

In The Matter Of:
LIVINGSTON COUNTY ZONING BOARD OF APPEALS

May 12, 2015

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L*4747*L* Page 4079

1 LIVINGSTON COUNTY ZONING BOARD OF APPEALS
 2 CASE SU-7-14
 3 PLEASANT RIDGE WIND ENERGY PROJECT
 4 May 12, 2015
 5 6:30 PM
 6 Livingston County Historic Courthouse
 7 112 West Madison Street
 8 Pontiac, Illinois

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Page 4081

1 UCLC Exhibit 134..... 4169
 2 UCLC Exhibit 150..... 4171
 3 UCLC Exhibit 151..... 4171
 4 UCLC Exhibit 153..... 4170
 5 UCLC Exhibit 154..... 4170
 6 UCLC Exhibit 156..... 4171
 7 UCLC Exhibit 159..... 4171
 8 UCLC Exhibit 160..... 4172
 9 UCLC Exhibit 161..... 4172
 10 UCLC Exhibit 162..... 4172
 11 UCLC Exhibit 163..... 4172
 12 UCLC Exhibit 164..... 4172
 13 UCLC Exhibit 165..... 4172
 14 UCLC Exhibit 166..... 4172
 15 UCLC Exhibit 167..... 4172
 16 UCLC Exhibit 168..... 4172
 17 UCLC Exhibit 169..... 4172
 18 UCLC Exhibit 170..... 4172
 19 UCLC Exhibit 171..... 4172
 20 UCLC Exhibit 172..... 4173
 21 UCLC Exhibit 176..... 4173
 22 UCLC Exhibit 177..... 4173
 23 UCLC Exhibit 178..... 4173
 24 UCLC Exhibit 179..... 4173
 25 UCLC Exhibit 180..... 4173
 26 UCLC Exhibit 181..... 4173
 27 UCLC Exhibit 182..... 4173
 28 UCLC Exhibit 183..... 4173
 29 UCLC Exhibit 184..... 4173
 30 UCLC Exhibit 185..... 4173
 31 UCLC Exhibit 186..... 4174
 32 UCLC Exhibit 187..... 4174
 33 UCLC Exhibit 190..... 4174
 34 UCLC Exhibit 191..... 4174
 35 UCLC Exhibit 192..... 4174
 36 UCLC Exhibit 195..... 4113

Page 4080

1 REBUTTAL WITNESSES
 2 Page
 3 KEVIN PARZYCK
 4 QUESTIONS BY MR. BLAZER..... 4084
 5 QUESTIONS BY MR. LUETKEHANS..... 4092
 6 QUESTIONS BY MR. KNAUER..... 4097
 7 QUESTIONS BY BOARD MEMBER HUISMAN..... 4098, 4110
 8 QUESTIONS BY BOARD MEMBER VITZTHUM..... 4103
 9 QUESTIONS BY CHAIRMAN CORNALE..... 4107, 4111

10 SURREBUTTAL WITNESSES
 11 JOHN SLAGEL..... 4114
 12 QUESTIONS BY MR. LUETKEHANS..... 4124
 13 QUESTIONS BY CHAIRMAN CORNALE..... 4126

14 BRAD STEIDINGER..... 4132
 15 QUESTIONS BY MR. LUETKEHANS..... 4145
 16 QUESTIONS BY MR. JOHN SLAGEL..... 4147
 17 QUESTIONS BY MS. GERWIN..... 4148
 18 QUESTIONS BY MR. SCHOPP..... 4149

19 JOHN HAYES..... 4150
 20 QUESTIONS BY BOARD MEMBER HUISMAN..... 4161

21 INDEX OF EXHIBITS
 22 Page
 23 Pleasant Ridge Exhibit 16A..... 4169
 24 Pleasant Ridge Exhibit 16B..... 4169
 25 Pleasant Ridge Exhibit 28A..... 4113
 26 Pleasant Ridge Exhibit 184..... 4171
 27 Pleasant Ridge Exhibit 225..... 4170
 28 Pleasant Ridge Exhibit 226..... 4169
 29 Pleasant Ridge Exhibit 228..... 4170
 30 Pleasant Ridge Exhibit 235..... 4170
 31 Pleasant Ridge Exhibit 236..... 4170
 32 Pleasant Ridge Exhibit 272..... 4169
 33 Pleasant Ridge Exhibit 311..... 4171
 34 Pleasant Ridge Exhibit 312..... 4171
 35 Pleasant Ridge Exhibit 325..... 4169
 36 Pleasant Ridge Exhibit 333..... 4171
 37 Pleasant Ridge Exhibit 334..... 4169
 38 Pleasant Ridge Exhibit 352..... 4170

Page 4082

1 (Commencing at 6:31 p.m.)
 2 **CHAIRMAN CORNALE:** All right, we'll go
 3 ahead and get going this evening. I know we're
 4 working on a few technology things up here. We'll
 5 work through that. Chuck, roll call please.
 6 **MR. SCHOPP:** Okay, this is the May 12th,
 7 2015, continuation hearing of Livingston County
 8 Zoning Board of Appeals review of Livingston County
 9 Zoning Case SU-7-14, Pleasant Ridge Energy, LLC,
 10 Pleasant Ridge Wind Energy Project. The roll call
 11 will be Michael Cornale.
 12 **CHAIRMAN CORNALE:** Here.
 13 **MR. SCHOPP:** John Vitzthum.
 14 **MR. VITZTHUM:** Here.
 15 **MR. SCHOPP:** Richard Kiefer.
 16 **MR. KIEFER:** Here.
 17 **MR. SCHOPP:** Diana Iverson.
 18 **MS. IVERSON:** Here.
 19 **MR. SCHOPP:** Howard Zimmerman. Joan
 20 Huisman. And Gibs Nielsen. Joan Huisman will be
 21 late.
 22 **CHAIRMAN CORNALE:** All right. For those
 23 of you interested, 32nd night together. Tonight
 24 looks like we have Mr. Blazer is going to finish up

Page 4083

1 his rebuttal. He has one witness this evening.
 2 We'll start with surrebuttal. I believe Mr.
 3 Luetkehans is prepared to have his individuals speak
 4 in regards to that. We're sorting through a few
 5 other details as far as closing goes. Available
 6 online still is a list of interested parties
 7 entitled to make closing statements. You need to
 8 make sure you review that. If you have the
 9 opportunity to get online and take a look at that,
 10 make sure your name is on there if you feel that you
 11 are eligible. And if Mr. Luetkehans represents you,
 12 then he will take care of that for you.
 13 We worked on some math as far as I
 14 promised everybody two minutes as we get to closing
 15 statements. I think that that's adequate. I think
 16 we're going to hold firm to that. On Mr.
 17 Luetkehans's list, there's 92 clients, 92 times 2,
 18 184 minutes. Mr. Luetkehans has 184 minutes, Mr.
 19 Blazer will have the same, 184 minutes to present
 20 closing. They may choose -- Mr. Blazer may choose
 21 to separate that up into two intervals, his first
 22 and then he gets a follow-up closing statement. Mr.
 23 Blazer will be the last individual to speak through
 24 this process.

Page 4084

1 So with that, as -- we'll discuss later on
 2 here, we'll see how things go, we'll discuss some
 3 order issues with closing statements. Generally we
 4 do them in reverse order, but I think just with the
 5 quantity of individuals, I think we've alphabetized
 6 them, I think we'll just work on the alphabetical
 7 list through that. So we'll let you know for sure
 8 on that.
 9 So with that, Mr. Blazer, you may begin.
 10 **MR. BLAZER:** Thank you, sir. I'll call
 11 Mr. Parzyck.
 12 (Kevin Parzyck called as a rebuttal
 13 witness.)
 14 **CHAIRMAN CORNALE:** Mr. Parzyck, just a
 15 quick reminder, you still are under oath from
 16 previous testimony that you've given.
 17 **MR. PARZYCK:** It was a while ago, but I
 18 agree.
 19 **CHAIRMAN CORNALE:** It was a while ago.
 20 **QUESTIONS BY**
 21 **MR. BLAZER:**
 22 Q. Mr. Parzyck, how many turbines are there
 23 in the California Ridge project?
 24 **A. The California Ridge project has 134 total**

Page 4085

1 **turbines, 104 of them are in Vermilion County and 30**
 2 **in Champaign County.**
 3 Q. All right, we've been told at this hearing
 4 that there are 180 residences within the California
 5 Ridge project boundary; is that correct?
 6 **A. Yes, it is, per our records.**
 7 Q. All right. And how many of those are
 8 nonparticipating?
 9 **A. 119 per our records.**
 10 Q. All right. Let's turn to the neighbor
 11 agreement which is Pleasant Ridge Exhibit 11. Some
 12 people have expressed concerns that that agreement
 13 obligates them to do something or give something up.
 14 Does that agreement, in fact, do that?
 15 **A. It doesn't. There was some language that**
 16 **we've modified in -- that we've looked at, but it**
 17 **just states that there is no obligation to the owner**
 18 **and that we would be paying them \$1200 a year with**
 19 **an escalator of 2 percent for if they have a turbine**
 20 **within a half mile of their house.**
 21 Q. Now, we've heard that at least some people
 22 think that \$1200 a year plus an escalator was
 23 perceived as being a small amount. What's the
 24 present value of those payments over 40 years which

Page 4086

1 is the term of the neighbor agreement?
 2 **A. It would be approximately \$14,500.**
 3 Q. And in response to that concern that \$1200
 4 a year may be a small amount, does Pleasant Ridge or
 5 Invenergy propose an alternate form of the neighbor
 6 agreement?
 7 **A. Yes, we would propose a -- an agreement**
 8 **that would have a single lump sum payment of**
 9 **\$15,000.**
 10 Q. And is that Pleasant Ridge Exhibit 11B?
 11 **A. It is.**
 12 **MR. LUETKEHANS:** Mike, are you done with
 13 11B here because if you're not -- I have an
 14 objection and I don't want to -- if you're going to
 15 keep asking, I'll wait.
 16 **MR. BLAZER:** No, I'm done with 11B.
 17 **MR. LUETKEHANS:** Okay. Just for the
 18 record, I would like to object to Pleasant Ridge
 19 Exhibit 11B in that it's new information, new
 20 evidence, which is outside of the scope of
 21 surrebuttal.
 22 **MR. BLAZER:** Well, it's actually rebuttal.
 23 **MR. LUETKEHANS:** Or you're right, I
 24 apologize.

Page 4087

1 **MR. BLAZER:** No, that's okay.
 2 **MR. LUETKEHANS:** It's been too long.
 3 **MR. BLAZER:** We've been at this for 32
 4 days I believe. This is actually a direct response,
 5 among others, to a statement from Mr. Busch on April
 6 21st, and I'll quote, this is at page --
 7 **MR. LUETKEHANS:** Mike, I don't mean to
 8 interrupt you. I have no doubt that this is in
 9 response to something somebody said.
 10 **MR. BLAZER:** Okay.
 11 **MR. LUETKEHANS:** My question was whether
 12 we're -- you know, it's new evidence and I just want
 13 a ruling on that, that's all.
 14 **MR. BLAZER:** All right.
 15 **CHAIRMAN CORNALE:** All right, after a
 16 quick review with counsel, we will allow Pleasant
 17 Ridge Exhibit 11B and deny the objection.
 18 **MR. LUETKEHANS:** Thank you, Mr. Chairman.
 19 **MR. BLAZER:** Thank you, sir.
 20 **BY MR. BLAZER:**
 21 Q. Is that the only action that Invenergy is
 22 proposing with respect to nonparticipants?
 23 **A. No, it's not. We've reviewed the**
 24 **information that's been submitted regarding property**

Page 4088

1 **value impacts and Mr. McCann's suggestion that we**
 2 **should do a property value guarantee. Now, based on**
 3 **our review of Mr. MaRous's reports, and frankly the**
 4 **fact that we're disturbed by some of the information**
 5 **that was presented by Mr. McCann, but we also**
 6 **recognize that this information has created some**
 7 **fear in people. In order to alleviate that fear, we**
 8 **are proposing a property value guarantee agreement.**
 9 Q. And is that Pleasant Ridge Exhibit 11C?
 10 **A. It is.**
 11 Q. Could you summarize just in basic terms
 12 what that proposed agreement provides?
 13 **A. Right. The main points of the agreement**
 14 **are -- there's probably three primary points. It**
 15 **applies to owners of residences within a half mile**
 16 **of a turbine who are not participants and have not**
 17 **signed a neighbor agreement. B, it covers owners**
 18 **who were owners of the residence as of the date the**
 19 **permit for the project is issued, or their heirs.**
 20 **And C, it provides a mechanism to determine any loss**
 21 **in value using up to three appraisers and obligates**
 22 **Invenergy to pay for any loss in value due to**
 23 **proximity to wind turbines.**
 24 Q. And one final point on economic benefits.

Page 4089

1 When you first testified back in November, you had
 2 indicated that Invenergy was prepared to enter into
 3 an economic benefits agreement similar to the one
 4 that was entered into for the Deer Run project. Do
 5 you remember that?
 6 **A. Yes.**
 7 Q. And is that economic benefits agreement
 8 that was entered into with Deer Run Pleasant Ridge
 9 Exhibit 335?
 10 **A. Yes, it is.**
 11 **MR. BLAZER:** And that's all I have, Mr.
 12 Chairman.
 13 **CHAIRMAN CORNALE:** All right. At this
 14 time, does the zoning board have any questions of
 15 Mr. Parzyck? John? Anybody down there? We may
 16 come back with some questions, all right? School
 17 districts, local government, anybody with questions
 18 out there?
 19 **MR. MARK SLAGEL:** I got one question.
 20 **CHAIRMAN CORNALE:** All right. As a school
 21 district?
 22 **MR. MARK SLAGEL:** Yes.
 23 **CHAIRMAN CORNALE:** All right.
 24 **MR. MARK SLAGEL:** I usually talk loud

Page 4090

1 enough that they can hear.
 2 **CHAIRMAN CORNALE:** Name and who you're
 3 representing.
 4 **MR. MARK SLAGEL:** Mark Slagel, Prairie
 5 Central Board of Education. And I'm hoping you'll
 6 let me ask this, but I had asked you earlier about a
 7 traffic plan for the concrete plant and you didn't
 8 have one yet.
 9 **MR. BLAZER:** That's beyond the scope, Mr.
 10 Chairman.
 11 **MR. MARK SLAGEL:** He's the one in charge,
 12 isn't he?
 13 **CHAIRMAN CORNALE:** For the process, the
 14 rebuttal process --
 15 **MR. MARK SLAGEL:** I know. I wanted --
 16 **CHAIRMAN CORNALE:** -- that is beyond the
 17 scope.
 18 **MR. MARK SLAGEL:** Okay.
 19 **CHAIRMAN CORNALE:** However, we can ask
 20 that.
 21 **MR. MARK SLAGEL:** Okay. I'm just curious
 22 about that.
 23 **CHAIRMAN CORNALE:** All right. Mr.
 24 Parzyck, if you would --

1 **MR. MARK SLAGEL:** I had a couple school
2 board members just last week ask me about it.

3 **CHAIRMAN CORNALE:** Right, it's a
4 worthwhile question. We need to get this hammered
5 out.

6 **MR. MARK SLAGEL:** Okay, thanks.

7 **CHAIRMAN CORNALE:** So with regard to any
8 traffic plan or construction plan as it would relate
9 to the school area.

10 **A. We have not established the plan as we**
11 **have not chosen our contractor and worked out those**
12 **details. We're actually in the midst right now of**
13 **finalizing the numbers for the contract for the**
14 **construction. And our plan is once that is in place**
15 **is to -- is to offer that plan and sit down with the**
16 **school board to discuss traffic. But that is not --**
17 **we haven't formally prepared it yet.**

18 **CHAIRMAN CORNALE:** Okay, but the plan, so
19 that we all understand, everyone in attendance
20 understands it, that you will involve and include
21 the local school district in that plan to make sure
22 it works well with everyone.

23 **A. Absolutely.**

24 **CHAIRMAN CORNALE:** Okay, very good. All

1 **there's a discrepancy, a second appraiser would be**
2 **brought in. And if there continues to be a**
3 **discrepancy, a third appraiser would be brought in**
4 **to establish a fair market price or asking price I**
5 **should say for the property.**

6 **And then it would have a period of 270**
7 **days on the market at that asking price. If it**
8 **doesn't sell at that and there's the ability to sell**
9 **at a lower price, and the landowner if selling at**
10 **that lower price would then come back to Pleasant**
11 **Ridge for the difference, and then Invenergy would**
12 **have the right to evaluate whether or not that lower**
13 **price was caused by the wind turbines. And if**
14 **there's discrepancy again, it would go to a**
15 **mitigation process.**

16 **Q. So --**

17 **A. Or mediation. I'm sorry, mediation**
18 **process.**

19 **Q. So at the end of the 270 days, if they're**
20 **not able to sell it, you then have another option on**
21 **whether to agree to the lesser price or to go to**
22 **another dispute resolution beyond the three**
23 **appraisers.**

24 **A. No, no. After 270 days, we would have the**

1 right. Mr. Luetkehans?

2 **QUESTIONS BY**

3 **MR. LUETKEHANS:**

4 **Q. Yeah. I'll be honest, I'm sitting here**
5 **trying to read this and failing miserably in this**
6 **short of time, but explain to me what the process is**
7 **of the property value guarantee agreement, Pleasant**
8 **Ridge Exhibit 11C, please?**

9 **A. The -- it's an agreement that is entered**
10 **into with the landowners, that would be entered into**
11 **with Pleasant Ridge. It was -- as was said before,**
12 **it would not include those that are participants in**
13 **the project nor those that would sign a neighbor**
14 **agreement. If -- if the landowner was to be selling**
15 **their home, there's a process to establish -- let me**
16 **make sure I get the verbiage right here.**

17 **There's a process to establish an asking**
18 **price, and when the seller was establish -- would**
19 **establish that asking price, then there are means by**
20 **which the guarantor, ourselves, Invenergy or**
21 **Pleasant Ridge, would have the right to go ahead and**
22 **have that evaluated by an appraiser. If there's no**
23 **ability, the guarantor would hire that appraiser at**
24 **our expense. And then there's a process that if**

1 **right either to buy it at that higher price, but we**
2 **have the -- the landowner after 270 days has the**
3 **right to sell it at a lower price and then**
4 **subsequent to selling would make a request to**
5 **Pleasant Ridge to make up the difference between the**
6 **asking price and the selling price.**

7 **Q. And at that point, Pleasant Ridge has the**
8 **option of saying yes or no.**

9 **A. We have the -- we have the option to**
10 **challenge it, and if we challenge it, it would go to**
11 **a mediator.**

12 **Q. And who pays for the mediation? Is that**
13 **set forth in here?**

14 **A. Guarantor's expense, Pleasant Ridge.**

15 **Q. Can you tell me --**

16 **A. Section 12, guarantor appeal.**

17 **Q. Okay, I'm just trying to --**

18 **A. Sure. It's about midway through --**

19 **Q. -- catch up to you there.**

20 **A. It's about midway through the paragraph.**

21 **Q. And who pays for the appraisals?**

22 **A. So the -- the first appraiser would -- we**
23 **would pay, Pleasant Ridge would pay for the first**
24 **appraisal because, in fact, the landowner would**

Page 4095

1 **establish the asking price. Invenergy or Pleasant**
 2 **Ridge would pay for the first appraisal. Whomever**
 3 **-- once that appraisal comes out, whomever is the**
 4 **nonaccepting party would pay for a second appraisal.**
 5 Q. Okay, and --
 6 **A. And then the third is paid by Pleasant**
 7 **Ridge.**
 8 Q. Okay. Let's go to the -- the valuation
 9 date on my first quick look here appears to be the
 10 valuation date as of the ordinance date. Is that a
 11 fair statement?
 12 **A. I'm sorry, the valuation date?**
 13 Q. If I'm looking at paragraph 5B, you're
 14 going to utilize comparable property developed as
 15 the property was developed as of the ordinance date.
 16 So we're looking at that value? That's the
 17 valuation date that we're using?
 18 **A. Comparable property developed as the**
 19 **property was developed -- as the property was**
 20 **developed as of the ordinance date, so similar,**
 21 **similar properties as of the ordinance date. That's**
 22 **not -- the valuation is not established on the**
 23 **ordinance date.**
 24 Q. Well, then I go down to D, establish a

Page 4096

1 fair market value which is based upon the property
 2 as developed on the ordinance date.
 3 **A. Right, without -- in other words, what the**
 4 **status was when the project was built without**
 5 **considering any new improvements after the ordinance**
 6 **date.**
 7 Q. So what you're saying is if I sold it
 8 three years after the -- let's say the ordinance
 9 passed in 2015. Three years later, I could -- and
 10 I'm a nonparticipating property owner, I could sell
 11 it and the valuation date would be as of three years
 12 from now. Is that what we're saying?
 13 **A. That's correct.**
 14 Q. And how long does this process go on? I
 15 mean does it go on for two years, ten years, twenty
 16 years?
 17 **A. Section -- paragraph 13 --**
 18 Q. Okay.
 19 **A. -- identifies that it shall terminate on**
 20 **the fifth anniversary of the project's commercial**
 21 **operation date.**
 22 Q. So if I want to sell it in year seven of
 23 your 40 years, I no longer have the ability to use
 24 this.

Page 4097

1 **A. Under this agreement, that's correct.**
 2 **MR. LUETKEHANS:** I'll be honest, I haven't
 3 had much -- I haven't had time to read it. I'll
 4 just go over it in the closing argument for any
 5 questions or opinions I have on this. Thank you.
 6 **CHAIRMAN CORNALE:** All right, anybody else
 7 in the audience with questions for Mr. Parzyck?
 8 Okay, got one.
 9 **MR. KNAUER:** Steve Knauer, Fairbury.
 10 **QUESTIONS BY**
 11 **MR. KNAUER:**
 12 Q. Mr. Parzyck, you said it would be --
 13 Invenergy would determine criteria used to determine
 14 whether or not the wind turbines caused it or not.
 15 What criteria would you actually look at?
 16 **A. No, we wouldn't determine the criteria.**
 17 **When the landowner would come with the price, with**
 18 **the sale price, we could -- we could look at that**
 19 **and challenge whether or not it was caused by the**
 20 **turbines, the drop in price, and it would go to a**
 21 **mediator to determine whether or not it was the**
 22 **turbines that caused that. So it would be a**
 23 **mediation process, a formal mediation. We wouldn't**
 24 **determine the criteria.**

Page 4098

1 Q. Okay. That'd be an independent?
 2 **A. I'm sorry?**
 3 Q. That would be an independent?
 4 **A. Yes, an independent, yeah, a formal**
 5 **mediation.**
 6 **MR. KNAUER:** Okay.
 7 **CHAIRMAN CORNALE:** Anybody else in the
 8 audience with questions? All right. ZBA, did you
 9 have --
 10 **MS. HUISMAN:** Yes.
 11 **QUESTIONS BY**
 12 **MS. HUISMAN:**
 13 Q. I have questions not related to the
 14 documents that I just got handed. And I'm sorry I
 15 walked in late and missed your rebuttal comments to
 16 begin with, but I think you're the appropriate
 17 person from Invenergy to ask these questions of.
 18 But as we've gone through these hearings, it's
 19 obvious to me there's a lot of concern about if
 20 there are problems down the road, say I'm a
 21 homeowner that is not enjoying my property anymore
 22 because of sound or flicker or any of the number of
 23 things that we've heard. Let's say we have Mr.
 24 Hartke, for example. What -- where does the person

1 go within Invenergy to start the process of what can
 2 we do to mitigate my problems that I'm experiencing?
 3 **A. Well, the first place one would go is we**
 4 **will have a -- an operations center here in the**
 5 **project area that is open normal business hours and**
 6 **is available, so we'll have an on-site operations**
 7 **manager. That's the first place one would go to**
 8 **identify any issues. There will also be a complaint**
 9 **hotline that's available to call in with issues if**
 10 **you can't get -- if, you know, the timing is such**
 11 **that you can't get to the operations center. That**
 12 **would be the place to start to say here's an issue**
 13 **that we see out there, what can we do about it? And**
 14 **it could be a myriad of things, especially early on**
 15 **in a project from whatever, but that would be the**
 16 **place that the person could start. The fact is we**
 17 **will have an operations center here in town.**
 18 Q. Then what level of employee is going to be
 19 staffing that operations center?
 20 **A. There's a -- there's an operations manager**
 21 **that's part of our management team. They're trained**
 22 **throughout the country, they've been to other wind**
 23 **farms, and they have the ability to escalate any**
 24 **issues as necessary.**

1 **the chain of command back to our corporate**
 2 **headquarters in Chicago.**
 3 Q. Okay.
 4 **A. And it's run by our operations team back**
 5 **in Chicago. As well, we have 24-hour monitoring.**
 6 **If there are any issues that come up in the middle**
 7 **of the night or something happens, we're continually**
 8 **monitoring it with our operations center in Chicago**
 9 **that's manned 24/7.**
 10 Q. What do you mean by that? What is -- it's
 11 a call center?
 12 **A. It's a -- it's a staff that's able to**
 13 **operate -- there's an ability to operate the**
 14 **turbines really from any remote location, so we have**
 15 **that ability. If for some reason something needs to**
 16 **be done, they can operate the turbines, feather the**
 17 **blades, stop them from rotating, whatever.**
 18 Q. So it's possible to do some things with
 19 the turbines whether they're -- can they be
 20 programmed to, say, slow down or speed up --
 21 **A. Oh, sure.**
 22 Q. -- at certain times of the day?
 23 **A. Oh, yeah, and that's --**
 24 Q. So if you have one turbine that's causing

1 Q. What if a resident or homeowner is asking
 2 for changes in the blades or a different type of
 3 turbine or shut the turbine off at night like
 4 happened with the Hartkes?
 5 **A. Well, it depends what the reason -- what**
 6 **is the reason for that? So it's hard for me to**
 7 **postulate what it would be, what's causing it, what**
 8 **-- what issues are in play. So I mean it could be a**
 9 **number of different things. And it could be things**
 10 **that could be short-term, long-term, but we -- I**
 11 **just can't really say.**
 12 Q. Well, within your operations department or
 13 manager, can you explain the hierarchy to me? Maybe
 14 that would help me understand.
 15 **A. Well, yeah, we -- once our projects are**
 16 **operational, we have a local operations team**
 17 **where the technicians that go out and regularly**
 18 **maintain the facilities; that the turbines are based**
 19 **here at the operations center here in town. They**
 20 **report up to an operations manager who reports to a**
 21 **regional operations manager that's responsible for**
 22 **the turbines here in Illinois and Wisconsin, and**
 23 **then that regional operations manager reports to our**
 24 **asset manager in Chicago. So that quickly goes up**

1 a problem for a specific residence, you can -- you
 2 can program that turbine to maybe mitigate, slow
 3 down, feather the blades like you said? Can you
 4 turn direction so that it would lessen flicker?
 5 **A. It -- there are things that can be done to**
 6 **the turbines, right. We would go through a process**
 7 **where we would evaluate what the problem is.**
 8 Q. Okay, I'm just kind of wondering that as
 9 we've gone through these hearings, the more I
 10 thought about it, they are programmable to -- they
 11 don't all have to be faced in the same direction
 12 operating at the same speed?
 13 **A. Well, what -- a couple of things. I mean**
 14 **generally they turn into the wind so that they can**
 15 **capture the wind, that's why they're in that**
 16 **direction, so -- but there's a lot of controls that**
 17 **can be done with regard to pitching the blades to**
 18 **modify how much energy the -- basically the blades**
 19 **catch and that affects the speed of the blades,**
 20 **that's correct.**
 21 Q. How do --
 22 **A. Which is really how -- basically when**
 23 **they're idle, they're pitched out so they don't**
 24 **catch any of the wind.**

1 Q. How difficult is that to do on a turbine
2 by turbine basis?

3 **A. It can be done on a turbine by turbine
4 basis. I mean it's -- it is programmable.**

5 Q. Okay.

6 **MS. HUISMAN:** That's all for now.

7 **CHAIRMAN CORNALE:** Anybody else on the ZBA
8 have questions?

9 **QUESTIONS BY**

10 **MR. VITZTHUM:**

11 Q. I got a -- I got a question. I think he's
12 the guy that can answer it. Somewhere we talked
13 about if the wind farm here, which we have three in
14 the county already, you go with the local firemen in
15 different places for safety reasons, you know, to
16 deal with how they can rescue that?

17 **A. Right, right, we establish --**

18 Q. But how do we --

19 **A. -- an emergency plan.**

20 Q. Do we -- how do we know you've fulfilled
21 that contract? I talked to the fire chief in
22 Pontiac. They've never been inside one of these
23 turbines. They've never had any trouble. They said
24 if we have trouble, then we got to wait for somebody

1 -- you know, you're not going to have many firemen
2 going inside and climbing up necessarily, but that's
3 part of --

4 Q. No, but still they need to know that the
5 -- the basics of it --

6 **A. Oh, absolutely.**

7 Q. -- you know, I mean, because I mean the --
8 with a volunteer fire department, I can see where
9 you're somewhat limited to what they can do. Not
10 being disrespectful to them, but when you only have
11 one full-time fire department in the county, they
12 should have some inkling of how the thing works,
13 because if there's a disaster, you cannot tell me
14 that your people can be at every one of them towers
15 or the other one, you know --

16 **A. Sure.**

17 Q. -- other windmill. Not just your windmill
18 company in particular. Any of them.

19 **A. Uh-huh, I agree. I think -- I mean we're
20 -- that is an important component of our safety plan
21 for our facilities. It's a requirement that we have
22 to have in place. Heck, even to get funding for
23 this, you have to have that emergency plan because
24 there's a risk there. So folks that are funding**

1 from Bloomington to come out. We've got three of
2 them in the county already. How are we going to
3 know if this ever takes place? Who monitors that?

4 **A. It's a -- I'm trying to think of where it
5 is in our application.**

6 **MR. BLAZER:** Emergency response.

7 **A. Yeah, I think in our application we've
8 identified an emergency response plan, and that's
9 one of the responsibilities that we have as part of
10 our -- of our submittal for our --**

11 Q. But how do we as citizens know if you
12 follow through with that? I mean to me it looks
13 like the other windmill companies have it. If you
14 talk to the only full-time fire department in the
15 county and they've never been inside the turbine,
16 you know --

17 **A. I can't -- I can't say what they've
18 committed to or what they've -- or how they run
19 their operations. What I can say is we've committed
20 in our application to do that plan. It's our
21 protocol in all locations from a safety perspective
22 to make sure that the local emergency response
23 entities are well aware of how we operate.**

24 **I will say one thing. There's not a lot**

1 **these huge projects need to have that assurance that
2 we are running a safe operation and that's part of
3 our protocol.**

4 Q. But --

5 **A. Now, it is in our -- it is in our
6 application. You know, we need to be in compliance
7 with that requirement as part of our application.**

8 Q. Then who -- does the state see that you --
9 I mean is there any state guidelines for that?

10 **A. No, there isn't. I mean I would say, if
11 anything, that Invenergy -- it kind of goes with all
12 the requirements of our permit application and how
13 we have to be in compliance. That it does fall back
14 on the county. There is -- you know, there's the
15 ability for us to follow up and submit to the county
16 that we've had those safety meetings. That's
17 something that could easily be accommodated and, you
18 know, sent in as part of our closing procedure as we
19 go through our -- or go into operation.**

20 Q. But by a safety meeting, you mean with the
21 local --

22 **A. Emergency response --**

23 Q. Emergency response, okay.

24 **A. -- organizations.**

Page 4107

1 Q. Okay.

2 **A. Right. So that would be, you know,**

3 **ambulance, fire, police, et cetera, that would be**

4 **responding to any emergency at a --**

5 Q. And you do that like yearly?

6 **A. Yeah, and then there's a responsibility to**

7 **have that on a regular basis. I believe it's**

8 **yearly, I'd have to look at what the protocol is,**

9 **but absolutely. It could --**

10 Q. There is a regular basis, then, and a

11 regular time?

12 **A. Yes, because you always have new people**

13 **coming into the mix, right.**

14 **MR. VITZTHUM:** Okay. I think that answers

15 my questions.

16 **CHAIRMAN CORNALE:** Anybody else have

17 questions of the ZBA? All right, I just have a

18 follow-up.

19 **QUESTIONS BY**

20 **CHAIRMAN CORNALE:**

21 Q. As I look through Pleasant Ridge Exhibit

22 335, that was the agreement that was signed for

23 Heartland Wind in Livingston County. You offered

24 that because you intend to do everything that this

Page 4108

1 plan sets forth?

2 **A. I mean, yeah, the plan was -- and my**

3 **statement months ago was that we would be willing to**

4 **enter something similar. Now, there hasn't been any**

5 **discussions about the particulars in this, but we're**

6 **willing to do something similar to this, yes.**

7 Q. Okay. So this is -- I would maybe use it

8 -- you're using it as a template.

9 **A. Right, right.**

10 Q. Okay, because I mean there's enterprise

11 zone issues and --

12 **A. Right, that's why we say similar.**

13 **There's --**

14 Q. Okay.

15 **A. I mean there's things like enterprise**

16 **don't really apply any longer, so --**

17 Q. All right. As I look at 11B, that's the

18 neighbor agreement.

19 **A. Yeah.**

20 Q. Let's say an individual signed up for the

21 previous neighbor agreement and has chosen to --

22 would rather have this particular lump sum payment.

23 Would that be an eligible --

24 **A. Yes.**

Page 4109

1 Q. -- option for them?

2 **A. Yes.**

3 Q. Okay. So they would have that, okay.

4 With regards to property value guarantee, I believe

5 we established that it was valid for five years?

6 **A. That's correct.**

7 Q. Okay, from the -- from the date your

8 project goes online or the permitting date?

9 **A. No, the commercial operation date.**

10 Q. Commercial operation date, okay.

11 **A. Right.**

12 Q. Transferability, as far as if this project

13 isn't viable in your portfolio, it would transfer?

14 **A. Yes.**

15 Q. It's fully transferable?

16 **A. Yes.**

17 Q. There's language in here that -- okay,

18 yeah.

19 **A. I believe 14 is, yes.**

20 Q. Okay, all right.

21 **CHAIRMAN CORNALE:** I believe that's all

22 the questions I had. Anybody else?

23 **MS. HUISMAN:** I do.

24 **CHAIRMAN CORNALE:** Okay.

Page 4110

1 **QUESTIONS BY**

2 **MS. HUISMAN:**

3 Q. I was just looking at the neighbor

4 agreement lump sum --

5 **A. Yes.**

6 Q. -- Pleasant Ridge 11B. Was this submitted

7 originally or is this something new?

8 **A. It was not. It was modified in response**

9 **to the question of a lump sum versus an annual**

10 **payment that was raised earlier.**

11 Q. Okay, I don't -- I don't recall it being

12 raised, so I'm just wondering if it -- who requested

13 it out of my own curiosity, so we can move on from

14 that question.

15 **A. Okay.**

16 Q. But I see in -- under agreement section,

17 paragraph 1, it's near the end of that paragraph, it

18 says "Provided, however, that a person that has

19 entered into a wind easement --"

20 **A. That's a participant.**

21 Q. Okay.

22 **A. Right.**

23 Q. Shall not be entitled, okay. I was

24 reading that because I wanted to make sure -- I

Page 4111

1 thought that there was some caveat to getting the
 2 15,000 --
 3 **A. No.**
 4 **Q.** -- in addition to just living there.
 5 **MS. HUISMAN:** Okay, thank you.
 6 **CHAIRMAN CORNALE:** ZBA, any other
 7 questions? Let me throw one more hypothetical out
 8 there.
 9 **A. Okay.**
 10 **QUESTIONS BY**
 11 **CHAIRMAN CORNALE:**
 12 **Q.** After 270 days, home being on the market,
 13 not able to sell, does the language say that you
 14 would purchase it? You, Invenergy.
 15 **A. Invenergy has the option to purchase it.**
 16 **We do not need to purchase it.**
 17 **Q.** All right. So then what?
 18 **A. Then the -- the house would have to be**
 19 **priced whatever it could sell at. So if the price**
 20 **has to keep dropping before it's sold, the price**
 21 **would drop, and then it would come back to us if the**
 22 **cause for that is the location of the wind facility.**
 23 **So if it drops to a dollar and it sells for a**
 24 **dollar, then the delta between the dollar and the**

Page 4112

1 **asking price is what -- you know, where the claim**
 2 **would stem for us to make up the difference.**
 3 **Q.** Okay. But just to be certain, it has to
 4 transfer in order for this property to even be
 5 eligible.
 6 **A. That's right.**
 7 **Q.** Okay, okay.
 8 **A. Correct.**
 9 **CHAIRMAN CORNALE:** All right. County
 10 staff, county counsel, any questions? Thank you.
 11 **A. Okay, thank you.**
 12 **MR. BLAZER:** That is all we have for the
 13 moment, Mr. Chairman.
 14 **CHAIRMAN CORNALE:** All right, thank you,
 15 Mr. Blazer. Mr. Blakeman has a few comments he'd
 16 like to make.
 17 **MR. BLAKEMAN:** Before we move on to
 18 surrebuttal, we have an affidavit from David
 19 Rautmann that has not been entered into the record.
 20 It's my understanding, Mr. Luetkehans, you have no
 21 objection to this affidavit being admitted?
 22 **MR. LUETKEHANS:** Correct.
 23 **CHAIRMAN CORNALE:** Okay.
 24 **MR. BLAZER:** For the record, that's

Page 4113

1 Pleasant Ridge 28A I believe.
 2 **MR. BLAKEMAN:** Yes. And then, Mr.
 3 Luetkehans, I understand that you have another
 4 exhibit, UCLC 195; that there's an agreement that
 5 that be admitted into the record?
 6 **MR. LUETKEHANS:** Correct.
 7 **MR. BLAZER:** That would be LBSC -- what's
 8 the number?
 9 **MR. LUETKEHANS:** LBSC --
 10 **MR. BLAKEMAN:** 195.
 11 **CHAIRMAN CORNALE:** All right, we'll let
 12 the record indicate that the county has accepted
 13 Pleasant Ridge Exhibit 28 as a sworn affidavit from
 14 David -- 28A, I'm sorry, a sworn affidavit from
 15 David Rautmann, professional engineer. Also, let
 16 the record indicate that the county has accepted
 17 UCLC Exhibit 195 as the LBSC tables from the
 18 American Planning Association.
 19 Mr. Luetkehans, you may begin.
 20 **MR. LUETKEHANS:** Your Honor -- or, Mr.
 21 Chairman, I think there are three, at least three
 22 that I'm aware of who wish to testify. I'll let
 23 them figure out what order, Mr. Slagel, Mr.
 24 Steidinger.

Page 4114

1 **CHAIRMAN CORNALE:** All right.
 2 **MR. JOHN SLAGEL:** Hello.
 3 **CHAIRMAN CORNALE:** All right. State your
 4 name for us.
 5 **MR. JOHN SLAGEL:** John Slagel.
 6 **CHAIRMAN CORNALE:** I'll remind you that
 7 you're under oath from proceedings previously.
 8 **MR. JOHN SLAGEL:** Okay.
 9 **CHAIRMAN CORNALE:** And I'll just make the
 10 general reminder for those involved in the
 11 surrebuttal, we need to make sure that our focus is
 12 rebuttal in the surrebuttal, rebuttal towards the
 13 first rebuttal. So we need to keep it focused to
 14 statements made by Mr. Blazer's individuals that at
 15 this time we're actually rebutting again, all right?
 16 With that, go ahead.
 17 **MR. JOHN SLAGEL:** Okay, thank you. Did
 18 you get my things handed out?
 19 **MR. BLAKEMAN:** Doing it right now.
 20 **MR. JOHN SLAGEL:** Okay. The first topic
 21 that I'm going to surrebut, which that word wasn't
 22 in my spell checker by the way, I don't know where
 23 that word came from, but -- okay, so this is from
 24 the April 29th meeting. There aren't transcripts,

Page 4115

1 so I got this as best as I could from the video.
 2 So Hankard said: He, meaning John Slagel,
 3 took his model and predicted the houses on Pleasant
 4 Ridge as we did and said I was within a dB so we
 5 match perfectly. Well, he then goes on to really
 6 split hairs into tenths and hundredths of a dB, so
 7 you can't be "I'm accurate within a dB and then I'm
 8 going to go split hairs." You can't do that. So
 9 that's his statement that I'm surrebutting.
 10 So why did I claim, then, to be within 1
 11 dB? I testified on April 13th, 2015. At that
 12 point, the only -- at that point, the only sound
 13 data I had access to was the Pleasant Ridge
 14 supplemental application Table 3-1 which gave the
 15 sound predictions for the four LNTE models to the
 16 nearest decibel. Rounding introduces comparison.
 17 For example, Pleasant Ridge listed data at 40 could
 18 have actually been anywhere from 39.5 to 40.5.
 19 Well, 40.4999.
 20 My actual numbers are -- so I ran actual
 21 or I put my actual numbers and compared them with
 22 Invenergy's on Exhibit 10A. The average error is
 23 actually much less than 1 dB.
 24 **MR. LUETKEHANS:** John, can I interrupt for

Page 4116

1 a second?
 2 **MR. JOHN SLAGEL:** Sure.
 3 **MR. LUETKEHANS:** Mike, do you have these
 4 exhibits? I don't have 16B.
 5 **MR. BLAZER:** I didn't bring any --
 6 **MR. JOHN SLAGEL:** No, I just handed those
 7 to you.
 8 **MR. LUETKEHANS:** Yeah, I didn't get a
 9 copy.
 10 **MR. JOHN SLAGEL:** Was there a --
 11 **MR. BLAKEMAN:** Here you go.
 12 **MR. LUETKEHANS:** Thank you. I'm sorry, I
 13 apologize.
 14 **MR. JOHN SLAGEL:** Okay, this is pretty
 15 useless for people in the audience, but I guess you
 16 can look at those numbers at your leisure.
 17 So Pleasant Ridge Exhibit 16B. Pleasant
 18 Ridge Exhibit 16B wasn't posted to the website until
 19 the morning of the day of -- sorry.
 20 Okay, Pleasant Ridge Exhibit 16B wasn't
 21 posted to the website until the morning of the day
 22 of Mr. Hankard's rebuttal, which was Monday April
 23 27th, 2015. This is after I testified. Pleasant
 24 Ridge Exhibit 16B showed the various 4/11/24 LNTE

Page 4117

1 configuration sound estimates to the tenth of a
 2 decibel. So that was the first time I had seen this
 3 exhibit as evidenced by my surprise in blurting out
 4 during the ZBA hearing wondering where these numbers
 5 came from.
 6 And then on the next Wednesday after Mr.
 7 Hankard questioned the 1 decibel accuracy of my
 8 numbers, I decided to rerun my model and try to
 9 match to the tenth of a dB numbers given in this new
 10 data. But I couldn't match the new 16B numbers. I
 11 tried and tried, I double-checked my formulas, I
 12 triple-checked my formulas. No matter what I did, I
 13 was always about .4 decibels too high compared to
 14 the Exhibit 16B numbers they gave.
 15 So then I decided to just go through
 16 everything that I had just assumed was correct, one
 17 of those things being the inputs to the formulas,
 18 making sure they matched what I had used for the
 19 inputs, and I discovered that the inputs had
 20 changed.
 21 Well, the audience won't be able to see
 22 this much, but from the original Pleasant Ridge
 23 application for the GE 1.79-100 turbine with LNTEs
 24 in the 1000 hertz octave band, the maximum sound

Page 4118

1 power output was given as 101 decibels, 101.0, and
 2 they did give all the numbers in that table to a
 3 tenth of a decibel. The Pleasant Ridge Exhibit 16B
 4 for the same wind turbine, the same LNTE blades for
 5 1000 hertz, is now 100.6 decibels for the maximum
 6 power output. Between the original and supplemental
 7 application and the Exhibit 16B, the max power
 8 output went from 101 down to 100.6. I couldn't find
 9 any supporting reference documentation or
 10 explanation for this reduction.
 11 But now using these new numbers as the
 12 input, my model matches theirs within a tenth of a
 13 decibel. See Slagel Exhibit 10B for complete
 14 details, or you can -- I'm not even going to bother
 15 trying to show this to the audience. But basically
 16 all the numbers are well within a tenth of a
 17 decibel, meaning on average they're like .04, .05
 18 decibels within Pleasant Ridge numbers.
 19 So given this, I generated new contour
 20 maps to show the differences between the numbers I
 21 had used from the original application and when I
 22 testified and the new numbers that appeared in
 23 Pleasant Ridge 16B. These plots follow. I included
 24 18 example properties that show in one case or the

Page 4119

1 other IPCB property line noise limits being exceeded
 2 in the 1000 hertz octave band.
 3 Okay, so the contour maps that I'm going
 4 to be showing you here are basically the same colors
 5 as what we've been using this whole proceeding. Red
 6 means it is over 41 with no rounding, yellow is
 7 anywhere from zero to 1 decibel below the limit,
 8 green is 1 to 2 decibels below. On this one, I went
 9 ahead and marked -- the black circles are where I
 10 had put my markers on the houses when I first
 11 created this map last summer. The white circles are
 12 where Pleasant Ridge put their receptors on the
 13 homes.
 14 Each map, the scale I used on these is
 15 about -- each square that you'll see is about 760
 16 foot. On the left side is the map that uses the old
 17 data from the original application and the
 18 supplemental application. The right side will be
 19 the contour map using the new numbers from Exhibit
 20 16B. So we can go through these. I'll try and do
 21 this quick.
 22 Like point 219, which would be Invenergy
 23 receptor R438, you can see the white circle, which
 24 is the Invenergy receptor, right here (indicating).

Page 4120

1 With the old numbers, it was over the limit. With
 2 the new numbers, their white receptor is now under
 3 the limit, but a portion of the house is still over
 4 the limit.
 5 So receptor 632 here, most of the house,
 6 including the receptor, has now moved out of the
 7 illegal limit.
 8 R185, most of the house -- half of the
 9 house has moved out. This white point is now
 10 outside of the limit if you use rounding to round it
 11 down to 41.0. My map, 41.000 was red.
 12 So this is receptor 241. Again, the house
 13 was -- the receptor was in the red. Now their
 14 receptor is technically legal, but there is still
 15 parts of the house that aren't.
 16 This is receptor 313. They -- most of the
 17 house is now moved out of the illegal zone, but a
 18 portion is still.
 19 This house here, R216, the receptor
 20 again -- well, the white -- their receptor was out,
 21 within legal limits at first, but now even mine has
 22 moved out, but a portion of the house is still in
 23 the legal limit -- in the illegal limit.
 24 Receptor 244 here has moved out. Receptor

Page 4121

1 60 also moved out. Receptor 92 moved out. Receptor
 2 345 moved out. Receptor 243, still parts of the
 3 house. Receptor 754 is out of the limit. Well, the
 4 house, the property still is in the limit, in the
 5 illegal limit. Receptor 501, the house is moved out
 6 of the limits. Receptor 311 has moved out.
 7 And you can see from these -- you know,
 8 he's talking about me squabbling over, nitpicking
 9 the numbers, but you can see these numbers were
 10 nitpicked for a very, very specific reason. I mean
 11 these houses just squeaked out of the legal limit
 12 when you look at the contour maps.
 13 Receptor 5, some of the property's still
 14 in the illegal. Receptor 102. Receptor 166.
 15 Receptor 237[sic].
 16 Okay. So this brings me to my Topic 2 for
 17 surrebuttal. Again, I didn't have the transcripts.
 18 This is from the April 29th meeting with Hankard
 19 where Blazer says to Mr. Hankard: Did you also
 20 examine what he, meaning John Slagel, referred to as
 21 his contour plots? Hankard: Yes, I did. Blazer:
 22 Your model is what's called a point model; is that
 23 correct? Hankard says: Yes, that's correct. We
 24 predict at individual points. Blazer asks: Which

Page 4122

1 is more accurate, contour or point modelling?
 2 Hankard replies: The point model. The contour
 3 model, you predict at a bunch of points and then you
 4 have to draw a line between and interpolate. And so
 5 for me, I prefer to rely on the point model versus
 6 contour.
 7 My contour maps are basically 500 -- for
 8 this presentation are a 512-by-512 pixel overlay.
 9 For the original testimony, I actually used
 10 2000-by-2000. I don't know why. For every other
 11 pixel, I do a point model prediction. Each pixel is
 12 modelled exactly and as accurately as a single point
 13 in the single point model. There is absolutely no
 14 interpolation. There are no lines being drawn.
 15 This means that for each receptor home in question,
 16 I generate over 131,000 points of data versus the
 17 Pleasant Ridge one point per receptor model. How is
 18 just one data point superior in any way to multiple
 19 data points?
 20 Here you can see the -- I took one of the
 21 plots, one of the plots, and I zoomed in the picture
 22 so you can actually see the individual pixels. You
 23 would -- Invenergy, the Pleasant Ridge application,
 24 would calculate one point, one pixel, right here

Page 4123

1 where my mouse is, and -- but you can see by just
 2 moving along the edges of the house, there's what,
 3 28 pixels that are calculated, and then there's each
 4 rows of these, so this is way, way more accurate.
 5 In summary. I showed that Pleasant Ridge
 6 lowered the input data in Exhibit 16B from the
 7 original application before demonstrating final
 8 compliance to IPCB standards at their chosen
 9 receptors for the 1000 hertz octave band. The sound
 10 levels didn't just get lower by adding more LNTE
 11 turbines. They also got lower by changing the
 12 numeric inputs. With the new numbers, if you round
 13 each receptor to the nearest tenth, no receptors are
 14 over 41.0 dB. Just adding the 24 new LNTE turbines
 15 alone couldn't do this as my previous testimony with
 16 the original numbers showed.
 17 My ISO 9613 model correlates very closely
 18 to the Pleasant Ridge/Stantec ISO 9613 model at
 19 their chosen receptors with their chosen inputs.
 20 That's in Exhibit 10B. I then took it one step
 21 further by providing contour maps for both sets of
 22 numbers showing an order of magnitude more
 23 information than the Pleasant Ridge/Stantec study
 24 shows. This extra data helps demonstrate that there

Page 4124

1 are more areas to examine for compliance than just
 2 the center of the home. Even using their new lower
 3 numbers, there are homes still over the legal limits
 4 and a lot of properties I show are also still over
 5 the limit. And remember, the IPCB limits, I don't
 6 see where they're waivable.
 7 Thanks for listening.
 8 **CHAIRMAN CORNALE:** ZBA, do we have any
 9 questions for Mr. Slagel? Anybody have any
 10 questions at this time? All right, school
 11 districts, local government, any questions at this
 12 time? All right, Mr. Blazer --
 13 **MR. BLAZER:** No, sir.
 14 **CHAIRMAN CORNALE:** -- any questions?
 15 **MR. BLAZER:** No questions.
 16 **CHAIRMAN CORNALE:** No questions, all
 17 right. Anybody in the audience with questions? Oh,
 18 Mr. Luetkehans, do you have any questions?
 19 **MR. LUETKEHANS:** Just a couple follow-up,
 20 Mr. Slagel.
 21 **QUESTIONS BY**
 22 **MR. LUETKEHANS:**
 23 Q. So, in essence, you came up with the same
 24 numbers as 16B did. That's what those charts 10A

Page 4125

1 and 10B show, correct?
 2 **A. That's correct.**
 3 Q. Okay. And then you contour mapped based
 4 on those exact numbers?
 5 **A. Yes. That would be the contour maps on**
 6 **the right side of my pages.**
 7 Q. Okay. And on your contour maps, the
 8 box -- or there's usually a box, maybe a rectangle,
 9 maybe a square, maybe some other, that's the
 10 property lines; is that correct?
 11 **A. That's the property lines as well as I**
 12 **could determine from the satellite view. It's**
 13 **certainly not an official survey. What I tried to**
 14 **do is anything that looked like yard where you would**
 15 **mow or like a windbreak, the trees that are around**
 16 **the property.**
 17 Q. Okay, so it was kind of -- there's no one
 18 sitting here certain as to where the house or the
 19 property line started or the Class A land may have
 20 started, correct?
 21 **A. Could you say that again?**
 22 Q. You know, that was an awful question,
 23 forgive me. And just so I'm clear, the contour
 24 maps, you said there's 131,000 pixels in each

Page 4126

1 property?
 2 **A. Yes, roughly.**
 3 Q. So -- so is there an estimate you can give
 4 me on how far apart each of these points are that
 5 you did? A couple feet, inches?
 6 **A. Yes, I did the math. I think it's -- let**
 7 **me think. Give me one minute. Well, it's 760 foot**
 8 **across on each diagram and that's 512 points, so**
 9 **it's a little over a foot square would be each --**
 10 Q. Somewhere between a foot and a foot and a
 11 half then.
 12 **A. Yeah.**
 13 Q. Okay.
 14 **A. Each pixel that I've drawn.**
 15 **MR. LUETKEHANS:** Okay, thank you. Nothing
 16 further.
 17 **CHAIRMAN CORNALE:** Anybody in the audience
 18 with questions? Anybody out there? All right.
 19 Back to us again. ZBA, did we have anything kind of
 20 pop up?
 21 **QUESTIONS BY**
 22 **CHAIRMAN CORNALE:**
 23 Q. All right. Just so as I look at your 10B,
 24 so using the new numbers, the new lower numbers from

Page 4127

1 -- from Stantec or whoever provided those --
 2 **A. Yeah, they were at the top, they were at**
 3 **the top of 16B.**
 4 Q. Okay, all right. You still estimate that
 5 there's three locations that are at or above the
 6 legal limit; is that correct?
 7 **A. Actually I came up with six when I**
 8 **counted, yeah.**
 9 Q. Six?
 10 **A. Oh, using my numbers you mean?**
 11 Q. Yeah.
 12 **A. I'm not sure. I never actually looked at**
 13 **my numbers. I just looked at the graphs to see what**
 14 **houses had -- okay, I see what you're asking.**
 15 **Sorry, sorry.**
 16 Q. I'm looking at 10B and everybody over 41
 17 or at 41; is that right?
 18 **A. Yes.**
 19 Q. You see three?
 20 **A. Yes.**
 21 Q. Okay, and they estimate that there's -- is
 22 there three or four that they estimate? So they may
 23 estimate five at 41; is that correct?
 24 **A. I'm not actually sure. Their numbers**

Page 4128

1 **would be the "them" column, and you're saying**
 2 **there's some that are over 41.0?**
 3 Q. I think I have -- no, they're at 41. You
 4 have a -- you have a couple over.
 5 **A. Okay, yeah, right.**
 6 Q. Okay.
 7 **MR. LUETKEHANS:** Mr. Chairman, I think the
 8 evidence was in Mr. Hankard's cross that it was five
 9 at 41.0.
 10 Q. Okay, all right, five locations. Just out
 11 of curiosity, have you -- have you searched any
 12 further why the change may have occurred in the
 13 input?
 14 **A. No. I tried to find the -- the LNTE specs**
 15 **from GE. The 103 blades were given in the**
 16 **supplemental application. I emailed Mr. -- or**
 17 **Chuck, Chuck -- yeah, Chuck, and asked him if he**
 18 **would ask Invenergy for one, but I haven't heard**
 19 **back, so I have no idea where they came from.**
 20 **The only thing that I did do is I was**
 21 **Googling a lot trying to find GE specs, and I did**
 22 **find a wind project in Michigan that someone did a**
 23 **house study for with the GE 1.7-100 turbines. Their**
 24 **numbers were all given to the nearest decibel and**

Page 4129

1 **they used 101. So that could have been 100.6, it**
 2 **could have been 101, I don't know.**
 3 Q. Okay, all right.
 4 **CHAIRMAN CORNALE:** Anybody else from the
 5 ZBA with questions? County staff, county counsel,
 6 any questions? All right, thank you.
 7 **MR. JOHN SLAGEL:** You're welcome.
 8 **CHAIRMAN CORNALE:** Mr. Steidinger is
 9 working on getting this handed out. I guess I
 10 believe that that particular question that Mr.
 11 Slagel raises is important that we determine why the
 12 change in those numbers. Applicant, is there -- is
 13 there any data that you can make available to us
 14 that will -- that will clarify the change? And I'm
 15 not asking for it this evening necessarily, but
 16 rather --
 17 **MR. BLAZER:** I believe the change is the
 18 addition of the -- that I believe what Mr. Hankard
 19 testified to both in January and last week, that
 20 it's the result of the addition of both the 103 and
 21 100 LNTE blades. And I believe that's consistent
 22 with the conclusion in the Patrick Engineering
 23 report that was circulated last week where they
 24 confirmed the reduction, that there is a measurable,

Page 4130

1 significant measurable reduction in the numbers when
 2 you add those additional LNTE blades.
 3 So the answer is -- I suppose the easiest
 4 place to look is the Patrick Engineering report as
 5 they confirm it.
 6 **CHAIRMAN CORNALE:** All right. As I look
 7 at the information available right here for me, page
 8 3 of the Slagel exhibit -- if you could get that so
 9 that we can all be clear on this. The left-hand
 10 side, the Stantec report clearly states GE 1.79-100
 11 LNTEs in blue 101.0. Then you've presented --
 12 **MR. BLAZER:** I was just trying to get
 13 there, I'm sorry.
 14 **CHAIRMAN CORNALE:** Okay.
 15 **MR. BLAZER:** Where are we again?
 16 **CHAIRMAN CORNALE:** Page 3, Slagel Exhibit
 17 9.
 18 **MR. LUETKEHANS:** Mike, it's actually the
 19 fifth page because it's front and back.
 20 **CHAIRMAN CORNALE:** Oh, yeah, page 3,
 21 Exhibit 9. All right, so Stantec reports at that
 22 point that it's 101.0 for that 1000 hertz column,
 23 1.79-100. That's as clear as day on there. GE.
 24 **MR. BLAZER:** Can you just show me where

Page 4131

1 you're looking, I'm sorry?
 2 **CHAIRMAN CORNALE:** Right here
 3 (indicating).
 4 **MR. BLAZER:** I certainly don't want to
 5 bring Mr. Hankard back, but if you want me to
 6 formally get the answer to that, what I can do is
 7 I'll send him an email tomorrow, I think I know what
 8 the answer is, get a response from him, and then
 9 give it to Mr. Griffin, Mr. Blakeman, Mr. Luetkehans
 10 and Chuck and have it circulated.
 11 **CHAIRMAN CORNALE:** Okay, I guess and --
 12 **MR. LUETKEHANS:** You know, I --
 13 **CHAIRMAN CORNALE:** That would be -- that
 14 would be something from the manufacturer I would --
 15 **MR. LUETKEHANS:** Yeah, that's what I --
 16 **CHAIRMAN CORNALE:** -- assume.
 17 **RM. LUETKEHANS:** -- would ask for. I
 18 don't want Mr. Hankard to come back either, but if
 19 you could show something from the manufacturer, I
 20 think I would be satisfied and not ask to bring him
 21 back.
 22 **CHAIRMAN CORNALE:** I would agree. I think
 23 that we should ask for the manufacturer's
 24 specification, why the change between the two.

Page 4132

1 Stantec at one point was 101, and now either Hankard
 2 or Stantec or the combination of both have decided
 3 that it's 100.6. Why the change? And I'm not
 4 asking for anything tonight. I think the next time
 5 we meet or -- would be all right.
 6 **MR. BLAZER:** Sure.
 7 **CHAIRMAN CORNALE:** Okay. Mr. Steidinger,
 8 you may begin.
 9 **MR. STEIDINGER:** All right.
 10 **CHAIRMAN CORNALE:** Just a reminder, you're
 11 under oath from previous testimony.
 12 **MR. STEIDINGER:** Sure.
 13 **CHAIRMAN CORNALE:** And, again, focus your
 14 rebuttal -- surrebuttal on rebuttal of -- on
 15 testimony provided in rebuttal.
 16 **MR. STEIDINGER:** Absolutely.
 17 **CHAIRMAN CORNALE:** Okay.
 18 **MR. STEIDINGER:** Okay, so tonight I'd like
 19 to address the report submitted by Mr. MaRous last
 20 week and his accompanying testimony about my
 21 previously titled report Steidinger Exhibit 1. Mr.
 22 MaRous's assistant made some calls to counties with
 23 wind farms, and based determined -- and based on
 24 this, determined that wind farms don't impact

Page 4133

1 residential property values. Tonight I'd like to
 2 take an in-depth look at each of the conclusions
 3 that they've put in their report and apply them
 4 specifically to Livingston County.
 5 Also, before I get into the details, I'd
 6 like to thank Warren Zehr for his help in this.
 7 Warren was the deputy assessor for I think nearly 30
 8 years and he has a lot of knowledge and was very
 9 helpful in figuring out some of this information.
 10 But before we get into the details of the
 11 report, I'd like to comment a little bit on the
 12 testimony. Now, Mr. MaRous said the method that I
 13 used does not meet the Standards of Mass Appraisal.
 14 And I'd offer even a step further. It doesn't meet
 15 any appraisal standards. That was not the intent
 16 and I didn't try to meet any -- I'm not a licensed
 17 appraiser. I didn't make any attempt to make this
 18 into an appraisal. You will find no reference or
 19 claims anywhere in my report suggesting that.
 20 The intention was to show home price
 21 trends in various parts of the county, and since
 22 this is a wind project hearing, much of the focus
 23 was on the northwest part of the county where we
 24 already have wind turbines.

Page 4134

1 The method in question, though, using
 2 existing home sale prices and averaging them by
 3 region, it's a common method and it's really crucial
 4 to the industry as a whole. Tax assessors rely
 5 heavily on this when they look at EAV and tax rates,
 6 but we'll actually come back to that in a few
 7 minutes.
 8 On page 2, you'll find some information
 9 from a couple websites that I want to point out.
 10 The first one is from the National Association of
 11 Realtors. The NAR releases a report each month for
 12 several types of homes, one of them being single
 13 family homes, and they report them by the median
 14 average prices. The second website you'll see there
 15 comes from the U.S. Census Bureau. Now, they do a
 16 little bit different. They do collect their own
 17 data for new home sales, but they in turn also rely
 18 on the same data produced monthly by the NAR for
 19 existing home sales. This information is vital to
 20 the industry. It's an important gauge for
 21 evaluating market conditions. Buyers and investors
 22 need these to make informed decisions and this is
 23 one way to assist them to make those decisions.
 24 Mr. MaRous also offers his professional

Page 4135

1 opinion based on the available studies and findings;
 2 more specifically, the results of their phone
 3 interview with assessors or the assistant that was
 4 available the day that they called. The question I
 5 have is why we don't have an appraisal or mass
 6 appraisal from Mr. MaRous. He's an expert in the
 7 field and his information would have been very
 8 helpful.

9 I guess a good example of that is if you
 10 go to the doctor and they refer you to a specialist,
 11 you're going to go to the specialist, and maybe you
 12 take the charts and what the former doctor told you,
 13 but at the end of the day you want to know what the
 14 professional specialist says in his own opinion.
 15 And frankly we're not getting that in this case.
 16 We're just getting his opinions based on some phone
 17 conversations instead of an appraisal which he's
 18 licensed to do.

19 Now, moving on to page 3 here, I want to
 20 take a look -- there was four general conclusions.
 21 It's on page 1, I guess that would be Exhibit --
 22 Pleasant Ridge Exhibit 312, and I want to look at
 23 each one of those four conclusions and make some
 24 comments on those. The -- I'm not going to do it in

Page 4136

1 order. I want to start with the fourth one.
 2 Actually they're not numbered, but the fourth one if
 3 you look at them on the page.

4 The fourth one reads that agricultural
 5 properties are taxed based upon the production --
 6 productivity formula that is not impacted by market
 7 data and external influences. Obviously farming is
 8 big in Livingston County, so this is important.

9 The farm EAV is also the only property
 10 type -- let me just back up one step. There's seven
 11 different property types that make up the county
 12 EAV. Farming is one of those seven. And in the
 13 past five years, it's the only one of the seven that
 14 has had growth every year. There has been a 63
 15 and a half percent -- it accounts for 63 and a half
 16 percent of the total growth in EAV -- in total EAV
 17 of the county over the last five years.

18 Farming EAV is a little bit unique in that
 19 it is set by crop value and production per acre
 20 instead of value. Farming has been good for the
 21 last several years, so this has helped the county
 22 tremendously. Financially, you know, there's been a
 23 lot more farming EAV come into the county. So
 24 generally, I guess I would agree with their estimate

Page 4137

1 that there has been no effect from the wind farms.
 2 Farming EAV has been increasing, and you can see
 3 that on the chart that that has been improving.

4 The next thing I want to talk about is the
 5 conclusions number one and number three, and they
 6 are related, so I want to talk about those kind of
 7 at the same time. Number one says: Without
 8 exception, the interviewees reported that there was
 9 no market evidence to support a negative impact upon
 10 residential property values as a result of the
 11 development of and the proximity to a wind farm
 12 facility. And number three says: As the available
 13 market data did not support the claim of negative
 14 impact upon residential values, residential assessed
 15 values have fluctuated consistently countywide as
 16 influenced by market conditions with no regard for
 17 proximity to a wind farm.

18 So what we want to do. I guess first I
 19 want to take a look at the total county EAV going
 20 back to 2009. As you can see, the county EAV has
 21 gone up I think every year with the exception of
 22 one, we had a slight dip in 2012, so the county EAV
 23 has increased every year basically for the past five
 24 years. So I guess to make that conclusion just

Page 4138

1 looking at that, you probably could. But if we go
 2 in to look at the residential EAV, which is what we
 3 want to focus in on a little bit more, you'll see
 4 that residential EAV peaked in 2011 and has lost a
 5 lot of value in the last two years.

6 EAV is obviously a great -- I mean a major
 7 contributor to the budget, so it's very important
 8 that we look at these numbers. I guess I compare it
 9 to a business. You look at your total sales, but
 10 you also look at each item and say how much is it
 11 generating, how much is it helping? If we
 12 disregard -- if we look at the big picture and say,
 13 yeah, our county looks good because we got EAV
 14 that's going up and we disregard the individual
 15 factors as to why that is, we need to look at it a
 16 little bit deeper and see which ones are doing good
 17 and which ones are doing bad and make some
 18 corrections based on that.

19 So moving on to page 5, here we want to
 20 take a look at two tables. The top one is a
 21 combination of Indian Grove and Belle Prairie
 22 residential EAV, and the bottom one is Odell and
 23 Union Township's residential EAV. Now, where these
 24 numbers come from, I guess if you drove out to

Page 4139

1 Indian Grove and Belle Prairie and asked everybody
 2 for their tax bill and went home and added up their
 3 equalized assessed values, you're going to get this
 4 number. This is not a -- this is what the taxes are
 5 based off of in Livingston County.
 6 So as you can see, Indian Grove and Belle
 7 Prairie have been slowly growing for the past five
 8 years. Odell and Union Township, on the other hand,
 9 peaked in 2011 and have fallen 6.88 percent in the
 10 two years after.
 11 Property values are taxed in arrears, so
 12 what that means is taxes you're paying today are
 13 based on value of your property for the previous
 14 year. So if we're looking for a cause and why the
 15 loss in EAV in 2011, we really need to look back to
 16 2010 to see what was going on in that market at that
 17 time.
 18 Another thing I want to point out -- well,
 19 I didn't do it here just for sake of time. If you
 20 went back to my previous report and looked at the
 21 average home sale prices in Odell, I think the trend
 22 would be not identical obviously, but you would see
 23 a similar trend in what I -- what was projected
 24 based on the average home sale prices and what we're

Page 4140

1 seeing with the EAV. So apparently this tax
 2 assessor does -- does take these numbers into
 3 account as well.
 4 Moving on to page 6 here. So you see the
 5 decline of 6.88 percent in Odell and Union
 6 Townships. The next question is will this decline
 7 continue? And I think in order to find that, we
 8 need to look a little bit at supply and demand. And
 9 supply and demand in real estate is really no
 10 different than any other commodity. An imbalance is
 11 going to make one side have an advantage over the
 12 other.
 13 Looking specifically at Odell, you'll see
 14 that the months supply has been slightly increasing
 15 since September of last year. Months supply
 16 basically means that if no one else puts their home
 17 on the market, how many months is it going to take
 18 to sell the inventory that we have? In the case of
 19 Odell, it is one of the higher ones. It looks like
 20 it's approximately 27 months as of, well, yesterday,
 21 May 11th.
 22 So when there's that much inventory on the
 23 market, this really gives the buyers more options.
 24 For one, they have more homes to choose from, and

Page 4141

1 also they have more buying, more power in
 2 negotiating a lower price. It gives them an
 3 advantage over that. In order to fix this, to make
 4 this more of a seller's market, somehow we have to
 5 reduce the inventory, whether that be people that
 6 take their homes off the market, people that sell
 7 their homes for less value, but somehow we have to
 8 get more of a balance between the two to get a fair
 9 playing field, if you will, for the buyers and
 10 sellers.
 11 So in conclusion to number one and number
 12 three, which would be going back to the overall
 13 conclusions of MaRous's study, the Livingston County
 14 data doesn't really support either one of these
 15 claims. Countywide fluctuation caused by the market
 16 conditions would suggest that EAV in all townships
 17 would move in the same general direction. As we've
 18 seen here, we have two townships going up, and at
 19 the exact same time we have two townships going down
 20 sharply. The two going down sharply have wind
 21 turbines that were built in 2010 which is the year
 22 that the decline began.
 23 Okay, so moving on to page 7 here, the
 24 last point I want to talk about was the conclusion

Page 4142

1 number two. It says: Exclusive of one tax appeal
 2 filing in Vermilion County, the assessor's offices
 3 have not experienced a tax appeal based upon wind
 4 farm related concerns. Mr. MaRous and Mr.
 5 Luetkehans discussed this in depth the other night
 6 of what it takes to appeal your taxes. It's --
 7 there's costs, there's time involved, you know,
 8 there's a lot of factors that go into that, whether
 9 or not you want to make that decision.
 10 If we go back to the Odell and Union
 11 Township for a minute, their EAV has fallen about 3
 12 and a half percent per year, which is basically
 13 equivalent to their taxes going down about 3 and a
 14 half percent a year. I guess I would find it hard
 15 to believe it would make sense for them to appeal
 16 and complain about their taxes when they're going
 17 down each year. My guess is they just write the
 18 check and mail it in and move on.
 19 So in conclusion, you know, buying a home
 20 for many people is probably the biggest decision and
 21 the biggest investment they're going to make.
 22 Invenegy brought their experts from across the
 23 country to tell us statistically property values
 24 won't be affected. You know, when I lay awake at

Page 4143

1 night, and believe me I do do that, and think
 2 about -- think about this situation, it doesn't
 3 really ease my mind when I consider my friends and
 4 families and the fact -- I think about the fact that
 5 we don't even have to leave the borders of our
 6 county to see the effects of what we're projecting
 7 as wind turbine effects on property value.
 8 This would be the third different property
 9 value report based solely on Livingston County. The
 10 first one was introduced by the applicant and Mr.
 11 MaRous. Ironically, they put in some information
 12 from the Livingston County Board of Realtors that
 13 showed a rapid loss in home prices in Odell, and Mr.
 14 MaRous basically agreed that the information was
 15 generally accurate. The second one was the report I
 16 submitted that showed a 15 percent loss in average
 17 home sale prices in the northwest portion of the
 18 county. And now today, that is, in my opinion,
 19 backed up with two townships that have lost almost 7
 20 percent to date and probably more on the way.
 21 Based on what we know, I think it's time
 22 the county takes a hard look at how they're going to
 23 protect residential EAV from the effects of Pleasant
 24 Ridge and any other wind projects. In 2013,

Page 4144

1 residential EAV accounted for 48 percent of the
 2 total equalized assessed value in Livingston County.
 3 If this number is not protected and the losses
 4 continue, this will have a major impact on the
 5 budget of Livingston County.
 6 Fortunately farming has been helping. As
 7 we would show, for the past five years it's been
 8 increasing, which is a great benefit to have that,
 9 but as many people will say, that the correction to
 10 the farm EAV is inevitable. It's just a matter of
 11 time until that happens. A drop in farm EAV, we
 12 know the state mandates that wind turbines decline
 13 in EAV each year by 4 percent plus inflation, and
 14 the continued loss of residential EAV could be
 15 devastating to our county.
 16 Illinois and Livingston County residents
 17 in particular pay some of the highest taxes probably
 18 in the country, and it's time to focus on long-term
 19 solutions not short-term cash that will be spent and
 20 forgotten in a quick couple years. It's time to
 21 consider the financial situation we're going to hand
 22 off to the next generation.
 23 Thank you for your time for hearing me
 24 again, and thank you for your patience throughout

Page 4145

1 this lengthy process.
 2 **CHAIRMAN CORNALE:** Anybody on the ZBA with
 3 questions? Any questions at this time? All right.
 4 Units of local government, school districts with any
 5 questions? Mr. Blazer, do you have any questions?
 6 **MR. BLAZER:** No, sir.
 7 **CHAIRMAN CORNALE:** All right. Mr.
 8 Luetkehans, do you have any questions?
 9 **MR. LUETKEHANS:** Yeah, real quick.
 10 **QUESTIONS BY**
 11 **MR. LUETKEHANS:**
 12 Q. Going to page 4 of Steidinger Exhibit 3,
 13 the second chart, the residential EAV chart.
 14 **A. Yeah, let me grab that. The third one?**
 15 Q. Okay.
 16 **A. Which one are you --**
 17 Q. No, I'm in your PowerPoint still.
 18 **A. Okay, okay, I'm sorry.**
 19 Q. But I think the next question and answer
 20 is going to be that document.
 21 **A. Okay.**
 22 Q. How did you come up with this particular
 23 information of the residential EAV, the county
 24 total?

Page 4146

1 **A. Sure. If -- this is actually Exhibit No.**
 2 **2. Exhibit No. 3 is a breakdown of each one of**
 3 **those. There's one section that has the county**
 4 **totals and then there's another section that has**
 5 **Pleasant Prairie, another one for Belle -- I'm**
 6 **sorry, Belle Prairie, Indian Grove, Union and Odell**
 7 **Township, each one. There's a report for each year**
 8 **for each township individually.**
 9 Q. Okay. And then if I look at your chart, I
 10 see 2009 to 2010 we have flat, correct?
 11 **A. Yeah, I think there's a little bit of a**
 12 **dip, but it looks apparently close to flat.**
 13 Q. Relatively flat.
 14 **A. Yes.**
 15 Q. Maybe a slight dip, I apologize.
 16 **A. Yeah.**
 17 Q. And then 2010 to 2011 it goes up. 2011 is
 18 actually based on 2010 though, correct?
 19 **A. Correct.**
 20 Q. Because we're a year behind.
 21 **A. Uh-huh.**
 22 Q. And then 20 -- in essence, 2011 it goes
 23 back down. That's when we start seeing a decrease.
 24 **A. Yes.**

Page 4147

1 Q. And then if we go to the chart on page 5,
 2 the second chart again, the Odell/Union residential
 3 EAV, we see that same kind of pattern, correct?
 4 **A. Correct.**
 5 Q. Except it may look like it went up a
 6 little from '09 to '10, but --
 7 **A. Yeah, may have a slight increase there,**
 8 **yeah.**
 9 Q. But again, it peaks in 2011, which is
 10 actually the 2010 tax year, and it goes down from
 11 that point.
 12 **A. Correct.**
 13 **MR. LUETKEHANS:** Nothing further. Thank
 14 you.
 15 **CHAIRMAN CORNALE:** Anybody else in the
 16 audience with questions?
 17 **MR. JOHN SLAGEL:** So with like the
 18 property value guarantee that they talked about
 19 tonight, and I think this might be a separate
 20 question, the neighbor agreements, that -- will that
 21 protect the county's EAV from loss?
 22 **A. No. In my summary, what I was really**
 23 **focussing on is the county needs to focus on the EAV**
 24 **as a whole. What they're proposing is an individual**

Page 4148

1 **property protection which really, unless everybody**
 2 **did that, would not protect the county's total EAV**
 3 **in any way substantially.**
 4 **MR. JOHN SLAGEL:** Thanks.
 5 **CHAIRMAN CORNALE:** Anybody else in the
 6 audience with questions?
 7 **MS. GERWIN:** Carolyn Gerwin, Pontiac,
 8 Illinois.
 9 **QUESTIONS BY**
 10 **MS. GERWIN:**
 11 Q. The general EAV figures in the charts, do
 12 those include the EAV from the turbines themselves?
 13 **A. Yes, if you -- on page 4, the county total**
 14 **EAV, that would include all seven aspects of the**
 15 **county EAV.**
 16 Q. And that would be expected to go down due
 17 to the formula unless inflation kicks it back up
 18 again, right?
 19 **A. Yeah, the wind turbine portion of that**
 20 **goes down 4 percent a year and they add back**
 21 **inflation, so that loss will be accumulated in this**
 22 **county total.**
 23 **MS. GERWIN:** Okay, thank you.
 24 **CHAIRMAN CORNALE:** Anybody else with

Page 4149

1 questions? Anybody else? All right. ZBA, did we
 2 have any questions come up? County staff?
 3 **MR. SCHOPP:** I do have one.
 4 **CHAIRMAN CORNALE:** Okay.
 5 **MR. SCHOPP:** Just real quick. You gave us
 6 Steidinger Exhibit 3. I assume that's just
 7 background information for your charts on your
 8 Exhibit 2. Is that the purpose of that?
 9 **A. Yeah, any of the information you find in**
 10 **Exhibit 2 could be supported by Exhibit 3.**
 11 **MR. SCHOPP:** All right.
 12 **CHAIRMAN CORNALE:** County counsel?
 13 Nothing. Thank you.
 14 All right, I've got 7:52. Why don't we
 15 take a ten minute break. We'll get going again at
 16 8:02. Whoever is going to go next, if they kind of
 17 want to work on getting everything set up that they
 18 need and ready to go, that would be good.
 19 (Recess at 7:52 p.m. to 8:03 p.m.)
 20 **CHAIRMAN CORNALE:** All right, make our way
 21 back to our seats. We'll go ahead and get going
 22 again. Mr. Blazer -- or, Mr. Luetkehans, I believe
 23 you've indicated there may be one other individual
 24 that would like to offer some surrebuttal?

Page 4150

1 **MR. LUETKEHANS:** Yeah, I'm aware that Mr.
 2 Hayes would, but there may be others that I'm not
 3 aware of, but --
 4 **CHAIRMAN CORNALE:** All right. Mr. Hayes,
 5 we're ready for you. Just a quick show of hands of
 6 those individuals that may be interested in offering
 7 surrebuttal? Are there any other individuals out
 8 there this evening or no? I don't see anybody else.
 9 All right.
 10 **MR. HAYES:** John Hayes.
 11 **CHAIRMAN CORNALE:** All right, Mr. Hayes,
 12 I'll remind you again you are under oath from
 13 previous testimony, and I will again remind you that
 14 we need to make sure that the testimony you provide
 15 in this surrebuttal process is directly associated
 16 with testimony that we've heard in the rebuttal part
 17 of this procedural hearing.
 18 **MR. HAYES:** Yes.
 19 **CHAIRMAN CORNALE:** All right.
 20 **MR. HAYES:** There are primarily three
 21 things that Mr. Hankard has stated that I wish to do
 22 surrebuttal on, and one of them has already been
 23 covered to a certain extent by John Slagel, so a lot
 24 of what I have down listed as A about contour maps,

Page 4151

1 I'm not going to read that or go over that
 2 necessarily. But there is at the bottom on the
 3 front page of the paper that I gave you, Hayes
 4 Exhibit 8, it does state this best practices
 5 guideline uses contour maps as best practice to show
 6 sound levels for proposed wind farms.
 7 What I was going to do was to -- just to
 8 refute Mr. Hankard's statement that a single point
 9 is more accurate than contour maps, and I'm not --
 10 Mr. Slagel has already done that I think, but what I
 11 did do is I wanted to show you a contour map as an
 12 example. And the one that I gave you I believe is
 13 called Hayes 9. And I apologize, my printer was
 14 running out of ink and I didn't have a new ink
 15 cartridge to put in there, so the one you have is
 16 very, very lightly printed, but the --
 17 **MR. BLAZER:** For the record, Mr. Chairman,
 18 I'm going to object to Hayes 9. This appears to be
 19 something from an individual named David Hessler who
 20 appears to be a consultant in acoustics. Obviously
 21 Mr. Hessler will not be testifying in this
 22 proceeding. Consistent with this board's prior
 23 rulings, this document is inappropriate.
 24 **MR. HAYES:** This is from the Minnesota

Page 4152

1 Public Utilities Commission. They hired him to make
 2 it.
 3 **MR. BLAZER:** Well, this was prepared for
 4 -- we don't know what they did because the Minnesota
 5 Public Service -- Utilities Commission isn't here
 6 either. All we have is something from a David
 7 Hessler. Being consistent with your rulings on Rand
 8 and Harrison and several others, this isn't
 9 appropriate.
 10 **CHAIRMAN CORNALE:** All right, Mr. Hayes,
 11 let me -- let me just ask, your effort here is not
 12 to display any of the information but, rather, show
 13 that the contour map is in use? Is that -- is that
 14 my understanding?
 15 **MR. HAYES:** Yeah. Well, it was to show
 16 that a contour map is, in my opinion, way more
 17 accurate than a single point.
 18 **MR. BLAZER:** Well, Mr. Hayes isn't an
 19 acoustician, and again this is -- we don't know what
 20 this is being used for because all we have is a
 21 cover page and a map.
 22 **MR. HAYES:** I believe --
 23 **MR. BLAZER:** So apart from the fact that
 24 Mr. Hessler isn't going to be testifying here and

Page 4153

1 it's completely inappropriate, we have no idea what
 2 the context is of this one page being attached to
 3 this other page. It's just completely
 4 inappropriate.
 5 **CHAIRMAN CORNALE:** All right. We're going
 6 to allow the objection. Mr. Hayes, if you can move
 7 on past this particular map. We will not accept
 8 Hayes 9 as presented.
 9 **MR. HAYES:** Then the only thing that I
 10 will add to John Slagel's testimony would be that in
 11 the Cal Ridge application, Invenergy did use several
 12 contour maps instead of just single point
 13 calculations.
 14 Okay, I'll move on to letter B, second
 15 page. I'm going to attempt to discredit or refute
 16 Mr. Hankard's opinion that the Pleasant Ridge model
 17 is overpredicting sound levels by 2 decibels. And I
 18 questioned him on this and tried to get information
 19 out of him as to where these numbers were coming
 20 from. And the first thing I want you to consider is
 21 what was the source of this 41 decibels because he
 22 was subtracting a 39 from a 41 and saying it was 2
 23 decibels that the model was overpredicting. And
 24 this -- basically what he said, as far as I could

Page 4154

1 tell, is that he calculated it.
 2 But what we do have, there is in print and
 3 available to us, is the model of predicted maximum
 4 sound level values for all the homes in the Cal
 5 Ridge Wind Farm. It was in their application. And
 6 the maximum calculated value for 1000 hertz is 40
 7 decibels. And that's from -- that's on page 7 of
 8 the sound analysis report in the Cal Ridge
 9 application, and so I just duplicated that page and
 10 called it Hayes 10.
 11 And we're really concerned about the
 12 nighttime. So in Table 6, 1000 hertz, you will see
 13 the category A modelling results, it has a 40
 14 listed. And what I did was I did look through all
 15 the numbers in the table, and there's like 289 of
 16 them I believe, receptor numbers, and the biggest
 17 number that I could find was a 40.
 18 I really wanted Mr. Hartke's house because
 19 that's what the Cal Ridge measured values are from.
 20 Well, I could not find -- that information is not
 21 part of the application, so -- but even if I just
 22 assume Mr. Hartke's house was 40, and there were
 23 only like nine of the 289 receptors that were
 24 between 39 and 40, 280 of them were below 39.5, so

Page 4155

1 there's a high probability that it's less than 40.
 2 But if I just assume that Mr. Hartke's house was 40,
 3 then, you know, I could use that 40 to -- as the
 4 maximum worst case scenario number that you can get
 5 in the Cal Ridge predicted. And I'll come back to
 6 that in a minute.
 7 The second thing was there was this number
 8 39 decibels, and Mr. Blazer was nice enough to help
 9 me find where that was at, and it was in the Cal
 10 Ridge sound study analysis of Mr. Hartke's house,
 11 and it was on -- at the very bottom. I put down
 12 here that you can find it on page 44 of Pleasant
 13 Ridge Exhibit 48, item number 7, and basically it
 14 just spells out all of the criteria that Mr. Hankard
 15 used in determining that 39.
 16 And what he did was he selected, using
 17 that criteria, 35 numbers, decibel readings, out of
 18 the table for Cal Ridge measured values, added them
 19 up, divided, and said he got 39. That's an average
 20 value. I'm not sure what an average value has to do
 21 with a single maximum predicted value, but I --
 22 since Mr. Hankard is good at rounding, I went ahead
 23 and added them up myself and I got 39.4, but that
 24 doesn't make any difference anyway because whether

Page 4156

1 it be 39.4 or 39 doesn't make any difference.
 2 Using a value of 39 makes no sense at all.
 3 It just gives you a way of saying we've got 2
 4 decibel underpredicting or overpredicting. I'll
 5 mess that term up here yet. But anyway, so I'm
 6 saying that this 39 -- I know where the 39 now comes
 7 from, and it's an average value.
 8 Now, if you're going to take a model
 9 and -- as they did for Cal Ridge, as they did for
 10 Pleasant Ridge, and predict the worst case scenario,
 11 so get the maximum dBs, decibel levels, for 1000
 12 hertz, and you want to compare that predicted
 13 number, you want to compare it with the maximum
 14 measured. Not an average of a bunch of measured
 15 numbers but the maximum. I mean that only makes
 16 sense. So you could take an average of a bunch of
 17 numbers and you're going to get something different
 18 than what the maximum's going to be.
 19 And then -- so I then looked for what was
 20 the maximum number that Mr. Hankard put in that Cal
 21 Ridge study analysis, and the maximum number was
 22 41.8. I listed that I think and I gave you a table
 23 number maybe. Pretty sure I did. Table 7-5 in that
 24 Cal Ridge study. You can look that up and you'll

Page 4157

1 find 41.8 there.
 2 So the measurement. We have a maximum
 3 measured value of 41.8. We have a predicted value
 4 of 40. Well, it turns out that the turbine was
 5 putting out 1.8 decibels at maximum greater than the
 6 predicted, and Mr. Hankard was saying it's going to
 7 be -- the measure will be lower by 2 decibels than
 8 predicted. Now, to me, that's significant,
 9 especially when we start looking at how many of the
 10 homes are at 41 decibels.
 11 You know, you'll have to make your own
 12 decision there as to what that means, but if -- you
 13 know, I'm showing you here using published data, not
 14 numbers I said but numbers you can look up, numbers
 15 that are from Invenergy and the people they've hired
 16 for the Cal Ridge -- from Cal Ridge, and it's not
 17 overpredicting. The model is underpredicting the
 18 maximum value.
 19 I don't know what else I can say about
 20 that, but if it does underpredict and we have -- and
 21 they're predicting 41, what numbers do you think
 22 you're going to get for some of those houses that
 23 are at 41? I'll let you be the judge of that. Of
 24 course, you're not acousticians, so you probably

Page 4158

1 can't do it. I know I'm being a little
 2 smart-alecky, but sometimes I think -- I feel like
 3 I'm being treated like an idiot.
 4 All right, I'm going to leave that. I
 5 feel that, to me, that's something that's important.
 6 You can go look this up yourself. It's in print.
 7 It's not -- it's not a number I just said and made
 8 up.
 9 The last thing that I want to refute was
 10 Mr. Hankard's statement that amplitude modulation
 11 can be disregarded because amplitude modulation
 12 occurs in the infrasound range and people cannot
 13 hear infrasound. Well, that's true. We can't hear
 14 infrasound. And that's a common statement that you
 15 will see in the literature. But is there other
 16 avenues at which we can feel infrasound? Can people
 17 actually detect infrasound?
 18 There is a great deal of research going
 19 on, so I looked and I found one --
 20 **MR. BLAZER:** Objection, Mr. Chairman.
 21 **MR. HAYES:** -- paper and --
 22 **MR. BLAZER:** The same basis. He's not an
 23 expert on this subject. This individual who
 24 purports to have written this article, who I should

Page 4159

1 mention, according to the record in this proceeding,
 2 is associated with the anti-wind Society for Wind
 3 Vigilance, number one.
 4 **MR. LUETKEHANS:** I move to strike that.
 5 **MR. BLAZER:** It's in the record.
 6 **MR. LUETKEHANS:** You know what? Then you
 7 don't need to say it.
 8 **MR. BLAZER:** First and foremost, Mr. Hayes
 9 isn't qualified to speak on this subject. Secondly,
 10 this individual, Mr. Salt, isn't going to be here.
 11 On the same basis that you granted all the other
 12 objections, we object to this one and --
 13 **MR. HAYES:** Mr. Hankard's not a scientist
 14 in this area either --
 15 **MR. BLAZER:** Excuse me.
 16 **MR. HAYES:** -- but he got to testify about
 17 it.
 18 **MR. BLAZER:** And to this portion of I
 19 guess it would be paragraph C on pages 3 and 4 of
 20 Mr. Hayes's presentation and move that it be
 21 stricken.
 22 **CHAIRMAN CORNALE:** All right, based on the
 23 precedence that we have set, I will allow the
 24 objection and we will strike Hayes 11 from the

Page 4160

1 record. All right, you can -- if there's other
 2 information within that paragraph that you would
 3 like to talk about. You just can't use the -- this
 4 particular study which you presented. Is there
 5 other --
 6 **MR. HAYES:** You're saying I can't
 7 reference this paper here which is the proof?
 8 **CHAIRMAN CORNALE:** Yes.
 9 **MR. HAYES:** Well, that makes it awfully
 10 hard to refute. I guess the only thing I can
 11 probably tell you would be from personal experience,
 12 and I'm not sure that's good -- would be really
 13 scientific, so I don't know that I really want to go
 14 that route. But I do know that infrasound travels
 15 as waves, can be transmitted from one medium to
 16 another, such as air into a human, into flesh, or
 17 into wood or into anything else, it can travel
 18 through material, and for us to think about things
 19 like -- I hope I can give an analogy of what I'm
 20 trying to say to make it clear to you.
 21 You go for an X ray. Those are
 22 electromagnetic waves and they're not mechanical
 23 infrasound waves, but they still have the exact same
 24 properties, they have to obey the same laws of

Page 4161

1 physics, both of them do, both kinds of waves, but
 2 an X ray can pass through you and you can determine
 3 that it was detected or blocked by bones or other
 4 things and it can show up on film.
 5 It may be a little bit of a leap here, but
 6 the infrasound is going to enter your body, and I
 7 know there is evidence out there that the human body
 8 can sense it, can detect it. It just doesn't detect
 9 it with the ear. And I dare not go any further
 10 because I've probably overstepped my boundary
 11 already, but that's my opinion as a person who has a
 12 degree in physics, that they can get into your body.
 13 If it gets in your body, you'll have to decide for
 14 yourself if there's any possibility of it affecting
 15 you.
 16 I thank you for your time.
 17 **CHAIRMAN CORNALE:** Thank you. ZBA, do we
 18 have any questions? All right.
 19 **QUESTIONS BY**
 20 **MS. HUISMAN:**
 21 Q. Mr. Hayes, can you clarify one thing for
 22 me? I probably wasn't paying attention when you
 23 tried this, but on page 3 of your, of your --
 24 **A. Presentation.**

Page 4162

1 Q. Yes. You're talking about Mr. Hartke's
 2 house. It's just about a third of the way down the
 3 page. You said for Mr. Hartke's house the maximum
 4 possible predicted value is 40 dB.
 5 **A. It is 40 dBs or less, but I do not have or**
 6 **I have -- oh, I'm sorry.**
 7 Q. And then you say the maximum measured
 8 value from the Cal Ridge study is 41.8, and you
 9 reference Table 7-5. I'm lost as to where you got
 10 that number, and I just wanted to go back to
 11 whatever other exhibits that I previously -- we've
 12 previously accepted to make sure that I understand
 13 where you're pulling your data from.
 14 **A. Can I show you?**
 15 Q. Was it in here?
 16 **A. No, I did not include a copy of it because**
 17 **it is entered into -- into your record. I believe**
 18 **it's Pleasant Ridge Exhibit 48 --**
 19 Q. Okay.
 20 **A. -- I believe it is, but I can show it to**
 21 **you right now.**
 22 Q. That's okay. If you just tell me the
 23 exhibit, I can look it up.
 24 **A. Okay, it's Table 7-5. It is the second**

Page 4163

1 **from the bottom. There's a whole list of -- well,**
 2 **you can just look at that list. You'll find it.**
 3 Q. And it's got the actual measured decibels?
 4 **A. Yes.**
 5 Q. Okay. And for the record, I don't think
 6 anyone thinks you're an idiot. I purposely didn't
 7 take your physics class in high school because I
 8 thought I was too stupid to pass the class, so --
 9 **A. I'm sure you're not.**
 10 **CHAIRMAN CORNALE:** ZBA, any other
 11 questions? Mr. Blazer, do you have any questions?
 12 **MR. BLAZER:** No, sir.
 13 **CHAIRMAN CORNALE:** Mr. Luetkehans, do you
 14 have any questions?
 15 **MR. LUETKEHANS:** No, sir.
 16 **CHAIRMAN CORNALE:** All right. Anyone in
 17 the audience with questions for Mr. Hayes? Anybody?
 18 ZBA again? County staff? County counsel? Thank
 19 you, Mr. Hayes.
 20 **MR. HAYES:** Thank you.
 21 **CHAIRMAN CORNALE:** All right. I believe
 22 my show of hands earlier showed no one out there
 23 with additional surrebuttal; is that correct? This
 24 will be your last opportunity on that. Mr.

Page 4164

1 Luetkehans?
 2 **MR. LUETKEHANS:** Yes, sir.
 3 **CHAIRMAN CORNALE:** Did you have additional
 4 surrebuttal or --
 5 **MR. LUETKEHANS:** No, that was it.
 6 **CHAIRMAN CORNALE:** That was your
 7 surrebuttal.
 8 **MR. LUETKEHANS:** Yes.
 9 **CHAIRMAN CORNALE:** All right, so I will
 10 take that to be that that's the end of the
 11 surrebuttal process. All right, moving down our
 12 hearing procedures --
 13 All right, the next thing within our
 14 procedure will be some county staff reports. I --
 15 okay, Mr. Blakeman is also reminding me that the
 16 Patrick Engineering representative will come back to
 17 clear up any questions that their particular reports
 18 have opened up.
 19 Chuck, what's your time line? Would you
 20 expect maybe -- is there anything that you would
 21 like to present or do you have any insight on
 22 Patrick Engineering?
 23 **MR. SCHOPP:** There's nothing. We have --
 24 all our exhibits already have been presented, so I

Page 4165

1 think we're done with that. As far as Patrick
 2 Engineering, it's a matter of a calendar issue and
 3 putting them on the calendar and getting them there,
 4 and it's how many questions that anybody may ask, so
 5 it's kind of setting a time limit for what you need
 6 from them at this point in time.
 7 **CHAIRMAN CORNALE:** Okay. All right, Mr.
 8 Blakeman has suggested we take a five minute break.
 9 We need to work through some scheduling issues so
 10 that we can give you guys an insight on what's
 11 happening in the scheduling. We'll talk again
 12 quickly about the closing statements and we'll have
 13 everybody out of here pretty early this evening. So
 14 give us five minutes and we'll work through this and
 15 we'll let you know what we come up with.
 16 (Recess at 8:28 p.m. to 8:36 p.m.)
 17 **CHAIRMAN CORNALE:** All right. We have
 18 discussed some scheduling, and I guess the way we
 19 see everything shaking out as we move forward, we're
 20 looking at next Wednesday, the 20th, 6:30, in this
 21 location, the historic courthouse. We're going to
 22 make a very good effort to make sure that Patrick
 23 Engineering is going to be here that evening to
 24 answer any questions from that report.

Page 4166

1 The hope will be to get going with the
 2 closing statements also. A reminder that we're
 3 going to have a time limit of two minutes on those.
 4 I have a list up here of individuals. You guys all
 5 have that list available to you. It's online.
 6 You're welcome to step up, make sure your name is on
 7 the list. I will remind you that if Mr. Luetkehans
 8 represents you, he will be taking care of that for
 9 you, so you will not be on the list, all right? I
 10 believe there's 39 names. Everyone on there is, of
 11 course, welcome to give a closing statement.
 12 The order of closing statements will be
 13 the applicant will have an opportunity to make a
 14 closing statement, counsel will have an opportunity
 15 to make a closing statement, the individuals on the
 16 list will have an opportunity to make a closing
 17 statement, and then we'll go back to the applicant
 18 for the final closing statement. Like I said
 19 before, the applicant will make -- will have the
 20 final opportunity to speak in front of this board
 21 before we close the public portion of the hearing.
 22 Two minutes for those, 184 minutes, can be separated
 23 by the applicant in any way, shape or form they
 24 choose, and Mr. Luetkehans has 184 minutes all at

Page 4167

1 once. And they've all told me that it won't be that
 2 long.
 3 So the 21st, the following night, it's a
 4 Thursday night, we'll either finish up closing
 5 statements or we may possibly have concluded those
 6 on the 20th. We're not sure. We don't know how
 7 long that will take. The location on the 21st is
 8 somewhat in question just if we're -- if that's --
 9 probably if that's the night of the decision, we may
 10 have to move to a larger location. We're not sure
 11 how the crowd will be. So to tell you where it's
 12 going to be that night, I can't do that. Schedule,
 13 though, tentatively yourselves for a meeting the
 14 21st at 6:30.
 15 All right. Just so that we all
 16 understand, after the applicant makes their final
 17 closing statement, the board will close the public
 18 portion of the hearing. We will deliberate amongst
 19 ourselves, make a motion -- make a motion for a
 20 recommendation. I will remind everyone motions have
 21 to be made following Roberts Rules of Order in the
 22 positive. So if you guys want to look at that,
 23 you'll better understand that all motions have to be
 24 made in the positive.

Page 4168

1 I will also remind you our vote is not a
 2 final decision. The decision still lies with the
 3 county board. We will execute a recommendation,
 4 findings of facts, to the county board. They will
 5 have that. Many of them have been in attendance,
 6 which we applaud that. I think they've heard a lot
 7 of testimony, and I think they've educated
 8 themselves well on both sides, so certain that will
 9 help them in their decision as well.
 10 So that's kind of how we see everything
 11 shaking out. Provided we get through closing on the
 12 20th, it is realistic to see some -- probably some
 13 decision on the 21st. But if we don't get through
 14 closing, it probably wouldn't happen that evening.
 15 So --
 16 As a matter of housekeeping, I'm going to
 17 go over that and take a few exhibits in so that we
 18 can make sure these all get posted to the website.
 19 And so this next part is a little bit of
 20 housekeeping. As far as for the rest of the
 21 meeting, there's probably not much content. So if
 22 you guys -- you're welcome to stay for this, but for
 23 the record, I need to ensure that Pleasant Ridge
 24 Exhibit 130C has been previously accepted. 130C.

Page 4169

1 **MR. LUETKEHANS:** Which one -- I'm sorry,
 2 you know what, someone was talking, I apologize.
 3 **MR. BLAZER:** Tom, which one is that?
 4 **CHAIRMAN CORNALE:** Statement of compliance
 5 on the A-designed assessment from TUV Nord.
 6 **MR. BLAZER:** Yes, it was.
 7 **CHAIRMAN CORNALE:** Pleasant Ridge Exhibit
 8 130C. All right.
 9 **MR. BLAZER:** Yes, it was.
 10 **CHAIRMAN CORNALE:** County will accept UCLC
 11 134 as a Google map. County will accept Pleasant
 12 Ridge Exhibit 16A as the Pleasant Ridge Wind Project
 13 Identification of Turbines Requiring LNTE Blades.
 14 County will accept Pleasant Ridge Exhibit 16B,
 15 Pleasant Ridge Sound Analysis, Maximum Octave Bands
 16 for the GE 1.79-100 Turbine Model. County accepts
 17 Pleasant Ridge Exhibit 272 as Fomenting Sickness:
 18 Nocebo Priming of Residents about Expected Wind
 19 Turbine Health Harms. County accepts Pleasant Ridge
 20 Exhibit 334, Sleep Disruption Due to Hospital
 21 Noises. County accepts Pleasant Ridge Exhibit 325,
 22 Health-based audible noise guidelines account for
 23 infrasound and low frequency noise produced by wind
 24 turbines. County accepts Pleasant Ridge Exhibit 226

Page 4170

1 as 35 IL Admin Code 901.102. County accepts
 2 Pleasant Ridge Exhibit 235 as 35 Illinois
 3 Administrative Code 900.101.
 4 **MR. BLAZER:** Definitions.
 5 **CHAIRMAN CORNALE:** Definitions. County
 6 accepts Pleasant Ridge Exhibit 236 as 35 Illinois
 7 Administrative Code 901.101, current -- no,
 8 classification of land according to use. County
 9 accepts Pleasant Ridge Exhibit 225 as 35 Illinois
 10 Administrative Code 901.Appendix B. County accepts
 11 Pleasant Ridge Exhibit 228 as --
 12 **MR. BLAZER:** Knox versus Turriss Coal case.
 13 **CHAIRMAN CORNALE:** Knox versus Turriss Coal
 14 case, PCB 00-140, before the Politician Control
 15 Board dated January 9, 2003. County accepts
 16 Pleasant Ridge Exhibit 352 as the Treatment of
 17 Accessory Uses in Land-Based Classification
 18 Standards.
 19 County accepts UCLC Exhibit 154 as the
 20 Illinois Pollution Control Board, In the Matter of
 21 Noise Pollution Control Regulations dated July 31,
 22 1973. County accepts UCLC Exhibit 153 as a case
 23 between Hoffman and City of Columbia before the
 24 Illinois Pollution Control Board dated October 17,

Page 4171

1 1996. County accepts UCLC Exhibit 151 as A theory
 2 to explain some physiological effects on the
 3 infrasonic emissions at some wind farm sites. The
 4 county accepts UCLC Exhibit 159 as 35 Illinois
 5 Administrative Code 910.104, Measurement Techniques.
 6 County accepts UCLC Exhibit 156 as statutes
 7 associated with Title 35 Environmental Protection,
 8 Subtitle H, Noise. County accepts UCLC 150 as a
 9 case between Charter Hall Homeowners Association
 10 versus Overland Transportation Systems heard before
 11 the Illinois Pollution Control Board dated October
 12 1, 1998.

13 County accepts Pleasant Ridge Exhibit 184,
 14 Standards on Mass Appraisal of Real Estate. County
 15 accepts Pleasant Ridge Exhibit 311 as a
 16 correspondence between Mr. Blazer and MaRous and
 17 Company, subject: Review of appraisal report,
 18 property value impact and zoning compliance
 19 evaluation dated March 9, 2015. County accepts
 20 Pleasant Ridge Exhibit 312 as a memorandum from
 21 MaRous and Company dated March 25, 2015, to Mr.
 22 Blazer, assessed valuation study. County accepts
 23 Pleasant Ridge Exhibit 333 as an agenda for a
 24 webinar dated March 5, 2015, from the Appraisal

Page 4172

1 Institute.
 2 County accepts UCLC Exhibit 160 as a
 3 several page document of text -- text documents from
 4 the assessor's office. County accepts UCLC Exhibit
 5 161 as a real estate listing for a property at 13665
 6 East 3000 North Road, Blackstone, Illinois. County
 7 accepts UCLC Exhibit 162 as assessor records for a
 8 property located in Graymont, Illinois. County
 9 accepts UCLC Exhibit 163 for a property with MLS
 10 number 07056825. County accepts UCLC Exhibit 164 as
 11 a real estate listing with an MLS number of 104055.
 12 County accepts UCLC Exhibit 165 as assessor records
 13 for a home located in Fairbury, Illinois. County
 14 accepts UCLC Exhibit 166 as additional tax assessor
 15 records for a home located in Flanagan, Illinois.
 16 County accepts UCLC Exhibit 167 as a home located in
 17 Flanagan with an MLS number of 104101. County
 18 accepts UCLC Exhibit 168 as a Google map depicting a
 19 parcel 13-26-400-014. County accepts UCLC Exhibit
 20 169 as assessor records for a home located in
 21 Fairbury, Illinois.

22 County accepts UCLC Exhibit 170 as a
 23 listing sheet for a home located in Fairbury, MLS
 24 number 104457. County accepts UCLC Exhibit 171 as a

Page 4173

1 Google map depicting a property located on the
 2 bottom one-fourth of the page. County accepts UCLC
 3 Exhibit 172 depicting parcel 28-05-200-021. County
 4 accepts UCLC Exhibit 176 as an assessor document
 5 from a home located in Blackstone, Illinois. County
 6 accepts UCLC Exhibit 177 as a listing sheet from a
 7 home located in Dwight, Illinois, MLS number 103892.
 8 County accepts UCLC Exhibit 178 as a photograph of
 9 the previously described home in Dwight, Illinois.
 10 County accepts UCLC Exhibit 179 as a front view
 11 photograph of the home located in Dwight, Illinois.
 12 County accepts UCLC Exhibit 180 depicting
 13 several tracts highlighting 02-17-100-019. County
 14 accepts UCLC Exhibit 181 as assessor's records for a
 15 home located in Odell, Illinois. County accepts
 16 UCLC Exhibit 182 as a real estate listing document
 17 for a home located in Dwight, Illinois, MLS number
 18 07992812. County accepts UCLC Exhibit 183 as an
 19 assessor's document for a home located in Dwight,
 20 Illinois. County accepts UCLC 184 as an assessment
 21 document for a home located in Odell, Illinois.
 22 County accepts UCLC Exhibit 185 as a real estate
 23 listing document for a home located in Odell,
 24 Illinois, MLS number 105553. County accepts UCLC

Page 4174

1 Exhibit 186 as an assessor's document for a home
 2 located in Pontiac, Illinois. County accepts UCLC
 3 Exhibit 187 as an assessor's document for rural
 4 property deeded to State Bank of Graymont.
 5 County accepts UCLC Exhibit 190 as an
 6 assessor's document for a home located in Odell,
 7 Illinois. County accepts UCLC 191 as an MLS
 8 document for a home located in Odell -- in Odell,
 9 Illinois, MLS number 08715711. County accepts UCLC
 10 Exhibit 192 as a Google Earth document depicting a
 11 home located by Bloomington, Illinois.

12 All right, that's all we have for
 13 exhibits.

14 **MR. BLAZER:** Mr. Chairman, if I could, I
 15 was just wondering, the three that we did today with
 16 Mr. Parzyck, one was objected to and you overruled
 17 that. It's 11B, 11C and 335. 11B is the lump sum
 18 neighbor agreement, 11C is the property value
 19 guarantee and 335 is the Deer Run economic benefits
 20 agreement. I was just wondering if we could just
 21 get those in and then we're done with exhibits.

22 **CHAIRMAN CORNALE:** All right, we'll go
 23 through and just make sure. There's other exhibits
 24 from this evening, so we'll just get them altogether

Page 4175

1 and take them. We already made the decision on that
 2 particular one, so I would fully expect that they
 3 will be admitted.
 4 **MR. BLAZER:** All right, thank you.
 5 **CHAIRMAN CORNALE:** All right. Procedural
 6 question?
 7 **MR. JOHN SLAGEL:** Yeah. If an exhibit is
 8 on the website, does that mean it's been accepted?
 9 Because with my previous exhibits, there was that
 10 thing about maybe offering, taking one or not. I
 11 don't remember if they got accepted.
 12 **CHAIRMAN CORNALE:** Correct. Okay, so
 13 we've -- you've handed them all over. We've
 14 physically taken every exhibit. Now, in order to
 15 determine what's actually been accepted and not, you
 16 have to look through the procedural -- through the
 17 report to make sure that we haven't ruled edgewise
 18 on those. So everything has been taken. We may not
 19 accept all portions thereof.
 20 **MR. LUETKEHANS:** Mr. Chairman, if I may,
 21 I've been keeping track, and one of the things I'll
 22 get to Mr. Blakeman here over the next couple days
 23 is a full list, because I don't think all of mine --
 24 I don't have a record of all of mine being admitted

Page 4176

1 yet. And I'll get a list to Mr. Blakeman, Mr.
 2 Griffin and Mr. Blazer of those.
 3 But I also had a list going of the
 4 individual exhibits, so I'll try and get those to
 5 you as well at the same time, because I think he's
 6 correct. I don't think that any of Mr. Slagel's
 7 first set of exhibits went through no matter what
 8 happened with them. So I don't think they've been
 9 formally admitted, so we just need to go through
 10 some of those.
 11 And maybe I'm wrong, but I think there's a
 12 few people that are -- I never heard or never --
 13 maybe I just never marked that their exhibits went
 14 in, and so we'll just try and clarify that a little
 15 later.
 16 **MR. BLAKEMAN:** Okay. On Mr. Slagel's
 17 previous exhibits, some of them did and some of them
 18 didn't, okay, and I'm keeping a record too. And
 19 each of the attorneys are going to provide me with
 20 information, and I'm going to try to prepare a
 21 master list so everybody has it well in advance and
 22 can confirm that everything is appropriate, what's
 23 been admitted or not as the case may be, because in
 24 your previous ones, certain pages were excluded.

Page 4177

1 **MR. JOHN SLAGEL:** Right.
 2 **MR. BLAKEMAN:** All right.
 3 **MR. JOHN SLAGEL:** But they're all on the
 4 website.
 5 **MR. BLAKEMAN:** Okay, yeah, just because
 6 they're on the website doesn't mean that they may
 7 have been accepted.
 8 **MR. JOHN SLAGEL:** So I want to make sure
 9 that my other exhibits that didn't get excluded got
 10 admitted.
 11 **MR. BLAKEMAN:** Right. As I said, we're
 12 all working on our own lists and we're going to --
 13 we'll put together a master list and circulate it so
 14 everybody can see it, because we have a lot of
 15 exhibits.
 16 **MS. GERWIN:** Mr. Chairman?
 17 **CHAIRMAN CORNALE:** Yes.
 18 **MS. GERWIN:** When and how will the
 19 findings of fact be determined and decided on?
 20 **CHAIRMAN CORNALE:** When and how. When?
 21 After everyone has provided their closing
 22 statements, we will close the public portion of the
 23 hearing. We deliberate amongst ourselves. We will
 24 at that point, whether it's one evening or we may

Page 4178

1 take a couple evenings, I'm not sure. To tell you
 2 exactly how many nights that will take, I don't
 3 know.
 4 After we -- after we make a motion and
 5 vote accordingly, then we will have findings of
 6 facts associated with that particular motion. It
 7 will be signed by myself as acting chair.
 8 What was the next part of your question?
 9 **MS. GERWIN:** I guess how will that be
 10 drafted and who will be drafting it?
 11 **CHAIRMAN CORNALE:** The draft of that I
 12 believe -- okay, Mr. Blakeman, why don't you answer
 13 that portion?
 14 **MR. BLAKEMAN:** That will be done by Mr.
 15 Schopp and myself together based upon the
 16 conversations and discussions of the board when it
 17 has its deliberations.
 18 **MS. GERWIN:** So that will be done after
 19 they have their deliberations not beforehand?
 20 **MR. BLAKEMAN:** Well, it's kind of hard to
 21 know if -- you've got to know what direction you're
 22 going.
 23 **MS. GERWIN:** Okay, thank you.
 24 **CHAIRMAN CORNALE:** All right.

1 **MR. MARK SLAGEL:** Did you just say you're
2 going into closed session to deliberate after we
3 all --
4 **MR. BLAKEMAN:** No.
5 **CHAIRMAN CORNALE:** No, we won't go to
6 closed session, but we will -- there will be no
7 public input at that time. There will be --
8 **MR. MARK SLAGEL:** Okay.
9 **CHAIRMAN CORNALE:** We will be up here --
10 **MR. MARK SLAGEL:** We can be here.
11 **CHAIRMAN CORNALE:** -- the same as we've
12 been, but as far as we're concerned, no one else is
13 here. We're having a conversation amongst, amongst
14 the members.
15 **MR. MARK SLAGEL:** Okay.
16 **CHAIRMAN CORNALE:** Okay, so you'll --
17 you'll have the ability to hear us publicly
18 deliberate.
19 **MR. MARK SLAGEL:** Okay.
20 **CHAIRMAN CORNALE:** All right?
21 **MR. MARK SLAGEL:** Good. Just making sure.
22 **MR. BLAZER:** Whole lot of flies on the
23 wall.
24 **CHAIRMAN CORNALE:** All right. Any other

1 STATE OF ILLINOIS)
2 COUNTY OF FORD)SS
3
4 I, June Haeme, a Notary Public in and for
5 the County of Ford, State of Illinois, do hereby
6 certify that the following Livingston County Zoning
7 Board of Appeals Case SU-7-14 hearing was taken at
8 the Livingston County Historic Courthouse, 112 West
9 Madison Street, Pontiac, Illinois, on May 12, 2015.
10 That the said testimony was taken down in
11 stenograph notes and afterwards reduced to
12 typewriting under my instruction and that the
13 transcript is a true record of the testimony given.
14 I do further certify that I am a
15 disinterested person in this cause of action; that I
16 am not a relative, or otherwise interested in the
17 event of this action, and am not in the employ of
18 the attorneys for either party.
19 IN WITNESS WHEREOF, I have hereunto set my
20 hand and affixed my notarial seal this 1st day of
21 June, 2015.
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1 possibly procedural questions out there? Anything
2 else that you guys would like to get clarified
3 before we close or recess this meeting? You guys
4 have anything?
5 **MR. BLAZER:** (Shakes head).
6 **CHAIRMAN CORNALE:** You guys wanted to keep
7 talking after I closed the meeting last week or last
8 time. You good? All right. At this time I need a
9 motion to recess.
10 **MR. VITZTHUM:** I make that motion. Keep
11 it simple.
12 **CHAIRMAN CORNALE:** Vitzthum motions. Can
13 I get a second?
14 **MR. KIEFER:** Second.
15 **CHAIRMAN CORNALE:** All right, Kiefer
16 seconds. All in favor?
17 **ALL MEMBERS:** Aye.
18 **CHAIRMAN CORNALE:** Opposed? All right, we
19 will see everybody back here the 20th at 6:30.
20 (Adjourned at 9:02 p.m.)
21
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|--|--|--|--|---|
| | 4117:7 | advantage (2) 4140:11;4141:3 | 4086:5 | apply (2) 4108:16;4133:3 |
| \$ | accurate (6) 4115:7;4122:1; 4123:4;4143:15; 4151:9;4152:17 | affected (1) 4142:24 | altogether (1) 4174:24 | appraisal (13) 4094:24;4095:2,3,4; 4133:13,15,18;4135:5, 6,17;4171:14,17,24 |
| \$1200 (3) 4085:18,22;4086:3 | accurately (1) 4122:12 | affecting (1) 4161:14 | always (2) 4107:12;4117:13 | appraisals (1) 4094:21 |
| \$14,500 (1) 4086:2 | acoustician (1) 4152:19 | affects (1) 4102:19 | ambulance (1) 4107:3 | appraiser (6) 4092:22,23;4093:1, 3;4094:22;4133:17 |
| \$15,000 (1) 4086:9 | acousticians (1) 4157:24 | affidavit (4) 4112:18,21;4113:13, 14 | American (1) 4113:18 | appraisers (2) 4088:21;4093:23 |
| A | acoustics (1) 4151:20 | again (20) 4093:14;4114:15; 4120:12,20;4121:17; 4125:21;4126:19; 4130:15;4132:13; 4144:24;4147:2,9; 4148:18;4149:15,22; 4150:12,13;4152:19; 4163:18;4165:11 | among (1) 4087:5 | appropriate (3) 4098:16;4152:9; 4176:22 |
| ability (8) 4092:23;4093:8; 4096:23;4099:23; 4101:13,15;4106:15; 4179:17 | acre (1) 4136:19 | ago (3) 4084:17,19;4108:3 | amongst (4) 4167:18;4177:23; 4179:13,13 | approximately (2) 4086:2;4140:20 |
| able (4) 4093:20;4101:12; 4111:13;4117:21 | across (2) 4126:8;4142:22 | agree (5) 4084:18;4093:21; 4105:19;4131:22; 4136:24 | amount (2) 4085:23;4086:4 | April (5) 4087:5;4114:24; 4115:11;4116:22; 4121:18 |
| above (1) 4127:5 | acting (1) 4178:7 | agreed (1) 4143:14 | amplitude (2) 4158:10,11 | area (3) 4091:9;4099:5; 4159:14 |
| Absolutely (5) 4091:23;4105:6; 4107:9;4122:13; 4132:16 | action (1) 4087:21 | agreement (24) 4085:11,12,14; 4086:1,6,7;4088:8,12, 13,17;4089:3,7;4092:7, 9,14;4097:1;4107:22; 4108:18,21;4110:4,16; 4113:4;4174:18,20 | analogy (1) 4160:19 | areas (1) 4124:1 |
| accept (5) 4153:7;4169:10,11, 14;4175:19 | actual (4) 4115:20,20,21; 4163:3 | ago (3) 4084:17,19;4108:3 | analysis (4) 4154:8;4155:10; 4156:21;4169:15 | argument (1) 4097:4 |
| accepted (8) 4113:12,16;4162:12; 4168:24;4175:8,11,15; 4177:7 | actually (20) 4086:22;4087:4; 4091:12;4097:15; 4114:15;4115:18,23; 4122:9,22;4127:7,12, 24;4130:18;4134:6; 4136:2;4146:1,18; 4147:10;4158:17; 4175:15 | agree (5) 4084:18;4093:21; 4105:19;4131:22; 4136:24 | annual (1) 4110:9 | around (1) 4125:15 |
| accepts (47) 4169:16,19,21,24; 4170:1,6,9,10,15,19, 22;4171:1,4,6,8,13,15, 19,22;4172:2,4,7,9,10, 12,14,16,18,19,22,24; 4173:2,4,6,8,10,12,14, 15,18,20,22,24;4174:2, 5,7,9 | add (3) 4130:2;4148:20; 4153:10 | agreed (1) 4143:14 | anti-wind (1) 4159:2 | arrears (1) 4139:11 |
| access (1) 4115:13 | added (3) 4139:2;4155:18,23 | agreements (1) 4147:20 | anymore (1) 4098:21 | article (1) 4158:24 |
| Accessory (1) 4170:17 | adding (2) 4123:10,14 | agricultural (1) 4136:4 | apart (2) 4126:4;4152:23 | aspects (1) 4148:14 |
| accommodated (1) 4106:17 | addition (3) 4111:4;4129:18,20 | ahead (6) 4082:3;4092:21; 4114:16;4119:9; 4149:21;4155:22 | apologize (5) 4086:24;4116:13; 4146:15;4151:13; 4169:2 | assessed (4) 4137:14;4139:3; 4144:2;4171:22 |
| accompanying (1) 4132:20 | additional (4) 4130:2;4163:23; 4164:3;4172:14 | air (1) 4160:16 | apparently (2) 4140:1;4146:12 | assessment (2) 4169:5;4173:20 |
| according (2) 4159:1;4170:8 | adequate (1) 4083:15 | alleviate (1) 4088:7 | appeal (5) 4094:16;4142:1,3,6, 15 | assessor (7) 4133:7;4140:2; 4172:7,12,14,20; 4173:4 |
| accordingly (1) 4178:5 | A-designed (1) 4169:5 | allow (3) 4087:16;4153:6; 4159:23 | appears (3) 4095:9;4151:18,20 | assessors (2) 4134:4;4135:3 |
| account (2) 4140:3;4169:22 | Admin (1) 4170:1 | almost (1) 4143:19 | applaud (1) 4168:6 | assessor's (7) 4142:2;4172:4; 4173:14,19;4174:1,3,6 |
| accounted (1) 4144:1 | Administrative (4) 4170:3,7,10;4171:5 | alone (1) 4123:15 | Applicant (7) 4129:12;4143:10; 4166:13,17,19,23; 4167:16 | asset (1) 4100:24 |
| accounts (1) 4136:15 | admitted (7) 4112:21;4113:5; 4175:3,24;4176:9,23; 4177:10 | along (1) 4123:2 | application (19) 4104:5,7,20;4106:6, 7,12;4115:14;4117:23; 4118:7,21;4119:17,18; 4122:23;4123:7; 4128:16;4153:11; 4154:5,9,21 | assist (1) 4134:23 |
| accumulated (1) 4148:21 | advance (1) 4176:21 | alphabetical (1) 4084:6 | applies (1) 4088:15 | assistant (2) 4132:22;4135:3 |
| accuracy (1) | | alphabetized (1) 4084:5 | | associated (4) 4150:15;4159:2; 4171:7;4178:6 |
| | | alternate (1) | | Association (3) 4113:18;4134:10; 4171:9 |

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| <p>assume (4) 4131:16;4149:6; 4154:22;4155:2</p> <p>assumed (1) 4117:16</p> <p>assurance (1) 4106:1</p> <p>attached (1) 4153:2</p> <p>attempt (2) 4133:17;4153:15</p> <p>attendance (2) 4091:19;4168:5</p> <p>attention (1) 4161:22</p> <p>attorneys (1) 4176:19</p> <p>audible (1) 4169:22</p> <p>audience (10) 4097:7;4098:8; 4116:15;4117:21; 4118:15;4124:17; 4126:17;4147:16; 4148:6;4163:17</p> <p>Available (10) 4083:5;4099:6,9; 4129:13;4130:7; 4135:1,4;4137:12; 4154:3;4166:5</p> <p>avenues (1) 4158:16</p> <p>average (11) 4115:22;4118:17; 4134:14;4139:21,24; 4143:16;4155:19,20; 4156:7,14,16</p> <p>averaging (1) 4134:2</p> <p>awake (1) 4142:24</p> <p>aware (4) 4104:23;4113:22; 4150:1,3</p> <p>awful (1) 4125:22</p> <p>awfully (1) 4160:9</p> <p>Aye (1) 4180:17</p> | <p>4155:5;4162:10; 4164:16;4166:17; 4180:19</p> <p>backed (1) 4143:19</p> <p>background (1) 4149:7</p> <p>bad (1) 4138:17</p> <p>balance (1) 4141:8</p> <p>band (3) 4117:24;4119:2; 4123:9</p> <p>Bands (1) 4169:15</p> <p>Bank (1) 4174:4</p> <p>based (19) 4088:2;4096:1; 4100:18;4125:3; 4132:23,23;4135:1,16; 4136:5;4138:18; 4139:5,13,24;4142:3; 4143:9,21;4146:18; 4159:22;4178:15</p> <p>basic (1) 4088:11</p> <p>basically (11) 4102:18,22;4118:15; 4119:4;4122:7; 4137:23;4140:16; 4142:12;4143:14; 4153:24;4155:13</p> <p>basics (1) 4105:5</p> <p>basis (6) 4103:2,4;4107:7,10; 4158:22;4159:11</p> <p>beforehand (1) 4178:19</p> <p>begin (1) 4141:22</p> <p>begin (4) 4084:9;4098:16; 4113:19;4132:8</p> <p>behind (1) 4146:20</p> <p>Belle (5) 4138:21;4139:1,6; 4146:5,6</p> <p>below (3) 4119:7,8;4154:24</p> <p>benefit (1) 4144:8</p> <p>benefits (4) 4088:24;4089:3,7; 4174:19</p> <p>best (3) 4115:1;4151:4,5</p> <p>better (1) 4167:23</p> <p>beyond (3)</p> | <p>4090:9,16;4093:22</p> <p>big (2) 4136:8;4138:12</p> <p>biggest (3) 4142:20,21;4154:16</p> <p>bill (1) 4139:2</p> <p>bit (9) 4133:11;4134:16; 4136:18;4138:3,16; 4140:8;4146:11; 4161:5;4168:19</p> <p>black (1) 4119:9</p> <p>Blackstone (2) 4172:6;4173:5</p> <p>blades (11) 4100:2;4101:17; 4102:3,17,18,19; 4118:4;4128:15; 4129:21;4130:2; 4169:13</p> <p>Blakeman (19) 4112:15,17;4113:2, 10;4114:19;4116:11; 4131:9;4164:15; 4165:8;4175:22; 4176:1,16;4177:2,5,11; 4178:12,14,20;4179:4</p> <p>Blazer (63) 4082:24;4083:19,20, 23;4084:9,10,21; 4086:16,22;4087:1,3, 10,14,19,20;4089:11; 4090:9;4104:6; 4112:12,15,24;4113:7; 4116:5;4121:19,21,24; 4124:12,13,15; 4129:17;4130:12,15, 24;4131:4;4132:6; 4145:5,6;4149:22; 4151:17;4152:3,18,23; 4155:8;4158:20,22; 4159:5,8,15,18; 4163:11,12;4169:3,6,9; 4170:4,12;4171:16,22; 4174:14;4175:4; 4176:2;4179:22; 4180:5</p> <p>Blazer's (1) 4114:14</p> <p>blocked (1) 4161:3</p> <p>Bloomington (2) 4104:1;4174:11</p> <p>blue (1) 4130:11</p> <p>blurting (1) 4117:3</p> <p>Board (15) 4082:8;4089:14; 4090:5;4091:2,16; 4143:12;4166:20;</p> | <p>4167:17;4168:3,4; 4170:15,20,24; 4171:11;4178:16</p> <p>board's (1) 4151:22</p> <p>body (4) 4161:6,7,12,13</p> <p>bones (1) 4161:3</p> <p>borders (1) 4143:5</p> <p>both (7) 4123:21;4129:19,20; 4132:2;4161:1,1; 4168:8</p> <p>bother (1) 4118:14</p> <p>bottom (5) 4138:22;4151:2; 4155:11;4163:1; 4173:2</p> <p>boundary (2) 4085:5;4161:10</p> <p>box (2) 4125:8,8</p> <p>break (2) 4149:15;4165:8</p> <p>breakdown (1) 4146:2</p> <p>bring (3) 4116:5;4131:5,20</p> <p>brings (1) 4121:16</p> <p>brought (3) 4093:2,3;4142:22</p> <p>budget (2) 4138:7;4144:5</p> <p>built (2) 4096:4;4141:21</p> <p>bunch (3) 4122:3;4156:14,16</p> <p>Bureau (1) 4134:15</p> <p>Busch (1) 4087:5</p> <p>business (2) 4099:5;4138:9</p> <p>buy (1) 4094:1</p> <p>Buyers (3) 4134:21;4140:23; 4141:9</p> <p>buying (2) 4141:1;4142:19</p> | <p>4122:24</p> <p>calculated (3) 4123:3;4154:1,6</p> <p>calculations (1) 4153:13</p> <p>calendar (2) 4165:2,3</p> <p>California (3) 4084:23,24;4085:4</p> <p>call (5) 4082:5,10;4084:10; 4099:9;4101:11</p> <p>called (5) 4084:12;4121:22; 4135:4;4151:13; 4154:10</p> <p>calls (1) 4132:22</p> <p>came (5) 4114:23;4117:5; 4124:23;4127:7; 4128:19</p> <p>can (73) 4090:1,19;4094:15; 4099:1,13;4100:13; 4101:16,19;4102:1,2,3, 5,14,17;4103:3,12,16; 4104:19;4105:8,9,14; 4110:13;4115:24; 4116:16;4118:14; 4119:20,23;4121:7,9; 4122:20,22;4123:1; 4126:3;4129:13; 4130:9,24;4131:6; 4137:2,20;4139:6; 4153:6;4155:4,12; 4156:24;4157:14,19; 4158:6,11,16,16; 4160:1,10,15,17,19; 4161:2,2,4,8,8,12,21; 4162:14,20,23;4163:2; 4165:10;4166:22; 4168:18;4176:22; 4177:14;4179:10; 4180:12</p> <p>capture (1) 4102:15</p> <p>care (2) 4083:12;4166:8</p> <p>Carolyn (1) 4148:7</p> <p>cartridge (1) 4151:15</p> <p>Case (11) 4082:9;4118:24; 4135:15;4140:18; 4155:4;4156:10; 4170:12,14,22;4171:9; 4176:23</p> <p>cash (1) 4144:19</p> <p>catch (3) 4094:19;4102:19,24</p> |
| B | | C | | |
| <p>back (29) 4089:1,16;4093:10; 4101:1,4;4106:13; 4111:21;4126:19; 4128:19;4130:19; 4131:5,18,21;4134:6; 4136:10;4137:20; 4139:15,20;4141:12; 4142:10;4146:23; 4148:17,20;4149:21;</p> | <p>benefit (1) 4144:8</p> <p>benefits (4) 4088:24;4089:3,7; 4174:19</p> <p>best (3) 4115:1;4151:4,5</p> <p>better (1) 4167:23</p> <p>beyond (3)</p> | <p>blazing (1) 4117:3</p> <p>Board (15) 4082:8;4089:14; 4090:5;4091:2,16; 4143:12;4166:20;</p> | <p>Cal (13) 4153:11;4154:4,8, 19;4155:5,9,18;4156:9, 20,24;4157:16,16; 4162:8</p> <p>calculate (1)</p> | |

| | | | | |
|---|---|---|--|---|
| <p>category (1) 4154:13</p> <p>cause (2) 4111:22;4139:14</p> <p>caused (5) 4093:13;4097:14,19,22;4141:15</p> <p>causing (2) 4100:7;4101:24</p> <p>caveat (1) 4111:1</p> <p>Census (1) 4134:15</p> <p>center (8) 4099:4,11,17,19; 4100:19;4101:8,11; 4124:2</p> <p>Central (1) 4090:5</p> <p>certain (6) 4101:22;4112:3; 4125:18;4150:23; 4168:8;4176:24</p> <p>certainly (2) 4125:13;4131:4</p> <p>cetera (1) 4107:3</p> <p>chain (1) 4101:1</p> <p>chair (1) 4178:7</p> <p>CHAIRMAN (113) 4082:2,12,22; 4084:14,19;4087:15, 18;4089:12,13,20,23; 4090:2,10,13,16,19,23; 4091:3,7,18,24;4097:6; 4098:7;4103:7; 4107:16,20;4109:21, 24;4111:6,11;4112:9, 13,14,23;4113:11,21; 4114:1,3,6,9;4124:8, 14,16;4126:17,22; 4128:7;4129:4,8; 4130:6,14,16,20; 4131:2,11,13,16,22; 4132:7,10,13,17; 4145:2,7;4147:15; 4148:5,24;4149:4,12, 20;4150:4,11,19; 4151:17;4152:10; 4153:5;4158:20; 4159:22;4160:8; 4161:17;4163:10,13, 16,21;4164:3,6,9; 4165:7,17;4169:4,7,10; 4170:5,13;4174:14,22; 4175:5,12,20;4177:16, 17,20;4178:11,24; 4179:5,9,11,16,20,24; 4180:6,12,15,18</p> <p>challenge (3) 4094:10,10;4097:19</p> | <p>Champaign (1) 4085:2</p> <p>change (6) 4128:12;4129:12,14, 17;4131:24;4132:3</p> <p>changed (1) 4117:20</p> <p>changes (1) 4100:2</p> <p>changing (1) 4123:11</p> <p>charge (1) 4090:11</p> <p>chart (6) 4137:3;4145:13,13; 4146:9;4147:1,2</p> <p>Charter (1) 4171:9</p> <p>charts (4) 4124:24;4135:12; 4148:11;4149:7</p> <p>check (1) 4142:18</p> <p>checker (1) 4114:22</p> <p>Chicago (4) 4100:24;4101:2,5,8</p> <p>chief (1) 4103:21</p> <p>choose (4) 4083:20,20;4140:24; 4166:24</p> <p>chosen (5) 4091:11;4108:21; 4123:8,19,19</p> <p>Chuck (6) 4082:5;4128:17,17, 17;4131:10;4164:19</p> <p>circle (1) 4119:23</p> <p>circles (2) 4119:9,11</p> <p>circulate (1) 4177:13</p> <p>circulated (2) 4129:23;4131:10</p> <p>citizens (1) 4104:11</p> <p>City (1) 4170:23</p> <p>claim (3) 4112:1;4115:10; 4137:13</p> <p>claims (2) 4133:19;4141:15</p> <p>clarified (1) 4180:2</p> <p>clarify (3) 4129:14;4161:21; 4176:14</p> <p>Class (3) 4125:19;4163:7,8</p> <p>classification (2) 4170:8,17</p> | <p>clear (5) 4125:23;4130:9,23; 4160:20;4164:17</p> <p>clearly (1) 4130:10</p> <p>clients (1) 4083:17</p> <p>climbing (1) 4105:2</p> <p>close (5) 4146:12;4166:21; 4167:17;4177:22; 4180:3</p> <p>closed (3) 4179:2,6;4180:7</p> <p>closely (1) 4123:17</p> <p>closing (21) 4083:5,7,14,20,22; 4084:3;4097:4; 4106:18;4165:12; 4166:2,11,12,14,15,16, 18;4167:4,17;4168:11, 14;4177:21</p> <p>Coal (2) 4170:12,13</p> <p>Code (5) 4170:1,3,7,10; 4171:5</p> <p>collect (1) 4134:16</p> <p>colors (1) 4119:4</p> <p>Columbia (1) 4170:23</p> <p>column (2) 4128:1;4130:22</p> <p>combination (2) 4132:2;4138:21</p> <p>coming (2) 4107:13;4153:19</p> <p>command (1) 4101:1</p> <p>Commencing (1) 4082:1</p> <p>comment (1) 4133:11</p> <p>comments (3) 4098:15;4112:15; 4135:24</p> <p>commercial (3) 4096:20;4109:9,10</p> <p>Commission (2) 4152:1,5</p> <p>committed (2) 4104:18,19</p> <p>commodity (1) 4140:10</p> <p>common (2) 4134:3;4158:14</p> <p>companies (1) 4104:13</p> | <p>company (3) 4105:18;4171:17,21</p> <p>comparable (2) 4095:14,18</p> <p>compare (3) 4138:8;4156:12,13</p> <p>compared (2) 4115:21;4117:13</p> <p>comparison (1) 4115:16</p> <p>complain (1) 4142:16</p> <p>complaint (1) 4099:8</p> <p>complete (1) 4118:13</p> <p>completely (2) 4153:1,3</p> <p>compliance (6) 4106:6,13;4123:8; 4124:1;4169:4; 4171:18</p> <p>component (1) 4105:20</p> <p>concern (2) 4086:3;4098:19</p> <p>concerned (2) 4154:11;4179:12</p> <p>concerns (2) 4085:12;4142:4</p> <p>concluded (1) 4167:5</p> <p>conclusion (5) 4129:22;4137:24; 4141:11,24;4142:19</p> <p>conclusions (5) 4133:2;4135:20,23; 4137:5;4141:13</p> <p>concrete (1) 4090:7</p> <p>conditions (3) 4134:21;4137:16; 4141:16</p> <p>configuration (1) 4117:1</p> <p>confirm (2) 4130:5;4176:22</p> <p>confirmed (1) 4129:24</p> <p>consider (3) 4143:3;4144:21; 4153:20</p> <p>considering (1) 4096:5</p> <p>consistent (3) 4129:21;4151:22; 4152:7</p> <p>consistently (1) 4137:15</p> <p>construction (2) 4091:8,14</p> <p>consultant (1) 4151:20</p> | <p>content (1) 4168:21</p> <p>context (1) 4153:2</p> <p>continually (1) 4101:7</p> <p>continuation (1) 4082:7</p> <p>continue (2) 4140:7;4144:4</p> <p>continued (1) 4144:14</p> <p>continues (1) 4093:2</p> <p>contour (21) 4118:19;4119:3,19; 4121:12,21;4122:1,2,6, 7;4123:21;4125:3,5,7, 23;4150:24;4151:5,9, 11;4152:13,16; 4153:12</p> <p>contract (2) 4091:13;4103:21</p> <p>contractor (1) 4091:11</p> <p>contributor (1) 4138:7</p> <p>Control (5) 4170:14,20,21,24; 4171:11</p> <p>controls (1) 4102:16</p> <p>conversation (1) 4179:13</p> <p>conversations (2) 4135:17;4178:16</p> <p>copy (2) 4116:9;4162:16</p> <p>CORNALE (103) 4082:2,11,12,22; 4084:14,19;4087:15; 4089:13,20,23;4090:2, 13,16,19,23;4091:3,7, 18,24;4097:6;4098:7; 4103:7;4107:16,20; 4109:21,24;4111:6,11; 4112:9,14,23;4113:11; 4114:1,3,6,9;4124:8, 14,16;4126:17,22; 4129:4,8;4130:6,14,16, 20;4131:2,11,13,16,22; 4132:7,10,13,17; 4145:2,7;4147:15; 4148:5,24;4149:4,12, 20;4150:4,11,19; 4152:10;4153:5; 4159:22;4160:8; 4161:17;4163:10,13, 16,21;4164:3,6,9; 4165:7,17;4169:4,7,10; 4170:5,13;4174:22; 4175:5,12;4177:17,20; 4178:11,24;4179:5,9,</p> |
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| <p>11,16,20,24;4180:6,12,15,18</p> <p>corporate (1) 4101:1</p> <p>correction (1) 4144:9</p> <p>corrections (1) 4138:18</p> <p>correlates (1) 4123:17</p> <p>correspondence (1) 4171:16</p> <p>costs (1) 4142:7</p> <p>counsel (6) 4087:16;4112:10; 4129:5;4149:12; 4163:18;4166:14</p> <p>counted (1) 4127:8</p> <p>counties (1) 4132:22</p> <p>country (3) 4099:22;4142:23; 4144:18</p> <p>County (104) 4082:7,8;4085:1,2; 4103:14;4104:2,15; 4105:11;4106:14,15; 4107:23;4112:9,10; 4113:12,16;4129:5,5; 4133:4,21,23;4136:8, 11,17,21,23;4137:19, 20,22;4138:13;4139:5; 4141:13;4142:2; 4143:6,9,12,18,22; 4144:2,5,15,16; 4145:23;4146:3; 4147:23;4148:13,15, 22;4149:2,12;4163:18, 18;4164:14;4168:3,4; 4169:10,11,14,16,19, 21,24;4170:1,5,8,10, 15,19,22;4171:1,4,6,8, 13,14,19,22;4172:2,4, 6,8,10,12,13,16,17,19, 22,24;4173:2,3,5,8,10, 12,13,15,18,20,22,24; 4174:2,5,7,9</p> <p>county's (2) 4147:21;4148:2</p> <p>countywide (2) 4137:15;4141:15</p> <p>couple (9) 4091:1;4102:13; 4124:19;4126:5; 4128:4;4134:9; 4144:20;4175:22; 4178:1</p> <p>course (2) 4157:24;4166:11</p> <p>courthouse (1) 4165:21</p> | <p>cover (1) 4152:21</p> <p>covered (1) 4150:23</p> <p>covers (1) 4088:17</p> <p>created (2) 4088:6;4119:11</p> <p>criteria (6) 4097:13,15,16,24; 4155:14,17</p> <p>crop (1) 4136:19</p> <p>cross (1) 4128:8</p> <p>crowd (1) 4167:11</p> <p>crucial (1) 4134:3</p> <p>curiosity (2) 4110:13;4128:11</p> <p>curious (1) 4090:21</p> <p>current (1) 4170:7</p> | <p>decibel (11) 4115:16;4117:2,7; 4118:3,13,17;4119:7; 4128:24;4155:17; 4156:4,11</p> <p>decibels (14) 4117:13;4118:1,5, 18;4119:8;4153:17,21, 23;4154:7;4155:8; 4157:5,7,10;4163:3</p> <p>decide (1) 4161:13</p> <p>decided (4) 4117:8,15;4132:2; 4177:19</p> <p>decision (9) 4142:9,20;4157:12; 4167:9;4168:2,2,9,13; 4175:1</p> <p>decisions (2) 4134:22,23</p> <p>decline (4) 4140:5,6;4141:22; 4144:12</p> <p>decrease (1) 4146:23</p> <p>deeded (1) 4174:4</p> <p>deeper (1) 4138:16</p> <p>Deer (3) 4089:4,8;4174:19</p> <p>Definitions (2) 4170:4,5</p> <p>degree (1) 4161:12</p> <p>deliberate (4) 4167:18;4177:23; 4179:2,18</p> <p>deliberations (2) 4178:17,19</p> <p>delta (1) 4111:24</p> <p>demand (2) 4140:8,9</p> <p>demonstrate (1) 4123:24</p> <p>demonstrating (1) 4123:7</p> <p>deny (1) 4087:17</p> <p>department (4) 4100:12;4104:14; 4105:8,11</p> <p>depends (1) 4100:5</p> <p>depicting (5) 4172:18;4173:1,3, 12;4174:10</p> <p>depth (1) 4142:5</p> <p>deputy (1) 4133:7</p> | <p>described (1) 4173:9</p> <p>details (5) 4083:5;4091:12; 4118:14;4133:5,10</p> <p>detect (3) 4158:17;4161:8,8</p> <p>detected (1) 4161:3</p> <p>determine (10) 4088:20;4097:13,13, 16,21,24;4125:12; 4129:11;4161:2; 4175:15</p> <p>determined (3) 4132:23,24;4177:19</p> <p>determining (1) 4155:15</p> <p>devastating (1) 4144:15</p> <p>developed (6) 4095:14,15,18,19,20; 4096:2</p> <p>development (1) 4137:11</p> <p>diagram (1) 4126:8</p> <p>Diana (1) 4082:17</p> <p>difference (5) 4093:11;4094:5; 4112:2;4155:24; 4156:1</p> <p>differences (1) 4118:20</p> <p>different (8) 4100:2,9;4103:15; 4134:16;4136:11; 4140:10;4143:8; 4156:17</p> <p>difficult (1) 4103:1</p> <p>dip (3) 4137:22;4146:12,15</p> <p>direct (1) 4087:4</p> <p>direction (5) 4102:4,11,16; 4141:17;4178:21</p> <p>directly (1) 4150:15</p> <p>disaster (1) 4105:13</p> <p>discovered (1) 4117:19</p> <p>discredit (1) 4153:15</p> <p>discrepancy (3) 4093:1,3,14</p> <p>discuss (3) 4084:1,2;4091:16</p> <p>discussed (2) 4142:5;4165:18</p> | <p>discussions (2) 4108:5;4178:16</p> <p>display (1) 4152:12</p> <p>dispute (1) 4093:22</p> <p>disregard (2) 4138:12,14</p> <p>disregarded (1) 4158:11</p> <p>disrespectful (1) 4105:10</p> <p>Disruption (1) 4169:20</p> <p>district (2) 4089:21;4091:21</p> <p>districts (3) 4089:17;4124:11; 4145:4</p> <p>disturbed (1) 4088:4</p> <p>divided (1) 4155:19</p> <p>doctor (2) 4135:10,12</p> <p>document (13) 4145:20;4151:23; 4172:3;4173:4,16,19, 21,23;4174:1,3,6,8,10</p> <p>documentation (1) 4118:9</p> <p>documents (2) 4098:14;4172:3</p> <p>dollar (3) 4111:23,24,24</p> <p>done (11) 4086:12,16;4101:16; 4102:5,17;4103:3; 4151:10;4165:1; 4174:21;4178:14,18</p> <p>double-checked (1) 4117:11</p> <p>doubt (1) 4087:8</p> <p>down (20) 4089:15;4091:15; 4095:24;4098:20; 4101:20;4102:3; 4118:8;4120:11; 4141:19,20;4142:13, 17;4146:23;4147:10; 4148:16,20;4150:24; 4155:11;4162:2; 4164:11</p> <p>draft (1) 4178:11</p> <p>drafted (1) 4178:10</p> <p>drafting (1) 4178:10</p> <p>draw (1) 4122:4</p> <p>drawn (2)</p> |
| | D | | | |
| | <p>dare (1) 4161:9</p> <p>data (17) 4115:13,17;4117:10; 4119:17;4122:16,18, 19;4123:6,24;4129:13; 4134:17,18;4136:7; 4137:13;4141:14; 4157:13;4162:13</p> <p>date (19) 4088:18;4095:9,10, 10,12,15,17,20,21,23; 4096:2,6,11,21;4109:7, 8,9,10;4143:20</p> <p>dated (7) 4170:15,21,24; 4171:11,19,21,24</p> <p>David (5) 4112:18;4113:14,15; 4151:19;4152:6</p> <p>day (6) 4101:22;4116:19,21; 4130:23;4135:4,13</p> <p>days (7) 4087:4;4093:7,19, 24;4094:2;4111:12; 4175:22</p> <p>dB (8) 4115:4,6,7,11,23; 4117:9;4123:14; 4162:4</p> <p>dBs (2) 4156:11;4162:5</p> <p>deal (2) 4103:16;4158:18</p> | | | |

| | | | | |
|---|--|--|---|--|
| <p>4122:14;4126:14 drop (3) 4097:20;4111:21; 4144:11 dropping (1) 4111:20 drops (1) 4111:23 drove (1) 4138:24 due (3) 4088:22;4148:16; 4169:20 uplicated (1) 4154:9 during (1) 4117:4 Dwight (5) 4173:7,9,11,17,19</p> | <p>4137:1 effects (4) 4143:6,7,23;4171:2 effort (2) 4152:11;4165:22 either (7) 4094:1;4131:18; 4132:1;4141:14; 4152:6;4159:14; 4167:4 electromagnetic (1) 4160:22 eligible (3) 4083:11;4108:23; 4112:5 else (16) 4097:6;4098:7; 4103:7;4107:16; 4109:22;4129:4; 4140:16;4147:15; 4148:5,24;4149:1; 4150:8;4157:19; 4160:17;4179:12; 4180:2 email (1) 4131:7 emailed (1) 4128:16 emergency (8) 4103:19;4104:6,8, 22;4105:23;4106:22, 23;4107:4 emissions (1) 4171:3 employee (1) 4099:18 end (4) 4093:19;4110:17; 4135:13;4164:10 Energy (3) 4082:9,10;4102:18 engineer (1) 4113:15 Engineering (6) 4129:22;4130:4; 4164:16,22;4165:2,23 enjoying (1) 4098:21 enough (2) 4090:1;4155:8 ensure (1) 4168:23 enter (3) 4089:2;4108:4; 4161:6 entered (7) 4089:4,8;4092:9,10; 4110:19;4112:19; 4162:17 enterprise (2) 4108:10,15 entities (1) 4104:23</p> | <p>entitled (2) 4083:7;4110:23 Environmental (1) 4171:7 equalized (2) 4139:3;4144:2 equivalent (1) 4142:13 error (1) 4115:22 escalate (1) 4099:23 escalator (2) 4085:19,22 especially (2) 4099:14;4157:9 essence (2) 4124:23;4146:22 establish (8) 4092:15,17,18,19; 4093:4;4095:1,24; 4103:17 established (3) 4091:10;4095:22; 4109:5 estate (6) 4140:9;4171:14; 4172:5,11;4173:16,22 estimate (6) 4126:3;4127:4,21, 22,23;4136:24 estimates (1) 4117:1 et (1) 4107:3 evaluate (2) 4093:12;4102:7 evaluated (1) 4092:22 evaluating (1) 4134:21 evaluation (1) 4171:19 even (8) 4105:22;4112:4; 4118:14;4120:21; 4124:2;4133:14; 4143:5;4154:21 evening (9) 4082:3;4083:1; 4129:15;4150:8; 4165:13,23;4168:14; 4174:24;4177:24 evenings (1) 4178:1 everybody (8) 4083:14;4127:16; 4139:1;4148:1; 4165:13;4176:21; 4177:14;4180:19 everyone (5) 4091:19,22;4166:10; 4167:20;4177:21</p> | <p>evidence (5) 4086:20;4087:12; 4128:8;4137:9;4161:7 evidenced (1) 4117:3 exact (3) 4125:4;4141:19; 4160:23 exactly (2) 4122:12;4178:2 examine (2) 4121:20;4124:1 example (5) 4098:24;4115:17; 4118:24;4135:9; 4151:12 exceeded (1) 4119:1 Except (1) 4147:5 exception (2) 4137:8,21 excluded (2) 4176:24;4177:9 Exclusive (1) 4142:1 Excuse (1) 4159:15 execute (1) 4168:3 Exhibit (91) 4085:11;4086:10,19; 4087:17;4088:9; 4089:9;4092:8; 4107:21;4113:4,13,17; 4115:22;4116:17,18, 20,24;4117:3,14; 4118:3,7,13;4119:19; 4123:6,20;4130:8,16, 21;4132:21;4135:21, 22;4145:12;4146:1,2; 4149:6,8,10,10;4151:4; 4155:13;4162:18,23; 4168:24;4169:7,12,14, 17,20,21,24;4170:2,6, 9,11,16,19,22;4171:1, 4,6,13,15,20,23; 4172:2,4,7,9,10,12,14, 16,18,19,22,24;4173:3, 4,6,8,10,12,14,16,18, 22;4174:1,3,5,10; 4175:7,14 exhibits (14) 4116:4;4162:11; 4164:24;4168:17; 4174:13,21,23;4175:9; 4176:4,7,13,17;4177:9, 15 existing (2) 4134:2,19 expect (2) 4164:20;4175:2 expected (2)</p> | <p>4148:16;4169:18 expense (2) 4092:24;4094:14 experience (1) 4160:11 experienced (1) 4142:3 experiencing (1) 4099:2 expert (2) 4135:6;4158:23 experts (1) 4142:22 explain (3) 4092:6;4100:13; 4171:2 explanation (1) 4118:10 expressed (1) 4085:12 extent (1) 4150:23 external (1) 4136:7 extra (1) 4123:24</p> |
| E | | | | |
| <p>ear (1) 4161:9 earlier (3) 4090:6;4110:10; 4163:22 early (2) 4099:14;4165:13 Earth (1) 4174:10 ease (1) 4143:3 easement (1) 4110:19 easiest (1) 4130:3 easily (1) 4106:17 East (1) 4172:6 EA V (37) 4134:5;4136:9,12, 16,16,18,23;4137:2,19, 20,22;4138:2,4,6,13, 22,23;4139:15;4140:1; 4141:16;4142:11; 4143:23;4144:1,10,11, 13,14;4145:13,23; 4147:3,21,23;4148:2, 11,12,14,15 economic (4) 4088:24;4089:3,7; 4174:19 edges (1) 4123:2 edgewise (1) 4175:17 educated (1) 4168:7 Education (1) 4090:5 effect (1)</p> | <p>email (1) 4131:7 emailed (1) 4128:16 emergency (8) 4103:19;4104:6,8, 22;4105:23;4106:22, 23;4107:4 emissions (1) 4171:3 employee (1) 4099:18 end (4) 4093:19;4110:17; 4135:13;4164:10 Energy (3) 4082:9,10;4102:18 engineer (1) 4113:15 Engineering (6) 4129:22;4130:4; 4164:16,22;4165:2,23 enjoying (1) 4098:21 enough (2) 4090:1;4155:8 ensure (1) 4168:23 enter (3) 4089:2;4108:4; 4161:6 entered (7) 4089:4,8;4092:9,10; 4110:19;4112:19; 4162:17 enterprise (2) 4108:10,15 entities (1) 4104:23</p> | <p>entitled (2) 4083:7;4110:23 Environmental (1) 4171:7 equalized (2) 4139:3;4144:2 equivalent (1) 4142:13 error (1) 4115:22 escalate (1) 4099:23 escalator (2) 4085:19,22 especially (2) 4099:14;4157:9 essence (2) 4124:23;4146:22 establish (8) 4092:15,17,18,19; 4093:4;4095:1,24; 4103:17 established (3) 4091:10;4095:22; 4109:5 estate (6) 4140:9;4171:14; 4172:5,11;4173:16,22 estimate (6) 4126:3;4127:4,21, 22,23;4136:24 estimates (1) 4117:1 et (1) 4107:3 evaluate (2) 4093:12;4102:7 evaluated (1) 4092:22 evaluating (1) 4134:21 evaluation (1) 4171:19 even (8) 4105:22;4112:4; 4118:14;4120:21; 4124:2;4133:14; 4143:5;4154:21 evening (9) 4082:3;4083:1; 4129:15;4150:8; 4165:13,23;4168:14; 4174:24;4177:24 evenings (1) 4178:1 everybody (8) 4083:14;4127:16; 4139:1;4148:1; 4165:13;4176:21; 4177:14;4180:19 everyone (5) 4091:19,22;4166:10; 4167:20;4177:21</p> | <p>evidence (5) 4086:20;4087:12; 4128:8;4137:9;4161:7 evidenced (1) 4117:3 exact (3) 4125:4;4141:19; 4160:23 exactly (2) 4122:12;4178:2 examine (2) 4121:20;4124:1 example (5) 4098:24;4115:17; 4118:24;4135:9; 4151:12 exceeded (1) 4119:1 Except (1) 4147:5 exception (2) 4137:8,21 excluded (2) 4176:24;4177:9 Exclusive (1) 4142:1 Excuse (1) 4159:15 execute (1) 4168:3 Exhibit (91) 4085:11;4086:10,19; 4087:17;4088:9; 4089:9;4092:8; 4107:21;4113:4,13,17; 4115:22;4116:17,18, 20,24;4117:3,14; 4118:3,7,13;4119:19; 4123:6,20;4130:8,16, 21;4132:21;4135:21, 22;4145:12;4146:1,2; 4149:6,8,10,10;4151:4; 4155:13;4162:18,23; 4168:24;4169:7,12,14, 17,20,21,24;4170:2,6, 9,11,16,19,22;4171:1, 4,6,13,15,20,23; 4172:2,4,7,9,10,12,14, 16,18,19,22,24;4173:3, 4,6,8,10,12,14,16,18, 22;4174:1,3,5,10; 4175:7,14 exhibits (14) 4116:4;4162:11; 4164:24;4168:17; 4174:13,21,23;4175:9; 4176:4,7,13,17;4177:9, 15 existing (2) 4134:2,19 expect (2) 4164:20;4175:2 expected (2)</p> | <p>F</p> <p>faced (1) 4102:11 facilities (2) 4100:18;4105:21 facility (2) 4111:22;4137:12 fact (8) 4085:14;4088:4; 4094:24;4099:16; 4143:4,4;4152:23; 4177:19 factors (2) 4138:15;4142:8 facts (2) 4168:4;4178:6 failing (1) 4092:5 fair (4) 4093:4;4095:11; 4096:1;4141:8 Fairbury (4) 4097:9;4172:13,21, 23 fall (1) 4106:13 fallen (2) 4139:9;4142:11 families (1) 4143:4 family (1) 4134:13 far (8) 4083:5,13;4109:12; 4126:4;4153:24;</p> |

| | | | | |
|--|---|---|---|---|
| <p>4165:1;4168:20; 4179:12 farm (9) 4103:13;4136:9; 4137:11,17;4142:4; 4144:10,11;4154:5; 4171:3 farming (7) 4136:7,12,18,20,23; 4137:2;4144:6 farms (5) 4099:23;4132:23,24; 4137:1;4151:6 favor (1) 4180:16 fear (2) 4088:7,7 feather (2) 4101:16;4102:3 feel (4) 4083:10;4158:2,5,16 feet (1) 4126:5 few (6) 4082:4;4083:4; 4112:15;4134:6; 4168:17;4176:12 field (2) 4135:7;4141:9 fifth (2) 4096:20;4130:19 figure (1) 4113:23 figures (1) 4148:11 figuring (1) 4133:9 filing (1) 4142:2 film (1) 4161:4 final (6) 4088:24;4123:7; 4166:18,20;4167:16; 4168:2 finalizing (1) 4091:13 financial (1) 4144:21 Financially (1) 4136:22 find (15) 4118:8;4128:14,21, 22;4133:18;4134:8; 4140:7;4142:14; 4149:9;4154:17,20; 4155:9,12;4157:1; 4163:2 findings (4) 4135:1;4168:4; 4177:19;4178:5 finish (2) 4082:24;4167:4</p> | <p>fire (5) 4103:21;4104:14; 4105:8,11;4107:3 firemen (2) 4103:14;4105:1 firm (1) 4083:16 first (19) 4083:21;4089:1; 4094:22,23;4095:2,9; 4099:3,7;4114:13,20; 4117:2;4119:10; 4120:21;4134:10; 4137:18;4143:10; 4153:20;4159:8; 4176:7 five (11) 4109:5;4127:23; 4128:8,10;4136:13,17; 4137:23;4139:7; 4144:7;4165:8,14 fix (1) 4141:3 Flanagan (2) 4172:15,17 flat (3) 4146:10,12,13 flesh (1) 4160:16 flicker (2) 4098:22;4102:4 flies (1) 4179:22 fluctuated (1) 4137:15 fluctuation (1) 4141:15 focus (6) 4114:11;4132:13; 4133:22;4138:3; 4144:18;4147:23 focused (1) 4114:13 focussing (1) 4147:23 folks (1) 4105:24 follow (3) 4104:12;4106:15; 4118:23 following (2) 4167:3,21 follow-up (3) 4083:22;4107:18; 4124:19 Fomenting (1) 4169:17 foot (5) 4119:16;4126:7,9, 10,10 foremost (1) 4159:8 forgive (1)</p> | <p>4125:23 forgotten (1) 4144:20 form (2) 4086:5;4166:23 formal (2) 4097:23;4098:4 formally (3) 4091:17;4131:6; 4176:9 former (1) 4135:12 formula (2) 4136:6;4148:17 formulas (3) 4117:11,12,17 forth (2) 4094:13;4108:1 Fortunately (1) 4144:6 forward (1) 4165:19 found (1) 4158:19 four (4) 4115:15;4127:22; 4135:20,23 fourth (3) 4136:1,2,4 frankly (2) 4088:3;4135:15 frequency (1) 4169:23 friends (1) 4143:3 front (4) 4130:19;4151:3; 4166:20;4173:10 fulfilled (1) 4103:20 full (1) 4175:23 full-time (2) 4104:14;4105:11 fully (2) 4109:15;4175:2 funding (2) 4105:22,24 further (6) 4123:21;4126:16; 4128:12;4133:14; 4147:13;4161:9</p> | <p>23;4130:10,23; 4169:16 general (4) 4114:10;4135:20; 4141:17;4148:11 Generally (4) 4084:3;4102:14; 4136:24;4143:15 generate (1) 4122:16 generated (1) 4118:19 generating (1) 4138:11 generation (1) 4144:22 GERWIN (9) 4148:7,7,10,23; 4177:16,18;4178:9,18, 23 gets (2) 4083:22;4161:13 Gibs (1) 4082:20 given (6) 4084:16;4117:9; 4118:1,19;4128:15,24 gives (3) 4140:23;4141:2; 4156:3 goes (9) 4083:5;4100:24; 4106:11;4109:8; 4115:5;4146:17,22; 4147:10;4148:20 good (11) 4091:24;4135:9; 4136:20;4138:13,16; 4149:18;4155:22; 4160:12;4165:22; 4179:21;4180:8 Google (4) 4169:11;4172:18; 4173:1;4174:10 Googling (1) 4128:21 government (3) 4089:17;4124:11; 4145:4 grab (1) 4145:14 granted (1) 4159:11 graphs (1) 4127:13 Graymont (2) 4172:8;4174:4 great (3) 4138:6;4144:8; 4158:18 greater (1) 4157:5 green (1)</p> | <p>4119:8 Griffin (2) 4131:9;4176:2 Grove (4) 4138:21;4139:1,6; 4146:6 growing (1) 4139:7 growth (2) 4136:14,16 guarantee (6) 4088:2,8;4092:7; 4109:4;4147:18; 4174:19 guarantor (3) 4092:20,23;4094:16 Guarantor's (1) 4094:14 guess (16) 4116:15;4129:9; 4131:11;4135:9,21; 4136:24;4137:18,24; 4138:8,24;4142:14,17; 4159:19;4160:10; 4165:18;4178:9 guideline (1) 4151:5 guidelines (2) 4106:9;4169:22 guy (1) 4103:12 guys (7) 4165:10;4166:4; 4167:22;4168:22; 4180:2,3,6</p> |
| H | | | | |
| | | | | <p>hairs (2) 4115:6,8 half (8) 4085:20;4088:15; 4120:8;4126:11; 4136:15,15;4142:12,14 Hall (1) 4171:9 hammered (1) 4091:4 hand (2) 4139:8;4144:21 handed (5) 4098:14;4114:18; 4116:6;4129:9; 4175:13 hands (2) 4150:5;4163:22 Hankard (16) 4115:2;4117:7; 4121:18,19,21,23; 4122:2;4129:18; 4131:5,18;4132:1; 4150:21;4155:14,22; 4156:20;4157:6</p> |

| | | | | |
|--|--|--|--|---|
| <p>Hankard's (6) 4116:22;4128:8; 4151:8;4153:16; 4158:10;4159:13</p> <p>happen (1) 4168:14</p> <p>happened (2) 4100:4;4176:8</p> <p>happening (1) 4165:11</p> <p>happens (2) 4101:7;4144:11</p> <p>hard (5) 4100:6;4142:14; 4143:22;4160:10; 4178:20</p> <p>Harms (1) 4169:19</p> <p>Harrison (1) 4152:8</p> <p>Hartke (1) 4098:24</p> <p>Hartkes (1) 4100:4</p> <p>Hartke's (6) 4154:18,22;4155:2, 10;4162:1,3</p> <p>Hayes (30) 4150:2,4,10,10,11, 18,20;4151:3,13,18,24; 4152:10,15,18,22; 4153:6,8,9;4154:10; 4158:21;4159:8,13,16, 24;4160:6,9;4161:21; 4163:17,19,20</p> <p>Hayes's (1) 4159:20</p> <p>head (1) 4180:5</p> <p>headquarters (1) 4101:2</p> <p>Health (1) 4169:19</p> <p>Health-based (1) 4169:22</p> <p>hear (4) 4090:1;4158:13,13; 4179:17</p> <p>heard (7) 4085:21;4098:23; 4128:18;4150:16; 4168:6;4171:10; 4176:12</p> <p>hearing (10) 4082:7;4085:3; 4117:4;4133:22; 4144:23;4150:17; 4164:12;4166:21; 4167:18;4177:23</p> <p>hearings (2) 4098:18;4102:9</p> <p>Heartland (1) 4107:23</p> | <p>heavily (1) 4134:5</p> <p>Heck (1) 4105:22</p> <p>heirs (1) 4088:19</p> <p>Hello (1) 4114:2</p> <p>help (4) 4100:14;4133:6; 4155:8;4168:9</p> <p>helped (1) 4136:21</p> <p>helpful (2) 4133:9;4135:8</p> <p>helping (2) 4138:11;4144:6</p> <p>helps (1) 4123:24</p> <p>here's (1) 4099:12</p> <p>hertz (8) 4117:24;4118:5; 4119:2;4123:9; 4130:22;4154:6,12; 4156:12</p> <p>Hessler (4) 4151:19,21;4152:7, 24</p> <p>hierarchy (1) 4100:13</p> <p>high (3) 4117:13;4155:1; 4163:7</p> <p>higher (2) 4094:1;4140:19</p> <p>highest (1) 4144:17</p> <p>highlighting (1) 4173:13</p> <p>hire (1) 4092:23</p> <p>hired (2) 4152:1;4157:15</p> <p>historic (1) 4165:21</p> <p>Hoffman (1) 4170:23</p> <p>hold (1) 4083:16</p> <p>home (33) 4092:15;4111:12; 4122:15;4124:2; 4133:20;4134:2,17,19; 4139:2,21,24;4140:16; 4142:19;4143:13,17; 4172:13,15,16,20,23; 4173:5,7,9,11,15,17,19, 21,23;4174:1,6,8,11</p> <p>homeowner (2) 4098:21;4100:1</p> <p>Homeowners (1) 4171:9</p> | <p>homes (9) 4119:13;4124:3; 4134:12,13;4140:24; 4141:6,7;4154:4; 4157:10</p> <p>honest (2) 4092:4;4097:2</p> <p>Honor (1) 4113:20</p> <p>hope (2) 4160:19;4166:1</p> <p>hoping (1) 4090:5</p> <p>Hospital (1) 4169:20</p> <p>hotline (1) 4099:9</p> <p>hours (1) 4099:5</p> <p>house (23) 4085:20;4111:18; 4120:3,5,8,9,12,15,17, 19,22;4121:3,4,5; 4123:2;4125:18; 4128:23;4154:18,22; 4155:2,10;4162:2,3</p> <p>housekeeping (2) 4168:16,20</p> <p>houses (5) 4115:3;4119:10; 4121:11;4127:14; 4157:22</p> <p>Howard (1) 4082:19</p> <p>huge (1) 4106:1</p> <p>Huisman (9) 4082:20,20;4098:10, 12;4103:6;4109:23; 4110:2;4111:5; 4161:20</p> <p>human (2) 4160:16;4161:7</p> <p>hundredths (1) 4115:6</p> <p>hypothetical (1) 4111:7</p> | <p>4158:3;4163:6</p> <p>idle (1) 4102:23</p> <p>IL (1) 4170:1</p> <p>illegal (5) 4120:7,17,23; 4121:5,14</p> <p>Illinois (28) 4100:22;4144:16; 4148:8;4170:2,6,9,20, 24;4171:4,11;4172:6,8, 13,15,21;4173:5,7,9, 11,15,17,20,21,24; 4174:2,7,9,11</p> <p>imbalance (1) 4140:10</p> <p>impact (5) 4132:24;4137:9,14; 4144:4;4171:18</p> <p>impacted (1) 4136:6</p> <p>impacts (1) 4088:1</p> <p>important (6) 4105:20;4129:11; 4134:20;4136:8; 4138:7;4158:5</p> <p>improvements (1) 4096:5</p> <p>improving (1) 4137:3</p> <p>inappropriate (3) 4151:23;4153:1,4</p> <p>inches (1) 4126:5</p> <p>include (5) 4091:20;4092:12; 4148:12,14;4162:16</p> <p>included (1) 4118:23</p> <p>including (1) 4120:6</p> <p>increase (1) 4147:7</p> <p>increased (1) 4137:23</p> <p>increasing (3) 4137:2;4140:14; 4144:8</p> <p>independent (3) 4098:1,3,4</p> <p>in-depth (1) 4133:2</p> <p>Indian (4) 4138:21;4139:1,6; 4146:6</p> <p>indicate (2) 4113:12,16</p> <p>indicated (2) 4089:2;4149:23</p> <p>indicating (2) 4119:24;4131:3</p> | <p>individual (11) 4083:23;4108:20; 4121:24;4122:22; 4138:14;4147:24; 4149:23;4151:19; 4158:23;4159:10; 4176:4</p> <p>individually (1) 4146:8</p> <p>individuals (7) 4083:3;4084:5; 4114:14;4150:6,7; 4166:4,15</p> <p>industry (2) 4134:4,20</p> <p>inevitable (1) 4144:10</p> <p>inflation (3) 4144:13;4148:17,21</p> <p>influenced (1) 4137:16</p> <p>influences (1) 4136:7</p> <p>information (20) 4086:19;4087:24; 4088:4,6;4123:23; 4130:7;4133:9;4134:8, 19;4135:7;4143:11,14; 4145:23;4149:7,9; 4152:12;4153:18; 4154:20;4160:2; 4176:20</p> <p>informed (1) 4134:22</p> <p>infrasonic (1) 4171:3</p> <p>infrasound (9) 4158:12,13,14,16,17; 4160:14,23;4161:6; 4169:23</p> <p>ink (2) 4151:14,14</p> <p>inkling (1) 4105:12</p> <p>input (4) 4118:12;4123:6; 4128:13;4179:7</p> <p>inputs (5) 4117:17,19,19; 4123:12,19</p> <p>inside (3) 4103:22;4104:15; 4105:2</p> <p>insight (2) 4164:21;4165:10</p> <p>instead (3) 4135:17;4136:20; 4153:12</p> <p>Institute (1) 4172:1</p> <p>intend (1) 4107:24</p> <p>intent (1)</p> |
| | | I | | |
| | | <p>idea (2) 4128:19;4153:1</p> <p>identical (1) 4139:22</p> <p>Identification (1) 4169:13</p> <p>identified (1) 4104:8</p> <p>identifies (1) 4096:19</p> <p>identify (1) 4099:8</p> <p>idiot (2)</p> | | |

| | | | | |
|---|---|---|---|---|
| <p>4133:15 intention (1) 4133:20 interested (3) 4082:23;4083:6; 4150:6 interpolate (1) 4122:4 interpolation (1) 4122:14 interrupt (2) 4087:8;4115:24 intervals (1) 4083:21 interview (1) 4135:3 interviewees (1) 4137:8 into (27) 4083:21;4089:2,4,8; 4092:10,10;4102:14; 4106:19;4107:13; 4110:19;4112:19; 4113:5;4115:6;4133:5, 10,18;4136:23;4140:2; 4142:8;4160:16,16,17, 17;4161:12;4162:17, 17;4179:2 introduced (1) 4143:10 introduces (1) 4115:16 Invenergy (20) 4086:5;4087:21; 4088:22;4089:2; 4092:20;4093:11; 4095:1;4097:13; 4098:17;4099:1; 4106:11;4111:14,15; 4119:22,24;4122:23; 4128:18;4142:22; 4153:11;4157:15 Invenergy's (1) 4115:22 inventory (3) 4140:18,22;4141:5 investment (1) 4142:21 investors (1) 4134:21 involve (1) 4091:20 involved (2) 4114:10;4142:7 IPCB (3) 4119:1;4123:8; 4124:5 Ironically (1) 4143:11 ISO (2) 4123:17,18 issue (2) 4099:12;4165:2</p> | <p>issued (1) 4088:19 issues (8) 4084:3;4099:8,9,24; 4100:8;4101:6; 4108:11;4165:9 item (2) 4138:10;4155:13 Iverson (2) 4082:17,18</p> <p style="text-align: center;">J</p> <p>January (2) 4129:19;4170:15 Joan (2) 4082:19,20 John (25) 4082:13;4089:15; 4114:2,5,5,8,17,20; 4115:2,24;4116:2,6,10, 14;4121:20;4129:7; 4147:17;4148:4; 4150:10,23;4153:10; 4175:7;4177:1,3,8 judge (1) 4157:23 July (1) 4170:21</p> <p style="text-align: center;">K</p> <p>keep (5) 4086:15;4111:20; 4114:13;4180:6,10 keeping (2) 4175:21;4176:18 Kevin (1) 4084:12 kicks (1) 4148:17 Kiefer (4) 4082:15,16;4180:14, 15 kind (10) 4102:8;4106:11; 4125:17;4126:19; 4137:6;4147:3; 4149:16;4165:5; 4168:10;4178:20 kinds (1) 4161:1 Knauer (4) 4097:9,9,11;4098:6 knowledge (1) 4133:8 Knox (2) 4170:12,13</p> <p style="text-align: center;">L</p> <p>land (2) 4125:19;4170:8</p> | <p>Land-Based (1) 4170:17 landowner (5) 4092:14;4093:9; 4094:2,24;4097:17 landowners (1) 4092:10 language (3) 4085:15;4109:17; 4111:13 larger (1) 4167:10 last (15) 4083:23;4091:2; 4119:11;4129:19,23; 4132:19;4136:17,21; 4138:5;4140:15; 4141:24;4158:9; 4163:24;4180:7,7 late (2) 4082:21;4098:15 later (3) 4084:1;4096:9; 4176:15 laws (1) 4160:24 lay (1) 4142:24 LBCS (3) 4113:7,9,17 leap (1) 4161:5 least (2) 4085:21;4113:21 leave (2) 4143:5;4158:4 left (1) 4119:16 left-hand (1) 4130:9 legal (6) 4120:14,21,23; 4121:11;4124:3; 4127:6 leisure (1) 4116:16 lengthy (1) 4145:1 less (4) 4115:23;4141:7; 4155:1;4162:5 lessen (1) 4102:4 lesser (1) 4093:21 letter (1) 4153:14 level (2) 4099:18;4154:4 levels (4) 4123:10;4151:6; 4153:17;4156:11 licensed (2)</p> | <p>4133:16;4135:18 lies (1) 4168:2 lightly (1) 4151:16 limit (16) 4119:7;4120:1,3,4,7, 10,23,23;4121:3,4,5, 11;4124:5;4127:6; 4165:5;4166:3 limited (1) 4105:9 limits (5) 4119:1;4120:21; 4121:6;4124:3,5 line (4) 4119:1;4122:4; 4125:19;4164:19 lines (3) 4122:14;4125:10,11 list (15) 4083:6,17;4084:7; 4163:1,2;4166:4,5,7,9, 16;4175:23;4176:1,3, 21;4177:13 listed (4) 4115:17;4150:24; 4154:14;4156:22 listening (1) 4124:7 listing (6) 4172:5,11,23; 4173:6,16,23 lists (1) 4177:12 literature (1) 4158:15 little (13) 4126:9;4133:11; 4134:16;4136:18; 4138:3,16;4140:8; 4146:11;4147:6; 4158:1;4161:5; 4168:19;4176:14 living (1) 4111:4 Livingston (12) 4082:7,8;4107:23; 4133:4;4136:8;4139:5; 4141:13;4143:9,12; 4144:2,5,16 LLC (1) 4082:9 LNTE (9) 4115:15;4116:24; 4118:4;4123:10,14; 4128:14;4129:21; 4130:2;4169:13 LNTEs (2) 4117:23;4130:11 local (8) 4089:17;4091:21; 4100:16;4103:14;</p> | <p>4104:22;4106:21; 4124:11;4145:4 located (19) 4172:8,13,15,16,20, 23;4173:1,5,7,11,15, 17,19,21,23;4174:2,6, 8,11 location (5) 4101:14;4111:22; 4165:21;4167:7,10 locations (3) 4104:21;4127:5; 4128:10 long (4) 4087:2;4096:14; 4167:2,7 longer (2) 4096:23;4108:16 long-term (2) 4100:10;4144:18 look (38) 4083:9;4095:9; 4097:15,18;4107:8,21; 4108:17;4116:16; 4121:12;4126:23; 4130:4,6;4133:2; 4134:5;4135:20,22; 4136:3;4137:19; 4138:2,8,9,10,12,15, 20;4139:15;4140:8; 4143:22;4146:9; 4147:5;4154:14; 4156:24;4157:14; 4158:6;4162:23; 4163:2;4167:22; 4175:16 looked (7) 4085:16;4125:14; 4127:12,13;4139:20; 4156:19;4158:19 looking (10) 4095:13,16;4110:3; 4127:16;4131:1; 4138:1;4139:14; 4140:13;4157:9; 4165:20 looks (5) 4082:24;4104:12; 4138:13;4140:19; 4146:12 loss (8) 4088:20,22;4139:15; 4143:13,16;4144:14; 4147:21;4148:21 losses (1) 4144:3 lost (3) 4138:4;4143:19; 4162:9 lot (13) 4098:19;4102:16; 4104:24;4124:4; 4128:21;4133:8;</p> |
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| | | | | |
|---|--|---|--|--|
| <p>4136:23;4138:5; 4142:8;4150:23; 4168:6;4177:14; 4179:22 loud (1) 4089:24 low (1) 4169:23 lower (10) 4093:9,10,12; 4094:3;4123:10,11; 4124:2;4126:24; 4141:2;4157:7 lowered (1) 4123:6 Luetkehans (53) 4083:3,11,18; 4086:12,17,23;4087:2, 7,11,18;4092:1,3; 4097:2;4112:20,22; 4113:3,6,9,19,20; 4115:24;4116:3,8,12; 4124:18,19,22; 4126:15;4128:7; 4130:18;4131:9,12,15, 17;4142:5;4145:8,9, 11;4147:13;4149:22; 4150:1;4159:4,6; 4163:13,15;4164:1,2,5, 8;4166:7,24;4169:1; 4175:20 Luetkehans's (1) 4083:17 lump (5) 4086:8;4108:22; 4110:4,9;4174:17</p> | <p>manufacturer (2) 4131:14,19 manufacturer's (1) 4131:23 many (10) 4084:22;4085:7; 4105:1;4140:17; 4142:20;4144:9; 4157:9;4165:4;4168:5; 4178:2 map (13) 4119:11,14,16,19; 4120:11;4151:11; 4152:13,16,21;4153:7; 4169:11;4172:18; 4173:1 mapped (1) 4125:3 maps (12) 4118:20;4119:3; 4121:12;4122:7; 4123:21;4125:5,7,24; 4150:24;4151:5,9; 4153:12 March (3) 4171:19,21,24 MARK (17) 4089:19,22,24; 4090:4,4,11,15,18,21; 4091:1,6;4179:1,8,10, 15,19,21 marked (2) 4119:9;4176:13 markers (1) 4119:10 market (15) 4093:4,7;4096:1; 4111:12;4134:21; 4136:6;4137:9,13,16; 4139:16;4140:17,23; 4141:4,6,15 MaRous (9) 4132:19;4133:12; 4134:24;4135:6; 4142:4;4143:11,14; 4171:16,21 MaRous's (3) 4088:3;4132:22; 4141:13 Mass (3) 4133:13;4135:5; 4171:14 master (2) 4176:21;4177:13 match (3) 4115:5;4117:9,10 matched (1) 4117:18 matches (1) 4118:12 material (1) 4160:18 math (2)</p> | <p>4083:13;4126:6 matter (6) 4117:12;4144:10; 4165:2;4168:16; 4170:20;4176:7 max (1) 4118:7 maximum (17) 4117:24;4118:5; 4154:3,6;4155:4,21; 4156:11,13,15,20,21; 4157:2,5,18;4162:3,7; 4169:15 maximum's (1) 4156:18 May (26) 4082:6;4083:20,20; 4084:9;4086:4; 4089:15;4113:19; 4125:19;4127:22; 4128:12;4132:8; 4140:21;4147:5,7; 4149:23;4150:2,6; 4161:5;4165:4;4167:5, 9;4175:18,20;4176:23; 4177:6,24 Maybe (13) 4100:13;4102:2; 4108:7;4125:8,9,9; 4135:11;4146:15; 4156:23;4164:20; 4175:10;4176:11,13 McCann (1) 4088:5 McCann's (1) 4088:1 mean (22) 4087:7;4096:15; 4100:8;4101:10; 4102:13;4103:4; 4104:12;4105:7,7,19; 4106:9,10,20;4108:2, 10,15;4121:10; 4127:10;4138:6; 4156:15;4175:8; 4177:6 meaning (3) 4115:2;4118:17; 4121:20 means (6) 4092:19;4119:6; 4122:15;4139:12; 4140:16;4157:12 measurable (2) 4129:24;4130:1 measure (1) 4157:7 measured (7) 4154:19;4155:18; 4156:14,14;4157:3; 4162:7;4163:3 measurement (2) 4157:2;4171:5</p> | <p>mechanical (1) 4160:22 mechanism (1) 4088:20 median (1) 4134:13 mediation (6) 4093:17,17;4094:12; 4097:23,23;4098:5 mediator (2) 4094:11;4097:21 medium (1) 4160:15 meet (4) 4132:5;4133:13,14, 16 meeting (7) 4106:20;4114:24; 4121:18;4167:13; 4168:21;4180:3,7 meetings (1) 4106:16 members (3) 4091:2;4179:14; 4180:17 memorandum (1) 4171:20 mention (1) 4159:1 mess (1) 4156:5 method (3) 4133:12;4134:1,3 Michael (1) 4082:11 Michigan (1) 4128:22 middle (1) 4101:6 midst (1) 4091:12 midway (2) 4094:18,20 might (1) 4147:19 Mike (4) 4086:12;4087:7; 4116:3;4130:18 mile (2) 4085:20;4088:15 mind (1) 4143:3 mine (3) 4120:21;4175:23,24 Minnesota (2) 4151:24;4152:4 minute (5) 4126:7;4142:11; 4149:15;4155:6; 4165:8 minutes (10) 4083:14,18,18,19; 4134:7;4165:14;</p> | <p>4166:3,22,22,24 miserably (1) 4092:5 missed (1) 4098:15 mitigate (2) 4099:2;4102:2 mitigation (1) 4093:15 mix (1) 4107:13 MLS (9) 4172:9,11,17,23; 4173:7,17,24;4174:7,9 model (19) 4115:3;4117:8; 4118:12;4121:22,22; 4122:2,3,5,11,13,17; 4123:17,18;4153:16, 23;4154:3;4156:8; 4157:17;4169:16 modelled (1) 4122:12 modelling (2) 4122:1;4154:13 models (1) 4115:15 modified (2) 4085:16;4110:8 modify (1) 4102:18 modulation (2) 4158:10,11 moment (1) 4112:13 Monday (1) 4116:22 monitoring (2) 4101:5,8 monitors (1) 4104:3 month (1) 4134:11 monthly (1) 4134:18 months (5) 4108:3;4140:14,15, 17,20 more (19) 4102:9;4111:7; 4122:1;4123:4,10,22; 4124:1;4135:2; 4136:23;4138:3; 4140:23,24;4141:1,1,4, 8;4143:20;4151:9; 4152:16 morning (2) 4116:19,21 most (3) 4120:5,8,16 motion (6) 4167:19,19;4178:4, 6;4180:9,10</p> |
| M | | | | |
| <p>magnitude (1) 4123:22 mail (1) 4142:18 main (1) 4088:13 maintain (1) 4100:18 major (2) 4138:6;4144:4 makes (4) 4156:2,15;4160:9; 4167:16 making (2) 4117:18;4179:21 management (1) 4099:21 manager (7) 4099:7,20;4100:13, 20,21,23,24 mandates (1) 4144:12 manned (1) 4101:9</p> | <p>marked (2) 4119:9;4176:13 markers (1) 4119:10 market (15) 4093:4,7;4096:1; 4111:12;4134:21; 4136:6;4137:9,13,16; 4139:16;4140:17,23; 4141:4,6,15 MaRous (9) 4132:19;4133:12; 4134:24;4135:6; 4142:4;4143:11,14; 4171:16,21 MaRous's (3) 4088:3;4132:22; 4141:13 Mass (3) 4133:13;4135:5; 4171:14 master (2) 4176:21;4177:13 match (3) 4115:5;4117:9,10 matched (1) 4117:18 matches (1) 4118:12 material (1) 4160:18 math (2)</p> | <p>4083:13;4126:6 matter (6) 4117:12;4144:10; 4165:2;4168:16; 4170:20;4176:7 max (1) 4118:7 maximum (17) 4117:24;4118:5; 4154:3,6;4155:4,21; 4156:11,13,15,20,21; 4157:2,5,18;4162:3,7; 4169:15 maximum's (1) 4156:18 May (26) 4082:6;4083:20,20; 4084:9;4086:4; 4089:15;4113:19; 4125:19;4127:22; 4128:12;4132:8; 4140:21;4147:5,7; 4149:23;4150:2,6; 4161:5;4165:4;4167:5, 9;4175:18,20;4176:23; 4177:6,24 Maybe (13) 4100:13;4102:2; 4108:7;4125:8,9,9; 4135:11;4146:15; 4156:23;4164:20; 4175:10;4176:11,13 McCann (1) 4088:5 McCann's (1) 4088:1 mean (22) 4087:7;4096:15; 4100:8;4101:10; 4102:13;4103:4; 4104:12;4105:7,7,19; 4106:9,10,20;4108:2, 10,15;4121:10; 4127:10;4138:6; 4156:15;4175:8; 4177:6 meaning (3) 4115:2;4118:17; 4121:20 means (6) 4092:19;4119:6; 4122:15;4139:12; 4140:16;4157:12 measurable (2) 4129:24;4130:1 measure (1) 4157:7 measured (7) 4154:19;4155:18; 4156:14,14;4157:3; 4162:7;4163:3 measurement (2) 4157:2;4171:5</p> | <p>mechanical (1) 4160:22 mechanism (1) 4088:20 median (1) 4134:13 mediation (6) 4093:17,17;4094:12; 4097:23,23;4098:5 mediator (2) 4094:11;4097:21 medium (1) 4160:15 meet (4) 4132:5;4133:13,14, 16 meeting (7) 4106:20;4114:24; 4121:18;4167:13; 4168:21;4180:3,7 meetings (1) 4106:16 members (3) 4091:2;4179:14; 4180:17 memorandum (1) 4171:20 mention (1) 4159:1 mess (1) 4156:5 method (3) 4133:12;4134:1,3 Michael (1) 4082:11 Michigan (1) 4128:22 middle (1) 4101:6 midst (1) 4091:12 midway (2) 4094:18,20 might (1) 4147:19 Mike (4) 4086:12;4087:7; 4116:3;4130:18 mile (2) 4085:20;4088:15 mind (1) 4143:3 mine (3) 4120:21;4175:23,24 Minnesota (2) 4151:24;4152:4 minute (5) 4126:7;4142:11; 4149:15;4155:6; 4165:8 minutes (10) 4083:14,18,18,19; 4134:7;4165:14;</p> | <p>4166:3,22,22,24 miserably (1) 4092:5 missed (1) 4098:15 mitigate (2) 4099:2;4102:2 mitigation (1) 4093:15 mix (1) 4107:13 MLS (9) 4172:9,11,17,23; 4173:7,17,24;4174:7,9 model (19) 4115:3;4117:8; 4118:12;4121:22,22; 4122:2,3,5,11,13,17; 4123:17,18;4153:16, 23;4154:3;4156:8; 4157:17;4169:16 modelled (1) 4122:12 modelling (2) 4122:1;4154:13 models (1) 4115:15 modified (2) 4085:16;4110:8 modify (1) 4102:18 modulation (2) 4158:10,11 moment (1) 4112:13 Monday (1) 4116:22 monitoring (2) 4101:5,8 monitors (1) 4104:3 month (1) 4134:11 monthly (1) 4134:18 months (5) 4108:3;4140:14,15, 17,20 more (19) 4102:9;4111:7; 4122:1;4123:4,10,22; 4124:1;4135:2; 4136:23;4138:3; 4140:23,24;4141:1,1,4, 8;4143:20;4151:9; 4152:16 morning (2) 4116:19,21 most (3) 4120:5,8,16 motion (6) 4167:19,19;4178:4, 6;4180:9,10</p> |

| | | | | |
|---|--|---|---|---|
| <p>motions (3) 4167:20,23;4180:12</p> <p>mouse (1) 4123:1</p> <p>move (10) 4110:13;4112:17; 4141:17;4142:18; 4153:6,14;4159:4,20; 4165:19;4167:10</p> <p>moved (10) 4120:6,9,17,22,24; 4121:1,1,2,5,6</p> <p>moving (6) 4123:2;4135:19; 4138:19;4140:4; 4141:23;4164:11</p> <p>mow (1) 4125:15</p> <p>much (9) 4097:3;4102:18; 4115:23;4117:22; 4133:22;4138:10,11; 4140:22;4168:21</p> <p>multiple (1) 4122:18</p> <p>myriad (1) 4099:14</p> <p>myself (3) 4155:23;4178:7,15</p> | <p>4168:23;4176:9; 4180:8</p> <p>needs (2) 4101:15;4147:23</p> <p>negative (2) 4137:9,13</p> <p>negotiating (1) 4141:2</p> <p>neighbor (10) 4085:10;4086:1,5; 4088:17;4092:13; 4108:18,21;4110:3; 4147:20;4174:18</p> <p>new (20) 4086:19,19;4087:12; 4096:5;4107:12; 4110:7;4117:9,10; 4118:11,19,22; 4119:19;4120:2; 4123:12,14;4124:2; 4126:24,24;4134:17; 4151:14</p> <p>next (12) 4117:6;4132:4; 4137:4;4140:6; 4144:22;4145:19; 4149:16;4164:13; 4165:20;4168:19; 4175:22;4178:8</p> <p>nice (1) 4155:8</p> <p>Nielsen (1) 4082:20</p> <p>night (9) 4082:23;4100:3; 4101:7;4142:5;4143:1; 4167:3,4,9,12</p> <p>nights (1) 4178:2</p> <p>nighttime (1) 4154:12</p> <p>nine (1) 4154:23</p> <p>nitpicked (1) 4121:10</p> <p>nitpicking (1) 4121:8</p> <p>Nocebo (1) 4169:18</p> <p>noise (5) 4119:1;4169:22,23; 4170:21;4171:8</p> <p>Noises (1) 4169:21</p> <p>nonaccepting (1) 4095:4</p> <p>nonparticipants (1) 4087:22</p> <p>nonparticipating (2) 4085:8;4096:10</p> <p>nor (1) 4092:13</p> <p>Nord (1)</p> | <p>4169:5</p> <p>normal (1) 4099:5</p> <p>North (1) 4172:6</p> <p>northwest (2) 4133:23;4143:17</p> <p>November (1) 4089:1</p> <p>number (31) 4098:22;4100:9; 4113:8;4137:5,5,7,12; 4139:4;4141:11,11; 4142:1;4144:3; 4154:17;4155:4,7,13; 4156:13,20,21,23; 4158:7;4159:3; 4162:10;4172:10,11, 17,24;4173:7,17,24; 4174:9</p> <p>numbered (1) 4136:2</p> <p>numbers (47) 4091:13;4115:20,21; 4116:16;4117:4,8,9,10, 14;4118:2,11,16,18,20, 22;4119:19;4120:1,2; 4121:9,9;4123:12,16, 22;4124:3,24;4125:4; 4126:24,24;4127:10, 13,24;4128:24; 4129:12;4130:1; 4138:8,24;4140:2; 4153:19;4154:15,16; 4155:17;4156:15,17; 4157:14,14,14,21</p> <p>numeric (1) 4123:12</p> | <p>Obviously (4) 4136:7;4138:6; 4139:22;4151:20</p> <p>occurred (1) 4128:12</p> <p>occurs (1) 4158:12</p> <p>octave (4) 4117:24;4119:2; 4123:9;4169:15</p> <p>October (2) 4170:24;4171:11</p> <p>Odell (15) 4138:22;4139:8,21; 4140:5,13,19;4142:10; 4143:13;4146:6; 4173:15,21,23;4174:6, 8,8</p> <p>Odell/Union (1) 4147:2</p> <p>off (4) 4100:3;4139:5; 4141:6;4144:22</p> <p>offer (3) 4091:15;4133:14; 4149:24</p> <p>offered (1) 4107:23</p> <p>offering (2) 4150:6;4175:10</p> <p>offers (1) 4134:24</p> <p>office (1) 4172:4</p> <p>offices (1) 4142:2</p> <p>official (1) 4125:13</p> <p>old (2) 4119:16;4120:1</p> <p>once (4) 4091:14;4095:3; 4100:15;4167:1</p> <p>one (81) 4083:1;4088:24; 4089:3,19;4090:8,11; 4097:8;4099:3,7; 4101:24;4103:22; 4104:9,24;4105:11,14, 15;4111:7;4117:16; 4118:24;4119:8; 4122:17,18,20,21,24, 24;4123:20;4125:17; 4126:7;4128:18; 4132:1;4134:10,12,23; 4135:23;4136:1,2,4,10, 12,13;4137:5,7,22; 4138:20,22;4140:11, 16,19,24;4141:11,14; 4142:1;4143:10,15; 4145:14,16;4146:2,3,5, 7;4149:3,23;4150:22; 4151:12,15;4153:2;</p> | <p>4158:19;4159:3,12; 4160:15;4161:21; 4163:22;4169:1,3; 4174:16;4175:2,10,21; 4177:24;4179:12</p> <p>one-fourth (1) 4173:2</p> <p>ones (4) 4138:16,17;4140:19; 4176:24</p> <p>online (4) 4083:6,9;4109:8; 4166:5</p> <p>only (12) 4087:21;4104:14; 4105:10;4115:12,12; 4128:20;4136:9,13; 4153:9;4154:23; 4156:15;4160:10</p> <p>on-site (1) 4099:6</p> <p>open (1) 4099:5</p> <p>opened (1) 4164:18</p> <p>operate (4) 4101:13,13,16; 4104:23</p> <p>operating (1) 4102:12</p> <p>operation (5) 4096:21;4106:2,19; 4109:9,10</p> <p>operational (1) 4100:16</p> <p>operations (15) 4099:4,6,11,17,19, 20;4100:12,16,19,20, 21,23;4101:4,8; 4104:19</p> <p>opinion (6) 4135:1,14;4143:18; 4152:16;4153:16; 4161:11</p> <p>opinions (2) 4097:5;4135:16</p> <p>opportunity (6) 4083:9;4163:24; 4166:13,14,16,20</p> <p>Opposed (1) 4180:18</p> <p>option (5) 4093:20;4094:8,9; 4109:1;4111:15</p> <p>options (1) 4140:23</p> <p>order (12) 4084:3,4;4088:7; 4112:4;4113:23; 4123:22;4136:1; 4140:7;4141:3; 4166:12;4167:21; 4175:14</p> |
| N | | O | | |
| <p>name (4) 4083:10;4090:2; 4114:4;4166:6</p> <p>named (1) 4151:19</p> <p>names (1) 4166:10</p> <p>NAR (2) 4134:11,18</p> <p>National (1) 4134:10</p> <p>near (1) 4110:17</p> <p>nearest (3) 4115:16;4123:13; 4128:24</p> <p>nearly (1) 4133:7</p> <p>necessarily (3) 4105:2;4129:15; 4151:2</p> <p>necessary (1) 4099:24</p> <p>need (20) 4083:7;4091:4; 4105:4;4106:1,6; 4111:16;4114:11,13; 4134:22;4138:15; 4139:15;4140:8; 4149:18;4150:14; 4159:7;4165:5,9;</p> | <p>oath (4) 4084:15;4114:7; 4132:11;4150:12</p> <p>obey (1) 4160:24</p> <p>object (3) 4086:18;4151:18; 4159:12</p> <p>objected (1) 4174:16</p> <p>objection (6) 4086:14;4087:17; 4112:21;4153:6; 4158:20;4159:24</p> <p>objections (1) 4159:12</p> <p>obligates (2) 4085:13;4088:21</p> <p>obligation (1) 4085:17</p> <p>obvious (1) 4098:19</p> | | | |

| | | | | |
|--|---|---|---|--|
| <p>ordinance (8) 4095:10,15,20,21,23; 4096:2,5,8</p> <p>organizations (1) 4106:24</p> <p>original (7) 4117:22;4118:6,21; 4119:17;4122:9; 4123:7,16</p> <p>originally (1) 4110:7</p> <p>others (3) 4087:5;4150:2; 4152:8</p> <p>ourselves (3) 4092:20;4167:19; 4177:23</p> <p>out (46) 4089:18;4091:5,11; 4095:3;4099:13; 4100:17;4102:23; 4104:1;4110:13; 4111:7;4113:23; 4114:18;4117:3; 4120:6,9,17,20,22,24; 4121:1,1,2,3,5,6,11; 4126:18;4128:10; 4129:9;4133:9;4134:9; 4138:24;4139:18; 4150:7;4151:14; 4153:19;4155:14,17; 4157:4,5;4161:7; 4163:22;4165:13,19; 4168:11;4180:1</p> <p>output (3) 4118:1,6,8</p> <p>outside (2) 4086:20;4120:10</p> <p>over (21) 4085:24;4097:4; 4119:6;4120:1,3; 4121:8;4122:16; 4123:14;4124:3,4; 4126:9;4127:16; 4128:2,4;4136:17; 4140:11;4141:3; 4151:1;4168:17; 4175:13,22</p> <p>overall (1) 4141:12</p> <p>Overland (1) 4171:10</p> <p>overlay (1) 4122:8</p> <p>overpredicting (4) 4153:17,23;4156:4; 4157:17</p> <p>overruled (1) 4174:16</p> <p>overstepped (1) 4161:10</p> <p>own (5) 4110:13;4134:16;</p> | <p>4135:14;4157:11; 4177:12</p> <p>owner (2) 4085:17;4096:10</p> <p>owners (3) 4088:15,17,18</p> <p style="text-align: center;">P</p> <p>page (27) 4087:6;4130:7,16, 19,20;4134:8;4135:19, 21;4136:3;4138:19; 4140:4;4141:23; 4145:12;4147:1; 4148:13;4151:3; 4152:21;4153:2,3,15; 4154:7,9;4155:12; 4161:23;4162:3; 4172:3;4173:2</p> <p>pages (3) 4125:6;4159:19; 4176:24</p> <p>paid (1) 4095:6</p> <p>paper (3) 4151:3;4158:21; 4160:7</p> <p>paragraph (7) 4094:20;4095:13; 4096:17;4110:17,17; 4159:19;4160:2</p> <p>parcel (2) 4172:19;4173:3</p> <p>part (11) 4099:21;4104:9; 4105:3;4106:2,7,18; 4133:23;4150:16; 4154:21;4168:19; 4178:8</p> <p>participant (1) 4110:20</p> <p>participants (2) 4088:16;4092:12</p> <p>particular (10) 4105:18;4108:22; 4129:10;4144:17; 4145:22;4153:7; 4160:4;4164:17; 4175:2;4178:6</p> <p>particulars (1) 4108:5</p> <p>parties (1) 4083:6</p> <p>parts (3) 4120:15;4121:2; 4133:21</p> <p>party (1) 4095:4</p> <p>Parzyck (10) 4084:11,12,14,17,22; 4089:15;4090:24; 4097:7,12;4174:16</p> | <p>pass (2) 4161:2;4163:8</p> <p>passed (1) 4096:9</p> <p>past (5) 4136:13;4137:23; 4139:7;4144:7;4153:7</p> <p>patience (1) 4144:24</p> <p>Patrick (6) 4129:22;4130:4; 4164:16,22;4165:1,22</p> <p>pattern (1) 4147:3</p> <p>pay (6) 4088:22;4094:23,23; 4095:2,4;4144:17</p> <p>paying (3) 4085:18;4139:12; 4161:22</p> <p>payment (3) 4086:8;4108:22; 4110:10</p> <p>payments (1) 4085:24</p> <p>pays (2) 4094:12,21</p> <p>PCB (1) 4170:14</p> <p>peaked (2) 4138:4;4139:9</p> <p>peaks (1) 4147:9</p> <p>people (14) 4085:12,21;4088:7; 4105:14;4107:12; 4116:15;4141:5,6; 4142:20;4144:9; 4157:15;4158:12,16; 4176:12</p> <p>per (5) 4085:6,9;4122:17; 4136:19;4142:12</p> <p>perceived (1) 4085:23</p> <p>percent (12) 4085:19;4136:15,16; 4139:9;4140:5; 4142:12,14;4143:16, 20;4144:1,13;4148:20</p> <p>perfectly (1) 4115:5</p> <p>period (1) 4093:6</p> <p>permit (2) 4088:19;4106:12</p> <p>permitting (1) 4109:8</p> <p>person (5) 4098:17,24;4099:16; 4110:18;4161:11</p> <p>personal (1) 4160:11</p> | <p>perspective (1) 4104:21</p> <p>phone (2) 4135:2,16</p> <p>photograph (2) 4173:8,11</p> <p>physically (1) 4175:14</p> <p>physics (3) 4161:1,12;4163:7</p> <p>physiological (1) 4171:2</p> <p>picture (2) 4122:21;4138:12</p> <p>pitched (1) 4102:23</p> <p>pitching (1) 4102:17</p> <p>pixel (5) 4122:8,11,11,24; 4126:14</p> <p>pixels (3) 4122:22;4123:3; 4125:24</p> <p>place (8) 4091:14;4099:3,7, 12,16;4104:3;4105:22; 4130:4</p> <p>places (1) 4103:15</p> <p>plan (15) 4090:7;4091:8,8,10, 14,15,18,21;4103:19; 4104:8,20;4105:20,23; 4108:1,2</p> <p>Planning (1) 4113:18</p> <p>plant (1) 4090:7</p> <p>play (1) 4100:8</p> <p>playing (1) 4141:9</p> <p>Pleasant (66) 4082:9,10;4085:11; 4086:4,10,18;4087:16; 4088:9;4089:8;4092:7, 11,21;4093:10;4094:5, 7,14,23;4095:1,6; 4107:21;4110:6; 4113:1,13;4115:3,13, 17;4116:17,17,20,23; 4117:22;4118:3,18,23; 4119:12;4122:17,23; 4123:5,18,23;4135:22; 4143:23;4146:5; 4153:16;4155:12; 4156:10;4162:18; 4168:23;4169:7,11,12, 14,15,17,19,21,24; 4170:2,6,9,11,16; 4171:13,15,20,23</p> <p>please (2)</p> | <p>4082:5;4092:8</p> <p>plots (4) 4118:23;4121:21; 4122:21,21</p> <p>plus (2) 4085:22;4144:13</p> <p>pm (6) 4082:1;4149:19,19; 4165:16,16;4180:20</p> <p>point (27) 4088:24;4094:7; 4115:12,12;4119:22; 4120:9;4121:22; 4122:1,2,5,11,12,13,17, 18,24;4130:22;4132:1; 4134:9;4139:18; 4141:24;4147:11; 4151:8;4152:17; 4153:12;4165:6; 4177:24</p> <p>points (8) 4088:13,14;4121:24; 4122:3,16,19;4126:4,8</p> <p>police (1) 4107:3</p> <p>Politician (1) 4170:14</p> <p>Pollution (4) 4170:20,21,24; 4171:11</p> <p>Pontiac (3) 4103:22;4148:7; 4174:2</p> <p>pop (1) 4126:20</p> <p>portfolio (1) 4109:13</p> <p>portion (10) 4120:3,18,22; 4143:17;4148:19; 4159:18;4166:21; 4167:18;4177:22; 4178:13</p> <p>portions (1) 4175:19</p> <p>positive (2) 4167:22,24</p> <p>possibility (1) 4161:14</p> <p>possible (2) 4101:18;4162:4</p> <p>possibly (2) 4167:5;4180:1</p> <p>posted (3) 4116:18,21;4168:18</p> <p>postulate (1) 4100:7</p> <p>power (4) 4118:1,6,7;4141:1</p> <p>PowerPoint (1) 4145:17</p> <p>practice (1) 4151:5</p> |
|--|---|---|---|--|

| | | | | |
|--|---|--|---|--|
| <p>practices (1) 4151:4</p> <p>Prairie (6) 4090:4;4138:21; 4139:1,7;4146:5,6</p> <p>precedence (1) 4159:23</p> <p>predict (3) 4121:24;4122:3; 4156:10</p> <p>predicted (9) 4115:3;4154:3; 4155:5,21;4156:12; 4157:3,6,8;4162:4</p> <p>predicting (1) 4157:21</p> <p>prediction (1) 4122:11</p> <p>predictions (1) 4115:15</p> <p>prefer (1) 4122:5</p> <p>prepare (1) 4176:20</p> <p>prepared (4) 4083:3;4089:2; 4091:17;4152:3</p> <p>present (3) 4083:19;4085:24; 4164:21</p> <p>presentation (3) 4122:8;4159:20; 4161:24</p> <p>presented (5) 4088:5;4130:11; 4153:8;4160:4; 4164:24</p> <p>pretty (3) 4116:14;4156:23; 4165:13</p> <p>previous (10) 4084:16;4108:21; 4123:15;4132:11; 4139:13,20;4150:13; 4175:9;4176:17,24</p> <p>previously (6) 4114:7;4132:21; 4162:11,12;4168:24; 4173:9</p> <p>price (22) 4092:18,19;4093:4, 4,7,9,10,13,21;4094:1, 3,6,6;4095:1;4097:17, 18,20;4111:19,20; 4112:1;4133:20; 4141:2</p> <p>priced (1) 4111:19</p> <p>prices (6) 4134:2,14;4139:21, 24;4143:13,17</p> <p>primarily (1) 4150:20</p> | <p>primary (1) 4088:14</p> <p>Priming (1) 4169:18</p> <p>print (2) 4154:2;4158:6</p> <p>printed (1) 4151:16</p> <p>printer (1) 4151:13</p> <p>prior (1) 4151:22</p> <p>probability (1) 4155:1</p> <p>probably (13) 4088:14;4138:1; 4142:20;4143:20; 4144:17;4157:24; 4160:11;4161:10,22; 4167:9;4168:12,14,21</p> <p>problem (2) 4102:1,7</p> <p>problems (2) 4098:20;4099:2</p> <p>procedural (4) 4150:17;4175:5,16; 4180:1</p> <p>procedure (2) 4106:18;4164:14</p> <p>procedures (1) 4164:12</p> <p>proceeding (3) 4119:5;4151:22; 4159:1</p> <p>proceedings (1) 4114:7</p> <p>process (16) 4083:24;4090:13,14; 4092:6,15,17,24; 4093:15,18;4096:14; 4097:23;4099:1; 4102:6;4145:1; 4150:15;4164:11</p> <p>produced (2) 4134:18;4169:23</p> <p>production (2) 4136:5,19</p> <p>productivity (1) 4136:6</p> <p>professional (3) 4113:15;4134:24; 4135:14</p> <p>program (1) 4102:2</p> <p>programmable (2) 4102:10;4103:4</p> <p>programmed (1) 4101:20</p> <p>Project (15) 4082:10;4084:23,24; 4085:5;4088:19; 4089:4;4092:13; 4096:4;4099:5,15;</p> | <p>4109:8,12;4128:22; 4133:22;4169:12</p> <p>projected (1) 4139:23</p> <p>projecting (1) 4143:6</p> <p>projects (3) 4100:15;4106:1; 4143:24</p> <p>project's (1) 4096:20</p> <p>promised (1) 4083:14</p> <p>proof (1) 4160:7</p> <p>properties (5) 4095:21;4118:24; 4124:4;4136:5; 4160:24</p> <p>property (40) 4087:24;4088:2,8; 4092:7;4093:5; 4095:14,15,18,19,19; 4096:1,10;4098:21; 4109:4;4112:4;4119:1; 4121:4;4125:10,11,16, 19;4126:1;4133:1; 4136:9,11;4137:10; 4139:11,13;4142:23; 4143:7,8;4147:18; 4148:1;4171:18; 4172:5,8,9;4173:1; 4174:4,18</p> <p>property's (1) 4121:13</p> <p>propose (2) 4086:5,7</p> <p>proposed (2) 4088:12;4151:6</p> <p>proposing (3) 4087:22;4088:8; 4147:24</p> <p>protect (3) 4143:23;4147:21; 4148:2</p> <p>protected (1) 4144:3</p> <p>protection (2) 4148:1;4171:7</p> <p>protocol (3) 4104:21;4106:3; 4107:8</p> <p>provide (2) 4150:14;4176:19</p> <p>Provided (5) 4110:18;4127:1; 4132:15;4168:11; 4177:21</p> <p>provides (2) 4088:12,20</p> <p>providing (1) 4123:21</p> <p>proximity (3)</p> | <p>4088:23;4137:11,17</p> <p>Public (6) 4152:1,5;4166:21; 4167:17;4177:22; 4179:7</p> <p>publicly (1) 4179:17</p> <p>published (1) 4157:13</p> <p>pulling (1) 4162:13</p> <p>purchase (3) 4111:14,15,16</p> <p>purports (1) 4158:24</p> <p>purpose (1) 4149:8</p> <p>purposely (1) 4163:6</p> <p>put (9) 4115:21;4119:10,12; 4133:3;4143:11; 4151:15;4155:11; 4156:20;4177:13</p> <p>puts (1) 4140:16</p> <p>putting (2) 4157:5;4165:3</p> | <p>rapid (1) 4143:13</p> <p>rates (1) 4134:5</p> <p>rather (3) 4108:22;4129:16; 4152:12</p> <p>Rautmann (2) 4112:19;4113:15</p> <p>ray (2) 4160:21;4161:2</p> <p>read (3) 4092:5;4097:3; 4151:1</p> <p>reading (1) 4110:24</p> <p>readings (1) 4155:17</p> <p>reads (1) 4136:4</p> <p>ready (2) 4149:18;4150:5</p> <p>real (8) 4140:9;4145:9; 4149:5;4171:14; 4172:5,11;4173:16,22</p> <p>realistic (1) 4168:12</p> <p>really (17) 4100:11;4101:14; 4102:22;4108:16; 4115:5;4134:3; 4139:15;4140:9,23; 4141:14;4143:3; 4147:22;4148:1; 4154:11,18;4160:12,13</p> <p>Realtors (2) 4134:11;4143:12</p> <p>reason (4) 4100:5,6;4101:15; 4121:10</p> <p>reasons (1) 4103:15</p> <p>rebuttal (13) 4083:1;4084:12; 4086:22;4090:14; 4098:15;4114:12,12, 13;4116:22;4132:14, 14,15;4150:16</p> <p>rebutting (1) 4114:15</p> <p>recall (1) 4110:11</p> <p>receptor (27) 4119:23,24;4120:2, 5,6,12,13,14,16,19,20, 24,24;4121:1,1,2,3,5,6, 13,14,14,15;4122:15, 17;4123:13;4154:16</p> <p>receptors (5) 4119:12;4123:9,13, 19;4154:23</p> <p>Recess (4)</p> |
| Q | | | | |
| <p>qualified (1) 4159:9</p> <p>quantity (1) 4084:5</p> <p>quick (8) 4084:15;4087:16; 4095:9;4119:21; 4144:20;4145:9; 4149:5;4150:5</p> <p>quickly (2) 4100:24;4165:12</p> <p>quote (1) 4087:6</p> | | | | |
| R | | | | |
| <p>R185 (1) 4120:8</p> <p>R216 (1) 4120:19</p> <p>R438 (1) 4119:23</p> <p>raised (2) 4110:10,12</p> <p>raises (1) 4129:11</p> <p>ran (1) 4115:20</p> <p>Rand (1) 4152:7</p> <p>range (1) 4158:12</p> | | | | |

| | | | | |
|---|--|---|---|--|
| <p>4149:19;4165:16; 4180:3,9 recognize (1) 4088:6 recommendation (2) 4167:20;4168:3 record (15) 4086:18;4112:19,24; 4113:5,12,16;4151:17; 4159:1,5;4160:1; 4162:17;4163:5; 4168:23;4175:24; 4176:18 records (7) 4085:6,9;4172:7,12, 15,20;4173:14 rectangle (1) 4125:8 Red (3) 4119:5;4120:11,13 reduce (1) 4141:5 reduction (3) 4118:10;4129:24; 4130:1 refer (1) 4135:10 reference (4) 4118:9;4133:18; 4160:7;4162:9 referred (1) 4121:20 refute (4) 4151:8;4153:15; 4158:9;4160:10 regard (3) 4091:7;4102:17; 4137:16 regarding (1) 4087:24 regards (2) 4083:4;4109:4 region (1) 4134:3 regional (2) 4100:21,23 regular (3) 4107:7,10,11 regularly (1) 4100:17 Regulations (1) 4170:21 relate (1) 4091:8 related (3) 4098:13;4137:6; 4142:4 Relatively (1) 4146:13 releases (1) 4134:11 rely (3) 4122:5;4134:4,17</p> | <p>remember (3) 4089:5;4124:5; 4175:11 remind (6) 4114:6;4150:12,13; 4166:7;4167:20; 4168:1 reminder (4) 4084:15;4114:10; 4132:10;4166:2 reminding (1) 4164:15 remote (1) 4101:14 replies (1) 4122:2 report (19) 4100:20;4129:23; 4130:4,10;4132:19,21; 4133:3,11,19;4134:11, 13;4139:20;4143:9,15; 4146:7;4154:8; 4165:24;4171:17; 4175:17 reported (1) 4137:8 reports (6) 4088:3;4100:20,23; 4130:21;4164:14,17 representative (1) 4164:16 representing (1) 4090:3 represents (2) 4083:11;4166:8 request (1) 4094:4 requested (1) 4110:12 requirement (2) 4105:21;4106:7 requirements (1) 4106:12 Requiring (1) 4169:13 rerun (1) 4117:8 rescue (1) 4103:16 research (1) 4158:18 residence (2) 4088:18;4102:1 residences (2) 4085:4;4088:15 resident (1) 4100:1 residential (14) 4133:1;4137:10,14, 14;4138:2,4,22,23; 4143:23;4144:1,14; 4145:13,23;4147:2 residents (2)</p> | <p>4144:16;4169:18 resolution (1) 4093:22 respect (1) 4087:22 responding (1) 4107:4 response (10) 4086:3;4087:4,9; 4104:6,8,22;4106:22, 23;4110:8;4131:8 responsibilities (1) 4104:9 responsibility (1) 4107:6 responsible (1) 4100:21 rest (1) 4168:20 result (2) 4129:20;4137:10 results (2) 4135:2;4154:13 reverse (1) 4084:4 review (5) 4082:8;4083:8; 4087:16;4088:3; 4171:17 reviewed (1) 4087:23 Richard (1) 4082:15 Ridge (79) 4082:9,10;4084:23, 24;4085:5,11;4086:4, 10,18;4087:17;4088:9; 4089:8;4092:8,11,21; 4093:11;4094:5,7,14, 23;4095:2,7;4107:21; 4110:6;4113:1,13; 4115:4,13,17;4116:17, 18,20,24;4117:22; 4118:3,18,23;4119:12; 4122:17,23;4123:5; 4135:22;4143:24; 4153:11,16;4154:5,8, 19;4155:5,10,13,18; 4156:9,10,21,24; 4157:16,16;4162:8,18; 4168:23;4169:7,12,12, 14,15,17,19,21,24; 4170:2,6,9,11,16; 4171:13,15,20,23 Ridge/Stantec (2) 4123:18,23 right (109) 4082:2,22;4085:3,7, 10;4086:23;4087:14, 15;4088:13;4089:13, 16,20,23;4090:23; 4091:3,12;4092:1,16, 21;4093:12;4094:1,3;</p> | <p>4096:3;4097:6;4098:8; 4102:6;4103:17,17; 4107:2,13,17;4108:9,9, 12,17;4109:11,20; 4110:22;4111:17; 4112:6,9,14;4113:11; 4114:1,3,15,19; 4119:18,24;4122:24; 4124:10,12,17;4125:6; 4126:18,23;4127:4,17; 4128:5,10;4129:3,6; 4130:6,7,21;4131:2; 4132:5,9;4145:3,7; 4148:18;4149:1,11,14, 20;4150:4,9,11,19; 4152:10;4153:5; 4158:4;4159:22; 4160:1;4161:18; 4162:21;4163:16,21; 4164:9,11,13;4165:7, 17;4166:9;4167:15; 4169:8;4174:12,22; 4175:4,5;4177:1,2,11; 4178:24;4179:20,24; 4180:8,15,18 risk (1) 4105:24 RM (1) 4131:17 road (2) 4098:20;4172:6 Roberts (1) 4167:21 roll (2) 4082:5,10 rotating (1) 4101:17 roughly (1) 4126:2 round (2) 4120:10;4123:12 Rounding (4) 4115:16;4119:6; 4120:10;4155:22 route (1) 4160:14 rows (1) 4123:4 ruled (1) 4175:17 Rules (1) 4167:21 ruling (1) 4087:13 rulings (2) 4151:23;4152:7 Run (5) 4089:4,8;4101:4; 4104:18;4174:19 running (2) 4106:2;4151:14 rural (1) 4174:3</p> | <p style="text-align: center;">S</p> <p>safe (1) 4106:2 safety (5) 4103:15;4104:21; 4105:20;4106:16,20 sake (1) 4139:19 sale (5) 4097:18;4134:2; 4139:21,24;4143:17 sales (3) 4134:17,19;4138:9 Salt (1) 4159:10 same (18) 4083:19;4102:11,12; 4118:4,4;4119:4; 4124:23;4134:18; 4137:7;4141:17,19; 4147:3;4158:22; 4159:11;4160:23,24; 4176:5;4179:11 satellite (1) 4125:12 satisfied (1) 4131:20 saying (9) 4094:8;4096:7,12; 4128:1;4153:22; 4156:3,6;4157:6; 4160:6 scale (1) 4119:14 scenario (2) 4155:4;4156:10 Schedule (1) 4167:12 scheduling (3) 4165:9,11,18 School (9) 4089:16,20;4091:1, 9,16,21;4124:10; 4145:4;4163:7 SCHOPP (10) 4082:6,13,15,17,19; 4149:3,5,11;4164:23; 4178:15 scientific (1) 4160:13 scientist (1) 4159:13 scope (3) 4086:20;4090:9,17 searched (1) 4128:11 seats (1) 4149:21 second (12) 4093:1;4095:4; 4116:1;4134:14;</p> |
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| | | | | |
|--|--|---|--|---|
| <p>4143:15;4145:13; 4147:2;4153:14; 4155:7;4162:24; 4180:13,14 Secondly (1) 4159:9 seconds (1) 4180:16 Section (5) 4094:16;4096:17; 4110:16;4146:3,4 seeing (2) 4140:1;4146:23 selected (1) 4155:16 sell (10) 4093:8,8,20;4094:3; 4096:10,22;4111:13, 19;4140:18;4141:6 seller (1) 4092:18 sellers (1) 4141:10 seller's (1) 4141:4 selling (4) 4092:14;4093:9; 4094:4,6 sells (1) 4111:23 send (1) 4131:7 sense (4) 4142:15;4156:2,16; 4161:8 sent (1) 4106:18 separate (2) 4083:21;4147:19 separated (1) 4166:22 September (1) 4140:15 Service (1) 4152:5 session (2) 4179:2,6 set (5) 4094:13;4136:19; 4149:17;4159:23; 4176:7 sets (2) 4108:1;4123:21 setting (1) 4165:5 seven (5) 4096:22;4136:10,12, 13;4148:14 several (6) 4134:12;4136:21; 4152:8;4153:11; 4172:3;4173:13 Shakes (1)</p> | <p>4180:5 shaking (2) 4165:19;4168:11 shall (2) 4096:19;4110:23 shape (1) 4166:23 sharply (2) 4141:20,20 sheet (2) 4172:23;4173:6 short (1) 4092:6 short-term (2) 4100:10;4144:19 show (18) 4118:15,20,24; 4124:4;4125:1; 4130:24;4131:19; 4133:20;4144:7; 4150:5;4151:5,11; 4152:12,15;4161:4; 4162:14,20;4163:22 showed (6) 4116:24;4123:5,16; 4143:13,16;4163:22 showing (3) 4119:4;4123:22; 4157:13 shows (1) 4123:24 shut (1) 4100:3 Sickness (1) 4169:17 side (5) 4119:16,18;4125:6; 4130:10;4140:11 sides (1) 4168:8 sign (1) 4092:13 signed (4) 4088:17;4107:22; 4108:20;4178:7 significant (2) 4130:1;4157:8 similar (7) 4089:3;4095:20,21; 4108:4,6,12;4139:23 simple (1) 4180:11 single (8) 4086:8;4122:12,13; 4134:12;4151:8; 4152:17;4153:12; 4155:21 sit (1) 4091:15 sites (1) 4171:3 sitting (2) 4092:4;4125:18</p> | <p>situation (2) 4143:2;4144:21 six (2) 4127:7,9 SLAGEL (45) 4089:19,22,24; 4090:4,4,11,15,18,21; 4091:1,6;4113:23; 4114:2,5,5,8,17,20; 4115:2;4116:2,6,10,14; 4118:13;4121:20; 4124:9,20;4129:7,11; 4130:8,16;4147:17; 4148:4;4150:23; 4151:10;4175:7; 4177:1,3,8;4179:1,8, 10,15,19,21 Slagel's (3) 4153:10;4176:6,16 Sleep (1) 4169:20 slight (3) 4137:22;4146:15; 4147:7 slightly (1) 4140:14 slow (2) 4101:20;4102:2 slowly (1) 4139:7 small (2) 4085:23;4086:4 smart-alecky (1) 4158:2 Society (1) 4159:2 sold (2) 4096:7;4111:20 solely (1) 4143:9 solutions (1) 4144:19 somebody (2) 4087:9;4103:24 somehow (2) 4141:4,7 someone (2) 4128:22;4169:2 sometimes (1) 4158:2 somewhat (2) 4105:9;4167:8 Somewhere (2) 4103:12;4126:10 sorry (15) 4093:17;4095:12; 4098:2,14;4113:14; 4116:12,19;4127:15, 15;4130:13;4131:1; 4145:18;4146:6; 4162:6;4169:1 sorting (1) 4083:4</p> | <p>sound (12) 4098:22;4115:12,15; 4117:1,24;4123:9; 4151:6;4153:17; 4154:4,8;4155:10; 4169:15 source (1) 4153:21 speak (4) 4083:3,23;4159:9; 4166:20 specialist (3) 4135:10,11,14 specific (2) 4102:1;4121:10 specifically (3) 4133:4;4135:2; 4140:13 specification (1) 4131:24 specs (2) 4128:14,21 speed (3) 4101:20;4102:12,19 spell (1) 4114:22 spells (1) 4155:14 spent (1) 4144:19 split (2) 4115:6,8 squabbling (1) 4121:8 square (3) 4119:15;4125:9; 4126:9 squeaked (1) 4121:11 staff (6) 4101:12;4112:10; 4129:5;4149:2; 4163:18;4164:14 staffing (1) 4099:19 standards (5) 4123:8;4133:13,15; 4170:18;4171:14 Stantec (5) 4127:1;4130:10,21; 4132:1,2 start (7) 4083:2;4099:1,12, 16;4136:1;4146:23; 4157:9 started (2) 4125:19,20 state (6) 4106:8,9;4114:3; 4144:12;4151:4; 4174:4 stated (1) 4150:21</p> | <p>statement (15) 4083:22;4087:5; 4095:11;4108:3; 4115:9;4151:8; 4158:10,14;4166:11, 14,15,17,18;4167:17; 4169:4 statements (9) 4083:7,15;4084:3; 4114:14;4165:12; 4166:2,12;4167:5; 4177:22 states (2) 4085:17;4130:10 statistically (1) 4142:23 status (1) 4096:4 statutes (1) 4171:6 stay (1) 4168:22 Steidinger (10) 4113:24;4129:8; 4132:7,9,12,16,18,21; 4145:12;4149:6 stem (1) 4112:2 step (4) 4123:20;4133:14; 4136:10;4166:6 Steve (1) 4097:9 still (16) 4083:6;4084:15; 4105:4;4120:3,14,18, 22;4121:2,4,13;4124:3, 4;4127:4;4145:17; 4160:23;4168:2 stop (1) 4101:17 stricken (1) 4159:21 strike (2) 4159:4,24 studies (1) 4135:1 study (9) 4123:23;4128:23; 4141:13;4155:10; 4156:21,24;4160:4; 4162:8;4171:22 stupid (1) 4163:8 SU-7-14 (1) 4082:9 subject (3) 4158:23;4159:9; 4171:17 submit (1) 4106:15 submittal (1) 4104:10</p> |
|--|--|---|--|---|

| | | | | |
|---|--|--|---|--|
| <p>submitted (4) 4087:24;4110:6; 4132:19;4143:16</p> <p>subsequent (1) 4094:4</p> <p>substantially (1) 4148:3</p> <p>Subtitle (1) 4171:8</p> <p>subtracting (1) 4153:22</p> <p>suggest (1) 4141:16</p> <p>suggested (1) 4165:8</p> <p>suggesting (1) 4133:19</p> <p>suggestion (1) 4088:1</p> <p>sum (5) 4086:8;4108:22; 4110:4,9;4174:17</p> <p>summarize (1) 4088:11</p> <p>summary (2) 4123:5;4147:22</p> <p>summer (1) 4119:11</p> <p>superior (1) 4122:18</p> <p>supplemental (4) 4115:14;4118:6; 4119:18;4128:16</p> <p>supply (4) 4140:8,9,14,15</p> <p>support (3) 4137:9,13;4141:14</p> <p>supported (1) 4149:10</p> <p>supporting (1) 4118:9</p> <p>suppose (1) 4130:3</p> <p>sure (34) 4083:8,10;4084:7; 4091:21;4092:16; 4094:18;4101:21; 4104:22;4105:16; 4110:24;4114:11; 4116:2;4117:18; 4127:12,24;4132:6,12; 4146:1;4150:14; 4155:20;4156:23; 4160:12;4162:12; 4163:9;4165:22; 4166:6;4167:6,10; 4168:18;4174:23; 4175:17;4177:8; 4178:1;4179:21</p> <p>surprise (1) 4117:3</p> <p>surrebut (1) 4114:21</p> | <p>surrebuttal (15) 4083:2;4086:21; 4112:18;4114:11,12; 4121:17;4132:14; 4149:24;4150:7,15,22; 4163:23;4164:4,7,11</p> <p>surrebutting (1) 4115:9</p> <p>survey (1) 4125:13</p> <p>sworn (2) 4113:13,14</p> <p>Systems (1) 4171:10</p> | <p>term (2) 4086:1;4156:5</p> <p>terminate (1) 4096:19</p> <p>terms (1) 4088:11</p> <p>testified (5) 4089:1;4115:11; 4116:23;4118:22; 4129:19</p> <p>testify (2) 4113:22;4159:16</p> <p>testifying (2) 4151:21;4152:24</p> <p>testimony (12) 4084:16;4122:9; 4123:15;4132:11,15, 20;4133:12;4150:13, 14,16;4153:10;4168:7</p> <p>thanks (3) 4091:6;4124:7; 4148:4</p> <p>That'd (1) 4098:1</p> <p>theirs (1) 4118:12</p> <p>theory (1) 4171:1</p> <p>thereof (1) 4175:19</p> <p>third (5) 4093:3;4095:6; 4143:8;4145:14; 4162:2</p> <p>though (3) 4134:1;4146:18; 4167:13</p> <p>thought (3) 4102:10;4111:1; 4163:8</p> <p>three (18) 4088:14,21;4093:22; 4096:8,9,11;4103:13; 4104:1;4113:21,21; 4127:5,19,22;4137:5, 12;4141:12;4150:20; 4174:15</p> <p>throughout (2) 4099:22;4144:24</p> <p>throw (1) 4111:7</p> <p>Thursday (1) 4167:4</p> <p>times (2) 4083:17;4101:22</p> <p>timing (1) 4099:10</p> <p>Title (1) 4171:7</p> <p>titled (1) 4132:21</p> <p>today (3) 4139:12;4143:18;</p> | <p>4174:15</p> <p>together (3) 4082:23;4177:13; 4178:15</p> <p>told (3) 4085:3;4135:12; 4167:1</p> <p>Tom (1) 4169:3</p> <p>tomorrow (1) 4131:7</p> <p>Tonight (5) 4082:23;4132:4,18; 4133:1;4147:19</p> <p>took (3) 4115:3;4122:20; 4123:20</p> <p>top (3) 4127:2,3;4138:20</p> <p>topic (2) 4114:20;4121:16</p> <p>total (10) 4084:24;4136:16,16; 4137:19;4138:9; 4144:2;4145:24; 4148:2,13,22</p> <p>totals (1) 4146:4</p> <p>towards (1) 4114:12</p> <p>towers (1) 4105:14</p> <p>town (2) 4099:17;4100:19</p> <p>Township (4) 4139:8;4142:11; 4146:7,8</p> <p>Townships (5) 4140:6;4141:16,18, 19;4143:19</p> <p>Township's (1) 4138:23</p> <p>track (1) 4175:21</p> <p>tracts (1) 4173:13</p> <p>traffic (3) 4090:7;4091:8,16</p> <p>trained (1) 4099:21</p> <p>transcripts (2) 4114:24;4121:17</p> <p>transfer (2) 4109:13;4112:4</p> <p>Transferability (1) 4109:12</p> <p>transferable (1) 4109:15</p> <p>transmitted (1) 4160:15</p> <p>Transportation (1) 4171:10</p> <p>travel (1)</p> | <p>4160:17</p> <p>travels (1) 4160:14</p> <p>treated (1) 4158:3</p> <p>Treatment (1) 4170:16</p> <p>trees (1) 4125:15</p> <p>tremendously (1) 4136:22</p> <p>trend (2) 4139:21,23</p> <p>trends (1) 4133:21</p> <p>tried (6) 4117:11,11;4125:13; 4128:14;4153:18; 4161:23</p> <p>triple-checked (1) 4117:12</p> <p>trouble (2) 4103:23,24</p> <p>true (1) 4158:13</p> <p>try (6) 4117:8;4119:20; 4133:16;4176:4,14,20</p> <p>trying (7) 4092:5;4094:17; 4104:4;4118:15; 4128:21;4130:12; 4160:20</p> <p>turbine (18) 4085:19;4088:16; 4100:3,3;4101:24; 4102:2;4103:1,2,3,3; 4104:15;4117:23; 4118:4;4143:7; 4148:19;4157:4; 4169:16,19</p> <p>turbines (23) 4084:22;4085:1; 4088:23;4093:13; 4097:14,20,22; 4100:18,22;4101:14, 16,19;4102:6;4103:23; 4123:11,14;4128:23; 4133:24;4141:21; 4144:12;4148:12; 4169:13,24</p> <p>turn (4) 4085:10;4102:4,14; 4134:17</p> <p>turns (1) 4157:4</p> <p>Turris (2) 4170:12,13</p> <p>TUV (1) 4169:5</p> <p>twenty (1) 4096:15</p> <p>two (15)</p> |
| | T | | | |
| | <p>Table (9) 4115:14;4118:2; 4154:12,15;4155:18; 4156:22,23;4162:9,24</p> <p>tables (2) 4113:17;4138:20</p> <p>talk (7) 4089:24;4104:14; 4137:4,6;4141:24; 4160:3;4165:11</p> <p>talked (3) 4103:12,21;4147:18</p> <p>talking (4) 4121:8;4162:1; 4169:2;4180:7</p> <p>Tax (8) 4134:4,5;4139:2; 4140:1;4142:1,3; 4147:10;4172:14</p> <p>taxed (2) 4136:5;4139:11</p> <p>taxes (6) 4139:4,12;4142:6, 13,16;4144:17</p> <p>team (3) 4099:21;4100:16; 4101:4</p> <p>technically (1) 4120:14</p> <p>technicians (1) 4100:17</p> <p>Techniques (1) 4171:5</p> <p>technology (1) 4082:4</p> <p>template (1) 4108:8</p> <p>ten (2) 4096:15;4149:15</p> <p>tentatively (1) 4167:13</p> <p>tenth (6) 4117:1,9;4118:3,12, 16;4123:13</p> <p>tenths (1) 4115:6</p> | | | |

| | | | | |
|---|--|---|---|---|
| <p>4083:14,21;4096:15; 4131:24;4138:5,20; 4139:10;4141:8,18,19, 20;4142:1;4143:19; 4166:3,22 type (2) 4100:2;4136:10 types (2) 4134:12;4136:11</p> | <p>4178:15 use (8) 4096:23;4108:7; 4120:10;4152:13; 4153:11;4155:3; 4160:3;4170:8 used (9) 4097:13;4117:18; 4118:21;4119:14; 4122:9;4129:1; 4133:13;4152:20; 4155:15 useless (1) 4116:15 uses (3) 4119:16;4151:5; 4170:17 using (13) 4088:21;4095:17; 4108:8;4118:11; 4119:5,19;4124:2; 4126:24;4127:10; 4134:1;4155:16; 4156:2;4157:13 usually (2) 4089:24;4125:8 Utilities (2) 4152:1,5 utilize (1) 4095:14</p> | <p>4109:13 video (1) 4115:1 view (2) 4125:12;4173:10 Vigilance (1) 4159:3 vital (1) 4134:19 Vitzthum (6) 4082:13,14;4103:10; 4107:14;4180:10,12 volunteer (1) 4105:8 vote (2) 4168:1;4178:5</p> | <p>whole (5) 4119:5;4134:4; 4147:24;4163:1; 4179:22 Whomever (2) 4095:2,3 willing (2) 4108:3,6 Wind (34) 4082:10;4088:23; 4093:13;4097:14; 4099:22;4102:14,15, 24;4103:13;4107:23; 4110:19;4111:22; 4118:4;4128:22; 4132:23,24;4133:22, 24;4137:1,11,17; 4141:20;4142:3; 4143:7,24;4144:12; 4148:19;4151:6; 4154:5;4159:2; 4169:12,18,23;4171:3 windbreak (1) 4125:15 windmill (3) 4104:13;4105:17,17 Wisconsin (1) 4100:22 wish (2) 4113:22;4150:21 within (14) 4085:4,20;4088:15; 4099:1;4100:12; 4115:4,7,10;4118:12, 16,18;4120:21;4160:2; 4164:13 without (3) 4096:3,4;4137:7 witness (2) 4083:1;4084:13 wondering (5) 4102:8;4110:12; 4117:4;4174:15,20 wood (1) 4160:17 word (2) 4114:21,23 words (1) 4096:3 work (5) 4082:5;4084:6; 4149:17;4165:9,14 worked (2) 4083:13;4091:11 working (3) 4082:4;4129:9; 4177:12 works (2) 4091:22;4105:12 worst (2) 4155:4;4156:10 worthwhile (1) 4091:4</p> | <p>write (1) 4142:17 written (1) 4158:24 wrong (1) 4176:11</p> |
| U | | | | |
| <p>UCLC (37) 4113:4,17;4169:10; 4170:19,22;4171:1,4,6, 8;4172:2,4,7,9,10,12, 14,16,18,19,22,24; 4173:2,4,6,8,10,12,14, 16,18,20,22,24;4174:2, 5,7,9 under (7) 4084:15;4097:1; 4110:16;4114:7; 4120:2;4132:11; 4150:12 underpredict (1) 4157:20 underpredicting (2) 4156:4;4157:17 understands (1) 4091:20 Union (5) 4138:23;4139:8; 4140:5;4142:10; 4146:6 unique (1) 4136:18 Units (1) 4145:4 unless (2) 4148:1,17 up (47) 4082:4,24;4083:21; 4085:13;4088:21; 4094:5,19;4100:20,24; 4101:6,20;4105:2; 4106:15;4108:20; 4112:2;4124:23; 4126:20;4127:7; 4136:10,11;4137:21; 4138:14;4139:2; 4141:18;4143:19; 4145:22;4146:17; 4147:5;4148:17; 4149:2,17;4155:19,23; 4156:5,24;4157:14; 4158:6,8;4161:4; 4162:23;4164:17,18; 4165:15;4166:4,6; 4167:4;4179:9 upon (6) 4096:1;4136:5; 4137:9,14;4142:3;</p> | <p>valid (1) 4109:5 valuation (7) 4095:8,10,12,17,22; 4096:11;4171:22 value (32) 4085:24;4088:1,2,8, 21,22;4092:7;4095:16; 4096:1;4109:4; 4136:19,20;4138:5; 4139:13;4141:7; 4143:7,9;4144:2; 4147:18;4154:6; 4155:20,20,21;4156:2, 7;4157:3,3,18;4162:4, 8;4171:18;4174:18 values (10) 4133:1;4137:10,14, 15;4139:3,11;4142:23; 4154:4,19;4155:18 various (2) 4116:24;4133:21 verbiage (1) 4092:16 Vermillion (2) 4085:1;4142:2 versus (6) 4110:9;4122:5,16; 4170:12,13;4171:10 viable (1)</p> | <p style="text-align: center;">W</p> <p>wait (2) 4086:15;4103:24 waiverable (1) 4124:6 walked (1) 4098:15 wall (1) 4179:23 Warren (2) 4133:6,7 waves (1) 4160:15,22,23; 4161:1 way (13) 4114:22;4122:18; 4123:4,4;4134:23; 4143:20;4148:3; 4149:20;4152:16; 4156:3;4162:2; 4165:18;4166:23 webinar (1) 4171:24 website (7) 4116:18,21;4134:14; 4168:18;4175:8; 4177:4,6 websites (1) 4134:9 Wednesday (2) 4117:6;4165:20 week (5) 4091:2;4129:19,23; 4132:20;4180:7 welcome (4) 4129:7;4166:6,11; 4168:22 What's (8) 4085:23;4100:7; 4113:7;4121:22; 4164:19;4165:10; 4175:15;4176:22 white (5) 4119:11,23;4120:2, 9,20</p> | <p>write (1) 4142:17 written (1) 4158:24 wrong (1) 4176:11</p> | |
| Y | | | | |
| <p>yard (1) 4125:14 year (18) 4085:18,22;4086:4; 4096:22;4136:14; 4137:21,23;4139:14; 4140:15;4141:21; 4142:12,14,17; 4144:13;4146:7,20; 4147:10;4148:20 yearly (2) 4107:5,8 years (19) 4085:24;4096:8,9, 11,15,15,16,23;4109:5; 4133:8;4136:13,17,21; 4137:24;4138:5; 4139:8,10;4144:7,20 yellow (1) 4119:6 yesterday (1) 4140:20</p> | <p style="text-align: center;">Z</p> <p>ZBA (13) 4098:8;4103:7; 4107:17;4111:6; 4117:4;4124:8; 4126:19;4129:5; 4145:2;4149:1; 4161:17;4163:10,18 Zehr (1) 4133:6 zero (1) 4119:7 Zimmerman (1) 4082:19 zone (2) 4108:11;4120:17 Zoning (4) 4082:8,9;4089:14; 4171:18 zoomed (1) 4122:21</p> | | | |
| 0 | | | | |
| <p>00-140 (1) 4170:14 02-17-100-019 (1) 4173:13 04 (1) 4118:17</p> | | | | |

| | | | | |
|---|---|---|---|--|
| <p>05 (1) 4118:17 07056825 (1) 4172:10 07992812 (1) 4173:18 08715711 (1) 4174:9 09 (1) 4147:6</p> | <p>4127:16 11 (2) 4085:11;4159:24 119 (1) 4085:9 11B (9) 4086:10,13,16,19; 4087:17;4108:17; 4110:6;4174:17,17 11C (4) 4088:9;4092:8; 4174:17,18 11th (1) 4140:21 12 (1) 4094:16 12th (1) 4082:6 13 (1) 4096:17 130C (3) 4168:24,24;4169:8 131,000 (2) 4122:16;4125:24 13-26-400-014 (1) 4172:19 134 (2) 4084:24;4169:11 13665 (1) 4172:5 13th (1) 4115:11 14 (1) 4109:19 15 (1) 4143:16 15,000 (1) 4111:2 150 (1) 4171:8 151 (1) 4171:1 153 (1) 4170:22 154 (1) 4170:19 156 (1) 4171:6 159 (1) 4171:4 160 (1) 4172:2 161 (1) 4172:5 162 (1) 4172:7 163 (1) 4172:9 164 (1) 4172:10 165 (1) 4172:12 166 (2)</p> | <p>4121:14;4172:14 167 (1) 4172:16 168 (1) 4172:18 169 (1) 4172:20 16A (1) 4169:12 16B (15) 4116:4,17,18,20,24; 4117:10,14;4118:3,7, 23;4119:20;4123:6; 4124:24;4127:3; 4169:14 17 (1) 4170:24 170 (1) 4172:22 171 (1) 4172:24 172 (1) 4173:3 176 (1) 4173:4 177 (1) 4173:6 178 (1) 4173:8 179 (1) 4173:10 18 (1) 4118:24 180 (2) 4085:4;4173:12 181 (1) 4173:14 182 (1) 4173:16 183 (1) 4173:18 184 (7) 4083:18,18,19; 4166:22,24;4171:13; 4173:20 185 (1) 4173:22 186 (1) 4174:1 187 (1) 4174:3 190 (1) 4174:5 191 (1) 4174:7 192 (1) 4174:10 195 (3) 4113:4,10,17 1973 (1) 4170:22 1996 (1) 4171:1</p> | <p>1998 (1) 4171:12</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 (12) 4083:17;4085:19; 4119:8;4121:16; 4134:8;4146:2;4149:8, 10;4153:17,22;4156:3; 4157:7 20 (1) 4146:22 2000-by-2000 (1) 4122:10 2003 (1) 4170:15 2009 (2) 4137:20;4146:10 2010 (6) 4139:16;4141:21; 4146:10,17,18;4147:10 2011 (7) 4138:4;4139:9,15; 4146:17,17,22;4147:9 2012 (1) 4137:22 2013 (1) 4143:24 2015 (7) 4082:7;4096:9; 4115:11;4116:23; 4171:19,21,24 20th (4) 4165:20;4167:6; 4168:12;4180:19 219 (1) 4119:22 21st (5) 4087:6;4167:3,7,14; 4168:13 225 (1) 4170:9 226 (1) 4169:24 228 (1) 4170:11 235 (1) 4170:2 236 (1) 4170:6 237[sic] (1) 4121:15 24 (1) 4123:14 24/7 (1) 4101:9 241 (1) 4120:12 243 (1) 4121:2 244 (1) 4120:24</p> | <p>24-hour (1) 4101:5 25 (1) 4171:21 27 (1) 4140:20 270 (5) 4093:6,19,24; 4094:2;4111:12 272 (1) 4169:17 27th (1) 4116:23 28 (2) 4113:13;4123:3 280 (1) 4154:24 28-05-200-021 (1) 4173:3 289 (2) 4154:15,23 28A (2) 4113:1,14 29th (2) 4114:24;4121:18</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 (12) 4130:8,16,20; 4135:19;4142:11,13; 4145:12;4146:2; 4149:6,10;4159:19; 4161:23 30 (2) 4085:1;4133:7 3000 (1) 4172:6 31 (1) 4170:21 3-1 (1) 4115:14 311 (2) 4121:6;4171:15 312 (2) 4135:22;4171:20 313 (1) 4120:16 32 (1) 4087:3 325 (1) 4169:21 32nd (1) 4082:23 333 (1) 4171:23 334 (1) 4169:20 335 (4) 4089:9;4107:22; 4174:17,19 345 (1) 4121:2</p> |
| 1 | | | | |
| <p>1 (9) 4110:17;4115:10,23; 4117:7;4119:7,8; 4132:21;4135:21; 4171:12 1.7-100 (1) 4128:23 1.79-100 (4) 4117:23;4130:10,23; 4169:16 1.8 (1) 4157:5 10 (2) 4147:6;4154:10 100 (1) 4129:21 100.6 (4) 4118:5,8;4129:1; 4132:3 1000 (8) 4117:24;4118:5; 4119:2;4123:9; 4130:22;4154:6,12; 4156:11 101 (5) 4118:1,8;4129:1,2; 4132:1 101.0 (3) 4118:1;4130:11,22 102 (1) 4121:14 103 (2) 4128:15;4129:20 103892 (1) 4173:7 104 (1) 4085:1 104055 (1) 4172:11 104101 (1) 4172:17 104457 (1) 4172:24 105553 (1) 4173:24 10A (2) 4115:22;4124:24 10B (5) 4118:13;4123:20; 4125:1;4126:23;</p> | | | | |

| | | | | |
|--|--|---|--|--|
| <p>35 (7) 4155:17;4170:1,2,6,9;4171:4,7</p> <p>352 (1) 4170:16</p> <p>39 (10) 4153:22;4154:24; 4155:8,15,19;4156:1,2,6,6;4166:10</p> <p>39.4 (2) 4155:23;4156:1</p> <p>39.5 (2) 4115:18;4154:24</p> | <p>4095:13</p> <p style="text-align: center;">6</p> <p>6 (2) 4140:4;4154:12</p> <p>6.88 (2) 4139:9;4140:5</p> <p>6:30 (3) 4165:20;4167:14; 4180:19</p> <p>6:31 (1) 4082:1</p> | <p>910.104 (1) 4171:5</p> <p>92 (3) 4083:17,17;4121:1</p> <p>9613 (2) 4123:17,18</p> | | |
| <p style="text-align: center;">4</p> | <p>60 (1) 4121:1</p> | | | |
| <p>4 (6) 4117:13;4144:13; 4145:12;4148:13,20; 4159:19</p> | <p>63 (2) 4136:14,15</p> <p>632 (1) 4120:5</p> | | | |
| <p>4/11/24 (1) 4116:24</p> | <p style="text-align: center;">7</p> | | | |
| <p>40 (14) 4085:24;4096:23; 4115:17;4154:6,13,17, 22,24;4155:1,2,3; 4157:4;4162:4,5</p> | <p>7 (4) 4141:23;4143:19; 4154:7;4155:13</p> <p>7:52 (2) 4149:14,19</p> | | | |
| <p>40.4999 (1) 4115:19</p> | <p>7-5 (3) 4156:23;4162:9,24</p> | | | |
| <p>40.5 (1) 4115:18</p> | <p>754 (1) 4121:3</p> | | | |
| <p>41 (10) 4119:6;4127:16,17, 23;4128:3;4153:21,22; 4157:10,21,23</p> | <p>760 (2) 4119:15;4126:7</p> | | | |
| <p>41.0 (4) 4120:11;4123:14; 4128:2,9</p> | <p style="text-align: center;">8</p> | | | |
| <p>41.000 (1) 4120:11</p> | <p>8 (1) 4151:4</p> | | | |
| <p>41.8 (4) 4156:22;4157:1,3; 4162:8</p> | <p>8:02 (1) 4149:16</p> | | | |
| <p>44 (1) 4155:12</p> | <p>8:03 (1) 4149:19</p> | | | |
| <p>48 (3) 4144:1;4155:13; 4162:18</p> | <p>8:28 (1) 4165:16</p> <p>8:36 (1) 4165:16</p> | | | |
| <p style="text-align: center;">5</p> | <p style="text-align: center;">9</p> | | | |
| <p>5 (4) 4121:13;4138:19; 4147:1;4171:24</p> | <p>9 (7) 4130:17,21;4151:13, 18;4153:8;4170:15; 4171:19</p> | | | |
| <p>500 (1) 4122:7</p> | <p>9:02 (1) 4180:20</p> | | | |
| <p>501 (1) 4121:5</p> | <p>900.101 (1) 4170:3</p> | | | |
| <p>512 (1) 4126:8</p> | <p>901.101 (1) 4170:7</p> | | | |
| <p>512-by-512 (1) 4122:8</p> | <p>901.102 (1) 4170:1</p> | | | |
| <p>5B (1)</p> | <p>901Appendix (1) 4170:10</p> | | | |