

<div>1</div> <div>BEFORE THE STATE OF WASHINGTON</div> <div>10:51</div> <div>ENERGY FACILITY SITING EVALUATION COUNCIL</div> <div>IN THE MATTER OF THE) APPLICATION OF:) SCOUT CLEAN ENERGY, LLC, FOR) NO. EF-210011 HORSE HEAVEN WIND FARM, LLC,) Applicant.)</div> <hr/> <div>DEPOSITION UPON ORAL EXAMINATION OF DAVID KOBUS Benton County Public Services Building (Large Conference Room) 102206 E Wiser Parkway Kennewick, WA 99336</div> <hr/> <div>FRIDAY, JULY 21, 2023 11:05 A.M.</div> <div>TAKEN AT THE INSTANCE OF THE APPLICANT</div> <div>REPORTED BY: MONNA J. NICKESON, RPR, CRR, CCR, CSR CA 14430 TRI-CITIES COURT REPORTER SERVICE, LLC. 509.942.8477 MONNA@TRICITIESREPORTING.COM</div> <div>TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</div>	<div>3</div> <div>1 APPEARANCES (continued):</div> <div>2 FOR SCOUT CLEAN ENERGY:</div> <div>3 STOEL RIVES LLP</div> <div>4 Attorneys at Law</div> <div>5 760 SW Ninth Avenue, Suite 3000</div> <div>6 Portland, OR 97205</div> <div>7 BY: WILLA B. PERLMUTTER, ESQ.</div> <div>8 EMILY SCHIMELPFENIG, ESQ. - via Zoom</div> <div>9 Email: Willa.perlmutter@stoel.com</div> <div>10 FOR THE YAKIMA NATION:</div> <div>11 Shona Voelckers, Esq.</div> <div>12 Jessica Houston, Esq.</div> <div>13 401 Fort Road</div> <div>14 Toppenish, Wa 98948</div> <div>15 Email: Shona@yakamanation-olc.org</div> <div>16 ALSO PRESENT:</div> <div>17 Paul Krupin</div> <div>18 Pat Landess - via Zoom</div> <div>19 Karen Brun - via Zoom</div> <div>20 Pam Minelli - via Zoom</div> <div>21 Carole Cohe - via Zoom</div> <div>22</div> <div>23</div> <div>24</div> <div>25 TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</div>
<div>2</div> <div>1 APPEARANCES:</div> <div>2 FOR THE INTERVENER TRI-CITIES C.A.R.E.S.:</div> <div>3 LAW OFFICE OF J. RICHARD ARMBURU, PLLC</div> <div>4 Attorney at Law</div> <div>5 705 2nd Avenue, Suite 1300</div> <div>6 Seattle, WA 98104</div> <div>7 BY: J. RICHARD ARMBURU, ESQ.</div> <div>8 FOR THE INTERVENER BENTON COUNTY:</div> <div>9 MENKE JACKSON BEYER</div> <div>10 807 North 39th Avenue</div> <div>11 Yakima WA 98902</div> <div>12 BY: KENNETH HARPER, ESQ. - via Zoom</div> <div>13 AZIZA FOSTER, ESQ.</div> <div>14 Email: Kharper@mjbe.com</div> <div>15 zfoster@mjbe.com</div> <div>16 FOR THE THE ENVIRONMENT:</div> <div>17 Office of the Attorney General</div> <div>18 800 Fifth Avenue, Suite 2000</div> <div>19 Seattle, WA 98104-3188</div> <div>20 Counsel for the Environment</div> <div>21 BY: Sarah Reyneveld, Asst. Attorney General</div> <div>22 Via Zoom</div> <div>23 Email: Sarah.Reyneveld@atg.wa.gov</div> <div>24</div> <div>25 TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</div>	<div>4</div> <div>1 I N D E X</div> <div>2 IN RE: SCOUT CLEAN ENERGY</div> <div>3 CASE NO. EF-210011</div> <div>4 FRIDAY, JULY 21, 2023</div> <div>5 WITNESS: DAVID KOBUS PAGE</div> <div>6 EXAMINATION BY MR. ARMBURU: 5</div> <div>7 EXAMINATION BY MS. VOELCKERS: 138</div> <div>8 EXAMINATION BY MS. FOSTER: 192</div> <div>9 EXAMINATION BY MR. ARMBURU: 211</div> <div>10 EXHIBITS</div> <div>11 NUMBER DESCRIPTION PAGE</div> <div>12 Exhibit 1 Horse Heaven Wind Farm Updated11</div> <div>13 ASC Redline</div> <div>14 Exhibit 2 Letter from Mr. Ritter to EFSEC 175</div> <div>15 1/31/2022</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25 TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</div>

<p style="text-align: center;">5</p> <p>1 BE IT REMEMBERED that on FRIDAY, 2 JULY 21, 2023, at 11:05 A.M., the 3 deposition of DAVID KOBUS was taken before 4 Monna J. Nickeson, Certified Realtime 5 Reporter, Registered Professional Reporter, 6 Certified Livenote Reporter, Certified 7 Court Reporter (WA 3322), Certified 8 Shorthand Reporter (ID 1045), (OR 16-0441), 9 (CA 14430), the following proceedings took 10 place: 11 DAVID KOBUS 12 having been first duly sworn to tell the truth, the 13 whole truth, and nothing but the truth, 14 testified as follows: 15 EXAMINATION 16 BY MR. ARAMBURU: 11:05 17 Q. Mr. Kobus, would you state your full 11:05 18 name and business address? 11:05 19 A. David Kobus, D-a-v-i-d, K-o-b-u-s. 11:05 20 My business address is 1385 Cortland Avenue, 11:05 21 Richland, Washington. 11:05 22 Q. I'm Richard Aramburu. I'm the 11:05 23 attorney for Tri-Cities C.A.R.E.S, one of the 11:06 24 intervenors in the EFSEC proceeding. We're 11:06 25 here today to take your deposition. TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">7</p> <p>11:07 1 you should consider the things that you're 11:07 2 saying today may become a part of the record 11:07 3 before EFSEC. 11:07 4 You're not permitted under the 11:07 5 rules, the Civil Rules for Superior Court, to 11:07 6 confer with your counsel after I have asked you 11:07 7 a question. You can't ask her, so what do you 11:07 8 think of the question, how should I answer, 11:07 9 those kinds of things. Outside of that, you 11:07 10 can confer with her as you like. 11:07 11 We're starting at 11:00 today. If 11:07 12 you need a break at any time, you just let me 11:07 13 know and we'll do that. I would like to do 11:07 14 this in one fell swoop, so to speak, if we can, 11:07 15 but let's -- we'll see how it goes. 11:07 16 I understand counsel for Benton 11:08 17 County and for Yakima will also have questions 11:08 18 for you as time goes by. 11:08 19 So do you understand those kind of 11:08 20 parameters we're talking about? 11:08 21 A. I do. 11:08 22 Q. Okay. Okay. Well, let's get 11:08 23 started, then. 11:08 24 I don't know a great deal about you, 11:08 25 Mr. Kobus. Could you tell us your education TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: center;">6</p> <p>11:06 1 Have you ever had your deposition 11:06 2 taken before? 11:06 3 A. No, I have not. 11:06 4 Q. Okay. Let me just, and with 11:06 5 permission of your counsel, try to talk about 11:06 6 some ground rules as we go through the 11:06 7 deposition. 11:06 8 So, first of all, we can't talk over 11:06 9 each other because the court reporter has 11:06 10 difficulty taking down both of us speaking at 11:06 11 the same time. So if you will allow me to -- 11:06 12 even though you may think you know the answer 11:06 13 before I finish it, let me finish my question, 11:06 14 and then we'll give you time to finish your 11:06 15 answer. So let's not talk over each other, 11:06 16 okay? 11:06 17 And if you don't understand the 11:06 18 question that's being asked to you, let me know 11:06 19 right away, and I'll try to reformulate the 11:06 20 question, put it in clearer terms, but please 11:06 21 let me know. We don't want to have any 11:06 22 confusion later on. 11:07 23 This deposition will be transcribed. 11:07 24 It may be used for various purposes. It may be 11:07 25 used as a part of the EFSEC proceedings. So TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">8</p> <p>11:08 1 and background professional experience? 11:08 2 A. Sure. Education-wise, I have a 11:08 3 bachelor's in nuclear technology and a master's 11:08 4 in engineering management. My background is I 11:08 5 worked for -- well, I was in the Navy for eight 11:08 6 and a half years in the Navy nuclear program. 11:08 7 Then came to work -- well, I worked 11:08 8 in the nuclear industry, ultimately came to 11:08 9 work for Energy Northwest here, and held 11:08 10 various positions out at the nuclear plant. 11:08 11 And eventually transitioned into being their 11:09 12 project manager, developer for renewable energy 11:09 13 projects. And ended up developing the Nine 11:09 14 Canyon Wind Project, which was built in three 11:09 15 phases, permitted through the county. 11:09 16 And then, after leaving Energy 11:09 17 Northwest, I was in the financial services 11:09 18 industry for a while. And then, eventually, 11:09 19 hired on with Scout Clean Energy, and am now 11:09 20 the project manager for the Horse Heaven Clean 11:09 21 Energy Center. 11:09 22 Q. And when did you come to work for 11:09 23 Scout? 11:09 24 A. 2018. 11:09 25 Q. And you indicated -- were you the TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

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

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

<p style="text-align: right;">17</p> <p>11:19 1 updated ASC?</p> <p>11:19 2 MS. PERLMUTTER: Object as to --</p> <p>11:19 3 THE WITNESS: No.</p> <p>11:19 4 MS. PERLMUTTER: Object as to form.</p> <p>11:19 5 You can answer the question.</p> <p>11:19 6 THE WITNESS: No.</p> <p>11:19 7 BY MR. ARAMBURU:</p> <p>11:19 8 Q. And were any utilities consulted</p> <p>11:20 9 about the content of the ASC?</p> <p>11:20 10 A. You know, we -- in marketing the</p> <p>11:20 11 project, we market to any potential offtaker,</p> <p>11:20 12 any potential purchaser, for the entire time we</p> <p>11:20 13 develop these projects.</p> <p>11:20 14 And so we had many, many</p> <p>11:20 15 conversations with regional utilities,</p> <p>11:20 16 commercial and industrial potential offtakers.</p> <p>11:20 17 I even had conversations with Benton PUD.</p> <p>11:20 18 And so, in the process, we consider</p> <p>11:20 19 designing the project and developing it so it</p> <p>11:21 20 is the most attractive type of project that we</p> <p>11:21 21 can put together for that mass market to try</p> <p>11:21 22 and capture the best fit offtaker for the</p> <p>11:21 23 project. But in no uncertain terms, there's no</p> <p>11:21 24 input from potential offtakers in this</p> <p>11:21 25 document.</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">19</p> <p>11:22 1 we'll offer to pay you for your service.</p> <p>11:22 2 Please sign or tell me what change you'd make.</p> <p>11:22 3 Q. And what --</p> <p>11:23 4 A. It was to that extent.</p> <p>11:23 5 Q. Excuse me. I'm violating my own</p> <p>11:23 6 rule here.</p> <p>11:23 7 MS. PERLMUTTER: Happens all the</p> <p>11:23 8 time.</p> <p>11:23 9 BY MR. ARAMBURU:</p> <p>11:23 10 Q. And was that an agreement to acquire</p> <p>11:23 11 the entire project?</p> <p>11:23 12 A. No, no. At that point, it was an</p> <p>11:23 13 agreement to work together on potential</p> <p>11:23 14 infrastructure sharing and finding the most</p> <p>11:23 15 optimal economical way to interconnect the</p> <p>11:23 16 project with the Bonneville grid.</p> <p>11:23 17 Q. So you were going to possibly share</p> <p>11:23 18 Benton County easements?</p> <p>11:23 19 A. Sure. I'll give you an example.</p> <p>11:23 20 The City of Richland and Benton County were</p> <p>11:23 21 working together to supply or provide a high</p> <p>11:23 22 voltage transmission line in the Dallas Road</p> <p>11:23 23 area.</p> <p>11:23 24 And the City of Richland built the</p> <p>11:23 25 line to a terminus and it was never energized.</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: right;">18</p> <p>11:21 1 Q. Okay. You indicated that you had a</p> <p>11:21 2 conversation with someone from Benton PUD?</p> <p>11:21 3 A. Correct.</p> <p>11:21 4 Q. And can you tell me who that was?</p> <p>11:21 5 A. Rick Dunn.</p> <p>11:21 6 Q. And can you tell me the nature of</p> <p>11:21 7 the conversation?</p> <p>11:21 8 A. We were, at one point, considering</p> <p>11:21 9 utilizing right-of-way easements that they have</p> <p>11:21 10 for their system, and the possibility of</p> <p>11:22 11 co-locating transmission lines in their</p> <p>11:22 12 easements, as well as the possibility of</p> <p>11:22 13 engaging in -- I forget the exact terminology</p> <p>11:22 14 for it, but a cooperative agreement where we</p> <p>11:22 15 could work together in finding ways that we</p> <p>11:22 16 could collaborate on the project relative to</p> <p>11:22 17 the infrastructure and relative to potential</p> <p>11:22 18 interest that the PUD might have to become part</p> <p>11:22 19 of it.</p> <p>11:22 20 Q. Can you be a little more specific</p> <p>11:22 21 about was there -- well, let me ask this</p> <p>11:22 22 question.</p> <p>11:22 23 A. I offered them a draft agreement</p> <p>11:22 24 that said, here's what we can do for you.</p> <p>11:22 25 Here's what you can do for us. Here's what</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">20</p> <p>11:24 1 So it's a 115 high voltage line sitting out</p> <p>11:24 2 there alongside the highway. Was a great</p> <p>11:24 3 opportunity for us to potentially co-locate</p> <p>11:24 4 transmission to be able to interconnect with</p> <p>11:24 5 the Bonneville grid.</p> <p>11:24 6 And it did not become fruitful. The</p> <p>11:24 7 PUD chose not to work with us on it. The City</p> <p>11:24 8 of Richland indicated that if we could do</p> <p>11:24 9 something with the PUD, then they'd maybe be</p> <p>11:24 10 interested and talk to us about it. But the</p> <p>11:24 11 PUD kind of changed their whole approach after</p> <p>11:24 12 that.</p> <p>11:24 13 Q. So was there ever a proposal to</p> <p>11:24 14 acquire power from Benton PUD?</p> <p>11:24 15 A. Yes.</p> <p>11:24 16 Q. And what was the nature of that</p> <p>11:24 17 proposal?</p> <p>11:24 18 A. That, you know, offtakes available,</p> <p>11:24 19 you know. If you're interested, we'd be</p> <p>11:25 20 willing to talk about it.</p> <p>11:25 21 Q. My question was, was there ever</p> <p>11:25 22 discussion that Scout would buy power from</p> <p>11:25 23 Benton PUD?</p> <p>11:25 24 A. Well, for sure. And those</p> <p>11:25 25 discussions are ongoing and continue because,</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: center;">21</p> <p>11:25 1 you know, understand that when we locate a</p> <p>11:25 2 collector substation in a utility territory,</p> <p>11:25 3 we're going want backup service from the local</p> <p>11:25 4 distribution system in the event we become</p> <p>11:25 5 disconnected from the grid.</p> <p>11:25 6 We're going to need power to run the</p> <p>11:25 7 SCADA, you know, keep all the metering</p> <p>11:25 8 energized, run the air conditioners. We also</p> <p>11:25 9 need back feed service from the grid to power</p> <p>11:25 10 the heaters and oil pumps and those sorts of</p> <p>11:25 11 things when there's no wind on the system.</p> <p>11:26 12 And so the way Bonneville</p> <p>11:26 13 orchestrates those contracts is that we</p> <p>11:26 14 actually sign up to interconnect with the grid,</p> <p>11:26 15 but then we also have to have an agreement with</p> <p>11:26 16 the PUD to provide that back feed service.</p> <p>11:26 17 Because Bonneville won't deal directly with us,</p> <p>11:26 18 it has to go through the local PUD.</p> <p>11:26 19 So, in fact, if at the end of the</p> <p>11:26 20 month we net -- actually haven't drawn power</p> <p>11:26 21 from the grid in the form of back feed, we have</p> <p>11:26 22 to pay the PUD for that. And so that's ongoing</p> <p>11:26 23 for the life of the project.</p> <p>11:26 24 And we also have crossing agreements</p> <p>11:26 25 that we're going to have to have with the PUD.</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">23</p> <p>11:28 1 would be interested in providing grid</p> <p>11:28 2 charge power for the batteries in the event</p> <p>11:28 3 that, you know, they need to be charged and</p> <p>11:28 4 there isn't adequate solar available at the</p> <p>11:28 5 time or there isn't adequate wind</p> <p>11:28 6 generation at the time.</p> <p>11:28 7 BY MR. ARAMBURU:</p> <p>11:28 8 Q. So was there ever a calculation of</p> <p>11:28 9 the expected energy that might be acquired on</p> <p>11:28 10 an average basis from Benton for the purpose of</p> <p>11:28 11 that recharging of the batteries?</p> <p>11:28 12 A. Not recharging of the batteries, no.</p> <p>11:28 13 We -- we did have calculations and had</p> <p>11:28 14 discussions about the backup station service</p> <p>11:28 15 that would be needed.</p> <p>11:29 16 But when it came to the battery, the</p> <p>11:29 17 PUD indicated that they didn't believe -- well,</p> <p>11:29 18 first, they didn't have the energy to do it.</p> <p>11:29 19 They didn't have the power supply to do it.</p> <p>11:29 20 And they didn't believe that they could acquire</p> <p>11:29 21 it from Bonneville to do it. And so the</p> <p>11:29 22 discussions ended at that point because we</p> <p>11:29 23 didn't see a success path.</p> <p>11:29 24 Q. So if you don't get this energy from</p> <p>11:29 25 Benton, where are you going get it?</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: center;">22</p> <p>11:26 1 We're going to cross their distribution. We're</p> <p>11:26 2 actually going to have to bury and reroute some</p> <p>11:26 3 of their distribution so that it is -- we have</p> <p>11:27 4 the appropriate setbacks and meet their</p> <p>11:27 5 criteria for proximity to their infrastructure.</p> <p>11:27 6 So it's an ongoing relationship.</p> <p>11:27 7 And I've been working -- Pat, in fact, and I,</p> <p>11:27 8 have been meeting with the PUD, and we have --</p> <p>11:27 9 the next step in our process is that I have to</p> <p>11:27 10 offer them an easement agreement and designate</p> <p>11:27 11 everywhere where we're going to cross or have</p> <p>11:27 12 to move their infrastructure.</p> <p>11:27 13 Q. So has there been discussions with</p> <p>11:27 14 the PUD to acquire power from them to use for,</p> <p>11:27 15 for example, the batteries?</p> <p>11:27 16 MS. PERLMUTTER: Objection. Asked</p> <p>11:27 17 and answered. You can answer.</p> <p>11:27 18 THE WITNESS: Yeah, one of the</p> <p>11:27 19 things with the battery storage portion of</p> <p>11:27 20 the system is you have the option of</p> <p>11:28 21 charging it from the output of the wind</p> <p>11:28 22 project, charging it from the solar</p> <p>11:28 23 project, or charging it from the grid.</p> <p>11:28 24 And so we discussed and entertained</p> <p>11:28 25 those options with the PUD to see if they</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">24</p> <p>11:29 1 A. We either -- from the output of the</p> <p>11:29 2 wind project, from the solar, or from the</p> <p>11:29 3 offtake utility. That's actually -- see, with</p> <p>11:29 4 the battery, the way that will work in the</p> <p>11:29 5 marketplace is, we will allow them to dispatch</p> <p>11:29 6 it, and then we just have a tolling agreement</p> <p>11:29 7 that, you know, pays us for the amount of</p> <p>11:30 8 dispatch they utilize.</p> <p>11:30 9 And the ideal situation is, you</p> <p>11:30 10 know, they're going to take transmission from</p> <p>11:30 11 the project, and when they need to charge the</p> <p>11:30 12 battery, they would just decrement some of that</p> <p>11:30 13 transmission to provide grid charge for the</p> <p>11:30 14 battery through their contractual arrangements</p> <p>11:30 15 with Bonneville. That's the optimal way.</p> <p>11:30 16 I mean, with the PUD, I was just</p> <p>11:30 17 thinking, you know, maybe they'd want to get</p> <p>11:30 18 into that business, and, you know, have a</p> <p>11:30 19 potential revenue stream, but it isn't proving</p> <p>11:30 20 to be viable.</p> <p>11:30 21 Q. So the alternative to that is to get</p> <p>11:30 22 it from BPA (indecipherable).</p> <p>11:30 23 (The Court Reporter requested</p> <p>11:30 24 clarification.)</p> <p>11:30 25</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: right;">25</p> <p>11:30 1 BY MR. ARAMBURU:</p> <p>11:30 2 Q. Get it from BPA through the grid.</p> <p>11:30 3 A. No. BPA has indicated they will not</p> <p>11:30 4 supply it, but they'll wheel it. I mean,</p> <p>11:30 5 that's what BPA generally does is, they have an</p> <p>11:30 6 open access transmission tariff where they</p> <p>11:30 7 allow utilities and IPPs like we are to</p> <p>11:31 8 interconnect with the grid, and then you</p> <p>11:31 9 contract for who you're sending power to or who</p> <p>11:31 10 you're getting power from, and then you pay</p> <p>11:31 11 Bonneville for the wheeling on their system.</p> <p>11:31 12 So they're responsible for the</p> <p>11:31 13 reliability of the system. They may provide</p> <p>11:31 14 you balancing services that are required, you</p> <p>11:31 15 know, to maintain grid stability. But</p> <p>11:31 16 Bonneville doesn't sell power.</p> <p>11:31 17 They are -- they're fully</p> <p>11:31 18 contracted. They may be able to sell power to</p> <p>11:31 19 the wholesale markets when they have excess.</p> <p>11:31 20 But, you know, generally Bonneville is just the</p> <p>11:31 21 wheeler. They're the grid interconnect and the</p> <p>11:31 22 grid manager.</p> <p>11:31 23 Q. I understand the concept of a</p> <p>11:31 24 wheeling agreement with Bonneville, but who</p> <p>11:32 25 would be the source of the power that would be</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">27</p> <p>11:33 1 I interrupted. I'm sorry.</p> <p>11:33 2 Q. That's fine.</p> <p>11:33 3 So there is an active marketing</p> <p>11:33 4 project -- or effort ongoing, even though</p> <p>11:33 5 there's no license from EFSEC?</p> <p>11:33 6 A. That's correct.</p> <p>11:33 7 Q. And I just had a couple of questions</p> <p>11:33 8 here that I'm -- I'm confused about in the ASC,</p> <p>11:33 9 and perhaps you can just help me clarify here.</p> <p>11:33 10 A. Sure.</p> <p>11:33 11 Q. On page 285 -- 2-85. I think it's</p> <p>11:34 12 here. Costs. It says the cost of the project</p> <p>11:34 13 would be \$1.727 billion; is that correct?</p> <p>11:34 14 A. Yes.</p> <p>11:34 15 Q. Is that whether you build the 244</p> <p>11:34 16 turbine version or the 150 version?</p> <p>11:34 17 A. The best response I can give you to</p> <p>11:35 18 that is, you know, at the time we originally,</p> <p>11:35 19 you know, developed the application, we were</p> <p>11:35 20 looking at the most likely equipment that would</p> <p>11:35 21 have the best fit and the best economics for</p> <p>11:35 22 the project.</p> <p>11:35 23 And so, you know, in response, my</p> <p>11:35 24 belief is that represents the ideal turbine for</p> <p>11:35 25 the project, which still remains the ideal</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: right;">26</p> <p>11:32 1 wheeled to this project to take care of</p> <p>11:32 2 batteries, for example?</p> <p>11:32 3 A. The offtaker.</p> <p>11:32 4 Q. Who is the offtaker?</p> <p>11:32 5 A. We don't -- we don't have an</p> <p>11:32 6 offtaker identified yet.</p> <p>11:32 7 Q. Is it likely that we're going have</p> <p>11:32 8 an offtaker identified within the next year?</p> <p>11:32 9 A. Let me answer the question this way.</p> <p>11:32 10 It's challenging to market a large</p> <p>11:32 11 commercial-scale energy project and finance it</p> <p>11:32 12 without a permit.</p> <p>11:32 13 And an offtaker, this is, you know,</p> <p>11:32 14 a risky scenario bringing on new generation,</p> <p>11:32 15 period. And, clearly, if you don't have a</p> <p>11:32 16 permit -- if you don't have a permit to build</p> <p>11:32 17 the project, it's difficult for an offtaker to</p> <p>11:33 18 make commitments.</p> <p>11:33 19 And so until we get that permit,</p> <p>11:33 20 it's not very likely that we're going to have</p> <p>11:33 21 that offtake identified.</p> <p>11:33 22 Q. As I understand the situation, that</p> <p>11:33 23 Scout is actively marketing this project now to</p> <p>11:33 24 utilities, to various --</p> <p>11:33 25 A. Anybody who will listen. I'm sorry,</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">28</p> <p>11:35 1 turbine for the project, and that's the 244,</p> <p>11:35 2 smaller platform equipment.</p> <p>11:35 3 Q. Okay. And I noticed that this cost</p> <p>11:35 4 was not -- was not updated.</p> <p>11:35 5 So are these costs from February of</p> <p>11:35 6 2021?</p> <p>11:35 7 A. Yes. And they're no longer</p> <p>11:36 8 accurate. Tremendous things have happened in</p> <p>11:36 9 the market, inflation, supply constraints,</p> <p>11:36 10 changes that the manufacturers are making in</p> <p>11:36 11 actually how they market turbines.</p> <p>11:36 12 But, you know, we have an exclusive</p> <p>11:36 13 arrangement with General Electric associated</p> <p>11:36 14 with this particular project development. And</p> <p>11:36 15 so the expectation there is that we will use</p> <p>11:36 16 General Electric equipment unless we can</p> <p>11:36 17 demonstrate that there is a more economically</p> <p>11:36 18 viable available, as high a quality model of</p> <p>11:36 19 turbine that can be built and delivered in the</p> <p>11:36 20 timeframe we need for the project.</p> <p>11:36 21 And then, at that point, we would,</p> <p>11:36 22 you know, pursue legal challenge to that</p> <p>11:37 23 exclusivity if we deemed it necessary.</p> <p>11:37 24 Q. Let me understand what's going on</p> <p>11:37 25 here.</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: right;">29</p> <p>11:37 1 So at the moment, Scout has a</p> <p>11:37 2 contract with GE?</p> <p>11:37 3 A. No, no contract.</p> <p>11:37 4 Q. I'm sorry.</p> <p>11:37 5 A. We have exclusivity. We're</p> <p>11:37 6 obligated with exclusivity.</p> <p>11:37 7 Q. Exclusivity --</p> <p>11:37 8 A. Yeah.</p> <p>11:37 9 Q. -- with GE to buy a GE turbine?</p> <p>11:37 10 A. Yes.</p> <p>11:37 11 Q. And you would -- that is considered</p> <p>11:37 12 to be a binding contract, then, correct?</p> <p>11:37 13 A. The exclusivity aspect of it.</p> <p>11:37 14 Q. Okay.</p> <p>11:37 15 A. Let me explain a little bit more.</p> <p>11:37 16 Q. And you don't have to. I want you</p> <p>11:37 17 to fully answer the questions that are put to</p> <p>11:37 18 you, Mr. Kobus.</p> <p>11:37 19 And you've been kind of extending</p> <p>11:37 20 the answers, and I'm happy to have you do that,</p> <p>11:38 21 and I want you to answer your questions fully.</p> <p>11:38 22 But I sense somehow that a little bit we're</p> <p>11:38 23 going off.</p> <p>11:38 24 A. Well, I don't want to waste</p> <p>11:38 25 anybody's time if it's not information you want</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">31</p> <p>11:39 1 supply, the fundamental commodities have</p> <p>11:39 2 escalated up and gone down just in the last six</p> <p>11:39 3 months.</p> <p>11:39 4 Q. Okay. I understand the answer.</p> <p>11:40 5 And on a general basis, is this</p> <p>11:40 6 10 percent wrong, 20 percent wrong? Order of</p> <p>11:40 7 magnitude, if you can. If you can.</p> <p>11:40 8 A. I can't answer that.</p> <p>11:40 9 Q. GE also makes the bigger turbines,</p> <p>11:40 10 don't they?</p> <p>11:40 11 A. Yes, they do.</p> <p>11:40 12 Q. And on the construction side of</p> <p>11:40 13 things, have you updated estimates for the</p> <p>11:40 14 construction side?</p> <p>11:40 15 A. We continue to update estimates and</p> <p>11:40 16 we continue to work with vendors, you know, for</p> <p>11:40 17 example, the EPC-type vendors that we've been</p> <p>11:40 18 engaged with. We try and update -- refresh our</p> <p>11:41 19 request for proposals related to the balance of</p> <p>11:41 20 plant cost for the project, which are also a</p> <p>11:41 21 major -- one of the major components of the</p> <p>11:41 22 ultimate cost.</p> <p>11:41 23 Q. Okay. Someone may be reading this</p> <p>11:41 24 deposition and doesn't know --</p> <p>11:41 25 A. Sure.</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: right;">30</p> <p>11:38 1 to hear. I just want to explain, you're asking</p> <p>11:38 2 for terms such as, do we have a contract with</p> <p>11:38 3 GE? No, we have not procured turbines from GE.</p> <p>11:38 4 Do we have an obligation from a prior</p> <p>11:38 5 arrangement that gives them exclusivity? Yes,</p> <p>11:38 6 we do.</p> <p>11:38 7 Q. Okay. Okay. And so you indicated</p> <p>11:38 8 in your previous answer that the cost estimate</p> <p>11:38 9 found on page 2-85 of the amended ASC is</p> <p>11:38 10 probably too small?</p> <p>11:38 11 A. Too small.</p> <p>11:38 12 Q. And do you have any information to</p> <p>11:38 13 give us about how much too small it is?</p> <p>11:39 14 A. Well, the greatest component of the</p> <p>11:39 15 cost of the project is the turbines, the</p> <p>11:39 16 turbine supply. And the way the current market</p> <p>11:39 17 is, every time we ask GE for a price update, it</p> <p>11:39 18 has an escalator on it.</p> <p>11:39 19 So, you know, this was a '21 price</p> <p>11:39 20 basis. In fact, for the redline, we didn't</p> <p>11:39 21 even update it because we know it's out of date</p> <p>11:39 22 and it's going to change likely the next time</p> <p>11:39 23 we ask GE for a price update.</p> <p>11:39 24 I mean, that's just how this market</p> <p>11:39 25 works. And the components supply, the material</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">32</p> <p>11:41 1 Q. -- what EPC is. Could you define</p> <p>11:41 2 that?</p> <p>11:41 3 A. That's engineer procure construct.</p> <p>11:41 4 And so those are the type of contractors that,</p> <p>11:41 5 you know, they come in, they provide</p> <p>11:41 6 engineering for the balance of the plan. They</p> <p>11:41 7 work with the turbine supplier which is a</p> <p>11:41 8 separate contract. The turbine supply</p> <p>11:41 9 agreement is separate.</p> <p>11:41 10 But it's EPC contractor who arranges</p> <p>11:41 11 and erects and constructs the project. So</p> <p>11:42 12 they're like the general contractor. If you</p> <p>11:42 13 were to go out and build a building, they'd be</p> <p>11:42 14 the general contractor that you hire even</p> <p>11:42 15 though you may be buying a Butler building.</p> <p>11:42 16 That's a similar analogy.</p> <p>11:42 17 Q. Would it be fair to characterize it</p> <p>11:42 18 as a sort of design build contract, EPC?</p> <p>11:42 19 A. Yeah, elements of it. We don't</p> <p>11:42 20 design in-house, but we do have design</p> <p>11:42 21 capability internally within the company. And</p> <p>11:42 22 they're actually the ones that work with the</p> <p>11:42 23 contractors we hire.</p> <p>11:42 24 And we have other consultants that</p> <p>11:42 25 we bring in as well. Like the electrical</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: center;">33</p> <p>11:42 1 design is done by a separate consultant.</p> <p>11:42 2 That's even prior to letting the EPC contract.</p> <p>11:42 3 Q. So the current preferred plan is</p> <p>11:43 4 244 turbines?</p> <p>11:43 5 A. Up to 244.</p> <p>11:43 6 Q. Okay.</p> <p>11:43 7 A. We're permitting the maximum extent</p> <p>11:43 8 we believe we can optimally site on that</p> <p>11:43 9 project.</p> <p>11:43 10 Q. And I don't mean to be facetious in</p> <p>11:43 11 any manner, but the plan for 244 turbines maxes</p> <p>11:43 12 out the project, is that for to say?</p> <p>11:43 13 A. We will -- we will not go more than</p> <p>11:43 14 244, but we cannot build more than 235 because</p> <p>11:43 15 we have an agreement with the Department of</p> <p>11:43 16 Defense that's -- it's called a mitigation</p> <p>11:43 17 agreement. We're in the viewshed of the fossil</p> <p>11:43 18 Oregon NORAD facility.</p> <p>11:43 19 And so they've -- as part of the</p> <p>11:43 20 mitigation response team, they evaluated our</p> <p>11:43 21 turbine layouts and have indicated places where</p> <p>11:44 22 we had to reduce the number of turbines. So</p> <p>11:44 23 we've -- we have an agreement with them where</p> <p>11:44 24 we could not build more than 235.</p> <p>11:44 25 Q. And is the 235 turbine layout shown</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">35</p> <p>11:45 1 235, which is the maximum, is that -- that does</p> <p>11:45 2 not identify specific turbines. It just says</p> <p>11:45 3 you can't have more than 244, is that the way</p> <p>11:45 4 the arrangement is?</p> <p>11:45 5 A. The 235 turbines that we can build</p> <p>11:46 6 are precisely identified by coordinates in the</p> <p>11:46 7 mitigation agreement, yes, and that's publicly</p> <p>11:46 8 available.</p> <p>11:46 9 Q. Okay. So that's where I'd go to</p> <p>11:46 10 look for that?</p> <p>11:46 11 A. Yeah, yeah.</p> <p>11:46 12 Q. Okay. So I want to go back a little</p> <p>11:46 13 bit of the history of the project.</p> <p>11:46 14 I understand you got involved in</p> <p>11:46 15 2016?</p> <p>11:46 16 A. 2018.</p> <p>11:46 17 Q. 2018?</p> <p>11:46 18 A. Yes.</p> <p>11:46 19 Q. Okay. And what was the project when</p> <p>11:46 20 you got involved?</p> <p>11:46 21 A. When I got involved, it was a</p> <p>11:46 22 250-megawatt project intending to interconnect</p> <p>11:46 23 at Red Mountain.</p> <p>11:46 24 Q. And 250?</p> <p>11:46 25 A. 250 megawatts of wind, yes.</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: center;">34</p> <p>11:44 1 in the amended ASC?</p> <p>11:44 2 A. No, because we want to permit all</p> <p>11:44 3 244 so we have the flexibility as we optimize</p> <p>11:44 4 this project, until we get to the point where</p> <p>11:44 5 we pull the trigger on the construction, we</p> <p>11:44 6 need all of those locations available.</p> <p>11:44 7 I don't know what I'm going to lose</p> <p>11:44 8 in the next week for something to pop up that</p> <p>11:44 9 says, that's too much cut and fill. We can't</p> <p>11:44 10 build that one. You got to use one of the</p> <p>11:44 11 others that you got on the bench, and replace</p> <p>11:44 12 it.</p> <p>11:45 13 So I've got to have all 244 sites</p> <p>11:45 14 permitted so I have that flexibility to build</p> <p>11:45 15 the optimal, most suitable project for whoever</p> <p>11:45 16 the ultimate offtake entity is, or entities.</p> <p>11:45 17 It could be more.</p> <p>11:45 18 Q. Okay.</p> <p>11:45 19 A. Or we could sell the project to</p> <p>11:45 20 somebody. I mean, all these things are on the</p> <p>11:45 21 table. It's what developers do. I mean, we're</p> <p>11:45 22 a private developer. We're trying to satisfy a</p> <p>11:45 23 market. And, you know, as opportunities come</p> <p>11:45 24 available, we'll evaluate them to the fullest.</p> <p>11:45 25 Q. So the change from the 244 to the</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">36</p> <p>11:46 1 Q. Of wind only?</p> <p>11:46 2 A. Yes.</p> <p>11:46 3 Q. And that was in 2018?</p> <p>11:46 4 A. That was in 2018, yes.</p> <p>11:46 5 Q. And was that a viable project?</p> <p>11:46 6 MS. PERLMUTTER: Objection as to</p> <p>11:46 7 form. You can answer.</p> <p>11:47 8 THE WITNESS: Every iteration we</p> <p>11:47 9 have in the development of the project is</p> <p>11:47 10 intended to get it to the most viable state</p> <p>11:47 11 we can.</p> <p>11:47 12 As it turns out, you know, we never</p> <p>11:47 13 did have a success path to interconnect at</p> <p>11:47 14 Red Mountain, and that's why we gave up</p> <p>11:47 15 that interconnection request.</p> <p>11:47 16 BY MR. ARAMBURU:</p> <p>11:47 17 Q. That was a BPA connection?</p> <p>11:47 18 A. Yeah, yeah.</p> <p>11:47 19 Q. And what was wrong with Red</p> <p>11:47 20 Mountain?</p> <p>11:47 21 A. We -- how do I say it? It was</p> <p>11:47 22 challenging to get all of the easements that</p> <p>11:47 23 were required to get our gen-tie installed from</p> <p>11:48 24 the project site to actually to the Red</p> <p>11:48 25 Mountain substation.</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: center;">37</p> <p>11:48 1 In the interim, we were competing</p> <p>11:48 2 against another wind developer that had leases</p> <p>11:48 3 and interconnections in the queue interspersed</p> <p>11:48 4 with our leases on the project site.</p> <p>11:48 5 And, ultimately, we worked with that</p> <p>11:48 6 competitor, acquired their assets, acquired two</p> <p>11:48 7 interconnection queue positions that they had</p> <p>11:48 8 for the 230 kV line on the east and the 500 kV</p> <p>11:48 9 line on the west, which made the 115 kV</p> <p>11:48 10 interconnect no longer viable because now the</p> <p>11:48 11 project had expanded to be -- well, I think at</p> <p>11:48 12 that stage it was 850 megawatts at that time.</p> <p>11:48 13 Q. Okay.</p> <p>11:49 14 A. But, you know, our job as developers</p> <p>11:49 15 is we're continuing to finesse and optimize and</p> <p>11:49 16 make this more attractive for an offtake</p> <p>11:49 17 market. And so we're constantly working.</p> <p>11:49 18 That's my job, is to look for ways to make this</p> <p>11:49 19 better, to make it more attractive, to make it</p> <p>11:49 20 more economical.</p> <p>11:49 21 Q. So there was capacity at the Red</p> <p>11:49 22 Mountain substation to take the 250 turbine</p> <p>11:49 23 project?</p> <p>11:49 24 A. Yes, yes.</p> <p>11:49 25 Q. Who was with the competitor?</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">39</p> <p>11:51 1 100 megawatt interconnect request to use up the</p> <p>11:51 2 remaining available capacity on the 230 kV side</p> <p>11:51 3 of the project. So that then went up to 350</p> <p>11:51 4 megawatts.</p> <p>11:51 5 Q. That was all wind?</p> <p>11:51 6 A. Yes. At the time, that was all</p> <p>11:51 7 wind.</p> <p>11:51 8 Q. And did you take over a queue</p> <p>11:51 9 position --</p> <p>11:51 10 A. Yes.</p> <p>11:51 11 Q. -- from them?</p> <p>11:51 12 A. Two of them.</p> <p>11:51 13 Q. Two of them?</p> <p>11:51 14 A. Yeah.</p> <p>11:51 15 Q. A 250 megawatt and a 100 megawatt?</p> <p>11:51 16 A. No. We filed the 100 on our own.</p> <p>11:51 17 You can file and terminate and file</p> <p>11:51 18 interconnect requests to your heart's content.</p> <p>11:51 19 So we acquired their 250. We then</p> <p>11:51 20 filed for another 100 megawatts of wind. And</p> <p>11:51 21 then we filed for another 300 megawatt of</p> <p>11:51 22 solar. And then we filed for another</p> <p>11:51 23 100 megawatt of solar overbuild.</p> <p>11:52 24 Q. Okay. I don't mean to interrupt</p> <p>11:52 25 you. I was just trying to get a consecutive</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: center;">38</p> <p>11:49 1 A. WPD Incorporated. In fact, we have</p> <p>11:49 2 an ongoing -- similar to exclusivity with GE,</p> <p>11:49 3 have an ongoing contract obligation with them</p> <p>11:49 4 as a result of acquiring those assets.</p> <p>11:49 5 Q. Which include leases?</p> <p>11:49 6 A. I'm sorry?</p> <p>11:49 7 Q. Which include leases, land leases?</p> <p>11:50 8 A. No. With WPD, we've acquired all of</p> <p>11:50 9 the land lease that we desire. And they've</p> <p>11:50 10 given up the ones we didn't desire. And so,</p> <p>11:50 11 yes, we're the only ones out there that have</p> <p>11:50 12 leases, that I know of.</p> <p>11:50 13 Q. So just to backtrack a little bit.</p> <p>11:50 14 When you came on board in 2018, the</p> <p>11:50 15 project that was then under consideration was a</p> <p>11:50 16 250 megawatt wind project?</p> <p>11:50 17 A. Yes.</p> <p>11:50 18 Q. So, then, what was the next</p> <p>11:50 19 iteration of the project?</p> <p>11:50 20 A. Well, the next iteration was to</p> <p>11:50 21 acquire leases from WPD and this eastern</p> <p>11:50 22 interconnection that they had that was in the</p> <p>11:50 23 queue for 250 megawatts.</p> <p>11:50 24 But then, since we had more assets,</p> <p>11:50 25 more ability to interconnect, we added another</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">40</p> <p>11:52 1 arrangement here.</p> <p>11:52 2 So 250 to begin with?</p> <p>11:52 3 A. Yes.</p> <p>11:52 4 Q. Then we go from 250 plus 100. And</p> <p>11:52 5 then what's the next iteration after that?</p> <p>11:52 6 A. The next iteration after that was to</p> <p>11:52 7 file a 300 megawatt solar. So that would make</p> <p>11:52 8 it 650 megawatts of interconnection on the</p> <p>11:52 9 230 kV system.</p> <p>11:52 10 Q. And that was east or west?</p> <p>11:52 11 A. That was the east side.</p> <p>11:52 12 Q. Okay. So 350 of wind and 300 of</p> <p>11:52 13 solar?</p> <p>11:52 14 A. Yes.</p> <p>11:52 15 Q. And was there a layout for that</p> <p>11:52 16 project? I mean, was there a design --</p> <p>11:52 17 A. It's in the -- it's in the</p> <p>11:52 18 application for site certification, yes.</p> <p>11:52 19 Q. Okay. Okay. So that adds up to</p> <p>11:52 20 650, then?</p> <p>11:52 21 A. Yes.</p> <p>11:53 22 Q. Then what was the next iteration of</p> <p>11:53 23 the project?</p> <p>11:53 24 A. We filed for 100 megawatts of solar</p> <p>11:53 25 overbuild.</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: right;">41</p> <p>11:53 1 Q. Okay.</p> <p>11:53 2 A. Want me to explain that?</p> <p>11:53 3 Q. Yes. And what do you mean by</p> <p>11:53 4 overbuild?</p> <p>11:53 5 A. It means that we're interconnecting</p> <p>11:53 6 100 megawatts, but it's not -- it's not in</p> <p>11:53 7 increasing the amount of transmitted energy on</p> <p>11:53 8 the system. It's literally behind the meter.</p> <p>11:53 9 So it says you can never exceed</p> <p>11:53 10 350 megawatts on the system. But you have</p> <p>11:53 11 100 megawatts of solar that if, say, the wind</p> <p>11:53 12 dies down, then you can interject that into the</p> <p>11:53 13 system as long as you maintain below</p> <p>11:54 14 350 megawatts. So that's -- available</p> <p>11:54 15 transmission capacity is the terminology that's</p> <p>11:54 16 used.</p> <p>11:54 17 Q. So in various places in the</p> <p>11:54 18 application you use the term "grid injection</p> <p>11:54 19 capacity"?</p> <p>11:54 20 A. Yes.</p> <p>11:54 21 Q. Is that what we're talking about?</p> <p>11:54 22 A. Grid injection capacity is kind of</p> <p>11:54 23 the term that relates to what you can inject</p> <p>11:54 24 into the system and have it go where you</p> <p>11:54 25 desire.</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">43</p> <p>11:55 1 Okay. The solar's there and</p> <p>11:55 2 available. It's daytime. We can just start</p> <p>11:55 3 injecting the solar to maintain 350 megawatts,</p> <p>11:55 4 even though the wind has died down.</p> <p>11:55 5 Q. So over the course of a year, what</p> <p>11:56 6 period of time in percentages, perhaps, would</p> <p>11:56 7 you not be able to use the full capacity, the</p> <p>11:56 8 full nameplate capacity and interject it into</p> <p>11:56 9 the grid?</p> <p>11:56 10 MS. PERLMUTTER: Objection. Calls</p> <p>11:56 11 for speculation. You can answer.</p> <p>11:56 12 THE WITNESS: You know, that's kind</p> <p>11:56 13 of a commercial concern. That's -- I mean,</p> <p>11:56 14 that's the intellectual property that,</p> <p>11:56 15 we're trying to market this project, and</p> <p>11:56 16 we're designing various components of it to</p> <p>11:56 17 optimize the output relative to the</p> <p>11:56 18 climatic conditions that are here.</p> <p>11:56 19 And we spend a lot of effort to make</p> <p>11:56 20 sure those numbers are ideal. And we work</p> <p>11:56 21 with our potential offtakers -- I mean,</p> <p>11:57 22 that's why we did the 100 megawatts</p> <p>11:57 23 overbuild was in response to an offtaker's</p> <p>11:57 24 desire to be able to optimize the</p> <p>11:57 25 transition on the grid.</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: right;">42</p> <p>11:54 1 Q. So why is there a grid injection</p> <p>11:54 2 capacity? What causes that to happen?</p> <p>11:54 3 A. That's the capability of the</p> <p>11:54 4 Bonneville system. It has limitations. I</p> <p>11:54 5 mean, wires have limits. Bonneville has to</p> <p>11:54 6 manage reliability on the grid, so they have to</p> <p>11:54 7 maintain the electrical characteristics of</p> <p>11:54 8 everybody that's interconnected with the grid.</p> <p>11:54 9 And so they do a lot of study to determine, you</p> <p>11:55 10 know, how much can be inter -- injected at any</p> <p>11:55 11 point in the system.</p> <p>11:55 12 Q. And any hope that you can get your</p> <p>11:55 13 overbuild into the system?</p> <p>11:55 14 MS. PERLMUTTER: Objection as to</p> <p>11:55 15 form. You can answer.</p> <p>11:55 16 THE WITNESS: We don't need to.</p> <p>11:55 17 It's overbuild.</p> <p>11:55 18 BY MR. ARAMBURU:</p> <p>11:55 19 Q. Okay.</p> <p>11:55 20 A. You inject it whenever you drop</p> <p>11:55 21 below 350 megawatts injection, you can use some</p> <p>11:55 22 of that overbuild. Let me just go through.</p> <p>11:55 23 Let's say, you know, the wind is blowing, we're</p> <p>11:55 24 generating 350 megawatts injection of wind on</p> <p>11:55 25 the east side, and the wind starts to die down.</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">44</p> <p>11:57 1 And what I mean by that is, if you</p> <p>11:57 2 have 350 megawatts of wind, you've got have</p> <p>11:57 3 350 megawatts of capacity. Well, what</p> <p>11:57 4 happens when the wind stops blowing? You</p> <p>11:57 5 still have that obligation. You're still</p> <p>11:57 6 paying for that capacity on the system.</p> <p>11:57 7 So what if you could add solar that</p> <p>11:57 8 would ramp up using that same contractual</p> <p>11:57 9 capacity to use it when the wind is not?</p> <p>11:57 10 You're optimizing your system.</p> <p>11:57 11 And the same thing goes for battery</p> <p>11:57 12 storage. The intent is to optimize it so</p> <p>11:57 13 when you've got solar, when you've got that</p> <p>11:57 14 excess solar that's there and able to</p> <p>11:57 15 generate, you can divert it to charge the</p> <p>11:57 16 battery without using the transmission</p> <p>11:58 17 system.</p> <p>11:58 18 And so all of these things work</p> <p>11:58 19 together to optimize the project for the</p> <p>11:58 20 eventual offtaker.</p> <p>11:58 21 BY MR. ARAMBURU:</p> <p>11:58 22 Q. I understand that.</p> <p>11:58 23 And who was the offtaker that wanted</p> <p>11:58 24 the 100 overbuild, the 100 megawatts overbuild?</p> <p>11:58 25 A. I can't answer that.</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: right;">45</p> <p>11:58 1 MS. PERLMUTTER: You tell me. If</p> <p>11:58 2 that's confidential, then I'm going to</p> <p>11:58 3 object and ask him not to respond.</p> <p>11:58 4 THE WITNESS: It's confidential</p> <p>11:58 5 negotiations. I'm not at liberty to say</p> <p>11:58 6 that.</p> <p>11:58 7 BY MR. ARAMBURU:</p> <p>11:58 8 Q. Are these ongoing negotiations now?</p> <p>11:58 9 A. Yes.</p> <p>11:58 10 Q. My question to you is without regard</p> <p>11:58 11 to an offtaker or purchaser of the project.</p> <p>11:58 12 My question to you is, you've</p> <p>11:58 13 described a scenario by which wind slows down,</p> <p>11:58 14 but the sun keeps shining just like it's</p> <p>11:58 15 shining out today?</p> <p>11:58 16 A. Yeah.</p> <p>11:58 17 Q. And then you can ramp up the sun to</p> <p>11:58 18 take account of the declining production from</p> <p>11:58 19 your wind turbines, correct?</p> <p>11:59 20 A. Exactly. You got it. You got.</p> <p>11:59 21 Q. Okay. Now, my question to you is,</p> <p>11:59 22 how often does that happen? What period of</p> <p>11:59 23 time over the year? Is this 10 percent of the</p> <p>11:59 24 year, 20 percent of the year, 50 percent of the</p> <p>11:59 25 year? How often does this happen?</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">47</p> <p>12:00 1 on anything, but I don't have all those numbers</p> <p>12:00 2 at my -- on the tip of my tongue.</p> <p>12:00 3 Q. Okay. But there are certain times</p> <p>12:00 4 of the year when the overbuild for solar or the</p> <p>12:00 5 overbuild for wind, correct? There's an</p> <p>12:00 6 overbuild for wind?</p> <p>12:00 7 A. Yes.</p> <p>12:00 8 Q. Okay. Both of those might be</p> <p>12:00 9 optimized when one or the other declines in</p> <p>12:01 10 production?</p> <p>12:01 11 A. Correct. Well, the overbuild on the</p> <p>12:01 12 wind is a bit different.</p> <p>12:01 13 Q. Explain why.</p> <p>12:01 14 A. The overbuild on the wind is, from</p> <p>12:01 15 the point of generation to the actual point of</p> <p>12:01 16 delivery to the grid, there's electrical</p> <p>12:01 17 losses.</p> <p>12:01 18 And so, with the wind, you can</p> <p>12:01 19 technically have those overbuilt turbines</p> <p>12:01 20 functioning all the time because all they're</p> <p>12:01 21 doing is making up for the losses between your</p> <p>12:01 22 nameplate generation and what's actually</p> <p>12:01 23 getting injected into the grid.</p> <p>12:01 24 Q. I'm sorry, doesn't that depend on</p> <p>12:01 25 the length of the transmission?</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: right;">46</p> <p>11:59 1 A. Frequently.</p> <p>11:59 2 Q. Well, I mean, but can you help me</p> <p>11:59 3 with some sort of quantification if you would,</p> <p>11:59 4 Mr. Kobus?</p> <p>11:59 5 A. I would rather refrain from it</p> <p>11:59 6 because we're still optimizing the project. I</p> <p>11:59 7 mean, we don't know what size the batteries are</p> <p>11:59 8 going to be. You know, we know what size the</p> <p>11:59 9 solar is going to be, but that is our</p> <p>11:59 10 intellectual property. That's what we do for a</p> <p>11:59 11 living.</p> <p>11:59 12 Q. But these are mathematical</p> <p>11:59 13 calculations, are they not? These are</p> <p>11:59 14 calculations that you make?</p> <p>11:59 15 A. I have to know the exact conditions</p> <p>11:59 16 of what size the battery is, what time of year</p> <p>12:00 17 that you're talking about, to, you know, be</p> <p>12:00 18 able to determine what that optimization level</p> <p>12:00 19 is. But bottom line, I can't spout it off, off</p> <p>12:00 20 the cuff. If I said a number, I'd be wrong.</p> <p>12:00 21 Q. Why?</p> <p>12:00 22 A. Because -- you said this is a big</p> <p>12:00 23 document. And I'm the project manager for this</p> <p>12:00 24 site, and I have to know a little bit about</p> <p>12:00 25 everything. So I can be a few questions deep</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">48</p> <p>12:01 1 A. It depends on all things electrical</p> <p>12:01 2 related to the project. There could be</p> <p>12:01 3 turbines on one side of the project generating</p> <p>12:01 4 fairly strongly and on the other side not.</p> <p>12:02 5 So it's just, you know, a dynamic</p> <p>12:02 6 where you have the overbuild design to be the</p> <p>12:02 7 desired amount to make up for the average</p> <p>12:02 8 electrical losses on the project. But</p> <p>12:02 9 recognize you can never exceed your available</p> <p>12:02 10 injection capacity.</p> <p>12:02 11 Q. Okay. But you're talking about line</p> <p>12:02 12 losses, right?</p> <p>12:02 13 A. Yeah.</p> <p>12:02 14 Q. That's, what, 3, 4 percent at most?</p> <p>12:02 15 A. That's probably a fairly good</p> <p>12:02 16 number, yeah.</p> <p>12:02 17 Q. But you're not overbuilding because</p> <p>12:02 18 you're losing 3 or 4 percent on the</p> <p>12:02 19 transmission, are you?</p> <p>12:02 20 A. Oh, yes, we are.</p> <p>12:02 21 Q. That's the sole reason for</p> <p>12:02 22 overbuild?</p> <p>12:02 23 A. Oh, yes.</p> <p>12:02 24 MS. PERLMUTTER: Objection.</p> <p>12:02 25 Mischaracterizes his testimony. But you</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

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

<p style="text-align: right;">53</p> <p>12:08 1 us to have devices associated with the</p> <p>12:08 2 project that control that.</p> <p>12:08 3 BY MR. ARAMBURU:</p> <p>12:08 4 Q. Okay. Okay. Now, I think we're up</p> <p>12:08 5 to around 750. Now, what's the next step in</p> <p>12:08 6 the continuum of the project?</p> <p>12:08 7 A. We terminated the 300 megawatt</p> <p>12:08 8 interconnection request on the east side.</p> <p>12:08 9 Q. Why was that?</p> <p>12:08 10 A. We discovered that when Bonneville</p> <p>12:08 11 was doing their feasibility studies, that what</p> <p>12:08 12 they would have required to do for the network</p> <p>12:08 13 would have been extremely costly. And we</p> <p>12:09 14 decided that it would not have been in the best</p> <p>12:09 15 interest of our potential offtake market to</p> <p>12:09 16 shoulder that kind of cost.</p> <p>12:09 17 Q. So you forgot about the 350, then?</p> <p>12:09 18 MS. PERLMUTTER: Objection. Form.</p> <p>12:09 19 You can answer.</p> <p>12:09 20 THE WITNESS: The 350 is still</p> <p>12:09 21 there. This is the extra 300 solar that we</p> <p>12:09 22 added and then terminated.</p> <p>12:09 23 BY MR. ARAMBURU:</p> <p>12:09 24 Q. Okay. But as I understand it,</p> <p>12:09 25 the -- you terminated the -- your position in</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">55</p> <p>12:10 1 150 larger turbines? Is that a corporate</p> <p>12:11 2 decision made as of now?</p> <p>12:11 3 A. No. We -- that will be a</p> <p>12:11 4 last-minute determination when we go to the</p> <p>12:11 5 turbine supplier and negotiate for the turbine</p> <p>12:11 6 that we desire to have.</p> <p>12:11 7 Q. So there's interconnect proposals</p> <p>12:11 8 that have been made to BPA, am I correct about</p> <p>12:11 9 that?</p> <p>12:11 10 A. Yeah.</p> <p>12:11 11 Q. For the whole project?</p> <p>12:11 12 A. Yes.</p> <p>12:11 13 Q. And what's the status of those?</p> <p>12:11 14 A. We have -- we're at the E&P</p> <p>12:11 15 agreement stage for both interconnections,</p> <p>12:11 16 which means Bonneville is doing engineering and</p> <p>12:11 17 procurement that we have funded to advance the</p> <p>12:11 18 design of the projects, culminating in a large</p> <p>12:11 19 generator interconnection agreement once we</p> <p>12:11 20 have unappealable permit available.</p> <p>12:12 21 Q. And when do you expect the decision</p> <p>12:12 22 on the interconnect with BPA?</p> <p>12:12 23 A. At the point we have an unappealable</p> <p>12:12 24 permit.</p> <p>12:12 25 Q. If you got your permit today, would</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: right;">54</p> <p>12:09 1 the queue for the 350?</p> <p>12:09 2 A. No. For the 300.</p> <p>12:09 3 Q. Oh, for the 300. Excuse me.</p> <p>12:09 4 A. The extra 300 solar. Every one of</p> <p>12:09 5 these interconnects is a precise application</p> <p>12:09 6 document and a precise queue position and, you</p> <p>12:09 7 know, meets all of Bonneville's tariff</p> <p>12:10 8 requirements related to it.</p> <p>12:10 9 So they manage the queue. And so if</p> <p>12:10 10 you put in 300 and then terminate it, it</p> <p>12:10 11 doesn't affect anything else in the queue. You</p> <p>12:10 12 just terminated your queue position for that</p> <p>12:10 13 300 desired injection.</p> <p>12:10 14 Q. Somebody else moves up?</p> <p>12:10 15 A. In this case, anybody could file,</p> <p>12:10 16 but there wasn't capacity to do it because, as</p> <p>12:10 17 I said, when we had our feasibility study, it</p> <p>12:10 18 was determined that the network upgrades that</p> <p>12:10 19 would be required -- well, I don't want to</p> <p>12:10 20 repeat myself, so...</p> <p>12:10 21 Q. Network upgrades on the BPA side?</p> <p>12:10 22 A. On the BPA side would be very</p> <p>12:10 23 expensive, yes.</p> <p>12:10 24 Q. So has a decision been made now</p> <p>12:10 25 between the 244 smaller turbines and the</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">56</p> <p>12:12 1 you get the approval from the interconnect --</p> <p>12:12 2 large interconnect agreement with BPA?</p> <p>12:12 3 A. Within a very short period of time,</p> <p>12:12 4 yes.</p> <p>12:12 5 Q. I understand from the application</p> <p>12:12 6 that they're going through a NEPA review</p> <p>12:12 7 process?</p> <p>12:12 8 A. Yes, yeah.</p> <p>12:12 9 Q. And when will that be complete?</p> <p>12:12 10 MS. PERLMUTTER: Objection.</p> <p>12:12 11 Foundation. You can answer if you know.</p> <p>12:12 12 THE WITNESS: Typically, it's the</p> <p>12:12 13 last thing they do before issuing the large</p> <p>12:12 14 generator interconnect agreement.</p> <p>12:12 15 BY MR. ARAMBURU:</p> <p>12:12 16 Q. Okay. And then I gather from</p> <p>12:12 17 reading the application, sometime or another,</p> <p>12:12 18 batteries were added to this thing?</p> <p>12:12 19 A. Yes, battery storage.</p> <p>12:12 20 Q. And when did that happen?</p> <p>12:13 21 A. When we added the solar. It was a</p> <p>12:13 22 solar battery. So it was a hybridization that</p> <p>12:13 23 was done at the same time.</p> <p>12:13 24 Q. Okay. And reading the application,</p> <p>12:13 25 it looks to me that there's 300 megawatts of</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: center;">57</p> <p>12:13 1 batteries in two -- and 1550 in each place, am</p> <p>12:13 2 I right about that?</p> <p>12:13 3 A. Yes. We intended -- we have two</p> <p>12:13 4 points of interconnection. And so, to optimize</p> <p>12:13 5 the project, we wanted the solar and the</p> <p>12:13 6 battery to be clustered by the interconnection</p> <p>12:13 7 to minimize the amount of wires to make it as</p> <p>12:13 8 cost effective as possible.</p> <p>12:13 9 Because we didn't know where</p> <p>12:13 10 Bonneville was actually going to finally decide</p> <p>12:13 11 where the western interconnect would be, we had</p> <p>12:13 12 to have a redundant part of the application to</p> <p>12:13 13 cover whichever decision Bonneville would make</p> <p>12:13 14 so that we wouldn't have to add it to the</p> <p>12:14 15 application later on in the process, which</p> <p>12:14 16 would, you know, be an increased impact</p> <p>12:14 17 environmentally, so...</p> <p>12:14 18 Q. So I don't see any drawings or</p> <p>12:14 19 designs or any engineering for the battery</p> <p>12:14 20 project. Is that ongoing that?</p> <p>12:14 21 A. That is ongoing, yes.</p> <p>12:14 22 Q. But it's not here, is it? Here --</p> <p>12:14 23 I'm sorry, here as in the updated amended site</p> <p>12:14 24 application?</p> <p>12:14 25 A. There's as much in there about the</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC</p> <p style="text-align: center;">509.942.8477</p>	<p style="text-align: center;">59</p> <p>12:15 1 permitting to incorporate it.</p> <p>12:16 2 Q. So would it be more than</p> <p>12:16 3 300 megawatts for batteries?</p> <p>12:16 4 MS. PERLMUTTER: Objection.</p> <p>12:16 5 Speculation. You can answer.</p> <p>12:16 6 THE WITNESS: We don't intend to</p> <p>12:16 7 increase the size of the batteries, no.</p> <p>12:16 8 BY MR. ARAMBURU:</p> <p>12:16 9 Q. And I read in the application that</p> <p>12:16 10 the size of the area for the batteries is</p> <p>12:16 11 six acres; is that right?</p> <p>12:16 12 A. Could be if we build the largest</p> <p>12:16 13 amount we were contemplating, yes.</p> <p>12:16 14 Q. But as we're sitting here today and</p> <p>12:16 15 we're thinking about whether this ought to be</p> <p>12:16 16 approved or not, we should assume two battery</p> <p>12:16 17 locations with 150 megawatts each, correct?</p> <p>12:16 18 A. That's correct.</p> <p>12:16 19 THE COURT REPORTER: Can we take a</p> <p>12:23 20 break?</p> <p>12:23 21 MR. ARAMBURU: Yes.</p> <p>12:23 22 (A recess was taken.)</p> <p>12:23 23 BY MR. ARAMBURU:</p> <p>12:23 24 Q. Mr. Kobus, we're back on the record</p> <p>12:23 25 now. I want to have you turn to page 2-15 of</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC</p> <p style="text-align: center;">509.942.8477</p>
<p style="text-align: center;">58</p> <p>12:14 1 battery as I believe there is about solar and</p> <p>12:14 2 wind.</p> <p>12:14 3 Q. Okay. Well, we have locations for</p> <p>12:14 4 the turbines.</p> <p>12:14 5 A. And the type of battery technology</p> <p>12:14 6 that's available in the market, the size of</p> <p>12:14 7 battery that we are anticipating using.</p> <p>12:14 8 Q. And the batteries are going to be</p> <p>12:14 9 lithium ions?</p> <p>12:15 10 A. That's the most commercially viable</p> <p>12:15 11 economical technology on the market today.</p> <p>12:15 12 However, it's going to be whatever the offtaker</p> <p>12:15 13 desires. The offtaker could step up and say, I</p> <p>12:15 14 want eight hour batteries, or I want a flow</p> <p>12:15 15 battery of a different technology, and we would</p> <p>12:15 16 scramble to accommodate that, if necessary, do</p> <p>12:15 17 an amendment to our SCA, and a supplemental</p> <p>12:15 18 EIS, if necessary, to accommodate it.</p> <p>12:15 19 Q. So let me understand that scenario.</p> <p>12:15 20 Scout would build the project to the</p> <p>12:15 21 specifications of the offtake, is that the way</p> <p>12:15 22 it works?</p> <p>12:15 23 A. We would attempt to design the</p> <p>12:15 24 project to meet their specifications, but we'd</p> <p>12:15 25 have to permit it. We'd have to adjust our</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC</p> <p style="text-align: center;">509.942.8477</p>	<p style="text-align: center;">60</p> <p>12:23 1 the amended ASC. So there's -- under</p> <p>12:23 2 section 2.3, there's some redline language that</p> <p>12:23 3 was added here.</p> <p>12:23 4 Was that something you were</p> <p>12:23 5 responsible for?</p> <p>12:24 6 A. Yes, I was.</p> <p>12:24 7 Q. So do I have the right person as the</p> <p>12:24 8 one who wrote it?</p> <p>12:24 9 A. Yes, yes.</p> <p>12:24 10 Q. Okay. Wonderful, wonderful. Okay.</p> <p>12:24 11 And so why was the redline put in?</p> <p>12:24 12 What was the change that was necessary? Can</p> <p>12:24 13 you explain?</p> <p>12:24 14 MS. PERLMUTTER: Objection. The</p> <p>12:24 15 document speaks for itself. You can</p> <p>12:24 16 answer.</p> <p>12:24 17 THE WITNESS: There were two things</p> <p>12:24 18 that were going on, one with Bonneville and</p> <p>12:24 19 one with EFSEC staff. The EFSEC staff</p> <p>12:24 20 exchange was when EFSEC was going to</p> <p>12:24 21 publish the -- their notice, their SEPA</p> <p>12:24 22 notice for having to do an EIS --</p> <p>12:25 23 BY MR. ARAMBURU:</p> <p>12:25 24 Q. Let me interrupt you.</p> <p>12:25 25 A determination of significance,</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC</p> <p style="text-align: center;">509.942.8477</p>

<p style="text-align: center;">61</p> <p>12:25 1 would that be the document?</p> <p>12:25 2 A. Yes.</p> <p>12:25 3 Q. Okay. Excuse me for the</p> <p>12:25 4 interruption.</p> <p>12:25 5 A. Yeah. And I had an exchange with</p> <p>12:25 6 Amy Hafkemeyer at EFSEC about the concept of</p> <p>12:25 7 nameplate capacity. That, you know, I had</p> <p>12:25 8 discovered that, you know, for example, on the</p> <p>12:25 9 solar, if the application materials say</p> <p>12:25 10 nameplate capacity, it depends on whether it's</p> <p>12:25 11 the solar inverters or the solar modules</p> <p>12:25 12 themselves, which as I said earlier, could add</p> <p>12:25 13 up to a larger amount of generation potential</p> <p>12:25 14 than the inverter itself. And so we were</p> <p>12:26 15 clarifying the terminology related to nameplate</p> <p>12:26 16 capacity so it was clear that you could</p> <p>12:26 17 overbuild.</p> <p>12:26 18 What was happening with Bonneville</p> <p>12:26 19 is, Bonneville was, you know, maintaining the</p> <p>12:26 20 policy of the inverter nameplate for solar, but</p> <p>12:26 21 they were also saying that you could not</p> <p>12:26 22 overbuild wind.</p> <p>12:26 23 And so we engaged in further</p> <p>12:26 24 conversation with Bonneville and eventually</p> <p>12:26 25 came to the understanding -- we got to the</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">63</p> <p>12:28 1 Q. And have you provided that</p> <p>12:28 2 information to them?</p> <p>12:28 3 A. Yes. We filed an interconnection</p> <p>12:28 4 request to add four turbines, four additional</p> <p>12:28 5 turbines of the same kind of turbine to the</p> <p>12:28 6 project configuration.</p> <p>12:28 7 Q. Okay. And so over onto page --</p> <p>12:28 8 A. Just can I clarify one thing?</p> <p>12:28 9 Q. Okay.</p> <p>12:28 10 A. These four overbuild turbines are</p> <p>12:28 11 part of the 235. They're not four additional</p> <p>12:28 12 that we're slamming out there. Okay. They</p> <p>12:28 13 would be part of the 235 that we're allowed to</p> <p>12:28 14 build.</p> <p>12:28 15 Q. Okay.</p> <p>12:28 16 A. We would just configure the site so</p> <p>12:28 17 that whatever was injecting on the east side</p> <p>12:28 18 had those four additional turbines injecting</p> <p>12:28 19 there, so they wouldn't be available to inject</p> <p>12:29 20 on the west side.</p> <p>12:29 21 Q. Okay. And more capacity in the east</p> <p>12:29 22 side substation than the west?</p> <p>12:29 23 MS. PERLMUTTER: Objection as to</p> <p>12:29 24 form. You can answer if you can.</p> <p>12:29 25 THE WITNESS: On the east side per</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: center;">62</p> <p>12:26 1 right person in Bonneville, and came to</p> <p>12:26 2 understand that you could overbuild the wind,</p> <p>12:26 3 you just have to have a separate interconnect</p> <p>12:26 4 to do it. You have to spell out how many</p> <p>12:27 5 turbines, what type of turbines that you would</p> <p>12:27 6 use to be able to overbuild the wind.</p> <p>12:27 7 So at that point it was clear we had</p> <p>12:27 8 to change the terminology so that it supported</p> <p>12:27 9 the fact that you could do overbuild of both</p> <p>12:27 10 solar panels and wind turbines.</p> <p>12:27 11 And so this redline was an intent to</p> <p>12:27 12 just bring together all of that mutual</p> <p>12:27 13 understanding that occurred between us and</p> <p>12:27 14 EFSEC and Bonneville at the time.</p> <p>12:27 15 Q. Well, let's stick with page 2-15.</p> <p>12:27 16 A. Sure.</p> <p>12:27 17 Q. You indicated that you could</p> <p>12:27 18 overbuild, wind turbines -- push solar off to</p> <p>12:27 19 the side for a second -- overbuild wind</p> <p>12:27 20 turbines even though -- okay.</p> <p>12:27 21 You could overbuild wind turbines,</p> <p>12:27 22 but BPA had to know how these wind turbines</p> <p>12:27 23 were going to get -- these overbuilt turbines</p> <p>12:28 24 were going to get on the system.</p> <p>12:28 25 A. Yeah.</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">64</p> <p>12:29 1 the interconnect applications we have in</p> <p>12:29 2 the queue, we have the ability to interject</p> <p>12:29 3 350 megawatts of wind turbines, plus four</p> <p>12:29 4 more or -- or 13.6 more megawatts above</p> <p>12:29 5 that 350 as overbuild.</p> <p>12:29 6 BY MR. ARAMBURU:</p> <p>12:29 7 Q. Let me have you look at page 2-15,</p> <p>12:29 8 the second full paragraph.</p> <p>12:29 9 A. Okay.</p> <p>12:29 10 Q. Is this something you wrote?</p> <p>12:29 11 A. Well, again, it's -- working with</p> <p>12:30 12 Tetra Tech, I contributed, you know, editorial,</p> <p>12:30 13 yes.</p> <p>12:30 14 Q. So I'm reading this, and it says</p> <p>12:30 15 that the transmitted the two -- two</p> <p>12:30 16 transmission lines, two interconnections, one</p> <p>12:30 17 east, one west.</p> <p>12:30 18 A. Okay.</p> <p>12:30 19 Q. And 650 megawatts of nameplate</p> <p>12:30 20 generating capacity could interconnect at the</p> <p>12:30 21 Bofer Canyon substation.</p> <p>12:30 22 A. Correct.</p> <p>12:30 23 Q. But that's limited to the</p> <p>12:30 24 350 megawatts injection capacity, right?</p> <p>12:31 25 A. That's actually an error. I need to</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: center;">65</p> <p>12:31 1 fix that.</p> <p>12:31 2 Q. Okay.</p> <p>12:31 3 A. Because at that time, the 650 was</p> <p>12:31 4 the 350 wind plus that additional 350 solar,</p> <p>12:31 5 which we subsequently terminated.</p> <p>12:31 6 Q. So this is incorrect?</p> <p>12:31 7 A. Yeah, this is incorrect. I need to</p> <p>12:31 8 fix that.</p> <p>12:31 9 Q. So tell me how we can fix it.</p> <p>12:31 10 A. We can only inject -- per our</p> <p>12:31 11 current interconnection request, we can inject</p> <p>12:31 12 350 megawatts on that 230 kV system.</p> <p>12:31 13 Q. That's what it says.</p> <p>12:31 14 A. It says up to 650.</p> <p>12:32 15 Q. Well, it says up to 650 --</p> <p>12:32 16 A. Could interconnect. It says up to</p> <p>12:32 17 650 could interconnect, but that it's limited</p> <p>12:32 18 to 350 injection capacity. While, if we were</p> <p>12:32 19 doing 650, we would need 650 of injection</p> <p>12:32 20 capacity.</p> <p>12:32 21 Q. But you don't have 650, you only</p> <p>12:32 22 have 350?</p> <p>12:32 23 A. Wind only we have 350, and we</p> <p>12:32 24 terminated the interconnection for the</p> <p>12:32 25 300 solar. So I could tomorrow file a new one</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">67</p> <p>12:33 1 capacity, could interconnect to the BPA 500 kV</p> <p>12:34 2 Webber Canyon substation.</p> <p>12:34 3 But that doesn't say whether that's</p> <p>12:34 4 wind or solar.</p> <p>12:34 5 A. No. You said up to 350, but it's up</p> <p>12:34 6 to 500 is what it says. Up to 500 megawatts.</p> <p>12:34 7 Q. As I read the sentence, and I don't</p> <p>12:34 8 want to argue with you, Mr. Kobus, but as I</p> <p>12:34 9 read the sentence, it says that 350 nameplate</p> <p>12:34 10 generating capacity could be wind or solar. It</p> <p>12:34 11 doesn't separate it --</p> <p>12:34 12 A. I'm sorry, you've lost me. Are you</p> <p>12:34 13 on second full paragraph on 2-16?</p> <p>12:34 14 Q. I'm on the third sentence:</p> <p>12:34 15 Up to 500 megawatts of nameplate</p> <p>12:34 16 generating capacity/grid interconnect.</p> <p>12:34 17 A. Correct. I'm with you.</p> <p>12:34 18 Q. But that doesn't say that that's</p> <p>12:34 19 wind or solar or combination of the two, just</p> <p>12:34 20 500 megawatts, period.</p> <p>12:35 21 A. Okay.</p> <p>12:35 22 Q. Is that right?</p> <p>12:35 23 A. That's what it reads, yes.</p> <p>12:35 24 Q. And is that correct? Have I got it</p> <p>12:35 25 right?</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: center;">66</p> <p>12:32 1 for that 350 solar and be within my, you know,</p> <p>12:32 2 EFSEC permitting bounds, but we don't intend to</p> <p>12:32 3 do that.</p> <p>12:32 4 Q. So, I'm sorry, the way I read the</p> <p>12:32 5 sentence, and this appears to be your sentence,</p> <p>12:32 6 so I want to make sure we get it right.</p> <p>12:33 7 It says up to 650 megawatts of</p> <p>12:33 8 nameplate generating capacity, limited to</p> <p>12:33 9 350 megawatts grid injection capacity, could go</p> <p>12:33 10 to the planned 230 kV Bofer substation.</p> <p>12:33 11 So as I understand it, we have</p> <p>12:33 12 650 megawatts of nameplate generating capacity</p> <p>12:33 13 that can be hooked up to the system, but the</p> <p>12:33 14 most you can do is 350. That's the way I read</p> <p>12:33 15 that sentence.</p> <p>12:33 16 A. Well, that is correct. That's the</p> <p>12:33 17 most we can do, yeah.</p> <p>12:33 18 Q. Okay. Good.</p> <p>12:33 19 Now, so that -- so that sentence is</p> <p>12:33 20 fine?</p> <p>12:33 21 A. Yeah, that's true. At this point in</p> <p>12:33 22 time, that's fine. We terminated the extra</p> <p>12:33 23 300.</p> <p>12:33 24 Q. Then it says, up to 350 megawatts of</p> <p>12:33 25 nameplate generating capacity, grid injection</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">68</p> <p>12:35 1 A. At the time we updated it, that was</p> <p>12:35 2 correct. Originally, this was a 500 megawatt</p> <p>12:35 3 interconnection request for wind, but we</p> <p>12:35 4 subsequently did material modification and</p> <p>12:35 5 evaluation and it is now 340 megawatts of wind</p> <p>12:35 6 and 160 megawatts of solar, per those --</p> <p>12:35 7 Q. So is this information correct or</p> <p>12:35 8 not?</p> <p>12:35 9 A. This is the application information,</p> <p>12:35 10 yes.</p> <p>12:35 11 Q. Okay. We don't need to correct</p> <p>12:35 12 this, this isn't wrong?</p> <p>12:35 13 A. No, it doesn't need to be corrected.</p> <p>12:35 14 But we've filed another interconnect request</p> <p>12:35 15 for another 100 megawatts of solar there. So</p> <p>12:35 16 if you look in the queue, we have 600 megawatts</p> <p>12:36 17 of interconnect request right now at that 500</p> <p>12:36 18 kV.</p> <p>12:36 19 Q. So let me go over and let's talk</p> <p>12:36 20 about solar now, if we may. And look over on</p> <p>12:36 21 page 2-49 of the application.</p> <p>12:36 22 A. Okay. I am there.</p> <p>12:36 23 Q. And it's paper, Mr. Kobus, my</p> <p>12:36 24 goodness.</p> <p>12:36 25 A. Yeah.</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: right;">69</p> <p>12:36 1 Q. Down in the second paragraph --</p> <p>12:36 2 A. Slick paper, too.</p> <p>12:36 3 Q. We had it printed thickly so it</p> <p>12:36 4 wouldn't bleed through.</p> <p>12:36 5 A. Yeah.</p> <p>12:36 6 Q. Second paragraph talks about solar</p> <p>12:36 7 arrays --</p> <p>12:36 8 A. Yes.</p> <p>12:36 9 Q. -- and nameplate generation</p> <p>12:36 10 capacity. And then there would be -- first</p> <p>12:36 11 sentence says micrositng factors, solar</p> <p>12:37 12 technology. Then it says:</p> <p>12:37 13 Nameplate generation capacity of</p> <p>12:37 14 solar arrays may be greater than --</p> <p>12:37 15 (The Court Reporter requested</p> <p>12:37 16 clarification.)</p> <p>12:37 17 BY MR. ARAMBURU:</p> <p>12:37 18 Q. We'll start that sentence over</p> <p>12:37 19 again.</p> <p>12:37 20 The nameplate generation capacity of</p> <p>12:37 21 the solar arrays may be greater than the</p> <p>12:37 22 maximum grid injection capacity, but will be</p> <p>12:37 23 limited to the maximum grid injection capacity</p> <p>12:37 24 as a function of the AC ratings of the</p> <p>12:37 25 inverters.</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">71</p> <p>12:38 1 2 percent, 20 percent?</p> <p>12:39 2 A. 20.</p> <p>12:39 3 Q. 20 percent?</p> <p>12:39 4 A. Yeah.</p> <p>12:39 5 Q. Okay. Can you buy a different</p> <p>12:39 6 inverter and get it to produce more power?</p> <p>12:39 7 A. Sure.</p> <p>12:39 8 Q. So as we go through this process and</p> <p>12:39 9 we're looking at these turbines, can you tell</p> <p>12:39 10 me what the output of each individual turbine</p> <p>12:39 11 is that's located on your maps?</p> <p>12:39 12 MS. PERLMUTTER: Objection to form.</p> <p>12:39 13 Answer if you can.</p> <p>12:39 14 THE WITNESS: The smaller size</p> <p>12:39 15 turbine?</p> <p>12:39 16 BY MR. ARAMBURU:</p> <p>12:39 17 Q. Well, let's say bigger size. We'll</p> <p>12:39 18 talk about the 244 smaller turbine arrangement.</p> <p>12:39 19 A. Okay.</p> <p>12:40 20 Q. Is there data available that</p> <p>12:40 21 predicts the amount of generation that comes</p> <p>12:40 22 from each turbine as shown on your drawing that</p> <p>12:40 23 locates the turbine?</p> <p>12:40 24 MS. PERLMUTTER: Renew the</p> <p>12:40 25 objection. You can still answer.</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: right;">70</p> <p>12:37 1 Is that right?</p> <p>12:37 2 A. Yes.</p> <p>12:37 3 Q. Okay. So what's the maximum grid</p> <p>12:37 4 generation -- you refer to maximum grid</p> <p>12:37 5 injection capacity here. What is that number?</p> <p>12:37 6 A. Well, the purpose of this sentence</p> <p>12:37 7 is to state what I've already related to you</p> <p>12:37 8 about that the solar arrays, the modules, can</p> <p>12:38 9 actually be greater than the inverter capacity.</p> <p>12:38 10 And so our interconnect is limited to the</p> <p>12:38 11 inverter nameplate rating. That's what that's</p> <p>12:38 12 intended to say.</p> <p>12:38 13 Q. I'm going to try to make this</p> <p>12:38 14 simple, and correct me if I'm wrong.</p> <p>12:38 15 The solar panels can create all the</p> <p>12:38 16 generation that you want, but what actually is</p> <p>12:38 17 produced and goes into the grid is limited by</p> <p>12:38 18 the inverter?</p> <p>12:38 19 A. Correct.</p> <p>12:38 20 Q. And how much of -- how much more</p> <p>12:38 21 nameplate capacity of the panels would there be</p> <p>12:38 22 than the inverter capacity?</p> <p>12:38 23 A. That's a design parameter we're</p> <p>12:38 24 still optimizing.</p> <p>12:38 25 Q. I mean, in general terms, 5 percent,</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">72</p> <p>12:40 1 THE WITNESS: It's the nameplate</p> <p>12:40 2 capacity of the turbine itself. If at the</p> <p>12:40 3 time we submitted the application we had a</p> <p>12:40 4 3 megawatt model versus a 6 megawatt model.</p> <p>12:40 5 Now, that 3 megawatt model is likely to be</p> <p>12:40 6 a 3.4 megawatt turbine, and that is its</p> <p>12:40 7 limit, 3.4 megawatts.</p> <p>12:40 8 BY MR. ARAMBURU:</p> <p>12:40 9 Q. Okay. I think I misspoke --</p> <p>12:40 10 A. Okay.</p> <p>12:40 11 Q. -- when I did my question. Let's go</p> <p>12:40 12 at it again.</p> <p>12:40 13 The -- can you predict, let's say,</p> <p>12:40 14 for a 3 megawatt turbine that's located in each</p> <p>12:40 15 part of the site, how much power would actually</p> <p>12:41 16 come from that, given wind parameters, other</p> <p>12:41 17 parameters for the property?</p> <p>12:41 18 MS. PERLMUTTER: Object as to form.</p> <p>12:41 19 You can answer if you can.</p> <p>12:41 20 THE WITNESS: Depends on the wind</p> <p>12:41 21 how much it's generating. It can't</p> <p>12:41 22 generate more than 3.4 megawatts.</p> <p>12:41 23 BY MR. ARAMBURU:</p> <p>12:41 24 Q. But let me put it this way.</p> <p>12:41 25 Is your assumption when you give us</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: center;">73</p> <p>12:41 1 this drawing that shows all the wind turbines, 12:41 2 and I know they're going to be moved around, 12:41 3 but the assumption is each one of these 12:41 4 turbines is going produce the same amount of 12:41 5 power? 12:41 6 A. Well, they're not going to be moved 12:41 7 around. The micrositing corridors are the 12:41 8 micrositing corridors. 12:41 9 Q. Okay. We'll leave that out of the 12:41 10 question. 12:41 11 A. Okay. 12:41 12 Q. We'll leave that out of the 12:41 13 question. 12:41 14 A. Okay. Can you repeat the -- 12:41 15 Q. Is the assumption, the operating 12:41 16 assumption when you locate these turbines on 12:41 17 the map, that each one of them is going to be 12:41 18 equal in production to every other one? 12:41 19 A. They're all going to be different. 12:41 20 Q. And -- 12:41 21 A. But they can't exceed 3.4 megawatts. 12:42 22 Q. I understand that. 12:42 23 But do you have information that 12:42 24 might indicate which of the turbines would be 12:42 25 better producers than other turbines? <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p> </p>	<p style="text-align: center;">75</p> <p>12:43 1 A. Okay. 12:43 2 Q. My question is simple. 12:43 3 Is the data available by which we 12:43 4 could look at each turbine to see what its 12:43 5 production is? 12:43 6 MS. PERLMUTTER: Objection as to 12:43 7 form. You can answer it if you can. 12:43 8 THE WITNESS: I cannot answer it, 12:43 9 and the reason I cannot answer it is we 12:43 10 have obligations with the turbine suppliers 12:43 11 that we will not disclose their power 12:43 12 curves, period. 12:43 13 MS. PERLMUTTER: If I may, for a 12:43 14 second. My objection was to form because 12:43 15 of the question available. I think you 12:43 16 guys are talking cross purposes. 12:43 17 If your question is, does data 12:43 18 exist, there's one answer. If your 12:44 19 response is, can I disclose the data, 12:44 20 that's a different answer. 12:44 21 Now I'll let it to you guys to 12:44 22 figure out what you want to do. 12:44 23 BY MR. ARAMBURU: 12:44 24 Q. It was the first question, does this 12:44 25 data exist, no matter proprietary, secret, <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p> </p>
<p style="text-align: center;">74</p> <p>12:42 1 A. Yes, we do. That's how we cited the 12:42 2 turbines on the site originally is, you look 12:42 3 for the highest wind spot and you put a dot 12:42 4 there. So I want that turbine, that's the 12:42 5 highest one. 12:42 6 Then you fill out the site and force 12:42 7 rank the turbines based on their production 12:42 8 potential. And when you get to the maximum 12:42 9 injection capacity you can inject, the rest of 12:42 10 the turbines are on the bench because they're 12:42 11 lower producers. 12:42 12 Q. Okay. But is that data, is that -- 12:42 13 does that data exist for the individual 12:42 14 turbines? 12:42 15 A. Well, yeah, we create that data. 12:42 16 That's the intellectual property that gives us 12:42 17 our competitive advantage. 12:42 18 Q. Okay. I understand your position on 12:43 19 that, but that data does exist? 12:43 20 A. Well, we're marketing a project so, 12:43 21 of course, we're going to analyze it to the 12:43 22 fullest extent, yes. 12:43 23 Q. I'm not trying to get into marketing 12:43 24 or proprietary interest or anything of that 12:43 25 nature. <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p> </p>	<p style="text-align: center;">76</p> <p>12:44 1 triple X secret? 12:44 2 A. Yes. 12:44 3 Q. Okay. And that would be data for 12:44 4 each turbine? 12:44 5 A. I mean, we wouldn't be flying blind 12:44 6 designing a project without knowing that 12:44 7 information. The data exists and it's our 12:44 8 competitive advantage. 12:44 9 Q. I understand. It was not intended 12:44 10 to be a disparaging question. I just want to 12:44 11 know whether the data exists or not. 12:44 12 A. Okay. 12:44 13 Q. I read some information about the 12:44 14 impacts of wakes from one turbine on the next 12:45 15 downstream turbine. Are you familiar with that 12:45 16 concept? 12:45 17 A. Yes, I am. 12:45 18 Q. And so other people who may be 12:45 19 reading this for the first time, what is the 12:45 20 wake effect? 12:45 21 A. Well, the wake effect is that every 12:45 22 turbine has an influence on the wind that goes 12:45 23 past it because it extracts energy and it 12:45 24 creates turbulence. 12:45 25 Just like, you know, a boat on the <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p> </p>

<p style="text-align: center;">77</p> <p>12:45 1 river. There's a wake of stirred-up water that</p> <p>12:45 2 is there after the boat leaves, and it makes</p> <p>12:45 3 waves and reverberates and eventually</p> <p>12:45 4 dissipates.</p> <p>12:45 5 With turbines, there's a wake effect</p> <p>12:45 6 that influences that downstream wind. And so</p> <p>12:45 7 when you design a project, you make sure you</p> <p>12:46 8 have certain distance between turbines on a</p> <p>12:46 9 string and between subsequent strings of</p> <p>12:46 10 turbines to make sure that that wake has</p> <p>12:46 11 adequately dissipated so it doesn't have a</p> <p>12:46 12 dominant effect on the performance of the</p> <p>12:46 13 turbine that's just downwind of it.</p> <p>12:46 14 Q. And was the wake effect studied for</p> <p>12:46 15 either the 244 turbine or the 150 turbine</p> <p>12:46 16 project?</p> <p>12:46 17 MS. PERLMUTTER: Objection as to</p> <p>12:46 18 form. You can answer if you can.</p> <p>12:46 19 THE WITNESS: The layout of the site</p> <p>12:46 20 is precisely that way to make sure that the</p> <p>12:46 21 wake effects are minimized to the extent</p> <p>12:46 22 necessary to maintain the performance of</p> <p>12:47 23 the turbines that we desire.</p> <p>12:47 24 BY MR. ARAMBURU:</p> <p>12:47 25 Q. I understand that was the intention.</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">79</p> <p>12:48 1 Q. And did ArcVera run a model to</p> <p>12:48 2 assess the effect of wake turbulence on</p> <p>12:48 3 downstream turbines?</p> <p>12:48 4 MS. PERLMUTTER: Objection.</p> <p>12:48 5 Foundation. You can answer if you can.</p> <p>12:48 6 THE WITNESS: On our turbines, yes.</p> <p>12:48 7 BY MR. ARAMBURU:</p> <p>12:48 8 Q. And when was that done?</p> <p>12:48 9 A. It's continually done on a frequent</p> <p>12:48 10 basis. Every time we change the layout we</p> <p>12:48 11 reevaluate it.</p> <p>12:49 12 Q. And in my readings, it appears that</p> <p>12:49 13 Mr. Poulos has been active in the community</p> <p>12:49 14 talking about the impacts of wake turbulence.</p> <p>12:49 15 Are you familiar with that work?</p> <p>12:49 16 A. Yes, yeah.</p> <p>12:49 17 Q. And was that model that he was</p> <p>12:49 18 talking about in those studies been applied to</p> <p>12:49 19 this project?</p> <p>12:49 20 A. I do not know what model you're</p> <p>12:49 21 referring to. I'm sure my resource manager</p> <p>12:49 22 would, but I don't keep up with the different</p> <p>12:49 23 names and vintages of the software.</p> <p>12:49 24 Q. Okay.</p> <p>12:50 25 A. I might add that the turbine</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: center;">78</p> <p>12:47 1 What engineering or design was done</p> <p>12:47 2 to assess the wake effect of the turbines?</p> <p>12:47 3 MS. PERLMUTTER: Object as to form.</p> <p>12:47 4 You can answer if you can.</p> <p>12:47 5 THE WITNESS: We know the wind</p> <p>12:47 6 resource profile. We know the performance</p> <p>12:47 7 characteristics of a given wind turbine.</p> <p>12:47 8 We model them together to come up with what</p> <p>12:47 9 we believe the production profile is for</p> <p>12:47 10 the site.</p> <p>12:47 11 BY MR. ARAMBURU:</p> <p>12:47 12 Q. I understand that.</p> <p>12:47 13 But is there a specific modeling</p> <p>12:47 14 that takes into account the wake turbulence?</p> <p>12:47 15 A. Our internal modeling, yes, it does.</p> <p>12:47 16 Yeah, we have to know that. Yeah.</p> <p>12:47 17 Q. And that was done for this project?</p> <p>12:47 18 A. Of course, yes.</p> <p>12:47 19 Q. And did you have Greg Poulos do that</p> <p>12:48 20 work?</p> <p>12:48 21 A. We do it internally, and then we</p> <p>12:48 22 also have independent evaluators that do it.</p> <p>12:48 23 So, you know, Greg Poulos is affiliated with</p> <p>12:48 24 ArcVera. And so ArcVera is our second check of</p> <p>12:48 25 our internal assessments, yes.</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">80</p> <p>12:50 1 supplier as well restricts how close you can</p> <p>12:50 2 have turbines to each other.</p> <p>12:50 3 Q. Why does the turbine supplier care?</p> <p>12:50 4 MS. PERLMUTTER: Objection.</p> <p>12:50 5 Foundation. You can answer if you can.</p> <p>12:50 6 THE WITNESS: Because the loading,</p> <p>12:50 7 the mechanical loading on the turbine, is</p> <p>12:50 8 affected by wakes as well.</p> <p>12:50 9 So it's not just production. It's</p> <p>12:50 10 the structural integrity and the -- they</p> <p>12:50 11 have to warrant it to last a period of</p> <p>12:50 12 time. And so in order to honor the</p> <p>12:50 13 warranty, they have to make sure you're not</p> <p>12:50 14 overloading the turbines by exposing them</p> <p>12:50 15 to a greater wake.</p> <p>12:50 16 BY MR. ARAMBURU:</p> <p>12:50 17 Q. Let me try to make it simple, and</p> <p>12:50 18 disagree with me if you like.</p> <p>12:50 19 There are two concerns with wake</p> <p>12:50 20 turbulence. One is, you're robbing the</p> <p>12:50 21 downstream turbine of wind, affecting its</p> <p>12:50 22 efficiency, and you're also creating</p> <p>12:51 23 turbulence.</p> <p>12:51 24 A. No. That is the same thing.</p> <p>12:51 25 Q. Okay.</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: center;">81</p> <p>12:51 1 A. The two concerns are the impacts of</p> <p>12:51 2 the turbulence on the downstream turbines, plus</p> <p>12:51 3 the mechanical loading that occurs from that</p> <p>12:51 4 turbulence.</p> <p>12:51 5 Q. So I understand.</p> <p>12:51 6 The wind is now uneven, it's not a</p> <p>12:51 7 linear path?</p> <p>12:51 8 A. Right.</p> <p>12:51 9 Q. We've got a bunch of wind that's</p> <p>12:51 10 running around like that, and that may put</p> <p>12:51 11 additional pressures on the downstream turbine,</p> <p>12:51 12 and so the manufacturers want to assess that;</p> <p>12:51 13 is that right?</p> <p>12:51 14 A. Exactly, yeah.</p> <p>12:51 15 Q. Okay. Okay.</p> <p>12:51 16 A. You got it.</p> <p>12:51 17 Q. See, we're going to agree on</p> <p>12:51 18 something.</p> <p>12:51 19 A. Yeah.</p> <p>12:51 20 MS. PERLMUTTER: Excuse me if I</p> <p>12:51 21 throw up for a moment.</p> <p>12:51 22 BY MR. ARAMBURU:</p> <p>12:51 23 Q. Let's turn to page 2-103. I</p> <p>12:52 24 understand that the proposal is to phase this</p> <p>12:52 25 project?</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">83</p> <p>12:53 1 the project, whether phasing, all at once, will</p> <p>12:53 2 in large part be determined by the turbine</p> <p>12:53 3 supply. You know, turbine suppliers are</p> <p>12:53 4 changing how they commit their production</p> <p>12:54 5 capacity.</p> <p>12:54 6 And so the turbines, we may not be</p> <p>12:54 7 able to get all the turbines in a single</p> <p>12:54 8 season. We may not be able to get all the</p> <p>12:54 9 craft people that we need to construct it all</p> <p>12:54 10 in the same season.</p> <p>12:54 11 You know, it's the concept where if</p> <p>12:54 12 it takes so long to do something with ten</p> <p>12:54 13 people, adding ten more can cut it in half, no,</p> <p>12:54 14 that isn't how it works. But, also, we don't</p> <p>12:54 15 know if the craft capacity is going to be</p> <p>12:54 16 available at the time that we need them. They</p> <p>12:54 17 could be building a solar project in</p> <p>12:54 18 Yakima County and Benton County at the same</p> <p>12:54 19 time, as well as a wind project in Oregon.</p> <p>12:54 20 And so until we get to the final</p> <p>12:54 21 throes after we get an unappealable permit and</p> <p>12:54 22 actually start the contracting process and the</p> <p>12:54 23 financing process, we won't know for sure how</p> <p>12:54 24 this is going to be staged.</p> <p>12:55 25 Q. Okay. Well, I've been reading table</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: center;">82</p> <p>12:52 1 A. When we were initially conceiving</p> <p>12:52 2 how to permit this, we wanted to accomplish two</p> <p>12:52 3 main things. Number one is, we wanted to</p> <p>12:52 4 permit it all at once because we wanted to</p> <p>12:52 5 assure that for all of the stakeholder concerns</p> <p>12:52 6 out there, that we are putting forth the</p> <p>12:52 7 maximum extent of what we conceive we can</p> <p>12:52 8 develop in this -- in Benton County.</p> <p>12:52 9 And so at the time, the</p> <p>12:52 10 interconnections were on separate paths in the</p> <p>12:52 11 Bonneville evaluation system. We didn't know</p> <p>12:52 12 which interconnect was going to get built</p> <p>12:53 13 first, east or west.</p> <p>12:53 14 So it could have been that we were</p> <p>12:53 15 thinking of Phase 1 initially, but the Phase 2</p> <p>12:53 16 interconnect became federalized and got built,</p> <p>12:53 17 and we wanted to shift to then starting on</p> <p>12:53 18 Phase 2 first.</p> <p>12:53 19 We also conceived that maybe we</p> <p>12:53 20 could build the whole thing all at once. But</p> <p>12:53 21 in the application, we had to accommodate all</p> <p>12:53 22 of those concepts, but at the end of the day,</p> <p>12:53 23 we had to make sense of it, too, so that people</p> <p>12:53 24 can understand it.</p> <p>12:53 25 But the decision as to how we build</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">84</p> <p>12:55 1 2.15-1, and seeing that as the phases that</p> <p>12:55 2 would be followed. Is that table still</p> <p>12:55 3 accurate?</p> <p>12:55 4 A. Yeah. Relatively speaking, yeah.</p> <p>12:55 5 Q. So I have not seen a drawing or a</p> <p>12:55 6 map of where Phase 1 is. Can you tell me where</p> <p>12:55 7 Phase 1 is?</p> <p>12:55 8 A. It can change.</p> <p>12:55 9 Q. Well --</p> <p>12:55 10 A. The concept at the time we did this,</p> <p>12:55 11 you can see Phase 1 says 230 kV, right? So</p> <p>12:55 12 it's turbines and solar and battery in</p> <p>12:55 13 proximity to the 230 kV point of</p> <p>12:55 14 interconnection.</p> <p>12:55 15 Q. But right now, I don't see a map</p> <p>12:55 16 that shows where Phase 1 and Phase 2 is; is</p> <p>12:55 17 that correct?</p> <p>12:55 18 A. It hasn't been determined yet.</p> <p>12:55 19 Q. Would it be fair to say that one is</p> <p>12:56 20 east and one is west?</p> <p>12:56 21 A. That's where the 230 kV interconnect</p> <p>12:56 22 is on the east, yeah. You can say that, yeah.</p> <p>12:56 23 Q. So Phase 1 on the -- I'm trying to</p> <p>12:56 24 figure out --</p> <p>12:56 25 A. Okay.</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: center;">85</p> <p>12:56 1 Q. -- because we're working towards the</p> <p>12:56 2 hearing where we are here.</p> <p>12:56 3 A. Yeah.</p> <p>12:56 4 Q. So the battery system, Phase 1,</p> <p>12:56 5 150 megawatts of battery.</p> <p>12:56 6 A. Yeah.</p> <p>12:56 7 Q. Phase 2-A another 150 --</p> <p>12:56 8 A. Yeah.</p> <p>12:56 9 Q. -- megawatts. But Phase 2-B, the</p> <p>12:56 10 alternative, has no batteries in it at all.</p> <p>12:56 11 A. Because the only reason phase --</p> <p>12:56 12 alternative B exists is as an all wind</p> <p>12:56 13 alternative. That's why there's no battery on</p> <p>12:56 14 alternate B.</p> <p>12:56 15 Q. Okay.</p> <p>12:56 16 A. There's only two phases that were</p> <p>12:56 17 contemplated, but Phase 2 was portrayed as one</p> <p>12:57 18 with battery and one with no battery.</p> <p>12:57 19 Q. Phase 2?</p> <p>12:57 20 A. Phase 2, yeah.</p> <p>12:57 21 Q. Okay. And why wouldn't you do</p> <p>12:57 22 batteries for the wind project?</p> <p>12:57 23 A. Well, we're optimizing the project</p> <p>12:57 24 for the interest of the offtakers. They may</p> <p>12:57 25 not want the battery portion of the</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">87</p> <p>12:59 1 substation. And -- well, you can read it.</p> <p>12:59 2 Q. So gen-tie is a transmission line?</p> <p>12:59 3 A. Yeah. Gen-tie is from the generator</p> <p>12:59 4 to tie into the transmission system, yes.</p> <p>12:59 5 Q. Okay. And then how do we get to the</p> <p>12:59 6 19 on the second one?</p> <p>12:59 7 A. Because we have initially designed</p> <p>12:59 8 in an intertie between the east side of the</p> <p>12:59 9 project and the west side of the project.</p> <p>12:59 10 Q. And that's Phase 2-B?</p> <p>12:59 11 A. That's where it's depicted, yes.</p> <p>12:59 12 Q. That's 2-B?</p> <p>12:59 13 A. Yeah.</p> <p>12:59 14 Q. Okay. Page 2-103 says:</p> <p>12:59 15 The turbine supplier and EPC</p> <p>01:00 16 contractor would be selected during the EFSEC</p> <p>01:00 17 ASC review process.</p> <p>01:00 18 Is that an accurate statement? Do</p> <p>01:00 19 you see where I'm pointing you, Mr. Kobus?</p> <p>01:00 20 A. No, I don't, but --</p> <p>01:00 21 Q. Okay. It's --</p> <p>01:00 22 A. So the intention is that we would</p> <p>01:00 23 have the project permitted as considered in the</p> <p>01:00 24 application. And then we would select the</p> <p>01:00 25 turbine supply, the solar supply, the EPC</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: center;">86</p> <p>12:57 1 hybridization.</p> <p>12:57 2 Q. They may not want either of them?</p> <p>12:57 3 A. There's potential that no one wants</p> <p>12:57 4 the battery, in which case, we just wouldn't</p> <p>12:57 5 build it.</p> <p>12:57 6 Q. It becomes a very different project,</p> <p>12:57 7 though, without the battery, doesn't it?</p> <p>12:57 8 MS. PERLMUTTER: Objection as to</p> <p>12:57 9 form.</p> <p>12:57 10 THE WITNESS: Not really. The</p> <p>12:57 11 battery optimizes it, but it's a great</p> <p>12:57 12 project without the battery.</p> <p>12:58 13 BY MR. ARAMBURU:</p> <p>12:58 14 Q. So over on page 2-102, Phase 2 A and</p> <p>12:58 15 B, one includes 10.2 miles of transmission and</p> <p>12:58 16 the other one has 19. What's the difference?</p> <p>12:58 17 A. There's a keyword in there called</p> <p>12:58 18 intertie. It says:</p> <p>12:58 19 Up to 19.4 miles of 230 kV intertie</p> <p>12:58 20 between the east substation and the west</p> <p>12:58 21 substation.</p> <p>12:58 22 Q. Okay.</p> <p>12:58 23 A. And on Phase 2 alternative A, it's</p> <p>12:58 24 10.2 miles of 230 kV gen-tie from the</p> <p>12:59 25 intermediate substation to the step-up</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">88</p> <p>01:00 1 contractor. And we have an obligation to</p> <p>01:00 2 provide the final design of the site before we</p> <p>01:01 3 start construction. In fact, we -- currently,</p> <p>01:01 4 the DEIS says we have to do it 180 days prior</p> <p>01:01 5 to the start of construction.</p> <p>01:01 6 Q. Okay. But this says it would be</p> <p>01:01 7 selected during the review process. Is that</p> <p>01:01 8 going to happen? We're in the review process</p> <p>01:01 9 now.</p> <p>01:01 10 A. Yeah. And we'll be in the review</p> <p>01:01 11 process until the SCA is approved by the</p> <p>01:01 12 governor.</p> <p>01:01 13 Q. The question is, is that process, is</p> <p>01:01 14 that selection process ongoing now?</p> <p>01:01 15 A. We're constantly working with the</p> <p>01:01 16 turbine suppliers, the solar suppliers, all the</p> <p>01:01 17 equipment suppliers.</p> <p>01:01 18 Q. So I've also looked at the schedule</p> <p>01:01 19 here of construction, which is broken down into</p> <p>01:01 20 two phases.</p> <p>01:01 21 A. Yes.</p> <p>01:01 22 Q. Appears to me to be a pretty</p> <p>01:01 23 aggressive schedule working beginning just a</p> <p>01:02 24 few months after the ASC is approved; is that</p> <p>01:02 25 right?</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: right;">89</p> <p>01:02 1 A. That's -- that's correct.</p> <p>01:02 2 Q. Is that the current plan, to build</p> <p>01:02 3 it that quickly?</p> <p>01:02 4 A. We're going to build it absolutely</p> <p>01:02 5 as quickly as we can get started.</p> <p>01:02 6 Q. Okay.</p> <p>01:02 7 A. But we're going to need to finance</p> <p>01:02 8 it first.</p> <p>01:02 9 Q. But it's not financed now?</p> <p>01:02 10 A. No. We don't have a permit. So you</p> <p>01:02 11 can't finance something that doesn't have a</p> <p>01:02 12 permit.</p> <p>01:02 13 Q. Look at page 2-118, please. Very</p> <p>01:02 14 last sentence on that page, would you read</p> <p>01:02 15 that? You can read it to yourself.</p> <p>01:03 16 A. Okay.</p> <p>01:03 17 Q. Is that an accurate statement today?</p> <p>01:03 18 A. Absolutely.</p> <p>01:03 19 Q. You say there that it's:</p> <p>01:03 20 Favorable for regional utilities as</p> <p>01:03 21 it is coincident with peak loading demand.</p> <p>01:03 22 Does this represent your</p> <p>01:03 23 conversation with regional utilities?</p> <p>01:03 24 A. Absolutely.</p> <p>01:03 25 Q. And who would those utilities be?</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">91</p> <p>01:04 1 But in terms of regional utilities,</p> <p>01:04 2 is there any regional utility that indicates</p> <p>01:04 3 they want to buy the output of this project?</p> <p>01:05 4 A. Is there any that indicate -- yes.</p> <p>01:05 5 Q. How many?</p> <p>01:05 6 A. All of them.</p> <p>01:05 7 Q. All of them are interested in buying</p> <p>01:05 8 the output?</p> <p>01:05 9 A. Plus -- plus C&Is. There's a high</p> <p>01:05 10 demand right now for clean energy. There's</p> <p>01:05 11 going to be shortages in the very near future.</p> <p>01:05 12 There's going to be slim pickings as to what's</p> <p>01:05 13 available to meet those demands. And the</p> <p>01:05 14 closer, the better. The closer we are to the</p> <p>01:05 15 load, the desired market, the better. They all</p> <p>01:05 16 want it. They're clamoring for it.</p> <p>01:05 17 Q. If I was to call PSE this afternoon</p> <p>01:05 18 and ask them whether they want to buy the</p> <p>01:05 19 output of this project, what would they say?</p> <p>01:05 20 MS. PERLMUTTER: Objection. Calls</p> <p>01:05 21 for speculation. And also on foundation.</p> <p>01:05 22 You can answer if you can.</p> <p>01:06 23 THE WITNESS: I can't answer that.</p> <p>01:06 24 They change their minds every day. I'm</p> <p>01:06 25 sorry. They have procurement cycles and</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: right;">90</p> <p>01:03 1 A. All utilities in the region.</p> <p>01:03 2 Q. Like?</p> <p>01:03 3 A. Avista, Portland Sound Energy,</p> <p>01:03 4 Portland General, Benton PUD. Anybody that has</p> <p>01:03 5 a demand for clean energy.</p> <p>01:03 6 Q. And are these utilities ready to</p> <p>01:03 7 purchase the output?</p> <p>01:03 8 MS. PERLMUTTER: Objection.</p> <p>01:03 9 Foundation. Answer if you can.</p> <p>01:04 10 THE WITNESS: It's -- there are</p> <p>01:04 11 press releases constantly about the</p> <p>01:04 12 procurement activities of the regional</p> <p>01:04 13 utilities. You can find exactly what they</p> <p>01:04 14 want based on active RFPs that are</p> <p>01:04 15 currently in existence. You can follow</p> <p>01:04 16 their IRPs, which are publicly available,</p> <p>01:04 17 that actually forecast what their demands</p> <p>01:04 18 are going to be and where they're going to</p> <p>01:04 19 get it and what they think their best</p> <p>01:04 20 viable resource is for them.</p> <p>01:04 21 And we are trying to optimize and</p> <p>01:04 22 formulate this project to meet that</p> <p>01:04 23 evolving demand.</p> <p>01:04 24 BY MR. ARAMBURU:</p> <p>01:04 25 Q. I understand that.</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">92</p> <p>01:06 1 they're a regulated utility. They have to</p> <p>01:06 2 follow the rules on how to procure new</p> <p>01:06 3 resources.</p> <p>01:06 4 BY MR. ARAMBURU:</p> <p>01:06 5 Q. Has PSE issued an RFP for a project</p> <p>01:06 6 this size?</p> <p>01:06 7 A. Oh, yeah. They just closed one, in</p> <p>01:06 8 fact. And they've said they're working on</p> <p>01:06 9 another.</p> <p>01:06 10 Q. Okay. The second part of your</p> <p>01:06 11 sentence says that it's a commercially viable</p> <p>01:06 12 site, favorable for utilities, as it is</p> <p>01:06 13 coincident with peak loading demand.</p> <p>01:06 14 Could you explain that?</p> <p>01:06 15 A. The loading demands in the Pacific</p> <p>01:06 16 Northwest are winter. So there are peak winter</p> <p>01:06 17 loading demands. This region is a storm-driven</p> <p>01:06 18 climate. So when the winter storms come in and</p> <p>01:07 19 when the spring storms come in as the seasons</p> <p>01:07 20 change, that's when we get our peak generation.</p> <p>01:07 21 You know, as opposed to a gorge</p> <p>01:07 22 project per se, is more predominantly summer,</p> <p>01:07 23 summer peaking. This is winter peaking, and</p> <p>01:07 24 that's when the utilities' loads peak the</p> <p>01:07 25 largest.</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: right;">93</p> <p>01:07 1 So the generation profile of this</p> <p>01:07 2 project is a very good match for the load</p> <p>01:07 3 profile that the utilities have to serve.</p> <p>01:07 4 Q. Well, is it not the case that</p> <p>01:07 5 particularly wind during cold times in the</p> <p>01:07 6 Tri-Cities doesn't blow for days and days?</p> <p>01:07 7 A. There are times it doesn't blow for</p> <p>01:07 8 days and days, that's right.</p> <p>01:07 9 Q. So that's not coincident with peak</p> <p>01:07 10 loading demand, is it?</p> <p>01:07 11 A. Sure is. Because when it does blow,</p> <p>01:07 12 there's a lot of it available. It's an</p> <p>01:07 13 intermittent resource. It generates when the</p> <p>01:08 14 wind blows, correct.</p> <p>01:08 15 MR. ARAMBURU: So it's 1 o'clock.</p> <p>01:08 16 Maybe we --</p> <p>01:08 17 MS. PERLMUTTER: Off the record.</p> <p>01:48 18 (A recess was taken.)</p> <p>01:48 19 BY MR. ARAMBURU:</p> <p>01:48 20 Q. We're back on the record so everyone</p> <p>01:52 21 can hear.</p> <p>01:52 22 Now I'd like you to turn over to</p> <p>01:52 23 2-118.</p> <p>01:52 24 A. Okay.</p> <p>01:52 25 Q. Exhibit 1, or the updated ASC.</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">95</p> <p>01:53 1 they were going to evaluate alternatives, and</p> <p>01:53 2 they chose the no alternative, and then the two</p> <p>01:53 3 turbine options for the proposed alternative.</p> <p>01:53 4 That was an EFSEC decision. We didn't --</p> <p>01:53 5 couldn't influence that.</p> <p>01:53 6 Q. So the two alternative turbines were</p> <p>01:53 7 the 244 and the 150 layouts?</p> <p>01:53 8 A. That's correct.</p> <p>01:54 9 Q. So who at EFSEC told you that's the</p> <p>01:54 10 way it's going to be?</p> <p>01:54 11 A. EFSEC staff. So the official is</p> <p>01:54 12 Sonia Bumpus.</p> <p>01:54 13 Q. Is she the one that told you that?</p> <p>01:54 14 A. She's the one that made the</p> <p>01:54 15 decision. And then, you know, we had many</p> <p>01:54 16 conversations about it. We have staff calls</p> <p>01:54 17 regularly with EFSEC.</p> <p>01:54 18 They're not required to evaluate</p> <p>01:54 19 alternatives. It's an option, they're not</p> <p>01:54 20 required.</p> <p>01:54 21 Q. Well, let's not get into a legal</p> <p>01:54 22 argument over that.</p> <p>01:54 23 A. Okay.</p> <p>01:54 24 Q. I just want to know what's actually</p> <p>01:54 25 happening here.</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: right;">94</p> <p>01:52 1 A. Yes.</p> <p>01:52 2 Q. Section -- paragraph 2.22 is the</p> <p>01:52 3 analysis of alternatives. And it says:</p> <p>01:52 4 The application shall include</p> <p>01:52 5 analysis of alternatives for site, route, and</p> <p>01:52 6 other major elements of the proposal.</p> <p>01:52 7 And there's a page or two here.</p> <p>01:52 8 Goes over to page 121, about alternatives?</p> <p>01:52 9 Did you have any hand in writing</p> <p>01:52 10 this?</p> <p>01:52 11 A. Yes.</p> <p>01:52 12 Q. Did you write it? Are you the</p> <p>01:52 13 author?</p> <p>01:52 14 A. I initiated it, yes. But then it</p> <p>01:52 15 was a team effort, like the entire document.</p> <p>01:52 16 Q. And I have not seen in the ASC or in</p> <p>01:53 17 this particular section of the updated ASC an</p> <p>01:53 18 alternate site layout with fewer turbines; is</p> <p>01:53 19 that correct?</p> <p>01:53 20 A. That's correct.</p> <p>01:53 21 Q. And why isn't -- why haven't you</p> <p>01:53 22 presented a project that has an alternative for</p> <p>01:53 23 site?</p> <p>01:53 24 A. I mean, the ASC explains why we</p> <p>01:53 25 didn't. But it was EFSEC's choice as to how</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">96</p> <p>01:54 1 So the original ASC, which was</p> <p>01:54 2 February of 2021, as I recall?</p> <p>01:54 3 A. Yeah, yeah.</p> <p>01:54 4 Q. Contained pretty -- a lot of the</p> <p>01:54 5 same language, but some further explanation</p> <p>01:54 6 with the updates.</p> <p>01:54 7 A. Right.</p> <p>01:54 8 Q. So did EFSEC staff tell you you</p> <p>01:55 9 didn't have to consider alternatives before</p> <p>01:55 10 February of '21?</p> <p>01:55 11 A. No.</p> <p>01:55 12 MS. PERLMUTTER: Objection as to</p> <p>01:55 13 form. It's unclear as to -- if you can</p> <p>01:55 14 answer, go ahead.</p> <p>01:55 15 BY MR. ARAMBURU:</p> <p>01:55 16 Q. Well, let me clarify the question.</p> <p>01:55 17 Let's not have questions that are out of order.</p> <p>01:55 18 You indicated you were told by EFSEC</p> <p>01:55 19 staff that you didn't have to consider options</p> <p>01:55 20 other than the 244, 150, correct?</p> <p>01:55 21 A. When they were ready to complete the</p> <p>01:55 22 DEIS they made that determination and informed</p> <p>01:55 23 us of it.</p> <p>01:55 24 Q. Okay. But this was done before --</p> <p>01:55 25 A. Yeah, this was --</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: right;">97</p> <p>01:55 1 Q. -- the DEIS was started?</p> <p>01:55 2 A. I don't believe they need to</p> <p>01:55 3 evaluate alternatives, and so we wrote this</p> <p>01:55 4 accordingly.</p> <p>01:55 5 Q. Okay. But was this part of the</p> <p>01:55 6 application done in concert with EFSEC staff?</p> <p>01:55 7 A. No. This was our application for</p> <p>01:56 8 site certification. And we evaluated the</p> <p>01:56 9 alternatives as we deemed necessary.</p> <p>01:56 10 Q. Okay. But EFSEC staff said you did</p> <p>01:56 11 not have to consider a smaller project; is that</p> <p>01:56 12 correct?</p> <p>01:56 13 A. They ultimately came to that</p> <p>01:56 14 decision when they were finalizing the draft</p> <p>01:56 15 EIS.</p> <p>01:56 16 Q. Was that in consultation with you?</p> <p>01:56 17 A. They independently came to that</p> <p>01:56 18 decision.</p> <p>01:56 19 Q. Well, was this discussed in</p> <p>01:56 20 communications, in conversations with EFSEC</p> <p>01:56 21 staff?</p> <p>01:56 22 A. I'm certain I've told them what I</p> <p>01:56 23 just told you, that I don't believe we're</p> <p>01:56 24 obligated to evaluate alternatives. It doesn't</p> <p>01:56 25 make sense to evaluate alternatives. We need</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">99</p> <p>01:58 1 THE WITNESS: I'm sure I told them,</p> <p>01:58 2 we don't think you need to evaluate</p> <p>01:58 3 alternatives.</p> <p>01:58 4 BY MR. ARAMBURU:</p> <p>01:58 5 Q. So was it your request that they not</p> <p>01:58 6 be considered?</p> <p>01:58 7 A. I can't request that. They're the</p> <p>01:58 8 decision-maker.</p> <p>01:58 9 Q. I understand they're the</p> <p>01:58 10 decision-maker, but you can also ask them to do</p> <p>01:58 11 things, and I don't think you're shy about</p> <p>01:58 12 that.</p> <p>01:58 13 So did you ask them to not consider</p> <p>01:58 14 any alternatives?</p> <p>01:58 15 A. No, I did not make a request that</p> <p>01:58 16 said, please do not consider alternatives. I</p> <p>01:58 17 said, you make the decision as you see fit.</p> <p>01:58 18 Q. And was that decision made for the</p> <p>01:58 19 ASC and for the DEIS, for both of the</p> <p>01:58 20 documents?</p> <p>01:58 21 A. No, no.</p> <p>01:58 22 MS. PERLMUTTER: Object as to form.</p> <p>01:58 23 Go ahead, you can answer.</p> <p>01:58 24 THE WITNESS: It wasn't the decision</p> <p>01:59 25 until the DEIS came out.</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: right;">98</p> <p>01:56 1 to permit the optimal project and be nimble to</p> <p>01:57 2 continue to optimize it until we actually are</p> <p>01:57 3 to the point where we're ready to finance the</p> <p>01:57 4 project.</p> <p>01:57 5 Q. I understand the business objectives</p> <p>01:57 6 that are here, and I appreciate what you're</p> <p>01:57 7 telling me.</p> <p>01:57 8 The question is, when did EFSEC</p> <p>01:57 9 staff tell you that you didn't have to consider</p> <p>01:57 10 alternatives? When were those conversations?</p> <p>01:57 11 A. What EFSEC told us is that they</p> <p>01:57 12 determined that the only alternatives that need</p> <p>01:57 13 to be evaluated are the no alternative and the</p> <p>01:57 14 proposal, with the exception that the proposal</p> <p>01:57 15 would be the two turbine option alternatives.</p> <p>01:57 16 Q. So the original ASC came in, was</p> <p>01:57 17 filed on February -- in February of 2021 --</p> <p>01:57 18 A. Right.</p> <p>01:57 19 Q. -- is that correct?</p> <p>01:57 20 A. Right.</p> <p>01:57 21 Q. Did you have those conversations</p> <p>01:58 22 with EFSEC about the alternatives prior to</p> <p>01:58 23 filing the application?</p> <p>01:58 24 MS. PERLMUTTER: Objection as to</p> <p>01:58 25 form. You can answer.</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">100</p> <p>01:59 1 BY MR. ARAMBURU:</p> <p>01:59 2 Q. Well, but this document came out --</p> <p>01:59 3 the original document here updated now --</p> <p>01:59 4 A. Yeah.</p> <p>01:59 5 Q. -- with new language, that came out</p> <p>01:59 6 in February of '21. The draft impact statement</p> <p>01:59 7 didn't come out until December of '22.</p> <p>01:59 8 A. This is our document. We created</p> <p>01:59 9 this, and we updated it in the image that we</p> <p>01:59 10 expect to be permitted for. And EFSEC's</p> <p>01:59 11 responsible for their independent environmental</p> <p>01:59 12 impact statement and determination of what</p> <p>01:59 13 alternatives would be evaluated. They made</p> <p>01:59 14 their choice. We submitted our application as</p> <p>01:59 15 you see it.</p> <p>01:59 16 Q. But your application doesn't contain</p> <p>01:59 17 any discussion of alternatives other than no</p> <p>01:59 18 action or the 244, 150?</p> <p>01:59 19 A. What's required by EFSEC is what's</p> <p>01:59 20 in this analysis of alternatives.</p> <p>01:59 21 Q. Did you present this analysis to</p> <p>02:00 22 EFSEC as consistent with</p> <p>02:00 23 WAC (indecipherable) --</p> <p>02:00 24 (The Court Reporter requested</p> <p>02:00 25 clarification.)</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: center;">101</p> <p>02:00 1 BY MR. ARAMBURU:</p> <p>02:00 2 Q. Did you go to EFSEC and ask -- and</p> <p>02:00 3 present to EFSEC draft language in compliance</p> <p>02:00 4 with WAC 463-60-296 and ask them to approve it?</p> <p>02:00 5 MS. PERLMUTTER: Objection as to</p> <p>02:00 6 form. And calls for a legal conclusion.</p> <p>02:00 7 If you can answer it, you can.</p> <p>02:00 8 THE WITNESS: We submitted the</p> <p>02:00 9 document to them and asked them to process</p> <p>02:00 10 it. That's -- I mean, that's the form it</p> <p>02:00 11 took. I did not request them to not</p> <p>02:00 12 evaluate alternatives. I likely told them,</p> <p>02:00 13 you don't need to, because that's what I</p> <p>02:00 14 believe.</p> <p>02:00 15 BY MR. ARAMBURU:</p> <p>02:00 16 Q. Okay.</p> <p>02:00 17 A. I can read WACs, too, just like</p> <p>02:01 18 anybody else.</p> <p>02:01 19 Q. Okay. So that's your reading of the</p> <p>02:01 20 WAC 463-60-296?</p> <p>02:01 21 A. I think it's EFSEC's, too.</p> <p>02:01 22 Q. Okay. Now --</p> <p>02:01 23 A. Well, that was speculating. I</p> <p>02:01 24 probably shouldn't have done that.</p> <p>02:01 25 Q. Okay. So you're very determined to</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">103</p> <p>02:02 1 And so anything we do to knock off turbines</p> <p>02:02 2 is changing that economy of scale and</p> <p>02:02 3 making it less economic.</p> <p>02:02 4 BY MR. ARAMBURU:</p> <p>02:02 5 Q. Well, I don't understand the</p> <p>02:02 6 difference of economy of scale. We've got a</p> <p>02:02 7 certain number of turbines here. We've got a</p> <p>02:02 8 certain -- they can be cut in half.</p> <p>02:02 9 What's the economy of scale? Why</p> <p>02:02 10 isn't the option of half the turbines something</p> <p>02:03 11 that can be explored?</p> <p>02:03 12 MS. PERLMUTTER: Object as to form.</p> <p>02:03 13 You can answer.</p> <p>02:03 14 THE WITNESS: I know every</p> <p>02:03 15 combination of turbines versus</p> <p>02:03 16 infrastructure cost. We've evaluated the</p> <p>02:03 17 full spectrum over and over and over</p> <p>02:03 18 exhaustively.</p> <p>02:03 19 And you have to accept that there is</p> <p>02:03 20 economy of scale when you have a certain</p> <p>02:03 21 basic economic infrastructure cost. And so</p> <p>02:03 22 the more generation you can pile onto it,</p> <p>02:03 23 the cheaper that generation per unit is</p> <p>02:03 24 going to be.</p> <p>02:03 25 That's -- this is our business.</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: center;">102</p> <p>02:01 1 talk about only what I'm going to call the 244,</p> <p>02:01 2 150 options. We understand what those are?</p> <p>02:01 3 A. That's what I want to permit, yeah.</p> <p>02:01 4 I need that flexibility.</p> <p>02:01 5 Q. Okay. Now, why can't we do half</p> <p>02:01 6 that project?</p> <p>02:01 7 MS. PERLMUTTER: Objection.</p> <p>02:01 8 BY MR. ARAMBURU:</p> <p>02:01 9 Q. What's wrong with that?</p> <p>02:01 10 MS. PERLMUTTER: Object as to form.</p> <p>02:01 11 And calls for speculation. But you can</p> <p>02:01 12 answer.</p> <p>02:01 13 THE WITNESS: We need to be able to</p> <p>02:01 14 get an offtaker for this project. One of</p> <p>02:02 15 the key factors in determining the</p> <p>02:02 16 economics of the project is the economy of</p> <p>02:02 17 scale.</p> <p>02:02 18 So we need to build it -- you know,</p> <p>02:02 19 if we could add any more turbines that</p> <p>02:02 20 would increase the overall average capacity</p> <p>02:02 21 factor, we would do that because that</p> <p>02:02 22 improves the economics.</p> <p>02:02 23 So we've built it out to the extent</p> <p>02:02 24 we believe maintains a viable, desirable,</p> <p>02:02 25 competitive offering for our marketplace.</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">104</p> <p>02:03 1 This is what we do to develop projects that</p> <p>02:03 2 the market will prefer.</p> <p>02:03 3 BY MR. ARAMBURU:</p> <p>02:03 4 Q. Well, for example, Phase 1 of the</p> <p>02:03 5 project --</p> <p>02:03 6 A. Yes.</p> <p>02:03 7 Q. -- on page 2-101, if you would like</p> <p>02:03 8 to refer to it.</p> <p>02:04 9 A. Okay.</p> <p>02:04 10 Q. Phase 1 and Phase 2, right?</p> <p>02:04 11 A. Yes.</p> <p>02:04 12 Q. Why don't we just build Phase 1 of</p> <p>02:04 13 the project? What are the economies of scale</p> <p>02:04 14 that prevent you from just building that</p> <p>02:04 15 project?</p> <p>02:04 16 A. Scout has been investing</p> <p>02:04 17 considerable time and capital in building the</p> <p>02:04 18 largest project we can bring to market because</p> <p>02:04 19 that's what makes us successful.</p> <p>02:04 20 So the commercial case for this site</p> <p>02:04 21 is to build absolutely as much as we can to</p> <p>02:04 22 satisfy the market need. So any whittling away</p> <p>02:04 23 that we do of anything that generates as a part</p> <p>02:04 24 of this mix is hurting our prospects.</p> <p>02:05 25 Q. Well, I understand that there are</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

105

02:05 1 certain sunk costs of wages and engineering and
02:05 2 various other things, salaries of people that
02:05 3 have already been spent for this project.
02:05 4 A. Uh-huh.
02:05 5 Q. But just in terms of Phase 1, it
02:05 6 consists of turbines on the east side, consists
02:05 7 of a substation on the east side, a battery
02:05 8 operation --
02:05 9 A. Yeah.
02:05 10 Q. -- on the east side, substation,
02:05 11 some connections, and a large generation
02:05 12 request of BPA.
02:05 13 Why isn't that a standalone project?
02:05 14 MS. PERLMUTTER: Objection. Asked
02:05 15 and answered. If you can answer it, you
02:05 16 can.
02:05 17 THE WITNESS: We have no interest in
02:05 18 tying our hands behind our back and
02:05 19 limiting the competitiveness and the
02:05 20 ultimate revenue potential of this project
02:05 21 for our company. Why would we shoot
02:06 22 ourselves in the foot and make it smaller?
02:06 23 BY MR. ARAMBURU:
02:06 24 Q. Could you --
02:06 25 A. That's not our business.
TRI-CITIES COURT REPORTING SERVICE, LLC
509.942.8477

106

02:06 1 Q. I understand that Scout is in the
02:06 2 business of selling wind turbines, solar, et
02:06 3 cetera.
02:06 4 A. Yeah.
02:06 5 Q. I understand that.
02:06 6 A. Yeah, yeah.
02:06 7 Q. My question is, if you built
02:06 8 Phase 1, would somebody buy it?
02:06 9 MS. PERLMUTTER: Objection. Calls
02:06 10 for speculation. And asked and answered.
02:06 11 You can answer.
02:06 12 THE WITNESS: I would believe there
02:06 13 might be somebody out there that just wants
02:06 14 Phase 1.
02:06 15 BY MR. ARAMBURU:
02:06 16 Q. Okay. And so why isn't then Phase 1
02:06 17 an alternative to this project that avoids
02:06 18 certain environmental impacts, cultural
02:06 19 impacts, impacts --
02:06 20 A. Because it doesn't meet our needs.
02:06 21 Q. If that's the reason then --
02:06 22 A. We're a private developer. We want
02:06 23 to build as much capacity to meet the market
02:06 24 need in the Pacific Northwest as we can
02:06 25 possibly do. That what makes us survive and
TRI-CITIES COURT REPORTING SERVICE, LLC
509.942.8477

107

02:07 1 prosper, right?
02:07 2 Q. Okay. I understand the objectives.
02:07 3 I don't have disagreement with them.
02:07 4 But you've indicated to me that
02:07 5 there's a really high demand for renewable
02:07 6 projects now.
02:07 7 A. The entire thing, yep, and more.
02:07 8 There's not enough to meet the demand.
02:07 9 Q. So to use the vernacular, people are
02:07 10 snapping them up? Disagree with that?
02:07 11 A. No, that doesn't --
02:07 12 Q. Okay.
02:07 13 A. That doesn't meet it. Because
02:07 14 there's a long, long process in negotiations to
02:07 15 get to the point where you ultimately come to a
02:07 16 completed offtake agreement with an entity.
02:07 17 And it takes years. I mean look at how long
02:07 18 we've been developing this. I mean, it takes
02:07 19 years.
02:07 20 So when it's ready, when we have our
02:07 21 permit in hand, we've got a good chance of
02:07 22 winning a market bid for it.
02:07 23 Q. But there are projects that are much
02:08 24 smaller than this that are being developed and
02:08 25 sold either to commercial entities or to
TRI-CITIES COURT REPORTING SERVICE, LLC
509.942.8477

108

02:08 1 utilities; isn't that true?
02:08 2 MS. PERLMUTTER: Objection.
02:08 3 THE WITNESS: That is true. Sorry.
02:08 4 MS. PERLMUTTER: Objection.
02:08 5 Argumentative. You can answer.
02:08 6 THE WITNESS: Yeah, there are small
02:08 7 projects, there are big projects. We're a
02:08 8 big project builder.
02:08 9 BY MR. ARAMBURU:
02:08 10 Q. I want to go back and talk about the
02:08 11 batteries a little bit.
02:08 12 A. Sure.
02:08 13 Q. The batteries, as I understand, are
02:08 14 a bit of a latecomer to this project?
02:08 15 A. We chose -- when batteries started
02:08 16 becoming commercially feasible, when the
02:08 17 technology evolved and the prices dropped where
02:09 18 it started to get in the ballpark of something
02:09 19 that would be interesting to our offtake
02:09 20 market -- and like I say, we converse with our
02:09 21 offtakers all the time, and they're telling us,
02:09 22 this is what we desire.
02:09 23 You're probably not familiar with
02:09 24 the Wheatridge Project, which was built, you
02:09 25 know, 30 miles south of Umatilla. That was one
TRI-CITIES COURT REPORTING SERVICE, LLC
509.942.8477

<p style="text-align: center;">109</p> <p>02:09 1 of the first hybrid projects in the region.</p> <p>02:09 2 We saw that happening. We conversed</p> <p>02:09 3 with our market and they said, yeah, we're</p> <p>02:09 4 looking at wanting hybrid, you know, if you can</p> <p>02:09 5 make the economics work.</p> <p>02:09 6 So we evaluate the heck out of it</p> <p>02:09 7 and get ourselves to a point where we feel we</p> <p>02:09 8 have something that is competitive in the</p> <p>02:09 9 market.</p> <p>02:09 10 And there is interest in the</p> <p>02:09 11 batteries by some utilities, but whether we</p> <p>02:10 12 build it or not will depend on what the market</p> <p>02:10 13 will bear.</p> <p>02:10 14 Q. So would you say that the project as</p> <p>02:10 15 a whole would have commercial viability without</p> <p>02:10 16 the batteries?</p> <p>02:10 17 MS. PERLMUTTER: Objection. Calls</p> <p>02:10 18 for speculation. And lack of foundation.</p> <p>02:10 19 But you can answer.</p> <p>02:10 20 THE WITNESS: The batteries add an</p> <p>02:10 21 optimization element, but it's in the eye</p> <p>02:10 22 of the beholder, in this case, the market,</p> <p>02:10 23 whether it's advantageous for them or not.</p> <p>02:10 24 And also understand, it may not be</p> <p>02:10 25 advantageous for a party today, but</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">111</p> <p>02:12 1 BY MR. ARAMBURU:</p> <p>02:12 2 Q. Okay. So have you estimated the</p> <p>02:12 3 amount of time it would take for the solar or</p> <p>02:12 4 for the batteries to discharge into the grid?</p> <p>02:12 5 A. Just like your car battery, it</p> <p>02:12 6 depends on how long you're cranking it as to</p> <p>02:12 7 how long it's going to last. I'll be</p> <p>02:12 8 dispatched. So if it's a four-hour battery, it</p> <p>02:12 9 means if you're dispatching it at maximum</p> <p>02:12 10 capacity, it'll last four hours.</p> <p>02:12 11 Q. How long does it take to charge?</p> <p>02:12 12 A. Depends on what you're charging it</p> <p>02:13 13 with. You can charge it pretty quick or can</p> <p>02:13 14 you charge it all day long. You optimize it.</p> <p>02:13 15 Q. What's your experience of batteries?</p> <p>02:13 16 A. I have -- well, every car I've had</p> <p>02:13 17 has one. I know how they work. It's very</p> <p>02:13 18 similar.</p> <p>02:13 19 Q. I'm not talking about car batteries,</p> <p>02:13 20 Mr. Kobus. I'm talking about commercial-grade</p> <p>02:13 21 lithium-ion batteries of 150 megawatts.</p> <p>02:13 22 What experience do you have with</p> <p>02:13 23 anything -- with lithium-ion batteries at that</p> <p>02:13 24 scale?</p> <p>02:13 25 A. I've studied the heck out of it, and</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: center;">110</p> <p>02:10 1 ten years from now it might be. So I want</p> <p>02:10 2 it in there. I want it permitted so</p> <p>02:10 3 ten years from now, if that market</p> <p>02:10 4 develops, I can build it.</p> <p>02:10 5 BY MR. ARAMBURU:</p> <p>02:11 6 Q. Okay. And so what -- so it was</p> <p>02:11 7 decided that the batteries, there would be one</p> <p>02:11 8 on each side of the project?</p> <p>02:11 9 A. Well, you couple the batteries</p> <p>02:11 10 ideally with solar. Because you know solar</p> <p>02:11 11 only generates when the sun shines. And so,</p> <p>02:11 12 since it's not generating at night, it would be</p> <p>02:11 13 nice to have an option. And it's, you know, an</p> <p>02:11 14 optimization technique to add the storage.</p> <p>02:11 15 So you can phase shift the</p> <p>02:11 16 generation of the solar from the daytime when</p> <p>02:11 17 the sun's shining to like a high peak time when</p> <p>02:11 18 the sun goes down.</p> <p>02:12 19 (Telephone interruption.)</p> <p>02:12 20 THE WITNESS: That's typically how</p> <p>02:12 21 utilities use it in the current market is,</p> <p>02:12 22 they'll use the solar to charge it, and</p> <p>02:12 23 then they'll dispatch it sometime later</p> <p>02:12 24 when there is no solar and they still have</p> <p>02:12 25 peak needs.</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">112</p> <p>02:13 1 I have very good experts that support me with</p> <p>02:13 2 any demand or question I desire. And the</p> <p>02:13 3 manufacturers are more than eager to tell us</p> <p>02:13 4 all the technical details we need.</p> <p>02:13 5 And we're evaluating -- we have a</p> <p>02:13 6 whole group that we've hired at Scout that</p> <p>02:13 7 knows batteries and knows what to do with them.</p> <p>02:14 8 Q. Okay. So are there some reports</p> <p>02:14 9 about the operation of the battery --</p> <p>02:14 10 (The Court Reporter requested</p> <p>02:14 11 clarification.)</p> <p>02:14 12 BY MR. ARAMBURU:</p> <p>02:14 13 Q. Are there any reports that have been</p> <p>02:14 14 done with regard to the operations of the</p> <p>02:14 15 batteries?</p> <p>02:14 16 MS. PERLMUTTER: Objection.</p> <p>02:14 17 Foundation and form.</p> <p>02:14 18 You can answer, if you can.</p> <p>02:14 19 THE WITNESS: We have lots of</p> <p>02:14 20 information from the manufacturers --</p> <p>02:14 21 BY MR. ARAMBURU:</p> <p>02:14 22 Q. And do you --</p> <p>02:14 23 A. -- on how they work, yeah.</p> <p>02:14 24 Q. And do you have a manufacturer for</p> <p>02:14 25 the batteries that has been selected?</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: center;">113</p> <p>02:14 1 A. Same as for solar and wind turbines.</p> <p>02:14 2 We're constantly evaluating the market and</p> <p>02:14 3 looking at available technology and price</p> <p>02:14 4 points. And when the time comes, I'll</p> <p>02:14 5 guarantee you we're going to choose the most</p> <p>02:14 6 optimal arrangement and manufacturer at the</p> <p>02:14 7 time.</p> <p>02:14 8 Q. But it may be that the operator</p> <p>02:14 9 doesn't need the batteries?</p> <p>02:14 10 A. Yeah.</p> <p>02:14 11 MS. PERLMUTTER: Objection as to</p> <p>02:15 12 form. You can answer.</p> <p>02:15 13 THE WITNESS: It may be we don't</p> <p>02:15 14 build it on the first buildout, that it'll</p> <p>02:15 15 be five years from now before we decide to</p> <p>02:15 16 put the batteries in and upgrade the</p> <p>02:15 17 project. But I got to have it in here to</p> <p>02:15 18 do that, so...</p> <p>02:15 19 BY MR. ARAMBURU:</p> <p>02:15 20 Q. But if one's analyzing the project</p> <p>02:15 21 now, one should consider the batteries are a</p> <p>02:15 22 part of it?</p> <p>02:15 23 MS. PERLMUTTER: Objection. Form</p> <p>02:15 24 and foundation. You can answer.</p> <p>02:15 25 THE WITNESS: Our market looks at</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC</p> <p style="text-align: center;">509.942.8477</p>	<p style="text-align: center;">115</p> <p>02:16 1 each point of interconnection.</p> <p>02:16 2 BY MR. ARAMBURU:</p> <p>02:16 3 Q. No, I understand you're going buy a</p> <p>02:16 4 lot of batteries.</p> <p>02:16 5 A. Yeah.</p> <p>02:16 6 Q. But we're basically talking about</p> <p>02:16 7 four-hour lithium-ion batteries, correct?</p> <p>02:17 8 A. Not necessarily. I mean, that was</p> <p>02:17 9 our target at the time we last updated the ASC.</p> <p>02:17 10 I don't know what it's going to turn out.</p> <p>02:17 11 Q. Well --</p> <p>02:17 12 A. I want to do the most optimal. I</p> <p>02:17 13 want to sell the most of this project that I</p> <p>02:17 14 can to meet regional needs for clean energy.</p> <p>02:17 15 That's what this is all about. That's what we</p> <p>02:17 16 need to do.</p> <p>02:17 17 Q. Okay. I understand that.</p> <p>02:17 18 A. Yes.</p> <p>02:17 19 Q. The question is, for people who are</p> <p>02:17 20 assessing the project now, we're not going to</p> <p>02:17 21 base that on something 15 or 20 years from now</p> <p>02:17 22 when the batteries may be bigger or longer or</p> <p>02:17 23 different composition.</p> <p>02:17 24 We need to do it on the basis of</p> <p>02:17 25 what's currently commercially available; isn't</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC</p> <p style="text-align: center;">509.942.8477</p>
<p style="text-align: center;">114</p> <p>02:15 1 all of these optimizations constantly.</p> <p>02:15 2 They're constantly evaluating what's</p> <p>02:15 3 optimal, and it changes literally from day</p> <p>02:15 4 to day.</p> <p>02:15 5 So today, right now, I can't tell</p> <p>02:15 6 you what our first buildout is going to</p> <p>02:15 7 look like because I can't tell you who the</p> <p>02:15 8 oftaker is. We haven't selected our</p> <p>02:16 9 equipment, so I can't tell you what brand</p> <p>02:16 10 name of battery we're going have. We may</p> <p>02:16 11 have a six-hour battery. We may have an</p> <p>02:16 12 eight-hour battery. I can't tell you right</p> <p>02:16 13 now. I would if I could, but we have to be</p> <p>02:16 14 nimble. We have to keep this flexible.</p> <p>02:16 15 BY MR. ARAMBURU:</p> <p>02:16 16 Q. So for people looking at it and</p> <p>02:16 17 talking about the application and whether EFSEC</p> <p>02:16 18 ought to grant a permit for this, we go with</p> <p>02:16 19 the current technology, which is lithium-ion</p> <p>02:16 20 four-hour batteries?</p> <p>02:16 21 MS. PERLMUTTER: Objection.</p> <p>02:16 22 Foundation. You can answer.</p> <p>02:16 23 THE WITNESS: No. We go with</p> <p>02:16 24 150 megawatt battery potential. We can</p> <p>02:16 25 build up to 150 megawatts of battery at</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC</p> <p style="text-align: center;">509.942.8477</p>	<p style="text-align: center;">116</p> <p>02:17 1 that correct?</p> <p>02:17 2 MS. PERLMUTTER: Objection. Form</p> <p>02:17 3 and foundation. You can answer, if you</p> <p>02:17 4 can.</p> <p>02:17 5 THE WITNESS: We have what we need</p> <p>02:17 6 to tell EFSEC. They can make a decision on</p> <p>02:17 7 what's in here.</p> <p>02:17 8 BY MR. ARAMBURU:</p> <p>02:17 9 Q. Okay. Good.</p> <p>02:17 10 So in connection with the discussion</p> <p>02:18 11 of batteries is this question of water for the</p> <p>02:18 12 project.</p> <p>02:18 13 A. (Witness nodded head up and down.)</p> <p>02:18 14 Q. And I understand -- I'm, again,</p> <p>02:18 15 looking at the application, page 2-86 talks</p> <p>02:18 16 about water supply.</p> <p>02:18 17 Have you been involved in assessing</p> <p>02:18 18 and getting water rights for the project?</p> <p>02:18 19 A. I'm the key person doing that, yes.</p> <p>02:18 20 Q. You're the one?</p> <p>02:18 21 A. Yes.</p> <p>02:18 22 Q. Okay. Okay. And I understand from</p> <p>02:18 23 reading the document that drilling a well and</p> <p>02:18 24 getting water from a well on the site is not</p> <p>02:18 25 feasible.</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC</p> <p style="text-align: center;">509.942.8477</p>

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

<p style="text-align: right;">121</p> <p>02:23 1 A. Yes.</p> <p>02:23 2 Q. Did you write this?</p> <p>02:23 3 A. No. Tetra Tech wrote this.</p> <p>02:23 4 Q. And has the project -- can the</p> <p>02:23 5 project meet these requirements?</p> <p>02:23 6 A. I'm absolutely convinced we can.</p> <p>02:23 7 Q. And what would be the source of</p> <p>02:23 8 water for the minimum fire flows, water mains,</p> <p>02:23 9 fire hydrants, roads, et cetera, particularly</p> <p>02:23 10 for the batteries?</p> <p>02:23 11 MS. PERLMUTTER: Objection to form.</p> <p>02:23 12 And asked and answered. But you can</p> <p>02:23 13 answer, if you can.</p> <p>02:23 14 THE WITNESS: The batteries may not</p> <p>02:24 15 have water suppression. They're not</p> <p>02:24 16 required to.</p> <p>02:24 17 BY MR. ARAMBURU:</p> <p>02:24 18 Q. Okay. But I'm asking about the</p> <p>02:24 19 minimum standard fire flows.</p> <p>02:24 20 What information can you provide me</p> <p>02:24 21 that those fire flows are being met?</p> <p>02:24 22 A. The standards are not going to</p> <p>02:24 23 expect you to have water available when there's</p> <p>02:24 24 no hydrants. So, obviously, you have to have</p> <p>02:24 25 some capability to get the water to where it's</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">123</p> <p>02:25 1 Q. Well, if there was a fire up there</p> <p>02:26 2 now, what would be the source of water for</p> <p>02:26 3 extinguishing it?</p> <p>02:26 4 MS. PERLMUTTER: Objection.</p> <p>02:26 5 Foundation. Calls for speculation. You</p> <p>02:26 6 can answer.</p> <p>02:26 7 THE WITNESS: Well, I can answer</p> <p>02:26 8 it's BC-1, Benton County Number 1.</p> <p>02:26 9 BY MR. ARAMBURU:</p> <p>02:26 10 Q. And how much water do they have</p> <p>02:26 11 available to fight a fire?</p> <p>02:26 12 MS. PERLMUTTER: Objection. Lack of</p> <p>02:26 13 foundation. Answer if you can.</p> <p>02:26 14 THE WITNESS: I don't know what</p> <p>02:26 15 their equipment -- current equipment is. I</p> <p>02:26 16 know they have water tankers, I've seen</p> <p>02:26 17 them out fighting fires.</p> <p>02:26 18 They have interagency agreements</p> <p>02:26 19 where, if they need more, they can get it</p> <p>02:26 20 from BC-2, they can get it from</p> <p>02:26 21 Walla Walla, they can get it from any of</p> <p>02:26 22 the local fire departments. They will meet</p> <p>02:26 23 the need.</p> <p>02:26 24 BY MR. ARAMBURU:</p> <p>02:26 25 Q. So on page 2-151, there's further</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: right;">122</p> <p>02:24 1 needed. So I'm absolutely convinced we can</p> <p>02:24 2 meet the standards. We just said that here.</p> <p>02:24 3 Q. No, I understand what you've said</p> <p>02:24 4 here.</p> <p>02:24 5 My question is, where are -- where</p> <p>02:24 6 are the drawings, where are the specifications,</p> <p>02:24 7 where are the other materials that indicate</p> <p>02:25 8 these minimum standards can be met?</p> <p>02:25 9 A. In the section of the ASC where it</p> <p>02:25 10 addresses water. It addresses it in various</p> <p>02:25 11 places.</p> <p>02:25 12 Q. I understand, and I've read through</p> <p>02:25 13 a lot of the document, but I have seen no</p> <p>02:25 14 drawings. I've seen no standards. I've seen</p> <p>02:25 15 nothing about fire hydrants. And I've seen</p> <p>02:25 16 nothing about the --</p> <p>02:25 17 A. There will be no fire hydrants.</p> <p>02:25 18 There is no water service out there. We have</p> <p>02:25 19 to have contracted sources of water. We do not</p> <p>02:25 20 intend to drill our own wells.</p> <p>02:25 21 We will have water storage at the</p> <p>02:25 22 site because we'll need water for domestic</p> <p>02:25 23 needs as well in normal operation on a daily</p> <p>02:25 24 basis. We will rely on Benton County Fire</p> <p>02:25 25 Services in the event of an emergency.</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">124</p> <p>02:26 1 discussion of water. Could you turn over</p> <p>02:26 2 there?</p> <p>02:26 3 A. Sure.</p> <p>02:26 4 Q. And about two-thirds of the way down</p> <p>02:27 5 that first paragraph --</p> <p>02:27 6 A. Okay.</p> <p>02:27 7 Q. -- there are two sentences that say:</p> <p>02:27 8 Proof of water availability is</p> <p>02:27 9 addressed in section 3.3 of this ASC.</p> <p>02:27 10 Automatic sprinkler systems would be installed</p> <p>02:27 11 in the project O&M building and in the BESS</p> <p>02:27 12 containers per BCC 3.04.041.</p> <p>02:27 13 Do you see that sentence?</p> <p>02:27 14 A. Yes.</p> <p>02:27 15 Q. And so is it the intention of Scout</p> <p>02:27 16 to put automatic sprinkler systems in the BESS</p> <p>02:27 17 operations?</p> <p>02:27 18 A. Yeah. I mean, that's our statement.</p> <p>02:27 19 Q. And how big are these? How big are</p> <p>02:27 20 the battery operations?</p> <p>02:27 21 A. We haven't procured the battery yet,</p> <p>02:27 22 so I really can't answer you.</p> <p>02:28 23 Q. As best I can see, it's six acres of</p> <p>02:28 24 battery.</p> <p>02:28 25 A. Well, they're modularized</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: center;">125</p> <p>02:28 1 containers. They're self-contained. I mean,</p> <p>02:28 2 I've seen them down at the Wheatridge facility</p> <p>02:28 3 and there they have the suppression, it's just</p> <p>02:28 4 not connected to anything.</p> <p>02:28 5 We're going to have the same thing.</p> <p>02:28 6 We're going to have modules, like C bands,</p> <p>02:28 7 they'll be modularized components that you</p> <p>02:28 8 build together whatever size you need.</p> <p>02:28 9 Q. What's the source of water for the</p> <p>02:28 10 automatic sprinkler systems that you mentioned</p> <p>02:28 11 here on page 151?</p> <p>02:28 12 A. I don't have an answer for you at</p> <p>02:28 13 the moment.</p> <p>02:28 14 Q. Well, there isn't any, isn't that</p> <p>02:28 15 the case?</p> <p>02:28 16 MS. PERLMUTTER: Objection.</p> <p>02:28 17 Argumentative.</p> <p>02:28 18 THE WITNESS: I just don't know what</p> <p>02:28 19 the plan is. We haven't procured it yet.</p> <p>02:28 20 BY MR. ARAMBURU:</p> <p>02:29 21 Q. Are you aware the fire dangers with</p> <p>02:29 22 lithium-ion batteries?</p> <p>02:29 23 A. Yes, yeah.</p> <p>02:29 24 Q. And what are those dangers?</p> <p>02:29 25 A. They can have internal faults that</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">127</p> <p>02:30 1 A. Benton County 1.</p> <p>02:30 2 Q. Okay.</p> <p>02:30 3 A. Well, it's Benton County 2 at the</p> <p>02:30 4 west site because that's over in Benton</p> <p>02:30 5 County 2 territory. So Benton County 2.</p> <p>02:30 6 Q. Okay. So if I go to Benton -- have</p> <p>02:30 7 you asked Benton County about their ability to</p> <p>02:30 8 fight a six-acre battery fire up on the</p> <p>02:30 9 plateau?</p> <p>02:30 10 A. Yes. Talked -- spoke with the fire</p> <p>02:30 11 marshal myself.</p> <p>02:30 12 Q. What did he say?</p> <p>02:30 13 A. He said, I don't have time for this.</p> <p>02:31 14 I'm sorry, that's what he said. He won't</p> <p>02:31 15 answer phone calls anymore. So talk to the</p> <p>02:31 16 Benton County fire marshal.</p> <p>02:31 17 Q. So the answer is, you haven't gotten</p> <p>02:31 18 approval --</p> <p>02:31 19 A. Benton County will be the provider</p> <p>02:31 20 of emergency services. They're going to have</p> <p>02:31 21 to figure it out.</p> <p>02:31 22 Q. But you have not gotten approval</p> <p>02:31 23 from the Benton County fire marshal for the</p> <p>02:31 24 plans for this six-acre battery operation, have</p> <p>02:31 25 you?</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: center;">126</p> <p>02:29 1 cause them to burn.</p> <p>02:29 2 Q. And have you seen lithium-ion fires?</p> <p>02:29 3 Have you seen any videos of them?</p> <p>02:29 4 A. I've seen pictures of Teslas burning</p> <p>02:29 5 up, sure. Is this a Tesla? I don't know if</p> <p>02:29 6 we're going buy Tesla batteries. I don't know</p> <p>02:29 7 that answer. They might be the best one in the</p> <p>02:29 8 market.</p> <p>02:29 9 Q. You're not going to buy Tesla car</p> <p>02:29 10 batteries, are you?</p> <p>02:29 11 A. Tesla makes batteries for battery</p> <p>02:29 12 storage for commercial utility projects. Yes,</p> <p>02:29 13 they do.</p> <p>02:29 14 Q. I understand that they do, but do</p> <p>02:30 15 you understand what the fire dangers of those</p> <p>02:30 16 batteries are in a commercial setting on</p> <p>02:30 17 six acres of property?</p> <p>02:30 18 A. We will negotiate with the</p> <p>02:30 19 manufacturer to make sure we meet all standards</p> <p>02:30 20 for the batteries that we procure for the site.</p> <p>02:30 21 And so they will be safe as the technology is</p> <p>02:30 22 available.</p> <p>02:30 23 Q. I understand they will be.</p> <p>02:30 24 What will be the source of water to</p> <p>02:30 25 fight a fire at the batteries?</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">128</p> <p>02:31 1 A. We do not have our emergency plan</p> <p>02:31 2 approved through the county, no. That will</p> <p>02:31 3 likely be a condition of our site certification</p> <p>02:31 4 agreement. That's how that works.</p> <p>02:31 5 Q. Are you familiar with the concept of</p> <p>02:31 6 thermal runaway in lithium-ion batteries?</p> <p>02:31 7 A. I believe I understand. That's what</p> <p>02:31 8 I meant by internal faults that can occur.</p> <p>02:31 9 Q. And you're aware that this is a</p> <p>02:31 10 fast-moving fire?</p> <p>02:31 11 A. Yeah.</p> <p>02:31 12 Q. Very fast, correct?</p> <p>02:31 13 A. Within the battery, yeah. Not away</p> <p>02:32 14 from the battery.</p> <p>02:32 15 Q. Are you familiar with the concept of</p> <p>02:32 16 repropagation of fires in lithium-ion</p> <p>02:32 17 batteries?</p> <p>02:32 18 A. I believe that's a concern, yeah.</p> <p>02:32 19 You have to watch it.</p> <p>02:32 20 Q. Have to keep water on it for days at</p> <p>02:32 21 a time, don't you?</p> <p>02:32 22 A. I can't say for sure. This is</p> <p>02:32 23 commercially available technology, right. This</p> <p>02:32 24 is state of the art. We're going after state</p> <p>02:32 25 of the art lithium-ion batteries, if that's</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: right;">129</p> <p>02:32 1 what we install at the site.</p> <p>02:32 2 We will get the best batteries</p> <p>02:32 3 available in the market, and they will be</p> <p>02:32 4 demonstrably safe and they'll be warranted.</p> <p>02:32 5 And I'll guarantee you Benton County will make</p> <p>02:32 6 sure that they have the emergency services</p> <p>02:32 7 capability they need to support this project.</p> <p>02:32 8 Q. You guarantee that they will?</p> <p>02:32 9 A. They have to. That's their</p> <p>02:32 10 responsibility.</p> <p>02:32 11 Q. That sounds like a legal conclusion</p> <p>02:33 12 to me.</p> <p>02:33 13 MS. PERLMUTTER: You don't have to</p> <p>02:33 14 answer that.</p> <p>02:33 15 THE WITNESS: Okay.</p> <p>02:33 16 BY MR. ARAMBURU:</p> <p>02:33 17 Q. So we had a little trouble copying</p> <p>02:33 18 page -- this is actually page 2-126. And when</p> <p>02:33 19 we copied it, we got a couple of holes through,</p> <p>02:33 20 but this is what it looks like. It's your --</p> <p>02:33 21 A. Yes, okay.</p> <p>02:33 22 Q. Do you see that?</p> <p>02:33 23 A. Yeah.</p> <p>02:33 24 Q. Can you find that there in the</p> <p>02:33 25 material? Yeah, I think it's up -- yeah, I</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">131</p> <p>02:34 1 Q. And then there's another sentence</p> <p>02:34 2 after that that was recently added, which says:</p> <p>02:34 3 If necessary, the applicant would</p> <p>02:34 4 obtain these permits in coordination with</p> <p>02:34 5 EFSEC.</p> <p>02:34 6 Do you see that?</p> <p>02:34 7 A. Yes. EFSEC has preemptive authority</p> <p>02:34 8 to issue the permits themselves.</p> <p>02:34 9 Q. So if you can't get it from the</p> <p>02:34 10 Benton County fire marshal, you're going to ask</p> <p>02:34 11 EFSEC to issue the permit?</p> <p>02:34 12 A. Absolutely. It's a benefit of going</p> <p>02:35 13 to EFSEC, it's a one-stop shop.</p> <p>02:35 14 MS. PERLMUTTER: Wait until there's</p> <p>02:35 15 a question pending.</p> <p>02:35 16 THE WITNESS: Oh, sorry.</p> <p>02:35 17 MS. PERLMUTTER: That's okay.</p> <p>02:35 18 You're doing great.</p> <p>02:35 19 BY MR. ARAMBURU:</p> <p>02:35 20 Q. I'd like you to look at page 4-33,</p> <p>02:35 21 and the very last sentence.</p> <p>02:35 22 A. Got it.</p> <p>02:35 23 Q. Last two sentences:</p> <p>02:35 24 Lithium-ion battery storage may pose</p> <p>02:35 25 a risk of fire and explosion due to the</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: right;">130</p> <p>02:33 1 think it's right here. Right there.</p> <p>02:33 2 Can you turn that over? That's what</p> <p>02:33 3 talks about the Benton County fire marshal?</p> <p>02:33 4 A. Yes.</p> <p>02:33 5 Q. Okay. And there's a hole through it</p> <p>02:33 6 there, but it refers to Benton County code and</p> <p>02:33 7 International Fire Code?</p> <p>02:33 8 A. Yes.</p> <p>02:33 9 Q. And have you investigated the</p> <p>02:33 10 requirements for fighting lithium-ion fires</p> <p>02:33 11 that are found in the International Fire Code?</p> <p>02:34 12 A. Yes.</p> <p>02:34 13 Q. You have.</p> <p>02:34 14 It says a permit may be required for</p> <p>02:34 15 the Benton County fire marshal in accordance</p> <p>02:34 16 with International Fire Code; do you see that?</p> <p>02:34 17 A. Yes.</p> <p>02:34 18 Q. And have you secured that permit?</p> <p>02:34 19 A. No.</p> <p>02:34 20 Q. Have you received a commitment from</p> <p>02:34 21 the Benton County fire marshal to issue such a</p> <p>02:34 22 permit?</p> <p>02:34 23 A. No. We engaged with him and, as I</p> <p>02:34 24 said, he indicated he didn't have time to deal</p> <p>02:34 25 with it.</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">132</p> <p>02:36 1 tendency for lithium-ion batteries to overheat.</p> <p>02:36 2 Do you see that?</p> <p>02:36 3 A. Yes.</p> <p>02:36 4 Q. Did you assist in writing this?</p> <p>02:36 5 A. I reviewed it, yes.</p> <p>02:36 6 Q. And do you think that's an accurate</p> <p>02:36 7 statement?</p> <p>02:36 8 A. I believe it is.</p> <p>02:36 9 Q. And what is FPRF, which is the end</p> <p>02:36 10 of that sentence?</p> <p>02:36 11 A. I would have to look at the</p> <p>02:36 12 references to identify that acronym. I'm not</p> <p>02:36 13 exactly sure offhand what it stands for.</p> <p>02:36 14 Q. And then it says:</p> <p>02:36 15 If lithium-ion batteries are exposed</p> <p>02:36 16 to abnormal heat, electrolyte products may</p> <p>02:36 17 vaporize and be vented from the cells. This</p> <p>02:36 18 vented electrolyte is flammable and may ignite</p> <p>02:37 19 on contact with an ignition source.</p> <p>02:37 20 Is that an accurate statement?</p> <p>02:37 21 A. I believe it, yeah.</p> <p>02:37 22 Q. And what water is currently planned</p> <p>02:37 23 to be applied to the extinguishment of a fire</p> <p>02:37 24 that's discussed here?</p> <p>02:37 25 MS. PERLMUTTER: Objection. Asked</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: center;">133</p> <p>02:37 1 and answered. You can answer if you can.</p> <p>02:37 2 THE WITNESS: Well, I remember we</p> <p>02:37 3 just went through a bit ago where we said</p> <p>02:37 4 we were going to have fire suppression for</p> <p>02:37 5 the batteries. So whatever water supply is</p> <p>02:37 6 required to make that operational is what</p> <p>02:37 7 it'll end up being.</p> <p>02:37 8 BY MR. ARAMBURU:</p> <p>02:37 9 Q. Do you know what the minimum fire</p> <p>02:37 10 flows are that are required for industrial</p> <p>02:38 11 commercial operations in Benton County?</p> <p>02:38 12 MS. PERLMUTTER: Objection.</p> <p>02:38 13 Foundation. I'm sorry. Objection. Form.</p> <p>02:38 14 You can answer, if you can.</p> <p>02:38 15 THE WITNESS: Not offhand, no.</p> <p>02:38 16 BY MR. ARAMBURU:</p> <p>02:38 17 Q. Getting near the end here. Give</p> <p>02:38 18 me -- I know. I know, you can barely wait.</p> <p>02:38 19 MR. ARAMBURU: Let's go off the</p> <p>02:38 20 record for a second.</p> <p>02:46 21 (A recess was taken.)</p> <p>02:46 22 BY MR. ARAMBURU:</p> <p>02:47 23 Q. A couple of questions.</p> <p>02:47 24 You have been -- have you been the</p> <p>02:47 25 principal contact for the applicant with EFSEC</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">135</p> <p>02:48 1 about the content of the environmental impact</p> <p>02:48 2 statements?</p> <p>02:48 3 A. No.</p> <p>02:48 4 Q. And have you had contact with them</p> <p>02:48 5 about the content of the impact statements?</p> <p>02:48 6 A. Well, when we initially filed our</p> <p>02:48 7 application, we had conducted a SEPA analysis.</p> <p>02:48 8 And, you know, in our belief, we felt we could</p> <p>02:49 9 meet the criteria for mitigated determination</p> <p>02:49 10 of nonsignificance.</p> <p>02:49 11 And then, after we filed for the</p> <p>02:49 12 expedited permitting process, we later decided</p> <p>02:49 13 to rescind that application and agreed with</p> <p>02:49 14 EFSEC that we would support them preparing an</p> <p>02:49 15 environmental impact statement.</p> <p>02:49 16 Q. And so there was interactions, then,</p> <p>02:49 17 between EFSEC and Scout staff, including</p> <p>02:49 18 yourself?</p> <p>02:49 19 A. Yeah, because we had to -- we had to</p> <p>02:49 20 request them to declare that it would need an</p> <p>02:49 21 environmental impact statement. Because</p> <p>02:49 22 they're the ones that are responsible for that</p> <p>02:49 23 determination and they're the ones that</p> <p>02:49 24 prepare, or have an independent expert prepare</p> <p>02:50 25 the environmental impact statement.</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: center;">134</p> <p>02:47 1 and EFSEC staff?</p> <p>02:47 2 A. Yes.</p> <p>02:47 3 Q. And how long has that been going on?</p> <p>02:47 4 A. Since, we -- since, well, prior --</p> <p>02:47 5 just prior to filing our permit and getting</p> <p>02:47 6 ready to file it, and then since, I've been the</p> <p>02:47 7 principal contact.</p> <p>02:47 8 Now, that being said, every now and</p> <p>02:47 9 then, if there's large files, I'll have Tetra</p> <p>02:47 10 Tech do a manage file transfer to EFSEC, but</p> <p>02:47 11 that's at my authorization and it's considered</p> <p>02:47 12 coming from me when I authorize that, so...</p> <p>02:47 13 Q. So as I understand the record, the</p> <p>02:47 14 first contacts with EFSEC were in the fall of</p> <p>02:47 15 2020. Does that comport with your chronology?</p> <p>02:47 16 A. That would be -- yeah, that would be</p> <p>02:48 17 the timeframe where we were deliberating</p> <p>02:48 18 whether to do the county permit process or the</p> <p>02:48 19 EFSEC process, yeah.</p> <p>02:48 20 Q. And during that period of time,</p> <p>02:48 21 let's say, through the fall of 2020, you were</p> <p>02:48 22 involved at that time?</p> <p>02:48 23 A. Absolutely, yeah.</p> <p>02:48 24 Q. And through 2021.</p> <p>02:48 25 Was there conversations with EFSEC</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">136</p> <p>02:50 1 Q. And as I understand it, the</p> <p>02:50 2 independent expert is being paid by Scout?</p> <p>02:50 3 A. Oh, yes. EFSEC is entirely on</p> <p>02:50 4 our -- our -- we have to pay -- we have to pay</p> <p>02:50 5 a certain share of EFSEC's normal costs, plus</p> <p>02:50 6 we have to pay everything specific to this</p> <p>02:50 7 application.</p> <p>02:50 8 Q. The comment period for the draft</p> <p>02:50 9 impact statement ended February 1st of this</p> <p>02:50 10 year. Are you aware of that?</p> <p>02:50 11 A. Yes.</p> <p>02:50 12 Q. Have you been working with EFSEC</p> <p>02:50 13 concerning the preparation of the final impact</p> <p>02:50 14 statement?</p> <p>02:50 15 A. They're doing it. We're -- we filed</p> <p>02:50 16 comments on the DEIS for what we would expect</p> <p>02:50 17 them to consider to change or incorporate in</p> <p>02:50 18 the final EIS, but that's all in the record.</p> <p>02:50 19 Q. Have there been further</p> <p>02:51 20 communications regarding the final impact</p> <p>02:51 21 statement?</p> <p>02:51 22 A. Only through data requests where</p> <p>02:51 23 they're actually asking us for things that they</p> <p>02:51 24 feel they need in order to make the</p> <p>02:51 25 determinations they need for the final EIS,</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: center;">137</p> <p>02:51 1 yes.</p> <p>02:51 2 Q. Has EFSEC indicated to you when they</p> <p>02:51 3 expect to issue the final impact statement?</p> <p>02:51 4 A. When we asked to extend the EFSEC</p> <p>02:51 5 process to the point of a final document that's</p> <p>02:51 6 ready to be provided to the governor, we</p> <p>02:51 7 discussed that the final EIS would be part of</p> <p>02:51 8 that record that they create, along with the</p> <p>02:51 9 site certification agreement that would go</p> <p>02:51 10 along with that.</p> <p>02:51 11 So I don't know exactly -- exactly</p> <p>02:51 12 when the final EIS is going to be completed.</p> <p>02:52 13 Q. Have you asked them?</p> <p>02:52 14 A. Oh, yeah.</p> <p>02:52 15 Q. And what did they say?</p> <p>02:52 16 A. It depends. They still are doing</p> <p>02:52 17 evaluations. And those were documented in the</p> <p>02:52 18 recent data requests 7 and 8. We've provided</p> <p>02:52 19 information, and we still owe them a document</p> <p>02:52 20 for data request 7.</p> <p>02:52 21 Q. What's that?</p> <p>02:52 22 A. The transportation impact analysis.</p> <p>02:52 23 Q. Okay. And is there going to be any</p> <p>02:52 24 additional visual impact analysis provided?</p> <p>02:52 25 A. We did do additional, and it has</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">139</p> <p>02:54 1 requested those to be identified to the fullest</p> <p>02:54 2 extent.</p> <p>02:55 3 For those we've heard and evaluated,</p> <p>02:55 4 we've actually made an attempt to redesign the</p> <p>02:55 5 project in consideration of those. And our</p> <p>02:55 6 intent is to continue to work with the Yakima</p> <p>02:55 7 Nation to come to hopefully an agreeable</p> <p>02:55 8 compromise.</p> <p>02:55 9 Q. Are those attempts reflected</p> <p>02:55 10 anywhere in Exhibit 1?</p> <p>02:55 11 A. I'm going to say not. I don't think</p> <p>02:55 12 they are.</p> <p>02:55 13 Q. Have you reviewed the confidential</p> <p>02:55 14 TCP report submitted into the adjudication</p> <p>02:55 15 record by Jessica Lally?</p> <p>02:55 16 A. The most recent, yes.</p> <p>02:55 17 Q. It was just recently because --</p> <p>02:55 18 A. Yeah.</p> <p>02:55 19 Q. The -- but the report itself?</p> <p>02:55 20 A. Yeah.</p> <p>02:55 21 Q. Does Exhibit 1 reflect any efforts</p> <p>02:56 22 by Scout to minimize impacts to the Yakima</p> <p>02:56 23 Nation's traditional cultural properties?</p> <p>02:56 24 A. We have continued to maintain the</p> <p>02:56 25 fullest extent of the development of the</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: center;">138</p> <p>02:52 1 been provided in response to data request 7.</p> <p>02:52 2 Q. And that's been provided to EFSEC</p> <p>02:52 3 staff?</p> <p>02:52 4 A. Yeah, it's on the docket.</p> <p>02:52 5 Q. Okay.</p> <p>02:53 6 A. In fact, the Yakima Nation have</p> <p>02:53 7 requested some points of interest that --</p> <p>02:53 8 identified points of interest for us to do</p> <p>02:53 9 visual simulations, which we did.</p> <p>02:53 10 MR. ARAMBURU: Okay. I think that's</p> <p>02:53 11 all the questions I have right now. Thank</p> <p>02:53 12 you, Mr. Kobus.</p> <p>02:53 13 EXAMINATION</p> <p>02:53 14 BY MS. VOELCKERS:</p> <p>02:54 15 Q. Hello, again, Mr. Kobus. I'm</p> <p>02:54 16 Shona Voelckers from the Yakima Nation. Same</p> <p>02:54 17 ground rules apply, of course, to this</p> <p>02:54 18 conversation. And as I'm sure you expect, I'm</p> <p>02:54 19 going to jump around a bit.</p> <p>02:54 20 A. Okay.</p> <p>02:54 21 Q. Does Exhibit 1 reflect any efforts</p> <p>02:54 22 by Scout to avoid impacts to the Yakima</p> <p>02:54 23 Nation's traditional cultural properties?</p> <p>02:54 24 A. The intention is that we desire to</p> <p>02:54 25 know what those impacts are, and have, in fact,</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">140</p> <p>02:56 1 project, and have not yet reduced impacts.</p> <p>02:56 2 There are settlement discussions in</p> <p>02:56 3 progress with the parties associated with the</p> <p>02:56 4 permit. We do intend to mark up the document</p> <p>02:56 5 as part of the post-adjudication redline to</p> <p>02:57 6 make those concessions in accordance with those</p> <p>02:57 7 settlement agreements that, you know, we would</p> <p>02:57 8 like to have done prior to the end of</p> <p>02:57 9 adjudication.</p> <p>02:57 10 Q. So as we sit here today, there's</p> <p>02:57 11 nothing within Exhibit 1 that reflects an</p> <p>02:57 12 effort by Scout to minimize impacts to Yakima</p> <p>02:57 13 Nation's traditional cultural properties,</p> <p>02:57 14 correct?</p> <p>02:57 15 A. (No verbal response.)</p> <p>02:57 16 Q. Is it fair to say those efforts have</p> <p>02:57 17 not been yet incorporated into the application?</p> <p>02:57 18 MS. PERLMUTTER: Objection. Form.</p> <p>02:57 19 You can answer, if you can.</p> <p>02:57 20 THE WITNESS: I need to back up a</p> <p>02:57 21 step.</p> <p>02:57 22 BY MS. VOELCKERS:</p> <p>02:57 23 Q. Sure.</p> <p>02:57 24 A. I was attempting to engage with</p> <p>02:57 25 Jessica Lally literally the first week I</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: center;">141</p> <p>02:57 1 started working for Scout back in 2018.</p> <p>02:57 2 There was some information available</p> <p>02:57 3 that indicated Webber Canyon was important to</p> <p>02:58 4 the Yakima Nation. And we did pull back and</p> <p>02:58 5 allowed additional margin related to Webber</p> <p>02:58 6 Canyon because we knew that to be the case.</p> <p>02:58 7 But recent discussions, no, they</p> <p>02:58 8 have not been incorporated into the application</p> <p>02:58 9 as it stands today.</p> <p>02:58 10 Q. So as we sit here today, just so I'm</p> <p>02:58 11 clear, there isn't something in Exhibit 1 that</p> <p>02:58 12 you could point me to right now that reflects</p> <p>02:58 13 an effort by Scout to minimize impacts to TCP?</p> <p>02:58 14 MS. PERLMUTTER: Objection. It's</p> <p>02:58 15 been asked and answered -- asked and</p> <p>02:58 16 answered. But you can respond.</p> <p>02:58 17 THE WITNESS: There has been an</p> <p>02:58 18 effort all along to attempt to optimally</p> <p>02:58 19 design the project and not load up the west</p> <p>02:58 20 end of it because we know that there are</p> <p>02:59 21 important TCPs there.</p> <p>02:59 22 You know, as it stands, there's also</p> <p>02:59 23 airspace restrictions that kept us away</p> <p>02:59 24 from the west as well. But, you know, I</p> <p>02:59 25 have to admit that in what we applied for,</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">143</p> <p>03:00 1 A. And it's in the layout of the</p> <p>03:00 2 project. As I said, there are things we could</p> <p>03:00 3 have done that we chose not to.</p> <p>03:00 4 Q. And have you provided information</p> <p>03:00 5 about what you could have done that you chose</p> <p>03:00 6 not to?</p> <p>03:00 7 MS. PERLMUTTER: Objection as to</p> <p>03:00 8 form. You can answer.</p> <p>03:00 9 THE WITNESS: At that stage of the</p> <p>03:00 10 project, we had a letter from the Yakima</p> <p>03:00 11 Nation that said, we will not converse with</p> <p>03:00 12 the applicant until it is part of the EFSEC</p> <p>03:00 13 process, and we will consult government to</p> <p>03:00 14 government. And so that was when</p> <p>03:01 15 conversation ceased.</p> <p>03:01 16 BY MS. VOELCKERS:</p> <p>03:01 17 Q. Okay. So is there anything external</p> <p>03:01 18 to the exhibit in front of you that you could</p> <p>03:01 19 point to that documents that?</p> <p>03:01 20 A. They're confidential. No, I</p> <p>03:01 21 couldn't point to them. They're part of</p> <p>03:01 22 ongoing settlement negotiations.</p> <p>03:01 23 Q. And you're aware that there's not an</p> <p>03:01 24 active settlement negotiation as of today,</p> <p>03:01 25 correct?</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: center;">142</p> <p>02:59 1 there, yes, there was consideration for</p> <p>02:59 2 Yakima TCPs.</p> <p>02:59 3 BY MS. VOELCKERS:</p> <p>02:59 4 Q. But there's nothing -- I just want</p> <p>02:59 5 to make sure I understand your answer clearly</p> <p>02:59 6 to my question.</p> <p>02:59 7 There's nothing that we could point</p> <p>02:59 8 to today as we sit here that demonstrates</p> <p>02:59 9 Scout's efforts to minimize impacts to Yakima</p> <p>02:59 10 Nation traditional cultural properties?</p> <p>02:59 11 MS. PERLMUTTER: Objection. Asked</p> <p>02:59 12 and answered. You can answer again.</p> <p>02:59 13 THE WITNESS: The only thing I could</p> <p>02:59 14 point to -- well, I can't point to, but the</p> <p>02:59 15 only thing I can respond with is, there are</p> <p>03:00 16 things we intentionally didn't include in</p> <p>03:00 17 consideration of Yakima TCPs.</p> <p>03:00 18 BY MS. VOELCKERS:</p> <p>03:00 19 Q. But it's no to my question on</p> <p>03:00 20 whether that is reflected in Exhibit 1 as a</p> <p>03:00 21 document?</p> <p>03:00 22 A. Not as a document, no.</p> <p>03:00 23 Q. So that's not reflected in the</p> <p>03:00 24 application that EFSEC has, that's knowledge</p> <p>03:00 25 that you hold personally?</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">144</p> <p>03:01 1 A. I wouldn't put it that way. I would</p> <p>03:01 2 say we've made a proposal that was rejected and</p> <p>03:01 3 not countered. But I would say we're still</p> <p>03:01 4 intending to negotiate, and we've requested to</p> <p>03:01 5 do that, and our intention is to continue to</p> <p>03:01 6 try.</p> <p>03:01 7 Q. But it does take two parties to</p> <p>03:01 8 continue a settlement discussion, correct?</p> <p>03:01 9 MS. PERLMUTTER: Objection.</p> <p>03:01 10 Argumentative. You can answer.</p> <p>03:01 11 THE WITNESS: Yeah, we would like</p> <p>03:02 12 the Yakima Nation to come to the table.</p> <p>03:02 13 Yeah.</p> <p>03:02 14 BY MS. VOELCKERS:</p> <p>03:02 15 Q. And does Exhibit 1 reflect any</p> <p>03:02 16 efforts by Scout to mitigate impacts to Yakima</p> <p>03:02 17 Nation's traditional cultural properties?</p> <p>03:02 18 MS. PERLMUTTER: Objection. Asked</p> <p>03:02 19 and answered. Answer if you can, or you</p> <p>03:02 20 want to answer again.</p> <p>03:02 21 BY MS. VOELCKERS:</p> <p>03:02 22 Q. I'm going to clarify my question. I</p> <p>03:02 23 have not asked about mitigation yet.</p> <p>03:02 24 So does Exhibit 1 reflect any</p> <p>03:02 25 efforts by Scout to mitigate impacts to Yakima</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: center;">145</p> <p>03:02 1 Nation's traditional cultural properties?</p> <p>03:02 2 A. I believe we've offered very robust</p> <p>03:02 3 mitigation that benefits Yakima Nation as well,</p> <p>03:02 4 yes.</p> <p>03:02 5 Q. That mitigates impacts to</p> <p>03:02 6 traditional cultural properties?</p> <p>03:02 7 A. I believe so, yeah.</p> <p>03:02 8 Q. And how do you understand me to be</p> <p>03:02 9 using that term?</p> <p>03:02 10 A. I understand that the identification</p> <p>03:03 11 of traditional cultural properties is a complex</p> <p>03:03 12 concept. And with, you know, all respect to</p> <p>03:03 13 the Yakima Nation, we need that articulated to</p> <p>03:03 14 the fullest extent. And that's what we hope to</p> <p>03:03 15 come to the table with, and have precise,</p> <p>03:03 16 concise conversations about things that are</p> <p>03:03 17 possible.</p> <p>03:03 18 You know, but declaring the whole</p> <p>03:03 19 thing is a TCP that's unmitigable doesn't help.</p> <p>03:03 20 Q. So I just want to make sure I'm not</p> <p>03:03 21 using terms that we're not clear on.</p> <p>03:03 22 Do you know what I mean when I say,</p> <p>03:03 23 "legendary sites"?</p> <p>03:03 24 A. Yes.</p> <p>03:03 25 Q. And you know what I mean when I say,</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">147</p> <p>03:05 1 THE WITNESS: Well, my understanding</p> <p>03:05 2 is the mitigation is no wind turbines on</p> <p>03:05 3 Horse Heaven Hill. So I can't work with</p> <p>03:05 4 that. So the site has to be permitted in</p> <p>03:05 5 accordance with EFSEC and, you know, we're</p> <p>03:05 6 asking for the current infrastructure</p> <p>03:05 7 that's in the application.</p> <p>03:05 8 BY MS. VOELCKERS:</p> <p>03:05 9 Q. You mentioned the discussion between</p> <p>03:05 10 Scout and Yakima Nation about any -- about</p> <p>03:06 11 alterations to the project design --</p> <p>03:06 12 A. Yes.</p> <p>03:06 13 Q. -- that were proposed.</p> <p>03:06 14 Have you discussed any alterations</p> <p>03:06 15 to the project design contained in Exhibit 1</p> <p>03:06 16 with anyone else outside Scout and your legal</p> <p>03:06 17 counsel?</p> <p>03:06 18 MS. PERLMUTTER: Objection. Form</p> <p>03:06 19 and foundation. You can answer.</p> <p>03:06 20 THE WITNESS: We are negotiating a</p> <p>03:06 21 settlement with counsel for the</p> <p>03:06 22 environment.</p> <p>03:06 23 BY MS. VOELCKERS:</p> <p>03:06 24 Q. And is any of that discussion</p> <p>03:06 25 reflected within Exhibit 1?</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: center;">146</p> <p>03:03 1 monumental sites"?</p> <p>03:04 2 A. Not real clear on the distinction</p> <p>03:04 3 between the two.</p> <p>03:04 4 Q. How do you understand me to be using</p> <p>03:04 5 the words, "legendary sites"?</p> <p>03:04 6 A. Sites that the Yakima Nation</p> <p>03:04 7 believes since creation have been utilized and</p> <p>03:04 8 passed down from generation to generation what</p> <p>03:04 9 the significance is and how they've been</p> <p>03:04 10 utilized and what their value is to the</p> <p>03:04 11 culture.</p> <p>03:04 12 Q. Okay. And you said you reviewed</p> <p>03:04 13 Jessica Lally's TCP report that generally</p> <p>03:04 14 summarizes --</p> <p>03:04 15 A. Yes.</p> <p>03:04 16 Q. -- the project's impact to TCPs?</p> <p>03:04 17 A. Yes.</p> <p>03:04 18 Q. So based upon your review of that,</p> <p>03:04 19 is it fair to say that there isn't anything in</p> <p>03:05 20 Exhibit 1 that contains commitments by Scout to</p> <p>03:05 21 mitigate impacts to Yakima Nation's traditional</p> <p>03:05 22 cultural properties that have been identified</p> <p>03:05 23 by Jessica Lally?</p> <p>03:05 24 MS. PERLMUTTER: Objection to form.</p> <p>03:05 25 You can answer, if you can.</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">148</p> <p>03:06 1 A. No.</p> <p>03:06 2 Q. Is any of that discussion reflected</p> <p>03:06 3 in any materials available to EFSEC right now?</p> <p>03:06 4 A. The settlement negotiations, we're</p> <p>03:06 5 intending to keep them confidential until it's</p> <p>03:06 6 executed. We have provided our version of that</p> <p>03:06 7 to the AG and it's under review.</p> <p>03:06 8 Q. Which is consistent with how some</p> <p>03:07 9 negotiations work. I'm not trying to suggest</p> <p>03:07 10 it's wrong.</p> <p>03:07 11 But I'm just trying to confirm that</p> <p>03:07 12 there's isn't anything that EFSEC has to review</p> <p>03:07 13 to incorporate any project design changes in</p> <p>03:07 14 their review of the application today?</p> <p>03:07 15 MS. PERLMUTTER: Objection. Form</p> <p>03:07 16 and foundation. You can answer.</p> <p>03:07 17 THE WITNESS: In recent discussions</p> <p>03:07 18 with EFSEC we've told them we are preparing</p> <p>03:07 19 the results of the current status of</p> <p>03:07 20 project changes, of infrastructure changes,</p> <p>03:07 21 and that will be forthcoming.</p> <p>03:07 22 BY MS. VOELCKERS:</p> <p>03:07 23 Q. Okay. So they're aware that it's</p> <p>03:07 24 coming?</p> <p>03:07 25 A. Yes.</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: center;">149</p> <p>03:07 1 Q. And do those project changes include</p> <p>03:07 2 anything besides what you've been discussing</p> <p>03:07 3 with counsel for the environment?</p> <p>03:07 4 A. We have not discussed any of the</p> <p>03:07 5 negotiations or proposals with the Yakima</p> <p>03:07 6 Nation with any other parties. That was</p> <p>03:07 7 confidential with Yakima Nation.</p> <p>03:07 8 Q. Okay. But the project designs that</p> <p>03:08 9 you -- putting that aside, right, we'll move on</p> <p>03:08 10 from that.</p> <p>03:08 11 A. Okay.</p> <p>03:08 12 Q. Is there any other project design</p> <p>03:08 13 that you are currently contemplating aside from</p> <p>03:08 14 what has been proposed in confidential</p> <p>03:08 15 conversations with Ms. Reyneveld?</p> <p>03:08 16 A. Yes.</p> <p>03:08 17 Q. And what are those other design</p> <p>03:08 18 alterations?</p> <p>03:08 19 MS. PERLMUTTER: Objection. Form.</p> <p>03:08 20 You can answer, if you can.</p> <p>03:08 21 THE WITNESS: Until we submit them</p> <p>03:08 22 to EFSEC, they're still a work in progress.</p> <p>03:08 23 BY MS. VOELCKERS:</p> <p>03:08 24 Q. Have they been shared externally</p> <p>03:08 25 outside of Scout?</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">151</p> <p>03:09 1 have a copy of any of the project designs that</p> <p>03:09 2 are being discussed?</p> <p>03:09 3 A. Yeah. Just to be clear, we don't</p> <p>03:09 4 interface with the council, only through the</p> <p>03:09 5 monthly meetings or if they do a tour of the</p> <p>03:09 6 site. That's the only interface we have with</p> <p>03:09 7 council members.</p> <p>03:09 8 Q. Okay. I appreciate the</p> <p>03:09 9 clarification.</p> <p>03:09 10 So then to be clear, as we go into</p> <p>03:09 11 an adjudication hearing, the material that they</p> <p>03:10 12 have in front of them is Exhibit 1?</p> <p>03:10 13 A. Correct.</p> <p>03:10 14 Q. Without alterations to the design?</p> <p>03:10 15 MS. PERLMUTTER: I'm going to object</p> <p>03:10 16 as to form when you say that they have in</p> <p>03:10 17 front of them. We've just been talking</p> <p>03:10 18 about at least two entities. So if you</p> <p>03:10 19 could clarify that, that would be good.</p> <p>03:10 20 BY MS. VOELCKERS:</p> <p>03:10 21 Q. Well, I'm going to take it as whole</p> <p>03:10 22 entity. EFSEC as an entity, staff, legal</p> <p>03:10 23 counsel, everyone.</p> <p>03:10 24 As we sit here today, they only have</p> <p>03:10 25 the project design contained in Exhibit 1 in</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: center;">150</p> <p>03:08 1 A. Just with our team, just with our</p> <p>03:08 2 legal and technical consultants.</p> <p>03:08 3 Q. Okay. So you've discussed different</p> <p>03:08 4 design alterations than what's in Exhibit 1,</p> <p>03:08 5 but they've not been shared external to Scout</p> <p>03:08 6 and legal counsel?</p> <p>03:08 7 A. Correct. We're waiting for all the</p> <p>03:09 8 parties, all things to progress as they should</p> <p>03:09 9 until the time we're ready to identify them.</p> <p>03:09 10 Q. Okay. So EFSEC staff does not have</p> <p>03:09 11 them?</p> <p>03:09 12 A. No, they do not.</p> <p>03:09 13 Q. And EFSEC's counsel does not have</p> <p>03:09 14 them?</p> <p>03:09 15 MS. PERLMUTTER: Objection as to</p> <p>03:09 16 form. You mean council or counsel?</p> <p>03:09 17 MS. VOELCKERS: Thank you. We'll</p> <p>03:09 18 take both in turn.</p> <p>03:09 19 BY MS. VOELCKERS:</p> <p>03:09 20 Q. EFSEC's legal counsel doesn't have</p> <p>03:09 21 them?</p> <p>03:09 22 A. To my knowledge, that's correct.</p> <p>03:09 23 Q. And the council that will decide and</p> <p>03:09 24 make a recommendation to the governor, the</p> <p>03:09 25 EFSEC council, not legal counsel, they don't</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">152</p> <p>03:10 1 front of you?</p> <p>03:10 2 A. That's correct.</p> <p>03:10 3 Q. When do you anticipate giving them</p> <p>03:10 4 the proposed design alterations?</p> <p>03:10 5 MS. PERLMUTTER: Objection to form</p> <p>03:10 6 and foundation. You can answer.</p> <p>03:10 7 THE WITNESS: I have to defer to</p> <p>03:10 8 legal counsel on that as to how that's</p> <p>03:10 9 going to be unveiled in the EFSEC</p> <p>03:10 10 adjudication.</p> <p>03:10 11 BY MS. VOELCKERS:</p> <p>03:10 12 Q. Okay. So it's a legal strategy on</p> <p>03:10 13 when that information is available?</p> <p>03:10 14 A. Yes, yes.</p> <p>03:10 15 Q. I'm not going to get into a whole</p> <p>03:11 16 back-and-forth on the lack of alternatives</p> <p>03:11 17 because I think that was covered a lot, but I</p> <p>03:11 18 do want to just understand kind of can versus</p> <p>03:11 19 can't in terms of what could be possible.</p> <p>03:11 20 So -- and I understand there's a lot</p> <p>03:11 21 of, you know, economic interest, business</p> <p>03:11 22 interest. That's your job, not mine.</p> <p>03:11 23 But can the project move forward</p> <p>03:11 24 without the solar field?</p> <p>03:11 25 MS. PERLMUTTER: Objection to form.</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: right;">153</p> <p>03:11 1 THE WITNESS: It's possible. Is it</p> <p>03:11 2 optimal? No.</p> <p>03:11 3 BY MS. VOELCKERS:</p> <p>03:11 4 Q. Can the project move forward without</p> <p>03:11 5 the northwest solar field, same answer?</p> <p>03:11 6 MS. PERLMUTTER: Objection. Form</p> <p>03:11 7 and foundation. You can answer.</p> <p>03:11 8 THE WITNESS: Same answer.</p> <p>03:11 9 BY MS. VOELCKERS:</p> <p>03:11 10 Q. Can the project move forward without</p> <p>03:11 11 the southwest solar field?</p> <p>03:11 12 MS. PERLMUTTER: Objection. Form</p> <p>03:11 13 and foundation.</p> <p>03:11 14 THE WITNESS: Same answer, yeah.</p> <p>03:11 15 BY MS. VOELCKERS:</p> <p>03:12 16 Q. Can the project move forward without</p> <p>03:12 17 any solar fields?</p> <p>03:12 18 MS. PERLMUTTER: Same objection.</p> <p>03:12 19 Form and foundation.</p> <p>03:12 20 THE WITNESS: Same answer, yes.</p> <p>03:12 21 BY MS. VOELCKERS:</p> <p>03:12 22 Q. So is it fair to say that the solar</p> <p>03:12 23 portion of the project is what moves it towards</p> <p>03:12 24 optimal, but the solar fields themselves are</p> <p>03:12 25 not necessary for the project?</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">155</p> <p>03:13 1 Q. Okay. And it sounded like, but</p> <p>03:13 2 correct me if I'm wrong, those discussions have</p> <p>03:13 3 gone so far as to have potential offtakers make</p> <p>03:13 4 requests about the project design; is that</p> <p>03:13 5 correct?</p> <p>03:13 6 A. That's correct. The offtakers</p> <p>03:13 7 identify what's desired to meet their needs,</p> <p>03:13 8 and then we attempt, where possible, to</p> <p>03:13 9 structure the project if we want to meet their</p> <p>03:14 10 need.</p> <p>03:14 11 There's -- I mean, there's a whole</p> <p>03:14 12 spectrum, there's a whole smorgasbord of things</p> <p>03:14 13 that you can do to optimize and. The first one</p> <p>03:14 14 that has the best deal relative to our bids,</p> <p>03:14 15 we'll be happy with.</p> <p>03:14 16 Q. So is it fair to say than an</p> <p>03:14 17 offtaker could make a suggestion or request</p> <p>03:14 18 that's kind of further out from what others are</p> <p>03:14 19 asking, so you might not honor that request?</p> <p>03:14 20 MS. PERLMUTTER: Objection as to</p> <p>03:14 21 form. You can answer.</p> <p>03:14 22 THE WITNESS: We might not be able</p> <p>03:14 23 to honor that request. So we would say,</p> <p>03:14 24 this is what we can do and this is what</p> <p>03:14 25 it'll cost.</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: right;">154</p> <p>03:12 1 MS. PERLMUTTER: Objection. Form.</p> <p>03:12 2 THE WITNESS: It's in the eye of the</p> <p>03:12 3 beholder as far as the offtake potential.</p> <p>03:12 4 If they say they want 100 megawatts solar</p> <p>03:12 5 overbuild on the east side, we're going to</p> <p>03:12 6 try and make it work.</p> <p>03:12 7 And so, you know, we have a market</p> <p>03:12 8 we intend to meet. And we want to optimize</p> <p>03:12 9 and make this as big as we can, of course,</p> <p>03:12 10 we're within the constraints of what's in</p> <p>03:12 11 the application. But that's our business</p> <p>03:12 12 is bringing the market what they need.</p> <p>03:12 13 BY MS. VOELCKERS:</p> <p>03:12 14 Q. Could you market the project without</p> <p>03:13 15 the solar fields?</p> <p>03:13 16 A. It's possible, but not optimal.</p> <p>03:13 17 Q. Understood. Okay. We can move on</p> <p>03:13 18 from that part.</p> <p>03:13 19 A. Yeah.</p> <p>03:13 20 Q. I heard a couple of times from you</p> <p>03:13 21 today that Scout has ongoing discussions with</p> <p>03:13 22 potential offtakers, correct?</p> <p>03:13 23 A. That's correct.</p> <p>03:13 24 Q. Offtaker is the right word?</p> <p>03:13 25 A. Yes.</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">156</p> <p>03:14 1 BY MS. VOELCKERS:</p> <p>03:14 2 Q. Because you're getting input from</p> <p>03:14 3 multiple offtakers, so you can balance that</p> <p>03:14 4 input?</p> <p>03:14 5 A. Sure, sure. I mean it's no secret,</p> <p>03:14 6 you know, Atlas Agro is trying to build a</p> <p>03:15 7 fertilizer plant in Richland. They're going to</p> <p>03:15 8 need power. They have to have clean energy.</p> <p>03:15 9 And there's very unique needs that they have</p> <p>03:15 10 given where they are, where they're</p> <p>03:15 11 interconnecting, and the demand that they need</p> <p>03:15 12 to provide for that facility.</p> <p>03:15 13 And so they're likely to engage with</p> <p>03:15 14 us and say, we want you to do this, and if you</p> <p>03:15 15 do it, then we will sign an agreement.</p> <p>03:15 16 Q. How many potential offtakers, you</p> <p>03:15 17 don't have to be exact here, but, in general,</p> <p>03:15 18 how many potential offtakers have provided</p> <p>03:15 19 input on the project design contained in</p> <p>03:15 20 Exhibit 1?</p> <p>03:15 21 MS. PERLMUTTER: Objection to form.</p> <p>03:15 22 You can answer.</p> <p>03:15 23 THE WITNESS: I'm going to say, to</p> <p>03:15 24 the best of my knowledge, none. Because</p> <p>03:15 25 our application was created in our concept</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: center;">157</p> <p>03:15 1 of what the market's going to desire.</p> <p>03:16 2 And we pushed the bubble out to get</p> <p>03:16 3 the maximum flexibility. And then our</p> <p>03:16 4 intent is to remain as nimble as possible</p> <p>03:16 5 to be able to optimize to eventually sell</p> <p>03:16 6 the maximum extent of the energy from this</p> <p>03:16 7 project that we can.</p> <p>03:16 8 BY MS. VOELCKERS:</p> <p>03:16 9 Q. Have you made enough progress with a</p> <p>03:16 10 potential offtaker to have any sort of</p> <p>03:16 11 agreement that's contingent on the project</p> <p>03:16 12 being permitted?</p> <p>03:16 13 MS. PERLMUTTER: Objection as to</p> <p>03:16 14 form. You can answer.</p> <p>03:16 15 THE WITNESS: No. They will not --</p> <p>03:16 16 they have indicated they -- no one wants to</p> <p>03:16 17 agree to procure something without a</p> <p>03:16 18 permit. They have to have certainty. They</p> <p>03:16 19 have to have line of sight certainty on</p> <p>03:16 20 that permit.</p> <p>03:16 21 BY MS. VOELCKERS:</p> <p>03:16 22 Q. Right. But earlier, you discussed</p> <p>03:17 23 an exclusivity agreement with a turbine</p> <p>03:17 24 provider. Do you have any agreement with a</p> <p>03:17 25 potential offtaker --</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">159</p> <p>03:18 1 A. We specifically chose this site for</p> <p>03:18 2 its low relative environmental impact. And</p> <p>03:18 3 we've done everything practical to design the</p> <p>03:18 4 site to minimize that impact, avoid where</p> <p>03:18 5 necessary, and, in fact, provide mitigation for</p> <p>03:18 6 where it can't be avoided.</p> <p>03:18 7 Q. And when you say that you are</p> <p>03:18 8 providing mitigation where something can't be</p> <p>03:18 9 avoided, you're referring to environmental</p> <p>03:19 10 impacts, correct?</p> <p>03:19 11 A. Correct.</p> <p>03:19 12 Q. And if you're saying that</p> <p>03:19 13 something -- environmental impact can't be</p> <p>03:19 14 avoided, is that, it can't be avoided and the</p> <p>03:19 15 project still exists, or it can't be avoided</p> <p>03:19 16 for the optimal project?</p> <p>03:19 17 A. It can't be avoided as a project</p> <p>03:19 18 exists. For example, we're going to have</p> <p>03:19 19 one acre of permanent impact to shrub step. We</p> <p>03:19 20 can't avoid it.</p> <p>03:19 21 (The Court Reporter requested</p> <p>03:19 22 clarification.)</p> <p>03:19 23 THE WITNESS: To shrub step habitat,</p> <p>03:19 24 and we can't avoid it. So I've got to</p> <p>03:19 25 mitigate for that one acre of permanent</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: center;">158</p> <p>03:17 1 (The Court Reporter requested</p> <p>03:17 2 clarification.)</p> <p>03:17 3 BY MS. VOELCKERS:</p> <p>03:17 4 Q. Do you have any tentative agreements</p> <p>03:17 5 with potential offtaker or offtakers that</p> <p>03:17 6 commits them to purchasing the project once it</p> <p>03:17 7 is permitted?</p> <p>03:17 8 A. No.</p> <p>03:17 9 Q. And you talked now and earlier about</p> <p>03:17 10 optimal project.</p> <p>03:17 11 A. Yes.</p> <p>03:17 12 Q. And I just want to be clear, when</p> <p>03:17 13 you're using "optimal" today, you mean optimal</p> <p>03:17 14 economically?</p> <p>03:17 15 A. That's correct. Well, I need</p> <p>03:17 16 embellish that a little bit. Optimization also</p> <p>03:17 17 includes lowest environmental impact, most</p> <p>03:17 18 efficient and reliable interconnection to the</p> <p>03:18 19 grid. All of that figures into the</p> <p>03:18 20 optimization. You know, it has to be minimized</p> <p>03:18 21 to the extent practical related to the SEPA</p> <p>03:18 22 criteria.</p> <p>03:18 23 Q. As you sit here today, is it your</p> <p>03:18 24 testimony that the project is designed to have</p> <p>03:18 25 the lowest environmental impact?</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">160</p> <p>03:19 1 impact.</p> <p>03:19 2 BY MS. VOELCKERS:</p> <p>03:19 3 Q. Why can't you avoid it?</p> <p>03:19 4 A. It would be economically infeasible</p> <p>03:19 5 to, you know, for example, route a conductor --</p> <p>03:19 6 a whole series of conductors several miles</p> <p>03:20 7 around a one-acre shrub step impact.</p> <p>03:20 8 So we believe that we can mitigate,</p> <p>03:20 9 onsite is preferred, and we do have a site</p> <p>03:20 10 identified in our habitation mitigation plan,</p> <p>03:20 11 but that's a case where it would just be</p> <p>03:20 12 unreasonable to avoid that one acre. And, you</p> <p>03:20 13 know, we feel that's acceptable.</p> <p>03:20 14 Q. Unreasonable, but not impossible?</p> <p>03:20 15 A. Right.</p> <p>03:20 16 Q. So is it fair to say that when the</p> <p>03:20 17 Exhibit 1 discusses avoidance of environmental</p> <p>03:20 18 impacts and says that something cannot be</p> <p>03:20 19 avoided, does that really mean that it's</p> <p>03:20 20 unreasonable from a business perspective to</p> <p>03:20 21 avoid that impact?</p> <p>03:20 22 A. That's what it means, yes.</p> <p>03:21 23 Q. Okay. Thank you.</p> <p>03:21 24 You talked about the benefit of</p> <p>03:21 25 going to EFSEC, and I think you used the term</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: right;">161</p> <p>03:21 1 "one stop shop"?</p> <p>03:21 2 A. Correct.</p> <p>03:21 3 Q. I would certainly agree that by</p> <p>03:21 4 going to EFSEC you're saving administrative</p> <p>03:21 5 burden by applying to them rather than multiple</p> <p>03:21 6 regulators.</p> <p>03:21 7 My question, though, is about your</p> <p>03:21 8 understanding. Is it your understanding that</p> <p>03:21 9 EFSEC can override all other permitting</p> <p>03:21 10 entities with oversight of the project?</p> <p>03:21 11 MS. PERLMUTTER: Objection. Calls</p> <p>03:21 12 for a legal conclusion. And irrelevant.</p> <p>03:21 13 You can answer.</p> <p>03:21 14 THE WITNESS: EFSEC has preemptive</p> <p>03:21 15 authority.</p> <p>03:21 16 BY MS. VOELCKERS:</p> <p>03:21 17 Q. Even over permits required under</p> <p>03:21 18 federal law?</p> <p>03:21 19 A. No, they cannot preempt federal.</p> <p>03:21 20 Q. And what about permits required</p> <p>03:21 21 under state law, apart from Benton County's own</p> <p>03:21 22 regulations?</p> <p>03:21 23 MS. PERLMUTTER: I'm going to object</p> <p>03:21 24 on foundation grounds. Calls for legal</p> <p>03:21 25 conclusion. And it is also specifically</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">163</p> <p>1 BY MS. VOELCKERS:</p> <p>03:23 2 Q. You said you've been working on the</p> <p>03:23 3 water supply for the project for a couple of</p> <p>03:23 4 years now.</p> <p>03:23 5 A. Yeah.</p> <p>03:23 6 Q. Is it fair to say it's been hard to</p> <p>03:23 7 find water in this area?</p> <p>03:23 8 MS. PERLMUTTER: Objection. Form.</p> <p>03:23 9 You can answer it.</p> <p>03:23 10 THE WITNESS: No, it's not hard.</p> <p>03:23 11 BY MS. VOELCKERS:</p> <p>03:23 12 Q. It's not hard to find extra water?</p> <p>03:23 13 MS. PERLMUTTER: Objection. Asked</p> <p>03:23 14 and answered. You can answer it. And to</p> <p>03:23 15 form.</p> <p>03:23 16 THE WITNESS: There are water</p> <p>03:23 17 sources available. I'll give you an</p> <p>03:23 18 example. The Welch's grape juice plant in</p> <p>03:23 19 Kennewick, they've got a tremendous well</p> <p>03:23 20 there. And it's not under contract.</p> <p>03:23 21 Somebody owns it. It's not available to</p> <p>03:23 22 us.</p> <p>03:23 23 BY MS. VOELCKERS:</p> <p>03:23 24 Q. Is it fair to say that you have to</p> <p>03:24 25 find water to purchase for the project?</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: right;">162</p> <p>03:22 1 one of the issues that have been excluded</p> <p>03:22 2 from the adjudication by Judge Torem.</p> <p>03:22 3 (The Court Reporter requested</p> <p>03:22 4 clarification.)</p> <p>03:22 5 MS. PERLMUTTER: By Judge Torem,</p> <p>03:22 6 T-o-r-e-m.</p> <p>03:22 7 MS. VOELCKERS: State law permitting</p> <p>03:22 8 has been excluded?</p> <p>03:22 9 MS. PERLMUTTER: Preemption of</p> <p>03:22 10 local -- preemption of local land use plans</p> <p>03:22 11 or ordinances.</p> <p>03:22 12 BY MS. VOELCKERS:</p> <p>03:22 13 Q. So is it your understanding that</p> <p>03:22 14 EFSEC can override or preempt state law</p> <p>03:22 15 requirements outside of those local-induced</p> <p>03:22 16 regulations?</p> <p>03:22 17 MS. PERLMUTTER: Same objection.</p> <p>03:22 18 THE WITNESS: I believe they could</p> <p>03:22 19 go through the process it would take to do</p> <p>03:22 20 that. I don't think they would, but that's</p> <p>03:22 21 personal opinion.</p> <p>03:22 22 For example, the new lighting</p> <p>03:22 23 reduction, we are going to comply with that</p> <p>03:22 24 fully. And we would desire EFSEC to agree</p> <p>03:23 25 with us with that.</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">164</p> <p>03:24 1 A. Anything other than drilling your</p> <p>03:24 2 own hole, you have to purchase, yeah.</p> <p>03:24 3 Q. And drilling your own hole is not</p> <p>03:24 4 necessarily an option?</p> <p>03:24 5 MS. PERLMUTTER: Objection. Form.</p> <p>03:24 6 You can answer.</p> <p>03:24 7 THE WITNESS: It's too risky to</p> <p>03:24 8 drill wells up on the site. If you look</p> <p>03:24 9 over the landscape, you'll see farmers that</p> <p>03:24 10 have green trees and you'll see farmers</p> <p>03:24 11 that don't. The ones with green trees have</p> <p>03:24 12 wells. The others don't.</p> <p>03:24 13 BY MS. VOELCKERS:</p> <p>03:24 14 Q. I guess what I'm getting at is that</p> <p>03:24 15 it's not easy to find new water sources that</p> <p>03:24 16 have not already been appropriated by someone</p> <p>03:24 17 else?</p> <p>03:24 18 MS. PERLMUTTER: Objection as to</p> <p>03:24 19 form. Asked and answered. You can answer.</p> <p>03:24 20 THE WITNESS: Well, anybody that has</p> <p>03:24 21 substantial water resource is in the</p> <p>03:25 22 business of making revenue from it.</p> <p>03:25 23 BY MS. VOELCKERS:</p> <p>03:25 24 Q. By selling it?</p> <p>03:25 25 A. By selling it, yeah.</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: right;">165</p> <p>03:25 1 Q. To folks that need it for new 03:25 2 development? 03:25 3 MS. PERLMUTTER: Objection. 03:25 4 Foundation and form. You can answer. 03:25 5 THE WITNESS: Irrigators. There's 03:25 6 lots of wells up there for irrigators. 03:25 7 BY MS. VOELCKERS: 03:25 8 Q. Are you aware that new commercial 03:25 9 development cannot be permitted until an 03:25 10 applicant has demonstrated available water to 03:25 11 support the development? 03:25 12 MS. PERLMUTTER: Objection. 03:25 13 Relevance. You can answer. 03:25 14 THE WITNESS: Well, it sounds 03:25 15 reasonable. 03:25 16 BY MS. VOELCKERS: 03:25 17 Q. Both for construction and operation 03:25 18 of the development, right? 03:25 19 A. Yeah, sounds reasonable. 03:25 20 Q. And you know that under EFSEC's own 03:25 21 regulations, projects are required to 03:25 22 demonstrate legally available water in support 03:26 23 of their applications? 03:26 24 MS. PERLMUTTER: Objection. Calls 03:26 25 for a legal conclusion. You can answer, if TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">167</p> <p>03:26 1 THE WITNESS: We would not get to 03:27 2 this stage in our development without 03:27 3 having a line of sight on water supply. 03:27 4 Not only one, but multiple, so we have 03:27 5 contingencies. And we're going to continue 03:27 6 to go after the cheapest one that's most 03:27 7 convenient to the site. 03:27 8 BY MS. VOELCKERS: 03:27 9 Q. Was that a "yes" to my question, 03:27 10 though? 03:27 11 A. I think it was. 03:27 12 Q. If we could turn to page 2-87 of 03:27 13 Exhibit 1. 03:27 14 A. Okay. 03:27 15 Q. Sorry, I lost my page here. Just 03:27 16 take a sec. 03:28 17 So the bottom of page 2-87 talks 03:28 18 about construction water supply, and then it 03:28 19 continues on page 2-88. So if we could turn 03:28 20 there. Middle of third line down, it says -- 03:28 21 are you there? 03:28 22 A. Yes. 03:28 23 Q. It says: 03:28 24 As an alternative to the City of 03:28 25 Kennewick, the project may source water from TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: right;">166</p> <p>03:26 1 you can. 03:26 2 THE WITNESS: As part of our 03:26 3 application process, yes, we have to answer 03:26 4 the questions, where is your water coming 03:26 5 from? 03:26 6 BY MS. VOELCKERS: 03:26 7 Q. Is it fair to say that you 03:26 8 understand that you would have to answer that 03:26 9 question whether you were going through the 03:26 10 county permitting process or EFSEC? 03:26 11 A. I believe that would be true, yeah. 03:26 12 Q. Prior to obtaining a permit? 03:26 13 MS. PERLMUTTER: Objection. Form. 03:26 14 You can answer. 03:26 15 THE WITNESS: Identifying the source 03:26 16 prior to obtaining your permit, yeah. 03:26 17 BY MS. VOELCKERS: 03:26 18 Q. Yeah. And to be clear, I'm not 03:26 19 talking about any contracts. I'm just talking 03:26 20 about demonstrating available water. 03:26 21 You understand that you have to 03:26 22 demonstrate that there's water available for 03:26 23 the project? 03:26 24 MS. PERLMUTTER: Objection. Calls 03:26 25 for a legal conclusion. You can answer it. TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">168</p> <p>03:28 1 either another local off-site public utility, 03:28 2 private irrigator, or wells. As an example, 03:28 3 refer to the Port Walla Walla availability of 03:28 4 water for hire letter in Appendix J. 03:28 5 A. Yes. 03:28 6 Q. So that refers to Appendix J as an 03:28 7 example. 03:28 8 A. Yes. 03:28 9 Q. Do you have any other letters from 03:28 10 other potential water sources that would 03:28 11 demonstrate legally available water for the 03:28 12 project? 03:28 13 MS. PERLMUTTER: Objection. Calls 03:28 14 for a legal conclusion. But you can 03:28 15 answer. 03:28 16 THE WITNESS: We are in negotiations 03:29 17 with other parties. Do I have a signed 03:29 18 agreement? No. 03:29 19 BY MS. VOELCKERS: 03:29 20 Q. And there isn't any other documents 03:29 21 to share at this time that demonstrate 03:29 22 available water for the project? 03:29 23 MS. PERLMUTTER: Objection. Form. 03:29 24 And I think asked and answered. You can 03:29 25 answer. TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: right;">169</p> <p>03:29 1 THE WITNESS: I'm sorry, could you</p> <p>03:29 2 ask it again?</p> <p>03:29 3 BY MS. VOELCKERS:</p> <p>03:29 4 Q. There aren't any other documents</p> <p>03:29 5 that could be shared at this time that would</p> <p>03:29 6 show additional available water for the</p> <p>03:29 7 project?</p> <p>03:29 8 MS. PERLMUTTER: Repeat the</p> <p>03:29 9 objection. You can answer.</p> <p>03:29 10 THE WITNESS: We have a land use</p> <p>03:29 11 license with Department of Natural</p> <p>03:30 12 Resources for an existing well site.</p> <p>03:30 13 That's a public record.</p> <p>03:30 14 BY MS. VOELCKERS:</p> <p>03:30 15 Q. Where would I find that publicly?</p> <p>03:30 16 A. I'm sure it's available by request</p> <p>03:30 17 from Department of Natural Resources. I mean,</p> <p>03:30 18 I can provide it to you.</p> <p>03:30 19 Q. You can provide it?</p> <p>03:30 20 A. Yeah, yeah.</p> <p>03:30 21 Q. Okay. Any other documents?</p> <p>03:30 22 MS. PERLMUTTER: Objection. Form.</p> <p>03:30 23 You can respond.</p> <p>03:30 24 THE WITNESS: No.</p> <p>03:30 25</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">171</p> <p>03:31 1 Thank you.</p> <p>03:31 2 A. Okay. We have water solved. I</p> <p>03:32 3 shouldn't have --</p> <p>03:32 4 Q. Is it solved or are you working on</p> <p>03:32 5 it?</p> <p>03:32 6 A. We're working on it. We believe --</p> <p>03:32 7 well, Port of Walla Walla in a pinch, yeah.</p> <p>03:32 8 They have ample water.</p> <p>03:32 9 Q. I'm not disagreeing with your use of</p> <p>03:32 10 the word "solved." I'm just trying to</p> <p>03:32 11 understand what is held within your knowledge</p> <p>03:32 12 at Scout and what is available to the rest us</p> <p>03:32 13 to understand in terms of the source of the</p> <p>03:32 14 water for the project.</p> <p>03:32 15 A. I'm speaking to publicly available</p> <p>03:32 16 documents. We have the agreement with the</p> <p>03:32 17 Port of Walla Walla and we have a land use</p> <p>03:32 18 license with Department of Natural Resources.</p> <p>03:32 19 Q. And you understand that to cover all</p> <p>03:32 20 water needs for the project?</p> <p>03:32 21 A. It is --</p> <p>03:32 22 MS. PERLMUTTER: Objection. Form.</p> <p>03:32 23 Go ahead.</p> <p>03:32 24 THE WITNESS: Yeah. Construction</p> <p>03:32 25 and operational needs, yeah, for the life</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: right;">170</p> <p>03:30 1 BY MS. VOELCKERS:</p> <p>03:30 2 Q. Does the land use license agreement</p> <p>03:30 3 with DNR cover construction water or operation</p> <p>03:30 4 water?</p> <p>03:30 5 A. The land use license is to use that</p> <p>03:30 6 portion of state land. And the intended</p> <p>03:31 7 purpose is to reactivate a well that exists</p> <p>03:31 8 there, but we have to negotiate the terms, and</p> <p>03:31 9 that is a work in progress.</p> <p>03:31 10 Q. So the well is not currently being</p> <p>03:31 11 used to exercise a water right?</p> <p>03:31 12 A. Not current, no.</p> <p>03:31 13 Q. So is it possible you might need to</p> <p>03:31 14 go to ecology to resolve any -- to use that</p> <p>03:31 15 well, to determine if it has a valid water</p> <p>03:31 16 right?</p> <p>03:31 17 MS. PERLMUTTER: Objection. Form.</p> <p>03:31 18 And calls for speculation. But you can</p> <p>03:31 19 answer, if you can.</p> <p>03:31 20 THE WITNESS: Department of Natural</p> <p>03:31 21 Resources has assured us they have water</p> <p>03:31 22 rights that can be transferred to</p> <p>03:31 23 reactivate that well.</p> <p>03:31 24 BY MS. VOELCKERS:</p> <p>03:31 25 Q. That's what I was going to ask.</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">172</p> <p>03:32 1 of the project.</p> <p>03:32 2 BY MS. VOELCKERS:</p> <p>03:33 3 Q. Have you had any conversations with</p> <p>03:33 4 EFSEC staff in this back-and-forth on the FEIS</p> <p>03:33 5 about how to provide that information so they</p> <p>03:33 6 can analyze the impacts of the project on water</p> <p>03:33 7 resources?</p> <p>03:33 8 THE WITNESS: Yes. I've had</p> <p>03:33 9 conversations with them about what we have</p> <p>03:33 10 provided in the ASC redline as believing</p> <p>03:34 11 that satisfies the requirements for a</p> <p>03:34 12 permit application for water supply for the</p> <p>03:34 13 full term of the project.</p> <p>03:34 14 BY MS. VOELCKERS:</p> <p>03:34 15 Q. EFSEC staff have not requested</p> <p>03:34 16 additional information from you regarding the</p> <p>03:34 17 water supply for the project at this time?</p> <p>03:34 18 MS. PERLMUTTER: Objection. Form.</p> <p>03:34 19 You can answer.</p> <p>03:34 20 THE WITNESS: Correct. They have</p> <p>03:34 21 not. They feel they have enough. They've</p> <p>03:34 22 said to me they have what they need.</p> <p>03:34 23 BY MS. VOELCKERS:</p> <p>03:34 24 Q. Based upon Appendix J?</p> <p>03:34 25 MS. PERLMUTTER: Objection. Form</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: right;">173</p> <p>03:34 1 and foundation.</p> <p>03:34 2 THE WITNESS: That's correct. I'm</p> <p>03:34 3 not going to give EFSEC the land use</p> <p>03:34 4 license for DNR because it's not an</p> <p>03:34 5 agreement to lease the well. So I have to</p> <p>03:35 6 get that done before I can notify EFSEC.</p> <p>03:35 7 BY MS. VOELCKERS:</p> <p>03:35 8 Q. And to be clear, Appendix J isn't a</p> <p>03:35 9 water use agreement, correct?</p> <p>03:35 10 A. Yes, it is a water use agreement.</p> <p>03:35 11 Q. It's an agreement, a commitment to a</p> <p>03:35 12 certain amount of water?</p> <p>03:35 13 A. Yes, it is.</p> <p>03:35 14 MS. PERLMUTTER: Objection. Form.</p> <p>03:35 15 And argumentative.</p> <p>03:35 16 THE WITNESS: It is an agreement.</p> <p>03:35 17 Now, we'll have to negotiate what upgrades</p> <p>03:35 18 are necessary in order to do that and who</p> <p>03:35 19 pays for it.</p> <p>03:35 20 But they've -- that letter is a</p> <p>03:35 21 statement of capability to provide what</p> <p>03:35 22 we've identified as our need for the life</p> <p>03:35 23 of the project.</p> <p>03:35 24 BY MS. VOELCKERS:</p> <p>03:35 25 Q. A statement of capability, right?</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">175</p> <p>03:36 1 their words. We say in our application</p> <p>03:36 2 that it applies to water for construction</p> <p>03:36 3 and operations.</p> <p>03:36 4 BY MS. VOELCKERS:</p> <p>03:36 5 Q. And I think the letter speaks for</p> <p>03:36 6 itself, to be fair. So I'm not going to ask</p> <p>03:36 7 you again to guess. And I think the ASC speaks</p> <p>03:37 8 for itself in terms of your position.</p> <p>03:37 9 But has there been a discussion</p> <p>03:37 10 between Scout and Port of Walla Walla about</p> <p>03:37 11 whether or not they have sufficient water for</p> <p>03:37 12 full operation of the project?</p> <p>03:37 13 A. Yes. I had personal discussions</p> <p>03:37 14 with them myself. The operational needs for</p> <p>03:37 15 water are very small. In fact, in order to</p> <p>03:37 16 have the most impactful case in the ASC we said</p> <p>03:37 17 we might need three panel washes a year. Well,</p> <p>03:37 18 we might need zero.</p> <p>03:38 19 MS. VOELCKERS: I have an exhibit.</p> <p>03:38 20 (Exhibit 2 was identified.)</p> <p>03:38 21 MS. VOELCKERS: I'm going to have to</p> <p>03:38 22 apologize for those on the Zoom. If you'd</p> <p>03:38 23 like, I can email this to you. It was also</p> <p>03:38 24 provided for Mr. Ritter's deposition. It</p> <p>03:38 25 is a letter from Mr. Ritter to EFSEC dated</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: right;">174</p> <p>03:35 1 A. Yeah, yeah. That's what's required.</p> <p>03:35 2 Q. But not a water use agreement in</p> <p>03:35 3 term of the specifics of what Scout will be</p> <p>03:35 4 paying for or what improvements Scout will be</p> <p>03:35 5 making in exchange for a specific amount of</p> <p>03:35 6 water?</p> <p>03:35 7 MS. PERLMUTTER: Objection. Form.</p> <p>03:35 8 And argumentative. You can answer.</p> <p>03:35 9 THE WITNESS: That's correct. We</p> <p>03:36 10 have not inked out that final agreement for</p> <p>03:36 11 all of the terms necessary to be able to</p> <p>03:36 12 access that water.</p> <p>03:36 13 BY MS. VOELCKERS:</p> <p>03:36 14 Q. Appendix J only references water for</p> <p>03:36 15 construction activities. Have you had</p> <p>03:36 16 additional conversations with the Port of</p> <p>03:36 17 Walla Walla about their ability to provide</p> <p>03:36 18 water for operations?</p> <p>03:36 19 A. It's part and parcel, all the same,</p> <p>03:36 20 yeah.</p> <p>03:36 21 Q. Was that just an accidental omission</p> <p>03:36 22 from the letter in Appendix J?</p> <p>03:36 23 MS. PERLMUTTER: Objection.</p> <p>03:36 24 Foundation. You can answer.</p> <p>03:36 25 THE WITNESS: Well, the letter was</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">176</p> <p>03:38 1 January 31st, 2022.</p> <p>03:38 2 Do folks need me to email a copy of</p> <p>03:38 3 that? Okay. Not hearing anything on the</p> <p>03:38 4 Zoom.</p> <p>03:38 5 BY MS. VOELCKERS:</p> <p>03:38 6 Q. Mr. Kobus, I'm going to direct your</p> <p>03:38 7 attention to the second page.</p> <p>03:38 8 A. Okay.</p> <p>03:38 9 Q. And I know you've been in a lot of</p> <p>03:39 10 conversations with WDFW over the years.</p> <p>03:39 11 But look at that last statement</p> <p>03:39 12 before the map.</p> <p>03:39 13 A. Okay.</p> <p>03:39 14 Q. It refers to a meeting in February</p> <p>03:39 15 of 2022 between WDFW, EFSEC, and the applicant.</p> <p>03:39 16 Do you recall if you were at that</p> <p>03:39 17 meeting?</p> <p>03:39 18 A. Yes, I was.</p> <p>03:39 19 Q. Do you recall being provided a copy</p> <p>03:39 20 of this figure in front of you?</p> <p>03:39 21 A. Yes, I was.</p> <p>03:39 22 Q. Did Scout make any alterations to</p> <p>03:39 23 the project design in response to the February</p> <p>03:39 24 2022 meeting?</p> <p>03:39 25 A. Yes, we have committed to</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: right;">177</p> <p>03:40 1 alterations in the design relative to</p> <p>03:40 2 discussions in this meeting. We have not</p> <p>03:40 3 literally agreed to avoid the red circles</p> <p>03:41 4 entirely.</p> <p>03:41 5 Q. What alterations were made?</p> <p>03:41 6 A. We've changed the routing of</p> <p>03:41 7 overhead cables that -- to not go across</p> <p>03:41 8 canyons, to go around. We've moved turbines</p> <p>03:41 9 back from some of the canyons that were of</p> <p>03:41 10 interest to WDFW for, you know, raptor use</p> <p>03:41 11 areas or ferruginous hawk areas.</p> <p>03:41 12 I mean, ultimately, we're in</p> <p>03:41 13 settlement negotiations to reduce even further</p> <p>03:41 14 with the CFE. But, you know, what we've</p> <p>03:41 15 indicated to WDFW is that their recommendations</p> <p>03:42 16 related to ferruginous hawk are premature.</p> <p>03:42 17 They're not relative to publish peer-reviewed</p> <p>03:42 18 documents and not part of the guidelines --</p> <p>03:42 19 existing guidelines related to ferruginous hawk</p> <p>03:42 20 mitigation -- avoidance and mitigation.</p> <p>03:42 21 Q. And by -- yes?</p> <p>03:42 22 MS. PERLMUTTER: Go ahead. I'm just</p> <p>03:42 23 warning him I'm about to object.</p> <p>03:42 24 BY MS. VOELCKERS:</p> <p>03:42 25 Q. And by guidelines, are you referring</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC</p> <p style="text-align: center;">509.942.8477</p>	<p style="text-align: right;">179</p> <p>03:43 1 recreation or recreational land use,</p> <p>03:43 2 transportation, and road safety issues with</p> <p>03:43 3 the county who's the lead party on those</p> <p>03:43 4 issues.</p> <p>03:43 5 As I say, I'm not going to instruct</p> <p>03:43 6 him not to answer, but I do object to this</p> <p>03:43 7 entire line.</p> <p>03:43 8 MS. VOELCKERS: And to be clear, the</p> <p>03:43 9 objection is that questions about the</p> <p>03:43 10 ferruginous hawk impacts are inconsistent</p> <p>03:43 11 with what you just read?</p> <p>03:43 12 MS. PERLMUTTER: That's correct.</p> <p>03:43 13 BY MS. VOELCKERS:</p> <p>03:43 14 Q. You referenced guidelines. Were you</p> <p>03:43 15 referring to the 2009 wind turbine guidelines?</p> <p>03:44 16 A. That's correct. That's the latest</p> <p>03:44 17 available.</p> <p>03:44 18 Q. Guidance?</p> <p>03:44 19 A. WDFW -- well, wind power guidelines,</p> <p>03:44 20 that is the latest version, official version.</p> <p>03:44 21 Q. And when you referred to</p> <p>03:44 22 peer-reviewed articles, what did you mean by</p> <p>03:44 23 that?</p> <p>03:44 24 A. All of this information was</p> <p>03:44 25 predicated on information Jim Watson had</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC</p> <p style="text-align: center;">509.942.8477</p>
<p style="text-align: right;">178</p> <p>03:42 1 to the 2009 wind turbine guidelines?</p> <p>03:42 2 MS. PERLMUTTER: I'm going to make a</p> <p>03:42 3 standing objection that this really is</p> <p>03:42 4 outside the scope of the Yakima Nation's</p> <p>03:42 5 participation. I'm not going to instruct</p> <p>03:42 6 him not to answer. We don't need to get a</p> <p>03:42 7 ruling. But your questions are now subject</p> <p>03:42 8 to an ongoing objection.</p> <p>03:42 9 MS. VOELCKERS: I'm going to clarify</p> <p>03:42 10 the objection. Your objection is that the</p> <p>03:42 11 impacts of ferruginous hawks are not</p> <p>03:42 12 relative to the Yakima Nation's concerns?</p> <p>03:42 13 MS. PERLMUTTER: I am -- per the</p> <p>03:43 14 second prehearing order by Judge Torem, it</p> <p>03:43 15 says:</p> <p>03:43 16 Except as it directly pertains to</p> <p>03:43 17 Yakima Nation's legendary, monumental, or</p> <p>03:43 18 burial sites per the WACs, Yakima Nation</p> <p>03:43 19 shall limit its participation and</p> <p>03:43 20 coordinate its presentation of evidence</p> <p>03:43 21 relating to visual impacts, light and glare</p> <p>03:43 22 with the county, and counsel for the</p> <p>03:43 23 environment, who shall jointly take lead</p> <p>03:43 24 party status for that issue, and coordinate</p> <p>03:43 25 presentation of evidence regarding</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC</p> <p style="text-align: center;">509.942.8477</p>	<p style="text-align: right;">180</p> <p>03:44 1 provided, which was not in peer-reviewed</p> <p>03:44 2 documents. To my knowledge, still is not.</p> <p>03:44 3 Q. So is it -- is it fair to say that</p> <p>03:44 4 the majority of the turbines identified in this</p> <p>03:44 5 figure are still sighted within the red-circled</p> <p>03:45 6 port use areas?</p> <p>03:45 7 MS. PERLMUTTER: Objection. Form.</p> <p>03:45 8 You can answer.</p> <p>03:45 9 THE WITNESS: They're consistent</p> <p>03:45 10 with what's in our updated redline</p> <p>03:45 11 application, yes.</p> <p>03:45 12 BY MS. VOELCKERS:</p> <p>03:45 13 Q. So Scout has not removed any portion</p> <p>03:45 14 of the corridor siting areas in response to the</p> <p>03:45 15 February 2022 meeting?</p> <p>03:45 16 A. Well, I'm trying to be very clear.</p> <p>03:45 17 As we talked about various concepts and we were</p> <p>03:45 18 working towards resolving issuing related to</p> <p>03:45 19 ferruginous hawk and related to raptor use</p> <p>03:45 20 areas, with respect to what WDFW has provided,</p> <p>03:45 21 we have provided comments to the DEIS that, you</p> <p>03:46 22 know, are very clear that, you know, if</p> <p>03:46 23 ferruginous hawks occupy a nest site, we will</p> <p>03:46 24 be responsive to that occurring. We're not</p> <p>03:46 25 going to take turbines away for a</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC</p> <p style="text-align: center;">509.942.8477</p>

<p style="text-align: center;">181</p> <p>03:46 1 20-year-year-old nest site that doesn't even 03:46 2 exhibit any of twigs remaining that were part 03:46 3 of that nest. 03:46 4 Q. And why not? 03:46 5 A. Because the hawks aren't using the 03:46 6 nest. You know, if -- well, as you can see, 03:46 7 you know, there are more nest sites out here 03:46 8 than they've identified in these three core 03:46 9 areas. So they're not even saying avoid. 03:47 10 They're also drawing perfect circles 03:47 11 around agricultural fields which, you know, we 03:47 12 all know the ferruginous hawks aren't foraging 03:47 13 in the middle of the wheat fields. 03:47 14 And it's just an impractical, 03:47 15 idealistic extent. We're not going to respond 03:47 16 to that kind of conjecture and that kind of 03:47 17 scenario where they say that you can't use half 03:47 18 of the project site because one time many years 03:47 19 ago there might have been a nest there. 03:47 20 We do our own surveys. There has 03:47 21 been no ferruginous hawk occupied nests for the 03:47 22 last two years anywhere near here. 03:47 23 Q. And when you say impracticable -- or 03:48 24 impractical, you're talking about from a 03:48 25 business perspective, right? <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p> </p>	<p style="text-align: center;">183</p> <p>03:48 1 There are no turbines moved outside 03:49 2 of these red exclusionary areas in response to 03:49 3 WDFW's recommendations in February of 2020? 03:49 4 MS. PERLMUTTER: Objection. Form. 03:49 5 And asked and answered. You can answer it. 03:49 6 THE WITNESS: Remains to be seen. 03:49 7 We're still in the process of optimizing 03:49 8 the project site. And there may be 03:49 9 turbines that we decide not to construct in 03:49 10 the first buildout of the project that are 03:49 11 in those red circles. But as I say, it's a 03:49 12 work in progress. 03:49 13 BY MS. VOELCKERS: 03:49 14 Q. So, then, is it fair to say that the 03:49 15 work in progress may mean that there is 03:49 16 additional avoidance of impacts to ferruginous 03:49 17 hawks based upon development of the project 03:49 18 after the permit is issued? 03:49 19 MS. PERLMUTTER: Objection. Form. 03:49 20 Asked and answered. You can answer. 03:49 21 THE WITNESS: That is my intention, 03:49 22 yes. 03:49 23 BY MS. VOELCKERS: 03:49 24 Q. Based upon business goals to 03:50 25 optimize the project? <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p> </p>
<p style="text-align: center;">182</p> <p>03:48 1 A. Yeah. That's -- we don't have to 03:48 2 recover the species. We just have to build the 03:48 3 best project with reasonable mitigation. 03:48 4 Q. It's not your job to recover the 03:48 5 species? 03:48 6 A. It's no one's job to recover the 03:48 7 species -- 03:48 8 Q. It's not WDFW's -- 03:48 9 (Parties speaking simultaneously.) 03:48 10 BY MS. VOELCKERS: 03:48 11 Q. It's not WDFW's job? 03:48 12 MS. PERLMUTTER: Objection. 03:48 13 Argumentative. Lack of foundation. Calls 03:48 14 for speculation. If you can answer, you 03:48 15 can. 03:48 16 THE WITNESS: Oh, I believe WDFW is 03:48 17 very interested in recovering the species. 03:48 18 That's why they designate it as endangered. 03:48 19 But you cannot recover the species 03:48 20 on the back of the next project that comes 03:48 21 along. It's unreasonable. 03:48 22 BY MS. VOELCKERS: 03:48 23 Q. And so just so I'm clear, because 03:48 24 you did talk about some things that were done 03:48 25 in response. <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p> </p>	<p style="text-align: center;">184</p> <p>03:50 1 MS. PERLMUTTER: I'm sorry? 03:50 2 BY MS. VOELCKERS: 03:50 3 Q. Based upon business goals to 03:50 4 optimize the project? 03:50 5 A. We are continuing to evaluate the 03:50 6 layout. And there are likely to be cases where 03:50 7 deciding not to build a particular turbine site 03:50 8 has various benefits, visual benefits, wildlife 03:50 9 benefits, and other benefits that would make us 03:50 10 decide not to build a particular turbine. But 03:50 11 I can't, at this stage, identify what those 03:50 12 are. And based on legal counsel, wait for the 03:50 13 right time. 03:51 14 THE COURT REPORTER: Is there a good 03:51 15 time for a break? 03:51 16 MS. VOELCKERS: Yeah. I only have a 03:51 17 few questions, but I'm happy to take a 03:51 18 break. 03:51 19 THE COURT REPORTER: No, go ahead. 03:51 20 MS. VOELCKERS: I just want to make 03:51 21 a few statements for the record. 03:51 22 BY MS. VOELCKERS: 03:51 23 Q. As we sit here today, do you have 03:51 24 any reason to dispute a statement that the 03:56 25 ferruginous hawk -- <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p> </p>

<p style="text-align: right;">185</p> <p>03:56 1 (A recess was taken.)</p> <p>2 BY MS. VOELCKERS:</p> <p>04:01 3 Q. Just a few more questions for me.</p> <p>04:01 4 If I were to represent to you today,</p> <p>04:01 5 which I am, that the ferruginous hawk is a</p> <p>04:01 6 treaty reserved resource of the Yakima Nation,</p> <p>04:01 7 would you have any basis on which to dispute my</p> <p>04:01 8 statement?</p> <p>04:01 9 A. No, I wouldn't have any.</p> <p>04:01 10 Q. If I were to represent to you today</p> <p>04:01 11 that the ferruginous hawk is an integral</p> <p>04:01 12 element of at least one traditional cultural</p> <p>04:01 13 property identified within Jessica Lally's TCP</p> <p>04:01 14 report, would you have any basis on which to</p> <p>04:01 15 dispute me?</p> <p>04:01 16 MS. PERLMUTTER: Objection. Form</p> <p>04:01 17 and foundation. You can answer it, if you</p> <p>04:01 18 can.</p> <p>04:01 19 THE WITNESS: I mean, I can't recall</p> <p>04:02 20 exactly what was said about it, but I can</p> <p>04:02 21 tell you that we have the best available</p> <p>04:02 22 science on the ferruginous hawk. We do</p> <p>04:02 23 surveys. We've committed to do them</p> <p>04:02 24 annually.</p> <p>04:02 25 We know that there are no occupied</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">187</p> <p>1 clarification.)</p> <p>2 BY MS. VOELCKERS:</p> <p>04:03 3 Q. In the vicinity of the project; is</p> <p>04:03 4 that correct?</p> <p>04:03 5 MS. PERLMUTTER: Objection. Form</p> <p>04:04 6 and foundation.</p> <p>04:04 7 THE WITNESS: But I can answer?</p> <p>04:04 8 MS. PERLMUTTER: Yeah, sorry.</p> <p>04:04 9 THE WITNESS: Yeah, that's how we</p> <p>04:04 10 designate the DNR state trust lands, with</p> <p>04:04 11 the blue.</p> <p>04:04 12 BY MS. VOELCKERS:</p> <p>04:04 13 Q. You referenced earlier land use</p> <p>04:04 14 agreement with DNR for one of the wells that</p> <p>04:04 15 they have on a parcel.</p> <p>04:04 16 A. Yes.</p> <p>04:04 17 Q. Is that parcel included on this</p> <p>04:04 18 page?</p> <p>04:04 19 A. No.</p> <p>04:04 20 Q. How far away from the project site</p> <p>04:04 21 is the parcel that's the subject of the land</p> <p>04:04 22 use agreement with DNR?</p> <p>04:04 23 MS. PERLMUTTER: Objection. Form.</p> <p>04:04 24 You can answer. Sorry.</p> <p>25</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: right;">186</p> <p>04:02 1 nests within the last two years on the</p> <p>04:02 2 site. And beyond that, I can't recall</p> <p>04:02 3 precisely what was said about it in her</p> <p>04:02 4 exhibit.</p> <p>04:02 5 BY MS. VOELCKERS:</p> <p>04:02 6 Q. So as we sit here today, you have no</p> <p>04:02 7 reason to dispute the statement that I'm making</p> <p>04:02 8 on the record, which is that the ferruginous</p> <p>04:02 9 hawk is an integral element of at least one</p> <p>04:02 10 traditional cultural property of the Yakima</p> <p>04:03 11 Nation?</p> <p>04:03 12 MS. PERLMUTTER: Objection. Form</p> <p>04:03 13 and foundation. If you can answer it, you</p> <p>04:03 14 can.</p> <p>04:03 15 THE WITNESS: I have no reason to</p> <p>04:03 16 dispute it.</p> <p>04:03 17 BY MS. VOELCKERS:</p> <p>04:03 18 Q. I'd like to turn back to the</p> <p>04:03 19 Exhibit 1, page 2-8.</p> <p>04:03 20 A. Okay.</p> <p>04:03 21 Q. And it's actually the next page, but</p> <p>04:03 22 it doesn't have a page number.</p> <p>04:03 23 My understanding is that these are</p> <p>04:03 24 the DNR parcels in the vicinity of the project?</p> <p>25 (The Court Reporter requested</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">188</p> <p>04:04 1 BY MS. VOELCKERS:</p> <p>04:04 2 Q. The land use agreement that you</p> <p>04:04 3 referenced earlier today?</p> <p>04:04 4 MS. PERLMUTTER: Repeat the</p> <p>04:04 5 objection. You can answer.</p> <p>04:04 6 THE WITNESS: It is this blue you</p> <p>04:05 7 see just off the very edge.</p> <p>04:05 8 BY MS. VOELCKERS:</p> <p>04:05 9 Q. This one?</p> <p>04:05 10 A. Right here.</p> <p>04:05 11 Q. Right here?</p> <p>04:05 12 A. Yeah.</p> <p>04:05 13 Q. So west of the project?</p> <p>04:05 14 A. West of the project.</p> <p>04:05 15 Q. Okay. Thanks. Okay.</p> <p>04:05 16 A. It's two miles west of Highway 221</p> <p>04:05 17 on Sellards Road.</p> <p>04:05 18 MR. ARAMBURU: Could I ask, on our</p> <p>04:05 19 official exhibit, that you put a little red</p> <p>04:05 20 dot or little arrow next to that for us?</p> <p>04:05 21 Would that be possible?</p> <p>04:05 22 THE WITNESS: Sure.</p> <p>04:05 23 MR. ARAMBURU: I don't mean to</p> <p>04:05 24 interrupt here, but...</p> <p>04:05 25 THE WITNESS: Do you have --</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: center;">189</p> <p>04:05 1 MS. PERLMUTTER: Actually, no. It's</p> <p>04:05 2 a fountain pen.</p> <p>04:05 3 THE WITNESS: (Witness complied.)</p> <p>04:06 4 I'll put an asterisk by it right there.</p> <p>04:06 5 How's that? You can see it?</p> <p>04:06 6 BY MS. VOELCKERS:</p> <p>04:06 7 Q. Yes.</p> <p>04:06 8 A. It's called Gould well, G-o-u-l-d.</p> <p>04:06 9 I'm hesitant to talk about it because we don't</p> <p>04:06 10 have an agreement and it's not in the ASC and</p> <p>04:06 11 it's not within our site control. It's going</p> <p>04:06 12 to be part of our amendment process</p> <p>04:06 13 post-adjudication.</p> <p>04:06 14 Q. And I think I heard earlier that it</p> <p>04:06 15 is an ongoing process in terms of the water?</p> <p>04:06 16 A. Yes.</p> <p>04:06 17 Q. But you can provide that land use</p> <p>04:06 18 license?</p> <p>04:06 19 A. I can provide the land use license.</p> <p>04:06 20 Q. And you plan to amend the ASC again?</p> <p>04:07 21 A. As negotiations progress -- well,</p> <p>04:07 22 first of all, we do have to amend the ASC</p> <p>04:07 23 post-adjudication, okay. And we may have</p> <p>04:07 24 subsequent amendments to it after that. So at</p> <p>04:07 25 the appropriate time, when negotiations come to</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">191</p> <p>04:08 1 before the council is finished deliberating so</p> <p>04:08 2 they would have that information?</p> <p>04:08 3 MS. PERLMUTTER: Objection. Form.</p> <p>04:08 4 Foundation. And asked and answered. You</p> <p>04:08 5 can answer.</p> <p>04:08 6 THE WITNESS: I'm going to have to</p> <p>04:08 7 change my answer because DNR keeps</p> <p>04:09 8 insisting that they will not execute</p> <p>04:09 9 agreements until the final EIS is available</p> <p>04:09 10 because they will point to the final EIS as</p> <p>04:09 11 their SEPA process for land use decisions.</p> <p>04:09 12 And so I can say for certainty that</p> <p>04:09 13 that has to occur first. So the final EIS</p> <p>04:09 14 is going to have to come out before we can</p> <p>04:09 15 amend it to include this.</p> <p>04:09 16 BY MS. VOELCKERS:</p> <p>04:09 17 Q. Okay. And this is my first time in</p> <p>04:09 18 an EFSEC proceeding, so my knowledge is based</p> <p>04:09 19 upon how SEPA normally works at the county</p> <p>04:09 20 level.</p> <p>04:09 21 How will the information about the</p> <p>04:09 22 water source of the project be incorporated in</p> <p>04:09 23 the FEIS if the ASC is not updated before the</p> <p>04:09 24 FEIS is issued?</p> <p>04:09 25 A. They're going to have to deliberate</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: center;">190</p> <p>04:07 1 fruition and lease agreements are executed with</p> <p>04:07 2 DNR, then the intention would be to certainly</p> <p>04:07 3 include that within the impacted area for the</p> <p>04:07 4 project.</p> <p>04:07 5 Q. And when you say we have to amend it</p> <p>04:07 6 after the adjudication, it being the ASC --</p> <p>04:07 7 A. Yeah.</p> <p>04:07 8 Q. -- do you mean after the</p> <p>04:07 9 recommendation of the council, between when the</p> <p>04:07 10 adjudication ends and the recommendation is --</p> <p>04:08 11 can you be more specific about your</p> <p>04:08 12 understanding of the timeline for additional</p> <p>04:08 13 updates to the ASC?</p> <p>04:08 14 MS. PERLMUTTER: Objection as to</p> <p>04:08 15 form and foundation. But you can answer.</p> <p>04:08 16 THE WITNESS: My understanding is</p> <p>04:08 17 EFSEC deliberations require the results of</p> <p>04:08 18 adjudication and the corresponding redline</p> <p>04:08 19 of the application for commitments that</p> <p>04:08 20 were made during the adjudication process.</p> <p>04:08 21 So the council, when they do their</p> <p>04:08 22 deliberations, they have to have that</p> <p>04:08 23 available to them.</p> <p>04:08 24 BY MS. VOELCKERS:</p> <p>04:08 25 Q. So those updates would be made</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">192</p> <p>04:09 1 on what's in there now. They can't deliberate</p> <p>04:09 2 on promises. They're going to have to</p> <p>04:09 3 deliberate on what's in the application at the</p> <p>04:10 4 time they review it.</p> <p>04:10 5 MS. VOELCKERS: I might have</p> <p>04:10 6 questions depending on what else is asked</p> <p>04:10 7 today, but I don't at this time.</p> <p>04:10 8 MS. FOSTER: This is Ms. Beyer.</p> <p>04:10 9 EXAMINATION</p> <p>04:10 10 BY MS. FOSTER:</p> <p>04:10 11 Q. Good afternoon, Ms. Kobus. My name</p> <p>04:10 12 is Z Foster. I'm an attorney for Benton</p> <p>04:10 13 County. Hope to make this a little bit shorter</p> <p>04:10 14 for you, but all the same rules apply. You're</p> <p>04:10 15 still under oath. Let's not try to talk over</p> <p>04:10 16 each other.</p> <p>04:10 17 A. I understand.</p> <p>04:10 18 Q. Perfect.</p> <p>04:10 19 So you said earlier that you have an</p> <p>04:10 20 agreement with the Department of Defense; is</p> <p>04:10 21 that correct?</p> <p>04:10 22 A. Yes.</p> <p>04:10 23 Q. And in that agreement, you had to</p> <p>04:10 24 specify via GPS coordinates as to the location</p> <p>04:10 25 of each turbine, correct?</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: right;">193</p> <p>04:10 1 A. That's correct. Those are 04:10 2 consistent with our filings with FAA for 04:10 3 determinations. 04:10 4 Q. Okay. So you, throughout the course 04:10 5 of the deposition today, you mentioned, you 04:11 6 know, the project layout may change or you may 04:11 7 change the layout. What do you mean when you 04:11 8 say that? 04:11 9 A. Change the micrositings. 04:11 10 Q. What do you mean when you say 04:11 11 "change the micrositings"? 04:11 12 A. Well, when we prepared the 04:11 13 application, we didn't know precisely where we 04:11 14 would end up pinpointing where the turbines 04:11 15 would be because there's a lot of things that 04:11 16 can influence their precise placement. 04:11 17 So what we did is everywhere there 04:11 18 was a turbine, we expanded the micrositings to 04:11 19 include a 500-foot area, wherever there was 04:11 20 infrastructure, we expanded it to 200 feet, so 04:11 21 that we would have flexibility within those 04:11 22 micrositings corridors. 04:11 23 So the application is very 04:11 24 conservative in that it includes those entire 04:12 25 micrositings corridors even though there's</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">195</p> <p>04:13 1 Q. So let's go just based off the 04:13 2 assumption that the turbines are going to be 04:13 3 located in the general vicinity of your last 04:13 4 DOD agreement. Actually, I'm going to pause on 04:13 5 that one. 04:13 6 How many property owners do you 04:13 7 currently have lease agreements with? 04:13 8 A. I believe the number's around 40. 04:13 9 Q. Do you have lease agreements with 04:13 10 property owners that won't host a turbine or 04:13 11 the supporting infrastructure? 04:13 12 MS. PERLMUTTER: Objection to form. 04:13 13 You can answer. 04:13 14 THE WITNESS: We have one lease 04:13 15 agreement where we added a section and a 04:13 16 half of property that they did not want 04:13 17 turbines on. So we agreed to add the 04:13 18 property, but added the condition that 04:13 19 turbines could not be on that one and a 04:14 20 half section. 04:14 21 BY MS. FOSTER: 04:14 22 Q. But, otherwise, if you have a lease 04:14 23 agreement with a property owner, some portion 04:14 24 of the Horse Heaven Wind Farm, be it a turbine, 04:14 25 a battery, a solar array, or supporting</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: right;">194</p> <p>04:12 1 only -- could be just one wire underground in a 04:12 2 200-foot wide area for the length of that 04:12 3 conductor placement. 04:12 4 Q. Okay. So to clarify, then, when 04:12 5 you're talking about changing the layout, 04:12 6 you're not talking about changing the placement 04:12 7 of the turbines? 04:12 8 MS. PERLMUTTER: Objection as to 04:12 9 form. But you can answer. 04:12 10 THE WITNESS: It could include the 04:12 11 turbines, but the intent is to not move the 04:12 12 turbines outside of the micrositings 04:12 13 corridor because then we have to change the 04:12 14 micrositings corridor, which is an increase 04:12 15 in impact. 04:12 16 BY MS. FOSTER: 04:12 17 Q. Right. I understand that. 04:12 18 What I'm trying to get at, though, 04:12 19 is if you change the coordinates of the 04:12 20 turbines, do you have to go back and get an 04:12 21 amended agreement with the DOD? 04:12 22 A. You do have some degree of freedom 04:12 23 that you can move the turbines. With DOD, it 04:12 24 was 190 feet of flexibility. With FAA, it's 04:13 25 one arc second.</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">196</p> <p>04:14 1 infrastructure, will be going through that 04:14 2 property? 04:14 3 A. There are some leases we have that, 04:14 4 no, we may not, and we'll likely give up those 04:14 5 leases. So we have more leases than 04:14 6 infrastructure. 04:14 7 Q. It just depends on the ultimate 04:14 8 layout? 04:14 9 A. It depends on the ultimate layout, 04:14 10 yes. 04:14 11 Q. Do you know -- and this is where 04:14 12 we're going back to based upon the most recent 04:14 13 application to the DOD where you specified the 04:14 14 turbine layout. 04:14 15 A. Yes. 04:14 16 Q. Do you know about how many parcels 04:14 17 will house turbines? 04:14 18 MS. PERLMUTTER: Objection as to 04:14 19 form. You can answer. 04:14 20 THE WITNESS: I don't know the 04:14 21 parcel count. I mean, we've got some 04:15 22 landowners that have 7,000 acres, we've got 04:15 23 others that have 700 under lease. I mean, 04:15 24 I -- and a section of land could have 04:15 25 several parcels on it, so...</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: right;">197</p> <p>04:15 1 BY MS. FOSTER:</p> <p>04:15 2 Q. Exactly. That's what I'm getting</p> <p>04:15 3 at.</p> <p>04:15 4 You don't know how many turbines are</p> <p>04:15 5 going to be per parcel?</p> <p>04:15 6 A. I know per siting restrictions you</p> <p>04:15 7 generally can't get more than four turbines on</p> <p>04:15 8 a full section of land. But parcel-wise,</p> <p>04:15 9 parcels can be subdivided. And, I guess,</p> <p>04:15 10 it's using the parcel term is what's difficult</p> <p>04:15 11 to answer. Because in our ASC, we have every</p> <p>04:15 12 single parcel identified. Every single legal</p> <p>04:15 13 parcel.</p> <p>04:15 14 Q. Right.</p> <p>04:15 15 A. Yeah.</p> <p>04:15 16 Q. In your conception, how many acres</p> <p>04:15 17 is a section of land?</p> <p>04:16 18 MS. PERLMUTTER: Objection.</p> <p>04:16 19 THE WITNESS: 640 acres. A section</p> <p>04:16 20 of land is 640 acres.</p> <p>04:16 21 BY MS. FOSTER:</p> <p>04:16 22 Q. So it's possible that one parcel,</p> <p>04:16 23 talking boundaries here, one parcel can</p> <p>04:16 24 encapsulate more than 640 acres?</p> <p>04:16 25 MS. PERLMUTTER: Objection.</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">199</p> <p>04:17 1 full 640.</p> <p>04:17 2 But generally by the restrictions of</p> <p>04:17 3 turbine placement, you can only squeeze four</p> <p>04:17 4 turbines on a section of land which could be a</p> <p>04:17 5 single parcel.</p> <p>04:17 6 Q. Is it your understanding that the</p> <p>04:17 7 Horse Heaven Wind Farm project will need to</p> <p>04:17 8 comply with Benton County's conditional use</p> <p>04:17 9 permit criteria?</p> <p>04:17 10 MS. PERLMUTTER: Objection. Calls</p> <p>04:17 11 for a legal conclusion. And relevancy.</p> <p>04:17 12 You can answer.</p> <p>04:17 13 THE WITNESS: We already have a</p> <p>04:17 14 ruling.</p> <p>04:17 15 BY MS. FOSTER:</p> <p>04:17 16 Q. What's your --</p> <p>04:17 17 A. That we are in compliance with land</p> <p>04:17 18 use requirements.</p> <p>04:17 19 Q. Are you referring to council order</p> <p>04:18 20 number 883?</p> <p>04:18 21 A. Yes.</p> <p>04:18 22 Q. So it's your understanding that that</p> <p>04:18 23 order stands for the proposition that you</p> <p>04:18 24 comply with Benton County's conditional use</p> <p>04:18 25 permit criteria?</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: right;">198</p> <p>04:16 1 Foundation.</p> <p>04:16 2 THE WITNESS: No. County -- the way</p> <p>04:16 3 the counties identify parcels, it's section</p> <p>04:16 4 by section, and some sections can be</p> <p>04:16 5 subdivided.</p> <p>04:16 6 MS. FOSTER: Just, Ms. Perlmutter, I</p> <p>04:16 7 would appreciate it if you just leave your</p> <p>04:16 8 objections to the form of my question.</p> <p>04:16 9 BY MS. FOSTER:</p> <p>04:16 10 Q. So going back to you.</p> <p>04:16 11 So your testimony, then, is that you</p> <p>04:16 12 cannot have a parcel larger than 640 acres?</p> <p>04:16 13 A. That's how the parcels are</p> <p>04:16 14 identified legally, yes.</p> <p>04:16 15 Q. Okay. So, then, I'm trying to just</p> <p>04:16 16 get a firm count here.</p> <p>04:16 17 So your testimony would be that at</p> <p>04:17 18 max for one parcel could maximum have four</p> <p>04:17 19 turbines on it?</p> <p>04:17 20 A. A section of land.</p> <p>04:17 21 Q. Right. But --</p> <p>04:17 22 A. Not a parcel. It doesn't make sense</p> <p>04:17 23 to talk about parcels because a parcel can be</p> <p>04:17 24 five acres on a section of land. And then, of</p> <p>04:17 25 course, there's other parcels that make up the</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">200</p> <p>04:18 1 MS. PERLMUTTER: Objection.</p> <p>04:18 2 Relevance. And calls for a legal</p> <p>04:18 3 conclusion.</p> <p>04:18 4 MS. FOSTER: Once again,</p> <p>04:18 5 Ms. Perlmutter, I'm going to ask you that</p> <p>04:18 6 limit the speaking objections. You may</p> <p>04:18 7 object to the form of my question.</p> <p>04:18 8 MS. PERLMUTTER: I'll make my</p> <p>04:18 9 objections.</p> <p>04:18 10 THE WITNESS: The land use</p> <p>04:18 11 consistency states that we are consistent</p> <p>04:18 12 with the process the county utilizes for</p> <p>04:18 13 conditional use permits.</p> <p>04:18 14 We identified our compliance in the</p> <p>04:18 15 ASC to every single one of those CUP</p> <p>04:18 16 criteria in existence when we filed our</p> <p>04:18 17 application.</p> <p>04:18 18 BY MS. FOSTER:</p> <p>04:18 19 Q. So it's your understanding that</p> <p>04:18 20 EFSEC has already ruled that Scout is in</p> <p>04:18 21 compliance with Benton County's conditional use</p> <p>04:19 22 permit criteria?</p> <p>04:19 23 MS. PERLMUTTER: Objection. Asked</p> <p>04:19 24 and answered. You can answer.</p> <p>04:19 25 THE WITNESS: No, I disagree. We</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: center;">201</p> <p>04:19 1 are consistent. We have a ruling that says</p> <p>04:19 2 we are consistent. But EFSEC can preempt</p> <p>04:19 3 county requirements.</p> <p>04:19 4 BY MS. FOSTER:</p> <p>04:19 5 Q. I think we may be talking over each</p> <p>04:19 6 other here. I agree that -- with you that the</p> <p>04:19 7 order says that you're consistent.</p> <p>04:19 8 However, doesn't the order also</p> <p>04:19 9 state that one of -- or I should say,</p> <p>04:19 10 doesn't -- isn't one of the issues for this</p> <p>04:19 11 adjudication whether or not the project</p> <p>04:19 12 complies with Benton County's conditional use</p> <p>04:19 13 permit criteria?</p> <p>04:19 14 MS. PERLMUTTER: Objection.</p> <p>04:19 15 Argumentative. And calls for a legal</p> <p>04:19 16 conclusion. You can answer.</p> <p>04:19 17 THE WITNESS: One of the issues</p> <p>04:19 18 is -- yes, that is one of the issues. And</p> <p>04:19 19 we would anticipate if the County has</p> <p>04:19 20 conditions to place on the project, they</p> <p>04:19 21 will work through EFSEC to make those</p> <p>04:19 22 known.</p> <p>04:19 23 BY MS. FOSTER:</p> <p>04:19 24 Q. So it's your understanding of how a</p> <p>04:19 25 conditional use -- how this process works that</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">203</p> <p>04:20 1 A. Never tried to calculate it.</p> <p>04:20 2 Q. Okay.</p> <p>04:21 3 A. It's immaterial.</p> <p>04:21 4 Q. Why is it immaterial?</p> <p>04:21 5 A. Because you follow the legal</p> <p>04:21 6 description for the property, and it is what it</p> <p>04:21 7 is. I mean, it's -- if a parcel size is</p> <p>04:21 8 smaller and a different owner, it could have</p> <p>04:21 9 different restrictions on it or different</p> <p>04:21 10 setback applications to it. But we deal with</p> <p>04:21 11 legal property descriptions.</p> <p>04:21 12 Q. Don't you think the parcel size is</p> <p>04:21 13 important to determine how many turbines you're</p> <p>04:21 14 putting on one parcel?</p> <p>04:21 15 MS. PERLMUTTER: Objection.</p> <p>04:21 16 Argumentative. You can answer if you can.</p> <p>04:21 17 THE WITNESS: It's immaterial. You</p> <p>04:21 18 determine what your buildable area is to</p> <p>04:21 19 place turbines, and then you put them in</p> <p>04:21 20 desired places relative to all of the</p> <p>04:21 21 criteria you're trying to meet relative to</p> <p>04:21 22 placing those turbines, and it falls out</p> <p>04:22 23 where it falls out.</p> <p>04:22 24 It's immaterial what parcel it's on.</p> <p>04:22 25 You follow the criteria for desired</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: center;">202</p> <p>04:19 1 the only steps left are to condition the</p> <p>04:20 2 project?</p> <p>04:20 3 A. That's correct.</p> <p>04:20 4 Q. So you do not believe that there can</p> <p>04:20 5 be a finding that the project does not comply</p> <p>04:20 6 with the conditional use permit criteria?</p> <p>04:20 7 A. That is my belief, yes.</p> <p>04:20 8 Q. Are you -- are you familiar with the</p> <p>04:20 9 conditional use permit criteria?</p> <p>04:20 10 A. Oh, yes.</p> <p>04:20 11 Q. So if I said to you that one of the</p> <p>04:20 12 criteria if we sum it up is essentially</p> <p>04:20 13 compatibility with permitted uses, you would</p> <p>04:20 14 agree with me on that?</p> <p>04:20 15 A. Yes.</p> <p>04:20 16 Q. This is where I think the parcel</p> <p>04:20 17 question -- why we're talking about parcels.</p> <p>04:20 18 Because as we've been discussing,</p> <p>04:20 19 like you said, there can be smaller parcels</p> <p>04:20 20 than 640 acres, correct?</p> <p>04:20 21 A. Correct.</p> <p>04:20 22 Q. Are you aware of the average parcel</p> <p>04:20 23 size for the land that you hold leases with for</p> <p>04:20 24 the -- of the landowners that you hold leases</p> <p>04:20 25 with?</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">204</p> <p>04:22 1 setbacks associated with the parcel.</p> <p>04:22 2 When we filed this application, we</p> <p>04:22 3 believe we were in compliance with the</p> <p>04:22 4 conditional use criteria. And we actually</p> <p>04:22 5 stated everywhere we were in compliance and</p> <p>04:22 6 how we were in compliance.</p> <p>04:22 7 And that's still the case. We're</p> <p>04:22 8 maintaining that. We have not asked EFSEC</p> <p>04:22 9 for preemption of what the CUP criteria</p> <p>04:22 10 were at the time we filed our application.</p> <p>04:22 11 BY MS. FOSTER:</p> <p>04:22 12 Q. So are you aware of the use --</p> <p>04:22 13 vaguely aware of the just outright permitted</p> <p>04:22 14 uses -- I'm going to take a step back here.</p> <p>04:22 15 Do you know the zoning designation</p> <p>04:22 16 for the land upon which the Horse Heaven Wind</p> <p>04:22 17 Farm is located?</p> <p>04:23 18 A. Sure, GMA Ag.</p> <p>04:23 19 Q. And are you just vaguely aware of</p> <p>04:23 20 the outright permitted uses in the GMA Ag land?</p> <p>04:23 21 MS. PERLMUTTER: Objection. Form</p> <p>04:23 22 and foundation. I'm sorry, form --</p> <p>04:23 23 objection as to form.</p> <p>04:23 24 THE WITNESS: Very aware, yes.</p> <p>04:23 25</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: right;">205</p> <p>04:23 1 BY MS. FOSTER:</p> <p>04:23 2 Q. So if I represented to you that, in</p> <p>04:23 3 general, most uses within the GMA Ag lands have</p> <p>04:23 4 about one to three structures per parcel, would</p> <p>04:23 5 you have any reason to dispute me on that?</p> <p>04:23 6 A. No, I wouldn't.</p> <p>04:23 7 Q. Okay. So if we're comparing -- so</p> <p>04:23 8 if we're looking at compatibility, right, which</p> <p>04:23 9 is size and scope, in effect, doesn't it then</p> <p>04:23 10 become very important what the parcel size is</p> <p>04:23 11 because we want to compare how many structures</p> <p>04:23 12 the Horse Heaven Wind Farm is putting on a</p> <p>04:23 13 parcel versus how many structures are in a</p> <p>04:23 14 traditional permitted use?</p> <p>04:23 15 MS. PERLMUTTER: Objection. Calls</p> <p>04:23 16 for a legal conclusion. Also, irrelevant.</p> <p>04:23 17 But you can answer.</p> <p>04:23 18 THE WITNESS: It's immaterial. I</p> <p>04:23 19 mean, as identified with the Nine Canyon</p> <p>04:24 20 project, the assessors determined that the</p> <p>04:24 21 space the turbines occupy has no effect on</p> <p>04:24 22 zoning at all.</p> <p>04:24 23 BY MS. FOSTER:</p> <p>04:24 24 Q. We're not talking about zoning,</p> <p>04:24 25 Mr. Kobus. I'm talking about number of</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">207</p> <p>04:25 1 Q. Don't you mean they were a</p> <p>04:25 2 conditional use?</p> <p>04:25 3 A. Absolutely.</p> <p>04:25 4 Q. Is it your conception that a</p> <p>04:25 5 permitted use is the same thing as a</p> <p>04:25 6 conditional use?</p> <p>04:25 7 MS. PERLMUTTER: Objection.</p> <p>04:25 8 Relevance.</p> <p>04:25 9 THE WITNESS: No, they're different.</p> <p>04:25 10 BY MS. FOSTER:</p> <p>04:25 11 Q. Then why did you did say wind</p> <p>04:25 12 turbines were a permitted use?</p> <p>04:25 13 MS. PERLMUTTER: Objection.</p> <p>04:25 14 Argumentative. You can answer the</p> <p>04:25 15 question.</p> <p>04:25 16 THE WITNESS: I think it's a silly</p> <p>04:25 17 distinction you're trying to make. Sorry.</p> <p>04:25 18 BY MS. FOSTER:</p> <p>04:25 19 Q. That's -- no, that's fair.</p> <p>04:25 20 Is the conditional use has to</p> <p>04:25 21 satisfy conditions, right?</p> <p>04:25 22 A. That's right. That's what it means,</p> <p>04:25 23 conditional use.</p> <p>04:25 24 Q. And a permitted use is just allowed</p> <p>04:25 25 outright?</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: right;">206</p> <p>04:24 1 structures per parcel.</p> <p>04:24 2 A. There is no criteria for number of</p> <p>04:24 3 structures per parcel.</p> <p>04:24 4 Q. So you think that has no relevancy</p> <p>04:24 5 to a compatibility determination?</p> <p>04:24 6 MS. PERLMUTTER: Objection.</p> <p>04:24 7 Argumentative. You can answer.</p> <p>04:24 8 THE WITNESS: I don't believe it</p> <p>04:24 9 does.</p> <p>04:24 10 BY MS. FOSTER:</p> <p>04:24 11 Q. What is your conception of a</p> <p>04:24 12 compatibility determination?</p> <p>04:24 13 MS. PERLMUTTER: Objection.</p> <p>04:24 14 Relevancy. You can answer.</p> <p>04:24 15 THE WITNESS: Wind projects were a</p> <p>04:24 16 permitted use when we filed our application</p> <p>04:24 17 on GMA Ag lands. In fact, GMA Ag lands are</p> <p>04:24 18 a priority for placement of wind turbines</p> <p>04:24 19 because they've already despoiled the land</p> <p>04:24 20 to the maximum extent. All that can grow</p> <p>04:24 21 there is what they plant. It's the perfect</p> <p>04:24 22 place to put wind turbines.</p> <p>04:25 23 BY MS. FOSTER:</p> <p>04:25 24 Q. Wind turbines were permitted use?</p> <p>04:25 25 A. Absolutely.</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">208</p> <p>04:25 1 A. Outright. You can do it --</p> <p>04:25 2 Q. So you --</p> <p>04:25 3 (Parties speaking simultaneously.)</p> <p>04:25 4 (The Court Reporter requested</p> <p>04:25 5 clarification.)</p> <p>04:25 6 THE WITNESS: I understand what an</p> <p>04:25 7 outright permitted use is. Like minor</p> <p>04:25 8 solar is an example of an outright</p> <p>04:25 9 permitted use on GMA Ag lands.</p> <p>04:25 10 BY MS. FOSTER:</p> <p>04:25 11 Q. And to you, a use that is allowed</p> <p>04:25 12 with conditions and use that is allowed --</p> <p>04:26 13 permitted outright, that's a minor distinction?</p> <p>04:26 14 A. No, I didn't say that. I said --</p> <p>04:26 15 MS. PERLMUTTER: Objection.</p> <p>04:26 16 (The Court Reporter requested</p> <p>04:26 17 clarification.)</p> <p>04:26 18 MS. PERLMUTTER: Argumentative. You</p> <p>04:26 19 can answer.</p> <p>04:26 20 THE WITNESS: Permitted use is</p> <p>04:26 21 permitted use. If then you want to talk</p> <p>04:26 22 about the distinction between outright</p> <p>04:26 23 permitted and conditional, I fully</p> <p>04:26 24 understand what that means.</p> <p>04:26 25 But, in general, when I say wind</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: right;">209</p> <p>04:26 1 turbines were a permitted use, that's a</p> <p>04:26 2 true statement. So, I guess, I don't</p> <p>04:26 3 understand what you're trying to get at.</p> <p>04:26 4 So maybe if you could rephrase.</p> <p>04:26 5 BY MS. FOSTER:</p> <p>04:26 6 Q. Well, you said that wind -- I mean,</p> <p>04:26 7 I don't want to be testifying here, but I could</p> <p>04:26 8 submit to you that if you look at the Benton</p> <p>04:26 9 County code in effect at the time at which you</p> <p>04:26 10 submitted your application, if you looked under</p> <p>04:26 11 the permitted uses, would you have found a wind</p> <p>04:26 12 turbines farm?</p> <p>04:26 13 A. Not a farm, no. Individual -- I</p> <p>04:26 14 think it was up to two turbines at the time.</p> <p>04:27 15 But more than that, in essence, a wind farm</p> <p>04:27 16 required a conditional use permit. No question</p> <p>04:27 17 about it.</p> <p>04:27 18 Q. Okay. I think we've gone to a good</p> <p>04:27 19 understanding on that. So I don't mean to</p> <p>04:27 20 repeat myself, but I just want to make sure</p> <p>04:27 21 that we're clear.</p> <p>04:27 22 When looking at the project as a</p> <p>04:27 23 whole, you could not tell me a general idea of</p> <p>04:27 24 wind turbines per parcels?</p> <p>04:27 25 A. No. As I said, my thumb rule is you</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">211</p> <p>04:28 1 EXAMINATION</p> <p>04:28 2 BY MR. ARAMBURU:</p> <p>04:28 3 Q. Just a couple of follow-up</p> <p>04:28 4 questions. Would you turn to page --</p> <p>04:28 5 THE COURT REPORTER: Can you come</p> <p>04:28 6 down here?</p> <p>04:28 7 MR. ARAMBURU: I'm sorry.</p> <p>04:29 8 THE WITNESS: 2-18, right?</p> <p>04:29 9 BY MR. ARAMBURU:</p> <p>04:29 10 Q. Yes. Excuse me. 2-156 -- excuse</p> <p>04:29 11 me, 158.</p> <p>04:29 12 A. I'm there.</p> <p>04:29 13 Q. The number two criteria for</p> <p>04:29 14 conditional use permits in Benton County is set</p> <p>04:29 15 forth at the bottom of page 2-158, you see</p> <p>04:29 16 that?</p> <p>04:29 17 A. Yes.</p> <p>04:29 18 Q. Do you believe that a six-acre,</p> <p>04:30 19 150-megawatt lithium-ion battery installation</p> <p>04:30 20 would endanger the health, safety, and welfare</p> <p>04:30 21 of the surrounding community to an extent</p> <p>04:30 22 greater than that associated with other</p> <p>04:30 23 permitted uses?</p> <p>04:30 24 A. I absolutely believe that's the</p> <p>04:30 25 case, it will not.</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: right;">210</p> <p>04:27 1 can generally put four wind turbines on a</p> <p>04:27 2 section of land, which is 640 acres.</p> <p>04:27 3 Q. And is -- okay.</p> <p>04:27 4 Is the Horse Heaven Wind Farm, in</p> <p>04:27 5 general, following your rule of, will there be</p> <p>04:27 6 four wind turbines per section?</p> <p>04:27 7 MS. PERLMUTTER: I'm going to</p> <p>04:27 8 object. Mischaracterizes testimony. But</p> <p>04:27 9 answer as best you can.</p> <p>04:27 10 THE WITNESS: I don't know of any</p> <p>04:28 11 that have more than four. I know of a lot</p> <p>04:28 12 of sections that have four. And there's a</p> <p>04:28 13 lot that have less. And I don't -- I don't</p> <p>04:28 14 understand the distinction.</p> <p>04:28 15 BY MS. FOSTER:</p> <p>04:28 16 Q. Well, in general, could you tell me</p> <p>04:28 17 the average wind turbines per section?</p> <p>04:28 18 MS. PERLMUTTER: Objection. Asked</p> <p>04:28 19 and answered.</p> <p>04:28 20 THE WITNESS: I can't.</p> <p>04:28 21 BY MS. FOSTER:</p> <p>04:28 22 Q. You can't. Okay.</p> <p>04:28 23 MS. FOSTER: I think that is all the</p> <p>04:28 24 questions I have for you today, Mr. Kobus.</p> <p>04:28 25 Thank you.</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: right;">212</p> <p>04:30 1 Q. And that's despite the fact that</p> <p>04:30 2 you've indicated that lithium-ion batteries are</p> <p>04:30 3 subject to fires and --</p> <p>04:30 4 A. Everything is subject to fire. It's</p> <p>04:30 5 a reasonable risk for the technology.</p> <p>04:30 6 Q. But have you considered whether --</p> <p>04:31 7 A. They built these batteries at City</p> <p>04:31 8 of Richland sites just recently. These are</p> <p>04:31 9 commercially available technology, and they are</p> <p>04:31 10 safe. They are not unreasonable danger to the</p> <p>04:31 11 health and safety of the public.</p> <p>04:31 12 Q. Has the National Fire Protection</p> <p>04:31 13 Association adopted new guidelines for</p> <p>04:31 14 lithium-ion fires?</p> <p>04:31 15 MS. PERLMUTTER: Objection.</p> <p>04:31 16 Foundation. You can answer, if you can.</p> <p>04:31 17 THE WITNESS: I understand there's</p> <p>04:31 18 evolution of the NFPA requirements, but</p> <p>04:31 19 we're not obligated to follow every new</p> <p>04:31 20 requirement that evolved since our permit</p> <p>04:31 21 application.</p> <p>04:31 22 We identify the standards that were</p> <p>04:31 23 available at the time of our application,</p> <p>04:31 24 and that's what we follow.</p> <p>04:31 25</p> <p style="text-align: right;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

<p style="text-align: center;">213</p> <p>04:31 1 BY MR. ARAMBURU:</p> <p>04:31 2 Q. And up in this area, the GMAA area,</p> <p>04:32 3 right, generally allows agricultural?</p> <p>04:32 4 A. Correct.</p> <p>04:32 5 Q. Generally allows farmhouses?</p> <p>04:32 6 A. Correct.</p> <p>04:32 7 Q. Agricultural sales of products?</p> <p>04:32 8 A. True.</p> <p>04:32 9 Q. All those things?</p> <p>04:32 10 A. (Witness nodded head up and down.)</p> <p>04:32 11 Q. Is this more or -- is six-acre</p> <p>04:32 12 lithium-ion battery going to endanger the</p> <p>04:32 13 health and safety of the people up there more</p> <p>04:32 14 or less than those uses?</p> <p>04:32 15 A. This will not be accessible to the</p> <p>04:32 16 general public. So, no, it won't endanger</p> <p>04:32 17 them.</p> <p>04:32 18 Q. And if there's a runaway fire that</p> <p>04:32 19 starts a fire in crop land up there, will that</p> <p>04:32 20 be a greater impact on the people than the uses</p> <p>04:32 21 that are there now?</p> <p>04:32 22 MS. PERLMUTTER: Objection to</p> <p>04:33 23 foundation. You can answer, if you can.</p> <p>04:33 24 THE WITNESS: I can't speculate on</p> <p>04:33 25 how big a fire's going to be.</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">215</p> <p>04:34 1 agricultural --</p> <p>04:34 2 A. We've gone on record saying we</p> <p>04:34 3 comply. That's what this document is telling</p> <p>04:34 4 you.</p> <p>04:34 5 Q. Yeah, I understand what you said.</p> <p>04:34 6 A. Okay. We were on record saying we</p> <p>04:34 7 comply. And I'm personally affirming that I</p> <p>04:34 8 believe it, so...</p> <p>04:34 9 MR. ARAMBURU: Okay. Thank you.</p> <p>04:34 10 MS. PERLMUTTER: I have no</p> <p>04:34 11 questions.</p> <p>04:34 12 MS. FOSTER: I have no questions.</p> <p>04:34 13 MS. VOELCKERS: I have no further</p> <p>04:34 14 questions.</p> <p>04:34 15 MR. ARAMBURU: Just one more thing,</p> <p>04:34 16 which is not a question.</p> <p>04:35 17 There was mention during -- I think</p> <p>04:35 18 it was your question, Shona, concerning the</p> <p>04:35 19 land use permit for the DNR property.</p> <p>04:35 20 THE WITNESS: Yeah, yeah.</p> <p>04:35 21 MR. ARAMBURU: Counsel, could you</p> <p>04:35 22 distribute that to the parties so we have</p> <p>04:35 23 it and we not let it go?</p> <p>04:35 24 MS. PERLMUTTER: I certainly can't</p> <p>04:35 25 do it now.</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>
<p style="text-align: center;">214</p> <p>04:33 1 BY MR. ARAMBURU:</p> <p>04:33 2 Q. But --</p> <p>04:33 3 A. Nobody can. These are</p> <p>04:33 4 self-contained units that have structural steel</p> <p>04:33 5 that contains these batteries. And, I mean,</p> <p>04:33 6 yeah, things can melt, but it's not common.</p> <p>04:33 7 It's a rare event. So I have no qualms about</p> <p>04:33 8 that we will not materially endanger.</p> <p>04:33 9 Q. Have you seen the videos of the</p> <p>04:33 10 fire -- the lithium-ion fire that lasted for</p> <p>04:33 11 four days down in Glendale, California?</p> <p>04:33 12 A. I can neither confirm nor deny that</p> <p>04:33 13 I've seen that video.</p> <p>04:33 14 Q. Are you aware that there was water</p> <p>04:33 15 on that fire for four continuous days and</p> <p>04:34 16 didn't put it out?</p> <p>04:34 17 MS. PERLMUTTER: Objection.</p> <p>04:34 18 Foundation. Answer if you can.</p> <p>04:34 19 THE WITNESS: I'll believe you, if</p> <p>04:34 20 that's what you say. I don't know.</p> <p>04:34 21 BY MR. ARAMBURU:</p> <p>04:34 22 Q. Well, have you made an investigation</p> <p>04:34 23 to determine whether or not this six acres of</p> <p>04:34 24 lithium-ion batteries poses a greater threat to</p> <p>04:34 25 people in the community than the</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>	<p style="text-align: center;">216</p> <p>04:35 1 MR. ARAMBURU: Oh, no. I'm not</p> <p>04:35 2 asking now. But within a few days.</p> <p>04:35 3 MS. PERLMUTTER: We've received the</p> <p>04:35 4 request. I don't anticipate a problem, but</p> <p>04:35 5 that's not my call. We'll take it under</p> <p>04:35 6 advisement. I don't expect a problem.</p> <p>04:35 7 MR. ARAMBURU: And a few days is</p> <p>04:35 8 just fine. Thank you.</p> <p>04:35 9 (THEREUPON, the deposition of DAVID</p> <p>04:35 10 KOBUS concluded at 4:35 p.m.)</p> <p>04:35 11 (SIGNATURE RESERVED)</p> <p>04:35 12</p> <p>04:35 13</p> <p>04:35 14</p> <p>04:35 15</p> <p>04:35 16</p> <p>04:35 17</p> <p>04:35 18</p> <p>04:35 19</p> <p>04:35 20</p> <p>04:35 21</p> <p>04:35 22</p> <p>04:35 23</p> <p>04:35 24</p> <p>04:35 25</p> <p style="text-align: center;">TRI-CITIES COURT REPORTING SERVICE, LLC 509.942.8477</p>

ERRATA SHEET

CHANGES IN FORM AND SUBSTANCE REQUESTED BE MADE IN
THE FOREGOING ORAL EXAMINATION TRANSCRIPT:
(NOTE: If no changes are desired, please sign and
date where indicated below.)

CORRECTIONS:

Pg.	Ln.	Now Reads	Should Read	Reason
7	_____	_____	_____	_____
8	_____	_____	_____	_____
9	_____	_____	_____	_____
10	_____	_____	_____	_____
11	_____	_____	_____	_____
12	_____	_____	_____	_____
13	_____	_____	_____	_____
14	_____	_____	_____	_____
15	_____	_____	_____	_____
16	_____	_____	_____	_____
17	_____	_____	_____	_____

I, DAVID KOBUS, hereby declare under penalty of
perjury that I have read the foregoing deposition and
that the testimony contained therein is a true and
correct transcript of my testimony, noting the
corrections above.

DAVID KOBUS

SUBSCRIBED AND SWORN BEFORE ME
THIS _____ DAY OF _____, 2023.

(Notary Public) MY COMMISSION EXPIRES: _____

C E R T I F I C A T E

I, MONNA J. NICKESON, CCR, CSR, CLR, RPR,
CRR, the undersigned Certified Court Reporter,
authorized to administer oaths and affirmations in
and for the states of Washington (3322), Oregon
(16-0441), Idaho (1045), and California (14430), do
hereby certify:

That the sworn testimony and/or
proceedings, a transcript of which is attached, was
given before me at the time and place stated therein;
that the witness was duly sworn or affirmed to
testify to the truth; that the testimony and/or
proceedings were stenographically recorded by me and
transcribed under my supervision. That the foregoing
transcript contains a full, true, and accurate record
of all the testimony and/or proceedings occurring at
the time and place stated in the transcript.

That I am in no way related to any party to
the matter, nor to any counsel, nor do I have any
financial interest in the event of the cause.
IN WITNESS WHEREOF I have set my hand on
July 26, 2023.

MONNA J. NICKESON, CCR, CSR, CLR, RPR, CRR

\$	150-megawatt ^[1] - 211:19	200-foot ^[1] - 194:2	54:10, 54:13, 56:25, 59:3, 65:25, 66:23	705 ^[1] - 2:4
\$1.727 ^[1] - 27:13	151 ^[1] - 125:11	2000 ^[1] - 2:13	3000 ^[1] - 3:4	750 ^[2] - 50:19, 53:5
'	1550 ^[1] - 57:1	2009 ^[3] - 10:7, 178:1, 179:15	31st ^[1] - 176:1	760 ^[1] - 3:4
'21 ^[3] - 30:19, 96:10, 100:6	158 ^[1] - 211:11	2010 ^[2] - 10:6, 10:7	3322 ^[2] - 5:7, 218:5	8
'22 ^[1] - 100:7	16-0441 ^[2] - 5:8, 218:6	2016 ^[1] - 35:15	340 ^[1] - 68:5	8 ^[1] - 137:18
1	160 ^[1] - 68:6	2018 ^[7] - 8:24, 35:16, 35:17, 36:3, 36:4, 38:14, 141:1	350 ^[29] - 39:3, 40:12, 41:10, 41:14, 42:21, 42:24, 43:3, 44:2, 44:3, 50:10, 50:12, 53:17, 53:20, 54:1, 64:3, 64:5, 64:24, 65:4, 65:12, 65:18, 65:22, 65:23, 66:1, 66:9, 66:14, 66:24, 67:5, 67:9	800 ^[1] - 2:13
1 ^[40] - 4:10, 11:18, 11:19, 16:4, 82:15, 84:6, 84:7, 84:11, 84:16, 84:23, 85:4, 93:15, 93:25, 104:4, 104:10, 104:12, 105:5, 106:8, 106:14, 106:16, 123:8, 127:1, 138:21, 139:10, 139:21, 140:11, 141:11, 142:20, 144:15, 144:24, 146:20, 147:15, 147:25, 150:4, 151:12, 151:25, 156:20, 160:17, 167:13, 186:19	175 ^[1] - 4:11	2020 ^[3] - 134:15, 134:21, 183:3	39th ^[1] - 2:8	807 ^[1] - 2:8
1-10 ^[1] - 117:17	180 ^[1] - 88:4	2021 ^[5] - 12:19, 28:6, 96:2, 98:17, 134:24	4	850 ^[1] - 37:12
1/31/2022 ^[1] - 4:11	19 ^[2] - 86:16, 87:6	2022 ^[4] - 176:1, 176:15, 176:24, 180:15	4 ^[3] - 16:4, 48:14, 48:18	883 ^[1] - 199:20
10 ^[2] - 31:6, 45:23	19.4 ^[1] - 86:19	2023 ^[5] - 1:15, 4:3, 5:2, 217:23, 218:22	4-33 ^[1] - 131:20	9
10.2 ^[2] - 86:15, 86:24	190 ^[1] - 194:24	21 ^[3] - 1:15, 4:3, 5:2	40 ^[1] - 195:8	97205 ^[1] - 3:4
100 ^[16] - 39:1, 39:15, 39:16, 39:20, 39:23, 40:4, 40:24, 41:6, 41:11, 43:22, 44:24, 50:12, 50:14, 68:15, 154:4	192 ^[1] - 4:6	211 ^[1] - 4:6	401 ^[1] - 3:9	98104 ^[1] - 2:5
102206 ^[1] - 1:13	1st ^[1] - 136:9	221 ^[1] - 188:16	463-60-296 ^[2] - 101:4, 101:20	98104-3188 ^[1] - 2:14
1045 ^[2] - 5:8, 218:6	2	230 ^[10] - 37:8, 39:2, 40:9, 65:12, 66:10, 84:11, 84:13, 84:21, 86:19, 86:24	4:35 ^[1] - 216:10	98902 ^[1] - 2:9
11 ^[1] - 4:10	2 ^[16] - 4:11, 16:4, 71:1, 82:15, 82:18, 84:16, 85:17, 85:19, 85:20, 86:14, 86:23, 104:10, 127:3, 127:5, 175:20	235 ^[7] - 33:14, 33:24, 33:25, 35:1, 35:5, 63:11, 63:13	5	98948 ^[1] - 3:10
115 ^[2] - 20:1, 37:9	2-101 ^[1] - 104:7	244 ^[17] - 27:15, 28:1, 33:4, 33:5, 33:11, 33:14, 34:3, 34:13, 34:25, 35:3, 54:25, 71:18, 77:15, 95:7, 96:20, 100:18, 102:1	5 ^[2] - 4:5, 70:25	99336 ^[1] - 1:13
11:00 ^[1] - 7:11	2-102 ^[1] - 86:14	250 ^[9] - 35:24, 35:25, 37:22, 38:16, 38:23, 39:15, 39:19, 40:2, 40:4	50 ^[1] - 45:24	A
11:05 ^[2] - 1:15, 5:2	2-103 ^[2] - 81:23, 87:14	250-megawatt ^[1] - 35:22	500 ^[8] - 37:8, 67:1, 67:6, 67:15, 67:20, 68:2, 68:17	A.M ^[2] - 1:15, 5:2
121 ^[1] - 94:8	2-118 ^[2] - 89:13, 93:23	26 ^[1] - 218:22	500-foot ^[1] - 193:19	ability ^[5] - 38:25, 49:24, 64:2, 127:7, 174:17
13.6 ^[1] - 64:4	2-7 ^[1] - 16:5	285 ^[1] - 27:11	509.942.8477 ^[1] - 1:23	able ^[13] - 20:4, 25:18, 43:7, 43:24, 44:14, 46:18, 62:6, 83:7, 83:8, 102:13, 155:22, 157:5, 174:11
1300 ^[1] - 2:4	2-8 ^[1] - 186:19	2nd ^[1] - 2:4	6	abnormal ^[1] - 132:16
138 ^[1] - 4:5	2-85 ^[2] - 27:11, 30:9	3	6 ^[1] - 72:4	absolutely ^[12] - 14:17, 89:4, 89:18, 89:24, 104:21, 121:6, 122:1, 131:12, 134:23, 206:25, 207:3, 211:24
1385 ^[1] - 5:20	2-86 ^[1] - 116:15	3 ^[6] - 16:4, 48:14, 48:18, 72:4, 72:5, 72:14	600 ^[1] - 68:16	AC ^[1] - 69:24
14430 ^[3] - 1:22, 5:9, 218:6	2-87 ^[2] - 167:12, 167:17	3.04.041 ^[1] - 124:12	640 ^[7] - 197:19, 197:20, 197:24, 198:12, 199:1, 202:20, 210:2	accept ^[1] - 103:19
15 ^[1] - 115:21	2-88 ^[1] - 167:19	3.3 ^[1] - 124:9	650 ^[13] - 40:8, 40:20, 50:10, 64:19, 65:3, 65:14, 65:15, 65:17, 65:19, 65:21, 66:7, 66:12	acceptable ^[1] - 160:13
150 ^[13] - 27:16, 55:1, 59:17, 77:15, 85:5, 85:7, 95:7, 96:20, 100:18, 102:2, 111:21, 114:24, 114:25	2-A ^[1] - 85:7	3.4 ^[4] - 72:6, 72:7, 72:22, 73:21	7	access ^[2] - 25:6, 174:12
	2-B ^[3] - 85:9, 87:10, 87:12	30 ^[1] - 108:25	7 ^[3] - 137:18, 137:20, 138:1	accessible ^[1] - 213:15
	2.1.3 ^[1] - 16:8	300 ^[16] - 39:21, 40:7, 40:12, 50:10, 50:12, 53:7, 53:21, 54:2, 54:3, 54:4,	7,000 ^[1] - 196:22	accidental ^[1] - 174:21
	2.15-1 ^[1] - 84:1		700 ^[1] - 196:23	accommodate ^[3] - 58:16, 58:18, 82:21
	2.22 ^[1] - 94:2			accomplish ^[1] - 82:2
	2.3 ^[1] - 60:2			accordance ^[3] - 130:15, 140:6, 147:5
	20 ^[6] - 31:6, 45:24, 71:1, 71:2, 71:3, 115:21			accordingly ^[1] - 97:4
	20-year-year-old ^[1] - 181:1			account ^[2] - 45:18, 78:14
	200 ^[1] - 193:20			

<p>accurate [7] - 28:8, 84:3, 87:18, 89:17, 132:6, 132:20, 218:15</p> <p>acquire [5] - 19:10, 20:14, 22:14, 23:20, 38:21</p> <p>acquired [5] - 23:9, 37:6, 38:8, 39:19</p> <p>acquiring [1] - 38:4</p> <p>acre [8] - 127:8, 127:24, 159:19, 159:25, 160:7, 160:12, 211:18, 213:11</p> <p>acres [13] - 59:11, 124:23, 126:17, 196:22, 197:16, 197:19, 197:20, 197:24, 198:12, 198:24, 202:20, 210:2, 214:23</p> <p>acronym [1] - 132:12</p> <p>action [1] - 100:18</p> <p>active [4] - 27:3, 79:13, 90:14, 143:24</p> <p>actively [1] - 26:23</p> <p>activities [2] - 90:12, 174:15</p> <p>actual [1] - 47:15</p> <p>add [9] - 44:7, 57:14, 61:12, 63:4, 79:25, 102:19, 109:20, 110:14, 195:17</p> <p>added [9] - 13:21, 38:25, 53:22, 56:18, 56:21, 60:3, 131:2, 195:15, 195:18</p> <p>adding [1] - 83:13</p> <p>additional [13] - 63:4, 63:11, 63:18, 65:4, 81:11, 137:24, 137:25, 141:5, 169:6, 172:16, 174:16, 183:16, 190:12</p> <p>address [2] - 5:18, 5:20</p> <p>addressed [1] - 124:9</p> <p>addresses [2] - 122:10</p> <p>adds [1] - 40:19</p> <p>adequate [2] - 23:4, 23:5</p> <p>adequately [1] - 77:11</p> <p>adjudication [13] - 139:14, 140:5, 140:9, 151:11, 152:10, 162:2, 189:13, 189:23, 190:6,</p>	<p>190:10, 190:18, 190:20, 201:11</p> <p>adjust [1] - 58:25</p> <p>administer [1] - 218:4</p> <p>administrative [1] - 161:4</p> <p>admit [1] - 141:25</p> <p>adopted [1] - 212:13</p> <p>advance [1] - 55:17</p> <p>advantage [2] - 74:17, 76:8</p> <p>advantageous [2] - 109:23, 109:25</p> <p>advisement [1] - 216:6</p> <p>affect [1] - 54:11</p> <p>affected [1] - 80:8</p> <p>affecting [1] - 80:21</p> <p>affiliated [1] - 78:23</p> <p>affirmations [1] - 218:4</p> <p>affirmed [1] - 218:11</p> <p>affirming [1] - 215:7</p> <p>afternoon [2] - 91:17, 192:11</p> <p>Ag [6] - 204:18, 204:20, 205:3, 206:17, 208:9</p> <p>AG [1] - 148:7</p> <p>aggressive [1] - 88:23</p> <p>ago [2] - 133:3, 181:19</p> <p>agree [7] - 51:23, 81:17, 157:17, 161:3, 162:24, 201:6, 202:14</p> <p>agreeable [1] - 139:7</p> <p>agreed [3] - 135:13, 177:3, 195:17</p> <p>agreement [46] - 18:14, 18:23, 19:10, 19:13, 21:15, 22:10, 24:6, 25:24, 32:9, 33:15, 33:17, 33:23, 35:7, 55:15, 55:19, 56:2, 56:14, 107:16, 118:8, 119:19, 128:4, 137:9, 156:15, 157:11, 157:23, 157:24, 168:18, 170:2, 171:16, 173:5, 173:9, 173:10, 173:11, 173:16, 174:2, 174:10, 187:14, 187:22, 188:2, 189:10, 192:20, 192:23, 194:21, 195:4, 195:15, 195:23</p>	<p>agreements [11] - 21:24, 51:12, 120:1, 120:3, 123:18, 140:7, 158:4, 190:1, 191:9, 195:7, 195:9</p> <p>agricultural [4] - 181:11, 213:3, 213:7, 215:1</p> <p>Agro [1] - 156:6</p> <p>ahead [5] - 96:14, 99:23, 171:23, 177:22, 184:19</p> <p>air [1] - 21:8</p> <p>airspace [1] - 141:23</p> <p>allow [3] - 6:11, 24:5, 25:7</p> <p>allowed [6] - 52:25, 63:13, 141:5, 207:24, 208:11, 208:12</p> <p>allows [2] - 213:3, 213:5</p> <p>almost [1] - 119:7</p> <p>alongside [1] - 20:2</p> <p>ALSO [1] - 3:12</p> <p>alterations [9] - 147:11, 147:14, 149:18, 150:4, 151:14, 152:4, 176:22, 177:1, 177:5</p> <p>alternate [2] - 85:14, 94:18</p> <p>alternative [12] - 24:21, 85:10, 85:12, 85:13, 86:23, 94:22, 95:2, 95:3, 95:6, 98:13, 106:17, 167:24</p> <p>alternatives [24] - 13:15, 13:17, 94:3, 94:5, 94:8, 95:1, 95:19, 96:9, 97:3, 97:9, 97:24, 97:25, 98:10, 98:12, 98:15, 98:22, 99:3, 99:14, 99:16, 100:13, 100:17, 100:20, 101:12, 152:16</p> <p>amend [4] - 189:20, 189:22, 190:5, 191:15</p> <p>amended [10] - 11:24, 12:12, 12:18, 14:21, 16:23, 30:9, 34:1, 57:23, 60:1, 194:21</p> <p>amendment [2] - 58:17, 189:12</p> <p>amendments [1] - 189:24</p> <p>amount [13] - 24:7, 41:7, 48:7, 52:2, 52:20, 57:7, 59:13,</p>	<p>61:13, 71:21, 73:4, 111:3, 173:12, 174:5</p> <p>ample [1] - 171:8</p> <p>Amy [1] - 61:6</p> <p>analogy [1] - 32:16</p> <p>analysis [7] - 94:3, 94:5, 100:20, 100:21, 135:7, 137:22, 137:24</p> <p>analyze [2] - 74:21, 172:6</p> <p>analyzing [1] - 113:20</p> <p>AND [2] - 217:2, 217:23</p> <p>annually [1] - 185:24</p> <p>answer [137] - 6:12, 6:15, 7:8, 14:24, 15:7, 17:5, 22:17, 26:9, 29:17, 29:21, 30:8, 31:4, 31:8, 36:7, 42:15, 43:11, 44:25, 49:1, 52:22, 53:19, 56:11, 59:5, 60:16, 63:24, 71:13, 71:25, 72:19, 75:7, 75:8, 75:9, 75:18, 75:20, 77:18, 78:4, 79:5, 80:5, 90:9, 91:22, 91:23, 96:14, 98:25, 99:23, 101:7, 102:12, 103:13, 105:15, 106:11, 108:5, 109:19, 112:18, 113:12, 113:24, 114:22, 116:3, 117:24, 121:13, 123:6, 123:7, 123:13, 124:22, 125:12, 126:7, 127:15, 127:17, 129:14, 133:1, 133:14, 140:19, 142:5, 142:12, 143:8, 144:10, 144:19, 144:20, 146:25, 147:19, 148:16, 149:20, 152:6, 153:5, 153:7, 153:8, 153:14, 153:20, 155:21, 156:22, 157:14, 161:13, 163:9, 163:14, 164:6, 164:19, 165:4, 165:13, 165:25, 166:3, 166:8, 166:14, 166:25, 168:15, 168:25, 169:9, 170:19, 172:19, 174:8, 174:24, 178:6, 179:6, 180:8, 182:14,</p>	<p>183:5, 183:20, 185:17, 186:13, 187:7, 187:24, 188:5, 190:15, 191:5, 191:7, 194:9, 195:13, 196:19, 197:11, 199:12, 200:24, 201:16, 203:16, 205:17, 206:7, 206:14, 207:14, 208:19, 210:9, 212:16, 213:23, 214:18</p> <p>answered [17] - 22:17, 105:15, 106:10, 121:12, 133:1, 141:15, 141:16, 142:12, 144:19, 163:14, 164:19, 168:24, 183:5, 183:20, 191:4, 200:24, 210:19</p> <p>answers [1] - 29:20</p> <p>anticipate [3] - 152:3, 201:19, 216:4</p> <p>anticipated [2] - 117:10, 117:19</p> <p>anticipating [1] - 58:7</p> <p>apart [1] - 161:21</p> <p>apologize [1] - 175:22</p> <p>APPEARANCES [2] - 2:1, 3:1</p> <p>appendix [1] - 118:6</p> <p>Appendix [6] - 168:4, 168:6, 172:24, 173:8, 174:14, 174:22</p> <p>Applicant [1] - 1:8</p> <p>applicant [5] - 131:3, 133:25, 143:12, 165:10, 176:15</p> <p>APPLICANT [1] - 1:18</p> <p>application [56] - 12:19, 12:23, 13:2, 27:19, 40:18, 41:18, 51:19, 52:10, 54:5, 56:5, 56:17, 56:24, 57:12, 57:15, 57:24, 59:9, 61:9, 68:9, 68:21, 72:3, 82:21, 87:24, 94:4, 97:6, 97:7, 98:23, 100:14, 100:16, 114:17, 116:15, 135:7, 135:13, 136:7, 140:17, 141:8, 142:24, 147:7, 148:14, 154:11,</p>
--	--	--	---	--

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

B

bachelor's [1] - 8:3
back-and-forth [2] -
152:16, 172:4
background [2] -
8:1, 8:4
backtrack [1] - 38:13
backup [2] - 21:3,
23:14
bad [1] - 118:25

126:11, 127:8,
127:24, 128:13,
128:14, 131:24,
195:25, 211:19,
213:12
BC-1 [1] - 123:8
BC-2 [1] - 123:20
BCC [1] - 124:12
BE [2] - 5:1, 217:2
bear [1] - 109:13
became [1] - 82:16
become [5] - 7:2,
18:18, 20:6, 21:4,
205:10
becomes [1] - 86:6
becoming [1] -
108:16
BEFORE [2] - 1:1,
217:23
begin [1] - 40:2
beginning [1] - 88:23
behind [2] - 41:8,
105:18
beholder [2] -
109:22, 154:3
belief [3] - 27:24,
135:8, 202:7
believes [1] - 146:7
below [4] - 41:13,
42:21, 49:18, 217:4
bench [2] - 34:11,
74:10
benefit [2] - 131:12,
160:24
benefits [5] - 145:3,
184:8, 184:9
BENTON [1] - 2:7
Benton [41] - 1:12,
7:16, 10:22, 17:17,
18:2, 19:18, 19:20,
20:14, 20:23, 23:10,
23:25, 82:8, 83:18,
90:4, 120:20, 122:24,
123:8, 127:1, 127:3,
127:4, 127:5, 127:6,
127:7, 127:16,
127:19, 127:23,
129:5, 130:3, 130:6,
130:15, 130:21,
131:10, 133:11,
161:21, 192:12,
199:8, 199:24,
200:21, 201:12,
209:8, 211:14
BESS [2] - 124:11,
124:16
best [17] - 15:18,
15:22, 17:22, 27:17,
27:21, 53:14, 90:19,
120:6, 124:23, 126:7,

129:2, 155:14,
156:24, 182:3,
185:21, 210:9
better [4] - 37:19,
73:25, 91:14, 91:15
between [14] - 47:21,
54:25, 62:13, 77:8,
77:9, 86:20, 87:8,
135:17, 146:3, 147:9,
175:10, 176:15,
190:9, 208:22
BEYER [1] - 2:8
Beyer [1] - 192:8
beyond [1] - 186:2
bid [1] - 107:22
bids [1] - 155:14
big [8] - 46:22,
108:7, 108:8, 120:12,
124:19, 154:9, 213:25
bigger [3] - 31:9,
71:17, 115:22
billion [1] - 27:13
binding [1] - 29:12
bit [14] - 16:18,
29:15, 29:22, 35:13,
38:13, 46:24, 47:12,
50:7, 108:11, 108:14,
133:3, 138:19,
158:16, 192:13
blades [1] - 50:3
bleed [1] - 69:4
blind [1] - 76:5
BLM [3] - 9:21,
10:20, 11:3
blow [3] - 93:6, 93:7,
93:11
blowing [2] - 42:23,
44:4
blows [1] - 93:14
blue [2] - 187:11,
188:6
board [1] - 38:14
boat [2] - 76:25, 77:2
Bofer [2] - 64:21,
66:10
Bonneville [25] -
19:16, 20:5, 21:12,
21:17, 23:21, 24:15,
25:11, 25:16, 25:20,
25:24, 42:4, 42:5,
51:13, 52:16, 53:10,
55:16, 57:10, 57:13,
60:18, 61:18, 61:19,
61:24, 62:1, 62:14,
82:11
Bonneville's [2] -
51:15, 54:7
bottom [4] - 16:7,
46:19, 167:17, 211:15
boundaries [1] -

197:23
bounds [1] - 66:2
boy [1] - 120:12
BPA [16] - 24:22,
25:2, 25:3, 25:5,
36:17, 51:24, 52:5,
52:11, 54:21, 54:22,
55:8, 55:22, 56:2,
62:22, 67:1, 105:12
brand [1] - 114:9
break [4] - 7:12,
59:20, 184:15, 184:18
bring [3] - 32:25,
62:12, 104:18
bringing [2] - 26:14,
154:12
broken [1] - 88:19
Brun [1] - 3:14
bubble [1] - 157:2
build [32] - 10:3,
26:16, 27:15, 32:13,
32:18, 33:14, 33:24,
34:10, 34:14, 35:5,
51:25, 58:20, 59:12,
63:14, 82:20, 82:25,
86:5, 89:2, 89:4,
102:18, 104:12,
104:21, 106:23,
109:12, 110:4,
113:14, 114:25,
125:8, 156:6, 182:2,
184:7, 184:10
buildable [1] -
203:18
builder [1] - 108:8
building [6] - 32:13,
32:15, 83:17, 104:14,
104:17, 124:11
Building [1] - 1:12
buildout [3] - 113:14,
114:6, 183:10
built [9] - 8:14,
19:24, 28:19, 82:12,
82:16, 102:23, 106:7,
108:24, 212:7
Bumpus [1] - 95:12
bunch [1] - 81:9
burden [1] - 161:5
burial [1] - 178:18
burn [1] - 126:1
burning [1] - 126:4
bury [1] - 22:2
business [15] - 5:18,
5:20, 24:18, 98:5,
103:25, 105:25,
106:2, 120:8, 152:21,
154:11, 160:20,
164:22, 181:25,
183:24, 184:3
but.. [1] - 188:24

Butler [1] - 32:15
Butte [1] - 10:22
buy [9] - 20:22, 29:9,
71:5, 91:3, 91:18,
106:8, 115:3, 126:6,
126:9
buying [2] - 32:15,
91:7
BY [166] - 1:21, 2:5,
2:9, 2:15, 3:5, 4:5,
4:5, 4:6, 4:6, 5:16,
11:20, 12:7, 15:12,
17:7, 19:9, 23:7, 25:1,
36:16, 42:18, 44:21,
45:7, 49:6, 53:3,
53:23, 56:15, 59:8,
59:23, 60:23, 64:6,
69:17, 71:16, 72:8,
72:23, 75:23, 77:24,
78:11, 79:7, 80:16,
81:22, 86:13, 90:24,
92:4, 93:19, 96:15,
99:4, 100:1, 101:1,
101:15, 102:8, 103:4,
104:3, 105:23,
106:15, 108:9, 110:5,
111:1, 112:12,
112:21, 113:19,
114:15, 115:2, 116:8,
118:4, 121:17, 123:9,
123:24, 125:20,
129:16, 131:19,
133:8, 133:16,
133:22, 138:14,
140:22, 142:3,
142:18, 143:16,
144:14, 144:21,
147:8, 147:23,
148:22, 149:23,
150:19, 151:20,
152:11, 153:3, 153:9,
153:15, 153:21,
154:13, 156:1, 157:8,
157:21, 158:3, 160:2,
161:16, 162:12,
163:1, 163:11,
163:23, 164:13,
164:23, 165:7,
165:16, 166:6,
166:17, 167:8,
168:19, 169:3,
169:14, 170:1,
170:24, 172:2,
172:14, 172:23,
173:7, 173:24,
174:13, 175:4, 176:5,
177:24, 179:13,
180:12, 182:10,
182:22, 183:13,
183:23, 184:2,

184:22, 185:2, 186:5,
186:17, 187:2,
187:12, 188:1, 188:8,
189:6, 190:24,
191:16, 192:10,
194:16, 195:21,
197:1, 197:21, 198:9,
199:15, 200:18,
201:4, 201:23,
204:11, 205:1,
205:23, 206:10,
206:23, 207:10,
207:18, 208:10,
209:5, 210:15,
210:21, 211:2, 211:9,
213:1, 214:1, 214:21

C

C&Is [1] - 91:9
C.A.R.E.S [2] - 2:2,
5:23
CA [2] - 1:22, 5:9
cables [1] - 177:7
calculate [1] - 203:1
calculation [1] - 23:8
calculations [3] -
23:13, 46:13, 46:14
California [2] -
214:11, 218:6
cannot [8] - 33:14,
75:8, 75:9, 160:18,
161:19, 165:9,
182:19, 198:12
Canyon [8] - 8:14,
9:1, 9:8, 64:21, 67:2,
141:3, 141:6, 205:19
canyons [2] - 177:8,
177:9
capability [6] -
32:21, 42:3, 121:25,
129:7, 173:21, 173:25
capacity [48] - 37:21,
39:2, 41:15, 41:19,
41:22, 42:2, 43:7,
43:8, 44:3, 44:6, 44:9,
48:10, 49:9, 49:18,
49:20, 51:20, 51:21,
54:16, 61:7, 61:10,
61:16, 63:21, 64:20,
64:24, 65:18, 65:20,
66:8, 66:9, 66:12,
66:25, 67:1, 67:10,
69:10, 69:13, 69:20,
69:22, 69:23, 70:5,
70:9, 70:21, 70:22,
72:2, 74:9, 83:5,
83:15, 102:20,
106:23, 111:10
capacity/grid [1] -

<p>67:16 capital [1] - 104:17 capture [2] - 15:19, 17:22 car [4] - 111:5, 111:16, 111:19, 126:9 care [4] - 26:1, 51:24, 52:12, 80:3 cares [2] - 52:11, 52:16 Carole [1] - 3:15 case [11] - 54:15, 86:4, 93:4, 104:20, 109:22, 125:15, 141:6, 160:11, 175:16, 204:7, 211:25 CASE [1] - 4:2 cases [1] - 184:6 causes [1] - 42:2 CCR [3] - 1:22, 218:2, 218:24 ceased [1] - 143:15 cells [1] - 132:17 Center [1] - 8:21 CEO [1] - 9:19 certain [15] - 16:16, 47:3, 52:2, 52:13, 52:20, 77:8, 97:22, 103:7, 103:8, 103:20, 105:1, 106:18, 120:19, 136:5, 173:12 certainly [3] - 161:3, 190:2, 215:24 certainty [3] - 157:18, 157:19, 191:12 certification [5] - 40:18, 51:19, 97:8, 128:3, 137:9 Certified [5] - 5:4, 5:6, 5:7, 218:3 certify [1] - 218:7 cetera [2] - 106:3, 121:9 CFE [1] - 177:14 challenge [1] - 28:22 challenging [2] - 26:10, 36:22 chance [1] - 107:21 Chandler [1] - 10:22 change [18] - 19:2, 30:22, 34:25, 60:12, 62:8, 79:10, 84:8, 91:24, 92:20, 118:21, 136:17, 191:7, 193:6, 193:7, 193:9, 193:11, 194:13, 194:19 changed [2] - 20:11, 177:6 changes [7] - 28:10,</p>	<p>114:3, 148:13, 148:20, 149:1, 217:3 CHANGES [1] - 217:2 changing [5] - 50:2, 83:4, 103:2, 194:5, 194:6 characteristics [4] - 42:7, 52:6, 52:14, 78:7 characterization [1] - 14:9 characterize [1] - 32:17 charge [8] - 23:2, 24:11, 24:13, 44:15, 110:22, 111:11, 111:13, 111:14 charged [1] - 23:3 charging [4] - 22:21, 22:22, 22:23, 111:12 cheaper [1] - 103:23 cheapest [1] - 167:6 check [1] - 78:24 checked [1] - 118:20 choice [2] - 94:25, 100:14 choose [1] - 113:5 chose [6] - 20:7, 95:2, 108:15, 143:3, 143:5, 159:1 chronology [1] - 134:15 circled [1] - 180:5 circles [3] - 177:3, 181:10, 183:11 cited [1] - 74:1 Cities [2] - 5:23, 93:6 CITIES [2] - 1:22, 2:2 City [6] - 10:22, 19:20, 19:24, 20:7, 167:24, 212:7 city [1] - 118:23 Civil [1] - 7:5 clamoring [1] - 91:16 clarification [11] - 24:24, 69:16, 100:25, 112:11, 151:9, 158:2, 159:22, 162:4, 187:1, 208:5, 208:17 clarify [7] - 27:9, 63:8, 96:16, 144:22, 151:19, 178:9, 194:4 clarifying [1] - 61:15 Clean [2] - 8:19, 8:20 CLEAN [3] - 1:6, 3:2, 4:2 clean [4] - 90:5, 91:10, 115:14, 156:8 clear [15] - 61:16,</p>	<p>62:7, 141:11, 145:21, 146:2, 151:3, 151:10, 158:12, 166:18, 173:8, 179:8, 180:16, 180:22, 182:23, 209:21 clearer [1] - 6:20 clearly [2] - 26:15, 142:5 climate [1] - 92:18 climatic [1] - 43:18 Clipper [3] - 9:20, 10:3, 11:3 close [1] - 80:1 closed [1] - 92:7 closer [2] - 91:14 CLR [2] - 218:2, 218:24 clustered [1] - 57:6 co [2] - 18:11, 20:3 co-locate [1] - 20:3 co-locating [1] - 18:11 Code [3] - 130:7, 130:11, 130:16 code [3] - 120:20, 130:6, 209:9 Cohé [1] - 3:15 coincident [3] - 89:21, 92:13, 93:9 cold [1] - 93:5 collaborate [1] - 18:16 collaborative [1] - 13:20 collector [1] - 21:2 Columbia [8] - 9:16, 10:9, 10:14, 10:19, 11:6, 11:7, 11:10, 11:13 combination [2] - 67:19, 103:15 combining [1] - 11:1 coming [3] - 134:12, 148:24, 166:4 comment [1] - 136:8 comments [2] - 136:16, 180:21 commercial [11] - 17:16, 26:11, 43:13, 104:20, 107:25, 109:15, 111:20, 126:12, 126:16, 133:11, 165:8 commercial-grade [1] - 111:20 commercial-scale [1] - 26:11 commercially [6] - 58:10, 92:11, 108:16,</p>	<p>115:25, 128:23, 212:9 COMMISSION [1] - 217:25 commit [1] - 83:4 commitment [2] - 130:20, 173:11 commitments [3] - 26:18, 146:20, 190:19 commits [1] - 158:6 committed [2] - 176:25, 185:23 commodities [1] - 31:1 common [1] - 214:6 communications [2] - 97:20, 136:20 community [3] - 79:13, 211:21, 214:25 company [2] - 32:21, 105:21 compare [1] - 205:11 comparing [1] - 205:7 compatibility [4] - 202:13, 205:8, 206:5, 206:12 competing [1] - 37:1 competitive [4] - 74:17, 76:8, 102:25, 109:8 competitiveness [1] - 105:19 competitor [2] - 37:6, 37:25 complete [2] - 56:9, 96:21 completed [2] - 107:16, 137:12 complex [1] - 145:11 compliance [8] - 101:3, 120:14, 199:17, 200:14, 200:21, 204:3, 204:5, 204:6 complied [1] - 189:3 complies [1] - 201:12 comply [7] - 120:19, 162:23, 199:8, 199:24, 202:5, 215:3, 215:7 component [1] - 30:14 components [4] - 30:25, 31:21, 43:16, 125:7 comport [1] - 134:15 composition [1] - 115:23 compromise [1] -</p>	<p>139:8 conceive [1] - 82:7 conceived [1] - 82:19 conceiving [1] - 82:1 concept [9] - 25:23, 61:6, 76:16, 83:11, 84:10, 128:5, 128:15, 145:12, 156:25 conception [3] - 197:16, 206:11, 207:4 concepts [2] - 82:22, 180:17 concern [3] - 43:13, 52:17, 128:18 concerned [1] - 51:14 concerning [2] - 136:13, 215:18 concerns [4] - 80:19, 81:1, 82:5, 178:12 concert [1] - 97:6 concessions [1] - 140:6 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,</p>
---	--	---	---	---

<p>149:14 configuration [1] - 63:6 configure [1] - 63:16 confirm [2] - 148:11, 214:12 confused [1] - 27:8 confusion [1] - 6:22 conjecture [1] - 181:16 connected [1] - 125:4 connection [2] - 36:17, 116:10 connections [1] - 105:11 consecutive [1] - 39:25 conservative [1] - 193:24 consider [10] - 7:1, 17:18, 96:9, 96:19, 97:11, 98:9, 99:13, 99:16, 113:21, 136:17 considerable [1] - 104:17 consideration [4] - 38:15, 139:5, 142:1, 142:17 considered [5] - 29:11, 87:23, 99:6, 134:11, 212:6 considering [1] - 18:8 consistency [1] - 200:11 consistent [8] - 100:22, 148:8, 180:9, 193:2, 200:11, 201:1, 201:2, 201:7 consists [2] - 105:6 constantly [6] - 37:17, 88:15, 90:11, 113:2, 114:1, 114:2 constraints [2] - 28:9, 154:10 construct [3] - 32:3, 83:9, 183:9 construction [13] - 31:12, 31:14, 34:5, 88:3, 88:5, 88:19, 120:18, 165:17, 167:18, 170:3, 171:24, 174:15, 175:2 constructs [1] - 32:11 consult [1] - 143:13 consultant [1] - 33:1 consultants [2] - 32:24, 150:2</p>	<p>consultation [1] - 97:16 consulted [1] - 17:8 contact [4] - 132:19, 133:25, 134:7, 135:4 contacts [1] - 134:14 contain [1] - 100:16 contained [7] - 96:4, 125:1, 147:15, 151:25, 156:19, 214:4, 217:19 containers [2] - 124:12, 125:1 contains [3] - 146:20, 214:5, 218:15 contemplated [1] - 85:17 contemplating [2] - 59:13, 149:13 content [5] - 13:22, 17:9, 39:18, 135:1, 135:5 contingencies [1] - 167:5 contingent [1] - 157:11 continually [1] - 79:9 continue [8] - 20:25, 31:15, 31:16, 98:2, 139:6, 144:5, 144:8, 167:5 continued [2] - 3:1, 139:24 continues [1] - 167:19 continuing [2] - 37:15, 184:5 continuous [1] - 214:15 continuum [2] - 50:7, 53:6 contract [11] - 25:9, 29:2, 29:3, 29:12, 30:2, 32:8, 32:18, 33:2, 38:3, 117:14, 163:20 contracted [2] - 25:18, 122:19 contracting [1] - 83:22 contractor [5] - 32:10, 32:12, 32:14, 87:16, 88:1 contractors [2] - 32:4, 32:23 contracts [2] - 21:13, 166:19 contractual [2] - 24:14, 44:8 contractually [1] -</p>	<p>52:25 contribute [1] - 14:5 contributed [3] - 13:6, 13:8, 64:12 contributions [1] - 15:9 contributor [1] - 12:15 contributors [1] - 13:4 control [3] - 52:14, 53:2, 189:11 controller [1] - 49:14 convenient [2] - 118:17, 167:7 conversation [6] - 18:2, 18:7, 61:24, 89:23, 138:18, 143:15 conversations [13] - 17:15, 17:17, 95:16, 97:20, 98:10, 98:21, 134:25, 145:16, 149:15, 172:3, 172:9, 174:16, 176:10 converse [2] - 108:20, 143:11 conversed [1] - 109:2 convinced [2] - 121:6, 122:1 cooperative [1] - 18:14 coordinate [2] - 178:20, 178:24 coordinates [3] - 35:6, 192:24, 194:19 coordination [1] - 131:4 copied [1] - 129:19 copy [4] - 11:22, 151:1, 176:2, 176:19 copying [1] - 129:17 core [1] - 181:8 corporate [1] - 55:1 correct [67] - 10:9, 12:20, 12:21, 18:3, 27:6, 27:13, 29:12, 45:19, 47:5, 47:11, 55:8, 59:17, 59:18, 64:22, 66:16, 67:17, 67:24, 68:2, 68:7, 68:11, 70:14, 70:19, 84:17, 89:1, 93:14, 94:19, 94:20, 95:8, 96:20, 97:12, 98:19, 115:7, 116:1, 117:22, 128:12, 140:14, 143:25, 144:8, 150:7, 150:22, 151:13, 152:2, 154:22,</p>	<p>154:23, 155:2, 155:5, 155:6, 158:15, 159:10, 159:11, 161:2, 172:20, 173:2, 173:9, 174:9, 179:12, 179:16, 187:4, 192:21, 192:25, 193:1, 202:3, 202:20, 202:21, 213:4, 213:6, 217:20 corrected [1] - 68:13 CORRECTIONS [1] - 217:5 corrections [1] - 217:20 corresponding [1] - 190:18 corridor [3] - 180:14, 194:13, 194:14 corridors [4] - 73:7, 73:8, 193:22, 193:25 Cortland [1] - 5:20 cost [11] - 27:12, 28:3, 30:8, 30:15, 31:20, 31:22, 53:16, 57:8, 103:16, 103:21, 155:25 costly [1] - 53:13 costs [4] - 27:12, 28:5, 105:1, 136:5 council [9] - 150:16, 150:23, 150:25, 151:4, 151:7, 190:9, 190:21, 191:1, 199:19 COUNCIL [1] - 1:2 counsel [20] - 6:5, 7:6, 7:16, 11:22, 14:19, 14:25, 147:17, 147:21, 149:3, 150:6, 150:13, 150:16, 150:20, 150:25, 151:23, 152:8, 178:22, 184:12, 215:21, 218:19 Counsel [2] - 2:14, 11:25 count [2] - 196:21, 198:16 countered [1] - 144:3 counties [1] - 198:3 County [29] - 1:12, 7:17, 19:18, 19:20, 82:8, 83:18, 120:20, 122:24, 123:8, 127:1, 127:3, 127:5, 127:7, 127:16, 127:19, 127:23, 129:5, 130:3, 130:6, 130:15, 130:21, 131:10,</p>	<p>133:11, 192:13, 201:19, 209:9, 211:14 county [10] - 8:15, 128:2, 134:18, 166:10, 178:22, 179:3, 191:19, 198:2, 200:12, 201:3 COUNTY [1] - 2:7 County's [5] - 161:21, 199:8, 199:24, 200:21, 201:12 couple [7] - 27:7, 110:9, 129:19, 133:23, 154:20, 163:3, 211:3 course [8] - 43:5, 52:16, 74:21, 78:18, 138:17, 154:9, 193:4, 198:25 Court [13] - 5:7, 7:5, 24:23, 69:15, 100:24, 112:10, 158:1, 159:21, 162:3, 186:25, 208:4, 208:16, 218:3 COURT [5] - 1:22, 59:19, 184:14, 184:19, 211:5 court [1] - 6:9 cover [3] - 57:13, 170:3, 171:19 covered [1] - 152:17 craft [2] - 83:9, 83:15 cranking [1] - 111:6 create [3] - 70:15, 74:15, 137:8 created [2] - 100:8, 156:25 creates [1] - 76:24 creating [1] - 80:22 creation [1] - 146:7 criteria [19] - 22:5, 51:15, 52:15, 135:9, 158:22, 199:9, 199:25, 200:16, 200:22, 201:13, 202:6, 202:9, 202:12, 203:21, 203:25, 204:4, 204:9, 206:2, 211:13 crop [1] - 213:19 cross [3] - 22:1, 22:11, 75:16 crossing [1] - 21:24 CRR [3] - 1:22, 218:3, 218:24 CSR [3] - 1:22, 218:2, 218:24 cuff [1] - 46:20</p>
---	--	--	---	---

<p>culminating [1] - 55:18</p> <p>cultural [12] - 106:18, 138:23, 139:23, 140:13, 142:10, 144:17, 145:1, 145:6, 145:11, 146:22, 185:12, 186:10</p> <p>culture [1] - 146:11</p> <p>CUP [2] - 200:15, 204:9</p> <p>current [10] - 30:16, 33:3, 65:11, 89:2, 110:21, 114:19, 123:15, 147:6, 148:19, 170:12</p> <p>curves [1] - 75:12</p> <p>cut [3] - 34:9, 83:13, 103:8</p> <p>cycles [1] - 91:25</p>	<p>55:2, 55:21, 57:13, 82:25, 95:4, 95:15, 97:14, 97:18, 99:8, 99:10, 99:17, 99:18, 99:24, 116:6</p> <p>decision-maker [2] - 99:8, 99:10</p> <p>decisions [1] - 191:11</p> <p>declare [2] - 135:20, 217:18</p> <p>declaring [1] - 145:18</p> <p>declines [1] - 47:9</p> <p>declining [1] - 45:18</p> <p>decrement [1] - 24:12</p> <p>deemed [2] - 28:23, 97:9</p> <p>deep [1] - 46:25</p> <p>Defense [2] - 33:16, 192:20</p> <p>defer [1] - 152:7</p> <p>define [1] - 32:1</p> <p>degree [1] - 194:22</p> <p>DEIS [7] - 88:4, 96:22, 97:1, 99:19, 99:25, 136:16, 180:21</p> <p>deliberate [3] - 191:25, 192:1, 192:3</p> <p>deliberating [2] - 134:17, 191:1</p> <p>deliberations [2] - 190:17, 190:22</p> <p>delivered [1] - 28:19</p> <p>delivery [1] - 47:16</p> <p>demand [10] - 89:21, 90:5, 90:23, 91:10, 92:13, 93:10, 107:5, 107:8, 112:2, 156:11</p> <p>demands [4] - 90:17, 91:13, 92:15, 92:17</p> <p>demonstrably [1] - 129:4</p> <p>demonstrate [5] - 28:17, 165:22, 166:22, 168:11, 168:21</p> <p>demonstrated [1] - 165:10</p> <p>demonstrates [1] - 142:8</p> <p>demonstrating [1] - 166:20</p> <p>deny [1] - 214:12</p> <p>department [1] - 170:20</p> <p>Department [5] - 33:15, 169:11, 169:17, 171:18,</p>	<p>192:20</p> <p>departments [1] - 123:22</p> <p>depicted [1] - 87:11</p> <p>DEPOSITION [1] - 1:11</p> <p>deposition [11] - 5:3, 5:25, 6:1, 6:7, 6:23, 11:18, 31:24, 175:24, 193:5, 216:9, 217:19</p> <p>described [2] - 16:19, 45:13</p> <p>describing [2] - 13:16, 13:17</p> <p>DESCRIPTION [1] - 4:9</p> <p>description [2] - 10:14, 203:6</p> <p>descriptions [1] - 203:11</p> <p>design [27] - 32:18, 32:20, 33:1, 40:16, 48:6, 55:18, 58:23, 70:23, 77:7, 78:1, 88:2, 141:19, 147:11, 147:15, 148:13, 149:12, 149:17, 150:4, 151:14, 151:25, 152:4, 155:4, 156:19, 159:3, 176:23, 177:1</p> <p>designate [3] - 22:10, 182:18, 187:10</p> <p>designation [1] - 204:15</p> <p>designed [2] - 87:7, 158:24</p> <p>designing [4] - 17:19, 43:16, 51:16, 76:6</p> <p>designs [3] - 57:19, 149:8, 151:1</p> <p>desirable [1] - 102:24</p> <p>desire [11] - 38:9, 38:10, 41:25, 43:24, 55:6, 77:23, 108:22, 112:2, 138:24, 157:1, 162:24</p> <p>desired [7] - 48:7, 54:13, 91:15, 155:7, 203:20, 203:25, 217:3</p> <p>desires [1] - 58:13</p> <p>despite [1] - 212:1</p> <p>despoiled [1] - 206:19</p> <p>details [1] - 112:4</p> <p>determination [8] - 55:4, 60:25, 96:22, 100:12, 135:9,</p>	<p>135:23, 206:5, 206:12</p> <p>determinations [2] - 136:25, 193:3</p> <p>determine [6] - 42:9, 46:18, 170:15, 203:13, 203:18, 214:23</p> <p>determined [6] - 54:18, 83:2, 84:18, 98:12, 101:25, 205:20</p> <p>determining [1] - 102:15</p> <p>develop [6] - 9:21, 9:23, 11:5, 17:13, 82:8, 104:1</p> <p>developed [2] - 27:19, 107:24</p> <p>developer [5] - 8:12, 9:2, 34:22, 37:2, 106:22</p> <p>developers [2] - 34:21, 37:14</p> <p>developing [6] - 8:13, 9:12, 11:2, 11:3, 17:19, 107:18</p> <p>development [9] - 28:14, 36:9, 139:25, 165:2, 165:9, 165:11, 165:18, 167:2, 183:17</p> <p>develops [1] - 110:4</p> <p>devices [1] - 53:1</p> <p>dial [1] - 49:24</p> <p>diddled [1] - 16:17</p> <p>die [1] - 42:25</p> <p>died [1] - 43:4</p> <p>dies [1] - 41:12</p> <p>difference [2] - 86:16, 103:6</p> <p>different [14] - 14:4, 47:12, 58:15, 71:5, 73:19, 75:20, 79:22, 86:6, 115:23, 150:3, 203:8, 203:9, 207:9</p> <p>difficult [2] - 26:17, 197:10</p> <p>difficulty [2] - 6:10, 51:10</p> <p>dig [1] - 117:6</p> <p>direct [1] - 176:6</p> <p>directly [2] - 21:17, 178:16</p> <p>disagree [4] - 14:8, 80:18, 107:10, 200:25</p> <p>disagreeing [1] - 171:9</p> <p>disagreement [1] - 107:3</p> <p>discharge [1] - 111:4</p> <p>disclose [2] - 75:11, 75:19</p>	<p>disconnected [1] - 21:5</p> <p>discovered [2] - 53:10, 61:8</p> <p>discussed [9] - 22:24, 97:19, 132:24, 137:7, 147:14, 149:4, 150:3, 151:2, 157:22</p> <p>discusses [1] - 160:17</p> <p>discussing [2] - 149:2, 202:18</p> <p>discussion [9] - 20:22, 100:17, 116:10, 124:1, 144:8, 147:9, 147:24, 148:2, 175:9</p> <p>discussions [11] - 20:25, 22:13, 23:14, 23:22, 140:2, 141:7, 148:17, 154:21, 155:2, 175:13, 177:2</p> <p>disparaging [1] - 76:10</p> <p>dispatch [3] - 24:5, 24:8, 110:23</p> <p>dispatched [1] - 111:8</p> <p>dispatching [1] - 111:9</p> <p>dispute [6] - 184:24, 185:7, 185:15, 186:7, 186:16, 205:5</p> <p>dissipated [1] - 77:11</p> <p>dissipates [1] - 77:4</p> <p>distance [1] - 77:8</p> <p>distinction [5] - 146:2, 207:17, 208:13, 208:22, 210:14</p> <p>distribute [1] - 215:22</p> <p>distribution [3] - 21:4, 22:1, 22:3</p> <p>districts [1] - 119:5</p> <p>divert [1] - 44:15</p> <p>divided [1] - 16:3</p> <p>DNR [9] - 170:3, 173:4, 186:24, 187:10, 187:14, 187:22, 190:2, 191:7, 215:19</p> <p>docket [1] - 138:4</p> <p>document [29] - 12:1, 12:5, 12:13, 12:18, 13:10, 13:12, 14:11, 14:16, 15:20, 15:24, 17:25, 46:23, 54:6, 60:15, 61:1,</p>
D				
<p>daily [1] - 122:23</p> <p>Dallas [1] - 19:22</p> <p>danger [1] - 212:10</p> <p>dangers [3] - 125:21, 125:24, 126:15</p> <p>data [16] - 71:20, 74:12, 74:13, 74:15, 74:19, 75:3, 75:17, 75:19, 75:25, 76:3, 76:7, 76:11, 136:22, 137:18, 137:20, 138:1</p> <p>date [2] - 30:21, 217:4</p> <p>dated [1] - 175:25</p> <p>DAVID [8] - 1:11, 4:4, 5:3, 5:11, 5:19, 216:9, 217:18, 217:22</p> <p>David [1] - 5:19</p> <p>days [10] - 88:4, 93:6, 93:8, 128:20, 214:11, 214:15, 216:2, 216:7</p> <p>daytime [2] - 43:2, 110:16</p> <p>deal [5] - 7:24, 21:17, 130:24, 155:14, 203:10</p> <p>December [1] - 100:7</p> <p>decide [5] - 57:10, 113:15, 150:23, 183:9, 184:10</p> <p>decided [4] - 53:14, 110:7, 118:21, 135:12</p> <p>deciding [1] - 184:7</p> <p>decision [15] - 54:24,</p>	<p>55:2, 55:21, 57:13, 82:25, 95:4, 95:15, 97:14, 97:18, 99:8, 99:10, 99:17, 99:18, 99:24, 116:6</p> <p>decision-maker [2] - 99:8, 99:10</p> <p>decisions [1] - 191:11</p> <p>declare [2] - 135:20, 217:18</p> <p>declaring [1] - 145:18</p> <p>declines [1] - 47:9</p> <p>declining [1] - 45:18</p> <p>decrement [1] - 24:12</p> <p>deemed [2] - 28:23, 97:9</p> <p>deep [1] - 46:25</p> <p>Defense [2] - 33:16, 192:20</p> <p>defer [1] - 152:7</p> <p>define [1] - 32:1</p> <p>degree [1] - 194:22</p> <p>DEIS [7] - 88:4, 96:22, 97:1, 99:19, 99:25, 136:16, 180:21</p> <p>deliberate [3] - 191:25, 192:1, 192:3</p> <p>deliberating [2] - 134:17, 191:1</p> <p>deliberations [2] - 190:17, 190:22</p> <p>delivered [1] - 28:19</p> <p>delivery [1] - 47:16</p> <p>demand [10] - 89:21, 90:5, 90:23, 91:10, 92:13, 93:10, 107:5, 107:8, 112:2, 156:11</p> <p>demands [4] - 90:17, 91:13, 92:15, 92:17</p> <p>demonstrably [1] - 129:4</p> <p>demonstrate [5] - 28:17, 165:22, 166:22, 168:11, 168:21</p> <p>demonstrated [1] - 165:10</p> <p>demonstrates [1] - 142:8</p> <p>demonstrating [1] - 166:20</p> <p>deny [1] - 214:12</p> <p>department [1] - 170:20</p> <p>Department [5] - 33:15, 169:11, 169:17, 171:18,</p>	<p>192:20</p> <p>departments [1] - 123:22</p> <p>depicted [1] - 87:11</p> <p>DEPOSITION [1] - 1:11</p> <p>deposition [11] - 5:3, 5:25, 6:1, 6:7, 6:23, 11:18, 31:24, 175:24, 193:5, 216:9, 217:19</p> <p>described [2] - 16:19, 45:13</p> <p>describing [2] - 13:16, 13:17</p> <p>DESCRIPTION [1] - 4:9</p> <p>description [2] - 10:14, 203:6</p> <p>descriptions [1] - 203:11</p> <p>design [27] - 32:18, 32:20, 33:1, 40:16, 48:6, 55:18, 58:23, 70:23, 77:7, 78:1, 88:2, 141:19, 147:11, 147:15, 148:13, 149:12, 149:17, 150:4, 151:14, 151:25, 152:4, 155:4, 156:19, 159:3, 176:23, 177:1</p> <p>designate [3] - 22:10, 182:18, 187:10</p> <p>designation [1] - 204:15</p> <p>designed [2] - 87:7, 158:24</p> <p>designing [4] - 17:19, 43:16, 51:16, 76:6</p> <p>designs [3] - 57:19, 149:8, 151:1</p> <p>desirable [1] - 102:24</p> <p>desire [11] - 38:9, 38:10, 41:25, 43:24, 55:6, 77:23, 108:22, 112:2, 138:24, 157:1, 162:24</p> <p>desired [7] - 48:7, 54:13, 91:15, 155:7, 203:20, 203:25, 217:3</p> <p>desires [1] - 58:13</p> <p>despite [1] - 212:1</p> <p>despoiled [1] - 206:19</p> <p>details [1] - 112:4</p> <p>determination [8] - 55:4, 60:25, 96:22, 100:12, 135:9,</p>	<p>135:23, 206:5, 206:12</p> <p>determinations [2] - 136:25, 193:3</p> <p>determine [6] - 42:9, 46:18, 170:15, 203:13, 203:18, 214:23</p> <p>determined [6] - 54:18, 83:2, 84:18, 98:12, 101:25, 205:20</p> <p>determining [1] - 102:15</p> <p>develop [6] - 9:21, 9:23, 11:5, 17:13, 82:8, 104:1</p> <p>developed [2] - 27:19, 107:24</p> <p>developer [5] - 8:12, 9:2, 34:22, 37:2, 106:22</p> <p>developers [2] - 34:21, 37:14</p> <p>developing [6] - 8:13, 9:12, 11:2, 11:3, 17:19, 107:18</p> <p>development [9] - 28:14, 36:9, 139:25, 165:2, 165:9, 165:11, 165:18, 167:2, 183:17</p> <p>develops [1] - 110:4</p> <p>devices [1] - 53:1</p> <p>dial [1] - 49:24</p> <p>diddled [1] - 16:17</p> <p>die [1] - 42:25</p> <p>died [1] - 43:4</p> <p>dies [1] - 41:12</p> <p>difference [2] - 86:16, 103:6</p> <p>different [14] - 14:4, 47:12, 58:15, 71:5, 73:19, 75:20, 79:22, 86:6, 115:23, 150:3, 203:8, 203:9, 207:9</p> <p>difficult [2] - 26:17, 197:10</p> <p>difficulty [2] - 6:10, 51:10</p> <p>dig [1] - 117:6</p> <p>direct [1] - 176:6</p> <p>directly [2] - 21:17, 178:16</p> <p>disagree [4] - 14:8, 80:18, 107:10, 200:25</p> <p>disagreeing [1] - 171:9</p> <p>disagreement [1] - 107:3</p> <p>discharge [1] - 111:4</p> <p>disclose [2] - 75:11, 75:19</p>	<p>disconnected [1] - 21:5</p> <p>discovered [2] - 53:10, 61:8</p> <p>discussed [9] - 22:24, 97:19, 132:24, 137:7, 147:14, 149:4, 150:3, 151:2, 157:22</p> <p>discusses [1] - 160:17</p> <p>discussing [2] - 149:2, 202:18</p> <p>discussion [9] - 20:22, 100:17, 116:10, 124:1, 144:8, 147:9, 147:24, 148:2, 175:9</p> <p>discussions [11] - 20:25, 22:13, 23:14, 23:22, 140:2, 141:7, 148:17, 154:21, 155:2, 175:13, 177:2</p> <p>disparaging [1] - 76:10</p> <p>dispatch [3] - 24:5, 24:8, 110:23</p> <p>dispatched [1] - 111:8</p> <p>dispatching [1] - 111:9</p> <p>dispute [6] - 184:24, 185:7, 185:15, 186:7, 186:16, 205:5</p> <p>dissipated [1] - 77:11</p> <p>dissipates [1] - 77:4</p> <p>distance [1] - 77:8</p> <p>distinction [5] - 146:2, 207:17, 208:13, 208:22, 210:14</p> <p>distribute [1] - 215:22</p> <p>distribution [3] - 21:4, 22:1, 22:3</p> <p>districts [1] - 119:5</p> <p>divert [1] - 44:15</p> <p>divided [1] - 16:3</p> <p>DNR [9] - 170:3, 173:4, 186:24, 187:10, 187:14, 187:22, 190:2, 191:7, 215:19</p> <p>docket [1] - 138:4</p> <p>document [29] - 12:1, 12:5, 12:13, 12:18, 13:10, 13:12, 14:11, 14:16, 15:20, 15:24, 17:25, 46:23, 54:6, 60:15, 61:1,</p>

<p>94:15, 100:2, 100:3, 100:8, 101:9, 116:23, 120:12, 122:13, 137:5, 137:19, 140:4, 142:21, 142:22, 215:3</p> <p>documented [1] - 137:17</p> <p>documents [8] - 99:20, 143:19, 168:20, 169:4, 169:21, 171:16, 177:18, 180:2</p> <p>DOD [4] - 194:21, 194:23, 195:4, 196:13</p> <p>domestic [1] - 122:22</p> <p>dominant [1] - 77:12</p> <p>done [17] - 16:3, 33:1, 56:23, 78:1, 78:17, 79:8, 79:9, 96:24, 97:6, 101:24, 112:14, 140:8, 143:3, 143:5, 159:3, 173:6, 182:24</p> <p>dot [2] - 74:3, 188:20</p> <p>double [1] - 12:9</p> <p>double-sided [1] - 12:9</p> <p>down [18] - 6:10, 31:2, 41:12, 42:25, 43:4, 45:13, 69:1, 88:19, 110:18, 116:13, 119:11, 124:4, 125:2, 146:8, 167:20, 211:6, 213:10, 214:11</p> <p>downloaded [3] - 11:22, 11:23, 12:5</p> <p>downstream [6] - 76:15, 77:6, 79:3, 80:21, 81:2, 81:11</p> <p>downwind [1] - 77:13</p> <p>draft [6] - 16:17, 18:23, 97:14, 100:6, 101:3, 136:8</p> <p>drafting [1] - 16:20</p> <p>drawing [4] - 71:22, 73:1, 84:5, 181:10</p> <p>drawings [3] - 57:18, 122:6, 122:14</p> <p>drawn [1] - 21:20</p> <p>drill [2] - 122:20, 164:8</p> <p>drilling [3] - 116:23, 164:1, 164:3</p> <p>driven [1] - 92:17</p> <p>drop [1] - 42:20</p> <p>dropped [1] - 108:17</p> <p>dry [1] - 117:6</p>	<p>due [1] - 131:25</p> <p>duly [2] - 5:12, 218:11</p> <p>Dunn [1] - 18:5</p> <p>during [6] - 87:16, 88:7, 93:5, 134:20, 190:20, 215:17</p> <p>dynamic [1] - 48:5</p> <p style="text-align: center;">E</p> <p>E&P [1] - 55:14</p> <p>eager [1] - 112:3</p> <p>easement [1] - 22:10</p> <p>easements [4] - 18:9, 18:12, 19:18, 36:22</p> <p>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</p> <p>eastern [1] - 38:21</p> <p>easy [1] - 164:15</p> <p>ecology [1] - 170:14</p> <p>economic [4] - 103:3, 103:21, 120:6, 152:21</p> <p>economical [3] - 19:15, 37:20, 58:11</p> <p>economically [3] - 28:17, 158:14, 160:4</p> <p>economics [4] - 27:21, 102:16, 102:22, 109:5</p> <p>economies [1] - 104:13</p> <p>economy [5] - 102:16, 103:2, 103:6, 103:9, 103:20</p> <p>Ecosystems [1] - 13:6</p> <p>edge [1] - 188:7</p> <p>editor [1] - 14:11</p> <p>editorial [1] - 64:12</p> <p>education [2] - 7:25, 8:2</p> <p>education-wise [1] - 8:2</p> <p>EF-210011 [2] - 1:6, 4:2</p> <p>effect [10] - 76:20, 76:21, 77:5, 77:12, 77:14, 78:2, 79:2, 205:9, 205:21, 209:9</p> <p>effective [1] - 57:8</p> <p>effects [1] - 77:21</p> <p>efficiency [2] - 51:3,</p>	<p>80:22</p> <p>efficient [1] - 158:18</p> <p>effort [8] - 13:20, 15:17, 27:4, 43:19, 94:15, 140:12, 141:13, 141:18</p> <p>efforts [6] - 138:21, 139:21, 140:16, 142:9, 144:16, 144:25</p> <p>EFSEC [80] - 4:11, 5:24, 6:25, 7:3, 11:23, 12:5, 15:22, 27:5, 60:19, 60:20, 61:6, 62:14, 66:2, 87:16, 95:4, 95:9, 95:11, 95:17, 96:8, 96:18, 97:6, 97:10, 97:20, 98:8, 98:11, 98:22, 100:19, 100:22, 101:2, 101:3, 114:17, 116:6, 131:5, 131:7, 131:11, 131:13, 133:25, 134:1, 134:10, 134:14, 134:19, 134:25, 135:14, 135:17, 136:3, 136:12, 137:2, 137:4, 138:2, 142:24, 143:12, 147:5, 148:3, 148:12, 148:18, 149:22, 150:10, 150:25, 151:22, 152:9, 160:25, 161:4, 161:9, 161:14, 162:14, 162:24, 166:10, 172:4, 172:15, 173:3, 173:6, 175:25, 176:15, 190:17, 191:18, 200:20, 201:2, 201:21, 204:8</p> <p>EFSEC's [7] - 94:25, 100:10, 101:21, 136:5, 150:13, 150:20, 165:20</p> <p>eight [3] - 8:5, 58:14, 114:12</p> <p>eight-hour [1] - 114:12</p> <p>EIS [10] - 58:18, 60:22, 97:15, 136:18, 136:25, 137:7, 137:12, 191:9, 191:10, 191:13</p> <p>either [5] - 24:1, 77:15, 86:2, 107:25, 168:1</p> <p>Electric [2] - 28:13, 28:16</p> <p>electrical [7] - 32:25,</p>	<p>42:7, 47:16, 48:1, 48:8, 52:5, 52:14</p> <p>electrolyte [2] - 132:16, 132:18</p> <p>element [3] - 109:21, 185:12, 186:9</p> <p>elements [2] - 32:19, 94:6</p> <p>email [2] - 175:23, 176:2</p> <p>Email [4] - 2:10, 2:16, 3:6, 3:10</p> <p>embellish [1] - 158:16</p> <p>emergency [4] - 122:25, 127:20, 128:1, 129:6</p> <p>EMILY [1] - 3:5</p> <p>encapsulate [1] - 197:24</p> <p>end [8] - 21:19, 82:22, 132:9, 133:7, 133:17, 140:8, 141:20, 193:14</p> <p>endanger [4] - 211:20, 213:12, 213:16, 214:8</p> <p>endangered [1] - 182:18</p> <p>ended [3] - 8:13, 23:22, 136:9</p> <p>ends [1] - 190:10</p> <p>energized [2] - 19:25, 21:8</p> <p>ENERGY [4] - 1:2, 1:6, 3:2, 4:2</p> <p>energy [15] - 8:12, 23:9, 23:18, 23:24, 26:11, 41:7, 49:10, 49:11, 76:23, 90:5, 91:10, 115:14, 117:17, 156:8, 157:6</p> <p>Energy [8] - 8:9, 8:16, 8:19, 8:21, 9:12, 10:1, 10:25, 90:3</p> <p>engage [2] - 140:24, 156:13</p> <p>engaged [4] - 9:25, 31:18, 61:23, 130:23</p> <p>engaging [1] - 18:13</p> <p>engineer [2] - 9:5, 32:3</p> <p>engineering [6] - 8:4, 32:6, 55:16, 57:19, 78:1, 105:1</p> <p>entertained [1] - 22:24</p> <p>entire [7] - 17:12, 19:11, 50:1, 94:15, 107:7, 179:7, 193:24</p>	<p>entirely [2] - 136:3, 177:4</p> <p>entities [4] - 34:16, 107:25, 151:18, 161:10</p> <p>entity [4] - 34:16, 107:16, 151:22</p> <p>environment [3] - 147:22, 149:3, 178:23</p> <p>ENVIRONMENT [1] - 2:12</p> <p>Environment [1] - 2:14</p> <p>environmental [12] - 100:11, 106:18, 135:1, 135:15, 135:21, 135:25, 158:17, 158:25, 159:2, 159:9, 159:13, 160:17</p> <p>environmentally [1] - 57:17</p> <p>EPC [7] - 31:17, 32:1, 32:10, 32:18, 33:2, 87:15, 87:25</p> <p>EPC-type [1] - 31:17</p> <p>equal [1] - 73:18</p> <p>equipment [7] - 27:20, 28:2, 28:16, 88:17, 114:9, 123:15</p> <p>erects [1] - 32:11</p> <p>ERRATA [1] - 217:1</p> <p>error [1] - 64:25</p> <p>escalated [1] - 31:2</p> <p>escalator [1] - 30:18</p> <p>Esq [2] - 3:8, 3:9</p> <p>ESQ [5] - 2:5, 2:9, 2:10, 3:5, 3:5</p> <p>essence [1] - 209:15</p> <p>essentially [1] - 202:12</p> <p>estimate [1] - 30:8</p> <p>estimated [1] - 111:2</p> <p>estimates [2] - 31:13, 31:15</p> <p>et [2] - 106:2, 121:9</p> <p>evaluate [10] - 34:24, 95:1, 95:18, 97:3, 97:24, 97:25, 99:2, 101:12, 109:6, 184:5</p> <p>evaluated [7] - 13:18, 33:20, 97:8, 98:13, 100:13, 103:16, 139:3</p> <p>evaluating [4] - 51:10, 112:5, 113:2, 114:2</p> <p>EVALUATION [1] - 1:2</p> <p>evaluation [2] - 68:5,</p>
--	---	--	---	--

<p>82:11 evaluations [1] - 137:17 evaluators [1] - 78:22 event [5] - 21:4, 23:2, 122:25, 214:7, 218:20 eventual [1] - 44:20 eventually [5] - 8:11, 8:18, 61:24, 77:3, 157:5 everywhere [3] - 22:11, 193:17, 204:5 evidence [2] - 178:20, 178:25 evolution [1] - 212:18 evolved [2] - 108:17, 212:20 evolving [1] - 90:23 exact [4] - 18:13, 46:15, 49:4, 156:17 exactly [8] - 45:20, 81:14, 90:13, 132:13, 137:11, 185:20, 197:2 EXAMINATION [10] - 1:11, 4:5, 4:5, 4:6, 4:6, 5:15, 138:13, 192:9, 211:1, 217:3 example [16] - 13:5, 13:14, 15:23, 19:19, 22:15, 26:2, 31:17, 61:8, 104:4, 159:18, 160:5, 162:22, 163:18, 168:2, 168:7, 208:8 exceed [4] - 41:9, 48:9, 49:15, 73:21 except [1] - 178:16 exception [1] - 98:14 excess [2] - 25:19, 44:14 exchange [3] - 60:20, 61:5, 174:5 excluded [2] - 162:1, 162:8 exclusionary [1] - 183:2 exclusive [1] - 28:12 exclusivity [8] - 28:23, 29:5, 29:6, 29:7, 29:13, 30:5, 38:2, 157:23 excuse [6] - 19:5, 54:3, 61:3, 81:20, 211:10 executed [1] - 191:8 executed [2] - 148:6, 190:1</p>	<p>exercise [1] - 170:11 exhaustively [1] - 103:18 exhibit [5] - 143:18, 175:19, 181:2, 186:4, 188:19 Exhibit [24] - 4:10, 4:11, 11:18, 11:19, 93:25, 138:21, 139:10, 139:21, 140:11, 141:11, 142:20, 144:15, 144:24, 146:20, 147:15, 147:25, 150:4, 151:12, 151:25, 156:20, 160:17, 167:13, 175:20, 186:19 EXHIBITS [1] - 4:8 exist [4] - 74:13, 74:19, 75:18, 75:25 existence [2] - 90:15, 200:16 existing [2] - 169:12, 177:19 exists [6] - 76:7, 76:11, 85:12, 159:15, 159:18, 170:7 expanded [3] - 37:11, 193:18, 193:20 expect [7] - 55:21, 100:10, 121:23, 136:16, 137:3, 138:18, 216:6 expectation [1] - 28:15 expected [1] - 23:9 expedited [1] - 135:12 expensive [1] - 54:23 experience [3] - 8:1, 111:15, 111:22 expert [2] - 135:24, 136:2 expertise [2] - 13:9, 14:3 experts [1] - 112:1 EXPIRES [1] - 217:25 explain [6] - 29:15, 30:1, 41:2, 47:13, 60:13, 92:14 explains [1] - 94:24 explanation [1] - 96:5 explored [1] - 103:11 explosion [1] - 131:25 exposed [1] - 132:15</p>	<p>exposing [1] - 80:14 extend [1] - 137:4 extending [1] - 29:19 extensive [1] - 14:2 extent [15] - 10:23, 19:4, 33:7, 74:22, 77:21, 82:7, 102:23, 139:2, 139:25, 145:14, 157:6, 158:21, 181:15, 206:20, 211:21 external [2] - 143:17, 150:5 externally [1] - 149:24 extinguishing [1] - 123:3 extinguishment [1] - 132:23 extra [4] - 53:21, 54:4, 66:22, 163:12 extracts [1] - 76:23 extremely [1] - 53:13 eye [2] - 109:21, 154:2</p>	<p>187:20 FARM [1] - 1:7 farm [5] - 52:18, 209:12, 209:13, 209:15 Farm [6] - 4:10, 195:24, 199:7, 204:17, 205:12, 210:4 farmers [2] - 164:9, 164:10 farmhouses [1] - 213:5 fast [2] - 128:10, 128:12 fast-moving [1] - 128:10 faults [2] - 125:25, 128:8 favorable [2] - 89:20, 92:12 feasibility [2] - 53:11, 54:17 feasible [2] - 108:16, 116:25 February [12] - 12:19, 28:5, 96:2, 96:10, 98:17, 100:6, 136:9, 176:14, 176:23, 180:15, 183:3 federal [3] - 51:13, 161:18, 161:19 federalized [1] - 82:16 feed [3] - 21:9, 21:16, 21:21 feet [2] - 193:20, 194:24 FEIS [3] - 172:4, 191:23, 191:24 fell [1] - 7:14 felt [1] - 135:8 ferruginous [15] - 177:11, 177:16, 177:19, 178:11, 179:10, 180:19, 180:23, 181:12, 181:21, 183:16, 184:25, 185:5, 185:11, 185:22, 186:8 fertilizer [1] - 156:7 few [8] - 13:24, 46:25, 88:24, 184:17, 184:21, 185:3, 216:2, 216:7 fewer [1] - 94:18 field [3] - 152:24, 153:5, 153:11 fields [5] - 153:17, 153:24, 154:15, 181:11, 181:13</p>	<p>Fifth [1] - 2:13 fight [3] - 123:11, 126:25, 127:8 fighting [2] - 123:17, 130:10 figure [5] - 75:22, 84:24, 127:21, 176:20, 180:5 figures [1] - 158:19 file [7] - 39:17, 40:7, 54:15, 65:25, 134:6, 134:10 filed [16] - 39:16, 39:20, 39:21, 39:22, 40:24, 52:9, 63:3, 68:14, 98:17, 135:6, 135:11, 136:15, 200:16, 204:2, 204:10, 206:16 files [1] - 134:9 filing [2] - 98:23, 134:5 filings [1] - 193:2 fill [2] - 34:9, 74:6 final [14] - 83:20, 88:2, 136:13, 136:18, 136:20, 136:25, 137:3, 137:5, 137:7, 137:12, 174:10, 191:9, 191:10, 191:13 finalizing [2] - 16:21, 97:14 finally [1] - 57:10 finance [4] - 26:11, 89:7, 89:11, 98:3 financed [1] - 89:9 financial [2] - 8:17, 218:20 financing [1] - 83:23 fine [4] - 27:2, 66:20, 66:22, 216:8 finesse [1] - 37:15 finish [3] - 6:13, 6:14 finished [1] - 191:1 fire [33] - 120:23, 121:8, 121:9, 121:19, 121:21, 122:15, 122:17, 123:1, 123:11, 123:22, 125:21, 126:15, 126:25, 127:8, 127:10, 127:16, 127:23, 128:10, 130:3, 130:15, 130:21, 131:10, 131:25, 132:23, 133:4, 133:9, 212:4, 213:18, 213:19, 214:10, 214:15 Fire [5] - 122:24,</p>
F				
<p>FAA [2] - 193:2, 194:24 facetious [1] - 33:10 FACILITY [1] - 1:2 facility [3] - 33:18, 125:2, 156:12 fact [15] - 21:19, 22:7, 30:20, 38:1, 52:11, 62:9, 88:3, 92:8, 118:16, 138:6, 138:25, 159:5, 175:15, 206:17, 212:1 factor [1] - 102:21 factors [2] - 69:11, 102:15 fair [16] - 14:10, 15:5, 32:17, 84:19, 140:16, 146:19, 153:22, 155:16, 160:16, 163:6, 163:24, 166:7, 175:6, 180:3, 183:14, 207:19 fairly [2] - 48:4, 48:15 fall [2] - 134:14, 134:21 falls [2] - 203:22, 203:23 familiar [6] - 76:15, 79:15, 108:23, 128:5, 128:15, 202:8 far [3] - 154:3, 155:3,</p>				

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

<p>102:5, 103:8, 103:10, 181:17, 195:16, 195:20</p> <p>hand [3] - 94:9, 107:21, 218:21</p> <p>hands [1] - 105:18</p> <p>happy [3] - 29:20, 155:15, 184:17</p> <p>hard [3] - 163:6, 163:10, 163:12</p> <p>HARPER [1] - 2:9</p> <p>hawk [11] - 177:11, 177:16, 177:19, 179:10, 180:19, 181:21, 184:25, 185:5, 185:11, 185:22, 186:9</p> <p>hawks [5] - 178:11, 180:23, 181:5, 181:12, 183:17</p> <p>head [2] - 116:13, 213:10</p> <p>health [3] - 211:20, 212:11, 213:13</p> <p>hear [2] - 30:1, 93:21</p> <p>heard [3] - 139:3, 154:20, 189:14</p> <p>hearing [3] - 85:2, 151:11, 176:3</p> <p>heart's [1] - 39:18</p> <p>heat [1] - 132:16</p> <p>heaters [1] - 21:10</p> <p>Heaven [12] - 4:10, 8:20, 9:10, 9:11, 9:17, 11:5, 147:3, 195:24, 199:7, 204:16, 205:12, 210:4</p> <p>HEAVEN [1] - 1:7</p> <p>heck [2] - 109:6, 111:25</p> <p>held [2] - 8:9, 171:11</p> <p>hello [1] - 138:15</p> <p>help [3] - 27:9, 46:2, 145:19</p> <p>helpful [1] - 50:6</p> <p>hereby [2] - 217:18, 218:7</p> <p>hesitant [1] - 189:9</p> <p>high [6] - 19:21, 20:1, 28:18, 91:9, 107:5, 110:17</p> <p>higher [2] - 10:21, 51:9</p> <p>highest [2] - 74:3, 74:5</p> <p>Highway [1] - 188:16</p> <p>highway [1] - 20:2</p> <p>Hill [1] - 147:3</p> <p>Hills [3] - 9:10, 9:11, 9:17</p>	<p>hire [3] - 32:14, 32:23, 168:4</p> <p>hired [2] - 8:19, 112:6</p> <p>history [1] - 35:13</p> <p>hold [3] - 142:25, 202:23, 202:24</p> <p>hole [3] - 130:5, 164:2, 164:3</p> <p>holes [2] - 117:6, 129:19</p> <p>honest [1] - 11:11</p> <p>honor [3] - 80:12, 155:19, 155:23</p> <p>hooked [1] - 66:13</p> <p>hope [3] - 42:12, 145:14, 192:13</p> <p>hopefully [1] - 139:7</p> <p>HORSE [1] - 1:7</p> <p>Horse [12] - 4:10, 8:20, 9:9, 9:11, 9:17, 11:4, 147:3, 195:24, 199:7, 204:16, 205:12, 210:4</p> <p>host [1] - 195:10</p> <p>hour [6] - 58:14, 111:8, 114:11, 114:12, 114:20, 115:7</p> <p>hours [1] - 111:10</p> <p>house [2] - 32:20, 196:17</p> <p>Houston [1] - 3:9</p> <p>huge [1] - 118:18</p> <p>hurting [1] - 104:24</p> <p>hybrid [3] - 52:18, 109:1, 109:4</p> <p>hybridization [2] - 56:22, 86:1</p> <p>hydrants [5] - 120:24, 121:9, 121:24, 122:15, 122:17</p>	<p>175:20, 180:4, 181:8, 185:13, 197:12, 198:14, 200:14, 205:19</p> <p>identifies [1] - 118:7</p> <p>identify [7] - 35:2, 132:12, 150:9, 155:7, 184:11, 198:3, 212:22</p> <p>identifying [1] - 166:15</p> <p>ignite [1] - 132:18</p> <p>ignition [1] - 132:19</p> <p>image [1] - 100:9</p> <p>immaterial [5] - 203:3, 203:4, 203:17, 203:24, 205:18</p> <p>impact [26] - 57:16, 100:6, 100:12, 135:1, 135:5, 135:15, 135:21, 135:25, 136:9, 136:13, 136:20, 137:3, 137:22, 137:24, 146:16, 158:17, 158:25, 159:2, 159:4, 159:13, 159:19, 160:1, 160:7, 160:21, 194:15, 213:20</p> <p>impacted [1] - 190:3</p> <p>impactful [1] - 175:16</p> <p>impacts [24] - 76:14, 79:14, 81:1, 106:18, 106:19, 138:22, 138:25, 139:22, 140:1, 140:12, 141:13, 142:9, 144:16, 144:25, 145:5, 146:21, 159:10, 160:18, 172:6, 178:11, 178:21, 179:10, 183:16</p> <p>important [4] - 141:3, 141:21, 203:13, 205:10</p> <p>impossible [1] - 160:14</p> <p>impracticable [1] - 181:23</p> <p>impractical [2] - 181:14, 181:24</p> <p>improvements [1] - 174:4</p> <p>improves [1] - 102:22</p> <p>IN [5] - 1:4, 4:2, 217:2, 218:21</p> <p>in-house [1] - 32:20</p> <p>include [9] - 38:5,</p>	<p>38:7, 94:4, 142:16, 149:1, 190:3, 191:15, 193:19, 194:10</p> <p>included [2] - 10:20, 187:17</p> <p>includes [3] - 86:15, 158:17, 193:24</p> <p>including [1] - 135:17</p> <p>inconsistent [1] - 179:10</p> <p>incorporate [3] - 59:1, 136:17, 148:13</p> <p>incorporated [3] - 140:17, 141:8, 191:22</p> <p>Incorporated [1] - 38:1</p> <p>incorrect [2] - 65:6, 65:7</p> <p>increase [4] - 51:3, 59:7, 102:20, 194:14</p> <p>increased [1] - 57:16</p> <p>increasing [1] - 41:7</p> <p>indecipherable [1] - 100:23</p> <p>indecipherable [1] - 24:22</p> <p>independent [4] - 78:22, 100:11, 135:24, 136:2</p> <p>independently [1] - 97:17</p> <p>indicate [3] - 73:24, 91:4, 122:7</p> <p>indicated [18] - 8:25, 18:1, 20:8, 23:17, 25:3, 30:7, 33:21, 62:17, 96:18, 107:4, 117:25, 130:24, 137:2, 141:3, 157:16, 177:15, 212:2, 217:4</p> <p>indicates [1] - 91:2</p> <p>individual [3] - 71:10, 74:13, 209:13</p> <p>individually [1] - 49:25</p> <p>induced [1] - 162:15</p> <p>industrial [2] - 17:16, 133:10</p> <p>industry [2] - 8:8, 8:18</p> <p>infeasible [1] - 160:4</p> <p>inflation [1] - 28:9</p> <p>influence [3] - 76:22, 95:5, 193:16</p> <p>influences [1] - 77:6</p> <p>information [22] - 14:6, 15:19, 29:25, 30:12, 63:2, 68:7, 68:9, 73:23, 76:7,</p>	<p>76:13, 112:20, 121:20, 137:19, 141:2, 143:4, 152:13, 172:5, 172:16, 179:24, 179:25, 191:2, 191:21</p> <p>informed [1] - 96:22</p> <p>infrastructure [12] - 18:17, 19:14, 22:5, 22:12, 103:16, 103:21, 147:6, 148:20, 193:20, 195:11, 196:1, 196:6</p> <p>initial [1] - 13:16</p> <p>initiated [1] - 94:14</p> <p>inject [8] - 41:23, 42:20, 52:19, 52:24, 63:19, 65:10, 65:11, 74:9</p> <p>injected [2] - 42:10, 47:23</p> <p>injecting [3] - 43:3, 63:17, 63:18</p> <p>injection [20] - 41:18, 41:22, 42:1, 42:21, 42:24, 48:10, 49:9, 49:16, 49:18, 49:20, 54:13, 64:24, 65:18, 65:19, 66:9, 66:25, 69:22, 69:23, 70:5, 74:9</p> <p>inked [1] - 174:10</p> <p>input [5] - 16:24, 17:24, 156:2, 156:4, 156:19</p> <p>insisting [1] - 191:8</p> <p>install [1] - 129:1</p> <p>installation [1] - 211:19</p> <p>installed [2] - 36:23, 124:10</p> <p>INSTANCE [1] - 1:18</p> <p>instruct [2] - 178:5, 179:5</p> <p>integral [2] - 185:11, 186:9</p> <p>integrity [1] - 80:10</p> <p>intellectual [3] - 43:14, 46:10, 74:16</p> <p>intend [5] - 59:6, 66:2, 122:20, 140:4, 154:8</p> <p>intended [5] - 36:10, 57:3, 70:12, 76:9, 170:6</p> <p>intending [3] - 35:22, 144:4, 148:5</p> <p>intent [5] - 44:12, 62:11, 139:6, 157:4, 194:11</p>
--	---	--	--	--

<p>intention [7] - 77:25, 87:22, 124:15, 138:24, 144:5, 183:21, 190:2</p> <p>intentionally [1] - 142:16</p> <p>inter [1] - 42:10</p> <p>interactions [1] - 135:16</p> <p>interagency [1] - 123:18</p> <p>interconnect [31] - 19:15, 20:4, 21:14, 25:8, 25:21, 35:22, 36:13, 37:10, 38:25, 39:1, 39:18, 52:12, 55:7, 55:22, 56:1, 56:2, 56:14, 57:11, 62:3, 64:1, 64:20, 65:16, 65:17, 67:1, 67:16, 68:14, 68:17, 70:10, 82:12, 82:16, 84:21</p> <p>interconnected [2] - 42:8, 52:7</p> <p>interconnecting [2] - 41:5, 156:11</p> <p>interconnection [16] - 36:15, 37:7, 38:22, 40:8, 52:10, 53:8, 55:19, 57:4, 57:6, 63:3, 65:11, 65:24, 68:3, 84:14, 115:1, 158:18</p> <p>interconnections [4] - 37:3, 55:15, 64:16, 82:10</p> <p>interconnects [1] - 54:5</p> <p>interest [12] - 18:18, 53:15, 74:24, 85:24, 105:17, 109:10, 138:7, 138:8, 152:21, 152:22, 177:10, 218:20</p> <p>interested [5] - 20:10, 20:19, 23:1, 91:7, 182:17</p> <p>interesting [1] - 108:19</p> <p>interface [2] - 151:4, 151:6</p> <p>interim [1] - 37:1</p> <p>interject [3] - 41:12, 43:8, 64:2</p> <p>intermediate [1] - 86:25</p> <p>intermittent [1] - 93:13</p> <p>internal [4] - 78:15,</p>	<p>78:25, 125:25, 128:8</p> <p>internally [2] - 32:21, 78:21</p> <p>International [3] - 130:7, 130:11, 130:16</p> <p>interrupt [3] - 39:24, 60:24, 188:24</p> <p>interrupted [1] - 27:1</p> <p>interruption [2] - 61:4, 110:19</p> <p>interspersed [1] - 37:3</p> <p>intertie [3] - 86:18, 86:19, 87:8</p> <p>INTERVENER [2] - 2:2, 2:7</p> <p>intervenors [1] - 5:24</p> <p>inverter [10] - 50:24, 50:25, 51:3, 61:14, 61:20, 70:9, 70:11, 70:18, 70:22, 71:6</p> <p>inverters [3] - 51:21, 61:11, 69:25</p> <p>investigated [1] - 130:9</p> <p>investigation [2] - 118:12, 214:22</p> <p>investing [1] - 104:16</p> <p>involved [6] - 15:4, 35:14, 35:20, 35:21, 116:17, 134:22</p> <p>ion [19] - 111:21, 111:23, 114:19, 115:7, 125:22, 126:2, 128:6, 128:16, 128:25, 130:10, 131:24, 132:1, 132:15, 211:19, 212:2, 212:14, 213:12, 214:10, 214:24</p> <p>ions [1] - 58:9</p> <p>IPPs [1] - 25:7</p> <p>IRPs [1] - 90:16</p> <p>irrelevant [2] - 161:12, 205:16</p> <p>irrigator [1] - 168:2</p> <p>irrigators [2] - 165:5, 165:6</p> <p>issue [5] - 130:21, 131:8, 131:11, 137:3, 178:24</p> <p>issued [3] - 92:5, 183:18, 191:24</p> <p>issues [6] - 162:1, 179:2, 179:4, 201:10, 201:17, 201:18</p> <p>issuing [2] - 56:13,</p>	<p>180:18</p> <p>IT [1] - 5:1</p> <p>it'll [5] - 111:7, 111:10, 113:14, 133:7, 155:25</p> <p>iteration [6] - 36:8, 38:19, 38:20, 40:5, 40:6, 40:22</p> <p>itself [6] - 60:15, 61:14, 72:2, 139:19, 175:6, 175:8</p>	<p>J</p> <p>JACKSON [1] - 2:8</p> <p>January [1] - 176:1</p> <p>Jessica [6] - 3:9, 139:15, 140:25, 146:13, 146:23, 185:13</p> <p>Jim [1] - 179:25</p> <p>job [6] - 37:14, 37:18, 152:22, 182:4, 182:6, 182:11</p> <p>jointly [1] - 178:23</p> <p>Judge [3] - 162:2, 162:5, 178:14</p> <p>juice [1] - 163:18</p> <p>July [1] - 218:22</p> <p>JULY [3] - 1:15, 4:3, 5:2</p> <p>jump [1] - 138:19</p>	<p>knowledge [6] - 142:24, 150:22, 156:24, 171:11, 180:2, 191:18</p> <p>known [1] - 201:22</p> <p>knows [2] - 112:7</p> <p>Kobus [18] - 5:17, 5:19, 7:25, 16:1, 29:18, 46:4, 50:16, 59:24, 67:8, 68:23, 87:19, 111:20, 138:12, 138:15, 176:6, 192:11, 205:25, 210:24</p> <p>KOBUS [7] - 1:11, 4:4, 5:3, 5:11, 216:10, 217:18, 217:22</p> <p>Krupin [1] - 3:13</p> <p>kV [14] - 37:8, 37:9, 39:2, 40:9, 65:12, 66:10, 67:1, 68:18, 84:11, 84:13, 84:21, 86:19, 86:24</p>	<p>L</p> <p>lack [4] - 109:18, 123:12, 152:16, 182:13</p> <p>Lally [3] - 139:15, 140:25, 146:23</p> <p>Lally's [2] - 146:13, 185:13</p> <p>land [37] - 9:22, 10:20, 11:7, 15:25, 16:9, 38:7, 38:9, 162:10, 169:10, 170:2, 170:5, 170:6, 171:17, 173:3, 179:1, 187:13, 187:21, 188:2, 189:17, 189:19, 191:11, 196:24, 197:8, 197:17, 197:20, 198:20, 198:24, 199:4, 199:17, 200:10, 202:23, 204:16, 204:20, 206:19, 210:2, 213:19, 215:19</p> <p>Landess [1] - 3:13</p> <p>landowner [1] - 11:10</p> <p>landowners [2] - 196:22, 202:24</p> <p>lands [5] - 187:10, 205:3, 206:17, 208:9</p> <p>landscape [1] - 164:9</p> <p>language [4] - 60:2,</p>	<p>96:5, 100:5, 101:3</p> <p>large [7] - 26:10, 55:18, 56:2, 56:13, 83:2, 105:11, 134:9</p> <p>Large [1] - 1:12</p> <p>larger [3] - 55:1, 61:13, 198:12</p> <p>largest [3] - 59:12, 92:25, 104:18</p> <p>last [16] - 14:12, 31:2, 55:4, 56:13, 80:11, 89:14, 111:7, 111:10, 115:9, 120:21, 131:21, 131:23, 176:11, 181:22, 186:1, 195:3</p> <p>last-minute [1] - 55:4</p> <p>lasted [1] - 214:10</p> <p>latecomer [1] - 108:14</p> <p>latest [2] - 179:16, 179:20</p> <p>LAW [1] - 2:3</p> <p>law [4] - 161:18, 161:21, 162:7, 162:14</p> <p>Law [2] - 2:4, 3:3</p> <p>lawyers [8] - 14:15, 14:18, 14:19, 14:20, 15:1, 15:3, 15:4, 15:15</p> <p>layout [13] - 33:25, 40:15, 77:19, 79:10, 94:18, 143:1, 184:6, 193:6, 193:7, 194:5, 196:8, 196:9, 196:14</p> <p>layouts [2] - 33:21, 95:7</p> <p>lead [2] - 178:23, 179:3</p> <p>lease [9] - 11:11, 38:9, 173:5, 190:1, 195:7, 195:9, 195:14, 195:22, 196:23</p> <p>leasehold [1] - 11:5</p> <p>leases [13] - 10:24, 37:2, 37:4, 38:5, 38:7, 38:12, 38:21, 196:3, 196:5, 202:23, 202:24</p> <p>least [3] - 151:18, 185:12, 186:9</p> <p>leave [3] - 73:9, 73:12, 198:7</p> <p>leaves [1] - 77:2</p> <p>leaving [1] - 8:16</p> <p>left [1] - 202:1</p> <p>legal [25] - 28:22, 95:21, 101:6, 129:11, 147:16, 150:2, 150:6, 150:20, 150:25, 151:22, 152:8,</p>
--	---	---	--	--	--	--

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 location [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	M 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, 180:4 maker [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] -
--	--	--

<p>69:11, 73:7, 73:8, 193:9, 193:11, 193:18, 193:22, 193:25, 194:12, 194:14</p> <p>middle [2] - 167:20, 181:13</p> <p>might [16] - 10:16, 18:18, 23:9, 47:8, 73:24, 79:25, 106:13, 110:1, 126:7, 155:19, 155:22, 170:13, 175:17, 175:18, 181:19, 192:5</p> <p>miles [6] - 86:15, 86:19, 86:24, 108:25, 160:6, 188:16</p> <p>mind [1] - 51:17</p> <p>minds [1] - 91:24</p> <p>mine [1] - 152:22</p> <p>Minelli [1] - 3:14</p> <p>minimize [6] - 57:7, 139:22, 140:12, 141:13, 142:9, 159:4</p> <p>minimized [2] - 77:21, 158:20</p> <p>minimum [6] - 120:22, 121:8, 121:19, 122:8, 133:9</p> <p>minor [2] - 208:7, 208:13</p> <p>minute [1] - 55:4</p> <p>mischaracterizes [2] - 48:25, 210:8</p> <p>misspoke [1] - 72:9</p> <p>mitigate [5] - 144:16, 144:25, 146:21, 159:25, 160:8</p> <p>mitigated [1] - 135:9</p> <p>mitigates [1] - 145:5</p> <p>mitigation [12] - 33:16, 33:20, 35:7, 144:23, 145:3, 147:2, 159:5, 159:8, 160:10, 177:20, 182:3</p> <p>mix [1] - 104:24</p> <p>model [8] - 28:18, 72:4, 72:5, 78:8, 79:1, 79:17, 79:20</p> <p>modeling [2] - 78:13, 78:15</p> <p>modification [1] - 68:4</p> <p>modularized [2] - 124:25, 125:7</p> <p>modules [3] - 61:11, 70:8, 125:6</p> <p>moment [3] - 29:1, 81:21, 125:13</p> <p>Monna [1] - 5:4</p>	<p>MONNA [3] - 1:22, 218:2, 218:24</p> <p>MONNA@ TRICITIESREPORTING .COM [1] - 1:23</p> <p>month [1] - 21:20</p> <p>monthly [1] - 151:5</p> <p>months [2] - 31:3, 88:24</p> <p>monumental [2] - 146:1, 178:17</p> <p>most [21] - 13:25, 17:20, 19:14, 27:20, 34:15, 36:10, 48:14, 58:10, 66:14, 66:17, 113:5, 115:12, 115:13, 118:17, 120:6, 139:16, 158:17, 167:6, 175:16, 196:12, 205:3</p> <p>Mountain [5] - 35:23, 36:14, 36:20, 36:25, 37:22</p> <p>mouth [2] - 14:8, 50:16</p> <p>move [9] - 22:12, 149:9, 152:23, 153:4, 153:10, 153:16, 154:17, 194:11, 194:23</p> <p>moved [4] - 73:2, 73:6, 177:8, 183:1</p> <p>moves [2] - 54:14, 153:23</p> <p>moving [1] - 128:10</p> <p>MR [84] - 4:5, 4:6, 5:16, 11:20, 11:25, 12:7, 14:25, 15:12, 17:7, 19:9, 23:7, 25:1, 36:16, 42:18, 44:21, 45:7, 49:6, 53:3, 53:23, 56:15, 59:8, 59:21, 59:23, 60:23, 64:6, 69:17, 71:16, 72:8, 72:23, 75:23, 77:24, 78:11, 79:7, 80:16, 81:22, 86:13, 90:24, 92:4, 93:15, 93:19, 96:15, 99:4, 100:1, 101:1, 101:15, 102:8, 103:4, 104:3, 105:23, 106:15, 108:9, 110:5, 111:1, 112:12, 112:21, 113:19, 114:15, 115:2, 116:8, 118:4, 121:17, 123:9, 123:24, 125:20, 129:16, 131:19, 133:8, 133:16,</p>	<p>133:19, 133:22, 138:10, 188:18, 188:23, 211:2, 211:7, 211:9, 213:1, 214:1, 214:21, 215:9, 215:15, 215:21, 216:1, 216:7</p> <p>MS [256] - 4:5, 4:6, 12:3, 14:22, 15:6, 17:2, 17:4, 19:7, 22:16, 36:6, 42:14, 43:10, 45:1, 48:24, 52:21, 53:18, 56:10, 59:4, 60:14, 63:23, 71:12, 71:24, 72:18, 75:6, 75:13, 77:17, 78:3, 79:4, 80:4, 81:20, 86:8, 90:8, 91:20, 93:17, 96:12, 98:24, 99:22, 101:5, 102:7, 102:10, 103:12, 105:14, 106:9, 108:2, 108:4, 109:17, 112:16, 113:11, 113:23, 114:21, 116:2, 117:23, 121:11, 123:4, 123:12, 125:16, 129:13, 131:14, 131:17, 132:25, 133:12, 138:14, 140:18, 140:22, 141:14, 142:3, 142:11, 142:18, 143:7, 143:16, 144:9, 144:14, 144:18, 144:21, 146:24, 147:8, 147:18, 147:23, 148:15, 148:22, 149:19, 149:23, 150:15, 150:17, 150:19, 151:15, 151:20, 152:5, 152:11, 152:25, 153:3, 153:6, 153:9, 153:12, 153:15, 153:18, 153:21, 154:1, 154:13, 155:20, 156:1, 156:21, 157:8, 157:13, 157:21, 158:3, 160:2, 161:11, 161:16, 161:23, 162:5, 162:7, 162:9, 162:12, 162:17, 163:1, 163:8, 163:11, 163:13, 163:23, 164:5, 164:13, 164:18, 164:23, 165:3, 165:7, 165:12,</p>	<p>165:16, 165:24, 166:6, 166:13, 166:17, 166:24, 167:8, 168:13, 168:19, 168:23, 169:3, 169:8, 169:14, 169:22, 170:1, 170:17, 170:24, 171:22, 172:2, 172:14, 172:18, 172:23, 172:25, 173:7, 173:14, 173:24, 174:7, 174:13, 174:23, 175:4, 175:19, 175:21, 176:5, 177:22, 177:24, 178:2, 178:9, 178:13, 179:8, 179:12, 179:13, 180:7, 180:12, 182:10, 182:12, 182:22, 183:4, 183:13, 183:19, 183:23, 184:1, 184:2, 184:16, 184:20, 184:22, 185:2, 185:16, 186:5, 186:12, 186:17, 187:2, 187:5, 187:8, 187:12, 187:23, 188:1, 188:4, 188:8, 189:1, 189:6, 190:14, 190:24, 191:3, 191:16, 192:5, 192:8, 192:10, 194:8, 194:16, 195:12, 195:21, 196:18, 197:1, 197:18, 197:21, 197:25, 198:6, 198:9, 199:10, 199:15, 200:1, 200:4, 200:8, 200:18, 200:23, 201:4, 201:14, 201:23, 203:15, 204:11, 204:21, 205:1, 205:15, 205:23, 206:6, 206:10, 206:13, 206:23, 207:7, 207:10, 207:13, 207:18, 208:10, 208:15, 208:18, 209:5, 210:7, 210:15, 210:18, 210:21, 210:23, 212:15, 213:22, 214:17, 215:10, 215:12, 215:13, 215:24, 216:3</p> <p>multiple [3] - 156:3, 161:5, 167:4</p>	<p>municipal [1] - 118:19</p> <p>mutual [1] - 62:12</p> <p>MY [1] - 217:25</p> <tr> <th colspan="5">N</th></tr> <p>name [5] - 5:18, 10:11, 114:10, 119:16, 192:11</p> <p>nameplate [23] - 43:8, 47:22, 50:24, 51:2, 51:8, 51:20, 51:21, 61:7, 61:10, 61:15, 61:20, 64:19, 66:8, 66:12, 66:25, 67:9, 67:15, 69:9, 69:13, 69:20, 70:11, 70:21, 72:1</p> <p>names [1] - 79:23</p> <p>NATION [1] - 3:7</p> <p>Nation [16] - 138:6, 138:16, 139:7, 141:4, 142:10, 143:11, 144:12, 145:3, 145:13, 146:6, 147:10, 149:6, 149:7, 178:18, 185:6, 186:11</p> <p>Nation's [9] - 138:23, 139:23, 140:13, 144:17, 145:1, 146:21, 178:4, 178:12, 178:17</p> <p>National [1] - 212:12</p> <p>Natural [4] - 169:11, 169:17, 170:20, 171:18</p> <p>natural [1] - 117:17</p> <p>nature [4] - 16:20, 18:6, 20:16, 74:25</p> <p>Navy [2] - 8:5, 8:6</p> <p>near [3] - 91:11, 133:17, 181:22</p> <p>necessarily [2] - 115:8, 164:4</p> <p>necessary [13] - 28:23, 49:17, 58:16, 58:18, 60:12, 77:22, 97:9, 117:20, 131:3, 153:25, 159:5, 173:18, 174:11</p> <p>need [57] - 7:12, 21:6, 21:9, 23:3, 24:11, 28:20, 34:6, 42:16, 64:25, 65:7, 65:19, 68:11, 68:13, 83:9, 83:16, 89:7, 97:2, 97:25, 98:12, 99:2, 101:13, 102:4, 102:13, 102:18,</p>	N				
N									

<p>104:22, 106:24, 112:4, 113:9, 115:16, 115:24, 116:5, 117:14, 118:1, 122:22, 123:19, 123:23, 125:8, 129:7, 135:20, 136:24, 136:25, 140:20, 145:13, 154:12, 155:10, 156:8, 156:11, 158:15, 165:1, 170:13, 172:22, 173:22, 175:17, 175:18, 176:2, 178:6, 199:7 needed [3] - 23:15, 120:4, 122:1 needs [9] - 106:20, 110:25, 115:14, 122:23, 155:7, 156:9, 171:20, 171:25, 175:14 negotiate [5] - 55:5, 126:18, 144:4, 170:8, 173:17 negotiating [1] - 147:20 negotiation [1] - 143:24 negotiations [12] - 45:5, 45:8, 107:14, 119:17, 143:22, 148:4, 148:9, 149:5, 168:16, 177:13, 189:21, 189:25 NEPA [1] - 56:6 nest [6] - 180:23, 181:1, 181:3, 181:6, 181:7, 181:19 nests [2] - 181:21, 186:1 net [1] - 21:20 network [3] - 53:12, 54:18, 54:21 never [5] - 19:25, 36:12, 41:9, 48:9, 203:1 new [14] - 26:14, 65:25, 92:2, 100:5, 117:9, 117:11, 117:19, 118:1, 162:22, 164:15, 165:1, 165:8, 212:13, 212:19 next [16] - 16:12, 22:9, 26:8, 30:22, 34:8, 38:18, 38:20, 40:5, 40:6, 40:22, 53:5, 76:14, 119:1, 182:20, 186:21,</p>	<p>188:20 NFPA [1] - 212:18 nice [1] - 110:13 NICKESON [3] - 1:22, 218:2, 218:24 Nickeson [1] - 5:4 night [1] - 110:12 nimble [3] - 98:1, 114:14, 157:4 Nine [4] - 8:13, 9:1, 9:8, 205:19 Ninth [1] - 3:4 NO [2] - 1:6, 4:2 nobody [1] - 214:3 none [1] - 156:24 nonsignificance [1] - 135:10 NORAD [1] - 33:18 normal [2] - 122:23, 136:5 normally [1] - 191:19 North [1] - 2:8 Northwest [8] - 8:9, 8:17, 9:12, 9:13, 10:2, 11:1, 92:16, 106:24 northwest [1] - 153:5 Notary [1] - 217:25 NOTE [1] - 217:3 nothing [6] - 5:13, 122:15, 122:16, 140:11, 142:4, 142:7 notice [3] - 12:8, 60:21, 60:22 noticed [1] - 28:3 notify [1] - 173:6 noting [1] - 217:20 nuclear [4] - 8:3, 8:6, 8:8, 8:10 number [15] - 11:16, 12:11, 16:2, 33:22, 46:20, 48:16, 51:7, 70:5, 82:3, 103:7, 186:22, 199:20, 205:25, 206:2, 211:13 Number [1] - 123:8 NUMBER [1] - 4:9 number's [1] - 195:8 numbers [2] - 43:20, 47:1</p>	<p>151:15, 161:23, 177:23, 179:6, 200:7, 210:8 objection [124] - 12:1, 22:16, 36:6, 42:14, 43:10, 48:24, 52:21, 53:18, 56:10, 59:4, 60:14, 63:23, 71:12, 71:25, 75:6, 75:14, 77:17, 79:4, 80:4, 86:8, 90:8, 91:20, 96:12, 98:24, 101:5, 102:7, 105:14, 106:9, 108:2, 108:4, 109:17, 112:16, 113:11, 113:23, 114:21, 116:2, 117:23, 121:11, 123:4, 123:12, 125:16, 132:25, 133:12, 133:13, 140:18, 141:14, 142:11, 143:7, 144:9, 144:18, 146:24, 147:18, 148:15, 149:19, 150:15, 152:5, 152:25, 153:6, 153:12, 153:18, 154:1, 155:20, 156:21, 157:13, 161:11, 162:17, 163:8, 163:13, 164:5, 164:18, 165:3, 165:12, 165:24, 166:13, 166:24, 168:13, 168:23, 169:9, 169:22, 170:17, 171:22, 172:18, 172:25, 173:14, 174:7, 174:23, 178:3, 178:8, 178:10, 179:9, 180:7, 182:12, 183:4, 183:19, 185:16, 186:12, 187:5, 187:23, 188:5, 190:14, 191:3, 194:8, 195:12, 196:18, 197:18, 197:25, 199:10, 200:1, 200:23, 201:14, 203:15, 204:21, 204:23, 205:15, 206:6, 206:13, 207:7, 207:13, 208:15, 210:18, 212:15, 213:22, 214:17 objections [3] - 198:8, 200:6, 200:9 objectives [2] - 98:5, 107:2</p>	<p>obligated [3] - 29:6, 97:24, 212:19 obligation [4] - 30:4, 38:3, 44:5, 88:1 obligations [1] - 75:10 obtain [2] - 118:1, 131:4 obtaining [2] - 166:12, 166:16 obvious [1] - 118:17 obviously [1] - 121:24 occupied [2] - 181:21, 185:25 occupy [2] - 180:23, 205:21 occur [2] - 128:8, 191:13 occurred [1] - 62:13 occurring [2] - 180:24, 218:16 occurs [1] - 81:3 OF [7] - 1:1, 1:4, 1:4, 1:11, 1:18, 2:3, 217:23 off-site [2] - 117:20, 168:1 offer [2] - 19:1, 22:10 offered [2] - 18:23, 145:2 offering [1] - 102:25 offhand [2] - 132:13, 133:15 OFFICE [1] - 2:3 Office [1] - 2:13 official [3] - 95:11, 179:20, 188:19 oftake [9] - 24:3, 26:21, 34:16, 37:16, 53:15, 58:21, 107:16, 108:19, 154:3 oftaker [20] - 17:11, 17:22, 26:3, 26:4, 26:6, 26:8, 26:13, 26:17, 44:20, 44:23, 45:11, 58:12, 58:13, 102:14, 114:8, 154:24, 155:17, 157:10, 157:25, 158:5 oftaker's [1] - 43:23 oftakers [12] - 17:16, 17:24, 43:21, 85:24, 108:21, 154:22, 155:3, 155:6, 156:3, 156:16, 156:18, 158:5 oftakes [1] - 20:18 often [2] - 45:22, 45:25</p>	<p>oil [1] - 21:10 olc.org [1] - 3:10 omission [1] - 174:21 once [6] - 55:19, 82:4, 82:20, 83:1, 158:6, 200:4 one [80] - 5:23, 7:14, 9:14, 11:9, 18:8, 22:18, 31:21, 34:10, 47:9, 48:3, 54:4, 60:8, 60:18, 60:19, 63:8, 64:16, 64:17, 65:25, 73:3, 73:17, 73:18, 74:5, 75:18, 76:14, 80:20, 82:3, 84:19, 84:20, 85:17, 85:18, 86:3, 86:15, 86:16, 87:6, 92:7, 95:13, 95:14, 102:14, 108:25, 110:7, 111:17, 113:21, 116:20, 118:6, 120:21, 126:7, 131:13, 155:13, 157:16, 159:19, 159:25, 160:7, 160:12, 161:1, 162:1, 167:4, 167:6, 181:18, 185:12, 186:9, 187:14, 188:9, 194:1, 194:25, 195:5, 195:14, 195:19, 197:22, 197:23, 198:18, 200:15, 201:9, 201:10, 201:17, 201:18, 202:11, 203:14, 205:4, 215:15 one's [2] - 113:20, 182:6 one-acre [1] - 160:7 one-stop [1] - 131:13 ones [7] - 32:22, 38:10, 38:11, 119:23, 135:22, 135:23, 164:11 ongoing [14] - 20:25, 21:22, 22:6, 27:4, 38:2, 38:3, 45:8, 57:20, 57:21, 88:14, 143:22, 154:21, 178:8, 189:15 onsite [1] - 160:9 open [2] - 12:8, 25:6 operating [1] - 73:15 operation [8] - 105:8, 112:9, 120:18, 122:23, 127:24, 165:17, 170:3, 175:12</p>
O				
<p>O&M [1] - 124:11 o'clock [1] - 93:15 oath [1] - 192:15 oaths [1] - 218:4 object [15] - 14:22, 17:2, 17:4, 45:3, 72:18, 78:3, 99:22, 102:10, 103:12,</p>				

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	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,
---	---	--	--	---

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

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

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

<p>51:1, 51:7, 51:8, 51:25, 52:18, 53:21, 54:4, 56:21, 56:22, 57:5, 58:1, 61:9, 61:11, 61:20, 62:10, 62:18, 65:4, 65:25, 66:1, 67:4, 67:10, 67:19, 68:6, 68:15, 68:20, 69:6, 69:11, 69:14, 69:21, 70:8, 70:15, 83:17, 84:12, 87:25, 88:16, 106:2, 110:10, 110:16, 110:22, 110:24, 111:3, 113:1, 152:24, 153:5, 153:11, 153:17, 153:22, 153:24, 154:4, 154:15, 195:25, 208:8</p> <p>solar's [1] - 43:1 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</p>	<p>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] -</p>	<p>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</p>	<p>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</p>	<p>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] - 146:14 summer [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,</p>
---	--	---	--	---

42:13, 44:6, 44:10, 44:17, 52:19, 62:24, 65:12, 66:13, 82:11, 85:4, 87:4, 118:19 systems [3] - 124:10, 124:16, 125:10	18:13, 41:15, 61:15, 62:8 terminus [1] - 19:25 terms [13] - 6:20, 17:23, 30:2, 70:25, 91:1, 105:5, 145:21, 152:19, 170:8, 171:13, 174:11, 175:8, 189:15 territory [2] - 21:2, 127:5 Tesla [4] - 126:5, 126:6, 126:9, 126:11 Teslas [1] - 126:4 testified [1] - 5:14 testify [1] - 218:12 testifying [1] - 209:7 testimony [10] - 48:25, 158:24, 198:11, 198:17, 210:8, 217:19, 217:20, 218:8, 218:12, 218:16 Tetra [10] - 12:14, 12:24, 13:3, 13:8, 13:22, 14:1, 16:16, 64:12, 121:3, 134:9 THE [147] - 1:1, 1:4, 1:18, 2:2, 2:7, 2:12, 3:7, 15:8, 17:3, 17:6, 22:18, 36:8, 42:16, 43:12, 45:4, 49:2, 52:23, 53:20, 56:12, 59:6, 59:19, 60:17, 63:25, 71:14, 72:1, 72:20, 75:8, 77:19, 78:5, 79:6, 80:6, 86:10, 90:10, 91:23, 99:1, 99:24, 101:8, 102:13, 103:14, 105:17, 106:12, 108:3, 108:6, 109:20, 110:20, 112:19, 113:13, 113:25, 114:23, 116:5, 117:25, 121:14, 123:7, 123:14, 125:18, 129:15, 131:16, 133:2, 133:15, 140:20, 141:17, 142:13, 143:9, 144:11, 147:1, 147:20, 148:17, 149:21, 152:7, 153:1, 153:8, 153:14, 153:20, 154:2, 155:22, 156:23, 157:15, 159:23, 161:14, 162:18, 163:10, 163:16,	164:7, 164:20, 165:5, 165:14, 166:2, 166:15, 167:1, 168:16, 169:1, 169:10, 169:24, 170:20, 171:24, 172:8, 172:20, 173:2, 173:16, 174:9, 174:25, 180:9, 182:16, 183:6, 183:21, 184:14, 184:19, 185:19, 186:15, 187:7, 187:9, 188:6, 188:22, 188:25, 189:3, 190:16, 191:6, 194:10, 195:14, 196:20, 197:19, 198:2, 199:13, 200:10, 200:25, 201:17, 203:17, 204:24, 205:18, 206:8, 206:15, 207:9, 207:16, 208:6, 208:20, 210:10, 210:20, 211:5, 211:8, 212:17, 213:24, 214:19, 215:20, 217:3 themselves [3] - 61:12, 131:8, 153:24 therein [2] - 217:19, 218:10 THEREUPON [1] - 216:9 thermal [1] - 128:6 they've [10] - 33:19, 38:9, 92:8, 146:9, 150:5, 163:19, 172:21, 173:20, 181:8, 206:19 thickly [1] - 69:3 thinking [3] - 24:17, 59:15, 82:15 third [2] - 67:14, 167:20 thirds [1] - 124:4 THIS _____ DAY [1] - 217:23 threat [1] - 214:24 three [4] - 8:14, 175:17, 181:8, 205:4 throes [1] - 83:21 throughout [1] - 193:4 throw [1] - 81:21 thumb [1] - 209:25 tie [5] - 36:23, 86:24, 87:2, 87:3, 87:4 timeframe [2] - 28:20, 134:17	timeline [1] - 190:12 tip [1] - 47:2 today [30] - 5:25, 7:2, 7:11, 11:15, 16:1, 45:15, 55:25, 58:11, 59:14, 89:17, 109:25, 114:5, 140:10, 141:9, 141:10, 142:8, 143:24, 148:14, 151:24, 154:21, 158:13, 158:23, 184:23, 185:4, 185:10, 186:6, 188:3, 192:7, 193:5, 210:24 together [8] - 17:21, 18:15, 19:13, 19:21, 44:19, 62:12, 78:8, 125:8 tolling [1] - 24:6 tomorrow [1] - 65:25 tongue [1] - 47:2 took [2] - 5:9, 101:11 toppenish [1] - 3:10 Torem [3] - 162:2, 162:5, 178:14 total [1] - 50:10 tour [1] - 151:5 towards [5] - 10:21, 16:7, 85:1, 153:23, 180:18 traditional [12] - 138:23, 139:23, 140:13, 142:10, 144:17, 145:1, 145:6, 145:11, 146:21, 185:12, 186:10, 205:14 transcribed [2] - 6:23, 218:14 TRANSCRIPT [1] - 217:3 transcript [4] - 217:20, 218:9, 218:15, 218:17 transfer [1] - 134:10 transferred [1] - 170:22 transition [1] - 43:25 transitioned [1] - 8:11 transmission [14] - 18:11, 19:22, 20:4, 24:10, 24:13, 25:6, 41:15, 44:16, 47:25, 48:19, 64:16, 86:15, 87:2, 87:4 transmitted [2] - 41:7, 64:15 transportation [2] - 137:22, 179:2	treaty [1] - 185:6 trees [2] - 164:10, 164:11 tremendous [2] - 28:8, 163:19 TRI [2] - 1:22, 2:2 Tri [2] - 5:23, 93:6 TRI-CITIES [2] - 1:22, 2:2 Tri-Cities [2] - 5:23, 93:6 tried [1] - 203:1 trigger [1] - 34:5 triple [1] - 76:1 trouble [1] - 129:17 true [11] - 52:3, 66:21, 108:1, 108:3, 117:1, 117:13, 166:11, 209:2, 213:8, 217:19, 218:15 trust [1] - 187:10 truth [4] - 5:12, 5:13, 218:12 try [13] - 6:5, 6:19, 17:21, 31:18, 51:22, 52:1, 52:19, 70:13, 80:17, 117:7, 144:6, 154:6, 192:15 trying [23] - 9:21, 9:22, 9:25, 11:5, 12:9, 34:22, 39:25, 43:15, 50:7, 50:15, 74:23, 84:23, 90:21, 148:9, 148:11, 156:6, 171:10, 180:16, 194:18, 198:15, 203:21, 207:17, 209:3 turbine [58] - 27:16, 27:24, 28:1, 28:19, 29:9, 30:16, 32:7, 32:8, 33:21, 33:25, 37:22, 49:11, 49:25, 55:5, 63:5, 71:10, 71:15, 71:18, 71:22, 71:23, 72:2, 72:6, 72:14, 74:4, 75:4, 75:10, 76:4, 76:14, 76:15, 76:22, 77:13, 77:15, 78:7, 79:25, 80:3, 80:7, 80:21, 81:11, 83:2, 83:3, 87:15, 87:25, 88:16, 95:3, 98:15, 157:23, 178:1, 179:15, 184:7, 184:10, 192:25, 193:18, 195:10, 195:24, 196:14, 199:3 turbines [101] - 28:11, 30:3, 30:15, 31:9, 33:4, 33:11,
---	--	--	--	---

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	two-thirds [1] - 124:4 tying [1] - 105:18 type [5] - 17:20, 31:17, 32:4, 58:5, 62:5 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, 118:18, 118:19, 118:20, 118:21, 118:25, 119:4, 119:5, 119:6, 119:10, 119:12, 119:19, 120:23, 121:8, 121:15, 121:23, 121:25, 122:10, 122:18, 122:19, 122:21, 122:22, 123:2, 123:10, 123:16, 124:1, 124:8, 125:9, 126:24, 128:20, 132:22, 133:5, 163:3, 163:7, 163:12, 163:16, 163:25, 164:15, 164:21, 165:10, 165:22, 166:4, 166:20, 166:22, 167:3, 167:18, 167:25, 168:4, 168:10, 168:11, 168:22, 169:6, 170:3, 170:4, 170:11, 170:15, 170:21, 171:2, 171:8, 171:14, 171:20, 172:6, 172:12, 172:17, 173:9, 173:10, 173:12, 174:2, 174:6, 174:12, 174:14, 174:18, 175:2, 175:11, 175:15, 189:15, 191:22, 214:14 Watson [1] - 179:25 waves [1] - 77:3 ways [2] - 18:15, 37:18 WDFW [7] - 176:10, 176:15, 177:10, 177:15, 179:19, 180:20, 182:16 WDFW's [3] - 182:8, 182:11, 183:3 Webber [3] - 67:2, 141:3, 141:5 website [2] - 11:23, 12:6 week [2] - 34:8, 140:25 weeks [1] - 9:25 Welch's [1] - 163:18 welfare [1] - 211:20 wells [8] - 117:3, 117:5, 122:20, 164:8, 164:12, 165:6, 168:2, 187:14	west [17] - 10:24, 11:2, 37:9, 40:10, 63:20, 63:22, 64:17, 82:13, 84:20, 86:20, 87:9, 127:4, 141:19, 141:24, 188:13, 188:14, 188:16 western [1] - 57:11 Western [1] - 13:6 wheat [1] - 181:13 Wheatridge [2] - 108:24, 125:2 wheel [1] - 25:4 wheeled [1] - 26:1 wheeler [1] - 25:21 wheeling [2] - 25:11, 25:24 WHEREOF [1] - 218:21 whichever [1] - 57:13 whittling [1] - 104:22 whole [13] - 5:13, 20:11, 55:11, 82:20, 109:15, 112:6, 145:18, 151:21, 152:15, 155:11, 155:12, 160:6, 209:23 wholesale [1] - 25:19 wide [1] - 194:2 wildlife [2] - 13:5, 184:8 WILLA [1] - 3:5 Willa.perlmutter@ stoel.com [1] - 3:6 willing [2] - 10:2, 20:20 WIND [1] - 1:7 wind [86] - 9:10, 10:3, 10:24, 21:11, 22:21, 23:5, 24:2, 35:25, 36:1, 37:2, 38:16, 39:5, 39:7, 39:20, 40:12, 41:11, 42:23, 42:24, 42:25, 43:4, 44:2, 44:4, 44:9, 45:13, 45:19, 47:5, 47:6, 47:12, 47:14, 47:18, 50:10, 50:12, 51:20, 52:18, 58:2, 61:22, 62:2, 62:6, 62:10, 62:18, 62:19, 62:21, 62:22, 64:3, 65:4, 65:23, 67:4, 67:10, 67:19, 68:3, 68:5, 72:16, 72:20, 73:1, 74:3, 76:22, 77:6, 78:5, 78:7, 80:21, 81:6, 81:9, 83:19, 85:12, 85:22, 93:5, 93:14, 106:2, 113:1, 147:2, 178:1, 179:15, 179:19, 206:15, 206:18, 206:22, 206:24, 207:11, 208:25, 209:6, 209:11, 209:15, 209:24, 210:1, 210:6, 210:17 Wind [7] - 4:10, 8:14, 195:24, 199:7, 204:16, 205:12, 210:4 Windpower [2] - 9:20, 10:3 winning [1] - 107:22 winter [4] - 92:16, 92:18, 92:23 wire [1] - 194:1 wires [2] - 42:5, 57:7 wise [2] - 8:2, 197:8 Wiser [1] - 1:13 Witness [3] - 116:13, 189:3, 213:10 WITNESS [134] - 4:4, 15:8, 17:3, 17:6, 22:18, 36:8, 42:16, 43:12, 45:4, 49:2, 52:23, 53:20, 56:12, 59:6, 60:17, 63:25, 71:14, 72:1, 72:20, 75:8, 77:19, 78:5, 79:6, 80:6, 86:10, 90:10, 91:23, 99:1, 99:24, 101:8, 102:13, 103:14, 105:17, 106:12, 108:3, 108:6, 109:20, 110:20, 112:19, 113:13, 113:25, 114:23, 116:5, 117:25, 121:14, 123:7, 123:14, 125:18, 129:15, 131:16, 133:2, 133:15, 140:20, 141:17, 142:13, 143:9, 144:11, 147:1, 147:20, 148:17, 149:21, 152:7, 153:1, 153:8, 153:14, 153:20, 154:2, 155:22, 156:23, 157:15, 159:23, 161:14, 162:18, 163:10, 163:16, 164:7, 164:20, 165:5, 165:14, 166:2, 166:15, 167:1, 168:16, 169:1, 169:10, 169:24, 170:20, 171:24, 172:8, 172:20, 173:2, 173:16, 174:9, 174:25, 180:9, 182:16, 183:6, 183:21, 185:19, 186:15, 187:7, 187:9, 188:6, 188:22, 188:25, 189:3, 190:16, 191:6, 194:10, 195:14, 196:20, 197:19, 198:2, 199:13, 200:10, 200:25, 201:17, 203:17, 204:24, 205:18, 206:8, 206:15, 207:9, 207:16, 208:6, 208:20, 210:10, 210:20, 211:8, 212:17, 213:24, 214:19, 215:20, 218:21 witness [2] - 12:2, 218:11 wonderful [2] - 60:10 word [3] - 14:12, 154:24, 171:10 words [4] - 14:7, 50:15, 146:5, 175:1 works [8] - 30:25, 49:5, 58:22, 83:14, 120:8, 128:4, 191:19, 201:25 WPD [3] - 38:1, 38:8, 38:21 write [5] - 13:11, 14:18, 14:20, 94:12, 121:2 writing [2] - 94:9, 132:4 written [1] - 13:2 wrote [8] - 12:13, 12:22, 16:15, 16:16, 60:8, 64:10, 97:3, 121:3	178:12, 178:17, 178:18, 185:6, 186:10 YAKIMA [1] - 3:7 year [10] - 26:8, 43:5, 45:23, 45:24, 45:25, 46:16, 47:4, 136:10, 175:17 years [13] - 8:6, 107:17, 107:19, 110:1, 110:3, 113:15, 115:21, 118:16, 163:4, 176:10, 181:18, 181:22, 186:1 yourself [3] - 13:12, 89:15, 135:18
Z		
zero [1] - 175:18 zfooster@mjbe.com [1] - 2:11 zoning [4] - 16:9, 204:15, 205:22, 205:24 Zoom [9] - 2:9, 2:15, 3:5, 3:13, 3:14, 3:14, 3:15, 175:22, 176:4		
Y		
Yakima [30] - 2:9, 7:17, 83:18, 138:6, 138:16, 138:22, 139:6, 139:22, 140:12, 141:4, 142:2, 142:9, 142:17, 143:10, 144:12, 144:16, 144:25, 145:3, 145:13, 146:6, 146:21, 147:10, 149:5, 149:7, 178:4,		