



Public Hearing

Date: September 20, 2022

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LIVINGSTON COUNTY ZONING BOARD OF APPEALS
STATE OF ILLINOIS

PUBLIC HEARING
BEFORE THE LIVINGSTON COUNTY ZONING BOARD OF APPEALS
REGARDING THE LIVINGSTON WIND PROJECT, LLC
SPECIAL USE PERMIT CONSIDERATION
REGARDING CASE NUMBERS SU-9-22 AND V-3-22
SEPTEMBER 20, 2022

Ann Marie Hollo, CSR, RDR, CRR

Public Hearing
September 20, 2022

Page 2

1 PRESENTATION BY SCOTT WENTZELL -- Page 17
2 PRESENTATION BY MARK GERSON -- Page 24
3 PRESENTATION BY JARED KASSEBAUM, Ph.D. -- Page 51
4 PRESENTATION BY KENNY ALLEN -- Page 65
5 PRESENTATION BY TAYLOR FOLEY -- Page 71
6 PRESENTATION BY ANDREW LINES -- Page 80
7 PRESENTATION BY SYLVIA GIBSON -- Page 97
8 PRESENTATION BY RHETT GOOD -- Page 109
9
10 INDEX OF EXHIBITS
11
12 EXHIBIT PAGE
13 Exhibits 1 - 30 16
14 Exhibit 31 16
15 Exhibit 34 46
16
17 (Exhibits retained by Mr. Gershon.)
18
19
20
21
22
23
24

Page 3

1 LIVINGSTON COUNTY ZONING BOARD OF APPEALS
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4
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6
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14 PUBLIC HEARING BEFORE THE LIVINGSTON
15 COUNTY ZONING BOARD OF APPEALS REGARDING THE
16 LIVINGSTON WIND PROJECT, LLC SPECIAL USE PERMIT
17 CONSIDERATION, on SEPTEMBER 20, 2022, between the
18 hours of twelve minutes after six o'clock in the
19 afternoon and nine o'clock in the afternoon of that
20 day, at the Pontiac Township High School, 1100 East
21 Indiana Avenue, Pontiac, Illinois 61764, before Ann
22 Marie Hollo, CSR, RDR, CRR, in a certain cause now
23 pending before the LIVINGSTON COUNTY ZONING BOARD OF
24 APPEALS, STATE OF ILLINOIS.

Page 4

1 A P P E A R A N C E S
2 Mr. Scott B. Kains, Esq., Facilitator
3 Ms. Joan Huisman, Zoning Board Chairperson
4 Board Members: Mr. Joe Stock, Mr. William Flott,
Mr. Richard Runyon, Mr. Dave Randolph
5
6 Livingston County Staff: Mr. Charles Schopp and
Mr. Jesse King
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24

Page 5

1 IT IS HEREBY STIPULATED AND AGREED, by all
2 parties that the public hearing may be taken in
3 shorthand by Ann Marie Hollo, RDR/CRR, a Certified
4 Shorthand Reporter, and afterwards transcribed into
5 typewriting.
6 * * * * *
7 (Hearing started 6:12 p.m.)
8 EXAMINATION
9 MS. HUISMAN: Good evening. We're
10 going to call the meeting to order.
11 Welcome to this evening's meeting of
12 the Livingston County Zoning Board of Appeals. My
13 name is Joan Huisman. I'm the chair of the
14 Livingston County Board of Appeals. I'm going to
15 introduce the folks that are on the stage so you're
16 all aware of who is here.
17 On my right is Mr. Scott Kains. He's
18 an attorney that is going to facilitate this hearing
19 for us tonight. He will be essentially the umpire
20 and keeping us on schedule and on task.
21 To my left is Syed Ahmad. He is an
22 attorney that represents the zoning board of
23 appeals. He is here to help us answer any questions
24 regarding evidence and what should be accepted, and

Public Hearing
September 20, 2022

Page 6

1 he will help us prepare findings of fact and a
2 decision at the close of this hearing.
3 Across the stage at the opposite
4 table are the other members of the Livingston County
5 Zoning Board of Appeals that are present tonight.
6 Richard Runyon -- and in place of
7 roll call, if you could just raise your hand, and
8 we'll record who is here.
9 Richard Runyon?
10 MR. RUNYON: [Indicated.]
11 MS. HUISMAN: Dave Randolph?
12 MR. RANDOLPH: [Indicated.]
13 MS. HUISMAN: Bill Flott?
14 MR. FLOTT: [Indicated.]
15 MS. HUISMAN: And Joe Stock?
16 MR. STOCK: [Indicated.]
17 MS. HUISMAN: Absent tonight is
18 Richard Kiefer. He may be here for future hearings.
19 And another member of the zoning
20 board of appeals, Neil Turner, has recused himself
21 from these hearings because he has a conflict of
22 interest.
23 So with that, I'll turn it over to
24 Mr. Kains, who will go over the ground rules for the

Page 7

1 hearing.
2 FACILITATOR KAINS: Thank you, Joan.
3 Tonight is the first night of what
4 likely will be several evenings of a public hearing,
5 regarding Case Numbers SU-9-22, an application for a
6 special use permit, and V-3-22, an application for a
7 variance filed by Livingston County Wind Project,
8 LLC, for the construction and operation of the wind
9 energy conversion system, commonly known as a wind
10 farm, located in portions of the Townships of
11 Broughton, Sullivan, Union, and Round Grove
12 Townships.
13 The special use application requests
14 to construct and operate a wind farm consisting of a
15 maximum of 88 wind turbines, 2 substations, an
16 operation and maintenance center, a temporary
17 construction lay-down area, and below- and
18 above-ground electric lines. The accompanying
19 variance application requests a property setback
20 variance to allow construction of the substation.
21 The applicant has paid the
22 applications fee required by county ordinance, and
23 notice of this public hearing has been published and
24 mailed in accordance with applicable law.

Page 8

1 For the record, this public hearing
2 is taking place at the Pontiac Township High School
3 auditorium, 1100 East Indiana Avenue, Pontiac,
4 Illinois.
5 We referenced the numbers of the
6 cases. They are Case SU-9-22, pertaining to a
7 request by the Livingston Wind Project, LLC, for the
8 approval of a special use permit for the wind energy
9 conversion system, and the variance case, V-3-22,
10 pertains to a request for a setback variance to
11 allow for a project substation be located 10 feet
12 instead of 1,600 feet from an adjacent property on
13 which a primary residence is located, with it being
14 proposed that the planned substation will be placed
15 approximately 2,500 feet from the primary residence.
16 The subject properties are located in the west half
17 of Section 31, Round Grove Township. Binders with
18 information regarding these applications have been
19 made available to all zoning board of appeals
20 members.
21 The Livingston County Regional
22 Planning Commission reviewed Zoning Case SU-9-22 on
23 September 12, 2022, pertaining to the zoning case in
24 relation to the Livingston County Comprehensive

Page 9

1 Plan. Livingston County Planning Commission is
2 recommending the approval of this zoning case.
3 A legal notice pertaining to this
4 Livingston County Zoning Board of Appeals public
5 hearing was published on September 1, 2022.
6 Property owners in the area of the zoning cases have
7 been properly notified of this public hearing, and
8 representatives of these applicants are present and
9 are prepared to present information regarding these
10 two zoning cases.
11 Now, the purpose of this hearing is
12 for the Livingston County Zoning Board of Appeals to
13 hear evidence, make findings of fact, and then make
14 a recommendation on the proposed project to the
15 Livingston County Board, which will then have the
16 final say on the special use permit. As to the
17 variance request, the zoning board will hear
18 evidence and make a final determination.
19 The applications for special use and
20 variance are available on the Livingston County
21 Zoning Office website.
22 This hearing is currently scheduled
23 to occur tonight and tomorrow night, same location,
24 same time. If additional hearing nights become

Public Hearing
September 20, 2022

<p style="text-align: right;">Page 10</p> <p>1 necessary, we will schedule those nights and 2 announce the hearing dates at the close of tomorrow 3 night's hearing. 4 Those interested in speaking, whether 5 for the project, against the project, or neutral, 6 there is a sign-in form out in the -- just outside 7 the door -- I guess it's the cafeteria perhaps -- a 8 sign-in form, to identify your interest in 9 presenting testimony and or documentary evidence. 10 We plan to use the forms to assist us in proceeding 11 with the hearing in an orderly fashion. Keep in 12 mind this is your opportunity to be heard regardless 13 of your position on the project. All testimony is 14 provided under oath or affirmation. Any witnesses 15 may present verbal or documentary evidence. If you 16 are providing documentary evidence, the document 17 will be marked, and a decision will be made on 18 whether to admit the evidence for consideration by 19 the zoning board of appeals. The strict rules of 20 evidence do not apply to this hearing; however, the 21 ZBA may exclude irrelevant material and unduly 22 repetitious testimony or evidence that is not 23 pertinent or relevant to the proceedings. 24 In terms of the process that will be</p>	<p style="text-align: right;">Page 12</p> <p>1 the presentation of testimony by members of the 2 public who oppose the proposed project. 3 Again, each individual who wishes to 4 testify will be sworn in, make their testimony, and 5 then may be questioned by members of the ZBA, 6 attorneys for the applicant, other interested 7 parties, and by Livingston County staff and 8 consultants. 9 The applicant will then have the 10 opportunity to present any rebuttal witnesses, as 11 will any other interested parties. Then there will 12 be an opportunity for the presentation of any county 13 staff reports or comments. Once all of the evidence 14 has been presented, the evidence will be closed. 15 Then we will hear a closing statement from counsel 16 for the applicant. Then interested parties may 17 present closing statements, first, those in favor, 18 followed by those opposed to the proposed project. 19 And I should add any persons who are neutral with 20 respect to the project may also present a closing 21 statement. 22 Interested parties must have 23 testified previously in this hearing under oath or 24 affirmation to be eligible to make a closing</p>
<p style="text-align: right;">Page 11</p> <p>1 followed, the applicant will present its evidence on 2 the proposed project. The applicant will present 3 its witnesses individually. ZBA members will be 4 allowed to question witnesses called by the 5 applicant at any time during their testimony. Then 6 witnesses can be questioned by members serving on 7 units of local government, including school 8 districts, by licensed attorneys representing 9 interested parties, by other interested parties, 10 and, finally, by Livingston County staff and 11 consultants. 12 The applicant will present all of its 13 witnesses, and we will follow the order of 14 additional questioning as I have stated. Then we 15 will hear from other individuals who are in favor of 16 the proposed project. Each individual, who wishes 17 to testify, will be sworn or affirmed, provide their 18 testimony or other evidence, and then may be 19 questioned by members of the ZBA, attorneys for the 20 applicant, other interested parties, and then by 21 Livingston County staff and consultants. 22 Once the applicant presents its 23 witness, and members of the public in favor of the 24 proposed project testify, then it will be time for</p>	<p style="text-align: right;">Page 13</p> <p>1 statement. Interested parties shall not introduce 2 new information in the closing statement. Counsel 3 for the applicant will then have the opportunity for 4 a final rebuttal argument. 5 Then the ZBA will discuss the 6 proposed project, deliberate on the required 7 criteria, and vote on the application. The ZBA may, 8 in its discretion, set a future meeting date for 9 deliberations and a vote on the application. The 10 vote of the ZBA on the special use permit is not a 11 final decision, but it is a recommendation for the 12 Livingston County Board. The ZBA shall transmit its 13 findings and recommendation of the county board, 14 which then will decide the issue. However, if you 15 wish to present any evidence on this project, you 16 must do so during this ZBA hearing. 17 A few other notes. We will take a 18 break during the evening to accommodate folks on the 19 stage and our court reporter. We will try to do so 20 at approximately 7:30 or 7:45 when we come to an 21 actual stopping point. 22 By the way, I would ask that you 23 silence your cell phones either by turning them off 24 or hitting the ringer off.</p>

Public Hearing
September 20, 2022

Page 14

1 Then some basic ground rules
2 concerning testimony. First and foremost, please
3 allow the person speaking the opportunity to finish
4 his or her statement or question. As I referenced,
5 we have a court reporter seated across from me
6 transcribing everything that is said, and she cannot
7 possibly do her job if two people are talking at the
8 same time. Therefore, please have one person speak
9 at a time.

10 Another thing, if you are questioning
11 a witness, please stick to just asking questions. I
12 know it's tempting to start telling your side on a
13 particular point, but when it's time for
14 questioning, just ask questions. You'll be allowed
15 the opportunity to testify when it is your turn.

16 Then, counsel, as you go through the
17 application, please refer to the section number or
18 page number in the binder so that board members can
19 follow along.

20 And with that, Mr. Gershon, for the
21 applicant, you may proceed.

22 MR. GERSHON: Thank you very much.
23 Can you hear me on the mike?
24 MS. HUISMAN: I don't think so.

Page 15

1 MR. GERSHON: Is that better?
2 No one's ever complained that I'm not
3 loud enough, so I usually don't need a mike.

4 Before I turn this over to Scott
5 Wentzell to start, I'd like to just do a little bit
6 of homework first, but also to thank everyone here.
7 We truly appreciate your time and consideration in
8 this matter, both the county staff, the members of
9 the ZBA, their attorneys, and the members of the
10 community who are here. I just wanted to -- one or
11 two quick pieces of homework so we can actually go
12 through some of these documents.

13 Along with my colleague, Ben Jacobi,
14 I represent the applicant, Livingston Wind Project,
15 LLC. And the first thing I'd like to ask is that to
16 avoid duplicative testimony, the ZBA allow us to
17 present our case for the requested variation and for
18 the special use simultaneously.

19 FACILITATOR KAINS: Yes, Mr. Gershon.
20 You will be allowed to do so.

21 MR. GERSHON: Thank you. Thank you.
22 And then I'd also like to enter into
23 our record the application that was just discussed.
24 The application consists of our first 30 exhibits

Page 16

1 for all of the -- we have a copy -- downloaded a
2 copy from the website. Those exhibits are the same
3 as the table of contents in the -- on the first
4 page. So we will reference those as we go through
5 them, but Exhibits 1 through 30, a copy of that list
6 was provided to the ZBA's attorney, Mr. Syed Ahmad.

7 In addition, we have provided
8 Exhibit 31, which is a copy of our PowerPoint, and
9 if I can, I'd like to pass out copies of that to the
10 board so they have it. I'll try not to be shocked
11 that I had the exact number.

12 (Exhibits 1 through 30, and Exhibit 31
13 were identified for the record.)

14 MR. GERSHON: With that, I'd like to
15 turn this over to Scott Wentzell.

16 MR. WENTZELL: Can you hear me all
17 right?

18 FACILITATOR KAINS: Sir, would you
19 please raise your right hand to be sworn by the
20 court reporter, please.
21 (Witness sworn.)
22
23
24

Page 17

1 SCOTT WENTZELL,
2 of lawful age, being produced and sworn, testifies
3 and says:

4 MR. WENTZELL: This is working great.
5 Hello. Good evening. Thank you to
6 members of staff, and the board, general public, our
7 supportive landowners who are in the room tonight.
8 My name is Scott Wentzell. I'm the regional project
9 development manager with EDF Renewables.

10 Is everything all right?
11 FACILITATOR KAINS: Could you please
12 spell -- could you please spell your last name for
13 the record, Scott.

14 MR. WENTZELL: Of course.
15 W-E-N-T-Z-E-L-L, Wentzell.
16 All set?

17 THE REPORTER: Yes.
18 MR. WENTZELL: Thank you.
19 Scott Wentzell. I'm the regional
20 project development manager with EDF Renewables.
21 I've been the project lead for the Livingston Wind
22 Project for the last three years. It's my pleasure
23 to speak with you all tonight.
24 To kick us off, I'd like to do some

Public Hearing
September 20, 2022

<p style="text-align: right;">Page 18</p> <p>1 very quick introductions. We're here this evening 2 to discuss the Livingston Wind Project, LLC. This 3 is a 255-megawatt wind project, located in Round 4 Grove, Union, Broughton, and Sullivan Townships here 5 in Livingston County. This project represents an 6 approximately \$375 million investment in the county, 7 and it's a collaboration between EDF Renewables and 8 over 230 participating landowners and property 9 owners here in Livingston County. Those landowners 10 collectively own over 385 properties.</p> <p>11 Livingston Wind is a wholly-owned 12 affiliate of EDF Renewables, my employer, and EDF 13 Renewables is the U.S.-based renewable energy power 14 plant developer, owner and operator.</p> <p>15 We have over 1,500 employees across 16 the United States, including here in Illinois, and 17 we have over 35 years of experience in the electric 18 utility industry. In fact, our history largely 19 tracks with the history of the wind industry here in 20 the United States. We, as a company, got our start 21 in the 1980s, servicing some of the very first wind 22 farms here in the U.S. We've grown considerably as 23 a company since then, and now we have operating 24 power plants around the country that collectively</p>	<p style="text-align: right;">Page 20</p> <p>1 engineering and environmental studies that 2 ultimately inform the design of a project, as well 3 as the regulatory process, which we're sitting here 4 tonight discussing.</p> <p>5 Along the way, we're working closely 6 with our customers. These are large electric 7 utility companies, like ComEd, or AEP. There are 8 also large industrial energy users -- Google, 9 Amazon, heavy manufacturing companies.</p> <p>10 We, ourselves, are not a construction 11 company, but we manage all aspects of the 12 engineering, design, installation of the project, 13 and we partner with national construction companies 14 to build the actual wind farm itself.</p> <p>15 And my company, once built, will 16 be -- will serve as the long-term asset owner with 17 staff on-site in the community maintaining that 18 project for the length of the asset.</p> <p>19 To give you some context, last year, EDF 20 Renewables put over 1,100 megawatts into service. 21 That's equal to nearly four Livingston Wind 22 Projects, and collectively those 1,100 megawatts 23 will power nearly 400,000 homes. We have the 24 experience to build and operate projects like this.</p>
<p style="text-align: right;">Page 19</p> <p>1 power over 2 million American homes, including homes 2 here in Illinois, and we'll talk more about our 3 projects that are operating here.</p> <p>4 Lastly, EDF Renewables is itself an 5 affiliate of the broader EDF Group. The EDF Group 6 is a top two or three global electric utility 7 company, headquartered in Europe with over 70 years 8 of delivering electricity to customers around the 9 world.</p> <p>10 The takeaway that I'd like to leave 11 with you on this slide is that the technical 12 know-how of my company, EDF Renewables, with the 13 financial backing of our parent, the EDF Group, 14 provides the stability for us to construct, own, and 15 be a long-term asset owner to the Livingston Wind 16 Project.</p> <p>17 Briefly, a little bit more about my 18 company, EDF Renewables. We really touch all 19 aspects of the wind farm's life. That starts with a 20 conversation around the kitchen table with 21 landowners and progresses through to legal 22 negotiations and lease signings with property 23 owners. It advances into development studies, which 24 we'll talk about throughout this evening. Those are</p>	<p style="text-align: right;">Page 21</p> <p>1 But we're here tonight to talk about 2 Livingston Wind. I opened this evening by 3 mentioning this is the collaboration of over 230 4 landowners in this community in Broughton, Round 5 Grove, Sullivan, and Union Townships.</p> <p>6 We're proposing 88 turbine locations with 7 the expectation that we'll construct somewhere 8 between 75 and 81 of those sites. The remainder 9 will serve as backups, backups both for unforeseen 10 construction challenges, as well as to allow the 11 technical specifications of the turbine that is 12 ultimately selected for this site. We'll discuss 13 that more later.</p> <p>14 In all cases, the equipment being 15 considered is below 500 feet in compliance with the 16 county's wind ordinance, and it would meet all 17 applicable local, state, and federal siting 18 standards.</p> <p>19 We also propose additional ancillary 20 facilities that are required for the safe operation 21 of a wind farm. These are things like access roads, 22 underground electrical collection wires, which will 23 gather power from multiple turbines to collect and 24 transmit into the high-voltage electrical system,</p>

Public Hearing
September 20, 2022

Page 22

1 ultimately overhead transmission line, into a
2 substation, as well as supporting meteorological
3 towers that help to gather data back to the wind
4 farm.
5 Now, we expect this project will commence
6 detailed engineering and design work early next
7 year. That design work includes electrical drawings
8 and detailed engineering work that ultimately allows
9 us to custom make and custom procure every widget,
10 gadget, component within the wind farm. The
11 expectation then is that procurement would commence
12 in late 2023 for all of those widgets and gadgets,
13 continuing to 2024. We expect to start construction
14 as early as the end of 2024 and place this project
15 totally into service in 2025 or 2026.
16 Those last two bullets are highly
17 dependent on our grid connection, which in turn is
18 dependent on the local utility company, ComEd, as
19 well as the regional grid operator, PJM, and so we
20 will follow the schedule that they set forth for a
21 safe connection to the power grid.
22 I often get asked, why here? Why not
23 somewhere else? And so I think there are many
24 reasons why we've spent four years working in

Page 23

1 Livingston County, and it starts first with property
2 owners. I think you see both in this room and by
3 the volume of participating landowners that there is
4 broad support and interest in wind development in
5 these communities. The townships of Broughton,
6 Sullivan, Union, and Round Grove voted by referendum
7 to support reduced setbacks in those communities,
8 and by proxy voted in favor of wind development.
9 You can see that also simply by the project layout
10 and design where we have over 60 percent of
11 Broughton Township by land area participating in
12 this project.
13 In addition, Central Illinois has a very
14 strong average wind speed in a state with very high
15 demand for renewable power. And, lastly, EDF owns
16 and operates two adjacent wind farms, Kelly Creek
17 and Pilot Hill, and we look to build on the success
18 of those projects.
19 Finally, this evening you'll hear from ten
20 of my colleagues, esteemed experts in their field,
21 who will discuss the design and siting of this
22 project in compliance with the county's rules and
23 both state and federal siting regulations.
24 With that, I'd like to pass the mike over

Page 24

1 to Mark Gershon.
2 MR. GERSHON: All right. Thank you,
3 Scott.
4 Some of these slides, our hearing
5 officer has already gone through. In the interest
6 of time, I will probably just reference -- reference
7 that, but as you heard --
8 FACILITATOR KAINS: Mr. Gershon,
9 before you go any further, could you just be sworn
10 if you're testifying?
11 (Witness/counsel sworn.)
12 MR. GERSHON: As indicated, our
13 approvals that we are seeking are for special use
14 permit for siting approval, as well as a variation
15 for our substation for setback relief. We'll go
16 into much more detail into that later.
17 I've already discussed the
18 application. We will -- we admitted this into the
19 record and made it available to everyone. The
20 application for those who did download it -- and to
21 the members of the board -- includes multiple
22 studies, documentation, et cetera, all of which
23 support the project. I am obviously not going to go
24 through this entire binder, but we're happy to

Page 25

1 respond to any questions that any of you have as we
2 go through.
3 We're very pleased that the first
4 sort of public part of our approvals with the county
5 was an analysis by the planning commission of
6 whether our project had an impact on the
7 comprehensive plan, and we were pleased to have seen
8 the anonymous approval for that. I'll go into the
9 information on the comprehensive plan in a little
10 bit.
11 I've already introduced those
12 documents into the record, and we've got the name of
13 the presenters, the expert testimony. Each of the
14 people who is testifying will include, as they give
15 their presentation, some of their background. So
16 rather than having me go through that now, we'll ask
17 that that be accepted, and they be accepted as
18 experts based on that testimony.
19 The first thing I do want to talk
20 about -- and we're going to go into much more detail
21 on this later -- these are your standards for
22 special use per your code. I'm not going to go
23 through this because the board knows them well, but
24 within our application, item 3,

Public Hearing
September 20, 2022

Page 26

1 Exhibit -- Exhibit 3, as part of the application
2 exhibits, goes through each of these standards with
3 a detailed reason why we believe we satisfy those
4 standards. We will certainly be talking about many
5 of those reasons as part of this, but should you
6 have questions, there is, again, more detail in this
7 binder.
8 Similarly, you have -- a little too
9 far to the left. Here we go.
10 Similarly, you have standards for
11 variation. Again, I'm not going to walk through
12 them right now. We'll talk about them at the end of
13 the presentation. But, again, these are your
14 standards for review.
15 And in Exhibit 9, which, again, is
16 part of the application, there are written responses
17 to each of these standards as well. We divide them
18 into those standards, and then you identified
19 additional criteria, which are identified as being
20 separate from the standards. Again, a direct quote
21 from your codes. I'm not going to walk through
22 those, but, again, there's also responses in that
23 same Exhibit 9 to each of those standards. The
24 reason I'm not walking through those is just for the

Page 27

1 benefit of everyone here and in the community.
2 Those are in writing. Those responses are there. I
3 certainly could read through all of them, but it's
4 about 30 pages, and I think you've got information
5 there should you have any questions.
6 So talking about -- a little bit
7 about where we are. One of the questions that
8 always comes up at this type of hearing is: Well,
9 are wind farms an appropriate use in this county?
10 The good news for everyone here is that we don't
11 have to ask that question. You've already answered
12 it. Your zoning ordinance has approved wind farms
13 as a special use within the district, and you've
14 gone a bit further. Your Article 8 of your wind
15 code specifically states that the purpose of all
16 your regulations is to ensure that any development
17 and production of wind-generated electricity in the
18 county is safe. One of the reasons why it's
19 important for us to show you that we are meeting all
20 of your standards is that you set the standards for
21 determining whether or not this is a safe use.
22 Similarly, we're going to talk a lot
23 tonight about the economic opportunities for local
24 residents for the communities, both of those who are

Page 28

1 participants, but also for the rest of the people in
2 the community, given the significant support to
3 schools, the county, and other governmental entities
4 that support everyone's lifestyle in the county.
5 The last in terms of "purpose, use,
6 specifically identify" is to promote the supply of
7 wind energy in support of a goal of increasing
8 energy production from renewable energy sources, and
9 there's a reason that I read through those
10 specifically, and I promise not to do that with most
11 of our slides. I think that it's critically
12 important that everyone recognize that you have set
13 what your purposes were in establishing your WECS
14 ordinance, and we are pleased to be presenting the
15 evidence.
16 We already talked about the fact that
17 the planning commission unanimously approved, so
18 I'll skip by that.
19 So I'm most definitely not going to
20 go through our full, comprehensive plan analysis
21 because your planning commission already did that
22 for you, but there are just a few of these.
23 Now, if you look on the screen, what
24 you see in blue in italics is your comprehensive

Page 29

1 plan language. The typeface below it is our
2 response. These are some of the various slides we
3 presented to the planning commission, and I just
4 think some of them are great answers for us to think
5 as we go through this thing.
6 First, is that you want to preserve
7 prime farmland. Not only, as you will see, do these
8 wind farms use an incredibly small amount of land
9 throughout the project -- approximately 140 acres
10 for all improvements, and believe it or not, only 4
11 acres of the entire project actually have turbines
12 on it. So this is a use that uses very little land,
13 but at the same time provides significant economic
14 support, again, for not only the farmers in that
15 farmland, but also the whole community.
16 One of the -- one of the other
17 important things that we talked about is your use of
18 land regulations. I will tell you that I do this
19 work both for governmental entities and for
20 municipalities and counties, and you are rather
21 unique. This county not only has a WECS code, which
22 is fairly standard these days, but in 2017, you
23 actually had the very townships we're working in
24 vote to indicate that they wanted to support wind

Public Hearing
September 20, 2022

<p style="text-align: right;">Page 30</p> <p>1 farms. That really shows that you are actively 2 using your codes to allow those parts of the county 3 that want to have wind farms be in. 4 The support economically for the 5 county for farmers is critically important 6 throughout your comprehensive plan, and not 7 withstanding that we're only using that -- less than 8 140 acres of this entire project for all of our 9 improvements. We generated approximately 10 \$6.5 million annually on average and \$254 million 11 over the life of the project. 12 And we will have testimony later by 13 one of our experts, David Loomis, who will back up 14 all of those numbers with documentation. I'm just 15 responding as part of the comprehensive plan. 16 Finally, my favorite quote in your 17 comprehensive plan, which I've now recommended to 18 multiple people to read: "Agriculture is one of the 19 few essential industries, in that people must eat." 20 One of the few other essential 21 industries is the generation of the energy that's 22 necessary to -- for all of us to live our lives. We 23 think that the proposed wind farm is one step beyond 24 that, because it's local, because it is renewable,</p>	<p style="text-align: right;">Page 32</p> <p>1 of the project started to form. We had an 2 understanding of landowner interest and wherein this 3 project might be sited, and so we began outreach to 4 nonparticipating neighbors, and these are folks that 5 chose not to participate in the project, as well as 6 home owners and property owners that were outside of 7 the boundary of the project and were not approached 8 to be participants for various reasons. Some of 9 these conversations resulted in good neighbor 10 agreements based on proximity to proposed turbines. 11 Now, 2020, this is the height of the 12 pandemic restrictions, and so we launched a website 13 at that point to keep the community and our 14 landowners up to date on our progress. Throughout 15 that time, we also had a dedicated inbound landowner 16 hotline. This is our phone number for the 17 broad -- for the community. It's staffed five days 18 a week, and it provides a resource both for 19 landowners, but also for anyone in the community 20 that has questions. 21 Into 2021 -- and we really began 22 working with adjacent municipalities, villages, 23 school districts, et cetera, and you'll see that 24 represented in the application with resolutions of</p>
<p style="text-align: right;">Page 31</p> <p>1 because it therefore supports all of those property 2 owners, the community, the schools, et cetera. Not 3 only does this support something we all need, which 4 is energy, but it also directly supports those 5 property owners and the community. 6 With that, I'm going to go back to 7 Scott. 8 MR. WENTZELL: Thank you, Mark. 9 Great. I'm going to spend the next 10 few minutes speaking a bit more about the details of 11 the proposed project, and I'd like to begin with our 12 history here in Livingston County. 13 And I mentioned before: It begins 14 around a dinner table, and that was in 2017 or 2018. 15 Sitting with landowners, beginning to broach the 16 topic who might be interested, what might it take, 17 and those conversations blossomed into full, legal 18 lease negotiations that then, through 2019, became 19 the basis for a broad outreach campaign both to 20 participate -- now participating property owners, 21 but the broader community as well. That included 22 formal introduction to the community at the high 23 school in Cullom in early 2019. 24 As we head into 2020, the boundaries</p>	<p style="text-align: right;">Page 33</p> <p>1 support, letters of support, et cetera. 2 Our commitment to the community this 3 year began with notice to all residents and property 4 owners within a mile and a half of the project 5 boundary, both with legal notice of the project, as 6 well as a formal invitation to join us for a public 7 information meeting, which began at the high school 8 in Cullom, and that was an opportunity for members 9 of the public to attend and ask questions of me and 10 my staff, to review the proposed project, and to 11 learn more about what we were doing. That notice 12 was sent to thousands of households both in 13 Livingston, but also at Ford and Kankakee Counties. 14 Also, this spring, we opened an 15 office in Pontiac that's staffed several days a 16 week. This is a resource for the community to 17 view -- review maps of the project, review our 18 project application, connect with a live human being 19 and ask their questions. 20 And our work with the community 21 continues, and so I'm here on a monthly, sometimes 22 weekly basis, working with our community members 23 with fire districts and drainage districts, with 24 landowners and neighbors, and that's our commitment</p>

Public Hearing
September 20, 2022

Page 34

1 to be here still working as long as it takes.
2 So I mentioned at the top -- and I'll
3 keep mentioning, this is a collaboration between EDF
4 Renewables and over 230 property owners and the four
5 participating townships. Our landowners have been
6 involved from the very, very beginning, and that
7 started with helping to craft the actual lease
8 documents that they all have now entered into. It
9 continued through iterations of our design and
10 layout, reviewing access roads, turbine locations,
11 transmission lines. We maintain frequent updates to
12 our landowners, again, a hotline resource.
13 I'd really like to highlight here
14 that this is 100 percent a voluntary project.
15 Livingston Wind does not, nor does it seek
16 condemnation powers. All 230 landowners have signed
17 voluntary agreements to have their property
18 participate in this project, and I believe most of
19 you are here to do so.
20 Okay. I'd like to show a few
21 graphics to highlight this. The Exhibit B, on the
22 left of the screen, is from the actual lease
23 agreement that we've entered into with the
24 landowner. This exhibit was presented -- I've

Page 35

1 redacted the document for the landowner's privacy.
2 This was inserted into the lease for their review
3 prior to ever signing an agreement. The blue lines
4 that you see are the property lines. The gray hatch
5 lines are representative of the county's setbacks.
6 And so the communication with this exhibit was that
7 the area in the northeast corner of their property
8 would be reviewed for siting of wind turbines, and
9 the rest of their property was unavailable based on
10 setbacks.
11 Fast-forward a few years, and you see
12 in the center, another exhibit. This is a map that
13 was mailed to landowners along with the letter, and
14 that letter sought landowner feedback and proposed
15 infrastructure of their property. You can see we
16 did, in fact, site a turbine on this landowner's
17 property. We sited it where we told them we might,
18 and we sought their feedback on that location, in
19 particular, on the access road.
20 Now, I know we have lots of
21 landowners in the audience, and we've worked
22 diligently with folks to incorporate their feedback
23 where possible, and that includes both
24 cost-effective and engineering-ly (phonetic) sound

Page 36

1 moves to access roads, and those are not always
2 possible, but we -- our commitment is to continue to
3 find solutions to any siting challenges that
4 landowners might find.
5 Lastly, a more recent example on the
6 right -- this is our overhead transmission line. We
7 held the meeting this spring, invited every property
8 owner that is under or within that proposed right of
9 way and discussed their siting interests with this
10 transmission line. So most of our property owners
11 are farmers. Most of these folks will be farming
12 the properties or have tenants that farm the
13 properties, and so we've worked collaboratively as
14 much as we can to adjust this infrastructure to make
15 it easier for them to farm. In some cases, that's
16 meant aligning the transmission line along the
17 property lines. So those poles are along their
18 property line. In other cases, it's meant pulling
19 poles up into the fields so that we can get a full
20 pass of the sprayer between the property line and
21 the poles. We're committed to continuing to find
22 solutions like those for landowners as they identify
23 them.
24 Okay. So we've spoken about

Page 37

1 landowner involvement in the project, involvement in
2 the project. I think I'd like to highlight for this
3 slide that we've designed Livingston Wind to
4 comply -- turbine setbacks to comply completely with
5 the county's and state's turbine setback
6 requirements, including shadow flicker and noise.
7 I'll reiterate here that the project
8 is sited in Round Grove, Broughton, Sullivan, and
9 Union Townships. These are townships that have
10 voted on in support -- reduce setbacks, which are
11 now codified in the county's WECS ordinance. We
12 have set back at least 1,875 feet from primary
13 residences in those townships, while still following
14 the greater setback of 3,250 feet where turbines are
15 sited adjacent to any township that was not part of
16 that support referendum. There are similar setback
17 differences for property lines as well.
18 Okay. The special use permit
19 application before you encompasses nearly
20 30,000 acres of land. However, 0.02 percent of that
21 special use will actually be used to site wind
22 turbines. That's about 4 acres. The reason being,
23 wind turbines actually have a relatively small
24 footprint, and farmers may continue to farm nearly

Public Hearing
September 20, 2022

Page 38

1 right to the base of that turbine. We're also
2 proposing ancillary support facilities like roads
3 and substations, and so when you factor in all of
4 that development, this project will be sited on
5 fewer than 140 acres across the special use area.
6 That's less than 1/2 of 1 percent, and it averages
7 out to 6/10ths of an acre per landowner for 1/3 of
8 an acre per parcel used to site the wind farm
9 facilities.
10 I believe intuitively that landowners
11 have done that calculus in their head when they
12 chose to participate in this project, and they
13 recognize that this is a valuable use of their
14 property that will create new revenue for their
15 farms and their family.
16 Lastly, Livingston Wind is seeking a
17 variation, and this is an order to site one
18 substation, the ComEd Substation. This piece of
19 infrastructure is required to connect to the
20 high-voltage transmission system, and it inherently
21 must be located adjacent to the existing ComEd power
22 lines, as well as within or adjacent to the special
23 use area. There are no locations where a substation
24 could satisfy these requirements of ComEd's project

Page 39

1 engineering requirements.
2 The location proposed will have a
3 substation sited within 10 feet of an adjacent
4 property line requiring a variation against the
5 required setback of 1,600 feet from the adjacent
6 property line with a primary residence. However, we
7 believe this location satisfies the spirit of the
8 requirement whereby the substation is located over
9 2,500 feet away from that residence.
10 In addition, the homeowner of the
11 adjacent impacted property supports the variation
12 request.
13 Lastly -- and I believe this is
14 important -- the ComEd substation will be
15 constructed by Livingston Wind, but will ultimately
16 be conveyed to ComEd after construction, at which
17 point the variation would no longer be required for
18 the siting of the substation under Illinois law.
19 Okay. I am often asked: What
20 turbine are you using on this project? And the very
21 honest and simple answer is we do not know yet, but
22 I'd like to explain why. We're considering only
23 top-tier manufacturers, and these include companies
24 like General Electric, Siemens Gamesa, and Vestas.

Page 40

1 In all cases, the equipment that we are considering
2 are below 500 feet in height and comply with both
3 county and state siting requirements, and those
4 would include noise restrictions and shadow flicker.
5 Ultimately, our turbine selection will depend on the
6 performance of the units available, the exact
7 engineering specifications required by the project
8 cost and timeline to manufacture and deliver.
9 As I mentioned earlier, we expect
10 that next year will begin detailed engineering for
11 this project. That detailed engineering will
12 identify the specifications necessary for this
13 project, including detailed engineering -- or excuse
14 me -- electrical requirements. Those requirements
15 will ultimately go into a request for proposal, an
16 RFP, which will be sent to qualify equipment
17 manufacturers like GE, Siemens Gamesa. Those
18 manufacturers will submit bids that will ultimately
19 be reviewed by our engineering team, and then we
20 will make a final turbine selection.
21 I often compare this to buying a car
22 where I can walk into a dealership today and speak
23 to a representative at that dealership and know
24 every detail I need to know about a car. I can -- I

Page 41

1 know the price, the trim, the make, the model, the
2 horsepower.
3 But if I walk into that same
4 dealership and ask: "I want to buy a car in three
5 years. What do you have," they're going to kind of
6 look at you like you've got four heads.
7 And so we're at that point with this
8 project. We know the manufacturers. We have a good
9 sense of the makes and models that will be
10 available, but the exact specifications, the trim
11 package, if you will, is unknown as of now. And so
12 as a result, we're -- we don't know which turbine
13 we'll ultimately select for this site.
14 MR. GERSHON: If I can interrupt for
15 one moment.
16 You asked us to enter -- identify
17 when we have used items for our exhibits. Going
18 back -- we don't have to go back to the slide, but
19 one slide before we talked about the substation. It
20 indicated that we had a letter of support. That
21 letter of support is included in Exhibit 9, which
22 was our variation application along with the letter
23 of support from the property owner.
24 FACILITATOR KAINS: Thank you,

Public Hearing
September 20, 2022

Page 42

1 Mr. Gershon.
2 MR. WENTZELL: Thank you.
3 Let me see if I can catch up. There
4 we go.
5 I'd like to spend the next few slides
6 speaking about the benefits of this project. And,
7 first, I'd like to talk about our property owners
8 and our support for farming in the community.
9 Inherently, we believe that wind farm
10 development is aligned and supportive of farming
11 operations. In addition, we have legal commitments
12 to every property owner to reimburse for any crop
13 damage, as well as to fix any drain tile damage or
14 other damage to the property during construction or
15 during operations.
16 In addition, as we spoke earlier,
17 turbines themselves are sited on -- take up very
18 little land once sited, and property owners and
19 farmers may continue to farm right to the base of
20 that turbine.
21 Let me highlight a few numbers from
22 this graphic. The average 80-acre farm
23 participating in this project will realize an
24 additional \$10,000 per year in revenue by

Page 43

1 participating in this project. That's \$125 per acre
2 per year, and income that is not dependent upon
3 commodity prices, not dependent on the weather. It
4 doesn't matter if they have a good year or bad year.
5 That's income that that family can count on.
6 We expect to pay over \$150 million to
7 local landowners over the life of the wind project.
8 That comes out to over a million dollars per acre of
9 sited property within this wind farm of those
10 140 acres that we're siting on.
11 And it's not just property owners
12 that are benefiting from this project. There are
13 broad community benefits, including over a hundred
14 million dollars in local property tax revenue,
15 \$66 million of which will accrue to the local school
16 districts.
17 Additionally, we expect this project
18 will create over 400 local jobs during construction.
19 A portion of those will be on-site construction
20 workers, and others will be in the supply
21 chain: Truck drivers, cement plant workers, gas
22 station attendants, hotel workers, and et cetera.
23 These projects have a trickle-down effect.
24 Additionally, we expect 33 new local

Page 44

1 jobs that will be sustained during the operations of
2 this project. 10 to 15 of those will be directly
3 hired by EDF Renewables, and the balance will be
4 folks that support the operations of those wind
5 farms, whether it be high-voltage electricians,
6 landscapers, folks that help to clear snow from the
7 property, et cetera.
8 Lastly, I think it's really important
9 to note that this is local, home-grown, low-cost
10 renewable power that is not subject to commodity
11 swings or foreign interference or wars or gas
12 pipeline shortages. Wind farms like this help to
13 produce stable, constant power that lowers overall
14 wholesale power and benefits this community directly
15 and this state.
16 Okay. I'd like to read our
17 commitments to the community. I think these
18 are important. And first and foremost, we put
19 safety first. We hold it as a core company value,
20 and this is both for our employees, but also for the
21 broader community. We strive to be a good neighbor,
22 a long-term member of the community, and a steward
23 of the local environment. We already own and
24 operate two wind farms next door. We are already

Page 45

1 your neighbors, and we are already living up to
2 those commitments.
3 We will leave the public roads in as
4 good or better shape than when we started. We
5 commit to identify and repair damage to drainage
6 ditches, field tiles, or any other infrastructure
7 that's caused by the project, whether that's during
8 the construction or the operation of the project.
9 These are commitments that we have in our legal
10 agreements with landowners.
11 And, finally, we will fully
12 decommission Livingston Wind according to our
13 commitments with landowners and to the
14 decommissioning plan at the end of Livingston Wind's
15 useful life.
16 Digging a little bit deeper here. We
17 are actively in conversations with the county
18 highway department and with the township road
19 commissioners to craft a road agreement that
20 obligates Livingston Wind to uphold those
21 commitments I just mentioned, including repair any
22 damage to the public road system. We have similar
23 commitments to maintain both public and private
24 drainage. We will obtain private drain maps from

Public Hearing
September 20, 2022

Page 46

1 property owners that have them, and we are committed
2 to design changes where those are reasonable, and,
3 of course, obligated to repairs for damages
4 unavoidable. We are actively coordinating now with
5 the drainage districts that have similar obligations
6 to avoid any damage to their infrastructure.
7 Lastly, we have financial -- excuse
8 me -- legal obligations to have both property owners
9 as well as through the State of Illinois to
10 decommission this wind farm. Those are spelled out,
11 first, in our legal agreements with landowners, and,
12 second, in the agriculture impact mitigation
13 agreement, which Livingston Wind Project has entered
14 into with the State of Illinois.
15 MR. GERSHON: If I could, again,
16 mention this for the record, that the agriculture
17 impact mitigation agreement is our Exhibit 19, and
18 that's the only one. Sorry.
19 MR. WENTZELL: Thank you.
20 MR. GERSHON: And the drainage
21 district notice is -- has been handed in to Mr. Syed
22 Ahmad. It is our Exhibit 34.
23 (Exhibit 34 was identified for the
24 record.)

Page 47

1 FACILITATOR KAINS: What number, sir?
2 MR. GERSHON: 34.
3 FACILITATOR KAINS: Thank you.
4 MR. WENTZELL: Thank you, Mark.
5 So to reiterate, we are legally bound
6 both in commitments to our property owners as well
7 as through the agriculture impact mitigation
8 agreement to the State of Illinois, to this county,
9 to decommission the wind farm, and we will post
10 financial security to guarantee the proper removal
11 of all infrastructure as detailed in those
12 agreements.
13 I've spoken for a while. Let me
14 quickly summarize, simply to say that Livingston
15 Wind Project will produce stable income for our
16 farming families here in Livingston County. It's
17 been designed to meet or exceed all requirements
18 within the county code and state and federal siting
19 regulations.
20 And, lastly, this project is broadly
21 supported by the community, both participating
22 landowners and as referenced -- as documented by the
23 referendum in those townships.
24 Thank you.

Page 48

1 FACILITATOR KAINS: Mr. Gershon, do
2 you have any further questions for your witness,
3 Mr. Wentzell?
4 MR. GERSHON: Not at this time.
5 Thank you.
6 FACILITATOR KAINS: Very good. Thank
7 you.
8 Now it is time for members of the
9 zoning board of appeals if they have any questions
10 for -- as Mr. Wentzell and Mr. Gershon kind of
11 tag-teamed testimony initially, we'll start with
12 questions for Mr. Wentzell, and if any members of
13 the zoning board have questions, please identify
14 yourself by name, and then you may proceed with
15 questions for Mr. Wentzell.
16 MR. FLOTT: I have one question.
17 This is in relation --
18 FACILITATOR KAINS: Bill, could you
19 state your name.
20 MR. FLOTT: Bill Flott.
21 I have a question regarding the
22 homeowner that lives in the house adjacent to the
23 substation. Is the homeowner also the person that
24 lives in that house?

Page 49

1 MR. WENTZELL: Yes, sir.
2 MR. FLOTT: The parent company, where
3 is it located?
4 MR. WENTZELL: We're headquartered in
5 Paris, France. We have operations all over the
6 world.
7 MR. FLOTT: Okay. Thank you.
8 FACILITATOR KAINS: Any other
9 questions from the zoning board for Mr. Wentzell at
10 this time?
11 MS. HUISMAN: I would just ask that
12 if zoning board members have a question, that
13 anytime in the future, we have that ability to ask
14 it at that time. So we'll keep this option open.
15 FACILITATOR KAINS: Absolutely,
16 absolutely. Thank you, Madam Chair.
17 All right. Then zoning board of
18 appeals members, questions for Mr. Gershon based
19 upon his statement that he made kind of during the
20 testimony of Mr. Wentzell? Any questions from the
21 zoning board for Mr. Gershon?
22 (No response.)
23 MS. HUISMAN: [Indicated.]
24 FACILITATOR KAINS: Thank you, Madam

Public Hearing
September 20, 2022

Page 50

1 Chair.
2 And, again, as we proceed, if you
3 have any questions for the witness, just let us
4 know.
5 All right. Very good.
6 Now, the zoning board has had
7 opportunities to ask questions of the witness.
8 Then interested parties. Are there
9 any members of any local unit of local government in
10 the audience who wishes to come forward? We have a
11 podium down front. If any member of a unit of local
12 government has any questions for either Mr. Wentzell
13 or Mr. Gershon, now is the time to ask questions of
14 these witnesses.
15 Seeing none, are there any interested
16 parties represented by licensed attorneys who have
17 questions for either Mr. Wentzell or Mr. Gershon?
18 Please step forward if you have questions if you are
19 a licensed attorney representing an interested
20 party.
21 Seeing none, the next classification
22 of folks who can come forward and ask
23 questions -- it says "other interested parties."
24 That's you. If any of you in the audience have a

Page 51

1 question for the project manager, Mr. Wentzell, or
2 the attorney, Mr. Gershon, now is the time to ask
3 questions of either of these witnesses. You may
4 just come down front.
5 Seeing none, questions then from
6 Livingston County staff and consultants.
7 MR. SCHOPP: We have none.
8 FACILITATOR KAINS: None? Thank you,
9 Chuck.
10 The time for asking questions of
11 these witnesses has concluded.
12 Mr. Gershon, you may call your next
13 witness.
14 MR. GERSHON: I'd like to ask Jared
15 Kassebaum, who is a Ph.D. and the director of the
16 energy team for EDF Renewables.
17 FACILITATOR KAINS: Mr. Kassebaum,
18 if you could raise your right hand and be sworn by
19 the court reporter.
20 (Witness sworn.)
21 JARED KASSEBAUM, Ph.D.,
22 of lawful age, being produced and sworn, testifies
23 and says:
24 FACILITATOR KAINS: Sir, could you

Page 52

1 please state your name, spelling first and last
2 names for the record, please.
3 DR. KASSEBAUM: Jared Kassebaum.
4 J-A-R-E-D, K-A-S-S-E-B-A-U-M.
5 FACILITATOR KAINS: Thank you. You
6 may proceed.
7 DR. KASSEBAUM: Great. Thank you all
8 for allowing me a few minutes to speak this evening
9 to share some of the considerations for designing a
10 specific layout of turbines when we're designing a
11 project.
12 Let me begin by sharing some of my
13 qualifications. As I said, I'm the director of the
14 energy assessment team at EDF Renewables. I've been
15 there since 2009, over 13 years. I originally
16 actually hailed from Illinois, Southern Illinois,
17 and did my first degree at Northwestern just up the
18 road and then got a Ph.D. in mechanical and
19 aerospace engineering at the University of Virginia.
20 My primary area of expertise is wind resource
21 assessment, and so that means analyzing the wind
22 speed data for various sites and designing optimal
23 wind farms, looking at the operation of those and
24 trying to understand how to ingest that information

Page 53

1 to make sure we're constantly getting better in our
2 ability to build efficient -- and then accurately
3 predict the performance of the projects.
4 And most recently, I served as the
5 program co-chair for the American Clean Power
6 Resource and Technology Conference in Las Vegas.
7 So I'd like to walk you through
8 quickly some of the considerations that we iterate
9 upon as we design a specific layout of turbines for
10 a wind project. As Scott said earlier, it begins
11 with the wind resource. You can look at national-
12 or regional- or state-level wind maps and get an
13 idea of where you might site a wind farm where you
14 might have good enough resource to turn some blades,
15 to turn a generator, and to create electricity, but
16 beyond that, we need to know even more specifically
17 how the wind flows over a project site, and so
18 that's one of the most important elements of my job,
19 my team's contribution.
20 Next are the setbacks and
21 constraints. Scott has already discussed some of
22 those and how those impact where we can and can't
23 build. Turbine loading conditions is also
24 important. These are machines, and we want to make

Public Hearing
September 20, 2022

Page 54

1 sure that they operate well and that they perform
2 well, and so we want to make sure that we're putting
3 the right machine in the right conditions that it
4 was designed for.
5 Sound and shadow flicker impacts are,
6 of course, important. We want to be good neighbors.
7 We want to make sure that we're not only complying
8 with regulations, as there may be, but also making
9 sure that we can mitigate those impacts whenever
10 possible.
11 And, finally, construction costs.
12 How can we -- how can we make sure we're
13 efficiently, you know, deploying our resources there
14 so that we -- so that we build the project for the
15 best that we can.
16 So let's start with the wind
17 resource. Again, this is really my primary area.
18 How do we -- how do we get to know the resource in
19 an area? Many of you may have seen the
20 meteorological towers -- MET towers -- that we have
21 up in the region. And the map on the right shows
22 the MET towers that we have been -- that we have
23 been collecting data at for many years across this
24 region for neighboring facilities, including

Page 55

1 Livingston.
2 If you can zoom in on the left.
3 Again, you would see that we've been collecting data
4 since 2008, which is really important to know not
5 just how the wind is, you know, in a short time, but
6 we've been measuring for many years to really
7 understand broadly the resource on-site.
8 So how do we go from a few point
9 measurements where we have a few towers here and
10 there to understanding the resource across the site?
11 I love explaining this. This is what -- as I said,
12 what I've been doing for 13 years. I like to
13 explain it as three extrapolations: Horizontal,
14 vertical, temporal.
15 FACILITATOR KAINS: Excuse me.
16 Mr. Kassebaum, could you slow down a little bit and
17 speak a little more clearly? Some members of the
18 audience are having a little bit of a hard time
19 hearing you.
20 DR. KASSEBAUM: Sure. I'd be happy
21 to.
22 FACILITATOR KAINS: Thank you, sir.
23 DR. KASSEBAUM: There we go.
24 AUDIENCE MEMBER: Light -- turn it

Page 56

1 up.
2 DR. KASSEBAUM: We've got it. I'll
3 just get a little closer. Is that better?
4 AUDIENCE MEMBER: Otherwise I don't
5 care.
6 DR. KASSEBAUM: Okay. So as I said,
7 I like to explain this process in three
8 extrapolations. One is horizontal. We've measured
9 the wind speed at a few-point locations at the MET
10 towers, but we want to know what happens everywhere
11 across the entire site, and we do that by numerical
12 wind flow modeling, modeling the wind flow over the
13 terrain, over the forestry, or trees as there are,
14 and understanding the meteorological impacts and how
15 the wind flows over a region.
16 Vertical is another important
17 extrapolation. We only measure to a certain height.
18 We measure to about 60 meters for most towers, but
19 the wind turbines may have their hub height at
20 80 meters, and the tip of the blades go even higher.
21 So we want to understand how the wind speed changes
22 across the full rotor so that we can, again,
23 understand best how these machines will operate.
24 To do that, we do a lot of data

Page 57

1 analysis. We also use remote sensing devices to
2 measure the wind at higher heights than the MET
3 towers are able to, essentially using something like
4 a LiDAR, which shoots a laser up in the air and
5 measures the change in wind speed with height.
6 And the third is temporal. If you
7 were to measure the wind speed on a single day of
8 the year, and it was the windiest day on record, and
9 you thought let's build a wind farm, and we know
10 what we're going to expect, you'd be very
11 disappointed. So, instead, we want to correct for
12 that and take into account when it would be
13 measured, okay?
14 We've measured these few years. How
15 do those reflect the long term? We'll be operating
16 this plant for, you know, 30 or 40 years. How
17 will -- you know, how will the resource look in the
18 long term? And so to do that, we look at long-term
19 reference data sets. These can be collected at
20 airports, or they can be large-scale models that
21 provide that long-term, consistent data record.
22 So when you put all these together,
23 you get what you see on the left, which is -- shows
24 the boundary of the project on top of a colored map

Public Hearing
September 20, 2022

Page 58

1 of the wind speeds across the site. And you can see
2 the higher -- or the hotter colors would be higher
3 wind speeds, and the cooler colors would be -- would
4 be the lower wind speeds.
5 So in the center of the project,
6 there is a bit of a ridge, which -- you know, which
7 features some of the highest resource, and indeed to
8 the east and west of this project, you have those
9 neighboring facilities that have all been developed
10 along this ridge, and then further to the south, the
11 winds fall off a little bit, though they're
12 still -- you know, they're still worthwhile to
13 develop there as well.
14 So the next component after we
15 understand the resource is where can we build? And
16 so to consider that, my team works with a team of
17 GIS analysts -- and that is geographic information
18 systems analysts -- whose role it is to manage the
19 spatial data on-site to help us ingest it and make
20 good use of it, understanding what are the things we
21 must set back from -- structures, roads,
22 transmission lines, communication towers, property
23 lines, all of these things that we want to make sure
24 we are appropriately set back from.

Page 59

1 The amount of our setbacks are
2 determined by county ordinances, state regulations.
3 We also received guidance from environmental
4 agencies, and short of those, we have best
5 management practices, internal guidance on the best
6 and most efficient way to site turbines. That has
7 been developed over many years of developing
8 projects. And we validate these by site visits and
9 to verify the data on-site, as well as doing high
10 resolution surveys.
11 I would also add -- and I didn't note
12 it on the slide, but as Scott said before, there is
13 a component of this process of defining the
14 buildable area that is done in conjunction with
15 landowners and taking their feedback into account to
16 make sure that we're trying to hear their needs and
17 site turbines where it benefits everyone.
18 Okay. Now, we go to resource and
19 where we are capable of building. How do we go
20 about optimizing the energy and building the
21 most -- the most efficient project? We've got a
22 couple of pretty pictures here that demonstrate the
23 wake loss or the wake impact of turbines. If you
24 have ridden on a boat or seen a rock in a stream,

Page 60

1 you're familiar with the concept of wake where there
2 is turbulent energy behind something and a slowing
3 of that stream. So in the -- when it comes to wind
4 turbines, you have just that happening: Turbulence
5 and a slower resource directly behind the wind
6 turbine. So as we seek to optimize the layout,
7 we're considering and modeling how will one turbine
8 impact another? And how can we space them in such a
9 way that they produce the maximum amount of energy?
10 On the left is shown a model, which
11 is simply showing a representation of what would
12 happen when wind is blowing from the left, and you
13 can see the model wind speed deficit behind the
14 turbines. This is not -- this Livingston project is
15 just an example.
16 And on the right is actually the
17 measured data. This was collected by running a
18 dual-Doppler horizontal wind speed scan. You can
19 see both from above and the side of what the wind
20 speeds behind the -- behind these turbines look
21 like. In a given -- I should say in a given moment,
22 this is obviously highly variable as the winds
23 change, the directions change. There's, you know,
24 turbulent mixing happening. So, of course, in

Page 61

1 reality, over time, it looks much, much more chaotic
2 than just this snapshot, but it gives a good idea of
3 how we seek to optimize the position of the
4 turbines, and we do this with some custom software.
5 Next is the turbine's suitability and
6 loading. Wind turbines are designed and certified
7 to withstand certain external conditions -- average
8 wind speeds, extreme gusts, turbulence, and
9 temperature extremes. And so part of understanding
10 the resource of the site is to be able to select the
11 most appropriate technology, and also to make sure
12 that as we design the layout, we're siting turbines
13 appropriately so that we don't add too much loads on
14 any given machine, and then find ourselves having to
15 constantly maintain or repair for that turbine, and
16 so that's an element of designing the layout, and
17 likewise, the foundations of turbines are actually
18 designed relative to site-specific conditions and
19 the expected mechanical loads.
20 In conclusion, we work to balance all
21 of these items together maximizing the energy
22 production, which incidentally also maximizes
23 royalties that we're able to pay to landowners,
24 minimizing the construction cost by optimizing the

Public Hearing
September 20, 2022

<p style="text-align: right;">Page 62</p> <p>1 collection or the access roads. 2 For example, if we have a turbine 3 sited, and the energy is the same in position A or 4 position B, but one position allows us to construct 5 less -- less roads or less cable, then that's what 6 we'll do. We seek to obey or to respect all 7 setbacks, and always with the intention to limit all 8 sound and flicker impacts, and, finally, to ensure 9 that we site the turbines in a responsible way so 10 that they will be safe and have their full lifetime. 11 If you've ever looked at a turbine 12 layout and wondered why exactly they go where they 13 go, and why in this position and not that position, 14 hopefully that explains all the many factors that 15 we're trying to balance. 16 And then the last thing I want to add 17 is that this is a very iterated process, and for 18 most projects, we may iterate on this some 50 times 19 or even a hundred times. It begins with -- in those 20 early-stage ideas of what would a layout look like 21 here? And we're just kind of throwing some dots on 22 a map to get an idea conceptually, into this very 23 detailed type of work where you have a high 24 resolution of understanding of your resource and of</p>	<p style="text-align: right;">Page 64</p> <p>1 area is the remaining, like, buildable area. 2 MR. RUNYON: Okay. 3 DR. KASSEBAUM: And if you don't see 4 some under specific turbine, sometimes the buildable 5 areas can be very small, and the resolution you're 6 looking -- they're there. 7 FACILITATOR KAINS: Are there any 8 other questions from members of the zoning board of 9 appeals? 10 MS. HUISMAN: [Indicated.] 11 FACILITATOR KAINS: Yeah. With 12 respect to all witnesses, Mr. Gershon, the zoning 13 board will reserve the right to ask questions of 14 them as we proceed through this public hearing. 15 MR. GERSHON: Understood. Thank you. 16 FACILITATOR KAINS: Very good. Thank 17 you. 18 All right. Questions for the 19 witness, Dr. Kassebaum, from the units of -- members 20 of units of local government? Any questions for 21 Dr. Kassebaum from members from units of local 22 government? 23 Questions from licensed attorneys who 24 represent interested parties?</p>
<p style="text-align: right;">Page 63</p> <p>1 your setbacks and your interested landowners and 2 technology you're going to use, and those all come 3 together to get to the final layout. 4 That's all I have. 5 FACILITATOR KAINS: Thank you, 6 Dr. Kassebaum. 7 Mr. Gershon, do you have any 8 questions of your witness? 9 MR. GERSHON: No further questions. 10 Thank you. 11 FACILITATOR KAINS: Thank you. 12 Now members of the zoning board of 13 appeals, do you have any questions for Dr. Kassebaum 14 about his testimony? 15 MR. RUNYON: Yes. 16 FACILITATOR KAINS: Please state your 17 name for the court reporter. 18 MR. RUNYON: Richard Runyon. 19 I was wondering what do the green 20 areas on this available land map indicate? 21 DR. KASSEBAUM: So the green area is 22 the area that we can build. So it's essentially a 23 single-colored layer that just says, "Here you may 24 build," and "Here you may not build." The green</p>	<p style="text-align: right;">Page 65</p> <p>1 Questions from other interested 2 parties, the general public? 3 Any questions for Dr. Kassebaum from 4 anyone? 5 And, finally, questions from 6 Livingston County staff and consultants? 7 MR. SCHOPP: We have no questions. 8 FACILITATOR KAINS: Thank you. 9 Thank you, Dr. Kassebaum. You may 10 step down. 11 And, Mr. Gershon, you may call your 12 next witness. 13 MR. GERSHON: My next witness is 14 Kenny Allen with EDF Renewables. He is their 15 preconstruction manager. 16 FACILITATOR KAINS: Mr. Allen, if you 17 could please raise your right hand and swear or 18 affirm. 19 (Witness sworn.) 20 KENNY ALLEN, 21 of lawful age, being produced and sworn, testifies 22 and says: 23 FACILITATOR KAINS: And, sir, could 24 you please state your name, spelling first and last</p>

Public Hearing
September 20, 2022

Page 66

1 names for the record.
2 MR. ALLEN: Kenny Allen. K-E-N-N-Y,
3 A-L-L-E-N.
4 FACILITATOR KAINS: Thank you,
5 Mr. Allen. You may proceed.
6 MR. GERSHON: And if I could, again,
7 at the hearing officer's request, identify that one
8 of the items Kenny will be addressing is Exhibit 27,
9 which is our decommissioning plan.
10 FACILITATOR KAINS: Very good. Thank
11 you, Mr. Gershon.
12 MR. ALLEN: Thank you for being here
13 and taking your time.
14 I've been with the EDF for 13 years,
15 and my background is construction management and
16 preconstruction activities prior to construction.
17 So our best-management practices that
18 are paramount are the top soil preservation and
19 retention, which it keeps the crop growing, land
20 viable.
21 Next is drain tile repair. Sometimes
22 that drain tile gets breached, and we -- as you can
23 see here, we'll locate it and repair it at that time
24 or at a later time that's more opportunistic to get

Page 67

1 the repair correct.
2 Storm water. That -- it's a
3 storm-water prevention plan. This -- this is
4 outlined in many of the preconstruction documents
5 and the contractor -- the contract.
6 Dust control. That's monitored by
7 our on-site staff. During construction, we'll apply
8 water or a dust palliative to keep the dust at a
9 minimum or nonexistent.
10 So prior to mobilization, we assess
11 the road conditions, the public road conditions, and
12 then we'll make the repair as necessary to make the
13 project constructible, and then come back and repair
14 the roads at the end of the project. Also, we will
15 have ongoing maintenance and repair of the public
16 and private roads.
17 The sequencing of construction is
18 this -- you know, it's -- I look at it as like a
19 train, a construction train, where these disciplines
20 come through -- equipment and staff, and they
21 usually follow -- well, they have to follow each
22 other. We'll build the roads. Following road
23 construction, we'll put the foundations in and pad
24 to put the crane up. Following that is underground

Page 68

1 electrical collection system. Sometimes these
2 things can go parallel. They're not always at the
3 same -- or they're not always following each other,
4 but there's a train of activity.
5 The towers and then the nacelles and
6 blades will come in on 9 to 13 trucks. They'll be
7 staged and installed usually at the same time.
8 Substations and transmission line. That's
9 a separate activity usually. So that's not in the
10 train construction sequencing. And when the site is
11 complete, we'll restore it back to the way it was.
12 Crop loss and damage payments. I don't
13 really -- sorry. So we talked about drain tile and
14 repair. That's done with local contractors
15 typically, and, like I mentioned, it's -- it occurs
16 at the time of damage or soon after.
17 We already talked about repair and
18 restoration of the public roads. That is -- it's
19 important to note that we do assess the condition of
20 the road prior to construction and then repair that
21 back to the way it was.
22 Well, this illustrates -- yeah. This is
23 what happens soon after the project is complete and
24 the restoration is complete. Scott mentioned

Page 69

1 earlier that you can farm right up to the base of
2 the tower typically.
3 Our construction schedule, it's less than
4 a year. It ramps up. It's kind of like an airplane
5 taking off, you know. It starts off a little slow,
6 and then there's a large peak like a bell curve. It
7 drops off. But the months of construction usually
8 are in the spring and summer, and the project's
9 commissioned towards the end of the year. So it's
10 not a very long process, relatively.
11 FACILITATOR KAINS: Mr. Gershon, do
12 you have additional questions of your witness?
13 MR. GERSHON: No additional
14 questions. Thank you.
15 FACILITATOR KAINS: Thank you.
16 And thank you, Mr. Allen.
17 Members of the zoning board of
18 appeals, do you have any questions for Mr. Allen
19 regarding the preconstruction/construction process?
20 MS. HUISMAN: [Indicated.]
21 FACILITATOR KAINS: Yeah.
22 Mr. Gershon, they will reserve the
23 right to question Mr. Allen should it become
24 necessary later in the hearing.

Public Hearing
September 20, 2022

Page 70

1 Now, members of the units of local
2 government, any questions for Mr. Allen?
3 Seeing none, attorneys representing
4 interested parties, any questions for Mr. Allen?
5 Seeing none, then questions from the
6 general public for Mr. Allen?
7 There being none, now questions from
8 Livingston County staff and consultants?
9 MR. SCHOPP: We have no questions.
10 FACILITATOR KAINS: Very good. Thank
11 you.
12 All right. Mr. Allen, thank you.
13 You may step down.
14 And, Mr. Gershon, call your next.
15 MR. GERSHON: I'd like to call Taylor
16 Foley, who is the director of environmental
17 permitting for EDF Renewables, and while Taylor is
18 working his way up here, he will be, in part,
19 identifying matters discussed in Exhibit 24, the
20 Illinois Department of Natural Resources letter
21 dated February 18, 2022, regarding the EcoCAT
22 consultation.
23 FACILITATOR KAINS: Thank you. Thank
24 you, Mr. Gershon.

Page 71

1 Mr. Foley, could you please raise
2 your right hand to be sworn.
3 (Witness sworn.)
4 TAYLOR FOLEY,
5 of lawful age, being produced and sworn testifies
6 and says:
7 FACILITATOR KAINS: And, Mr. Foley,
8 please state your name, spelling first and last
9 names for the record.
10 MR. FOLEY: Taylor Foley,
11 T-A-Y-L-O-R, F-O-L-E-Y.
12 FACILITATOR KAINS: Thank you, sir.
13 You may proceed.
14 MR. FOLEY: So my name is Taylor
15 Foley. I'm the director of environmental permitting
16 for EDF. I've been with EDF for about five years.
17 I have a background in biology from Texas A&M
18 University. I've led environmental surveys and
19 permitting for more than 50 onshore wind and solar
20 projects for EDF in the Eastern United States. My
21 key knowledge areas are federal and state
22 environmental permitting and the associated studies
23 of those -- in particular, protected species,
24 regulated wetlands and waters, and cultural and

Page 72

1 historic resources.
2 IDNR has reviewed this project, and
3 part of their response included some recommended
4 setbacks that we evaluated, and we've been able to
5 voluntarily comply with all of these for all but one
6 turbine, M-8, for which we are requesting a waiver
7 from IDNR, a stream setback. The placement of that
8 turbine is the only available location on that
9 landowner's parcel that complies with all the county
10 setbacks. We'll have some information later that
11 explains that.
12 But the habitat quality and the
13 biological value of that creek are very low, and
14 there will be no direct impacts to the creek due to
15 construction or operation of that turbine.
16 The table on the right illustrates
17 some of the additional recommended setbacks that we
18 were able to accomplish.
19 EDF complies with the 2012 U.S. Fish
20 and Wildlife wind energy guidelines, or the WEGS.
21 The WEGS provide a tiered approach to site-specific
22 assessments and studies, as well as regulatory
23 agency communication, and a primary focus is on bird
24 and bat species. We also followed the 2013 U.S.

Page 73

1 Fish and Wildlife Eagle conservation plan guidance
2 to study bald and golden eagle impacts.
3 The figure on the right shows the
4 tiered analysis guidelines from the WEGS. It starts
5 from tier 1, which is a land state level, more of a
6 broad landscape view of potential places to put a
7 project and what impacts it may have.
8 As you move down the tiers, the next
9 step would be site-specific studies, and it
10 culminates with tier 4, tier 5, which is assessing
11 the impacts to wildlife once the project is
12 operational.
13 As part of the first tiers of the
14 WEGS, as Jared mentioned, we have internal GIS
15 systems and tools that we can use to analyze
16 potential project locations, and we've also
17 completed a full sweep of tier 3 site-specific
18 studies, including avian and eagle use studies,
19 raptor and eagle nest studies, and wetland
20 delineations.
21 Another important component of the
22 WEGS is wildlife agency consultation, which takes
23 place in two phases. The first phase we introduce
24 the project, we gather data from the wildlife

Public Hearing
September 20, 2022

<p style="text-align: right;">Page 74</p> <p>1 agencies that may not be public, and we obtain 2 concurrence on our tier 3 site-specific study plan. 3 The second phase is to review and 4 present the tier 3 survey results and collaborate on 5 operational measures that might be necessary. 6 Those operational measures are 7 documented in what we call "bird and bat 8 conservation strategy," which EDF prepares for all 9 of our wind projects, and that document describes 10 all the detailed operating procedures that we will 11 implement to minimize wildlife impacts, and those 12 have all been coordinated with the various 13 environmental agencies. 14 The bird and bat conservation strategy 15 also includes an adaptive management approach, which 16 allows us to tailor our operational measures based 17 on post-construction monitoring. 18 We've committed to three years of 19 post-construction mortality monitoring for this 20 project at IDNR's request, which also aligns with 21 the Wildlife Tier 4 WEGS guidance. 22 Another important study that we conduct is 23 the archaeological and historical resource survey, 24 which was complete by Westwood. Eight archeological</p>	<p style="text-align: right;">Page 76</p> <p>1 Engineers, and all federal and state, local permits 2 will be obtained prior to construction of those 3 impacts. 4 FACILITATOR KAINS: Thank you, 5 Mr. Foley. 6 Mr. Gershon, questions of your 7 witness? 8 MR. GERSHON: No further questions. 9 FACILITATOR KAINS: Thank you. 10 Okay. Now it's time for members of 11 the zoning board of appeals to ask questions of 12 Mr. Foley. Are there any questions from the zoning 13 board? 14 MS. HUISMAN: This is Joan Huisman. 15 With regard to turbine -- was it M-8 16 that's not going to meet the setback requirement for 17 IDNR? Did you say that you're going to address this 18 later in the hearing? More testimony will be 19 provided that explains the situation? 20 MR. FOLEY: The next presentation 21 will have -- we'll have slide details. 22 MS. HUISMAN: Okay. Nothing further 23 at this time. 24 FACILITATOR KAINS: Any other</p>
<p style="text-align: right;">Page 75</p> <p>1 sites are within a mile of the project, but none 2 within the project area itself. We will still 3 prepare and implement an unanticipated discovery 4 plan during construction in case something is found 5 or uncovered during construction, and it will 6 include all of the reporting and monitoring 7 requirements within that land. 8 Another plan that will be prepared, as 9 Kenny discussed, is the stormwater plan. We'll 10 obtain coverage under the National Pollutant 11 Discharge Elimination System with these regulations. 12 That plan will be prepared by our EPC contractor 13 once detailed construction plans have been prepared, 14 and any stormwater retention or treatment 15 requirements will be coordinated with the state and 16 county agencies. 17 We've also completed a wetland delineation 18 for this project, and this spring we anticipate 19 minimal permit impacts to wetlands or water courses. 20 There may be some temporary impacts to wetlands or 21 water courses due to collection monitoring process 22 or intersection expansions for turbine component 23 deliveries. If any impacts are necessary, they will 24 be permitted through the U.S. Army Corps of</p>	<p style="text-align: right;">Page 77</p> <p>1 questions for members of the zoning board of 2 appeals? 3 Very good. 4 Questions from members of units of 5 local government? 6 Questions from attorneys for 7 interested parties? 8 Questions for Mr. Foley from anyone 9 in the general public in the room? 10 Questions from Livingston County 11 staff and consultants? 12 MR. SCHOPP: Yes, we do have one 13 question. 14 In regards to the IDNR, there's 15 several conditions or a few conditions on there. 16 Are you willing to comply with those outside of the 17 stream setback requirement? 18 MR. FOLEY: The stream setback waiver 19 is the only waiver that was requested. 20 MR. SCHOPP: Thank you. 21 FACILITATOR KAINS: Thank you, Chuck. 22 Mr. Foley, you may step down. 23 And, Mr. Gershon, prior to calling 24 your next -- Madam Chair?</p>

Public Hearing
September 20, 2022

Page 78

1 MS. HUISMAN: We'll recess for a
2 brief break. It's 7:43. If we could take ten
3 minutes for drinks and rest, we'll reconvene at 7:53
4 or shortly thereafter.
5 (Whereby a short break was taken.)
6 MS. HUISMAN: We've gone
7 significantly over the time frame. It's 8:04.
8 We're going to go back on the record and continue on
9 with the testimony.
10 FACILITATOR KAINS: Thank you, Madam
11 Chair.
12 Mr. Gershon, are you prepared to call
13 the witnesses live, or is this not live?
14 MR. GERSHON: So in the interest of
15 time, and knowing what time you were hoping to close
16 this evening, I'd like to change our order just a
17 little bit. I have Andrew Lines, who is with
18 CohnReznick. He's a principal in their valuation
19 advisory services. If you go in your binder
20 until -- there it is. Thank you. If you move in
21 your binder down to -- until you see the CohnReznick
22 slides. We'll also have this on the screen.
23 Mr. Lines would have truly liked to have been here
24 this evening, but was forced to be with his company

Page 79

1 in Florida, so we're having him join by phone.
2 Andrew, can you hear us?
3 MR. LINES: I can.
4 MR. GERSHON: And because he's on a
5 microphone here, if for some reason he does not hear
6 a question, I'll be happy to repeat it so that he
7 can hear it.
8 Can all of you hear him?
9 FACILITATOR KAINS: I think we can so
10 far.
11 Mr. Lines, if you could, even
12 remotely by phone, raise your right hand to be sworn
13 by the court reporter.
14 (Witness sworn.)
15 FACILITATOR KAINS: Very good,
16 Mr. Gershon. You may proceed.
17 MR. GERSHON: Thank you.
18 And Mr. Lines will, in part, be
19 discussing the findings in Exhibit 29, the property
20 valuation market analysis, which was done -- I'm
21 sorry. What was that? Yes, in his report.
22 And, Andrew, if you would make sure
23 in your testimony to also reference that report and
24 the study you did.

Page 80

1 FACILITATOR KAINS: Mr. Lines, could
2 you please state your name, spelling your first and
3 last names for the record.
4 ANDREW LINES,
5 of lawful age, being produced and sworn, testifies
6 and says:
7 MR. LINES: Sure. Andrew Lines.
8 A-N-D-R-E-W, L-I-N-E-S.
9 FACILITATOR KAINS: Thank you,
10 Mr. Lines. You may proceed.
11 MR. LINES: Thank you so much.
12 Hopefully Mr. Gershon has the first slide pulled up.
13 So CohnReznick, so everyone knows, is
14 a national advisory insurance and tax firm with a
15 particular focus on commercial real estate. We have
16 25 offices around the country, including in Chicago,
17 and I'm a principal with the valuation advisory
18 group, which is comprised of nearly 70 professionals
19 providing valuations on a wide variety of real
20 estate properties, businesses, and equipment.
21 Next slide.
22 I've prepared the report along with
23 the national director of our valuation group. Her
24 name is Patricia McGarr. She's an Illinois State

Page 81

1 Certified General Real Estate Appraiser, and she
2 also has an MAI designation, as well as a couple of
3 others. She's been practicing for over 35 years,
4 and she was appointed by Governor Rauner several
5 years ago to the Department of Financial Regulations
6 Illinois Appraiser Board where she now is the chair.
7 This is effectively the highest appraiser job in the
8 state. And she is, you know, one of a few people
9 who can create and enforce the rules that govern all
10 appraisers in Illinois.
11 Next slide.
12 FACILITATOR KAINS: Mr. Lines, I'm
13 going to interrupt you and just ask you if you could
14 please just slow down just a little bit. The court
15 reporter is needing to take this down and members of
16 the board and the public are needing to hear you.
17 MR. LINES: Absolutely. Sorry about
18 that.
19 We'll proceed with the next slide.
20 It should be the slide with a pretty poor picture of
21 me.
22 I am, as Patricia McGarr is, an
23 Illinois State Certified General Real Estate
24 Appraiser, and also hold the MAI designation. I

Public Hearing
September 20, 2022

<p style="text-align: right;">Page 82</p> <p>1 have appraised properties in the State of Illinois 2 for the last couple of years. And along with 3 Patricia McGarr, we've provided impact studies to 4 zoning boards throughout Illinois, dozens of 5 property types over the past 20 years, including 6 analyses of solar farms, slaughter houses, 7 retail -- box retail, affordable housing, landfills, 8 waste transfer stations, zoning overlay districts. 9 And I'll note that there are some 10 uses that do result in negative impacts to 11 surrounding property, and we have used very specific 12 approach methodology to evaluate this in the context 13 of the proposed wind farm. 14 Pardon me if you could go to slide 15 five. 16 So what is the methodology that we've 17 employed to evaluate whether or not the proposed 18 wind farm may impact residential homes and property 19 in the general area? We've used paired sales 20 analyses, which analyzes test groups and control 21 groups. We've also evaluated before or after 22 appreciation rates, and these two methodologies come 23 directly from an appraiser and a Ph.D., Dr. Randy 24 Bell, who is an MAI, and he wrote a treatise called,</p>	<p style="text-align: right;">Page 84</p> <p>1 MR. LINES: Will do. 2 In addition to doing our own studies 3 and paired sales analyses, we also reviewed and 4 analyzed other academics and other appraisers who 5 have studied wind farms and their perceived impacts 6 on residential property and surrounding property. 7 The next slide, slide 6, shows 14 of 8 these, and these covered the vast majority that have 9 been performed in the last 20 years. Some use 10 multiple regression analyses, which takes hundreds 11 and thousands of data points in a very 12 long approach. And others use more simplified 13 paired sales analyses as we do. And of the vast 14 majority of these studies, all of them conclude that 15 there's no impact. And I'll note the 14 that are up 16 there, 4 of them occurred on data within the State 17 of Illinois, including the counties of Lee, 18 McClean, Woodford. 19 The next slide, please. 20 So our studies focused on ranges of 21 sale prices between test and control groups, 22 differences in those sale prices. Time on market 23 and days on market are things that we also study, 24 including rate of appreciation and whether or not</p>
<p style="text-align: right;">Page 83</p> <p>1 "The Damages in Real Estate." Most of the 2 appraisers around the country follow to the letter 3 the instructions that Dr. Bell provides, and he's 4 long been considered the chief expert in the area. 5 And from Dr. Bell, when analyzing a 6 test group and a control group, he notes that there 7 needs to be a consistent and measurable negative 8 impact in order to conclude that there's a 9 detrimental condition. And so what that means, 10 again, is that we have to find multiple occurrences 11 of a negative differential between targets and 12 controls in order to conclude that that proposed use 13 may be negatively impacting surrounding properties. 14 MR. GERSHON: Andrew, if I could 15 interrupt for one second just for the record, you 16 identified the name of Mr. Bell's document as "The 17 Damages in Real Estate." Just because we do have a 18 court reporter, can you please confirm the name of 19 the document is actually "real estate damages"? 20 THE DEPONENT: That's correct. It's 21 Real Estate Damages: Applied Economics and 22 Detrimental Conditions. 23 MR. GERSHON: Thank you. Please 24 continue.</p>	<p style="text-align: right;">Page 85</p> <p>1 new development occurs next to existing wind 2 turbines. 3 Next slide. 4 As part of our methodology, we sort 5 to identify where there are test sales to study. So 6 generally speaking, these sales are somewhere 7 between a quarter mile to a mile and a half to 8 2 miles away from existing turbines. They need to 9 be arm's length transactions between non-related 10 properties, and they can't be distressed sales. So 11 no foreclosures, short sales, or bankruptcies. 12 Further, we make sure that we don't 13 use any test sales that might be owned by 14 participating landowners. So we make every effort 15 to identify potential participating landowners using 16 data that we'll receive from some of the wind 17 developers, and if we find any, they're excluded 18 from analysis. 19 Once we have test sales and we 20 understand what they are, when they sold, how big 21 they are, how much land they cover, we then go and 22 search for control area sales. We start no closer 23 than 2.7 miles from existing turbine, and we 24 generally try to stay as close as we can to the same</p>

Public Hearing
September 20, 2022

Page 86

1 communities that the test sales are in. We make
2 sure that we find similar properties in terms of
3 construction, vintage, land area, and, of course,
4 improvement size in order to compare those groups to
5 test sales. Again, we're using only arm's length
6 transactions, and we don't use any distressed sales.
7 The point here is we're going to find
8 sometimes one, sometimes a few sales that occur near
9 the existing wind project. These are the test
10 sales. And we're actually going to compare them to
11 multiple control sets. So we have a group of
12 control sets. So instead of just looking at one
13 house against another house, we'll be looking at
14 one, two, or three homes in comparison to seven,
15 eight, nine, or ten homes.
16 And after very minor adjustments for
17 type and market conditions, bringing everything to
18 effectively the same date, we're going to look at
19 their price per square foot, and we're going to look
20 at the median price per square foot in the test
21 group versus the control group, and if there is some
22 kind of negative impact, then we should see that the
23 test sales would have a naturally lower median price
24 per square foot than the control groups, and you

Page 87

1 should see that over and over and over again. So
2 that is the methodology that we employed.
3 I'm going to give you an example
4 that's taken from our report. Next slide.
5 So because this wind development is
6 in between two almost existing wind farms, we have
7 some really nice data to review that's very close to
8 Livingston County. The first one that we looked at
9 is the Pilot Hill Wind Farm, which is Kankakee and
10 Iroquois, and that was developed in 2015, and its
11 total output is about 175 megawatts AC.
12 And you can see the map, and you can
13 see the red dots are all of the existing turbines
14 that were developed. The yellow dots that you see
15 there are test zones that meet our test sale
16 criteria.
17 So the first group actually
18 consists -- if you go to the next slide, Mark, slide
19 10. The first group consisted of three homes, and
20 those three homes combined at a median price per
21 square foot of approximately \$133.13. We identified
22 seven control sales that occurred in nearby
23 communities, but at least 2.7 miles away from any
24 existing turbine. You can see that the gross

Page 88

1 finished living area of the test controls, as well
2 as the land sizes and rough year built and the
3 number of beds and bathrooms are essentially very
4 similar. That's done on purpose. And when we
5 evaluated the median price per square in the control
6 data, we saw that there was only 0.28 percent
7 difference between the median of the test sales and
8 the median of the control sets. So this would
9 indicate that there is no negative impact based on
10 this data set.
11 Next slide.
12 We found two other test sales for the
13 Pilot Hill Wind farm to evaluate. These were built
14 in different eras. So we have a different
15 comparable set. It's more closely related to this
16 particular home's vintage, and, again, we compared
17 this one sale to ten other sales. Again, the gross
18 finished living area and square feet is roughly
19 similar, and the control area sales bracket, the
20 test sale in terms of finished living area, acreage,
21 year built, and bedrooms and bathrooms. And in this
22 circumstance, the differential between the test
23 sales and control sales was 0.59 percent, which is
24 extremely nominal. And, again, we didn't find any

Page 89

1 negative impact.
2 Next slide.
3 We see group three, which, again, is
4 a single home. We evaluated this test sale with
5 seven other homes, again, being consistent in terms
6 of our methodology. And in this instance, we found
7 that the test sale had a higher price per square
8 foot than both the control sales by about
9 6.9 percent, and so the different groups that we
10 studied for the Pilot Hill Wind Farm did not
11 indicate that there was a negative impact as caused
12 by being located closer to turbines than any of the
13 other homes in the general area.
14 So this is a good example of what we
15 do, and I'll report that I believe it was submitted
16 with the application -- details of 11 different
17 studies that we performed both in Illinois, as well
18 as a couple of wind farms in Iowa, and some
19 additional studies that we had conducted previously
20 in the state of Colorado.
21 If you go to the next slide, slide
22 13, you'll see that this is a representation of all
23 of the data that we've reviewed. So we looked at
24 the Pilot Hill Wind Farm. We also examined the

Public Hearing
September 20, 2022

Page 90

1 Kelly Creek Wind Project, and the Camp Grove Wind
2 Farm, as well as the Lee-DeKalb Wind Energy Center,
3 all within Illinois, all in nearby counties to the
4 proposed, and the evaluation of this data indicated
5 that there wasn't a consistent negative impact as
6 caused by any of the wind farms that we studied.
7 In addition to the studies that we
8 conducted, we also performed interviews with local
9 county assessors who see transactions of homes in
10 their back yards associated near existing wind
11 farms.
12 I think turn to slide 14, Mark.
13 You'll see that we have included
14 several of these interviews and individuals who all
15 indicate that not only did they not see differential
16 prices between current values before wind farms were
17 developed and after, but that no -- there's no
18 document and no documentation, and they're not
19 receiving any complaints of how potential changes in
20 the values before and after any of the wind farms
21 were built.
22 Specifically I wanted to call out
23 Shelly Renken, who is the supervisor of assessments
24 in Livingston County, who noted that there was a

Page 91

1 concern of some people about the potential impact,
2 but that she didn't find any documentation that
3 shows that's happening, that values had gone down or
4 up as a result of being near a wind farm. So those
5 are the interviews that we also took into
6 consideration in coming up with our conclusion.
7 Slide 15, Mark.
8 So based on our examination, our
9 research of and analyses of existing wind farm uses,
10 including multiple peer-reviewed studies from other
11 experts and our own studies of wind farm projects,
12 as well as the information provided in interviews
13 with local county assessors who were familiar with
14 transactions near wind farm projects, we don't find
15 any consistent negative impact that has occurred to
16 adjacent property values that could be attributed to
17 the proximity to the adjacent wind farm, and
18 therefore we don't believe that the proposed project
19 will likely cause any negative impact to any of the
20 residents in the proposed area at Livingston County.
21 And with that, I'll conclude my
22 presentation, and I'm happy to answer any questions.
23 FACILITATOR KAINS: Thank you,
24 Mr. Lines.

Page 92

1 Mr. Gershon, do you have any
2 questions of your witness?
3 MR. GERSHON: No questions. Thank
4 you.
5 FACILITATOR KAINS: Questions from
6 members of the zoning board of appeals for
7 Mr. Lines?
8 Yeah. Richard?
9 MR. RUNYON: Richard Runyon.
10 I was wondering if you keep data on
11 why these homes go up for sale?
12 MR. LINES: I didn't hear the
13 question.
14 MR. GERSHON: Andrew, the question
15 was whether you keep data on why these homes are
16 going up for sale.
17 Is that correct?
18 MR. RUNYON: Yes.
19 MR. LINES: So we want to make sure
20 that we are looking at sales that have actually
21 transacted, meaning that they've actually sold in
22 the marketplace. There could be a number of reasons
23 why people decide to put up their sales -- as lists.
24 And as many brokers can tell you, everybody has a

Page 93

1 price. So we know that although many people right
2 now keep putting up their homes for sale, and
3 they're not selling them to be due to the market,
4 not necessarily the fact that they're just near a
5 wind turbine. So we're very specific in that we
6 review actual transactions, and while we do collect
7 data on whether or not, you know, a house might be
8 for sale, ultimately a study test sale can only be
9 one that's actually sold.
10 FACILITATOR KAINS: Any other
11 questions for Mr. Lines?
12 Bill?
13 MR. FLOTT: Yes. Bill Flott.
14 I wonder if you have pictures of the
15 houses particularly in the Pilot Hill, Kankakee,
16 Iroquois County, that study? Do you have pictures
17 of the homes?
18 MR. GERSHON: Andrew, can you hear
19 that question?
20 MR. LINES: I heard the question.
21 We do collect pictures and data
22 points. We keep files on all of the information
23 that we take in, including our targets and controls.
24 I don't have them in the slide deck, but if that is

Public Hearing
September 20, 2022

Page 94

1 something that the board needs, I can make those
2 available to them.
3 MR. FLOTT: Thank you.
4 FACILITATOR KAINS: Yeah. Mr. Lines,
5 would you please make photographs of every home that
6 you've referenced in your testimony? If you could
7 send them to Mr. Gershon, and if you could provide
8 them to the board tomorrow evening. Would that be
9 possible?
10 MR. LINES: I'll do -- our best. My
11 entire staff is in Florida for meetings, but we'll
12 go through and see if we can make this happen as
13 soon as we possibly can.
14 FACILITATOR KAINS: Thank you.
15 Are there any other questions from
16 the board?
17 MS. HUISMAN: Joan Huisman.
18 What were your findings regarding
19 time -- length of time on the market for the
20 properties that had sold, and do you have that
21 analyzed in table format that could be shared with
22 the board?
23 MR. LINES: Yes. We do track all of
24 the data in the market for all of the properties,

Page 95

1 and we make sure that we understand how long they've
2 been. So I can absolutely compile some of this data
3 and show the difference in the average length market
4 between test sales and the control sets.
5 MS. HUISMAN: Okay. Thank you.
6 FACILITATOR KAINS: Mr. Gershon?
7 All right. Are there any other
8 questions for Mr. Lines about his testimony from the
9 board?
10 Questions for Mr. Lines from members
11 of units of local government?
12 Questions for Mr. Lines from licensed
13 attorneys representing interested parties?
14 Any questions for Mr. Lines from any
15 members of the public in the room?
16 And any questions for Mr. Lines from
17 Livingston County staff and consultants?
18 MR. SCHOPP: We have no questions.
19 FACILITATOR KAINS: Thank you, Chuck.
20 All right. Mr. Lines, your testimony
21 has concluded. However, please be advised that
22 there may be additional questions from the zoning
23 board that may be asked of you at a later time. We
24 will work with Mr. Gershon in the event we have

Page 96

1 questions for you. We will work with him on getting
2 you on the line to answer additional questions.
3 MR. LINES: Understood. Thank you
4 very much.
5 FACILITATOR KAINS: Very good. Thank
6 you.
7 All right. Mr. Gershon, you may call
8 your next witness.
9 MR. GERSHON: Let me turn this off so
10 I don't have reverb. I apologize.
11 I'd like to take us back up to -- if
12 you look for Sylvia Gibson and Steve Powell who are
13 with EDF Renewables. Sylvia is a regional senior
14 director of asset optimization, and Steve Powell is
15 EDF Renewables regional operations manager of asset
16 optimization. I'm moving Sylvia up because while
17 Steve will be here tomorrow to answer questions,
18 Sylvia unfortunately cannot be. So I want to make
19 sure that if you had questions for her, you could
20 ask those this evening.
21 FACILITATOR KAINS: All right. Very
22 good. Thank you.
23 MR. GERSHON: I think testimony will
24 be primarily from Sylvia, but I assume you'd like to

Page 97

1 swear them both in.
2 FACILITATOR KAINS: Yes. First of
3 all, Ms. Gibson, if you would raise your right hand
4 and be sworn.
5 (Witness sworn.)
6 FACILITATOR KAINS: And, Mr. Powell,
7 if you would raise your right hand and be sworn.
8 (Witness sworn.)
9 FACILITATOR KAINS: All right.
10 Mr. Gershon, you may proceed with questioning of
11 your witnesses.
12 SYLVIA GIBSON,
13 of lawful age, being produced and sworn, testifies
14 and says:
15 MS. GIBSON: Good evening to the
16 board and to the general public. Thank you for
17 having me here today.
18 I am here primarily to support my
19 development team with respect to sharing with you
20 who we are as an organization and what we do.
21 FACILITATOR KAINS: Ms. Gibson, if I
22 could interrupt you and just have you state your
23 name, spelling first and last names for the record,
24 please.

Public Hearing
September 20, 2022

Page 98

1 MS. GIBSON: Of course. My name is
2 Sylvia Gibson. S-Y-L-V-I-A, G-I-B-S-O-N.
3 FACILITATOR KAINS: Thank you, ma'am.
4 MS. GIBSON: So I represent the Asset
5 Optimization North Region, and I've been with the
6 company for about 12 years. My focus is on
7 optimizing performance of profitability of renewable
8 energy assets in my region and overall success.
9 My group is working on various
10 projects in the north, from Illinois to Minnesota,
11 and we basically perform asset management and
12 operations and maintenance.
13 I have one of my members of my team
14 with me, Steven Powell. He's been with the company
15 for over 23 years. He basically manages teams in
16 the north region, one of the areas of the north
17 regions. And he oversees about five teams today of
18 site managers and technicians, and this project
19 coming online would be in his jurisdiction, and he
20 would be overseeing this Livingston project once it
21 goes into operations.
22 Next, please.
23 So what we do and who we are. Asset
24 optimization is just a portion of EDF Renewables.

Page 99

1 We have about 655 employees. About 400 of those
2 employees are people supporting projects, operation
3 and maintenance people, working on the sites. We
4 have about 7.8 gigawatts in assets under management,
5 meaning we manage their regulatory compliance,
6 contracts. We are trying to assure commercial
7 success and financial performance as well as
8 operational performance.
9 We also have an operation control
10 bank, or control center, in San Diego where we have
11 monitoring of about 10.4 gigawatts of all assets in
12 North America, not only in the U.S.
13 For me, from my perspective, the
14 north region has about 1,600 megawatts of installed
15 capacity, and we are expected to grow about 2.5
16 gigawatts between years 2024 and 2027. The north
17 region is supported by a hundred-plus employees.
18 And as I said -- as I mentioned
19 before, we do asset management, procurement,
20 operation and maintenance. We also have monitoring,
21 and we have a bunch of support teams to make sure
22 that the wind farms and solar farms are successful.
23 Next, please.
24 Now, let me tell you something about

Page 100

1 our company because I think it is very critical for
2 you to understand. You know, we have a purpose and
3 a mission, and it is our purpose, our company
4 purpose, not only as an organization to save the
5 planet and drive well-being and economic development
6 in our communities, and we basically -- we live by
7 our core values. Core values are very critical to
8 us, and you see it's very unusual for a company to
9 actually have seven of them. Safety, good sense,
10 accountability, transparency, teamwork, respect, and
11 passion. We are all about it. In fact, when I
12 actually interview people, I first try to understand
13 their character and if they belong with our company,
14 if they can live by their values.
15 We build relationship with our
16 communities, and we basically uplift them
17 economically by being there from taxes, to landowner
18 payments. We help communities.
19 Next, please.
20 Now, as I said, safety is one of our
21 core values, and it's the number one core value. We
22 have an extensive safety program. We have safety
23 KPS (phonetic). We have values training that we try
24 to make sure that our employees actually adhere to

Page 101

1 and go through. It's very critical for a company to
2 actually make sure that all people go back home
3 safe, unharmed, and they go back to their families.
4 We have emergency preparedness and
5 response plans. We work with community energy
6 services. We are a very responsible entity,
7 company.
8 Next, please.
9 As you've heard before, this project
10 will help this community build new jobs, and
11 we -- our organization is responsible for taking on
12 those projects when they go into commercial
13 operations, which is projected to be about the '25,
14 '26 year.
15 Prior to -- prior to the project
16 going commercial operations, meaning that all the
17 construction has been finished and we are energized,
18 we actually conduct interviews within the community,
19 and we offer jobs to local members interested in
20 becoming wind technicians and gain the experience.
21 We have a very good training program. I'll talk
22 about it in a few seconds, but primarily the jobs
23 that are actually supporting the project are of
24 those who are on-site. So site manager, he assures

Public Hearing
September 20, 2022

Page 102

1 personal safety, he guides and coaches people, and
2 he interfaces with the landowners when -- especially
3 when we have maintenance issues, and we have to
4 replace a gear box. There are specifications for
5 landowners where we have to pass when we're going to
6 potentially get a truck, when this is going to
7 happen, how it's going to happen. We make sure that
8 we reimburse the landowners at the time for
9 the damaged craft, as is necessary obviously.
10 Before the landowner actually receives the payment,
11 we actually validate what sort of craft there was on
12 the acreage, on the land. We make sure that the
13 landowner is actually in agreement with the area
14 that was damaged, and we work with them to make sure
15 that contracts are satisfied and everybody is happy.
16 We also hire lead technicians who go
17 through the training program, and the training
18 program is pretty extensive. It has -- it has
19 various components from basic safety to systems
20 training, to an opportunity for a technician to
21 become a senior technician, advanced technician,
22 senior technician, multi-platform technician. You
23 name it, we have it.
24 And then later when somebody wants to

Page 103

1 move on with their career and change -- or maybe
2 expand their expertise, we give them opportunities
3 to potentially transition into other forms or with a
4 different equipment or technology or solar plants.
5 So we also have asset managers. I
6 used to be one when I actually hired -- got hired to
7 the company 12 years ago, and our responsibility is
8 to make sure that, you know, all financial,
9 commercial, and contractual compliance actually
10 happens, that we adhere to permits, that communities
11 are satisfied, that all the state holders, not
12 only investors, are satisfied, and those
13 communications are ongoing, and local, federal, and
14 state -- you know, authorities are in sync with what
15 we are doing, and we are compliant.
16 It's very critical that we are also
17 at the same time doing the right thing, we actually
18 extract the highest value from the project. We want
19 these turbines to run.
20 We -- and as you've heard before, as
21 we hire on-site personnel, we also provide
22 opportunities for local businesses to actually
23 contribute to the ongoing maintenance of the
24 project. We always have to -- we have to do weed

Page 104

1 abatement. We have to do snow removal. We have to
2 fix the roads. There's various things that we need
3 support on, including drain tile repairs or
4 high-voltage support.
5 Next, please.
6 I just mentioned to you that we
7 have -- we have -- we're going to have positions for
8 technicians, and they will have the opportunity to
9 learn and train. Our technician training program is
10 certified by a global organization. That's very
11 important and critical for you to know. We have
12 different training sessions that are scheduled on an
13 ongoing basis. New technicians that are onboarding
14 from various placements throughout the country come
15 and join and go through the program. The technician
16 at first is expected within 21 days to basically
17 have a general technician training and then complete
18 its advanced technical training within six months.
19 The advanced technical training allows them to
20 perform preventative maintenance on the turbines.
21 That doesn't qualify them. They have to actually
22 troubleshoot and repair the turbines. It comes
23 along later. You have to get more experience and
24 potentially have more additional training, but it's

Page 105

1 a fantastic opportunity for people to actually, you
2 know, change their careers and develop new
3 experience.
4 Next, please.
5 One more time. What is this meaning
6 to be a technician? When you are a technician, you
7 basically perform semi-annual and annual
8 maintenances, and those maintenances involve various
9 things from inspecting up-tower and down-tower
10 components, to grease application, and equipment
11 alignment, torquing and so on, and they also have to
12 sometimes perform unscheduled maintenances, those
13 that we don't plan for. We have failures, which
14 happens. And, like I mentioned, landowners
15 sometimes get impacted by that. They get pretty
16 skilled the longer they're with us, the more they
17 learn. And sometimes when we have adjacent projects
18 with similar platforms, we create synergies, and we
19 have each other and other projects to support the
20 maintenance of the turbines.
21 So in a nutshell, we are here to
22 serve the community and the business. We represent
23 a team of hard-working people that are very
24 committed and very -- and strongly believing in our

Public Hearing
September 20, 2022

Page 106

1 mission, our purpose, and our core values.
2 And on that note, I think that's it
3 for me.
4 FACILITATOR KAINS: Thank you,
5 Ms. Gibson.
6 Mr. Gershon, do you have anything
7 else to ask Ms. Gibson?
8 MR. GERSHON: No further questions.
9 Thank you.
10 FACILITATOR KAINS: Do you have
11 anything for Mr. Powell?
12 MR. GERSHON: No. Mr. Powell is,
13 again, here. Both of their questions would also be
14 questions you can do tomorrow.
15 FACILITATOR KAINS: Very good. Thank
16 you.
17 Members of the zoning board of
18 appeals, questions for Ms. Gibson or Mr. Powell?
19 MS. HUISMAN: Joan Huisman for
20 Ms. Gibson.
21 Is your operational department the
22 department that works with local fire departments
23 for safety, on-site safety, or training of the local
24 fire protection districts in the event of an

Page 107

1 emergency, a fire, or other catastrophe on-site?
2 MS. GIBSON: So we have a safety
3 department, health and safety department, which
4 actually prior to a project's operations, develops
5 all the plans in accordance with the permit, and we
6 make sure that outside managers and the safety
7 departments are closely connected, and the project
8 is ready to work with those teams and those local
9 authorities.
10 MS. HUISMAN: So would that be a
11 different part of the presentation or --
12 MS. GIBSON: I mentioned about
13 safety. Safety was one of my slides, and I
14 mentioned that the safety team or as I --
15 MR. GERSHON: If I understood the
16 clarification, Scott Wentzell has been working with
17 the local fire departments. I'd be happy to call
18 him up to answer the questions if you have them.
19 MS. HUISMAN: Okay. I just wanted to
20 make sure that someone -- as part of the ordinance,
21 that someone's been in contact with the local fire
22 protection districts, and if there's training
23 provided, and if so, if we could hear more details
24 about that. If it's a future time during the

Page 108

1 presentation, that's fine.
2 MR. GERSHON: We'll bring up Scott
3 later to do that. Thank you.
4 FACILITATOR KAINS: Any other
5 questions for Ms. Gibson or Mr. Powell from the
6 board?
7 Questions for Ms. Gibson or
8 Mr. Powell from units of local government?
9 Questions for Ms. Gibson or
10 Mr. Powell from licensed attorneys representing any
11 interested parties?
12 Questions from the general public?
13 And questions from Livingston County
14 staff and consultants?
15 MR. SCHOPP: We have no questions.
16 FACILITATOR KAINS: Thank you, Chuck.
17 All right. Thank you, Ms. Gibson,
18 Mr. Powell, and, Mr. Gershon.
19 Just a reminder, Mr. Powell, if you
20 will be here tomorrow night, if there are additional
21 questions, we understand that Ms. Gibson is not
22 going to be here, but if there are questions, they
23 will be directed to Mr. Powell and perhaps to
24 Ms. Gibson, and we can work that out, Mr. Gershon.

Page 109

1 Just that reminder.
2 All right. You may call your next
3 witness.
4 MR. GERSHON: Thank you. At this
5 point, I'd like to call Rhett Good with Western
6 EcoSystems. He's a senior biologist. And we are
7 back up to where we were when we moved the order of
8 the slides, but, again, we'll go to this slide.
9 And Rhett will, in part, be talking
10 about our Exhibit Number 25, which is the Western
11 EcoSystems Technology report.
12 FACILITATOR KAINS: All right. Thank
13 you.
14 Mr. Good, would you please raise your
15 right hand and be sworn.
16 (Witness sworn.)
17 FACILITATOR KAINS: All right.
18 Mr. Good, please state your name, spelling your
19 first and last name for the record.
20 RHETT GOOD,
21 of lawful age, being produced and sworn, testifies
22 and says:
23 MR. GOOD: Yes. My name is Rhett
24 Good. R-H-E-T-T. Last name is G-O-O-D.

Public Hearing
September 20, 2022

Page 110

1 FACILITATOR KAINS: You may proceed.
2 MR. GOOD: Okay. Yes.
3 Well, thanks for your time tonight.
4 My name is Rhett Good. I'm a senior biologist and a
5 certified wildlife biologist with WEST Incorporated.
6 I've been involved in studies assessing the impacts
7 of wind energy to wildlife for 24 years now,
8 starting in Wyoming, and working the last 14 years
9 here in the Midwest.
10 I'm going to be talking today about
11 some studies that we completed in assessing wildlife
12 and also addressing some of the questions you had
13 about M-8.
14 So we've completed a number of
15 studies on-site. These studies were in compliance
16 with several guidance documents that have been
17 developed on how the assessed risk of wind projects,
18 including the U.S. Fish and Wildlife Service's
19 land-based guidelines, as well as the eagle
20 conservation plan guidance. Some of the studies we
21 have completed included the tier 2 site
22 characterizations that Taylor described earlier. We
23 also have mapped habitat on the site that helped
24 guide some of the setbacks that the DNR

Page 111

1 recommend -- recommends. We've also completed
2 multiple years of avian use surveys and eagle nest
3 surveys on site.
4 I mentioned that multiple years of
5 studies have been completed. These are based on the
6 recommendations from the Fish and Wildlife Service,
7 and it's a substantial effort. Over two years, we
8 completed 748 hours of avian use surveys on-site at
9 24 different point count locations.
10 Next slide.
11 I'm just going to briefly go over
12 some of the key findings from our studies. Probably
13 the first, and most importantly, is the project
14 really lacks a lot of important habitat for birds.
15 Over 99 percent of the project consisted of tilled
16 agriculture and developed areas, mowed grasslands
17 that really don't provide high-quality habitat for
18 birds. During our two years of study, we found
19 relatively low rates of use by bald and golden
20 eagles.
21 Just as a rough point of example, our
22 technician had to complete surveys for roughly 57
23 hours before they observed a single bald eagle,
24 which is a really low rate of use. There were no

Page 112

1 bald eagle nests recorded near the project, and the
2 overall use of the project by birds is really
3 similar to other wind energy projects that we've
4 been involved with in Illinois that are in
5 agricultural landscapes.
6 Next slide.
7 Use by Illinois threatened and
8 endangered species was low, except for one species,
9 the northern harrier. This is a species we see at
10 most wind projects in Illinois, and they really are
11 not very vulnerable to turbine collisions because
12 they fly very low to the ground. It's part of their
13 ecology and how they hunt.
14 Interestingly, we did observe two
15 whooping cranes, which is an endangered species.
16 Whooping cranes, despite being endangered, you know,
17 were observed. I guess it shows the quality of our
18 observers on-site. But one important thing to note
19 is whooping cranes regularly fly over wind projects
20 throughout the Midwest, and to date no fatalities
21 have been recorded in the projects. Those two birds
22 were not observed using the facility on the ground.
23 They were flying over. So the risk to whooping
24 cranes appears to be relatively low. They appear to

Page 113

1 be able to see and avoid the turbines.
2 Another piece of evidence we used to
3 assess risk are what sort of fatalities we observed
4 at nearby wind projects, and to date no threatened
5 or endangered bird species have been found as
6 fatalities at nearby wind-energy facilities.
7 Regarding bats, you know, similarly,
8 I think it's important to note that the project
9 really lacks important habitat for bats. Very
10 little forest is present. Currently no
11 species -- no species currently listed as threatened
12 or endangered have been found as fatalities at
13 nearby wind projects.
14 There is one species that's currently
15 proposed for listing, the tri-colored bat, that has
16 been found in a number of facilities in Illinois.
17 However, impacts to this species will be reduced by
18 following IDNR recommendations for curtailment.
19 I'll talk about that a little more later.
20 And I guess similar to other wind
21 energy projects -- although the project lacks
22 habitat, every wind project in Illinois has risks to
23 the migratory tree bat species. Again, I want to
24 talk about some of those measures the project will

Public Hearing
September 20, 2022

Page 114

1 use to reduce the impact.
2 One of the most important measures
3 the project is using to reduce the bats are
4 following the IDNR recommended setbacks, and so for
5 all turbines, except one location, the project is
6 able to follow IDNR recommendations for setting back
7 from streams and forested areas.
8 One turbine -- the one turbine that
9 is an exception is labeled as M-8, and I believe
10 it's part of my -- or a couple of landowners who own
11 the land at M-8 have submitted letters in support of
12 this --
13 MR. GERSHON: If I could interrupt
14 for a moment.
15 Our Exhibit Number 24 is both the
16 EcoCAT review done by ID -- the Illinois Department
17 of Natural Resources, and at the back of that,
18 you'll find a letter from Judith and Robert Rose to
19 the county board, regarding such turbine M-8 that
20 we've been discussing.
21 MR. AHMAD: Syed Ahmad. Just a quick
22 question regarding the exhibits in this
23 presentation. Are we referencing both 24 and both
24 25?

Page 115

1 MR. GERSHON: Yes, we are.
2 MR. AHMAD: Thank you.
3 MR. GOOD: Regarding turbine M-8. So
4 the IDNR recommends a setback of a thousand feet
5 from forested areas that are also located along
6 creeks known as forested areas. Turbine M-8 is
7 located closer to the thousand feet, but there will
8 be no forest impacted by the construction of the
9 project, and I think it's important to note that
10 this forested area really is very low quality. It's
11 very small. It meets just a very minimum size that
12 would qualify for a recommendation from the DNR.
13 And the forest, it really is not very mature.
14 So you add all this up, and there's
15 really limited evidence that setting back the forest
16 is a strong measure for reducing impacts to birds,
17 and we don't anticipate obtaining variance to M-8 to
18 be a significant impact to birds or bats.
19 And along with all that, the project
20 will undergo three years of post-construction
21 monitoring to determine if those predictions are
22 correct.
23 So I did allude to some of those
24 measures earlier that the project is using to reduce

Page 116

1 impacts. I guess I've said this twice, but I think
2 it's important to point out again that -- and the
3 most important is that where this project has been
4 sited, it really lacks important habitat for birds
5 and bats. Again, over 99 percent of the project
6 area lacks high-quality habitat for birds and bats.
7 All but one of the turbines are sited per the
8 Illinois DNR recommendations.
9 I did mention earlier that every
10 project in Illinois has impact of migratory tree
11 bats. So this is the reason why the Illinois DNR
12 recommends curtailment. So the project is committed
13 to follow -- either following the IDNR
14 recommendations for reducing impacts to bats, or
15 developing an approved adaptive management strategy
16 in coordination with the Illinois DNR that might
17 make use of some recent research completed at
18 surrounding facilities that will reduce bats impacts
19 to similar levels, but do it in a different way.
20 And then, finally, the Illinois DNR
21 has recommended three years of post-construction
22 monitoring. So, you know, those studies will be
23 used to determine if the fact that the impact
24 predictions are correct.

Page 117

1 That's all I have.
2 FACILITATOR KAINS: Mr. Gershon, do
3 you have any additional questions for Mr. Good?
4 MR. GERSHON: No additional
5 questions. Thank you.
6 FACILITATOR KAINS: Questions for
7 Mr. Good from the zoning board of appeals?
8 MS. HUISMAN: So I look in the letter
9 that's included in Exhibit 24, that there's a list
10 of the state protected lands that are within the
11 project vicinity. Did you contact any of the
12 parties that either own or have been responsible for
13 developing those protected lands in trying to, I
14 guess, "develop" is the best word I can come up
15 with, and encourage not just birds and bats, but
16 other species of pollinators or other
17 protected -- any kind of, I guess, even amphibians?
18 I mean, would these have an impact in your
19 professional opinion? Would it have an impact on
20 those -- anything other than birds and bats?
21 MR. GOOD: Right. Okay. Yeah, I
22 think I'm following your question.
23 So, yeah, the DNR recommends -- and I
24 did mention those. I'm glad you brought those up.

Public Hearing
September 20, 2022

Page 118

1 So the Illinois DNR did recommend
2 setbacks from -- I think some cemetery prairies and
3 railroad prairies that do provide, I think, some
4 remnant prairie and also provide habitat for some
5 insects and such. The project is complying with the
6 Illinois DNR recommendations for setting back from
7 those. It's 1 mile from official nature preserves,
8 and I believe a quarter of a mile from Illinois
9 natural inventory areas. So Illinois DNR feels like
10 that's a measure to use to reduce impacts to all
11 wildlife, not just birds and bats.

12 MS. HUISMAN: And so with respect to
13 those protected lands, are there -- are the
14 turbines -- are the turbines close to each one of
15 those? I mean, I have a particular interest in the
16 Gardner Prairie Reconstruction, wondering if you
17 spoke with Mr. Gardner or the other educators that
18 take kids out there and encourage kids to become
19 educated on the species that are actually present in
20 those prairie areas?

21 MR. GOOD: No, we have not contacted
22 Mr. Gardner.

23 MS. HUISMAN: So it's your testimony
24 that there's no impact on any of the other species,

Page 119

1 or you just studied birds and bats within the
2 footprint of this proposed wind farm?

3 MR. GOOD: Well, like I said, I think
4 Illinois DNR takes all of those potential impacts
5 into account when they're recommending setbacks.
6 So, you know, the DNR is concerned about, you know,
7 pollinators, potential impacts to the aquatic
8 resources, and all that is wrapped into their
9 recommendations. So the project has complied with
10 all the Illinois DNR recommendations from those
11 properties you're mentioning.

12 And, yeah, I don't really
13 anticipate -- in my experience, I've never seen any
14 sort of impact of pollinators, aquatic species from
15 wind turbines.

16 We were part of one study -- there
17 was one study in Illinois that actually addressed
18 that. It was part of some county requirement in
19 McLean County. And I think there was a lot of
20 concern that the vibration noises would transfer in
21 the water and have an impact to those listed aquatic
22 species in the area. It turns out that those
23 vibration sounds didn't even travel far enough to be
24 recorded by sound operators, and since that study,

Page 120

1 DNR has retracted some of the recommendations for
2 aquatic.

3 So that's a long way of saying I
4 don't -- I don't believe there's going to be impact
5 to other species, especially given the setbacks of
6 the project they're using.

7 MS. HUISMAN: With regard to that
8 turbine M-8, the one that doesn't meet the setback
9 requirement, did you review any -- the siting of
10 that turbine with anyone from IDNR?

11 MR. GOOD: We have not reviewed that
12 turbine specifically with the DNR, no.

13 MS. HUISMAN: Okay. Is it possible
14 to not locate that turbine there, and that there's
15 no other spot on that property in which the
16 to-be-located turbine that would be -- would meet
17 the setback requirement, recommendation?

18 MR. GOOD: Scott can address that
19 one.

20 MS. HUISMAN: Okay. If you want to
21 address it later, that's fine.

22 That was all I had.

23 FACILITATOR KAINS: Very good. Thank
24 you, Madam Chair.

Page 121

1 Any other questions for Mr. Good from
2 the board?

3 Questions from members of units of
4 local government?

5 Questions for Mr. Good from licensed
6 attorneys representing interested parties?

7 Questions from any member of the
8 public?

9 And questions from Livingston County
10 staff and consultants?

11 MR. SCHOPP: We have no questions at
12 this time.

13 FACILITATOR KAINS: Thank you, Chuck.

14 All right. Mr. Good, you may step
15 down, but keep in mind that we may have questions
16 for you tomorrow.

17 MR. GOOD: Okay. Thank you.

18 FACILITATOR KAINS: All right. Very
19 good.

20 MS. HUISMAN: We were just briefly
21 discussing the timing and whether or not we could
22 get to another witness. It's 8:58 at this point in
23 time, and the zoning board members need to look at
24 some dates for future hearings. So I think we're

Public Hearing
September 20, 2022

Page 122

1 going to call recess to tonight's hearing, and we'll
2 reconvene tomorrow night at 6:00 o'clock, the same
3 location, for everyone that's interested.

4 All right. Thank you. I appreciate
5 your time tonight, and we'll be in recess.

6 MR. GERSHON: Thank you. We
7 appreciate your time and consideration.


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9 (Hearing ended 9:00 p.m.)

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Page 123

1 CERTIFICATE OF REPORTER
2 I, Ann Marie Hollo, Certified
3 Shorthand Reporter, Registered Diplomate Reporter,
4 and Certified Realtime Reporter, within and for the
5 State of Illinois, do hereby certify that the
6 foregoing hearing was taken by me to the best of my
7 ability and thereafter reduced to typewriting under
8 my direction; that I am neither counsel for, related
9 to, nor employed by any of the parties to the action
10 in which this hearing was taken, and further that I
11 am not a relative or employee of any attorney or
12 counsel employed by the parties thereto, nor
13 financially or otherwise interested in the outcome
14 of the action.

15
16 Dated this 26th day of September,
17 2022.

18
19
20 
21 Certified Shorthand Reporter
22 State of Illinois

23
24

32 (Pages 122 to 123)

<p>A A-L-L-E-N 66:3 A-N-D-R-E-W 80:8 A&M 71:17 abatement 104:1 ability 49:13 53:2 123:7 able 57:3 61:10 61:23 72:4,18 113:1 114:6 above-ground 7:18 Absent 6:17 absolutely 49:15 49:16 81:17 95:2 AC 87:11 academics 84:4 accepted 5:24 25:17,17 access 21:21 34:10 35:19 36:1 62:1 accommodate 13:18 accompanying 7:18 accomplish 72:18 account 57:12 59:15 119:5 accountability 100:10 accrue 43:15 accurately 53:2 acre 38:7,8 43:1 43:8 acreage 88:20 102:12 acres 29:9,11 30:8 37:20,22 38:5 43:10 action 123:9,14</p>	<p>actively 30:1 45:17 46:4 activities 66:16 activity 68:4,9 actual 13:21 20:14 34:7,22 93:6 adaptive 74:15 116:15 add 12:19 59:11 61:13 62:16 115:14 addition 16:7 23:13 39:10 42:11,16 84:2 90:7 additional 9:24 11:14 21:19 26:19 42:24 69:12,13 72:17 89:19 95:22 96:2 104:24 108:20 117:3,4 Additionally 43:17,24 address 76:17 120:18,21 addressed 119:17 addressing 66:8 110:12 adhere 100:24 103:10 adjacent 8:12 23:16 32:22 37:15 38:21,22 39:3,5,11 48:22 91:16,17 105:17 adjust 36:14 adjustments 86:16 admit 10:18 admitted 24:18 advanced</p>	<p>102:21 104:18 104:19 advances 19:23 advised 95:21 advisory 78:19 80:14,17 AEP 20:7 aerospace 52:19 affiliate 18:12 19:5 affirm 65:18 affirmation 10:14 12:24 affirmed 11:17 affordable 82:7 afternoon 3:19 3:19 age 17:2 51:22 65:21 71:5 80:5 97:13 109:21 agencies 59:4 74:1,13 75:16 agency 72:23 73:22 ago 81:5 103:7 AGREED 5:1 agreement 34:23 35:3 45:19 46:13,17 47:8 102:13 agreements 32:10 34:17 45:10 46:11 47:12 agricultural 112:5 agriculture 30:18 46:12,16 47:7 111:16 Ahmad 4:7 5:21 16:6 46:22 114:21,21 115:2 air 57:4</p>	<p>airplane 69:4 airports 57:20 akeyt@heylo... 4:20 Alex 4:17 aligned 42:10 aligning 36:16 alignment 105:11 aligns 74:20 Allen 2:4 4:18 65:14,16,20 66:2,2,5,12 69:16,18,23 70:2,4,6,12 allow 7:20 8:11 14:3 15:16 21:10 30:2 allowed 11:4 14:14 15:20 allowing 52:8 allows 22:8 62:4 74:16 104:19 allude 115:23 Amazon 20:9 America 99:12 American 19:1 53:5 amount 29:8 59:1 60:9 amphibians 117:17 analyses 82:6,20 84:3,10,13 91:9 analysis 25:5 28:20 57:1 73:4 79:20 85:18 analysts 58:17 58:18 analyze 73:15 analyzed 84:4 94:21 analyzes 82:20</p>	<p>analyzing 52:21 83:5 ancillary 21:19 38:2 Andrew 2:6 4:17 78:17 79:2,22 80:4,7 83:14 92:14 93:18 Ann 1:24 3:21 4:21 5:3 123:2 announce 10:2 annual 105:7 annually 30:10 anonymous 25:8 answer 5:23 39:21 91:22 96:2,17 107:18 answered 27:11 answers 29:4 anticipate 75:18 115:17 119:13 anytime 49:13 apologize 96:10 appeals 1:1,11 3:1,8,15,24 4:7 5:12,14,23 6:5 6:20 8:19 9:4 9:12 10:19 48:9 49:18 63:13 64:9 69:18 76:11 77:2 92:6 106:18 117:7 appear 112:24 appears 112:24 applicable 7:24 21:17 applicant 7:21 11:1,2,5,12,20 11:22 12:6,9 12:16 13:3 14:21 15:14 applicants 9:8 application 7:5 7:6,13,19 13:7</p>
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13:9 14:17 15:23,24 24:18 24:20 25:24 26:1,16 32:24 33:18 37:19 41:22 89:16 105:10 applications 7:22 8:18 9:19 Applied 83:21 apply 10:20 67:7 appointed 81:4 appraised 82:1 appraiser 81:1,6 81:7,24 82:23 appraisers 81:10 83:2 84:4 appreciate 15:7 122:4,7 appreciation 82:22 84:24 approach 72:21 74:15 82:12 84:12 approached 32:7 appropriate 27:9 61:11 appropriately 58:24 61:13 approval 8:8 9:2 24:14 25:8 approvals 24:13 25:4 approved 27:12 28:17 116:15 approximately 8:15 13:20 18:6 29:9 30:9 87:21 aquatic 119:7,14 119:21 120:2 archaeological 74:23	archeological 74:24 area 7:17 9:6 23:11 35:7 38:5,23 52:20 54:17,19 59:14 63:21,22 64:1 64:1 75:2 82:19 83:4 85:22 86:3 88:1,18,19,20 89:13 91:20 102:13 115:10 116:6 119:22 areas 63:20 64:5 71:21 98:16 111:16 114:7 115:5,6 118:9 118:20 argument 13:4 arives@heylr... 4:20 arm's 85:9 86:5 Army 75:24 Article 27:14 asked 22:22 39:19 41:16 95:23 asking 14:11 51:10 aspects 19:19 20:11 assess 67:10 68:19 113:3 assessed 110:17 assessing 73:10 110:6,11 assessment 52:14,21 assessments 72:22 90:23 assessors 90:9 91:13 asset 19:15 20:16,18 96:14	96:15 98:4,11 98:23 99:19 103:5 assets 98:8 99:4 99:11 assist 10:10 associated 71:22 90:10 assume 96:24 assure 99:6 assures 101:24 attend 33:9 attendants 43:22 attorney 5:18,22 16:6 50:19 51:2 123:11 attorneys 11:8 11:19 12:6 15:9 50:16 64:23 70:3 77:6 95:13 108:10 121:6 attributed 91:16 audience 35:21 50:10,24 55:18 55:24 56:4 auditorium 8:3 authorities 103:14 107:9 available 8:19 9:20 24:19 40:6 41:10 63:20 72:8 94:2 Avenue 3:21 8:3 average 23:14 30:10 42:22 61:7 95:3 averages 38:6 avian 73:18 111:2,8 avoid 15:16 46:6 113:1 aware 5:16	B B 4:2 34:21 62:4 back 22:3 30:13 31:6 37:12 41:18,18 58:21 58:24 67:13 68:11,21 78:8 90:10 96:11 101:2,3 109:7 114:6,17 115:15 118:6 background 25:15 66:15 71:17 backing 19:13 backups 21:9,9 bad 43:4 balance 44:3 61:20 62:15 bald 73:2 111:19 111:23 112:1 bank 99:10 bankruptcies 85:11 base 38:1 42:19 69:1 based 25:18 32:10 35:9 49:18 74:16 88:9 91:8 111:5 basic 14:1 102:19 basically 98:11 98:15 100:6,16 104:16 105:7 basis 31:19 33:22 104:13 bat 72:24 74:7 74:14 113:15 113:23 bathrooms 88:3 88:21 bats 113:7,9 114:3 115:18	116:5,6,11,14 116:18 117:15 117:20 118:11 119:1 becoming 101:20 bedrooms 88:21 beds 88:3 began 32:3,21 33:3,7 beginning 31:15 34:6 begins 31:13 53:10 62:19 believe 26:3 29:10 34:18 38:10 39:7,13 42:9 89:15 91:18 114:9 118:8 120:4 believing 105:24 bell 69:6 82:24 83:3,5 Bell's 83:16 belong 100:13 below- 7:17 Ben 15:13 benefit 27:1 benefiting 43:12 benefits 42:6 43:13 44:14 59:17 Benjamin 4:12 best 54:15 56:23 59:4,5 94:10 117:14 123:6 best-manage... 66:17 better 15:1 45:4 53:1 56:3 beyond 30:23 53:16 bids 40:18 big 85:20 Bill 6:13 48:18
---	--	---	--	---

48:20 93:12,13 binder 14:18 24:24 26:7 78:19,21 Binders 8:17 biological 72:13 biologist 109:6 110:4,5 biology 71:17 bird 72:23 74:7 74:14 113:5 birds 111:14,18 112:2,21 115:16,18 116:4,6 117:15 117:20 118:11 119:1 bit 15:5 19:17 25:10 27:6,14 31:10 45:16 55:16,18 58:6 58:11 78:17 81:14 bjacobi@polsi... 4:15 blades 53:14 56:20 68:6 blossomed 31:17 blowing 60:12 blue 28:24 35:3 board 1:1,11 3:1 3:8,15,23 4:3,4 4:7 5:12,14,22 6:5,20 8:19 9:4 9:12,15,17 10:19 13:12,13 14:18 16:10 17:6 24:21 25:23 48:9,13 49:9,12,17,21 50:6 63:12 64:8,13 69:17 76:11,13 77:1 81:6,16 92:6 94:1,8,16,22	95:9,23 97:16 106:17 108:6 114:19 117:7 121:2,23 boards 82:4 boat 59:24 Boulevard 4:8 4:18 bound 47:5 boundaries 31:24 boundary 32:7 33:5 57:24 box 82:7 102:4 bracket 88:19 breached 66:22 break 13:18 78:2,5 brief 78:2 briefly 19:17 111:11 121:20 bring 108:2 bringing 86:17 broach 31:15 broad 23:4 31:19 32:17 43:13 73:6 broader 19:5 31:21 44:21 broadly 47:20 55:7 brokers 92:24 brought 117:24 Broughton 7:11 18:4 21:4 23:5 23:11 37:8 build 20:14,24 23:17 53:2,23 54:14 57:9 58:15 63:22,24 63:24 67:22 100:15 101:10 buildable 59:14 64:1,4 building 59:19	59:20 built 20:15 88:2 88:13,21 90:21 bullets 22:16 bunch 99:21 business 105:22 businesses 80:20 103:22 buy 41:4 buying 40:21 <hr/> C <hr/> C 4:1 cable 62:5 cafeteria 10:7 calculus 38:11 call 5:10 6:7 51:12 65:11 70:14,15 74:7 78:12 90:22 96:7 107:17 109:2,5 122:1 called 11:4 82:24 calling 77:23 Camp 90:1 campaign 31:19 capable 59:19 capacity 99:15 car 40:21,24 41:4 Carbon 4:23 care 56:5 career 103:1 careers 105:2 case 1:14 3:11 7:5 8:6,9,22,23 9:2 15:17 75:4 cases 8:6 9:6,10 21:14 36:15,18 40:1 catastrophe 107:1 catch 42:3 cause 3:22 91:19	caused 45:7 89:11 90:6 cell 13:23 cement 43:21 cemetery 118:2 center 7:16 35:12 58:5 90:2 99:10 Central 23:13 certain 3:22 56:17 61:7 certainly 26:4 27:3 CERTIFICATE 123:1 certified 5:3 61:6 81:1,23 104:10 110:5 123:2,4,21 certify 123:5 cetera 24:22 31:2 32:23 33:1 43:22 44:7 chain 43:21 chair 5:13 49:16 50:1 77:24 78:11 81:6 120:24 Chairperson 4:3 challenges 21:10 36:3 change 57:5 60:23,23 78:16 103:1 105:2 changes 46:2 56:21 90:19 chaotic 61:1 character 100:13 characterizati... 110:22 Charles 4:5 Chicago 4:14 80:16	chief 83:4 chose 32:5 38:12 Chuck 51:9 77:21 95:19 108:16 121:13 circumstance 88:22 clarification 107:16 classification 50:21 Clean 53:5 clear 44:6 clearly 55:17 close 6:2 10:2 78:15 85:24 87:7 118:14 closed 12:14 closely 20:5 88:15 107:7 closer 56:3 85:22 89:12 115:7 closing 12:15,17 12:20,24 13:2 co-chair 53:5 coaches 102:1 code 25:22 27:15 29:21 47:18 codes 26:21 30:2 codified 37:11 CohnReznick 78:18,21 80:13 collaborate 74:4 collaboration 18:7 21:3 34:3 collaboratively 36:13 colleague 15:13 colleagues 23:20 collect 21:23 93:6,21 collected 57:19 60:17 collecting 54:23
--	--	---	---	---

<p>55:3 collection 21:22 62:1 68:1 75:21 collectively 18:10,24 20:22 collisions 112:11 Colorado 89:20 colored 57:24 colors 58:2,3 combined 87:20 come 13:20 50:10,22 51:4 63:2 67:13,20 68:6 82:22 104:14 117:14 ComEd 20:7 22:18 38:18,21 39:14,16 ComEd's 38:24 comes 27:8 43:8 60:3 104:22 coming 91:6 98:19 commence 22:5 22:11 comments 12:13 commercial 80:15 99:6 101:12,16 103:9 commission 8:22 9:1 25:5 28:17,21 29:3 commissioned 69:9 commissioners 45:19 commit 45:5 commitment 33:2,24 36:2 commitments 42:11 44:17 45:2,9,13,21 45:23 47:6</p>	<p>committed 36:21 46:1 74:18 105:24 116:12 commodity 43:3 44:10 commonly 7:9 communication 35:6 58:22 72:23 communicatio... 103:13 communities 23:5,7 27:24 86:1 87:23 100:6,16,18 103:10 community 15:10 20:17 21:4 27:1 28:2 29:15 31:2,5 31:21,22 32:13 32:17,19 33:2 33:16,20,22 42:8 43:13 44:14,17,21,22 47:21 101:5,10 101:18 105:22 companies 20:7 20:9,13 39:23 company 18:20 18:23 19:7,12 19:18 20:11,15 22:18 44:19 49:2 78:24 98:6,14 100:1 100:3,8,13 101:1,7 103:7 comparable 88:15 compare 40:21 86:4,10 compared 88:16 comparison 86:14</p>	<p>compile 95:2 complained 15:2 complaints 90:19 complete 68:11 68:23,24 74:24 104:17 111:22 completed 73:17 75:17 110:11 110:14,21 111:1,5,8 116:17 completely 37:4 compliance 21:15 23:22 99:5 103:9 110:15 compliant 103:15 complied 119:9 complies 72:9,19 comply 37:4,4 40:2 72:5 77:16 complying 54:7 118:5 component 22:10 58:14 59:13 73:21 75:22 components 102:19 105:10 comprehensive 8:24 25:7,9 28:20,24 30:6 30:15,17 comprised 80:18 concept 60:1 conceptually 62:22 concern 91:1 119:20 concerned 119:6 concerning 14:2 conclude 83:8</p>	<p>83:12 84:14 91:21 concluded 51:11 95:21 conclusion 61:20 91:6 concurrence 74:2 condemnation 34:16 condition 68:19 83:9 conditions 53:23 54:3 61:7,18 67:11,11 77:15 77:15 83:22 86:17 conduct 74:22 101:18 conducted 89:19 90:8 Conference 53:6 confirm 83:18 conflict 6:21 conjunction 59:14 connect 33:18 38:19 connected 107:7 connection 22:17,21 conservation 73:1 74:8,14 110:20 consider 58:16 considerably 18:22 consideration 1:13 3:10,17 10:18 15:7 91:6 122:7 considerations 52:9 53:8 considered 21:15 83:4</p>	<p>considering 39:22 40:1 60:7 consisted 87:19 111:15 consistent 57:21 83:7 89:5 90:5 91:15 consisting 7:14 consists 15:24 87:18 constant 44:13 constantly 53:1 61:15 constraints 53:21 construct 7:14 19:14 21:7 62:4 constructed 39:15 constructible 67:13 construction 7:8 7:17,20 20:10 20:13 21:10 22:13 39:16 42:14 43:18,19 45:8 54:11 61:24 66:15,16 67:7,17,19,23 68:10,20 69:3 69:7 72:15 75:4,5,13 76:2 86:3 101:17 115:8 consultants 11:11,21 12:8 51:6 65:6 70:8 77:11 95:17 108:14 121:10 consultation 70:22 73:22 Consulting 4:8 contact 107:21</p>
--	--	---	--	--

117:11 contacted 118:21 contents 16:3 context 20:19 82:12 continue 36:2 37:24 42:19 78:8 83:24 continued 34:9 continues 33:21 continuing 22:13 36:21 contract 67:5 contractor 67:5 75:12 contractors 68:14 contracts 99:6 102:15 contractual 103:9 contribute 103:23 contribution 53:19 control 67:6 82:20 83:6 84:21 85:22 86:11,12,21,24 87:22 88:5,8 88:19,23 89:8 95:4 99:9,10 controls 83:12 88:1 93:23 conversation 19:20 conversations 31:17 32:9 45:17 conversion 7:9 8:9 conveyed 39:16 cooler 58:3 coordinated	74:12 75:15 coordinating 46:4 coordination 116:16 copies 16:9 copy 16:1,2,5,8 core 44:19 100:7 100:7,21,21 106:1 corner 35:7 Corps 75:24 correct 57:11 67:1 83:20 92:17 115:22 116:24 cost 40:8 61:24 cost-effective 35:24 costs 54:11 counsel 12:15 13:2 14:16 123:8,12 count 43:5 111:9 counties 29:20 33:13 84:17 90:3 country 18:24 80:16 83:2 104:14 county 1:1,11 3:1,8,15,23 4:5 4:16 5:12,14 6:4 7:7,22 8:21 8:24 9:1,4,12 9:15,20 11:10 11:21 12:7,12 13:12,13 15:8 18:5,6,9 23:1 25:4 27:9,18 28:3,4 29:21 30:2,5 31:12 40:3 45:17 47:8,16,18 51:6 59:2 65:6	70:8 72:9 75:16 77:10 87:8 90:9,24 91:13,20 93:16 95:17 108:13 114:19 119:18 119:19 121:9 county's 21:16 23:22 35:5 37:5,11 couple 59:22 81:2 82:2 89:18 114:10 course 17:14 46:3 54:6 60:24 86:3 98:1 courses 75:19,21 court 4:21 13:19 14:5 16:20 51:19 63:17 79:13 81:14 83:18 cover 85:21 coverage 75:10 covered 84:8 craft 34:7 45:19 102:9,11 crane 67:24 cranes 112:15 112:16,19,24 create 38:14 43:18 53:15 81:9 105:18 creek 4:22 23:16 72:13,14 90:1 creeks 115:6 criteria 13:7 26:19 87:16 critical 100:1,7 101:1 103:16 104:11 critically 28:11 30:5 crop 42:12 66:19	68:12 CRR 1:24 3:22 4:21 CSR 1:24 3:22 4:21 Cullom 31:23 33:8 culminates 73:10 cultural 71:24 current 90:16 currently 9:22 113:10,11,14 curtailment 113:18 116:12 curve 69:6 custom 22:9,9 61:4 customers 19:8 20:6 <hr/> D <hr/> damage 42:13 42:13,14 45:5 45:22 46:6 68:12,16 damaged 102:9 102:14 damages 46:3 83:1,17,19,21 data 22:3 52:22 54:23 55:3 56:24 57:19,21 58:19 59:9 60:17 73:24 84:11,16 85:16 87:7 88:6,10 89:23 90:4 92:10,15 93:7 93:21 94:24 95:2 date 13:8 32:14 86:18 112:20 113:4 dated 70:21	123:16 dates 10:2 121:24 Dave 4:4 6:11 David 30:13 day 3:20 57:7,8 123:16 days 29:22 32:17 33:15 84:23 104:16 dealership 40:22 40:23 41:4 decide 13:14 92:23 decision 6:2 10:17 13:11 deck 93:24 decommission 45:12 46:10 47:9 decommission... 45:14 66:9 dedicated 32:15 deeper 45:16 deficit 60:13 defining 59:13 definitely 28:19 degree 52:17 deliberate 13:6 deliberations 13:9 delineation 75:17 delineations 73:20 deliver 40:8 deliveries 75:23 delivering 19:8 demand 23:15 demonstrate 59:22 department 45:18 70:20 81:5 106:21,22 107:3,3 114:16
--	--	---	--	--

<p>departments 106:22 107:7 107:17 depend 40:5 dependent 22:17 22:18 43:2,3 deploying 54:13 DEPONENT 83:20 described 110:22 describes 74:9 design 20:2,12 22:6,7 23:10 23:21 34:9 46:2 53:9 61:12 designation 81:2 81:24 designed 37:3 47:17 54:4 61:6,18 designing 52:9 52:10,22 61:16 despite 112:16 detail 24:16 25:20 26:6 40:24 detailed 22:6,8 26:3 40:10,11 40:13 47:11 62:23 74:10 75:13 details 31:10 76:21 89:16 107:23 determination 9:18 determine 115:21 116:23 determined 59:2 determining 27:21 detrimental 83:9,22</p>	<p>develop 58:13 105:2 117:14 developed 58:9 59:7 87:10,14 90:17 110:17 111:16 developer 18:14 developers 85:17 developing 59:7 116:15 117:13 development 17:9,20 19:23 23:4,8 27:16 38:4 42:10 85:1 87:5 97:19 100:5 develops 107:4 devices 57:1 Diego 99:10 difference 88:7 95:3 differences 37:17 84:22 different 88:14 88:14 89:9,16 103:4 104:12 107:11 111:9 116:19 differential 83:11 88:22 90:15 Digging 45:16 diligently 35:22 dinner 31:14 Diplomate 123:3 direct 26:20 72:14 directed 108:23 direction 123:8 directions 60:23 directly 31:4 44:2,14 60:5 82:23 director 51:15</p>	<p>52:13 70:16 71:15 80:23 96:14 disappointed 57:11 Discharge 75:11 disciplines 67:19 discovery 75:3 discretion 13:8 discuss 13:5 18:2 21:12 23:21 discussed 15:23 24:17 36:9 53:21 70:19 75:9 discussing 20:4 79:19 114:20 121:21 distressed 85:10 86:6 district 27:13 46:21 districts 11:8 32:23 33:23,23 43:16 46:5 82:8 106:24 107:22 ditches 45:6 divide 26:17 DNR 110:24 115:12 116:8 116:11,16,20 117:23 118:1,6 118:9 119:4,6 119:10 120:1 120:12 document 10:16 35:1 74:9 83:16,19 90:18 documentary 10:9,15,16 documentation 24:22 30:14 90:18 91:2</p>	<p>documented 47:22 74:7 documents 15:12 25:12 34:8 67:4 110:16 doing 33:11 55:12 59:9 84:2 103:15,17 dollars 43:8,14 door 10:7 44:24 dots 62:21 87:13 87:14 down-tower 105:9 download 24:20 downloaded 16:1 dozens 82:4 Dr 52:3,7 55:20 55:23 56:2,6 63:6,13,21 64:3,19,21 65:3,9 82:23 83:3,5 drain 42:13 45:24 66:21,22 68:13 104:3 drainage 33:23 45:5,24 46:5 46:20 drawings 22:7 drinks 78:3 drive 100:5 drivers 43:21 drops 69:7 dual-Doppler 60:18 due 72:14 75:21 93:3 uplicative 15:16 dust 67:6,8,8</p>	<p>E 4:1,1,7 eagle 73:1,2,18 73:19 110:19 111:2,23 112:1 eagles 111:20 earlier 40:9 42:16 53:10 69:1 110:22 115:24 116:9 early 22:6,14 31:23 early-stage 62:20 easier 36:15 east 3:20 8:3 58:8 Eastern 71:20 eat 30:19 EcoCAT 70:21 114:16 ecology 112:13 economic 27:23 29:13 100:5 economically 30:4 100:17 Economics 83:21 EcoSystems 109:6,11 EDF 17:9,20 18:7,12,12 19:4,5,5,12,13 19:18 20:19 23:15 34:3 44:3 51:16 52:14 65:14 66:14 70:17 71:16,16,20 72:19 74:8 96:13,15 98:24 educated 118:19 educators 118:17 effect 43:23 effectively 81:7</p>
--	---	--	--	---

86:18	energy 7:9 8:8	120:5	41:10	105:3 119:13
efficient 53:2	18:13 20:8	Esq 4:2	exactly 62:12	expert 25:13
59:6,21	28:7,8,8 30:21	essential 30:19	examination 5:8	83:4
efficiently 54:13	31:4 51:16	30:20	91:8	expertise 52:20
effort 85:14	52:14 59:20	essentially 5:19	examined 89:24	103:2
111:7	60:2,9 61:21	57:3 63:22	example 36:5	experts 23:20
eight 74:24	62:3 72:20	88:3	60:15 62:2	25:18 30:13
86:15	90:2 98:8	establishing	87:3 89:14	91:11
either 13:23	101:5 110:7	28:13	111:21	explain 39:22
50:12,17 51:3	112:3 113:21	estate 80:15,20	exceed 47:17	55:13 56:7
116:13 117:12	enforce 81:9	81:1,23 83:1	exception 114:9	explaining 55:11
electric 7:18	engineering	83:17,19,21	exclude 10:21	explains 62:14
18:17 19:6	20:1,12 22:6,8	esteemed 23:20	excluded 85:17	72:11 76:19
20:6 39:24	39:1 40:7,10	et 24:22 31:2	excuse 40:13	extensive 100:22
electrical 21:22	40:11,13,19	32:23 33:1	46:7 55:15	102:18
21:24 22:7	52:19	43:22 44:7	exhibit 2:11,14	external 61:7
40:14 68:1	engineering-ly	Europe 19:7	2:15 16:8,12	extract 103:18
electricians 44:5	35:24	evaluate 82:12	26:1,1,15,23	extrapolation
electricity 19:8	Engineers 76:1	82:17 88:13	34:21,24 35:6	56:17
27:17 53:15	ensure 27:16	evaluated 72:4	35:12 41:21	extrapolations
element 61:16	62:8	82:21 88:5	46:17,22,23	55:13 56:8
elements 53:18	enter 15:22	89:4	66:8 70:19	extreme 61:8
eligible 12:24	41:16	evaluation 90:4	79:19 109:10	extremely 88:24
Elimination	entered 34:8,23	evening 5:9	114:15 117:9	extremes 61:9
75:11	46:13	13:18 17:5	exhibits 2:10,13	
emergency	entire 24:24	18:1 19:24	2:17 15:24	F
101:4 107:1	29:11 30:8	21:2 23:19	16:2,5,12 26:2	F-O-L-E-Y
employed 82:17	56:11 94:11	52:8 78:16,24	41:17 114:22	71:11
87:2 123:9,12	entities 28:3	94:8 96:20	existing 38:21	facilitate 5:18
employee	29:19	97:15	85:1,8,23 86:9	Facilitator 4:2
123:11	entity 101:6	evening's 5:11	87:6,13,24	7:2 15:19
employees 18:15	environment	evenings 7:4	90:10 91:9	16:18 17:11
44:20 99:1,2	44:23	event 95:24	expand 103:2	24:8 41:24
99:17 100:24	environmental	106:24	expansions	47:1,3 48:1,6
employer 18:12	20:1 59:3	everybody 92:24	75:22	48:18 49:8,15
encompasses	70:16 71:15,18	102:15	expect 22:5,13	49:24 51:8,17
37:19	71:22 74:13	everyone's 28:4	40:9 43:6,17	51:24 52:5
encourage	EPC 75:12	evidence 5:24	43:24 57:10	55:15,22 63:5
117:15 118:18	equal 20:21	9:13,18 10:9	expectation 21:7	63:11,16 64:7
endangered	equipment	10:15,16,18,20	22:11	64:11,16 65:8
112:8,15,16	21:14 40:1,16	10:22 11:1,18	expected 61:19	65:16,23 66:4
113:5,12	67:20 80:20	12:13,14 13:15	99:15 104:16	66:10 69:11,15
ended 122:9	103:4 105:10	28:15 113:2	experience	69:21 70:10,23
energized	eras 88:14	115:15	18:17 20:24	71:7,12 76:4,9
101:17	especially 102:2	exact 16:11 40:6	101:20 104:23	76:24 77:21

78:10 79:9,15 80:1,9 81:12 91:23 92:5 93:10 94:4,14 95:6,19 96:5 96:21 97:2,6,9 97:21 98:3 106:4,10,15 108:4,16 109:12,17 110:1 117:2,6 120:23 121:13 121:18 facilities 21:20 38:2,9 54:24 58:9 113:6,16 116:18 facility 112:22 fact 6:1 9:13 18:18 28:16 35:16 93:4 100:11 116:23 factor 38:3 factors 62:14 failures 105:13 fairly 29:22 fall 58:11 familiar 60:1 91:13 families 47:16 101:3 family 38:15 43:5 fantastic 105:1 far 26:9 79:10 119:23 farm 7:10,14 20:14 21:21 22:4,10 30:23 36:12,15 37:24 38:8 42:9,19 42:22 43:9 46:10 47:9 53:13 57:9 69:1 82:13,18	87:9 88:13 89:10,24 90:2 91:4,9,11,14 91:17 119:2 farm's 19:19 farmers 29:14 30:5 36:11 37:24 42:19 farming 36:11 42:8,10 47:16 farmland 29:7 29:15 farms 18:22 23:16 27:9,12 29:8 30:1,3 38:15 44:5,12 44:24 52:23 82:6 84:5 87:6 89:18 90:6,11 90:16,20 99:22 99:22 fashion 10:11 Fast-forward 35:11 fatalities 112:20 113:3,6,12 favor 11:15,23 12:17 23:8 favorite 30:16 features 58:7 February 70:21 federal 21:17 23:23 47:18 71:21 76:1 103:13 fee 7:22 feedback 35:14 35:18,22 59:15 feels 118:9 feet 8:11,12,15 21:15 37:12,14 39:3,5,9 40:2 88:18 115:4,7 few-point 56:9 fewer 38:5	field 23:20 45:6 fields 36:19 figure 73:3 filed 7:7 files 93:22 final 9:16,18 13:4,11 40:20 63:3 finally 11:10 23:19 30:16 45:11 54:11 62:8 65:5 116:20 financial 19:13 46:7 47:10 81:5 99:7 103:8 financially 123:13 find 36:3,4,21 61:14 83:10 85:17 86:2,7 88:24 91:2,14 114:18 findings 6:1 9:13 13:13 79:19 94:18 111:12 fine 108:1 120:21 finish 14:3 finished 88:1,18 88:20 101:17 fire 33:23 106:22,24 107:1,17,21 firm 80:14 first 7:3 12:17 14:2 15:6,15 15:24 16:3 18:21 23:1 25:3,19 29:6 42:7 44:18,19 46:11 52:1,17 65:24 71:8 73:13,23 80:2	80:12 87:8,17 87:19 97:2,23 100:12 104:16 109:19 111:13 Fish 72:19 73:1 110:18 111:6 five 32:17 71:16 82:15 98:17 fix 42:13 104:2 flicker 37:6 40:4 54:5 62:8 Florida 79:1 94:11 Flott 4:4 6:13,14 48:16,20,20 49:2,7 93:13 93:13 94:3 flow 56:12,12 flows 53:17 56:15 fly 112:12,19 flying 112:23 focus 72:23 80:15 98:6 focused 84:20 Foley 2:5 70:16 71:1,4,7,10,10 71:14,15 76:5 76:12,20 77:8 77:18,22 folks 5:15 13:18 32:4 35:22 36:11 44:4,6 50:22 follow 11:13 14:19 22:20 67:21,21 83:2 114:6 116:13 followed 11:1 12:18 72:24 following 37:13 67:22,24 68:3 113:18 114:4 116:13 117:22 foot 86:19,20,24	87:21 89:8 footprint 37:24 119:2 forced 78:24 Ford 33:13 foreclosures 85:11 foregoing 123:6 foreign 44:11 foremost 14:2 44:18 forest 113:10 115:8,13,15 forested 114:7 115:5,6,10 forestry 56:13 form 10:6,8 32:1 formal 31:22 33:6 format 94:21 forms 10:10 103:3 forth 22:20 forward 50:10 50:18,22 found 75:4 88:12 89:6 111:18 113:5 113:12,16 foundations 61:17 67:23 four 20:21 22:24 34:4 41:6 frame 78:7 France 49:5 frequent 34:11 front 50:11 51:4 full 28:20 31:17 36:19 56:22 62:10 73:17 fully 45:11 further 24:9 27:14 48:2 58:10 63:9 76:8,22 85:12
---	--	---	--	--

106:8 123:10 future 6:18 13:8 49:13 107:24 121:24	51:14 63:7,9 64:12,15 65:11 65:13 66:6,11 69:11,13,22 70:14,15,24 76:6,8 77:23 78:12,14 79:4 79:16,17 80:12 83:14,23 92:1 92:3,14 93:18 94:7 95:6,24 96:7,9,23 97:10 106:6,8 106:12 107:15 108:2,18,24 109:4 114:13 115:1 117:2,4 122:6	25:2,8,16,20 25:22 26:9 28:20 29:5 31:6 40:15 41:18 42:4 55:8,23 56:20 59:18,19 62:12 62:13 68:2 78:8,19 82:14 85:21 87:18 89:21 92:11 94:12 101:1,2 101:3,12 102:16 104:15 109:8 111:11	106:15 109:5 109:14,18,20 109:23,24 110:2,4 115:3 117:3,7,21 118:21 119:3 120:11,18,23 121:1,5,14,17 121:19	37:8 90:1 grow 99:15 growing 66:19 grown 18:22 guarantee 47:10 guess 10:7 112:17 113:20 116:1 117:14 117:17
<hr/> G <hr/>				
G-I-B-S-O-N 98:2	GERSON 2:2	goal 28:7	Google 20:8	guidance 59:3,5 73:1 74:21 110:16,20
G-O-O-D 109:24	getting 53:1 96:1	goes 26:2 98:21	govern 81:9	guide 110:24
gadget 22:10	Gibson 2:7	going 5:10,14,18 24:23 25:20,22 26:11,21 27:22 28:19 31:6,9 41:5,17 57:10 63:2 76:16,17 78:8 81:13 86:7,10,18,19 87:3 92:16 101:16 102:5,6 102:7 104:7 108:22 110:10 111:11 120:4 122:1	government 11:7 50:9,12 64:20,22 70:2 77:5 95:11 108:8 121:4	guidelines 72:20 73:4 110:19
gadgets 22:12	96:12 97:3,12 97:15,21 98:1 98:2,4 106:5,7 106:18,20 107:2,12 108:5 108:7,9,17,21 108:24	golden 73:2 111:19	governmental 28:3 29:19	guides 102:1
gain 101:20	gigawatts 99:4 99:11,16	good 2:8 5:9 17:5 27:10 32:9 41:8 43:4 44:21 45:4 48:6 50:5 53:14 54:6 58:20 61:2 64:16 66:10 70:10 77:3 79:15 89:14 96:5,22 97:15 100:9 101:21	govern 11:7 50:9,12 64:20,22 70:2 77:5 95:11 108:8 121:4	gusts 61:8
Gamesa 39:24 40:17	Ginger 4:22		Governor 81:4	
Gardner 118:16 118:17,22	GIS 58:17 73:14		graphic 42:22	<hr/> H <hr/>
gas 43:21 44:11	give 20:19 25:14 87:3 103:2		graphics 34:21	habitat 72:12 110:23 111:14 111:17 113:9 113:22 116:4,6 118:4
gather 21:23 22:3 73:24	given 28:2 60:21 60:21 61:14 120:5		grasslands 111:16	hailed 52:16
GE 40:17	Gives 61:2		gray 35:4	half 8:16 33:4 85:7
gear 102:4	glad 117:24		grease 105:10	Hamilton 4:8,18
general 17:6 39:24 65:2 70:6 77:9 81:1 81:23 82:19 89:13 97:16 104:17 108:12	Glen 4:23		great 17:4 29:4 31:9 52:7	hand 6:7 16:19 51:18 65:17 71:2 79:12 97:3,7 109:15
generally 85:6 85:24	global 19:6 104:10		greater 37:14	handed 46:21
generated 30:9	go 6:24 14:16 15:11 16:4 24:9,15,23		green 63:19,21 63:24	happen 60:12 94:12 102:7,7
generation 30:21			grid 22:17,19,21	happening 60:4 60:24 91:3
generator 53:15			gross 87:24 88:17	happens 56:10 68:23 103:10 105:14
geographic 58:17			ground 6:24 14:1 112:12,22	happy 24:24 55:20 79:6 91:22 102:15 107:17
Gershon 2:17 4:11 14:20,22 15:1,19,21 16:14 24:1,2,8 24:12 41:14 42:1 46:15,20 47:2 48:1,4,10 49:18,21 50:13 50:17 51:2,12			group 19:5,5,13 80:18,23 83:6 83:6 86:11,21 86:21 87:17,19 89:3 98:9	hard 55:18

hard-working 105:23	helped 110:23	39:10 48:22,23	hundred 43:13 62:19	119:10,17 123:5,21
harrier 112:9	helping 34:7	homes 19:1,1 20:23 82:18	hundred-plus 99:17	illustrates 68:22 72:16
hatch 35:4	HEYL 4:18	86:14,15 87:19	hundreds 84:10	impact 25:6 46:12,17 47:7
head 31:24 38:11	high 3:20 8:2 23:14 31:22	87:20 89:5,13	hunt 112:13	53:22 59:23 60:8 82:3,18
headquartered 19:7 49:4	33:7 59:9 62:23	90:9 92:11,15 93:2,17	I	83:8 84:15 86:22 88:9
heads 41:6	high-quality 111:17 116:6	homework 15:6 15:11	ID 114:16	89:1,11 90:5 91:1,15,19
health 107:3	high-voltage 21:24 38:20	honest 39:21	idea 53:13 61:2 62:22	114:1 115:18 116:10,23
hear 9:13,17 11:15 12:15	44:5 104:4	hopefully 62:14 80:12	ideas 62:20	117:18,19 118:24 119:14
14:23 16:16	higher 56:20	hoping 78:15	identified 16:13 26:18,19 46:23	119:21 120:4
23:19 59:16	57:2 58:2,2 89:7	horizontal 55:13 56:8 60:18	83:16 87:21	impacted 39:11 105:15 115:8
79:2,5,7,8	highest 58:7 81:7 103:18	horsepower 41:2	identify 10:8 28:6 36:22	impacting 83:13
81:16 92:12	highlight 34:13 34:21 37:2	hotel 43:22	40:12 41:16 45:5 48:13	impacts 54:5,9 56:14 62:8
93:18 107:23	42:21	hotline 32:16 34:12	66:7 85:5,15	72:14 73:2,7 73:11 74:11
heard 10:12	highly 22:16 60:22	hotter 58:2	identifying 70:19	75:19,20,23 76:3 82:10
24:7 93:20	highway 45:18	hours 3:18 111:8 111:23	IDNR 72:2,7 76:17 77:14	84:5 110:6 113:17 115:16
101:9 103:20	Hill 23:17 87:9 88:13 89:10,24	house 48:22,24 86:13,13 93:7	113:18 114:4,6 115:4 116:13	116:1,14,18 118:10 119:4,7
hearing 1:10 3:7 3:14 5:2,7,18	93:15	households 33:12	120:10	implement 74:11 75:3
6:2 7:1,4,23	hire 102:16 103:21	houses 82:6 93:15	IDNR's 74:20	important 27:19 28:12 29:17
8:1 9:5,7,11,22	hired 44:3 103:6 103:6	housing 82:7	Illinois 1:2 3:2 3:21,24 4:9,14	30:5 39:14 44:8,18 53:18
9:24 10:2,3,11	historic 72:1	hub 56:19	4:19,23 8:4 18:16 19:2	53:24 54:6 55:4 56:16
10:20 12:23	historical 74:23	Huisman 4:3 5:9 5:13 6:11,13	23:13 39:18 46:9,14 47:8	68:19 73:21 74:22 104:11
13:16 24:4	history 18:18,19 31:12	6:15,17 14:24	52:16,16 70:20 80:24 81:6,10	111:14 112:18 113:8,9 114:2
27:8 55:19	hitting 13:24	49:11,23 64:10	81:23 82:1,4 84:17 89:17	115:9 116:2,3 116:4
64:14 66:7	hold 44:19 81:24	69:20 76:14,14	90:3 98:10 112:4,7,10	importantly
69:24 76:18	holders 103:11	76:22 78:1,6	113:16,22 114:16 116:8	
122:1,9 123:6	Hollo 1:24 3:22 4:21 5:3 123:2	94:17,17 95:5	116:10,11,16 116:20 118:1,6	
123:10	106:19,19 107:10,19	106:19,19 107:10,19	118:8,9 119:4	
hearings 6:18,21 121:24	home 32:6 89:4 94:5 101:2	117:8 118:12 118:23 120:7		
heavy 20:9	home's 88:16	120:13,20 121:20		
height 32:11 40:2 56:17,19	home-grown 44:9	human 33:18		
57:5	homeowner			
heights 57:2				
held 36:7				
Hello 17:5				
help 5:23 6:1 22:3 44:6,12				
58:19 100:18 101:10				

111:13 improvement 86:4 improvements 29:10 30:9 inbound 32:15 incidentally 61:22 include 25:14 39:23 40:4 75:6 included 31:21 41:21 72:3 90:13 110:21 117:9 includes 22:7 24:21 35:23 74:15 including 11:7 18:16 19:1 37:6 40:13 43:13 45:21 54:24 73:18 80:16 82:5 84:17,24 91:10 93:23 104:3 110:18 income 43:2,5 47:15 incorporate 35:22 Incorporated 110:5 increasing 28:7 incredibly 29:8 INDEX 2:10 Indiana 3:21 8:3 indicate 29:24 63:20 88:9 89:11 90:15 indicated 6:10 6:12,14,16 24:12 41:20 49:23 64:10 69:20 90:4	individual 11:16 12:3 individually 11:3 individuals 11:15 90:14 industrial 20:8 industries 30:19 30:21 industry 18:18 18:19 inform 20:2 information 8:18 9:9 13:2 25:9 27:4 33:7 52:24 58:17 72:10 91:12 93:22 infrastructure 35:15 36:14 38:19 45:6 46:6 47:11 ingest 52:24 58:19 inherently 38:20 42:9 initially 48:11 insects 118:5 inserted 35:2 inspecting 105:9 installation 20:12 installed 68:7 99:14 instance 89:6 instructions 83:3 insurance 80:14 intention 62:7 interest 6:22 10:8 23:4 24:5 32:2 78:14 118:15 interested 10:4 11:9,9,20 12:6	12:11,16,22 13:1 31:16 50:8,15,19,23 63:1 64:24 65:1 70:4 77:7 95:13 101:19 108:11 121:6 122:3 123:13 Interestingly 112:14 interests 36:9 interfaces 102:2 interference 44:11 internal 59:5 73:14 interrupt 41:14 81:13 83:15 97:22 114:13 intersection 75:22 interview 100:12 interviews 90:8 90:14 91:5,12 101:18 introduce 5:15 13:1 73:23 introduced 25:11 introduction 31:22 introductions 18:1 intuitively 38:10 inventory 118:9 investment 18:6 investors 103:12 invitation 33:6 invited 36:7 involve 105:8 involved 34:6 110:6 112:4 involvement 37:1,1	Iowa 89:18 Iroquois 87:10 93:16 irrelevant 10:21 issue 13:14 issues 102:3 italics 28:24 item 25:24 items 41:17 61:21 66:8 iterate 53:8 62:18 iterated 62:17 iterations 34:9 <hr/> J <hr/> J 4:17 J-A-R-E-D 52:4 Jacobi 4:12 15:13 Jared 2:3 51:14 51:21 52:3 73:14 Jesse 4:6 Joan 4:3 5:13 7:2 76:14 94:17 106:19 job 14:7 53:18 81:7 jobs 43:18 44:1 101:10,19,22 Joe 4:4 6:15 join 33:6 79:1 104:15 Judith 114:18 jurisdiction 98:19 <hr/> K <hr/> K-A-S-S-E-B-... 52:4 K-E-N-N-Y 66:2 Kains 4:2 5:17 6:24 7:2 15:19 16:18 17:11	24:8 41:24 47:1,3 48:1,6 48:18 49:8,15 49:24 51:8,17 51:24 52:5 55:15,22 63:5 63:11,16 64:7 64:11,16 65:8 65:16,23 66:4 66:10 69:11,15 69:21 70:10,23 71:7,12 76:4,9 76:24 77:21 78:10 79:9,15 80:1,9 81:12 91:23 92:5 93:10 94:4,14 95:6,19 96:5 96:21 97:2,6,9 97:21 98:3 106:4,10,15 108:4,16 109:12,17 110:1 117:2,6 120:23 121:13 121:18 Kankakee 33:13 87:9 93:15 Kassebaum 2:3 51:15,17,21 52:3,3,7 55:16 55:20,23 56:2 56:6 63:6,13 63:21 64:3,19 64:21 65:3,9 keep 10:11 32:13 34:3 49:14 67:8 92:10,15 93:2 93:22 121:15 keeping 5:20 keeps 66:19 Kelly 23:16 90:1 Kenny 2:4 65:14 65:20 66:2,8
--	---	---	--	--

key 71:21 111:12	75:7 85:21 86:3 88:2	launched 32:12	levels 116:19	113:10,19
Key 4:17	102:12 114:11	law 4:8 7:24 39:18	licensed 11:8 50:16,19 64:23	live 30:22 33:18 78:13,13 100:6 100:14
kick 17:24	land-based 110:19	lawful 17:2 51:22 65:21	95:12 108:10 121:5	lives 30:22 48:22 48:24
kids 118:18,18	landfills 82:7	71:5 80:5 97:13 109:21	LiDAR 57:4	living 45:1 88:1 88:18,20
Kiefer 6:18	landowner 32:2 32:15 34:24	lay-down 7:17	life 19:19 30:11 43:7 45:15	Livingston 1:1 1:11,12 3:1,8,9 3:14,16,23 4:5 4:7,11,16 5:12 5:14 6:4 7:7 8:7,21,24 9:1,4 9:12,15,20 11:10,21 12:7 13:12 15:14 17:21 18:2,5,9 18:11 19:15 20:21 21:2 23:1 31:12 33:13 34:15 37:3 38:16 39:15 45:12,14 45:20 46:13 47:14,16 51:6 55:1 60:14 65:6 70:8 77:10 87:8 90:24 91:20 95:17 98:20 108:13 121:9
kind 41:5 48:10 49:19 62:21 69:4 86:22 117:17	35:14 37:1 38:7 100:17 102:10,13	layer 63:23	lifestyle 28:4	
King 4:6	landowner's 35:1,16 72:9	layout 23:9 34:10 52:10 53:9 60:6 61:12,16 62:12 62:20 63:3	lifetime 62:10	
kitchen 19:20	landowners 17:7 18:8,9 19:21 21:4 23:3 31:15 32:14,19 33:24 34:5,12 34:16 35:13,21 36:4,22 38:10 43:7 45:10,13 46:11 47:22 59:15 61:23 63:1 85:14,15 102:2,5,8 105:14 114:10	lead 17:21 102:16	Light 55:24	
know 14:12 35:20 39:21 40:23,24 41:1 41:8,12 50:4 53:16 54:13,18 55:4,5 56:10 57:9,16,17 58:6,12 60:23 67:18 69:5 81:8 93:1,7 100:2 103:8,14 104:11 105:2 112:16 113:7 116:22 119:6,6	lands 117:10,13 118:13	learn 33:11 104:9 105:17	liked 78:23	
know-how 19:12	landscape 73:6	lease 19:22 31:18 34:7,22 35:2	likewise 61:17	
knowing 78:15	landscapers 44:6	leave 19:10 45:3	limit 62:7	
knowledge 71:21	landscapes 112:5	led 71:18	limited 115:15	
known 7:9 115:6	language 29:1	Lee 84:17	line 22:1 36:6,10 36:16,18,20 39:4,6 68:8 96:2	
knows 25:23 80:13	large 20:6,8 69:6	Lee-DeKalb 90:2	lines 2:6 7:18 34:11 35:3,4,5 36:17 37:17 38:22 58:22,23 78:17,23 79:3 79:11,18 80:1 80:4,7,7,10,11 81:12,17 84:1 91:24 92:7,12 92:19 93:11,20 94:4,10,23 95:8,10,12,14 95:16,20 96:3	
KPS 100:23	large-scale 57:20	left 5:21 26:9 34:22 55:2 57:23 60:10,12	list 16:5 117:9	
<hr/> L <hr/>	largely 18:18	legal 9:3 19:21 31:17 33:5 42:11 45:9 46:8,11	listed 113:11 119:21	
L-I-N-E-S 80:8	Las 53:6	legally 47:5	listing 113:15	
labeled 114:9	laser 57:4	length 20:18 85:9 86:5 94:19 95:3	lists 92:23	
lacks 111:14 113:9,21 116:4 116:6	lastly 19:4 23:15 36:5 38:16 39:13 44:8 46:7 47:20	let's 54:16 57:9	Litigation 4:22	
land 23:11 29:8 29:12,18 37:20 42:18 63:20 66:19 73:5	late 22:12	letter 35:13,14 41:20,21,22 70:20 83:2 114:18 117:8	little 15:5 19:17 25:9 26:8 27:6 29:12 42:18 45:16 55:16,17 55:18 56:3 58:11 69:5 78:17 81:14	
		letters 33:1 114:11		
		level 73:5		

76:1 77:5 90:8 91:13 95:11 101:19 103:13 103:22 106:22 106:23 107:8 107:17,21 108:8 121:4 locate 66:23 120:14 located 7:10 8:11,13,16 18:3 38:21 39:8 49:3 89:12 115:5,7 location 9:23 35:18 39:2,7 72:8 114:5 122:3 locations 21:6 34:10 38:23 56:9 73:16 111:9 long 34:1 57:15 57:18 69:10 83:4 84:12 95:1 120:3 long-term 19:15 20:16 44:22 57:18,21 longer 39:17 105:16 look 23:17 28:23 41:6 53:11 57:17,18 60:20 62:20 67:18 86:18,19 96:12 117:8 121:23 looked 62:11 87:8 89:23 looking 52:23 64:6 86:12,13 92:20 looks 61:1 Loomis 30:13 loss 59:23 68:12	lot 27:22 56:24 111:14 119:19 lots 35:20 loud 15:3 love 55:11 low 72:13 111:19,24 112:8,12,24 115:10 low-cost 44:9 lower 58:4 86:23 lowers 44:13 <hr/> M <hr/> M 4:12 M-8 72:6 76:15 110:13 114:9 114:11,19 115:3,6,17 120:8 ma'am 98:3 machine 54:3 61:14 machines 53:24 56:23 Madam 49:16 49:24 77:24 78:10 120:24 MAI 81:2,24 82:24 mailed 7:24 35:13 maintain 34:11 45:23 61:15 maintaining 20:17 maintenance 7:16 67:15 98:12 99:3,20 102:3 103:23 104:20 105:20 maintenances 105:8,8,12 majority 84:8,14 making 54:8	manage 20:11 58:18 99:5 management 59:5 66:15 74:15 98:11 99:4,19 116:15 manager 17:9 17:20 51:1 65:15 96:15 101:24 managers 98:18 103:5 107:6 manages 98:15 manufacture 40:8 manufacturers 39:23 40:17,18 41:8 manufacturing 20:9 map 35:12 54:21 57:24 62:22 63:20 87:12 mapped 110:23 maps 33:17 45:24 53:12 Marie 1:24 3:22 4:21 5:3 123:2 Mark 2:2 4:11 24:1 31:8 47:4 87:18 90:12 91:7 marked 10:17 market 79:20 84:22,23 86:17 93:3 94:19,24 95:3 marketplace 92:22 material 10:21 matter 15:8 43:4 matters 70:19 mature 115:13 maximizes 61:22	maximizing 61:21 maximum 7:15 60:9 McClea n 84:18 McGarr 80:24 81:22 82:3 McLean 119:19 mean 117:18 118:15 meaning 92:21 99:5 101:16 105:5 means 52:21 83:9 meant 36:16,18 measurable 83:7 measure 56:17 56:18 57:2,7 115:16 118:10 measured 56:8 57:13,14 60:17 measurements 55:9 measures 57:5 74:5,6,16 113:24 114:2 115:24 measuring 55:6 mechanical 52:18 61:19 median 86:20,23 87:20 88:5,7,8 meet 21:16 47:17 76:16 87:15 120:8,16 meeting 5:10,11 13:8 27:19 33:7 36:7 meetings 94:11 meets 115:11 megawatts 20:20,22 87:11 99:14 member 6:19	44:22 50:11 55:24 56:4 121:7 members 4:4 6:4 8:20 11:3,6,19 11:23 12:1,5 14:18 15:8,9 17:6 24:21 33:8,22 48:8 48:12 49:12,18 50:9 55:17 63:12 64:8,19 64:21 69:17 70:1 76:10 77:1,4 81:15 92:6 95:10,15 98:13 101:19 106:17 121:3 121:23 mention 46:16 116:9 117:24 mentioned 31:13 34:2 40:9 45:21 68:15,24 73:14 99:18 104:6 105:14 107:12 107:14 111:4 mentioning 21:3 34:3 119:11 MET 54:20,22 56:9 57:2 meteorological 22:2 54:20 56:14 meters 56:18,20 methodologies 82:22 methodology 82:12,16 85:4 87:2 89:6 mgershon@p... 4:15 microphone 79:5
--	---	---	--	--

Midwest 110:9 112:20	74:17,19 75:6 75:21 99:11,20	nature 118:7	43:24 85:1	numerical 56:11
migratory 113:23 116:10	115:21 116:22	near 86:8 90:10 91:4,14 93:4 112:1	101:10 104:13 105:2	nutshell 105:21
mike 14:23 15:3 23:24	monthly 33:21	nearby 87:22 90:3 113:4,6 113:13	news 27:10	O
mile 33:4 75:1 85:7,7 118:7,8	months 69:7 104:18	nearly 20:21,23 37:19,24 80:18	nice 87:7	o'clock 3:18,19 122:2
miles 85:8,23 87:23	mortality 74:19	necessarily 93:4	night 7:3 9:23 108:20 122:2	oath 10:14 12:23
million 18:6 19:1 30:10,10 43:6,8,14,15	move 73:8 78:20 103:1	necessary 10:1 30:22 40:12 67:12 69:24 74:5 75:23 102:9	night's 10:3	obey 62:6
mind 10:12 121:15	moved 109:7	need 15:3 31:3 40:24 53:16 85:8 104:2 121:23	nights 9:24 10:1	obligated 46:3
minimal 75:19	moves 36:1	needs 59:16 83:7 94:1	nine 3:19 86:15	obligates 45:20
minimize 74:11	moving 96:16	negating 81:15 81:16	noise 37:6 40:4	obligations 46:5 46:8
minimizing 61:24	mowed 111:16	negative 82:10 83:7,11 86:22 88:9 89:1,11 90:5 91:15,19	noises 119:20	observed 112:14 112:17,22 113:3
minimum 67:9 115:11	multi-platform 102:22	negatively 83:13	nominal 88:24	observe 112:14
Minnesota 98:10	multiple 21:23 24:21 30:18 83:10 84:10 86:11 91:10 111:2,4	negotiations 19:22 31:18	non-related 85:9	observed 111:23 112:17,22 113:3
minor 86:16	N	neighbor 32:9 44:21	nonexistent 67:9	observers 112:18
minutes 3:18 31:10 52:8 78:3	N 4:1	neighboring 54:24 58:9	nonparticipati... 32:4	obtain 45:24 74:1 75:10
mission 100:3 106:1	nacelles 68:5	neighbors 32:4 33:24 45:1 54:6	north 4:13 98:5 98:10,16,16 99:12,14,16	obtained 76:2
mitigate 54:9	name 5:13 17:8 17:12 25:12 48:14,19 52:1	Neil 6:20	northeast 35:7	obtaining 115:17
mitigation 46:12 46:17 47:7	63:17 65:24 71:8,14 80:2 80:24 83:16,18 97:23 98:1 102:23 109:18 109:19,23,24 110:4	neither 123:8	northern 112:9	obviously 24:23 60:22 102:9
mixing 60:24	names 52:2 66:1 71:9 80:3 97:23	nest 73:19 111:2	Northwestern 52:17	occur 9:23 86:8
mobilization 67:10	national 20:13 75:10 80:14,23	nests 112:1	note 44:9 59:11 68:19 82:9 84:15 106:2 112:18 113:8 115:9	occurred 84:16 87:22 91:15
model 41:1 60:10,13	national- 53:11	neutral 10:5 12:19	noted 90:24	occurrences 83:10
modeling 56:12 56:12 60:7	natural 70:20 114:17 118:9	never 119:13	notes 13:17 83:6	occurs 68:15 85:1
models 41:9 57:20	naturally 86:23	new 13:2 38:14	notice 7:23 9:3 33:3,5,11 46:21	offer 101:19
moment 41:15 60:21 114:14			notified 9:7	office 9:21 33:15
monitored 67:6			number 14:17 14:18 16:11 32:16 47:1 88:3 92:22 100:21 109:10 110:14 113:16 114:15	officer 24:5
monitoring			numbers 1:14 3:11 7:5 8:5 30:14 42:21	officer's 66:7
				offices 80:16
				official 118:7
				okay 34:20 36:24 37:18 39:19 44:16 49:7 56:6 57:13 59:18 64:2 76:10,22 95:5 107:19

110:2 117:21 120:13,20 121:17 on-site 20:17 43:19 55:7 58:19 59:9 67:7 101:24 103:21 106:23 107:1 110:15 111:8 112:18 onboarding 104:13 once 11:22 12:13 20:15 42:18 73:11 75:13 85:19 98:20 one's 15:2 ongoing 67:15 103:13,23 104:13 online 98:19 onshore 71:19 open 49:14 opened 21:2 33:14 operate 7:14 20:24 44:24 54:1 56:23 operates 23:16 operating 18:23 19:3 57:15 74:10 operation 7:8,16 21:20 45:8 52:23 72:15 99:2,9,20 operational 73:12 74:5,6 74:16 99:8 106:21 operations 42:11,15 44:1 44:4 49:5 96:15 98:12,21 101:13,16	107:4 operator 18:14 22:19 operators 119:24 opinion 117:19 opportunistic 66:24 opportunities 27:23 50:7 103:2,22 opportunity 10:12 12:10,12 13:3 14:3,15 33:8 102:20 104:8 105:1 oppose 12:2 opposed 12:18 opposite 6:3 optimal 52:22 optimization 96:14,16 98:5 98:24 optimize 60:6 61:3 optimizing 59:20 61:24 98:7 option 49:14 order 5:10 11:13 38:17 78:16 83:8,12 86:4 109:7 orderly 10:11 ordinance 7:22 21:16 27:12 28:14 37:11 107:20 ordinances 59:2 organization 97:20 100:4 101:11 104:10 originally 52:15 outcome 123:13 outlined 67:4	output 87:11 outreach 31:19 32:3 outside 10:6 32:6 77:16 107:6 overall 44:13 98:8 112:2 overhead 22:1 36:6 overlay 82:8 overseeing 98:20 oversees 98:17 owned 85:13 owner 18:14 19:15 20:16 36:8 41:23 42:12 owners 9:6 18:9 19:23 23:2 31:2,5,20 32:6 32:6 33:4 34:4 36:10 42:7,18 43:11 46:1,8 47:6 owns 23:15	parcel 38:8 72:9 Pardon 82:14 parent 19:13 49:2 Paris 49:5 Parkway 4:22 part 25:4 26:1,5 26:16 30:15 37:15 61:9 70:18 72:3 73:13 79:18 85:4 107:11,20 109:9 112:12 114:10 119:16 119:18 participants 28:1 32:8 participate 31:20 32:5 34:18 38:12 participating 18:8 23:3,11 31:20 34:5 42:23 43:1 47:21 85:14,15 particular 14:13 35:19 71:23 80:15 88:16 118:15 particularly 93:15 parties 5:2 11:9 11:9,20 12:7 12:11,16,22 13:1 50:8,16 50:23 64:24 65:2 70:4 77:7 95:13 108:11 117:12 121:6 123:9,12 partner 20:13 parts 30:2 party 50:20 pass 16:9 23:24 36:20 102:5	passion 100:11 Pasziewicz 4:22 Patricia 80:24 81:22 82:3 pay 43:6 61:23 payment 102:10 payments 68:12 100:18 peak 69:6 peer-reviewed 91:10 pending 3:23 people 14:7 25:14 28:1 30:18,19 81:8 91:1 92:23 93:1 99:2,3 100:12 101:2 102:1 105:1,23 Peoria 4:9,19 perceived 84:5 percent 23:10 34:14 37:20 38:6 88:6,23 89:9 111:15 116:5 perform 54:1 98:11 104:20 105:7,12 performance 40:6 53:3 98:7 99:7,8 performed 84:9 89:17 90:8 permit 1:13 3:10 3:16 7:6 8:8 9:16 13:10 24:14 37:18 75:19 107:5 permits 76:1 103:10 permitted 75:24 permitting 70:17 71:15,19
P				
P 4:1,1 p.m 5:7 122:9 package 41:11 pad 67:23 page 2:1,2,3,4,5 2:6,7,8,11 14:18 16:4 pages 27:4 paid 7:21 paired 82:19 84:3,13 palliative 67:8 pandemic 32:12 parallel 68:2 paramount 66:18				

71:22 person 14:3,8 48:23 personal 102:1 personnel 103:21 persons 12:19 perspective 99:13 pertaining 8:6 8:23 9:3 pertains 8:10 pertinent 10:23 Ph.D 2:3 51:15 51:21 52:18 82:23 phase 73:23 74:3 phases 73:23 phone 32:16 79:1,12 phones 13:23 phonetic 35:24 100:23 photographs 94:5 picture 81:20 pictures 59:22 93:14,16,21 piece 38:18 113:2 pieces 15:11 Pilot 23:17 87:9 88:13 89:10,24 93:15 pipeline 44:12 PJM 22:19 place 6:6 8:2 22:14 73:23 placed 8:14 placement 72:7 placements 104:14 places 73:6 plan 9:1 10:10 25:7,9 28:20	29:1 30:6,15 30:17 45:14 66:9 67:3 73:1 74:2 75:4,8,9 75:12 105:13 110:20 planet 100:5 planned 8:14 planning 8:22 9:1 25:5 28:17 28:21 29:3 plans 75:13 101:5 107:5 plant 18:14 43:21 57:16 plants 18:24 103:4 platforms 105:18 Plaza 4:13 please 14:2,8,11 14:17 16:19,20 17:11,12 48:13 50:18 52:1,2 63:16 65:17,24 71:1,8 80:2 81:14 83:18,23 84:19 94:5 95:21 97:24 98:22 99:23 100:19 101:8 104:5 105:4 109:14,18 pleased 25:3,7 28:14 pleasure 17:22 podium 50:11 point 13:21 14:13 32:13 39:17 41:7 55:8 86:7 109:5 111:9,21 116:2 121:22 points 84:11 93:22	poles 36:17,19 36:21 pollinators 117:16 119:7 119:14 Pollutant 75:10 POLSINELLI 4:12 Pontiac 3:20,21 8:2,3 33:15 poor 81:20 portion 43:19 98:24 portions 7:10 position 10:13 61:3 62:3,4,4 62:13,13 positions 104:7 possible 35:23 36:2 54:10 94:9 120:13 possibly 14:7 94:13 post 47:9 post-construct... 74:17,19 115:20 116:21 potential 73:6 73:16 85:15 90:19 91:1 119:4,7 potentially 102:6 103:3 104:24 Powell 96:12,14 97:6 98:14 106:11,12,18 108:5,8,10,18 108:19,23 power 18:13,24 19:1 20:23 21:23 22:21 23:15 38:21 44:10,13,14 53:5	PowerPoint 16:8 powers 34:16 practices 59:5 66:17 practicing 81:3 prairie 118:4,16 118:20 prairies 118:2,3 preconstruction 65:15 66:16 67:4 preconstructi... 69:19 predict 53:3 predictions 115:21 116:24 prepare 6:1 75:3 prepared 9:9 75:8,12,13 78:12 80:22 preparedness 101:4 prepares 74:8 present 6:5 9:8,9 10:15 11:1,2 11:12 12:10,17 12:20 13:15 15:17 74:4 113:10 118:19 presentation 2:1 2:2,3,4,5,6,7,8 12:1,12 25:15 26:13 76:20 91:22 107:11 108:1 114:23 presented 12:14 29:3 34:24 presenters 25:13 presenting 10:9 28:14 presents 11:22 preservation 66:18 preserve 29:6	preserves 118:7 pretty 59:22 81:20 102:18 105:15 preventative 104:20 prevention 67:3 previously 12:23 89:19 price 41:1 86:19 86:20,23 87:20 88:5 89:7 93:1 prices 43:3 84:21,22 90:16 primarily 96:24 97:18 101:22 primary 8:13,15 37:12 39:6 52:20 54:17 72:23 prime 29:7 principal 78:18 80:17 prior 35:3 66:16 67:10 68:20 76:2 77:23 101:15,15 107:4 privacy 35:1 private 45:23,24 67:16 probably 24:6 111:12 procedures 74:10 proceed 14:21 48:14 50:2 52:6 64:14 66:5 71:13 79:16 80:10 81:19 97:10 110:1 proceeding 10:10 proceedings
--	---	--	---	---

10:23	33:5,10,17,18	promote 28:6	provide 11:17	52:13
process 10:24	34:14,18 37:1	proper 47:10	57:21 72:21	qualify 40:16
20:3 56:7	37:2,7 38:4,12	properly 9:7	94:7 103:21	104:21 115:12
59:13 62:17	38:24 39:20	properties 8:16	111:17 118:3,4	quality 72:12
69:10,19 75:21	40:7,11,13	18:10 36:12,13	provided 10:14	112:17 115:10
procure 22:9	41:8 42:6,23	80:20 82:1	16:6,7 76:19	quarter 85:7
procurement	43:1,7,12,17	83:13 85:10	82:3 91:12	118:8
22:11 99:19	44:2 45:7,8	86:2 94:20,24	107:23	question 11:4
produce 44:13	46:13 47:15,20	119:11	provides 19:14	14:4 27:11
47:15 60:9	51:1 52:11	property 7:19	29:13 32:18	48:16,21 49:12
produced 17:2	53:10,17 54:14	8:12 9:6 18:8	83:3	51:1 69:23
51:22 65:21	57:24 58:5,8	19:22 23:1	providing 10:16	77:13 79:6
71:5 80:5	59:21 60:14	31:1,5,20 32:6	80:19	92:13,14 93:19
97:13 109:21	67:13,14 68:23	33:3 34:4,17	proximity 32:10	93:20 114:22
production	72:2 73:7,11	35:4,7,9,15,17	91:17	117:22
27:17 28:8	73:16,24 74:20	36:7,10,17,18	proxy 23:8	questioned 11:6
61:22	75:1,2,18 86:9	36:20 37:17	public 1:10 3:7	11:19 12:5
professional	90:1 91:18	38:14 39:4,6	3:14 5:2 7:4,23	questioning
117:19	98:18,20 101:9	39:11 41:23	8:1 9:4,7 11:23	11:14 14:10,14
professionals	101:15,23	42:7,12,14,18	12:2 17:6 25:4	97:10
80:18	103:18,24	43:9,11,14	33:6,9 45:3,22	questions 5:23
profitability	107:7 111:13	44:7 46:1,8	45:23 64:14	14:11,14 25:1
98:7	111:15 112:1,2	47:6 58:22	65:2 67:11,15	26:6 27:5,7
program 53:5	113:8,21,22,24	79:19 82:5,11	68:18 70:6	32:20 33:9,19
100:22 101:21	114:3,5 115:9	82:18 84:6,6	74:1 77:9	48:2,9,12,13
102:17,18	115:19,24	91:16 120:15	81:16 95:15	48:15 49:9,18
104:9,15	116:3,5,10,12	proposal 40:15	97:16 108:12	49:20 50:3,7
progress 32:14	117:11 118:5	propose 21:19	121:8	50:12,13,17,18
progresses	119:9 120:6	proposed 8:14	published 7:23	50:23 51:3,5
19:21	project's 69:8	9:14 11:2,16	9:5	51:10 63:8,9
project 1:12 3:9	107:4	11:24 12:2,18	pulled 80:12	63:13 64:8,13
3:16 4:11 7:7	projected	13:6 30:23	pulling 36:18	64:18,20,23
8:7,11 9:14	101:13	31:11 32:10	purpose 9:11	65:1,3,5,7
10:5,5,13 11:2	projects 19:3	33:10 35:14	27:15 28:5	69:12,14,18
11:16,24 12:2	20:22,24 23:18	36:8 39:2	88:4 100:2,3,4	70:2,4,5,7,9
12:18,20 13:6	43:23 53:3	82:13,17 83:12	106:1	76:6,8,11,12
13:15 15:14	59:8 62:18	90:4 91:18,20	purposes 28:13	77:1,4,6,8,10
17:8,20,21,22	71:20 74:9	113:15 119:2	put 20:20 44:18	91:22 92:2,3,5
18:2,3,5 19:16	91:11,14 98:10	proposing 21:6	57:22 67:23,24	93:11 94:15
20:2,12,18	99:2 101:12	38:2	73:6 92:23	95:8,10,12,14
22:5,14 23:9	105:17,19	protected 71:23	putting 54:2	95:16,18,22
23:12,22 24:23	110:17 112:3	117:10,13,17	93:2	96:1,2,17,19
25:6 29:9,11	112:10,19,21	118:13	<hr/> Q <hr/>	106:8,13,14,18
30:8,11 31:11	113:4,13,21	protection	qualifications	107:18 108:5,7
32:1,3,5,7 33:4	promise 28:10	106:24 107:22		108:9,12,13,15

108:21,22 110:12 117:3,5 117:6 121:1,3 121:5,7,9,11 121:15 quick 15:11 18:1 114:21 quickly 47:14 53:8 quote 26:20 30:16	44:8 54:17 55:4,6 68:13 87:7 111:14,17 111:24 112:2 112:10 113:9 115:10,13,15 116:4 119:12 Realtime 123:4 reason 26:3,24 28:9 37:22 79:5 116:11 reasonable 46:2 reasons 22:24 26:5 27:18 32:8 92:22 rebuttal 12:10 13:4 receive 85:16 received 59:3 receives 102:10 receiving 90:19 recess 78:1 122:1,5 recognize 28:12 38:13 recommend 111:1 118:1 recommendati... 9:14 13:11,13 115:12 120:17 recommendati... 111:6 113:18 114:6 116:8,14 118:6 119:9,10 120:1 recommended 30:17 72:3,17 114:4 116:21 recommending 9:2 119:5 recommends 111:1 115:4 116:12 117:23 Reconstruction 118:16	reconvene 78:3 122:2 record 6:8 8:1 15:23 16:13 17:13 24:19 25:12 46:16,24 52:2 57:8,21 66:1 71:9 78:8 80:3 83:15 97:23 109:19 recorded 112:1 112:21 119:24 recused 6:20 red 87:13 redacted 35:1 reduce 37:10 114:1,3 115:24 116:18 118:10 reduced 23:7 113:17 123:7 reducing 115:16 116:14 refer 14:17 reference 16:4 24:6,6 57:19 79:23 referenced 8:5 14:4 47:22 94:6 referencing 114:23 referendum 23:6 37:16 47:23 reflect 57:15 regard 76:15 120:7 regarding 1:12 1:14 3:9,11,15 5:24 7:5 8:18 9:9 48:21 69:19 70:21 94:18 113:7 114:19,22 115:3	regardless 10:12 regards 77:14 region 54:21,24 56:15 98:5,8 98:16 99:14,17 regional 8:21 17:8,19 22:19 96:13,15 regional- 53:12 regions 98:17 Registered 123:3 regression 84:10 regularly 112:19 regulated 71:24 regulations 23:23 27:16 29:18 47:19 54:8 59:2 75:11 81:5 regulatory 20:3 72:22 99:5 reimburse 42:12 102:8 reiterate 37:7 47:5 related 88:15 123:8 relation 8:24 48:17 relationship 100:15 relative 61:18 123:11 relatively 37:23 69:10 111:19 112:24 relevant 10:23 relief 24:15 remainder 21:8 remaining 64:1 reminder 108:19 109:1 remnant 118:4 remote 57:1	remotely 79:12 removal 47:10 104:1 renewable 18:13 23:15 28:8 30:24 44:10 98:7 Renewables 17:9,20 18:7 18:12,13 19:4 19:12,18 20:20 34:4 44:3 51:16 52:14 65:14 70:17 96:13,15 98:24 Renken 90:23 repair 45:5,21 61:15 66:21,23 67:1,12,13,15 68:14,17,20 104:22 repairs 46:3 104:3 repeat 79:6 repetitious 10:22 replace 102:4 report 79:21,23 80:22 87:4 89:15 109:11 reporter 4:21 5:4 13:19 14:5 16:20 17:17 51:19 63:17 79:13 81:15 83:18 123:1,3 123:3,4,21 reporting 75:6 reports 12:13 represent 15:14 64:24 98:4 105:22 representation 60:11 89:22 representative
--	---	---	---	---

<p>35:5 40:23 representatives 9:8 represented 32:24 50:16 representing 11:8 50:19 70:3 95:13 108:10 121:6 represents 5:22 18:5 request 8:7,10 9:17 39:12 40:15 66:7 74:20 requested 15:17 77:19 requesting 72:6 requests 7:13,19 required 7:22 13:6 21:20 38:19 39:5,17 40:7 requirement 39:8 76:16 77:17 119:18 120:9,17 requirements 37:6 38:24 39:1 40:3,14 40:14 47:17 75:7,15 requiring 39:4 research 91:9 116:17 reserve 64:13 69:22 residence 8:13 8:15 39:6,9 residences 37:13 residential 82:18 84:6 residents 27:24 33:3 91:20 resolution 59:10</p>	<p>62:24 64:5 resolutions 32:24 resource 32:18 33:16 34:12 52:20 53:6,11 53:14 54:17,18 55:7,10 57:17 58:7,15 59:18 60:5 61:10 62:24 74:23 resources 54:13 70:20 72:1 114:17 119:8 respect 12:20 62:6 64:12 97:19 100:10 118:12 respond 25:1 responding 30:15 response 29:2 49:22 72:3 101:5 responses 26:16 26:22 27:2 responsibility 103:7 responsible 62:9 101:6,11 117:12 rest 28:1 35:9 78:3 restoration 68:18,24 restore 68:11 restrictions 32:12 40:4 result 41:12 82:10 91:4 resulted 32:9 results 74:4 retail 82:7,7 retained 2:17 retention 66:19</p>	<p>75:14 retracted 120:1 revenue 38:14 42:24 43:14 reverb 96:10 review 26:14 33:10,17,17 35:2 74:3 87:7 93:6 114:16 120:9 reviewed 8:22 35:8 40:19 72:2 84:3 89:23 120:11 reviewing 34:10 RFP 40:16 Rhett 2:8 109:5 109:9,20,23 110:4 Richard 4:4 6:6 6:9,18 63:18 92:8,9 ridden 59:24 ridge 58:6,10 right 5:17 16:17 16:19 17:10 24:2 26:12 36:6,8 38:1 42:19 49:17 50:5 51:18 54:3,3,21 60:16 64:13,18 65:17 69:1,23 70:12 71:2 72:16 73:3 79:12 93:1 95:7,20 96:7 96:21 97:3,7,9 103:17 108:17 109:2,12,15,17 117:21 121:14 121:18 122:4 ringer 13:24 risk 110:17 112:23 113:3</p>	<p>risks 113:22 Riverside 4:13 Rives 4:17 road 35:19 45:18,19,22 52:18 67:11,11 67:22 68:20 roads 21:21 34:10 36:1 38:2 45:3 58:21 62:1,5 67:14,16,22 68:18 104:2 Robert 114:18 rock 59:24 role 58:18 roll 6:7 room 17:7 23:2 77:9 95:15 Rose 114:18 rotor 56:22 rough 88:2 111:21 roughly 88:18 111:22 Round 7:11 8:17 18:3 21:4 23:6 37:8 royalties 61:23 ROYSTER 4:18 rules 6:24 10:19 14:1 23:22 81:9 run 103:19 running 60:17 Runyon 4:4 6:6 6:9,10 63:15 63:18,18 64:2 92:9,9,18</p>	<p>safe 21:20 22:21 27:18,21 62:10 101:3 safety 44:19 100:9,20,22,22 102:1,19 106:23,23 107:2,3,6,13 107:13,14 sale 84:21,22 87:15 88:17,20 89:4,7 92:11 92:16 93:2,8,8 sales 82:19 84:3 84:13 85:5,6 85:10,11,13,19 85:22 86:1,5,6 86:8,10,23 87:22 88:7,12 88:17,19,23,23 89:8 92:20,23 95:4 San 99:10 satisfied 102:15 103:11,12 satisfies 39:7 satisfy 26:3 38:24 save 100:4 saw 88:6 saying 120:3 says 17:3 50:23 51:23 63:23 65:22 71:6 80:6 97:14 109:22 scan 60:18 schedule 5:20 10:1 22:20 69:3 scheduled 9:22 104:12 school 3:20 8:2 11:7 31:23 32:23 33:7</p>
--	---	---	---	--

schools 28:3 31:2	select 41:13 61:10	37:10 53:20 59:1 62:7 63:1	significantly 78:7	75:1 99:3
Schopp 4:5 51:7 65:7 70:9 77:12,20 95:18 108:15 121:11	selected 21:12 selection 40:5,20 selling 93:3 semi-annual 105:7	72:4,10,17 110:24 114:4 118:2 119:5 120:5	signing 35:3 signings 19:22 silence 13:23 similar 37:16 45:22 46:5 86:2 88:4,19 105:18 112:3 113:20 116:19	siting 21:17 23:21,23 24:14 35:8 36:3,9 39:18 40:3 43:10 47:18 61:12 120:9
Scott 2:1 4:2 5:17 15:4 16:15 17:1,8 17:13,19 24:3 31:7 53:10,21 59:12 68:24 107:16 108:2 120:18	send 94:7 senior 96:13 102:21,22 109:6 110:4 sense 41:9 100:9 sensing 57:1 sent 33:12 40:16 separate 26:20 68:9	sets 57:19 86:11 86:12 88:8 95:4 setting 114:6 115:15 118:6 seven 86:14 87:22 89:5 100:9 shadow 37:6 40:4 54:5	single 39:21 simplified 84:12 simply 23:9 47:14 60:11 simultaneously 15:18 single 57:7 89:4 111:23 single-colored 63:23 sir 16:18 47:1 49:1 51:24 55:22 65:23 71:12 site 21:12 35:16 37:21 38:8,17 41:13 53:13,17 55:10 56:11 58:1 59:6,8,17 61:10 62:9 68:10 98:18 101:24 110:21 110:23 111:3 site-specific 61:18 72:21 73:9,17 74:2 sited 32:3 35:17 37:8,15 38:4 39:3 42:17,18 43:9 62:3 116:4,7 sites 21:8 52:22	sitting 20:3 31:15 situation 76:19 six 3:18 104:18 size 86:4 115:11 sizes 88:2 skilled 105:16 skip 28:18 slaughter 82:6 slide 19:11 37:3 41:18,19 59:12 76:21 80:12,21 81:11,19,20 82:14 84:7,7 84:19 85:3 87:4,18,18 88:11 89:2,21 89:21 90:12 91:7 93:24 109:8 111:10 112:6 slides 24:4 28:11 29:2 42:5 78:22 107:13 109:8 slow 55:16 69:5 81:14 slower 60:5 slowing 60:2 small 29:8 37:23 64:5 115:11 snapshot 61:2 snow 44:6 104:1 software 61:4 soil 66:18 solar 71:19 82:6 99:22 103:4 sold 85:20 92:21
screen 28:23 34:22 78:22	September 1:15 3:12,17 8:23 9:5 123:16 sequencing 67:17 68:10 serve 20:16 21:9 105:22 served 53:4 service 20:20 22:15 111:6 Service's 110:18 services 4:22 78:19 101:6 servicing 18:21 serving 11:6 sessions 104:12 set 13:8 17:16 22:20 27:20 28:12 37:12 58:21,24 88:10 88:15 setback 7:19 8:10 24:15 37:5,14,16 39:5 72:7 76:16 77:17,18 115:4 120:8,17 setbacks 23:7 35:5,10 37:4	shape 45:4 share 52:9 shared 94:21 sharing 52:12 97:19 Shelly 90:23 shocked 16:10 shoots 57:4 short 55:5 59:4 78:5 85:11 shortages 44:12 shorthand 5:3,4 123:3,21 shortly 78:4 show 27:19 34:20 95:3 showing 60:11 shown 60:10 shows 30:1 54:21 57:23 73:3 84:7 91:3 112:17 side 14:12 60:19 Siemens 39:24 40:17 sign-in 10:6,8 signed 34:16 significant 28:2 29:13 115:18	search 85:22 seated 14:5 second 46:12 74:3 83:15 seconds 101:22 section 8:17 14:17 security 47:10 see 23:2,9 28:24 29:7 32:23 35:4,11,15 42:3 55:3 57:23 58:1 60:13,19 64:3 66:23 78:21 86:22 87:1,12 87:13,14,24 89:3,22 90:9 90:13,15 94:12 100:8 112:9 113:1 Seeing 50:15,21 51:5 70:3,5 seek 34:15 60:6 61:3 62:6 seeking 24:13 38:16 seen 25:7 54:19 59:24 119:13	

93:9 94:20 solutions 36:3 36:22 somebody 102:24 someone's 107:21 soon 68:16,23 94:13 sorry 46:18 68:13 79:21 81:17 sort 25:4 85:4 102:11 113:3 119:14 sought 35:14,18 sound 35:24 54:5 62:8 119:24 sounds 119:23 sources 28:8 south 58:10 Southern 52:16 space 60:8 spatial 58:19 speak 14:8 17:23 40:22 52:8 55:17 speaking 10:4 14:3 31:10 42:6 85:6 special 1:13 3:10 3:16 7:6,13 8:8 9:16,19 13:10 15:18 24:13 25:22 27:13 37:18,21 38:5 38:22 species 71:23 72:24 112:8,8 112:9,15 113:5 113:11,11,14 113:17,23 117:16 118:19 118:24 119:14	119:22 120:5 specific 52:10 53:9 64:4 82:11 93:5 specifically 27:15 28:6,10 53:16 90:22 120:12 specifications 21:11 40:7,12 41:10 102:4 speed 23:14 52:22 56:9,21 57:5,7 60:13 60:18 speeds 58:1,3,4 60:20 61:8 spell 17:12,12 spelled 46:10 spelling 52:1 65:24 71:8 80:2 97:23 109:18 spend 31:9 42:5 spent 22:24 spirit 39:7 spoke 42:16 118:17 spoken 36:24 47:13 spot 120:15 sprayer 36:20 spring 33:14 36:7 69:8 75:18 square 86:19,20 86:24 87:21 88:5,18 89:7 stability 19:14 stable 44:13 47:15 staff 4:5 11:10 11:21 12:7,13 15:8 17:6 20:17 33:10	51:6 65:6 67:7 67:20 70:8 77:11 94:11 95:17 108:14 121:10 staffed 32:17 33:15 stage 5:15 6:3 13:19 staged 68:7 standard 29:22 standards 21:18 25:21 26:2,4 26:10,14,17,18 26:20,23 27:20 27:20 start 14:12 15:5 18:20 22:13 48:11 54:16 85:22 started 5:7 32:1 34:7 45:4 starting 110:8 starts 19:19 23:1 69:5 73:4 state 1:2 3:2,24 21:17 23:14,23 40:3 44:15 46:9,14 47:8 47:18 48:19 52:1 59:2 63:16 65:24 71:8,21 73:5 75:15 76:1 80:2,24 81:8 81:23 82:1 84:16 89:20 97:22 103:11 103:14 109:18 117:10 123:5 123:21 state's 37:5 state-level 53:12 stated 11:14 statement 12:15	12:21 13:1,2 14:4 49:19 statements 12:17 states 18:16,20 27:15 71:20 station 43:22 stations 82:8 stay 85:24 step 30:23 50:18 65:10 70:13 73:9 77:22 121:14 Steve 96:12,14 96:17 Steven 98:14 steward 44:22 stick 14:11 STIPULATED 5:1 Stock 4:4 6:15 6:16 stopping 13:21 Storm 67:2 storm-water 67:3 stormwater 75:9 75:14 strategy 74:8,14 116:15 stream 59:24 60:3 72:7 77:17,18 streams 114:7 strict 10:19 strive 44:21 strong 23:14 115:16 strongly 105:24 structures 58:21 studied 84:5 89:10 90:6 119:1 studies 19:23 20:1 24:22	71:22 72:22 73:9,18,18,19 82:3 84:2,14 84:20 89:17,19 90:7 91:10,11 110:6,11,15,15 110:20 111:5 111:12 116:22 study 73:2 74:2 74:22 79:24 84:23 85:5 93:8,16 111:18 119:16,17,24 SU-9-22 1:14 3:11 7:5 8:6,22 subject 8:16 44:10 submit 40:18 submitted 89:15 114:11 substantial 111:7 substation 7:20 8:11,14 22:2 24:15 38:18,18 38:23 39:3,8 39:14,18 41:19 48:23 substations 7:15 38:3 68:8 success 23:17 98:8 99:7 successful 99:22 suitability 61:5 Suite 4:8,13 Sullivan 7:11 18:4 21:5 23:6 37:8 summarize 47:14 summer 69:8 supervisor 90:23 supply 28:6 43:20
--	--	--	--	--

<p>support 23:4,7 24:23 28:2,4,7 29:14,24 30:4 31:3 33:1,1 37:10,16 38:2 41:20,21,23 42:8 44:4 97:18 99:21 104:3,4 105:19 114:11</p> <p>supported 47:21 99:17</p> <p>supporting 22:2 99:2 101:23</p> <p>supportive 17:7 42:10</p> <p>supports 31:1,4 39:11</p> <p>sure 53:1 54:1,2 54:7,9,12 55:20 58:23 59:16 61:11 79:22 80:7 85:12 86:2 92:19 95:1 96:19 99:21 100:24 101:2 102:7,12,14 103:8 107:6,20</p> <p>surrounding 82:11 83:13 84:6 116:18</p> <p>survey 74:4,23</p> <p>surveys 59:10 71:18 111:2,3 111:8,22</p> <p>sustained 44:1</p> <p>swear 65:17 97:1</p> <p>sweep 73:17</p> <p>swings 44:11</p> <p>sworn 11:17 12:4 16:19,21 17:2 24:9,11 51:18,20,22</p>	<p>65:19,21 71:2 71:3,5 79:12 79:14 80:5 97:4,5,7,8,13 109:15,16,21</p> <p>Syed 4:7 5:21 16:6 46:21 114:21</p> <p>syed@salcfir... 4:10</p> <p>Sylvia 2:7 96:12 96:13,16,18,24 97:12 98:2</p> <p>sync 103:14</p> <p>synergies 105:18</p> <p>system 7:9 8:9 21:24 38:20 45:22 68:1 75:11</p> <p>systems 58:18 73:15 102:19</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>T-A-Y-L-O-R 71:11</p> <p>table 6:4 16:3 19:20 31:14 72:16 94:21</p> <p>tag-teamed 48:11</p> <p>tailor 74:16</p> <p>take 13:17 31:16 42:17 57:12 78:2 81:15 93:23 96:11 118:18</p> <p>takeaway 19:10</p> <p>taken 5:2 78:5 87:4 123:6,10</p> <p>takes 34:1 73:22 84:10 119:4</p> <p>talk 19:2,24 21:1 25:19 26:12 27:22 42:7 101:21 113:19</p>	<p>113:24</p> <p>talked 28:16 29:17 41:19 68:13,17</p> <p>talking 14:7 26:4 27:6 109:9 110:10</p> <p>targets 83:11 93:23</p> <p>task 5:20</p> <p>tax 43:14 80:14</p> <p>taxes 100:17</p> <p>Taylor 2:5 70:15 70:17 71:4,10 71:14 110:22</p> <p>team 40:19 51:16 52:14 58:16,16 97:19 98:13 105:23 107:14</p> <p>team's 53:19</p> <p>teams 98:15,17 99:21 107:8</p> <p>teamwork 100:10</p> <p>technical 19:11 21:11 104:18 104:19</p> <p>technician 102:20,21,21 102:22,22 104:9,15,17 105:6,6 111:22</p> <p>technicians 98:18 101:20 102:16 104:8 104:13</p> <p>technology 53:6 61:11 63:2 103:4 109:11</p> <p>tell 29:18 92:24 99:24</p> <p>telling 14:12</p> <p>temperature 61:9</p>	<p>temporal 55:14 57:6</p> <p>temporary 7:16 75:20</p> <p>tempting 14:12</p> <p>ten 23:19 78:2 86:15 88:17</p> <p>tenants 36:12</p> <p>term 57:15,18</p> <p>terms 10:24 28:5 86:2 88:20 89:5</p> <p>terrain 56:13</p> <p>test 82:20 83:6 84:21 85:5,13 85:19 86:1,5,9 86:20,23 87:15 87:15 88:1,7 88:12,20,22 89:4,7 93:8 95:4</p> <p>testified 12:23</p> <p>testifies 17:2 51:22 65:21 71:5 80:5 97:13 109:21</p> <p>testify 11:17,24 12:4 14:15</p> <p>testifying 24:10 25:14</p> <p>testimony 10:9 10:13,22 11:5 11:18 12:1,4 14:2 15:16 25:13,18 30:12 48:11 49:20 63:14 76:18 78:9 79:23 94:6 95:8,20 96:23 118:23</p> <p>Texas 71:17</p> <p>thank 7:2 14:22 15:6,21,21 17:5,18 24:2 31:8 41:24</p>	<p>42:2 46:19 47:3,4,24 48:5 48:6 49:7,16 49:24 51:8 52:5,7 55:22 63:5,10,11 64:15,16 65:8 65:9 66:4,10 66:12 69:14,15 69:16 70:10,12 70:23,23 71:12 76:4,9 77:20 77:21 78:10,20 79:17 80:9,11 83:23 91:23 92:3 94:3,14 95:5,19 96:3,5 96:22 97:16 98:3 106:4,9 106:15 108:3 108:16,17 109:4,12 115:2 117:5 120:23 121:13,17 122:4,6</p> <p>thanks 110:3</p> <p>thereto 123:12</p> <p>thing 14:10 15:15 25:19 29:5 62:16 103:17 112:18</p> <p>things 21:21 29:17 58:20,23 68:2 84:23 104:2 105:9</p> <p>think 14:24 22:23 23:2 27:4 28:11 29:4,4 30:23 37:2 44:8,17 79:9 90:12 96:23 100:1 106:2 113:8 115:9 116:1 117:22 118:2,3</p>
---	---	--	--	--

119:3,19 121:24 third 57:6 thought 57:9 thousand 115:4 115:7 thousands 33:12 84:11 threatened 112:7 113:4,11 three 17:22 19:6 41:4 55:13 56:7 74:18 86:14 87:19,20 89:3 115:20 116:21 throwing 62:21 tier 73:5,10,10 73:17 74:2,4 74:21 110:21 tiered 72:21 73:4 tiers 73:8,13 tile 42:13 66:21 66:22 68:13 104:3 tiles 45:6 tilled 111:15 time 9:24 11:5 11:24 14:8,9 14:13 15:7 24:6 29:13 32:15 48:4,8 49:10,14 50:13 51:2,10 55:5 55:18 61:1 66:13,23,24 68:7,16 76:10 76:23 78:7,15 78:15 84:22 94:19,19 95:23 102:8 103:17 105:5 107:24 110:3 121:12 121:23 122:5,7	timeline 40:8 times 62:18,19 timing 121:21 tip 56:20 to-be-located 120:16 today 40:22 97:17 98:17 110:10 told 35:17 tomorrow 9:23 10:2 94:8 96:17 106:14 108:20 121:16 122:2 tonight 5:19 6:5 6:17 7:3 9:23 17:7,23 20:4 21:1 27:23 110:3 122:5 tonight's 122:1 tools 73:15 top 19:6 34:2 57:24 66:18 top-tier 39:23 topic 31:16 torquing 105:11 total 87:11 totally 22:15 touch 19:18 tower 69:2 towers 22:3 54:20,20,22 55:9 56:10,18 57:3 58:22 68:5 township 3:20 8:2,17 23:11 37:15 45:18 townships 7:10 7:12 18:4 21:5 23:5 29:23 34:5 37:9,9,13 47:23 track 94:23	tracks 18:19 train 67:19,19 68:4,10 104:9 training 100:23 101:21 102:17 102:17,20 104:9,12,17,18 104:19,24 106:23 107:22 transacted 92:21 transactions 85:9 86:6 90:9 91:14 93:6 transcribed 5:4 transcribing 14:6 transfer 82:8 119:20 transition 103:3 transmission 22:1 34:11 36:6,10,16 38:20 58:22 68:8 transmit 13:12 21:24 transparency 100:10 travel 119:23 treatise 82:24 treatment 75:14 tree 113:23 116:10 trees 56:13 tri-colored 113:15 trickle-down 43:23 trim 41:1,10 troubleshoot 104:22 truck 43:21 102:6 trucks 68:6	truly 15:7 78:23 try 13:19 16:10 85:24 100:12 100:23 trying 52:24 59:16 62:15 99:6 117:13 turbine 21:6,11 34:10 35:16 37:4,5 38:1 39:20 40:5,20 41:12 42:20 53:23 60:6,7 61:15 62:2,11 64:4 72:6,8,15 75:22 76:15 85:23 87:24 93:5 112:11 114:8,8,19 115:3,6 120:8 120:10,12,14 120:16 turbine's 61:5 turbines 7:15 21:23 29:11 32:10 35:8 37:14,22,23 42:17 52:10 53:9 56:19 59:6,17,23 60:4,14,20 61:4,6,12,17 62:9 85:2,8 87:13 89:12 103:19 104:20 104:22 105:20 113:1 114:5 116:7 118:14 118:14 119:15 turbulence 60:4 61:8 turbulent 60:2 60:24 turn 6:23 14:15 15:4 16:15	22:17 53:14,15 55:24 90:12 96:9 Turner 6:20 turning 13:23 turns 119:22 twelve 3:18 twice 116:1 two 9:10 14:7 15:11 19:6 22:16 23:16 44:24 73:23 82:22 86:14 87:6 88:12 111:7,18 112:14,21 type 27:8 62:23 86:17 typeface 29:1 types 82:5 typewriting 5:5 123:7 typically 68:15 69:2 <hr/> U U.S 18:22 72:19 72:24 75:24 99:12 110:18 U.S.-based 18:13 ultimately 20:2 21:12 22:1,8 39:15 40:5,15 40:18 41:13 93:8 umpire 5:19 unanimously 28:17 unanticipated 75:3 unavailable 35:9 unavoidable 46:4 uncovered 75:5
---	---	---	---	---

undergo 115:20	13:10 15:18	24:14 26:11	wake 59:23,23	20:3,5 21:1,6
underground	24:13 25:22	38:17 39:4,11	60:1	24:24 25:3,20
21:22 67:24	27:9,13,21	39:17 41:22	walk 26:11,21	27:22 29:23
understand	28:5 29:8,12	variety 80:19	40:22 41:3	30:7 36:21
52:24 55:7	29:17 37:18,21	various 29:2	53:7	38:1 39:22
56:21,23 58:15	38:5,13,23	32:8 52:22	walking 26:24	41:7,12 43:10
85:20 95:1	57:1 58:20	74:12 98:9	want 25:19 29:6	49:4 52:10
100:2,12	63:2 73:15,18	102:19 104:2	30:3 41:4	53:1 54:2,7,12
108:21	83:12 84:9,12	104:14 105:8	53:24 54:2,6,7	57:10 59:16
understanding	85:13 86:6	vast 84:8,13	56:10,21 57:11	60:7 61:12,23
32:2 55:10	111:2,8,19,24	Vegas 53:6	58:23 62:16	62:15,21 78:8
56:14 58:20	112:2,7 114:1	verbal 10:15	92:19 96:18	79:1 86:5,7,10
61:9 62:24	116:17 118:10	verify 59:9	103:18 113:23	86:18,19 93:5
understood	useful 45:15	versus 86:21	120:20	102:5 104:7
64:15 96:3	users 20:8	vertical 55:14	wanted 15:10	121:24
107:15	uses 29:12 82:10	56:16	29:24 90:22	we've 18:22
unduly 10:21	91:9	Vestas 39:24	107:19	22:24 25:12
unforeseen 21:9	usually 15:3	viable 66:20	wants 102:24	34:23 35:21
unfortunately	67:21 68:7,9	vibration 119:20	wars 44:11	36:13,24 37:3
96:18	69:7	119:23	wasn't 90:5	55:3,6 56:2,8
unharmful 101:3	utility 18:18	vicinity 117:11	waste 82:8	57:14 59:21
Union 7:11 18:4	19:6 20:7	view 33:17 73:6	water 67:2,8	72:4 73:16
21:5 23:6 37:9	22:18	villages 32:22	75:19,21	74:18 75:17
unique 29:21		vintage 86:3	119:21	78:6 82:3,16
unit 50:9,11	V	88:16	waters 71:24	82:19,21 89:23
United 18:16,20	V-3-22 1:14 3:11	Virginia 52:19	way 13:22 20:5	110:14 111:1
71:20	7:6 8:9	visits 59:8	36:9 59:6 60:9	112:3 114:20
units 11:7 40:6	validate 59:8	VOELKER	62:9 68:11,21	weather 43:3
64:19,20,21	102:11	4:18	70:18 116:19	website 9:21
70:1 77:4	valuable 38:13	volume 23:3	120:3	16:2 32:12
95:11 108:8	valuation 78:18	voluntarily 72:5	we'll 6:8 19:2,24	WECS 28:13
121:3	79:20 80:17,23	voluntary 34:14	21:7,12 24:15	29:21 37:11
University 52:19	valuations 80:19	34:17	25:16 26:12	weed 103:24
71:18	value 44:19	vote 13:7,9,10	41:13 48:11	week 32:18
unknown 41:11	72:13 100:21	29:24	49:14 57:15	33:16
unscheduled	103:18	voted 23:6,8	62:6 66:23	weekly 33:22
105:12	values 90:16,20	37:10	67:7,12,22,23	WEGS 72:20,21
unusual 100:8	91:3,16 100:7	vulnerable	68:11 72:10	73:4,14,22
up-tower 105:9	100:7,14,21,23	112:11	75:9 76:21	74:21
updates 34:11	106:1	W	78:1,3,22	Welcome 5:11
uphold 45:20	variable 60:22	W-E-N-T-Z-E...	81:19 85:16	well-being 100:5
uplift 100:16	variance 7:7,19	17:15	86:13 94:11	Wentzell 2:1
use 1:13 3:10,16	7:20 8:9,10	waiver 72:6	108:2 109:8	15:5 16:15,16
7:6,13 8:8 9:16	9:17,20 115:17	77:18,19	122:1,5	17:1,4,8,14,15
9:19 10:10	variation 15:17		we're 5:9 18:1	17:18,19 31:8

42:2 46:19 47:4 48:3,10 48:12,15 49:1 49:4,9,20 50:12,17 51:1 107:16 west 8:16 58:8 110:5 Western 109:5 109:10 Westwood 74:24 wetland 73:19 75:17 wetlands 71:24 75:19,20 wholesale 44:14 wholly-owned 18:11 whooping 112:15,16,19 112:23 wide 80:19 widget 22:9 widgets 22:12 wildlife 72:20 73:1,11,22,24 74:11,21 110:5 110:7,11,18 111:6 118:11 William 4:4 willing 77:16 wind 1:12 3:9,16 4:11 7:7,8,9,14 7:15 8:7,8 15:14 17:21 18:2,3,11,19 18:21 19:15,19 20:14,21 21:2 21:16,21 22:3 22:10 23:4,8 23:14,16 27:9 27:12,14 28:7 29:8,24 30:3 30:23 34:15 35:8 37:3,21	37:23 38:8,16 39:15 42:9 43:7,9 44:4,12 44:24 45:12,20 46:10,13 47:9 47:15 52:20,21 52:23 53:10,11 53:12,13,17 54:16 55:5 56:9,12,12,15 56:19,21 57:2 57:5,7,9 58:1,3 58:4 60:3,5,12 60:13,18,19 61:6,8 71:19 72:20 74:9 82:13,18 84:5 85:1,16 86:9 87:5,6,9 88:13 89:10,18,24 90:1,1,2,6,10 90:16,20 91:4 91:9,11,14,17 93:5 99:22 101:20 110:7 110:17 112:3 112:10,19 113:4,13,20,22 119:2,15 Wind's 45:14 wind-energy 113:6 wind-generated 27:17 windiest 57:8 winds 58:11 60:22 wires 21:22 wish 13:15 wishes 11:16 12:3 50:10 withstand 61:7 withstanding 30:7 witness 11:23	14:11 16:21 48:2 50:3,7 51:13,20 63:8 64:19 65:12,13 65:19 69:12 71:3 76:7 79:14 92:2 96:8 97:5,8 109:3,16 121:22 Witness/counsel 24:11 witnesses 10:14 11:3,4,6,13 12:10 50:14 51:3,11 64:12 78:13 97:11 wonder 93:14 wondered 62:12 wondering 63:19 92:10 118:16 Woodford 84:18 word 117:14 work 22:6,7,8 29:19 33:20 61:20 62:23 95:24 96:1 101:5 102:14 107:8 108:24 worked 35:21 36:13 workers 43:20 43:21,22 working 17:4 20:5 22:24 29:23 32:22 33:22 34:1 70:18 98:9 99:3 107:16 110:8 works 58:16 106:22 world 19:9 49:6 worthwhile	58:12 wrapped 119:8 writing 27:2 written 26:16 wrote 82:24 Wyoming 110:8 <hr/> X <hr/> Y <hr/> yards 90:10 yeah 64:11 68:22 69:21 92:8 94:4 117:21,23 119:12 year 20:19 22:7 33:3 40:10 42:24 43:2,4,4 57:8 69:4,9 88:2,21 101:14 years 17:22 18:17 19:7 22:24 35:11 41:5 52:15 54:23 55:6,12 57:14,16 59:7 66:14 71:16 74:18 81:3,5 82:2,5 84:9 98:6,15 99:16 103:7 110:7,8 111:2,4,7,18 115:20 116:21 yellow 87:14 <hr/> Z <hr/> ZBA 10:21 11:3 11:19 12:5 13:5,7,10,12 13:16 15:9,16 ZBA's 16:6 zones 87:15 zoning 1:1,11 3:1,8,15,23 4:3	4:7 5:12,22 6:5 6:19 8:19,22 8:23 9:2,4,6,10 9:12,17,21 10:19 27:12 48:9,13 49:9 49:12,17,21 50:6 63:12 64:8,12 69:17 76:11,12 77:1 82:4,8 92:6 95:22 106:17 117:7 121:23 zoom 55:2 <hr/> 0 <hr/> 0.02 37:20 0.28 88:6 0.59 88:23 <hr/> 1 <hr/> 1 2:13 9:5 16:5 16:12 38:6 73:5 118:7 1,100 20:20,22 1,500 18:15 1,600 8:12 39:5 99:14 1,875 37:12 1/2 38:6 1/3 38:7 10 8:11 39:3 44:2 87:19 10,000 42:24 10.4 99:11 100 34:14 109 2:8 11 89:16 1100 3:20 8:3 12 8:23 98:6 103:7 125 43:1 13 52:15 55:12 66:14 68:6 89:22
---	--	--	---	--

133.13 87:21	23 98:15	40 57:16	8:58 121:22
14 84:7,15 90:12 110:8	230 18:8 21:3 34:4,16	400 43:18 99:1	80 2:6 56:20
140 29:9 30:8 38:5 43:10	24 2:2 70:19 110:7 111:9	400,000 20:23	80-acre 42:22
15 44:2 91:7	114:15,23	411 4:8	81 21:8
150 4:13 43:6	117:9	46 2:15	873-3615 4:14
16 2:13,14	25 80:16 101:13	<hr/> 5 <hr/>	88 7:15 21:6
17 2:1	109:10 114:24	5 73:10	<hr/> 9 <hr/>
1720 4:8	254 30:10	50 62:18 71:19	9 26:15,23 41:21
175 87:11	255-megawatt	500 21:15 40:2	68:6
18 70:21	18:3	51 2:3	9:00 122:9
19 46:17	26 4:22 101:14	57 111:22	97 2:7
1980s 18:21	26th 123:16	<hr/> 6 <hr/>	99 111:15 116:5
<hr/> 2 <hr/>	27 66:8	6 84:7	
2 7:15 19:1 85:8 110:21	29 79:19	6.5 30:10	
2,500 8:15 39:9	<hr/> 3 <hr/>	6.9 89:9	
2.5 99:15	3 25:24 26:1	6/10ths 38:7	
2.7 85:23 87:23	73:17 74:2,4	6:00 122:2	
20 1:15 3:12,17 82:5 84:9	3,250 37:14	6:12 5:7	
2008 55:4	30 2:13 15:24	60 23:10 56:18	
2009 52:15	16:5,12 27:4	60606-1599 4:14	
2012 72:19	57:16	61601 4:19	
2013 72:24	30,000 37:20	61602 4:9	
2015 87:10	300 4:18	61764 3:21	
2017 29:22 31:14	3000 4:13	618 4:23	
2018 31:14	307-9320 4:23	62034 4:23	
2019 31:18,23	309 4:9	643-0310 4:9	
2020 31:24 32:11	309)676-0400	65 2:4	
2021 32:21	4:19	655 99:1	
2022 1:15 3:12 3:17 8:23 9:5 70:21 123:17	31 2:14 8:17	66 43:15	
2023 22:12	16:8,12	<hr/> 7 <hr/>	
2024 22:13,14 99:16	312 4:14	7.8 99:4	
2025 22:15	33 43:24	7:30 13:20	
2026 22:15	34 2:15 46:22,23 47:2	7:43 78:2	
2027 99:16	35 18:17 81:3	7:45 13:20	
21 104:16	375 18:6	7:53 78:3	
	385 18:10	70 19:7 80:18	
	<hr/> 4 <hr/>	71 2:5	
	4 29:10 37:22	748 111:8	
	73:10 74:21	75 21:8	
	84:16	<hr/> 8 <hr/>	
		8 27:14	
		8:04 78:7	