the western interconnect would be, we had	12:16 11	six acres; is that right?
12:13 12	to have a redundant part of the application to	12:16 12	A. Could be if we build the largest
12:13 13	cover whichever decision Bonneville would make	12:16 13	amount we were contemplating, yes.
12:13 14	so that we wouldn't have to add it to the	12:16 14	Q. But as we're sitting here today and
12:14 15	application later on in the process, which	12:16 15	we're thinking about whether this ought to be
12:14 16	would, you know, be an increased impact	12:16 16	approved or not, we should assume two battery
12:14 17	environmentally, so	12:16 17	locations with 150 megawatts each, correct?
12:14 18	Q . So I don't see any drawings or	12:16 18	A. That's correct.
12:14 19	designs or any engineering for the battery	12:16 19	THE COURT REPORTER: Can we take a
12:14 20	project. Is that ongoing that?	12:23 20	break?
12:14 21	A. That is ongoing, yes.	12:23 21	MR. ARAMBURU: Yes.
12:14 22	Q. But it's not here, is it? Here	12:23 22	(A recess was taken.)
12:14 23	I'm sorry, here as in the updated amended site	12:23 23	BY MR. ARAMBURU:
12:14 24	application?	12:23 24	Q. Mr. Kobus, we're back on the record
12:14 25	A. There's as much in there about the	12:23 25	now. I want to have you turn to page 2-15 of
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
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	58		60
12:14 1	battery as I believe there is about solar and	12:23 1	the amended ASC. So there's under
12:14 2	battery as I believe there is about solar and wind.	12:23 2	the amended ASC. So there's under section 2.3, there's some redline language that
12:14 2 12:14 3	battery as I believe there is about solar and wind. Q. Okay. Well, we have locations for	12:23 2 12:23 3	the amended ASC. So there's under section 2.3, there's some redline language that was added here.
12:14 2 12:14 3 12:14 4	battery as I believe there is about solar and wind. Q. Okay. Well, we have locations for the turbines.	12:23212:23312:234	the amended ASC. So there's under section 2.3, there's some redline language that was added here. Was that something you were
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12:14212:14312:14412:14612:14712:14812:151012:151112:151212:151312:151412:151612:151712:151812:152012:152112:152212:152312:1524	 battery as I believe there is about solar and wind. Q. Okay. Well, we have locations for the turbines. A. And the type of battery technology that's available in the market, the size of battery that we are anticipating using. Q. And the batteries are going to be lithium ions? A. That's the most commercially viable economical technology on the market today. However, it's going to be whatever the offtaker desires. The offtaker could step up and say, I want eight hour batteries, or I want a flow battery of a different technology, and we would scramble to accommodate that, if necessary, do an amendment to our SCA, and a supplemental EIS, if necessary, to accommodate it. Q. So let me understand that scenario. Scout would build the project to the specifications of the offtake, is that the way it works? A. We would attempt to design the project to meet their specifications, but we'd 	12:23 2 12:23 3 12:23 4 12:23 5 12:24 6 12:24 7 12:24 9 12:24 10 12:24 12 12:24 12 12:24 12 12:24 13 12:24 14 12:24 16 12:24 16 12:24 18 12:24 20 12:24 21 12:24 22 23 12:25 12:25 24	 the amended ASC. So there's under section 2.3, there's some redline language that was added here. Was that something you were responsible for? A. Yes, I was. Q. So do I have the right person as the one who wrote it? A. Yes, yes. Q. Okay. Wonderful, wonderful. Okay. And so why was the redline put in? What was the change that was necessary? Can you explain? MS. PERLMUTTER: Objection. The document speaks for itself. You can answer. THE WITNESS: There were two things that were going on, one with Bonneville and one with EFSEC staff. The EFSEC staff exchange was when EFSEC was going to publish the their notice, their SEPA notice for having to do an EIS BY MR. ARAMBURU: Q. Let me interrupt you.

	61		63
12:25 1	would that be the document?	12:28 1	Q. And have you provided that
12:25 2	A. Yes.	12:28 2	information to them?
12:25 3	Q. Okay. Excuse me for the	12:28 3	A. Yes. We filed an interconnection
12:25 4	interruption.	12:28 4	request to add four turbines, four additional
12:25 5	A. Yeah. And I had an exchange with	12:28 5	turbines of the same kind of turbine to the
12:25 6	Amy Hafkemeyer at EFSEC about the concept of	12:28 6	project configuration.
12:25 7	nameplate capacity. That, you know, I had	12:28 7	Q. Okay. And so over onto page
12:25 8	discovered that, you know, for example, on the	12:28 8	A. Just can I clarify one thing?
12:25 9	solar, if the application materials say	12:28 9	Q . Okay.
12:25 10	nameplate capacity, it depends on whether it's	12:28 10	A. These four overbuild turbines are
12:25 11	the solar inverters or the solar modules	12:28 11	part of the 235. They're not four additional
12:25 12	themselves, which as I said earlier, could add	12:28 12	that we're slamming out there. Okay. They
12:25 13	up to a larger amount of generation potential	12:28 13	would be part of the 235 that we're allowed to
12:25 14	than the inverter itself. And so we were	12:28 14	build.
12:26 15	clarifying the terminology related to nameplate	15	Q. Okay.
12:26 16	capacity so it was clear that you could	12:28 16	A. We would just configure the site so
12:26 17	overbuild.	12:28 17	that whatever was injecting on the east side
12:26 18	What was happening with Bonneville	12:28 18	had those four additional turbines injecting
12:26 19	is, Bonneville was, you know, maintaining the	12:28 19	there, so they wouldn't be available to inject
12:26 20	policy of the inverter nameplate for solar, but	12:29 20	on the west side.
12:26 21	they were also saying that you could not	12:29 21	Q. Okay. And more capacity in the east
12:26 22	overbuild wind.	12:29 22	side substation than the west?
12:26 23	And so we engaged in further	12:29 23	MS. PERLMUTTER: Objection as to
12:26 24	conversation with Bonneville and eventually	12:29 24	form. You can answer if you can.
12:26 25	came to the understanding we got to the	12:29 25	THE WITNESS: On the east side per
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10.00	62	40.00	64
12:26 1	right person in Bonneville, and came to understand that you could overbuild the wind,	12:29 1	the interconnect applications we have in the queue, we have the ability to interject
12:26 2 12:26 3	you just have to have a separate interconnect	12:29 2 12:29 3	350 megawatts of wind turbines, plus four
12:26 4	to do it. You have to spell out how many	12:29 4	more or or 13.6 more megawatts above
12:27 5	turbines, what type of turbines that you would	12:29 5	that 350 as overbuild.
12:27 6	use to be able to overbuild the wind.	12:29 6	BY MR. ARAMBURU:
12:27 7	So at that point it was clear we had	12:29 7	Q. Let me have you look at page 2-15,
12:27 8	to change the terminology so that it supported	12:29 8	the second full paragraph.
12:27 9	the fact that you could do overbuild of both	9	A. Okay.
12:27 10	solar panels and wind turbines.	12:29 10	Q. Is this something you wrote?
12:27 11	And so this redline was an intent to	12:29 11	A. Well, again, it's working with
12:27 12	just bring together all of that mutual	12:30 12	Tetra Tech, I contributed, you know, editorial,
12:27 13	understanding that occurred between us and	12:30 13	yes.
12:27 14	EFSEC and Bonneville at the time.	12:30 14	Q. So I'm reading this, and it says
12:27 15	Q. Well, let's stick with page 2-15.	12:30 15	that the transmitted the two two
12:27 16	A. Sure.	12:30 16	transmission lines, two interconnections, one
12:27 17	Q. You indicated that you could	12:30 17	east, one west.
12:27 18	overbuild, wind turbines push solar off to	12:30 18	A. Okay.
12:27 19	the side for a second overbuild wind	12:30 19	Q. And 650 megawatts of nameplate
12:27 20	turbines even though okay.	12:30 20	generating capacity could interconnect at the
12:27 21	You could overbuild wind turbines,	12:30 21	Bofer Canyon substation.
12:27 22	but BPA had to know how these wind turbines	12:30 22	A. Correct.
12:27 23	were going to get these overbuilt turbines	12:30 23	Q. But that's limited to the
12:28 24	were going to get on the system.	12:30 24	350 megawatts injection capacity, right?
12:28 25	A. Yeah.	12:31 25	A. That's actually an error. I need to
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12:31 1	fix that.	12:33 1	capacity, could interconnect to the BPA 500 kV
12:31 2	Q . Okay.	12:34 2	Webber Canyon substation.
12:31 3	A. Because at that time, the 650 was	12:34 3	But that doesn't say whether that's
12:31 4	the 350 wind plus that additional 350 solar,	12:34 4	wind or solar.
12:31 5	which we subsequently terminated.	12:34 5	A. No. You said up to 350, but it's up
12:31 6	Q . So this is incorrect?	12:34 6	to 500 is what it says. Up to 500 megawatts.
12:31 7	A. Yeah, this is incorrect. I need to	12:34 7	Q. As I read the sentence, and I don't
12:31 8	fix that.	12:34 8	want to argue with you, Mr. Kobus, but as I
12:31 9	Q . So tell me how we can fix it.	12:34 9	read the sentence, it says that 350 nameplate
12:31 10	A. We can only inject per our	12:34 10	generating capacity could be wind or solar. It
12:31 11	current interconnection request, we can inject	12:34 11	doesn't separate it
12:31 12	350 megawatts on that 230 kV system.	12:34 12	A. I'm sorry, you've lost me. Are you
12:31 13	Q . That's what it says.	12:34 13	on second full paragraph on 2-16?
12:31 14	A. It says up to 650.	12:34 14	Q. I'm on the third sentence:
12:32 15	Q. Well, it says up to 650	12:34 15	Up to 500 megawatts of nameplate
12:32 16	A. Could interconnect. It says up to	12:34 16	generating capacity/grid interconnect.
12:32 17	650 could interconnect, but that it's limited	12:34 17	A. Correct. I'm with you.
12:32 18	to 350 injection capacity. While, if we were	12:34 18	Q. But that doesn't say that that's
12:32 19	doing 650, we would need 650 of injection	12:34 19	wind or solar or combination of the two, just
12:32 20	capacity.	12:34 20	500 megawatts, period.
12:32 21	Q. But you don't have 650, you only	12:35 21	A. Okay.
12:32 22	have 350?	12:35 22	Q. Is that right?
12:32 23	A. Wind only we have 350, and we	12:35 23	A. That's what it reads, yes.
12:32 24	terminated the interconnection for the	12:35 24	Q. And is that correct? Have I got it
12:32 25	300 solar. So I could tomorrow file a new one	12:35 25	right?
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	66		68
12:32 1	for that 350 solar and be within my, you know,	12:35 1	A. At the time we updated it, that was
12:32 2	EFSEC permitting bounds, but we don't intend to	12:35 2	correct. Originally, this was a 500 megawatt
12:32 3	do that.	12:35 3	interconnection request for wind, but we
12:32 4	Q. So, I'm sorry, the way I read the		subsequently did material modification and
12:32 5	sentence, and this appears to be your sentence,		evaluation and it is now 340 megawatts of wind
12:32 6	so I want to make sure we get it right.	12:35 6	and 160 megawatts of solar, per those
12:33 7	It says up to 650 megawatts of	12:35 7	Q . So is this information correct or
12:33 8	nameplate generating capacity, limited to	12:35 8	not?
12:33 9	350 megawatts grid injection capacity, could go	12:35 9	A. This is the application information,
12:33 10	to the planned 230 kV Bofer substation.	12:35 10	yes.
12:33 11	So as I understand it, we have	12:35 11	Q. Okay. We don't need to correct
12:33 12 12:33 13	650 megawatts of nameplate generating capacity that can be hooked up to the system, but the	12:35 12 12:35 13	this, this isn't wrong?
			A. No, it doesn't need to be corrected.
12:33 14 12:33 15	most you can do is 350. That's the way I read	12:35 14	But we've filed another interconnect request
12:33 15 12:33 16	A. Well, that is correct. That's the	12:35 15 12:35 16	for another 100 megawatts of solar there. So if you look in the queue, we have 600 megawatts
12:33 16 12:33 17	A. Well, that is correct. That is the most we can do, yeah.	12:35 16 12:36 17	of interconnect request right now at that 500
12:33 17 12:33 18	Q. Okay. Good.	12:36 17 12:36 18	kV.
12:33 10 12:33 19	Now, so that so that sentence is	12:36 10 12:36 19	Q. So let me go over and let's talk
12:33 19 12:33 20	fine?	12:36 19 12:36 20	about solar now, if we may. And look over on
12:33 20 12:33 21	A. Yeah, that's true. At this point in	12:36 20 12:36 21	page 2-49 of the application.
12:33 21 12:33 22	time, that's fine. We terminated the extra	12:36 21 12:36 22	A. Okay. I am there.
12:33 22	300.	12:36 23	Q. And it's paper, Mr. Kobus, my
12:33 23	Q. Then it says, up to 350 megawatts of	12:36 23	goodness.
12:33 25	nameplate generating capacity, grid injection	12:36 25	A. Yeah.
12.00 20	TRI-CITIES COURT REPORTING SERVICE, LLC	12.00 20	TRI-CITIES COURT REPORTING SERVICE, LLC
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	69		71
12:36 1	Q. Down in the second paragraph	12:38 1	2 percent, 20 percent?
12:36 2	A. Slick paper, too.	12:39 2	A. 20.
12:36 3	Q. We had it printed thickly so it	12:39 3	Q. 20 percent?
12:36 4	wouldn't bleed through.	12:39 4	A. Yeah.
12:36 5	A. Yeah.	12:39 5	Q. Okay. Can you buy a different
12:36 6	Q. Second paragraph talks about solar	12:39 6	inverter and get it to produce more power?
12:36 7	arrays	12:39 7	A. Sure.
12:36 8	A. Yes.	12:39 8	Q. So as we go through this process and
12:36 9	Q. and nameplate generation	12:39 0 12:39 9	we're looking at these turbines, can you tell
12:36 1 0	capacity. And then there would be first	12:39 3	me what the output of each individual turbine
12:36 11	sentence says micrositing factors, solar	12:39 11	is that's located on your maps?
12:37 12	technology. Then it says:	12:39 12	MS. PERLMUTTER: Objection to form.
12:37 13	Nameplate generation capacity of	12:39 13	Answer if you can.
12:37 14	solar arrays may be greater than	12:39 14	THE WITNESS: The smaller size
12:37 15	(The Court Reporter requested	12:39 15	turbine?
12:37 16	clarification.)	12:39 16	BY MR. ARAMBURU:
12:37 17	BY MR. ARAMBURU:	12:39 17	Q. Well, let's say bigger size. We'll
12:37 18	Q. We'll start that sentence over	12:39 18	talk about the 244 smaller turbine arrangement.
12:37 19	again.	19	A. Okay.
12:37 20	The nameplate generation capacity of	12:40 20	Q. Is there data available that
12:37 21	the solar arrays may be greater than the	12:40 21	predicts the amount of generation that comes
12:37 22	maximum grid injection capacity, but will be	12:40 22	from each turbine as shown on your drawing that
12:37 23	limited to the maximum grid injection capacity	12:40 23	locates the turbine?
12:37 24	as a function of the AC ratings of the	12:40 24	MS. PERLMUTTER: Renew the
12:37 25	inverters.	12:40 25	objection. You can still answer.
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
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	70		72
12:37 1	70 Is that right?	12:40 1	72 THE WITNESS: It's the nameplate
12:37 1 12:37 2		12:40 1 12:40 2	
-	Is that right?		THE WITNESS: It's the nameplate
12:37 2	Is that right? A. Yes.	12:40 2	THE WITNESS: It's the nameplate capacity of the turbine itself. If at the
12:37 2 12:37 3	Is that right? A. Yes. Q. Okay. So what's the maximum grid	12:40 2 12:40 3	THE WITNESS: It's the nameplate capacity of the turbine itself. If at the time we submitted the application we had a
12:37212:37312:374	Is that right? A. Yes. Q. Okay. So what's the maximum grid generation you refer to maximum grid	12:40 2 12:40 3 12:40 4	THE WITNESS: It's the nameplate capacity of the turbine itself. If at the time we submitted the application we had a 3 megawatt model versus a 6 megawatt model.
12:37212:37312:37412:375	Is that right? A. Yes. Q. Okay. So what's the maximum grid generation you refer to maximum grid injection capacity here. What is that number?	12:40212:40312:40412:405	THE WITNESS: It's the nameplate capacity of the turbine itself. If at the time we submitted the application we had a 3 megawatt model versus a 6 megawatt model. Now, that 3 megawatt model is likely to be
12:37 2 12:37 3 12:37 4 12:37 5 12:37 6	Is that right? A. Yes. Q. Okay. So what's the maximum grid generation you refer to maximum grid injection capacity here. What is that number? A. Well, the purpose of this sentence	12:40 2 12:40 3 12:40 4 12:40 5 12:40 6	THE WITNESS: It's the nameplate capacity of the turbine itself. If at the time we submitted the application we had a 3 megawatt model versus a 6 megawatt model. Now, that 3 megawatt model is likely to be a 3.4 megawatt turbine, and that is its
12:37 2 12:37 3 12:37 4 12:37 5 12:37 6 12:37 7	Is that right? A. Yes. Q. Okay. So what's the maximum grid generation you refer to maximum grid injection capacity here. What is that number? A. Well, the purpose of this sentence is to state what I've already related to you	12:40 2 12:40 3 12:40 4 12:40 5 12:40 6 12:40 7	THE WITNESS: It's the nameplate capacity of the turbine itself. If at the time we submitted the application we had a 3 megawatt model versus a 6 megawatt model. Now, that 3 megawatt model is likely to be a 3.4 megawatt turbine, and that is its limit, 3.4 megawatts.
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	73		75
12:41 1	this drawing that shows all the wind turbines,	12:43 1	A. Okay.
12:41 2	and I know they're going to be moved around,	12:43 2	Q. My question is simple.
12:41 3	but the assumption is each one of these	12:43 3	Is the data available by which we
12:41 4	turbines is going produce the same amount of	12:43 4	could look at each turbine to see what its
12:41 5	power?	12:43 5	production is?
12:41 6	A. Well, they're not going to be moved	12:43 6	MS. PERLMUTTER: Objection as to
12:41 7	around. The micrositing corridors are the	12:43 7	form. You can answer it if you can.
12:41 8	micrositing corridors.	12:43 8	THE WITNESS: I cannot answer it,
12:41 9	Q. Okay. We'll leave that out of the	12:43 9	and the reason I cannot answer it is we
12:41 10	question.	12:43 10	have obligations with the turbine suppliers
12:41 11	A. Okay.	12:43 11	that we will not disclose their power
12	Q. We'll leave that out of the	12:43 12	curves, period.
13	question.	12:43 13	MS. PERLMUTTER: If I may, for a
12:41 14	A. Okay. Can you repeat the	12:43 14	second. My objection was to form because
12:41 15	Q. Is the assumption, the operating	12:43 15	of the question available. I think you
12:41 16	assumption when you locate these turbines on	12:43 16	guys are talking cross purposes.
12:41 17	the map, that each one of them is going to be	12:43 17	If your question is, does data
12:41 18	equal in production to every other one?	12:43 18	exist, there's one answer. If your
12:41 19	A. They're all going to be different.	12:44 19	response is, can I disclose the data,
12:41 20	Q. And	12:44 20	that's a different answer.
12:41 21	A. But they can't exceed 3.4 megawatts.	12:44 21	Now I'll let it to you guys to
12:42 22	Q . I understand that.	12:44 22	figure out what you want to do.
12:42 23	But do you have information that	12:44 23	BY MR. ARAMBURU:
12:42 24	might indicate which of the turbines would be	12:44 24	Q. It was the first question, does this
12:42 25	better producers than other turbines? TRI-CITIES COURT REPORTING SERVICE, LLC	12:44 25	data exist, no matter proprietary, secret, TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	74		76
12·42 1	A. Yes we do That's how we cited the	12·44 1	
12:42 1 12:42 2	A. Yes, we do. That's how we cited the turbines on the site originally is, you look	12:44 1 12:44 2	triple X secret?
12:42 1 12:42 2 12:42 3	turbines on the site originally is, you look	12:44 1 12:44 2 12:44 3	triple X secret?
12:42 2		12:44 2	triple X secret? A. Yes.
12:42 2 12:42 3	turbines on the site originally is, you look for the highest wind spot and you put a dot	12:44 2 12:44 3	triple X secret?A. Yes.Q. Okay. And that would be data for
12:42212:42312:424	turbines on the site originally is, you look for the highest wind spot and you put a dot there. So I want that turbine, that's the	12:44212:44312:444	triple X secret?A. Yes.Q. Okay. And that would be data for each turbine?
12:42212:42312:42412:425	turbines on the site originally is, you look for the highest wind spot and you put a dot there. So I want that turbine, that's the highest one.	12:44 2 12:44 3 12:44 4 12:44 5	 triple X secret? A. Yes. Q. Okay. And that would be data for each turbine? A. I mean, we wouldn't be flying blind
12:42 2 12:42 3 12:42 4 12:42 5 12:42 6	turbines on the site originally is, you look for the highest wind spot and you put a dot there. So I want that turbine, that's the highest one. Then you fill out the site and force	12:44 2 12:44 3 12:44 4 12:44 5 12:44 6	 triple X secret? A. Yes. Q. Okay. And that would be data for each turbine? A. I mean, we wouldn't be flying blind designing a project without knowing that
12:42 2 12:42 3 12:42 4 12:42 5 12:42 6 12:42 7	turbines on the site originally is, you look for the highest wind spot and you put a dot there. So I want that turbine, that's the highest one. Then you fill out the site and force rank the turbines based on their production	12:44 2 12:44 3 12:44 4 12:44 5 12:44 6 12:44 7	 triple X secret? A. Yes. Q. Okay. And that would be data for each turbine? A. I mean, we wouldn't be flying blind designing a project without knowing that information. The data exists and it's our
12:42 2 12:42 3 12:42 4 12:42 5 12:42 6 12:42 7 12:42 8	turbines on the site originally is, you look for the highest wind spot and you put a dot there. So I want that turbine, that's the highest one. Then you fill out the site and force rank the turbines based on their production potential. And when you get to the maximum	12:44 2 12:44 3 12:44 4 12:44 5 12:44 6 12:44 7 12:44 8	 triple X secret? A. Yes. Q. Okay. And that would be data for each turbine? A. I mean, we wouldn't be flying blind designing a project without knowing that information. The data exists and it's our competitive advantage.
12:42 2 12:42 3 12:42 4 12:42 5 12:42 6 12:42 7 12:42 8 12:42 9 12:42 10 12:42 11	turbines on the site originally is, you look for the highest wind spot and you put a dot there. So I want that turbine, that's the highest one. Then you fill out the site and force rank the turbines based on their production potential. And when you get to the maximum injection capacity you can inject, the rest of the turbines are on the bench because they're lower producers.	12:44 2 12:44 3 12:44 4 12:44 5 12:44 6 12:44 7 12:44 8 12:44 9 12:44 10 12:44 11	 triple X secret? A. Yes. Q. Okay. And that would be data for each turbine? A. I mean, we wouldn't be flying blind designing a project without knowing that information. The data exists and it's our competitive advantage. Q. I understand. It was not intended to be a disparaging question. I just want to know whether the data exists or not.
12:42 2 12:42 3 12:42 4 12:42 5 12:42 6 12:42 7 12:42 8 12:42 9 12:42 10 12:42 11 12:42 12	turbines on the site originally is, you look for the highest wind spot and you put a dot there. So I want that turbine, that's the highest one. Then you fill out the site and force rank the turbines based on their production potential. And when you get to the maximum injection capacity you can inject, the rest of the turbines are on the bench because they're lower producers. Q. Okay. But is that data, is that	12:44 2 12:44 3 12:44 4 12:44 5 12:44 6 12:44 7 12:44 8 12:44 9 12:44 10 12:44 11 12:44 12	 triple X secret? A. Yes. Q. Okay. And that would be data for each turbine? A. I mean, we wouldn't be flying blind designing a project without knowing that information. The data exists and it's our competitive advantage. Q. I understand. It was not intended to be a disparaging question. I just want to know whether the data exists or not. A. Okay.
12:42 2 12:42 3 12:42 4 12:42 5 12:42 6 12:42 7 12:42 8 12:42 9 12:42 10 12:42 11 12:42 12 12:42 13	turbines on the site originally is, you look for the highest wind spot and you put a dot there. So I want that turbine, that's the highest one. Then you fill out the site and force rank the turbines based on their production potential. And when you get to the maximum injection capacity you can inject, the rest of the turbines are on the bench because they're lower producers. Q. Okay. But is that data, is that does that data exist for the individual	12:44 2 12:44 3 12:44 4 12:44 5 12:44 6 12:44 7 12:44 9 12:44 10 12:44 11 12:44 12 12:44 13	 triple X secret? A. Yes. Q. Okay. And that would be data for each turbine? A. I mean, we wouldn't be flying blind designing a project without knowing that information. The data exists and it's our competitive advantage. Q. I understand. It was not intended to be a disparaging question. I just want to know whether the data exists or not. A. Okay. Q. I read some information about the
12:42 2 12:42 3 12:42 4 12:42 5 12:42 6 12:42 7 12:42 8 12:42 9 12:42 10 12:42 11 12:42 12 12:42 13 12:42 14	 turbines on the site originally is, you look for the highest wind spot and you put a dot there. So I want that turbine, that's the highest one. Then you fill out the site and force rank the turbines based on their production potential. And when you get to the maximum injection capacity you can inject, the rest of the turbines are on the bench because they're lower producers. Q. Okay. But is that data, is that does that data exist for the individual turbines? 	12:44 2 12:44 3 12:44 4 12:44 5 12:44 6 12:44 7 12:44 9 12:44 10 12:44 11 12:44 12 12:44 13 12:44 14	 triple X secret? A. Yes. Q. Okay. And that would be data for each turbine? A. I mean, we wouldn't be flying blind designing a project without knowing that information. The data exists and it's our competitive advantage. Q. I understand. It was not intended to be a disparaging question. I just want to know whether the data exists or not. A. Okay. Q. I read some information about the impacts of wakes from one turbine on the next
12:42212:42312:42412:42512:42612:42712:42812:421012:421112:421212:421312:421412:4215	 turbines on the site originally is, you look for the highest wind spot and you put a dot there. So I want that turbine, that's the highest one. Then you fill out the site and force rank the turbines based on their production potential. And when you get to the maximum injection capacity you can inject, the rest of the turbines are on the bench because they're lower producers. Q. Okay. But is that data, is that does that data exist for the individual turbines? A. Well, yeah, we create that data. 	12:44 2 12:44 3 12:44 4 12:44 5 12:44 6 12:44 7 12:44 8 12:44 9 12:44 10 12:44 12 12:44 13 12:44 14 12:44 15	 triple X secret? A. Yes. Q. Okay. And that would be data for each turbine? A. I mean, we wouldn't be flying blind designing a project without knowing that information. The data exists and it's our competitive advantage. Q. I understand. It was not intended to be a disparaging question. I just want to know whether the data exists or not. A. Okay. Q. I read some information about the impacts of wakes from one turbine on the next downstream turbine. Are you familiar with that
12:42212:42312:42412:42512:42612:42712:42812:421012:421112:421212:421312:421412:421512:4216	 turbines on the site originally is, you look for the highest wind spot and you put a dot there. So I want that turbine, that's the highest one. Then you fill out the site and force rank the turbines based on their production potential. And when you get to the maximum injection capacity you can inject, the rest of the turbines are on the bench because they're lower producers. Q. Okay. But is that data, is that does that data exist for the individual turbines? A. Well, yeah, we create that data. That's the intellectual property that gives us 	12:44 2 12:44 3 12:44 4 12:44 5 12:44 6 12:44 7 12:44 8 12:44 9 12:44 10 12:44 12 12:44 12 12:44 12 12:44 12 12:44 12 12:44 13 12:45 15 12:45 16	 triple X secret? A. Yes. Q. Okay. And that would be data for each turbine? A. I mean, we wouldn't be flying blind designing a project without knowing that information. The data exists and it's our competitive advantage. Q. I understand. It was not intended to be a disparaging question. I just want to know whether the data exists or not. A. Okay. Q. I read some information about the impacts of wakes from one turbine on the next downstream turbine. Are you familiar with that concept?
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12:42212:42312:42412:42512:42612:42712:421012:421012:421112:421212:421312:421412:421512:421612:421712:4218	 turbines on the site originally is, you look for the highest wind spot and you put a dot there. So I want that turbine, that's the highest one. Then you fill out the site and force rank the turbines based on their production potential. And when you get to the maximum injection capacity you can inject, the rest of the turbines are on the bench because they're lower producers. Q. Okay. But is that data, is that does that data exist for the individual turbines? A. Well, yeah, we create that data. That's the intellectual property that gives us our competitive advantage. Q. Okay. I understand your position on 	12:44212:44312:44412:44512:44612:44712:44812:44912:441012:441112:441212:441312:441412:451512:451612:451712:4518	 triple X secret? A. Yes. Q. Okay. And that would be data for each turbine? A. I mean, we wouldn't be flying blind designing a project without knowing that information. The data exists and it's our competitive advantage. Q. I understand. It was not intended to be a disparaging question. I just want to know whether the data exists or not. A. Okay. Q. I read some information about the impacts of wakes from one turbine on the next downstream turbine. Are you familiar with that concept? A. Yes, I am. Q. And so other people who may be
12:42212:42312:42412:42512:42712:42812:42912:421012:421112:421212:421312:421412:421512:421612:421712:421812:4319	 turbines on the site originally is, you look for the highest wind spot and you put a dot there. So I want that turbine, that's the highest one. Then you fill out the site and force rank the turbines based on their production potential. And when you get to the maximum injection capacity you can inject, the rest of the turbines are on the bench because they're lower producers. Q. Okay. But is that data, is that does that data exist for the individual turbines? A. Well, yeah, we create that data. That's the intellectual property that gives us our competitive advantage. Q. Okay. I understand your position on that, but that data does exist? 	12:44 2 12:44 3 12:44 4 12:44 5 12:44 6 12:44 7 12:44 8 12:44 9 12:44 10 12:44 12 12:44 12 12:44 13 12:45 15 12:45 16 12:45 18 12:45 19	 triple X secret? A. Yes. Q. Okay. And that would be data for each turbine? A. I mean, we wouldn't be flying blind designing a project without knowing that information. The data exists and it's our competitive advantage. Q. I understand. It was not intended to be a disparaging question. I just want to know whether the data exists or not. A. Okay. Q. I read some information about the impacts of wakes from one turbine on the next downstream turbine. Are you familiar with that concept? A. Yes, I am. Q. And so other people who may be reading this for the first time, what is the
12:42212:42312:42412:42512:42712:42812:421012:421112:421212:421312:421412:421512:421612:421712:421812:431912:4320	 turbines on the site originally is, you look for the highest wind spot and you put a dot there. So I want that turbine, that's the highest one. Then you fill out the site and force rank the turbines based on their production potential. And when you get to the maximum injection capacity you can inject, the rest of the turbines are on the bench because they're lower producers. Q. Okay. But is that data, is that does that data exist for the individual turbines? A. Well, yeah, we create that data. That's the intellectual property that gives us our competitive advantage. Q. Okay. I understand your position on that, but that data does exist? A. Well, we're marketing a project so, 	12:44212:44312:44412:44512:44712:44712:44912:441012:441212:441212:441312:451512:451612:451712:451812:451912:4520	 triple X secret? A. Yes. Q. Okay. And that would be data for each turbine? A. I mean, we wouldn't be flying blind designing a project without knowing that information. The data exists and it's our competitive advantage. Q. I understand. It was not intended to be a disparaging question. I just want to know whether the data exists or not. A. Okay. Q. I read some information about the impacts of wakes from one turbine on the next downstream turbine. Are you familiar with that concept? A. Yes, I am. Q. And so other people who may be reading this for the first time, what is the wake effect?
12:42212:42312:42412:42512:42612:42712:42912:421012:421212:421312:421412:421512:421612:421712:421812:431912:432012:4321	 turbines on the site originally is, you look for the highest wind spot and you put a dot there. So I want that turbine, that's the highest one. Then you fill out the site and force rank the turbines based on their production potential. And when you get to the maximum injection capacity you can inject, the rest of the turbines are on the bench because they're lower producers. Q. Okay. But is that data, is that does that data exist for the individual turbines? A. Well, yeah, we create that data. That's the intellectual property that gives us our competitive advantage. Q. Okay. I understand your position on that, but that data does exist? A. Well, we're marketing a project so, of course, we're going to analyze it to the 	12:44 2 12:44 3 12:44 4 12:44 5 12:44 6 12:44 7 12:44 7 12:44 9 12:44 10 12:44 12 12:44 13 12:44 13 12:45 15 12:45 16 12:45 17 12:45 18 12:45 20 12:45 21	 triple X secret? A. Yes. Q. Okay. And that would be data for each turbine? A. I mean, we wouldn't be flying blind designing a project without knowing that information. The data exists and it's our competitive advantage. Q. I understand. It was not intended to be a disparaging question. I just want to know whether the data exists or not. A. Okay. Q. I read some information about the impacts of wakes from one turbine on the next downstream turbine. Are you familiar with that concept? A. Yes, I am. Q. And so other people who may be reading this for the first time, what is the wake effect? A. Well, the wake effect is that every
12:42212:42312:42412:42512:42612:42712:421012:421112:421212:421312:421412:421512:421612:421712:421812:431912:432012:432112:4322	 turbines on the site originally is, you look for the highest wind spot and you put a dot there. So I want that turbine, that's the highest one. Then you fill out the site and force rank the turbines based on their production potential. And when you get to the maximum injection capacity you can inject, the rest of the turbines are on the bench because they're lower producers. Q. Okay. But is that data, is that does that data exist for the individual turbines? A. Well, yeah, we create that data. That's the intellectual property that gives us our competitive advantage. Q. Okay. I understand your position on that, but that data does exist? A. Well, we're marketing a project so, of course, we're going to analyze it to the fullest extent, yes. 	12:44 2 12:44 3 12:44 4 12:44 5 12:44 6 12:44 7 12:44 8 12:44 9 12:44 10 12:44 12 12:44 12 12:44 13 12:45 15 12:45 16 12:45 18 12:45 19 12:45 20 12:45 21 12:45 22	 triple X secret? A. Yes. Q. Okay. And that would be data for each turbine? A. I mean, we wouldn't be flying blind designing a project without knowing that information. The data exists and it's our competitive advantage. Q. I understand. It was not intended to be a disparaging question. I just want to know whether the data exists or not. A. Okay. Q. I read some information about the impacts of wakes from one turbine on the next downstream turbine. Are you familiar with that concept? A. Yes, I am. Q. And so other people who may be reading this for the first time, what is the wake effect? A. Well, the wake effect is that every turbine has an influence on the wind that goes
12:42212:42312:42412:42512:42712:42812:421012:421112:421212:421312:421412:421512:421612:421712:421812:432012:432112:432212:432212:4323	 turbines on the site originally is, you look for the highest wind spot and you put a dot there. So I want that turbine, that's the highest one. Then you fill out the site and force rank the turbines based on their production potential. And when you get to the maximum injection capacity you can inject, the rest of the turbines are on the bench because they're lower producers. Q. Okay. But is that data, is that does that data exist for the individual turbines? A. Well, yeah, we create that data. That's the intellectual property that gives us our competitive advantage. Q. Okay. I understand your position on that, but that data does exist? A. Well, we're marketing a project so, of course, we're going to analyze it to the fullest extent, yes. Q. I'm not trying to get into marketing 	12:44 2 12:44 3 12:44 4 12:44 5 12:44 6 12:44 7 12:44 8 12:44 9 12:44 10 12:44 12 12:44 12 12:44 12 12:44 13 12:45 15 12:45 16 12:45 17 12:45 18 12:45 19 12:45 20 12:45 21 12:45 22 12:45 23	 triple X secret? A. Yes. Q. Okay. And that would be data for each turbine? A. I mean, we wouldn't be flying blind designing a project without knowing that information. The data exists and it's our competitive advantage. Q. I understand. It was not intended to be a disparaging question. I just want to know whether the data exists or not. A. Okay. Q. I read some information about the impacts of wakes from one turbine on the next downstream turbine. Are you familiar with that concept? A. Yes, I am. Q. And so other people who may be reading this for the first time, what is the wake effect? A. Well, the wake effect is that every turbine has an influence on the wind that goes past it because it extracts energy and it
12:42212:42312:42412:42512:42712:42812:421012:421112:421212:421312:421412:421512:421612:421812:432012:432112:432212:432112:432212:432312:4324	 turbines on the site originally is, you look for the highest wind spot and you put a dot there. So I want that turbine, that's the highest one. Then you fill out the site and force rank the turbines based on their production potential. And when you get to the maximum injection capacity you can inject, the rest of the turbines are on the bench because they're lower producers. Q. Okay. But is that data, is that does that data exist for the individual turbines? A. Well, yeah, we create that data. That's the intellectual property that gives us our competitive advantage. Q. Okay. I understand your position on that, but that data does exist? A. Well, we're marketing a project so, of course, we're going to analyze it to the fullest extent, yes. 	12:44 2 12:44 3 12:44 4 12:44 5 12:44 6 12:44 7 12:44 8 12:44 9 12:44 10 12:44 12 12:44 12 12:44 13 12:45 15 12:45 16 12:45 18 12:45 19 12:45 20 12:45 21 12:45 22	 triple X secret? A. Yes. Q. Okay. And that would be data for each turbine? A. I mean, we wouldn't be flying blind designing a project without knowing that information. The data exists and it's our competitive advantage. Q. I understand. It was not intended to be a disparaging question. I just want to know whether the data exists or not. A. Okay. Q. I read some information about the impacts of wakes from one turbine on the next downstream turbine. Are you familiar with that concept? A. Yes, I am. Q. And so other people who may be reading this for the first time, what is the wake effect? A. Well, the wake effect is that every turbine has an influence on the wind that goes past it because it extracts energy and it creates turbulence.
12:42212:42312:42412:42512:42712:42812:421012:421112:421212:421312:421412:421512:421612:421712:421812:432012:432112:432212:432212:4323	 turbines on the site originally is, you look for the highest wind spot and you put a dot there. So I want that turbine, that's the highest one. Then you fill out the site and force rank the turbines based on their production potential. And when you get to the maximum injection capacity you can inject, the rest of the turbines are on the bench because they're lower producers. Q. Okay. But is that data, is that does that data exist for the individual turbines? A. Well, yeah, we create that data. That's the intellectual property that gives us our competitive advantage. Q. Okay. I understand your position on that, but that data does exist? A. Well, we're marketing a project so, of course, we're going to analyze it to the fullest extent, yes. Q. I'm not trying to get into marketing or proprietary interest or anything of that nature. 	12:44 2 12:44 3 12:44 4 12:44 5 12:44 7 12:44 7 12:44 9 12:44 10 12:44 12 12:44 12 12:44 12 12:44 12 12:44 13 12:44 14 12:45 16 12:45 16 12:45 17 12:45 18 12:45 20 12:45 21 12:45 22 12:45 23 12:45 24	 triple X secret? A. Yes. Q. Okay. And that would be data for each turbine? A. I mean, we wouldn't be flying blind designing a project without knowing that information. The data exists and it's our competitive advantage. Q. I understand. It was not intended to be a disparaging question. I just want to know whether the data exists or not. A. Okay. Q. I read some information about the impacts of wakes from one turbine on the next downstream turbine. Are you familiar with that concept? A. Yes, I am. Q. And so other people who may be reading this for the first time, what is the wake effect? A. Well, the wake effect is that every turbine has an influence on the wind that goes past it because it extracts energy and it creates turbulence. Just like, you know, a boat on the
12:42212:42312:42412:42512:42712:42812:421012:421112:421212:421312:421412:421512:421612:421812:432012:432112:432212:432112:432312:432312:4324	 turbines on the site originally is, you look for the highest wind spot and you put a dot there. So I want that turbine, that's the highest one. Then you fill out the site and force rank the turbines based on their production potential. And when you get to the maximum injection capacity you can inject, the rest of the turbines are on the bench because they're lower producers. Q. Okay. But is that data, is that does that data exist for the individual turbines? A. Well, yeah, we create that data. That's the intellectual property that gives us our competitive advantage. Q. Okay. I understand your position on that, but that data does exist? A. Well, we're marketing a project so, of course, we're going to analyze it to the fullest extent, yes. Q. I'm not trying to get into marketing or proprietary interest or anything of that 	12:44 2 12:44 3 12:44 4 12:44 5 12:44 7 12:44 7 12:44 9 12:44 10 12:44 12 12:44 12 12:44 12 12:44 12 12:44 13 12:44 14 12:45 16 12:45 16 12:45 17 12:45 18 12:45 20 12:45 21 12:45 22 12:45 23 12:45 24	 triple X secret? A. Yes. Q. Okay. And that would be data for each turbine? A. I mean, we wouldn't be flying blind designing a project without knowing that information. The data exists and it's our competitive advantage. Q. I understand. It was not intended to be a disparaging question. I just want to know whether the data exists or not. A. Okay. Q. I read some information about the impacts of wakes from one turbine on the next downstream turbine. Are you familiar with that concept? A. Yes, I am. Q. And so other people who may be reading this for the first time, what is the wake effect? A. Well, the wake effect is that every turbine has an influence on the wind that goes past it because it extracts energy and it creates turbulence.

	77		79
12:45 1	river. There's a wake of stirred-up water that	12:48 1	Q . And did ArcVera run a model to
12:45 2	is there after the boat leaves, and it makes	12:48 2	assess the effect of wake turbulence on
12:45 3	waves and reverberates and eventually	12:48 3	downstream turbines?
12:45 4	dissipates.	12:48 4	MS. PERLMUTTER: Objection.
12:45 5	With turbines, there's a wake effect	12:40 4	Foundation. You can answer if you can.
12:45 6	that influences that downstream wind. And so	12:40 5	THE WITNESS: On our turbines, yes.
12:45 7	when you design a project, you make sure you	12:48 7	BY MR. ARAMBURU:
12:45 7	have certain distance between turbines on a	12:48 8	Q. And when was that done?
12:46 9	string and between subsequent strings of	12:48 0 12:48 9	A. It's continually done on a frequent
12:46 9	turbines to make sure that that wake has	12:48 10	basis. Every time we change the layout we
			reevaluate it.
12:46 11 12:46 12	adequately dissipated so it doesn't have a	12:48 11	
12:46 12	dominant effect on the performance of the	12:49 12 12:49 13	Q. And in my readings, it appears that Mr. Poulos has been active in the community
	turbine that's just downwind of it.		
12:46 14	Q. And was the wake effect studied for	12:49 14	talking about the impacts of wake turbulence.
12:46 15	either the 244 turbine or the 150 turbine	12:49 15	Are you familiar with that work?
12:46 16	project?	12:49 16	A. Yes, yeah.
12:46 17	MS. PERLMUTTER: Objection as to	12:49 17	Q. And was that model that he was
12:46 18	form. You can answer if you can.	12:49 18	talking about in those studies been applied to
12:46 19	THE WITNESS: The layout of the site	12:49 19	this project?
12:46 20	is precisely that way to make sure that the	12:49 20	A. I do not know what model you're
12:46 21	wake effects are minimized to the extent	12:49 21	referring to. I'm sure my resource manager
12:46 22	necessary to maintain the performance of	12:49 22	would, but I don't keep up with the different
12:47 23	the turbines that we desire.	12:49 23	names and vintages of the software.
12:47 24	BY MR. ARAMBURU:	12:49 24	Q . Okay.
12:47 25	Q. I understand that was the intention.	12:50 25	A. I might add that the turbine
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	78		80
12:47 1	What engineering or design was done	12:50 1	supplier as well restricts how close you can
12:47 2	What engineering or design was done to assess the wake effect of the turbines?	12:50 2	supplier as well restricts how close you can have turbines to each other.
12:47 2 12:47 3	What engineering or design was done to assess the wake effect of the turbines? MS. PERLMUTTER: Object as to form.	12:50 2 12:50 3	supplier as well restricts how close you can have turbines to each other. Q. Why does the turbine supplier care?
12:47 2 12:47 3 12:47 4	What engineering or design was done to assess the wake effect of the turbines? MS. PERLMUTTER: Object as to form. You can answer if you can.	12:50212:50312:504	supplier as well restricts how close you can have turbines to each other.Q. Why does the turbine supplier care? MS. PERLMUTTER: Objection.
12:47 2 12:47 3 12:47 4 12:47 5	What engineering or design was done to assess the wake effect of the turbines? MS. PERLMUTTER: Object as to form. You can answer if you can. THE WITNESS: We know the wind	12:50212:50312:50412:505	 supplier as well restricts how close you can have turbines to each other. Q. Why does the turbine supplier care? MS. PERLMUTTER: Objection. Foundation. You can answer if you can.
12:47 2 12:47 3 12:47 4 12:47 5 12:47 6	What engineering or design was done to assess the wake effect of the turbines? MS. PERLMUTTER: Object as to form. You can answer if you can. THE WITNESS: We know the wind resource profile. We know the performance	12:50212:50312:50412:50512:506	 supplier as well restricts how close you can have turbines to each other. Q. Why does the turbine supplier care? MS. PERLMUTTER: Objection. Foundation. You can answer if you can. THE WITNESS: Because the loading,
12:47 2 12:47 3 12:47 4 12:47 5 12:47 6 12:47 7	What engineering or design was done to assess the wake effect of the turbines? MS. PERLMUTTER: Object as to form. You can answer if you can. THE WITNESS: We know the wind resource profile. We know the performance characteristics of a given wind turbine.	12:50212:50312:50412:50512:50612:507	 supplier as well restricts how close you can have turbines to each other. Q. Why does the turbine supplier care? MS. PERLMUTTER: Objection. Foundation. You can answer if you can. THE WITNESS: Because the loading, the mechanical loading on the turbine, is
12:47 2 12:47 3 12:47 4 12:47 5 12:47 6 12:47 7 12:47 8	What engineering or design was done to assess the wake effect of the turbines? MS. PERLMUTTER: Object as to form. You can answer if you can. THE WITNESS: We know the wind resource profile. We know the performance characteristics of a given wind turbine. We model them together to come up with what	12:50 2 12:50 3 12:50 4 12:50 5 12:50 6 12:50 7 12:50 8	 supplier as well restricts how close you can have turbines to each other. Q. Why does the turbine supplier care? MS. PERLMUTTER: Objection. Foundation. You can answer if you can. THE WITNESS: Because the loading, the mechanical loading on the turbine, is affected by wakes as well.
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12:47212:47312:47412:47512:47712:47812:471012:471112:471212:471312:471412:471512:471612:471812:471912:482012:482112:482212:482312:4824	 What engineering or design was done to assess the wake effect of the turbines? MS. PERLMUTTER: Object as to form. You can answer if you can. THE WITNESS: We know the wind resource profile. We know the performance characteristics of a given wind turbine. We model them together to come up with what we believe the production profile is for the site. BY MR. ARAMBURU: Q. I understand that. But is there a specific modeling that takes into account the wake turbulence? A. Our internal modeling, yes, it does. Yeah, we have to know that. Yeah. Q. And that was done for this project? A. Of course, yes. Q. And did you have Greg Poulos do that work? A. We do it internally, and then we also have independent evaluators that do it. So, you know, Greg Poulos is affiliated with ArcVera. And so ArcVera is our second check of 	12:50 2 12:50 3 12:50 4 12:50 5 12:50 7 12:50 7 12:50 9 12:50 10 12:50 11 12:50 12 12:50 13 12:50 14 12:50 15 12:50 16 12:50 16 12:50 18 12:50 20 12:50 21 12:50 22 12:50 23 12:51 23 12:51 24	 supplier as well restricts how close you can have turbines to each other. Q. Why does the turbine supplier care? MS. PERLMUTTER: Objection. Foundation. You can answer if you can. THE WITNESS: Because the loading, the mechanical loading on the turbine, is affected by wakes as well. So it's not just production. It's the structural integrity and the they have to warrant it to last a period of time. And so in order to honor the warranty, they have to make sure you're not overloading the turbines by exposing them to a greater wake. BY MR. ARAMBURU: Q. Let me try to make it simple, and disagree with me if you like. There are two concerns with wake turbulence. One is, you're robbing the downstream turbine of wind, affecting its efficiency, and you're also creating turbulence. A. No. That is the same thing.
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	81		83
12:51 1	A. The two concerns are the impacts of	12:53 1	the project, whether phasing, all at once, will
12:51 2	the turbulence on the downstream turbines, plus	12:53 2	in large part be determined by the turbine
12:51 3	the mechanical loading that occurs from that	12:53 3	supply. You know, turbine suppliers are
12:51 4	turbulence.	12:53 4	changing how they commit their production
12:51 5	Q. So I understand.	12:54 5 12:54 6	capacity.
12:51 6	The wind is now uneven, it's not a		And so the turbines, we may not be
12:51 7 12:51 8	linear path? A. Right.	12:54 7 12:54 8	able to get all the turbines in a single
12:51 0 12:51 9	A. Right.Q. We've got a bunch of wind that's	12.54 0 12:54 9	season. We may not be able to get all the craft people that we need to construct it all
12:51 9	running around like that, and that may put	12.54 9 12:54 10	in the same season.
12:51 10	additional pressures on the downstream turbine,	12:54 10	You know, it's the concept where if
12:51 12	and so the manufacturers want to assess that;	12:54 12	it takes so long to do something with ten
12:51 12	is that right?	12:54 12	people, adding ten more can cut it in half, no,
12:51 14	A. Exactly, yeah.	12:54 14	that isn't how it works. But, also, we don't
12:51 15	Q. Okay. Okay.	12:54 15	know if the craft capacity is going to be
12:51 16	A. You got it.	12:54 16	available at the time that we need them. They
12:51 17	Q. See, we're going to agree on	12:54 17	could be building a solar project in
12:51 18	something.	12:54 18	Yakima County and Benton County at the same
12:51 19	A. Yeah.	12:54 19	time, as well as a wind project in Oregon.
12:51 20	MS. PERLMUTTER: Excuse me if I	12:54 20	And so until we get to the final
12:51 21	throw up for a moment.	12:54 21	throes after we get an unappealable permit and
12:51 22	BY MR. ARAMBURU:	12:54 22	actually start the contracting process and the
12:51 23	Q. Let's turn to page 2-103. I	12:54 23	financing process, we won't know for sure how
12:52 24	understand that the proposal is to phase this	12:54 24	this is going to be staged.
12:52 25	project?	12:55 25	Q. Okay. Well, I've been reading table
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	82		84
12:52 1	82 A. When we were initially conceiving	12:55 1	84 2.15-1, and seeing that as the phases that
12:52 1 12:52 2		12:55 1 12:55 2	
	A. When we were initially conceiving		2.15-1, and seeing that as the phases that
12:52212:52312:524	A. When we were initially conceiving how to permit this, we wanted to accomplish two main things. Number one is, we wanted to permit it all at once because we wanted to	12:55 2	2.15-1, and seeing that as the phases that would be followed. Is that table still accurate?A. Yeah. Relatively speaking, yeah.
12:52 2 12:52 3 12:52 4 12:52 5	A. When we were initially conceiving how to permit this, we wanted to accomplish two main things. Number one is, we wanted to permit it all at once because we wanted to assure that for all of the stakeholder concerns	12:55212:55312:55412:555	 2.15-1, and seeing that as the phases that would be followed. Is that table still accurate? A. Yeah. Relatively speaking, yeah. Q. So I have not seen a drawing or a
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	85		87
12:56 1	Q. because we're working towards the	12:59 1	substation. And well, you can read it.
12:56 2	hearing where we are here.	12:59 2	Q. So gen-tie is a transmission line?
3	A. Yeah.	12:59 3	A. Yeah. Gen-tie is from the generator
12:56 4	Q. So the battery system, Phase 1,	12:59 4	to tie into the transmission system, yes.
12:56 5	150 megawatts of battery.	12:59 5	Q . Okay. And then how do we get to the
12:56 6	A. Yeah.	12:59 6	19 on the second one?
12:56 7	Q. Phase 2-A another 150	12:59 7	A. Because we have initially designed
12:56 8	A. Yeah.	12:59 8	in an intertie between the east side of the
12:56 9	Q. megawatts. But Phase 2-B, the	12:59 9	project and the west side of the project.
12:56 10	alternative, has no batteries in it at all.	12:59 10	Q. And that's Phase 2-B?
12:56 11	A. Because the only reason phase	12:59 11	A. That's where it's depicted, yes.
12:56 12 12:56 13	alternative B exists is as an all wind	12:59 12 12:59 13	Q. That's 2-B?A. Yeah.
	alternative. That's why there's no battery on	12:59 13 12:59 14	
12:56 14 12:56 15	alternate B. Q. Okay.	12:59 14 12:59 15	 Q. Okay. Page 2-103 says: The turbine supplier and EPC
12:56 15 12:56 16		01:00 16	contractor would be selected during the EFSEC
	5		-
12:56 17 12:57 18	contemplated, but Phase 2 was portrayed as one with battery and one with no battery	01:00 17 01:00 18	ASC review process. Is that an accurate statement? Do
12:57 18 12:57 19	with battery and one with no battery. Q. Phase 2?	01:00 18 01:00 19	you see where I'm pointing you, Mr. Kobus?
12:57 19 12:57 20		01:00 19 01:00 20	
12:57 20 12:57 21	A. Phase 2, yeah.Q. Okay. And why wouldn't you do	01:00 20 01:00 21	A. No, I don't, butQ. Okay. It's
12:57 21 12:57 22	batteries for the wind project?	01:00 21	A. So the intention is that we would
12:57 22 12:57 23	A. Well, we're optimizing the project	01:00 22	have the project permitted as considered in the
12:57 23	for the interest of the offtakers. They may	01:00 23	application. And then we would select the
12:57 25	not want the battery portion of the	01:00 25	turbine supply, the solar supply, the EPC
12.07 20	TRI-CITIES COURT REPORTING SERVICE, LLC	01.00 20	TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
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	86		88
12:57 1	86 hybridization.	01:00 1	88 contractor. And we have an obligation to
12:57 1 12:57 2	hybridization.	01:00 1 01:00 2	contractor. And we have an obligation to
	hybridization.		
12:57 2	hybridization. Q. They may not want either of them?	01:00 2	contractor. And we have an obligation to provide the final design of the site before we
12:57 2 12:57 3	hybridization.Q. They may not want either of them?A. There's potential that no one wants	01:00 2 01:01 3	contractor. And we have an obligation to provide the final design of the site before we start construction. In fact, we currently,
12:57212:57312:574	 hybridization. Q. They may not want either of them? A. There's potential that no one wants the battery, in which case, we just wouldn't 	01:00 2 01:01 3 01:01 4	contractor. And we have an obligation to provide the final design of the site before we start construction. In fact, we currently, the DEIS says we have to do it 180 days prior
12:57212:57312:57412:575	 hybridization. Q. They may not want either of them? A. There's potential that no one wants the battery, in which case, we just wouldn't build it. 	01:00201:01301:01401:015	contractor. And we have an obligation to provide the final design of the site before we start construction. In fact, we currently, the DELS says we have to do it 180 days prior to the start of construction.
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12:57 2 12:57 3 12:57 4 12:57 5 12:57 6 12:57 7 12:57 8 12:57 10 12:57 11 12:57 12 12:57 11 12:57 12 12:58 13 12:58 14 12:58 15 12:58 16 12:58 17	 hybridization. Q. They may not want either of them? A. There's potential that no one wants the battery, in which case, we just wouldn't build it. Q. It becomes a very different project, though, without the battery, doesn't it? MS. PERLMUTTER: Objection as to form. THE WITNESS: Not really. The battery optimizes it, but it's a great project without the battery. BY MR. ARAMBURU: Q. So over on page 2-102, Phase 2 A and B, one includes 10.2 miles of transmission and the other one has 19. What's the difference? A. There's a keyword in there called 	01:00 2 01:01 3 01:01 4 01:01 5 01:01 6 01:01 7 01:01 7 01:01 8 01:01 9 01:01 10 01:01 11 01:01 12 01:01 13 01:01 14 01:01 15 01:01 16 01:01 17	 contractor. And we have an obligation to provide the final design of the site before we start construction. In fact, we currently, the DEIS says we have to do it 180 days prior to the start of construction. Q. Okay. But this says it would be selected during the review process. Is that going to happen? We're in the review process now. A. Yeah. And we'll be in the review process until the SCA is approved by the governor. Q. The question is, is that process, is that selection process ongoing now? A. We're constantly working with the turbine suppliers, the solar suppliers, all the equipment suppliers.
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	89		91
01:02 1	A. That's that's correct.	01:04 1	But in terms of regional utilities,
01:02 2	Q. Is that the current plan, to build	01:04 2	is there any regional utility that indicates
01:02 3	it that quickly?	01:04 3	they want to buy the output of this project?
01:02 4	A. We're going to build it absolutely	01:05 4	A. Is there any that indicate yes.
01:02 5	as quickly as we can get started.	01:05 5	Q. How many?
01:02 6	Q. Okay.	01:05 6	A. All of them.
01:02 7	A. But we're going to need to finance	01:05 7	Q. All of them are interested in buying
01:02 8	it first.	01:05 8	the output?
01:02 9	Q. But it's not financed now?	01:05 9	A. Plus plus C&Is. There's a high
01:02 10	A. No. We don't have a permit. So you	01:05 10	demand right now for clean energy. There's
01:02 11	can't finance something that doesn't have a	01:05 11	going to be shortages in the very near future.
01:02 12	permit.	01:05 12	There's going to be slim pickings as to what's
01:02 13	Q. Look at page 2-118, please. Very	01:05 13	available to meet those demands. And the
01:02 14	last sentence on that page, would you read	01:05 14	closer, the better. The closer we are to the
01:02 15	that? You can read it to yourself.	01:05 15	load, the desired market, the better. They all
01:03 16	A. Okay	01:05 16	want it. They're clamoring for it.
01:03 17	Q. Is that an accurate statement today?	01:05 17	Q. If I was to call PSE this afternoon
01:03 18	A. Absolutely.	01:05 18	and ask them whether they want to buy the
01:03 19	Q . You say there that it's:	01:05 19	output of this project, what would they say?
01:03 20	Favorable for regional utilities as	01:05 20	MS. PERLMUTTER: Objection. Calls
01:03 21	it is coincident with peak loading demand.	01:05 21	for speculation. And also on foundation.
01:03 22	Does this represent your	01:05 22	You can answer if you can.
01:03 23	conversation with regional utilities?	01:06 23	THE WITNESS: I can't answer that.
01:03 24	A. Absolutely.	01:06 24	They change their minds every day. I'm
01:03 25	Q. And who would those utilities be?	01:06 25	sorry. They have procurement cycles and
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01:03 1	A. All utilities in the region.	01:06 1	they're a regulated utility. They have to
01:03 2	Q . Like?	01:06 2	follow the rules on how to procure new
01:03 3	A. Avista, Portland Sound Energy,	01:06 3	resources.
01:03 4	Portland General, Benton PUD. Anybody that has	01:06 4	BY MR. ARAMBURU:
01:03 5	a demand for clean energy.	01:06 5	Q. Has PSE issued an RFP for a project
01:03 6	Q. And are these utilities ready to	01:06 6	this size?
01:03 7	purchase the output?	01:06 7	A. Oh, yeah. They just closed one, in
01:03 8	MS. PERLMUTTER: Objection.	01:06 8	fact. And they've said they're working on
01:03 9	Foundation. Answer if you can.	01:06 9	another.
01:04 10	THE WITNESS: It's there are	01:06 10	Q. Okay. The second part of your
01:04 11	press releases constantly about the	01:06 11	sentence says that it's a commercially viable
01:04 12	procurement activities of the regional	01:06 12	site, favorable for utilities, as it is
01:04 13	utilities. You can find exactly what they	01:06 13	coincident with peak loading demand.
01:04 14	want based on active RFPs that are	01:06 14	Could you explain that?
01:04 15	currently in existence. You can follow	01:06 15	A. The loading demands in the Pacific
01:04 16	their IRPs, which are publicly available,	01:06 16	Northwest are winter. So there are peak winter
01:04 17	that actually forecast what their demands	01:06 17	loading demands. This region is a storm-driven
01:04 18	are going to be and where they're going to	01:06 18	climate. So when the winter storms come in and
01:04 19	get it and what they think their best	01:07 19	when the spring storms come in as the seasons
01:04 20	viable resource is for them.	01:07 20	change, that's when we get our peak generation.
01:04 21	And we are trying to optimize and	01:07 21	You know, as opposed to a gorge
01:04 22	formulate this project to meet that	01:07 22	project per se, is more predominantly summer,
01:04 23	evolving demand.	01:07 23	summer peaking. This is winter peaking, and
01:04 24	BY MR. ARAMBURU:	01:07 24	that's when the utilities' loads peak the
01:04 25	Q. I understand that.	01:07 25	
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	93		95
01:07 1	So the generation profile of this	01:53 1	they were going to evaluate alternatives, and
01:07 2	project is a very good match for the load	01:53 2	they chose the no alternative, and then the two
01:07 2	profile that the utilities have to serve.	01:53 3	turbine options for the proposed alternative.
01:07 3	Q. Well, is it not the case that	01:53 3	That was an EFSEC decision. We didn't
01:07 5	particularly wind during cold times in the	01:53 5	couldn't influence that.
	Tri-Cities doesn't blow for days and days?	01:53 5	Q. So the two alternative turbines were
	A. There are times it doesn't blow for		
-		01:53 7 01:53 8	the 244 and the 150 layouts? A. That's correct.
	days and days, that's right.		
01:07 9	Q. So that's not coincident with peak	01:54 9	Q. So who at EFSEC told you that's the
01:07 10	loading demand, is it?	01:54 10	way it's going to be?
01:07 11	A. Sure is. Because when it does blow,	01:54 11	A. EFSEC staff. So the official is
01:07 12	there's a lot of it available. It's an	01:54 12	Sonia Bumpus.
01:07 13	intermittent resource. It generates when the	01:54 13	Q . Is she the one that told you that?
01:08 14	wind blows, correct.	01:54 14	A. She's the one that made the
01:08 15	MR. ARAMBURU: So it's 1 o'clock.	01:54 15	decision. And then, you know, we had many
01:08 16	Maybe we	01:54 16	conversations about it. We have staff calls
01:08 17	MS. PERLMUTTER: Off the record.	01:54 17	regularly with EFSEC.
01:48 18	(A recess was taken.)	01:54 18	They're not required to evaluate
01:48 19	BY MR. ARAMBURU:	01:54 19	alternatives. It's an option, they're not
01:48 20	Q . We're back on the record so everyone	01:54 20	required.
01:52 21	can hear.	01:54 21	Q. Well, let's not get into a legal
01:52 22	Now I'd like you to turn over to	01:54 22	argument over that.
01:52 23	2-118.	01:54 23	A. Okay.
01:52 24	A. Okay.	01:54 24	Q. I just want to know what's actually
01:52 25	Q. Exhibit 1, or the updated ASC.	01:54 25	happening here.
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	94		96
01:52 1	A. Yes.		
		01:54 1	So the original ASC, which was
01:52 2	Q. Section paragraph 2.22 is the	01:54 2	February of 2021, as I recall?
01:52 2 01:52 3	Q. Section paragraph 2.22 is the analysis of alternatives. And it says:	01:54 2 01:54 3	February of 2021, as I recall? A. Yeah, yeah.
01:52 2 01:52 3 01:52 4	 Q. Section paragraph 2.22 is the analysis of alternatives. And it says: The application shall include 	01:54 2 01:54 3 01:54 4	February of 2021, as I recall?A. Yeah, yeah.Q. Contained pretty a lot of the
01:52 2 01:52 3 01:52 4 01:52 5	Q. Section paragraph 2.22 is the analysis of alternatives. And it says: The application shall include analysis of alternatives for site, route, and	01:54201:54301:54401:545	 February of 2021, as I recall? A. Yeah, yeah. Q. Contained pretty a lot of the same language, but some further explanation
01:52 2 01:52 3 01:52 4 01:52 5 01:52 6	Q. Section paragraph 2.22 is the analysis of alternatives. And it says: The application shall include analysis of alternatives for site, route, and other major elements of the proposal.	01:54 2 01:54 3 01:54 4 01:54 5 01:54 6	 February of 2021, as I recall? A. Yeah, yeah. Q. Contained pretty a lot of the same language, but some further explanation with the updates.
01:52 2 01:52 3 01:52 4 01:52 5 01:52 6 01:52 7	Q. Section paragraph 2.22 is the analysis of alternatives. And it says: The application shall include analysis of alternatives for site, route, and other major elements of the proposal. And there's a page or two here.	01:54 2 01:54 3 01:54 4 01:54 5 01:54 6 01:54 7	 February of 2021, as I recall? A. Yeah, yeah. Q. Contained pretty a lot of the same language, but some further explanation with the updates. A. Right.
01:52 2 01:52 3 01:52 4 01:52 5 01:52 6 01:52 7 01:52 8	Q. Section paragraph 2.22 is the analysis of alternatives. And it says: The application shall include analysis of alternatives for site, route, and other major elements of the proposal. And there's a page or two here. Goes over to page 121, about alternatives?	01:54 2 01:54 3 01:54 4 01:54 5 01:54 6 01:54 7 01:54 8	 February of 2021, as I recall? A. Yeah, yeah. Q. Contained pretty a lot of the same language, but some further explanation with the updates. A. Right. Q. So did EFSEC staff tell you you
01:52 2 01:52 3 01:52 4 01:52 5 01:52 6 01:52 7 01:52 8 01:52 9	 Q. Section paragraph 2.22 is the analysis of alternatives. And it says: The application shall include analysis of alternatives for site, route, and other major elements of the proposal. And there's a page or two here. Goes over to page 121, about alternatives? Did you have any hand in writing 	01:54 2 01:54 3 01:54 4 01:54 5 01:54 6 01:54 7 01:54 8 01:55 9	 February of 2021, as I recall? A. Yeah, yeah. Q. Contained pretty a lot of the same language, but some further explanation with the updates. A. Right. Q. So did EFSEC staff tell you you didn't have to consider alternatives before
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01:52201:52301:52401:52501:52601:52701:52801:521001:521101:521201:521301:521401:521501:521601:531701:531801:532001:532101:532201:5323	 Q. Section paragraph 2.22 is the analysis of alternatives. And it says: The application shall include analysis of alternatives for site, route, and other major elements of the proposal. And there's a page or two here. Goes over to page 121, about alternatives? Did you have any hand in writing this? A. Yes. Did you write it? Are you the author? A. I initiated it, yes. But then it was a team effort, like the entire document. Q. And I have not seen in the ASC or in this particular section of the updated ASC an alternate site layout with fewer turbines; is that correct? A. That's correct. Q. And why isn't why haven't you presented a project that has an alternative for site? 	01:54201:54301:54401:54501:54601:54701:55901:551001:551101:551201:551301:551401:551601:551701:551801:552001:552101:552201:5523	 February of 2021, as I recall? A. Yeah, yeah. Q. Contained pretty a lot of the same language, but some further explanation with the updates. A. Right. Q. So did EFSEC staff tell you you didn't have to consider alternatives before February of '21? A. No. MS. PERLMUTTER: Objection as to form. It's unclear as to if you can answer, go ahead. BY MR. ARAMBURU: Q. Well, let me clarify the question. Let's not have questions that are out of order. You indicated you were told by EFSEC staff that you didn't have to consider options other than the 244, 150, correct? A. When they were ready to complete the DEIS they made that determination and informed us of it.
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	97		99
01:55 1	Q. the DEIS was started?	01:58 1	THE WITNESS: I'm sure I told them,
01:55 2	A. I don't believe they need to	01:58 2	we don't think you need to evaluate
01:55 3	evaluate alternatives, and so we wrote this	01:58 3	alternatives.
01:55 4	accordingly.	01:58 4	BY MR. ARAMBURU:
01:55 5	Q. Okay. But was this part of the	01:58 5	Q. So was it your request that they not
01:55 6	application done in concert with EFSEC staff?	01:58 6	be considered?
01:55 7	A. No. This was our application for	01:58 7	A. I can't request that. They're the
01:56 8	site certification. And we evaluated the	01:58 8	decision-maker.
01:56 9	alternatives as we deemed necessary.	01:58 9	Q. I understand they're the
01:56 10	Q. Okay. But EFSEC staff said you did	01:58 10	decision-maker, but you can also ask them to do
01:56 10	not have to consider a smaller project; is that	01:58 11	things, and I don't think you're shy about
01:56 12	correct?	01:58 12	that.
01:56 12 01:56 13		01:58 12	
01:56 13 01:56 14		01:58 13	So did you ask them to not consider any alternatives?
01:56 14 01:56 15	decision when they were finalizing the draft ELS.	01:58 14 01:58 15	
01:56 15 01:56 16			A. No, I did not make a request that
	Q. Was that in consultation with you?	01:58 16	said, please do not consider alternatives. I
01:56 17	A. They independently came to that	01:58 17	said, you make the decision as you see fit.
01:56 18	decision.	01:58 18	Q. And was that decision made for the
01:56 19	Q. Well, was this discussed in	01:58 19	ASC and for the DEIS, for both of the
01:56 20	communications, in conversations with EFSEC	01:58 20	documents?
01:56 21	staff?	01:58 21	A. No, no.
01:56 22	A. I'm certain I've told them what I	01:58 22	MS. PERLMUTTER: Object as to form.
01:56 23	just told you, that I don't believe we're	01:58 23	Go ahead, you can answer.
01:56 24	obligated to evaluate alternatives. It doesn't	01:58 24	THE WITNESS: It wasn't the decision
01:56 25	make sense to evaluate alternatives. We need	01:59 25	until the DEIS came out.
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	98		100
01:56 1	to permit the optimal project and be nimble to	01:59 1	BY MR. ARAMBURU:
01:57 2	to permit the optimal project and be nimble to continue to optimize it until we actually are	01:59 2	BY MR. ARAMBURU: Q. Well, but this document came out
01:57 2 01:57 3	to permit the optimal project and be nimble to continue to optimize it until we actually are to the point where we're ready to finance the	01:59 2 01:59 3	BY MR. ARAMBURU: Q. Well, but this document came out the original document here updated now
01:57 2 01:57 3 01:57 4	to permit the optimal project and be nimble to continue to optimize it until we actually are to the point where we're ready to finance the project.	01:59201:59301:594	BY MR. ARAMBURU: Q. Well, but this document came out the original document here updated now A. Yeah.
01:57 2 01:57 3 01:57 4 01:57 5	to permit the optimal project and be nimble to continue to optimize it until we actually are to the point where we're ready to finance the project. Q. I understand the business objectives	01:59201:59301:59401:595	 BY MR. ARAMBURU: Q. Well, but this document came out the original document here updated now A. Yeah. Q with new language, that came out
01:57 2 01:57 3 01:57 4 01:57 5 01:57 6	to permit the optimal project and be nimble to continue to optimize it until we actually are to the point where we're ready to finance the project. Q. I understand the business objectives that are here, and I appreciate what you're	01:59 2 01:59 3 01:59 4 01:59 5 01:59 6	 BY MR. ARAMBURU: Q. Well, but this document came out the original document here updated now A. Yeah. Q with new language, that came out in February of '21. The draft impact statement
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01:57 2 01:57 3 01:57 4 01:57 5 01:57 6 01:57 7 01:57 8 01:57 9 01:57 10 01:57 11 01:57 13 01:57 13 01:57 15 01:57 16 01:57 16 01:57 18 01:57 20 01:57 21 01:57 21 01:58 23 01:58 24	 to permit the optimal project and be nimble to continue to optimize it until we actually are to the point where we're ready to finance the project. Q. I understand the business objectives that are here, and I appreciate what you're telling me. The question is, when did EFSEC staff tell you that you didn't have to consider alternatives? When were those conversations? A. What EFSEC told us is that they determined that the only alternatives that need to be evaluated are the no alternative and the proposal, with the exception that the proposal would be the two turbine option alternatives. Q. So the original ASC came in, was filed on February in February of 2021 A. Right. Q. Did you have those conversations with EFSEC about the alternatives prior to filing the application? MS. PERLMUTTER: Objection as to 	01:59201:59301:59401:59501:59701:59801:591001:591101:591201:591301:591401:591501:591601:591701:591801:592001:592102:002302:0024	 BY MR. ARAMBURU: Q. Well, but this document came out the original document here updated now A. Yeah. Q with new language, that came out in February of '21. The draft impact statement didn't come out until December of '22. A. This is our document. We created this, and we updated it in the image that we expect to be permitted for. And EFSEC's responsible for their independent environmental impact statement and determination of what alternatives would be evaluated. They made their choice. We submitted our application as you see it. Q. But your application doesn't contain any discussion of alternatives other than no action or the 244, 150? A. What's required by EFSEC is what's in this analysis of alternatives. Q. Did you present this analysis to EFSEC as consistent with WAC (indecipherable) (The Court Reporter requested
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01:57 2 01:57 3 01:57 4 01:57 5 01:57 6 01:57 7 01:57 8 01:57 9 01:57 10 01:57 11 01:57 13 01:57 13 01:57 15 01:57 16 01:57 16 01:57 18 01:57 20 01:57 21 01:57 21 01:58 23 01:58 24	 to permit the optimal project and be nimble to continue to optimize it until we actually are to the point where we're ready to finance the project. Q. I understand the business objectives that are here, and I appreciate what you're telling me. The question is, when did EFSEC staff tell you that you didn't have to consider alternatives? When were those conversations? A. What EFSEC told us is that they determined that the only alternatives that need to be evaluated are the no alternative and the proposal, with the exception that the proposal would be the two turbine option alternatives. Q. So the original ASC came in, was filed on February in February of 2021 A. Right. Q. Did you have those conversations with EFSEC about the alternatives prior to filing the application? MS. PERLMUTTER: Objection as to 	01:59201:59301:59401:59501:59701:59801:591001:591101:591201:591301:591401:591501:591601:591701:591801:592001:592102:002302:0024	 BY MR. ARAMBURU: Q. Well, but this document came out the original document here updated now A. Yeah. Q with new language, that came out in February of '21. The draft impact statement didn't come out until December of '22. A. This is our document. We created this, and we updated it in the image that we expect to be permitted for. And EFSEC's responsible for their independent environmental impact statement and determination of what alternatives would be evaluated. They made their choice. We submitted our application as you see it. Q. But your application doesn't contain any discussion of alternatives other than no action or the 244, 150? A. What's required by EFSEC is what's in this analysis of alternatives. Q. Did you present this analysis to EFSEC as consistent with WAC (indecipherable) (The Court Reporter requested

	101		102
02:00 1	101 BY MR. ARAMBURU:	02:02 1	103 And so aputhing we do to knock off turbings
02:00 1 02:00 2	Q . Did you go to EFSEC and ask and	02:02 1 02:02 2	And so anything we do to knock off turbines is changing that economy of scale and
	present to EFSEC draft language in compliance	02:02 2 02:02 3	making it less economic.
02:00 3 02:00 4	with WAC 463-60-296 and ask them to approve it?	02:02 3 02:02 4	BY MR. ARAMBURU:
02:00 4 02:00 5	MS. PERLMUTTER: Objection as to	02:02 4 02:02 5	Q. Well, I don't understand the
02:00 5 02:00 6	form. And calls for a legal conclusion.	02:02 5 02:02 6	difference of economy of scale. We've got a
02:00 8 02:00 7	If you can answer it, you can.	02:02 0 02:02 7	certain number of turbines here. We've got a
02:00 7 02:00 8	THE WITNESS: We submitted the	02:02 7 02:02 8	certain they can be cut in half.
02:00 9	document to them and asked them to process	02:02 0 02:02 9	What's the economy of scale? Why
02:00 9 02:00 10	it. That's I mean, that's the form it	02:02 9 02:02 10	isn't the option of half the turbines something
02:00 10	took. I did not request them to not	02:02 10	that can be explored?
02:00 11	evaluate alternatives. I likely told them,	02:03 12	MS. PERLMUTTER: Object as to form.
02:00 12	you don't need to, because that's what I	02:03 13	You can answer.
02:00 10	believe.	02:03 14	THE WITNESS: I know every
02:00 15	BY MR. ARAMBURU:	02:03 15	combination of turbines versus
02:00 16	Q . Okay.	02:03 16	infrastructure cost. We've evaluated the
02:00 17	A. I can read WACs, too, just like	02:03 17	full spectrum over and over and over
02:00 11	anybody else.	02:03 18	exhaustively.
02:01 19	Q. Okay. So that's your reading of the	02:03 19	And you have to accept that there is
02:01 20	WAC 463-60-296?	02:03 20	economy of scale when you have a certain
02:01 21	A. I think it's EFSEC's, too.	02:03 21	basic economic infrastructure cost. And so
02:01 22	Q. Okay. Now	02:03 22	the more generation you can pile onto it,
02:01 23	A. Well, that was speculating. I	02:03 23	the cheaper that generation per unit is
02:01 24	probably shouldn't have done that.	02:03 24	going to be.
02:01 25	Q. Okay. So you're very determined to	02:03 25	That's this is our business.
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	102		104
02:01 1	talk about only what I'm going to call the 244,	02:03 1	This is what we do to develop projects that
02:01 2	150 options. We understand what those are?	02:03 2	the market will prefer.
02:01 3	A. That's what I want to permit, yeah.	02:03 3	BY MR. ARAMBURU:
02:01 4	I need that flexibility.	02:03 4	Q. Well, for example, Phase 1 of the
02:01 5	Q. Okay. Now, why can't we do half	02:03 5	project
02:01 6			
02.01	that project?	02:03 6	A. Yes.
02:01 0 02:01 7	that project? MS. PERLMUTTER: Objection.	02:03 6 02:03 7	
02:01 7 02:01 8	MS. PERLMUTTER: Objection. BY MR. ARAMBURU:		A. Yes.
02:01 7 02:01 8 02:01 9	MS. PERLMUTTER: Objection. BY MR. ARAMBURU: Q. What's wrong with that?	02:03 7 02:03 8 02:04 9	 A. Yes. Q on page 2-101, if you would like to refer to it. A. Okay.
02:01 7 02:01 8 02:01 9 02:01 10	MS. PERLMUTTER: Objection. BY MR. ARAMBURU: Q. What's wrong with that? MS. PERLMUTTER: Object as to form.	02:03 7 02:03 8 02:04 9 02:04 10	 A. Yes. Q on page 2-101, if you would like to refer to it. A. Okay. Q. Phase 1 and Phase 2, right?
02:01 7 02:01 8 02:01 9 02:01 10 02:01 11	MS. PERLMUTTER: Objection. BY MR. ARAMBURU: Q. What's wrong with that? MS. PERLMUTTER: Object as to form. And calls for speculation. But you can	02:03 7 02:03 8 02:04 9 02:04 10 02:04 11	 A. Yes. Q on page 2-101, if you would like to refer to it. A. Okay. Q. Phase 1 and Phase 2, right? A. Yes.
02:01702:01802:011002:011102:0112	MS. PERLMUTTER: Objection. BY MR. ARAMBURU: Q. What's wrong with that? MS. PERLMUTTER: Object as to form. And calls for speculation. But you can answer.	02:03 7 02:03 8 02:04 9 02:04 10 02:04 11 02:04 12	 A. Yes. Q on page 2-101, if you would like to refer to it. A. Okay. Q. Phase 1 and Phase 2, right? A. Yes. Q. Why don't we just build Phase 1 of
02:01702:01802:011002:011102:011202:0113	MS. PERLMUTTER: Objection. BY MR. ARAMBURU: Q. What's wrong with that? MS. PERLMUTTER: Object as to form. And calls for speculation. But you can answer. THE WITNESS: We need to be able to	02:03 7 02:03 8 02:04 9 02:04 10 02:04 11 02:04 12 02:04 13	 A. Yes. Q on page 2-101, if you would like to refer to it. A. Okay. Q. Phase 1 and Phase 2, right? A. Yes. Q. Why don't we just build Phase 1 of the project? What are the economies of scale
02:01702:01902:011002:011102:011202:011302:0114	MS. PERLMUTTER: Objection. BY MR. ARAMBURU: Q. What's wrong with that? MS. PERLMUTTER: Object as to form. And calls for speculation. But you can answer. THE WITNESS: We need to be able to get an offtaker for this project. One of	02:03 7 02:03 8 02:04 9 02:04 10 02:04 11 02:04 12 02:04 13 02:04 14	 A. Yes. Q on page 2-101, if you would like to refer to it. A. Okay. Q. Phase 1 and Phase 2, right? A. Yes. Q. Why don't we just build Phase 1 of the project? What are the economies of scale that prevent you from just building that
02:01702:01902:011002:011102:011202:011302:011402:0215	MS. PERLMUTTER: Objection. BY MR. ARAMBURU: Q. What's wrong with that? MS. PERLMUTTER: Object as to form. And calls for speculation. But you can answer. THE WITNESS: We need to be able to get an offtaker for this project. One of the key factors in determining the	02:03 7 02:03 8 02:04 9 02:04 10 02:04 11 02:04 12 02:04 13 02:04 14 02:04 15	 A. Yes. Q on page 2-101, if you would like to refer to it. A. Okay. Q. Phase 1 and Phase 2, right? A. Yes. Q. Why don't we just build Phase 1 of the project? What are the economies of scale that prevent you from just building that project?
02:01702:01802:011002:011102:011202:011302:021502:0216	MS. PERLMUTTER: Objection. BY MR. ARAMBURU: Q. What's wrong with that? MS. PERLMUTTER: Object as to form. And calls for speculation. But you can answer. THE WITNESS: We need to be able to get an offtaker for this project. One of the key factors in determining the economics of the project is the economy of	02:03 7 02:04 9 02:04 10 02:04 12 02:04 13 02:04 14 02:04 15 02:04 16	 A. Yes. Q on page 2-101, if you would like to refer to it. A. Okay. Q. Phase 1 and Phase 2, right? A. Yes. Q. Why don't we just build Phase 1 of the project? What are the economies of scale that prevent you from just building that project? A. Scout has been investing
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02:01702:01902:011002:011102:011202:011302:021502:021602:021802:021802:0219	MS. PERLMUTTER: Objection. BY MR. ARAMBURU: Q. What's wrong with that? MS. PERLMUTTER: Object as to form. And calls for speculation. But you can answer. THE WITNESS: We need to be able to get an offtaker for this project. One of the key factors in determining the economics of the project is the economy of scale. So we need to build it you know, if we could add any more turbines that	02:03 7 02:04 9 02:04 10 02:04 12 02:04 13 02:04 14 02:04 15 02:04 16 02:04 18 02:04 19	 A. Yes. Q on page 2-101, if you would like to refer to it. A. Okay. Q. Phase 1 and Phase 2, right? A. Yes. Q. Why don't we just build Phase 1 of the project? What are the economies of scale that prevent you from just building that project? A. Scout has been investing considerable time and capital in building the largest project we can bring to market because that's what makes us successful.
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02:01702:01902:011002:011102:011202:011302:021502:021602:021802:021902:022102:022102:022102:0221	MS. PERLMUTTER: Objection. BY MR. ARAMBURU: Q. What's wrong with that? MS. PERLMUTTER: Object as to form. And calls for speculation. But you can answer. THE WITNESS: We need to be able to get an offtaker for this project. One of the key factors in determining the economics of the project is the economy of scale. So we need to build it you know, if we could add any more turbines that would increase the overall average capacity factor, we would do that because that improves the economics.	02:03 7 02:04 9 02:04 10 02:04 12 02:04 13 02:04 14 02:04 15 02:04 16 02:04 18 02:04 19 02:04 21 02:04 21	 A. Yes. Q on page 2-101, if you would like to refer to it. A. Okay. Q. Phase 1 and Phase 2, right? A. Yes. Q. Why don't we just build Phase 1 of the project? What are the economies of scale that prevent you from just building that project? A. Scout has been investing considerable time and capital in building the largest project we can bring to market because that's what makes us successful. So the commercial case for this site is to build absolutely as much as we can to satisfy the market need. So any whittling away
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02:01702:01902:011002:011102:011202:011302:011402:021502:021602:021702:022002:022102:022102:022202:022302:022302:0224	MS. PERLMUTTER: Objection. BY MR. ARAMBURU: Q. What's wrong with that? MS. PERLMUTTER: Object as to form. And calls for speculation. But you can answer. THE WITNESS: We need to be able to get an offtaker for this project. One of the key factors in determining the economics of the project is the economy of scale. So we need to build it you know, if we could add any more turbines that would increase the overall average capacity factor, we would do that because that improves the economics. So we've built it out to the extent we believe maintains a viable, desirable,	02:03 7 02:04 9 02:04 10 02:04 11 02:04 12 02:04 13 02:04 14 02:04 15 02:04 16 02:04 19 02:04 20 02:04 21 02:04 22 02:04 23 02:04 24	 A. Yes. Q on page 2-101, if you would like to refer to it. A. Okay. Q. Phase 1 and Phase 2, right? A. Yes. Q. Why don't we just build Phase 1 of the project? What are the economies of scale that prevent you from just building that project? A. Scout has been investing considerable time and capital in building the largest project we can bring to market because that's what makes us successful. So the commercial case for this site is to build absolutely as much as we can to satisfy the market need. So any whittling away that we do of anything that generates as a part of this mix is hurting our prospects.
02:01702:01902:011002:011102:011202:011302:021602:021702:021802:022002:022102:022202:022202:0223	MS. PERLMUTTER: Objection. BY MR. ARAMBURU: Q. What's wrong with that? MS. PERLMUTTER: Object as to form. And calls for speculation. But you can answer. THE WITNESS: We need to be able to get an offtaker for this project. One of the key factors in determining the economics of the project is the economy of scale. So we need to build it you know, if we could add any more turbines that would increase the overall average capacity factor, we would do that because that improves the economics. So we've built it out to the extent we believe maintains a viable, desirable, competitive offering for our marketplace.	02:03 7 02:04 9 02:04 10 02:04 11 02:04 12 02:04 13 02:04 14 02:04 15 02:04 16 02:04 18 02:04 20 02:04 21 02:04 22 02:04 22	 A. Yes. Q on page 2-101, if you would like to refer to it. A. Okay. Q. Phase 1 and Phase 2, right? A. Yes. Q. Why don't we just build Phase 1 of the project? What are the economies of scale that prevent you from just building that project? A. Scout has been investing considerable time and capital in building the largest project we can bring to market because that's what makes us successful. So the commercial case for this site is to build absolutely as much as we can to satisfy the market need. So any whittling away that we do of anything that generates as a part of this mix is hurting our prospects. Q. Well, I understand that there are
02:01702:01802:011002:011102:011202:011302:011402:021502:021602:021802:022002:022102:022202:022302:022302:0224	MS. PERLMUTTER: Objection. BY MR. ARAMBURU: Q. What's wrong with that? MS. PERLMUTTER: Object as to form. And calls for speculation. But you can answer. THE WITNESS: We need to be able to get an offtaker for this project. One of the key factors in determining the economics of the project is the economy of scale. So we need to build it you know, if we could add any more turbines that would increase the overall average capacity factor, we would do that because that improves the economics. So we've built it out to the extent we believe maintains a viable, desirable,	02:03 7 02:04 9 02:04 10 02:04 11 02:04 12 02:04 13 02:04 14 02:04 15 02:04 16 02:04 19 02:04 20 02:04 21 02:04 22 02:04 23 02:04 24	 A. Yes. Q on page 2-101, if you would like to refer to it. A. Okay. Q. Phase 1 and Phase 2, right? A. Yes. Q. Why don't we just build Phase 1 of the project? What are the economies of scale that prevent you from just building that project? A. Scout has been investing considerable time and capital in building the largest project we can bring to market because that's what makes us successful. So the commercial case for this site is to build absolutely as much as we can to satisfy the market need. So any whittling away that we do of anything that generates as a part of this mix is hurting our prospects.

105	107
02:05 1 certain sunk costs of wages and engineering and 02:07 1 prosper, right?	
	understand the objectives.
	reement with them.
02:05 4 A. Uh-huh. 02:07 4 But you'	've indicated to me that
02:05 5 Q. But just in terms of Phase 1, it 02:07 5 there's a really hig	h demand for renewable
02:05 6 consists of turbines on the east side, consists 02:07 6 projects now.	
02:05 7 of a substation on the east side, a battery 02:07 7 A. The ent	tire thing, yep, and more.
02:05 8 operation 02:07 8 There's not enou	ugh to meet the demand.
02:05 9 A. Yeah. 02:07 9 Q. So to us	e the vernacular, people are
02:0510Q on the east side, substation,02:0710snapping them up?	? Disagree with that?
	t doesn't
02:05 12 request of BPA. 12 Q. Okay.	
, , , , , , , , , , , , , , , , , , , ,	besn't meet it. Because
	ong process in negotiations to
	where you ultimately come to a
	ke agreement with an entity.
	rs. I mean look at how long
	eloping this. I mean, it takes
02:0519limiting the competitiveness and the02:0719years.02:0520ultimate revenue potential of this project02:0720So whe	pit's roady when we have are
	n it's ready, when we have our
02:05 21101 our company. Why would we should02:07 21permit in mand, V02:06 22ourselves in the foot and make it smaller?02:07 22winning a marke	we've got a good chance of
	e are projects that are much
	hat are being developed and
	mercial entities or to
	OURT REPORTING SERVICE, LLC
	09.942.8477
106	108
02:06 1 Q. I understand that Scout is in the 02:08 1 utilities; isn't that	true?
02:06 2 business of selling wind turbines, solar, et 02:08 2 MS. PER	LMUTTER: Objection.
3 cetera. 02:08 3 THE WIT	TNESS: That is true. Sorry.
4 A. Yeah. 02:08 4 MS. PER	
	LMUTTER: Objection.
02:06 5 Q. I understand that. 02:08 5 Argumentative	e. You can answer.
02:06 5 Q. I understand that. 02:08 5 Argumentative 02:06 6 A. Yeah, yeah. 02:08 6 THE WIT	e. You can answer. INESS: Yeah, there are small
02:06 5 Q. I understand that. 02:08 5 Argumentative 02:06 6 A. Yeah, yeah. 02:08 6 THE WIT 02:06 7 Q. My question is, if you built 02:08 7 projects, there	e. You can answer. TNESS: Yeah, there are small e are big projects. We're a
02:06 5 Q. I understand that. 02:08 5 Argumentative 02:06 6 A. Yeah, yeah. 02:08 6 THE WIT 02:06 7 Q. My question is, if you built 02:08 7 projects, there 02:06 8 Phase 1, would somebody buy it? 02:08 8 big project but	e. You can answer. TNESS: Yeah, there are small e are big projects. We're a iilder.
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02:065Q.I understand that.02:085Argumentative02:066A.Yeah, yeah.02:086THE WIT02:067Q.My question is, if you built02:087projects, there02:068Phase 1, would somebody buy it?02:088big project bu02:069MS. PERLMUTTER: Objection. Calls02:089BY MR. ARAMBURU02:0610for speculation. And asked and answered.02:0810Q.I want to	e. You can answer. TNESS: Yeah, there are small e are big projects. We're a iilder. J: o go back and talk about the
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02:09 1	of the first hybrid projects in the region.	02:12 1	BY MR. ARAMBURU:
02:09 2	We saw that happening. We conversed	02:12 2	Q. Okay. So have you estimated the
02:09 3	with our market and they said, yeah, we're	02:12 3	amount of time it would take for the solar or
02:09 4	looking at wanting hybrid, you know, if you can	02:12 4	for the batteries to discharge into the grid?
02:09 5	make the economics work.	02:12 5	A. Just like your car battery, it
02:09 6	So we evaluate the heck out of it	02:12 6	depends on how long you're cranking it as to
02:09 7	and get ourselves to a point where we feel we	02:12 7	how long it's going to last. It'll be
02:09 8	have something that is competitive in the	02:12 8	dispatched. So if it's a four-hour battery, it
02:09 9	market.	02:12 9	means if you're dispatching it at maximum
02:09 10	And there is interest in the	02:12 10	capacity, it'll last four hours.
02:09 11	batteries by some utilities, but whether we	02:12 11	Q. How long does it take to charge?
02:10 12 02:10 13	build it or not will depend on what the market	02:12 12 02:13 13	A. Depends on what you're charging it
02:10 13 02:10 14	will bear.Q. So would you say that the project as	02:13 13 02:13 14	with. You can charge it pretty quick or can
02:10 14 02:10 15	Q. So would you say that the project as a whole would have commercial viability without	02:13 14 02:13 15	you charge it all day long. You optimize it. Q. What's your experience of batteries?
02:10 15 02:10 16	-		
02:10 16 02:10 17	the batteries? MS. PERLMUTTER: Objection. Calls	02:13 16 02:13 17	A. I have well, every car I've had
02:10 17 02:10 18	for speculation. And lack of foundation.	02:13 17 02:13 18	has one. I know how they work. It's very similar.
02:10 18 02:10 19	But you can answer.	02:13 10 02:13 19	Q. I'm not talking about car batteries,
02:10 19 02:10 20	THE WITNESS: The batteries add an	02:13 19 02:13 20	Mr. Kobus. I'm talking about commercial-grade
02:10 20 02:10 21	optimization element, but it's in the eye	02:13 20 02:13 21	lithium-ion batteries of 150 megawatts.
02:10 21	of the beholder, in this case, the market,	02:13 21	What experience do you have with
02:10 22 02:10 23	whether it's advantageous for them or not.	02:13 22	anything with lithium-ion batteries at that
02:10 23 02:10 24	And also understand, it may not be	02:13 23	scale?
02:10 24 02:10 25	advantageous for a party today, but	02:13 24 02:13 25	A. I've studied the heck out of it, and
02.10 20	TRI-CITIES COURT REPORTING SERVICE, LLC	02.10 20	TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	110		112
02:10 1	110 ten vears from now it might be. So I want	02:13 1	112 I have very good experts that support me with
02:10 1 02:10 2	ten years from now it might be. So I want	02:13 1 02:13 2	I have very good experts that support me with
02:10 1 02:10 2 02:10 3	ten years from now it might be. So I want it in there. I want it permitted so		I have very good experts that support me with any demand or question I desire. And the
02:10 2 02:10 3	ten years from now it might be. So I want it in there. I want it permitted so ten years from now, if that market	02:13 2	I have very good experts that support me with
02:10 2	ten years from now it might be. So I want it in there. I want it permitted so	02:13 2 02:13 3	I have very good experts that support me with any demand or question I desire. And the manufacturers are more than eager to tell us
02:10 2 02:10 3 02:10 4	ten years from now it might be. So I want it in there. I want it permitted so ten years from now, if that market develops, I can build it.	02:13 2 02:13 3 02:13 4	I have very good experts that support me with any demand or question I desire. And the manufacturers are more than eager to tell us all the technical details we need.
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	110		115
00.11	113	00.10	115
02:14 1	A. Same as for solar and wind turbines.	02:16 1	each point of interconnection.
02:14 2	We're constantly evaluating the market and	02:16 2	BY MR. ARAMBURU:
02:14 3	looking at available technology and price	02:16 3	Q. No, I understand you're going buy a
02:14 4	points. And when the time comes, I'll	02:16 4	lot of batteries.
02:14 5	guarantee you we're going to choose the most	02:16 5	A. Yeah.
02:14 6	optimal arrangement and manufacturer at the	02:16 6	Q. But we're basically talking about
02:14 7	time.	02:16 7	four-hour lithium-ion batteries, correct?
02:14 8	Q . But it may be that the operator	02:17 8	A. Not necessarily. I mean, that was
02:14 9	doesn't need the batteries?	02:17 9	our target at the time we last updated the ASC.
02:14 10	A. Yeah.	02:17 10	I don't know what it's going to turn out.
02:14 11	MS. PERLMUTTER: Objection as to	02:17 11	Q. Well
02:15 12	form. You can answer.	02:17 12	A. I want to do the most optimal. I
02:15 13	THE WITNESS: It may be we don't	02:17 13	want to sell the most of this project that I
02:15 14	build it on the first buildout, that it'll	02:17 14	can to meet regional needs for clean energy.
02:15 15	be five years from now before we decide to	02:17 15	That's what this is all about. That's what we
02:15 16	put the batteries in and upgrade the	02:17 16	need to do.
02:15 17	project. But I got to have it in here to	02:17 17	Q. Okay. I understand that.
02:15 18	do that, so	02:17 18	A. Yes.
02:15 19	BY MR. ARAMBURU:	02:17 19	Q. The question is, for people who are
02:15 20	Q. But if one's analyzing the project	02:17 20	assessing the project now, we're not going to
02:15 21	now, one should consider the batteries are a	02:17 21	base that on something 15 or 20 years from now
02:15 22	part of it?	02:17 22	when the batteries may be bigger or longer or
02:15 23	MS. PERLMUTTER: Objection. Form	02:17 23	different composition.
02:15 24	and foundation. You can answer.	02:17 24	We need to do it on the basis of
02:15 25	THE WITNESS: Our market looks at	02:17 25	what's currently commercially available; isn't
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	114		116
02:15 1	all of these optimizations constantly.	02:17 1	that correct?
02:15 1 02:15 2	all of these optimizations constantly. They're constantly evaluating what's	02:17 1 02:17 2	that correct? MS. PERLMUTTER: Objection. Form
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02:15 2	all of these optimizations constantly. They're constantly evaluating what's optimal, and it changes literally from day to day.	02:17 2	that correct? MS. PERLMUTTER: Objection. Form and foundation. You can answer, if you can.
02:15202:15302:15402:155	all of these optimizations constantly. They're constantly evaluating what's optimal, and it changes literally from day to day. So today, right now, I can't tell	02:17 2 02:17 3	that correct? MS. PERLMUTTER: Objection. Form and foundation. You can answer, if you can. THE WITNESS: We have what we need
02:15 2 02:15 3 02:15 4	all of these optimizations constantly. They're constantly evaluating what's optimal, and it changes literally from day to day. So today, right now, I can't tell you what our first buildout is going to	02:17 2 02:17 3 02:17 4	that correct? MS. PERLMUTTER: Objection. Form and foundation. You can answer, if you can.
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02:15 2 02:15 3 02:15 4 02:15 5 02:15 7 02:15 8 02:16 10 02:16 12 02:16 13 02:16 14 02:16 15 02:16 16 02:16 17 02:16 18 02:16 19 02:16 21 02:16 21 02:16 23 02:16 23	 all of these optimizations constantly. They're constantly evaluating what's optimal, and it changes literally from day to day. So today, right now, I can't tell you what our first buildout is going to look like because I can't tell you who the offtaker is. We haven't selected our equipment, so I can't tell you what brand name of battery we're going have. We may have a six-hour battery. We may have an eight-hour battery. I can't tell you right now. I would if I could, but we have to be nimble. We have to keep this flexible. BY MR. ARAMBURU: Q. So for people looking at it and talking about the application and whether EFSEC ought to grant a permit for this, we go with the current technology, which is lithium-ion four-hour batteries? MS. PERLMUTTER: Objection. Foundation. You can answer. THE WITNESS: No. We go with 150 megawatt battery potential. We can 	02:17 2 02:17 3 02:17 4 02:17 5 02:17 7 02:17 7 02:17 8 02:17 9 02:17 10 02:18 11 02:18 12 02:18 13 02:18 15 02:18 16 02:18 17 02:18 18 02:18 19 02:18 21 02:18 22 02:18 23 02:18 23 02:18 24	 that correct? MS. PERLMUTTER: Objection. Form and foundation. You can answer, if you can. THE WITNESS: We have what we need to tell EFSEC. They can make a decision on what's in here. BY MR. ARAMBURU: Q. Okay. Good. So in connection with the discussion of batteries is this question of water for the project. A. (Witness nodded head up and down.) Q. And I understand I'm, again, looking at the application, page 2-86 talks about water supply. Have you been involved in assessing and getting water rights for the project? A. I'm the key person doing that, yes. Q. You're the one? A. Yes. Q. Okay. Okay. And I understand from reading the document that drilling a well and getting water from a well on the site is not
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02:15 2 02:15 3 02:15 4 02:15 5 02:15 7 02:15 8 02:16 10 02:16 12 02:16 13 02:16 14 02:16 15 02:16 16 02:16 17 02:16 18 02:16 19 02:16 21 02:16 21 02:16 23 02:16 23	 all of these optimizations constantly. They're constantly evaluating what's optimal, and it changes literally from day to day. So today, right now, I can't tell you what our first buildout is going to look like because I can't tell you who the offtaker is. We haven't selected our equipment, so I can't tell you what brand name of battery we're going have. We may have a six-hour battery. We may have an eight-hour battery. I can't tell you right now. I would if I could, but we have to be nimble. We have to keep this flexible. BY MR. ARAMBURU: Q. So for people looking at it and talking about the application and whether EFSEC ought to grant a permit for this, we go with the current technology, which is lithium-ion four-hour batteries? MS. PERLMUTTER: Objection. Foundation. You can answer. THE WITNESS: No. We go with 150 megawatt battery potential. We can 	02:17 2 02:17 3 02:17 4 02:17 5 02:17 7 02:17 7 02:17 8 02:17 9 02:17 10 02:18 11 02:18 12 02:18 13 02:18 15 02:18 16 02:18 17 02:18 18 02:18 19 02:18 21 02:18 22 02:18 23 02:18 23 02:18 24	 that correct? MS. PERLMUTTER: Objection. Form and foundation. You can answer, if you can. THE WITNESS: We have what we need to tell EFSEC. They can make a decision on what's in here. BY MR. ARAMBURU: Q. Okay. Good. So in connection with the discussion of batteries is this question of water for the project. A. (Witness nodded head up and down.) Q. And I understand I'm, again, looking at the application, page 2-86 talks about water supply. Have you been involved in assessing and getting water rights for the project? A. I'm the key person doing that, yes. Q. You're the one? A. Yes. Q. Okay. Okay. And I understand from reading the document that drilling a well and getting water from a well on the site is not

	447			440
02:40	117	00.01	4	119
02:18 1 02:18 2	A. Not true.Q. Well, the	02:21 02:21	1 2	<pre>literally right next to the project. Q. Not available now, though?</pre>
	A. There are wells out there.	02:21	2	
02:18 3 02:19 4	Q. I understand that. I'm not talking	02:21	-	
_	about those wells.		4 5	-
02:19 5 02:19 6	A. But if you want to go dig dry holes	02:21 02:21	6	
	to try and see if you can get water, no thanks.	02:21	7	
02:19 7 02:19 8	No thanks.	02:21		5
02.19 8 02:19 9	Q. So as I understand, that no new	02:21		
02.19 9 02:19 10	water rights are anticipated for this project.	02:21		
02:19 10 02:19 11	You're not going to be getting new water rights	02:21		A. Yes. We've turned down suppliers of
02:19 11 02:19 12	to provide for water for the project.	02:21		
02:19 13	A. Not true. We will have rights for	02:21		
02:19 14	whatever water supply we need, and contract for			,
02:19 15	the project. And we have that identified, and	02:21		5 5
02:19 16	it's perfectly valid.	02:21	-	
02:19 17	Q. Page 1-10 under energy and natural	02:22	-	
02:19 18	resources, it says:	02:22		0
02:19 19	No new water rights are anticipated	02:22	-	
02:19 20	to be necessary for the use of local off-site	02:22	-	
02:19 21	water resources.	02:22		A. From Port of Walla Walla, yeah.
02:19 22	Is that correct?	02:22	22	-
02:19 23	MS. PERLMUTTER: Objection as to	02:22	23	
02:19 24	form. You can answer, if you can.	02:22		
02:19 25	THE WITNESS: This update indicated	02:22	25	A. No, I don't I don't have signed
	TRI-CITIES COURT REPORTING SERVICE, LLC			TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477			509.942.8477
	118			120
02:20 1	118 we do not need to obtain new water rights.	02:22	1	120 agreements.
02:20 1 02:20 2		02:22	1 2	agreements.
	we do not need to obtain new water rights.	02:22 02:22		agreements. Q. And
02:20 2	we do not need to obtain new water rights. We have water supply potential that has		2	agreements. Q. And A. You know a lot of agreements don't
02:20 2 02:20 3	we do not need to obtain new water rights. We have water supply potential that has water rights. BY MR. ARAMBURU: Q. And what's that?	02:22	2 3 4	agreements. Q. And A. You know a lot of agreements don't get signed until they're needed, right? You sign them just in time when you've found the
02:20 2 02:20 3 02:20 4	 we do not need to obtain new water rights. We have water supply potential that has water rights. BY MR. ARAMBURU: Q. And what's that? A. Appendix which the one in 	02:22 02:22	2 3 4 5	agreements. Q. And A. You know a lot of agreements don't get signed until they're needed, right? You sign them just in time when you've found the optimal source and the most economic and best
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02:20 2 02:20 3 02:20 4 02:20 5 02:20 6 02:20 7 02:20 8	 we do not need to obtain new water rights. We have water supply potential that has water rights. BY MR. ARAMBURU: Q. And what's that? A. Appendix which the one in there that identifies the Port of Walla Walla agreement. 	02:22 02:22 02:22 02:22 02:22 02:22	2 3 4 5 6 7 8	agreements. Q. And A. You know a lot of agreements don't get signed until they're needed, right? You sign them just in time when you've found the optimal source and the most economic and best opportunity for you. Q. That's the way business works?
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02:20 2 02:20 3 02:20 4 02:20 5 02:20 6 02:20 7 02:20 8 02:20 9 02:20 10 02:20 11	 we do not need to obtain new water rights. We have water supply potential that has water rights. BY MR. ARAMBURU: Q. And what's that? A. Appendix which the one in there that identifies the Port of Walla Walla agreement. Q. Okay. So that's what you're relying on? A. We may find others. 	02:22 02:22 02:22 02:22 02:22 02:22 02:22 02:22 02:22	2 3 4 5 6 7 8 9 10 11	 agreements. Q. And A. You know a lot of agreements don't get signed until they're needed, right? You sign them just in time when you've found the optimal source and the most economic and best opportunity for you. Q. That's the way business works? A. Yeah. Q. So let's look over page 2-150, please.
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02:20 2 02:20 4 02:20 5 02:20 6 02:20 7 02:20 7 02:20 9 02:20 10 02:20 12 02:20 13 02:20 14 02:20 15 02:20 16 02:20 17 02:20 18 02:20 19 02:21 21 02:21 22 02:21 23 02:21 23	 we do not need to obtain new water rights. We have water supply potential that has water rights. BY MR. ARAMBURU: Q. And what's that? A. Appendix which the one in there that identifies the Port of Walla Walla agreement. Q. Okay. So that's what you're relying on? A. We may find others. Q. Okay. Has an investigation been made of other water suppliers for the project other than the Port of Walla Walla? A. I've been working on it for two years. In fact, we originally thought we would the most convenient and obvious would be Kennewick. They have a huge water municipal water system, and they were selling water to anybody that applied and checked out a water meter. And then they decided to change their policy and say, no, we're going to keep it for only within the city limits. 	02:22 02:22 02:22 02:22 02:22 02:22 02:22 02:22 02:22 02:22 02:23 02:23 02:23 02:23 02:23 02:23 02:23 02:23 02:23 02:23 02:23 02:23	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 9 20 21 22 23 24	 agreements. Q. And A. You know a lot of agreements don't get signed until they're needed, right? You sign them just in time when you've found the optimal source and the most economic and best opportunity for you. Q. That's the way business works? A. Yeah. Q. So let's look over page 2-150, please. A. Boy, this is a big document. Okay. I'm there. Q. Under statement of compliance on that page. A. Yes. Q. The first sentence reads: Construction and operation of the project would comply with certain sections of the Benton County code. And the last one listed there is: Minimum standard minimum standards fire flows, water mains, fire hydrants, and roads.

	121			123
02:23 1	A. Yes.	02:25	1	Q. Well, if there was a fire up there
02:23 2	Q. Did you write this?	02:26	2	now, what would be the source of water for
02:23 3	A. No. Tetra Tech wrote this.	02:26	3	extinguishing it?
02:23 4	Q. And has the project can the	02:26	4	MS. PERLMUTTER: Objection.
02:23 5	project meet these requirements?	02:26	5	Foundation. Calls for speculation. You
02:23 6	A. I'm absolutely convinced we can.	02:26	6	can answer.
02:23 7	Q. And what would be the source of	02:26	7	THE WITNESS: Well, I can answer
02:23 8	water for the minimum fire flows, water mains,	02:26	8	it's BC-1, Benton County Number 1.
02:23 9	fire hydrants, roads, et cetera, particularly	02:26	9	BY MR. ARAMBURU:
02:23 10	for the batteries?	02:26	10	Q. And how much water do they have
02:23 11	MS. PERLMUTTER: Objection to form.	02:26	11	available to fight a fire?
02:23 12	And asked and answered. But you can	02:26	12	MS. PERLMUTTER: Objection. Lack of
02:23 13	answer, if you can.	02:26 *	-	foundation. Answer if you can.
02:23 14	THE WITNESS: The batteries may not	02:26 *	14	THE WITNESS: I don't know what
02:24 15	have water suppression. They're not	02:26	15	their equipment current equipment is. I
02:24 16	required to.	02:26		know they have water tankers, I've seen
02:24 17	BY MR. ARAMBURU:	02:26		them out fighting fires.
02:24 18	Q. Okay. But I'm asking about the	02:26		They have interagency agreements
02:24 19	minimum standard fire flows.	02:26		where, if they need more, they can get it
02:24 20	What information can you provide me	02:26		from BC-2, they can get it from
02:24 21	that those fire flows are being met?	02:26		Walla Walla, they can get it from any of
02:24 22	A. The standards are not going to	02:26		the local fire departments. They will meet
02:24 23	expect you to have water available when there's	02:26		the need.
02:24 24	no hydrants. So, obviously, you have to have	02:26		BY MR. ARAMBURU:
02:24 25	some capability to get the water to where it's	02:26	25	Q. So on page 2-151, there's further TRI-CITIES COURT REPORTING SERVICE, LLC
	TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477			
				509.942.8477
02.24 1	122	02:26	1	124
02:24 1	122 needed. So I'm absolutely convinced we can	02:26	1	124 discussion of water. Could you turn over
02:24 2	122 needed. So I'm absolutely convinced we can meet the standards. We just said that here.	02:26	2	124 discussion of water. Could you turn over there?
02:24 2 02:24 3	122 needed. So I'm absolutely convinced we can meet the standards. We just said that here. Q. No, I understand what you've said	02:26 02:26		124 discussion of water. Could you turn over there? A. Sure.
02:24 2 02:24 3	122 needed. So I'm absolutely convinced we can meet the standards. We just said that here. Q. No, I understand what you've said here.	02:26 02:26 02:26	2 3	124 discussion of water. Could you turn over there? A. Sure. Q. And about two-thirds of the way down
02:24 2 02:24 3 02:24 4	122 needed. So I'm absolutely convinced we can meet the standards. We just said that here. Q. No, I understand what you've said	02:26 02:26 02:26	2 3 4 5	124 discussion of water. Could you turn over there? A. Sure.
02:24 2 02:24 3 02:24 4 02:24 5	122 needed. So I'm absolutely convinced we can meet the standards. We just said that here. Q. No, I understand what you've said here. My question is, where are where	02:26 02:26 02:26 02:27	2 3 4 5 6	124 discussion of water. Could you turn over there? A. Sure. Q. And about two-thirds of the way down that first paragraph
02:24 2 02:24 3 02:24 4 02:24 5 02:24 6	122 needed. So I'm absolutely convinced we can meet the standards. We just said that here. Q. No, I understand what you've said here. My question is, where are where are the drawings, where are the specifications,	02:26 02:26 02:26 02:27 02:27	2 3 4 5 6 7	124 discussion of water. Could you turn over there? A. Sure. Q. And about two-thirds of the way down that first paragraph A. Okay.
02:24 2 02:24 3 02:24 4 02:24 5 02:24 6 02:24 7	122 needed. So I'm absolutely convinced we can meet the standards. We just said that here. Q. No, I understand what you've said here. My question is, where are where are the drawings, where are the specifications, where are the other materials that indicate	02:26 02:26 02:27 02:27 02:27 02:27	2 3 4 5 6 7 8	124 discussion of water. Could you turn over there? A. Sure. Q. And about two-thirds of the way down that first paragraph A. Okay. Q there are two sentences that say:
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02:24 2 02:24 4 02:24 5 02:24 6 02:24 7 02:25 8 02:25 9 02:25 10 02:25 12 02:25 13 02:25 16 02:25 16 02:25 18 02:25 20 02:25 21 02:25 22 02:25 23 02:25 23	 122 needed. So I'm absolutely convinced we can meet the standards. We just said that here. Q. No, I understand what you've said here. My question is, where are where are the drawings, where are the specifications, where are the other materials that indicate these minimum standards can be met? A. In the section of the ASC where it addresses water. It addresses it in various places. Q. I understand, and I've read through a lot of the document, but I have seen no drawings. I've seen no standards. I've seen nothing about fire hydrants. And I've seen nothing about the A. There will be no fire hydrants. There is no water service out there. We have to have contracted sources of water. We do not intend to drill our own wells. We will have water storage at the site because we'll need water for domestic needs as well in normal operation on a daily basis. We will rely on Benton County Fire 	02:26 02:27 02:27 02:27 02:27 02:27 02:27 02:27 02:27 02:27 02:27 02:27 02:27 02:27 02:27 02:27 02:27 02:27 02:27 02:27 02:27 02:27 02:27	$ \begin{array}{r} 2 \\ 3 \\ 4 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 10 \\ 11 \\ 12 \\ 13 \\ 14 \\ 15 \\ 16 \\ 7 \\ 18 \\ 9 \\ 21 \\ 22 \\ 23 \\ 24 \\ \end{array} $	 124 discussion of water. Could you turn over there? A. Sure. Q. And about two-thirds of the way down that first paragraph A. Okay. Q there are two sentences that say: Proof of water availability is addressed in section 3.3 of this ASC. Automatic sprinkler systems would be installed in the project O&M building and in the BESS containers per BCC 3.04.041. Do you see that sentence? A. Yes. Q. And so is it the intention of Scout to put automatic sprinkler systems in the BESS operations? A. Yeah. I mean, that's our statement. Q. And how big are these? How big are the battery operations? A. We haven't procured the battery yet, so I really can't answer you. Q. As best I can see, it's six acres of battery.

	125			127
02:28 1	containers. They're self-contained. I mean,	02:30	1	A. Benton County 1.
02:28 2	I've seen them down at the Wheatridge facility	02:30	-	Q . Okay.
02:28 3	and there they have the suppression, it's just	02:30	3	A. Well, it's Benton County 2 at the
02:28 4	not connected to anything.	02:30	4	west site because that's over in Benton
02:28 5	We're going to have the same thing.	02:30	5	County 2 territory. So Benton County 2.
02:28 6	We're going to have modules, like C bands,	02:30	6	Q. Okay. So if I go to Benton have
02:28 7	they'll be modularized components that you	02:30	7	you asked Benton County about their ability to
02:28 8	build together whatever size you need.	02:30	8	fight a six-acre battery fire up on the
02:28 9	Q. What's the source of water for the	02:30	9	plateau?
02:28 10	automatic sprinkler systems that you mentioned	02:30	10	A. Yes. Talked spoke with the fire
02:28 11	here on page 151?	02:30	11	marshal myself.
02:28 12	A. I don't have an answer for you at	02:30	12	Q. What did he say?
02:28 13	the moment.	02:30	13	A. He said, I don't have time for this.
02:28 14	Q. Well, there isn't any, isn't that	02:31	14	I'm sorry, that's what he said. He won't
02:28 15	the case?	02:31	15	answer phone calls anymore. So talk to the
02:28 16	MS. PERLMUTTER: Objection.	02:31	16	Benton County fire marshal.
02:28 17	Argumentative.	02:31	17	Q. So the answer is, you haven't gotten
02:28 18	THE WITNESS: I just don't know what	02:31	18	approval
02:28 19	the plan is. We haven't procured it yet.	02:31	19	A. Benton County will be the provider
02:28 20	BY MR. ARAMBURU:	02:31	20	of emergency services. They're going to have
02:29 21	Q. Are you aware the fire dangers with	02:31	21	to figure it out.
02:29 22	lithium-ion batteries?	02:31	22	Q. But you have not gotten approval
02:29 23	A. Yes, yeah.	02:31	23	from the Benton County fire marshal for the
02:29 24	Q. And what are those dangers?	02:31	24	plans for this six-acre battery operation, have
02:29 25	A. They can have internal faults that	02:31	25	you?
	TRI-CITIES COURT REPORTING SERVICE, LLC			TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477			509.942.8477
	126			128
02:29 1	126 cause them to burn.	02:31	1	A. We do not have our emergency plan
02:29 1 02:29 2	cause them to burn. Q. And have you seen lithium-ion fires?	02:31 02:31	-	A. We do not have our emergency plan approved through the county, no. That will
	cause them to burn. Q. And have you seen lithium-ion fires? Have you seen any videos of them?		2	A. We do not have our emergency plan approved through the county, no. That will likely be a condition of our site certification
02:29 2 02:29 3 02:29 4	 cause them to burn. Q. And have you seen lithium-ion fires? Have you seen any videos of them? A. I've seen pictures of Teslas burning 	02:31 02:31 02:31	2 3 4	A. We do not have our emergency plan approved through the county, no. That will likely be a condition of our site certification agreement. That's how that works.
02:29 2 02:29 3 02:29 4 02:29 5	 cause them to burn. Q. And have you seen lithium-ion fires? Have you seen any videos of them? A. I've seen pictures of Teslas burning up, sure. Is this a Tesla? I don't know if 	02:31 02:31 02:31 02:31	2 3 4 5	 A. We do not have our emergency plan approved through the county, no. That will likely be a condition of our site certification agreement. That's how that works. Q. Are you familiar with the concept of
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	129	Ι	131
02:32 1	what we install at the site.	02:34 1	Q . And then there's another sentence
02:32 2	We will get the best batteries	02:34 2	after that that was recently added, which says:
02:32 2	available in the market, and they will be	02:34 3	If necessary, the applicant would
02:32 3	demonstrably safe and they'll be warranted.	02:34 3	obtain these permits in coordination with
02:32 4 02:32 5	And I'll guarantee you Benton County will make	02:34 4 02:34 5	EFSEC.
	sure that they have the emergency services	02:34 5 02:34 6	Do you see that?
_	capability they need to support this project.		
02:32 7		02:34 7	A. Yes. EFSEC has preemptive authority
02:32 8	Q. You guarantee that they will?	02:34 8	to issue the permits themselves.
02:32 9	A. They have to. That's their	02:34 9	Q. So if you can't get it from the
02:32 10	responsibility.	02:34 10	Benton County fire marshal, you're going to ask
02:32 11	Q. That sounds like a legal conclusion	02:34 11	EFSEC to issue the permit?
02:33 12	to me.	02:34 12	A. Absolutely. It's a benefit of going
02:33 13	MS. PERLMUTTER: You don't have to	02:35 13	to EFSEC, it's a one-stop shop.
02:33 14	answer that.	02:35 14	MS. PERLMUTTER: Wait until there's
02:33 15	THE WITNESS: Okay.	02:35 15	a question pending.
02:33 16	BY MR. ARAMBURU:	02:35 16	THE WITNESS: Oh, sorry.
02:33 17	Q. So we had a little trouble copying	02:35 17	MS. PERLMUTTER: That's okay.
02:33 18	page this is actually page 2-126. And when	02:35 18	You're doing great.
02:33 19	we copied it, we got a couple of holes through,	02:35 19	BY MR. ARAMBURU:
02:33 20	but this is what it looks like. It's your	02:35 20	Q. I'd like you to look at page 4-33,
02:33 21	A. Yes, okay.	02:35 21	and the very last sentence.
02:33 22	Q. Do you see that?	02:35 22	A. Got it.
02:33 23	A. Yeah.	02:35 23	Q. Last two sentences:
02:33 24	Q. Can you find that there in the	02:35 24	Lithium-ion battery storage may pose
02:33 25	material? Yeah, I think it's up yeah, I	02:35 25	a risk of fire and explosion due to the
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	400		400
00.00 4	130	00:00 4	132
02:33 1	think it's right here. Right there.	02:36 1	tendency for lithium-ion batteries to overheat.
02:33 2	think it's right here. Right there. Can you turn that over? That's what	02:36 2	tendency for lithium-ion batteries to overheat. Do you see that?
02:33 2 02:33 3	think it's right here. Right there. Can you turn that over? That's what talks about the Benton County fire marshal?	02:36 2 02:36 3	tendency for lithium-ion batteries to overheat.Do you see that?A. Yes.
02:33 2 02:33 3 02:33 4	think it's right here. Right there.Can you turn that over? That's whattalks about the Benton County fire marshal?A. Yes.	02:36 2 02:36 3 02:36 4	 tendency for lithium-ion batteries to overheat. Do you see that? A. Yes. Q. Did you assist in writing this?
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00.07	133	00.40	135
02:37 1 02:37 2	and answered. You can answer if you can.	02:48 1 02:48 2	about the content of the environmental impact statements?
	THE WITNESS: Well, I remember we		
02:37 3	just went through a bit ago where we said		A. No.
02:37 4	we were going to have fire suppression for	02:48 4	Q. And have you had contact with them
02:37 5	the batteries. So whatever water supply is	02:48 5	about the content of the impact statements?
02:37 6	required to make that operational is what	02:48 6	A. Well, when we initially filed our
02:37 7	it'll end up being.	02:48 7	application, we had conducted a SEPA analysis.
02:37 8	BY MR. ARAMBURU:	02:48 8	And, you know, in our belief, we felt we could
02:37 9	Q . Do you know what the minimum fire	02:49 9	meet the criteria for mitigated determination
02:37 10	flows are that are required for industrial	02:49 10	of nonsignificance.
02:38 11	commercial operations in Benton County?	02:49 11	And then, after we filed for the
02:38 12	MS. PERLMUTTER: Objection.	02:49 12	expedited permitting process, we later decided
02:38 13	Foundation. I'm sorry. Objection. Form.	02:49 13	to rescind that application and agreed with
02:38 14	You can answer, if you can.	02:49 14	EFSEC that we would support them preparing an
02:38 15	THE WITNESS: Not offhand, no.	02:49 15	environmental impact statement.
02:38 16	BY MR. ARAMBURU:	02:49 16	Q. And so there was interactions, then,
02:38 17	Q . Getting near the end here. Give	02:49 17	between EFSEC and Scout staff, including
02:38 18	me I know. I know, you can barely wait.	02:49 18	yourself?
02:38 19	MR. ARAMBURU: Let's go off the	02:49 19	A. Yeah, because we had to we had to
02:38 20	record for a second.	02:49 20	request them to declare that it would need an
02:46 21	(A recess was taken.)	02:49 21	environmental impact statement. Because
02:46 22	BY MR. ARAMBURU:	02:49 22	they're the ones that are responsible for that
02:47 23	Q. A couple of questions.	02:49 23	determination and they're the ones that
02:47 24	You have been have you been the	02:49 24	prepare, or have an independent expert prepare
02:47 25	principal contact for the applicant with EFSEC	02:50 25	the environmental impact statement.
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
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02:47 1	and EFSEC staff?	02:50 1	Q . And as I understand it, the
02:47 2	and EFSEC staff? A. Yes.	02:50 2	Q. And as I understand it, the independent expert is being paid by Scout?
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	137		139
02:51 1		02:54 1	requested those to be identified to the fullest
02:51 1	yes. Q. Has EFSEC indicated to you when they	02:54 1 02:54 2	extent.
-		_	For those we've heard and evaluated.
	expect to issue the final impact statement?		
02:51 4	A. When we asked to extend the EFSEC	02:55 4	we've actually made an attempt to redesign the
02:51 5	process to the point of a final document that's	02:55 5	project in consideration of those. And our
02:51 6	ready to be provided to the governor, we	02:55 6	intent is to continue to work with the Yakima
02:51 7	discussed that the final EIS would be part of	02:55 7	Nation to come to hopefully an agreeable
02:51 8	that record that they create, along with the	02:55 8	compromise.
02:51 9	site certification agreement that would go	02:55 9	Q . Are those attempts reflected
02:51 10	along with that.	02:55 10	anywhere in Exhibit 1?
02:51 11	So I don't know exactly exactly	02:55 11	A. I'm going to say not. I don't think
02:51 12	when the final EIS is going to be completed.	02:55 12	they are.
02:52 13	Q . Have you asked them?	02:55 13	Q. Have you reviewed the confidential
02:52 14	A. Oh, yeah.	02:55 14	TCP report submitted into the adjudication
02:52 15	Q. And what did they say?	02:55 15	record by Jessica Lally?
02:52 16	A. It depends. They still are doing	02:55 16	A. The most recent, yes.
02:52 17	evaluations. And those were documented in the	02:55 17	Q. It was just recently because
02:52 18	recent data requests 7 and 8. We've provided	02:55 18	A. Yeah.
02:52 19	information, and we still owe them a document	02:55 19	Q. The but the report itself?
02:52 20	for data request 7.	02:55 20	A. Yeah.
02:52 21	Q. What's that?	02:55 21	Q. Does Exhibit 1 reflect any efforts
02:52 22	A. The transportation impact analysis.	02:56 22	by Scout to minimize impacts to the Yakima
02:52 23	Q. Okay. And is there going to be any	02:56 23	Nation's traditional cultural properties?
02:52 24	additional visual impact analysis provided?	02:56 24	A. We have continued to maintain the
02:52 25	A. We did do additional, and it has	02:56 25	fullest extent of the development of the
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	400		
	138		140
02:52 1	been provided in response to data request 7.	02:56 1	project, and have not yet reduced impacts.
02:52 2	been provided in response to data request 7. Q. And that's been provided to EFSEC	02:56 2	project, and have not yet reduced impacts. There are settlement discussions in
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			110
			143
02:57 1	started working for Scout back in 2018.	03:00 1	A. And it's in the layout of the
02:57 2	There was some information available	03:00 2	project. As I said, there are things we could
02:57 3	that indicated Webber Canyon was important to	03:00 3	have done that we chose not to.
02:58 4	the Yakima Nation. And we did pull back and	03:00 4	Q. And have you provided information
02:58 5	allowed additional margin related to Webber	03:00 5	about what you could have done that you chose
02:58 6	Canyon because we knew that to be the case.	03:00 6	not to?
02:58 7	But recent discussions, no, they	03:00 7	MS. PERLMUTTER: Objection as to
02:58 8	have not been incorporated into the application	03:00 8	form. You can answer.
02:58 9	as it stands today.	03:00 9	THE WITNESS: At that stage of the
02:58 10	Q . So as we sit here today, just so I'm	03:00 10	project, we had a letter from the Yakima
02:58 11	clear, there isn't something in Exhibit 1 that	03:00 11	Nation that said, we will not converse with
02:58 12	you could point me to right now that reflects	03:00 12	the applicant until it is part of the EFSEC
02:58 13	an effort by Scout to minimize impacts to TCP?	03:00 13	process, and we will consult government to
02:58 14	MS. PERLMUTTER: Objection. It's	03:00 14	government. And so that was when
02:58 15	been asked and answered asked and	03:01 15	conversation ceased.
02:58 16	answered. But you can respond.	03:01 16	BY MS. VOELCKERS:
02:58 17	THE WITNESS: There has been an	03:01 17	Q. Okay. So is there anything external
02:58 18	effort all along to attempt to optimally	03:01 18	to the exhibit in front of you that you could
02:58 19 02:58 20	design the project and not load up the west	03:01 19 03:01 20	point to that documents that?
02:58 20 02:59 21	end of it because we know that there are important TCPs there.	03:01 20 03:01 21	A. They're confidential. No, I couldn't point to them. They're part of
02:59 21 02:59 22	You know, as it stands, there's also	03:01 21	ongoing settlement negotiations.
02:59 22 02:59 23	airspace restrictions that kept us away	03:01 22	Q. And you're aware that there's not an
02:59 20	from the west as well. But, you know, I	03:01 20	active settlement negotiation as of today,
02:59 25	have to admit that in what we applied for,	03:01 25	correct?
02.00 -0	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	142		144
02:59 1	142	03:01 1	
02:59 1 02:59 2		03:01 1 03:01 2	A. I wouldn't put it that way. I would
	142 there, yes, there was consideration for		
02:59 2	142 there, yes, there was consideration for Yakima TCPs.	03:01 2	A. I wouldn't put it that way. I would say we've made a proposal that was rejected and
02:59 2 02:59 3	142 there, yes, there was consideration for Yakima TCPs. BY MS. VOELCKERS:	03:01 2 03:01 3	A. I wouldn't put it that way. I would say we've made a proposal that was rejected and not countered. But I would say we're still
02:59 2 02:59 3 02:59 4	142 there, yes, there was consideration for Yakima TCPs. BY MS. VOELCKERS: Q. But there's nothing I just want	03:01 2 03:01 3 03:01 4	A. I wouldn't put it that way. I would say we've made a proposal that was rejected and not countered. But I would say we're still intending to negotiate, and we've requested to
02:59202:59302:59402:595	142 there, yes, there was consideration for Yakima TCPs. BY MS. VOELCKERS: Q. But there's nothing I just want to make sure I understand your answer clearly	03:01203:01303:01403:015	A. I wouldn't put it that way. I would say we've made a proposal that was rejected and not countered. But I would say we're still intending to negotiate, and we've requested to do that, and our intention is to continue to
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	145		147
03:02 1	Nation's traditional cultural properties?	03:05 1	THE WITNESS: Well, my understanding
03:02 1 03:02 2	A. I believe we've offered very robust	03:05 1	is the mitigation is no wind turbines on
03:02 2 03:02 3	mitigation that benefits Yakima Nation as well,	03:05 2	Horse Heaven Hill. So I can't work with
03:02 0	yes.	03:05 4	that. So the site has to be permitted in
03:02 5	Q. That mitigates impacts to	03:05 5	accordance with EFSEC and, you know, we're
03:02 6	traditional cultural properties?	03:05 6	asking for the current infrastructure
03:02 7	A. I believe so, yeah.	03:05 7	that's in the application.
03:02 8	Q. And how do you understand me to be	03:05 8	BY MS. VOELCKERS:
03:02 9	using that term?	03:05 9	Q. You mentioned the discussion between
03:02 10	A. I understand that the identification	03:05 10	Scout and Yakima Nation about any about
03:03 11	of traditional cultural properties is a complex	03:06 11	alterations to the project design
03:03 12	concept. And with, you know, all respect to	03:06 12	A. Yes.
03:03 13	the Yakima Nation, we need that articulated to	03:06 13	Q that were proposed.
03:03 14	the fullest extent. And that's what we hope to	03:06 14	Have you discussed any alterations
03:03 15	come to the table with, and have precise,	03:06 15	to the project design contained in Exhibit 1
03:03 16	concise conversations about things that are	03:06 16	with anyone else outside Scout and your legal
03:03 17	possible.	03:06 17	counsel?
03:03 18	You know, but declaring the whole	03:06 18	MS. PERLMUTTER: Objection. Form
03:03 19	thing is a TCP that's unmitigable doesn't help.	03:06 19	and foundation. You can answer.
03:03 20	Q . So I just want to make sure I'm not	03:06 20	THE WITNESS: We are negotiating a
03:03 21	using terms that we're not clear on.	03:06 21	settlement with counsel for the
03:03 22	Do you know what I mean when I say,	03:06 22	environment.
03:03 23	"legendary sites"?	03:06 23	BY MS. VOELCKERS:
03:03 24	A. Yes.	03:06 24	Q. And is any of that discussion
03:03 25	Q. And you know what I mean when I say,	03:06 25	reflected within Exhibit 1?
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	146		148
03:03 1	monumental sites"?	03:06 1	A. No.
03:04 2	A. Not real clear on the distinction	03:06 2	Q. Is any of that discussion reflected
03:04 2 03:04 3	A. Not real clear on the distinction between the two.	03:06 2 03:06 3	
			Q. Is any of that discussion reflected
03:04 3	between the two.	03:06 3	Q. Is any of that discussion reflected in any materials available to EFSEC right now?
03:04 3 03:04 4	between the two. Q. How do you understand me to be using	03:06 3 03:06 4	Q. Is any of that discussion reflectedin any materials available to EFSEC right now?A. The settlement negotiations, we're
03:04 3 03:04 4 03:04 5	between the two. Q. How do you understand me to be using the words, "legendary sites"?	03:06 3 03:06 4 03:06 5	 Q. Is any of that discussion reflected in any materials available to EFSEC right now? A. The settlement negotiations, we're intending to keep them confidential until it's
03:04 3 03:04 4 03:04 5 03:04 6	 between the two. Q. How do you understand me to be using the words, "legendary sites"? A. Sites that the Yakima Nation believes since creation have been utilized and passed down from generation to generation what 	03:06 3 03:06 4 03:06 5 03:06 6	 Q. Is any of that discussion reflected in any materials available to EFSEC right now? A. The settlement negotiations, we're intending to keep them confidential until it's executed. We have provided our version of that to the AG and it's under review. Q. Which is consistent with how some
03:04 3 03:04 4 03:04 5 03:04 6 03:04 7	 between the two. Q. How do you understand me to be using the words, "legendary sites"? A. Sites that the Yakima Nation believes since creation have been utilized and 	03:06 3 03:06 4 03:06 5 03:06 6 03:06 7	 Q. Is any of that discussion reflected in any materials available to EFSEC right now? A. The settlement negotiations, we're intending to keep them confidential until it's executed. We have provided our version of that to the AG and it's under review.
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	140		454
00.07 4	149	00.00 4	151
03:07 1	Q. And do those project changes include	03:09 1	have a copy of any of the project designs that
03:07 2	anything besides what you've been discussing	03:09 2	are being discussed?
03:07 3	with counsel for the environment?	03:09 3	A. Yeah. Just to be clear, we don't
03:07 4	A. We have not discussed any of the	03:09 4	interface with the council, only through the
03:07 5	negotiations or proposals with the Yakima	03:09 5	monthly meetings or if they do a tour of the
03:07 6	Nation with any other parties. That was	03:09 6	site. That's the only interface we have with
03:07 7	confidential with Yakima Nation.	03:09 7	council members.
03:07 8	Q. Okay. But the project designs that	03:09 8	Q. Okay. I appreciate the
03:08 9	you putting that aside, right, we'll move on	03:09 9	clarification.
03:08 10	from that.	03:09 10	So then to be clear, as we go into
03:08 11	A. Okay.	03:09 11	an adjudication hearing, the material that they
03:08 12	Q. Is there any other project design	03:10 12	have in front of them is Exhibit 1?
03:08 13	that you are currently contemplating aside from	03:10 13	A. Correct.
03:08 14	what has been proposed in confidential	03:10 14	Q. Without alterations to the design?
03:08 15	conversations with Ms. Reyneveld?	03:10 15	MS. PERLMUTTER: I'm going to object
03:08 16	A. Yes.	03:10 16	as to form when you say that they have in
03:08 17	Q. And what are those other design	03:10 17	front of them. We've just been talking
03:08 18	alterations?	03:10 18	about at least two entities. So if you
03:08 19	MS. PERLMUTTER: Objection. Form.	03:10 19	could clarify that, that would be good.
03:08 20	You can answer, if you can.	03:10 20	BY MS. VOELCKERS:
03:08 21	THE WITNESS: Until we submit them	03:10 21	Q. Well, I'm going to take it as whole
03:08 22	to EFSEC, they're still a work in progress.	03:10 22	entity. EFSEC as an entity, staff, legal
03:08 23	BY MS. VOELCKERS:	03:10 23	counsel, everyone.
03:08 24	Q. Have they been shared externally	03:10 24	As we sit here today, they only have
03:08 25	outside of Scout?	03:10 25	the project design contained in Exhibit 1 in
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	150		152
03:08 1	A. Just with our team, just with our	03:10 1	front of you?
03:08 1 03:08 2	legal and technical consultants.	03:10 1 03:10 2	front of you? A. That's correct.
-	legal and technical consultants. Q. Okay. So you've discussed different	03:10 2 03:10 3	front of you? A. That's correct. Q. When do you anticipate giving them
03:08 2	legal and technical consultants. Q. Okay. So you've discussed different design alterations than what's in Exhibit 1,	03:10 2 03:10 3 03:10 4	 front of you? A. That's correct. Q. When do you anticipate giving them the proposed design alterations?
03:08 2 03:08 3	legal and technical consultants. Q. Okay. So you've discussed different design alterations than what's in Exhibit 1, but they've not been shared external to Scout	03:10203:10303:10403:105	front of you? A. That's correct. Q. When do you anticipate giving them the proposed design alterations? MS. PERLMUTTER: Objection to form
03:08 2 03:08 3 03:08 4	legal and technical consultants. Q. Okay. So you've discussed different design alterations than what's in Exhibit 1, but they've not been shared external to Scout and legal counsel?	03:10203:10303:10403:10503:106	 front of you? A. That's correct. Q. When do you anticipate giving them the proposed design alterations? MS. PERLMUTTER: Objection to form and foundation. You can answer.
03:08 2 03:08 3 03:08 4 03:08 5 03:08 6 03:08 7	 legal and technical consultants. Q. Okay. So you've discussed different design alterations than what's in Exhibit 1, but they've not been shared external to Scout and legal counsel? A. Correct. We're waiting for all the 	03:10 2 03:10 3 03:10 4 03:10 5 03:10 6 03:10 7	 front of you? A. That's correct. Q. When do you anticipate giving them the proposed design alterations? MS. PERLMUTTER: Objection to form and foundation. You can answer. THE WITNESS: I have to defer to
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03:08 2 03:08 3 03:08 4 03:08 5 03:08 6 03:08 7 03:09 8 03:09 9 03:09 10 03:09 12 03:09 13 03:09 14 03:09 15 03:09 16 03:09 17 03:09 18 03:09 20 03:09 21 03:09 22 03:09 23	 legal and technical consultants. Q. Okay. So you've discussed different design alterations than what's in Exhibit 1, but they've not been shared external to Scout and legal counsel? A. Correct. We're waiting for all the parties, all things to progress as they should until the time we're ready to identify them. Q. Okay. So EFSEC staff does not have them? A. No, they do not. Q. And EFSEC's counsel does not have them? MS. PERLMUTTER: Objection as to form. You mean council or counsel? MS. VOELCKERS: Thank you. We'll take both in turn. BY MS. VOELCKERS: Q. EFSEC's legal counsel doesn't have them? A. To my knowledge, that's correct. Q. And the council that will decide and make a recommendation to the governor, the EFSEC council, not legal counsel, they don't 	$\begin{array}{ccccc} 03:10 & 2 \\ 03:10 & 3 \\ 03:10 & 5 \\ 03:10 & 5 \\ 03:10 & 6 \\ 03:10 & 7 \\ 03:10 & 7 \\ 03:10 & 10 \\ 03:10 & 11 \\ 03:10 & 12 \\ 03:10 & 12 \\ 03:10 & 13 \\ 03:10 & 14 \\ 03:10 & 15 \\ 03:11 & 16 \\ 03:11 & 17 \\ 03:11 & 18 \\ 03:11 & 19 \\ 03:11 & 21 \\ 03:11 & 22 \\ 03:11 & 23 \\ \end{array}$	 front of you? A. That's correct. Q. When do you anticipate giving them the proposed design alterations? MS. PERLMUTTER: Objection to form and foundation. You can answer. THE WITNESS: I have to defer to legal counsel on that as to how that's going to be unveiled in the EFSEC adjudication. BY MS. VOELCKERS: Q. Okay. So it's a legal strategy on when that information is available? A. Yes, yes. Q. I'm not going to get into a whole back-and-forth on the lack of alternatives because I think that was covered a lot, but I do want to just understand kind of can versus can't in terms of what could be possible. So and I understand there's a lot of, you know, economic interest, business interest. That's your job, not mine. But can the project move forward without the solar field? MS. PERLMUTTER: Objection to form.
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	153		155
03:11 1	THE WITNESS: It's possible. Is it	03:13 1	Q. Okay. And it sounded like, but
03:11 2	optimal? No.	03:13 2	correct me if I'm wrong, those discussions have
03:11 3	BY MS. VOELCKERS:	03:13 3	gone so far as to have potential offtakers make
03:11 4	Q. Can the project move forward without	03:13 4	requests about the project design; is that
03:11 5	the northwest solar field, same answer?	03:13 5	correct?
03:11 6	MS. PERLMUTTER: Objection. Form	03:13 6	A. That's correct. The offtakers
03:11 7	and foundation. You can answer.	03:13 7	identify what's desired to meet their needs,
03:11 8	THE WITNESS: Same answer.	03:13 8	and then we attempt, where possible, to
03:11 9	BY MS. VOELCKERS:	03:13 9	structure the project if we want to meet their
03:11 10	Q . Can the project move forward without	03:14 10	need.
03:11 11	the southwest solar field?	03:14 11	There's I mean, there's a whole
03:11 12	MS. PERLMUTTER: Objection. Form	03:14 12	spectrum, there's a whole smorgasbord of things
03:11 13	and foundation.	03:14 13	that you can do to optimize and. The first one
03:11 14	THE WITNESS: Same answer, yeah.	03:14 14	that has the best deal relative to our bids,
03:11 15	BY MS. VOELCKERS:	03:14 14 03:14 15	we'll be happy with.
03:12 16	Q . Can the project move forward without	03:14 16	Q. So is it fair to say than an
03:12 10 03:12 17	any solar fields?	03:14 10 03:14 17	offtaker could make a suggestion or request
03:12 17 03:12 18	MS. PERLMUTTER: Same objection.	03:14 17 03:14 18	that's kind of further out from what others are
03:12 18 03:12 19	Form and foundation.	03:14 10 03:14 19	asking, so you might not honor that request?
03:12 19 03:12 20		03:14 19 03:14 20	
03:12 20 03:12 21	THE WITNESS: Same answer, yes. BY MS. VOELCKERS:	03:14 20 03:14 21	MS. PERLMUTTER: Objection as to form. You can answer.
03:12 21 03:12 22		03:14 21 03:14 22	
03:12 22 03:12 23	Q. So is it fair to say that the solar		THE WITNESS: We might not be able
03:12 23 03:12 24	portion of the project is what moves it towards	03:14 23 03:14 24	to honor that request. So we would say, this is what we can do and this is what
	optimal, but the solar fields themselves are	03:14 24 03:14 25	it'll cost.
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	157		159
03:15 1	of what the market's going to desire.	03:18 1	A. We specifically chose this site for
03:16 2	And we pushed the bubble out to get	03:18 2	its low relative environmental impact. And
03:16 3	the maximum flexibility. And then our	03:18 3	we've done everything practical to design the
03:16 4	intent is to remain as nimble as possible	03:18 4	site to minimize that impact, avoid where
03:16 5	to be able to optimize to eventually sell	03:18 5	necessary, and, in fact, provide mitigation for
03:16 6	the maximum extent of the energy from this	03:18 6	where it can't be avoided.
03:16 7	project that we can.	03:18 7	Q. And when you say that you are
03:16 8	BY MS. VOELCKERS:	03:18 8	providing mitigation where something can't be
03:16 9	Q. Have you made enough progress with a	03:18 9	avoided, you're referring to environmental
03:16 10	potential offtaker to have any sort of	03:19 10	impacts, correct?
03:16 11	agreement that's contingent on the project	03:19 11	A. Correct.
03:16 12	being permitted?	03:19 12	Q. And if you're saying that
03:16 13	MS. PERLMUTTER: Objection as to	03:19 13	something environmental impact can't be
03:16 14	form. You can answer.	03:19 14	avoided, is that, it can't be avoided and the
03:16 15	THE WITNESS: No. They will not	03:19 15	project still exists, or it can't be avoided
03:16 16	they have indicated they no one wants to	03:19 16	for the optimal project?
03:16 17	agree to procure something without a	03:19 17	A. It can't be avoided as a project
03:16 18	permit. They have to have certainty. They	03:19 18	exists. For example, we're going to have
03:16 19	have to have line of sight certainty on	03:19 19	one acre of permanent impact to shrub step. We
03:16 20	that permit.	20	can't avoid it.
03:16 21	BY MS. VOELCKERS:	21	(The Court Reporter requested
03:16 22	Q. Right. But earlier, you discussed	22	clarification.)
23	an exclusivity agreement with a turbine	03:19 23	THE WITNESS: To shrub step habitat,
03:17 24	provider. Do you have any agreement with a	03:19 24	and we can't avoid it. So I've got to
03:17 25	potential offtaker	03:19 25	mitigate for that one acre of permanent
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	150		100
	158		160
03:17 1	(The Court Reporter requested	03:19 1	impact.
03:17 2	(The Court Reporter requested clarification.)	03:19 2	impact. BY MS. VOELCKERS:
03:17 2 03:17 3	(The Court Reporter requested clarification.) BY MS. VOELCKERS:	03:19 2 03:19 3	impact. BY MS. VOELCKERS: Q. Why can't you avoid it?
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03:17 2 03:17 3 03:17 4 03:17 5	(The Court Reporter requested clarification.) BY MS. VOELCKERS: Q. Do you have any tentative agreements with potential offtaker or offtakers that	03:19203:19303:19403:195	 impact. BY MS. VOELCKERS: Q. Why can't you avoid it? A. It would be economically infeasible to, you know, for example, route a conductor
03:17 2 03:17 3 03:17 4 03:17 5 03:17 6	(The Court Reporter requested clarification.) BY MS. VOELCKERS: Q. Do you have any tentative agreements with potential offtaker or offtakers that commits them to purchasing the project once it	03:19 2 03:19 3 03:19 4 03:19 5 03:19 6	 impact. BY MS. VOELCKERS: Q. Why can't you avoid it? A. It would be economically infeasible to, you know, for example, route a conductor a whole series of conductors several miles
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	161		163
03:21 1	"one stop shop"?	1	BY MS. VOELCKERS:
03:21 2	A. Correct.	03:23 2	Q. You said you've been working on the
03:21 3	Q. I would certainly agree that by	03:23 3	water supply for the project for a couple of
03:21 4	going to EFSEC you're saving administrative	03:23 4	years now.
03:21 5	burden by applying to them rather than multiple	03:23 5	A. Yeah.
03:21 6	regulators.	03:23 6	Q. Is it fair to say it's been hard to
03:21 7	My question, though, is about your	03:23 7	find water in this area?
03:21 8	understanding. Is it your understanding that	03:23 8	MS. PERLMUTTER: Objection. Form.
03:21 9	EFSEC can override all other permitting	03:23 9	You can answer it.
03:21 10	entities with oversight of the project?	03:23 10	THE WITNESS: No, it's not hard.
03:21 11	MS. PERLMUTTER: Objection. Calls	03:23 11	BY MS. VOELCKERS:
03:21 12	for a legal conclusion. And irrelevant.	03:23 12	Q. It's not hard to find extra water?
03:21 13	You can answer.	03:23 13	MS. PERLMUTTER: Objection. Asked
03:21 14	THE WITNESS: EFSEC has preemptive	03:23 14	and answered. You can answer it. And to
03:21 15	authority.	03:23 15	form.
03:21 16	BY MS. VOELCKERS:	03:23 16	THE WITNESS: There are water
03:21 17	Q. Even over permits required under	03:23 17	sources available. I'll give you an
03:21 18	federal law?	03:23 18	example. The Welch's grape juice plant in
03:21 19	A. No, they cannot preempt federal.	03:23 19	Kennewick, they've got a tremendous well
03:21 20	Q. And what about permits required	03:23 20	there. And it's not under contract.
03:21 21	under state law, apart from Benton County's own	03:23 21	Somebody owns it. It's not available to
03:21 22	regulations?	03:23 22	us.
03:21 23	MS. PERLMUTTER: I'm going to object	03:23 23	BY MS. VOELCKERS:
03:21 24	on foundation grounds. Calls for legal	03:23 24	Q. Is it fair to say that you have to
03:21 25	conclusion. And it is also specifically	03:24 25	find water to purchase for the project?
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	162		164
03:22 1	one of the issues that have been excluded	03:24 1	A. Anything other than drilling your
03:22 2	one of the issues that have been excluded from the adjudication by Judge Torem.	03:24 2	A. Anything other than drilling your own hole, you have to purchase, yeah.
03:22 2 3	one of the issues that have been excluded from the adjudication by Judge Torem. (The Court Reporter requested	03:24 2 03:24 3	A. Anything other than drilling your own hole, you have to purchase, yeah.Q. And drilling your own hole is not
03:22 2 3 4	one of the issues that have been excluded from the adjudication by Judge Torem. (The Court Reporter requested clarification.)	03:24 2 03:24 3 03:24 4	 A. Anything other than drilling your own hole, you have to purchase, yeah. Q. And drilling your own hole is not necessarily an option?
03:22 2 3 4 5	one of the issues that have been excluded from the adjudication by Judge Torem. (The Court Reporter requested clarification.) MS. PERLMUTTER: By Judge Torem,	03:24203:24303:24403:245	 A. Anything other than drilling your own hole, you have to purchase, yeah. Q. And drilling your own hole is not necessarily an option? MS. PERLMUTTER: Objection. Form.
03:22 2 3 4 5 6	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.	03:24 2 03:24 3 03:24 4 03:24 5 03:24 6	 A. Anything other than drilling your own hole, you have to purchase, yeah. Q. And drilling your own hole is not necessarily an option? MS. PERLMUTTER: Objection. Form. You can answer.
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			1
00.05	165 To folks that need it for new	00.00	167
03:25 1	Q. To folks that need it for new	03:26 1	THE WITNESS: We would not get to
03:25 2	development?	03:27 2	this stage in our development without
03:25 3	MS. PERLMUTTER: Objection. Foundation and form. You can answer.	03:27 3	having a line of sight on water supply.
03:25 4		03:27 4	Not only one, but multiple, so we have
03:25 5 03:25 6	THE WITNESS: Irrigators. There's	03:27 5	contingencies. And we're going to continue
	lots of wells up there for irrigators. BY MS. VOELCKERS:	03:27 6 03:27 7	to go after the cheapest one that's most convenient to the site.
03:25 7 03:25 8			BY MS. VOELCKERS:
	Q. Are you aware that new commercial development cannot be permitted until an	03:27 8 03:27 9	
03:25 9 03:25 10	applicant has demonstrated available water to	03:27 9 03:27 10	Q. Was that a "yes" to my question, though?
03.25 10 03:25 11	support the development?	03:27 10 03:27 11	A. I think it was.
03:25 11 03:25 12	MS. PERLMUTTER: Objection.	03:27 11	Q. If we could turn to page 2-87 of
03:25 12	Relevance. You can answer.	03:27 12	Exhibit 1.
03:25 10	THE WITNESS: Well, it sounds	03:27 10	A. Okay.
03:25 15	reasonable.	03:27 15	Q. Sorry, I lost my page here. Just
03:25 16	BY MS. VOELCKERS:	03:27 16	take a sec.
03:25 10 03:25 17	Q. Both for construction and operation	03:27 10 03:28 17	So the bottom of page 2-87 talks
03:25 18	of the development, right?	03:28 18	about construction water supply, and then it
03:25 10 03:25 19	A. Yeah, sounds reasonable.	03:28 19	continues on page 2-88. So if we could turn
03:25 10	Q. And you know that under EFSEC's own	03:28 10	there. Middle of third line down, it says
03:25 21	regulations, projects are required to	03:28 21	are you there?
03:25 22	demonstrate legally available water in support	03:28 22	A. Yes.
03:26 23	of their applications?	03:28 23	Q . It says:
03:26 24	MS. PERLMUTTER: Objection. Calls	03:28 24	As an alternative to the City of
03:26 25	for a legal conclusion. You can answer, if	03:28 25	Kennewick, the project may source water from
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	166		100
	100		168
03:26 1	you can.	03:28 1	either another local off-site public utility,
03:26 1 03:26 2		03:28 1 03:28 2	
	you can.		either another local off-site public utility,
03:26 2	you can. THE WITNESS: As part of our	03:28 2	either another local off-site public utility, private irrigator, or wells. As an example,
03:26 2 03:26 3	you can. THE WITNESS: As part of our application process, yes, we have to answer the questions, where is your water coming from?	03:28 2 03:28 3	either another local off-site public utility, private irrigator, or wells. As an example, refer to the Port Walla Walla availability of
03:26 2 03:26 3 03:26 4	you can. THE WITNESS: As part of our application process, yes, we have to answer the questions, where is your water coming from? BY MS. VOELCKERS:	03:28203:28303:284	 either another local off-site public utility, private irrigator, or wells. As an example, refer to the Port Walla Walla availability of water for hire letter in Appendix J. A. Yes. Q. So that refers to Appendix J as an
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	400		A 7 A
03:29 1	169 THE WITNESS: I'm sorry, could you	03:31 1	Thank you
03:29 1 03:29 2	THE WITNESS: I'm sorry, could you ask it again?	03:31 1 03:31 2	Thank you. A. Okay. We have water solved. I
03:29 2 03:29 3	BY MS. VOELCKERS:	03:31 2 03:32 3	shouldn't have
03:29 3	Q. There aren't any other documents	03:32 3	Q . Is it solved or are you working on
03:29 5	that could be shared at this time that would	03:32 5	it?
03:29 6	show additional available water for the	03:32 6	A. We're working on it. We believe
03:29 7	project?	03:32 7	well, Port of Walla Walla in a pinch, yeah.
03:29 8	MS. PERLMUTTER: Repeat the	03:32 8	They have ample water.
03:29 9	objection. You can answer.	03:32 9	Q. I'm not disagreeing with your use of
03:29 10	THE WITNESS: We have a land use	03:32 10	the word "solved." I'm just trying to
03:29 11	license with Department of Natural	03:32 11	understand what is held within your knowledge
03:30 12	Resources for an existing well site.	03:32 12	at Scout and what is available to the rest us
03:30 13	That's a public record.	03:32 13	to understand in terms of the source of the
03:30 14	BY MS. VOELCKERS:	03:32 14	water for the project.
03:30 15	Q. Where would I find that publicly?	03:32 15	A. I'm speaking to publicly available
03:30 16	A. I'm sure it's available by request	03:32 16	documents. We have the agreement with the
03:30 17	from Department of Natural Resources. I mean,	03:32 17	Port of Walla Walla and we have a land use
03:30 18	I can provide it to you.	03:32 18	license with Department of Natural Resources.
03:30 19	Q. You can provide it?	03:32 19	Q. And you understand that to cover all
03:30 20	A. Yeah, yeah.	03:32 20	water needs for the project?
03:30 21	Q. Okay. Any other documents?	03:32 21	A. It is
03:30 22	MS. PERLMUTTER: Objection. Form.	03:32 22	MS. PERLMUTTER: Objection. Form.
03:30 23	You can respond.	03:32 23	Go ahead.
03:30 24	THE WITNESS: No.	03:32 24	THE WITNESS: Yeah. Construction
25	TRI-CITIES COURT REPORTING SERVICE, LLC	03:32 25	and operational needs, yeah, for the life TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
			00012.0111
	170		172
03:30 1	170 BY MS. VOELCKERS:	03:32 1	172 of the project.
03:30 1 03:30 2	BY MS. VOELCKERS:	03:32 1 2	172 of the project. BY MS. VOELCKERS:
	BY MS. VOELCKERS:		of the project.
03:30 2	BY MS. VOELCKERS: Q. Does the land use license agreement	2	of the project. BY MS. VOELCKERS:
03:30 2 03:30 3	BY MS. VOELCKERS: Q. Does the land use license agreement with DNR cover construction water or operation	2 03:33 3	of the project. BY MS. VOELCKERS: Q. Have you had any conversations with
03:30 2 03:30 3 03:30 4	BY MS. VOELCKERS: Q. Does the land use license agreement with DNR cover construction water or operation water?	2 03:33 3 03:33 4	of the project. BY MS. VOELCKERS: Q. Have you had any conversations with EFSEC staff in this back-and-forth on the FEIS
03:30 2 03:30 3 03:30 4 03:30 5	BY MS. VOELCKERS: Q. Does the land use license agreement with DNR cover construction water or operation water? A. The land use license is to use that	2 03:33 3 03:33 4 03:33 5 03:33 6 03:33 7	of the project. BY MS. VOELCKERS: Q. Have you had any conversations with EFSEC staff in this back-and-forth on the FEIS about how to provide that information so they
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	173		175
03:34 1	and foundation.	03:36 1	their words. We say in our application
03:34 2	THE WITNESS: That's correct. I'm	03:36 2	that it applies to water for construction
03:34 3	not going to give EFSEC the land use	03:36 3	and operations.
03:34 4	license for DNR because it's not an	03:36 4	BY MS. VOELCKERS:
03:34 5	agreement to lease the well. So I have to	03:36 5	Q. And I think the letter speaks for
03:35 6	get that done before I can notify EFSEC.	03:36 6	itself, to be fair. So I'm not going to ask
03:35 7	BY MS. VOELCKERS:	03:36 7	you again to guess. And I think the ASC speaks
03:35 8	Q . And to be clear, Appendix J isn't a	03:37 8	for itself in terms of your position.
03:35 9	water use agreement, correct?	03:37 9	But has there been a discussion
03:35 10	A. Yes, it is a water use agreement.	03:37 10	between Scout and Port of Walla Walla about
03:35 11	Q. It's an agreement, a commitment to a	03:37 11	whether or not they have sufficient water for
03:35 12	certain amount of water?	03:37 12	full operation of the project?
03:35 13	A. Yes, it is.	03:37 13	A. Yes. I had personal discussions
03:35 14	MS. PERLMUTTER: Objection. Form.	03:37 14	with them myself. The operational needs for
03:35 15	And argumentative.	03:37 15	water are very small. In fact, in order to
03:35 16	THE WITNESS: It is an agreement.	03:37 16	have the most impactful case in the ASC we said
03:35 17	Now, we'll have to negotiate what upgrades	03:37 17	we might need three panel washes a year. Well,
03:35 18	are necessary in order to do that and who	03:37 18	we might need zero.
03:35 19	pays for it.	19	MS. VOELCKERS: I have an exhibit.
03:35 20	But they've that letter is a	20	(Exhibit 2 was identified.)
03:35 21	statement of capability to provide what	03:38 21	MS. VOELCKERS: I'm going to have to
03:35 22	we've identified as our need for the life	03:38 22	apologize for those on the Zoom. If you'd
03:35 23	of the project.	03:38 23	like, I can email this to you. It was also
03:35 24	BY MS. VOELCKERS:	03:38 24	provided for Mr. Ritter's deposition. It
03:35 25	Q. A statement of capability, right?	03:38 25	is a letter from Mr. Ritter to EFSEC dated
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
00.05			176
03:35 1	 A. Yeah, yeah. That's what's required. Put not a water use accompany in 	03:38 1	January 31st, 2022.
03:35 2 03:35 3	Q. But not a water use agreement in term of the specifics of what Scout will be	03:38 2 03:38 3	Do folks need me to email a copy of that? Okay. Not hearing anything on the
03:35 3 03:35 4	paying for or what improvements Scout will be	03:38 4	that! Okay. Not hearing anything on the
	paying for or what improvements scout will be	03.30 4	Zoom
03.35 5	making in exchange for a specific amount of	_	Zoom. BY MS VOELCKERS:
03:35 5	making in exchange for a specific amount of water?	5	BY MS. VOELCKERS:
03:35 6	water?	5 03:38 6	BY MS. VOELCKERS: Q. Mr. Kobus, I'm going to direct your
03:35 6 03:35 7	water? MS. PERLMUTTER: Objection. Form.	5 03:38 6 03:38 7	BY MS. VOELCKERS: Q. Mr. Kobus, I'm going to direct your attention to the second page.
03:35 6 03:35 7 03:35 8	water? MS. PERLMUTTER: Objection. Form. And argumentative. You can answer.	5 03:38 6 03:38 7 03:38 8	BY MS. VOELCKERS: Q. Mr. Kobus, I'm going to direct your attention to the second page. A. Okay.
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03:35 6 03:35 7 03:35 8	water? MS. PERLMUTTER: Objection. Form. And argumentative. You can answer.	5 03:38 6 03:38 7 03:38 8 03:38 9	 BY MS. VOELCKERS: Q. Mr. Kobus, I'm going to direct your attention to the second page. A. Okay.
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03:35 6 03:35 7 03:35 9 03:36 10 03:36 12 03:36 12 03:36 14 03:36 15 03:36 16 03:36 17 03:36 19 03:36 20 03:36 21 03:36 23 03:36 23	 water? MS. PERLMUTTER: Objection. Form. And argumentative. You can answer. THE WITNESS: That's correct. We have not inked out that final agreement for all of the terms necessary to be able to access that water. BY MS. VOELCKERS: Q. Appendix J only references water for construction activities. Have you had additional conversations with the Port of Walla Walla about their ability to provide water for operations? A. It's part and parcel, all the same, yeah. Q. Was that just an accidental omission from the letter in Appendix J? MS. PERLMUTTER: Objection. Foundation. You can answer. 	5 03:38 6 03:38 7 03:38 9 03:39 10 03:39 11 03:39 12 03:39 13 03:39 14 03:39 15 03:39 16 03:39 18 03:39 20 03:39 21 03:39 22 03:39 23 03:39 23	 BY MS. VOELCKERS: Q. Mr. Kobus, I'm going to direct your attention to the second page. A. Okay. Q. And I know you've been in a lot of conversations with WDFW over the years. But look at that last statement before the map. A. Okay. Q. It refers to a meeting in February of 2022 between WDFW, EFSEC, and the applicant. Do you recall if you were at that meeting? A. Yes, I was. Q. Do you recall being provided a copy of this figure in front of you? A. Yes, I was. Q. Did Scout make any alterations to the project design in response to the February 2022 meeting?

	477		170
02:40	177	03:43 1	179
03:40 1 03:40 2	alterations in the design relative to discussions in this meeting. We have not	03:43 1 03:43 2	recreation or recreational land use, transportation, and road safety issues with
	_	03:43 2 03:43 3	
	literally agreed to avoid the red circles	03:43 3 03:43 4	the county who's the lead party on those
_	entirely.	03:43 4 03:43 5	issues.
	Q. What alterations were made?		As I say, I'm not going to instruct
03:41 6	A. We've changed the routing of	03:43 6	him not to answer, but I do object to this
03:41 7	overhead cables that to not go across	03:43 7	entire line.
03:41 8 03:41 9	canyons, to go around. We've moved turbines	03:43 8	MS. VOELCKERS: And to be clear, the
	back from some of the canyons that were of	9 03:43 10	objection is that questions about the
03:41 10	interest to WDFW for, you know, raptor use		ferruginous hawk impacts are inconsistent
03:41 11	areas or ferruginous hawk areas.	03:43 11	with what you just read?
03:41 12	I mean, ultimately, we're in	03:43 12	MS. PERLMUTTER: That's correct.
03:41 13	settlement negotiations to reduce even further	03:43 13 03:43 14	BY MS. VOELCKERS:
03:41 14	with the CFE. But, you know, what we've		Q. You referenced guidelines. Were you
03:41 15	indicated to WDFW is that their recommendations	03:43 15 03:44 16	referring to the 2009 wind turbine guidelines?
03:42 16	related to ferruginous hawk are premature.	03:44 16 03:44 17	A. That's correct. That's the latest available.
03:42 17	They're not relative to publish peer-reviewed		
03:42 18 03:42 19	documents and not part of the guidelines existing guidelines related to ferruginous hawk	03:44 18 03:44 19	Q. Guidance?A. WDFW well, wind power guidelines,
03:42 19 03:42 20	mitigation avoidance and mitigation.	03:44 19 03:44 20	A. WDFW well, wind power guidelines, that is the latest version, official version.
03:42 20 03:42 21	Q. And by yes?	03:44 20 03:44 21	Q. And when you referred to
03:42 21 03:42 22	MS. PERLMUTTER: Go ahead. I'm just	03:44 21	peer-reviewed articles, what did you mean by
03:42 22 03:42 23	warning him I'm about to object.	03:44 22 03:44 23	that?
03:42 24	BY MS. VOELCKERS:	03:44 24	A. All of this information was
03:42 25	Q. And by guidelines, are you referring	03:44 25	predicated on information Jim Watson had
00.12	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
			180
03:42 1	178	03:44 1	180 provided, which was not in peer-reviewed
03:42 1 03:42 2	178 to the 2009 wind turbine guidelines?	03:44 1 03:44 2	provided, which was not in peer-reviewed
03:42 1 03:42 2 03:42 3	178	-	provided, which was not in peer-reviewed documents. To my knowledge, still is not.
03:42 2	178 to the 2009 wind turbine guidelines? MS. PERLMUTTER: I'm going to make a standing objection that this really is	03:44 2	provided, which was not in peer-reviewed documents. To my knowledge, still is not. Q. So is it is it fair to say that
03:42 2 03:42 3	178 to the 2009 wind turbine guidelines? MS. PERLMUTTER: I'm going to make a	03:44 2 03:44 3	provided, which was not in peer-reviewed documents. To my knowledge, still is not.
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	181		183
03:46 1	20-year-year-old nest site that doesn't even	03:48 1	There are no turbines moved outside
03:46 2	exhibit any of twigs remaining that were part	03:49 2	of these red exclusionary areas in response to
03:46 2	of that nest.	03:49 2	WDFW's recommendations in February of 2020?
03:40 3	Q. And why not?	03:49 3	MS. PERLMUTTER: Objection. Form.
_		03:49 4 03:49 5	And asked and answered. You can answer it.
	A. Because the hawks aren't using the	_	THE WITNESS: Remains to be seen.
03:46 6	nest. You know, if well, as you can see,		
03:46 7	you know, there are more nest sites out here	03:49 7	We're still in the process of optimizing
03:46 8	than they've identified in these three core	03:49 8	the project site. And there may be
03:46 9	areas. So they're not even saying avoid.	03:49 9	turbines that we decide not to construct in
03:47 10	They're also drawing perfect circles	03:49 10	the first buildout of the project that are
03:47 11	around agricultural fields which, you know, we	03:49 11	in those red circles. But as I say, it's a
03:47 12	all know the ferruginous hawks aren't foraging	03:49 12	work in progress.
03:47 13	in the middle of the wheat fields.	03:49 13	BY MS. VOELCKERS:
03:47 14	And it's just an impractical,	03:49 14	Q . So, then, is it fair to say that the
03:47 15	idealistic extent. We're not going to respond	03:49 15	work in progress may mean that there is
03:47 16	to that kind of conjecture and that kind of	03:49 16	additional voidance of impacts to ferruginous
03:47 17	scenario where they say that you can't use half	03:49 17	hawks based upon development of the project
03:47 18	of the project site because one time many years	03:49 18	after the permit is issued?
03:47 19	ago there might have been a nest there.	03:49 19	MS. PERLMUTTER: Objection. Form.
03:47 20	We do our own surveys. There has	03:49 20	Asked and answered. You can answer.
03:47 21	been no ferruginous hawk occupied nests for the	03:49 21	THE WITNESS: That is my intention,
03:47 22	last two years anywhere near here.	03:49 22	yes.
03:47 23	Q. And when you say impracticable or	03:49 23	BY MS. VOELCKERS:
03:48 24	impractical, you're talking about from a	03:49 24	Q. Based upon business goals to
03:48 25	business perspective, right?	03:50 25	optimize the project?
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	182		184
03:48 1	A. Yeah. That's we don't have to	03:50 1	MS. PERLMUTTER: I'm sorry?
03:48 2	recover the species. We just have to build the	03:50 2	BY MS. VOELCKERS:
03:48 3	best project with reasonable mitigation.	03:50 3	Q. Based upon business goals to
03:48 4	Q. It's not your job to recover the	03:50 4	optimize the project?
03:48 5	species?	03:50 5	A. We are continuing to evaluate the
03:48 6	A. It's no one's job to recover the	03:50 6	-
		03.30 0	layout. And there are likely to be cases where
03:48 7	species	03:50 7	layout. And there are likely to be cases where deciding not to build a particular turbine site
03:48 7 03:48 8	species Q. It's not WDFW's		5
	•	03:50 7	deciding not to build a particular turbine site
03:48 8 9 10	Q. It's not WDFW's (Parties speaking simultaneously.) BY MS. VOELCKERS:	03:50 7 03:50 8	deciding not to build a particular turbine site has various benefits, visual benefits, wildlife
03:48 8 9	Q. It's not WDFW's (Parties speaking simultaneously.)	03:50 7 03:50 8 03:50 9	deciding not to build a particular turbine site has various benefits, visual benefits, wildlife benefits, and other benefits that would make us
03:48 8 9 10	 Q. It's not WDFW's (Parties speaking simultaneously.) BY MS. VOELCKERS: Q. It's not WDFW's job? MS. PERLMUTTER: Objection. 	03:50703:50803:50903:5010	deciding not to build a particular turbine site has various benefits, visual benefits, wildlife benefits, and other benefits that would make us decide not to build a particular turbine. But
03:48 8 9 10 03:48 11	 Q. It's not WDFW's (Parties speaking simultaneously.) BY MS. VOELCKERS: Q. It's not WDFW's job? 	03:50703:50803:501003:5011	deciding not to build a particular turbine site has various benefits, visual benefits, wildlife benefits, and other benefits that would make us decide not to build a particular turbine. But I can't, at this stage, identify what those
03:48 8 9 10 03:48 11 03:48 12	 Q. It's not WDFW's (Parties speaking simultaneously.) BY MS. VOELCKERS: Q. It's not WDFW's job? MS. PERLMUTTER: Objection. 	03:50703:50803:501003:501103:5012	deciding not to build a particular turbine site has various benefits, visual benefits, wildlife benefits, and other benefits that would make us decide not to build a particular turbine. But I can't, at this stage, identify what those are. And based on legal counsel, wait for the
03:48 8 9 10 03:48 11 03:48 12 03:48 13	 Q. It's not WDFW's (Parties speaking simultaneously.) BY MS. VOELCKERS: Q. It's not WDFW's job? MS. PERLMUTTER: Objection. Argumentative. Lack of foundation. Calls 	03:50 7 03:50 8 03:50 9 03:50 10 03:50 11 03:50 12 03:50 13	deciding not to build a particular turbine site has various benefits, visual benefits, wildlife benefits, and other benefits that would make us decide not to build a particular turbine. But I can't, at this stage, identify what those are. And based on legal counsel, wait for the right time.
03:48 8 9 10 03:48 11 03:48 12 03:48 13 03:48 14	 Q. It's not WDFW's (Parties speaking simultaneously.) BY MS. VOELCKERS: Q. It's not WDFW's job? MS. PERLMUTTER: Objection. Argumentative. Lack of foundation. Calls for speculation. If you can answer, you 	03:50 7 03:50 8 03:50 9 03:50 10 03:50 11 03:50 12 03:50 13 14	deciding not to build a particular turbine site has various benefits, visual benefits, wildlife benefits, and other benefits that would make us decide not to build a particular turbine. But I can't, at this stage, identify what those are. And based on legal counsel, wait for the right time. THE COURT REPORTER: Is there a good
03:48 8 9 10 03:48 11 03:48 12 03:48 13 03:48 14 03:48 15 03:48 16 03:48 17	 Q. It's not WDFW's (Parties speaking simultaneously.) BY MS. VOELCKERS: Q. It's not WDFW's job? MS. PERLMUTTER: Objection. Argumentative. Lack of foundation. Calls for speculation. If you can answer, you can. 	03:50 7 03:50 9 03:50 10 03:50 11 03:50 12 03:50 13 03:51 14 03:51 15	deciding not to build a particular turbine site has various benefits, visual benefits, wildlife benefits, and other benefits that would make us decide not to build a particular turbine. But I can't, at this stage, identify what those are. And based on legal counsel, wait for the right time. THE COURT REPORTER: Is there a good time for a break?
03:48 8 9 10 03:48 11 03:48 12 03:48 13 03:48 14 03:48 15 03:48 16	 Q. It's not WDFW's (Parties speaking simultaneously.) BY MS. VOELCKERS: Q. It's not WDFW's job? MS. PERLMUTTER: Objection. Argumentative. Lack of foundation. Calls for speculation. If you can answer, you can. THE WITNESS: Oh, I believe WDFW is 	03:50 7 03:50 8 03:50 9 03:50 10 03:50 11 03:50 12 03:50 14 03:51 15 03:51 15 03:51 16	deciding not to build a particular turbine site has various benefits, visual benefits, wildlife benefits, and other benefits that would make us decide not to build a particular turbine. But I can't, at this stage, identify what those are. And based on legal counsel, wait for the right time. THE COURT REPORTER: Is there a good time for a break? MS. VOELCKERS: Yeah. I only have a
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03:48891003:481103:481203:481303:481503:481603:481703:481803:481903:482103:482203:482303:4824	 Q. It's not WDFW's (Parties speaking simultaneously.) BY MS. VOELCKERS: Q. It's not WDFW's job? MS. PERLMUTTER: Objection. Argumentative. Lack of foundation. Calls for speculation. If you can answer, you can. THE WITNESS: Oh, I believe WDFW is very interested in recovering the species. That's why they designate it as endangered. But you cannot recover the species on the back of the next project that comes along. It's unreasonable. BY MS. VOELCKERS: Q. And so just so I'm clear, because you did talk about some things that were done 	03:50 7 03:50 9 03:50 10 03:50 12 03:50 13 03:50 13 03:50 13 03:50 13 03:51 16 03:51 16 03:51 20 03:51 21 03:51 22 03:51 23 03:51 23	 deciding not to build a particular turbine site has various benefits, visual benefits, wildlife benefits, and other benefits that would make us decide not to build a particular turbine. But I can't, at this stage, identify what those are. And based on legal counsel, wait for the right time. THE COURT REPORTER: Is there a good time for a break? MS. VOELCKERS: Yeah. I only have a few questions, but I'm happy to take a break. THE COURT REPORTER: No, go ahead. MS. VOELCKERS: I just want to make a few statements for the record. BY MS. VOELCKERS: Q. As we sit here today, do you have any reason to dispute a statement that the

	105			407
03:56 1	(A record was taken)		4	clarification.)
03:56 1	(A recess was taken.) BY MS. VOELCKERS:		1 2	BY MS. VOELCKERS:
_		04.00	2	
04:01 3	 Q. Just a few more questions for me. If I were to represent to you today, 	04:03	3 4	Q. In the vicinity of the project; is that correct?
04:01 4		04:03	-	
04:01 5	which I am, that the ferruginous hawk is a	04:03	5	MS. PERLMUTTER: Objection. Form
04:01 6	treaty reserved resource of the Yakima Nation,	04:04		and foundation. THE WITNESS: But I can answer?
04:01 7	would you have any basis on which to dispute my	04:04	7	
04:01 8	statement?	04:04		MS. PERLMUTTER: Yeah, sorry. THE WITNESS: Yeah, that's how we
04:01 9	A. No, I wouldn't have any.	04:04	-	•
04:01 10	Q. If I were to represent to you today	04:04		designate the DNR state trust lands, with
04:01 11	that the ferruginous hawk is an integral	04:04		the blue.
04:01 12	element of at least one traditional cultural	04:04		BY MS. VOELCKERS:
04:01 13	property identified within Jessica Lally's TCP	04:04	-	Q. You referenced earlier land use
04:01 14	report, would you have any basis on which to	04:04		agreement with DNR for one of the wells that
04:01 15	dispute me?	04:04		they have on a parcel.
04:01 16	MS. PERLMUTTER: Objection. Form	04:04		A. Yes.
04:01 17	and foundation. You can answer it, if you	04:04		Q. Is that parcel included on this
04:01 18	can.	04:04		page?
04:01 19	THE WITNESS: I mean, I can't recall	04:04		A. No.
04:02 20	exactly what was said about it, but I can	04:04		Q. How far away from the project site
04:02 21	tell you that we have the best available	04:04		is the parcel that's the subject of the land
04:02 22	science on the ferruginous hawk. We do	04:04		use agreement with DNR?
04:02 23	surveys. We've committed to do them	04:04		MS. PERLMUTTER: Objection. Form.
04:02 24	annually.	04:04		You can answer. Sorry.
04:02 25	We know that there are no occupied TRI-CITIES COURT REPORTING SERVICE, LLC		25	TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477			509.942.8477
	000.012.0111			000.012.0111
	186			188
04:02 1	186 nests within the last two years on the	04:04	1	188 BY MS. VOELCKERS:
04:02 1 04:02 2	nests within the last two years on the	04:04 04:04	1 2	BY MS. VOELCKERS:
	nests within the last two years on the site. And beyond that, I can't recall	04:04 04:04 04:04	-	
04:02 2	nests within the last two years on the	04:04	2 3	BY MS. VOELCKERS: Q. The land use agreement that you
04:02 2 04:02 3	nests within the last two years on the site. And beyond that, I can't recall precisely what was said about it in her	04:04 04:04 04:04	2 3 4	BY MS. VOELCKERS: Q. The land use agreement that you referenced earlier today? MS. PERLMUTTER: Repeat the
04:02 2 04:02 3 04:02 4	nests within the last two years on the site. And beyond that, I can't recall precisely what was said about it in her exhibit.	04:04 04:04 04:04	2 3 4 5	BY MS. VOELCKERS: Q. The land use agreement that you referenced earlier today?
04:02 2 04:02 3 04:02 4 04:02 5	nests within the last two years on the site. And beyond that, I can't recall precisely what was said about it in her exhibit. BY MS. VOELCKERS:	04:04 04:04 04:04 04:04 04:04	2 3 4 5 6	BY MS. VOELCKERS: Q. The land use agreement that you referenced earlier today? MS. PERLMUTTER: Repeat the objection. You can answer.
04:02 2 04:02 3 04:02 4 04:02 5 04:02 6	nests within the last two years on the site. And beyond that, I can't recall precisely what was said about it in her exhibit.BY MS. VOELCKERS:Q. So as we sit here today, you have no	04:04 04:04 04:04 04:04 04:04	2 3 4 5 6	BY MS. VOELCKERS: Q. The land use agreement that you referenced earlier today? MS. PERLMUTTER: Repeat the objection. You can answer. THE WITNESS: It is this blue you
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04:02 2 04:02 3 04:02 4 04:02 5 04:02 6 04:02 7 04:02 7 04:02 8 04:02 9 04:02 10 04:03 11 04:03 12 04:03 13 04:03 15 04:03 16 04:03 17	 nests within the last two years on the site. And beyond that, I can't recall precisely what was said about it in her exhibit. BY MS. VOELCKERS: Q. So as we sit here today, you have no reason to dispute the statement that I'm making on the record, which is that the ferruginous hawk is an integral element of at least one traditional cultural property of the Yakima Nation? MS. PERLMUTTER: Objection. Form and foundation. If you can answer it, you can. THE WITNESS: I have no reason to dispute it. BY MS. VOELCKERS: 	04:04 04:04 04:04 04:04 04:05 04:05 04:05 04:05 04:05 04:05 04:05 04:05 04:05 04:05	2 3 4 5 6 7 8 9 10 11 2 3 14 5 16 17 18	 BY MS. VOELCKERS: Q. The land use agreement that you referenced earlier today? MS. PERLMUTTER: Repeat the objection. You can answer. THE WITNESS: It is this blue you see just off the very edge. BY MS. VOELCKERS: Q. This one? A. Right here. Q. Right here? A. Yeah. Q. So west of the project? A. West of the project. Q. Okay. Thanks. Okay. A. It's two miles west of Highway 221 on Sellards Road.
04:02 2 04:02 3 04:02 4 04:02 5 04:02 6 04:02 7 04:02 8 04:02 9 04:02 10 04:02 11 04:03 12 04:03 13 04:03 15 04:03 16 04:03 17 04:03 18	 nests within the last two years on the site. And beyond that, I can't recall precisely what was said about it in her exhibit. BY MS. VOELCKERS: Q. So as we sit here today, you have no reason to dispute the statement that I'm making on the record, which is that the ferruginous hawk is an integral element of at least one traditional cultural property of the Yakima Nation? MS. PERLMUTTER: Objection. Form and foundation. If you can answer it, you can. THE WITNESS: I have no reason to dispute it. BY MS. VOELCKERS: Q. I'd like to turn back to the 	04:04 04:04 04:04 04:04 04:05 04:05 04:05 04:05 04:05 04:05 04:05 04:05 04:05 04:05 04:05	2 3 4 5 6 7 8 9 10 11 2 3 4 5 6 7 8 9 10 11 2 13 14 15 16 17 18 19	 BY MS. VOELCKERS: Q. The land use agreement that you referenced earlier today? MS. PERLMUTTER: Repeat the objection. You can answer. THE WITNESS: It is this blue you see just off the very edge. BY MS. VOELCKERS: Q. This one? A. Right here. Q. Right here? A. Yeah. Q. So west of the project? A. West of the project? A. It's two miles west of Highway 221 on Sellards Road. MR. ARAMBURU: Could I ask, on our
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		1		
a				191
04:05 1	MS. PERLMUTTER: Actually, no. It's		1	before the council is finished deliberating so
04:05 2	a fountain pen.		2	they would have that information?
04:05 3	THE WITNESS: (Witness complied.)		3	MS. PERLMUTTER: Objection. Form. Foundation. And asked and answered. You
04:06 4	I'll put an asterisk by it right there. How's that? You can see it?		4 5	
04:06 5 04:06 6	BY MS. VOELCKERS:		5 6	can answer.
04:06 7	Q. Yes.		7	THE WITNESS: I'm going to have to change my answer because DNR keeps
04:06 8	A. It's called Gould well, G-o-u-I-d.		8	insisting that they will not execute
04:06 9	I'm hesitant to talk about it because we don't	04:09	-	agreements until the final EIS is available
04:06 10	have an agreement and it's not in the ASC and	04:09 1		because they will point to the final EIS as
04:06 11	it's not within our site control. It's going	04:09 1		their SEPA process for land use decisions.
04:06 12	to be part of our amendment process	04:09 1		And so I can say for certainty that
04:06 13	post-adjudication.	04:09 1	3	that has to occur first. So the final EIS
04:06 14	Q. And I think I heard earlier that it	04:09 1	4	is going to have to come out before we can
04:06 15	is an ongoing process in terms of the water?	04:09 1	5	amend it to include this.
04:06 16	A. Yes.	04:09 1	6	BY MS. VOELCKERS:
04:06 17	Q. But you can provide that land use	04:09 1	7	Q. Okay. And this is my first time in
04:06 18	license?	04:09 1	8	an EFSEC proceeding, so my knowledge is based
04:06 19	A. I can provide the land use license.	04:09 1	9	upon how SEPA normally works at the county
04:06 20	Q. And you plan to amend the ASC again?	04:09 2	20	level.
04:07 21	A. As negotiations progress well,	04:09 2	21	How will the information about the
04:07 22	first of all, we do have to amend the ASC	04:09 2	22	water source of the project be incorporated in
04:07 23	post-adjudication, okay. And we may have	04:09 2	23	the FEIS if the ASC is not updated before the
04:07 24	subsequent amendments to it after that. So at	04:09 2	24	FEIS is issued?
04:07 25	the appropriate time, when negotiations come to	04:09 2	25	A. They're going to have to deliberate
	TRI-CITIES COURT REPORTING SERVICE, LLC			TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477			509.942.8477
	100			
	190			192
04:07 1	fruition and lease agreements are executed with		1	on what's in there now. They can't deliberate
04:07 2	fruition and lease agreements are executed with DNR, then the intention would be to certainly	04:09	2	on what's in there now. They can't deliberate on promises. They're going to have to
04:07 2 04:07 3	fruition and lease agreements are executed with DNR, then the intention would be to certainly include that within the impacted area for the	04:09 04:09	2 3	on what's in there now. They can't deliberate on promises. They're going to have to deliberate on what's in the application at the
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04:07 2 04:07 3 04:07 4 04:07 5 04:07 6 7 7 04:07 8 04:07 9 04:07 10 04:07 10 04:08 11 04:08 12 04:08 13 04:08 14 04:08 15 04:08 16 04:08 17 04:08 18 04:08 20 04:08 21 04:08 22 04:08 23	fruition and lease agreements are executed with DNR, then the intention would be to certainly include that within the impacted area for the project. Q. And when you say we have to amend it after the adjudication, it being the ASC A. Yeah. Q. do you mean after the recommendation of the council, between when the adjudication ends and the recommendation is can you be more specific about your understanding of the timeline for additional updates to the ASC? MS. PERLMUTTER: Objection as to form and foundation. But you can answer. THE WITNESS: My understanding is EFSEC deliberations require the results of adjudication and the corresponding redline of the application for commitments that were made during the adjudication process. So the council, when they do their deliberations, they have to have that available to them.	04:09 04:09 04:10 04:10 04:10 04:10 04:10 04:10 1 04:10 1 04:10 1 04:10 1 04:10 1 04:10 1 04:10 1 04:10 1 04:10 2 04:10 2 04:10 2 04:10 2	23456789012345678901223	on what's in there now. They can't deliberate on promises. They're going to have to deliberate on what's in the application at the time they review it. MS. VOELCKERS: I might have questions depending on what else is asked today, but I don't at this time. MS. FOSTER: This is Ms. Beyer. EXAMINATION BY MS. FOSTER: Q. Good afternoon, Ms. Kobus. My name is Z Foster. I'm an attorney for Benton County. Hope to make this a little bit shorter for you, but all the same rules apply. You're still under oath. Let's not try to talk over each other. A. I understand. Q. Perfect. So you said earlier that you have an agreement with the Department of Defense; is that correct? A. Yes. Q. And in that agreement, you had to
04:07 2 04:07 3 04:07 4 04:07 5 04:07 6 7 7 04:07 8 04:07 9 04:07 10 04:07 10 04:08 12 04:08 13 04:08 14 04:08 15 04:08 16 04:08 17 04:08 19 04:08 20 04:08 21 04:08 22 04:08 23 04:08 23	fruition and lease agreements are executed with DNR, then the intention would be to certainly include that within the impacted area for the project. Q. And when you say we have to amend it after the adjudication, it being the ASC A. Yeah. Q. do you mean after the recommendation of the council, between when the adjudication ends and the recommendation is can you be more specific about your understanding of the timeline for additional updates to the ASC? MS. PERLMUTTER: Objection as to form and foundation. But you can answer. THE WITNESS: My understanding is EFSEC deliberations require the results of adjudication and the corresponding redline of the application for commitments that were made during the adjudication process. So the council, when they do their deliberations, they have to have that available to them. BY MS. VOELCKERS:	04:09 04:09 04:10 04:10 04:10 04:10 04:10 04:10 1 04:10 1 04:10 1 04:10 1 04:10 1 04:10 1 04:10 1 04:10 1 04:10 1 04:10 2 04:10 2 04:10 2 04:10 2 04:10 2	234567890123456789012234	on what's in there now. They can't deliberate on promises. They're going to have to deliberate on what's in the application at the time they review it. MS. VOELCKERS: I might have questions depending on what else is asked today, but I don't at this time. MS. FOSTER: This is Ms. Beyer. EXAMINATION BY MS. FOSTER: Q. Good afternoon, Ms. Kobus. My name is Z Foster. I'm an attorney for Benton County. Hope to make this a little bit shorter for you, but all the same rules apply. You're still under oath. Let's not try to talk over each other. A. I understand. Q. Perfect. So you said earlier that you have an agreement with the Department of Defense; is that correct? A. Yes. Q. And in that agreement, you had to specify via GPS coordinates as to the location
04:07 2 04:07 3 04:07 4 04:07 5 04:07 6 7 7 04:07 8 04:07 9 04:07 10 04:07 10 04:08 11 04:08 12 04:08 13 04:08 14 04:08 15 04:08 16 04:08 17 04:08 18 04:08 20 04:08 21 04:08 22 04:08 23	fruition and lease agreements are executed with DNR, then the intention would be to certainly include that within the impacted area for the project. Q. And when you say we have to amend it after the adjudication, it being the ASC A. Yeah. Q. do you mean after the recommendation of the council, between when the adjudication ends and the recommendation is can you be more specific about your understanding of the timeline for additional updates to the ASC? MS. PERLMUTTER: Objection as to form and foundation. But you can answer. THE WITNESS: My understanding is EFSEC deliberations require the results of adjudication and the corresponding redline of the application for commitments that were made during the adjudication process. So the council, when they do their deliberations, they have to have that available to them. BY MS. VOELCKERS: Q. So those updates would be made	04:09 04:09 04:10 04:10 04:10 04:10 04:10 04:10 1 04:10 1 04:10 1 04:10 1 04:10 1 04:10 1 04:10 1 04:10 1 04:10 2 04:10 2 04:10 2 04:10 2	234567890123456789012234	on what's in there now. They can't deliberate on promises. They're going to have to deliberate on what's in the application at the time they review it. MS. VOELCKERS: I might have questions depending on what else is asked today, but I don't at this time. MS. FOSTER: This is Ms. Beyer. EXAMINATION BY MS. FOSTER: Q. Good afternoon, Ms. Kobus. My name is Z Foster. I'm an attorney for Benton County. Hope to make this a little bit shorter for you, but all the same rules apply. You're still under oath. Let's not try to talk over each other. A. I understand. Q. Perfect. So you said earlier that you have an agreement with the Department of Defense; is that correct? A. Yes. Q. And in that agreement, you had to specify via GPS coordinates as to the location of each turbine, correct?
04:07 2 04:07 3 04:07 4 04:07 5 04:07 6 7 7 04:07 8 04:07 9 04:07 10 04:07 10 04:08 12 04:08 13 04:08 14 04:08 15 04:08 16 04:08 17 04:08 19 04:08 20 04:08 21 04:08 22 04:08 23 04:08 23	fruition and lease agreements are executed with DNR, then the intention would be to certainly include that within the impacted area for the project. Q. And when you say we have to amend it after the adjudication, it being the ASC A. Yeah. Q. do you mean after the recommendation of the council, between when the adjudication ends and the recommendation is can you be more specific about your understanding of the timeline for additional updates to the ASC? MS. PERLMUTTER: Objection as to form and foundation. But you can answer. THE WITNESS: My understanding is EFSEC deliberations require the results of adjudication and the corresponding redline of the application for commitments that were made during the adjudication process. So the council, when they do their deliberations, they have to have that available to them. BY MS. VOELCKERS:	04:09 04:09 04:10 04:10 04:10 04:10 04:10 04:10 1 04:10 1 04:10 1 04:10 1 04:10 1 04:10 1 04:10 1 04:10 1 04:10 1 04:10 2 04:10 2 04:10 2 04:10 2 04:10 2	234567890123456789012234	on what's in there now. They can't deliberate on promises. They're going to have to deliberate on what's in the application at the time they review it. MS. VOELCKERS: I might have questions depending on what else is asked today, but I don't at this time. MS. FOSTER: This is Ms. Beyer. EXAMINATION BY MS. FOSTER: Q. Good afternoon, Ms. Kobus. My name is Z Foster. I'm an attorney for Benton County. Hope to make this a little bit shorter for you, but all the same rules apply. You're still under oath. Let's not try to talk over each other. A. I understand. Q. Perfect. So you said earlier that you have an agreement with the Department of Defense; is that correct? A. Yes. Q. And in that agreement, you had to specify via GPS coordinates as to the location

	193		195
04:10 1	A. That's correct. Those are	04:13 1	Q. So let's go just based off the
04:10 2	consistent with our filings with FAA for	04:13 2	assumption that the turbines are going to be
04:10 3	determinations.	04:13 3	located in the general vicinity of your last
04:10 4	Q. Okay. So you, throughout the course	04:13 4	DOD agreement. Actually, I'm going to pause on
04:10 5	of the deposition today, you mentioned, you	04:13 5	that one.
04:11 6	know, the project layout may change or you may	04:13 6	How many property owners do you
04:11 7	change the layout. What do you mean when you	04:13 7	currently have lease agreements with?
04:11 8	say that?	04:13 8	A. I believe the number's around 40.
04:11 9	A. Change the micrositing.	04:13 9	Q. Do you have lease agreements with
04:11 10	Q. What do you mean when you say	04:13 10	property owners that won't host a turbine or
04:11 11	"change the micrositing"?	04:13 11	the supporting infrastructure?
04:11 12	A. Well, when we prepared the	04:13 12	MS. PERLMUTTER: Objection to form.
04:11 13	application, we didn't know precisely where we	04:13 13	You can answer.
04:11 14	would end up pinpointing where the turbines	04:13 14	THE WITNESS: We have one lease
04:11 15	would be because there's a lot of things that	04:13 15	agreement where we added a section and a
04:11 16	can influence their precise placement.	04:13 16	half of property that they did not want
04:11 17	So what we did is everywhere there	04:13 17	turbines on. So we agreed to add the
04:11 18	was a turbine, we expanded the micrositing to	04:13 18	property, but added the condition that
04:11 19	include a 500-foot area, wherever there was	04:13 19	turbines could not be on that one and a
04:11 20	infrastructure, we expanded it to 200 feet, so	04:14 20	half section.
04:11 21	that we would have flexibility within those	04:14 21	BY MS. FOSTER:
04:11 22	micrositing corridors.	04:14 22	Q. But, otherwise, if you have a lease
04:11 23	So the application is very	04:14 23	agreement with a property owner, some portion
04:11 23 04:11 24	conservative in that it includes those entire	04:14 23 04:14 24	of the Horse Heaven Wind Farm, be it a turbine,
04:12 25	micrositing corridors even though there's	04:14 25	a battery, a solar array, or supporting
04.12 23	TRI-CITIES COURT REPORTING SERVICE, LLC	04.14 ZJ	TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
			509.942.0477
			106
aa	194	.	196
04:12 1	only could be just one wire underground in a	04:14 1	infrastructure, will be going through that
04:12 2	only could be just one wire underground in a 200-foot wide area for the length of that	04:14 2	infrastructure, will be going through that property?
04:12 2 04:12 3	only could be just one wire underground in a 200-foot wide area for the length of that conductor placement.	04:14 2 04:14 3	infrastructure, will be going through that property? A. There are some leases we have that,
04:12 2 04:12 3 04:12 4	only could be just one wire underground in a 200-foot wide area for the length of that conductor placement. Q. Okay. So to clarify, then, when	04:14 2 04:14 3 04:14 4	 infrastructure, will be going through that property? A. There are some leases we have that, no, we may not, and we'll likely give up those
04:12204:12304:12404:125	only could be just one wire underground in a 200-foot wide area for the length of that conductor placement. Q. Okay. So to clarify, then, when you're talking about changing the layout,	04:14 2 04:14 3 04:14 4 04:14 5	 infrastructure, will be going through that property? A. There are some leases we have that, no, we may not, and we'll likely give up those leases. So we have more leases than
04:12 2 04:12 3 04:12 4 04:12 5 04:12 6	 only could be just one wire underground in a 200-foot wide area for the length of that conductor placement. Q. Okay. So to clarify, then, when you're talking about changing the layout, you're not talking about changing the placement 	04:14 2 04:14 3 04:14 4 04:14 5 04:14 6	 infrastructure, will be going through that property? A. There are some leases we have that, no, we may not, and we'll likely give up those leases. So we have more leases than infrastructure.
04:12 2 04:12 3 04:12 4 04:12 5 04:12 6 04:12 7	 only could be just one wire underground in a 200-foot wide area for the length of that conductor placement. Q. Okay. So to clarify, then, when you're talking about changing the layout, you're not talking about changing the placement of the turbines? 	04:14 2 04:14 3 04:14 4 04:14 5 04:14 6 04:14 7	 infrastructure, will be going through that property? A. There are some leases we have that, no, we may not, and we'll likely give up those leases. So we have more leases than infrastructure. Q. It just depends on the ultimate
04:12 2 04:12 3 04:12 4 04:12 5 04:12 6 04:12 7 04:12 8	only could be just one wire underground in a 200-foot wide area for the length of that conductor placement. Q. Okay. So to clarify, then, when you're talking about changing the layout, you're not talking about changing the placement of the turbines? MS. PERLMUTTER: Objection as to	04:14 2 04:14 3 04:14 4 04:14 5 04:14 6 04:14 7 04:14 8	 infrastructure, will be going through that property? A. There are some leases we have that, no, we may not, and we'll likely give up those leases. So we have more leases than infrastructure. Q. It just depends on the ultimate layout?
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04:12 2 04:12 3 04:12 4 04:12 5 04:12 6 04:12 7 04:12 8 04:12 9 04:12 10 04:12 11	only could be just one wire underground in a 200-foot wide area for the length of that conductor placement. Q. Okay. So to clarify, then, when you're talking about changing the layout, you're not talking about changing the placement of the turbines? MS. PERLMUTTER: Objection as to form. But you can answer. THE WITNESS: It could include the turbines, but the intent is to not move the	04:14 2 04:14 3 04:14 4 04:14 5 04:14 6 04:14 7 04:14 8 04:14 9 04:14 10	 infrastructure, will be going through that property? A. There are some leases we have that, no, we may not, and we'll likely give up those leases. So we have more leases than infrastructure. Q. It just depends on the ultimate layout? A. It depends on the ultimate layout, yes. Q. Do you know and this is where
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	197		199
04:15 1	BY MS. FOSTER:	04:17 1	full 640.
04:15 1 04:15 2	Q. Exactly. That's what I'm getting	04:17 1 04:17 2	But generally by the restrictions of
04:15 2 04:15 3	at.	04:17 2 04:17 3	turbine placement, you can only squeeze four
04:15 3	You don't know how many turbines are	04:17 3	turbines on a section of land which could be a
04:15 5	going to be per parcel?	04:17 5	single parcel.
04:15 6	A. I know per siting restrictions you	04:17 6	Q. Is it your understanding that the
04:15 7	generally can't get more than four turbines on	04:17 7	Horse Heaven Wind Farm project will need to
04:15 8	a full section of land. But parcel-wise,	04:17 8	comply with Benton County's conditional use
04:15 9	parcels can be subdivided. And, I guess,	04:17 9	permit criteria?
04:15 10	it's using the parcel term is what's difficult	04:17 10	MS. PERLMUTTER: Objection. Calls
04:15 11	to answer. Because in our ASC, we have every	04:17 11	for a legal conclusion. And relevancy.
04:15 12	single parcel identified. Every single legal	04:17 12	You can answer.
04:15 13	parcel.	04:17 13	THE WITNESS: We already have a
04:15 14	Q. Right.	04:17 14	ruling.
04:15 15	A. Yeah.	04:17 15	BY MS. FOSTER:
04:15 16	Q. In your conception, how many acres	04:17 16	Q. What's your
04:15 17	is a section of land?	04:17 17	A. That we are in compliance with land
04:16 18	MS. PERLMUTTER: Objection.	04:17 18	use requirements.
04:16 19	THE WITNESS: 640 acres. A section	04:17 19	Q. Are you referring to council order
04:16 20	of land is 640 acres.	04:18 20	number 883?
21	BY MS. FOSTER:	04:18 21	A. Yes.
04:16 22	Q. So it's possible that one parcel,	04:18 22	Q. So it's your understanding that that
04:16 23	talking boundaries here, one parcel can	04:18 23	order stands for the proposition that you
04:16 24	encapsulate more than 640 acres?	04:18 24	comply with Benton County's conditional use
04:16 25	MS. PERLMUTTER: Objection.	04:18 25	permit criteria?
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	198		200
04:16 1	Foundation.	04:18 1	MS. PERLMUTTER: Objection.
04:16 2	THE WITNESS: No. County the way	04:18 2	MS. PERLMUTTER: Objection. Relevance. And calls for a legal
04:16 2 04:16 3	THE WITNESS: No. County the way the counties identify parcels, it's section	04:18 2 04:18 3	MS. PERLMUTTER: Objection. Relevance. And calls for a legal conclusion.
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04:16 2 04:16 3 04:16 4 04:16 5 04:16 7 04:16 7 04:16 7 04:16 7 04:16 9 04:16 10 04:16 11 04:16 12 04:16 13 04:16 14 04:16 15 04:16 16 04:16 17 04:16 17 04:17 18 04:17 20 04:17 21 04:17 23 04:17 23	THE WITNESS: No. County the way the counties identify parcels, it's section by section, and some sections can be subdivided. MS. FOSTER: Just, Ms. Perlmutter, I would appreciate it if you just leave your objections to the form of my question. BY MS. FOSTER: Q. So going back to you. So your testimony, then, is that you cannot have a parcel larger than 640 acres? A. That's how the parcels are identified legally, yes. Q. Okay. So, then, I'm trying to just get a firm count here. So your testimony would be that at max for one parcel could maximum have four turbines on it? A. A section of land. Q. Right. But A. Not a parcel. It doesn't make sense to talk about parcels because a parcel can be five acres on a section of land. And then, of	04:18 2 04:18 3 04:18 5 04:18 5 04:18 7 04:18 7 04:18 7 04:18 7 04:18 10 04:18 12 04:18 13 04:18 14 04:18 15 04:18 16 04:18 17 04:18 18 04:18 19 04:18 21 04:19 22 04:19 23 04:19 24	MS. PERLMUTTER: Objection. Relevance. And calls for a legal conclusion. MS. FOSTER: Once again, Ms. Perlmutter, I'm going to ask you that limit the speaking objections. You may object to the form of my question. MS. PERLMUTTER: I'll make my objections. THE WITNESS: The land use consistency states that we are consistent with the process the county utilizes for conditional use permits. We identified our compliance in the ASC to every single one of those CUP criteria in existence when we filed our application. BY MS. FOSTER: Q. So it's your understanding that EFSEC has already ruled that Scout is in compliance with Benton County's conditional use permit criteria? MS. PERLMUTTER: Objection. Asked and answered. You can answer.

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0 .	201	04.00 4	203 A. Never tried to calculate it.
04:19 1	are consistent. We have a ruling that says	04:20 1	
04:19 2	we are consistent. But EFSEC can preempt	04:20 2	Q. Okay. A. It's immaterial.
04:19 3 04:19 4	county requirements. BY MS. FOSTER:	04:21 3 04:21 4	A. It's immaterial.Q. Why is it immaterial?
_	Q. I think we may be talking over each	04:21 4 04:21 5	A. Because you follow the legal
04:19 5 04:19 6	other here. I agree that with you that the	04.21 5 04:21 6	description for the property, and it is what it
04:19 0 04:19 7	order says that you're consistent.	04:21 0	is. I mean, it's if a parcel size is
04:19 7 04:19 8	However, doesn't the order also	04:21 7	smaller and a different owner, it could have
04:19 0 04:19 9	state that one of or I should say,	04:21 0	different restrictions on it or different
04:19 9 04:19 10	doesn't isn't one of the issues for this	04:21 9	setback applications to it. But we deal with
04:19 10 04:19 11	adjudication whether or not the project	04:21 11	legal property descriptions.
04:19 11 04:19 12	complies with Benton County's conditional use	04:21 12	Q. Don't you think the parcel size is
04:19 12 04:19 13	permit criteria?	04:21 12	important to determine how many turbines you're
04:19 14	MS. PERLMUTTER: Objection.	04:21 14	putting on one parcel?
04:19 15	Argumentative. And calls for a legal	04:21 15	MS. PERLMUTTER: Objection.
04:19 16	conclusion. You can answer.	04:21 16	Argumentative. You can answer if you can.
04:19 10 04:19 17	THE WITNESS: One of the issues	04:21 10	THE WITNESS: It's immaterial. You
04:19 18	is yes, that is one of the issues. And	04:21 18	determine what your buildable area is to
04:19 10 04:19 19	we would anticipate if the County has	04:21 10	place turbines, and then you put them in
04:19 20	conditions to place on the project, they	04:21 20	desired places relative to all of the
04:19 20 04:19 21	will work through EFSEC to make those	04:21 21	criteria you're trying to meet relative to
04:19 22	known.	04:21 22	placing those turbines, and it falls out
04:19 23	BY MS. FOSTER:	04:22 23	where it falls out.
04:19 24	Q. So it's your understanding of how a	04:22 24	It's immaterial what parcel it's on.
04:19 25	conditional use how this process works that	04:22 25	You follow the criteria for desired
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	202		204
04:19 1	the only steps left are to condition the	04:22 1	setbacks associated with the parcel.
04:20 2	project?	04:22 2	When we filed this application, we
04:20 3	A. That's correct.	04:22 3	believe we were in compliance with the
04:20 4	Q. So you do not believe that there can	04:22 4	conditional use criteria. And we actually
04:20 5	be a finding that the project does not comply	04:22 5	stated everywhere we were in compliance and
04:20 6	with the conditional use permit criteria?	04:22 6	how we were in compliance.
04:20 7	A. That is my belief, yes.	04:22 7	And that's still the case. We're
04:20 8	Q. Are you are you familiar with the	04:22 8	maintaining that. We have not asked EFSEC
04:20 9	conditional use permit criteria?	04:22 9	for preemption of what the CUP criteria
04:20 10	A. Oh, yes.	04:22 10	were at the time we filed our application.
04:20 11	Q. So if I said to you that one of the	04:22 11	BY MS. FOSTER:
04:20 12			
	criteria if we sum it up is essentially	04:22 12	Q . So are you aware of the use
04:20 13	compatibility with permitted uses, you would	04:22 12 04:22 13	vaguely aware of the just outright permitted
04:20 13 04:20 14	compatibility with permitted uses, you would agree with me on that?	04:22 13 04:22 14	vaguely aware of the just outright permitted uses I'm going to take a step back here.
04:20 13 04:20 14 04:20 15	compatibility with permitted uses, you would agree with me on that? A. Yes.	04:22 13 04:22 14 04:22 15	vaguely aware of the just outright permitted uses I'm going to take a step back here. Do you know the zoning designation
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	205		207
04:00	205 BY MS. FOSTER:	04:05	
04:23 1		04:25 04:25	
04:23 2	Q. So if I represented to you that, in		
04:23 3	general, most uses within the GMA Ag lands have	04:25	
04:23 4	about one to three structures per parcel, would	04:25	
04:23 5	you have any reason to dispute me on that?		5 permitted use is the same thing as a
04:23 6	A. No, I wouldn't.	•	6 conditional use?
04:23 7	Q . Okay. So if we're comparing so	04:25	-
04:23 8	if we're looking at compatibility, right, which	04:25	
04:23 9	is size and scope, in effect, doesn't it then	04:25	
04:23 10	become very important what the parcel size is	04:25 1	
04:23 11	because we want to compare how many structures	04:25 1 ′	
04:23 12	the Horse Heaven Wind Farm is putting on a	04:25 1	·····
04:23 13	parcel versus how many structures are in a	04:25 1 :	5
04:23 14	traditional permitted use?	04:25 1 4	4 Argumentative. You can answer the
04:23 15	MS. PERLMUTTER: Objection. Calls	04:25 1	
04:23 16	for a legal conclusion. Also, irrelevant.	04:25 10	,
04:23 17	But you can answer.	04:25 1	7 distinction you're trying to make. Sorry.
04:23 18	THE WITNESS: It's immaterial. I	04:25 1 8	8 BY MS. FOSTER:
04:23 19	mean, as identified with the Nine Canyon	04:25 1	9 Q . That's no, that's fair.
04:24 20	project, the assessors determined that the	04:25 2	0 Is the conditional use has to
04:24 21	space the turbines occupy has no effect on	04:25 2 ′	1 satisfy conditions, right?
04:24 22	zoning at all.	04:25 22	2 A. That's right. That's what it means,
04:24 23	BY MS. FOSTER:	04:25 23	3 conditional use.
04:24 24	Q. We're not talking about zoning,	04:25 2 4	Q. And a permitted use is just allowed
04:24 25	Mr. Kobus. I'm talking about number of	04:25 2	5 outright?
	TRI-CITIES COURT REPORTING SERVICE, LLC		TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	206		208
04:24 1	206 structures per parcel.	04:25	
04:24 1 04:24 2			
	structures per parcel.		A. Outright. You can do it
04:24 2	structures per parcel. A. There is no criteria for number of		 A. Outright. You can do it Q. So you (Parties speaking simultaneously.)
04:24 2 04:24 3	structures per parcel.A. There is no criteria for number of structures per parcel.	04:25	 A. Outright. You can do it Q. So you (Parties speaking simultaneously.) (The Court Reporter requested
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	209		211
04:26 1	turbines were a permitted use, that's a	04:28 1	EXAMINATION
04:26 2	true statement. So, I guess, I don't	2	BY MR. ARAMBURU:
04:26 3	understand what you're trying to get at.	04:28 3	Q. Just a couple of follow-up
04:26 4	So maybe if you could rephrase.	04:28 4	questions. Would you turn to page
04:26 5	BY MS. FOSTER:	04:28 5	THE COURT REPORTER: Can you come
04:26 6	Q. Well, you said that wind I mean,	04:28 6	down here?
04:26 7	I don't want to be testifying here, but I could	04:28 7	MR. ARAMBURU: I'm sorry.
04:26 8	submit to you that if you look at the Benton	04:29 8	THE WITNESS: 2-18, right?
04:26 9	County code in effect at the time at which you	04:29 9	BY MR. ARAMBURU:
04:26 10	submitted your application, if you looked under	04:29 10	Q. Yes. Excuse me. 2-156 excuse
04:26 11	the permitted uses, would you have found a wind	04:29 11	me, 158.
04:26 12	turbines farm?	04:29 12	A. I'm there.
04:26 13	A. Not a farm, no. Individual I	04:29 13	Q. The number two criteria for
04:26 14	think it was up to two turbines at the time.	04:29 14	conditional use permits in Benton County is set
04:27 15	But more than that, in essence, a wind farm	04:29 15	forth at the bottom of page 2-158, you see
04:27 16	required a conditional use permit. No question	04:29 16	that?
04:27 10	about it.	04:29 10	A. Yes.
04:27 18	Q. Okay. I think we've gone to a good	04:29 18	Q. Do you believe that a six-acre,
04:27 18 04:27 19	understanding on that. So I don't mean to	04:29 18 04:30 19	150-megawatt lithium-ion battery installation
04:27 13 04:27 20	repeat myself, but I just want to make sure	04:30 13 04:30 20	would endanger the health, safety, and welfare
04:27 20 04:27 21	that we're clear.	04:30 20 04:30 21	of the surrounding community to an extent
04.27 21 04:27 22		04:30 21 04:30 22	greater than that associated with other
04:27 22 04:27 23	When looking at the project as a	04:30 22 04:30 23	permitted uses?
04:27 23 04:27 24	whole, you could not tell me a general idea of	04:30 23 04:30 24	
	wind turbines per parcels?		A. I absolutely believe that's the
04:27 25	A. No. As I said, my thumb rule is you	04:30 25	case, it will not.
	TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477		TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477
	509.942.0477		509.942.0477
	210		010
04:27 1	210	04:20 1	212
04:27 1	can generally put four wind turbines on a	04:30 1	Q. And that's despite the fact that
04:27 2	can generally put four wind turbines on a section of land, which is 640 acres.	04:30 2	Q. And that's despite the fact that you've indicated that lithium-ion batteries are
04:27 2 04:27 3	can generally put four wind turbines on a section of land, which is 640 acres. Q. And is okay.	04:30 2 04:30 3	Q. And that's despite the fact that you've indicated that lithium-ion batteries are subject to fires and
04:27 2 04:27 3 04:27 4	can generally put four wind turbines on a section of land, which is 640 acres. Q. And is okay. Is the Horse Heaven Wind Farm, in	04:30 2 04:30 3 04:30 4	 Q. And that's despite the fact that you've indicated that lithium-ion batteries are subject to fires and A. Everything is subject to fire. It's
04:27 2 04:27 3 04:27 4 04:27 5	can generally put four wind turbines on a section of land, which is 640 acres. Q. And is okay. Is the Horse Heaven Wind Farm, in general, following your rule of, will there be	04:30204:30304:30404:305	 Q. And that's despite the fact that you've indicated that lithium-ion batteries are subject to fires and A. Everything is subject to fire. It's a reasonable risk for the technology.
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	213		215
04:31 1	BY MR. ARAMBURU:	04:34 1	agricultural
04:31 2	Q. And up in this area, the GMAA area,	04:34 2	A. We've gone on record saying we
04:32 3	right, generally allows agricultural?	04:34 3	comply. That's what this document is telling
04:32 4	A. Correct.	04:34 4	you.
04:32 5	Q. Generally allows farmhouses?	04:34 5	Q. Yeah, I understand what you said.
04:32 6	A. Correct.	04:34 6	A. Okay. We were on record saying we
04:32 7	Q. Agricultural sales of products?	04:34 7	comply. And I'm personally affirming that I
04:32 8	A. True.	04:34 8	believe it, so
04:32 9	Q. All those things?	04:34 9	MR. ARAMBURU: Okay. Thank you.
04:32 10	A. (Witness nodded head up and down.)	04:34 10	MS. PERLMUTTER: I have no
04:32 11	Q. Is this more or is six-acre	04:34 11	questions.
04:32 12	lithium-ion battery going to endanger the	04:34 12	MS. FOSTER: I have no questions.
04:32 13	health and safety of the people up there more	04:34 13	MS. VOELCKERS: I have no further
04:32 14	or less than those uses?	04:34 14	questions.
04:32 15	A. This will not be accessible to the	04:34 15	MR. ARAMBURU: Just one more thing,
04:32 16	general public. So, no, it won't endanger	16	which is not a question.
04:32 17	them.	04:35 17	There was mention during I think
04:32 18	Q. And if there's a runaway fire that	04:35 18	it was your question, Shona, concerning the
04:32 19	starts a fire in crop land up there, will that	04:35 19	land use permit for the DNR property.
04:32 20	be a greater impact on the people than the uses	04:35 20	THE WITNESS: Yeah, yeah.
04:32 21	that are there now?	04:35 21	MR. ARAMBURU: Counsel, could you
04:32 22 04:33 23	MS. PERLMUTTER: Objection to foundation. You can answer, if you can.	04:35 22 04:35 23	distribute that to the parties so we have it and we not let it go?
04:33 23 04:33 24	THE WITNESS: I can't speculate on	04:35 23 04:35 24	MS. PERLMUTTER: I certainly can't
04:33 24 04:33 25	how big a fire's going to be.	04:35 24 04:35 25	do it now.
04.33 23	TRI-CITIES COURT REPORTING SERVICE, LLC	04.33 23	TRI-CITIES COURT REPORTING SERVICE, LLC
	509.942.8477		509.942.8477
	214		216
04:33 1	BY MR. ARAMBURU:	04:35 1	216 MR. ARAMBURU: Oh, no. I'm not
04:33 1 04:33 2		04:35 1 04:35 2	
-	BY MR. ARAMBURU:		MR. ARAMBURU: Oh, no. I'm not
04:33 2	BY MR. ARAMBURU: Q. But	04:35 2	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
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AVID I ury th the te ect tra ection	at I h estimo anscri	nave ony pt o	read cont	d the aine	for d th	egoir ereir	ng de n is a	pos tru	sition e an	ı aı	nd	
ury th the te ect tra ection SCRIE	at I h estimo anscri	nave ony pt o	read cont	d the aine	for d th	egoir ereir	ng de n is a	pos tru	sition e an	ı aı	nd	
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NICKES the undersigned Certified horized to administer oaths a for the states of Washingto -0441), Idaho (1045), and C eby certify: That the sworn testimon ceedings, a transcript of whi en before me at the time and the witness was duly sworr ify to the truth; that the tes ceedings were stenographica iscribed under my supervision iscript contains a full, true, a Il the testimony and/or proc time and place stated in the That I am in no way rela matter, nor to any counsel, ncial interest in the event of VITNESS WHEREOF I have si 26, 2023.	C E R T I F I C A T I, MONNA J. NICKESON, 6 the undersigned Certified Cour norized to administer oaths and a for the states of Washington (33 -0441), Idaho (1045), and Califo eby certify: That the sworn testimony and ceedings, a transcript of which is en before me at the time and plan the witness was duly sworn or a ify to the truth; that the testimo ceedings were stenographically re- scribed under my supervision. The script contains a full, true, and a II the testimony and/or proceeding time and place stated in the tran That I am in no way related to matter, nor to any counsel, nor incial interest in the event of the VITNESS WHEREOF I have set m 26, 2023.	C E R T I F I C A T E I, MONNA J. NICKESON, CCR, the undersigned Certified Court Rep norized to administer oaths and affirm for the states of Washington (3322), -0441), Idaho (1045), and California (eby certify: That the sworn testimony and/or ceedings, a transcript of which is attact the witness was duly sworn or affirm ify to the truth; that the testimony and ceedings were stenographically record ascribed under my supervision. That the ascript contains a full, true, and accura II the testimony and/or proceedings of time and place stated in the transcrip That I am in no way related to any matter, nor to any counsel, nor do I fr ncial interest in the event of the cause VITNESS WHEREOF I have set my han 26, 2023.	C E R T I F I C A T E I, MONNA J. NICKESON, CCR, CS the undersigned Certified Court Report horized to administer oaths and affirmati for the states of Washington (3322), Or -0441), Idaho (1045), and California (14 eby certify: That the sworn testimony and/or ceedings, a transcript of which is attache en before me at the time and place stated the witness was duly sworn or affirmed ify to the truth; that the testimony and/or ceedings were stenographically recorded ascribed under my supervision. That the ascript contains a full, true, and accurate II the testimony and/or proceedings occu time and place stated in the transcript. That I am in no way related to any pa matter, nor to any counsel, nor do I hav ncial interest in the event of the cause. VITNESS WHEREOF I have set my hand of 26, 2023.	C E R T I F I C A T E I, MONNA J. NICKESON, CCR, CSR, C the undersigned Certified Court Reporter, norized to administer oaths and affirmations is for the states of Washington (3322), Oregor -0441), Idaho (1045), and California (14430) eby certify: That the sworn testimony and/or ceedings, a transcript of which is attached, w en before me at the time and place stated the it the witness was duly sworn or affirmed to ify to the truth; that the testimony and/or ceedings were stenographically recorded by m iscribed under my supervision. That the fore iscript contains a full, true, and accurate record II the testimony and/or proceedings occurring time and place stated in the transcript. That I am in no way related to any party matter, nor to any counsel, nor do I have an ncial interest in the event of the cause. VITNESS WHEREOF I have set my hand on 26, 2023.	C E R T I F I C A T E I, MONNA J. NICKESON, CCR, CSR, CLR, the undersigned Certified Court Reporter, norized to administer oaths and affirmations in for the states of Washington (3322), Oregon -0441), Idaho (1045), and California (14430), o eby certify: That the sworn testimony and/or ceedings, a transcript of which is attached, was en before me at the time and place stated there is the witness was duly sworn or affirmed to ify to the truth; that the testimony and/or ceedings were stenographically recorded by me iscribed under my supervision. That the foregoin iscript contains a full, true, and accurate record II the testimony and/or proceedings occurring a time and place stated in the transcript. That I am in no way related to any party to matter, nor to any counsel, nor do I have any incial interest in the event of the cause. VITNESS WHEREOF I have set my hand on 26, 2023.	CERTIFICATE I, MONNA J. NICKESON, CCR, CSR, CLR, RPR a, the undersigned Certified Court Reporter, norized to administer oaths and affirmations in for the states of Washington (3322), Oregon -0441), Idaho (1045), and California (14430), do aby certify: That the sworn testimony and/or ceedings, a transcript of which is attached, was an before me at the time and place stated therein; the witness was duly sworn or affirmed to ify to the truth; that the testimony and/or ceedings were stenographically recorded by me and ascribed under my supervision. That the foregoing ascribed under my supervision. That the foregoing ascribed under my supervision. That the foregoing ascribed under my supervision. That the foregoing time and place stated in the transcript. That I am in no way related to any party to matter, nor to any counsel, nor do I have any ncial interest in the event of the cause. UTNESS WHEREOF I have set my hand on

\$	150-megawatt [1] -	200-foot [1] - 194:2	54:10, 54:13, 56:25,	705 [1] - 2:4
Ψ	211:19	2000 [1] - 2:13	59:3, 65:25, 66:23	750 [2] - 50:19, 53:5
\$1.727 [1] - 27:13	151 [1] - 125:11	2009 [3] - 10:7,	3000 [1] - 3:4	760 [1] - 3:4
•••••••••••••••••••••••••••••••••••••••	1550 [1] - 57:1	178:1, 179:15	31st [1] - 176:1	
	158 [1] - 211:11	2010 [2] - 10:6, 10:7	3322 [2] - 5:7, 218:5	8
	16-0441 [2] - 5:8,	2016 [1] - 35:15	340 [1] - 68:5	0
'21 [3] - 30:19, 96:10,	218:6		350 [29] - 39:3,	8 [1] - 137:18
100:6		2018 [7] - 8:24,	•••	800 [1] - 2:13
'22 [1] - 100:7	160 [1] - 68:6	35:16, 35:17, 36:3,	40:12, 41:10, 41:14,	807 [1] - 2:8
22[1] - 100.7	175 [1] - 4:11	36:4, 38:14, 141:1	42:21, 42:24, 43:3,	
4	180 [1] - 88:4	2020 [3] - 134:15,	44:2, 44:3, 50:10,	850 [1] - 37:12
1	19 [2] - 86:16, 87:6	134:21, 183:3	50:12, 53:17, 53:20,	883 [1] - 199:20
1 [40] - 4:10, 11:18,	19.4 [1] - 86:19	2021 [5] - 12:19,	54:1, 64:3, 64:5,	
11:19, 16:4, 82:15,	190 [1] - 194:24	28:6, 96:2, 98:17,	64:24, 65:4, 65:12,	9
84:6, 84:7, 84:11,	192 [1] - 4:6	134:24	65:18, 65:22, 65:23,	07005
	1st [1] - 136:9	2022 [4] - 176:1,	66:1, 66:9, 66:14,	97205 [1] - 3:4
84:16, 84:23, 85:4, 93:15, 93:25, 104:4,		176:15, 176:24,	66:24, 67:5, 67:9	98104 [1] - 2:5
	2	180:15	39th [1] - 2:8	98104-3188 [1] - 2:14
104:10, 104:12,		2023 [5] - 1:15, 4:3,		98902 [1] - 2:9
105:5, 106:8, 106:14,	2 [16] - 4:11, 16:4,	5:2, 217:23, 218:22	4	98948 [1] - 3:10
106:16, 123:8, 127:1,	71:1, 82:15, 82:18,	21 [3] - 1:15, 4:3, 5:2		99336 [1] - 1:13
138:21, 139:10,	84:16, 85:17, 85:19,	211 [1] - 4:6	4 [3] - 16:4, 48:14,	
139:21, 140:11,	85:20, 86:14, 86:23,	221 [1] - 188:16	48:18	Α
141:11, 142:20,	104:10, 127:3, 127:5,	230 [10] - 37:8, 39:2,	4-33 [1] - 131:20	
144:15, 144:24,	175:20	40:9, 65:12, 66:10,	40 [1] - 195:8	A.M [2] - 1:15, 5:2
146:20, 147:15,	2-101 [1] - 104:7	84:11, 84:13, 84:21,	401 [1] - 3:9	ability [5] - 38:25,
147:25, 150:4,	2-102 [1] - 86:14	86:19, 86:24	463-60-296 [2] -	49:24, 64:2, 127:7,
151:12, 151:25,	2-103 [2] - 81:23,	235 [7] - 33:14,	101:4, 101:20	174:17
156:20, 160:17,	87:14	33:24, 33:25, 35:1,	4:35 [1] - 216:10	able [13] - 20:4,
167:13, 186:19	2-118 [2] - 89:13,	35:5, 63:11, 63:13		25:18, 43:7, 43:24,
1-10 [1] - 117:17	93:23	244 [17] - 27:15,	5	44:14, 46:18, 62:6,
1/31/2022 [1] - 4:11	2-126 [1] - 129:18	28:1, 33:4, 33:5,		83:7, 83:8, 102:13,
10 [2] - 31:6, 45:23	2-15 [3] - 59:25,	33:11, 33:14, 34:3,	5 [2] - 4:5, 70:25	155:22, 157:5, 174:11
10.2 [2] - 86:15,	62:15, 64:7	34:13, 34:25, 35:3,	50 [1] - 45:24	abnormal [1] -
86:24	2-150 [1] - 120:10	54:25, 71:18, 77:15,	500 [8] - 37:8, 67:1,	132:16
100 [16] - 39:1,	2-151 [1] - 123:25	95:7, 96:20, 100:18,	67:6, 67:15, 67:20,	absolutely [12] -
39:15, 39:16, 39:20,	2-156 [1] - 211:10	102:1	68:2, 68:17	14:17, 89:4, 89:18,
39:23, 40:4, 40:24,	2-158 [1] - 211:15	250 [9] - 35:24,	500-foot [1] - 193:19	89:24, 104:21, 121:6,
41:6, 41:11, 43:22,		35:25, 37:22, 38:16,	509.942.8477 [1] -	122:1, 131:12,
44:24, 50:12, 50:14,	2-16 [1] - 67:13	38:23, 39:15, 39:19,	1:23	134:23, 206:25,
68:15, 154:4	2-18 [1] - 211:8	40:2, 40:4		207:3, 211:24
102206 [1] - 1:13	2-49 [1] - 68:21	250-megawatt [1] -	6	AC [1] - 69:24
1045 [2] - 5:8, 218:6	2-7 [1] - 16:5	35:22	v	accept [1] - 103:19
11 [1] - 4:10	2-8 [1] - 186:19	26 [1] - 218:22	6 [1] - 72:4	acceptable [1] -
115 [2] - 20:1, 37:9	2-85 [2] - 27:11, 30:9		600 [1] - 68:16	160:13
11:00 [1] - 7:11	2-86 [1] - 116:15	285 [1] - 27:11	640 [7] - 197:19,	access [2] - 25:6,
11:05 [2] - 1:15, 5:2	2-87 [2] - 167:12,	2nd [1] - 2:4	197:20, 197:24,	174:12
121 [1] - 94:8	167:17	2	198:12, 199:1,	accessible [1] -
13.6 [1] - 64:4	2-88 [1] - 167:19	3	202:20, 210:2	213:15
1300 [1] - 2:4	2-A [1] - 85:7	2 (c) 16.4 40.44	650 [13] - 40:8,	accidental [1] -
1300 [1] - 2.4 138 [1] - 4:5	2-B [3] - 85:9, 87:10,	3 [6] - 16:4, 48:14,	40:20, 50:10, 64:19,	174:21
138 [1] - 4.5	87:12	48:18, 72:4, 72:5, 72:14	65:3, 65:14, 65:15,	
	2.1.3 [1] - 16:8	72:14	65:17, 65:19, 65:21,	accommodate [3] -
14430 [3] - 1:22, 5:9,	2.15-1 [1] - 84:1	3.04.041 [1] - 124:12	66:7, 66:12	58:16, 58:18, 82:21
218:6	2.22 [1] - 94:2	3.3 [1] - 124:9	50.1, 50.1Z	accomplish [1] -
15 [1] - 115:21	2.3 [1] - 60:2	3.4 [4] - 72:6, 72:7,	7	82:2
150 [13] - 27:16,	20 [6] - 31:6, 45:24,	72:22, 73:21	/	accordance [3] -
55:1, 59:17, 77:15,	71:1, 71:2, 71:3,	30 [1] - 108:25	7 [3] - 137:18,	130:15, 140:6, 147:5
85:5, 85:7, 95:7,	115:21	300 [16] - 39:21,	137:20, 138:1	accordingly [1] -
96:20, 100:18, 102:2,	20-year-year-old [1]	40:7, 40:12, 50:10,	7,000 [1] - 196:22	97:4
111:21, 114:24,	- 181:1	50:12, 53:7, 53:21,	7,000 [1] - 196:22 700 [1] - 196:23	account [2] - 45:18,
114:25	200 [1] - 193:20	54:2, 54:3, 54:4,	100 [i] - 130.23	78:14

1

accurate [7] - 28:8, 84:3, 87:18, 89:17, 132:6, 132:20, 218:15 acquire [5] - 19:10, 20:14, 22:14, 23:20, 38:21 acquired [5] - 23:9, 37:6, 38:8, 39:19 acquiring [1] - 38:4 acre [8] - 127:8, 127:24, 159:19, 159:25, 160:7, 160:12, 211:18, 213:11 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 acronym [1] - 132:12 action [1] - 100:18 active [4] - 27:3, 79:13, 90:14, 143:24 actively [1] - 26:23 activities [2] - 90:12, 174:15 actual [1] - 47:15 add [9] - 44:7, 57:14, 61:12, 63:4, 79:25, 102:19, 109:20, 110:14, 195:17 added [9] - 13:21, 38:25, 53:22, 56:18, 56:21, 60:3, 131:2, 195:15, 195:18 adding [1] - 83:13 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 address [2] - 5:18, 5:20 addressed [1] -124:9 addresses [2] -122:10 adds [1] - 40:19 adequate [2] - 23:4, 23:5 adequately [1] -77:11 adjudication [13] -139:14, 140:5, 140:9, 151:11, 152:10, 162:2, 189:13, 189:23, 190:6,

190:10, 190:18, 190:20, 201:11 adjust [1] - 58:25 administer [1] -218:4 administrative [1] -161:4 admit [1] - 141:25 adopted [1] - 212:13 advance [1] - 55:17 advantage [2] -74:17, 76:8 advantageous [2] -109:23, 109:25 advisement [1] -216:6 affect [1] - 54:11 affected [1] - 80:8 affecting [1] - 80:21 affiliated [1] - 78:23 affirmations [1] -218:4 affirmed [1] - 218:11 affirming [1] - 215:7 afternoon [2] -91:17, 192:11 Ag [6] - 204:18, 204:20, 205:3, 206:17, 208:9 AG [1] - 148:7 aggressive [1] -88:23 ago [2] - 133:3, 181:19 agree [7] - 51:23, 81:17, 157:17, 161:3, 162:24, 201:6, 202:14 agreeable [1] - 139:7 agreed [3] - 135:13, 177:3, 195:17 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

agreements [11] -21:24, 51:12, 120:1, 120:3, 123:18, 140:7, 158:4, 190:1, 191:9, 195:7, 195:9 agricultural [4] -181:11, 213:3, 213:7, 215:1 Agro [1] - 156:6 ahead [5] - 96:14, 99:23, 171:23, 177:22, 184:19 air [1] - 21:8 airspace [1] - 141:23 allow [3] - 6:11, 24:5, 25:7 allowed [6] - 52:25, 63:13, 141:5, 207:24, 208:11, 208:12 allows [2] - 213:3, 213:5 almost [1] - 119:7 alongside [1] - 20:2 ALSO [1] - 3:12 alterations [9] -147:11, 147:14, 149:18, 150:4, 151:14, 152:4, 176:22, 177:1, 177:5 alternate [2] - 85:14, 94.18 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 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 amend [4] - 189:20, 189:22, 190:5, 191:15 amended [10] -11:24, 12:12, 12:18, 14:21, 16:23, 30:9, 34:1, 57:23, 60:1, 194:21 amendment [2] -58:17, 189:12 amendments [1] -189:24 amount [13] - 24:7, 41:7, 48:7, 52:2, 52:20, 57:7, 59:13,

61:13, 71:21, 73:4, 111:3, 173:12, 174:5 ample [1] - 171:8 Amy [1] - 61:6 analogy [1] - 32:16 analysis [7] - 94:3, 94:5, 100:20, 100:21, 135:7, 137:22, 137:24 analyze [2] - 74:21, 172:6 analyzing [1] -113:20 AND [2] - 217:2, 217:23 annually [1] - 185:24 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,

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 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 answers [1] - 29:20 anticipate [3] -152:3, 201:19, 216:4 anticipated [2] -117:10. 117:19 anticipating [1] -58:7 apart [1] - 161:21 apologize [1] -175:22 **APPEARANCES** [2] -2:1, 3:1 appendix [1] - 118:6 Appendix [6] -168:4, 168:6, 172:24, 173:8, 174:14, 174:22 Applicant [1] - 1:8 applicant [5] - 131:3, 133:25, 143:12, 165:10, 176:15 APPLICANT [1] -1.18 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,

156.25 166.2	122.10 122.22	79.2	15:18, 15:22, 20:18,	balance rat 21:10
156:25, 166:3,	133:19, 133:22,	assess [3] - 78:2,	23:4, 28:18, 34:6,	balance [3] - 31:19,
172:12, 175:1, 180:11, 190:19,	138:10, 188:18, 188:23, 211:2, 211:7,	79:2, 81:12	23.4, 28.18, 34.0, 34:24, 35:8, 39:2,	32:6, 156:3
192:3, 193:13,	211:9, 213:1, 214:1,	assessing [2] -		balancing [1] - 25:14
192.3, 193.13, 193:23, 196:13,	211.9, 213.1, 214.1, 214:21, 214:21, 215:9,	115:20, 116:17	41:14, 43:2, 48:9, 55:20, 58:6, 63:19,	ballpark [1] - 108:18
200:17, 204:2,	214.21, 215.9, 215:15, 215:21,	assessments [1] -	71:20, 75:3, 75:15,	bands [1] - 125:6
204:10, 206:16,	216:1, 216:7	78:25	83:16, 90:16, 91:13,	barely [1] - 133:18
204.10, 200.10, 209:10, 209:10, 212:21,	arc [1] - 194:25	assessors [1] -	93:12, 113:3, 115:25,	base [1] - 115:21
212:23	ArcVera [3] - 78:24,	205:20	119:2, 119:3, 121:23,	based [13] - 12:3,
APPLICATION [1] -	79:1	assets [3] - 37:6,	123:11, 126:22,	50:23, 74:7, 90:14,
1:4	area [10] - 11:3,	38:4, 38:24	128:23, 129:3, 141:2,	146:18, 172:24,
applications [3] -	19:23, 59:10, 163:7,	assist [1] - 132:4	148:3, 152:13,	183:17, 183:24, 184:3, 184:12,
64:1, 165:23, 203:10	190:3, 193:19, 194:2,	associated [5] - 28:13, 53:1, 140:3,	163:17, 163:21,	, ,
applied [4] - 79:18,	203:18, 213:2	204:1, 211:22	165:10, 165:22,	191:18, 195:1, 196:12
118:20, 132:23,	areas [8] - 13:8,	Association [1] -	166:20, 166:22,	basic [2] - 16:17, 103:21
141:25	177:11, 180:6,	212:13	168:11, 168:22,	basis [8] - 23:10,
applies [1] - 175:2	180:14, 180:20,	Asst [1] - 2:15	169:6, 169:16,	30:20, 31:5, 79:10,
apply [2] - 138:17,	181:9, 183:2	assume [1] - 2.15	171:12, 171:15,	30.20, 31.5, 79.10, 115:24, 122:24,
192:14	argue [1] - 67:8	assumption [5] -	179:17, 185:21,	185:7, 185:14
applying [1] - 161:5	argument [1] - 95:22	72:25, 73:3, 73:15,	190:23, 191:9, 212:9,	batteries [59] -
appreciate [3] - 98:6,	argumentative [11] -	73:16, 195:2	212:23	22:15, 23:2, 23:11,
151:8, 198:7	108:5, 125:17,	assure [2] - 52:23,	Avenue [5] - 2:4, 2:8,	23:12, 26:2, 46:7,
approach [1] - 20:11	144:10, 173:15,	82:5	2:13, 3:4, 5:20	56:18, 57:1, 58:8,
approached [1] -	174:8, 182:13,	assured [1] - 170:21	average [5] - 23:10,	58:14, 59:3, 59:7,
15:16	201:15, 203:16,	asterisk [1] - 189:4	48:7, 102:20, 202:22,	59:10, 85:10, 85:22,
appropriate [2] -	206:7, 207:14, 208:18	AT [1] - 1:18	210:17	108:11, 108:13,
22:4, 189:25	ARMBURU [2] - 2:3,	Atlas [1] - 156:6	Avista [2] - 9:14,	108:15, 109:11,
appropriated [1] -	2:5	attached [1] - 218:9	90:3	109:16, 109:20,
164:16	arrangement [6] -	attempt [5] - 15:20,	avoid [9] - 138:22,	110:7, 110:9, 111:4,
approval [3] - 56:1,	28:13, 30:5, 35:4,	58:23, 139:4, 141:18,	159:4, 159:20,	111:15, 111:19,
127:18, 127:22	40:1, 71:18, 113:6	155:8	159:24, 160:3,	111:21, 111:23,
approve [1] - 101:4	arrangements [1] -	attempting [1] -	160:12, 160:21,	112:7, 112:15,
approved [4] - 59:16,	24:14	140:24	177:3, 181:9	112:25, 113:9,
88:11, 88:24, 128:2	arranges [1] - 32:10	attempts [1] - 139:9	avoidance [2] -	113:16, 113:21,
Aramburu [1] - 5:22	array [1] - 195:25	attention [1] - 176:7	160:17, 177:20	114:20, 115:4, 115:7,
ARAMBURU [84] -	arrays [4] - 69:7,	Attorney [3] - 2:4,	avoided [7] - 159:6,	115:22, 116:11,
4:5, 4:6, 5:16, 11:20,	69:14, 69:21, 70:8	2:13, 2:15	159:9, 159:14,	121:10, 121:14,
11:25, 12:7, 14:25,	arrow [1] - 188:20	attorney [2] - 5:23,	159:15, 159:17,	125:22, 126:6,
15:12, 17:7, 19:9,	art [3] - 52:13,	192:12	160:19	126:10, 126:11,
23:7, 25:1, 36:16,	128:24, 128:25	Attorneys [1] - 3:3	avoids [1] - 106:17	126:16, 126:20,
42:18, 44:21, 45:7,	articles [1] - 179:22	attractive [3] - 17:20,	aware [12] - 125:21,	126:25, 128:6,
49:6, 53:3, 53:23,	articulated [1] -	37:16, 37:19	128:9, 136:10,	128:17, 128:25,
56:15, 59:8, 59:21,	145:13	author [4] - 13:17,	143:23, 148:23,	129:2, 132:1, 132:15,
59:23, 60:23, 64:6,	ASC [35] - 4:10,	13:25, 14:1, 94:13	165:8, 202:22,	133:5, 212:2, 212:7,
69:17, 71:16, 72:8,	11:16, 11:24, 12:12,	authored [1] - 15:15	204:12, 204:13,	214:5, 214:24
72:23, 75:23, 77:24,	14:21, 16:23, 17:1,	authoring [1] - 15:10	204:19, 204:24,	battery [49] - 22:19,
78:11, 79:7, 80:16,	17:9, 27:8, 30:9, 34:1,	authority [2] - 131:7,	214:14	23:16, 24:4, 24:12,
81:22, 86:13, 90:24,	60:1, 87:17, 88:24,	161:15	AZIZA [1] - 2:10	24:14, 44:11, 44:16,
92:4, 93:15, 93:19,	93:25, 94:16, 94:17,	authorization [1] -	Б	46:16, 56:19, 56:22,
96:15, 99:4, 100:1,	94:24, 96:1, 98:16,	134:11	В	57:6, 57:19, 58:1,
101:1, 101:15, 102:8,	99:19, 115:9, 122:9,	authorize [1] -	bachelor's [1] - 8:3	58:5, 58:7, 58:15, 50:16, 84:12, 85:4
103:4, 104:3, 105:23,	124:9, 172:10, 175:7,	134:12	back-and-forth [2] -	59:16, 84:12, 85:4, 85:5, 85:13, 85:18
106:15, 108:9, 110:5,	175:16, 189:10,	authorized [1] -	152:16, 172:4	85:5, 85:13, 85:18, 85:25, 86:4, 86:7,
111:1, 112:12,	189:20, 189:22,	218:4	background [2] -	86:11, 86:12, 105:7,
112:21, 113:19,	190:6, 190:13, 101:22, 107:11	automatic [3] -	8:1, 8:4	111:5, 111:8, 112:9,
114:15, 115:2, 116:8,	191:23, 197:11,	124:10, 124:16,	backtrack [1] - 38:13	114:10, 114:11,
118:4, 121:17, 123:9, 123:24, 125:20,	200:15	125:10	backup [2] - 21:3,	114:12, 114:24,
123.24, 125.20, 129:16, 131:19,	aside [2] - 149:9,	availability [2] -	23:14	114:25, 124:20,
133:8, 133:16,	149:13	124:8, 168:3	bad [1] - 118:25	124:21, 124:24,
100.0, 100.10,	aspect [1] - 29:13	available [53] - 14:5,		, · _ · ,

TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477

106.11 107.0	100.0 155.14	107:00	Butler (1) 20:15	104.00 105.0 106.5
126:11, 127:8,	129:2, 155:14,	197:23	Butler [1] - 32:15	184:22, 185:2, 186:5, 186:17, 187:2,
127:24, 128:13,	156:24, 182:3,	bounds [1] - 66:2	Butte [1] - 10:22	, ,
128:14, 131:24,	185:21, 210:9	boy [1] - 120:12	buy [9] - 20:22, 29:9,	187:12, 188:1, 188:8,
195:25, 211:19,	better [4] - 37:19,	BPA [16] - 24:22,	71:5, 91:3, 91:18,	189:6, 190:24,
213:12	73:25, 91:14, 91:15	25:2, 25:3, 25:5,	106:8, 115:3, 126:6,	191:16, 192:10,
BC-1 [1] - 123:8	between [14] - 47:21,	36:17, 51:24, 52:5,	126:9	194:16, 195:21,
BC-2 [1] - 123:20	54:25, 62:13, 77:8,	52:11, 54:21, 54:22,	buying [2] - 32:15,	197:1, 197:21, 198:9,
BCC [1] - 124:12	77:9, 86:20, 87:8,	55:8, 55:22, 56:2,	91:7	199:15, 200:18,
BE [2] - 5:1, 217:2	135:17, 146:3, 147:9,	62:22, 67:1, 105:12	BY [166] - 1:21, 2:5,	201:4, 201:23,
bear [1] - 109:13	175:10, 176:15,	brand [1] - 114:9	2:9, 2:15, 3:5, 4:5,	204:11, 205:1,
became [1] - 82:16	190:9, 208:22	break [4] - 7:12,	4:5, 4:6, 4:6, 5:16,	205:23, 206:10, 206:23, 207:10,
become [5] - 7:2,	BEYER [1] - 2:8	59:20, 184:15, 184:18	11:20, 12:7, 15:12,	207:18, 208:10,
18:18, 20:6, 21:4,	Beyer [1] - 192:8	bring [3] - 32:25,	17:7, 19:9, 23:7, 25:1,	209:5, 210:15,
205:10	beyond [1] - 186:2	62:12, 104:18	36:16, 42:18, 44:21,	210:21, 211:2, 211:9,
becomes [1] - 86:6	bid [1] - 107:22	bringing [2] - 26:14,	45:7, 49:6, 53:3,	213:1, 214:1, 214:21
becoming [1] -	bids [1] - 155:14	154:12	53:23, 56:15, 59:8,	210.1, 214.1, 214.21
108:16	big [8] - 46:22,	broken [1] - 88:19	59:23, 60:23, 64:6, 60:17, 71:16, 72:8	С
BEFORE [2] - 1:1,	108:7, 108:8, 120:12,	Brun [1] - 3:14	69:17, 71:16, 72:8, 72:23, 75:23, 77:24	
217:23	124:19, 154:9, 213:25	bubble [1] - 157:2	72:23, 75:23, 77:24, 78:11, 79:7, 80:16,	C&ls [1] - 91:9
begin [1] - 40:2	bigger [3] - 31:9,	build [32] - 10:3,	81:22, 86:13, 90:24,	C.A.R.E.S [2] - 2:2,
beginning [1] - 88:23	71:17, 115:22	26:16, 27:15, 32:13,	92:4, 93:19, 96:15,	5:23
behind [2] - 41:8,	billion [1] - 27:13	32:18, 33:14, 33:24,	92:4, 93:19, 90:13, 99:4, 100:1, 101:1,	CA [2] - 1:22, 5:9
105:18	binding [1] - 29:12	34:10, 34:14, 35:5,	101:15, 102:8, 103:4,	cables [1] - 177:7
beholder [2] -	bit [14] - 16:18,	51:25, 58:20, 59:12,	104:3, 105:23,	calculate [1] - 203:1
109:22, 154:3	29:15, 29:22, 35:13,	63:14, 82:20, 82:25,	104:3, 103:23, 106:15, 108:9, 110:5,	calculation [1] - 23:8
belief [3] - 27:24,	38:13, 46:24, 47:12,	86:5, 89:2, 89:4,	111:1, 112:12,	calculations [3] -
135:8, 202:7	50:7, 108:11, 108:14,	102:18, 104:12,	112:21, 113:19,	23:13, 46:13, 46:14
believes [1] - 146:7	133:3, 138:19,	104:21, 106:23,	114:15, 115:2, 116:8,	California [2] -
below [4] - 41:13,	158:16, 192:13	109:12, 110:4,	118:4, 121:17, 123:9,	214:11, 218:6
42:21, 49:18, 217:4	blades [1] - 50:3	113:14, 114:25, 125:8, 156:6, 182:2	123:24, 125:20,	cannot [8] - 33:14,
bench [2] - 34:11,	bleed [1] - 69:4	125:8, 156:6, 182:2,	129:16, 131:19,	75:8, 75:9, 160:18,
74:10	blind [1] - 76:5	184:7, 184:10 buildable [1] -	133:8, 133:16,	161:19, 165:9,
benefit [2] - 131:12,	BLM [3] - 9:21,	203:18	133:22, 138:14,	182:19, 198:12
160:24	10:20, 11:3	builder [1] - 108:8	140:22, 142:3,	Canyon [8] - 8:14,
benefits [5] - 145:3,	blow [3] - 93:6, 93:7,	building [6] - 32:13,	142:18, 143:16,	9:1, 9:8, 64:21, 67:2,
184:8, 184:9	93:11	32:15, 83:17, 104:14,	144:14, 144:21,	141:3, 141:6, 205:19
BENTON [1] - 2:7	blowing [2] - 42:23,	104:17, 124:11	147:8, 147:23,	canyons [2] - 177:8,
Benton [41] - 1:12,	44:4	Building [1] - 1:12	148:22, 149:23,	177:9
7:16, 10:22, 17:17,	blows [1] - 93:14	buildout [3] - 113:14,	150:19, 151:20,	capability [6] -
18:2, 19:18, 19:20,	blue [2] - 187:11,	114:6, 183:10	152:11, 153:3, 153:9,	32:21, 42:3, 121:25,
20:14, 20:23, 23:10, 23:25, 82:8, 83:18	188:6 board [1] - 38:14	built [9] - 8:14,	153:15, 153:21,	129:7, 173:21, 173:25
23:25, 82:8, 83:18, 00:4, 120:20, 122:24		19:24, 28:19, 82:12,	154:13, 156:1, 157:8,	capacity [48] - 37:21,
90:4, 120:20, 122:24, 123:8, 127:1, 127:3,	boat [2] - 76:25, 77:2 Bofer [2] - 64:21,	82:16, 102:23, 106:7,	157:21, 158:3, 160:2,	39:2, 41:15, 41:19,
123.8, 127.1, 127.3, 127:4, 127:5, 127:6,	66:10	108:24, 212:7	161:16, 162:12,	41:22, 42:2, 43:7,
127:4, 127:5, 127:0, 127:7, 127:16,	Bonneville [25] -	Bumpus [1] - 95:12	163:1, 163:11,	43:8, 44:3, 44:6, 44:9,
127:19, 127:23,	19:16, 20:5, 21:12,	bunch [1] - 81:9	163:23, 164:13,	48:10, 49:9, 49:18,
129:5, 130:3, 130:6,	21:17, 23:21, 24:15,	burden [1] - 161:5	164:23, 165:7,	49:20, 51:20, 51:21,
130:15, 130:21,	25:11, 25:16, 25:20,	burial [1] - 178:18	165:16, 166:6,	54:16, 61:7, 61:10,
131:10, 133:11,	25:24, 42:4, 42:5,	burn [1] - 126:1	166:17, 167:8,	61:16, 63:21, 64:20,
161:21, 192:12,	51:13, 52:16, 53:10,	burning [1] - 126:4	168:19, 169:3,	64:24, 65:18, 65:20,
199:8, 199:24,	55:16, 57:10, 57:13,	bury [1] - 22:2	169:14, 170:1,	66:8, 66:9, 66:12,
200:21, 201:12,	60:18, 61:18, 61:19,	business [15] - 5:18,	170:24, 172:2,	66:25, 67:1, 67:10,
209:8, 211:14	61:24, 62:1, 62:14,	5:20, 24:18, 98:5,	172:14, 172:23,	69:10, 69:13, 69:20,
BESS [2] - 124:11,	82:11	103:25, 105:25,	173:7, 173:24,	69:22, 69:23, 70:5,
124:16	Bonneville's [2] -	106:2, 120:8, 152:21,	174:13, 175:4, 176:5,	70:9, 70:21, 70:22,
best [17] - 15:18,	51:15, 54:7	154:11, 160:20,	177:24, 179:13,	72:2, 74:9, 83:5,
15:22, 17:22, 27:17,	bottom [4] - 16:7,	164:22, 181:25,	180:12, 182:10,	83:15, 102:20,
27:21, 53:14, 90:19,	46:19, 167:17, 211:15	183:24, 184:3	182:22, 183:13,	106:23, 111:10
120:6, 124:23, 126:7,	boundaries [1] -	but [1] - 188:24	183:23, 184:2,	capacity/grid [1] -

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,

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,

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,

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] -

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 concise [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,

60 of 79 sheets

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

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] -

52.25 contribute [1] - 14:5 contributed [3] -13:6, 13:8, 64:12 contributions [1] -15.9contributor [1] -12:15 contributors [1] -13.4control [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] -131.4copied [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,

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, 11.25count [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,

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

culminating [1] -55:18 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 culture [1] - 146:11 CUP [2] - 200:15, 204.9 current [10] - 30:16, 33:3, 65:11, 89:2, 110:21, 114:19, 123:15, 147:6, 148:19, 170:12 curves [1] - 75:12 cut [3] - 34:9, 83:13, 103:8 cycles [1] - 91:25

D

daily [1] - 122:23 Dallas [1] - 19:22 danger [1] - 212:10 dangers [3] - 125:21, 125:24, 126:15 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 date [2] - 30:21, 217:4 dated [1] - 175:25 DAVID [8] - 1:11, 4:4, 5:3, 5:11, 5:19, 216:9, 217:18, 217:22 David [1] - 5:19 days [10] - 88:4, 93:6, 93:8, 128:20, 214:11, 214:15, 216:2, 216:7 daytime [2] - 43:2, 110.16deal [5] - 7:24, 21:17, 130:24, 155:14, 203:10 December [1] -100:7 decide [5] - 57:10, 113:15, 150:23, 183:9, 184:10 decided [4] - 53:14, 110:7, 118:21, 135:12 deciding [1] - 184:7 decision [15] - 54:24,

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 decision-maker [2] -99:8, 99:10 decisions [1] -191:11 declare [2] - 135:20, 217:18 declaring [1] -145:18 declines [1] - 47:9 declining [1] - 45:18 decrement [1] -24:12 deemed [2] - 28:23, 97:9 deep [1] - 46:25 Defense [2] - 33:16, 192:20 defer [1] - 152:7 define [1] - 32:1 degree [1] - 194:22 DEIS [7] - 88:4, 96:22, 97:1, 99:19, 99:25, 136:16, 180:21 deliberate [3] -191:25, 192:1, 192:3 deliberating [2] -134:17, 191:1 deliberations [2] -190:17, 190:22 delivered [1] - 28:19 delivery [1] - 47:16 demand [10] - 89:21, 90:5, 90:23, 91:10, 92:13, 93:10, 107:5, 107:8, 112:2, 156:11 demands [4] - 90:17, 91:13, 92:15, 92:17 demonstrably [1] -129:4 demonstrate [5] -28:17, 165:22, 166:22, 168:11, 168:21 demonstrated [1] -165:10 demonstrates [1] -142:8 demonstrating [1] -166:20 deny [1] - 214:12 department [1] -170:20 Department [5] -33:15, 169:11, 169:17, 171:18,

192.20 departments [1] -123:22 depicted [1] - 87:11 DEPOSITION [1] -1.11 deposition [11] - 5:3, 5:25. 6:1. 6:7. 6:23. 11:18, 31:24, 175:24, 193:5, 216:9, 217:19 described [2] -16:19, 45:13 describing [2] -13:16, 13:17 DESCRIPTION [1] -4:9 description [2] -10:14, 203:6 descriptions [1] -203:11 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 designate [3] -22:10, 182:18, 187:10 designation [1] -204:15 designed [2] - 87:7, 158:24 designing [4] -17:19, 43:16, 51:16, 76:6 designs [3] - 57:19, 149:8, 151:1 desirable [1] -102:24 desire [11] - 38:9, 38:10, 41:25, 43:24, 55:6, 77:23, 108:22, 112:2, 138:24, 157:1, 162:24 desired [7] - 48:7, 54:13, 91:15, 155:7, 203:20, 203:25, 217:3 desires [1] - 58:13 despite [1] - 212:1 despoiled [1] -206:19 details [1] - 112:4 determination [8] -55:4, 60:25, 96:22, 100:12, 135:9,

135:23, 206:5, 206:12 determinations [2] -136:25, 193:3 determine [6] - 42:9, 46:18, 170:15, 203:13, 203:18, 214:23 determined [6] -54:18, 83:2, 84:18, 98:12, 101:25, 205:20 determining [1] -102:15 develop [6] - 9:21, 9:23, 11:5, 17:13, 82:8, 104:1 developed [2] -27:19, 107:24 developer [5] - 8:12, 9:2, 34:22, 37:2, 106:22 developers [2] -34:21, 37:14 developing [6] -8:13, 9:12, 11:2, 11:3, 17:19, 107:18 development [9] -28:14, 36:9, 139:25, 165:2, 165:9, 165:11, 165:18, 167:2, 183:17 develops [1] - 110:4 devices [1] - 53:1 dial [1] - 49:24 diddled [1] - 16:17 die [1] - 42:25 died [1] - 43:4 dies [1] - 41:12 difference [2] -86:16, 103:6 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 difficult [2] - 26:17, 197:10 difficulty [2] - 6:10, 51:10 dig [1] - 117:6 direct [1] - 176:6 directly [2] - 21:17, 178:16 disagree [4] - 14:8, 80:18, 107:10, 200:25 disagreeing [1] -171:9 disagreement [1] -107:3 discharge [1] - 111:4 disclose [2] - 75:11, 75:19

disconnected [1] -21.5 discovered [2] -53:10, 61:8 discussed [9] -22:24, 97:19, 132:24, 137:7, 147:14, 149:4, 150:3, 151:2, 157:22 discusses [1] -160:17 discussing [2] -149:2, 202:18 discussion [9] -20:22, 100:17, 116:10, 124:1, 144:8, 147:9, 147:24, 148:2, 175:9 discussions [11] -20:25, 22:13, 23:14, 23:22, 140:2, 141:7, 148:17, 154:21, 155:2, 175:13, 177:2 disparaging [1] -76:10 dispatch [3] - 24:5, 24:8, 110:23 dispatched [1] -111:8 dispatching [1] -111:9 dispute [6] - 184:24, 185:7, 185:15, 186:7, 186:16, 205:5 dissipated [1] -77:11 dissipates [1] - 77:4 distance [1] - 77:8 distinction [5] -146:2.207:17. 208:13. 208:22. 210:14 distribute [1] -215:22 distribution [3] -21:4, 22:1, 22:3 districts [1] - 119:5 divert [1] - 44:15 divided [1] - 16:3 DNR [9] - 170:3, 173:4, 186:24, 187:10, 187:14, 187:22, 190:2, 191:7, 215:19 docket [1] - 138:4 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,

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 documented [1] -137:17 documents [8] -99:20, 143:19, 168:20, 169:4, 169:21, 171:16, 177:18, 180:2 **DOD** [4] - 194:21, 194:23, 195:4, 196:13 domestic [1] -122:22 dominant [1] - 77:12 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 dot [2] - 74:3, 188:20 double [1] - 12:9 double-sided [1] -12:9 **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 downloaded [3] -11:22, 11:23, 12:5 downstream [6] -76:15, 77:6, 79:3, 80:21, 81:2, 81:11 downwind [1] -77:13 draft [6] - 16:17, 18:23, 97:14, 100:6, 101:3, 136:8 drafting [1] - 16:20 drawing [4] - 71:22, 73:1, 84:5, 181:10 drawings [3] - 57:18, 122:6, 122:14 drawn [1] - 21:20 drill [2] - 122:20, 164.8 drilling [3] - 116:23, 164:1, 164:3 driven [1] - 92:17 drop [1] - 42:20 dropped [1] - 108:17 dry [1] - 117:6

due [1] - 131:25 duly [2] - 5:12, 218:11 Dunn [1] - 18:5 during [6] - 87:16, 88:7, 93:5, 134:20, 190:20, 215:17 dynamic [1] - 48:5 Ε E&P [1] - 55:14 eager [1] - 112:3 easement [1] - 22:10 easements [4] -18:9, 18:12, 19:18, 36:22 east [18] - 37:8, 40:10, 40:11, 42:25, 53:8, 63:17, 63:21, 63:25, 64:17, 82:13, 84:20, 84:22, 86:20, 87:8, 105:6, 105:7, 105:10, 154:5 eastern [1] - 38:21 easy [1] - 164:15 ecology [1] - 170:14 economic [4] -103:3, 103:21, 120:6, 152:21 economical [3] -19:15, 37:20, 58:11 economically [3] -28:17, 158:14, 160:4 economics [4] -27:21, 102:16, 102:22, 109:5 economies [1] -104:13 economy [5] -102:16, 103:2, 103:6, 103:9, 103:20 Ecosystems [1] -13:6 edge [1] - 188:7 editor [1] - 14:11 editorial [1] - 64:12 education [2] - 7:25, 8:2 education-wise [1] -8:2 EF-210011 [2] - 1:6, 4:2 effect [10] - 76:20, 76:21, 77:5, 77:12, 77:14, 78:2, 79:2, 205:9, 205:21, 209:9 effective [1] - 57:8 effects [1] - 77:21 efficiency [2] - 51:3,

80.22 efficient [1] - 158:18 effort [8] - 13:20, 15:17, 27:4, 43:19, 94:15, 140:12, 141:13, 141:18 efforts [6] - 138:21, 139:21, 140:16, 142:9, 144:16, 144:25 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 EFSEC's [7] - 94:25, 100:10, 101:21, 136:5. 150:13. 150:20, 165:20 eight [3] - 8:5, 58:14, 114:12 eight-hour [1] -114:12 EIS [10] - 58:18, 60:22, 97:15, 136:18, 136:25, 137:7, 137:12, 191:9, 191:10, 191:13 either [5] - 24:1, 77:15, 86:2, 107:25, 168.1 Electric [2] - 28:13, 28:16 electrical [7] - 32:25,

42:7, 47:16, 48:1, 48:8, 52:5, 52:14 electrolyte [2] -132:16, 132:18 element [3] - 109:21, 185:12, 186:9 elements [2] - 32:19, 94:6 email [2] - 175:23. 176:2 Email [4] - 2:10, 2:16, 3:6, 3:10 embellish [1] -158:16 emergency [4] -122:25, 127:20, 128:1, 129:6 EMILY [1] - 3:5 encapsulate [1] -197:24 end [8] - 21:19, 82:22, 132:9, 133:7, 133:17, 140:8, 141:20, 193:14 endanger [4] -211:20, 213:12, 213:16, 214:8 endangered [1] -182:18 ended [3] - 8:13, 23:22, 136:9 ends [1] - 190:10 energized [2] -19:25, 21:8 ENERGY [4] - 1:2, 1:6, 3:2, 4:2 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 **Energy** [8] - 8:9, 8:16, 8:19, 8:21, 9:12, 10:1, 10:25, 90:3 engage [2] - 140:24, 156:13 engaged [4] - 9:25, 31:18, 61:23, 130:23 engaging [1] - 18:13 engineer [2] - 9:5, 32:3 engineering [6] -8:4, 32:6, 55:16, 57:19, 78:1, 105:1 entertained [1] -22.24 entire [7] - 17:12, 19:11, 50:1, 94:15, 107:7, 179:7, 193:24

entirely [2] - 136:3, 177.4entities [4] - 34:16, 107:25, 151:18, 161:10 entity [4] - 34:16, 107:16, 151:22 environment [3] -147:22. 149:3. 178:23 ENVIRONMENT [1] -2.12 Environment [1] -2:14 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 environmentally [1] - 57:17 EPC [7] - 31:17, 32:1, 32:10, 32:18, 33:2, 87:15, 87:25 EPC-type [1] - 31:17 equal [1] - 73:18 equipment [7] -27:20, 28:2, 28:16, 88:17, 114:9, 123:15 erects [1] - 32:11 ERRATA [1] - 217:1 error [1] - 64:25 escalated [1] - 31:2 escalator [1] - 30:18 Esq [2] - 3:8, 3:9 ESQ [5] - 2:5, 2:9, 2:10, 3:5, 3:5 essence [1] - 209:15 essentially [1] -202:12 estimate [1] - 30:8 estimated [1] - 111:2 estimates [2] -31:13, 31:15 et [2] - 106:2, 121:9 evaluate [10] - 34:24, 95:1, 95:18, 97:3, 97:24, 97:25, 99:2, 101:12, 109:6, 184:5 evaluated [7] -13:18. 33:20. 97:8. 98:13, 100:13, 103:16, 139:3 evaluating [4] -51:10, 112:5, 113:2, 114:2 EVALUATION [1] -1:2 evaluation [2] - 68:5,

TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477

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 14:3 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, 96:5 211:10 execute [1] - 191:8 executed [2] - 148:6, 190:1

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, 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] explored [1] - 103:11 explosion [1] -131.25 exposed [1] - 132:15

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 F 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,

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

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,

130:7, 130:11,	71:12, 72:18, 75:7,	113:24, 114:22,	gather [1] - 56:16	143:13, 143:14
130:16, 212:12	75:14, 77:18, 78:3,	116:3, 123:5, 123:13,	GE [9] - 29:2, 29:9,	governor [3] - 88:12,
fire's [1] - 213:25	86:9, 96:13, 98:25,	133:13, 147:19,	30:3, 30:17, 30:23,	137:6, 150:24
fires [6] - 123:17,	99:22, 101:6, 101:10,	148:16, 152:6, 153:7,	31:9, 38:2	GPS [1] - 192:24
126:2, 128:16,	102:10, 103:12,	153:13, 153:19,	gen [4] - 36:23,	grade [1] - 111:20
130:10, 212:3, 212:14	112:17, 113:12,	161:24, 165:4, 173:1,	86:24, 87:2, 87:3	grant [1] - 114:18
firm [1] - 198:16	113:23, 116:2,	174:24, 182:13,	gen-tie [4] - 36:23,	grape [1] - 163:18
first [22] - 5:12, 6:8,	117:24, 121:11,	185:17, 186:13,	86:24, 87:2, 87:3	great [4] - 7:24, 20:2,
9:18, 23:18, 69:10,	133:13, 140:18,	187:6, 190:15, 191:4,	General [5] - 2:13,	86:11, 131:18
75:24, 76:19, 82:13,	143:8, 146:24,	198:1, 204:22,	2:15, 28:13, 28:16,	greater [7] - 69:14,
82:18, 89:8, 109:1,	147:18, 148:15,	212:16, 213:23,	90:4	69:21, 70:9, 80:15,
113:14, 114:6,	149:19, 150:16,	214:18	general [13] - 10:13,	211:22, 213:20,
120:17, 124:5,	151:16, 152:5,	fountain [1] - 189:2	31:5, 32:12, 32:14,	214:24
134:14, 140:25,	152:25, 153:12,	four [20] - 52:8, 63:4,	70:25, 156:17, 195:3,	greatest [1] - 30:14
155:13, 183:10,	153:19, 154:1,	63:10, 63:11, 63:18,	205:3, 208:25,	green [2] - 164:10,
189:22, 191:13,	155:21, 156:21,	64:3, 111:8, 111:10,	209:23, 210:5,	164:11
191:17	157:14, 163:8,	114:20, 115:7, 197:7,	210:16, 213:16	Greg [2] - 78:19,
fit [3] - 17:22, 27:21,	163:15, 164:5,	198:18, 199:3, 210:1,	generally [10] -	78:23
99:17	164:19, 165:4,	210:6, 210:11,	16:19, 25:5, 25:20,	grid [39] - 19:16,
five [2] - 113:15,	166:13, 168:23,	210:12, 214:11,	50:4, 146:13, 197:7,	20:5, 21:5, 21:9,
198:24	169:22, 171:22, 172:18, 172:25	214:15	199:2, 210:1, 213:3,	21:14, 21:21, 22:23,
fix [3] - 65:1, 65:8,	172:18, 172:25, 173:14, 174:7, 180:7,	four-hour [3] - 111:8,	213:5	23:1, 24:13, 25:2,
65:9	183:4, 185:16,	114:20, 115:7	generate [2] - 44:15,	25:8, 25:15, 25:21,
flammable [1] -	186:12, 187:5,	FPRF [1] - 132:9	72:22	25:22, 41:18, 41:22,
132:18	187:23, 190:15,	frame [1] - 10:5 free [1] - 14:8	generates [3] -	42:1, 42:6, 42:8, 43:9,
flexibility [6] - 34:3,	191:3, 194:9, 195:12,	freedom [1] - 194:22	93:13, 104:23, 110:11	43:25, 47:16, 47:23,
34:14, 102:4, 157:3, 193:21, 194:24	196:19, 198:8, 200:7,	frequent [1] - 79:9	generating [10] - 42:24, 48:3, 64:20,	49:8, 49:9, 49:16,
flexible [1] - 114:14	204:21, 204:22,	frequently [1] - 46:1	42.24, 48.3, 64.20, 66:8, 66:12, 66:25,	49:19, 52:2, 52:6, 52:15, 66:9, 66:25,
flow [1] - 58:14	204:23	FRIDAY [3] - 1:15,	67:10, 67:16, 72:21,	69:22, 69:23, 70:3,
flows [5] - 120:23,	Form [3] - 153:6,	4:3, 5:1	110:12	70:4, 70:17, 111:4,
121:8, 121:19,	170:17, 183:19	front [6] - 11:17,	generation [22] -	158:19
121:21, 133:10	FORM [1] - 217:2	143:18, 151:12,	23:6, 26:14, 47:15,	ground [3] - 6:6,
flying [1] - 76:5	formulate [1] - 90:22	151:17, 152:1, 176:20	47:22, 49:25, 50:20,	10:21, 138:17
folks [2] - 165:1,	Fort [1] - 3:9	fruitful [1] - 20:6	50:23, 61:13, 69:9,	grounds [3] - 14:23,
176:2	forth [4] - 82:6,	fruition [2] - 9:15,	69:13, 69:20, 70:4,	161:24
follow [7] - 90:15,	152:16, 172:4, 211:15	190:1	70:16, 71:21, 92:20,	group [1] - 112:6
92:2, 203:5, 203:25,	forthcoming [1] -	full [11] - 5:17, 43:7,	93:1, 103:22, 103:23,	grow [1] - 206:20
211:3, 212:19, 212:24	148:21	43:8, 64:8, 67:13,	105:11, 110:16, 146:8	guarantee [3] -
follow-up [1] - 211:3	forward [4] - 152:23,	103:17, 172:13,	generator [3] -	113:5, 129:5, 129:8
followed [1] - 84:2	153:4, 153:10, 153:16	175:12, 197:8, 199:1,	55:19, 56:14, 87:3	guess [4] - 164:14,
following [2] - 5:9,	fossil [1] - 33:17	218:15	generators [1] -	175:7, 197:9, 209:2
210:5	Foster [1] - 192:12	fullest [5] - 34:24,	49:17	guidance [3] - 12:16,
follows [1] - 5:14	FOSTER [28] - 2:10,	74:22, 139:1, 139:25,	geographic [1] -	12:25, 179:18
foot [1] - 105:22	4:6, 192:8, 192:10, 194:16, 195:21,	145:14	10:13	guidelines [8] -
footprint [1] - 11:13	194:16, 195:21, 197:1, 197:21, 198:6,	fully [6] - 15:19,	given [5] - 38:10,	177:18, 177:19,
FOR [6] - 1:6, 2:2,	197.1, 197.21, 198.0, 198:9, 199:15, 200:4,	25:17, 29:17, 29:21,	72:16, 78:7, 156:10,	177:25, 178:1,
2:7, 2:12, 3:2, 3:7	200:18, 201:4,	162:24, 208:23	218:10	179:14, 179:15,
foraging [1] - 181:12	201:23, 204:11,	function [1] - 69:24 functional [1] - 13:7	glare [1] - 178:21 Glendale [1] - 214:11	179:19, 212:13
force [1] - 74:6	205:1, 205:23,	functioning [1] - 13.7	GMA [6] - 204:18,	guys [2] - 75:16, 75:21
forecast [1] - 90:17	206:10, 206:23,	47:20	204:20, 205:3,	13.21
foregoing [2] -	207:10, 207:18,	fundamental [1] -	206:17, 208:9	Н
217:19, 218:14 FOREGOING [1] -	208:10, 209:5,	31:1	GMAA [1] - 213:2	11
217:3	210:15, 210:21,	funded [1] - 55:17	goals [2] - 183:24,	habitat [1] - 159:23
forget [1] - 18:13	210:23, 215:12	future [1] - 91:11	184:3	habitation [1] -
forgot [1] - 53:17	foundation [35] -		goodness [1] - 68:24	160:10
form [73] - 15:9,	52:22, 56:11, 79:5,	G	gorge [1] - 92:21	Hafkemeyer [1] -
17:4, 21:21, 36:7,	80:5, 90:9, 91:21, 100:18, 112:17		Gould [1] - 189:8	61:6
42:15, 53:18, 63:24,	109:18, 112:17,	G-o-u-l-d [1] - 189:8	government [2] -	half [8] - 8:6, 83:13,

10

102:5, 103:8, 103:10, 181:17, 195:16, 195:20 hand [3] - 94:9, 107:21, 218:21 hands [1] - 105:18 happy [3] - 29:20, 155:15, 184:17 hard [3] - 163:6. 163:10, 163:12 HARPER [1] - 2:9 hawk [11] - 177:11, 177:16, 177:19, 179:10, 180:19, 181:21, 184:25, 185:5, 185:11, 185:22, 186:9 hawks [5] - 178:11, 180:23, 181:5, 181:12, 183:17 head [2] - 116:13, 213.10 health [3] - 211:20, 212:11. 213:13 hear [2] - 30:1, 93:21 heard [3] - 139:3, 154:20, 189:14 hearing [3] - 85:2, 151:11, 176:3 heart's [1] - 39:18 heat [1] - 132:16 heaters [1] - 21:10 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 HEAVEN [1] - 1:7 heck [2] - 109:6, 111.25 held [2] - 8:9, 171:11 hello [1] - 138:15 help [3] - 27:9, 46:2, 145:19 helpful [1] - 50:6 hereby [2] - 217:18, 218.7 hesitant [1] - 189:9 high [6] - 19:21, 20:1, 28:18, 91:9, 107:5, 110:17 higher [2] - 10:21, 51:9 highest [2] - 74:3, 74:5 Highway [1] - 188:16 highway [1] - 20:2 Hill [1] - 147:3 Hills [3] - 9:10, 9:11, 9:17

hire [3] - 32:14, 32:23, 168:4 hired [2] - 8:19, 112:6 history [1] - 35:13 hold [3] - 142:25, 202:23, 202:24 hole [3] - 130:5, 164:2, 164:3 holes [2] - 117:6, 129:19 honest [1] - 11:11 honor [3] - 80:12, 155:19, 155:23 hooked [1] - 66:13 hope [3] - 42:12, 145:14, 192:13 hopefully [1] - 139:7 HORSE [1] - 1:7 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 host [1] - 195:10 hour [6] - 58:14, 111:8, 114:11, 114:12, 114:20, 115:7 hours [1] - 111:10 house [2] - 32:20, 196:17 Houston [1] - 3:9 huge [1] - 118:18 hurting [1] - 104:24 hybrid [3] - 52:18, 109:1, 109:4 hybridization [2] -56:22, 86:1 hydrants [5] -120:24, 121:9, 121:24, 122:15, 122:17 L ID [1] - 5:8 Idaho [1] - 218:6 idea [1] - 209:23 ideal [4] - 24:9, 27:24, 27:25, 43:20 idealistic [1] -181:15 ideally [1] - 110:10 identification [1] -145:10 identified [19] -11:19, 26:6, 26:8, 26:21, 35:6, 117:15, 138:8, 139:1, 146:22, 160:10, 173:22,

175:20, 180:4, 181:8, 185:13, 197:12, 198:14, 200:14, 205:19 identifies [1] - 118:7 identify [7] - 35:2, 132:12, 150:9, 155:7, 184:11, 198:3, 212:22 identifying [1] -166:15 ignite [1] - 132:18 ignition [1] - 132:19 image [1] - 100:9 immaterial [5] -203:3, 203:4, 203:17, 203:24, 205:18 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 impacted [1] - 190:3 impactful [1] -175:16 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 important [4] -141:3, 141:21, 203:13, 205:10 impossible [1] -160:14 impracticable [1] -181.23 impractical [2] -181:14, 181:24 improvements [1] -174.4 improves [1] -102:22 **IN** [5] - 1:4, 4:2, 217:2, 218:21 in-house [1] - 32:20 include [9] - 38:5,

38:7, 94:4, 142:16, 149:1, 190:3, 191:15, 193:19, 194:10 included [2] - 10:20, 187.17 includes [3] - 86:15, 158:17, 193:24 including [1] -135:17 inconsistent [1] -179:10 incorporate [3] -59:1, 136:17, 148:13 incorporated [3] -140:17, 141:8, 191:22 Incorporated [1] -38:1 incorrect [2] - 65:6, 65:7 increase [4] - 51:3, 59:7, 102:20, 194:14 increased [1] - 57:16 increasing [1] - 41:7 indecipherable [1] -100:23 indecipherable) [1] -24:22 independent [4] -78:22, 100:11, 135:24, 136:2 independently [1] -97:17 indicate [3] - 73:24, 91:4, 122:7 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 indicates [1] - 91:2 individual [3] -71:10, 74:13, 209:13 individually [1] -49:25 induced [1] - 162:15 industrial [2] - 17:16, 133:10 industry [2] - 8:8, 8:18 infeasible [1] - 160:4 inflation [1] - 28:9 influence [3] - 76:22, 95:5, 193:16 influences [1] - 77:6 information [22] -14:6, 15:19, 29:25, 30:12, 63:2, 68:7, 68:9, 73:23, 76:7,

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 informed [1] - 96:22 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 initial [1] - 13:16 initiated [1] - 94:14 inject [8] - 41:23, 42:20, 52:19, 52:24, 63:19, 65:10, 65:11, 74:9 injected [2] - 42:10, 47.23 injecting [3] - 43:3, 63:17, 63:18 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 inked [1] - 174:10 input [5] - 16:24. 17:24. 156:2. 156:4. 156:19 insisting [1] - 191:8 install [1] - 129:1 installation [1] -211:19 installed [2] - 36:23, 124:10 **INSTANCE** [1] - 1:18 instruct [2] - 178:5, 179:5 integral [2] - 185:11, 186:9 integrity [1] - 80:10 intellectual [3] -43:14, 46:10, 74:16 intend [5] - 59:6, 66:2, 122:20, 140:4, 154:8 intended [5] - 36:10, 57:3, 70:12, 76:9, 170:6 intending [3] - 35:22, 144:4, 148:5 intent [5] - 44:12, 62:11, 139:6, 157:4, 194:11

intention [7] - 77:25, 87:22, 124:15, 138:24, 144:5, 183:21, 190:2 intentionally [1] -142:16 inter [1] - 42:10 interactions [1] -135:16 interagency [1] -123:18 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 interconnected [2] -42:8, 52:7 interconnecting [2] -41:5, 156:11 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 interconnections [4] - 37:3, 55:15, 64:16, 82.10 interconnects [1] -54.5 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 interested [5] -20:10, 20:19, 23:1, 91:7, 182:17 interesting [1] -108.19interface [2] - 151:4, 151:6 interim [1] - 37:1 interject [3] - 41:12, 43:8, 64:2 intermediate [1] -86.25 intermittent [1] -93:13 internal [4] - 78:15,

78:25, 125:25, 128:8 internally [2] - 32:21, 78:21 International [3] -130:7, 130:11, 130:16 interrupt [3] - 39:24, 60:24, 188:24 interrupted [1] - 27:1 interruption [2] -61:4. 110:19 interspersed [1] -37:3 intertie [3] - 86:18, 86:19, 87:8 **INTERVENER** [2] -2:2, 2:7 intervenors [1] -5:24 inverter [10] - 50:24, 50:25, 51:3, 61:14, 61:20, 70:9, 70:11, 70:18, 70:22, 71:6 inverters [3] - 51:21, 61:11, 69:25 investigated [1] -130:9 investigation [2] -118:12, 214:22 investing [1] -104:16 involved [6] - 15:4, 35:14, 35:20, 35:21, 116:17, 134:22 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 ions [1] - 58:9 IPPs [1] - 25:7 IRPs [1] - 90:16 irrelevant [2] -161:12, 205:16 irrigator [1] - 168:2 irrigators [2] - 165:5, 165:6 **issue** [5] - 130:21, 131:8, 131:11, 137:3, 178:24 issued [3] - 92:5, 183:18, 191:24 issues [6] - 162:1, 179:2, 179:4, 201:10, 201:17, 201:18 issuing [2] - 56:13,

180.18 IT [1] - 5:1 it'll [5] - 111:7, 111:10, 113:14, 133:7, 155:25 iteration [6] - 36:8, 38:19, 38:20, 40:5, 40:6, 40:22 itself [6] - 60:15, 61:14, 72:2, 139:19, 175:6, 175:8 J **JACKSON** [1] - 2:8 January [1] - 176:1 Jessica [6] - 3:9, 139:15, 140:25, 146:13, 146:23, 185:13 Jim [1] - 179:25 job [6] - 37:14, 37:18, 152:22, 182:4, 182:6, 182:11 jointly [1] - 178:23 Judge [3] - 162:2, 162:5, 178:14 juice [1] - 163:18 July [1] - 218:22 **JULY** [3] - 1:15, 4:3, 5.2 jump [1] - 138:19 Κ K-o-b-u-s [1] - 5:19 Karen [1] - 3:14 keep [6] - 21:7, 79:22, 114:14, 118:22, 128:20, 148:5 keeps [2] - 45:14, 191:7 KENNETH [1] - 2:9 Kennewick [4] -1:13, 118:18, 163:19, 167:25 kept [1] - 141:23 key [3] - 51:18, 102:15, 116:19 keyword [1] - 86:17 kharper@mjbe. com [1] - 2:10 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 kinds [1] - 7:9 knock [1] - 103:1 knowing [1] - 76:6

knowledge [6] -142:24, 150:22, 156:24, 171:11, 180:2, 191:18 known [1] - 201:22 knows [2] - 112:7 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 **KOBUS** [7] - 1:11, 4:4, 5:3, 5:11, 216:10, 217:18, 217:22 Krupin [1] - 3:13 **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 L lack [4] - 109:18. 123:12, 152:16, 182:13 Lally [3] - 139:15, 140:25, 146:23 Lally's [2] - 146:13, 185:13 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 Landess [1] - 3:13 landowner [1] -11:10 landowners [2] -196:22, 202:24 lands [5] - 187:10, 205:3, 206:17, 208:9 landscape [1] -164:9 language [4] - 60:2,

96:5, 100:5, 101:3 large [7] - 26:10, 55:18, 56:2, 56:13, 83:2, 105:11, 134:9 Large [1] - 1:12 larger [3] - 55:1, 61:13, 198:12 largest [3] - 59:12, 92:25.104:18 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 last-minute [1] - 55:4 lasted [1] - 214:10 latecomer [1] -108:14 latest [2] - 179:16, 179:20 LAW [1] - 2:3 law [4] - 161:18, 161:21, 162:7, 162:14 Law [2] - 2:4, 3:3 lawyers [8] - 14:15, 14:18, 14:19, 14:20, 15:1, 15:3, 15:4, 15.15 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 layouts [2] - 33:21, 95.7 lead [2] - 178:23, 179:3 lease [9] - 11:11, 38:9, 173:5, 190:1, 195:7, 195:9, 195:14, 195:22, 196:23 leasehold [1] - 11:5 leases [13] - 10:24, 37:2, 37:4, 38:5, 38:7, 38:12, 38:21, 196:3, 196:5, 202:23, 202:24 least [3] - 151:18, 185:12, 186:9 leave [3] - 73:9, 73:12, 198:7 leaves [1] - 77:2 leaving [1] - 8:16 left [1] - 202:1 legal [25] - 28:22, 95:21, 101:6, 129:11, 147:16, 150:2, 150:6, 150:20, 150:25, 151:22, 152:8,

TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477

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 legally [3] - 165:22, 168:11, 198:14 legendary [3] -145:23, 146:5, 178:17 length [2] - 47:25, 194.2 less [3] - 103:3, 210:13, 213:14 Letter [1] - 4:11 letter [7] - 143:10, 168:4, 173:20, 174:22, 174:25, 175:5, 175:25 letters [1] - 168:9 letting [1] - 33:2 level [2] - 46:18, 191:20 liberty [1] - 45:5 license [8] - 27:5, 169:11, 170:2, 170:5, 171:18, 173:4, 189:18, 189:19 licensed [1] - 9:4 life [3] - 21:23, 171:25, 173:22 light [1] - 178:21 lighting [1] - 162:22 likely [10] - 26:7, 26:20, 27:20, 30:22, 72:5, 101:12, 128:3, 156:13, 184:6, 196:4 limit [4] - 49:16, 72:7, 178:19, 200:6 limitations [1] - 42:4 limited [6] - 64:23, 65:17, 66:8, 69:23, 70:10, 70:17 limiting [1] - 105:19 limits [2] - 42:5, 118:23 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 linear [1] - 81:7 lines [2] - 18:11, 64:16 listed [1] - 120:21 listen [1] - 26:25 literally [5] - 41:8, 114:3, 119:1, 140:25, 177:3

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 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 Livenote [1] - 5:6 living [1] - 46:11 LLC [3] - 1:6, 1:7, 1:22 LLP [1] - 3:3 In [1] - 217:6 load [3] - 91:15, 93:2, 141:19 loading [8] - 80:6, 80:7, 81:3, 89:21, 92:13, 92:15, 92:17, 93:10 loads [1] - 92:24 local [8] - 21:3, 21:18, 117:20, 123:22, 162:10, 162:15, 168:1 local-induced [1] -162:15 locally [2] - 119:14, 119:15 locate [3] - 20:3, 21:1, 73:16 located [4] - 71:11, 72:14, 195:3, 204:17 locates [1] - 71:23 locating [1] - 18:11 location [1] - 192:24 locations [3] - 34:6, 58:3, 59:17 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 looked [2] - 88:18, 209:10 looking [13] - 9:24,

11:1, 13:14, 16:5, 27:20, 51:7, 71:9, 109:4, 113:3, 114:16, 116:15, 205:8, 209:22 **looks** [4] - 50:18, 56:25, 113:25, 129:20 lose [1] - 34:7 losing [1] - 48:18 losses [4] - 47:17, 47:21, 48:8, 48:12 lost [2] - 67:12, 167:15 low [1] - 159:2 lower [1] - 74:11 lowest [2] - 158:17, 158:25 Μ MADE [1] - 217:2 magnitude [1] - 31:7 main [1] - 82:3 mains [2] - 120:23, 121:8 maintain [7] - 25:15, 41:13, 42:7, 43:3, 52:6, 77:22, 139:24 maintaining [2] -61:19, 204:8 maintains [1] -102:24 major [3] - 31:21, 94.6 majority [2] - 14:2, 180.4maker [2] - 99:8, 99·10 manage [4] - 42:6, 52:5. 54:9. 134:10 management [1] -8:4 manager [7] - 8:12, 8:20, 9:1, 9:2, 25:22, 46:23, 79:21 manner [1] - 33:11 manufacturer [3] -112:24, 113:6, 126:19 manufacturers [4] -28:10, 81:12, 112:3, 112:20 map [4] - 73:17, 84:6, 84:15, 176:12 maps [1] - 71:11 margin [1] - 141:5 mark [1] - 140:4 marked [1] - 11:17 market [33] - 17:11, 17:21, 26:10, 28:9, 28:11, 30:16, 30:24, 34:23, 37:17, 43:15,

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 market's [1] - 157:1 marketer [1] - 51:13 marketing [6] - 9:20, 17:10, 26:23, 27:3, 74:20, 74:23 marketplace [2] -24:5, 102:25 markets [1] - 25:19 marshal [7] - 127:11, 127:16, 127:23, 130:3, 130:15, 130:21, 131:10 mass [1] - 17:21 master's [1] - 8:3 match [1] - 93:2 material [5] - 15:11, 30:25, 68:4, 129:25, 151:11 materially [1] - 214:8 materials [3] - 61:9, 122:7, 148:3 math [1] - 50:19 mathematical [1] -46:12 matter [2] - 75:25, 218:19 **MATTER** [1] - 1:4 max [1] - 198:18 maxes [1] - 33:11 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 ME [1] - 217:23 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,

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 means [6] - 41:5, 55:16, 111:9, 160:22, 207:22, 208:24 meant [1] - 128:8 mechanical [2] -80:7, 81:3 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 meeting [6] - 22:8, 176:14, 176:17, 176:24, 177:2, 180:15 meetings [1] - 151:5 meets [1] - 54:7 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 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 melt [1] - 214:6 members [1] - 151:7 MENKE [1] - 2:8 mention [1] - 215:17 mentioned [3] -125:10, 147:9, 193:5 met [3] - 9:18, 121:21, 122:8 meter [2] - 41:8, 118:21 metering [1] - 21:7 Michael [1] - 9:19 micrositing [10] -

68 of 79 sheets

Bit 1, 737, 738, 19322, 133.19, 133.22, 133.19, 133.22, 133.19, 133.22, 133.19, 133.22, 133.19, 133.22, 133.19, 133.22, 133.19, 133.22, 133.19, 133.22, 133.19, 133.22, 133.19, 133.22, 133.19, 133.22, 133.19, 133.22, 133.19, 133.22, 133.19, 133.22, 133.19, 133.22, 133.19, 133.22, 133.19, 133.22, 133.19, 133.22, 133.19, 133.22, 133.19, 133.22, 133.19, 133.22, 133.19, 133.22, 133.19, 133.22, 133.19, 133.22, 133.19, 133.22, 133.19, 133.22, 133.19, 133.22, 133.19, 133.10, 131.19, 132.21, 133.10, 131.19, 132.21, 133.10, 131.19, 132.21, 133.10, 131.19, 132.21, 133.10, 131.19, 132.21, 133.10, 131.19, 132.21, 133.10, 131.19, 132.21, 133.10, 131.19, 132.19, 133.10, 131.19, 132.19, 133.10, 131.19, 132.19, 133.10, 131.19, 132.19, 133.10, 131.19, 132.19, 133.10, 131.19, 132.19, 133.10, 131.19, 132.19, 133.10, 131.19, 132.19, 133.10, 131.19, 132.19, 133.10, 131.19, 132.19, 133.10, 131.19, 132.19, 133.10, 131.19, 132.19, 133.10, 131.19, 132.19, 133.10, 131.19, 132.19, 133.10, 131.19, 132.19, 133.10, 131.19, 132.19, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10, 133.10,					
193:82, 193:22, MONNA@ 188:23, 2112, 211.7, 196:17, 168:24, muturl, -2212 193:25, 194:14, 170, 117:15 2119, 213:12, 121.7, 168:19, 168:23, 169:19, 168:23, 194:14, 120, 116:10, monthy (1-151:5), 199:13, 121.216:7, 199:23, 159:24, 199:24, 172:14, 170, 170:24, 170, 171, 170:24, 124:14, 225, 145:19, 146:17, 167:24, 171, 171, 170, 180, montmental [1-1, 121:7, 119:17, 170, 170, 124, 119:16, 192:11 119:16, 192:11 123:47, 70:25, 171, 175:18, montmental [1-1, 172, 172, 172, 14, 172:18, 174:13, 174:10, 113:16:17, 161:0, 113:16:17, 161:0, 125:52, 170:13, 172, 172, 172, 14, 172:18, 174:13, 174:12, 175:18, 170, 01:0, 113:16:17, 01:0, 113:16:17, 01:0, 113:16:17, 01:0, 113:16:17, 01:0, 113:16:12, 06:14, 06:17, 113:11, 112:0, 113:11, 112:0, 113:11, 112:0, 113:11, 112:0, 113:11, 112:0, 113:11, 112:0, 113:11, 112:0, 113:11, 112:0, 113:11, 112:0, 113:11, 112:0, 113:11, 112:0, 113:11, 112:0, 113:11, 112:0, 113:11, 113:0, 113:11, 113:0, 113:11, 113:0, 113:11, 113:0, 113:11, 113:0, 1	69:11, 73:7, 73:8,	MONNA [3] - 1:22,	133:19, 133:22,	165:16, 165:24,	municipal [1] -
193.25, 194.12, 194.14 TRICITESSEPORTING (194.14) 214.21, 215.4, 214.21, 215.2, 194.12 197.7, 198.18, 23, 199.3, 196.18, 199.143, 216.15, 215.2, 196.3, 169.3, 169.14, 199.3, 169.3, 169.14, 199.3, 169.3, 169.14, 199.3, 169.3, 169.14, 199.3, 169.3, 169.14, 199.3, 175.7, 197.2, 174, 197, 172.1, 74, 197, 172.4, 174.17, 190.4, 194.48, 177.2, 174, 197, 172.4, 174.17, 190.4, 194.48, 197.5, 175.17, 190.4, 661.4, 661.4, 197.2, 174, 197.4, 197.4, 175.19, 197.5, 75.13, 77.17, 196.4, 198.16, 196.13, 196.24, 196.24, 197.2, 177.24, 197.4, 175.19, 196.15, 698.9, 196.24, 998.2, 197.2, 117.24, 197.4, 176.4, 197.2, 177.24, 197.4, 176.5, 663.6, 661.2, 662.5, 197.4, 177.2, 177.24, 197.4, 176.5, 663.6, 661.2, 662.5, 197.4, 177.2, 177.24, 197.4, 176.5, 673.5, 177.9, 197.4, 197.4, 177.1, 197.4, 176.4, 177.4, 197.4, 176.5, 673.5, 177.6, 198.9, 197.2, 176.4, 177.4, 177.1, 197.4, 176.5, 673.5, 177.6, 198.12, 197.4, 176.4, 177.4, 177.4, 197.4, 176.4, 177.4, 197.4, 176.4, 177.4, 197.4, 176.4, 177.4, 197.4, 176.4, 177.4, 197.4, 176.4, 177.4, 197.4, 176.4, 177.4, 197.4, 177.4, 197.4, 197.4, 177.4, 197.5, 197.4, 197.4, 197.4, 197.4, 197.4, 197.4, 197.4,	193:9, 193:11,	218:2, 218:24	138:10, 188:18,	166:6, 166:13,	118:19
194-14 middle middle mid-10:20, 191-12 COM (p) - 1/2 a month (p) - 21:20 month (p) - 21:20 214:21, 215:9, 216:15, 215:21, 216:15, 215:21, 216:15, 216:21, 216:15, 216:21, 100:17, 1702, 216:30, 1693, 169:14, 1692, 227:021, 170:17, 1702, 24, 172, 169, 170:17, 1702, 24, 172, 169, 170:17, 1702, 24, 172, 171, 170, 172, 175:16, 175:17, 175:16, 175:17, 175:16, 175:17, 175:16, 175:17, 175:16, 175:17, 175:16, 175:17, 175:16, 175:17, 175:16, 175:17, 175:16, 175:17, 175:16, 176:16, 116:11, 118:17, 176:06, 188:16, 166:16, 166:11, 118:17, 176:06, 188:16, 166:16, 166:11, 118:17, 176:06, 188:16, 166:16, 166:11, 118:17, 176:07, 170:12, 172:24, 172:16, 176:17, 170:24, 172:17, 173:14, 171:12, 712:42, 172:16, 176:17, 170:24, 172:17, 173:14, 175:17, 175:16, 175:17, 175:16, 175:17, 175:16, 176:17, 170:10, 171:12, 712:42, 172:18, 174:13, 174:23, 171:12, 712:44, 172:17, 175:17, 175:16, 176:17, 170:24, 171:12, 712:44, 172:17, 175:17, 175:16, 176:16, 166:11, 118:17, 176:17, 176:12, 176:16, 196:12, 206:24, 192:24, 175:16, 196:12, 206:24, 192:24, 172:14, 175:16, 192:24, 172:14, 176:16, 192:24, 172:14, 176:16, 192:24, 172:14, 176:16, 192:24, 172:14, 176:16, 192:24, 172:14, 176:17, 192:24, 172:14, 176:16, 192:24, 172:14, 172:14, 176:17, 192:24, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 172:14, 1	193:18, 193:22,	MONNA@	188:23, 211:2, 211:7,	166:17, 166:24,	mutual [1] - 62:12
194-14 middle gr. 162.20 middle gr. 162.30 middle gr. 169. 169.13, 169.8, 169.1, 169.14, 129.15 months gr. 3-13, 21615, 2162.1, 169.2, 170.1, 169.2, 170.1, 170.24, 172.2, 171.14 181.12, 170.1, 170.24, 172.2, 171.14 N 194.13, 10.1, 10.1, 10.1, 10.1, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 10.1, 11.2, 11.2, 10.1, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2, 11.2,	193:25, 194:12,	TRICITIESREPORTING	211:9, 213:1, 214:1,	167:8, 168:13,	MY [1] - 217:25
night jun-10:16, might jun-10:16, 18:18, 229, 478, 73:24, 79:25, 106:13, 18:18, 229, 478, 73:24, 79:25, 106:13, 110:1, 12:27, 155:19, 110:1, 110:1, 110:17, 110:1, 111:10, 111:17, 120:6, 139:16, 110:1, 111:10, 111:17, 120:6, 139:16, 110:1, 111:10, 112:17, 110:16, 110:10, 130:16, 110:1, 111:10, 111:17, 120:6, 139:16, 110:1, 111:10, 112:20, 110:1, 111:10, 111:17, 120:6, 139:16, 110:1, 110:10, 130:16, 110:1, 110:12, 110:1, 110:1, 110:12, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 110:1, 11	194:14	.COM [1] - 1:23	214:21, 215:9,	168:19, 168:23,	
181.13 monthy [1]-151:5 2161, 2167 169:22, 1701, 1 name [s]-518, 1022, 1701, 1702, 1701, 1702, 4721, 4721, 181, 1141, 102, 113, 122, 224, 722, 163, 214, 222, 156, 171, 122, 122, 1722, 1722, 1722, 1722, 1722, 1722, 1722, 1722, 1722, 1722, 1722, 1722, 1722, 1723, 173, 173, 173, 173, 173, 173, 173, 17	middle [2] - 167:20,	month [1] - 21:20	215:15, 215:21,	169:3, 169:8, 169:14,	N
might rug = 10:16, months rg = 3:13, MS Rev = 4:5, 4:6, 170:17, 170:24, man rg = 5:18, 18:18, 23.9, 4722, 506, 13, monumental rg = 172, 172, 172, 172, 172, 172, 172, 172,	181:13	monthly [1] - 151:5	216:1, 216:7	169:22, 170:1,	
72.24 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 79.25 <td< td=""><td>might [16] - 10:16,</td><td>-</td><td>MS [256] - 4:5, 4:6,</td><td>170:17, 170:24,</td><td>name [5] - 5:18,</td></td<>	might [16] - 10:16,	-	MS [256] - 4:5, 4:6,	170:17, 170:24,	name [5] - 5:18,
110:1. 126:7, 155:19. 146:1, 178:17 22:16, 366, 42:14. 172:23, 172:25. nameplate pai- 175:17, 175.18. 155:22, 170:13. most pin-132:5. 52:21, 53:18, 56:10. 173:7, 173:14. 43:6, 472:25.0:24. 181:19, 192:5 34:15, 36:10, 48:14. 594, 60:14, 63:23. 174:13, 174:23. 51:21, 61:7, 61:10. 181:19, 192:5 13:5, 115:12. 756, 75:13, 77:17. 1752, 177:24. 679, 67:15, 699. 191:69, 198:16 115:11, 118:17. 783, 794, 40:4. 1772.2, 177:24. 679, 67:15, 699. mind ij - 91:24 158:17, 1676. 91:20, 93:17, 96:12. 1798, 179:12. 70:21, 72:1 mind ig ij - 152:2 175:16, 196:12, 20:53 90:24, 99:22, 101:5. 1798, 179:12. 70:21, 72:1 minimized ig - 57.7. 63:14, 63:20, 00:2. 103:12, 105:14. 183:14, 183:13. 142:10, 143:11. 141:13, 142, 91:94. moutt ig i - 143:2. 144:12, 144:2. 144:12, 144:3. minimized ig - 67.7. 63:16, 63:2. 103:12, 105:14. 183:14, 183:13. 184:11.142. 139:22, 140:12. 72:21, 178:3. 72:21, 178:3. 144:12, 144:13. minimized ig -	18:18, 23:9, 47:8,	88:24	12:3, 14:22, 15:6,	171:22, 172:2,	10:11, 114:10,
155:22; 170:13, 170:1; 13:25, 43:10, 45:1, 48:24, 173:1; 173:14, 133:8, 47:22, 50:24, 175:17, 175:18, 17:20, 19:14, 27:20, 58:4, 60:14, 68:23, 173:24, 174:27, 51:2, 51:8, 51:20, 61:19, 19:25, 34:15, 36:10, 48:14, 75:7, 173:14, 173:24, 174:23, 51:2, 51:8, 51:20, 61:19, 66:24, 08:25, 13:5, 115:12, 75:6, 75:3, 77:17, 175:21, 176:5, 66:8, 66:12, 66:25, 160:6, 188:16, 115:13, 118:17, 75:8, 75:13, 77:17, 175:21, 176:5, 66:8, 60:20, 70:11, mind 11:- 51:17 120:29, 93:17, 96:12, 192:29, 93:17, 96:12, 178:21, 178:13, 69:13, 60:20, 70:11, mind 11:- 31:14 Mouthin 19: 35:23, 102:7, 102:10, 180:12, 182:20, Nation 116: 138:6, 313:22, 102:1, 108:12, 108:21, 108:12, 108:21, 183:4, 183:3, 138:16, 139:6, 313:22, 103:1, 139:22, 140:15, 139:11, 113:23, 142:10, 143:11, 143:4, 143:13, 138:16, 139:6, 314:20:10, 139:16, mouth 19: -148, 109:17, 112:16, 183:11, 183:4, 183:1, 138:16, 139:6, 312:22, 113:11, 148:21, 148:12, 144:21, 142:1, 112:2, <td>73:24, 79:25, 106:13,</td> <td>monumental [2] -</td> <td>17:2, 17:4, 19:7,</td> <td>172:14, 172:18,</td> <td>119:16, 192:11</td>	73:24, 79:25, 106:13,	monumental [2] -	17:2, 17:4, 19:7,	172:14, 172:18,	119:16, 192:11
175:17, 175:18, 17:20, 19:14, 27:20, 52:21, 53:18, 56:10, 173:24, 174:7, 51:2, 51:8, 51:20, 181:19, 192:5 34:15, 30:10, 68:14, 594, 60:14, 63:23, 174:13, 174:23, 51:2, 61:8, 61:20, 64:19, 68:19, 68:24, 108:25, 113:5, 115:12, 75:8, 75:13, 77:17, 175:24, 175:19, 61:15, 61:20, 64:19, mind [1] - 51:17 120:6, 139:16, 112:0, 68:3, 90:8, 177:22, 178:9, 179:12, 70:21, 72:1 mind [1] - 51:17 120:6, 139:16, 91:20, 93:17, 96:12, 179:81, 79:12, 70:21, 72:1 mind [1] - 57:7, 75:16, 196:0, 20:30, 30:7, 96:12, 103:12, 105:14, 103:12, 105:14, 103:12, 103:23, 104:12, 182:10, Natrol N1:1-3.7 139:22, 140:12, 37:22 103:12, 105:14, 103:12, 103:23, 142:10, 143:31, 144:12, 145:3, 139:22, 140:12, 37:22 106:9, 108:2, 108:4, 103:14, 113:22, Natrol N1:1-3.7 Natrol N1:1-3.7 139:22, 140:12, 37:22, 130:15, 130:16, 123:4, 123:12, 186:11, 186:13, 186:16, 196:6, 114:14, 116:22, 114:4, 183:13, 113:14, 131:17, 113:22, 114:4, 184:16, 118:4, 184:16, 116:13, 114:4, 114:12, 116:22, 114:14, 116:22, 116:14, 116:22, 116:14, 116:22, 116:14, 116:22, 116:14, 116:12, 116:14, 116:12, 116:14, 116:12, 116:14, 116:12, 116:14:14, 116:12, 116:14, 116:12, 116:14, 116:12, 116:14,		146:1, 178:17			• • •
181:19 112:5 112:5 112:5 112:5 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 112:7 <		most [21] - 13:25,	43:10, 45:1, 48:24,		
miles on - 86:16, 86:19, 86:24, 108:25, 113:5, 115:12, 113:5, 115:12, 113:11, 113:12, 113:11, 113:12, 114:12, 114:2, 114:12, 114:2, 114:14, 114:13, 117:2, 117:2, 114:2, 114:1, 114:14, 114:17, 117:2, 116:2, 114:2, 114:1, 115:1, 114:1, 114:1, 115:1, 114:1, 114:1, 115:1, 114:1, 114:1, 115:1, 114:1, 114:1, 115:1, 114:1, 114:1, 115:1, 114:1, 114:1, 114:1, 115:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:1, 114:		17:20, 19:14, 27:20,	52:21, 53:18, 56:10,		
86:19, 86:24, 108:25, 100:6, 138:16 113:5, 115:12, 115:13, 118:17, 115:13, 116:12, 115:13, 116:13, 116:13, 116:13, 116:13, 116:14, 116:12, 116:14, 116:12, 116:14, 116:12, 116:14, 116:12, 116:14, 116:14, 116:14, 116:11, 113:23, 102:7, 102:10, 116:14, 116:12, 116:14, 116:11, 113:23, 102:7, 102:10, 116:14, 116:22, 116:14, 116:11, 113:23, 102:7, 102:10, 116:14, 116:22, 116:14, 116:11, 113:23, 106:9, 106:12, 118:21, 116:12, 116:14, 118:11, 113:23, 106:11, 113:21, 116:11, 106:11, 106:11, 106:12, 106:11, 106:11, 106:11, 106:11, 106:11, 106:12, 106:11, 106:11, 106:11, 106:12, 106:11, 106:11, 106:11, 106:11, 106:11, 106:11, 106:11, 106:11, 106:11, 106:11, 106:11, 106:11, 106:11, 106:11, 106:11, 106:11, 106:11, 106:12, 106:11, 106:12, 106:11, 106:12, 106:11, 106:12, 106:11, 106:12, 106:11, 106:12, 106:11, 106:12, 106:11, 106:12, 106:11, 106:12, 106:11,		34:15, 36:10, 48:14,			
160.6, 188:16 115:13, 118:17, minds [1] - 51:4 78:3, 79:4, 80.4, 120:6, 139:16, 120:6, 139:16, 120:6, 139:16, 120:6, 139:16, 120:6, 139:16, 120:6, 139:16, 120:6, 139:16, 120:6, 139:16, 120:6, 139:16, 120:21, 72:1 77:3, 79:4, 80.4, 179:2, 177:24, 177:24, 177:24, 175:16, 166:12, 179:8, 179:12, 179:8, 179:12, 179:8, 179:12, 179:1, 179:1, 179:1, 179:1, 179:1, 179:1, 179:1, 179:1, 179:1, 179:1, 179:1, 179:1, 179:1, 179:1, 179:1, 179:1, 179:1, 179:1, 179:1, 180:12, 182:10, 180:12, 183:13, 181:14, 142:14, 183:14, 184:14, 183:13, 181:14, 184:22, 184:10, 183:14, 184:22, 184:10, 183:14, 184:22, 184:10, 183:14, 184:22, 184:10, 183:14, 184:22, 184:10, 183:14, 184:22, 184:10, 184:10, 184:22, 184:10, 184:22, 184:11, 184:22, 184:11, 184:22, 184:11, 184:22, 184:11, 184:22, 184:11, 184:22, 184:11, 184:22, 184:11, 184:12, 184:1, 184:11, 184:12, 184:1, 184:11, 184:12, 184:1, 184:14, 184:18, 184:14, 184:18, 184:14, 184:18, 184:14, 184:18, 184:14, 184:18, 184:14, 184:18, 184:14, 184:184, 184:14, 184:18, 194:16, 195:12, 194:23, 140:14, 194:24, 194:24, 194:14, 194:14, 194:14, 194:15, 194:14, 194:14, 194:14, 194:1		58:10, 66:14, 66:17,			
mind ц 51:17 120.6, 139:16, 81:20, 86:8, 90:8, 178:2, 178:9, 178:13, 66:13, 69:20, 70:11, mind ц 51:17 120.6, 139:16, 91:20, 93:17, 96:12, 179:8, 179:12, 779:13, 180:7, mind ц 31:4 Mountain (g 35:23, 102:7, 102:10, 180:12, 182:10, Nation (g 138:6, 139:22, 140:12, 37:22 100:17, 121:6, 183:14, 183:13, 138:16, 139:7, 141:4, 139:22, 140:12, 37:22 109:17, 112:16, 183:19, 183:23, 144:12, 145:3, 139:22, 140:12, mouth (g 438:6, 133:11, 113:23, 184:1, 184:2, 184:16, 138:16, 139:7, 141:4, 141:12, 118:20 move (g 22:12, 114:21, 116:2, 184:21, 186:17, 138:16, 139:7, 141:4, 120:22, 121:8, 133:0, 163:16, 123:4, 123:12, 186:1, 186:4, 188:8, 144:17, 144:13, 146:7, 120:12, 12:8, 133:10, 163:16, 123:4, 123:12, 186:1, 186:17, 176:18, 186:6, 186:11 121:19, 122:6, 133:30 134:14, 141:11, 137:17, 187:2, 187:5, 186:8, 186:1, 186:4, 131:11, 132:2, 142:1, 132:3, 140:16, 133:16, 139:2, 144:4, 139:16, 138:6, </td <td></td> <td>113:5, 115:12,</td> <td></td> <td></td> <td></td>		113:5, 115:12,			
		115:13, 118:17,			
mine (j) - 152:-22 103:1, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0, 103:0,					
minimize (i) 67.7, 36:14, 36:20, 36:25, 37.22 103:12, 105:14, 106:9, 108:2, 108:4, 113:14, 113:14, 113, 113, 113:11, 113:23, 114:11, 114:29, 159:4, minimized (2) Nation (i) Nation (i) 138:6, 139:22, 140:12, 114:13, 114:9, 159:4, 106:9, 108:2, 108:4, 113:11, 113:23, 114:11, 114:21, 116:2, 114:21, 114:1, 111:11, 117, 115:12, 117:1, 115:12, 117:1, 115:12, 117:1, 115:12, 117:1, 115:12, 117:1, 115:12, 116:1, 115:12, 116:1, 115:12, 116:1, 115:12, 116:1, 115:12, 116:1, 115:12, 116:1, 115:12, 116:1, 115:12, 116:12, 116:12, 116:11, 116:12, 116:1, 116:12, 116:1, 116:1, 116:12, 116:1, 116:1, 116:1, 116:1, 116:12, 116:1, 116:1, 116:12, 1			, , ,		
Initiate (i) 30: 17, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 00: 20, 0		,			
10.12.1, 10.12.2, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1, 10.13.1,	••				
Initialized [2]- Initialized [2]- Initialized [2]- Initialized [2]- 77:21, 158:20 move [9]-22:12, 113:11, 113:23, 184:1, 184:2, 184:16, 144:12, 145:3, 146:6, 120:22, 121:8, 133:10, 153:16, 112:31, 117:23, 121:11, 185:2, 185:16, 186:5, 145:10, 149:7, 149:7, 149:7, 121:19, 122:8, 133:9 194:23 131:14, 131:17, 187:2, 187:5, 187:8, Nation's [9]-138:23, 139:23, 140:13, minor [2]-208:7, 194:23 131:14, 131:17, 187:1, 189:4, 188:6, 186:11 Nation's [9]-138:23, 139:23, 140:13, minitigle [s]-144:16, Imoved [s]-73:2, 132:25, 133:12, 188:1, 188:4, 188:6, 144:17, 145:1, misspoke [1]-72:9 moving [1]-128:10 142:14, 140:18, 199:12, 199:28, National [1]-212:12 Mitigate [s]-144:16, MR [sa]-45, 46, 144:16, 144:9, 199:16, 120:1, 109:17, 170:20, 144:28, 149:1, 197:1, 197:18, 171:18 mitigation [12]- 177, 199:23, 72.51, 144:21, 146:24, 197:1, 197:25, 186:21, 157:10, 120:4, 199:17, 200:1, 200:4, 186:20.16, 74:25 mitigation [12]- 457, 496, 53.3, 149:23, 150:15, 200:8, 200:18, 186:0, 12, 75:2, mitigation [12]- <td></td> <td></td> <td></td> <td></td> <td></td>					
Inimized [1] Dot [0] Dot [0] Partial formation of the second			, ,		
International (i) In					
Immunit 143.9, 102.29, 133.4, 123.4, 123.12, 186:12, 186:17, 178:18, 185.6, 186:11 120:22, 121.8, 153:10, 153:10, 153:10, 153:10, 123:4, 123:12, 186:12, 186:17, 178:18, 185.6, 186:11 121:19, 122.8, 133.9 194:23, 131:14, 131:17, 187:12, 187:5, 187:8, 139:23, 140:13, 130:25, 133:12, moved [4], 73:2, 133:25, 133:12, 188:1, 188:4, 188:4, 188:8, 144:17, 145:1, 144:17, 145:1, 130:25, 133:12, 139:25, 132:1, 139:25, 192:8, National [1], -121:17, mispoke [1], -55:4 moves [2], -54:1, 140:22, 141:14, 190:24, 191:3, 178:12, 178:4, mispoke [1], -129, moving [1], -128:10 142:3, 142:1, 191:16, 192:5, 192:8, National [1], -212:12 mitigate [1, -135:9, 177, 199, 237, 25:1, 144:21, 144:18, 195:21, 196:18, 171:18 mitigate [1], -145:5, 36:16, 59:8, 150:77, 150:19, 199:15, 200:1, 200:4, 186:6, 20:16, 74:25 33:16, 33:20, 35:7, 53:23, 56:15, 59:8, 150:77, 150:19, 150:25, 152:11, 130:17, 181:22 177:20, 182:3 72:8, 72:23, 75:23, 152:25, 153:16, 153:16, 153:16, 153:17, 200:18, 171:18 131:17, 181:22 <td>,</td> <td>•••</td> <td></td> <td></td> <td></td>	,	•••			
132:25, 133:12, 138:14, 140:18, 138:14, 140:18, 138:14, 140:18, 144:17, 145:1, minute [1] - 55:4 73:6, 177:8, 183:1 138:14, 140:18, 139:12, 1149:6, 190:14, 178:12, 178:4, mischaracterizes [2] moves [2] - 54:14, 140:22, 141:14, 190:24, 191:3, 178:12, 178:17 mischaracterizes [2] moves [2] - 54:14, 140:22, 141:14, 190:24, 191:3, 178:12, 178:17 mitigate [5] - 144:16, MR [84] - 4:5, 4:6, 144:14, 144:18, 195:21, 196:18, 171:18 159:25, 160:8 127, 14:25, 151:2, 144:21, 146:24, 197:1, 197:25, 180:10, 10:1, 10:117:17 mitigates [1] - 145:5 36:16, 42:18, 44:21, 147:23, 148:15, 199:15, 200:1, 200:4, 186:2, 00:16, 74:25, mitigates [1] - 145:5 36:16, 42:18, 44:21, 147:23, 148:15, 199:15, 200:1, 200:4, 186:2, 00:16, 74:25, mitigates [1] - 145:5 36:16, 42:18, 44:21, 147:23, 148:15, 199:15, 200:1, 200:4, 186:2, 00:16, 74:25, mitigates [1] - 145:5 36:16, 42:18, 44:21, 147:23, 148:15, 199:15, 200:1, 200:4, 133:17, 181:22, mitigates [1] - 145:5 36:16, 42:18, 44:21, 149:23, 150:15, 200:8, 200:18, 133:17, 181:22,					••
200:13 Intover (n) - 55:4 Thower (n) - 75:4 Thower (n) - 75:4 Thower (n) - 75:4 Thower (n) - 75:4 mischaracterizes (z) moves (z) - 54:14, 140:22, 141:14, 190:24, 191:3, Thomer (n) - 12:5, misspoke (n) - 72:9 moving (n) - 128:10 MR (a) - 45: 4:6, The 12:5, The 12:5, National (n) - 212:12 Misspoke (n) - 72:9 moving (n) - 128:10 MR (a) - 4:5, 4:6, The 14:23, 142:11, 191:16, 192:25, 192:8, National (n) - 212:12 144:25, 146:21, 51:6, 11:20, 11:25, 144:14, 144:18, 195:21, 196:18, Thit 17:17 Natural (a) - 169:11, 169:127, 14:25, 15:12, 144:21, 146:24, 197:21, 197:25, natural (n) - 117:17 natural (n) - 117:17 mitigate (n) - 145:5 36:16, 42:18, 44:21, 147:23, 148:15, 198:6, 198:9, 199:10, 18:6, 20:16, 74:25 33:16, 33:20, 35:7, 53:23, 56:15, 59:8, 150:17, 150:19, 200:23, 201:4, 133:17, 181:22 159:5, 159:8, 160:10, 64:6, 69:17, 71:16, 152:25, 153:3, 153:6, 20:11, 20:13, 20:14, 133:17, 181:22 169:17, 79:20 93:19, 66:15, 99:4, 153:15, 153:18, 206:6, 20:10,					
minute [1] - 30.4 75.0, 177.0, 163.1 140:22, 141:14, 190:24, 191:3, 176:12, 178:17 - 48:25, 210:8 moving [1] - 128:10 142:3, 142:11, 191:16, 192:5, 192:8, National [1] - 212:12 misspoke [1] - 72:9 moving [1] - 128:10 142:13, 143:7, 192:10, 194:8, National [1] - 212:12 144:25, 146:21, 5:16, 11:20, 11:25, 144:14, 144:18, 195:21, 196:18, 177:18, 159:25, 160:8 12:7, 14:25, 15:12, 144:21, 146:24, 197:1, 197:18, natural [1] - 117:17 mitigate [1] - 145:5 36:16, 42:18, 44:21, 147:23, 148:15, 198:6, 198:9, 199:10, 18:6, 20:16, 74:25 mitigation [12] - 35:17, 749:6, 53:3, 149:23, 150:15, 200:23, 201:18, neura [3] - 91:11, 144:23, 145:3, 147:2, 59:21, 59:23, 60:23, 150:17, 150:19, 200:23, 201:4, 133:17, 181:22 159:5, 159:8, 160:10, 64:6, 69:17, 71:16, 152:5, 152:11, 203:15, 204:11, 115:8, 164:4 77:20, 78:13, 70:14, 201:23, necessarly [2] - 153:24, 153:15, 153:18, 206:6, 206:10, 58:18, 60:12, 77:22, 78:15 102:4, 93:15, 153:21, 154:1, 206:13, 206:23, 277:7, 91:17, 20:131:3, 176:12, 17		••			
Historia ducing [2] Thoves [2] 142:3, 142:11, 191:16, 192:5, 192:8, National [1] National [1] 121:12 misspoke [1] 72:9 moving [1] 128:10 142:3, 142:11, 191:16, 192:5, 192:8, National [1] 121:12 144:25, 146:21, 5:16, 11:20, 11:25, 144:14, 144:18, 195:21, 196:18, 171:18 159:25, 160:8 12:7, 14:25, 15:12, 144:21, 146:24, 197:1, 197:18, nature [1] 117:17 mitigate [1] 135:9 36:16, 42:18, 44:21, 147:23, 148:15, 198:6, 198:9, 199:10, 18:6, 20:16, 74:25, mitigation [1] 45:7, 49:6, 53:3, 148:22, 149:19, 199:15, 200:1, 200:4, Navg [2] 85:8, 66 33:16, 33:20, 35:7, 53:23, 56:15, 59:8, 150:17, 150:19, 200:23, 201:4, 133:17, 181:22 159:5, 159:8, 160:10, 64:6, 69:17, 71:16, 151:15, 151:20, 201:14, 201:23, necessarily [2] 177:20, 182:3 72:8, 72:23, 75:23, 152:5, 155:1, 152:1, 203:15, 204:11, 115:8, 164:4 151:15 102:4, 81:4, 104:3, 153:15, 153:18, 206:6, 206:10, 58:18, 60:12, 77:22, 28:23, 49:17, 58:16, 72:4, 78:17, 79:20 93:19,					
Inisspoke [1] - 72:9 moving [1] - 128:10 142:18, 143:7, 143:16, 144:9, 143:16, 144:9, 144:25, 146:21, 159:25, 160:8 192:10, 194:8, 144:14, 144:19, 195:21, 196:18, 177, 192:25, 160:8 Natural [4] - 169:11, 169:17, 170:20, 171:18 159:25, 160:8 12:7, 14:25, 15:12, 144:21, 146:24, 197:1, 197:18, 177, 199, 92:37, 25:1, 177:199, 92:37, 25:1, 177:199, 92:37, 25:1, 148:22, 149:19, 199:15, 200:1, 200:4, 148:22, 149:19, 199:15, 200:1, 200:4, 186, 20:16, 74:25 Natural [4] - 16:20, 186, 20:16, 74:25 mitigate [1] - 145:5 36:16, 42:18, 44:21, 145:3, 147:2, 159:5, 159:8, 160:10, 159:5, 159:8, 160:10, 159:5, 159:8, 160:10, 177:20, 182:3 142:21, 186:15, 150:17, 71:16, 159:5, 159:8, 160:10, 159:5, 159:8, 160:10, 159:5, 159:8, 160:10, 159:6, 159:8, 160:10, 177:24, 78:11, 79:7, 164:6, 69:17, 71:16, 177:24, 78:11, 79:7, 153:9, 153:12, 153:9, 153:12, 153:15, 153:18, 153:15, 153:18, 153:15, 153:18, 153:15, 153:18, 153:15, 153:18, 153:15, 153:18, 157:13, 157:21, 153:21, 154:1, 153:21, 157:21, 153:21, 157:21, 153:21, 154:1, 153:21, 157:21, 153:21, 157:21, 153:22, 165:7, 153:21, 157:21, 153:21, 157:21, 153:22, 165:7, 153:21, 157:21, 153:22, 165:7, 153:21, 157:21, 153:22, 165:7, 153:21, 157:21, 153:22, 165:7, 153:21, 157:21		••			
IntersporeIntersporeIntersporeIntersporeIntersporeIntersporeInterspore144:25, 146:21,MR (B4) - 4:5, 4:6,143:16, 144:9,194:16, 195:12,169:17, 170:20,144:25, 146:21,5:16, 11:20, 11:25,144:14, 144:18,195:21, 196:18,171:18159:25, 160:812:7, 14:25, 15:12,144:14, 144:18,197:21, 197:25,1atural (1) - 117:17mitigates (1) - 145:536:16, 42:18, 44:21,147:23, 148:15,198:6, 198:9, 199:10,18:6, 20:16, 74:25mitigates (1) - 145:536:16, 42:18, 44:21,148:22, 149:19,199:15, 200:1, 200:4,Navy (2) - 8:5, 8:633:16, 33:20, 35:7,53:23, 56:15, 59:8,150:17, 150:19,200:23, 201:4,133:17, 181:22159:55, 159:8, 160:10,64:6, 69:17, 71:16,152:5, 152:11,201:14, 201:23,necessarily (2) -177:20, 182:372:8, 72:23, 75:23,152:5, 153:1, 153:18,204:21, 205:1,necessary (13) -model [8] - 28:18,80:16, 81:22, 86:13,153:15, 153:18,206:6, 206:10,58:18, 60:12, 77:22,79:17, 79:2093:19, 96:15, 99:4,154:13, 155:20,207:7, 207:10,153:25, 159:5,72:4, 72:5, 78:8, 79:1,90:24, 92:4, 93:15,156:1, 156:21, 157:8,207:13, 207:18,173:18, 174:11modeling [2] - 78:13,100:1, 101:15,154:13, 155:20,207:7, 207:10,153:25, 159:5,78:15102:8, 103:4, 104:3,157:13, 157:21,208:10, 208:15,23:6, 19, 68:13, 68:13,78:16102:8, 103:4, 104:3,156:1, 156:21, 157:8,207:13, 207:18,173:18,					
144:25, 146:21,144:12, 141:20, 11:25,144:14, 144:18,195:21, 196:18,171:18159:25, 160:812:7, 14:25, 15:12,144:21, 146:24,197:1, 197:18,1atural [1] - 117:17mitigated [1] - 135:917:7, 19:9, 23:7, 25:1,147.8, 147:18,197:21, 197:25,1ature [4] - 61:20,mitigation [12] -45:7, 49:6, 53:3,147:23, 148:15,198:6, 198:9, 199:10,18:6, 20:16, 74:25mitigation [12] -45:7, 49:6, 53:3,149:23, 150:15,200:8, 200:18,1aera[4] - 61:20,144:23, 145:3, 147:2,59:21, 59:23, 60:23,150:17, 150:19,200:23, 201:4,133:17, 181:22159:5, 159:8, 160:10,64:6, 69:17, 71:16,151:15, 151:20,201:14, 201:23,necessarily [2] -177:20, 182:372:8, 72:23, 75:23,152:5, 152:11,203:15, 204:11,115:8, 164:4mix [1] - 104:2477:24, 78:11, 79:7,153:9, 153:12,204:21, 205:1,28:23, 49:17, 58:16,model [6] - 28:18,80:16, 81:22, 86:13,153:15, 153:18,206:6, 206:10,58:18, 60:12, 77:22,model [6] - 28:18,100:1, 101:1, 101:15,153:21, 154:1,206:13, 206:23,97:9, 117:20, 131:3,model [6] - 27:33,100:1, 101:1, 101:15,156:1, 156:21, 157:8,207:7, 32(7:10,153:25, 159:5,78:15102:8, 103:4, 104:3,157:13, 157:21,208:10, 208:15,153:25, 159:5,78:15102:8, 103:4, 104:3,156:1, 156:21, 157:8,207:7, 207:10,153:25, 159:5,78:15102:14, 112:21, 112:1, 12:15,162:5, 162:7, 162:9,210:21, 202:16,21:6, 21:9, 23:3, <td>-</td> <td>0.11</td> <td></td> <td>194:16, 195:12,</td> <td></td>	-	0.11		194:16, 195:12,	
1159:25, 160:8 12:7, 14:25, 15:12, 144:21, 146:24, 197:1, 197:18, natural [1] - 117:17 mitigated [1] - 135:9 17:7, 14:25, 15:12, 147:8, 147:18, 197:21, 197:25, nature [4] - 16:20, mitigates [1] - 145:5 36:16, 42:18, 44:21, 147:23, 148:15, 198:6, 198:9, 199:10, 18:6, 20:16, 74:25 mitigates [1] - 145:5 36:16, 42:18, 44:21, 148:22, 148:15, 198:6, 198:9, 199:10, 18:6, 20:16, 74:25 33:16, 33:20, 35:7, 53:23, 56:15, 59:8, 149:23, 150:15, 200:8, 200:18, near [3] - 91:11, 144:23, 145:3, 147:2, 59:21, 59:23, 60:23, 151:15, 151:20, 201:14, 201:23, necessarily [2] - 177:20, 182:3 72:8, 72:23, 75:23, 152:5, 152:11, 203:15, 205:12, necessarily [2] - 177:20, 182:3 72:8, 72:23, 75:23, 153:15, 153:18, 206:6, 206:10, 58:18, 60:12, 77:22, model [9] - 28:18, 80:16, 81:22, 86:13, 153:15, 153:18, 206:6, 206:10, 58:18, 60:12, 77:22, 79:17, 79:20 93:19, 96:15, 99:4, 155:11, 156:21, 157:8, 207:13, 207:18, 73:18, 174:11 modification [1] - 105:23, 106:15, 156:3, 160:21, 157:8, 207:13, 207:18, 173:18, 174:11	• • • •		144:14, 144:18,	195:21, 196:18,	
InstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructionInstructio			144:21, 146:24,	197:1, 197:18,	
Integrate [1] - 163:511.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10.1, 10			147:8, 147:18,	197:21, 197:25,	
mitigation148:22, 149:19,199:15, 200:1, 200:4,Navy [2] - 8:5, 8:633:16, 33:20, 35:7,53:23, 56:15, 59:8,149:23, 150:15,200:3, 200:18,near [3] - 91:11,144:23, 145:3, 147:2,59:21, 59:23, 60:23,150:17, 150:19,200:23, 201:4,133:17, 181:22159:5, 159:8, 160:10,64:6, 69:17, 71:16,151:15, 151:20,201:14, 201:23,necessarily [2] -177:20, 182:372:8, 72:23, 75:23,152:5, 152:11,203:15, 205:13,necessarily [2] -177:20, 182:372:8, 72:23, 75:23,152:5, 153:31, 153:6,204:21, 205:1,necessarily [2] -151:15, 151:20,207:15, 205:23,28:23, 49:17, 58:16,58:18, 60:12, 77:22,model [8] - 28:18,80:16, 81:22, 86:13,153:15, 153:18,206:6, 206:10,58:18, 60:12, 77:22,79:17, 79:2093:19, 96:15, 99:4,153:21, 154:1,206:13, 206:23,97:9, 117:20, 131:3,modeling [2] - 78:13,100:1, 101:1, 101:15,156:1, 156:21, 157:8,207:13, 207:18,173:18, 174:11modification [1] -105:23, 106:15,156:1, 156:21, 157:8,200:14, 208:15,173:18, 174:11modularized [2] -112:12, 112:21,161:16, 161:23,210:15, 210:8,24:11, 28:0, 34:6,124:25, 125:7113:19, 114:15,162:5, 162:7, 162:9,210:21, 210:23,42:16, 64:25, 65:7,modules [3] - 61:11,121:17, 123:9,163:13, 163:23,215:12, 215:13,97:2, 97:25, 98:12,modules [3] - 29:1,123:24, 125:20,163:13, 163:23,215:12, 215:13,97:2, 07:25, 98:12,modules [3] - 29:			147:23, 148:15,	198:6, 198:9, 199:10,	
33:16, 33:20, 35:7, 33:16, 33:20, 35:7, 149:23, 150:15, 59:8, 149:23, 150:15, 159:23, 60:23, 159:5, 159:8, 160:10, 177:20, 182:3149:23, 150:15, 20:12, 59:23, 60:23, 150:17, 150:19, 200:23, 201:4, 201:14, 201:23, 201:14, 201:23, 201:15, 201:14, 201:14, 201:23, 201:14, 201:23, 201:15, 201:14, 201:14, 201:23, 201:14, 201:23, 201:15, 201:14, 201:14, 201:23, 201:14, 201:23, 201:14, 201:23, 201:15, 201:13, 201:14, 201:14, 201:23, 201:15, 201:18, 201:14, 201:23, 201:14, 201:23, 201:14, 201:23, 201:15, 201:18, 201:14, 201:23, 201:15, 201:18, 201:14, 201:23, 201:15, 201:18, 201:14, 201:23, 201:15, 201:18, 201:14, 201:23, 201:15, 201:18, 201:14, 201:23, 201:15, 201:18, 201:14, 201:23, 201:14, 201:23, 201:14, 201:23, 201:14, 201:23, 201:15, 201:18, 201:14, 201:23, 201:15, 201:18, 201:14, 201:23, 201:15, 201:18, 201:14, 202:16, 201:10, 201:14, 202:18, 201:14, 201:15, 201:18, 201:14, 202:18, 201:14, 201:14, 202:18, 201:13, 102:4, 201:14, 202:18, 201:14, 201:14, 202:18, 201:14, 201:14, 201:14, 201:14, 201:14, 201:14, 201:14, 201:14, 201:14, 201:14, 201:14, 201:14, 20	-		148:22, 149:19,	199:15, 200:1, 200:4,	
144:23, 145:3, 147:2, 144:23, 145:3, 147:2, 159:21, 59:23, 60:23, 162:5, 159:8, 160:10, 177:20, 182:3150:17, 150:19, 150:17, 150:19, 150:17, 150:19, 151:15, 151:20, 152:5, 152:11, 152:5, 152:11, 152:5, 152:11, 152:5, 152:11, 152:5, 152:11, 203:15, 204:11, 203:15, 204:21, 205:1, 204:21, 205:1, 206:13, 206:23, 207:7, 207:10, 207:13, 207:18, 207:13, 207:18,	• • • •			200:8, 200:18,	
11.10.1.10.1.10.1.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10.11.10					
177:20, 182:3 $72:8, 72:23, 75:23,$ $77:24, 78:11, 79:7,$ model [8] - 28:18, $72:4, 72:5, 78:8, 79:1,$ $90:24, 92:4, 93:15,$ $90:24, 92:4, 93:15,$ $90:24, 92:4, 93:15,$ $91:17, 79:20$ $152:5, 152:11,$ $91:17, 79:20$ $93:19, 96:15, 99:4,$ $90:24, 92:4, 93:15,$ $93:19, 96:15, 99:4,$ $100:1, 101:1, 101:15,$ $100:1, 101:1, 101:15,$ $102:8, 103:4, 104:3,$ $102:8, 103:4, 104:3,$ $102:12, 112:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 12:1, 1$					
mix [1] - 104:2477:24, 78:11, 79:7, model [8] - 28:18, 90:24, 92:4, 93:15, 99:24, 92:4, 93:15, 99:17, 79:20152:25, 153:3, 153:6, 153:9, 153:12, 153:9, 153:12, 153:9, 153:12, 205:15, 205:23, 206:6, 206:10, 206:13, 206:23, 207:7, 207:10, 97:9, 117:20, 131:3, 97:9, 117:20, 131:3, 97:9, 117:20, 131:3, 97:9, 117:20, 131:3, 97:9, 117:20, 131:3, 97:9, 117:20, 131:3, 97:9, 117:20, 131:3, 100:1, 101:1, 101:15, 102:8, 103:4, 104:3, 102:8, 103:4, 104:3, 105:23, 106:15, 102:8, 103:4, 104:3, 105:23, 106:15, 105:23, 106:15, 102:8, 103:4, 104:3, 105:23, 106:15, 102:8, 103:4, 104:3, 105:23, 106:15, 102:8, 103:4, 104:3, 105:23, 106:15, 105:23, 106:15, 112:12, 112:21, 112:12, 112:21, 112:12, 112:21, 112:12, 112:21, 112:12, 112:21, 111:1, 111:1, 115:2, 116:8, 118:4, 115:2, 116:8, 118:4, 115:12, 215:13, 115:12, 21					115:8, 164:4
model [8] - 28:18, 72:4, 72:5, 78:8, 79:1, 99:24, 92:4, 93:15, 99:17, 79:2080:16, 81:22, 86:13, 90:24, 92:4, 93:15, 93:19, 96:15, 99:4, 100:1, 101:1, 101:15, 78:15153:9, 153:12, 153:15, 153:18, 153:21, 154:1, 206:13, 206:23, 207:7, 207:10, 207:7, 207:10, 207:7, 207:10, 207:7, 207:10, 153:25, 159:5, 153:25, 159:5, 153:25, 159:5, 153:25, 159:5, 153:21, 154:1, 208:10, 208:15, 207:7, 207:10, 153:25, 159:5, 153:25, 120:27, 20:18, 210:21, 210:23, 210:21, 210:23, 2					necessary [13] -
72:4, 72:5, 78:8, 79:1, 79:20 $90:24, 92:4, 93:15, 99:4, 93:19, 96:15, 99:4, 93:19, 96:15, 99:4, 93:19, 96:15, 99:4, 93:19, 96:15, 99:4, 100:1, 101:1, 101:15, 102:8, 103:4, 104:3, 154:13, 155:20, 102:8, 103:4, 104:3, 154:13, 155:20, 102:8, 103:4, 104:3, 102:8, 103:4, 104:3, 102:8, 103:4, 104:3, 102:8, 103:4, 104:3, 102:8, 103:4, 104:3, 102:8, 103:4, 104:3, 102:8, 103:4, 104:3, 102:8, 103:4, 104:3, 102:8, 103:4, 104:3, 157:13, 157:21, 105:23, 106:15, 105:23, 106:15, 112:12, 112:22, 112:21, 112:12, 112:21, 112:12, 112:21, 112:12, 112:21, 112:12, 112:21, 112:12, 112:21, 112:12, 112:21, 112:12, 112:21, 112:12, 112:21, 112:12, 112:21, 115:2, 116:8, 118:4, 162:15, 162:17, 115:2, 116:8, 118:4, 163:13, 163:23, 103:11, 121:17, 123:9, 112:12, 122:10, 112:12, 122:10, 163:13, 163:23, 123:16, 113:19, 114:15, 103:11, 163:8, 163:11, 121:17, 123:9, 112:12, 121:12, 121:12, 121:12, 121:12, 121:12, 121:13, 123:14, 17, 215:10, 103:13, 163:23, 123:16, 113:19, 114:15, 123:14, 123:14, 123:16, 114:13, 121:12, 215:13, 122:16, 131:19, 112:12, 122:10, 123:12, 121:12, 215:13, 122:12, 121:12, 215:13, 122:14, 125:10, 133:18, 133:16, 164:13, 164:13, 104:13, 102:4, 102:13, 102:4, 102:13, 102:14, 102:13, 102:14, 102:13, 102:14, 102:13, 102:14, 102:13, 102:14, 102:13, 102:14, 102:13, 102:14, 102:13, 102:14, 102:13, 102:14, 102:13, 102:14, 102:13, 102:14, 102:13, 102:14, 102:13, 102:14, 102:13, 102:14, 102:13, 102:14, 102:13, 102:14, 102:13, 102:14, 102:13, 102:14, 102:13, 102:14, 102:13, 102:14, 102:13, 102:14, 102:13, 102:14, 102:13, 102:14, 102:13, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:$					28:23, 49:17, 58:16,
79:17, 79:2093:19, 96:15, 99:4, modeling [2] - 78:13, 78:15100:1, 101:1, 101:15, 102:8, 103:4, 104:3, 105:23, 106:15,153:21, 154:1, 154:13, 155:20, 156:1, 156:21, 157:8, 156:1, 156:21, 157:8, 207:13, 207:10,200:13, 200:23, 207:7, 207:10, 207:13, 207:18, 207:13, 207:18, 207:13, 207:18, 207:13, 207:18, 207:13, 207:18, 207:13, 207:18, 207:13, 207:18, 207:13, 207:18, 207:13, 207:18, 173:18, 174:1197:9, 117:20, 131:3, 153:25, 159:5, 153:25, 159:5, 173:18, 174:11modification [1] - 68:4105:23, 106:15, 105:23, 106:15, 112:12, 112:21, 112:12, 112:21, 113:19, 114:15, 124:25, 125:7156:1, 156:21, 157:8, 158:3, 160:2, 161:11, 161:16, 161:23, 210:15, 210:18, 210:15, 210:18, 210:15, 210:23, 210:21, 210:23, 210:21, 210:23, 210:21, 210:23, 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, 102:4, 102:13, 102:4, 102:13, 102:18.					58:18, 60:12, 77:22,
modeling [2] - 78:13, 78:15100:1, 101:1, 101:15, 102:8, 103:4, 104:3, 105:23, 106:15, 105:23, 106:15, 112:12, 112:21,154:13, 155:20, 156:1, 156:21, 157:8, 156:1, 156:21, 157:8, 157:13, 157:21, 208:10, 208:15, 208:10, 208:15, 210:15, 210:7, 210:15, 210:18, 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, 102:4, 102:13, 102:4, 102:13, 102:4,154:13, 153:20, 207:13, 207:18, 207:13, 207:18, 207:13, 207:18, 208:10, 208:15, 208:10, 208:15, 210:15, 210:28, 210:15, 210:18, 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, 102:4, 102:13, 102:4,		93:19, 96:15, 99:4,			97:9, 117:20, 131:3,
78:15 102:8, 103:4, 104:3, modification [1] - 150:1, 156:21, 157:8, 105:23, 106:15, 68:4 207.13, 207.16, 208:10, 208:15, 208:10, 208:15, 208:18, 209:5, 210:7, 210:15, 210:18, 210:15, 210:18, 210:21, 210:23, 210:21, 210:21, 210:21, 210:21, 210, 210:21, 210:21, 210:21, 210:21, 210:21, 210, 2		100:1, 101:1, 101:15,			
modification [1] -105:23, 106:15, 108:9, 110:5, 111:1, modularized [2] -158:3, 160:2, 161:11, 112:12, 112:21, 112:12, 112:21, 113:19, 114:15,158:3, 160:2, 161:11, 161:16, 161:23, 162:5, 162:7, 162:9, 210:21, 210:23, 210:21, 210:23, 210:21, 210:23, 210:21, 210:23, 210:21, 210:23, 210:21, 210:23, 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, 102:4, 102:13, 102:4, 102:13, 102:18,108:10, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:1, 102:	- · · ·	102:8, 103:4, 104:3,			
68:4 108:9, 110:5, 111:1, modularized [2]- 112:12, 112:21, 112:12, 112:21, 112:12, 112:21, 153:5, 100.2, 101.11, 161:16, 161:23, 200:15, 203:3, 210.7, 210:15, 210:18, 21:6, 21:9, 23:3, 24:11, 28:20, 34:6, 124:25, 125:7 113:19, 114:15, modules [3] - 61:11, 115:2, 116:8, 118:4, 121:17, 123:9, 161:16, 161:23, 162:5, 162:7, 162:9, 210:21, 210:23, 210:21, 210:23, 24:11, 28:20, 34:6, 70:8, 125:6 121:17, 123:9, 163:13, 163:8, 163:11, 121:17, 123:9, 214:17, 215:10, 83:9, 83:16, 89:7, 81:21, 125:13 129:16, 131:19, 164:5, 164:13, 215:24, 216:3 97:2, 97:25, 98:12, 81:21, 125:13 133:8, 133:16, 164:18, 164:23, multiple [3] - 156:3, 102:13, 102:18,	modification [1] -	105:23, 106:15,			need [57] - 7:12,
modularized [2] -112:12, 112:21,162:5, 162:7, 162:9,210:21, 210:23,24.11, 20.20, 34.0,124:25, 125:7113:19, 114:15,162:5, 162:7, 162:9,210:21, 210:23,42:16, 64:25, 65:7,modules [3] - 61:11,115:2, 116:8, 118:4,163:1, 163:8, 163:11,214:17, 215:10,83:9, 83:16, 89:7,70:8, 125:6123:24, 125:20,163:13, 163:23,215:12, 215:13,97:2, 97:25, 98:12,moment [3] - 29:1,129:16, 131:19,164:5, 164:13,215:24, 216:399:2, 101:13, 102:4,81:21, 125:13133:8, 133:16,164:18, 164:23,multiple [3] - 156:3,102:13, 102:18,		108:9, 110:5, 111:1,			
124:25, 125:7 113:19, 114:15, 102.3, 102.7, 102.5, 210.21, 210.25, 42:16, 64:25, 65:7, modules [3] - 61:11, 115:2, 116:8, 118:4, 163:12, 162:17, 212:15, 213:22, 65:19, 68:11, 68:13, 70:8, 125:6 121:17, 123:9, 163:13, 163:23, 215:12, 215:13, 83:9, 83:16, 89:7, moment [3] - 29:1, 129:16, 131:19, 164:5, 164:13, 215:24, 216:3 97:2, 97:25, 98:12, 81:21, 125:13 133:8, 133:16, 164:18, 164:23, multiple [3] - 156:3, 102:13, 102:18,	modularized [2] -	112:12, 112:21,			
modules [3] - 61:11, 115:2, 116:8, 118:4, 163:1, 163:8, 163:11, 214:17, 215:10, 05.19, 06.11, 06.13, 70:8, 125:6 121:17, 123:9, 163:1, 163:8, 163:11, 214:17, 215:10, 83:9, 83:16, 89:7, moment [3] - 29:1, 123:24, 125:20, 163:13, 163:23, 215:12, 215:13, 97:2, 97:25, 98:12, 81:21, 125:13 129:16, 131:19, 164:18, 164:23, multiple [3] - 156:3, 102:13, 102:4,		113:19, 114:15,			
70:8, 125:6 121:17, 123:9, 160:17, 103:0, 103:17, 214:17, 210:10, 83:9, 83:16, 89:7, moment [3] - 29:1, 123:24, 125:20, 163:13, 163:23, 215:12, 215:13, 97:2, 97:25, 98:12, 81:21, 125:13 129:16, 131:19, 164:18, 164:23, multiple [3] - 156:3, 102:13, 102:4,	modules [3] - 61:11,				
moment [3] - 29:1, 123.24, 125.20, 164:5, 164:13, 215:24, 216:3 97.2, 97.25, 90.12, 81:21, 125:13 129:16, 131:19, 164:5, 164:13, 164:5, 164:23, multiple [3] - 156:3, 99:2, 101:13, 102:4, Menne (i) 5.4 133:8, 133:16. 164:18, 164:23, multiple [3] - 156:3, 102:13, 102:18.					
81:21, 125:13 Manna (1), 51.19, 164:18, 164:23, multiple [3] - 156:3, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14, 102:14,	moment [3] - 29:1,				
Manna $(1, 5, 4)$ [33, 0, [33, 10, [10, [10, [10, [10, [10, [10, [10,	81:21, 125:13				
	Monna [1] - 5:4	133:8, 133:16,		• • • •	102:13, 102:18,
			, ,	, -	

TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477

70 of 79 sheets

operational [3] -133:6, 171:25, 175:14 operations [6] -112:14, 124:17, 124:20, 133:11, 174:18, 175:3 operative [1] - 51:4 operator [1] - 113:8 opinion [1] - 162:21 opportunities [1] -34:23 opportunity [2] -20:3, 120:7 opposed [1] - 92:21 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 optimally [2] - 33:8, 141:18 optimization [5] -46:18, 109:21, 110:14, 158:16, 158:20 optimizations [1] -114:1 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 optimized [1] - 47:9 optimizes [1] - 86:11 optimizing [5] -44:10.46:6.70:24. 85:23. 183:7 option [6] - 22:20, 95:19, 98:15, 103:10, 110:13, 164:4 options [4] - 22:25, 95:3, 96:19, 102:2 OR [2] - 3:4, 5:8 ORAL [2] - 1:11, 217:3 orchestrates [1] -21.13 order [11] - 31:6, 80:12, 96:17, 136:24, 173:18, 175:15, 178:14, 199:19, 199:23, 201:7, 201:8 ordinances [2] -16:9, 162:11 Oregon [3] - 33:18, 83:19, 218:5 original [7] - 12:19,

12:22, 13:25, 15:10, 96:1, 98:16, 100:3 originally [4] - 27:18, 68:2, 74:2, 118:16 otherwise [1] -195:22 ought [2] - 59:15, 114:18 ourselves [2] -105:22, 109:7 output [9] - 22:21, 24:1, 43:17, 49:14, 71:10, 90:7, 91:3, 91:8, 91:19 outright [8] - 204:13, 204:20, 207:25, 208:1, 208:7, 208:8, 208:13, 208:22 outside [8] - 7:9, 9:8, 147:16, 149:25, 162:15, 178:4, 183:1, 194.12 overall [1] - 102:20 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 overbuilding [1] -48:17 overbuilt [3] - 47:19, 49:4, 62:23 overhead [1] - 177:7 overheat [1] - 132:1 overloading [1] -80:14 override [2] - 161:9, 162.14 oversight [1] -161:10 owe [1] - 137:19 own [8] - 19:5, 39:16, 122:20, 161:21, 164:2, 164:3, 165:20, 181.20 owner [2] - 195:23, 203:8 owners [2] - 195:6, 195:10 owns [1] - 163:21 Ρ **p.m** [1] - 216:10

Pacific [3] - 9:13, 92:15, 106:24 PAGE [2] - 4:4, 4:9 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 paid [1] - 136:2 Pam [1] - 3:14 panel [1] - 175:17 panels [7] - 51:2, 51:7, 51:8, 51:25, 62:10, 70:15, 70:21 paper [4] - 11:22, 12:10, 68:23, 69:2 paragraph [6] - 64:8, 67:13, 69:1, 69:6, 94:2, 124:5 paragraphs [1] -13:13 parameter [1] - 70:23 parameters [5] -7:20, 51:12, 51:18, 72:16, 72:17 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 parcel-wise [1] -197:8 parcels [11] - 186:24, 196:16, 196:25, 197:9, 198:3, 198:13, 198:23, 198:25, 202:17, 202:19, 209:24 park [2] - 49:14, 50:1 Parkway [1] - 1:13

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 partially [1] - 11:4 participation [2] -178:5, 178:19 particular [4] -28:14, 94:17, 184:7, 184:10 particularly [2] -93:5, 121:9 particulars [1] - 15:2 parties [8] - 119:16, 119:19, 140:3, 144:7, 149:6, 150:8, 168:17, 215:22 Parties [2] - 182:9, 208:3 partner [1] - 10:2 party [4] - 109:25, 178:24, 179:3, 218:18 passed [1] - 146:8 past [1] - 76:23 Pat [2] - 3:13, 22:7 path [3] - 23:23, 36:13, 81:7 paths [1] - 82:10 Paul [1] - 3:13 pause [1] - 195:4 pay [6] - 19:1, 21:22, 25:10, 136:4, 136:6 paying [2] - 44:6, 174:4 pays [2] - 24:7, 173:19 peak [8] - 89:21, 92:13, 92:16, 92:20, 92:24. 93:9. 110:17. 110:25 peaking [2] - 92:23 peer [3] - 177:17, 179:22, 180:1 peer-reviewed [3] -177:17, 179:22, 180:1 pen [1] - 189:2 penalty [1] - 217:18 pending [1] - 131:15 people [11] - 76:18, 82:23, 83:9, 83:13, 105:2, 107:9, 114:16, 115:19, 213:13, 213:20, 214:25

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 percent [11] - 31:6, 45:23, 45:24, 48:14, 48:18, 70:25, 71:1, 71.3 percentages [1] -43.6 perfect [3] - 181:10, 192:18, 206:21 perfectly [1] - 117:16 performance [3] -77:12, 77:22, 78:6 perhaps [2] - 27:9, 43:6 period [9] - 26:15, 43:6, 45:22, 56:3, 67:20, 75:12, 80:11, 134:20, 136:8 perjury [1] - 217:19 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,

TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477

162:5, 162:9, 162:17,	202:13, 204:13,	plant [5] - 8:10,	189:23	press [1] - 90:11
163:8, 163:13, 164:5,	202:13, 204:13, 204:20, 205:14,	-	potential [25] -	-
		31:20, 156:7, 163:18,		pressures [1] - 81:11
164:18, 165:3,	206:16, 206:24,	206:21	16:25, 17:11, 17:12,	pretty [3] - 88:22,
165:12, 165:24,	207:5, 207:12,	plateau [1] - 127:9	17:16, 17:24, 18:17,	96:4, 111:13
166:13, 166:24,	207:24, 208:7, 208:9,	platform [1] - 28:2	19:13, 24:19, 43:21,	prevent [1] - 104:14
168:13, 168:23,	208:13, 208:20,	PLLC [1] - 2:3	53:15, 61:13, 74:8,	previous [1] - 30:8
169:8, 169:22,	208:21, 208:23,	plus [7] - 40:4, 64:3,	86:3, 105:20, 114:24,	price [4] - 30:17,
170:17, 171:22,	209:1, 209:11, 211:23	65:4, 81:2, 91:9,	118:2, 154:3, 154:22,	30:19, 30:23, 113:3
172:18, 172:25,	permitting [7] - 33:7,	136:5	155:3, 156:16,	prices [1] - 108:17
173:14, 174:7,	59:1, 66:2, 135:12,	point [28] - 13:19,	156:18, 157:10,	primary [1] - 12:15
174:23, 177:22,	161:9, 162:7, 166:10	18:8, 19:12, 23:22,	157:25, 158:5, 168:10	principal [2] -
178:2, 178:13,	person [3] - 60:7,	28:21, 34:4, 42:11,	potentially [1] - 20:3	133:25, 134:7
179:12, 180:7,	62:1, 116:19	47:15, 49:10, 50:9,	Poulos [3] - 78:19,	principle [1] - 52:17
182:12, 183:4,	personal [2] -	50:12, 55:23, 62:7,	78:23, 79:13	printed [1] - 69:3
183:19, 184:1,	162:21, 175:13	66:21, 84:13, 98:3,	power [21] - 20:14,	priority [1] - 206:18
185:16, 186:12,	personally [2] -	107:15, 109:7, 115:1,	20:22, 21:6, 21:9,	private [3] - 34:22,
187:5, 187:8, 187:23,	142:25, 215:7	137:5, 141:12, 142:7,	21:20, 22:14, 23:2,	106:22, 168:2
188:4, 189:1, 190:14,	perspective [2] -	142:14, 143:19,	23:19, 25:9, 25:10,	privilege [1] - 14:23
191:3, 194:8, 195:12,	160:20, 181:25	143:21, 191:10	25:16, 25:18, 25:25,	problem [2] - 216:4,
196:18, 197:18,	pertains [1] - 178:16	pointing [1] - 87:19	49:8, 51:13, 71:6,	216:6
197:25, 199:10,	Pg [1] - 217:6	points [4] - 57:4,	72:15, 73:5, 75:11,	proceeding [2] -
200:1, 200:8, 200:23,	phase [3] - 81:24,	113:4, 138:7, 138:8	156:8, 179:19	5:24, 191:18
201:14, 203:15,	85:11, 110:15	policy [2] - 61:20,	practical [2] -	
204:21, 205:15,	Phase [26] - 82:15,	118:22	158:21, 159:3	proceedings [5] -
206:6, 206:13, 207:7,	82:18, 84:6, 84:7,	pop [1] - 34:8	precise [4] - 54:5,	5:9, 6:25, 218:9,
207:13, 208:15,	84:11, 84:16, 84:23,	Port [9] - 118:7,	54:6, 145:15, 193:16	218:13, 218:16
208:18, 210:7,	85:4, 85:7, 85:9,	118:14, 119:9,	precisely [4] - 35:6,	process [31] - 16:20,
210:18, 212:15,	85:17, 85:19, 85:20,	119:21, 168:3, 171:7,	77:20, 186:3, 193:13	17:18, 22:9, 56:7,
213:22, 214:17,	86:14, 86:23, 87:10,	171:17, 174:16,	predicated [1] -	57:15, 71:8, 83:22,
215:10, 215:24, 216:3	104:4, 104:10,	175:10	179:25	83:23, 87:17, 88:7,
Perimutter [2] -	104:12, 105:5, 106:8,		predict [1] - 72:13	88:8, 88:11, 88:13,
198:6, 200:5		port [1] - 180:6		88:14, 101:9, 107:14,
permanent [2] -	106:14, 106:16	portfolio [1] - 49:3	predicts [1] - 71:21	134:18, 134:19,
159:19, 159:25	phases [4] - 8:15,	portion [6] - 22:19,	predominantly [1] -	135:12, 137:5,
permission [1] - 6:5	84:1, 85:16, 88:20	85:25, 153:23, 170:6,	92:22	143:13, 162:19,
permit [40] - 26:12,	phasing [1] - 83:1	180:13, 195:23	preempt [3] - 161:19,	166:3, 166:10, 183:7,
26:16, 26:19, 34:2,	phone [1] - 127:15	portions [2] - 12:17,	162:14, 201:2	189:12, 189:15,
55:20, 55:24, 55:25,	pickings [1] - 91:12	13:1	preemption [3] -	190:20, 191:11,
58:25, 82:2, 82:4, 58:5, 82:2, 82:4,	pictures [1] - 126:4	Portland [3] - 3:4,	162:9, 162:10, 204:9	200:12, 201:25
83:21, 89:10, 89:12,	pile [1] - 103:22	90:3, 90:4	preemptive [2] -	procure [4] - 32:3,
98:1, 102:3, 107:21,	pinch [1] - 171:7	portrayed [1] - 85:17	131:7, 161:14	92:2, 126:20, 157:17
	pinpointing [1] -	pose [1] - 131:24	prefer [1] - 104:2	procured [3] - 30:3,
114:18, 130:14, 130:18, 130:22	193:14	poses [1] - 214:24	preferred [2] - 33:3,	124:21, 125:19
130:18, 130:22, 131:11, 134:5,	pitch [1] - 50:3	position [6] - 39:9,	160:9	procurement [3] -
134:18, 140:4,	place [7] - 5:10, 57:1,	53:25, 54:6, 54:12,	prehearing [1] -	55:17, 90:12, 91:25
134:18, 140:4, 157:18, 157:20,	201:20, 203:19,	74:18, 175:8	178:14	produce [2] - 71:6,
166:12, 166:16,	206:22, 218:10,	positions [2] - 8:10,	premature [1] -	73:4
	218:17	37:7	177:16	produced [3] -
172:12, 183:18, 199:9, 199:25,	placement [5] -	possibility [2] -	preparation [1] -	49:11, 70:17
	193:16, 194:3, 194:6,	18:10, 18:12	136:13	producers [2] -
200:22, 201:13,	199:3, 206:18	possible [10] - 57:8,	prepare [2] - 135:24	73:25, 74:11
202:6, 202:9, 209:16,	places [4] - 33:21,	145:17, 152:19,	prepared [2] - 12:15,	product [1] - 15:7
212:20, 215:19	41:17, 122:11, 203:20	153:1, 154:16, 155:8,	193:12	production [8] -
permits [6] - 131:4,	placing [1] - 203:22	157:4, 170:13,	preparing [2] -	45:18, 47:10, 73:18,
131:8, 161:17,	plan [8] - 32:6, 33:3,	188:21, 197:22	135:14, 148:18	74:7, 75:5, 78:9, 80:9,
161:20, 200:13,	33:11, 89:2, 125:19,	possibly [2] - 19:17,	present [2] - 100:21,	83:4
211:14	128:1, 160:10, 189:20	106:25	101:3	products [2] -
permitted [28] - 7:4,	planned [2] - 66:10,	post [3] - 140:5,	PRESENT [1] - 3:12	132:16, 213:7
8:15, 34:14, 87:23,	132:22	189:13, 189:23	presentation [2] -	Professional [1] -
100:10, 110:2, 147:4,	plans [2] - 127:24,	post-adjudication	178:20, 178:25	5:5
157:12, 158:7, 165:9,	162:10	[3] - 140:5, 189:13,	presented [1] - 94:22	professional [2] -

17

8:1, 9:4	147:15, 148:13,	147:13, 149:14, 152:4	16:25	ratings [1] - 69:24
profile [4] - 78:6,	148:20, 149:1, 149:8,	proposition [1] -	purchasing [1] -	RE [1] - 4:2
78:9, 93:1, 93:3	149:12, 151:1,	199:23	158:6	reached [2] - 49:9,
program [1] - 8:6	151:25, 152:23,	proprietary [2] -	purpose [3] - 23:10,	49:19
progress [8] - 140:3,	153:4, 153:10,	74:24, 75:25	70:6, 170:7	reactivate [2] -
149:22, 150:8, 157:9,	153:16, 153:23,	prospects [1] -	purposes [2] - 6:24,	170:7, 170:23
170:9, 183:12,	153:25, 154:14,	104:24	75:16	Read [1] - 217:6
183:15, 189:21	155:4, 155:9, 156:19,	prosper [1] - 107:1	pursue [1] - 28:22	read [13] - 59:9, 66:4,
project [215] - 8:12,	157:7, 157:11, 158:6,	Protection [1] -	push [1] - 62:18	66:14, 67:7, 67:9,
8:20, 9:1, 9:2, 9:17,	158:10, 158:24,	212:12	pushed [1] - 157:2	76:13, 87:1, 89:14,
9:20, 10:1, 10:4, 10:9,	159:15, 159:16,	provide [19] - 19:21,	put [22] - 6:20, 11:17,	89:15, 101:17,
10:14, 10:17, 10:20,	159:17, 161:10,	21:16, 24:13, 25:13,	14:7, 17:21, 29:17,	122:12, 179:11,
11:2, 11:6, 11:7, 11:8,	163:3, 163:25,	32:5, 50:7, 88:2,	50:15, 51:25, 52:1,	217:19
16:25, 17:11, 17:19,	166:23, 167:25,	117:12, 119:9,	54:10, 60:11, 72:24,	readily [1] - 14:5
17:20, 17:23, 18:16,	168:12, 168:22,	121:20, 156:12,	74:3, 81:10, 113:16,	reading [8] - 31:23,
19:11, 19:16, 21:23,	169:7, 171:14,	159:5, 169:18,	124:16, 144:1,	56:17, 56:24, 64:14,
22:22, 22:23, 24:2,	171:20, 172:1, 172:6,	169:19, 172:5,	188:19, 189:4,	76:19, 83:25, 101:19,
24:11, 26:1, 26:11,	172:13, 172:17,	173:21, 174:17,	203:19, 206:22,	116:23
26:17, 26:23, 27:4,	173:23, 175:12,	189:17, 189:19	210:1, 214:16	readings [1] - 79:12
27:12, 27:22, 27:25,	176:23, 181:18,	provided [16] -	putting [4] - 82:6,	reads [2] - 67:23,
28:1, 28:14, 28:20,	182:3, 182:20, 183:8,	13:22, 63:1, 137:6,	149:9, 203:14, 205:12	120:17
30:15, 31:20, 32:11,	183:10, 183:17,	137:18, 137:24,		Reads [1] - 217:6
33:9, 33:12, 34:4,	183:25, 184:4,	138:1, 138:2, 143:4,	Q	ready [7] - 90:6,
34:15, 34:19, 35:13,	186:24, 187:3,	148:6, 156:18,		96:21, 98:3, 107:20,
35:19, 35:22, 36:5,	187:20, 188:13,	172:10, 175:24,	quality [1] - 28:18	134:6, 137:6, 150:9
36:9, 36:24, 37:4,	188:14, 190:4,	176:19, 180:1,	qualms [1] - 214:7	real [1] - 146:2
37:11, 37:23, 38:15,	191:22, 193:6, 199:7, 201:11, 201:20	180:20, 180:21	quantification [1] -	really [7] - 11:12,
38:16, 38:19, 39:3,	201:11, 201:20,	provider [2] -	46:3	51:22, 86:10, 107:5,
40:16, 40:23, 43:15,	202:2, 202:5, 205:20, 209:22	127:19, 157:24	questions [21] -	124:22, 160:19, 178:3
44:19, 45:11, 46:6,	Project [2] - 8:14,	providing [2] - 23:1,	7:17, 11:16, 12:11,	Realtime [1] - 5:4
46:23, 48:2, 48:3, 48:8, 49:15, 50:6,	108:24	159:8	27:7, 29:17, 29:21,	reason [9] - 48:21,
40.0, 49.13, 50.0, 51:4, 51:16, 52:18,	project's [1] - 146:16	proving [1] - 24:19	46:25, 96:17, 133:23,	49:5, 75:9, 85:11,
53:2, 53:6, 55:11,	projects [17] - 8:13,	provisions [1] -	138:11, 166:4, 178:7,	106:21, 184:24,
57:5, 57:20, 58:20,	9:9, 9:10, 9:13, 14:3,	15:14	179:9, 184:17, 185:3, 192:6, 210:24, 211:4,	186:7, 186:15, 205:5
58:24, 63:6, 74:20,	17:13, 49:3, 55:18,	proximity [2] - 22:5,	215:11, 215:12,	Reason [1] - 217:6
76:6, 77:7, 77:16,	104:1, 107:6, 107:23,	84:13 PSE [2] - 91:17, 92:5	215:14	reasonable [4] -
78:17, 79:19, 81:25,	108:7, 109:1, 126:12,	.,	queue [11] - 37:3,	165:15, 165:19,
83:1, 83:17, 83:19,	165:21, 206:15	Public [2] - 1:12, 217:25	37:7, 38:23, 39:8,	182:3, 212:5
85:22, 85:23, 86:6,	promises [1] - 192:2	public [4] - 168:1,	54:1, 54:6, 54:9,	received [2] -
86:12, 87:9, 87:23,	proof [1] - 124:8	169:13, 212:11,	54:11, 54:12, 64:2,	130:20, 216:3
90:22, 91:3, 91:19,	properties [9] -	213:16	68:16	recent [5] - 137:18,
92:5, 92:22, 93:2,	138:23, 139:23,	publicly [4] - 35:7,	quick [1] - 111:13	139:16, 141:7,
94:22, 97:11, 98:1,	140:13, 142:10,	90:16, 169:15, 171:15	quickly [2] - 89:3,	148:17, 196:12 recently [3] - 131:2,
98:4, 102:6, 102:14,	144:17, 145:1, 145:6,	publish [2] - 60:21,	89:5	139:17, 212:8
102:16, 104:5,	145:11, 146:22	177:17	quite [1] - 49:5	recess [4] - 59:22,
104:13, 104:15,	property [16] - 43:14,	PUD [18] - 17:17,		93:18, 133:21, 185:1
104:18, 105:3,	46:10, 72:17, 74:16,	18:2, 18:18, 20:7,	R	recharging [2] -
105:13, 105:20,	126:17, 185:13,	20:9, 20:11, 20:14,		23:11, 23:12
106:17, 108:8,	186:10, 195:6,	20:23, 21:16, 21:18,	ramp [3] - 44:8,	recognize [1] - 48:9
108:14, 109:14,	195:10, 195:16,	21:22, 21:25, 22:8,	45:17, 49:17	recommendation [3]
110:8, 113:17,	195:18, 195:23,	22:14, 22:25, 23:17,	ramped [1] - 49:23	- 150:24, 190:9,
113:20, 115:13,	196:2, 203:6, 203:11,	24:16, 90:4	rank [1] - 74:7	190:10
115:20, 116:12,	215:19	pull [2] - 34:5, 141:4	raptor [2] - 177:10,	recommendations
116:18, 117:10,	proposal [8] - 13:15,	pumps [1] - 21:10	180:19	[2] - 177:15, 183:3
117:12, 117:15,	20:13, 20:17, 81:24,	purchase [3] - 90:7,	rare [1] - 214:7	record [15] - 7:2,
118:13, 119:1, 120:10, 121:4, 121:5	94:6, 98:14, 144:2	163:25, 164:2	rather [2] - 46:5,	59:24, 93:17, 93:20,
120:19, 121:4, 121:5, 124:11, 129:7, 139:5,	proposals [3] -	purchaser [2] -	161:5	133:20, 134:13,
124:11, 129:7, 139:5, 140:1, 141:19, 143:2,	31:19, 55:7, 149:5	17:12, 45:11	rating [3] - 50:24,	136:18, 137:8,
143:10, 147:11,	proposed [4] - 95:3,	purchasers [1] -	51:2, 70:11	139:15, 169:13,

TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477

184:21, 186:8, 215:2, 215:6, 218:15 recorded [1] -218:13 recover [4] - 182:2, 182:4, 182:6, 182:19 recovering [1] -182:17 recreation [1] -179:1 recreational [1] -179:1 red [5] - 177:3, 180:5, 183:2, 183:11, 188:19 Red [5] - 35:23, 36:14, 36:19, 36:24, 37:21 red-circled [1] -180:5 redesign [1] - 139:4 **Redline** [1] - 4:10 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 redlined [1] - 16:18 redlines [2] - 13:21, 15:9 reduce [2] - 33:22, 177:13 reduced [1] - 140:1 reduction [1] -162.23 redundant [1] -57:12 reevaluate [1] -79:11 refer [4] - 12:12, 70:4, 104:8, 168:3 reference [1] - 16:8 referenced [3] -179:14, 187:13, 188:3 references [2] -132:12. 174:14 referred [1] - 179:21 referring [5] - 79:21, 159:9, 177:25, 179:15, 199:19 refers [3] - 130:6, 168:6, 176:14 reflect [4] - 138:21, 139:21, 144:15, 144:24 reflected [5] - 139:9, 142:20, 142:23, 147:25, 148:2 reflects [2] - 140:11, 141:12

reformulate [1] -6.19 refrain [1] - 46:5 refresh [1] - 31:18 regard [2] - 45:10, 112:14 regarding [4] - 15:2, 136:20, 172:16, 178:25 region [3] - 90:1, 92:17, 109:1 regional [7] - 17:15, 89:20, 89:23, 90:12, 91:1, 91:2, 115:14 regions [1] - 14:4 Registered [1] - 5:5 regularly [1] - 95:17 regulated [1] - 92:1 regulations [3] -161:22, 162:16, 165:21 regulators [1] -161:6 rejected [1] - 144:2 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 relates [1] - 41:23 relating [1] - 178:21 relation [1] - 10:16 relationship [1] -22:6 relative [10] - 18:16, 18:17, 43:17, 155:14, 159:2, 177:1, 177:17, 178:12, 203:20, 203:21 relatively [1] - 84:4 releases [1] - 90:11 relevance [3] -165:13, 200:2, 207:8 relevancy [3] -199:11, 206:4, 206:14 reliability [4] - 25:13, 42:6, 52:7, 52:15 reliable [1] - 158:18 relied [1] - 14:1 rely [1] - 122:24 relying [1] - 118:9 remain [2] - 49:18, 157:4 remaining [2] - 39:2, 181:2 remains [2] - 27:25, 183:6 remember [2] -

11:12.133:2 REMEMBERED [1] -5:1 removed [1] - 180:13 renew [1] - 71:24 renewable [2] - 8:12, 107:5 repeat [5] - 54:20, 73:14, 169:8, 188:4, 209.20 rephrase [1] - 209:4 replace [1] - 34:11 **report** [4] - 139:14, 139:19, 146:13, 185:14 REPORTED [1] -1:21 reporter [1] - 6:9 **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 REPORTER [5] -1:22, 59:19, 184:14, 184:19, 211:5 reports [2] - 112:8, 112:13 represent [4] -11:21, 89:22, 185:4, 185:10 representation [1] -12:4 represented [1] -205:2 represents [1] -27:24 reproach [1] - 15:21 repropagation [1] -128:16 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 **REQUESTED** [1] -217:2 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 requests [4] - 39:18,

136:22, 137:18, 155:4 require [2] - 52:25, 190:17 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 requirement [1] -212:20 requirements [8] -54:8, 121:5, 130:10, 162:15, 172:11, 199:18, 201:3, 212:18 reroute [1] - 22:2 rescind [1] - 135:13 RESERVED [1] -216:11 reserved [1] - 185:6 resolve [1] - 170:14 resolving [1] -180:18 resource [6] - 78:6, 79:21, 90:20, 93:13, 164:21, 185:6 Resources [4] -169:12, 169:17, 170:21, 171:18 resources [4] - 92:3, 117:18, 117:21, 172:7 respect [2] - 145:12, 180:20 respond [5] - 45:3, 141:16, 142:15, 169:23, 181:15 response [11] -27:17.27:23.33:20. 43:23. 75:19. 138:1. 140:15, 176:23, 180:14, 182:25, 183:2 responsibility [1] -129:10 responsible [4] -25:12, 60:5, 100:11, 135:22 responsive [1] -180:24 rest [2] - 74:9, 171:12 restrictions [4] -141:23, 197:6, 199:2, 203.9 restricts [1] - 80:1 result [1] - 38:4 results [2] - 148:19, 190.17 revenue [3] - 24:19, 105:20, 164:22

reverberates [1] -77:3 review [11] - 14:15, 56:6, 87:17, 88:7, 88:8, 88:10, 146:18, 148:7, 148:12, 148:14, 192:4 reviewed [6] - 132:5, 139:13, 146:12, 177:17, 179:22, 180:1 Revneveld [2] - 2:15, 149.15RFP [1] - 92:5 **RFPs** [1] - 90:14 **RICHARD** [2] - 2:3, 2:5 Richard [1] - 5:22 **Richland** [6] - 5:21, 19:20, 19:24, 20:8, 156:7, 212:8 Rick [1] - 18:5 ridge [1] - 10:25 right-of-way [1] -18:9 rights [8] - 116:18, 117:10, 117:11, 117:13, 117:19, 118:1, 118:3, 170:22 risk [2] - 131:25, 212:5 risky [2] - 26:14, 164:7 Ritter [2] - 4:11, 175:25 Ritter's [1] - 175:24 river [1] - 77:1 RIVES [1] - 3:3 Road [3] - 3:9, 19:22, 188:17 road [1] - 179:2 roads [2] - 120:24, 121.9 robbing [1] - 80:20 robust [1] - 145:2 Room [1] - 1:12 route [2] - 94:5, 160.5routing [1] - 177:6 RPR [3] - 1:22, 218:2, 218:24 Rucker [1] - 9:19 rule [3] - 19:6, 209:25, 210:5 ruled [1] - 200:20 Rules [1] - 7:5 rules [5] - 6:6, 7:5, 92:2, 138:17, 192:14 ruling [3] - 178:7, 199:14, 201:1 run [3] - 21:6, 21:8,

79:1	se [1] - 92:22	69:18, 70:6, 89:14,	shortages [1] - 91:11	126:20, 127:4, 128:3,
runaway [2] - 128:6,	season [2] - 83:8,	92:11, 120:17,	shorter [1] - 192:13	129:1, 137:9, 147:4,
213:18	83:10	124:13, 131:1,	Shorthand [1] - 5:8	151:6, 159:1, 159:4,
running [1] - 81:10	seasons [1] - 92:19	131:21, 132:10	shoulder [1] - 53:16	160:9, 164:8, 167:7,
- J () - ·	Seattle [2] - 2:5, 2:14	sentences [2] -	show [1] - 169:6	168:1, 169:12,
S	sec [1] - 167:16	124:7, 131:23	shown [2] - 33:25,	180:23, 181:1,
	second [13] - 62:19,	SEPA [5] - 60:21,	71:22	181:18, 183:8, 184:7,
safe [3] - 126:21,	64:8, 67:13, 69:1,	135:7, 158:21,	shows [2] - 73:1,	186:2, 187:20, 189:11
129:4, 212:10	69:6, 75:14, 78:24,	191:11, 191:19	84:16	sites [8] - 34:13,
safety [4] - 179:2,	87:6, 92:10, 133:20,	separate [6] - 32:8,	shrub [3] - 159:19,	145:23, 146:1, 146:5,
211:20, 212:11,	176:7, 178:14, 194:25	32:9, 33:1, 62:3,	159:23, 160:7	146:6, 178:18, 181:7,
213:13	secret [3] - 75:25,	67:11, 82:10	shy [1] - 99:11	212:8
salaries [1] - 105:2 sales [1] - 213:7	76:1, 156:5	series [1] - 160:6	side [22] - 31:12,	SITING [1] - 1:2 siting [2] - 180:14,
Sarah [1] - 2:15	section [23] - 13:5,	serve [1] - 93:3 SERVICE [1] - 1:22	31:14, 39:2, 40:11,	197:6
Sarah.Reyneveld@	13:6, 15:24, 16:8, 60:2, 94:2, 94:17,	service [6] - 19:1,	42:25, 48:3, 48:4, 53:8, 54:21, 54:22,	sitting [2] - 20:1,
atg.wa.gov [1] - 2:16	122:9, 124:9, 195:15,	21:3, 21:9, 21:16,	62:19, 63:17, 63:20,	59:14
satisfies [1] - 172:11	195:20, 196:24,	23:14, 122:18	63:22, 63:25, 87:8,	situation [3] - 24:9,
satisfy [3] - 34:22,	197:8, 197:17,	services [4] - 8:17,	87:9, 105:6, 105:7,	26:22, 49:7
104:22, 207:21	197:19, 198:3, 198:4,	25:14, 127:20, 129:6	105:10, 110:8, 154:5	six [10] - 31:2, 59:11,
save [1] - 12:9	198:20, 198:24,	Services [2] - 1:12,	sided [1] - 12:9	114:11, 124:23,
saving [1] - 161:4	199:4, 210:2, 210:6,	122:25	sight [2] - 157:19,	126:17, 127:8,
saw [1] - 109:2	210:17	set [2] - 211:14,	167:3	127:24, 211:18,
SCA [2] - 58:17,	sections [9] - 13:9,	218:21	sighted [1] - 180:5	213:11, 214:23
88:11	13:11, 13:14, 13:24,	setback [1] - 203:10	sign [5] - 19:2,	six-acre [4] - 127:8,
SCADA [1] - 21:7	14:20, 16:4, 120:19, 108:4, 210:12	setbacks [2] - 22:4,	21:14, 120:5, 156:15,	127:24, 211:18, 213:11
scale [8] - 26:11,	198:4, 210:12 secured [1] - 130:18	204:1	217:3	six-hour [1] - 114:11
102:17, 103:2, 103:6, 103:9, 103:20,	see [28] - 7:15, 9:25,	setting [1] - 126:16 settlement [8] -	SIGNATURE [1] - 216:11	size [15] - 46:7, 46:8,
104:13, 111:24	16:9, 22:25, 23:23,	140:2, 140:7, 143:22,	signed [4] - 119:18,	46:16, 58:6, 59:7,
scenario [4] - 26:14,	24:3, 57:18, 75:4,	143:24, 144:8,	119:25, 120:4, 168:17	59:10, 71:14, 71:17,
45:13, 58:19, 181:17	81:17, 84:11, 84:15,	147:21, 148:4, 177:13	significance [2] -	92:6, 125:8, 202:23,
schedule [2] - 88:18,	87:19, 99:17, 100:15,	several [2] - 160:6,	60:25, 146:9	203:7, 203:12, 205:9,
88:23	117:7, 120:25,	196:25	silly [1] - 207:16	205:10
SCHIMELPFENIG	124:13, 124:23,	shall [3] - 94:4,	similar [3] - 32:16,	slamming [1] - 63:12
[1] - 3:5	129:22, 130:16,	178:19, 178:23	38:2, 111:18	slick [1] - 69:2
science [1] - 185:22	131:6, 132:2, 164:9,	share [3] - 19:17,	simple [3] - 70:14,	slim [1] - 91:12
scope [2] - 178:4,	164:10, 181:6, 188:7, 189:5, 211:15	136:5, 168:21	75:2, 80:17	slows [1] - 45:13 small [5] - 30:10,
205:9	seeing [1] - 84:1	shared [3] - 149:24,	simplify [1] - 51:22	30:11, 30:13, 108:6,
SCOUT [3] - 1:6, 3:2,	select [1] - 87:24	150:5, 169:5 sharing [1] - 19:14	simply [2] - 14:25,	175:15
4:2 Scout [35] - 8:19,	selected [4] - 87:16,	SHEET [1] - 217:1	15:3	smaller [9] - 28:2,
8:23, 9:7, 14:19,	88:7, 112:25, 114:8	shift [2] - 82:17,	simulations [1] - 138:9	54:25, 71:14, 71:18,
20:22, 26:23, 29:1,	selection [1] - 88:14	110:15	simultaneously [2] -	97:11, 105:22,
49:3, 58:20, 104:16,	self [2] - 125:1, 214:4	shine [1] - 51:5	182:9, 208:3	107:24, 202:19, 203:8
106:1, 112:6, 124:15,	self-contained [2] -	shines [1] - 110:11	single [5] - 83:7,	smorgasbord [1] -
135:17, 136:2,	125:1, 214:4	shining [3] - 45:14,	197:12, 199:5, 200:15	155:12
138:22, 139:22,	sell [5] - 25:16,	45:15, 110:17	sit [7] - 140:10,	snapping [1] -
140:12, 141:1,	25:18, 34:19, 115:13,	Shona [3] - 3:8,	141:10, 142:8,	107:10
141:13, 144:16,	157:5 Sellards #1 - 188:17	138:16, 215:18	151:24, 158:23,	so [6] - 54:20,
144:25, 146:20, 147:10, 147:16,	Sellards [1] - 188:17 selling [4] - 106:2,	shona@	184:23, 186:6	57:17, 113:18, 134:12, 196:25, 215:8
149:25, 150:5,	118:19, 164:24,	yakamanation [1] - 3:10	site [45] - 33:8,	software [1] - 79:23
154:21, 171:12,	164:25	shona@	36:24, 37:4, 40:18, 46:24, 51:19, 57:23,	solar [74] - 22:22,
174:3, 174:4, 175:10,	sending [1] - 25:9	yakamanation-olc.	63:16, 72:15, 74:2,	23:4, 24:2, 39:22,
176:22, 180:13,	sense [4] - 29:22,	org [1] - 3:10	74:6, 77:19, 78:10,	39:23, 40:7, 40:13,
200:20	82:23, 97:25, 198:22	shoot [1] - 105:21	88:2, 92:12, 94:5,	40:24, 41:11, 43:3,
Scout's [1] - 142:9	sentence [17] - 66:5,	shop [2] - 131:13,	94:18, 94:23, 97:8,	44:7, 44:13, 44:14,
scramble [1] - 58:16	66:15, 66:19, 67:7,	161:1	104:20, 116:24,	46:9, 47:4, 49:10,
scrubbed [1] - 13:22	67:9, 67:14, 69:11,	short [1] - 56:3	117:20, 122:22,	50:10, 50:12, 50:23,

TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477

²⁰

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 solar's [1] - 43:1 sold [2] - 9:14, 107:25 sole [1] - 48:21 solved [3] - 171:2, 171:4, 171:10 someone [3] - 18:2, 31:23, 164:16 sometime [2] -56:17, 110:23 somewhere [1] -10:6 Sonia [1] - 95:12 sorry [21] - 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 sort [3] - 32:18, 46:3, 157:10 sorts [1] - 21:10 Sound [1] - 90:3 sounded [1] - 155:1 sounds [3] - 129:11, 165:14, 165:19 source [11] - 25:25, 120:6, 121:7, 123:2, 125:9, 126:24, 132:19, 166:15, 167:25, 171:13, 191:22 sources [4] - 122:19, 163:17, 164:15, 168:10 south [1] - 108:25 southwest [1] -153:11

space [1] - 205:21 speaking [6] - 6:10, 84:4, 171:15, 182:9, 200:6, 208:3 speaks [3] - 60:15, 175:5, 175:7 species [5] - 182:2, 182:5. 182:7. 182:17. 182:19 **specific** [6] - 18:20, 35:2, 78:13, 136:6, 174:5, 190:11 specifically [2] -159:1, 161:25 specifications [3] -58:21, 58:24, 122:6 specifics [1] - 174:3 specified [1] -196.13 specify [1] - 192:24 spectrum [2] -103:17, 155:12 speculate [1] -213:24 speculating [1] -101:23 speculation [9] -43:11, 59:5, 91:21, 102:11, 106:10, 109:18, 123:5, 170:18, 182:14 spell [1] - 62:4 spend [1] - 43:19 spent [1] - 105:3 spot [1] - 74:3 spout [1] - 46:19 spring [1] - 92:19 sprinkler [3] -124:10, 124:16, 125:10 squeeze [1] - 199:3 stability [1] - 25:15 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 stage [5] - 37:12, 55:15, 143:9, 167:2, 184:11 staged [1] - 83:24 stakeholder [1] -82:5 standalone [1] -105:13 standard [2] -120:22, 121:19 standards [7] -

120:23, 121:22, 122:2, 122:8, 122:14, 126:19, 212:22 standing [1] - 178:3 stands [4] - 132:13, 141:9, 141:22, 199:23 start [5] - 43:2, 69:18, 83:22, 88:3, 88:5 started [7] - 7:23, 9:22, 89:5, 97:1, 108:15, 108:18, 141:1 starting [2] - 7:11, 82.17 starts [2] - 42:25, 213:19 state [12] - 5:17, 36:10, 52:13, 70:7, 128:24, 161:21, 162:7, 162:14, 170:6, 187:10, 201:9 STATE [1] - 1:1 State's [1] - 51:14 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 statements [3] -135:2, 135:5, 184:21 states [2] - 200:11, 218:5 station [1] - 23:14 status [3] - 55:13, 148:19, 178:24 steel [1] - 214:4 stenographically [1] - 218:13 step [9] - 22:9, 53:5, 58:13, 86:25, 140:21, 159:19, 159:23, 160:7, 204:14 step-up [1] - 86:25 steps [1] - 202:1 stick [1] - 62:15 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 stirred [1] - 77:1

stirred-up [1] - 77:1 STOEL [1] - 3:3 stop [3] - 50:16, 131:13, 161:1 stops [1] - 44:4 storage [7] - 22:19, 44:12, 56:19, 110:14, 122:21, 126:12, 131:24 storm [1] - 92:17 storm-driven [1] -92:17 storms [2] - 92:18, 92:19 strategy [1] - 152:12 stream [1] - 24:19 string [1] - 77:9 strings [1] - 77:9 strongly [1] - 48:4 structural [2] -80:10, 214:4 structure [1] - 155:9 structures [5] -205:4. 205:11. 205:13, 206:1, 206:3 studied [2] - 77:14, 111:25 studies [2] - 53:11, 79:18 study [2] - 42:9, 54:17 subdivided [2] -197:9, 198:5 subject [4] - 178:7, 187:21, 212:3, 212:4 submit [2] - 149:21, 209:8 submitted [5] - 72:3, 100:14, 101:8, 139:14, 209:10 SUBSCRIBED [1] -217.23 subsequent [2] -77:9, 189:24 subsequently [2] -65:5, 68:4 SUBSTANCE [1] -217:2 substantial [1] -164:21 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 success [2] - 23:23, 36:13 successful [1] -104:19

sufficient [1] -175.11 suggest [1] - 148:9 suggestion [1] -155:17 suitable [1] - 34:15 Suite [3] - 2:4, 2:13, 3.4 sum [1] - 202:12 summarizes [1] -146.14summer [2] - 92:22, 92:23 sun [5] - 45:14, 45:17, 51:5, 110:11, 110:18 sun's [1] - 110:17 sunk [1] - 105:1 Superior [1] - 7:5 supervision [1] -218:14 supplemental [1] -58:17 supplier [5] - 32:7, 55:5, 80:1, 80:3, 87:15 suppliers [7] - 75:10, 83:3, 88:16, 88:17, 118:13, 119:11 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 support [5] - 112:1, 129:7, 135:14, 165:11, 165:22 supported [1] - 62:8 supporting [2] -195:11, 195:25 suppression [3] -121:15, 125:3, 133:4 surrounding [1] -211:21 surveys [2] - 181:20, 185:23 survive [1] - 106:25 SW [1] - 3:4 swoop [1] - 7:14 SWORN [1] - 217:23 sworn [3] - 5:12, 218:8, 218:11 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,

42:13, 44:6, 44:10,	18:13, 41:15, 61:15,	164:7, 164:20, 165:5,	timeline [1] - 190:12	treaty [1] - 185:6
44:17, 52:19, 62:24,	62:8	165:14, 166:2,		• • •
65:12, 66:13, 82:11,	terminus [1] - 19:25	166:15, 167:1,	tip [1] - 47:2	trees [2] - 164:10,
85:4, 87:4, 118:19	terms [13] - 6:20,	168:16, 169:1,	today [30] - 5:25, 7:2,	164:11
	,		7:11, 11:15, 16:1,	tremendous [2] -
systems [3] - 124:10,	17:23, 30:2, 70:25,	169:10, 169:24, 170:20, 171:24,	45:15, 55:25, 58:11,	28:8, 163:19
124:16, 125:10	91:1, 105:5, 145:21,		59:14, 89:17, 109:25,	TRI [2] - 1:22, 2:2
	152:19, 170:8,	172:8, 172:20, 173:2,	114:5, 140:10, 141:9,	Tri [2] - 5:23, 93:6
Т	171:13, 174:11,	173:16, 174:9, 174:25, 180:9,	141:10, 142:8,	TRI-CITIES [2] -
T-o-r-e-m [1] - 162:6	175:8, 189:15		143:24, 148:14,	1:22, 2:2
	territory [2] - 21:2,	182:16, 183:6,	151:24, 154:21,	Tri-Cities [2] - 5:23,
table [5] - 34:21, 83:25, 84:2, 144:12,	127:5	183:21, 184:14,	158:13, 158:23,	93:6
	Tesla [4] - 126:5,	184:19, 185:19,	184:23, 185:4,	tried [1] - 203:1
145:15	126:6, 126:9, 126:11	186:15, 187:7, 187:9,	185:10, 186:6, 188:3,	trigger [1] - 34:5
TAKEN [1] - 1:18	Teslas [1] - 126:4	188:6, 188:22,	192:7, 193:5, 210:24	triple [1] - 76:1
talent [1] - 14:4	testified [1] - 5:14	188:25, 189:3,	together [8] - 17:21,	trouble [1] - 129:17
talks [4] - 69:6,	testify [1] - 218:12	190:16, 191:6,	18:15, 19:13, 19:21,	true [11] - 52:3,
116:15, 130:3, 167:17	testifying [1] - 209:7	194:10, 195:14, 196:20, 197:19	44:19, 62:12, 78:8,	66:21, 108:1, 108:3,
tankers [1] - 123:16	testimony [10] -	196:20, 197:19, 198:2, 199:13,	125:8	117:1, 117:13,
target [1] - 115:9	48:25, 158:24,		tolling [1] - 24:6	166:11, 209:2, 213:8,
tariff [2] - 25:6, 54:7	198:11, 198:17,	200:10, 200:25, 201:17, 203:17	tomorrow [1] - 65:25	217:19, 218:15
TCP [5] - 139:14,	210:8, 217:19,	201:17, 203:17, 204:24, 205:18,	tongue [1] - 47:2	trust [1] - 187:10
141:13, 145:19,	217:20, 218:8,	204:24, 205:18, 206:8, 206:15, 207:9,	took [2] - 5:9, 101:11	truth [4] - 5:12, 5:13,
146:13, 185:13	218:12, 218:16	207:16, 208:6,	toppenish [1] - 3:10	218:12
TCPs [4] - 141:21,	Tetra [10] - 12:14,		Torem [3] - 162:2,	try [13] - 6:5, 6:19,
142:2, 142:17, 146:16	12:24, 13:3, 13:8,	208:20, 210:10, 210:20, 211:5, 211:8,	162:5, 178:14	17:21, 31:18, 51:22,
team [5] - 13:20,	13:22, 14:1, 16:16,	210.20, 211.3, 211.8, 212:17, 213:24,	total [1] - 50:10	52:1, 52:19, 70:13,
15:17, 33:20, 94:15,	64:12, 121:3, 134:9	214:19, 215:20, 217:3	tour [1] - 151:5	80:17, 117:7, 144:6,
150:1	THE [147] - 1:1, 1:4,	themselves [3] -	towards [5] - 10:21,	154:6, 192:15
Tech [10] - 12:14,	1:18, 2:2, 2:7, 2:12,	61:12, 131:8, 153:24	16:7, 85:1, 153:23,	trying [23] - 9:21,
12:24, 13:3, 13:8,	3:7, 15:8, 17:3, 17:6,	therein [2] - 217:19,	180:18	9:22, 9:25, 11:5, 12:9,
13:23, 14:1, 16:16,	22:18, 36:8, 42:16,	218:10	traditional [12] -	34:22, 39:25, 43:15,
64:12, 121:3, 134:10	43:12, 45:4, 49:2,	THEREUPON [1] -	138:23, 139:23,	50:7, 50:15, 74:23,
technical [2] - 112:4,	52:23, 53:20, 56:12,	216:9	140:13, 142:10,	84:23, 90:21, 148:9,
150:2	59:6, 59:19, 60:17,	thermal [1] - 128:6	144:17, 145:1, 145:6,	148:11, 156:6,
technically [1] -	63:25, 71:14, 72:1,	they've [10] - 33:19,	145:11, 146:21,	171:10, 180:16,
47:19	72:20, 75:8, 77:19,	38:9, 92:8, 146:9,	185:12, 186:10,	194:18, 198:15,
technique [1] -	78:5, 79:6, 80:6,	150:5, 163:19,	205:14	203:21, 207:17, 209:3
110:14	86:10, 90:10, 91:23,	172:21, 173:20,	transcribed [2] -	turbine [58] - 27:16,
technology [13] -	99:1, 99:24, 101:8, 102:12, 102:14	181:8, 206:19	6:23, 218:14	27:24, 28:1, 28:19,
8:3, 52:13, 58:5,	102:13, 103:14, 105:17, 106:12,	thickly [1] - 69:3	TRANSCRIPT [1] -	29:9, 30:16, 32:7,
58:11, 58:15, 69:12, 108:17, 113:3	105:17, 106:12, 108:3, 108:6, 109:20,	thinking [3] - 24:17,	217:3	32:8, 33:21, 33:25,
108:17, 113:3,	108.3, 108.6, 109.20, 110:20, 112:19,	59:15, 82:15	transcript [4] -	37:22, 49:11, 49:25,
114:19, 126:21, 128:23, 212:5, 212:0	113:13, 113:25,	third [2] - 67:14,	217:20, 218:9,	55:5, 63:5, 71:10,
128:23, 212:5, 212:9	114:23, 116:5,	167:20	218:15, 218:17	71:15, 71:18, 71:22,
Telephone [1] - 110:19	117:25, 121:14,	thirds [1] - 124:4	transfer [1] - 134:10	71:23, 72:2, 72:6,
ten [4] - 83:12,	123:7, 123:14,	THISDAY [1]	transferred [1] -	72:14, 74:4, 75:4,
83:13, 110:1, 110:3	125:18, 129:15,	- 217:23	170:22	75:10, 76:4, 76:14, 76:15, 76:22, 77:13
	131:16, 133:2,	threat [1] - 214:24	transition [1] - 43:25	76:15, 76:22, 77:13, 77:15, 78:7, 79:25,
tendency [1] - 132:1	133:15, 140:20,	three [4] - 8:14,	transitioned [1] -	80:3, 80:7, 80:21,
tentative [1] - 158:4	141:17, 142:13,	175:17, 181:8, 205:4	8:11	
term [7] - 41:18, 41:23, 145:9, 160:25,	143:9, 144:11, 147:1,	throes [1] - 83:21	transmission [14] -	81:11, 83:2, 83:3, 87:15, 87:25, 88:16,
41.23, 145.9, 160.25, 172.13, 174.3, 197:10	147:20, 148:17,	throughout [1] -	18:11, 19:22, 20:4, 24:10, 24:12, 25:6	95:3, 98:15, 157:23,
terminate [2] - 39:17,	149:21, 152:7, 153:1,	193:4	24:10, 24:13, 25:6,	95.3, 98.15, 157.23, 178:1, 179:15, 184:7,
54:10	153:8, 153:14,	throw [1] - 81:21	41:15, 44:16, 47:25,	184:10, 192:25,
terminated [7] -	153:20, 154:2,	thumb [1] - 209:25	48:19, 64:16, 86:15, 87:2, 87:4	193:18, 195:10,
53:7, 53:22, 53:25,	155:22, 156:23,	tie [5] - 36:23, 86:24,	87:2, 87:4	195:24, 196:14, 199:3
54:12, 65:5, 65:24,	157:15, 159:23,	87:2, 87:3, 87:4	transmitted [2] - 41:7, 64:15	turbines [101] -
66:22	161:14, 162:18,	timeframe [2] -		28:11, 30:3, 30:15,
terminology [4] -	163:10, 163:16,	28:20, 134:17	transportation [2] - 137:22, 179:2	31:9, 33:4, 33:11,
		,	···· <i>·</i> ··	-,,,

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 turbulence [8] -76:24, 78:14, 79:2, 79:14, 80:20, 80:23, 81:2, 81:4 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 turned [1] - 119:11 turns [1] - 36:12 twigs [1] - 181:2 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

07/26/2023 12:57:30 PM

two-thirds [1] -124:4 tying [1] - 105:18 type [5] - 17:20, 31:17, 32:4, 58:5, 62.2 typically [2] - 56:12, 110:20 U ultimate [5] - 31:22, 34:16, 105:20, 196:7, 196:9 ultimately [5] - 8:8, 37:5, 97:13, 107:15, 177:12 Umatilla [1] - 108:25 unappealable [3] -55:20, 55:23, 83:21 uncertain [1] - 17:23 unclear [1] - 96:13 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 underground [1] -194:1 undersigned [1] -218:3 understood [1] -154:17 uneven [1] - 81:6 unique [1] - 156:9 unit [1] - 103:23 units [1] - 214:4 unless [1] - 28:16 unmitigable [1] -145:19 unreasonable [5] -160:12, 160:14, 160:20, 182:21, 212:10 unveiled [1] - 152:9 **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,

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 update [6] - 30:17, 30:21, 30:23, 31:15, 31:18, 117:25 Updated [1] - 4:10 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 updates [3] - 96:6, 190:13, 190:25 upgrade [1] - 113:16 upgrades [3] - 54:18, 54:21, 173:17 UPON [1] - 1:11 uses [8] - 202:13, 204:14, 204:20, 205:3, 209:11, 211:23, 213:14, 213:20 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 utilities' [1] - 92:24 utility [6] - 21:2, 24:3, 91:2, 92:1, 126:12, 168:1 utilize [1] - 24:8 utilized [2] - 146:7, 146:10 utilizes [1] - 200:12 utilizing [1] - 18:9 V vaguely [2] - 204:13, 204:19 valid [2] - 117:16, 170:15 value [1] - 146:10 vaporize [1] - 132:17 various [12] - 6:24, 8:10, 13:5, 13:7, 13:9, 26:24, 41:17, 43:16,

105:2, 122:10, 180:17, 184:8 vendors [2] - 31:16, 31:17 vented [2] - 132:17, 132:18 verbal [1] - 140:15 vernacular [1] -107:9 version [6] - 11:24, 27:16, 148:6, 179:20 versus [4] - 72:4, 103:15, 152:18, 205:13 via [8] - 2:9, 2:15, 3:5, 3:13, 3:14, 3:14, 3:15, 192:24 viability [1] - 109:15 viable [9] - 24:20, 28:18, 36:5, 36:10, 37:10, 58:10, 90:20, 92:11, 102:24 vicinity [3] - 186:24, 187:3, 195:3 video [1] - 214:13 videos [2] - 126:3, 214:9 viewshed [1] - 33:17 vintages [1] - 79:23 violating [1] - 19:5 visual [4] - 137:24, 138:9, 178:21, 184:8 Voelckers [2] - 3:8, 138.16 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,

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 voidance [1] -183:16 voltage [2] - 19:22, 20:1 W Wa [1] - 3:10 WA [5] - 1:13, 2:5, 2:9, 2:14, 5:7 WAC [3] - 100:23, 101:4, 101:20 WACs [2] - 101:17, 178:18 wages [1] - 105:1 wait [3] - 131:14, 133:18, 184:12 waiting [1] - 150:7 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 wakes [2] - 76:14, 80:8 Walla [20] - 118:7, 118:14, 119:9, 119:21, 123:21, 168:3, 171:7, 171:17, 174:17, 175:10 wants [3] - 86:3, 106:13, 157:16 warning [1] - 177:23 warrant [1] - 80:11 warranted [1] - 129:4 warranty [1] - 80:13 washes [1] - 175:17 WASHINGTON [1] -1:1 Washington [2] -5:21, 218:5 waste [1] - 29:24 watch [1] - 128:19 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,

118:3, 118:13,	west [17] - 10:24,	93:5, 93:14, 106:2,	170:20, 171:24,	178:12, 178:17,
118:18, 118:19,	11:2, 37:9, 40:10,	113:1, 147:2, 178:1,	170.20, 171.24, 172:8, 172:20, 173:2,	178:12, 175:17, 178:17, 178:18, 185:6, 186:10
118:20, 118:21,	63:20, 63:22, 64:17,	179:15, 179:19, 206:15, 206:18,	173:16, 174:9,	YAKIMA [1] - 3:7
118:25, 119:4, 119:5, 119:6, 119:10,	82:13, 84:20, 86:20,	, ,	174:25, 180:9, 182:16, 183:6,	year [10] - 26:8, 43:5,
, ,	87:9, 127:4, 141:19,	206:22, 206:24,	, ,	45:23, 45:24, 45:25,
119:12, 119:19,	141:24, 188:13,	207:11, 208:25,	183:21, 185:19, 186:15, 187:7, 187:0	46:16, 47:4, 136:10,
120:23, 121:8,	188:14, 188:16	209:6, 209:11,	186:15, 187:7, 187:9,	175:17
121:15, 121:23, 121:25, 122:10,	western [1] - 57:11	209:15, 209:24, 210:1, 210:6, 210:17	188:6, 188:22, 188:25, 189:3,	years [13] - 8:6,
122:18, 122:19,	Western [1] - 13:6	Wind [7] - 4:10, 8:14,	190:16, 191:6,	107:17, 107:19,
122:10, 122:19, 122:22,	wheat [1] - 181:13	195:24, 199:7,	190:10, 191:0, 194:10, 195:14,	110:1, 110:3, 113:15,
123:2, 123:10,	Wheatridge [2] -	204:16, 205:12, 210:4	194:10, 195:14, 196:20, 197:19,	115:21, 118:16,
123:16, 124:1, 124:8,	108:24, 125:2		198:2, 199:13,	163:4, 176:10,
125:10, 124:1, 124:0, 125:9, 126:24,	wheel [1] - 25:4	Windpower [2] - 9:20, 10:3	200:10, 200:25,	181:18, 181:22, 186:1
128:20, 132:22,	wheeled [1] - 26:1		201:17, 203:17,	yourself [3] - 13:12,
133:5, 163:3, 163:7,	wheeler [1] - 25:21	winning [1] - 107:22	204:24, 205:18,	89:15, 135:18
163:12, 163:16,	wheeling [2] - 25:11,	winter [4] - 92:16,	206:8, 206:15, 207:9,	7
163:25, 164:15,	25:24	92:18, 92:23	207:16, 208:6,	Z
164:21, 165:10,	WHEREOF [1] -	wire [1] - 194:1	208:20, 210:10,	zero [1] - 175:18
165:22, 166:4,	218:21	wires [2] - 42:5, 57:7	210:20, 211:8,	zfoster@mjbe.com
166:20, 166:22,	whichever [1] -	wise [2] - 8:2, 197:8	210:20, 211:0, 212:17, 213:24,	[1] - 2:11
167:3, 167:18,	57:13	Wiser [1] - 1:13	214:19, 215:20,	zoning [4] - 16:9,
167:25, 168:4,	whittling [1] - 104:22	Witness [3] - 116:13,	218:21	204:15, 205:22,
168:10, 168:11,	whole [13] - 5:13,	189:3, 213:10	witness [2] - 12:2,	204.15, 205.22, 205:24
168:22, 169:6, 170:3,	20:11, 55:11, 82:20,	WITNESS [134] - 4:4,	218:11	Zoom [9] - 2:9, 2:15,
170:4, 170:11,	109:15, 112:6,	15:8, 17:3, 17:6,	wonderful [2] - 60:10	3:5, 3:13, 3:14, 3:14,
170:15, 170:21,	145:18, 151:21,	22:18, 36:8, 42:16,	word [3] - 14:12,	3:15, 175:22, 176:4
171:2, 171:8, 171:14,	152:15, 155:11,	43:12, 45:4, 49:2,	154:24, 171:10	5.15, 175.22, 170.4
171:20, 172:6,	155:12, 160:6, 209:23	52:23, 53:20, 56:12,	words [4] - 14:7,	
172:12, 172:17,	wholesale [1] - 25:19	59:6, 60:17, 63:25,	50:15, 146:5, 175:1	
173:9, 173:10,	wide [1] - 194:2	71:14, 72:1, 72:20,	works [8] - 30:25,	
173:12, 174:2, 174:6,	wildlife [2] - 13:5,	75:8, 77:19, 78:5,	49:5, 58:22, 83:14,	
174:12, 174:14,	184:8	79:6, 80:6, 86:10,	120:8, 128:4, 191:19,	
174:18, 175:2,	WILLA [1] - 3:5	90:10, 91:23, 99:1, 99:24, 101:8, 102:13,	201:25	
175:11, 175:15,	Willa.perlmutter@	103:14, 105:17,	WPD [3] - 38:1, 38:8,	
189:15, 191:22,	stoel.com [1] - 3:6	106:12, 108:3, 108:6,	38:21	
214:14	willing [2] - 10:2,	109:20, 110:20,	write [5] - 13:11,	
Watson [1] - 179:25	20:20	112:19, 113:13,	14:18, 14:20, 94:12,	
waves [1] - 77:3	WIND [1] - 1:7	113:25, 114:23,	121:2	
ways [2] - 18:15,	wind [86] - 9:10,	116:5, 117:25,	writing [2] - 94:9,	
37:18	10:3, 10:24, 21:11,	121:14, 123:7,	132:4	
WDFW [7] - 176:10,	22:21, 23:5, 24:2,	123:14, 125:18,	written [1] - 13:2	
176:15, 177:10,	35:25, 36:1, 37:2,	129:15, 131:16,	wrote [8] - 12:13,	
177:15, 179:19,	38:16, 39:5, 39:7,	133:2, 133:15,	12:22, 16:15, 16:16,	
180:20, 182:16	39:20, 40:12, 41:11,	140:20, 141:17,	60:8, 64:10, 97:3,	
WDFW's [3] - 182:8,	42:23, 42:24, 42:25,	140:20, 141:17, 142:13, 143:9,	121:3	
182:11, 183:3	43:4, 44:2, 44:4, 44:9,	144:11, 147:1,		
Webber [3] - 67:2,	45:13, 45:19, 47:5,	147:20, 148:17,	Y	
141:3, 141:5	47:6, 47:12, 47:14,	149:21, 152:7, 153:1,		
website [2] - 11:23,	47:18, 50:10, 50:12,	153:8, 153:14,	Yakima [30] - 2:9,	
12:6	51:20, 52:18, 58:2,	153:20, 154:2,	7:17, 83:18, 138:6,	
week [2] - 34:8,	61:22, 62:2, 62:6,	155:22, 156:23,	138:16, 138:22,	
140:25	62:10, 62:18, 62:19,	157:15, 159:23,	139:6, 139:22,	
weeks [1] - 9:25	62:21, 62:22, 64:3,	161:14, 162:18,	140:12, 141:4, 142:2,	
Welch's [1] - 163:18	65:4, 65:23, 67:4, 67:10, 67:10, 68:2	163:10, 163:16,	142:9, 142:17,	
welfare [1] - 211:20	67:10, 67:19, 68:3,	164:7, 164:20, 165:5,	143:10, 144:12,	
wells [8] - 117:3,	68:5, 72:16, 72:20,	165:14, 166:2,	144:16, 144:25,	
117:5, 122:20, 164:8,	73:1, 74:3, 76:22,	166:15, 167:1,	145:3, 145:13, 146:6,	
164:12, 165:6, 168:2,	77:6, 78:5, 78:7, 80:21 81:6 81:0	168:16, 169:1,	146:21, 147:10,	
187:14	80:21, 81:6, 81:9, 83:10, 85:12, 85:22	169:10, 169:24,	149:5, 149:7, 178:4,	
	83:19, 85:12, 85:22,	·		