



**RE: LIVINGSTON COUNTY  
WIND FARM PROJECT, LLC**

-

**SPECIAL USE PERMIT APPLICATION  
AND VARIANCE APPLICATION**

**Date:** September 28, 2022

**Court Reporter:** Sherrie L. Merz, RDR/CSR/CCR

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LIVINGSTON COUNTY WIND FARM PROJECT, LLC  
SPECIAL USE PERMIT APPLICATION AND VARIANCE APPLICATION

Part 3

Taken at Livingston County Historic Courthouse, 112 West  
Madison Street, Second Floor Board Room, Pontiac,  
Illinois 61764

Between the hours of 6:11 p.m. and 9:02 p.m.

September 28, 2022

Sherrie L. Merz, RDR/CSR/CCR

CSR No. 084-002840

CCR No. 995

Livingston Zoning Hearing  
September 28, 2022

Page 2

1 INDEX OF EXAMINATION  
2 PAGE  
3 Testimony by Mr. Scott Wentzell 8  
4 Testimony by Mr. Rhett Good 45  
5 Testimony by Mr. Andrew Lines 62

6 INDEX OF EXHIBITS  
7 Exhibit 9 Variation Application 7  
8 Exhibit 10 Landowner List 8  
9 Exhibit 11 Owners Within 1.5 Miles 10  
10 Exhibit 12 Property Legal Descriptions 11  
11 Exhibit 13 Impact Analysis 11  
12 Exhibit 14 Letter of Support 15  
13 Exhibit 15 Good Neighbor Agreement Form 16  
14 Exhibit 16 Wind Turbine Equipment 18  
15 Exhibit 17 Preliminary Plot and Design 23  
16 Exhibit 18 MET tower equipment 30  
17 Exhibit 19 AIM Agreement 31  
18 Exhibit 20 Microwave Communications and  
19 Interference Report 33  
20 Exhibit 21 Emergency Preparedness 37  
21 Exhibit 22 Shadow Flicker Assessment 39  
22 Exhibit 23 Sound Model Assessment 40  
23 Exhibit 24 Letter Regarding EcoCAT 42  
24 Exhibit 25 Western Ecosystems Report 44  
25 Exhibit 26 Certifications and Affidavits 48  
26 Exhibit 27 Decommissioning Plan 49  
27 Exhibit 28 Soil and Water Report 60  
28 Exhibit 29 Valuation Analysis 61  
29 Exhibit 30 WECS Checklist 65  
30 Exhibit 31 PowerPoint Presentation 69  
31 Exhibit 32 Poster Boards 69  
32 Exhibit 33 Notice to Vermillion Valley 71  
33 Exhibit 34 Letter to Drainage Districts 75  
34 Exhibit 46 Miller Support Letter 78  
35 Exhibit 43 9/21 PowerPoint 79  
36 Exhibit 44 Turbine M-8 Setback Maps 80  
37 Exhibit 45 Facility maps 84

(The original exhibits were retained by Mr. Gershon and  
Scott Wentzell.)

Page 4

1 WITNESSES:  
2 Ms. Becky Taylor, Livingston County SWCD  
3 Mr. Chris Nuckols, ReGenerate Consulting  
4 Mr. Andrew Lines, CohnReznick LLP

5 APPEARING BY ZOOM:  
6 Mr. Rhett Good  
7 Mr. David Loomis  
8 Mr. Ryan McDevitt  
9 Mr. Steve Powell

Page 3

1 APPEARANCES  
2  
3 BOARD MEMBERS:  
4 Ms. Joan M. Huisman, Chairperson  
5 Mr. William Flott  
6 Mr. Richard Kiefer, Jr.  
7 Mr. Dave Randolph  
8 Mr. Richard Bunyon  
9 Mr. Joe Stock  
10 Mr. Scott Kains, Hearing Facilitator  
11 Mr. Chuck Schopp, Zoning Administrator  
12 Mr. Jesse King, Assistant Administrator  
13 Mr. Syed Ahmad, Zoning Board Attorney

14 ON BEHALF OF LIVINGSTON COUNTY:  
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(Continued on Next Page)

Page 5

1 (On the record at 6:11 p.m.)  
2 CHAIRPERSON HUISMAN: Good evening. Call the  
3 meeting to order. My name is Joan Huisman. Welcome to  
4 the Livingston County Zoning Board of Appeals, the third  
5 evening of hearing regarding the Livingston Wind  
6 Project.  
7 We'll start our meeting with roll call. On  
8 the far left is Dave Randolph. Next to Dave is Rich  
9 Kiefer. Next to Rich is Scott Kains. He's the hearing  
10 facilitator for this evening. He will give a few ground  
11 rules to go over.  
12 To my right is the attorney that represents  
13 the Zoning Board of Appeals, Syed Ahmad. To his right  
14 is Bill Flott, another member of the Zoning Board of  
15 Appeals, and Chuck Schopp, Jesse King, Richard Runyon,  
16 another member of the Zoning Board of Appeals and Joe  
17 Stock. With that I'll turn it over to Scott.  
18 MR. KAINS: Thank you, Madam Chair. We left  
19 off last Wednesday with the applicant going through  
20 exhibits and at the conclusion of the session of the  
21 exhibits there, I assume they will be offered in  
22 evidence.  
23 They have to be offered into evidence in  
24 order for the board to consider them and for the full

Livingston Zoning Hearing  
September 28, 2022

Page 6

1 packet to go to the Livingston County Board for their  
2 determination ultimately of this matter.  
3 So with that, Mr. Gershon, you have exhibits  
4 to work on, you also have a couple of witnesses as well.  
5 And we also have Becky Taylor from the Livingston County  
6 Soil and Water Conservation District. She will testify  
7 at the conclusion of your case, but we're hoping to get  
8 Becky's testimony in tonight as well.  
9 Mr. Gershon, you may proceed.  
10 MR. GERSHON: Thank you very much. We  
11 appreciate everyone being here again this evening.  
12 We're going to try and move right into the presentation,  
13 but I need to first submit a couple of items. First we  
14 have copies of the PowerPoint on the screen for everyone  
15 to see and also your individual screen.  
16 Don't be nervous as I was when I saw the size  
17 of it. It is a compilation of some PowerPoints you have  
18 seen before. So you will notice when we go through it  
19 that we're going to skip past some slides very quickly,  
20 because you've already seen them and already discussed  
21 them.  
22 Those slides are there in the event you have  
23 questions that we want to go back to it rather than try  
24 and run forward in the PowerPoint at the same time.

Page 7

1 So at this point, I'll ask Ben to hand out  
2 copies of the PowerPoint. And the other exhibit we're  
3 passing out, and we appreciate the chair's notice that  
4 Tom Fox did not sign the letter. We have provided a  
5 copy of the set to the board of the Tom Fox letter that  
6 was signed by Mr. Fox.  
7 And with that as Scott, the hearing officer,  
8 indicated, we are on Exhibit No. 9.  
9 (Exhibit 9, Variation Application, was  
10 introduced.)  
11 ATTORNEY: The PowerPoint is Exhibit 43, the  
12 one being handed out, is that correct, for the record?  
13 MR. GERSHON: No, Exhibit 47, the  
14 September 28 PowerPoint presentation. And the letter  
15 from Tom Fox is Exhibit 48.  
16 ATTORNEY: Okay.  
17 MR. GERSHON: As requested, we brought some  
18 larger maps to give both you and the members here.  
19 These are maps you've already seen. Scott talked about  
20 them being at our community meeting at our site. They  
21 were available.  
22 But our notice for that board meeting  
23 identified on-site on the official notice issued by the  
24 county so people had an opportunity to see what was

Page 8

1 there. But we wanted to bring them here to make sure  
2 your questions were answered.  
3 With all that said, I'd like to ask Scott to  
4 continue his review on the application exhibits. As I  
5 promised, we just skipped through the first 9 or 10  
6 pages of exhibits because we're currently on Exhibit  
7 No. 10.  
8 (Exhibit 10, Landowner List, was introduced.)  
9 MR. KAINS: For the record, Mr. Wentzell, you  
10 may testify with this caveat. You remain under oath.  
11 You understand that?  
12 MR. WENTZELL: Yes, sir.  
13 MR. KAINS: Very good. You may proceed.  
14 TESTIMONY BY MR. SCOTT WENTZELL:  
15 MR. WENTZELL: I'm beginning this evening  
16 with Exhibit 10. We would be circling back to Exhibit 9  
17 later this evening to discuss the variation discussed  
18 earlier, in addition to the letter that was delivered  
19 just a few moments ago.  
20 So Exhibit 10 is a list of all participating  
21 property owners within the Livingston wind project.  
22 They are expected use parcels and properties. I  
23 personally oversaw the creation of this exhibit, and  
24 you'll see that in addition to property name, we have

Page 9

1 tax ID numbers, mailing addresses and all the pertinent  
2 information required by the county WECS article. Bottom  
3 right corner of this slide and all subsequent slides, we  
4 reference the applicable code which is addressed by this  
5 exhibit.  
6 MR. KAINS: Are there any questions with  
7 respect to Exhibit 10 from any members of the Zoning  
8 Board of Appeals? Are there questions from any other --  
9 CHAIRPERSON HUISMAN: Hang on. I'm looking  
10 at the PowerPoint and getting organized here. What I  
11 was just handed, this is a participating property  
12 owners, this list in Exhibit 10? So that not only the  
13 folks that have permits but any other pieces of  
14 equipment on the property?  
15 MR. WENTZELL: This represents wind use  
16 document easement within the special use including  
17 properties that don't have any kind of facilities.  
18 CHAIRPERSON HUISMAN: Okay. Would they be  
19 considered a Good Neighbor because of that?  
20 MR. WENTZELL: Parties in the area. The  
21 lease agreement compensates the landowners for  
22 participation, and within the special use, we are  
23 compensating for wind rights. And so this includes  
24 properties that are not directly planned for

Livingston Zoning Hearing  
September 28, 2022

<p style="text-align: right;">Page 10</p> <p>1 construction, although there may be indirect capacity on 2 the properties and the lease document compensates as 3 such and achieves those. 4 CHAIRPERSON HUISMAN: Okay. 5 MR. KAINS: Are there any other questions 6 with respect to this exhibit of Mr. Wentzell from 7 members of the Board? Questions from anyone else in the 8 room? Finally, questions from Livingston County staff 9 and consultants? Very good. Thank you. 10 All right. On to No. 11. 11 (Exhibit 11, Owners Within 1.5 Miles, was 12 introduced.) 13 MR. WENTZELL: This list includes all 14 property owners within one and a half miles of the 15 special use area. This list was used to generate the 16 mailing list for the 90-day notice, again which includes 17 the county code of every name, address. Every 18 individual on this list received notice of the project 19 and invitation to the information meeting that was held 20 in February at the high school in Cullom. 21 MR. KAINS: There are any questions for 22 Mr. Wentzell on Exhibit 11 from the Zoning Board of 23 Appeals? Questions on Exhibit 11 from anyone in the 24 room? And questions from Livingston staff and</p>	<p style="text-align: right;">Page 12</p> <p>1 MR. GERSHON: For the record, can you confirm 2 Dr. Loomis is currently on the PowerPoint and available 3 for questions? 4 MR. WENTZELL: Yes. I can confirm Dr. Loomis 5 is on the Zoom call and available for questions today. 6 MR. KAINS: Questions with respect to 7 Exhibit 13 from members of the Zoning Board of Appeals? 8 CHAIRPERSON HUISMAN: Just to clarify 9 Exhibit 13, there's parts of it that we were presented 10 in the PowerPoint the other night when Dr. Loomis was 11 present; is that correct? 12 MR. WENTZELL: Yes, that's correct. 13 CHAIRPERSON HUISMAN: So there's a lot more 14 information that he did not actually cover with us on 15 that evening? 16 MR. WENTZELL: I think that's fair. 17 CHAIRPERSON HUISMAN: Okay. Come back to any 18 questions on any graphs on the tables of which ones he 19 talked through and which ones he might not have. At 20 this point, I'll hold off on that. 21 MR. FLOTT: I have a question about 5616, 22 No. 2 -- excuse me, No. 3. Is this a practical use 23 concrete batch plant indicated on those maps? 24 MR. WENTZELL: We do intend to use our batch</p>
<p style="text-align: right;">Page 11</p> <p>1 consultants? 2 MR. SCHOPP: We have no questions. 3 MR. KAINS: Thank you. All right, 4 Mr. Wentzell, Exhibit 12. 5 (Exhibit 12, Property Legal Descriptions, was 6 introduced.) 7 MR. WENTZELL: Exhibit 12 is a list of all 8 property restrictions, list of area properties, all 380 9 or so properties that are part of the special use area 10 and covered by either a wind lease or some easement 11 document. 12 MR. KAINS: Questions on Exhibit 12 from 13 members of the Zoning Board of Appeals? Questions with 14 respect to Exhibit 12 from anyone in the room? 15 Questions on Exhibit 12 from Livingston County staff and 16 consultants? 17 MR. SCHOPP: We have no questions. 18 MR. KAINS: Okay, Mr. Wentzell, on to Exhibit 19 13. 20 (Exhibit 13, Impact Analysis, was 21 introduced.) 22 MR. WENTZELL: Exhibit 13, Economic Impact 23 Analysis presented by Dr. David Loomis, who was at our 24 prior hearing on September 21st.</p>	<p style="text-align: right;">Page 13</p> <p>1 plants. The batch plats that are identified as special 2 use applications, lay-down areas I have on the map. 3 MR. FLOTT: Whereabouts is that lay-down 4 area? 5 MR. WENTZELL: Sure. I'll stand up and 6 point. I know it may be hard to hear. So to orient you 7 here, this is Campus, Cullom, Emington and Kempton. 8 MR. GERSHON: Excuse me. For the record, 9 would you identify the map? These are all part of Group 10 Exhibit 45 which we will get to in a few minutes. 11 MR. WENTZELL: Okay. So this is part of 12 Group Exhibit 45. You'll see there's four other maps in 13 the room. This is an older view map. The other four 14 maps are broken out by township. 15 Each will show all facilities planned in that 16 township, and this will show the whole overview of the 17 project including tax personal ID numbers for both 18 participating and operating properties in the special 19 use area. 20 MR. GERSHON: And, Scott, can you confirm 21 that these maps are available for people to see them? 22 MR. WENTZELL: Yes. These maps will be 23 presented to the public at our public information 24 meeting again at Tri-Point High School in Cullom, and</p>

Livingston Zoning Hearing  
September 28, 2022

Page 14

1 these maps have been available at our Pontiac office.  
2 The office hours for that office are approximately 8:00  
3 to noon, Monday through Wednesday by appointment, as  
4 well as this map and the four company maps are available  
5 on our website up until the permit application is  
6 submitted.  
7 And this map remains on our website today.  
8 They're really intended to be viewed online and they're  
9 higher resolution and can be zoomed in too.  
10 MR. GERSHON: You also confirmed information  
11 on the maps is all the same information shown?  
12 MR. WENTZELL: Yes, that's correct.  
13 MR. GERSHON: The last piece is as you  
14 mentioned on our website, you said that previously you  
15 confirmed through the homeowners within a mile and a  
16 half as well as the notice for this public hearing to  
17 the town included related to that website in the notes?  
18 MR. WENTZELL: Yes, that's correct. So again  
19 to orient you, we have Broughton Township in the center  
20 of the project. There are two squares approximately  
21 right there. One is blue and one is yellow. The blue  
22 square identifies the lay-down area in the project.  
23 It's almost exactly the center of the Broughton  
24 Township. The yellow square represents the project

Page 15

1 substation more or less in line moving north from those  
2 squares and that represents the overhead transmission  
3 lines of the project.  
4 CHAIRPERSON HUISMAN: Are we going to be able  
5 to see on the screen there in front of us Exhibit 45?  
6 MR. WENTZELL: Yes. There's a form of this  
7 map we can pull it up as a full PDF so we can zoom in.  
8 CHAIRPERSON HUISMAN: Okay. Great.  
9 MR. KAINS: Any questions for Mr. Wentzell  
10 with respect to this exhibit, Exhibit 13, from the  
11 board? Are there any questions from the public for  
12 Mr. Wentzell with respect to this exhibit? Questions on  
13 this exhibit from Livingston County staff and  
14 consultants?  
15 MR. SCHOPP: We have no questions.  
16 MR. KAINS: Thank you. Mr. Wentzell, Exhibit  
17 14, please.  
18 (Exhibit 14, Letter of Support, was  
19 introduced.)  
20 MR. WENTZELL: Exhibit 14 contains a letter  
21 of support from the Greater Livingston County Economic  
22 Development Council by Chief Executive Officer Adam  
23 L. Dontz.  
24 MR. KAINS: Questions from the board with

Page 16

1 respect to Exhibit 14? Questions from the public with  
2 respect to Exhibit 14? And questions from Livingston  
3 County staff and consultants?  
4 MR. SCHOPP: We have no questions.  
5 MR. KAINS: Thank you, Mr. Wentzell. On to  
6 Exhibit 15, please.  
7 (Exhibit 15, Good Neighbor Agreement Form,  
8 was introduced.)  
9 MR. WENTZELL: Exhibit 15 is the Good  
10 Neighbor Agreement. This document, this agreement was  
11 offered to every nonparticipating resident that model to  
12 experience 15 hours or more of shadows flicker which is  
13 half of the county statutory limit.  
14 This agreement includes financial  
15 consideration for mitigation measures that the owner  
16 chooses which can include things like window treatment,  
17 vegetation or fencing. These are voluntary agreements,  
18 and they do not include any setback, waiver setbacks for  
19 granted easements.  
20 MR. KAINS: Questions on Exhibit 15 from  
21 members of the Zoning Board of Appeals?  
22 MR. FLOTT: Yes. Bill Flott. Supposing that  
23 a neighbor just didn't sign anything, are they somehow  
24 included in the Good Neighbor policy? The towers are up

Page 17

1 and they discover they have a problem with noise or  
2 flicker. Are they entitled to any . . .  
3 MR. WENTZELL: We are willing to maintain to  
4 keep it available to qualifying neighbors.  
5 CHAIRPERSON HUISMAN: So this plan isn't  
6 offered to say just anyone that's in the footprints of  
7 any residents in the footprint of any farm that does  
8 experience shadow flicker but might experience other  
9 inconveniences?  
10 MR. WENTZELL: [Inaudible] that experience  
11 15 hours or more of shadow flicker.  
12 CHAIRPERSON HUISMAN: Okay. Thank you.  
13 MR. KAINS: Any other questions for  
14 Mr. Wentzell on Exhibit 15 for the board? Questions on  
15 Exhibit 15 from the public? Any questions on Exhibit 15  
16 from Livingston County staff and consultants?  
17 MR. SCHOPP: I think it's covered later in  
18 the presentation. [Inaudible] people having TV  
19 interference and those, and sometimes other than the  
20 problem meeting the ordinance, how do you plan on  
21 covering that?  
22 MR. WENTZELL: We will offer an identical  
23 agreement with identical compensation to property owners  
24 who have a claim for TV interference again for one year

Livingston Zoning Hearing  
September 28, 2022

Page 18

1 post construction.  
2 MR. FLOTT: Again, do you have to sign an  
3 agreement? Do you have that?  
4 MR. WENTZELL: They will need to sign sort of  
5 mitigation again within one year, back charge.  
6 MR. KAINS: Based upon the follow-up  
7 questions and responses from Mr. Wentzell, any other  
8 questions on Exhibit 15 from the board? From the  
9 public? From Livingston staff and consultants?  
10 MR. SCHOPP: No.  
11 MR. KAINS: Okay. Very good. Mr. Wentzell,  
12 on to Exhibit 16, please.  
13 (Exhibit 16, Wind Turbine Equipment, was  
14 introduced.)  
15 MR. WENTZELL: Exhibit 16 includes publicly  
16 held information on the three turbine models for  
17 consideration, we're considering for this project,  
18 including models from GE, Siemens Gamesa and Access.  
19 MR. KAINS: And what's the second part of  
20 that?  
21 MR. WENTZELL: Gamesa, G-A-M-E-S-A.  
22 MR. KAINS: Thank you. Questions with  
23 respect to Exhibit 16 from members of the Zoning Board  
24 of Appeals?

Page 19

1 CHAIRPERSON HUISMAN: Is this everything with  
2 regard to the turbines that you might use?  
3 MR. WENTZELL: This is what we have and I can  
4 clarify that. General information from manufacturers  
5 is highly proprietary and confidential and we struggled  
6 to get this information together. We will provide  
7 additional details with our building permits including  
8 presentations as they're available from the  
9 manufacturer.  
10 CHAIRPERSON HUISMAN: Help me out. Where are  
11 the specs that tell us these turbines meet the  
12 requirements of our ordinances. They're not below 500  
13 feet. Is that included for each one of the three you  
14 may choose from?  
15 MR. WENTZELL: Each of the three that are  
16 under consideration will meet the Livingston County  
17 requirements. The publicly available information may  
18 show several specification types. At least one of those  
19 types will qualify.  
20 Generally, those particular qualifiers will  
21 be the height of the center unit or the blade rotate  
22 around, and that's all information that will vary with  
23 the same piece of equipment, effectively putting in a  
24 taller pole. In all cases, there are available models

Page 20

1 within each of those manufacturing classes that are  
2 below 500 feet.  
3 CHAIRPERSON HUISMAN: Let me point to the  
4 text in our ordinance that causes me a little concern,  
5 56-618, Design and Installation.  
6 So typically we get specifications that  
7 probably make up 3 inches of this 5-inch full binder  
8 that are just specs on the actual turbines that answer  
9 all of these concerns that they shall conform to  
10 applicable industry standards, that they shall be  
11 equipped with a redundant braking system. Those are  
12 things that we have in our ordinance that we need to  
13 see.  
14 There's somewhere out there in the binder  
15 that when we get to it, that's sufficient. If it's not,  
16 to meet the ordinance, we need this information.  
17 MR. WENTZELL: Our expectation are those  
18 requirements will be met at the building permit stage.  
19 MR. GERSHON: And I could also point us to  
20 Section 2.9 of Exhibit 2, our application. We walked  
21 through information that would satisfy the height  
22 requirements, the blade length requirements, et cetera.  
23 CHAIRPERSON HUISMAN: Where is that at, 2.9?  
24 MR. GERSHON: 2.9 and 2.10.

Page 21

1 CHAIRPERSON HUISMAN: Okay. We can keep it  
2 in for review, then just take out what -- what is  
3 important for this requirement.  
4 MR. KAINS: Are there additional questions  
5 with respect to Exhibit 16, members of the Zoning Board?  
6 With respect to Exhibit 16, questions from the public?  
7 And questions from Livingston County staff and  
8 consultants?  
9 MR. SCHOPP: One question that has to do with  
10 foundations. I don't want to assume that there's  
11 typical foundation plans as seen in the app, foundation  
12 towers or that would have bearing on this or what is  
13 your foundation plans?  
14 MR. WENTZELL: We would be happy to provide  
15 details on foundations with each engineer for every  
16 turbine. It's hard to represent a general foundation.  
17 However, they will be building very similar to what  
18 you've seen in the past. They will be dug out,  
19 [inaudible] will have to be applied and lay rebar and  
20 filled with concrete. And the foundation will be again  
21 engineered specific to that turbine and soil type of  
22 that location. We'll be happy to provide a  
23 representative of engineering support for similar  
24 products.

Livingston Zoning Hearing  
September 28, 2022

Page 22

1 CHAIRPERSON HUISMAN: So in your answer, you  
2 haven't studied any of the location where these turbines  
3 are going to be placed to know what kind of services you  
4 have and how they do the foundation?  
5 MR. WENTZELL: We've done that study, that  
6 surface study. Since we have three manufacturers under  
7 consideration, and each of those three continue to  
8 change their turbine models, until we're able to make a  
9 final turbine decision which comes about two years prior  
10 to starting of construction, we're unable to do that  
11 engineering work because the specifications to design  
12 the foundations are created in conjunction with the  
13 manufacturer.  
14 MR. GERSHON: If I could ask a question. Can  
15 you confirm -- I mean, you've had years to look at the  
16 requirements for foundations. Can you confirm that  
17 there were no issues with any of your locations with the  
18 ability to place foundations there?  
19 MR. WENTZELL: That's correct. Service  
20 investigation was in part to identify -- excuse me, to  
21 eliminate locations that are not advisable. In this  
22 case, all turbine locations proposed with respect to  
23 these plans we believe are viable and we intend to use  
24 for the primary for all locations.

Page 23

1 MR. KAINS: Based upon the questions and  
2 answers from Mr. Wentzell, any other questions from the  
3 Zoning Board with respect to Exhibit 16? Questions from  
4 the public with respect to Exhibit 16? And questions  
5 from Livingston County staff and consultants with  
6 respect to Exhibit 16?  
7 MR. SCHOPP: We have none.  
8 MR. KAINS: Thank you, Chuck. Mr. Wentzell,  
9 Exhibit 17.  
10 (Exhibit 17, Preliminary Plot and Design, was  
11 introduced.)  
12 MR. GERSHON: Can I take us back to an issue  
13 that came up on Exhibit 15? It's a very reasonable  
14 question on whether or not we would address your  
15 interference. Your code Section 56-619-B3 provides that  
16 if after construction of the WECS, the owner or operator  
17 receives a reasonable written complaint related to  
18 interference with local broadcast, residents with  
19 televisions and wireless internet services, the owner or  
20 operator shall take steps to rectify the complaint such  
21 as providing all the service to meet each individual  
22 resident or property owner affected.  
23 The reason why we don't have a separate  
24 agreement on this, we were committed to comply with the

Page 24

1 code and to comply with the section. So we do have an  
2 obligation to address that. Whether or not someone has  
3 signed a Good Neighbor Agreement is part of that.  
4 CHAIRPERSON HUISMAN: So what we're looking  
5 for is how are you going to do that? That's what this  
6 board is tasked with making sure that what's in this  
7 ordinance isn't just that you can tell us that we're  
8 going to comply. How are you going to comply?  
9 If you have an agreement, your Good Neighbor  
10 Agreement, I have barely scratched the surface of  
11 reading through it, but someone has to, you know, give  
12 up their rights to the jury trial, give up the rights  
13 they might want in order to get mitigation of shadow  
14 flicker on their residence.  
15 So asking someone to give up their rights  
16 just to not have to go there, that's not there today.  
17 So those are the things we are evaluating and what we  
18 don't see yet in our ordinance. You have to apply for  
19 them, and we need to know how and what are you going to  
20 do. What's your plan?  
21 As we've heard before, other companies have  
22 said this is our plan, this is how we'll do it. It  
23 might be in the form of a Good Neighbor Agreement, might  
24 not be. We aren't holding you to any certain plan for

Page 25

1 rectifying the problem, but we want to know how you're  
2 going to rectify it. So if you can clarify, that's why  
3 we're asking the question.  
4 MR. GERSHON: It's a fair question. The  
5 difference, I mean, in our mind is that the Good  
6 Neighbor Agreement is for people to know we are being in  
7 compliance with the ordinance and shadow flicker which  
8 allows for 30 hours of shadow flicker a year.  
9 No one is obligated to sign an agreement.  
10 It's not allowed to have more than 30 hours, so we  
11 already can't be in violation of the ordinance of their  
12 hours and obviously as your expert testified on that  
13 requirement.  
14 That's why for that one it's a different  
15 agreement that someone who had that, we will voluntarily  
16 offer -- we're not required to -- but prepared to offer  
17 that right. Difference on this is that you don't need  
18 an agreement from us for us to be required to do this.  
19 Our code recognizes that there are all sort  
20 of ways of addressing it, depending on how it compares.  
21 But let me ask, Scott.  
22 Do you -- with the last question, based on  
23 your experience in the past, how have you addressed  
24 interference with radio, TV or internet?



Livingston Zoning Hearing  
September 28, 2022

Page 26

1 MR. WENTZELL: We have generally worked to  
2 identify some of the service or to compensate them for  
3 the loss of their service.  
4 MR. FLOTT: And they don't have to sign that  
5 Good Neighbor Agreement with that?  
6 MR. WENTZELL: No. As I commented before,  
7 the Good Neighbor Agreement accompanied by a letter  
8 agreement is not represented here. It's commercial  
9 information. It's a financial agreement offered with  
10 the Good Neighbor Agreement. What I was committing to  
11 earlier was offering similar with the same compensation  
12 to homeowners, property owners that are affected by  
13 interference.  
14 MR. GERSHON: Also to be clear, can you  
15 confirm you understand that based on their codes,  
16 somebody who does not want to accept that financial  
17 agreement if there's radio or TV, you are required to  
18 meet the requirements of the code to rectify that  
19 situation.  
20 MR. WENTZELL: Yes.  
21 CHAIRPERSON HUISMAN: So you're saying for  
22 the board, that would be offered to nonparticipating  
23 parties within the footprint of the project that will  
24 address any -- I think it's essentially what the

Page 27

1 accountant is looking for is a Good Neighbor plan.  
2 We're not only looking for Good Neighbor plan  
3 but also the shadow flicker of 15 hours. The intention  
4 I believe of the Good Neighbor plan was exactly what  
5 you're talking about, the letter agreement, but not  
6 included in this application.  
7 MR. WENTZELL: I understand. The Good  
8 Neighbor Agreement is offered preemptively as the  
9 modeling exercise for shadow flicker. We're able to  
10 identify these homes that we believe will be impacted  
11 prior to construction of the project.  
12 Interference is not anticipated but to the  
13 extent it is, someone can identify after the fact. The  
14 homeowners will be compensated and/or alternate service  
15 will be provided to that homeowner. It's required under  
16 the code.  
17 MR. GERSHON: Can you also clarify. The Good  
18 Neighbor Agreement that we're required to tell you we  
19 have a plan for Good Neighbor Agreement. It's not a  
20 primary requirement or ordinance that we have one. So  
21 we've identified that we have that.  
22 And based on past experience, I believe my  
23 client has confirmed there are some people who are going  
24 to ask you to repair problems, and other people who are

Page 28

1 going to say I'd rather get money. And, therefore, it's  
2 really a question of requirement with the code to  
3 address reasonable issues with interference.  
4 MR. KAINS: Based upon this additional  
5 discussion of Exhibit 15, any other questions from the  
6 Zoning Board of Appeals with respect to Exhibit 15?  
7 From the public? And from Livingston County staff and  
8 consultants?  
9 MR. SCHOPP: We have no questions.  
10 MR. KAINS: Thank you. Now we were on 16,  
11 but I believe we concluded that. But to clear the  
12 record, any questions on Exhibit 16 for Mr. Wentzell,  
13 from anyone?  
14 CHAIRPERSON HUISMAN: Reserving the right.  
15 MR. KAINS: As the chair said, reserving the  
16 right to ask additional questions, as the Zoning Board  
17 does reserve the right to ask questions with respect to  
18 any and all exhibits prior to the conclusion of the  
19 evidence in this hearing. All right. Very good. Now,  
20 Mr. Wentzell, on to Exhibit 17, please.  
21 MR. WENTZELL: Exhibit 17 is a preliminary  
22 plot diagram, engineering drawing of our proposal and  
23 facility. And we'll highlight this property currently  
24 just outside of Cullom. It is their intention that this

Page 29

1 property be purchased under their zoning.  
2 CHAIRPERSON HUISMAN: Today, it's not within  
3 the easement?  
4 MR. WENTZELL: We received notice of intent,  
5 but I do not believe they have confirmed.  
6 MR. GERSHON: To clarify, we are asking you  
7 to consider that as part of your approval.  
8 CHAIRPERSON HUISMAN: Okay.  
9 MR. KAINS: Questions on Exhibit 17 for  
10 Mr. Wentzell from the Zoning Board of Appeals?  
11 CHAIRPERSON HUISMAN: Operation and  
12 maintenance of the facility, is someone going to be out  
13 there -- I would assume after you are up and operating,  
14 how many folks are going to be there?  
15 MR. WENTZELL: Those are going to be staffed  
16 generally 7:00 a.m. to 3:30 p.m. business days. We  
17 anticipate having a work force to be 10 to 15 staff  
18 members. They will be based on the facility, although  
19 they would spend quite a bit of their time if not the  
20 majority of their time in the field addressing  
21 preventative maintenance and corrective maintenance for  
22 the equipment.  
23 MR. KAINS: Any other questions from the  
24 Zoning Board of Appeals for Mr. Wentzell on Exhibit 17?

Livingston Zoning Hearing  
September 28, 2022

Page 30

1 Questions from members of the public? Any questions  
2 from the Livingston County staff and consultants?  
3 MR. SCHOPP: We have no questions.  
4 MR. KAINS: Very good. Mr. Wentzell, on to  
5 Exhibit 18, please.  
6 (Exhibit 18, MET tower equipment, was  
7 introduced.)  
8 MR. WENTZELL: Exhibit 18 includes  
9 photographs representative of meteorological towers.  
10 The proposals for these towers are shown on Exhibit 45.  
11 CHAIRPERSON HUISMAN: We don't have 45 yet.  
12 MR. WENTZELL: Those are the maps I spoke to.  
13 CHAIRPERSON HUISMAN: Okay. We'll ask  
14 questions when we get to 45.  
15 MR. KAINS: Questions on this Exhibit 18 from  
16 the Zoning Board?  
17 MR. GERSHON: Mr. Kains, if I could, those  
18 locations are also identified on the concept plan that  
19 are part of the binder you received.  
20 MR. KAINS: Thank you, Mr. Gershon.  
21 CHAIRPERSON HUISMAN: Where are they?  
22 MR. KAINS: Where specifically?  
23 MR. GERSHON: Exhibit 5. They are designated  
24 by orange triangles on Exhibit 5 on the bottom.

Page 31

1 CHAIRPERSON HUISMAN: How many towers are  
2 there?  
3 MR. WENTZELL: We've included five in our  
4 site plan. We expect to construct three of these  
5 locations. At least one, perhaps two of the units are  
6 selected by the equipment manufacturer, and they are  
7 using that free wind speed flowing into the project  
8 areas and ultimately will be used for any warranty  
9 claims against default areas.  
10 CHAIRPERSON HUISMAN: So you're not sure this  
11 is something that is dependent on the manufacturer of  
12 turbine?  
13 MR. WENTZELL: These are our best guess where  
14 they would go. And in speaking with Mr. Loomis, the  
15 location of the towers may be altered as necessary.  
16 CHAIRPERSON HUISMAN: Okay.  
17 MR. KAINS: Questions from the Zoning Board  
18 with respect to Exhibit 18? Questions from the public  
19 with respect to Exhibit 18? Questions from the  
20 Livingston County staff and consultants?  
21 MR. SCHOPP: We have no questions.  
22 MR. KAINS: Thank you. Exhibit 19, please.  
23 (Exhibit 19, AIM Agreement, was introduced.)  
24 MR. WENTZELL: Exhibit 19 is an executed copy

Page 32

1 of the Agriculture Impact Mitigation Agreement. This is  
2 a document maintained by Illinois Department of  
3 Agriculture. It's a legally binding document that every  
4 wind project in the state must sign. They don't  
5 negotiate these documents at all.  
6 It includes certain mitigation and protection  
7 clauses including sections pertaining to drainage and  
8 tile, the decommissioning of the project, restoration of  
9 the site, topsoil retention, preservation, compaction,  
10 erosion, other similar landowner protection and rights  
11 subject to community landowner agreements.  
12 MR. GERSHON: Mr. Wentzell, can you confirm  
13 the AIMA is a document negotiated and created with  
14 Illinois Farm Bureau as well as many other parts?  
15 MR. WENTZELL: That's correct.  
16 MR. KAINS: Questions for the Zoning Board  
17 with respect to Exhibit 19?  
18 CHAIRPERSON HUISMAN: Is your decommissioning  
19 plan a borderless agreement plan?  
20 MR. WENTZELL: Our decommissioning plan that  
21 references this document? It is not part of this  
22 document. This agreement is part of the Ag Mitigation  
23 Agreement or AIM Agreement required that the  
24 decommissioning plan is in place and our default plan

Page 33

1 references this document and the sections per the  
2 decommissioning agreement.  
3 MR. GERSHON: And for the commission, the  
4 decommissioning plan is Exhibit 27 which we've not  
5 gotten to yet.  
6 CHAIRPERSON HUISMAN: Okay. Thank you.  
7 MR. KAINS: Additional questions for  
8 Mr. Wentzell from the board with respect to this  
9 exhibit? Questions from the public with respect to this  
10 exhibit? And questions from Livingston County staff and  
11 consultants?  
12 MR. SCHOPP: We have no questions.  
13 MR. KAINS: Thank you. Exhibit 20, please.  
14 (Exhibit 20, Microwave Communications and  
15 Interference Report, was introduced.)  
16 MR. WENTZELL: This is what we were  
17 referencing earlier. Exhibit 20 is the Microwave  
18 Communications and Interference Report. This study  
19 concludes that there are eight FCC licensed microwave  
20 paths at the project area located. Based on the layout,  
21 there will be no impact from the turbines in the  
22 microwave path.  
23 The report also finds that there is no  
24 anticipated AM or FM radio broadcast interference. It

Livingston Zoning Hearing  
September 28, 2022

Page 34

1 does have the potential of TV broadcast experience that  
2 will be addressed from testimony.  
3 MR. KAINS: With respect to Exhibit 20,  
4 questions for Mr. Wentzell from the Zoning Board?  
5 MR. FLOTT: I know we're keeping up here,  
6 interference, I guess that's B; is that right?  
7 56-619-B, is that what we're on?  
8 MR. WENTZELL: That's correct. Sorry. I  
9 apologize. That's correct. It's fairly small on the  
10 screen, but you'll notice on all these screens, there's  
11 a reference to the --  
12 MR. FLOTT: Right. How about checking with  
13 our local 911 service provider? I don't think that's  
14 been done. And there are two towers that will probably  
15 be built ahead of this for the 911 radio service. Have  
16 you checked on that, or is that going to be part of  
17 something?  
18 MR. WENTZELL: We haven't gotten there yet.  
19 Exhibit 33 is the notice that was provided to the local  
20 911 operator. To date, we've not received any feedback  
21 of those locations from them. This report, Exhibit 20,  
22 does encourage additional studies as we get closer to  
23 construction, and we will commit to doing that as part  
24 of the land usage.

Page 35

1 CHAIRPERSON HUISMAN: And this was prepared  
2 by B. Benjamin Evans?  
3 MR. WENTZELL: That is correct.  
4 CHAIRPERSON HUISMAN: And he's not here to  
5 testify?  
6 MR. WENTZELL: No, he is not.  
7 CHAIRPERSON HUISMAN: Okay. Thank you.  
8 MR. GERSHON: Mr. Wentzell, this was prepared  
9 under the direction, under your supervision?  
10 MR. WENTZELL: Yes, it was.  
11 MR. KAINS: Additional questions from the  
12 Zoning Board of Appeals with respect to Exhibit 20?  
13 Questions from the public on this exhibit? And  
14 questions from Livingston County staff and consultants?  
15 MR. SCHOPP: We have no questions.  
16 MR. KAINS: Thank you. Exhibit 21.  
17 MR. JACOBI: Couple of follow-ups on the  
18 Engineering Solutions report. Scott, was this prepared  
19 under your direction?  
20 MR. WENTZELL: Yes, it was.  
21 MR. JACOBI: And do you have personal  
22 knowledge on this?  
23 MR. WENTZELL: I do.  
24 MR. JACOBI: And do you have personal

Page 36

1 knowledge of how this report was prepared?  
2 MR. WENTZELL: Yes.  
3 MR. JACOBI: And do you have personal  
4 knowledge of the conclusions that were offered in the  
5 report?  
6 MR. WENTZELL: I do.  
7 MR. JACOBI: Do you have experience reviewing  
8 or seeing these reports on other projects?  
9 MR. WENTZELL: Yes.  
10 MR. JACOBI: Do you have personal knowledge  
11 of the conclusions in this report for this project?  
12 MR. WENTZELL: Yes.  
13 MR. JACOBI: And the testimony today was  
14 based on those conclusions in the reports that are here  
15 today?  
16 MR. WENTZELL: That is correct.  
17 MR. JACOBI: Thank you.  
18 MR. KAINS: Thanks, Mr. Jacobi. Based upon  
19 Mr. Jacobi's questions and responses from Mr. Wentzell,  
20 any questions from the Zoning Board? From the public?  
21 From Livingston County staff and consultants?  
22 MR. SCHOPP: We have no questions.  
23 MR. KAINS: Thank you. On to Exhibit 21,  
24 please.

Page 37

1 (Exhibit 21, Emergency Preparedness, was  
2 introduced.)  
3 MR. WENTZELL: Thank you. Exhibit 21 is our  
4 Emergency Preparedness Response Plan. This was  
5 presented and reviewed with both fire districts within  
6 the special use area including Kempton Fire District and  
7 Emington-Campus Fire District and Cullom Fire District.  
8 I previously introduced this Exhibit on  
9 February 21st.  
10 MR. KAINS: Questions with respect to  
11 Exhibit 21 from the Zoning Board of Appeals? Questions  
12 from the public? And questions from Livingston County  
13 staff and consultants?  
14 MR. SCHOPP: I just want to confirm once this  
15 is constructed that you'll be talking to the proper  
16 first responders to go over this plan with [inaudible]  
17 the responders on construction?  
18 MR. WENTZELL: Yes, within this plan as well.  
19 MR. KAINS: Any other questions on  
20 Exhibit 21?  
21 CHAIRPERSON HUISMAN: Did you submit this  
22 plan to the local fire departments?  
23 MR. WENTZELL: Yes.  
24 CHAIRPERSON HUISMAN: Okay. With the

Livingston Zoning Hearing  
September 28, 2022

<p style="text-align: right;">Page 38</p> <p>1 township or with the neighboring towns? I'm not sure. 2 We don't have fire protection except from a neighboring 3 town. 4 MR. WENTZELL: We reviewed with Livingston 5 County JIS department and tax assessor department as 6 well. The applicable fire districts covered within the 7 special use area. These are the districts that respond 8 to an emergency within the special use area. Those are 9 again Kempton Fire District, the Emington-Campus Fire 10 District, Cullom Fire District. 11 CHAIRPERSON HUISMAN: Okay. Thank you. 12 MR. WENTZELL: In all cases, I presented the 13 documents to the fire chief. 14 MR. KAINS: Additional questions from 15 Mr. Wentzell with respect to this exhibit from the 16 board? 17 MR. BUNYON: Typically, these fire districts 18 are small and many times request mutual aid from other 19 surrounding fire districts. Have you considered 20 reaching out farther than just these three fire 21 districts? 22 MR. WENTZELL: We've done that at the board's 23 direction. If you can help identify those three 24 districts or I can work with local fire districts to</p>	<p style="text-align: right;">Page 40</p> <p>1 Exhibit 23? 2 (Exhibit 23, Sound Model Assessment, was 3 introduced.) 4 MR. WENTZELL: Exhibit 23 was prepared by 5 ReGenerate and also used by Ryan on December 21st. 6 MR. KAINS: Questions from the Zoning Board 7 of Appeals on Exhibit 23? 8 CHAIRPERSON HUISMAN: I guess with respect to 9 22A and 23, the photos that are included in the -- 10 there's more documentation included in the binders that 11 were presented when Mr. McDevitt spoke the other night. 12 It might be helpful if -- I'd have to go back 13 to the document, the pages that we saw and versus what 14 wasn't presented. That's just in here for our viewing 15 pleasure, I guess? 16 MR. GERSHON: Madam Chair, I apologize. 17 CHAIRPERSON HUISMAN: That's okay. Some of 18 the photos that are included, there's photos -- there's 19 snow on the ground. Can anybody explain where they are? 20 If not, we can just disregard them as well. Because we 21 have not had testimony about them. We don't have any 22 foundation for the photos, what they represent or what 23 you're trying to tell us with them. 24 MR. GERSHON: Mr. Nuckols who will be</p>
<p style="text-align: right;">Page 39</p> <p>1 identify those support districts. 2 MR. KAINS: Additional questions from the 3 Zoning Board of Mr. Wentzell with respect to this 4 exhibit? 5 MR. SCHOPP: We have none. 6 MR. KAINS: Any from the public? Very good. 7 Exhibit 22. 8 (Exhibit 22, Shadow Flicker Assessment, was 9 introduced.) 10 MR. WENTZELL: Exhibit 22, Shadow Flicker 11 Assessment, prepared by ReGenerate. This was previously 12 reviewed by Ryan McDevitt on September 21st, 2022. We 13 also have Chris Nuckols available this evening for 14 ReGenerate Company who would be able to answer 15 additional questions. 16 MR. GERSHON: If I can, for clarification, 17 Mr. Knuckles is here behind me, but also Ryan McDevitt 18 is also on the zoom call. 19 MR. KAINS: Thank you, Mr. Gershon. 20 Questions on Exhibit 22, shadow flicker, from the Zoning 21 Board? Questions from the public? Questions from 22 Livingston County staff and consultants on Exhibit 22? 23 MR. SCHOPP: We have no questions. 24 MR. KAINS: Very good. Thank you.</p>	<p style="text-align: right;">Page 41</p> <p>1 testifying later in our presentation is here to address 2 the issues that were raised at the prior public hearing 3 and will talk through the additional details. 4 CHAIRPERSON HUISMAN: Okay. Thank you. 5 MR. KAINS: Any further questions from the 6 Zoning Board members with respect to Exhibit 23? 7 Questions from the public? Any questions from 8 Livingston County staff and consultants on Exhibit 23? 9 MR. SCHOPP: We have no questions. 10 MR. KAINS: We're going to go off the record 11 and take a two-minute break or three-minute break. 12 (Off the record at 7:08 p.m. Back on the 13 record at 7:13 p.m.) 14 MR. KAINS: All right. Mr. Wentzell, a 15 reminder again you are still under oath, and it is time 16 to address Exhibit 23. 17 MR. WENTZELL: Exhibit 23? 18 MR. KAINS: Oh, I'm sorry. Were there any 19 further questions for Mr. Wentzell on Exhibit 23? 20 Questions from the public? And questions from County 21 staff and consultants? 22 MR. SCHOPP: We have no questions. 23 MR. KAINS: Thank you. Now, Exhibit 24. 24 Thank you, Mr. Wentzell.</p>

Livingston Zoning Hearing  
September 28, 2022

Page 42

1 (Exhibit 24, Letter Regarding EcoCAT, was  
2 introduced.)  
3 MR. WENTZELL: Thank you. Exhibit 24 is the  
4 Illinois Natural Resources letter dated February 18th,  
5 2022, and this is regarding the EcoCAT consultation.  
6 The Department of Natural Resources recommends  
7 mitigation and setback measures. Taylor Foley provided  
8 testimony on September 20th and Rhett Good provided  
9 testimony on September 20th and September 21st in  
10 reference to this letter.  
11 This testimony also pertains to the turbine  
12 M-8 with respect to that at the prior hearing.  
13 MR. GERSHON: And also to confirm for the  
14 record, Mr. Rhett Good is also on the Zoom call.  
15 MR. KAINS: Questions from the board with  
16 respect to Exhibit 24? Questions from the public?  
17 CHAIRPERSON HUISMAN: With regard to the  
18 turbine and a citizen's letter, do they reference that  
19 and identify setbacks or recommendations, that they  
20 reviewed it and IDNR is okay with that?  
21 MR. WENTZELL: IDNR does not reference any  
22 specific turbine. We've not reviewed this setback  
23 change with the IDNR.  
24 CHAIRPERSON HUISMAN: Nothing further. Thank

Page 43

1 you.  
2 MR. KAINS: Further questions from the board?  
3 From the public on Exhibit 24? Any questions for  
4 Livingston County staff and consultants?  
5 MR. SCHOPP: I have one more question. At  
6 the bottom of Page 2 where it mentions the forest  
7 corridor, U.S. forest areas, there's no -- bottom of  
8 Page 2, last two underlined areas, forest corridor and  
9 U.S. forest areas, there is no turbines or setback lines  
10 to come into play with those, I assume?  
11 MR. WENTZELL: I don't believe so. I need to  
12 review that, but the only waiver of recommendation that  
13 we're seeking, we're committed to [inaudible].  
14 MR. GERSHON: Mr. Wentzell, if I could put  
15 that a different way, you confirmed that we are in  
16 compliance, the recommendations on all other turbines  
17 other than turbine M-8?  
18 MR. WENTZELL: That's correct.  
19 MR. GERSHON: And, again, for the record,  
20 those are only recommendations. They're not required --  
21 MR. WENTZELL: Correct.  
22 MR. KAINS: Based upon Mr. Gershon's  
23 questions and responses from Mr. Wentzell, are there any  
24 other questions with respect to this exhibit from the

Page 44

1 Zoning Board? From the public? And from county staff  
2 and consultants?  
3 MR. SCHOPP: We have no further questions.  
4 MR. KAINS: Thank you, Chuck. On to  
5 Exhibit 25, Mr. Wentzell.  
6 (Exhibit 25, Western Ecosystems Report, was  
7 introduced.)  
8 MR. WENTZELL: Exhibit 25 is a report from  
9 Western Ecosystems Technology, Incorporated. This  
10 report for Rhett Good's expert testimony was provided on  
11 Tuesday, September 20th. Mr. Good identifies endangered  
12 species, anything from habitat in the project area as  
13 well as species and migration through the project area.  
14 It reviews sensitive plants, habitats,  
15 communities and wetlands. This is the foundation report  
16 for our bird and bat migration recommendations including  
17 curtailment which Rhett Good reviewed in his testimony  
18 on September 20th.  
19 MR. KAINS: Questions on Exhibit 25 from the  
20 Zoning Board?  
21 CHAIRPERSON HUISMAN: There's a lot more  
22 information on Exhibit 25 than what we were presented  
23 the other night in the PowerPoint; is that accurate?  
24 MR. GERSHON: Each of our reports goes into

Page 45

1 extensive detail on a subject matter. We're obviously  
2 happy to address any questions, but the number of hours  
3 and weeks it would take for each report to go through  
4 all this detail would probably be excessive. And that's  
5 again why we provided the reports to you.  
6 CHAIRPERSON HUISMAN: Okay. The testimony  
7 that was provided the other night they have to look at  
8 of this farm is not just birds and bats in general? The  
9 impact in any form is looked at at the location with  
10 respect to this property.  
11 MR. GERSHON: If I can, we'll see how good  
12 that technology is. As was just quoted -- can you  
13 unmute that Zoom? I probably have to ask him.  
14 MR. GOOD: [Inaudible.]  
15 MR. KAINS: Mr. Good, before you go any  
16 further, this is Scott Kains, the hearing facilitator.  
17 I want to remind you that you are under oath. Do you  
18 understand that, sir?  
19 MR. GOOD: I do.  
20 MR. KAINS: You may proceed.  
21 TESTIMONY BY MR. RHETT GOOD:  
22 MR. GERSHON: Could you state your name and  
23 spell it for the record since we have a stenographer?  
24 MR. GOOD: Yes. My name is Rhett Good, and

Livingston Zoning Hearing  
September 28, 2022

Page 46

1 my first name is spelled R-H-E-T-T. Last name is Good.  
2 MR. GERSHON: And, Rhett, do you have your  
3 camera on so when we ask that they put you on screen,  
4 the board can see your response to the question?  
5 MR. GOOD: My internet is not working on my  
6 computer. I can log in on my phone.  
7 MR. GERSHON: I'll leave that to the chair.  
8 Would you prefer that we have him on video or an oral  
9 response is fine?  
10 CHAIRPERSON HUISMAN: Oral response is fine.  
11 MR. GERSHON: Thank you. Rhett, I believe  
12 you answered this question because Scott had you  
13 presented. Can you respond once again to the question  
14 as to what was done?  
15 MR. GOOD: Yes. I believe the question was  
16 [inaudible].  
17 MR. KAINS: Mr. Good, we need you to stop and  
18 start over. If you could, please slow down a little  
19 bit. The court reporter is taking this all down, and  
20 you kind of speeded out of gate. So if you could go a  
21 little bit more slowly.  
22 MR. GOOD: Sure. I believe the question was  
23 you did have access to the project area [inaudible]  
24 impacts birds and bats in general. The answer is yes.

Page 47

1 We looked at the actual project area in our assessment.  
2 MR. GERSHON: And Mr. Good, during your  
3 assessment on September 20th, can you confirm you  
4 presented your qualifications as expert in this area.  
5 MR. GOOD: Yes, I can confirm this.  
6 MR. GERSHON: And can you confirm for the  
7 record whether everything in this report is true and  
8 accurate to the best of your knowledge?  
9 MR. GOOD: Yes, I can confirm that.  
10 MR. GERSHON: And this was a response to  
11 confirm this is a response to Section 56-621 of the  
12 zoning code?  
13 MR. GOOD: Yes, I can confirm that.  
14 MR. GERSHON: No further questions.  
15 MR. KAINS: Thank you. Ladies and gentlemen  
16 of the Zoning Board of Appeals, do you have questions  
17 for Mr. Good regarding his testimony the other night or  
18 this evening? Questions from the public for Mr. Good?  
19 Questions from the Zoning Board of Appeals? Questions  
20 from the Livingston County staff and consultants?  
21 MR. SCHOPP: We have no questions.  
22 MR. KAINS: Thank you. All right. We'll go  
23 on to Exhibit 26. Mr. Gershon, do you need Mr. Good  
24 still?

Page 48

1 MR. GERSHON: No questions.  
2 MR. KAINS: We'll reserve the right to ask  
3 any questions but go on to Exhibit 26. Thank you.  
4 MR. WENTZELL: Thank you.  
5 (Exhibit 26, Certifications and Affidavits,  
6 was introduced.)  
7 MR. WENTZELL: Exhibit 26 includes  
8 certification publications and mailing affidavits from  
9 Office Depot and from Polsinelli to be certified mailing  
10 of our legal notice at least 90 days prior per the  
11 application as required under the WECS article.  
12 MR. GERSHON: And to confirm for the record,  
13 to confirm if you have questions, the applicant in the  
14 notice and under guidance from the county for the 90-day  
15 notice, those who are not familiar, and 90 days prior to  
16 the day of your power application, and the county did  
17 the notice for this public hearing.  
18 MR. KAINS: Thank you, Mr. Gershon.  
19 Questions with respect to the certification of  
20 publication and mailing on Exhibit 26. Questions from  
21 the board? Questions from the public? Incidentally, if  
22 there are questions from the public, you'll need to  
23 raise your hand and stand up, and I'll have you come  
24 forward to get near a microphone. Any questions from

Page 49

1 the public on this issue? Any questions from county  
2 staff and consultants?  
3 MR. SCHOPP: We have no questions.  
4 MR. KAINS: Thank you. On to the  
5 decommissioning plan, Exhibit 27.  
6 (Exhibit 27, Decommissioning Plan, was  
7 introduced.)  
8 MR. WENTZELL: Yes. Exhibit 27 is the  
9 Decommissioning Plan prepared by Westwood Engineering,  
10 prepared in accordance with the Livingston County Code  
11 of Ordinances under my direction. It's also prepared in  
12 accordance with the Department of Agriculture,  
13 Agriculture Impact Mitigation Agreement which I  
14 previously introduced as Exhibit 19.  
15 The plan identifies the components of the  
16 project that will be removed, how it will be removed and  
17 how it may be restored after the useful life of the  
18 project has passed. This plan is required by the county  
19 WECS article to be updated every three years -- I'm  
20 going to advance this.  
21 Livingston Wind Project will post financial  
22 security in a form that is acceptable to Livingston  
23 County. It's a letter of credit or bond. The security  
24 amount will be determined by the decommissioning plan

Livingston Zoning Hearing  
September 28, 2022

Page 50

1 and will based upon a third-party engineering study cost  
2 estimate -- excuse me -- of the cost to remove all  
3 facilities from the project minus [inaudible].  
4 This decommissioning plan cost will be  
5 updated every three years according to the WECS article.  
6 The financial security backstop of this plan will  
7 subsequently be updated every three years as well.  
8 Lastly, financial security will be paid in  
9 and funded as described within the Department of  
10 Agriculture's Agricultural Impact Mitigation Agreement.  
11 MR. KAINS: Questions on Exhibit 27 from the  
12 Zoning Board of Appeals?  
13 MR. JACOBI: Just a couple of follow-up.  
14 MR. KAINS: Yes, sir. Go right ahead.  
15 MR. JACOBI: Scott, this decommissioning  
16 report was prepared by Westwood, correct?  
17 MR. WENTZELL: That's correct. The  
18 decommissioning plan was prepared by EDF including the  
19 buyout of the turbines?  
20 MR. JACOBI: All the underlying information  
21 and decommissioning was prepared by EDF. The required  
22 information of the project were prepared by EDF. The  
23 supporting costing information comes from available,  
24 multiple cost sources. And the underlying information

Page 51

1 provided to you of Westwood was prepared under your  
2 direction?  
3 MR. WENTZELL: That's correct.  
4 MR. JACOBI: Do you have personal knowledge  
5 of that information?  
6 MR. WENTZELL: Yes.  
7 MR. JACOBI: Do you have personal acknowledge  
8 for how the decommissioning report was prepared?  
9 MR. WENTZELL: Yes.  
10 MR. JACOBI: Do you have personal knowledge  
11 about the conclusions and decommissioning of the report?  
12 MR. WENTZELL: I do.  
13 MR. JACOBI: And is the decommissioning  
14 report the type of document on which you would have  
15 relied in the ordinary course of business?  
16 MR. WENTZELL: Yes.  
17 MR. JACOBI: And is the decommissioning  
18 report the type of document on which you relied in  
19 preparing your fiduciary reply?  
20 MR. WENTZELL: Yes.  
21 MR. JACOBI: Going back -- I'm sorry. Very  
22 briefly --  
23 MR. KAINS: Mr. Jacobi, if you could hold the  
24 microphone closer to you. Thank you.

Page 52

1 MR. JACOBI: I'm sorry. Those last few  
2 questions that were relevant to the microwave  
3 communications and interference report, and I want to  
4 make sure I tie that up. I'd just like to ask those  
5 last few foundational questions of that exhibit.  
6 MR. KAINS: That's fine. Go ahead.  
7 MR. JACOBI: Scott, referring back to the  
8 microwave communication and interference report, is that  
9 the type of document on which you relied in the ordinary  
10 course of your business?  
11 MR. WENTZELL: Yes, it is.  
12 MR. JACOBI: And is that the type of document  
13 a prudent person in your industry would rely on?  
14 MR. WENTZELL: Yes.  
15 MR. JACOBI: Thank you. Moving back to the  
16 decommissioning report, I don't have further questions.  
17 MR. KAINS: Thank you, Mr. Jacobi and  
18 Mr. Wentzell. On Exhibit 27, are there questions from  
19 the Zoning Board of Appeals for Mr. Wentzell?  
20 CHAIRPERSON HUISMAN: Hey, Chuck, has anyone  
21 in the county in the financial area reviewed the  
22 decommissioning plan?  
23 MR. SCHOPP: No, not separately in the case.  
24 It has to be updated every three years, and we need to

Page 53

1 take a look at the different aspect things as it sits  
2 right now. All these requirements have to be reviewed  
3 every three years.  
4 CHAIRPERSON HUISMAN: I wondered if anyone in  
5 the county has.  
6 MR. SCHOPP: No.  
7 CHAIRPERSON HUISMAN: Anyone drafted a letter  
8 of credit or any kind of financial concerns?  
9 MR. SCHOPP: For this part of it?  
10 CHAIRPERSON HUISMAN: Yeah.  
11 MR. SCHOPP: No.  
12 CHAIRPERSON HUISMAN: Okay. So in the  
13 decommissioning plan, I assume it covers the event that  
14 triggers decommissioning?  
15 MR. WENTZELL: The Agricultural Impact  
16 Mitigation Agreement as well as our lease documents as  
17 well as our WECS article to address the figures of the  
18 decommissioning plan, I'm not aware of a triggering  
19 event although it does reference the useful end of the  
20 line life of the project.  
21 MR. FLOTT: We have wind farms in Livingston  
22 County, and I've heard numerous comments about some of  
23 them are determined defective because of the oil  
24 leaking. Would that be covered under this

Livingston Zoning Hearing  
September 28, 2022

Page 54

1 decommissioning plan if the company doesn't take care of  
2 that in a short amount of time, like six months? Would  
3 the decommissioning plan, would those funds be obtained  
4 for that?  
5 MR. GERSHON: I think it's actually a  
6 question for your zoning administrator or was that a  
7 question for us?  
8 MR. FLOTT: It's a question for you, because  
9 I'm asking about your project.  
10 MR. WENTZELL: I can answer that in two ways.  
11 The first is that the equipment under consideration here  
12 is quite different than older models of wind turbines  
13 that relied only on hydraulics. They used quite a bit  
14 more oil to power, to move equipment and rotate blades.  
15 Modern wind turbines do not use the same amount of  
16 hydraulics.  
17 We've additionally committed to seeing our  
18 operation section testimony provided by Steve Powell --  
19 excuse me, by Sophia Gibson, previously addressed our  
20 commitment to maintaining this equipment preventing  
21 this. So that's our commitment.  
22 My understanding of the WECS article  
23 triggering events which have to do with nonproduction,  
24 it's no longer working. The [inaudible] under my

Page 55

1 experience I recall a triggering event to commence  
2 decommissioning.  
3 MR. GERSHON: For reference, Section 56-624  
4 of the zoning code on decommissioning, I have one of the  
5 provisions describing the triggering events for the  
6 decommissioning of WECS projects, and I believe what you  
7 were referencing to confirm, it says any nonfunctioning  
8 wind turbine of WECS shall be decommissioned within 30  
9 days unless the operator has shown to the county zoning  
10 administrator -- it's cut off, but it says diligently  
11 repairing, that they are diligently generally repairing  
12 such wind turbine or component.  
13 MR. FLOTT: Correct. I guess these are not  
14 nonfunctioning wind turbines at this time, so they don't  
15 qualify for this.  
16 MR. WENTZELL: If I may, I would point you  
17 rather than the wind farm, I believe that you're  
18 reaching instead to the wind farms we operate here in  
19 the state. So it would be Kelly Creek and Pilot Hill  
20 and Kankakee for a representative example of how we  
21 maintain equipment. And I think you'll see there are  
22 not unsightly oil their either.  
23 MR. GERSHON: And further I would ask either  
24 your zoning administrator or whoever is appropriate, I

Page 56

1 think to confirm that you do have the power in this  
2 county to obligate us to do maintenance that we're  
3 required to do on the project.  
4 CHAIRPERSON HUISMAN: This is Joan Huisman.  
5 I have a couple of questions. Our ordinance requires  
6 financial assurance. Has a letter a credit or some type  
7 of financial assurance been provided with the  
8 application?  
9 MR. GERSHON: We confirmed with the county  
10 that financial assurance is not required until we  
11 construct the improvements. Since as of now, there's  
12 nothing to assure decommissioning of. We are obligated  
13 to provide that to you at the appropriate time.  
14 CHAIRPERSON HUISMAN: If we determine that  
15 because you are in state that financial assurance is  
16 required as part of the application, are you able to  
17 provide that with the application?  
18 MR. GERSHON: We would certainly cooperate.  
19 The issue would be since the assurance is done based on  
20 an estimate of costs of decommissioning, the cost of  
21 decommissioning of the project at the time when there's  
22 no project, I believe it would be zero. So there would  
23 be some in there.  
24 You certainly validate us to provide that

Page 57

1 assurance when the project is being built, so we know  
2 it's there. But I think you're on code. Just with the  
3 way the decommissioning plan works is that you determine  
4 cost of improvements. You determine resale value  
5 because they've got to have value to them. And then the  
6 difference between those.  
7 So you provide that assurance, financial  
8 assurance. I'm just not sure it would be the amount  
9 that we could provide if there's no improvements there.  
10 CHAIRPERSON HUISMAN: Was that the estimate  
11 of the decommissioning plan? That's what the county is  
12 asking for is your estimate knowing that there are some  
13 concerns out there. And if you're going to have 75 or  
14 80 turbine blades and we know exactly where those  
15 turbines are going to put into commission at that site  
16 or alternate ground, and you could have the ADA.  
17 We don't know those numbers. I'm aware of  
18 that but we have asked for the estimate and just the way  
19 the ordinance was written, we decided to go that route.  
20 I'm asking if you're able to provide financial assurance  
21 with the applications. I assume that your answer would  
22 be no. I don't take it as that, but that's validation.  
23 MR. GERSHON: We haven't thought of it since  
24 currently the way we read the ordinance and the plan



Livingston Zoning Hearing  
September 28, 2022

Page 58

1 reads that amount could be zero, but I have to ask my  
2 client whether he can respond to that.  
3 MR. WENTZELL: I don't recall anything  
4 produced prior to the issuance of the permit.  
5 CHAIRPERSON HUISMAN: All right.  
6 MR. GERSHON: But you also don't have to  
7 issue permits to us or partly since in the case of  
8 completion allowing us to commence the operation if you  
9 make that condition of those issues, which is something  
10 to assure.  
11 CHAIRPERSON HUISMAN: Okay. Thank you.  
12 Additional questions from the board on Exhibit 27?  
13 Questions from the public on Exhibit 27? Questions from  
14 the Livingston County staff and consultants?  
15 MR. SCHOPP: We have no questions.  
16 MR. KAINS: Ladies and gentlemen, at this  
17 time we are going to take a 15-minute recess and return  
18 to the hearing room approximately five minutes before  
19 8:00. We're in recess.  
20 (Off the record at 7:39 p.m. Back on the  
21 record at 8:01 p.m.)  
22 MR. KAINS: We're back on the record.  
23 Mr. Wentzell, you have been testifying with respect to  
24 numerous exhibits and that brings us to Exhibit 28.

Page 59

1 MR. GERSHON: Actually, if we could remain on  
2 Exhibit 27 for a few moments.  
3 MR. KAINS: If you have additional testimony  
4 Mr. Wentzell can provide or one of your other witnesses,  
5 certainly.  
6 MR. GERSHON: Mr. Wentzell, can you confirm  
7 how we typically prepare expenses with engineers, what  
8 that process is?  
9 MR. WENTZELL: Yes. So filing  
10 decommissioning costs would be identified based on the  
11 layout that's proposed for construction at the time of  
12 the building stage. It would include cost estimates  
13 specific to the exact turbine type and layout of the  
14 project. It would include inflation for real time labor  
15 and scrap value estimates.  
16 That would then be written or verified by a  
17 third party engineering firm that would certify the  
18 decommissioning cost for the process once we started.  
19 MR. GERSHON: And, Mr. Kains, I would ask for  
20 leave to ask a question of the Zoning Commissioner on  
21 the record.  
22 MR. KAINS: No. This is time for the  
23 applicant to provide information, testimony and  
24 documents.

Page 60

1 MR. GERSHON: Mr. Wentzell, have you in your  
2 experience ever provided security for decommissioning a  
3 project which is not at the final plan necessary to  
4 determine cost of decommissioning?  
5 MR. WENTZELL: I have never to my knowledge  
6 -- my company has never proposed financial security  
7 prior to final issuance of [inaudible].  
8 MR. GERSHON: And, Mr. Wentzell, would you  
9 have any objection to providing that assurance at the  
10 time the final plans are completed and available?  
11 MR. WENTZELL: No.  
12 MR. GERSHON: No further questions.  
13 MR. KAINS: Thank you, Mr. Gershon.  
14 Questions for Mr. Wentzell with respect to the issue of  
15 financial assurance, questions from the board?  
16 Questions from the public? And questions from county  
17 staff and consultants with respect to financial  
18 assurance?  
19 MR. SCHOPP: We have no questions.  
20 MR. KAINS: Thank you. All right. Now  
21 Exhibit 28.  
22 (Exhibit 28, Soil and Water Report, was  
23 introduced.)  
24 MR. WENTZELL: Exhibit 28 was prepared by the

Page 61

1 Livingston County Soil and Water Conservation District,  
2 and this is the Natural Resources Information Report. I  
3 believe that this Illinois Water and Soil Conservation  
4 District has a representative here this evening who can  
5 testimony to this exhibit.  
6 MR. KAINS: Yes, Miss Taylor will testify at  
7 the conclusion of your case. All right. Questions with  
8 respect to Exhibit 28 at the present time from the  
9 Zoning Board? Questions on Exhibit 28 from the public?  
10 Any questions on Exhibit 28 from Livingston staff and  
11 consultants?  
12 MR. SCHOPP: We have no questions.  
13 MR. KAINS: Thank you. Exhibit 29.  
14 (Exhibit 29, Valuation Analysis, was  
15 introduced.)  
16 MR. WENTZELL: Exhibit 29 is the Property  
17 Valuation Market Analysis prepared by CohnReznick. This  
18 report was reviewed by Andrew Lines' previous internet  
19 testimony Tuesday, September 20th. Andrew Lines is also  
20 available this evening in person to answer questions.  
21 MR. KAINS: Mr. Gershon, the board would like  
22 to hear from Mr. Lines with respect to the testimony  
23 offered by telephone on Tuesday, September 20th of this  
24 year. The board would like Mr. Lines to basically

Livingston Zoning Hearing  
September 28, 2022

Page 62

1 summarize his testimony with respect to property  
2 valuation.  
3 So if we could, if you would call him and  
4 just proceed with his testimony.  
5 MR. GERSHON: I'm happy to do that. His  
6 testimony is in his PowerPoint, along with copies of the  
7 pictures from two of the properties requested. We can  
8 show you that now, or we can finish the --  
9 MR. KAINS: Okay. I didn't realize he was  
10 going to be testifying about another exhibit but yes,  
11 we'll wait and tie in 29 with his testimony on the  
12 other exhibits further on down the road. Thank you,  
13 Mr. Gershon.  
14 MR. GERSHON: For the record I could ask  
15 Mr. Lines just to give foundation to the document now  
16 or --  
17 MR. KAINS: That would be excellent.  
18 ANDREW LINES,  
19 Called and duly sworn by responding, "I do," testifies  
20 as follows:  
21 TESTIMONY BY MR. ANDREW LINES:  
22 MR. GERSHON: Mr. Lines, can you confirm  
23 November 20th, 2022, you remotely presented to this  
24 board both your qualifications and I forwarded your

Page 63

1 report and findings as included in your PowerPoint?  
2 MR. LINES: I did.  
3 MR. GERSHON: And just for the record, can  
4 you provide your professional qualifications?  
5 MR. LINES: I did.  
6 MR. GERSHON: Can you do that now?  
7 MR. LINES: Sure. My name is Andrew Lines,  
8 L-I-N-E-S. I'm a certified, general state certified  
9 appraiser here in the state of Illinois as well as a few  
10 other states. I also hold an MAI designation which  
11 means I'm a full member of the Appraisal Institute, the  
12 nationally recognized designation for commercial real  
13 estate appraisers.  
14 I've been appraising in this state for a  
15 little over 20 years and I am a principle with  
16 CohnReznick. I help lead a valuation group, about 60  
17 professionals nationwide. We cover real estate,  
18 businesses, intangibles, debt and energy products.  
19 Along with a co-author, we prepared an impact  
20 study and a consultation report which analyzes whether  
21 or not wind developments, wind farms impact adjacent  
22 residential properties.  
23 MR. GERSHON: Again, recognizing we'll be  
24 talking later about some opportunities, can you just

Page 64

1 confirm, explain the property valuation market analysis  
2 is the report you're speaking of and that based on your  
3 professional experience and having supervised creation  
4 of this report, it is true and correct to the best of  
5 your knowledge?  
6 MR. LINES: It is.  
7 MR. GERSHON: Thank you.  
8 MR. KAINS: Very good, Mr. Gershon. Thank  
9 you. Just with specific questions on Exhibit 29 for  
10 Mr. Lines, are there questions from the board?  
11 Questions from the public? Questions from county staff  
12 and consultants?  
13 MR. SCHOPP: We have no questions.  
14 MR. KAINS: Very good.  
15 Mr. Lines, you are subject to recall either  
16 tonight or at a future hearing night, and at that time I  
17 will remind you that you will be continuing under oath  
18 when you testify. But for now you may step down.  
19 MR. LINES: Thank you.  
20 MR. GERSHON: Actually, Mr. Lines, you are  
21 the next thing on the agenda and you can stay there if  
22 you like.  
23 MR. KAINS: Very good. I didn't realize we  
24 were coming up so closely.

Page 65

1 Anything else on Exhibit 29? Very good. On  
2 to Exhibit 30.  
3 (Exhibit 30, WECS Checklist, was introduced.)  
4 MR. WENTZELL: We provided Exhibit 30 as a  
5 reference document where we have gone through the county  
6 WECS Article and identified relevant sections. They're  
7 in the binder before you that address each of those  
8 requirements.  
9 MR. KAINS: Questions with respect to  
10 Exhibit 30 from the Zoning Board of Appeals? Questions  
11 on Exhibit 30 from the public? Questions on Exhibit 30  
12 from county staff and consultants?  
13 MR. SCHOPP: I have a question because I'm  
14 not sure. This question has to do with the lighting of  
15 the turbines once they're constructed and the AIMA  
16 regulations. Could you go into a little more detail as  
17 to the options you have in the lighting and how will  
18 that take place?  
19 MR. WENTZELL: I'd be happy to. We are  
20 proposing what we call an aircraft lighting tracking  
21 system. It's a radar-based system that identifies low  
22 flying planes within and adjacent to a wind farm. That  
23 radar system will turn on the red lights that are on top  
24 of the turbines themselves while the aircraft is within

Livingston Zoning Hearing  
September 28, 2022

Page 66

1 the area.  
2 Once that aircraft exits the air space, the  
3 lighting will cease to blink. We are currently in the  
4 process of obtaining designations of no harm with the  
5 FAA as a legal process. The conclusion of that process  
6 results in a lighting plan which will be the formal  
7 adoption of that ALDS system as well as a specific  
8 layout of turbines that will be lit under the ALDS. Not  
9 every turbine will have a light on top. So we design to  
10 provide visibility for the project for aircraft.  
11 MR. KAINS: Based upon Chuck's question and  
12 Mr. Wentzell's response, any other questions for  
13 Mr. Wentzell on Exhibit 30 from the board? From the  
14 public?  
15 CHAIRPERSON HUISMAN: This is Joan Huisman.  
16 I have, along the same thinking, I don't know where else  
17 these questions are going to be addressed, so with  
18 regard to these warnings, do you have -- letter F under  
19 Section 56-618, do you have examples of the signs or  
20 what you're going to do to keep those away from unsafe  
21 areas within the project?  
22 MR. WENTZELL: Within the binders, we  
23 attempted presentation to provide the warnings. I don't  
24 believe we provided representation of what that may look

Page 67

1 like. We did operate projects next door. We'd be happy  
2 to take photos from there as per the presentation.  
3 CHAIRPERSON HUISMAN: Okay. Like regarding  
4 climb prevention, I'm not sure where that is, but we  
5 asked for anti-climbing device methods such as fences or  
6 No. 2 is anti-climbing devices 12 feet vertically with  
7 the MET tower. Which one are you choosing or how are  
8 you preventing folks from trying to climb these towers?  
9 MR. WENTZELL: So our response is provided,  
10 it's actually in 2.10.7 within Tab 2. Almost all modern  
11 wind towers now have locking doors which provide -- the  
12 door will provide access within the steel tube  
13 structure. That door is locked at all times. The  
14 outside of the wind turbine is smooth, seamless and  
15 unclimbable.  
16 CHAIRPERSON HUISMAN: So there are no fences  
17 at all around the base?  
18 MR. WENTZELL: Not around the turbine, no.  
19 MR. GERSHON: Mr. Wentzell, with respect to  
20 the lighting question, can you identify Section 2.10.11,  
21 Exhibit 2, which discusses lighting and discusses the  
22 plans to be established by the FAA in their advisory  
23 circular AC70740-1K and how the FAA then stats the tower  
24 based on your review?

Page 68

1 MR. WENTZELL: That's correct. The section  
2 of binder walks through that and the rehiring process.  
3 We are currently working with the -- a step of the FAA  
4 review is they are reviewed by all federal agencies and  
5 Department of Defense. Department of Defense has active  
6 radar stations both in this state and adjacent states.  
7 It's common practice now when seeking a designation of  
8 nonhazardous from FAA and mitigation agreement within  
9 the Department of Defense, and we're actively working  
10 through that now. That mitigation agreement entails  
11 certain security rights the federal government maintains  
12 over the project, including the need to curtail the  
13 projects for that. At the conclusion of that mitigation  
14 agreement we will -- we anticipate having final  
15 designation from the FAA that then commence the  
16 lighting.  
17 CHAIRPERSON HUISMAN: What section was what  
18 of the lighting plan, 2.10. --  
19 MR. WENTZELL: 2.10.11.  
20 CHAIRPERSON HUISMAN: Okay.  
21 MR. KAINS: Are there any questions from the  
22 board with respect to lighting and to anti-climbing  
23 measures or anything related to Exhibit 30, questions  
24 from the board? Questions from the public? Questions

Page 69

1 from county staff and consultants?  
2 MR. SCHOPP: We have no questions.  
3 MR. KAINS: Thank you. All right,  
4 Mr. Wentzell, on to Exhibit 31.  
5 (Exhibit 31, PowerPoint Presentation, was  
6 introduced.)  
7 MR. WENTZELL: Exhibit 31 is the PowerPoint  
8 presentation that we began with on the 20th and  
9 concluded with on the 21st. It includes testimony from  
10 all four witnesses.  
11 MR. KAINS: Thank you. Questions regarding  
12 Exhibit 31, the PowerPoint? Questions from the public?  
13 Questions from county staff and consultants?  
14 MR. SCHOPP: We have no questions.  
15 MR. KAINS: Thank you. Exhibit 32.  
16 (Exhibit 32, Poster Boards, was introduced.)  
17 MR. WENTZELL: Exhibit 32 are three poster  
18 boards which were present and displayed in the room  
19 during the hearing of September 21st and they are  
20 displayed again this evening.  
21 MR. GERSHON: And just for clarification,  
22 copies of those boards were presented as part of the  
23 record.  
24 CHAIRPERSON HUISMAN: Which three are you

Livingston Zoning Hearing  
September 28, 2022

Page 70

1 referring to?  
2 MR. WENTZELL: I believe two are in this  
3 corner facing away from the board members, and the third  
4 in this corner which details offer commitments to the  
5 community.  
6 MR. GERSHON: For clarification, you did go  
7 through each of these boards at the last hearing?  
8 MR. WENTZELL: The information on the board  
9 I've previously testified to and came from expert  
10 testimony of David Loomis.  
11 CHAIRPERSON HUISMAN: Are you offering this  
12 as evidence as a group then or is it -- Dr. Loomis'  
13 presentation as part of his packet, being offered  
14 separately? I'm not sure what you're doing here.  
15 MR. GERSHON: Offered as demonstratives of  
16 the information provided during our testimony.  
17 CHAIRPERSON HUISMAN: Okay. I don't have  
18 anything.  
19 MR. KAINS: Any other questions from zoning  
20 boards members with respect to Exhibit 32, the poster  
21 boards? Questions from the public? Questions from  
22 county staff and consultants?  
23 MR. SCHOPP: We have no questions.  
24 MR. KAINS: Thank you. Exhibit 33, please.

Page 71

1 (Exhibit 33, Notice to Vermillion Valley, was  
2 introduced.)  
3 MR. WENTZELL: We briefly introduced this  
4 Exhibit earlier. Exhibit 33 is our notice of the  
5 Vermillion Valley Regional Emergency Communication Joint  
6 Agency, which is a local 911 operator. This exhibit  
7 included a copy of Exhibit 20, which is the Microwave  
8 Communications and Interference Report as required under  
9 the county WECS article.  
10 MR. GERSHON: If I could, these documents  
11 include additional signatures which is permitted under  
12 Illinois law, which Benjamin Jacobi signed it.  
13 Mr. Jacobi referred to the record that that is your  
14 original signature and you confirmed you signed and  
15 approved that letter?  
16 MR. JACOBI: I signed it and sent it. A copy  
17 has been provided for the record. The attorney -- if  
18 you have an extra copy --  
19 MR. KAINS: Couldn't hear the last thing you  
20 just said.  
21 MR. JACOBI: Only one copy has been provided.  
22 CHAIRPERSON HUISMAN: So the rest of the  
23 board doesn't have it? The board hasn't reviewed it?  
24 MR. JACOBI: That's correct.

Page 72

1 CHAIRPERSON HUISMAN: We're going to have to  
2 share with the rest of the board. I don't know --  
3 MR. KAINS: Let's take a two-minute recess or  
4 three-minute recess or however long it takes for the  
5 board to review Exhibit 33. We'll be in recess very  
6 briefly.  
7 (Off the record at 8:23 p.m. Back on the  
8 record at 8:27 p.m.)  
9 MR. KAINS: All right. We're back on record.  
10 And while we were off the record, Mr. Gershon, you had  
11 something that you wanted to address with the board  
12 with.  
13 MR. GERSHON: We're simply trying to indicate  
14 that each and every binder have a copy of this letter in  
15 the packets so that you have the ability to read it.  
16 CHAIRPERSON HUISMAN: Okay. I'd like to  
17 clarify. The letter on the front of Exhibit 33, the  
18 binder stops at Exhibit 33. Exhibit 33 has a letter now  
19 on the screen that's Exhibit 33. And Exhibit 20, there  
20 is no letter. However, there is a document in your  
21 report that you attached, all part of Exhibit 33. So  
22 everyone did not have an opportunity to take a look at  
23 this letter, because I believe what you want admitted as  
24 33 is the actual letter. The attachment is what you

Page 73

1 want entered as well.  
2 Do you want to enter it as Exhibit 20 or as  
3 Exhibit 33? We're going to take one or the other.  
4 Decide which one you want it to be and let us know.  
5 And if you need time to determine that,  
6 that's fine. You don't have to answer that question now  
7 or at this moment. We can keep going.  
8 MR. GERSHON: We should move forward. I'll  
9 let Ben make the determination, and we'll come back.  
10 MR. KAINS: Thank you, Mr. Gershon. Now,  
11 with respect to Exhibit 33, this notice, the Vermillion  
12 Valley Regional Emergency Communications Joint Agency,  
13 this one-page letter from Mr. Jacobi to the agency, are  
14 there questions with respect to this letter, Exhibit 33,  
15 and the attachments, questions from the board?  
16 MR. FLOTT: Yes. Bill Flott. Candi Bradshaw  
17 who the letter was sent to is no longer employed by  
18 Vermillion Valley. Her successor is [inaudible]. Would  
19 it be possible for you to touch base with that person,  
20 the new Vermillion Valley Regional Communication  
21 director and show them what this is all about? He's not  
22 aware of this whole project.  
23 And right now, Motorola is in the process of  
24 trying to locate a tower to put equipment on. So we

Livingston Zoning Hearing  
September 28, 2022

Page 74

1 need some coordination here.  
2 MR. GERSHON: You know, we appreciate the  
3 information. This is the contact person we were  
4 provided. We'll be happy to reach out to whoever is the  
5 appropriate person to make sure that happens. It's  
6 obviously in our best interest as well.  
7 MR. WENTZELL: I'd also like to add  
8 previously on Exhibit 20, we've committed to  
9 reevaluating that microwave beam interference study  
10 prior to the issuance of bidding permits. If there are  
11 additional communications towers that are built between  
12 now and then, that study will identify those and  
13 directive measures will be taken.  
14 MR. KAINS: Additional questions from the  
15 board? Questions from the public with respect to  
16 Exhibit 33? Mr. Jacobi, looks like you had something to  
17 address the board.  
18 MR. JACOBI: Yes, sir. Thank you. So the --  
19 MR. KAINS: Could you pull the mike closer to  
20 you?  
21 MR. JACOBI: I'm sorry. Is that better?  
22 MR. KAINS: Yes.  
23 MR. JACOBI: The last one was 619-B1 required  
24 that the applicant submit to the local emergency service

Page 75

1 provider copies of the project summary and site plan.  
2 And it also indicates that the project summary shall  
3 include a study pertaining to the relationship of the  
4 total project microwave transmission providers and local  
5 emergency providers.  
6 And that is why the letter directed to the  
7 Vermillion Valley Regional Emergency Communication Joint  
8 Agency included the project summary, site plan and the  
9 head of Engineering Solutions' report.  
10 So the Engineering Solutions' report is being  
11 submitted to this board independently as evidence in  
12 support of the project's compliance with interference  
13 requirements of the ordinance, this packet is being  
14 submitted in addition to as the project compliance with  
15 619-B1.  
16 MR. KAINS: Thank you, Mr. Jacobi. Based  
17 upon Mr. Jacobi's statement, questions from the  
18 applicants or the counsel or the board? From the  
19 public? County staff and consultants?  
20 MR. SCHOPP: We have no questions.  
21 MR. KAINS: Thank you, Chuck. All right.  
22 Next exhibit.  
23 (Exhibit 34, Letter to Drainage Districts,  
24 was introduced.)

Page 76

1 MR. WENTZELL: Exhibit 34 is a letter to the  
2 local drainage district as required by the county  
3 article identifying or seeking [inaudible] that they  
4 have with the special use area. We have a few extra  
5 copies to insert into the record.  
6 MR. KAINS: Very good.  
7 MR. GERSHON: Just to clarify for the record.  
8 I do not believe this is actually a requirement of the  
9 WECS ordinance. [Inaudible] acted independently  
10 pursuant to Jay Jacks [as heard] and to be notified in  
11 accordance with [inaudible].  
12 MR. KAINS: Mr. Gershon, if you do have other  
13 copies, if you could present them to board members for  
14 their review, and we'll go off the record while they  
15 review Exhibit 34 that's being presented.  
16 (Off the record at 8:34 p.m. Back on the  
17 record at 8:37 p.m.)  
18 MR. KAINS: Members have reviewed Exhibit 34,  
19 and it's been distributed. Based upon the review of  
20 this exhibit, are there questions for the applicants?  
21 MR. JACOBI: May I insert one additional  
22 point?  
23 MR. KAINS: Absolutely.  
24 MR. JACOBI: As attorney for the project, I

Page 77

1 also called and spoke to the attorneys representing each  
2 of these drainage districts prior to this notice going  
3 out to invite them prior to of this hearing being set.  
4 So I just wanted this on the record they were provided  
5 notice over the telephone.  
6 MR. KAINS: Very good. Thank you,  
7 Mr. Jacobi.  
8 Questions from the Zoning Board of Appeals  
9 regarding Exhibit 34 and Mr. Jacobi's statements?  
10 Questions from the public and this exhibit and  
11 Mr. Jacobi's statement? And questions from county staff  
12 and consultants?  
13 MR. SCHOPP: We have no questions.  
14 MR. KAINS: Thank you.  
15 All right. Mr. Gerson, how are you going to  
16 plan to attack Exhibits 35 through 42? Perhaps one at a  
17 time might be best.  
18 MR. GERSHON: That would be a question I have  
19 for the Zoning Board. It is our plan to release these  
20 letters in the record. You have copies submitted to  
21 you, at least these letters in support. Given the hour,  
22 we're happy to rely on the copies that you have and/or  
23 to read those later as part of public comment. But I'll  
24 leave that to you. A copy was submitted to your

Livingston Zoning Hearing  
September 28, 2022

Page 78

1 attorney, but they are not the original copies.  
2 MR. KAINS: Mr. Ahmad, do you have Exhibits  
3 35 to 42 submitted by the applicants?  
4 MR. AHMAD: I do.  
5 MR. KAINS: Then at some point before the  
6 next hearing dating, we will need copies made for each  
7 board member and perhaps our zoning administrator could  
8 do that for us prior to the next hearing date. Then the  
9 board can go through and have a chance to review these  
10 letters.  
11 So we'll hold in abeyance any discussion on  
12 Exhibits 35 to 42 until our next hearing night if that's  
13 all right with you, Mr. Gershon.  
14 MR. GERSHON: That's fine with us. We do  
15 have a couple extra copies if you want.  
16 MR. KAINS: I think with the number of  
17 exhibits, eight letters from individuals, I think it  
18 might be best if we had a chance to have each board  
19 member review them at his or her leisure. All right --  
20 (Exhibit 46, Miller Support Letter, was  
21 introduced.)  
22 MR. GERSHON: If I could ask, maybe we should  
23 include Exhibit 46 in that same list which is the  
24 letters from the Heartland Community College, Chris

Page 79

1 Miller, professor of Industrial Technology & Renewable  
2 Energy. It makes sense that would be in the same  
3 exhibit. Again, happy to read them but I think it's not  
4 really appropriate or in the best interest due to the  
5 hour.  
6 MR. KAINS: Given the time, not that we  
7 have any, but it would be best if they were read and  
8 considered rather than read by individual members  
9 and considered rather than just read out loud. So  
10 Exhibit 35 through 42 and 46 will be photocopied and  
11 distributed to each of the Zoning Board of Appeals  
12 members prior to next hearing date. And that brings  
13 us then to Exhibit 43.  
14 (Exhibit 43, 9/21 PowerPoint, was  
15 introduced.)  
16 MR. WENTZELL: Exhibit 43 is the PowerPoint  
17 presentation with the applicant presented on September  
18 21st and includes testimony from several witnesses.  
19 MR. KAINS: Questions for Mr. Wentzell  
20 regarding Exhibit 43, the PowerPoint from the board?  
21 Questions from the public? Questions from county staff  
22 and consultants?  
23 MR. SCHOPP: We have no questions.  
24 MR. KAINS: Thank you. Exhibit 44.

Page 80

1 (Exhibit 44, Turbine M-8 Setback Maps, was  
2 introduced.)  
3 MR. WENTZELL: Exhibit 44 are turbine setback  
4 maps which I presented at our previous hearing on  
5 Wednesday, September 21st.  
6 MR. KAINS: With respect to Exhibit 44, the  
7 setback maps, questions from the Zoning Board of Appeals  
8 for Mr. Wentzell?  
9 CHAIRPERSON HUISMAN: Are these included with  
10 Exhibit 31 or in the first -- I don't remember the  
11 number. I didn't write it down -- the first PowerPoint  
12 presentation packet that you have presented for  
13 evidence?  
14 MR. WENTZELL: I believe we included Exhibit  
15 43, the September 21st PowerPoint presentation.  
16 MR. GERSHON: No. No. If I could clarify,  
17 in our first hearing, we started out with one PowerPoint  
18 presentation. You asked us for additional information  
19 on the second day of the hearing. We have as we sit  
20 here today a second PowerPoint presentation. The second  
21 PowerPoint presentation is the one that's Exhibit 43.  
22 The first was Exhibit 31.  
23 CHAIRPERSON HUISMAN: Okay. So the first one  
24 is Exhibit 31. The second one is Exhibit 43?

Page 81

1 MR. GERSHON: Correct. Just for the record,  
2 Exhibit 31 was presented both on the 20th and beginning  
3 of the 21st and, if you remember, in response to your  
4 questions, we moved in the second one.  
5 MR. AHMAD: If I may briefly, do you have  
6 copies of Exhibits 44 and 45? I don't have those.  
7 MR. WENTZELL: 45 we are entering in the  
8 record the large format maps. We are happy to respond  
9 to the board to walk through officially the exhibits.  
10 We also can pull it up on the big screen.  
11 MR. GERSHON: For the record, 45 was too  
12 large a format. If it was presented in a smaller  
13 format. You wouldn't be able to read it, Mr. Ahmad, and  
14 Exhibit 44, that has to be presented.  
15 MR. WENTZELL: Exhibit 44 is included in the  
16 PowerPoint copies we gave to you today. The PowerPoint  
17 presentation was Exhibit 21, but it's also shown on the  
18 screen here. We can certainly pull pages for exhibits  
19 from the record.  
20 MR. AHMAD: Just for clarification,  
21 Exhibit 44 is just going to include the page I'm  
22 showing?  
23 MR. GERSHON: That is our intention. I can  
24 certainly get you larger copies if you prefer.

Livingston Zoning Hearing  
September 28, 2022

Page 82

1 MR. AHMAD: I will leave that to your  
2 discretion. I just wanted to make sure it's not more  
3 than one page.  
4 MR. GERSHON: It is just one page.  
5 MR. KAINS: Mr. Gershon, so we can clarify  
6 this, where would the board find what you have marked as  
7 Exhibit 44, turbine M-8 setback maps to look at?  
8 MR. GERSHON: The only place would be within  
9 the PowerPoint that was also previously submitted.  
10 MR. KAINS: Is it Exhibit 31?  
11 MR. GERSHON: As Exhibit 31. It may make  
12 sense for us to just wait -- we'll submit right now just  
13 so it's easier for the record a copy of this document  
14 with is hand marked as Exhibit 44.  
15 MR. KAINS: So to clarify, Exhibit 43 is the  
16 new PowerPoint presentation that was submitted to the  
17 board?  
18 MR. GERSHON: Exhibit 43 is the September  
19 271st PowerPoint presentation.  
20 MR. JACOBI: The last page of that  
21 presentation.  
22 MR. GERSHON: It's the last page of that  
23 presentation. We're going to submit right now into the  
24 record a new Exhibit 44, but it's simply a copy of the

Page 83

1 drawing you've seen previously which we had that at the  
2 time of the exhibit.  
3 MR. KAINS: In order for the board members to  
4 have discussion on this exhibit we need to clarify.  
5 Members of Zoning Board of Appeals, for clarification  
6 this is -- Exhibit 44, the setback maps, are included in  
7 a PowerPoint presentation that you received last  
8 Wednesday, September 21st.  
9 Mr. Gershon, it's the last page of that  
10 PowerPoint presentation, is that correct, or Mr. Jacobi,  
11 either one?  
12 MR. GERSHON: Yes, sir, last page of  
13 Exhibit 43.  
14 MR. KAINS: Last page of Exhibit 43. The  
15 PowerPoint presentation that was submitted on and  
16 testified to on September 21st -- because in order for  
17 the board to have a session they need to review this  
18 particular setback map or maps.  
19 MR. GERSHON: We did discuss that setback map  
20 as part of our presentation of the 21st. We can  
21 certainly go back and discuss it again. But that map  
22 was presented as far as that.  
23 MR. KAINS: Thank you, Mr. Gershon.  
24 MR. JACOBI: May I have permission to

Page 84

1 approach and tender the marked Exhibit 44 for the  
2 record.  
3 MR. KAINS: Yes, you may.  
4 (Off the record at 8:49 p.m. Back on the  
5 record at 8:51 p.m.)  
6 MR. KAINS: We've had a brief discussion on  
7 whether we're going to have discussion with respect to  
8 Exhibit 44, and we are going to reserve that issue until  
9 our next hearing night. So we will take up Exhibit 44  
10 at our next hearing night, and so no discussion on that.  
11 So we move on to Exhibit 45.  
12 (Exhibit 45, Facility maps, was introduced.)  
13 MR. WENTZELL: Exhibit 45 are the five  
14 supplemental maps which are around the room and we  
15 introduced these at the beginning of my testimony this  
16 evening.  
17 These five maps were presented at the public  
18 information meeting in February at the high school in  
19 Cullom. They have been displayed in our Pontiac office  
20 since that time. The federal publication and mail  
21 notice as well as the additional courtesy notice all  
22 provided on our website are available.  
23 We provided these large format maps because  
24 they're easier to view as a special use area including

Page 85

1 all proposed facilities. These maps as requested show  
2 roads, townships, villages, major maps are easier to  
3 orient the viewer to the special use area.  
4 MR. AHMAD: So are you tendering the actual  
5 posters as part of the exhibits?  
6 MR. WENTZELL: Yes.  
7 MR. AHMAD: And I see four, unless I'm  
8 missing one.  
9 MR. WENTZELL: We were short one easel. One  
10 is on the ground over here.  
11 MR. AHMAD: Okay.  
12 MR. KAINS: With respect to Exhibit 45, the  
13 group exhibit showing the five facility maps, questions  
14 from the board for Mr. Wentzell?  
15 MR. GERSHON: Before the questions, we were  
16 asked earlier when we first presented these this evening  
17 whether we could put them up on digital format on the  
18 screen. We have provided that and if that's still  
19 desired, we can put on the screen and walk through those  
20 maps on an additional basis.  
21 I don't know if the members had a chance to  
22 look at these. These are all presented based on your  
23 more detailed maps.  
24 MR. FLOTT: I have not looked at that yet.

Livingston Zoning Hearing  
September 28, 2022

<p style="text-align: right;">Page 86</p> <p>1 MR. KAINS: Because the board has not looked 2 at these maps either in the form they were presented 3 around the room or digitally, then we're going to take 4 up that issue as well on the next hearing night. And 5 due to the time, we're going to stop with the evidence 6 for tonight. Next time we'll have exhibits -- a 7 discussion on Exhibits 35 to 42, the letters, and 46, 8 along with Exhibits 44 and 45. 9 And we know we're almost done, but we'll have 10 to finish up on our next hearing night. So that's going 11 to conclude the evidence for tonight, and we're going to 12 go off the record. 13 (Off the record at 8:55 p.m. Back on the 14 record at 9:00 p.m.) 15 MR. KAINS: Discussion was had by the members 16 of Zoning Board of Appeals, counsel for the board and 17 counsel for the applicant and the applicant's project 18 manager. And we will have the continuation of this 19 marathon on two additional nights: October 20th at 20 6:30 p.m. in this room and then on Tuesday November 1 at 21 6:00 p.m. in this room. Madam Chair, do you have any 22 other information for us? 23 CHAIRPERSON HUISMAN: Nothing further from 24 me. Board members, anything, any issues?</p>	<p style="text-align: right;">Page 88</p> <p>1 CERTIFICATE 2 3 I, SHERRIE L. MERZ, Registered Diplomate 4 Reporter, Certified Shorthand Reporter and Certified 5 Court Reporter, do hereby certify that the foregoing 6 proceedings were taken by me at the Livingston County 7 Historic Courthouse, 112 West Madison Street, Second 8 Floor Board Room, Pontiac, Illinois 61764. 9 I further certify that I am neither attorney 10 nor counsel for nor related nor employed by any of the 11 parties to the action in which this deposition is taken; 12 further, that I am not a relative or employee of any 13 attorney or counsel employed by the parties hereto or 14 financially interested in this action. 15 IN WITNESS WHEREOF, I have hereunto 16 subscribed my name this day of 17th day of October, 17 2022. 18 19 20 21 22 23 24</p> <p style="text-align: center;"><u>SHERRIE L. MERZ, RDR, CSR, CCR</u></p>
<p style="text-align: right;">Page 87</p> <p>1 MR. FLOTT: Just a reminder we have a meeting 2 on October 6th. 3 CHAIRPERSON HUISMAN: That's right. So we 4 will be back here next week. 5 MR. KAINS: All right, Madam Chair. 6 CHAIRPERSON HUISMAN: We will go into recess 7 and be back on October 20th. Thank you. 8 (The hearing was adjourned at 9:02 p.m.) 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	



<p><b>A</b></p> <p><b>a.m</b> 29:16</p> <p><b>abeyance</b> 78:11</p> <p><b>ability</b> 22:18 72:15</p> <p><b>able</b> 15:4 22:8 27:9 39:14 56:16 57:20 81:13</p> <p><b>Absolutely</b> 76:23</p> <p><b>AC70740-1K</b> 67:23</p> <p><b>accept</b> 26:16</p> <p><b>acceptable</b> 49:22</p> <p><b>access</b> 18:18 46:23 67:12</p> <p><b>accompanied</b> 26:7</p> <p><b>accountant</b> 27:1</p> <p><b>accurate</b> 44:23 47:8</p> <p><b>achieves</b> 10:3</p> <p><b>acknowledge</b> 51:7</p> <p><b>acted</b> 76:9</p> <p><b>action</b> 88:7,9</p> <p><b>active</b> 68:5</p> <p><b>actively</b> 68:9</p> <p><b>actual</b> 20:8 47:1 72:24 85:4</p> <p><b>ADA</b> 57:16</p> <p><b>Adam</b> 15:22</p> <p><b>add</b> 74:7</p> <p><b>addition</b> 8:18,24 75:14</p> <p><b>additional</b> 19:7 21:4 28:4,16 33:7 34:22 35:11 38:14 39:2,15 41:3 58:12 59:3 71:11 74:11,14 76:21 80:18</p>	<p>84:21 85:20 86:19</p> <p><b>additionally</b> 54:17</p> <p><b>address</b> 10:17 23:14 24:2 26:24 28:3 41:1,16 45:2 53:17 65:7 72:11 74:17</p> <p><b>addressed</b> 9:4 25:23 34:2 54:19 66:17</p> <p><b>addresses</b> 9:1</p> <p><b>addressing</b> 25:20 29:20</p> <p><b>adjacent</b> 63:21 65:22 68:6</p> <p><b>adjourned</b> 87:8</p> <p><b>administrator</b> 3:7,8 54:6 55:10,24 78:7</p> <p><b>admitted</b> 72:23</p> <p><b>adoption</b> 66:7</p> <p><b>advance</b> 49:20</p> <p><b>advisable</b> 22:21</p> <p><b>advisory</b> 67:22</p> <p><b>affidavits</b> 2:16 48:5,8</p> <p><b>Ag</b> 32:22</p> <p><b>agencies</b> 68:4</p> <p><b>agency</b> 71:6 73:12,13 75:8</p> <p><b>agenda</b> 64:21</p> <p><b>ago</b> 8:19</p> <p><b>agreement</b> 2:10 2:12 9:21 16:7 16:10,10,14 17:23 18:3 23:24 24:3,9 24:10,23 25:6 25:9,15,18 26:5,7,8,9,10 26:17 27:5,8 27:18,19 31:23</p>	<p>32:1,19,22,23 32:23 33:2 49:13 50:10 53:16 68:8,10 68:14</p> <p><b>agreements</b> 16:17 32:11</p> <p><b>Agricultural</b> 50:10 53:15</p> <p><b>Agriculture</b> 32:1,3 49:12 49:13</p> <p><b>Agriculture's</b> 50:10</p> <p><b>ahead</b> 34:15 50:14 52:6</p> <p><b>Ahmad</b> 3:8 5:13 78:2,4 81:5,13 81:20 82:1 85:4,7,11</p> <p><b>aid</b> 38:18</p> <p><b>AIM</b> 2:12 31:23 32:23</p> <p><b>AIMA</b> 32:13 65:15</p> <p><b>air</b> 66:2</p> <p><b>aircraft</b> 65:20 65:24 66:2,10</p> <p><b>akeyt@heylo...</b> 3:14</p> <p><b>ALDS</b> 66:7,8</p> <p><b>Alex</b> 3:10</p> <p><b>Allen</b> 3:12</p> <p><b>allowed</b> 25:10</p> <p><b>allowing</b> 58:8</p> <p><b>allows</b> 25:8</p> <p><b>altered</b> 31:15</p> <p><b>alternate</b> 27:14 57:16</p> <p><b>America</b> 3:20</p> <p><b>amount</b> 49:24 54:2,15 57:8 58:1</p> <p><b>analysis</b> 2:9,17 11:20,23 61:14</p>	<p>61:17 64:1</p> <p><b>analyzes</b> 63:20</p> <p><b>and/or</b> 27:14 77:22</p> <p><b>Andrew</b> 2:4 3:11 4:2 61:18,19 62:18,21 63:7</p> <p><b>answer</b> 20:8 22:1 39:14 46:24 54:10 57:21 61:20 73:6</p> <p><b>answered</b> 8:2 46:12</p> <p><b>answers</b> 23:2</p> <p><b>anti-climbing</b> 67:5,6 68:22</p> <p><b>anticipate</b> 29:17 68:14</p> <p><b>anticipated</b> 27:12 33:24</p> <p><b>anybody</b> 40:19</p> <p><b>apologize</b> 34:9 40:16</p> <p><b>app</b> 21:11</p> <p><b>Appeals</b> 5:4,13 5:15,16 9:8 10:23 11:13 12:7 16:21 18:24 28:6 29:10,24 35:12 37:11 40:7 47:16,19 50:12 52:19 65:10 77:8 79:11 80:7 83:5 86:16</p> <p><b>APPEARING</b> 4:4</p> <p><b>applicable</b> 9:4 20:10 38:6</p> <p><b>applicant</b> 5:19 48:13 59:23 74:24 79:17 86:17</p>	<p><b>applicant's</b> 86:17</p> <p><b>applicants</b> 75:18 76:20 78:3</p> <p><b>application</b> 1:2 1:2 2:7 7:9 8:4 14:5 20:20 27:6 48:11,16 56:8,16,17</p> <p><b>applications</b> 13:2 57:21</p> <p><b>applied</b> 21:19</p> <p><b>apply</b> 24:18</p> <p><b>appointment</b> 14:3</p> <p><b>Appraisal</b> 63:11</p> <p><b>appraiser</b> 63:9</p> <p><b>appraisers</b> 63:13</p> <p><b>appraising</b> 63:14</p> <p><b>appreciate</b> 6:11 7:3 74:2</p> <p><b>approach</b> 84:1</p> <p><b>appropriate</b> 55:24 56:13 74:5 79:4</p> <p><b>approval</b> 29:7</p> <p><b>approved</b> 71:15</p> <p><b>approximately</b> 14:2,20 58:18</p> <p><b>area</b> 9:20 10:15 11:8,9 13:4,19 14:22 33:20 37:6 38:7,8 44:12,13 46:23 47:1,4 52:21 66:1 76:4 84:24 85:3</p> <p><b>areas</b> 13:2 31:8 31:9 43:7,8,9 66:21</p> <p><b>arives@heylo...</b> 3:13</p> <p><b>article</b> 9:2 48:11</p>
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49:19 50:5 53:17 54:22 65:6 71:9 76:3 <b>asked</b> 57:18 67:5 80:18 85:16 <b>asking</b> 24:15 25:3 29:6 54:9 57:12,20 <b>aspect</b> 53:1 <b>assessment</b> 2:14 2:14 39:8,11 40:2 47:1,3 <b>assessor</b> 38:5 <b>Assistant</b> 3:8 <b>assume</b> 5:21 21:10 29:13 43:10 53:13 57:21 <b>assurance</b> 56:6,7 56:10,15,19 57:1,7,8,20 60:9,15,18 <b>assure</b> 56:12 58:10 <b>attached</b> 72:21 <b>attachment</b> 72:24 <b>attachments</b> 73:15 <b>attack</b> 77:16 <b>attempted</b> 66:23 <b>attorney</b> 3:8 5:12 7:11,16 71:17 76:24 78:1 88:6,8 <b>attorneys</b> 77:1 <b>available</b> 7:21 12:2,5 13:21 14:1,4 17:4 19:8,17,24 39:13 50:23 60:10 61:20 84:22 <b>aware</b> 53:18 57:17 73:22	<b>B</b>	66:24 70:2 72:23 76:8 80:14 <b>Ben</b> 7:1 73:9 <b>Benjamin</b> 3:16 35:2 71:12 <b>best</b> 31:13 47:8 64:4 74:6 77:17 78:18 79:4,7 <b>better</b> 74:21 <b>bidding</b> 74:10 <b>big</b> 81:10 <b>Bill</b> 5:14 16:22 73:16 <b>binder</b> 20:7,14 30:19 65:7 68:2 72:14,18 <b>binders</b> 40:10 66:22 <b>binding</b> 32:3 <b>bird</b> 44:16 <b>birds</b> 45:8 46:24 <b>bit</b> 29:19 46:19 46:21 54:13 <b>bjacobi@polsi...</b> 3:19 <b>blade</b> 19:21 20:22 <b>blades</b> 54:14 57:14 <b>blink</b> 66:3 <b>blue</b> 14:21,21 <b>board</b> 1:8 3:3,8 5:4,13,14,16 5:24 6:1 7:5,22 9:8 10:7,22 11:13 12:7 15:11,24 16:21 17:14 18:8,23 21:5 23:3 24:6 26:22 28:6,16 29:10,24 30:16 31:17 32:16 33:8 34:4	35:12 36:20 37:11 38:16 39:3,21 40:6 41:6 42:15 43:2 44:1,20 46:4 47:16,19 48:21 50:12 52:19 58:12 60:15 61:9,21 61:24 62:24 64:10 65:10 66:13 68:22,24 70:3,8 71:23 71:23 72:2,5 72:11 73:15 74:15,17 75:11 75:18 76:13 77:8,19 78:7,9 78:18 79:11,20 80:7 81:9 82:6 82:17 83:3,5 83:17 85:14 86:1,16,16,24 88:5 <b>board's</b> 38:22 <b>boards</b> 2:19 69:16,18,22 70:7,20,21 <b>bond</b> 49:23 <b>borderless</b> 32:19 <b>bottom</b> 9:2 30:24 43:6,7 <b>Boulevard</b> 3:12 <b>Bradshaw</b> 73:16 <b>braking</b> 20:11 <b>break</b> 41:11,11 <b>brief</b> 84:6 <b>briefly</b> 51:22 71:3 72:6 81:5 <b>bring</b> 8:1 <b>brings</b> 58:24 79:12 <b>broadcast</b> 23:18 33:24 34:1 <b>broken</b> 13:14	<b>brought</b> 7:17 <b>Broughton</b> 14:19,23 <b>building</b> 19:7 20:18 21:17 59:12 <b>built</b> 34:15 57:1 74:11 <b>Bunyon</b> 3:5 38:17 <b>Bureau</b> 32:14 <b>business</b> 29:16 51:15 52:10 <b>businesses</b> 63:18 <b>buyout</b> 50:19
	<b>C</b>		<b>C</b> 3:1 <b>call</b> 5:2,7 12:5 39:18 42:14 62:3 65:20 <b>called</b> 62:19 77:1 <b>camera</b> 46:3 <b>Campus</b> 13:7 <b>Candi</b> 73:16 <b>capacity</b> 10:1 <b>care</b> 54:1 <b>case</b> 6:7 22:22 52:23 58:7 61:7 <b>cases</b> 19:24 38:12 <b>causes</b> 20:4 <b>caveat</b> 8:10 <b>CCR</b> 1:24 88:14 <b>cease</b> 66:3 <b>center</b> 14:19,23 19:21 <b>certain</b> 24:24 32:6 68:11 <b>certainly</b> 56:18 56:24 59:5 81:18,24 83:21 <b>CERTIFICATE</b>	

88:1 <b>certification</b> 48:8,19 <b>Certifications</b> 2:16 48:5 <b>certified</b> 48:9 63:8,8 88:3,3 <b>certify</b> 59:17 88:3,6 <b>cetera</b> 20:22 <b>chair</b> 5:18 28:15 40:16 46:7 86:21 87:5 <b>chair's</b> 7:3 <b>Chairperson</b> 3:3 5:2 9:9,18 10:4 12:8,13,17 15:4,8 17:5,12 19:1,10 20:3 20:23 21:1 22:1 24:4 26:21 28:14 29:2,8,11 30:11,13,21 31:1,10,16 32:18 33:6 35:1,4,7 37:21 37:24 38:11 40:8,17 41:4 42:17,24 44:21 45:6 46:10 52:20 53:4,7 53:10,12 56:4 56:14 57:10 58:5,11 66:15 67:3,16 68:17 68:20 69:24 70:11,17 71:22 72:1,16 80:9 80:23 86:23 87:3,6 <b>chance</b> 78:9,18 85:21 <b>change</b> 22:8 42:23	<b>charge</b> 18:5 <b>checked</b> 34:16 <b>checking</b> 34:12 <b>Checklist</b> 2:18 65:3 <b>Chicago</b> 3:18 <b>chief</b> 15:22 38:13 <b>choose</b> 19:14 <b>chooses</b> 16:16 <b>choosing</b> 67:7 <b>Chris</b> 4:2 39:13 78:24 <b>Chuck</b> 3:7 5:15 23:8 44:4 52:20 75:21 <b>Chuck's</b> 66:11 <b>circling</b> 8:16 <b>circular</b> 67:23 <b>citizen's</b> 42:18 <b>claim</b> 17:24 <b>claims</b> 31:9 <b>clarification</b> 39:16 69:21 70:6 81:20 83:5 <b>clarify</b> 12:8 19:4 25:2 27:17 29:6 72:17 76:7 80:16 82:5,15 83:4 <b>classes</b> 20:1 <b>clauses</b> 32:7 <b>clear</b> 26:14 28:11 <b>client</b> 27:23 58:2 <b>climb</b> 67:4,8 <b>closely</b> 64:24 <b>closer</b> 34:22 51:24 74:19 <b>co-author</b> 63:19 <b>code</b> 9:4 10:17 23:15 24:1 25:19 26:18 27:16 28:2	47:12 49:10 55:4 57:2 <b>codes</b> 26:15 <b>CohnReznick</b> 4:2 61:17 63:16 <b>College</b> 78:24 <b>come</b> 12:17 43:10 48:23 73:9 <b>comes</b> 22:9 50:23 <b>coming</b> 64:24 <b>commence</b> 55:1 58:8 68:15 <b>comment</b> 77:23 <b>commented</b> 26:6 <b>comments</b> 53:22 <b>commercial</b> 26:8 63:12 <b>commission</b> 33:3 57:15 <b>Commissioner</b> 59:20 <b>commit</b> 34:23 <b>commitment</b> 54:20,21 <b>commitments</b> 70:4 <b>committed</b> 23:24 43:13 54:17 74:8 <b>committing</b> 26:10 <b>common</b> 68:7 <b>communication</b> 52:8 71:5 73:20 75:7 <b>communicatio...</b> 2:12 33:14,18 52:3 71:8 73:12 74:11 <b>communities</b> 44:15 <b>community</b> 7:20	32:11 70:5 78:24 <b>compaction</b> 32:9 <b>companies</b> 24:21 <b>company</b> 14:4 39:14 54:1 60:6 <b>compares</b> 25:20 <b>compensate</b> 26:2 <b>compensated</b> 27:14 <b>compensates</b> 9:21 10:2 <b>compensating</b> 9:23 <b>compensation</b> 17:23 26:11 <b>compilation</b> 6:17 <b>complaint</b> 23:17 23:20 <b>completed</b> 60:10 <b>completion</b> 58:8 <b>compliance</b> 25:7 43:16 75:12,14 <b>comply</b> 23:24 24:1,8,8 <b>component</b> 55:12 <b>components</b> 49:15 <b>computer</b> 46:6 <b>concept</b> 30:18 <b>concern</b> 20:4 <b>concerns</b> 20:9 53:8 57:13 <b>conclude</b> 86:11 <b>concluded</b> 28:11 69:9 <b>concludes</b> 33:19 <b>conclusion</b> 5:20 6:7 28:18 61:7 66:5 68:13	<b>conclusions</b> 36:4 36:11,14 51:11 <b>concrete</b> 12:23 21:20 <b>condition</b> 58:9 <b>confidential</b> 19:5 <b>confirm</b> 12:1,4 13:20 22:15,16 26:15 32:12 37:14 42:13 47:3,5,6,9,11 47:13 48:12,13 55:7 56:1 59:6 62:22 64:1 <b>confirmed</b> 14:10 14:15 27:23 29:5 43:15 56:9 71:14 <b>conform</b> 20:9 <b>conjunction</b> 22:12 <b>Conservation</b> 6:6 61:1,3 <b>consider</b> 5:24 29:7 <b>consideration</b> 16:15 18:17 19:16 22:7 54:11 <b>considered</b> 9:19 38:19 79:8,9 <b>considering</b> 18:17 <b>construct</b> 31:4 56:11 <b>constructed</b> 37:15 65:15 <b>construction</b> 10:1 18:1 22:10 23:16 27:11 34:23 37:17 59:11 <b>consultants</b> 10:9 11:1,16 15:14
--	---	--	---	--

18:9 21:8 23:5 28:8 30:2 31:20 33:11 35:14 36:21 37:13 39:22 41:8,21 43:4 44:2 47:20 49:2 58:14 60:17 61:11 64:12 65:12 69:1,13 70:22 75:19 77:12 79:22 <b>consultation</b> 42:5 63:20 <b>Consulting</b> 4:2 <b>contact</b> 74:3 <b>contains</b> 15:20 <b>continuation</b> 86:18 <b>continue</b> 8:4 22:7 <b>Continued</b> 3:23 <b>continuing</b> 64:17 <b>cooperate</b> 56:18 <b>coordination</b> 74:1 <b>copies</b> 6:14 7:2 62:6 69:22 75:1 76:5,13 77:20,22 78:1 78:6,15 81:6 81:16,24 <b>copy</b> 7:5 31:24 71:7,16,18,21 72:14 77:24 82:13,24 <b>corner</b> 9:3 70:3 70:4 <b>correct</b> 7:12 12:11,12 14:12 14:18 22:19 32:15 34:8,9 35:3 36:16	43:18,21 50:16 50:17 51:3 55:13 64:4 68:1 71:24 81:1 83:10 <b>corrective</b> 29:21 <b>corridor</b> 43:7,8 <b>cost</b> 50:1,2,4,24 56:20 57:4 59:12,18 60:4 <b>costing</b> 50:23 <b>costs</b> 56:20 59:10 <b>Council</b> 15:22 <b>counsel</b> 75:18 86:16,17 88:7 88:8 <b>county</b> 1:1,8 3:10,15 4:1 5:4 6:1,5 7:24 9:2 10:8,17 11:15 15:13,21 16:3 16:13 17:16 19:16 21:7 23:5 28:7 30:2 31:20 33:10 35:14 36:21 37:12 38:5 39:22 41:8,20 43:4 44:1 47:20 48:14,16 49:1,10,18,23 52:21 53:5,22 55:9 56:2,9 57:11 58:14 60:16 61:1 64:11 65:5,12 69:1,13 70:22 71:9 75:19 76:2 77:11 79:21 88:4 <b>couple</b> 6:4,13 35:17 50:13 56:5 78:15 <b>course</b> 51:15	52:10 <b>court</b> 46:19 88:3 <b>courtesy</b> 84:21 <b>Courthouse</b> 1:8 88:4 <b>cover</b> 12:14 63:17 <b>covered</b> 11:10 17:17 38:6 53:24 <b>covering</b> 17:21 <b>covers</b> 53:13 <b>created</b> 22:12 32:13 <b>creation</b> 8:23 64:3 <b>credit</b> 49:23 53:8 56:6 <b>Creek</b> 55:19 <b>CSR</b> 1:23 88:14 <b>Cullom</b> 10:20 13:7,24 28:24 37:7 38:10 84:19 <b>currently</b> 8:6 12:2 28:23 57:24 66:3 68:3 <b>curtail</b> 68:12 <b>curtailment</b> 44:17 <b>cut</b> 55:10 <hr/> <b>D</b> <hr/> <b>date</b> 34:20 78:8 79:12 <b>dated</b> 42:4 <b>dating</b> 78:6 <b>Dave</b> 3:5 5:8,8 <b>David</b> 4:5 11:23 70:10 <b>day</b> 48:16 80:19 88:11,11 <b>days</b> 29:16 48:10 48:15 55:9	<b>debt</b> 63:18 <b>December</b> 40:5 <b>Decide</b> 73:4 <b>decided</b> 57:19 <b>decision</b> 22:9 <b>decommission...</b> 55:8 <b>decommission...</b> 2:16 32:8,18 32:20,24 33:2 33:4 49:5,6,9 49:24 50:4,15 50:18,21 51:8 51:11,13,17 52:16,22 53:13 53:14,18 54:1 54:3 55:2,4,6 56:12,20,21 57:3,11 59:10 59:18 60:2,4 <b>default</b> 31:9 32:24 <b>defective</b> 53:23 <b>Defense</b> 68:5,5,9 <b>delivered</b> 8:18 <b>demonstratives</b> 70:15 <b>department</b> 32:2 38:5,5 42:6 49:12 50:9 68:5,5,9 <b>departments</b> 37:22 <b>dependent</b> 31:11 <b>depending</b> 25:20 <b>deposition</b> 88:7 <b>Depot</b> 48:9 <b>described</b> 50:9 <b>describing</b> 55:5 <b>Descriptions</b> 2:8 11:5 <b>design</b> 2:11 20:5 22:11 23:10 66:9 <b>designated</b>	30:23 <b>designation</b> 63:10,12 68:7 68:15 <b>designations</b> 66:4 <b>desired</b> 85:19 <b>detail</b> 45:1,4 65:16 <b>detailed</b> 85:23 <b>details</b> 19:7 21:15 41:3 70:4 <b>determination</b> 6:2 73:9 <b>determine</b> 56:14 57:3,4 60:4 73:5 <b>determined</b> 49:24 53:23 <b>Development</b> 15:22 <b>developments</b> 63:21 <b>device</b> 67:5 <b>devices</b> 67:6 <b>diagram</b> 28:22 <b>difference</b> 25:5 25:17 57:6 <b>different</b> 25:14 43:15 53:1 54:12 <b>digital</b> 85:17 <b>digitally</b> 86:3 <b>diligently</b> 55:10 55:11 <b>Diplomate</b> 88:2 <b>directed</b> 75:6 <b>direction</b> 35:9 35:19 38:23 49:11 51:2 <b>directive</b> 74:13 <b>directly</b> 9:24 <b>director</b> 73:21 <b>discover</b> 17:1
--	--	--	--	--

<b>discretion</b> 82:2	12:10 70:12	88:7,8	47:18 61:4,20	64:3
<b>discuss</b> 8:17	<b>drafted</b> 53:7	<b>employee</b> 88:8	69:20 84:16	<b>expert</b> 25:12
83:19,21	<b>drainage</b> 2:20	<b>encourage</b> 34:22	85:16	44:10 47:4
<b>discussed</b> 6:20	32:7 75:23	<b>endangered</b>	<b>event</b> 6:22 53:13	70:9
8:17	76:2 77:2	44:11	53:19 55:1	<b>explain</b> 40:19
<b>discusses</b> 67:21	<b>drawing</b> 28:22	<b>energy</b> 63:18	<b>events</b> 54:23	64:1
67:21	83:1	79:2	55:5	<b>extensive</b> 45:1
<b>discussion</b> 28:5	<b>due</b> 79:4 86:5	<b>engineer</b> 21:15	<b>evidence</b> 5:22,23	<b>extent</b> 27:13
78:11 83:4	<b>dug</b> 21:18	<b>engineered</b>	28:19 70:12	<b>extra</b> 71:18 76:4
84:6,7,10 86:7	<b>duly</b> 62:19	21:21	75:11 80:13	78:15
86:15		<b>engineering</b>	86:5,11	
<b>displayed</b> 69:18	<b>E</b>	21:23 22:11	<b>exact</b> 59:13	<b>F</b>
69:20 84:19	<b>E</b> 3:1,1	28:22 35:18	<b>exactly</b> 14:23	<b>F</b> 66:18
<b>disregard</b> 40:20	<b>earlier</b> 8:18	49:9 50:1	27:4 57:14	<b>FAA</b> 66:5 67:22
<b>distributed</b>	26:11 33:17	59:17 75:9,10	<b>EXAMINATI...</b>	67:23 68:3,8
76:19 79:11	71:4 85:16	<b>engineers</b> 59:7	2:1	68:15
<b>district</b> 6:6 37:6	<b>easel</b> 85:9	<b>entails</b> 68:10	<b>example</b> 55:20	<b>facilitator</b> 3:7
37:7,7 38:9,10	<b>easement</b> 9:16	<b>enter</b> 73:2	<b>examples</b> 66:19	5:10 45:16
38:10 61:1,4	11:10 29:3	<b>entered</b> 73:1	<b>excellent</b> 62:17	<b>facilities</b> 9:17
76:2	<b>easements</b> 16:19	<b>entering</b> 81:7	<b>excessive</b> 45:4	13:15 50:3
<b>districts</b> 2:20	<b>easier</b> 82:13	<b>entitled</b> 17:2	<b>excuse</b> 12:22	85:1
37:5 38:6,7,17	84:24 85:2	<b>equipment</b> 2:10	13:8 22:20	<b>facility</b> 2:22
38:19,21,24,24	<b>EcoCAT</b> 2:15	2:11 9:14	50:2 54:19	28:23 29:12,18
39:1 75:23	42:1,5	18:13 19:23	<b>executed</b> 31:24	84:12 85:13
77:2	<b>Economic</b> 11:22	29:22 30:6	<b>Executive</b> 15:22	<b>facing</b> 70:3
<b>document</b> 9:16	15:21	31:6 54:11,14	<b>exercise</b> 27:9	<b>fact</b> 27:13
10:2 11:11	<b>Ecosystems</b> 2:15	54:20 55:21	<b>exhibits</b> 2:5,24	<b>fair</b> 12:16 25:4
16:10 32:2,3	44:6,9	73:24	5:20,21 6:3 8:4	<b>fairly</b> 34:9
32:13,21,22	<b>EDF</b> 3:20 50:18	<b>equipped</b> 20:11	8:6 28:18	<b>familiar</b> 48:15
33:1 40:13	50:21,22	<b>erosion</b> 32:10	58:24 62:12	<b>far</b> 5:8 83:22
51:14,18 52:9	<b>effectively</b> 19:23	<b>essentially</b> 26:24	77:16 78:2,12	<b>farm</b> 1:1 3:15
52:12 62:15	<b>eight</b> 33:19	<b>established</b>	78:17 81:6,9	17:7 32:14
65:5 72:20	78:17	67:22	81:18 85:5	45:8 55:17
82:13	<b>either</b> 11:10	<b>estate</b> 63:13,17	86:6,7,8	65:22
<b>documentation</b>	55:22,23 64:15	<b>estimate</b> 50:2	<b>exits</b> 66:2	<b>farms</b> 53:21
40:10	83:11 86:2	56:20 57:10,12	<b>expect</b> 31:4	55:18 63:21
<b>documents</b> 32:5	<b>eliminate</b> 22:21	57:18	<b>expectation</b>	<b>farther</b> 38:20
38:13 53:16	<b>emergency</b> 2:13	<b>estimates</b> 59:12	20:17	<b>FCC</b> 33:19
59:24 71:10	37:1,4 38:8	59:15	<b>expected</b> 8:22	<b>February</b> 10:20
<b>doing</b> 34:23	71:5 73:12	<b>et</b> 20:22	<b>expenses</b> 59:7	37:9 42:4
70:14	74:24 75:5,7	<b>evaluating</b> 24:17	<b>experience</b>	84:18
<b>Dontz</b> 15:23	<b>Emington</b> 13:7	<b>Evans</b> 35:2	16:12 17:8,8	<b>federal</b> 68:4,11
<b>door</b> 67:1,12,13	<b>Emington-Ca...</b>	<b>evening</b> 5:2,5,10	17:10 25:23	84:20
<b>doors</b> 67:11	37:7 38:9	6:11 8:15,17	27:22 34:1	<b>feedback</b> 34:20
<b>Dr</b> 11:23 12:2,4	<b>employed</b> 73:17	12:15 39:13	36:7 55:1 60:2	<b>feet</b> 19:13 20:2

<p>67:6  <b>fences</b> 67:5,16  <b>fencing</b> 16:17  <b>fiduciary</b> 51:19  <b>field</b> 29:20  <b>figures</b> 53:17  <b>filing</b> 59:9  <b>filled</b> 21:20  <b>final</b> 22:9 60:3,7  60:10 68:14  <b>Finally</b> 10:8  <b>financial</b> 16:14  26:9,16 49:21  50:6,8 52:21  53:8 56:6,7,10  56:15 57:7,20  60:6,15,17  <b>financially</b> 88:9  <b>find</b> 82:6  <b>findings</b> 63:1  <b>finds</b> 33:23  <b>fine</b> 46:9,10 52:6  73:6 78:14  <b>finish</b> 62:8 86:10  <b>fire</b> 37:5,6,7,7  37:22 38:2,6,9  38:9,10,13,17  38:19,20,24  <b>firm</b> 59:17  <b>first</b> 6:13,13 8:5  37:16 46:1  54:11 80:10,11  80:17,22,23  85:16  <b>five</b> 31:3 58:18  84:13,17 85:13  <b>flicker</b> 2:14  16:12 17:2,8  17:11 24:14  25:7,8 27:3,9  39:8,10,20  <b>Floor</b> 1:8 88:5  <b>Flott</b> 3:4 5:14  12:21 13:3  16:22,22 18:2</p>	<p>26:4 34:5,12  53:21 54:8  55:13 73:16,16  85:24 87:1  <b>flowing</b> 31:7  <b>flying</b> 65:22  <b>FM</b> 33:24  <b>Foley</b> 42:7  <b>folks</b> 9:13 29:14  67:8  <b>follow-up</b> 18:6  50:13  <b>follow-ups</b> 35:17  <b>follows</b> 62:20  <b>footprint</b> 17:7  26:23  <b>footprints</b> 17:6  <b>force</b> 29:17  <b>foregoing</b> 88:3  <b>forest</b> 43:6,7,8,9  <b>form</b> 2:10 15:6  16:7 24:23  45:9 49:22  86:2  <b>formal</b> 66:6  <b>format</b> 81:8,12  81:13 84:23  85:17  <b>forward</b> 6:24  48:24 73:8  <b>forwarded</b>  62:24  <b>foundation</b>  21:11,11,13,16  21:20 22:4  40:22 44:15  62:15  <b>foundational</b>  52:5  <b>foundations</b>  21:10,15 22:12  22:16,18  <b>four</b> 13:12,13  14:4 69:10  85:7</p>	<p><b>Fox</b> 7:4,5,6,15  <b>free</b> 31:7  <b>front</b> 15:5 72:17  <b>full</b> 5:24 15:7  20:7 63:11  <b>funded</b> 50:9  <b>funds</b> 54:3  <b>further</b> 41:5,19  42:24 43:2  44:3 45:16  47:14 52:16  55:23 60:12  62:12 86:23  88:6,8  <b>future</b> 64:16</p> <hr/> <p style="text-align: center;"><b>G</b></p> <hr/> <p><b>G-A-M-E-S-A</b>  18:21  <b>Gamesa</b> 18:18  18:21  <b>gate</b> 46:20  <b>GE</b> 18:18  <b>general</b> 19:4  21:16 45:8  46:24 63:8  <b>generally</b> 19:20  26:1 29:16  55:11  <b>generate</b> 10:15  <b>gentlemen</b> 47:15  58:16  <b>Gershon's</b> 43:22  <b>Gerson</b> 77:15  <b>getting</b> 9:10  <b>Gibson</b> 54:19  <b>give</b> 5:10 7:18  24:11,12,15  62:15  <b>Given</b> 77:21  79:6  <b>go</b> 5:11 6:1,18  6:23 24:16  31:14 37:16  40:12 41:10</p>	<p>45:3,15 46:20  47:22 48:3  50:14 52:6  57:19 65:16  70:6 76:14  78:9 83:21  86:12 87:6  <b>goes</b> 44:24  <b>going</b> 5:19 6:12  6:19 15:4 22:3  24:5,8,8,19  25:2 27:23  28:1 29:12,14  29:15 34:16  41:10 49:20  51:21 57:13,15  58:17 62:10  66:17,20 72:1  73:3,7 77:2,15  81:21 82:23  84:7,8 86:3,5  86:10,11  <b>good</b> 2:3,10 4:4  5:2 8:13 9:19  10:9 16:7,9,24  18:11 24:3,9  24:23 25:5  26:5,7,10 27:1  27:2,4,7,17,19  28:19 30:4  39:6,24 42:8  42:14 44:11,17  45:11,14,15,19  45:21,24,24  46:1,5,15,17  46:22 47:2,5,9  47:13,17,18,23  64:8,14,23  65:1 76:6 77:6  <b>Good's</b> 44:10  <b>gotten</b> 33:5  34:18  <b>government</b>  68:11  <b>granted</b> 16:19</p>	<p><b>graphs</b> 12:18  <b>Great</b> 15:8  <b>Greater</b> 15:21  <b>ground</b> 5:10  40:19 57:16  85:10  <b>group</b> 13:9,12  63:16 70:12  85:13  <b>guess</b> 31:13 34:6  40:8,15 55:13  <b>guidance</b> 48:14</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>habitat</b> 44:12  <b>habitats</b> 44:14  <b>half</b> 10:14 14:16  16:13  <b>Hamilton</b> 3:12  <b>hand</b> 7:1 48:23  82:14  <b>handed</b> 7:12  9:11  <b>Hang</b> 9:9  <b>happens</b> 74:5  <b>happy</b> 21:14,22  45:2 62:5  65:19 67:1  74:4 77:22  79:3 81:8  <b>hard</b> 13:6 21:16  <b>harm</b> 66:4  <b>head</b> 75:9  <b>hear</b> 13:6 61:22  71:19  <b>heard</b> 24:21  53:22 76:10  <b>hearing</b> 3:7 5:5  5:9 7:7 11:24  14:16 28:19  41:2 42:12  45:16 48:17  58:18 64:16  69:19 70:7  77:3 78:6,8,12</p>
---	--	---	--	--

79:12 80:4,17 80:19 84:9,10 86:4,10 87:8 <b>Heartland</b> 78:24 <b>height</b> 19:21 20:21 <b>Heil</b> 3:11 <b>held</b> 10:19 18:16 <b>help</b> 19:10 38:23 63:16 <b>helpful</b> 40:12 <b>hereto</b> 88:8 <b>hereunto</b> 88:10 <b>Hey</b> 52:20 <b>Heyl</b> 3:12 <b>high</b> 10:20 13:24 84:18 <b>higher</b> 14:9 <b>highlight</b> 28:23 <b>highly</b> 19:5 <b>Hill</b> 55:19 <b>Historic</b> 1:8 88:4 <b>hold</b> 12:20 51:23 63:10 78:11 <b>holding</b> 24:24 <b>homeowner</b> 27:15 <b>homeowners</b> 14:15 26:12 27:14 <b>homes</b> 27:10 <b>hoping</b> 6:7 <b>hour</b> 77:21 79:5 <b>hours</b> 1:10 14:2 16:12 17:11 25:8,10,12 27:3 45:2 <b>Huisman</b> 3:3 5:2 5:3 9:9,18 10:4 12:8,13,17 15:4,8 17:5,12 19:1,10 20:3 20:23 21:1 22:1 24:4 26:21 28:14	29:2,8,11 30:11,13,21 31:1,10,16 32:18 33:6 35:1,4,7 37:21 37:24 38:11 40:8,17 41:4 42:17,24 44:21 45:6 46:10 52:20 53:4,7 53:10,12 56:4 56:4,14 57:10 58:5,11 66:15 66:15 67:3,16 68:17,20 69:24 70:11,17 71:22 72:1,16 80:9 80:23 86:23 87:3,6 <b>hydraulics</b> 54:13,16 <hr/> <b>I</b> <hr/> <b>ID</b> 9:1 13:17 <b>identical</b> 17:22 17:23 <b>identified</b> 7:23 13:1 27:21 30:18 59:10 65:6 <b>identifies</b> 14:22 44:11 49:15 65:21 <b>identify</b> 13:9 22:20 26:2 27:10,13 38:23 39:1 42:19 67:20 74:12 <b>identifying</b> 76:3 <b>IDNR</b> 42:20,21 42:23 <b>Illinois</b> 1:9 3:13 3:18 32:2,14 42:4 61:3 63:9 71:12 88:5	<b>impact</b> 2:9 11:20 11:22 32:1 33:21 45:9 49:13 50:10 53:15 63:19,21 <b>impacted</b> 27:10 <b>impacts</b> 46:24 <b>important</b> 21:3 <b>improvements</b> 56:11 57:4,9 <b>inaudible</b> 17:10 17:18 21:19 37:16 43:13 45:14 46:16,23 50:3 54:24 60:7 73:18 76:3,9,11 <b>inches</b> 20:7 <b>Incidentally</b> 48:21 <b>include</b> 16:16,18 59:12,14 71:11 75:3 78:23 81:21 <b>included</b> 14:17 16:24 19:13 27:6 31:3 40:9 40:10,18 63:1 71:7 75:8 80:9 80:14 81:15 83:6 <b>includes</b> 9:23 10:13,16 16:14 18:15 30:8 32:6 48:7 69:9 79:18 <b>including</b> 9:16 13:17 18:18 19:7 32:7 37:6 44:16 50:18 68:12 84:24 <b>inconveniences</b> 17:9 <b>Incorporated</b> 44:9	<b>independently</b> 75:11 76:9 <b>INDEX</b> 2:1,5 <b>indicate</b> 72:13 <b>indicated</b> 7:8 12:23 <b>indicates</b> 75:2 <b>indirect</b> 10:1 <b>individual</b> 6:15 10:18 23:21 79:8 <b>individuals</b> 78:17 <b>Industrial</b> 79:1 <b>industry</b> 20:10 52:13 <b>inflation</b> 59:14 <b>information</b> 9:2 10:19 12:14 13:23 14:10,11 18:16 19:4,6 19:17,22 20:16 20:21 26:9 44:22 50:20,22 50:23,24 51:5 59:23 61:2 70:8,16 74:3 80:18 84:18 86:22 <b>insert</b> 76:5,21 <b>Installation</b> 20:5 <b>Institute</b> 63:11 <b>intangibles</b> 63:18 <b>intend</b> 12:24 22:23 <b>intended</b> 14:8 <b>intent</b> 29:4 <b>intention</b> 27:3 28:24 81:23 <b>interest</b> 74:6 79:4 <b>interested</b> 88:9 <b>interference</b> 2:13 17:19,24	23:15,18 25:24 26:13 27:12 28:3 33:15,18 33:24 34:6 52:3,8 71:8 74:9 75:12 <b>internet</b> 23:19 25:24 46:5 61:18 <b>introduced</b> 7:10 8:8 10:12 11:6 11:21 15:19 16:8 18:14 23:11 30:7 31:23 33:15 37:2,8 39:9 40:3 42:2 44:7 48:6 49:7,14 60:23 61:15 65:3 69:6,16 71:2,3 75:24 78:21 79:15 80:2 84:12,15 <b>investigation</b> 22:20 <b>invitation</b> 10:19 <b>invite</b> 77:3 <b>issuance</b> 58:4 60:7 74:10 <b>issue</b> 23:12 49:1 56:19 58:7 60:14 84:8 86:4 <b>issued</b> 7:23 <b>issues</b> 22:17 28:3 41:2 58:9 86:24 <b>items</b> 6:13 <hr/> <b>J</b> <hr/> <b>Jacks</b> 76:10 <b>Jacobi</b> 3:16 35:17,21,24 36:3,7,10,13 36:17,18 50:13
---	---	---	---	---

50:15,20 51:4 51:7,10,13,17 51:21,23 52:1 52:7,12,15,17 71:12,13,16,21 71:24 73:13 74:16,18,21,23 75:16 76:21,24 77:7 82:20 83:10,24 <b>Jacobi's</b> 36:19 75:17 77:9,11 <b>Jay</b> 76:10 <b>Jesse</b> 3:8 5:15 <b>JIS</b> 38:5 <b>Joan</b> 3:3 5:3 56:4 66:15 <b>Joe</b> 3:6 5:16 <b>John</b> 3:11 <b>Joint</b> 71:5 73:12 75:7 <b>Jr</b> 3:4 <b>jury</b> 24:12	35:22 36:1,4 36:10 47:8 51:4,10 60:5 64:5 <b>Knuckles</b> 39:17	42:4,10,18 49:23 53:7 56:6 66:18 71:15 72:14,17 72:18,20,23,24 73:13,14,17 75:6,23 76:1 78:20 <b>letters</b> 77:20,21 78:10,17,24 86:7 <b>licensed</b> 33:19 <b>life</b> 49:17 53:20 <b>light</b> 66:9 <b>lighting</b> 65:14 65:17,20 66:3 66:6 67:20,21 68:16,18,22 <b>lights</b> 65:23 <b>limit</b> 16:13 <b>line</b> 15:1 53:20 <b>lines</b> 2:4 4:2 15:3 43:9 61:19,22,24 62:15,18,21,22 63:2,5,7,7 64:6 64:10,15,19,20 <b>Lines'</b> 61:18 <b>list</b> 2:7 8:8,20 9:12 10:13,15 10:16,18 11:7 11:8 78:23 <b>lit</b> 66:8 <b>little</b> 20:4 46:18 46:21 63:15 65:16 <b>Livingston</b> 1:1,8 3:10,15 4:1 5:4 5:5 6:1,5 8:21 10:8,24 11:15 15:13,21 16:2 17:16 18:9 19:16 21:7 23:5 28:7 30:2 31:20 33:10	35:14 36:21 37:12 38:4 39:22 41:8 43:4 47:20 49:10,21,22 53:21 58:14 61:1,10 88:4 <b>LLC</b> 1:1 <b>LLP</b> 4:2 <b>local</b> 23:18 34:13,19 37:22 38:24 71:6 74:24 75:4 76:2 <b>locate</b> 73:24 <b>located</b> 33:20 <b>location</b> 21:22 22:2 31:15 45:9 <b>locations</b> 22:17 22:21,22,24 30:18 31:5 34:21 <b>locked</b> 67:13 <b>locking</b> 67:11 <b>log</b> 46:6 <b>long</b> 72:4 <b>longer</b> 54:24 73:17 <b>look</b> 22:15 45:7 53:1 66:24 72:22 82:7 85:22 <b>looked</b> 45:9 47:1 85:24 86:1 <b>looking</b> 9:9 24:4 27:1,2 <b>looks</b> 74:16 <b>Loomis</b> 4:5 11:23 12:2,4 12:10 31:14 70:10 <b>Loomis'</b> 70:12 <b>loss</b> 26:3 <b>lot</b> 12:13 44:21	<b>loud</b> 79:9 <b>low</b> 65:21
	<b>L</b>		<b>M</b>	
<b>K</b>	<b>L</b>		<b>M</b>	
<b>Kankakee</b> 55:20 <b>keep</b> 17:4 21:1 66:20 73:7 <b>keeping</b> 34:5 <b>Kelly</b> 55:19 <b>Kempton</b> 13:7 37:6 38:9 <b>Keyt</b> 3:11 <b>Kiefer</b> 3:4 5:9 <b>kind</b> 9:17 22:3 46:20 53:8 <b>King</b> 3:8 5:15 <b>know</b> 13:6 22:3 24:11,19 25:1 25:6 34:5 57:1 57:14,17 66:16 72:2 73:4 74:2 85:21 86:9 <b>knowing</b> 57:12 <b>knowledge</b>	<b>L</b> 1:22 15:23 88:2,14 <b>L-I-N-E-S</b> 63:8 <b>labor</b> 59:14 <b>Ladies</b> 47:15 58:16 <b>land</b> 34:24 <b>landowner</b> 2:7 8:8 32:10,11 <b>landowners</b> 9:21 <b>large</b> 81:8,12 84:23 <b>larger</b> 7:18 81:24 <b>Lastly</b> 50:8 <b>law</b> 71:12 <b>lay</b> 21:19 <b>lay-down</b> 13:2,3 14:22 <b>layout</b> 33:20 59:11,13 66:8 <b>lead</b> 63:16 <b>leaking</b> 53:24 <b>lease</b> 9:21 10:2 11:10 53:16 <b>leave</b> 46:7 59:20 77:24 82:1 <b>left</b> 5:8,18 <b>legal</b> 2:8 11:5 48:10 66:5 <b>legally</b> 32:3 <b>leisure</b> 78:19 <b>length</b> 20:22 <b>Let's</b> 72:3 <b>letter</b> 2:9,15,20 2:20 7:4,5,14 8:18 15:18,20 26:7 27:5 42:1		<b>M</b> 3:3,16 <b>M-8</b> 2:21 42:12 43:17 80:1 82:7 <b>Madam</b> 5:18 40:16 86:21 87:5 <b>Madison</b> 1:8 88:4 <b>MAI</b> 63:10 <b>mail</b> 84:20 <b>mailing</b> 9:1 10:16 48:8,9 48:20 <b>maintain</b> 17:3 55:21 <b>maintained</b> 32:2 <b>maintaining</b> 54:20 <b>maintains</b> 68:11 <b>maintenance</b> 29:12,21,21 56:2 <b>major</b> 85:2 <b>majority</b> 29:20 <b>making</b> 24:6 <b>manager</b> 86:18 <b>manufacturer</b> 19:9 22:13 31:6,11 <b>manufacturers</b> 19:4 22:6 <b>manufacturing</b> 20:1 <b>map</b> 13:2,9,13 14:4,7 15:7 83:18,19,21 <b>maps</b> 2:21,22 7:18,19 12:23 13:12,14,21,22 14:1,4,11	



<p>30:12 80:1,4,7 81:8 82:7 83:6 83:18 84:12,14 84:17,23 85:1 85:2,13,20,23 86:2 <b>marathon</b> 86:19 <b>Mark</b> 3:16 <b>marked</b> 82:6,14 84:1 <b>market</b> 61:17 64:1 <b>matter</b> 6:2 45:1 <b>McDevitt</b> 4:5 39:12,17 40:11 <b>mean</b> 22:15 25:5 <b>means</b> 63:11 <b>measures</b> 16:15 42:7 68:23 74:13 <b>meet</b> 19:11,16 20:16 23:21 26:18 <b>meeting</b> 5:3,7 7:20,22 10:19 13:24 17:20 84:18 87:1 <b>member</b> 5:14,16 63:11 78:7,19 <b>members</b> 3:3 7:18 9:7 10:7 11:13 12:7 16:21 18:23 21:5 29:18 30:1 41:6 70:3 70:20 76:13,18 79:8,12 83:3,5 85:21 86:15,24 <b>mentioned</b> 14:14 <b>mentions</b> 43:6 <b>Merz</b> 1:22 88:2 88:14 <b>met</b> 2:11 20:18 30:6 67:7</p>	<p><b>meteorological</b> 30:9 <b>methods</b> 67:5 <b>mgershon@p...</b> 3:18 <b>microphone</b> 48:24 51:24 <b>microwave</b> 2:12 33:14,17,19,22 52:2,8 71:7 74:9 75:4 <b>migration</b> 44:13 44:16 <b>mike</b> 74:19 <b>mile</b> 14:15 <b>miles</b> 2:8 10:11 10:14 <b>Miller</b> 2:20 78:20 79:1 <b>mind</b> 25:5 <b>Minneapolis</b> 3:21 <b>Minnesota</b> 3:21 <b>minus</b> 50:3 <b>minutes</b> 13:10 58:18 <b>missing</b> 85:8 <b>mitigation</b> 16:15 18:5 24:13 32:1,6,22 42:7 49:13 50:10 53:16 68:8,10 68:13 <b>model</b> 2:14 16:11 40:2 <b>modeling</b> 27:9 <b>models</b> 18:16,18 19:24 22:8 54:12 <b>modern</b> 54:15 67:10 <b>moment</b> 73:7 <b>moments</b> 8:19 59:2 <b>Monday</b> 14:3</p>	<p><b>money</b> 28:1 <b>months</b> 54:2 <b>Motorola</b> 73:23 <b>move</b> 6:12 54:14 73:8 84:11 <b>moved</b> 81:4 <b>moving</b> 15:1 52:15 <b>multiple</b> 50:24 <b>mutual</b> 38:18</p> <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>N</b> 3:1 <b>name</b> 5:3 8:24 10:17 45:22,24 46:1,1 63:7 88:11 <b>nationally</b> 63:12 <b>nationwide</b> 63:17 <b>Natural</b> 42:4,6 61:2 <b>NE</b> 3:21 <b>near</b> 48:24 <b>necessary</b> 31:15 60:3 <b>need</b> 6:13 18:4 20:12,16 24:19 25:17 43:11 46:17 47:23 48:22 52:24 68:12 73:5 74:1 78:6 83:4 83:17 <b>negotiate</b> 32:5 <b>negotiated</b> 32:13 <b>neighbor</b> 2:10 9:19 16:7,10 16:23,24 24:3 24:9,23 25:6 26:5,7,10 27:1 27:2,4,8,18,19 <b>neighboring</b> 38:1,2 <b>neighbors</b> 17:4</p>	<p><b>neither</b> 88:6 <b>nervous</b> 6:16 <b>never</b> 60:5,6 <b>new</b> 73:20 82:16 82:24 <b>night</b> 12:10 40:11 44:23 45:7 47:17 64:16 78:12 84:9,10 86:4 86:10 <b>nights</b> 86:19 <b>noise</b> 17:1 <b>nonfunctioning</b> 55:7,14 <b>nonhazardous</b> 68:8 <b>nonparticipati...</b> 16:11 26:22 <b>nonproduction</b> 54:23 <b>noon</b> 14:3 <b>north</b> 3:17,20 15:1 <b>notes</b> 14:17 <b>notice</b> 2:19 6:18 7:3,22,23 10:16,18 14:16 29:4 34:10,19 48:10,14,15,17 71:1,4 73:11 77:2,5 84:21 84:21 <b>notified</b> 76:10 <b>November</b> 62:23 86:20 <b>Nuckols</b> 4:2 39:13 40:24 <b>number</b> 45:2 78:16 80:11 <b>numbers</b> 9:1 13:17 57:17 <b>numerous</b> 53:22 58:24</p>	<hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>oath</b> 8:10 41:15 45:17 64:17 <b>objection</b> 60:9 <b>obligate</b> 56:2 <b>obligated</b> 25:9 56:12 <b>obligation</b> 24:2 <b>obtained</b> 54:3 <b>obtaining</b> 66:4 <b>obviously</b> 25:12 45:1 74:6 <b>October</b> 86:19 87:2,7 88:11 <b>offer</b> 17:22 25:16,16 70:4 <b>offered</b> 5:21,23 16:11 17:6 26:9,22 27:8 36:4 61:23 70:13,15 <b>offering</b> 26:11 70:11 <b>office</b> 14:1,2,2 48:9 84:19 <b>officer</b> 7:7 15:22 <b>official</b> 7:23 <b>officially</b> 81:9 <b>Oh</b> 41:18 <b>oil</b> 53:23 54:14 55:22 <b>okay</b> 7:16 9:18 10:4 11:18 12:17 13:11 15:8 17:12 18:11 21:1 29:8 30:13 31:16 33:6 35:7 37:24 38:11 40:17 41:4 42:20 45:6 53:12 58:11 62:9 67:3 68:20 70:17 72:16</p>
--	---	--	--	---

80:23 85:11 <b>older</b> 13:13 54:12 <b>on-site</b> 7:23 <b>once</b> 37:14 46:13 59:18 65:15 66:2 <b>one-page</b> 73:13 <b>ones</b> 12:18,19 <b>online</b> 14:8 <b>operate</b> 55:18 67:1 <b>operating</b> 13:18 29:13 <b>operation</b> 29:11 54:18 58:8 <b>operator</b> 23:16 23:20 34:20 55:9 71:6 <b>opportunities</b> 63:24 <b>opportunity</b> 7:24 72:22 <b>options</b> 65:17 <b>oral</b> 46:8,10 <b>orange</b> 30:24 <b>order</b> 5:3,24 24:13 83:3,16 <b>ordinance</b> 17:20 20:4,12,16 24:7,18 25:7 25:11 27:20 56:5 57:19,24 75:13 76:9 <b>ordinances</b> 19:12 49:11 <b>ordinary</b> 51:15 52:9 <b>organized</b> 9:10 <b>orient</b> 13:6 14:19 85:3 <b>original</b> 2:24 71:14 78:1 <b>outside</b> 28:24 67:14	<b>overhead</b> 15:2 <b>oversaw</b> 8:23 <b>overview</b> 13:16 <b>owner</b> 16:15 23:16,19,22 <b>owners</b> 2:8 8:21 9:12 10:11,14 17:23 26:12 <hr/> <b>P</b> <b>P</b> 3:1,1 <b>p.m</b> 1:10,10 5:1 29:16 41:12,13 58:20,21 72:7 72:8 76:16,17 84:4,5 86:13 86:14,20,21 87:8 <b>packet</b> 6:1 70:13 75:13 80:12 <b>packets</b> 72:15 <b>page</b> 2:2 3:23 43:6,8 81:21 82:3,4,20,22 83:9,12,14 <b>pages</b> 8:6 40:13 81:18 <b>paid</b> 50:8 <b>parcels</b> 8:22 <b>part</b> 1:3 11:9 13:9,11 18:19 22:20 24:3 29:7 30:19 32:21,22 34:16 34:23 53:9 56:16 69:22 70:13 72:21 77:23 83:20 85:5 <b>participating</b> 8:20 9:11 13:18 <b>participation</b> 9:22 <b>particular</b> 19:20	83:18 <b>parties</b> 9:20 26:23 88:7,8 <b>partly</b> 58:7 <b>parts</b> 12:9 32:14 <b>party</b> 59:17 <b>passed</b> 49:18 <b>passing</b> 7:3 <b>path</b> 33:22 <b>paths</b> 33:20 <b>PC</b> 3:17 <b>PDF</b> 15:7 <b>people</b> 7:24 13:21 17:18 25:6 27:23,24 <b>Peoria</b> 3:13 <b>permission</b> 83:24 <b>permit</b> 1:2 14:5 20:18 58:4 <b>permits</b> 9:13 19:7 58:7 74:10 <b>permitted</b> 71:11 <b>person</b> 52:13 61:20 73:19 74:3,5 <b>personal</b> 13:17 35:21,24 36:3 36:10 51:4,7 51:10 <b>personally</b> 8:23 <b>pertaining</b> 32:7 75:3 <b>pertains</b> 42:11 <b>pertinent</b> 9:1 <b>phone</b> 46:6 <b>photocopied</b> 79:10 <b>photographs</b> 30:9 <b>photos</b> 40:9,18 40:18,22 67:2 <b>pictures</b> 62:7 <b>piece</b> 14:13	19:23 <b>pieces</b> 9:13 <b>Pilot</b> 55:19 <b>place</b> 22:18 32:24 65:18 82:8 <b>placed</b> 22:3 <b>plan</b> 2:16 17:5 17:20 24:20,22 24:24 27:1,2,4 27:19 30:18 31:4 32:19,19 32:20,24,24 33:4 37:4,16 37:18,22 49:5 49:6,9,15,18 49:24 50:4,6 50:18 52:22 53:13,18 54:1 54:3 57:3,11 57:24 60:3 66:6 68:18 75:1,8 77:16 77:19 <b>planes</b> 65:22 <b>planned</b> 9:24 13:15 <b>plans</b> 21:11,13 22:23 60:10 67:22 <b>plant</b> 12:23 <b>plants</b> 13:1 44:14 <b>plats</b> 13:1 <b>play</b> 43:10 <b>Plaza</b> 3:17 <b>please</b> 15:17 16:6 18:12 28:20 30:5 31:22 33:13 36:24 46:18 70:24 <b>pleasure</b> 40:15 <b>plot</b> 2:11 23:10 28:22	<b>point</b> 7:1 12:20 13:6 20:3,19 55:16 76:22 78:5 <b>pole</b> 19:24 <b>policy</b> 16:24 <b>Polsinelli</b> 3:17 48:9 <b>Pontiac</b> 1:8 14:1 84:19 88:5 <b>possible</b> 73:19 <b>post</b> 18:1 49:21 <b>poster</b> 2:19 69:16,17 70:20 <b>posters</b> 85:5 <b>potential</b> 34:1 <b>Powell</b> 4:6 54:18 <b>power</b> 48:16 54:14 56:1 <b>PowerPoint</b> 2:18,21 6:14 6:24 7:2,11,14 9:10 12:2,10 44:23 62:6 63:1 69:5,7,12 79:14,16,20 80:11,15,17,20 80:21 81:16,16 82:9,16,19 83:7,10,15 <b>PowerPoints</b> 6:17 <b>practical</b> 12:22 <b>practice</b> 68:7 <b>preemptively</b> 27:8 <b>prefer</b> 46:8 81:24 <b>preliminary</b> 2:11 23:10 28:21 <b>prepare</b> 59:7 <b>prepared</b> 25:16 35:1,8,18 36:1 39:11 40:4
--	---	---	--	---

49:9,10,11 50:16,18,21,22 51:1,8 60:24 61:17 63:19 <b>Preparedness</b> 2:13 37:1,4 <b>preparing</b> 51:19 <b>present</b> 12:11 61:8 69:18 76:13 <b>presentation</b> 2:18 6:12 7:14 17:18 41:1 66:23 67:2 69:5,8 70:13 79:17 80:12,15 80:18,20,21 81:17 82:16,19 82:21,23 83:7 83:10,15,20 <b>presentations</b> 19:8 <b>presented</b> 11:23 12:9 13:23 37:5 38:12 40:11,14 44:22 46:13 47:4 62:23 69:22 76:15 79:17 80:4,12 81:2 81:12,14 83:22 84:17 85:16,22 86:2 <b>preservation</b> 32:9 <b>preventative</b> 29:21 <b>preventing</b> 54:20 67:8 <b>prevention</b> 67:4 <b>previous</b> 61:18 80:4 <b>previously</b> 14:14 37:8 39:11 49:14 54:19	70:9 74:8 82:9 83:1 <b>primary</b> 22:24 27:20 <b>principle</b> 63:15 <b>prior</b> 11:24 22:9 27:11 28:18 41:2 42:12 48:10,15 58:4 60:7 74:10 77:2,3 78:8 79:12 <b>probably</b> 20:7 34:14 45:4,13 <b>problem</b> 17:1,20 25:1 <b>problems</b> 27:24 <b>proceed</b> 6:9 8:13 45:20 62:4 <b>proceedings</b> 88:4 <b>process</b> 59:8,18 66:4,5,5 68:2 73:23 <b>produced</b> 58:4 <b>products</b> 21:24 63:18 <b>professional</b> 63:4 64:3 <b>professionals</b> 63:17 <b>professor</b> 79:1 <b>project</b> 1:1 3:15 5:6 8:21 10:18 13:17 14:20,22 14:24 15:3 18:17 26:23 27:11 31:7 32:4,8 33:20 36:11 44:12,13 46:23 47:1 49:16,18,21 50:3,22 53:20 54:9 56:3,21 56:22 57:1	59:14 60:3 66:10,21 68:12 73:22 75:1,2,4 75:8,14 76:24 86:17 <b>project's</b> 75:12 <b>projects</b> 36:8 55:6 67:1 68:13 <b>promised</b> 8:5 <b>proper</b> 37:15 <b>properties</b> 8:22 9:17,24 10:2 11:8,9 13:18 62:7 63:22 <b>property</b> 2:8 8:21,24 9:11 9:14 10:14 11:5,8 17:23 23:22 26:12 28:23 29:1 45:10 61:16 62:1 64:1 <b>proposal</b> 28:22 <b>proposals</b> 30:10 <b>proposed</b> 22:22 59:11 60:6 85:1 <b>proposing</b> 65:20 <b>proprietary</b> 19:5 <b>protection</b> 32:6 32:10 38:2 <b>provide</b> 19:6 21:14,22 56:13 56:17,24 57:7 57:9,20 59:4 59:23 63:4 66:10,23 67:11 67:12 <b>provided</b> 7:4 27:15 34:19 42:7,8 44:10 45:5,7 51:1 54:18 56:7	60:2 65:4 66:24 67:9 70:16 71:17,21 74:4 77:4 84:22,23 85:18 <b>provider</b> 34:13 75:1 <b>providers</b> 75:4,5 <b>provides</b> 23:15 <b>providing</b> 23:21 60:9 <b>provisions</b> 55:5 <b>prudent</b> 52:13 <b>public</b> 13:23,23 14:16 15:11 16:1 17:15 18:9 21:6 23:4 28:7 30:1 31:18 33:9 35:13 36:20 37:12 39:6,21 41:2,7,20 42:16 43:3 44:1 47:18 48:17,21,22 49:1 58:13 60:16 61:9 64:11 65:11 66:14 68:24 69:12 70:21 74:15 75:19 77:10,23 79:21 84:17 <b>publication</b> 48:20 84:20 <b>publications</b> 48:8 <b>publicly</b> 18:15 19:17 <b>pull</b> 15:7 74:19 81:10,18 <b>purchased</b> 29:1 <b>pursuant</b> 76:10 <b>put</b> 43:14 46:3 57:15 73:24	85:17,19 <b>putting</b> 19:23 <hr/> <b>Q</b> <hr/> <b>qualifications</b> 47:4 62:24 63:4 <b>qualifiers</b> 19:20 <b>qualify</b> 19:19 55:15 <b>qualifying</b> 17:4 <b>question</b> 12:21 21:9 22:14 23:14 25:3,4 25:22 28:2 43:5 46:4,12 46:13,15,22 54:6,7,8 59:20 65:13,14 66:11 67:20 73:6 77:18 <b>quickly</b> 6:19 <b>quite</b> 29:19 54:12,13 <b>quoted</b> 45:12 <hr/> <b>R</b> <hr/> <b>R</b> 3:1 <b>R-H-E-T-T</b> 46:1 <b>radar</b> 65:23 68:6 <b>radar-based</b> 65:21 <b>radio</b> 25:24 26:17 33:24 34:15 <b>raise</b> 48:23 <b>raised</b> 41:2 <b>Randolph</b> 3:5 5:8 <b>RDR</b> 88:14 <b>RDR/CSR/CCR</b> 1:22 <b>reach</b> 74:4 <b>reaching</b> 38:20 55:18
---	---	--	--	--

<b>read</b> 57:24 72:15 77:23 79:3,7,8 79:9 81:13	72:8,9,10 76:5 76:7,14,16,17 77:4,20 81:1,8 81:11,19 82:13 82:24 84:2,4,5 86:12,13,14	<b>relative</b> 88:8 <b>release</b> 77:19 <b>relevant</b> 52:2 65:6	40:22	23:18
<b>reading</b> 24:11	<b>rectify</b> 23:20	<b>relied</b> 51:15,18 52:9 54:13	<b>representation</b> 66:24	<b>resolution</b> 14:9
<b>reads</b> 58:1	<b>rectifying</b> 25:1	<b>rely</b> 52:13 77:22	<b>representative</b> 21:23 30:9 55:20 61:4	<b>Resources</b> 42:4 42:6 61:2
<b>real</b> 59:14 63:12 63:17	<b>red</b> 65:23	<b>remain</b> 8:10 59:1	<b>represented</b> 26:8	<b>respect</b> 9:7 10:6 11:14 12:6 15:10,12 16:1 16:2 18:23 21:5,6 22:22 23:3,4,6 28:6 28:17 31:18,19 32:17 33:8,9 34:3 35:12 37:10 38:15 39:3 40:8 41:6 42:12,16 43:24 45:10 48:19 58:23 60:14,17 61:8,22 62:1 65:9 67:19 68:22 70:20 73:11,14 74:15 80:6 84:7 85:12
<b>realize</b> 62:9 64:23	<b>redundant</b> 20:11	<b>remains</b> 14:7	<b>representing</b> 77:1	
<b>really</b> 14:8 28:2 79:4	<b>reevaluating</b> 74:9	<b>remember</b> 80:10 81:3	<b>represents</b> 5:12 9:15 14:24 15:2	
<b>reason</b> 23:23	<b>reference</b> 9:4 34:11 42:10,18 42:21 53:19 55:3 65:5	<b>remind</b> 45:17 64:17	<b>request</b> 38:18	
<b>reasonable</b> 23:13,17 28:3	<b>references</b> 32:21 33:1	<b>reminder</b> 41:15 87:1	<b>requested</b> 7:17 62:7 85:1	
<b>rebar</b> 21:19	<b>referencing</b> 33:17 55:7	<b>remotely</b> 62:23	<b>required</b> 9:2 25:16,18 26:17 27:15,18 32:23 43:20 48:11 49:18 50:21 56:3,10,16 71:8 74:23 76:2	
<b>recall</b> 55:1 58:3 64:15	<b>referred</b> 71:13	<b>remove</b> 50:2	<b>requirements</b> 19:12,17 20:18 20:22,22 22:16 26:18 53:2 65:8 75:13	
<b>received</b> 10:18 29:4 30:19 34:20 83:7	<b>referring</b> 52:7 70:1	<b>removed</b> 49:16 49:16	<b>requirement</b> 21:3 25:13 27:20 28:2 76:8	<b>respond</b> 38:7 46:13 58:2 81:8
<b>receives</b> 23:17	<b>regard</b> 19:2 42:17 66:18	<b>Renewable</b> 79:1	<b>requirements</b> 19:12,17 20:18 20:22,22 22:16 26:18 53:2 65:8 75:13	<b>responders</b> 37:16,17
<b>recess</b> 58:17,19 72:3,4,5 87:6	<b>regarding</b> 2:15 5:5 42:1,5 47:17 67:3 69:11 77:9 79:20	<b>Renewables</b> 3:20	<b>requires</b> 56:5	<b>responding</b> 62:19
<b>recognized</b> 63:12	<b>referred</b> 71:13	<b>repair</b> 27:24	<b>resale</b> 57:4	<b>response</b> 37:4 46:4,9,10 47:10,11 66:12 67:9 81:3
<b>recognizes</b> 25:19	<b>referring</b> 52:7 70:1	<b>repairing</b> 55:11 55:11	<b>reserve</b> 28:17 48:2 84:8	<b>responses</b> 18:7 36:19 43:23
<b>recognizing</b> 63:23	<b>regard</b> 19:2 42:17 66:18	<b>report</b> 2:13,15 2:17 33:15,18 33:23 34:21 35:18 36:1,5 36:11 44:6,8 44:10,15 45:3 47:7 50:16 51:8,11,14,18 52:3,8,16 60:22 61:2,18 63:1,20 64:2,4 71:8 72:21 75:9,10	<b>reserving</b> 28:14 28:15	<b>rest</b> 71:22 72:2
<b>recommendati...</b> 43:12	<b>regarding</b> 2:15 5:5 42:1,5 47:17 67:3 69:11 77:9 79:20	<b>reporting</b> 55:11 55:11	<b>residence</b> 24:14	<b>restoration</b> 32:8
<b>recommendati...</b> 42:19 43:16,20 44:16	<b>ReGenerate</b> 4:2 39:11,14 40:5	<b>reply</b> 51:19	<b>resident</b> 16:11 23:22	<b>restored</b> 49:17
<b>recommends</b> 42:6	<b>Regional</b> 71:5 73:12,20 75:7	<b>report</b> 2:13,15 2:17 33:15,18 33:23 34:21 35:18 36:1,5 36:11 44:6,8 44:10,15 45:3 47:7 50:16 51:8,11,14,18 52:3,8,16 60:22 61:2,18 63:1,20 64:2,4 71:8 72:21 75:9,10	<b>residential</b> 63:22	<b>restrictions</b> 11:8
<b>record</b> 5:1 7:12 8:9 12:1 13:8 28:12 41:10,12 41:13 42:14 43:19 45:23 47:7 48:12 58:20,21,22 59:21 62:14 63:3 69:23 71:13,17 72:7	<b>Registered</b> 88:2	<b>reports</b> 36:8,14 44:24 45:5	<b>residents</b> 17:7	<b>results</b> 66:6 <b>retained</b> 2:24 <b>retention</b> 32:9 <b>return</b> 58:17
	<b>regulations</b> 65:16	<b>represent</b> 21:16		
	<b>rehiring</b> 68:2			
	<b>related</b> 14:17 23:17 68:23 88:7			
	<b>relationship</b> 75:3			

<p><b>review</b> 8:4 21:2 43:12 67:24 68:4 72:5 76:14,15,19 78:9,19 83:17 <b>reviewed</b> 37:5 38:4 39:12 42:20,22 44:17 52:21 53:2 61:18 68:4 71:23 76:18 <b>reviewing</b> 36:7 <b>reviews</b> 44:14 <b>Rhett</b> 2:3 4:4 42:8,14 44:10 44:17 45:21,24 46:2,11 <b>Rich</b> 5:8,9 <b>Richard</b> 3:4,5 5:15 <b>right</b> 5:12,13 6:12 9:3 10:10 11:3 14:21 25:17 28:14,16 28:17,19 34:6 34:12 41:14 47:22 48:2 50:14 53:2 58:5 60:20 61:7 69:3 72:9 73:23 75:21 77:15 78:13,19 82:12,23 87:3 87:5 <b>rights</b> 9:23 24:12,12,15 32:10 68:11 <b>Riverside</b> 3:17 <b>Rives</b> 3:10 <b>road</b> 62:12 <b>roads</b> 85:2 <b>roll</b> 5:7 <b>room</b> 1:8 10:8 10:24 11:14 13:13 58:18</p>	<p>69:18 84:14 86:3,20,21 88:5 <b>rotate</b> 19:21 54:14 <b>route</b> 57:19 <b>Royster</b> 3:12 <b>rules</b> 5:11 <b>run</b> 6:24 <b>Runyon</b> 5:15 <b>Ryan</b> 4:5 39:12 39:17 40:5</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>S</b> 3:1 <b>satisfy</b> 20:21 <b>saw</b> 6:16 40:13 <b>saying</b> 26:21 <b>says</b> 55:7,10 <b>school</b> 10:20 13:24 84:18 <b>Schopp</b> 3:7 5:15 11:2,17 15:15 16:4 17:17 18:10 21:9 23:7 28:9 30:3 31:21 33:12 35:15 36:22 37:14 39:5,23 41:9,22 43:5 44:3 47:21 49:3 52:23 53:6,9,11 58:15 60:19 61:12 64:13 65:13 69:2,14 70:23 75:20 77:13 79:23 <b>Scott</b> 2:3,24 3:7 3:20 5:9,17 7:7 7:19 8:3,14 13:20 25:21 35:18 45:16 46:12 50:15 52:7</p>	<p><b>scrap</b> 59:15 <b>scratched</b> 24:10 <b>screen</b> 6:14,15 15:5 34:10 46:3 72:19 81:10,18 85:18 85:19 <b>screens</b> 34:10 <b>seamless</b> 67:14 <b>second</b> 1:8 3:21 18:19 80:19,20 80:20,24 81:4 88:4 <b>section</b> 20:20 23:15 24:1 47:11 54:18 55:3 66:19 67:20 68:1,17 <b>sections</b> 32:7 33:1 65:6 <b>security</b> 49:22 49:23 50:6,8 60:2,6 68:11 <b>see</b> 6:15 7:24 8:24 13:12,21 15:5 20:13 24:18 45:11 46:4 55:21 85:7 <b>seeing</b> 36:8 54:17 <b>seeking</b> 43:13 68:7 76:3 <b>seen</b> 6:18,20 7:19 21:11,18 83:1 <b>selected</b> 31:6 <b>sense</b> 79:2 82:12 <b>sensitive</b> 44:14 <b>sent</b> 71:16 73:17 <b>separate</b> 23:23 <b>separately</b> 52:23 70:14 <b>September</b> 1:13 7:14 11:24</p>	<p>39:12 42:8,9,9 44:11,18 47:3 61:19,23 69:19 79:17 80:5,15 82:18 83:8,16 <b>service</b> 22:19 23:21 26:2,3 27:14 34:13,15 74:24 <b>services</b> 22:3 23:19 <b>session</b> 5:20 83:17 <b>set</b> 7:5 77:3 <b>setback</b> 2:21 16:18 42:7,22 43:9 80:1,3,7 82:7 83:6,18 83:19 <b>setbacks</b> 16:18 42:19 <b>shadow</b> 2:14 17:8,11 24:13 25:7,8 27:3,9 39:8,10,20 <b>shadows</b> 16:12 <b>share</b> 72:2 <b>Sherrie</b> 1:22 88:2,14 <b>short</b> 54:2 85:9 <b>Shorthand</b> 88:3 <b>show</b> 13:15,16 19:18 62:8 73:21 85:1 <b>showing</b> 81:22 85:13 <b>shown</b> 14:11 30:10 55:9 81:17 <b>Siemens</b> 18:18 <b>sign</b> 7:4 16:23 18:2,4 25:9 26:4 32:4 <b>signature</b> 71:14 <b>signatures</b> 71:11</p>	<p><b>signed</b> 7:6 24:3 71:12,14,16 <b>signs</b> 66:19 <b>similar</b> 21:17,23 26:11 32:10 <b>simply</b> 72:13 82:24 <b>sir</b> 8:12 45:18 50:14 74:18 83:12 <b>sit</b> 80:19 <b>site</b> 7:20 31:4 32:9 57:15 75:1,8 <b>sits</b> 53:1 <b>situation</b> 26:19 <b>six</b> 54:2 <b>size</b> 6:16 <b>skip</b> 6:19 <b>skipped</b> 8:5 <b>slide</b> 9:3 <b>slides</b> 6:19,22 9:3 <b>slow</b> 46:18 <b>slowly</b> 46:21 <b>small</b> 34:9 38:18 <b>smaller</b> 81:12 <b>smooth</b> 67:14 <b>snow</b> 40:19 <b>soil</b> 2:17 6:6 21:21 60:22 61:1,3 <b>Solutions</b> 35:18 <b>Solutions'</b> 75:9 75:10 <b>somebody</b> 26:16 <b>Sophia</b> 54:19 <b>sorry</b> 34:8 41:18 51:21 52:1 74:21 <b>sort</b> 18:4 25:19 <b>Sound</b> 2:14 40:2 <b>sources</b> 50:24 <b>space</b> 66:2 <b>speaking</b> 31:14</p>
---	--	---	---	--

64:2 <b>special</b> 1:2 9:16 9:22 10:15 11:9 13:1,18 37:6 38:7,8 76:4 84:24 85:3 <b>species</b> 44:12,13 <b>specific</b> 21:21 42:22 59:13 64:9 66:7 <b>specifically</b> 30:22 <b>specification</b> 19:18 <b>specifications</b> 20:6 22:11 <b>specs</b> 19:11 20:8 <b>speed</b> 31:7 <b>speeded</b> 46:20 <b>spell</b> 45:23 <b>spelled</b> 46:1 <b>spend</b> 29:19 <b>spoke</b> 30:12 40:11 77:1 <b>square</b> 14:22,24 <b>squares</b> 14:20 15:2 <b>staff</b> 10:8,24 11:15 15:13 16:3 17:16 18:9 21:7 23:5 28:7 29:17 30:2 31:20 33:10 35:14 36:21 37:13 39:22 41:8,21 43:4 44:1 47:20 49:2 58:14 60:17 61:10 64:11 65:12 69:1,13 70:22 75:19 77:11 79:21 <b>staffed</b> 29:15	<b>stage</b> 20:18 59:12 <b>stand</b> 13:5 48:23 <b>standards</b> 20:10 <b>start</b> 5:7 46:18 <b>started</b> 59:18 80:17 <b>starting</b> 22:10 <b>state</b> 32:4 45:22 55:19 56:15 63:8,9,14 68:6 <b>statement</b> 75:17 77:11 <b>statements</b> 77:9 <b>states</b> 63:10 68:6 <b>stations</b> 68:6 <b>stats</b> 67:23 <b>statutory</b> 16:13 <b>stay</b> 64:21 <b>steel</b> 67:12 <b>stenographer</b> 45:23 <b>step</b> 64:18 68:3 <b>steps</b> 23:20 <b>Steve</b> 4:6 54:18 <b>Stock</b> 3:6 5:17 <b>stop</b> 46:17 86:5 <b>stops</b> 72:18 <b>Street</b> 1:8 3:21 88:4 <b>structure</b> 67:13 <b>struggled</b> 19:5 <b>studied</b> 22:2 <b>studies</b> 34:22 <b>study</b> 22:5,6 33:18 50:1 63:20 74:9,12 75:3 <b>subject</b> 32:11 45:1 64:15 <b>submit</b> 6:13 37:21 74:24 82:12,23 <b>submitted</b> 14:6 75:11,14 77:20	77:24 78:3 82:9,16 83:15 <b>subscribed</b> 88:11 <b>subsequent</b> 9:3 <b>subsequently</b> 50:7 <b>substation</b> 15:1 <b>successor</b> 73:18 <b>sufficient</b> 20:15 <b>Suite</b> 3:17,21 <b>summarize</b> 62:1 <b>summary</b> 75:1,2 75:8 <b>supervised</b> 64:3 <b>supervision</b> 35:9 <b>supplemental</b> 84:14 <b>support</b> 2:9,20 15:18,21 21:23 39:1 75:12 77:21 78:20 <b>supporting</b> 50:23 <b>Supposing</b> 16:22 <b>sure</b> 8:1 13:5 24:6 31:10 38:1 46:22 52:4 57:8 63:7 65:14 67:4 70:14 74:5 82:2 <b>surface</b> 22:6 24:10 <b>surrounding</b> 38:19 <b>SWCD</b> 4:1 <b>sworn</b> 62:19 <b>Syed</b> 3:8 5:13 <b>system</b> 20:11 65:21,21,23 66:7	<b>tables</b> 12:18 <b>take</b> 21:2 23:12 23:20 41:11 45:3 53:1 54:1 57:22 58:17 65:18 67:2 72:3,22 73:3 84:9 86:3 <b>taken</b> 1:8 74:13 88:4,7 <b>takes</b> 72:4 <b>talk</b> 41:3 <b>talked</b> 7:19 12:19 <b>talking</b> 27:5 37:15 63:24 <b>taller</b> 19:24 <b>tasked</b> 24:6 <b>tax</b> 9:1 13:17 38:5 <b>Taylor</b> 4:1 6:5 42:7 61:6 <b>technology</b> 44:9 45:12 79:1 <b>telephone</b> 61:23 77:5 <b>televisions</b> 23:19 <b>tell</b> 19:11 24:7 27:18 40:23 <b>tender</b> 84:1 <b>tendering</b> 85:4 <b>testified</b> 25:12 70:9 83:16 <b>testifies</b> 62:19 <b>testify</b> 6:6 8:10 35:5 61:6 64:18 <b>testifying</b> 41:1 58:23 62:10 <b>testimony</b> 2:3,3 2:4 6:8 8:14 34:2 36:13 40:21 42:8,9 42:11 44:10,17 45:6,21 47:17	54:18 59:3,23 61:5,19,22 62:1,4,6,11,21 69:9 70:10,16 79:18 84:15 <b>text</b> 20:4 <b>Thank</b> 5:18 6:10 10:9 11:3 15:16 16:5 17:12 18:22 23:8 28:10 30:20 31:22 33:6,13 35:7 35:16 36:17,23 37:3 38:11 39:19,24 41:4 41:23,24 42:3 42:24 44:4 46:11 47:15,22 48:3,4,18 49:4 51:24 52:15,17 58:11 60:13,20 61:13 62:12 64:7,8,19 69:3 69:11,15 70:24 73:10 74:18 75:16,21 77:6 77:14 79:24 83:23 87:7 <b>Thanks</b> 36:18 <b>thing</b> 64:21 71:19 <b>things</b> 16:16 20:12 24:17 53:1 <b>think</b> 12:16 17:17 26:24 34:13 54:5 55:21 56:1 57:2 78:16,17 79:3 <b>thinking</b> 66:16 <b>third</b> 5:4 59:17 70:3 <b>third-party</b> 50:1
<hr/> <b>T</b> <hr/>				
<b>Tab</b> 67:10				

<p><b>thought</b> 57:23  <b>three</b> 18:16  19:13,15 22:6  22:7 31:4  38:20,23 49:19  50:5,7 52:24  53:3 69:17,24  <b>three-minute</b>  41:11 72:4  <b>tie</b> 52:4 62:11  <b>tile</b> 32:8  <b>time</b> 6:24 29:19  29:20 41:15  54:2 55:14  56:13,21 58:17  59:11,14,22  60:10 61:8  64:16 73:5  77:17 79:6  83:2 84:20  86:5,6  <b>times</b> 38:18  67:13  <b>today</b> 12:5 14:7  24:16 29:2  36:13,15 80:20  81:16  <b>Tom</b> 7:4,5,15  <b>tonight</b> 6:8  64:16 86:6,11  <b>top</b> 65:23 66:9  <b>topsoil</b> 32:9  <b>total</b> 75:4  <b>touch</b> 73:19  <b>tower</b> 2:11 30:6  67:7,23 73:24  <b>towers</b> 16:24  21:12 30:9,10  31:1,15 34:14  67:8,11 74:11  <b>town</b> 14:17 38:3  <b>towns</b> 38:1  <b>township</b> 13:14  13:16 14:19,24  38:1</p>	<p><b>townships</b> 85:2  <b>tracking</b> 65:20  <b>transmission</b>  15:2 75:4  <b>treatment</b> 16:16  <b>Tri-Point</b> 13:24  <b>trial</b> 24:12  <b>triangles</b> 30:24  <b>triggering</b> 53:18  54:23 55:1,5  <b>triggers</b> 53:14  <b>true</b> 47:7 64:4  <b>try</b> 6:12,23  <b>trying</b> 40:23  67:8 72:13  73:24  <b>tube</b> 67:12  <b>Tuesday</b> 44:11  61:19,23 86:20  <b>turbine</b> 2:10,21  18:13,16 21:16  21:21 22:8,9  22:22 31:12  42:11,18,22  43:17 55:8,12  57:14 59:13  66:9 67:14,18  80:1,3 82:7  <b>turbines</b> 19:2,11  20:8 22:2  33:21 43:9,16  50:19 54:12,15  55:14 57:15  65:15,24 66:8  <b>turn</b> 5:17 65:23  <b>TV</b> 17:18,24  25:24 26:17  34:1  <b>two</b> 14:20 22:9  31:5 34:14  43:8 54:10  62:7 70:2  86:19  <b>two-minute</b>  41:11 72:3</p>	<p><b>type</b> 21:21 51:14  51:18 52:9,12  56:6 59:13  <b>types</b> 19:18,19  <b>typical</b> 21:11  <b>typically</b> 20:6  38:17 59:7</p> <hr/> <p style="text-align: center;"><b>U</b></p> <p><b>U.S</b> 43:7,9  <b>ultimately</b> 6:2  31:8  <b>unable</b> 22:10  <b>unclimbable</b>  67:15  <b>underlined</b> 43:8  <b>underlying</b>  50:20,24  <b>understand</b> 8:11  26:15 27:7  45:18  <b>understanding</b>  54:22  <b>unit</b> 19:21  <b>units</b> 31:5  <b>unmute</b> 45:13  <b>unsafe</b> 66:20  <b>unsightly</b> 55:22  <b>updated</b> 49:19  50:5,7 52:24  <b>usage</b> 34:24  <b>use</b> 1:2 8:22 9:15  9:16,22 10:15  11:9 12:22,24  13:2,19 19:2  22:23 37:6  38:7,8 54:15  76:4 84:24  85:3  <b>useful</b> 49:17  53:19</p> <hr/> <p style="text-align: center;"><b>V</b></p> <p><b>validate</b> 56:24  <b>validation</b> 57:22</p>	<p><b>Valley</b> 2:19 71:1  71:5 73:12,18  73:20 75:7  <b>valuation</b> 2:17  61:14,17 62:2  63:16 64:1  <b>value</b> 57:4,5  59:15  <b>VARIANCE</b> 1:2  <b>variation</b> 2:7 7:9  8:17  <b>vary</b> 19:22  <b>vegetation</b> 16:17  <b>verified</b> 59:16  <b>Vermillion</b> 2:19  71:1,5 73:11  73:18,20 75:7  <b>versus</b> 40:13  <b>vertically</b> 67:6  <b>viable</b> 22:23  <b>video</b> 46:8  <b>view</b> 13:13 84:24  <b>viewed</b> 14:8  <b>viewer</b> 85:3  <b>viewing</b> 40:14  <b>villages</b> 85:2  <b>violation</b> 25:11  <b>visibility</b> 66:10  <b>Voelker</b> 3:12  <b>voluntarily</b>  25:15  <b>voluntary</b> 16:17</p> <hr/> <p style="text-align: center;"><b>W</b></p> <p><b>wait</b> 62:11 82:12  <b>waiver</b> 16:18  43:12  <b>walk</b> 81:9 85:19  <b>walked</b> 20:20  <b>walks</b> 68:2  <b>want</b> 6:23 21:10  24:13 25:1  26:16 37:14  45:17 52:3  72:23 73:1,2,4</p>	<p>78:15  <b>wanted</b> 8:1  72:11 77:4  82:2  <b>warnings</b> 66:18  66:23  <b>warranty</b> 31:8  <b>wasn't</b> 40:14  <b>Water</b> 2:17 6:6  60:22 61:1,3  <b>way</b> 43:15 57:3  57:18,24  <b>ways</b> 25:20  54:10  <b>we'll</b> 5:7 21:22  24:22 28:23  30:13 45:11  47:22 48:2  62:11 63:23  72:5 73:9 74:4  76:14 78:11  82:12 86:6,9  <b>we're</b> 6:7,12,19  7:2 8:6 18:17  22:8,10 24:4,7  25:3,16 27:2,9  27:18 34:5,7  41:10 43:13,13  45:1 56:2  58:19,22 68:9  72:1,9,13 73:3  77:22 82:23  84:7 86:3,5,9  86:11  <b>we've</b> 22:5 24:21  27:21 31:3  33:4 34:20  38:22 42:22  54:17 74:8  84:6  <b>website</b> 14:5,7  14:14,17 84:22  <b>WECS</b> 2:18 9:2  23:16 48:11  49:19 50:5</p>
--	---	--	---	--

53:17 54:22 55:6,8 65:3,6 71:9 76:9 <b>Wednesday</b> 5:19 14:3 80:5 83:8 <b>week</b> 87:4 <b>weeks</b> 45:3 <b>Welcome</b> 5:3 <b>Wentzell's</b> 66:12 <b>West</b> 1:8 88:4 <b>Western</b> 2:15 44:6,9 <b>Westwood</b> 49:9 50:16 51:1 <b>wetlands</b> 44:15 <b>Whereabouts</b> 13:3 <b>WHEREOF</b> 88:10 <b>William</b> 3:4 <b>willing</b> 17:3 <b>wind</b> 1:1 2:10 3:15 5:5 8:21 9:15,23 11:10 18:13 31:7 32:4 49:21 53:21 54:12,15 55:8,12,14,17 55:18 63:21,21 65:22 67:11,14 <b>window</b> 16:16 <b>wireless</b> 23:19 <b>WITNESS</b> 88:10 <b>witnesses</b> 4:1 6:4 59:4 69:10 79:18 <b>wondered</b> 53:4 <b>work</b> 6:4 22:11 29:17 38:24 <b>worked</b> 26:1 <b>working</b> 46:5 54:24 68:3,9 <b>works</b> 57:3 <b>wouldn't</b> 81:13	<b>write</b> 80:11 <b>written</b> 23:17 57:19 59:16 <hr/> <b>X</b> <hr/> <b>Y</b> <hr/> <b>Yeah</b> 53:10 <b>year</b> 17:24 18:5 25:8 61:24 <b>years</b> 22:9,15 49:19 50:5,7 52:24 53:3 63:15 <b>yellow</b> 14:21,24 <hr/> <b>Z</b> <hr/> <b>zero</b> 56:22 58:1 <b>zoning</b> 3:7,8 5:4 5:13,14,16 9:7 10:22 11:13 12:7 16:21 18:23 21:5 23:3 28:6,16 29:1,10,24 30:16 31:17 32:16 34:4 35:12 36:20 37:11 39:3,20 40:6 41:6 44:1 44:20 47:12,16 47:19 50:12 52:19 54:6 55:4,9,24 59:20 61:9 65:10 70:19 77:8,19 78:7 79:11 80:7 83:5 86:16 <b>zoom</b> 4:4 12:5 15:7 39:18 42:14 45:13 <b>zoomed</b> 14:9 <hr/> <b>0</b> <hr/> <b>084-002840</b> 1:23	<hr/> <b>1</b> <hr/> <b>1</b> 86:20 <b>1.5</b> 2:8 10:11 <b>10</b> 2:7,8 3:21 8:5 8:7,8,16,20 9:7 9:12 29:17 <b>11</b> 2:8,8,9 10:10 10:11,22,23 <b>112</b> 1:8 88:4 <b>12</b> 2:8 11:4,5,7 11:12,14,15 67:6 <b>13</b> 2:9 11:19,20 11:22 12:7,9 15:10 <b>14</b> 2:9 15:17,18 15:20 16:1,2 <b>15</b> 2:9,10 16:6,7 16:9,12,20 17:11,14,15,15 18:8 23:13 27:3 28:5,6 29:17 <b>15-minute</b> 58:17 <b>150</b> 3:17 <b>16</b> 2:10,10 18:12 18:13,15,23 21:5,6 23:3,4,6 28:10,12 <b>17</b> 2:11 23:9,10 28:20,21 29:9 29:24 <b>17th</b> 88:11 <b>18</b> 2:10,11 30:5 30:6,8,15 31:18,19 <b>18th</b> 42:4 <b>19</b> 2:12 31:22,23 31:24 32:17 49:14 <hr/> <b>2</b> <hr/> <b>2</b> 12:22 20:20 43:6,8 67:6,10 67:21	<b>2.10</b> 20:24 68:18 <b>2.10.11</b> 67:20 68:19 <b>2.10.7</b> 67:10 <b>2.9</b> 20:20,23,24 <b>20</b> 2:12 33:13,14 33:17 34:3,21 35:12 63:15 71:7 72:19 73:2 74:8 <b>2022</b> 1:13 39:12 42:5 62:23 88:11 <b>20th</b> 42:8,9 44:11,18 47:3 61:19,23 62:23 69:8 81:2 86:19 87:7 <b>21</b> 2:13 35:16 36:23 37:1,3 37:11,20 81:17 <b>21st</b> 11:24 37:9 39:12 40:5 42:9 69:9,19 79:18 80:5,15 81:3 83:8,16 83:20 <b>22</b> 2:14 39:7,8 39:10,20,22 <b>22A</b> 40:9 <b>23</b> 2:11,14 40:1 40:2,4,7,9 41:6 41:8,16,17,19 <b>24</b> 2:15 41:23 42:1,3,16 43:3 <b>25</b> 2:15 44:5,6,8 44:19,22 <b>26</b> 2:16 47:23 48:3,5,7,20 <b>27</b> 2:16 33:4 49:5,6,8 50:11 52:18 58:12,13 59:2 <b>271st</b> 82:19 <b>28</b> 1:13 2:17	7:14 58:24 60:21,22,24 61:8,9,10 <b>29</b> 2:17 61:13,14 61:16 62:11 64:9 65:1 <hr/> <b>3</b> <hr/> <b>3</b> 1:3 12:22 20:7 <b>3:30</b> 29:16 <b>30</b> 2:11,18 25:8 25:10 55:8 65:2,3,4,10,11 65:11 66:13 68:23 <b>300</b> 3:12 <b>3000</b> 3:17 <b>31</b> 2:12,18 69:4 69:5,7,12 80:10,22,24 81:2 82:10,11 <b>32</b> 2:19 69:15,16 69:17 70:20 <b>33</b> 2:12,19 34:19 70:24 71:1,4 72:5,17,18,18 72:19,21,24 73:3,11,14 74:16 <b>34</b> 2:20 75:23 76:1,15,18 77:9 <b>35</b> 77:16 78:3,12 79:10 86:7 <b>37</b> 2:13 <b>380</b> 11:8 <b>39</b> 2:14 <hr/> <b>4</b> <hr/> <b>40</b> 2:14 <b>400</b> 3:21 <b>42</b> 2:15 77:16 78:3,12 79:10 86:7 <b>43</b> 2:21 7:11
--	--	---	---	--



79:13,14,16,20	75:15		
80:15,21,24	<b>62</b> 2:4		
82:15,18 83:13	<b>65</b> 2:18		
83:14	<b>69</b> 2:18,19		
<b>44</b> 2:15,21 79:24	<b>6th</b> 87:2		
80:1,3,6 81:6	<hr/>		
81:14,15,21	<b>7</b>		
82:7,14,24	<hr/>		
83:6 84:1,8,9	<b>7</b> 2:7		
86:8	<b>7:00</b> 29:16		
<b>45</b> 2:3,22 13:10	<b>7:08</b> 41:12		
13:12 15:5	<b>7:13</b> 41:13		
30:10,11,14	<b>7:39</b> 58:20		
81:6,7,11	<b>71</b> 2:19		
84:11,12,13	<b>75</b> 2:20 57:13		
85:12 86:8	<b>78</b> 2:20		
<b>46</b> 2:20 78:20,23	<b>79</b> 2:21		
79:10 86:7	<hr/>		
<b>47</b> 7:13	<b>8</b>		
<b>48</b> 2:16 7:15	<b>8</b> 2:3,7		
<b>49</b> 2:16	<b>8:00</b> 14:2 58:19		
<hr/>	<b>8:01</b> 58:21		
<b>5</b>	<b>8:23</b> 72:7		
<b>5</b> 30:23,24	<b>8:27</b> 72:8		
<b>5-inch</b> 20:7	<b>8:34</b> 76:16		
<b>500</b> 19:12 20:2	<b>8:37</b> 76:17		
<b>55413</b> 3:21	<b>8:49</b> 84:4		
<b>56-618</b> 20:5	<b>8:51</b> 84:5		
66:19	<b>8:55</b> 86:13		
<b>56-619-B</b> 34:7	<b>80</b> 2:21 57:14		
<b>56-619-B3</b> 23:15	<b>84</b> 2:22		
<b>56-621</b> 47:11	<hr/>		
<b>56-624</b> 55:3	<b>9</b>		
<b>5616</b> 12:21	<hr/>		
<hr/>	<b>9</b> 2:7 7:8,9 8:5		
<b>6</b>	8:16		
<b>6:00</b> 86:21	<b>9/21</b> 2:21 79:14		
<b>6:11</b> 1:10 5:1	<b>9:00</b> 86:14		
<b>6:30</b> 86:20	<b>9:02</b> 1:10 87:8		
<b>60</b> 2:17 63:16	<b>90</b> 48:10,15		
<b>60606</b> 3:18	<b>90-day</b> 10:16		
<b>61</b> 2:17	48:14		
<b>61601</b> 3:13	<b>911</b> 34:13,15,20		
<b>61764</b> 1:9 88:5	71:6		
<b>619-B1</b> 74:23	<b>995</b> 1:24		