

BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of: )  
 )  
The Application of Milford ) Docket No.  
Wind Corridor Phase I, LLC, ) 08-2490-01  
and Milford Wind Corridor )  
Phase II, LLC, for Certificates ) Administrative  
of Convenience and Necessity for ) Law Judge:  
the Milford Phase I and Phase II ) Ruben Arredondo  
Wind Power Projects )

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HEARING

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TAKEN AT: Public Service Commission  
160 East 300 South, Suite 451  
Salt Lake City, Utah

DATE: September 29, 2008

TIME: 9:10 a.m.

REPORTED BY: Kelly L. Wilburn, CSR, RPR

(September 29, 2008 - Milford Wind Corridor)

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(The previous exhibits and related testimony were prefiled and are part of the PSC record and filed at the Commission.)

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ATTACHMENTS: Stipulation

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1 for the Utah Division of Public Utilities.

2 THE COURT: Okay. Thank you, Mr. Ginsberg.

3 Anybody else? All right.

4 Mr. Evans, then you want to go ahead and let  
5 us -- just give me an update of what's been going on?

6 MR. EVANS: Yes. We've been having  
7 discussions about a stipulation we have worked over  
8 the last couple of days to put something together.  
9 And it's been distributed to the parties.

10 We thought that it might be useful this  
11 morning for us to spend another hour or so, whatever,  
12 between now and the time public witnesses are gonna  
13 appear to see if we could polish that up and get it  
14 prepared to sign.

15 THE COURT: Okay.

16 MR. EVANS: We, we are prepared to have a  
17 hearing this afternoon if we're not able to achieve  
18 the stipulation.

19 THE COURT: Okay.

20 MR. EVANS: But we would expect to let your  
21 Honor know that in advance of this afternoon.

22 THE COURT: All right. So then my  
23 understanding -- is that correct, Mr. McNulty? Is  
24 that your understanding.

25 MR. McNULTY: That is absolutely correct,



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1 your Honor.

2 THE COURT: Okay. Mr. Ginsberg?

3 MR. GINSBERG: Well, I wasn't real clear that  
4 there was gonna be a hearing this afternoon. I  
5 thought the hearing would be scheduled for next week.  
6 But -- so that --

7 THE COURT: My understanding is there was  
8 gonna be a hearing next Monday.

9 MR. GINSBERG: Yes.

10 MR. EVANS: Well --

11 THE COURT: Did you want it this afternoon?

12 MR. EVANS: We scheduled a hearing next  
13 Monday in hopes that we would reach a stipulation, and  
14 we'd be able to present the stipulation then and put  
15 on testimony in support of it next Monday.

16 THE COURT: Okay.

17 MR. EVANS: I guess we're still discussing  
18 whether or not we would all agree to go to hearing  
19 this afternoon. My comment a minute ago was just  
20 meant to say that Milford Wind is prepared to go  
21 forward.

22 THE COURT: Okay. All right then. So do you  
23 want to just take the time now and -- I think we have  
24 the public witness portion at 11:30. And then we'll  
25 come back on at 11:30.

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1           MR. GINSBERG: Maybe we could come back a  
2 little earlier than 11:30 --

3           THE COURT: Sure, that's fine.

4           MR. GINSBERG: -- and report to you where we  
5 are. And hopefully there will be a -- it will be  
6 final by then.

7           THE COURT: Okay. What time?

8           MR. EVANS: 11:15?

9           MR. GINSBERG: That would be fine.

10          THE COURT: Okay. So 11:15. And then we'll  
11 just -- I'll just take an update at that time.

12          MR. EVANS: All right.

13          THE COURT: All right, thank you.

14          (A recess was taken from 9:13 to 11:30 a.m.)

15          THE COURT: Again, this is in the matter of  
16 the Application of Milford Wind Corridor Phase I, LLC,  
17 and Milford Wind Corridor Phase II, LLC, for  
18 Certificates of Convenience and Necessity for the  
19 Milford Phase I and Phase II Wind Power Projects.  
20 Public Service Commission Docket No. 08-2488-01.

21                 I'm Ruben Arredondo, the Administrative Law  
22 Judge for the Commission. I've been assigned to hear  
23 this matter. So have you reached a stipulation,  
24 Mr. Evans? Do you need more time?

25          MR. EVANS: I think we have. May I though,

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1 your Honor, correct a reading of the docket number?

2 THE COURT: Sure.

3 MR. EVANS: I think this is

4 Docket No. 08-2490-01.

5 THE COURT: I'm sorry, you're right. Yeah,  
6 that's right.

7 MR. EVANS: For the record. We, we have been  
8 working on a stipulation. And we will be prepared to  
9 present a stipu -- a written stipulation later in the  
10 day. It's in near final form.

11 THE COURT: Okay.

12 MR. EVANS: And the discussion among the  
13 parties has been that we would like to reconvene at  
14 1:00 to go over the final form. Put our signatures on  
15 it. And then reconvene this hearing at 1:30 to  
16 present the stipulation and present testimony in  
17 support of it.

18 THE COURT: Okay. I think that's fine.  
19 Right now the time's set for public witness portion of  
20 the -- this matter, so we'll go from 11:30 to 12:30.  
21 And then with my -- I think what we'll do is at 12:30  
22 we'll take a short recess from 12:30 to 1. That's so  
23 the court report can just have a chance to take a  
24 lunch that she needs.

25 We'll come back at one. And then you'll

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1 just -- my understanding you said read in the portion  
2 of stipulation you want to go over. Finalize any --

3 MR. EVANS: Well, if we -- we might need just  
4 a little more time than that. If we go until 12:30  
5 now, I would suggest we break until 1:30.

6 THE COURT: Okay.

7 MR. EVANS: To give us a chance to do the  
8 final draft of the written stipulation. And at that  
9 time we'd be able to present a written stipulation.  
10 Is that the Division's understanding?

11 MR. GINSBERG: That would be fine.

12 THE COURT: Okay.

13 MR. GINSBERG: And I think that, you know,  
14 maybe we should try and get it to you as soon as we  
15 can get one signed, before we actually go on the  
16 record.

17 THE COURT: Okay.

18 MR. GINSBERG: So everyone has had a chance  
19 to look at it.

20 THE COURT: Okay. All right then. My  
21 understanding then is, is we do have some public  
22 witnesses; is that correct?

23 MR. GINSBERG: Yes.

24 THE COURT: Four public witnesses?

25 MR. GINSBERG: We sent around a list, and I



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1 believe there are five individuals who wish to provide  
2 either testimony or comments to the Commission.

3 THE COURT: Okay. So I have Andy Swapp; is  
4 that right?

5 MR. SWAPP: Yes.

6 THE COURT: Mr. Swapp, okay. Donald Willden?

7 MR. WILLDEN: Yes.

8 THE COURT: All right. And Jim Webb?

9 MR. WEBB: Yes.

10 THE COURT: Okay. And then Bryan Harris?  
11 All right. And who's the fifth one?

12 MR. GINSBERG: Maybe there wasn't a fifth. I  
13 thought someone told me there was one more, but.

14 THE COURT: Okay.

15 MR. GINSBERG: I guess that's it.

16 THE COURT: All right.

17 MR. GINSBERG: Each one of these, when people  
18 are giving public testimony to the Commission they can  
19 either do it under oath, and then the Commission can  
20 use their testimony in making findings of fact. Or  
21 they can do it just by providing comments to the  
22 Commission, and they will -- those comments will be on  
23 the Commission's record but the Commission will not be  
24 able to use them to make findings of fact.

25 If you provide your testimony under oath then

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1 you could be asked questions by either myself, or  
2 Mr. Evans, or other parties to the proceeding. So  
3 what I'll do is as each individual -- who is the first  
4 person?

5 THE COURT: Mr. Swapp.

6 MR. GINSBERG: Okay. Could you state your  
7 name for the record and spell it, please?

8 MR. SWAPP: My name is Andrew Swapp. Just  
9 spell the last name, or?

10 MR. GINSBERG: Yes.

11 MR. SWAPP: S-w-a-p-p.

12 MR. GINSBERG: And do you wish to give your  
13 testimony under oath or just provide comments to the  
14 Commission?

15 MR. SWAPP: I believe I would just like to  
16 provide comments.

17 MR. GINSBERG: That's fine. And are you here  
18 representing any organization, or just providing  
19 comments for yourself?

20 MR. SWAPP: I'm representing Milford High  
21 School and Beaver County School District.

22 MR. GINSBERG: Okay. Can you go ahead and  
23 provide your comments?

24 MR. SWAPP: Yes, I can. Your Honor, this is  
25 totally a learning experience for me.

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1 THE COURT: That's fine.

2 MR. SWAPP: Never witnessed anything like  
3 this. But in 2001 we applied for an anemometer from  
4 the State, a met tower. We took a class of eighth  
5 graders out and stood this anemometer up on my farm at  
6 a field trip.

7 Within three days I had three commercial  
8 developers pounding on my door, wondering what we were  
9 doing. From that, I met Curtis Whitaker. Had a great  
10 relationship with him. Brought in UPC, now First  
11 Wind. We have had a fantastic relationship with this  
12 company.

13 They purchased a 50-meter met tower. We took  
14 high school students out, stood the tower up, and  
15 became somewhat of a data collection center for this  
16 project. So I have students that have been with me  
17 since 2001 that have actually been a part of this  
18 project.

19 We have briefed the County Commission, the  
20 City Fathers, and all kinds of people since then.  
21 We've started the State's only renewable energy class  
22 dedicated to renewable energy. And the motivation  
23 that has come from this project is phenomenal.

24 We've had kids that are on a track to drop  
25 out of high school get involved with this renewable

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1 energy, and the wind project in particular, that  
2 stayed and excelled and graduated from high school.  
3 It's been a, a phenomenal experience for me as a  
4 teacher, for our students, and the community to be  
5 involved with, with such a thing.

6           The prospect of my high school seniors  
7 graduating and going to work with a decent job is, is  
8 something that I really look forward to. As a  
9 technology and engineering teacher part of my job is  
10 to teach these kids how to go to work and be  
11 responsible.

12           And this is a bright light in their future.  
13 No pun intended.

14           THE COURT: Uh-huh (affirmative.)

15           MR. SWAPP: But this is something that, that  
16 we've all looked forward to for a number of years, and  
17 all had a hand in working on. So. I think that's  
18 about all of my comments. But it's all been positive.  
19 And it's been good for the community. And good for  
20 the kids. And really motivating, so.

21           THE COURT: Okay. Anything else you'd like  
22 to add, Mr. Swapp? No?

23           MR. SWAPP: Other than, other than First Wind  
24 has been phenomenal to work for/work with. They've  
25 been great to our school. That's, that's about it.



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1 THE COURT: Okay. Thank you for your  
2 comments. Mr. Willden?

3 MR. WILLDEN: Yes, your Honor.

4 MR. GINSBERG: Would you -- do you wish to  
5 make your comments as testimony or just provide  
6 comments?

7 MR. WILLDEN: Just comments, please.

8 THE COURT: Okay then.

9 MR. GINSBERG: Can you state your name for  
10 the record?

11 MR. WILLDEN: Robert Willden. The last name  
12 is spelled W-i-l-l-d-e-n.

13 THE COURT: Okay.

14 MR. GINSBERG: And are you here  
15 representing --

16 MR. WILLDEN: I represent Beaver County. I'm  
17 the commission chair of Beaver County.

18 MR. GINSBERG: Okay, thank you.

19 THE COURT: Just so the other public  
20 witnesses know, Mr. Ginsberg is just gonna ask you a  
21 few foundational questions. Okay?

22 MR. WILLDEN: Okay.

23 THE COURT: Okay, go ahead.

24 MR. WILLDEN: You know, being a long-time  
25 resident of Beaver County I, I've seen the winds come

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1 and go many times. And we, you know, we can talk  
2 about the Alunite, we can talk about MX, we can talk  
3 about the space shuttle, the Mount Holly Club. And  
4 they have left us high and dry.

5           And this is a great opportunity right now for  
6 Beaver County. We feel like that we have somebody  
7 there that is interested. Put the time, the effort.  
8 The working relationship has been fantastic with them.  
9 And, and it's just become a part of our community.

10           Especially in Milford and throughout Beaver  
11 County. It's something that's been going on for  
12 years. You know, news articles, TV. These kinds of  
13 things. It's been a great bonding component for us  
14 in, in the county. As far as the county, I think the  
15 economics is, is something -- we have been fairly  
16 stagnant for years.

17           And I think this is an opportunity where we  
18 now have an opportunity to provide a service  
19 throughout the western part of the country. And, you  
20 know, Beaver County has always been in service. We've  
21 had the railroad. You know, and it's a kind of a  
22 tourism attraction.

23           And I think this is another time where, you  
24 know, it's so important -- some of the big things we  
25 look at financially, economics. We look at the, also

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1 the alternative energy. The energy crisis. I think  
2 those are the two major things we have in our, our  
3 country right today that we need to, to really look  
4 at.

5           And I think it's a great honor for Beaver  
6 County to be a part of that to where we could be --  
7 help in that independence on the energy. And that's  
8 just, you know, that's a small part of it, but it  
9 brings the economics into our community. Something  
10 that we haven't had.

11           We haven't had a good tax base. We're  
12 building a new hospital. Our schools -- I was an  
13 educator for 32 years, and we struggled financially.  
14 And I think this would help us a lot with a good tax  
15 base.

16           You know, and I think it's really important  
17 that we, we've been -- as an educator we always felt  
18 like that we, as a producer, we was raising quality  
19 young men, young women, and they were leaving our area  
20 because we had no jobs for them.

21           And if you go into some of your medical  
22 professions in Southern "U" up there in Salt Lake,  
23 there are people from Rural Utah there that's running  
24 those jobs because they've had to migrate out. Now is  
25 an opportunity for us in Beaver County to keep those

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1 kids employed there, and then we can start a growth  
2 trend pattern.

3           We just have a lot. I think one thing that I  
4 think -- really I think is important to this is  
5 through all the hearings, all the meetings we have,  
6 all the discussion, I have yet to find a person  
7 negative. Not supporting this. And I think that  
8 speaks highly for, you know, what First Wind has done.

9           They've been out. They've met with the  
10 people. They've kept them informed. And a good  
11 communication line. And I think that they would be a  
12 great partner for the people of Beaver County.

13           THE COURT: Okay. Thank you Mr. Willden.  
14 Mr. Webb?

15           MR. WEBB: Yes.

16           MR. GINSBERG: Mr. Webb, do you wish to give  
17 your testimony under oath or just provide comments?

18           MR. WEBB: I can just do comments.

19           MR. GINSBERG: Okay.

20           MR. WEBB: Can you hear me?

21           MR. GINSBERG: Can you state your name and  
22 spell your last name, please?

23           MR. WEBB: Yeah. My legal name is James  
24 William Webb.

25           MR. GINSBERG: Okay.



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1 MR. WEBB: And it's W-e-b-b.

2 MR. GINSBERG: And are you here providing  
3 your comments on behalf somebody?

4 MR. WEBB: Yes. I, I work for the Circle 4  
5 Farms.

6 MR. GINSBERG: Okay.

7 MR. WEBB: In Southern Utah.

8 MR. GINSBERG: Could you go ahead and provide  
9 your comments?

10 MR. WEBB: Sure. Just some background  
11 information on Circle 4. We are one of the largest  
12 employers in Beaver County. We are about -- we own  
13 about 32,000 acres in the Milford Valley. And we're  
14 about 12 percent of the agricultural income of the  
15 State of Utah.

16 You know, we started working on this project  
17 back -- it was probably pretty close to when Andy did.  
18 About 2000/2001, with Curtis Whitaker, and doing  
19 anemometers. And, and then Curtis brought in First  
20 Wind. And, and they've been great to work with.

21 I believe that we are the largest private  
22 landowner in Phase I and Phase II of the project. And  
23 that we're an anchor tenant of the project. And I  
24 think that, you know, we, we've looked for uses of  
25 that land that would complement our operation.

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1           We, we raise hogs. And we're able to put  
2 barns as well as these windmills on our -- on the same  
3 property. And so that's something that we've been  
4 looking forward to do. It complemented us very well.  
5 And it, and it really doesn't conflict with the other  
6 uses of the land that we have.

7           We're excited about being involved in  
8 renewable projects. We're involved in wind, as well  
9 as geothermal, as well as bioenergy. And that -- and  
10 we're excited to be part of this project. We're also  
11 excited that the project doesn't impact the  
12 environment. Doesn't produce air quality concerns  
13 or -- and it's very environmentally friendly.

14           We're also excited that it will bring jobs to  
15 the area and additional services. We feel like, you  
16 know, any business for Beaver County is good for us  
17 because it brings in more people. It brings in more  
18 services to us. And that we can use farm employees.  
19 So we're very much in support of the project.

20           THE COURT: Okay. Anything else, Mr. Webb?

21           MR. WEBB: No, that's it.

22           THE COURT: All right, thank you.

23           Mr. Harris?

24           MR. HARRIS: Yes.

25           MR. GINSBERG: Mr. Harris, do you wish to

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1 provide just comments, or testimony?

2 MR. HARRIS: I think comments is appropriate.

3 MR. GINSBERG: And can you, as the others,  
4 just state your name for the record. And let us know  
5 if you're here representing a, an organization or just  
6 providing comments on your own?

7 MR. HARRIS: My name is Bryan Harris.  
8 B-r-y-a-n, H-a-r-r-i-s. And I am here representing  
9 Beaver County also. I am the Beaver County  
10 Administrator. I work for Commissioner Willden. I  
11 have worked with the economic development of Beaver  
12 County for about ten years.

13 And over that time we've spent a lot of, a  
14 lot of energy looking, hoping. A lot of economic  
15 development, just hoping for projects to come. And  
16 we, we do have a few projects going on, but nothing  
17 like this. This is a, a wonderful project.

18 And a few of my colleagues have talked about  
19 the taxes and the jobs that this project will bring to  
20 Beaver County. Ten or 15 jobs along the Wasatch Front  
21 isn't a big deal, but 10 or 15 jobs in, in Milford is  
22 huge.

23 And the property taxes that this project  
24 would bring. It's just not property taxes, it's, it's  
25 also salaries for nurses at our Milford Critical

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1 Access Hospital. For our schoolteachers, who are --  
2 our school district is looking at contingency plans in  
3 case the economy goes down. How are they gonna pay  
4 their schoolteachers?

5 Our county road department employees. With  
6 the price of asphalt over the last, last seven years,  
7 very -- being able to stay within our budget. So  
8 property taxes mean a lot to Beaver County. And  
9 another thing, I really see that this industry, wind  
10 and other renewable energies, is gonna be a major  
11 growth industry in the next foreseeable future.

12 And I think it's extremely important for the  
13 State of Utah to let these companies and this industry  
14 know that, that they're welcome here. And we need to  
15 take down the roadblocks and let them come. It's very  
16 important for Beaver County. And I think, I think  
17 that's all I have to say.

18 THE COURT: Okay. Thank you, Mr. Harris. Is  
19 there anyone else? Any other public witnesses? All  
20 right. We'd like to thank the four that have so far  
21 given their comments.

22 What we'll do is we'll -- I think we have --  
23 we'll go till 12:30, in case anybody wants to show up  
24 between now and 12:30. If you'd like to stay in here.  
25 I'm gonna just be in my office.



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1           Mr. McNulty, did you want to add anything  
2 else?

3           MR. McNULTY: No, sir. Thank you.

4           THE COURT: Okay. And then at 12:30 we'll  
5 recess till -- you said 1:30, is that right? To  
6 finalize the stipulation? Okay.

7           (A recess was taken from 11:46 to 12:30 p.m.)

8           THE COURT: The time for public witness  
9 comment is ended. It's 12:30. So what we'll do is  
10 we'll resume at 1:30.

11          (A recess was taken from 12:30 to 1:43 p.m.)

12          THE COURT: We are back on the record in  
13 Docket No. 08-2490-01. And then let's have,  
14 Mr. Evans, you want to just begin.

15          MR. EVANS: Yes, thank you. We have, as we  
16 expected this morning, we have reached a stipulation  
17 between the applicant and the Division of Public  
18 Utilities, that we have now submitted to the  
19 Commission.

20          And the intention this afternoon is to  
21 present this for consideration. And to present  
22 witnesses to support the statements in the  
23 stipulation. At the same time we will need to enter  
24 our testimony and exhibits into the record.

25          THE COURT: Okay.

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1           MR. EVANS: And we can do that at your  
2 preference, but.

3           THE COURT: Okay. And let's -- do you want  
4 to just submit them now? You said you had one --  
5 you're gonna put on two witnesses today?

6           MR. EVANS: Yes.

7           THE COURT: And submit the testimony of one?

8           MR. EVANS: Yes.

9           THE COURT: Okay.

10          MR. EVANS: We, we're gonna proffer the  
11 testimony of Paul Gaynor, G-a-y --

12          THE COURT: Okay.

13          MR. EVANS: -- n-o-r. And we can do that now  
14 if you would like.

15          THE COURT: Sure.

16          MR. EVANS: Mr. Gaynor filed surrebuttal  
17 testimony on September 22, 2008 -- it's been submitted  
18 in the record and exchanged to the parties --  
19 designated as Exhibit MWC 1.0SR. And with Exhibits  
20 MWC 1.1SR through 1.6SR.

21                 And I would explain that the statements of  
22 Mr. Gaynor are largely adopted from the verified  
23 application for certificate that was filed originally  
24 in this proceeding. And we would move that the  
25 testimony and exhibits of Mr. Gaynor be admitted.

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1           THE COURT: Okay. We'll go ahead and -- any  
2 objections?

3           MR. GINSBERG: No.

4           THE COURT: Mr. Ginsberg, Mr. McNulty?

5           MR. McNULTY: None.

6           THE COURT: Okay. We'll go ahead and receive  
7 those exhibits.

8           (Exhibit Nos. MWC 1.0SR and MWC 1.1SR through  
9                           MWC 1.6SR were received.)

10          THE COURT: And do you want to proceed with  
11 your witnesses?

12          MR. EVANS: Well, I think before we do,  
13 there's, there's one party, UAMPS, who did not sign  
14 off on the stipulation.

15          THE COURT: Okay.

16          MR. EVANS: And maybe it would be  
17 appropriate, before we get to testimony, that we let  
18 UAMPS make its statement on the record.

19          THE COURT: All right.

20          MR. McNULTY: Thank you, Mr. Evans. Your  
21 Honor, I apologize for, for the, well, for the  
22 procedural position that we find ourselves in. But  
23 let me indicate to the, to the Court or to the  
24 Commission, as it were, that UAMPS is withdrawing its  
25 opposition to the certificate -- the issuance of the

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1 Certificate of Convenience and Necessity by Milford I.

2           And by that I mean we are agreeing to the  
3 issuance of the Certificate of Convenience and  
4 Necessity as it relates and as it is defined with  
5 conditions that are found at what I understand to be  
6 paragraphs 14, 1 through 5, of the agreement as  
7 between the DPU and First Wind.

8           We are agreeing to the issuance of the con --  
9 to the certificate with those conditions. In  
10 fairness, UAMPS is also indicating that it will not  
11 find its way as part -- as a party to an appeal, or a  
12 request for reconsideration, or any other sort of  
13 definition that we might, you know, cook up later.

14           That is that relates to our agreement that  
15 the Certificate of Convenience as to Milford I can  
16 issue. With our understanding that Nos. 1 through 5  
17 of paragraph 14 may issue as parts of those  
18 conditions.

19           With that, we would likely take our leave of  
20 these proceedings. And thank the Court and thank the  
21 parties for their forbearance.

22           THE COURT: Okay. All right. Then with  
23 that, I understand your position. And you're free to  
24 take leave, Mr. McNulty.

25           Mr. Evans?



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1           MR. EVANS: We can -- would you like to  
2 present witnesses? Would you like statements from?

3           THE COURT: However you'd like to proceed.  
4 You can take -- we can take the witnesses now if you  
5 like.

6           MR. EVANS: Why don't we, why don't we walk  
7 through the stipulation.

8           THE COURT: Okay.

9           MR. EVANS: We'll, we'll start with our  
10 witnesses if you don't mind, Mr. Ginsberg?

11          MR. GINSBERG: No.

12          MR. EVANS: And we'll go from there. Before  
13 we call our witnesses, though, let, let me just make a  
14 comment about what might be a very confusing paragraph  
15 to you --

16          THE COURT: Okay.

17          MR. EVANS: -- to this stipulation, because  
18 there's a lot of parties mentioned and we need to be  
19 sure which is which. The application in this case was  
20 originally filed on behalf of Milford Wind Corridor  
21 Phase I, LLC, and Milford Wind Corridor Phase II, LLC.

22                 Both applications were to obtain a  
23 certificate to construct a generation -- a wind  
24 generation plant and an interconnection line in  
25 Millard and Beaver Counties to interconnect to the

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1 Intermountain Power project.

2           While the application was pending, Senate  
3 Bill 202 passed -- that was February of 2008 --  
4 exempting independent power production facilities from  
5 Commission jurisdiction. We, we moved to dismiss the  
6 application with regard to both entities, Milford  
7 Phase I and Milford Phase II.

8           While that motion was pending, Senate Bill  
9 202 passed. The result of that was that the  
10 Commission -- well, the Commission dismissed the  
11 application as to both entities. And then on  
12 request -- on UAMPS' request for reconsideration  
13 reasserted jurisdiction over Milford I and the  
14 transmission facility.

15           We're not seeking today a Certificate of  
16 Convenience and Necessity to construct the wind farm  
17 either for Milford Wind Corridor Phase I or Milford  
18 Wind Corridor Phase II. We're only seeking the  
19 certificate to construct the interconnection line.

20           And it would be Milford Phase I, LLC, that is  
21 the -- now the sole remaining applicant for the  
22 certificate in this docket.

23           THE COURT: Okay.

24           MR. EVANS: And would be the recipro --  
25 recipient were the Commission to grant the

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1 certificate.

2 THE COURT: All right.

3 MR. EVANS: We have today Krista Kisch as a  
4 witness. And shall we start with you --

5 THE WITNESS: Sure.

6 MR. EVANS: -- Ms. Kisch?

7 (Ms. Kisch was sworn.)

8 KRISTA KISCH,

9 called as a witness, having been duly sworn,  
10 was examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. EVANS:

13 Q. Ms. Kisch, would you state your, your name  
14 and business address, please?

15 A. Sure. My name is Krista Kisch. And I work  
16 for --

17 MR. GINSBERG: Can you turn your mike on?

18 THE WITNESS: Is the mike on? I work for  
19 First Wind, based out of our San Diego, California  
20 office. Located at 110 West A Street, Suite 675, San  
21 Diego, California 92101.

22 Q. (By Mr. Evans) What's the relationship  
23 between First Wind and the applicant in this case?

24 A. I am the vice president of business  
25 development for the Western U.S. And I've been the

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1 lead project developer on this wind farm.

2 Q. Have you had a chance to -- well. Have you  
3 reviewed the written testimony as it's been submitted  
4 to the Commission?

5 A. Yes, I have.

6 Q. And if I were to ask you those questions  
7 today, would your answers be the same as they are in  
8 the written testimony?

9 A. Yes, they would be.

10 Q. Okay. Do you have any corrections to make to  
11 it?

12 A. No, I do not.

13 MR. EVANS: We would request that the  
14 testimony of Krista Kisch be admitted as WMC (sic)  
15 2.0, with Exhibits 2.1 through 2.8.

16 THE COURT: Okay, we'll go ahead and admit  
17 those exhibits.

18 MR. GINSBERG: No, no objections.

19 MR. EVANS: I beg your pardon?

20 THE COURT: No objections? Okay. All right.

21 (Exhibit Nos. MWC 2.0 and MWC 2.1 through  
22 MWC 2.8 were received.)

23 Q. (By Mr. Evans) Before we get to the  
24 substance I'm gonna ask you a question about the  
25 exhibits that have been submitted with your testimony.



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1 Would you take a look at Exhibit 2.8, please. And  
2 tell us what that exhibit is.

3 A. That exhibit is -- hold on a second.

4 THE REPORTER: Speak up, ma'am.

5 THE WITNESS: Okay. Exhibit 8 is a list of  
6 the permit requirements we have for the wind energy  
7 facility and the transmission line. For the project.

8 Q. (By Mr. Evans) And Exhibit 8 isn't current,  
9 is it?

10 A. There have been a few updates since this was  
11 filed earlier.

12 Q. Okay. And the update is found at  
13 Exhibit 2.4; is that correct?

14 A. I have that under 2.1SR, but maybe I just got  
15 the wrong packet. Yes, 2.4, sorry.

16 Q. Two point four SR? Is that -- let me ask you  
17 if that's a current list of the permits required for  
18 the Milford I interconnection line project?

19 A. Yes, they are.

20 Q. Which, which permits here are still open?

21 A. The Federal Aviation Administration permit  
22 determination of no hazard remains open. And we  
23 expect that here in the short term. The Bureau of  
24 Land Management NEPA document, which is an  
25 environmental assessment remains open.

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1           We are in the draft environmental assessment  
2 phase, and I expect in the next 45 days that we will  
3 have a finding of non-significant for the project. So  
4 the next two line items, the FONSI and the Notice to  
5 Proceed For Construction all fall under the umbrella  
6 of the NEPA process and the environmental assessment  
7 document.

8           The Nationwide Permit 12 that is a permit  
9 that we do not need to file, based on the fact that we  
10 have -- we do not exceed the threshold requirements  
11 for the U.S. Army Corps of Engineers regarding  
12 wetlands impacts.

13           The Storm Water Permit For Construction has  
14 been filed, and we anticipate receiving that by the  
15 1st of October. The Storm Water Permit For  
16 Operational Activities, including a substation, has  
17 been filed. And we anticipate receiving that by  
18 mid-October.

19           Onsite Sewage Disposal Construction  
20 Installation Permit will be filed and should be  
21 received by early 2009. Utah Groundwater Discharge  
22 Permit we do not require. And I pretty much would say  
23 our Batch Plant Permit and Air Quality Permit is being  
24 handled by our concrete supplier, and we should have  
25 that in hand by the 16th of October.

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1           Our Water Right Use Authorization has been  
2 filed, and we should have that by the 16th of October  
3 for the wind farm and the operations and maintenance  
4 building. The Drilling Well Permit has been filed and  
5 we should have that by the 16th of October.

6           The remaining licensing agreements,  
7 Right-of-Way Encroachment Permits, are in the process.  
8 We either have received them or we should have them by  
9 the 16th of October.

10           And in regard to county-level permits, we  
11 have received our Conditional Use Permit from Beaver  
12 County Planning and Zoning Department. And we have a  
13 building permit that's outstanding with them right  
14 now.

15           And in Millard County we have received our  
16 conditional use permits for the transmission line.  
17 And we now have a building permit that we're in the  
18 process of finalizing. So, pretty much covers the  
19 open permitting authorizations required on the  
20 project.

21           Q. And except for the permits that are listed on  
22 this list, has Milford Wind I received the necessary  
23 permits to construct this line?

24           A. Yes.

25           Q. And do you anticipate that it will receive

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1 the permits listed on this line -- listed on this  
2 page, Exhibit 2.4, within the next year?

3 A. Yes.

4 Q. The, the parties have stipulated in  
5 paragraph 10 that:

6 "Milford Wind either has received or  
7 is in the process of receiving the  
8 necessary consents and permits to build  
9 the facility, and further stipulate that  
10 Milford I will not construct the Line  
11 until such necessary consents and  
12 permits have been received."

13 Is that statement accurate?

14 A. Yes, that, that is correct.

15 Q. Paragraph 11 of the stipulation, do you have  
16 that in front of you?

17 A. I don't, but.

18 Q. Paragraph 11 states that:

19 "The parties stipulate that in light  
20 of building a generation facility that  
21 is exempt from the need to obtain a  
22 certificate, there is a reasonable need  
23 for the Line in order that power  
24 generated at the wind farm can be  
25 transmitted to its contracted market."



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1           Have you been involved in investigating other  
2 means to get the power generated at the wind farm  
3 transmitted to market?

4           A.    Yes, I have.  I agree with this condition.  
5 That there is a reasonable need for the line to be  
6 built to deliver power to its contracted market.  And  
7 as the person responsible for managing the  
8 interconnection process over the past three and-a-half  
9 years, we -- I did start the process off looking at  
10 two different avenues for transmission  
11 interconnection.

12           The first was with Los Angeles Department of  
13 Water and Power acting as the operating agent at  
14 Intermountain Power Plant.  And the second was with  
15 PacifiCorp, who -- obviously Rocky Mountain Power is  
16 the affiliate of PacifiCorp.

17           Over that three, three and-a-half year period  
18 we studied various points of interconnection on  
19 PacifiCorp transmission lines in the project area.  
20 And basically started with feasibility studies, system  
21 impact studies.

22           And ultimately the documentation that you've  
23 seen through this proceeding has been along the lines  
24 of a facility study indicating a selected point of  
25 interconnection on the PacifiCorp Pavant-Gondor line.

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1           That point of interconnection, which was  
2 obviously studied and -- just determined, along with  
3 Rocky Mountain -- or PacifiCorp would not bring the  
4 power from the facility to its contracted market.  
5 Therefore, the sec -- first avenue at I -- study, an  
6 interconnection at IPP, was the only means for us to  
7 deliver contracted power to SCPPA, which is our power  
8 buyer for the first phase of the project.

9           Q.    Thank you.  So in, in view of the other  
10 alternatives is it your testimony that there is a  
11 reasonable need for this line in order to get the  
12 power to the market?

13          A.    Yes, there is reasonable need for the line to  
14 bring the wind, wind power to its contracted market.

15          Q.    Paragraph 12 states that:

16                   "The parties stipulate that  
17                   Milford I has reasonable expertise  
18                   required to build and operate the Line  
19                   and that it has a reasonable opportunity  
20                   to finance the Line or that it has  
21                   sufficient contractual relationships to  
22                   provide financing for the project."

23                   Are you aware of other projects that Milford  
24 Wind has completed?

25          A.    I am aware of other projects that First Wind

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1 affiliates have completed.

2 Q. Thank you. And will it be the same personnel  
3 at First Wind that will be involved in managing the  
4 construction operation of the Milford Wind project?

5 A. Yes.

6 MR. EVANS: Thank you. I have no further  
7 questions, but Mr. Ginsberg may wish to cross.

8 THE COURT: Mr. Ginsberg?

9 MR. GINSBERG: I have no questions.

10 THE COURT: Okay, thank you. Thank you,  
11 Ms. Kisch.

12 All right Mr. Evans, your next witness  
13 please.

14 MR. EVANS: Our next witness is Larry  
15 Hendrickson.

16 (Mr. Hendrickson was sworn.)

17 THE COURT: Go ahead, Mr. Evans.

18 MR. EVANS: Thank you.

19 LARRY L. HENDRICKSON,  
20 called as a witness, having been duly sworn,  
21 was examined and testified as follows:

22 DIRECT EXAMINATION

23 BY MR. EVANS:

24 Q. Would you state your name for the record,  
25 please?

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1 A. Larry Lee Hendrickson.

2 Q. And by whom are you employed,  
3 Mr. Hendrickson?

4 A. Power Engineers, Incorporated.

5 Q. And are you the same Larry Hendrickson that  
6 has submitted prefiled surrebuttal testimony in this  
7 docket?

8 A. Yes, I am.

9 Q. And is it your curriculum vitae that's  
10 attached as Exhibit MWC 3.1?

11 A. Could you repeat, please?

12 Q. Is this your CV that has been attached --

13 A. Oh.

14 Q. -- to your testimony?

15 A. Yes, it is.

16 Q. That's 3.1. If I asked you the questions in  
17 your testimony today would your answers be the same as  
18 they are in the written prefiled testimony?

19 A. Yes, they would.

20 MR. EVANS: Your Honor, we would submit the  
21 surrebuttal testimony of Larry Hendrickson, designated  
22 Exhibit MWC 3.0, and the attached Exhibit 3 -- I'm  
23 sorry, 3.1SR, and the attached Exhibit 3.1SR.

24 THE COURT: Okay. Any objection,  
25 Mr. Ginsberg?



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1 MR. GINSBERG: No.

2 THE COURT: We'll go ahead and admit those.

3 MR. EVANS: Thank you.

4 (Exhibit Nos. MWC 3.0 and MWC 3.1SR were  
5 received.)

6 Q. (By Mr. Evans) Mr. Hendrickson, have you  
7 been involved in designing this interconnection line?

8 A. Yes, I have.

9 Q. And have you reviewed the system impact  
10 studies performed by LEDWP?

11 A. Yes, I have.

12 Q. There's two of them that, are -- might be  
13 relevant. One is dated February 24, 2007. Have you  
14 reviewed that one?

15 A. Yes.

16 Q. And then there is an optional Phase I report  
17 that's dated March 5, 2008. Have you reviewed that  
18 one?

19 A. Yes, I have.

20 Q. Do those system impact studies give you an  
21 indication of the effect that Milford Wind's  
22 interconnection would have at IPP on the rest of the  
23 grid?

24 A. Yes. Both of the system impact studies had  
25 concluded, based upon NERC and WECC reliability

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1 requirements, that there would be no detrimental  
2 impact to the grid.

3 Q. And those system impact studies studied  
4 various contingencies of outage at difference places  
5 on the system, didn't they?

6 A. Yes. They looked at, at first a normal  
7 system configuration. Then they looked at N minus  
8 one, and N minus two. N minus one being normal with  
9 one component out of service. N minus two being a  
10 normal system with two components out of service.

11 Q. And at N minus one and N minus two  
12 contingency conditions did you see any significant  
13 adverse impact on the Intermountain to Mona lines?

14 A. No. But I must qualify that, because the,  
15 the system impact studies do not include all detail of  
16 the studies which supported, which supported the  
17 conclusions contained in the system impact studies.  
18 So none -- no detrimental impacts were noted in the  
19 system impact study.

20 Q. Okay. Do -- did you review other  
21 documentation for the interconnection in the design of  
22 that line? The design submit --

23 A. Pardon me?

24 Q. The plans and designing of the line and the  
25 interconnection?

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1           A.    I was involved in selecting conductor size.  
2           Performing some studies to determine the amount of  
3           power that we might be able to transport over the  
4           line, assuming that the interconnection was able to  
5           accept it.

6                    I -- and I also reviewed the arrangements for  
7           interconnection at the IPP switchyard that were --  
8           that are presently under construction.

9           Q.    And based on the documents you've reviewed  
10          and your knowledge of the project, can you confirm  
11          that the operation of the line will not significantly  
12          adversely affect the operations of an existing utility  
13          in the State of Utah?

14          A.    Yes.

15          Q.    Paragraph 8 of the terms and conditions of  
16          the stipulation asked that question you've just  
17          answered.  I'm now skipping down to paragraph 13 of  
18          the stipulation that says:

19                    "The parties stipulate that it  
20                    presently appears that Milford I will  
21                    have reasonable agreements in place to  
22                    properly maintain the line in a safe and  
23                    reliable manner."

24                    Do you have an idea about what is required to  
25          maintain the line in a safe and reliable manner?

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1           A.    Yes, I do.  The, the transmission line is  
2   constructed of steel poles, aluminum conductor,  
3   insulators, and fittings that are intended to last for  
4   in excess of 30 years in an outdoor environment.  No  
5   moving parts.  Nothing to maintain.  Nothing to oil.

6                    The maintenance of the line, once it's been  
7   constructed, will require periodic -- once every year,  
8   once every two years, something in between -- detailed  
9   visual inspections.  Where each structure would be  
10  viewed with, with a pair of binoculars.  Not a  
11  climbing inspection but a, but a good visual  
12  inspection.  And records maintained.

13                   And should an event occur -- for instance, an  
14  outage that was due to lightning -- a protective  
15  relaying system switch will be applied on that line  
16  will allow noting the approximate location of, of the  
17  event.

18                   And it would be appropriate to go out and  
19  perform, again, a visual inspection at -- once the  
20  line had been restored to service, to make sure there  
21  was no damage.  But beyond that, there really isn't  
22  too much to do unless loose hardware or other  
23  problems -- whatever they might be -- were observed in  
24  the inspection, in which case you would just fix it.

25           Q.    And when you say "periodic," how, how often



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1 would you inspect the line like that?

2 A. The numbers that I'm familiar with vary from  
3 a year to two years.

4 Q. And that would be prudent utility practice to  
5 do it between a year and two years?

6 A. That is my opinion, yes.

7 MR. EVANS: Okay. Thank you,  
8 Mr. Hendrickson.

9 THE COURT: All right. Thank you,  
10 Mr. Hendrickson.

11 Anything else, Mr. Evans? Any other  
12 witnesses?

13 MR. EVANS: No, your Honor. Thank you.

14 THE COURT: Okay. Mr. Ginsberg?

15 MR. GINSBERG: The Division's witness is  
16 Dr. Joni Zenger.

17 THE COURT: Okay.

18 (Ms. Zenger was sworn.)

19 JONI ZENGER,  
20 called as a witness, having been duly sworn,  
21 was examined and testified as follows:

22 DIRECT EXAMINATION

23 BY MR. GINSBERG:

24 Q. Would you state your name for the record?

25 A. Dr. Joni S. Zenger, Z-e-n-g-e-r.

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1 Q. And you have filed testimony which is marked  
2 as DPU Exhibit 1, with Exhibit 1.1 attached. And you  
3 filed both a confidential and a non-confidential  
4 version of that; is that right?

5 A. That's correct.

6 Q. And you filed certain corrections, that you  
7 have given to the court reporter; is that, is that  
8 correct?

9 A. Yes. They're very incidental, but --

10 Q. Can you --

11 A. If it's okay.

12 Q. Can you go through those corrections that you  
13 wish to make?

14 A. Yes. Just very briefly. On page 5, line 60,  
15 the word should be "The Commission, however," not  
16 "therefore."

17 On, on, Page 7 line 100 and 101, this is a  
18 direct quote. And I went ahead and spelled out IGS,  
19 and that should be retract -- excuse me. It should be  
20 "IGS," the acronym, rather than spelling it out.

21 And in the same line, No. 101, it should be  
22 "static" not "status."

23 Just a couple others. On Page 7, line 113,  
24 insert the word "on" its operations. So "will have no  
25 impact on its operations."

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1           Page 12, line 205, it should read "cannot  
2           successfully," not "successively."

3           And then finally on the question on page 15,  
4           line 26 -- 66, it should be "What does the -- what  
5           does the Division recommend," not "Division's." Thank  
6           you for your patience in those.

7           Q.    If those questions were asked to you, those  
8           would be your answers today?

9           A.    Yes.

10           MR. GINSBERG:  With that, I'd ask that what's  
11           been marked as DPU Exhibit 1 and 1.1 be admitted.

12           THE COURT:  All right.  We'll go ahead and  
13           admit those with no objection from --

14           MR. EVANS:  No objection.

15                   (Exhibit Nos. DPU 1 and DPU 1.1 were  
16                                   received.)

17           Q.    (By Mr. Ginsberg)  Now, you participated  
18           in -- you were assigned by the Division to be the main  
19           investigator responsible for making recommendations to  
20           the Commission on this application; is that right?

21           A.    Yes.

22           Q.    And can you briefly describe what, what you  
23           did in order to prepare your testimony?

24           A.    Yes.  My testimony itself basically pertains  
25           to the scope of issues which the Commission identified

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1 in its August 26 order. And I went through each issue  
2 one by one. There were six. In the process of it I  
3 reviewed all the testimony on -- that was put on the  
4 record.

5 I sent multiple sets of data requests to all  
6 parties, including PacifiCorp. I, I reviewed system  
7 impact studies. And subsequent to my testimony I  
8 reviewed the additional data requests and testimony  
9 that came in from Milford.

10 In my analysis, after going through each of  
11 those six issues, I was able to find no reason to not  
12 recommend that the Commission approve the certificate  
13 for the construction of the transmission line.

14 Q. Now, paragraph -- do you have the stipulation  
15 that's been?

16 A. Yes, yes.

17 Q. And paragraph 8 through 13 basically restate  
18 the six areas of inquiry; is that correct?

19 A. They do. They do.

20 Q. And the conclusions of each of those  
21 paragraphs is consistent with your testimony?

22 A. Yes. Eight through 12 pretty much match the  
23 1 through 5 issues in my testimony.

24 Q. In your testimony you also recommended that  
25 there be certain conditions placed on the grant of a



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1 certificate; is that right?

2 A. Yes. The Divi -- the Division issued a memo  
3 previously, in March. And these conditions have also  
4 been restated in the stipulation which we worked on.  
5 And they pertain to such items as, you know, obtaining  
6 the required permits, or reporting to the Commission  
7 once the permits have been acquired.

8 Notifying the Commission of any changes.  
9 And -- in construction or, or changes to the phases of  
10 the project.

11 Q. That's what's reflected in paragraph 14 of  
12 the stipulation, 1 through 6?

13 A. Yes, exactly.

14 Q. Can you describe what paragraph 15 represents  
15 to you?

16 A. Yes. The second half of paragraph 15 I think  
17 pertains to parties that weren't -- that did not  
18 intervene in this docket. So the Division and  
19 Milford I have signed this stipulation. And we wanted  
20 to protect the fact that this, this was a unique  
21 situation.

22 This is the first time this has come before  
23 the Commission where an independent power producer is  
24 exempt from the generation part of the facility -- the  
25 wind farm, but the transmission line still required an

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1 approval.

2           And so 15 has a twofold purpose: First,  
3 other parties that may want to motion by rule or  
4 suggest a rulemaking proceeding would be able to. And  
5 also in my testimony I also recommended that perhaps  
6 it might be useful to have a rulemaking proceeding to  
7 clarify situations such as this.

8           Where Milford Wind was not required to obtain  
9 a license for the wind farm, but was required under  
10 UCA Section 54-4-25 to have a certificate for the  
11 construction of the transmission line. So that's  
12 partially what No. 6 was.

13         Q.    Number 6 of paragraph 14, or?

14         A.    Or -- excuse me.

15         Q.    What paragraph?

16         A.    Retract that. Paragraph 15.

17         Q.    Did you have any additional comments you wish  
18 to make?

19         A.    Just along the same line. In that this case  
20 was useful, in that the Commission narrowed the scope  
21 of issues for us to look at. But in future  
22 proceedings that may not be the case. So to try to  
23 fit this Milford Wind Project into the typical request  
24 for a CPCN or CNN presents a little difficulty.

25           So perhaps the Commission could clarify,

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1 going forward, what we might do in situations like  
2 this. Or in the alternative, instigate a rulemaking  
3 proceeding.

4 Q. So you do recommend the Commission approve  
5 this stipulation as it's been submitted?

6 A. I do. Based on my testimony and all of the  
7 conditions in the stipulation, the Division finds no  
8 evidence in the alternative. And we recommend that  
9 the Commission approve the certificate for the  
10 construction of the transmission line.

11 MR. GINSBERG: Thank you.

12 THE COURT: All right, thank you  
13 Mr. Ginsberg. Anything else from either Mr. Evans --  
14 uh-huh (affirmative.)

15 MR. EVANS: Yeah, if I might ask Dr. Zenger a  
16 couple questions about her view of this.

17 CROSS EXAMINATION

18 BY MR. EVANS:

19 Q. In, in these conditions -- I'm looking at  
20 No. 4, under paragraph 14. The one that requires  
21 Milford I to inform the Commission in writing of any  
22 expansions of Milford I and/or Milford II or of new  
23 projects requiring interconnection located in the  
24 State of Utah.

25 Now, you understand that there are gonna be

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1 future phases of the wind farm project, right?

2 A. Yes. I reviewed the -- your SEC filing from  
3 First Wind, and recognize that perhaps up to  
4 1,000 megawatts might be developed. Along this same  
5 transmission line.

6 Q. And so you understand that when the First  
7 Wind subsidiaries develop this additional generation,  
8 there will be leads coming from the wind turbines to  
9 interconnect to this certificated facility, right?

10 A. Yes.

11 Q. Is it -- is the -- does the Division intend  
12 that any of that should require another certificate,  
13 or is it that we just need to advise the Commission on  
14 that?

15 A. The Commission would have to make the  
16 ultimate determination. But the Division would  
17 recommend, based on all the evidence presented in this  
18 case, that there's sufficient capacity and stations at  
19 the IPP plant to accommodate expansion. In the  
20 current design of it.

21 So I think you -- Larry Hendrickson mentioned  
22 you were going to interconnect at EE 123. But there  
23 were three other places to interconnect right at  
24 IP -- the IPS. And so there does not, you know,  
25 according to the evidence in this case, seem to be a



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1 problem for those other phases.

2           And I think it would be up to the Commission  
3 to determine how to proceed in cases like this. But  
4 from what I found, there should be -- there, there's  
5 ample room, without reviewing future design studies  
6 and impact studies right now, there's -- as far as the  
7 interconnection itself at IPS, it would be able to  
8 accommodate all of the phases up to five.

9           Q. Okay, thank you.

10           THE COURT: All right. Anything else from  
11 either Mr. Ginsberg or Mr. Evans?

12           MR. GINSBERG: I don't think so.

13           THE COURT: Okay. And then my understanding  
14 is you already electronically filed a copy of the  
15 signed stipulation; is that right?

16           MR. GINSBERG: That's --

17           THE COURT: Or you will file it?

18           MR. GINSBERG: Well, I, I think it probably  
19 has been.

20           THE COURT: Okay. All right then. Then if  
21 that's it, then the Commission will take this matter  
22 under advisement. And that's the end of the hearing.

23           (The hearing was concluded at 2:21 p.m.)

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C E R T I F I C A T E

STATE OF UTAH )  
 ) ss.  
COUNTY OF SALT LAKE )

This is to certify that the foregoing proceedings were taken before me, KELLY L. WILBURN, a Registered Professional Reporter and Notary Public in and for the State of Utah.

That the proceedings were reported by me in stenotype and thereafter caused by me to be transcribed into typewriting. And that a full, true, and correct transcription of said proceedings so taken and transcribed is set forth in the foregoing pages, numbered 1 through 50, inclusive.

I further certify that I am not of kin or otherwise associated with any of the parties to said cause of action, and that I am not interested in the event thereof.

WITNESS MY HAND AND OFFICIAL SEAL AT KEARNS, UTAH  
THIS 4th DAY OF October, 2008.

\_\_\_\_\_  
Kelly L. Wilburn, CSR, RPR  
My Commission Expires:  
May 16, 2009

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