

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.)
Menard Inc. - Burleigh County, ND) Appeal Case Number:
Public Convenience & Necessity) 08-2014-CV-02349
PU-13-871)

ORAL ARGUMENTS

DATE: July 28, 2014

PLACE: Commission Hearing Room
State Capitol
Bismarck ND

APPEARANCES:

ALJ WADE MANN, presiding

PSC Commissioners: BRIAN P. KALK
RANDY CHRISTMANN
JULIE FEDORCHAK

Representing MDU: DANIEL S. KUNTZ
MDU Resources Group, Inc.
P.O. Box 5650
Bismarck, ND 58502-5650

Representing Capital Electric Cooperative, Inc.:
MATTHEW H. OLSON
Pringle & Herigstad
P.O. Box 1000
Minot, ND 58702-1000

Representing PSC: RYAN M. NORRELL
P.O. Box 2599
Bismarck, ND 58502-2599

C O N T E N T S

OPENING STATEMENT BY ALJ MANN	3
ARGUMENT BY MR. KUNTZ	5
ARGUMENT BY MR. OLSON	42
REBUTTAL BY MR. KUNTZ	70

1 HEARING OFFICER MANN: Okay, I think we can go
2 ahead and get started. Good morning. Let the record
3 show that it is shortly after 8:30 a.m. on July 28th,
4 2014. We are present in the Public Service Commission
5 Hearing Room in the State Capitol in Bismarck for the
6 oral arguments scheduled in Case number PU-13-871.

7 My name is Wade Mann and I'm the administrative
8 law judge designated to preside over this hearing today.

9 This is simply going to be oral argument. We've
10 already had the public hearing on the application on
11 May 2nd. All the evidence was entered into the record
12 at that time. This is not an evidentiary hearing.
13 There will be no new evidence. It will be the argument
14 of counsel for MDU and Capital Electric, and the
15 commissioners will have the opportunity to ask questions
16 and have them addressed.

17 Before we get started with the arguments, I will
18 have each party note their appearance for the record
19 beginning with MDU.

20 MR. KUNTZ: Dan Kuntz for Montana-Dakota
21 Utilities.

22 HEARING OFFICER MANN: Okay. And Capital
23 Electric.

24 MR. OLSON: Matthew Olson on behalf of Capital
25 Electric.

1 HEARING OFFICER MANN: Okay. And Commission
2 advisory staff.

3 MR. NORRELL: Thank you. Ryan Norrell on behalf
4 of Commission advisory staff, and at the table with me
5 is Jerry Lein as well.

6 HEARING OFFICER MANN: Okay. And just before we
7 go ahead and allow each party to begin with their
8 argument, a couple of preliminary matters.

9 Each side will be given 45 minutes for argument,
10 and the 45 minutes, that will include any and all
11 questions from the commissioners. MDU, as applicant,
12 will be allowed rebuttal time, which will come out of
13 its allotted 45 minutes. And as -- MDU will begin, and
14 as any of the commissioners have any questions, they can
15 feel free to interrupt and ask those questions at any
16 time and counsel for both parties will address the
17 questions.

18 If, at the end of the 45 minutes for either
19 side, the Commission still has questions that they feel
20 should be addressed, we can go from there and address
21 any -- how much time will be needed and so forth, but
22 for now, it will be 45 minutes allotted per side.

23 Does any party have any other questions before
24 we get started with the argument?

25 Mr. Kuntz?

1 MR. KUNTZ: No, Your Honor.

2 HEARING OFFICER MANN: Okay. Mr. Olson?

3 MR. OLSON: No, Your Honor.

4 HEARING OFFICER MANN: Okay. Commissioners?

5 Okay. Mr. Kuntz, you can proceed with your
6 argument.

7 MR. KUNTZ: Thank you, Your Honor.

8 Commissioners, first, I want to take this
9 opportunity to thank you for letting us address some of
10 the issues that have come up in the post-hearing
11 briefing as well as some of the working sessions.
12 Obviously, this is an important case to Montana-Dakota
13 as well as to its customer Menard and its other
14 customers throughout its system in North Dakota.

15 Attached to my brief in anticipation of this
16 oral argument was a chart that summarized the issues
17 that were in the Commission's notice of hearing. What I
18 intend to do is just go through each of the issues that
19 the Commission had set forth in its notice of hearing
20 and address some of the things that have come up on each
21 of those issues.

22 The first one was from whom does the customer
23 prefer electric service. Obviously, Menards testified
24 it prefers its electric service from Montana-Dakota.
25 There were comments made, however, that the Commission

1 doesn't like rate shopping and that Capital Electric
2 argued that Menards only selected MDU because of price
3 savings and noted that price savings aren't guaranteed.

4 First of all, I would not consider what Menard
5 did here as price shopping. I consider price shopping
6 in a utility context of when a customer goes between
7 utilities trying to gain concessions from one utility by
8 playing off the rates or services of another utility.

9 There was no indication that Menards did that in
10 this case. All Menards did was compare the prices
11 between the two utilities.

12 I think any smart consumer is going to take a
13 look and do a price comparison in making its selection
14 of a service or a purchase of goods, just like you and I
15 would do if we were purchasing a vehicle or a can of
16 beans at the grocery store.

17 COMMISSIONER KALK: Your Honor, let me ask a
18 question. Do we just interrupt Dan?

19 HEARING OFFICER MANN: Yes. I'm sorry.
20 Commissioners can interrupt at any time. There's no
21 need to go through me. Any time you have a question,
22 just go ahead and interrupt him at any time and he will
23 address the questions.

24 COMMISSIONER KALK: Sure. I just had a quick
25 question then.

1 MR. KUNTZ: Sure.

2 COMMISSIONER KALK: You comment, Mr. Kuntz,
3 about -- didn't MDU -- or Menards testify they didn't
4 even know there was two people when they -- I'm
5 absolutely convinced that's what they said. They said,
6 "It wasn't until we got deeper in where we even thought
7 there was two companies that could provide service."

8 MR. KUNTZ: I believe they testified, at the
9 time they selected the site, they weren't aware of who
10 the electric providers were in that regard, and I think
11 then that, as they went about their development, if you
12 will, and realized they had -- there were two providers
13 in the area, they went to both of them to find out what
14 particular services they had available and what their
15 prices were. And like I said, all they really did was
16 compare the prices --

17 COMMISSIONER KALK: That was my question, that
18 the point, though, is that it wasn't even a factor of
19 the company coming in there, they just picked the area,
20 and then once they got in the area, they're going to
21 pick the lowest cost.

22 MR. KUNTZ: Well, I don't -- I don't necessarily
23 agree with that, Your Honor, because one of the things
24 -- or Commissioner, one of the things they testified,
25 that it wasn't just the price that made their selection

1 of Montana-Dakota --

2 COMMISSIONER KALK: That's the point. I don't
3 think it was the price of -- I interrupted -- you know
4 what? I'll just be quiet.

5 MR. KUNTZ: I want to answer your questions,
6 Commissioner.

7 COMMISSIONER KALK: But I think you get --
8 that's right to the point, is why we're here, because I
9 made it clear that I thought that this is a practice
10 that I didn't like.

11 MR. KUNTZ: Well, and we don't like -- believe
12 me, as a public utility whose rates are published and we
13 can't -- we can't vary our rates at all, we don't like
14 rate shopping -- we abhor it as much as anything, but I
15 think that's simply -- that's something different than
16 rate comparison --

17 COMMISSIONER KALK: I would agree with that.

18 MR. KUNTZ: -- than simply looking and saying,
19 "Okay, you know, what do you offer? What do you offer?
20 Okay, I'm taking that in my consideration."

21 They also testified that they preferred
22 Montana-Dakota because of its favorable experience as a
23 customer of Montana-Dakota's at the store in Bismarck.

24 They liked Montana-Dakota because their
25 reliability history was better.

1 They liked Montana-Dakota, and I think this is
2 particularly important, because they had a demand
3 response program, and they were looking for something,
4 they had a favorable experience in that other location,
5 they liked demand response because it allows them to
6 control their bills. Capital Electric didn't offer a
7 demand response program.

8 Montana-Dakota was more responsive to their
9 request, they testified, that they felt they were --
10 they got back to them quicker, more responsive in
11 demand.

12 And then I think, finally, they noted that
13 Montana-Dakota's regulated, and I think that's important
14 for a consumer of this size, to have the opportunity to
15 know that their prices, whatever they are, if they're
16 lower or not, they're regulated and they're going to
17 have an opportunity to go to an independent agency, if
18 they have issues about price or service concerns in the
19 future, that they're not going to have from an
20 unregulated co-op.

21 We recognize that prices aren't guaranteed,
22 price differences aren't guaranteed today, but they're
23 the best indication now of what the prices will likely
24 be in the future --

25 COMMISSIONER KALK: Your point to me, Dan, to

1 close this and I'll let (indiscernible 7:32) it, the
2 cost was just one of the factors of customer preference,
3 is what you're trying to hammer home here.

4 MR. KUNTZ: That's one of the things that
5 Menards looked at. And like I say, particularly the
6 demand response program, the reliability, you remember
7 they testified, was very important to them, and the fact
8 that they were regulated all played into their decision,
9 and obviously cost was a part of that, too, but that
10 wasn't the only factor. I think they would have
11 preferred Montana-Dakota even if the prices had been
12 equal, I think is the key, because of these other
13 factors.

14 And I think the other thing is even though their
15 prices aren't guaranteed in the future, they know that
16 any price increases by Montana-Dakota are going to be
17 cost-justified and they're going to be subject to
18 review.

19 And there's also comments made that customer
20 preference isn't controlling for a utility. That's
21 true, you got to take in all the considerations, but you
22 don't dismiss it either. I mean, you have to weigh --
23 take it -- look at all ten considerations and weigh them
24 and consider all of them in your determination, and you
25 just don't dismiss customer preference.

1 And I think in this case, when you're looking at
2 a customer that's coming in here with 250 full-time
3 jobs, the kind of economic impact that this customer is
4 going to have and the sustainability of that business
5 over the future, I think customer preference in this
6 case is entitled to a little bit more weight than what
7 you would maybe give a residential customer or some
8 small commercial customer in another case.

9 COMMISSIONER FEDORCHAK: Dan, since we're
10 talking about customer preference and how big of a
11 factor that should be and how much it should weigh in
12 this case, seems to me, and all the -- all the case law
13 suggests that -- defers away from customer preference to
14 the broader issue of public convenience and necessity
15 being served. So how is it that MDU serving this
16 customer serves public convenience and necessity, or MDU
17 -- having MDU serve it is required in order to serve the
18 public convenience and necessity?

19 MR. KUNTZ: I think all ten of these factors,
20 when you line them up and you weigh them, determines the
21 outcome of public convenience and necessity. And, you
22 know, the customer preference's is just one of those
23 weights. It can't control.

24 You can't grant a certificate of public
25 convenience and necessity solely on public -- solely on

1 customer preference if all the other factors weigh
2 against granting that service to Montana-Dakota, but if
3 the -- if everything else being equal, everything else
4 being equal and the customer preferred a public utility,
5 you could grant public convenience and necessity on that
6 basis alone. But you have to look at all the factors
7 together, and customer preference is just one of those.

8 The next issue is what electric suppliers are
9 operating in the general area. Obviously, that's both
10 Montana-Dakota and Capital Electric. That really
11 doesn't favor either party in this case.

12 The third one is: What electric supply lines
13 exist within at least a two-mile radius of the location
14 to be served and when were they constructed? Both
15 companies have supply lines within two miles of this
16 location. The lines have been there for a number of
17 years, although Montana-Dakota has been providing
18 service in the area to the townsite of McKenzie before
19 Capital Electric was in the area.

20 Capital Electric does have a single-phase line
21 that adjoins this property; however, those lines can't
22 and won't be used to serve this particular location
23 because they are single-phase lines. This location
24 needs three-phase service, and Montana-Dakota has the
25 closest three-phase service.

1 Capital Electric points to its substations and
2 says it has two substations in the vicinity, but neither
3 one of those substations are within the two-mile radius.
4 Only Montana-Dakota has a substation within the two-mile
5 radius and its substation is just over a mile from where
6 this location is at.

7 So when you look at it, Montana-Dakota has the
8 closest three-phase service, it has the closest
9 substation, and has been -- has been a service provider
10 in this area for a longer period of time. To the extent
11 this issue favors anyone, we believe it would favor
12 Montana-Dakota.

13 Number four: What customers are served by
14 electric suppliers within at least a two-mile radius of
15 the location to be served? And this issue really gets
16 to who is the primary provider in the area. And when
17 you're looking at orderly development extensions, you
18 look at, you know, who's already serving most of the
19 customers in this particular area in determining what's
20 public -- you know, where is public convenience and
21 necessity served by a particular extension.

22 If we look at the evidence in this case,
23 Montana-Dakota has 29 customers within two miles; 28 of
24 those 29 are within one mile. Capital Electric has 11
25 within two miles and only four are within one mile. MDU

1 has seven times more customers within a mile of this
2 location than does Capital Electric.

3 Capital Electric does have three customers that
4 are closer to the location itself, but one of those is a
5 railroad signal, the other two are farmsteads and served
6 by single-phase service that won't be interfered with by
7 Montana-Dakota's system.

8 All of MDU's 28 customers within a mile are
9 served off its McKenzie distribution service, which will
10 be upgraded as a result of extending service to the
11 Menards location and it will also be used to serve the
12 Menards location.

13 MDU has considerably more customers in the area,
14 it's the primary electric supplier within this general
15 area, and so therefore, we believe this factor also
16 favors MDU.

17 MR. NORRELL: Judge Mann, this is Ryan back
18 here.

19 HEARING OFFICER MANN: Go ahead, Mr. Norrell.

20 MR. NORRELL: May I also interject questions if
21 it is appropriate on behalf of Commission advisory
22 staff?

23 HEARING OFFICER MANN: Yes, you may.

24 MR. NORRELL: Thank you.

25 Mr. Kuntz, in Capital's brief, they lay out an

1 argument contesting MDU's assertion that they would be
2 the primary electric service provider in the eastern
3 half of the townsite or village of McKenzie. Are you
4 familiar with that and could you address that briefly?
5 How would MDU respond to that allegation in Capital's
6 brief?

7 MR. KUNTZ: Let me -- that's really -- the issue
8 is orderly and economic development in the area. It's
9 issue number seven. And one -- and the issue is which
10 of the electric suppliers will be able to serve the
11 location -- wait a minute. Which supplier's extended
12 electric service would best serve orderly and economic
13 development of electric service in the area?

14 First of all, with respect to the eastern half
15 of the city of McKenzie, Capital Electric made the
16 argument that they would be the presumed provider in
17 that particular eastern half because it isn't developed
18 yet, and they made two arguments:

19 Number one, that Montana-Dakota, although it has
20 a franchise from McKenzie township, that franchise isn't
21 valid, they contend, because they say that the township
22 doesn't have authority to grant a franchise;

23 Second of all, they say that under the TIA, MDU
24 would need a certificate of public convenience and
25 necessity to serve those undeveloped lots.

1 First of all, with respect to the township
2 issue, the Commission doesn't have authority to
3 basically determine the validity of another entity's
4 actions, so the township's action, the franchise as
5 given to Montana-Dakota, has to be presumed to be valid.

6 But even if there's any question to that, I
7 would refer the Commission to section 58-06-01, rather
8 than a section that was cited to you by Capital
9 Electric, and that section is entitled "General Powers
10 and Duties of Board of Township Supervisors." The
11 section reads "The board of township supervisors has the
12 following powers and duties," then it lists a number of
13 powers and duties, and number ten under that is:

14 To grant to any person the right of way for
15 the erection of telephone lines, electric
16 light systems, water or wastewater systems,
17 or gas or oil pipeline systems over, under,
18 or upon public grounds, streets, alleys, or
19 highways.

20 That's a franchise. That's what a franchise
21 does, it gives you the power to put your system into
22 public rights of way within that particular location.

23 So what Montana-Dakota has is -- from the
24 township, it has the right to extend its facilities in
25 all unplatted and platted -- or platted areas within the

1 township, McKenzie township. And to suggest that there
2 was -- the township doesn't have the authority to do
3 that is simply just plain wrong. They were looking at
4 the wrong chapter when they cited the Commission to
5 that. Clearly, Montana-Dakota has the only franchise to
6 serve those platted areas.

7 COMMISSIONER FEDORCHAK: Where and when were
8 those platted areas recorded and by who and how -- you
9 know, that map that shows the developed and the
10 undeveloped area, where is that official?

11 MR. KUNTZ: You'd have to go to the county
12 recorder's office. I mean, I didn't -- we didn't
13 anticipate there was going to be any issue about our
14 ability to serve the McKenzie townsite. There's nothing
15 of evidence in the record to say when those lots are
16 recorded or how they're recorded or where they're
17 recorded, so I can't come in here now and tell you that
18 this is where you'd find it, but they would, presumably,
19 be recorded at the county recorder's office.

20 But we did give you the franchise from the
21 township supervisors that showed that Montana-Dakota has
22 got a franchise, and as the record stands now, has the
23 only franchise to provide service within the townsite of
24 McKenzie.

25 Capital Electric also made the argument that we

1 would need a certificate of public convenience and
2 necessity to serve this townsite since McKenzie is not
3 incorporated.

4 Well, we already do have a certificate of public
5 convenience and necessity. We have a certificate of
6 public convenience and necessity that was issued by this
7 Commission back in 1928. The TIA, when it was passed
8 in 1965, never revoked prior certificates of public
9 convenience and necessity. We introduced that
10 certificate as part of Exhibit number 11. It's never
11 been revoked, it's still been valid.

12 We've been serving the townsite of McKenzie for
13 nearly 50 years since the TIA has been enacted and no
14 one has ever questioned the validity of our service or
15 our authority to provide service to McKenzie, so I think
16 both of those particular arguments that Montana-Dakota
17 would not be able -- entitled to serve those platted
18 areas are just plain wrong. We already have a
19 certificate, we already have the franchise.

20 And to suggest that Capital Electric would be
21 the presumed provider of those when it has --
22 Montana-Dakota is the exclusive provider out there, it
23 has the certificate of public convenience and necessity,
24 it is wrong.

25 COMMISSIONER FEDORCHAK: How about this notion

1 that you didn't file this map within 90 days of 1965
2 and, therefore, your franchise isn't valid?

3 MR. KUNTZ: I don't know whether there was a map
4 filed in 1965 or not, but we had a -- we already had a
5 certificate. We didn't need to go get another
6 certificate or file a map for an area that we didn't
7 have a certificate for.

8 Recall that prior to 1965 a utility had a couple
9 different ways to extend its services outside a city:
10 It could get a certificate of public convenience and
11 necessity, or if it was in an area that was contiguous
12 to an area that was already served, it could just extend
13 its services.

14 The TIA addressed the latter situation. It said
15 you can't just extend those services outside a city
16 anymore without getting a certificate of public
17 convenience and necessity. And so what the TIA says,
18 you have to file a map for all those areas that you've
19 been serving before that you didn't have a certificate
20 of public convenience and necessity for so we now have a
21 record of where your services were. That didn't affect
22 the areas where you already had a certificate, it didn't
23 pretend to revoke the certificates that have been issued
24 in the last 60 years or 50 years prior to when the TIA
25 was enacted.

1 And like I said, I would point to the fact we've
2 been serving that area for 50 years. If we didn't have
3 any authority to serve McKenzie for the last 50 years
4 under the TIA, I think somebody would have brought it to
5 our attention.

6 And also, I don't know what -- if there was or
7 wasn't a map filed in '65. Presumably, there was. I
8 haven't checked it to see what was on it, but I do know
9 we've already got a certificate to serve the McKenzie
10 townsite.

11 I want to go back then to where we were with
12 respect to the -- the next issue is reliability of
13 service, and the issue is: What is the differences, if
14 any, between the electric suppliers available to serve
15 the area with respect to reliability of service?

16 The staff has noted, and the Commission
17 traditionally finds, that both providers are reliable
18 providers of service. And I think we can say that for
19 any public utility and any co-op in North Dakota, that
20 they're all relatively reliable providers of service.

21 But that isn't the issue. The issue as stated
22 in your notice of hearing is: What are the differences
23 between these two with respect to reliability of service
24 to this site?

25 And in that regard, we look first to the outage

1 history. Montana-Dakota has had only one outage on its
2 three-phase system in 14 and a half years. That's .7
3 outages per year, less than one in every ten years.
4 Capital Electric has had five outages in six years on
5 its system off the Menoken substation. That's .833 year
6 -- outages per year. That's 12 times greater than
7 Montana-Dakota's.

8 Capital Electric will also cite the outages that
9 we had on the single-phase line that serves the Ryberg
10 farm, but that single-phase line is not going to be
11 involved in serving the Menards site. The relevant
12 portion is the three-phase system --

13 COMMISSIONER KALK: Dan, how would you -- how
14 would you answer the question -- because I thought a lot
15 about this. An outage is defined differently, it
16 appears, to different people at different times in
17 different places. So to me, it's -- it's really almost
18 impossible to compare outages because there's not a
19 standard reportable "What is an outage?" I mean, it's
20 different.

21 MR. KUNTZ: Well, the companies keep track of
22 their outages on their various systems, and that's the
23 evidence that you have in front of you --

24 COMMISSIONER KALK: But there is no standard
25 defined by law what is an outage that we can measure. A

1 gallon is a gallon is a gallon. An outage is not an
2 outage is not an outage.

3 MR. KUNTZ: Well, Commissioner, I guess if you
4 wanted a definition of what each of the utilities
5 consider an outage, we should have probably brought that
6 into the hearing. We don't have that in front of you.
7 All you've got is what was presented, and each of the
8 companies provided what was presented.

9 But I think the other thing that you can look to
10 is the difference in the line length between the
11 substation and the location to be served. And the
12 Commission has said in the past that, basically, that
13 distance of the line between the substation and the
14 location to be served --

15 COMMISSIONER KALK: So you'd agree it's hard to
16 compare outages because there's no standard --

17 MR. KUNTZ: There's different -- obviously,
18 there's differences. A ten-minute outage versus a
19 three-hour outage is different, but, you know, still an
20 outage is an outage.

21 And as Mr. Lipp testified, theirs is an
22 underground system. When they do have an outage, it
23 generally takes a little longer to find and repair those
24 type of an outage as to Montana-Dakota's, which is
25 currently an overhead system.

1 But you also look at -- the Commission has
2 looked at the length of radial line as an indication of
3 reliability. It's eight miles between the Menoken
4 substation and the Menards site. It's about a mile and
5 a half between Montana-Dakota's Menoken substation and
6 the Menards site. So that's another indication of
7 reliability. It's also another indication of why the
8 outage history -- you would expect the outage history on
9 Capital Electric's would probably be greater than the
10 outage history on Montana-Dakota's.

11 So I think those two, Commissioner, kind of come
12 together and show that you would expect Montana-Dakota's
13 system to be more reliable.

14 The other thing that you look at in that
15 difference between the substation and the site to serve
16 is voltage drop. Both companies provided evidence that
17 their systems would stay within industry standards on
18 voltage drop, but because Montana-Dakota's substation is
19 closer, you would expect the voltage drop to be less as
20 well.

21 COMMISSIONER FEDORCHAK: What about the backup?

22 MR. KUNTZ: The Sterling substation, yes,
23 Commissioner, that was the other argument that Capital
24 Electric had, is that their Sterling substation can
25 serve as kind of a backup in the event that there's an

1 outage on its line.

2 Yes and no. You're still going to have an
3 outage. It's just that you're going to switch it now so
4 that the outage is probably going to be less lengthy,
5 because now you're going to switch it and serve it from
6 the Sterling substation.

7 But the Sterling substation is not capable of
8 serving the Menards site. It's not sufficiently sized.
9 It could maybe serve a part of the site, but then you're
10 still going to have an outage on the rest of the site.
11 And how are you going to serve the other customers that
12 are currently served off the Sterling substation?

13 So unless you upgrade that Sterling substation,
14 which is not planned, its costs weren't included as part
15 of Capital Electric's proposal, you still have got an
16 outage. You can probably serve part of it as a backup
17 once you switch it over, but you're still going to have
18 an outage unless that Sterling substation is upgraded.

19 COMMISSIONER CHRISTMANN: But does MDU
20 acknowledge that there is -- does MDU acknowledge that
21 there is at least some benefit to having a backup
22 substation, as Sterling is; even if it can't provide all
23 the power, can at least provide power for security or
24 some of the very essentials?

25 MR. KUNTZ: Commissioner, I think it gets it

1 closer to our -- the reliability of our system. I think
2 if you upgraded the Sterling substation, then I think
3 you'd have a system that, essentially, would be
4 comparable to what Montana-Dakota's will be once it's
5 upgraded.

6 COMMISSIONER FEDORCHAK: How would you provide
7 that redundancy, though?

8 MR. KUNTZ: Pardon?

9 COMMISSIONER FEDORCHAK: How would you provide
10 that --

11 MR. KUNTZ: We got a looped transmission line
12 coming into the McKenzie substation at that point, and
13 then it's a mile and a half radial line from that
14 substation. They've got a mile of radial line that's
15 going to come from the intersection of their three-phase
16 line.

17 You're still going to have about a mile of
18 radial line in either situation. The only difference
19 that you would find is if our substation went down. In
20 the unlikely event the substation went down, they would
21 -- if they upgraded the Sterling substation, they would
22 have an alternative substation to feed that site that we
23 would not. That would be the only -- after they
24 upgraded the Sterling substation, that would be the only
25 advantage that they would have with reliability.

1 But remember, the Sterling substation upgrade is
2 not part of their proposal. It's not planned. They
3 don't own that substation. They haven't included a cost
4 in their cost comparison.

5 So as the systems stand today, based upon length
6 of radial line, based upon outage history,
7 Montana-Dakota's system is -- the difference between the
8 two is that Montana-Dakota offers a better, more
9 reliable system at that location.

10 The next issue is: Which of the available
11 electric suppliers will be able to serve the location in
12 question more economically and still earn an adequate
13 return on investment? And that's a two-part issue.

14 The first is: Which can serve the location more
15 economically? If you look at simply the cost of
16 extending the existing three-phase systems, just the
17 lines from the existing three-phase systems to the
18 location, Montana-Dakota's slightly cheaper, 32,000
19 versus 44,000.

20 But if you consider all the costs to serve the
21 location, you also have to consider Montana-Dakota's
22 upgrades. Montana-Dakota is proposing as part of this
23 service it would have to upgrade its substation by
24 putting in a new transformer and converting from a delta
25 three-phase system to a wye system, and also converting

1 its distribution system from a delta three-phase to a
2 wye three-phase system.

3 The total cost of doing the line extensions to
4 the Menards site, providing secondary service to lines
5 within the Menards site, any upgrades, is a \$192,000
6 investment. That equates to an annual cost, return on
7 investment, and taxes of about \$28,000. Ms. Aberle
8 provided testimony to that. If you look on an annual
9 basis, that cost is about \$28,000.

10 Capital Electric's investment that it would need
11 to do to extend service within the site and add to its
12 three-phase system is about \$110,000. Its annual cost
13 to do that is probably around \$9,000. It doesn't have
14 to pay income tax and probably has -- well, it has the
15 lower cost of the capital, so figure maybe 9,000.

16 So you got about a \$19,000-a-year difference in
17 those investment costs, of what that relates in terms of
18 costs of service. And remember, Capital Electric's
19 doesn't include the cost of the Sterling substation
20 upgrade.

21 So then you compare \$19,000 a year that you've
22 added incremental cost to serve this system by
23 Montana-Dakota versus Capital Electric, compare that to
24 the cost of generation and transmission to get that
25 there, which is also part of the cost of providing

1 service to the location, the Commission has recognized
2 that, that that should be considered in the total cost
3 of serving the location, Montana-Dakota is about \$62,000
4 cheaper per year, its rates in serving that location.

5 So if you take the 19 off of the 62, there's a
6 net cost difference there of about \$43,000 of
7 Montana-Dakota serving this location versus Capital
8 Electric's extension of service.

9 We recognize, again, these cost differences
10 aren't guaranteed. They could be greater, they could be
11 less, they could be the same, but it's the best evidence
12 and the only evidence we have of the respective costs of
13 providing service. And as I stated before, that any
14 cost increases by Montana-Dakota will be cost-based and
15 reviewed by this Commission.

16 The second half of this issue is the return on
17 investment. Montana-Dakota, through Ms. Aberle,
18 testified that its rates that generate the \$513,000 will
19 provide it a return equal to what the Commission has
20 granted in the past plus -- and I think this is critical
21 -- it will return \$296,000 to common costs for the
22 benefit of Montana-Dakota's other North Dakota
23 customers. That stays all to the benefit of North
24 Dakota customers, every nickel of that.

25 Capital Electric's argument on return on

1 investment, that was, because its rates are higher, its
2 return must be adequate. You don't need a Master's
3 degree in economics to understand that argument doesn't
4 make sense. Just because your rates are higher doesn't
5 mean you've got a return. You could be losing money and
6 not have a return on investment simply by adding volume.

7 There is simply absolutely no evidence in this
8 case to determine what return Capital Electric will
9 receive from providing service here. That was a choice
10 they made. They put absolutely no evidence in here, so
11 there's nothing to support a finding that this
12 Commission could make that Capital Electric can earn a
13 return, adequate return, on its investment, because they
14 provided you no evidence of what its margins is.

15 So when you look at this issue, we believe
16 Montana-Dakota has showed that it can serve this
17 location more cost effectively and earn an adequate
18 return on investment.

19 The next issue is orderly and economic
20 development, which --

21 MR. NORRELL: Mr. Kuntz, if I could. Back on
22 page six of your brief you discussed it and in your oral
23 argument you used the \$110,223 for Capital Electric's
24 costs to extend the lines and the annual incremental
25 costs of approximately \$9,500. Where did you get those

1 numbers from? Are those in the record?

2 MR. KUNTZ: The \$110,000 is in the record.
3 That's the cost of extending the lines within the
4 Menards location of about 65-, \$66,000, and another
5 44,000 that Capital Electric would need to extend its
6 three-phase service from along I-94 down to the Menards
7 site of about a mile. That's -- so that gets you
8 \$110,000.

9 With respect to the \$9,500, they did not provide
10 any sort of return information on there, so what we --
11 what we did there is simply looked at a return, I think,
12 comparable to what Tammy used for Montana-Dakota's
13 return but without grossing it up for taxes.

14 MR. NORRELL: Okay. Thank you.

15 MR. KUNTZ: Which supplier will extend --
16 extension would best serve orderly and economic
17 development?

18 First of all, Capital Electric's extension is
19 only going to benefit this site. I mean, that's all
20 it's going to do, is extend its three-phase service from
21 I-94 down to this site. That's the only location that's
22 going to benefit from this.

23 Montana-Dakota's extension is going to upgrade
24 its entire distribution system in McKenzie. Certainly
25 there's going to be some sort of economic development as

1 a result of this Menards doing what they're doing out
2 there.

3 And this issue doesn't require the Commission to
4 determine specifically what development is going to
5 occur. What it requires the Commission to determine is
6 which service is -- which extension is best going to
7 serve that development should it occur?

8 I think it's fairly reasonable to assume that
9 there's going to be some additional ancillary
10 development associated with this site. And if there is,
11 who's in the best position to provide that particular
12 benefit from that development?

13 We believe Montana-Dakota's upgrade of its
14 system from a delta to a wye system throughout McKenzie
15 will then allow it better to extend service to those
16 undeveloped areas, it would allow it to provide service
17 to any commercial customers that may need three-phase
18 service in the area. So it's going to improve the
19 service to its existing customers, but also potential
20 new customers in the undeveloped area of McKenzie.

21 It already serves far more customers, as I
22 testified before, or argued before, we serve about seven
23 times more customers than Capital Electric so --

24 COMMISSIONER KALK: Dan, how far -- before we
25 get too far away, how far do you feel -- whatever way

1 the Commission ends up on this decision, that that
2 implies the adjacent facilities get that load? Whoever
3 gets this plant, then all of a sudden the gas station
4 that pops up to the south or the housing development,
5 let's not say it goes to the McKenzie direction, let's
6 say it goes the other way, new housing development.

7 I mean, do you feel that each one of these is
8 going to be dealt differently with the Commission, or
9 this will set the precedence for further growth in that
10 area?

11 MR. KUNTZ: Both. I think -- you know, it's
12 certainly going to allow us to upgrade and expand our
13 system within the townsite of McKenzie.

14 Now, if the development -- the next house over
15 or the gas station just on the northwest side of
16 McKenzie, for example, I think we would be in the better
17 position to serve that site and come in here and ask for
18 a certificate to serve that site.

19 On the other hand, if the gas station is on the
20 intersection -- one of the intersections of I-94, and
21 I'd have to look at the line, and therefore, the site
22 was closer to Capital Electric in that situation, we're
23 not going to be in a position where we're probably going
24 to be able to prevail on a certificate of public
25 convenience and necessity.

1 And remember, of course, that once you get
2 outside the townsite of McKenzie, Capital Electric can
3 serve wherever they want if the customer requests their
4 service. I mean, that's one of the ironies of the TIA
5 and Capital Electric citing, well, unregulated customer
6 preference can lead to duplication of facilities.

7 Well, yes, it can. We see it all the time.
8 Well, Montana-Dakota can't extend its service based upon
9 -- the only unregulated extensions that occur are those
10 of the co-ops. Every extension that we have outside of
11 a city is subject to regulation.

12 COMMISSIONER KALK: So wouldn't it be -- I
13 believe you made the comment that if Capital ends up
14 successful in this, that this plant will be the only
15 place that benefit from that. But if they get the plant
16 and all that development ends up being to the south and
17 to the east, they would also benefit from that
18 build-out. So I don't know that your point there would
19 be valid.

20 MR. KUNTZ: Well, to the extent it's to the
21 south and the east --

22 COMMISSIONER KALK: Straight east or northeast.

23 MR. KUNTZ: Well, east, I mean east of their
24 system, I mean -- I mean, you'd have to take a look and
25 see what sort of development it is.

1 COMMISSIONER KALK: You can't just say it's just
2 -- they're the only one who's going to benefit, because
3 we don't know where the growth is going to go.

4 MR. KUNTZ: You don't, but we're -- the townsite
5 of McKenzie is the only platted areas available for
6 development. I mean, that would be the logical source
7 for development. You know, there's a distribution
8 system there. You would certainly expect some of that
9 development there.

10 And I think the point is that system is probably
11 going to have to be upgraded one way or another. And
12 the upgrade to serve Menards is also serving that
13 townsite -- that townsite area.

14 Now, I can't say if there's another commercial
15 site that's developed two miles to the east, who's going
16 to be in a better position to serve that? I don't know.
17 But we can say within that area, that general vicinity
18 of that area, the upgrade of our system, we believe,
19 would be better served orderly and economic development
20 within the McKenzie --

21 COMMISSIONER KALK: How do you go about the
22 methodology of deciding how you're going to work with
23 the co-ops?

24 Because the Williston area, I know it's
25 different, but I think it's similar, the mindset of the

1 company when they go through these factors, that dealing
2 with Williston, you've got MDU in the middle, in
3 Williston, the co-op around there, very intricate
4 service area agreement, but it's -- I'm trying to look
5 at so Capital is treated the same as the other co-ops in
6 the area.

7 What's MDU's protocol when they go through
8 these? Because these are very complex areas and who
9 might go in the future. And it seems like, in the past,
10 you were able to draw a box and say, "This is ours."
11 What's so different about this that's previous so
12 everyone was treated the same when you -- would you walk
13 the internal process?

14 MR. KUNTZ: Each of the service area agreements
15 -- and I know this is a frustration the Commission has,
16 that we don't have a service area agreement for this
17 area. Each of the service area agreements that we
18 have -- and I would say that our company has probably
19 been more aggressive in obtaining service area
20 agreements --

21 COMMISSIONER KALK: Agreed.

22 MR. KUNTZ: -- with our co-ops than any other
23 utility, I think we worked harder at it than anyone, but
24 each one of those is different based upon the area and
25 the co-op.

1 Some of the co-ops are much more willing to take
2 a broader global view and figure out, you know, what
3 works best. Others are -- only want to deal with, you
4 know, this situation at this time at this location.

5 And traditionally, we've had our most success in
6 developing service area agreements in the fringe areas
7 around growth communities. And frankly, the theory has
8 been that there's sufficient growth in these growth
9 communities where there should be -- we should be able
10 to share it.

11 COMMISSIONER KALK: So that would perhaps be
12 different in this case than other cases because this
13 might be the only big growth in this area?

14 MR. KUNTZ: Yeah. And how would you have
15 determined a year ago that Menards -- or two years ago
16 that Menards was going to come in here with this type of
17 load and how would you -- and that's the problem. In
18 these smaller communities that haven't seen any growth
19 in 40 years, if anything, they've been going the other
20 way, there's not a whole lot there to argue about in
21 terms of --

22 COMMISSIONER KALK: Or to compromise with.

23 MR. KUNTZ: Or try to compromise and share
24 because there's nothing to share. You're lucky to hold
25 on to the existing customers that you've got. And so we

1 just haven't been able to -- unlike other states.

2 If you go to South Dakota, for example, they've
3 got maps like we have for the telephones here in North
4 Dakota that divide up every single mile in the state, is
5 in somebody's service area. We just don't have that.
6 And for the most part, it still works.

7 I mean, yes, this is a big case, this is
8 important to both companies, but, you know, how many of
9 these have you had in the last four years, six years?

10 COMMISSIONER KALK: One.

11 MR. KUNTZ: Yeah. Most of them are getting
12 decided -- you know, the companies look and -- and most
13 of them are pretty clearcut. And I think the reference
14 that you made, how do we get to the next one, most of
15 them are pretty clearcut. It usually doesn't get to
16 this type of a dispute.

17 COMMISSIONER KALK: Thank you.

18 MR. KUNTZ: So we believe that we would best
19 serve orderly and economic development. We already are
20 the primary provider in the area. We have the franchise
21 to serve McKenzie. We have a certificate of convenience
22 and necessity to serve McKenzie. Our upgrade of the
23 McKenzie distribution service system would not only
24 benefit the provision of service to this location, but
25 also to the townsite of McKenzie.

1 What about wasteful -- the next is: Would
2 approval of the application result in wasteful
3 duplication of investment and service?

4 Both providers are going to have to make a new
5 investment. They can't serve it from their existing
6 systems.

7 Capital Electric has argued, "Well, if
8 Montana-Dakota gets this, it's going to have to upgrade
9 its McKenzie system substation and that's going to
10 duplicate the existing capacity we have at Menoken."

11 We believe that that's wrong for a couple of
12 reasons. First of all, you have to ask: Why is that
13 excess capacity there in the first place? It wasn't put
14 there to serve this site. Either it was grossly
15 overbuilt, or it was built to serve other growth that
16 Capital Electric expects to receive in that rural area,
17 whether it's from larger farms or whatever it is.

18 So if that substation was sized correctly to
19 serve the rural area, then the upgrade of the McKenzie
20 system to serve this load and the -- the townsite of
21 McKenzie is not duplicating the Menoken substation,
22 because the Menoken substation is going to be needed,
23 presumably, to serve the area that it was built for.

24 The other thing is, is that, frankly, if Capital
25 Electric is going to serve this location, they're going

1 to have to upgrade -- somebody is going to have to
2 upgrade that Sterling substation. They simply cannot
3 serve it reliably out of that Menoken substation.
4 They're going to have to upgrade the Sterling
5 substation.

6 And so therefore, the issue is really: Where is
7 the duplication of service?

8 We can upgrade the Menoken substation or we can
9 upgrade the Sterling substation. Both are proposing to
10 use used transformers, so the costs are fairly the same,
11 so where is the duplication there?

12 And if Montana-Dakota is going to have to
13 upgrade its McKenzie substation anyway, of growth in
14 McKenzie, is really the upgrade of the Sterling
15 substation the duplication, or is it the McKenzie
16 substation? We suggest that it's -- Montana-Dakota's
17 upgrade would not be a duplication of any system that
18 Capital Electric has.

19 COMMISSIONER CHRISTMANN: But is there anything
20 on the record that indicates enough certainty that
21 there's going to be other growth that would give merit
22 to the argument that MDU needs to upgrade that facility
23 if they're not given this CPCN?

24 MR. KUNTZ: We can't point and say, you know,
25 there's going to be this development for sure or this

1 many houses for sure, but any development that occurs in
2 the townsite of McKenzie is going to require us to
3 change that system over from a delta to a wye.

4 A wye system is a more modern three-phase
5 system. Developers now want their systems underground,
6 they don't want overhead lines, they want pad-mounted
7 transformers. So if any significant development occurs
8 out there, we're likely going to need to upgrade that
9 system.

10 But is there anything in the record that says
11 there's going to be five new houses out there or ten new
12 houses? No, we don't have that -- we don't have that
13 information, but I think we can reasonably assume that
14 that development is probably likely to happen.

15 And then finally, will the services unreasonably
16 interfere with the services system of the other?

17 From an operational standpoint, no. Neither
18 extension of service is going to interfere with the
19 system of the other. We do have to cross their
20 single-phase line, but that's not going to interfere
21 with that single-phase line. That single-phase line can
22 continue to serve its customers, and it's not going to
23 be used -- it wouldn't be used to serve this location
24 anyhow.

25 Capital Electric makes the argument that it

1 interferes -- Montana-Dakota's extension interferes with
2 their ability to use these revenues to support its other
3 customers. Well, there's no evidence that they put in
4 as to what that support would be.

5 In contrast, we have put in evidence that this
6 -- that our service would directly provide almost
7 \$300,000 of contribution to North Dakota customers,
8 North Dakota MDU customers, to help control costs for
9 those customers, contribute to the common costs of those
10 customers. You don't have any evidence of that in the
11 record with respect to Capital Electric.

12 So to the extent this argument applies to either
13 one of us, the only one it would support in this case is
14 Montana-Dakota.

15 I believe, in summary then, we have -- the
16 customer prefers Montana-Dakota, we are three-phase and
17 the substation is closer, we have more customers, our
18 system is more reliable, we can serve it more
19 economically and still earn an adequate return, we would
20 favor orderly and economic development, it would not
21 result in wasteful duplication, and wouldn't
22 unreasonably interfere; therefore, we believe we've met
23 the requirements for the issuance of a certificate of
24 public convenience and necessity. Thank you.

25 HEARING OFFICER MANN: Thank you.

1 COMMISSIONER CHRISTMANN: A question to clarify.
2 So is it MDU's assertion then that regardless of what
3 was done with TIA in the '60s or anything subsequent to
4 that, that the CPCN granted -- what? 86 years ago -- to
5 Northern Power and Light Company is still in effect and
6 authorizes now MDU to grant service to all of that
7 platted area of McKenzie in sections 28 and 29?

8 MR. KUNTZ: Yes.

9 COMMISSIONER CHRISTMANN: Okay.

10 HEARING OFFICER MANN: Okay. Mr. Olson will
11 proceed in the same --

12 Mr. Lafferty (phonetic), does Mr. Kuntz have
13 time remaining for rebuttal?

14 MR. LAFFERTY: Two and a half minutes.

15 HEARING OFFICER MANN: Two and a half minutes?
16 Okay. At this time we'll proceed with Capital Electric.
17 Mr. Olson will have 45 minutes. Same procedure: If any
18 of the commissioners or Mr. Norrell have questions at
19 any time, they may interject.

20 Are you ready to go, Mr. Olson?

21 MR. OLSON: I am, Your Honor.

22 HEARING OFFICER MANN: Go ahead.

23 MR. OLSON: Good morning, Commissioners. Once
24 again we're here to discuss this matter. May 2nd, we
25 put on evidence, and this is kind of the second time

1 this case has been briefed, because we submitted
2 proposed findings, conclusions and an order, and now
3 we've submitted briefs. I honestly am dreaming about
4 this case, so -- the amount of time that we spent on
5 this. I wake up thinking of facts about radial lines
6 and of the sort, so I've been baptized by fire.

7 As I've listened to the working sessions, I want
8 to acknowledge and thank you guys for taking your time
9 to look at this case. I know it is important to both
10 MDU and Capital, and so I know we're here today because
11 you want to get it right.

12 Basically, as I've listened on the internet
13 feed, all the commissioners have basically said, and
14 their staff has said, this matter could go either side
15 depending on the way the facts are viewed, and so it is
16 important that we're here today.

17 Basically, the Commission has found that some of
18 the factors are a draw, some can go for MDU, some can go
19 for Capital, depending on how each factor is viewed
20 based on a -- you know, based on a different angle, and
21 so this case --

22 COMMISSIONER KALK: How would you say the
23 Commission has found anything? We have not found
24 anything.

25 MR. OLSON: I shouldn't say "found". In your

1 discussions. I apologize, you haven't found --

2 COMMISSIONER KALK: We may be leaning a certain
3 way, but --

4 MR. OLSON: Leaning. Basically, just listening
5 to the three of you discuss the various factors.

6 COMMISSIONER KALK: Because sometimes in our
7 work sessions I'll just throw out there, just because
8 someone doesn't say anything, doesn't mean they agree,
9 and it can go any different way.

10 MR. OLSON: No, I misspoke there. You haven't
11 found anything. I'm just listening to your
12 discussions --

13 COMMISSIONER KALK: Fair enough.

14 MR. OLSON: -- and how you're wrestling with the
15 issues.

16 So basically, the TIA, the Territorial Integrity
17 Act, was enacted in 1965 to resolve disputes between
18 public utilities and the rural cooperatives. Our high
19 court has had a number of cases to look at the TIA, and
20 it continues to come back to two primary purposes of the
21 TIA:

22 One, to keep to a minimum wasteful duplication
23 of capital-intensive utility services;

24 And two, to keep to a minimum conflicts between
25 the suppliers of electricity.

1 So when we're looking at these ten factors, I
2 think we need to always keep these two in mind. I
3 didn't hear MDU, either today or in its brief, address
4 either of those two, I think because once they delve
5 into those two primary factors, I think -- I think their
6 case crumbles.

7 Basically, I'm not going to regurgitate my
8 brief. I trust that each one of you have read that. I
9 did go through the ten factors, so I don't want to go
10 into every detail there, but basically, when you look at
11 those two primary factors, it is the high court's
12 opinion, North Dakota Supreme Court's opinion, that
13 certain -- certain of these factors carry more weight.

14 They have discussed customer preference, that it
15 is one factor to be viewed. There is, at this point, no
16 exception to customer preference for large loads that
17 the legislature has enacted here in this state. If you
18 look at MDU's conclusion in their brief, they point the
19 Commission to those exceptions. I find them to have no
20 application today because we are not South Dakota or
21 Montana.

22 MR. NORRELL: Mr. Olson, if I may. This is
23 Mr. Norrell. Do you view, though, that there would be a
24 difference if this is a single residential customer ten
25 miles outside a public utilities service area as opposed

1 to a very large industrial service or customer
2 immediately adjacent to a public utilities service
3 territory?

4 MR. OLSON: I guess I can't speak to my client
5 on that behalf since that's not before us today, but I
6 suppose there could be a number of economic factors that
7 could be present. So I don't want to downplay your
8 question, I just don't know the answer.

9 I suppose the economics are going to carry a --
10 more weight depending on the type of service. This just
11 happens to be a perfect storm: A large load with both
12 the public utility and the cooperative in the general
13 vicinity. So I can't speak to that directly, but I
14 suppose it could have been indication.

15 MR. NORRELL: Do you know if there are any
16 Supreme Court cases where a load of this size that the
17 court has looked at, or are those a lot of residential
18 cases that typically come before the Supreme Court?

19 MR. OLSON: I'm not aware of any very small
20 loads going to the Supreme Court. I know there are some
21 pre-TIA cases dealing with, you know, a load going to a
22 facility that has a microwave facility. I'm not even
23 sure what that is.

24 But, you know, most of the time it's involved a
25 larger load where the legal costs are -- they want to

1 spend them, and usually that's not the case when we're
2 dealing with a single-phase residence.

3 I guess MDU would also submit to that as well,
4 that the economics usually play a factor in a lot of
5 things.

6 COMMISSIONER CHRISTMANN: A two-part question
7 here. Part of your quote on the TIA's purpose was to
8 keep to a minimum wasteful duplication. Does that quote
9 recognize that there will be some duplication since it
10 didn't say to stop duplication but to keep it to a
11 minimum?

12 And if so, is a case where the preference is
13 based not just on the price but also on the reliability
14 and the availability of the demand response program, on
15 the fact that one's a regulated company, and probably to
16 me most importantly, the responsiveness that they felt
17 in dealing with the company, is that not an example of
18 where duplication would be understandable and
19 acceptable?

20 MR. OLSON: I suppose that's a matter of
21 interpretation. In looking at the -- in the quotes from
22 the Supreme Court in the Cass case -- Cass County case
23 in 1988, it just talks about keeping to a minimum
24 wasteful duplication.

25 Again, it's saying a minimum, so it's not saying

1 total duplication, because there always is going to be
2 some duplication out there because each company is
3 inevitably going to have capacity to take on new
4 customers, so I suppose, in that sense, there will
5 always be some duplication.

6 But in looking at the factors, the Court has
7 wanted, you know, not only the Commission but litigants,
8 before they bring cases, to look at various factors.

9 I would like to -- you know, going back to
10 customer preference, I listened to MDU today discuss,
11 both in its brief and today, Menards' position.

12 I went back and listened to the testimony on
13 May 2nd. I think we're overstating the
14 over-responsiveness of MDU. If you listen to their
15 testimony, Steve Manor says, when requested the quotes,
16 "Capital gave us their prices," and that basically
17 seemed indifferent because they just had prices to give
18 them, they didn't have any programs at the time.

19 And then when you listen to him speak about the
20 responsiveness that we're talking about regarding MDU,
21 it was their explanation of their programs. And in that
22 sense, we're making them to be more responsive because
23 they were explaining their programs.

24 It was also testified by Mr. Nygren that -- and
25 it was admitted by Steve Manor, that Jesse Kane

1 (phonetic throughout) was the representative from
2 Menards that contacted Capital Electric and asked for
3 their rates, so Mr. Manor was speaking to things that he
4 had no part of those communications, but basically gave
5 them their rates. At that point, I am assuming that
6 they thought the prices were better, and they didn't
7 even have any more communication with Capital.

8 There was discussion, testimony during Mr.
9 Manor's testimony that, you know, MDU can provide this
10 three-phase interruption, when it was then discussed on
11 our case in chief where basically Ron Lipp testified
12 that that was never even spoke to them that that was
13 important.

14 I mean, they spoke about their wood plant and
15 how it was important to have this 350-horsepower -- you
16 know, all these machines working, and that if one phase
17 goes out, it's going to wreck the motor and all those
18 things. And Capital was never even aware that that was
19 one of their needs because the communication virtually
20 ended after they gave them their prices.

21 So the over-responsiveness here, I think it's
22 being overplayed because MDU just explained their
23 programs which, at that time, Capital Electric didn't
24 have.

25 So like I said, I'm not going to go through

1 every factor. I just want to talk about a few things
2 that MDU briefly discussed.

3 One was about the closeness of services, and it
4 said, you know, "Our three-phase is closer." Again, I
5 addressed this in my brief, so I don't want to kick a
6 dead horse, but here, basically that is disingenuous
7 because they've also said that their three-phase line as
8 is, as a delta system, is virtually worthless.

9 So if we want to go back to the closest workable
10 three-phase system, Capital is closer, it's one mile
11 away, where they have to extend 1.6 miles back from
12 their substation upgrades at the McKenzie substation.
13 So that can't be viewed as a plus for them because,
14 basically, that upgrade has to be there.

15 There's been a bunch of testimony -- there was
16 and there's discussion today -- about who can serve the
17 eastern part of McKenzie and the importance of that,
18 because that must be where there's going to be growth
19 because there's a plat.

20 Again, I put this in my brief, but the only
21 evidence we have is that the eastern part has been
22 farmed, and it always has been. There's no evidence of
23 who owns that property. All we know, it's farmed and it
24 has been. To necessarily assume that that's where the
25 growth is going to be depends on a farmer who may own

1 that. We have no idea where the growth will be.

2 COMMISSIONER KALK: Let me ask you a question on
3 that. Commissioner Christmann brought it up earlier. I
4 want to make sure I'm understanding what I think you're
5 trying to tell me.

6 The platted area right now, going back to the
7 agreement made, you know, back before the TIA, how is
8 that not MDU's? I view that that's MDU's growth area.
9 Where this Menards plant may be is outside that. To me,
10 that's the question. This is outside that platted area,
11 but I view that platted area, is that's MDU's. So are
12 you disagreeing with that premise?

13 MR. OLSON: I would disagree with that in the
14 sense that it's a village that's been platted. I
15 believe there was some testimony (indiscernible 58:12)
16 in the 1920s, something like that.

17 Basically, Exhibit 11 from MDU has a couple
18 things. It has a couple of the documents from the
19 previous -- the predecessor to the Public Service
20 Commission granting some sort of document to the village
21 of McKenzie.

22 To argue that that 1928 document gives MDU an
23 unlimited franchise moving forward, to me, it doesn't
24 make any sense. We have the TIA that came into being
25 in 1965 that deals specifically with anything outside of

1 a city.

2 COMMISSIONER KALK: So what's your best -- I
3 mean, I'm trying to help you out here in some thoughts,
4 actually, is that I view the platted area, I do, I look
5 at that as MDU's, but your -- Menards is outside that
6 area. So what's the argument you would make that give
7 -- if MDU has that platted area, that gives you the
8 right to serve outside that area? That's the argument
9 I'm looking for from you.

10 MR. OLSON: Outside the area?

11 COMMISSIONER KALK: Yeah, where this new Menards
12 plant is at, potentially. That's outside the platted
13 area, correct?

14 MR. OLSON: Yeah.

15 COMMISSIONER KALK: So what's the best argument
16 that says you should serve the area outside the platted
17 area?

18 MR. OLSON: Well, I guess in looking at the
19 primary factors, it's the wasteful duplication, because
20 we already have the load that's there. I think for them
21 not to concede the wasteful duplication, I guess I'm not
22 seeing it. They have to increase their load, which we
23 already have.

24 To argue that, well, they must be wasteful
25 duplication because they already did it in the past,

1 well, that's not what the ten factors -- the ten factors
2 are asking us to look at what's present right now.
3 They, for whatever reason, whether it was maintenance or
4 upgrades or anything, for whatever growth, they have it,
5 and MDU doesn't.

6 The other thing is just the economic
7 developments here. We have a single-phase line that
8 comes and hugs, basically, the property. And to -- I
9 guess in furthering the principles of the TIA, the
10 primary factors of avoiding conflict and minimizing
11 duplication, I don't know how it's not ruled in favor of
12 Capital Electric.

13 If we're going to rule -- I guess I see what
14 happens here. There's so much growth that's happening
15 in northwest North Dakota. Any time there may be growth
16 in a rural area, and if you would rule for Capital
17 Electric, it's going to cause the public utilities some
18 judgments and concerns before they go and try to get a
19 new load of a large service that happens to be out
20 there. There is going to be more conflicts. To me, the
21 floodgates could open.

22 If not -- I mean, it's basically saying let's
23 ignore what Capital has out there, albeit it's
24 single-phase, I understand that, but MDU's cost to
25 upgrade are --

1 COMMISSIONER KALK: Wouldn't it imply, though,
2 if my premise was correct, that what MDU was, quote
3 unquote, guaranteed, you're guaranteed everything
4 outside of that, so that would make your case?

5 COMMISSIONER FEDORCHAK: It seems to me your --
6 you might be ignoring the investments that MDU has made
7 in that area and that already exist as well.

8 MR. OLSON: They put on evidence that they had
9 -- that they have the line coming down and serving those
10 customers in McKenzie. I don't want to downplay that.
11 It's there. I mean, it's just -- I'm looking at the
12 static factors that are there. And it's there. I don't
13 want to downplay that. They've been serving them for --
14 as Mr. Kuntz said, for 50 years. I don't want to do
15 that.

16 COMMISSIONER FEDORCHAK: And they'll continue to
17 serve them, because those investments are there. So our
18 job is to weigh, you know, which is less wasteful for
19 serving the growing area in that -- you know, in the
20 McKenzie region, recognizing that they do already have
21 investments there. It's different than if there was,
22 you know, just a big load occurring out in a rural area
23 that they didn't have an investment near to facilitate
24 some sort of an extension.

25 So how is it that you guys are less wasteful

1 than they are in terms of making investments to serve
2 this new load?

3 MR. OLSON: Basically, I'm looking at what they
4 have to do to duplicate what we have there. The load is
5 already there. Do both companies need to make
6 extensions? Absolutely, and upgrade.

7 So these factors can be viewed for a whole host
8 -- from different angles, like I said, and so I'm not --
9 I'm not arguing that this is a slam dunk by any means.
10 I'm just saying that, from our perspective, because the
11 load is already there and our costs to get there are
12 less, that because of, though, some of these factors for
13 duplication and economic development, it should tip in
14 our favor. Did I answer your question?

15 MR. NORRELL: Mr. Olson, if I may, what exactly
16 is Capital alleging to be the wasteful duplication? My
17 reading, I think, without coming out and saying it, it
18 certainly seems like the substation upgrade at McKenzie
19 would be the wasteful duplication. Is that correct?

20 MR. OLSON: Yeah. It's the load, it's the
21 capacity that the Menoken substation has, that it carry
22 the MDU site, and also additional growth that may come
23 anywhere that is served by the Menoken substation.

24 MR. NORRELL: So then the Commission would need
25 to find the McKenzie sub is wasteful on the part of MDU.

1 And then at some point in the future, let's say this
2 plant gets built and there's ancillary growth and MDU is
3 forced to upgrade the sub at McKenzie, is MDU then
4 precluded by this Commission's decision in this case
5 from upgrading the substation at McKenzie since we would
6 have found it wasteful in this case?

7 MR. OLSON: I don't think so. I mean,
8 basically, MDU could have upgraded three years ago the
9 substation for whatever reasons, but it hasn't done so.
10 So we're forced to look at the substation as it
11 currently sits, and that's where we're at. They hadn't
12 done an upgrade to that substation beforehand, and so
13 we're left with those static factors today. So that
14 does not preclude them from upgrading that substation in
15 the future.

16 COMMISSIONER CHRISTMANN: I'm not sure that a
17 big upgrade like that in a village that has showed very
18 little growth would have gone over very well with this
19 Commission for a regulated utility like that, but -- so
20 my question for you is: Is the capacity that seems to
21 be available from your Menoken substation, is there
22 growth on the development that was factored into the
23 decision to build that substation with that much
24 capacity, or was that an example of overbuilding?

25 MR. OLSON: I can't speak to that, Commissioner

1 Christmann. I guess that wasn't put into evidence, and
2 I guess I'm not aware of whether it was an upgrade,
3 whether it was -- whether (indiscernible 1:05:01)
4 routine maintenance that they just increased the
5 capacity because it's 2014. I have no idea. I can't
6 speak to that.

7 MR. NORRELL: Mr. Olson, I have a couple other
8 questions on this as well. If the Menoken sub for
9 Capital were to go down, would it -- would Menards be in
10 a different position than if the McKenzie sub for MDU
11 were to go down?

12 MR. OLSON: I think Mr. Kuntz correctly stated
13 that it provides partial redundancy. It doesn't at this
14 point create total redundancy, but --

15 MR. NORRELL: The Sterling sub?

16 MR. OLSON: The Sterling sub -- if the Menoken
17 went down, the Capital Sterling substation could provide
18 partial redundancy, meaning that it would not go totally
19 out, so it could keep up -- I believe the testimony was
20 -- Ron Lipp testified that, roughly, half, it could
21 serve, roughly, half of the Menards site until the
22 Menoken substation came back online. So that would be a
23 difference in reliability from our perspective.

24 Does that answer your question?

25 MR. NORRELL: Sure. And it kind of leads into

1 the next one, too, about the Sterling sub. Your brief
2 was heavy on the possibility that that could be upgraded
3 to provide total redundancy. But is there any evidence
4 in the record to support that it will be upgraded?

5 MR. OLSON: The only thing in the record was the
6 approximate cost to upgrade would be 40,000, but for me
7 to say that it was said that it was planned, that was
8 not in the record.

9 MR. NORRELL: Okay. Thank you.

10 MR. OLSON: I just want to briefly address very
11 quickly one last time, Mr. Kalk, you -- Commissioner
12 Kalk, you were asking about the eastern part of
13 McKenzie. The reason that I addressed that was because,
14 during one of the working sessions, it was -- it seemed
15 to me, the discussion was important amongst the
16 commissioners of who would serve that load because it --
17 there was some testimony about -- questions about a gas
18 station popping up. And to me, the line of questioning
19 was talking about the eastern part. That's why it was
20 addressed.

21 I think at that -- I think the TIA right now
22 says that MDU must get a public -- a certificate of
23 public use and necessity to serve that area based on
24 what I put in my brief.

25 Mr. Kuntz referenced the Statute 58-06-01 and

1 cited subsection 11. That wasn't the grant of a
2 franchise. That was the township allowing people to
3 give a right of way, which is greatly different than a
4 franchise.

5 If you look under the rules for municipalities
6 of granting franchises, it's very specific. Under the
7 township statute, it says that these are the powers that
8 they have. They must be enumerated or they must be
9 there to deal with these powers. To say that that
10 grants a franchise is a great stretch. I mean,
11 basically, municipalities, which is a city under North
12 Dakota law, has the ability to grant franchises for
13 20 years.

14 And then for them to argue that their 1928 --
15 their certificate carries the day, when in 2008 they
16 went to the township board and had them sign a document
17 that looks to be an ordinance, which refers to a city
18 and a municipality, to me, they're doing something there
19 because they're worried about something, and to me, that
20 -- their 2008 franchise possibly can't grant anything.
21 So they must be relying on something that's 70 or 80
22 years old.

23 COMMISSIONER KALK: So your perfect outcome in
24 this case would be you get Menards and all of anything
25 east of --

1 MR. OLSON: I just addressed that, that I think
2 it's a question mark. And we don't know where the
3 growth is going. We just know there's farmland out
4 there. I don't want to make it a big issue, because
5 it's not, but there was some discussion on it, and it
6 happened to be that it took five pages in my brief, and
7 I think it is a very small issue.

8 So anyway, in looking at some of the primary
9 factors, I think that the duplication, albeit we can
10 argue whether it's wasteful or not, but there is
11 duplication of a load that MDU wants to do based on what
12 is present right now. So we do think that there's
13 wasteful duplication. That's one of the primary
14 factors.

15 The other primary factor is avoiding conflict.
16 I think ruling for Capital Electric will minimize more
17 conflicts in the future.

18 There was some discussion about rate shopping.
19 Whether or not that happened, I have no idea, but I
20 don't know how a large facility or corporation isn't
21 going to take that more into account if they can then go
22 to both people, see who's cheaper, ignore the load that
23 the rural cooperative may have and the electric services
24 that are right around there and not go to the one that's
25 cheaper. I think it will have that necessary result,

1 which will increase the conflicts before this
2 Commission.

3 So for all these --

4 COMMISSIONER FEDORCHAK: I'd like you to explain
5 again how you think this -- a ruling for Capital will
6 avoid future conflicts.

7 MR. OLSON: In this case, the facts, after we
8 did discovery, it became clear that MDU knew that
9 Capital had a single-phase system that wrapped around
10 it. And after we both did discovery, it was discovered
11 that our load was sufficient. And their expansions were
12 a lot greater than ours were. They have three-phase
13 that comes in, but it doesn't help them at all. They
14 have to upgrade it.

15 Basically, I think that if you rule for MDU, it
16 gives the public utilities, maybe later on, their
17 chances of going at a larger load later is that much
18 greater because they can go, "Oh, we see that that rural
19 cooperative does have stuff -- does have facilities that
20 surround that site, and their cost to get there is
21 cheaper, and they already have the load, but you know
22 what? We're going to initiate the conflict anyway.
23 We're going to go and get it because they already gave
24 MDU the Menards site. Why wouldn't we want to do that?"

25 And so I just think that's one way in which it

1 will foster more conflict, because why wouldn't a public
2 utility want to go after a load that has revenues of
3 three to \$400,000 a year?

4 So I think if you rule for Capital, it causes
5 the public utilities more caution before initiating a
6 fight. It could say, "Well, look at this one that
7 happened in the past. You know, the facts are similar.
8 Why would we want to go and spend the money and initiate
9 another conflict because they're going to rule similar
10 to like they did before?"

11 I think you can stop the floodgates from even
12 opening at this point if you rule in favor of Capital.
13 So unless there's any other questions, I think the
14 primary purposes of the TIA certainly favor Capital.

15 If there's two things that I would want the
16 Commission to read one more time before deciding this
17 case, it would be the conclusions of both MDU and
18 Capital in their briefs. I think it's a good summation,
19 and it shows that the strengths of the TIA follow in
20 favor of Capital. I don't think Capital needs to
21 apologize that the TIA is there. It's been law for a
22 long time. So thank you.

23 MR. NORRELL: Mr. Olson, I have a couple of
24 questions.

25 MR. OLSON: Sure.

1 MR. NORRELL: And realizing this might ask you
2 to delve into the mindset of your client, which you
3 can't really do, but in light of the allegations
4 regarding the franchise granted to MDU by the village of
5 McKenzie, why has there been no complaints by Capital in
6 the last 50 years?

7 MR. OLSON: I would be totally speculating.

8 MR. NORRELL: Okay.

9 MR. OLSON: I know that the growth -- there was
10 testimony that the town has shrunk, so I don't know if
11 there's been more -- they probably haven't been aware of
12 anything -- I have no idea.

13 MR. NORRELL: Okay.

14 MR. OLSON: So I'll quit speculating.

15 COMMISSIONER FEDORCHAK: So on the ten factors
16 that we have to consider here, many of them seem to be
17 -- to me to be so close that you almost can't decide
18 which one favors which party, except for customer
19 preference. There's a definite preference there and a
20 definite favor to MDU.

21 What do you think counters that from your
22 standpoint in favor of Capital Electric? Which one or
23 several of these factors outweigh that?

24 MR. OLSON: Sure. I suppose it would be the
25 duplication, so that would be the eighth factor.

1 COMMISSIONER FEDORCHAK: And what do you say to
2 their contention that they'll probably have to upgrade
3 this anyway just to serve some growth within McKenzie,
4 in which case that completely evaporates the
5 duplication?

6 MR. OLSON: Yeah. I guess what I would say to
7 that is there was no evidence of that. They didn't
8 present evidence of -- there was a question about a gas
9 station. We can assume a whole lot of things. I just
10 -- we have to rule and make findings based on what's
11 before the Commission, and there was no evidence of that
12 presented, that -- there was some testimony by Steve
13 Manor about, yeah, usually when it happens, there's some
14 ancillary growth, but there was no testimony as to where
15 it would be --

16 COMMISSIONER FEDORCHAK: Okay.

17 MR. OLSON: -- whether it would be up by the
18 interstate. I mean, there's a whole host of things that
19 we don't know, and I don't think we can look in a
20 crystal ball. So that would be my response to that,
21 that we must look at the static factors.

22 COMMISSIONER FEDORCHAK: So duplication.
23 Anything else?

24 MR. OLSON: Duplication. Basically -- in my
25 brief, you know, I argue that a lot of these are -- rule

1 in favor of Capital, so I guess I would point you to my
2 brief.

3 I think that a lot of them -- a lot of them are
4 so close, I think -- you know, the reliability, I think
5 the partial redundancy is important for a whole -- it is
6 partial, I can't say that it's going to be done, but
7 that's important. If substations go down, the only
8 company that can provide power is Capital.

9 I guess I'd point you to my brief. I find that
10 some of them -- you know, I feel like we made
11 concessions where we needed to, and I feel like MDU is
12 being disingenuous in some of these.

13 Number nine is one of the ones where it says
14 that probably the location will be included within the
15 corporate limits of a municipality within the
16 foreseeable future. There, MDU gives that a tie.
17 Basically, there was no testimony that it's going to
18 happen, so that has to favor the rural cooperative
19 because it's a rural area. And even there, MDU can't
20 concede that.

21 So I feel like concessions have been made, and I
22 think the factors, depending on how you look at the
23 facts, I think most of them can fall in favor of
24 Capital, primarily in looking at the two primary
25 purposes of the TIA that MDU isn't discussing.

1 COMMISSIONER FEDORCHAK: I'm finding myself
2 focused on this area of conflicts and avoiding the
3 conflicts. It seems to me, in order to have companies
4 and have a system whereby we try to avoid conflicts, the
5 companies have to do a really fair assessment of their
6 investments in an area, things that already exist, and
7 then what makes the most sense for growth after -- from
8 there.

9 Do you feel that that -- that your two parties
10 have done that in this case, really fairly assessed the
11 existing investments in these areas and what makes most
12 sense for growth?

13 MR. OLSON: I guess I can only speak for my
14 client. I would say that they did an assessment and
15 feels that this growth should be theirs.

16 Whether or not the parties did that together in
17 this case, I would say it probably didn't occur because
18 it's just a perfect storm of goofy factors that just --
19 it's an enormous load and there was just -- I think
20 here, there was -- I think they worked well together in
21 the past and this just was a perfect storm. I don't
22 think there's any ill will with regards to this. It
23 just happens to be that these factors were all present.

24 COMMISSIONER CHRISTMANN: Much of our discussion
25 this morning regarding reliability has had to do with

1 outages and what would happen. But as I recall Mr.
2 Manor's testimony, a lot of what I recall him
3 emphasizing was voltage drop and the harmfulness that
4 can have to their motors and such.

5 Does Capital Electric dispute that the farther
6 away the substation is from the end user, the more
7 likelihood of that type of voltage drop there is?

8 MR. OLSON: I guess I don't know, I haven't
9 spoken with my client. I would say that both voltage
10 drop studies were within the acceptable standards. I
11 mean, I guess I don't -- I honestly haven't spoken with
12 them, so I wouldn't be able to speak as to your direct
13 question. I know they're both within the standards.

14 COMMISSIONER CHRISTMANN: Okay.

15 MR. NORRELL: Along those lines, Mr. Olson, Mr.
16 Kuntz offered argument and cited some authority in his
17 brief about the Commission in the past having taken into
18 account the distance of radial lines from a sub to a
19 customer.

20 What would be your argument why that does or
21 does not apply -- I assume it would be does not apply in
22 this matter?

23 MR. OLSON: This is, again, how the facts can be
24 viewed differently. Here, we can point out that MDU's
25 overhead -- it's an overhead distribution line, so it's

1 subject to the elements, rain, sleet, ice, and that it
2 can go down. MDU can then point to, "Well, your line is
3 longer and it's buried. Therefore, if there's a
4 problem, it's going to take a longer time to fix." The
5 counter to that is, well, it's underground, there's less
6 problems.

7 Here, I think there was testimony -- or there
8 was argument today that we had eight miles of radial
9 line to their one -- there would be 1.6, I suppose. I
10 think there was testimony that it's looped, and so I
11 think there was only, roughly, one mile of radial line
12 for Capital Electric, not eight miles, because it's
13 looped with the different substations.

14 So basically, to answer your question, these
15 facts, depending on what you want to emphasize, can be
16 viewed both in favor of MDU and Capital.

17 Did I answer your question, Mr. Norrell?

18 MR. NORRELL: Yes. Thank you. And I do have
19 one other question, too, on the last factor: Will
20 service of either supplier be unreasonably interfered
21 with service or system of the other?

22 Mr. Kuntz briefly addressed this at the end of
23 his oral argument, and it's briefly touched upon at the
24 very end of your brief as well, and it says that
25 allowing MDU to serve the site will interfere with

1 Capital Electric's facilities.

2 What evidence is on the record to support that
3 statement?

4 MR. OLSON: I guess the testimony that I was
5 referring to there was that they'd be crossing the
6 lines, and then in the sense that in other cases before
7 the Commission, there has been -- there's always a push
8 that when it's near the site, the crossing of lines is
9 usually something that's viewed upon, so that's what I
10 was referring to there.

11 MR. NORRELL: Does it matter, in your opinion,
12 if it's a single-phase versus a three-phase line that's
13 being crossed by the alternate one?

14 MR. OLSON: For purposes of this factor? No.
15 It was just pointing out that there was a crossing of
16 the lines.

17 MR. NORRELL: Thank you.

18 COMMISSIONER KALK: The followup on Commissioner
19 Christmann's question about the outages, MDU and I had
20 discussion about I thought it was tough to compare
21 outages because there was no baseline. What would your
22 thoughts be on that?

23 MR. OLSON: Yeah. For that to be taken into a
24 huge consideration, it would be hard because there was
25 no testimony by either based on what each company

1 qualifies as an outage. So basically, we're looking at
2 raw data with no testimony as to what those exhibits
3 mean, so I can't give any more enlightenment into that.

4 COMMISSIONER KALK: Thank you.

5 HEARING OFFICER MANN: Does that conclude your
6 argument?

7 MR. OLSON: It does. Thank you, Your Honor.

8 HEARING OFFICER MANN: Mr. Norrell, do you got
9 any additional questions?

10 MR. NORRELL: No, Your Honor. Thank you.

11 HEARING OFFICER MANN: Okay. Commissioners, any
12 questions?

13 (No audible response)

14 HEARING OFFICER MANN: Okay. Mr. Kuntz, you
15 have -- is it two and a half minutes, Mr. Lafferty? --
16 two and a half minutes of argument for rebuttal.

17 MR. KUNTZ: Thank you, Your Honor.

18 One of the things I definitely want to address
19 is a comment Commissioner Kalk made about, well, this is
20 -- you know, I recognize Montana-Dakota's service
21 territory within McKenzie, everything outside there
22 should be Capital Electric. That is absolutely wrong.

23 And there was a statement, I think, Commissioner
24 Kalk, with all due respect, that you made during the
25 working sessions, that Montana-Dakota must have

1 recognized this wasn't part of their service territory;
2 otherwise, they wouldn't have applied for a certificate
3 of public convenience and necessity.

4 The Supreme Court has stated that a co-op is not
5 the preferred provider outside of a municipality. All
6 it is, is an unregulated provider outside a
7 municipality. We have got just as much right to serve a
8 customer outside a municipality as does Capital
9 Electric. The difference is they're totally
10 unregulated.

11 In order for us to serve it, we have to come in
12 and get a certificate of public convenience and
13 necessity, and that's what -- if we believe that this is
14 something that we should be able to serve under the
15 criteria that have been set forth by this Commission and
16 the Supreme Court, we have got -- that is as much our
17 service territory as it is Capital Electric's. So I
18 definitely disagree with that particular statement.

19 I mean, they were created, yes, to serve rural
20 areas that were unserved by us, but that doesn't mean
21 that every rural area is their service territory. If
22 it's something that we can serve under these criteria,
23 then we're entitled to a certificate of public
24 convenience and necessity.

25 And I would -- Mr. Olson referred to a document

1 that this Commission had granted to us in 1928. That
2 document is page two of Exhibit 11. It's headed
3 "Certificate of Public Convenience and Necessity."
4 That's what we have to serve the city of McKenzie.

5 With respect to the franchise, although the
6 board of township supervisors language that I cited to
7 you doesn't use the word "franchise," that's what a
8 franchise is. It allows you to put your facilities in
9 the streets and rights of way of -- the public streets
10 and rights of way.

11 So when that area is platted and there's going
12 to be streets in there, we will have the right -- we
13 don't have to go get easements or anything else. Those
14 are going to be public rights of way. We already have
15 the right to put our wires in there. That's what a
16 franchise is. And although that statute doesn't use the
17 word "franchise," it has the power to grant electric
18 utility companies the authority to use those streets and
19 rights of way for its system.

20 I think wasteful duplication -- step back when
21 you're deciding this case. Do you really think that the
22 upgrade of the McKenzie substation is a wasteful
23 duplication? I mean, I don't know when Montana-Dakota
24 would have to upgrade this substation.

25 I have to stop there. I've used up my time.

1 I'm sorry.

2 HEARING OFFICER MANN: Mr. Kuntz's time is up,
3 but I would ask, do any of the commissioners have
4 questions, any additional questions that they would like
5 addressed at this time?

6 COMMISSIONER KALK: I don't know what the
7 protocol is, but we asked a lot of questions of Mr.
8 Kuntz. I don't know, is there -- can he get another two
9 minutes? Is that allowable or is that all wrong? I
10 would like him just to get a chance to wrap up his case,
11 if you will.

12 HEARING OFFICER MANN: Well, his argument time
13 is up, but if there are questions that the commissioners
14 -- specifically questions that the commissioners would
15 like to have addressed, they can go ahead and ask those
16 questions, but Mr. Kuntz doesn't get any additional
17 argument time.

18 COMMISSIONER FEDORCHAK: I have one more
19 question for you, Dan, and that is I keep coming back to
20 the Supreme Court language that says just what you just
21 said, that you don't -- the rural areas don't
22 automatically go to the cooperatives, but that you have
23 to obtain -- an IOU has to obtain a certificate of
24 public convenience and necessity and show that public
25 convenience and necessity reasonably requires such

1 extension.

2 So I'm focused on the word "requires". What
3 requires you to have this in this case?

4 MR. KUNTZ: Well, certainly from requires,
5 there's a need out there for this customer to have
6 service. There's absolutely no question. I mean, this
7 isn't a case where we're extending wires out to an empty
8 field. There is a need for electric service at this
9 location.

10 Now the question is: Who's in the best position
11 to provide that electric service under the
12 considerations that the Commission has set forth in its
13 notice of hearing? The need is there. The requirement
14 to serve that customer is there.

15 The question is: Okay, of the two providers
16 here, who's in the best position to provide that
17 service? That's the considerations that you have in
18 your notice of hearing, those are the consideration that
19 the Supreme Court has adopted.

20 COMMISSIONER FEDORCHAK: I don't have any more
21 questions.

22 HEARING OFFICER MANN: Okay. That concludes the
23 oral argument and we are off the record.

24 MR. KUNTZ: Thank you.

25

\$	350-horsepower [1] - 49:15	acceptable [2] - 47:19, 67:10	almost [3] - 21:17, 41:6, 63:17	31:22, 38:7
\$110,000 [3] - 27:12, 30:2, 30:8	4	account [2] - 60:21, 67:18	alone [1] - 12:6	arguing [1] - 55:9
\$110,223 [1] - 29:23	40 [1] - 36:19	acknowledge [3] - 24:20, 43:8	alternative [1] - 25:22	argument [26] - 4:8, 4:9, 4:24, 5:6, 5:16, 15:1, 15:16, 17:25, 23:23, 28:25, 29:3, 29:23, 39:22, 40:25, 41:12, 52:6, 52:8, 52:15, 67:16, 67:20, 68:8, 68:23, 70:6, 70:16, 73:12, 73:17
\$19,000 [1] - 27:21	40,000 [1] - 58:6	Act [1] - 44:17	amount [1] - 43:4	arguments [2] - 15:18, 18:16
\$192,000 [1] - 27:5	44,000 [2] - 26:19, 30:5	action [1] - 16:4	ancillary [3] - 31:9, 56:2, 64:14	assertion [2] - 15:1, 42:2
\$28,000 [2] - 27:7, 27:9	45 [6] - 4:9, 4:10, 4:13, 4:18, 4:22, 42:17	actions [1] - 16:4	angle [1] - 43:20	assessed [1] - 66:10
\$296,000 [1] - 28:21	5	add [1] - 27:11	angles [1] - 55:8	assessment [2] - 66:5, 66:14
\$300,000 [1] - 41:7	50 [6] - 18:13, 19:24, 20:2, 20:3, 54:14, 63:6	added [1] - 27:22	annual [4] - 27:6, 27:8, 27:12, 29:24	associated [1] - 31:10
\$400,000 [1] - 62:3	58-06-01 [2] - 16:7, 58:25	adding [1] - 29:6	answer [7] - 8:5, 21:14, 46:8, 55:14, 57:24, 68:14, 68:17	assume [5] - 31:8, 40:13, 50:24, 64:9, 67:21
\$43,000 [1] - 28:6	58:12 [1] - 51:15	additional [5] - 31:9, 55:22, 70:9, 73:4, 73:16	anticipate [1] - 17:13	assuming [1] - 49:5
\$513,000 [1] - 28:18	6	address [9] - 4:16, 4:20, 5:9, 5:20, 6:23, 15:4, 45:3, 58:10, 70:18	anticipation [1] - 5:15	attached [1] - 5:15
\$62,000 [1] - 28:3	60 [1] - 19:24	addressed [9] - 4:20, 19:14, 50:5, 58:13, 58:20, 60:1, 68:22, 73:5, 73:15	anyhow [1] - 40:24	attention [1] - 20:5
\$66,000 [1] - 30:4	62 [1] - 28:5	adequate [5] - 26:12, 29:2, 29:13, 29:17, 41:19	anyway [4] - 39:13, 60:8, 61:22, 64:3	audible [1] - 70:13
\$9,000 [1] - 27:13	65 [1] - 30:4	adjacent [2] - 32:2, 46:2	apologize [2] - 44:1, 62:21	authority [7] - 15:22, 16:2, 17:2, 18:15, 20:3, 67:16, 72:18
\$9,500 [2] - 29:25, 30:9	7	adjoins [1] - 12:21	applicant [1] - 4:11	authorizes [1] - 42:6
,	70 [1] - 59:21	admitted [1] - 48:25	application [2] - 38:2, 45:20	automatically [1] - 73:22
'60s [1] - 42:3	73:32 [1] - 10:1	advantage [1] - 25:25	applied [1] - 71:2	availability [1] - 47:14
'65 [1] - 20:7	8	advisory [3] - 4:2, 4:4, 14:21	applies [1] - 41:12	available [5] - 7:14, 20:14, 26:10, 34:5, 56:21
1	80 [1] - 59:21	affect [1] - 19:21	apply [2] - 67:21	avoid [2] - 61:6, 66:4
1.6 [2] - 50:11, 68:9	833 [1] - 21:5	agency [1] - 9:17	appropriate [1] - 14:21	avoiding [3] - 53:10, 60:15, 66:2
11 [5] - 13:24, 18:10, 51:17, 59:1, 72:2	86 [1] - 42:4	aggressive [1] - 35:19	approval [1] - 38:2	aware [5] - 7:9, 46:19, 49:18, 57:2, 63:11
12 [1] - 21:6	9	ago [4] - 36:15, 42:4, 56:8	approve [1] - 38:2	B
14 [1] - 21:2	9,000 [1] - 27:15	agree [4] - 7:23, 8:17, 22:15, 44:8	approximate [1] - 58:6	backup [4] - 23:21, 23:25, 24:16, 24:21
19 [1] - 28:5	90 [1] - 19:1	agreed [1] - 35:21	area [65] - 7:13, 7:19, 7:20, 12:9, 12:18, 12:19, 13:10, 13:16, 13:19, 14:13, 14:15, 15:8, 15:13, 17:10, 19:6, 19:11, 19:12, 20:2, 20:15, 31:18, 31:20, 32:10, 34:13, 34:17, 34:18, 34:24, 35:4, 35:6, 35:14, 35:16, 35:17, 35:19, 35:24, 36:6, 36:13, 37:5, 37:20, 38:16, 38:19, 38:23, 42:7, 45:25, 51:6, 51:8, 51:10, 51:11, 52:4, 52:6, 52:7, 52:8, 52:10, 52:13, 52:16, 52:17, 53:16, 54:7, 54:19, 54:22, 58:23, 65:19, 66:2, 66:6, 71:21, 72:11	ball [1] - 64:20
19,000-a-year [1] - 27:16	A	agreement [3] - 35:4, 35:16, 51:7	areas [13] - 16:25, 17:6, 17:8, 18:18, 19:18, 19:22, 31:16, 34:5, 35:8, 36:6, 66:11, 71:20, 73:21	baptized [1] - 43:6
1920s [1] - 51:16	Aberle [2] - 27:7, 28:17	agreements [4] - 35:14, 35:17, 35:20, 36:6	argue [6] - 36:20, 51:22, 52:24, 59:14, 60:10, 64:25	based [12] - 26:5, 26:6, 28:14, 33:8, 35:24, 43:20, 47:13, 58:23, 60:11, 64:10, 69:25
1928 [4] - 18:7, 51:22, 59:14, 72:1	abhor [1] - 8:14	ahead [5] - 4:7, 6:22, 14:19, 42:22, 73:15	argued [3] - 6:2,	baseline [1] - 69:21
1965 [6] - 18:8, 19:1, 19:4, 19:8, 44:17, 51:25	ability [3] - 17:14, 41:2, 59:12	albeit [2] - 53:23, 60:9		basis [2] - 12:6, 27:9
1988 [1] - 47:23	able [9] - 15:10, 18:17, 26:11, 32:24, 35:10, 36:9, 37:1, 67:12, 71:14	allegation [1] - 15:5		beans [1] - 6:16
1:05:01 [1] - 57:3	absolutely [5] - 7:5, 29:7, 29:10, 55:6, 70:22	allegations [1] - 63:3		became [1] - 61:8
2		alleging [1] - 55:16		beforehand [1] - 56:12
20 [1] - 59:13		alleys [1] - 16:18		begin [2] - 4:7, 4:13
2008 [2] - 59:15, 59:20		allotted [2] - 4:13, 4:22		behalf [3] - 4:3, 14:21, 46:5
2014 [1] - 57:5		allow [4] - 4:7, 31:15, 31:16, 32:12		
250 [1] - 11:2		allowable [1] - 73:9		
28 [3] - 13:23, 14:8, 42:7		allowed [1] - 4:12		
29 [3] - 13:23, 13:24, 42:7		allowing [2] - 59:2, 68:25		
2nd [2] - 42:24, 48:13		allows [2] - 9:5, 72:8		
3				
32,000 [1] - 26:18				

<p>benefit ^[10] - 24:21, 28:22, 28:23, 30:19, 30:22, 31:12, 33:15, 33:17, 34:2, 37:24</p> <p>best ^[10] - 9:23, 15:12, 28:11, 30:16, 31:6, 31:11, 36:3, 37:18, 52:2, 52:15</p> <p>better ^[7] - 8:25, 26:8, 31:15, 32:16, 34:16, 34:19, 49:6</p> <p>between ^[12] - 6:6, 6:11, 20:14, 20:23, 22:10, 22:13, 23:3, 23:5, 23:15, 26:7, 44:17, 44:24</p> <p>big ^[6] - 11:10, 36:13, 37:7, 54:22, 56:17, 60:4</p> <p>bills ^[1] - 9:6</p> <p>Bismarck ^[1] - 8:23</p> <p>bit ^[1] - 11:6</p> <p>Board ^[1] - 16:10</p> <p>board ^[3] - 16:11, 59:16, 72:6</p> <p>box ^[1] - 35:10</p> <p>brief ^[18] - 5:15, 14:25, 15:6, 29:22, 45:3, 45:8, 45:18, 48:11, 50:5, 50:20, 58:1, 58:24, 60:6, 64:25, 65:2, 65:9, 67:17, 68:24</p> <p>briefed ^[1] - 43:1</p> <p>briefing ^[1] - 5:11</p> <p>briefly ^[5] - 15:4, 50:2, 58:10, 68:22, 68:23</p> <p>briefs ^[2] - 43:3, 62:18</p> <p>bring ^[1] - 48:8</p> <p>broader ^[2] - 11:14, 36:2</p> <p>brought ^[3] - 20:4, 22:5, 51:3</p> <p>build ^[2] - 33:18, 56:23</p> <p>build-out ^[1] - 33:18</p> <p>built ^[3] - 38:15, 38:23, 56:2</p> <p>bunch ^[1] - 50:15</p> <p>buried ^[1] - 68:3</p> <p>business ^[1] - 11:4</p>	<p>14:3, 15:15, 16:8, 17:25, 18:20, 21:4, 21:8, 23:9, 23:23, 24:15, 27:10, 27:18, 27:23, 28:7, 28:25, 29:8, 29:12, 29:23, 30:5, 30:18, 31:23, 32:22, 33:2, 33:5, 33:13, 35:5, 38:7, 38:16, 38:24, 39:18, 40:25, 41:11, 42:16, 43:10, 43:19, 48:16, 49:2, 49:7, 49:18, 49:23, 50:10, 53:12, 53:16, 53:23, 55:16, 57:9, 57:17, 60:16, 61:5, 61:9, 62:4, 62:12, 62:14, 62:18, 62:20, 63:5, 63:22, 65:1, 65:8, 65:24, 67:5, 68:12, 68:16, 69:1, 70:22, 71:8, 71:17</p> <p>capital ^[2] - 27:15, 44:23</p> <p>Capital's ^[2] - 14:25, 15:5</p> <p>capital-intensive ^[1] - 44:23</p> <p>carries ^[1] - 59:15</p> <p>carry ^[3] - 45:13, 46:9, 55:21</p> <p>case ^[34] - 5:12, 6:10, 11:1, 11:6, 11:8, 11:12, 12:11, 13:22, 29:8, 36:12, 37:7, 41:13, 43:1, 43:4, 43:9, 43:21, 45:6, 47:1, 47:12, 47:22, 49:11, 54:4, 56:4, 56:6, 59:24, 61:7, 62:17, 64:4, 66:10, 66:17, 72:21, 73:10</p> <p>cases ^[7] - 36:12, 44:19, 46:16, 46:18, 46:21, 48:8, 69:6</p> <p>Cass ^[2] - 47:22</p> <p>causes ^[1] - 62:4</p> <p>caution ^[1] - 62:5</p> <p>certain ^[3] - 44:2, 45:13</p> <p>certainly ^[5] - 30:24, 32:12, 34:8, 55:18, 62:14</p> <p>certainty ^[1] - 39:20</p> <p>certificate ^[27] - 11:24, 15:24, 18:1, 18:4, 18:5, 18:10, 18:19, 18:23, 19:5, 19:6, 19:7, 19:10, 19:16, 19:19, 19:22, 20:9, 32:18, 32:24, 37:21, 41:23, 58:22, 59:15,</p>	<p>71:2, 71:12, 71:23, 72:3, 73:23</p> <p>certificates ^[2] - 18:8, 19:23</p> <p>chance ^[1] - 73:10</p> <p>chances ^[1] - 61:17</p> <p>change ^[1] - 40:3</p> <p>chapter ^[1] - 17:4</p> <p>chart ^[1] - 5:16</p> <p>cheaper ^[5] - 26:18, 28:4, 60:22, 60:25, 61:21</p> <p>checked ^[1] - 20:8</p> <p>chief ^[1] - 49:11</p> <p>choice ^[1] - 29:9</p> <p>Christmann ^[2] - 51:3, 57:1</p> <p>CHRISTMANN ^[8] - 24:19, 39:19, 42:1, 42:9, 47:6, 56:16, 66:24, 67:14</p> <p>Christmann's ^[1] - 69:19</p> <p>cite ^[1] - 21:8</p> <p>cited ^[5] - 16:8, 17:4, 59:1, 67:16, 72:6</p> <p>citing ^[1] - 33:5</p> <p>city ^[8] - 15:15, 19:9, 19:15, 33:11, 52:1, 59:11, 59:17, 72:4</p> <p>clarify ^[1] - 42:1</p> <p>clear ^[2] - 8:9, 61:8</p> <p>clearcut ^[2] - 37:13, 37:15</p> <p>clearly ^[1] - 17:5</p> <p>client ^[4] - 46:4, 63:2, 66:14, 67:9</p> <p>close ^[3] - 10:1, 63:17, 65:4</p> <p>closeness ^[1] - 50:3</p> <p>closer ^[7] - 14:4, 23:19, 25:1, 32:22, 41:17, 50:4, 50:10</p> <p>closest ^[4] - 12:25, 13:8, 50:9</p> <p>co ^[10] - 9:20, 20:19, 33:10, 34:23, 35:3, 35:5, 35:22, 35:25, 36:1, 71:4</p> <p>co-op ^[5] - 9:20, 20:19, 35:3, 35:25, 71:4</p> <p>co-ops ^[5] - 33:10, 34:23, 35:5, 35:22, 36:1</p> <p>coming ^[6] - 7:19, 11:2, 25:12, 54:9, 55:17, 73:19</p> <p>comment ^[3] - 7:2, 33:13, 70:19</p> <p>comments ^[2] - 5:25, 10:19</p> <p>commercial ^[3] - 11:8,</p>	<p>31:17, 34:14</p> <p>Commission ^[36] - 4:1, 4:4, 4:19, 5:19, 5:25, 14:21, 16:2, 16:7, 17:4, 18:7, 20:16, 22:12, 23:1, 28:1, 28:15, 28:19, 29:12, 31:3, 31:5, 32:1, 32:8, 35:15, 43:17, 43:23, 45:19, 48:7, 51:20, 55:24, 56:19, 61:2, 62:16, 64:11, 67:17, 69:7, 71:15, 72:1</p> <p>Commission's ^[2] - 5:17, 56:4</p> <p>commissioners ^[12] - 4:11, 4:14, 5:4, 5:8, 6:20, 42:18, 43:13, 58:16, 70:11, 73:3, 73:13, 73:14</p> <p>Commissioners ^[1] - 42:23</p> <p>common ^[2] - 28:21, 41:9</p> <p>communication ^[2] - 49:7, 49:19</p> <p>communications ^[1] - 49:4</p> <p>communities ^[3] - 36:7, 36:9, 36:18</p> <p>companies ^[11] - 7:7, 12:15, 21:21, 22:8, 23:16, 37:8, 37:12, 55:5, 66:3, 66:5, 72:18</p> <p>Company ^[1] - 42:5</p> <p>company ^[8] - 7:19, 35:1, 35:18, 47:15, 47:17, 48:2, 65:8, 69:25</p> <p>comparable ^[2] - 25:4, 30:12</p> <p>compare ^[7] - 6:10, 7:16, 21:18, 22:16, 27:21, 27:23, 69:20</p> <p>comparison ^[3] - 6:13, 8:16, 26:4</p> <p>complaints ^[1] - 63:5</p> <p>completely ^[1] - 64:4</p> <p>complex ^[1] - 35:8</p> <p>compromise ^[2] - 36:22, 36:23</p> <p>concede ^[2] - 52:21, 65:20</p> <p>concerns ^[2] - 9:18, 53:18</p> <p>concessions ^[3] - 6:7, 65:11, 65:21</p> <p>conclude ^[1] - 70:5</p> <p>conclusion ^[1] - 45:18</p> <p>conclusions ^[2] - 43:2, 62:17</p>	<p>conflict ^[5] - 53:10, 60:15, 61:22, 62:1, 62:9</p> <p>conflicts ^[8] - 44:24, 53:20, 60:17, 61:1, 61:6, 66:2, 66:3, 66:4</p> <p>consider ^[7] - 6:4, 6:5, 10:24, 22:5, 26:20, 26:21, 63:16</p> <p>considerably ^[1] - 14:13</p> <p>consideration ^[2] - 8:20, 69:24</p> <p>considerations ^[2] - 10:21, 10:23</p> <p>considered ^[1] - 28:2</p> <p>constructed ^[1] - 12:14</p> <p>consumer ^[2] - 6:12, 9:14</p> <p>contacted ^[1] - 49:2</p> <p>contend ^[1] - 15:21</p> <p>contention ^[1] - 64:2</p> <p>contesting ^[1] - 15:1</p> <p>context ^[1] - 6:6</p> <p>contiguous ^[1] - 19:11</p> <p>continue ^[2] - 40:22, 54:16</p> <p>continues ^[1] - 44:20</p> <p>contrast ^[1] - 41:5</p> <p>contribute ^[1] - 41:9</p> <p>contribution ^[1] - 41:7</p> <p>control ^[3] - 9:6, 11:23, 41:8</p> <p>controlling ^[1] - 10:20</p> <p>convenience ^[24] - 11:14, 11:16, 11:18, 11:21, 11:25, 12:5, 13:20, 15:24, 18:1, 18:5, 18:6, 18:9, 18:23, 19:10, 19:17, 19:20, 32:25, 37:21, 41:24, 71:3, 71:12, 71:24, 73:24, 73:25</p> <p>Convenience ^[1] - 72:3</p> <p>converting ^[2] - 26:24, 26:25</p> <p>convinced ^[1] - 7:5</p> <p>cooperative ^[4] - 46:12, 60:23, 61:19, 65:18</p> <p>cooperatives ^[2] - 44:18, 73:22</p> <p>corporate ^[1] - 65:15</p> <p>corporation ^[1] - 60:20</p> <p>correct ^[3] - 52:13, 54:2, 55:19</p> <p>correctly ^[2] - 38:18, 57:12</p> <p>cost ^[26] - 7:21, 10:2,</p>
C				
<p>cannot ^[1] - 39:2</p> <p>capable ^[1] - 24:7</p> <p>capacity ^[7] - 38:10, 38:13, 48:3, 55:21, 56:20, 56:24, 57:5</p> <p>Capital ^[76] - 6:1, 9:6, 12:10, 12:19, 12:20, 13:1, 13:24, 14:2,</p>				

<p>10:9, 10:17, 26:3, 26:4, 26:15, 27:3, 27:6, 27:9, 27:12, 27:15, 27:19, 27:22, 27:24, 27:25, 28:2, 28:6, 28:9, 28:14, 29:17, 30:3, 53:24, 58:6, 61:20</p> <p>cost-based [1] - 28:14</p> <p>cost-justified [1] - 10:17</p> <p>costs [13] - 24:14, 26:20, 27:17, 27:18, 28:12, 28:21, 29:24, 29:25, 39:10, 41:8, 41:9, 46:25, 55:11</p> <p>counsel [1] - 4:16</p> <p>counter [1] - 68:5</p> <p>counters [1] - 63:21</p> <p>County [1] - 47:22</p> <p>county [2] - 17:11, 17:19</p> <p>couple [7] - 4:8, 19:8, 38:11, 51:17, 51:18, 57:7, 62:23</p> <p>course [1] - 33:1</p> <p>court [2] - 44:19, 46:17</p> <p>Court [8] - 46:16, 46:18, 46:20, 47:22, 48:6, 71:4, 71:16, 73:20</p> <p>court's [1] - 45:11</p> <p>Court's [1] - 45:12</p> <p>CPCN [2] - 39:23, 42:4</p> <p>create [1] - 57:14</p> <p>created [1] - 71:19</p> <p>criteria [2] - 71:15, 71:22</p> <p>critical [1] - 28:20</p> <p>cross [1] - 40:19</p> <p>crossed [1] - 69:13</p> <p>crossing [3] - 69:5, 69:8, 69:15</p> <p>crumbles [1] - 45:6</p> <p>crystal [1] - 64:20</p> <p>customer [30] - 5:13, 5:22, 6:6, 8:23, 10:2, 10:19, 10:25, 11:2, 11:3, 11:5, 11:7, 11:8, 11:10, 11:13, 11:16, 11:22, 12:1, 12:4, 12:7, 33:3, 33:5, 41:16, 45:14, 45:16, 45:24, 46:1, 48:10, 63:18, 67:19, 71:8</p> <p>customers [26] - 5:14, 13:13, 13:19, 13:23, 14:1, 14:3, 14:8, 14:13, 24:11, 28:23, 28:24, 31:17, 31:19, 31:20, 31:21, 31:23,</p>	<p>36:25, 40:22, 41:3, 41:7, 41:8, 41:9, 41:10, 41:17, 48:4, 54:10</p> <p style="text-align: center;">D</p> <p>Dakota [52] - 5:12, 5:14, 5:24, 8:1, 8:22, 8:24, 9:1, 9:8, 10:11, 10:16, 12:2, 12:10, 12:17, 12:24, 13:4, 13:7, 13:12, 13:23, 15:19, 16:5, 16:23, 17:5, 17:21, 18:16, 18:22, 20:19, 21:1, 26:8, 26:22, 27:23, 28:3, 28:7, 28:14, 28:17, 28:22, 28:24, 29:16, 33:8, 37:2, 37:4, 38:8, 39:12, 41:7, 41:8, 41:14, 41:16, 45:12, 45:20, 53:15, 59:12, 70:25, 72:23</p> <p>Dakota's [20] - 8:23, 9:13, 14:7, 21:7, 22:24, 23:5, 23:10, 23:12, 23:18, 25:4, 26:7, 26:18, 26:21, 28:22, 30:12, 30:23, 31:13, 39:16, 41:1, 70:20</p> <p>Dan [6] - 6:18, 9:25, 11:9, 21:13, 31:24, 73:19</p> <p>data [1] - 70:2</p> <p>days [1] - 19:1</p> <p>dead [1] - 50:6</p> <p>deal [2] - 36:3, 59:9</p> <p>dealing [4] - 35:1, 46:21, 47:2, 47:17</p> <p>deals [1] - 51:25</p> <p>dealt [1] - 32:8</p> <p>decide [1] - 63:17</p> <p>decided [1] - 37:12</p> <p>deciding [3] - 34:22, 62:16, 72:21</p> <p>decision [4] - 10:8, 32:1, 56:4, 56:23</p> <p>deeper [1] - 7:6</p> <p>defers [1] - 11:13</p> <p>defined [2] - 21:15, 21:25</p> <p>definite [2] - 63:19, 63:20</p> <p>definitely [2] - 70:18, 71:18</p> <p>definition [1] - 22:4</p> <p>degree [1] - 29:3</p> <p>delta [5] - 26:24, 27:1, 31:14, 40:3, 50:8</p>	<p>delve [2] - 45:4, 63:2</p> <p>demand [6] - 9:2, 9:5, 9:7, 9:11, 10:6, 47:14</p> <p>detail [1] - 45:10</p> <p>determination [1] - 10:24</p> <p>determine [4] - 16:3, 29:8, 31:4, 31:5</p> <p>determined [1] - 36:15</p> <p>determines [1] - 11:20</p> <p>determining [1] - 13:19</p> <p>developed [3] - 15:17, 17:9, 34:15</p> <p>developers [1] - 40:5</p> <p>developing [1] - 36:6</p> <p>development [28] - 7:11, 13:17, 15:8, 15:13, 29:20, 30:17, 30:25, 31:4, 31:7, 31:10, 31:12, 32:4, 32:6, 32:14, 33:16, 33:25, 34:6, 34:7, 34:9, 34:19, 37:19, 39:25, 40:1, 40:7, 40:14, 41:20, 55:13, 56:22</p> <p>developments [1] - 53:7</p> <p>difference [9] - 22:10, 23:15, 25:18, 26:7, 27:16, 28:6, 45:24, 57:23, 71:9</p> <p>differences [5] - 9:22, 20:13, 20:22, 22:18, 28:9</p> <p>different [19] - 8:15, 19:9, 21:16, 21:17, 21:20, 22:17, 22:19, 34:25, 35:11, 35:24, 36:12, 43:20, 44:9, 54:21, 55:8, 57:10, 59:3, 68:13</p> <p>differently [3] - 21:15, 32:8, 67:24</p> <p>direct [1] - 67:12</p> <p>direction [1] - 32:5</p> <p>directly [2] - 41:6, 46:13</p> <p>disagree [2] - 51:13, 71:18</p> <p>disagreeing [1] - 51:12</p> <p>discovered [1] - 61:10</p> <p>discovery [2] - 61:8, 61:10</p> <p>discuss [3] - 42:24, 44:5, 48:10</p> <p>discussed [4] - 29:22, 45:14, 49:10, 50:2</p> <p>discussing [1] - 65:25</p> <p>discussion [7] - 49:8,</p>	<p>50:16, 58:15, 60:5, 60:18, 66:24, 69:20</p> <p>discussions [2] - 44:1, 44:12</p> <p>disingenuous [2] - 50:6, 65:12</p> <p>dismiss [2] - 10:22, 10:25</p> <p>dispute [2] - 37:16, 67:5</p> <p>disputes [1] - 44:17</p> <p>distance [2] - 22:13, 67:18</p> <p>distribution [6] - 14:9, 27:1, 30:24, 34:7, 37:23, 67:25</p> <p>divide [1] - 37:4</p> <p>document [5] - 51:20, 51:22, 59:16, 71:25, 72:2</p> <p>documents [1] - 51:18</p> <p>done [5] - 42:3, 56:9, 56:12, 65:6, 66:10</p> <p>down [10] - 25:19, 25:20, 30:6, 30:21, 54:9, 57:9, 57:11, 57:17, 65:7, 68:2</p> <p>downplay [3] - 46:7, 54:10, 54:13</p> <p>draw [2] - 35:10, 43:18</p> <p>dreaming [1] - 43:3</p> <p>drop [6] - 23:16, 23:18, 23:19, 67:3, 67:7, 67:10</p> <p>due [1] - 70:24</p> <p>dunk [1] - 55:9</p> <p>duplicate [2] - 38:10, 55:4</p> <p>duplicating [1] - 38:21</p> <p>duplication [32] - 33:6, 38:3, 39:7, 39:11, 39:15, 39:17, 41:21, 44:22, 47:8, 47:9, 47:10, 47:18, 47:24, 48:1, 48:2, 48:5, 52:19, 52:21, 52:25, 53:11, 55:13, 55:16, 55:19, 60:9, 60:11, 60:13, 63:25, 64:5, 64:22, 64:24, 72:20, 72:23</p> <p>during [3] - 49:8, 58:14, 70:24</p> <p>Duties [1] - 16:10</p> <p>duties [2] - 16:12, 16:13</p> <p style="text-align: center;">E</p> <p>earn [4] - 26:12, 29:12, 29:17, 41:19</p> <p>easements [1] - 72:13</p>	<p>east [7] - 33:17, 33:21, 33:22, 33:23, 34:15, 59:25</p> <p>eastern [7] - 15:2, 15:14, 15:17, 50:17, 50:21, 58:12, 58:19</p> <p>economic [12] - 11:3, 15:8, 15:12, 29:19, 30:16, 30:25, 34:19, 37:19, 41:20, 46:6, 53:6, 55:13</p> <p>economically [3] - 26:12, 26:15, 41:19</p> <p>economics [3] - 29:3, 46:9, 47:4</p> <p>effect [1] - 42:5</p> <p>effectively [1] - 29:17</p> <p>eight [3] - 23:3, 68:8, 68:12</p> <p>eighth [1] - 63:25</p> <p>either [11] - 4:18, 10:22, 12:11, 25:18, 38:14, 41:12, 43:14, 45:3, 45:4, 68:20, 69:25</p> <p>electric [16] - 5:23, 5:24, 7:10, 12:8, 12:12, 13:14, 14:14, 15:2, 15:10, 15:12, 15:13, 16:15, 20:14, 26:11, 60:23, 72:17</p> <p>Electric [41] - 6:1, 9:6, 12:10, 12:19, 12:20, 13:1, 13:24, 14:2, 14:3, 15:15, 16:9, 17:25, 18:20, 21:4, 21:8, 23:24, 27:23, 29:8, 29:12, 30:5, 31:23, 32:22, 33:2, 33:5, 38:7, 38:16, 38:25, 39:18, 40:25, 41:11, 42:16, 49:2, 49:23, 53:12, 53:17, 60:16, 63:22, 67:5, 68:12, 70:22, 71:9</p> <p>Electric's [10] - 23:9, 24:15, 27:10, 27:18, 28:8, 28:25, 29:23, 30:18, 69:1, 71:17</p> <p>electricity [1] - 44:25</p> <p>elements [1] - 68:1</p> <p>emphasize [1] - 68:15</p> <p>emphasizing [1] - 67:3</p> <p>enacted [4] - 18:13, 19:25, 44:17, 45:17</p> <p>end [4] - 4:18, 67:6, 68:22, 68:24</p> <p>ended [1] - 49:20</p> <p>ends [3] - 32:1, 33:13, 33:16</p> <p>enlightenment [1] - 70:3</p>
---	---	---	---	---

<p>enormous [1] - 66:19 entire [1] - 30:24 entitled [4] - 11:6, 16:9, 18:17, 71:23 entity's [1] - 16:3 enumerated [1] - 59:8 equal [4] - 10:12, 12:3, 12:4, 28:19 equates [1] - 27:6 erection [1] - 16:15 essentially [1] - 25:3 essentials [1] - 24:24 evaporates [1] - 64:4 event [2] - 23:25, 25:20 evidence [22] - 13:22, 17:15, 21:23, 23:16, 28:11, 28:12, 29:7, 29:10, 29:14, 41:3, 41:5, 41:10, 42:25, 50:21, 50:22, 54:8, 57:1, 58:3, 64:7, 64:8, 64:11, 69:2 exactly [1] - 55:15 example [4] - 32:16, 37:2, 47:17, 56:24 except [1] - 63:18 exception [1] - 45:16 exceptions [1] - 45:19 excess [1] - 38:13 exclusive [1] - 18:22 Exhibit [3] - 18:10, 51:17, 72:2 exhibits [1] - 70:2 exist [3] - 12:13, 54:7, 66:6 existing [7] - 26:16, 26:17, 31:19, 36:25, 38:5, 38:10, 66:11 expand [1] - 32:12 expansions [1] - 61:11 expect [4] - 23:8, 23:12, 23:19, 34:8 expects [1] - 38:16 experience [2] - 8:22, 9:4 explain [1] - 61:4 explained [1] - 49:22 explaining [1] - 48:23 explanation [1] - 48:21 extend [12] - 16:24, 19:9, 19:12, 19:15, 27:11, 29:24, 30:5, 30:15, 30:20, 31:15, 33:8, 50:11 extended [1] - 15:11 extending [3] - 14:10, 26:16, 30:3 extension [10] - 13:21, 28:8, 30:16, 30:18,</p>	<p>30:23, 31:6, 33:10, 40:18, 41:1, 54:24 extensions [4] - 13:17, 27:3, 33:9, 55:6 extent [3] - 13:10, 33:20, 41:12</p> <p style="text-align: center;">F</p> <p>facilitate [1] - 54:23 facilities [6] - 16:24, 32:2, 33:6, 61:19, 69:1, 72:8 facility [4] - 39:22, 46:22, 60:20 fact [3] - 10:7, 20:1, 47:15 factor [12] - 7:18, 10:10, 11:11, 14:15, 43:19, 45:15, 47:4, 50:1, 60:15, 63:25, 68:19, 69:14 factored [1] - 56:22 factors [32] - 10:2, 10:13, 11:19, 12:1, 12:6, 35:1, 43:18, 44:5, 45:1, 45:5, 45:9, 45:11, 45:13, 46:6, 48:6, 48:8, 52:19, 53:1, 53:10, 54:12, 55:7, 55:12, 56:13, 60:9, 60:14, 63:15, 63:23, 64:21, 65:22, 66:18, 66:23 facts [7] - 43:5, 43:15, 61:7, 62:7, 65:23, 67:23, 68:15 fair [2] - 44:13, 66:5 fairly [3] - 31:8, 39:10, 66:10 fall [1] - 65:23 familiar [1] - 15:4 far [4] - 31:21, 31:24, 31:25 farm [1] - 21:10 farmed [2] - 50:22, 50:23 farmer [1] - 50:25 farmland [1] - 60:3 farms [1] - 38:17 farmsteads [1] - 14:5 favor [14] - 12:11, 13:11, 41:20, 53:11, 55:14, 62:12, 62:14, 62:20, 63:20, 63:22, 65:1, 65:18, 65:23, 68:16 favorable [2] - 8:22, 9:4 favors [3] - 13:11, 14:16, 63:18</p>	<p>FEDORCHAK [15] - 11:9, 17:7, 18:25, 23:21, 25:6, 25:9, 54:5, 54:16, 61:4, 63:15, 64:1, 64:16, 64:22, 66:1, 73:18 feed [2] - 25:22, 43:13 felt [2] - 9:9, 47:16 few [1] - 50:1 fight [1] - 62:6 figure [2] - 27:15, 36:2 file [3] - 19:1, 19:6, 19:18 filed [2] - 19:4, 20:7 finally [2] - 9:12, 40:15 findings [2] - 43:2, 64:10 fire [1] - 43:6 first [10] - 5:8, 5:22, 6:4, 15:14, 16:1, 20:25, 26:14, 30:18, 38:12, 38:13 five [3] - 21:4, 40:11, 60:6 fix [1] - 68:4 floodgates [2] - 53:21, 62:11 focused [1] - 66:2 follow [1] - 62:19 following [1] - 16:12 followup [1] - 69:18 forced [2] - 56:3, 56:10 foreseeable [1] - 65:16 forth [3] - 4:21, 5:19, 71:15 forward [1] - 51:23 foster [1] - 62:1 found [1] - 43:25 four [3] - 13:13, 13:25, 37:9 franchise [24] - 15:20, 15:22, 16:4, 16:20, 17:5, 17:20, 17:22, 17:23, 18:19, 19:2, 37:20, 51:23, 59:2, 59:4, 59:10, 59:20, 63:4, 72:5, 72:7, 72:8, 72:16, 72:17 franchises [2] - 59:6, 59:12 frankly [2] - 36:7, 38:24 free [1] - 4:15 fringe [1] - 36:6 front [2] - 21:23, 22:6 frustration [1] - 35:15 full [1] - 11:2 full-time [1] - 11:2 furthering [1] - 53:9 future [10] - 9:19,</p>	<p>9:24, 10:15, 11:5, 35:9, 56:1, 56:15, 60:17, 61:6, 65:16</p> <p style="text-align: center;">G</p> <p>gain [1] - 6:7 gallon [3] - 22:1 gas [6] - 16:17, 32:3, 32:15, 32:19, 58:17, 64:8 general [5] - 12:9, 14:14, 16:9, 34:17, 46:12 generally [1] - 22:23 generate [1] - 28:18 generation [1] - 27:24 given [3] - 4:9, 16:5, 39:23 global [1] - 36:2 goods [1] - 6:14 goofy [1] - 66:18 grant [9] - 11:24, 12:5, 15:22, 16:14, 42:6, 59:1, 59:12, 59:20, 72:17 granted [4] - 28:20, 42:4, 63:4, 72:1 granting [3] - 12:2, 51:20, 59:6 grants [1] - 59:10 great [1] - 59:10 greater [5] - 21:6, 23:9, 28:10, 61:12, 61:18 greatly [1] - 59:3 grocery [1] - 6:16 grossing [1] - 30:13 grossly [1] - 38:14 grounds [1] - 16:18 growing [1] - 54:19 growth [28] - 32:9, 34:3, 36:7, 36:8, 36:13, 36:18, 38:15, 39:13, 39:21, 50:18, 50:25, 51:1, 51:8, 53:4, 53:14, 53:15, 55:22, 56:2, 56:18, 56:22, 60:3, 63:9, 64:3, 64:14, 66:7, 66:12, 66:15 guaranteed [7] - 6:3, 9:21, 9:22, 10:15, 28:10, 54:3 guess [16] - 22:3, 46:4, 47:3, 52:18, 52:21, 53:9, 53:13, 57:1, 57:2, 64:6, 65:1, 65:9, 66:13, 67:8, 67:11, 69:4 guys [2] - 43:8, 54:25</p>	<p style="text-align: center;">H</p> <p>half [13] - 15:3, 15:14, 15:17, 21:2, 23:5, 25:13, 28:16, 42:14, 42:15, 57:20, 57:21, 70:15, 70:16 hammer [1] - 10:3 hand [1] - 32:19 hard [2] - 22:15, 69:24 harder [1] - 35:23 harmfulness [1] - 67:3 headed [1] - 72:2 hear [1] - 45:3 HEARING [17] - 4:1, 4:6, 5:2, 5:4, 6:19, 14:19, 14:23, 41:25, 42:10, 42:15, 42:22, 70:5, 70:8, 70:11, 70:14, 73:2, 73:12 hearing [5] - 5:10, 5:17, 5:19, 20:22, 22:6 heavy [1] - 58:2 help [3] - 41:8, 52:3, 61:13 high [2] - 44:18, 45:11 higher [2] - 29:1, 29:4 highways [1] - 16:19 history [6] - 8:25, 21:1, 23:8, 23:10, 26:6 hold [1] - 36:24 home [1] - 10:3 honestly [2] - 43:3, 67:11 Honor [9] - 5:1, 5:3, 5:7, 6:17, 7:23, 42:21, 70:7, 70:10, 70:17 horse [1] - 50:6 host [2] - 55:7, 64:18 hour [1] - 22:19 house [1] - 32:14 houses [3] - 40:1, 40:11, 40:12 housing [2] - 32:4, 32:6 huge [1] - 69:24 hugs [1] - 53:8</p> <p style="text-align: center;">I</p> <p>I-94 [3] - 30:6, 30:21, 32:20 ice [1] - 68:1 idea [4] - 51:1, 57:5, 60:19, 63:12 ignore [2] - 53:23, 60:22 ignoring [1] - 54:6</p>
---	---	--	--	---

<p>ill [1] - 66:22</p> <p>immediately [1] - 46:2</p> <p>impact [1] - 11:3</p> <p>implies [1] - 32:2</p> <p>imply [1] - 54:1</p> <p>importance [1] - 50:17</p> <p>important [12] - 5:12, 9:2, 9:13, 10:7, 37:8, 43:9, 43:16, 49:13, 49:15, 58:15, 65:5, 65:7</p> <p>importantly [1] - 47:16</p> <p>impossible [1] - 21:18</p> <p>improve [1] - 31:18</p> <p>include [2] - 4:10, 27:19</p> <p>included [3] - 24:14, 26:3, 65:14</p> <p>income [1] - 27:14</p> <p>incorporated [1] - 18:3</p> <p>increase [2] - 52:22, 61:1</p> <p>increased [1] - 57:4</p> <p>increases [2] - 10:16, 28:14</p> <p>incremental [2] - 27:22, 29:24</p> <p>independent [1] - 9:17</p> <p>indicates [1] - 39:20</p> <p>indication [6] - 6:9, 9:23, 23:2, 23:6, 23:7, 46:14</p> <p>indifferent [1] - 48:17</p> <p>indiscernible [3] - 10:1, 51:15, 57:3</p> <p>industrial [1] - 46:1</p> <p>industry [1] - 23:17</p> <p>inevitably [1] - 48:3</p> <p>information [2] - 30:10, 40:13</p> <p>initiate [2] - 61:22, 62:8</p> <p>initiating [1] - 62:5</p> <p>Integrity [1] - 44:16</p> <p>intend [1] - 5:18</p> <p>intensive [1] - 44:23</p> <p>interfere [5] - 40:16, 40:18, 40:20, 41:22, 68:25</p> <p>interfered [2] - 14:6, 68:20</p> <p>interferes [2] - 41:1</p> <p>interject [2] - 14:20, 42:19</p> <p>internal [1] - 35:13</p> <p>internet [1] - 43:12</p> <p>interpretation [1] - 47:21</p> <p>interrupt [4] - 4:15, 6:18, 6:20, 6:22</p> <p>interrupted [1] - 8:3</p>	<p>interruption [1] - 49:10</p> <p>intersection [2] - 25:15, 32:20</p> <p>intersections [1] - 32:20</p> <p>interstate [1] - 64:18</p> <p>intricate [1] - 35:3</p> <p>introduced [1] - 18:9</p> <p>investment [13] - 26:13, 27:6, 27:7, 27:10, 27:17, 28:17, 29:1, 29:6, 29:13, 29:18, 38:3, 38:5, 54:23</p> <p>investments [6] - 54:6, 54:17, 54:21, 55:1, 66:6, 66:11</p> <p>involved [2] - 21:11, 46:24</p> <p>IOU [1] - 73:23</p> <p>ironies [1] - 33:4</p> <p>issuance [1] - 41:23</p> <p>issue [22] - 11:14, 12:8, 13:11, 13:15, 15:7, 15:9, 16:2, 17:13, 20:12, 20:13, 20:21, 26:10, 26:13, 28:16, 29:15, 29:19, 31:3, 39:6, 60:4, 60:7</p> <p>issued [2] - 18:6, 19:23</p> <p>issues [6] - 5:10, 5:16, 5:18, 5:21, 9:18, 44:15</p> <p>itself [1] - 14:4</p> <p style="text-align: center;">J</p> <p>Jerry [1] - 4:5</p> <p>Jesse [1] - 48:25</p> <p>job [1] - 54:18</p> <p>jobs [1] - 11:3</p> <p>judge [1] - 14:17</p> <p>judgments [1] - 53:18</p> <p>justified [1] - 10:17</p> <p style="text-align: center;">K</p> <p>KALK [34] - 6:17, 6:24, 7:2, 7:17, 8:2, 8:7, 8:17, 9:25, 21:13, 21:24, 22:15, 31:24, 33:12, 33:22, 34:1, 34:21, 35:21, 36:11, 36:22, 37:10, 37:17, 43:22, 44:2, 44:6, 44:13, 51:2, 52:2, 52:11, 52:15, 54:1, 59:23, 69:18, 70:4,</p>	<p>73:6</p> <p>Kalk [4] - 58:11, 58:12, 70:19, 70:24</p> <p>Kane [1] - 48:25</p> <p>keep [8] - 21:21, 44:22, 44:24, 45:2, 47:8, 47:10, 57:19, 73:19</p> <p>keeping [1] - 47:23</p> <p>key [1] - 10:12</p> <p>kick [1] - 50:5</p> <p>kind [5] - 11:3, 23:11, 23:25, 42:25, 57:25</p> <p>Kuntz [14] - 4:25, 5:5, 7:2, 14:25, 29:21, 42:12, 54:14, 57:12, 58:25, 67:16, 68:22, 70:14, 73:8, 73:16</p> <p>KUNTZ [35] - 5:1, 5:7, 7:1, 7:8, 7:22, 8:5, 8:11, 8:18, 10:4, 11:19, 15:7, 17:11, 19:3, 21:21, 22:3, 22:17, 23:22, 24:25, 25:8, 25:11, 30:2, 30:15, 32:11, 33:20, 33:23, 34:4, 35:14, 35:22, 36:14, 36:23, 37:11, 37:18, 39:24, 42:8, 70:17</p> <p>Kuntz's [1] - 73:2</p> <p style="text-align: center;">L</p> <p>Lafferty [2] - 42:12, 70:15</p> <p>LAFFERTY [1] - 42:14</p> <p>language [2] - 72:6, 73:20</p> <p>large [5] - 45:16, 46:1, 46:11, 53:19, 60:20</p> <p>larger [3] - 38:17, 46:25, 61:17</p> <p>last [6] - 19:24, 20:3, 37:9, 58:11, 63:6, 68:19</p> <p>latter [1] - 19:14</p> <p>law [4] - 11:12, 21:25, 59:12, 62:21</p> <p>lay [1] - 14:25</p> <p>lead [1] - 33:6</p> <p>leads [1] - 57:25</p> <p>leaning [2] - 44:2, 44:4</p> <p>least [4] - 12:13, 13:14, 24:21, 24:23</p> <p>left [1] - 56:13</p> <p>legal [1] - 46:25</p> <p>legislature [1] - 45:17</p> <p>Lein [1] - 4:5</p> <p>length [3] - 22:10, 23:2, 26:5</p>	<p>lengthy [1] - 24:4</p> <p>less [8] - 21:3, 23:19, 24:4, 28:11, 54:18, 54:25, 55:12, 68:5</p> <p>letting [1] - 5:9</p> <p>light [2] - 16:16, 63:3</p> <p>Light [1] - 42:5</p> <p>likelihood [1] - 67:7</p> <p>likely [3] - 9:23, 40:8, 40:14</p> <p>limits [1] - 65:15</p> <p>line [28] - 11:20, 12:20, 21:9, 21:10, 22:10, 22:13, 23:2, 24:1, 25:11, 25:13, 25:14, 25:16, 25:18, 26:6, 27:3, 32:21, 40:20, 40:21, 50:7, 53:7, 54:9, 58:18, 67:25, 68:2, 68:9, 68:11, 69:12</p> <p>lines [17] - 12:12, 12:15, 12:16, 12:21, 12:23, 16:15, 26:17, 27:4, 29:24, 30:3, 40:6, 43:5, 67:15, 67:18, 69:6, 69:8, 69:16</p> <p>Lipp [3] - 22:21, 49:11, 57:20</p> <p>listen [2] - 48:14, 48:19</p> <p>listened [4] - 43:7, 43:12, 48:10, 48:12</p> <p>listening [2] - 44:4, 44:11</p> <p>lists [1] - 16:12</p> <p>litigants [1] - 48:7</p> <p>load [23] - 32:2, 36:17, 38:20, 46:11, 46:16, 46:21, 46:25, 52:20, 52:22, 53:19, 54:22, 55:2, 55:4, 55:11, 55:20, 58:16, 60:11, 60:22, 61:11, 61:17, 61:21, 62:2, 66:19</p> <p>loads [2] - 45:16, 46:20</p> <p>location [32] - 9:4, 12:13, 12:16, 12:22, 12:23, 13:6, 13:15, 14:2, 14:4, 14:11, 14:12, 15:11, 16:22, 22:11, 22:14, 26:9, 26:11, 26:14, 26:18, 26:21, 28:1, 28:3, 28:4, 28:7, 29:17, 30:4, 30:21, 36:4, 37:24, 38:25, 40:23, 65:14</p> <p>logical [1] - 34:6</p> <p>look [30] - 6:13, 10:23, 12:6, 13:7, 13:18,</p>	<p>13:22, 20:25, 22:9, 23:1, 23:14, 26:15, 27:8, 29:15, 32:21, 33:24, 35:4, 37:12, 43:9, 44:19, 45:10, 45:18, 48:8, 52:4, 53:2, 56:10, 59:5, 62:6, 64:19, 64:21, 65:22</p> <p>looked [4] - 10:5, 23:2, 30:11, 46:17</p> <p>looking [15] - 8:18, 9:3, 11:1, 13:17, 17:3, 45:1, 47:21, 48:6, 52:9, 52:18, 54:11, 55:3, 60:8, 65:24, 70:1</p> <p>looks [1] - 59:17</p> <p>looped [3] - 25:11, 68:10, 68:13</p> <p>losing [1] - 29:5</p> <p>lower [2] - 9:16, 27:15</p> <p>lowest [1] - 7:21</p> <p>lucky [1] - 36:24</p> <p style="text-align: center;">M</p> <p>machines [1] - 49:16</p> <p>maintenance [2] - 53:3, 57:4</p> <p>MANN [17] - 4:1, 4:6, 5:2, 5:4, 6:19, 14:19, 14:23, 41:25, 42:10, 42:15, 42:22, 70:5, 70:8, 70:11, 70:14, 73:2, 73:12</p> <p>Mann [1] - 14:17</p> <p>Manor [4] - 48:15, 48:25, 49:3, 64:13</p> <p>Manor's [2] - 49:9, 67:2</p> <p>map [6] - 17:9, 19:1, 19:3, 19:6, 19:18, 20:7</p> <p>maps [1] - 37:3</p> <p>margins [1] - 29:14</p> <p>mark [1] - 60:2</p> <p>Master's [1] - 29:2</p> <p>matter [5] - 42:24, 43:14, 47:20, 67:22, 69:11</p> <p>matters [1] - 4:8</p> <p>McKenzie [51] - 12:18, 14:9, 15:3, 15:15, 15:20, 17:1, 17:14, 17:24, 18:2, 18:12, 18:15, 20:3, 20:9, 25:12, 30:24, 31:14, 31:20, 32:5, 32:13, 32:16, 33:2, 34:5, 34:20, 37:21, 37:22, 37:23, 37:25, 38:9,</p>
--	---	---	---	--

<p>38:19, 38:21, 39:13, 39:14, 39:15, 40:2, 42:7, 50:12, 50:17, 51:21, 54:10, 54:20, 55:18, 55:25, 56:3, 56:5, 57:10, 58:13, 63:5, 64:3, 70:21, 72:4, 72:22</p> <p>MDU [56] - 4:11, 4:13, 6:2, 7:3, 11:15, 11:16, 11:17, 13:25, 14:13, 14:16, 15:5, 15:23, 24:19, 24:20, 35:2, 39:22, 41:8, 42:6, 43:10, 43:18, 45:3, 47:3, 48:10, 48:14, 48:20, 49:9, 49:22, 50:2, 51:17, 51:22, 52:7, 53:5, 54:2, 54:6, 55:22, 55:25, 56:2, 56:3, 56:8, 57:10, 58:22, 60:11, 61:8, 61:15, 61:24, 62:17, 63:4, 63:20, 65:11, 65:16, 65:19, 65:25, 68:2, 68:16, 68:25, 69:19</p> <p>MDU's [11] - 14:8, 15:1, 35:7, 42:2, 45:18, 51:8, 51:11, 52:5, 53:24, 67:24</p> <p>mean [25] - 10:22, 17:12, 21:19, 29:5, 30:19, 32:7, 33:4, 33:23, 33:24, 34:6, 37:7, 44:8, 49:14, 52:3, 53:22, 54:11, 56:7, 59:10, 64:18, 67:11, 70:3, 71:19, 71:20, 72:23</p> <p>meaning [1] - 57:18</p> <p>means [1] - 55:9</p> <p>measure [1] - 21:25</p> <p>Menard [2] - 5:13, 6:4</p> <p>Menards [28] - 5:23, 6:2, 6:9, 6:10, 7:3, 10:5, 14:11, 14:12, 21:11, 23:4, 23:6, 24:8, 27:4, 27:5, 30:4, 30:6, 31:1, 34:12, 36:15, 36:16, 49:2, 51:9, 52:5, 52:11, 57:9, 57:21, 59:24, 61:24</p> <p>Menards' [1] - 48:11</p> <p>Menoken [14] - 21:5, 23:3, 23:5, 38:10, 38:21, 38:22, 39:3, 39:8, 55:21, 55:23, 56:21, 57:8, 57:16, 57:22</p> <p>merit [1] - 39:21</p> <p>met [1] - 41:22</p>	<p>methodology [1] - 34:22</p> <p>microwave [1] - 46:22</p> <p>middle [1] - 35:2</p> <p>might [4] - 35:9, 36:13, 54:6, 63:1</p> <p>mile [17] - 12:13, 13:3, 13:4, 13:5, 13:14, 13:24, 13:25, 14:1, 14:8, 23:4, 25:13, 25:14, 25:17, 30:7, 37:4, 50:10, 68:11</p> <p>miles [9] - 12:15, 13:23, 13:25, 23:3, 34:15, 45:25, 50:11, 68:8, 68:12</p> <p>mind [1] - 45:2</p> <p>mindset [2] - 34:25, 63:2</p> <p>minimize [1] - 60:16</p> <p>minimizing [1] - 53:10</p> <p>minimum [6] - 44:22, 44:24, 47:8, 47:11, 47:23, 47:25</p> <p>minute [2] - 15:11, 22:18</p> <p>minutes [11] - 4:9, 4:10, 4:13, 4:18, 4:22, 42:14, 42:15, 42:17, 70:15, 70:16, 73:9</p> <p>misspoke [1] - 44:10</p> <p>modern [1] - 40:4</p> <p>money [2] - 29:5, 62:8</p> <p>Montana [61] - 5:12, 5:24, 8:1, 8:22, 8:23, 8:24, 9:1, 9:8, 9:13, 10:11, 10:16, 12:2, 12:10, 12:17, 12:24, 13:4, 13:7, 13:12, 13:23, 14:7, 15:19, 16:5, 16:23, 17:5, 17:21, 18:16, 18:22, 21:1, 21:7, 22:24, 23:5, 23:10, 23:12, 23:18, 25:4, 26:7, 26:8, 26:18, 26:21, 26:22, 27:23, 28:3, 28:7, 28:14, 28:17, 28:22, 29:16, 30:12, 30:23, 31:13, 33:8, 38:8, 39:12, 39:16, 41:1, 41:14, 41:16, 45:21, 70:20, 70:25, 72:23</p> <p>Montana-Dakota [40] - 5:12, 5:24, 8:1, 8:22, 8:24, 9:1, 9:8, 10:11, 10:16, 12:2, 12:10, 12:17, 12:24, 13:4, 13:7, 13:12, 13:23, 15:19, 16:5, 16:23, 17:5, 17:21, 18:16,</p>	<p>18:22, 21:1, 26:8, 26:22, 27:23, 28:3, 28:7, 28:14, 28:17, 29:16, 33:8, 38:8, 39:12, 41:14, 41:16, 70:25, 72:23</p> <p>Montana-Dakota's [20] - 8:23, 9:13, 14:7, 21:7, 22:24, 23:5, 23:10, 23:12, 23:18, 25:4, 26:7, 26:18, 26:21, 28:22, 30:12, 30:23, 31:13, 39:16, 41:1, 70:20</p> <p>morning [2] - 42:23, 66:25</p> <p>most [11] - 13:18, 36:5, 37:6, 37:11, 37:12, 37:14, 46:24, 47:16, 65:23, 66:7, 66:11</p> <p>motor [1] - 49:17</p> <p>motors [1] - 67:4</p> <p>mounted [1] - 40:6</p> <p>moving [1] - 51:23</p> <p>municipalities [2] - 59:5, 59:11</p> <p>municipality [5] - 59:18, 65:15, 71:5, 71:7, 71:8</p> <p>must [9] - 29:2, 50:18, 52:24, 58:22, 59:8, 59:21, 64:21, 70:25</p>	<p>49:12, 49:18</p> <p>new [10] - 26:24, 31:20, 32:6, 38:4, 40:11, 48:3, 52:11, 53:19, 55:2</p> <p>next [8] - 12:8, 20:12, 26:10, 29:19, 32:14, 37:14, 38:1, 58:1</p> <p>nickel [1] - 28:24</p> <p>nine [1] - 65:13</p> <p>NORRELL [23] - 4:3, 14:17, 14:20, 14:24, 29:21, 30:14, 45:22, 46:15, 55:15, 55:24, 57:7, 57:15, 57:25, 58:9, 62:23, 63:1, 63:8, 63:13, 67:15, 68:18, 69:11, 69:17, 70:10</p> <p>Norrell [6] - 4:3, 14:19, 42:18, 45:23, 68:17, 70:8</p> <p>North [10] - 5:14, 20:19, 28:22, 28:23, 37:3, 41:7, 41:8, 45:12, 53:15, 59:11</p> <p>northeast [1] - 33:22</p> <p>Northern [1] - 42:5</p> <p>northwest [2] - 32:15, 53:15</p> <p>noted [3] - 6:3, 9:12, 20:16</p> <p>nothing [3] - 17:14, 29:11, 36:24</p> <p>notice [3] - 5:17, 5:19, 20:22</p> <p>notion [1] - 18:25</p> <p>number [10] - 12:16, 13:13, 15:9, 15:19, 16:12, 16:13, 18:10, 44:19, 46:6, 65:13</p> <p>numbers [1] - 30:1</p> <p>Nygren [1] - 48:24</p>	<p>14:19, 14:23, 41:25, 42:10, 42:15, 42:22, 70:5, 70:8, 70:11, 70:14, 73:2, 73:12</p> <p>official [1] - 17:10</p> <p>oil [1] - 16:17</p> <p>old [1] - 59:22</p> <p>Olson [10] - 5:2, 42:10, 42:17, 42:20, 45:22, 55:15, 57:7, 62:23, 67:15, 71:25</p> <p>OLSON [40] - 5:3, 42:21, 42:23, 43:25, 44:4, 44:10, 44:14, 46:4, 46:19, 47:20, 51:13, 52:10, 52:14, 52:18, 54:8, 55:3, 55:20, 56:7, 56:25, 57:12, 57:16, 58:5, 58:10, 60:1, 61:7, 62:25, 63:7, 63:9, 63:14, 63:24, 64:6, 64:17, 64:24, 66:13, 67:8, 67:23, 69:4, 69:14, 69:23, 70:7</p> <p>once [6] - 7:20, 24:17, 25:4, 33:1, 42:23, 45:4</p> <p>one [52] - 5:22, 6:7, 7:23, 7:24, 10:2, 10:4, 11:22, 12:7, 12:12, 13:3, 13:24, 13:25, 14:4, 15:9, 15:19, 18:14, 21:1, 21:3, 32:7, 32:20, 33:4, 34:2, 34:11, 35:24, 37:10, 37:14, 41:13, 44:22, 45:8, 45:15, 49:16, 49:19, 50:3, 50:10, 58:1, 58:11, 58:14, 60:13, 60:24, 61:25, 62:6, 62:16, 63:18, 63:22, 65:13, 68:9, 68:11, 68:19, 69:13, 70:18, 73:18</p> <p>one's [1] - 47:15</p> <p>ones [1] - 65:13</p> <p>online [1] - 57:22</p> <p>op [5] - 9:20, 20:19, 35:3, 35:25, 71:4</p> <p>open [1] - 53:21</p> <p>opening [1] - 62:12</p> <p>operating [1] - 12:9</p> <p>operational [1] - 40:17</p> <p>opinion [3] - 45:12, 69:11</p> <p>opportunity [3] - 5:9, 9:14, 9:17</p> <p>opposed [1] - 45:25</p> <p>ops [5] - 33:10, 34:23, 35:5, 35:22, 36:1</p> <p>oral [3] - 5:16, 29:22,</p>
N				
<p>near [2] - 54:23, 69:8</p> <p>nearly [1] - 18:13</p> <p>necessarily [2] - 7:22, 50:24</p> <p>necessary [1] - 60:25</p> <p>necessity [25] - 11:14, 11:16, 11:18, 11:21, 11:25, 12:5, 13:21, 15:25, 18:2, 18:5, 18:6, 18:9, 18:23, 19:11, 19:17, 19:20, 32:25, 37:22, 41:24, 58:23, 71:3, 71:13, 71:24, 73:24, 73:25</p> <p>Necessity [1] - 72:3</p> <p>need [12] - 6:21, 15:24, 18:1, 19:5, 27:10, 29:2, 30:5, 31:17, 40:8, 45:2, 55:5, 55:24</p> <p>needed [3] - 4:21, 38:22, 65:11</p> <p>needs [4] - 12:24, 39:22, 49:19, 62:20</p> <p>net [1] - 28:6</p> <p>never [4] - 18:8, 18:10,</p>				
O				
<p>obtain [2] - 73:23</p> <p>obtaining [1] - 35:19</p> <p>obviously [5] - 5:12, 5:23, 10:9, 12:9, 22:17</p> <p>occur [4] - 31:5, 31:7, 33:9, 66:17</p> <p>occurring [1] - 54:22</p> <p>occurs [2] - 40:1, 40:7</p> <p>offer [3] - 8:19, 9:6</p> <p>offered [1] - 67:16</p> <p>offers [1] - 26:8</p> <p>office [2] - 17:12, 17:19</p> <p>OFFICER [17] - 4:1, 4:6, 5:2, 5:4, 6:19,</p>				

<p>68:23 order [4] - 11:17, 43:2, 66:3, 71:11 orderly [8] - 13:17, 15:8, 15:12, 29:19, 30:16, 34:19, 37:19, 41:20 ordinance [1] - 59:17 otherwise [1] - 71:2 outage [26] - 20:25, 21:1, 21:15, 21:19, 21:25, 22:1, 22:2, 22:5, 22:18, 22:19, 22:20, 22:22, 22:24, 23:8, 23:10, 24:1, 24:3, 24:4, 24:10, 24:16, 24:18, 26:6, 70:1 outages [10] - 21:3, 21:4, 21:6, 21:8, 21:18, 21:22, 22:16, 67:1, 69:19, 69:21 outcome [2] - 11:21, 59:23 outside [18] - 19:9, 19:15, 33:2, 33:10, 45:25, 51:9, 51:10, 51:25, 52:5, 52:8, 52:10, 52:12, 52:16, 54:4, 70:21, 71:5, 71:6, 71:8 outweigh [1] - 63:23 over-responsiveness [2] - 48:14, 49:21 overbuilding [1] - 56:24 overbuilt [1] - 38:15 overhead [4] - 22:25, 40:6, 67:25 overplayed [1] - 49:22 overstating [1] - 48:13 own [2] - 26:3, 50:25 owns [1] - 50:23</p>	<p>particular [9] - 7:14, 12:22, 13:19, 13:21, 15:17, 16:22, 18:16, 31:11, 71:18 particularly [2] - 9:2, 10:5 parties [3] - 4:16, 66:9, 66:16 party [4] - 4:7, 4:23, 12:11, 63:18 passed [1] - 18:7 past [7] - 22:12, 28:20, 35:9, 52:25, 62:7, 66:21, 67:17 pay [1] - 27:14 people [4] - 7:4, 21:16, 59:2, 60:22 per [4] - 4:22, 21:3, 21:6, 28:4 perfect [4] - 46:11, 59:23, 66:18, 66:21 perhaps [1] - 36:11 period [1] - 13:10 person [1] - 16:14 perspective [2] - 55:10, 57:23 phase [37] - 12:20, 12:23, 12:24, 12:25, 13:8, 14:6, 21:2, 21:9, 21:10, 21:12, 25:15, 26:16, 26:17, 26:25, 27:1, 27:2, 27:12, 30:6, 30:20, 31:17, 40:4, 40:20, 40:21, 41:16, 47:2, 49:10, 49:16, 50:4, 50:7, 50:10, 53:7, 53:24, 61:9, 61:12, 69:12 phonetic [2] - 42:12, 49:1 pick [1] - 7:21 picked [1] - 7:19 pipeline [1] - 16:17 place [2] - 33:15, 38:13 places [1] - 21:17 plain [2] - 17:3, 18:18 planned [3] - 24:14, 26:2, 58:7 plant [7] - 32:3, 33:14, 33:15, 49:14, 51:9, 52:12, 56:2 plat [1] - 50:19 platted [16] - 16:25, 17:6, 17:8, 18:17, 34:5, 42:7, 51:6, 51:10, 51:11, 51:14, 52:4, 52:7, 52:12, 52:16, 72:11 play [1] - 47:4 played [1] - 10:8 playing [1] - 6:8</p>	<p>plus [2] - 28:20, 50:13 point [19] - 7:18, 8:2, 8:8, 9:25, 20:1, 25:12, 33:18, 34:10, 39:24, 45:15, 45:18, 49:5, 56:1, 57:14, 62:12, 65:1, 65:9, 67:24, 68:2 pointing [1] - 69:15 points [1] - 13:1 popping [1] - 58:18 pops [1] - 32:4 portion [1] - 21:12 position [6] - 31:11, 32:17, 32:23, 34:16, 48:11, 57:10 possibility [1] - 58:2 possibly [1] - 59:20 post [1] - 5:10 post-hearing [1] - 5:10 potential [1] - 31:19 potentially [1] - 52:12 power [5] - 16:21, 24:23, 65:8, 72:17 Power [1] - 42:5 Powers [1] - 16:9 powers [4] - 16:12, 16:13, 59:7, 59:9 practice [1] - 8:9 pre [1] - 46:21 pre-TIA [1] - 46:21 precedence [1] - 32:9 preclude [1] - 56:14 precluded [1] - 56:4 predecessor [1] - 51:19 prefer [1] - 5:23 preference [15] - 10:2, 10:20, 10:25, 11:5, 11:10, 11:13, 12:1, 12:7, 33:6, 45:14, 45:16, 47:12, 48:10, 63:19 preference's [1] - 11:22 preferred [4] - 8:21, 10:11, 12:4, 71:5 prefers [2] - 5:24, 41:16 preliminary [1] - 4:8 premise [2] - 51:12, 54:2 present [5] - 46:7, 53:2, 60:12, 64:8, 66:23 presented [3] - 22:7, 22:8, 64:12 presumably [3] - 17:18, 20:7, 38:23 presumed [3] - 15:16, 16:5, 18:21</p>	<p>pretend [1] - 19:23 pretty [2] - 37:13, 37:15 prevail [1] - 32:24 previous [2] - 35:11, 51:19 price [11] - 6:2, 6:3, 6:5, 6:13, 7:25, 8:3, 9:18, 9:22, 10:16, 47:13 prices [12] - 6:10, 7:15, 7:16, 9:15, 9:21, 9:23, 10:11, 10:15, 48:16, 48:17, 49:6, 49:20 primarily [1] - 65:24 primary [14] - 13:16, 14:14, 15:2, 37:20, 44:20, 45:5, 45:11, 52:19, 53:10, 60:8, 60:13, 60:15, 62:14, 65:24 principles [1] - 53:9 problem [2] - 36:17, 68:4 problems [1] - 68:6 procedure [1] - 42:17 proceed [3] - 5:5, 42:11, 42:16 process [1] - 35:13 program [4] - 9:3, 9:7, 10:6, 47:14 programs [4] - 48:18, 48:21, 48:23, 49:23 property [3] - 12:21, 50:23, 53:8 proposal [2] - 24:15, 26:2 proposed [1] - 43:2 proposing [2] - 26:22, 39:9 protocol [2] - 35:7, 73:7 provide [16] - 7:7, 17:23, 18:15, 24:22, 24:23, 25:6, 25:9, 28:19, 30:9, 31:11, 31:16, 41:6, 49:9, 57:17, 58:3, 65:8 provided [4] - 22:8, 23:16, 27:8, 29:14 provider [9] - 13:9, 13:16, 15:2, 15:16, 18:21, 18:22, 37:20, 71:5, 71:6 providers [6] - 7:10, 7:12, 20:17, 20:18, 20:20, 38:4 provides [1] - 57:13 providing [5] - 12:17, 27:4, 27:25, 28:13, 29:9 provision [1] - 37:24</p>	<p>public [42] - 8:12, 11:14, 11:16, 11:18, 11:21, 11:24, 11:25, 12:4, 12:5, 13:20, 15:24, 16:18, 16:22, 18:1, 18:4, 18:6, 18:8, 18:23, 19:10, 19:16, 19:20, 20:19, 32:24, 41:24, 44:18, 45:25, 46:2, 46:12, 53:17, 58:22, 58:23, 61:16, 62:1, 62:5, 71:3, 71:12, 71:23, 72:9, 72:14, 73:24 Public [2] - 51:19, 72:3 published [1] - 8:12 purchase [1] - 6:14 purchasing [1] - 6:15 purpose [1] - 47:7 purposes [4] - 44:20, 62:14, 65:25, 69:14 push [1] - 69:7 put [12] - 16:21, 29:10, 38:13, 41:3, 41:5, 42:25, 50:20, 54:8, 57:1, 58:24, 72:8, 72:15 putting [1] - 26:24</p>
Q				
<p>qualifies [1] - 70:1 questioned [1] - 18:14 questioning [1] - 58:18 questions [22] - 4:11, 4:14, 4:15, 4:17, 4:19, 4:23, 6:23, 8:5, 14:20, 42:18, 57:8, 58:17, 62:13, 62:24, 70:9, 70:12, 73:4, 73:7, 73:13, 73:14, 73:16 quick [1] - 6:24 quicker [1] - 9:10 quickly [1] - 58:11 quiet [1] - 8:4 quit [1] - 63:14 quote [3] - 47:7, 47:8, 54:2 quotes [2] - 47:21, 48:15</p> <p style="text-align: center;">R</p> <p>radial [9] - 23:2, 25:13, 25:14, 25:18, 26:6, 43:5, 67:18, 68:8, 68:11 radius [4] - 12:13,</p>				

<p>13:3, 13:5, 13:14 railroad [1] - 14:5 rain [1] - 68:1 rate [4] - 6:1, 8:14, 8:16, 60:18 rates [9] - 6:8, 8:12, 8:13, 28:4, 28:18, 29:1, 29:4, 49:3, 49:5 rather [1] - 16:7 raw [1] - 70:2 read [2] - 45:8, 62:16 reading [1] - 55:17 reads [1] - 16:11 ready [1] - 42:20 realized [1] - 7:12 realizing [1] - 63:1 really [11] - 7:15, 12:10, 13:15, 15:7, 21:17, 39:6, 39:14, 63:3, 66:5, 66:10, 72:21 reason [2] - 53:3, 58:13 reasonable [1] - 31:8 reasonably [2] - 40:13, 73:25 reasons [2] - 38:12, 56:9 rebuttal [3] - 4:12, 42:13, 70:16 receive [2] - 29:9, 38:16 recognize [4] - 9:21, 28:9, 47:9, 70:20 recognized [2] - 28:1, 71:1 recognizing [1] - 54:20 record [12] - 17:15, 17:22, 19:21, 30:1, 30:2, 39:20, 40:10, 41:11, 58:4, 58:5, 58:8, 69:2 recorded [5] - 17:8, 17:16, 17:17, 17:19 recorder's [2] - 17:12, 17:19 redundancy [6] - 25:7, 57:13, 57:14, 57:18, 58:3, 65:5 refer [1] - 16:7 reference [1] - 37:13 referenced [1] - 58:25 referred [1] - 71:25 referring [2] - 69:5, 69:10 refers [1] - 59:17 regard [2] - 7:10, 20:25 regarding [3] - 48:20, 63:4, 66:25</p>	<p>regardless [1] - 42:2 regards [1] - 66:22 region [1] - 54:20 regulated [5] - 9:13, 9:16, 10:8, 47:15, 56:19 regulation [1] - 33:11 regurgitate [1] - 45:7 relates [1] - 27:17 relatively [1] - 20:20 relevant [1] - 21:11 reliability [13] - 8:25, 10:6, 20:12, 20:15, 20:23, 23:3, 23:7, 25:1, 25:25, 47:13, 57:23, 65:4, 66:25 reliable [5] - 20:17, 20:20, 23:13, 26:9, 41:18 reliably [1] - 39:3 relying [1] - 59:21 remaining [1] - 42:13 remember [4] - 10:6, 26:1, 27:18, 33:1 repair [1] - 22:23 reportable [1] - 21:19 representative [1] - 49:1 request [1] - 9:9 requested [1] - 48:15 requests [1] - 33:3 require [2] - 31:3, 40:2 required [1] - 11:17 requirements [1] - 41:23 requires [2] - 31:5, 73:25 residence [1] - 47:2 residential [3] - 11:7, 45:24, 46:17 resolve [1] - 44:17 respect [9] - 15:14, 16:1, 20:12, 20:15, 20:23, 30:9, 41:11, 70:24, 72:5 respective [1] - 28:12 respond [1] - 15:5 response [7] - 9:3, 9:5, 9:7, 10:6, 47:14, 64:20, 70:13 responsive [3] - 9:8, 9:10, 48:22 responsiveness [4] - 47:16, 48:14, 48:20, 49:21 rest [1] - 24:10 result [5] - 14:10, 31:1, 38:2, 41:21, 60:25 return [17] - 26:13, 27:6, 28:16, 28:19, 28:21, 28:25, 29:2,</p>	<p>29:5, 29:6, 29:8, 29:13, 29:18, 30:10, 30:11, 30:13, 41:19 revenues [2] - 41:2, 62:2 review [1] - 10:18 reviewed [1] - 28:15 revoke [1] - 19:23 revoked [2] - 18:8, 18:11 rights [5] - 16:22, 72:9, 72:10, 72:14, 72:19 Ron [2] - 49:11, 57:20 roughly [3] - 57:20, 57:21, 68:11 routine [1] - 57:4 rule [8] - 53:13, 53:16, 61:15, 62:4, 62:9, 62:12, 64:10, 64:25 ruled [1] - 53:11 rules [1] - 59:5 ruling [2] - 60:16, 61:5 rural [12] - 38:16, 38:19, 44:18, 53:16, 54:22, 60:23, 61:18, 65:18, 65:19, 71:19, 71:21, 73:21 Ryan [2] - 4:3, 14:17 Ryberg [1] - 21:9</p>	<p>32:18, 33:3, 34:12, 34:16, 37:19, 37:21, 37:22, 38:5, 38:14, 38:15, 38:19, 38:20, 38:23, 38:25, 39:3, 40:22, 40:23, 41:18, 50:16, 52:8, 52:16, 54:17, 55:1, 57:21, 58:16, 58:23, 64:3, 68:25, 71:7, 71:11, 71:14, 71:19, 71:22, 72:4 served [13] - 11:15, 12:14, 13:13, 13:15, 13:21, 14:5, 14:9, 19:12, 22:11, 22:14, 24:12, 34:19, 55:23 serves [3] - 11:16, 21:9, 31:21 Service [1] - 51:19 service [67] - 5:23, 5:24, 6:14, 7:7, 9:18, 12:2, 12:18, 12:24, 12:25, 13:8, 13:9, 14:6, 14:9, 14:10, 15:2, 15:12, 15:13, 17:23, 18:14, 18:15, 20:13, 20:15, 20:18, 20:20, 20:23, 26:23, 27:4, 27:11, 27:18, 28:1, 28:8, 28:13, 29:9, 30:6, 30:20, 31:6, 31:15, 31:16, 31:18, 31:19, 33:4, 33:8, 35:4, 35:14, 35:16, 35:17, 35:19, 36:6, 37:5, 37:23, 37:24, 38:3, 39:7, 40:18, 41:6, 42:6, 45:25, 46:1, 46:2, 46:10, 53:19, 68:20, 68:21, 70:20, 71:1, 71:17, 71:21 services [11] - 6:8, 7:14, 19:9, 19:13, 19:15, 19:21, 40:15, 40:16, 44:23, 50:3, 60:23 serving [14] - 11:15, 13:18, 18:12, 19:19, 20:2, 21:11, 24:8, 28:3, 28:4, 28:7, 34:12, 54:9, 54:13, 54:19 sessions [5] - 5:11, 43:7, 44:7, 58:14, 70:25 set [3] - 5:19, 32:9, 71:15 seven [3] - 14:1, 15:9, 31:22 several [1] - 63:23 share [3] - 36:10,</p>	<p>36:23, 36:24 shopping [5] - 6:1, 6:5, 8:14, 60:18 show [2] - 23:12, 73:24 showed [3] - 17:21, 29:16, 56:17 shows [2] - 17:9, 62:19 shrunk [1] - 63:10 side [5] - 4:9, 4:19, 4:22, 32:15, 43:14 sign [1] - 59:16 signal [1] - 14:5 significant [1] - 40:7 similar [3] - 34:25, 62:7, 62:9 simply [8] - 8:15, 8:18, 17:3, 26:15, 29:6, 29:7, 30:11, 39:2 single [15] - 12:20, 12:23, 14:6, 21:9, 21:10, 37:4, 40:20, 40:21, 45:24, 47:2, 53:7, 53:24, 61:9, 69:12 single-phase [13] - 12:20, 12:23, 14:6, 21:9, 21:10, 40:20, 40:21, 47:2, 53:7, 53:24, 61:9, 69:12 site [28] - 7:9, 20:24, 21:11, 23:4, 23:6, 23:15, 24:8, 24:9, 24:10, 25:22, 27:4, 27:5, 27:11, 30:7, 30:19, 30:21, 31:10, 32:17, 32:18, 32:21, 34:15, 38:14, 55:22, 57:21, 61:20, 61:24, 68:25, 69:8 sits [1] - 56:11 situation [4] - 19:14, 25:18, 32:22, 36:4 six [3] - 21:4, 29:22, 37:9 size [2] - 9:14, 46:16 sized [2] - 24:8, 38:18 slam [1] - 55:9 sleet [1] - 68:1 slightly [1] - 26:18 small [3] - 11:8, 46:19, 60:7 smaller [1] - 36:18 smart [1] - 6:12 solely [2] - 11:25 someone [1] - 44:8 sometimes [1] - 44:6 sorry [2] - 6:19, 73:1 sort [6] - 30:10, 30:25, 33:25, 43:6, 51:20, 54:24 source [1] - 34:6</p>
S				
<p>savings [2] - 6:3 second [3] - 15:23, 28:16, 42:25 secondary [1] - 27:4 section [4] - 16:7, 16:8, 16:9, 16:11 sections [1] - 42:7 security [1] - 24:23 see [6] - 20:8, 33:7, 33:25, 53:13, 60:22, 61:18 seeing [1] - 52:22 seem [1] - 63:16 selected [2] - 6:2, 7:9 selection [2] - 6:13, 7:25 sense [8] - 29:4, 48:4, 48:22, 51:14, 51:24, 66:7, 66:12, 69:6 serve [63] - 11:17, 12:22, 14:11, 15:10, 15:12, 15:25, 17:6, 17:14, 18:2, 18:17, 20:3, 20:9, 20:14, 23:15, 23:25, 24:5, 24:9, 24:11, 24:16, 26:11, 26:14, 26:20, 27:22, 29:16, 30:16, 31:7, 31:22, 32:17,</p>				

<p>south [3] - 32:4, 33:16, 33:21</p> <p>South [2] - 37:2, 45:20</p> <p>speaking [1] - 49:3</p> <p>specific [1] - 59:6</p> <p>specifically [3] - 31:4, 51:25, 73:14</p> <p>speculating [2] - 63:7, 63:14</p> <p>spend [2] - 47:1, 62:8</p> <p>spent [1] - 43:4</p> <p>spoken [2] - 67:9, 67:11</p> <p>staff [5] - 4:2, 4:4, 14:22, 20:16, 43:14</p> <p>stand [1] - 26:5</p> <p>standard [3] - 21:19, 21:24, 22:16</p> <p>standards [3] - 23:17, 67:10, 67:13</p> <p>standpoint [2] - 40:17, 63:22</p> <p>stands [1] - 17:22</p> <p>started [1] - 4:24</p> <p>state [2] - 37:4, 45:17</p> <p>statement [3] - 69:3, 70:23, 71:18</p> <p>states [1] - 37:1</p> <p>static [3] - 54:12, 56:13, 64:21</p> <p>station [5] - 32:3, 32:15, 32:19, 58:18, 64:9</p> <p>Statute [1] - 58:25</p> <p>statute [2] - 59:7, 72:16</p> <p>stay [1] - 23:17</p> <p>stays [1] - 28:23</p> <p>step [1] - 72:20</p> <p>Sterling [2] - 23:22, 23:24, 24:6, 24:7, 24:12, 24:13, 24:18, 24:22, 25:2, 25:21, 25:24, 26:1, 27:19, 39:2, 39:4, 39:9, 39:14, 57:15, 57:16, 57:17, 58:1</p> <p>Steve [3] - 48:15, 48:25, 64:12</p> <p>still [12] - 4:19, 18:11, 22:19, 24:2, 24:10, 24:15, 24:17, 25:17, 26:12, 37:6, 41:19, 42:5</p> <p>stop [3] - 47:10, 62:11, 72:25</p> <p>store [2] - 6:16, 8:23</p> <p>storm [3] - 46:11, 66:18, 66:21</p> <p>straight [1] - 33:22</p> <p>streets [5] - 16:18, 72:9, 72:12, 72:18</p>	<p>strengths [1] - 62:19</p> <p>stretch [1] - 59:10</p> <p>studies [1] - 67:10</p> <p>stuff [1] - 61:19</p> <p>sub [8] - 55:25, 56:3, 57:8, 57:10, 57:15, 57:16, 58:1, 67:18</p> <p>subject [3] - 10:17, 33:11, 68:1</p> <p>submit [1] - 47:3</p> <p>submitted [2] - 43:1, 43:3</p> <p>subsection [1] - 59:1</p> <p>subsequent [1] - 42:3</p> <p>substation [60] - 13:4, 13:5, 13:9, 21:5, 22:11, 22:13, 23:4, 23:5, 23:15, 23:18, 23:22, 23:24, 24:6, 24:7, 24:12, 24:13, 24:18, 24:22, 25:2, 25:12, 25:14, 25:19, 25:20, 25:21, 25:22, 25:24, 26:1, 26:3, 26:23, 27:19, 38:9, 38:18, 38:21, 38:22, 39:2, 39:3, 39:5, 39:8, 39:9, 39:13, 39:15, 39:16, 41:17, 50:12, 55:18, 55:21, 55:23, 56:5, 56:9, 56:10, 56:12, 56:14, 56:21, 56:23, 57:17, 57:22, 67:6, 72:22, 72:24</p> <p>substations [5] - 13:1, 13:2, 13:3, 65:7, 68:13</p> <p>success [1] - 36:5</p> <p>successful [1] - 33:14</p> <p>sudden [1] - 32:3</p> <p>sufficient [2] - 36:8, 61:11</p> <p>sufficiently [1] - 24:8</p> <p>suggest [3] - 17:1, 18:20, 39:16</p> <p>suggests [1] - 11:13</p> <p>summarized [1] - 5:16</p> <p>summary [1] - 41:15</p> <p>summation [1] - 62:18</p> <p>Supervisors [1] - 16:10</p> <p>supervisors [3] - 16:11, 17:21, 72:6</p> <p>supplier [3] - 14:14, 30:15, 68:20</p> <p>supplier's [1] - 15:11</p> <p>suppliers [6] - 12:8, 13:14, 15:10, 20:14, 26:11, 44:25</p> <p>supply [2] - 12:12, 12:15</p> <p>support [6] - 29:11,</p>	<p>41:2, 41:4, 41:13, 58:4, 69:2</p> <p>suppose [7] - 46:6, 46:9, 46:14, 47:20, 48:4, 63:24, 68:9</p> <p>Supreme [8] - 45:12, 46:16, 46:18, 46:20, 47:22, 71:4, 71:16, 73:20</p> <p>surround [1] - 61:20</p> <p>sustainability [1] - 11:4</p> <p>switch [3] - 24:3, 24:5, 24:17</p> <p>system [44] - 5:14, 14:7, 16:21, 21:2, 21:5, 21:12, 22:22, 22:25, 23:13, 25:1, 25:3, 26:7, 26:9, 26:25, 27:1, 27:2, 27:12, 27:22, 30:24, 31:14, 32:13, 33:24, 34:8, 34:10, 34:18, 37:23, 38:9, 38:20, 39:17, 40:3, 40:4, 40:5, 40:9, 40:16, 40:19, 41:18, 50:8, 50:10, 61:9, 66:4, 68:21, 72:19</p> <p>systems [10] - 16:16, 16:17, 21:22, 23:17, 26:5, 26:16, 26:17, 38:6, 40:5</p>	<p>49:9, 50:15, 51:15, 57:19, 58:17, 63:10, 64:12, 64:14, 65:17, 67:2, 68:7, 68:10, 69:4, 69:25, 70:2</p> <p>theirs [2] - 22:21, 66:15</p> <p>theory [1] - 36:7</p> <p>therefore [6] - 14:15, 19:2, 32:21, 39:6, 41:22, 68:3</p> <p>they've [5] - 25:14, 36:19, 37:2, 50:7, 54:13</p> <p>thinking [1] - 43:5</p> <p>third [1] - 12:12</p> <p>thoughts [2] - 52:3, 69:22</p> <p>three [28] - 12:24, 12:25, 13:8, 14:3, 21:2, 21:12, 22:19, 25:15, 26:16, 26:17, 26:25, 27:1, 27:2, 27:12, 30:6, 30:20, 31:17, 40:4, 41:16, 44:5, 49:10, 50:4, 50:7, 50:10, 56:8, 61:12, 62:3, 69:12</p> <p>three-hour [1] - 22:19</p> <p>three-phase [23] - 12:24, 12:25, 13:8, 21:2, 21:12, 25:15, 26:16, 26:17, 26:25, 27:1, 27:2, 27:12, 27:2, 27:12, 30:6, 30:20, 31:17, 40:4, 41:16, 49:10, 50:4, 50:7, 50:10, 61:12, 69:12</p> <p>throughout [3] - 5:14, 31:14, 49:1</p> <p>throw [1] - 44:7</p> <p>TIA [2] - 15:23, 18:7, 18:13, 19:14, 19:17, 19:24, 20:4, 33:4, 42:3, 44:16, 44:19, 44:21, 46:21, 51:7, 51:24, 53:9, 58:21, 62:14, 62:19, 62:21, 65:25</p> <p>TIA's [1] - 47:7</p> <p>tie [1] - 65:16</p> <p>tip [1] - 55:13</p> <p>today [12] - 9:22, 26:5, 43:10, 43:16, 45:3, 45:20, 46:5, 48:10, 48:11, 50:16, 56:13, 68:8</p> <p>together [4] - 12:7, 23:12, 66:16, 66:20</p> <p>took [1] - 60:6</p> <p>total [5] - 27:3, 28:2, 48:1, 57:14, 58:3</p> <p>totally [3] - 57:18,</p>	<p>63:7, 71:9</p> <p>touched [1] - 68:23</p> <p>tough [1] - 69:20</p> <p>town [1] - 63:10</p> <p>Township [1] - 16:10</p> <p>township [13] - 15:20, 15:21, 16:1, 16:11, 16:24, 17:1, 17:2, 17:21, 59:2, 59:7, 59:16, 72:6</p> <p>township's [1] - 16:4</p> <p>townsite [15] - 12:18, 15:3, 17:14, 17:23, 18:2, 18:12, 20:10, 32:13, 33:2, 34:4, 34:13, 37:25, 38:20, 40:2</p> <p>track [1] - 21:21</p> <p>traditionally [2] - 20:17, 36:5</p> <p>transformer [1] - 26:24</p> <p>transformers [2] - 39:10, 40:7</p> <p>transmission [2] - 25:11, 27:24</p> <p>treated [2] - 35:5, 35:12</p> <p>true [1] - 10:21</p> <p>trust [1] - 45:8</p> <p>try [3] - 36:23, 53:18, 66:4</p> <p>trying [5] - 6:7, 10:3, 35:4, 51:5, 52:3</p> <p>two [36] - 6:11, 7:4, 7:7, 7:12, 12:13, 12:15, 13:2, 13:3, 13:4, 13:14, 13:23, 13:25, 14:5, 15:18, 20:23, 23:11, 26:8, 26:13, 34:15, 36:15, 42:14, 42:15, 44:20, 44:24, 45:2, 45:4, 45:5, 45:11, 47:6, 62:15, 65:24, 66:9, 70:15, 70:16, 72:2, 73:8</p> <p>two-mile [4] - 12:13, 13:3, 13:4, 13:14</p> <p>two-part [2] - 26:13, 47:6</p> <p>type [5] - 22:24, 36:16, 37:16, 46:10, 67:7</p> <p>typically [1] - 46:18</p>
T				
<p>table [1] - 4:4</p> <p>talks [1] - 47:23</p> <p>Tammy [1] - 30:12</p> <p>tax [1] - 27:14</p> <p>taxes [2] - 27:7, 30:13</p> <p>telephone [1] - 16:15</p> <p>telephones [1] - 37:3</p> <p>ten [12] - 10:23, 11:19, 16:13, 21:3, 22:18, 40:11, 45:1, 45:9, 45:24, 53:1, 63:15</p> <p>ten-minute [1] - 22:18</p> <p>terms [3] - 27:17, 36:21, 55:1</p> <p>Territorial [1] - 44:16</p> <p>territory [5] - 46:3, 70:21, 71:1, 71:17, 71:21</p> <p>testified [12] - 5:23, 7:8, 7:24, 8:21, 9:9, 10:7, 22:21, 28:18, 31:22, 48:24, 49:11, 57:20</p> <p>testify [1] - 7:3</p> <p>testimony [19] - 27:8, 48:12, 48:15, 49:8,</p>	<p>41:2, 41:4, 41:13, 58:4, 69:2</p> <p>suppose [7] - 46:6, 46:9, 46:14, 47:20, 48:4, 63:24, 68:9</p> <p>Supreme [8] - 45:12, 46:16, 46:18, 46:20, 47:22, 71:4, 71:16, 73:20</p> <p>surround [1] - 61:20</p> <p>sustainability [1] - 11:4</p> <p>switch [3] - 24:3, 24:5, 24:17</p> <p>system [44] - 5:14, 14:7, 16:21, 21:2, 21:5, 21:12, 22:22, 22:25, 23:13, 25:1, 25:3, 26:7, 26:9, 26:25, 27:1, 27:2, 27:12, 27:22, 30:24, 31:14, 32:13, 33:24, 34:8, 34:10, 34:18, 37:23, 38:9, 38:20, 39:17, 40:3, 40:4, 40:5, 40:9, 40:16, 40:19, 41:18, 50:8, 50:10, 61:9, 66:4, 68:21, 72:19</p> <p>systems [10] - 16:16, 16:17, 21:22, 23:17, 26:5, 26:16, 26:17, 38:6, 40:5</p>	<p>49:9, 50:15, 51:15, 57:19, 58:17, 63:10, 64:12, 64:14, 65:17, 67:2, 68:7, 68:10, 69:4, 69:25, 70:2</p> <p>theirs [2] - 22:21, 66:15</p> <p>theory [1] - 36:7</p> <p>therefore [6] - 14:15, 19:2, 32:21, 39:6, 41:22, 68:3</p> <p>they've [5] - 25:14, 36:19, 37:2, 50:7, 54:13</p> <p>thinking [1] - 43:5</p> <p>third [1] - 12:12</p> <p>thoughts [2] - 52:3, 69:22</p> <p>three [28] - 12:24, 12:25, 13:8, 14:3, 21:2, 21:12, 22:19, 25:15, 26:16, 26:17, 26:25, 27:1, 27:2, 27:12, 30:6, 30:20, 31:17, 40:4, 41:16, 44:5, 49:10, 50:4, 50:7, 50:10, 56:8, 61:12, 62:3, 69:12</p> <p>three-hour [1] - 22:19</p> <p>three-phase [23] - 12:24, 12:25, 13:8, 21:2, 21:12, 25:15, 26:16, 26:17, 26:25, 27:1, 27:2, 27:12, 27:2, 27:12, 30:6, 30:20, 31:17, 40:4, 41:16, 49:10, 50:4, 50:7, 50:10, 61:12, 69:12</p> <p>throughout [3] - 5:14, 31:14, 49:1</p> <p>throw [1] - 44:7</p> <p>TIA [2] - 15:23, 18:7, 18:13, 19:14, 19:17, 19:24, 20:4, 33:4, 42:3, 44:16, 44:19, 44:21, 46:21, 51:7, 51:24, 53:9, 58:21, 62:14, 62:19, 62:21, 65:25</p> <p>TIA's [1] - 47:7</p> <p>tie [1] - 65:16</p> <p>tip [1] - 55:13</p> <p>today [12] - 9:22, 26:5, 43:10, 43:16, 45:3, 45:20, 46:5, 48:10, 48:11, 50:16, 56:13, 68:8</p> <p>together [4] - 12:7, 23:12, 66:16, 66:20</p> <p>took [1] - 60:6</p> <p>total [5] - 27:3, 28:2, 48:1, 57:14, 58:3</p> <p>totally [3] - 57:18,</p>	<p>63:7, 71:9</p> <p>touched [1] - 68:23</p> <p>tough [1] - 69:20</p> <p>town [1] - 63:10</p> <p>Township [1] - 16:10</p> <p>township [13] - 15:20, 15:21, 16:1, 16:11, 16:24, 17:1, 17:2, 17:21, 59:2, 59:7, 59:16, 72:6</p> <p>township's [1] - 16:4</p> <p>townsite [15] - 12:18, 15:3, 17:14, 17:23, 18:2, 18:12, 20:10, 32:13, 33:2, 34:4, 34:13, 37:25, 38:20, 40:2</p> <p>track [1] - 21:21</p> <p>traditionally [2] - 20:17, 36:5</p> <p>transformer [1] - 26:24</p> <p>transformers [2] - 39:10, 40:7</p> <p>transmission [2] - 25:11, 27:24</p> <p>treated [2] - 35:5, 35:12</p> <p>true [1] - 10:21</p> <p>trust [1] - 45:8</p> <p>try [3] - 36:23, 53:18, 66:4</p> <p>trying [5] - 6:7, 10:3, 35:4, 51:5, 52:3</p> <p>two [36] - 6:11, 7:4, 7:7, 7:12, 12:13, 12:15, 13:2, 13:3, 13:4, 13:14, 13:23, 13:25, 14:5, 15:18, 20:23, 23:11, 26:8, 26:13, 34:15, 36:15, 42:14, 42:15, 44:20, 44:24, 45:2, 45:4, 45:5, 45:11, 47:6, 62:15, 65:24, 66:9, 70:15, 70:16, 72:2, 73:8</p> <p>two-mile [4] - 12:13, 13:3, 13:4, 13:14</p> <p>two-part [2] - 26:13, 47:6</p> <p>type [5] - 22:24, 36:16, 37:16, 46:10, 67:7</p> <p>typically [1] - 46:18</p>	
U				
<p>under [9] - 15:23, 16:13, 16:17, 20:4, 59:5, 59:6, 59:11, 71:14, 71:22</p> <p>underground [3] -</p>				

<p>22:22, 40:5, 68:5 understandable [1] - 47:18 undeveloped [4] - 15:25, 17:10, 31:16, 31:20 unless [3] - 24:13, 24:18, 62:13 unlike [1] - 37:1 unlikely [1] - 25:20 unlimited [1] - 51:23 unplatted [1] - 16:25 unquote [1] - 54:3 unreasonably [3] - 40:15, 41:22, 68:20 unregulated [5] - 9:20, 33:5, 33:9, 71:6, 71:10 unserved [1] - 71:20 up [18] - 5:10, 5:20, 11:20, 30:13, 32:1, 32:4, 33:13, 33:16, 37:4, 43:5, 51:3, 57:19, 58:18, 64:17, 72:25, 73:2, 73:10, 73:13 upgrade [35] - 24:13, 26:1, 26:23, 27:20, 30:23, 31:13, 32:12, 34:12, 34:18, 37:22, 38:8, 38:19, 39:1, 39:2, 39:4, 39:8, 39:9, 39:13, 39:14, 39:17, 39:22, 40:8, 50:14, 53:25, 55:6, 55:18, 56:3, 56:12, 56:17, 57:2, 58:6, 61:14, 64:2, 72:22, 72:24 upgraded [10] - 14:10, 24:18, 25:2, 25:5, 25:21, 25:24, 34:11, 56:8, 58:2, 58:4 upgrades [4] - 26:22, 27:5, 50:12, 53:4 upgrading [2] - 56:5, 56:14 user [1] - 67:6 utilities [9] - 6:7, 6:11, 22:4, 44:18, 45:25, 46:2, 53:17, 61:16, 62:5 utility [14] - 6:6, 6:7, 6:8, 8:12, 10:20, 12:4, 19:8, 20:19, 35:23, 44:23, 46:12, 56:19, 62:2, 72:18</p>	<p>validity [2] - 16:3, 18:14 various [3] - 21:22, 44:5, 48:8 vary [1] - 8:13 vehicle [1] - 6:15 versus [5] - 22:18, 26:19, 27:23, 28:7, 69:12 vicinity [3] - 13:2, 34:17, 46:13 view [5] - 36:2, 45:23, 51:8, 51:11, 52:4 viewed [8] - 43:15, 43:19, 45:15, 50:13, 55:7, 67:24, 68:16, 69:9 village [5] - 15:3, 51:14, 51:20, 56:17, 63:4 virtually [2] - 49:19, 50:8 voltage [6] - 23:16, 23:18, 23:19, 67:3, 67:7, 67:9 volume [1] - 29:6</p>	<p>worthless [1] - 50:8 wrap [1] - 73:10 wrapped [1] - 61:9 wreck [1] - 49:17 wrestling [1] - 44:14 wye [5] - 26:25, 27:2, 31:14, 40:3, 40:4</p> <p style="text-align: center;">Y</p> <p>year [7] - 21:3, 21:5, 21:6, 27:21, 28:4, 36:15, 62:3 years [19] - 12:17, 18:13, 19:24, 20:2, 20:3, 21:2, 21:3, 21:4, 36:15, 36:19, 37:9, 42:4, 54:14, 56:8, 59:13, 59:22, 63:6</p>
V	W	
<p>valid [5] - 15:21, 16:5, 18:11, 19:2, 33:19</p>	<p>wait [1] - 15:11 wake [1] - 43:5 walk [1] - 35:12 wants [1] - 60:11 wasteful [19] - 38:1, 38:2, 41:21, 44:22, 47:8, 47:24, 52:19, 52:21, 52:24, 54:18, 54:25, 55:16, 55:19, 55:25, 56:6, 60:10, 60:13, 72:20, 72:22 wastewater [1] - 16:16 water [1] - 16:16 ways [1] - 19:9 weigh [6] - 10:22, 10:23, 11:11, 11:20, 12:1, 54:18 weight [3] - 11:6, 45:13, 46:10 weights [1] - 11:23 whereby [1] - 66:4 whole [5] - 36:20, 55:7, 64:9, 64:18, 65:5 willing [1] - 36:1 Williston [3] - 34:24, 35:2, 35:3 wires [1] - 72:15 wood [1] - 49:14 word [2] - 72:7, 72:17 workable [1] - 50:9 works [2] - 36:3, 37:6 worried [1] - 59:19</p>	