

1 TRANSCRIPT OF PROCEEDINGS, held in the
2 above-entitled matter, at the South Dakota State Capitol
3 Building, Room 413, 500 East Capitol Avenue, Pierre,
4 South Dakota, on the 19th day of May, 2015.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CHAIRMAN NELSON: We will call the Ad Hoc Public
2 Utilities Commission Meeting to order. This is Chairman
3 Nelson in the hearing room. I have Acting Commissioner
4 Sattgast with me in the room, and Commissioner Hanson is
5 on the telephone line.

6 We are here this afternoon for HP14-002, In the
7 Matter of the Application of Dakota Access LLC for an
8 Energy Facility Permit to Construct the Dakota Access
9 Pipeline.

10 Our questions today is shall the Commission
11 grant the Joint Motion to Amend the Procedural Schedule,
12 and, if so, what Procedural Schedule shall the Commission
13 adopt?

14 Just as an FYI to everybody, we do have our
15 court reporter here with us so, as always, try to speak
16 slower than what I usually speak.

17 I think the first thing that we are going to do,
18 unless there's an objection, we have this Motion from
19 Mr. Boomsma on behalf of his clients to join Yankton
20 Sioux Tribe et al. in the Motion to Amend the Procedural
21 Schedule. And I think it might make most sense if we
22 deal with that question first.

23 And so, Mr. Boomsma, if you'd like to make your
24 case.

25 MR. BOOMSMA: Sure. Judge, I did file the

1 paperwork to join in on the Motion to Amend Procedural
2 Schedule. In other words, I'm adopting the Motion and
3 the Brief in support thereof filed by it looks like
4 Yankton Sioux Tribe, Rosebud Sioux Tribe, and Indigenous
5 Environmental Network. I guess also Dakota Rural Action.

6 But I'm just making the position to the PUC that
7 I don't think the current Scheduling Order is any more
8 workable. I take that position because, first off, with
9 respect to discovery --

10 CHAIRMAN NELSON: Mr. Boomsma, I'm going to
11 interrupt you. If you could just hold your comments at
12 this point to the argument of whether or not you should
13 be allowed to join.

14 MR. BOOMSMA: Okay. I represent interested
15 parties, and one of my interested parties served
16 discovery on Dakota Access, and that discovery was due
17 back from Dakota Access on May 1.

18 So I'm in a very similar position as that of the
19 moving parties, and based on that, it's my position I
20 should be allowed to join in on the Motion to Amend
21 Procedural Schedule.

22 CHAIRMAN NELSON: Thank you.

23 Are there any of the other Intervenors that feel
24 a need to weigh in on this?

25 MR. RAPPOLD: This is Matt Rappold on behalf of

1 Rosebud.

2 The only thing I would weigh in on is that I
3 would not have any objections to the request to join the
4 Motion.

5 CHAIRMAN NELSON: Thank you.

6 Any others?

7 MS. REAL BIRD: This is Thomasina Real Bird on
8 behalf of the Yankton Sioux Tribe as one of the moving
9 parties. We have no objection to Mr. Boomsma's client
10 joining the Motion.

11 CHAIRMAN NELSON: Excellent.

12 Ms. Edwards for Staff.

13 MS. EDWARDS: Staff has no objection.

14 CHAIRMAN NELSON: And we will go to the
15 Applicant.

16 Ms. Semmler.

17 MS. SEMMLER: No objection.

18 CHAIRMAN NELSON: Thank you. Questions from the
19 Commissioners?

20 Hearing none, is there a Motion?

21 Commissioner Sattgast.

22 ACTING COMMISSIONER SATTGAST: I will move to
23 allow them to join the Motion.

24 CHAIRMAN NELSON: Thank you. Discussion on the
25 Motion.

1 Hearing no discussion, all those in favor will
2 vote aye. Those opposed, nay.

3 Commissioner Sattgast.

4 ACTING COMMISSIONER SATTGAST: Aye.

5 CHAIRMAN NELSON: Commissioner Hanson.

6 COMMISSIONER HANSON: Aye.

7 CHAIRMAN NELSON: And Nelson votes aye.

8 The Motion carries. The Motion to Join is
9 approved.

10 That then takes us to the Motion by Yankton
11 Sioux Tribe, Rosebud Sioux Tribe, Indigenous
12 Environmental Network, and Dakota Rural Action to Amend
13 the Procedural Schedule. And I am going to go to
14 Ms. Real Bird.

15 Thomasina, are you the one that wants to carry
16 this?

17 MS. REAL BIRD: Mr. Chairman, I've actually
18 asked Matt Rappold because of my schedule. I'm on a
19 cellphone and I -- (Inaudible).

20 CHAIRMAN NELSON: Thomasina, you are coming in
21 and out. If you could just very briefly repeat that for
22 the court reporter.

23 MS. REAL BIRD: I've asked Mr. Rappold from the
24 Yankton Sioux Tribe to give the main argument on the
25 Motion because it is a Joint Motion and due to

1 unavoidable travel, I have to be on the cellphone at this
2 time. So for the benefit of everybody, I've asked Matt
3 to present.

4 CHAIRMAN NELSON: Excellent. I want to say
5 thank you to you. I think that will be to everybody's
6 benefit because Matt's coming across very clear.

7 With that, Matt, go ahead.

8 MR. RAPPOLD: Thank you, Chairman Nelson.
9 Matt Rappold. On behalf of the Rosebud Sioux Tribe and
10 the remaining Commissioners, I appreciate your time today
11 to hear the issue that's presently before you.

12 As I'm seeing it, I kind of see the issue before
13 you comprising three issues as it relates to the
14 Procedural Schedule and our Motion to Amend that
15 schedule.

16 I'd like to say from the outset -- or the onset,
17 rather, in response to Staff's characterization of our
18 Motion I just want to be clear that this is not a Motion
19 for Continuance. Rather, it is a Motion to Amend the
20 Procedural Schedule. And I just don't want to have
21 that -- the Commission consider that as an improper
22 characterization of what we're asking for.

23 The other two issues appear to be changing the
24 due date for Yankton Sioux Tribe's second round of
25 discovery following the Order to Compel, and whether or

1 not there's sufficient time built into the schedule to
2 actually have that date remain May 22, considering if
3 there's still maybe issues on the table as far as Dakota
4 Access complying with the Order to Compel that was issued
5 last week.

6 And then the other issue as it appears to me
7 would be the length of the time that's required to
8 prepare direct testimony.

9 Now I realize that last issue's slightly
10 different than what was presented in the grounds for the
11 Motion, and I need to kind of explain that to the
12 Commission a little bit before moving into more
13 substantive discussion.

14 To me kind of looking at taking a plain reading
15 of the Procedural Schedule it appeared to create a
16 situation where testimony would be filed prior to the
17 completion of discovery. And I think on the other Docket
18 we kind of addressed that issue.

19 And further reviewing the transcripts of the
20 proceeding with the schedule it helped me to really clear
21 up the confusion that I got from reading the Procedural
22 Schedule on its face. And it does appear that the
23 intent was to complete discovery before requiring parties
24 to file prefiled testimony, including direct and
25 rebuttal. And this schedule actually -- it does reflect

1 that intention.

2 What kind of threw me a little bit was the extra
3 period of discovery just prior to the evidentiary
4 hearing. With that said, what concerns me particularly
5 as far as ample time to file direct testimony is that if
6 you look at the dates, we've got June 15 as the date that
7 discovery's due and June 26 as the date when direct
8 testimony is due.

9 Now that only leaves 10 total days to accomplish
10 everything that would need to be accomplished during that
11 time period in order to have your direct testimony filed.
12 There's a weekend in there so it actually leaves eight
13 working days.

14 And I'd just point out that the issues that
15 we've encountered in other dockets and that we're
16 actually -- other parties are encountering in this
17 Docket, we have the resolution of discovery issues would
18 have to take place in those 10 days. The parties may
19 have to comply with any orders to compel that the
20 Commission could issue during those 10 days. Parties
21 have to review the compel discovery, review the final
22 testimony.

23 So even if everything goes off as perfect as
24 it could go during those 10 days, I'm still concerned
25 that there's not adequate time to accomplish everything

1 that needs to be accomplished prior to providing
2 testimony.

3 So what I would ask the Commission to look at is
4 the backside of that June 26 deadline. And it would
5 appear that with the additional period of discovery
6 that's built into the schedule that after the June 26
7 deadline there's plenty of time to move the filing date
8 of direct and rebuttal testimony back without actually
9 interfering with the rest of the hearing dates.

10 And so it appears to us that if the Commission
11 considers these things, we can amend the schedule in a
12 way that's fair to all parties and still keeps the case
13 on track for the statutorily required evidentiary hearing
14 to take place within a year of the filing of the
15 Application.

16 So I know there's other issues in there that are
17 connected more closely to the discovery disputes and the
18 Order to Compel surrounding Yankton and the May 22
19 deadline. And it also appears that Mr. Boomsma's clients
20 may have some other discovery issues that could be
21 pending. I don't know. It just seems like there's some
22 issues associated with discovery already.

23 So I wonder if the May 22 date to file second
24 round of discovery should still be the date when
25 testimony -- or discovery's required, rather.

1 And then Rosebud, we haven't filed any discovery
2 yet, and Dakota Access makes that clear. So the question
3 that I'd ask the Commission to consider if it does amend
4 the Yankton date to file a second round of discovery,
5 does the Commission want to keep consistent and have one
6 date for everybody, or does the Commission kind of want
7 to bifurcate that -- those dates like it had done in
8 other dockets?

9 Either way we're prepared to be on track with
10 the schedule as it stands as far as the May 22 date goes
11 which is still laid out to the Commission if the
12 Commission wants to keep dates consistent to all the
13 parties.

14 So I'll yield the remainder to the other
15 intervenors.

16 CHAIRMAN NELSON: Mr. Rappold, thank you.

17 I'm just going to go down the list. Kimberly
18 Craven, anything to add?

19 Not hearing anything --

20 MS. CRAVEN: Okay. It's me. My mute didn't
21 come off. This is Kimberly Craven, and I do want to
22 weigh in on this because we do have a problem with the
23 May 22 date despite what Mr. Rappold has said on behalf
24 of the Joint Motion our responses to the first discovery
25 round were a week late. And so that puts -- that pushes

1 everything back a week in my eyes. At least a week.

2 And so I would ask that you push back the second
3 date when the second date of discovery is due so that
4 will give us adequate time to prepare those questions and
5 requests for information.

6 And besides that, I really would also like to
7 weigh in that it is really difficult to file prefiled
8 testimony when discovery is not complete. We've found
9 that to be an issue in other dockets.

10 We're coming to you sooner because we've been,
11 you know, questioned about why are you waiting until the
12 last minute to bring these issues up. We're coming to
13 you now to say this is an issue, and we're asking the
14 Commission to please take our concerns into consideration
15 and amend the Procedural Schedule sooner than later.

16 And that's all I have to say. Thank you.

17 And I wanted to add one other thing.

18 Mr. Koenecke -- I'm not sure I'm saying his name right --
19 he questioned who I am, haven't submitted any discovery
20 requests, and why we haven't joined the Motion. I am at
21 this time representing both IEN and DRA so I think it
22 might be kind of repetitive to submit two sets of
23 information when I was doing both of them. So I tried to
24 always submit one set of discovery requests, and so I
25 just wanted to offer that up as an explanation.

1 CHAIRMAN NELSON: Thank you.

2 Mr. Boomsma.

3 MR. BOOMSMA: Okay. Thank you, Commission.

4 I'll start now with the argument that I earlier started
5 with when I first spoke.

6 It's my position to the Commission that this
7 current Scheduling Order or Procedural Schedule is not
8 workable. Here's why I take that position:

9 May 2 I did receive incomplete, unsigned
10 discovery responses back. No documents were produced at
11 that time. I did trade e-mails with Mr. Koenecke then
12 about, well, when can I get the responses? How much
13 additional time do you need? Et cetera. Those kind of
14 e-mails took place.

15 I finally did get signed responses from Dakota
16 Access on May 11, but I view those responses to be
17 incomplete as well. I attached those responses to my
18 Affidavit. Some examples of why I say they're incomplete
19 would be, first off, Interrogatories 50 through 52. The
20 best I could get for an answer out of Dakota Access was
21 that they're currently studying those items. That was
22 the answer.

23 No. 52 there was 12 subparts to that
24 Interrogatory question, and they only answered one of the
25 subparts. Interrogatories 40, 41, and 42 their response

1 was they referred me to a March 19, 2015, filing that has
2 been made on the Docket. It wasn't responsive to the
3 questions.

4 I received an e-mail on May 8, 2015, from
5 Mr. Koenecke, and in that e-mail he states he still plans
6 on getting me more information as far as the pipe
7 segments, pipe yards and coatings. That e-mail is
8 attached as Exhibit C to my Affidavit.

9 On top of that, objections were posed to
10 Interrogatories 6, 7, 10, 12, 24, 26, 28, 27, 34, 35, 39,
11 44, and 47. So I did not receive much in the way of
12 useful information since they made those objections.

13 My position, again, is that the current
14 Procedural Schedule is just not workable. The first
15 round of discovery from my perspective has not been
16 completed. I've got an e-mail from Mr. Koenecke saying
17 he's still going to get me more information. Some of
18 his responses say we're working on it. We'll get you
19 more.

20 I don't think that this May 22 deadline can be
21 met. I don't know how it could. I don't even have the
22 responses yet from my position.

23 Same thing goes with this June 26 deadline to
24 file direct testimony. I don't think that that can be
25 met. I already received my responses 11 days late, and

1 what I did get is incomplete. I think that the whole
2 Scheduling Order has to be bumped back, and even then
3 we'll have to take it probably week by week and see what
4 we're going to be able to meet.

5 I am very concerned that I still don't feel that
6 my discovery has been responded to. I don't have
7 complete answers, and that's jeopardizing and prejudicing
8 my right and my obligations to abide by the current
9 Scheduling Order. I just don't think it's workable at
10 this point.

11 That's my position.

12 CHAIRMAN NELSON: Thank you.

13 Kristen Edwards for Staff.

14 MS. EDWARDS: Thank you, Chairman. This is
15 Kristen Edwards for Staff.

16 Staff submitted a Brief, and I won't go through
17 all of that. The one point I would like to make is,
18 again, the additional round of discovery that ends after
19 prefiled direct testimony and rebuttal testimony is due,
20 again, that's just a tool just as the Scheduling Order
21 lays out that it's pertaining to issues raised by
22 prefiled testimony and exhibits or a change of
23 circumstances. That's right in the Order there.

24 And if parties don't want to engage in that,
25 they certainly don't have to. But I foresee Staff using

1 that as a very helpful tool to gain more information
2 after prefiled testimony is filed, and we would like that
3 to remain in the Order so that we can take advantage of
4 that.

5 Also the discovery is ongoing so if a party was
6 to submit discovery questions on May 26 -- or May 22,
7 rather, and more information came to light because
8 discovery is ongoing, as was discussed in the other
9 procedural scheduling conference, they could certainly
10 submit more discovery requests. I foresee that
11 happening. There is nothing saying you are limited to
12 only those two rounds of discovery.

13 Thank you.

14 CHAIRMAN NELSON: Thank you.

15 Ms. Semmler.

16 MS. SEMMLER: Thank you, Commission Advisor and
17 Staff. I want to start out to say the Applicant doesn't
18 necessarily object to moving back the May 22 or June 26
19 deadline.

20 We aren't privy to those internal needs of the
21 various parties that have joined in this Motion, and if
22 they need some extra time we appreciate that, and we're
23 willing to consider any suggestions with an open mind.

24 I did, however, raise a few points in my reply
25 to their Motion. I won't repeat those, but just based on

1 the verbal argument that's taken place today, I want to
2 make a few comments.

3 I don't think it's accurate to portray that
4 there's only 10 days to get prefiled testimony put
5 together. There's actually six months by the time that
6 June 26 deadline rolls around.

7 It's the Applicant's position that all
8 information it needs to meet its burden of proof is
9 included in the Application itself, and that was filed
10 last December.

11 Now a variety of that gets fleshed out in
12 prefiled testimony, which is the reason and why we also
13 believe and we join Staff's suggestion that there be some
14 discovery after that prefiled testimony gets filed. I
15 think that's a real useful tool. And we respect and
16 appreciate the recommendations Staff made regarding the
17 schedule based on their extensive experience and history
18 working on these sort of siting dockets.

19 You know, the statute gives the Commission
20 obligation to hold its public hearing, and it gives you
21 an obligation to enter complete findings within 12
22 months. But in between there all the parties are stuck
23 with figuring this out. So rather than pointing fingers,
24 I think this is a good process to come before you and to
25 further discuss what we may need to do to make these

1 adjustments. And we don't object to moving the two
2 deadlines that Intervenors have suggested moved.

3 Again, I want to support Ms. Edwards's
4 statements that that May 22 deadline really isn't a
5 deadline. It was some guidance provided by Commission
6 Counsel, and it's helpful to have that in the Scheduling
7 Order. But Commission -- but discovery, excuse me, is
8 ongoing. And just as we did write to Mr. Boomsma that as
9 we discover more information we'll be providing it,
10 that's our obligation which will continue right up until
11 the day we have that hearing.

12 Discovery questions are asked, and as more
13 information is collected we're going to continue to
14 provide that. If things change, we're going to continue
15 to provide it. So it's really difficult to say by X date
16 everything should be provided because that's not how
17 discovery is designed, and that would not make discovery
18 real productive.

19 This is the first we've really heard of
20 Mr. Boomsma's specific objections or complaints regarding
21 our responses to discovery. Our responses, I can't
22 concede to that 11 days late as he related. He received
23 responses, very substantive responses, the day after, one
24 day late. And this is the first we're hearing of his
25 complaints.

1 We're anxious to work through those issues with
2 him just as we tried to do with the other parties. We'll
3 work with him to supplement our responses if we can. And
4 if we can't satisfy his requests in his mind, there's a
5 Motion to Compel process that he can go through in front
6 of the Commission just as the Yankton Sioux Tribe did.

7 But before we get there we'd like the
8 opportunity to work with him and figure out what it is
9 we -- that he believes is deficient in our responses.

10 So, with that, I'm going to conclude again with
11 we don't object. If we need to move a couple of dates,
12 let's do it. Let's have a productive hearing in
13 September.

14 CHAIRMAN NELSON: Thank you.

15 And hearing no objection, I'm not going to ask
16 for any rebuttal. But I would ask for any Commissioner
17 questions.

18 I do have questions.

19 Ms. Semmler, you and Mr. Koenecke were here last
20 week, and I asked a question about where we were at with
21 complying with our Motion to Compel in relation to
22 Yankton. Can you give us an update on that? And I'm
23 really looking for an answer as to when that's going to
24 be finalized.

25 MS. SEMMLER: I can give you an update to that.

1 The request for a list of contractors or staff
2 who did the survey work, that was sent. That's complete,
3 both as far as geological or other surveys and the
4 cultural. That's sent. That's complete.

5 We sent documents responsive to Request No. 3
6 today, 342 pages, confidential pages, of the preliminary
7 cultural survey work and agency communication. Now the
8 final comprehensive won't be done until on or before
9 June 3. So June 3 is our drop dead date for the Final
10 Cultural Comprehensive Class 3 Report. But all the
11 preliminary stuff has been provided as of today.

12 Now as far as -- and that was Interrogatory
13 No. 19 and Request For Production No. 3. I think that
14 covers both of those.

15 Document Request No. 4. Ms. Real Bird and I had
16 some e-mail correspondence, and she agreed to receive the
17 State utility regulatory filings, those public documents.
18 She agreed to receive those via a link to those websites
19 so we've got that covered.

20 Remaining South Dakota permits, that was sent
21 today, 299 pages was sent today as well as all of the,
22 you know, final and more official communications we had
23 with State agencies.

24 Iowa and Illinois we expect to have all of those
25 permits and all of those official communications -- the

1 other permits. I'm not talking utility filings but the
2 other sorts of permits, we expect to have those by the
3 end of the week. We will have those by the end of the
4 week, Commissioner. And I expect Iowa and Illinois will
5 probably be in the, you know, 3- and 400-page range as
6 well.

7 The thing we're struggling with are all of the
8 internal communications and just other correspondence in
9 general that aren't official. The Applicant has a filing
10 system where all the official communications get put in a
11 place, and they get kept. However, all of the staff to
12 staff, staff to consultant conversation about weather,
13 scheduling, or whatever it might be, the nonofficial
14 communications, those are all deleted off the system in
15 90 days.

16 Now could we bring in an expert IT individual
17 that could -- I mean, it's somewhere. I get it. It's
18 forensically somewhere, but that stuff's off the system
19 and not accessible to the individuals we work with if
20 it's older than 90 days.

21 We didn't notice a, you know, Motion to
22 Reconsider or anything like that. And I don't have all
23 of the details because our clients are still working real
24 hard to figure out how it is they can get ahold of those
25 documents. But it might be overly burdensome.

1 Now, again all of the official correspondence
2 that go along with any of the Applicant submissions or
3 permitting submissions with any state agency, those are
4 kept, and the Yankton Sioux Tribe will receive those.
5 But it's those extra internal staff to staff, staff to
6 consultant stuff, dozens of employees, hundreds of
7 e-mails, they're posing right now to be a challenge for
8 us to get ahold of.

9 And regarding that particular chunk of
10 information, I can't give you a time line on that. And
11 we may be in front of you with a Motion to Reconsider as
12 I gather more technical information on the possibility of
13 gathering that stuff.

14 CHAIRMAN NELSON: Thank you. And I do
15 appreciate your candor in your response.

16 Ms. Real Bird, I guess I'd like to ask you,
17 you've heard how the process is going from the
18 Applicant's end. Any comments from your end?

19 MS. REAL BIRD: Thank you, Mr. Chairman. And
20 hopefully I'm coming through clear. I would just like to
21 add from what Matt said earlier that we still haven't
22 received the first round of discovery responses as
23 Ms. Semmler detailed to you.

24 And so to the extent that that, I guess, cuts
25 into the original three weeks the Commission had

1 contemplated between the discovery rounds, we would ask
2 for the second round of discovery from Yankton at least
3 to go out a likewise time that our receipt of the
4 information has been delayed.

5 So we, in other words, are requesting for a full
6 three weeks from the time we receive a complete set of
7 discovery from the first round from the Applicant to when
8 our second discovery goes out.

9 And I am, I guess, confused as to why Staff and
10 the Applicant take the position that the deadlines are --
11 from what I'm understanding, they're saying that they're
12 not firm deadlines. But from our experience before the
13 Commission, when the Commission sets those deadlines they
14 have to be met.

15 I guess I'd like some clarification from the
16 Commission as to whether these deadlines are not certain
17 or whether they are. Because our understanding and our
18 operation is for these deadlines to be met rather than
19 just a fluid process.

20 And I do understand the obligation for ongoing
21 discovery responses if additional discovery is made known
22 to a party that must produce it, but that's separate from
23 having these deadlines be so fluid.

24 Those are my comments, and we would just like
25 the full three weeks and when we set the time in the

1 schedule we would like the adjustments to be made pushing
2 back almost everything three weeks.

3 CHAIRMAN NELSON: Thank you.

4 MS. REAL BIRD: Or at least from the time we're
5 going to receive those responses from the Applicant.

6 CHAIRMAN NELSON: Thank you.

7 Question for Ms. Edwards. It would appear to me
8 that the deadline for prefiled direct testimony could
9 certainly be pushed back without impinging upon the time
10 to prepare for the actual hearing.

11 Am I correct in that?

12 MS. EDWARDS: Sure. I think that would be
13 reasonable, and Staff would not have an objection to
14 delaying it a reasonable amount of time.

15 CHAIRMAN NELSON: Thank you.

16 Other Commissioner questions.

17 Commissioner Hanson, any questions?

18 COMMISSIONER HANSON: No, Commissioner,
19 Mr. Chairman.

20 I just want to make certain that we don't
21 compress the time line at the end of this process and
22 create difficulty for either the hearing or for the
23 Commission to -- sometimes the Commission needs
24 additional information after the hearing, and that's
25 quite often the case, and then we -- our Staff needs time

1 to write the Order after the Order's established so I
2 just want to make certain we don't compress those time
3 lines.

4 Thank you.

5 CHAIRMAN NELSON: Thank you.

6 Commissioner Sattgast, any questions?

7 ACTING COMMISSIONER SATTGAST: No questions.

8 Other than just a statement of I know when we
9 set schedules I like to try to adhere to schedules, but I
10 do understand that there are some circumstances that will
11 push or require us to change that.

12 CHAIRMAN NELSON: Thank you.

13 Seeing no further questions, is there a Motion?

14 I will move to amend the Procedural Schedule in
15 two matters -- in two fashions. Change the deadline for
16 the second round of discovery requests only for those
17 parties that actually issued first round of discovery
18 requests from May 22 to May 29 and the date for the
19 deadline for prefiled direct testimony served and filed
20 by all parties, moving that from June 26 to July 6.

21 Discussion on the Motion.

22 Let me start my discussion right where
23 Commissioner Sattgast ended his commentary. Let me make
24 it abundantly clear to all parties that I can see
25 absolutely nothing that would require us to change the

1 hearing date that has been scheduled. And I expect every
2 party, the Applicant and all the Intervenors and the
3 Staff, to do everything in their power to make sure that
4 we stay on track for that.

5 Now having said that, I understand the Applicant
6 is having some difficulty meeting some of these discovery
7 requests in our Motion to Compel. And what I've heard at
8 this point leads me to believe that we need to allow a
9 little bit of additional time in the two fashions that
10 I've indicated.

11 Given Ms. Semmler's rather open-ended responses
12 in a couple of regards -- and, again, I appreciate her
13 candor and not trying to cover up where they're at, but
14 given those, will there need to be other opportunities
15 for us to address this? Perhaps. But I think a lot of
16 that depends on how quickly they can wrap up those
17 responses. And so I think for today the two dates that I
18 propose changing are appropriate.

19 Additional discussion.

20 Mr. Smith.

21 MR. SMITH: Ms. Edwards has a question here
22 she'd like to ask before we go to vote on this.

23 CHAIRMAN NELSON: Certainly.

24 Kristen.

25 MS. EDWARDS: Thank you, Chairman and General

1 Counsel.

2 The question I had regarded the second round
3 responses due June 15. In the Motion second round was
4 due to parties that issued first round discovery on
5 May 29.

6 Would responses then be 30 days after that, or
7 still on June 15?

8 CHAIRMAN NELSON: What would you recommend?

9 MS. EDWARDS: Staff would recommend 30 days,
10 which is statutorily provided, unless otherwise ordered
11 by the Commission.

12 CHAIRMAN NELSON: That would place the second
13 round discovery due for those -- again, for only those
14 parties who actually issued first round discovery, it
15 would push that deadline to June 29, providing a full
16 30 days.

17 Now I noticed there wasn't 30 days in the
18 original schedule. And what that does, though, see, that
19 compresses the amount of time that folks are going to
20 have to prepare their prefiled testimony. I'm not
21 comfortable with June 29.

22 I would go to June 22. I think that would -- if
23 we could consider a friendly amendment to my Motion to
24 push the second round of discovery due and, again, only
25 by those parties that issued first round discovery

1 requests to June 22.

2 So we've got for those parties second round
3 discovery requests served by May 29. Second round
4 discovery due June 22. And then for all parties prefiled
5 direct testimony served and filed by July 6.

6 Ms. Edwards, thank you for asking that question.

7 Any additional discussion based on that
8 exchange?

9 Hearing no discussion, all those in favor --
10 Commissioner Hanson, go ahead.

11 COMMISSIONER HANSON: Thank you. I thought you
12 were calling just on that particular portion of the
13 discussion.

14 I would just like to agree wholeheartedly with
15 the Motion, but I want to make certain that folks
16 understand that historically with our dockets information
17 does not arrive in a bundle. It is not just a process of
18 this is the information we need and then here it is in a
19 bundle.

20 Information historically arrives sometimes in
21 pieces, sometimes in bundles. And discovery is an
22 ongoing process. And this sometimes confuses the issue
23 with deadlines.

24 But I also want to reiterate and support the
25 statements by my two fellow Commissioners that deadlines

1 are deadlines. And we do expect that the parties will
2 not be dilatory in providing information or even asking
3 for information.

4 Thank you, Mr. Chairman.

5 CHAIRMAN NELSON: Thank you.

6 Additional discussion.

7 MS. SEMMLER: Mr. Chairman.

8 CHAIRMAN NELSON: A question from Ms. Semmler.

9 MS. SEMMLER: For those parties that will be
10 serving discovery for the first time, their requests are
11 due on May 22; correct?

12 CHAIRMAN NELSON: That is correct.

13 MS. SEMMLER: Would it be possible to give up
14 the response due date for the Applicant, that we move
15 that for a full 30 days to June 22? And then all
16 responses for all discovery next round would be June 22,
17 if I'm reading the schedule correct.

18 That's between that May 22 and June 15 is
19 compressed for those serving their first round of
20 discovery; right? At this point?

21 And if it is their first set of questions, it
22 may be very voluminous, and for less than 30 days to
23 respond I think could be difficult. And I'm giving lots
24 of assumptions right now, and I understand that.

25 CHAIRMAN NELSON: And I appreciate the question.

1 I think it's a valid question. My concern being that if
2 there are failures to comply by June 15, that gives us
3 very little time to deal with failures to comply. And
4 I'm not comfortable going there. But I appreciate your
5 question.

6 MS. SEMMLER: Thank you.

7 CHAIRMAN NELSON: Any additional discussion from
8 Commissioners?

9 Hearing none, all those in favor will vote aye.
10 Those opposed, nay.

11 Commissioner Sattgast.

12 ACTING COMMISSIONER SATTGAST: Aye.

13 CHAIRMAN NELSON: Commissioner Hanson.

14 COMMISSIONER HANSON: Aye.

15 CHAIRMAN NELSON: And Nelson votes aye. The
16 Motion carries.

17 Anything else for the good of the order?

18 Hearing none, is there a Motion to Adjourn?

19 ACTING COMMISSIONER SATTGAST: I move to
20 adjourn.

21 CHAIRMAN NELSON: Moved to adjourn.

22 Those in favor will vote aye. Those opposed,
23 nay.

24 Commissioner Sattgast.

25 ACTING COMMISSIONER SATTGAST: Aye.

1 CHAIRMAN NELSON: Commissioner Hanson.

2 COMMISSIONER HANSON: Aye.

3 CHAIRMAN NELSON: Nelson votes aye. We are
4 adjourned.

5 (The proceeding is concluded at 12:19 p.m.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 STATE OF SOUTH DAKOTA)

2 :SS

CERTIFICATE

3 COUNTY OF SULLY)

4

5 I, CHERI MCCOMSEY WITTLER, a Registered
6 Professional Reporter, Certified Realtime Reporter and
7 Notary Public in and for the State of South Dakota:

8 DO HEREBY CERTIFY that as the duly-appointed
9 shorthand reporter, I took in shorthand the proceedings
10 had in the above-entitled matter on the 19th day of May,
11 2015, and that the attached is a true and correct
12 transcription of the proceedings so taken.

13 Dated at Onida, South Dakota this 17th day of
14 June, 2015.

15

16

17

18

Cheri McComsey Wittler,
Notary Public and
Registered Professional Reporter
Certified Realtime Reporter

19

20

21

22

23

24

25

<p style="text-align: center;">1</p> <p>1 [1] - 4:17 10 [6] - 9:9, 9:18, 9:20, 9:24, 14:10, 17:4 11 [3] - 13:16, 14:25, 18:22 12 [3] - 13:23, 14:10, 17:21 12:19 [1] - 31:5 15 [5] - 9:6, 27:3, 27:7, 29:18, 30:2 17th [1] - 32:13 19 [3] - 1:8, 14:1, 20:13 19th [2] - 2:4, 32:10 1:30 [1] - 1:8</p>	<p>41 [1] - 13:25 413 [1] - 2:3 42 [1] - 13:25 44 [1] - 14:11 47 [1] - 14:11</p> <p style="text-align: center;">5</p> <p>50 [1] - 13:19 500 [1] - 2:3 52 [2] - 13:19, 13:23</p> <p style="text-align: center;">6</p> <p>6 [3] - 14:10, 25:20, 28:5</p> <p style="text-align: center;">7</p> <p>7 [1] - 14:10</p> <p style="text-align: center;">8</p> <p>8 [1] - 14:4</p> <p style="text-align: center;">9</p> <p>90 [2] - 21:15, 21:20</p> <p style="text-align: center;">A</p> <p>abide [1] - 15:8 able [1] - 15:4 above-entitled [2] - 2:2, 32:10 absolutely [1] - 25:25 abundantly [1] - 25:24 Access [8] - 3:7, 3:8, 4:16, 4:17, 8:4, 11:2, 13:16, 13:20 ACCESS [2] - 1:4, 1:5 accessible [1] - 21:19 accomplish [2] - 9:9, 9:25 accomplished [2] - 9:10, 10:1 accurate [1] - 17:3 ACTING [7] - 1:12, 5:22, 6:4, 25:7, 30:12, 30:19, 30:25 Acting [1] - 3:3 Action [2] - 4:5, 6:12 actual [1] - 24:10 ad [1] - 3:1 add [3] - 11:18, 12:17, 22:21</p>	<p>additional [10] - 10:5, 13:13, 15:18, 23:21, 24:24, 26:9, 26:19, 28:7, 29:6, 30:7 address [1] - 26:15 addressed [1] - 8:18 adequate [2] - 9:25, 12:4 adhere [1] - 25:9 adjourn [3] - 30:18, 30:20, 30:21 adjourned [1] - 31:4 adjustments [2] - 18:1, 24:1 adopt [1] - 3:13 adopting [1] - 4:2 advantage [1] - 16:3 Advisor [1] - 16:16 Affidavit [2] - 13:18, 14:8 afternoon [1] - 3:6 agencies [1] - 20:23 agency [2] - 20:7, 22:3 agree [1] - 28:14 agreed [2] - 20:16, 20:18 ahead [2] - 7:7, 28:10 ahold [2] - 21:24, 22:8 al [1] - 3:20 allow [2] - 5:23, 26:8 allowed [2] - 4:13, 4:20 almost [1] - 24:2 amend [6] - 3:11, 6:12, 10:11, 11:3, 12:15, 25:14 Amend [5] - 3:20, 4:1, 4:20, 7:14, 7:19 amendment [1] - 27:23 amount [2] - 24:14, 27:19 ample [1] - 9:5 AN [1] - 1:4 answer [3] - 13:20, 13:22, 19:23 answered [1] - 13:24 answers [1] - 15:7 anxious [1] - 19:1 appear [4] - 7:23, 8:22, 10:5, 24:7 appeared [1] - 8:15 Applicant [10] - 5:15, 16:17, 21:9, 22:2, 23:7, 23:10, 24:5, 26:2, 26:5, 29:14 Applicant's [2] - 17:7, 22:18 APPLICATION [1] - 1:4</p>	<p>Application [3] - 3:7, 10:15, 17:9 appointed [1] - 32:8 appreciate [7] - 7:10, 16:22, 17:16, 22:15, 26:12, 29:25, 30:4 appropriate [1] - 26:18 approved [1] - 6:9 argument [4] - 4:12, 6:24, 13:4, 17:1 arrive [1] - 28:17 arrives [1] - 28:20 associated [1] - 10:22 assumptions [1] - 29:24 attached [3] - 13:17, 14:8, 32:11 Avenue [1] - 2:3 aye [12] - 6:2, 6:4, 6:6, 6:7, 30:9, 30:12, 30:14, 30:15, 30:22, 30:25, 31:2, 31:3</p>	<p>28:19 1 bundles [1] - 28:21 burden [1] - 17:8 burdensome [1] - 21:25</p>
<p style="text-align: center;">2</p> <p>2 [1] - 13:9 2015 [6] - 1:8, 2:4, 14:1, 14:4, 32:11, 32:14 22 [17] - 8:2, 10:18, 10:23, 11:10, 11:23, 14:20, 16:6, 16:18, 18:4, 25:18, 27:22, 28:1, 28:4, 29:11, 29:15, 29:16, 29:18 24 [1] - 14:10 26 [9] - 9:7, 10:4, 10:6, 14:10, 14:23, 16:6, 16:18, 17:6, 25:20 27 [1] - 14:10 28 [1] - 14:10 29 [5] - 25:18, 27:5, 27:15, 27:21, 28:3 299 [1] - 20:21</p>	<p style="text-align: center;">3</p> <p>3 [6] - 20:5, 20:9, 20:10, 20:13, 21:5 30 [6] - 27:6, 27:9, 27:16, 27:17, 29:15, 29:22 34 [1] - 14:10 342 [1] - 20:6 35 [1] - 14:10 39 [1] - 14:10</p>	<p style="text-align: center;">B</p> <p>backside [1] - 10:4 based [4] - 4:19, 16:25, 17:17, 28:7 BEFORE [1] - 1:10 behalf [5] - 3:19, 4:25, 5:8, 7:9, 11:23 believes [1] - 19:9 benefit [2] - 7:2, 7:6 best [1] - 13:20 between [3] - 17:22, 23:1, 29:18 bifurcate [1] - 11:7 BIRD [5] - 5:7, 6:17, 6:23, 22:19, 24:4 Bird [4] - 5:7, 6:14, 20:15, 22:16 bit [3] - 8:12, 9:2, 26:9 Boomsma [5] - 3:19, 3:23, 4:10, 13:2, 18:8 BOOMSMA [3] - 3:25, 4:14, 13:3 Boomsma's [3] - 5:9, 10:19, 18:20 brian [1] - 1:15 brief [2] - 4:3, 15:16 briefly [1] - 6:21 bring [2] - 12:12, 21:16 Building [1] - 2:3 built [2] - 8:1, 10:6 bumped [1] - 15:2 bundle [2] - 28:17,</p>	<p style="text-align: center;">C</p> <p>candor [2] - 22:15, 26:13 Capitol [2] - 2:2, 2:3 carries [2] - 6:8, 30:16 carry [1] - 6:15 case [3] - 3:24, 10:12, 24:25 cellphone [2] - 6:19, 7:1 certain [4] - 23:16, 24:20, 25:2, 28:15 certainly [4] - 15:25, 16:9, 24:9, 26:23 CERTIFICATE [1] - 32:2 Certified [2] - 32:6, 32:19 CERTIFY [1] - 32:8 cetera [1] - 13:13 Chairman [9] - 3:2, 6:17, 7:8, 15:14, 22:19, 24:19, 26:25, 29:4, 29:7 CHAIRMAN [37] - 1:11, 3:1, 4:10, 4:22, 5:5, 5:11, 5:14, 5:18, 5:24, 6:5, 6:7, 6:20, 7:4, 11:16, 13:1, 15:12, 16:14, 19:14, 22:14, 24:3, 24:6, 24:15, 25:5, 25:12, 26:23, 27:8, 27:12, 29:5, 29:8, 29:12, 29:25, 30:7, 30:13, 30:15, 30:21, 31:1, 31:3 challenge [1] - 22:7 change [5] - 15:22, 18:14, 25:11, 25:15, 25:25 changing [2] - 7:23, 26:18 characterization [2] - 7:17, 7:22 Cheri [2] - 1:24, 32:18 CHERI [1] - 32:5 CHRIS [1] - 1:11 chunk [1] - 22:9 circumstances [2] - 15:23, 25:10 clarification [1] -</p>	

<p>23:15 class [1] - 20:10 clear [6] - 7:6, 7:18, 8:20, 11:2, 22:20, 25:24 client [1] - 5:9 clients [3] - 3:19, 10:19, 21:23 closely [1] - 10:17 coatings [1] - 14:7 collected [1] - 18:13 comfortable [2] - 27:21, 30:4 coming [5] - 6:20, 7:6, 12:10, 12:12, 22:20 commentary [1] - 25:23 comments [4] - 4:11, 17:2, 22:18, 23:24 COMMISSION [3] - 1:1, 1:10, 1:13 Commission [28] - 3:2, 3:10, 3:12, 7:21, 8:12, 9:20, 10:3, 10:10, 11:3, 11:5, 11:6, 11:11, 11:12, 12:14, 13:3, 13:6, 16:16, 17:19, 18:5, 18:7, 19:6, 22:25, 23:13, 23:16, 24:23, 27:11 COMMISSIONER [13] - 1:12, 1:12, 5:22, 6:4, 6:6, 24:18, 25:7, 28:11, 30:12, 30:14, 30:19, 30:25, 31:2 Commissioner [17] - 3:3, 3:4, 5:21, 6:3, 6:5, 19:16, 21:4, 24:16, 24:17, 24:18, 25:6, 25:23, 28:10, 30:11, 30:13, 30:24, 31:1 Commissioners [4] - 5:19, 7:10, 28:25, 30:8 communication [1] - 20:7 communications [5] - 20:22, 20:25, 21:8, 21:10, 21:14 compel [5] - 7:25, 8:4, 9:19, 9:21, 10:18 Compel [3] - 19:5, 19:21, 26:7 complaints [2] - 18:20, 18:25 complete [7] - 8:23, 12:8, 15:7, 17:21, 20:2, 20:4, 23:6</p>	<p>completed [1] - 14:16 completion [1] - 8:17 comply [3] - 9:19, 30:2, 30:3 complying [2] - 8:4, 19:21 comprehensive [2] - 20:8, 20:10 compress [2] - 24:21, 25:2 compressed [1] - 29:19 compresses [1] - 27:19 comprising [1] - 7:13 concede [1] - 18:22 concern [1] - 30:1 concerned [2] - 9:24, 15:5 concerns [2] - 9:4, 12:14 conclude [1] - 19:10 concluded [1] - 31:5 conference [1] - 16:9 confidential [1] - 20:6 confused [1] - 23:9 confuses [1] - 28:22 confusion [1] - 8:21 connected [1] - 10:17 consider [4] - 7:21, 11:3, 16:23, 27:23 consideration [1] - 12:14 considering [1] - 8:2 considers [1] - 10:11 consistent [2] - 11:5, 11:12 CONSTRUCT [1] - 1:5 construct [1] - 3:8 consultant [2] - 21:12, 22:6 contemplated [1] - 23:1 continuance [1] - 7:19 continue [3] - 18:10, 18:13, 18:14 contractors [1] - 20:1 conversation [1] - 21:12 correct [5] - 24:11, 29:11, 29:12, 29:17, 32:11 correspondence [3] - 20:16, 21:8, 22:1 Counsel [2] - 18:6, 27:1 COUNTY [1] - 32:3 couple [2] - 19:11, 26:12 court [2] - 3:15, 6:22</p>	<p>cover [1] - 26:13 covered [1] - 20:19 covers [1] - 20:14 Craven [2] - 11:18, 11:21 CRAVEN [1] - 11:20 create [2] - 8:15, 24:22 CRR [1] - 1:24 cultural [3] - 20:4, 20:7, 20:10 current [4] - 4:7, 13:7, 14:13, 15:8 cuts [1] - 22:24</p> <p style="text-align: center;">D</p> <p>DAKOTA [4] - 1:2, 1:4, 1:5, 32:1 Dakota [15] - 2:2, 2:4, 3:7, 3:8, 4:5, 4:16, 4:17, 6:12, 8:3, 11:2, 13:15, 13:20, 20:20, 32:7, 32:13 Darren [1] - 1:16 date [18] - 7:24, 8:2, 9:6, 9:7, 10:7, 10:23, 10:24, 11:4, 11:6, 11:10, 11:23, 12:3, 18:15, 20:9, 25:18, 26:1, 29:14 Dated [1] - 32:13 dates [6] - 9:6, 10:9, 11:7, 11:12, 19:11, 26:17 days [16] - 9:9, 9:13, 9:18, 9:20, 9:24, 14:25, 17:4, 18:22, 21:15, 21:20, 27:6, 27:9, 27:16, 27:17, 29:15, 29:22 dead [1] - 20:9 deadline [13] - 10:4, 10:7, 10:19, 14:20, 14:23, 16:19, 17:6, 18:4, 18:5, 24:8, 25:15, 25:19, 27:15 deadlines [10] - 18:2, 23:10, 23:12, 23:13, 23:16, 23:18, 23:23, 28:23, 28:25, 29:1 deal [2] - 3:22, 30:3 December [1] - 17:10 deficient [1] - 19:9 delayed [1] - 23:4 delaying [1] - 24:14 deleted [1] - 21:14 designed [1] - 18:17 despite [1] - 11:23 detailed [1] - 22:23</p>	<p>details [1] - 21:23 different [1] - 8:10 difficult [3] - 12:7, 18:15, 29:23 difficulty [2] - 24:22, 26:6 dilatory [1] - 29:2 direct [11] - 8:8, 8:24, 9:5, 9:7, 9:11, 10:8, 14:24, 15:19, 24:8, 25:19, 28:5 discover [1] - 18:9 discovery [57] - 4:9, 4:16, 7:25, 8:17, 8:23, 9:3, 9:17, 9:21, 10:5, 10:17, 10:20, 10:22, 10:24, 11:1, 11:4, 11:24, 12:3, 12:8, 12:19, 12:24, 13:10, 14:15, 15:6, 15:18, 16:5, 16:6, 16:8, 16:10, 16:12, 17:14, 18:7, 18:12, 18:17, 18:21, 22:22, 23:1, 23:2, 23:7, 23:8, 23:21, 25:16, 25:17, 26:6, 27:4, 27:13, 27:14, 27:24, 27:25, 28:3, 28:4, 28:21, 29:10, 29:16, 29:20 discovery's [2] - 9:7, 10:25 discuss [1] - 17:25 discussed [1] - 16:8 discussion [11] - 5:24, 6:1, 8:13, 25:21, 25:22, 26:19, 28:7, 28:9, 28:13, 29:6, 30:7 disputes [1] - 10:17 DO [1] - 32:8 Docket [3] - 8:17, 9:17, 14:2 dockets [5] - 9:15, 11:8, 12:9, 17:18, 28:16 Document [1] - 20:15 documents [4] - 13:10, 20:5, 20:17, 21:25 done [2] - 11:7, 20:8 down [1] - 11:17 dozens [1] - 22:6 DRA [1] - 12:21 drop [1] - 20:9 due [14] - 4:16, 6:25, 7:24, 9:7, 9:8, 12:3, 15:19, 27:3, 27:4, 27:13, 27:24, 28:4,</p>	<p>29:11, 29:14 duly [1] - 32:8 duly-appointed [1] - 32:8 during [3] - 9:10, 9:20, 9:24</p> <p style="text-align: center;">E</p> <p>e-mail [5] - 14:4, 14:5, 14:7, 14:16, 20:16 e-mails [3] - 13:11, 13:14, 22:7 East [1] - 2:3 EDWARDS [5] - 5:13, 15:14, 24:12, 26:25, 27:9 Edwards [7] - 1:15, 5:12, 15:13, 15:15, 24:7, 26:21, 28:6 Edwards's [1] - 18:3 eight [1] - 9:12 either [2] - 11:9, 24:22 employees [1] - 22:6 encountered [1] - 9:15 encountering [1] - 9:16 end [5] - 21:3, 22:18, 24:21 ended [2] - 25:23, 26:11 ends [1] - 15:18 ENERGY [1] - 1:5 energy [1] - 3:8 engage [1] - 15:24 enter [1] - 17:21 entitled [2] - 2:2, 32:10 Environmental [2] - 4:5, 6:12 established [1] - 25:1 et [2] - 3:20, 13:13 evidentiary [2] - 9:3, 10:13 examples [1] - 13:18 excellent [2] - 5:11, 7:4 exchange [1] - 28:8 excuse [1] - 18:7 Exhibit [1] - 14:8 exhibits [1] - 15:22 expect [5] - 20:24, 21:2, 21:4, 26:1, 29:1 experience [2] - 17:17, 23:12 expert [1] - 21:16 explain [1] - 8:11</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>explanation [1] - 12:25 extensive [1] - 17:17 extent [1] - 22:24 extra [3] - 9:2, 16:22, 22:5 eyes [1] - 12:1</p>	<p>foresee [2] - 15:25, 16:10 friendly [1] - 27:23 front [2] - 19:5, 22:11 full [4] - 23:5, 23:25, 27:15, 29:15 FYI [1] - 3:14</p>	I	<p>jive [1] - 29:13 John [1] - 1:14 join [8] - 3:19, 4:1, 4:13, 4:20, 5:3, 5:23, 6:8, 17:13 joined [2] - 12:20, 16:21 joining [1] - 5:10 Joint [3] - 3:11, 6:25, 11:24 judge [1] - 3:25 July [2] - 25:20, 28:5 June [22] - 9:6, 9:7, 10:4, 10:6, 14:23, 16:18, 17:6, 20:9, 25:20, 27:3, 27:7, 27:15, 27:21, 27:22, 28:1, 28:4, 29:15, 29:16, 29:18, 30:2, 32:14</p>	<p>24:21 lines [1] - 25:3 link [1] - 20:18 list [2] - 11:17, 20:1 LLC [2] - 1:4, 3:7 look [2] - 9:6, 10:3 looking [2] - 8:14, 19:23 looks [1] - 4:3</p>
F	G	<p>IEN [1] - 12:21 Illinois [2] - 20:24, 21:4 impinging [1] - 24:9 improper [1] - 7:21 IN [1] - 1:4 Inaudible [1] - 6:19 included [1] - 17:9 including [1] - 8:24 incomplete [4] - 13:9, 13:17, 13:18, 15:1 indicated [1] - 26:10 Indigenous [2] - 4:4, 6:11 individual [1] - 21:16 individuals [1] - 21:19 information [19] - 12:5, 12:23, 14:6, 14:12, 14:17, 16:1, 16:7, 17:8, 18:9, 18:13, 22:10, 22:12, 23:4, 24:24, 28:16, 28:18, 28:20, 29:2, 29:3 intent [1] - 8:23 intention [1] - 9:1 interested [2] - 4:14, 4:15 interfering [1] - 10:9 internal [3] - 16:20, 21:8, 22:5 Interrogatories [3] - 13:19, 13:25, 14:10 Interrogatory [2] - 13:24, 20:12 interrupt [1] - 4:11 Intervenors [4] - 4:23, 11:15, 18:2, 26:2 Iowa [2] - 20:24, 21:4 issue [8] - 7:11, 7:12, 8:6, 8:18, 9:20, 12:9, 12:13, 28:22 issue's [1] - 8:9 issued [5] - 8:4, 25:17, 27:4, 27:14, 27:25 issues [11] - 7:13, 7:23, 8:3, 9:14, 9:17, 10:16, 10:20, 10:22, 12:12, 15:21, 19:1 IT [1] - 21:16 items [1] - 13:21 itself [1] - 17:9</p>	M	
<p>face [1] - 8:22 facility [1] - 3:8 FACILITY [1] - 1:5 failures [2] - 30:2, 30:3 fair [1] - 10:12 far [6] - 8:3, 9:5, 11:10, 14:6, 20:3, 20:12 fashions [2] - 25:15, 26:9 favor [4] - 6:1, 28:9, 30:9, 30:22 fellow [1] - 28:25 few [2] - 16:24, 17:2 figure [2] - 19:8, 21:24 figuring [1] - 17:23 file [7] - 3:25, 8:24, 9:5, 10:23, 11:4, 12:7, 14:24 filed [9] - 4:3, 8:16, 9:11, 11:1, 16:2, 17:9, 17:14, 25:19, 28:5 filing [4] - 10:7, 10:14, 14:1, 21:9 filings [2] - 20:17, 21:1 final [4] - 9:21, 20:8, 20:9, 20:22 finalized [1] - 19:24 finally [1] - 13:15 findings [1] - 17:21 fingers [1] - 17:23 firm [1] - 23:12 first [18] - 3:17, 3:22, 4:8, 11:24, 13:5, 13:19, 14:14, 18:19, 18:24, 22:22, 23:7, 25:17, 27:4, 27:14, 27:25, 29:10, 29:19, 29:21 fleshed [1] - 17:11 fluid [2] - 23:19, 23:23 folks [2] - 27:19, 28:15 following [1] - 7:25 FOR [1] - 1:4 forensically [1] - 21:18</p>	<p>gain [1] - 16:1 GARY [1] - 1:12 gather [1] - 22:12 gathering [1] - 22:13 General [1] - 26:25 general [1] - 21:9 geological [1] - 20:3 given [2] - 26:11, 26:14 grant [1] - 3:11 grounds [1] - 8:10 guess [5] - 4:5, 22:16, 22:24, 23:9, 23:15 guidance [1] - 18:5 Gustafson [1] - 1:16</p>	H	K	<p>mail [5] - 14:4, 14:5, 14:7, 14:16, 20:16 mails [3] - 13:11, 13:14, 22:7 main [1] - 6:24 March [1] - 14:1 Matt [6] - 4:25, 6:18, 7:2, 7:7, 7:9, 22:21 Matt's [1] - 7:6 MATTER [1] - 1:4 matter [3] - 2:2, 3:7, 32:10 matters [1] - 25:15 McComsey [2] - 1:24, 32:18 MCCOMSEY [1] - 32:5 mean [1] - 21:17 meet [2] - 15:4, 17:8 meeting [2] - 3:2, 26:6 met [4] - 14:21, 14:25, 23:14, 23:18 might [4] - 3:21, 12:22, 21:13, 21:25 mind [2] - 16:23, 19:4 minute [1] - 12:12 months [2] - 17:5, 17:22 most [1] - 3:21 Motion [37] - 3:11, 3:18, 3:20, 4:1, 4:2, 4:20, 5:4, 5:10, 5:20, 5:23, 5:25, 6:8, 6:10, 6:25, 7:14, 7:18, 7:19, 8:11, 11:24, 12:20, 16:21, 16:25, 19:5, 19:21, 21:21, 22:11, 25:13, 25:21, 26:7, 27:3, 27:23, 28:15, 30:16, 30:18 move [6] - 5:22, 10:7, 19:11, 25:14, 29:14, 30:19 moved [2] - 18:2, 30:21 moving [6] - 4:19, 5:8, 8:12, 16:18, 18:1, 25:20</p>
<p>face [1] - 8:22 facility [1] - 3:8 FACILITY [1] - 1:5 failures [2] - 30:2, 30:3 fair [1] - 10:12 far [6] - 8:3, 9:5, 11:10, 14:6, 20:3, 20:12 fashions [2] - 25:15, 26:9 favor [4] - 6:1, 28:9, 30:9, 30:22 fellow [1] - 28:25 few [2] - 16:24, 17:2 figure [2] - 19:8, 21:24 figuring [1] - 17:23 file [7] - 3:25, 8:24, 9:5, 10:23, 11:4, 12:7, 14:24 filed [9] - 4:3, 8:16, 9:11, 11:1, 16:2, 17:9, 17:14, 25:19, 28:5 filing [4] - 10:7, 10:14, 14:1, 21:9 filings [2] - 20:17, 21:1 final [4] - 9:21, 20:8, 20:9, 20:22 finalized [1] - 19:24 finally [1] - 13:15 findings [1] - 17:21 fingers [1] - 17:23 firm [1] - 23:12 first [18] - 3:17, 3:22, 4:8, 11:24, 13:5, 13:19, 14:14, 18:19, 18:24, 22:22, 23:7, 25:17, 27:4, 27:14, 27:25, 29:10, 29:19, 29:21 fleshed [1] - 17:11 fluid [2] - 23:19, 23:23 folks [2] - 27:19, 28:15 following [1] - 7:25 FOR [1] - 1:4 forensically [1] - 21:18</p>	<p>Hanson [6] - 3:4, 6:5, 24:17, 28:10, 30:13, 31:1 HANSON [6] - 1:12, 6:6, 24:18, 28:11, 30:14, 31:2 hard [1] - 21:24 hear [1] - 7:11 heard [3] - 18:19, 22:17, 26:7 hearing [19] - 3:3, 5:20, 6:1, 9:4, 10:9, 10:13, 11:19, 17:20, 18:11, 18:24, 19:12, 19:15, 24:10, 24:22, 24:24, 26:1, 28:9, 30:9, 30:18 held [1] - 2:1 helped [1] - 8:20 helpful [2] - 16:1, 18:6 HEREBY [1] - 32:8 historically [2] - 28:16, 28:20 history [1] - 17:17 hoc [1] - 3:1 hold [2] - 4:11, 17:20 hopefully [1] - 22:20 HP14-002 [2] - 1:4, 3:6 hundreds [1] - 22:6</p>	L	<p>laid [1] - 11:11 last [5] - 8:5, 8:9, 12:12, 17:10, 19:19 late [4] - 11:25, 14:25, 18:22, 18:24 lays [1] - 15:21 leads [1] - 26:8 least [3] - 12:1, 23:2, 24:4 leaves [2] - 9:9, 9:12 length [1] - 8:7 less [1] - 29:22 light [1] - 16:7 likewise [1] - 23:3 limited [1] - 16:11 line [3] - 3:5, 22:10,</p>	<p>jeopardizing [1] - 15:7</p>
J	J	J	J	J

<p>MR [6] - 3:25, 4:14, 4:25, 7:8, 13:3, 26:21</p> <p>MS [18] - 5:7, 5:13, 5:17, 6:17, 6:23, 11:20, 15:14, 16:16, 19:25, 22:19, 24:4, 24:12, 26:25, 27:9, 29:7, 29:9, 29:13, 30:6</p> <p>must [1] - 23:22</p> <p>mute [1] - 11:20</p>	<p>19:15, 24:13</p> <p>objections [4] - 5:3, 14:9, 14:12, 18:20</p> <p>obligation [4] - 17:20, 17:21, 18:10, 23:20</p> <p>obligations [1] - 15:8</p> <p>OF [7] - 1:2, 1:4, 1:4, 2:1, 32:1, 32:3</p> <p>offer [1] - 12:25</p> <p>official [5] - 20:22, 20:25, 21:9, 21:10, 22:1</p> <p>often [1] - 24:25</p> <p>older [1] - 21:20</p> <p>one [9] - 4:15, 5:8, 6:15, 11:5, 12:17, 12:24, 13:24, 15:17, 18:23</p> <p>ongoing [5] - 16:5, 16:8, 18:8, 23:20, 28:22</p> <p>Onida [1] - 32:13</p> <p>onset [1] - 7:16</p> <p>open [2] - 16:23, 26:11</p> <p>open-ended [1] - 26:11</p> <p>operation [1] - 23:18</p> <p>opportunities [1] - 26:14</p> <p>opportunity [1] - 19:8</p> <p>opposed [3] - 6:2, 30:10, 30:22</p> <p>Order [8] - 4:7, 7:25, 13:7, 15:2, 15:9, 15:20, 18:7, 25:1</p> <p>order [7] - 3:2, 8:4, 9:11, 10:18, 15:23, 29:5, 29:8, 29:12, 29:25, 30:7, 30:13, 30:15, 30:21, 31:1, 31:3</p> <p>Order's [1] - 25:1</p> <p>ordered [1] - 27:10</p> <p>orders [1] - 9:19</p> <p>original [2] - 22:25, 27:18</p> <p>otherwise [1] - 27:10</p> <p>outset [1] - 7:16</p> <p>overly [1] - 21:25</p>	<p>11:13, 15:24, 16:21, 17:22, 19:2, 25:17, 25:20, 25:24, 27:4, 27:14, 27:25, 28:2, 28:4, 29:1, 29:9</p> <p>party [3] - 16:5, 23:22, 26:2</p> <p>pending [1] - 10:21</p> <p>perfect [1] - 9:23</p> <p>perhaps [1] - 26:15</p> <p>period [3] - 9:3, 9:11, 10:5</p> <p>PERMIT [1] - 1:5</p> <p>permit [1] - 3:8</p> <p>permits [4] - 20:20, 20:25, 21:1, 21:2</p> <p>permitting [1] - 22:3</p> <p>perspective [1] - 14:15</p> <p>pertaining [1] - 15:21</p> <p>pieces [1] - 28:21</p> <p>Pierre [1] - 2:3</p> <p>pipe [2] - 14:6, 14:7</p> <p>PIPELINE [1] - 1:5</p> <p>Pipeline [1] - 3:9</p> <p>place [6] - 9:18, 10:14, 13:14, 17:1, 21:11, 27:12</p> <p>plain [1] - 8:14</p> <p>plans [1] - 14:5</p> <p>plenty [1] - 10:7</p> <p>point [6] - 4:12, 9:14, 15:10, 15:17, 26:8, 29:20</p> <p>pointing [1] - 17:23</p> <p>points [1] - 16:24</p> <p>portion [1] - 28:12</p> <p>portray [1] - 17:3</p> <p>posed [1] - 14:9</p> <p>posing [1] - 22:7</p> <p>position [11] - 4:6, 4:8, 4:18, 4:19, 13:6, 13:8, 14:13, 14:22, 15:11, 17:7, 23:10</p> <p>possibility [1] - 22:12</p> <p>possible [1] - 29:13</p> <p>power [1] - 26:3</p> <p>prefiled [12] - 8:24, 12:7, 15:19, 15:22, 16:2, 17:4, 17:12, 17:14, 24:8, 25:19, 27:20, 28:4</p> <p>prejudicing [1] - 15:7</p> <p>preliminary [2] - 20:6, 20:11</p> <p>prepare [4] - 8:8, 12:4, 24:10, 27:20</p> <p>prepared [1] - 11:9</p> <p>present [1] - 7:3</p> <p>presented [1] - 8:10</p>	<p>presently [1] - 7:11</p> <p>privy [1] - 16:20</p> <p>problem [1] - 11:22</p> <p>procedural [1] - 16:9</p> <p>Procedural [14] - 3:11, 3:12, 3:20, 4:1, 4:21, 6:13, 7:14, 7:20, 8:15, 8:21, 12:15, 13:7, 14:14, 25:14</p> <p>proceeding [2] - 8:20, 31:5</p> <p>Proceedings [1] - 1:7</p> <p>proceedings [2] - 32:9, 32:12</p> <p>PROCEEDINGS [1] - 2:1</p> <p>process [7] - 17:24, 19:5, 22:17, 23:19, 24:21, 28:17, 28:22</p> <p>produce [1] - 23:22</p> <p>produced [1] - 13:10</p> <p>Production [1] - 20:13</p> <p>productive [2] - 18:18, 19:12</p> <p>Professional [2] - 32:6, 32:19</p> <p>proof [1] - 17:8</p> <p>propose [1] - 26:18</p> <p>provide [2] - 18:14, 18:15</p> <p>provided [4] - 18:5, 18:16, 20:11, 27:10</p> <p>providing [4] - 10:1, 18:9, 27:15, 29:2</p> <p>PUBLIC [2] - 1:1, 1:10</p> <p>public [2] - 17:20, 20:17</p> <p>Public [3] - 3:1, 32:7, 32:18</p> <p>PUC [1] - 4:6</p> <p>push [4] - 12:2, 25:11, 27:15, 27:24</p> <p>pushed [1] - 24:9</p> <p>pushes [1] - 11:25</p> <p>pushing [1] - 24:1</p> <p>put [2] - 17:4, 21:10</p> <p>puts [1] - 11:25</p>	<p>quite [1] - 24:25</p>
R				
<p>name [1] - 12:18</p> <p>nay [3] - 6:2, 30:10, 30:23</p> <p>necessarily [1] - 16:18</p> <p>need [10] - 4:24, 8:11, 9:10, 13:13, 16:22, 17:25, 19:11, 26:8, 26:14, 28:18</p> <p>needs [5] - 10:1, 16:20, 17:8, 24:23, 24:25</p> <p>Nelson [5] - 3:3, 6:7, 7:8, 30:15, 31:3</p> <p>NELSON [37] - 1:11, 3:1, 4:10, 4:22, 5:5, 5:11, 5:14, 5:18, 5:24, 6:5, 6:7, 6:20, 7:4, 11:16, 13:1, 15:12, 16:14, 19:14, 22:14, 24:3, 24:6, 24:15, 25:5, 25:12, 26:23, 27:8, 27:12, 29:5, 29:8, 29:12, 29:25, 30:7, 30:13, 30:15, 30:21, 31:1, 31:3</p> <p>Network [2] - 4:5, 6:12</p> <p>next [1] - 29:16</p> <p>none [3] - 5:20, 30:9, 30:18</p> <p>nonofficial [1] - 21:13</p> <p>Notary [2] - 32:7, 32:18</p> <p>nothing [2] - 16:11, 25:25</p> <p>notice [1] - 21:21</p> <p>noticed [1] - 27:17</p>	<p>often [1] - 24:25</p> <p>older [1] - 21:20</p> <p>one [9] - 4:15, 5:8, 6:15, 11:5, 12:17, 12:24, 13:24, 15:17, 18:23</p> <p>ongoing [5] - 16:5, 16:8, 18:8, 23:20, 28:22</p> <p>Onida [1] - 32:13</p> <p>onset [1] - 7:16</p> <p>open [2] - 16:23, 26:11</p> <p>open-ended [1] - 26:11</p> <p>operation [1] - 23:18</p> <p>opportunities [1] - 26:14</p> <p>opportunity [1] - 19:8</p> <p>opposed [3] - 6:2, 30:10, 30:22</p> <p>Order [8] - 4:7, 7:25, 13:7, 15:2, 15:9, 15:20, 18:7, 25:1</p> <p>order [7] - 3:2, 8:4, 9:11, 10:18, 15:23, 29:5, 29:8, 29:12, 29:25, 30:7, 30:13, 30:15, 30:21, 31:1, 31:3</p> <p>Order's [1] - 25:1</p> <p>ordered [1] - 27:10</p> <p>orders [1] - 9:19</p> <p>original [2] - 22:25, 27:18</p> <p>otherwise [1] - 27:10</p> <p>outset [1] - 7:16</p> <p>overly [1] - 21:25</p>	<p>pointing [1] - 17:23</p> <p>points [1] - 16:24</p> <p>portion [1] - 28:12</p> <p>portray [1] - 17:3</p> <p>posed [1] - 14:9</p> <p>posing [1] - 22:7</p> <p>position [11] - 4:6, 4:8, 4:18, 4:19, 13:6, 13:8, 14:13, 14:22, 15:11, 17:7, 23:10</p> <p>possibility [1] - 22:12</p> <p>possible [1] - 29:13</p> <p>power [1] - 26:3</p> <p>prefiled [12] - 8:24, 12:7, 15:19, 15:22, 16:2, 17:4, 17:12, 17:14, 24:8, 25:19, 27:20, 28:4</p> <p>prejudicing [1] - 15:7</p> <p>preliminary [2] - 20:6, 20:11</p> <p>prepare [4] - 8:8, 12:4, 24:10, 27:20</p> <p>prepared [1] - 11:9</p> <p>present [1] - 7:3</p> <p>presented [1] - 8:10</p>	<p>presently [1] - 7:11</p> <p>privy [1] - 16:20</p> <p>problem [1] - 11:22</p> <p>procedural [1] - 16:9</p> <p>Procedural [14] - 3:11, 3:12, 3:20, 4:1, 4:21, 6:13, 7:14, 7:20, 8:15, 8:21, 12:15, 13:7, 14:14, 25:14</p> <p>proceeding [2] - 8:20, 31:5</p> <p>Proceedings [1] - 1:7</p> <p>proceedings [2] - 32:9, 32:12</p> <p>PROCEEDINGS [1] - 2:1</p> <p>process [7] - 17:24, 19:5, 22:17, 23:19, 24:21, 28:17, 28:22</p> <p>produce [1] - 23:22</p> <p>produced [1] - 13:10</p> <p>Production [1] - 20:13</p> <p>productive [2] - 18:18, 19:12</p> <p>Professional [2] - 32:6, 32:19</p> <p>proof [1] - 17:8</p> <p>propose [1] - 26:18</p> <p>provide [2] - 18:14, 18:15</p> <p>provided [4] - 18:5, 18:16, 20:11, 27:10</p> <p>providing [4] - 10:1, 18:9, 27:15, 29:2</p> <p>PUBLIC [2] - 1:1, 1:10</p> <p>public [2] - 17:20, 20:17</p> <p>Public [3] - 3:1, 32:7, 32:18</p> <p>PUC [1] - 4:6</p> <p>push [4] - 12:2, 25:11, 27:15, 27:24</p> <p>pushed [1] - 24:9</p> <p>pushes [1] - 11:25</p> <p>pushing [1] - 24:1</p> <p>put [2] - 17:4, 21:10</p> <p>puts [1] - 11:25</p>	<p>raise [1] - 16:24</p> <p>raised [1] - 15:21</p> <p>range [1] - 21:5</p> <p>RAPPOLD [2] - 4:25, 7:8</p> <p>Rappold [6] - 4:25, 6:18, 6:23, 7:9, 11:16, 11:23</p> <p>rather [7] - 7:17, 7:19, 10:25, 16:7, 17:23, 23:18, 26:11</p> <p>reading [3] - 8:14, 8:21, 29:17</p> <p>real [3] - 17:15, 18:18, 21:23</p> <p>REAL [5] - 5:7, 6:17, 6:23, 22:19, 24:4</p> <p>Real [4] - 5:7, 6:14, 20:15, 22:16</p> <p>realize [1] - 8:9</p> <p>really [7] - 8:20, 12:6, 12:7, 18:4, 18:15, 18:19, 19:23</p> <p>Realtime [2] - 32:6, 32:19</p> <p>reason [1] - 17:12</p> <p>reasonable [2] - 24:13, 24:14</p> <p>rebuttal [4] - 8:25, 10:8, 15:19, 19:16</p> <p>receipt [1] - 23:3</p> <p>receive [7] - 13:9, 14:11, 20:16, 20:18, 22:4, 23:6, 24:5</p> <p>received [4] - 14:4, 14:25, 18:22, 22:22</p> <p>recommend [2] - 27:8, 27:9</p> <p>recommendations [1] - 17:16</p> <p>reconsider [2] - 21:22, 22:11</p> <p>referred [1] - 14:1</p> <p>reflect [1] - 8:25</p> <p>regarded [1] - 27:2</p> <p>regarding [3] - 17:16, 18:20, 22:9</p> <p>regards [1] - 26:12</p> <p>Registered [2] - 32:5, 32:19</p> <p>regulatory [1] - 20:17</p> <p>reiterate [1] - 28:24</p> <p>related [1] - 18:22</p> <p>relates [1] - 7:13</p> <p>relation [1] - 19:21</p>
O				
<p>object [3] - 16:18, 18:1, 19:11</p> <p>objection [6] - 3:18, 5:9, 5:13, 5:17,</p>	<p>P</p> <p>p.m [2] - 1:8, 31:5</p> <p>pages [3] - 20:6, 20:21</p> <p>paperwork [1] - 4:1</p> <p>particular [2] - 22:9, 28:12</p> <p>particularly [1] - 9:4</p> <p>parties [24] - 4:15, 4:19, 5:9, 8:23, 9:16, 9:18, 9:20, 10:12,</p>	<p>pointing [1] - 17:23</p> <p>points [1] - 16:24</p> <p>portion [1] - 28:12</p> <p>portray [1] - 17:3</p> <p>posed [1] - 14:9</p> <p>posing [1] - 22:7</p> <p>position [11] - 4:6, 4:8, 4:18, 4:19, 13:6, 13:8, 14:13, 14:22, 15:11, 17:7, 23:10</p> <p>possibility [1] - 22:12</p> <p>possible [1] - 29:13</p> <p>power [1] - 26:3</p> <p>prefiled [12] - 8:24, 12:7, 15:19, 15:22, 16:2, 17:4, 17:12, 17:14, 24:8, 25:19, 27:20, 28:4</p> <p>prejudicing [1] - 15:7</p> <p>preliminary [2] - 20:6, 20:11</p> <p>prepare [4] - 8:8, 12:4, 24:10, 27:20</p> <p>prepared [1] - 11:9</p> <p>present [1] - 7:3</p> <p>presented [1] - 8:10</p>	<p>questioned [2] - 12:11, 12:19</p> <p>questions [14] - 3:10, 5:18, 12:4, 14:3, 16:6, 18:12, 19:17, 19:18, 24:16, 24:17, 25:6, 25:7, 25:13, 29:21</p> <p>quickly [1] - 26:16</p>	<p>Q</p>

<p>remain [2] - 8:2, 16:3 remainder [1] - 11:14 remaining [2] - 7:10, 20:20 repeat [2] - 6:21, 16:25 repetitive [1] - 12:22 reply [1] - 16:24 report [1] - 20:10 Reported [1] - 1:24 Reporter [4] - 32:6, 32:19, 32:19 reporter [3] - 3:15, 6:22, 32:9 represent [1] - 4:14 representing [1] - 12:21 Request [3] - 20:5, 20:13, 20:15 request [2] - 5:3, 20:1 requesting [1] - 23:5 requests [11] - 12:5, 12:20, 12:24, 16:10, 19:4, 25:16, 25:18, 26:7, 28:1, 28:3, 29:10 require [2] - 25:11, 25:25 required [3] - 8:7, 10:13, 10:25 requiring [1] - 8:23 resolution [1] - 9:17 respect [2] - 4:9, 17:15 respond [1] - 29:23 responded [1] - 15:6 response [4] - 7:17, 13:25, 22:15, 29:14 responses [23] - 11:24, 13:10, 13:12, 13:15, 13:16, 13:17, 14:18, 14:22, 14:25, 18:21, 18:23, 19:3, 19:9, 22:22, 23:21, 24:5, 26:11, 26:17, 27:3, 27:6, 29:16 responsive [2] - 14:2, 20:5 rest [1] - 10:9 review [2] - 9:21 reviewing [1] - 8:19 RICH [1] - 1:12 rolls [1] - 17:6 Room [1] - 2:3 room [2] - 3:3, 3:4 Rosebud [5] - 4:4, 5:1, 6:11, 7:9, 11:1 round [22] - 7:24, 10:24, 11:4, 11:25, 14:15, 15:18, 22:22,</p>	<p>23:2, 23:7, 25:16, 25:17, 27:2, 27:3, 27:4, 27:13, 27:14, 27:24, 27:25, 28:2, 28:3, 29:16, 29:19 Rounds [1] - 1:15 rounds [2] - 16:12, 23:1 RPR [1] - 1:24 Rural [2] - 4:5, 6:12</p> <p style="text-align: center;">S</p> <p>satisfy [1] - 19:4 SATTGAST [7] - 1:12, 5:22, 6:4, 25:7, 30:12, 30:19, 30:25 Sattgast [7] - 3:4, 5:21, 6:3, 25:6, 25:23, 30:11, 30:24 schedule [13] - 6:18, 7:15, 7:20, 8:1, 8:20, 8:25, 10:6, 10:11, 11:10, 17:17, 24:1, 27:18, 29:17 Schedule [13] - 3:11, 3:12, 3:21, 4:2, 4:21, 6:13, 7:14, 8:15, 8:22, 12:15, 13:7, 14:14, 25:14 scheduled [1] - 26:1 schedules [2] - 25:9 scheduling [2] - 16:9, 21:13 Scheduling [6] - 4:7, 13:7, 15:2, 15:9, 15:20, 18:6 second [14] - 7:24, 10:23, 11:4, 12:2, 12:3, 23:2, 23:8, 25:16, 27:2, 27:3, 27:12, 27:24, 28:2, 28:3 see [4] - 7:12, 15:3, 25:24, 27:18 seeing [2] - 7:12, 25:13 segments [1] - 14:7 Semmler [5] - 5:16, 16:15, 19:19, 22:23, 29:8 SEMMLER [7] - 5:17, 16:16, 19:25, 29:7, 29:9, 29:13, 30:6 Semmler's [1] - 26:11 sense [1] - 3:21 sent [5] - 20:2, 20:4, 20:5, 20:20, 20:21 separate [1] - 23:22</p>	<p>September [1] - 19:13 served [4] - 4:15, 25:19, 28:3, 28:5 servng [2] - 29:10, 29:19 set [5] - 12:24, 23:6, 23:25, 25:9, 29:21 sets [2] - 12:22, 23:13 shall [2] - 3:10, 3:12 shorthand [2] - 32:9 signed [1] - 13:15 similar [1] - 4:18 Sioux [11] - 3:20, 4:4, 5:8, 6:11, 6:24, 7:9, 7:24, 19:6, 22:4 siting [1] - 17:18 situation [1] - 8:16 six [1] - 17:5 slightly [1] - 8:9 slower [1] - 3:16 SMITH [1] - 26:21 Smith [2] - 1:14, 26:20 sometimes [4] - 24:23, 28:20, 28:21, 28:22 somewhere [2] - 21:17, 21:18 sooner [2] - 12:10, 12:15 sort [1] - 17:18 sorts [1] - 21:2 SOUTH [2] - 1:2, 32:1 South [5] - 2:2, 2:4, 20:20, 32:7, 32:13 specific [1] - 18:20 SS [1] - 32:2 STAFF [1] - 1:13 staff [7] - 20:1, 21:11, 21:12, 22:5 Staff [13] - 5:12, 5:13, 15:13, 15:15, 15:16, 15:25, 16:17, 17:16, 23:9, 24:13, 24:25, 26:3, 27:9 Staff's [2] - 7:17, 17:13 stands [1] - 11:10 start [3] - 13:4, 16:17, 25:22 started [1] - 13:4 STATE [2] - 1:2, 32:1 state [3] - 20:17, 20:23, 22:3 State [2] - 2:2, 32:7 statement [1] - 25:8 statements [2] - 18:4, 28:25 states [1] - 14:5 statute [1] - 17:19</p>	<p>statutorily [2] - 10:13, 27:10 stay [1] - 26:4 still [11] - 8:3, 9:24, 10:12, 10:24, 11:11, 14:5, 14:17, 15:5, 21:23, 22:21, 27:7 struggling [1] - 21:7 stuck [1] - 17:22 studying [1] - 13:21 stuff [3] - 20:11, 22:6, 22:13 stuff's [1] - 21:18 submissions [2] - 22:2, 22:3 submit [4] - 12:22, 12:24, 16:6, 16:10 submitted [2] - 12:19, 15:16 subparts [2] - 13:23, 13:25 substantive [2] - 8:13, 18:23 sufficient [1] - 8:1 suggested [1] - 18:2 suggestion [1] - 17:13 suggestions [1] - 16:23 SULLY [1] - 32:3 supplement [1] - 19:3 support [3] - 4:3, 18:3, 28:24 surrounding [1] - 10:18 survey [2] - 20:2, 20:7 surveys [1] - 20:3 system [3] - 21:10, 21:14, 21:18</p> <p style="text-align: center;">T</p> <p>table [1] - 8:3 technical [1] - 22:12 telephone [1] - 3:5 telephonically [1] - 1:12 testimony [23] - 8:8, 8:16, 8:24, 9:5, 9:8, 9:11, 9:22, 10:2, 10:8, 10:25, 12:8, 14:24, 15:19, 15:22, 16:2, 17:4, 17:12, 17:14, 24:8, 25:19, 27:20, 28:5 THE [6] - 1:1, 1:2, 1:4, 1:5, 1:10 thereof [1] - 4:3 Thomasina [3] - 5:7, 6:15, 6:20</p>	<p>three [5] - 7:13, 22:25, 23:6, 23:25, 24:2 threw [1] - 9:2 TO [1] - 1:5 today [8] - 3:10, 7:10, 17:1, 20:6, 20:11, 20:21, 26:17 together [1] - 17:5 took [2] - 13:14, 32:9 tool [3] - 15:20, 16:1, 17:15 top [1] - 14:9 total [1] - 9:9 track [3] - 10:13, 11:9, 26:4 trade [1] - 13:11 Transcript [1] - 1:7 TRANSCRIPT [1] - 2:1 transcription [1] - 32:12 transcripts [1] - 8:19 travel [1] - 7:1 Tribe [10] - 3:20, 4:4, 5:8, 6:11, 6:24, 7:9, 19:6, 22:4 Tribe's [1] - 7:24 tried [2] - 12:23, 19:2 true [1] - 32:11 try [2] - 3:15, 25:9 trying [1] - 26:13 two [9] - 7:23, 12:22, 16:12, 18:1, 25:15, 26:9, 26:17, 28:25</p> <p style="text-align: center;">U</p> <p>unavoidable [1] - 7:1 unless [2] - 3:18, 27:10 unsigned [1] - 13:9 up [7] - 8:21, 12:12, 12:25, 18:10, 26:13, 26:16, 29:13 update [2] - 19:22, 19:25 useful [2] - 14:12, 17:15 Utilities [1] - 3:2 UTILITIES [2] - 1:1, 1:10 utility [2] - 20:17, 21:1</p> <p style="text-align: center;">V</p> <p>valid [1] - 30:1 variety [1] - 17:11 various [1] - 16:21 verbal [1] - 17:1</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

via ^[1] - 20:18
view ^[1] - 13:16
voluminous ^[1] -
 29:22
vote ^[4] - 6:2, 26:22,
 30:9, 30:22
votes ^[3] - 6:7, 30:15,
 31:3

W

waiting ^[1] - 12:11
wants ^[2] - 6:15, 11:12
weather ^[1] - 21:12
websites ^[1] - 20:18
week ^[9] - 8:5, 11:25,
 12:1, 15:3, 19:20,
 21:3, 21:4
weekend ^[1] - 9:12
weeks ^[4] - 22:25,
 23:6, 23:25, 24:2
weigh ^[4] - 4:24, 5:2,
 11:22, 12:7
whole ^[1] - 15:1
wholeheartedly ^[1] -
 28:14
willing ^[1] - 16:23
WITTLER ^[1] - 32:5
Wittler ^[2] - 1:24,
 32:18
wonder ^[1] - 10:23
words ^[2] - 4:2, 23:5
workable ^[4] - 4:8,
 13:8, 14:14, 15:9
wrap ^[1] - 26:16
write ^[2] - 18:8, 25:1

Y

Yankton ^[12] - 3:19,
 4:4, 5:8, 6:10, 6:24,
 7:24, 10:18, 11:4,
 19:6, 19:22, 22:4,
 23:2
yards ^[1] - 14:7
year ^[1] - 10:14
yield ^[1] - 11:14